

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
February 24, 2015**

CALL TO ORDER

Chair Solomonson called the February 24, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

He welcomed newly appointed Commissioner John Doan.

ROLL CALL

The following Commissioners were present: Chair Solomonson; Commissioners Doan, Ferrington, McCool, Peterson, and Thompson.

Commissioner Schumer was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Ferrington, seconded by Commissioner McCool to approve the February 27, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner McCool, seconded by Commissioner Thompson to approve the January 27, 2015 Planning Commission meeting minutes, as presented.

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

Commissioner Doan abstained as he did not attend the January 27th meeting.

APPROVAL OF WORKSHOP MINUTES

MOTION: by Commissioner Peterson, seconded by Commissioner McCool to approve the December 16, 2015 workshop meeting minutes as presented.

VOTE: Ayes - 6 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council approved the amendment to the City's property maintenance code as recommended by the Planning Commission, at the February 2, 2015 City Council meeting.

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT/VARIANCE

FILE NO.: 2561-15-04
APPLICANT: MICHAEL WEBER
LOCATION: 4136 REILAND LANE

Presentation by Niki Hill, Economic Development and Planning Associate

This application is for a Conditional Use Permit to construct a 280 square foot detached accessory structure. The property is of standard size in the R1 Detached Residential District. The property has an area of 17,424 square feet and is developed with a single-family home and attached two-car garage. The accessory structure size allowed on lots less than one acre is 150 square feet, and a Conditional Use Permit is required for larger accessory structures - up to 288 square feet. The proposed shed would be built 6 feet from the rear lot line, which is less than the 10 feet required; thus, a variance is also requested.

The applicant states that the shed will be used for storage of outdoor equipment and wood for his woodworking hobby. The variance is requested in order to remove as few trees as possible and minimize any potential harm to the root system of large oak trees on the property. There are also erosion and grading issues due to the topography of the hill on the western portion of the proposed location. Placing the shed higher on the hill at the required setback would make it more visible from the street and require more screening. The shed will be visible to one neighbor and Snail Lake Regional Park. The applicant plans to discuss acceptable screening with his neighbor and provide screening from the park.

The applicant states that the variance request would be in line with Section 209.050 *Vegetation & Woodlands*, which states in part: Development shall be conducted so that the minimum number of trees, in particular landmark trees, are preserved by the clustering of structures in existing cleared areas and natural clearings. Design and construction shall have minimum injury to landmark trees. The proposal meets Development Code standards.

Staff finds that practical difficulty is present. The requested location for the shed is a reasonable use of the property. Location of the shed four feet closer to the rear lot line will minimize site disturbance and visibility. The topography of the property shows that the proposed northeast corner is the best location for the shed. The style will match the existing home. There is no apparent impact to the character of the neighborhood.

Notices were sent to property owners within 350 feet. Two written comments were received. One neighbor supports the project. Ramsey County Parks commented on concerns about grading, drainage and visibility of the shed from the park. Staff is recommending approval of the variance and a recommendation to the City Council for approval of the Conditional Use Permit.

Commissioner Peterson asked about drainage recommendations from Ramsey County. Ms. Hill explained that runoff goes to an existing drainage pond. During construction there will be erosion control measures in place as required by City Code.

Commissioner McCool asked if there are details about screening for the adjacent neighbor.

City Attorney Kelly stated that proper notice for the public hearing was published.

Chair Solomonson opened the public hearing.

Mr. Mike Weber thanked staff for their help through this process. In regard to Commissioner McCool's question, the plan is to put evergreens between the houses. He agreed with Commissioner McCool to add a condition that indicates an agreement with his neighbor for additional screening.

MOTION: by Commissioner Ferrington, seconded by Commissioner Doan to close the public hearing.

VOTE: Ayes - 6 Nays - 0

Discussion:

Commissioner Ferrington noted that added screening from the adjacent property is covered in condition No. 4.

MOTION: by Commissioner McCool, seconded by Commissioner Thompson to approve the variance request submitted by Michael Weber for their property at 4136 Reiland Lane, reducing the minimum 10 foot structure setback from a rear property line of a corner lot to 6 feet and adopt Resolution No. 15-13, subject to the following conditions:.

1. The project must be completed in accordance with the plans submitted as part of the Variance application. 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.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. 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.
6. The approval is contingent upon approval of the Conditional Use Permit.

This motion is based on the following findings:

1. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

The request to locate the shed in the proposed location represents a reasonable use of the property. City Code also encourages design and construction activities are conducted in a

manner to avoid likely injury to landmark trees. The additional 4 feet of setback is reasonable and would save a 16 inch landmark Maple Tree as well as provide minimal disturbance to shallow roots of the nearby Oak Trees by keeping a 22 foot setback from these trees.

2. There are unique circumstances to the property present. The topography dictates that the northwest corner is the best location for the shed. Locating the shed to the required setback would result in a greater impact to existing vegetation – including landmark trees - and could cause erosion issues by grading into the hill. By decreasing the setback, the applicant will minimize the impacts to the vegetation and the grading/erosion problems are nominal. Additionally, the rear (East) lot line is adjacent to Snail Lake Regional Park so no residential homes are impacted by the reduced setback.

3. The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing topography, proposed screening on the north and the proximity to Snail Lake Regional Park on the East. Further, this area of the park is natural with passive recreational use. The shed will be minimally visible to those park users. The structure is an allowable size with a Conditional Use Permit and the style will match the existing home.

VOTE: **Ayes - 6** **Nays - 0**

MOTION: by Commissioner Ferrington, seconded by Commissioner Doan to recommend the City Council approve the Conditional Use Permit for a 280 square foot detached accessory structure at 4136 Reiland Lane, subject to the following:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the shed shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall not be used in any way for commercial purposes.
6. Said structure may be setback 6’ from the rear lot line per Resolution 15-13, approving the Variance.

VOTE: **Ayes - 6** **Nays - 0**

MINOR SUBDIVISION/VARIANCE

FILE NO.: 2560-15-03
APPLICANT: JAMES GORDON MEDIN
LOCATION: 4135 RICE STREET

Presentation by Senior Planner Rob Warwick

The subject property consists of 1.88 acres with a lot width of 163.65 feet and lot depth of 500 feet. In 2008, the City approved a plat on this property with four lots and a cul-de-sac along the north side lot line. The developer did not apply for the final plat, and the approval expired. Mr. Medin then purchased the property, removed the old house and built a new two-story home. When the property is subdivided, he plans to build a new single-story house and live there.

The property is consistent with the Development Code standards. The new lot proposed would be a key lot, one on which the side lot line abuts the rear lot lines of the adjacent property. Creation of a key lot requires an additional 15 feet of lot width, 90 feet instead of the standard 75 feet. The proposed width for the new Parcel B is 87.65 feet, thus the need to request a variance. All other required dimensions are in compliance.

In the R1 District, a principal structures and accessory structures must be set back 20 feet from the side lot line on a key lot, rather than the standard 10 feet. The rear setback is 30 feet and a minimum of 25 feet from the front. The front setback is increased to 40 feet on arterial roads or if the setback of adjacent houses is greater than 40 feet. The proposed house will be 17 feet from the north side lot line and 22 feet from the south side lot line. The single story design was chosen to fit the character of the neighbor.

The applicant states that the creation of his lot at a width of 163.65 feet is a practical difficulty that does not allow reasonable use of the large parcel and prevents it from being subdivided. The proposed lot width for the new lot of 87.65 feet still allows the dwelling to be set back more than the required 20 feet. The roof pitch will be a transition between the two-story houses to the north and east and the single-story ramblers to the south.

Staff finds that the proposal does not conflict with Comprehensive Plan policies and with the nearby planned low density residential uses. The large lot area and prior subdivision approval indicates that the proposal is a reasonable use of the property. A variance is needed to reduce the width of the south parcel by 2.4 feet because it will be a key lot.

This property is surrounded by lots with widths of 75 to 80 feet, and so the proposed width for the new lot is not out of character with the neighborhood. The property has been a key lot since the land to the south was developed in the 1950s. The size of the new lot of 42,416 square feet is well in excess of the required 11,250 square feet area for a key lot.

Required municipal water and sanitary sewer services are available. The existing house is connected. Stub connections will be needed for the new house. As Rice Street is under the jurisdiction of Ramsey County, work in the right-of-way is subject to County permit requirements.

Property owners within 350 feet received notice of this proposal. One comment was received urging denial of the variance and compliance with City Code dimensions for key lots. There were no comments from Ramsey County.

Staff finds the applications in accordance with the Development Code with the exception of the proposed width of Parcel B. The variance request meets the spirit and intent of the Code. Practical difficulty exists because of the width and configuration of the existing parcel. Staff recommends approval of the variance and a recommendation of approval to the City Council for the minor subdivision.

Commissioner McCool asked the reason for not reducing the width of Parcel A one more foot to 75 feet in order to increase the width of Parcel B to reduce the variance by one foot. Mr. Warwick explained that since the house exceeds the 20-foot setback on the south side, staff did not believe there was sufficient justification to further reduce the lot width of Parcel A. Also, the space on each side of the homes will allow runoff water to be better managed. Storm water will flow to the rear where it will collect and infiltrate.

Commissioner Ferrington noted that there is no planned screening from the homes on Demar to increase privacy to those back yards. Mr. Warwick stated that there are three 12-foot spruces that provide screening.

Commissioner Doan asked if this subdivision would restrict use of this property to only this subdivision for the two houses. Mr. Warwick stated that new lots would have to be on a public street. That would mean a new street. It is staff's opinion that the three similar lots of 4135, 4151 and 4161 would mean the cooperation of all the property owners to create a cohesive development.

Mr. Jim Medin, Applicant, responded to the concern for privacy to the homes on Demar. He stated that Lot No. 1 on Demar has lilac bushes that provide screening; Lot No. 2 is the only one without screening. He plans to talk to the neighbors to find out what screening they would like to have, a fence or type of vegetation. He indicated the location of his existing garden shed which is 18 feet from the neighbor's property line. The shed is on blocks and can be moved. He agreed to move it 2 or 3 feet so that it will conform to the required 20-foot setback.

Commissioner Ferrington asked if there are power lines that would interfere with screening. Mr. Medin stated that there are power lines. Trees have been cut back because of the lines. There was also fencing, but some of it has been removed. That is why he wants to discuss screening with the neighbors to see what they prefer.

Commissioner Ferrington stated that this plan will have much less impact on the neighborhood than one that was presented in 2008 for four large homes. She supports this proposal.

Commissioner McCool recommended that the shed be moved to the conforming setback. He would not want to see more new homes closer to the houses on Demar, and he would agree this is a good use for the property.

Commissioner Peterson stated that it would be difficult to draft a condition to address screening for the houses on Demar, but he trusts Mr. Medin will speak with the neighbors and take care of the issue.

Chair Solomonson agreed with other Commissioners that this development is better than the one presented 2008 for four new homes. The requested variance is offset by the south side setback that is 22 feet, more than the required 20 feet.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to adopt resolution 15-12 approving the variance to reduce the the lot width for Parcel B to 87.65 feet, and to recommend approval of the minor subdivision to the City Council with an added sentence to condition No. 4 of the minor subdivision that states: The existing accessory structure on Parcel B shall be moved so that it conforms to the new setback requirements applicable to Parcel B.

The approval is subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation 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 4% of the fair market value of the property, with credit given for the existing residence.
3. 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.
4. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B. The existing accessory structure on Parcel B shall be moved so that it conforms to the new setback requirements applicable to Parcel B.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel B. The applicant shall submit a cash escrow to the City to insure the water and sewer service taps are performed in accordance with the requirements of the City Engineer.
6. 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.

ADJOURNMENT

MOTION: by Commissioner Peterson, seconded by Commissioner Thompson to adjourn the meeting at 8:07 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner