

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
April 22, 2014**

**CALL TO ORDER**

Chair Solomonson called the April 22, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the April 22, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 7 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Thompson, seconded by Commissioner Peterson to approve the March 25, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 5 Nays - 0 Abstain - 2 (Proud, Schumer)

**REPORT ON CITY COUNCIL ACTIONS:**

**Presentation by City Planner Kathleen Castle**

The City Council approved the following applications forwarded by the Planning Commission:

- Site and Building Plan Review for City and County Credit Union, 1001 Red Fox Road;
- Site and Building Plan Review/Comprehensive Sign Plan for Cities Edge Architects, LLC and Forstrom & Torgerson, LLP, for the Hampton Inn at 1000 Gramsie Road;
- Text Amendment for the Housing Code; and
- St. Odilia Church Final Plat for the proposed cemetery.

**NEW BUSINESS**

**PUBLIC HEARING –COMPREHENSIVE PLAN AMENDMENT – SURFACE WATER MANAGEMENT**

**FILE NO: 2524-14-14**  
**APPLICANT: City of Shoreview**

**LOCATION: City Wide**

**Presentation by City Planner Kathleen Castle**

A Comprehensive Plan Amendment is proposed to Chapter 9, *Community Facilities and Services*, Section D, *Surface and Water Management* and also to Chapter 11, *Natural Resources*. The amendments address changes regarding surface water management that have occurred since the plan was adopted in 2008.

Grass Lake Watershed Management Organization was dissolved. Those responsibilities have been taken over by Ramsey/Washington Metro Watershed District (RWMWD) who is the designated local government unit to administer the Wetland Conservation Act for the Vadnais Lake and Grass Lake watershed. References in the Comprehensive Plan have been updated, and maps 9D1 and 9D5 have been amended to reflect this change.

In 2010, the Federal Emergency Management Agency (FEMA) updated flood insurance and revised the flood insurance rate map. The City amended its flood plain ordinance in 2010 to be in compliance. Map 9D7 was updated. Table 9D1 was updated addressing the City's surface water utility fee.

A public hearing notice was published on April 9, 2014. No responses have been received. Staff is recommending the Planning Commission forward for Council approval the changes and updated language regarding surface water management.

Commissioner Ferrington asked for clarification of Map 9D7, whether properties adjacent to lakes shown as dark blue are included in the FEMA map. Mr. Warwick stated that the lakes in dark blue are part of flood zone AE, which is the designation where a base flood elevation has been established. The City has consistently required that homes be built two feet above the flood plain, so that in practically no instance are homes impacted by the updated flood maps. The City reviewed the old (1981) flood map in 2005, and obtained a Letter of Map Revision (LOMR) from FEMA that addressed the relationship between flood areas and development. This LOMR was incorporated into the 2010 maps, and so there was little change to flood hazard areas near residential development.

Commissioner Peterson asked if there are homes that are required to have flood insurance due to the fact that they were allowed to be built at a lower elevation in the past. Mr. Warwick stated that some homes are required to have flood insurance, depending on the policies set by lenders.

Commissioner Proud stated that he has a number of comments and would like a workshop meeting to look at the totality of the Code regarding surface water management, but he would support the proposed motion. Ms. Castle stated that she would prefer to pass only one amendment and would delay passage rather than pass two amendments after further discussion. There are a number of agencies who must sign off on the amendments. This is a public hearing and all comments should be heard.

Commissioner Proud stated that he would be willing to send his comments to staff and leave it to staff to determine if further changes should be made.

City Attorney Kelly stated that the notice of public hearing is in order. With a public hearing, any comment can be taken. Ms. Castle stated that as long as the discussion is specific to surface water management, the public hearing would not have to be re-noticed, if the matter is delayed.

Chair Solomonson opened the public hearing.

Commissioner Ferrington suggested that on page 93D, under Local Government, to insert the year when the GLWMO dissolved and assumption of RWMWD for historical purposes. Secondly, under 9D6, which is a table of planned improvements, the improvements for Lake Wabasso are not included. Ms. Castle stated that the table comes from the Capital Improvements Program. She agreed there has been discussion about improvements for Lake Wabasso, which perhaps needs to be mentioned as a separate paragraph but not included in the table.

Commissioner McCool stated that if more substantive changes are going to be made as a result of Commissioner Proud's comments, he would like the City Engineer present to weigh in.

City Attorney Kelly stated that if the matter is to be tabled, it should be to a date and time specific, for further comment.

MOTION: by Commissioner Proud, seconded by Commissioner McCool to recommend the public hearing be continued to the May 27, 2014 Planning Commission meeting so that Planning Commissioners and staff can consider additional changes.

VOTE: Ayes - 7 Nays - 0

### **RESIDENTIAL DESIGN REVIEW / VARIANCE**

**FILE NO:** 2523-14-13  
**APPLICANT:** 5101 Alameda Street  
**LOCATION:** Kevin and Sara Ousdigian

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

A single-story house with a walk-out level and attached garage is proposed for a recently subdivided lot. A variance is requested to reduce the minimum 114.4 feet setback from the Ordinary High Water (OHW) of Turtle Lake to 101.8 feet.

The property is a substandard riparian lot on Turtle Lake with a width of 79 feet. The lot area is 27,707 square feet. The minor subdivision that created this lot was approved in September 2013, when the variance for the lot width was approved. The variance for the structure setback was tabled and the review period was extended. A second extension for the review period was approved in January 2014, at the applicant's request.

The property is located in the R1, Detached Residential/Shoreland Overlay District. Lot coverage, building height and foundation area all meet Development Code standards. The range for the street setback is 145 to 165 feet; 145 feet is proposed. The lake ordinary high water setback range is 114 feet to 134 feet; 101 feet is proposed. This is the variance needed. The applicant has chosen architectural mass for mitigation.

The applicant believes there is practical difficulty due to three unique circumstances: 1) there is a dramatic change in street and OHW setbacks for nearby properties to the north and south; 2) An “inlet” on the property at 5091 Alameda, creates an irregular setback line for the property; and 3) there is topographical change on the subject property. The house to the north is 72 feet from the OHW and the house to the south is almost 105 feet. This creates a large range of setbacks north and south of this property.

The second difficulty is an inlet of the lake created by two stone walls because the setback from the inlet is an irregular line on their property. In 1940, the shoreline was regular, wooded, and followed the curve of the lake. The current shoreline has an inlet that was not apparent in 1940 aerial photos submitted by the applicant. The shoreline appears to have been altered.

Notices were sent to property owners within 150 feet. Two responses were received but no concerns were expressed and both support the proposal.

Staff agrees that there is practical difficulty as presented by the applicant. There are unique circumstances with a break in the setback line for the street and OHW caused by the inlet and topography. Staff does not believe that the proposed OHW setback would change the character of the neighborhood due the existing setback pattern, and staff recommends approval of the proposal.

Commissioner Ferrington asked for clarification of how the setback is drawn from the adjacent property. Mr. Warwick explained that the OHW is measured from the nearest point of the shoreline regardless of whether or not it is on the subject property. That is what creates the practical difficulty due to the inlet.

**Mr. Kevin Ousdigian**, 4419 Harbor Place, expressed appreciation to staff and the Commission for considering their application. Their request is to place the house as close as possible in line with adjacent houses. From the west shore, the setback shifts 30 feet on the north side. The topography shifts dramatically. In the northeast corner of the building pad, the elevation is 917, then 913 in the northwest corner and 903 in the southwest corner. The single-story rambler style works the best, which is what they chose. They talked to neighbors about how best their house could best fit. The key issues identified by neighbors were not to bring the driveway in on the south, and to create a separation of the homes for privacy and lake view. Their goals are to build a home that transitions between the homes close to the lake on the north with the homes closer to the street on the south. The single-story with walkout lower level fits with the natural topography. The driveway will be on the north side. Screening is planned for neighbors on both sides.

Commissioner Thompson asked if all the neighbors support the proposal. **Mr. Ousdigian** stated that no one has opposed

Chair Solomonson commended the planning in this proposal and consultation with neighborhoods. He asked if the house could be built without a variance. **Mr. Ousdigian** responded that it could be buildable without a variance, but it would be more challenging. It would be more difficult to provide screening, and there would be loss of a large oak tree. The house would also be smaller than others in the neighborhood. The house could not be shifted 20 feet without taking out the tree.

Commissioner Peterson noted a substantial drop-off in topography from the north to the south. He asked the function of the rain garden on the north on the higher topography. **Mr. Ousdigian** stated that the neighbor to the north does not have a garage. When the garage is built, the rain garden is an effort to prevent runoff to the south.

Chair Solomonson asked for public comment. There were no comments or questions.

Commissioner Ferrington stated that she believes the placement of the house is a reasonable transition between the two adjacent homes. Because of the inlet, there is practical difficulty. If there were no inlet, a variance would not be needed from the natural shoreline.

Commissioner McCool agreed and stated that the plan is reasonable. Due to the alteration of the shoreline, he believes flexibility should be allowed. This plan is a good transition for the neighborhood and he fully supports it.

Chair Solomonson agreed also and appreciates how thorough and well thought out this plan was presented.

Commissioner Proud particularly expressed his appreciation at how the applicant has worked with the neighbors.

**MOTION:** by Commissioner Ferrington, seconded by Commissioner Proud to adopt Resolution No. 14-20, approving the variance request to reduce the OHW setback, and to approve the Residential Design Review application submitted by Kevin and Sara Ousdigian for the property located at 5101 Alameda Street. This approval is subject to the following conditions:

1. The project shall be constructed in accordance with the submitted plans. Any significant change to the plan, as determined by the City Planner, shall require review and approval of the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and construction commenced for the dwelling.
3. The project is subject to the terms of the Development Agreement for the property. The Development Agreement includes provisions for tree replacement and protection
4. The approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed detached single-family residence represents a reasonable use of the property which is located in the R-1 Detached Residential District.
3. The OHW and front setbacks prevalent north and south of the subject property differ by about 100 feet. An alteration of the shoreline located on the adjoining property to the south strongly affects the buildable area on the property. The proposed house is located to utilize changes in the existing grade elevation and minimize site disturbance.
4. The proposed house location will provide a transition between the differing setback patterns in the neighborhood. By approving the variance, the essential character of the neighborhood should not be affected.

VOTE:                      Ayes - 7                      Nays - 0

**MISCELLANEOUS**

**Council Meetings**

Commissioners McCool and Ferrington will attend the May 5th and May 19th City Council meetings respectively.

**Workshop**

Commissioners discussed preferences for a workshop before or after the regular meeting on May 27, 2014.

Chair Solomonson recommended that if there is a big agenda for the regular meeting, the workshop should be before the meeting. If there is a light agenda, the workshop can be after the meeting.

Commissioner McCool requested a discussion on parking at an upcoming workshop, as there have been applications where parking is approved at less than the code requirement.

**ADJOURNMENT**

MOTION:    by Commissioner Schumer, seconded by Commissioner McCool to adjourn the meeting at 8:16 p.m.

VOTE:                      Ayes - 7                      Nays - 0

ATTEST:

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Kathleen Castle  
City Planner