

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

October 25, 2011

CALL TO ORDER

Chair Feldsien called the meeting of the October 25, 2011 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to approve the agenda as submitted.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

Page 13: Commissioner Ferrington noted that Mr. Jay Scott spoke before the public hearing was closed. His comment should be moved to reflect that.

MOTION: by Commissioner Schumer, seconded Commissioner Proud to approve the September 27, 2011 Planning Commission minutes as amended.

Ayes - 7 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the Planned Unit Development/Development Stage/Rezoning/Preliminary Plat/Comprehensive Sign Review submitted by Stonehenge USA for development on Red Fox Road was approved by the City Council. An additional 10 feet of right-of-way was requested in the final plan to address traffic concerns. Mn/DOT and the Rice Creek Watershed District have given approval. The Council believes it is reasonable for signage along I-694. The Final Plat and building plans were approved at the Council's October 17th meeting.

The minor subdivisions for Tor Unstad at 5108 Lexington and Sarah Sampson and Jereen Rasmussen at 4877 Nottingham Place were approved as recommended by the Planning

Commission.

NEW BUSINESS

MINOR SUBDIVISION

FILE NO.: 2431-11-24
APPLICANT: ROBIN MORSE
LOCATION: 5036 LEXINGTON AVENUE/5017 TURTLE LANE WEST

Presentation by Senior Planner Rob Warwick

The applicant owns both properties. The application is for an adjustment of the common rear lot line to increase the rear yard of the property on Turtle Lane. No site alterations are proposed. The boundary adjustment will affect a 55- by 100-foot area. The properties are zoned R1, Detached Residential and comply with all District standards, including setbacks. The resulting lot on Turtle Lane will have an odd shape, but there is a similar shaped lot immediately to the south at 5011 Turtle Lane.

A 16.5-foot easement will be conveyed for additional right-of-way along Lexington Avenue, which reduces the front setback of the house to 39.7 feet. This is less than the required 40-foot minimum. However City Code includes a provision to allow future expansion of the house at the setback of 39.7 feet without a variance because of the right-of-way conveyance.

Notice of the proposed subdivision was mailed to property owners within 350 feet. One comment was received in support of the application. The Rice Creek Watershed District has no requirements. Ramsey County states the 16.5-foot right-of-way easement is satisfactory. The City's Public Works Director finds that front, rear and side drainage utility easements are not necessary with the property line adjustment.

Staff finds that the application is in compliance with City Code and recommends forwarding this application to the City Council for approval.

Commissioner Solomonson asked the reason for this subdivision. **Mr. Robin Morse**, Applicant, explained that the reason is to give the property he lives at, 5017 Turtle Lane, more yard space.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to recommend the City Council approve the minor subdivision for 5036 Lexington Avenue, to increase the size of the property at 5017 Turtle Lane West, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted, dated July 22, 2010.
2. The applicant shall convey an easement for right-of-way over the west 16.5 feet of 5036 Lexington Avenue to Ramsey County prior to the City endorsing deeds for recording with

Ramsey County.

3. The non-conforming 10- by 16-foot shed located in the northwest corner of the existing property at 5017 Turtle Lane West shall be removed prior to the City endorsing deeds for recording with Ramsey County.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.
5. The 55- by 100-foot parcel resulting from this approval shall be combined with Lot 11, Block 6 LEXICON PLAT 2 (commonly known as 5017 Turtle Lane West).

This approval is based on the following findings:

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. Once the resulting piece has been combined with the property at 5017 Turtle Lane West, both the proposed lots will conform to the adopted City standards for the R1 District.

VOTE: Ayes - 7 Nays - 0

RESIDENTIAL DESIGN REVIEW

FILE NO.: **2432-11-25**
APPLICANT: **MEZCO, INC./MICHAEL GATZLAFF**
LOCATION: **5230 OXFORD STREET**

Presentation by Senior Planner Rob Warwick

This application proposes construction of a new house on a vacant substandard riparian lot on the west side of Turtle Lake. The lot is substandard with a width of 75 feet. The depth is 290 feet with an area of 27,016 square feet. The new house would be 1.5 stories with a lower walk-out level and three-car attached garage. The property is zoned R1 and is in the Shoreland Overlay District.

The new house would use existing grade elevations from the demolished house. The living area foundation is approximately 2170 square feet; the attached garage would be 930 square feet. Three trees would be removed, including one landmark tree. Two replacement trees will be required. The proposed house would comply with all design standards for substandard riparian lots.

Two shoreland mitigation practices are required. The applicant has chosen architectural mass to screen and reduce visibility from the lake. A second practice will be identified.

Neighboring property owners were notified of the proposal. One comment was received expressing concern about site drainage. The driveway runoff flows directly south to a swale, which satisfied this neighbor's concern. Staff is recommending approval.

Commissioner Wenner asked if the footprint for the new house uses the same one as old house. Mr. Warwick stated that the footprint is similar but with an increased setback from the lake for the walkout lower level. Also, the side lot line is increased to 10 feet.

Chair Feldsien asked if the second shoreland mitigation practice would be completed before a building permit is issued. Mr. Warwick answered that the applicant has a year from the date of approval to complete shoreland mitigation. The two practices required will be identified prior to issuance of a building permit.

Commissioner Ferrington noted that condition No. 4 in the motion requires only one replacement tree for removal of the landmark tree. The motion should be amended to two replacement trees.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to approve residential design review application submitted by Mezco Inc. for 5230 Oxford Street, subject to the following conditions, and amendment of condition No. 4 to require two replacement trees:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review 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. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. Two landmark trees will be removed as a result of the development, and two replacement trees are required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
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. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE: Ayes - 7 Nays - 0

PUBLIC HEARING

City Attorney Filla stated that all required public notices have been given, and the public hearing is in order at this time.

COMPREHENSIVE GUIDE PLAN AMENDMENT

FILE NO.: 2421-11-14
APPLICATION: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Nordine

This amendment to the Comprehensive Guide Plan is for Chapter 5, Transportation; and Chapter 10, Parks and Open Space. The amendment is in response to the revised 2030 Transportation and Regional Parks Plans recently adopted by the Metropolitan Council.

The two highways in Shoreview impacted by the amended Transportation Plan are I-694 and I-35W. The Park Plan will impact Trout Brook Regional Trail Extension segment that is in Shoreview. A trail connection for Lake McCarron in Roseville to Sucker Lake in Lake Vadnais Regional Park is planned, which goes through Shoreview. References to this trail are found in the Pedestrian and Bike Facilities and Active Living sections of Chapter 5 and also in Chapter 10.

The Transportation Plan calls for expansion to I-694 with bridges, frontage road, general purpose lane and a managed lane system. A managed lane system is also planned for I-35W. I-35W has been designated a transit way corridor and express bus corridor.

The improvement plan for the Anoka County Airport has also been added to the Aviation section of the Comprehensive Plan in Chapter 5.

The amendments are consistent with the Metropolitan Council's actions and do not negatively impact local systems. Staff is recommending the amendments be forwarded to the City Council for approval.

Commissioner Proud asked to what extent these amendments affect the possibility of a Vikings Stadium in Arden Hills and whether further action might be needed, if a stadium is approved.

Ms. Nordine responded that these actions were taken by the Metropolitan Council in June 2010. These amendments do not address a potential stadium.

Commissioner Ferrington verified that any recommendations by the Bikeways and Trails Committee, which meets November 3, 2011, can be incorporated prior to approval by the City Council.

Commissioner Mons urged staff to have continued conversations with MTC regarding transportation from the Shoreview Community Center to the Rosedale hub, rather than considering the Little Canada hub as the one to be used by Shoreview.

Commissioners noted that the search area on the map is not specific as to which streets would be impacted for a trail connection. Commissioner Mons suggested that Dale and Western would be better choices than Rice Street because of the traffic, but the map is not specific enough to know which streets might be used.

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

MOTION: by Commissioner Mons, seconded by Commissioner Proud to close the public hearing.

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend the City Council approve the amendments to the 2008 Comprehensive Plan, Chapter 5, Transportation and Chapter 10, Parks and Open Space. The amendments will not negatively impact Shoreview's local systems. The amendments are consistent with the updated 2030 Transportation and Parks Policy Plans adopted by the Metropolitan Council. Approval is subject to:

1. Review and approval by the Metropolitan Council.

Discussion:

Commissioner Solomonson expressed some concern about the Rice Street new bridge over I-694 with partial cloverleaf access and how a trail could be worked into such a plan. Ms. Nordine stated that the plan for that bridge is not complete or finalized.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

DISCUSSION, DRAFT TEXT AMENDMENT - SETBACKS

Ms. Nordine reviewed the proposed three amendments to the zoning code that would provide flexibility for structure setbacks:

1. Reduce the minimum front yard setback from 30 feet to 25 feet as measured from the front property line. This flexibility was used in Snail Lake Landing and Whispering Pines. There are also older developments that use the 25-foot standard. This would especially address split level homes designed with small entryways that homeowners desire to enlarge.

Commissioner Ferrington stated that she supports this added flexibility for homeowners to reinvest in their properties that in turn increases property value.

Commissioners raised a number of issues and concerns:

- Careful wording to address instances when the front property line is the center line of the roadway.
 - Larger homes constructed on corner lots that could be a safety issue for the intersection or curved roadway.
 - Discomfort with calculating front setbacks using only one house on either side. Instead, use of three or four houses on either side would be fairer.
 - Perhaps reducing the front yard setback to 25 feet only in certain areas.
 - No more than 25% of the house structure be allowed to encroach into the 30-foot front setback.
2. Right-of-way width--reducing the required minimum setback to a minimum of 25 feet from the front property line also requires that the principal structure must maintain a minimum 30 feet from an improved road surface. Commissioners reviewed the definitions of arterial, collector and local roads.
 - Sometimes the road right-of-way is more than needed. Either the excess should be vacated or taken into account with setbacks. If the right-of-way is too narrow, granting a smaller setback seems inconsistent with the needs of the City.
 - Roadway not centered on the right-of-way could impact setbacks.
 - Retaining right-of-way for trails brings homes closer to trails, although trails are typically planned on arterial and collector streets.
 - Clearer definitions of major collector, minor collector and local streets

Commissioner Solomonson stated that he agrees in general with the reduced setback provision and the way the draft amendment is written, even though there are a few exceptions.

- A house (living space) that has a side yard setback less than the minimum 10 feet, a building addition could be done, provided the existing structure setback is maintained. The added structure could 5 feet from the lot line if it is no more than one story in height.
- A house that is 5 feet from the lot line can be expanded using a 5-foot setback. However, if the original setback is 12 feet, an addition cannot be built using a 5-foot setback, even though the neighbor who is 5 feet from the lot line could build an addition with a 5-foot setback added longitudinally.
- Suggested a 50% encroachment, if the side setback is 10 feet or greater.
- Encroachment could be allowed for non-living space.
- Problem if neighbor has been granted a 3-foot setback.
- Suggested overlay districts that would allow deviations in certain neighborhoods.
- Clear definition of one story.
- A tear-down that is 5 feet on a riparian lot could only support a one story rebuild.

Commissioner Ferrington agreed with efforts to address infill and redevelopment issues, but she would prefer to keep these proposed amendments to existing homes and not new development. Commissioner Solomonson agreed.

It was the consensus of the Commission for staff to make further revisions to the proposed amendments for review at the Commission's upcoming workshop, after which a public hearing can be held. Publication of the public hearing needs to include examples of how these changes would impact redevelopment.

Ms. Nordine noted that state law has changed regarding nonconformities. Staff will be bringing a text amendment to the Commission to comply with state law.

City Council Assignments

Commissioners Wenner and Proud will respectively attend the November 7th and 21st City Council meetings.

Commissioners Solomonson and Mons will respectively attend the December 5th and 19th City Council meetings.

Next Planning Commission Meeting Date

It was the consensus of the Commission to combine the November and December meetings into one meeting that will be held on December 6, 2011. An email will be sent to Commissioners regarding whether there will be sufficient time at the workshop following the regular meeting to reconsider the text amendments discussed at this meeting.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to adjourn the October 25, 2011, Planning Commission meeting at 8:52 p.m.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

Kathleen Nordine
City Planner