

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

November 27, 2007

CALL TO ORDER

Chair Feldsien called the meeting of the November 27, 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, Solomonson and Wenner.

Commissioner Schumer was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to approve the agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Solomonson, seconded by Commissioner Proud to accept the October 23, 2007 Planning Commission meeting minutes as submitted.

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

Commissioner Mons abstained, as he was not present at the October 23rd meeting.

REPORT ON CITY COUNCIL ACTIONS:

Presentation by City Planner Kathleen Nordine

At the November 5th and November 19th City Council meetings, the following items were approved:

- Life Span Site and Building Plan Review with a condition of adding a crosswalk between the building and the playground area;
- Conditional Use Permit for Dana Kelly as recommended by the Planning Commission; and
- Oak Hill Montessori Site and Building Plan Review, overturning the Planning Commission's recommendation for denial, with added conditions for 6-foot

privacy fences to be installed along the north and west property lines.

OLD BUSINESS

TWO PRELIMINARY PLATS

FILE NO.: 2298-07-39
APPLICANT: GALVIN/VOSS CONSULTING, INC.
LOCATION: 4161 RICE STREET

FILE NO.: 2299-07-40
APPLICANT: GEIGER/VOSS CONSULTING, INC.
LOCATION: 4135 RICE STREET

Presentation by Senior Planner Rob Warwick

The proposal is to subdivide each of the two parcels into four lots for development of single-family residences. The required public hearings were held by the Planning Commission at the October 23, 2007 meeting. Further information was requested regarding storm water management, grading, building elevation, height and trail connectivity.

The two plan configurations are the same, except at 4161, Orchard Estates Second Addition, the street is along the south boundary; and at 4135, Orchard Estates Third Addition, the street is along the north boundary. The proposed sewer for 4161 has minimal grade changes and cover. At 4135, the topography drops off and 2 feet of fill are planned to cover utilities. Both sites provide the minimum amount of cover for utilities. The building elevations are consistent with common development practice of an inch of elevation change per foot, which is 3 feet higher than the curb. The proposed house designs are for look-out basements and full basements. The look-out basement design shows 3 to 3.5 feet above the elevation of the basement floor. The full basement design has window wells for required egress. Sewage ejector pumps will be necessary for most of the basements.

The storm water plan designed by the applicant's engineer complies with City standards. It is designed to flow to catch basins and the underground storage facility for the front half of each of the future houses and the street. At the rear of the houses, water will flow overland using existing flow patterns. It is anticipated that the amount of overland runoff will be reduced 70% to 80% with the proposed drainage patterns.

The grading plan complies with City standards. Proposed street elevations are related to the minimum utility cover required. House elevations are slightly higher than the street as is typical in new subdivisions.

The plan is designed to provide the required grade and preserve existing trees when possible, which will reduce the visual impact of the future houses. Required replacement trees for landmark trees removed is a ratio of 6:1. At 4161, 114 replacement trees are required; at 4135,

72 replacement trees are required. Visual impact is further minimized by: 1) minimum grading elevation changes; 2) look-out and full basement house designs instead of walk-out styles; and 3) retaining and enhancing vegetation along perimeters.

A trail segment along Rice Street will provide a connection between Highway 96 and the anticipated trail along Highway 49, as well as a connection to Sucker Creek Park. The Highway 49 trail would be constructed when Ramsey County does a future road project. No timeline for that project has been proposed. Staff recommends escrowed funds to construct the trail segment along Rice Street for each development.

Notices were sent to property owners within 350 feet of the proposed development. Two new comments were received. Concerns focus on traffic on Rice Street, impact on trees and the proximity of the new houses to existing houses. Staff recommends an extension of the review period to 120 days and that the applications recommended to the City Council for approval with the conditions listed in the staff report.

Commissioner Mons asked how the development of these two parcels would impact future development of the parcel between them at 4151. Mr. Warwick answered that staff does not believe future development would be impeded. Placement of the proposed cul-de-sacs would allow access for future houses built on the parcel between them. The property owner of the middle parcel stated that he has no intentions to further subdivide his property.

Commissioner Solomonson stated that the look-out design homes will show more mass than those with a full basement. He asked the type of trees to be planted to minimize visual impact. Mr. Warwick stated that there is a combination of conifers and deciduous trees. The City requirement is 6-foot trees so they will not have an immediate effect. Both sites retain trees along property lines that abut neighboring houses.

Chair Feldsien opened the discussion to public comment.

Mr. Ben Stevens, 4151 Rice Street, stated that there are 46 watershed districts in the metro area, which illustrates the importance of properly managing water. The main sewer line in Rice Street is not buried very deep and so any homes developed west of the sewer will have problems with natural sewage flow. The lots are being elevated to create a natural flow to Rice Street because the developer does not want to incur the expense of an ejection system from the homes. The elevations will change the natural flow of storm water. With each lot allowed 40% impervious surface and the street, one out of two acres will be impervious surface. He expects that his property and surrounding properties will be impacted with added runoff. Who is responsible? The developer should be required to spend appropriate funds to develop the property properly, or the City should be on the hook for not demanding it. What is the City's policy on grit chambers? Who maintains them and when? Who takes care of them when they fail? In a small neighborhood aesthetics are everything. He does not want to see a 40-foot rear wall of siding. The City should have insisted on only three houses per parcel instead of the original five proposed. The compromise of four squeezes the houses together. Will the City compromise on

the water, setback and height issues? The City is big enough to not have to compromise.

Ms. Monica Keyport, 163 DeMars, stated that existing vegetation along the lot lines include lilacs and huckleberry trees that are messy. There is no additional coverage. Why does there need to be a 5- to 7-foot elevation for a house pad instead of using the natural elevation? Just because it is legal and meets the City's guidelines does not mean it is the right thing to do. The new houses will tower over and will look down into existing homes. Residents will have to buy new drapes for each room to protect privacy. It is overwhelming what is proposed. The developer has stated that, if granted the variance for five homes on each parcel, he would scale them back. The same can be done for the eight houses proposed. The nearest house will be 10 feet from her property line. There will be lilacs and huckleberry trees and a ditch between her and a 2.5 story mc-mansion--the back and side of which will face her house. With the housing slump, there are still 15 vacant lots in Snail Lake Landing for sale as well as several already built homes. At Whispering Pines, there are 16 vacant lots/new homes for sale. The proposal means that 4151 will have a road on each side of its property, which she thought was against City code. She referred to a petition in opposition expressing water concerns and the magnitude of what is proposed.

Mr. Fred Reed, 164 Hawes Avenue, stated that he made the suggestion to flip the cul-de-sacs so adjacent houses would not be facing towering houses. He was told that regulations do not allow a road on each side of a house, but that is what is happening to 4151. He would prefer to look at a road than a house 10 feet from his property line.

Mr. Paul Cote, 150 Hawes Avenue, stated that the trees in the corner of Lot 1 have not been well cared for. A new homeowner of a \$700,000 home may take them all out.

Mr. Steve Copeland, 183 DeMars Avenue, stated that he is an agricultural engineer. One problem he sees is that the character of the neighborhood will be changed with 3-story homes in a neighborhood of single-story rambler homes built in the 1950s. Existing homes adjacent to the southern property line of the southern parcel sit two feet below existing grade. There is already elevation and it looks like 6 more feet will be added. The peak of his house is approximately 15 feet. The proposed houses will be 40 feet in height. He estimates a 40% slope from his house to the peak of the proposed new house, about 21 degrees. Although there will be less area of runoff, the tall houses will run off onto a slope, which may create a problem. Homeowners are bigger polluters than farmers because of chemical treatments to lawns. With infiltration into the soil pollutants are broken down by weather, microorganisms and ultra violet degradation. This will not occur in a storage tank. The sludge in the tanks will be very contaminated from lawn chemicals and he is concerned how that will be addressed.

Mr. Bob Prust, 4162 Rustic Place, stated that from his house the new house will be a 50-foot visual impact. He does not know who will buy \$700,000 homes in a \$200,000 neighborhood. He has lived in his house 40 years with never any water in his basement. The elevation will be 7 to 8 feet in drop to his house. If he does get water, who is the liable party? As it is a man-made situation, someone has to be responsible.

Mr. Greg Voss, 3291 Owasso Heights Drive, introduced his project engineer, Pat Carpenter, to answer questions.

Mr. Carpenter, RLK, explained the changes of elevations in back yards in relation to drainage. The grading and fill for the two westerly homes on the south parcel will occur from the midpoint of the lot forward. The grade at the rear will be same as today. There will be 50 or 60 feet from the rear of the house to the rear lot line which will remain as today in grade. Water runoff from the houses will not rush to the lot line but will flow over a very gentle slope so infiltration can occur. The same will be achieved with the swale on the south lot lines. The swale is to make sure that water does not drain further onto neighbors' properties. He has worked with many similar systems in several states. The drainage plan is designed carefully and signed by himself, a registered engineer, and reviewed by the City Engineer.

Commissioner Solomonson asked for an explanation of the drainage pattern on Lot 2. **Mr. Carpenter** stated that approximately three-quarters of the front drains to the road. The remainder is allowed to drain on existing grade to the side lot line in addition to the swale at the rear. The drainage from the streets will go to the underground system and not to the center property at 4151. The only possible water that would affect his property would be from a narrow grass strip behind the curb that is on a slight natural grade. There will be trees and vegetation planted in that area.

Chair Feldsien asked how reliable grinder pumps are if they are needed. **Mr. Carpenter** answered that it depends on the builder. They are mainly needed for basement bathrooms and basement floor drains. They usually have a certain storage capacity and do not back up immediately if there is a power outage.

Commissioner Wenner asked for further explanation of the screening and visual impact issue expressed by neighbors. There has been discussion of planting larger pines, but there is nothing that will totally screen the new houses. It is all subject to City review.

Commissioner Proud asked Mr. Voss to comment on his view of how the project will impact neighboring homes aesthetically. **Mr. Voss** stated that in his neighborhood developers were granted variances for size and setbacks for a new home that affects all four of the bedrooms in his house, so he is sensitive to the issue. He is comfortable that his plan is within the City's ordinances for height and ratios relative to land use. He is open to planting oversize trees. He is flexible and willing to work with each abutting property owner to minimize impacts. The new homes are not going to be towering 50 feet in the air, and he is working to lower roof heights. He is looking into bring this project in with a 'Green' builder. He is trying to have as little impact to the land as possible. The City has worked very hard to help him. Although the houses will be larger than adjacent houses which will impact the character of the neighborhood, none of them will be larger than the home at 4151. They will be contemporary and comparable to the homes across Rice Street in Vadnais Heights.

Ms. Keyport responded that the proposal of four homes on the same lot size as the one home at 4151 is not a valid comparison.

Mr. Copeland asked the actual height of the houses to be built. He would also like a response to point source ground water pollution. The breakdown of pollutants will not occur in the storage tanks. It will be like 3M dumping pollutants into the ground water.

Commissioner Proud asked if there are any receptors in the area that would be affected by point source pollution. **Mr. Copeland** stated that his house has a well, although it is capped. He would assume that most of the houses have wells.

Commissioner Proud asked if the criteria for subdivision of the property in this application have been met. City Attorney Filla stated that it is his understanding that this proposal meets all of the subdivision regulations of the City. The lot sizes, frontages, setbacks are all sufficient. The storm water is channeled in a way that meets City code. City sewer and water are available for the project. He has heard no requests for variances. The character of the neighborhood is not a criterion of measurement with respect to a subdivision.

Commissioner Ferrington asked staff to explain how this drainage system, used in other parts of the City, works, how it is maintained and how the point source pollution sludge is disposed of. Mr. Warwick stated that there are two other infiltration systems--one on Birch Lane and one on Nelson Drive. The City maintains them. There is a chamber that collects solids to prevent them from getting into the infiltration chamber. It is cleaned several times a year with a vacuum system. Maintenance on this type of system is easier than storm water ponds.

Commissioner Solomonson stated that although the proposal meets City regulations, he continues to be concerned because of the mismatch in height between the proposed homes and existing homes.

Commissioner Wenner asked for further explanation of the City's requirements for screening. Mr. Warwick stated that the City requires screening between non-residential and residential uses. The City has no requirements to screen residential uses from other residential uses. Vegetation and trees will be removed, and replacement trees will be required, but the developer is not required to place the trees between his development and existing property owners.

Commissioner Ferrington asked if it is prohibited to flip the placement of the streets because the houses would then be between two roads. Mr. Warwick explained that flipping the placement of the cul-de-sacs would create through lots, which are permitted only when abutting an arterial street and a lot depth of 145 feet. The proposed lots are 130 feet deep. Ms. Nordine added that to create through lots on this project would be creating non-conforming lots.

Commissioner Mons stated while he understands the concern of neighbors about the height, anyone could buy a property, tear down the house and build a taller one within City ordinance regulations. He does not see how the City can deny this application when it meets all City ordinance requirements.

Chair Feldsien stated that while he has concerns, he agreed with Commissioner Mons that there

is not a reason to deny it.

Commissioner Ferrington asked if replacement trees could be planted on adjoining neighbors' properties rather than elsewhere in the City. Ms. Nordine stated that the developer has held neighborhood meetings, and it would be permissible for him to do that.

Commissioner Mons suggested amending condition No. 8 of the motion to encourage the developer to explore the possibility of planting trees on neighbors' properties to help minimize the impact of the development. **Mr. Voss** stated that he has made that offer to the neighbors who attended the neighborhood meeting and has made that offer publicly. He has no problem giving the trees, but he does not want to plant them and be responsible for their survival. Ms. Nordine stated that the development agreement will require a landscape escrow for trees, and a longevity agreement is required to make sure they survive through the winter. Planting is arranged between the developer and the property owner.

Commissioner Proud stated that he will not support the proposal because there is material incompatibility with the character of the neighborhood.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to extend the review period to 120 days and to forward the application for the preliminary plat of Orchard Estates Third Addition, located at 4135 Rice Street, to the City Council with a recommendation for approval. The recommendation is based on findings that the application complies with the provisions of the Municipal Code, Chapter 200, which regulates subdivision of property, and is in harmony with the City Comprehensive Plan. The approval is subject to the 16 conditions listed and with modification to condition No. 8 by adding after the word site, "a) the developer is encouraged to negotiate with adjacent property owners for the planting of said trees with credit to be given for trees planted on adjacent properties with the consent of the property owner, or b) other locations..." .

MOTION: by Commissioner Mons, seconded by Commissioner Wenner the following conditions:

1. This approval shall be subject to approval of the final plat by the City Council.
2. This approval permits the development of a detached residential subdivision providing 4 parcels for new construction.
3. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to application for final plat.
4. Final utility plans are subject to review and approval by the Public Works Director prior to application for final plat.

5. The final street design is subject to review and approval of the Public Works Director prior to application for final plat.
6. A development agreement, erosion control agreement and Grading Permit shall be executed and related securities submitted prior to any work commencing on the site. The Development Agreement shall address construction management and nuisances that may occur during the construction process. The Development Agreement may allow phasing of the construction of potentially public infrastructure and submittal of related sureties.
7. A public recreation use dedication fee shall be submitted as required by ordinance prior to recording of the final plat.
8. The final landscape plan is subject to approval of the City Planner prior to application for final plat. If the required replacements cannot be accommodated on site:
 - a. The developer is encouraged to negotiate with adjacent property owners for the planting of said trees with credit to be given for trees planted on adjacent properties with the consent of the property owner;
 - b. The City will identify other locations on public property for the replacements;
 - c. A cash contribution to the City for forestry purposes will be necessary.
9. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Tree protection shall be addressed in the Development Agreement.
10. Two Vernon-style street lights shall be required for this street.
11. The final plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways and rear lot lines shall be a minimum of 10 feet wide and 5 feet wide along the side. In any case, common drainage swales for the development shall be encumbered with drainage easements, and as required by the Public Works Director.
12. For work in the Rice Street ROW, required approvals and permits must be received from Ramsey County Department of Public Works prior to the issuance of any development permits for this subdivision.
13. The applicant shall deposit an escrow with the City for the future construction of a bituminous trail along Rice Street, to be used to pay for the installation of a trail over the development site.

14. All lots shall have driveway access off of the new public street. No driveways for the development shall have access to Rice Street.
15. The existing house at 4161 Rice Street and all detached accessory structures shall be removed, and the existing sanitary sewer and water services shall be abandoned, subject to the permitting and inspection requirements of the City.
16. Any existing wells shall be capped in accordance with regulations and subject to the permitting requirements of the State Department of Health.

Discussion:

Commissioner Mons asked if denying the subdivision is legal on the basis of character of the neighborhood. City Attorney Filla stated that would not be a reason for denial.

Commissioner Solomonson stated that he agrees with Commissioner Proud and, therefore, cannot support the proposal.

Commissioner Ferrington stated that she is very conflicted because of the character of the neighborhood, even though the proposal meets all ordinance requirements and the developer and staff have done a good job of addressing all the questions raised at the last meeting.

ROLL CALL: Ayes: 4 - Wenner, Mons, Ferrington, Feldsien
 Nays: 2 - Solomonson, Proud

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to extend the review period to 120 days and to forward the application for the preliminary plat of Orchard Estates Second Addition, located at 4161 Rice Street, to the City Council with a recommendation for approval. The recommendation is based on findings that the application complies with the provisions of the Municipal Code, Chapter 200, which regulates subdivision of property, and is in harmony with the City Comprehensive Plan. The approval is subject to the 16 conditions listed in the staff report and the amendment to condition No. 8 consistent with the amendment made in the preceding motion:

1. This approval shall be subject to approval of the final plat by the City Council.
2. This approval permits the development of a detached residential subdivision providing 4 parcels for new construction.
3. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to application for final plat.

4. Final utility plans are subject to review and approval by the Public Works Director prior to application for final plat.
5. The final street design is subject to review and approval of the Public Works Director prior to application for final plat.
6. A development agreement, erosion control agreement and Grading Permit shall be executed and related securities submitted prior to any work commencing on the site. The Development Agreement shall address construction management and nuisances that may occur during the construction process. The Development Agreement may allow phasing of the construction of potentially public infrastructure and submittal of related sureties.
7. A public recreation use dedication fee shall be submitted as required by ordinance prior to recording of the final plat.
8. The final landscape plan is subject to approval of the City Planner prior to application for final plat. If the required replacements cannot be accommodated on site:
 - a. The developer is encouraged to negotiate with adjacent property owners for the planting of said trees with credit to be given for trees planted on adjacent properties with the consent of the property owner;
 - b. The City will identify other locations on public property for the replacements; or
 - c. A cash contribution to the City for forestry purposes will be necessary. .
9. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Tree protection shall be addressed in the Development Agreement.
10. Two Vernon-style street lights shall be required for this street.
11. The final plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways and rear lot lines shall be a minimum of 10 feet wide and 5 feet wide along the side. In any case, common drainage swales for the development shall be encumbered with drainage easements, and as required by the Public Works Director.
12. For work in the Rice Street ROW, required approvals and permits must be received from Ramsey County Department of Public Works prior to the issuance of any development permits for this subdivision.

13. The applicant shall deposit an escrow with the City for the future construction of a bituminous trail along Rice Street, to be used to pay for the installation of a trail over the development site.
14. All lots shall have driveway access off of the new public street. No driveways for the development shall have access to Rice Street.
15. The existing house at 4161 Rice Street and all detached accessory structures shall be removed, and the existing sanitary sewer and water services shall be abandoned, subject to the permitting and inspection requirements of the City.
16. Any existing wells shall be capped in accordance with regulations and subject to the permitting requirements of the State Department of Health.

ROLL CALL: Ayes: 4 - Ferrington, Mons, Wenner, Feldsien
 Nays: 2 - Proud, Solomonson

Commissioner Proud requested a workshop discussion on the possibility of amending the ordinance to include criteria of compatibility with the neighborhood when considering a subdivision.

Chair Feldsien called a break for five minutes and then reconvened the meeting.

NEW BUSINESS

VARIANCE

FILE NO.: **2301-07-42**
APPLICANT: **VIVEK KAPUR/SAGARIKA KANJILAL**
LOCATION: **674 ARBOGAST STREET**

Presentation by Senior Planner Rob Warwick

The request is to expand the existing house including a second story. A variance is requested from the 50-foot required setback from the Ordinary High Water (OHW) of Lake Emily. The property is a substandard riparian lot with approximately 13,000 square feet less than the 15,000 sf required. Access is via a shared driveway with the neighbor to the west.

In 2003 a variance was approved to allow similar improvements, they were not constructed. The houses is single story from the street and has a walkout level toward the lake. Small expansions to the foundation in two areas comply with City regulations. The existing two-car garage will be converted to a three-car garage with living area above. An entryway area will be expanded at the walkout level with living area above. The open porch on the northeast corner will be enclosed for living space, and the living room will be extended as a cantilever three feet toward the street. Decks will be added on the second story. The existing house has approximately 2200 square feet

on two levels; the expansion will result in 5600 square feet on three levels. There will not be further encroachment into the existing OHW setback. The expansion will occur at existing setbacks.

The applicants state hardship in the configuration of the lot shape and location of the house. The additions minimize any increase to the house footprint. The small expansion at the southwest corner of the house is already paved. Staff concurs and would note that strict application of the setback standards would greatly limit the buildable area on the lot. Over half the house extends into the OHW setback. The applicant has identified two shoreline mitigation practices: 1) reduce the amount of existing impervious surface by 5%, and 2) architectural mass.

Property owners within 150 feet were notified of the application. Two written comments of support have been received. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Ferrington asked if for further detail of the impervious surface to be removed on the driveway. Mr. Warwick showed the driveway portion around two sheds that will be removed.

Commissioner Mons requested revised language so that listing architectural mass under shoreland mitigation practices does not sound like it is being increased. He asked if there is any liability to the City for approving a setback variance if in the future Lake Emily should flood the home. City Attorney responded that there is no liability to the City.

Chair Feldsien asked if any shoreline mitigation has been discussed with the applicant. Mr. Warwick stated that last year the applicants put in a boulder retaining wall under permit from the DNR because of erosion. There is little opportunity for further restoration.

MOTION: by Commissioner Mons, seconded by Commissioner Proud to adopt Resolution 07-96 approving the variance request to reduce the 50-foot minimum required setback from the OHW of Lake Emily for proposed alterations at 674 Arbogast Street, 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.
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. The construction plans will show exterior trim details, including a minimum 2.5 inch trim around doors and windows, and are subject to approval by the City Planner.
5. An erosion control plan shall be submitted with the building permit application and implemented during construction.,
6. No landmark trees shall be removed as a result of the construction of the addition.
7. The approved mitigation practices must be implemented within one year.

The approval is based on the following findings:

1. The location of the existing residence relative to the OHW limits the potential area for alterations and improvements to the house located on this property.
2. The location of the existing residence on the subject property is unique due to the shoreline of Lake Emily and was not created by the homeowner.
3. The proposal will not alter the character of the neighborhood, since many of the nearby houses do not conform to the 50-foot setback from the OHW of Lake Emily.

ROLL CALL: Ayes – 6 Nays – 0

PUBLIC HEARING - TEXT AMENDMENT - CHAPTER 200

FILE NO.: 2302-07-44
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITYWIDE

Presentation by City Planner Kathleen Nordine

In February, the Section 203.060 of the ordinance was changed in regard to Planned Unit Development review from a three-stage process to a two-stage process with an optional third stage being the Concept Review. Previously, the public hearing was held at the Concept Stage and required a 4/5 majority vote by the Council for approval. Section 203.060 now requires the public hearing at the Development Stage Review. Staff is recommending that Section 203.020 be changed to be consistent with Section 203.060, so that the Development Stage Review would require the 4/5 majority vote by the City Council for approval.

Notice of the public hearing was published in the City’s legal newspaper. No comments have been received.

City Attorney stated that he has reviewed the notice of public hearing, which indicates proper notice has been given and the public hearing is in order at this time.

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.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Wenner, seconded by Commissioner Solomonson to recommend that the City Council adopt the text amendment to Section 203.020 (A), Review Process, Public Hearing regarding planned unit developments. The proposed changes are consistent with the previous changes made to the planned unit development regulations in February, 2007.

ROLL CALL: Ayes – 6 Nays – 0

MISCELLANEOUS

Workshop

It was noted that prior to the current meeting, the Planning Commission held a workshop.

Council Meeting Assignments

Commissioners Proud and Wenner will respectively attend the December 3rd and December 17th City Council meetings.

Nominations

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington that the Planning Commission recommend to the City Council that Chair Feldsien continue as Chair for 2008.

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

MOTION: by Commissioner Solomonson, seconded by Commissioner Wenner for Commissioner Proud to continue as Vice Chair for 2008.

ROLL CALL: Ayes - 6 Nays - 0

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to adjourn the November 27, 2007 Planning Commission meeting at 9:38 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner