

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
September 22, 2015**

CALL TO ORDER

Chair Solomonson called the September 22, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioner Thompson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Peterson to approve the September 22, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to approve the August 25, 2015 Planning Commission meeting minutes as presented.

VOTE: Ayes - 6 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Castle

The City Council approved the following as recommended by the Planning Commission:

- Ramsey County Library application for rezoning/Planned Unit Development - Development Stage
- Oak Hill Montessori School Preliminary Plat/Site and Building Plan Review with Special Permit for 6-foot fence
- Southview Senior Living Comprehensive Plan Amendment/Rezoning/ Preliminary Plat/Planned Unite Development - Development Stage
- Conditional Use Permit for Gary Boryczka for outside storage

NEW BUSINESS

VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO.: 2590-15-33
APPLICANT: JONATHAN GUSDAL & SONJA HAGANDER
LOCATION: 3194 WEST OWASSO BOULEVARD

Presentation by City Planner Kathleen Castle

The applicants propose to demolish the existing home and build a new home in a similar location. The proposed new home would be a two-story design with walkout level and attached garage. It would consist of 2400 square feet of foundation area. Access will be from the existing drive, which will be realigned due to the slope of the property. The property is a substandard riparian lot with a width of 75 feet.

The proposal complies with City standards for foundation area, lot coverage, building height, side yard setbacks and architectural mass. The variances requested are to reduce the minimum setback from the Ordinary High Water (OHW) mark from 162.5 feet to 105.4 feet for a new house and to 97.6 feet for a patio; and to increase the setback from the West Owasso Boulevard right-of-way from 134.5 feet to 175.5 feet.

The applicant states that the location of the adjacent home to the south creates practical difficulty because it is placed closer to the street than other nearby homes. The applicant's proposed location for the new home is consistent with other houses and uses the level portion of the lot.

Staff agrees that practical difficulty is present and that the new home would be aligned with other homes along this section of West Owasso Boulevard and Lake Owasso. The proposal does not alter the character of the neighborhood. The home to the south creates practical difficulty because of its setback of 58.5 feet from the front property line. There are also unique circumstances of topography with the slope of the lot from West Owasso Boulevard to the lake.

Seven landmark trees are proposed to be removed, the majority of which are on the street side of the home. The City requires a 2:1 replacement ratio. The property will be regraded. Storm water will be managed with French drains located along the north and south property lines. Water will drain into the yard of the subject property. Shoreland Mitigation requirements are met with architectural mass and the reduction of impervious surface by 8.75%.

Property owners within 150 feet were notified of the proposal. No comments were received. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson noted this application was reviewed in 2012. He asked the difference from the 2012 application and this application. Further, he asked for clarification on how a French drain works. Ms. Castle stated that in 2012 there was a building height variance requested which was not approved. The building height in this application is in compliance. A French drain is a

covered ditch with a perforated pipe from which storm water is channeled from lot lines into yard areas.

Mr. Jonathan Gusdal, Applicant, stated that there is a storm water pipe on the property that was abandoned by the City many years ago. He asked what plans the City has for that pipe, as it is an eyesore. He would like it to be taken away. Ms. Castle responded that the City Engineer will review the issue and make a determination.

Mr. Tim Holt, Project Architect, stated that a French drain system is an area that is porous so that any water that reaches it will flow down into the pipe and out to the yard. It will be kept as hidden as possible.

Commissioner Ferrington commended the use of native vegetation. She suggested that in the area where the French drains discharge water, rain gardens be added because they are very effective at infiltrating water.

Mr. Bill Champion stated that he lives in the adjacent home to the south. He stated that the storm water pipe referred to by the applicant continues to be used. There are drain pipes from his yard that connect to that storm water pipe. He asked the time line for resolving this issue, as he is leaving for the winter on October 3, 2015, and will not return until next May. He would like to have input if possible on the decision.

The consensus of Commissioners was that the applicants have presented a good design working with a difficult lot and agreement with staff that the home to the south does create practical difficulty.

MOTON: by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 15-86 approving variance requests submitted by Jonathan Gusdahl and Sonja Hagander to construct a new home at 3194 West Owasso Boulevard. The variances approved are: 1) To reduce the minimum 162.5-foot structure setback from the Ordinary High Water (OHW) of Lake Owasso to 105.4 feet for the home and 97.6 feet for the patio, and 2) to increase the maximum 134.5-foot structure setback from the front property line to 175.5 feet. These approvals are 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 25% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. Seven landmark trees will be removed as a result of the development, and eight replacement trees are required. A cash surety to guarantee the replacement trees 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, stormwater management and erosion control plan shall be submitted prior to the issuance of a building permit for the project. This plan shall include a phased, or sequenced, erosion control and stormwater management plan that details the methods that will be used during the phases of the project, and is subject to the approval of the City Engineer.
7. A permit from the Ramsey Washington Metro Watershed District shall be obtained, if required, prior to the issuance of a building permit.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. The proposal is consistent with the City's housing policies regarding housing, neighborhood reinvestment, and life-cycle housing.
3. Practical difficulty is present as stated in Resolution 15-86.

VOTE: Ayes - 6 Nays - 0

PUBLIC HEARING –PRELIMINARY PLAT*

FILE NO: 2591-15-34
APPLICANT: RAMSEY COUNTY (LIBRARY)
LOCATION: 4570 VICTORIA, 805/795 HIGHWAY 96

Presentation by City Planner Kathleen Castle

Ramsey County has submitted a preliminary plat to create two parcels for a new County library. Rezoning and PUD Development Stage have previously been approved by the City Council. One parcel would be for the existing library; one would be for the new library. The site plan has been approved for a new 34,000 square foot library facility. The setback deviations requested under the PUD have been approved for the building and parking. The County will enter into a lease purchase agreement with the Mounds View School District for the sale of the existing library building.

There are no defined lot standards with the PUD. The plat combines three existing parcels into two parcels. Both proposed parcels are consistent with the PUD approval. Lot 1 would have 1.95 acres; Lot 2 over 2 acres for the new facility.

Staff is making an additional recommendation that a 10-foot drainage/utility easements would be required along Victoria Street and the Upper/Lower Commons Road. Shared driveway and maintenance agreements are required. An existing easement needs to be vacated with the Final Plat.

Property owners within 350 feet were notified, and the public hearing notice was published in the City's legal newspaper. No comments were received.

Staff finds that the plat is consistent with Code requirements and the previous PUD approval and recommends the application be forwarded to the City Council with a recommendation for approval.

Commissioner Ferrington asked if the 10-foot drainage easement would interfere with the building placement. Ms. Castle answered that there should be no impact to the placement of the building.

City Attorney Kelly stated that proper notice has been given for the public hearing.

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

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to close the public hearing at 7:34 p.m.

VOTE: Ayes - 6 Nays - 0

Commissioner McCool asked if Upper Commons Road is a public street. Ms. Castle answered, no. Commissioner McCool noted an encroachment on Upper Commons Road and asked if it that encroachment should remain part of Upper Commons Road. Ms. Castle explained that the Upper Commons Road alignment does not necessarily follow what is shown on the plan. She suggested a condition of approval for that issue to be reviewed before the Final Plat.

Mr. Bruce Thompson, Director Property Management for Ramsey County, introduced Mr. Paul McGinley, Vice President and Principal Land Surveyor for Loux Associates. **Mr. McGinley** stated that the encroachment is not on Upper Commons Road. It is an encroachment of a 20-foot water main easement that cuts through that corner. It will not impact the road corridor.

MOTION: by Commissioner Schumer, seconded by Commissione Ferrington to recommend the City Council approve the Preliminary Plat submitted by Ramsey County for the future regional library in the Shoreview Commons area. Said approval is subject to the following:

Preliminary Plat

1. The Final Plat shall include dedicated drainage and utility easements along the front property lines abutting Victoria Street and along the side and rear lot lines abutting the Upper and Lower Commons Road.

2. The applicant shall execute an agreement for this Plat addressing the shared driveway, parking and maintenance between Lots 1 and 2. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
3. The applicant shall submit a request to vacate the existing utility easement per Document 2599472 concurrent with the Final Plat application.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Institutional land use in the Comprehensive Plan.
2. The proposed plat complies with the standards (as conditioned) of the City's Subdivision Code.
3. The proposed plat is consistent with the approved Planned Unit Development.

Discussion:

Chair Solomonson offered an amendment before the motion was seconded that the motion state 10 feet for the easement. Commissioner Schumer accepted the amendment. Commissioner Ferrington seconded the motion as amended.

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

DISCUSSION - ACCESSORY STRUCTURE REGULATIONS

Presentation by City Planner Kathleen Castle

Staff is proposing changes to accessory structure regulations based on previous discussions with the Planning Commission and City Council regarding applications for Conditional Use Permits and variances for detached accessory structures that serve as storage sheds. The goal of the City regulations is to insure that the dwelling unit remains the primary structure and primary use of the property. The new regulations allow more flexibility with a tiered system based on lot size. Four tables were presented to Commissioners. Each table lists proposed standards for properties that are less than one-half acre; one-half to 1 acre; 1 acre to 2 acres; or more than 2 acres.

Less than 1/2 acre: For an attached accessory structure, currently allowed 1000 square feet or 80% of the dwelling unit, whichever is more restrictive. If there is an attached garage less than two cars, or no attached garage, allowed 750 square feet is allowed or up to 75% of the dwelling unit for a detached garage. Total accessory structure permitted is 1200 square feet, or 90% of the dwelling foundation area. With an attached garage with two cars or more, accessory structures can be 150 square feet or between 150 square feet to 288 square feet with a Conditional Use Permit. All permitted accessory structures require a setback of 5 feet from a side lot line and 10 feet from a rear lot line. If there is a Conditional Use Permit, the setback must be 10 feet from the side lot line.

The change proposed would be to loosen requirements for detached accessory structures that serve as storage sheds. Square footage would be increased from 150 square feet to 200 square feet with

no change to the setback requirements. A Conditional Use Permit would allow 200 square feet to 288 square feet with no change to the setback requirements.

Property of 1/2 acre to 1 acre: Standards for detached accessory structures that serve as a garage would be loosened to allow 1000 square feet or 80% of the dwelling unit, whichever is more restrictive. Detached accessory structures to be used as a storage shed could be a maximum of 288 square feet. A Conditional Use Permit would allow from 288 square feet to 440 square feet. As this structure would be larger, it is proposed that setbacks be increased.

Property of 1 to 2 acres: Proposed changes to detached structures that serve as a garage would be 1000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive. The combined area would be 1500 square feet or 100% of the dwelling unit foundation area. A second detached accessory structure could be up to 440 square feet or larger. Anything over 440 square feet would require a Conditional Use Permit. Larger setbacks would be required with larger structures.

Property of 2 acres or more: Proposed changes would relate to detached accessory structures at 1000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive. The combined area could be 100% of the dwelling unit foundation area. A Conditional Use Permit would be required for accessory structure area above 100%. A second detached accessory structure could be up to 440 square feet. Anything over 440 square feet would require a Conditional Use Permit. Larger setbacks would be required with larger structures.

A number of example aerial photographs were shown of individual non-riparian and riparian properties of varying sizes and with varying dwelling unit foundation area and accessory structure area.

Commissioner Doan stated that a second dwelling unit may be increasingly requested as intergenerational families choose to live in close proximity. He noted that trends in technology and transportation discussions project not necessarily owning a car but having a membership to a car service. Three-car garages and larger accessory structures will not be needed in the future.

Chair Solomonson asked if garage space could be converted to living space. Ms. Castle stated that under the current regulations, living space has to be attached to the main dwelling unit. The main obstacle to converting a garage to living space is the setback requirement. Garages can have a setback of 5 feet; living space units must have a setback of 10 feet.

Commissioner Peterson stated that previously the size of accessory structures was based on under one acre or over one acre, and there were many circumstances that did not fit that definition. This tiered system is a good breakdown of possible situations. He asked if it is necessary to have Conditional Use Permits but rather use variances for anything outside of the now better defined categories.

City Attorney Kelly responded that under a Conditional Use Permit, the property owner has a right to the use or proposed structure, and the City, with a Conditional Use Permit, has the opportunity to place conditions on that use. With a variance, there is no entitlement, and the

three criteria must be met. The hardest measure to meet is to prove there is hardship not created by the property owner. A stricter position to not allow Conditional Use Permits.

Commissioner Peterson asked if conditions can be added to the Code regarding Conditional Use Permits. City Attorney Kelly stated that he would not advise specifying conditions in the Code because there will be situations that do not fit the defined conditions. Then it will be a question of whether a Conditional Use Permit can be used or a variance has to be used.

Ms. Castle explained that the standards for properties of 2 acres or more are looser because in order to have non-domestic animals, the property must be 2 acres or more. Some properties have older stables where non-domesticated animals were housed or could be housed.

Chair Solomonson thanked staff for the aerial photograph examples, which make it easier to understand the numbers proposed. He believes the dwelling unit should be the principal structure on the property. A Conditional Use Permit should be allowed because it would be impossible to justify a larger accessory structure under the criteria for a variance. He supports the proposed new regulations. He would like to know the average lot size and questioned whether the cutoff should be 0.5 acre or could be 0.45 acre.

Commissioner McCool stated that the proposed tiered system makes sense. He sees accessory structures as falling into three categories: 1) permitted uses; 2) conditional uses; and 3) variances. He sees the Conditional Use Permit as the narrowest category. He would like to see an upper size limit for a Conditional Use Permit for two-acre properties. Otherwise, it will be difficult for the City to deny any application. He noted that all lots are not the same. Some lots have a small amount of space that is buildable while other lots have space for buildings to be spread out. His question is whether there should be flexibility to deny an application for a lot that is 1.2 acres, but the size is distorted because of wetland or lake. Overall, the proposed changes are a real improvement.

Chair Solomonson agreed with Commissioner McCool that all lots are not the same. Even though within stated Code, the intensity of buildings having to be located close together is harder to approve. He asked a reasonable upper limit for a Conditional Use Permit. Ms. Castle stated that staff discussed it in terms of percent of dwelling, not square footage and reached 150%.

Commissioner McCool stated that 125% would be agreeable, but 1 1/2 times the size of a primary structure is large, and the Planning Commission should be able to deny that size.

Commissioner Doan agreed that Conditional Use Permits should have a cap for lots that are 2 acres or more. In the 1 to 2-acre lots, he would delete "or larger" and define a specific size limit above which would require a variance.

Commissioner Ferrington suggested an upper limit to a Conditional Use Permit of 125% of the dwelling unit foundation area for 1 to 2 acre size lots and 150% for 2 acre or more.

Commissioner McCool stated that he could support 100% of space of the primary dwelling unit for accessory structures, but he would not want to see one building that large.

Commissioner Peterson stated that he does not agree with 100% in 1 to 2 acre properties but can support 100% on property of over 2 acres.

Commissioner McCool agreed because those with attached garages should not be able to build a bigger accessory structure than those who have no garage.

Regarding setbacks, City Attorney Kelly stated that if it is reasonable to have a 5-foot setback, a variance would not be necessary, but the Commission could put a condition of an increased setback.

Chair Solomonson stated that he would definitely want setbacks tied to the size of a structure. Ms. Castle explained that if the structure was up to 200 square feet, the setback could be 5 feet. Anything larger would require a 10-foot setback. She will bring back proposed regulations based on this discussion. Then a joint meeting with the City Council will be scheduled.

City Council Assignments

Commissioners Ferrington and Solomonson will respectively attend the October 5, 2015 and October 19, 2015 City Council meetings.

Meeting Dates

It was the consensus of the Planning Commission to maintain the meeting dates for November and December to November 17, 2105 and December 15, 2015, to accommodate the holidays.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Doan to adjourn the meeting at 9:04 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner

