

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
October 26, 2021**

CALL TO ORDER

Chair Anderson called the October 26, 2021 Shoreview Planning Commission meeting to order at 7:00 p.m. The meeting took place in the City Council Chambers, was streamlined and also broadcast live on Channel 16.

ROLL CALL

The following Commissioners were present: Chair Anderson; Commissioners Doan, Peterson, Riechers, Solomonson, Wolfe.

Commissioner Yarusso arrived late.

Also Present: Tom Simonson, Asst. City Manager/Community Development Director
Aaron Sedey, Senior planner
Niki Hill, AICP, Economic Development Coordinator
Ben Harrington, Economic Development Assistant
Joe Kelly, City Attorney

APPROVAL OF AGENDA

MOTION: by Commissioner Solomonson, seconded by Commissioner Riechers to approve the October 26, 2021 Planning Commission meeting agenda as presented.

VOTE: AYES - 6 NAYS - 0

Commissioner Yarusso arrived at this time of the meeting.

APPROVAL OF MINUTES - SEPTEMBER 28, 2021

MOTION: by Commissioner Peterson, seconded by Commissioner Doan to approve the meeting minutes of September 28, 2021, as presented.

VOTE: AYES - 7 NAYS - 0

REPORT ON CITY COUNCIL ACTIONS

Economic Development Coordinator Niki Hill reported that the City Council approved the Conditional Use Permit for Lake Wabasso Court as recommended by the Planning Commission with no overnight mooring.

At the October 18, 2021 City Council meeting, Councilmembers provided their comments regarding the Concept Plan Planned Unit Development (PUD) for 580 Highway 96.

OLD BUSINESS

RESIDENTIAL DESIGN REVIEW AND VARIANCE

FILE NO.: 2812-21-39
LOCATION: 5073 ALAMEDA STREET
APPLICANTS: TODD AND DAWN PESTER

Presentation by Community Development Assistant Ben Harrington

The applicants wish to remove the existing home and construct a new one. Section 209.080(D), Shoreland Management of the City Code defines the subject property as a substandard riparian lot on Turtle Lake with a lot width of 60 feet rather than the required 100 feet.

The following variances are requested from Code requirements:

1. Reduce minimum 25-foot setback required from right-of-way to 5 feet. (Section 205.082, Detached Residential District)
2. Exceed maximum allowed setback from the shoreline with placement of home 89.7 feet back rather than 81.3 feet.
3. Allow 19% foundation coverage rather than the maximum allowed of 18% ((Section 209.080)(D)(2))
4. Exceed maximum allowed front yard coverage from 40% to 63% ((Section 206.020, (A2b) and (B13) Parking))
5. Reduce minimum 20-foot setback of driveway from intersection to 5 feet((Section 206.020, (A2b) and (B13) Parking))

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The property was developed in 1921 with a one-story single family home with a 780 square foot detached garage. Variances were granted in 2004 for the existing garage to be set back 0.9 feet from Alameda Street and 3 feet from the south side lot line.

The following standards are proposed:

Standard	Proposed	Existing
Lot Coverage	4,110 sf. (29.5%)	4,180.8 sf. (30%)
Foundation Area Coverage	2,646 sf. (19%)*	2,508.48 sf. (18%)
Building Height	30 Feet	35 Feet
Front Yard Coverage	63% / 1,332 sf.*	40% / 840 sf.
Side Setback – North/Right Of Way	5 Feet*	Existing = 2.4 to 4 Feet Allowed = 25 Feet
Ordinary High Water (West) Setback	89.7 Feet*	61.3 to 81.3 Feet
Front Setback (Alameda)	35 Feet	25 to 40 Feet
Driveway Setback – South	5 feet	5 Feet
Driveway Setback East	5 Feet*	20 Feet

* Variances requested

The applicant states that the proposed placement of the home and driveway will infringe less on the right-of-way setback than the existing home. The added foundation coverage allows the applicant to adequately protect their home from the elements, and they are not exceeding the 30% impervious surface coverage limit. The proposed

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driveway allows the applicants to have parking for guests and a turnaround on their own property rather than using Alameda.

Notices were sent to property owners within 150 feet. One response was received in support of the project. A number of responses expressed concerns about the size of the home. The height and setback from the street puts the house too close to the lake.

Staff Review

Staff finds that practical difficulty is present for the ordinary high water setback, for the setback from the right-of-way, and for reduction to the driveway setback from the intersection. The reduced right-of-way setback will not impact the uniformity of setbacks due to the location next to the unimproved right-of-way and the location of the lake. There are no homes to the west of the property. The applicants are trying to maintain many aspects of the existing home's footprint.

Previously, the Planning Commission granted 5081 Alameda a variance to be 5 feet from the same city right-of-way. The proposed new home will infringe less on these setbacks than the current structure and driveway. The proposal attempts to maintain existing sight lines to the lake from adjacent neighbors. The proposed ordinary high water setback will bring the house closer to visual consistency when viewed from the lake.

There is also practical difficulty in that the lot is only 60 feet wide. The existing driveway already exceeds the 40% coverage. The city does not allow parking on this portion of Alameda because it is too narrow. Any overflow parking must be further along the road. Exceeding the front yard coverage of 40% allows the applicants to provide parking and a turnaround for guests on their own property. Although foundation area exceeds the allowed amount, total impervious surface coverage is under the maximum allowed. Large driveways are common in the neighborhood. The driveways of the two homes to the south also exceed 40% coverage of the front yard.

Staff is recommending approval of the variances.

Commissioner Doan asked the purpose of the public right-of-way. Mr. Sedey explained that the public right-of-way was part of the original

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plat and most likely platted as a street. It is now used for storm water management and snow storage in the winter. Commissioner Doan asked the purpose of the bituminous roadway to the west of the intersection. Mr. Sedey stated that the intersection is very narrow, and the bituminous piece is used to help push snow and may be used for emergency access. Commissioner Doan confirmed that the way the lot is platted, it is considered a corner lot with frontage on two rights-of-way, even though one right-of-way is not used as a street.

Commissioner Solomonson asked what is considered the front yard of the property. Mr. Sedey stated that the front yard is defined as the shortest distance to a public right-of-way. There is access from Alameda and the northern portion of Birch Lane South. The front yard setback is considered from Alameda.

Commissioner Peterson asked for clarification of whether the ordinary high water setback is at 89.7 feet or to be no greater than 89.7 feet. The motion states no greater than 89.7 feet. City Attorney Kelly explained that because the home is to be further than the required setback, it can be no further than the 89.7 feet. The variance request is to be further away from the ordinary high water line than allowed under code. If the house is built at 88 feet, there would be less infringement.

Commissioner Peterson noted the shoreland mitigation plan lists architectural mass and setback improvements. The setback improvements are not considered shoreline mitigation which means the plan has to be corrected. He asked how the city will be assured that it will be corrected. Mr. Harrington noted that in order to receive a building permit, the shoreline mitigation plan would have to be corrected. Commissioner Peterson expressed concern that there is no tree preservation plan, but trees will be removed. The yard toward the lake does not show vegetation. Mr. Sedey responded that there are some diseased trees to be removed. Replacement trees will also be part of the building permit requirements.

Commissioner Riechers asked for the explanation of how the ordinary high water line setback is calculated. Mr. Harrington stated that the calculation is the sum of the adjacent two lots. The lot to the north is an undeveloped city lot and so does not count toward the calculation. The south lot has a setback of 71 feet.

Applicant Statement

Dawn and Todd Pester, Applicants, stated that there are infested ash trees that will be removed. The trees will be replaced on a 1:1 ratio as required between the house and the lake. **Mr. Pester** complimented Cary Becker, his builder, for working with neighbors to make sure lake views are not impacted

Commissioner Doan asked if other options were considered regarding the foundation size. **Mr. Pester** explained that the request is for room sizes to accommodate their furniture. The driveway was shortened and a patio replaced with a deck to stay within the code limit for impervious surface, even though the foundation is larger than allowed.

Commissioner Doan further asked if consideration was given to permeable pavers for the driveway. **Mrs. Pester** stated they would be glad to consider that option but have been told it is not an option.

Chair Anderson asked how the 35-foot driveway was determined. **Mrs. Pester** explained that they want enough room for cars to turn around and access the property without being in a tight area and not having to back out onto Alameda.

Public Comment

Chair Anderson opened the discussion to public comment.

Mr. Cary Becker, 7968 Edgewood Drive, Mounds View, General Contractor to build this home, stated that the foundation size is 2500 square feet, which is 18%. However, he did not know that the covered outside entry way in the front and covered deck would count toward foundation size. That brought it to 19%. The 35-foot setback from Alameda makes it easier for car access. It will also allow snow plowed from Alameda. Further, there will be room for a landscaping buffer from Alameda.

Commissioner Peterson asked if there is any possibility the home would be closer to the lake than the 89.7 foot ordinary high water setback. **Mr. Cary** responded that it has been a long process to develop

this plan, and no changes will be made. The ordinary high water setback will be 89.7 feet.

Mr. David Overbo, 5061 Alameda Street, stated that his concern is the house will be built 20 feet closer to the lake than the other six homes in the neighborhood. The lake has a 45 degree angle at the front. If the offset is ignored to the north, it allows moving properties closer to the lake. He is supportive of the new home and neighbors welcome it, but having this house closer to the lake will change the character of the neighborhood.

Commission Discussion

Commissioner Solomonson stated that he appreciates that the house is shifted north to provide more space off Alameda and to allow an attached garage. He also likes the fact that the height is lower than the allowed 35 feet. The aerial map does not show the proposed home to be out of alignment in his perspective. If the house were shifted further from the lake, it would almost be unbuildable. He is glad to see the zero setback for the old driveway changed. This is a challenging lot, and he agrees with staff in granting the variances to support the plan.

Commissioner Yarusso stated that although several variances are requested, they are an improvement. There is difficulty with ordinary high water setbacks because lakes do not follow straight lines, and it is difficult to balance the perceptions of adjacent neighbors. The lake curves right at the city property adjacent to the subject property. She understands the concern, but the streets do not align with the lake or each other. There is a jog in Alameda. If consistent distances were required on this small part of Alameda that is a dead end as the rest of Alameda, the lot would be unbuildable. She agrees with the 35-foot driveway, which will make it much easier to back out onto Alameda. This will be a lovely addition to the neighborhood.

Commissioner Peterson stated that clearly there are unique circumstances with this property. This is a reasonable sized home for 2022, and he supports the proposal.

Commissioner Doan stated that under today's standards this is not a buildable lot, nor would 5061 or 5065 be buildable. They would have to

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be combined to gain adequate frontage. Based on what exists, he sees this plan as an improvement. His one question is front yard coverage and impervious surface because it is a lake lot. Water quality issues are a concern. The homeowner is interested in putting in permeable pavers and he would encourage them to be allowed because of the house foundation size and front yard coverage exceeding the maximum allowed. He asked if permeable pavers would be a nexus as a condition of approval even though permeable pavers would not be considered mitigation.

City Attorney Kelly responded that because the city has determined that permeable pavers do not count toward a reduction in impervious surface coverage, it is not a nexus to require permeable pavers as mitigation for impervious surface coverage.

Commissioner Yarusso noted that a variance is not requested for total impervious surface coverage. The front yard coverage is more about aesthetics and will be an improvement. She further noted this is the second variance requested regarding foundation size because of a covered deck or entryway. She would like to see this requirement clarified to applicants so they work with that information up front.

Commissioner Doan responded that from a practical perspective, he would encourage use of permeable pavers for the driveway. Responding to comments from property owners at 5061 and 5065 regarding the house size, he noted that larger homes could also be built on those properties without a variance. In this situation he believes the proposal does fit in with the character of the neighborhood.

Commissioner Riechers expressed her appreciation for the work and care that is shown in developing this plan. This is a tricky property to deal with, and she sees the character of the neighborhood almost asking for the variances requested. She also has concern about impervious surface but believes this is a suitable plan.

Commissioner Wolfe stated that he appreciates the addition of new trees. This is a very nice neighborhood and he looks forward to seeing the result of this addition.

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Chair Anderson agreed with other Commissioners. This lot is not buildable by today's Code standards. This plan offers a well thought out attempt to improve what exists and to be sensitive to neighbors. The treatment of the setback from the adjacent city owned parcel is consistent with what has been done previously. This is a part of the shoreline with different setbacks. It is difficult to determine a standard setback. He echoed Commissioner Doan's recommendation to use permeable pavers on the driveway.

MOTION: by Commissioner Doan, seconded by Commissioner Solomonson to approve the residential design review and adopt Resolution No. 21-62, approving the five variances for a new home at 5073 Alameda St. submitted by Todd and Dawn Pester. The approval is subject to the following conditions:

1. The project must be completed in accordance with the submitted plans. Any significant changes to these plans, as determined by city staff, will require review and approval by the planning commission.
2. The setback from the right of way will be no less than 5 feet.
3. The setback from the ordinary high water line will be no greater than 89.7 feet.
4. The foundation coverage will be no greater than 19% of the total lot.
5. The front yard coverage will be no greater than 63%.
6. The driveway will be no less than 5 feet from the intersection.
7. This approval will expire after one year if a building permit has not been issued and construction commenced.
8. An executed Shoreland Mitigation Affidavit must be submitted before the building permit can be issued.
9. 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.
10. No construction parking or storage is permitted within right-of-way or neighboring properties. Material storage and construction vehicle parking shall be limited to the subject property.

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This action is based on the following findings:

1. The proposed use of the property for single family residential is consistent with the R-1 zoning.
2. Practical difficulty is present, as stated in Resolution No. 21-62.

ROLL CALL VOTE

**AYES: Doan, Peterson, Riechers, Solomonson, Wolfe, Yarusso,
Anderson**

NAYS: None