

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
April 23, 2013**

**CALL TO ORDER**

Chair Solomonson called the April 23, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioner Ferrington arrived late.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the April 23, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 6 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the March 26, 2013 Planning Commission workshop meeting minutes, as submitted.

VOTE: Ayes - 5 Nays - 0 Abstain - 1 (Thompson)

**REPORT ON CITY COUNCIL ACTIONS:**

City Planner Kathleen Nordine reported that the City Council has approved the following, as recommended by the Planning Commission:

- Conditional Use Permit for Jeffrey and Margaret Vest to expand a detached garage
- Minor Subdivision for Josh and Joanna Wing
- Comprehensive Sign Plan submitted by Lawrence Sign for the Superamerica station has been amended to comply with City requirements and will not be brought back for Commission review
- A moratorium for message center signs will be imposed for four months, effective May 1, 2013.

Commissioner Ferrington arrived at 7:06 p.m.

## **OLD BUSINESS**

### **PRELIMINARY PLAT/SITE & BUILDING PLAN REVIEW**

**FILE NO.:** 2477-13-04  
**APPLICANT:** ST. ODILIA CHURCH  
**LOCATION:** 3495 VICTORIA STREET NORTH

#### **Presentation by Senior Planner Rob Warwick**

The church campus consists of 20 acres. Uses on the property include the church, a school, a hospice, priests' residence, and administration building. The first application is to plat the property into five lots and this will integrate the property acquired from the Crosier Fathers. Lot 5 consists of 2.15 acres on the west side of the campus. The second application is to consider a proposed prayer garden, columbarium and cemetery on Lot 5, which abuts Vivian Avenue.

The property is located in R1 Detached Residential zoning district. Public and quasi-public uses are allowed in the R1 District under the Site & Building Plan Review process. The land use identified in the Comprehensive Plan is Institutional.

Chair Solomonson called a brief break to bring more chairs into the chambers. He then reconvened the meeting.

This matter was considered at the March 26, 2013, Planning Commission meeting. The public hearing was held, and the Commission tabled the application to allow the applicant to revise the plans and also extended the review period to 120 days.

The proposal will be developed in phases. The first phase will be to develop the south section with gardens and walkways that connect to the columbarium wall and other memorial features. The master plan shows 48 traditional grave sites and 1850 columbarium niches. The First Phase will include one columbarium wall with 96 niches. The north section will be landscaped during the First Phase. A total of 258 traditional grave sites and 1,100 columbarium niches with a rain garden to manage storm water are shown in the north section. The rate of development will depend on demand. It is anticipated that community need will be met for the next 100 years.

During the public hearing at the March meeting, concerns were expressed about: 1) the proximity of the cemetery to Island Lake School and St. Odilia athletic field; 2) increased traffic on Vivian Avenue; 3) view of the cemetery from traffic eastbound on Harriet Avenue; 4) noise; 5) negative impact on property values; and 6) environmental concerns.

#### **Applicant Statement**

In response, the applicant states that meetings have been held with Mounds View School District staff. Regarding noise and sight lines, the revised plan improves screening of the north section, and the applicant agrees that gun salutes are not appropriate during school hours. The church

will define acceptable grave site procedures in operating rules. The markers will be flush at-grade stones. Memorials will be limited to a short period after burial, Memorial Day, Easter, Christmas and the anniversary of death.

The revised landscaping adds trees along the north boundary with Island Lake School. Additional deciduous trees will help screen the columbarium. Ornamental trees will be planted throughout the north section to break up the open expanse.

In 2012, there were 60 funerals at the church. Mourners arrive individually and leave in procession via Victoria. The access drive off Vivian will be gated during school hours. Future funerals are expected to result in interment in the church cemetery. Mourners will park in the church parking lot and depart by Victoria. Operating rules will be adopted to address memorials, traffic, parking, gun salutes flush markers and in-ground buried containers for traditional burials.

The applicant does not believe there is a need for a fence between the site and the athletic field. The church owns, manages and maintains the athletic field. In their experience, errant balls do not roll down the hill due to the distance, trees, and the batting cage.

The applicant states that there has been no research that identifies pollution from cemeteries in Minnesota. The State of Minnesota does not require the use of any type of in-ground container, but the church will follow best practices defined by the MN Catholic Conference of Bishops and will require use of in-ground containers for all traditional burials.

Staff finds that the preliminary plat does comply with City Code, except for Lot 2, which has no frontage on a public road. It is a legal nonconforming lot, which staff believes can continue. The proposed use will not conflict or impede uses of nearby property. The proposed use is allowed in Public or Quasi-public uses. The added landscaping mitigates the view concerns. Operating rules will address noise, traffic and environmental impacts.

Property owners within 350 feet were notified as well as those who attended the last Planning Commission meeting or submitted a comment. Most comments were in opposition of the project.

The proposed use is consistent with the Institutional land use designation and will not impede or impact nearby land uses. Impacts are mitigated through the design and the implementation of the operating rules. Staff recommends again taking public testimony and forwarding a recommendation to the City Council. Staff recommends approval with the conditions attached in the staff report.

Commissioner Ferrington asked if any one of the five lots created by the plat could be sold separately. Mr. Warwick answered that once the plat is recorded; there would be no further requirement prior to selling one of the lots. Ms. Nordine noted condition No. 9 that requires a PUD, which is a public review process should anyone lot be sold.

Commissioner McCool asked if the operating rules are a condition of obtaining a grading permit. Once the grading permit is pulled, the project moves forward as there is no building permit. Mr. Warwick stated that there will be a development agreement required between the developer and the City.

Commissioner Proud asked if the City would have any legal authority to address a violation of the operating rules. City Attorney Filla answered that the City would have authority to enforce them. They will be contractual.

Commissioner Proud asked how people will be protected from open excavated graves. Mr. Warwick stated that the operating rules will cover opening and closing graves. Commissioner Proud further asked if there will be architectural compatibility with additions to the columbarium, as expansion takes place over time. He would like to add a requirement that states expansion will use the same or similar materials.

Commissioner Proud stated that the specifications regarding burial vaults from the applicant are the requirements of the church. He would have liked to see legal specifications.

Commissioner Ferrington asked about studies regarding property values. Mr. Warwick responded that staff talked to appraisers, read articles and the consensus from experts is that values depend on many specific variables.

Commissioner Wenner noted that property adjacent to Incarnation cemetery on County Road J in Lino Lakes has recently been developed with condominiums and executive homes, which would indicate an increase in value. That might be the closest comparable.

**Father Phil Rask**, St. Odilia Parish, stated that the church requires that whoever is buried in the cemetery must be affiliated with the parish. This means it will be a parish cemetery. Approximately 1200 households of the parish are Shoreview residents, which will make it a community cemetery also. There will be few full-body burials because 62% are cremations now.

**Ms. Jean Schaaf**, introduced Bill Sanders, Landscape Architect; Lynn Schriver-Scheedy, Chair of Prayer Garden Planning Committee who can answer specific questions. The land use is appropriate according to the Comprehensive Plan and zoning.

Commissioner McCool asked how the cemetery will be maintained in terms of memorials. **Ms. Schaaf** stated that there will be a cemetery association to define the operating rules. The church will be responsible to maintain the property and will want to keep it sightly.

Commissioner Ferrington noted that the most concern is with in-ground graves and asked why they are included. **Ms. Schaaf** stated that the total number of graves is 306, which is a small number considering there are 3200 parishioners being served. The church's mission is to offer burial service for its members.

**Mr. Sanders**, Landscape Architect, stated that the Archdiocese requires opportunities for cremation and traditional in-ground graves. The plan includes evergreens and deciduous trees

and rain gardens throughout the site with increased landscaping in the first phase in response to the school. As the cemetery develops, it is expected that memorial trees will be donated and planted in the cemetery. The church has agreed to no upright memorials and good control for flowers and temporary memorials. In response to the question about architectural compatibility, he stated that two companies making columbariums are in St. Cloud and Crookston. There is a lot of granite in Minnesota, and he does not have great concern about continuity. There may be small differences in the granite as it is mined.

Commissioner Proud asked if the in-ground graves are needed, or just wanted. **Father Rask** responded that when the first proposal was presented to the Archdiocese with only cremation offered, he was informed that all Catholic churches in the Minnesota are required to offer both cremation and in-ground burial. As body burials are becoming less frequent, he does not believe that will be the main use of the property.

Commissioner McCool asked if all perimeter landscaped trees will be planted with the first phase. **Mr. Sanders** stated that most of the trees on Vivian Avenue and the school side will be planted in the first phase. There will be adequate room for memorial trees to be planted in aisles, and roots will not interfere with the graves.

Commissioner Schumer asked the timing for digging graves to be used. **Ms. Lynn Schriver-Sheedy**, 3485 Oak Creek Drive West, Vadnais Heights, stated that she is a Funeral Director. In her experience, grave diggers dig the grave on the day of the funeral or the day before. The area is always secured with planks.

Commissioner Ferrington asked how feasible it will be for elderly people to walk from the church to the grave site because of the steep hill rather than driving and using the access off Vivian. **Mr. Sanders** stated that the main parking will be on the church. The walkways will be built to accessible standards and accommodation will be made for those who cannot walk.

Commissioner Thompson asked if the 306 number of burial sites is absolute or if there is flexibility. **Mr. Sanders** stated that the sites are adequately set back and buffered. **Ms. Schaaf** stated that the 306 may not be used, but that is the plan being requested for approval. Chair Solomonson opened the meeting to public comment.

**Mr. Tim Dwyer**, 5755 Pond Drive, stated that he and his wife support St. Odilia's plan and the opportunity to remain for eternity in Shoreview where they have lived most of their lives.

**Ms. Joan Bauer**, 3353 Victoria St. N., stated that she and her husband have served on the committee for the columbarium and would like to be buried there. It is to be a prayer garden for quiet and contemplation.

**Mr. John Mushel**, 3444 Vivian Avenue, stated that his two concerns of screening and gun salutes during school hours have been addressed. Another concern is the environmental impact. He requested that Commissioner Proud's concerns be satisfied because he does understand potential environmental impacts.

**Mr. Chiou**, 1037 Cottage Place, stated that he is a professional chemist and did some research on caskets and found that the requirement used by the Catholic church is not waterproof. Federal regulations stated that no one is forced to buy a certain type of casket. If there are 60 burials a year and 10% are in-ground burials, that is 6. In 50 years, there would be 300 graves, not 100 years. He questioned the reason for using deciduous trees to screen the columbarium because when they lose their leaves, the screening will be gone.

**Mr. James Van Guilder**, 984 Board Walk Court, stated that he supports the church plans. He and his wife are waiting for this decision for his daughter's burial. After use of the 306 graves, no further in-ground burials could be added. The columbarium can be expanded.

**Mr. John Walsh**, 360 Oak Crest Lane, Roseville, stated that St. Odilia's is a community church. Worship includes the people, those who have gone before, the angels and saints in heaven. A great way to symbolize the fact those before us are still a part of us is to have burials on the premises.

**Mr. Tom O'Dea**, 925 Arbogast, expressed concern about water runoff and snow melt. His neighbors on Arbogast near Vivian have water problems. Nothing draws down property values like water problems in the basement. He would like an answer to the impact of this project on this neighborhood.

**Mr. Laurie Olson**, 1065 Nelson Drive, stated that her mother chose cremation in hopes she could be buried at St. Odilia's where her whole family goes to church. She is also a licensed real estate agent and understands concerns about property values. She has searched to find an answer. It has not been studied widely, but what she has been able to find is that there are no negative impacts on property values. It is planned as a beautiful enhancement for the community.

**Mr. Kent Olson**, 3468 Nancy Place, stated that he appreciates the changes that have been made in the plan. There are several months when deciduous trees do not screen and can there be evergreens planted among them to help screening? Also, there is quite a grade change from Vivian to the church parking lot and what do the in-ground burial sites look like with that topography?

**Ms. Beth Peterson, 878 Cannon Avenue**, echoed the same concern with topography and effectiveness of screening. Her other concern is increased traffic in the neighborhood. Traffic on Cannon is heavy on weekends when there are church services. Cars go between 30 mph and 40 mph on Cannon to the Vivian intersection, which is a safety issue for children. Many use Canon as a through street.

**Ms. Jean Chastain**, 3430 Chatsworth, stated that her concern is drainage. With the snow melt, there is a big mess at the bottom of the hill today. Putting in in-ground vaults will decrease drainage capacity, which will be a very negative impact to the property at the bottom of the hill. That property sits on the line of two watershed districts--Ramsey-Washington Metro Watershed District and Rice Creek Watershed District. In a drought last summer the sidewalk in that area

was mushy and green. This change in land use on the north portion with the hill will be a drainage issue. Property exceeding one acre should be reviewed by the watershed district. She contacted the Ramsey-Washington Metro Watershed District and was told that only preliminary discussions had taken place regarding this plan, and existing drainage issues had not been discussed.

**Ms. Mary Ann Hennen**, 4324 Vivian, stated that her children attended St. Odilia's and she has been continually impressed with the number of services that are offered to the community. St. Odilia being a model from birth to death is an impressive feat for the community, and she would like to see it supported.

**Mr. Steve Petersen**, 3516 Nancy Place, stated that his main concern is the view of the cemetery. The hill is very steep, and water streams down from the Island Lake playground. The landscaping will not visually cover or hide the cemetery. Deciduous trees only have leaves for six months of the year. The neighborhood is accessed by Harriet Avenue, and the view will be seen. Regarding the cemetery on County Road J, it was there before development. People had a choice. This neighborhood does not have a choice. The operating rules will not mask the hodgepodge of what will exist on that site. The church does not consider the religion of others in the neighborhood. There are people of other religions that require believers to live a certain distance from cemeteries. They have said they will move. The church has never addressed that. There will be people who will not buy his house because it will be next to a cemetery, which will impact its value. The church has not presented other options. The church owns a piece of land on the other side of Victoria that is flat and would be perfect for a cemetery. Overall, it is not a good idea for a church to put a cemetery into an existing neighborhood.

**Ms. Theresa Chirhart**, 5650 Turtle Lake Road, stated that cemeteries are a part of life. It is nice to have one in the community that one can affiliate with. She appreciates how people decorate graves and remember relatives. It is important and does not have to be hidden from life.

**Ms. Kay O'Dea**, 925 Arbogast Street, expressed her appreciation for Mr. Chen's presentation. As a former teacher, she is concerned about children on swings at recess and a funeral procession nearby. The neighborhood meeting was divisive. That is not what is preached at St. Odilia, and she asked for consideration to bring the neighborhood together in unity.

**Mr. Dave Olson**, 3740 Brunet Court, Vadnais Heights, stated that he supports this proposal. The City is very modern to allow this type of discussion and debate and is a good thing. A cemetery is a resting place and a beautiful concept. Traffic would be no more and no less. Drainage is an issue, and studies are needed on that issue. To make a cemetery with the landscaping planned would help with water quality and drainage. One thing that definitely impacts property value is green space. Once cemetery it will always be green space. Building development also impacts property values. A beautiful, open dignified green space will not impact property value. It is true that some in some cultures, people do not live near cemeteries. However, the greater good needs to be considered. He supports this proposal.

**Chris Podobinski**, 3441 Vivian Avenue, stated that it is her hope that this is a good way to take care of the water issue draining from the school. Her concern is traffic at the apartment complex on Victoria. That is where there will be traffic.

**Mr. Greg Barilla**, 625 Harriet Avenue, stated that now trees are falling down on this property and the pond is not desirable. With this added attention, he believes the place will be more peaceful and beautiful. He supports the project.

**Mr. Jay Li**, 3504 Richmond Avenue, stated that in an internet survey 29 of 30 people replied negatively to buying a house next to a cemetery. That is not scientific, but those attitudes will influence house prices. Children are quite sensitive and influenced by movies to believe in ghosts in cemeteries. The playground is so close to the proposed cemetery that he will not be able to bring his children there to play.

**Ms. Agnes Walsh**, 360 Oak Crest Lane, Roseville, stated that children learn what they are taught about death and dying. About 15 or 16 years ago, a daycare was put in with senior living, so that elderly and children would be together. How they are taught and how we react to death is what is important. As she and her husband have no children, it would be very comforting to know they will be buried in their community which has become their family.

**Mr. Tim Helmsman**, Roseville, stated that he would like to be buried in this cemetery. He believes the water problem is important, and there are very smart people working on this project that will address that. This will be a modern cemetery with no scary grave markers. It will not be intimidating. He supports this proposal.

**Mr. Dave Olson** stated that the largest obstacle to cemeteries is land development and cost of land. This is the ultimate situation, as St. Odilia's already owns the land. There is no cost to the community.

**Mr. Sanders** stated that an engineer has been hired to address water management on the site. The City requires that runoff cannot increase from what now occurs. The plan actually reduces runoff with rain gardens on the upper and lower portions of the site. It is not unusual for cemeteries to be located on hillsides. It has been determined that the site is suited for the proposal. Regarding the comments on deciduous trees, they would be willing to put in coniferous trees and work with staff on that issue.

### **Commission Discussion**

Commissioner McCool asked if other alternative sites on St. Odilia property were considered.

**Ms. Schaaf** stated that the land on the east side is next to the church and is planned for future building expansion.

Commissioner Proud asked if the surface water study took into account the proposed development configuration. Further, he asked if a computerized view at different times of the year could be provided so people can visualize how the development will look. **Mr. Sanders** stated that the engineer had the complete plans when the water management study was done. He

said that providing a view of the proposal is possible. **Ms. Schaaf** added that Glen Haven in Crystal has a similar landscape and green space with flush grave markers. The city has invested near the cemetery to build a community center.

Commissioner Wenner asked for further explanation of traffic patterns in the neighborhood and how school traffic will be impacted. Mr. Warwick stated that there is no traffic counts for local streets, including Vivian. The typical funeral attracts significantly less vehicles than the school or church on weekends. **Ms. Schaaf** stated that school drop off and pickup times for St. Odilia and Island Lake School are close to the same, and funerals are not planned at those times. St. Odilia tends not to generate traffic on Vivian.

Commissioner Ferrington asked if the watershed district has determined whether an environmental impact statement is needed, and what would be involved? Mr. Warwick responded that the City has contacted Ramsey-Washington, and their staff advised that a permit was not required. With the comments heard tonight, staff will double check on that issue. The plan has been reviewed by the City Engineer and determined to comply with City requirements. The plan will result in a reduction of runoff. Any runoff that comes from Island Lake playground would not have been considered in the study. Such runoff would be considered a historic pattern across St. Odilia's, and would be allowed to continue.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Wenner to recommend the City Council approve the Preliminary Plat and Site and Building Plan review applications for St. Odilia, 3495 Victoria Street North, for development of a prayer garden, columbarium and cemetery, subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire one year if the final plat has not been approved by the City Council.
3. The cemetery shall be developed in accordance with the approved Master Plan. St. Odilia shall notify the City after completion of Phase 1. Subsequent development phases shall be administratively approved provided the phase is in conformance with the Master Plan.
4. The cemetery shall be developed and operated in accordance with Minnesota Statutes.
5. No crematorium or mausoleum is proposed or permitted in this development.
6. The applicant shall develop operating rules for the cemetery that are in compliance with the Shoreview Municipal Code and other applicable laws. These rules include provisions that:
  - a. Require funeral attendees to use Victoria St. to access the cemetery, and to prohibit parking on Vivian for any funeral services or burials.
  - b. Allow the display of grave memorials only for limited duration after burial and specified holidays only.
  - c. Restrict ceremonial rifle salutes.

- d. Address noise generated by funeral services (music, use of speakers or microphones, etc.).
  - e. Require use of flush foot stones to mark all grave sites.
  - f. Require the use of in-ground burial containers for all traditional burials.
  - g. Establish hours of operation, specify the times funerals may be held and when site work for burials may occur.
  - h. The operating rules shall be submitted for City review and approval prior to adoption by the cemetery association.
7. The applicant shall obtain a grading permit prior to commencement of any work for the development of the prayer garden/cemetery/building area.
  8. Landscaping shall be maintained in accordance with the approved plans to provide a buffer from the adjoining public school use and mitigate the visual impacts of the cemetery on adjoining land uses.
  9. St. Odilia's is required to submit a Planned Unit Development application prior to a future sale of any of Lots 1 - 5, Block 1, The Catholic Community of St. Odilia.
  10. The Applicant shall enter into a Development Agreement with the City.

This approval is based on the following findings:

- a. The proposed improvement is consistent with the policies of the Comprehensive Plan.
- b. The proposed improvements will not conflict with or impede the planned use of adjoining property.

#### Discussion

Commissioner Proud expressed concern about condition No. 6 because there is no specification for burial containers. He continues to have environmental concerns because of the chronic surface water problem in the area. He would support tabling the matter until further surface water determinations have been made and until a more definitive environmental report is made.

Commissioner Ferrington stated that she likes many things about the proposal, but agrees with Commissioner Proud that there are still some issues to be resolved. It is difficult to develop within a fully developed neighborhood, and there needs to be sensitivity to the people who live there and are impacted. More time is needed to develop the plan more fully.

Commissioner McCool stated that he is satisfied with what has been presented. The City has a land use code that states this use is allowed. The applicant has gone to great lengths with landscaping. The environmental issues is not a concern to him because there are hundreds, if not thousands, of cemeteries in Minnesota. There has yet to be reported a single incident of contamination from a cemetery. It is not fair to the applicant to address something that the Department of Health has not imposed. The engineers and experts have stated that the application is in compliance. The tough part is that residents do not always get a land use developed that they consider desirable.

Commissioner McCool offered a number of amendments:

No. 6.a. to state that funeral vehicle processions are required to use Victoria Street, not pedestrians.

No. 6.c. to add that in no event shall salutes be allowed during school hours.

Add 6.i. that would require use of procedures and protective measures for site burials to make sure public safety is maintained.

No. 10. insert a comma at the end and add, “which development agreement shall incorporate the Operating Rules of the cemetery.”

Commissioner Schumer accepted all of the amendments except the first one. He does not see the need to clarify vehicular traffic from Vivian, as the gate will be closed, which is part of the agreement. Ms. Nordine noted that any policy change stipulated in the agreement would require City approval. Commissioner McCool withdrew that portion of his amendments.

Commissioner Wenner also accepted the same amendments as Commissioner Schumer.

Commissioner Schumer stated that it would be unfair to the applicant to table. They have shown great cooperation in providing responses to concerns, and he is sure they will continue to work with staff. They deserve an up or down vote.

Commissioner Wenner agreed. This applicant has listened to the debate and direction of the Planning Commission and has come back to address those issues. He believes Commissioner Proud’s concern goes beyond state law. The Commission should only require what is required by law.

Chair Solomonson echoed Commissioner McCool’s statements. The plan is well thought out. The prayer garden is very nice. He agreed that the applicant has answered questions from the last meeting, and he favors the proposal.

Commissioner Thompson stated that she is not in favor of the proposal as it stands but agrees that the matter should have a vote. Many of the concerns came from residents who are not members of St. Odilia’s, and she does not believe those concerns have been addressed, mainly the proximity of the in-ground burial sites to two schools.

VOTE ON AMENDED MOTION:

Ayes - 4

Nays - 3 (Ferrington, Proud, Thompson)

**PUBLIC HEARING: TEXT AMENDMENT - RESIDENTIAL SETBACK REGULATIONS**

**FILE NO.: 2433-11-26**  
**APPLICANT: CITY OF SHOREVIEW**  
**LOCATION: CITY WIDE**

**Presentation by City Planner Kathleen Nordine**

The purpose of the proposed text amendment is to provide setback flexibility for single-family residential properties in order to open up additional options for property owners who would like to expand their homes. There are some neighborhoods where smaller front setbacks are used. Some neighborhoods have wider street rights-of-way than others. Expansion can be difficult depending on the location of the home on the property.

The Development Code requires that single-family residential districts (R1, R2 and RE) have a minimum front setback of 30 feet on local and collector streets. The minimum setback on arterial roads is 40 feet. The setback for a house adjacent to homes that exceed the minimum setback is the average of the two adjacent homes plus or minus 10 feet. Some encroachments are permitted, such as a stoop or cantilever.

The proposed amendments would reduce the 30-foot minimum front setback to 25 feet, which would not adversely impact the alignment of homes on the street. If the existing side yard setback is less than the 10 feet required, that setback may be maintained, if there is at least a 5-foot setback and the addition is no taller than one story. One story is defined as a 9-foot ceiling or less.

It is proposed that parcels adjacent to a road with a 60-foot right-of-way may be allowed a 20-foot front setback as long as the structure maintains a 35-foot setback from the road surface.

The Planning Commission has discussed providing more flexibility to homeowners who wish to add on to their property. The proposed amendments are in accordance with the Commission's recommendations. A public hearing was opened at the March 26th meeting and continued to this meeting. Staff is recommending the public hearing be held and send a recommendation for approval to the City Council.

Commissioner McCool noted that the language stated in 209.080 2.A., is stated differently on the next page in 207.050 C.4. Both sections should have the same language. Also, the language in Section 205.082 2.A. should be the same as the section on riparian lots.

Chair Solomonson asked the maximum height outside that would be considered one story with a definition of a 9-foot ceiling. He asked the reason for not measuring from the outside rather than the inside. With a basement and pitched roof, even a one-story home could be a high structure.

Commissioner McCool suggested cutting provision No. 3 and approving the other amendments. Then the Commission can refine the measurement of one-story.

Chair Solomonson agreed and stated he would prefer to use the variance process rather than try to find a definition that works for everyone.

Ms. Nordine stated that the text now states one story with no height definition. Mr. Warwick added that a walkout basement would be considered two stories. These requests do not happen often and mostly on riparian lots. As proposed, an addition would not allow a basement. He suggested staff pull Section No. 3, Section 205.082.2.A.

City Planner Nordine stated that proper notice has been given for this public hearing.

Chair Solomonson opened the public hearing. There were no comments or questions.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to close the public hearing.

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code, pertaining to setbacks in Residential Districts. The amendments relax setback standards for dwellings and are intended to promote reinvestment in the City's housing stock. This motion deletes Section 205.082 A as proposed; Section 205.082 B would become Section 205.082 A; and 209.080 2C ivaa, insert but never less than a minimum of 25 feet.

VOTE: Ayes - 7 Nays - 0

## **MISCELLANEOUS**

### **Moratorium**

City Planner Nordine reported that the City Council has imposed a moratorium on message center signs for a period of four months, effective May 1, 2013. The Council does not want to impede business owners from putting in message center signs and so a short moratorium period. The main concerns are the impact of message center signs on residential properties and any impact to traffic and public safety.

The time frame for addressing this matter in four months would be for the Planning Commission to discuss this matter at its May meeting, act on a proposed amendment in June that would go to the Council in July. Commissioners offered a number of issues and questions for staff to address at the Commission discussion in May:

- Brightness measurement acceptability using industry standards
- Distance from residential
- Possible poll business community/vendors to find out needs and reasons for those needs from businesses
- Size of message center signs near residential
- Define readability or clear view of the message center sign
- Hours of operation

Commissioner Wenner left the meeting at this time.

## **City Council Assignments**

Commissioners Wenner and McCool will respectively attend the May 6th and May 20th City Council meetings:

## **Meetings**

The Planning Commission will hold a second April meeting on April 30, 2013.

Immediately prior to the May 28th regular meeting, the Planning Commission will hold a workshop meeting.

## **ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the meeting at 10:45 p.m.

VOTE:                   Ayes - 6                   Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner