

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

June 23, 2009

CALL TO ORDER

Acting Chair Wenner called the meeting of the June 23, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Chair Proud was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Feldsien to approve the June 23, 2009 agenda as submitted at the meeting.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Acting Chair Wenner noted that the last paragraph on page 10 should state Commissioner Feldsien.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the May 26, 2009 Planning Commission minutes as corrected.

ROLL CALL: Ayes - 5 Nays - 0 Abstain - 1 (Mons)

Commissioner Mons abstained, as he was not present at the May 26th meeting.

REPORT ON CITY COUNCIL ACTIONS

Ms. Nordine reported that the City Council tabled action on the application for a second access drive at 442 Horseshoe Drive. The City Attorney recommended modification to Section 403 of the Code to accommodate this decision. The Code was amended to enable the Public Works Director to waive requirements in that section. The amendment was approved at the June 1, 2009 meeting for the application to move forward.

The Council discussed the text amendment to require registration of foreclosed and vacant property. A representative from the St. Paul Association of Realtors and mortgage companies spoke to the Council. The matter was tabled and staff was directed to work closer with realtors and mortgage companies in developing the ordinance.

Commissioner Mons requested that the report on the text amendment to the Council be sent to the Planning Commission.

NEW BUSINESS

CONDITIONAL USE PERMIT – PUBLIC HEARING

FILE NO.: 2356-09-13

APPLICANT: DEAN OTTESON/LARRY LIU AND JUDY LYONS

LOCATION: 3330 VICTORIA STREET NORTH

Acting Chair Wenner stated that the public hearing notice for this matter is in order and opened the public hearing.

Presentation by City Planner Kathleen Nordine

A conditional use permit is requested to exceed the floor area permitted for all accessory structures for a single-family residential property. The existing two-car garage would be expanded to an attached three-car garage with the doors relocated to the north wall and a second access driveway off Victoria. This change would mean that the garage would not be visible from Victoria and would improve the appearance of the house. Windows would be added to the side facing Victoria. The garage also has a fourth smaller bay with access from the east. The maximum area allowed for attached garages is 1000 square feet or 80% of the dwelling foundation.

There are two detached accessory structures on the property. One would be removed. City Code requires that the combined area of all attached and detached accessory structures on properties that exceed 1 acre cannot exceed 90% of the dwelling foundation area or 1,200 square feet, whichever is more restrictive unless a conditional use permit is granted. The property consists of 1.75 acres and the foundation area is 1,982 square feet. The total amount of accessory structure proposed with this design is 1,896 square feet.

The application complies with the conditional use permit criteria and standards of the Development Code. The expansion is a reasonable use of the property and will not negatively impact the neighborhood. Four landmark trees will be removed and replaced according to City requirements.

Notices were sent to property owners within 350 feet of the applicant's property. One comment of support was submitted. One neighbor called to express concern about the second access off Victoria because this section of the road is congested. This portion of Victoria is a county road. Ramsey County has reviewed the proposal and suggested that a culvert and grade modifications

may be needed for the access. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Ferrington stated that the new driveway will be a better configuration for the new garage, but her concern is the congestion on Victoria with two access points. She would suggest the original driveway be closed off.

Commissioner Schumer noted that the road is under county jurisdiction and Ramsey County has already agreed to the access, which takes it out of the City's hands. Ms. Nordine stated that the applicant has applied for a permit from the county, but it has not yet been approved. The county's concern is with drainage and the need for a culvert. She further noted that two access points are allowed on a property of this size by the Development Code.

Commissioner Mons stated that his concern is if the property were subdivided. Once subdivided, it would not be in compliance. He suggested attaching a condition to the conditional use permit that the property not be subdivided in the future.

City Attorney Schmidt stated that such a condition to prevent subdivision would not be appropriate with this application because a subdivision is not being considered or requested. Consideration should focus on whether the application meets the Code for a conditional use permit.

Commissioner Solomonson stated that he had the same concern as Commissioner Mons about subdivision. Ms. Nordine responded that this proposal is allowed on properties one acre or greater by City Code with a conditional use permit. Should there be a future subdivision request for the property to become less than one acre, then the City would require conditions that bring the property into compliance with City Code, which could mean removing part of the driveway or the second detached accessory structure.

Mr. Dean Otteson, stated that the applicants are planning this property as their retirement home. The permit from Ramsey County has not yet been approved, but he does not believe there are any obstacles.

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

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Solomonson stated that he supports the project. Because of the size of the property, the application is in compliance.

MOTION: by Commissioner Solomonson, seconded by Commissioner Mons, to recommend the City Council approve the Conditional Use Permit for 3330 Victoria Street North, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. The attached garage shall not exceed 896 square feet in size, and the total floor area of all accessory structures shall not exceed 1,896 square feet. 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 commenced.
3. The small storage shed shall be removed prior to the Final Inspection for the house addition. A financial surety ensuring the removal of this shed will be required.
4. The accessory structures on the property shall be used for personal use only and no commercial use/commercial related storage is permitted.
5. The applicant shall submit a tree preservation plan with the building permit application that identifies tree protection measures to be taken. Replacement trees shall be planted in accordance with the City’s Woodlands and Vegetation Ordinance.

The approval is based on the following findings:

1. The property has been developed with three detached accessory buildings and an attached two-car garage since 1988. The proposed expansion of the attached garage will not have an adverse impact on the nearby properties.
2. The 896 square foot attached garage complies with the maximum 1000 square feet permitted for attached accessory structures and has been designed to be an integral part of the primary structure. The proposal, therefore, meets the spirit and intent of the Code.
3. The land use complies with the designated land use of the Comprehensive Plan.

Discussion:

Commissioner Mons stated that he reluctantly supports the application but would like a workshop discussion about the issue of not putting limitations on a conditional use permit regarding possible future actions going forward.

ROLL CALL: Ayes – 6 Nays – 0

RESIDENTIAL DESIGN REVIEW

FILE NO.: **2355-09-13**
APPLICANT: **DR. PETER ARNY/TONY MEZZENGA**
LOCATION: **1009 OAKRIDGE AVENUE**

Presentation by Senior Planner Rob Warwick

The proposal is to remove the existing roof and replace it with a higher pitched roof using 9/12 and 12/12 pitches. The house interior will be remodeled with the new roof, but no change to the footprint is proposed.

The property is a substandard riparian lot on the south side of Turtle Lake with a width of 75 feet at the front and at the Ordinary High Water (OHW) mark. The lot has an irregular configuration with no frontage on a public street. The driveway is a shared private easement. The existing house is one story with a walkout lower level and an attached two-car garage and one detached garage.

Shoreland mitigation is required. The applicants have chosen architectural mass and reduction of impervious surface by 5.8% with the removal of sidewalks on each side of the house and a patio between the house and attached garage. These areas will be replaced with landscaping. A Mitigation Agreement with the City is required.

Property owners within 350 feet were notified of the request. No comments have been received.

Staff finds that the application is in compliance with standards for substandard riparian lots and recommends approval with the conditions listed in the staff report.

Commissioner Mons asked for clarification of Tony Mezzenga's action on behalf of Peter Army, when it is stated that Mr. Mezzenga is the fee owner. Mr. Warwick explained that at the time of the application Mr. Mezzenga had entered into a purchase agreement to purchase the property subject to the proposed improvements. Dr. Army is the owner of record.

Commissioner Mons suggested revisiting standards in the ordinance regarding substandard riparian lots to prevent the shoreline looking like a wall of buildings. However, this approval is within current standards and he would approve it. Mr. Warwick noted that the DNR is developing new regulations for shoreline property, which are expected to take effect within the next year.

Mr. Tony Mezzenga stated that the roof dimension was increased because one wall will be extended six feet into existing deck space. The footprint will not change.

MOTION: by Commissioner Ferrington, seconded by Commissioner Feldsien, to approve the residential design review application at 1009 Oakridge Avenue, subject to the following conditions:

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 37.8% of the total lot area as a result of this project. Foundation area shall not exceed 18%.

4. An erosion control plan shall be submitted with the permit application and implemented during construction.
5. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
6. A building permit must be obtained before any construction activity begins.
7. This approval is subject to a 5-day appeal period.

The approval is based on the following findings:

1. The proposed alteration of the existing house complies with the adopted design standards for substandard riparian lots.

ROLL CALL:

Ayes - 6

Nays - 0

MISCELLANEOUS

Council Meetings

Commissioner Wenner and Chair Proud will respectively attend the July 6th and July 20th City Council meetings.

Workshop Meeting

The Planning Commission will meet with the City Council to review the Urban Land Institute/Regional Council of Mayors Study at the July 13, 2009 City Council workshop.

Commissioner Mons suggested also discussing standards for substandard riparian lots to see if the City Council also has the same concerns. He would prefer not to wait for DNR regulations, which could take up to a year.

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to request adding to the agenda for the City Council workshop on July 13, 2009 a discussion to review standards for substandard riparian lots.

Discussion:

Commissioner Schumer noted that often workshop agendas are very full and questioned whether there would be time on the agenda to add this item. Ms. Nordine stated that the City Manager and City Council set the agenda. The Planning Commission can make this request.

ROLL CALL:

Ayes - 6

Nays - 0

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adjourn the June 23, 2009 Planning Commission meeting at 7:58 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner