

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES**

**March 24, 2009**

**CALL TO ORDER**

Chair Proud called the meeting of the March 24, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Schumer, Solomonson and Wenner

**APPROVAL OF AGENDA**

Commissioner Mons asked if any action is expected on item No. 5.A. Mr. Warwick explained that the applicant would like feedback from the Commission before presenting a formal application. No action will be taken.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the March 24, 2009 agenda as submitted at the meeting.

ROLL CALL: Ayes - 7 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to approve the February 24, 2009 Planning Commission minutes as submitted.

ROLL CALL: Ayes - 7 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Kathleen Nordine reported that the City Council approved the following items previously reviewed by the Planning Commission:

- Chapter 205 text amendments to make zoning and land use maps consistent;
- Text amendment to Erosion Control and Sediment Ordinance.

**PUBLIC HEARING**

City Attorney Filla stated that has reviewed the notices for the public hearings, and they are in order for this meeting.

**TEXT AMENDMENT – ARCHITECTURAL DESIGN STANDARDS**

**FILE NO.: 2346-0-04  
APPLICANT: CITY OF SHOREVIEW  
LOCATION: CITY WIDE**

**Presentation by Senior Planner Rob Warwick**

Proposed amendments to the Development Code are intended to establish architectural design standards for non-residential property that will be used to review site and building plans in terms of integration of development with both the site and adjacent areas. Provisions also encourage sustainable practices. The proposed amendments would be incorporated into the following code sections:

**Section 205.040 – Business District Overview**

Provisions in this section specify requirements for height, setbacks, storage, etc. An amendment here will cross-reference the design standards in Section 206.050, and also include a minor change to specify that refuse enclosures must also include accommodation of recycling containers.

**Section 206 Site Development and Architectural Design Standards**

The title of this section has been changed from “Other Development Standards” to clarify its contents. New provisions include:

- Encourage use of rain gardens/infiltration areas and native plants in landscaping;
- Reduce area for landscaped islands in parking areas from 20% to 10%;
- Encourage use of pervious pavement for parking areas—only a portion of the pervious pavement would be used to calculate impervious surface. A minimum of 15% green area must be present on the lot.

**Section 206.050 Architectural Design Standards**

This new section to the Code would add the following provisions:

- Review criteria to allow the City broader discretion during review;
- Building elevation standards to encourage visual interest and attractive buildings.

- Signature Architecture is addressed as well as entry design;
- Exterior materials require accents and details that emphasize visual interest to buildings with a requirement that 15% of wall elevations have accent materials;
  - Sustainable design is defined in broad terms and developers encouraged to use sustainable practices;
  - Alteration of an existing development must apply these standards in proportion to site improvements.

Commissioner Ferrington asked if any monetary incentive would be offered for more people to use sustainable practices. Mr. Warwick stated that staff discussed different types of incentives. At this time there is not latitude in the budget to offer financial incentives. Using the sustainable practices in itself saves money in construction, which is an incentive.

Commissioner Wenner asked if adoption of the current requirement of 20% island space in parking lots was only for aesthetics, or does it relate to drainage and amount of impervious surface? Mr. Warwick stated that the restriction is principally for aesthetics. In the past few years, however, it has also been used to create infiltration basins.

Commissioner Mons questioned the need for the reduction and asked for examples of developments where 20% island space in parking lots is too much. Mr. Warwick responded that the ratio became an issue with a developer who wanted to develop property at County Road J and Hodgson Road. The 20% requirement significantly expands the area needed for parking lots. Ms. Nordine added that the 20% ratio caused an issue with the commercial development in Rice Creek Corporate Park, and it was waived. Mr. Warwick also noted that in reviewing codes of surrounding communities, it was found that the range of required island landscaping space was from 0 to 8%. The ratio of 10% will still be at the top of the scale and will accomplish the City goal of breaking up asphalt and allowing opportunities for infiltration.

Commissioner Mons stated that he sees the lower percentage used in a Planned Unit Development (PUD) where tradeoffs can be negotiated to further benefit the City. He is concerned that someone not using a PUD would have a development that looks bleak. Referring to the last sentence of No. 3 on page 3 of the proposed amendments, “When combined with appropriate site design, the building and grounds will reflect the aesthetic, environmental and social values of the community.” He asked how a developer can be required to adhere to those broad goals.

Mr. Warwick explained that these regulations allow staff, the Planning Commission and the City Council more latitude in reviewing architectural style and building materials. The provision quoted by Commissioner Mons is in Section 205 which sets the overview for the standards specified in Section 206.050, including more discrete review criteria to apply the standards. The Council and Planning Commission have looked for this latitude because of the nature of infill development now occurring in the City. These standards can be applied to non-residential development. Once these regulations are in effect, buildings built previously that are not now in compliance become non-conforming.

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

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to close the public hearing.

ROLL CALL: Ayes - 7 Nays - 0

Commissioner Feldsien asked for clarification between page 7 of 17 (A)(1) which states, “a minimum of 10% of the parking and driveway surface area shall be designed with landscaping islands,” and page 8 paragraph (b) i, which states, “in no event will the open landscaped area be less than 15% of the area.” Mr. Warwick explained that the 10% only applies to the asphalt area within the perimeter of a parking lot, while the 15% applies to the entire development site.

Commissioner Mons asked if the amendments recommended by the Environmental Quality Committee (EQC) would be incorporated. Mr. Warwick answered they would, except for Section 206.020, (B) Minimum Parking Requirements. Staff would need to do further research to reduce minimum parking requirements. Also, the comment to use small scale wind turbines is beyond the scope of these amendments.

Commissioner Mons asked if a green roof with a water collection system would add to the height of the structure in sustainable practices. Mr. Warwick responded that the proposed ordinance specifically states, “Low profile, self-contained mechanical units ... are exempt from the screening requirement.” Commissioner Mon asked the location for the recommended bike racks. Mr. Warwick stated that while there is a provision for bike racks, a location is not specified.

Commissioner Ferrington noted that the provision in paragraph (B)(1)(b) on page 15 of 17 contradicts the Architectural Design section on page 2 of the staff report. Mr. Warwick corrected the ordinance by adding the word “by” to state, “Avoid expanses of wall by using...”.

Chair Proud asked if photovoltaic panels are allowed. Mr. Warwick stated that solar panels are intended to include both electric and hot water panels.

Chair Proud referred to page 8 of 17, (a)(ii) “Pervious Surface” and asked if the ordinance should allow the City to require a change if it is determined that a pervious surface is not working. Mr. Warwick stated that would be covered in the Maintenance Agreement that would be required with the City.

Chair Proud suggested incentives that would relax restrictions on building requirements, such as setbacks. Mr. Warwick stated that it is difficult to reduce setbacks when the preference is for more rather than less landscaping. Staff was unable to come up with zoning incentives to encourage sustainable designs, unless as in other cities there is a zero or reduced setback, such as city center developments. There are not similar circumstances here.

Chair Proud referred to page 17 of 17, paragraph (2) and asked the meaning of “end of life considerations.” Mr. Warwick explained that the reference is to whether the materials would go

to the landfill or can be reused or recycled.

Commissioner Mons stated that the main issue is the ratio of landscaped islands in parking lots. He would like more information on this proposal and would suggest laying this matter over to the next meeting. Ms. Nordine stated that there is no deadline or pending projects that would make it vital to have this ordinance in place.

**MOTION:** by Commissioner Mons, seconded by Commissioner Wenner to lay this Code text amendment over to the next Planning Commission meeting April 28, 2009.

Discussion:

Commissioner Solomonson requested different examples of different percentage ratios for landscaped parking lots so the Commission can better understand the difference between 20% and 10%.

Ms. Nordine suggested pulling that one part of the proposed amendment, relating to percentage of landscape islands in parking lots, to reconsider. Commissioners Mons stated that he would prefer lying over the entire matter in order to see the EQC recommendations incorporated.

**ROLL CALL:** Ayes - 7 Nays - 0

Chair Proud asked if the motion to close the public hearing should be withdrawn and the public hearing left open until the next meeting. City Attorney Filla stated that the public hearing has been closed. The Planning Commission can always take public testimony.

## **PUBLIC HEARING**

### **TEXT AMENDMENT – REGISTRATION/CERTIFICATION OF VACANT AND/OR FORECLOSED DWELLING UNITS**

**FILE NO.:** 2348-09-06  
**APPLICANT:** CITY OF SHOREVIEW  
**LOCATION:** CITY WIDE

#### **Presentation by City Planner Kathleen Nordine**

In the last two years, approximately 120 homes have been foreclosed in Shoreview. The proposed ordinance would require owners of vacant/foreclosed properties to register the property with the City for a fee. The purpose is for the City to be aware of each of these properties in order to mitigate negative impacts on neighborhoods and recover code enforcement costs. The City would encourage the property owner to develop a rehab plan for the property by:

- Exploring funding sources through the Economic Development Authority (EDA) to

encourage re-occupancy and reinvestment;

- Referring homeowners to the Housing Resource Center resources: foreclosure prevention, loan programs for first-time homebuyers and property rehabilitation;
- Discontinue water service to foreclosed properties to prevent possible water damage with vandalism;
- Monitor foreclosed/vacant properties to comply with the City's property and housing maintenance standards.

The proposed program is twofold: 1) to register the property with the City; and 2) to re-certify the property for occupancy to assure new owners that property conditions comply with City standards. Vacant and/or foreclosed properties with residential units must register with the City. Mobile homes and apartments are the exception. "Vacant" means abandoned properties or properties no longer permanently occupied or uninhabitable. A home vacated for a construction project or on a seasonal basis is exempted.

Registration will be required annually a minimum of five days prior to the expiration of the registration period. The registration requirement transfers to new owners. Vacant properties must be maintained in accordance with Section 211, and structures must be secured and weather tight.

Re-certification requires an inspection of the property by the City Inspector. Once the property is in compliance with all applicable ordinances a Housing Certificate of Compliance will be issued. A temporary Housing Certificate of Compliance can be issued when the owner has executed an agreement with the City to resolve violations identified in the City's compliance order and submitted financial surety ensuring that the corrective actions will be completed.

The City relies on two databases to identify vacant and/or foreclosed dwelling units. The first is the Ramsey County database which identifies sheriff sale activity. This database lists the address, sheriff sale price and mortgage company. The second database is the utility billing data for information on water consumption. Dwelling units with very low or "0" water consumption can be inspected for vacancy.

Staff plans to disseminate the information about this program to a number of agencies and organizations as well as publish it in the media.

Commissioner Wenner asked if homes that are vacant for redevelopment purposes would be covered under the ordinance even if work has not begun. Ms. Nordine answered that they would be covered and would fall within the ordinance definition of vacant.

Chair Proud asked if vacant houses can be secured in an aesthetically pleasing way without posting signs. Ms. Nordine stated that most ordinances she reviewed require posting. That assures the neighborhood that the property is registered with the City. However, she acknowledged there could be a risk with posting, and she requested additional feedback from Commissioners on this matter.

Commissioner Ferrington asked for further clarification of who registers a property. Ms. Nordine stated that either the occupant or the bank would be responsible to register the property. Foreclosure prevention information would be given to the homeowner. If the property becomes vacant, the City will be aware and know which mortgage company owns the property. If the property goes through the Sheriff's sale, the mortgage company is responsible to obtain a re-certification of occupancy for the new owner and to maintain registration with the City until the property is sold.

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

**MOTION:** by Commissioner Mons, seconded by Commissioner Solomonson to close the public hearing.

**ROLL CALL:** Ayes - 7 Nays - 0

Commissioner Mons stated that he does not believe the City will know about a foreclosed property until the Sheriff's sale. People going through foreclosure will not contact the City and pay a fee to register the property. He recommended a small, inconspicuous sign be posted. It could be posted inside so as not to invite vandalism. His experience has shown that often water bills will be in arrears. He encouraged staff to ask neighbors to notify the City about a vacant property. He would like to see the ordinance address the situation where the occupant is deceased and the property is in an estate but is vacant. He would consider such a situation would be exempt from being considered abandoned property. He noted that many houses are purchased on a contract for deed. When the contract is breached, a Sheriff's sale does not necessarily follow. He asked how the City would handle the inspection process for the new homeowner with regard to plumbing. All prospective buyers will turn on the water to see if the plumbing works. He would not want the City to be at cross purposes in selling the property. Often the mortgage company will turn the water off from the inside. Regarding the re-certification of occupancy, he would like to know what is meant by property compliance. Codes change and older homes will not necessarily be in compliance. Ms. Nordine explained that compliance and inspection would be enforced under the Housing Code.

Commissioner Feldsien stated that if the heat is on, there is no problem with water. He asked if there is any coordination between energy companies and the City regarding service. Ms. Nordine stated that Excel Energy is required to notify the City when services are being terminated. If the heat is on, the water is still turned off in case the home is vandalized and water cannot be left on.

Commissioner Feldsien asked who would be monitoring vacant/foreclosed properties. Ms. Nordine stated that the Community Development staff and Code Enforcement Officer would be responsible for monitoring vacant properties.

Chair Proud asked if the registration fee could be waived for property owners going through foreclosure. Ms. Nordine responded that staff will look into this.

Commissioner Wenner suggested offering an incentive to the first person who notifies the City of a vacant property, such as a discount on that person’s utility bill,

Commissioner Mons stated that perhaps the problem is more of whether the property is being maintained and not whether it is vacant. Ms. Nordine stated that there have been occasions when vacant estate properties result in maintenance issues, although not as often as foreclosed properties. The reason to include “vacant” properties in the ordinance is because there are properties that are vacated before the foreclosure process is complete.

City Attorney Filla stated that the issue is vacant property regardless of the reason for the vacancy. The concern is how to prevent a vacant property from becoming a nuisance in the community. Most vacancies today are from foreclosures and those are more likely to be vandalized by third parties or owners before they leave.

Commissioner Feldsien questioned the need for a Resident Agent listed on page 3, 9. Property owners can live outside the metropolitan area and easily reach the property in a couple of hours.

Commissioner Mons suggested a special meeting to further review the ordinance when changes have been made. He would not want to impose a fee on a property owner who is maintaining the property.

Chair Proud stated that he also would like to see changes incorporated before voting on a recommendation of the ordinance.

**MOTION:** by Commissioner Feldsien, seconded by Commissioner Solomonson to table this matter to the next Planning Commission meeting to allow further review of changes and incorporation of suggestions of the Commission.

**ROLL CALL:** Ayes - 7 Nays - 0

Chair Proud called a five-minute recess and then reconvened the meeting.

**MISCELLANEOUS**

**MINOR SUBDIVISION SKETCH PLAN REVIEW, 5423 CARLSON ROAD – JIM RATHMANNER**

**Presentation by Senior Planner Rob Warwick**

The Commission is being asked to review this preliminary plan for feedback. The property is a standard riparian lot consisting of 1.18 acres with a house, detached garage, two sheds, boathouse and drive. The width of the property is 150 feet. The property owner is considering a subdivision that would result in one lot with a width of 100 feet and one lot south of the first one with a width of 50 feet. Therefore, a variance would be required for the south lot. Lot area for both lots would exceed the minimum requirement of 15,000 square feet.

The existing home has mold. The applicant would like to remove the home and build a new one on the new north lot and sell the split off vacant south lot. Accessory structures would be removed except for the boathouse. With the subdivision, the boathouse would be located 4 feet from the new side lot line, less than the 20 feet required, which would require a variance. The boathouse consists of 440 square feet, which is a non-conforming structure.

Staff has a number of concerns with this proposal. One is that most of the riparian lots on Carlson Road are 90 feet or more in width and 70 feet or more in width at the OHW. A variance must be based on hardship due to circumstances not created by the owner. It will be difficult to find hardship for the boathouse variance.

Commissioner Solomonson asked if preserving the 100-foot width on one lot is for the purpose of keeping the boathouse. Mr. Warwick stated that the legal description for the property is all of Lot 32 and the north 50 feet of Lot 33. When originally platted, many people purchased one and one-half lots, which created the pattern in this area. This request appears based on the original plat.

Commissioner Ferrington noted the tight distance of the house at 5415 to the lot line and expressed concern about building another house on a 50-foot wide lot. The homes will be very close and each will create an impact on the others. She suggested an even width with both lots split into 75-foot widths, but the lot with the boathouse would expand in width closer to the lakeshore. City Attorney Filla stated that such a configuration would be legal, but consideration would have to be given to all of the issues being discussed.

**Mr. James Rathmanner**, the property owner, stated that the reason for the lot split is with the intention of staying in Shoreview for the long term. The new house to his south was built close to the property line because of the width of that lot, which has created privacy issues. By splitting his property and building a new house in compliance with current setbacks, privacy would be maximized for both properties. The boathouse is a good structure and gets a lot of use. One hardship is that taxes have skyrocketed on lakeshore properties while taxes on non-riparian properties have flattened or have been reduced. His taxes will be \$17,000 next year.

Commissioner Solomonson asked if the applicant would consider a 90-foot/60-foot split to be more in line with surrounding properties. A lot width of 50 feet is too narrow and he would like to see at least 60 feet, especially with the proximity of the house to the south. **Mr. Rathmanner** explained that the 100-foot/50-foot split is due to the survey and the location of the boathouse. He would be open to moving the lot line, moving the boathouse and/or reducing its size.

Commissioner Mons noted that the required 20-foot setback for the boathouse would mean its removal to be in compliance. The reason for the riparian lot standards is to prevent too many homes being built on the lakeshore. It is possible the ordinance needs to be revisited in light of the current tax situation, but he would not want to make changes on a piecemeal basis. It would be difficult for him to support a new lot at 50 feet to keep the boathouse. He would not want to set that precedent.

Commissioner Ferrington asked if the boathouse could be moved to achieve compliance. Mr. Warwick stated that it could be moved to be in compliance. A variance would be needed to move it, or else the size reduced.

Chair Proud suggested the applicant and staff bringing a new sketch plan showing different lot widths and relocation of the boathouse. While he would not want to allow time for a number of sketch plans, the Commission is very split on this issue. It might be a wise use of time before the applicant would have to invest in architectural expenses to submit a formal application.

Commissioner Solomonson stated that he would like to see a formal application. He does not want the Commission to begin reviewing sketch plans for a poll of Commission members.

Commissioner Feldsien stated that he would find it difficult to support splitting the lot at all. It would create two non-conforming lots of less than 100 feet. A 50-foot lot is too narrow and not acceptable.

Commissioner Wenner agreed with Commissioner Feldsien. A previous property owner left because of the intensity of the area. Splitting this lot would create yet more intensity.

Commissioner Schumer asked the extent of the mold issue. Mr. Warwick stated that the water table is high and the house has a basement. The City does not have documentation but has discussed the needed remediation with a contractor.

Chair Proud stated that he would be open to a reasonable presentation, but his view also is to not allow a lot split.

### **Council Meetings**

Chair Proud noted that Commissioners Wenner and Solomonson are respectively assigned to attend the April 6<sup>th</sup> and April 20<sup>th</sup> City Council meetings.

### **Council Workshop**

Ms. Nordine stated that Shoreview received a grant from the Urban Land Institute and Regional Council of Mayors for a housing audit, which includes a demographic study. At the April 13<sup>th</sup> Council workshop, the results of the study will be presented. The Council has requested a member of the Planning Commission attend. The results will be considered by the full Planning Commission at a later date. Commissioner Wenner volunteered to attend the April 13<sup>th</sup> workshop meeting.

**ADJOURNMENT**

MOTION: by Commissioner Schumer , seconded by Commissioner Feldsien to adjourn the March 24, 2009 Planning Commission meeting at 9:58 p.m.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner