

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: JUNE 28, 2011
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA

1. CALL TO ORDER

ROLL CALL: P: Proud, Feldsien, Schumer, Solomonson, Mars, Wennier A: Ferrington
Approval of Agenda M: Schumer 6-0
2nd: Solomonson

2. APPROVAL OF MINUTES

April 26th 2011 M: Schumer 5-0
2nd: Proud
Brief Description of Meeting Process – Chair Larry Feldsien
Abstain Wennier

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: June 6th and June 20th, 2011

4. NEW BUSINESS

A. VARIANCE

File No: 2416-11-09
Applicant: Anthony & Kalli Yost / Kurt & Michelle Virnig
Location: 4110 Victoria Street N. / 4100 Victoria Street N.

~~**B. TEMPORARY SALE/EVENT PERMIT**~~

~~File No: 2417-11-10
Applicant: Liberty Holdings, LLC. / Jodi Laliberte
Location: 1080 County Road E West~~

Withdrawn

C. TEXT AMENDMENT - WIRELESS TELECOMMUNICATIONS

File No: 2418-11-11
Applicant: City of Shoreview
Location: City Wide

D. TEXT AMENDMENT – VARIANCES

File No. 2419-11-12
Applicant: City of Shoreview
Location: City Wide

5. MISCELLANEOUS

A. City Council Assignment for July 5th and July 18th
Commission Members Schumer and Proud
Solomonson

B. Text Amendment – Digital Billboards. n/backop
Schumer on

6. ADJOURNMENT

M: Schumer
2nd: Solomonson

6-0

T/S if
needed.

eb 35

As Submitted

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

April 26, 2011

CALL TO ORDER

Chair Feldsien called the meeting of the April 26, 2011 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioner Wenner was absent.

APPROVAL OF AGENDA

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

VOTE:

Ayes - 6

Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded Commissioner Schumer to approve the March 22, 2011 Planning Commission minutes as submitted:

Commissioner Solomonson noted a correction on page 1-- approval of the March 1, 2011 Planning Commission meeting minutes, the vote should show 5 ayes and 1 abstention.

Commissioners Mons and Schumer accepted the amendment.

VOTE:

Ayes - 6

Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that on April 4, 2011, the City Council approved the minor subdivision for John and Beth Michaelson at 435 Snail Lake Road, as recommended by the Planning Commission.

NEW BUSINESS

MINOR SUBDIVISION/VARIANCE

FILE NO.: 2415-11-07
APPLICANT: GRUBERS
LOCATION: 3289 EMMERT STREET

Presentation by City Planner Kathleen Nordine

The applicant, Jim Gruber et al, proposes to divide the subject property into two parcels. Parcel 2 would be for the existing home. Parcel 1 would be for new single-family residential use. With this application, a variance has been requested to reduce the required setback from Victoria Street for the future home. The setback range required is from 153.5 feet to 173.5 feet. The proposed setback is 40 feet. The new lot will have frontage on both Victoria and Emmert Streets. The property is zoned R1, Detached Residential. City subdivision requirements include hookup to City sewer and water, frontage on a public road and drainage and utility easements.

A similar subdivision was approved in 1980, for two new parcels (Tracts A and B) for single-family residential development. The City Council approved the subdivision with a condition for a 40-foot setback for Tract A. The City Council further determined that the depth of Tracts A and B should be consistent with the subdivision of two parcels on the adjacent property to the south. Tract B was recorded, but Tract A was not, which was just recently discovered.

In the current proposal, Parcels 1 and 2 meet City Code requirements. The setback of the existing home is in compliance. Accessory structures must be removed. There was standing water on the property at the time of the survey, which will need to be addressed with a grading and drainage plan.

Justification for the variance is the fact that the new parcel will have a depth of 135 feet, which becomes unbuildable, if the setback complies to the range of 153.5 to 173.5 feet. The applicant states that the following justify hardship: 1) previous subdivision approval for a 40-foot setback; 2) development pattern in the neighborhood; and 3) the City's ordinance change regarding front setbacks.

Staff is in agreement. Both parcels will conform to City standards. Setbacks along Victoria range from 30 to 150 feet. Lots on Victoria do not have uniform configuration. Larger lots have been subdivided. A unique circumstance is the previous subdivision approval. The recording of Tract B is a determining factor for the subdivision of Tract A. When the first subdivision was granted, the required front setback was 40 feet. Since that time, in 1997, the setback averaging rule was adopted, which will not work for Parcel 1. Staff is recommending approval with the conditions attached in the staff report.

Property owners within 350 feet were notified of the application. Concern has been expressed about the loss of large lots in the neighborhood with the loss of open space. There was also one

comment in support.

Commissioner Ferrington noted that the 40-foot setback would not encroach any further toward the road than other houses in the neighborhood.

Chair Feldsien opened the discussion to public comment.

Mr. Jim Gruber, 1545 Almond Avenue, St. Paul, stated that he and his siblings are the applicants for the minor subdivision and variance. They were aware of the past application and approval but unaware that the parcel was not recorded. At this time they would like to move forward with the subdivision, and sale of both parcels. He offered to answer any questions.

Commissioner Mons noted that one concern expressed about drainage is addressed by staff recommendations. In regard to the loss of large lots, there has been subdivision throughout this neighborhood. He does not believe this subdivision will have a negative impact. Actually, this application has been approved but was not recorded for whatever reason. The 40-foot setback is reasonable.

MOVED BY COMMISSION MEMBER SCHUMER

SECONDED BY COMMISSION MEMBER PROUD

To approve the variance and minor subdivision applications for 3289 Emmert Street dividing the property into two parcels, creating a new parcel for single family residential use. The front yard setback variance is justifiable due to the past history with the property, change in city standards and character neighborhood. The proposal supports the City's housing goals regarding reinvestment and neighborhood preservation. Said approval is subject to the following conditions:

Variance:

1. The project must be completed in accordance with the plans submitted as part of the Minor Subdivision/Variance applications.
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 on Parcel 1.
4. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel 1. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
5. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
6. A final site-grading plan shall be submitted and approved prior to issuance of a building permit. Said plan shall further review and address the standing water on the property.
7. Access to the future home on Parcel 1 is permitted off of Victoria Street provided the proper

permits are received from Ramsey County.

8. A building permit must be obtained before any construction activity begins.

Minor Subdivision:

1. The minor subdivision shall be in accordance with the plans submitted, dated April 8, 2011.
2. The Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations is waived as a fee was paid in 1980 when the previous subdivision was approved.
3. Public drainage and utility easements shall be conveyed to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Municipal water and sanitary sewer service shall be provided to the new lot.
5. The total number of detached accessory structures on Parcel 2 is limited to two, with a total area of 150 square feet. Detached accessory structures shall be removed to bring the property into compliance with the City's regulations prior the City's release of deeds for recording. Existing barbed wire fencing shall be removed prior to the City's release of deeds for recording.
6. The applicant shall enter into a development agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.
8. Approval of the Minor Subdivision is contingent upon the Planning Commission's approval of the variance to reduce the required front yard setback.

This approval is based on the following findings:

Variance

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The subdivision is a reasonable use of the property as both of the proposed lots comply with and exceed the minimum standards of the R-1, District. With a lot area over 13,000 square feet, a lot width of 99 feet and a lot depth of 135 feet, Parcel 1 does have adequate area for a single family residence. It is reasonable to apply a similar setback standard used for other parcels in this neighborhood that are similarly situated and not through lots. The setbacks of the single family residences on similar parcels east of Victoria Street range from 30 feet to 150 feet.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The circumstances related to this property are unique. The City granted approval of the same subdivision proposal in 1980 and required a minimum setback of 40 feet from Victoria Street. The recording of Tract B created a lot of record affecting how the remainder of the property can be subdivided. When the proposal was previously reviewed, there was a conscious effort to have the common boundary between Tracts A and B be consistent with the previous subdivision to the south. This action established the depth of Tract A, the 40-foot front yards setback from Victoria Street and the buildable area of the property.
3. In 1997, the Development Code was amended and the front yard setback averaging rule was

adopted. This change was not created by the property owner and creates difficulty when applied to this proposed Parcel 1.

4. *The variance will not alter the essential character of the neighborhood.* The neighborhood is not characterized by uniform lot configurations or orientation of dwellings, but instead a mosaic reflecting the fragmented development of the area. The majority of the large lots have been further subdivided, resulting in the lot pattern currently existing. The resulting parcel is similar in character to other parcels in the neighborhood. A future home on the property will also be placed at a setback similar to the other non-through lots in the neighborhood. The variance, if granted, will not alter the character of the neighborhood.

Minor Subdivision:

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the R1 District.
3. Municipal water and sanitary sewer service are available for each proposed parcel.

Discussion:

Commissioner Solomonson stated that he agrees with Commissioner Mons' comments and supports the motion.

VOTE:

AYES: 6

NAYS: 0

VARIANCE

FILE NO.: 2415011-08
APPLICANT: MOSER HOMES/JON & BOBBI BLILIE
LOCATION: 3620 RUSTIC PLACE

Presentation by Senior Planner Rob Warwick

The application proposes construction of a new 1 ½ story home with three-car garage on the vacant lot at 3620 Rustic Place. The property is zoned R1, Detached Residential. The property is a through lot with frontage on Rustic Place and Rice street. Access is off Rustic Place. The variance request is to reduce the rear setback from Rice Street from 160.8 feet to 138.7 feet.

In 2004, the previous owners received approval for a minor subdivision for two parcels, which were subsequently sold. In 2007, purchasers received approval for a variance request to reduced the Rice Street setback to 124.1 feet. The proposed new home at that time was never built, and the variance approval has expired. The Blilies purchased the property this year to build a new home with increased side and front lot lines than what was approved in 2007. The proposed setbacks are 49 feet from Rustic Place and 138.7 feet from Rice Street.

The house will include a 3-car garage with a room over the garage, which will not be finished at this time. The room over the garage has a separate outside staircase and is not connected to the inside of the house. The side setbacks are proposed to be 23.1 feet on the north and 11.0 feet on the south. The property is wooded and four trees will be removed. Trees have been removed due to oak wilt. Trees will be evaluated for health prior to issuance of the building permit. Two replacement trees are required for one landmark tree removed. A protective fence with woodchips will be required during construction to protect remaining trees.

The Development Code requires the front setback to be calculated, when houses on adjacent parcels have setbacks more than 40 feet. However, this does not include corner lots. The property immediately south of the subject property is a corner lot. This means that the code requirement for the proposed house front setback would be plus or minus 36.28 feet, the setback of the house to the north. The rear setback range is 160.8 to 180.8 feet. Side setback requirement is a minimum of 10 feet for living area and 5 feet for garage space.

The applicant states that the location of the house to the north, on a narrow lot, limits the use of this property. Houses in the neighborhood are not aligned so the proposed house location is not an exception to the character of the neighborhood. Detached garages of several houses increase development area for those lots but not the subject property. There is a stricter standard for a house with an attached garage.

Staff agrees that hardship is present due to the treatment of through lots in the Development Code. The requirement that the setback be determined by the location of the house to the north does not fit the character of the neighborhood. Both the east and west lot lines are public streets, which makes both sides front lot lines. The lack of a rear lot line unreasonably limit's the use of the property. There is an 11-foot grade change on the property with Rice Street sitting several feet lower. Fencing and shrubs along Rice Street minimize any visual impact of the proposed house.

Property owners within 150 feet were notified of the application. One written response was received. Neighbors to the north object to the depth of the house because it will impact their view.

Staff believes hardship is present because of the double front for this lot. The shallow depth of the house to the north and the diverse styles and locations of houses in the area mean the proposed house will not impact the character of the neighborhood. Staff recommends approval with the conditions listed in the staff report.

Mr. Bob Moser, 986 Priester Lane, Hudson, WI, Builder, stated that the proposed house is smaller with significantly increased setbacks from the house previously approved in 2007. The calculations for setbacks required by the City Code work to the disadvantage of the applicants. He spoke with the neighbors to the north who understand that this proposal will have less impact than one that is on the required setbacks. They stated they would not appear to voice objections at this meeting. He believes this concern has been addressed.

Commissioner Mons stated that given the historical perspective, he believes the request is reasonable.

Commissioner Ferrington expressed her appreciation that Mr. Moser did discuss the neighbors' objections with them to resolve the issue.

Chair Feldsien asked the City's setback interpretation for living space above the garage. Mr. Warwick stated that all living area must be 10 feet from the lot line.

MOVED BY COMMISSION MEMBER MONS

SECONDED BY COMMISSION MEMBER SCHUMER

To adopt Resolution 11-24, approving the variance request submitted by Moser Homes to construct a new residence and attached garage with a rear setback of 138.7 feet from the Rice Street right-of-way, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted by the applicant with the variance application, as approved by the Planning Commission on April 26, 2011. Any significant change to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. Landmark trees removed shall be replaced at a ratio of 2 replacement trees per health landmark tree removed. A surety in the amount of \$250.00 per required replacement tree shall be deposited with the City prior to issuance of a building permit. The grading plan submitted with the building permit application will identify all landmark trees proposed for removal.
3. Tree protection shall be installed and maintained during construction. All retained trees within the limits of construction shall be encircled with wood chips, 2 feet deep, to the drip edge. Tree protection fencing shall be installed at the drip edge.
4. No temporary or permanent driveway access to Rice Street shall be permitted.
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.

Discussion:

Chair Feldsien requested that the site plan be dated today to save confusion from previous plans.

Commissioners Mons and Schumer accepted this amendment to condition No. 1.

VOTE:

Ayes: 6

Nays: 0

MISCELLANEOUS

Chair Feldsien and Commissioner Mons will respectively attend the May 2nd and May 16th City Council meetings.

The Planning Commission will hold a workshop meeting prior to the regular meeting on May 24, 2011. The time will be determined at a later date.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to adjourn the March 24, 2011, Planning Commission meeting at 8:04 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: June 22, 2011
SUBJECT: Variance Requests –Yost/Virnig, 4110 and 4100 Victoria Street North, File No. 2416-11-09

INTRODUCTION

Tony and Kalli Yost, 4110 Victoria Street North and Kurt and Michelle Virnig, 4100 Victoria Street North have submitted a joint application requesting a setback variance for their properties. The applicants' are proposing to pave the area between the existing driveways on their property to provide additional room for parking and vehicle turnaround. This area would then be shared by the two property owners. In accordance with the City's Development Code, driveways and parking areas for single-family residential properties must be setback a minimum of 5 feet from an interior side property line. The applicants' are requesting a variance to reduce the minimum 5-foot setback to 0 feet for the driveway/parking area. See the attached site plans.

PROJECT DESCRIPTION

The lots are located on the east side of Victoria Street. Each lot has a width of 76.5 feet, a depth of about 400 feet and an area greater than a ½ acre in size. The properties are improved with a single story residences setback approximately 90 to 100 feet back from the front property line. Both properties have detached garages which are located behind and to the side of each home. The garages are approximately 145 to 150 feet from the front property line. Each property has a driveway leading from Victoria Street to the detached garage. The driveways are about 10 feet wide from the road to the house, and then increase in width for access to the garages. There is a dirt and gravel area near the homes and garages that has been used in the past for vehicle turn around and parking. This area extends across the common property line.

The proposed expansion of the driveway/parking area includes the dirt/gravel area currently being used for vehicle parking and turn around. On the property at 4110 Victoria Street, the area to be paved ranges in width from 9' to 14' and encompasses about 805 square feet in area. For the property at 4100 Victoria Street North, the driveway area will be increased 5' feet in width and encompasses about 350 square feet in area. Since the driveway areas encroach over the property line and have a 0-foot setback, a variance has been requested from the minimum 5-foot setback required.

DEVELOPMENT ORDINANCE REQUIREMENTS

The property is located in the R1, Detached Residential District. In this District, the principal structure shall be setback 30 feet from the front lot line. A minimum side yard setback of 10-feet is required for living area and 5-feet for accessory structures and driveways/parking areas.

Driveways are not permitted in front of the dwelling, but must be in the area leading directly to the garage or off to the side. When more than 5 vehicles, including RVs/boats, are parked outdoors, landscaping is required for the parking area. Driveway and parking areas cannot exceed 40% of the required front yard. Impervious surface coverage cannot exceed 40% of lot area and storm water runoff cannot be directed onto adjacent properties.

Properties located on an arterial or collector street may construct a turnaround to prevent backing onto the street. The turnaround area shall be setback a minimum of 5-feet from any property line and shall not be located in front of the home. If an adequate setback from the side property line is not otherwise available, the City Manager may approve an alternate location. No parking in the turnaround area is permitted unless landscape screening is provided.

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner undue hardship and find that granting the variances is in keeping with the spirit and intent of the ordinance. Hardship is defined as:

1. *The property in question cannot be put to a reasonable use if used under the conditions allowed by the City's Development Code.*
2. *The hardship is due to circumstances unique to the property in question and was not created by the property owner.*
3. *The variance will not alter the essential character of existing neighborhoods.*

Applicant's Statement

The applicants' identify that hardship is present based on the lot characteristics and how the properties were developed. Both properties have long narrow one-car wide driveways that present difficulty for accessing the garage when a vehicle is parked on the driveway surface. In addition, the location of the detached garages and proximity of the homes makes it difficult to maneuver vehicles on the existing driveway surface. As a result, vehicles encroach on the area proposed to be paved.

In addition, the applicants' also state that backing out onto Victoria Street is not desirable due to the traffic levels. Turning around in the driveway area and entering forward onto Victoria Street is a safer option. Please see the attached statements.

STAFF REVIEW

While staff understands the difficulties presented with the current driveway configuration, staff does not believe hardship is present.

The property in question cannot be put to a reasonable use if used under the conditions allowed by the City's Development Code.

Reasonable use of the property is present because the properties have been improved with single-family residences, detached garages and driveways in accordance with the Code. While staff understands that the current configuration is not ideal, the driveway areas are usable and provide

room for parking. Inconvenient access to the garage or difficulty in maneuvering vehicles does not justify hardship.

The intent of the required 5-foot setback for driveway areas from a side property line is to provide yard area for open space and drainage, while minimizing the impact use of the driveway area can have on adjoining properties. Staff understands the applicants' will be sharing the driveway area. The loss of open space between the two properties may have a visual impact as this area can then be used for the parking and storage of vehicles.

Other options may be available. For example, the driveway can be widened on the property at 4110 Victoria Street and comply with the ordinance requirements. Another option (which would require a variance) is to reduce the proposed paved area to small driveway connection between the existing driveways that could be used as a turnaround space. In addition, a turnaround area could be constructed on both properties in front of the homes provided staff approval is received to do so.

The hardship is due to circumstances unique to the property in question and was not created by the property owner.

There are several single-family neighborhoods are dominated with detached garages and have properties that have a similar layout with the garage behind and adjacent to the single-family home. While the applicants' lots are deeper, staff does not believe unique circumstances exist to warrant the variance request. As indicated before, the driveway can be widened on 4110 Victoria Street to accommodate additional parking. There are also other options available.

The variance will not alter the essential character of existing neighborhoods

The character of the neighborhood is varied as some parcels are developed with attached garages and others detached garages. Neighboring properties, however, have driveways that have been developed solely for the property and are not shared. While staff does not oppose shared driveways that consolidate access points onto a roadway, there is a concern with this proposal because of the potential visual impact this may have, specifically if the area is for the storage of vehicles and other items rather than for access and maneuvering vehicles.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. Three written comments in support have been submitted and are attached.

STAFF RECOMMENDATION

While staff understands the applicant's rationale for the request and is sympathetic to their needs, the variance is not supported. In staff's opinion, the applicants have reasonable use of the property and there are no unique circumstances present. Further, staff is concerned about the potential visual impact this may have if the area becomes used for storage rather than access and vehicle maneuvering.

If the Commission determines that the variance is justified, hardship findings must be adopted along with the attached Resolution. Staff recommends the following conditions be attached to any approval.

1. The project must be completed in accordance with the plans submitted as part of the Variance application. The applicants' shall obtain a driveway permit for the expansion. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. Landscaping in front of the proposed driveway area shall be enhanced to provide screening of the shared driveway area. Said landscaping shall include evergreen plant materials and comply with the minimum plant size standards of the City's Development Code. A landscape plan shall be submitted to the City Planner for review and approval.
3. The applicants shall enter into a shared driveway agreement that addresses maintenance and use of the shared driveway area. Said agreement requires review and approval by the City Attorney and shall be recorded.
4. Expansion of the driveway is subject to permitting requirements of the City.
5. This approval will expire after one year if a driveway 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 driveway permit must be obtained before any construction activity begins.

Attachments:

- 1) Location Map
- 2) Aerial and Site Photos
- 3) Applicant's Statement and Submitted Plans
- 4) Comments
- 5) Resolution
- 6) Motion

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JUNE 28, 2011**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

**RESOLUTION NO. 11-XX FOR A VARIANCE TO EXCEED THE MAXIMUM
BUILDING HEIGHT FOR A SINGLE-FAMILY RESIDENTIAL HOME ON A
SUBSTANDARD NON-RIPARIAN LOT**

WHEREAS, Tony and Kalli Yost, 4110 Victoria Street, and Kurt and Michelle Virnig, 4100 Victoria Street North, submitted a variance application for the following described property:

N 1/2 Of The Fol; Subj To Victoria St And Ex Nwly 140 Ft The Fol Com On S L Of And
1309.19 Ft W From Se Cor Of Se 1/4 Th N 14 Deg 28 Min W 510.38 Ft For Beg Being In Cl Of
Sd St Th N 64 Deg 00 Min E 382.26 Ft Th Sely At Ra 293 Ft Th Swly At Ra 441.81 Ft To Sd Cl
Th Nwly On Sd Cl 299.02 Ft To Beg Being In Se 1/4 Of Sec 23 Tn 30 Rn 23
(commonly known as 4110 Victoria Street North)

S 1/2 Of The Fol; Subj To Victoria St And Ex Nwly 140 Ft The Fol Com On S L Of And 1309.19 Ft W From Se Cor Of Se 1/4 Th N 14 Deg 28 Min W 510.38 Ft For Beg Being In Cl Of Sd St Th N 64 Deg 00 Min E 382.26 Ft Th Sely At Ra 293 Ft Th Swly At Ra 441.81 Ft To Sd Cl Th Nwly On Sd Cl 299.02 Ft To Beg Being In Se 1/4 Of Sec 23 Tn 30 Rn 23
(commonly known as 4100 Victoria Street North)

WHEREAS, the Development Regulations states driveways on single-family residential properties must maintain a 5-foot setback from a side property line; and

WHEREAS, the applicants have requested a variance to reduce this requirement to 0-feet and are proposing to share a driveway/parking area between their two properties; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on June 28, 2011 the Shoreview Planning Commission made the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.*
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.*
3. *The variance will not alter the essential character of the neighborhood.*

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for properties described above, 4110 and 4100 Victoria Street North be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. The applicants' shall obtain a driveway permit for the expansion. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. Landscaping in front of the proposed driveway area shall be enhanced to provide screening of the shared driveway area. Said landscaping shall include evergreen plant materials and comply with the minimum plant size standards of the City's Development Code. A landscape plan shall be submitted to the City Planner for review and approval.
3. The applicants shall enter into a shared driveway agreement that addresses maintenance and use of the shared driveway area. Said agreement requires review and approval by the City Attorney and shall be recorded.
4. Expansion of the driveway is subject to permitting requirements of the City.

5. This approval will expire after one year if a driveway 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 driveway permit must be obtained before any construction activity begins.

The motion was duly seconded by Member and upon a vote being taken thereon, the following voted in favor thereof

And the following voted against the same:

Adopted this 28th day of June, 2011

Larry Feldsien, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Nordine, City Planner

SEAL

ACCEPTANCE OF CONDITIONS:

Tony Yost

Kalli Yost

Kurt Virnig

Michelle Virnig

4110/4100 Victoria Street

Variance - Yost, Virnig



- Selected Features
- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- 2009 Color Aerials
- Highway Shields
- Street Name Labels

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (May 31, 2011), The Lawrence Group; May 31, 2011 for County parcel and property records data; May 2011 for commercial and residential data; April 2009 for color aerial imagery; All other

May 20, 2011

To: City of Shoreview Planning Commission

Re: Variance request for 4110 Victoria St. driveway/parking area

We are requesting that we are allowed to pave the area adjacent to our existing driveway which would connect our driveway with our neighbors driveway. Our neighbors are in agreement on this issue. This is being requested because of the unique lot and driveway situations found on both of our lots. Both lots are approximately 78 feet wide and run at an angle to the street, however the homes and drives sit parallel to the street. The existing driveway on our property is 10 feet wide which is only wide enough for one car. Because of the location of our detached garage and the existing width of our drive way there is no possible way to access the garage if there is a vehicle parked in the driveway. Although the garage was added back in 2001, the location is in approximately the same location as the old garage and therefore did not change the access points to the garage or the width of the driveway. This area in question is located approximately 90 feet up into the lot from the street. We feel that paving this area would not alter the essential character of the neighborhood since it is located so far back from the street out of plain sight. By allowing to pave this area it would prevent further erosion and unsightly rutted areas that continually occur due to cars driving on this area.

Thank you for your time and consideration.

Tony Yost
Kalli Yost

June 9, 2011

To: City of Shoreview Planning Commission

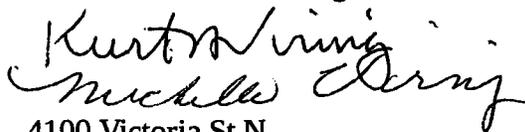
Subject: Variance Request for 4100 Victoria Street N

We are requesting to be allowed to pave the area adjacent to our existing driveway. An identical variance has been submitted by our neighbors at 4110 Victoria St N dated 5/20/11.

Due to the narrow width of our lots and the additional obstruction caused by the unusual angle of our lot lines we have a very long narrow driveway. The area between our driveways has been used for parking especially when someone is visiting. This allows for access to our garage when entering or exiting. We also have used the area to facilitate turning around a vehicle. This is necessary due to traffic on Victoria St. Entering forward rather than backing onto Victoria for the past 36 years has been the safest method. Due to the vehicle traffic it has been difficult to maintain grass growing there and is quite muddy at times. Accessing our garage during the winter months is even more difficult due to the accumulation of snow.

If approved this variance request would greatly improve access to our garage. In addition the over all appearance of our property will improve. We therefore agree with the variance request submitted by our neighbors Tony and Kali Yost. Thank you for your consideration in this matter.

Kurt and Michelle Virnig



4100 Victoria St N
Shoreview, MN 55126-2249

Site Plan

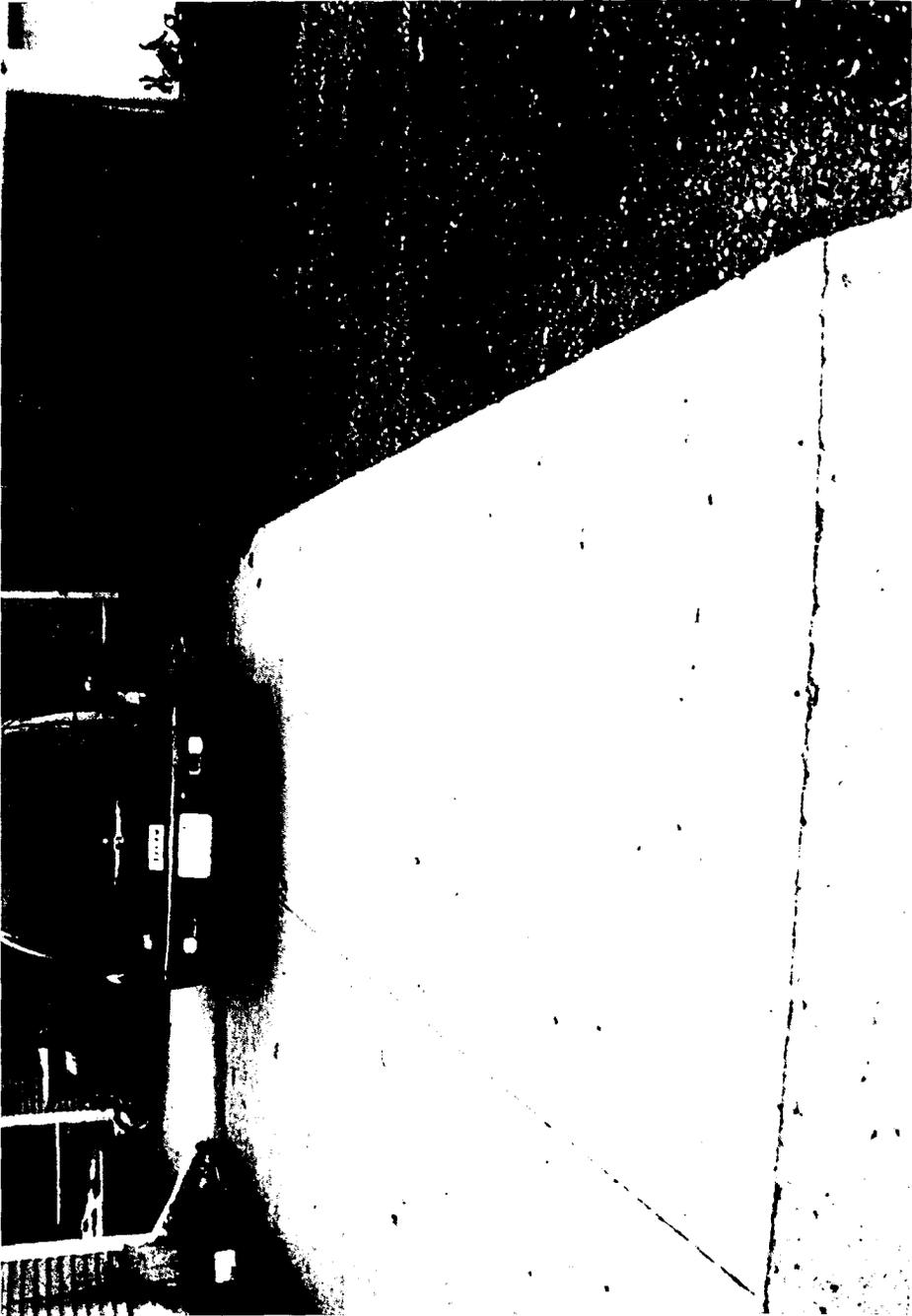
4110/4100 Victoria Street

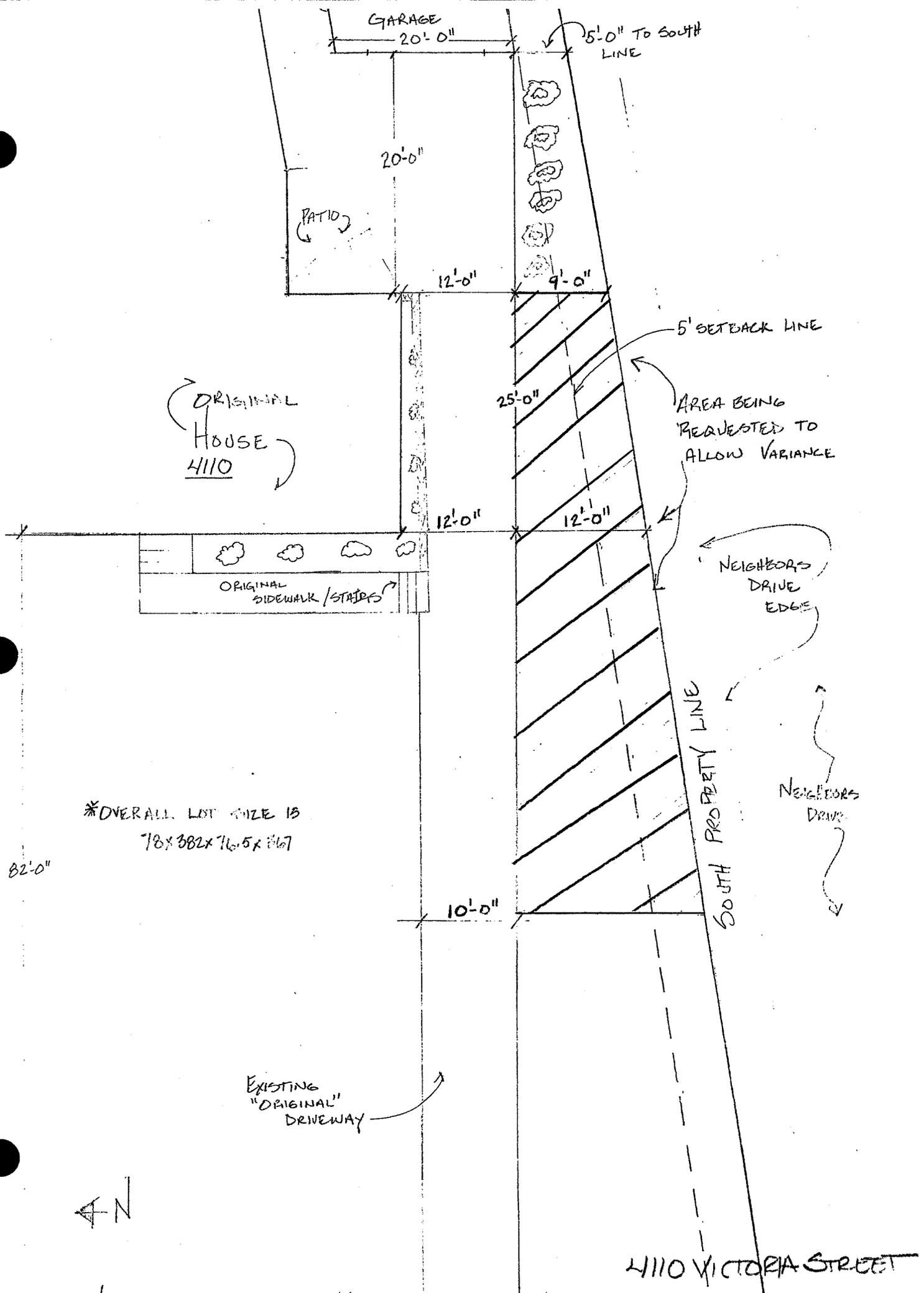


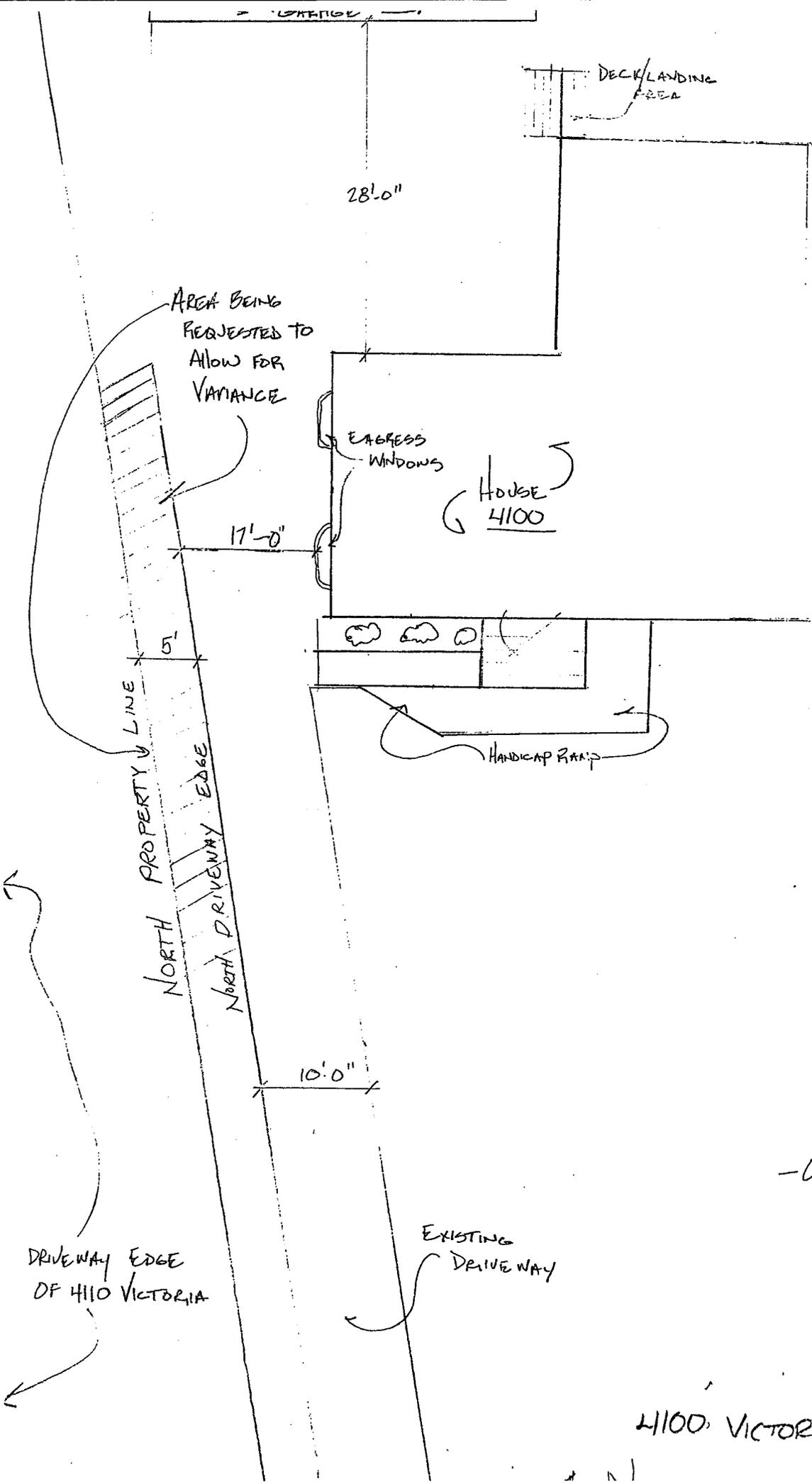
- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- 2009 Color Aerials
- Highway Shields
- Street Name Labels

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (May 31, 2011), The Lawrence Group; May 31, 2011 for County parcel and property records data; May 2011 for commercial and residential data; April 2009 for color aerial imagery; All other







- Overall Lot Size
78 x 382 x 76.5 x 367

4100 VICTORIA ST.

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

June 15, 2011

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, June 28 2011 at 7:00 p.m.**, the Shoreview Planning Commission will consider a Variance request submitted by Anthony/Kalli Yost (4110 Victoria Street) and Kurt/Michelle Virnig (4100 Victoria Street) to install a driveway/parking area between their homes which would be shared by both property owners. In accordance with the City's Development Code, driveways and parking areas for single-family residential properties must be setback a minimum of 5 feet from an interior side property line. The applicants are requesting a variance to reduce the minimum 5-foot setback to 0 feet for the driveway/parking area. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **June 23rd** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

If you would like more information or have any questions, please call me at 651-490-4682 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. Comments or questions can also be submitted via e-mail to me at knordine@shoreviewmn.gov.

Sincerely,

Kathleen Nordine
City Planner

This is a great idea - Full support!

Comments:

I think the driveway will help the Yost + Virnig families to keep their backyards free of plows, boats, tanks, ^{trailers} mowers as they will have more parking spaces. I am usually not concerned about the yard but may be selling my house.

T:/2011pcf/2416-11-09/4110yostvirnig

Name:

Robert (Bob) ...

Address:

4101 Bugadoc Drive

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



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Sincerely,

Kathleen Nordine
City Planner

Comments:

*I think you should grant them their
Variance request. I have no problem with it.
These people have no parking for visitors.
THANK YOU*

T:/2011pcf/2416-11-09/4110yostvirnig

Name:

Al Red

Address:

4120 N. VICTORIA ST.

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



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4600 Victoria Street North
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June 15, 2011

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Sincerely,

Kathleen Nordine
City Planner

Comments:

Dear City Planner:

We have reviewed the subject property and have agreed that granting the requested variance will enhance the property improve the value and be a total improvement to the site.

T:/2011pcf/2416-11-09/4110yostvirnig

Name: *William Benzich*

Address: *4137 Brigadoon Dr.
Shoreview, Mn 55126*

651-481-1364

**PROPOSED MOTION
TO DENY**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER : _____

To deny the variance requests submitted by Tony and Kalli Yost, 4110 Victoria Street and Kurt and Michelle Virnig, 4100 Victoria Street, reducing the required 5-foot side yard setback for a driveway to 0-feet for the expansion of the parking area between the driveways as shown on the submitted plans. The applicants have reasonable use of the property with the existing single-family homes, garages and driveways. The properties do not have unique circumstances that warrant the variance. In addition, granting the variance may visually impact the surrounding neighborhood.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
June 28, 2011

t:\2011\pcf\2416-11-09\motiondeny

Move: Mons
2nd: Proud
Table to July meeting
6-0

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: June 20, 2011
SUBJECT: Temporary Sale/Special Event Permit, 1080 County Road E, Jodi Laliberte, File No. 2417-11-10

INTRODUCTION AND DESCRIPTION

Jodi Laliberte has submitted an application for a Temporary Sale/Special Event Permit. The applicant proposes to hold a total of three outdoor estate sales, each for a four-day period, during July, August and September 2011.

The sales are proposed Thursday – Sunday: July 28-31; August 18-21; and September 15-18. Hours of operation are 10 A.M. to 5 P.M. on the week dates and 10 A.M. to 2 P.M. on weekend dates.

A Temporary Sale/Event Permit was administratively approved for a similar sale that was held earlier this year (May 19-22).

DEVELOPMENT ORDINANCE REQUIREMENTS

The property is located in the C-2, General Commercial District. In the C-2 District, permanent outdoor display and sales of merchandise is permitted through the Site and Building Plan review process, however the proposed intermittent display and sale is reviewed in accordance with Temporary Sale/Special Event Permits. These permits are subject to administrative review and approval only when the proposal complies with standards for:

- General health, safety and welfare
- Duration not to exceed 7 days
- Hours between 7 a.m. and 10 p.m.
- Parking and traffic safety
- Sign limitations
- Site maintenance and restoration

Due to the number of outdoor sales proposed for 2011, the Temporary Sale/Event Permit is subject to formal review by the Planning Commission and action by the City Council. The provisions of the Development Code allow reasonable conditions to be attached to any City approval.

STAFF REVIEW

A permit for a similar event was administratively approved for May 19-22, 2011, and the sale was held in compliance with the standards. No problems were apparent during the conduct of that event. Parking is required to be provided to accommodate patrons, and parking also serves the permanent office uses established in the building. The applicant identified that some employees of the sole tenant of the building telecommute, and there are fewer than 12 employee vehicles using the parking

area on weekdays. Furthermore, employee vehicles will park in the area south of the building to free up parking stalls for sale customers on the sale dates.

Event parking shall be prohibited from nearby private property unless written permission of the property owner or their authorized representative is received and a copy submitted to the City.

The recommended conditions of approval re-iterate standards specified in the Development Code.

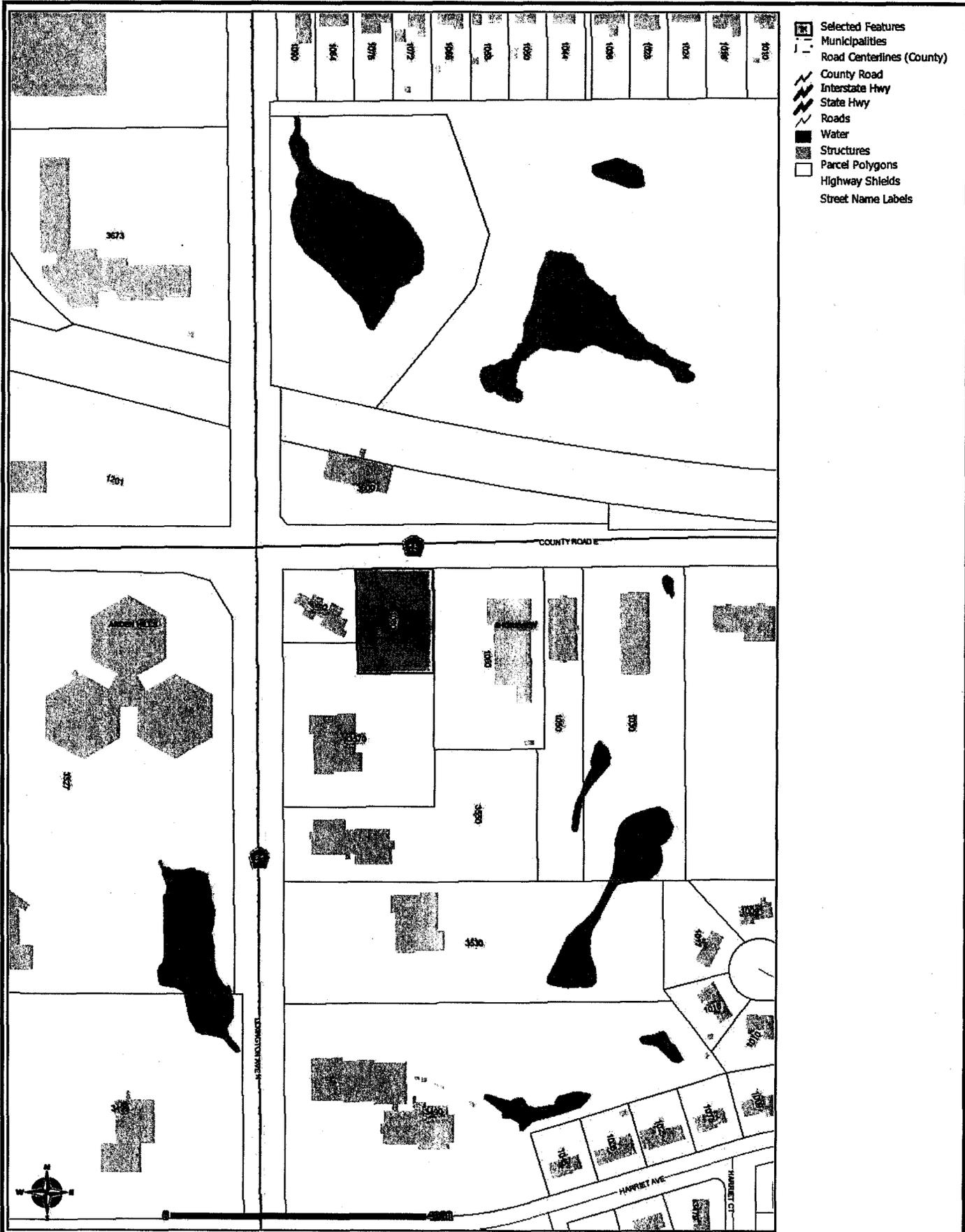
STAFF RECOMMENDATION

Staff believes that the event, as conditioned, complies with City standards and so recommends the Planning Commission forward the application to the City Council with a recommendation for approval, subject to the following conditions:

1. The event shall not cause a public nuisance because of noise, air pollution, traffic congestion or failure to properly maintain the site. The event shall comply with all relevant building, fire and safety codes.
2. The permit is valid only for the following dates:
 - a. Thursday, July 28, Friday, June 29, Saturday, June 30, and Sunday July 31, 2011
 - b. Thursday, August 18, Friday, August 19, Saturday, August 20, and Sunday August 21, 2011
 - c. Thursday, September 15, Friday, September 16, Saturday, September 17, and Sunday September 18, 2011
3. The hours of operation shall be limited to 10:00 a.m. to 5:00 p.m. on each Thursday and Friday, and to 10:00 a.m. to 2:00 p.m. on each Saturdays and Sunday.
4. Set-up for the event shall commence no earlier than 8.00 a.m.
5. The sale shall be held outdoors only. Indoor sales are not proposed or permitted as part of this permit.
6. No sound amplification is proposed or permitted.
7. Ample parking must be provided on site to accommodate expected visitors.
8. On days of the sale, all employees of the other building tenants shall park in the area south of the office building.
9. Event parking shall be prohibited from nearby private property unless written permission of the property owner or their authorized representative is received and a copy provided to the City.
10. No temporary signs are proposed or permitted for this sale event.
11. No temporary structures shall be permitted in association with the event.
12. The site shall be maintained and cleaned during the temporary sale and shall be restored to its original condition by 5 P.M. on the Sunday of each sale weekend.

Attachments:

- 1) Location Map
- 2) Submitted Plans
- 3) Motion Sheet



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 SOURCES: Ramsey County (May 31, 2011), The Lawrence Group; May 31, 2011 for County parcel and property records data; May 2011 for commercial and

TEMPORARY SALE/EVENT PERMIT APPLICATION

Schedule of Proposed Dates and Times of Temporary Sale

Thursday, July 28, 10 - 5

Friday, July 29, 10 - 5

Saturday, July 30, 10 - 2

Sunday, July 31, 10 - 2

Thursday, August 18, 10 - 5

Friday, August 19, 10 - 5

Saturday, August 20, 10 - 2

Sunday, August 21, 10 - 2

Thursday, September 15, 10 - 5

Friday, September 16, 10 - 5

Saturday, September 17, 10 - 2

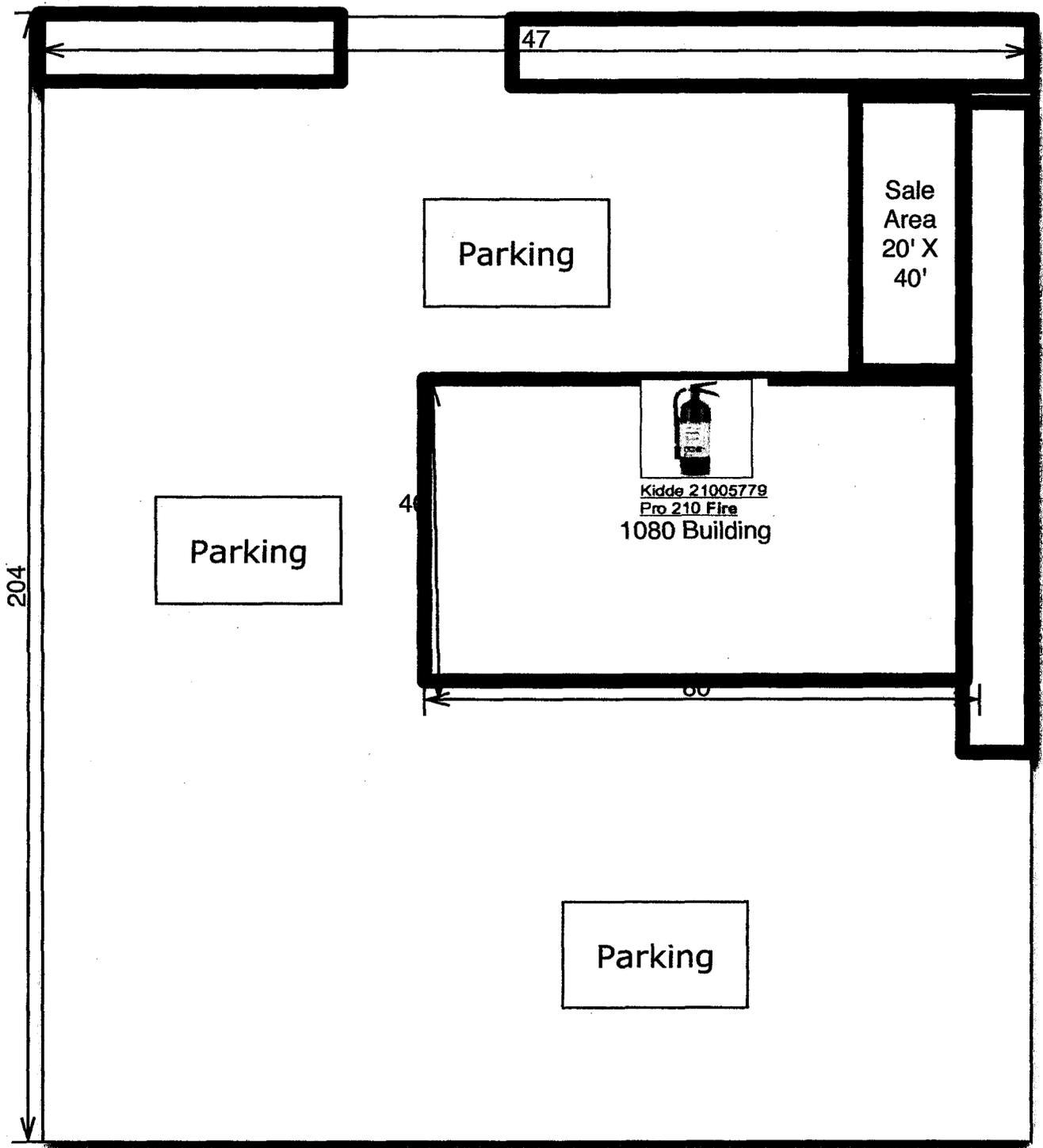
Sunday, September 18, 10 - 2

4 people administer the sale.

Set up is 8:00 a.m.

Take down is last day of sale 2:00 p.m.

The sale is the liquidation of property from estate sales. These items include home furnishings such as tables, chairs, upholstered pieces, pictures, lamps, mirrors, kitchen items and other household goods.



47

Parking

Sale Area
20' X
40'



Kidde 21005779
Pro 210 Fire
1080 Building

Parking

40

60

Parking

204

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend to the City Council approve the Temporary Sale/Event Permit submitted by Jodi Laliberte for the property located at 1080 County Road E, subject to the following conditions:

1. The event shall not cause a public nuisance because of noise, air pollution, traffic congestion or failure to properly maintain the site. The event shall comply with all relevant building, fire and safety codes.
2. The permit is valid only for the following dates:
 - a. Thursday, July 28, Friday, June 29, Saturday, June 30, and Sunday July 31, 2011
 - b. Thursday, August 18, Friday, August 19, Saturday, August 20, and Sunday August 21, 2011
 - c. Thursday, September 15, Friday, September 16, Saturday, September 17, and Sunday September 18, 2011
3. The hours of operation shall be limited to 10:00 a.m. to 5:00 p.m. on each Thursday and Friday, and to 10:00 a.m. to 2:00 p.m. on each Saturdays and Sunday.
4. Set-up for the event shall commence no earlier than 8.00 a.m.
5. The sale shall be held outdoors only. Indoor sales are not proposed or permitted as part of this permit.
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7. Ample parking must be provided on site to accommodate expected visitors.
8. On days of the sale, all employees of the other building tenants shall park in the area south of the office building.
9. Event parking shall be prohibited from nearby private property unless written permission of the property owner or their authorized representative is received and a copy provided to the City.
10. No temporary signs are proposed or permitted for this sale event.
11. No temporary structures shall be permitted in association with the event.
12. The site shall be maintained and cleaned during the temporary sale and shall be restored to its original condition by 5 P.M. on the Sunday of each sale weekend.

This recommendation is based on the following findings of fact:

1. The proposed use is consistent with the designated commercial land use.
2. The proposal complies with the standards for a Temporary Sale/Event.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – June 28, 2011

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: June 21, 2011
SUBJECT: Wireless Telecommunications Facilities and Telecommunications Overlay Districts – Text and Map Amendments, City-Wide, File No. 2418-11-11

BACKGROUND

Since amending regulations in 2010 for wireless telecommunications facilities (WTF), the Planning Commission has discussed further revisions to zoning regulations at several workshops. The intent of the revisions is to create a Telecommunications Overlay District (TOD) where building mounted WTF are allowed, focusing on the I-35W and I-694 freeway corridors. This change will increase the locations available for wireless communications facilities that may be needed to provide service to City residents and businesses.

Based on discussion at these workshops, staff has prepared proposed amendments. These are discussed below.

PROPOSED TEXT AMENDMENTS

The text amendment includes revision to definitions (Sec. 202), WTF permit requirements (Sec. 203.044), TOD District regulations (Sec. 205.180), and WTF use standards (Sec 207.040(B)(3)).

Section 202 – Definitions

Definitions for several terms have been revised to reflect the difference between building and tower mounted WTFs. Most of the revisions are minor clarifications, however the definition of *Height, Antenna or Tower* requires special consideration due to the differences between building and tower mounted WTFs.

Section 203.044 – Tower/Antenna Permits

This Section of the Code specifies the administrative procedures the City uses to review WTF permits. Since these procedures are not proposed for any changes, only housekeeping items are addressed in the suggested revisions.

Section 205.180 – Telecommunications Overlay District

This Section includes the Development District Regulations for the TOD, including adoption of the District map. As such, regulations for the TOD-3 and those that differentiate building mounted WTFs from those on towers are proposed.

Section 207.040 – Towers and Antenna

This Section contains the standards for WTF in the City, and based on Planning Commission discussion, the following are included in this revision:

- **Concealment and architectural design.** The City has adopted Architectural and Site Design Standards (Section 206.050). The proposed WTF standards extend the intent of those design standards to roof and building mounted equipment, requiring a WTF to be integrated in the architecture of the building to which it is affixed. Staff believes that antennas and associated equipment should be fully concealed or screened using scale, color and materials. This is consistent with the regulations for HVAC equipment mounted on a roof. Proposed regulations include:
 - Wall mounts shall not extend above the building parapet;
 - Wall mounts shall be incorporated into design elements of a building to maintain architectural integrity.
 - Roof mounts shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the LJFD;
 - For roof mounts a setback from the edge of the roof of two feet of setback for each foot of antenna height;
 - Examples of roof mounts concealment include: parapet extension, chimney, steeple, or penthouse.
- **Antenna height.** A maximum height of 10-feet above the existing building height for the WTF antenna enclosure, with a caveat recognizing that roof mounts could include a wide variety of architectural features that could exceed 10-feet in height while at the same time being fully integrated into the building architecture.
- **Collocation/Preferred Locations.** Current Code requires collocation on existing structures that are 55 feet or taller and located within ½ mile of the site being considered. Commissioners suggested prioritized locations, as follows:
 1. Existing towers located on public property within ½ mile;
 2. Other City property in the TOD-1 and TOD-2;
 3. Rooftop and building façade mounted facilities in the TOD-3;
 4. Other property in the TOD-1 and TOD-2.

PROPOSED MAP AMENDMENT

The Telecommunications Overlay District (TOD) is designated on an overlay map, which will be replaced. The map amendments have been discussed by the Planning Commission, and are:

- McCullough Park has been added to the TOD-1. The park exceeds 5-acres in area and is developed with sport field lighting;

- Properties in the current TOD-2 that are within ½ mile of the south water tower are proposed for TOD-3. Since collocation is required on existing towers within ½ mile, new towers could not be developed within this area;
- In order to provide for future needs, five properties have been included in the proposed TOD-3. These are located along the western boundaries of the City. These properties are all developed with a building that has three or more stories to provide height for the wireless facilities.

Inclusion of a property in the TOD allows the property owner the right to construct a WTF that complies with City Code requirements, based on their negotiations with a wireless telecommunications provider. A property designated in the TOD is not obligated to install a WTF.

STAFF RECOMMENDATION

Staff believes the amendments will provide added locations for wireless providers, while minimizing the number of new communications towers located within the City. The standards proposed for concealment of building mounted wireless facilities and integration into the architecture of the existing building. The Planning Commission should review, discuss the proposed text and map amendments, and forward these with a recommendation to the City Council for action.

Attachments:

1. Proposed Text Amendment
2. Proposed Map Amendment
3. Motion

Stricken text is deleted
Underlined text is added

Section 202 – Definitions

Antenna. Any device or equipment designed for transmitting or receiving light, sound or electronic signals, which is located on the exterior of, or outside of, a building or structure and which is or could be attached to a tower.

~~Antenna, Dish. See Dish Antenna.~~

Building Facade. That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Camouflaged. Using shape, color, and texture to cause an object to appear to become part of something else. Camouflage does not mean invisible but rather appearing as part of another structure, such as a building, wall, or roof. Includes wireless telecommunication facilities disguised to appear as another structure such as a building, clock tower, chimney, church steeple, flag pole, light pole, sign, tree, or utility pole.

Commercial Antenna or Tower. An antenna or other device and/or an associated tower designed for use for commercial purposes or to provide a telecommunications service with the intent to make a profit.

~~Dish Antenna. A concave antenna (including all support apparatus.)~~

Equipment Enclosure. A structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless telecommunication signals and data, including any provisions for mechanical cooling equipment, air conditions, ventilation, and/or auxiliary electric generators.

~~Facade. A false, superficial, or artificial appearance of a building side, given special architectural treatment.~~

Height, Antenna or Tower. The distance measured to the highest point of the antenna or tower from the mean ground level measured at the base of a free-standing facility or the projected base as determined by extending the antenna or tower base down vertically to the ground. For building mounted antennas, height is measured to the highest point of the equipment enclosure from the top of the cornice of a flat roof, from the top line of a mansard roof, from a point on the roof directly above the highest wall of a shed roof, from the uppermost point on a round or other arch-type roof, or from the highest gable on a pitched or hip roof.

Parapet. A low wall which is an architectural component of a flat roofed building and which extends above the roof line of the building to which attached.

Stricken text is deleted
Underlined text is added

Private Antenna or Tower. An antenna or other device and/or associated tower designed for the private use and enjoyment of the property owner that will not be used to provide a telecommunications service with the intent to make a profit. These devices include, but are not limited to, devices designed for reception of television broadcast signals, multi-channel multipoint distribution service, direct broadcast satellite services, AM/FM radio, telephone, internet, or any facility designed to transmit or receive amateur radio or citizen band radio.

Satellite Earth Station. ~~The antenna and~~ All other equipment necessary for processing electronic signals traffic (including, but not limited to voice, data, and video) received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

Tower. Any self-supporting pole, spire, or structure, or any combination, that is constructed primarily for the purpose of supporting one or more antennas and all supporting lines, cables, wires, bracing and linkage systems designed. This definition includes, but is not limited to, lattice towers, guy towers and monopole towers. A tower does not include building mounted Wireless Telecommunications Facilities (WTF).

Wireless Telecommunication Facility (WTF). Equipment, including commercial antennas, commercial telecommunication towers, and equipment enclosures, designed for the transmission and reception of all types of data, including, but not limited to, writing, signs, signals, pictures, and sounds of all kinds without the aid of wire, cable, or other like connections between the points of origin and reception of such transmission, including all instrumentalities and apparatus incidental to such transmission. As used in the Shoreview Municipal Code, the term "wireless telecommunication facility" shall not include amateur radio antenna or towers; mobile transmitting devices, such as vehicle or handheld radios/telephones and their associated transmitting antennas; satellite earth stations; or broadcast towers.

203.044 Tower/Antenna Permits.

(C) Wireless Telecommunication Facility (WTF) Permit.

- (1) Purpose. The City's WTF permit regulations are adopted to:
 - (a) Minimize negative impacts of WTFs through careful siting and design standards.
 - (b) Protect the public health and welfare through appropriate safety standards.

- (c) Ensure development of these facilities at a scale compatible with and proportionate to existing development.
- (d) Facilitate the provision of wireless telecommunication services to residents and businesses of the City.
- (2) Permit Required. No person shall install a new WTF without first obtaining a WTF permit.
- (3) Preapplication Conference. The applicant shall present a sketch and basic supporting data of the proposed WTF to the City Manager who shall review the sketch and the City's WTF standards with the applicant at a preapplication conference. The City Manager may, at his or her discretion, forward the sketch to the Planning Commission, the City Council, another appropriate citizen committee or commission, or to neighboring property owners for review and comment.
- (4) Application. Applications for a WTF Permit shall be made on forms provided by the City Manager and shall be submitted with all of the required information. A completed application shall include an application fee and escrow deposit in an amount prescribed by City Council, and a signed WTF Escrow Deposit Agreement (see Section 203.080).
- (5) Complete Application. The City Manager shall review the submitted application form and other materials specified in Section 203.044(C)(4) to determine whether the application is complete. The City Manager may waive, in writing, certain application requirements when determined unnecessary for review of the application. All items deemed necessary by the City Manager must be submitted for the WTF application to be complete and for review of the application to proceed. Applications found to contain material errors shall not be deemed complete until such errors are corrected.
- (6) Review Process.
 - (a) Planning Commission/City Council Review. In accordance with Section 203.020 (B), applications for a WTF permit shall be reviewed by the Planning Commission and City Council.
 - (i) Planning Commission Review. Upon receipt of a completed application, the City Manager shall schedule a hearing before the Planning Commission which shall be preceded by ten days mailed notice to the property owners of record located within 350 feet of the parcel on which the WTF will be located. The Planning Commission shall make findings based upon the standards in Section 207.040(B)(3) and shall submit its recommendations to the City Council.

- (ii) City Council Review. Upon receipt of the Planning Commission recommendation, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a WTF permit. The decision of the City Council shall be based the WTF standards specified in Section 207.040(B)(3) and on the information provided in the written record. Notice of the Council's decision shall be provided to the applicant in writing. If the application is approved by the City Council, a WTF Permit ~~and a Building Permit~~ shall be issued upon the execution of a WTF Agreement in accordance with Section 203.080(E), compliance with the conditions of approval, and demonstration that the WTF complies with all applicable building, fire, and safety codes.
- (7) Recovery of City Costs. At the time of application for a WTF permit, an escrow deposit shall be posted in an amount determined by the City Council. The City may charge against this deposit to recover its costs for reviewing the WTF application. These costs may include, but are not limited to, City staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a WTF permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The City will charge against this deposit to offset the City's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may include, but are not limited to, City staff time, consultant fees, and fees for third-party review, monitoring, and inspection. Once construction has been completed and the permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the City's ability to recover future costs associated with review or monitoring on-going operation of the WTF or future modifications, amendments, or transfer of the facility.
- (8) Review and Revocation. The City Manager shall periodically inspect the WTF and the property where it is located for compliance with the provisions of the WTF agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement.
- (9) Criteria for Review. The WTF Permit may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the Development Ordinance and the Comprehensive Guide Plan.
- (10) Length of Approval. Any use permitted under the terms of the WTF Permit approval shall be established and conducted in conformity to the terms of such

Stricken text is deleted
Underlined text is added

permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from acting or amending the Development Ordinance that changes the status of an approved WTP to a legal non-confirming use.

- (11) Agreement. If the ~~City Manager or~~ City Council approves the application, a WTP Permit ~~and a Building Permit~~ may be issued upon the execution of a Wireless Telecommunication Tower/Antenna Agreement. The agreement or a summary of the agreement approved by the City Manager in recordable form, shall be signed by the applicant and property owner and the terms of the agreement shall include those identified in Section 203.080(~~DE~~).

205.180 Telecommunications Overlay District

- (A) Purpose. To protect the health, safety, and welfare of the public while allowing development of the competitive wireless telecommunications market in the City. Specifically, the purposes of this Section are:
- (1) To protect residential areas and land uses from potential adverse impacts from commercial telecommunications facilities and towers.
 - (2) To minimize the adverse visual impact of commercial telecommunications facilities and towers through careful siting and design.
 - (3) To protect public health and safety by ensuring appropriate design, construction, and maintenance of commercial telecommunications facilities and towers.
 - (4) To ensure that commercial telecommunications facilities and towers are compatible with surrounding land uses.
 - (5) To facilitate provision of telecommunications services to residents and businesses in the City.
 - (6) To identify sites in the City where commercial telecommunications facilities and towers may be located.
- (B) Applicability. The requirements of this district shall apply to all sites identified on the map "Telecommunications Overlay District" adopted ~~March 19, 2001~~ July 5, 2011 as may be amended by the City Council in accordance with the procedure set forth in Section 203.052, and which illustrates ~~both~~ Telecommunications Overlay District 1 (TOD-1), ~~and~~ Telecommunications Overlay District 2 (TOD-2), ~~and~~ Telecommunications Overlay District 3 (TOD-3).
- (C) Permitted Uses.

- (1) In the TOD-1 district, construction of commercial telecommunications facilities, including towers up to 60 feet in height, and the installation, operation, and maintenance of wireless telecommunications facilities (WTFs).
- (2) In the TOD-2 district, construction of commercial telecommunications facilities, including towers up to 75 feet in height, and the installation, operation, and maintenance of WTFs.
- (3) In the TOD-3 district, installation, operation and maintenance of WTFs only on existing buildings. New towers are not permitted in this district.
- (3) All permitted, conditional, and accessory uses allowed in the underlying zoning district are permitted in the Telecommunications Overlay District.

(D) Required Conditions.

- (1) Only one free-standing telecommunications tower shall be permitted per property unless the Planning Commission recommends and the City Council approves additional tower(s) based on the size, topography, setting, and/or other feature of the property.
- (2) All commercial telecommunications towers or wireless telecommunication facilities shall comply with the standards in Section 207.040(B).

(E) Priority for Use. Priority for use of the installation, maintenance, and operation of facilities within the Telecommunications Overlay District will be given to the following entities in descending order:

- (1) City of Shoreview.
- (2) Public safety agencies including law enforcement, fire, and ambulance services and private entities with a public safety agreement with the City of Shoreview.
- (3) Other government agencies, for uses not related to public safety.
- (4) Commercial entities marketing services to the general public.

207.040 Towers and Antennas.

(B) Commercial Antennas and Towers.

(1) Permit Requirements.

- (a) If the proposed antenna/tower is to be used for wireless telecommunications, a wireless telecommunications facility permit must be obtained in accordance with Section 203.044.

- (b) A building permit is required for any installation, expansion, or modification of a wireless telecommunications facility~~ies~~ and for any commercial tower. A building permit is required for commercial antennas other than wireless telecommunication antennas if required by the Building Code.
- (c) A conditional use permit may be required for certain commercial antennas or towers as required by the zoning district.

(2) Commercial Antenna Standards.

- (a) The antennas must be located on or attached to an existing structure.
- (b) The height shall not exceed 6 feet above the roof.
- (c) The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.
- (d) Wireless telecommunication antennas shall also comply with the standards in Section 207.040(B)(3).

(3) Wireless Telecommunication Facility Standards (WTFs).

- (a) Siting. New WTFs shall only be located on parcels that fall within the Telecommunications Overlay District. ~~New WTFs are not permitted in public rights-of-way.~~
- (b) Color, Camouflage and Architecture. All WTFs shall be camouflaged and use architectural design, materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment. If a WTF is proposed on any part of a building or structure, it must blend with the building or structure's design, architecture and color, including exterior finish. All WTFs shall utilize color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear compatible with the surroundings:
 - (i) Color. The WTF shall use colors to minimize the visual impact when viewed from adjacent public streets and nearby property, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - (ii) Camouflage. The WTF shall, to the extent practicable, simulate objects that typically occur in landscapes similar to the proposed location, except for billboards, electrical transmission facilities or

telecommunications towers, and similar constructions. Examples of camouflage designs include flagpoles, sport field lighting poles, trees, monuments, and on buildings, steeples, parapets and rooftop penthouses.

- a. Utility cabinets shall be placed in underground vaults or integrated within existing structures, unless the City determines an above-grade installation is appropriate for the site.
- b. Freestanding, above grade equipment cabinets shall be heavily screened from view with landscape materials.

(iii) Architecture. The WTF shall be designed to blend in with the surrounding natural setting and built environment.

a. Towers shall use antennas, antenna mounts, equipment enclosures and monopoles that provide minimal visual profile and silhouette, and in order to reduce visual clutter. For example, underground cable routing is less visually intrusive than using overhead cables with metal bridging for ice-fall protection; cylindrical unicell antenna arrays are preferred over davit arms or other types of mounting brackets extending out from the monopole; platform mounted antennas are generally discouraged.

b. Building mounted wireless telecommunications facilities shall be screened from view or camouflaged in a manner to generally comply with the Architectural and Site Design Standards specified in Chapter 206.050.

- (c) Landscaping. Except in the TOD-3, WTFs shall be landscaped with a buffer of plant materials as determined appropriate for the site by the City. Existing mature trees and other vegetation at the site shall be preserved to the maximum extent possible.
- (d) Signs. The use of any portion of a WTF for signs or advertising other than warning or small equipment and emergency contact information signs is prohibited.
- (e) Lighting. Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority. When incorporated into the approved design of the WTF, light fixtures used to illuminate sport fields, parking lots or similar areas may be attached to the tower.
- (f) Monopole. New wireless telecommunication towers shall be of a monopole design unless the applicant demonstrates to the satisfaction of

the City Council that an alternative design would better blend into the surrounding environment.

(g) Tower Setbacks. ~~Wireless~~TF telecommunications towers shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:

(i) The ~~WTF~~tower is set back from all residential dwellings units at least one foot for each foot in height.

(ii) ~~Tower~~WTFs shall not co-occupy any easements unless permission is obtained from the underlying property owner and holder of the easement.

(iii) ~~Tower~~WTFs shall not be located between a principal structure and a public street.

(iv) The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(h) Height.

(i) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.

(ii) Antennas located in the TOD-1 and TOD-2 on an existing structure which exceeds the maximum telecommunications tower height for the District in which the existing structure is located may extend up to 5 feet above the height of the structure.

(iii) In the event substantial obstacles to RF signal propagation are present within 1000 feet of the proposed WTF, the telecommunications tower height may be increased an additional 20% above the maximum height permitted in the TOD. No such increase in height will be permitted unless the applicant's proposed design utilizes color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear in context on the landscape.

(iv) WTFs mounted on an existing building in the TOD-3 shall:

a. Roof mounted WTF are preferred near the center of the building in a location that minimizes visibility from the surrounding area.

- b. Roof mounted WTF shall extend a maximum of 10 feet above the height of the building to which they are attached, and be setback from the building façade a minimum of 2 foot for each foot of height the WTF extends above the building roof, with a minimum setback of 5 feet.
 - c. Wall mounted WTF shall not extend above the building parapet, and shall be incorporated into design elements of the building to maintain architectural integrity.
 - d. Deviations from the height and façade setback requirements may be approved when, in the sole discretion of the City Council, the WTF is fully concealed in an aesthetically integrated building component, for example a steeple, parapet extension, chimney, penthouse or similar architectural feature.
 - ~~(iii)~~e. Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.
- (i) Safety/Environmental Standards.
- (i) Unauthorized Climbing. WTFs shall be designed to ~~discourage~~ prevent unauthorized climbing or entry.
 - (ii) Noise. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in Section 209.020, *Noise*.
 - (iii) Radio Frequency (RF) Emissions and Interference. WTFs ~~must~~ shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.
 - ~~(iv)~~(v) Maintenance. All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.
 - ~~(v)~~(vi) Occupational Safety. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.
- (j) Location and Collocation Requirements. Except as herein and after provided, WTFs within the City shall comply with the following ~~collocation~~ requirements:

- (i) Locations are preferred by the City in the following priority:
 - a. Collocation on existing wireless telecommunications towers;
 - b. Location on City property in the TOD-1 and TOD-2;
 - c. Location on existing buildings in the TOD-3;
 - d. Location on other property in the TOD-1 and TOD-2.

- (ii) All proposed WTFs must be located on an existing structure 55 feet or greater in height located within ½ mile of the site being considered by the applicant.

- (iii) All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the City may require a third-party technical study to evaluate the feasibility or cost of collocating at the expense of either or both wireless telecommunication providers.

- (iv) All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon.

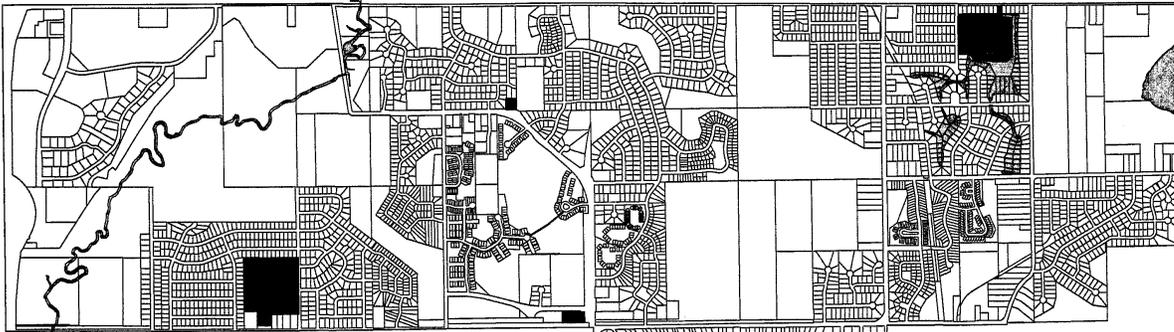
- (v) All new or replacement wireless telecommunication ~~towers~~facilities shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, except when the applicant demonstrates that a monopole with conforming height is technologically unsuitable for the facilities of a second provider.

- (k) Exceptions to Collocation Requirements. The City may waive any or all of the collocation requirements if it is determined that:
 - (i) The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.

 - (ii) The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the City and the interference cannot be prevented.

- (iii) Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the City.
- (4) Equipment Enclosures. Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:
- (a) Equipment enclosures shall be of the smallest size necessary.
 - (b) In the TOD-1 and TOD-2:
 - (i) Equipment enclosures shall be located in underground vaults, integrated within existing nearby structures, or where existing trees, structures, and/or other site features screen them from view.
 - (ii) All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a decorative wall) better reflects and complements the character of the neighborhood.
 - (c) In the TOD-3, building mounted WTF equipment enclosures shall be integrated with the building architecture as specified in Section 207.040(B)(3)(b).
- (5) Installation Requirements on City Water Towers. Installation of commercial antennas or WTFs on City water towers will be permitted when the City is fully satisfied that the following requirements are met:
- (a) The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the City's water supply, or risk to the water tower facilities.
 - (b) There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.
 - (c) The presence of the commercial antenna or WTF will not increase the water tower maintenance or operational costs to the City.
 - (d) The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.
 - (e) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

CURRENT TELECOMMUNICATIONS OVERLAY DISTRICT MAP



City of Shoreview

Telecommunications Overlay Districts

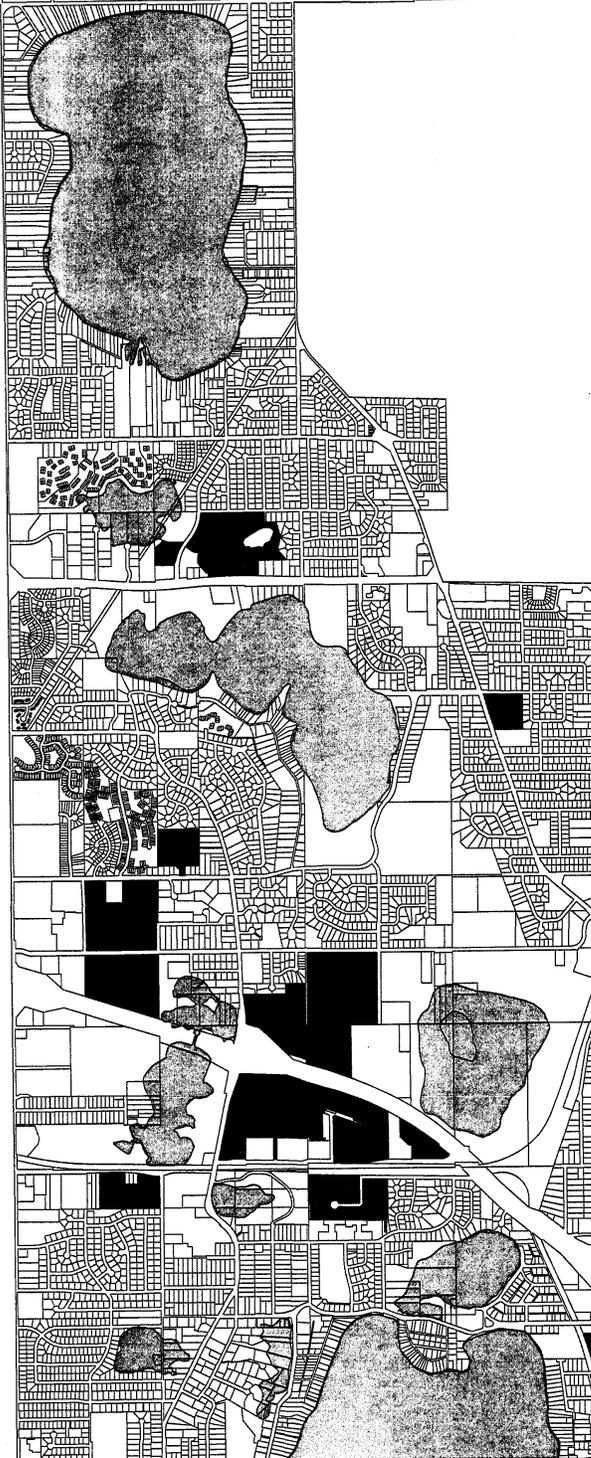
Legend

-  TOD - 1
-  TOD - 2

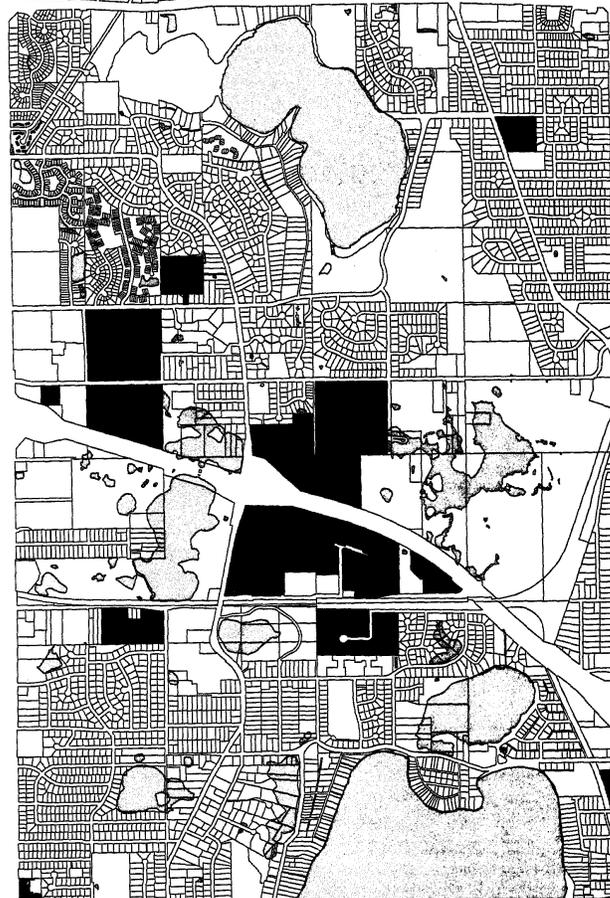
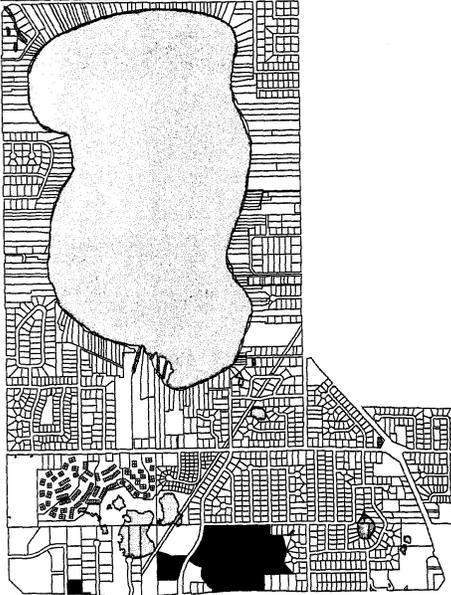
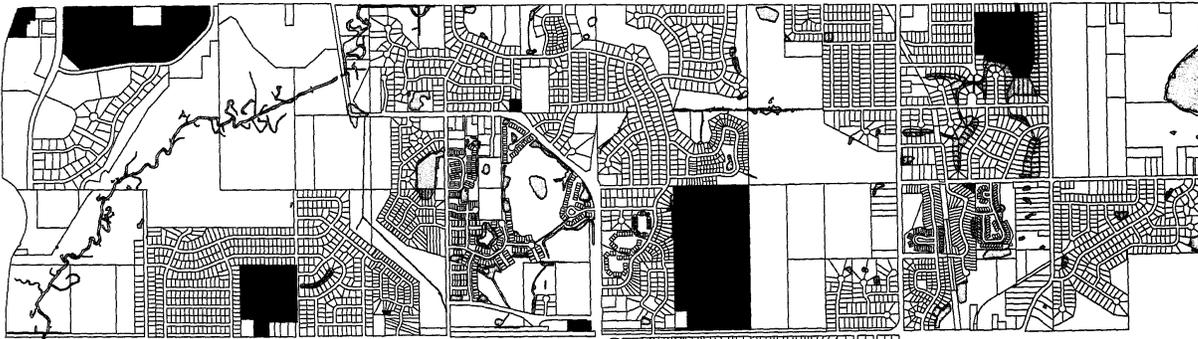
Note:

In the TOD-1, freestanding telecommunications towers with a maximum height of 60-feet are permitted.

In the TOD-2, freestanding telecommunications towers with a maximum height of 75-feet are permitted.



Proposed Map Amendment



Note:

In the TOD-1, freestanding telecommunications towers with a maximum height of 60-feet are permitted.

In the TOD-2, freestanding telecommunications towers with a maximum height of 75-feet are permitted.

In the proposed TOD-3, only building mounted wireless facilities are permitted.

Legend

-  TOD - 1
-  TOD - 2
-  TOD - 3
-  Water

PROPOSED MOTION

MOVED BY COMMISSION MEMBER Mons

SECONDED BY COMMISSION MEMBER Schumer

To recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code pertaining to the Wireless Telecommunications Facilities.

The recommendation is based on a finding that the proposed amendments strengthen the City regulations for wireless telecommunications facilities in order to provide locations for wireless telecommunications facilities and maintain established community aesthetic standards.

VOTE:

AYES: 6

NAYS: 0

Regular Planning Commission Meeting – June 28, 2011

PROPOSED MOTION

MOVED BY COMMISSION MEMBER Mong

SECONDED BY COMMISSION MEMBER Wenner

To recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code pertaining to variances. The recommendation is based on a finding that the proposed amendment is consistent with recent changes in State Law regarding variances.

VOTE:

AYES: 6

NAYS: 0

Regular Planning Commission Meeting – June 28, 2011

t:\pcf2011\2418-11-12\variances/pcmotion

Including inclusion of relevant portions of chap 207

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: June 23, 2011
RE: File No. 2420-11-13, City of Shoreview, Text Amendment - Variances

INTRODUCTION

In response to revisions to the State Statutes regarding municipal zoning controls and variances, an amendment is proposed to the City's Development Code to accurately reflect the new standards. The new law changed the criteria for which variances are justified. These criteria replace the "hardship" standards with those defined as "practical difficulty".

DEVELOPMENT CODE

A variance is a departure from the performance standards of the ordinance, not including land use or building use. Section 203.070 outlines the review process for variances and in subsection (c) defines the criteria for review based on "undue hardship". Undue hardship means:

- (a) That the property in question cannot be put to a reasonable use under conditions allowed by the Development Ordinance.
- (b) That the hardship is due to circumstances unique to the property and was not created by the landowner.
- (c) That the variance will not alter the essential character of existing neighborhoods.
- (d) Undue hardship includes inadequate access to direct sunlight for solar energy systems.
Where necessary, variances shall be granted for earth sheltered housing which is otherwise in harmony with the intent of the Development Ordinance.

This criteria is based on State Law which was recently changed replacing the undue hardship standard with practical difficulties. An amendment is being proposed to the City's Development Code to maintain consistency with State Law.

PROPOSED TEXT AMENDMENT

The proposed amendment replaces the term undue hardship with practical difficulties. Practical difficulties when used in granting a variance means:

- (a) Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

(b) Unique Circumstances. The plight of property owner is due to circumstances unique to the property not created by the landowner.

(c) Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Economic considerations are identified in subsection 3C. In addition, subsection A has been revised to identify those sections in the Development Code in which a variance can be granted.

The Planning Commission reviewed the proposed changes at the May 24th workshop. The Commission members appeared to be in agreement with the changes and recommended some minor language changes which have been incorporated into this proposed amendment.

RECOMMENDATION

The Staff is recommending the Commission hold the public hearing and forward a recommendation of approval to the City Council. The proposed amendment is consistent with the revised State Statutes regarding zoning control and ordinance variances.

DRAFT – JUNE 26, 2011

PROPOSED ORDINANCE

203.070

Variances.

- A. Application. Applications for variances from the provisions of Chapters 204, 205, 206, 209 (“Shoreview Development Regulations”) shall be made on forms provided by the City Manager. Completed applications shall be forwarded to the Planning Commission.
- B. Review Process. The Planning Commission shall review completed variance applications pursuant to Shoreview City Code Section 203.020(C) and Minnesota Statute §15.99. Modifications shall not be made to the variance application during the review process.
- C. Criteria for Review. The following criteria shall be applied to the City’s review of a variance application:
 1. Purpose and Intent. The variance request shall comply with the purpose and intent provisions of City Code Section 201.010 and with the policies of the City’s Comprehensive Plan.
 2. Practical Difficulties. The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations. The term “Practical Difficulties” as used in the granting of a variance means:
 - a. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - b. Unique Circumstances. The plight of property owner is due to circumstances unique to the property not created by the landowner.
 - c. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.
 3. Economic Consideration. Economic consideration alone does not constitute practical difficulties.
 4. Access to Sunlight. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty.

practical difficulty of the property and is otherwise in compliance with the Shoreview Development Regulations.

6. Non Permitted Use. A variance shall not be granted if it would allow a use which is not otherwise permitted in the zoning district where the property is located.
- D. Conditional Approval. The Board of Adjustments may impose conditions in granting a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- E. Expiration. Approved variances, which are not implemented within one year from the date of approval, shall become void.
- F. Decision and Appeal. Decisions of the Planning Commission shall be final unless the applicant or other aggrieved party appeals to the City Council. Appeals shall be processed in accordance with Section 203.020(E).

*Move: Mons
2nd Wenner*

- (d) A reduction of open space or green areas that has a considerable affect on the development plan.
- (e) A reduction of off-street parking or loading areas.
- (f) A reduction in the effectiveness or extent of surface water management plan as determined by the City Engineer.

203.070 Variances.

- (A) Application. Applications for variances from the literal provisions of the Development Ordinance (Chapter 200) shall be made on forms provided by the City Manager, who shall forward completed applications that include the required information to the Planning Commission, which shall act as the Board of Appeals and Adjustments for review. The Board of Appeals and Adjustments will review the request as submitted. Modifications shall not be made to the application during the review process.
- (B) Review Process. Variance applications shall be reviewed by the Planning Commission in accordance with Section 203.020(C) and Minnesota Statute 15.99. The Planning Commission shall act on the variance application as submitted by the applicant and as noticed to surrounding property owners.
- (C) Criteria for Review. The Planning Commission may grant variances only where strict compliance with the Development Ordinance would cause undue hardship and only when it is determined that granting the variance would be in keeping with the spirit and intent of the Development Ordinance.
 - (1) "Undue hardship" means:
 - (a) That the property in question cannot be put to a reasonable use under conditions allowed by the Development Ordinance.
 - (b) That the hardship is due to circumstances unique to the property and was not created by the landowner.
 - (c) That the variance will not alter the essential character of existing neighborhoods.
 - (d) Undue hardship includes inadequate access to direct sunlight for solar energy systems. Where necessary, variances shall be granted for earth sheltered housing which is otherwise in harmony with the intent of the Development Ordinance.

- (D) Variances shall not be granted if the effect of the variance is to allow a use of property, which is not otherwise permitted in the zoning district in which the applicant's property is situated.
- (E) Expiration. Approved variances, which are not implemented within one year from the date of approval, shall become void.
- (F) Decision and Appeal. Decisions of the Planning Commission shall be final unless the applicant or other aggrieved party appeals to the City Council. Appeals shall be processed in accordance with Section 203.020(E).

KATHLEEN NORDINE - Draft Ordinance

From: "Sonterre, Richard" <RichardSonterre@clearchannel.com>
To: <knordine@SHOREVIEWWMN.GOV>
Date: 6/24/2011 11:06 AM
Subject: Draft Ordinance
Attachments: draft of SV code 2.doc

Kathleen,

Thank you so much for meeting with us yesterday. I have attached your draft with several notes that were either discussed yesterday or I noticed this morning when giving the ordinance further review. All, like yesterday, simply represent questions or points for consideration. Please let me know if you have any questions or requests of me.

208.010 A4 – There is no definition of a “permanent sign” in 208.020, so I was wondering what one was and if an off-premise sign met the criteria.

208.020 Off Premise - Based upon yesterday, do you want to differentiate a dynamic billboard from an off-premise sign?

208.040 2B

- ii – Curious on that spacing criteria
- iv – Would the re-built Red Fox Rd sign be within this spacing?
- vi – We would prefer to work on something specific to this location, rather than the template STP language

208.040 2C

- I added possible language (rough) to deal with obstructions

208.040 2F

- I provided the foot candle measure that we had discussed

208.050 H – Off Premise listed as “prohibited”

208.080 – In the new language you refer to “non-conforming billboards”, but your definition section does not define billboards, but defines and consistently uses “off-premise signs” ??

Have a great weekend!

Rich Sonterre
Real Estate & Public Affairs Representative
Clear Channel Outdoor - Twin Cities
(P) 612-605-5123 (F) 612-605-5173
rsonterre@clearchannel.com

208 Signs**208.010 Purpose and Findings.**

Rev. Date
2/4/08
Ord. #824

(A) This sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and to accommodate the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of this ordinance to promote the health, safety, general welfare, and desirable community image through the regulation of signs with the following objectives in mind:

- (1) Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;
- (2) Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- (3) Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;


(5) Allow temporary business signs for grand openings and occasional sales events without creating continuous visual clutter or traffic hazards along streets or at intersections; and

(6) Signs shall be properly maintained.

(7) Signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration

Rev. Date
2/4/08
Ord. #824

Sign, Banners (or Pennants). A sign constructed of lightweight material designed as an attention-getting device which resembles a flag or similar type of advertisement.

Sign, Base. The supporting structure upon which a sign face is affixed and which must be architecturally compatible with the exterior of the principal structure in the associated development, in terms of color, form, and exposed material type(s).

Sign, Dynamic Display Billboard A dynamic display sign is defined as any sign used for outdoor advertisement which is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

Sign, Canopy or Awning. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Cabinet or Canister-Style. A sign that consists of a translucent sign face(s) to which the lettering/graphic message is painted onto and/or molded into. Such sign differs from a canopy sign in that the edges of the face(s) are enclosed by a ridge frame to form a cabinet.

Sign, Changeable Copy or Readerboard. A sign which is changed manually and not controlled by means of electronic devices, except as otherwise permitted for Gas Price Display signs.

Sign, Electronic Graphic Display. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings, billboards, or other objects, but do not include Message Center Signs or Dynamic Display Billboards.

Sign, Flashing. An illuminated sign which contains flashing lights or exhibits noticeable changes in color or light intensity.

Sign, Freestanding. Any sign structure that is self supporting, placed in the ground, and not affixed to a building.

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Rev. Date 12/28/05 Ord. #786

Sign, Gas Price Display. That portion of a sign that announces fuel prices and consists of changeable copy, manual or electronic. A Gas Price Display must be integrated into a freestanding sign.

Sign, Ground. A free standing sign whose face is mounted upon a base that is 40 to 75 percent of the width of the face and the height of the top of the sign above the ground does not exceed 6 feet. A ground sign may be externally or internally lighted or unlighted. The face may be individual-letter or cabinet style.

Sign, Incidental Business. A small sign, emblem or decal, not to exceed 2 square feet, displayed outside on a premises or displayed in a window or door visible outside of the structure. These signs are distinguished from Traffic Directional Signs.

Sign, Individual Letter-Style. A sign with a sign face(s) that is opaque to which the letters/graphics are affixed, cut-out of, cut into, or resemble such. In the case of wall signs, the building elevation constitutes the sign face. The color of the sign face is also the same behind each tenant name, where multiple names appear. If lighted from within, only the lettering/graphic area is recognizable as being lighted.

Sign, Logo. An identifying graphic which may or may not be a registered trademark but which is the official graphic identifier for a business or organization.

Sign, Major Tenant. A business or organization that occupies at least 50 percent of a building's floor area or contains at least 5,000 square feet of floor area within a development.

Sign, Marquee. Any sign attached, or affixed in any manner, or made a part of a marquee.

Rev. Date 2/4/08 Ord. #824

Sign, Message Center. A sign that consists of electronically changing alphanumeric text except as otherwise permitted for Gas Price Display signs. A Message Center Sign must be integrated into a freestanding sign but not including Off-Premise Dynamic Display Signs.??? Billboards.

Sign, Monument. A freestanding sign whose face is mounted upon a base that is at least 75 percent of the width of the face. A monument sign may be externally or internally lighted or unlighted.

Sign, Multi-vision. A sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different

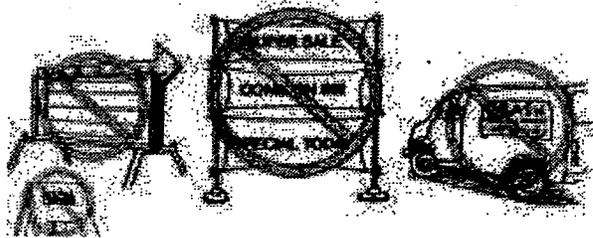
image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Sign, Off-Premises Advertising. A freestanding sign with a commercial message which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such a sign is located (i.e., outdoor advertising), but not including Dynamic Display Billboards. Should not differentiate between an off-premise static sign and dynamic. Both are off-premise signs.

Sign, Political/Opinion. A sign with a non-commercial message, attracting attention to political candidates or issues or that expresses an opinion or point of view that does not advertise any product, service or business.

Sign, Portable. A sign structure with or without copy and/or graphics so designed as to be movable from one location to another and which is not permanently attached to the ground or any structure.

Examples of portable signs are illustrated and described below:



Portable Signs

A- and T- frame signs;

Sandwich signs;

Signs designed to be transported by trailer or on wheels;

Mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right of way, except signs identifying a business when the vehicles is being used in the normal day-to-day operations of that business.

A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached to the ground, a structure, or other sign.

Sign, Projecting. A sign which is affixed to a building and which extends perpendicularly from the building wall more than twelve (12) inches.

Sign, Pylon. Any permanent, freestanding sign whose sign face which is mounted upon a sign base that is less than 40 percent of the width of the face and height in excess of six feet.

Sign, Roof. Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building, unless attached to a parapet or mansard structure that is an architectural component of the building.

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Sign, Rotating. A sign or a portion of a sign which moves in a rotating, oscillating, or similar manner.

Sign, Shimmering. A Sign which reflects an oscillating sometimes distorted visual image.

Sign Structure. A term used in conjunction with freestanding signs, meaning the sign face together with the sign base.

Sign, Temporary. Any sign which is erected or displayed on a non-permanent basis for a limited period of time.

Sign, Transit Amenity. A sign which is affixed to or painted on a transit amenity, such as a transit bench or shelter.

Sign, Video Display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects but do not include Message Center Signs or Dynamic Display Billboards.

Sign, Wall. A single-faced sign which is affixed to the exterior wall of a building and which is parallel to the building wall and which does not project more than twelve (12) inches from the wall surface to which it is attached, nor extend beyond the top of a building elevation or parapet wall, whichever is higher.

Sign, Window. A sign affixed to or inside of a window in view of the general public. Merchandise on display is not considered window signage.

Signature Architecture. Use of design elements, colors and material to identify a structure's use or affiliation (e.g., a commercial brand or business).

208.030 General Standards. The following regulations apply to signs throughout the City:

(A) Location:

- (1) Unless stated otherwise in this ordinance, permanent signs shall be setback at least five (5) feet from all property lines. The City may require a

208.040 Permitted Signs and Sign Standards:

(A) Signs are permitted, subject to area, height and location requirements of this Ordinance. Provisions of a Comprehensive Sign Plan may deviate from these requirements.

- (1) Signs in PUD Districts shall be regulated by the underlying District regulations.
- (2) Signs for individual residential buildings are limited to Address, Flag, Political/Opinion, Temporary Real Estate and Seasonal Residential Sales signs, except as otherwise permitted by this ordinance or as part of an approved Comprehensive Sign Plan.

(B) Standards, by Sign Type

(1) **Address** - A sign that displays the numerical street address authorized by the City for a particular property.

- (a) A street address shall be clearly visible (contrasting number/background colors or reflectorized numbers) from the adjoining street for each principal structure that has been assigned an address by the City.
- (b) Address signs shall not reduce the permitted sign area for a given structure/use but must be compatible in size to the building elevation to which affixed but in no case larger than 10 square feet for nonresidential or 2 square feet for residential uses.

(2) **Billboard, Dynamic Display**

(a) Zoning. Dynamic Display Billboards shall be permitted on publically owned property which is zoned PUD, Planned Unit Development, Tower or I, Industrial, unless otherwise approved by the City Council.

(b) Location.

- i. Dynamic Display Billboards may be permitted within 100 feet of Interstate 694 and oriented so it is be read from the Interstate
- ii. The minimum lineal distance between Dynamic Display Billboards on the same side of the highway shall be five thousand (5000) feet. – 5000?
- iii. The minimum setback from any property line shall be twenty (20) feet.
- iv. The minimum setback from any road intersection with the Interstate shall be one thousand five hundred (1,500) feet. – What is the spacing between Lexington and the Red Fox Road location?

v. The minimum setback from any residential use is five hundred (500) feet.

~~vi. The face of the Dynamic Display Billboard shall not be in the visual field of any residence or person within County Open Space or City Park lands. Visual field shall be defined as the cone shaped area in front of a billboard drawn on a map, that extends perpendicular from the center of the sign face for two thousand (2,000) feet with a vertex angle of seventy five degrees and also includes peripheral triangles on both sides of the cone, which are delineated by extending the line of the sign face two hundred (200) feet in each direction from its center and from these two (2) points connecting to the two (2) outer points of the cone.~~

(c) Size

i. The maximum gross surface area of a Dynamic Display Billboard shall be seven hundred (700) square feet. Said signs shall be single faced.

ii. The maximum height of the billboard structure shall not exceed fifty (50) feet above the grade elevation of the Interstate road surface from which the sign is to be read., or as tall as necessary to surpass any immovable obstructions within the field of view of the sign face(s).

(d) Design Requirements

i. All visible sign support columns shall be concealed with an approved architectural treatment primarily consisting of natural stone, brick, approved masonry panels, stucco or architectural metal.

(e) Message Standards

i. The images and messages must be static, and the transition from one static display to another must be direct and immediate without special effects. Each image and message displayed must be complete in itself, and may not continue into a subsequent one. Each image and message shall be displayed with a minimum time duration of eight (8) seconds before changing to the next image and message.

ii. Messages shall not be animated, moving, flashing or scrolling.

(f) Brightness

i. Lighting shall be set at a minimum level necessary to provide clear viewing from the roadway in which the billboard is intended to be read and shielded to minimize glare. Foot Candle standard? Digital billboards shall not operate at brightness levels of more than 0.3 foot candles [LM1] above ambient light, as measured using a foot candle meter at a pre-set distance [ldm2]

ii. _____

iii. Said sign shall be equipped with a dimmer control and photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed.

(g) Agreement

i. If the City approves a permit to install a Dynamic Display Billboard, the permit holder, property owner and City shall enter into an agreement that identifies the terms including but not limited to:

a) Said sign shall display public service announcements allowingt the City the ability, if the City choses to participate, at no cost to the City, to provide up to eight hundred (800) eight (8) second public service messages per month.

b) Said sign shall be part of the State of Minnesota's public safety alert system

c) A list of conditions of approval to the Sign Permit.

TABLE 3. WALL SIGN DIMENSION REQUIREMENTS

Zoning District/Use	Allowed Area
R2, R3, and T	20 sf
Public/Quasi-Public	40 sf
C1A, C1, C2, OFC, BPK, I: Buildings with less than 50,000 sf in area:	Not to exceed 10% of the area of the building elevation to which the sign will be affixed with a minimum of 20 sf.
Buildings with 50,000 sf or more in area:	Not to exceed 5% of the area of the building elevation to which the sign will be affixed with a minimum of 40 sf and a maximum of 500 sf.

NOTES:

(1) The City reserves the right to require a reduction in the maximum permissible area, but not to less than 40 square feet, dependent upon the architectural characteristics of the building, site location, and land use type.

(2) The City reserves the right to require a reduction up to 60 per cent in permitted area when the building is determined to be Signature Architecture.

208.050. Prohibited Signs.

- (A) Rotating or otherwise moving signs.
- (B) Roof signs.
- (C) Projecting signs.
- (D) Portable signs.
- (E) Signs and/or posters which are tacked on trees, fences, utility poles, sign supports, or other similar objects.
- (F) Signs painted directly on building, walls, or fences except works of art which do not contain commercial messages.

- (G) Flashing, blinking or animated signs, including but not limited to traveling lights or any other means not providing constant illumination, except approved Message Center signs.
- ~~(H) Off premise advertising signs, except for residential home sales and seasonal residential sales events, as provided in Sections 208.040(B)(13)(b) and 208.040(B)(14), are not permitted in any zoning district.~~
- (I) Obsolete signs.
- (J) Pennants, whirling devices, balloons, inflatable devices and/or other apparatus resembling the same.
- (K) Signs that contain telephone numbers, hours of operation, drive-through facilities, product names, or logos that are not part of the business's official name, unless part of an approved incidental sign or part of an official public service announcement.
- (L) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any structure.
- (M) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign, except such signs attached to buses, taxis or other vehicles operating during the normal course of business.
- (N) Signs which constitute a public nuisance shall not be erected, installed or otherwise displayed. Such signs shall include, but not be limited to, signs that contain any indecent or offensive picture or written material or permissible temporary off-site signs erected without the permission of the property owner.
- (O) No sign may be erected or otherwise displayed that by reason of its location, shape, movement, color, or any other manner interferes with the proper functioning of a traffic sign or signal, obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets, or otherwise constitutes a traffic hazard. All signs shall also comply with the traffic visibility requirements set forth in Section 206.010(B) (Landscaping and Screening).
- (P) No signage is permitted on outdoor telephone booths, other than to identify the telephone.
- (Q) Multi-vision signs.
- (R) Shimmering signs.

Rev. Date
2/4/08
Ord. #824

- (1) Payment of an Impoundment Release fee. Any subsequent impoundment(s), within one calendar year, for a particular property or sign owner will require payment of double the initial impoundment release fee.
- (2) Any impounded sign must be retrieved from the impound area within 30 days of the impoundment or the City will dispose of it. Any cost incurred by the City for disposal of an impounded sign shall be assessed to the property owner.
- (3) The City shall have no obligation to notify a property owner that it has impounded a sign.
- (4) The City may not be held liable for any damage to an impounded sign.

208.080 Alteration and/or Removal of Legal Nonconforming Permanent Signs. Signs shall lose their legal nonconforming status if moved, replaced or altered in any way, except toward compliance with the ordinance. Signs that are in good repair, were legally in existence before this Section was adopted, and which are not obsolete but which do not otherwise comply with the standards set forth in this Section, shall be removed or brought into conformance if damaged beyond 50 percent of its value prior to being damaged, as determined by an independent appraisal. Damaged, nonconforming signs shall be completely removed within 90 days of written notification from the City. If compliance is not obtained within 90 days of property owner notification, the City may cause the sign to be removed in accordance with Subsection 208.070(D).

- (A) A legally nonconforming billboard may be converted to a billboard with a dynamic display provided the conditions identified in Section 208.040 (B)(2) are met.

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: June 22, 2011
RE: Text Amendment – Dynamic Display Billboards

INTRODUCTION

At the May Planning Commission meeting, the Staff brought information to the Commission regarding dynamic display billboards based on City Council direction to revise the City's Sign Code to permit Dynamic Display Billboards. The City Council expressed support for revisions to the City's ordinance permitting billboards provided such changes result in a public benefit. The Council stressed that control is still needed through limitations on the number permitted, location, size, etc. As a result, the Staff has researched this matter further and is bringing proposed text amendments to the Planning Commission for discussion.

PLANNING COMMISSION REVIEW

The Planning Commission expressed concern regarding changing the ordinance due to the potential safety and visual impacts such billboards can have. Commission members indicated that there should be controls that limit proliferation, visual impact on nearby residences and users of open space and brightness while preserving and protecting safety.

SIGN CODE

The existing sign code prohibits "off-premise" advertising signs or billboards. The existing billboards located along Interstate 694 are legal nonconforming. Signs lose their legal nonconforming status if they are expanded in any way. Expansion would include size area, height, width and conversion from static to digital.

The proposed text amendment permits dynamic display billboards by defining them differently than off-site advertising signs and establishing standards that regulate them. Further review by the City Attorney is needed to determine whether or not this approach is legally sound.

PROPOSED TEXT AMENDMENT

Attached is a draft of the proposed text amendment. The following summarizes the key changes:

1. **Definition.** A definition has been added for Dynamic Display Billboards. These are any sign used for outdoor advertisement which is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors

The term Dynamic Display Billboard has been added to other definitions such as video display signs, as an exclusion. Therefore, these signs are not subject to the regulations of these other signs.

2. Location. To address concerns regarding proliferation, standards are proposed restricting such signs to the Interstate 694 corridor on properties zoned as I, Industrial or PUD, Planned Unit Development. Furthermore, spacing guidelines are proposed establishing setbacks from intersections or merge lanes, and other dynamic display billboards. With the combination of the zoning restrictions and the proposed spacing guidelines, no more than two (2) billboards could be placed along the south side of Interstate 694 and one (1) along the north side of the Interstate.

An issue that needs further review is the visual impact of these signs from open space areas and residential neighborhoods. Some communities have approached this by defining visual fields; however, these may not take into consideration topography, structures, vegetation and existing conditions.

3. Message Restrictions. Messages and images would be required to be static with no special effects or transitions. Animated, moving, flashing and scrolling messages/images would be prohibited. Each image and message shall be displayed with minimum time duration of eight (8) seconds before changing to the next image and message.
4. Sign Structure Design. The proposal also establishes regulations for sign height, sign area and structure design. The maximum height proposed is 50-feet as measured the grade adjacent to the structure. This height, however, may be increased if there are obstructions such as vegetation, bridges or other structures that impact visibility of the billboard. In these instances, the overall height of the sign structure could be no taller than 30-feet above the obstruction with a maximum height of 70 feet.

Only single-face signs are permitted. The area of the sign cannot exceed 700 square feet which is consistent with the industry standard for these types of signs.

The visible sign support columns would be required to be concealed with an approved architectural treatment primarily consisting of natural stone, brick, approved masonry panels, stucco or architectural metal.

5. Brightness. The proposed ordinance also addresses the brightness of the sign by establishing a maximum foot-candle level of .3 above the ambient light conditions. This is consistent with industry standards. Furthermore, the lighting would need to be set at a minimum level necessary to provide clear viewing from the roadway in which the billboard is intended to be read and shielded to minimize glare. A dimmer control and photo cell would also be required so adjustments can be made as needed.
6. Agreement. Installers of these types of signs would be required to enter into an agreement with the City that outlines the terms and conditions associated with allowing these types signs including the public benefits received.

7. Alteration and/or Removal of Legal Nonconforming Permanent Signs. As drafted, the ordinance does permit the addition of Dynamic Display Billboards provided the standards are met. This may allow one additional billboard. If this is a concern, the ordinance could restrict the allowance of the signs to the replacement of legally nonconforming billboards. As written, legally nonconforming billboard may be converted to a billboard with a dynamic display provided the conditions identified in Section 208.040 (B)(2) are met.

INDUSTRY REVIEW

A copy of the ordinance was distributed to representatives of Clear Channel for review. In general, Clear Channel is supportive of the changes but indicated some concern with how these types of signs are defined, especially differentiating them from off-site advertising. Other comments included the height limitation with respect to obstructions and visibility of the signs from open space and residential neighborhoods. Furthermore, the question was raised as to whether or not the T, Tower District would also be an appropriate area for these signs.

RECOMMENDATION

The proposed ordinance allows Dynamic Display Billboards as a permitted sign provided the City's sign standards are met. The Staff is seeking feedback from the Commission regarding the proposed ordinance and any concerns that should be addressed further. The Staff anticipates that the text amendment will be scheduled for the July 26th Planning Commission meeting.

Text underlined is added.

208 Signs

Sign, Dynamic Display Billboard A dynamic display sign is defined as any sign used for outdoor advertisement which is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

Sign, Electronic Graphic Display. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings, billboards, or other objects, but do not include Message Center Signs or Dynamic Display Billboards.

Sign, Message Center. A sign that consists of electronically changing alphanumeric text except as otherwise permitted for Gas Price Display signs. A Message Center Sign must be integrated into a freestanding sign but not including Dynamic Display Billboards.

Sign, Off-Premises Advertising. A freestanding sign with a commercial message which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such a sign is located (i.e., outdoor advertising), but not including Dynamic Display Billboards

Sign, Video Display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects but do not include Message Center Signs or Dynamic Display Billboards.

208.040 Permitted Signs and Sign Standards:**(2) Billboard, Dynamic Display**

- (a) Zoning. Dynamic Display Billboards shall be permitted on property which is zoned PUD, Planned Unit Development or I, Industrial, unless otherwise approved by the City Council.
- (b) Location.
- i. Dynamic Display Billboards may be permitted within 150 feet of Interstate 694 and oriented so it is be read from the Interstate
 - ii. The minimum lineal distance between Dynamic Display Billboards on the same side of the highway shall be five thousand (5000) feet.
 - iii. The minimum setback from any property line shall be twenty (20) feet.
 - iv. The minimum setback from any road intersection with the Interstate shall be one thousand five hundred (1,500) feet and 300 feet from any merge lane.
 - v. The minimum setback from any residential use is five hundred (500) feet.
 - vi. The face of the Dynamic Display Billboard shall not be in the visual field of any residence or person within County Open Space or City Park lands.
- (c) Size
- i. The maximum gross surface area of a Dynamic Display Billboard shall be seven hundred (700) square feet. Said signs shall be single faced.
 - ii. The maximum height of the billboard structure shall not exceed fifty (50) feet above the grade elevation of the Interstate road surface from which the sign is to be read , however, said height may be increased if the visibility of the sign is obstructed by vegetation, a structure or other object. In situations where obstructions are present the sign height may be increased to 30-feet above the height of the obstruction. In no case shall said height exceed 70 feet.
- (d) Design Requirements
- i. All visible sign support columns shall be concealed with an approved architectural treatment primarily consisting of natural stone, brick, approved masonry panels, stucco or architectural metal.
- (e) Message Standards
- i. The images and messages must be static, and the transition from one static display to another must be direct and immediate without special effects. Each image and message displayed must be complete in itself, and may not continue into a subsequent one. Each image and message shall be displayed

with minimum time duration of eight (8) seconds before changing to the next image and message.

ii. Messages shall not be animated, moving, flashing or scrolling.

(f) Brightness

i. Lighting shall be set at a minimum level necessary to provide clear viewing from the roadway in which the billboard is intended to be read and shielded to minimize glare.

ii. Said sign shall be equipped with a dimmer control and photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed.

iii. The light level shall not exceed .3 footcandles above the ambient light conditions.

(g) Agreement

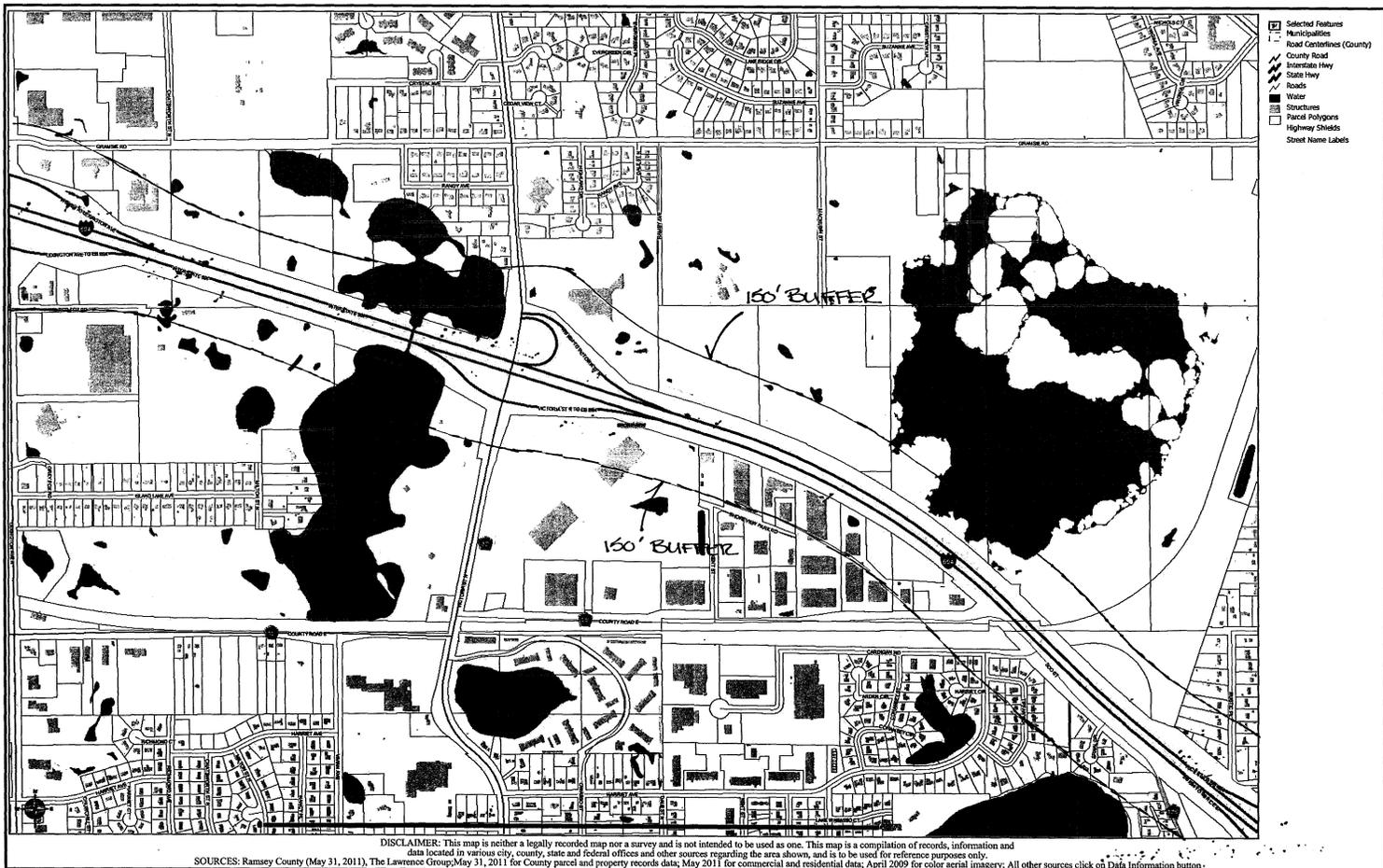
i. If the City approves a permit to install a Dynamic Display Billboard, the permit holder, property owner and City shall enter into an agreement that identifies the terms including but not limited to:

a) Said sign shall display public service announcements allowing the City the ability, if the City chooses to participate, at no cost to the City, to provide up to eight hundred (800) eight (8) second public service messages per month.

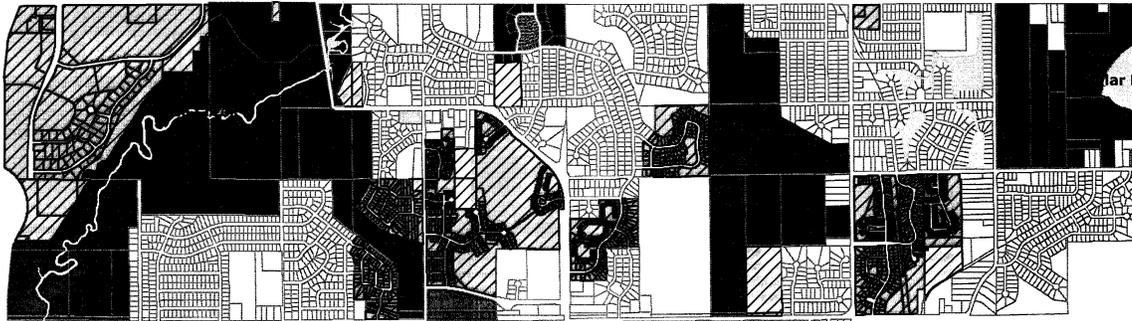
b) Said sign shall be part of the State of Minnesota's public safety alert system

208.080 Alteration and/or Removal of Legal Nonconforming Permanent Signs. Signs shall lose their legal nonconforming status if moved, replaced or altered in any way, except toward compliance with the ordinance. Signs that are in good repair, were legally in existence before this Section was adopted, and which are not obsolete but which do not otherwise comply with the standards set forth in this Section, shall be removed or brought into conformance if damaged beyond 50 percent of its value prior to being damaged, as determined by an independent appraisal. Damaged, nonconforming signs shall be completely removed within 90 days of written notification from the City. If compliance is not obtained within 90 days of property owner notification, the City may cause the sign to be removed in accordance with Subsection 208.070(D).

(A) A legally nonconforming billboard may be converted to a billboard with a dynamic display provided the conditions identified in Section 208.040 (B)(2) are met.



150' BUFFER I-694

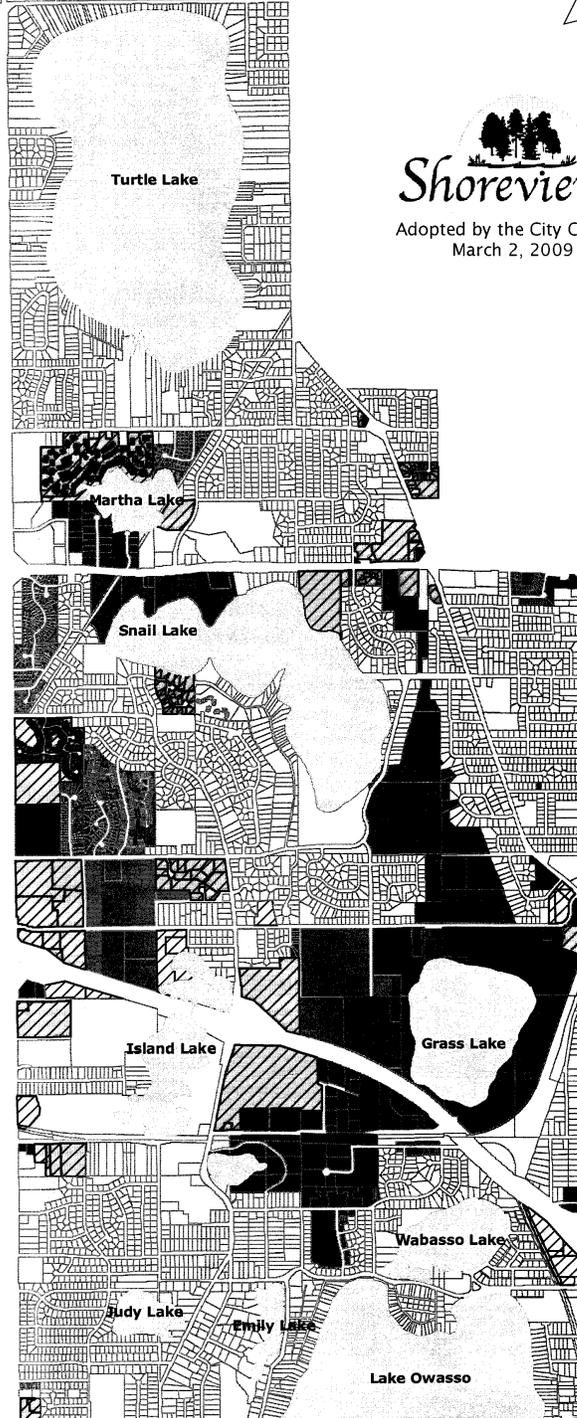


Zoning Classifications

-  RE - Residential Estate
-  R1 - Detached Residential
-  R2 - Attached Residential
-  R3 - Multi-Dwelling Residential
-  R4 - Mobile Home Residential
-  C1 - Retail Service
-  C2 - General Commercial
-  OFC - Office
-  I - Industrial
-  T - Tower
-  OS - Open Space
-  PUD - Planned Urban Development
-  UND - Urban Under Developed
-  BPK - Business Park
-  Water



Adopted by the City Council
March 2, 2009



Disclaimer: Every effort has been made to ensure the completeness and accuracy of this map. However, data used to create this map was compiled from a number of sources and may contain errors. This map should be used for reference only. Data should be verified independently if used for any other purpose. This document is not a legally recorded map or survey and should not be used as such.

Zoning Map

City of Shoreview Community Development Department

