

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

April 24, 2007

CALL TO ORDER

Acting Chair Proud called the meeting of the April 24, 2007 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Chair Feldsien was absent.

APPROVAL OF AGENDA

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

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Page 11: The reference to Chair Mons should be Commissioner Mons.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to accept the March 27, 2007 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 4 Nays - 0 Abstain - 2 (Ferrington, Solomonson)

Commissioners Ferrington and Solomonson abstained as they were not present at the March 27th meeting.

REPORT ON CITY COUNCIL ACTIONS

At the April 16th City Council meeting, the City Council approved the Conditional Use Permit for Mark Kerfeld and Karen Olson. The Council also heard, discussed and provided feedback regarding the Concept Stage Review of Mendota Homes, Inc.

Commissioner Mons asked if the developer would be submitting Development Stage Review approval. Ms. Nordine stated that the City has not received an indication of whether or not Mendota Homes will pursue their proposal.

NEW BUSINESS**PUBLIC HEARING - PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE & COMPREHENSIVE SIGN PLAN**

FILE NO.: 2268-07-09
APPLICANT: CASCADE PARTNERS, LP
LOCATION: 4684, 4696 AND 4710 HODGSON ROAD

City Attorney Miller stated that the public hearing has been properly noticed and is in order to proceed.

Presentation by City Planner Kathleen Nordine

Since submittal of the applications for mixed-use senior housing and published notice for the public hearing at this Planning Commission meeting, the property owner's attorney at 4696 Hodgson Road wrote to the City and indicated that the property owner would not be interested in being a party to the development applications, if the closing on the property is not successful. Closing on the property was scheduled for April 18, 2007, but was cancelled. This raised concern with staff because the application is not complete until it is signed by the property owner. Therefore, staff recommends the Planning Commission defer consideration of the proposal at this time to provide additional time to resolve this issue.

Because the notice of the public hearing, the Planning Commission needs to open the public hearing, close it, table the matter and extend the review period for 120 days. Although the plans are not being presented, public comment can be taken.

Commissioner Mons stated that by opening the public hearing the clock starts on the review period for the application, but at this time there is no application because one of the signators has withdrawn. Ms. Nordine stated that the 60-day time frame starts when the application is considered complete. It is a legal issue as to whether the application is complete without the property owner's signature.

Commissioner Mons stated that he would prefer not to open the public hearing with no application before the Commission. City Attorney Miller stated that the 60 days starts with a completed application. There may be a question as to whether the application has been formally withdrawn. By following the action proposed by Ms. Nordine, the applicant will not have to submit an entirely new application. A second public hearing will be noticed when the issue is resolved.

Commissioner Mons stated that even if a second public hearing is noticed, by opening the public hearing at this meeting, the City loses 30 days in the review process. It puts a strain on the Commission if there are concerns or issues the Commission wants to see addressed before approval. City Attorney Miller stated that the interpretation of the courts with the 60-day rule is

such that he would prefer to not have the question raised as to whether the application is complete now or not.

Ms. Nordine added that the applicant has worked out some of the issues, and she anticipates that the application will be before the Commission at its May 22nd meeting.

Acting Chair Proud declared the public hearing open.

Mr. Pat Julik, stated that he represents Cascade Partners, Applicant. He received notification from the City that the application was complete as of April 13, 2007, which means the 60-day period has started. There were potential issues that the City was notified of last week. The City received a letter from the attorney of the party in question stating that she wanted the actions and approvals to go forward and that she has extended the period of the purchase agreement. He stated he would not agree to an extension 60 days, as this delay is damaging to him. He believes the City can complete the process within the 60-day time frame if the matter is considered at the May Planning Commission meeting followed by City Council review at its first meeting in June.

Ms. Nordine stated that the City cannot ignore the letter received from the attorney of the property owner at 4696 Hodgson Road. The City staff did talk with the property owner's attorney who confirmed the information in the letter. It is her understanding that the applicant does not have to agree to the extended review period, but the City must provide a reason for tabling the matter and extending the review period.

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

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Mons asked if the public hearing could be tabled, then it would not have to be re-noticed. City Attorney Miller stated that notices were sent regarding the public hearing and then notices were sent telling residents the matter would be tabled.

Commissioner Mons voted in favor of the motion.

Commissioner Mons stated that the issue of the completeness of an application has occurred in the past, and he requested a workshop discussion regarding when an application is determined to be complete.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to table this application to the Planning Commission meeting on May 22, 2007, and extend the review period an additional 120 days.

Discussion:

Commissioner Schumer asked if the additional 120 days is added on to the 60 days of review. Ms. Nordine stated that the extension is meant to provide a review period of a total of 120 days.

Commissioner Schumer offered an amendment to the motion to state "...period to 120 days," not "... period an additional 120 days." City Attorney Miller suggested changing the motion to an additional 60 days, as stated in statute.

Commissioner Mons offered an amendment to state "... period an additional 60 days for a total review period of 120 days." Commissioner Schumer accepted the amendment.

ROLL CALL ON THE MOTION AS AMENDED:

Ayes - 6

Nays - 0

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2270-07-11
APPLICANT: MOSER HOMES, INC.
LOCATION: 1050 COUNTY ROAD E

Presentation by Senior Planner Rob Warwick

The applicant has submitted an application for a fence at the office building being constructed at 1050 County Road E that was approved in March 2006. The tenant, J. Trager Insurance, would like a privacy fence along the west side of the lot. The fence would begin 10 feet south of the building front and extend 270 feet south. The fence will consist of a low maintenance composite material in a natural brown color. The proposed fence is in compliance with Code provisions.

Staff sees the fence providing a separation between the new office building parking area and the exterior storage area on the Schoonover property. It would be noticeable from the road only when viewed directly from the north.

Property owners within 350 feet were notified of this request. One response was received from Ramsey County indicating that they have no concerns. Staff is recommending approval with the conditions listed in the staff report.

Acting Chair Proud asked if there is a maintenance problem with a fence on the property line, if the property owner does not have access to one side of it. Mr. Warwick stated that neighborliness is the key to access for maintenance on the other side of the property line.

Commissioner Mons noted the fence is advertised as no maintenance.

Commissioner Schumer asked if there is a requirement for the fence to be a natural color.

Commissioner Mons stated that the applicant is bound to the color that has been proposed.

Acting Chair Proud asked if the applicant wished to make any comments. The applicant indicated he had no comment.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to recommend the City Council approve the Site and Building Plan request submitted by Moser Homes, Inc. for 1050 County Road E, for a 6-foot privacy fence along the west side lot line, subject to the following conditions:

1. Approval is for the installation of a 6-foot Trex Seclusions privacy 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 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.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

ROLL CALL: Ayes - 6 Nays - 0

VARIANCE

FILE NO.: 2269-07-10
APPLICANT: MICHAEL SMITH
LOCATION: 1149 BUCHER AVENUE

Presentation by Senior Planner Rob Warwick

The variance request is for the front setback in order to reconstruct a deck that was attached to the existing home. The property is a corner lot at Bucher Avenue and Fernwood Street and is zoned R1. The variance is required because the location of the deck does not comply with the required 30-foot front setback. The proposed setback is 24.5 feet.

The applicant identifies the location of the house and deck as hardship. There is a door at the deck location. No expansion is proposed.

Staff believes the variance request is reasonable. Although an at-grade patio could be constructed at lesser setback of 20 feet, the railing on a deck would provide privacy from the street and sidewalk. Since a deck previously existed, the character of the neighborhood is not impacted.

Property owners within 150 feet were notified of the proposal. One written comment in support was received. Staff recommends approval with the conditions listed in the staff report.

Commissioner Solomonson asked if the railing could be solid to offer more privacy. Mr. Warwick answered that a solid railing is allowed.

Commissioner Proud asked the height limit for a solid railing. Mr. Warwick stated that the height would be limited to 4 feet, as it would be considered as a fence.

Commissioner Schumer asked if the 4-foot height of a solid railing would be from the ground or from the deck.

Mr. Mike Smith, Applicant, stated that when he bought the house in 1990, there was a deck. He took the deck off because of landscaping. He plans a 3-foot spindle railing. It will provide from screening from the road. If only a patio is allowed, he will not put anything in.

Commissioner Solomonson expressed concern that a solid railing could be put on in the future if the deck is allowed.

Commissioner Mons disagreed and stated that sometimes the railing is a back to bench seating which has always been allowed. He believes that type of railing would also look attractive.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adopt Resolution 07-24, approving the variance request submitted by Michael Smith for the property at 1149 Bucher. The request allows reduction of the required 30-foot setback to 24.5 feet for a 10 by 10-foot deck. This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance application. The deck shall maintain a minimum setback of 24.5 feet from Fernwood Street. 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. 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.

Discussion:

Commissioner Solomonson requested discussion of the definition of a deck at a future workshop.

ROLL CALL Ayes - 6 Nays - 0

MISCELLANEOUS

Commissioners Proud and Wenner are respectively scheduled to attend the City Council meetings on May 7th and May 21st.

A Planning Commission workshop is scheduled May 22, 2007, prior to the regular meeting to discuss LEED/Green building with the Environmental Quality Committee (EQC). Ms. Nordine

noted that there are six applications for the May 22nd regular meeting. She proposed the workshop be rescheduled but noted the Commission already has a workshop scheduled June 12 and September 11 to discuss updating the Comprehensive Plan. There is also a workshop August 28.

Commissioner Mons stated that he has difficulty coming earlier than the scheduled meeting at 7:00 p.m. and would prefer a special workshop rather than a workshop prior to a regular meeting. Ms. Nordine stated that she will check with the EQC and Chair Feldsien about the possibility of a workshop July 10, 2007.

Acting Chair Proud stated that he would like further discussion on electronic signs.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adjourn the April 24, 2007 Planning Commission meeting at 8:10 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner