

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
October 15, 2012**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on October 15, 2012.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

Mayor Martin requested that the *Special Order of Business* include a brief discussion on the Council's schedule for November and Hanska Court.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the October 15, 2012 agenda as amended.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mr. Ken Paddock, 4276 Weston Way, stated that he is a member of Citizens for Election Integrity, a nonpartisan group that provides oversight of mandated county audits and vote recounts. He expressed his concern about this year's election amendment, which has many unexplained costs and procedure changes. The fiscal impact is estimated at more than \$32 million to implement. The cost to Ramsey County is estimated at \$1.2 million, which will appear on individual property taxes as a line item. The estimated procedure impact will mean that voters will not know what voter ID is permitted. The amendment will begin a new provisional voting system in Minnesota. When a ballot is cast without proper ID, the individual must present proper ID at a county office within a few days after the election, or the vote will not be counted. Election Day registration will become a thing of the past. Voter ID will identify a person but will not indicate anything about that person. He distributed information to the Council and asked for the Council's support.

Councilmember Wickstrom agreed with Mr. Paddock. She further stated that the electorate is being asked to approve a constitutional amendment without knowing exactly what it is. Anyone who registers on Election Day can only cast a provisional ballot and then appear at City Hall or the County Elections Office. There will be fees and increased costs. Once it is in the Constitution, the legislature will have little discretion to make changes. One big impact is that there is no provision for citizens to vote from overseas. Those without birth certificates will have difficulties obtaining the proper photo ID. There may be issues with the voting system, but she believes there is a better way to address the problems than the proposed amendment.

Mayor Martin encouraged voters to understand this amendment as much as possible. Her concern is the cost issue for Shoreview. City costs for elections are already about \$35,000 to \$40,000. There is information on the Ramsey County website. With increased technology for personal identification, once this amendment is in the Constitution, it will be very difficult to change to benefit from new technology.

Councilmember Quigley stated that as voters elected current legislators, there is some consensus on the part of voters for this amendment. With all of the critical transactions confronting voters and the fact that identification is required for those transactions, it is critical for one of the most important transaction, the vote. There is no substantial concern coming from the military. He also encouraged voters to inform themselves and understand the issue.

Councilmember Huffman also encouraged voters to become informed on this issue.

Councilmember Wickstrom:

There will be an Active Life Fair at the Community Center on November 13, 2012. Health screenings will be available.

COUNCIL COMMENTS

Mayor Martin:

Tuesday, October 16, 2012, will be the last Farmer's Market. It will close at 6:00 p.m.

On Tuesday, October 23, 2012, the library is holding a public focus group to discuss the possibility of expanding the library. The meeting will be at 7:00 p.m. at the Community Center.

On Thursday, October 25, 2012, at 6:00 p.m., at the Community Center, Ecumen will be holding a focus group to discuss what makes a community age friendly.

Councilmember Huffman:

Thank you to Mayor Martin and staff for the successful opening of the Guerin Gas Station.

Councilmember Withhart:

Invited everyone to participate in the Tree Lighting Ceremony at the Community Center to be held on November 19, 2012, at 6:00 p.m. prior to the City Council meeting. Treats will be served.

PUBLIC HEARING**CONDITIONAL USE PERMIT, 5277 HODGSON ROAD, BRAD & ELENA OREN****Presentation by City Planner Kathleen Nordine**

The wrong address was given in the notice for the public hearing before the Planning Commission. Therefore, the public hearing has been noticed for this City Council meeting.

This application is to demolish the existing 1.5 story home and two accessory structures in order to construct a new two-story house with a 4-car attached garage. The house would consist of 2,399 square feet; the garage would be 1,392 square feet. There are four existing accessory structures on the property. Two existing sheds on the north lot line would be removed; the other two, a relocated detached garage and boathouse, would remain.

The property is in the RE 40 zoning district, Real Estate District with minimum area of 40,000 square feet. Attached accessory structures can be 1,000 square feet or 80% of the dwelling foundation area, whichever is more restrictive. The total square feet of accessory structures cannot exceed 90% of the foundation area. The total of 1,891 square feet is 79% of foundation area. The house remains the dominant structure on the property. A conditional use permit allows the accessory structure to be extended.

The proposed house complies with the 30-foot setback from the top of the bluff. The house to the north is in compliance, but the house to the south predates this regulation and sits near the top of the bluff with no setback, which impacts the required minimum setback by 15 feet. The garage is side-loaded and so nearer to the front. The increased side setbacks, 48 feet to the north and 33 feet to the south, reduce any impact of the proposed new house and garage. Both the house and garage are totally screened from Hodgson Road with vegetation. The deep setback from Hodgson makes this home difficult to see. The percentage of accessory structures is under the maximum limit allowed. The application complies with the Development Code standard and conditional use permit criteria.

Property owners within 350 feet were notified. Two comments were made with no concern. A third comment expressed concern about the attached garage and bluff. That issue has been resolved with the applicant agreeing to relocate that garage. Staff recommends the approval of the Conditional Use Permit.

City Attorney Filla stated that the continuation of this public hearing from the Planning Commission is in order.

Mayor Martin opened the public hearing. There were no comments or questions from the public.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to close the public hearing at 7:36 p.m.

VOTE: Ayes - 5 Nays - 0

Councilmember Huffman noted that the Planning Commission voted 7 to 0 to approve this project.

Councilmember Withhart stated that the Planning Commission discussed this proposal extensively that led to improvement to the plan.

Councilmember Wickstrom asked if the citizen comment relating to the wetland buffer was addressed. Ms. Nordine responded that the issue relates to a requested setback variance that was granted by the Planning Commission.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adopt Resolution 12-90, approving the Conditional Use Permit, Accessory Structures for Bradley and Elena Oren, 5277 Hodgson Road. The Conditional Use Permit authorizes 1,891 square feet of total floor area in accessory structures on the 3.9 acre property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. The attached garage shall not exceed 1,293 square feet in size, and the total floor area of all accessory structures shall not exceed 1,891 square feet. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the City Council.
2. This approval will expire after one year if a building permit has not been issued and work commenced.
3. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a building permit shall not be issued by the City prior to issuance of the RCWD permit.
4. The two sheds along the north side lot line shall be removed prior to the issuance of a Certificate of Occupancy by the City.
5. The existing 422 square foot detached garage shall be moved or rebuilt in a conforming location about 475-500 feet from the front lot line and at least 10 feet from the north side lot line. A Detached Accessory Structure Permit - Riparian Lot is required prior to issuance of a building permit by the City.
6. The existing asphalt drive serving the detached garage shall be removed and the area restored.
7. Prior to issuance of a building permit, the applicant shall submit a revised survey showing existing trees and identifying the trees that will be removed and the trees that will be retained. For each Landmark Tree removed, three replacement trees shall be planted. Retained trees shall be protected with protective fencing and a wood chip berm.
8. The accessory structures on the property shall be used for personal use only and no commercial use/commercial related storage is permitted.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. The proposal complies with the standards for a Conditional Use Permit for detached accessory structures on this lot larger than one acre.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

**PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE/REZONING/
PRELIMINARY PLAT - 5618 HEATHER RIDGE COURT, CLYDE & ARLEEN
REHBEIN**

Presentation by City Planner Kathleen Nordine

The property consists of 11.7 acres. This proposal would result in four lots. The existing house sits on a lot of 6.5 acres. Three additional lots would be developed with new single-family homes. The three lots would consist of 1.5, 1.8 and 1.9 acres. Lot widths vary being narrower at the street and widen out at the rear property line. Access to all lots will be from Heather Ridge Court with shared driveways to minimize impact to the wetland areas. Adjacent properties are developed with single-family residents, townhouses and the City of North Oaks. The former St. Paul Water Utility has property to the east.

Rezoning to PUD is requested because development of the proposed lots does not follow a typical residential subdivision pattern due to the configuration of the lots and environmental constraints. The eastern portion of the property is zoned UND (Underdeveloped), which would be rezoned to PUD. The underlying zoning for this PUD will be RE 60, Residential Estate with a minimum lot area of 60,000 square feet per lot. RE lots must have 100 feet in width, and houses must have a front yard setback of 30 to 40 feet from the front property line. A 30-foot rear setback is required and side setbacks must be 15 feet. Lot coverage cannot exceed 15%.

The preliminary plat divides the property into four RE lots. All lots comply with RE lot requirements. The building pads proposed for each lot are setback further than required at a point where each lot exceeds 125 feet in width. Lot depth of each is at least 490 feet. The drainage and utility easements will be dedicated along property lines. Wetland drainage easements have not yet been determined. Easements will be required for private driveways, including a maintenance agreement for the shared driveways. It is proposed that Lots 1 and 2 and Lots 3 and 4 would share a driveway. Each lot will be required to connect to City sewer and water.

The property is located in Policy Development Area #4 (PDA #4) of the Comprehensive Plan. The proposed development is consistent with City policies for this area to maintain low density residential land use and minimum impact to environmental features. The Rice Creek Watershed District (RCWD) must issue a permit for development. The wetland delineation has been submitted to RCWD, but action has not yet been taken. A grading plan will be required. Shared driveways will minimize impact to wetlands. Staff does not believe there will be any adverse impact with this development. There will be a 16.5 foot buffer to existing wetland. The dwelling density is under 4 units per acre. The applicants are willing to enter into a Development Agreement with the City.

The subdivision complies with Preliminary Plat RE 60 standards. Lot areas exceed the minimum 60,000 square feet. Required street frontage is available, and lot widths are in compliance. The City will grant flexibility in return for minimum impact to the environment and wildlife. The applicant is using a larger setback standard to preserve wetland features and minimize development impacts. Setbacks range from 210 to 260 feet.

A tree inventory has been submitted. Loss of trees will be determined when building permits are received. Three replacements per removal of one landmark tree will be required.

Property owners within 350 feet were notified of the proposal. One written and one phone call were received. No concerns were expressed. A neighborhood meeting was held in the summer.

Staff finds that the proposed development is consistent with City land use and housing policies. The proposal meets criteria for rezoning to PUD and for the preliminary plat. Approval is recommended.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to approve the Preliminary Plat, Planned Unit Development - Development Stage, and Rezoning applications submitted by Clyde and Arlene Rehbein for the subdivision of their property at 5618 Heather Ridge Court into four single-family residential lots and to adopt Ordinance No. 899 rezoning the property to Planned Unit Development, subject to the following conditions:

Rezoning

1. This approval rezones the property from UND, Urban Underdeveloped to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is RE (60), Residential Estate, with a minimum lot area of 60,000 square feet.
3. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

Preliminary Plat

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the roadway shall be 10' wide and along the side lot lines these easements shall be 5' wide and as required by the Public Works Director.
3. Private agreements shall be prepared for recording the joint driveway, parking and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development - Development Stage

1. This approval permits the subdivision of the property into four single-family residential lots.
2. The underlying zoning for the PUD is RE (60), Residential Estate with a minimum lot area of 60,000 square feet.
3. Access to Lot 1 is prohibited from Turtle Lake Road. Access to the site shall be provided only via the shared driveways as indicated in the application submittal.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 2, 3 and 4. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.

5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of all wetland areas. Signs marking this buffer area shall be installed to inform future owners that this area is to be protected and not disturbed.
6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 2, 3 and 4.
7. The structure setbacks from the front property line for the planned unit development shall be a minimum of 200 feet and a maximum of 260 feet.
8. No detached accessory structures shall be permitted on Lots 2 and 3 south of the wetland area.
9. 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.
10. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060(C)(6).

This approval is based on the following findings:

- 1.1. That the proposed development is consistent with the policies of the Comprehensive Plan and with the general purpose and intent of the development regulations.
- 1.2. That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
- 1.3. That the applicant is willing to enter into a development agreement as a condition of the rezoning approval.
- 1.4. The proposed deviations permit development that retains the natural features of the property and minimizes development impacts on the adjoining residential and natural land uses.

Councilmember Withhart added “and natural” to the fourth finding.

Councilmember Wickstrom stated that she is pleased to see the requirement for private driveway agreements.

Councilmember Huffman asked the procedure for the driveway agreements. Ms. Nordine explained that the Development Agreement will include language pertaining to the driveway agreements. Agreements are submitted to the City, which the City Attorney reviews. The driveway agreement is part of the Preliminary Plat.

ROLL CALL: Ayes: Quigley, Wickstrom, Withhart, Huffman, Martin
 Nays: None

SPECIAL ORDER OF BUSINESS

Meeting Schedule

It was the consensus of the Council to change the meeting time for the November 13, 2012 workshop meeting to 5:30 p.m. due to the number of items that need to be addressed.

Councilmember Withhart asked how this time change would impact the Economic Development Authority meeting scheduled at 5:00 p.m. that same day. Councilmember Huffman responded that he will talk to Community Development Director Tom Simonson about the EDA meeting time and let EDA Board members know of any changes.

Hanska Court

Mayor Martin reported to the Council that one of the neighbors on Hanska Court was not able to be at the meeting when the street name change was decided. He has requested the issue be revisited and strongly promotes the name be changed to County Road F Court, if it needs to be changed.

After a brief discussion, it was the consensus of the Council to not revisit the issue.

ADJOURNMENT

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adjourn the meeting at 8:00 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 5th DAY OF NOVEMBER 2012.

Terry C. Schwerm
City Manager