

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
May 27, 2014**

CALL TO ORDER

Chair Solomonson called the May 27, 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 Thompson to approve the May 27, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to approve the April 22, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 7 Nays - 0

REPORT ON CITY COUNCIL ACTIONS:

There were no items to report.

NEW BUSINESS

VARIANCE

**FILE NO: 2527-14-17
APPLICANT: JOHN & JULIE PEIRSON
LOCATION: 5110 LEXINGTON AVENUE NORTH**

Presentation by City Planner Kathleen Castle

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Variations are requested to construct a 576 square foot detached accessory structure. The variations needed in order to build the structure are: 1) to exceed the maximum size allowed from 213 square feet to 576 square feet; 2) exceed the combined accessory structure area permitted from 1200 square feet to 1563 square feet; and 3) reducing the maximum front yard setback to 12 feet.

The property is zoned R1, Detached Residential. It is a substandard riparian lot on the west side of Turtle Lake. The house is 2,441 square feet with two stories and a walk-out basement on the lakeside. Attached to the house is a 987 square foot garage. The property fronts on Kimberly Lane, an unimproved public road. The lot area is .7 acre with a lot width that varies from 95 feet at Kimberly Lane to 55 feet at the Ordinary High Water (OHW) mark. A 23-foot by 24-foot concrete slab on the property that is set back 25.4 feet from the front property line.

The plan is to remove the concrete slab to build the proposed detached two-car garage. The design complies with requirements for detached accessory structures. The height is planned to be 17.8 feet with second floor storage space.

Parcels of less than one acre are restricted to accessory structures of no more than 750 square feet with combined accessory structure area no more than 1200 square feet or 90% of the dwelling area. The minimum front setback is 20 feet.

The applicants believe practical difficulty is present. With the lot size over .7 acres; there is sufficient room for the proposed accessory structure with little impact to the character to the neighborhood. Personal storage needs are greater than space in the existing garage. Also, two detached accessory structures were previously located on the property but were removed with construction of the new home.

Although the size of the lot and character of the neighborhood mitigate the size of the proposed garage, staff does not believe practical difficulty exists, and staff cannot make affirmative findings regarding unique circumstances of the property.

The existing slab on the property is 5 feet from the property line. A new structure could be constructed in this area and eliminate the setback variance request. Because Kimberly Lane is unimproved and there would be no impact to Kimberly Lane.

The Development Code allows a detached accessory structure up to 150 square feet with a building permit, or in this case, up to 213 square feet is permitted with a conditional use permit. Prior to 2011, there were two detached accessory structures. A variance would have been needed to retain those structures. The driving need is storage space, which is not a unique circumstance. Staff does not support the application.

Property owners within 150 feet were notified of the proposal. One comment was received in support of the project.

Commissioner Proud asked the right-of-way width of Kimberly Lane and whether that is a factor in this project. Ms. Castle answered 50 feet of right-of-way. Commissioner Proud asked if any

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landmark trees would be impacted if the garage were moved. Ms. Castle noted three oak trees would not be impacted by a detached accessory structure.

Commissioner Peterson noted that the accessory structure code was revised in 2006. In 2011, when the new home was built, a 956 square foot accessory structure was removed to comply with code. He asked if that information is documented. Ms. Castle responded that there was a Residential Design Review when the new home was built. The home was proposed with an attached garage required the removal of the two existing accessory structures. Removal of the accessory structures was part of the application but not specifically noted to as a condition.

Chair Solomonson asked what the slab is left from. Ms. Castle stated that it is in the same location as a structure that was removed. She is not aware if the slab was repoured or if part of it was removed and replaced. Mr. Warwick added that the slab was left from an old structure.

Commissioner Ferrington asked the rationale for having the pad rotated, which led to the need for a variance. She also asked if there is sufficient space to put an accessory structure without an impact on the trees or the need for a front setback variance.

Commissioner Schumer asked what variances would be needed if the applicants built on the slab or if a one-story garage were built. Ms. Castle stated that the setback variance would be eliminated if the new garage were built on the slab, but a variance would be needed for the size of the building. A one-story garage would still need a variance for size.

Chair Solomonson asked if the existing slab could be grandfathered to rebuild an accessory structure. Ms. Castle stated that the nonconforming status was lost with the removal of the structure.

Chair Solomonson asked about maintenance of the street. Ms. Castle stated that the City does not plow or maintain the street. Mr. Warwick added that portions of Kimberly Lane are paved but not this northern part.

Commissioner Thompson asked if other garages in the neighborhood comply with code setback requirements. Ms. Castle stated that one adjacent neighbor has a shed that is closer to Kimberly than the required setback, but it is not a garage.

John and Julie Peirson, Applicants, stated that Kimberly Lane is a track that is grass covered. There is no desire to take down the trees. The shifting of the garage orientation is for aesthetics to face the house rather than just a straight orientation to the street. If it were oriented to the street, more blacktop would also have to be added. The slab was part of a larger structure that was torn down for a larger attached garage to the house. The proposal would be to build a structure over the slab but shift it and orient it toward the house. The shift in orientation puts it closer to Kimberly Lane and further from the oak trees that they do not want to lose. If the proposed garage were built over the existing slab orientation, it would be immediately next to the trees. However, if there is a concern, they would leave the slab straight. The slab does not have the proper footings and will have to be replaced.

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Mrs. Peirson stated that the purpose for the garage is to park cars for their five teenagers. That is the reason for the size. Mr. Peirson stated that the 213 square feet would only allow parking for one car, which is not adequate.

Commissioner Proud stated that avoiding the trees is a unique circumstance. Also not adding blacktop eliminates added impervious surface. Mr. Peirson stated that if the garage were shifted, the driveway would not change, and it would be more appealing for the neighborhood. He noted that there is an easement for the neighbor to access his driveway that was granted to save one of the large oak trees.

Commissioner Ferrington asked how many cars can be parked in the existing garage. Mr. Peirson answered, three, but it is difficult to park a third if there are two cars already parked.

Commissioner Proud stated that he would support approval. Lake properties are unique. This is a situation of judgment based on the ordinance. He believes there are unique circumstances. This would be a reasonable use and not impact the neighborhood.

Commissioner McCool stated that he can support the setback variance. It is a false setback and false right-of-way with Kimberly Lane not being an improved road. Saving the trees is a unique circumstance. The size is reasonable and will not impact the neighborhood, but his concern is whether there are unique circumstances of this property that necessitate the size requested. He cannot support the size variance.

Commissioner Ferrington stated that she can support the repositioning of the requested structure but agrees with Commissioner McCool regarding size. She would propose tabling the matter rather than deny it.

Commissioner Peterson stated that the variance requests exceed the Development Code requirements by too much for him to be able to support the request.

Chair Schumer agreed with the Kimberly Lane setback, but the size is an issue. A conditional permit can be requested for a 213 square foot structure.

Commissioner Thompson agreed with granting the setback, but also questioned the size. She asked the response of the applicants to suggestions by staff. Ms. Castle stated that the garage size has been reduced significantly, and this is the size that would meet the applicants' needs.

Commissioner Proud stated that Kimberly Lane, although a public road, is not maintained by the City. He does not see that it will be improved or maintained by the City and suggested that one answer to this setback variance would be for the City to vacate Kimberly Lane so it would become a private drive. Ms. Castle stated that Kimberly Lane is a platted roadway. There are larger lots to the south, and she would foresee a time when those properties are developed that Kimberly Lane would be extended for their access.

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Chair Solomonson stated that the lot is large and well screened. No one will see the structure. He supports the setback and believes the size of the structure is reasonable for the size of the lot. It will be almost hidden.

Commissioner Ferrington stated that there are ways to reduce the size so that it will be closer in compliance, such as eliminating the stairway.

Commissioner Peterson agreed with the concerns about size and expressed his concern about setting a precedent.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to table this matter to the next regularly scheduled Planning Commission meeting, June 24, 2014.

The City Attorney stated that the Commission should hear from the applicants as to whether the matter should be tabled or voted upon. Mr. Peirson stated that they would favor tabling.

VOTE: Ayes - 7 Nays - 0

MINOR SUBDIVISION/VARIANCE

FILE NO: 2530-14-20
APPLICANT: MOSER HOMES, INC.
LOCATION: 3339 VICTORIA STREET NORTH

Presentation by City Planner Kathleen Castle

This application is to divide the property into two parcels for single-family development. A variance is requested to exceed the maximum 67.5 foot building setback permitted from the front property line. The front setback for parcel 1 would be 290.9 feet; and for parcel 2, 300.7 feet.

In order to resolve a long-standing property maintenance conditions, the Economic Development Authority (EDA) authorized City acquisition of the property for housing redevelopment. The EDA has accepted the proposal submitted by Moser Homes, Inc.

The property is zoned R1, Detached Residential and consists of 1.5 acres with a lot width of 91.17 feet on Victoria Street. It is a key lot, which means that the side lot line abuts the rear lot line of homes to the north. All structures have been removed. There is a wetland area in the northwest corner and a seasonal water basin in the southwest corner.

The proposal is to subdivide the property into two parcels, which do comply with the subdivision and lot standards for R1 zoning district. The minimum lot area is 10,000 square feet; both parcels exceed 30,000 square feet in size. The lot widths vary due to lot configuration from 49 feet to 102 feet for Parcel 1 and 49 feet to 103.7 feet for Parcel 2. The minimum lot depth is 125 feet; both parcels exceed 400 feet in lot depth.

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The proposal is for one access off Victoria Street, a county road. The drive would split off to serve each of the two lots. In the western portion of the site, there are landmark trees that would have to be replaced at a ratio of 2 to 1 for construction. The building pad on Parcel 1 does not encroach into the wetland but does not provide the required 16.5 foot setback. The building pad on Parcel 2 encroaches into the seasonal water basin. Both building pads will be shifted to the east.

The front setback is an average of the setbacks of the two adjoining homes at 67.5 feet plus or minus 10 feet. The proposed variance setbacks will be impacted by shifting the building pads to the east. It is expected that the setback variances will be reduced.

Property owners within 350 feet were notified of the application. Written and verbal comments were received. Concerns were expressed about site conditions, surface water, wetland impacts, suitability for development, landscape screening and fencing.

Staff finds that the parcels comply with all subdivision and lot standards. Additional information is needed regarding surface water conditions and building pad locations. Therefore, staff is recommending this matter be tabled and the review period extended to 120 days.

Commissioner Ferrington questioned the reason for placing the building pads so far back on the lots. Ms. Castle responded that the survey information dictated placement, although it was winter and difficult to see actual property conditions. Commissioner Ferrington stated that there would be less impervious surface to the lots and would look better if the driveway split would occur further back from the street.

Chair Solomonson asked if the building pad could be smaller. Ms. Castle stated that once the wetland delineation is completed, the size of the building pad will be determined.

Mr. Bob Moser, Applicant, stated that he concurs with the findings of staff. The building pad areas are generous for flexibility. There appears to be room on Parcel 2 to shift to the east.

Commissioner Proud asked if further studies will determine runoff from these lots. **Mr. Moser** stated that the design will be for runoff to stay on the property and overflow according to requirements.

Commissioner McCool asked if consideration was given to orienting the lots front and back with one house in the old building area and one further back. **Mr. Moser** stated that he did that with another development and the reaction from property owners is dislike of having a view of someone else's house.

Chair Solomonson opened the discussion to public comment.

Mr. Joe Heckel, 804 Arbogast, questioned whether the 75-foot width average is met, when it includes the wetland in Parcel 2. Ms. Castle answered, yes. Mr. Heckel stated that it is difficult to understand why an unusable portion of the lot is used in the width calculation.

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Mr. Michael Murtaugh, 3307 Victoria Street No., stated that he appreciates Mr. Moser's comments. The character of the neighborhood has been improved with the removal of the previous structure, but now the view from Victoria Street will be two driveways the length of a football field. He requested that landscaping be considered that would screen the parcels.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to table the minor subdivision and variance request submitted by Moser Homes, Inc., to divide the property at 3339 Victoria Street into two parcels for single-family residential development and exceed the maximum building setback permitted from the front property line. Additional information is needed regarding the wetland area, seasonal water basin and impact on the proposed building pads. The review period is extended from 60 to 120 days.

Discussion:

Commissioner Proud offered an amendment to the motion to include the requirement of a study to address surface water management.

Commissioner Ferrington asked if a surface water management study could be done without a house design. Ms. Castle answered that there is a maximum lot coverage, which would be considered with the building pad and drive area. The maximum threshold will be used to determine surface water runoff.

Commissioner Ferrington seconded the amendment.

VOTE ON THE AMENDMENT

Ayes - 7

Nays - 0

VOTE ON AMENDED MOTION

Ayes - 7

Nays - 0

COMPREHENSIVE SIGN PLAN

FILE NO: 2525-14-15
APPLICANT: IDENTI GRAPHICS/DAVE KROONA
LOCATION: 3854 LEXINGTON

Presentation by Senior Planner Rob Warwick

The application is to amend the existing Comprehensive Sign Plan for the property to allow replacement of the existing monument sign with a 61 square foot monument sign with an integrated 29.5 square foot message center sign in full color LED display. The property is

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located in the C2, General Commercial District with boundaries on Lexington Avenue, Red Fox Road and I-694.

Currently, the property is developed with two buildings, a fuel station/C-store/auto repair, and a car wash building. Two canopies shelter the fuel island. A Comprehensive Sign Plan was approved in 1999 and amended in 2004. The new proposed sign will have four panels to identify the different services offered, including a gas price display for unleaded fuel. The message center sign will be 29.5 square feet and integrated into the monument sign. Sign area does not include the message center and gas price display. The existing base will be used to support the proposed sign.

The 11.28 foot height of the monument sign and 61 square foot sign area exceed the standards for a building of this floor area. Reductions have been made in response to staff comments. Staff considers the height, including the existing 2-foot sign base, to be reasonable and consistent with the height of nearby signs.

Message center signs are permitted with a maximum of 50 square feet in the C2 District. The proposed message center has an 8-second static display with legible text size and only identifies the goods and services available on the site. The message center will replace any future use of temporary signs for the property.

Property owners within 350 feet were notified of the application. No comments have been submitted.

Staff makes the following findings to recommend the Planning Commission forward this application to the City Council for approval with conditions listed in the staff report:

- The proposed sign uses the logos for Exxon and Circle K throughout the site
- Colors are red and white of the logos, and also used on the car wash signs
- The height is due in part to re-use of the existing sign base
- The height will aid in visibility when viewed from north and south bound traffic lanes
- The message center has better aesthetics than temporary signs for promotions
- Access is via right-in only from both streets

Chair Solomonson asked if graphics are allowed on message center signs. Mr. Warwick answered, yes, but no animations. Chair Solomonson asked if there is only one dimmer for all the illumined signs. Mr. Warwick stated that the car wash and Circle K signs have internal lights. There is an auto dimmer for the digital signs.

Commissioner Ferrington noted that only one grade of fuel is advertised. Mr. Warwick explained that only unleaded fuel will be advertised to reduce signage area to comply with City sign standards.

Mr. Tony Rammer, Oak Grove, MN; **Mr. Jim Nelson**, St.Louis Park, MN; and **Mr. Kevin Koenig**, Croix Oil Company (supplier to the site) 7832 Polaris Lane, Maple Grove, MN.

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Chair Solomonson asked how the dimmer operates. **Mr. Nelson** explained that lighting during the day will be shut off. The price sign is on 24 hours as will the message center. The lighting brightens during the day and dims at night.

Chair Solomonson asked if the brightness standard is measured by the entire sign or each panel. Mr. Warwick stated that the whole sign is measured for compliance with City standards.

Commissioner McCool asked the need for the 12-foot height is needed and if it would work at 10 feet. **Mr. Rammer** responded that the diesel advertising has already been taken out. They feel that to reduce the height would be another element that is critical. If electronic message centers are too small, it is a nuisance with people finding it hard to read. **Mr. Koenig** stated that the panels are the smallest available. Anything smaller would have to be specially made.

Commissioner McCool asked if those controlling the signs are aware of City regulations regarding what can be advertised. He noted that while the conditional use permit allows five cars for sale on the lot, there have been 6 and 8 cars on the site for sale. He is concerned about noncompliance and this added approval. **Mr. Rammer** stated that the station manager controls signage text.

Chair Solomonson asked what dictates location for the sign. Mr. Warwick stated that the setback is 5 feet from the property line. Usually they are located near that boundary for maximum visibility.

Commissioner Ferrington asked what would happen if temporary signs appear on the property, when they are now prohibited with the addition of the new message center sign. Mr. Warwick stated that when there are violations, staff contacts the owner, advises of the violation and issues a time period to bring into compliance. Staff believes that the display sign will meet the needs of the businesses on this site and eliminate further violations.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to recommend the City Council approve an amendment to the Comprehensive Sign Plan submitted by Identi Graphics for the Exxon station at 3854 Lexington Avenue.

This approval is subject to the following:

1. The signs shall comply with the plans approved for the Comprehensive Sign Plan, File No. 1742-99-09, as amended (see File No. 2091-04-21) and this application (File No. 2525-14-15). Any significant change will require review by the Planning Commission
2. The applicant shall obtain a sign permit prior to the installation or refacing of any signs on the property.
3. This approval will expire after one year if a sign permit has not been issued and construction commenced.
4. Signage on the propane tank shall not advertise commercial messages unless required by the State of Minnesota.

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5. Temporary signs shall not be displayed on the property, since the message center sign provides the mechanism to display promotional information and advertisements.
6. In accordance with Conditional Use Permit 12-33, additional signage advertising car sales is not permitted on the property, with the exception of window signage displayed in the vehicle being offered for sale. Said window signage shall not exceed 11" x 17" in area. The message center sign shall not be used to advertise vehicles for sale.
7. The message center sign shall:
 - a. Display text of a sufficient size so as to be readable by passing motorists without distraction.
 - b. Display messages in their entirety to allow passing motorists to read the entire copy.
 - c. Not display telephone numbers, email address or internet urls.
 - d. Display messages for a minimum of 8 seconds, and change instantaneously.
 - e. Present messages in a static display, and shall not scroll, flash, blink or fade.
 - f. May display time, temperature and other graphics related to weather conditions. Advertisement is limited to goods and services offered on-site.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* Existing and proposed signs have uniform color and materials with colors generally based on the Exxon and Circle K logos. The wall sign for the car wash use white letters on a red background.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The existing sign base is proposed for use for the new sign and contributes to the height.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The height of the monument sign will aid visibility from north and south bound traffic on Lexington Avenue. The proposed message center sign has better aesthetics than temporary signs for promotion of the goods and services available on the property.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The configuration of the access to the lot and building is unique for this property with two points of ingress that are right turn only, and a third access near the car wash building.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The sign plan amendment proposes signs with a consistent design motif based on the fuel and C-Store corporate logos.

VOTE:

Ayes - 7

Nays - 0

OLD 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

The Planning Commission reviewed this amendment at its April 22nd meeting and opened the public hearing. The public hearing was continued to this meeting to allow time to respond to the comments received. The amendment is specific to Chapter 9, Community Facilities Services, Section D, Surface Water Management; and Chapter 11, Natural Resources. The amendment addresses changes regarding surface water management that have occurred since 2008.

Chapter 9 references have been updated to acknowledge the dissolution of the Grass Lake Watershed Management Organization. The boundaries of that watershed district are now under the jurisdiction of Ramsey Washington Metro Watershed District (RWMWD). Maps 9D1 and 9D5 have been amended to reflect this change.

In 2010, the Federal Emergency Management Agency (FEMA) updated its Flood Insurance Study and revised the Flood Insurance Rate Map. The City's ordinance was amended in 2010 to be in compliance with FEMA requirements. At this time, Map 9D7 is being updated to reflect those changes.

Table 9D1, regarding the surface water utility fee, has been updated to reflect the most recent Capital Improvement Plan.

Notice for the public hearing was published in the City's legal newspaper on April 9, 2014. No comments have been submitted. Staff has responded to Commissioner Proud's comments. Staff is recommending the amendment be forwarded to the City Council with a recommendation from the Planning Commission for approval.

Chair Solomonson acknowledged the public hearing to be still open and asked three times for further public comment. There were no comments.

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

VOTE: Ayes - 7 Nays – 0

Commissioner Proud thanked staff for their response to his comments.

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MOTION: by Commissioner Proud, seconded by Commissioner Thompson to recommend the City Council approve the amendments to Chapter 9, Section 9D, Surface Water Management and Chapter 11, Natural Resources related to surface water management, subject to the following condition:

1. Said approval is contingent upon the Metropolitan Council's approval of the Comprehensive Plan Amendment.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

City Council Meetings

Commissioners Proud and Peterson will respectively attend the June 2, 2014 and June 16, 2014 City Council meetings.

Joint Meeting

The Planning Commission will meet jointly with the City Council and Economic Development Authority regarding the Highway Corridor Transition Study on July 14, 2014, at 7:00 p.m.

Workshop

It was noted that the Planning Commission met in a workshop meeting at 6:00 p.m. immediately prior to this regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:06 p.m.

VOTE: Ayes - 7 Nays - 0

ATTEST:



Kathleen Castle
City Planner