

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
September 24, 2013**

CALL TO ORDER

Chair Solomonson called the September 24, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson, Commissioners Proud, Schumer, Thompson and Wenner.

Commissioners Ferrington and McCool were absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Wenner, seconded by Commissioner Schumer to approve the September 24, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the August 27, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Proud)

REPORT ON CITY COUNCIL ACTIONS:

Presentation by City Planner Kathleen Castle

The City Council did approve the Midland Terrace site and building plan. A condition included in the Development Agreement encourages the developer to apply for a PUD and create a Master Plan for the site at the time another land use application is submitted.

NEW BUSINESS

MINOR SUBDIVISION/VARIANCE

FILE NO.: **2495-13-22**
APPLICANT: **LOUISE OSTERGREN/KEVIN & SARA OUSDIGIAN**
LOCATION: **5107 ALAMEDA STREET**

Presentation by City Planner Kathleen Castle

The applicants propose to subdivide the property into two parcels. The single family home on one parcel would be kept; the second vacant parcel would be developed as single-family residential. Two variances are requested with this application--one to reduce the minimum lot width of both parcels. The second is to reduce the required structure setback from the front property line for the vacant parcel, Parcel B.

Currently, the site is developed with a single-family home and detached garage. The property is surrounded by single-family homes on the north, west and south. To the east is Turtle Lake. The lot width of the two parcels combined is 172 feet. The minimum requirement for lot width in the Shoreland District is 100 feet, hence the request for a variance. Drainage and utility easements would be required along the property lines. City sewer and water is available to both parcels. The lots comply with the minimum lot area and depth required but not width. Tree impacts would be determined with a future building permit application.

The application shows a lot width of 93.49 feet for Parcel A and 78.69 feet for Parcel B. The lot size is 1.5 acres, and staff believes the lot is large enough to support a minor subdivision. Neighboring lots range from 50 feet to 100 feet with an average of 66.3 feet. Both parcels exceed the average and will not alter the character of the neighborhood.

The proposal includes a variance request to reduce the front property line setback from the required 145.79 feet to 120 feet in order to create a building pad that fits the topography. The depth of the building pad when the code standards are applied varies from 45 feet to 90 feet because of an inlet on the adjoining parcel to the south which impacts the ordinary high setback. The houses to the north are aligned with the lake. Houses to the south are on smaller lots and aligned with the street.

Property owners within 350 feet were notified of the application. Responses were received both in support and opposition to the subdivision. Staff finds that the proposed parcels are consistent with the neighborhood development pattern with sufficient area and width. Practical difficulty is present with the lot area, width and neighborhood character. The subdivision supports City policies to provide additional new housing opportunities. Staff is recommending approval of the variance and minor subdivision subject to the conditions listed in the staff report. Staff further recommends that the front lot setback variance for Parcel B be tabled, as it is premature absent a building application.

Commissioner Proud asked if there would be any jeopardy to the neighborhood or City if the Commission takes action on the lot width variance but not the Parcel B front setback variance. Ms. Castle stated she believes there is sufficient space for the development proposed. She noted adjustments that need to be made to an existing porch in order to comply.

Mr. Kevin Ousdigian, Applicant, showed a graph of lot widths north and south of the subject property. Eight lots are 60 feet or less in width. The two parcels he proposes would fit better in the neighborhood than the one large lot now there. He thanked staff for all their work. He concurs with the staff findings including tabling the setback variance request for Parcel B. He

does not believe there would be jeopardy in approving what is before the Commission without the setback variance for Parcel B.

Commissioner Schumer noted the letter from the Fire Marshall and asked how the driveways would be handled. **Mr. Ousdigian** responded that the driveway could be shared, but he does not believe it is necessary. He would be open to the Commission's feedback. Parcel A is rather flat, but Parcel B is hilly. He showed a logical placement for the garage with the shared driveway that would reduce impervious surface. The Fire Marshall would approve it as long as the driveway is clearly marked.

Chair Solomonson opened the discussion to public comment.

Ms. Diane Napier, 5901 Alameda Street, stated that she lives next door to the proposed Parcel B. She read a letter submitted to the City indicating her opposition to the proposal and requesting her letter be placed in the public record. The letter is here summarized. The lot at 5107 has existed as it is for 60 years. That configuration should be honored. She has lived in Shoreview 57 years. The City should honor preferences of long-standing residents, not the requests of those wanting to come in and upset the neighborhood. The zoning regulations should be adhered to and not broken. Variances are granted for hardship of which there is none on this property. It will change sunlight and shade on her property. The change will adversely impact her property value.

Mr. Jerry Weiskoff, 5100 Alameda Street, read a letter he submitted to the City in opposition to the proposal. In summary, Alameda is 20 feet wide with too many cars and delivery trucks. There is no sidewalk but many pedestrians and bikers. This subdivision would add more cars. Turtle Lake is already too populated. The boat launch only accommodates 22 spaces for boat trailers because the County did not want to allow any more boats on the lake. He purchased his property across the street from the subject property having been satisfied through the Building Inspector that 5107 would not be subdivided because it would create two substandard lots. The existing substandard lots were platted many years ago. The subdivision is only to financially benefit the purchaser of the property.

Ms. Tury Brosi, 5088 Alameda Street, read a letter summarized as follows: the development of lakeshore property should not create crowded lots that do not meet minimum requirements. The variance for lot width is not negligible. Increased traffic and construction will detract from the now attractive street. She would like to understand the reasoning for consideration of the variances.

Commissioner Proud stated that he believes the two parcels could work, but he is hesitant to approve a variance based on a condition created by the applicant.

Chair Solomonson stated that Parcel B looks to be a difficult lot to build on and asked what a building pad would look like. Ms. Castle referred the Commission to a survey that shows the proposed setbacks. The red lines show the setbacks as required by code, and the resulting building pad which ranges from 45 feet to the south to 90 feet on the north.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the minor subdivision application as it has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards, except for the proposed lot widths. The Commission believes that variance request for lot widths are reasonable, in keeping with the spirit and intent of the Development Code, and that practical difficulty exists due to the existing 173-foot width of the parcel. The motion adopts Resolution 13-85 approving the variance to the lot widths, and recommends approval of the minor subdivision to the City Council.

And to table the variance request for the Parcel B structure setback, and extend review period to 120-days to provide the applicant opportunity to develop a building plan.

The approvals are subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City endorses the deed to create Parcel B. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director, including a conveyance expanding to the existing sanitary easement to fully encompass the City's sewer interest. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Municipal water and sanitary sewer service shall be provided to Parcel B. Payment in lieu of assessments for City water availability to the new lot in the amount of \$4,325 for the Water Unit and \$1,209 for the street unit. The cost of connection and SAC fees, together with permit charges, will be due with the building permit.
6. An escrow for the work to connect to the existing city sewer will be required in the amount of \$3,000.
7. Driveways and all other work within the Alameda Street right-of-way are subject to the permitting authority of the City of Shoreview.
8. The existing screened porch shall be modified to meet setback requirements prior to the City endorsing the Deed for Parcel B.
9. The garage shall be removed prior to the City endorsing the Deed for Parcel B or a financial surety submitted to the City to ensure removal.
10. A tree protection plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
11. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.

12. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
13. A Mitigation Affidavit is required for both parcels. For Parcel A, this Affidavit shall be executed prior to the City's release of the deed for recording. For Parcel B, this Affidavit shall be required with the Residential Design Review process.
14. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

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Variances

1. The approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

This approval is based on the following findings:

Variance

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The subdivision is a reasonable use of the property as both of the proposed lots comply with and exceed the minimum standards of the Shoreland District, except for the widths of the parcels. With lot areas over the minimum 15,000 square feet, Parcel A is able to maintain the current single family residence and Parcel B has adequate area for a single family residence.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The unique circumstance is that no subdivision of the large 1.5 acre property is possible unless a variance is approved because of the lot width requirements. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern, relationship to the adjacent properties, and character of the neighborhood.
3. *The variance will not alter the essential character of the neighborhood.* In this neighborhood, other riparian parcels have a similar development pattern, with lot sizes ranging from 50 to 100 feet, with an average of 66.3 feet. The two parcels created by this subdivision will result in lot widths greater than the average for the neighborhood and should not alter the character of the neighborhood.

Minor Subdivision

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the Shoreland District.

Discussion:

Commissioner Schumer stated that while he would like to honor long-time residents, this lot is bigger than any other in this lake neighborhood. He believes the proposal has done a good job of subdivision and won't hurt the neighborhood. The City also wants to welcome people in.

Chair Solomonson stated that it is difficult with lake lots that were often started with small cabins and become substandard under current regulations. The lots north and south are substandard and the two lots being created are bigger. The building pad for the proposed Parcel B provides a suitable area for a house.

VOTE: Ayes - 4 Nays - 1 (Proud)

RESIDENTIAL DESIGN REVIEW

FILE NO.: **2498-13-25**
APPLICANT: **SUMMIT DESIGN BUILD, LLC/DAREN AND JESSICA WICKUM**
LOCATION: **3200 WEST OWASSO BOULEVARD**

Presentation by City Planner Kathleen Castle

This application is a request to expand and remodel the existing home by removing the garage and building a new garage with basement and second story. The basement footprint is larger than the existing garage. The proposal is also to enclose the lower level deck/porch on the lake side of the home. Such enclosure would not change the setback of the home. An existing rain garden on the west side of the home would be replaced. The property is zoned R1 Detached Residential within the Shoreland Overlay District of Lake Owasso. The property is substandard with a width of 75 feet. It is developed with a new single-family home built in 2006 that consists of two stories with walkout lower level and three-car attached garage. In 2006, a mitigation affidavit was required which identified a requirement to reduce impervious surface lot coverage to 22.3%.

The proposal complies with all Development Code requirements. Impervious surface will be less than 22.3%. Pervious material will be used for a portion of the driveway and sidewalks. Storm water drains west to east, and this pattern will not change.

Property owners within 150 feet of the subject property were notified of the proposal. No comments were received. The DNR was also notified, and there were no comments. Staff is recommending approval with the conditions listed in the staff report.

Mr. Todd Hines, 3189 West Owasso Boulevard, President of Summit Design Build, LLC, stated that he represents the property applicants and would be happy to answer any questions.

Commissioner Wenner noted the size of the addition as large as a gymnasium and asked what assurance the City has that it will not be used as such or for business use. Ms. Castle responded that the addition can be used for any type of single-family residential use.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to approve residential design review application submitted by Summit Design Build, LLC Inc. on behalf of Daren and Jessica Wickum 3200 West Owasso Boulevard, to expand the existing home, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The mitigation affidavit executed on December 6, 2006 shall remain in effect.
4. The erosion control plan that is submitted with the building permit application shall address the erosion control methods, scheduling, staging and removal of stockpiled material associated with the excavation of the basement and other foundation work.
5. The Grading Certificate (as-built survey) required for the project shall confirm that the impervious surface coverage and foundation area were constructed in compliance with this approval.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

The approval is based on the following findings:

1. The proposal is consistent with the Land Use Chapter of the Comprehensive Plan and the Development Code.
2. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE: Ayes - 5 Nays - 0

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2497-13-24
APPLICANT: KASS WILSON ARCHITECTS/STEVEN SCOTT
MANAGEMEN/LAKESHORE OAKS APARTMENTS LLP
LOCATION: 505, 525, 555, 585 AND 605 HARRIET AVENUE

Presentation by Senior Planner Rob Warwick

Site improvements and renovations are proposed for Lakeshore Apartments that include:

- Rain gardens and landscaping
- Removal of tennis courts
- Put in fire pit, grille and outdoor seating

- New trash enclosure
- New monument sign
- New sidewalks and patio
- Replace concrete pool deck and pool fencing
- New entrance canopies for each building
- Remodel corridors, security system, laundries and stairs in each building
- New kitchen cabinets, kitchen appliances, bath fixtures and floor coverings in each of the 240 apartments.

The complex consists of five 3-story buildings with 48 apartments in each building and underground parking provided. The buildings were built in 1970/71. There is also a Community building with office and group space.

The proposal is in compliance with standards of the Development Code. The property is zoned R-3, Multi-Dwelling Residential District, where 8 to 20 units per acre is permitted. The complex also complies with the 65% maximum impervious surface with 43.1%; the 30-foot front, side and rear setbacks; and 35 feet in height for the buildings. Drainage is to the street or north to a drainage swale that flows east. Rain gardens will provide bio-filtration. Proposed landscaping includes more than 30 trees and 175 shrubs and several hundred perennials.

Adjacent Planned Land Uses are Light Industrial to the north and Low Density Residential to the west, south and east with High and Medium Density Residential intermixed. The proposal also supports the City's policies on affordable housing and housing reinvestment. Staff does not believe the proposal would have any negative impact to adjacent planned land uses.

The community building is located on the same tax parcel as the building at 525. The addition of 21 feet will extend the building across the south boundary of the tax parcel at 555. Current building code requires the two parcels remain in communion ownership. The community building will have new siding. The entry canopies for each of the five apartment buildings will be updated, and the secondary building entries will have new glass fronts, doors and fabric canopies.

The Fire Marshall requires the fire pit to be in compliance with a diameter of three feet or less, located a minimum of 25-feet from any structure. The magnetic locks used on laundry doors require testing after installation.

Property owners within 350 feet received notice of the proposal. One response was received expressing concern about construction noise and parking. Construction hours are limited by City Code. Construction parking will be limited to on-site parking. The Environmental Quality Committee reviewed the plans and commented on the added shade trees. They encourage reuse of any salvaged materials. They encouraged added windows for daylight in the community building. The EQC was pleased to note that the reduction in impervious surface and proposed rain gardens would qualify the project for consideration for a Green Community Award.

Staff finds the application to be consistent with City Code and the Comprehensive Plan. It is recommended that the application be forwarded to the City Council for approval.

Commissioner Wenner asked if the parcels could be joined into one rather than the stipulation for common ownership. Mr. Warwick responded that the most recent deed is for a single parcel. The five tax parcels are described by metes and bounds, not a plat. The City encourages a future rezoning to a PUD, a modern zoning standard that would allow multiple buildings per parcel.

Commissioner Thompson asked if any consideration was given to keeping at least one tennis court that children use play games on every day. There is no park directly accessible because of the busy street. The large green area and play court would provide more play flexibility for children.

Mr. Link Wilson, Kaas Wilson Architects, stated that the property is managed and owned by a sophisticated family. He anticipates that in the next six months there will be a conversion to a PUD. One limitation is to keep the site area for renovation to less than an acre. The tennis courts are not used for tennis but other activities. A bocci court will remain. The club house addition will separate office space from recreational use.

Commissioner Wenner asked for further clarification on drainage of runoff from this property. Mr. Warwick stated that the soil is clay, and the runoff is very slow. The rain gardens will have bio-filtration to clean the water with plants. The drain pipe will discharge water beneath a parking lot to insure the surface stays drained. Aeration can be discussed with the applicant. No problems have been identified with drainage.

Commissioner Proud expressed appreciation to the applicant for continued reinvestment in the community.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Site and Building Plan review application submitted Kaas Wilson Architects for the Lakeshore Oaks Apartment complex at 505, 525, 555, 585 and 605 Harriet Avenue.

This approval is subject to the following:

1. This approval permits the construction of a 933 square foot addition to the community center, new building canopies, grading and stormwater management, and other site improvements shown on the submitted plans. These improvements are being made in conjunction with extensive remodeling of all of the apartment units. Any significant change to the plans will require review and approvals by the City Council.
2. Approval of the final grading, drainage, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. Prior to issuance of a building permit, the property owner shall execute an affidavit, in a form approved by the City, requiring that the two tax parcels on which the community

building will be located will remain in common ownership. The executed affidavit shall be submitted to the City along with the County recording fee.

5. The project shall comply with the requirements of the Fire Marshall.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Residential (8-20 units per acre) land use of the Comprehensive Plan.
2. The proposed development complies with the standards identified in the City's Development Code.
3. The proposed improvements meet the spirit and intent of the Comprehensive Plan and the Development Code.

VOTE: Ayes - 5 Nays - 0

MISCELLANEOUS

City Council Assignments

Chair Solomonson and Commissioner Wenner will respectively attend the October 7th and October 21st City Council meetings.

November/December Meeting Date

The regular November and December Planning Commission meetings will be scheduled for one meeting on December 3, 2013.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to adjourn the meeting at 8:32 p.m.

VOTE: Ayes - 5 Nays - 0

ATTEST:

Kathleen Nordine
City Planner