

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

June 26, 2007

CALL TO ORDER

Chair Feldsien called the meeting of the June 26, 2007 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 by Mons, seconded by Commissioner Schumer to approve the agenda as submitted.

ROLL CALL: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to accept the May 22, 2007 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 6 Nays - 0 Abstain - 1 (Proud)

Commissioner Proud abstained as he was not present at the May 22nd meeting.

OLD BUSINESS

**PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE
& COMPREHENSIVE SIGN PLAN**

FILE NO.: 2268-07-09
APPLICANT: CASCADE PARTNERS, LP
LOCATION: 4984, 4696 AND 4710 HODGSON ROAD

Presentation by City Planner Kathleen Nordine

This application is for a preliminary plat to create three parcels for mixed-use development of senior residence housing and office of 10,500 square feet in two buildings. This application includes the first office building. A Comprehensive Sign Plan has also been submitted for the senior housing building and office building.

At its May 22, 2007 meeting, the Planning Commission tabled this application after raising concerns of visual impact of the senior building to the east, the architectural design, landscaping and the proposed phasing of the plan. The developer has made further revisions, which include:

- Additional landscaping along the east side of the proposed senior building that includes deciduous trees as well as evergreens along the east property line. An evergreen row is planned along the east property line, including 20 to 22-foot tall evergreens and 6- to 10-foot tall spruce trees. Existing vegetation on the north property line will be supplemented with 12- to 15-foot evergreens. The Homeowners Association will maintain the landscape buffer.
- Additional architectural details to the building elevations of brick and stone near the main entrance and gables on the west and north elevations to enhance appearance;
- Reducing the length of the third floor along the east side by 34 feet, four inches. The second/third story split is 9 feet south of where the split was previously shown. The number of 68 units remains the same, but the mix of one- and two-bedroom units has changed.
- The first phase includes the first office building, driveway, parking lot and storm water improvements. This stage would begin after final approvals are received. The second phase would be the senior housing building, scheduled to begin in spring 2008, depending on the pre-sale of units. The units would be owner-occupied. An alternate plan is provided to show office development if the senior housing building cannot be built. The third phase would construction of the second office building no later than 2012, when the property at 4696 Hodgson Road is vacated.

The height of the third story remains at 48 feet at the peak. The height of the second story has changed from 35 feet 9 inches to 41 feet 6 inches at the peak. This change is a result of the need for a corridor/stairway for safety code access to the third story. The roof pitch of this portion of the building is changed from 4:12 to 6:12. Staff would prefer to maintain the 4:12 pitch on the third story. There are other options available, such as a “knee wall.”

The building shape has changed from an “V” shape building as shown in the concept plan to a “L” shaped building, which does have an effect on visual impact from the east. The east wall of the building remains at 297 feet. With the revisions, the roof line and some windows would be visible from the east. Staff believes the revisions do address the concerns of visual impact with the reduction of the third story length, increased landscaping, increasing the building setback and reducing the building height.

Property owners within 350 feet were notified of the revisions. Neighbors have expressed concerns about tree removal, visual impact and departure from previous plans. Comments were received from the Lake Johanna Fire Department indicating fire safety requirements, and comments from Ramsey County Public Works indicating no adverse impact to traffic on Hodgson Road. Although staff remains somewhat concerned about the phasing plan, the alternate plan does alleviate some concerns. Phasing can be further addressed in the Development Agreement. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council.

Commissioner Ferrington noted that condition No. 7 of approval of the PUD requires the

developer to explore options to reduce the height of the second story, such as with a “knee wall.” If the Commission approves the plan, what would that mean in regard to this condition? Ms. Nordine explained that she means for the roof pitch to remain at 4:12 and that the developer explore options so the height does not increase.

Commissioner Mons asked how a reduction in mass is being achieved. Ms. Nordine explained that the “knee wall” would be to raise the height of the second-story wall three feet to gain the room needed for the safety corridor. The roof would remain at a 4:12 pitch. The height would be 38 feet rather than the 41 feet being proposed.

Commissioner Wenner asked how the market demand in Shoreview relates to this new senior housing development. Ms. Nordine stated that the developer submitted a market study that indicated that the price points for the proposed units at \$275,000+ is equivalent to the average price of housing units in the City of Shoreview. Staff is a little concerned about the appropriateness of this type of housing with the high end development at Whispering Pines and the proximity of commercial services.

Commissioner Mons stated that with the lower price point, the building will likely attract older residents.

Chair Feldsien opened the discussion to public comment.

Mr. Ron Ellingson, 4720 Cumberland Street, stated that his concern is that the driveway is only about 50 feet from his backyard and deck. He would prefer to see the driveway come off Hodgson Road.

Mr. Jim Meinen, 19 Scotch Pine Circle, stated that the proposed building is very large and abuts homes in Shoreview and North Oaks. While supporting senior housing, from the beginning, neighbors have sought a two-story building on the east boundary. A straw vote of Commissioners showed four Commissioners preferring two stories and two supporting three stories. The building is a larger mass from what was approved at the Concept Stage. The Concept Stage approved a building length of 229 feet; the current proposal is 297 feet with a difference in angle that aligns it with the east property line. Also, in the approved Concept Stage, the third story was 106 feet in length; the current proposal is 167 feet. The height also is now higher from the last review from 35 feet 9 inches to 41 feet 6 inches. The mass of the building keeps getting bigger. The density has also increased from 61 to 68 units.

In looking at other senior housing developments in Shoreview, there are four homes within 250 feet of SummerHouse and none within a setback of less than 250 feet. There are no residential homes within 250 to 500 feet of Scandia Shores. The Cascades development shows 13 residential homes within the setback of 250 to 500 feet--9 Shoreview residents and 4 North Oaks residents. There is one Shoreview resident closer than 250 feet. He requested that the Commission require the east side of the proposed senior building be reduced to two stories, which will have positive effects for both Shoreview and North Oaks and makes it more compatible with surrounding neighbors. This is a loss of six to eight units.

Mr. Paul Sibley, 5840 Prairie Ridge Drive, stated that this project has been reduced from three stories to now a mix of two and three stories. The fewer units mean they will be less affordable. North Oaks do not want to see the windows and roof of this building, even though they have large two plus story homes. He does not believe the senior building is offensive. Many changes have been made to increase landscaping, reduce height and reduce number of units. There is no senior housing in Shoreview where seniors can own their own condominium. The units in the other senior buildings are rental units. The plan has been compromised enough. It is time to approve it and give Shoreview seniors housing they can afford.

Mr. Pat Julik, Cascade Partners, Developer, stated that the intent of this housing is to be affordable for people in Shoreview selling a median priced home. The square footage is comparable to the detached town homes in Whispering Pines. Most units are two bedrooms; many are with dens. It is a quality building with common areas that will have amenities for large gatherings and activities. In response to Mr. Ellingson's concern, Mr. Ellingson was presented with the development plan for this site. He would like to have the access off Hodgson Road, but the City has made clear the preference for Cumberland. Additional landscaping will help screen his property. There is only property within 250 feet of the development, the Meader property that did not receive prior notice of this development. There are only three houses within the 500-foot impact zone--Meaders, Garbers and one resident in Shoreview. This proposal is consistent with what has been done elsewhere in Shoreview. This development is clearly better screened than others in the City.

At Commissioner Mons' request, Mr. Julik stated that when the third floor was shortened, the unit count was kept the same with smaller one-bedroom units. Two bedroom units are approximately 1400 square feet. Commissioner Mons noted that the units are 20% to 25% larger than rental units. This is a better quality purchase than other units available in Shoreview.

Commissioner Proud asked Mr. Julik's response to maintaining a 4:12 roof pitch. Mr. Julik stated that he is agreeable to the "knee wall" approach.

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

ROLL CALL: Ayes - 7 Nays - 0

Commissioner Solomonson stated that although he would like to see two stories on the east side, the developer has brought the height of that side of the building down to where it was at Concept Stage approval. Based on that, he would approve this plan.

Commissioner Schumer stated there is no screening between the homes in North Oaks, but it is an issue for this development in Shoreview. He believes the developer has increased landscaping to better screen the mass of building.

Chair Feldsien stated that the developer has addressed concerns of residents. While the

Commission would prefer two stories on the east side, he recognizes that the developer has moved in that direction and has added screening. He would support the project as presented.

Commissioner Mons agreed with Chair Feldsien and will support it. He expressed reservations about the “knee wall.” As he heard the comments, neighbors would rather look at roof than wall. Raising the height of the wall does not appear to address that concern. He does not believe the mass would be that much more with a 6:12 pitch. The knee wall would be a flat surface compared to a pitched surface. He would reword condition No. 7 as follows: “The developer shall provide alternative elevations showing a roof pitch of the second floor consistent with the roof pitch located on the third floor and to accommodate such shall explore options that minimize height impacts such as installing a “knee wall”.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to recommend the City Council approve the applications submitted by Cascade partners, LP for The Cascades of Whispering Pines development, including the Preliminary Plat, Planned Unit Development - Development Stage and Comprehensive Sign Plan. The proposed development is consistent with the goals of PDA #11 and will provide additional life-cycle housing in the community. Furthermore, the proposed uses and overall site design reduce and mitigate development impacts on nearby properties.

Preliminary Plat

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines. Drainage and utility easements along the roadways shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide and as required by the Public Works Director.
3. Private agreements shall be secured between the parcels in the subdivision regarding joint driveway, parking, storm water, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City’s release of the Final Plat.
4. The Developer shall create an Association for all property owners in this plat. The Association documents (articles of incorporation, bylaws, rules and regulations, replacement reserve study and covenants) shall be reviewed and approved by the City Attorney prior to recording and shall address the use/maintenance of all shared infrastructure including driveways, parking areas, storm water infrastructure and other utilities.

Development Stage - PUD - Office Building, Lot 1 and Lot 2

1. This approval permit’s the development of Lot 1 and a portion of Lot 2 with a 6000 square foot office building, access driveway and parking as identified on the submitted plans. The site shall be developed in accordance with the plans submitted; however, minor modifications may be made provided approval is received from the

- City Planner. Significant changes to the plans will require an amendment to the PUD. The underlying zoning district of this PUD will be O, Office.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director.
 3. Final plans shall identify site construction limits and the treatment of work (i.e., driveways, parking areas, grading, etc.) at the periphery of these construction limits
 4. The sidewalk adjacent to Cumberland Street and on Lot 1, adjacent to the private driveway must be constructed in conjunction with the development of the office building.
 5. The landscaping plan shall be revised to include additional plantings on the west side of the proposed parking for additional screening from Hodgson Road.
 6. Private agreements shall be secured between parcels in the PUD regarding joint driveway, parking, storm water, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's review of the Final Stage PUD plans and Final Plat.
 7. Access to the proposed building is prohibited from Hodgson Road. Access to the site shall be provided via the private driveway as indicated in the approved plans.
 8. The items identified in the Assistant City Engineer's memo and memo from the Lake Johanna Fire Department must be addressed prior to the City's review of the Final Stage PUD plans and Final Plat.
 9. The Developer shall work with the City staff to provide the replacement trees required per the City's Woodlands and Vegetation Ordinance.
 10. Fencing for the existing home at 4696 Hodgson Road shall be installed prior to the issuance of any permits for this office building.
 11. Architectural design of the future office building on Lot 2 shall compliment the building on Lot 1 using similar building materials and colors.
 12. The Developer is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project. The development agreement shall also address the phasing of this project.
 13. The Developer or any subsequent property owner shall be a party to the Association required as part of this plat.

Comprehensive Sign Plan

Office - Lot 1

1. Signage shall be installed in accordance with the submitted plans and following guidelines:
 - a. Wall signage and monument signage shall be cabinet style.
 - b. One wall sign is permitted as identified on the submitted plans. Any additional wall signage will require an amendment to this sign plan.
2. The sign plan is approved with one freestanding monument sign located along Hodgson Road adjacent to the parking area. Said sign shall be setback a minimum of 10 feet from the Hodgson Road right-of-way. This sign shall be internally illuminated.

3. A sign permit shall be received prior to the installation of any signs on the property.

Senior Housing - Lot 3

1. Signage shall be installed in accordance with the submitted plans and following guidelines:
 - a. Two monument signs are permitted - with one located in the interior of the site and one along Hodgson Road. Said signs shall be individual letter style and be ground lit.
 - b. The sign along Hodgson Road shall be set back a minimum of 10 feet from the Hodgson Road right-of-way. Location of this sign should not block the view from the driveway that will remain temporarily for the home at 4696 Hodgson Road.
2. A sign permit shall be received prior to the installation of any signs on the property.

Planned Unit Development - Development Stage (Senior Housing Building)

1. This approval permit's the development of Lot 3, The Cascades, with a 68-unit senior (ages 55 and older) condominium residential building. The underlying zoning district of this PUD will be R-3, Multi-Family Residential.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to submittal to the City of applications for Final Plat and PUD - Final Stage. Final plans shall identify site construction limits and the treatment of work (i.e. driveways, parking areas, grading, etc.) at the periphery of these construction limits.
3. The proposed structure shall be of a 2 and 3 story design as depicted on the plans submitted with this application and dated 3/27/07. That portion of the building along the east property line shall include 2 stories at the northern end of the building, then step up to 3 stories as identified on the plans. The structure shall not exceed the heights as identified in this report and on the submitted plans.
4. Final plans shall be revised to incorporate the recommendations of the Lake Johanna Fire Department and the Asst. City Engineer.
5. Private agreements shall be secured between the parcels in the PUD regarding joint driveway, parking, storm water, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the city's review of the Final Stage PUD plans and Final Plat.
6. The developer shall continue to work with Staff to enhance the exterior of the building by: incorporating additional brick and/or stone, and architectural features, which add visual interest. Revised building elevations shall be submitted to staff prior to review of the Final Plat and Final Stage PUD plans.
7. The developer shall provide alternative elevations showing a roof pitch of the second floor consistent with the roof pitch located on the third floor and to accommodate such roof pitch, the Developer shall explore options that minimize height impacts such as installing a "knee wall."
8. The Developer shall work with the City staff to provide the replacement trees required per the City's woodlands and vegetation ordinance. Said replacement plan

Council April 6, 2006, and the final plat was approved July 10, 2006, subject to conditions. One condition of approval was that the plat would be recorded with the County within one year. The applicant has not yet recorded the plat with Ramsey County because the mortgage company has not released the new lot from the existing mortgage. The applicant has requested an extension of approval to January 10, 2008. There have been no changes to City regulations since approval of this project was received. Staff is recommending approval with the same conditions.

Chair Feldsien asked if there is any indication that this matter will be resolved in six months. Mr. Warwick responded that the applicant is seeking another mortgage company and expects to have the situation resolved within six months.

Commissioner Solomonson asked if any other properties would have access to the shared driveway for the two lots and whether this subdivision would impact further development to the east. Mr. Warwick answered that the driveway is only for the two lots. The applicant illustrated with the application how further development in the area will not be impeded due to the new lot.

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to extend the February 28, 2006 variance approval for Darwin DeRossier until January 10, 2008, subject to the five enumerated conditions:

1. The approved variance waives the City's street frontage requirements for Lot 2 of the Shella's addition plat.
2. A private driveway easement and maintenance agreement shall be executed to ensure access to Lot 2. Said easement and agreement is subject to review and approval by the City Attorney prior to the City's release of the Final Plat.
3. 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.
4. This approval shall expire January 10, 2008 if the subdivision has not been recorded with Ramsey County.
5. This approval is subject to extension of the final plat approval by the Shoreview City Council.

ROLL CALL: Ayes - 7 Nays - 0

VARIANCE - EXTENSION

FILE NO.: **2223-06-25**
APPLICANT: **ZAWADSKI HOMES/JILL WILSON**
LOACITON: **743 AMBER DRIVE**

Presentation by Senior Planner Rob Warwick

A subdivision into two parcels for this property was approved in June 2006 with a variance to create a lot without access on a public street. The preliminary plat was approved by the City Council on July 17, 2006, but the applicant has not applied for final plat approval due to the slow

real estate market and the reconstruction of Emmert Street scheduled to occur in 2008 that will provide municipal water to the area. Staff is recommending approval because of the desirability that development occur when municipal services are available.

Commissioner Solomonson expressed concern as to whether properties, including this new lot, would, in fact, hook up to City water. Mr. Warwick explained that easements are in place for the City infrastructure to provide water. While these properties are currently using wells, it is expected that residents will petition for City water when the road work is done and the infrastructure is in place to provide City water.

Commissioner Feldsien asked if it would be better to have the applicant come back later when the City project is complete rather than extending the approval a year. Mr. Warwick stated that is an option. There are four vacant, buildable lots, and all are large. Staff believes the current design will be the final plan, based on the past actions of the property owner.

Commissioner Mons stated that he voted against this variance originally because he believes the access should be off a public road. However, he is willing to support the extension.

Commissioner Solomonson explained that he voted against the variance the first time because he believes Amber Drive should be a public street and now the timing is of concern.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to extend the June 20, 2006 variance approval for Zawadski Homes, on behalf of Jill Wilson, until July 17, 2008, subject to the six conditions enumerated in the motion:

1. This approval shall be subject to approval of the final plat by the City Council.
2. This approval allows subdivision of the subject property, creating one new parcel that lacks frontage on a public road. Both lots are subject to existing private easements for access.
3. No parking signs shall be installed along both sides of Amber Drive. Sign placement is subject to the approvals of the Public Works Director and the Lake Johanna Fire Department.
4. At such time as Amber Drive is re-surfaced, the width of the improved surface is subject to the review and approvals of the Public Works director and the Lake Johanna Fire Department. The City reserves the right to require a minimum 20-foot width for the improved surface.
5. This approval shall expire July 17, 2008, if the subdivision has not been recorded with Ramsey County.
6. This approval is subject to extension of the preliminary plat approval by the Shoreview City Council.

ROLL CALL: Ayes - 6

Nays - 1 (Solomonson)

NEW BUSINESS**VARIANCE**

FILE NO.: 2278-07-19
APPLICANT: ERIC SCHABERG
LOCATION: 3577 RUSTIC PLACE

Presentation by Senior Planner Rob Warwick

This application is for a porch addition on the north side of the home consisting of 236 square feet. A variance is required for a 5-foot side yard setback rather than the 10 feet required. The existing house is set 5 feet from the north side property line and does not conform to City standards. The porch is designed to align with the existing house and would be completed with the attached garage, mudroom/laundry room now under construction on the south side of the house.

The applicant states that the proposed porch matches the setback of the existing house. If compliance with the 10-foot setback is required, there would not be sufficient space to add a porch. The proposed porch would be over 90 feet from the nearest residence to the north.

Staff agrees that hardship exists due to the location of the house. It is not uncommon in this area for houses to have 5-foot side yard setbacks, and the porch will not be a further encroachment. Granting the variance would not alter the character of the neighborhood, and staff would recommend approval with the conditions listed in the staff report.

Property owners within 150 feet were notified of the application. Two comments in support were received.

MOTION: by Commissioner Wenner, seconded by Commissioner Schumer to adopt Resolution 07-45, approving the variance request submitted by Eric Schaberg, 3577 Rustic Place, to construct an enclosed porch with a side setback of 5 feet, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance application. The enclosed porch shall maintain a minimum setback of 5 feet from the north property line. 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. 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.

The 20-foot setback provides sufficient room for parking. The shape of the property is a trapezoid, which also creates some difficulty in complying with all requirements. Staff believes it is reasonable to grant the 20-foot setback to preserve the Maple and Spruce trees. The foundation area includes a front porch of 115 square feet that will not be fully enclosed but is an enhancement to the house. House foundation areas in the neighborhood vary, and staff does not believe the size of this proposed house is out of character. Staff also believes the proposed height will not negatively impact adjoining properties.

Notices were sent to property owners within 150 feet. One comment was received in support of the project. Other comments expressed concern about the size of the house and drainage. However, staff found similar sized homes on this same street. Adjacent property owner Greg Voss is concerned about the removal of an existing oak tree and the appearance of the house from his bedroom windows to the west. It is the orientation of the garage that requires removal of the tree. Orienting the garage toward Owasso Heights Drive would impact the character of the home. Shifting it further east would impact the two trees the applicant is trying to save. Also, use of the third garage stall would be impacted if reoriented. The applicant has indicated that the garage will be enhanced with windows and trim to add visual interest. The alleyway is between this home and the adjacent home to the west, which sits slightly higher.

The neighborhood is an older lakeshore neighborhood of vacation cottages that have been converted into permanent homes. Staff believes hardship is present and does not believe the proposed house would negatively impact the character of the neighborhood because of its eclectic nature. Staff supports keeping the trees on the east side, which complies with City goals to maintain trees. These trees will provide buffering to the property to the east. Staff recommends approval.

Commissioner Mons asked for further clarification of the rationale for the roof height. Ms. Nordine stated that the main living area has a 9-foot ceiling, which is common in today's housing standards. If the pitch were reduced, the gables would have to be redesigned. Staff believes the request is reasonable for the design of the home and will not have an impact on adjacent properties.

Commissioner Mons suggested revisiting the roof height issue for substandard lots. A height of 35 feet is allowed for standard lots; substandard lots are limited to 28 feet. Rather than granting a variance, perhaps the height allowance should be changed.

Chair Feldsien also expressed concern about the roof height and setting a precedence for the height variance.

Commissioner Ferrington asked how drainage will be addressed. Ms. Nordine referred the Commission to the Assistant City Engineer's memo explaining drainage improvements with the alleyway. The alleyway will be shifted slightly to the west, and a pervious pavement will be used to address runoff.

Mr. Josh Clendenen, Delaney Company, stated that the garage serves as a nice buffer. The layout of the house favors the neighbors. In new development covenants are often in place requiring an 8/12 pitch to the roof of the house. In his mind, this design at 7/12 is a standard that is being used. Homes over \$300,000 do not have ceilings lower than 9 feet. The front gables are part of the architectural appearance. To lower the roof would make the front too heavy. The pitch also allows a bonus room over the garage. The topography of the neighborhood slopes to the east toward the lake. He does not anticipate any drainage problems.

Commissioner Mons stated that covenants are used to enforce a consistency throughout a neighborhood. That is not the case here. He suggested a 9-foot first floor and 8-foot second floor and that the house is may be too large for this lot. He does not see what the hardship is to justify the increased height.

Mr. Clendenen requested to submit an amendment to the variance with an alternate height. Chair Feldsien stated that the Commission can only consider the application submitted. Ms. Nordine stated that if the plan is to be amended, it should be tabled and reconsidered.

Commissioner Solomonson suggested approving the two variances and denying the one for height.

Commissioners Proud and Ferrington stated that they have no problem with the height variance. Commissioner Ferrington added she would support all of the variances because the lot size is in conformance. The unfortunate factor is the shape of the lot which makes the lot depth less than standard.

Mr. Hinz, Applicant, stated that both letters that complain about size are complaining about foundation area. Finished square footage on is 2365 square feet. With the bonus room, it would be 2725 square feet. It is nowhere near the mass as indicated in the complaints. There are larger homes in the neighborhood. Three properties (south, southwest and west) would be able to view the home. The properties to the west and southwest sit at a higher elevation. The house would not tower over or be look higher than the two-story home to the west.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to approve the residential design review and variance requests submitted by Todd and Liz Hinz, 3295 Owasso Heights Drive, to construct a new home on the property and adopt Resolution 07-44, with the exception that the third variance to increase the roof height from 28 feet to 29.8 feet be stricken from the resolution, and approval be subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. 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.

The property is a corner lot with frontage on Maple Lane and Horseshoe Drive. It is zoned R1 with an area of 9,009 square feet. The standard for an R1 lot is 10,000 square feet. The house design is a split level with a one-car tuck under garage. The proposal is to expand the garage to a two-car garage. The porch addition is on the west side and will be used for a $\frac{3}{4}$ bath. As a result of this project, the driveway will be reconfigured to eliminate access to Maple Lane.

The applicants state that adding a second garage stall and second bathroom to the house is a reasonable use of the property. The configuration of the lot and house create hardship. The design minimizes encroachment and maintains sightlines at the intersection of Horseshoe Drive and Maple Lane. The driveway will be reconfigured to access the second stall of the garage.

The majority of lots in this neighborhood are nonconforming and require variances for property improvements. As a corner lot, buildable area is limited. Also, the topography is sloped which further limits area for improvements. The new driveway will provide adequate parking space and will not negatively impact the neighborhood. The porch was added in 1984, when no variance was required. Staff believes that this prior approval favors granting the rear setback variance. Foundation area in the neighborhood varies greatly, and staff does not believe the size of the house is out of character with the neighborhood or parcel. Hardship exists with topography and location of the house. Staff would recommend approval.

Property owners within 150 feet were notified. One comment was received in support. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Solomonson noted that the homes on Maple Lane conform to the 30-foot setback. This application would not conform to that alignment and adversely affects the sight lines.

Commissioner Mons responded that as the house sits at an angle, the variance will not be as noticeable. Also, the Commission has a history of being more lenient with requests to increase a single garage to a double garage.

Commissioner Ferrington stated that there have been additions to many houses in this neighborhood that have required variances.

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to approve the residential design review and variance requests submitted by Gregory and Nancy Cottle, 395 Horseshoe Drive, to construct additions to the home and adopt Resolution 07-46, subject to the following seven conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. 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. 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

