

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
April 28, 2015**

CALL TO ORDER

Chair Solomonson called the April 28, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson; Commissioners, Ferrington, McCool, Peterson, Schumer and Thompson.

Chair Solomonson noted Commissioner Doan's arrival at 7:01 p.m.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to approve the April 28, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Peterson to approve the March 24, 2015 Planning Commission meeting minutes, as presented.

VOTE: Ayes - 6 Nays - 0 Abstain - 1 (Thompson)

Commissioner Thompson abstained, as she did not attend the March 24th meeting.

REPORT ON CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Castle

The following items were approved by the City Council as recommended by the Planning Commission:

- Rylaur, LLC/Oak Hill Montessori Site and Building Plan Review
- Water Treatment Plant Site and Building Plan Review

NEW BUSINESS

PUBLIC HEARING - VARIANCE/MAJOR SUBDIVISION

FILE NO.: 2568-15-11
APPLICANT: DONALD F. ZIBELL
LOCATION: 3422 CHANDLER ROAD

Presentation by Senior Planner Rob Warwick

The applicant has submitted a preliminary plat and variance for the subject property. The proposal would subdivide the upland 3.6 acres into 8 lots for detached single-family development. There would be 2 riparian lots on Lake Wabasso and 6 non-riparian lots. The existing house with attached garage and swimming pool will remain on Lot 5. Access to the lots will be from a new public road cul-de-sac extending east from Chandler Road. Storm water management will be with a bio-filtration basin on Lot 4. The variance requested is to reduce the street frontage for Lot 4, a riparian lot, from the minimum 100 feet to 72 feet.

In 2014, a minor subdivision was approved that adjusted the north property line to the current configuration to allow the development of Lot 4 with a width of 100 feet of shoreline. That subdivision approval requires removal of the existing tennis court and adjacent detached accessory structure.

The property is located in the R1 District. The proposed cul-de-sac access is consistent with City standards. The proposed lots comply with minimum lot standards of the R1 District. Lot 6, 7, and 8 are key lots where the rear lot lines abut the side lot line of the adjoining parcel to the south. While these key lots do not have the added depth required, they do show the required 40-foot front setback. Lots 4 and 5 are riparian to Lake Wabasso and have a minimum width of 100 feet at the Ordinary High Water (OHW), at the building set back from the OHW, and at the front lot line. The property is zoned for Low Density Residential (RL), which allows 0 to 4 units per acre. The proposal is 2.2 units per acre including the area of right-of-way.

The variance requested for Lot 4 is to address the width of 72 feet at the street frontage. The house pad for Lot 4 exceeds the maximum OHW setback of 106 feet. The driveway turn-around that exists on Lot 5 does not meet the required 5-foot side setback.

Stormwater from the western portion of the property flows south to a culvert; stormwater from the eastern portion flows to Lake Wabasso. The filtration basin proposed on Lot 4 will reduce drainage to the lake. The City Engineer has noted a concern with the amount of infrastructure on this lot with the pond and pipes for storm water drainage as well as pipes to convey water to the filtration basin. The building pad is constrained due to the pipe infrastructure.

There are more than 60 landmark trees on the property. A Removal and Preservation Plan is required with the Final Plat. City Code requires a replacement ratio of 6 replacement trees for every landmark tree removed.

The applicant states that the street width variance requested for Lot 4 meets the intent of the Ordinance because the lot width at the OHW and the building setback from the OHW is 100 feet. The proposed 72-foot width is wider than the cul-de-sac frontage required for a non-riparian lot. The lot area is 29,000 square feet, almost twice the area required for a riparian lot.

Staff notes that a minimum street frontage of 30 feet is required for non-riparian lots on a cul-de-sac. This accommodation is not specified for riparian lots. However, staff agrees that the large lot area and consistent width of 100 feet meet the intent of the Code.

Notice of the public hearing was published and mailed to property owners within 350 feet of the subject property. Four comments were received expressing concerns about reduced green area, environmental impacts on nearby lakes and wildlife, increased traffic and construction noise. A permit will be required from the Ramsey/Washington County Watershed District.

Because of the lot depth issues for the key lots and the building pad on Lot 4, staff recommends the Commission hold and continue the Public Hearing by tabling the application to allow the applicant time to revise plans that would bring the application into compliance or apply for variances. A variance application for the depth of the key lots is needed.

Commissioner Ferrington asked if this plan has to be approved before application can be made for the watershed district permit and whether the reduced drainage to the south flows under the existing driveway. Mr. Warwick stated that the plat must be approved before a grading permit can be issued. A permit from the watershed district would also be needed at the time of issuance of the grading permit. The proposed drainage will be almost 50% of what it is at this time due to the smaller area that will drain south. Water that flows south goes through a culvert under the existing driveway on the subject property and the lot to the south. The wetland is further south.

Commissioner McCool asked the reason there is not flexibility for the width of riparian lots on cul-de-sacs that is allowed for non-riparian lots. Mr. Warwick responded that state law only requires that width be measured at the point of the middle of the building. The City is allowed to be more restrictive and requires three measurements. There is only one other cul-de-sac in the City with riparian lots.

Commissioner Peterson noted the large area that will flow to the new filtration system. He asked if the watershed district will review and test the calculations and assumptions proposed. Mr. Warwick answered that both the City and watershed district have engineers evaluate drainage to make sure there is compliance with adopted standards.

City Attorney Joe Kelly stated that he has reviewed the affidavits and determined that proper public notice has been given for the public hearing.

Chair Solomonson opened the public hearing.

Mr. Donald Zibell, Applicant, stated that he is confident that any challenges with the site can be overcome.

Commissioner Peterson asked for further explanation on how the drainage system will handle the increased quantity of runoff from the street. **Mr. Chuck Plowe**, Project Engineer, stated that the

applicant is in the process of applying for a permit from the watershed district. The watershed district has revised their rules to be more strict. The size of the drainage system is designed for a 100-year event. The rate that the water leaves the site at this time must be controlled to that same rate after development. Most of the water will be channeled to the filtration basin, which is designed with infrastructure to insure the water leaves the site at the same or less rate as today.

Commissioner Schumer asked for the applicant's response to staff's recommendation to table this application to address issues with key lots. **Mr. Zibell** stated that he is agreeable to tabling the application.

Commissioner Ferrington asked if consideration would be given to not developing Lot 4 and reconfiguring the other lots to provide a common access to Lake Wabasso. The Project Engineer stated that he does not believe it would be economically feasible, as the applicant has spent considerable money to acquire the additional land.

Ms. Elizabeth Vantasel, 3400 Chandler Road, asked if the water filtration system is a holding pond. Mr. Warwick explained that the filtration system is filled with plants that take up water. The roots provide opportunity for the water to infiltrate into the ground. A list of plants are in the plan submitted. Maintenance will be part of the City infrastructure. **Ms. Vantasel** asked for further consideration to be given to the wetland to the south and the possible impact of it becoming dry with the reduction of drainage.

Mr. Jerry Kleffman, 3400 Chandler Road, expressed concern about loss of trees with increased water into the natural drainage flow. He suggested only two key lots instead of three to reduce the number of variances for lot depth. Mr. Warwick stated that the building pads locations are adequate for modern houses. He showed the new drainage map that shows the area that will drain south to be a much smaller area than currently, which will reduce the runoff to the south.

Ms. Megan Balda, 3410 Chandler Road, expressed significant concern about the aesthetic changes to the neighborhood and density. She asked what traffic studies have been done and safety precautions for the heavy pedestrian traffic on Chandler. Mr. Warwick stated that Chandler Road is a minor collector street averaging approximately 500 trips per day. Collector roads in the City have from 500 to 5000 trips per day, and Chandler is one of the lowest volume collector roads in the City. Typically, one house generates approximately 11 trips per day. With seven new lots, this would be a total of approximately 80 added trips per day. On a collector street, this remains a small amount of traffic.

Ms. Charles Nelson, 3450 Chandler Road, asked for clarification of the house setbacks and whether a setback variance is requested from the north. Mr. Warwick explained that the variance is only for lot width at the street for Lot 4. The setbacks required from the north property line will meet Code requirements.

Chair Solomonson asked the process to continue the public hearing. City Attorney Joe Kelly recommended re-noticing and reopening the public hearing in order to continue it. The public hearing can be held over to another meeting by closing it temporarily or leaving it open. It is important that the reasons to continue the public hearing and extend the 60-day review time period be specifically stated in the meeting minutes.

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

VOTE: Ayes - 7 Nays - 0

Commissioner Ferrington listed issues that she sees need to be addressed and asked what items would need a variance and which ones would need adjustment: 1) variance for the 72-foot width for Lot 4 at the frontage road; 2) house setback of greater than 106 feet from the lake; 3) the driveway of the current home is closer than 5 feet to the property line; and 4) the required depth for key lots. Mr. Warwick stated that the proposed motion is to allow the applicant time to bring the application into compliance or apply for variances. At a minimum he would expect a variance request for key lot depth.

Commissioner Doan stated that the landmark trees are a precious resource, and he would like to see as many as possible preserved.

Commissioner McCool added that he would like to see a plan of how many landmark trees are proposed to be removed with the next review of this matter.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to table the Variance and Preliminary Plat applications submitted by Donald Zibell to subdivide and develop the property at 3422 Chandler Road into 8 lots for single-family detached homes to provide the applicant opportunity to revise the plans to reflect the proposed Key Lots and to address the OHW setback for proposed Lot 4 and to extend the review period from 60 to 120 days.

Discussion:

Commissioner McCool offered an amendment to the motion to include re-noticing the public hearing. Commissioners Schumer and Ferrington accepted the amendment.

VOTE: Ayes - 7 Nays - 0

COMPREHENSIVE SIGN PLAN

FILE NO.: 2566-15-09
APPLICANT: M T HOLDINGS
LOCATION: 1027 TOMLYN AVENUE

Presentation by City Planner Kathleen Castle

This application is to install four wall signs to identify business tenants. The property consists of 2 acres and is developed with a 24,792 square foot office/warehouse building occupied by four tenants. Currently, one wall sign identifies the tenants which would be removed for the four individual cabinet-style signs with interior illumination for each business. The property is zoned Business Park (BPK). A maximum of one wall sign is permitted unless the structure faces two arterial roadways. This structure is located on a local street. The maximum area permitted for a wall sign is 10%, and the maximum length allowed is 20% of the wall length. The total area for

LOCATION: CITY WIDE

Presentation by Economic Development and Planning Associate Niki Hill

The proposal is to amend Section 212.020(E) of the Building and Fire Code to address updates to the Minnesota Building Code in 2015. The revisions would add wording to include: platforms less than 30 inches above adjacent grade and not attached to a structure with frost footings. The current building permit would revise the requirement for structures with a 120 square foot minimum floor area to a 200 square foot minimum floor area. A zoning permit is still required for accessory structures which do not require a formal building permit review.

The public hearing notice was published in the City's legal newspaper April 15, 2015. No comments have been received. Staff is recommending the text amendment be forwarded to the City Council for approval.

City Attorney Joe Kelly stated that proper notice has been given for the public hearing.

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

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

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the amendment to Section 212.020, Building and Fire Code to address the changes adopted in the Minnesota State Building Code.

VOTE: Ayes - 7 Nays - 0

APPEAL OF ADMINISTRATIVE DECISION

FILE NO: 2567-15-10
APPLICANT: TODD SHARKEY - SHARKEY LAND DEVELOPMENT
LOCATION: 4965 HANSON ROAD

Chair Solomonson noted that the Planning Commission will serve as the Board of Adjustments and Appeals for this item.

Presentation by Assistant City Manager/Community Development Director Tom Simonson

This application was determined to be incomplete because certain filing requirements were not met by the applicant. The Minor Subdivision application is a proposal to subdivide 4965 Hanson Road into two parcels. The reason the application is incomplete is because a variance application must be submitted with the Minor Subdivision in order for the proposal to be considered. Code requires that new lots must have public road frontage unless a variance is granted. Access to the new parcel would be from a private driveway easement. The applicant maintains that the private driveway easement is a public road and does not require a variance.

The Minor Subdivision application was determined to be incomplete for four reasons:

1. Three items of administrative and/or procedural matters could be easily rectified.
 - a. The application needs to be signed by one of the property owners;
 - b. The applicant, Sharkey Land Development, must submit evidence of a legal or equitable interest in the property; and
 - c. The Certificate of Survey is unacceptable because it was not a copy to scale and was altered with hand written notes that obscure some information.
2. The variance application was not submitted as required. The City's filing requirements provided with the application state, "a completed application(s) for all other approvals necessary for the proposed development (e.g., rezoning, variance, comprehensive guide plan amendment)," must be submitted with the application.

The key issue of this appeal is the matter of the private driveway or public road. A map was shown indicating the subject driveway that is for access to the subject property off Hanson Road. Staff believes this access to be a private driveway. The City Attorney has provided a letter indicating the legal opinion that the subject driveway that would serve the proposed lot is a private easement. This determination is consistent with the City's position over a number of years, including current and past research by the City Attorney. The proposed parcel would then front on the private driveway easement, which requires a variance.

Public notice of this appeal hearing was sent to property owners within 350 feet of the subject property. Copies of written comments have been provided to Commissioners. It is staff's recommendation that the Planning Commission deny the appeal and rule that the Minor Subdivision application was incomplete.

City Attorney Joe Kelly stated that he has reviewed the documents submitted by the applicant, which included plats, deeds and an opinion from former City Attorney Jerry Filla that go back to 1978. The documents submitted support the previous position that the driveway is a private easement dating back to 1978. The deed provided to the Sharkeys from the Hansons states, "also a roadway or driveway easement over a strip of land 30 feet in width lying adjacent to and on the northerly side of afore said tract of land. And 30 feet being measured at right angles to the northerly lines of said tract and said strip running from said east line of Government Lot 1 to a line running parallel to and distant 290 feet west of said east line." The first paragraph is the tract of land that is being conveyed. The second paragraph is a roadway or driveway easement, a private easement between the grantor and the grantee. The seller is providing the easement solely to the individual buyer. The survey from 2005 also shows a 30-foot easement, not a publicly dedicated right-of-way. All the cases cited by the applicant deal with publicly dedicated rights-of-way or platted streets. A review of this plat shows no platted or publicly dedicated right-of-way. The original grantors and those benefitting from the easement have not actually dedicated this strip of land to the public. This is backed up by the fact that the United States Postal Service does not deliver mail on this road. The hash marks on the plat only indicate that there is an easement in existence. It is not showing a publicly dedicated right-of-way or publicly dedicated roadway that is platted. There are public utility easements, but that does not indicate a public right-of-way for purposes of subdivision standards.

The applicant has indicated concern about an opinion letter from 2005. The letter shows that the applicant previously applied for a variance and subdivision. It also shows the City's consistent opinion regarding the easement since 1978. The concern is about the paragraph that states, "It is possible that surrounding property owners may commence litigation against the Sharkeys if they approve the minor subdivision and waiver." The reason for that statement is that the easement has been improved by making it a concrete surface. The potential liability is between the private parties. Mr. Simonson added that the 2005 letter also shows that the Sharkeys do have rights to the private easement.

Mr. Simonson explained that the Planning Commission is serving as the Board of Adjustments and Appeals and is to determine whether or not the City's determination is correct, that the application is not complete. He recommended focus on the completeness or incompleteness of the application without getting into issues of a minor subdivision or any potential development, issues.

City Attorney Kelly stated that if the Board of Adjustments and Appeals were to determine that the easement is a public right-of-way, contrary to the City's opinion, that would mean a taking of property from the underlying land owner, which would potentially require compensating the underlying owner.

Mr. Todd Sharkey, Applicant, stated that there is a lot of history that has caused problems in the neighborhood. He wants to offer an opportunity to clear up hard feelings and heal the neighborhood by telling the truth. The map line showing the easement on the City's map is shown as a municipal street on the Ramsey County GIS system. The original parcel was purchased by Mr. Bucher from the Government. The parcel was then sold to Mr. Henry Hanson (for whom the road is named--Hanson Road).

Mr. Sharkey referenced a letter dated 1978, from then City Attorney Jerry Filla, to Dr. Charles Bregel, that states, "I have reviewed the abstract title for the above-referenced property which was last certified on the 6th day of June 1975, at 8:00 a.m., by the St. Paul Title and Guaranty Company. The abstract consists of entries 1 through 84 inclusive and a photocopy of that abstract is enclosed. At one point in time most of the property located west of the center line from Hanson Road and north of Robinhood Place was owned by Henry Bucher. Upon his death a portion of this property was decreed to his daughter, Caroline Hanson and upon her death the property was given to her children--Henry Hanson, Louise Hanson and Ed Hanson. When the Hanson children acquired their mother's interest in the property, they granted a 15-foot easement to Stuart Cohn. The easement extended westerly across Hanson Road across some property south of your property (that would be Sharkey property)." The easement was to provide access to the Cohn property. This easement was eventually reconveyed to Stuart Cohn and now no longer exists.

City Attorney Filla further states that the easement referred to in his letter is only for three parcels and no parcels further to the west. The title states that a driveway permit for 690 feet was issued, which extends to where there is an existing garage today. The easement was only granted to a certain number of properties. The Sharkeys, who acquired the property from Bedburys with the right to use the 30-foot easement. Entitlement to use the easement does not necessarily carry with it the obligation to maintain the easement. Although the easement cannot be obstructed, it states that, "If the present owner of the Bedbury properties (now the Sharkeys), wish to construct

more than one residential dwelling on the property, approval of a minor subdivision would have to be obtained from the City of Shoreview.” The City Attorney is saying that a variance is not necessary. In 1978, Exhibit D, page 11, his father’s 1978 application for a minor subdivision shows a checkmark for a variance but no variance is written in. The Sharkey property, is, therefore, grandfathered in.

In 1993, Mr. Gerald Anderson applied for a minor subdivision and variance for frontage on a non-public street. However, he did not apply for a variance for special access permission, which is mandatory. In 1993, the properties were granted special permission of access by the City. This is an act of eminent domain for which no one has been compensated. The City overburdened the easement with four additional property owners who do not have rights to cross that property. There are four properties with legal access gaining a public benefit. Those four properties need to compensate other affected neighbors. City Attorney Filla stated that no part of the easement crosses the Sharkey property. However, the survey presented as Exhibit W1, the roadway easement entirely crosses the Sharkey property. One property owner took responsibility for reconstructing the road but without taking out a permit. A permit was granted after the fact by the City, which denied due process to the neighbors. To have to apply for a variance is being held to a higher standard.

Mr. Sharkey stated that the neighbor at 1000 Oakridge Avenue is 89 feet back from the north property line with no variance. That house is an illegal structure. Attorney Chad D. Lemmons who is with the law firm of Kelly and Lemmons states in a letter regarding 1000 Oakridge Avenue, “Shoreview’s failure to require and process a variance for the Jarrot home is not a violation of Chapter 13, which is the Minnesota Data Practices Act, instead it is a violation of the City’s own ordinances.” He asked again why he is being held to a higher standard. The City granted a minor subdivision in 1978 and requested a 30-foot easement from his father. The problem is that the 30 feet comes within four feet of the house. The house would have been illegal, devalued.

Mr. Sharkey stated that there are easements under the roadway. What is contained under the roadway is water. There is a fire hydrant at the far west end. There are power lines on the south and north sides of his property. The power lines are spaced 150 feet apart. City Code for lots is 75 feet wide by 125 feet deep. The power lines show that there are three lots on the Sharkey property. He is only asking for two. The second lot would exceed City Code by 50%. There are gas lines, electric lines, CABLE lines with no easements for utilities. In 2005, the City wanted a 10-foot utility easement, but it was not granted. The City, by charging utility fees is making money off property they do not own. All indicators are that the easement is a public road. The land was taken for public benefit to the other four properties.

He does not want to bring litigation. He has done his homework and trying to defend his property rights and bring a solution. He does not want to maintain the easement any longer for others. Those who use the easement need to purchase the property and maintain it. He is trying to do what is right but he would like to be treated fairly.

He was very upset with Mr. Hill’s letter that was sent to damage him. He went to the police who told him he could press charges, but he did not.

Mr. Dennis Jarnot, 1000 Oakridge Avenue, stated that he has lived at this address for 20 years. When he moved in the street was part asphalt and part gravel. Ten years ago neighbors put thousands of dollars into improving the road and then again spent substantial money to maintain it. Now they have to get a permit. He is not sure there is a municipality that requires residents to maintain a public street and maintain street lights. Residents had to increase the width of the roadway to support the Fire Department. All the things Mr. Sharkey has said do not show that the City has taken over the road to make it a public street.

Mr. Sharkey stated that in 1993 that resulted in the house at 1000 Oakridge, the road was posted for no parking. There are no driveways posted for no parking. It is supposed to be posted and he would request that it be posted no parking. This is another indicator that the road is public. Mr. Jarnot is acting as an agent. As part of the 1993 subdivision Mr. Jarnot's deed shows he is partly responsible for the road. He has been doing all of it. Since they took it as public domain makes it public.

Commission Discussion

Commissioner Schumer referred to the April 1, 2015 letter sent to Mr. Sharkey and asked if the City has proof he received that letter. Mr. Simonson answered, yes. Commissioner Schumer asked if anything was done to fulfill the first three requirements of the application. Mr. Simonson stated that it may be that the application is now signed. Todd Sharkey was added to the property April 10, 2015. The City is not requiring a survey. These actions took place after the City determined that the application was incomplete. The City is asking for a to-scale survey.

Those first three items can easily be remedied. They are not fully remedied as of the date of the appeal.

Chair Solomonson added that the finding is that the application was incomplete as of April 1, 2015. The City has indicated since that some items may have been remedied. The other action would be for the applicant to resubmit the completed application.

Chair Solomonson stated that the fourth item is the issue. From the standpoint of the City Code it is a private driveway, not a public road. He asked for clarification as to whether anything was grandfathered in. City Attorney Kelly stated that anything grandfathered would now be considered nonconforming. The consideration for the Commission is current Code with the current application.

Commissioner McCool stated that the application from 1978 did not have a plat. That means minor subdivision was never completed. The applicant has not challenged the completion of the three minor issues of completion that staff says can be remedied. That means it stops there. The applicant can fix the three issues and then there is the issue of a public road. There is no indication in the record that the easement is a public street. There is no map or plat. The easement is in the Sharkey deed, how it is maintained and used. The County map does not make the easement a City street. An order from the court would be needed stating that the easement is a public taking. That has not been done. Two City Attorneys have done the research to conclude the easement is not a public road. He does not see the Commission not accepting that opinion. A variance has not been requested, and the application is incomplete for that reason.

Commissioner Ferrington agreed with Commissioner McCool.

Commissioner Peterson stated that he read all the material and agrees with Commissioner McCool. At the intersection of Oakridge and the driveway, there is a sign that states “Private Driveway.” With the history and documentation, he supports the conclusion that the easement is not a public road.

Mr. Sharkey referred to the Municipal Guide Plan and the easement is clearly under City jurisdiction, which he showed to each Commissioner.

Mr. Warwick stated that prior Comprehensive Plans are outdated. The current Comprehensive Plan does not show this easement as a public road.

Commissioner Thompson stated that she does not believe the road issue can be decided at this meeting. It asks for a legal conclusion the Commission is not equipped to make. She believes the application is incomplete.

MOTION: by Commissioner Doan, seconded by Commissioner Schumer that the Planning Commission, serving as the Board of Appeals and Adjustments, hereby denies the appeal of an administrative decision by the applicant Todd Sharkey, Sharkey Land Development, regarding a Minor Subdivision application submitted for property at 4965 Hanson Road. The denial of this appeal supports the City staff determination that the Minor Subdivision application was incomplete for the reasons cited and information that was not submitted by the applicant, as outlined below:

1. Application form was incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey’s signature is required on the application form.
2. Evidence of a legal or equitable interest by the applicant in the property.
3. The Certificate of Survey submitted was not acceptable for the following reasons:
 - a. A reduced copy of the Survey was submitted and is not to scale. A legible survey drawn to scale must be submitted.
 - b. The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required.
4. As documented on the submitted Certificate of Survey, Parcel A does not have frontage on a public road as required by Municipal Code Section 204.030 (C)(2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted include: *“a completed application(s) for all other approvals necessary for the proposed development (e.g., rezoning, variance, comprehensive guide plan amendment).”*

This decision is supported by the legal opinion from the City Attorney that the driveway which would serve the proposed new parcel is a private easement thereby requiring a Variance application be submitted along with the Minor Subdivision application as part of any proposal to subdivide the property at 4965 Hanson Road.

Discussion:

Chair Solomonson stated that he, too, agrees with Commissioner McCool's comments and would go further to say he does not believe the easement is a public road and requires a variance.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

City Council Assignments

Commissioners McCool and Thompson will respectively attend the May 4th and May 18th City Council meetings.

Workshop

The Planning Commission will hold a workshop meeting May 26, 2015, immediately prior to the regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:27 p.m.

VOTE: Ayes - 7 Nays - 0

ATTEST:

Kathleen Castle
City Planner