

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: MAY 28, 2013
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA

1. CALL TO ORDER

ROLL CALL

Approval of agenda

? : All except GW
M: DF
2nd: PS 6-0

A: Wanner

2. APPROVAL OF MINUTES

April 23, 2013

1st: PS
2nd: DF 6-0

April 30, 2013

1st: PS
2nd: DF 6-0

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS:

Meeting Date: May 6th and May 20, 2013

5/6 St. Os
5/20 Text Setback
2 CURS for garages

4. NEW BUSINESS

**A PUBLIC HEARING-PRELIMINARY PLAT/
PLANNED UNIT DEVELOPMENT-DEVELOPMENT STAGE**

FILE NO: 2485-13-12

APPLICANT: Target Corporation

LOCATION: 3800 Lexington Avenue

B. WIRELESS TELECOMMUNICATION PERMIT

FILE NO: 2484-13-11

APPLICANT: Verizon Wireless, LLC/ Buell Consulting, Inc.

LOCATION: 4344 Hodgson Road (Sitzer Park)

C. SITE AND BUILDING PLAN REVIEW

FILE NO: 2486-13-13

APPLICANT: RJ Marco Construction, Inc. / Newvesco, LLC

LOCATION: 577 Shoreview Park Road

5. MISCELLANEOUS

A. City Council Meeting Assignments for June 3rd and June 17th, 2013
Commission Member Solomonson and Thompson

switched full crew!

B. Discussion, Text Amendment, Message Center Signs, File No. 2420-11-13

C. Planning Commission workshop @ 6:00 pm before the regular meeting.

6. ADJOURNMENT

M: Pot S
2nd: Edil.
@ 9:30 pm 6-0

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SHOREVIEW PLANNING COMMISSION MEETING MINUTES April 23, 2013

CALL TO ORDER

Chair Solomonson called the April 23, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioner Ferrington arrived late.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the April 23, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the March 26, 2013 Planning Commission workshop meeting minutes, as submitted.

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

REPORT ON CITY COUNCIL ACTIONS:

City Planner Kathleen Nordine reported that the City Council has approved the following, as recommended by the Planning Commission:

- Conditional Use Permit for Jeffrey and Margaret Vest to expand a detached garage
- Minor Subdivision for Josh and Joanna Wing
- Comprehensive Sign Plan submitted by Lawrence Sign for the Superamerica station has been amended to comply with City requirements and will not be brought back for Commission review
- A moratorium for message center signs will be imposed for four months, effective May 1, 2013.

Commissioner Ferrington arrived at 7:06 p.m.

OLD BUSINESS

PRELIMINARY PLAT/SITE & BUILDING PLAN REVIEW

FILE NO.: 2477-13-04
APPLICANT: ST. ODILIA CHURCH
LOCATION: 3495 VICTORIA STREET NORTH

Presentation by Senior Planner Rob Warwick

The church campus consists of 20 acres. Uses on the property include the church, a school, a hospice, priests' residence, and administration building. The first application is to plat the property into five lots and this will integrate the property acquired from the Crosier Fathers. Lot 5 consists of 2.15 acres on the west side of the campus. The second application is to consider a proposed prayer garden, columbarium and cemetery on Lot 5, which abuts Vivian Avenue.

The property is located in R1 Detached Residential zoning district. Public and quasi-public uses are allowed in the R1 District under the Site & Building Plan Review process. The land use identified in the Comprehensive Plan is Institutional.

Chair Solomonson called a brief break to bring more chairs into the chambers. He then reconvened the meeting.

This matter was considered at the March 26, 2013, Planning Commission meeting. The public hearing was held, and the Commission tabled the application to allow the applicant to revise the plans and also extended the review period to 120 days.

The proposal will be developed in phases. The first phase will be to develop the south section with gardens and walkways that connect to the columbarium wall and other memorial features. The master plan shows 48 traditional grave sites and 1850 columbarium niches. The First Phase will include one columbarium wall with 96 niches. The north section will be landscaped during the First Phase. A total of 258 traditional grave sites and 1,100 columbarium niches with a rain garden to manage storm water are shown in the north section. The rate of development will depend on demand. It is anticipated that community need will be met for the next 100 years.

During the public hearing at the March meeting, concerns were expressed about: 1) the proximity of the cemetery to Island Lake School and St. Odilia athletic field; 2) increased traffic on Vivian Avenue; 3) view of the cemetery from traffic eastbound on Harriet Avenue; 4) noise; 5) negative impact on property values; and 6) environmental concerns.

Applicant Statement

In response, the applicant states that meetings have been held with Mounds View School District staff. Regarding noise and sight lines, the revised plan improves screening of the north section, and the applicant agrees that gun salutes are not appropriate during school hours. The church

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will define acceptable grave site procedures in operating rules. The markers will be flush at-grade stones. Memorials will be limited to a short period after burial, Memorial Day, Easter, Christmas and the anniversary of death.

The revised landscaping adds trees along the north boundary with Island Lake School. Additional deciduous trees will help screen the columbarium. Ornamental trees will be planted throughout the north section to break up the open expanse.

In 2012, there were 60 funerals at the church. Mourners arrive individually and leave in procession via Victoria. The access drive off Vivian will be gated during school hours. Future funerals are expected to result in interment in the church cemetery. Mourners will park in the church parking lot and depart by Victoria. Operating rules will be adopted to address memorials, traffic, parking, gun salutes flush markers and in-ground buried containers for traditional burials.

The applicant does not believe there is a need for a fence between the site and the athletic field. The church owns, manages and maintains the athletic field. In their experience, errant balls do not roll down the hill due to the distance, trees, and the batting cage.

The applicant states that there has been no research that identifies pollution from cemeteries in Minnesota. The State of Minnesota does not require the use of any type of in-ground container, but the church will follow best practices defined by the MN Catholic Conference of Bishops and will require use of in-ground containers for all traditional burials.

Staff finds that the preliminary plat does comply with City Code, except for Lot 2, which has no frontage on a public road. It is a legal nonconforming lot, which staff believes can continue. The proposed use will not conflict or impede uses of nearby property. The proposed use is allowed in Public or Quasi-public uses. The added landscaping mitigates the view concerns. Operating rules will address noise, traffic and environmental impacts.

Property owners within 350 feet were notified as well as those who attended the last Planning Commission meeting or submitted a comment. Most comments were in opposition of the project.

The proposed use is consistent with the Institutional land use designation and will not impede or impact nearby land uses. Impacts are mitigated through the design and the implementation of the operating rules. Staff recommends again taking public testimony and forwarding a recommendation to the City Council. Staff recommends approval with the conditions attached in the staff report.

Commissioner Ferrington asked if any one of the five lots created by the plat could be sold separately. Mr. Warwick answered that once the plat is recorded; there would be no further requirement prior to selling one of the lots. Ms. Nordine noted condition No. 9 that requires a PUD, which is a public review process should any one lot be sold.

Commissioner McCool asked if the operating rules are a condition of obtaining a grading permit. Once the grading permit is pulled, the project moves forward as there is no building permit. Mr. Warwick stated that there will be a development agreement required between the developer and the City.

Commissioner Proud asked if the City would have any legal authority to address a violation of the operating rules. City Attorney Filla answered that the City would have authority to enforce them. They will be contractual.

Commissioner Proud asked how people will be protected from open excavated graves. Mr. Warwick stated that the operating rules will cover opening and closing graves. Commissioner Proud further asked if there will be architectural compatibility with additions to the columbarium, as expansion takes place over time. He would like to add a requirement that states expansion will use the same or similar materials.

Commissioner Proud stated that the specifications regarding burial vaults from the applicant are the requirements of the church. He would have liked to see legal specifications.

Commissioner Ferrington asked about studies regarding property values. Mr. Warwick responded that staff talked to appraisers, read articles and the consensus from experts is that values depend on many specific variables.

Commissioner Wenner noted that property adjacent to Incarnation cemetery on County Road J in Lino Lakes has recently been developed with condominiums and executive homes, which would indicate an increase in value. That might be the closest comparable.

Father Phil Rask, St. Odilia Parish, stated that the church requires that whoever is buried in the cemetery must be affiliated with the parish. This means it will be a parish cemetery. Approximately 1200 households of the parish are Shoreview residents, which will make it a community cemetery also. There will be few full-body burials because 62% are cremations now.

Ms. Jean Schaaf, introduced Bill Sanders, Landscape Architect; Lynn Schriver-Scheedy, Chair of Prayer Garden Planning Committee who can answer specific questions. The land use is appropriate according to the Comprehensive Plan and zoning.

Commissioner McCool asked how the cemetery will be maintained in terms of memorials. **Ms. Schaaf** stated that there will be a cemetery association to define the operating rules. The church will be responsible to maintain the property and will want to keep it sightly.

Commissioner Ferrington noted that the most concern is with in-ground graves and asked why they are included. **Ms. Schaaf** stated that the total number of graves is 306, which is a small number considering there are 3200 parishioners being served. The church's mission is to offer burial service for its members.

Mr. Sanders, Landscape Architect, stated that the Archdiocese requires opportunities for cremation and traditional in-ground graves. The plan includes evergreens and deciduous trees

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and rain gardens throughout the site with increased landscaping in the first phase in response to the school. As the cemetery develops, it is expected that memorial trees will be donated and planted in the cemetery. The church has agreed to no upright memorials and good control for flowers and temporary memorials. In response to the question about architectural compatibility, he stated that two companies making columbariums are in St. Cloud and Crookston. There is a lot of granite in Minnesota, and he does not have great concern about continuity. There may be small differences in the granite as it is mined.

Commissioner Proud asked if the in-ground graves are needed, or just wanted. **Father Rask** responded that when the first proposal was presented to the Archdiocese with only cremation offered, he was informed that all Catholic churches in the Minnesota are required to offer both cremation and in-ground burial. As body burials are becoming less frequent, he does not believe that will be the main use of the property.

Commissioner McCool asked if all perimeter landscaped trees will be planted with the first phase. **Mr. Sanders** stated that most of the trees on Vivian Avenue and the school side will be planted in the first phase. There will be adequate room for memorial trees to be planted in aisles, and roots will not interfere with the graves.

Commissioner Schumer asked the timing for digging graves to be used. **Ms. Lynn Schriver-Sheedy**, 3485 Oak Creek Drive West, Vadnais Heights, stated that she is a Funeral Director. In her experience, grave diggers dig the grave on the day of the funeral or the day before. The area is always secured with planks.

Commissioner Ferrington asked how feasible it will be for elderly people to walk from the church to the grave site because of the steep hill rather than driving and using the access off Vivian. **Mr. Sanders** stated that the main parking will be on the church. The walkways will be built to accessible standards and accommodation will be made for those who cannot walk.

Commissioner Thompson asked if the 306 number of burial sites is absolute or if there is flexibility. **Mr. Sanders** stated that the sites are adequately set back and buffered. **Ms. Schaaf** stated that the 306 may not be used, but that is the plan being requested for approval. Chair Solomonson opened the meeting to public comment.

Mr. Tim Dwyer, 5755 Pond Drive, stated that he and his wife support St. Odilia's plan and the opportunity to remain for eternity in Shoreview where they have lived most of their lives.

Ms. Joan Bauer, 3353 Victoria St. N., stated that she and her husband have served on the committee for the columbarium and would like to be buried there. It is to be a prayer garden for quiet and contemplation.

Mr. John Mushel, 3444 Vivian Avenue, stated that his two concerns of screening and gun salutes during school hours have been addressed. Another concern is the environmental impact. He requested that Commissioner Proud's concerns be satisfied because he does understand potential environmental impacts.

Mr. Chiou, 1037 Cottage Place, stated that he is a professional chemist and did some research on caskets and found that the requirement used by the Catholic church is not waterproof. Federal regulations stated that no one is forced to buy a certain type of casket. If there are 60 burials a year and 10% are in-ground burials, that is 6. In 50 years, there would be 300 graves, not 100 years. He questioned the reason for using deciduous trees to screen the columbarium because when they lose their leaves, the screening will be gone.

Mr. James Van Guilder, 984 Board Walk Court, stated that he supports the church plans. He and his wife are waiting for this decision for his daughter's burial. After use of the 306 graves, no further in-ground burials could be added. The columbarium can be expanded.

Mr. John Walsh, 360 Oak Crest Lane, Roseville, stated that St. Odilia's is a community church. Worship includes the people, those who have gone before, the angels and saints in heaven. A great way to symbolize the fact those before us are still a part of us is to have burials on the premises.

Mr. Tom O'Dea, 925 Arbogast, expressed concern about water runoff and snow melt. His neighbors on Arbogast near Vivian have water problems. Nothing draws down property values like water problems in the basement. He would like an answer to the impact of this project on this neighborhood.

Mr. Laurie Olson, 1065 Nelson Drive, stated that her mother chose cremation in hopes she could be buried at St. Odilia's where her whole family goes to church. She is also a licensed real estate agent and understands concerns about property values. She has searched to find an answer. It has not been studied widely, but what she has been able to find is that there are no negative impacts on property values. It is planned as a beautiful enhancement for the community.

Mr. Kent Olson, 3468 Nancy Place, stated that he appreciates the changes that have been made in the plan. There are several months when deciduous trees do not screen and can there be evergreens planted among them to help screening? Also, there is quite a grade change from Vivian to the church parking lot and what do the in-ground burial sites look like with that topography?

Ms. Beth Peterson, 878 Cannon Avenue, echoed the same concern with topography and effectiveness of screening. Her other concern is increased traffic in the neighborhood. Traffic on Cannon is heavy on weekends when there are church services. Cars go between 30 mph and 40 mph on Cannon to the Vivian intersection, which is a safety issue for children. Many use Canon as a through street.

Ms. Jean Chastain, 3430 Chatsworth, stated that her concern is drainage. With the snow melt, there is a big mess at the bottom of the hill today. Putting in in-ground vaults will decrease drainage capacity, which will be a very negative impact to the property at the bottom of the hill. That property sits on the line of two watershed districts--Ramsey-Washington Metro Watershed District and Rice Creek Watershed District. In a drought last summer the sidewalk in that area

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was mushy and green. This change in land use on the north portion with the hill will be a drainage issue. Property exceeding one acre should be reviewed by the watershed district. She contacted the Ramsey-Washington Metro Watershed District and was told that only preliminary discussions had taken place regarding this plan, and existing drainage issues had not been discussed.

Ms. Mary Ann Hennen, 4324 Vivian, stated that her children attended St. Odilia's and she has been continually been impressed with the number of services that are offered to the community. St. Odilia being a model from birth to death is an impressive feat for the community, and she would like to see it supported.

Mr. Steve Petersen, 3516 Nancy Place, stated that his main concern is the view of the cemetery. The hill is very steep, and water streams down from the Island Lake playground. The landscaping will not visually cover or hide the cemetery. Deciduous trees only have leaves for six months of the year. The neighborhood is accessed by Harriet Avenue, and the view will be seen. Regarding the cemetery on County Road J, it was there before development. People had a choice. This neighborhood does not have a choice. The operating rules will not mask the hodge podge of what will exist on that site. The church does not consider the religion of others in the neighborhood. There are people of other religions that require believers to live a certain distance from cemeteries. They have said they will move. The church has never addressed that. There will be people who will not buy his house because it will be next to a cemetery, which will impact its value. The church has not presented other options. The church owns a piece of land on the other side of Victoria that is flat and would be perfect for a cemetery. Overall, it is not a good idea for a church to put a cemetery into an existing neighborhood.

Ms. Theresa Chirhart, 5650 Turtle Lake Road, stated that cemeteries are a part of life. It is nice to have one in the community that one can affiliate with. She appreciates how people decorate graves and remember relatives. It is important and does not have to be hidden from life.

Ms. Kay O'Dea, 925 Arbogast Street, expressed her appreciation for Mr. Chen's presentation. As a former teacher, she is concerned about children on swings at recess and a funeral procession nearby. The neighborhood meeting was divisive. That is not what is preached at St. Odilia, and she asked for consideration to bring the neighborhood together in unity.

Mr. Dave Olson, 3740 Brunet Court, Vadnais Heights, stated that he supports this proposal. The City is very modern to allow this type of discussion and debate and is a good thing. A cemetery is a resting place and a beautiful concept. Traffic would be no more and no less. Drainage is an issue, and studies are needed on that issue. To make a cemetery with the landscaping planned would help with water quality and drainage. One thing that definitely impacts property value is green space. Once cemetery it will always be green space. Building development also impact property values. A beautiful, open dignified green space will not impact property value. It is true that some in some cultures, people do not live near cemeteries. However, the greater good needs to be considered. He supports this proposal.

Chris Podobinski, 3441 Vivian Avenue, stated that it is her hope that this is a good way to take care of the water issue draining from the school. Her concern is traffic at the apartment complex on Victoria. That is where there will be traffic.

Mr. Greg Barilla, 625 Harriet Avenue, stated that now trees are falling down on this property and the pond is not desirable. With this added attention, he believes the place will be more peaceful and beautiful. He supports the project.

Mr. Jay Li, 3504 Richmond Avenue, stated that in an internet survey 29 of 30 people replied negatively to buying a house next to a cemetery. That is not scientific, but those attitudes will influence house prices. Children are quite sensitive and influenced by movies to believe in ghosts in cemeteries. The playground is so close to the proposed cemetery that he will not be able to bring his children there to play.

Ms. Agnes Walsh, 360 Oak Crest Lane, Roseville, stated that children learn what they are taught about death and dying. About 15 or 16 years ago, a daycare was put in with senior living, so that elderly and children would be together. How they are taught and how we react to death is what is important. As she and her husband have no children, it would be very comforting to know they will be buried in their community which has become their family.

Mr. Tim Helmsman, Roseville, stated that he would like to be buried in this cemetery. He believes the water problem is important, and there are very smart people working on this project that will address that. This will be a modern cemetery with no scary grave markers. It will not be intimidating. He supports this proposal.

Mr. Dave Olson stated that the largest obstacle to cemeteries is land development and cost of land. This is the ultimate situation, as St. Odilia's already owns the land. There is no cost to the community.

Mr. Sanders stated that an engineer has been hired to address water management on the site. The City requires that runoff cannot increase from what now occurs. The plan actually reduces runoff with rain gardens on the upper and lower portions of the site. It is not unusual for cemeteries to be located on hillsides. It has been determined that the site is suited for the proposal. Regarding the comments on deciduous trees, they would be willing to put in coniferous trees and work with staff on that issue.

Commission Discussion

Commissioner McCool asked if other alternative sites on St. Odilia property were considered. **Ms. Schaaf** stated that the land on the east side is next to the church and is planned for future building expansion.

Commissioner Proud asked if the surface water study took into account the proposed development configuration. Further, he asked if a computerized view at different times of the year could be provided so people can visualize how the development will look. **Mr. Sanders** stated that the engineer had the complete plans when the water management study was done. He

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said that providing a view of the proposal is possible. **Ms. Schaaf** added that Glen Haven in Crystal has a similar landscape and green space with flush grave markers. The city has invested near the cemetery to build a community center.

Commissioner Wenner asked for further explanation of traffic patterns in the neighborhood and how school traffic will be impacted. Mr. Warwick stated that there is no traffic counts for local streets, including Vivian. The typical funeral attracts significantly less vehicles than the school or church on weekends. **Ms. Schaaf** stated that school drop off and pickup times for St. Odilia and Island Lake School are close to the same, and funerals are not planned at those times. St. Odilia tends not to generate traffic on Vivian.

Commissioner Ferrington asked if the watershed district has determined whether an environmental impact statement is needed, and what would be involved? Mr. Warwick responded that the City has contacted Ramsey-Washington, and their staff advised that a permit was not required. With the comments heard tonight, staff will double check on that issue. The plan has been reviewed by the City Engineer and determined to comply with City requirements. The plan will result in a reduction of runoff. Any runoff that comes from Island Lake playground would not have been considered in the study. Such runoff would be considered a historic pattern across St. Odilia's, and would be allowed to continue.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to recommend the City Council approve the Preliminary Plat and Site and Building Plan review applications for St. Odilia, 3495 Victoria Street North, for development of a prayer garden, columbarium and cemetery, subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire one year if the final plat has not been approved by the City Council.
3. The cemetery shall be developed in accordance with the approved Master Plan. St. Odilia shall notify the City after completion of Phase 1. Subsequent development phases shall be administratively approved provided the phase is in conformance with the Master Plan.
4. The cemetery shall be developed and operated in accordance with Minnesota Statutes.
5. No crematorium or mausoleum is proposed or permitted in this development.
6. The applicant shall develop operating rules for the cemetery that are in compliance with the Shoreview Municipal Code and other applicable laws. These rules include provisions that:
 - a. Require funeral attendees to use Victoria St. to access the cemetery, and to prohibit parking on Vivian for any funeral services or burials.
 - b. Allow the display of grave memorials only for limited duration after burial and specified holidays only.
 - c. Restrict ceremonial rifle salutes.

- d. Address noise generated by funeral services (music, use of speakers or microphones, etc.).
 - e. Require use of flush foot stones to mark all grave sites.
 - f. Require the use of in-ground burial containers for all traditional burials.
 - g. Establish hours of operation, specify the times funerals may be held and when site work for burials may occur.
 - h. The operating rules shall be submitted for City review and approval prior to adoption by the cemetery association.
7. The applicant shall obtain a grading permit prior to commencement of any work for the development of the prayer garden/cemetery/building area.
 8. Landscaping shall be maintained in accordance with the approved plans to provide a buffer from the adjoining public school use and mitigate the visual impacts of the cemetery on adjoining land uses.
 9. St. Odilia's is required to submit a Planned Unit Development application prior to a future sale of any of Lots 1 - 5, Block 1, The Catholic Community of St. Odilia.
 10. The Applicant shall enter into a Development Agreement with the City.

This approval is based on the following findings:

- a. The proposed improvement is consistent with the policies of the Comprehensive Plan.
- b. The proposed improvements will not conflict with or impede the planned use of adjoining property.

Discussion

Commissioner Proud expressed concern about condition No. 6 because there is no specification for burial containers. He continues to have environmental concerns because of the chronic surface water problem in the area. He would support tabling the matter until further surface water determinations have been made and until a more definitive environmental report is made.

Commissioner Ferrington stated that she likes many things about the proposal, but agrees with Commissioner Proud that there are still some issues to be resolved. It is difficult to develop within a fully developed neighborhood, and there needs to be sensitivity to the people who live there and are impacted. More time is needed to develop the plan more fully.

Commissioner McCool stated that he is satisfied with what has been presented. The City has a land use code that states this use is allowed. The applicant has gone to great lengths with landscaping. The environmental issues is not a concern to him because there are hundreds, if not thousands, of cemeteries in Minnesota. There has yet to be reported a single incident of contamination from a cemetery. It is not fair to the applicant to address something that the Department of Health has not imposed. The engineers and experts have stated that the application is in compliance. The tough part is that residents do not always get a land use developed that they consider desirable.

Commissioner McCool offered a number of amendments:

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No. 6.a. to state that funeral vehicle processions are required to use Victoria Street, not pedestrians.

No. 6.c. to add that in no event shall salutes be allowed during school hours.

Add 6.i. that would require use of procedures and protective measures for site burials to make sure public safety is maintained.

No. 10. insert a comma at the end and add, "which development agreement shall incorporate the Operating Rules of the cemetery."

Commissioner Schumer accepted all of the amendments except the first one. He does not see the need to clarify vehicular traffic from Vivian, as the gate will be closed, which is part of the agreement. Ms. Nordine noted that any policy change stipulated in the agreement would require City approval. Commissioner McCool withdrew that portion of his amendments.

Commissioner Wenner also accepted the same amendments as Commissioner Schumer.

Commissioner Schumer stated that it would be unfair to the applicant to table. They have shown great cooperation in providing responses to concerns, and he is sure they will continue to work with staff. They deserve an up or down vote.

Commissioner Wenner agreed. This applicant has listened to the debate and direction of the Planning Commission and has come back to address those issues. He believes Commissioner Proud's concern goes beyond state law. The Commission should only require what is required by law.

Chair Solomonson echoed Commissioner McCool's statements. The plan is well thought out. The prayer garden is very nice. He agreed that the applicant has answered questions from the last meeting, and he favors the proposal.

Commissioner Thompson stated that she is not in favor of the proposal as it stands but agrees that the matter should have a vote. Many of the concerns came from residents who are not members of St. Odilia's, and she does not believe those concerns have been addressed, mainly the proximity of the in-ground burial sites to two schools.

VOTE ON AMENDED MOTION:

Ayes - 4

Nays - 3 (Ferrington, Proud, Thompson)

PUBLIC HEARING: TEXT AMENDMENT - RESIDENTIAL SETBACK REGULATIONS

FILE NO.: 2433-11-26
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Nordine

The purpose of the proposed text amendment is to provide setback flexibility for single-family residential properties in order to open up additional options for property owners who would like to expand their homes. There are some neighborhoods where smaller front setbacks are used. Some neighborhoods have wider street rights-of-way than others. Expansion can be difficult depending on the location of the home on the property.

The Development Code requires that single-family residential districts (R1, R2 and RE) have a minimum front setback of 30 feet on local and collector streets. The minimum setback on arterial roads is 40 feet. The setback for a house adjacent to homes that exceed the minimum setback is the average of the two adjacent homes plus or minus 10 feet. Some encroachments are permitted, such as a stoop or cantilever.

The proposed amendments would reduce the 30-foot minimum front setback to 25 feet, which would not adversely impact the alignment of homes on the street. If the existing side yard setback is less than the 10 feet required, that setback may be maintained, if there is at least a 5-foot setback and the addition is no taller than one story. One story is defined as a 9-foot ceiling or less.

It is proposed that parcels adjacent to a road with a 60-foot right-of-way may be allowed a 20-foot front setback as long as the structure maintains a 35-foot setback from the road surface.

The Planning Commission has discussed providing more flexibility to homeowners who wish to add on to their property. The proposed amendments are in accordance with the Commission's recommendations. A public hearing was opened at the March 26th meeting and continued to this meeting. Staff is recommending the public hearing be held and send a recommendation for approval to the City Council.

Commissioner McCool noted that the language stated in 209.080 2.A., is stated differently on the next page in 207.050 C.4. Both sections should have the same language. Also, the language in Section 205.082 2.A. should be the same as the section on riparian lots.

Chair Solomonson asked the maximum height outside that would be considered one story with a definition of a 9-foot ceiling. He asked the reason for not measuring from the outside rather than the inside. With a basement and pitched roof, even a one-story home could be a high structure.

Commissioner McCool suggested cutting provision No. 3 and approving the other amendments. Then the Commission can refine the measurement of one-story.

Chair Solomonson agreed and stated he would prefer to use the variance process rather than try to find a definition that works for everyone.

Ms. Nordine stated that the text now states one story with no height definition. Mr. Warwick added that a walkout basement would be considered two stories. These requests do not happen often and mostly on riparian lots. As proposed, an addition would not allow a basement. He suggested staff pull Section No. 3, Section 205.082.2.A.

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City Planner Nordine stated that proper notice has been given for this public hearing.

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

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

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code, pertaining to setbacks in Residential Districts. The amendments relax setback standards for dwellings and are intended to promote reinvestment in the City's housing stock. This motion deletes Section 205.082 A as proposed; Section 205.082 B would become Section 205.082 A; and 209.080 2C ivaa, insert but never less than a minimum of 25 feet.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

Moratorium

City Planner Nordine reported that the City Council has imposed a moratorium on message center signs for a period of four months, effective May 1, 2013. The Council does not want to impede business owners from putting in message center signs and so a short moratorium period. The main concerns are the impact of message center signs on residential properties and any impact to traffic and public safety.

The time frame for addressing this matter in four months would be for the Planning Commission to discuss this matter at its May meeting, act on a proposed amendment in June that would go to the Council in July. Commissioners offered a number of issues and questions for staff to address at the Commission discussion in May:

- Brightness measurement acceptability using industry standards
- Distance from residential
- Possible poll business community/vendors to find out needs and reasons for those needs from businesses
- Size of message center signs near residential
- Define readability or clear view of the message center sign
- Hours of operation

Commissioner Wenner left the meeting at this time.

City Council Assignments

Commissioners Wenner and McCool will respectively attend the May 6th and May 20th City Council meetings:

Meetings

The Planning Commission will hold a second April meeting on April 30, 2013.

Immediately prior to the May 28th regular meeting, the Planning Commission will hold a workshop meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the meeting at 10:45 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

DRAFT

SHOREVIEW PLANNING COMMISSION MEETING MINUTES April 30, 2013

CALL TO ORDER

Chair Solomonson called the April 30, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

MOTION: by Commissioner Wenner, seconded by Commissioner Schumer to approve the April 30, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 7 Nays - 0

NEW BUSINESS

VARIANCE - EXTENSION

FILE NO.: 2414-11-07
APPLICANT: JAMES GRUBER
LOCATION: 3289 EMMERT STREET

Presentation by City Planner Kathleen Nordine

In May 2011, a subdivision was approved dividing this property into two parcels. In April 2011, the Planning Commission recommended approval of the minor subdivision with a variance to reduce the required front yard setback to 40 feet. In April 2012, the Planning Commission granted a one-year extension for the variance. The minor subdivision has been recorded. Parcel 2 has sold, and parcel 1 is on the market. The applicant seeks a three-year extension for the variance. Staff believes the time frame is reasonable due to the real estate market, and the fact that the owner has made a good faith effort to sell the property.

Commissioner Wenner noted two spellings for the applicant. The correct spelling is GRUBER.

Commissioner Schumer stated that there is no reason to not approve this request. Ms. Nordine explained that if not approved, the minor subdivision has been recorded as such the vacant lot is of record. Without the variance extension, the required setback may make this lot unbuildable.

Mr. Jim Gruber, Applicant, 5545 Alden Avenue, St. Paul, stated that the request is related to the real estate market and the time it is taking to sell this lot.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to extend the variance approved for Parcel 1 (3308 Victoria Street) reducing the front yard setback for a future home on the property to 40 feet. The subdivision and Resolution have been recorded at Ramsey County and the property is being marketed for sale. Said extension is for a three-year period to April 26, 2016. Conditions attached to the variance approval shall remain in effect.

VOTE: Ayes - 7 Nays - 0

PUBLIC HEARING - CONDITIONAL USE PERMIT/VARIANCE

FILE NO.: 2481-13-08
APPLICANT: THOMAS & LINDA RITCHIE
LOCATION: 5186 LEXINGTON

Presentation by City Planner Kathleen Nordine

The application is to reconstruct a detached garage on the property. The subject garage is larger than the maximum size permitted. The property is greater than one acre. The intent of the Conditional Use Permit is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan. The variance is to maintain the existing 4.5-foot setback from the side property line.

The property is zoned R1, Detached Residential and in the Shoreland Management District of Turtle Lake. The lot consists of 1.05 acres with a width of 56 feet. It is developed with a single-family home of 2,250 square feet and an attached garage of 616 square feet. The detached garage they are seeking to rebuild is 735 square feet.

The Development Code provides that accessory structures on parcels greater than one acre may exceed the maximum area permitted with a Conditional Use Permit. The existing detached garage would be demolished and rebuilt using the current concrete foundation and changing the roof from a lean-to style to a pitched roof. The exterior would be consistent with the house. Existing vegetation along the property line would be maintained.

Staff finds that the proposal complies with the location, height, design and screening requirements for a detached accessory structure. It is consistent with the Development Code and Comprehensive Plan. There is reasonable difficulty with the narrow lot width. The character of the neighborhood would not be impacted.

Notices were sent to property owners within 350 feet. One response was received in support of the project. The Building Official has noted that fire rated construction is required. Staff is recommending the public hearing; approve the variance, and forwarding the application to the City Council with a recommendation for approval.

DRAFT

Commissioner McCool asked if it would be possible to have a 10-foot setback from the property line. Ms. Nordine answered that would not be possible because of the second detached accessory structure.

City Attorney Filla stated that he has reviewed the public notices, and the public hearing is in order at this time.

Chair Solomonson opened the public hearing.

Mr. Tom Ritchie, Applicant, stated that the new garage will be parallel to the second accessory structure. The view of neighbors will not change. He has talked to his neighbor about the best way to build the new structure. The garage needs to be replaced because of the water damage.

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

VOTE: Ayes - 7 Nays - 0

Commissioners commented on the fact that this application will be a good improvement to the property and their appreciation for the consultation with the neighbor.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 13-39 approving a variance to reduce the 10-foot side yard setback to 4.5 feet and recommend the City Council approve the Conditional Use Permit submitted by Thomas and Linda Ritchie, 5186 Lexington Avenue, to reconstruct a detached accessory structure on their property, subject to the following conditions:

1. Approval of the conditional use permit is subject to approval of the variance to maintain the existing 4.5-foot setback from the side property line.
2. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
4. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
5. The applicant shall obtain a detached accessory structure permit for the structure.
6. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards pertaining to one-hour fire resistance construction.
7. The structure shall be used for the personal storage of vehicles, recreational vehicles, trailers, household and lawn equipment.
8. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will maintain the residential use and character of the property and is, therefore, in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards, as detailed in the Development Ordinance for residential accessory, are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.
5. Practical difficulty is present as outlined in Resolution 13-39 approving a side-yard setback variance.

VOTE: Ayes - 7 Nays - 0

PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO.: 2482-13-09
APPLICANT: MICHAEL R. KEENE
LOCALTON: 5345 HODGSON ROAD

Presentation by Senior Planner Rob Warwick

This application for a conditional use permit is to exceed the maximum area permitted for a detached accessory structure in order to build a new garage measuring 28 feet by 40 feet, or 1,120 square feet. The combined floor area for all accessory structures would be 1,750 square feet, which exceeds what is allowed by Code without a Conditional Use Permit.

The property consists of 2.59 acres with a lot width of 100 feet. It is zoned RE in the Shoreland Overlay District of Turtle Lake. It is developed with a single-family home with an attached two-car garage. The home is 1,685 square feet; the attached garage is 624 square feet. The driveway off Hodgson Road is shared with two other adjoining lots.

Code allows a detached garage of 750 square feet or 75% of the dwelling unit foundation area, whichever is more restrictive. The proposed new garage would be 1,120 square feet or 66% of the foundation area of the home. The combined area would be 1,744 square feet, which exceeds the more restrictive of 1,200 square feet or 90% of the foundation area allowed.

Staff finds that the proposal complies with conditional use permit criteria. The principal structure will remain visually dominant due to the lot size, the dwelling size and the location of the garage. The proposed new detached garage will be 200 feet from the home. Staff is recommending a landscaping plan to be approved prior to a building permit. The proposed new garage will be 17 feet from the south property line. Existing vegetation on the north will mitigate visual impact.

DRAFT

Notices were sent to property owners within 350 feet. One comment was received in support of the application. Staff recommends forwarding the proposal to the City Council for approval with the conditions listed in the staff report.

Commissioner McCool expressed concern about screening and asked what landscaping staff is recommending. Mr. Warwick responded that the screening is good between Hodgson Road and the structure. Staff would like to see added screening to the north to break up the mass of the building seen from nearby homes.

Commissioner Ferrington asked the reason for the proximity of the proposed garage to the driveway. Mr. Warwick explained that topography is the issue. More complicated grading would be needed to move the location.

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

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

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

VOTE: Ayes - 7 Nays - 0

Commissioners expressed their support of the project and stated that concerns about landscaping, placement of the new structure and size had been addressed.

Commissioner McCool expressed some concern about the total floor area of all garages at 103% of the house foundation area. He stated that he can support the project because of the distance between the garage and the house.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to recommend the City Council approve the Conditional Use Permit submitted by Michael Keene, 5345 Hodgson Road, to construct a detached garage on the property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the garage shall be compatible with the dwelling.
3. A minimum setback of 10 feet is required from the side property line.
4. The applicant shall obtain a building permit for the structure.
5. The applicant shall submit a final site grading plan and a landscape plan for approval by the City Planner prior to issuance of a building permit for the detached garage.

6. The project is subject to the permitting requirements of the Rice Creek Watershed District. The applicant shall obtain the necessary RCWD permit prior to issuance of any City permits for the project.
7. The structure shall be used for storage of household and lawn supplies, vehicles and equipment.
8. The structure shall not be use in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will maintain the residential use and character of the property and is, therefore, in keeping with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards, as detailed in the Development Ordinance for a residential accessory, are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE: Ayes - 7 Nays - 0

APPEAL

FILE NO.: 2483-13-10
APPLICANT: MICHAEL MORSE
LOCATION: 1648 LOIS DRIVE

Presentation by City Planner Kathleen Nordine

The applicant is appealing an administrative decision to not process an application that was previously submitted and denied. This application for a variance is the same or substantially the same as the one previously denied. City Code requires a six-month time period before an application can be resubmitted. Section 202.010 (C) specifically states that, "No application for the same or substantially same request shall be made within six months from the date of denial."

The applicant submitted an application for four variances, which were denied December 17, 2012. The applicant appealed the Planning Commission decision to the City Council. The City Council denied the appeal on February 4, 2013.

The applicant states that the application should be processed because changes have been made to the proposal:

1. The size of the structure has been reduced from 1100 square feet to 959 square feet.
2. The height has been reduced from 15 feet to 14 feet.
3. The length of the structure was reduced from 50 feet to 43.5 feet.

DRAFT

A variance is no longer required for height, as the height is less than the house. Also, the proposed garage is smaller than those of some neighbors. Placement of the garage is in the same location as the old garage as shown by submitted photographs, which is 2.5 feet from the side property line.

Staff believes the plan and variances requested are substantially the same as the previous application. The required variances are the same or substantially the same: 1) exceed the maximum area allowed; 2) exceed the maximum combined area for accessory structures; and 3) reduce the required 5-foot setback from the side property line to 2.5 feet. Staff recommends denial of the appeal.

Mr. Michael Morse, 1648 Lois Drive, Applicant, stated that part of the denial is based on character of the neighborhood. His proposed change of 957 square feet is 3 square feet smaller than an existing garage six houses to the east. That garage is larger than the existing home. He is trying to resolve all issues to move forward.

Commissioner Ferrington asked about plans for a new addition to the home. Mr. Morse stated that he has been told that would have no bearing on the current application. Commissioner Ferrington suggested completing the addition first.

Ms. Nordine stated that a variance would still be needed even if there was an addition on the house.

Commissioner McCool stated that the essence of the application is the same--a structure that is larger than allowed and too close to the property line. The same variances are being requested.

Commissioner Thompson sympathized stating that it is clear the applicant is making an effort to make his proposal more acceptable for a variance. She asked if staff sought the advice of the City Attorney regarding the interpretation of "substantially the same." City Attorney Filla answered, yes, and stated that briefs for the pending legal action are due May 15, 2013. He would not anticipate guidance from the court until June.

Commissioner Ferrington stated that with pending litigation, she does not believe the application should be moved forward.

MOTION: by Commissioner Proud, seconded by Commissioner Wenner to deny the appeal and uphold staff's interpretation that the variance application submitted on March 13, 2013 by Mike Morse, 1648 Lois Drive cannot be processed because the application is the same or substantially the same as his previous variance application, File No. 2468-12-31, which was denied on February 4, 2013, by the City Council. No application for the same or substantially the same request can be made within six months of the date of denial.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

City Council Assignments

Commissioners Wenner and McCool will respectively attend the May 6th and May 20th City Council meetings.

Workshop

The Planning Commission will hold a workshop on May 28, 2013, immediately prior to the regular meeting, at 6:00 p.m.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the meeting at 8:07 p.m.

VOTE: Ayes - 7 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

TO: Planning Commission

FROM: Kathleen Nordine, City Planner

DATE: May 22, 2013

SUBJECT: File No. 2485-13-12, Preliminary Plat and Planned Unit Development – Amendment, 3800 Lexington Avenue

McCool Recused self.

Introduction

The City received applications for a Preliminary Plat and amended Planned Unit Development (PUD) from Target Corporation for their SuperTarget Retail Store located at 3800 Lexington Avenue. The proposed preliminary plat divides the property into three parcels: Lot 1 - SuperTarget Store, Lot 2 - new parcel for future retail development and Outlot A - stormwater pond to be conveyed to the City.

The proposed subdivision proposal does affect the approved PUD for the property and needs to be amended. Issues addressed in the amended PUD include parking, the free-standing sign/shared signage and impervious surface coverage. Target is also asking that restrictions imposed as part of the PUD which limits the hours of operation and deliveries be lifted. Target has indicated that they are not proposing to expand the hours at this time, but do want some flexibility so they are able to respond to the market competitively.

The application was complete as of May 6, 2013.

Site History

In 1989, Target Corporation approached the City with plans to develop a retail center that included a Target retail facility and a grocery store. These plans were reviewed via the PUD process and approved using the regulations from the C1, Retail Service District as the underlying zoning district. In addition, other performance standards requiring interior dumpster locations, no outside storage and screened cart storage were stipulated with the approval. Target Corporation submitted a revised plan in 1990 that included an expanded area for the Target retail store and set aside the area north of the building for future development. The site was originally developed in accordance with these plans and consisted of a Target Greatland store that had a gross floor area of 144,000 square feet.

In 1994, Target Corporation approached the City with plans to expand this store and change the operations from a Target Greatland to a SuperTarget. Applications were submitted but withdrawn before City Council Action.

Target Corporation – 3800 Lexington Avenue
File No. 2485-13-12

Target Corporation came back in 2000 with another proposal to expand the store and change the operations to a SuperTarget retail facility. These plans were approved by the City and a building addition was completed on the north side of the structure. Nearby residents expressed concern regarding the noise impact from a potential 24-hour retail operation during the review process. In response, conditions were imposed limiting the hours of operation for the retail store from 7:00 am and 12:00 am and prohibiting truck traffic between 12:00 am and 5:00 am.

Site Characteristics

The property is located on Lexington Avenue, south of Interstate 694 and has access from Red Fox Road and a public access road off of Lexington Avenue. The 14.38 acre site is currently platted as two parcels and developed with the SuperTarget retail store (183,875 square feet), an off-street parking lot, loading dock area, and stormwater management facilities.

The property is located in a PUD zone that has an underlying zoning district of C1, Retail Service. Department stores are a permitted use in this zoning district. The adjacent properties to the north are also developed with commercial uses but the zoning varies from C2, General Commercial to PUD. The property to the east is zone R1, Detached Residential but is owned by Ramsey County and developed with a golf course. Immediately to the south, is the YMCA recreation center which is zoned C1, Retail Service. Across Lexington Avenue to the east, is the City of Arden Hills which is developed with a variety of commercial and/or business related land uses.

The closest residential development is the Island Lake Avenue neighborhood that is located immediately south of the YMCA. The residential properties are about 560' from the Target property.

Project Description

Target Corporation has submitted applications for a preliminary plat and an amended PUD for the City's consideration.

Preliminary Plat

The property is currently platted as two parcels, Lots 1 and 2, and includes a drainage easement for the stormwater pond over Lot 2, along with a variety of other public drainage and utility easements that encumber the site. The proposed subdivision would re-divide the property into three lots:

- Lot 1 – 12.28 acres, containing the existing SuperTarget store and associated parking
- Lot 2 – 1.14 acres, developed with parking but intended for future retail development
- Outlot A – 0.96 acres, containing the stormwater pond, and would be conveyed to the City.

The plat complies with the minimum standards of the C1 district and the subdivision standards. Easements are being required along Lexington Avenue, Red Fox Road and the South Access drive. An existing easement will be retained for stormwater infrastructure related to the drainage

on the property and the ponding area. Other existing easements that do not serve a public purpose will be vacated with the Final Plat.

Target is proposing to create a new commercial parcel, Lot 2, for future retail development. This parcel is located in the southwestern corner of the property and would share access off of the existing driveway from the public access road immediately south of the property. This parcel is currently developed with parking area for the retail store. The use of this parking area is low due to the distance from the store. Furthermore, Target does not believe the parking provided in this portion of the lot is needed to meet their parking demand. An agreement will be required to address the shared driveway and access that will exist between Lots 1 and 2 as proposed.

Outlot A is being conveyed to the City. This outlot is developed with a stormwater pond that manages stormwater from the Target property and some of the adjoining property. Last year, the City approached Target regarding the possibility of using this pond for the treatment of stormwater runoff associated with the Red Fox Road improvement project. Target has agreed to this conveyance in consideration of a reduced assessment for the road project. The pond will be modified, enlarged and include a sand filter to treat run-off from Red Fox Road and the surrounding drainage area including the Target and TCF sites.

PUD – Amendment

An amendment to the PUD has also been submitted to reflect changes associated with the proposed plat but also address changes pertaining to Target's operation. These include:

Parking

With the division of Lot 2, the parking provided for the Target store will be reduced from 855 stalls to 765 stalls. Ninety stalls are located on Lot 2. Parking was previously reviewed by the City when the addition was constructed in 2000. At this time, the parking requirements were applied based on the use of the building (warehouse and retail) and the number of stalls provided on site exceeded the 806 stalls required.

Target has further evaluated their parking needs by looking at actual utilization at several Target and SuperTarget sites throughout the country. Parking demand for the Shoreview store at its peak is 544 stalls or 2.96 stalls per 1000 square feet. The proposed 765 stalls provides a ratio of 4.16 stalls and is less than required by the Development Code.

The Development Code does provide an exception to the minimum parking requirements. Less than the minimum parking required is encouraged provided the applicant demonstrates that the proposed use has less parking demand than required by the Development Code. Proof of parking, however, is required.

Target has provided sufficient evidence that the parking demand generated by the retail store is less than required. When the proof of parking standard is applied, there is a deficiency of 41 stalls. Based on the information presented by Target, it is Staff's opinion that ample parking will be provided even at peak demand. Flexibility can be given to the City's standards with the PUD.

Freestanding Sign

The existing freestanding sign identifying the SuperTarget is located on the proposed Lot 2. It is Target's intent to retain this sign, however, once the property is subdivided, this sign becomes an off-site sign which is not permitted by the Development Code. Target is asking the PUD be amended to allow this sign to remain.

Lot 2 would be encumbered with a private sign easement that would permit Target to retain the sign and have access for maintenance. Target has stated that they are willing to share this sign with the future use of Lot 2, and they want to reserve this right as part of the PUD. In accordance with the Sign Code, only one free-standing sign is permitted on Lot 2. Allowing a second panel on the existing sign would comply with this standard.

Impervious Surface Coverage

The amount of impervious surface coverage existing on the development site will not change since no development is proposed at this time. The existing impervious surface coverage is 83.02% and exceeds the maximum 80% permitted for commercial properties. Flexibility to this standard was approved with the 2000 PUD amendment for the SuperTarget retail store. With the division of this property into three lots, impervious surface coverage will be as follows:

Lot 1 – 90.77%
Lot 2 – 69.35%
Outlot A – 0%

Hours of Operation and Deliveries

Target is also asking that restrictions on the hours of operation and deliveries imposed with the PUD amendment in 2000 be lifted. The conditions limit the hours of operation for the retail store from 7:00 am and 12:00 am and prohibits truck traffic between 12:00 am and 5:00 am, with the exception of trailer drop-offs. Target has indicated that they are not proposing to expand the hours at this time, but do want some flexibility so they are able to respond to the market competitively.

These conditions were placed upon the PUD due to concerns expressed by nearby residents regarding noise. With the building addition in 2000, the loading dock area was relocated from the southeast corner of the building to the northeast corner. At that time, it was anticipated that the impact on the Island Lake residential neighborhood to the south would be lessened. Vehicles using the docks enter from the South Access Road, drive around the east side of the building and pull back into the loading area. Despite this change, residents have still expressed concerns about noise from the delivery operations.

Commercial land uses within the Lexington Avenue corridor have increased within the past decade with the commercial development on the east side of Lexington Avenue in Arden Hills and the Red Fox Road Retail area. The retail market has also changed with the increase of 24/7

operations year round and around the Christmas holiday season. Generally, conditions restricting hours of operation or deliveries are imposed when commercial or business land uses are directly adjacent to residential land uses.

The Island Lake residential neighborhood is located about 560' to the south of the Target property and is separated by the YMCA. This neighborhood is unique as it is isolated from other resident neighborhoods due to the proximity to the County open space and commercial and quasi-public uses on Lexington Avenue. To minimize impacts on the neighborhood, Staff is supportive of retaining the truck delivery hour restricts but recommends lifting the hours of operation imposed on the retail operation.

Snow Removal – Public Streets

The last modification to the PUD being requested pertains to snow removal on the adjoining Red Fox Road and the South Access Road. In accordance with the 1989 approvals, Target is required to remove snow on both these roadways. Since then, the City has taken over the responsibility of snow removal on Red Fox Road. Snow removal on the South Access driveway remains the responsibility of Target. Target is requesting that the PUD be amended to relieve them of snow removal requirement on Red Fox Road and maintain their responsibility for snow removal on the South Access Road until such time the City takes on that responsibility. Staff believes this request is reasonable.

Red Fox Road Improvements

At their May 6th meeting, the City Council authorized the contract for the Red Fox Road reconstruction project. This roadway is being improved to better manage traffic on the roadway that is generated by the adjoining commercial and public land uses. While a full traffic study was not completed, traffic data submitted by a developer provided the information needed for the road design. Improvements include the addition of a middle turn lane and medians, signal modifications, replacement or relocation of water and sanitary sewer infrastructure, sidewalks and street lighting. Stormwater will be directed to the existing pond on the Target property which will be increased in size and modified by adding a sand filter system.

In addition, a right turn lane on Lexington Avenue to Red Fox Road and pedestrian signal crossing improvements at the Red Fox Road/Lexington intersection are included as part of this project.

Public Comment

The notification range for these applications was extended beyond the 350-feet to include the Island Lake residential neighborhood. Residents who commented expressed concern regarding the noise associated with the truck delivery, traffic at the South Access Road and the future use of Lot 2. In addition, some questions were raised regarding the conveyance of the pond to the City.

Target Corporation – 3800 Lexington Avenue
File No. 2485-13-12

Scott Yonke, Ramsey County Parks and Recreation, also submitted a comment indicating no concerns with the proposal.

Recommendation

The submitted plans have been reviewed in accordance with the Development Code, the Subdivision Code and the existing PUD. The preliminary plat is consistent with the Code requirements for the PUD and C1 zoning district. Conveyance of Outlot A to the City is also beneficial for the Red Fox Road improvement project. Regarding the PUD, amendments are needed due to changes with the plat. Regarding the hours of operation, it is Staff's opinion that rescinding the condition limiting the hours of the retail store is reasonable due to the changing characteristics of Lexington Avenue and the retail market. Staff is, however, proposing to retain a restriction on delivery hours due to concerns expressed from residents in the Island Lake Avenue neighborhood.

Staff is recommending approval of the submitted applications subject to the following conditions:

Preliminary Plat

1. The Final Plat shall include a sidewalk easement along Red Fox Road and public drainage and utility easements as required by the Public Works Director.
2. The applicant shall apply for a Vacation, to vacate the existing easements that are no longer required as part of the development site. The Vacation Application shall be submitted concurrently with the Final Plat.
3. The applicant shall execute an agreement between the Lots 1 and 2 addressing the shared driveway, access, signage and maintenance. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. Executed and recorded copies of the required agreements shall be submitted to the City prior to the issuance of a building permit on Lot 2.
5. Outlot A shall be conveyed to the City.
6. A sign easement that encumbers the existing Target Sign on Lot 2 shall be conveyed and benefit Lot 1. This easement shall be submitted to the City Attorney for review and approval prior to the release of the Final Plat for recording.
7. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Amendment

1. This PUD amendment replaces the previous PUD approvals from 1989, 1990 and 2000.
2. A Development Agreement shall be executed and shall include applicable provisions from the previous PUD approvals referenced in Condition No. 1 above as well as any requirements associated with this PUD amendment.
3. The applicant shall execute an agreement between the Lots 1 and 2 addressing the shared driveway, access, signage and maintenance. Said agreements shall be submitted to the City

Attorney for review and approval prior to the City's review of the Final Stage PUD plans and Final Plat.

4. Development on Lot 2 shall require an amendment to this Planned Unit Development.
5. Target agrees to work with the City on developing a landscape plan that addresses landscaping within the landscape islands where trees have died and have been removed. Said plan shall be submitted with the Final PUD application.
6. Truck traffic to Lot 1 shall be prohibited between the hours of 12:00 am and 5:00 am with the exception of trailer drop-offs.
7. An exception to the City's minimum parking requirements is approved as part of this PUD. As indicated in the submittal, 765 stalls shall be provided on Lot 1 for the SuperTarget Retail store.
8. The existing freestanding sign on Lexington Avenue identifying the SuperTarget store may remain provided a sign easement is conveyed to and benefits Lot 1. It is the City's preference that this sign be shared with the future use of Lot 2.
9. The existing condition limiting the retail hours of the SuperTarget Store from 7:00 am to 12:00 am shall be lifted with this approval.
10. Target is released from the responsibility imposed with the 1989 PUD requiring snow removal on Red Fox Road as this road is plowed and maintained by the City of Shoreview. Target shall continue to be responsible for the removal of snow on the South Access Road until such time the City takes over snow plowing on said road.

Attachments

- 1) Prior PUD approvals
- 2) Email – Tom Wesolowski, City Engineer
- 3) Location Map
- 4) Submitted Plans and Statement – Target Corporation
- 5) Request for Comment
- 6) Motion

**DEVELOPMENT AGREEMENT
TARGET CORPORATION**

(I) THIS AGREEMENT is made and entered into by and between the City of Shoreview, a municipal corporation and political subdivision of the State of Minnesota (hereinafter the "City") and Target Corporation, their successors and assigns (hereinafter the "Developer"). This agreement amends the previous development contract entered into by the City and the developer dated September 5, 1989.

(II) On April 17, 2000 the City gave approval to develop certain property located within the City, legally as follows (hereinafter the "subject property"):

Lot 1 and Lot 2, Block 1, Shoreview Target Addition

(III) Pursuant to City Ordinances, the Developer is required:

- A. To make certain improvements to the subject property.
- B. To provide the City with a form of surety, approved by the City's Attorney, insuring completion of any required improvements which remain incomplete at the time of the Developer's request for building permit approval.
- C. To follow certain procedures, as determined by the City, to control soil erosion during the development of the subject property.
- D. Utilize the subject property in compliance with the applicable governmental regulations, the conditions of this contract and previous development contract.

(IV) In consideration of the City's grant of permission allowing the Developer to develop the subject property, and in consideration of the mutual agreements contained herein, the City and the Developer agree as follows:

1. **Infrastructure Improvements.** All improvements shall be constructed in accordance with the approval of the City Council, the City's ordinances and regulations, and pursuant to plans and specifications approved by the City Engineer. All requirements attached to said project by the City's Council on April 17, 2000, as conditions of planned unit development, site and building plan review approval and comprehensive sign plan, are to be satisfied whether or not identified in this document.

- 1.1. As-built drawings must be provided upon completion of the project. Drawings must include references to bench marks, gate valve ties, curb box ties, name of contractor, and updated invert elevations as constructed. As-builts must be prepared and submitted on reproducible mylars as well as an electronic format compatible with the City's automated drafting system.

2. **Landscape Installation.** The Developer agrees to install landscaping consistent with the landscaping plan dated 3/20/00. All landscape materials placed as part of this landscape plan shall be maintained in a healthy condition and replaced with like material if they become damaged, diseased or die.
 - 2.1. The City Environmental Officer shall estimate the cost of landscape improvements to be completed, calculating one hundred and twenty five percent (125%) of the estimated cost of the plant materials to be installed. Developer, before release of the building permit by the City, shall provide the City with a form of security in accordance with the calculation insuring completion of these landscape improvements.
3. **Erosion Control.** An Erosion Control Plan shall be prepared under the seal of a Registered Professional Engineer on behalf of the Developer and shall be submitted to the City Engineer. The Developer agrees to comply with the recommendations of the City Engineer for the subject property and shall incorporate these recommendations in to the plans and specifications.
 - 3.1. The Developer shall enter into an Erosion Control Agreement with the City and shall deposit an amount equal to one hundred twenty five percent (125%) of the City's Engineer's Estimated cost of complying with the recommendations before issuance of a grading permit. *The deposit shall be in the amount of \$5,625.00.*
4. **Provision of Easement.** The Developer shall provide an easement to the City for drainage and utility purposes over the public infrastructure of the site, including stormwater facilities. This easement shall be executed prior to the issuance of a building permit by the City.
5. **All Costs Responsibility of Developer.** The Developer agrees to pay for all costs incurred of whatever kind or nature in order to construct the improvements required by the City's regulations. The City shall not be obligated to pay the Developer or any of its agents or contractors for any costs incurred in connection with the construction of the improvements, or the development of the property. The Developer agrees to hold the City harmless from any and all claims of whatever kind or nature which may arise as a result of the construction of the improvements, the development of the property or the acts of the Developer, its agents or contractors in relationship thereto.
6. **Surety Calculation** If the Developer chooses to construct all or a portion of the improvements required by the City's regulations after the time of building permit approval, the City Engineer, prior to building permit approval, shall prepare a Statement of Required Improvements and Security identifying the improvements to be completed, estimating the cost of the improvements to be completed, calculating one hundred and twenty five percent (125%) of the estimated cost of the improvements to be completed, specifying a completion date for said improvements, indicating the preparer of the document, and specifying the date of preparation. The Statement of Required Improvements and Security shall be signed and dated by the Developer and shall be attached to the Development Contract as Exhibit "A".

7. **Provision of Surety.** The Developer, before release of the building permit by the City, shall provide the City with a form of security insuring completion of the improvements identified on the Statement of Required Improvements and Security. The form of surety shall be approved by the City Attorney and shall reference the Development Contract, shall describe the procedures to be followed by the City for obtaining funds to construct improvements where necessary, and shall contain other provisions necessary to protect the City's interests.

If the Developer conveys its interest in the subject property or any part thereof, or if the Developer assigns its right to construct improvements or otherwise develop the subject property, it shall first notify the City. In the event of a conveyance or assignment prior to completion of the improvements and the development of the subject property, the form of surety shall not be released unless it is replaced by a new surety agreement satisfactory to the City.

8. **Administrative Fee.** In addition to filing and application fees, the Developer agrees to pay to the City and engineering overhead fee, which shall be as set forth in the City Overhead Charge Table attached as Exhibit "B". The total project cost for public improvements shall be estimated by the City Engineer. The administrative fee shall be paid before release of the building permit by the City. *The fee for this project is \$161.00.*

9. **Operational Requirements.**

- 9.1. **Truck Traffic.** Truck traffic to the subject property shall be prohibited between the hours of 12:00 a.m. and 5:00 a.m. with the exception of trailer drop-offs. As used herein, the term "truck traffic" means deliveries or pickups by any size truck to the subject property except access to the site by emergency vehicles and snow removal equipment.

Semi-trucks shall use the south access drive to enter the site and shall leave the site via the northeasterly curb cut onto Red Fox Road.

- 9.2. **Snow Removal.** Snow removal procedures shall be as follows:

9.2.1. No snow shall be stored on the subject property.

9.2.2. No sand/salt mix will be stored on the subject property.

- 9.3. **Hours of Operation.** Target Corporation shall notify the City prior the expansion of this facility to a twenty four-hour operation that is open to the public. Said notification shall include information regarding changes in business operations.

- 9.4. **Previous Approvals.** The Conditions outlined in previous approvals and development contracts remain in place and shall be adhered to by the developer.

10. Miscellaneous.

- 10.1. Signs. Sign permits shall be obtained before the installation or re-facing of any signs on the property.
- 10.2. Exterior Lighting Maintenance. The developer shall maintain the lights installed in the parking areas and on the exterior of the building.
- 10.3. Exterior Storage. There shall be no dumpsters or other outside storage of trash, refuse, pallets, crates, products or materials in truck trailers, etc., except small attractive trash receptacles shall be permitted in the front of the building for use by patrons. Shopping carts shall be stored in the screened location as indicated on the site plan so as not be visible from the parking lot when the respective store is closed. Additional shopping cart collection corrals shall be approved by the City Planner before a building permit is issued.
- 10.4. Stormwater Ponding. The developer shall provide access to the stormwater ponding area for the City's Public Works Department.
- 10.5. Property Maintenance. The developer shall maintain the property, including structures, buildings, fences and landscaping so as to prevent unsightliness, health hazards or unsafe conditions. All debris, refuse or garbage shall be kept within a completely enclosed building or properly stored in a closed container designed for such purpose as permitted above in 10.3. The developer shall monitor the maintenance of the property on a weekly basis and shall remove any debris, litter or make repairs when necessary for compliance to this provision.
11. Development Terms. The project is subject to the following conditions as approved by the City Council on April 17, 2000:

11.1. Planned Unit Development – Development Stage

- 11.1.1. The property shall be developed in accordance with the plans submitted as part of this application.
- 11.1.2. Provisions of the previous approvals for the planned unit development, including the development agreement shall be complied with.
- 11.1.3. Final grading, drainage and erosion control plans may be permitted must receive approval from the Public Works Director.
- 11.1.4. Additional plant materials may be placed around the fencing to soften and improve the appearance of this area. An area for access shall remain for City Staff and equipment.
- 11.1.5. Improvements shall be made to Red Fox Road as required by the Public Works Director.
- 11.1.6. Final landscape plan may be permitted provided approval must be received from the City Planner.

- 11.1.7. Lighting used on the buildings and in the expanded parking area shall be consistent with the existing light fixtures. Lighting on the south-building wall shall be modified by shielding and directing light downward and not towards the residential neighborhood. All lighting on site shall comply with Section 204.030 of the Development Code. Before the issuance of a building permit, the applicant shall provide details on the exterior light fixtures and pole heights.
- 11.1.8. The applicant shall secure the necessary approvals from Rice Creek Watershed District before commencing any construction on the site.
- 11.1.9. The applicant shall enter into a site development agreement and an erosion control agreement with the City. This development shall not supercede the operational and design requirements associated with the 1989 and 1990 PUD and Site and Building Plan approvals.
- 11.1.10. Target Corporation shall amend their application for a Temporary Outdoor Garden Area. Staff may administratively review said amendment.
- 11.1.11. The hours for the retail store shall be limited to 7:00 a.m. to 12:00 a.m. Expansion of these hours requires an amendment to the Planned Unit Development, which shall be reviewed by the Planning Commission and acted on by the City Council.

11.2. Site and Building Plan Review

- 11.2.1. The property shall be developed in accordance with the plans submitted as part of this application.
- 11.2.2. Approval is subject to final approvals for the Planned Unit Development.
- 11.2.3. Authorize the Building Official to issue proper building permits after Final Stage approval of the PUD.

11.3. Comprehensive Sign Plan

- 11.3.1. Approval for the monument sign includes replacing the existing "Target Greatland" sign panel with a sign panel identifying "SuperTarget" only. This approval does not include the replacement of this sign with a pylon identification sign as identified in the submittal.
- 11.3.2. Sign permits shall be obtained before the installation of any new signage on the property.

12. **Default** The occurrence of any of the following after written notice from the City and thirty (30) days to cure (or such longer period as may be reasonable) shall be considered an "Event of Default" in the terms and conditions contained in this Agreement:

13. The failure of the Developer to comply with any of the terms and conditions contained in this agreement;
14. The failure of the Developer to comply with any applicable ordinance or statutes with respect to the development and operation of the subject property.

15. Remedies Upon the occurrence of an Event of Default, the City, in addition to any other remedy which may be available to it shall be permitted to do the following:

City may make advances or take other steps to cure the default, and where necessary, enter the subject property for that purpose. The Developer shall pay all sums so advanced or expenses incurred by the City upon demand, with interest from the dates of such advances or expenses at the rate of 10% per annum. No action taken by the City pursuant to this section shall be deemed to relieve the Developer from curing any such default to the extent that it is not cured by the City or from any other default hereunder. The City shall not be obligated, by virtue of the existence or exercise of this right, to perform any such act or cure any such default.

The Developer shall save, indemnify, and hold harmless, including reasonable attorneys fees, the City from any liability or other damages which may be incurred as a result of the exercise of the City's rights pursuant to this section.

Obtain an order from a court of competent jurisdiction requiring the developer to specifically perform its obligations pursuant to the terms and provisions of this Agreement.

Exercise any other remedies which may be available to it, including an action for damages.

Withhold the issuance of a building permit and/or prohibit the occupancy of any building(s) for which permits have been issued.

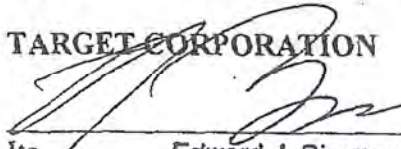
In addition to the remedies and amounts payable set forth or permitted above, upon the occurrence of an Event of Default, the Developer shall pay to the City all fees and expenses, including reasonable attorneys fees, incurred by the City as a result of the Event of Default, whether or not a lawsuit or other action is formally taken.

(V) IN WITNESS WHEREOF, the City and the Developer have executed this Agreement.

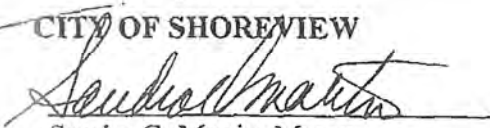
Approved by the City Council of Shoreview, Minnesota, this 17th day of April, 2000.

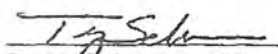
TARGET CORPORATION

Its


Edward J. Bierman
Vice President
Target Stores

CITY OF SHOREVIEW


Sandra C. Martin, Mayor


Terry Schwerm, City Manager



CITY OF SHOREVIEW

4600 North Victoria Street, Shoreview, MN 55126
(651) 490-4600 (651) 490-4699 Fax
(651) 490-4750 Voice/TTY

CITY COUNCIL
Sandy Martin, Mayor
Blake Huffman
Tom Landwehr
Mady Reiter
Ady Wickstrom

EXHIBIT "A"

STATEMENT OF REQUIRED IMPROVEMENTS AND SECURITY

TARGET STORE EXPANSION

A. MISCELLANEOUS IMPROVEMENTS

1. Storm Sewer & Man Holes (118')	\$ 3,540.00
2. Hydrant relocations (2)	3,000.00
2. Driveway Approach (1)	<u>1,500.00</u>
	\$ 8,040.00
Per Ordinance	<u>1.25</u>
	\$ 10,050.00

NOTES: Completion Date for Misc. Improvements – August 1, 2001
Administrative Overhead Fee is based on \$ 8,040.00

TARGET

Prepared by: Thomas L. Hammitt
Date: April 13, 2000
Revised completion, August 1, 2000



CITY OF SHOREVIEW

4600 North Victoria Street, Shoreview, MN 55126
(651) 490-4600 (651) 490-4699 Fax
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CITY COUNCIL
Sandy Martin, Mayor
Blake Huffman
Tom Landwehr
Mady Reiter
Ady Wickstrom

EXHIBIT "B"

OVERHEAD CHARGE TABLE AND RATE FEE

<u>PROJECT CONTRACT AMOUNT FOR PUBLIC IMPROVEMENTS</u>	<u>AMOUNT</u>
\$0.00 to \$100,00	2.00%
\$100,001 to \$200,000	1.70%
\$200,001 to \$300,000	1.40%
\$300,001 to \$400,000	1.10%
\$400,001 and over	0.80%

Rates Approved
Dated: June 2, 1982

**EROSION CONTROL ESCROW AGREEMENT
TARGET CORPORATION**

(A) THIS AGREEMENT is made and entered into by and between the City of Shoreview, a municipal corporation of the State of Minnesota (hereinafter the "City"), and Target Corporation, its successors and assigns (hereinafter the "Developer").

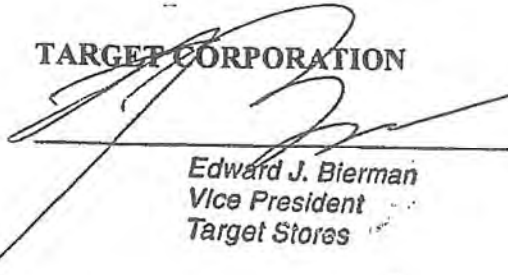
(B) The City and the Developer have executed a Site Development Agreement that obligates the Developer to control soil erosion during the development of the subject property. To secure erosion control during the development of this site, the Developer has submitted a cash deposit to the City of Shoreview in the amount of \$5,625.00. The Developer has submitted this cash deposit to the City on the following conditions:

1. The developer shall not receive interest on the amount of the deposit.
2. The developer agrees that the cash deposit may be utilized by the City to ensure compliance with the terms of the Development Contract regarding erosion control and/or to maintain all utility construction on the site, including the cleaning of road surfaces and storm sewer systems, until the Engineering Department has determined that erosion control has been satisfied. The cash deposit may also be utilized for problems created off the site directly or indirectly as result of on-site conditions.
3. The developer agrees, upon written notification from the City Engineer that proper erosion control methods are not being taken, to remedy the problem identified within 48 hours. In the event the remedy is not satisfactorily in place within that time period, the Developer acknowledges that the City may utilize the cash deposit to complete the necessary work.
4. Any funds not so utilized by the City shall be returned to the Developer once the City Engineer has determined that the need for erosion control has been satisfied.
5. Any soils transported to this site or exposed on the site shall be seeded consistent with a plan approved by the City Engineer.
6. This agreement shall not supersede any specifications required by the City Engineer on the approved grading plan.

(C) The Developer agrees to reimburse the City at a rate of \$55.00 per hour for each hour or fraction thereof used by a City employee in the administration of the Escrow Agreement. The obligations imposed by this paragraph shall commence on the date of execution of the Escrow Agreement by the Developer.

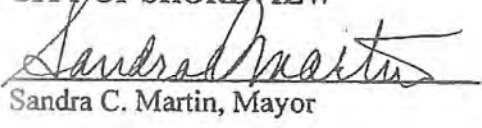
IN WITNESS WHEREOF, the City and the Developer have executed this agreement this
_____ day of _____, 2000.

TARGET CORPORATION

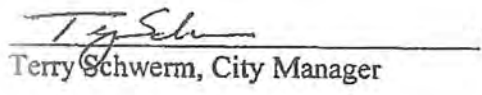


Edward J. Bierman
Vice President
Target Stores

CITY OF SHOREVIEW



Sandra C. Martin, Mayor



Terry Schwerm, City Manager

T:/develagr/TARGETEROS



VILLAGE OF SHOREVIEW

RAMSEY COUNTY, MINNESOTA

4665 NORTH VICTORIA STREET
Shoreview, Minnesota 55126 • Telephone 484-3353

April 18, 1990

Forrest E. Russell, Project Administrator
Target Stores
P.O. Box 1392
Minneapolis, MN 55440-1392

Subject: Council Action on Revised Site Plan

Dear Mr. Russell:

At its meeting on April 16, 1990, the City Council voted to approve the revised site and building elevation plans for the Target-Greatland store (plans dated April 3, 1990) subject to the following conditions:

1. Compliance with the September 5, 1989, conditions of planned unit development and site and building elevation plan approvals;
2. Execution of a revised development agreement to address the new project, which is to include the filing of the revised final plat before occupancy of the building;
3. Removal of parking spaces at rear of building to insure emergency vehicle access, subject to the review of the Fire Chief; and
4. Identification of plant materials acceptable to the City Planner for placement in the planters near the entries.

This Council action is valid for one year during which time the building permit must be pulled or the Council action is void. As noted in the conditions, you will be responsible for filing the new final plat before a permit for occupancy of the building can be given; I expect to receive an application for preliminary plat from you within the next few months. Finally, you should contact Tom Chock, Building Inspector, to coordinate the issuance of the building permit, which must be authorized by the City Council.

If you have any questions on this council action, please contact me.

Sincerely,

Thomas B. Campbell, AICP
Community Development Director

cc: Tom Chock



VILLAGE OF SHOREVIEW

RAMSEY COUNTY, MINNESOTA

4665 NORTH VICTORIA STREET
Shoreview, Minnesota 55126 • Telephone 484-3353

June 21, 1989

Bradley Henning
Watson Centers, Inc.
252 South Plaza Building
Minneapolis, MN 55416

SUBJECT: CITY COUNCIL ACTION ON TARGET CENTER

Dear Mr. Henning:

At its meeting on June 19, 1989, the City Council took two actions affecting this project. In the first action, the Council approved the Development Stage Planned Unit Development subject to the following conditions being satisfied before application is made for final PUD approval:

Approval is subject to the following conditions being satisfied before application is made for Final PUD approval (conditions preceded with an "*" are carried over from Concept PUD approval):

- *1. The developer shall enter into an agreement with the City to guarantee payment for the construction of traffic signals along Lexington Avenue, as directed by Council on February 6, 1989. This agreement shall be approved by the City Council.
- *2. The developer shall pay for the traffic study completed by the City's traffic consultant, as specified in an agreement between the City and the applicant, dated October 24, 1988.
- *3. A Development Contract and Erosion Control Agreement shall be entered into for all on-site improvements. This agreement shall also include enforcement procedures to be prepared by the City Attorney to ensure that the City has a defensible means to quickly attain compliance with the conditions of the PUD, including maintenance of the landscaping, trash and litter removal, and unauthorized storage of carts, outside storage, and on-site storage of truck trailers.
- *4. A plan shall be prepared by the applicant which insures adequate police protection for this development. This plan shall be prepared in cooperation with the Ramsey County Sheriff and it shall be approved by the City Council.

- *5. The applicant shall secure other agency approvals, as necessary, including Ramsey County and the Rice Creek Watershed District. (satisfied)
- *6. City Engineer approval shall be obtained for final street, utility, grading, drainage and erosion control plans.
7. The applicant shall submit a signed agreement for the removal of snow from the roadways that are to abut the north and south property lines of the development site. This agreement is to be approved by the City and recorded to run with the titles of each of the abutting properties. The applicant shall submit proof that this agreement has been recorded before a building permit will be issued.
8. Final plat approval must be obtained.
9. The C-1 zoning district regulations shall apply to Lots Two and Three (Target and the grocery store parcels and the C-2, zoning district regulations shall apply to Lot One (Sinclair), except where a variation is approved as part of the Planned Unit Development. All conditions of the September 6, 1983 Conditional Use Permit approved for the automobile service station and retail grocery sales use on Lot One shall continue as part of this PUD. Any revision of these conditions shall require amendment of the PUD.
10. On Lots Two and Three there shall be no dumpsters or other outside storage of trash, refuse, pallets, crates, products, or materials in truck trailers, etc., except small, attractive trash receptacles shall be permitted in the front of the building for use by the patrons.
11. Final site and building elevation plans that show the proposal for Lot One (Sinclair) and for Lots Two and Three on the same plan sheets shall be submitted that comply with, but not be limited to, the following requirements:
 - A. Sign Plan - Lot One (Sinclair):
 1. Two pylon signs may be permitted provided the pylon sign along Lexington Avenue does not exceed twenty feet in height or 75 square feet of area and the pylon sign east of the station does not be exceed 36 feet of height or 168 square feet of area.
 2. There shall be no wall signage and the existing roof sign and two Sinclair logo signs along the pump islands shall be removed as a condition of issuing a sign permit to relocate the two pylon signs.

Lots Two and Three (Target and Grocery Store):

Plans PA 1.3 and P.A 3.0 are acceptable as a comprehensive sign plan subject to the following revisions:

1. Identify the envelope for each sign within the tenant sign band on the plan sheets. The City Planner shall approve these dimensions.
2. The pylon signs shall not exceed 10'x 10' or 25 feet in height.
3. Each sign shall be consistent with the specifications on the approved plan sheets. A permit shall be obtained for each sign prior to installation.
4. The color scheme for the grocery store sign shall be approved by the City Planner.

B. Building Elevation Plan:

1. The color of the metal cap flashing shall be identified on the plans. The plan sheet shall be revised to state that the roof-top mechanical equipment shall be painted the same color. The City shall approve the color.
2. The color scheme for the grocery store canopy shall be approved be identified on the plans and approved by the City.
3. A plan for screening the roof-top mechanical equipment shall be approved. This plan shall be supported by scaled architectural perspectives from Lexington Avenue, and about 650 feet south and east of the structure. Any trees that will screen this line-of-sight shall be shown on the perspectives. Any required screening shall be installed prior to issuance of a certificate of occupancy, unless a cash escrow is submitted for 125% of the estimated cost of the screening.
4. All changes, including painting, to be made to the service station and canopy shall be illustrated.

C. Site Plan:

1. The plans shall be revised to state that raised curb and gutter islands will be constructed along the entire west side of the driveway in front of the building on Lots Two and Three. Trees shall be planted in each of these islands.

2. A traffic control sign plan shall be approved by City staff. This plan shall include, but not be limited to, on-site stop signs, posting of fire lanes for no-parking and posting of the 8'x 18' parking spaces for compact cars/employees only. These signs shall be installed by the developer.
3. On Lots Two and Three all shopping carts for each store shall be stored inside in a screened location so as to not be visible from the parking lot when the respective store is closed. The size and location of inside shopping cart storage areas and of the outside shopping cart collection corrals shall be approved by the City before a building permit is issued. (NOTE: The underlining and strike-through suggests changes to the Planning Commission action.)
4. The east driveway on Lot One (Sinclair) should be curved to discourage through-traffic to Lots Two and Three from Lexington Avenue.

D. Landscaping Plan:

1. The location, species and size of the landscape materials to be planted on the YMCA property shall be identified on the plan sheet. The location of these plantings shall be approved by the City to insure that they will not interfere with traffic visibility. To the extent practical, these plantings should be placed at as high of an elevation as possible on the hill to the east of the YMCA building.
2. Ramsey County shall approve of the type of grass to be planted along the east property line.
3. The plan shall be revised to include a note that the fence around the pond will be coated with green vinyl. A twelve-foot-wide maintenance/emergency access gate shall be provided and indicated on the plans. The location of the gate shall be approved by the City. If possible, it should be located on the north side.
4. The landscaping on the west side of the pond shall include species that will screen the fence on a year-around basis. The proposed plantings near the pond shall be revised as necessary to accommodate the required gate.
5. Flower beds shall be provided.
6. Additional landscaping materials shall be shown along the east and north lines of Lot One.

7. Provision of surety as agreed to by the City Staff shall be provided for a three year period for replacement of any needed landscape materials from date of occupancy of the building.

E. Lighting Plan:

1. The lighting plan shall be submitted to and approved by the City Council at the same time as the landscape review.

In a second motion, the Council approved the preliminary plat for the project subject to the following conditions:

- *1. City Engineer approval of the calculations for the 100-year storm design elevation for the pond to be constructed along Lexington Avenue.
- *2. Utility and drainage easements shall be dedicated or deeded to the City as required by the city Engineer. These easements shall include a drainage easement for the proposed pond that includes the area two feet above the approved 100-year storm elevation.
- *3. Payment of a Public Recreation Use Dedication fee.
- *4. All necessary right-of-way shall be obtained by the applicant from Sinclair Oil, the YMCA and George Reiling and deeded or dedicated to the City for the roadways proposed along the north and south property lines. If the final plat is to be recorded after construction begins, than easements for the required right-of-way must be recorded prior to the issuance of any building permit.
5. Council approval must be obtained to vacate the north 20 feet of the 80 foot-wide street easement located along the south property line. Evidence shall be submitted to show that the resolution of vacation has been recorded with the County.
6. City Engineer approval must be obtained for final street, utility, grading, drainage, and erosion control plans. These plans shall be consistent with the recommendations of the traffic study approved by Council on December 19, 1988.
7. A cross-easement agreement shall be prepared by the applicant and approved by City staff to grant access to each of the three lots in the plat across the other two lots. This agreement shall be recorded by the applicant simultaneous with the final plat. Evidence shall be submitted that this document has been recorded prior to issuance of any building permits



VILLAGE OF SHOREVIEW

RAMSEY COUNTY, MINNESOTA

4665 NORTH VICTORIA STREET

Shoreview, Minnesota 55126 • Telephone 484-3353

September 7, 1989

Richard E. Brooks
Target Stores
33 South Sixth Street
P.O. Box 1392
Minneapolis, MN 55440-1392

SUBJECT: COUNCIL ACTION ON SHOREVIEW TARGET CENTER

Dear Mr. Brooks:

At its meeting on September 5, 1989, the City Council took several actions affecting this project. The first action approved the final plat of Shoreview Target Addition subject to the approval of final plans by the City Engineer and receipt of satisfactory easements or right-of-ways from George Reiling for the north half of Red Fox Road to allow its construction. In a second motion, the Council approved the final PUD subject to the provision of a satisfactory guarantee for replacement of any landscape materials for a three year period beginning with the date a Certificate of Occupancy is signed by the Building Inspector, grading and seeding of the building site adjacent to the north wall of the Target store, and placement of a finish on this north wall to match the other building facades.

In a third action, the Council approved the site plan for the Target center subject to:

1. City Engineer approval of final drainage, erosion control, grading and utility plans. The erosion control and landscape plans shall indicate that grass shall be established following construction of the Target building and maintained on the site of the proposed grocery store building until the grocery store is constructed.
2. If the Target building is expected to be open to the public before construction of the grocery store is to be completed, City staff shall approve a site management plan to address, but not be limited to, traffic management and restoration of any damaged site improvements.

CITY COUNCIL ACTION - TARGET STORES
Page Two

dev act
#1
In a final action, the Council authorized the issuance of a building permit for the Target store as recommended and conditioned by the Building Inspector and subject to the payment of the police protection fee proposed in a submission dated August 17, 1989 by the time a certificate of occupancy is issued.

FROM
You should insure that the several conditions of approval are met as soon as possible so that the issuance of a building permit will not be delayed. I have incorporated several of the conditions for the Planned Unit Development approval and the police protection plan payment into the development contract; a revised copy of pages two and four that contract are enclosed for your review. If you have no concern with the proposed wording, I will insert these two pages in the original copy which Jack Fontaine of your office has signed and obtain the signatures of the Mayor and City Manager.

If you have any questions on these actions, please contact me.

Sincerely,

Thomas B. Campbell
Thomas B. Campbell, AICP
Director of Community Development

cc: Forrest Russell, Target
Brad Henning, Watson Centers

enclosures

DEVELOPMENT CONTRACT

DAYTON HUDSON CORPORATION

(I) THIS AGREEMENT is made and entered into by and between the City of Shoreview, a municipal corporation and political subdivision of the State of Minnesota (hereinafter the "City") and Dayton Hudson Corporation, a Minnesota corporation (hereinafter the "Developer").

(II) The City has given approval to subdivide and develop certain property located within the City and described as follows (hereinafter referred to as the "subject property"):

The East 132 feet of the West 396 feet of the North 165 feet of the Southwest Quarter of Section 26, Township 30, Range 23, AND The West 1,035.27 feet of the North 60 acres of the SW 1/4 of Section 26, Township 30, Range 23, except the South 309.79 feet thereof and except the north 165 feet of the West 396.0 feet, subject to Lexington Avenue.

The North 20 feet of the South 309.79 feet of the West 1035.27 feet of the North 60 acres of the Southwest Quarter of Section 26, Township 30, Range 23, except Lexington Avenue.

The West 396 feet of the North 165 feet of the Southwest Quarter of Section 26, Township 30, Range 23.

(III) Pursuant to City Ordinances, the Developer is required:

- A. To make certain improvements to the subject property.
- B. To provide the City with a form of security, approved by the City's Attorney, insuring completion of any required improvements which remain incomplete at the time of the Developer's request for final plat approval.
- C. To make a public land dedication to the City or, in lieu thereof and at the discretion of of the City Council, to make a cash equivalent payment prior to the final plat approval by the City.
- D. To follow certain procedures, as determined by the City, to control soil erosion during the development of the subject property.
- E. Utilize the subject property in compliance with applicable governmental regulations and the conditions of this Contract.

(IV) In consideration of the City's grant of permission allowing the Developer to construct certain improvements on the subject property and to otherwise develop the subject property; and in consideration of the mutual agreements contained herein, the City and the Developer agree as follows:

- A. All improvements shall be constructed in accordance with the City's ordinances and regulations and pursuant to plans and specifications which have been approved by the City's Engineer. The Developer agrees to provide the City with two copies of the plans and specifications for the improvements in a form and a time satisfactory to the City Engineer. No construction may begin until the plans and specifications have been approved. A minimum of 30 days and a maximum of 45 days shall be allowed for review of the plans and specifications.
- B. The Developer agrees to construct all required traffic control devices on the subject property and dedicate the necessary right of way for the placement of said devices as required by City standard. The Developer shall also install the required street lights (at the end of each construction season) for each portion of the plat developed in part or in full.
- C. The Developer agrees to guarantee payment for the City's share of the cost of the construction of traffic signals and other traffic control devices along Lexington Avenue, as directed by the City Council on February 6, 1989.
- D. The Developer agrees to install landscaping consistent with the landscape plan approved by the City Council on July 17, 1989. The Developer agrees to grade, seed, and install landscaping on the building site north of the Target Store intended for a grocery consistent with a plan to be approved by the Community Development Department before issuance of a Certificate of Occupancy. The Developer agrees to guarantee the replacement of any landscape materials for a three year period from the date a Certificate of Occupancy is issued.
- E. The final plat shall provide the City with a drainage easement over all elevations at or below the 100 year flood elevation of the storm pond.
- F. The Developer agrees to comply with the recommendations of the City Engineer for the subject property and shall incorporate said recommendations into the plans and specifications. An Erosion Control Plan shall be prepared under the seal of a Registered Professional Engineer on behalf of the Developer and shall be submitted for approval to the City Engineer with the plans and specifications and prior to any site grading.

The Developer shall enter into an Erosion Control Agreement with the City and shall deposit an amount equal to one hundred twenty five percent (125%) of the City Engineer's estimated cost of complying with the recommendations.

- G. The Developer agrees to pay for all costs incurred of whatever kind or nature in order to construct the improvements as set forth in the plans approved by the City Council on 6-19-89. The City shall not be obligated to pay the Developer or any of its agents or contractors for any costs incurred in connection with the construction of the improvements or the development of the property. The Developer agrees to hold the City harmless from any and all claims of whatever kind or nature which may arise as a result of the construction of the improvements, the development of the property or the acts of the Developer, its agents or contractors in relationship thereto, provided that in no case shall the Developer be responsible for incidents, resulting from City negligence.
- H. If the Developer chooses to construct all or a portion of the improvements required by the City's regulations after the time of final plat approval, the City Engineer, prior to final plat approval, shall prepare a Statement of Required Improvements and Security identifying the improvements to be completed, estimating the cost of the improvements to be completed, calculating one hundred twenty five percent (125%) of the estimated cost of the improvements to be completed, specifying a completion date for said improvements, indicating the preparer of the document, and specifying the date of preparation. Prior to final plat approval, the Statement of Required Improvements and Security shall be signed and dated by the Developer and shall be attached to the Development Contract as Exhibit "A".
- I. The Developer, prior to final plat approval by the City, shall provide the City with a form of security insuring completion of the improvements identified on the Statement of Required Improvements and Security. The form of security shall be approved by the City Attorney and shall incorporate the Development Contract, shall describe the procedures to be followed by the City for obtaining funds to construct improvements where necessary, and shall contain other provisions necessary to protect the City's interests.

If the Developer conveys its interest in the subject property or any part thereof, or if the Developer assigns its right to construct improvements or otherwise develop the subject property, it shall first notify the City. In the event of a conveyance or assignment prior to completion of the improvements and development of the subject property, the form of security shall not be released by the City unless it is replaced by a new security agreement satisfactory to the City.

Any conveyance or assignment of developer's interest shall be subject to the obligations described herein.

- J. In addition to other fees required by City regulations or this agreement, the Developer agrees to reimburse the City for all costs, of whatever kind or nature, incurred by the City in reviewing or processing the Developer's application, including but not limited to costs incurred for legal or other consultants.
- K. In addition to filing and application fees, the Developer further agrees to pay to the City an administrative overhead fee. The administrative overhead fee shall be as set forth in the City Overhead Charge Table attached as Exhibit "B". The total project cost for public improvements shall be estimated by the City Engineer. The administrative fee shall be paid before scheduling the final plat on the City Council agenda for approval.
- L. The Developer has submitted a plan for police protection dated August 17, 1989, which was approved by the City Council on September 5, 1989. The plan calls for Target to make a payment to the City totaling \$12,090.00; this payment shall be made before a Certificate of Occupancy is issued.
- M. The Developer shall submit a signed agreement for the removal of snow from the roadways that are to abut the north and south property lines of the development site. This agreement is to be approved by the City and recorded to run with the titles of each of the abutting properties. The applicant shall submit proof that this agreement has been recorded before a building permit will be issued. Changes in circumstances affecting the use of these roadways can be cause for a request for a review in this snow removal agreement.
- N. The plat of the subject property is identified as "Shoreview Target Center". On Lots One and Two, Block 1, Shoreview Target Center, there shall be no dumpsters or other outside storage of trash, refuse, pallets, crates, products, or materials in truck trailers, etc., except small, attractive trash receptacles shall be permitted in the front of the building for use by the patrons.
- O. Default. The occurrence of any of the following shall be considered a "Event of Default" in the terms and conditions contained in this Agreement:
1. The failure of the developer to comply with any of the terms and conditions contained in this agreement;
 2. The failure of the developer to comply with any applicable ordinance or statutes with respect to the development and operation of the subject property.

- P. Remedies. Upon the occurrence of an Event of Default, the City, in addition to any other remedy which may be available to it shall be permitted to do the following:
1. City may make advances or take other steps to cure the default, and where necessary, enter the subject property for that purpose. The developer shall pay all sums so advanced or expenses incurred by the City upon demand, with interest from the dates of such advances or expenses at the rate of 10% per annum. No action taken by the City pursuant to this section shall be deemed to relieve the Developer from curing any such default to the extent that it is not cured by the City or from any other default hereunder. The City shall not be obligated, by virtue of the existence or exercise of this right, to perform any such act or cure any such default. Developer shall save, indemnify and hold harmless, including reasonable attorneys fees, City from any liability or other damages which may be incurred as a result of the exercise of the City's rights pursuant to this section.
 2. Obtain an order from a court of competent jurisdiction requiring the developer to specifically perform its obligations pursuant to the terms and provisions of this Agreement:
 3. Exercise any other remedies which may be available to it, including an action for damages.

In addition to the remedies and amounts payable set forth or permitted above, upon the occurrence of an Event of Default, the Developer shall pay to the city all fees and expenses, including reasonable attorneys fees, incurred by the City as a result of the event of default, whether or not a lawsuit or other action is formally taken.

- Q. Developer agrees that at such time, if any, that Lot 2, Block 1, Shoreview Target Center plat is conveyed to another individual, partnership, corporation or other entity (collectively "Buyer"), that simultaneously with such conveyance Developer and Buyer shall enter into a reciprocal easement agreement in recordable form granting easement rights for ingress, egress and parking between Lot 2, Block 1, and Lot 1, Block 1, Shoreview Target Center.

(V) IN WITNESS WHEREOF, the City and the Developer have executed this Agreement.

Approved by the City Council of Shoreview, Minnesota, this 5th
day of SEPTEMBER, 1989.

DEVELOPER:

Dayton Hudson Corporation

Jack P. Fontaine
Jack P. Fontaine,
Senior Vice President
Target Stores Division

CITY OF SHOREVIEW:

Richard A. Wedell
Richard A. Wedell, Mayor

Dwight W. Johnson
Dwight Johnson, City Manager



VILLAGE OF SHOREVIEW

RAMSEY COUNTY, MINNESOTA

4665 NORTH VICTORIA STREET
Shoreview, Minnesota 55126 • Telephone 484-3353

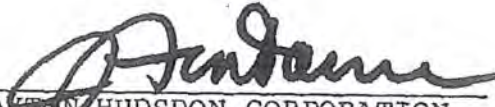
EXHIBIT "A"

STATEMENT OF REQUIRED IMPROVEMENTS AND SECURITY

SHOREVIEW TARGET ADDITION

IMPROVEMENTS

1. North Street & Utilities		\$157,000.00
2. South Street & Utilities		163,000.00
3. Site-Water, Storm & Drainage		149,750.00
4. Street Lights	8 @ \$1,400ea.	11,200.00
5. Street Signs		
Street ID	2 @ \$75.00ea.	150.00
Stop	5 @ \$75.00ea.	375.00
6. Sealcoating	6,870s.y. @ \$0.60	4,122.00
7. Traffic Signals (Shoreview Share)		46,155.00
8. Boulevard Sod	3,900s.y. @ \$2.50	9,750.00
		<u>\$541,402.00</u>
Per Ordinance		1.25
		<u>\$676,877.50</u>


DAVTON HUDSDON CORPORATION
Jack D. Fontaine
Sr. Vice President- Target Stores

Notes: Completion Date for Improvements - October 1, 1990
Administrative Overhead Fee based on \$541,402.00

Prepared by: Thomas L. Hammitt
Date: August 10, 1989
TLH/crc
#7-PVD-88
REVISED AUGUST 17, 1989

EXHIBIT "B"

OVERHEAD CHARGE TABLE AND RATE FEE

<u>REQUIRED IMPROVEMENT COST</u>	<u>AMOUNT</u>
\$0.00 to \$100,000	2.00 %
\$100,001 to \$200,000	1.70 %
\$200,001 to \$300,000	1.40 %
\$300,001 to \$400,000	1.10 %
\$400,001 and over	.80 %



Kathleen Nordine <knordine@shoreviewmn.gov>

Target Corp. Preliminary Plat and PUD

1 message

Tom Wesolowski <twesolowski@shoreviewmn.gov>
To: Kathleen Nordine <knordine@shoreviewmn.gov>

Tue, May 14, 2013 at 3:08 PM

Kathleen,

I reviewed the application from Target Corp for the preliminary plat and PUD and have no comments. The plat and revisions to the PUD reflect the discussions we had with Target at our meetings.

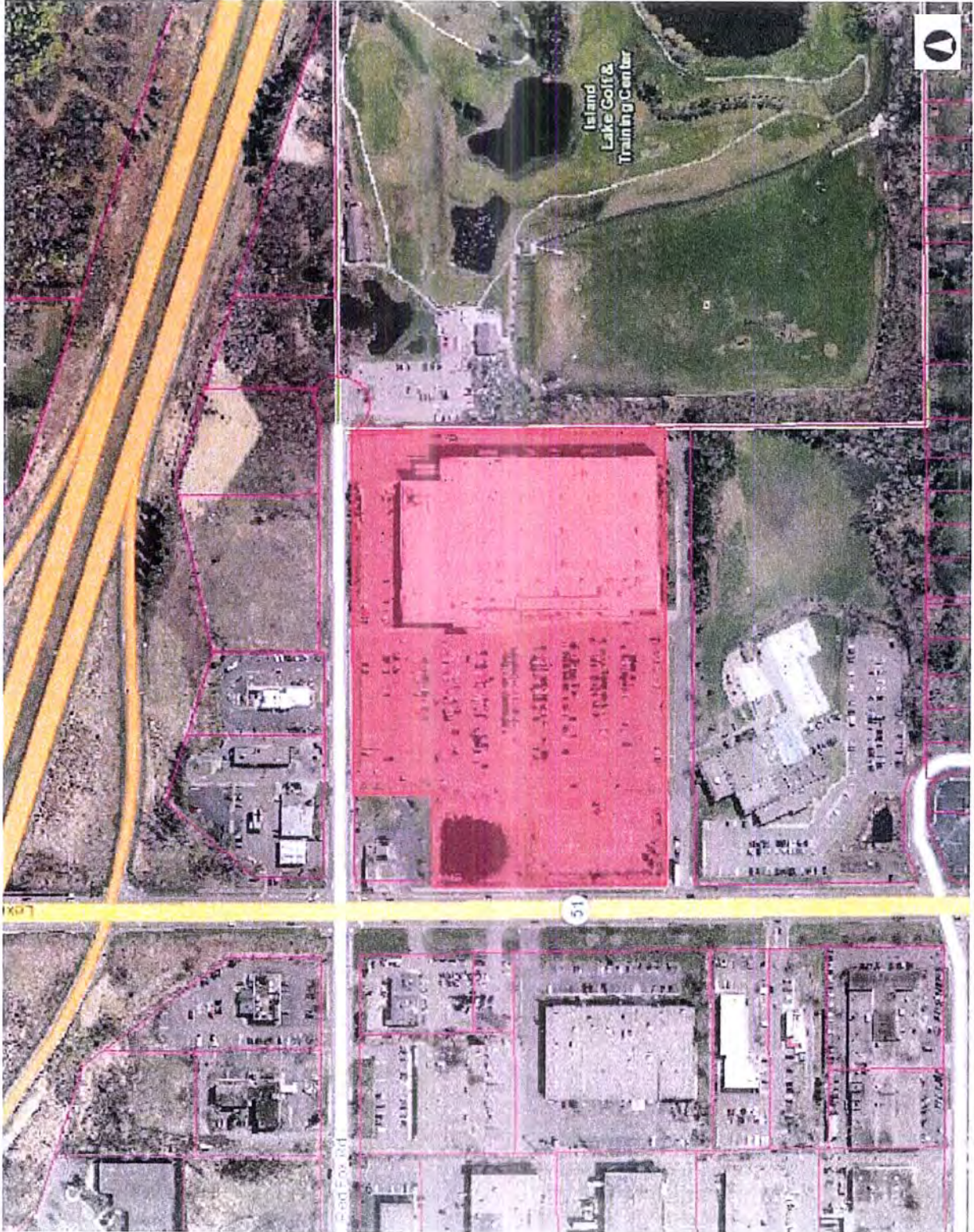
Please contact me if you have any questions or comments.

Thank you,

—
Tom Wesolowski
City Engineer
City of Shoreview
twesolowski@shoreviewmn.gov
Direct Tel: 651-490-4652
Fax: 651-490-4696



Target - 3800 Lexington Avenue



630.8 0 315.42 630.8 Feet

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.

Notes

Preliminary Plat and PUD Development Stage

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

APPLICATIONS BY TARGET CORPORATION
PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE
CITY OF SHOREVIEW

PROJECT SUMMARY AND SUPPORTING NARRATIVE

APRIL 26, 2013

Introduction

Target Corporation (“Target”) is proposing to subdivide the SuperTarget site on Lexington Avenue to create a future development lot in the southwest corner and an outlot for an expanded stormwater drainage pond adjacent to Lexington. The City is expanding the drainage pond in conjunction with road improvements to Red Fox Road and Lexington Avenue. Target will convey the outlot with the pond to the City in consideration of reduced monetary assessments for the road improvements. There is no specific use currently proposed for the new development lot (identified as Lot 2 on the preliminary plat); however, Target intends to seek a buyer for Lot 2 in order to maximize the development potential of the site. The area to be platted as Lot 2 is a part of the SuperTarget parking lot that is most remote from the store entrance and which is not needed to serve Target customer demand. Target is also proposing to amend the existing planned unit development (PUD) for the site to update the PUD to reflect current conditions and to conform to the proposed subdivision.

Subdivision Proposal

The land encompassed in the proposed subdivision was platted in 1989 as Lots 1 and 2, Shoreview Target Addition. A drainage easement for the stormwater pond was dedicated in Lot 2 of the original plat, along with several public utility and drainage easements to drain water into the pond. It was originally anticipated that Target would construct a store on Lot 1 and seek a grocery use to construct a store on Lot 2 on the north side of the site. A separate grocery user was not actually obtained and Target built a store that sits on both Lots 1 and 2 of the existing plat. Target expanded the store into a SuperTarget in 2000.

The proposed subdivision will divide Lots 1 and 2 of the Shorewood Target Addition into three lots, as follows:

- Lot 1: 12.28 acres, containing the existing SuperTarget store and associated parking area.
- Lot 2: 1.14 acres, intended for small retail development and associated parking
- Outlot A: 0.96 acres, containing expanded stormwater pond, intended to be conveyed to the City

data outside of the Target Corporation is that a key ingredient, the annual store sales volume, is proprietary information. Bearing that in mind, the extracted store study data below describes eleven stores of similar sales volume and the number of cash register transactions with simultaneous parking lot car counts on Saturday afternoon one weekend before Christmas at approximately 3:00 p.m. That day and hour is the 8th busiest hour of operation annually. The Urban Land Institute recommends designing parking supply to meet demand based on the 20th highest hour of operation, so the parking study evaluates parking demand in excess of the ULI standard.

The parking data below includes the Shoreview SuperTarget and shows how this store compares to the demand for parking with other selected stores.

Store Location	Cash Register Transactions/hr	Parking Car Counts
Lombard, IL	576	381
Oswego, IL	475	306
Palmdale, CA	441	365
Santa Ana, CA	481	340
Edgewater, NJ	596	417
Linden, NJ	597	322
Eagan, MN	498	305
Glenview, IL	421	334
Wheaton, IL	421	292
Shoreview MN	619	544
Woodbury MN	660	462
Totals averaged	525	369

The data shows a high of 544 and a low of 292 observed cars in the parking lots yielding an average of 340 occupied spaces at peak demand across the selected stores. Actual parking demand for the Shoreview store at the 8th busiest hour was 544 stalls or a parking ratio of 2.96 stalls / 1000 SF. The proposed 765 spaces (4.16 spaces / 1000 SF) significantly exceed the actual peak parking demand for the store.

The parking requirement in the Zoning Code for the Commercial Districts is 5.5 spaces per 1,000 feet of net floor area. For the SuperTarget store, the strict Code requirement would be approximately 1,011 spaces. (This number is based on the stores gross floor area; the actual parking requirement based on net floor area would be somewhat less.) When the parking requirement for the store was analyzed in prior PUD applications, the City applied a modified approach that recognized that 5.5 / 1000 was excessive for a large retailer with substantial area devoted to warehouse and other ancillary uses. The Final PUD Stage plan in 2000 determined that 823 spaces were required. As described above, the actual demand for parking at peak times is under 600 spaces, much less than the parking required under either a strict application of the Code or the previous PUD analysis.

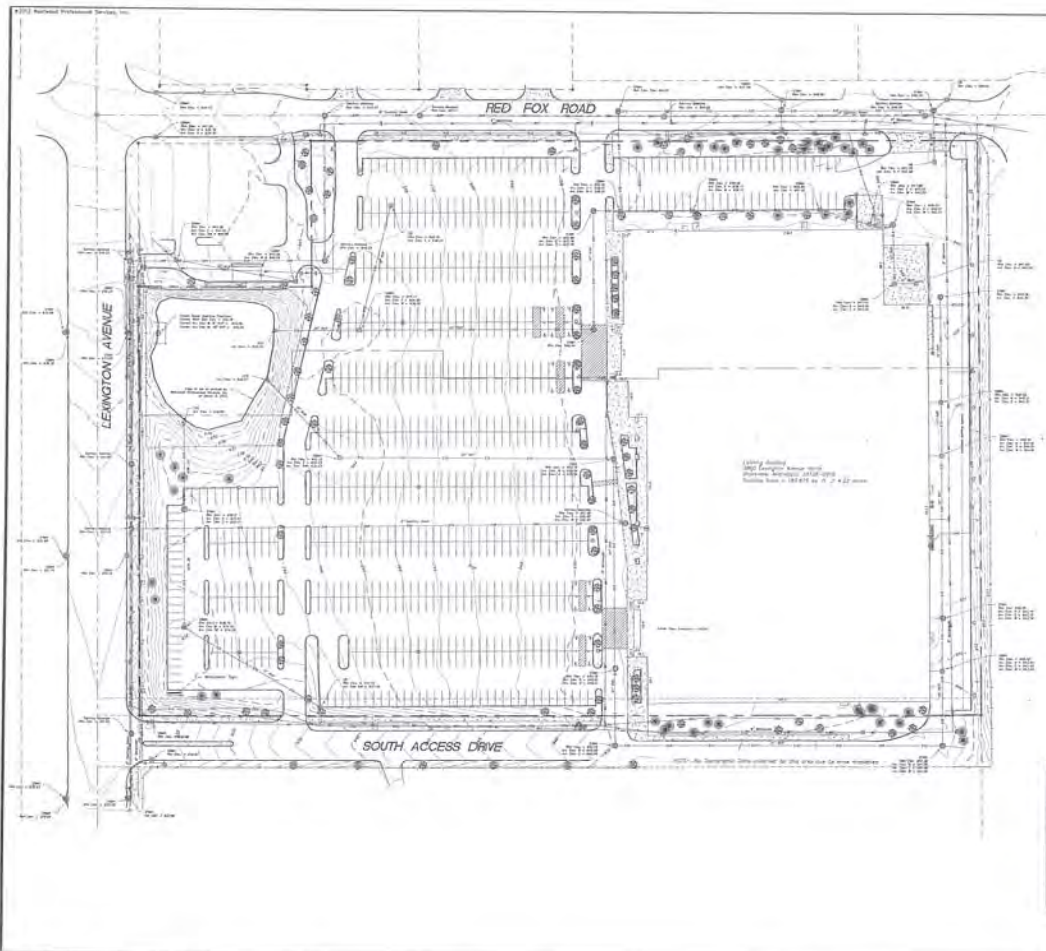
The Code requirement is too stringent for practical use of the property because, it not only exceeds the existing PUD-approved parking, it greatly exceeds actual demand based on the

conditions be eliminated to be consistent with the City's practice for other commercial uses in the Lexington Avenue commercial corridor, particularly near the I-694 intersection, for which the City does not impose such limitations. Although Target does not currently plan to expand its hours of operation as a routine practice, it is important for Target to be able to respond competitively to the market. For example, it is now common for retailers like Target to be open for extended hours on Black Friday following Thanksgiving and during other holiday shopping periods.

Snow Removal from Public Streets

The original 1989 development contract provides that the Developer shall be responsible for snow removal from the roadways that were constructed along both the north and south property lines of the development site. The road along the north is Red Fox Road and the City has taken over responsibility for snow removal. The road along the south property line is an unnamed public road referred to as the South Access Road. Target is requesting that the PUD agreement be amended to limit Target's responsibility for snow removal to the South Access Road until such time as the City takes over snow plowing for that road.

END OF NARRATIVE



Property Description

Property located at 27 North Hillside, Chicago, Illinois 60641. The proposed property is bounded by Red Fox Road to the north, Lewington Avenue to the west, and South Access Drive to the south.

Notes

- The Survey shown on this plan was made on the 15th day of August, 2006.
- This plan was prepared by the Surveyor on the basis of a plan prepared by the Engineer, and the Surveyor is not responsible for the accuracy of the plan.
- The Engineer is not responsible for the accuracy of the plan.
- The Surveyor is not responsible for the accuracy of the plan.

LEGEND

1	Asphalt	11	Grass
2	Concrete	12	Gravel
3	Driveway	13	Gravel
4	Driveway	14	Gravel
5	Driveway	15	Gravel
6	Driveway	16	Gravel
7	Driveway	17	Gravel
8	Driveway	18	Gravel
9	Driveway	19	Gravel
10	Driveway	20	Gravel



NOT FOR CONSTRUCTION



Kathleen Nordine <knordine@shoreviewmn.gov>

Target PUD

Yonke, Scott <scott.yonke@co.ramsey.mn.us>
To: knordine@shoreviewmn.gov

Mon, May 20, 2013 at 12:05 PM

Kathleen,

In review of the Target PUD Amendment, Ramsey County Parks and Recreation has no objection to the PUD Amendment for the lot split.

Also, why is Target conveying the stormwater pond to the City? Is this pond being used for additional stormwater runoff besides the Target Property?

Scott Yonke, ASLA, PLA

Landscape Architect

Director of Planning and Development

Ramsey County Parks and Recreation Department

2015 N. Van Dyke St.

Maplewood, MN 55109

PH: 651-748-2500 ext. 330

scott.yonke@co.ramsey.mn.us



Kathleen Nordine <knordine@shoreviewmn.gov>

Target PUD

1 message

Vishal <vhsookhai@yahoo.com>

Wed, May 22, 2013 at 7:24 PM

To: "knordine@shoreviewmn.gov" <knordine@shoreviewmn.gov>

Hello Kathleen, thanks for the chance to be part of this discussion regarding the above subject. I would like to address my concern for the hours of operation / deliveries and request that the hours stay as they are currently. We get an excessive amount of noise from Target during the hours of operation and amending those hours will be a nuisance. Also this past winter I witnessed many "almost accidents " on the south entrance/exit of the target parking lot, with that said expanding lot 2 for further retail will create a heavier traffic flow and make for a very congested area. It is also not properly marked/painted for pedestrian traffic and hardly wheelchair accessible. Finally why should we as taxpayers be responsible for Target's storm water run off?

Best regards

Vishal sookhai
1001 island lake ave
Shoreview
VHS Inc
Vhsookhai@yahoo.com
651-399-7194

May 22, 2013

Re: Request for Comment on Target PUD application

Dear Planning Committee,

Thank you for the opportunity to respond to the new Target PUD application. Listed below are our concerns.

1. **Hours of operation:** We support existing conditions prohibiting truck traffic between 12:00 a.m. and 5:00 a.m. and request that they be continued and, preferably, expanded. Night noise from Target is already abundant and continuous in our neighborhood, despite the existing PUD conditions. Banging dumpsters, snow plowing, and late deliveries already resound year-round, but especially during the six months when there are no leaves on the trees to buffer the noise between Target and the Island Lake residential area.

Extending the hours would worsen the problem substantially. That Target needs such "flexibility" for market competitiveness is utterly implausible, given the size, scope, and success of the business as is evident in both public corporate and media reports.

What Target is asking for is essentially carte blanche for whatever it wants to do whenever it wants to do it. It does not seem wise for the City of Shoreview to grant such unlimited permission, forfeiting all future authority, especially to a business that has regularly violated its existing PUD.

2. **Stormwater pond:** While it is conceivable that city control of this pond would improve environmental management, especially in that Target has been particularly remiss in this area, and has not honored its previous environmental commitments, the City of Shoreview should fully consider the potential impacts of Target being released from any responsibility in regard to such stormwater management. The long-term cost to the city could be significant, e.g., should Target be able to simply treat this pond as a free drain for whatever it wants to dump in the future.

Merrill P. Morse, Lisa J. Morse

1016 Island Lake Ave., Shoreview, MN 55126

May 23, 2013

Dear Shoreview Planning Commission Members,

Our comments are in response to the Request for Comment relating to the Target application for a Preliminary Plat and Planned Unit Development :

1. We support the existing hours of operation and delivery until such a time that Target proposes specific changes. We do not support giving them carte blanche.
2. We oppose the amending of the existing PUD plan until a specific development proposal is brought before the City of Shoreview. Again, we do not support giving them carte blanche.
3. Target has some issues they need to address and remediate before they have convinced us of their interest in being a good Shoreview neighbor.
 - Target has never maintained their landscape plan that was filed in 2000. Since "there is no time limit on landscape requirements" in Shoreview and I have a letter to that effect, Target is extremely negligent. I agree that it might need modifications but well over 50% of the proposed vegetation is dead or missing.
 - The trash caught in the shrubs along Lexington needs to be cleaned up.
4. If/When the proposed retail development is approved, we hope there is a thorough study done of the traffic at the south entry drive. When the original PUD was proposed, we suggested that there be only right turns into and out of that drive. That was not done and as a result, we have a near miss about once a week while traveling north or south on Lexington Avenue when Target customers make a left turn in front of us.

We appreciate this opportunity to comment and thank you for your efforts in maintaining Shoreview as a community that we are all proud to call "home".

Sincerely,
Mary Lou and Roger Klinkhammer
1015 Island Lake Avenue
Shoreview, MN 55126
651-484-4250

**MOTION
TO APPROVE PRELIMINARY PLAT AND
PLANNED UNIT DEVELOPMENT – AMENDMENT
TARGET CORPORATION – 3800 LEXINGTON AVENUE**

MOVED BY COMMISSION MEMBER: Schumer

SECONDED BY COMMISSION MEMBER: Proud

To recommend the City Council approve the preliminary plat and amendment to the planned unit development stage applications submitted by Target Corporation, 3800 Lexington Avenue. Said approval is subject to the following:

Preliminary Plat

1. The Final Plat shall include a sidewalk easement along Red Fox Road and public drainage and utility easements as required by the Public Works Director.
2. The applicant shall apply for a Vacation, to vacate the existing easements that are no longer required as part of the development site. The Vacation Application shall be submitted concurrently with the Final Plat.
3. The applicant shall execute an agreement between the Lots 1 and 2 addressing the shared driveway, access, signage and maintenance. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. Executed and recorded copies of the required agreements shall be submitted to the City prior to the issuance of a building permit on Lot 2.
5. Outlot A shall be conveyed to the City.
6. A sign easement that encumbers the existing Target Sign on Lot 2 shall be conveyed and benefit Lot 1. This easement shall be submitted to the City Attorney for review and approval prior to the release of the Final Plat for recording.
7. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Amendment

1. This PUD amendment replaces the previous PUD approvals from 1989, 1990 and 2000.
2. A Development Agreement shall be executed and shall include applicable provisions from the previous PUD approvals referenced in Condition No. 1 above as well as any requirements associated with this PUD amendment.
3. The applicant shall execute an agreement between the Lots 1 and 2 addressing the shared driveway, access, signage and maintenance. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's review of the Final Stage PUD plans and Final Plat.
4. Development on Lot 2 shall require an amendment to this Planned Unit Development.

5. Target agrees to work with the City on developing a landscape plan that addresses landscaping within the landscape islands where trees have died and have been removed. Said plan shall be submitted with the Final PUD application.
6. Truck traffic to Lot 1 shall be prohibited between the hours of 12:00 am and 5:00 am with the exception of trailer drop-offs.
7. An exception to the City's minimum parking requirements is approved as part of this PUD. As indicated in the submittal, 765 stalls shall be provided on Lot 1 for the SuperTarget Retail store.
8. The existing freestanding sign on Lexington Avenue identifying the SuperTarget store may remain provided a sign easement is conveyed to and benefits Lot 1. It is the City's preference that this sign be shared with the future use of Lot 2.
9. The existing condition limiting the retail hours of the SuperTarget Store from 7:00 am to 12:00 am shall be lifted with this approval.
10. Target is released from the responsibility imposed with the 1989 PUD requiring snow removal on Red Fox Road as this road is plowed and maintained by the City of Shoreview. Target shall continue to be responsible for the removal of snow on the South Access Road until such time the City takes over snow plowing on said road.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated commercial land use in the Comprehensive Plan.
2. The proposed subdivision complies with the subdivision standards identified in the City's Development Code.
3. The subdivision of the property benefits the City, as the Outlot A will be conveyed to the City for stormwater ponding associated with the Red Fox Road construction project.

VOTE:

AYES: 5

NAYS: 0

(McCool
Recessed)

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: May 23, 2013

SUBJECT: WIRELESS TELECOMMUNICATIONS FACILITY PERMIT APPLICATION,
VERIZON WIRELESS LLC, 4344 HODGSON ROAD (SITZER PARK), FILE
NO. 2484-13-11

INTRODUCTION

Paul Harrington of Buell Consulting, on behalf of Verizon Wireless LLC, has submitted an application for a Wireless Telecommunications Facility (WTF) Permit to permit the installation of a 75-foot monopole and antennae to be located in Sitzer Park, 4344 Hodgson Road. The permit will also allow the ground installation of a 12- by 20-foot prefabricated shelter for the equipment cabinets. The park is located in the Telecommunications Overlay District - Two (TOD-2), where WTF towers are permitted with a maximum 75-foot height. The application was complete May 22, 2013.

Concurrent with consideration of the WTF permit, the City Council will consider approval of a ground lease for a 20 by 40 foot area at the northwest corner of the existing hockey rink. The monopole and communications equipment will be located on this leased property.

The proposed monopole has a diameter of about 36 inches at the base tapering to 28-inches at the top, and uses a 'stealth' design incorporating the antennae within the monopole. It will replace an existing 50-foot steel light pole, that has a diameter of about 10 inches. The existing hockey rink lights will be mounted at the 50-foot level on the new Cor-Ten steel monopole. Equipment cabinets will be housed in a pre-fabricated equipment shelter. The shelter will be finished with materials to match the existing park building. Landscaping will be installed to provide screening of the equipment shelter and the monopole base. See the attached plans.

BACKGROUND

The park was rezoned in 2008 from the TOD-1 in response to a request by T-Mobile. The rezoning request from T-Mobile included information demonstrating that the needed coverage was not available with a 60-foot maximum height. In December 2008, T-Mobile constructed a 75-foot monopole at the south end of the hockey rink. A TOD map is attached.

In 2010, Clearwire Legacy submitted an application to construct a similar monopole in located at the northwest corner of the hockey rink.. That application and a site lease agreement were approved, but Clearwire terminated the lease agreement in 2011 without constructing the monopole or installing any equipment. Like T-Mobile, Clearwire reported RF interference for antennas at a height of 60-feet, and a 75-foot monopole was approved.

DEVELOPMENT CODE REQUIREMENTS

The Development Code requirements include review and recommendation of the Planning Commission to the City Council. The review is based on specified standards and approval is contingent upon execution of a Wireless Telecommunications Tower/Antenna Agreement. Staff has reviewed the proposal and found it to comply with the standards for a WTF, which are attached. Applicable standards are discussed below in the staff review.

As noted above, Sitzer Park is located in the R-1, Detached Residential District, and the Telecommunication Overlay District – 2 where wireless facilities are permitted with a maximum 75-foot height. Surrounding land use is detached single family residential, except that a public/quasi-public use, a church, is located on the adjoining property immediately south of the park.

STAFF REVIEW

Location

The monopole is setback more than 120 feet to the west property line, 150 feet to the north property line and more than 300 feet to other property lines. The nearest residence is more than 240 feet from the monopole. These setbacks exceed the height of the proposed monopole, as required.

Collocation

The standards reflect a preference that WTFs are designed to accommodate collocation for other wireless providers. Here, the monopole is not designed to carry other antenna, since the prior studies from other carriers indicate RF coverage is not suitable at lower antenna heights.

Design

The proposed monopole diameter will match that of the 75-foot monopole installed by T-Mobile in late 2008 (36-inch diameter at the base tapering to a 28-inch diameter at the monopole top). The monopole is a 'stealth' design with the antennae concealed behind an RF transparent cowling in the top 10-feet of the monopole. Staff believes that the matching design is appropriate for this site. The monopole finish will be Cor-Ten, consistent with the existing light pole and the T-Mobile monopole. Cor-Ten is a corrosion resistant steel alloy that weathers to a red-brown patina.

Visual Impact

The monopole use (replacing the existing 50-foot light pole) will help to minimize the visual impact. The hockey rink lights will be mounted at the 50-foot elevation, and the monopole will be 25-feet taller than the existing light standard. The proposed monopole will match the appearance of the existing pole at the south end of the rink. This location is more exposed to public view than the monopole at the southeast corner of the rink, which is located near a grove of mature spruce trees.

The staff review is based on the shelter location recommended by the Acting Park and Recreation Director, as approximately shown on the annotated site plan (attached). Code requires that when equipment is located above grade, it shall be heavily screened. In this instance the shelter will be finished with exterior materials matching the park building: Cream colored limestone and a Colonial red standing seam metal roof. Staff believes these design features will aid to integrate the shelter into the park and to reduce the amount of screening that would otherwise be needed. Verizon has indicated that the site will be landscaped pursuant to the requirements of the City. A planting of Black Hills Spruce trees east of the lease area will help screen the shelter, and this will extend the existing line of trees parallel with Hodgson Road. As the trees mature they will also aid in screening the view of the monopole. Staff will work with Verizon to develop a landscape plan that complies with the screening requirement of Code and the landscape theme that has been developed in the Park.

Agency and Consultant Review

The applicant identifies that FAA notice is not required for this 75-foot monopole, and that no marking or lighting is needed to comply with FAA regulations.

The City engaged a consulting RF engineer, OWL Engineering, to review technical aspects of WTF applications. OWL staff has conducted a review of the submitted materials and has advised staff that the application materials appear compliant with FCC requirements.

The proposal has been reviewed by the Acting Park and Recreation Director. He notes that the proposed tower will continue to carry the hockey rink lights, and is in a satisfactory location. The proposed equipment shelter is best located on the west side of the hockey rink, oriented along a north south axis, and with a minimum separation of 6-8 feet from the hockey rink boards to allow for snow storage and turf maintenance. He believes that the use of the proposed clean rock surface within the ground lease area is not compatible with the park use and recommends turf instead of rock. The City can maintain the turf around and within the lease area with no operational problems. He recommends approval of the proposal.

PUBLIC COMMENT

Mailed notice was sent to property owners within 350 feet of the subject property. A total of four written comments have been submitted. Two comments identified no concerns; a second suggests landscaping to screen the equipment from view from the parking area; and the third comment supports the improved reception that will result for Verizon subscribers. One telephone comment also supported the improved reception expected as a result of the new wireless installation. The written comments are attached.

STAFF RECOMMENDATION

The application has been reviewed in accordance with the Development Code. Staff finds that the proposal complies with the standards specified for WTF and recommends that the Planning

Commission forward the application to the City Council with a recommendation for approval, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit 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 contingent upon the City Council authorizing the lease with Verizon Wireless LLC, including the 20 by 40 foot monopole and equipment lease area, and easements for access and utilities. These easements shall be non-exclusive.
4. The plan shall be revised so that the lease area and shelter are located at the NW corner of the hockey rink. The monopole location shall approximate the location of the existing light standard, and the shelter shall be south of the monopole oriented along a north-south axis.
5. The monopole height, including antennae, shall not exceed 75-feet above existing ground level.
6. The conduit from the equipment cabinet to the monopole shall be routed underground.
7. The site is subject to confirmation that RF emissions conform to FCC requirements. Verizon shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
8. A landscape plan shall be submitted that includes conifers along the west park boundary and screening for the shelter when viewed from the north, subject to approval of the Building and Ground Superintendent. A landscape surety shall be submitted to insure the installation of the landscape materials.
9. Upon completion of construction of the WTF, vehicle access for normal maintenance shall be limited to the parking area, unless otherwise approved by the Building and Grounds Superintendent.
10. A permanent emergency power generator shall not be installed on the site. Temporary emergency power generation shall occur on-site only after power outages of 4 or more hours. Verizon shall notify the City if emergency power is needed to operate the Wireless Telecommunications Facility.
11. The applicant shall enter into a Wireless Telecommunications Facility Agreement with the City.

Attachments:

1. WTF Standards
2. Location Map
3. Aerial Photo
4. Applicant's Statement and Submitted Plans
5. Response to Request for Comments
6. OWL Engineering, Consultant's Report
7. Motion

ATTACHMENT A
WTF Standards

(3) Wireless Telecommunication Facility Standards (WTFs).

- (a) Siting. New WTFs shall only be located on parcels that fall within the Telecommunications Overlay District. WTFs are not permitted in public rights-of-way.
- (b) Color, Camouflage and Architecture. All WTFs shall be camouflaged and use architectural design, materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment. If a WTF is proposed on any part of a building or structure, it must blend with the building or structure's design, architecture and color, including exterior finish. All WTFs shall utilize color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear compatible with the surroundings:
- (i) Color. The WTF shall use colors to minimize the visual impact when viewed from adjacent public streets and nearby property, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- (ii) Camouflage. The WTF shall, to the extent practicable, simulate objects that typically occur in landscapes similar to the proposed location, except for billboards, electrical transmission facilities or telecommunications towers, and similar constructions. Examples of camouflage designs include flagpoles, sport field lighting poles, trees, monuments, and on buildings, steeples, parapets and rooftop penthouses.
- a. Utility cabinets shall be placed in underground vaults or integrated within existing structures, unless the City determines an above-grade installation is appropriate for the site.
- b. Freestanding, above grade equipment cabinets shall be heavily screened from view with landscape materials.
- (iii) Architecture. The WTF shall be designed to blend in with the surrounding natural setting and build environment.
- a. Towers shall use antennas, antenna mounts, equipment enclosures and monopoles that provide minimal visual profile and silhouette, in order to reduce visual clutter. For example, underground cable routing is less visually intrusive than using overhead cables with metal bridging for ice-fall protection; cylindrical unicast antenna arrays are preferred over davit arms or other types of mounting

- brackets extending out from the monopole; platform mounted antennas are generally discouraged.
- b. Building mounted wireless telecommunications facilities shall be screened from view or camouflaged in a manner to generally comply with the Architectural and Site Design Standards specified in Chapter 206.050.
 - (c) Landscaping. Except in the TOD-3, WTFs shall be landscaped with a buffer of plant materials as determined appropriate for the site by the City. Existing mature trees and other vegetation at the site shall be preserved to the maximum extent possible.
 - (d) Signs. The use of any portion of a WTF for signs or advertising other than warning or small equipment and emergency contact information signs is prohibited.
 - (e) Lighting. Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority. When incorporated into the approved design of the WTF, light fixtures used to illuminate sport fields, parking lots or similar areas may be attached to the tower.
 - (f) Monopole. New wireless telecommunication towers shall be of a monopole design unless the applicant demonstrates to the satisfaction of the City Council that an alternative design would better blend into the surrounding environment.
 - (g) Tower Setbacks. Wireless telecommunications towers shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:
 - (i) The tower is set back from all residential dwellings units at least one foot for each foot in height.
 - (ii) Tower shall not co-occupy any easements unless permission is obtained from the underlying property owner and holder of the easement.
 - (iii) Tower shall not be located between a principal structure and a public street.
 - (iv) The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(h) Height.

- (i) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.
- (ii) Antennas located in the TOD-1 and TOD-2 on an existing structure which exceeds the maximum telecommunications tower height for the District in which the existing structure is located may extend up to 5 feet above the height of the structure.
- (iii) In the event substantial obstacles to RF signal propagation are present within 1000 feet of the proposed WTF, the telecommunications tower height may be increased an additional 20% above the maximum height permitted in the TOD. No such increase in height will be permitted unless the applicant's proposed design utilizes color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the City Council, so appear in context on the landscape.
- (iv) WTFs mounted on an existing building in the TOD-3 shall:
 - a. Roof mounted WTF are preferred near the center of the building in a location that minimizes visibility from the surrounding area.
 - b. Roof mounted WTF shall extend a maximum of 10 feet above the height of the building to which they are attached; and be setback from the building façade a minimum of 2 feet for each foot of height the WTF extends above the building roof, with a minimum setback of 5 feet.
 - c. Wall mounted WTF shall not extend above the building parapet, and shall be incorporated into design elements of the building to maintain architectural integrity.
 - d. Deviations from the height and façade setback requirements may be approved when, in the sole discretion of the City Council, the WTF is fully concealed in an aesthetically integrated building component, for example a steeple, parapet extension, chimney, penthouse or similar architectural feature.
 - e. Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.

Rev. Date
7/5/11
Ord. #879

(i) Safety/Environmental Standards.

- (i) Unauthorized Climbing. WTFs shall be designed to prevent unauthorized climbing or entry.

- (ii) Noise. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in Section 209.020, *Noise*.
- (iii) Radio Frequency (RF) Emissions and Interference. WTFs shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.
- (v) Maintenance. All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.
- (vi) Occupational Safety. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.
- (j) Location and Collocation Requirements. Except as herein and after provided, WTFs within the City shall comply with the following collocation requirements:
 - (i) Locations are preferred by the City in the following priority:
 - a. Collocation on existing wireless telecommunications towers;
 - b. Location on City property in the TOD-1 and TOD-2;
 - c. Location on existing buildings in the TOD-3;
 - d. Location on other property in the TOD-1 and TOD-2.
 - (ii) All proposed WTFs must be located on an existing structure 55 feet or greater in height located within ½ mile of the site being considered by the applicant.
 - (iii) All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the City may require a third-party technical study to evaluate the feasibility or cost of collocating at the expense of either or both wireless telecommunication providers.
 - (iv) All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof,

Rev. Date
7/5/11
Ord. #879

together with as many other licensed carriers as can be technically located thereon.

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

(k) Exceptions to Location Requirements. The City may waive any or all of the collocation requirements if it is determined that:

(i) The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.

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

(iii) Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the City.

(4) Equipment Enclosures. Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:

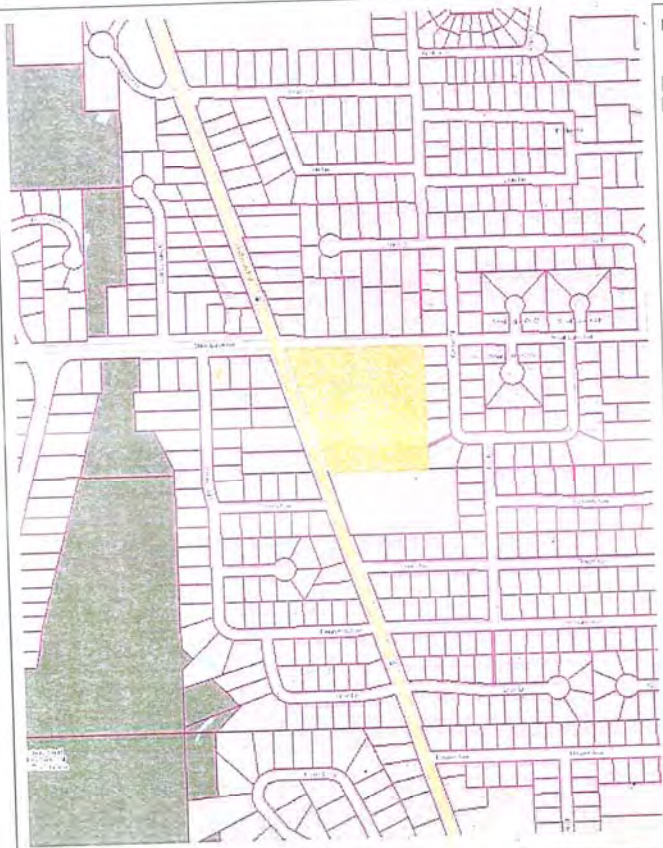
(a) Equipment enclosures shall be of the smallest size necessary.

(b) In the TOD-1 and TOD-2:

(i) Equipment enclosures shall be located in underground vaults, integrated within existing nearby structures, or where existing trees, structures, and/or other site features screen them from view.

(ii) All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a decorative wall) better reflects and complements the character of the neighborhood.

- (c) In the TOD-3, building mounted WTF equipment enclosures shall be integrated with the building architecture as specified in Section 207.040(B)(3)(b).
- (5) Installation Requirements on City Water Towers. Installation of commercial antennas or WTFs on City water towers will be permitted when the City is fully satisfied that the following requirements are met:
- (a) The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the City's water supply, or risk to the water tower facilities.
 - (b) There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.
 - (c) The presence of the commercial antenna or WTF will not increase the water tower maintenance or operational costs to the City.
 - (d) The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.
- (e) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.



Legend

- Parcel Points
- Parcel Boundaries
- County Borders



NAD_1983_HARN_Adj_MN_Ramsey_Feet
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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

Notes

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Legend



- Parcel Points
- Parcel Boundaries




Notes

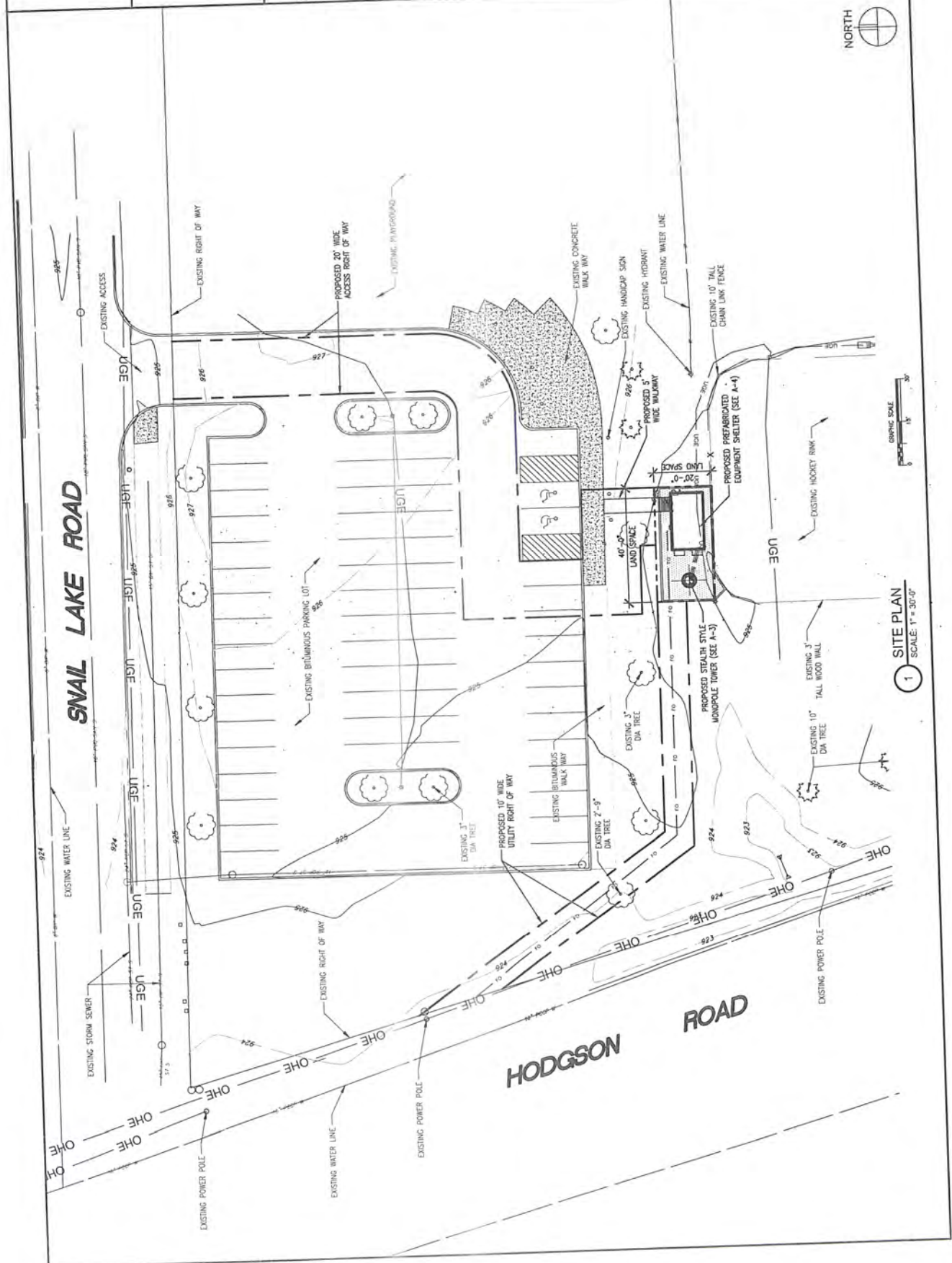
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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NOT FOR CONSTRUCTION	 DESIGN 1 ROBERT J. DAVIS, AIA ARCHITECT 1000 WESTVIEW BLVD. KEOSAUQUO, WI 53534 (920) 863-9299 FAX (920) 863-9291	VERIZON WIRELESS 1000 COMMERCIAL AVENUE SUITE 200 WASHINGTON, MN 55391 (812) 730-0032	PROJECT 2012746711 MINC VADNAIS	SNAIL LAKE ROAD SHOREVIEW, MN 55126	SHEET CONTENTS: SITE PLAN	<table border="1"> <tr><td>DRAWN BY:</td><td>DL</td></tr> <tr><td>DATE:</td><td>10.05.12</td></tr> <tr><td>CHECKED BY:</td><td>DM</td></tr> <tr><td>REV. A:</td><td>10.31.12</td></tr> <tr><td>REV. B:</td><td>01.02.13</td></tr> </table>	DRAWN BY:	DL	DATE:	10.05.12	CHECKED BY:	DM	REV. A:	10.31.12	REV. B:	01.02.13
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1 SITE PLAN
SCALE: 1" = 30'-0"

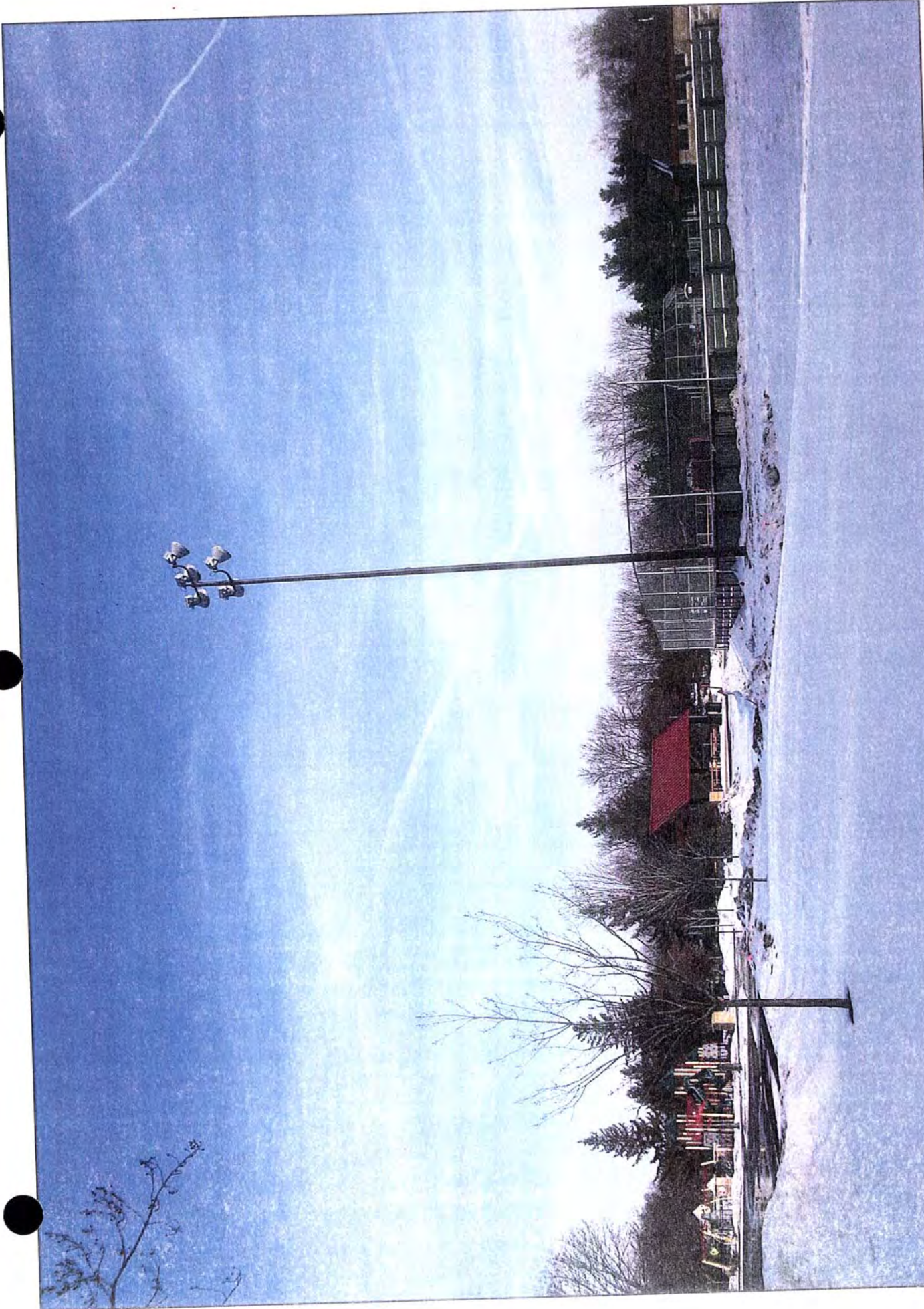


Image Type:
Existing Conditions

Snail Lake Road
Shoreview, MN 55126

MINC Vadnais



This image is an artist's rendition of a proposed installation and actual installation may vary slightly in appearance.

MINC Vadnais

Snail Lake Road
Shoreview, MN 55126

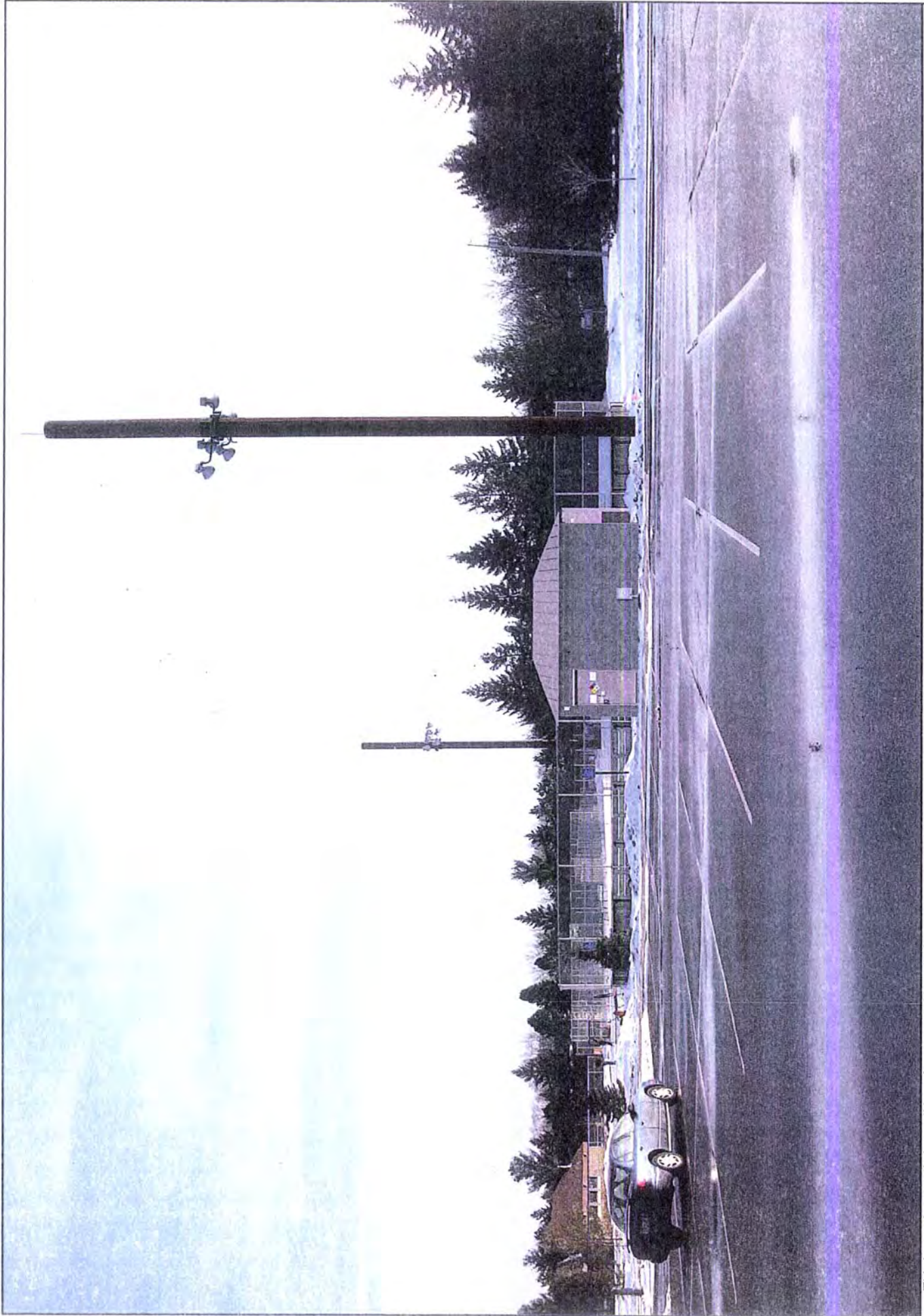
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Proposed Conditions



MINC Vadnais

**Snail Lake Road
Shoreview, MN 55126**

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Shoreview, MN 55126**

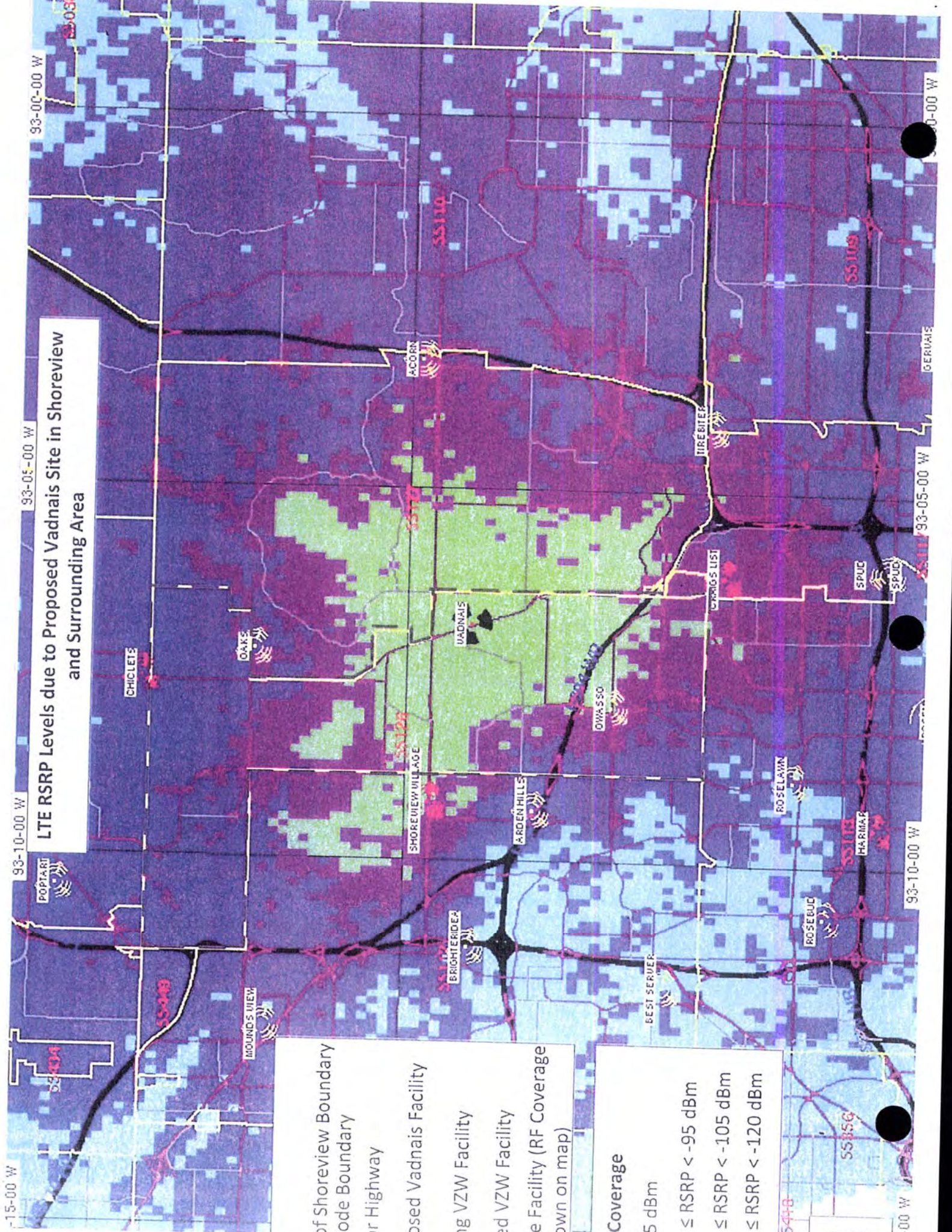
Image Type:
Proposed Conditions



Street Map of Proposed Site and Surrounding Area

of Shoreview Boundary
 ode Boundary
 r Highway
 sed Vadnais Facility
 1g VZW Facility
 ad VZW Facility

Latitude (Degrees-Minutes- Seconds, NAD83)	Longitude (Degrees- Minutes-Seconds, NAD83)
45-04-59.08 N	93-03-26.42 W
45-05-46.68 N	93-09-18.80 W
45-04-22.40 N	93-11-11.36 W
45-05-31.88 N	93-07-35.40 W
45-05-57.36 N	93-06-07.56 W
45-04-29.16 N	93-09-29.16 W
45-05-18.20 N	93-12-17.50 W
45-06-27.92 N	93-07-11.84 W
45-03-03.48 N	93-07-54.80 W
45-06-18.88 N	93-10-25.81 W
45-03-59.56 N	93-10-42.10 W
45-03-18.44 N	93-08-51.06 W
45-04-46.92 N	93-09-13.32 W
45-03-25.88 N	93-08-00.79 W
45-03-06.87 N	93-04-07.78 W
45-04-23.54 N	93-05-49.47 W



LTE RSRP Levels due to Proposed Vadnais Site in Shoreview and Surrounding Area

- of Shoreview Boundary
- Code Boundary
- or Highway
- used Vadnais Facility
- ing VZW Facility
- ed VZW Facility
- ve Facility (RF Coverage town on map)

- Coverage**
- 95 dBm
- $-95 \text{ dBm} \leq \text{RSRP} < -105 \text{ dBm}$
- $-105 \text{ dBm} \leq \text{RSRP} < -120 \text{ dBm}$
- $-120 \text{ dBm} \leq \text{RSRP}$

93-15-00 W

93-10-00 W

93-05-00 W

93-00-00 W

93-15-00 W

93-10-00 W

93-05-00 W

93-00-00 W

55448

55448

55356

CHICLETS

MOUND'S VIEW

BRIGHTERIDEA

ARDEN HILLS

VADNAIS

ACORN

TIREBITER

WARRIOS LIST

HARRIAR

ROSEBUC

ROSELAWN

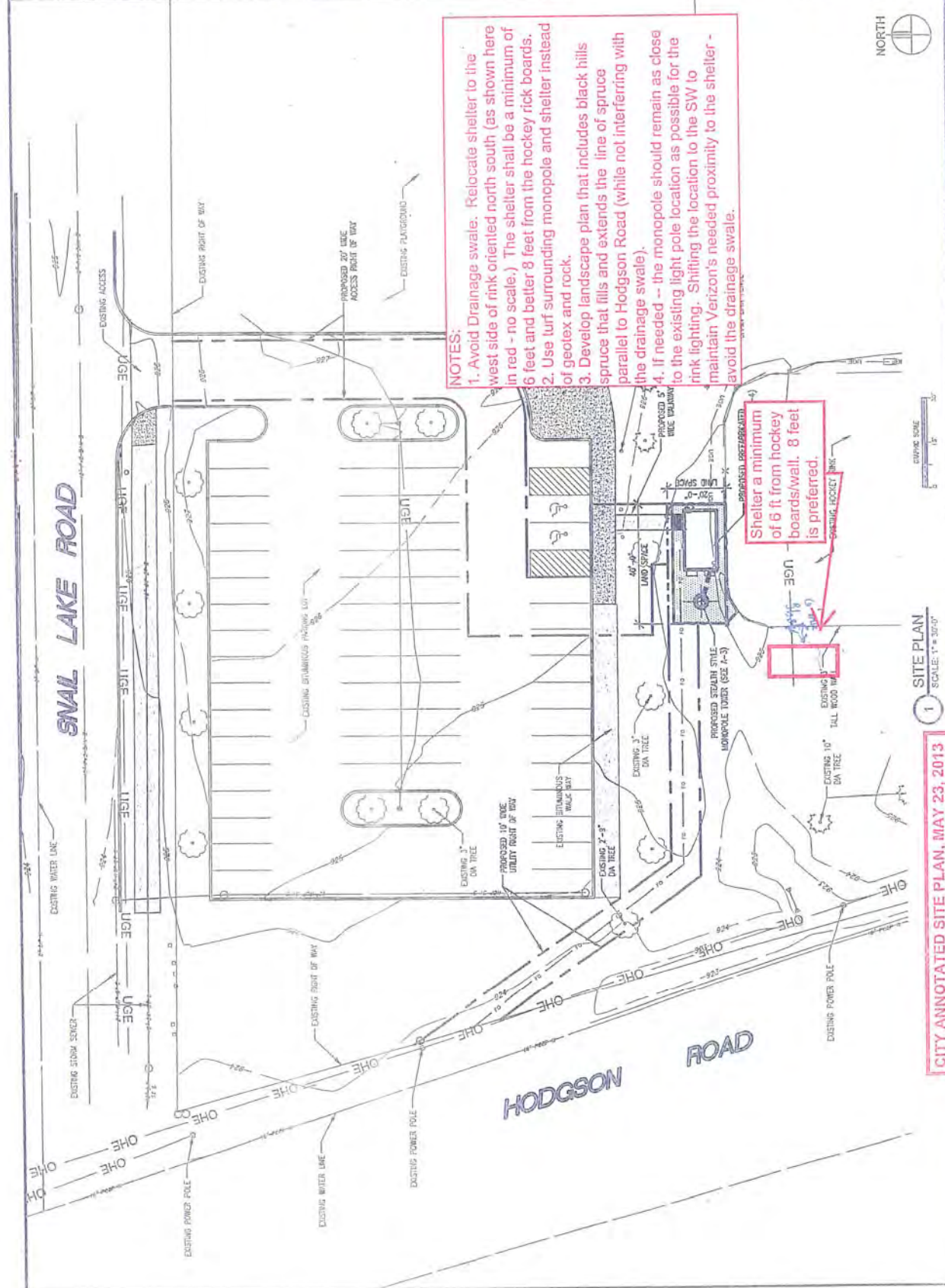
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NOTES:

1. Avoid Drainage swale. Relocate shelter to the west side of rink oriented north south (as shown here in red - no scale.) The shelter shall be a minimum of 6 feet and better 8 feet from the hockey rink boards.
2. Use turf surrounding monopole and shelter instead of geotex and rock.
3. Develop landscape plan that includes black hills spruce that fills and extends the line of spruce parallel to Hodgson Road (while not interfering with the drainage swale).
4. If needed -- the monopole should remain as close to the existing light pole location as possible for the rink lighting. Shifting the location to the SW to maintain Verizon's needed proximity to the shelter - avoid the drainage swale.

Shelter a minimum of 6 ft from hockey boards/wall. 8 feet is preferred.

1 SITE PLAN
 SCALE: 1" = 30'-0"

CITY ANNOTATED SITE PLAN, MAY 23, 2013

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart
May 16, 2013



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

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, May 28, 2013 at 7:00 p.m.**, the Shoreview Planning Commission will review an application submitted by Paul Harrington on behalf of Verizon Wireless LLC for a Wireless Telecommunications Facilities (WTF) permit proposed to be located at **Sitzer Park, 4344 Hodgson Road**. Verizon provides wireless telecommunications services throughout the US, including the Twin Cities Metropolitan area.

Verizon proposes constructing a new 75-foot monopole at the north end of the hockey rink, and installing a 12 by 20 foot pre-fabricated equipment shelter near the base of the pole. The monopole will be constructed with the same dimensions as the T-Mobile monopole at the south end of the hockey rink and the Verizon pole will also support lights for the hockey rink. Wireless telecommunications are permitted in the Park with a Wireless Telecommunications Permit. Please see the attached location map and proposed plans.

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

If you would like more information or have any questions, please call me at 651-490-4681 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 rwarwick@shoreviewmn.gov.

Sincerely,

Rob Warwick
Rob Warwick
Senior Planner

Comments:

Refer to Plate A 2 - fill in open space along Hodgson Rd with trees.

Name: *Diana Young*
Address: *4345 Hodgson Rd*

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart
May 16, 2013



City of Shoreview
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REQUEST FOR COMMENT

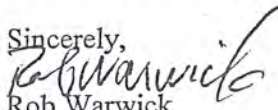
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Sincerely,

Rob Warwick
Senior Planner

Comments:

If the Planning Commission concludes that this will not
compromise the purpose of the park, I am not against it.

Name: James G. Medin River of Life Church
Address: 4294 Hodgson Road

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart
May 16, 2013



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REQUEST FOR COMMENT

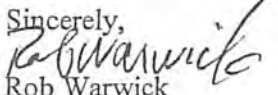
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Sincerely,

Rob Warwick
Senior Planner

Comments:

We just took a walk to Sitzer Park - It is lovely, green with the new playground and landscaping - a real asset - Regarding the proposal, we have no problem with the 75' pole which would mirror the existing one on the south end, but the equipment shelter would be visible to everyone entering the park and parking lot - a visual obstruction and possibly an eyesore unless it is constructed of quality materials (stone to match existing structures and screened by some trees or attractive landscaping -

I would not be in favor of this addition to this beautiful Park -

Name: Jeanette and Pat Cleary
Address: 288 Jansa Drive -

t:\surveys\2484-13-11 verizon sitzer.doc



Robert Warwick <rwarwick@shoreviewmn.gov>

Vzw

Mike & Teresa Gallagher <mike.teresa@comcast.net>
To: rwarwick@shoreviewmn.gov

Thu, May 23, 2013 at 6:17 AM

Rob,

My name is Mike Gallagher and I have been a Shoreview resident since 2001. It recently came to my attention that there are efforts being made to put in a Verizon tower at Sitzer Park. I am sending this e-mail to offer our families FULL SUPPORT of the project.

We live a 3 iron away from Sitzer and use the park quite a bit, especially in the winter. I believe there is already a cell tower from another company there, and until I heard that I did not notice it. Adding a second one (for Verizon!) would be a great idea.

There are at least two or three 'dead zones' around my neighborhood while using my Verizon service. This being 2013, it would be fantastic if those could somehow get covered.

As a resident, please let me know if there is anything I can do to help move this along.

Thanks!

Mike Gallagher

222 Lion Lane Shoreview

651-238-1126

MOTION

TO APPROVE THE WIRELESS TELECOMMUNICATIONS FACILITY PERMIT, VERIZON WIRELESS LLC, 4344 HODGSON ROAD, SITZER PARK

MOVED BY COMMISSION MEMBER: Ferrington

SECONDED BY COMMISSION MEMBER: Thompson

To recommend the City Council approve the wireless Telecommunications Facility Permit application submitted by Buell Consulting on behalf of Verizon Wireless LLC for property located at 4344 Hodgson Road. Said approval is subject to the following:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit 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 contingent upon the City Council authorizing the lease with Verizon Wireless LLC, including the 20 by 40 foot monopole and equipment lease area, and easements for access and utilities. These easements shall be non-exclusive.
4. The plan shall be revised so that the lease area and shelter are located at the NW corner of the hockey rink. The monopole location shall approximate the location of the existing light standard, and the shelter shall be south of the monopole oriented along a north-south axis.
5. The monopole height, including antennae, shall not exceed 75-feet above existing ground level.
6. The conduit from the equipment cabinet to the monopole shall be routed underground.
7. The site is subject to confirmation that RF emissions conform to FCC requirements. Verizon shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
8. A landscape plan shall be submitted that includes conifers along the west park boundary and screening for the shelter when viewed from the north, subject to approval of the Building and Ground Superintendent. A landscape surety shall be submitted to insure the installation of the landscape materials.
9. Upon completion of construction of the WTF, vehicle access for normal maintenance shall be limited to the parking area, unless otherwise approved by the Building and Grounds Superintendent.
10. A permanent emergency power generator shall not be installed on the site. Temporary emergency power generation shall occur on-site only after power outages of 4 or more hours. Verizon shall notify the City if emergency power is needed to operate the Wireless Telecommunications Facility.
11. The applicant shall enter into a Wireless Telecommunications Facility Agreement with the City.

- 6-8 ft separation
- turf not rock

This approval is based on the following findings of fact:

1. The proposed WTF with a height of 75-feet is consistent with the goals and policies of the Comprehensive Plan, and the requirements of the Development Code for a WTF.
2. The 'stealth' monopole design, separation from residential uses and equipment shelter design aid to reduce the visual impact of the monopole and wireless equipment.
3. The redevelopment will not have a significant adverse impact on the City park or surrounding residential property.

VOTE:

AYES: 5

NAYS: 1 (Solomonson)

t:/2013pcf/2484-13-11 verizon sitzer park/pcmotion

4 (add at end of first sentence)
and the ground lease area contains a turf surface
as recommended by the Park/Rec Director.

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: May 21, 2013
SUBJECT: File No. 2486-13-13, Site and Building Plan Review, RJ Marco Construction Inc./Newvesco, LLC – 577 Shoreview Park Road

Introduction

RJ Marco Construction submitted a Site and Building Plan Review application for a proposed 5,500 square foot addition onto the existing building at 577 Shoreview Park Road. The existing parking lot area, outside storage area and stormwater facilities will be modified for this addition. Site and Building Plan review is required to ensure that the proposal is consistent with the City's Development Regulations for this site.

Project Description

The 2-acre development site is located on Shoreview Park Road, east of the Deluxe Campus and south of Interstate 694. The property is zoned I, Industrial as is the property to the south and west. To the east, the Deluxe Campus is zoned PUD, Planned Unit Development. The property is developed with a 9,240 square foot building previously used as office and warehouse space. In addition, there is an outside storage area with a crushed rock surface located south of the building.

The building will be occupied by Allied Electric (Generators) and additional space is needed for their warehouse operations, therefore, a 5,500 square foot addition is proposed. The one-story addition is proposed on the south side of the existing building in area currently used for parking and outside storage. The parking lot will be modified and expanded to accommodate the parking demand. Stormwater infrastructure improvements proposed consist of an infiltration basin/holding pond to manage run-off from the development.

Conditional Use Permit

The previous owner, Weber Electric, received a conditional use permit in 1998 to construct an outside storage area. This storage area is 12,000 square feet in size and enclosed with a 6-foot tall black vinyl coated chain link fence. Outside storage areas in the Industrial zoning district requires a conditional use permit. As required, landscaping was installed to visually screen this area from Shoreview Park Road, however, this landscaping has not been maintained. A copy of the conditional use permit is attached.

While the proposed addition requires this storage area to be shifted slightly closer to the road and modified in shape, it will not exceed the existing square footage. The Staff did not require an amended conditional use permit for this reason.

Site and Building Plan Review

The intent of the Site and Building Plan review is to provide the City with the opportunity to review the proposed development in accordance with the development code standards

Building Placement

The existing building has space dedicated for office and warehouse uses. The proposed addition expands the warehouse area and is located on the western portion of the property. The addition complies with the required structure setbacks from the Shoreview Park Road right-of-way and the western side property line. A minimum structure setback of 50 feet is required from Shoreview Park Road; 172 feet is proposed. From the western side property line, the addition will maintain the 10-foot setback as established by the existing building

Parking Lot Design

Access to the property will remain via a single driveway off Shoreview Park Road. The parking area will be re-designed to access the proposed loading dock area on the east side of the building and to provide additional parking. Sixteen parking stalls would be constructed which is less than the minimum number of stalls required (25). The plan does identify areas where proof of parking could be constructed if needed. With the proof of parking, 29 stalls could be provided on-site.

The loading dock area is located on the east side of the building facing towards the interior of the parking lot, which is an improvement from the current south facing loading area. The loading area is screened from view of the road through the orientation, distance from the roadway and the use of landscaping

Architectural Design

The proposed addition is designed as a one-story with a height of 30'8". The exterior wall finishes proposed would match the existing structure. These materials include decorative concrete block, metal flashing and glass windows. Accent decorative concrete block and the windows are intended to provide a visual break to the expanse of the building wall.

Grading and Drainage

The property is located in the former Grass Lake Watershed Management area. The City is still acting as the local government unit for stormwater management in this area until later this summer when the Ramsey Washington Metro Watershed District will assume this role.

The City Engineer has reviewed the proposed grading and drainage plan and found it to be consistent with the City's Surface Water Management Plan. Stormwater run-off from the developed portion of the site will be directed to an infiltration basin/holding pond located in the front along Shoreview Park Road. The property owner will be required to provide a long term maintenance plan and execute a maintenance agreement with the City to ensure the infiltration basin continues to function in accordance with the approved design.

Public Comment and Agency Review

The City notified property owners within 350 feet of development site of the Site and Building Plan review application. No comments have been received.

Attached is a comment from the City's Building Official who has indicated that the building is subject to Chapter 1306 of the Minnesota Building Code for Special Fire Protection Systems. The existing building and the proposed addition are required to have a fire suppression system.

Recommendation

The submitted plans were reviewed in accordance with the Development Code and Site and Building Plan review criteria for this site. The proposed use is consistent with the I, Industrial District and the proposed addition, including site modifications, comply with the City's Development standards. Staff is asking the Planning Commission to recommend approval of the application to the City Council, subject to the following conditions:

1. This approval permits the construction of a 5,500 square foot addition onto the existing building at 577 Shoreview Park Road. The addition shall be used as warehouse.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. The items identified in the memo from the City Engineer must be addressed prior to the issuance of a building permit.
5. The landscape plan shall be revised by replacing the proposed Colorado Spruce with Black Hills Spruce.
6. The location and area of the outside storage area may be revised pursuant to the approved plans. Conditions identified in Resolution 98-49, the conditional use permit for this storage area, with the exception of Condition No. 1, shall remain in effect.
7. The existing semi-trailers and temporary storage shelter shall be removed immediately.
8. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

Attachments:

1. Memo from City Engineer
2. Email - Building Official
3. Res. 98-49 - Conditional Use Permit
4. Location Map
5. Submitted Statement and Plans.
6. Motion

Date: May 15, 2013
To: Kathleen Nordine, City Planner
From: Tom Wesolowski, City Engineer
Subject: Site and Building Plan Review – R J Marco Construction, 577 Shoreview Park Road

The City of Shoreview Engineering Department has reviewed the plans dated May 6, 2013 and has the following comments regarding the plans:

1. The developer has submitted storm water management calculations for existing and proposed drainage. The calculations were prepared by a licensed engineer from the State of Minnesota and meet the requirements of the City's Surface Water Management Plan (SWMP).
2. The proposed storm water management system consists of diverting run-off from the impervious areas over land to an infiltration basin/holding pond. The pond area is proposed to infiltrate a portion of the run-off from the development and reduce the volume of flow to a level less than what currently leaves the site, which exceeds the requirements of the City's SWMP.
3. I talked with the consulting engineer, Lee Elfering, and asked if they had soil borings on the site to see if the soils are adequate for infiltration. He stated that they did take soil borings on the site and one boring in the area for the proposed infiltration basin. He did not have the results of the borings, but will submit them once he has received the information. If the soils are not adequate for infiltration he will revisit the treatment BMPs for the site.
4. The property owner should provide a long term maintenance plan and maintenance agreement to the City for the storm water BMP's constructed on the site.

If you have any questions or would like to discuss the comments please contact Tom Wesolowski at 651-490-4652



Kathleen Nordine <knordine@shoreviewmn.gov>

577 Shoreview Park Road Site and Building

1 message

Steve Nelson <snelson@shoreviewmn.gov>

To: "NORDINE, KATHLEEN" <knordine@shoreviewmn.gov>

Wed, May 15, 2013 at 8:42 AM

Kathleen:

One item to note for the approval process for the addition to 577 Shoreview Park Road. The City has adopted Chapter 1306 of the Minnesota Building Code for Special Fire Protection Systems, subpart 2 requiring fire suppression installation in the building. This would require the addition and existing portion to have fire suppression installed. I am not sure if the building has an existing system, but want them to be aware prior to approval.

Steve Nelson

Building Official
City of Shoreview
4600 N Victoria Street
Shoreview, MN 55126
651-490-4691

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD JUNE 1, 1998**

* * * * *

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

The following members were present: Huffman, Landwehr, Reiter, Wickstrom, Martin.
And the following members were absent: None.

Member Landwehr introduced the following resolution and moved its adoption.

**RESOLUTION NO. 98-49
CONDITIONAL USE PERMIT**

WHEREAS, Weber Electric, Inc., applied for a conditional use permit to construct an outside storage area at:

West 203.21 feet of that part of the Southwest $\frac{1}{4}$ of Section 25, Township 10, Range 23, described as follows: Commencing at a point 231 feet Westerly of the Easterly line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and 640.69 feet northerly of the Northerly right-of-way line of County Road E as measured parallel to said Easterly line (for descriptive purposes only, said Easterly line has an assumed bearing of North 0 02' East); thence North 68 29' 16" West; 395.55 feet to the actual point of beginning of the parcel to be described; thence North 68 29' 16" West, 429.34 feet; thence North 0 02' East, 456.73 feet, more or less, to the Southerly right-of-way line of Trunk Highway No. 694-393; thence Southeasterly on last said right-of-way line, 422.44 feet, more or less, to the intersection with a projection of a line at North 0 02' East from point of beginning; thence South 0 02' West, 476.99 feet, more or less, to the point of beginning.

(This property is more commonly known as 577 Shoreview Park Road, Shoreview, Minnesota.)

WHEREAS, Section 202.060 (C)(1) states outdoor storage areas are a conditional use in Industrial Zoning Districts; and

WHEREAS, the applicant has proposed to construct an outdoor storage area at 577 Shoreview Park Road which is within an Industrial Zoning District; and

WHEREAS, the Planning Commission held a public hearing on the proposed outside storage area and found that the proposed use was consistent with the Comprehensive Guide Plan and that the proposed use would not have a detrimental effect on the character and development of the neighborhood; and

WHEREAS, the City Council is authorized by state law and the City of Shoreview Development Code to make final decisions on conditional use permit requests.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW CITY COUNCIL, that the above-described conditional use permit be approved on the basis of the following findings of fact:

1. The proposed outside storage area would not have a have a negative effect upon the health, safety and general welfare of the occupants of surrounding lands, including, but not limited to, the factors of noise, glare, odors, and existing and anticipated traffic conditions, including parking facilities on adjacent streets.
2. The proposed outside storage area would be an improvement to the existing condition and would not have a detrimental effect on property values in the surrounding areas.
3. The proposed outside storage area is located on a parcel designated as LT-1, Light Industrial, in the Comprehensive Guide Plan. This designation includes storage and warehousing. Therefore, the proposed outside storage would conform to the Comprehensive Guide Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW CITY COUNCIL that a Conditional Use Permit for an outside storage area is hereby approved, subject to the following conditions:

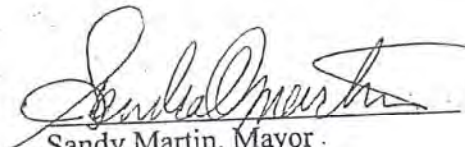
1. The outside storage area shall be constructed in accordance with the revised site plan submitted on May 15, 1998.
2. The City Forester shall approve the species mix, height, and density of proposed plantings based on year-round screening needs.

3. All landscaping materials shall comply with the minimum standards set forth in Section 206.050 of the Development Ordinance. Said landscaping shall be properly maintained. Plantings that become diseased or die shall be promptly replaced.
4. No outside storage of materials, supplies, or equipment outside of the designated outside storage area shall be permitted.
5. Existing semi-trailers currently used for storage shall be removed from the site upon completion of the storage area.
6. The Building Official is authorized to issue a building permit if approved by the City Council.

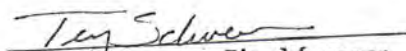
The motion was duly seconded by Wickstrom and upon a vote being taken thereon, the following voted in favor thereof: Huffman, Landwehr, Reiter, Wickstrom, Martin.

And the following voted against the same: None.

Adopted this 1st day of June, 1998


Sandy Martin, Mayor
Shoreview City Council

ATTEST:


Terry Schwerm, City Manager

SEAL



RJ Marco - 577 Shoreview Park Road



Legend

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

630.8

0 315.42 630.8 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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

Notes

Site and Building Plan Review

TO: Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

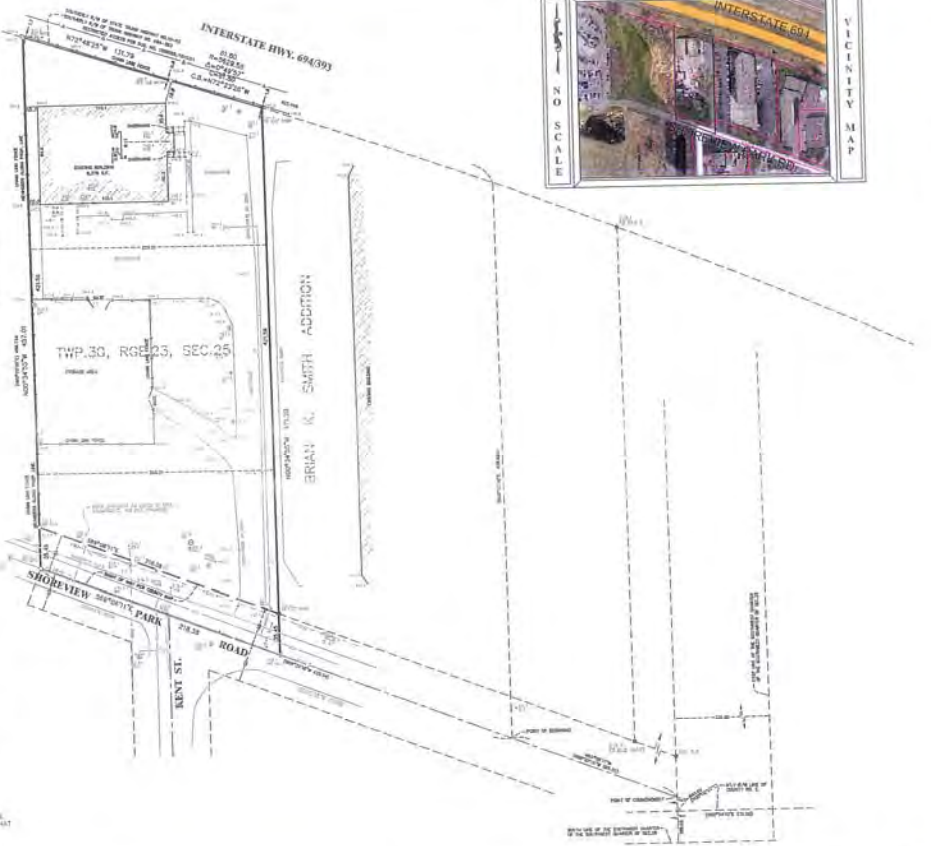
RE: Newvesco
577 Shoreview Park Rd

The proposed work to be performed includes the following:

- Removal of mature cottonwood trees and replace with evergreens and American Lindens
- Regrade South end of site to drain area into new infiltration and rate control pond
- Add new asphalt parking area to accommodate (10) new spaces
- Construction of 5,500 square foot decorative rock-faced CMU warehouse with two overhead doors at grade and one overhead door at dock height



DELUXE CORPORATION ADDITION



- LEGEND**
- ASB Division Advertising Professional Sign
 - AC Division Ad Campaigning Light
 - BFE Division Business First Elevation
 - CB Division Canal Bank
 - COB Division Canal Bank
 - COL Division Building Column
 - CEC Division Concrete Enclosure Elevation
 - TE Division Telephone Booth
 - CCM Division Concrete Masonry
 - QCH Division Concrete Channel
 - QMP Division Concrete Metal Pipe
 - DP Division Concrete Post
 - ES Division Electric Sign
 - OV Division Electric Sign
 - SMH Division Electric Sign
 - DM Division Electric Sign
 - ES Division Electric Sign
 - FP Division Electric Sign
 - EE Division Electric Sign
 - GATV Division Electric Sign
 - ITE Division Electric Sign
 - GM Division Electric Sign
 - US Division Electric Sign
 - STW Division Electric Sign
 - PCS Division Electric Sign
 - HVD Division Electric Sign
 - LP Division Electric Sign
 - WIS Division Electric Sign
 - KCP Division Electric Sign
 - PKS Division Electric Sign
 - FPV Division Electric Sign
 - ED Division Electric Sign
 - SD Division Electric Sign
 - SMH Division Electric Sign
 - SV Division Electric Sign
 - STP Division Electric Sign
 - SMH Division Electric Sign
 - TC Division Electric Sign
 - UVC Division Electric Sign
 - UGL Division Electric Sign
 - SAV Division Electric Sign
 - UP Division Electric Sign
 - ULP Division Electric Sign
 - TMH Division Electric Sign
 - SMH Division Electric Sign
 - SV Division Electric Sign
 - NET A-1 Division Electric Sign

NOTICE TO CONTRACTORS

The Agency shall be responsible for the location of all underground utilities. The presence of all underground utilities and conditions will be indicated on the drawings. It is the responsibility of the contractor to locate all underground utilities. The contractor shall be responsible for the location of all underground utilities. The contractor shall be responsible for the location of all underground utilities.

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ENGINE TO BE SHOWN ON THE
 SIDE OF THE BOUNDARY LINE THAT
 THE ENGINE IS LOCATED AT

FIELD NO.	DATE	BY	REVISIONS

USE INCLUDING OF THIS DISTRIBUTION AND/OR EQUIPMENT OF
 SATHRE-BERGQUIST, INC. IS EXPRESSLY PROHIBITED WITHOUT
 THE WRITTEN AUTHORIZATION OF SATHRE-BERGQUIST, INC. WITHOUT
 SUCH AUTHORIZATION CONTRACTORS SHALL BE RESPONSIBLE FOR
 ANY DAMAGE TO THE PROPERTY OF SATHRE-BERGQUIST, INC. OR
 TO ANY OTHER PARTY. SATHRE-BERGQUIST, INC. SHALL NOT BE
 RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING
 FROM ANY USE OF THIS DRAWING.

SATHRE-BERGQUIST, INC.
 102 SOUTH BROADWAY, SUITE 200, MINNEAPOLIS, MN 55402
 612.338.8888

TWP. 30, RGE. 23, SEC. 25
 SHOREVIEW, MINNESOTA

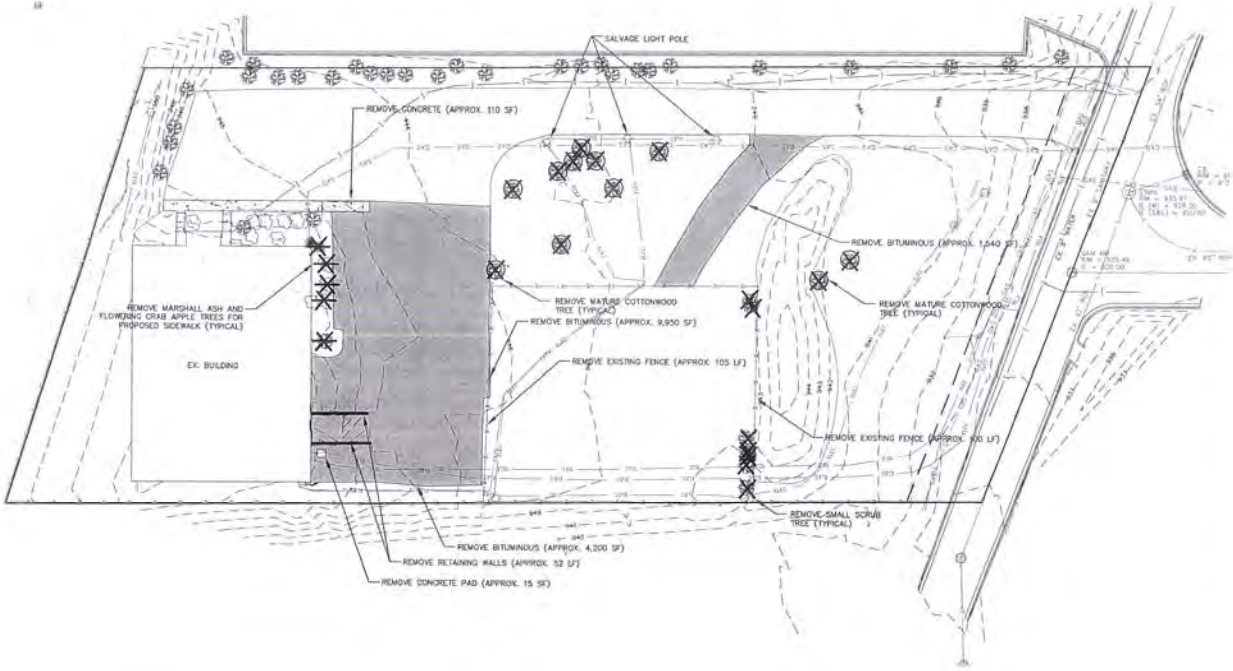
ALTA/ACSM LAND TITLE SURVEY
 NEWESCO, L.L.C.
 LAND TITLE INC.
 STEWART TITLE GUARANTY COMPANY

RECEIVED
 MAY 06 2013

EXISTING CONDITIONS AND REMOVALS

LEGEND

EXISTING UTILITY MARKER	EXISTING UTILITY MARKER	UTILITY POLE	UTILITY POLE
EXISTING SAND BASKET	EXISTING SAND BASKET	TRIP OR HAZARD	TRIP OR HAZARD
EXISTING FTS	EXISTING FTS	STREET LIGHT	STREET LIGHT
EXISTING PRIMARY SEWER	EXISTING PRIMARY SEWER	SCAFF HOOD	SCAFF HOOD
EXISTING SECONDARY SEWER	EXISTING SECONDARY SEWER	TRIP	TRIP
EXISTING WATER MAIN	EXISTING WATER MAIN	BITUMINOUS	BITUMINOUS
EXISTING GUY WIRE	EXISTING GUY WIRE	REMOVE	REMOVE
EXISTING #FOUNT	EXISTING #FOUNT		
TELEPHONE #FOUNT	TELEPHONE #FOUNT		
TELEPHONE GUY	TELEPHONE GUY		
TELEPHONE MARKER	TELEPHONE MARKER		
TRIP (SEE CALL)	TRIP (SEE CALL)		
TRIP (SEE HAND HOLE)	TRIP (SEE HAND HOLE)		
SAFETY WIRE	SAFETY WIRE		
SEE PLAN	SEE PLAN		
SEE PLAN	SEE PLAN		
SEE PLAN	SEE PLAN		



NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
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UNDER THE STATE OF CALIFORNIA, I, JAMES LUCIANO, LICENSED LANDSCAPE ARCHITECT, DO HEREBY CERTIFY THAT I AM AN ARCHITECT AND A MEMBER OF THE BOARD OF ARCHITECTS OF THE STATE OF CALIFORNIA. My License No. is 12345.

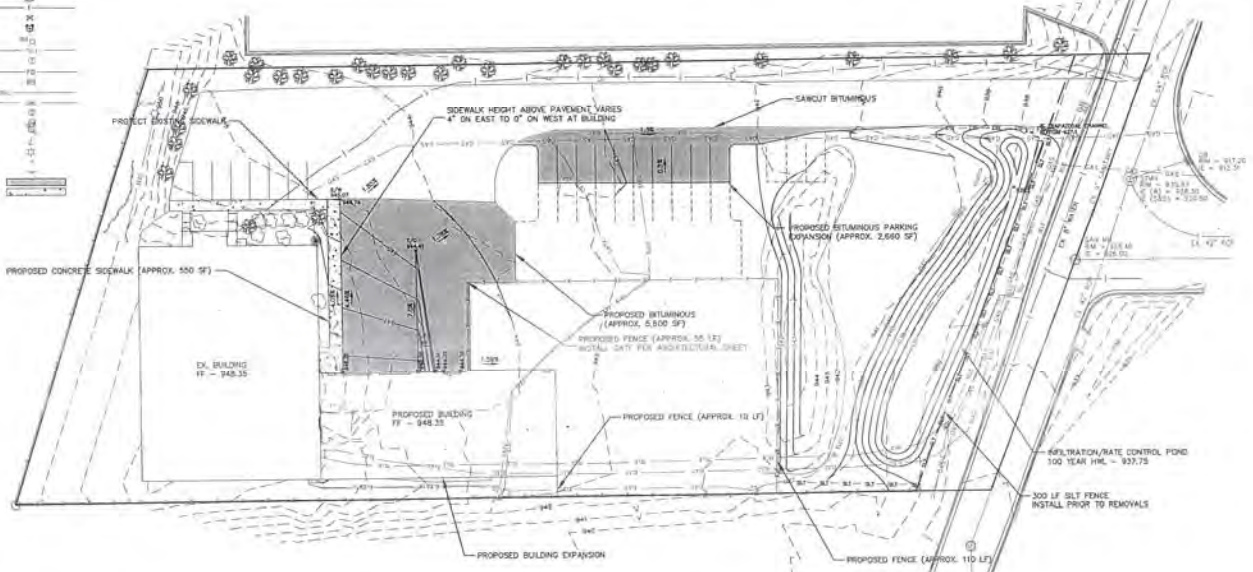
NEWESCO LLC
 111 W. WASHINGTON
 EXISTING CONDITIONS AND REMOVALS

DESIGNED BY: J.L.L.
 DRAWN BY: J.L.L.
 APPROVED BY: J.L.L.
 DATE: 11/11/11
 SHEET NO. 1 OF 1

GRADING AND EROSION CONTROL PLAN

LEGEND

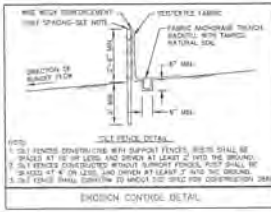
EXISTING 3" DRAIN	---
EXISTING 6" DRAIN	---
EXISTING 12" DRAIN	---
EXISTING SANITARY MAIN	---
EXISTING WATER MAIN	---
EXISTING GAS MAIN	---
EXISTING 1" FIRE MAIN	---
BLINDING EXISTING TELEPHONE CABLE	---
BLINDING EXISTING CABLE	---
BLINDING EXISTING FIBER OPTIC CABLE	---
BLINDING EXISTING POWER CABLE	---
BLINDING EXISTING TELEPHONE CABLE	---
BLINDING EXISTING FIBER OPTIC CABLE	---
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BLINDING EXISTING FIBER OPTIC CABLE	---
BLINDING EXISTING POWER CABLE	---



- EROSION CONTROL NOTES:**
1. INSTALL PERIMETER EROSION CONTROL AT LOCATIONS SHOWN ON THE PLAN AND AS DIRECTED BY THE ENGINEER OR CITY PRIOR TO COMMENCEMENT OF ANY LAND DISTURBING ACTIVITIES.
 2. THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS AND DRIVEWAYS PRIOR TO REMOVAL. SUCH SOILS SHALL BE ON A 5'x5' BASIS WHICH TRACKING OCCURS AND MAY BE GREATER IF THE ENGINEER OR CITY AT ANY TIME. REPAIRS SHALL BE DONE IN A MANNER TO PREVENT DUST FROM BEING BLOWN TO ADJACENT PROPERTIES.
 3. LOCATE SOIL OR DIRT STOCKPILES NOT LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. IF REMAINING FOR MORE THAN 7 DAYS, STABILIZE THE STOCKPILES BY MULCHING, VEGETATION COVER, MATS, OR OTHER APPROVED MEANS. CONTROL EROSION FROM ALL STOCKPILES BY PLACING SILT BARRIERS AROUND THE PILES.
 4. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CORRESPONDING PERMANENT AREA HAS BEEN ESTABLISHED. THE CONTRACTOR IS RESPONSIBLE FOR ALL STOCKPILES REMOVED WHICH INCLUDES BOTH VISUAL INSPECTIONS AND INSPECTIONS DONE AFTER A 5:15" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE SUBMITTED TO THE ENGINEER ON A REGULAR BASIS.
 5. TEMPORARILY OR PERMANENTLY STABILIZE ALL CONSTRUCTION AREAS WHICH HAVE UNDERGONE FINAL GRADING AND ALL AREAS IN WHICH GRADING ACTIVITIES ARE NOT ACTIVELY UNDERWAY AGAINST EROSION DUE TO WIND, WIND, AND RAINING WATER WINDS 7 DAYS.
 6. THE CONTRACTOR SHALL REMOVE ALL TEMPORARILY SYNTHETIC, STRUCTURAL, NON-BIODEGRADABLE EROSION AND SEDIMENT CONTROL DEVICES AFTER THE SITE HAS UNDERGONE FINAL STABILIZATION WITH PERMANENT VEGETATION ESTABLISHMENT. FINAL STABILIZATION FOR PURPOSES OF THIS MANUAL IS AS ESTABLISHED COVER OVER DISTURBED AREA.
 7. IF DRAINAGE OR PUMPING OF WATER IS NECESSARY, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS AND FOR ARRANGING PRIOR TO DISCHARGE OF ANY WATER FROM THE SITE.

- CONSTRUCTION NOTES:**
1. THE EXISTING UTILITIES SHOWN ARE APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND SHALL LOCATE UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND MAINTAIN ANY AND ALL EXISTING UTILITIES.
 2. BACKFILL TO BE STIMMED, BALANCED, AND STOCKPILED FROM ALL AREAS TO BE DISTURBED PRIOR TO ANY GRADING.
 3. RESTORE ALL DISTURBED AREAS EXCLUDING THE PAVED AND GRAVEL AREAS AND INFILTRATION/RATE POND WITH A MINIMUM OF 4" TO 8" OF SALVAGED TOPSOIL.
 4. REED ALL DISTURBED AREAS EXCLUDING THE PAVED AND GRAVEL AREAS INFILTRATION/RATE POND WITH BROOM MATING 200 AT A RATE OF 150 LBS/ACRE AND PERMEX AT 20-30-10 AT 100 LBS/ACRE WITHIN 48 HOURS OF THE COMPLETION OF GRADING OPERATIONS.

- INFILTRATION BASIN NOTES:**
1. THE CONTRACTOR SHALL ENSURE CARE TO MINIMIZE COMPACTION OF SOILS IN AND AROUND THE INFILTRATION/RATE POND AREA DESIGNATED ON THE PLAN. LOCATION AND PLACEMENT OF MATERIAL IN THE INFILTRATION AREAS SHALL BE BY BRIDGE FROM THE PERIMETER. IF EQUIPMENT IS USED IN THE INFILTRATION AREAS THE MATERIAL SHALL BE REVED A MINIMUM OF 2 FEET BELOW THE LOWEST EXISTING ELEVATION.
 2. THE CONTRACTOR SHALL NOTIFY MAJORITY JURISDICTION AGENCIES AND OBTAIN STAFF OF CITY AT LEAST 48 HOURS PRIOR TO THE CONSTRUCTION OF THE INFILTRATION AREAS.



CLARK & ASSOCIATES
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 PHONE: 303.733.1000
 FAX: 303.733.1001

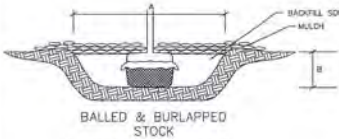
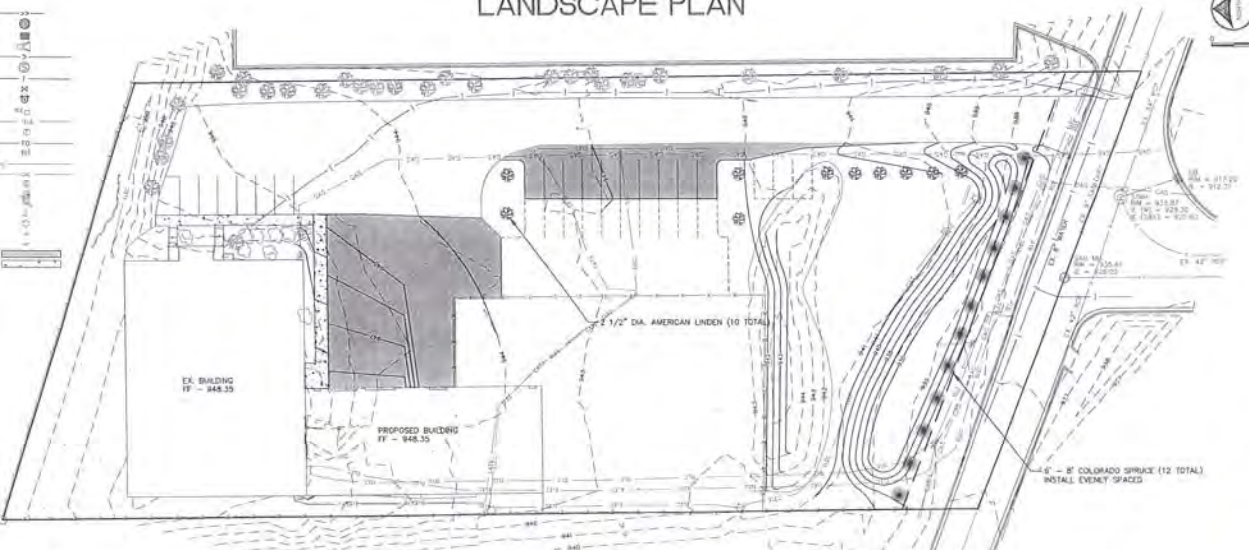
NEWWOOD LLC
 P. J. MARCO
 GRADING AND EROSION CONTROL PLAN

DATE: 11/15/2011
 SHEET: 2

LANDSCAPE PLAN

LEGEND

- EXISTING STORM DRAIN
- EXISTING STORM MANHOLE
- EXISTING LATERAL MAIN
- EXISTING SANITARY DRAIN
- EXISTING SANITARY MANHOLE
- EXISTING WATER MAIN
- EXISTING GATE VALVE
- EXISTING HYDRANT
- TELEPHONE MANHOLE
- TELEPHONE CABLE
- UTILITY MANHOLE
- UNDERGROUNDED CABLE
- UNDERGROUNDED WATER MAIN
- UNDERGROUNDED GAS
- UNDERGROUNDED SANITARY
- UNDERGROUNDED WATER MAIN
- UNDERGROUNDED GAS
- UNDERGROUNDED SANITARY
- UNDERGROUNDED WATER MAIN
- UNDERGROUNDED GAS
- UNDERGROUNDED SANITARY



BALLED & BURLAPPED STOCK

1. SCARIFY SIDES AND BOTTOM OF HOLE.
2. PROCEED WITH CORRECTIVE PRUNING AS DIRECTED BY ENGINEER.
3. SET PLANT ON UNCOMPACTED NATIVE SOIL OR THOROUGHLY COMPACTED BACKFILL SOIL AT THE SAME DEPTH (IF PROPOSED) AS IT WAS GROWN IN THE NURSERY.
4. PLANT SHALL BE PLACED IN PLANTING HOLE WITH BURLAP AND WIRE BASKET, IF USED. IMMEDIATELY IN PLACE, THE PLANT SHALL BE BACKFILLED TO WITHIN 12" OF THE TOP OF THE ROOTBALL AND WATERED. THE BURLAP SHALL BE FOLDED OR CUT BACK.
5. PLUMB AND BACKFILL WITH THE BACKFILL SOIL SPECIFIED.
6. APPLY WATER TO SETTLE PLANTS AND FILL VOID. THEN CONSTRUCT 3" DEPTH WATERING BASIN.
7. WATER THOROUGHLY WITHIN 2 HOURS.
8. PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.

GENERAL NOTES

- PLANTING HOLE CULTIVATION:** ALL ISOLATED TREE PLANTING LOCATIONS SHALL BE CULTIVATED BY TILING TO A MINIMUM DEPTH OF 10". SOIL AMENDMENTS SHALL BE APPLIED DURING CULTIVATION.
- BACKFILL SOIL:** USE CULTIVATED AND AMENDED SOIL EXCAVATED FROM PLANTING HOLES. REMOVE ALL CLUMPS INCLUDING ROOTS LARGER THAN 3" DIA. FROM PLANTING HOLES.
- MULCH MATERIAL:** M3/001 2002 TYPE 6, UNLESS OTHERWISE SPECIFIED.

PLANT TYPE	PLANT SIZE (UP TO AND INCLUDING)	MINIMUM HOLE DIMENSIONS (INCHES) (HOLE)	
		A	B
		TREES	3" spread B.B.
	2 1/2" spread B.B.	42	11
	3" spread B.B.	48	12

WATERING GUIDELINES:

PLANT TYPE	AVERAGE AMOUNT OF WATER PER APPLICATION (GALLONS)
MACHINE TRANSPLANTED TREES (3" CALIPER+)	90-100
BALLED & BURLAPPED TREES	20 +/-
BARE ROOT TREES	15 +/-

- 1) THE WATERING GUIDELINES ASSUME A SOIL CONDITION WITH ADEQUATE BUT NOT EXCESSIVE OR POOR DRAINAGE. WATERING INTERVALS AND AMOUNT OF APPLICATION MUST BE VARIED CONSIDERING PREVALING SOIL MOISTURE AND WEATHER CONDITIONS THROUGHOUT THE GROWING SEASON. ADEQUATE, BUT NOT EXCESSIVE SOIL MOISTURE IN THE ROOT ZONE OF NEW PLANTINGS MUST BE MAINTAINED AT ALL TIMES THROUGHOUT THE GROWING SEASON FOR THE FIRST TWO YEARS FOLLOWING PLANTING. WATERING MAY BE REQUIRED WEEKLY OR FREQUENTLY. THIS DETERMINATION SHALL BE MADE BY THE CONTRACTOR.
- 2) THE CONTRACTOR IS ADVISED THAT THE WATERING GUIDELINES ARE NOT REQUIREMENTS OF THE CONTRACT. ALTHOUGH FAILURE TO CORRECT WATER DEFICITS BY SUPPLEMENTAL WATERING OR FAILURE TO COMPENSATE FOR EXCESSIVE SOIL MOISTURE AND DRAINAGE PROBLEMS MAY RESULT IN UNACCEPTABLE PLANTS LEADING TO REDUCED OR NO PAYMENT.



DATE	REVISION

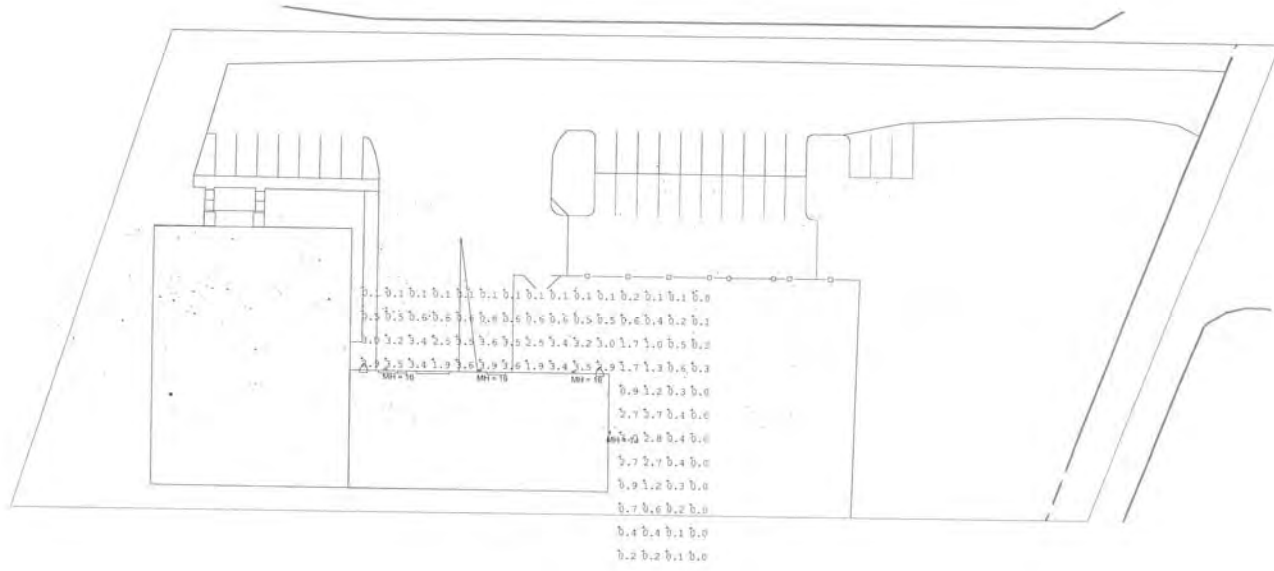
FOR MORE INFORMATION, CONTACT:
 NEWESCOO LLC
 11111 S. W. 111th Ave., Suite 100
 Miami, FL 33176
 TEL: 305-447-1111
 FAX: 305-447-1112
 WWW: www.newescoo.com

NEWESCOO LLC
 11111 S. W. 111th Ave., Suite 100
 Miami, FL 33176
 TEL: 305-447-1111
 FAX: 305-447-1112
 WWW: www.newescoo.com

LANDSCAPE PLAN

SHEET 3

This document shall be part of the contract documents for the project. It shall be used for reference only. It is not to be used for construction. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.



Symbol	Qty	Label	Arrangement	LLF	Watts	Description
□	4	AA	SINGLE	0.900	54	GE EW514ES-57-G-1A-DWZ

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description
Area	Illuminance	FC	1.21	3.9	0.6	N/A	N/A	Foot FC at Grade

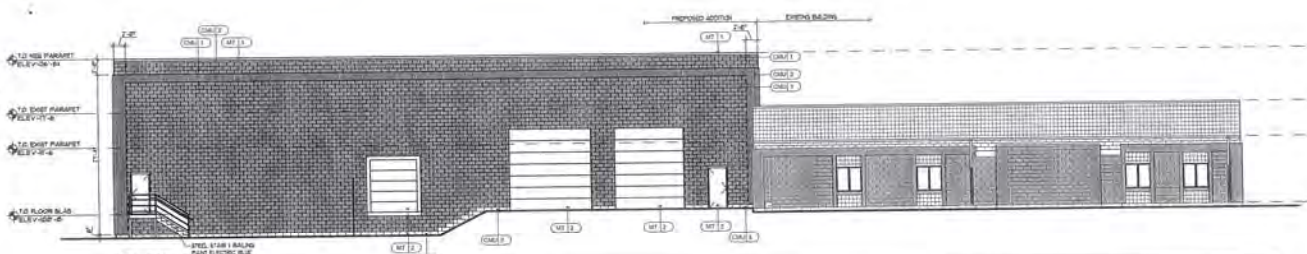
Drawn by: SGB
 Checked by: SGB
 Date: 05/03/2013

NO.	REVISION

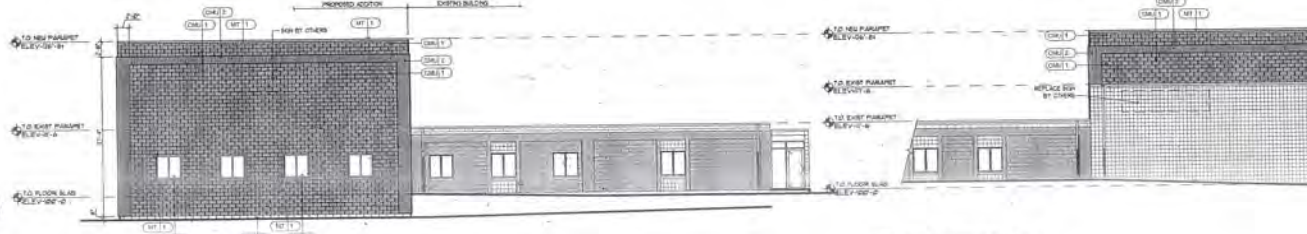
Sheet No: 2013029
 Date: 05/03/2013

PROPOSED
 EXTERIOR
 ELEVATIONS

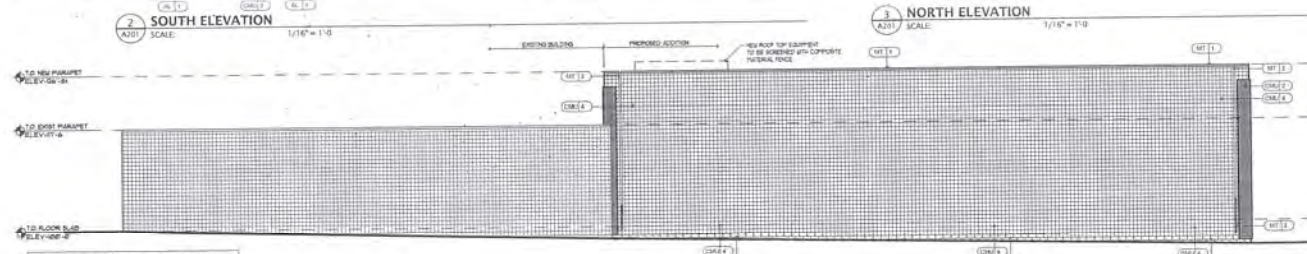
A201



1 EAST ELEVATION
 SCALE: 1/16" = 1'-0"
 A201



2 SOUTH ELEVATION
 SCALE: 1/16" = 1'-0"
 A201



3 NORTH ELEVATION
 SCALE: 1/16" = 1'-0"
 A201



4 WEST ELEVATION
 SCALE: 1/16" = 1'-0"
 A201

EXTERIOR FINISH SCHEDULE

CONTRACT	DETAILS
CMU 1	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 2	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 3	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 4	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 5	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 6	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 7	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 8	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
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CMU 95	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 96	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 97	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 98	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 99	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)
CMU 100	CONCRETE FINISH (PAINT TO MATCH EXISTING BUILDING CMU)

Having verified the site data, specifications, or contract documents for the project, the architect warrants that the project will be constructed in accordance with the terms of the contract documents.
Approved: *[Signature]*
Typed Name: JAMES S. BROWN
Date: 05/03/2013

RJ MARCO CONSTRUCTION GENERAL CONTRACTORS

Proposed Addition for
Newvesco LLC

577 Shoreview Park Rd
Shoreview, MN 55126

Client:
Newvesco LLC
Glen Adams
577 Shoreview Park Rd
Shoreview, MN 55126

Architect:
RJ MARCO ARCHITECTS
100 Stone Plaza, Suite 100
Bloomington, MN 55111
Phone: 612.487.8200
Fax: 612.487.8202
www.rjmarco.com

Notes & Revisions

No.	Description

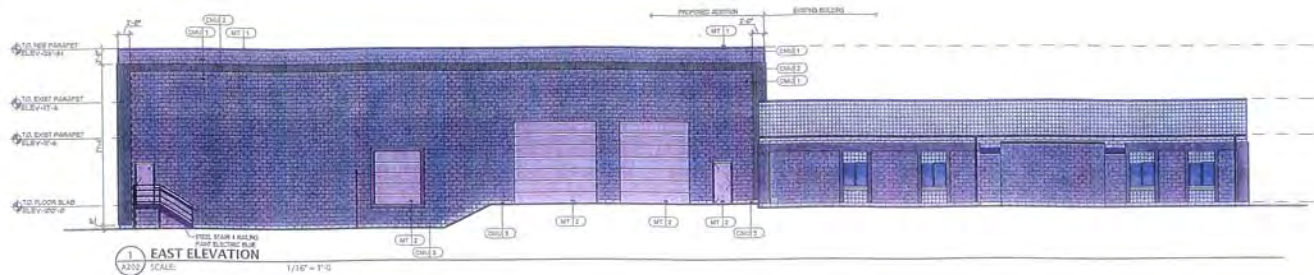
Issue No. 2013029

Drawn By: SGB

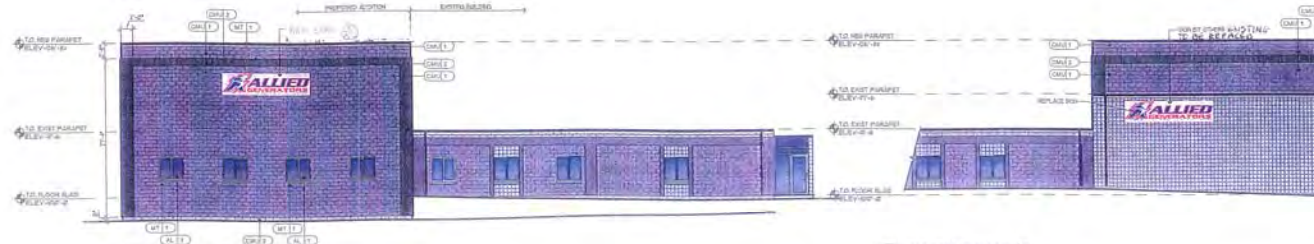
Date: 05/03/2013

Project Name:
PROPOSED EXTERIOR ELEVATIONS

Sheet No. **A202**

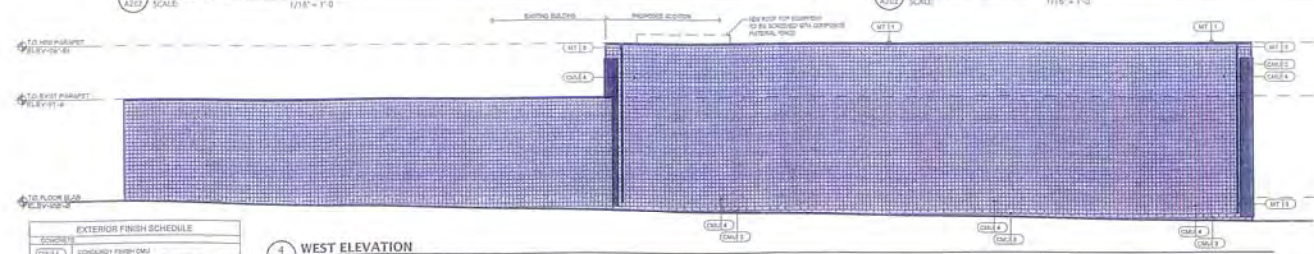


1 EAST ELEVATION
SCALE: 1/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

3 NORTH ELEVATION
SCALE: 1/16" = 1'-0"



4 WEST ELEVATION
SCALE: 1/16" = 1'-0"



PROPOSED SIGN ON SOUTH ELEVATION OF NEW ADDITION
CAN TYPE W/ LEXAN COVER
INTERNALLY ILLUMINATED
APPROX. 4' x 12'

EXTERIOR FINISH SCHEDULE

SYMBOL	DESCRIPTION
CM1-1	CONCRETE FINISH (INT) PAINT TO MATCH EXISTING BUILDING (SPRAY)
CM1-2	BRICKWORK FINISH (SPRAY) PAINT TO MATCH EXISTING BUILDING (SPRAY)
CM1-3	STANDARD GYPSUM TO CMU (FIN) ABOVE GRADE PAINT TO MATCH EXISTING BUILDING (SPRAY)
CM1-4	SINGLE SCORE FINISH CMU PAINT TO MATCH EXISTING BUILDING (SPRAY)
CM1-5	CONCRETE SILL PAINT TO MATCH EXISTING BUILDING (SPRAY)
METALS	
MT-1	BRASS FINISH METAL FLASHING MATCH EXISTING COLOR (ELECTRIC BLUE)
MT-2	BRASS FINISH ALUMINUM DOOR PAINT TO MATCH WALL (SPRAY)
MT-3	PREPARED METAL SCREWS & DOWNSPOUT MATCH EXISTING COLOR OF SUBJECTIVE BLUE
CL-1	CLEAR ANODIZED ALUMINUM FRAME FINISHED ON 1/8" SLAB SEE EXISTING OR PAINT

5 NEW 1574
A202
DATE: 05/03/2013

MOTION
TO APPROVE SITE AND BUILDING PLAN REVIEW
577 SHOREVIEW PARK ROAD

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Site and Building Plan review application submitted by RJ Marco Construction, Inc. on behalf of Newvessco, LLC for a building addition at 577 Shoreview Park Road. Said approval is subject to the following:

1. This approval permits the construction of a 5,500 square foot addition onto the existing building at 577 Shoreview Park Road. The addition shall be used as warehouse.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. The items identified in the memo from the City Engineer must be addressed prior to the issuance of a building permit.
5. The landscape plan shall be revised by replacing the proposed Colorado Spruce with Black Hills Spruce.
6. The location and area of the outside storage area may be revised pursuant to the approved plans. Conditions identified in Resolution 98-49, the conditional use permit for this storage area, with the exception of Condition No. 1, shall remain in effect.
7. The existing semi-trailers and temporary storage shelter shall be removed immediately.
8. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated industrial land use in the Comprehensive Plan.
2. The proposed development complies with the standards identified in the City's Development Code.
3. The proposed improvements will not conflict with or impede the planned use of adjoining property.

VOTE:

AYES:

NAYS:

**MOTION
TO APPROVE SITE AND BUILDING PLAN REVIEW
577 SHOREVIEW PARK ROAD**

MOVED BY COMMISSION MEMBER: McCool

SECONDED BY COMMISSION MEMBER: Proud

To recommend the City Council approve the Site and Building Plan review application submitted by RJ Marco Construction, Inc. on behalf of Newvessco, LLC for a building addition at 577 Shoreview Park Road. Said approval is subject to the following:

- Amend condition
Review upon
change of
use*
1. This approval permits the construction of a 5,500 square foot addition onto the existing building at 577 Shoreview Park Road. The addition shall be used as warehouse.
 2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
 3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
 4. The items identified in the memo from the Assistant City Engineer/Public Works Director must be addressed prior to the issuance of a building permit.
 5. The landscape plan shall be revised by replacing the proposed Colorado Spruce with Black Hills Spruce. *Plants shall be monitored and replaced if die.*
 6. The location and area of the outside storage area may be revised pursuant to the approved plans. Conditions identified in Resolution 98-49, the conditional use permit for this storage area, with the exception of Condition No. 1, shall remain in effect.
 7. The existing semi-trailers and temporary storage shelter shall be removed immediately.
 8. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated industrial land use in the Comprehensive Plan.
2. The proposed development complies with the standards identified in the City's Development Code.
3. The proposed improvements will not conflict with or impede the planned use of adjoining property.

VOTE:

AYES: *6*

NAYS: *0*

City Council:
Sandy Martin, Mayor
Amy 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

May 14, 2013

REQUEST FOR COMMENT

Dear Property Owner:

Please be advised that on **Tuesday, May 28th at 7:00 p.m.**, the Shoreview Planning Commission will review a Site and Building Plan Review application submitted by RJ Marco Construction Inc. on behalf of Newvesco, LLC for the property at **577 Shoreview Park Road**. The applicant is proposing to construct a 5,500 square foot addition onto the front of the building. The existing parking area will be expanded and stormwater management improvements will be installed. In addition, the existing outside storage area will be reconfigured to accommodate the proposed building addition. Site and Building Plan review is required to ensure that the proposal is consistent with the City's Development Regulations. 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. Your comments should be submitted by **Thursday, May 23rd** to be included in the Planning Commission agenda packet. Comments received after that date but before the meeting date will be distributed at the Planning Commission meeting. You are also welcome to attend the meeting. The meeting is held at City Hall, 4600 N. Victoria Street in the City Council Chambers.

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

Sincerely,

Kathleen Nordine
City Planner

Comments:

A good fit for Area

Name: Cary Borgozka

Address: 3680 N. Kent

t:\2013planningcasefile\2486-12-13 577 ShoreviewParkRd RJ Marco\neighborhoodnotice



Rob and Kathleen

I do not disagree with the below provisions, but I believe to be fair to all parties and to be enforceable the sign Ordinance needs to be enhanced.

- i. Lighting shall be set at a minimum level necessary to provide clear viewing from the roadway in which the message center sign is intended to be read and shielded to minimize glare.**
- ii. Said sign shall be equipped with a dimmer control and photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed.**
- iii. The light level shall not exceed .3 foot-candles above the ambient light conditions as measured at the centerline of the street.**

The Ordinance and administration will likely need to take into consideration:

1. Specify how and where the ambient light level is to be measured. The "ambient light conditions" at the center of the street are likely different than the ambient light level at the sign location with the sign both off and on. What is our intention as to the measurement point "... conditions as measured at (or from) the centerline of the street."? Intuitively it would seem best to measure ambient light levels at the same point as the various sign illumination measurements are taken – but taken with the sign illumination off.
2. Measurements taken from points in addition to the centerline of the street with a provision that none of the readings shall exceed the established illumination standard.
3. We need a demonstration to verify that .3 foot-candles is a proper incremental level of additional illumination. In the attached material .3 foot-candles is the standard. Note the example sign that is noted to be under-illuminated versus the glare of the properly lit sign. (This is similar to the City sign on Highway 96 and Victoria)
4. The size and elevation of the sign.
5. The various locations and elevation of receptors. (middle of the street would be different than the window of a home or other business or a driveway that enters / exits onto a street.)
6. The type of meter used and its use design parameters.
7. A sign that may be in a business district, but is also viewable from a residential district.
8. In section ii above, it would be well to confirm "photo cell" {photo electric cell} is sufficiently generic as opposed to a specific type of device to detect light intensity.
9. Require a test and certification of compliance before any sign is put into use.
10. Require a test and certification based upon receipt of a credible complaint by the public or as may from time to time be requested by the City.

We may need to measure in both lumens and nits. (I think signs that are internally illuminated are measured in nits and signs that are illuminated by light shining onto them from an outside source are measured in lumens) See attached.

There is likely an ASTM or ANSI standard that notes the "procedures" to perform measurements such as this. Most industrial or safety standards have a procedure for measurement. Some of the attached material makes reference to a industry procedure.

The needed research and drafting of the technical part of the Ordinance would be a great project for a civil or industrial or safety engineering university student -- or a procedure developed by the League of Cities.

Curt

<http://www.signs.org/LinkClick.aspx?fileticket=ojOGTVXmiiw%3D&tabid=763>

3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry. Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive (\$100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~\$3,000) and difficult to procure. The

http://www.scenic.org/storage/documents/EXCERPT_Measuring_Sign_Brightness.pdf

Sign Brightness
Measuring Sign Brightness

<http://www.thesignagefoundation.org/Portals/0/A-48NSREC%20-%20Rich%20Gottwald.pdf>

Recommended Brightness Levels for
On-Premise
Electronic Message Centers (EMC's)

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: May 24, 2013
SUBJECT: Development Moratorium – Message Center Signs

* Review old files – both electronic (T-drive) and paper (pile-drive).
* share w/ Niki
* Timing 20 minutes? 2 hours?

INTRODUCTION

The City Council adopted a four month moratorium prohibiting the installation of Message Center Signs at their April 15th meeting. The overall intent of the development moratorium is 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 (or other) uses while minimizing the impacts of said signs on nearby residential land uses. The Council also indicated that any proposed regulations should also consider the potential impact on traffic and public safety.

The moratorium was effective on publication April 24th and is therefore in effect until August 24th. The City Council has asked that the Staff work with the Commission to develop new regulations within this time period.

REVIEW PROCESS

The following outlines the proposed schedule to review this matter with the Planning Commission (PC), Economic Development Commission (EDC) and City Council with the goal of having new regulations in place by August 19th.

Week of June 10th or June 17th – Open Workshop for City Council members, EDC/ PC members
June 25th – Planning Commission Meeting – Draft Text presented
July 16th – Economic Development Commission Meeting – Draft Text presented
July 16th or August 6th – Planning Commission Meeting – Public Hearing to consider the text amendment
August 19th – City Council Meeting; Present the text amendment ordinance for adoption

PROPOSED TEXT AMENDMENT

The term Message Center Sign as defined is “a 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”.

Attached is a variety of information related to these types of signs. This information includes:

- 1) Section 208.040 B8, the existing message center sign regulations

- 2) The draft ordinance language for message center signs that was recently reviewed by the Commission. Deviations from these standards would require a Comprehensive Sign Plan.
- 3) Information summarizing the regulations of other communities is attached for review.
- 4) Considerations for message center signs in residential district or near residential land uses.

While Staff has not revised the draft regulations, the following suggestions are being presented to the Commission.

- 1) Define standards based on 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 is also a consideration for different standards.
- 2) Establish additional standards for message center signs located on commercial and industrial land that is near or adjacent to residential land uses.
- 3) Require a Comprehensive Sign Plan and establish additional criteria for message centers located in residential districts or within a specified distance of residential uses.
- 4) Public safety is currently addressed in the Purpose and Findings section of the Sign Code. Additional language may be warranted as a criteria for message center signs.
- 5) Lighting/brightness (related to color, visibility). Many ordinances contain similar standards to the City's regarding the light level but also have more general provisions. Further research is needed to better address this concern.

RECOMMENDATION

The Staff is looking to discuss the review process and schedule with the Commission and ensure that said revisions will be completed by August 24th expiration date for the moratorium.

While specific standards are not being presented to the Commission, the Staff is interested in discussing the suggestions identified above along with any additional items that are included in the attachments.

Attachments

1. Draft Text – previously reviewed by Commission
2. Existing Ordinance
 - a. Section 208.010
 - b. Section 208.040 B8
3. Minutes from past meetings
4. Community regulations
5. Considerations for signs in residential districts
6. APA Article – Looking Ahead: Regulating Digital Signs and Billboards

DRAFT TEXT LANGUAGE

Message Center signs would be permitted for other uses and not just public/quasi public uses. No change in standards proposed

(8) **Message Center.** The changeable copy portion of the sign must be accompanied by the name of the building or facility. Said 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.

(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.

Removed language regarding duration due to the ability to enforce. Added the term "and displayed" under limited text to address duration of messages so they are readable.

~~(e) — 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 text shall use an amber color. All text shall be of a single color, including those signs in non-residential districts.

(e) Limited Text. Messages shall be limited to text only. The text of the sign must be limited and displayed 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~~

Standards changed to be similar to standards adopted for digital billboards.

~~(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).

- i. Lighting shall be set at a minimum level necessary to provide clear viewing from the roadway in which the message center sign is intended to be read and shielded to minimize glare.**
- ii. Said sign shall be equipped with a dimmer control and photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed.**
- iii. The light level shall not exceed .3 foot-candles above the ambient light conditions as measured at the centerline of the street.**

(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.

- 2) The draft ordinance language for message center signs that was recently reviewed by the Commission. Deviations from these standards would require a Comprehensive Sign Plan.
- 3) Information summarizing the regulations of other communities is attached for review.
- 4) Considerations for message center signs in residential district or near residential land uses.

While Staff has not revised the draft regulations, the following suggestions are being presented to the Commission.

- 1) Define standards based on 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 is also a consideration for different standards.
- 2) Establish additional standards for message center signs located on commercial and industrial land that is near or adjacent to residential land uses.
- 3) Require a Comprehensive Sign Plan and establish additional criteria for message centers located in residential districts or within a specified distance of residential uses.
- 4) Public safety is currently addressed in the Purpose and Findings section of the Sign Code. Additional language may be warranted as a criteria for message center signs.
- 5) Lighting/brightness (related to color, visibility). Many ordinances contain similar standards to the City's regarding the light level but also have more general provisions. Further research is needed to better address this concern.

RECOMMENDATION

The Staff is looking to discuss the review process and schedule with the Commission and ensure that said revisions will be completed by August 24th expiration date for the moratorium.

While specific standards are not being presented to the Commission, the Staff is interested in discussing the suggestions identified above along with any additional items that are included in the attachments.

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6. APA Article – Looking Ahead: Regulating Digital Signs and Billboards

208 Signs**208.010 Purpose and Findings.**

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

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

- (1) Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;
- (2) Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- (3) Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
- (4) Permanent signs shall only advertise on-premise businesses, services, facilities, etc;
- (5) Allow temporary business signs for grand openings and occasional sales events without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- (6) Signs shall be properly maintained.
- (7) Signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration

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

(FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

(B) Findings. The City of Shoreview hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (1) The presence of permanent and temporary signage affects the image of the community;
- (2) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (3) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (4) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

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

208.020 Definitions

Unless specifically defined below, words or phrases used in the City of Shoreview Code of Ordinances shall be interpreted so as to give them the same meaning as they have in common usage and so as to give subject code its most reasonable application.

Sign. Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

Rev. Date
12/28/05
Ord. 786

- (8) **Message Center.** The changeable copy portion of the sign must be accompanied by the name of the building or facility. Said 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.
- (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).

**CITY OF SHOREVIEW
CITY COUNCIL WORKSHOP MEETING
June 11, 2012**

Attending:

Council: Acting Mayor Huffman, Councilmembers Quigley, Wickstrom,
Withhart

Mayor Martin was absent.

Staff: City Manager Terry Schwerm
Community Development Director Tom Simonson
City Planner Kathleen Nordine
Public Works Director Mark Maloney

**Economic
Development
Commission:** Dave Lukowitz
Gene Marsh
Jeff Washburn
Josh Wing

**Planning
Commission:** Chair Solomonson
Commissioner Ferrington
Commissioner McCool
Commissioner Proud
Commissioner Thompson

Acting Mayor Huffman called the June 11, 2012 City Council workshop meeting to order at 7:00 p.m.

DISCUSSION ON SIGNAGE

Ms. Nordine stated that staff is proposing to amend City sign regulations pertaining to temporary signs to allow more flexibility and streamline the process. Currently, electronic message signs are allowed only in public and quasi public districts. The Economic Development Commission (EDC) believes Shoreview businesses are at a disadvantage. If message boards were allowed, there may not be a need for as many temporary signs.

Councilmember Withhart asked if message boards would be a permanent structure. Ms. Nordine stated that portable signs are not permitted. Message Boards would have to be permanent. Mr. Schwerm added that reader boards would likely have to be incorporated into the permanent monument signs.

Commissioner Ferrington asked if businesses receive sign regulation information when they move to Shoreview. Mr. Simonson answered, no, because the City does not track

Chair Solomonson stated that the question is whether it is fair that a business in a multi-tenant building is allowed only one event per year when a temporary sign may be posted. If two businesses opened at the same time, only one could have a banner for a Grand Opening.

Chair Solomonson asked the regulation for window signs. Ms. Nordine stated that it could be an illuminated "open" sign or paper sign. Illuminated signs can cover 5% of window/door area on a wall. Paper signs can cover up to 10% of window/door area.

The regulation for civic event signs is changed to not being posted prior to 14 days of the event day. A civic event would be a fundraiser, such as a book fair or the *Slice of Shoreview*. Chair Solomonson stated that he does not see a reason for the change. Ms. Nordine stated that it is a matter of reasonableness. Mr. Warwick added that 14 days is the same stipulation for a Grand Opening.

Sandwich Boards

Sandwich boards are pedestrian oriented signs that do not need a permit. They are not permitted in the right-of-way and are to be located no more than 12 feet from the business entrance as long as there is 3 feet of no obstruction for pedestrian traffic and accessibility for people with disabilities.

Chair Solomonson stated that he would like to see the distance increased up to 20 feet, as 12 feet is tight. Ms. Nordine explained that the intent is to not have sandwich boards in the boulevard or parking lot or street. They are not intended to be seen from the street but should be kept on the sidewalk.

Message Centers

Message centers would now be permitted for business use in addition to public and quasi-public uses. The standards would be the same. Only a single color can be used with text only and no graphics. Color and graphics would be a deviation that could be proposed through Comprehensive Sign Plan.

Chair Solomonson requested that proximity to residential be a consideration and whether there should be a setback requirement. Ms. Nordine stated that previous limitations were because quasi-public and public uses are often in residential areas.

Commissioner Ferrington expressed her concern that neighborhoods be protected from brightly lit signs.

Commissioner Wenner stated that a City goal is to limit light pollution. Ms. Nordine stated that the levels used are the same as billboards and must have dimmers. The brightness cannot be .3 foot candles above ambient light.

Commissioner McCool suggested that the lighted signs can only be on during operation hours.

**PLANNING COMMISSION WORKSHOP
FEBRUARY 26, 2013**

CALL TO ORDER

Chair Solomonson called the Shoreview Planning Commission workshop meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioner Proud was absent.

DEVELOPMENT CODE AMENDMENTS - UPDATE

Sign Ordinance (Temporary Signs and Message Center Signs)

City Planner Kathleen Nordine stated that an amendment is being proposed based on concerns and complaints about temporary signage in the community. Draft amendments have been prepared for review. The goal is to enact changes by May or June in time for the season when temporary signs are most in use.

The proposed amendment would provide more flexibility for use of temporary signs. The maximum area would be increased based on building size. The number that could be used would be increased from a maximum of two per year to four per year. The display time would increase from seven days to 14 days. There must be 14 days between the posting of temporary signs on a property. Illuminated signs would be permitted in windows. Sandwich boards and T-frame signs would not be permitted.

Message center signs would be allowed in commercial districts. Colors and graphics would be reviewed through a Comprehensive Sign Plan review. A Comprehensive Sign Plan would not be required if the proposed signs comply with City regulations. Minor deviations to the standards of the sign code would be reviewed and approved administratively. Feedback to the proposed amendments will also be sought by the Economic Development Commission and retailers/business community. Formal text amendments will be considered by the Planning Commission and City Council in May or June.

Chair Solomonson asked if the allowing temporary signs in a multi-tenant building are based on building size or number of tenants. Ms. Nordine answered number of tenants. The issue is to not have temporary signs posted all the time. A building with 12 tenants would mean that each tenant would be allowed one temporary sign per year counting the 14-day period with no signs in between the posting of a temporary sign.

allowing electronic reader boards. He would like to see a deadline set for a transition away from allowing temporary signs.

Commissioner Thompson asked how it would be determined who gets priority for their information on the reader sign. She believes it would be difficult for the City to move away from all temporary signs.

Commissioner Lukowitz stated that it is a matter of process. He would like to see a public hearing at the Council level with information published in the local paper to have a public discussion with businesses about signage. He suggested planning two years out before banning temporary signs in order to give businesses time to plan.

Marsh stated that there will need to be an intense time of enforcement of existing violations, so that businesses will see the need to comply rather than lose money paying fines.

Commissioner McCool agreed and suggested dealing with the worst offenders first. This will only work if it can be done on a manageable level. While encouraging all businesses to comply, staff can focus on the offenders.

Acting Mayor Huffman stated that there is consensus that permanent monument signs are not a problem. The direction is to develop a plan that would only allow electronic reader boards but also to continue to move forward with added flexibility on other temporary signage. He noted that Mayor Martin agrees that the sign ordinance should have more flexibility.

It was the consensus of the group to continue with revisions to the ordinance and expand regulations to include electronic signs on monument signs.

DISCUSSION REGARDING PERFORMANCE MEASUREMENT PROGRAM

Mr. Schwerm stated that in 2010, the legislature created a Council on Local Results and Innovation (CLRI) to encourage performance management by local government. A set of 10 performance measures was developed for cities with incentives from the State in the form of \$0.14 per capita with a maximum of \$25,000, and exemption from levy limits. The City received approximately \$3,500. At this time there are no levy limits.

In June 2011, Shoreview adopted 23 performance measures to be incorporated into the budget. This year the CLRI has stipulated that in order to qualify for reimbursement, a report must be filed declaring the City has: 1) adopted a minimum of 10 performance measures; 2) implemented a local performance measurement system developed by CLRI; 3) report results of performance measures to residents before the end of 2012; and 4) survey residents on services in performance benchmarks before end of 2012.

A key issue is the City would be the need for an annual community survey. A smaller community survey than the comprehensive one done every three to four years would be

**CITY OF SHOREVIEW
MINUTES
CITY COUNCIL WORKSHOP MEETING
April 8, 2013**

CALL TO ORDER

Mayor Martin called the workshop meeting of the Shoreview City Council to order at 7:02 p.m. on April 8, 2013.

ROLL CALL

The following attended the meeting:

City Council: Mayor Martin; Councilmembers Johnson, Quigley, Wickstrom, Withhart

Staff: Terry Schwerm, City Manager
Tom Simonson, Assistant City Manager/Community Development Director
Kathleen Nordine, City Planner

Economic
Development
Commission: Josh Wing, Chair

Planning
Commission: Steve Solomonson, Chair

UPDATE ON STATUS OF TEMPORARY MESSAGE CENTER SIGN AMENDMENTS

City Planner Nordine reported that staff has been working on developing appropriate sign code amendments that would provide more flexibility and streamline the process for businesses interested in displaying temporary signs. Amendments being considered would increase the time period a temporary sign can be displayed, larger temporary signs depending on the size of the building. The main issue is how to fairly treat single tenant buildings and multi tenant buildings. In reviewing a recent application for an electronic message center sign at Willow Creek, the Planning Commission requested a moratorium on electronic message center signs until sign code amendments have been adopted. The Planning Commission and the Economic Development Commission (EDC) have discussed this issue.

Message center signs are only allowed in public and quasi-public zoning districts. Proposed amendments would expand their use to the business community with standards for color, brightness and message duration. Deviations would be permitted through the Comprehensive Sign Plan process. A specific size is not stipulated, but the message must be legible to drivers. Roadway width and speed of traffic are the main factors regarding size. Flashing and scrolling signs would not be permitted.

SHOREVIEW CITY COUNCIL WORKSHOP MEETING-APRIL 8, 2013

2

Councilmember Withhart stated that the City has an interest in not allowing message center signs to be so cluttered no one can read them. He asked if there are industry standards. Mr. Schwerm explained that guidelines vary according to location. Mr. Simonson added that typically size of letters will be based on sight lines for specific locations.

Councilmember Wickstrom noted that if the lettering is not big enough, it poses a public safety issue distracting drivers.

Ms. Nordine stated that streamlining the Comprehensive Sign Plan process would allow approval by administrative review for plans with only minor deviations. The Planning Commission does support the proposed changes. The EDC recommends more work related to temporary signage and multi-tenant buildings. A public review process is recommended. Both the Planning Commission and EDC would like to get feedback from the business community. Staff plans to bring a formal text amendment to the Planning Commission by May or June, after which it will come to the City Council.

Mr. Schwerm suggested a special meeting with the Shoreview Mall owner and Mall tenants because of the number of violations that occur on that site.

Councilmember Wickstrom asked who is responsible for violations, the property owner or the tenant. Ms. Nordine stated that both property owners and business tenants are notified of violations. Mr. Schwerm added that it is the building owner who executed the Comprehensive Sign Plan and is ultimately responsible.

Mr. Solomonson stated that the reason for a moratorium is that the Willow Creek neighborhood is very concerned about the proximity of such signs to residential areas.

Mayor Martin asked if there are any other circumstances where business electronic message signs would be as close to residential areas as Willow Creek. Ms. Nordine answered, no, but public schools are also allowed to have electronic message center signs.

Councilmember Wickstrom suggested regulating hours of operation. Ms. Nordine responded that landlords do not support regulation of hours of operation.

Councilmember Withhart stated that there should be restrictions on hours of operation within a certain number of feet from residential areas.

Mayor Martin added that she would support additional restrictions when electronic message center signs are closer than 100 feet to residential neighborhoods.

Mr. Solomonson stated that the Planning Commission would also suggest that message center signs be turned off at night. Hours of operation for message center signs can be addressed on a case-by-case basis or through the Code. There are many factors to consider, which is the reason for the moratorium.

SHOREVIEW CITY COUNCIL WORKSHOP MEETING-APRIL 8, 2013

3

Councilmember Quigley questioned a one-year moratorium when the City is trying to focus on small business development. Mr. Schwerm agreed that for an applicant to have to wait a year would be onerous. The moratorium could be for a shorter period of time. Ms. Nordine suggested a moratorium for three months.

Councilmember Wickstrom stated that boundaries need to be identified on how much should be regulated. Perhaps it is over-complicating the issue to try to think of every scenario. The one thing that will concern nearby residents will be brightness. The Willow Creek application is unique because of the proximity to residents. Churches will also need to be considered, as they are located in neighborhoods.

It was the consensus of the Council to impose a four month moratorium on message center signs as of May 1, 2013, with a directive to staff to expedite the amendment process. The moratorium will be lifted as soon as the code amendments are completed.

REVIEW OF ECONOMIC DEVELOPMENT AUTHORITY 2013-2014 WORK PLAN

Mr. Simonson referred the Council to the Annual Report of the EDA, which was adopted at the EDA meeting earlier that evening. One addition will be made, which is to include payback information from projects that have received City assistance through tax increment financing (TIF).

The EDA has endorsed the drafted work plan with some modifications. The two main categories in the work plan relate to Housing and Business with the main objectives of: 1) maintaining quality neighborhoods; 2) preserving housing stock conditions; 3) providing a variety of housing choices; 4) retaining business and promoting expansion; and 5) supporting redevelopment of older commercial areas. The EDA objectives align with the Council goals of maintaining financial stability for the City and improving the environment for business expansion and redevelopment. Specific components of the EDA Work Plan were summarized.

Housing and Neighborhoods

Foreclosures/Vacant Properties: All foreclosed properties are being tracked. This number is beginning to drop. A statistical review will be done to see if, when foreclosures are sold, whether they become rental units or continue as owner occupied dwellings.

Highway Corridor Transition Areas: A comprehensive planning study along the transition areas of Highways 96 and 49 is planned. Appropriate land use changes need to be identified for redevelopment. These areas may become designated Policy Development Areas. Specific areas to be studied will be identified and reported to the Council.

Hoarding/Garbage House Policy: In the last few years, there has been an increase in the number of these properties. This issue demands an enormous amount of time from staff, the Fire Department and other agencies. There has been some success in addressing the issue with assessment and abatement agreements on compliance instead of going to court.

DRAFT

City Planner Nordine stated that proper notice has been given for this public hearing.

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

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

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code, pertaining to setbacks in Residential Districts. The amendments relax setback standards for dwellings and are intended to promote reinvestment in the City's housing stock. This motion deletes Section 205.082 A as proposed; Section 205.082 B would become Section 205.082 A; and 209.080 2C ivaa, insert but never less than a minimum of 25 feet.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

Moratorium

City Planner Nordine reported that the City Council has imposed a moratorium on message center signs for a period of four months, effective May 1, 2013. The Council does not want to impede business owners from putting in message center signs and so a short moratorium period. The main concerns are the impact of message center signs on residential properties and any impact to traffic and public safety.

The time frame for addressing this matter in four months would be for the Planning Commission to discuss this matter at its May meeting, act on a proposed amendment in June that would go to the Council in July. Commissioners offered a number of issues and questions for staff to address at the Commission discussion in May:

- Brightness measurement acceptability using industry standards
- Distance from residential
- Possible poll business community/vendors to find out needs and reasons for those needs from businesses
- Size of message center signs near residential
- Define readability or clear view of the message center sign
- Hours of operation

Commissioner Wenner left the meeting at this time.

City of Minnetonka – Section 300.30 Sign Ordinance

14. Dynamic Displays.

a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

- 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder

- 1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:
 - a. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
 - b. The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
 - c. Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:
 - i. The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;
 - ii. All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - iii. The removed sign is located in a noncommercial zoning district;
 - iv. The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or
 - v. The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
 - d. If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
 - e. The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(Added by Ord. 2007-21, adopted June 25, 2007)

City of Blaine: (from section 34.07 Permitted Signs - Permit Requirement)

(hh) Readerboards.

- 1) Signs included within this section must meet all the requirements of this ordinance.
- 2) A minimum display time of four (4) seconds for each message within the frame of the sign is required.
- 3) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk. (Amended 05-04-06. Ord. 06-2095).

City of Woodbury: Sec. 18.5-45. - Reader board and electronic display signs.

Reader board or electronic display signs may occupy the sign area allowed for freestanding or wall signs. Electronic display signs may only be permitted with an interim conditional use permit. Messages shall not change more than once per day.

City of Eden Prairie: Subd. 7. Dynamic Displays.

A. Findings. Studies show that there is a correlation between Dynamic Displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages.

Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

3. No Dynamic Display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

4. The owner or controller of the Dynamic Display must adjust the sign to meet these brightness standards in accordance with the City's instructions. The adjustment must be made immediately upon notice of non-compliance from the City.

5. A written certification from the sign manufacturer that light intensity has been preset to conform to the brightness levels established by code and that the preset level is protected from end user manipulation by password protected software or other method. This would offer the advantage of ensuring that electronic signs at a minimum cannot exceed the standards.

J. Dynamic displays are allowed only on free standing signs in the permitted districts. Dynamic displays may occupy no more than 35% percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face

City of Roseville: 1010.10 Dynamic Displays

A. Dynamic Display: Any sign using a dynamic display, in whole or in part, must meet the following operational standards:

1. Duration: In all districts, the full sign image or any portion thereof must have a minimum duration of 25 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
2. Transition: In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.
3. Brightness: The dynamic display sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
4. Dimmer Control: Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between a 1/2-hour before sunset and a 1/2-hour after sunrise.
5. Fluctuating or Flashing Illumination: No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes

(19) Moving or Streaming Text Message Board Signs:

- (a) Signs shall not have different colored lights (except as allowed in (h) below) or flashing or intermittent lighting
- (b) All lighting sources including light bulbs, LED or other similar devices must be regularly maintained and serviced to provide full illumination and display of messages or text.
- (c) Signs may display current time and temperature, and provide an equal amount of time for personal business messages and/or promotions and also community and/or non-profit group messages, which announce a community-sponsored or special event.
- (d) Any changing message or scrolling text must be gradual and slow enough to read in order to reduce any disturbance or interference with the safe movement of traffic. The City Planning Director shall approve all changing text or scrolling text movements and speeds.
- (e) No moving or streaming text message board sign shall be closer than 1,000 feet to another similar style sign except by variance granted under the provisions of the Zoning Code. The property owner/tenant may request a variance for a lesser distance.
- (f) The area and height of any sign shall comply with the provisions of each respective zoning district. Message board cabinets shall only be placed on monument or freestanding signs as allowed by Code.
- (g) Signs shall provide for aesthetic compatibility with surrounding properties.
- (h) Signs shall be limited to letters, words, symbols and numbers only. Pictures and other displays are prohibited.
- (i) Signs shall be limited to freestanding signs only.
- (j) Signs shall not cause any disturbance or interference with the safe movement of traffic or otherwise adversely impact public safety.

(20) Dynamic Signs:

(a) Dynamic signs where permitted are subject to the following conditions:

- (i) The signs are maintained as prescribed in this chapter.
- (ii) The sign does not have displays which move, rotate, stream, scroll, flash or contain movement or the appearance of movement, unless specifically provided for under subsection standards (vii) and (viii) below.

(a) Duration. In all districts the full sign image or any portion thereof must have a minimum duration of 60 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(b) Transition. In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(c) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(d) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

(e) Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner creates the illusion of movement.

(f) Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

Message Center Signs – Considerations for Residential Districts

Type:

Current Regulation - 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.

- Permit message center signs only when incorporated into a ground sign or monument sign

Size:

Current Regulation - The changeable copy sign cannot 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.

- Limit the size of the display based on the percentage of sign area (35%).

Color:

Current Regulation - Specifies that in residential districts, all portions of the sign shall use an amber color.

- Limit color to a single color but permit the use of another color besides amber

Duration ad transitions:

Current Regulations - 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, swirl, change color, fade in or out or in any manner imitate movement.

- Maintain the existing requirement that images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects
- Allow message to change more than a minimum of 2 hours but not as frequently as in commercial or industrial districts where a recent standard of 8 seconds has been applied. Other ordinances researched applied a 20 minute standard, a 25 second standard and a different standard for time and temp (as time and temp changes).

Graphics

Current Regulations – Graphics are not permitted.

- Continue with existing standard to prohibit graphics and limit sign to letters, words, symbols and numbers only.
- State that the background may not be used in a manner that displays an image or graphic.
- Permit limited graphics provided said graphic does not give the illusion of movement, the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.

Orientation

Current Regulations – 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.

- Establish a minimum distance from a residential property line or structure
- Require a Comprehensive Sign Plan for message center signs located in residential districts.
- The applicant demonstrates that the impact of adjacent residential properties will be minimal in nature.

Lighting/Brightness:

Current regulation - No Dynamic Display may exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

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.

- Above regulation is commonly used in other ordinances
- Establish a brightness level of 0.3 foot candle above ambient light as measured using a foot candle meter at a preset distance depending on sign size. Measuring distance is calculated using the following: the square root of the product of the sign area and one hundred (100).

- Example using a 12 square foot sign:
 $\sqrt{12 \times 100} = 34.6$ feet measuring distance
- Maintain a standard requiring dimmer control.
- Other communities require a written certification from the sign manufacturer that light intensity has been preset to conform to the brightness levels established by code and that the preset level is protected from end user manipulation by password protected software or other method.
- Establish hours of operation for the sign.

Misc:

- The Planning Commission may require additional restrictions on the usage of the sign so as to minimize potential impacts on adjacent residential properties through the Comprehensive Sign Plan process

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PRACTICE SMART SIGN CODES



Looking Ahead: Regulating Digital Signs and Billboards

By Marya Morris, AICP

Cities and counties have always been challenged to keep their sign ordinances updated to address the latest in sign types and technologies.

Each new sign type that has come into use—for example, backlit awnings and electronic message centers—has prompted cities to amend their regulations in response to or in anticipation of an application to install such a sign.

The advent in the last several years of signs using digital video displays represents the latest, and perhaps the most compelling, challenge to cities trying to keep pace with signage technology. More so than any other type of sign technology that has come into use in the last 40 to 50 years, digital video displays on both off-premise (i.e., billboards) and on-premise signs raise very significant traffic safety considerations.

This issue of *Zoning Practice* covers current trends in the use of digital technology on off-premise billboards and on-premise signs. It recaps the latest research on the effects of

this type of changeable signage on traffic safety. It also discusses the use of digital video sign technology as a component of on-premise signs, including a list of ordinance provisions that municipalities should consider if they are going to permit this type of sign to be used. I use the phrase digital display or video display, but these devices are also referred to as LEDs or, collectively, as “dynamic signs.”

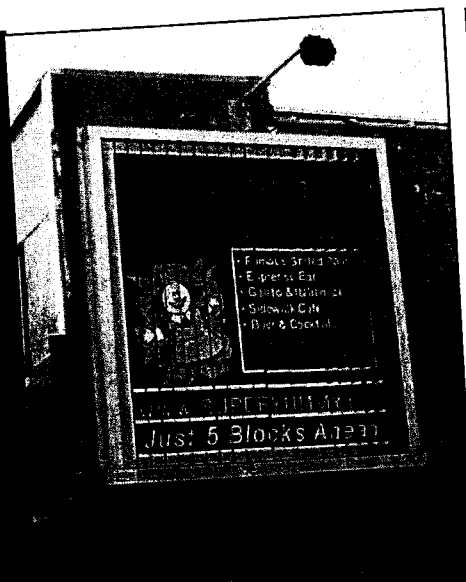
BRIGHT BILLBOARDS

While digital technology is growing in use for on-premise signs, it is the proliferation of digital billboards that has triggered cities and counties to revise their sign ordinances to address this new type of display. Of the approximately half-million billboards currently lining U.S. roadways, only about 500 of them are digital. However, the industry's trade

group, the Outdoor Advertising Association of America, expects that number to grow by several hundred each year in the coming years. In 2008, digital billboards represent for the sign industry what the Comstock Lode must have represented for silver miners in 1858—seemingly limitless riches. The technology allows companies to rent a single billboard—or pole—to multiple advertisers. A billboard company in San Antonio, for example, estimated that annual revenue from one billboard that had been converted from a static image to a changeable digital image would increase tenfold, from \$300,000 to \$3 million just one year after it went digital.

It is very difficult for cities and counties to get billboards removed once they are in place. Billboard companies have made a concerted effort to get state legislation passed that limits or precludes the ability of local

⊕ A typology of moving-image signs. The variable message sign at the right uses a motor to switch among three different static images. Next, the electronic messageboard at Wrigley Field in Chicago displays scrolling text and simple images. The on-premise digital sign, pictured third from left, looks like a giant television screen, displaying a steady stream of video images. On the far right, this digital billboard cycles through a number of static video images at regularly timed intervals.



ASK THE AUTHOR JOIN US ONLINE!

Go online from May 12 to 23 to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Marya Morris, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Author

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governments to require removal of existing billboards through amortization. The only option left is paying cash compensation. The federal Highway Beautification Act, which was modified many years ago under industry pressure, also prohibits amortization and requires cash compensation for billboard removal.

With the amortization option unavailable, some cities and counties have struck deals with billboard companies requiring them to remove two boards for every new one they install. Other jurisdictions have established simple no-net-increase policies. Although many communities have had success with these approaches, in the

last few years the industry has devised a litigious tactic to secure new billboard permits. Billboard companies challenge the constitutionality of a sign provision, and when the ordinance is in legal limbo, they rush in to secure billboard permits.

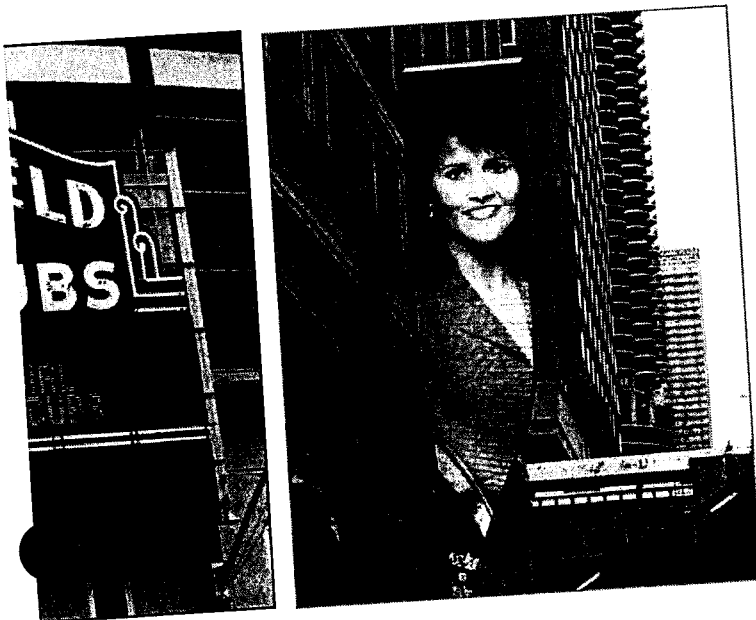
The American Planning Association has joined Scenic America, the International Municipal Lawyers Association, and others in filing amicus curiae briefs in many of these cases to show the courts the industry's pattern of conduct and deliberate strategy to circumvent local sign codes. A review in January 2006 found 113 such "shakedown" sign cases filed in the federal

courts since 1997, and eight filed in state courts in the same time period. For more information visit the APA Amicus Curiae webpage at www.planning.org/amicusbriefs.

The emergence of the highly lucrative digital billboards has also, however, given local governments some leverage to at least reduce the total number of billboards. Many of the applications cities are seeing for the video billboards are requests by companies to replace the static type with the new video displays in key locations. The added revenue potential from a digital format has proved to be enough of an incentive to get companies to agree to remove multiple static billboards in exchange for permits to install video display in certain locations.

In June 2007, Minnetonka, Minnesota, in the Twin Cities area, reached a settlement with Clear Channel in which the company agreed to

The emergence of the highly lucrative digital billboards has given local governments some leverage to at least reduce the total number of billboards.



Photos by David Morley

remove 15 of the 30 conventional static image billboards in the city in exchange for permission to install its digital billboards. The city will permit the company to install no more than eight dynamic signs at four to six locations.

The City of San Antonio amended its sign and billboard ordinance in December 2007 to require the removal of up to four static billboards in exchange for permission to install one digital display billboard in their place. Prior to that amendment the city had no provisions for digital sign technology, but it did already have a two-for-one replacement requirement. The city has developed a sliding scale that determines the number of billboards required to be removed in exchange for a single digital billboard. According to the scale, the number of digital signs permitted is determined by the total square footage of static billboard faces removed. Therefore, a billboard company will be required to demolish as few as three and as many as 19 billboards to get one new digital billboard structure placed or an existing static billboard face replaced.

IT DEPENDS ON YOUR DEFINITION OF 'DISTRACTING'

Digital signs are brighter and more distracting than any other type of sign. Other attention-grabbers, like strobe lights, mirrors, searchlights, and signs with moving parts, are typically prohibited (or allowed under very narrow circumstances) by even the most hands-off jurisdictions. The high visual impact of digital signs has prompted highway and traffic safety experts to try to quantify how drivers respond to such distractions. This research, which is summarized below, has been instrumental in helping cities craft new sign ordinances that address the specific characteristics of such signs, including how often the messages or images change, the degree of brightness, and their placement relative to residential areas.

The Federal Highway Administration is currently conducting a study on driver distraction and the safety or impact of new sign technologies on driver attention. The initial phase, which is slated to be completed by June 2008, will identify and evaluate the most significant issues and develop research methods needed to secure definitive results. The FHWA anticipates the second phase of the research study and final report will be completed in the latter part of calendar year 2009. Also, the Transportation Research Board (a branch of the National Science Foundation) has formed a subcommittee to examine research needs on electronic signs.

Recent studies indicate that digital displays with continuous dynamic content are more distracting than other types of moving-image signs. Signs that work well in pedestrian-oriented areas might be inappropriate for busy highways.



David Holey

Until a couple of years ago, one of the only studies on the effects of billboards and traffic safety was a 1980 survey of existing research on the subject prepared for the Federal Highway Administration (Wachtel and Netherton 1980). It did not, however, provide any concrete answers. The study noted "attempts to quantify the impact of roadside advertising on traffic safety

have not yielded conclusive results." The authors found that courts typically rule on the side of disallowing billboards because of the "readily understood logic that a driver cannot be expected to give full attention to his driving tasks when he is reading a billboard."

A 2006 study by the National Highway Traffic Safety Administration that focused primarily on driver distractions inside the car (i.e., phone use, eating, and changing the radio station) concluded that any distraction of more than two seconds is a potential cause of crashes and near crashes.

A 2004 study at the University of Toronto found that drivers make twice as many glances at active (i.e., video signs) than they do at passive (i.e., static) signs. All three of the moving sign types that were studied (video, scrolling text, and trivision) attracted more than twice as many glances as static signs. They also found that the drivers' glances at the active signs were longer in duration; 88 percent of glances were at least 0.75 seconds long. A duration of 0.75 seconds or longer is important because that is the amount of time required for a driver to react to a vehicle that is slowing down ahead. Video and scrolling text signs received the longest average maximum glance duration.

An earlier study also at the University of Toronto that was designed to determine whether video billboards distract drivers' attention from traffic signals found that drivers made roughly the same number of glances at traffic signals and street signs with and without full-motion video

ORDINANCES AND ZONING REPORTS

- City of Minnetonka, Minnesota. 2007. Staff report to city council recommending adoption of an ordinance regulating digital signs. June 25. Available at www.eminnetonka.com/community_development/planning/show_project.cfm?link_id=Dynamic_Signs_Ordinance&cat_link_id=Planning.
- City of San Antonio City Code, Chapter 28. Amendment Adding Provisions for Digital Signs. Last revised December 2, 2007. Available at <http://epay.sanantonio.gov/dsddocumentcentral/upload/SIGNsecDRAFT.pdf>.
- City of Seattle, Land Use Code, Section 23.55.005 Signs, Video Display Methods. Last revised 2004. <http://clerk.ci.seattle.wa.us/~public/clrkhome.htm>.

billboards present. This may be interpreted to mean that while electronic billboards may be distracting, they do not appear to distract drivers from noticing traffic signs. This study also found that video signs entering the driver's line of sight directly in front of the vehicle (e.g., when the sign is situated at a curve) are very distracting.

A 2005 study by the Texas Transportation Institute of driver comprehension of sign messages that flash or change concluded that such signs are more distracting, less comprehensible, and require more reading time than do static images. While this research did not evaluate advertising-related signs, it does demonstrate that flashing signs require more of the driver's time and attention to comprehend the message. In the case of electronic billboards, this suggests that billboards that flash may require more time and attention to read than static ones.

The City of Seattle commissioned a report in 2001 to examine the relationship between

Sign messages that flash or change are more distracting, less comprehensible, and require more reading time than do static images.

The Seattle study also found that drivers expend about 80 percent of their attention on driving-related tasks, leaving 20 percent of their attention for nonessential tasks, including reading signs. The report recommended the city use a "10-second rule" as the maximum display time for a video message.

APPROACHES TO REGULATING DIGITAL DISPLAY SIGNS

Most cities and counties that have amended their sign ordinances to address the use of digital display on on-premise signs and billboards have done so in response to an application by a sign owner to install a new sign that uses the

ital video display signs while still permitting electronic message centers.

3) A relatively small number of sign ordinances have been amended to allow video display signs under narrowly prescribed circumstances and with numerous conditions.

For jurisdictions that want or need to allow them, the following section explains additional considerations that should be added to a sign ordinance to effectively regulate digital display signs.

Sign type. The ordinance must indicate whether the digital display can be used on off-premise billboards only, on on-premise signs only, or on both sign types.

Billboards with changeable digital images allow billboard companies to dramatically increase their revenue by renting the same sign face to multiple advertisers.



electronic signs with moving/flashing images and driver distraction. The study was conducted by Jerry Wachtel, who in 1980 had conducted the first-ever study on signs and traffic safety for the Federal Highway Administration.

The Seattle report concluded that electronic signs with moving images will distract drivers for longer durations (or intervals) than do electronic signs with no movement. The study also noted that the expanded content of a dynamic sign also contributes to extended distraction from driving. Specifically it found that signs that use two or more frames to tell a story are very distracting because drivers are involuntarily compelled to watch the story through to its conclusion.

technology or in response to a sign owner having replaced an existing sign face with a digital display. Some cities, like Minnetonka, were required by a court settlement with a billboard company to allow the technology. Although regulations for digital signs are still relatively new, we can group the regulatory approaches (or lack thereof) into three general categories:

- 1) Most sign ordinances are still silent on the issue of digital video displays, but almost all do regulate electronic message centers and also prohibit or restrict signs that move, flash, strobe, blink, or contain animation.
- 2) A smaller but growing number of sign ordinances contain a complete prohibition on dig-

Definitions. The definitions section must be updated to include a detailed definition of digital display signage and the sign's functional characteristics that could have an effect on traffic safety and community aesthetics.

Zoning districts. The ordinance should list the districts in which such signs are permitted and where they are prohibited. Such signs are commonly prohibited in neighborhood commercial districts, historic districts, special design districts, and scenic corridors, in close proximity to schools, and in residential districts. On the other end of the spectrum, East Dundee, Illinois, for example, expressly encourages digital video signs in two commercial overlay districts, but only a

RESOURCES

- Bellef, D. and A. Smiley, 2005. "Observed Driver Glance Behavior at Roadside Advertising Signs." *Transportation Research Record*.
- Dudek, C. L., et al. 2005. "Impacts of Using Dynamic Features to Display Messages on Changeable Message Signs." Washington, D.C.: Operations Office of Travel Management's Federal Highway Administration.
- "Dynamic Signage: Research Related to Driver Distraction and Ordinance Recommendations." Prepared by SRF Consulting Group, Inc. for the City of Minnetonka, Minnesota. June 7, 2007 (www.digitalooh.org/digital/pdf/2007-minnetonka-digital-srf-consulting-report06-08-07.pdf)
- "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." 2006. National Highway Traffic Safety Administration, U.S. Department of Transportation. April.
- McBride, Sarah. "Seeing the Light in Billboard War, Digital Signs Spark a Truce." *Wall Street Journal*. February 3, 2007.
- Smiley, A., et al. 2004. "Impact of Video Advertising on Driver Fixation Patterns." *Transportation Research Record*.
- *Unsafe at Any Speed: Billboards in the Digital Age*. 2007. Scenic America Issue Alert 2. Available at www.scenic.org/pdfs/eb.pdf. The Scenic America website has a number of excellent resources for planners and citizens interested in regulating digital signage, including a downloadable PowerPoint presentation, research summaries, and model ordinances.
- Wachtel, J. and R. Neiherton. 1980. "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage." Report No. FHWA-RD-80-051. Washington, D.C.: Federal Highway Administration.

few land uses—new car dealerships, multi-tenant retail centers, and amusement establishments—are permitted to have them.

Placement and orientation. A minimum spacing requirement between signs and residential areas should be considered, as should a provision requiring that the sign face be oriented away from residential areas and other scenic or sensitive areas. The Baker and Wolpert study recommended that dynamic signs be limited or prohibited at intersections, in demanding driving environments, and in places where they obstruct a driver's view. In Seattle, the sign face of on-premise digital signs must not be visible from a street, driveway, or surface parking area, nor may it be visible from a lot that is owned by a different person.

Sign area. For on-premise signage, many ordinances include a limit on the percentage of the sign face that can be used for digital display. Thirty percent is common although in some areas, such as entertainment districts, that proportion may be much higher.

Illumination and brightness. The ordinance should address the legibility and brightness of a sign both during the day and after dark. During the day the issue is reducing or minimizing glare and maintaining contrast between the sign face and the surrounding area. At night the issues are the degree of brightness and its impact on driver distraction and on light trespass into residential areas. In the study for the City of Minnetonka, researchers noted the challenge posed by this aspect of digital signs: "There is no objective definition of excessive brightness because the appropriate level of brightness depends on the environment within which the sign operates."

Message duration and transition. The ordinance must include a minimum duration of time that a single message must be displayed. Typically this is expressed in terms of seconds. The San Antonio billboard ordinance requires each image to remain static for at least eight seconds and that a change of image be accomplished within one second or less.

The city's ordinance requires any portion of the message that uses a video display method to have a minimum duration of two seconds and a maximum duration of five seconds. Further, it requires a 20-second "pause" in which a still image or blank screen is shown following every message that is shown on a video display.

Public service announcements. In exchange for permission to use digital displays, owners of billboards in Minnesota and San

Antonio have agreed to display emergency information such as Amber Alerts and emergency evacuation information. Such a requirement can be included in an ordinance or imposed as a condition of approval.

Whether undertaking a comprehensive revision of a sign ordinance or more limited, strategic amendments to address digital technology, there are other common provisions related to electronic and digital signage that should be revisited as part of the rewrite. At the top of the list would be updating standards for conventional electronic message centers to reflect the latest research regarding driver distraction and message duration. Also, the boilerplate provisions common to so many ordinances that prohibit signs that flash, are animated, or simulate motion should also be rethought. These provisions could conceivably be used to prohibit digital displays without additional regulations. The problem is that these characteristics are very rarely defined in the ordinance and remain open to interpretation. Also, whenever new regulations are being considered for digital billboards, jurisdictions should take the opportunity to draft new provisions to address digital technology for on-premise signs as well. And, finally, any time the sign ordinance goes into the shop for repair—whether to address digital signage or to make broader changes—is a good time to remove or revise any provisions that violate content neutrality rules.

NEWS BRIEFS

SMART GROWTH TAKES A HIT IN MARYLAND

By Lora Lucero, AICP

The *Baltimore Sun* hit the nail on the head when it reported on March 12 "[t]he state's highest court declared that Maryland law does not require local governments to stick to their master plans or growth-management policies in making development decisions."

Trail, et al. v. Terrapin Run, LLC, et al. presented an important question for the court to address: What link is required between the community's adopted plan and the decision by the Zoning Board of Appeals (ZBA) to grant or deny a request for a special exception? In a 4 to 3 vote, the majority concluded that Article 66B, the state planning law, is permissive in nature and plans are only advisory guides, so a strong link between plans and implementation is not required. The court affirmed the county's