

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: DECEMBER 10, 2013
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 N. VICTORIA**

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

2. MEETING PROCESS
Brief Description of Meeting Process – Chair Steve Solomonson

3. NEW BUSINESS

A. CONDITIONAL USE PERMIT-PUBLIC HEARING
*File No: 2508-13-35
Applicant: Vishal & Hollie Sookhai
Location: 1001 Island Lake Avenue*

B. CONDITIONAL USE PERMIT-PUBLIC HEARING
*File No: 2509-13-36
Applicant: Beth Sipe / Donna Grabowski
Location: Paulsen Addition, Including 218 Galtier Place*

C. VARIANCE
*File No: 2510-13-37
Applicant: Aleksander Medved & Sarah Morris
Location: 5555 Woodduck Court*

D. WIRELESS TELECOMMUNICATIONS FACILITY PERMIT
*File No: 2502-13-29
Applicant: Verizon Wireless, LLC
Location: 5880 Lexington Avenue*

E. TEXT AMENDMENT – SECTION 211.070, HOUSING CODE – PUBLIC HEARING
*File No.: 2511-13-38
Applicant: City of Shoreview
Location - Citywide*

5. MISCELLANEOUS

- A. 2014- Commission Members Assignments - January 6th and January 21st, 2014
Proud and Ferrington*
- B. 2014 Planning Commission Chair & Vice Chair recommendations*
- C. Review of 2014 Calendar and City Council Meeting Assignment.*

6. ADJOURNMENT

TO: Planning Commission
FROM: Niki Hill, Economic Development and Planning Technician
DATE: December 5th, 2013
SUBJECT: File No. 2508-13-35, Conditional Use Permit – Vishal and Hollie Sookhai – 1001 Island Lake Avenue

INTRODUCTION

Vishal and Hollie Sookhai, submitted a conditional use permit application to construct a 252 sq foot detached accessory structure on their property at 1001 Island Lake Avenue. On parcels less than 1 acre in size, accessory structures that have an area of 150 to 288 square feet in size are permitted if a Conditional Use Permit is granted by the City. The intent of the conditional use permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

PROJECT DESCRIPTION

The property is located on the north side of Island Lake Avenue. The property is zoned R1, Single Family Detached, as are the properties to the East, South, and West. The property to the North is the Ramsey County owned Island Lake Golf Course.

The property is 0.62 acres, has a width of 120 feet, and a depth of 225 feet. The property is developed with a single family home that has a foundation area of 1,140 square feet and a 620 square foot attached garage. The house and attached garage are located 130 feet from the rear property line, and almost 60 feet from the front property line. The applicant proposes to construct a 14 foot by 18-foot (252 square foot) accessory structure with a peak height of just over 14 feet. The structure location will be approximately 100 feet north of the house, 10 feet from the east side lot line, and 15 feet from the rear lot line. On lots under 1 acre, a Conditional Use Permit is required to construct anything over 150 square feet. The applicant has submitted a building permit application for this, and that will be reviewed administratively upon conclusion of the CUP review process. Please see the attached plans.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. The maximum area permitted for a detached accessory structure is 150 square feet and the total of all detached accessory structures is 288 square feet since there is an attached 2 plus car garage on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

Accessory structures must be setback a minimum of 5 feet from a side lot line, 10 feet from a rear lot line, and 10 feet from any private easements. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Conditional Use Permit

Attachment A summarizes the standards which must be met for the conditional use permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

APPLICANT'S STATEMENT

The applicant states that the detached garage will be used to store yard maintenance equipment and outdoor furniture. See attached statement.

STAFF REVIEW

The proposal was reviewed in accordance with the standards specified in the Development Code. The proposed accessory structure complies with the location, height, design and setback requirements for a detached accessory structure. Existing vegetation, size of the property and location minimize the visual impacts on adjoining properties.

The following table summarizes the proposal in terms of the Development Code standards.

	Existing	Proposed	Development Code Standard
Area			
Detached Accessory Structures	0	252 sf	*150 sf
All Accessory Structures	620	872 sf	*1,200 sf or 90% of the dwelling unit foundation area (1029.6 sq ft) – whichever is more restrictive
Setback			
Side lot line	NA	10 ft	10 ft
Rear lot line	NA	15 ft	10 ft
Height			
Roof Peak	NA	14 ft	18 ft
Sidewall		8 ft	10 ft
Exterior Design		Comply with standards	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Structure shall be screened from view of public streets.

*Standard may be exceeded with a Conditional Use Permit

The proposed structure complies with the City's standards regarding setbacks, height, exterior design and screening from adjoining properties.

In Staff's opinion the proposed structure is also in harmony with general purpose of the Development Code and Comprehensive Plan policies. While the proposed area of the detached structure exceeds that which is permitted by right, the structure meets the conditional use permit standards. The total floor area of accessory structures will be 76.4% of the dwelling unit foundation area. Staff believes that the 100 foot separation between the structure and the house with attached garage will not visually tie the two accessory structures together and that the dwelling unit will remain the primary feature and use of the property.

The applicant indicated that the structure will be used for storage of seasonal yard maintenance equipment and outside furniture storage. This use is consistent with the residential use of the property and neighborhood.

COMMENT

Property owners within 350' of the property were notified of the application. Two comments were received with no issues with the proposed project.

RECOMMENDATION

A Conditional Use Permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Code are satisfied. The criteria for a Conditional Use Permit includes that the use is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan and that the structure/land use conforms with the Comprehensive Plan and are compatible with the existing neighborhood. In staff's opinion, these criteria are met. An accessory structure of this size is compatible with the neighborhood provided the project adheres to the conditional use permit standards. Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit subject to the following:

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 structure shall be compatible with the dwelling.
3. The applicant shall obtain a building permit for the structure.
4. The structure shall be used for residential storage of yard maintenance and outdoor furniture.
5. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
2. Location Map
3. Applicant's Statement and Submitted Plans
4. Comments
5. Motion Sheet

ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

Conditional Use Permit Criteria

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (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.

Location Map



343.8

171.89

343.8 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.
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Legend



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

Notes

1001 Island Lake Ave

10/13/2013

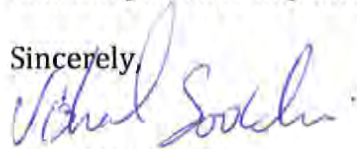
Planning Commission;

The use of the intended shed per the application is for housing year maintenance equipment (lawn tractor, snow blower, fertilizers, leaf blower etc.) in addition yard furniture.

The current structure is in a dilapidated state and an eye sore to guest and neighbors.

Thank you for your consideration. Please feel free to contact me at the number below if you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Vishal Sookhai". The signature is written in a cursive style with a large initial "V".

Vishal Sookhai
651-399-7194

CERTIFICATE OF SURVEY

MILNER W. CARLEY & ASSOCIATES

CONSULTING CIVIL ENGINEERS LAND SURVEYORS

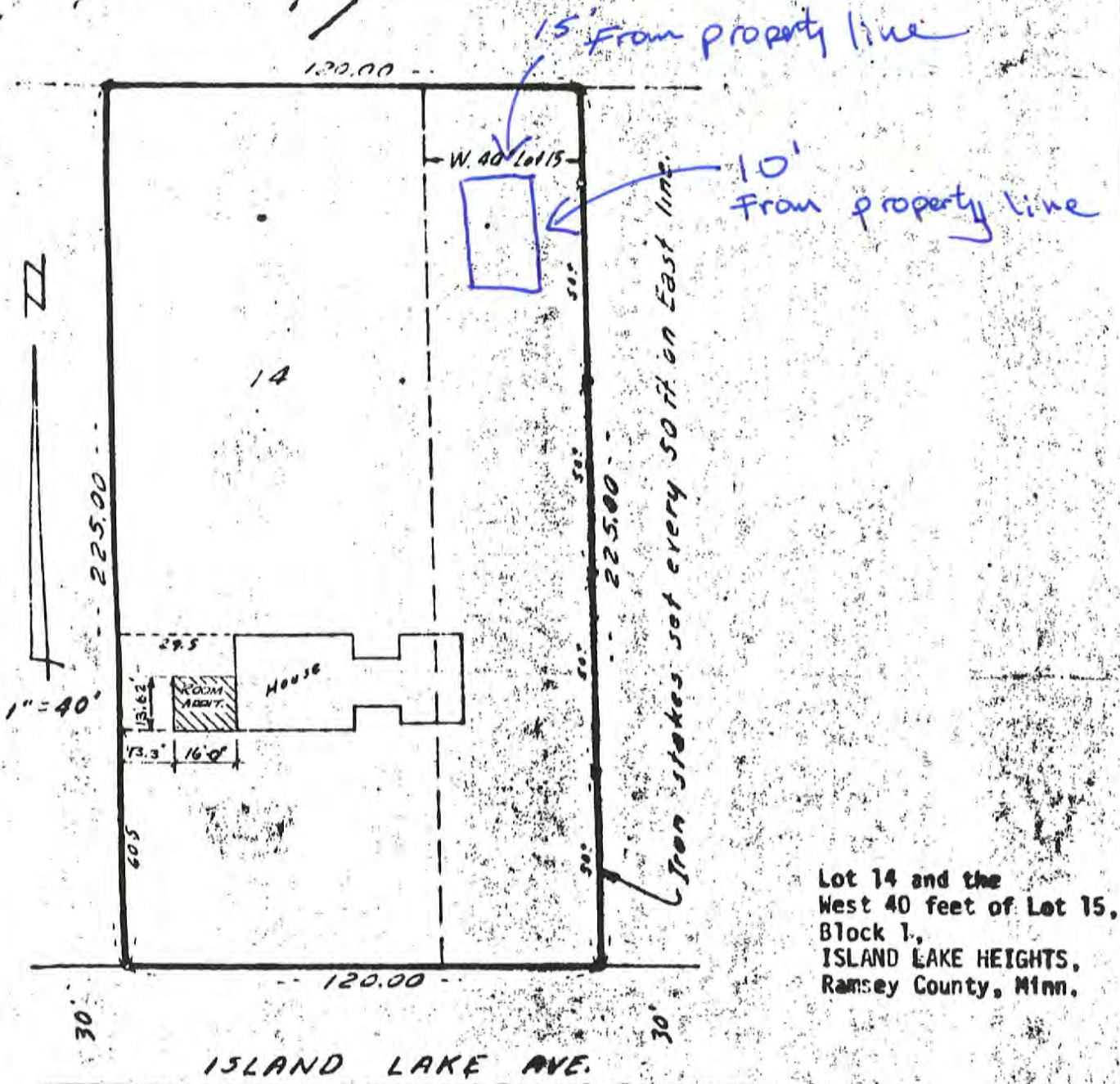
500 W. HWY. 96
ST. PAUL, MINN. 55112
484 3301

314 OAK ST.
SAUK CENTRE, MINN. 56378
352-3664

184TH AVE. S.E.
ST. CLOUD, MINN. 56301
251-7751

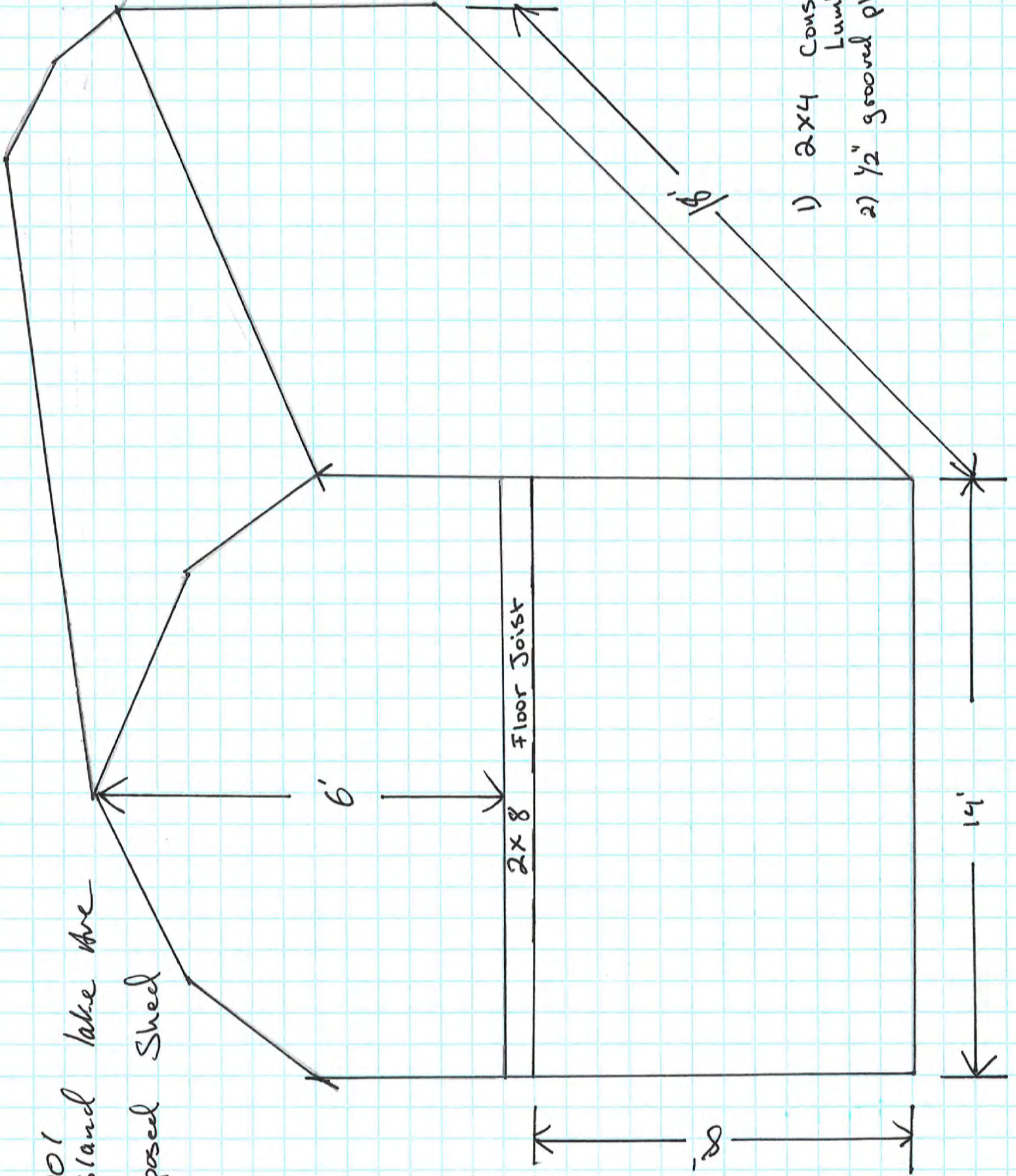
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Reg. No. 855 Date May 29, 1973



1001
Island Lake Ave

Purposed Shed



Comments:

These neighbors will take good care of their property & keep it neat & well kept up;
Too bad they had to wait so late in year to build.

Name: Ralph & Pat Koppers
Address: 989 ISLAND LAKE AVE.



Nicole Hill <nhill@shoreviewmn.gov>

Comments: Sookhai Conditional Use Permit

mlklinkhammer@aol.com <mlklinkhammer@aol.com>

Fri, Nov 22, 2013 at 1:43 PM

To: nhill@shoreviewmn.gov

Cc: vhsookhai@yahoo.com, vhsookhai@gmail.com

Comments for the Planning Commission Public Hearing on December 10, 2013
RE: Sookhai Conditional Use Permit

We have no objections to the proposed structure. Sookhais take a lot of pride in the appearance of their home and landscaping. We know it will be a well built attractive structure.

Mary Lou and Roger Klinkhammer
1015 Island Lake Avenue
Shoreview, MN 55126

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit submitted by Vishal and Hollie Sookhai 1001 Island Lake Ave, to construct a detached accessory structure on their 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 structure shall be compatible with the dwelling.
3. The applicant shall obtain a building permit for the structure.
4. The structure shall be used for residential storage of yard maintenance and outdoor furniture.
5. 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 be 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.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
December 10, 2013

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: December 4, 2013

SUBJECT: File No. 2509-13-36, Grabowski/Sipes, Amendment to Conditional Use Permit, 218 Galtier Place/Paulsen Addition

Introduction and Background

Donna Grabowski, on behalf of Beth Sipe, submitted a Conditional Use Permit application to amend the Special Use Permit issued by the City for the Paulsen Addition, including 218 Galtier Place.

The Paulsen Addition was approved by the City, first in 1979, and again in 1982, each time with a Special Use Permit (SUP) which was necessary at that time to allow multi-family residential housing to be constructed. The SUP issued in 1982 (attached) includes a condition that prohibits grading or construction within the south 30-feet of the development, so that a natural buffer would remain to separate the development from the single-family houses to the south, along Bridge Street.

Ms. Grabowski wishes to purchase the property at 218 Galtier Place and to install a fence surrounding the rear yard, a construction that is prohibited by the SUP. She requests an amendment to the SUP that will continue to prohibit grading and construction within the south 30 feet of the development, except that fences with a maximum height of 4-feet would be allowed. The proposed fence materials would be limited to wood or brown, black or green chain link. Galvanized, aluminized or silver finish materials will not be permitted. See her attached statement.

Conditional Use Permit

As noted in the SUP, changes to the conditions require an amendment to the SUP. The current Code replaced *Special Use Permit* with *Conditional Use Permit*. The criteria for review of a Conditional Use Permit (CUP), or an amendment to an existing CUP, are that the use is in harmony with the spirit and intent of the Development Code, consistent with the Comprehensive Plan, that the use conforms to the Land Use Chapter of the Comprehensive Plan, and is compatible with the existing neighborhood.

Staff Review

Comprehensive Plan

The development is designated RM, Medium Density Residential (4-8 units per acre). Nearby land uses include low, medium, and high density residential. The Tudor Oaks Condominiums are located to the northeast and are high density residential. Across Galtier Place to the north are the

Tudor Oaks Townhomes, also a medium density development. Directly to the south is the Hidden Oaks plat of detached single family homes, a low density development. An excerpt from the Planned Land Use Map is attached.

Development Code

The development is located in the R-2, Attached Residential District. Fence regulations apply in all Residential Districts (RE, R-1, R-2, and R-3), allowing fences with a maximum height of 6-feet in a side or rear yard, and a maximum 4-foot height in any yard abutting a street. Fences are required to be fully located on the subject property, unless the adjoining owner allows the encroachment.

In this case, the condition of the SUP supercedes the use that is otherwise permitted by the Development Code.

Site Conditions

Staff visited the development and reviewed City files. Conditions in the rear yards of the duplex units are similar to those observed in other residential developments throughout the City. Lawns and gardens are maintained, and fences, trellis and arbors are present. There are several patios and areas used for recreational fires. Mature trees are present and the lots have maintained yards that typically extend to the south property line.

The SUP does not prohibit a fence on lots in the Paulsen Addition, except that they cannot extend into the south 30-feet. The applicant believes that a fence running across the rear yard limits both the size of the fenced area, but impedes access to and use of her back yard. It appears that there is approximately 40 feet from the rear lot line to the deck on the property at 218 Galtier, and so a fence conforming to the SUP would be located about 10-feet from the deck. See the attached annotated survey.

City records include several fence permits that have been approved within the Paulsen Addition, including a permit for 38 feet of 6-foot high fence along the south lot line of 218 Galtier. A fence along the rear lot line on the adjoining property to the west has also been approved. City records for the development do not include any evidence that the SUP was recorded, or that a Homeowners Association was ever formed. Staff surmises that homeowners of the duplex units are unaware of the SUP. The units remain in good repair, and several units were observed undergoing repairs and upkeep during the recent site visit.

Public Comment

The City notified property owners within 350 feet of development site of the Conditional Use Permit application. Several comments have been received several in support, while others express concerns about fence style and/or materials, future fence maintenance, and a potential lack of uniformity. The submitted comments are attached.

Recommendation

The submitted plans were reviewed in accordance with the Development Code regulations, including the review criteria for this amendment to the 1982 Special Use Permit. The proposed use is consistent with the R-2, Attached Residential District, and complies with the City's Development standards. Staff believes that residential uses are by nature compatible, and that required buffers are needed only when dissimilar uses abut. Four-foot fencing, as requested in the amendment, is deemed compatible with residential uses throughout the City and should be allowed for residents of this development as well. Staff suggests the Planning Commission forward the application to the City Council with a recommendation to approve, subject to the following conditions:

1. Conditions identified in Special Use Permit 756-79-05B shall remain in effect as enumerated in the original SUP, with the exception of Condition No. 4, as amended.
2. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

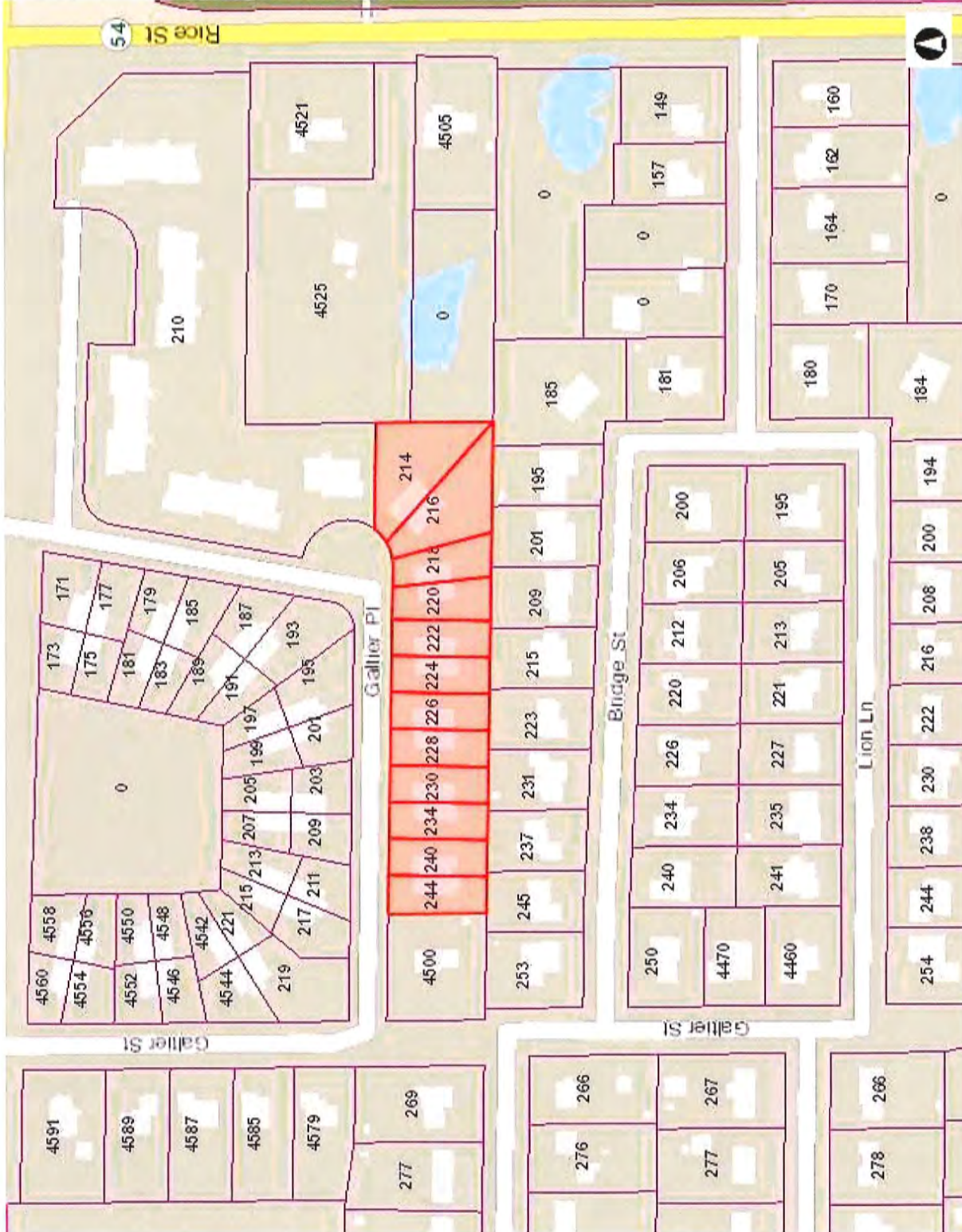
Attachments:

1. Location Map
2. Applicant's Statement
3. Annotated Lot Survey, 218 Galtier Place
4. Special Use Permit 756-79-05B
5. Excerpt from Map 4-3, Planned Land Use
6. Comments
7. Motion

T:/2013pcf/2509-13-36grabowski 218 galtier pl/pcreport



Paulsen's Addition, including 218 Galtier Place



Legend



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

Notes

Enter Map Description

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386.6 0 193.28 386.6 Feet

Legend

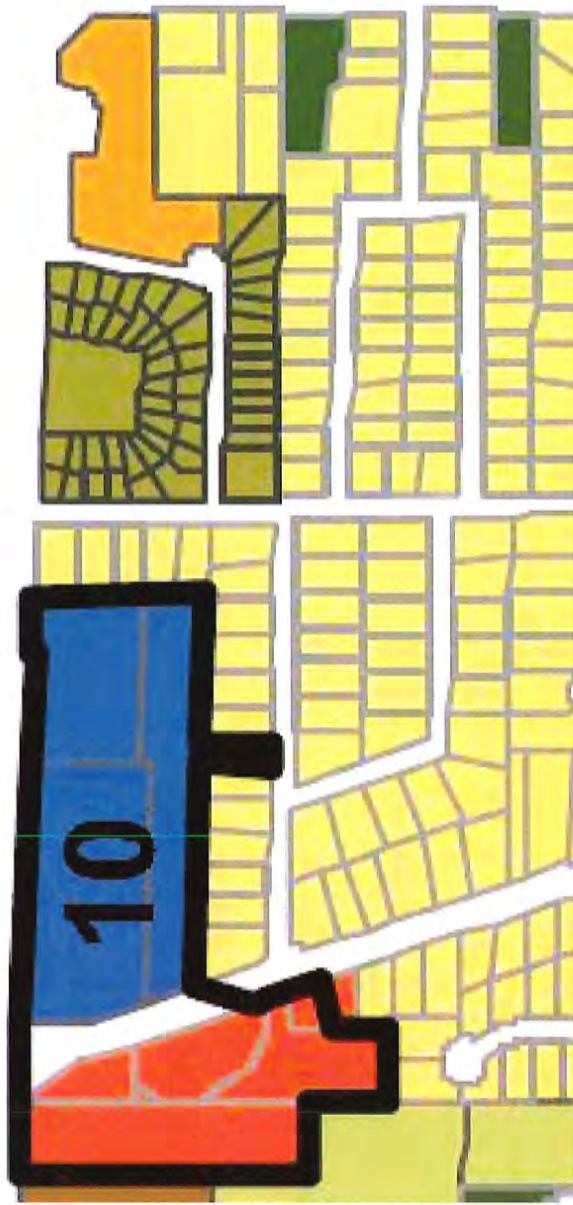


PDA Boundaries

Planned Land Use

-  Residential (up to 4 units/acre)
-  Residential (4 - 8 units/acre)
-  Residential (8 - 20 units/acre)
-  High Density Senior Residential
-  Office
-  Commercial
-  Mixed Use
-  Business Park
-  Tower
-  Light Industrial
-  Institutional
-  Park
-  Recreational Open Space
-  Natural
-  Railroad
-  Open Water

Excerpt from Map 4-3, Planned Land Use,
2008 Shoreview Comprehensive Plan





Robert Warwick <rwarwick@shoreviewmn.gov>

Special Use Permit for the Paulsen Addition

Donna Czupta <donna4animals@yahoo.com>

Wed, Nov 13, 2013 at 6:23 PM

Reply-To: Donna Czupta <donna4animals@yahoo.com>

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

Proposed Special Use Permit:

No grading or construction of any building will be permitted within 30 feet of the south property line of the Paulsen Addition. The 30 foot area shall be preserved in its natural state to serve as a buffer from the single family homes to the south. Construction of a fence shall be permitted within this natural area and may connect with the existing fence along the south lot line as long as it is no more than 4 feet in height and made of wood, stained with a natural color or chain link fencing in brown, black or dark green in color. Galvanized, aluminized or silver finish fencing material will not be permitted.

Please contact me if you need anything else from me for this Special Use Permit.

Donna Czupta Grabowski

November 12, 2013

Dear Mayor Sandy Martin and Council Members,

My name is Donna Czupta Grabowski, and I am interested in purchasing the property at 218 Galtier Place in Shorview. I have 2 small dogs that have never been tied to a stake in the yard which is why I would like to have a fence installed in the backyard. I have discovered that no construction is allowed within 30 feet of the south property line. I am asking for permission to install a fence on the 30 feet because putting a fence in the middle of the yard would not be esthetically pleasing to look at from "my" back door or from any other angle.

I have learned that people in that area have installed fences. I'm not sure if they obtained permission, but I am trying to do this the correct way. I could loose this home in the process if the seller gets a buyer that has no interest in installing a fence and is ready to purchase. I really like this home, the area and the yard. The home has been quite well maintained and the yard is beautiful. I am not financially able to buy a single family home that is in good shape and does not require a lot of work. I can easily maintain this home on my own.

I spoke with the family that lives on the side attached to the side I want to purchase. They have signed a paper stating that they are OK with the fence. I have also spoken with Senator Barb Yarusoo who lives directly behind the home I want to purchase. She and her husband, Dave, are OK with the fence. I have an email from them stating that fact.

Paying \$400.00 to the City of Shoreveiw, not knowing if I will be able to buy this home and put in a fence is a hardship for me. I would rather be able to put that money toward the fence. I hope that you will give all of this information some very serious consideration, and decide in my favor. I intend to install a 4 foot chain link fence that is brown in color. I feel it will enhance the yard and keep my dogs safe.

Thank you for your consideration in this matter.



Donna Czupta Grabowski

REAR YARD WEST OF 218 at 220 GALTIER



VIEW FROM STREET - 218 GALTIER

VIEW SOUTH ALONG EAST SIDE LOT LINE, 218 GALTIER

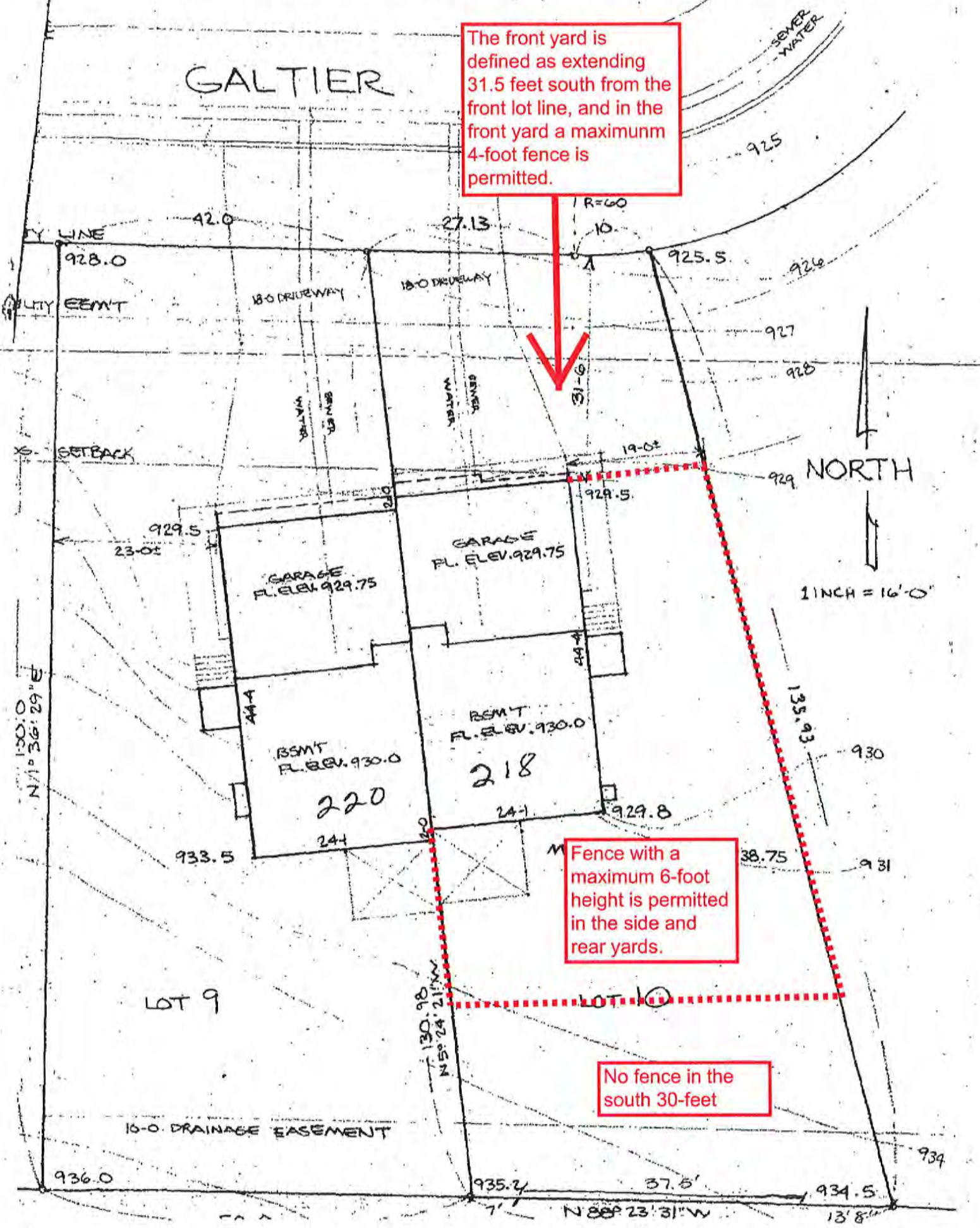


REAR LOT LINE AT 218 GALTIER

1 AND 10, BLOCK 1, PAULSEN ADDITION, RAMSEY COUNTY, MINN.

GALTIER

The front yard is defined as extending 31.5 feet south from the front lot line, and in the front yard a maximum 4-foot fence is permitted.



Fence with a maximum 6-foot height is permitted in the side and rear yards.

No fence in the south 30-feet

NORTH

1 INCH = 16' 0"

LOT 9

LOT 10

220

218

GARAGE
FL. ELEV. 929.75

GARAGE
FL. ELEV. 929.75

BSMT
FL. ELEV. 930.0

BSMT
FL. ELEV. 930.0

10-0 DRAINAGE EASEMENT

N 136° 29' E
130.0

N 112° 42' 51" W
86.0

N 88° 23' 31" W

13' 8"

936.0

935.2

37.5'

934.5

934

928.0

27.13

925.5

926

927

928

929

929.5

929.5

929.8

930

931

933.5

38.75

TY LINE

42.0

UTILITY EEMT

18-0 DRIVEWAY

18-0 DRIVEWAY

SETBACK

SEWER
WATER

SEWER
WATER

R=60

10

31.5

19-0

135.93

N 112° 42' 51" W
86.0

N 112° 42' 51" W
86.0

CITY OF SHOREVIEW

FILE NO: 756-79-05B

SPECIAL USE PERMIT

Location of Property: East of Galtier Street, South of Galtier Place

Legal Description: The S 155 ft. of the W 800 ft. of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 24, T 30, R 23, Ramsey County, Minnesota, except the South 130 ft. of the W 155 ft. of said S $\frac{1}{2}$.

Applicant: Gordie Howe
Gordie Howe Real Estate, Incorporated
4633 Hodgson Road
Shoreview, Minnesota 55112

Property Owner: Richard Paulsen
340 Willow Brook Drive
Mason City, Iowa 50401

Zoning District: R-2 Single Family Residential

Comprehensive Plan Designation: Medium Density Residential
(4-8 units per acre)

Special Uses Permitted Construction of six double homes (12 units) in the Paulsen Addition, and all other uses permitted in an R-2 District unless otherwise restricted below.

Special Conditions or Restrictions:

1. Development of 6 double homes (12 units) as specifically noted on the preliminary plat prepared by E.G. Rud & Sons, Incorporated, signed by the City Planner and dated June 8, 1979, Revised 9-13-79 and 4-30-82.
2. All construction shall be in compliance with all applicable codes and ordinances of the City of Shoreview.

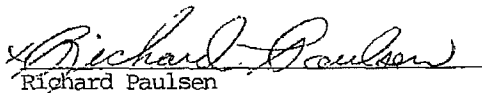
3. All grading shall be done in accordance with the grading plan dated 6-30-82.
4. No grading or construction will be permitted within 30 feet of the south property line of the Paulsen Addition. This 30 foot area shall be preserved in its natural state to serve as a buffer from the single family homes to the south.
5. The applicant shall create a Homeowner's Association before any building permits are issued for the double homes. The documents creating the homeowner's association and the association's bylaws shall be reviewed by the City Attorney prior to recording and shall include the following:
 - a. The Homeowner's Association shall be responsible for the exterior maintenance of all double homes in the plat.
 - b. The Homeowner's Association shall maintain all open green space in common areas, including weed control, mowing, etc.
 - c. Membership in the Homeowner's Association must be mandatory for each owner and any successive buyer. The dues for such membership must be established to adequately meet the expenses of maintenance and fulfillment of all responsibilities of the Homeowner's Association as set forth in this special use permit.
 - d. The Homeowner's Association shall not allow accessory buildings.
6. The developer shall provide a minimum of three various home designs for the plat. No adjacent structures may have the same design.
7. The Developer shall provide black dirt and sod for the front, rear and side yards of all lots, except the south 30 feet of the Paulsen Addition.
8. The driveways to the individual units shall be separated with a green area consisting of sod and/or plantings.
9. Adequate house number identification shall be provided that is visible from Galtier Place.
10. In the event any real property in the Paulsen Addition is conveyed in total or in part, the buyers thereof shall be bound by the provisions of this special use permit.
11. Any request for major deviation from the approved plans shall require an amendment to the Special Use Permit.

Approved by the City Council of Shoreview, Minnesota this 19th day of
July, 1982.

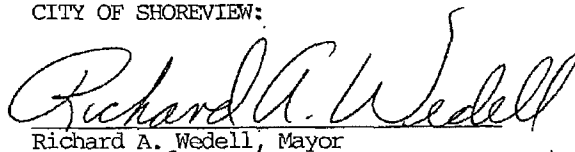
APPLICANT:

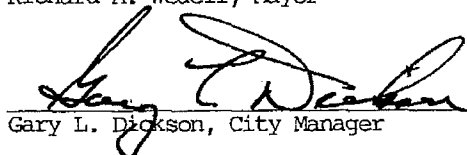

G. Howe

PROPERTY OWNER:


Richard Paulsen

CITY OF SHOREVIEW:


Richard A. Wedell, Mayor


Gary L. Dickson, City Manager

Date Prepared: 7/2/82
D.Rapinchuk/sva

Dave Yarusso
To Mebarbyarusso@gmail.com
Nov 11 at 8:12 PM
Donna,

I have no objection to a chain link fence but you should plan to replace the white picket fence currently in place along the border with our property because it is rotting away and many of the boards have fallen off.

Dave
, or |
Barbara Yarusso
To Medaveyarusso@gmail.com
Nov 11 at 9:30 PM
Donna,

As Dave also emailed you, if you purchase the townhome behind our house, we have no objection if you replace the existing picket fence at the back of the property with a chain link fence.

Barb Yarusso

November 9, 2013

Greetings,

I am interested in purchasing the Twin Home at 218 Galtier Place, Shoreview. I would like to install a chain link fence that would connect to the existing wood fence on the south to enclose the back yard only. By signing this paper, you are stating that you have no objection to the fence. I thank you in advance for your signature.

Donna Grabowski

Bruce D. Welsch 220 Galtier

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



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

November 19, 2013

REQUEST FOR COMMENT

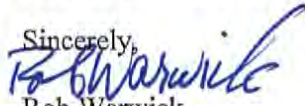
RECEIVED
NOV 27 2013

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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
Senior Planner

Comments: I HAVE NO OBJECTION TO THIS ACTION

Name: Emil Jenty
Address: 189 GALTIER PL
SHOREVIEW, MN 55126

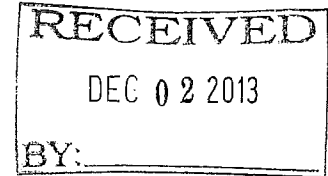
City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



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November 19, 2013

REQUEST FOR COMMENT

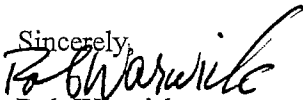


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Sincerely,

Rob Warwick
Senior Planner

Comments:

Will the property at 218 Galtier be surveyed before fence is installed? If not on the property line, will the area outside the line be adequately maintained?

Name: Herald and Charon Logen
Address: 216 - Galtier Place

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



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November 19, 2013

REQUEST FOR COMMENT

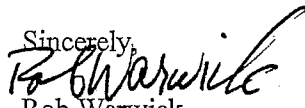
RECEIVED
DEC 03 2013
BY: _____

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Sincerely,

Rob Warwick
Senior Planner

Comments:

I OWN THE PROPERTY ATTACHED TO 218.
BOTH HOMES HAVE WOOD DECKS WITH A DECORATIVE
WOOD SEPARATION WALL. I WOULD NOT OPPOSE
A 4' HIGH WOOD DECORATIVE FENCE BETWEEN
OUR PROPERTIES. I WOULD HOWEVER
STRONGLY OPPOSE A CHAIN LINK STYLE FENCE
OF ANY STYLE OR COLOR.

t:\surveys\2509-13-36 218 galtier place.doc

Name: PETER PANOS

Address: 220 GALTIER PL
SHOREVIEW, MN.

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



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

November 19, 2013

REQUEST FOR COMMENT

RECEIVED
DEC 02 2013

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Sincerely,
Rob Warwick
Rob Warwick
Senior Planner

PERHAPS

Comments:

IN GENERAL, WE ARE NOT SUPPORTIVE OF FENCING IN THIS HIGH-DENSITY AREA. WOULD SUPPORT HOWEVER IF MORE DETAILS WERE MADE PART OF THE APPLICATION. NAMELY, WILL THIS FENCE WRAP AROUND THE 218 PARCEL? IS IT A BLOCKADE OR "OPEN" FENCING MATERIAL? WHAT IS PURPOSE?
WOULD NEVER SUPPORT A CHAIN-LINK FENCE...

t:\surveys\2509-13-36 218 galtier place.doc

Name: Tom & SUE PALANSKY
Address: 234 GALTIER PLACE

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



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November 19, 2013

REQUEST FOR COMMENT

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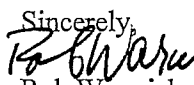
DEC 02 2013

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Sincerely,

Rob Warwick
Senior Planner

Comments:

We are fine with this proposal and like that it maintains the 30 foot natural buffer, with exception of possible natural-looking fences?

We are concerned that the 30' natural buffer has not been enforced, and ask that the city take an active role in enforcing this to prevent future violations of this natural buffer.

t:\surveys\2509-13-36 218 galtier place.doc

Name: Mark Solfest

Address: 231 Bridge Street



Robert Warwick <rwarwick@shoreviewmn.gov>

Fwd: Townhouses behind Bridge Street near Snail Lake School

Kathleen Castle <kcastle@shoreviewmn.gov>
To: "WARWICK, ROBERT" <rwarwick@shoreviewmn.gov>

Mon, Dec 2, 2013 at 7:35 PM

Please respond. Thanks.

Kathleen Castle
City Planner
City of Shoreview
651-490-4682
kcastle@shoreviewmn.gov

----- Forwarded message -----

From: **Tom Simonson** <tsimonson@shoreviewmn.gov>
Date: Mon, Dec 2, 2013 at 6:59 PM
Subject: Re: Townhouses behind Bridge Street near Snail Lake School
To: Laura Miller <LauraRoseMiller@comcast.net>
Cc: Kathleen Castle <kcastle@shoreviewmn.gov>

Hello Laura -

I have asked our City Planner Kathleen Castle to respond to your questions and am forwarding this email to her.

Regards,

Tom Simonson

On Mon, Dec 2, 2013 at 6:50 PM, Laura Miller <LauraRoseMiller@comcast.net> wrote:
Hello,

We live at:

223 Bridge Street in Shoreview

We recently rec'd correspondence about a neighbor behind us and down a few doors, in a townhouse, who wishes to put up a fence. We are fine with this.

However, it was brought to our attention that the townhouses behind us are to have a 30' wild area buffer from the back of their lot line towards their townhome. Apparently this went into effect in 1979. Can you confirm this, or tell me what the correct ordinance is? Is it no longer in affect? The people behind us have yards they move all the way to the fence, fire pits, etc.

Thank you,

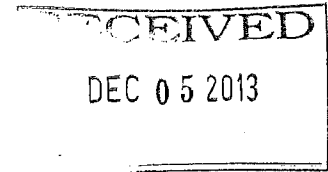
City Council:
Sandy Martin, Mayor
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City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
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November 19, 2013

REQUEST FOR COMMENT



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Sincerely,

Rob Warwick
Senior Planner
Comments:

The proposed changes to the special use permit that was issued in 1979 for the Paulsen addition seem to be an after thought to the activities that have already taken place within the 12 lots comprising the Paulsen addition.

The majority of the lots have graded and or built or removed the natural barrier of trees and undergrowth. While we do not want to impinge the property owners right to build we question what enforcement has been taken since 1979 to comply with the special use permit. The property requesting the change is already graded to the rear property line lacking any natural buffer. Properties west have in the same way graded, removed existing growth and have built structures. In the 22 years we have lived south of the Paulsen addition this is the first time we have been notified of any proposed changes. However our experience has been that when we have contacted the City Planning Department regarding infringement of the buffer area we were told that it would be difficult to enforce.

If the special use permit change is granted we would suggest that a stipulation be added requiring all twelve properties in the Paulsen addition to:

1. Have consistent construction of the fences in the form of wood only with a natural, brown or dark green color and not be connected to any fences or structures of properties to the south, and
2. Vegetation such as a hedge that grows to a minimum height of six feet south of the fence but north of the property line be planted to restore at minimum a natural buffer within 10 feet of the property line.

Name: Chris & Barb Glasoe
Address: 237 Bridge St., Shoreview, MN
Name: Phil Kimball
Address: 245 Bridge St., Shoreview, MN

Comments:

It is fine with me that our neighbors construct fences behind their units.

t:\surveys\2509-13-36-218 galtier place.doc

RECEIVED
DEC 05 2013

Name: Patricia J. Kachel

Address: 200 Galtier Place, Shorenew, MN 55126

Tudor Oaks Condo. Association

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit amendment to Special Use Permit 756-79-05B for the Paulsen Addition, submitted by Donna Grabowski. This approval amends Condition No. 4 of the SUP to read as follows:

No grading or construction of any building will be permitted within 30 feet of the south property line of the Paulsen Addition. The 30 foot area shall be preserved in its natural state to serve as a buffer from the single family homes to the south. Construction of a fence shall be permitted within this natural area and may connect with the existing fence along the south lot line as long as it is no more than 4 feet in height and made of wood, stained with a natural color or chain link fencing in brown, black or dark green in color. Galvanized, aluminized or silver finish fencing material will not be permitted.

This approval is subject to the following conditions:

1. Conditions identified in Special Use Permit 756-79-05B shall remain in effect as enumerated in the original SUP, with the exception of Condition No. 4, as amended.
2. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

Said approval is based on the following findings of fact:

1. The proposed fencing will be 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 development will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The use conforms to the Land Use Chapter of the Comprehensive Guide Plan and is compatible with the existing neighborhood.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
December 10, 2013

TO: Planning Commission
FROM: Nicole Hill, Economic Development and Planning Technician
DATE: December 6, 2013
SUBJECT: File No. 2510-13-37; Request for Variances in the Side Setback and Maximum Allowable Accessory Structure Size, Aleksander Medved –5555 Wood Duck Court

INTRODUCTION

Aleksander Medved has submitted variance applications for the property at 5555 Wood Duck Court. The Variance application requests a reduction to the City standards pertaining to side setback, to 10 feet, and an increase in the allowable size for an accessory structure from 288 square feet to 416 square feet and to exceed the maximum area permitted for all accessory structures. A variance from the development code standards can be granted provided practical difficulty is present.

BACKGROUND AND PROJECT DESCRIPTION

The property is currently being used for single-family residential purposes. The property is located on the northwest corner of the intersection of Wood Duck Court and Lepak Court. The parcel is .35 acres, has a lot area of 15,246 square feet, a lot width of 92.48 feet, and a lot depth of 164.87 feet. Site improvements include the existing home, an attached two-car garage, driveway, and sidewalk areas. The topography of the property is generally level. Adjacent land uses include single-family residential to the north and east, TCAAP marshland to the south across County Road I, and storm water drainage/open space to the west.

The property is developed with a single family home that has a foundation area of 1484 square feet and the attached garage has 816 square feet. An existing 237 square foot concrete slab is located 10 feet from the side property line to the south and 20 feet west of the house. The applicants purchased the house in January 2013, and during the summer constructed a shed using the existing slab as a foundation for a 237 sq ft fully enclosed shed, with roofed area of 416 sq feet. The additional 179 square feet of covered area is open to serve as a sheltered play area. The design is intended to complement the architectural design of their home. Please see the attached plans. A building permit was not obtained, and the City issued a stop work order after receiving a complaint. The applicants were not aware that a permit was needed.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and standards were adopted to ensure the compatibility of these structures with surrounding residential uses. The maximum area permitted for a detached accessory structure is 150 square feet since there is an attached garage that accommodates more than 2 cars on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line and, in cases where they are adjacent to a public right of way, the required structure setback is

the setback of the existing house. The maximum height permitted for detached accessory structures is 18 feet measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewall height cannot exceed 10 feet and interior storage areas above the main floor cannot exceed a height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

STAFF REVIEW

By utilizing the existing slab for the detached accessory structure, it encroaches upon the minimum setback required from a street. The enclosed portion would be permitted by a Conditional Use Permit (CUP) but the total foundation area of the structure size exceeds that which is permitted and, therefore a variance is requested, and if approved a CUP will not be necessary. See the table below.

	Existing	Proposed Enclosed	Proposed Total	Development Code Standard
Area Detached Accessory Structure	0 sf	237** sf	416 *sf	288 sf
All Accessory Structures	816 sf	1053 sf	1,232* sf	1,200 sf or 90% of the dwelling unit foundation area (1335.6 sf) – whichever is more restrictive
Setback – side lot line	N/A	10 ft	10 ft*	Adjacent to right of way; same setback as existing house (30.2 feet).
Height Roof Peak Sidewall	N/A	17.5 ft	17.5 ft 8 ft	18 ft 10 ft
Interior Storage Area	N/A	7.5 ft	7.5 ft	6 ft
Exterior Design	N/A	Match existing	Match existing	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Retain existing vegetation	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

* = Variance requested

** = Allowable with a Conditional Use Permit

The applicants had not obtained a building permit prior to construction of the shed and therefore built an interior storage area of 7.5 feet in height. This height must be modified to 6 feet to comply with Development Code regulations. When the building permit plans are reviewed, plans must be submitted that show how the modifications will be made.

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. The following summarizes staff's review of the proposal based on the practical difficulty criteria:

Reasonable Manner. The applicants' proposal to construct an accessory structure utilizing the existing slab is reasonable. The re-use of the slab will minimize site disturbance. The retained vegetation that exists along the southern lot line screens the shed from view from the street and trail.

Unique Circumstances. Staff agrees that the size and location of the existing slab are unique circumstances which were not created by the property owner. The existing slab is located 10 feet from the side (south) property line and adjacent to a public Right of Way. County Road I was relocated further south in 2004 and Lepak Court was created, leaving an expanded Right of Way along the south side of the property. The right of way is currently developed with a trail and storm pond located between the property and County Road I. The shed is over 80 feet away to the nearest point in Lepak Court, over 150 feet away at its nearest point to County Road I, and more than 20 feet from the trail. The area between the shed and the trail is heavily landscaped, minimizing visibility of the shed when viewed from the street or trail. Placement of a new concrete foundation elsewhere on the property would result in site disturbance and increase the impervious surface coverage. An existing in ground sprinkler system is also present which would be impacted.

The applicant used the existing slab for the enclosed structure and extended the roof further over the grass for a covered play area. The 237 sq ft enclosed structure itself could be permitted with a conditional use permit, but a variance is needed for the area of roof coverage. The foundation area of the structure is defined as *That portion of the lot covered with roofed structures generally measured to the foundation or footings.* The unenclosed area will have grass below, not a foundation or deck. In staff's opinion, additional square footage of the unenclosed portion of the structure, which would be used for a play area and not outside storage, is reasonable. City code treats unenclosed porches differently than enclosed porches and this is of similar use.

Character of Neighborhood. The variance will not alter the character of the neighborhood. The proposed structure will complement the architectural design of the home and will the property with added storage and a sheltered play area for their young child.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. One comment was received with no objection to the request.

STAFF RECOMMENDATION

In Staff's opinion, practical difficulty is present for the variance. The applicant is proposing to use the property in a reasonable manner and the shed design does not have an adverse impact. The location of the existing slab and its proximity to the right of way are unique circumstances. Last, the character of the neighborhood will not be altered as a result of this variance request. Staff is recommending the Planning Commission adopt Resolution 13-111 approving the variance subject to the following:

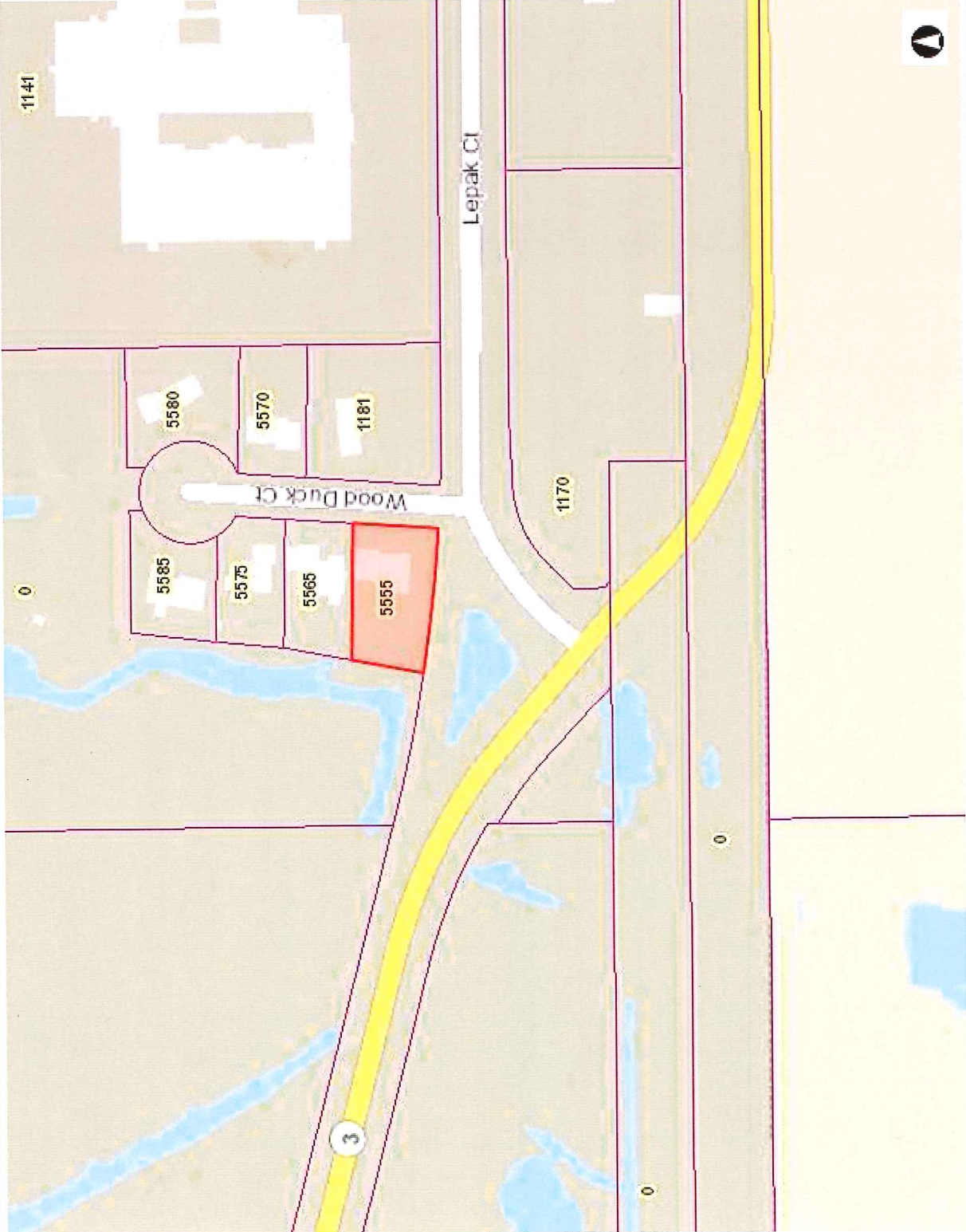
1. The unenclosed play area will not be used for outside storage.
2. The unenclosed area will remain open. No wall system that consists of substantially of screens, windows, and/or doors may be permitted.
3. The interior storage area above the main floor will be modified to comply with development code standards. Plans must be submitted showing how the proposed modification will be made.
4. 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.
5. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
6. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
7. The applicant shall obtain a building permit for the structure.
8. The structure shall be used for the personal storage of household and lawn equipment.
9. The structure shall not be used in any way for commercial purposes.

Attachments

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Statement and Plans
- 4) Response to Request for Comment
- 5) Resolution 13-111
- 6) Motion



5555 Wood Duck Court



343.8 0 171.89 343.8 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

Legend



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

Notes

Location Map



Location Map



171.9

85.95

171.9 Feet



NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



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

Notes

5555 Wood Duck Ct.

**5555 Wood Duck Court
Shoreview, MN 55126**

Background of Request

Homeowners request a variance (or, in the alternative, a Conditional Use Permit) for an accessory shed in the rear yard of the property located at 5555 Wood Duck Ct. The shed will be used for storage of lawn and garden equipment, tools, and other items (e.g., large outdoor children's toys). Prior to construction of the shed, there were no detached accessory structures on the property. The previous owners stored items outside. The shed is constructed on a concrete slab that existed for several years prior to the present homeowners' purchase of the property. The roof of the shed extends over the footprint of the existing concrete slab on two sides, supported by a series of posts. The area under this extending roof is intended as a covered play area for the homeowners' children, in lieu of a separate play structure.

The area of the shed foundation on the existing concrete slab is 237 ft². If the area up to the posts is taken into account, the total area is 416 ft². The shed has 8 ft side walls and maximum height of 17.5 ft, which is below the height allowed by ordinance, and well below the >30 ft maximum height of the primary residence.

There are no neighboring residences to the west or south of the property. The south border is spaced a fair distance from County Road I, and is opposite the open marshland of the TCAAP. The only adjacent neighbor is to the north. There is a 6 ft. privacy fence on the north border of the property. The south border of the property is screened by a 145 ft landscape bed of trees and shrubs, within which a 60 ft bank of closely-planted evergreen trees (approximately 19 ft tall) screens the area adjacent the shed. The landscaping almost entirely screens the shed from view from the south in the winter, and entirely screens the view in the summer. Two large willow trees on the southwest corner of the property entirely screen the shed from view from the west. Therefore, the shed is generally not visible from either County Road I or Lepak Court.

The shed is designed to complement the residence, including matching architectural shingles on the roof. The roof pitch matches the roof pitch of the primary residence.

Homeowners believe the present request is consistent with objectives (A)-(L) of City Code Section 201.010, and also with the City's Comprehensive Plan.

Homeowners address the remaining City criteria below:

Practical Difficulties

(The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations.)

- (i) Reasonable Manner. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The shed will be used for storage of lawn and garden equipment, tools, and other items (e.g., large outdoor children's toys). A portion of the shed exterior will be a covered play area for the homeowners' children. These uses are reasonable and consistent with a residential purpose.
- (ii) Unique Circumstances. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* A preexisting concrete slab on the property dictated the size and location of the shed. Homeowners note that placement of a shed elsewhere in the rear yard (for example, along the north border) would have required construction of a separate foundation. Homeowner is concerned that a separate foundation may have increased the impervious surface of the property beyond City requirements, which would have required costly removal of the preexisting slab. Additionally, piping for an extensive in-ground sprinkler system was already routed around the preexisting concrete slab, such that no alterations were necessary. Further, a shed located along the north or west borders would be in view from County Road I and also in the sight line of the adjacent property to the north. Homeowners also note that the primary foundation of the shed is within the size limit for a Conditional Use Permit, and in itself would not require a variance.
- (iii) Character of Neighborhood. *The variance, if granted, will not alter the essential character of the neighborhood.* The shed is of quality architecture and construction and is designed to be compatible with the primary residence. The shed siding and trim is painted to match the colors of the primary residence. The roofing material matches the primary residence. The shed is generally not visible from the surrounding neighborhood, such that the look and feel of the property is not altered. Although the shed can be seen from a four-season porch on the adjacent property to the north when looking south across homeowners' property, the shed is not visible from any other residence in the neighborhood. Homeowners have discussed construction of the shed with surrounding neighbors, and no concerns have been expressed. Homeowners will continue attempts to contact all residents on Wood Duck Ct.

Economic Consideration

As noted above, Homeowners believe construction of the shed elsewhere would have required costly removal of the preexisting concrete slab and excavation and rerouting of an existing in-ground sprinkler system. Homeowners also note that the shed has been painstakingly constructed at considerable expense. Homeowners understand that this could have been avoided had a permit been sought before construction, and wholeheartedly apologize for failing to do so. Nevertheless, alteration, movement, or removal of the shed at this point would result in substantial financial hardship for Homeowners.

Other Ordinance Requirements

Floodplain. The floodplain elevation at 5555 Wood Duck is at 893 ft. The elevation of the lowest point of the shed (the post at the southwest corner) is 894 ft, or 1 ft above the floodplain.

Setbacks. The shed is set back 107 ft from Wood Duck Ct, 86 ft from Lepak Ct, and 144 ft from County Road I. The shed is set back 10 ft from the south property line. Homeowners therefore believe that all setback requirements have been complied with.

Sidewalls. The shed has 8 ft sidewalls, which is 2 ft. less than the 10 ft maximum.

Overall height. The overall height of the shed is 17.5 ft, which is less than the 18 ft maximum.

Storage loft. The interior height of the shed's storage loft is 7.25 ft at its peak, which exceeds the 6 ft maximum. The height is determined by the steep 12/12 roof pitch, which is constructed to match the roof pitch of the primary residence. If necessary, Homeowners can reduce the interior height to 6 ft.

Maximum area for detached accessory structures. The foundation area of the dwelling is 2300 ft². Therefore, the maximum possible area for detached structures is the lesser of 75% of 2300 ft² (1725 ft²) or 750 ft². The area of the shed is within these requirements. There are no other detached structures on the property.

Finished floor. The shed floor is a concrete slab that existed prior to the current homeowners.

FIGURE 1 – FRONT ELEVATION

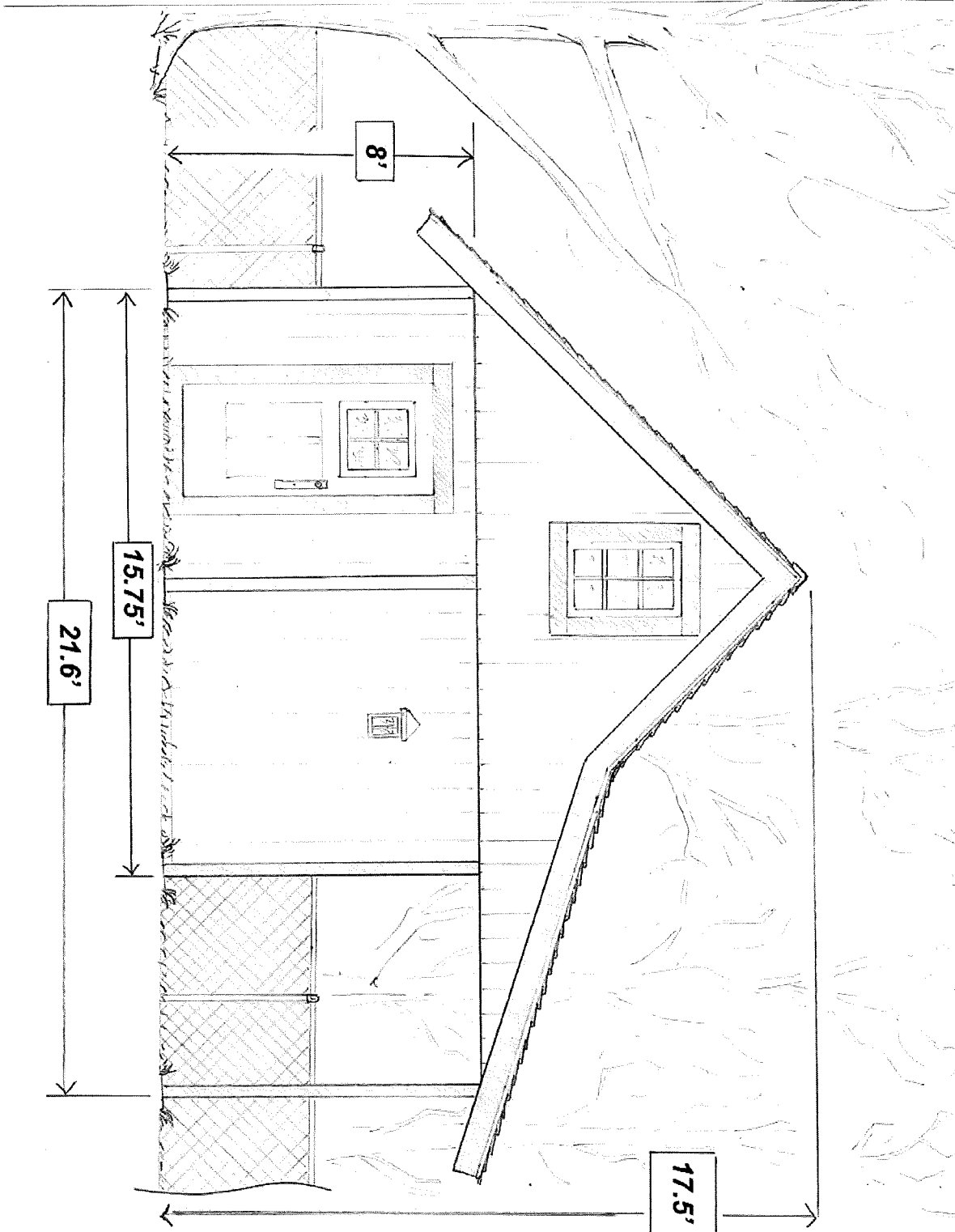


FIGURE 2 - SURVEY

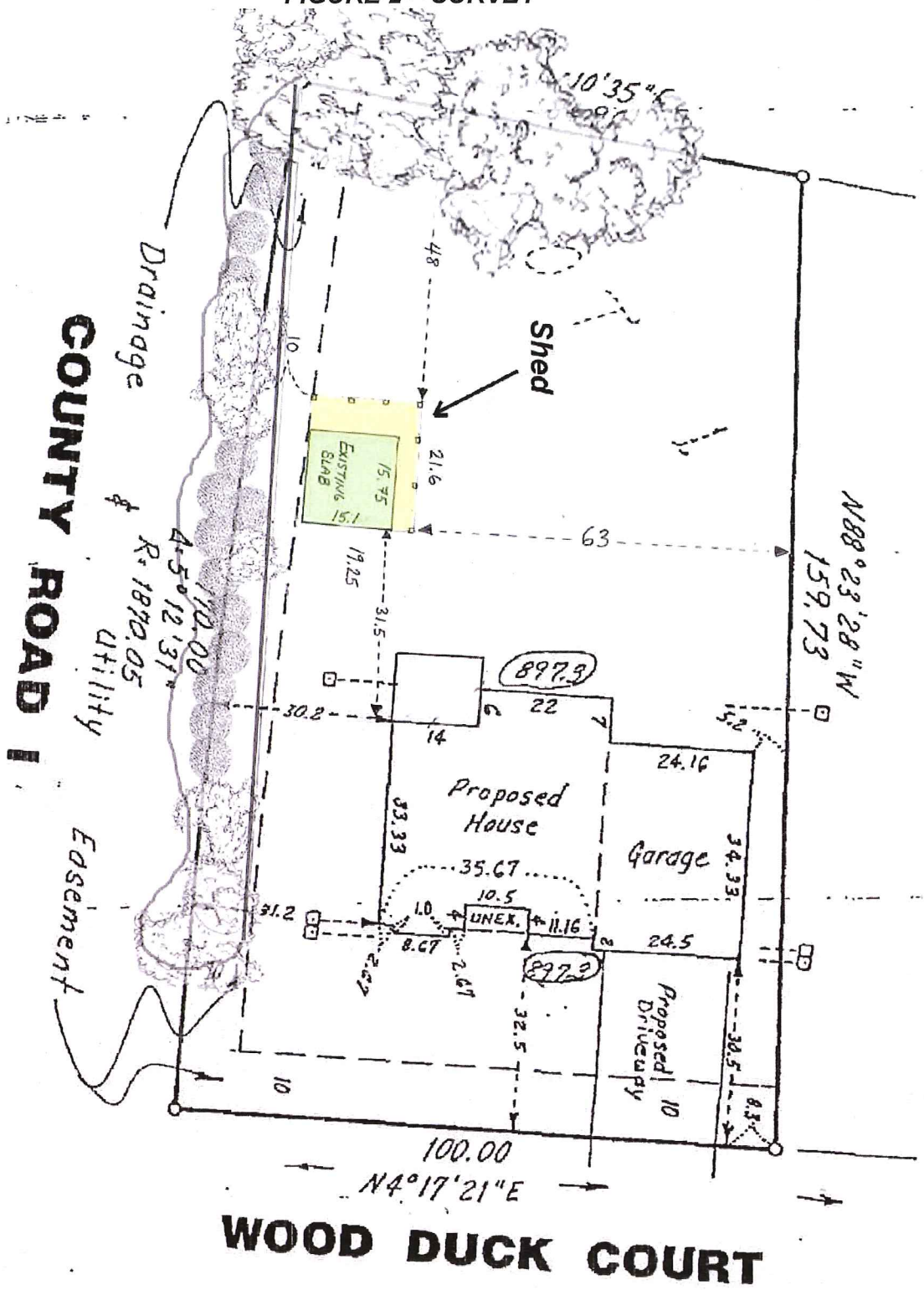


FIGURE 3 – AERIAL SHOWING EXISTING SLAB

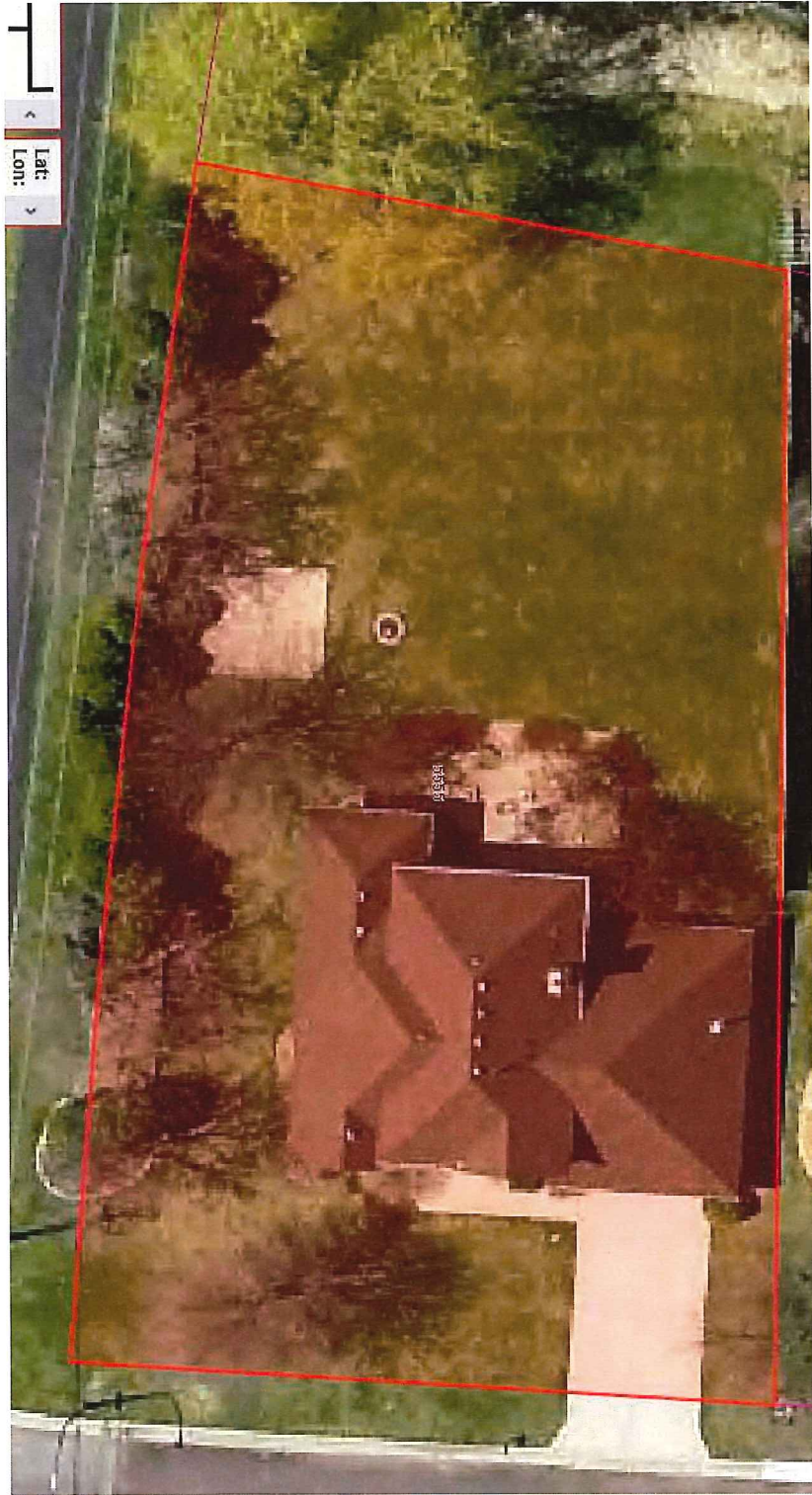


FIGURE 4 – AERIAL SHOWING SURROUNDING AREA



FIGURE 5 – VIEW 1 FROM WEST (COUNTY ROAD I)



FIGURE 6 – VIEW 2 FROM WEST (COUNTY ROAD I)



FIGURE 7 – VIEW FROM SOUTH (COUNTY ROAD I AND LEPAK CT)



FIGURE 8 – VIEW FROM SOUTHEAST (WOOD DUCK CT AND LEPAK CT)



FIGURE 9 – EVERGREENS SCREENING FROM SOUTH



FIGURE 10 – SIGHT LINE FROM NORTH



5555 Wood Duck Court
Shoreview, MN 55126

Response to Notice of Incomplete Application

In a letter dated November 18, 2013, the City indicated that the application for a variance was incomplete for the following reason:

A variance request for the sideyard setback. Section 205.082 (D)(2) States that side yard setback shall be a minimum of ten (10) feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Front yards require a setback of at least 25 feet but in no event more than 40. In this case it would be the same sideyard setback as the house from the south lot line.

In response, Homeowners supplement the initial request for a variance submitted on November 12, 2013 with this request for an additional variance for the sideyard setback requirements of Section 205.082 (D)(2).

As in the, initial request, Homeowners believe the present supplemental request is consistent with objectives (A)-(L) of City Code Section 201.010, and also with the City's Comprehensive Plan.

In the initial request, Homeowners provided several reasons why the remaining City criteria (i.e. "Practical Difficulties") were met. Many of the same reasons apply equally to this request, and may or may not be repeated here. Homeowners provide additional reasons below:

Practical Difficulties

(The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations.)

- (i) Reasonable Manner. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The shed will be used for storage of lawn and garden equipment, tools, and other items (e.g., large outdoor children's toys). A portion of the shed exterior will be a covered play area for the homeowners' children. These uses are reasonable and consistent with a residential purpose.*
- (ii) Unique Circumstances. *The plight of the property owner is due to circumstances unique to the property not created by the property owner. The location of the existing slab is a unique circumstance that was not created by the property owner. The slab is currently located 10 feet from the property boundary and the structure will not encroach nearer than the slab. Homeowners again note that placement of a shed elsewhere in the rear yard would have required substantial site disturbance to facilitate removal of the existing slab and construction of a separate foundation (and excavation and rerouting of an extensive in-ground sprinkler system).*

(iii) Character of Neighborhood. *The variance, if granted, will not alter the essential character of the neighborhood.* When the primary residence was originally built (~1990), County Road I was directly adjacent the south border of the property. At that time, the existing slab was located approximately 35 ft north of County Road I. However, several years ago, County Road I was re-routed to the south, with the result that the existing slab was located over 190 ft north of County Road I, and over 115 ft north of the newly created LePak Court. Since removal of the roadway, the right of way adjacent to the south border has been used instead for other purposes (e.g., a trail and storm-water pond). Therefore, traffic in the neighborhood does not pass close to the shed, and the essential character of the neighborhood is not altered due to its present location. Moreover, as noted above, re-use of the existing slab minimizes site disturbance in the neighborhood. The smaller setback is therefore justified.

Economic Consideration

As previously noted, Homeowners believe construction of the shed elsewhere would have required costly removal of the preexisting concrete slab and excavation and rerouting of an existing in-ground sprinkler system.



Nicole Hill <nhill@shoreviewmn.gov>

5555 Wood Duck Court

Karen Engen <kengen@practicemn.com>
To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Mon, Nov 25, 2013 at 9:49 AM

Will and Karen Engen have no objections for this but isn't it already there?

Karen Engen

612.669.7173

FAX 651.490.7797

5580 Wood Duck Court

Shoreview, MN 55126

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**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD DECEMBER 10, 2013**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 13-111 FOR A VARIANCE TO REDUCE SIDE YARD SETBACK
AND INCREASE THE MAXIMUM ACCESSORY STRUCTURE SQUARE FOOTAGE**

WHEREAS, Aleksander Medved, submitted a variance application for the following described property:

Lot 1, Block 1, MEADOW POND ADDITION, Ramsey County, Minnesota
(commonly known as 5555 Wood Duck Court)

WHEREAS, the Development Regulations establishes a minimum building setback for an accessory structure to that of the house for a side property line adjacent to a Right of Way; and

WHEREAS, the Development Regulations establishes a maximum accessory structure square footage for an accessory structure; and

WHEREAS, the applicants are proposing to retain the existing foundation; and

WHEREAS, the existing foundation is setback 10' from the southern side property line; and

WHEREAS, the applicant has requested a variance to utilize this foundation and retain the 10' setback for the construction of a new detached accessory; and

WHEREAS, the applicant has requested a variance to exceed the maximum accessory structure square footage for a 416 square foot accessory structure; and

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

WHEREAS, on December 10, 2013 the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The applicants' proposal to construct an accessory structure utilizing the existing foundation is reasonable. The re-use of the slab will minimize site disturbance and permit the applicants to retain the vegetation that exists along the southern lot line.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

The size and location of the existing slab are unique circumstances which were not created by the property owner. The existing slab is located 10 feet from the side (south) property line and adjacent to a public Right of Way. County Road I was relocated further south in 2004 and Lepak Court was created, leaving an expanded Right of Way along the south side of the property. The right of way is currently developed with a trail and storm pond located between the property and County Road I. The shed is over 80 feet away to the nearest point in Lepak Court, over 150 feet away at its nearest point to County Road I, and more than 20 feet from the trail. The area between the shed and the trail is heavily landscaped, minimizing visibility of the shed when viewed from the street or trail. Placement of a new concrete foundation elsewhere on the property would result in site disturbance and increase the impervious surface coverage. An existing in ground sprinkler system is also present which would be impacted.

The applicant used the existing slab for the enclosed structure and extended the roof further over the grass for a covered play area. The 237 sq ft enclosed structure itself could be permitted with a conditional use permit, but a variance is needed for the area of roof coverage. The foundation area of the structure is defined as *That portion of the lot covered with roofed structures generally measured to the foundation or footings*. The unenclosed area will have grass below, not a foundation or deck. In staff's opinion, additional square footage of the unenclosed portion of the structure, which would be used for a play area and not outside storage, is reasonable. City code treats unenclosed porches differently than enclosed porches and this is of similar use.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The variance will not alter the character of the neighborhood. The proposed structure will complement the architectural design of the home and will improve the appearance of the property with added storage.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 5555 Wood Duck Court, be approved, subject to the following conditions:

1. The unenclosed play area will not be used for outside storage.
2. The unenclosed area will remain open. No wall system that consists of substantially of screens, windows, and/or doors may be permitted.
3. The interior storage area above the main floor will be modified to comply with development code standards. Plans must be submitted showing how the proposed modification will be made.
4. 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.
5. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
6. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
7. The applicant shall obtain a building permit for the structure.
8. The structure shall be used for the personal storage of household and lawn equipment.
9. The structure shall not be used in any way for commercial purposes.

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

And the following voted against the same:

Adopted this 10th day of December, 2013

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Aleksander Medved, 5555 Wood Duck Court

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution 13-111 approving a Variance to reduce the side yard setback to 10 ft and increase the allowable accessory structure square footage on the property at 5555 Wood Duck Court, subject to the following conditions:

1. The unenclosed play area will not be used for outside storage.
2. The unenclosed area will remain open. No wall system that consists of substantially of screens, windows, and/or doors may be permitted.
3. The interior storage area above the main floor will be modified to comply with development code standards. Plans must be submitted showing how the proposed modification will be made.
4. 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.
5. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
6. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
7. The applicant shall obtain a building permit for the structure.
8. The structure shall be used for the personal storage of household and lawn equipment.
9. 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 be 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.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
December 10, 2013

TO: PLANNING COMMISSION
FROM: Rob Warwick, Senior Planner
DATE: December 4, 2013
SUBJECT: WIRELESS TELECOMMUNICATIONS FACILITY PERMIT APPLICATION,
VERIZON WIRELESS LLC, 5880 LEXINGTON AVENUE

Introduction

Faulk and Foster Real Estate Services, Inc., on behalf of Verizon Wireless LLC, has submitted an application for a Wireless Telecommunications Facility (WTF) Permit to permit the collocation of a wireless telecommunications facility at the existing City water tower located at 5880 Lexington Avenue. The permit will allow the installation of antennas on the water tower and an equipment shelter.

Currently, Sprint, T-Mobile and Clearwire have wireless facilities at this site. The Verizon antennas will be attached 140 feet above ground level, approximately the same elevation as the existing Sprint antennas. Concurrent with consideration of the WTF permit, the City Council will consider approval of a ground lease for a 20 by 40 foot area near the center of the existing fenced area. A 12 by 30 foot pre-fabricated equipment shelter will be located in this leased area. The shelter will house Verizon equipment cabinets and an emergency generator to provide back-up electricity in the event of a power outage. The application was complete on November 6, 2013.

Development Code Requirements - Wireless Telecommunications Facility Permit

The Development Code requirements include review and recommendation of the Planning Commission to the City Council, prior to any approval the permit request. The review is based on specified standards and approval is contingent upon execution of a Wireless Telecommunications Tower/Antenna Agreement.

The applicable standards for a WTF are listed below. *Staff comments are italicized.*

- 1) Siting. Antennas located on or attached to existing structures are regulated by the provisions of the zoning district for each parcel. New towers shall only be located on parcels that fall within the Telecommunications Overlay District. New towers are not permitted in public rights-of-way. *The existing 200-foot water tower is located in the R-1 District and the TOD-2 Overlay District. The tower conforms to the District regulations.*
- 2) 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. *Staff recommends a condition that the antennas match the exterior finish of the existing tower. The site lease will also include this provision.*

- 3) Landscaping. 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. *Staff recommends use of Black Hills Spruce to provide screening for the equipment shelter when viewed from Lexington Ave. Staff reviewed options for landscape screening for views from the north, however underground utilities and operational constraints limit use of plantings within this viewshed.*
- 4) Signs. The use of any portion of a WTF for signs or advertising other than warning or equipment information signs is prohibited. *Small signs will be displayed on the two shelter doors that face Lexington Ave. These will display required warnings.*
- 5) Lighting. Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display strobe 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 ball fields, parking lots or similar areas may be attached to the tower. *No new lights are proposed.*
- 6) Setbacks. WTFs shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:
 - a) WTFs shall not encroach upon any easements unless permission is obtained from the underlying property owner and holder of the easement. *No encroachments are proposed.*
 - b) WTFs shall not be located between a principal structure and a public street. *The equipment structure is located within the existing fenced area of the water tower, between the principal structure, the water tower, and the street. See the discussion immediately below.*
 - c) The required 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. *The shelter location was based on criteria of Public Works staff and is intended to provide access to Verizon whenever needed, while minimizing any operational impacts to the City. The three existing wireless tenants at this site use outdoor cabinets on a metal platform, while Verizon employs equipment cabinets that must be protected from the elements. Landscape screening will reduce the visual impact of the equipment shelter from Lexington Avenue.*
- 7) Height.
 - a) Antennas located on an existing structure taller than the limit established by the Telecommunication Overlay District may extend up to 5 feet above the height of the structure. *The proposed antenna array will be located at the 140-foot level on the 200-foot water tower.*

8) Safety/Environmental Standards.

- a) Unauthorized Climbing. WTFs shall be designed to discourage unauthorized climbing. *The existing tower is enclosed with a 7-foot chain link fence.*
- b) 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. *The generator is located within the shelter and muffled to reduce noise when it operates. The generator must operate in compliance with the noise limitations specified in City Code, and will be used only during power outages and for routine testing on a weekly basis. Staff suggest a condition that testing occur between 4 and 6 PM, Monday – Friday, coinciding with peak afternoon traffic when generator noise will be less noticeable.*
- c) Radio Frequency (RF) Emissions and Interference. WTFs must comply with Federal Communication Commission standards for RF emissions and interference. *As noted above, Verizon Wireless LLC is licensed and regulated by the FCC. The height of the antennas exceeds the height specified by the FCC for 'Categorical Exclusion', facilities that are unlikely to cause RF emissions exposures in excess of FCC guidelines. Staff recommends a condition of approval requiring Verizon to notify the City as soon as the wireless facility is operational. The City, through its RF consultant, will test RF emissions at the site to verify compliance with FCC RF emissions guidelines.*

9) Maintenance. All commercial towers or WTFs shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. *Site maintenance is required as one of the terms of the ground lease.*

10) Occupational Safety. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation. *Staff recommends a condition requiring display of notices that identify radiation potential for employees working on the site.*

11) Collocation Requirements. Except as herein and after provided, WTFs within the City shall comply with the following collocation requirements: *This is a collocation, and so complies with these provisions.*

12) 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. *The proposed equipment shelter is standard size for Verizon Wireless LLC equipment.*
- b) To the extent possible, equipment enclosures shall be located where existing trees, structures, and/or other site features screen them from view. *The equipment structures will be screened from view by landscaping.*

- c) 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. *Landscape screening will be used for this facility.*

Public Comments

Mailed notice was sent to property owners within 350 feet of the subject property. One comment notes that generators used during previous installations were noisy, and that there is not screening when viewed from the houses on the north side of the tower.

A telephone caller expressed concern with RF emissions. Staff notes that the FCC regulates RF emissions and frequency interference. In 2011, after the Clearwire facility here was operational, this site was tested for RF emissions by the City. The test, conducted by OWL Engineering, determined that emissions were well below the emission limits specified in the FCC guidelines. A condition of approval is recommended requiring another emissions test to verify compliance with FCC emissions guidelines once the Verizon facility is operational.

Public Works Review

The proposal has been reviewed by the Director of Public Works has recommended the proposal for approval.

The proposed ground lease area will not reduce space used for maintenance activities and will not cause any operational problems.

Consultant Review

OWL Engineering and EMC Test Labs, the City's RF consultant, performed an interference study and reviewed RF emissions. The radio frequencies employed by Verizon are not expected to interfere with those used by the existing wireless tenants, the City radio used to monitor water system operations, or the frequencies used by public service agencies that may pass by near the water tower. RF emissions comply with the FCC categorically excluded class of antennas, that is the height and power of the antennas indicates that they will not generate emissions that are harmful to those nearby on the ground.

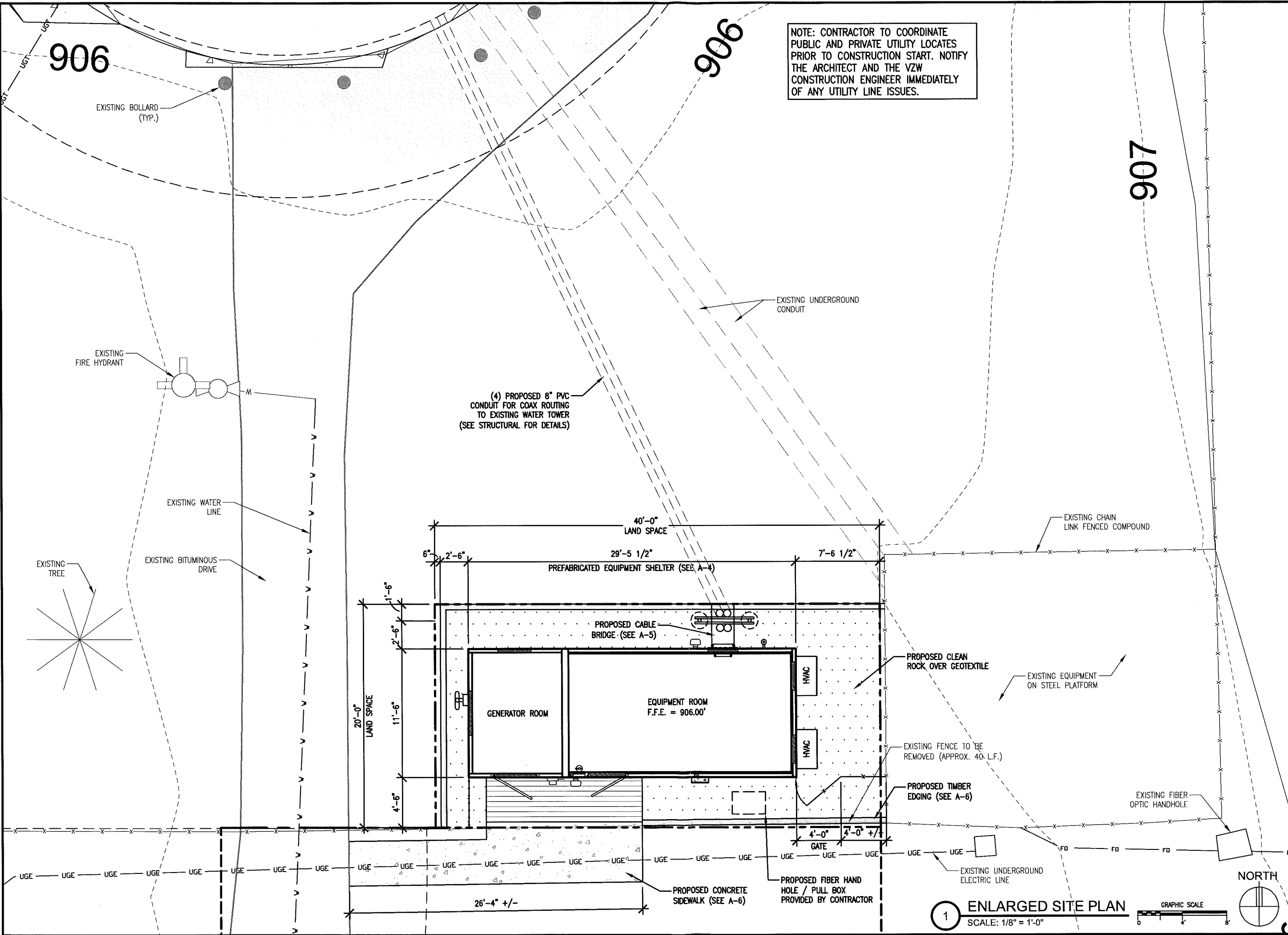
Engineering Review

SEH, Inc, the City's engineering consultant, has reviewed the proposed plans and determined that the installation will not interfere with the use of the water tower from a structural or operational perspective.

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 recommend approval to the City Council, 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 equipment site and an easement for ingress and egress.
4. A landscape plan shall be submitted for approval by the City Planner. The landscaping shall be planted to provide visual screening of the equipment structure from Lexington Avenue.
5. 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.
6. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 4:00PM and 6:00PM CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).
7. The applicant shall enter into a Wireless Telecommunications Tower/Antenna Agreement with the City, as required.



NOTE: CONTRACTOR TO COORDINATE PUBLIC AND PRIVATE UTILITY LOCATES PRIOR TO CONSTRUCTION START. NOTIFY THE ARCHITECT AND THE VZW CONSTRUCTION ENGINEER IMMEDIATELY OF ANY UTILITY LINE ISSUES.

NOT FOR CONSTRUCTION

DESIGN 1

ROBERT J DAVIS, AIA
ARCHITECT
9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299

VERIZON WIRELESS

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(612) 720-0030

PROJECT
20130875561

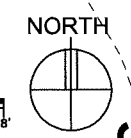
MINC
CHICLETS

LEXINGTON AVE. N.
SHOREVIEW, MN 55126

SHEET CONTENTS:
ENLARGED SITE PLAN

DRAWN BY:	CDB
DATE:	09-19-13
CHECKED BY:	CDB
REV. A	10-07-13

1 ENLARGED SITE PLAN
SCALE: 1/8" = 1'-0"



A-2

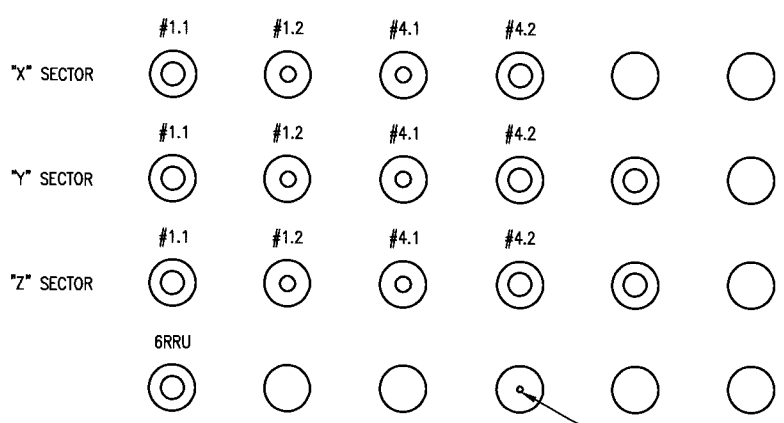
PROPOSED ANTENNA KEY												
	AZIMUTH	POSITION	FUNCTION	QTY	MANUFACTURER	MODEL	MOD TYPE	ANTENNA LENGTH	ANTENNA TIP	ANTENNA CENTER	ELEC DOWNTILT	MECH DOWNTILT
"X" SECTOR	320°	1.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	CDMA +45	96.4"	144'	140'	2'	0'
	320°	1.2	TX/RX1	-	-	2ND PORT	LTE -45	-	-	-	-	-
	320°	2.1	TX/RX0	1	ANTEL	WBX065X17M050	EVDO +45	54.7"	142.4'	140'	0'	0'
	320°	2.2	TX/RX1	-	-	2ND PORT	AWS -45	-	-	-	-	-
	320°	3.1	TX/RX0	1	ANTEL	WBX065X17M050	AWS +45	54.7"	142.4'	140'	0'	0'
	320°	3.2	TX/RX1	-	-	2ND PORT	EVDO -45	-	-	-	-	-
	320°	4.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	LTE +45	96.4"	144'	140'	2'	0'
	320°	4.2	TX/RX1	-	-	2ND PORT	CDMA -45	-	-	-	-	-
"Y" SECTOR	80°	1.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	CDMA +45	96.4"	144'	140'	2'	1'
	80°	1.2	TX/RX1	-	-	2ND PORT	LTE -45	-	-	-	-	-
	80°	2.1	TX/RX0	1	ANTEL	WBX065X17M050	EVDO +45	54.7"	142.4'	140'	0'	0'
	80°	2.2	TX/RX1	-	-	2ND PORT	AWS -45	-	-	-	-	-
	80°	3.1	TX/RX0	1	ANTEL	WBX065X17M050	AWS +45	54.7"	142.4'	140'	0'	0'
	80°	3.2	TX/RX1	-	-	2ND PORT	EVDO -45	-	-	-	-	-
	80°	4.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	LTE +45	96.4"	144'	140'	2'	1'
	80°	4.2	TX/RX1	-	-	2ND PORT	CDMA -45	-	-	-	-	-
"Z" SECTOR	200°	1.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	CDMA +45	96.4"	144'	140'	2'	1'
	200°	1.2	TX/RX1	-	-	2ND PORT	LTE -45	-	-	-	-	-
	200°	2.1	TX/RX0	1	ANTEL	WBX065X17M050	EVDO +45	54.7"	142.4'	140'	0'	0'
	200°	2.2	TX/RX1	-	-	2ND PORT	AWS -45	-	-	-	-	-
	200°	3.1	TX/RX0	1	ANTEL	WBX065X17M050	AWS +45	54.7"	142.4'	140'	0'	0'
	200°	3.2	TX/RX1	-	-	2ND PORT	EVDO -45	-	-	-	-	-
	200°	4.1	TX/RX0	1	COMMSCOPE	BXA-70063-BCF-2	LTE +45	96.4"	144'	140'	2'	1'
	200°	4.2	TX/RX1	-	-	2ND PORT	CDMA -45	-	-	-	-	-

PROPOSED COAX KEY							
QTY.	COAX TYPE	MANUFACTURER	MODEL	DIELECTRIC	DIAMETER (INCH)	RUN (FEET)	
1	MAIN	ANDREW	AVA7-50	FOAM	1-5/8"	230'	
1	MAIN	ANDREW	AVA5-50	FOAM	7/8"	230'	
1	DIPLEX	COMMSCOPE	E15S09P49	DIPLEXED W/	850		
1	RRU	ERICSSON	(1) COMMSCOPE HFT412-2S28-9 FIBER FEED TAIL FROM MAIN DIST. BOX TO RRU				
-	DIPLEX	COMMSCOPE	E15S09P49	DIPLEXED W/	850		
1	MAIN	ANDREW	AVA5-50	FOAM	7/8"	230'	
1	MAIN	ANDREW	AVA7-50	FOAM	1-5/8"	230'	
1	MAIN	ANDREW	AVA7-50	FOAM	1-5/8"	230'	
1	MAIN	ANDREW	AVA5-50	FOAM	7/8"	230'	
1	DIPLEX	COMMSCOPE	E15S09P49	DIPLEXED W/	850		
1	RRU	ERICSSON	(1) COMMSCOPE HFT412-2S28-9 FIBER FEED TAIL FROM MAIN DIST. BOX TO RRU				
1	DIPLEX	COMMSCOPE	E15S09P49	DIPLEXED W/	850		
1	MAIN	ANDREW	AVA5-50	FOAM	7/8"	230'	
1	MAIN	ANDREW	AVA7-50	FOAM	1-5/8"	230'	
28	JUMPER	ANDREW	LDF5-50	FOAM	1/2"	30'-40'	

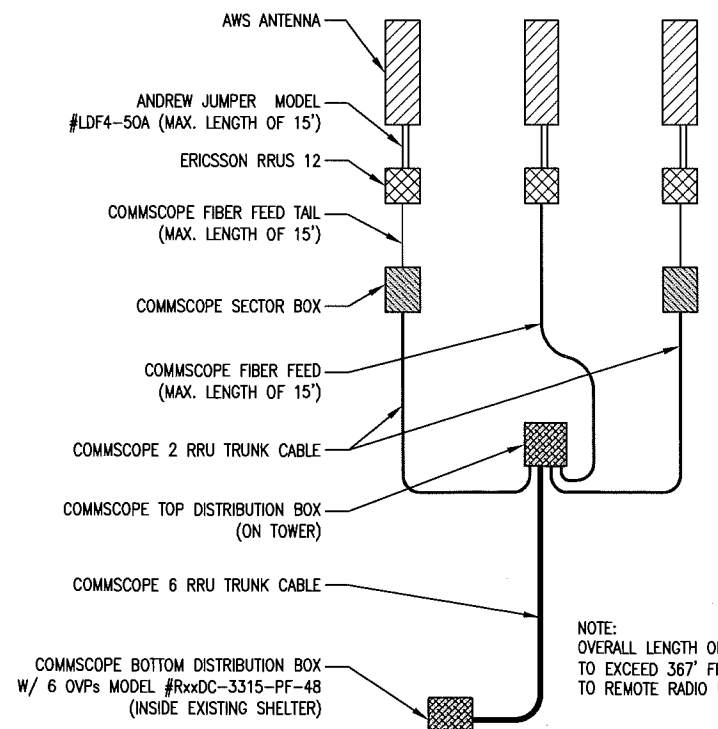
(2) COMMSCOPE MAIN DISTRIBUTION BOXES RXXDC-3315-PF-48 (1 IN SHELTER, 1 AT "Z" SECTOR)
 (2) COMMSCOPE SECTOR DISTRIBUTION BOXES RXXDC-1064-PF-48 (1 AT "X" SECTOR, 1 AT "Y" SECTOR)
 FROM SHELTER BOX TO MAIN DIST. BOX (TOP) AT "Z" SECTOR USE HYBRID CABLE HFT1206-24S26-220
 FROM MAIN DIST. BOX (TOP) TO SECTOR BOX AT "X" SECTOR USE HYBRID CABLE HFT406-BS25-40
 FROM MAIN DIST. BOX (TOP) TO SECTOR BOX AT "Y" SECTOR USE HYBRID CABLE HFT406-BS25-40

2 COAX KEY
SCALE: NONE

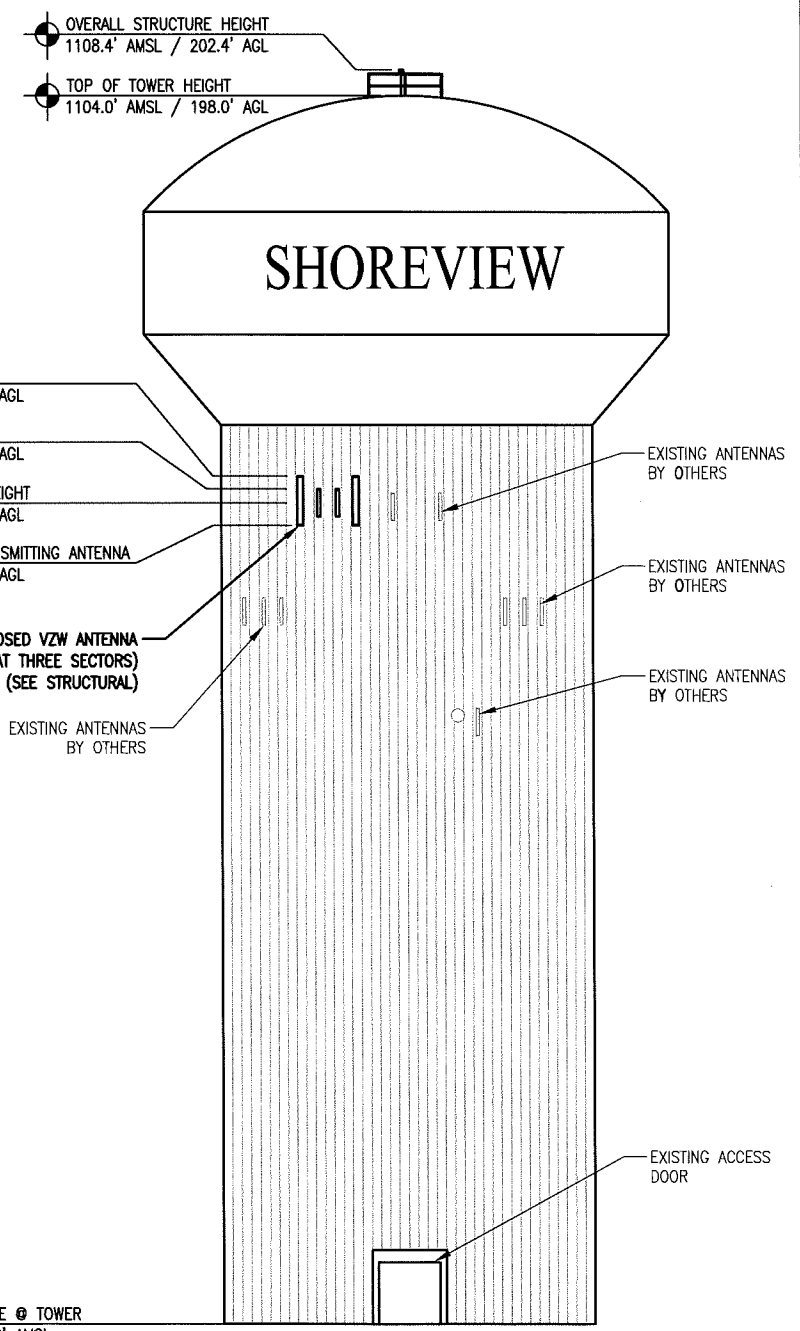
3 ANTENNA KEY
SCALE: NONE



4 COAX ENTRY DETAIL (VIEW FROM INSIDE)
SCALE: NONE



6 AWS ONE-LINE DIAGRAM
SCALE: 3/32" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1" = 30'
GRAPHIC SCALE: 0 15 30'

NOT FOR CONSTRUCTION

DESIGN
ROBERT J DAVIS, AIA
ARCHITECT
9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55434
(952) 903-9299

VERIZON WIRELESS
10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(612) 720-0030

PROJECT
20130875561

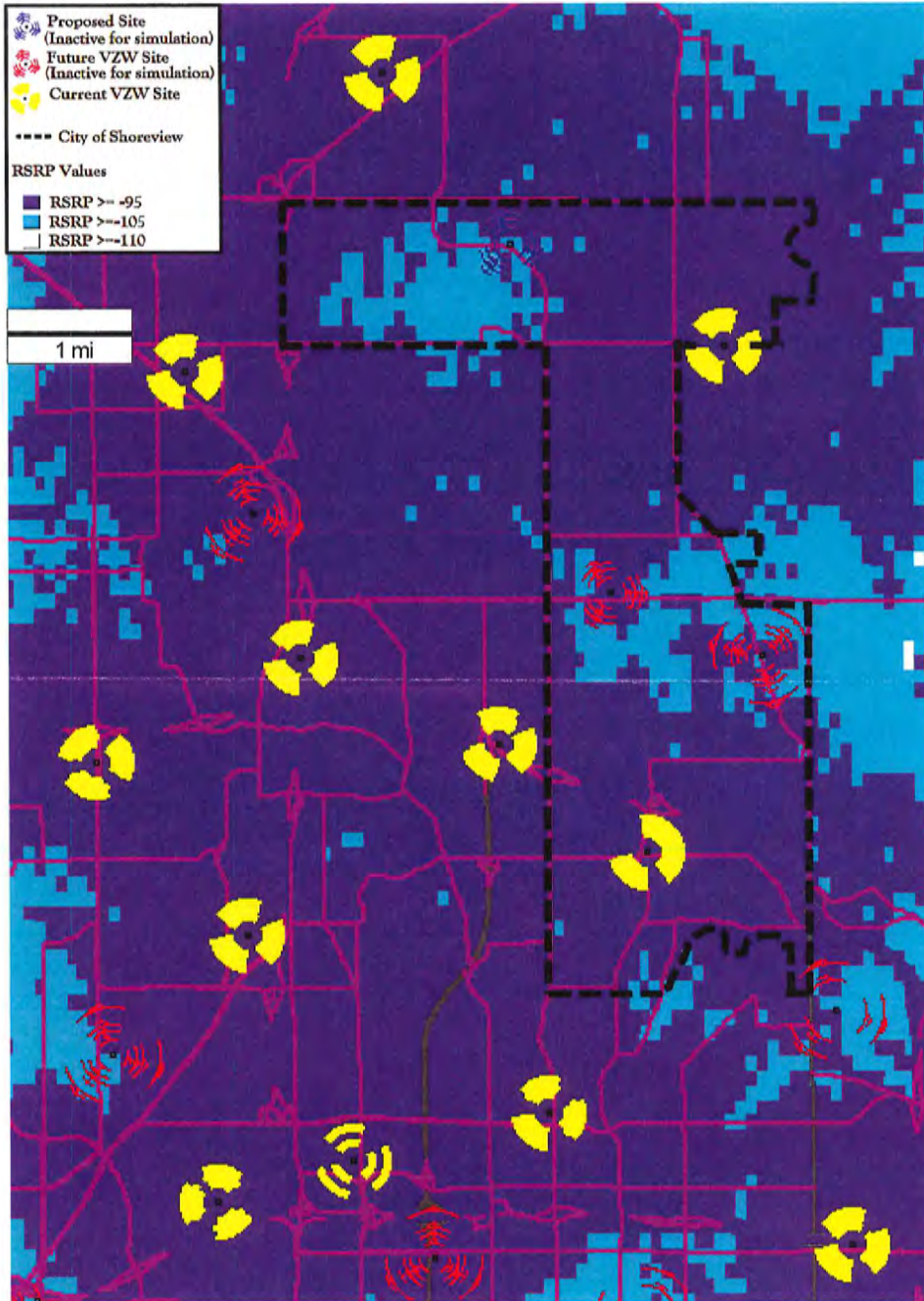
MINC CHICLETS

LEXINGTON AVE. N.
SHOREVIEW, MN 55126

SHEET CONTENTS:
TOWER ELEVATION
COAX & ANTENNA KEY
GPS DETAIL & ELEVATION
ANTENNA MOUNTING DETAIL
COAX ENTRY DETAIL

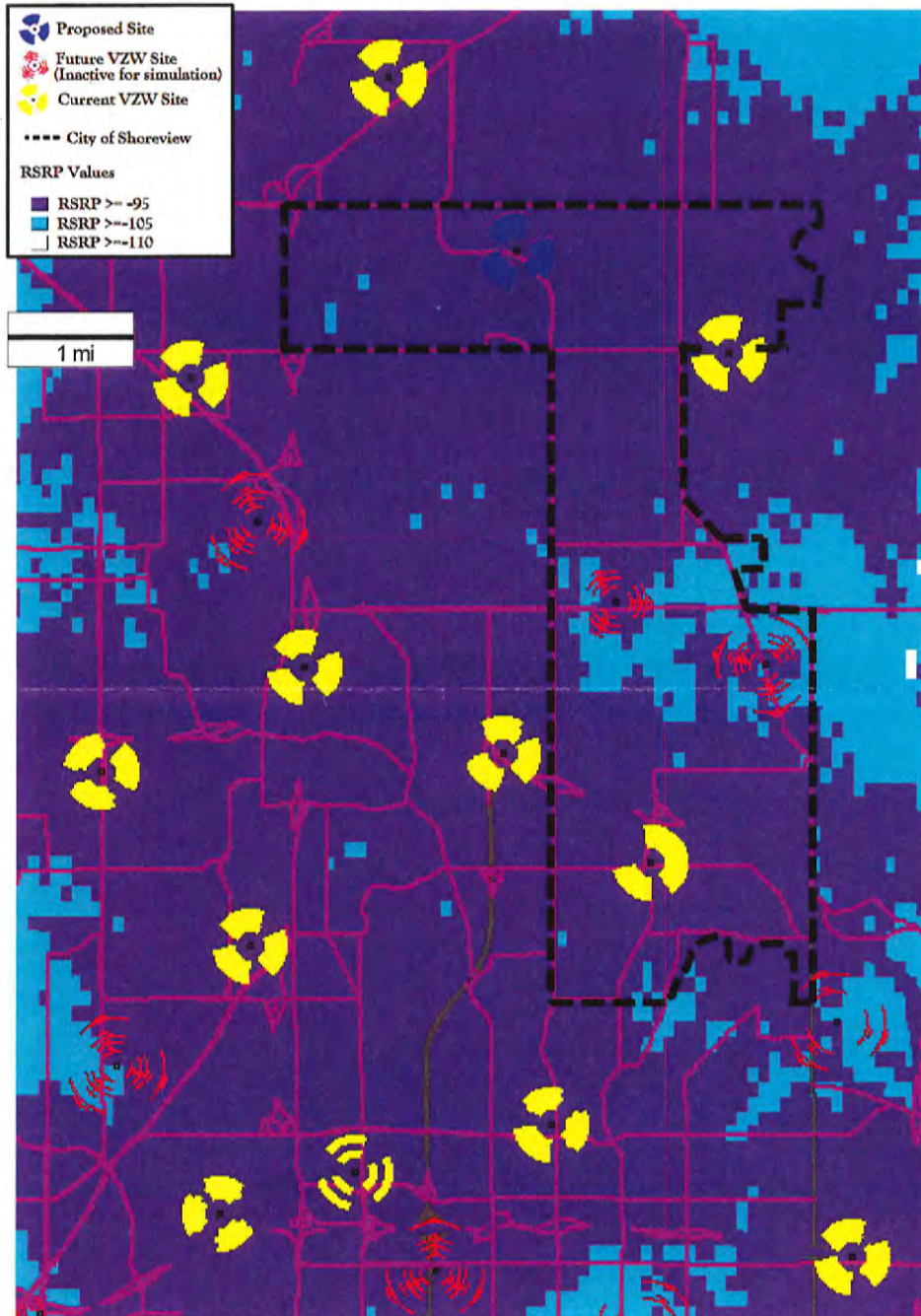
DRAWN BY: CDB
DATE: 09-19-13
CHECKED BY: CDB
REV. A 10-07-13

Exhibit E for Question 11(b)



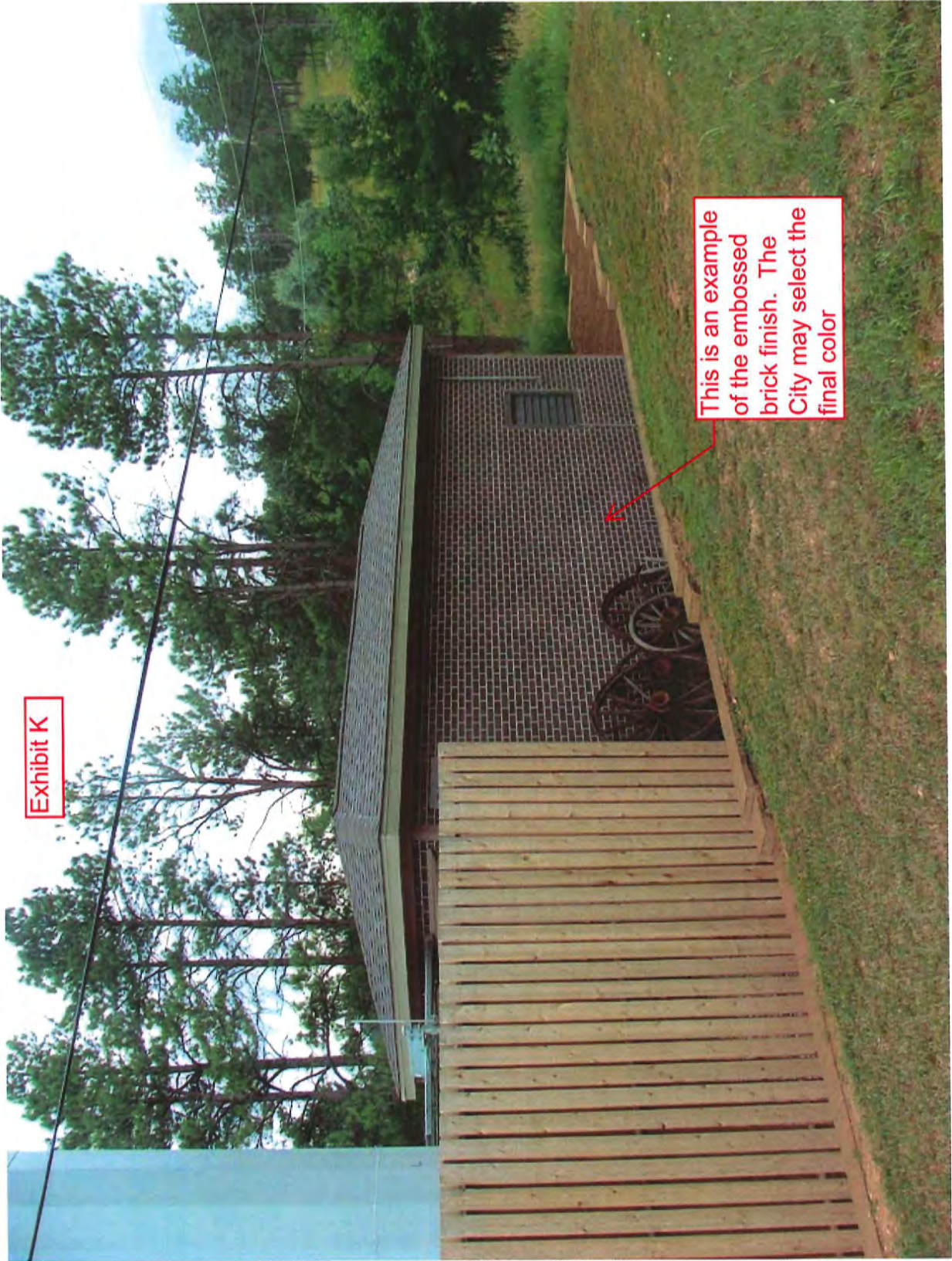
Map of RSRP Coverage from Current VZW Sites (Proposed and Future Sites inactive for simulation)

Exhibit G to Question 11(d)



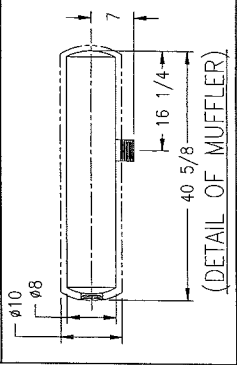
Map of RSRP Coverage from Proposed and Current VZW Sites (future sites are inactive for simulation).

Exhibit K

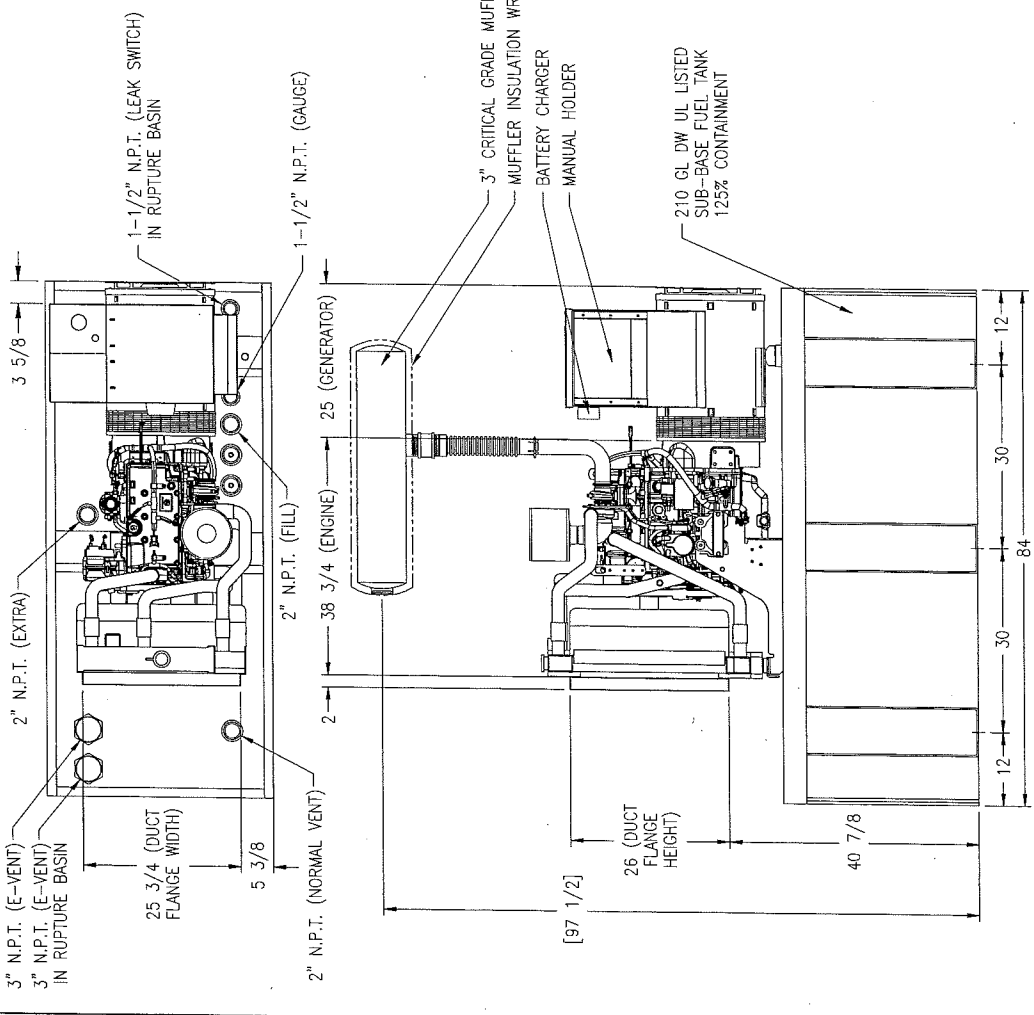
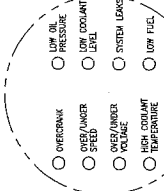


This is an example of the embossed brick finish. The City may select the final color

DWG. # : VERSO_JC60T3(4024HF285)OPU-ND-23



- NOTES:
- 1) APPROX. WEIGHT: (WET) 4000#
 - 2) REFERENCE BASE/TANK DRAWING: 108-3141
 - 3) [X] DIMENSIONS MAY VARY DUE TO FLEX ENGAGEMENT
 - 4) MUFFLER WEIGHT SUPPORT BY CUSTOMER
 - 5) EXHAUST SYSTEM NOT SHOWN ON TOP VIEW



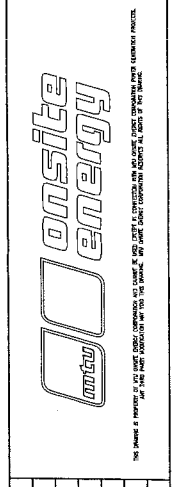
DIMENSIONAL LAYOUT

DRAWN TO SCALE	MODEL: VERSO_JC60T3
ALL DIMENSIONS ARE IN INCHES	DRAWN BY: JDA
DATE: 05-22-12	


DWG. # : VERSO_JC60T3(4024HF285)OPU-ND-23

GEN-SET INFORMATION

ENGINE: 4024HF285	ENCLOSURE: NA
GENERATOR: 361 PSL	BREAKER: 200A
RADIATOR: 86880 (DR-2853)	TANK: 210 GALLON
RADIATOR AMBIENT: 50C	MUFFLER: 3 CRITICAL
DUCT FLANGE: 84014	TRAILER: NA
CONTROL PANEL: DGC-2020	ISOLATORS: PADS
BASE: 108-3141	



REVISION	DATE	INITIALS	DESCRIPTION
A	05-22-12	JDA	INITIAL RELEASE TO SALES AND ENGINEERING



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS • EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

November 6, 2013

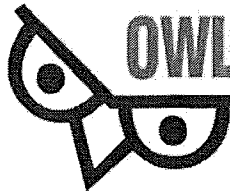
City of Shoreview
Mr. Robert Warwick
Senior Planner
4600 Victoria St. N
Shoreview, MN 55126

Reference: Shoreview North Water Tower Updated Interference Study

Dear Mr. Warwick:

I have completed the intermodulation (interference) study for the proposed modification to the Verizon communications system on the North Water Tower at 5880 Lexington Ave. in Shoreview. This study is an update of the previous one that was performed with the addition of the Clearwire Wireless system. In the case where existing tenants' channels were available they were used. Because of the large amount of potential frequencies available with some of the technologies already on the tower a random subset of each of these types of technologies was selected for the analysis. I also considered the microwave systems that operate in the 18 & 23 GHz bands using highly directive dish antennas. Additionally, I included any city frequencies used by Public Works and Public Safety even though they were not installed on the water tower. This was so if a mobile unit passed nearby or if they were mounted in the future, protection was considered. The existing users on the tower that were examined were Sprint, T-Mobile, Clearwire and Verizon.

The study shows that there are no predicted (low order) interference intermodulation products generated from combinations of existing and proposed channels at this site. When the proposed communications facility is constructed, antenna separation, antenna pattern directionality properties and equipment filtering will further reduce the potential of intermodulation induced interference. This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst-case scenario using as many as five transmitters operating simultaneously (which is a rare occurrence).



OWL ENGINEERING & EMC TEST LABS, INC.

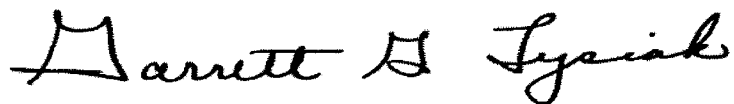
CONSULTING COMMUNICATIONS ENGINEERS • EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

In summary, the use of good engineering and installation practices should mitigate any interference to any existing communications systems on the tower and it is my opinion that the Verizon proposed modifications should not cause any harmful interference problems on the tower to any of the existing communications systems.

If you have any questions in this matter please contact me.

Sincerely,



Garrett G. Lysiak, P.E.



Robert Warwick <rwarwick@shoreviewmn.gov>

Request for Comment - Verizon Wireless Antenna

Tom Skwarek <trskwarek@comcast.net>

Thu, Nov 28, 2013 at 6:49 PM

To: rwarwick@shoreviewmn.gov

Mr. Warwick,

My name is Tom Skwarek, and I live at 1224 Woodcrest Ave.

I have received the Request for Comment and would like to offer the following comments regarding the Verizon Wireless antennas to be located on the north Shoreview water tower.

1. Please do not use power generators during the construction and installation of the antennas. In the past power generators were used creating a large noise profile while they constructed the equipment cage and placed the antennas.
2. There has been an insufficient amount of landscaping around the ground structures, leaving an eyesore of equipment to look at. With the adjacent property about to be developed, more neighbors will have to look at the equipment cages without any landscaping, shrubs, evergreens to hide the equipment. I believe in the past, some evergreens were placed on the Lexington side of the equipment and were not properly watered and subsequently either died or have shriveled in size.

Regards,

Tom Skwarek
1224 Woodcrest Ave

PROPOSED MOTION

MOVED BY COMMISSIONMEMBER _____

SECONDED BY COMMISSIONMEMBER _____

To recommend to the City Council approval of the Wireless Telecommunications Facility Permit application for Verizon Wireless LLC to collocate antenna on the existing City-owned water tower located at 5880 Lexington Avenue, and to install an equipment shelter within a 20 by 40 leased area, 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 equipment site and an easement for ingress and egress.
4. A landscape plan shall be submitted for approval by the City Planner. The landscaping shall be planted to provide visual screening of the equipment structure from Lexington Avenue.
5. 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.
6. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 4:00PM and 6:00PM CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).
7. The applicant shall enter into a Wireless Telecommunications Tower/Antenna Agreement with the City, as required.

Approval is based on the following findings of fact:

1. The site is located in the TOD-2 where wireless telecommunications facilities collocated on an existing tower is a permitted use.
2. The proposal complies with the adopted City standards for Wireless Telecommunications Facilities, as specified in Section 207.040 of the Municipal Code.

VOTE: **AYE** _____
 NAY _____

Regular Planning Commission Meeting, December 10, 2013

TO: Planning Commission

FROM: Kathleen Castle, City Planner

DATE: December 5, 2013

RE: File No. 2511-13-38, City of Shoreview - Text Amendment, Section 211.070 – Housing Code

Introduction

The City is proposing to amend the Section 211.070, Housing Code to address the maintenance of common areas located within multi-family residential complexes. This past year, the City has become aware of maintenance issues located within the common area of some multi-family residential complexes within the community. Review of the City’s Housing Code found that the regulations did not address the maintenance of interior common areas and only addressed the individual dwelling units. The intent of the proposed text amendment is to establish minimum maintenance standards for the common areas in order to prevent conditions that may impact the health and safety of occupants and preserve the quality of multi-family buildings.

Proposed Text Amendment

The proposed amendment adds the terms “structure” and “common areas” to Section 211.050 (D), Interior of Structures, so the regulations identified in this section apply to these areas in multi-family residential structures. As the ordinance is currently written, these regulations apply only to the interior of dwelling units. In addition, language has been added to address common waste disposal facilities and elevators.

Public Comment

Notice of the public hearing was published in the City’s legal newspaper November 27, 2013. Mailed notice was also sent to the multi-family residential communities in the City, including condominium buildings where interior common areas are present. One telephone call was received from a property manager who had no concerns about the proposed ordinance but did seek further information on carbon monoxide detectors.

With respect to the regulations pertaining to elevators, the Staff did discuss the proposed changes with Staff from the State Department of Labor and Industry, which enforces elevator regulations. Changes were made in accordance with their comments.

Recommendation

The proposed text changes establish minimum maintenance standards for the interior common areas in multi-family residential structures. Concerns regarding the interior condition of common areas in complexes have been raised by residents. These maintenance issues are also of concern due to the age of some of these complexes. The City’s Housing and Code Enforcement Officer will review these items each year with the inspection of the dwelling units. Staff is recommending the Commission forward a recommendation of approval to the City Council.

Proposed text changes are highlighted in red and underlined

PROPOSED TEXT AMENDMENT

211.070 Housing Code

- (D) Interior of Structures. The interior of residential structures, including common areas of multi-family dwellings, ~~dwelling units~~ in the City shall comply with the following standards:
- (1) Interior Walls, Floors, Ceiling and Woodwork. Interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in workmanlike repair. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
 - (2) Hallways. The width of hallways shall be not less than 36 inches. The height of hallways shall not be less than 7 feet nominal, with clearance below projections from the ceiling of not less than 6 feet and 8 inches nominal, except existing approved hallways shall be permitted to continue its use.
 - (3) Number of Means of Escape. In any dwelling or dwelling unit of two rooms or more, means of escape shall be provided in accordance with the following:
 - a. Primary Means of Escape. Every sleeping room and living area shall have a primary means of escape. This escape shall be a door, stairway or ramp providing a means of unobstructed travel to the outside of the dwelling unit or street ground level.
 - b. Secondary Means of Escape. Every sleeping room shall have a secondary means of escape which shall be a door, stairway or ramp providing a means of unobstructed travel to the outside of the dwelling unit or street ground level, or an outside window conforming to the requirements of the Minnesota State Building Code.
 - c. Except that a secondary means of escape shall not be required when there is a door leading directly to the outside of the building at or to ground level; or when the dwelling unit is protected by an approved automatic sprinkler system; or when there is an existing approved means of escape.

- (4) Access.
- a. Where access is permitted by way of windows, the windows shall be arranged and maintained so as to be easily opened.
 - b. There shall be no obstructions by railings, barriers or gates that divide the open space into sections appurtenant to individual rooms, apartments or other occupied spaces.
 - c. In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.
- (5) Stairs and walking surfaces. Every stair, ramp, landing or other walking surface, including carpeting and other surfaces shall be maintained in sound condition and good repair and not be of a tripping hazard.
- (6) Plumbing systems. Plumbing systems shall be maintained in good working order, and must be kept free from obstructions, leaks and defects.
- (7) Connected to water and sewer system. Kitchen sinks, lavatory basins, bathtubs, or showers and water closets shall be properly connected to either the municipal water and sewer system or to an approved private water and sewer system, and shall be supplied with hot and cold running water.
- (8) Heating Facilities. Single and multiple family dwellings shall have heating facilities which are safely maintained and in good working condition, and that said facilities be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein. The heating facilities shall be capable of maintaining a minimum room temperature of seventy (70) degrees Fahrenheit (twenty-one (21) degrees Celsius) at three (3) feet above the floor in all habitable rooms including bathrooms and under all weather conditions.
- (9) Electrical service, outlets, and fixtures. Residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code. Electrical outlets and fixtures shall be maintained and connected to the source of electrical power in accordance with the provisions of the Building Code.
- (10) Light and ventilation. No owner shall occupy or allow another to occupy any residential structure or dwelling unit, for the purpose of living, sleeping, cooking, and/or eating therein which does not comply with the provisions of

the Building Code for light and ventilation. Lighting and ventilation shall be maintained in sound condition and workmanlike repair.

(11) Fire safety. No owner shall occupy or allow another to occupy any residential structure or dwelling unit which does not comply with the applicable provisions of the Uniform Fire Code and all accepted standards for safety from fire.

- a. Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with International Fire Code Section 907.2.10 and Minnesota State Statute 299F.362.
- b. Carbon Monoxide Detectors: Every single-family dwelling and every multifamily dwelling unit shall be provided with an approved and fully operational carbon monoxide alarm within ten (10) feet of each room lawfully used for sleeping purposes in accordance with Minnesota Statutes 299F.050 and .051.

(12) Cleanliness. Residential structures and dwelling interiors shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse so as not to breed insects and rodents, produce dangerous gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.

(13) Common Solid Waste Disposal Facilities. Interior solid waste disposal facilities designed for common use by occupants of multi-family residential structures shall be maintained in sound condition and workman like manner. Waste shall be disposed of in a timely manner to prevent the accumulation of garbage and refuse.

(14) Elevators and Related Devices. Elevators shall be maintained in accordance with Minnesota Rules Chapter 1307, Elevators and Related Devices.

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the amendment to Section 211.070, Housing Code to address the maintenance of common areas located within multi-family residential complexes.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – December 10, 2013

T:\2013 Planning Case Files\2511-13-38ShoreviewTextAmendment\pmotion