SHOREVIEW PLANNING COMMISSION
MEETING MINUTES

July 26, 2011

CALL TO ORDER

Chair Feldsien called the meeting of the July 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, Solomonson and Wenner.

APPROVAL OF AGENDA

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

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded Commissioner Schumer to approve the June 28, 2011 Planning Commission minutes as submitted.

Ayes - 6 Nays - 0 Abstain - 1 (Ferrington)

Commissioner Ferrington abstained, as she was not present at the June 28th meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the text amendment for wireless telecommunications facilities, and a text amendment for variances were approved by the City Council at the July 5th City Council meeting.

SHOREVIEW PLANNING COMMISSION - JULY 26, 2011

VARIANCE

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

The applicant has requested that this matter be held over to the August 23rd Planning Commission meeting. In accordance with the request, staff requests that the review period be extended from 60 days to 120 days.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner that at the request of the applicant, the variance application submitted by Tony and Kali Yost at 4110 Victoria Street and Kurt and Michelle Virnig at 4100 Victoria Street be tabled to the August 23, 2011 Planning Commission meeting, and that the review period be extended to 120 days.

VOTE: Ayes - 7 Nays - 0

NEW BUSINESS

RESIDENTIAL DESIGN REVIEW

FILE NO.: **2422-11-15**
APPLICANT: **JOSEPH & TAMARA DOUGLAS/**
MARLENE F. VINCENT TRUST
LOCATION: **4368 REILAND LANE**

Presentation by City Planner Kathleen Nordine

The application is to demolish the existing single-family home, remove the shed, garage and driveway; and construct a new home on the property. The new house will be 1 ½ stories with 2,928 square feet in foundation area. There will be an attached garage of 620 square feet, and landscaping will include rain gardens to manage storm water runoff.

The property is a substandard riparian lot and zoned R1, Detached Residential. It is in the Shoreland Overlay District of Snail Lake. The lot consists of 16,980 square feet with a width of 14 feet at the street and 175 feet at the Ordinary High Water (OHW). The proposal complies with the City's Development Standards for building height, foundation area, and setbacks. Four trees will be removed, including one landmark tree, which requires tree replacement. Shoreland mitigation is required. Architectural Mass and removal of the shed, a non-conforming structure, is proposed.

Notice of the project was sent to property owners within 150 feet of the property. No comments were received. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Mons asked when this property was subdivided. **Ms. Tamara Douglas**, Applicant stated that at this time only a little history is known, which does not include information on the subdivision.

Ms. Bess Jackson, 4364 Reiland Lane, asked for an explanation of Architectural Mass. Ms. Nordine explained that the intent of architectural mass is for the structure to blend in with the environment.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to approve residential design review application submitted by Joseph and Tamara Douglas for 4368 Reiland Lane, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark tree will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. 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.
6. An erosion control plan shall be submitted with the demolition permit application and implemented during demolition and construction of the new residence.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any demolition or construction activity begins.
9. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

Discussion:

Commissioner Solomonson commended the applicants for the house design, which meets all required Development Standards.

VOTE: Ayes - 7 Nays - 0

VARIANCE

FILE NO.: 2424-11-17
APPLICANT: MICHAEL MORSE
LOCATION: 1648 LOIS DRIVE

Presentation by City Planner Kathleen Nordine

The application is for a detached accessory structure on the applicant's property. The detached garage was recently demolished. The application does not comply with City regulations, and variances are requested. The variances would allow the applicant to exceed the maximum area permitted of 576 square feet and build 1,100 square feet; exceed the maximum height permitted, which is the height of the home at 15 feet--the structure proposed would be 20.4 feet; and build an interior storage area above the main floor at a height of 8 feet; City regulations allow 6 feet for the above storage area. The proposed setbacks are in compliance. The property is developed with a one-story, single-family home of 760 square feet. Lot area is 10,125 square feet with a width of 75 feet.

Construction of the garage began without a building permit. The City has issued a Stop Order. Detached accessory structures cannot exceed 750 square feet or 75% of the dwelling unit foundation area, whichever is more restrictive. Accessory structures cannot exceed 90% of the dwelling unit foundation area, or 1,200 square feet whichever is more restrictive. The intent of the regulations is to make sure accessory structures remain secondary to the residential structure on the property.

The applicant states that practical difficulty is present due to the small size of the home and lack of storage space. The proposed garage will not detract from the neighborhood, as there are other large garages nearby. Economic consideration should be taken into account, as removal of the partial construction would be a significant cost.

Staff does not believe the practical difficulty standard is met. The Code allows a garage of 576 square feet, or 24' x 24', and a storage shed of 115 square feet. Staff believes this is adequate. The garage would be larger than the house and not secondary to the residence as required. Although the house is small, this is not a unique circumstance. There are options for a larger garage, but the applicant does not believe they are feasible. The size of the proposed garage is

based on the property owner's storage needs.

Property owners within 150 feet were notified of the project. Phone calls and written comments were received in support of the project. One phone call was received in opposition.

Commissioner Wenner asked if a business is being managed from this property. Ms. Nordine answered, no, but some of the vehicles/equipment to be stored is related to the applicant's occupation.

Commissioner Ferrington asked what other options are available to the applicant. Ms. Nordine stated that one would be to add onto the house in order to construct a larger garage. The applicant states that adding onto the house is not feasible because of the interior floor layout. Another option would be to construct an attached garage which could be larger. The garage being constructed does not have frost footings and cannot be attached at this time.

Commissioner Mons asked how the City became aware of the construction and City policy regarding construction without a building permit. Ms. Nordine answered that a complaint was made, which brought the project to the attention of the City. Staff attempts to work with property owners to give them other options to consider or apply for a variance.

Mr. Michael Morse, Applicant, stated that he did not get a permit because in October he put in new windows. Requirements for that process were not inspected properly. He did not get a permit for the garage because he knows that it will be well built and sound. He noted that one of his neighbors has a garage that is higher than the house.

Mr. Morse stated he intends this house to be his permanent home. Due to the small size and his personal property, it is necessary to build a larger storage area in order for his girlfriend and two small children to move in. The garage under construction best fits their needs. The siding will be almost identical to the house. The garage is not visible from the east or west. Although larger than the house, the garage is secondary to it because it is set behind the home and appears smaller. From the street, it is not possible to determine that it is larger than the house and does not overpower the house. He has talked to his neighbors who have all been supportive. The garage provides no essentials for daily living. The primary use is for storage of vehicles, equipment and personal property. The allowed size of a garage at 24' x 24' does not allow adequate protection of their property. He has no plans to build a second accessory structure and would support restrictions from building another accessory structure. The garage allows easier access to the back yard due to a ditch that runs along the east side of the house. The loft storage is 8 feet in height to allow storage of stacks of speakers that reach 7.5 feet. The concrete and framing is completed on the structure and all of his savings have been invested. Tearing the structure down to build what the City allows is not feasible. The City's Comprehensive Plan encourages flexibility for housing for young families. Other smaller, similar homes in his neighborhood are occupied by seniors not raising families. To sell the house would mean a

significant loss.

Mr. Morse showed a number of illustrations of other houses and garages in the neighborhood to support his belief that there is no impact to the character of the neighborhood.

Commissioner Solomonson asked if it would be possible to lower the height to 15 feet. **Mr. Morse** stated that the trusses are up. They cannot be altered without ruining the integrity of the structure.

Commissioner Mons asked if construction stopped when the City informed him that a permit is needed. **Mr. Morse** stated that everything stopped and nothing has changed since the stop order was received.

Commissioner Wenner asked if the applicant is doing his own construction. **Mr. Morse** responded that he is helping. He, with friends and family are building it. Those working on it are familiar with the building trade, but they are not home builders.

Commissioner Ferrington asked why utilities were not located prior to construction. That is what triggered the City's awareness of the building. **Mr. Morse** stated that he knew the location of utilities because he installed an electrical fence. The reason he called about utilities was to be able to put in power to the garage. That is when the City came out to mark the water main.

Chair Feldsien opened the discussion to public comment.

Ms. Connie Smallman, 5629 Aldine Street, stated that she would like to see Mr. Morse stay in the neighborhood. The garage does not impact the neighborhood, and she hopes the Commission will give approval.

Mr. Calvin Nets, 5621 Aldine Street, stated that he does not have a problem with the garage being in the neighborhood.

Mr. Jay Santag, 1670 Hillview Road, expressed his approval of the project. He emphasized the storage needs of younger families. Without adequate storage, property will be stored on driveways and visible to the neighborhood. He recommended that the City consider allowing larger garages.

Ms. Jenny Mitchell, 1649 Hillview Road, stated that she lives directly behind Mr. Morse. She cannot see the garage. Mr. Morse is a wonderful neighborhood and wants him to be able to stay.

Ms. Gloria Demirulles, 625 Schifsky Road, stated that she does not know Mr. Morse but is sympathetic to his situation, but this situation would have been avoided had he sought a permit. Her concern is that others come forward without permits or build without a permit.

It is a straight forward process to get a permit from the City. Having followed procedure, they may have been able to build a structure that will meet their needs.

Ms. Darlene Lund, 1643 Lois Drive, stated that she has been in the neighborhood since her childhood. She asked why the restrictions were changed in 2006 for smaller accessory structures, when vehicles are bigger? Additional small structures in the back yard make it cluttered. The best way to protect property and have the yards look nice is to have a decent garage.

Mr. Carl Agner, 5629 Aldine Street, stated that he has seen the project and it is well constructed. Natural resources will be wasted as well as filling the landfill, if the building has to be torn down. Lumber cannot be reused according to the City Code. Houses in the neighborhood that are for sale take months and years to sell. This is an old subdivision with houses built in the 1950s. The closets and rooms and garages are small. These homeowners cannot afford a $300,000 home. This subdivision needs to be energized. Mr. Morse has good energy and helps the neighborhood. Growth is needed, not more rental property.

Ms. Laurie Welch, 5620 Aldine Street, stated that SHOREVIEW says its Code is in line with surrounding cities, but they are not. In Mounds View any size house can have a 1200 square foot garage. People have more property that they want to keep out of sight. It is not possible with small garages or accessory structures. It is not fair to have such different regulations in neighboring areas.

Mr. Chris Yanisch, 1301 Royal Oaks, stated that he is present to earn the Citizenship Badge in Boy Scouts. He very much favors their argument and does not see a problem in letting the project continue.

Mr. Jim Morse, 1041 Mercury Drive, stated that the applicant is his son. He did advise his son to get a building permit. If he had complied with the rules, he would not have a structure that meets his needs. He apologized but stated that he also understands his side. He requested Commissioners to have compassion for what the applicant and neighborhood are trying to do.

Ms. Robin Netz, 5621 Aldine, stated that she would much rather see a big garage than see all of the items sitting outside to promote vandalism.

Mrs. Tammy Santag, 1670 Hillview Road, stated that she does know Mr. Morse but supports his project. It is impossible to see how big the garage is. He is adding to the neighborhood.

Chair Feldsien closed public discussion.

Commissioner Proud agreed that the garage is difficult to see and well built.

Commissioner Ferrington commended Mr. Morse on his presentation and honesty. She also expressed her appreciation to neighbors for supporting him. The problem for her is the height of the building, and she does not like the fact that there was no application for a permit.

Commissioner Wenner stated that although the garage is well built, it is troubling that a permit was not requested. A similar situation occurred in his own neighborhood where the large garage has now become a point of contention. He also had to change houses because of space to meet his family's needs.

Commissioner Solomonson stated that the spirit of the ordinance is for the home to be the main dwelling. His main concern is the height. He agreed that there is hardship because of the size of the house, but he is concerned about the large number of items to be stored. At some point, the question needs to be asked if some property should be stored elsewhere. He would be comfortable if the height were 15 feet with the same area.

Commissioner Mons stated that approval would give others an incentive to build without a permit. The main issue for him is the height and building mass that is disproportionate. He is not so much opposed to the size area as the height and mass of the building. However, he cannot support this variance because of the precedence it would set in the rest of the community. If the applicant is willing, he believes a compromise can be reached.

Commissioner Schumer stated that he does not want to see good people leave, but the problem is the permit process. Part of being a homeowner is understanding that any building in the City needs approval. The Commission has shown its willingness to work with residents to achieve what they need. The process was not followed and he cannot support a variance.

Chair Feldsien concurred with Commissioners' comments. His issue is also the height and size. He cannot support this variance.

Commissioner Mons suggested that the Commission table the matter to give the applicant an opportunity to modify his proposal and come back. The vote at this meeting would not approve the variance.

Mr. Morse asked if there is an appeal process to go to court. He stated that he understands what the Commission has stated. He would like to table the vote, but he is nervous that if he comes back with a 15-foot height, it still would not be approved. Commissioner Mons responded that there is more comfort with some Commissioners with a 15-foot height, the same as the house. That is the reason for the 15 feet. The way the garage is laid out so that it is larger to the back has more support.

City Attorney Duffek stated that there is an appeal process if the variance is denied. If the application is tabled, the same elements are required to be found by the Commission based upon

the changes made for the August 23rd meeting.

Commissioner Proud stated that he believes there is a solution. If a vote is taken and the variance denied, and if, through appeal, the City Council denies it, a similar application cannot be made for six months.

Mr. Morse agreed to table the matter to the August 23rd meeting.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to table this application to the August 23rd Planning Commission meeting and encourage the applicant to have further conversation with staff regarding modifications of the proposal.

Discussion:

Commissioner Solomonson stated that what he is looking for in modification is a height that is similar to the house.

VOTE: Ayes - 7 Nays - 0

SITE & BUILDING PLAN REVIEW

FILE NO.: 2423-11-16
APPLICANT: RAMSEY COUNTY PARK & RECREATION
LOCATION: 4979 HODGSON ROAD/TURTLE LAKE COUNTY PARK

Presentation by City Planner Kathleen Nordine

Ramsey County is seeking approval for improvements at Turtle Lake County Park. The application includes removal of the existing bathhouse and picnic shelters and construction of a new restroom building and new larger picnic shelter of 54' x 37'. The playground would be expanded and improved and the swimming beach restored. Internal trails would connect improvements throughout the park as well as connect to the Hodgson Road Trail. Parking would be reconfigured with an additional 20 spaces. Existing parking lot lighting would be removed and two new lights installed. Storm water management would be improved with infiltration basins to capture runoff from the parking areas, playground and beach area and picnic shelter. There are no plans to change the capacity of the boat ramp parking area.

The park use is consistent with the City's Comprehensive Plan. When the Comprehensive Plan was updated in 2008, concerns were noted regarding parking and adequacy of picnic shelters during heavy use. The restroom building and picnic shelter construction will be complimentary with hip-style metal roof and decorative concrete block.

A minimum setback of 50 feet is required from the Ordinary High Water (OHW) mark. Proposed structures exceed this setback requirement. At this time, there are no storm water facilities. The County is in the process of obtaining a permit from Rice Creek Watershed for the storm water improvements.

Property owners within 350 feet were notified of the proposal, including those in North Oaks, and the Turtle Lake Homeowners Association. One comment was received in support; three comments were received that expressed concerns about financing and taxes. The tax question is outside the City's scope of review.

The proposal is consistent with the Comprehensive Plan and Development Code. The plan is in compliance with Code standards. Staff recommends that the Planning Commission forward the application to the City Council for approval with the conditions listed in the staff report.

Commissioner Proud suggested that use of security cameras would be appropriate as a public safety measure for this site. City Planner Nordine stated that the Ramsey County Sheriff's Department was notified. No response has yet been received.

Commissioner Ferrington expressed appreciation for the storm water management improvements and trail connections. However, there are no windows or skylights in the bathhouse, which will mean exclusive use of electricity. Her second concern is reducing the number of picnic shelters from two to one, which will require shared use of two or more groups. There will be more users with two separate structures.

Commissioner Wenner noted that one comment expressed concern that the current land use impacts milfoil in the lake. He asked if there is any evidence to support that concern. Ms. Nordine responded that with a public boat launch, there is the possibility with the transfer of boats from one lake to another. However, she does not have evidence that pinpoints the presence of milfoil to the boat launch.

Mr. Scott Yonke, Director of Planning and Development, Ramsey County Parks and Recreation, stated that the County is looking into installation of security cameras in parks as funding becomes available. They are very expensive. No daylight is planned for the bathhouse building due to costs. A pre-fabricated building is planned. He would be willing to look into the possibility of adding some windows. The two existing shelters are quite disconnected. The park is heavily used. It was felt that one larger shelter would be more adequate for the park. It will be located between parking lots, closer to the bathhouse and beach. A second shelter would also increase costs.

Commissioner Ferrington asked if more than one group could rent the shelter. **Mr. Yonke** answered, no. The County is finding that groups wanting to rent the shelter are increasing in size. The two existing shelters are smaller than needed. Due to budget restraints, two large

shelters are not possible.

Commissioner Mons asked a question about target population. (Did not have mike on and could not hear question.) **Mr. Yonke** stated that the picnic shelter rental is by neighborhood residents as well as residents from other cities.

Commissioner Mons stated that a single shelter is not attractive to a group of six to eight. It is too big. He is not sure the scale addresses the needs of the neighborhood as much as larger rental groups from outside. The proposal addresses the broader population rather than meeting needs of the immediate community. **Mr. Yonke** stated that as much as neighborhood use is encouraged, the needs of the County must be considered. What is proposed responds to the usage patterns observed of larger groups renting the shelter. Two shelters would mean a need for a larger restroom facility, which increase costs.

Commissioner Solomonson asked if there will be scattered picnic tables that are not in a shelter. **Mr. Yonke** answered, yes. There is also a small covered patio area on one end of the restroom building.

Commissioner Ferrington asked the rental cost for the shelter now compared to the rental cost for the new larger shelter.

Commissioner Schumer asked for clarification of financing for this project. **Mr. Yonke** stated that the project was approved by the Ramsey County Board of Commissioners and is funded by the Ramsey County Capital Improvement Program.

MOTION: by Commissioner Solomonson, seconded by Commissioner to recommend that the City Council approve the Site and Building Plan application to redevelop Turtle Lake Park at 4979 Hodgson Road, subject to the following conditions:

1. This approval permit's the redevelopment of the Turtle Lake Park in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.

2. Final grading, drainage, erosion control and utility plans are subject to approval by the Public Works Director.

3. A City water permit is required prior to installing the new water tap and associated service line.

4. Lighting on site shall comply with Section 206.030 of the Development Code.

5. City permits shall not be issued prior to Rice Creek Watershed District issuing a permit for the project.

6. The staff is authorized to issue grading and building permits for this project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the R1Detached Residential District.

2. The use and proposed alterations are consistent with the Planned Land Use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 10 Parks.

3. The storm water management plan is consistent with the City Surface Water Management Plan.

4. The redevelopment is consistent with the Architectural and Site Design criteria and other standards specified in the Municipal Code.

Ms. Nordine noted that the proposal was not opened to public discussion.

Commissioner Solomonson withdrew the motion.

Chair Feldsien opened discussion to the public.

Mr. Larry Dole, 684 Sunset Court, stated that milfoil is not a native plant in Turtle Lake and has been brought in. This proposal addresses a land use issue but does not address lake issues. His letter advocates a user fee for users because he believes they contribute to the problem.

Ms. Gloria Dumeireles, 625 Schifsky Road, stated that one of her concerns is lighting in the park with more people walking the proposed trails at night. Also, there is a safety concern for neighbors with more people in the park. The ball field is quite rough and hard to use. Large groups come to use the ball field, and she would like to see improvements to it. She asked if there will be any provision for storm shelter for people in the park. As much as the park should be enjoyed, she is pleased that improvements appear to be further away from residents in her neighborhood.

Mr. Yonke responded that the existing light poles will be removed. Two light poles will be added. Security lighting will be added to the building. Hours are one-half hour after sunrise to one-half hour after sunset. He will look into whether some small improvements can be made to the ball field that remain within budget. There are no storm shelters in the park and none are planned.

Mr. Mike Johnson, 662 Sunset Court, stated that his concern is connection of the bike path to the path to the lake. It is not necessary to pave grass in the park to provide a trail to the lake.

The infiltration pond for the upper parking lot would remove several oak and pine trees. He requested the location of the pond be where it is not necessary to remove trees. The proposed improvements at a cost of approximately $900,000, do not address milfoil or zebra mussels in the lake. He recommended better signage and availability of water for boat owners to wash their boats. He urged voting against the proposal in its current form.

Commissioner Ferrington defended the need for a bike trail. It is too dangerous for children to be biking through the parking lots.

MOTION: by Commissioner Solomonson, seconded by Commissioner Schumer to recommend that the City Council approve the Site and Building Plan application to redevelop Turtle Lake Park at 4979 Hodgson Road, subject to the following conditions:

1. This approval permit's the redevelopment of the Turtle Lake Park in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.

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3. A City water permit is required prior to installing the new water tap and associated service line.

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This approval is based on the following findings:

1. The proposed use is a permitted use in the R1Detached Residential District.

2. The use and proposed alterations are consistent with the Planned Land Use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 10 Parks.

3. The storm water management plan is consistent with the City Surface Water Management Plan.

4. The redevelopment is consistent with the Architectural and Site Design criteria and other

standards specified in the Municipal Code.

Discussion:

Commissioner Proud stated that he strongly disagrees with the proposal in its present form. He agreed with Commissioner Mons that a community focus is not present. Two or more smaller shelters would be more appropriate for the community. A security camera system is a basic need.

Commissioner Solomoson responded that Shoreview is fortunate to have many parks. The trend is to build larger shelters. He supports a large shelter because the park is smaller, and unsheltered picnic tables are available.

Commissioner Ferrington suggested amending the proposal to be forwarded to the City Council with Commissioners' comments.

Commissioner Mons stated that the application should be voted up or down. He, too, is unwilling to support it.

Chair Feldsien stated that whether the proposal is approved or not by the Planning Commission, the City Council has access to the meeting minutes and comments made.

VOTE: Ayes - 4 Nays -3

Commissioner Mons requested a roll call.

ROLL CALL: Ayes: Feldsien, Schumer, Solomonson, Wenner
Nays: Ferrington, Mons, Proud

PUBLIC HEARING TEXT AMENDMENT - DYNAMIC DISPLAY BILLBOARDS

FILE NO.: 2420-11-13
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Nordine

The previous draft of this text amendment allowed only off-premise dynamic display billboards. However, there is a legal concern that all signs must be treated equally. Therefore, the proposed draft includes static and dynamic billboards. Billboards are allowed along high traffic volume roads, which is I-694 where the City has control of both sides of the road. I-35W is not included

because the cities of Mounds View and Blaine are on the other side. Billboards would be allowed in a Planned Unit Development with zoning of C2, Commercial and Industrial districts. Spacing requirements are that billboards must be placed within 100 feet of the highway. A lineal distance between off-premise signs is 5,500 feet. The minimum setback for the sign structure is 10 feet and from an intersection 1,300 feet measured from the center line of the highway. There is also a 500-foot setback required from a residential use.

Staff is recommending that a visual impact study be required prior to issuance of a sign permit to address impact on residential uses or obstruction of views of County Open Space. Signs could be placed on vacant properties, unless there is a building or structure on the property. Dimensions are: 1) maximum sign area permitted is 700 square feet; 2) maximum height is 50 feet or up to 70 feet if obstructions are present; and 3) two-sided signs are permitted. Brightness cannot exceed 0.3 foot candles above ambient light at a distance of 250 feet from the sign face.

This ordinance amendment was noticed in the City's legal newspaper. Clear Wire has provided written and verbal comment regarding more flexibility with materials and brightness. Clear Wire has interest in placing a sign on the tower property, which is vacant but has the tower structures. There is also concern about being required to participate in the State Public Safety Program, if that program were to be discontinued.

Staff is recommending the amendment be forwarded to the City Council for approval as amended.

Commissioner Solomonson clarified that the 5,500 measurement between signs is only on one side.

Commissioner Ferrington stated that if there is a two-sided sign, it needs to be clarified that the measurement is only from one side. Ms. Nordine responded that measuring from both sides would be too restrictive.

Chair Feldsien opened the public hearing.

Mr. Richard Sontere, 3225 Spring Street NE, Minneapolis, stated that he is present from Clear Wire to answer questions. He commended staff for their efforts and cooperation.

Commissioner Solomonson asked why the tower property would be excluded from use for a billboard. Ms. Nordine answered that the property is not properly zoned, and there would be a spacing issue. Consideration of the tower property for a billboard in the future would require an ordinance amendment.

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

VOTE: Ayes - 7 Nays - 0

Commissioner Proud referred to page 2 under General Standards, 2A and asked that the right-of-way referred to be specified. In item B below, he asked if the minimum lineal distance is a straight line. If so, stating straight line may be clearer. Item 2F, regarding the visual impact analysis, should be at the expense of the applicant. Item 3, regarding vacant properties, he stated that it is ambiguous as to how a lot split would be handled. On page 3, 2A, regarding brightness, he would change "shielding to minimize glare" to "shielding to minimize spill over light." Under item 2B, reference to photo cell should be more generic. He disagreed with the method to measure 0.3 foot candles under item 2C. He believes the measurement should be at the face of the sign, not 250 feet. This should be reviewed by an engineer. On page 4, 50% of replacement value should state replacement cost. Also, he would like to see an added condition that approval would be for a limited time period.

MOTION: by Commissioner Solomonson, seconded by Commissioner Schumer to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Codepertaining to the Off-premise Advertising Signs. The ordinance provides locationssuitable for off-premise advertising signs but also prevents proliferation and minimizes impacts due to the proposed location standards. A public benefit is achieved through public service announcements and required participation in the State's Safety Alert System.

Discussion:

Chair Feldsien asked if Commissioners would like to incorporate any of the suggested changes by Commissioner Proud.

Commissioner Mons asked Commissioner Proud to offer amendments to the proposed motion.

Commissioner Proud responded that he does not want to offer amendments, as he does not believe the ordinance amendment is ready for a vote. More careful examination is needed. He supports the concept, but he will vote against the motion, as he believes the items he mentioned have not been appropriately covered, such as the measure for brightness.

Commissioner Solomonson noted that the measure for brightness stated is an industry standard. Commissioner Proud responded that the industry standard is not necessarily what is best for SHOREVIEW.

VOTE: Ayes - 6 Nays - 1 (Proud)

MISCELLANEOUS

City Council Meetings

Commissioners Wenner and Schumer are respectively scheduled to attend the August 1st and August 15th City Council meetings.

Workshop

The Planning Commission will hold a workshop at 6:00 p.m. on August 23, 2011, prior to the regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the July 26, 2011, Planning Commission meeting at 10:10 p.m.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

_____
Kathleen Nordine
City Planner