

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: AUGUST 6, 2013
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

**1. CALL TO ORDER
ROLL CALL
APPROVAL OF AGENDA**

2. APPROVAL OF MINUTES

June 25, 2013

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: July 1, 2013, July 15, 2013, August 5, 2013

4. NEW BUSINESS

A. MINOR SUBDIVISION

FILE NO: 2491-13-18

APPLICANT: Lawrence Liu / Jill Wilson

ADDRESS: 3330 North Victoria Street

B. RESIDENTIAL DESIGN REVIEW

FILE NO: 2492-13-19

APPLICANT: Randy Ban / Sally Gilchrist / Building Concepts & Design, Inc.

ADDRESS: 5131 Alameda Street

5. OLD BUSINESS

A. PUBLIC HEARING-TEXT AMENDMENT – SIGN CODE

FILE NO: 2440-12-3

APPLICANT: City of Shoreview

ADDRESS: City Wide

6. MISCELLANEOUS

A. City Council Meeting Assignments for *August 19th, 2013*
Planning Commissioners *Schumer and Wenner*

B. Scheduled Planning Commission Workshop:
August 27th – After the regular meeting.

7. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
JUNE 25, 2013**

CALL TO ORDER

Chair Solomonson called the June 25, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson, Commissioners McCool, Schumer, Thompson and Wenner.

Commissioners Ferrington and Proud were absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the June 25, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the May 28, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Wenner)

REPORT ON CITY COUNCIL ACTIONS:

City Planner Kathleen Nordine reported that the following matters were reviewed and approved by the City Council:

- RJ Marco Building Addition, 577 Shoreview Park Road
- Preliminary Plat and Planned Unit Development Amendment for Target, 3800 North Lexington

NEW BUSINESS

PLANNED UNIT DEVELOPMENT - CONCEPT STAGE

FILE NO.: 2489-13-16
APPLICANT: RUTH KOZLAK, UNITED PROPERTIES RESIDENTIAL, LLC/ZERR
ADDRESS: 4785 HODGSON ROAD, 506 TANGLEWOOD DRIVE

Presentation by City Planner Kathleen Nordine

United Properties is proposing to redevelop the Kozlak’s Restaurant site and the adjacent property that has a single family home. Combined, the site would consist of approximately just over 4 acres. This proposal would demolish existing site improvements in order to construct a three-story senior residential cooperative building with 87 units. The Senior housing land use designation allows 45 units per acre. The building would be three stories with a central core and four building wings. Two accesses are proposed, one off Hodgson Road and one off Tanglewood Drive. Surface and underground parking would provide a total of 122 stalls. Varied setbacks are proposed, but the developer plans to comply with City setback requirements. Adjacent uses of the property are single-family residential and some office development to the north. Landscaping and a storm water pond would be included in the site design.

The Concept Stage is the time to identify potential concerns to be addressed by the developer. A number of applications will be required, including a Comprehensive Plan Amendment to change the land use from Office and Low Density Residential to Senior Residential, rezoning from Office and R1, Detached Residential to PUD; a preliminary and final plat; the Development Stage and Final Stage applications of the PUD; and a vacation on Hodgson Road.

Immediately to the south of the site is Policy Development Area (PDA) No. 9, which addresses potential redevelopment of the east and west sides of Hodgson Road. The east side has been developed with single-family detached town homes and senior housing. The west side continues to have single-family residential. Future land use within this PDA are designated for office and low density residential.

The proposed site is not included in PDA No. 9. As Hodgson Road is an arterial road, this proposed use could provide a transition from Hodgson to lower density residential neighborhood immediately west of the development site. Otherwise, uses permitted in the Office zoning district include , restaurants, medical/dental facilities, offices and daycare facilities which could be developed on this property with Site and Building Plan Review.

The building design results in varied setbacks. The underlying zone would be multi-family residential. The required setback for the proposed building would be 30 feet, if the building is 35 feet in height or less. Should the height exceed 35 feet, then the setback must be increased for every foot of added height beyond 35 feet. As proposed, only the corners of the building would be setback 30 feet.

The proposed 122 parking stalls is less than the required 217.5 stalls required in an R3 District. This ratio is based on general occupancy buildings. Experience has shown that senior living facilities require less parking. The proposal is within range of other senior living facilities in the City that have 1.4 stalls per unit.

Senior housing generally has a lower traffic impact since traffic generated occurs off-peak and does not elevate the number of cars at peak hours. The average daily number of trips expected is 303 with 48 trips during peak hours on the weekend and 25 peak hour trips during weekdays. Based on the design of the roads, staff believes there would be minimal impact. A traffic study will be required with any future application.

Property owners within 350 feet were notified. Concerns expressed relate to the loss of the restaurant, compatibility of this use, traffic and visual impact and whether there is a need for more senior housing in the City.

The Lake Johanna Fire Department has reviewed the proposal as has Ramsey County Public Works Department. Ramsey County appears to be willing to vacate the excess right-of-way but will do so with the requirement of added road-right-of-way along Hodgson Road.

Commissioner Thompson asked if consideration has been given to the fact that this facility is expected to attract a younger population and that it can be expected that there will be more than one vehicle per unit. Her concern is whether the proposed parking is sufficient. Ms. Nordine responded that staff reviewed parking in comparison to other senior living in the City. There are a number of types of senior living in the community. Those that are general occupancy fall into the 1.4 to 1.7 stalls per unit ratio.

Commissioner Wenner asked what plans the City has with regard to reconstruction of Highway 49. Ms. Nordine answered that Highway 49 is a County Road and falls under the County's Jurisdiction. There are plans for the reconstruction of this roadway south of Highway 96. She is not aware of plans to the north.

Mr. Brian Carey, United Properties, stated that it is a company in the Twin Cities since 1916. The company is active in all areas of residential and commercial real estate. The State Demographer chart shows a significant demand for senior housing. It is estimated that the population will grow in the next 10 years by 237,000 people, over 200,000 of whom will be over age 55. Between 2010 and 2030, a population growth of over one-half million is expected with some 400,000 being over age 55. That is why his company is focusing on senior living. There is a shortage of senior housing in the Twin Cities and a shortage of good sites. With some 2500 cars per day on Tanglewood and 14,000 per day on Hodgson, this site is not good for single-family residential but is worthy of consideration for higher density senior housing.

Parking is planned in front so as to not be seen by neighbors. The configuration of the building with a central core and four wings means that less than half of the building is seen from any one view. It is not a long wall building. Neighbors' concerns focus on loss of trees, proximity to residential homes, how access would work, exterior lighting that will shine into yards and windows, loss of sunlight during the day and drainage issues. The land to the west is lower in

grade, and residents do not want flooded yards. The closest point to residences is a corner that is heavily landscaped. A strong landscape plan will be developed with feedback from neighbors. No large down exterior lights will be used. Ground level bollard style lighting will be used that does not shine into any yards of residents. Building shadows into yards will not occur after 9:00 a.m. in summer. In winter, the one home where there is a shadow after 9:00 a.m. is gone by 10:00 a.m.

The main concern of neighbors is height of the building and proximity to houses. City regulations allow 35 feet in height, which is what is proposed. A minimum setback from homes would be 100 feet and some as much as 200 feet. Typical side setbacks in this neighborhood are 10 to 20 feet. The plan is meant to be a good neighbor in the community.

Chair Solomonson asked about the slope of the roof and whether it is 35 feet to the midpoint. Mr. Carey stated that will be explored. It would be his preference to have a steeper slope with 39 feet at the midpoint. Chair Solomonson asked if two stories were considered. Mr. Carey responded that two stories is not economically viable. The topography on the south would make the southern wings look like two stories.

Mr. Carey explained that the senior housing proposed is for those in their late sixties and early seventies and are very active. The building across the street is assisted living and very different.

Commissioner McCool asked if the grade of the site requires lifting the building. The drop in grade appears to be three feet from 927 to 924.

Commissioner McCool asked about discussions with the County regarding access. **Mr. Mark Nelson**, United Properties, stated that specific discussions have not taken place about access from the excess right-of-way. It is planned to be south of the median and north of the existing Kozlak's access.

Commissioner McCool requested that the data from the traffic study, the photometric and shadow studies be made available to the Commission at the Development Stage application presentation. He would also like to see the parking study

Commissioner Thompson asked the price of the units. Mr. Carey answered, approximately \$300,000. He noted that 20% of buyers in the Roseville facility are from Shoreview, which speaks to the need of this type of facility in Shoreview.

Commissioner Wenner asked what measures would be provided for people to move around without vehicles. Mr. Carey stated that there is a trail convenient to the site and a trail around the site. The site is close to retail services that residents can walk to. Designated areas in the building are provided for bicycle storage.

Chair Solomonson opened the meeting to public comment.

Ms. Adrienne Sampson, 581 Kent Court, stated that the age group this building is supposed to appeal to is not moving to senior living places. They are moving to patio homes or

condominiums. She questioned that parking would be sufficient. When she visits her mother, who is in a large facility, there is never enough parking. She would like to know the cost of the underground parking proposed. Where her mother lives underground parking costs thousands of dollars. The wing design is common, and seniors who live in these facilities complain about the long walk just to get to the dining room. She believes Shoreview has quite a few senior living developments already.

Ms. Mary Austin, 525 Chandler Court, stated that a petition was circulated to neighbors and obtained 110 signatures from neighbors south and north of Tanglewood. The building proposed is too massive. Most of what was discussed at the neighborhood meetings was downsizing. Residents are worried about privacy and the character of the neighborhood. This development would be in the middle of the neighborhood. She would hope that any trees planted would be pines and firs, not deciduous trees that do not provide screening in winter.

Ms. Maureen Iten, 4815 Kent Drive, stated that she did not receive a letter for residents within 350 feet. She stated that the center turning lane on Hodgson Road is a problem. The turning signals are confusing and should be fixed. She suggested the community areas on second and third floor to preserve privacy of adjacent homes. She took issue with the notification process, that it include all of Shoreview, as this development will impact all of Shoreview.

Ms. Lisa Fuechtmann, 495 Chandler Court, stated that she has pine trees that are on the property line and she wants to know if the trees will be cut down and whose responsibility it would be if they have to be removed. There is also a fence and will it be replaced? She is concerned about flooding in the back yard and would like more information about that.

Mr. Bill Sazenski, 525 Chandler Court, stated that there were immediate neighbors who attended the neighborhood meeting. Approximately 20 to 30 attended. Overwhelmingly, the immediate neighborhood is against the size of this project. It needs to be downsized. There has been discussion of downsizing to two stories for the portion of the building closest to residences. Although he does not want to move, he does feel threatened by the size of the project. It is his hope that a middle ground solution can be found. He suggested more open space in the back that will benefit senior residents as well as neighbors.

Mr. Jason Louie, 4760 Chandler Road, stated that he attended both neighborhood meetings. His strongest concern is the size of the proposal, and that is the one thing they have not addressed indicating it is not economically viable to reduce the size. The size of this project will greatly reduce his amount of privacy. He moved to Shoreview for the small town atmosphere. If this is developed, he and his family will have to consider moving. The question is if this is what Shoreview should be moving toward. Looking out his back windows he will only see that that huge building.

Mr. Michael McGuire, 515 Chandler Court, stated that the neighborhood could do worse. Something will happen to this property. If the project is not economically viable, it cannot be built and no one knows what will come next.

Ms. Barbara Evans, 514 Tanglewood, stated that the 3-story building with balconies will mean people looking right over her property. She has a porch she is fond of using that will become a fishbowl. She suggested that the people living there would mostly interact with themselves and questioned whether they would interact with the community. There are a lot of water areas in this project. There are neighbors with small children and United Properties was asked if the ponds would be fenced. The response was that it is the parents' responsibility to watch the children. She would much prefer an office building. An office building would be vested in the community and likely not open on weekends.

Ms. Diane Close, 4511 Kent Street, stated that a number of neighbors on her street and Laura Lane are impacted by the traffic. She and her neighbors thought the development was going to be an extended patio for Kozlak's or a new parking lot. No one had any idea that a senior living complex was proposed. There is another just down the road within walking distance. This takes away opportunity to spend money in Shoreview. An office or mixed use office complex would be better. There is no public transportation for these people who will have to depend on cars and will be a burden on the amenities in Shoreview.

Mr. Bret Campbell, 485 Chandler Court, stated that he attended one neighborhood meeting. There is no opposition to United Properties and their quality buildings. This is the only one surrounded by single-family housing. To the northeast, west and south within blocks is some type of senior housing and services. He questioned what will happen to these buildings in 30 years, when the baby boomer generation is gone. There is a web page on United Properties website that advertises the project as if it is a done deal. He lost a lot of trust in what has been said after he found the web page.

Mr. Chuck Anderson, 522 Tanglewood Drive, stated that one of the constants in the process is change. He believes there could be a lot worse use for the space. He would favor continuing to work with United Properties to see what modifications can be made.

Ms. Deb Craigmile, 545 Tanglewood Drive, stated that she likes the aesthetics of the proposed plan, which is a bonus. Her concern is for residents closest to the site, and their comments need to be strongly considered and be involved in the discussion process. Her concern is also for the traffic pattern and parking. There is no parking on Tanglewood on either side. Where would overflow parking be? For her own personal gatherings, people park on Chandler and Kent. She is concerned about staff and how many will support the site and their parking. She does not support a 3-story structure, which means high density. The closest residents need to think about what they will accept. She recalled that a library was proposed on the Rainbow site. Residents opposed the library, and Rainbow came in.

Mr. Jake Monge, 538 Tanglewood Drive, there are rules and policies in Shoreview about land uses--the Comprehensive Plan, zoning. It is a legislative process to change those policies and rules. He urged the Commission to take the rules into consideration. Residents are being asked to comment on a project with little information--no measurements of setbacks, no traffic study, no elevations. This information needs to be presented.

Ms. Laura Stans, 477 Old Chandler Road, echoed everything that has been said. Her concern is about safety and adding even more senior living in this area. It makes the community older rather than development that offers activities to attract younger people.

In response to concern about notification of residents, **Mr. Carey** stated that the neighborhood meetings and notices sent out by United Properties is in addition to what the City requires. Notices will continue in accordance with City requirements. Further, he stated that there is a misperception about the responsibility of parents to children in regard to the ponds. That is not an accurate reflection of his statement. Also, the building is not being secretly marketed on the website. There have been two marketing meetings where it was made clear that local approvals have not yet been secured. It takes over a year to market this type of community. The next step is a concept review at the City Council meeting on July 15, 2013.

Ms. Nordine noted that notices will not be sent out again before the Council meeting. Future notices will be in accordance with City regulations within 350 feet. Anyone who wishes to receive a notice can contact the City to be put on the mailing list.

Commission Comments:

Chair Solomonson agreed that there is a lot of senior housing in Shoreview. His biggest concern is the proximity to residential properties. There needs to be sensitivity and more of a transition to make it compatible. He would like to see the southwest and northwest corners dropped to two stories.

Commissioner Schumer stated that this is the beginning of a long process. The developer is here to listen and to build something that will be accepted in the neighborhood. He believes the notification process is adequate at 350 feet. Residents would be upset if taxes went up because of citywide notification of all development. For those interested and concerned, be sure to attend neighborhood meetings and get the word out. He also has concerns about the size and proximity to the neighborhood. It is a process and the Commission will be reviewing it again with further changes.

Commissioner Wenner stated the development proposed is to a market that he does not believe is being reached currently in Shoreview. His concern is the size of the building where it is closest to neighboring residences. Many of these issues were raised with the senior living facility that abuts North Oaks. Concerns were raised early in the process and addressed. He appreciates that this discussion can take place early in the process with this project so that concerns can be taken into consideration.

Commissioner Thompson stated that she would prefer a development that would be more retail and restaurant oriented. Residents do not want to see Kozlak's leave but want to see something brought in where people can go. She also realizes that the data presented supports the need for this type of senior housing. However, she has some concerns about the proximity to the residential neighborhood and sufficient parking. She thanked residents for coming forward.

Commissioner McCool stated that he questions the appropriateness of this use. This site is underdeveloped and will be redeveloped more densely, which will impact neighbors. He questions whether there is too much senior housing. However, United Properties is one of the most respected developers in the Twin Cities, and they believe the project is viable. Reducing the number of units means fewer amenities, such as landscaping. If senior housing is developed, he, too, would like to see the impact to neighbors reduced either through landscaping or site design. There are rental apartments that abut residential neighborhoods, and he believes this is a high end product that is better.

VARIANCE

FILE NO.: 2487-13-14
APPLICANT: TIM AND THERESA GEDIG
ADDRESS: 4305 BRIGADOON DRIVE

Presentation by City Planner Kathleen Nordine

This application is for a home addition that reduces the rear yard setback from 30 feet to 27.5 feet. The addition will be two stories on the rear of the home to provide 548 square feet of living space. The main floor will be dining and living space; the second floor will be a loft. An existing porch would be removed and the addition constructed in place of the porch. A small corner of the addition would encroach into the setback by 2.5 feet.

The applicant states that the addition will provide needed living space. The addition is a minimum intrusion into the minimum setback. The angle of the home impacts the proposed addition and setback from the rear lot line.

Staff believes that the proposal is reasonable. There are constraints on the existing home placement which dictate where an addition can be constructed. Landscaping can minimize any impact to the property to the south.

Property owners within 350 feet were notified. One written response was received in support. One phone call was received with concern about the encroachment and loss of open space between yards.

Staff believes practical difficulty is present and recommends approval of the variance with the conditions attached.

Chair Solomonson questioned the space between the home and addition that causes the variance.

Mr. Tim Gedig stated that the space will be used for utilities, such as air conditioning. It also preserves the windows in the bathroom adjacent to that space. The house is an A frame, and to place the addition abutting the house would look dumb. There are many angles on the house and many designs were tried. This is the only aesthetically pleasing design. He stated that he is adding a rain garden to the existing landscaping.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the variance request submitted by Tim and Teresa Gedig, 4305 Brigadoon Drive, reducing the minimum 30-foot setback from a rear property line to 27.5 feet to construct an addition onto the home, subject to the following conditions:

1. This approval will expire after one year if a building permit has not been issued and work has not begun on the project. The project shall be completed as identified in the plan submittal. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. To mitigate the visual impact of the addition, landscaping is required along the southern property line. A landscape plan shall be submitted prior to the issuance of a building permit.
3. The 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 or site work begins.

This approval is based on the following findings of fact:

1. Reasonable Manner. The applicant's proposal to construct an addition onto the rear building wall is reasonable. The addition has been designed to minimize the encroachment into the rear yard with only a small corner of the building located in the setback area. The angle of the addition will minimize impacts on the adjoining property.
2. Unique Circumstances. The property is a corner lot and subject to more restrictive setback standards than interior lots. The angle of the home is unique and when combined with the interior floor layout of the home, difficulty is created regarding the placement of an addition onto the rear of the home.
3. Character of the Neighborhood. The proposed setback of the addition will not alter the character of the neighborhood. A reduction of the required rear yard setback to the 27.5 feet proposed would have minimal impact on the character of the surrounding neighborhood. Due to the angle of the addition, the majority of the required rear yard will remain open.

VOTE: Ayes - 5 Nays - 0

VARIANCE

FILE NO.: 2488-13-15
APPLICANT: KEVIN STOSS/MONTSERRAT TORREMORELL
ADDRESS: 226 OWASSO LANE EAST

Presentation by City Planner Kathleen Nordine

The application is to demolish a legal nonconforming accessory structure and reconstruct a new detached garage that will be slightly larger and taller. An existing nonconforming structure may be maintained, if the size is not increased. The variances requested are to maintain the existing

4.5 foot side setback from the property line and to increase the maximum square footage permitted from 1200 square feet to 1,292 square feet.

The property is .78 acre in size and zoned R1, Detached Residential and is also in the Shoreline Overlay District of Lake Owasso. The existing slab will be retained and a new slab poured over it with an increase in size from 480 square feet to 520 square feet. The height will also be increased from 12 feet to 17 feet. Other existing accessory structures will remain and include an attached garage of 672 square feet and storage shed of 100 square feet.

Staff finds that the request is reasonable in light of the location of the garage and driveway storage needs for the applicant. Unique circumstances are present due to the lot configuration, location of the garage, legal nonconforming garage at a 4.5 foot setback. A new garage that is consistent with the character of the home will not alter the character of the neighborhood.

Property owners within 350 feet were notified. Two responses were received in support and one comment with no concerns. Staff is recommending approval with the conditions listed in the staff report.

Mr. Stoss, applicant stated that the increase in size is to be able to store a boat and trailer.

Commissioner McCool agreed that the request is reasonable, but he is struggling with the need to increase the size of the garage in light of the City's ordinance. However, as a riparian lot, he understands the need to store a boat.

Chair Solomonson stated that two feet is a nominal and small increase that seems reasonable. Without the increase a variance would not be needed.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to adopt Resolution 13-58 approving the variance permitting and extension of two feet along the current legal non-conforming setback and the increased total accessory square footage to 1292. Unique circumstances are present and the proposed project supports the City's housing goals regarding reinvestment and neighborhood preservation. Said approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Reasonable Manner. In Staff's opinion, the variance request to rebuild the garage in the proposed location represents a reasonable use of the property. City Code permits detached garages as an accessory use. By establishing these provisions, the City deems that a detached garage represents a reasonable use of the property provided Code standards are met. Garages, especially in Minnesota, are needed for vehicle parking and storage of normal household equipment and supplies. Throughout Shoreview, they are a standard feature of detached single family residences. The existing garage can be reconstructed in the same location, provided the square footage remains the same. Since the applicant is proposing to expand the length 2-feet and raise the height of the building, the variances are needed.

The need for the variance request is due to the encroachment on the 10-foot setback from the lot line and the added square footage. Rebuilding the current garage in conformance to the existing setback would result in the garage length being too short to park the boat trailer, thus not alleviating the outdoor storage and parking of the boat/trailer. The current garage is also aligned with the asphalt from the existing driveway so relocating it within the setback would require repaving that portion of the driveway.

The City has discretion in determining 'reasonable use', and in this particular case, staff believes the area of the existing garage does not provide for the parking and storage needs of the homeowner, and that reasonable use is limited by the requirements of the Development Code.

3. Unique Circumstances. The circumstances warranting a variance stems from the uniqueness of the parcel. It is a riparian parcel with a shared driveway and no front lot line. The garage was constructed in 1960 in conformance with City setback regulations at the time. The variance requested will maintain the existing setback, extending it by two feet to the south, and is reasonable due to the location of the existing garage and driveway. The additional two feet expands the accessory square footage total to 1292 square feet. Construction of a detached garage conforming to the 10-foot setback from the lot line would result in a garage that is misaligned to the current shared driveway.
4. Character of Neighborhood. The existing detached garage does not meet or enhance the character of the neighborhood and tear down and rebuild would be an improvement. The proposed garage would match the architectural style of the current home and would be similar in style and setback to the neighboring garage at 224 Owasso Lane E.

VOTE: Ayes - 5 Nays - 0

OLD BUSINESS

COMPREHENSIVE SIGN PLAN

FILE NO.: 2479-13-06
APPLICANT: LAWRENCE SIGNS/NORTHERN TIER RETAIL
ADDRESS: 3592 LEXINGTON AVENUE

Presentation by City Planner Kathleen Nordine

This application was reviewed by the Commission in March and tabled because of the extensive use of graphics proposed. The plan has been revised. SuperAmerica is on the corner of County Road E and Lexington Avenue. The graphic is intended as communication and identification of SuperAmerica. Staff does define the graphic as a sign.

The graphics on the top tier and rear of the building have been removed. Graphics are proposed on the main portion of the building and on the canopy. The deviations needed are for the SuperAmerica sign length and graphic pin stripe length on the building and canopy. Staff believes the signage provides a good balance of communication by SuperAmerica on their identification and theme without overdoing it. What is proposed is similar to other signage approved by the City. Staff is recommending approval subject to the conditions listed in the staff report.

The applicant stated that the site is now owned by SuperAmerica; it is owned by Kath Oil Company which has another station in Shoreview. The canopy needs graphics to display what is being sold. It is not unreasonable or gaudy. The business plans to be there for at least the next 10 years.

Chair Solomonson agreed that the proposed signage is reduced and it is much clearer the way it is now designed.

Commissioner McCool stated that he did not disapprove of the first proposal and would support this proposal which is less intense.

The applicant asked if SuperAmerica can be located on both sides of the canopy, as it is at an angle toward both County Road E and Lexington. Ms. Nordine stated that staff reviewed the revision and calculated the signage area showing Option C, which is SuperAmerica stated on only one side of the canopy.

Commissioner McCool stated that in the March submittal there was no signage on the southwest corner. By removing the striping but having words on both sides does not increase what is proposed. He believes the signage on both sides makes sense.

Mr. Michael Waich, Applicant, stated that initially the proposal was larger but with signage on both sides of the canopy.

Ms. Nordine stated that if it is the same type of sign, the area calculation on northern side is 27.1 square feet. The main difference is the graphics on the building.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Comprehensive Sign Plan submitted by Lawrence Signs, for the SuperAmerica fuel station at 3592 Lexington Avenue, subject to the following conditions:

1. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application, including the revision of the southwest canopy replacing a portion of the pin stripes with SuperAmerica text. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of any signs on the property.

This approval is based on the following findings of fact:

1. The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign. Each type of sign (freestanding, wall, canopy and incidental) uses uniform color and materials, and with colors generally based on the SuperAmerica theme.
2. Approving the deviation is necessary to relieve a practical difficulty existing on the property. The angle-orientation of the building provides some difficulty in the identification of the business. The proposed sign plan relieves this difficulty by placing copy signage on the fascia of the canopy and on the building wall in a manner that effectively identifies itself.
3. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site. The wall and canopy signs proposed, including the graphics band, give a uniform appearance to the building and canopy. Use of the graphics provides a greater aesthetic appeal for the site.
4. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance. The configuration of the structure on the property is unique due to the building orientation. The proposed signage is reasonable for this type of use and uses the facades which are most visible or of importance to identify SuperAmerica.
5. The resulting sign plan is effective, functional, attractive and compatible with community standards. The sign plan proposes signs, including graphics that are effectively displayed, improve the appearance of the site/structures and are compatible with community standards applied to similar uses.

Discussion:

Commissioner McCool offered an amendment that the text on the southwest canopy would match that on the northeast canopy. Commissioners Schumer and Thompson accepted the amendment.

VOTE: Ayes - 5 Nays - 0

MISCELLANEOUS

City Council Meetings

Commissioner Proud and Chair Solomonson will respectively attend the July 1, 2013 and July 15, 2013 City Council meetings.

Schedule Change

The next regularly scheduled Planning Commission of July 23, 2013 is changed to August 6, 2013. Commissioner Thompson stated that she would be absent from that meeting.

Planning Commission Workshops

The Planning Commission will meet in a workshop on July 16, 2013, at 6:30 p.m. to discuss storm water management in a joint session with the Environmental Quality Committee (EQC). In addition, the Commission will also discuss message center signage, which will be considered at the August 6th meeting.

A workshop is scheduled on August 27, 2013, at 6:00 p.m. immediately prior to the regularly scheduled Planning Commission meeting.

Commissioner Wenner stated that it is not possible for him to get to a 6:00 p.m. workshop meeting and would prefer that workshops be scheduled after the regular meeting. It was the consensus of the Commission to schedule the workshop after the regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to adjourn the meeting at 9:58 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

TO: Planning Commission
FROM: Niki Hill, Economic Development and Planning Technician
DATE: July 31, 2013
SUBJECT: File No. 2491-13-18; Minor Subdivision, 3330 Victoria Street

INTRODUCTION AND BACKGROUND

The Lawrence AS Liu Estate submitted a minor subdivision application to divide the property at 3330 Victoria Street into two parcels. The property is a double fronted lot located east of Victoria Street and west of Emmert Street and is currently developed with a single-family residence, detached garage and other ancillary site improvements. These structures will remain on Parcel A and a new single-family residential home would be constructed on the newly created Parcel B in the future.

Adjacent land uses include single-family residential, with the property directly to the north along Emmert Street being vacant. The existing home is serviced with city sewer and water. Sewer and water connections were previously installed for a new parcel on Emmert Street, in anticipation of a future subdivision.

This application was complete as of July 22, 2013.

MINOR SUBDIVISION

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R1, Detached Residential, as are the adjacent properties. In this district, lot standards require a minimum lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet. Minimum structure setbacks for a dwelling are 30 feet from a front and rear property line and 10 feet from an interior side lot line. A 5-foot minimum side yard is required for accessory buildings including detached garages.

STAFF REVIEW

The applicant is proposing to leave the existing site improvements and divide the property into two parcels, with the new Parcel B being for single-family residential development. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations.

	Requirements	Parcel A (West)	Parcel B (East)
Area:	10,000 sf	67,485 sf	16,562 sf
Width:	75 feet	195 ft	105.49 ft
Depth:	125 feet	322.22 ft	158.95 ft

Each parcel has adequate buildable area for a new home when the minimum structure setbacks are applied.

Municipal sanitary sewer and water service is already established to Parcel A and are available to Parcel B. The standard drainage and utility easements along the property lines will be required.

Tree impacts will be evaluated further during the building permit review process. The submitted survey does identify some landmark trees on the property, which may be impacted by the construction of a new home on Parcel B. Tree removal, replacement and protection will be addressed in the Development Agreement.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. Comments have been received in support of the subdivision.

STAFF RECOMMENDATION

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards. Leaving the existing home and the creation of an additional lot for single-family residential development supports the City's land use and housing policies by creating an opportunity for new housing. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.

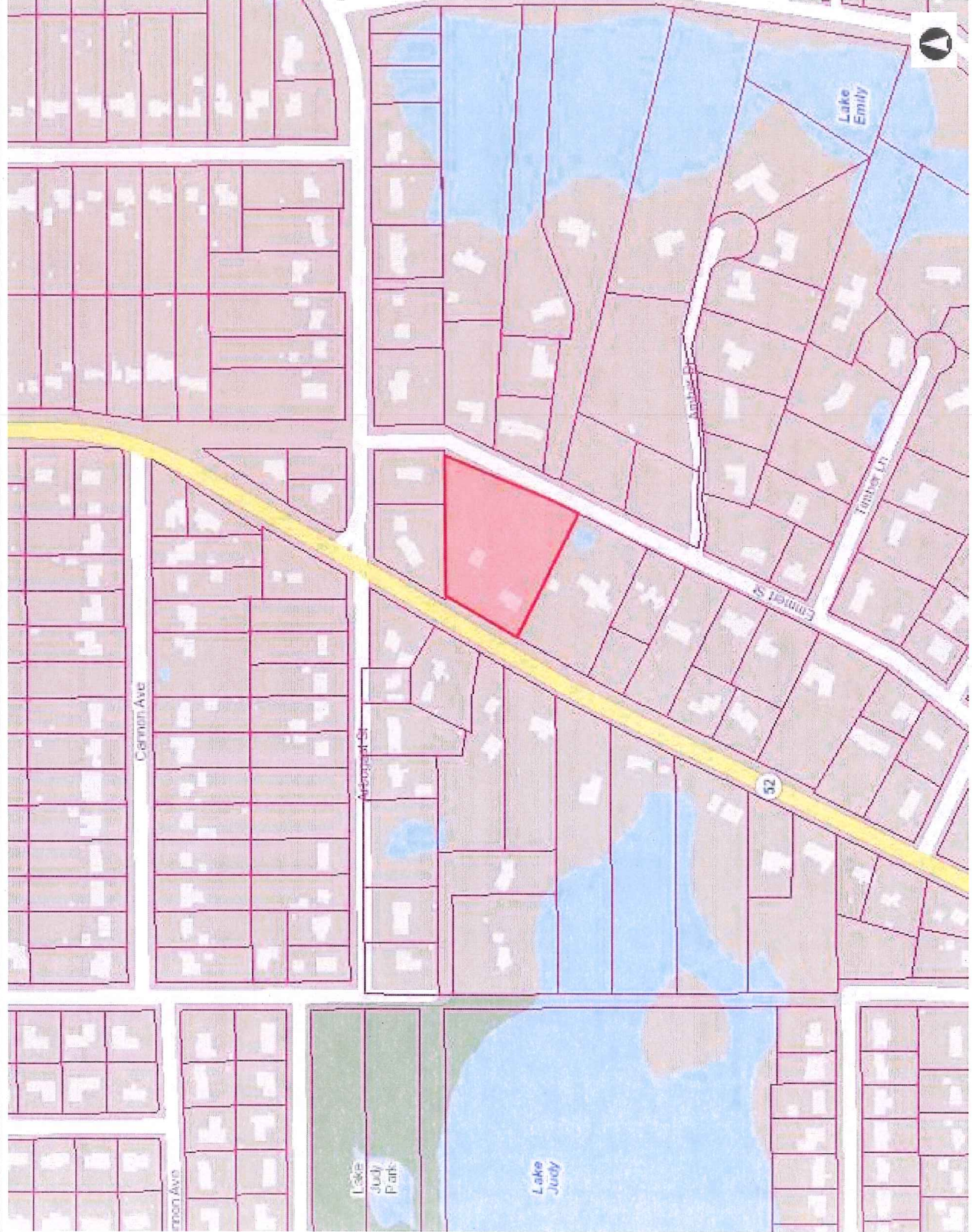
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated 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. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Driveway and all other work within the Emmert Street right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
6. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
7. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
8. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Statement and Plans
- 4) Response to Request for Comment
- 5) Motion








3330 Victoria Street N - Location Map



Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

Notes

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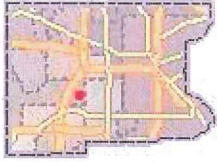
693.0
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© Ramsey County Enterprise GIS Division



3330 Victoria St - Aerial



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

346.5 Feet

173.26

0

346.5

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

July 22, 2013

Benjamin Y. H. Liu
Helen C. Liu
Estate of Lawrence A. S. Liu
1 North Deep Lake Road
North Oaks, MN 55127

Niki Hill
Planning and Economic Development Specialist
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

RE: Minor Subdivision, 3330 Victoria Street - File No. 2491-13-18

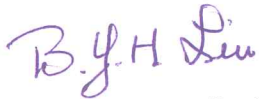
Dear Ms. Hill,

Attached please find a copy of the Testamentary Letter appointing Benjamin and Helen Liu to be the personal representatives of the Lawrence Liu Estate.

The above mentioned request for Minor Subdivision is to be sold for the purpose of building residential property.

If you have any further questions, please feel free to contact us.

Sincerely,



Benjamin Y. H. Liu



Helen C. Liu

1 North Deep Lake Road
North Oaks, MN 55127
(651) 484-8205 (home)
(651) 335-6888 (cell)
hcliu8a@gmail.com (email)

cc: Jill Wilson

MINOR SUBDIVISION

~for~ ESTATE FOR LAWRENCE A. LIU
 ~of~ 3330 VICTORIA STREET
 SHOREVIEW, MN 55126

EXISTING PROPERTY DESCRIPTION

Lot 10, LAMBERT PARK, Ramsey County, Minnesota.

PROPOSED PROPERTY DESCRIPTIONS

PARCEL A

That part of Lot 10, LAMBERT PARK, Ramsey County, Minnesota, lying westerly and southerly of the following described line:

Beginning at the northwest corner of said Lot 10; thence on an assumed bearing of North 89 degrees 21 minutes 34 seconds East, along the north line of said Lot 10, a distance of 171.80 feet; thence South 26 degrees 02 minutes 45 seconds West a distance of 66.03 feet; thence South 63 degrees 57 minutes 15 seconds East a distance of 157.00 feet, more or less, to the southeasterly line of said Lot 10 and said line there terminating.

PARCEL B

That part of Lot 10, LAMBERT PARK, Ramsey County, Minnesota, lying easterly and northerly of the following described line:

Commencing at the northwest corner of said Lot 10; thence on an assumed bearing of North 89 degrees 21 minutes 34 seconds East, along the north line of said Lot 10, a distance of 171.80 feet to the point of beginning of the line to be described; thence South 26 degrees 02 minutes 45 seconds West a distance of 66.03 feet; thence South 63 degrees 57 minutes 15 seconds East a distance of 157.00 feet, more or less, to the southeasterly line of said Lot 10 and said line there terminating.

AREA COMPUTATIONS

TOTAL AREA SITE AREA: 1.93± ACRES
 2 PROPOSED SINGLE FAMILY LOTS
 DENSITY: .97 ± UNITS/ ACRE

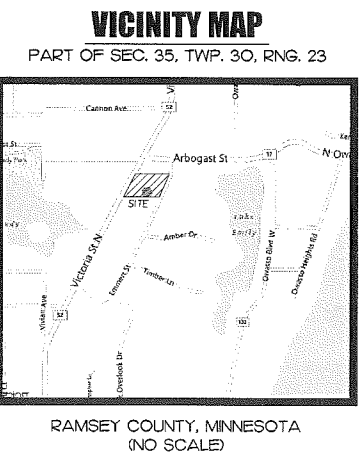
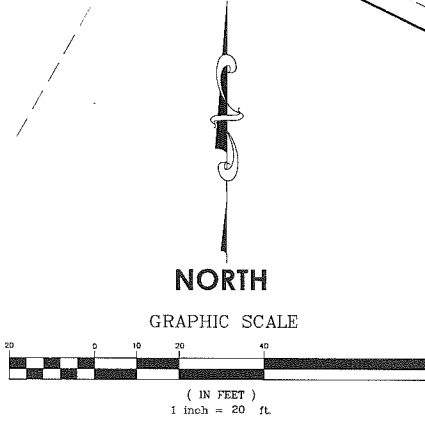
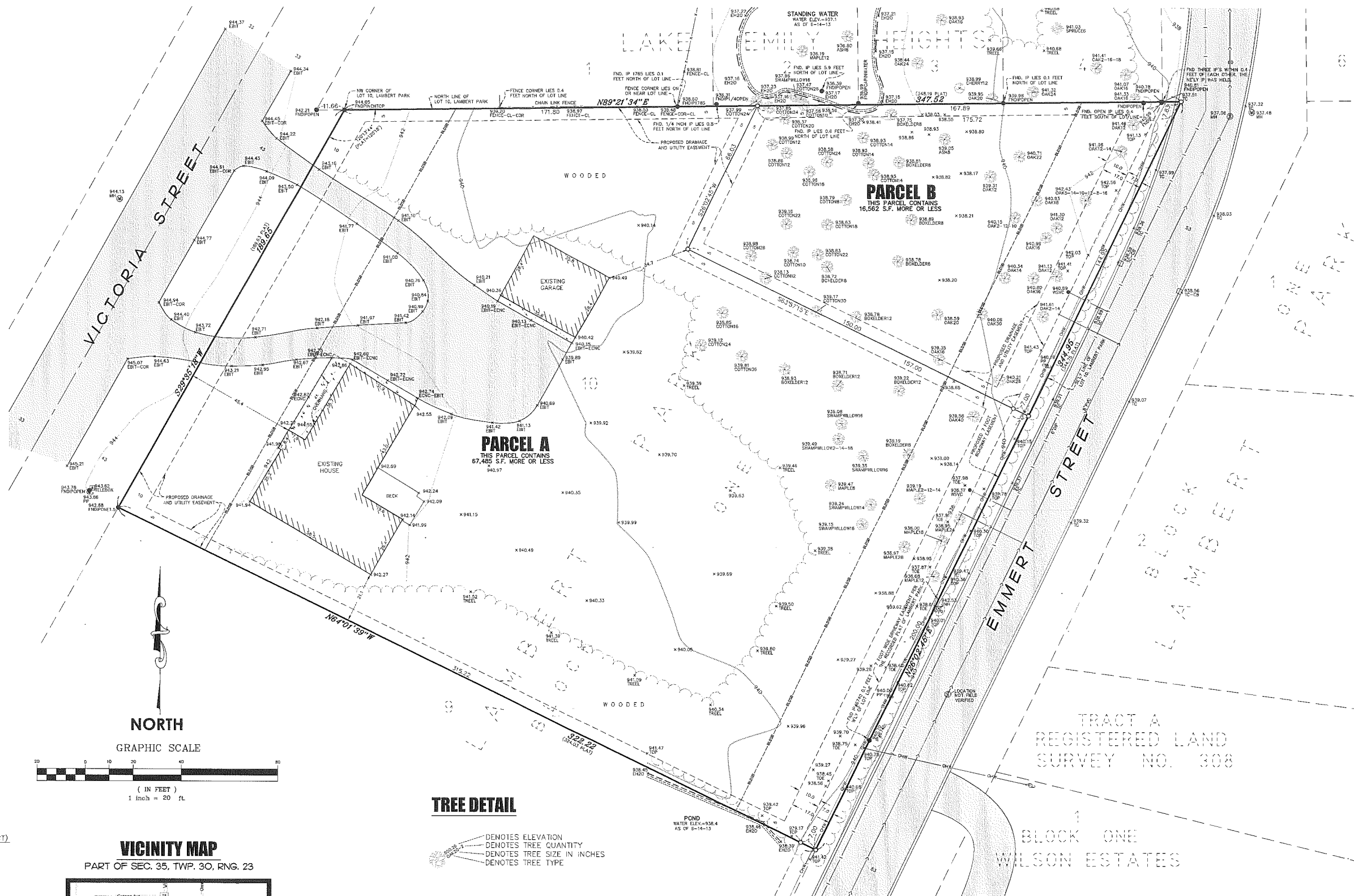
ZONING AND SETBACKS

CURRENT ZONING IS R-1 DETACHED RESIDENTIAL DISTRICT
 PROPOSED ZONING R-1 DETACHED RESIDENTIAL DISTRICT

FRONT SETBACK 30 FEET (NOT TO EXCEED 40 FEET)
 HOUSE SIDE SETBACK (INTERIOR) 40 FEET (MINOR ARTERIAL STREET)
 GARAGE SIDE SETBACK 10 FEET
 REAR SETBACK 5 FEET
 SIDE STREET 30 FEET

DEVELOPMENT REQUIREMENTS FOR ZONE R1 (DETACHED RESIDENTIAL DISTRICT)

MINIMUM LOT AREA 10,000 S.F.
 MINIMUM LOT WIDTH 75 FEET AT SETBACK LINE
 MINIMUM STREET FRONTAGE 60 FEET
 MINIMUM LOT DEPTH 125 FEET
 MAXIMUM HEIGHT 35 FEET
 MAXIMUM LOT COVERAGE 40%



TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

NOTES

- Field survey was completed by E.G. Rud and Sons, inc. on 06/14/13.
- Bearings shown are on Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Proposed Roadway Easement and Drainage and Utility Easement descriptions are to be written following the city's review.
- Parcel ID # 35-30-23-42-0004.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES HYDRANT
- DENOTES MISCELLANEOUS MANHOLE
- DENOTES POWER POLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES WATER SERVICE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES BUILDING SETBACK LINE
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9105
 ELEVATION = 941.17 (NAVD 1988)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 6-24-13 License No. 41578

DRAWN BY: JEN	JOB NO: 13230PP	DATE: 06/24/13	
CHECK BY: JER	SCANNED		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

MEMORANDUM

To: Niki Hill
Community Development

From: Tom Hammitt
Senior Engineering Technician

Date: July 22, 2013

Subject: Proposed Lot Split – 3330 Victoria St N

The proposed lot split will create a new parcel fronting on Emmert Street.

The new lot shall have an address of 3335 Emmert Street.

Water and Sewer service stubs were installed as part of the Emmert Street reconstruction project in 2008 and the property was assessed at that time. Normal hook up charges will apply as with any new home.

Barrier curb was installed as part of the Emmert project. An escrow shall be required for a driveway approach to be constructed by the builder. The amount should be \$1,250.

July 17th, 2013

Heather Besonen – 3336 Emmert St.

The City received a call from Heather Besonen about the proposed subdivision. The resident wanted to know about the 7 foot proposed roadway easement and what it meant. They also wanted to know if there were any proposed driveway locations for Parcel B, as they had concerns about the future location versus their own driveway location. They would prefer not to have a driveway directly adjacent to theirs. Lastly the resident inquired if the City had any regulations in place for the trees that are on Parcel B and if they would be required to replace any of them as it is a heavily wooded lot.



Nicole Hill <nhill@shoreviewmn.gov>

Re: Request for Comment on Minor Subdivision 3330 Victoria St.

1 message

Parnell Mahoney <parnell.mahoney@gmail.com>

Wed, Jul 17, 2013 at 11:02 AM

To: nhill@shoreviewmn.gov

Hi Nicole,

At this time I am fine with the proposed minor subdivision application.

By the way, the letter you sent indicates, "The existing house and detached garage will remain on the east lot, and the proposed west lot will be used for future construction of a new single family residence." It seemed to me that east and west are mixed up here. It seems the existing house presently exists west of the proposed subdivision and construction. Just an FYI.

Parnell Mahoney
3289 Emmert St.
Shoreview, MN 55126

City Council:
Sandy Martin, Mayor
Emy Johnson
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

July 9, 2013

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, August 6th**, at **7:00 p.m.**, the Shoreview Planning Commission will review Minor Subdivision application for **3330 Victoria Street** submitted by **Lawrence AS Liu Estate**. The applicant proposes to subdivide the property into two parcels. The existing house and detached garage will remain on the east lot, and the proposed west lot will be used for future construction of a new single family residence. The proposed lots conform to requirements of the Municipal Code. 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 **August 1st** 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 651-490-4658 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at nhill@shoreviewmn.gov.

Sincerely,

Nicole Hill

Nicole Hill

Comments:

*We support the proposed subdivision. Thank
you for requesting our comment.*

Name: *Richard & Mary Jo Pursley*
Address: *736 Arbogast St.
Shoreview, MN 55126*

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Minor Subdivision submitted by the Lawrence AS Liu Estate, 3330 Victoria Street, to divide the property into two parcels, with the existing house on Parcel A remaining and Parcel B for single-family residential development. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated 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. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Driveway and all other work within the Emmert Street right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
6. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
7. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
8. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
August 6, 2013

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: August 1, 2013
SUBJECT: Residential Design Review: Building Concepts & Design/Ban and Gilchrist, 5131 Alameda Street, File No. 2492-13-19

INTRODUCTION

Building Concepts and Design, Inc. has submitted a Residential Design Review application for property located at 5131 Alameda Street on behalf of the property owners, Randy Ban and Sally Gilchrist. The property is a substandard riparian lot located on Turtle Lake.

The plans propose removal of the existing house, and attached garage and construction of a new 1½-story house, with a lower level walk-out, and a three-car attached garage. The application was complete July 8, 2013.

PROJECT DESCRIPTION

The subject property is a substandard riparian lot located in the R1 - Detached Residential District on the east side of Turtle Lake. The lot area is 25,068 square feet, and lot width 75 feet. The property is developed with a 1 ½ -story house, attached garage, driveway, and a shed in the shore impact zone. The lot elevation drops about 27 feet from the street to the lake.

Most of the existing improvements will be removed – the house, garage and driveway. The applicants propose construction of a 1½-story house, with a lower level walk-out. A 768 sq. ft. attached garage is proposed, with a total foundation area for the project of 2,942 square feet. A rain garden will be installed between the proposed house and the lakeshore as part of the project landscaping to capture runoff from the developed portion of the lot. See the attached plans.

DEVELOPMENT CODE REQUIREMENTS

The Development Ordinance requires residential construction on substandard riparian lots to comply with certain design standards.

The minimum front and OHW setbacks are calculated based on the setbacks of the houses on the adjoining parcels. The proposed setbacks from both the street and the OHW comply with Code requirements.

The proposed house and garage also comply with the minimum side setbacks. The living area of the house is located 10.5 feet from each side lot line, and the garage is setback 5.5 feet from the south side lot line.

The proposed project also complies with the adopted design standards, as shown in the table below.

Standard	Allowed	Proposed
Lot Coverage	6,267 square feet (25%)	6,233 square feet (24.9%)
Building Height	35 feet	34 feet, 10 inches
Foundation Area	4,512 square feet (18% of lot area)	2,942 square feet (17.2 %)
Setbacks		
Front	47.55 – 67.55 feet	159.0 feet
OHW (Lake)	57.65 – 77.65 feet	83.0 feet
Side	10 feet – Living Area 5 feet – Accessory/Garage Area	10.5 feet each side 5.5 feet south side
Architectural Mass	Encourage use of natural colors/materials, landscaping.	Cedar shakes, white trim

Two landmark trees will be removed. On lots with an area of 20,000 to 40,000 square feet, two replacement trees are required for each landmark tree removed. In this case, four replacement tree is required. Protective fencing and wood chips are necessary to minimize impact on one retained tree located near the construction area. A tree protection plan shall be submitted for approval prior to issuance of a demolition permit, and installed and maintained on the site during the period of construction.

The staff has reviewed the proposal and found that the proposed home has been designed in accordance with the design standards.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicants have identified two practices, Architectural Mass and other practices, the installation of a rain garden to collect and infiltrate stormwater runoff. The applicants are required to enter into a Mitigation Agreement with the City.

COMMENTS

The property is located in the Rice Creek Watershed District, and District staff have identified that the project is not subject to an RCWD permit.

The City Engineer commented that:

- Swales are required along the side lot lines.
- The driveway should be pitched to direct runoff to the drainage swale.
- Retaining walls more than 4-feet in height must be designed by a licensed engineer.

Property owners within 150 feet of the parcel were notified of this request. Two written comments have been submitted. The comments do not identify concerns with the project, and are attached.

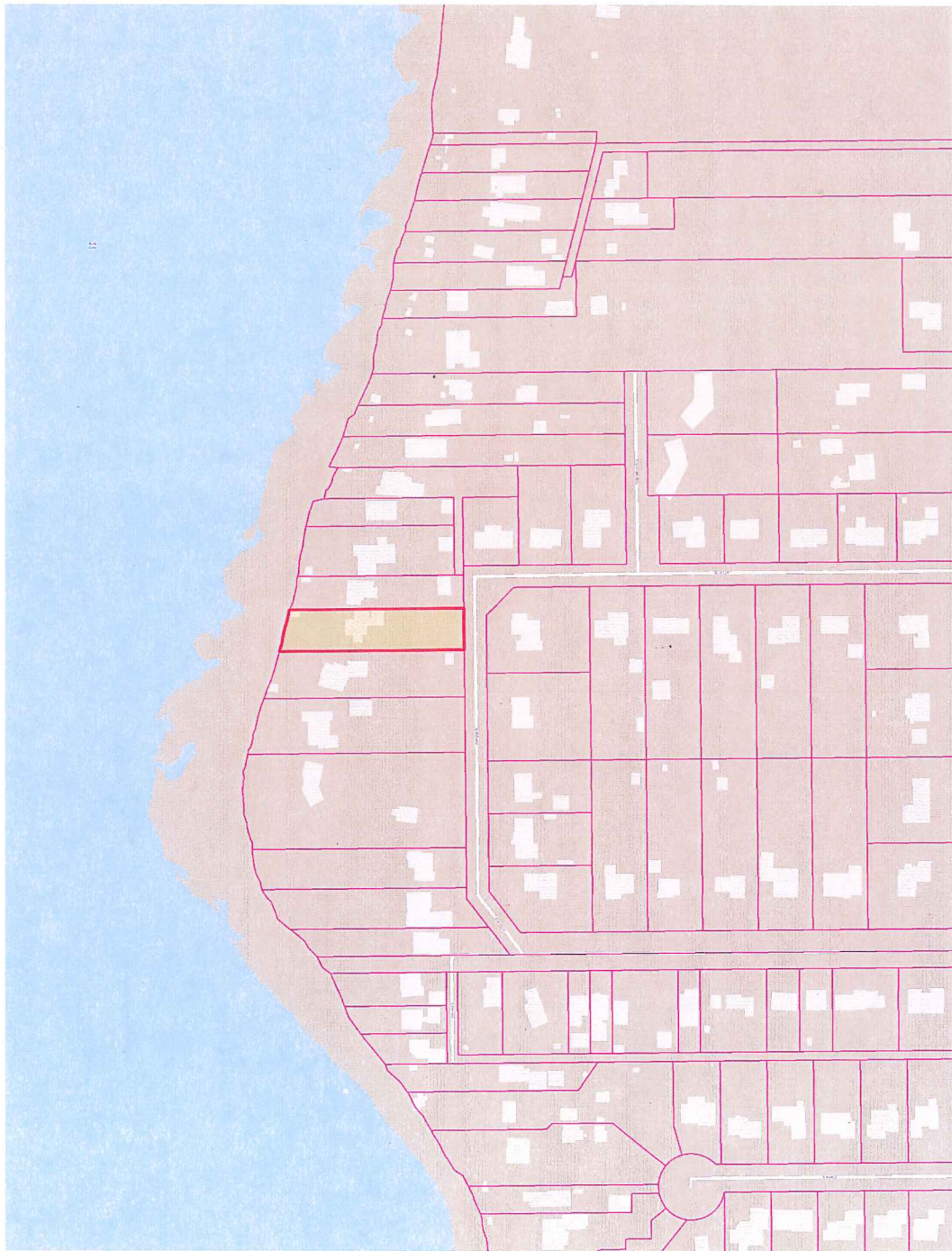
STAFF RECOMMENDATION

Staff recommends approval of the Residential Design Review for the project, as the proposal complies with the adopted standards, subject to the following conditions:




1. The project must be completed in accordance with the plans submitted as part of 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 25% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and two replacement trees are 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. A final site grading plan shall be submitted with the building permit application and implemented with construction of the new residence.
7. An erosion control plan shall be submitted with the demolition permit application and implemented during demolition and construction of the new residence.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any demolition or construction activity begins.
10. This approval is subject to a 5-day appeal period.

Attachments

- 1) Location Map
- 2) Submitted plans
- 3) Comments
- 4) Mitigation Affidavit
- 5) Proposed Motion



Legend

-  Parcel Points
-  Parcel Boundaries
-  County Borders

600.0 0 300.00 600.0 Feet



1: 3,600

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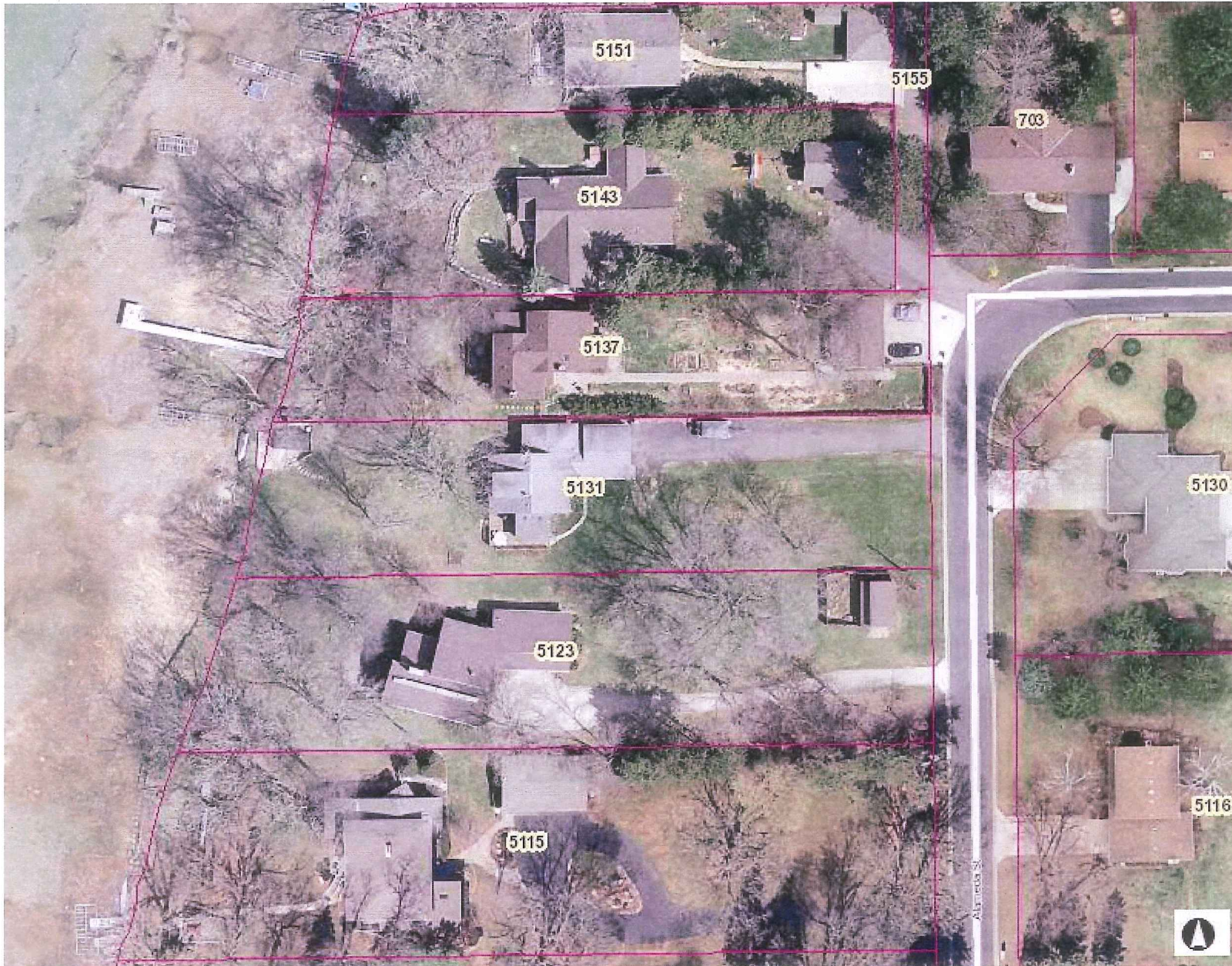
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Location Map





Legend



-  Parcel Points
-  Parcel Boundaries

142.8 0 71.42 142.8 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

CERTIFICATE OF SURVEY

PROPERTY ADDRESS: 5131 Alameda St., Shoreview, MN

~for~ Randy Ban



(IN FEET)
1 inch = 30 ft.

AREA CALCULATIONS:

Shed=145 sq.ft.
Patio=268 sq.ft.
House/Porch=2942 sq.ft.
Driveway=2,711 sq.ft.
Sidewalk=32 sq.ft.
Total lot area (above 892.0)=25,068 sq.ft.
Impervious Surface = 6,098/25,068=24.33%

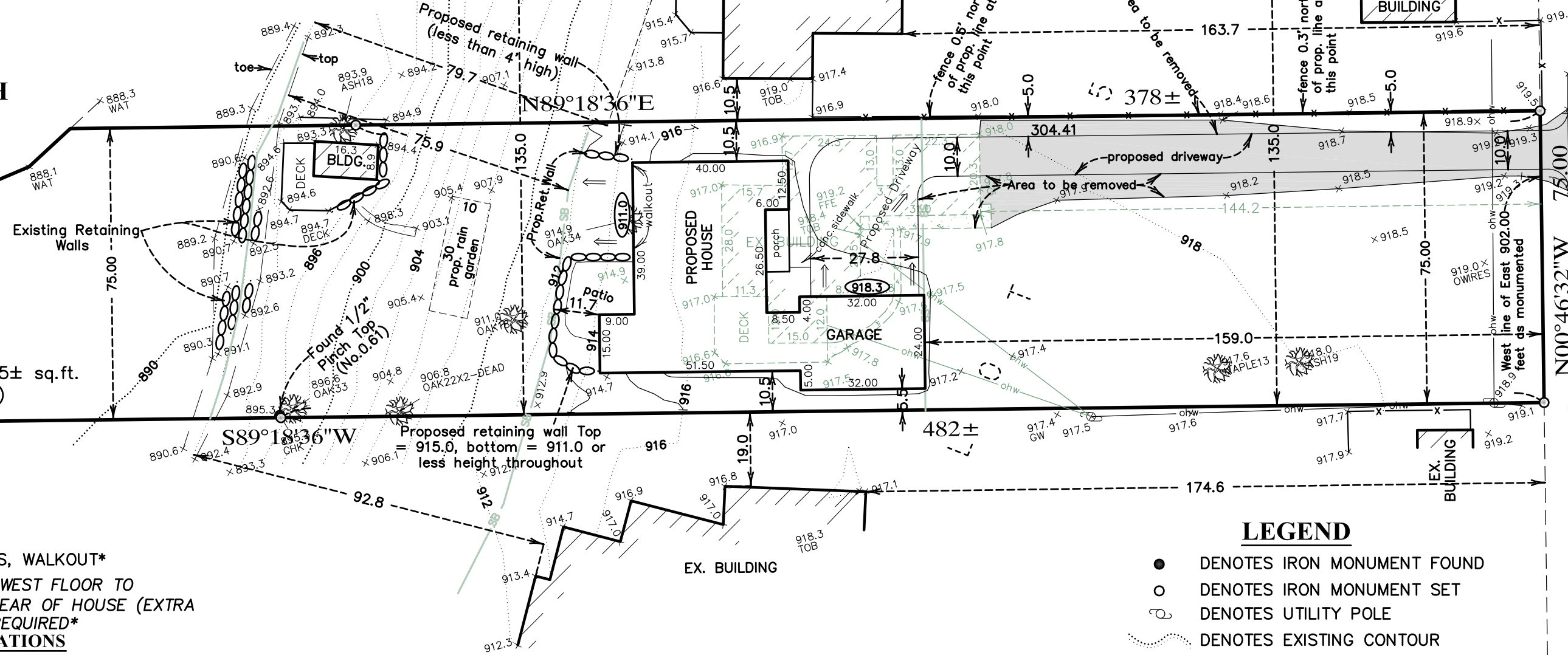
NORTH
TURTLE LAKE
OHW=892.0

Total Area = 32,645± sq.ft.
(0.75 acres)

NOTES

- Field survey conducted on April 25th, 2013.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.
- NO TITLEWORK FURNISHED TO SURVEYOR. LEGAL DESCRIPTION PER RAMSEY COUNTY TAX DATABASE ONLINE.

JOB #13228



LEGAL DESCRIPTION

The East 902.00 of the south 75.00 feet of the north 135.00 feet of Lot 5, BIRCH LANE, Ramsey County, MN.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Eric R. Vickaryous
ERIC R. VICKARYOUS

July 9th, 2013, revise driveway, pervious surface
June 24th, 2013, add house
Date: April 29th, 2013 Reg. No. 44125

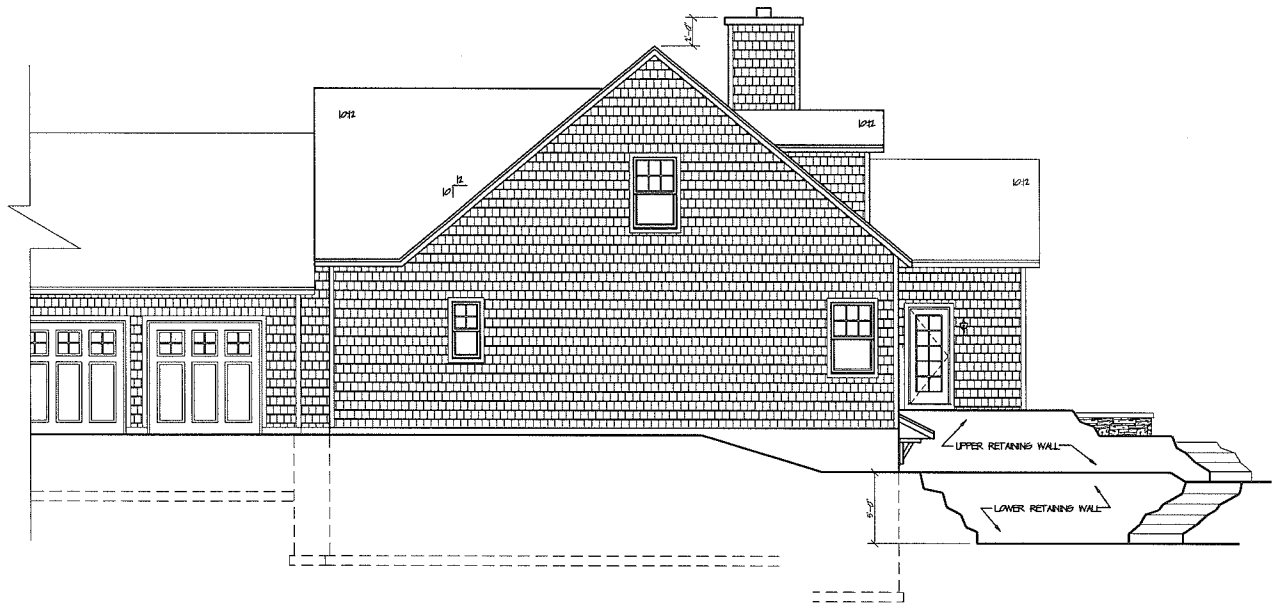
LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES UTILITY POLE
- DENOTES EXISTING CONTOUR
- ohw DENOTES OVERHEAD WIRE
- x DENOTES EXISTING FENCE
- x1011.2 DENOTES EXISTING ELEVATION.
- [Pattern] DENOTES CONCRETE
- [Pattern] DENOTES BITUMINOUS

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2997 acrelandsurvey@gmail.com



FRONT ELEVATION
1/4" = 1'-0"



RIGHT SIDE ELEVATION
1/4" = 1'-0"

ELEVATIONS

1/4" = 1'-0"

BCD
BUILDING CONCEPTS & DESIGN
80 E. LITTLE CANADA RD. STE #5
LITTLE CANADA, MN 55117
OFFICE: 651/483-3614
FAX: 651/483-3593
BuildingConceptsAndDesign.com

BAN/GILCHRIST RESIDENCE
5131 ALAMEDA STREET
SHOREVIEW, MN

SQUARE FOOTAGE BREAKDOWN:

MAIN FLOOR	2173
UPSTAIRS	1069
BASEMENT FIN	1152
BONUS ROOM	-
MISC.	-
TOTAL	4394

REVISION DATES

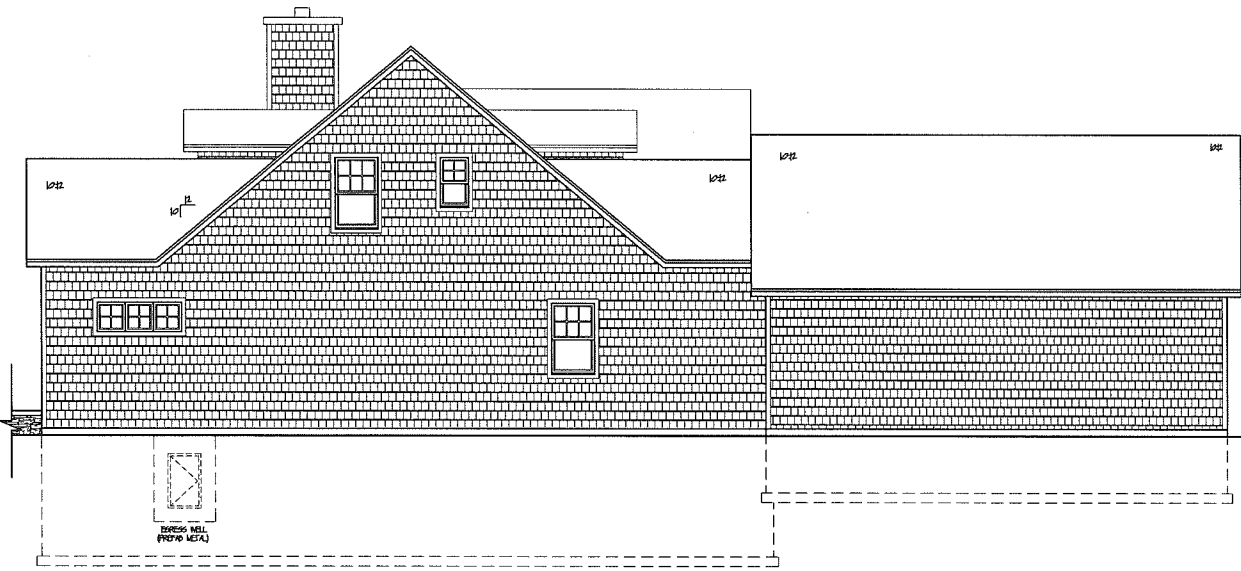
1	5-22-13	8	-	15	-
2	5-28-13	9	-	16	-
3	6-6-13	10	-	17	-
4	6-12-13	11	-	18	-
5	6-17-13	12	-	19	-
6	6-21-13	13	-	20	-
7	-	14	-	21	-

PAGE:

1



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

ELEVATIONS 1/4" = 1'-0"

BCD
BUILDING CONCEPTS & DESIGN
80 E. LITTLE CANADA RD. STE #5
LITTLE CANADA, MN 55117
OFFICE: 651/483.3614
FAX: 651/483.3610
BuildingConceptsAndDesign.com

BAN/GILCHRIST RESIDENCE
5131 ALAMEDA STREET
SHOREVIEW, MN

SQUARE FOOTAGE BREAKDOWN:

MAIN FLOOR	2173
UPSTAIRS	1069
BASMENT (FN)	1152
BONUS ROOM	-
MISC.	-
TOTAL	4394

REVISION DATES

1	5-22-13	8	-	15	-
2	5-28-13	9	-	16	-
3	6-6-13	10	-	17	-
4	6-12-13	11	-	18	-
5	6-17-13	12	-	19	-
6	6-21-13	13	-	20	-
7	-	14	-	21	-

PAGE:
2

MEMORANDUM

To: Rob Warwick, Senior Planner
From: Tom Wesolowski, City Engineer
Date: July 24, 2013
Subject: Teardown/Rebuild – 5131 Alameda Street

The City Engineering Department has reviewed the referenced residential design and has the following comments:

1. Proposed driveway should be located 5-feet off the property line.
2. Swales should be located along the north and south sides of the property to direct stormwater toward the rear of the property and away from the adjacent properties.
3. Driveway should be graded to direct run-off towards drainage swale.
4. Retaining wall that is required for walkout is higher than 4-feet. Plan for wall designed by a registered engineer must be provided.



July 24, 2013

RCWD FILE #13-086R

Doug Johnson
Building Concepts & Design, Inc.
80 East Little Canada Road, Suite 5
Little Canada, MN 55117

RE: No RCWD permit required for house reconstruction

Dear Mr. Johnson,

Based on your description of the project, I have determined that a RCWD permit will not be required for the proposed home re-construction project at 5131 Alameda Street in Shoreview, MN.

The project does not appear to exceed the 10,000 square feet of new/re-constructed impervious threshold for the District's Rule C stormwater requirements, or the 10,000 square feet of disturbance within 300 feet of a water body threshold for the District's Rule D erosion and sediment control requirements. Additionally, no wetland impacts or floodplain fill are proposed; therefore, a RCWD permit is not required.

Please note that this decision does not indemnify you from enforcement action if the scope of the project changes, or a violation of District Rules or other laws is found to have occurred as a result of this project. Please take care to ensure that no sediments are deposited down gradient of the site, and that any soils disturbed during construction are stabilized within 14 days of project completion. Permits may be required from other agencies including, but not limited to, the City of Shoreview.

If you have any additional questions or concerns about this determination, please contact me directly at 763-398-3078 or cbuntjer@ricecreek.org.

Sincerely,

A handwritten signature in cursive script that reads "Chris Buntjer".

Chris Buntjer, P.E.
Technical Specialist/Permit Reviewer
Rice Creek Watershed District

cc: City of Shoreview

Comments:

Nice design.

Well suited to the lot,
lakeshore, neighborhood

No reservations as planned.

Name:

Bert Larson

Address:

5137 Alameda



Robert Warwick <rwarwick@shoreviewmn.gov>

Ban/Gilchrist Proposal

Ross Anderson <rosseander@comcast.net>

Wed, Jul 31, 2013 at 1:48 PM

To: rwarwick@shoreviewmn.gov

Dear Mr. Warwick,

I am responding to "Request for Comment" regarding an application for Residential Design by Ban/Gilchrist for property located at 5131 Alameda Street.

Having reviewed the request, we find no problems with the proposal.

Our residence is 5115 Alameda Street.

Sincerely,

Ross (and Barbara) Anderson

MITIGATION AFFIDAVIT AND AGREEMENT

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

The undersigned Affiants, for themselves, their heirs, successors and assigns hereby states, affirms and agrees:

1. Sally Gilchrist and Randy Ban, hereafter referred to as the Affiants, are the record fee owners of the following described property:

The south 75.00 feet of the north 135.00 feet of Lot 5,
BIRCH LANE, Ramsey County, Minnesota EXCEPT the East 902.00 feet thereof.

(This property is more commonly known as 5131 Alameda Street)

2. That as a condition of approval for a variance approved by the Shoreview Planning Commission on August 6, 2013, the Affiants will use the following practices to mitigate the adverse effects land development (mitigation practices) has on water quality and the lake environment:
 - a. Architectural Mass. Pursuant to Section 209.080 (M1c), the use of natural color(s) and/or materials on the exterior surface of the addition on the Affiants dwelling shall be used to reduce the visual impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure. The decks shall be of a natural color.
 - b. Other practices: Pursuant to Section 209.080 (M2) of the Municipal Code, the applicant has proposed to implement the infiltration of stormwater runoff. Infiltration areas will be installed within 85-feet of the Ordinary High Water of Turtle Lake, and so will allow infiltration of stormwater

runoff as well filtering of nutrients that would otherwise drain directly to the waters of Turtle Lake. The infiltration areas are illustrated on a site plan located in City of Shoreview Planning File Number 2492-13-19.

- 3. The mitigation practices identified in item #2 above shall be completed by August 7, 2014 unless an extension is administratively approved by the City of Shoreview. The mitigation practices shall be maintained unless said requirement is rescinded by the City of Shoreview. Said mitigation may be rescinded if a building permit is not issued for the development project for which said mitigation is required.

Dated this _____ day of _____, 2013.

Sally Gilchrist

Randy Ban

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013.

Notary Public

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve residential design review application submitted by Building Concepts and Design, Inc. on behalf of Sally Gilchrist and Randy Ban for 5131 Alameda Street, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of 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 25% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and two replacement trees are 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. A final site grading plan shall be submitted with the building permit application and implemented with construction of the new residence.
7. An erosion control plan shall be submitted with the demolition permit application and implemented during demolition and construction of the new residence.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any demolition or construction activity begins.
10. This approval is subject to a 5-day appeal period.

The approval is based on the following findings:

1. The proposal is consistent with the Land Use Chapter of the Comprehensive Plan and the Development Code.
2. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – August 6, 2013

t:\pcf 2013\2492-13-19 5131 alameda street\pc motion.doc

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: August 1, 2013
SUBJECT: File No. 2440-12-03; City of Shoreview, Sign Code Amendments; *and*
Consideration of a Sign Moratorium – Message Center Signs

Introduction

Last year, the City Council directed Staff to review our current sign regulations with the Planning Commission and Economic Development Commission and better clarify the City's overall intent on what types and levels of temporary signage is acceptable in our business areas. The Council indicated that the regulations should be amended to provide greater flexibility regarding the use of temporary signage while maintaining the appearance of our commercial areas. The Council also recognized that education and enforcement is needed to achieve compliance to the City's sign regulations.

Pursuant to the Planning Commission's recommendation, the City Council also adopted a four month moratorium prohibiting the installation of message center signs. The overall intent of the moratorium was to provide the City with a reasonable time period to study the use of message center signs and develop regulations that consider the needs of the business uses while minimizing the impacts of said signs on nearby residential land uses. The Council also indicated that any proposed regulations should consider the potential impact on traffic and public safety. This moratorium is due to expire on August 24th.

Proposed Text Amendment

These text changes reflect the direction received from the City Council, Planning Commission and Economic Development Commission. The text amendment proposes revisions to regulations pertaining to temporary signs, message center signs and comprehensive sign plans. The following summarizes the proposed changes.

Temporary Signs

The proposed changes are intended to provide additional flexibility for businesses displaying temporary signs while maintaining the quality and character of commercial areas. In some instances, businesses would be permitted to display larger temporary signs based on the size of the building. Also, the number of temporary signs permitted would be increased from 2 signs to 4 signs per year with the display period also being increased from 7 days to 14 days. These regulations would apply to both multi-tenant and single tenant buildings. The number of signs that could be displayed at any one time is 2; however, this may be increased if the signs are associated with a grand opening.

Political Signs

The proposed changes revise the standards so as to be consistent with State Statute.

Message Center Signs

The existing ordinance only allows the use electronic message center signs for public and quasi-public uses. The proposed text would permit this type of signage for commercial, business park and industrial land uses provided certain standards are met. Permitting this type sign allows businesses additional opportunity to advertise products, services and special events and hopefully minimize the use of temporary signage. Message center signs that deviate from these standards or are adjacent to residential land uses would require review through the Comprehensive Sign Plan process. The following summarizes the proposed regulations:

- ~ Standards are defined by the zoning district. Message center signs located in a commercial or industrial zoning district would need to adhere to a different set of standards than those in residential district. The intent is to address the different needs between commercial or business land uses and land uses such as schools, churches found in residential districts. Impacts on residential land uses are also a consideration for different standards.
- ~ Establish additional standards for message center signs located on commercial and industrial land that is near or adjacent to residential land uses.
- ~ Graphics are permitted.
- ~ Multi-color signs are permitted for signs in commercial, business and industrial zoning districts. Single color, amber, is permitted for signs located in residential zoning districts.
- ~ The proposed standards do address the message display time, brightness and transition.
- ~ Require a Comprehensive Sign Plan and establish additional criteria for message centers located in residential districts or within a specified distance of residential uses.

Comprehensive Sign Plan

The intent of revisions to the Comprehensive Sign plan process is to streamline the review process when the proposed signage complies with the Code standards. Also, an administrative review process is proposed where smaller or minor deviations can be approved administratively. Larger deviations or waivers from the City Standards require review by the Planning Commission and final action by the City Council.

Planning Commission Review

The Commission has reviewed these proposed changes over the past several months. In general, the Commission is supportive of the changes, however, there were concerns voiced regarding the proposed temporary sign regulations for multi-tenant buildings and message center signs. The proposed regulations were revised and provide businesses the same opportunity to display temporary signs regardless of whether or not they are located in a single tenant or multi-tenant building.

Regarding message center signs, Commission members have indicated support for allowing this type of signage in commercial, industrial and business park areas provided the regulations address brightness, sign area, display and impact on residential land uses.

Economic Development Commission

The Economic Development Commission has also discussed the proposed text changes and is supportive of the changes as they provide businesses with more opportunity to display temporary signage. The Commission is also supportive of allowing the business community to use message center signs and streamlining the Comprehensive Sign Plan review process.

Staff Recommendation

The proposed text amendment is being presented to the Planning Commission for consideration. The Commission is required to hold a public hearing, of which legal notice has been published for the August 6th meeting. In Staff's opinion, the proposed text is reflective of the recommendations received by the Planning Commission and Economic Development Commission and provides the business community more opportunities to display temporary signage and use message center signage to advertise. Further, the regulations also streamline the Comprehensive Sign Plan review process for those sign plans that comply with the City standards or have minor deviations.

The moratorium for the message center signage is due to expire on August 24th. Staff is recommending the Planning Commission recommend approval of the proposed text amendment to the City Council. The ordinance can then be presented to the City Council at their August 19th meeting for adoption.

Attachments

- 1) Draft Ordinance
- 2) Motion

Underlined text is proposed for addition

Stricken text is proposed for deletion

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 200 OF THE SHOREVIEW MUNICIPAL CODE

The Shoreview City Council ordains that Chapter 200, Shoreview Municipal Code, Section 208, Sign Regulations, is hereby amended as follows:

208.020 Definitions

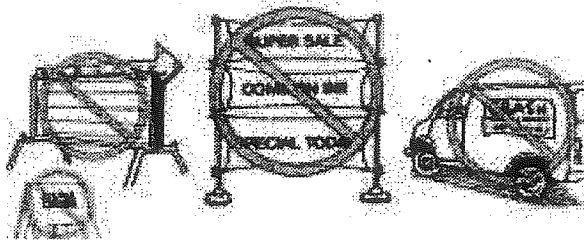
Sign, Electronic Graphic Display. ~~A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light 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. ~~An on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Gas Price Display signs and Dynamic Display Billboards shall be defined and regulated as separate sign types from Message Center signs. sign that consists of electronically changing alpha-numeric 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, 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. Sandwich board signs are not considered portable signs for the purpose of this definition.

Examples of portable signs are illustrated and described below:

Sandwich board signs excluded from portable sign definitions as they would be permitted. Definition added for these types of signs.



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, Sandwich Board. A type of moveable pedestrian oriented sign constructed of two (2) independent faces that are attached so its side view resembles a triangle or "T".

208.040 Permitted Signs and Sign Standards:

(2) Business, Temporary

Sign area increased for larger buildings

(a) For single tenant buildings less than 50,000 square feet in area and multi-tenant buildings, such signs may consist of a banner affixed to a principal structure on the premises not to exceed 32 square feet of area. For single-tenant buildings 50,000 square feet or greater, such sign may consist of a banner affixed to the principal structure on the premises not to exceed 64 square feet.

Display period increased from 7 to 14 days.

Reduction of days required between permits issued

(b) No more than ~~two~~ four temporary business signs shall be allowed per calendar year, per building tenant, and permits for the display of such signs shall be valid not exceed seven (7) days unless associated with a Grand Opening of a business or development, when a temporary sign may be displayed for up to 14 days. All such signs shall be removed from the premises no more than one working day following the expiration of the permit.

(c) A minimum period of ~~thirty (30)~~ seven (7) days shall be required between temporary sign permits issued for a building tenant.

- (d) No temporary business signs shall be allowed for business located on property that has a changeable copy sign or message center sign.
- (e) All temporary sign messages must relate to a product(s) or service(s) available on the premises, unless the message is noncommercial.
- (f) Any banner sign must be affixed to the principal structure in which the associated business is located, except as permitted in Section 208.030(A)(2).
- (g) No more than 2 temporary signs per tenant shall be displayed at any one time, unless said sign is associated with a Grand Opening.

(h)(g) Window signage visible outside of the building is permitted only for commercially zoned property, provided:

- (i) It does not exceed ~~33~~ 10 percent of the total glass area of the individual window or door in which displayed.
- (ii) ~~It is not illuminated.~~ Illuminated business signs shall not exceed 5 percent of the total glass area of the individual window or door area in which displayed. Said sign area shall be included in the maximum area permitted as identified in item (i) above.

Illuminated window signs would be allowed

(i)(h) Help Wanted Signs. Temporary display of help wanted signs is permitted as following:

- (i) The sign is displayed for a period not to exceed 3 months with a period of one month between signs.
- (ii) Only one temporary help wanted sign is permitted per property.
- (iii) The temporary help wanted sign shall be set back the greater of 5 feet from all property lines or not less than the setback of the principal freestanding sign.
- (iv) The sign area shall not exceed 32 square feet unless greater area is approved by the City Manager.
- (v) The sign shall not be used for advertising or commercial messages outside the purposes of employee recruitment.

(j) Sandwich Board Signs. Sandwich Board Signs are permitted provided:

- (i) The sign shall not exceed two (2) feet in width and three (3) feet in height.
- (ii) Said sign may have two sign faces.
- (iii) Only one sandwich board is allowed per business.
- (iv) Said sign shall be located in front of, and within twelve (12) feet of the main entrance of the business it advertises.
- (v) The placement of the sandwich board sign must be such that there is a minimum of thirty-six (36) inches of unobstructed sidewalk clearance between it and any other building or obstruction.
- (vi) Said sign must be removed from the sidewalk before the close of business.
- (vii) Said sign shall not interfere with pedestrian or traffic safety.

(8) **Message Center.** ~~The changeable copy portion of the sign must be accompanied by the name of the building or facility. Message Center Signs shall be integrated into a free-standing sign that is a monument or ground style sign, except as otherwise permitted for Gas Price Display and Incidental Signs. Said The non message center portion of the sign shall include the name of the building or facility. The name shall be displayed in an individual-letter format in letters that dominate all other names and graphics on said sign. Message Center signs are permitted only when integrated into a freestanding sign on the site of an approved Public/Quasi Public use, except as otherwise permitted for Gas Price Display signs.~~

Message Center Signs allowed for commercial and other business uses

- (a) ~~In Business and Industrial Districts, Message Center signs are permitted on the site of an approved Public/Quasi Public use, provided the maximum area of the changeable copy shall not exceed 30 square feet of area in a C2, General Commercial, C1, Retail Service District, OFC, Office District, or BPK, Business Park District, and not more than 20-square feet of area in a C1A, Limited Retail Service District~~
- (b) ~~In Residential Districts, Message Center signs are permitted when displayed on the site of an approved public or quasi-public land use, provided the changeable copy sign does not exceed 20 square feet of area, unless it faces an arterial roadway, in which case up to 30 square feet of message center sign area may be permitted.~~
- (c) ~~Duration. In non-residential districts, any portion of the message must have a minimum duration of one hour and must be a static display. In residential districts any portion of the message must have a minimum duration of two hours and must be a static display. In all districts, no portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement.~~

- ~~(d) Color. In residential districts, all portions of the sign shall use an amber color.~~
- ~~(e) Limited Text. The text of the sign must be limited to allow passing motorists to read the entire copy with minimal distraction.~~
- ~~(f) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.~~
- ~~(g) Brightness. The sign must preset by the manufacturer not exceed a maximum illumination as measured from the sign's face at maximum brightness of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) for the time period between one half hour before sunset and one half hour after sunrise. Notwithstanding the manufacturer's preset, sign brightness shall comply with the requirements of Section 208.030(B).~~
- ~~(h) Dimmer control. The sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level, depending on ambient weather conditions and for the time period between one half hour before sunset and one half hour after sunrise.~~
- ~~(i) Orientation. In all districts the sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot.~~

(a) General Provisions

General provisions apply to all message center signs and addresses display time, audio, and brightness,

- (i) Display. The sign message shall be displayed to allow passing motorists to read the entire copy with minimal distraction. The minimum display period for any message shall be 8 seconds.
- (ii) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited.
- (iii) Brightness.
 - i. Lighting. Lighting shall be set at a minimum level which the billboard is intended to be read and shielded to minimize glare.
 - ii. The light level shall not exceed .3 foot candles above ambient light as measured from a pre-set distance

depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance

- iii. Dimmer control. The sign must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation to ambient light conditions. Said sign shall be equipped with a photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed so as to be in compliance with this ordinance.
 - iv. No portion of the message may flash, scroll, twirl, fade in or out in any manner to imitate movement.
 - v. Display of messages shall be limited to those services offered on the property and time/temperature display.
- (iv) Message center signs may be permitted as part of an incidental business sign in accordance with Section 208.040 (B) (7).
- (v) Only one message center sign, not including those as part of an incidental business sign, is permitted for each principal structure.

(b) Commercial, Business and Industrial Zoning Districts

Different standards established based on zoning district.

Adjacency to residential land uses requires a Comprehensive Sign Plan.

- (i) Maximum Area. The area of the message center sign shall be included in the maximum sign area permitted for the sign type. Message center signs are permitted provided the maximum area does not exceed the following:
 - i. C1, Retail Service District, C2, General Commercial District, OFC, Office District BPK, Business Park District or the I, Industrial District: 50% of the total sign area on which it is displayed or 50 square feet whichever is less.
 - ii. C1A, Limited Retail Service District: 35% of the total sign area of the sign on which it is displayed or 30 square feet whichever is less.
 - iii. The maximum sign area may be exceeded to comply with the minimum sign area required.
- (ii) Minimum Area. 20 square feet.
- (iii) Adjacency to Residential land uses. A Comprehensive Sign Plan is required for the installation of a message center sign when said property abuts or is adjacent to property that is established with residential land uses.
- (iv) Location and Orientation. The location and orientation of the sign shall be placed on the property in a manner that minimizes the visual impact on adjoining residential properties.

(v) Hours of display. When the sign is located on a parcel adjacent to a residential land use, said sign shall be turned off and shall not display messages between the hours of 11:00 pm and 6:00 am.

(c) Residential Zoning Districts

In residential districts, a Comprehensive Sign Plan is required.

(i) Message Center signs are permitted when displayed on the site of an approved public or quasi-public land use, with a Comprehensive Sign Plan

(ii) Maximum Area. The area of the message center sign shall be included in the maximum sign area permitted. The area of the message center shall not exceed 35% of the total sign area for the sign on which it is displayed or 30 square feet whichever is less. The maximum sign area may be exceeded to comply with the minimum sign area required.

(iii) Minimum Area. 20 square feet.

(iv) Location and Orientation. The location and orientation of the sign shall be placed on the property in a manner that minimizes the visual impact on adjoining residential properties.

(v) Hours of display. The sign shall be turned off and shall not display messages between the hours of 11:00 pm and 6:00 am.

(vi) Color. The sign message or display shall be amber in color.

(11) **Political/Opinion Signs.** Are permitted, subject to the following:

(a) ~~An unlimited number of political signs are permitted during the three-month period~~ may be displayed forty-six (46) days preceding the election until 10 days after the election. The signs shall be located on private property, with the permission of the owner.

Language consistent with State Statute.

(b) In accordance with Minnesota State Statute 160.27, no sign is permitted within the right-of-way of any public street. The signs shall be located on private property with permission of the owner.

~~(c)(b)~~ To preserve public safety, a setback of at least six feet from the edge of any roadway or back of curb is permitted for a sign whose face is not more than 6 square feet in area or four feet above the ground. Signs exceeding 4 feet in height or 6 square feet in area shall be setback at least fourteen feet from edge of a roadway. All signs shall be setback a minimum of 2 feet from a sidewalk or trail. Signs shall not interfere with visibility and signs placed on corner lots shall comply with Section 206.010(B).

~~(e)(d)~~ Such signs shall not exceed 6 square feet in area, except where such sign is erected in place of another type of sign permitted at that location, then it shall be subject to the conditions of that sign type.

~~(d)~~ (e) Where such signs refer to an election or other specific event, they shall be removed within ten (10) days after the election or specific event.

(12) Principal Signs, Freestanding.

(a) Each principal structure, excluding individual residential buildings, is entitled to one freestanding sign, unless stated otherwise in this ~~ordinance~~ Section. Sites that adjoin two or more arterial roadways may have two freestanding signs ~~subject to approval of a Comprehensive Sign Plan.~~

(13) **Project Identification** - identifies the name of a neighborhood or residential subdivision consisting of at least 20 dwelling units; or a multiple-family dwelling with 5 or more units; or a commercial, office, high tech, industrial, or public/quasi-public development consisting of two (2) or more principal structures. Project Identification signs shall be limited to the following items of information: development name, site address, and major tenant names/graphics. The development name must be dominantly displayed on all project identification signs.

(b) Where permitted, project identification signs shall be limited to the following items of information: development name, site address, and major tenant names/graphics. The development name must be displayed on all project identification signs. If any tenant name(s) is to be displayed, an individual letter-style sign shall be used. ~~Signs displaying official logos may be permitted, only if the logo complies with the letter/graphic height and illumination requirements set forth in the Comprehensive Sign Plan for the project identification sign.~~

(d) Approval of a Comprehensive Sign Plan is required to construct a project identification sign if there will be any other freestanding signs on the site, including a second project identification sign. If another freestanding sign(s) is proposed for a development, it shall be monument-style and be no larger than 50 percent of the area of the primary sign and not taller than 10 feet and comply with the sign dimension requirements as stated in Table 2, Freestanding Sign Dimension Requirements.

(18) **Wall Signs.** Walls signs are not permitted for detached residential uses, except as otherwise permitted in this code. The following rules shall apply to wall signs in all Business and Industrial zoning districts:

(a) One wall sign is permitted per principal structure, unless said structure faces two or more arterial roadways. In such instance, a second wall sign may be permitted ~~with approval of a Comprehensive Sign Plan~~, provided the signs face different arterial roadways.

208.060 Comprehensive Sign Plan. A sign plan for a building and its associated grounds, a multi-building development site or a multi-tenant building indicating the number, types, locations, dimensions, materials, and colors of signs proposed. An approved Plan may vary from the design and dimensional standards set forth in the Sign Code without approval of a formal variance, provided it would result in attractive signage that is compatible with the premises and with adjoining development.

(A) **Comprehensive Sign Plan Required.** A Comprehensive Sign Plan is required ~~if two or more signs of a single type that require a permit are proposed for an existing property or structure as stated in this Section when deviations are proposed from the design and dimensional standards set forth in this Section.~~ Sign permits shall not be issued for multiple signs of a single type until a Comprehensive Sign Plan has been approved.

~~(E) Location on two Arterial Roads~~ Structures with frontage on two arterial roads shall be permitted both a freestanding and wall sign facing each arterial road, subject to approval of a Comprehensive Sign Plan, provided the structure is not part of a development which qualifies for a project identification sign.

203.040 Sign Permit.

(C) Comprehensive Sign Plan

(1) Administrative Review.

(a) Eligible Projects. Comprehensive Sign Plan review for multiple signs for a building or property may be reviewed administratively by the City Manager, in accordance with Section 203.020(D), provided any deviations proposed are minor, not to exceed the following: no deviations from the standards of Section 208 are proposed.

(i) Free-standing Signs

- i. The area of the free-standing sign exceeds the maximum area permitted by no more than 5%.
- ii. The height of the free-standing sign exceeds the maximum height permitted by no more than 2 feet.

Administrative review added for Comprehensive Sign Plans that comply with City standard or have minor

(ii) Wall Signs

- i. The number of wall signs exceeds the maximum number permitted by one.
- ii. The length of the wall sign exceeds the maximum length permitted by no more than 5%.
- iii. The allowable area of the wall sign exceeds the maximum area permitted by no more than 5%.

(c) Criteria for Review. The City Manager may grant approval of the Comprehensive Sign Plan only when the proposed signs comply with the standards the other provisions of Section 208 of the Development Ordinance. Any deviations to the sign standards require review by the Planning Commission and approval by the City Council.

Effective Date. This ordinance shall become effective the day following its publication in the City's official newspaper.

Publication Date. Published on or after
SEAL

Sandra C Martin, Mayor

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the text amendment to Chapter 208, Sign Regulations of the Municipal Code pertaining to temporary signs, message center signs and comprehensive sign plans. The proposed changes reflect the direction of the City Council.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – August 6, 2013