

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF AUGUST 8, 2012

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, distributed a script from his last appearance stating no response had been given. He requested a Council report on the lack of accomplishments in the City, then referred to the City Manager hiring process and agreements with The Harvest Grill.

Nate Kraymeyer, 10371 Grouse Street NW, said he supported Trackside Dog Park and said reports of problems have been exaggerated or misleading. He said the majority of users don't know of the intention to close the park and while there is room for improvements the park is very clean and people are for the most part courteous and positive. He suggested parking on one side of 104th Avenue helps. He said to close the park would be a disservice.

Steven Johnson 9253 Palm Street NW, said he was part of the group to meet with Council in 2007 to discuss opening the park. He shared his support for the park stating it was the best investment the City had going.

Caitlyn Vanasse, 12525 Hummingbird Street NW, referred to the positive impacts of the park including fostering a sense of community and quality of life which the Council refers to in its 2030 Vision. She said parking could be addressed through more signage and that the community is more important than one neighborhood. She encourage the Council to open another park before closing this one.

Mike Carter, 10410 Hummingbird Street NW, said he has obtained the signatures of nine of the 11 homeowners that surround Trackside to remove the park. He said while he agreed with some of the statements no changes have ever been made and that the park should be shut down.

Randy Ripply, 10640 6th Street Blaine, suggested the park entrance be moved from 104th Avenue and Hummingbird to 104th Avenue and Grouse Street away from Mr. Carter's property.

Jackie McKinney, 1561 118th Lane NW, said while she agreed with the concerns closing the park before opening another would not be a good option. She suggested an annual permit option to help offset costs as well as more enforcement. She said the community spirit brings Coon Rapids together and encouraged Council to look at options before closing.

Jackie Ferrar, 11040 Hanson Boulevard, asked Council not to close Trackside as it fosters a sense of welcoming community. She said the open space is the best feature and while cleanliness is not always good dog owners help clean on their own. She added noise from the trains is more than from the dog park.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of August was called to

order by Mayor Tim Howe at 7:00 p.m. on Wednesday, August 8, 2012, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Melissa Larson, Paul Johnson, Jerry Koch, Bruce Sanders and Scott Schulte

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

JULY 17, 2012, WORK SESSION
JULY 17, 2012, COUNCIL MEETING
JULY 17, 2012, EXECUTIVE SESSION
JULY 23, 2012, SPECIAL MEETING
AUGUST 1, 2012, WORK SESSION

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE JULY 17, 2012, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE JULY 17, 2012, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

Councilmember Schulte requested a change to the minutes noting City Attorney Brodie joined the meeting at 9:00 p.m.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE JULY 17, 2012, EXECUTIVE SESSION

MEETING AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE JULY 23, 2012, SPECIAL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE AUGUST 1, 2012, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

1. AUTHORIZE EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA AND ANOKA-RAMSEY COMMUNITY COLLEGE FOR SECURITY SERVICES FOR 2012-2013
2. CONSIDER RESOLUTION NO. 12-87 TO ACCEPT THE DONATION OF MONIES FROM TARGET CORPORATION FOR NIGHT TO UNITE ACTIVITIES
3. CONSIDER RESOLUTION 12-89 APPROVING SUBMISSION OF A PROPOSAL TO CONTINUE THE PARTNERSHIP WITH THE FRIDLEY AND SPRING LAKE PARK/BLAINE/MOUNDS VIEW FIRE DEPARTMENTS FOR HAZARDOUS MATERIALS RESPONSE SERVICES CONTRACT WITH THE MINNESOTA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

4. OPEN MIC REPORT – JERRY PIERCE – 12236 PARTRIDGE STREET NW – DEBATE, OPEN MIC, AND CONSTRUCTION ISSUES

Mayor Howe presented a memorandum from staff to Council stating Jerry Pierce, 12236 Partridge Street NW, appeared at the July 17, 2012, Open Mic portion of the meeting with concerns regarding Open Mic, construction issues with the new Police garage, and scheduling a Council debate.

Council has responded in the past to Mr. Pierce's concerns regarding a Council debate and Open Mic procedures. Staff is unaware of any construction issues with regard to either the Police garage or Firestone and encourages Mr. Pierce to contact the Building Inspections Department with any specific concerns so they can be followed up on.

5. OPEN MIC REPORT – CHRISTINE FERRIS – 2961 114TH AVENUE NW – RE: ORDINANCE AMENDMENT TO ALLOW THE KEEPING OF CHICKENS WITHIN

THE CITY

Mayor Howe presented a memorandum from Staff to Council stating Christine Ferris, 2961 114th Avenue NW appeared at the Open Mic portion of the July 17th Council meeting to request an ordinance amendment that would allow residents to keep chickens within the City.

Ms. Ferris requested that Council consider amending City ordinance to allow the keeping of chickens within the City. She shared information on how keeping chickens would be beneficial to residents and offered to meet with staff and share further information. Staff has forwarded a Zoning Ordinance Text Amendment request to Ms. Ferris for her submittal that formally requests a zoning ordinance amendment, suggested language for the amendment and reasons for the changes. Once this request has been submitted staff will review the documents for consistency with the Comprehensive Plan and then follow up with next steps for consideration.

PUBLIC HEARING

6. CONSIDER ECONOMIC DEVELOPMENT ASSISTANCE TO WINDFALL MEDICAL, LLC, 3789 COON RAPIDS BOULEVARD:
 - A. PUBLIC HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 12-86 AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO EXPEND TAX INCREMENTS IN THE FORM OF A GRANT TO WINDFALL MEDICAL, LLC
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Community Development Specialist Brown presented a memorandum requesting the Council to authorize the Economic Development Authority to expend tax increment funds to provide economic development assistance to Windfall Medical, LLC for construction of a 32,000 square foot medical office building at 3789 Coon Rapids Boulevard.

Windfall Medical, LLC proposes constructing a 32,000 square foot medical office building on the former McKay Lincoln-Mercury car dealership site at 3789 Coon Rapids Boulevard. North Suburban Eye Specialists, which is currently located at 3790 Coon Rapids Boulevard, would be the primary tenant in the building. The Planning Commission recommended approval of a site plan for the project on July 19 and the Council will consider it at its August 8 meeting. Windfall Medical submitted an application to the City for tax-increment financing to assist with project costs. Staff has reviewed the application and project costs and believes that the project is an appropriate candidate for financial assistance.

Staff proposes providing a \$400,000 economic development grant using pooled TIF funds from TIF District 1-6. Because the development site is located within TIF Project Area No. 1, State TIF law allows for use of existing cash balances in existing districts for development projects that would not occur "but for" the assistance. This grant will cover costs associated with demolishing the existing car dealership building, site preparation, and utility work. The developer estimates the cost of

preparing the site for development at \$695,000 and the total project cost at \$6,000,000. In order to expend these tax increment funds, the Council must authorize an authority, in this case the Economic Development Authority, to make the expenditure. Resolution 12-86 includes the authorization. The Economic Development Authority will consider the assistance package on August 8 immediately following the Council meeting.

Mayor Howe opened and closed the public hearing at 7:32 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION NO. 12-86 AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO EXPEND TAX INCREMENTS IN THE FORM OF A GRANT TO WINDFALL MEDICAL, LLC IN THE AMOUNT OF \$400,000.

Councilmember Sanders commented this was a good project that would add approximately \$6 million to the City's tax base along with a number of jobs. He said the project would not happen without the assistance of TIF, which was being used to demolish the existing building and prepare the site.

Mayor Howe asked if this was a tool that would continue to be available for redevelopment. Community Development Specialist Brown stated TIF funds should be available for demolition and preparation of sites in the future unless there was a change in TIF law by legislation.

THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

7. CONSIDER RESOLUTION 12-82 AMENDING THE COMPREHENSIVE PLAN FROM OFFICE TO MODERATE DENSITY RESIDENTIAL, PATRICIA J. JORDAN, SOUTHEAST CORNER OF WOODCREST AVENUE AND EGRET AVENUE, PC 12-6
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Planner Harlicker presented a memorandum to Council stating the applicant is requesting approval of an amendment to the City's Comprehensive Land Use Plan to change the land use designation from Office to Moderate Density Residential.

Background

The applicant is requesting a change to the land use designation from *Office* to *Moderate Density Residential*. The site is currently vacant. According to the wetland inventory, there are two small wetlands on the site.

Analysis

The stated intent of the *Office* land use designation is to provide for office and other commercial uses generally compatible with adjacent residential uses. The stated intent of the *Moderate Density Residential* designation is that it includes land that could be developed as attached housing at gross density of 4 to 7 units per acre.

When considering this change in land use request, the following three factors should be taken into account:

- The subject property abuts a car dealership.
- It is across the street from a convenience store and vacant property that is guided *Moderate Density Residential*.
- It is across the street from a townhouse development.
- There is a park down the street.

A land use designation of *Moderate Density Residential* would serve as an extension the townhomes to the west. The proposed amendment would be compatible with the property north of Egret Boulevard, which has a land use designation of *Moderate Density Residential* and *Neighborhood Commercial*. Developing this parcel at a moderate residential density would also make use of the nearby park and the adjacent convenience store.

This proposed land use amendment would increase the amount of land that is guided *Moderate Density Residential* by five acres, from 981 acres to 986 acres. The proposed amendment would not have a significant impact on the amount of land that is currently designated *Moderate Density Residential*. It would decrease the amount of land that is currently guided *Office* from 250 to 245 acres, a decrease of 2%.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 12-82 APPROVING THE PROPOSED LAND USE AMENDMENT BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED LAND USE AMENDMENT WOULD SERVE AS AN EXTENSION OF THE TOWNHOMES TO THE WEST.
2. THE PROPOSED AMENDMENT WOULD BE COMPATIBLE WITH THE COMMERCIAL PROPERTY TO THE NORTH.
3. DEVELOPING THIS PARCEL AT A MODERATE RESIDENTIAL DENSITY WOULD ALSO MAKE USE OF THE NEARBY PARK AND THE ADJACENT NEIGHBORHOOD COMMERCIAL DEVELOPMENT (CONVENIENCE STORE).

Councilmember Koch asked it was prudent to rezone this parcel to residential as it was adjacent to a car lot. Planner Harlicker noted the car lot did have to follow current light standards within the City Code and that screening would be added to the site to protect the adjacent townhomes.

Councilmember Sanders stated the car dealership currently complies with the City's light standards with shoebox lighting.

Mayor Howe said he was pleased that this parcel would be rezoned and agreed with the moderate density residential recommendation.

THE MOTION PASSED UNANIMOUSLY.

8. **CONSIDER ADOPTION OF ORDINANCE AMENDING THE ZONING MAP FROM OFFICE TO MODERATE DENSITY RESIDENTIAL, PATRICIA J. JORDAN, SOUTHEAST CORNER OF WOODCREST AVENUE AND EGRET AVENUE, PC 12-7**

Planner Harlicker presented a memorandum to Council stating the applicant is requesting the approval of an ordinance rezoning certain property from Office to Moderate Density Residential. The applicant has also submitted a request for a corresponding change to the Comprehensive Land Use Plan from Office to Moderate Density Residential.

Background

The applicant is requesting a rezoning from *Office* to *Moderate Density Residential*. The site is currently vacant. According to the wetland inventory, there are two small wetlands on the site.

Analysis

When considering a request to rezone property, the Council should evaluate if there was some mistake in the original zoning, or if the character of the neighborhood has changed so that a reasonable use of the property cannot be made under the current zoning classification.

Mistake in the Original Zoning

From 1985 to 1999 the subject property was zoned *Neighborhood Commercial*. The property remained undeveloped during this time. Included as part of the Comprehensive Plan update approved in 1999, the property was rezoned to *Office* and has remained undeveloped. Since the property was rezoned from *Neighborhood Commercial* to *Office*, the properties to the east and south, which have frontage along Highway 10, have been developed. Because this property is not visible from Highway 10 and the nearest access to Highway 10 is over a mile away, it is not very desirable as commercial or office development. It is a better candidate for a use that does not depend on visibility or access from Highway 10 such as a moderate density residential development.

Reasonable Use of the Property

The subject property is located in an area that is, with the exception of the car dealership that has Highway 10 frontage, generally residential in character. There are townhomes, neighborhood commercial and a park nearby. Rezoning this parcel to *Moderate Density Residential* would be consistent with the current residential character of the neighborhood.

Since the site has not developed as either commercial or office in over 25 years, the neighborhood has changed such that the applicant cannot maintain a reasonable use of the property under the current zoning.

The City Council should also give consideration to the evaluation criteria found in Section 11- 307 when considering rezoning requests.

Section 11-307 Criteria	Comments
Effect of public health, safety, order, convenience, and general welfare in the area.	OK - The proposed zoning will not adversely impact the area. The property is adjacent to commercial and townhouse residential land uses; it is down the street from a city park.
Effect on present and potential surrounding land uses.	OK – The proposed zoning will not adversely impact the surrounding residential or commercial land uses. Future moderate density residential development would serve as an extension of the adjacent townhouse developments.
Conformance with the Comprehensive Land Use Plan.	OK – Assuming the proposed land use amendment is approved, the proposed zone change will be consistent with the City’s Comprehensive Land Use Plan. The proposed land use designation is Moderate Density Residential.
Conformance with any applicable development district.	OK – There is no applicable district plan in this area.

Planning Commission Meeting

At the Planning Commission meeting held on June 21st no residents spoke at the public hearing. The Commission Voted 6:0 to recommend approval of the proposed zone change.

City Council Meeting

At the City Council meeting held on July 17th the Council introduced the ordinance. The Council asked if the applicant has any development plans. The applicant does not have any plans for development at this time. Moderate Density Residential zoning allows for townhome development at a density of up to seven units per acre.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COON RAPIDS SO AS TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION WITH THE FOLLOWING FINDINGS:

1. THE PROPOSED ZONE CHANGE WOULD BE CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN.
2. THE PROPOSED ZONE CHANGE IS COMPATIBLE WITH THE SURROUNDING ZONING DISTRICTS AND LAND USES.
3. THE PROPOSED ZONE CHANGE WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
4. THE TIMES AND CONDITIONS HAVE CHANGE AND THE CHARACTER OF THE NEIGHBORHOOD HAS CHANGED SO THAT A REASONABLE USE OF THE PROPERTY CAN NOT BE MADE UNDER THE CURRENT ZONING.

Councilmember Johnson stated this was a perfect use for the site and thanked the Planning Commission for discussing and recommending the change from Office to Moderate Density Residential.

Councilmember Sanders indicated the parcel needed a change and was in full agreement with the proposed rezoning.

THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER ADOPTION OF ORDINANCE INCREASING THE MAXIMUM DRIVEWAY WIDTH IN THE LDR2 ZONING DISTRICT AND ESTABLISH A DEFINITION AND STANDARDS FOR OFF DRIVE PARKING AREAS

Planner Harlicker presented a memorandum requesting the Council stating on June 5, 2012 the City Council introduced an ordinance that included both the LDR1 and LDR2 zoning districts. The Council discussed the proposed changes at a following workshop and expressed concerns about what type of impact the proposed changes would have on the larger lots located in the LDR1 zoning district. Council directed staff to modify the proposed code change to not include the LDR1 zoning district. This change was significant enough that staff felt the revised ordinance should be reintroduced.

At the July 17th City Council meeting Council introduced the revised ordinance.

Staff is currently researching possible changes to driveway dimensions in the LDR1 district that

would address the concerns raised by the Council. A separate ordinance will be proposed to address the issues identified by the Council.

Background

As part of the continuing process of updating Title 11, staff has been reviewing the zoning code and provisions of the property maintenance code with the intention of making sure they are consistent and supportive of each other. Parking trailers and RVs alongside garages has been an ongoing issue in the city for a number of years. The code currently allows parking in front and side yards only on an improved surface. Improved surfaces include asphalt, concrete or pavers. The maximum drive way width (36 feet) often precludes widening the driveway to provide access to these accessory off-drive parking areas. A related question is should these off-drive parking areas be required to be paved.

Proposed Changes

Driveway Width and Off-Drive Parking Area Width

To provide access to the off-drive parking areas staff is proposing that the maximum driveway width be increased to a maximum of 40 feet or 50 percent of the lot width, whichever is less. If the lot is less than 72 feet wide, they would still be allowed a 36 foot wide driveway. The maximum width would be measured between the front of the garage to 20 feet from the front of the garage and would include the off-drive parking area. At 20 feet from the garage the driveway would have a maximum width of 36 feet (what the current code allows). This would allow angled access to the parking area. The maximum driveway width at the street right-of-way would remain unchanged (24 feet).

The maximum width of the off-drive parking area would be 12 feet. and could not extend more than 24 feet from the front of the garage to the rear. It could extend to the property line.

Surface Material

Off-Drive Parking Areas

The current code requires that these side parking areas be finished with an improved surface. Since they typically function as storage space and not an active driveway, staff proposed allowing alternative materials be used as a surface. These materials include pervious pavers, patio blocks or concrete pavers, or porous paving grids. Typically these types of materials can be installed by a homeowner. They are proposed as a compromise between materials such as concrete and bituminous that require professional installation and a gravel material.

The Commission discussed the use of a stone or gravel material for the parking area. If stone were to be used, the Engineering Department recommended a 3/4 inch fractured stone. It would allow water to percolate but would not shift like landscaping stone. It also comes washed so there is no dirt or gravel that will prohibit drainage and track off site. The use of stone would require a suitable edging material to control the spread of the stones. The Commission decided to recommend that stone be

allowed as a finish material for the part of the parking area located to the rear of the front line of the garage.

The entire off-drive parking area would have to be finished and extend to the drip line of the vehicle that is parked on it. The finish material would have to be installed per standards on file with the city or per manufacturer's specifications.

Driveways

The current code requires that driveways be finished with an improved surface. Finish surface materials include concrete, bituminous, brick pavers or similar hard surface material approved by the Community Development Director. No changes are proposed for this standard.

New Definition

Off-Drive Parking Area - An off street area connected to a driveway intended for the parking of vehicles.

Planning Commission Meeting

At the Planning Commission meeting held on May 17th two residents spoke at the public hearing. One believed that stone should be added as an approved surface material for off drive parking areas because it would be a less costly alternative than pavers and paving grids. He also stated that there should be a separation distance between the parking area and the side of the garage to allow room for a sidewalk or walkway between what is being parked and the garage. The second resident supported the use of stone as a finish material and discussed the process of applying for driveway permit and the need for a survey.

The Commission voted 4:0 to recommend approval of the proposed ordinance.

Councilmember Sanders asked if a defined border was mandated through the ordinance. Planner Harlicker indicated the City Engineering Department was working on design specifications and would address the border.

Mayor Howe questioned if the Inspections Department would determine if specific products met the specifications within the new ordinance. Planner Harlicker explained it would be a combination of the Planning and Inspections Departments. Through the permitting process, the applicant would have to specify the material that would be used for the driveway surface.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT AN ORDINANCE TO INCREASE THE MAXIMUM DRIVEWAY WIDTH IN THE LDR2 ZONING DISTRICT AND ESTABLISH A DEFINITION AND STANDARDS FOR OFF DRIVE PARKING AREAS AND THEREBY AMENDING REVISED CITY CODE – 1982 SECTIONS 11-200 AND 11-705(10).

Councilmember Johnson asked for the effective date of this ordinance and inquired if the length should be limited to 24 feet. Planner Harlicker reviewed the maximum allowable driveway width in further detail with the Council.

Mayor Howe questioned if the 24-foot length was a concern for the Planning Commission. Planner Harlicker stated this was not discussed.

Councilmember Schulte commented the ordinance would allow the parking of RVs, boats or vehicles on an improved surface adjacent to garages. He noted it may not suit all vehicles if over 24 feet in length.

Councilmember Johnson expressed concern with limiting the improved driveway surface length to 24 feet.

Councilmember Sanders said he did not recall discussing the length of RVs allowed on improved parking surfaces. He approved of the 24-foot length explaining this was adequate.

Mayor Howe commented if the 24 feet were increased, the parking surface would spill over into the rear yard. He indicated the improved surface would assist in keeping recreational vehicles, boats and additional vehicles off of the main driveway.

Councilmember Klint indicated this space should be used for overflow parking, boats or trailers and was not intended for large RVs as this would become an eyesore to neighbors. She said she was not in favor of allowing for the 24 feet to be expanded and if this was the case, she requested the Council discuss this matter further at a future work session meeting.

Mayor Howe questioned if the ordinance could be approved but direct staff to speak with the Planning Commission on the RV parking concerns.

Councilmember Koch commented LDR1 driveways were still up for discussion.

Councilmember Johnson suggested this be held off and brought back to the Planning Commission for a recommendation on both LDR2 and LDR1.

Councilmember Schulte explained the Council had already discussed this item at length in a work session meeting and recommended action be taken this evening. He stated RVs were not discussed at the work session or when the ordinance was introduced and that an RV amendment could be added in the future.

Mayor Howe agreed stating the code enforcement officers were anticipating this ordinance approval.

Councilmember Johnson stated he would support this ordinance and would push for further action.

THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

10. CONSIDER APPROVAL OF SITE PLAN, NORTH SUBURBAN EYE SPECIALIST OFFICE BUILDING, 3789 COON RAPIDS BOULEVARD, PC 12-14

Planner Harlicker presented a memorandum to Council stating the applicant is requesting site plan approval for a 32,000 square foot office building at 3789 Coon Rapids Boulevard.

The applicant is proposing a 32,000 square foot one story office building. The project is located within PORT Wellness, at the northeast corner of Round Lake Boulevard and Coon Rapids Boulevard. It is the former site of the McKay auto dealership. The project includes 166 parking spaces, is utilizing an existing right-in only access from Coon Rapids Boulevard and a full access on Round Lake Boulevard. The access on to Round lake Boulevard will also be used by the adjacent senior housing project. The applicant is requesting design flexibility regarding the floor to area ratio, building design and height and landscaping.

The applicant designed the project so that it is compatible and consistent with the adjacent senior housing project. The applicant has taken elements and materials used in the senior housing building and incorporated them into the design of this building. The elements include color of materials, use of brick and incorporating columns into the design. The landscaping between the two parking lots are also consistent with each other.

The applicant has an anticipated construction start of September or October this year.

Design Flexibility

Floor to Area Ratio (FAR)

The code requires a FAR of .6. The applicant is proposing an FAR of .2. Staff and the Commission recommends the Council approve the proposed .2 FAR. A .6 FAR would require a 99,156 square foot building with 461 parking spaces.

Building Design

Windows and Doors

The Code requires that 60% of the primary street facade be 60% glass on the first floor. The design of the building complies with the 60% windows on the main facade facing Coon Rapids Boulevard. However, the facade facing Round Lake Boulevard (the west elevation), while including many windows does not meet the 60% requirement. Given the design of the building (the need for eye examination rooms without windows), the placement of the proposed windows and the proposed landscaping, Staff and the Commission recommends the Council approve the proposed west elevation.

Building Height

The code requires a minimum building height of 20 feet and designed with a two story expression. Most of the building has a maximum height of 18 feet. There are elements of the building that are taller than the required 20 feet. The raised canopies over the entrances and raised parapets give the building a two story feel. The applicant has taken elements and materials used in the adjacent senior housing building and incorporated them into the design of this building. Staff and the Commission recommend the Council approve the proposed building height.

Landscaping

The applicant requested flexibility regarding the number of overstory trees along Coon Rapids Boulevard. The code requires trees at 25 foot intervals. The applicant is proposing to plant overstory trees at 30 foot intervals and supplement them with ornamental trees. This will allow the overstory trees sufficient room to grow to their full height and width and the ornamental trees will add interest at a lower height. Staff and the Commission recommend the Council approve landscaping flexibility regarding overstory trees along Coon Rapids Boulevard.

Site Plan Layout

Access

The plan utilizes existing access from Coon Rapids Boulevard and Round Lake Boulevard. The access from Coon Rapids Boulevard is right-in only. The access from Round Lake Boulevard is a full access and is shared with the adjacent senior housing project. Because of differences in topography, there are no other options for shared drive aisles. There is a landscaped median between the two parking lots.

Building Design

Even though the proposed building is a single story, certain design features give it a taller expression. The raised canopies over the entrances and raised parapets give the building a two story feel. The applicant has taken elements and materials used in the adjacent senior housing building and incorporated them into the design of this building. The elements include color of materials, use of brick and incorporating columns into the design. The design of the building complies with the 60% windows on the main facade facing Coon Rapids Boulevard. However, the facade facing Round Lake Boulevard (the west elevation), while including many windows does not meet the 60% requirement.

Grading and Drainage

The applicant had been working with the adjacent property owner on a combined stormwater pond. However, timing of the two projects has not allowed for the shared design. At this time, each project will have a pond that abuts the other but functions independently. The applicant will continue

conversations with the adjacent developer should the opportunity for the shared pond materialize.

The stormwater pond will be designed and constructed as a rain garden. The planting schedule includes a mix of seeds specifically for rain gardens. The property owner should ensure that proper maintenance is performed to ensure the rain garden functions properly and is aesthetically pleasing.

Landscaping

The plan provides for sufficient plantings in the parking lot. However, additional plantings are required in the open space areas, along the front of the building facing Coon Rapids Boulevard and along Round Lake Boulevard. The code requires two additional open space overstory trees, 21 shrubs along Round Lake Boulevard and 128 shrubs along the foundation of the building. The applicant is asking for design flexibility regarding the number of overstory trees along Coon Rapids Boulevard. The applicant is proposing planting trees at 30 foot intervals instead of 25 feet and supplementing them with ornamental trees.

Planning Commission Meeting

At the Planning commission held on July 19th, no one spoke at the public hearing. The Commission had a lengthy discussion regarding EIFS and whether it was an acceptable exterior building material. The applicant agreed to eliminate the EIFS and replace it with stucco, which is listed in the code as an acceptable building material. The Commission also had an extended discussion regarding the height of the building and appropriateness of design flexibility.

The Commission voted 6:1 to recommend approval of the proposed site plan. Commissioner Schwartz had concerns about the height of the building and the two story expression, and voted against the motion. The rest of the Commission believed it complied with the intent of the ordinance. As part of their deliberation they discussed the requests for design flexibility and agreed that it is appropriate for this project.

Councilmember Sanders asked if the floor area ratio should be revised as it appears each new development requires flexibility with this number. Planner Harlicker agreed this should be revised.

Councilmember Schulte inquired if site plan approval required compliance with Title 11 of the City Code. Planner Harlicker recommended this be made Condition 9.

Councilmember Klint expressed concern with the loss of access to Round Lake Boulevard in the future. Planner Harlicker said he was not aware of any plans to lengthen the median along Round Lake Boulevard by the County.

Councilmember Koch discussed the floor to area ratio in further detail and agreed the rate should be reviewed.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER

SANDERS, TO APPROVE THE PROPOSED SITE PLAN WITH THE FOLLOWING CONDITIONS:

1. SEATING AREAS AND TRASH RECEPTACLES BE PROVIDED AT THE ENTRANCES.
2. THE LANDSCAPE PLAN BE REVISED TO SHOW AN ADDITIONAL 2 GREEN SPACE OVERSTORY TREES, ADDITIONAL 21 STREET FRONTAGE SHRUBS AND AN ADDITIONAL 128 FOUNDATION SHRUBS ALONG THE COON RAPIDS BOULEVARD BUILDING FRONTAGE.
3. THE PROPERTY OWNER ESTABLISH A MAINTENANCE PROGRAM FOR THE RAIN GARDEN AND PROVIDE THE CITY WITH A COPY.
4. ALL EIFS TO BE CHANGED TO STUCCO
5. THE SPACING OF THE OVERSTORY TREES ALONG COON RAPIDS BOULEVARD, EAST OF THE DRIVEWAY, TO BE CONSISTENT WITH THE TREES ON THE ADJACENT SENIOR HOUSING PROJECT.
6. AN ADDITIONAL 5 ORNAMENTAL TREES BE PLANTED ALONG ROUND LAKE BOULEVARD.
7. APPROVAL OF DESIGN FLEXIBILITY WITH RESPECT TO BUILDING HEIGHT, FLOOR TO AREA RATIO, AMOUNT OF GLASS ON THE WEST ELEVATION, AND THE NUMBER OF OVERSTORY TREES ALONG COON RAPIDS BOULEVARD.
8. THE APPLICANT ENTER INTO A SECURITY AGREEMENT WITH THE CITY PRIOR TO ISSUING THE BUILDING PERMIT.
9. COMPLIANCE WITH TITLE 11 – LAND DEVELOPMENT REGULATIONS OF THE CITY CODE.

Councilmember Johnson thanked the developer for working with the adjacent property to create a unified development between the two sites.

Councilmember Sanders suggested the City seek approval from the County to assure that the median will not be lengthened. Acting City Manager Gatlin this would be reviewed by the County through the permitting process.

Councilmember Schulte indicated the intersection of Round Lake Boulevard and Coon Rapids Boulevard was a challenge and this development would increase traffic. However, the proposed use should not be hindered and traffic could always use the right-in, right-out to avoid Round Lake Boulevard.

THE MOTION PASSED UNANIMOUSLY.

11. CONSIDER APPROVAL OF SITE PLAN, MERCY HOSPITAL OFFICE BUILDING,
 NORTHWEST CORNER OF BLACKFOOT STREET AND COON RAPIDS
 BOULEVARD, PC 12-13

Planner Harlicker presented a memorandum to Council stating the applicant is requesting site plan approval for a 123,000 square foot office building. The property is located at the northwest corner of Blackfoot Street and Coon Rapids Boulevard.

The project is located on the north side of Coon Rapids Boulevard, across the street from Mercy Hospital. It includes a four story brick building with 552 parking spaces. The site is bounded by 119th Avenue on the north, Blackfoot Street on the east, Coon Rapids Boulevard on the south and ECE newspaper building on the west. Access is from Blackfoot Street; no access is proposed from Coon Rapids Boulevard. The applicant is requesting design flexibility regarding the floor to area ratio, parking requirements and design, and building orientation.

The applicant is considering a possible future skyway connection to the hospital; however, it is not being proposed as part of this application. The site is designed to accommodate a future second building and structured parking. The applicant has an anticipated construction start of September or October this year.

Design Flexibility

Floor to Area Ratio (FAR)

The code requires a FAR of .6, the applicant is proposing and FAR of .25. Staff and the Commission recommends the Council approve the .25 FAR. A .6 FAR would require a 291,193 square foot building which in turn would require 1,357 parking spaces.

Parking Flexibility

The applicant is requesting dimensional flexibility with respect to number of parking stalls. The code requires that there be 1 space per 215 square feet; they are requesting to provide parking at a ratio of 1 space per 222 square feet. The code requires 572 spaces, the applicant is proposing 552 (20 spaces less than required). The reduced number of stalls is based on the tenant mix, the desire for additional green space and reduction in stormwater runoff. The size of the spaces comply with the dimensional requirement.

The applicant is also requesting parking design flexibility. The code requires parking to be located to the rear or sides of the building. Because the lot is a corner lot, no access is allowed from Coon Rapids Boulevard and the need to preserve the opportunity for future expansion, much of the parking is located between the building and Blackfoot Street. Staff and the Commission recommends the

Council approve design flexibility regarding parking.

Building Orientation

The code requires that the principle building face the primary street. The applicant is requesting design flexibility to allow the front of the building to face Blackfoot Street. Because the lot is a corner lot, no access is allowed from Coon Rapids Boulevard, all access will be from Blackfoot Street and the need to preserve the opportunity for future expansion, the applicant is requesting that Blackfoot Street be designated the primary street.

Site Plan Layout

Access

Access to the site is provided from Blackfoot Street. Three driveways are proposed, two for patients and staff and one for service and deliveries. This layout allows for the separation of service deliveries from patient and staff traffic. To reduce conflicting turning movements, the southerly driveway aligns with Zea Street. The patient and staff driveways are designed to allow patients to be dropped off at the entrance and the drivers to circulate back into the parking area to find a parking space. The drive aisles and curb cuts comply with the dimensional requirements. No access is proposed from Coon Rapids Boulevard.

Landscaping

The plan exceeds the required landscaping. Sufficient trees are provided along the street frontage, open space and around the drainage ponds. The plan includes a variety of overstory trees, evergreens, ornamental trees and shrubs and perennials.

Building Design

The building is four stories with a tower like feature anchoring the southeast corner. The exterior materials include a mix of brick and precast architectural limestone. There is a limestone band and a change in brick to delineate the upper stories from the first floor. A canopy and a bank of windows that extend into the upper floors emphasize the main entrance. The variety of building materials are continued around all four sides of the building.

Grading, Drainage and Utilities

The City Engineer is finalizing the grading, drainage and utility plans. No significant issues have emerged. The stormwater ponds will be designed to temporarily hold water then dry out. They are not designed as wet ponds. The side slopes are at an angle that will allow for maintenance; the ponds will not be fenced. The applicant will use the soil from the ponds to construct landscaped berms between the streets and the parking areas.

Planning Commission Meeting

At the Planning Commission meeting held on July 19th two residents and a representative from North Suburban Eye Specialists spoke at the public hearing. One resident had questions about the stormwater pond. The design, function and landscaping of the pond was explained. The other resident asked about the construction time frame and noise level. They are hoping to start construction this fall, Blackfoot Street will remain open during construction, the noise level will have to remain within the limits allowed by city code and the heating and cooling units will be located on the roof to reduce noise. The representative from North Suburban Eye Specialists asked about the possible skyway and how it would impact traffic, the increase of traffic on Blackfoot Street and she believed that there should be no flexibility regarding the parking requirements. The skyway will be designed with a clear span over Coon Rapids Boulevard and would not impact traffic and traffic on Blackfoot would access Coon Rapids Boulevard at a signalized intersection.

The Commission voted 6:0 to recommend approval of the proposed site plan. As part of their deliberation they discussed the requests for design flexibility and agreed that it is appropriate for this project. They stated that they believed the building was well designed and attractive. They discussed the proposed three freestanding signs and indicated that all signage is subject to separate sign permits and would have to comply with the sign ordinance.

Mayor Howe questioned if the holding pond would be screened. Planner Harlicker stated the pond would be well screened by the applicant.

Councilmember Koch asked if the water retention ponds would be wet or dry. Planner Harlicker indicated the ponds were engineered to generally be dry.

**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON,
TO APPROVE THE PROPOSED SITE PLAN WITH THE FOLLOWING CONDITIONS:**

1. COMPLIANCE WITH TITLE 11, LAND DEVELOPMENT REGULATIONS.
2. A SITTING AREA THAT INCLUDES BENCHES AND TRASH RECEPTACLES BE PROVIDED AT THE ENTRANCE.
3. THE CITY IS OFFERING DESIGN FLEXIBILITY TO THE PARKING REQUIREMENTS, THE FLOOR TO AREA RATIO, AND ALLOWING THE PRINCIPLE BUILDING TO FACE BLACKFOOT STREET.
4. A BIKE RACK MUST BE ADDED NEAR THE ENTRANCE OF THE BUILDING.
5. EXTRA EVERGREEN SCREENING ON THE WEST SIDE OF THE BUILDING WILL BE REQUIRED IF THE VAULTS ARE NOT CONSTRUCTED.

6. THE APPLICANT ENTER INTO A SECURITY AGREEMENT WITH THE CITY PRIOR TO ISSUING THE BUILDING PERMIT.
7. THE APPLICANT RECORD A LOT COMBINATION FORM.

Councilmember Schulte said he was pleased with the new development coming to the City and Port Wellness.

Councilmember Johnson agreed stating this was a great project.

THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER RESOLUTION 12-88 APPOINTING AN ACTING CITY MANAGER

Assistant City Manager Stemwedel presented a memorandum to Council stating at the July 23rd Special Meeting, the City Council appointed Steve Gatlin, Public Services Director, as Acting City Manager. The resolution memorializes that appointment and provides additional compensation for the duties Mr. Gatlin will perform as Acting City Manager.

The City Council accepted the resignation of the City Manager on July 23, 2012 and appointed Steve Gatlin as Acting City Manager at that time. Mr. Gatlin has agreed to serve as Acting City Manager until a new City Manager can be hired. The City has begun the process to hire a City Manager, but it is anticipated that this process will take four to six months to complete. Therefore, it is appropriate to provide Mr. Gatlin with additional compensation as he will assume many of the duties of the City Manager for a significant period of time. The additional compensation provided by the resolution will cease on the new City Manager's first day of employment.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 12-88(A) APPOINTING STEVE GATLIN AS ACTING CITY MANAGER. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

13. RESPONSE TO GRAFFITI CONCERNS

Police Chief Wise presented a memorandum to Council addressing the concerns over recent repeated incidents of graffiti vandalism on the west side of Coon Rapids and was interested in an update on what the police department was doing to combat the problem.

Graffiti is serious and must be addressed immediately as once started, it tends to grow rapidly. The department's gang expert has been able to determine the tagging along the west side of town has no

known gang affiliation. From an investigative standpoint this is both good and bad news. Good in that it is not indicative of gang activity, bad in that the tags themselves do not tend to reveal the identity of an individual or a group. This type of vandalism is notoriously difficult to stop because it is usually committed under the cover of darkness and takes only moments to commit.

Extra patrols have been and will continue to be in the area while the case is under investigation. Our assigned detective has been working directly with staff of the affected property owners to ensure timely cleanup. We encourage citizens to call 911 to report suspicious activity and fresh vandalism. By making a 911 call, an officer has the opportunity to interview the reporting party as to what they may have seen and also has the opportunity to potentially gather evidence that may have been left behind. Officers also photograph the markings prior to any repair so that once a suspect is identified all of the damage can be linked.

Councilmember Schulte thanked Police Chief Wise for addressing this issue.

Councilmember Klint stated the Ponds at Shenandoah were becoming a concern and requested staff address the maintenance.

Mayor Howe agreed stating one pond was retaining water, the middle pond was covered with algae while the third was overgrown with grass. He encouraged staff to continue screening the ponds.

Councilmember Klint thanked the Fire Department for attending several Night to Unite parties on Tuesday, August 7, 2012.

Mayor Howe also thanked all who hosted events in the City for Night to Unite. He indicated he attended several events with Police Chief Wise.

Police Chief Wise explained there were 104 Night to Unite events registered with the City this year.

Councilmember Koch noted August 9, 2012 would be the last Live at the Dam Summer Concert.

Mayor Howe indicated on Friday, August 10, 2012 Movies in the Park would take place at Sand Creek Park with the movie beginning at 8:30 p.m. He noted this was a great family event and encouraged all to attend.

Mayor Howe commented County Road 14 and the new bridge was now open. He stated the City would continue to work on the trail and sidewalk. He appreciated all who worked on the project and thanked the residents being patient.

ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KOCH,
TO ADJOURN THE MEETING AT 8:43 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk