

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES**

June 28, 2011

**CALL TO ORDER**

Chair Feldsien called the meeting of the June 28, 2011 SHOREVIEW Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioner Ferrington was absent.

**APPROVAL OF AGENDA**

Chair Feldsien noted that item No. B. on the agenda under New Business is withdrawn.

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

VOTE:                   Ayes - 6                   Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded Commissioner Proud to approve the April 26, 2011 Planning Commission minutes as submitted.

VOTE:                   Ayes - 5                   Nays - 0                   Abstain - 1 (Wenner)

Commissioner Wenner abstained as he was not at the April 26<sup>th</sup> meeting.

**REPORT ON CITY COUNCIL ACTIONS**

There were no actions to report on.

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**VARIANCE**

**FILE NO.:** 2416-11-09  
**APPLICANTS:** ANTHONY & KALII YOST  
KURT & MICHELLE VIRNIG  
**LOCATION:** 4110 & 4100 VICTORIA ST. N.

**Presentation by City Planner Kathleen Nordine**

City Attorney Filla has advised staff that this variance should be reviewed under the new state law that stipulates “practical difficulty,” not “undue hardship.”

The applicants request a variance to reduce a required 5-foot side yard setback for a shared driveway to 0 feet. The lot widths are approximately 76 feet with depths of approximately 400 feet. The garages for both properties are detached and set behind the front of each home at a depth of 145 to 150 feet from the front property lines. Two driveways are accessed off Victoria Street. At Victoria, the driveways are 10 feet wide but become wider closer to the garages. There is dirt and gravel between the two driveways, and it is this area that would widen the driveways to be used as a turn around and parking area.

The properties are zoned R1, Detached Residential. Under a 5-foot setback is not allowed in front of the dwelling, unless it leads to a garage. Front driveways cannot exceed 40% of lot coverage.

The applicants state that practical difficulties do exist with the long, narrow lots. The location of the garages in relation to the homes creates difficulties in maneuvering vehicles with narrow driveway widths. Because of traffic, it is not desirable to back out onto Victoria.

Staff does not believe practical difficulties are present. The current configuration of the properties makes them usable in a reasonable manner. There is concern about visual impact, the paving of a large driveway that could become storage for vehicles. Other options could alleviate the current situation, which include constructing a shared turn around only, construct a turn around on each property, or widen the existing driveway at 4110. Staff does not believe that unique circumstances are present. The lots are configured similarly to others in the neighborhood. The visual impact of increased parking or stored vehicles would change the character of the neighborhood.

Notices were sent to property owners within 150 feet. Three written comments were received in support of the variance.

Commissioner Wenner asked if a variance would be needed if a turnaround were constructed on each property. Ms. Nordine answered that a variance would be needed only if there is encroachment into the 5-foot setback.

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Chair Feldsien stated that he noticed a trailer and asked if there is a home business located on either of the properties. Ms. Nordine responded that Mr. Yost does operate a landscaping business out of his home.

**Mr. Anthony Yost**, 4110 Victoria, stated that if one car is parked in the driveway, the garage cannot be accessed. Where a turnaround would be feasible would mean 80 feet from the door, which is too far to carry groceries in inclement weather. His question is that if a turnaround is allowed, would it be possible to park there?

Chair Feldsien asked how many employees bring cars to the home. Mr. Yost answered that he is the only employee of the business.

Commissioner Solomonson stated parking is not possible on the street. The driveways are narrow, and he cannot envision backing out of it onto Victoria. He believes there is a difficulty with this property, but he does agree with staff. He suggested a single access with a wider driveway at the street.

Commissioner Proud stated he cannot support this request but would consider an alternative plan.

Chair Feldsien stated that he supports staff's recommendations. Although the driveways are very close together, he believes an alternative could be proposed with widening the driveway or putting in a turn around.

Commissioner Schumer stated that he also could not support the current proposal. The driveway at 4110 could be widened. The size area requested to be paved is too much.

**MOTION:** by Commissioner Mons, seconded by Commissioner Proud to table this application for a variance request for one month to the next Planning Commission meeting, July 26, 2011.

**VOTE:** Ayes - 6 Nays - 0

**TEXT AMENDMENT - WIRELESS TELECOMMUNICATIONS FACILITIES**

**FILE NO.:** 2418-11-11  
**APPLICANT:** CITY OF SHOREVIEW  
**LOCATION:** CITYWIDE

**Presentation by Senior Planner Rob Warwick**

The Planning Commission has discussed in several workshops the need to amend the City ordinance regarding building mounted wireless facilities. The proposed map and text amendment would allow providers to locate wireless facilities on business buildings to increase locations available to provide service.

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The Code currently has two districts where freestanding telecommunications towers are permitted, TOD-1 and TOD-2. District TOD-3 would allow mounting wireless facilities but not towers. Definitions in the Code have been revised to differentiate between tower and building mounted facilities. Section 205.180 provides for the TOD-3 overlay district map and regulations.

The current City standards for architectural design will apply to roof and building mounted equipment. Equipment must be integrated into the architecture of the building to which it is mounted. Antennas and equipment should be fully screened using scale, color and materials, such as parapet extension, chimney, steeple or penthouse. A setback from the roof edge shall be 2 feet for each foot of antenna. Height shall be a maximum of 10 feet above the existing building with the recognition that there are a variety of roof features that may exceed the 10 feet with the equipment fully integrated into the architecture. This will allow the City some discretion in consideration of different plans.

Collocation requires a structure of 55 feet in height or taller and located within one-half mile of the site being considered. Revisions include prioritized locations: 1) existing towers located on public property within one-half mile; 2) other City property in TOD-1 and TOD-2; 3) rooftop and building facade mounted facilities in TOD-3; and 4) other property in the TOD-1 and TOD-2 districts.

Legal notice of the public hearing was published. A mailed notice of this hearing was sent to affected property owners. No comments have been received. Staff recommends the public hearing be held and the Commission forward a recommendation for approval to the City Council.

Commissioner Mons asked about the inclusion of the business buildings at Rice Creek Park. Mr. Warwick explained that those buildings are of a lower height and not expected to be a desired location. If a provider would like to use one of those buildings, rezoning can be requested.

City Attorney Filla stated that proper notice has been given for the public hearing. Chair Feldsien opened the public hearing. There were no comments or questions.

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

VOTE: Ayes - 6 Nays - 0

MOTION: by Commissioner Mons, seconded by Commissioner 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 findings that the proposed amendments strengthen City regulations for wireless telecommunication facilities in order to provide locations for wireless telecommunications facilities and maintain

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established community aesthetic standards.

VOTE:                   Ayes - 6                   Nays - 0

**TEXT AMENDMENT - VARIANCES**

**FILE NO.:**

**APPLICANT:           CITY OF SHOREVIEW**

**LOCATION:              CITYWIDE**

**Presentation by City Planner, Kathleen Nordine**

The proposed amendment reflects the new state standards regarding variances. This does not include land or building use. The criteria for review has changed from a basis of “undue hardship” to “practical difficulties.” The definition of “practical difficulties” is that the property owner proposes to use the property in a reasonable manner; the variance is not a result of unique circumstances caused by the property owner; and the variance will not alter the character of the neighborhood. Chapters in which a variance may be granted would appropriately be revised. Staff recommends the amendment be forwarded to the City Council for approval.

Chair Feldsien stated that the term “proportionality” has a vague definition.

Commissioner Proud stated that the term allows discretion in judgment.

City Attorney Filla explained that a park dedication could not be required, but conditions regarding setbacks or reasonable requirements related to the variance can be required.

Commissioner Mons asked the difference between “undue hardship” and “practical difficulty.” City Attorney Filla stated that the only difference is that formerly a determination had to be made that the property could not be put to a reasonable use. The new provision is to determine that the property owner is requesting a reasonable use. It is still a determination of reasonable use but less harsh.

City Attorney Filla stated that proper notice has been given for the public hearing. Chair Feldsien opened the public hearing. There were no comments or questions.

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

VOTE:           Ayes - 6                   Nays - 0

MOTION:    by Commissioner Mons, seconded by Commissioner Wenner to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code pertaining to variances.

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This recommendation is based on the finding that the proposed changes are consistent with the recent changes in state law.

### **Discussion:**

Commissioner Solomonson asked if Chapter 207, pertaining to use standards, such as home occupations, is addressed. Mr. Warwick stated that nonconforming uses are covered in Chapter 207, which includes substandard riparian lots. There are a number of variance requests for those types of lots which is why it was included with this text amendment. City Attorney Filla stated that he would not want to see procedures or definitions changed.

Chair Feldsien asked if including Chapter 207 changes notification requirements.

Commissioner Mons offered an amendment to the motion that staff resolve the questions regarding Chapter 207. Commissioner Wenner accepted the amendment.

VOTE ON MOTION AS AMENDED:      Ayes - 6      Nays - 0

## **MISCELLANEOUS ITEMS**

### **Council Meetings**

Commissioners Schumer and Proud are scheduled to respectively attend the July 5th and July 18th City Council meetings. If Commissioner Schumer is unable to attend July 5th, Commissioner Solomonson will attend.

### **Text Amendment Discussion - Digital Billboards**

City Planner Nordine stated that this is a follow up to an earlier workshop discussion of a potential change in the Code to allow digital billboards. The Planning Commission has expressed concerns regarding safety and visual impact. Staff has prepared a draft for review. A definition has been added for dynamic display billboards. Current regulations regarding static billboards will continue to apply. The amendment will include regulations only for dynamic display billboards. Spacing locations are designated only along I-694 for safety and to not allow a proliferation of dynamic display billboards. Spacing guidelines specify distance from intersections. The spacing requirement is 1500 feet from any intersection, 300 feet from any merge lane and 5000 feet between such signs on one side of the freeway. Other restrictions cover a minimum distance between billboards. There may be topography issues, especially in the Grass Lakes open space that would require special conditions. There are also restrictions on messaging. Messages must be static with no special effects. A minimum of 8 seconds between messages is required. Brightness is regulated to prevent glare. Installation of these signs require an agreement with the City.

A copy of the ordinance was sent to Clear Channel for review. Their comments are included with the draft to the Commission.

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Commissioner Solomonson asked how 300 feet was arrived at. He would like to see this number increased. If dynamic billboards are allowed, Commissioner Proud asked if there is provision for bi-direction billboards. Ms. Nordine stated that the regulations are for one-sided billboards. Commissioner Proud thanked staff for the provision regulating brightness and suggested further detail in this definition.

Commissioner Mons asked if public service announcements would be possible that would financially benefit the City. He further asked about future intent by industry for these billboards.

**Mr. Richard Sonterre**, Clear Channel, 3225 Spring Street, Minneapolis, stated that many advertisers have different messaging depending on the time of day. Public service messaging is provided at the City's discretion. City messaging would also be on an 8-second cycle. The impact to provide information in the community is substantial. He agreed with foot candle standards for brightness because it is based on ambient light and works to everyone's advantage.

Commissioner Solomonson asked for Mr. Sonterres's response to the 300 feet from a merging lane. Mr. Sonterre agreed with this restriction and added that there are setback requirements.

**Mr. Sonterre** stated that in the next 15 years it is anticipated that there will be color changes. The signs are very expensive to build and networks are being created for their use.

It was the consensus of the Commission to have staff request a joint workshop meeting with the City Council at the July 13th City Council workshop meeting to further discuss the amendment related to dynamic billboards.

### **ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to adjourn the June 28, 2011, Planning Commission meeting at 8:35 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner