

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

March 1, 2011

CALL TO ORDER

Chair Feldsien called the meeting of the March 1, 2011 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien; Commissioners Ferrington, Proud, Schumer, Solomonson and Wenner.

Commissioner Mons was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to approve the agenda as submitted.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Wenner, seconded Commissioner Ferrington to approve the January 25, 2011 Planning Commission minutes as submitted.

VOTE: Ayes - 6 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Nordine reported that the City Council approved the Development Stage/Preliminary Plat for Lexington Estates Townhouses at Serene Court. One additional condition was added for Lexington Estates to enter into an agreement with the City to comply with City parking regulations. The final plat is scheduled for the March 7, 2011 City Council meeting.

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NEW BUSINESS

RESIDENTIAL DESIGN REVIEW/VARIANCE

FILE NO.: 2411-11-03
APPLICANT: STEVE & JODI HALVORSEN
LOCATION: 3297 OWASSO HEIGHTS ROAD

Presentation by City Planner Kathleen Nordine

This property is a substandard lot due to lot depth. The applicants seek to demolish the existing home and garage to build a new one. The existing home is not in compliance with front setbacks.

The proposal is to build a two-story home with garage. Access is from Owasso Heights Drive. The new home complies with all setback requirements and development standards. A variance is requested to increase the maximum height permitted from 28 feet to 31.9 feet for the east side of the home where 2.5 stories would be visible from the street (Owasso Heights Road), rather than the required 2 stories, as seen from Owasso Heights Drive. The basement has lookout windows on the east side where the height requires a variance. The height is in compliance from the front lot line. A house on a standard lot can have a maximum height of 35 feet. The lot meets the minimum area requirement of 10,000 square feet, although the lot depth is only 100 feet, rather than the required 125 feet.

The applicant states that the topography of the property is unique and presents hardship. The design of the house uses the natural grade of the property. Also a large tree in front of the home will be retained and provide some screening.

Property owners were notified within 150 feet. One letter of support was received and one in opposition with a concern about larger homes on smaller lots. Some concerns were expressed about parking and noise from construction related to another project.

Staff believes hardship is present. As a corner lot, there are additional restrictions on the home and property. Applicants have modified the structure to reduce the height. There are unique circumstances with the west to east slope of the property. Re-grading would be necessary to comply with the height requirement, but there would be negative impacts to the site. It is also beneficial to maintain the mature trees on the property, which the applicants propose to do. Also, the lot orientation is different from the most of the neighborhood with a north/south orientation, not an east/west orientation. Staff believes the proposed home will fit in well and not alter the character of the neighborhood and recommends approval.

Commissioner Ferrington asked for clarification on the difference in the way roof height is measured on standard and substandard lots. Ms. Nordine explained that substandard lots are more sensitive, as they tend to be smaller in area. There is a stricter height requirement with

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measuring to the roof peak, rather than the mid-point of the roof. The difference is an effort to make sure homes on substandard lots will fit into the neighborhood.

Commissioner Wenner asked if any houses in the immediate vicinity that would have their site view changed as a result of this proposal. Ms. Nordine stated that the house to the north will be impacted. Commissioner Wenner asked if there is screening to address that issue. Ms. Nordine stated that the setback requirement is 5 feet, and the proposed setback is 10 feet. Therefore, she would not require additional screening.

Chair Feldsien asked if the garden windows that add the additional height on the east side account for the height difference. Ms. Nordine answered yes, the visible garden windows are approximately 4 feet.

Commissioner Solomonson questioned drainage that appears to drain to the adjacent property to the north. Ms. Nordine stated that she will review drainage again, but she believes runoff will drain to the street.

Chair Feldsien opened the discussion to public comment. There were none.

Chair Feldsien stated that because of the topography on the lot a variance is needed for the height. Otherwise, all setback and other requirements are met.

Commissioner Schumer agreed and stated he has no problem with the proposal.

Commissioner Ferrington expressed her appreciation that some of the height has been reduced where possible. She suggested rain gardens where water drains to the road. It will help drainage and keep lake water clean.

Commissioner Solomonson agreed with other Commissioners. His only concern would be any adverse impact on drainage.

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to approve the residential design review and adopt Resolution 11-11 approving the variance permitting a height of 31.9 feet on the east building elevation. Hardship is present and the proposed project supports the City's housing goals regarding reinvestment and neighborhood preservation. Said approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. 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.

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3. 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.
4. Impervious surface coverage shall not exceed 30% of the lot area as a result of this project.
5. A tree protection plan shall be submitted prior to issuance of a 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.
6. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
7. A final site-grading plan shall be submitted and approved prior to issuance of a building permit. Grading work shall be consistent with the materials submitted for this application.
8. A building permit must be obtained before any construction activity begins.

This approval is based on the following findings:

1. The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance. The proposal is reasonable due to the physical characteristics of the property, including the topographical grade and existing vegetation. The proposal retains the natural grade of the property causing the east side of the structure (facing a side lot line abutting a street) to be taller than the other sides of the home. The lot meets the minimum lot area required and the structure will comply with the required structure setbacks and the 28-foot height requirement from the front property line.
2. The hardship is created by circumstances unique to the property and was not created by the landowner. The natural slope of the property is a unique characteristic and is the basis for hardship. Other circumstances include the mature pine tree and frontage on two public streets. These conditions were not created by the property owner.
3. The variance will not alter the essential character of the neighborhood. The proposed home will not alter the character of the neighborhood. The neighborhood is older, contains a variety of housing styles and is eclectic in character due to its proximity to Lake Owasso.

VOTE: Ayes - 6

Nays - 0

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MINOR SUBDIVISION

FILE NO.: 2411-11-04
APPLICANT: CARL & JANICE JOHNSON
LOCATION: 5277 HODGSON ROAD

Presentation by Senior Planner Rob Warwick

The existing 4-acre property would be divided into two riparian lots for detached single-family residences. The property is located on the east side of Turtle Lake. The existing parcel is 200 feet wide and about 840 feet deep with approximately 3.9 acres above the Ordinary High Water (OHW) mark of Turtle Lake. Currently, there is a 1.5 story house and several detached accessory buildings located on the existing parcel. The topography has a 30-foot bluff overlooking the lake and then slopes very gently to Hodgson Road. There are mature conifers in the northeast corner and along the north side lot line with deciduous trees throughout the remainder of the property.

Existing improvements would be removed with the subdivision with the exception of the boathouse. The proposed new lots will meet Development Code requirements for frontage on a public road and have water and sewer available. The subdivision also meets City development standards of lot area, width and depth. Chapter 4 of the Comprehensive Plan identifies this area as Policy Development Area (PDA) No. 5. This means that the larger neighborhood area has potential for development, redevelopment or need for special considerations during the life of the Comprehensive Plan (10 years). PDA No. 5 is characterized with deep lots with a potential for more intensive development.

The proposed use is consistent with RL (low density residential) Planned Land Use, as stated in the Comprehensive Plan. The proposed subdivision does not alter the existing development pattern oriented to the lake and buffered by Hodgson Road. It would also not interfere with future similar development in adjoining areas.

The applicants state that they would prefer to retain flexibility regarding access to the lots, including an option for a separate driveway access for each lot. Staff believes a shared drive is consistent with the Comprehensive Plan and City policy. Hodgson Road is under the jurisdiction of Ramsey County whose policy is to support shared access where possible to limit the number of driveways off Hodgson Road.

Notices were sent to property owners within 350 feet. Two responses were received, one in support and one in opposition to creating another lake lot. Development is subject to Rice Creek Watershed District permitting requirements. The DNR and Ramsey County Public Works have no requirements. The Lake Johanna Fire Department has indicated that the current access does accommodate emergency vehicles and could be used as a shared drive.

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Staff is recommending that the Planning Commission forward this application to the City Council with a recommendation for approval with the conditions listed in the staff report.

Commissioner Ferrington asked for clarification of subdivision since more than one plan was included with the application materials. Mr. Warwick explained that when large lots are created, the applicant is required by Code to show how the lot could be further subdivided in the future, and so a sketch showing four possible lots was submitted with the application. Also, staff reviewed this application taking into account that this area is identified as PDA by the Comprehensive plan and that subdivision of this parcel and placement of the future houses would not impede any similar future subdivision within the area. The application under consideration is for creation of two lots only, and does not grant any future subdivision rights.

Mr. Carl Johnson, Applicant, 5277 Hodgson Road, stated that the property is for sale. A potential buyer would want to subdivide the property. This application is for pre-approval to subdivide. His first preference would be to sell the property as a whole and developed as one parcel, but such a buyer has not yet been found. He also would like the option of having a separate access for both parcels. He suggested that the proposed motion under No. 3 be changed to state “any” instead of “the” shared driveway plan...”. Under No. 4, “The property owner...” would be changed to “Any property owner if...”. Although shared driveways are encouraged by the county and city, valuation of the properties will be less than with private access. It would also impact valuation of other properties.

Commissioner Proud stated that the existing home with accessory buildings sits on both parcels. He asked if one parcel would be sold with the home. **Mr. Johnson** stated that when sold, there would be the understanding that the existing home and accessory structures would be demolished for a new home.

Chair Feldsien stated that the Planning Commission has to consider the issue of a shared driveway from the overall well being of the City and safety from the County’s standpoint. Limiting access to Hodgson is safer.

Commissioner Solomonson stated asked the length of a shared driveway before it would split off to the separate homes. Mr. Warwick responded that information would be shown and reviewed when a development plan is submitted. At a minimum it would be approximately 20 feet, a car length, and wide enough for emergency vehicle access. Limited access on Hodgson at that location is particularly important because of the pedestrian path on the west side of Hodgson, as well as vehicle traffic. Commissioner Solomonson noted that a shared driveway would not have to be very long before splitting to separate private access.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to recommend to the City Council approval of the minor subdivision application submitted by Carl and Janice Johnson for their property at 5277 Hodgson Road. The approval is subject to the following conditions:

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1. The minor subdivision shall be in accordance with the plans submitted.
2. The removal of the existing house and detached accessory structures, except the boathouse, shall occur prior to the City endorsement of the deeds.
3. Prior to endorsement of deeds by the City, the shared driveway plan shall be submitted, and is subject to review and approval by the Lake Johanna FD Fire Marshall and the Public Works Director.
4. The property owner is required to execute shared driveway easements, as necessary. The driveway easements and maintenance agreements shall be submitted to the City Attorney for review and approval prior to endorsement of the deeds by the City.
5. The applicant shall pay a Public Restoration Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be a maximum of 4% of the fair market value of the property, with credit given for the existing residence.
6. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. 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.
7. Municipal water and sanitary sewer service shall be provided to both resulting lots.
8. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
9. The Development Agreement will specify setback requirements for future dwellings on Parcels A and B.
10. Work in the Hodgson Road right-of-way is subject to the permitting requirements of Ramsey County and all required County permits shall be obtained prior to issuance of any City permits for new dwellings.
11. Construction of new residences is subject to the permitting requirements of the Rice Creek Watershed District (RCWD). Necessary permits from the RCWD shall be secured prior to the issuance of any City permits for the property.
12. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement. Tree protection and replacement plans shall be submitted with applications for building permits for each resulting parcel.
13. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This recommendation for approval of the Minor Subdivision is based on the following findings of fact:

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 standard riparian lots.
3. Municipal water and sanitary sewer service are available for each proposed parcel.

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Discussion:

Commissioner Proud offered an amendment to the motion, to add condition No. 14, that there shall be no sale of parcels A and B to separate owners until the existing dwelling is removed.

City Attorney Filla stated that it is not known who will purchase the property or two parcels, and that Mr. Johnson may continue to own one parcel. Condition No. 2 covers the City's concerns regarding removal of the existing house.

Commissioner Proud withdrew his amendment.

Commissioner Solomonson asked if condition No. 3 requires a shared driveway. City Attorney Filla stated that conditions Nos. 3 and 4 cover the requirement for a shared driveway.

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

Council Meetings

Commissioners Wenner and Solomonson will respectively attend the March 7th and March 21st City Council meetings.

Planning Commission Workshop

It was noted that the Planning Commission held a workshop prior to this regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to adjourn the March 1, 2011, Planning Commission meeting at 8:17 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner