



## Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: January 28, 2020

SUBJECT: Planning Staff Report  
Case 19-021: Preliminary Plat, Site Plan Review, Variances, and Street Vacation  
Frattalone’s Mondello Shores

### Description of the Request

The applicant is requesting to plat 42 single-family residential lots, to be known as Frattalone’s Mondello Shores, and vacate a portion of an existing street easement. Minnesota Statutes Section §412.851 allows municipalities to vacate public streets. Chapter 38, Article III, Division 16, Section 38-522 contains standards for non-riparian lots within 1,000 feet of certain water bodies and also requires site plan review. The requests require City approval prior to filing with Ramsey County.

### Discussion

The City is using its quasi-judicial authority when considering action on zoning and subdivision requests and has limited discretion; a determination regarding whether or not the request meets the applicable City Code standards is required.

### Action Timeline

Received	Complete	60-day Deadline	Extension	120-day Deadline
12/23/2019	01/06/2020	03/13/2020	N/A	05/12/2020

The application materials were received on December 23. Upon receipt of the required items on January 13, the application submittal package was determined to be complete.

### Development Summary

**Plat Size:** 14.39 Acres (627,039 SF)

**Existing Zoning District:** Residence Two (R-2)

**Existing Land Use:** Undeveloped/Low Density Residential

**Adjacent Existing Land Uses:** North/East: Low Family Residential  
South/West: I-694 ROW/Low Density Residential (Little Canada)

**Future Land Use:** Medium Density Residential (Redevelopment/Infill Area)

**Adjacent Future Land Uses:** North/East: Low Density Residential  
South/West: I-694 ROW/Low Density Residential (Little Canada)

**Wetlands:** Wetlands located within plat and directly adjacent to the west

## **Background**

The proposed preliminary plat seeks to create a 42-lot subdivision containing single-family detached dwellings with public utilities and roads on the approximately 14.39 acres of land. The proposed development is located in the far southwest of corner of the city, north of Interstate 694, southeast of a railroad corridor, east of a wetland system in Little Canada, and west of Centerville Road. The subject properties are zoned Residence Two (R-2) and are also within the Water Management Overlay District.

The proposed development includes one existing dwelling and demolition of two others. In addition, the applicant is requesting that a portion of Centerville Road be vacated. An Xcel Energy transmission line runs through the southwest corner of the development site. The existing wetland system to the west within the City of Little Canada is also on property owned by the applicant and is planned to be utilized by the watershed for a potential project to alleviate flooding issues on Twin Lake. A smaller wetland within the proposed development is proposed to be filled through the appropriate process.

## **Analysis**

The requests in this case include the following analysis:

### **Comprehensive Plan**

The subject properties are guided Medium Density Residential in the *2040 Comprehensive Plan* and are surrounded by low density residential land uses. Single-family detached residential dwellings are permitted in the applicable zoning district. The Medium Density Residential net density range is 5-9 units/acre and the proposed development is 2.9 units/acre, which meets the Low Density Residential range of 2.5-5 units/acre. Given that single-family detached dwellings are permitted use in the R-2 District, staff concludes that the proposed density is acceptable and prudent for the site due to the sensitive stormwater management issues in the immediate area and the nature of the surrounding uses.

### **Preliminary Plat**

The proposed preliminary plat includes the following parent parcels:

<b>PID</b>	<b>Address</b>	<b>Parcel Size</b>
323022330032	0 Centerville Road	2.16 acres
323022330044	0 Centerville Road	6.81 acres
323022330027	3151 Centerville Road	0.25 acres
323022330028	0 Centerville Road	2.01 acres
323022330029	3143 Centerville Road	1.80 acres
323022330023	3135 Centerville Road	2.86 acres

Source: Ramsey County GIS

### *Lot Requirements*

The following lot standards are applicable in the R-2 and Water Management Overlay Districts:

<b>District</b>	<b>Lot Area<sup>1</sup></b>	<b>Lot Width<sup>2</sup></b>	<b>Lot Depth<sup>3</sup></b>
Residence Two (R-2)	9,000 SF	75'/95' (corner)	120'
Shoreland (Non-Riparian Area)	15,000 SF	75'	75'

<sup>1</sup>Single-family detached dwelling with public sanitary sewer.

<sup>2</sup>The horizontal distance between the side lot lines of a lot measured within the lot boundary and at the minimum required front setback line.

<sup>3</sup>The mean horizontal distance between the front lot line and the rear lot line of a lot.

The proposed lots are all over 9,000 SF and meet the applicable width and depth standards of the R-2 District. However, due to the proximity to a portion of Twin Lake, the proposed lots are within the Water Management Overlay District and are subject to the shoreland area’s non-riparian lot standards (see attached map). This portion of the request is further analyzed in the variance section of this report.

*Outlots*

The proposed preliminary plat includes the following Outlots:

<b>Outlot</b>	<b>Size</b>	<b>Purpose</b>
A	232 SF	Allow current property owner access to adjoining property
B	42,537 SF	Stormwater pond along the north side of the proposed development
C	2,429 SF	Created between the existing property line and the proposed new street
D	18,338 SF	Covers portion of existing Xcel easement and contains transmission tower

*Drainage and Utility Easements*

Chapter 32, Article VI, Sec. 32-187(6) of the City Code requires drainage and utility easements of ten (10) feet on the front and rear and five (5) feet on each side of each lot. The preliminary plat includes the required easements.

*Park Dedication*

The Subdivision Code allows the city to require land dedication for parks or accept cash in lieu of dedication, which is \$2,000/new lot in the 2020 Fee Schedule. The proposed preliminary plat does not include any land dedicated to the public or private park facility for new residents. However, it does include a proposed trail through Outlot D into the adjacent property owned by the applicant within the City of Little Canada. In addition, this area of the community (north of I-694, south of Vadnais Lake, and west of Edgerton Street) is devoid of active park facilities. The nearest parks are the County trailhead land on the south side of Vadnais Lake and Berwood Park, which is approximately one-mile away by foot.

The proposed development includes 42 new lots that will most likely attract many first-time home buyers and young families. Staff recommends that the applicant utilize an area within the proposed development to accommodate a public recreation area, potentially within Outlot D, or dedicates land elsewhere within the surrounding area.

**Wetlands**

The applicant also owns adjacent property in the City of Little Canada, totaling approximately seven acres. According to the Wetland Delineation Report, completed in 2017, there are two wetlands on the properties owned by the applicant (see attached map). However, only one is located within the proposed development and is partially located on Lot 1, Block 1. Both wetlands have buffer areas that impact the proposed development. Ramsey-Washington Metro Watershed District issued a notice of decision in October 2019 accepting the wetland boundary/type sequencing and requested that both wetlands be changed from Type 3 to Type 4.

The wetland (Wetland B) within the development site, which is partially within Lot 1, Block 1, is proposed to be filled. The applicant has submitted the appropriate applications requesting “incidental” status, which would allow it to be filled without replacement and nullifies of any buffering requirements, if approved. The Watershed District has permit authority over this request and was still reviewing the application at the time of this report. In the event the proposed filling is denied, the applicant will have to adjust the preliminary plat and development plans accordingly, as it will impact at least one lot and potentially the street layout.

## **Street Easement Vacation**

The applicant included a petition to vacate the southern end of Centerville Road, totaling approximately 5,878 square feet. The vacation would split the right-of-way down the existing street centerline between the adjoining property owners. Proposed Lot 7, Block 4 of the preliminary plat would receive a portion and the remainder would go to the property owners of 3140 Centerville Road. Staff concludes that the proposed vacation does not have any adverse relationship to the comprehensive plan and recommends the City Council approve this portion of the request.

## **Site Plan Review**

According to Chapter 38, Article II, Section 38-39(g) of the City Code:

*In consideration of site plan applications under this section, the planning commission and city council shall consider the following: interrelationship with the site plan elements to conditions both on and off the property; conformance to the city's comprehensive plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the site plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; architectural and engineering features; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters. The planning commission may recommend, and the city council may impose, conditions of approval that are deemed necessary.*

Since the subject properties are within the Water Management Overlay District, the Code requires site plan review for any new developments. The applicable standards are analyzed as follows:

### *Interrelationship with Surrounding Properties/Land Uses*

The development site is bound by an interstate freeway and sound-wall, overhead transmission lines and towers, and a railroad corridor. The existing land uses in the surrounding area are all single-family detached dwellings, just as the proposed development. The undeveloped land in Little Canada to the west contains wetlands and will likely never be developed, which provides a nice buffer for the proposed development from the surrounding land uses. The proposed improvements to Centerville Road will be paid for by the applicant and are a benefit to all surrounding properties.

The existing single-family dwelling located at 3163 Centerville Road will be significantly impacted by the proposed development. The northerly access road is proposed to run along the southern boundary of the property, which now borders a vacant lot. Staff recommends that additional landscaping is planted outside of the right-of-way, either on Outlot C or on 3163 Centerville Road, at the applicant's cost, to mitigate the impacts of the new road connection to the proposed development.

### *Traffic*

Traffic will increase from the existing, undeveloped condition. However, the adjacent roads are sufficient to handle the increased vehicle traffic. The pavement condition of Vadnais Road is deteriorating and its likely use as a haul route during construction will accelerate its condition. As a result, future reconstruction to match the new section with curb-and-gutter constructed with the new Edgerton Street bridge over I-694 is anticipated.

### *Parking*

The proposed new streets are 32-feet-wide within a 50-foot-wide right-of-way and would allow for parking on both sides of the street. The Code requires two off-street parking spaces per unit and the proposed development is compliant.

### *Pedestrian and Vehicular Ingress/Egress*

No sidewalk facilities are present on any of the existing surrounding streets and none are proposed on the new streets within the development. Staff recommends the applicant include sidewalks as part of the proposed development and incorporate a preliminary plan as part of the subsequent development agreement. A proposed trail is shown through Outlot D and into adjacent land within the City of Little Canada. If constructed, the appropriate approvals from the City and Watershed would be necessary.

### *Building Location and Height*

Final home designs are not required as part of the platting process. All new dwellings will have to comply with the applicable setback and height standards within the R-2 District.

### *Architectural Features*

Not applicable.

### *Screening/Landscaping*

A preliminary landscape plan was included in the plans. Each new owner would be permitted to plant additional trees, outside of the right-of-way. Staff does recommend that the property owners at 3163 Centerville Road receive some additional landscaping for their property.

### *Lighting*

According to Chapter 32, Article VI, Section 32-188 of the City Code:

*In conjunction with street construction, the developer shall install the necessary street light poles and the fixtures in accordance with section 30-57. Security for completion of such installation shall be provided as set forth in section 32-57.*

According to Chapter 30, Article II, Division 2, Section 30-57 of the City Code:

*As part of the street construction, the applicant or developer shall install street light poles and fixtures with necessary electric lines of a kind and in a number approved by the city engineer. All costs shall be borne by the applicant or developer. Such installation shall be completed before the street is surfaced.*

No street lights are shown on the proposed plans and will need to be addressed in subsequent plan sets for review and approval by the City Engineer.

### *Water and Sewer Utilities*

The existing six-inch watermain is proposed to be extended south/west from the Witt Court cul-de-sac, through existing utility easements on 490 Witt Court and an unaddressed property on Centerville Road that is owned by the applicant. The proposed eight-inch connection would then be constructed within the right-of-way on south side of Centerville Road, to avoid pavement removal outside of the project area, and looped into the proposed development under the new streets, including the improved section of the existing Centerville Road. Existing properties to the north of the project area would be afforded the opportunity to have the main extended to provide city water service, which would be at the cost of the applicant.

According to Chapter 36, Article II, Division 2, Section 36-60 of the City Code:

*Any building or structure using a water well system and located on property adjacent to or abutting any property line to a city waterline will be notified when water is available for individual hook up. Owners will be charged a quarterly water availability charge as provided in the city fee schedule. For those structures that currently do not have city water connections and have private wells, mandatory hookup to city water will be required prior to transfer or sale of property, or when the private well becomes nonpotable, whichever of the events happens first.*

Several properties along Centerville Road will now have watermain connections available and are subject to requirements above.

Sanitary sewer service for the proposed development would connect directly into the existing Metropolitan Council Regional Interceptor near the northwest corner of the site through eight-inch pipes under the street. Proposed lots fronting Centerville Road would connect into the existing eight-inch pipe that runs under the street. All necessary approvals and permits will be required to be obtained from the Metropolitan Council. The attached memorandum from the City Engineer/Public Works Director contains additional commentary and recommended conditions of approval.

#### *Site Drainage/Storm Sewer*

The proposed development includes storm sewer pipes under the new streets and the majority of the runoff will be routed to a filtration basin on north side of the site within Outlot B. The runoff will discharge into a forebay for pre-treatment prior to entering the filtration basin that outlets into the wetland. The proposed filtration basin will consist of plantings and soil mixture (sand and organics) with perforated draitile.

Ramsey-Washington Metro Watershed District (RWMWD) has permit authority over the proposed stormwater management system and is currently reviewing the proposed development. The attached memorandum from the City Engineer/Public Works Director contains additional commentary and recommended conditions of approval.

#### *Floodplain*

When the applicant initially met with the Watershed District, they were provided with a high water level (HWL) flood elevation of 881.1' and a normal water level (NWL) of 872.5' based on the stormwater model system. Coincidentally, the HWL elevation is the top of the railroad tracks and the NWL is the invert of the culvert under the railroad tracks.

Based on the existing topography of the site in Vadnais Heights and Little Canada, the total volume of floodplain in between the 872.5' and the 881.1' elevation is 86,941 CY. Given that applicant is proposing to fill-in a considerable amount of dirt below 881.1' for the housing pads of Lots 1 thru 8 of Block 1 (floodplain impact) , they are also proposing to excavate for compensatory floodplain storage in Little Canada. The applicant can only account for compensatory floodplain storage above the 872.5' elevation. The new floodplain storage volume is slightly more than the existing at 86,949 CY.

#### *Open Space/Lot Coverage*

The lot coverage standards for single-family residential developments is generally regulated by the applicable setbacks. There is no dedicated open space for recreational purposes included in the property development.

#### *Loading/Unloading Areas*

Not applicable.

### *Grading*

RWMWD also has permit authority for grading on the subject property, including review of the proposed erosion control measures. Issuance of the appropriate permits will be required prior to commencing construction on the subject property, which is acknowledged in the recommended conditions of approval. The attached memorandum from the City Engineer/Public Works Director contains additional commentary and recommended conditions of approval.

### *Signage*

Not applicable.

### *Setbacks*

All setback for new dwellings will have to comply with the following R-2 District standards:

<b>Setback</b>	<b>Standard<sup>1</sup></b>
Front Yard	25' (local street)
Side Yard	10' 25' corner
Rear Yard	25'
Between Buildings	Equal to the height of the exterior wall or 15'(whichever is greater)

Source: Chapter 38, Article III, Division 3, Section 38-131

<sup>1</sup>The minimum building setback shall be measured from the applicable lot line or public *street* right-of-way line.

### **Variances**

The applicant is requesting the following variances from the following applicable standards:

1. Front yard building setback from local street on Lot 9, Block 3.
2. Side yard building setback for a corner lot on Lot 9, Block 3.
3. Non-riparian lot area and width standards within the shoreland area of the Water Management Overlay District.

When considering the proposed variance requests in this case, the City is required to find that:

1. *The requests are in harmony with the general purposes and intent of the ordinance and comprehensive plan and the applicant proposes to use the property in a reasonable manner.*

Lot 9, Block 3: The applicant owns the existing lot that contains a two-story, single-family detached dwelling with attached garage (technically detached, but less than six feet from the principal building). The house was recently remodeled and the existing lot lines are proposed to be adjusted as part of the platting process. The continued use of the lot meets the intent of the ordinance and comprehensive plan.

Shoreland Lot Standards: The Water Management Overlay District is intended to comply with state floodplain, shoreland, and wetland requirements in order to protect the city's wetlands and water resources. Within the overlay district, there are subdistricts for wetland protection areas, floodplain areas, and shoreland areas. In this case, the shoreland area is applicable since the proposed development site is within 1,000 feet of Twin Lake, eventhough no lots directly impact the water body. As a result, the lot sizes for non-riparian lots are required to be 15,000 square feet in size and 150 feet wide. That is 6,000 square feet larger, and twice as wide as the underlying R-2 District requires for single-family detached

dwellings connected to public sanitary sewer. If not for these overlay requirements, the new lots all meet the applicable standards and are compliant with the comprehensive plan.

- 2. The applicant establishes there are practical difficulties with complying with the ordinance due to circumstances that are unique to the property, which are not created by the applicant or based on economic considerations.*

Lot 9, Block 3: The new lot lines on the proposed preliminary plat and existing building location causes non-conformities with the required front and side yard setbacks, as the lot is now a corner lot due to the proposed street serving the development. The existing condition is also non-conforming to both setbacks. However, the proposed plat actually increases the side yard setback from the existing condition by approximately ten feet, but still requires a five-foot variance from the applicable 25-foot standard.

The existing conditions, required street right-of-way width, and creation of a new corner lot are unique circumstances creating practical difficulties for this lot to fully comply with the applicable setbacks. Staff feels it would be unreasonable to require that the applicant demolish a newly-renovated house just to comply with current standards when the existing condition is not compliant and the side yard setback non-conformity is not being expanded – it is actually being reduced.

Shoreland Lot Standards: The Water Management Overlay District only applies to water bodies within the City of Vadnais Heights. In this case, East Vadnais Lake and the portion of Twin Lake within the municipal boundary apply. As shown in the attached map, only approximately 57,000 square feet of Twin Lake is actually within Vadnais Heights – the rest of the lake and all the surrounding developed properties are within Little Canada. The proposed development site is outside of the 1,000 buffer from East Vadnais Lake. As a result, the sliver of Twin Lake within Vadnais Heights is a unique circumstance that creates a practical difficulty for the proposed development to comply with the underlying R-2 District standards.

- 3. The requests will not alter the essential character of the locality.*

Lot 9, Block 3: The existing building setback non-conformities are not being expanded and this property remaining as part of the proposed development does not alter the essential character of the neighborhood on its own.

Shoreland Lot Standards: The intent of the shoreland subdistrict is to protect water bodies within the City of Vadnais Heights. The portion of Twin Lake with the City is small in comparison to its total size and is separated by wetlands and a railroad corridor. The proposed lot sizes are compliant with the underlying zoning standards and the proposed development will be held to strict stormwater management standards and therefore will not negatively affect the character of the surrounding neighborhood.

### **Staff/Agency Review**

Upon review of the requests in this case, staff has the following comments concerning the applicable standards.

#### *Fire Department*

See the attached memorandum, which is acknowledged in the recommendations section.

#### *Public Works/Engineering Department*

See the attached memorandum, which is acknowledged in the recommendations section.



### *RWMWD*

The Watershed has been engaged in the preliminary design process and is in the process of reviewing certain permits for the proposed development. The City will condition any of their requirements into any approval actions and will include additional information in a subsequent development agreement.

### *MnDOT*

See the attached letter, which is acknowledged in the recommendations section.

### *Parks, Trails, and Recreation Commission*

The Commission will be reviewing the proposed plat at their January 27 meeting and any comments or conditions will be provided at the Planning Commission meeting.

### **Public Hearing Notice**

According to Chapter 32, Article II, Section 32-47(c) of the City Code, concerning preliminary plat procedures, a public hearing notice must be published and sent to property owners within 350 feet of the subject property at least 10 days prior to the hearing. The statutory easement vacation process requires similar notice and two publications. The required public hearing notice was mailed to surrounding property owners on January 17 and published in the January 8 and January 15 editions of the Vadnais Heights Press.

### **Recommended Commission Action**

Staff recommends approval of the proposed preliminary plat, site plan, variance, and street vacation requests based on the following finding of fact:

1. The proposed development adds new housing stock to the community and is consistent with the surrounding character of the area and comprehensive plan.
2. The proposed improvements to Centerville Road and utility connections to existing properties provide public benefits.
3. The proposed preliminary plat creates lot that are compliant with the underlying R-2 District standards.
4. The existing non-conforming conditions on Lot 9, Block 3 of the proposed preliminary plat are not being expanded.
5. A small corner of Twin Lake is within the City of Vadnais Heights, which affects the proposed, otherwise compliant, lot sizes and is a unique circumstance that creates a practical difficulty for the applicant to maximize the development potential and address other constraints.

Subject to the following conditions:

1. The final plat shall be filed by the applicant, at their cost, with the offices of the Ramsey County Recorder and/or Register of Titles, prior to any mortgages, liens, or similar interests.
2. A development agreement between the applicant, and all others with interests in the subject property, shall be entered into with the City, to be recorded at the applicant's cost with the offices of the Ramsey County Recorder and/or Register of Titles, prior to issuance of any building permits.
3. Building and demolition permits shall be submitted for administrative review/approval, prior to commencement of any construction activities within the proposed development.
4. No permanent structures shall be allowed to be constructed within the dedicated easement areas.
5. Existing vegetation proposed to be preserved shall be done so in compliance with the applicable requirements of Chapter 38, Article IV, Section 38-601(b)(11) of the City Code.
6. The applicant shall construct five-foot-wide concrete sidewalk facilities within the dedicated right-of-way of the proposed development, with the exact location(s) and specifications to be determined as part of the development agreement.

7. The applicant shall work with the property owners of 3163 Centerville Road to identify areas for additional landscape plantings, on or near their property and outside of the right-of-way, to provide a buffer from the proposed street, to be addressed further as part of the development agreement.
8. Street lighting shall be required in accordance with the applicable City Code provisions and specifications, including, but not limited to Chapter 32, Article VI, Section 32-188 and Chapter 30, Article II, Division 2, Section 30-57, to be reviewed and approved by the City Engineer and addressed as part of the development agreement.
9. All required permits and approvals shall be obtained from the Metropolitan Council for the proposed sanitary sewer connection and copies provided to the City.
10. All required permits shall be obtained from the Ramsey-Washington Metro Watershed District and copies provided to the City.
11. All new streets and improvements to existing streets shall be compliant with the applicable City Code provisions and specifications, to be reviewed and approved by the City Engineer, and be inspected, at the applicant's cost, prior to City acceptance.
12. The applicant shall consider dedicating a portion of land within the proposed development, or on a nearby property, for a public park facility to serve the new and existing neighborhoods.
13. Compliance with the conditions included in the Fire Chief's memorandum, dated January 14, 2020.
14. Compliance with the conditions included in MnDOT's letter, dated January 22, 2020.
15. Compliance with the conditions included in the Director of Public Works/City Engineer's memorandum, dated January 23, 2020.

**Action Requested**

Following the public hearing, the Planning Commission may consider the following actions:

1. Recommend *approval* of the proposed preliminary plat, site plan, variance, and street vacation requests, based on the findings of fact, with conditions.

*OR*

2. Recommend *denial* of the proposed preliminary plat, site plan, variance, and street vacation requests, based on the findings of fact determined by the Planning Commission.

*OR*

3. *Table* the requests to the February 25 Planning Commission meeting.

Attachment(s):

- Aerial map
- Fire Chief's memorandum, dated January 14, 2020
- MnDOT review letter, dated January 22, 2020.
- Director of Public Works/City Engineer memorandum, dated January 23, 2020
- Applications, including supporting materials
- Public Hearing Notice