SHOREVIEW PLANNING COMMISSION
MEETING MINUTES

October 26, 2010

CALL TO ORDER

Chair Proud called the meeting of the October 26, 2010 SHOREVIEW Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Proud; Commissioners Ferrington, Schumer, Solomonson and Wenner.

Commissioners Feldsien and Mons were absent.

APPROVAL OF AGENDA

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

ROLL CALL: Ayes - 5 Nays - 0

APPROVAL OF MINUTES

July 27, 2010

Next to last page in the second-to-the-last paragraph, Chair Proud's question should be whether there is "secondary containment," not "secondary storage."

MOTION: by Commissioner Schumer, seconded Commissioner Solomonson to approve the July 27, 2010 Planning Commission minutes as submitted.
VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Ferrington)

Commissioner Ferrington abstained because she was not present at the July 27th meeting.

September 28, 2010

Only two Commissioners who attended the September 28th meeting were present. A majority of the Commission quorum (3 votes) is necessary to approve minutes. This matter was held over to the next regular Planning Commission meeting.

REPORT ON COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the text amendment to wireless communication facilities was approved at the October 4, 2010 City Council meeting, as recommended by the Planning Commission.

OLD BUSINESS

PUBLIC HEARING - TEXT AMENDMENT - PROPERTY MAINTENANCE REVISIONS

FILE NO.: **2405-10-23**
APPLICATION: **CITY OF SHOREVIEW**
LOCATION: **CITY WIDE**

Presentation by City Planner Kathleen Nordine

The public hearing for this matter was held at the September 28th Planning Commission meeting. At that meeting, the public hearing was closed, although public testimony will be heard if anyone wishes to speak to the issue at this meeting.

The intent of the proposed amendments is to enhance regulations that preserve the quality of neighborhoods. This matter was tabled at the last Planning Commission meeting to further consider outdoor storage of recreational equipment on lakeshore property. Minimum standards for exterior property maintenance are found in Section 211 of the Development Code. Items permitted to be stored outside include laundry drying equipment, recreational equipment, patio furniture and firewood. Recreational equipment is defined as such things as play apparatus, canoes/kayaks under 18 feet, paddle boats. These items may be stored in a side yard with a minimum setback of 5 feet from the property line. On riparian lots, these items are permitted to be stored in any yard (side, rear, front) with a minimum setback of 5 feet for a side or rear lot line and 10 feet from the front property line. No equipment may be stored in a public right-of-way.

Other recreational items stored outdoors are defined as recreational facilities, such as sport courts and nets, ice rinks, skate board ramps. Setback requirements for these are 5 feet from a side lot line and 10 feet from a rear property line. However, some items, such as basketball hoops, skateboard ramps may be placed on or adjacent to a driveway or patio area. Again, for riparian properties, such items may be located in any yard with a setback of 5 feet from side lot lines and 10 feet from rear and front property lines. Recreational facilities may not be located in drainage utility easements and cannot be located in front of a principal structure.

A category of Miscellaneous Structures was added to address such items as dog kennels and playhouses with a setback requirement of 5 feet from any property line but not to be located in

front yards. Riparian lots are subject to Shoreland Management regulations. Location may be in any yard, and a 10-foot setback is required from the front property line. Staff is recommending the proposed changes.
Commissioner Wenner asked if there is a limit to the number of items that can be stored on a property. Ms. Nordine stated that there is no limit for recreational equipment. Items like snowmobiles, ATVs fall into the category of Recreational Vehicle. No more than two are allowed and only one may be stored outside.

Commissioner Solomonson asked the reason storage is allowed in the front yard of riparian lots. Ms. Nordine explained that sometimes topography on the lake side prohibits outside storage. Also, riparian lots may be substandard or oddly configured. They are developed differently from standard residential lots. Commissioner Solomonson stated that his concern is that there be a uniform aesthetic from the street view. It is unfair that residents with non-riparian lots on one side of the street must see front yard storage allowed on the other side where lots are riparian.

Commissioner Ferrington asked if it would not be clearer to designate yards of riparian lots as street side and lake side rather than front and back yards. Ms. Nordine responded that in order to make such a change, there would have to be a review of how that language would impact the structure of the Code. Commissioner Ferrington suggested reminders in the Code to indicate that the street side is considered the front yard and lake side is the back yard for riparian lots. She asked the reason for 10-foot setback requirements on the street side. Ms. Nordine explained that the concern is for traffic visibility on riparian lots that tend to be smaller.

Chair Proud noted there are a number of times when the use of the terms, “clean, sanitary and safe condition,” are used. He would like to see consideration of appearance. Referring to page 3, at the top, “Any hazardous materials must be disposed of in accordance with applicable state and federal regulations.” Chair Proud requested the term “or regulated waste” be inserted in that sentence after “hazardous materials.”

Chair Proud opened discussion of this matter to public comment. There were no comments.

Commissioner Solomonson stated that he believes front yard storage should be the same for everyone and not just allowed on riparian lots. Property owners of non-riparian lots should not have to look at clotheslines.

Chair Proud suggested the proposed amendment be allowed with the provision that items may be stored in the front yard only if storage is not possible on the lake side. Commissioner Solomonson stated that he feels strongly that a double standard should not be created. It does not make sense to allow storage in the front yard only for riparian lots.

Commissioner Ferrington responded that on the west side of Lake Owasso houses are perched on a bluff. There would be no storage available on the lake side for those properties. The most important side of the property for riparian lots is the lake side. Property owners are not going to put clotheslines on the lake side.

Commissioner Schumer added that many houses on Horseshoe Drive are close to the property lines without sufficient room to get around the house to store items on the lake side.

Commissioner Wenner stated that his understanding is that utility is the issue. Utility of usage supercedes appearance in using the front yard for storage.

MOTION by Commissioner Schumer, seconded by Commissioner Wenner to recommend the City Council approve the proposed text amendments to Chapter 200 regarding property and housing maintenance. The proposed amendments strengthen the City's property and housing maintenance standards and support the City's goal of maintaining quality neighborhoods and housing.

Discussion:

Chair Proud stated that while he would support storage of swing sets and kayaks, he also would not like to see laundry equipment in the front yard.

VOTE: Ayes - 3 (Ferrington, Schumer, Wenner)
Nays - 2 (Proud, Solomonson)

NEW BUSINESS

<u>VARIANCE</u>

FILE NO.: 2406-10-24
APPLICANT: WESLEY & MARY THORSTAD
LOCATION: 5999 TURTLE LAKE ROAD

Presentation by Senior Planner Rob Warwick

This variance request is to reduce the setback from County Road J to 30 feet in order to construct a 240 square foot garage addition. As County Road J is an arterial roadway, a setback of 40 feet is required in the Code.

The property is a corner lot with the north lot line facing County Road J, which is the front yard. The house faces Turtle Lake Road. The property is zoned R1, Detached Residential. The property consists of 11,760 square feet. The existing house and garage sit at a 30-foot setback from the lot line on County Road J, which was City regulation in 1986, when the house was built. The Code change to a 40-foot setback was adopted in 1992.

Code requires that the floor area of an attached garage be the lessor of 80% of the dwelling foundation or 1,000 square feet. In this case, a maximum of 1,000 square feet is permitted. The proposal is for 720 square feet, or 68% of the dwelling foundation.

The applicant states that hardship is present because the garage is smaller than the maximum area allowed. Both the house and garage are at a setback of 30 feet from County Road J, which creates hardship with current Code regulations. The addition will increase storage space, enhance the property and is in keeping with the character of the neighborhood.

Since the house was in compliance in 1986, with the required front setback of 30 feet, the addition cannot be accomplished under the terms of existing Code. The neighborhood has a mix of two- and three-car attached garages. An attached garage will have less impact on the neighborhood than a detached garage. The proposal complies with all other requirements of the Code. Staff believes hardship is present due to the existing 30-foot setback and recommends approval.

Notices were sent to surrounding property owners, including property owners across County Road J in Lino Lakes. One comment was received in support of the project.

Commissioner Wenner stated that there has been a desire to have a good connecting road between I-35W and I-35E on County Road J. He asked if possible widening of the road was considered and how that would impact this project. Mr. Warwick stated that he has not contacted either Ramsey or Anoka Counties concerning this variance request. An expansion may be likely but is not scheduled. He noted there appears to be a 66-foot road right-of-way for County Road J rather than the 50 feet that is normal for arterial roads. Ms. Nordine added that it is her understanding that widening County Road J would not go as far as Turtle Lake Road.

Commissioner Solomonson asked for the definition of a front yard and side yard on a corner lot. Mr. Warwick explained that the front yard is defined as the lesser of the two street frontages. This property has 79 feet along County Road J and 150 feet along Turtle Lake Road.

Mr. Wesley Thorstad, Applicant, stated he would be willing to answer any questions and stated that they have worked hard to bring a proposal that is in keeping with the neighborhood.

City Attorney Filla requested that the terminology in the motion use “undue hardship,” rather than “hardship” in order to be consistent with state law and the City Code. Reasonable use is the standard. There should be a statement as to why there is not reasonable use under the Code, such as the placement of the house and compliance with the previous setback requirement. Ms. Nordine noted that the formal Resolution is the document filed with the property, and that language is specifically taken from the Development Code.

Chair Proud called a 10-minute recess to give City Attorney Filla and staff the opportunity to make necessary language corrections to the motion to be consistent with City Code and state law.

When Chair Proud reconvened the meeting, City Attorney Filla referred Commissioners to item No. 1 on the motion sheet under Findings, which should now read:

"Reasonable use of the property is not present under the current Code due to the size of the existing garage and limited area available for expansion. The garage addition to the rear of the existing garage complies with the floor area limitations specified in City Code." The Resolution will be conformed to include the same language.

Commissioner Ferrington asked if No. 2 of the Findings should read "undue hardship." City Attorney Filla stated that the conclusion is that the current wording is acceptable.

Commissioner Solomonson asked if No. 1 under Findings is a true statement in that an addition could be put on the south side of the house. City Attorney Filla responded that there is no reasonable use of the property for this purpose under the Code. The option to construct the garage on the south side of the house would mean reconfiguration of the interior of the house, which is not being proposed.

Commissioner Ferrington stated that this plan is the most reasonable proposal for this project. The long-range plan for the City is to improve housing stock. This proposal is good for the neighborhood and good for property values. She will support this application.

Commissioner Solomonson agreed that the plan is good but questioned approving a variance based on the property not being put to reasonable use unless the garage is expanded. City Attorney Filla responded that the decision is whether what is proposed is a reasonable plan for the property. If the proposed plan cannot be achieved under the current code because of setback regulations, then it can be concluded that there is not a reasonable use for this particular option under the Code.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wenner to adopt Resolution 10-104, approving the variance request submitted by Wesley and Mary Thorstad to construct an addition onto the existing attached garage with a front setback of 30 feet from the County Road J right-of-way, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. The garage addition shall maintain a minimum setback of 30-feet from County Road J. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The existing conifer trees shall be retained between the garage and the north lot line.
3. No new driveway access is proposed or permitted. Access to the property is limited to the existing driveway access on Turtle Lake Road. No driveway access directly onto County Road J shall be permitted now or in the future.

4. Expansion of the driveway is subject to permitting requirements of the City. No expansion is proposed at this time.
5. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
6. 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 approval is based on the following findings with No. 1 amended to insert the words, "under the current Code" after the word "present," and deleting the third sentence.

1. Reasonable use of the property is not present under [the current Code] under the Development Code due to the size of the existing garage and limited area available for expansion. The garage addition to the rear of the existing garage complies with the floor area limitations specified in City Code. [The existing house and attached garage was constructed prior to the adoption of the current 40-foot setback required from an arterial street (deleted).]
2. Hardship exists due to the location of the existing dwelling and attached garage. Strict application of setback requirement would prevent any alteration or improvement to the existing attached garage without extensive remodeling and modification. This situation was not created by the landowners and are circumstances unique to the property
3. The proposed setback meets the spirit and intent of the ordinance and will not alter the character of the neighborhood. The existing garage is setback 30 feet from the lot line abutting County Road J, and the proposed addition will be constructed at that same setback. The existing mature conifers will screen the addition from view.

VOTE: Ayes - 5 Nays - 0

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2407-10-25
APPLICANT: MOSER HOMES, INC.
LOCATION: 1030 AND 1050 COUNTY ROAD E

Presentation by Senior Planner Rob Warwick

This application is to install a 4-foot white picket fence along the west side lot line at 1030 County Road E. This property is located in a PUD zoning district. It abuts residential properties to the south. The fence would extend from the north end of the parking area to the south end of the building at 1030. It would be approximately 180 feet in length, located in the front and side

yards to separate the two buildings and parking areas at 1030 and 1050 County Road E. The fence would be constructed with a low maintenance vinyl material.

In 2001, when 1030 was built, a parking area was included between the two buildings. When 1050 was built in 2006, an oversized parking area was built south of the building to serve 1030, subject to a parking agreement. However, the owners of the two buildings have been unable to get tenants of 1050 to use the 1030 parking area.
The proposed fence complies with Code requirements. It will be located approximately 12 feet from 1050 and 2 to 3 feet from the back of the curb between the existing retaining wall and the curb. The portion extending north of the building will be landscaped.

Property owners within 350 feet have been notified. No responses were received. Staff finds the fence is consistent with City regulations and recommends the application be forwarded to the City Council to be approved.

Commissioner Schumer asked if the fence should be continuous rather than have a gap at the doorway, if the purpose is to block off that parking area. It does not make sense to allow a gap for entering the building.

Commissioner Solomonson asked the height of the retaining wall and agreed with Commissioner Schumer that he does not believe the fence will deter people from parking in that area, if there is a gap in the fence for the doorway entrance to the building. Mr. Warwick noted that there will be parking bollards between the fence and the parking lot to keep cars from damaging the fence. The retaining wall height is approximately 2 feet.

Mr. Bob Moser, 986 Priester Lane, Hudson, Wisconsin, Developer, stated that he also occupies an office in one of the subject buildings. He explained that the gap in the fence is where an electrical transformer is located. The transformer is enclosed with a 6-foot fence. The intent is to abut the proposed fence tight to the transformer fence so people cannot walk through. He further explained that one of the offices is a chiropractic office with people arriving who are unfamiliar with the site and parking requirements. Seeing the fence should guide them to the appropriate lot. This proposal originated with a long-term tenant who is considering expansion within the building. In order to do that, parking needs to be remedied.

Commissioner Ferrington asked about signage to direct traffic to the proper parking area. Mr. Moser stated that signage tends to get damaged or blocked by snow, but he agreed that additional signage would be helpful.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to recommend the City Council approve the Site and Building Plan request submitted by Moser Homes Inc. for 1030 County Road E, for a 4-foot fence along the west side lot line, subject to the following conditions:

1. Approval is for the installation of a 4-foot white picket fence, which shall be installed in accordance with the plans submitted. Minor modifications may be

made to the plans subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site Plan Review process.

2. The applicant shall submit a landscape plan for approval by the City Planner. The landscape materials shall be installed by June 1, 2011.
3. The fence shall be maintained in workmanlike condition and shall not be allowed to deteriorate, fall into disrepair, or to represent a dangerous condition or a public or private nuisance.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

This recommendation is based on the following findings:

1. The proposed fence is a use permitted in commercial zoning districts.
2. The proposed fence complies with the standards specified in the Development Code.
3. The proposed use is in harmony with the general purpose and intent of the Comprehensive Plan and Development Code.

VOTE: Ayes - 5 Nays - 0

MISCELLANEOUS

A. Chair Proud and Commissioner Schumer are respectively scheduled to attend the November 1st and November 15th City Council meetings.

B. Commissioners Wenner and Solomonson will respectively attend the December 6th and December 20th City Council meetings.

C. The Planning Commission will combine its two regular meetings for November and December and hold one meeting on December 7, 2010, at 7:00 p.m.

D. A workshop meeting of the Planning Commission will be held at 6:15 p.m. prior to the regular meeting scheduled for December 7th.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to

ROLL CALL: Ayes - 5 Nays - 0

ATTEST:

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Kathleen Nordine
City Planner