

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: MAY 23, 2017
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

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

2. APPROVAL OF MINUTES
April 25, 2017

3. REPORT ON CITY COUNCIL ACTIONS
*Meeting Date: May 1, 2017 and May 15, 2017
Brief Description of Meeting process- Chair John Doan*

4. NEW BUSINESS

A. PUBLIC HEARING - CONDITIONAL USE PERMIT*/VARIANCE
*FILE NO: 2660-17-13
APPLICANT: Max and Beth Segler/ Moser Homes
LOCATION: 1265 Sunview Court*

5. MISCELLANEOUS

A. TEXT AMENDMENT- Small Cell Wireless

B. DESTINATION SHOREVIEW 2040 - COMPREHENSIVE PLAN

C. City Council Meeting Assignments for June 5, 2017 and June 19, 2017 are Doan and Yarusso

6. ADJOURNMENT

**These agenda items require City Council review or action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward the application to City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at City Council, please check the City's website at www.shoreviewmn.gov or contact the Planning Department at 651-490-4682 or 651-490-4680*

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO.: 2655-17-08
APPLICANT: ANTHONY MARAS
LOCATION: 4324 SNAIL LAKE BOULEVARD

Presentation by Economic Development and Planning Associate Niki Hill

The Conditional Use Permit (CUP) application has been submitted to construct a 440 square foot detached garage. The property is greater than 1/2 acre in size but less than 1 acre, which allows a detached accessory structure at a maximum of 288 square feet. The size of the proposed structure exceeds this maximum and requires a CUP. The CUP process is a review of the request according to the Development Code standards and consistency with the Comprehensive Plan.

The property is zoned R1, Single Family Detached. The lot area consists of 0.61 acres with a lot width of 120 feet. Existing on the property is a single family home with 1,980 square feet of foundation area and a 528 square foot attached tuck-under garage. The maximum accessory structure of 1200 square feet or 90% of the dwelling unit foundation area does apply with a CUP application.

The proposed detached garage would be 20 feet x 22 feet placed 14 feet from the north property line and 66 feet west of the rear property line. The structure will be used for storage and other garage purposes. It complies with all height and design standards. The height is 17 feet with an upper storage area. The exterior materials will match the existing home. Staff is recommending vegetation screening in the setback area along the north property line.

Notices were sent to nearby property owners. One comment was received in support of the project.

Staff finds the use is consistent with the Development Code and Comprehensive Plan policies. The single-family home will remain the primary structure on the property. The total of all accessory structures is less than the limit of 1,200 square feet. Staff is recommending the application be forwarded to the City Council with a recommendation for approval.

City Attorney Beck stated that he has reviewed the notice which is proper for the public hearing.

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

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson to close the public hearing at 7:16 p.m.

VOTE: Ayes - 7 Nays - 0

Commissioner Solomonson stated that he will support the proposal as it does comply with Development Code standards and Comprehensive Plan policy.

Commissioner Peterson expressed his support and stated that he would prefer to see vegetative screening rather than a fence along the north property line which abuts Ramsey County open space.

MOTION: by Commissioner Peterson, seconded by Commissioner Thompson to recommend the City Council approve the Conditional Use Permit submitted by Anthony Maras, 4324 Snail Lake Blvd, to construct a 20' x 22', 440 square foot detached accessory structure on his 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. Vegetation and/or screening shall be installed on the north side of the garage to lessen the visual impact to the adjacent home to the north.
4. The applicant shall obtain a building permit for the structure.
5. The structure shall be used for storage of personal property and other garage related purposes.
6. 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 structures are met.
4. The structure and land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE: **Ayes - 7** **Nays - 0**

SITE AND BUILDING PLAN REVIEW

FILE NO. : **2657-17-10**
APPLICANT: **RAMSEY COUNTY PARKS AND RECREATION DEPARTMENT**
LOCATION: **300/370 NORTH OWASSO BOULEVARD**

Presentation by City Planner Kathleen Castle

The application is for renovation and improvements to Lake Owasso County Park that will enhance the park facilities for park users. The park consists of approximately 9 acres with frontage on both Lake Owasso and Lake Wabasso. It is bisected by North Owasso Boulevard. Renovation will occur in two phases. Phase I improvements in 2017 include boat trailer parking, picnic shelters, boat launches, parking, the beach house and beach on Lake Owasso. There is a trail system proposed throughout the park and along North Owasso Boulevard.

Phase II will occur after the street reconstruction of North Owasso Boulevard in 2020. North Owasso Boulevard is a City street. Ramsey County has been working closely with the City to make sure there is the least amount of conflict between the road reconstruction plans and park renovation. The City and Ramsey County are partnering with Ramsey-Washington Metro Watershed District who is designing the storm water management plan for both the park and the road reconstruction. The storm water management plan will be completed in Phase II and will include permeable pavers, underground storage and rain gardens.

The land use designation of the property is park use. The property is zoned R1, Detached Residential and Shoreland Management. Parks are a permitted use in the R1 District. The proposal complies with the minimum 50-foot setback required from the Ordinary High Water (OHW) mark. On Lot E there are a few parking stalls in the setback area due to the shallow depth of land south of North Owasso Boulevard.

Parking improvements include 144 parking stalls in five parking lots throughout the park. Boat trailer parking will be separated from general parking. One-way drive aisles will improve traffic circulation. Crosswalks and trail connections are planned across North Owasso Boulevard.

The park will have two seasonal restroom buildings and a small picnic shelter. The architecture design incorporates sustainability with solar panels and daylighting. Use of solar panels will mean net zero energy use. Five landmark trees will be removed and replaced on a 1:1 ratio.

Property owners within 350 feet were notified of the proposal. One comment was received in support of the project but questioned the placement of the trash enclosure. The preference is to leave the trash enclosures on the south side further from the residential neighborhood. The main trash receptacle is on the south side. Smaller trash containers will be located throughout the park.

Staff finds the proposal is consistent with the Comprehensive Plan and Development Code. The planned improvements that include a storm water management plan and use of sustainability architecture will enhance this park facility for park users. Approval is recommended with the conditions listed in the staff report.

Commission Discussion

Commissioner McCool asked if current parking is overwhelmed and whether there will be enough parking with the new improvements. Ms. Castle stated that the City has not received

complaints about parking. The recommendation from the DNR is to keep the same amount of parking.

Commissioner Solomonson asked the reason the temporary crosswalk in Phase I is shifted in Phase II. Ms. Castle explained that the crosswalk is being moved in Phase II so that it is on the east side beyond the two driveways into the parking lot for safety reasons.

Mr. Gus Blumer, Project Manager, stated that after public input on parking, it was decided to provide parking on both sides of North Owasso Boulevard with one-way drive aisles to make circulation more efficient and safer. A trail loop will be incorporated which is not now present. The proposal was originally for 28 boat trailer parking stalls, which is 3 more than currently exist. In working with the Ramsey-Washington Metro Watershed District and wetland buffers to reduce impervious surface, that number has been reduced to 25. The two parking stalls around the trash enclosure have been removed to provide a better buffer to wetland.

Commissioner Solomonson asked about shade structures, picnic tables on the south side and placement of benches. Mr. Blumer explained that shade structures will be seasonal and taken down in the fall. Picnic tables will be located on the south side, and benches will be placed throughout the park.

Commissioner Solomonson asked the reason for the fishing pier being moved to the Lake Wabasso side. **Mr. Blumer** explained that there is a need to not have the fishing pier be in conflict with the boat activity and beach on Lake Owasso. Lake Wabasso has better fishing and is deeper. Commissioner Solomonson further asked what will be in the open space adjacent to the residential area to the northeast. **Mr. Blumer** stated that the area has been mowed in the past and will become a native plant area.

Commissioner Wolfe asked if there will be lighting on the trails. **Mr. Blumer** answered that there will not be lighting due to the County ordinance that the park closes one hour after sunset. Also, there will be new improved lighting with the City's road project, which will be adequate for the park.

Commissioner Wolfe noted the three crossings over North Owasso Boulevard and asked if there will be an option to cross either over or under the road for safety reasons and what the speed designation will be. **Mr. Blumer** stated that the space is too limited to put in a ramp for a walkway over the road. The speed will be determined by the City, as the road is under City jurisdiction.

Commissioner Peterson asked what parking options are available for potential increased demand with these improvements. **Mr. Blumer** stated that there are limited options. Because of the land constraints, it was difficult to put in the amount of parking planned. Use of picnic shelters is popular but not anticipated to increase substantially. The beach use may increase.

Commissioner Yarusso asked what provision will be made for safety for anticipated increase of bike traffic. **Mr. Blumer** stated that there is an existing 10-foot off road trail on the north side of Owasso Boulevard that will remain.

Chair Doan asked if the ADA compliant swim platform is unique to this park for the Courage/Kenney waterski program or is included in other County parks. **Mr. Blumer** responded that the swim platform is unique to Minnesota for handicapped access. It was not requested by the Courage/Kenney organizations.

Chair Doan encouraged use of handicapped accessible ramps in all parks. **Mr. Blumer** noted that the County has hired a universal design consultant. A tool kit for park development that includes handicapped access is being put together that will be carried over into other park projects.

Commissioner Thompson asked how the nature play area on the Wabasso side will change. **Mr. Blumer** stated that there will be a swing set but no other man made structures. Trees that are taken down will be designed into activities centers, such as a nest, balance logs, steppers. Slides will be incorporated into the natural slopes. A water play area will be included.

Chair Doan asked for comments from the public. There were no comments or questions.

MOTION: by Commissioner Solomonson, seconded by Commissioner McCool to recommend the City Council approve the Site and Building Plan Review application submitted by Ramsey County Parks and Recreation Department for the redevelopment of Lake Owasso County Park, 300/370 North Owasso Boulevard, subject to the following conditions:

1. This approval permits the redevelopment of the Lake Owasso County Park in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.
2. Final grading, drainage, erosion control and utility plans are subject to approval by the Public Works Director.
3. Ramsey County shall continue to work with the City and the Ramsey Washington Metro Watershed District on the stormwater management plan for the Park redevelopment.
4. Ramsey County shall continue to work with the City on items related to the roadway improvements, including pedestrian circulation throughout the park property.
5. Landmark trees removed on the property shall be replaced in accordance with the City's tree replacement requirements.
6. Lighting on site shall comply with Section 206.030 of the Development Code.
7. The Staff is authorized to issue grading and building permits for this project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the R1, Detached Residential Zoning District.
2. The use and proposed alterations are consistent with the Planned Land Use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 10, Parks.
3. The redevelopment is consistent with the Shoreland District and other applicable standards specified in the Development Code.

VOTE: **AYES - 7** **NAYES - 0**

STANDARD VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO.: 2658-17-11
APPLICANT: JIM KLEM CONSTRUCTION
LOCATION: 444 WEST HORSESHOE DRIVE

Presentation by Associate Planner Aaron Sedey

This application seeks to demolish the existing home and detached garage in order to construct a new two-story home with attached garage. The property consists of approximately 13,537 square feet with a depth of 214 feet but is a substandard riparian lot with 64 feet in width. The property is zoned R1, Detached Residential within the Shoreland Overlay District. The maximum foundation area permitted is 18%; the maximum impervious surface permitted is 27.05%. The side yard setback for a second story is required to be 10 feet.

Variances are requested for impervious surface at 30.4%, a foundation area of 19.5% and side setbacks for the second floor at 5 feet. The setbacks from the north side lot line will be 5.7 feet and 5.5 feet from the south side lot line.

The applicant states that practical difficulty is due to the narrow lot and the fact that the lot narrows further at the street. Exceeding the foundation area allowance of 27.05% allows for a front porch, which ties into the character of the neighborhood. Horseshoe Drive is a narrow street. The plan is to keep vehicles off the street by adding off-street pervious parking. If the off-street parking space were deleted, the plan would comply with the impervious surface requirement.

Staff finds that the proposal is consistent with the City's land use and housing policies. Practical difficulty is present with the substandard width of the lot. The required side yard setbacks constrains the buildable width of the lot. The proposal will not alter the character of the neighborhood but will be an improvement.

In accordance with the Shoreland Mitigation requirements, two practices are required to reduce the impact of the development on lake quality. Architectural mass will be used with earth tone colors. A vegetation area near the lake will be protected with retaining walls for erosion control. There will also be a rain garden near the street and a permeable parking space.

Residents within 150 feet were notified of the project. One comment was received expressing concern about visibility because of trees planned on the north side of the lot by the street. Staff is recommending approval of the application.

Commission Discussion

Commissioner Peterson asked if there will be gutters to direct runoff water from the roof to the street away from the lake. Mr. Sedey answered that gutters will direct runoff water to the street. Runoff from the permeable parking space will be directed to the rain garden.

Commissioner Solomonson asked for clarification of what impervious surface that will be removed and whether there is further opportunity to remove impervious surface to bring the application into compliance. Mr. Sedey stated that the patio and fire pit on the lake side will be removed. The sidewalk on the street side is 8 feet wide and will be reduced to 4 feet in width. The driveway will be narrowed.

Chair Doan asked the size of the impermeable parking space. Mr. Sedey stated that the parking space represents 3.6% of impervious surface. If it were removed, impervious surface would be in compliance.

Commissioner Peterson asked if the trees shown on the north side of the property need to extend to the street. Mr. Sedey explained that the neighbor's driveway is on the property line, which is the reason for the row of trees to the street.

Commissioner Solomonson asked the type of trees that will be planted near the street.

Mr. Chuck Wieck, Applicant, responded that he and his neighbor, Nito Quitavis, would prefer to not put in any trees along the driveway, if that would be acceptable. At the intersection of Horseshoe Drive and Maple Street, there is a bottleneck of traffic. Occasionally the driveways are used as cheating room for vehicles to pass each other.

Chair Doan asked if Mr. Wieck would be willing to make the driveway to the garage a permeable surface. **Mr. Wieck** responded that he would prefer not to have to do that. Others in the neighborhood who live on the lake have received variances for impervious surface. Those that have permeable driveways have trouble with maintenance and washouts between the pavers that create low spots. He would not like to have that much maintenance for his driveway.

Commissioner McCool asked if the parking space can be permeable. **Mr. Wieck** answered that he is willing to make the parking space permeable.

Commissioner McCool asked what alternative designs have been considered to comply with the 10-foot side setback requirement for the second story. **Mr. Wieck** stated that the stairs from the first to second floor and the rough in shell to install an elevator make it difficult to comply with the side setback requirement for the second floor.

Commissioner Peterson asked for verification of the flow of drainage. **Mr. Wieck** stated that all runoff on the street side of the house drains toward the street. Drainage on the lake side flows to the lake. He has spent considerable money in the past with tiering and riprap covering. The first slope drains to a flat tier that percolates through the ground. Water draining down the second slope hits grass before it drains into the lake.

Commissioner Solomonson asked if the parking space by the road is considered a turn-around and allowed by Code. Ms. Castle explained that riparian lots are treated differently where garages are permitted in front of the home. For non-riparian lots, a turn-around or parking area would not be permitted in front of the home.

Chair Doan opened the matter to public comment. There were no comments or questions.

Commissioner Solomonson stated that he supports the proposal because this is a unique property, and the plan fits the character of the neighborhood.

Commissioner Peterson agreed and stated the property will look much better with the garage away from the street. He is pleased to see the removal of the patio on the lake side that created runoff from impervious surface.

Commissioner McCool expressed his support noting that the setback variance is not a large encroachment and does not involve the whole side of the house. He wants to be sure the parking area in front is permeable and is included in the motion conditions. While he would like to see a smaller foundation area, the canopy over the house is a good trade off.

Chair Doan stated that because the plan has gone this far with the larger foundation area, he strongly believes requiring a permeable driveway would be reasonable. He understands the added maintenance, but maintenance is ongoing with any building project.

Commissioner Peterson asked where the water draining to the street flows. Ms. Castle answered that there is a storm sewer, but she is not sure where it flows. **Mr. Wieck** stated that the sewer runs to a catch basin at North Owasso Boulevard where there is a sediment trap and then discharges to Lake Wabasso.

Commissioner Peterson stated he would hesitate to require permeable pavers in the driveway when there is not information as to how permeability would work.

Commissioner Yarusso suggested that in the future runoff from the roof for difficult properties could be better directed to a pipe underground rather than gutters.

Mr. Jim Klem, Klem Construction, 13850 130 Street North, Stillwater, stated that the runoff from the roof will be directed to the rain garden. There will not be nearly the runoff toward the lake that exists now with the new gutters with microscreen. The gutters will not be a problem and will never have to be cleaned. The size is only 1% over of what is permitted, which is minimal.

Commissioner Solomonson stated that if the DNR were giving credit for pervious surface, he believes the parking area would be sufficient for that credit. Also, if the driveway is pervious and water would flow to the lake, it would have to go through the house and may create a water problem. Mr. Klem's statement has convinced him that water discharge will be well designed.

Commissioner McCool noted that there is a sidewalk leading to the house. If the DNR credits 50% of square footage, the parking area would be 244 square feet. If the sidewalk were to also be permeable, that would be another 110 square feet. Requiring the sidewalk to be pervious would be a compromise.

Mr. Sedey noted that the sidewalk was reduced from 8 feet to 4 feet.

Commissioner Thompson stated that she supports the proposal as long as the parking pad is permeable.

MOTION: by Commissioner McCool, seconded by Commissioner Solomonson to adopt Resolution No. 17-22, approving the variances and the residential design review applications submitted by Jim Klem Construction, 444 Horseshoe Dr. W. Said approval allows variances for the structure side yard setback and increases in the foundation area and impervious surface coverage for the construction of a single-family home. This approval is subject to the following conditions with a modification to condition No. 3 by adding a sentence that reads, “The areas designated on the plans as the permeable parking area and sidewalk must be constructed using pervious materials.”

1. The project must be setback 48.8 feet from the road.
2. The deck shown in the plans on the north side must be a minimum of 5 feet from the side property line.
3. Impervious surface coverage shall not exceed 30.4% of the total lot area as a result of this project. The applicant is encouraged to utilize pervious materials in the driveway. The areas designated on the plans as the permeable parking area and sidewalk must be constructed using pervious materials
4. The project must be completed in accordance with the plans submitted as part of the Variance and Residential Design Review applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.
6. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
7. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
8. Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. Practical difficulty is present as stated in Resolution 17-22.

Discussion:

Commissioner Peterson agreed that requiring the sidewalk to be pervious is a good compromise.

Chair Doan suggested the second sentence of condition No. 3 be changed. Commissioner McCool stated that “and sidewalk” should be stricken from the end of the second sentence.

VOTE: **Ayes - 7** **Nays - 0**

COMPREHENSIVE SIGN PLAN

FILE NO.: **2656-17-09**
APPLICANT: **GREEN MILL**
LOCATION: **1000 GRAMSIE ROAD**

Presentation by Associate Planner Aaron Sedey

The application is for a Comprehensive Sign Plan Amendment to add a new wall sign on the west side of Green Mill. The current Comprehensive Sign Plan was approved in 2014, when Hampton Inn became Best Western. At that time wall signs were removed from the west elevation, and the wall signs on the north and south sides were updated. Three new joint free standing monument signs were installed, one at I-694 and one at I-694 and Lexington were updated. A new monument sign was placed on Gramsie Road.

Code requires that wall signs not exceed 5% of the area of the building elevation for structures with a floor area of 50,000 square feet or more. The wall sign size can be a minimum of 40 square feet or a maximum of 500 square feet. The length cannot exceed 20% of the length of the building.

The application is to install a 180 square foot (height of 10 feet, length of 18 feet) wall sign on the west elevation that reads Green Mill, second line Restaurant and Bar.

Notices were sent to property owners within 350 feet of Green Mill. No comments were received.

Staff supports the sign on the west wall but has concerns about the sign being proportional in size to the wall. The previous Green Mill sign on the west wall was 7 feet by 20 feet and stretched across the top of the elevation. The proposed sign meets Code requirements.

Commission Discussion

Commissioner Solomonson asked the purpose of a wall sign on the west elevation. Mr. Sedey responded that the sign is for the traffic at I-694 and Lexington. Commissioner Solomonson noted there is a pylon sign at that location.

Ms. Angie Winkel, Applicant, stated that the opportunity to obtain this sign came when another Green Mill location closed. The plan is for more visibility from Lexington and I-694 because the pylon sign is separated from the actual location of Green Mill.

Commissioner Solomonson asked if there would be a preference for the pylon sign or the wall sign on the west elevation. **Ms. Winkel** stated that is a hard choice. The pylon sign lists three businesses and is away from the building. The wall sign would only be for Green Mill and would call attention to the Green Mill's location in the building. If the proposed sign cannot be used in this location, there will be no sign on the west wall.

Commissioner Peterson asked if the wall sign is larger than the pylon sign. **Ms. Winkel** answered that it is larger than the Green Mill portion of the pylon sign.

Commissioner Solomonson stated that the pylon sign is unique in the City and an advantage to this business, even though it is not close to the business. There should be a directional sign by the pylon sign to the Green Mill. He appreciates the desire for more visibility from Lexington but shares staff's concern that the sign is oversized for the wall.

Commissioner Peterson stated that he would like to table this matter and let the applicant and staff discuss the size issues and work out a resolution that informs people on Lexington where the Green Mill is located.

Commissioner Yarusso agreed with Commissioner Peterson. There is a question of precedent and whether the City should allow the sign because it was used at a different location for the same business. That puts the decision outside City jurisdiction, which is why she would support tabling and further discussion.

Commissioner Solomonson stated that he would like to know the size sign the City would recommend to be visible from Lexington and what size sign fits the wall in staff's opinion.

Chair Doan asked staff to present other options would achieve the goal of visibility from Lexington other than a used sign that is available.

Commissioner McCool stated that the west side has no sign at all, and people do not know what the building is from that direction. The sign will not face a residential area and will let people coming from Lexington know where the Green Mill is located.

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to approve the tabling of the Comprehensive Sign Plan Amendment submitted by Green Mill, 1000 Gramsie Road, due to staff concerns of size, proportion to the wall, and visibility of the proposed sign. This will allow the applicant the time to gather more information needed for a staff decision on the proposed sign. Also to extend the review period from 60 to 120 days.

Discussion:

Commissioner Solomonson clarified that the sign would be located to the right of the door.

Chair Doan stated that Green Mill is a valued member of the community and the reason to table this application is be able to identify location of Green Mill from Lexington.

VOTE: **Ayes - 7** **Nays - 0**

PUBLIC HEARING/TEXT AMENDMENT BEEKEEPING

FILE NO.: 2659-17-12
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by Economic Development and Planning Associate Niki Hill

Two sections of the Code would be amended to include permission to keep bees—Section 205, Zoning and Section 601, Animal Licensing. This amendment responds to a number of residents who would like to produce honey and/or address the decline of bees by establishing pollination in back yard bee hives. In recent years several communities have revised ordinances to allow beekeeping in residential areas. Currently, City Code allows non-domestic animals in the R1, Detached Residential District on properties consisting of two acres or more. Bees are defined as non-domestic animals.

In drafting this ordinance, staff has taken into account the many discussions held on beekeeping in the past year, as well as reviewed information from the Minnesota Hobby Beekeeper's Association Model Beekeeping Ordinance, and related ordinances adopted in other cities. The proposed ordinance would contain: 1) definitions; 2) bi-annual license requirement; and 3) setback requirements—25 feet from neighboring primary residential structures and also 25 feet from any public right-of-way or walkway. Hives cannot be kept in any front yard area. If hives are located closer than 25 feet to a side yard lot line, a 6-foot fly away barrier would be required. Colony density is based on the size of the property from 1/4 acre, 1/2 acre 3/4 acre and 1 acre, allowing 2, 4, 6, and 8 hives respectively.

Notices would be sent to property owners within 150 feet once a license is obtained. Insurance is not required for other animal licensing, and it was found that other communities that allow beekeeping do not require insurance.

Notice of this public hearing was published in the City's legal newspaper. No comments were received. One phone call was received from a resident with concerns about a 10-foot setback. Staff is recommending the ordinance be forwarded to the City Council for approval.

Commission Discussion

Commissioner Solomonson referred to Section 601.020 (E)(B) and stated that he would like the ordinance to specifically state the size box allowed. The ordinance only refers to frames. Also, the height of the boxes needs to be restricted. He questioned whether the fly away barrier would work if the boxes are stacked off the ground.

Commissioner Yarusso asked the standard size of frames.

Commissioner Solomonson responded that the frames can be purchased easily. On the internet an 8 x 10 frames are sold, but he is not sure that is standard.

Commissioner McCool stated the issue is how high the frames in boxes can be stacked. Stacking 8 boxes would be over 6 feet tall and above the fly away barrier, which would probably not be practical for the beekeeper. He questioned the use of dense vegetation as a fly away barrier because unless a wall of arbor vitae are planted, the vegetation would not be 6 feet in height when planted.

Commissioner Yarusso stated that there will be a defined height according to what works for the beekeeper. The purpose of the fly away barrier is meant for the bees to be at least 6 feet in the air when flying. She suggested the ordinance reference industry standard or standard that is commonly available to tighten the language.

Commissioner Solomonson stated that he would like to see a maximum height stipulated in the ordinance for stacked boxes. He asked if the boxes can be placed off the ground and whether a receptacle means multiple boxes.

Chair Doan asked if one box constitutes a hive. Ms. Castle stated that the box does constitute a hive. The ordinance limits the number of hives to 8, and the intent is a limit of 8 boxes. She stated that she has not seen boxes stacked on the ground. Usually they are on some type of platform.

Commissioner Wolfe stated that his brother keeps bees and stacks boxes 6 to 8 feet high. They are not on the ground due to moisture. As the colony grows producing more honey, more boxes are added.

Ms. Hill referred the Commission to the definition of hive in No. 13 just above Section 601.020 where it is defined as a "receptacle inhabited by a colony manufactured for that purpose." In Section E1A reference is made to colony density in regard to the number of hives based on property size. Under E1B hive structure size is defined.

Commissioner Thompson suggested defining receptacle as 9 and 5/8 inch depth and use the same language throughout the ordinance for clarity.

Commissioner Yarusso suggested that line 13 should say hive body instead of hive and that the restrictions refer to the number of hive bodies because that is the industry term for the box. Under E1A should say number of hive bodies and E1B should read "shall be kept in hive bodies...".

Chair Doan stated that E(1)(C) needs to then state, "hive bodies should be removed."

Commissioner Solomonson stated that he still believes the dimensions should be stipulated.

Commissioner McCool stated that he still has concerns and is not comfortable with the 10-foot setback. He would prefer to see 20 or 25 feet as a setback. Also, he questioned "dense vegetation" as a fly away barrier. This is not a situation where something can be planted that will grow to 6 feet. The barrier must be 6 feet immediately.

PUBLIC HEARING/TEXT AMENDMENT-PERMITTED USES IN NON-RESIDENTIAL ZONING DISTRICTS

FILE NO.: 2653-17-06
APPLICANT: CITY OF SHORVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Castle

The proposed amendment is to address recent interest in public and quasi-public uses in business zoning districts. The City is concerned about allowing non-tax generating uses in business districts. The Comprehensive Plan identifies public and quasi-public uses as public and private schools, fire and police stations, city hall, churches, YMCA and similar uses. Criteria for developing these uses require that they be compatible with adjoining uses and that they are served by an arterial or collector roadway.

Business districts in the City includes Business Park, Commercial, Office and Industrial. Currently, public and quasi-public uses are allowed in all districts except Business Park, which allows them as a conditional use. Adult education and continuing education and second level learning centers are considered a public or quasi-public use. Most public and quasi-public uses are in R1 Detached Residential Districts. However, Northeast Youth and Family Services, Oak Hill Montessori and Midwest Special Services are located in districts zoned Office.

Concerns that are driving this text amendment are:

- Preservation of land for business activities. There is only 5.5% of land in the City designated for business use. It is important to retain business use land to insure a strong business climate in the City.
- Whether public or quasi-public uses are consistent with the intended purpose of a business land use designation and zoning district.
- General land use compatibility in a business district, such as a school in an industrial area.
- Loss of tax revenue.

Staff recommends the proposed amendment to remove adult/continuing education and public or quasi-public uses from the Business Park zoning district be forwarded to the City Council for approval.

Commission Discussion

Commissioner Solomonson asked for an explanation as to why business use was taken away in the Shoreview Corporate Center for apartments. He asked where adult and continuing education be located and asked if a building could share uses. Ms. Castle responded that the City concluded that the investment for residential would be a positive for the campus as a whole. Shared uses were discussed and possibly could fit in certain areas. If so, a text amendment would be appropriate. At this time it is believed that to be the most protective, public and quasi-public uses would be eliminated.

It was the consensus of the Commission to discuss a draft ordinance before holding a public hearing. If the agenda for a regular meeting is not heavy, discussion could take place as a miscellaneous item. Otherwise, a workshop will be held.

Comprehensive Plan Kick-off Meeting

On May 11, 2017, 6:30 to 8:30 p.m., there will be a Comprehensive Plan Kick-off Meeting at the Community Center. Formal invitations will be sent by email.

ADJOURNMENT

MOTION: by Commissioner McCool, seconded by Commissioner Thompson, to adjourn the meeting at 10:16 p.m.

VOTE:

Ayes - 7

Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: May 19, 2017
SUBJECT: File No. 2660-17-13 – Variance and Conditional Use Permit – Detached Accessory Structure – Max and Beth Segler

INTRODUCTION

Max and Beth Selger submitted a conditional use permit and variance application to construct a detached accessory structure on their property at 1265 Sunview Court. The proposed structure has an area of 1350 square feet, thus requiring a conditional use permit. 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. The applicants are proposing the structure have a height of 23' 5 1/8". This exceeds the maximum allowed by 5' 5 1/8" and a variance has been requested.

SITE CHARACTERISTICS

The property is located to the north, east and west of two townhome developments, and to the south of a single family home. Access to the property is from the east end of Sunview Court. The property is zoned R1, Single Family Detached Residential. The property is 5.2 acres and has a width of 561 feet, and a depth of 401 feet. The property is developed with a single family home that has a foundation area of 2405 square feet and a 918 square foot attached garage. The house and attached garage are located 40 feet from the east (rear) property line, and over 200 feet from the southern property line. On lots over 2 acres, a Conditional Use Permit is required to construct an accessory structure over 440 square feet. Please see the attached plans.

DEVELOPMENT CODE

The single family residential accessory structure regulations (205.082(C) and 205.082(D)) were revised in 2016, with tiered standards by parcel size to allow more flexibility to those property owners with larger parcels. For this property (greater than 2 acres) the area maximum area permitted for up to two detached accessory structure is 440 square feet. The combined area of accessory structures may exceed the maximum allowable square footage permitted by Code with a conditional use permit provided the structures can not exceed 125% of the dwelling unit foundation area.

Accessory structures must be setback a minimum of 5 feet from a side lot line if the structure is less than 200 square feet, 10 feet from a side lot line if it is over 200 square feet and 10 feet from a rear lot line. 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.

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

	Existing	Proposed	Development Code Standard
Area			
Attached Accessory Structures	918		
Detached Accessory Structures		1340 sf	*440 sf
All Accessory Structures		2258 sf	*125% of the dwelling unit foundation area (3006 square feet)
Setback			
Rear lot line	NA	20 ft	10 ft
Side lot line	NA	177 ft	10 ft
Height			
Roof Peak	NA	23' 51/8" ft**	18 ft
Sidewall		10 ft	10 ft
Exterior Design		Comply with standards	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Existing tree buffer along property line will assist in screening the structure.

*Standard may be exceeded with a Conditional Use Permit

** Variance required

Variance Criteria – Section 203.070

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. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

For a variance to be granted, all three of the criteria need to be met.

APPLICANT'S STATEMENT

The applicant states that the proposed structure is compliant with all of the City's requirements for a Conditional Use Permit with the exception of height. The intended use of the structure is for the purpose of storing personal property. By having the items in an enclosed structure, it will have less impact on adjacent property owners. Some of the items being stored (i.e., lawn maintenance equipment) require significant headroom that dictates the height of the proposed overhead garage doors. As a result the overall height of the structure becomes taller.

The location of the structure has been determined after considering numerous factors. The existing sewer and water service to the home runs from Silverthorne Place. The most inconspicuous location of the structure has been determined to be at a location east of that line. The existing buffer of trees that exists around the property would remain.

The applicant states that they feel the uniqueness of their property allows for the addition of the proposed outbuilding without negatively impacting adjacent property owners. Special considerations have been made during the design process to assure that it can be constructed in an aesthetically complimentary way that will not alter the essential character of the neighborhood. Finally, it is proposed to be used in a reasonable manner and not in a way that will be detrimental to other Shoreview residents. Please see applicant's attached statement.

STAFF REVIEW

Variance

Staff reviewed the proposal in accordance with the variance criteria, which are discussed below. The characteristics of this lot mitigate the impact of the proposed structure. Staff is able to make findings that practical difficulty is present so all three criteria are met, which are discussed below.

Reasonable Manner

Staff believes that the existing height regulations do not allow the applicant to store equipment needed for property. The proposed additional 5'5 1/8" of height of the garage is reasonable for this 5 acre property due to the combination of the lot size, size and height of the home and proposed location in the rear yard. In Staff's opinion, the additional garage height for equipment needed to maintain the property represents a reasonable use of the property.

City Code also encourages design and construction activities are conducted in a manner to avoid impacts on adjacent properties. With the existing sewer line to the west of the proposed location, the 20- foot rear setback from the east property line is reasonable and would provide a greater buffer along with the existing vegetation to those existing properties to the east.

Unique Circumstances

Staff agrees that the variance request stems from the uniqueness of the parcel. The 5.2 acre size is unique to Shoreview for a single family residential parcel. Practical difficulty for the 5'5 1/8" garage height variance stems from the clear height needed for maintenance equipment for this larger property. The spirit and intent of the ordinance is to maintain the residential character of the property by limiting the size of accessory structures so the dwelling unit remains the principal use and dominant feature of the property. With the proposed location, size, and height, the detached garage will be subordinate to the home.

Character of the Neighborhood

Staff believes that the proposed garage height will not alter the essential character of the existing neighborhood and that the home, with a peak height of 35', will remain the primary feature of the property. The proposed garage location will minimize the impact due to existing vegetation, wetland area and increased setback. The structure meets all other criteria required with a Conditional Use Permit and the style will match the existing home.

Conditional Use Permit

The proposal was reviewed in accordance with the standards specified in the Development Code. This detached accessory structure complies with the location, design and setback requirements for a detached accessory structure; a variance has been

requested for the height. Existing vegetation, size of the property and location minimize the visual impacts on 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 75% of the dwelling unit foundation area. Staff believes that the additional setback separation and existing tree buffer along the property line will assist in minimizing the impact. The dwelling unit will remain the primary feature and use of the property.

The applicant indicated that the structure will be used for residential storage and use. 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. Three written comments were received about the impacts that this garage could have on their view and the natural environment there. One comment requests 10' trees in the 20' buffer area and natural tones in the paint color of the building to lessen the visual impact.

RECOMMENDATION

Staff has reviewed the submitted variance application in accordance with the Development Code and Variance criteria. Staff finds that the proposed increase to a 23' 5 1/8" foot height is reasonable due to the unique site characteristics. Lastly, the character of the neighborhood will not be altered as a result of this variance request.

Variance

Staff recommends the Planning Commission adopt Resolution 17-33 approving the variance request, subject to the following conditions:

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

Conditional Use Permit

The applicant's proposal is consistent with the Conditional Use Permit criteria and standards for detached accessory structures. The residential use of the proposed garage is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan. The structure/land use conforms to the Comprehensive Plan and is compatible with the residential neighborhood. The existing home will remain the primary feature and use of the property.

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 applications. 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 of the garage shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The applicant shall retain existing vegetation between the structure and the eastern property line for screening purposes. If vegetation is removed, replacement screening in the form of landscaping, berming, fencing or a combination thereof is required.
5. The structure shall not be used in any way for commercial purposes.
6. Said structure may be increased to a height of 23' 5 1/8" per Resolution 17-33, approving the Variance.
7. The second-floor area shall be used for interior storage only and cannot be used as habitable or living space.

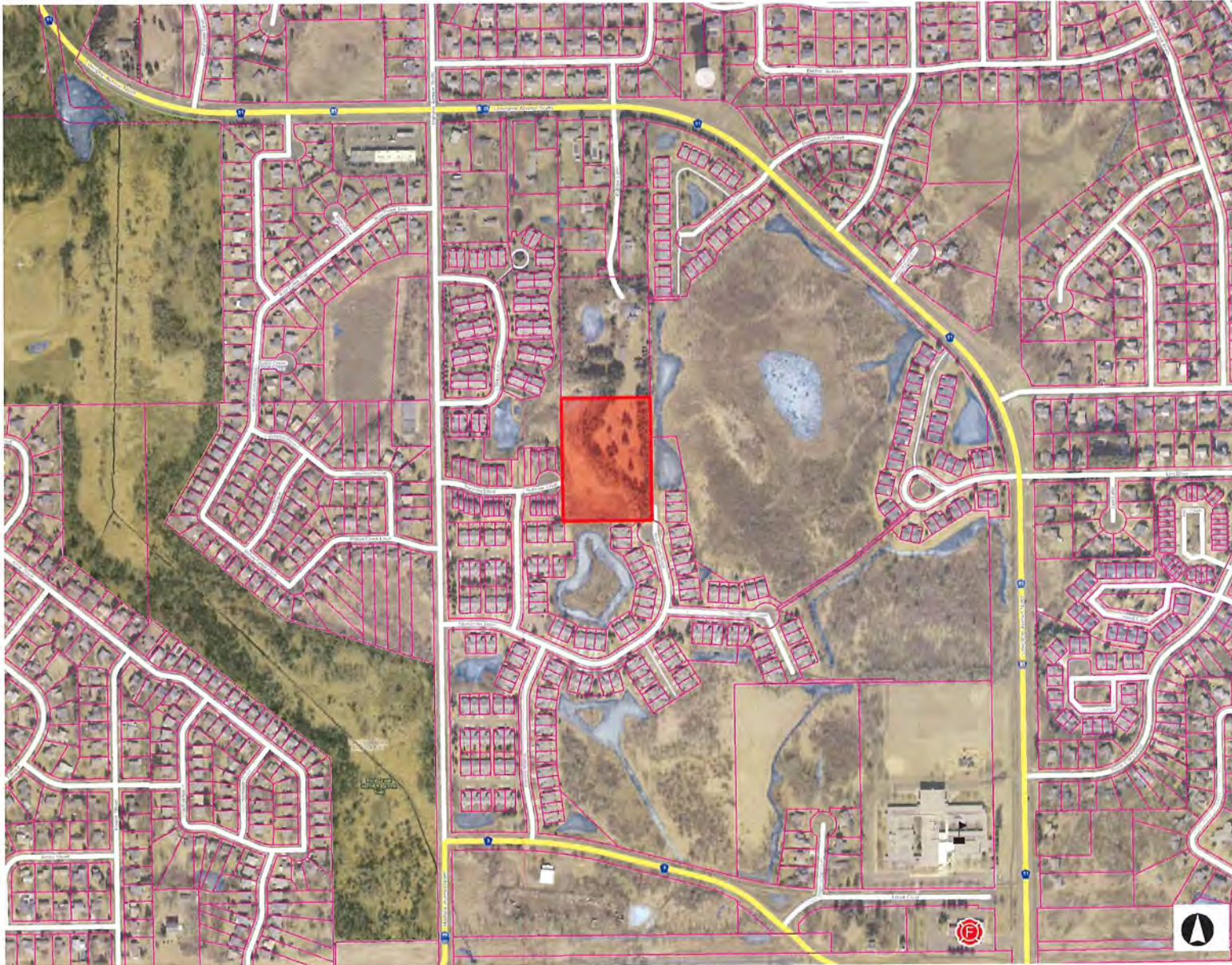
Attachments:

1. Location Map
2. Applicant's Statement and Submitted Plans
3. Comments
4. Resolution 17-33
5. Motion Sheet

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports
- Parks (8-64K)**
 - State Park
 - Regional Parks, Preserves, and Open Space
 - County Park
 - Local Parks
 - Golf Course
 - Special Use Facility
 - Rec Center



1,333.3 0 666.67 1,333.3 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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

Notes

Enter Map Description

April 27, 2017

City of Shoreview
4600 Victoria St. N.
Shoreview, MN 55126

Reference: Variance Application
1265 Sunview Court
Shoreview, MN 55126

To Whom It May Concern:

The purpose of this narrative is to address the variance that is being requested for the proposed outbuilding at 1265 Sunview Court, Shoreview, MN. Per the Conditional Use Permit application, the proposed structure is compliant with all of the City's requirements for a CUP with the exception of the height. While the maximum height allowable by code is 18', we are requesting that a height of 23' 5 1/8" is allowed due to practical difficulties that we have encountered. Per the additional information included below, we feel as though our proposed structure has been designed in a way that we can use the property in a reasonable manner, the building will not alter the essential character of the neighborhood, and the basis for our request is due to circumstances unique to the property and not caused by us.

We propose to use the structure for the purpose of storing personal property. By having these items in an enclosed structure, it will have less impact on adjacent property owners. Some of the items being stored (i.e., lawn maintenance equipment) require significant headroom that dictates the height of the proposed overhead garage doors. As a result, the overall height of the structure becomes taller. It is important to note that the use of the structure is for our personal needs and not for any commercial use.

The proposed location of the structure has been determined after considering numerous factors. The existing sewer and water service to the home runs from Silverthorn Place. The most inconspicuous location of the structure has been determined to be at a location east of that line. As proposed, the building will be located 20' from the eastern lot line and 177.8' from the side property line adjacent to Silverthorn Place. Both of these setbacks exceed the required minimum side yard setback of 10'. It is also important to note that the building will be 110' away from the closest structure in the neighborhood at 5718 Silverthorn Place. In addition, a significant buffer of trees exists around our property to further obscure the view of what is proposed.

Variance Application
1265 Sunview Court
April 27, 2017
Page 2

As we evaluated the possible options for the location of this structure, we also considered how we could best utilize the existing driveway for access. As it is proposed to be placed, very little additional driveway area will need to be added which will result in a minimal increase in impervious surface coverage.

The plans will show that the proposed building is aesthetically consistent with our home. At the same time, the house will remain the primary visible structure on our property. The overall height of our existing home is 35 ½' as compared to the proposed outbuilding height of 23' 5 1/8". Based on the fact that we have a unique Shoreview residential property that consists of several acres, the buildings will be complimentary and in scale with the size of our lot.

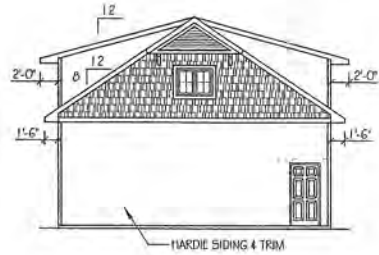
In summary, we feel that the uniqueness of our property allows for the addition of the proposed outbuilding without negatively impacting adjacent property owners. Special considerations have been made during the design process to assure that it can be constructed in an aesthetically complimentary way that will not alter the essential character of the neighborhood. Finally, it is proposed to be used in a reasonable manner and not in a way that will be detrimental to other Shoreview residents.

Thank you for your consideration of this request. Feel free to contact us if any additional information would be helpful.

Sincerely,

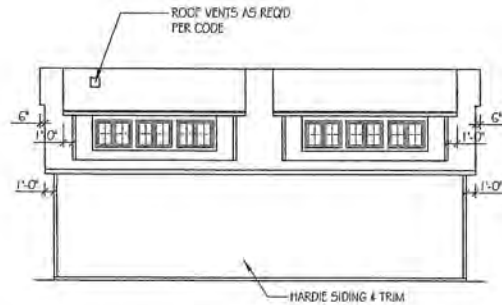
A handwritten signature in black ink, appearing to read 'Max Segler', written in a cursive style.

Max Segler



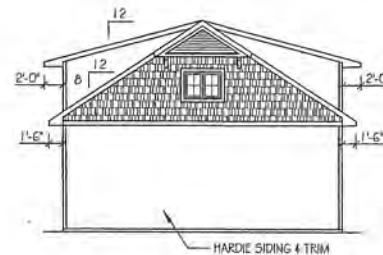
LEFT ELEVATION

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



RIGHT ELEVATION

1/8" = 1'-0"



FRONT ELEVATION

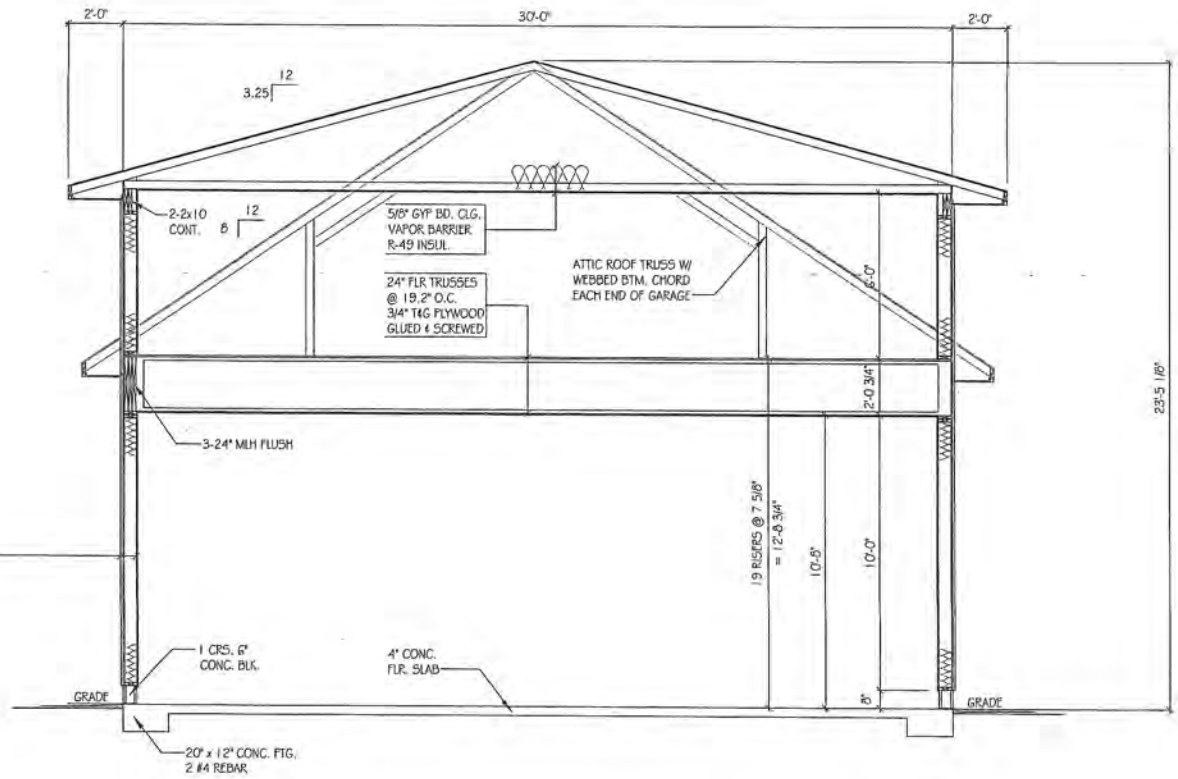
1/4" = 1'-0"

DISCLAIMER
 IN PREPARATION OF THIS PLAN EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES. DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AND BE RESPONSIBLE FOR THE SAME. THESE DESIGNS, CONCEPTS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH REMAIN THE EXCLUSIVE PROPERTY OF COUNTRY LUMBER AND ARE NOT TO BE COPIED WITHOUT THE WRITTEN CONSENT OF COUNTRY LUMBER.

DRAWN BY: RK DESIGN FOR: CLASSIC CONSTRUCTION SEGAR GARAGE	F: 03/28/17 R: 03/28/17 F: 03/10/17 CL#2017.039
DESIGN CENTER 12575 OAK VIEW AVE. BECKER, MN. 55308 PHONE: (763) 203-4440 FAX: (763) 203-4445 PHONE: 247-0295	
COUNTRY LUMBER A DIVISION OF COUNTRY LUMBER	
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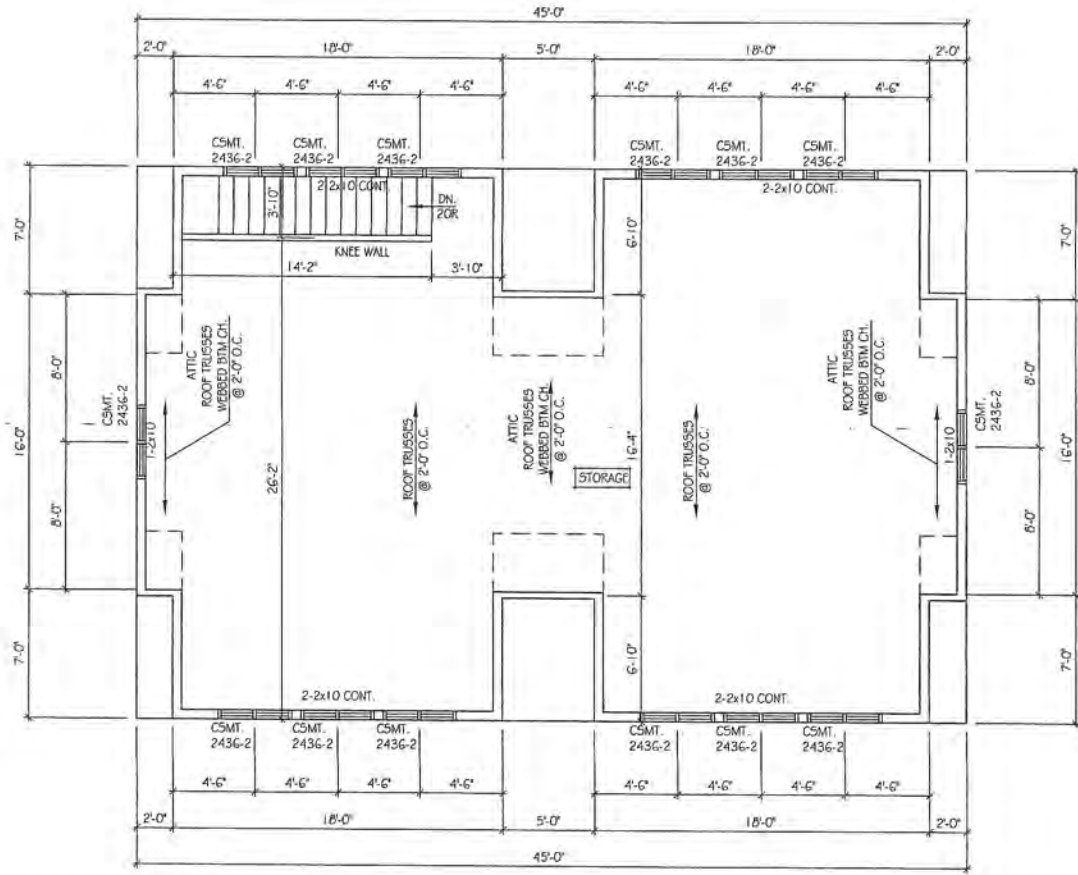
\\Users\Roy\OneDrive\Drawings\2017 Drawings\17-039 CLUSSE\SEGULAR 6.Aug. 3/29/2017 11:02:05 AM.dwg to PDF.pc3

2x6 @ 16" O.C.
R-21 FIBERGL. INSUL.
VAPOR BARRIER
1/2" PLYWOOD SHTG.
1/2" GYP. BD WALLS
HARDIE SIDING



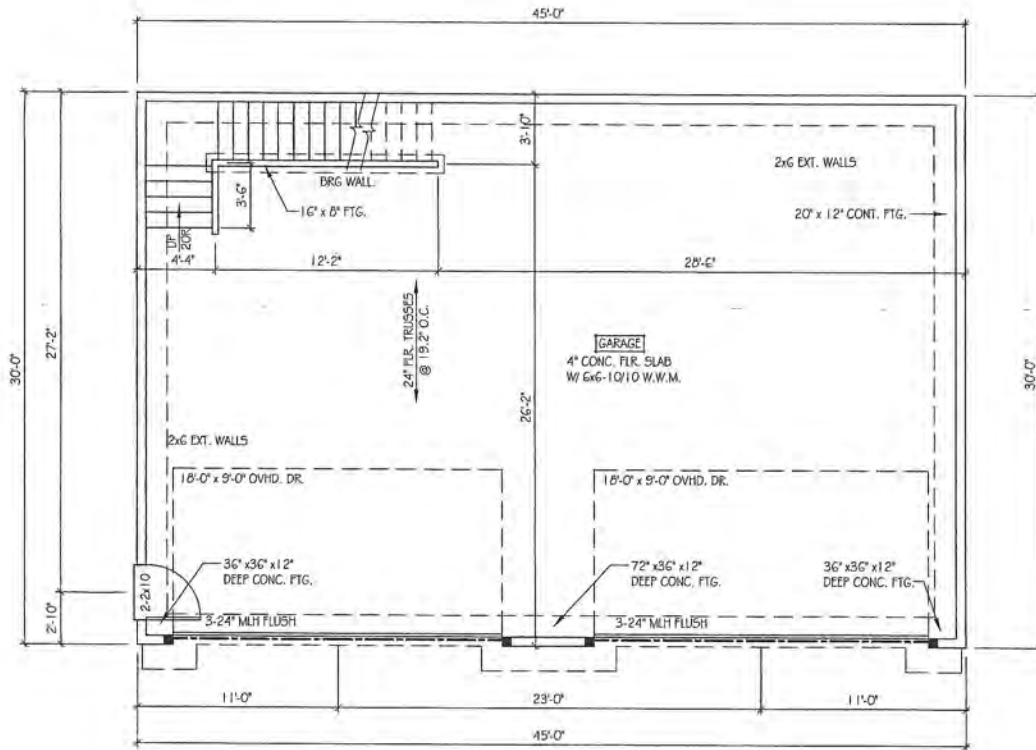
BUILDING SECTION
SEE BUILDERS SPECIFICATION FOR BUILDING MATERIALS

3/8" = 1'-0"



SECOND FLOOR PLAN
1230 SFT. (STORAGE)

1/4" = 1'-0"



FIRST FLOOR PLAN
1350 SFT. (GARAGE)

1/4" = 1'-0"



Nicole Hill <nhill@shoreviewmn.gov>

Sunview Court variance

Miriam Dafoe <miriamdafoe@gmail.com>
To: nhill@shoreviewmn.gov

Mon, May 15, 2017 at 9:18 AM

I live on Silverthorn Place which is the cul de sac that has been most affected by the building of the Segler home off of Sunview Ct. Building that house has destroyed a vital natural habitat for the deer, turkeys, and pheasant that lived there, besides changing the nature view for me and my neighbors. It is a real concern for my neighbors, Gordy and Maggie Rosin at the end of Silverthorn Place. They now look out their front windows and see this large house instead of the woods.

Supposedly the utilities had to be run through our development rather than off Sunview Court or even the property off of Buffalo Street.

This became a HUGE disruption in many ways for our neighborhood..

Now the Seglers want to add a two story garage that would require a height variance. This is a bit like pouring salt in a wound. This structure would be even closer to the lot line AND be taller than the maximum allowed, adding to the already restricted view for us. I know they are allowed to build a structure there without our approval, but to make it taller than allowed seems unnecessary. It's a garage!

I ask for myself and my neighbors that you do not allow this variance.

Respectfully,
Miriam Dafoe



Nicole Hill <nhill@shoreviewmn.gov>

Public Hearing Request/Max Segler, 1265 Sunview Court

1 message

Maureen Haggerty <maureen.mintdesign@icloud.com>

Wed, May 17, 2017 at 10:57 AM

To: nhill@shoreviewmn.gov

Good Morning Niki,

This message is in response to your request for comments regarding the additional construction proposed by the Seglers on their property at 1265 Sunview Court, Shoreview, MN.

Needless to say, we are saddened by this news as it will result in another summer of construction noise/disruptions, further removal of mature trees and increased diminishment of the beautiful natural habitat that many have loved and admired for years.

This being said, we were enlightened by our initial experience concerning the request by Max Segler to construct a large single-family home on the unspoiled wetlands property. We learned that the opinions/concerns from the neighboring Shoreview residents (Silverthorn Estates and Sunview Court) do not seem to carry much weight in your decision-making process to approve further development of the land.

Thank you, Patricia Haggerty and Maureen Haggerty

The Silverthorn Estates
5705 Silverthorn Place
Shoreview, MN 55126
651-784-3577

Comments:

ADDING MORE HEIGHT WILL MAKE THE EAST AND SOUTH WALLS MORE VISIBLE FROM OUR WINDOWS. THEREFORE, WE REQUEST:

1. ADDING 10' MINIMUM HEIGHT EVERGREEN TREES IN THE 20' AREA BY THE FENCE TO NATURALIZE OUR SIGHT LINES.
2. PAINT THE SOUTH AND EAST WALLS A MORE NATURAL COLOR LIKE THE GRAY TONE IN THE HOUSE GABLES RATHER THAN THE BARN RED OF THE HOUSE. THESE TWO WALLS ARE NOT VISIBLE FROM THE HOUSE OR DRIVEWAY BUT ARE VERY VISIBLE TO US ESPECIALLY DURING THE SEVEN MONTHS THERE ARE NO LEAVES ON THE TREES.

Name: GORDON & MARGIE ROSSIE

Address: 5718 SILVERTHORN PLACE

WHAT IS THE NEED FOR THE HIGHER ROOF?

1. STORAGE OF CONSTRUCTION EQUIPMENT LIKE THE CONTRACTOR'S TRAILER THAT HAS BEEN IN THE DRIVEWAY FOR 2 MONTHS OR RESIDENTIAL VEHICLES?
2. WILL THE SECOND LEVEL BE USED FOR WARM STORAGE OR A LIVING AREA?



Nicole Hill <nhill@shoreviewmn.gov>

1265 Sunview Court

1 message

Tom Wesolowski <twesolowski@shoreviewmn.gov>

Tue, May 16, 2017 at 4:45 PM

To: Nicole Hill <NHill@shoreviewmn.gov>

Niki,

Reviewed the application for 1265 Sunview Court and have no comments.

Thanks, Tom

Tom Wesolowski, P.E. | City Engineer

City of Shoreview

4600 Victoria St. N.

Shoreview, MN 55126

twesolowski@shoreviewmn.gov

Direct Tel: 651-490-4652

Fax: 651-490-4696

GRADING AS-BUILT SURVEY

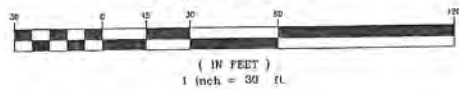
~for~ MAX SEGLER

PROPERTY DESCRIPTION:

(PER QUIT CLAIM DEED 5/29/2013, DOCUMENT NO. 4403678)

The Northwest Quarter of the Southeast Quarter of Section 3, Township 30 North, Range 23 West, Ramsey County, Minnesota except the south 754 feet and except the east 360 feet and except the west 560 feet thereof.

GRAPHIC SCALE



NORTH



PROPOSED ELEVATIONS:

(9 FT. POURED WALL LOOKOUT BASEMENT)

TOP OF WALL = 904.7
GARAGE FLOOR = 904.3
LOWEST FLOOR = 896.0
TOP OF FOOTING = 895.7
LOWEST OPENING = 899.2

AS-BUILT ELEVATIONS:

(9 FT. POURED WALL LOOKOUT BASEMENT)

TOP OF WALL = 904.7
GARAGE FLOOR = 904.3
LOWEST FLOOR = 896.0
LOWEST OPENING = 899.2
(MEAS. 2/23/2017)

NOTES:

Field as-built survey completed by E.G. Rud and Sons, Inc. on 2/23/2017.

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

Jason E. Rud
JASON E. RUD

Date: 4/25/2017 License No. 41578

LEGEND

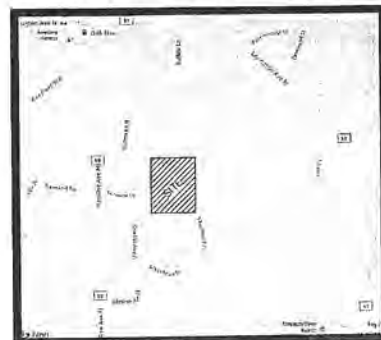
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES HYDRANT
- DENOTES CATCH BASIN
- DENOTES TELEPHONE PEDESTAL
- DENOTES SANITARY SEWER
- DENOTES FENCE
- x 952.30 DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES TREE LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES EXISTING RETAINING WALL
- x 1011.2 DENOTES EXISTING ELEVATION
- DENOTES DIRECTION OF DRAINAGE.

TREE DETAIL

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

VICINITY MAP

PART OF SEC. 3, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

NO.	DATE	DESCRIPTION	BY
1	2/23/16	ADD' L WETLAND AND TOPO	BAR
2	5/11/16	REVISE HSE LOCATION	BAR
3	5/18/16	ADD PROPOSED GRADES	BAR
4	6/7/16	ADD PATIO/REVISE CONTOURS	BAR
5	7/5/16	ADD HSE STAKING INFO	BAR
6	7/7/16	REV HOUSE	JEN
7	8/15/16	ADD FUTURE GARAGE	JEN
8	4/25/17	RE-POSITION FUTURE GARAGE	JSE

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

**EXTRACT OF MEETING MINUTES FOR THE SHOREVIEW, MINNESOTA
PLANNING COMMISSION HELD MAY 23, 2017**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 17-33 TO INCREASE THE PEAK HEIGHT ON AN
ACCESSORY STRUCTURE TO 23' 5 1/8"**

WHEREAS, Max and Beth Segler, married to each other, have submitted a variance application for the following described property:

The Northwest Quarter of the Southwest Quarter of Section 3, Township 30, Range 23 West, Ramsey County, Minnesota, except the south 754 feet and except the east 360 feet and except the west 560 feet thereof.

(This property is more commonly known as 1265 Sunview Court N.)

WHEREAS, the Development Regulations require a maximum peak height of 18 feet for detached accessory structures; and

WHEREAS, the applicants have requested a variance to this requirement increasing the peak height to 23' 5 1/8" for a new garage; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request submitted by Max and Beth Segler be approved on the basis of 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 proposed construction of a new garage with the increased height represents a reasonable use of residential property, due to the size of the property.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Practical difficulty for the 5'5 1/8" garage height variance stems from the clear height needed for maintenance equipment for the larger 5.2 acre property single family residential property.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The proposed garage height will not alter the essential character of the existing neighborhood and that the home, with a peak height of 35' 6", will remain the primary feature of the property. The proposed garage location will minimize the impact due to existing vegetation and increased setback.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW PLANNING COMMISSION that the variance requested by Max and Beth Segler be approved subject to the following conditions:

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

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 23rd day of May 2017.

John Doan, Chair
Shoreview Planning Commission

ATTEST:

SEAL

Niki Hill, AICP
Economic Development and Planning Associate

ACCEPTANCE OF CONDITIONS:

Max Segler, 1265 Sunview Court

Beth Segler, Sunview Court

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution No. 17-33, approving an accessory structure height of 23' 5 1/8" and recommending the City Council approve the conditional use permit for the 1340 square foot detached accessory structure submitted by Max and Beth Segler, 1265 Sunview Court. The approval is subject to the following conditions:

Variance

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

This approval is based on the following findings:

1. The proposed improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. Practical difficulty is present as stated in Resolution 17-33,

Conditional Use Permit

1. 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.
2. The exterior design of the garage shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The applicant shall retain existing vegetation between the structure and the eastern property line for screening purposes. If vegetation is removed, replacement screening in the form of landscaping, berming, fencing or a combination thereof is required.
5. The structure shall not be used in any way for commercial purposes.
6. Said structure may be increased to a height of 23' 5 1/8" per Resolution 17-33, approving the Variance.
7. The second-floor area shall be used for interior storage only and cannot be used as habitable or living space.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
May 23rd, 2017

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TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: May 16, 2017
SUBJECT: Wireless Telecommunications Ordinance – Small Cell Sites

Introduction

In March, the Commission reviewed information presented by City’s consultant, SEH, Inc., regarding small cell wireless technology and ordinance considerations. Wireless cell providers are also expressing interest in developing small cell sites which are designed to support cellular coverage within a macro site cell area that has high coverage needs or poor site coverage. Small cell site technology consists of a small radio unit and antenna that is directly linked to local macro sites by fiber optics and infrastructure located in public rights-of-ways.

Wireless telecommunications facilities, including small cell sites, are permitted on parcels that fall within the City’s Telecommunications Overlay Districts. They are not permitted in public rights-of-ways. Some organizations in the industry, however, cite that these facilities are considered a utility and thereby permitted.

When wireless applications or improvements are proposed in the City, the City utilizes SEH, Inc. to assist with the plan review and construction management. SEH, Inc. has extensive experience working with telecommunications and is able to bring forth the expertise needed in managing these projects on behalf of the City. Because of the growing concerns related to small cell sites and overall changes in the wireless industry, the City hired SEH, Inc. to assist with the development of an updated communications ordinance that addresses these facilities.

Draft Ordinance

SEH, Inc. Staff have drafted an ordinance that allows small cell sites in City, including local rights-of-way provided a permit is received and standards are met. The following summarizes key provisions of the draft ordinance (see attached).

- 1) Consolidating wireless telecommunications zoning definitions and regulations into one section, with the exception of those located in the rights-of-way which will be placed in Section 405, Right-of-Way Management.
- 2) Establishing permit requirements for small cell sites.
- 3) Identifying standards for small cell sites that are either building or pole mounted or placed on a public utility structure.
- 4) Creating standards for those small cell sites and distributed antenna systems located in the public right-of-way.

In addition to meeting the requirements set forth in Chapter 200, a right-of-way permit will also be required. Work in the City rights-of-way is permitted in accordance with Municipal Code Section 405, Right-of-Way management.

In addition to meeting the requirements set forth in Chapter 200, a right-of-way permit will also be required. Work in the City rights-of-way is permitted in accordance with Municipal Code Section 405, Right-of-Way management.

Recommendation

The wireless industry is continuing efforts at the State level to have small cell wireless facilities exempt from local regulation. To preserve the community's interest in our rights-of-ways, the City believes it is essential to establish regulations addressing the installation of these facilities in the public right-of-way. Staff is recommending the Commission discuss the information presented and provide feedback regarding the draft ordinance. A public hearing for a text amendment should be scheduled for the June meeting.

Attachments

- 1) Draft Ordinance
- 2) Telecommunications Overlay District map
- 3) March 28, 2017 Planning Commission Minutes

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SECTION 2XX – WIRELESS TELECOMMUNICATIONS FACILITIES

2XX.010 Purpose and Findings

(A) In order to accommodate the communication needs of the residents, business and industry while protecting the health, safety and general welfare of the City, the following regulations are imposed in order to:

- (1) Facilitate the use of wireless communication services, for residents, business and industry of the City;
- (2) Minimize adverse effects of towers or colocations on buildings or poles through careful design and site standards;
- (3) To regulate access to and ongoing use of public rights-of-way and facilities, such as water tanks, building roof tops, utility poles, lighting masts and other structures by telecommunications providers for their telecommunications facilities

2XX.020 Definitions

Accessory Equipment refers to any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

Aesthetics also known as “Architecture”, “Camouflage”, “Conceal” or “Concealment” or “Stealth Design”) refers to state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the negative aesthetic impacts (to be further defined in the review process). Examples of aesthetic design techniques include architecturally screening roof mounted antennas and accessory equipment; integrating Telecommunications Facilities into architectural elements; nestling Telecommunications Facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the Telecommunications Facilities; and designing Towers to appear other than as Towers, such as light poles, power poles, flag poles, and trees..

Applicant is any person or entity who files an application for any permit or is party to any lease agreement required by this Ordinance for the construction, replacement, installation, or alteration of wireless communication facility or any component thereof.

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Antenna is any exterior transmitting or receiving device mounted on a Tower, Monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies(excluding radar signals), wireless telecommunications signals or other communications signals. “Antenna” does not include a lightning rod or a dish antenna.

~~Antenna. Any device or equipment designed for transmitting or receiving light, sound or electronic signals, which is located on the exterior of, or outside of, a building or structure and which is or could be attached to a tower.~~

Antenna Support Structure is any new or existing Tower, building, water tower, or electric transmission tower carrying over 200 kilo volts of electricity that can be used for the location of Antennas without increasing the height or mass of the existing structure.

Camouflaged. Using shape, color, and texture to cause an object to appear to become part of something else. Camouflage does not mean invisible but rather appearing as part of another structure, such as a building, wall, or roof. Includes wireless telecommunication facilities disguised to appear as another structure such as a building, clock tower, chimney, church steeple, flag pole, light pole, sign, tree, or utility pole.

City shall mean the City of Shoreview, Minnesota. For purposes of Section 207.41, City means its elected officials, officers, employees and agents.

Co-location is the sharing of structures by two or more wireless service providers on a single support structure or otherwise sharing a common location.

Commercial Antenna or Tower. An antenna or other device and/or an associated tower designed for use for commercial purposes or to provide a telecommunications service with the intent to make a profit.

Concealed. Fully hidden from view. Refers to a wireless telecommunication facility that is not evident and is hidden or integrated into a structure such as a building, wall, or roof.

Dish Antenna” means a parabolic-shaped antenna (including all supporting apparatus) which is used for transmitting or receiving telecommunication, television or radio signals, which is located on the exterior of, or outside of, any building or structure.

Distributed Antenna System (DAS)” is a network of spatially or geographically separated antenna nodes that are connected to a common source through a transport or communication medium in order to provide wireless communication service in a specific locality or building. A DAS can be deployed indoors (iDAS) to provide network or cellular connectivity throughout a building or outdoors (oDAS) in areas where regular wireless coverage does not reach.

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DAS Hub Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Easement is a legal interest in real property that transfers a partial property right to the holder of the easement authorizing a person or party to use the land or property of another for a particular purpose.

Engineer refers to but is not limited to a radio, electrical, structural, or mechanical engineer licensed by the State of Minnesota

Equipment Enclosure. A structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless telecommunication signals and data, including any provisions for mechanical cooling equipment, air conditions, ventilation, and/or auxiliary electric generators.

Equipment Lease Area or Equipment Compound is an specified area at the at the base of or near a Telecommunication Facility, Tower, or Antenna that can contain an enclosed structure or open platform within which are housed, among other things, batteries, generators, air conditioning units, wireless communications or electrical equipment, or other Accessory Equipment, which may be connected to the Telecommunications Facility, Tower or Antenna by cable

Height, Antenna or Tower. The distance measured to the highest point of the antenna or tower from the mean ground level measured at the base of a free-standing facility or the projected base as determined by extending the antenna or tower base down vertically to the ground. For building mounted antennas, height is measured to the highest point of the equipment enclosure from the top of the cornice of a flat roof, from the top line of a mansard roof, from a point on the roof directly above the highest wall of a shed roof, from the uppermost point on a round or other arch-type roof, or from the highest gable on a pitched or hip roof

Inventory of Small Cell/DAS Sites refers to an accurate and current inventory of all Small Cell/DAS Sites approved by Permittee pursuant to this Lease Agreement, including sites that become inactive for any reason.

Landline Broadband Backhaul Transport Service refers to a fiber or other high-speed landline communications transport service contracted by Permittee from a third-party provider that interconnects with the Base Station Equipment at the Point-of-Demarcation and provides transport service back to Permittee's network.

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Landlord is the owner of an asset that is leased under an agreement to the Permittee. The lease agreement is binding on both the lessor and the Permittee, and spells out the rights and obligations of both parties.

Maintenance means to repair unscheduled and scheduled deficiencies in telecommunications equipment or performing routine actions which keep the equipment in working order (known as scheduled maintenance) or prevent trouble from arising (preventive maintenance).

Monopole is a structure composed of a single spire used to support telecommunications equipment having no guy wires or ground anchors.

Permit Holder a person or entity who holds a permit issued pursuant to this Ordinance for a Telecommunications Facility.

Point of Demarcation is the point of where the Transmission Media of Small Cell/DAS Equipment terminates and interconnects with broadband backhaul transmission facilities, whether provided by landline or wireless communications infrastructure.

Private Antenna or Tower. An antenna or other device and/or associated tower designed for the private use and enjoyment of the property owner that will not be used to provide a telecommunications service with the intent to make a profit. These devices include, but are not limited to, devices designed for reception of television broadcast signals, multi-channel multipoint distribution service, direct broadcast satellite services, AM/FM radio, telephone, internet, or any facility designed to transmit or receive amateur radio or citizen band radio.

Public Utility Structure” is a structure which is owned by a governmental agency or utility company and which may be/can be used to support illumination devices or lines and other equipment carrying electricity or communications.

Radio Propagation Study” the propagation of radio waves is described through the modeling of the different physical mechanisms (free-space attenuation, atmospheric attenuation, vegetation and hydrometer attenuation, attenuation by diffraction, building penetration loss, etc). This modeling is necessary for the conception of telecommunications systems and, once they have been designed, for their actual field deployment. Propagation models are implemented in engineering tools for the prediction different parameters useful for the field deployment of systems, for the study of the radio coverage (selection of the emission sites, frequency allocation, powers evaluation, antenna gains, polarization) and for the definition of the interferences occurring between distant transmitters.

Residential Accessory Communication Devices” are any satellite dishes, television Antennas, radio Antennas, amateur radio Antennas, and similar communication transmission/reception

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devices and associated Accessory Equipment that are a permitted accessory use within a residential district.

Right-of-Way (ROW) means the surface and space above and below a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City.

Rooftop Mounted Wireless Telecommunications Facility means a wireless telecommunication facility with antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment, but are adequately screened so as not to appear as stand-alone devices above the top of the roof line.

Small Cell Equipment refers to Wireless Facilities and Transmission Media attached, mounted, or installed on a proprietary or leased utility pole, street light, building or other structure and used to provide Personal Communications Service.

Small Cell Site is defined as a low-power radio access facility, together with associated antennas, mounting and mechanical equipment, which provides and extends wireless communications systems' service coverage and increases network capacity.

Street Light is defined as a raised source of light usually mounted on a pole and constituting one of a series spaced at intervals along a public street or highway used to illuminate a public area, usually urban. Also referred to as a streetlamp.

Telecommunications Equipment refers to Antennas, Accessory Equipment, or Towers.

Telecommunications Facilities are the structures and equipment which make up a telecommunications network. Telecommunications facilities are defined by Federal Standard 1037C as the following:

- a) A fixed, mobile, or transportable structure, including (1) all installed electrical and electronic wiring, cabling, and equipment and (2) all supporting structures, such as utility, ground network, and electrical supporting structures.
- b) A network provided service to users or the network operating administration.
- c) A transmission pathway and associated equipment.
- d) In a protocol applicable to a data unit, such as a block or frame, an additional item of information or a constraint encoded within the protocol to provide the required control.
- e) A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.

Telecommunication Rights-of-Way User means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information.

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For purposes of this Chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services are not telecommunications right-of-way users.

Permittee is the party who rents land or property from a Landlord. The Permittee makes one-time or periodic payments to the landlord in return for the use of the asset and must uphold specific obligations as defined in the lease agreement and by law.

Tower is any of the following: a ground or roof mounted pole; spire; free standing, self-supporting lattice or monopole structure; or combination thereof taller than fifteen (15) feet, including but not limited to supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an Antenna, meteorological device, or similar apparatus above grade (except amateur radio Antennas). A tower does not include building mounted Wireless Telecommunications Facilities (WTF).

Traffic Light/Traffic Signal System are electrically operated colored signaling devices positioned at road intersections, pedestrian crossings, and other locations to control conflicting flows of traffic.

Transmission Media is all of the Permittee's radios, antennas, transmitters, wires, fiber optic cables, and other wireless transmission devices that are part of the Small Cell/DAS Equipment.

~~Tower. Any self-supporting pole, spire, or structure, or any combination, that is constructed primarily for the purpose of supporting one or more antennas and all supporting lines, cables, wires, bracing and linkage systems designed. This definition includes, but is not limited to, lattice towers, guy towers and monopole towers. A tower does not include building mounted Wireless Telecommunications Facilities (WTF).~~

Upgrade or Capital Improvement is the construction, installation, or assembly of new telecommunications equipment or the alteration, expansion, or extension of an existing equipment to accommodate a change of function or unmet programmatic needs, or to incorporate new technology.

Utilities. Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication (excluding wireless telecommunication facilities), supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

Utility Pole is a structure that is: (1) owned or operated by: (a) a public utility; (b) a communications service provider; (c) a municipality; (d) an electric membership corporation; or (e) a rural electric cooperative; and (2) designed and used to: (a) carry lines, cables, or wires for telephone, cable television, or electricity; or (b) provide lighting.

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Wireless Communications refers to any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless Telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.

Wireless Telecommunication Facility. Equipment, including commercial antennas, commercial telecommunication towers, small cell sites/DAS and equipment enclosures, designed for the transmission and reception of all types of data, including, but not limited to, writing, signs, signals, pictures, and sounds of all kinds without the aid of wire, cable, or other like connections between the points of origin and reception of such transmission, including all instrumentalities and apparatus incidental to such transmission. As used in the Shoreview Municipal Code, the term "wireless telecommunication facility" shall not include amateur radio antenna or towers; mobile transmitting devices, such as vehicle or handheld radios/telephones and their associated transmitting antennas; satellite earth stations; or broadcast towers.

2XX.030 Tower/Antenna Permits.

(A) Private Antenna/Tower Permit.

- (1) Purpose. The City's private antenna/tower permit regulations are adopted to:
 - (a) Provide the minimum practical regulation to address the aesthetic, health, safety, and welfare concerns associated with private antennas and towers.
 - (b) Reasonably accommodate private antennas and towers.
- (2) Permit Required. Private antenna/tower permits shall be required in accordance with Section 2XX.040(A).
- (3) Application. An application for a private antenna/tower permit shall be made on forms provided by the City Manager and shall be submitted with the required information.
 - (a) A site plan drawn to scale showing the proposed location of the antenna/tower and the dimensions relative to property lines, structures on the site, and structures on adjacent properties. The City Planner may require that this site plan be prepared by a licensed and registered surveyor to ensure its accuracy.

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- (4) Review Process. Applications for private antenna/tower permits shall be reviewed in accordance with Section 203.020(B) (Planning Commission/City Council Review).
- (5) Review Criteria. The Planning Commission and City Council shall review the application for conformance to the standards in Section 2XX.040(A) (Private Antennas/Towers) as well as the following:
 - (a) The reasonable necessity for the private antenna/tower.
 - (b) The appropriateness of the facility design.
 - (c) If the request is for an amateur radio facility greater than 55 feet in height, the recommended hours of operation for those times when the facility will be extended to more than 55 feet above grade.
 - (d) The appropriateness of construction materials and assembly.
 - (e) Maintenance requirements.
 - (f) The distance of the private antenna/tower from adjoining property lines.
 - (g) Other conditions as necessary to prevent the private antenna/tower or its use from becoming a nuisance to surrounding property owners.
- (6) Agreement. The Permittee shall be required to enter into a Private Antenna/Tower Agreement in accordance with Section 2XX.050(A).
- (7) Review and Revocation. The City Manager shall periodically inspect the property for compliance with the provisions of the private antenna/tower agreement. If the Permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement. The hearing shall be preceded by ten (10) days mailed notice to property owners of record within 350 feet of the property on which the private antenna/tower is located.
- (8) Removal. Use of the private antenna/tower shall be discontinued upon termination of the private antenna/tower agreement and prior to the transfer of title for the property on which the facility is located. The property owner shall, at his or her cost, disassemble and remove the private antenna/tower within thirty (30) days of termination of the private antenna/tower agreement, or the purchaser of the property shall apply for a new permit within thirty (30) days of transfer of title.

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- (B) Broadcast Tower Permit. Broadcast towers are allowed in the (T) Tower District only and must obtain a Conditional Use Permit pursuant to Section 203.032.
- (1) Required Documentation. The following shall be submitted at the time of application for a Conditional Use Permit pursuant hereto:
- (a) Site Plan. A plan or plans drawn to scale and acceptable to the City Manager including the following information and detail:
- (i) A boundary survey of the property.
 - (ii) A two-foot contour map of the property.
 - (iii) Locations of existing and proposed public utilities and easements, each Broadcast Tower, Accessory Equipment and Structures, Broadcast Buildings, Related Broadcast Uses and Other Uses.
 - (iv) Ground elevations for Broadcast Towers and/or Accessory Equipment and Structures.
- (b) Tower Diagram. A detailed drawing of the Broadcast Tower structure clearly describing the height of the structure and all equipment located on the structure drawn to a scale acceptable to the City Manager.
- (c) Structural Integrity Report. A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a Broadcast Tower and a tower 1200 feet or less in height AMSL as such towers are described in the original Conditional Use Permit issued hereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.
- (d) Health Study. A report of an independent consultant acceptable to the City and the property owner indicating that Broadcast Tower operations of the applicant together with operations or reasonably foreseeable operations of all other Broadcast Towers shall not violate any Federal or State of Minnesota health standards established for radio frequency transmission and shall not result in any known risk to public health.
- (e) Operating Agreement. An agreement with the City and each property owner which shall describe the property owners' obligation with respect to (a) control of ice build-up on a Broadcast Tower and Accessory

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Equipment and Structures; (b) responding to complaints by individuals residing within the City regarding interference to consumer electronic equipment; (c) designation of an operator representative to deal with complaints associated with operation of a Broadcast Tower; (d) lighting of a Broadcast Tower; (e) financial consideration; and (f) cooperation with a citizens committee regarding matters relating to the conditional uses.

(C) Wireless Telecommunication Facility (WTF) Permit.

- (1) Purpose. The City's WTF permit regulations are adopted to:
 - (a) Minimize negative impacts of WTFs through careful siting and design standards.
 - (b) Protect the public health and welfare through appropriate safety standards.
 - (c) Ensure development of these facilities at a scale compatible with and proportionate to existing development.
 - (d) Facilitate the provision of wireless telecommunication services to residents and businesses of the City.
- (2) Permit Required. No person shall install a new WTF without first obtaining a WTF permit. Small Cell Sites and DAS Hubs are subject to the permitting requirements of Section 2XX.030 (D).
- ~~(3) Preapplication Conference. The applicant shall present a sketch and basic supporting data of the proposed WTF to the City Manager who shall review the sketch and the City's WTF standards with the applicant at a preapplication conference. The City Manager may, at his or her discretion, forward the sketch to the Planning Commission, the City Council, another appropriate citizen committee or commission, or to neighboring property owners for review and comment.~~
- (4) Application. Applications for a WTF Permit shall be made on forms provided by the City Manager and shall be submitted with all of the required information. A completed application shall include an application fee and escrow deposit in an amount prescribed by City Council, and a signed WTF Escrow Deposit Agreement (see Section 2XX.050(C)).
- (5) Complete Application. The City Manager shall review the submitted application form and other materials specified in Section 2XX.030 (C)(4) to determine whether the application is complete. The City Manager may waive, in writing, certain application requirements when determined unnecessary for

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review of the application. All items deemed necessary by the City Manager must be submitted for the WTF application to be complete and for review of the application to proceed. Applications found to contain material errors shall not be deemed complete until such errors are corrected.

(6) Review Process.

(a) Planning Commission/City Council Review. In accordance with Section 203.020 (B), applications for a WTF permit shall be reviewed by the Planning Commission and City Council.

(i) Planning Commission Review. Upon receipt of a completed application, the City Manager shall schedule a hearing before the Planning Commission which shall be preceded by ten days mailed notice to the property owners of record located within 350 feet of the parcel on which the WTF will be located. The Planning Commission shall make findings based upon the standards in Section 2XX.040(B)(3) and shall submit its recommendations to the City Council.

(ii) City Council Review. Upon receipt of the Planning Commission recommendation, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a WTF permit. The decision of the City Council shall be based the WTF standards specified in Section 207.040(B)(3) and on the information provided in the written record. Notice of the Council's decision shall be provided to the applicant in writing. If the application is approved by the City Council, a WTF Permit shall be issued upon the execution of a WTF Agreement in accordance with Section 203.080(E), compliance with the conditions of approval, and demonstration that the WTF complies with all applicable building, fire, and safety codes.

(7) Recovery of City Costs. At the time of application for a WTF permit, an escrow deposit shall be posted in an amount determined by the City Council. The City may charge against this deposit to recover its costs for reviewing the WTF application. These costs may include, but are not limited to, City staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a WTF permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The City will charge against this deposit to offset the City's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may include, but are not limited to, City staff time, consultant fees, and fees for third-party review, monitoring, and inspection.

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Once construction has been completed and the Permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the City's ability to recover future costs associated with review or monitoring on-going operation of the WTF or future modifications, amendments, or transfer of the facility.

- (8) Review and Revocation. The City Manager shall periodically inspect the WTF and the property where it is located for compliance with the provisions of the WTF agreement. If the Permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement.
- (9) Criteria for Review. The WTF Permit may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the Development Ordinance and the Comprehensive Guide Plan.
- (10) Length of Approval. Any use permitted under the terms of the WTF Permit approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from acting or amending the Development Ordinance that changes the status of an approved WTP to a legal non-confirming use.
- (11) Agreement. If the City Council approves the application, a WTF Permit may be issued upon the execution of a Wireless Telecommunication Tower/Antenna Agreement. The agreement or a summary of the agreement approved by the City Manager in recordable form, shall be signed by the applicant and property owner and the terms of the agreement shall include those identified in Section 203.080(E).

(D) Small Cell and DAS (Distributed Antenna System) Permits

- (1) Small Cell/DAS located within a Right-of-Way is subject to Section 405, Right-of-Way Management
- (2) Small Cell/DAS Site Plan located outside of a Right-of-Way.
 - (a) Permit Required. No person shall install Small Cell and DAS facilities without first obtaining a permit.

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- (b) Application. Applications for a Permit shall be made on forms provided by the City Manager and shall be submitted with all of the required information. A completed application shall include an application fee and escrow deposit in an amount prescribed by City Council, and a signed Escrow Deposit Agreement (see Section 2XX.080).
- (c) Complete Application. The City Manager shall review the submitted application form and other materials specified in this Section to determine whether the application is complete. The City Manager may waive, in writing, certain application requirements when determined unnecessary for review of the application. All items deemed necessary by the City Manager must be submitted for the application to be complete and for review of the application to proceed. Applications found to contain material errors shall not be deemed complete until such errors are corrected.
- (d) Review Process Applications for Small Cell Sites/DAS Hub permits shall be reviewed in accordance with Section 203.020(D) (Administrative Review).
- (e) Recovery of City Costs. At the time of application for a permit, an escrow deposit shall be posted in an amount determined by the City Council. The City may charge against this deposit to recover its costs for reviewing the application. These costs may include, but are not limited to, City staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The City will charge against this deposit to offset the City's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may include, but are not limited to, City staff time, consultant fees, and fees for third-party review, monitoring, and inspection. Once construction has been completed and the Permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the City's ability to recover future costs associated with review or monitoring on-going operation of the facility or future modifications, amendments, or transfer of the facility.
- (f) Review and Revocation. The City Manager shall periodically inspect the small cell/DAS equipment and the property where it is located for compliance with the provisions of the permit. If the Permit Holder is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the permit.

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- (g) Review Criteria. The application, site plan and placement of the communication Small Cell/DAS shall be approved only if the following minimum standards are met:
- i. The communication Small Cells/DAS shall be substantially concealed from view as outlined in section 2XX.040 (B)(3)(b).
 - ii. Electrical power and battery backup cabinets shall comply with the standards in section 2XX.040(B)(4) and to the extent practicable, be roof-mounted or otherwise located so as not to be visible from a public street or, where not practicable as determined by the City, such equipment shall be appropriately screened by landscaping or other means minimizing visibility from a public street as outlined in section 2XX.040 (B)(3)(b).
 - iii. The antenna meets the requirements of this ordinance, and after submittal and approval of all permits, applications, fees and information as outlined in Sections 2XX.030 and 2XX.040. Small Cell/DAS antennas on a public structure or existing structures are allowed in all Telecommunication Overlay Districts (TODs) as outlined in section 205.180(C). All antenna installations must comply with the requirements of this ordinance and with the standards in section 2XX.040.
 - iv. Special requirements based on whether communication Small Cell Sites/DAS Hub is affixed to a building or pole:
 - (a) Building Mounted:
 - i. The communication Small Cell may be attached to any building and shall comply with the standards in section 2XX.040 (D);
 - (b) Pole-mounted:
 - i. The communication Small Cell shall be mounted on a pole that supports an athletic field or parking lot light or utility power line. Such pole shall be at least fifteen (15) feet in height as measured from the ground level. **Note:** all existing street light poles in the City of Shoreview including fiberglass, aluminum will not support Small Cell and are prohibited. They must be replaced with a pole that matches the existing design and have the structural capacity to support the proposed equipment and any existing equipment and/or street lights. Poles for traffic lights or traffic signal systems, acorn or decorative light poles are also prohibited for the mounting of any antennas or telecommunications equipment;
 - ii. Height Restrictions. All Small Cell Equipment installations shall be in compliance with height restrictions applicable to poles and other structures for TOD districts as outlined in section 2XX.040(B)(3)(h).

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- iii. Horizontal projection. Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet;
 - iv. There shall be no more than one (1) communication Small Cell per pole with the exception of a monopole or pole structure designed to accommodate multiple carriers;
 - v. Security - construction for Small Cell sites on existing utility poles must be installed in a manner that will not allow the public to come into physical contact with the equipment or create injury as outlined in section 2XX.040(B)(3)(i). Equipment must be mounted securely and include electrical surge protection, safety cable connector locks, no sharp edges, or any other potential hazards.
- (c) DAS Hub Development Standards.
- i. Setbacks for DAS hubs outside of the right-of-way shall meet the setback standards of as outlined in Sections, 205.180 and 2XX.040.
 - ii. DAS hub. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and shall be substantially concealed from view as outlined in section 2XX.40 (B)(3)(b).
- (h) Length of Approval. Any use permitted under the terms of the WTF Permit approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from acting or amending the Development Ordinance that changes the status of an approved WTP to a legal non-confirming use.
- (i) Agreement. If the City Council approves the application, a WTF Permit may be issued upon the execution of a Wireless Telecommunication Tower/Antenna Agreement. The agreement or a summary of the agreement approved by the City Manager in recordable form, shall be signed by the applicant and property owner and the terms of the agreement shall include those identified in Section 2XX.050(C).

2XX.040 USE STANDARDS

(A) Private Antennas.

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(1) Permit Requirements. A private antenna/tower permit is required for:

- (a) Any antennas more than 10 feet in height attached to an existing structure except those antennas exempted from local zoning authority by federal regulations.
- (b) Any antenna attached to a free-standing tower of any height.
- (c) Any dish antenna greater than one meter in diameter that does not meet the standards in the following Section 207.040(A)(2).

(2) Standards.

- (a) All antennas or other devices used for transmitting or receiving signals must comply with Federal Communication Commission procedures to resolve any complaints relating to interference allegedly caused by a private antenna/tower.
- (b) Antennas, except antennas used for amateur or citizen band radio communication:
 - (i) The height is no greater than 10 feet above the roof or more than 40 feet above mean ground level.
 - (ii) A building permit is obtained prior to installation to verify compliance with applicable building, fire, and safety codes.
 - (iii) The ground-level view of the device is screened from contiguous properties and adjacent streets.
- (c) For amateur and citizen band radio facilities.
 - (i) Height. The maximum height for amateur or citizen band radio antennas and/or towers shall not exceed 75 feet. In addition, that portion of any antenna or tower over 55 feet must be retractable to a height no greater than 55 feet.
 - (ii) Lowering Device. All amateur radio facilities capable of a maximum extended height of more than 55 feet shall be equipped with a mechanical device capable of lowering the facility to the maximum permitted height when not in operation.
 - (iii) Number Permitted. One amateur radio facility is permitted per property.
 - (iv) Siting/Setbacks. All amateur radio facilities shall be located in a manner that minimizes the visibility of the facility from nearby properties and adjacent streets. No portion of facility shall be located within a required principal structure setback or in a yard abutting a public right-of-way. In

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addition, any free-standing tower must be set back at least one foot from adjacent residential units for each foot in height or provide documentation acceptable to the City Planner that all adjacent residential units are outside the tower's fall zone.

- (v) Color/Screening. The color of the amateur radio facilities shall blend with the surrounding environment and must be screened with trees and landscaping to the extent possible.
- (vi) Deviation from Standards. Deviation from the height and setback standards may be allowed if the applicant can demonstrate that compliance with these standards would unreasonably limit or prevent reception or transmission of signals and a conditional use permit is obtained in addition to the private antenna/tower permit.

(B) Commercial Antennas and Towers.

(1) Permit Requirements.

- (a) If the proposed antenna/tower is to be used for wireless telecommunications, a wireless telecommunications facility permit must be obtained in accordance with Section 203.044.
- (b) A building permit is required for any installation, expansion, or modification of a wireless telecommunications facility and for any commercial tower. A building permit is required for commercial antennas other than wireless telecommunication antennas if required by the Building Code.
- (c) A conditional use permit may be required for certain commercial antennas or towers as required by the zoning district.

(2) Commercial Antenna Standards.

- (a) The antennas must be located on or attached to an existing structure.
- (b) The height shall not exceed 6 feet above the roof.
- (c) The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.
- (d) Wireless telecommunication antennas shall also comply with the standards in Section 207.040(B)(3).

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(3) Wireless Telecommunication Facility Standards (WTFs).

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

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brackets extending out from the monopole; platform mounted antennas are generally discouraged.

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

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- (iv) The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(h) Height.

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

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- e. Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.
- (i) Safety/Environmental Standards.
 - (i) Unauthorized Climbing. WTFs shall be designed to prevent unauthorized climbing or entry.
 - (ii) Noise. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in Section 209.020, *Noise*.
 - (iii) Radio Frequency (RF) Emissions and Interference. WTFs shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.
 - (v) Maintenance. All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.
 - (vi) Occupational Safety. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.
- (j) Location and Collocation Requirements. Except as herein and after provided, WTFs within the City shall comply with the following collocation requirements:
 - (i) Locations are preferred by the City in the following priority:
 - a. Collocation on existing wireless telecommunications towers;
 - b. Location on City property in the TOD-1 and TOD-2;
 - c. Location on existing buildings in the TOD-3;
 - d. Location on other property in the TOD-1 and TOD-2.
 - (ii) All proposed WTFs must be located on an existing structure 55 feet or greater in height located within ½ mile of the site being considered by the applicant.

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- (iii) All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the City may require a third-party technical study to evaluate the feasibility or cost of collocating at the expense of either or both wireless telecommunication providers.
- (iv) All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon.
- (v) All new or replacement wireless telecommunication towers shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, except when the applicant demonstrates that a monopole with conforming height is technologically unsuitable for the facilities of a second provider.
- (k) Exceptions to Location Requirements. The City may waive any or all of the collocation requirements if it is determined that:
 - (i) The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
 - (ii) The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the City and the interference cannot be prevented.
 - (iii) Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the City.
- (4) Equipment Enclosures. Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:

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- (a) Equipment enclosures shall be of the smallest size necessary.
 - (b) In the TOD-1 and TOD-2:
 - (i) Equipment enclosures shall be located in underground vaults, integrated within existing nearby structures, or where existing trees, structures, and/or other site features screen them from view.
 - (ii) All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a decorative wall) better reflects and complements the character of the neighborhood.
 - (c) In the TOD-3, building mounted WTF equipment enclosures shall be integrated with the building architecture as specified in Section 207.040(B)(3)(b).
- (5) Installation Requirements on City Water Towers. Installation of commercial antennas or WTFs on City water towers will be permitted when the City is fully satisfied that the following requirements are met:
- (a) The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the City's water supply, or risk to the water tower facilities.
 - (b) There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.
 - (c) The presence of the commercial antenna or WTF will not increase the water tower maintenance or operational costs to the City.
 - (d) The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.
 - (e) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

(D) Small Cell and DAS (Distributed Antenna System) Sites

- (1) Communication Small Cell and DAS hubs shall comply with the Wireless Telecommunication standards in Section 2XX.030 (B)(3).
- (2) Placement. The following Standards shall apply for the placement of Small Cell/DAS in the TOD Districts.

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- (a) In determining whether to allow the installation of a Small Cell/DAS Technology Wireless Support Structure, the City shall consider the following factors and make a determination if it is appropriate:
 - (a) Demonstrated need for the Small Cell/DAS Technologies within the geographic area requested by a radio propagation study in order to deliver adequate service;
 - (b) Proof that all co-location sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The Applicant must demonstrate all actions taken to achieve colocation.
 - (c) The character of the area in which the Small Cell/DAS Technology Wireless Support Structure is requested, including evidence of surrounding properties and uses;
 - (d) Concealment design as outlined in section 2XX.40 (B)(3)(b).
 - (e) Proof that the proposed Small Cell/DAS Technology Wireless Support Structure is the minimal physical installation that will achieve the Applicant's goals.
 - (f) The safety and aesthetic impact of any proposed Small Cell/DAS Technology Wireless Support Structure, related accessory Pole Mounted Small Cell Sites
- (b) Ownership of the Pole. The Permit Holder will determine the ownership of the pole identified for installation of Small Cell/DAS Equipment and provide evidence that the pole has adequate structural capacity to support the existing and proposed loads.
- (c) Structural Capacity. For any proposed installation on an existing pole, the applicant must provide evidence that the pole has adequate structural capacity to carry the additional loading from the proposed installation. Structural analysis will need to include wind load calculations that also accounts for ice.
- (d) The City may retain the services of an independent technical expert at the applicant's expense to review, evaluate, and provide an opinion regarding the applicant's structural documentation.
- (3) Electrical Supply. Permit Holder shall be responsible for obtaining any required electrical power service to the Small Cell/DAS equipment. The City shall not be liable to the Permit Holder for any stoppages or shortages of electrical power furnished to the equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other Permit Holder of the structure, or for any other cause beyond the control of the City. Permit Holder shall not be entitled to any abatement of the Rental Fee for any such stoppage or shortage of electrical power.
- (4) Fiber Connection. Permit Holder shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its Wireless Facilities or equipment.

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- (5) All Small Cell/DAS Site Applications requesting access to a pole must include a load bearing study to determine whether the attachment of Small Cell/DAS Equipment may proceed without pole modification or whether the installation will require pole re-enforcement or replacement. Note, modifications to existing poles are prohibited; only replacement of the pole will be considered.
- (6) If pole replacement is necessary, applicant shall provide engineering design and specification drawings for the proposed pole. Engineering documents will be reviewed to determine:
 - (a) Replacement pole must match the existing design and have the structural capacity to support the proposed equipment and any existing equipment and/or lights.
 - (b) compliance with contractual requirements under this Lease Agreement;
 - (c) no interference with City public safety radio system, traffic signal light system, or other communications components;
 - (d) inclusion of appropriate design of stealth components necessary to comply with historic preservation requirements or aesthetic design elements for downtown attachments; and
 - (e) Compliance with City pole attachment regulations for street light poles, including replacement of Utility electric meter with dual meters.
- (7) Determine Compliance with any other Applicable Requirements. As appropriate, the City or their designee shall require Permit Holder to make design modifications in order to comply with applicable contractual, regulatory, or legal requirements. Failure to make the requested design modifications shall result in an incomplete Small Cell/DAS Site Application, which may not be processed under this Lease Agreement.
- (8) Removal of Non-Compliant Installations. The City shall have the authority at any time to order and require Permit Holder to remove and abate any Small Cell/DAS Equipment or other structure that is in violation of the City Municipal Code. In case Permit Holder, after receipt of written notice and thirty (30) days opportunity to cure, fails or refuses to comply, the City shall have the authority to remove the same at the expense of the Permit Holder, all without compensation or liability for damages to the Permit Holder.

2XX.050 Agreements.

- (A) Private Antenna/Tower Agreement. Upon approval of a private antenna/tower permit and before installation of any improvements, the Permittee shall enter into a Private Antenna/Tower Agreement. The agreement shall be signed by the applicant and the terms of the agreement shall include the following:
 - (1) A list of the conditions of approval of the private antenna/tower permit.
 - (2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the private antenna and/or tower.

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- (3) A statement indicating that the expenses incurred by the City to enforce the provisions of the private antenna/tower agreement shall be reimbursed by the applicant.
- (4) A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the private antenna/tower.
- (5) A statement indicating that the private antenna/tower shall be valid during the term of the private antenna/tower agreement and only while the applicant resides on the property. The applicant shall agree to notify the City if he/she no longer resides on the property or of a transfer of title.

(B) Wireless Telecommunication Facility (WTF) and Small Cell Sites/(DAS) Agreement. Upon approval of a WTF ~~or Small Cell Site/DAS~~ permit and prior to installation of any improvements, the Permittee shall enter into a WTF or Small Cell Site/DAS agreement. The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

- (1) A list of the conditions of approval to the WTF or Small Cell Site/DAS Permit.
- (2) A statement indicating that failure to comply with the conditions of approval shall result in the revocation of the permit and removal of the facility.
- (3) A statement indicating that the expenses incurred by the City to enforce the provisions of the WTF or Small Cell Site/DAS agreement shall be reimbursed by the applicant.
- (4) A statement which requires the applicant to utilize the procedures established by the FCC to resolve any complaints received relating to interference allegedly caused by the facility.
- (5) A statement indicating the Permittee will cooperate in good faith and fair dealing in collocating wireless telecommunication facilities.
- (6) A statement indicating that the WTF or Small Cell Site/DAS shall be maintained in good and safe condition and to preserve its original appearance and concealment, disguise or camouflage elements incorporated into the design at the time of approval. Such maintenance shall include, but is not limited to, painting, repair of equipment, and maintenance of landscaping.

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- (7) A statement authorizing the City to enter the property for the purpose of periodic inspections to determine that the site complies with conditions of approval and all safety and building codes. This statement shall give the City the right to conduct such inspections at any time upon reasonable notice to the property owner(s), and that all expenses related to such inspection shall be borne by the Permittee.
 - (8) A statement indicating that a WTF or Small Cell Site/DAS which has not been used for twelve (12) successive months shall be deemed abandoned and may, at the sole discretion of the City, be required to be removed in the same manner and pursuant to the same procedures as for dangerous or unsafe structures established by Minnesota State Statutes, Section 463.16.
 - (9) A statement indicating that the removal of any unused or abandoned tower or portions of towers shall be the responsibility of the property owner.
 - (10) A statement requiring the Permittee to notify the City that the WTF or Small Cell Site/DAS continues to be in operation. The notice of continuing operation shall be sent to the City Planner annually by certified mail during the last two weeks of the month of December.
- (F) Escrow Deposit Agreement. At the time of application for a WTF or Small Cell Site/DAS permit, the applicant shall enter into a WTF or Small Cell Site/DAS Escrow Deposit Agreement with the City. The applicant shall submit a deposit in an amount determined from time to time by resolution of the City Council. The agreement shall indicate that the funds deposited may be utilized by the City to offset its costs from review of the WTF or Small Cell Site/DAS permit application and, if the application is approved, to monitor construction and ensure compliance with conditions of approval. Interest shall not accrue on these funds. Any funds not so utilized by the City shall be returned to the applicant after the installation of the WTF or Small Cell Site/DAS has been completed and the City has determined compliance with the conditions of approval and the standards in the Development Ordinance. This escrow deposit shall be in addition to any other required financial guarantees.

Section 405 – RIGHT OF WAY MANAGEMENT

405.65 Small Cell/DAS Hubs

- (A) Public Utility Structure: A new Antenna may be attached to an existing public utility structure or utility pole within a right-of-way if:

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- (1) The Antenna does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility.
 - (2) The Antenna is no larger than three (3) cubic feet and has no individual surface larger than four (4) feet.
 - (3) The Antenna extends outward from the utility structure no more than three (3) feet.
 - (4) Any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50 percent.
 - (5) The telecommunication facility uses stealth design as much as possible as outlined in section 2XX.40 (B)(3)(b).
 - (6) There is no ground mounted equipment.
 - (7) There is no interference with public safety communications or with the original use of the public utility structure as outlined in section 207.040. In the event that Permittee's Small Cell/DAS Equipment interferes with the City's traffic light signal system, public safety radio system, or other City communications infrastructure operating on spectrum where the City is legally authorized to operate, Permittee will respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.
 - (8) The Applicant agrees that the Antenna must be removed and relocated, at Applicant's expense, when the City or utility requires the removal and relocation of the public utility structure.
 - (9) The Wireless Telecommunication Application and all necessary agreements permitting the use of public property are approved.
 - (10) Its inclusion/attachment does not exceed the facilities structural capacity.
 - (11) No equipment will be allowed on existing street light poles, fiberglass light poles, poles for traffic lights or traffic signal systems, acorn or decorative light poles.
- (B) Placement. The following Standards shall apply for the placement of Small Cell/DAS Technology in the public right-of-way, or on a public road, City easement or any other City property.
- (a) The City will determine whether the location (and any existing pole) identified by the applicant as a Small Cell/DAS Site is within the City Right-of-Way.
 - (b) All Small Cell/DAS installations in the Right-of-Way shall comply with the standards as outlined in section 405, Right-of-Way Management.

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- (c) In determining whether to allow the installation of a Small Cell/DAS Technology Wireless Support Structure within the right-of-way, the City shall consider the following factors and make a determination if it is appropriate:
 - (a) Demonstrated need for the Small Cell/DAS Technologies within the geographic area requested by a radio propagation study in order to deliver adequate service;
 - (b) Proof that all co-location sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The Applicant must demonstrate all actions taken to achieve colocation.
 - (c) The character of the area in which the Small Cell/DAS Technology Wireless Support Structure is requested, including evidence of surrounding properties and uses;
 - (d) Concealment design as outlined in section 207.40 (B)(3)(b).
 - (e) Proof that the proposed Small Cell/DAS Technology Wireless Support Structure is the minimal physical installation that will achieve the Applicant's goals.
 - (f) The safety and aesthetic impact of any proposed Small Cell/DAS Technology Wireless Support Structure, related accessory equipment, and/or Equipment Compound.
- (d) The City will determine whether the location (and any existing pole) identified by the applicant as a Small Cell/DAS Site is within the City Right-of-Way.
- (e) Ownership of the Pole. The Permittee will determine the ownership of the pole identified for installation of Small Cell/DAS Equipment and provide evidence that the pole has adequate structural capacity to support the existing and proposed loads.
- (f) Site Eligibility. Permittee shall determine whether a requested City pole or the location for the installation for a new pole is eligible as a Small Cell/DAS Site based on space availability or other considerations. In addition, Permittee must determine whether public safety considerations prevent eligibility of an existing pole as a Small Cell/DAS Site. Concerning a request to install a new pole, Permittee shall determine whether City policies and availability of Right-of-Way prevent the pole installation at the requested location.
- (g) Structural Capacity.
 - (a) For any proposed installation on an existing pole, the applicant must provide evidence that the pole has adequate structural capacity to carry the additional loading from the proposed installation. Structural analysis will need to include wind load calculations that also accounts for ice.
 - (b) For any proposed installation on a new pole, the applicant must provide evidence that the pole has adequate structural capacity to carry the proposed loads and include soil boring reports to verify soil conditions and

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- concrete test results. Structural analysis will need to include wind load calculations that also accounts for ice.
- (c) The City may retain the services of an independent technical expert at the applicant's expense to review, evaluate, and provide an opinion regarding the applicant's structural documentation.
- (h) Electrical Supply. Permittee shall be responsible for obtaining any required electrical power service to the Small Cell/DAS equipment. The City shall not be liable to the Permittee for any stoppages or shortages of electrical power furnished to the equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other Permittee of the structure, or for any other cause beyond the control of the City. Permittee shall not be entitled to any abatement of the Rental Fee for any such stoppage or shortage of electrical power.
- (9) Fiber Connection. Permittee shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its Wireless Facilities or equipment.
- (10) All Small Cell/DAS Site Applications requesting access to a City pole must include a load bearing study to determine whether the attachment of Small Cell/DAS Equipment may proceed without pole modification or whether the installation will require pole re-enforcement or replacement. Note, modifications to existing poles are prohibited, only replacement of the pole will be considered.
- (11) Replacement Poles: If pole replacement is necessary, applicant shall provide engineering design and specification drawings for the proposed pole. Engineering documents will be reviewed to determine:
- (a) Replacement pole must match the existing design and have the structural capacity to support the proposed equipment and any existing equipment and/or lights.
 - (b) compliance with contractual requirements under this Lease Agreement;
 - (c) no interference with City public safety radio system, traffic signal light system, or other communications components;
 - (d) inclusion of appropriate design of stealth components necessary to comply with historic preservation requirements or aesthetic design elements for downtown attachments; and
 - (e) Compliance with City pole attachment regulations for street light poles, including replacement of Utility electric meter with dual meters.
- (12) Determine Compliance with any other Applicable Requirements. As appropriate, the City or their designee shall require Permittee to make design modifications in order to comply with applicable contractual, regulatory, or legal requirements. Failure to make the requested design modifications shall result in an incomplete Small Cell/DAS Site Application, which may not be processed under this Lease Agreement.

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- (13) Repair of Public Right-of-Way. Repairs to the Right-of-Way shall be completed as outlined in section 405.120 and 405.170.
- (14) Maintenance and Modifications of Small Cells/DAS.
- (a) Coordination of Maintenance and Equipment Upgrade Activities - Prior to Permittee engaging in planned or routine maintenance activities, or equipment upgrades concerning Small Cell/DAS Equipment attached to a City, County, or Utility owned pole, Permittee shall provide twenty (20) days advance notice to the City of Shoreview in order to coordinate such maintenance activities or other public safety functions. Permittee shall obtain a ROW Permit prior to engaging in any maintenance or equipment upgrade activities in the Right-of-Way regardless of pole ownership. Such twenty (20) day advance notice shall not be required in the case of an emergency.
- (b) Prior to making any future modifications to the Small Cell/DAS Site described in Section 1 above, other than maintenance and repair of site specific Small Cell/DAS Equipment as provided in the Lease Agreement, Permittee shall file a Small Cell/DAS Site Application with the City of Shoreview describing the proposed modifications. The City shall review the Small Cell/DAS Site Application pursuant to the terms and conditions in the Lease Agreement, and if approved such Small Cell/DAS Site Application shall be attached as an Exhibit and made a part hereto. Any additional site modifications shall be incorporated hereto in the same manner.
- (15) Removal of Non-Compliant Installations. The City shall have the authority at any time to order and require Permittee to remove and abate any Small Cell/DAS Equipment or other structure that is in violation of the City Municipal Code. In case Permittee, after receipt of written notice and thirty (30) days opportunity to cure, fails or refuses to comply, the City shall have the authority to remove the same at the expense of the Permittee, all without compensation or liability for damages to the Permittee.

405. RIGHT OF WAY

405.0201 Definitions

Distributed Antenna System (DAS)” is a network of spatially or geographically separated antenna nodes that are connected to a common source through a transport or communication medium in order to provide wireless communication service in a specific locality or building. A DAS can be deployed indoors (iDAS) to provide network or cellular connectivity throughout a building or outdoors (oDAS) in areas where regular wireless coverage does not reach.

Draft – March 24, 2017

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DAS Hub Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere

Small Cell Equipment refers to Wireless Facilities and Transmission Media attached, mounted, or installed on a proprietary or leased utility pole, street light, building or other structure and used to provide Personal Communications Service.

Small Cell Site is defined as a low-power radio access facility, together with associated antennas, mounting and mechanical equipment, which provides and extends wireless communications systems' service coverage and increases network capacity.

3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* Staff believes with the attached conditions approved, it will become a more unified sign package, which in time will have a greater aesthetic appeal for the Center.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* Single tenant buildings have the option for longer signage based on having a typically larger storefront than multitenant buildings, which in this case has narrow storefront and deep office space. An increase in length of sign length is needed to support a channel sign. In order to permit channel signs and length of the sign, a Comprehensive Sign Plan is needed to comply and this allows for deviations from the City Code. Staff does not believe this approval will confer a special privilege on the applicant given the history of past City approvals for signs here.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards:* Staff believes the sign proposes an effective and functional method to advertise tenants at the center, in a manner compatible with the commercial use. The intent of the signs is to provide an updated look.

Discussion:

Commissioner Solomonson clarified that condition No. 1 means that if the sign face is damaged, it can be replaced as a cabinet sign. If the box is damaged, a new channel sign must be put in.

VOTE: **Ayes - 7** **Nays - 0**

MISCELLANEOUS

WIRELESS TELECOMMUNICATIONS ORDINANCE-SMALL CELL SITES

Mr. Dale Romsos, Short Elliot Hendrickson (SEH), stated that his firm has been working with the City on revising the wireless telecommunications ordinance because the industry is moving so fast that definitions are rapidly becoming outdated.

Mr. Romsos presented a brief history of evolving technology that shows how the industry has grown with demand for more and more connectivity. In 1997, smartphones came into play, and speed became a factor. The copper T1 lines established to that point were no longer fast enough, and connections were changed to fiber. Then there was 3G technology which was faster.

It is estimated that there are 2.5 wireless devices in every household in the U.S., and is outdating land lines. The issue now is that while cell coverage may be adequate in

distance range, it cannot cover the capacity of all the people using it. This is where the new sectorized small cell site development comes in. A small cell site with an antenna on a light pole in the parking lot in front of the Community Center, for example, connects back to the main cell site to cover the entrance area where service demand is greater. There is no industry standard for small cell sites. Ordinances must speak to specific definitions that define small cell sites and utility rights-of-way.

Commissioner Solomonson noted the physical designs are bulky and asked if there is a possibility the components could be installed inside of a light pole rather than being attached to it. He asked if each provider will have to have small cell sites and whether the sites can be buried. **Mr. Romsos** answered that small cell site components are constantly being improved. It may be that each provider will want small cell sites. That is the reason to develop an ordinance that speaks to current technology. There are buried sites in Europe, but the regulations in Europe are very different from the FCC regulations in the U.S.

Commissioner Peterson asked the number of providers and number of possibilities for small cell sites. **Mr. Romsos** stated there are four providers in the metro area. They all started at a different time and built their network differently. That is why ordinances need to be proactive to direct the industry in a competent way. For example, one thing an ordinance may stipulate is co-location.

Commissioner Yarusso asked if any cities are attempting to provide coverage with distributed sites to reduce the multiple antennas needed. **Mr. Romsos** responded that small cell sites are extremely expensive, unless there is an area with high demand capacity.

Commissioner Solomonson stated that one of his main concerns is how these systems will look and whether there will be interference with other providers. He would prefer that the systems can be installed with stealth so they are not so apparent. **Mr. Romsos** stated that the providers self-regulate because of the FCC penalties that can be incurred if there is interference with another provider. The ordinance will have to be continually refined regarding stealth because of changing technology.

Commissioner Wolfe asked if there is a capital investment required on the part of the City with small cell sites. **Mr. Romsos** stated that smart streets could be designated for all dark fiber, all fiber conduits, all connectivity points, all street lights set for small site conversions. Everything has to be considered in terms of development, where there is land available, whether installation should be underground that tear up streets and sidewalks, and the consideration that not all providers will make the same upgrades at the same time.

Ms. Castle stated that there is no deadline to adopt an ordinance, but there is an immediate need because of the push from the industry and companies who are challenging legislation as to whether they are considered a utility and can locate in rights-of-way without a permit. The City's goal is to take all wireless regulations in the Code and consolidate them into one section. The review process, criteria and new standards would be identified. It is anticipated that a new ordinance will be adopted within two to three months. She would recommend a workshop to discuss these issues further followed by a public hearing.

BEEKEEPING ORDINANCE

Ms. Castle stated that the next step for a beekeeping ordinance is a public hearing at the next meeting. Location, density, licensing, notification requirements were of concern to the Commission at previous discussions. The Commission is asked to review the draft ordinance and raise any further questions.

Ms. Hill noted that Section 601.020 E., Density, should read one acre or larger, not two.

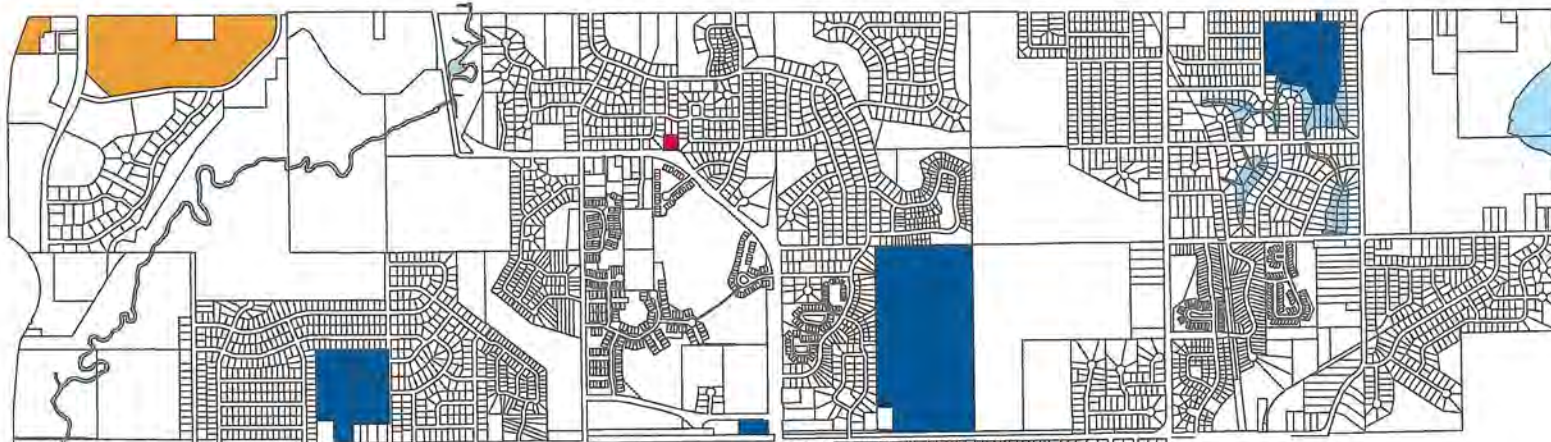
Commissioner Solomonson asked the dimensions of a hive, the arrangement in relation to the size of the property. He noted that some cities require consent of the adjacent homeowner, but the draft ordinance does not have that requirement. He is also concerned about how a swarm would be handled. Ms. Castle responded that staff believes that at a certain height it will not be feasible to maintain the hives. Adjacent homeowners will be notified after a license is issued. Swarming is a civil matter rather than a City issue.

City Attorney Beck agreed and stated that swarming would be considered a trespass, similar to a dog running through the neighbor's yard. He would expect the neighbor would want the bees to be retrieved, but there is no right of the bee owner to retrieve the bees from another's property.

Commissioner Wolfe asked if property owners who want bee hives have been requested to have an upgraded homeowners policy. Even if beyond the City's jurisdiction to make such a requirement, he encouraged further research to understand any impact to insurance.

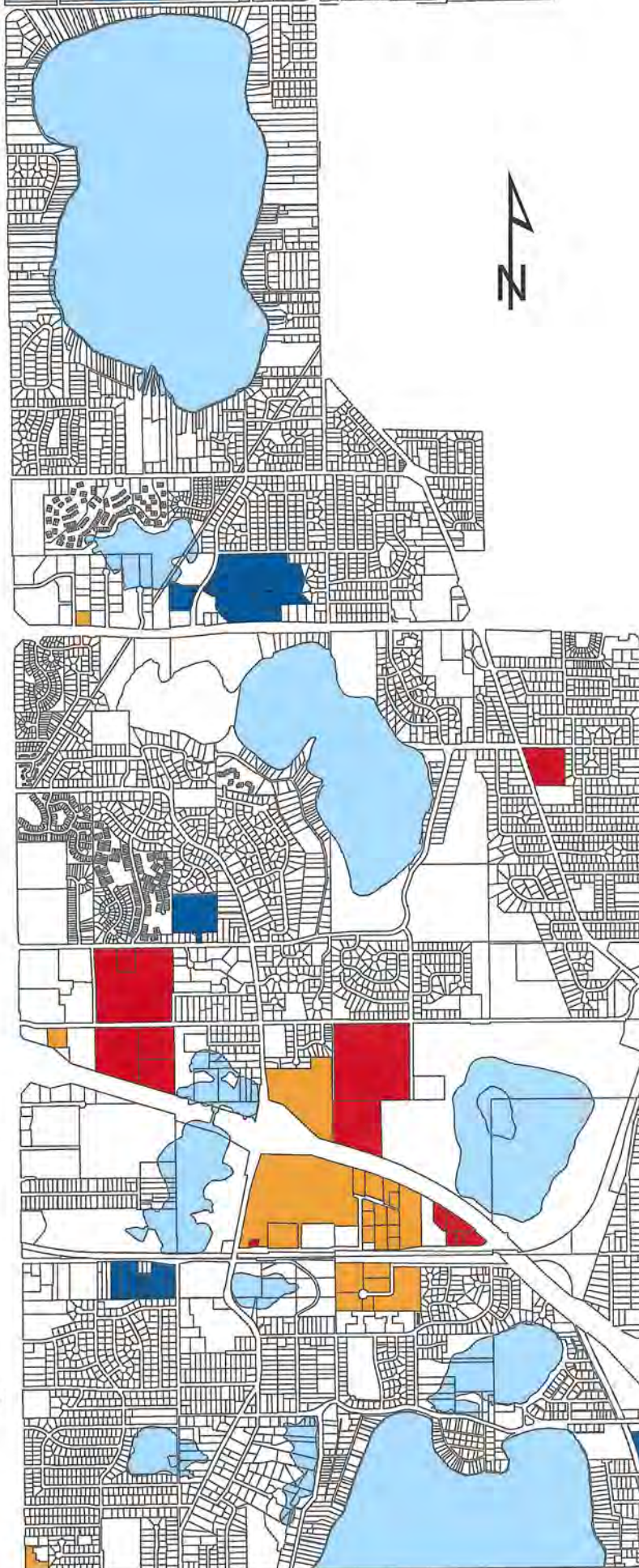
Commissioner McCool agreed and stated he would support an enhanced insurance policy. Licensing often requires insurance. Requiring enhanced insurance would encourage people to be responsible about their hives. His biggest concern is a swarm. They do happen. He does not agree with a 10-foot setback from property lines; he would support 25 feet.

Telecommunications Overlay District



Legend

-  TOD - 1
-  TOD - 2
-  TOD - 3



Approved July 5, 2011