

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
August 6, 2013**

CALL TO ORDER

Chair Solomonson called the August 6, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson, Commissioners, Ferrington, McCool, and Wenner.

Commissioners Proud, Schumer and Thompson were absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to approve the August 6, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 4 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Wenner, seconded by Commissioner McCool to approve the June 25, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 3 Nays - 0 Abstain - 1 (Ferrington)

REPORT ON CITY COUNCIL ACTIONS:

Presentation by City Planner Kathleen Castle

The following matters were approved by the City Council in July:

- Lawrence Signs/Northern Tier Retail
- Wireless Telecommunications Permit and Site Lease for Verizon at Sitzer Park
- Final Plat/PUD/Vacation for Target Corporation
- Concept Stage for United Properties for Redevelopment of the Kozlak Property

NEW BUSINESS

MINOR SUBDIVISION

FILE NO: 2491-13-18
APPLICANT: LAWRENCE LIU/JILL WILSON
ADDRESS: 3330 NORTH VICTORIA STREET

Presentation by City Planner Kathleen Castle

This application is to divide the property into two parcels for single-family residential development. The existing home with detached garage and other structures would remain. The property consists of 1.98 acres and double fronts on Victoria and Emmert Streets. The property is surrounded by single-family development on all sides and is zoned R1. City sewer and water are available to both parcels. The proposal complies with minimum R1 development code standards. Drainage and utility easements would be required along lot lines.

Property owners within 350 feet were notified of the proposal. Comments in support of the application have been received. Staff is recommending that the Planning Commission forward the application to the City Council for approval.

Commissioner Wenner asked if Parcel A could be further subdivided. Ms. Castle responded that would be possible. **Ms. Wilson**, Applicant, stated that the property is beautiful as it is, and she would not be inclined to further subdivide.

Commissioner Ferrington asked for clarification regarding the park use dedication fee. Ms. Castle explained that the fee is charged to all new parcels for use of recreation facilities in the community. Platted parcels have already paid the fee and are not charged again. The new Parcel B will be required to pay the fee.

Commissioner McCool asked what tree replacement regulations would apply. Ms. Castle stated that based on the size of the new lot, a 1/1 ratio would be used for tree replacement of any landmark trees removed.

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to recommend the City Council approve the Minor Subdivision submitted by the Lawrence Liu Estate, 3330 Victoria Street, to divide the property into two parcels, with the existing house on Parcel A remaining and Parcel B for single-family residential development. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all

required easements. Easements shall be conveyed before the City will endorse deeds for recording.

4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Driveway and all other work within the Emmert Street right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
6. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
7. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
8. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

VOTE: Ayes - 4 Nays - 0

RESIDENTIAL DESIGN REVIEW

FILE NO: 2492-13-19
APPLICANT: RANDY BAN/SALLY GILCHRIST/BUILDING CONCEPTS & DESIGN, INC.
ADDRESS: 5131 ALAMEDA STREET

Presentation by Senior Planner Rob Warwick

The application is to demolish the existing house and 2-car attached garage in order to build a new 1.5 story house and 3-car attached garage with walk-out lower level. There is a shed with a deck above the lakeshore that will remain. The property is a substandard lot on Turtle Lake with a 75-foot width. The area of the lot is deep and so the area is over 25,000 square feet. The property is zoned R1 and in the Shoreland Overlay District. One landmark tree will be removed and two replacement trees are required. The proposal complies with setback requirements and development standards for riparian lots. Two shoreland mitigation measures are required. The applicant proposes to use architectural mass with natural cedar siding with white trim. A rain garden will also be put in.

The City Engineer has indicated that swales will be required long the side lot lines, and engineering work is required for the retaining wall at the walk-out level. The Rice Creek Watershed District does not require a permit, but erosion control measures during construction must be maintained.

Property owners within 350 feet of the subject property were notified. Two comments were received with no concerns. Staff is recommending approval subject to the conditions listed in the staff report.

Commissioner Wenner asked if placement of the new home would impact the sight line for the property to the north. Mr. Warwick stated that the setback is determined by the setbacks of the adjacent homes. There may be an impact to the side view but not the lakeside view.

Commissioner Ferrington asked the location of the rain garden. Mr. Warwick stated that the rain garden will be between the house and the lakeshore. The grade is such that water in the front yard would flow toward the lake. Commissioner Ferrington requested the applicant to place the rain garden where it will capture the most runoff.

Chair Solomonson asked if there will be a buffer between the driveway and side lot line. Mr. Warwick stated that the existing driveway is closest to the lot line nearest the house. No buffer is planned, but the new drive will be setback 5-feet from the north side lot line.

Commissioner McCool noted that impervious surface percentage is very close to the maximum, which is why the driveway is being narrowed. He would not want to see a gravel border on the driveway that widens it near the house. He proposed a condition that a landscape plan be required that shows sod planted next to the driveway to prevent this issue. Mr. Warwick suggested that the grading certificate, required for a new structure, show that impervious surface shall comply with City Code.

Commissioner McCool asked if the grade would change with extensive fill, or would the new house be built on existing elevations. Mr. Warwick responded that the grade change will not be significant. The current garage floor is at 917.8, and the proposed new elevation is at 918. No concerns were expressed by the City Engineer.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to approve residential design review application submitted by Building Concepts and Design, Inc. on behalf of Sally Gilchrist and Randy Ban for 5131 Alameda Street, subject to the following conditions with the addition to No. 3 that an as-built survey submitted to the City shall confirm that impervious surface and foundation area comply with requirements.

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%. The Grading Certificate (as-built survey) required for the project shall confirm that the impervious surface coverage and foundation area were constructed in compliance with this approval.

4. One landmark trees will be removed as a result of the development, and two replacement trees are required. A cash surety to guarantee the replacement tree 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 plan shall be submitted with the building permit application and implemented with construction of the new residence.
7. An erosion control plan shall be submitted with the demolition permit application and implemented during demolition and construction of the new residence.
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 demolition or construction activity begins.
10. This approval is subject to a 5-day appeal period.

The approval is based on the following findings:

1. The proposal is consistent with the Land Use Chapter of the Comprehensive Plan and the Development Code.
2. The proposal complies with the adopted standards for construction on a substandard riparian lot.

Discussion:

Chair Solomonson stated that bringing the house closer to the lake brings it more into alignment. The new location is a more natural area to build. He asked for clarification of the amendment to condition No. 3. Commissioner McCool responded that the lot is riparian and impervious surface is almost at the limit. He wants to be sure compliance is maintained.

VOTE: Ayes - 4 Nays - 0

OLD BUSINESS

PUBLIC HEARING-TEXT AMENDMENT – SIGN CODE

FILE NO: 2440-12-3
APPLICANT: CITY OF SHOREVIEW
ADDRESS: CITY WIDE

Presentation by City Planner Kathleen Castle

At the request of the City Council, staff was requested to review existing regulations regarding temporary signs and to propose an amendment that would provide flexibility while maintaining a neat appearance of commercial areas. Later, a moratorium was adopted for message center signs to better understand their use and propose an amendment to permit them in commercial areas. The moratorium expires August 24, 2013.

The proposed text amendment would provide the following:

Temporary Signs

- Regulate the size based on the size of the building, specifically regarding banners
- Increase the number of signs permitted from 2 to 4 per tenant year
- Increase the display period from 7 to 14 days
- Increase the number displayed at any one time to 2

Political Signs

- Revise City Code to be consistent with State Statute regarding the display period and location

Message Center Signs

- Currently, message center signs are permitted only for public and quasi-public uses
- Expand that use to allow for commercial/business uses with the following regulations:
 - Display period a minimum of 8 seconds, and the display must be readable with a minimum of distraction
 - Audio and pyrotechnics features are prohibited
 - Brightness shall not exceed 3 foot candles above ambient light conditions
 - Dimmer control required
 - Messages limited to services offered on the property, as well as time and temperature display
 - Maximum sign area would be 50% of the total sign area on which it is displayed or 50 square feet, whichever is less
 - CIA district - 35% of the total sign area or 30 square feet, whichever is less.
 - Minimum sign area is 20 square feet

Adjacent to Residential Land Uses:

- Comprehensive Sign Plan required when adjacent to residential land uses
- Location and orientation must minimize impact on residential land uses
- Hours of display adjacent to residential land uses shall require the message center sign to be turned off between 11:00 p.m. and 6:00 a.m.

- Maximum sign area 35% of total sign area or 30 square feet, whichever is less
- Minimum sign area of 20 square feet
- Color shall be amber

Comprehensive Sign Process:

- Streamline the review process by allowing an administrative review as long as the proposal complies with code criteria, or there are only minor deviations.

The Economic Development Commission (EDC) has reviewed the amendments and supports them because there is more opportunity for the business community to advertise special events. The EDC noted that education is needed to inform the business community of the new regulations.

The Planning Commission also reviewed the amendments at the last workshop. Changes since that review include a provision for consistency in the temporary sign regulations for single tenant and multi-tenant buildings. Message center signs are permitted adjacent to residential land uses as long as brightness and sign area display impacts are addressed. Staff is recommending the amendments be forwarded to the City Council for approval.

City Attorney Filla stated the public hearing has been properly noticed for this meeting.

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

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to close the public hearing.

VOTE: Ayes - 4 Nays - 0

Commissioner Ferrington asked the rationale for requiring the use of amber adjacent to residential land uses. Ms. Castle explained that it would minimize impact.

Commissioner McCool asked if a variance would be needed for a different color. Ms. Castle explained that deviations can be permitted through the Comprehensive Sign Plan process. Further, Commissioner McCool requested staff to reformat conditions h., i., and j. so that they are more distinctly enumerated.

In regard to temporary signs, Commissioner Ferrington asked the meaning of a “non-commercial” message. Mr. Warwick explained that the provision is a protection of the First Amendment right to display any message.

Commissioner Wenner asked if the Code addresses portable signs, such as signs on a parked truck. Ms. Castle stated that signage on a vehicle for daily use is permitted. A vehicle parked in front of a business with advertising signage is considered a portable sign and not permitted.

Chair Solomonson clarified that any message center sign that in any way is adjacent to residential property must go through the comprehensive sign plan process and is not eligible for

administrative review. He asked how education of the business community would proceed. Ms. Castle stated that it would begin with an Open House.

MOTION: by Commissioner Ferrington, seconded by Commissioner Wenner to recommend the City Council approve the text amendment to Chapter 208, Sign Regulations of the Municipal Code pertaining to temporary signs, message center signs and comprehensive sign plans. The proposed changes reflect the direction of the City Council.

VOTE: Ayes - 4 Nays - 0

MISCELLANEOUS

Planning Commissioner Wenner will attend the August 19th City Council meeting.

The Planning Commission will meet in a workshop session immediately following the August 27th regular meeting.

ADJOURNMENT

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to adjourn the meeting at 8:12 p.m.

VOTE: Ayes - 4 Nays - 0

ATTEST:

Kathleen Castle
City Planner