#### CITY OF SHOREWOOD PLANNING COMMISSION MEETING TUESDAY FEBRUARY 7, 2023

COUNCIL CHAMBERS 5755 COUNTRY CLUB ROAD 7:00 P.M.

#### AGENDA

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ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER ()	
HOLKER ()	
VICE-CHAIR RIEDEL (FEB)	
HUSKINS ()	
COUNCIL LIAISON MADDY (JAN-	JUNE)
COUNCIL LIAISON CALLIES (JULY	(-DEC)

- 1. APPROVAL OF AGENDA
- 2. APPROVAL OF MINUTES
  - January 17, 2023

#### 3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

#### 4. PUBLIC HEARINGS

A) Conditional Use Permit for a collocation of antennas on existing tower

Applicant: SMJ International, LLC (T-Mobile)

Location: 24283 Smithtown Road

#### 5. OTHER BUSINESS

A) Variance to setback to OHWL on Silver Lake

Applicant: Gardner Building and Remodeling

Location: 19960 Sweetwater Curve

B) Variance to front and side setbacks

Applicant: Todd Nelson Location: 20980 Ivy Lane

#### 6. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

#### 7. ADJOURNMENT

#### CITY OF SHOREWOOD PLANNING COMMISSION MEETING TUESDAY, JANUARY 17, 2023

COUNCIL CHAMBERS 5755 COUNTRY CLUB ROAD 7:00 P.M.

#### DRAFT MINUTES

#### **CALL TO ORDER**

Vice-Chair Riedel called the meeting to order at 7:01 P.M.

#### **ROLL CALL**

Present: Vice-Chair Riedel; Commissioners Eggenberger, Huskins and Holker; City

Administrator Nevinski, and Finance Director Rigdon

Absent: None

#### 1. APPROVAL OF AGENDA

Vice-Chair Riedel noted that there had been a request to move item 4.C. earlier in the agenda.

Eggenberger moved, Huskins seconded, approved moving item 4.C. to become 4.A., and renumbering the remainder of the agenda accordingly. Motion passed 4/0.

Holker moved, Huskins seconded, approving the agenda for January 17, 2022, as amended. Motion passed 4/0.

#### 2. APPROVAL OF MINUTES

December 6, 2022

Huskins moved, Holker seconded, approving the Planning Commission Meeting Minutes of December 6, 2022, as presented. Motion passed 4/0.

#### 3. MATTERS FROM THE FLOOR - NONE

#### 4. OTHER BUSINESS

A. Capital Improvements Program Review

Applicant: City of Shorewood

Location: City-wide

City Administrator Nevinski noted that looking at the CIP is something that is relatively new to the Planning Commission and had not been done before. He stated that staff recently discovered that it is part of State statute and the City Code that the Planning Commission will review the annual budget to verify that there is alignment with the CIP and the Comprehensive Plan.

Finance Director Rigdon noted that the Planning Commissions' role in this review is not to analyze every project, but to conduct a general review of the overall implementation of the Comprehensive Plan. He gave a brief summary of the various funds and their purpose, including: Fund 201 (Community and Event Center); Fund 402 (Park Capital Improvement Fund); Fund 403 (Equipment Replacement Fund); Fund 404 (Street Reconstruction Fund); Fund 405 (Municipal

#### CITY OF SHOREWOOD PLANNING COMMISSION MEETING JANUARY 17, 2023 Page 2 of 7

State Aid Street Construction Fund); Fund 406 (Trails); Fund 601 (Water); Fund 611 (Sanitary Sewer); and Fund 631 (Stormwater Management Fund). He explained that staff was recommending that the Planning Commission find that the CIP is generally consistent with the Comprehensive Plan

Commissioner Holker noted that she was not aware that this was the first time the Planning Commission had taken a look at this and explained that if she looks at it with a broad brush, it seems like it falls within the plan for the City.

Vice-Chair Riedel stated that this is the first time the Planning Commission was being asked to look at this and much of it is clearly not within the purview of the Planning Commission. He stated that he thinks the whole Commission is wondering a bit about what sort of guidance they are supposed to provide in this situation.

Commissioner Eggenberger stated that if the Planning Commission was just being asked to take a general look and not analyze each project, he would say that this clears that hurdle. He stated that he would recommend that the Commission follow the staff recommendation and recommend approval.

Commissioner Huskins explained that what was missing for him was the fundamental question that was before them of whether what has been presented is consistent with the Comprehensive Plan. He stated that it would have been very helpful to see the breakdown in order to see if the money was being put into 'buckets' like they are claiming in the Comprehensive Plan. He asked how staff felt about the concordance of this information with the Comprehensive Plan.

City Administrator Nevinski stated that he thinks the Commission has raised some good questions and agreed that this was something that other Planning Commissions have struggled with because it does get into the details in a way that a Planning Commission normally does not. He explained that many times people think of Comprehensive Plans as being land use documents, which they are, but as the Met Council looks at it, they are also thinking about things like sanitary sewer, water supply, transportation, housing plans, and economic development. He noted that he has only been with the City for 3 weeks and had not been able to spend much time reviewing the Comprehensive Plan yet, but will make sure he communicates the questions that have been raised to Planning Director Darling to help with next year's review.

Commissioner Huskins explained that what was driving his question was that several years ago when the community across the street at the Country Club was being developed, there was a very strong concern about its impact on traffic. He stated that at the time, he served on a Citizens Traffic Study Committee and they brainstormed ideas for how they thought the City might consider handling the additional traffic. He explained that out of all the recommendations that were put forward, the only one implemented by the City did was the flashing stoplights on the corner of Country Club Road and Linden Drive. He stated that his recollection was that the City had claimed that there wasn't money to fund any of the other abatement recommendations. He stated that if something like that were to occur again, where there were capital needs, he would like to know where they would appear in these breakdowns and documents, for example, Streets or Public Works.

Commissioner Holker stated that she has spent some time reviewing the Comprehensive Plan, but explained that what it does not have is when they are looking at the City budget, how they can align rough percentages of the budget into the various categories of the Comprehensive Plan. She stated that the Comprehensive Plan talks about Met Council and reviewing this gives her no visibility, for example, on whether the City is trying to go after something like lower priced housing.

## CITY OF SHOREWOOD PLANNING COMMISSION MEETING JANUARY 17, 2023 Page 3 of 7

She explained that she found tying this document and information to the Comprehensive Plan difficult.

Vice-Chair Riedel stated that he thinks those are excellent points and would suggest for next year that many of the costs could be divided out costs into the ones that have zero discretionary components and those that would be discretionary for decisions made by the City. He stated that in order to line those up, he would think the Planning Commission would need to do some advance work to discuss priorities in the various categories and gave the example of traffic. He noted that he felt traffic was a good example because in the years that he has served on the Commission, he was not sure how many cases that come before them pertain to traffic, but when it comes to commercial development of any kind, it is perennial and is a concern that bubbles to the top. He stated that would a great example in that, if the Planning Commission felt that this was an area of deficiency in the City planning, that the Planning Commission could then provide guidance that there should be more spent on long term improvements to traffic flow patterns and traffic safety. He explained that could be the kind of recommendation that the Planning Commission could give if they had a bit more preparation time. He asked that staff make a note for next year on how to structure the conversation and prepare the Planning Commission prior to the discussion next year.

Commissioner Huskins clarified that it was not that he necessarily thought that he had any insight in order to challenge how the City plans on distributing the money or which projects have bubbled up to the top, but he just goes back to the thought that he cannot say if this aligns with the Comprehensive Plan without some assistance and explanation on why things are the way they are.

Commissioner Eggenberger stated that in reading through the analysis, for example, the goals and objectives, they all sound great, but he was not sure how to tie those to the individual numbers because it did not mean anything to him, which he found frustrating.

Eggenberger moved, Holker seconded, Recommending Approval of the 2023-2032 CIP Based on the Finding that it is Generally Consistent with, Implements, and/or the Projects are Contemplated by the City's Comprehensive Plan and further that the Vice-Chair of the Planning Commission may execute and forward this finding to the City Council. Motion passed 4/0.

Vice-Chair Riedel noted that he would be leaving the Planning Commission soon but stated that the Planning Commission tends to be 'reactive', however, he thinks the Commission would actually appreciate doing more long term planning and this may be an opportunity for them to do that at least once a year.

B. Variance to Rear Yard Setback (Shed)
Applicant: Gene German and Sara Lassila

Location: 5925 Eureka Road

City Administrator Nevinski explained that this item was initially before the Planning Commission on December 6, 2022 as a request for a shed to be located 3 feet from the rear and side property lines. He stated that the consensus of the Planning Commission at that meeting was that 10 feet from either setback seemed appropriate and they tabled discussion to allow the applicant time to verify whether that setback would work.

Gene German, 5925 Eureka Road, noted that they have submitted additional information that shows the roof style requested and noted that he found out that it would mean a 35% increase in

## CITY OF SHOREWOOD PLANNING COMMISSION MEETING JANUARY 17, 2023 Page 4 of 7

the cost to do lap siding as staff had requested. He stated that lap siding is really cosmetic and does not change the structure and explained that they are doing their best to get this out of sight. He stated that it would be a burden to them to put another \$5,000 into something that is cosmetic. He asked the Commission to consider allowing them to go back to the original siding that their builder had proposed.

Vice-Chair Riedel asked if the color of the shed would match the color of the house.

Mr. German stated that they are planning to paint the house and explained that have picked a cream color for the shed and some sort of brown for the trim color. He noted that their intent is to match the house color as closely as possible.

Vice-Chair Riedel stated that the City Code requires that it match the architectural style, but does not go down to the granularity of specifying the direction of the siding. He asked what style of siding the home has and asked what Mr. German's request would be for the shed.

Mr. German explained that the shed comes with vertical siding that are on most sheds. He stated that there is one shed in the neighborhood that has the same style as the house but noted that it was a tear down and rebuild and his home was built 67 years ago without a shed. He stated that if the Commission would look throughout their neighborhood they will only find the one shed that looks like the house. He noted that he wasn't sure it was fair to insist that their shed match their house when others have not had the same requirement. He reiterated that they are doing their best to get it out of sight and is hopeful that it won't be seen as much as if it were in a prominent location such as their north yard area. He stated that one of the suggestions from the last meeting was to rotate the shed 90 degrees and shared dimensions of the yard to explain how it would like and explained that his preference would be the option where the main door would face north. He noted that his concern with this is the proximity to the walnut tree and the potential for root damage as well as possible damage to the shed from the tree during the fall months. He stated that he would like to keep the shed as far away from the tree as possible and noted that he believes that corner is also a more level portion of the yard and noted that he thinks they can live with that placement. He noted that right now, the door is on the short side of the shed and explained that they may end up putting in a service door, perhaps a roll-up door, but the physical building would still be the same dimensions.

Commissioner Huskins stated that what he understands from what Mr. German has presented is that there are two possible placements that would accomplish the 10 foot setback that the Planning Commission had requested. He stated that the applicant has altered the planned shed in order to match the roof of the house and has made a request that the Commission consider not having the exact siding as the existing home. He noted that Mr. German has told the Commission that he plans to paint the house to match the shed rather than the other way around. He stated that to him, he does not care about what orientation Mr. German chooses, because either way he has accomplished the 10 foot setback.

Vice-Chair Riedel stated that staff had recommended horizontal lap siding and the roof. He explained that he agreed with Mr. German that there are plenty of sheds that do not match the color or style of the home. He stated that if someone applies for a permit for a shed, this is, in principle, a requirement, however you can repaint your shed without a permit. He stated that what the Code states is that the architectural style of the accessory building must match which he feels is subject to interpretation. He stated that because meeting this requirement would cost the applicant about an additional \$5,000, he is inclined to drop that requirement within the Commission's recommendation.

Eggenberger moved, Holker seconded, Recommending Approval of the Request for a Variance to Allow an Accessory Building to be Constructed at 10 Feet from the Rear and Side Property Lines for property located at 5925 Eureka Road, and that the staff recommendations be followed, except for the requirement for horizontal lap siding. Motion passed 4/0.

C. Variance to Rear Yard Setback Applicant: Clayton Tessness Location: 22430 Murray Street

City Administrator Nevinski gave an overview of the request for a variance to a rear yard setback to allow a second story addition on a garage. He explained that the garage was currently constructed at about 37.5 feet from the rear property line where 40 feet is required. He noted that the City has the ability to allow for expansion of certain non-conforming uses but in a case like this where there is an encroachment, a variance would be required. Staff is recommending approval, but noted that one way to address this would be to combine the two lots that the owner has and eliminate the lot line between the two parcels. He stated that as staff has taken a look at this, there is a minimal impact since both lots are owned by the same party. He stated that he did not think there was public street access to the second lot, so if the lot were sold, gaining access may be difficult. He stated that Planning Director Darling had passed along the information that there is a non-conforming shed that is located on the property and crosses the property line and if the Commission is inclined to grant the variance request, there is a condition that this shed be moved.

Vice-Chair Riedel stated that he would like to hear the property owners thoughts on the idea of joining the two lots and also on the history of the property and its non-conformity since it was built in 1978.

Curtis Nordic, 22430 Murray Street, stated that he purchased both lots in 2012 with the existing house that was built in 1978. He stated that the request is for a 2.1 foot variance for the rear setback and stated that he believes at the time it was built, the setback was 50 feet. He stated that would like to go vertically up from the existing garage footprint and build a bedroom, bathroom and laundry room for he and his wife. He noted that his contractor is Clayton Tessness, whose name appears on the paperwork as the applicant.

Commissioner Eggenberger asked if Mr. Nordic had thought about combining the lots.

Mr. Nordic stated that he has talked about it a bit but if he did combine them it would limit his ability to ever construct on that parcel in the future. He stated that they are potentially looking at a generational use and explained that his oldest son is autistic, so they are unsure if he will ever actually leave the nest, or if they will simply want something close by for him. He stated that there is a private easement for the driveway to his neighbor's so there is potential access for the second property from the existing driveway.

Commissioner Huskins stated that staff has made a recommendation about moving the existing shed to a conforming location.

Mr. Nordic stated that would be fine and explained that it is on existing skids and came about because of his dilemma in not knowing exactly where the actual property lines were located. He stated that he can move it to a location that meets the setback once he gets those details from Planning Director Darling.

Commissioner Holker asked if Mr. Nordic was doing any other work on the property currently and explained that she had noticed some construction material near the garage.

Mr. Nordic stated that material was dropped off because they had ordered it early, however, it came much sooner than expected. He clarified that all the material there is for his planned project and not anything else.

Holker moved, Huskins seconded, recommending approval of the Variance Request to Rear Yard Setback for property located at 22430 Murray Street, with the conditions as noted in the staff report, including that the existing non-conforming shed location be shifted to the appropriate setbacks in order to become conforming. Motion passed 4/0.

City Administrator Nevinski noted that this was scheduled to come before the City Council on January 23, 2023 for a final decision.

#### D. Volunteer for Liaison for February 27, 2023 City Council Meeting

Commissioner Holker explained that she had previously volunteered to report to the City Council on February 27, 2023, however she will not be at the February 7, 2023 Planning Commission meeting.

February – Vice-Chair Riedel

#### 5. REPORTS

#### Council Meeting Report

Vice-Chair Riedel noted that he had received a message from Council Liaison Maddy that he would be unable to attend tonight's meeting.

City Administrator Nevinski gave a brief overview of recent discussion and actions taken by the City Council. He noted that they discussed various ways of promoting vacancies on Commissions and suggested that as the Planning Commissioners are talking with friends and neighbors that they encourage them to consider volunteering in this capacity as a way to get involved in the community.

Commissioner Holker explained that a newsletter used to be sent out periodically which was where she found out about the opening when she applied but noted that she has not seen a newsletter in a while.

City Administrator Nevinski explained that the City currently does not have a Communications Coordinator on staff but is hopeful that the position will be filled soon. He stated that he is hopeful that this individual will be able to start in February so the City can get back on schedule with communications.

#### Draft Next Meeting Agenda

City Administrator Nevinski stated that he was not aware of what was scheduled for the next Planning Commission meeting.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING JANUARY 17, 2023 Page 7 of 7

#### 6. ADJOURNMENT

Huskins moved, Holker seconded, adjourning the Planning Commission Meeting of January 17, 2023, at 8:13 P.M. Motion passed 4/0.





#### CITY OF SHOREWOOD

5755 Country Club Road • Shorewood, Minnesota 55331 • 952-960-7900 www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

#### **MEMORANDUM**

**TO:** Planning Commission, Mayor and City Council

**FROM:** Marie Darling, Planning Director

**MEETING DATE:** February 7, 2023

**APPLICANT:** SMJ International LLC. (on behalf of T-Mobile)

REQUEST: C.U.P. for Collocation of Telecommunication Antennas

**LOCATION:** 24283 Smithtown Road

**REVIEW DEADLINE:** April 16, 2023

LAND USE CLASSIFICATION: Commercial

ZONING: C-1

**FILE NO.:** 22.07

#### REQUEST

The applicant, on behalf of T-Mobile, proposes to add telecommunication antennas, six radio receiving units (RRUs), and various other equipment with a new triangular array on the

existing tower. They would also add a new cabinet and equipment on a metal equipment platform within the existing fenced area at the base of the tower.

Notice of this application was published in the City's official newspaper and mailed to all property owners within 500 feet of the property at least 10 days prior to the public hearing.

#### **BACKGROUND**

<u>Context:</u> The property is currently developed with a car dealership. The existing tower is located behind the dealership and accessory building. It is designed as a monopole at 155 feet tall. It was originally built in 1983 as a tower for telephone switching equipment. Since 1988, it has been used for cell antennas. Antennas have been installed and replaced several times since then.



In 2022, the City Council approved a similar application for two other providers on the tower (Dish Wireless and ATT).

The properties to the south are all owned by the City of Shorewood as part of the Badger Park/City Hall complex. The properties to the east and west of the subject site are zoned C-1 and developed with a gas station and a car repair business (which is proposed for renovation to an office use). The properties to the north are within the City of Tonka Bay and developed with retail center and a chocolate shop.

#### ANALYSIS

All CUP applications for antennas are reviewed according to the standards listed in section 1201.04 Subd. 1. d. 1. of the zoning regulations, which include the following:

- Consistent with the City's Comprehensive Plan
- Compatible with present and future land uses in the area
- Will not tend to or actually depreciate the area in which it is proposed
- The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- Conform to applicable regulations in 1201.03 Subd. 21 (Telecommunications towers and facilities) and other sections of the zoning regulations as may be applicable



#### The Request

The applicant would install a new triangular platform and array at about 126 feet above grade (about center-point of the new antennas). The cables connecting the antennas and RRU's to the ground equipment would be placed inside the tower running between the tower equipment to an ice bridge, then extend to the equipment to be placed on the southwest side of the tower next to the equipment recently approved for ATT. Additional supports would be required to sustain the weight of the additional antennas and the applicant has provided stamped engineered drawings showing improvements needed for all four of the providers antennas (Verizon, Dish, AT&T, and T-Mobile) on the tower.

As shown on the attached plans, the cabinet would be placed on a roughly eight-foot by 18-foot equipment platform. The fence surrounding the accessory equipment would be altered to include the proposed equipment. There are no lights proposed on the ground equipment.

The tower is currently home to an osprey nest. Staff recommends a condition to any approval of the request which only allows the equipment to be added to the tower outside of nesting season.

All CUP applications for antennas are reviewed according to the standards listed in section 1201.04 Subd. 1. of the zoning regulations, which include the following:

- Consistent with the City's Comprehensive Plan
- Compatible with present and future land uses in the area
- Will not tend to or actually depreciate the area in which it is proposed
- The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- Conform to applicable regulations in 1201.03 Subd. 21 (Telecommunications towers and facilities) and other sections of the zoning regulations as may be applicable.

#### **Findings**

<u>Comprehensive Plan</u>: Staff finds that the application is consistent with the intent of the Comprehensive Plan and Zoning Ordinance to encourage additional antennas on existing structures rather than to have additional freestanding towers constructed.

<u>Compatibility with present and future land uses, depreciate area</u>: The ground equipment consists of an equipment cabinet and utility boxes placed near the ground. The equipment would be similar to the existing equipment in the area and not noticed by the traveling public, especially as the trees mature on the City Hall site directly south of the tower. The applicant has not proposed a generator or other equipment which would produce noise.

*Finish*: The antennas and other attachments and accoutrement on the tower should be painted to match the tower to reduce notice of the equipment and impact to the area.

<u>Screening</u>: The ground equipment would be behind the existing accessory building and would be behind the new trees to be planted on the subject property as required for the AT&T collocation application. Staff finds no additional screening would be required.

Public Services: None needed.

#### RECOMMENDATION

Staff recommends approval of the conditional use permit on the finding that the application meets the criteria for review of the application subject to the following conditions:

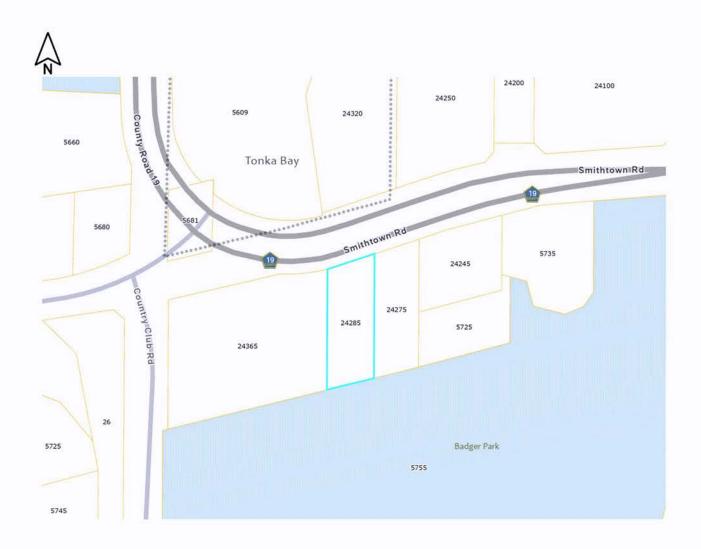
- 1. The applicant must apply for and acquire all necessary building permits prior to beginning any construction on the site and provide third-party inspectors.
- 2. The applicant shall install the new antennas and tower equipment outside of the osprey nesting season.
- 3. No lights shall be added to the tower unless required by the FAA and no lights shall be installed on the ground equipment without additional review.
- 4. Prior to approval of any permit, the applicant shall submit the following:
  - a. Revised plans noting the antennas and all appurtenances on the tower shall be factory coated or painted to match the existing tower.
- 5. All disturbance of the site shall be restored to preconstruction condition by the end of the next growing season.

Page 4

#### ATTACHMENTS:

Location Map Applicant's Narrative and Plans

# 24285 Smithtown Road Location Map (Tower is addressed as 24283 Smithtown Road)



#### **CUP Request Narrative**

#### ATC Site 81418 24283 Smithtown Rd, Shorewood, MN 55331

Parcel: 3311723140005

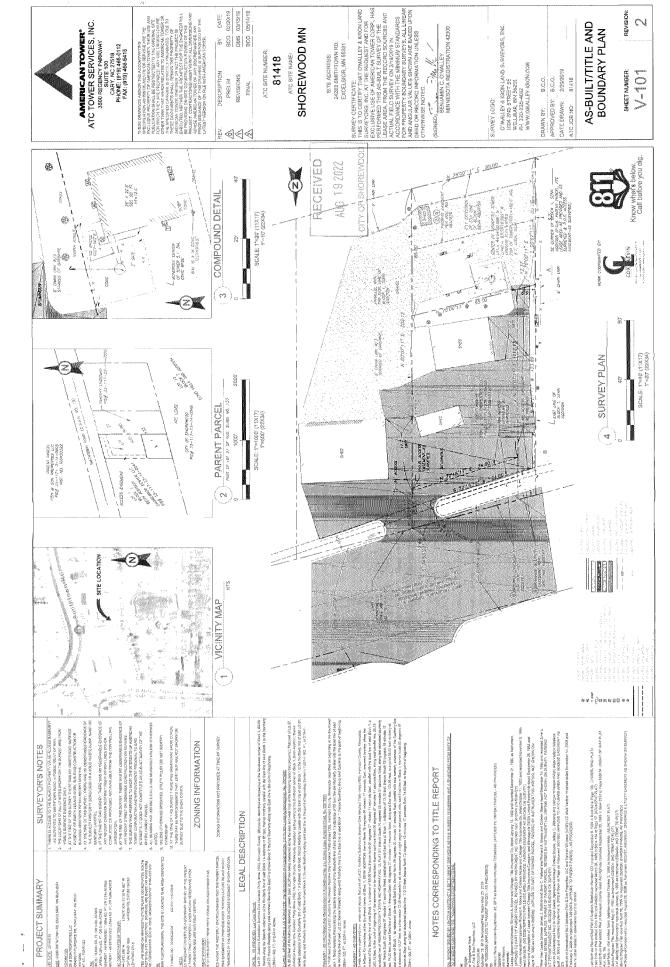
This CUP application is for an existing American Tower monopole. ATC is adding T-Mobile as a new collocation tenant as per the construction drawings submitted. This CUP application adheres to Shorewood Code Sections 1201.03 and 1201.04 as follows:

- 1. <u>Complies with Sec. 1201.03, Subd.21</u> as it complies with the 1996 Telecon Act and is an eligible facilities request.
- 2. Reduces potential adverse impacts by collocating.
- 3. Will not change the height or illumination of the tower.
- 1. Complies with Sec. 1201.04 as to submittals and general requirements:
- 1. The tower use is established and consistent with zoning and uses of nearby properties
- 2. Approval will enable collocation.
- 3. The facility has existed for several decades.
- 4. The communications facility provides a desirable service to the public and plays an important role in providing emergency communications.

RECEIVED

AUG 19 2022

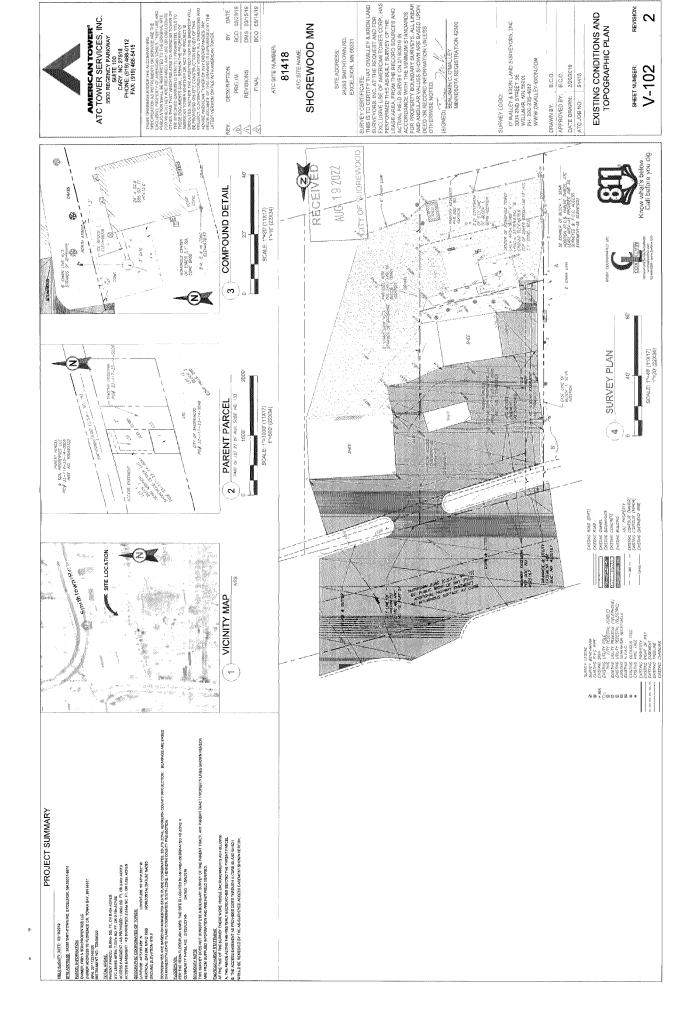
CITY OF SHOREWOOD

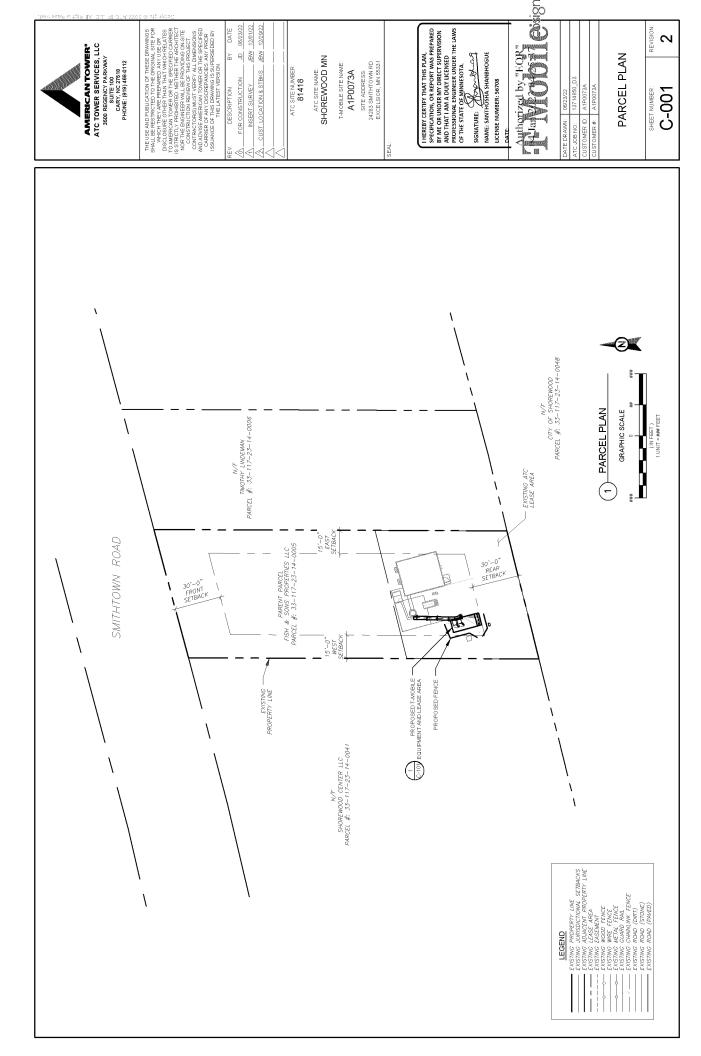


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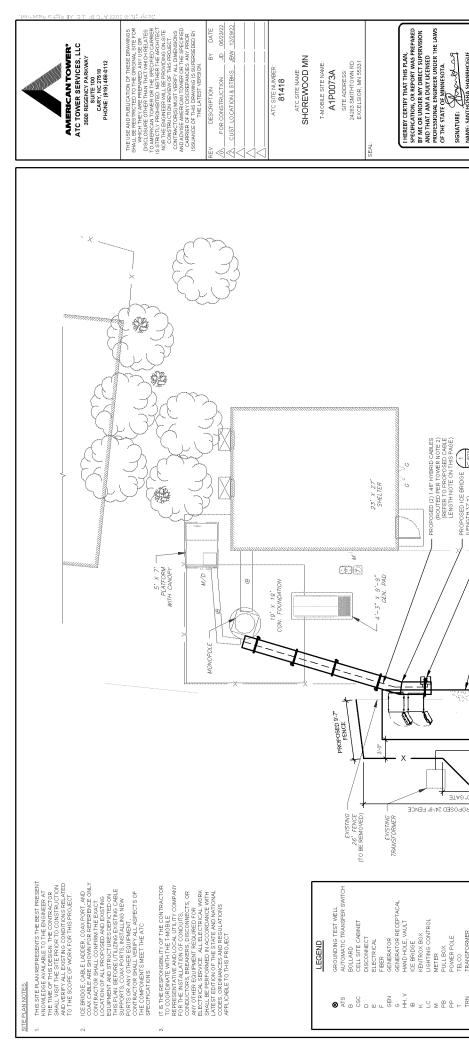
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BY DATE BCO 02/2019 DMS 03/15/19 BCO 05/14/19





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PROPOSED CABLE LENGTH

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ENTRY PLATE TO THE TOWER PLONG THE CE
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15% (OF THE TWO PREVIOUS VALUES), COS DEFER
TO GREATEST CABLE LENGTH.

PROPOSED 9'-6" FENCE

ROPOSED 12"0" GATE

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METER
PULL BOX
POWER POLE
TELCO
TRANSFORMER
CHAINLINK FENCE

ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS. IF ADEQUATE SPACE EXISTS, ROUTE CABLES THROUGH ENIRY PORT

**DETAILED SITE PLAN** GRAPHIC SCALE 

PROPOSED UNDERGROUND
TELCO CONDUIT ROUTED IN C-503 E-601/

- PROPOSED TELCO/FIBER SERVICE POINT (COORDINATE WITH LOCAL UTILITY COMPANY)

PROPOSED UNDERGROUND
2
2
POWER CONDUIT ROUTED IN C-503 E-60
TRENCH (LENGTH 27\*±)

- PROPOSED UTILITY
METER & DISCONNECT
(COORDINATE WITH
LOCAL UTILITY COMPANY)

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Zedby "KOR"	06/23/22	13714850_D3	A1P0073A	A1P0073A	
Authoriz	DATE DRAWN: (	ATC JOB NO:	CUSTOMER ID: /	CUSTOMER #:	

I HEREBY CERTIFY THAT THIS PLAN,
SPECHECATORN, OR REPORT WAS PREPARED
BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AMA DOUY LICENSED
AND THAT I AMA DOUY LICENSED
THE STATE OF MINNESOTA.
SIGNATURE:
NAME: SANTHÖSMA SHANBHOGUE

PROPOSED (2) 146" HYBRID CABLES (ROUTED PER TOWER NOTE 2) (REFER TO PROPOSED CABLE LENGTH NOTE ON THIS PAGE)

S

PROPOSED ICE BRIDGE (15050g)

- PROPOSED (3) GPS ANTENNA (C-503)

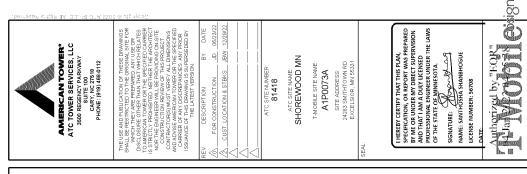
- PROPOSED T-MOBILE
CABINETS AND
CONCRETE PAD WITHIN (C-102)
A 8-07 x 18-09 LEASE
AREA

LICENSE NUMBER: 56708

# **DETAILED SITE PLAN**

C-101 SHEET NUMBER:

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DETAILED EQUIPMENT PLAN

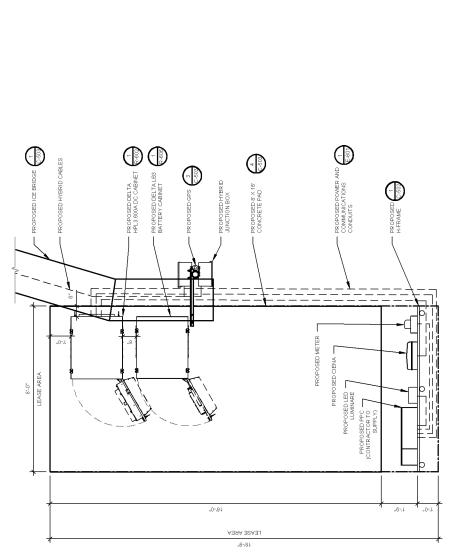
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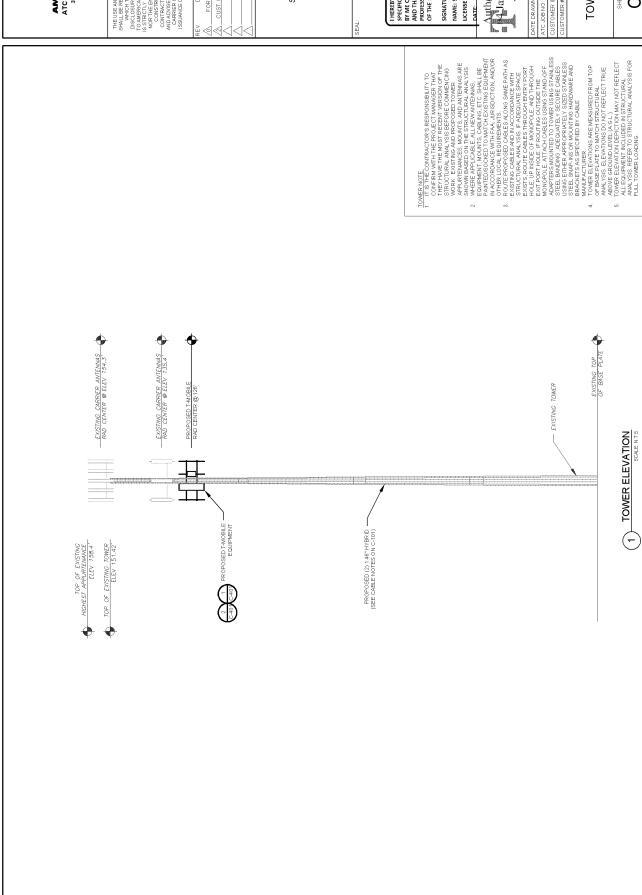
C-102

(1) PROPOSED GROUND EQUIPMENT LAYOUT

GRAPHIC SCALE

(INFEET) 1 UNIT = # FEET





AMERICAN TOWER, ATC TOWER SERVICES, LLC 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518 PHONE: (919) 468-0112

THE USE ADDITIONATION THESE DRAWINGS SHALL BE RESTRICTED TO THE OFFICIAL SHALL BE STREETED ANY USE OFFI SHALL BE RESTRICTED TO THE OFFI SHALL BE SHALL BE RESTRICTED CHECKING SHALL BE SHALL SHALL BE SHALL SHALL

FOR CONSTRUCTION JD 06/23/22 CUST. LOCATION & STBKS JBW 12/29/22 DESCRIPTION

81418

ATC SITE NAME: SHOREWOOD MN

T-MOBILE SITE NAME: A1P0073A

SITE ADDRESS: 24283 SMITHTOWN RD. EXCELSIOR, MN 55331

I HEREBY CERTIFY THAT THIS PLAN,
SPECHECATON, OR REPORT WAS REFERED
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NAME: SANTHÖSNA SHANBHOGUE

LICENSE NUMBER: 56708

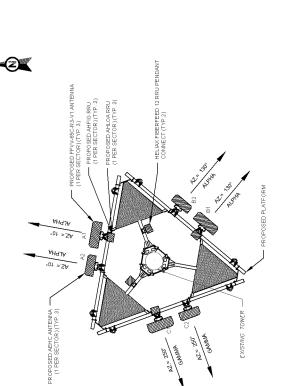
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# TOWER ELEVATION

C-201 SHEET NUMBER:

2



(1) FINAL ANTENNA PLAN SOALE NTS.

			FINAL ANTENNA/ COAX SCHEDULE	DAX SCHEDUL	E	
SECTOR	ANT	MODEL#	RAD CENTER	AZIMUTH	ADDITIONAL TOWER MOUNTED EQUIPMENT	CABLE DESCRIPTION
	LA	FFVV-65C-R3-V1	126'	10°	AHLOA RRU AHFIG RRU	
	A2	AEHC	126'	10°		
	18	FFVV-65C-R3-V1	126'	130°	AHLOA RRU AHFIG RRU	(2) 1.46" HYBRID
	B2	AEHC	126'	130°		
GAMMA	5	FFVV-65C-R3-V1	126'	250°	AHLOA RRU AHFIG RRU	
GAMMA	8	AEHC	126'	250°		
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THE STATE OF MINNESOTA.
SIGNATURE:
NAME: SANTHÖSHA SIRANBHOGUE

1. CONFIRM WITH CARRIER REP FOR APPLICABLE UPDATES/REVISIONS AND MOST RECENT RFDS.

ALL PROPOSED EQUIPMENT INCLUDING ANTENNAS, COAX, ETC. SHALL BE MOUNTED IN ACCORDANCE WITH THE TOWER STRUCTURAL ANALYSIS ON FILE WITH THE ATC CM.

3. SPACING OF PROPOSED EQUIPMENT SHALL BE CONFIRMED FOR TOWER CONFLICTS AND PROPOSED MOUNTS SHALL NOT MIPEDE. TOWER CLIMBING PEGS HELIAX FIBERFEED 12 RRU PENDANT CONNECT.

4. INSTALL (2) HELIAX FIBERFEED 12 RRU PENDANT CONNECT.





RF JUMPER LENGTH

MONOPOLE = 15'± GUYED / SELF SUPPORT = FACE WITDTH + 15' REFER TO FINAL RFDS FOR TYPE AND QUANTITY

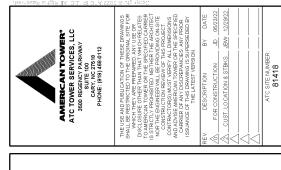
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C-401

SHEET NUMBER:

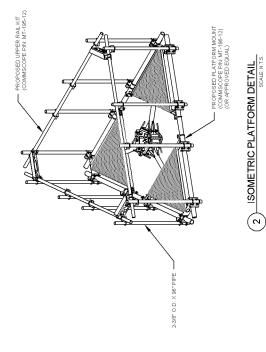
ANTENNA INFORMATION

& SCHEDULE



PROPOSED PANEL ANTENNA (MOUNT PER MANUFACTURER'S SPECIFICATION)

PROPOSED UPPER RAIL



ATC SITE NAME: SHOREWOOD MN

SITE ADDRESS: 24283 SMITHTOWN RD. EXCELSIOR, MN 55331 T-MOBILE SITE NAME: A1P0073A

# (1) PROPOSED ANTENNA MOUNTING DETAIL (ELEVATION)

- PROPOSED 2-3/8" 0.D. X 96" LONG PIPE

PROPOSED ANTENNA A

4

PROPOSED PLATFORM MOUNT (2-50)



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06/23/22	13714850_D3	A1P0073A	A1P0073A	
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# MOUNT DETAILS

C-501

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ΕV	DESCRIPTION	ВУ	DATE
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(2) CABINET ATTACHMENT DETAIL SCALENTS

INSTAL SIMPSON STRONG-TIE® STRONG-BOLT® 2 WEDGE AND CHECKED THE STRUCTH PER INSTALLATION INSTRUCTIONS INCLUDED WHIT PRODUCT OR FOUND ONLINE ST. WWW.STRONGIEL COM. ROPER INSTALLATION IS CRITICAL FOR FULL PERFORMANCE.

-- 127Ø 4,000 PSI CONCRETE FOOTING (TYP.)

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TYPICAL H-FRAME DETAIL SCALE NTS.

CONSTRUCTION

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C-502

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ATC SITE NUMBER: 81418

ATC SITE NAME: SHOREWOOD MN

- PROPO SED 3,8"Ø SIMPSON STRONG-BOLT® 2 WEDGE ANCHOR OR EQUIVALENT GC TO INSTALL PER ICC# ESR-3037

PROPOSED CABINET

– UNISTRUT
PIPECONDUIT
CLAMP P1119 OR
P2558-35 (SALV.)
(TYP, FOLLOW
MANUFACTURER
RECOMMENDATIONS
FOR BOLT TORQUE

SECTION A-A

. 1-5/8" X 10'-0" UNISTRUT (FIELD LOCATE)

3"Ø SCH.40 -PIPE (GALV.)

1" CROWN (TYP.)

PIPECAP

4.-0..

4'-0"

SPRAY ENDS OF UNISTRUT WITH COLD GALVANIZING SPRAY PAINT, ALLOW TO DRY, THEN COVER WITH RUBBER PROTECTIVE CAPS FOR SAFETY.

PROPOSED UNISTRUTS TO BE FIELD CUT AND SHOULD NOT EXTEND MORE THAN 6 INCHES BEYOND THE LAST POST. IF IT IS NECESSARY TO EXTEND THE H-FRAME, AN ADDITIONAL POST WILL ALWAYS BE REQUIRED.

H-FRAME NOTES:

ALL PROPOSED HARDWARE TO BE MOUNTED PER MANUFACTURERS SPECS.

8-0

UNISTRUT TO BE CUT FLUSH WITH NO SHARP OR JAGGED EDGES.

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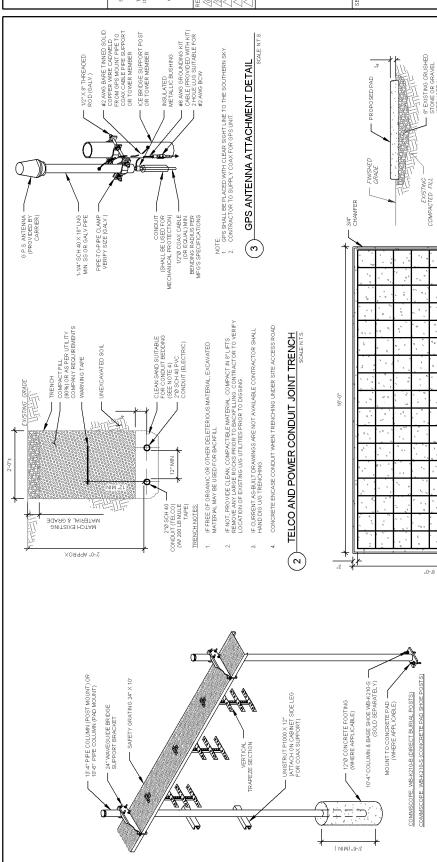
PROPOSED CONCRETE PAD

SIGNATURE: NAME: NAME: NAME: SANTHOSHA SHANBHOGUE LICENSE NUMBER: 56708
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A1P0073A	SUSTOMER #:
A1P0073A	SUSTOMER ID:
13714850_D3	NTC JOB NO:
06/23/22	DATE DRAWN:

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DETAILS	SHEET NUMBER:	001



 STONE OR GRAVEL
(SEE NOTE 2) MECHANICALLY COMPACT FOOTPRINT OF PAD PLUS 2' PERIMETER. SUBGRADE AND FILL SHALL CONSIST OF CLEAN SOIL. DELETRIOUS MATERIAL AND ORGANICS SHALL BE REMOVED. FOR SIZE AND LOCATION OF ANCHORS AND OTHER REQUIREMENT, SEE EQUIPMENT VENDOR DRAWINGS. USE GALVANIZED HILTI EXPANSION ANCHORS OR. APPROVED EQUAL, FOR EQUIPMENT ANCHORAGE. GRAVEL PREPARATION

SCALENTS EXISTING COMPACTED FILL PAD NOTES: #3 @ 11" #3 @ 11-1/4"

INSTALL ICE BRIDGE TO ALLOW 7 FEET CLEARANCE ABOVE GRADE TO LOWEST APPURETRANCE.
 INSTALL PER MANUFACTURES SPECFICATION.

CONSTRUCTION NOTE:

(1) WAVEGUIDE BRIDGE KIT

PADS SHALL BE PRE-CAST MATCHING THIS DESIGN WHERE ALLOWED BY LOCAL JURISDICTION.
 REFER TO CONCRETE & REINFORCED STEEL NOTES ON SHEET 6-002 & ATC SPEC 033000 FOR CAST-IN-PLACE PADS.





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FOR CONSTRUCTION

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SIGNATURE:
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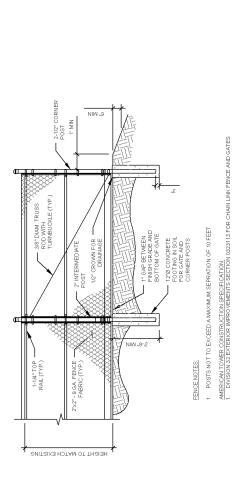
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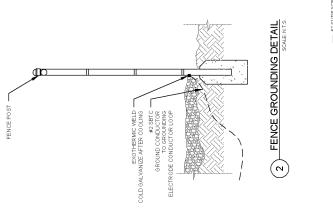
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CONSTRUCTION

DETAILS C-503

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6" SURFACE COARSE (SEE NOTE #3) - GEOTEXTILE FABRIC (SEE NOTE #4)

SCALE: N.T.S.

(1) FENCE DETAIL

- CONTRACTOR TO CONTACT ALL UTILITIES FOR LOCATION OF
   UNDERFROUND SERVICES SERVICE LOCATIONS TO BE CONFINED PRIOR
   TO CONSTRUCTION.
- REMOVE ALL UNSUITABLE OR DELETERIOUS MATERIAL AS REQUIRED.
  COMPACT UNDBERLYINGS DEL TO 50% OF MANIMUM DERISTY REPLACE
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  CONSTRUCTION
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- PROVIDE GEOTEXTLE FABRIC UNDER WASHED CHIPPED STONE
  COMPONUM UNLESS NOTED OF HERWEST, WOVEN GEOTETLE E-PREVAED
  PRODUCTS ARE U.F. PABRICS. U.S. 20% AND TERCATE TRON. CONTINACTOR
  MAY SUBMIT DESIGN ALTERNATIVE AS OUTLINED IN THE AMERICAN TOWER
  CONSTRUCTION SPECFICATIONS.





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THE STATE OF MINNESOTA.
SIGNATURE:
NAME: SANTHÖSHA SIRANBHOGUE

- EXISTING SUBGRADE

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- GROUNDING CONDUCTORS SHALL:
  A. BE #2 AWG SOLID BARE TINNED COPPER (SBTC) FOR ALL GROUNDING SYSTEM WIRE UNLESS OTHERWISE NOTED, OR
- OTHERWISE REQUIRED BY CODE.
  BE MINIMUM 12" BEND RADIUS. KEEP NUMBER OF BENDS TO
  A MINIMUM.

  - C. AVAINTONO BONDING CONNECTION RUNS. MAKE DIRECT
    A STORSIAN LUSSAMED RUNS
    E. BEN WASHAFFLLIC CONDUIT NUT, IF IN CONDUIT
    WALLS CELL NOSE TO THROUGH NON-METALLIC SIEEVES IN FLORES.
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    PROJECTION TO NON-METALLIC CONDUIT WHERE EXPOSED
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- GROUND RINGS SHALL BE:
  A. MINIMUM 30' BELOW GRADE, OR BELOW FROST LINE
  WHICHEVER IS
- MINIMUM 2' FROM FOUNDATIONS, FOOTINGS, OTHER GROUNDING
- SYSTEMS AND ALL CONDUCTIVE OBJECTS.
  WITH MINIMUM 12" BEND RADII.
  WITH ALL CONNECTIONS IN CONTACT WITH EARTH, BONDED 00
- EXOTHERMIC WELDING BONDED TO A SINGLE POINT GROUND (SPG) WITH A SINGLE WAREAS NOICHED ON DRAWNIGS.

- GROUND RODS SHALL BE.

  A MINIMAM SET DAMETER.

  MINIMAM 10 LONG

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  COPEREACALO ALANATED STEEL OR STANLESS STEEL.

  C COPEREACALO ALANATED STEEL OR STANLESS STEEL.

  D PLACED IN UNDISTUREED SOIL AND BELOWTHE FROST LINE

  INSTALLED WITH MINIMAM SEPARATION DISTANCE OF TWICE

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  INTERPRESSED OF ALL STANLES AND ALL STEEL ON BROWNINGS.

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  CONNER OR SE ADIOCATED MINIMAM ONE (1) ROOD FOR

  POWER SERVICE GROUNDING ELECTROCE, AND MINIMAM

  ONE (1) ROOD FOR TRUD OF EACH RADJAL.

CONDUCTIVE OBLECTS, SUCH AS FENCES, SHALL BE BONDED TO THE GROUNDING SYSTEM IF WITHIN 20 OF THE TOWER GROUNDING SYSTEM, OR 5' OF ANY OTHER GROUNDED COMPONENT.



--- EXISTING GROUND WIRE
--- GROUND WIRE







## TEST WELL

# 0

AMERICAN TOWER

ATC TOWER SERVICES, LLC
3500 REGENCY PARKWAY
SUITE 100
CRY, NC 27518
PHONE: (919) 468-0112

# **EXOTHERMIC WELD**

TO EXISTING -TOWER

# MECHANICAL WELD •

- BOND TO TOWER GROUND RING <del>-</del> <del>0</del>
- #2 AWG BOND FROM VERTICAL H-FRAME AND ICE BRIDGE POST TO EXTERNAL GROUND RING (TYP. EVERY POST).

PROPOSED ICE BRIDGE

- #2 AWG SBTC BOND FROM TOWER GROUND RING TO EQUIPMENT.
  - EQUIPMENT BOND TO GROUND RING (TYP.)
  - 5/8Ø" X 10 FT GROUND ROD. 4 (P)

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## 81418

PROPOSED DELTA LB3 BATTERY CABINET

PROPOSED GPS

PROPOSED HYBRID JUNCTION BOX

PROPOSED 8' X 16' CONCRETE PAD

 $\otimes$ 

PROPOSED METER .

PROPOSED CIENA

PROPOSED LED .

PROPOSED PPC -(CONTRACTOR TO SUPPLY)

PROPOSED DELTA HPL3 600A DC CABINET

# ATC SITE NAME: SHOREWOOD MN

A1P0073A

24283 SMITHTOWN RD. EXCELSIOR, MN 55331 SITE ADDRESS:

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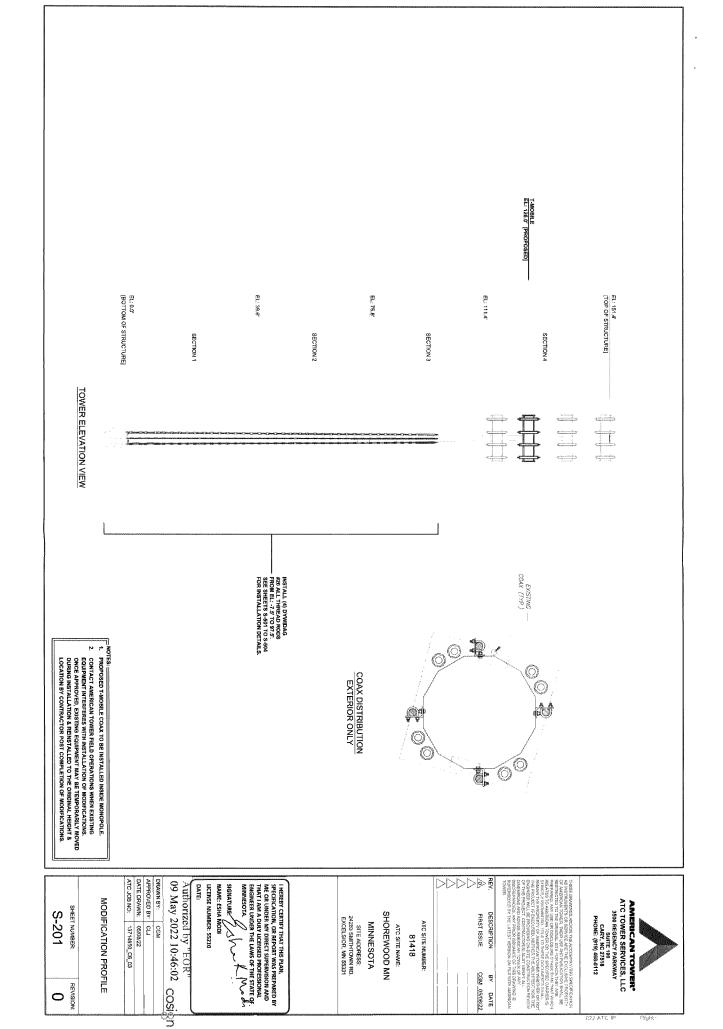
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DATE DRAWN:	ATC JOB NO:	CUSTOMER ID: A1P0073A	CUSTOMER #:	

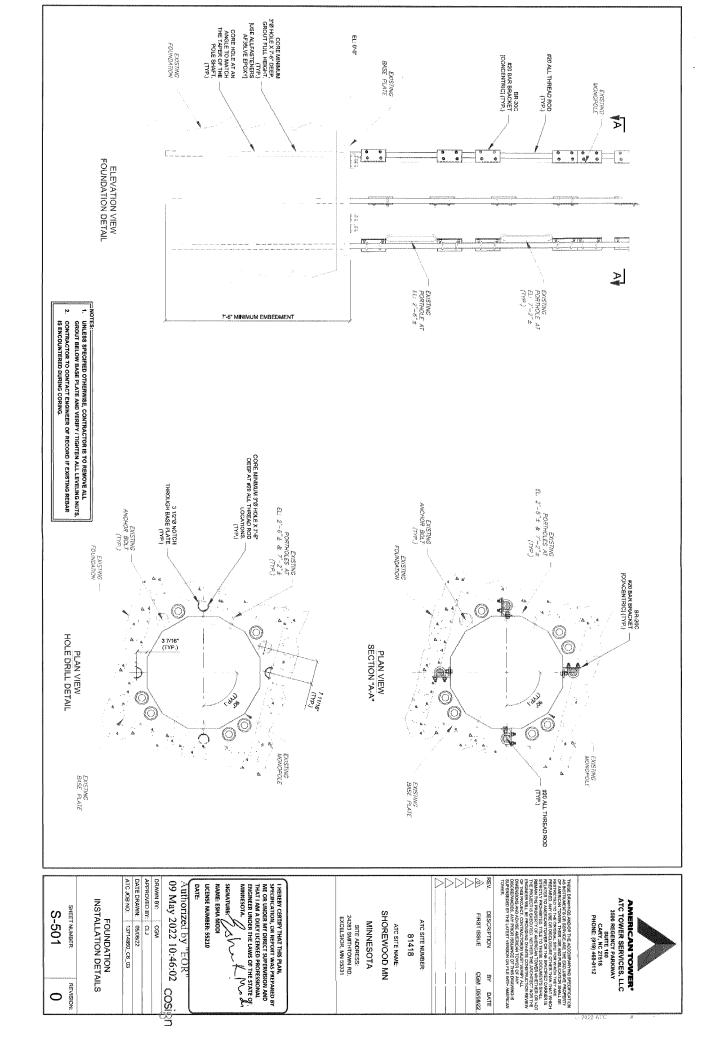
# **GROUNDING DETAILS**

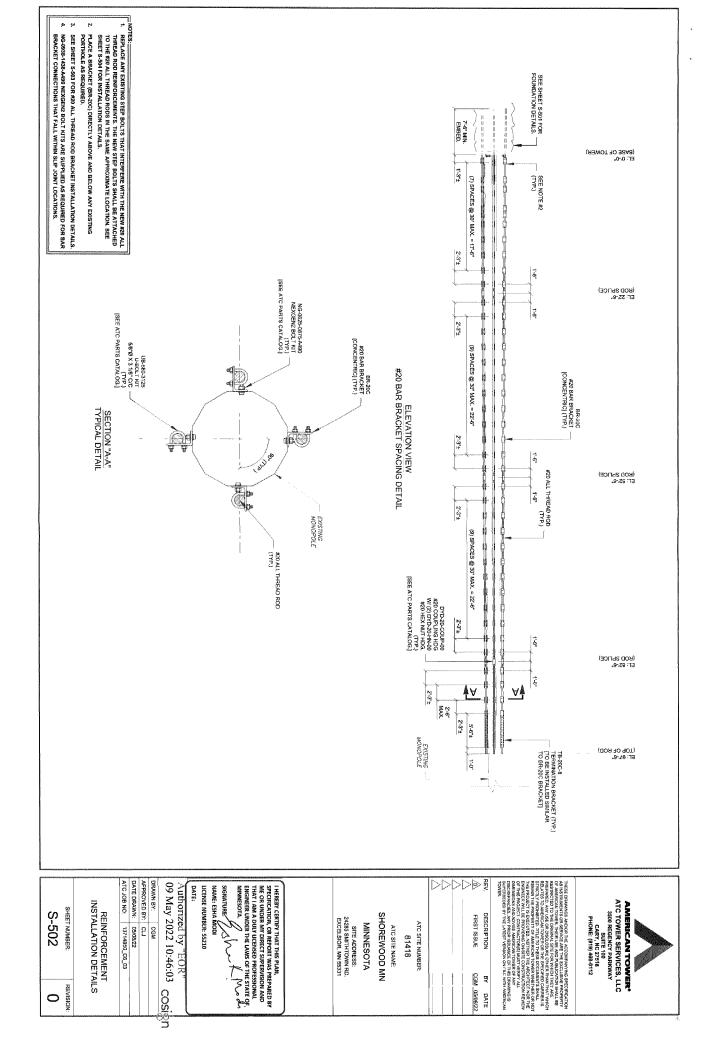
E-101

(1) DETAILED GROUNDING PLAN SCALE NITS.

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# SHOREWOOD



5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900 www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

#### MEMORANDUM

**TO:** Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

**MEETING DATE:** February 7, 2023

**REQUEST:** Variance to setback from OHWL of Silver Lake

**APPLICANT:** Zach Gardner

**LOCATION:** 19960 Sweetwater Curve

**REVIEW DEADLINE:** May 12, 2023

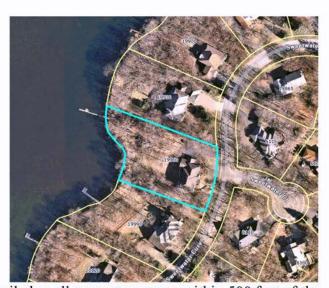
LAND USE CLASSIFICATION: Low Density Residential

**ZONING:** PUD/S

FILE NUMBER: 23.01

#### **REQUEST:**

The applicant requests a variance to the setback from the ordinary high water level (OHWL) of Silver Lake in order to expand their deck with a lower level screened porch. The applicants proposed deck is 140.8 feet from the OHWL where 150 feet is required. A portion of the deck would include a two-foot cantilever projection further into the setback.



Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

#### BACKGROUND

Context: The lot was created around 1991 as part of Sweetwater at Near Mountain 4<sup>th</sup> Addition. The home was constructed in 1992.

There is likely wetland along the shoreline of Silver Lake, but no identified FEMA floodplain. The property is within the shoreland district and is riparian to Silver Lane. The property contains mature trees,

but the proposed project is not subject to the tree preservation policy. No trees are proposed to be removed for the proposed project.

The OHWL for Silver Lake is at 898.1 feet. The Shoreland Regulations were adopted in 1987.

At some point around 2008-9, a previous property owner added a patio within the shoreland setback about halfway between the home and the shore. At around the same time, an adjacent property owner installed play equipment over the property line.

The impervious surface coverage on the property is about 17 percent, not counting the patio mentioned above.

The adjacent properties are all developed with single-family homes and zoned PUD.

#### Applicable Code Sections:

Section 1201.26 subd. 5. a. of the zoning regulations require all structures except stairs, lifts, piers and docks to be setback 150 feet from the OHWL of Silver Lake. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks. The surveys on file for the properties to the north and south indicate the adjacent homes and decks are 150 or more feet from the OHWL.

#### **ANALYSIS**

The applicant's narrative is attached and indicates that the property owners propose to replace their aging deck with a larger deck and screen in the area below. Part of the deck would have a cantilevered section that would project another two feet into the setback. In comparing the original survey to the

survey submitted with this application, the OHWL of the Silver Lake is shown closer to the home than it was in 1990. As a result, the home is currently legally nonconforming. Without a variance, the applicants could only replace the previous deck in the same size, shape and location.

The shoreline of Silver Lake meanders and the portion behind the applicants home projects into their lot leaving the homeowners with little area behind the home to build a deck. The previous homeowners had installed a narrower, irregularly shaped deck to meet the setback. (See aerial to the right.)



Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

- 1. *Intent of comprehensive plan and zoning ordinance*: The property owner would continue to use the property for residential purposes.
- Practical difficulties: Practical difficulties include three factors, all three of which must be met.
   Staff finds that the practical difficulties for the property are related to the original location of the home on the lot.

- a. Reasonable: The applicant has proposed reasonable residential uses on the property.
- b. *Unique Situation vs. Self-Created*: The situation is unique as the home was located with an attempt to meet the setback, but through no fault of this property owner has been found to be closer than was originally required.
- c. Essential Character: The deck would not be out of character with the adjacent properties and are a customary improvement. The deck would not impact the essential character of the neighborhood.
- 3. *Economic Considerations*: The applicant has not proposed the variance solely based on economic considerations, but to enhance the livability of the home.
- 4. *Impact on Area*: The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets.
- 5. Impact to Public Welfare, Other Lands or Improvements: Staff finds the deck addition would not be detrimental to the public welfare. The improvements would be customary addition and virtually invisible to other homeowners. The removal of the non-conforming patio within the lake setback would provide regulatory consistency.
- **6.** *Minimum to Alleviate Practical Difficulty*: Staff finds the variance request is the minimum necessary to alleviate the practical difficulties on the property.

#### FINDINGS/RECOMMENDATION

Staff finds the variance proposal meets the criteria above and recommends approval of the variance. Staff acknowledge that the variance criteria are open to interpretation and the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the variance, staff recommends that the following conditions:

- 1. Prior to construction of the deck, the applicant shall acquire all necessary permits.
- 2. Prior to the final inspection of the deck, remove the patio located within the shoreland structure setback.

#### **ATTACHMENTS**

Location map
Applicants' narrative and plans

### 19960 Sweetwater Curve Location Map





The homeowners at 19960 Sweetwater Curve have proposed to build a new deck on their property. When the home was purchased in March 2022, there was an existing deck attached to the house but it was in great disrepair. Many deck boards were rotting along with footings that had either sunk or heaved due to long periods of moisture sitting directly at the footings. The old deck has since been removed for safety purposes.

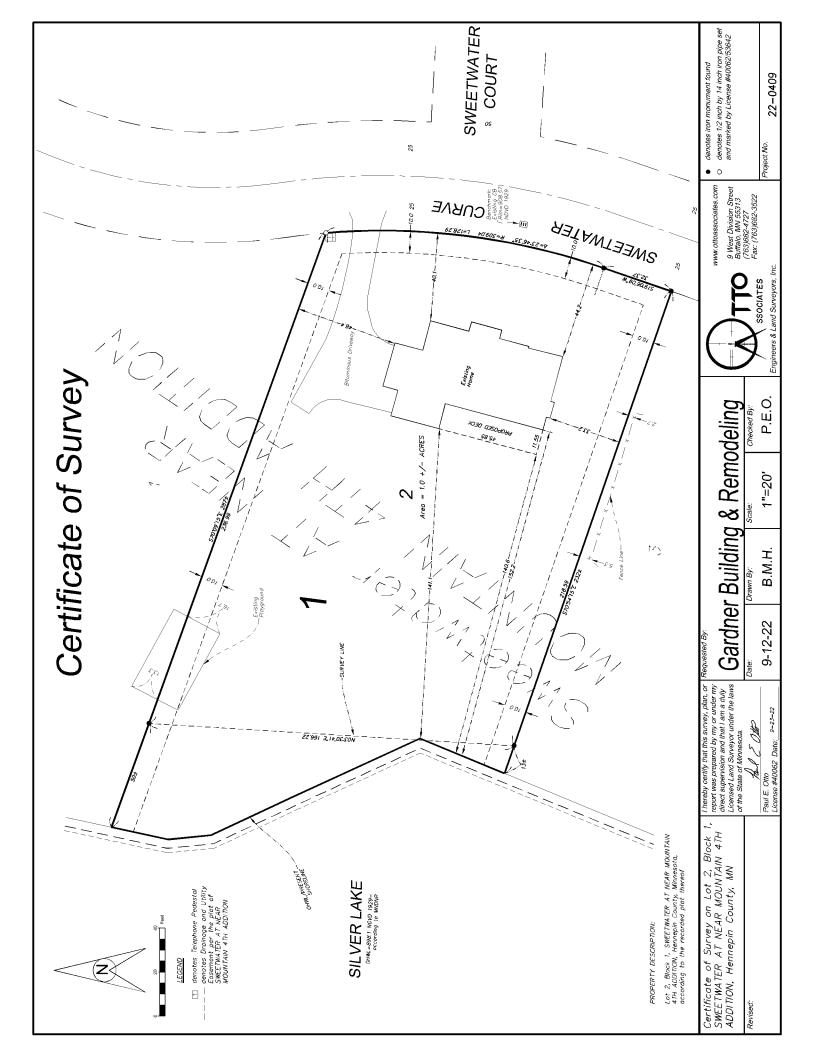
The proposed deck is slightly larger than the previous and seeks to add a screened in porch below. After consulting with structural engineers and concrete contractors, it was suggested to add full frost-depth footings and block walls into the ground to support the new deck, concrete slab, and screen porch. Without the footings/block walls there would be an extreme risk for the deck to heave as it had previously (due to the high water table on the property).

The square footage of the proposed deck is  $\sim$  620 sq. ft. (not including the stairs which, pursuant to Chapter 1201.26, Subd. 5.a - NE Natural Environment, the code does not apply to stairs). We understand that this structure would add to the impervious surface coverage on the lot but given the lot width of 162.22 ft (see Certificate of Survey) and a 150' setback from the OHWL we would only encroach upon 2.5% of the impervious surface area in the setback. And that surface coverage percentage is significantly reduced when factoring the size of the entire lot (and including the house and driveway) and keeps us under the total allowed 25% impervious surface coverage maximum.

We believe our request for the variance complies with all standards set forth in Section 1201.05 of the Shorewood Zoning Regulations as follows (response in RED):

- (1) The variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of this chapter. We understand that the natural and aesthetic quality of the lakeshore is important to preserve and that trees and vegetation are valuable assets not only to the lakeshore but the community. These features are exactly what drew the homeowners to the property in the first place. We only seek to build a deck upon ground that contains no trees or other vegetation (besides grass) and does not affect the lakeshore in the slightest.
- (2) The applicant has established that there are practical difficulties in complying with this chapter. Practical difficulties mean:
- (a) The property owner proposes to use the property in a reasonable manner not permitted by this chapter; The homeowners want to build a new deck on the home so they might enjoy more of the natural beauty of the lakeshore and wildlife. The OHWL currently prohibits building where we wish to put this deck.
- (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and The home was built directly up to the 150' variance of the OHWL, therefore making it impossible for any future homeowner to build any structures closer than the house currently sits.

- (c) The variance, if approved, would not alter the essential character of the locality. We seek only to build a deck on the back of the home.
- (3) The variance would not be based exclusively on economic considerations. There are many factors for why this variance would be granted (see answers above)
- (4) The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street, or increase the danger of fire or endanger the public safety. The deck will follow the basic structure of the home and should not have any impairment of light or air supply to the adjacent property. Nor would this have any affect on street congestion or endanger the public.
- (5) The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other land or improvements in the neighborhood. The variance would only be on the homeowners property and would not affect public welfare nor have any impact on land or improvements in the neighborhood.
- (6) The variance is the minimum variance necessary to address or alleviate the practical difficulties. The maximum depth of impervious surface needed from the house is 12'. Due to normal building conditions and slight variations during the building process we request 16' of variance into the OWHL.



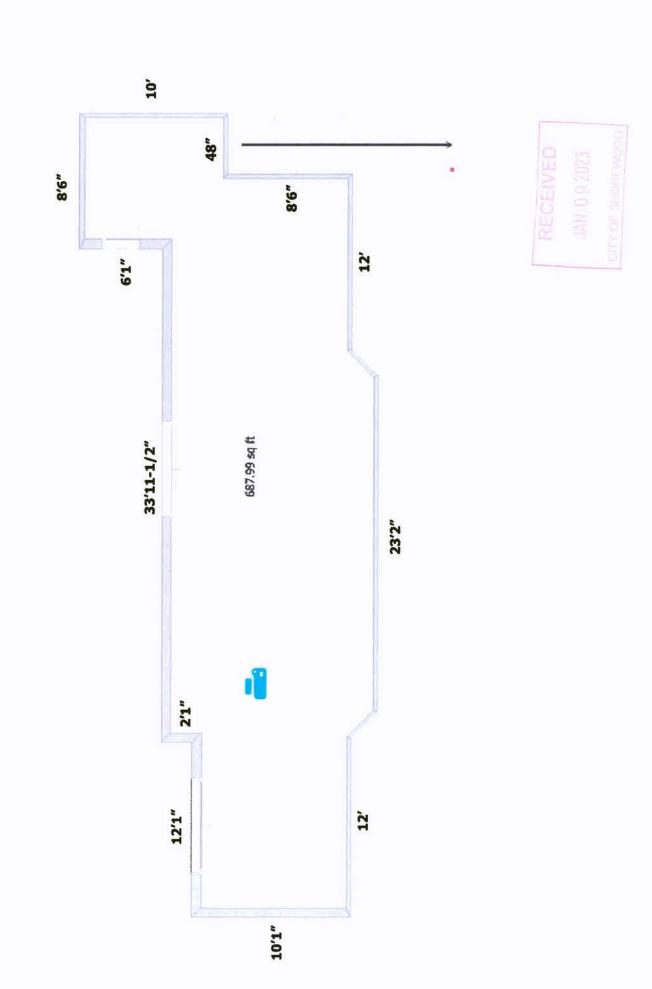


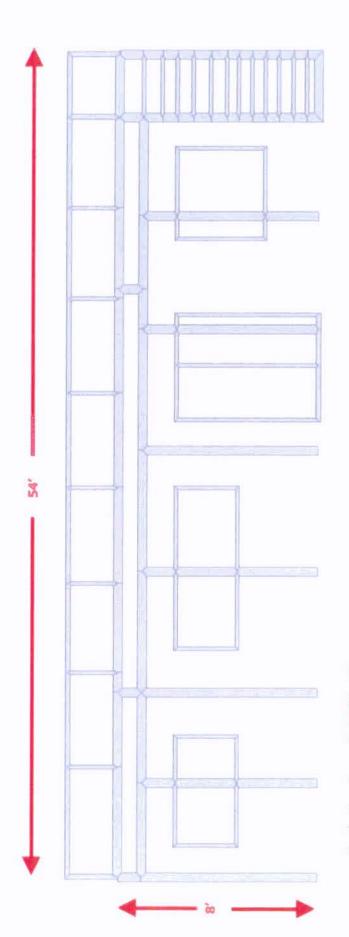
Existing

JAN 0 9 2023



Proposed





Vertical posts are 6x6 PT lumber resting on concrete slab (which rests on a footing and foundation wall)

JAN 092023



# SHOREWOOD

**5B** 

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900 www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

#### MEMORANDUM

**TO:** Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

**MEETING DATE:** February 7, 2023

**REQUEST:** Variance to front setback for a home addition

APPLICANT: Todd Nelson

**LOCATION:** 20980 Ivy Lane

**REVIEW DEADLINE:** April 28, 2023

LAND USE CLASSIFICATION: Low to Medium Density Residential (3-6 units/acre)

**ZONING:** R-1D/S

FILE NUMBER: 22.15

#### **REQUEST:**

The applicants request variances in order to build an addition to an existing, nonconforming home. The applicants propose to construct the addition with:

- An 8.25-foot front-setback where a minimum of 30 feet is required
- A combined 17.7-foot side-yard setback where 30 feet is required with the east side at 5.4 feet where a minimum of 10 feet is permitted

Under the plan, the addition would provide area on two levels with a living room on the main floor and mechanical/storage space below.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.



#### BACKGROUND

<u>Context</u>: The lot was created around 1920 as part of Minnetonka Manor subdivision, with additional subdivision and consolidation after the original plat was recorded (prior to modern record keeping). The home was constructed in 1953.

The property is within the shoreland district for Lake William and the property is riparian (adjacent to lakeshore). The property contains mature trees but is not subject to the tree preservation policy.

The adjacent properties are all developed with single-family homes and zoned R-1D\S.

In 2020, the City granted a variance to the property owner at 20940 Ivy Lane to expand a non-conforming garage. The garage was previous and is now at four feet from the front property line. (See blue structure in the photo to the right.) The adjacent property at 4880 Rustic Way includes a legally non-conforming garage at three feet from the front property line.



### Applicable Code Sections:

The R-1D section of code requires the following setbacks: Front 30 feet, Rear 35 feet, Side 10 feet.

Section 1201.26 Subd. 5 (shoreland regulations) requires a combined side-yard setback of 30 feet, with no one side less than 10 feet.

Section 1201.03 subd. 3. d. of the zoning regulations states: "Where adjacent residential structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures." Staff notes that the two adjacent structures are located 21 feet from their respective property lines.

Subd. 1201.03 Subd. 1 i. states that lawful nonconforming, single-family residential units may be expanded without variance, subject to the following:

- The expansion cannot increase the nonconformity and complies with the height and setback requirements of the district in which it is located
- The expansion can't exceed a floor area/lot area ratio of 30 percent
- The expansion can't adversely affect the aesthetics or character of the adjacent property
- The expansion shall take into consideration the protection of light and air to the adjacent property
- The city may enlarge the opposite required yard space by an equivalent amount on the opposite side

The applicants' proposal to add an addition does not qualify for the above exception, as the proposed addition does not meet the required setback.

#### Impervious Surface Coverage

2	Required	Existing	Proposed
Impervious Surface Coverage	25 % (max.)	11.7 %	14.3 %

#### ANALYSIS

The applicants' narrative is attached and indicates that the property owners propose the variances to add more living area to their home. They propose to add living space to the south (Ivy Lane) side of their home as their lot is wedge shaped and narrows on the north (lake) side. They also state that adding living area to the north side of their home would block their neighbors view of the lake.

#### Variance Criteria:

Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

- Intent of comprehensive plan and zoning ordinance: The applicants propose to use the property for residential purposes, which is consistent with the Comprehensive Plan and the intent of the Zoning ordinance.
- 2. Practical difficulties: Practical difficulties include three factors, all three of which must be met.
  - a. Reasonable: The applicants have proposed reasonable residential uses on the property.
  - b. Unique Situation vs. Self-Created: The setback variance is due to a unique situation and was created by the previous subdivision and re-subdivision of the property prior to modern zoning rather than being self-created. The lot is smaller than would be allowed by today's standard (about 8,700 square feet where 10,000 feet is required) and narrower (about 40 feet where 100 feet is required). The pie-shape of the lot also contributes to the unique circumstances. The applicants have very limited potential to add onto their home without a variance request.
  - c. *Essential Character*: Many of the homes along Ivy Lane are constructed closer to the street than required by the current regulations. This request, however, would create the closest home from the front property line along Ivy Lane. An addition in the back would have less impact on the street scape.
- 3. *Economic Considerations*: The applicants have not proposed the variance solely based on economic considerations, but to increase the livability of the home.
- 4. *Impact on Area*: The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, or increase the risk of fire. Ivy Lane has a 60-foot right-of-way, which is slightly wider than typical for a residential street.
- 5. Impact to Public Welfare, Other Lands or Improvements: The variances could have a limited impact to the public welfare and other lands and improvements due the addition's proximity to the street. The impact of an addition on the north side of the home would be less impactful to the street scape. The applicants stated that an addition would block the neighbor's views, but both the neighboring homes have decks or additions further north than the applicants' home.
- 6. Minimum to Alleviate Practical Difficulty: Staff finds the home on the property is not likely to be able to be expanded without a variance. However, an addition on the north side of the home would minimize the number of variances.

#### FINDINGS/RECOMMENDATION

Staff finds the proposed variances meets the majority of the variance criteria and recommends approval of the front and side yard variance for the addition. Staff acknowledge that the variance criteria are open to interpretation and with there is potential impact on the area. Consequently, the Planning Commission could reasonably find otherwise.

Staff recommends that if the Planning Commission recommends approval that the applicants be required to acquire all necessary permits prior to construction of the addition.

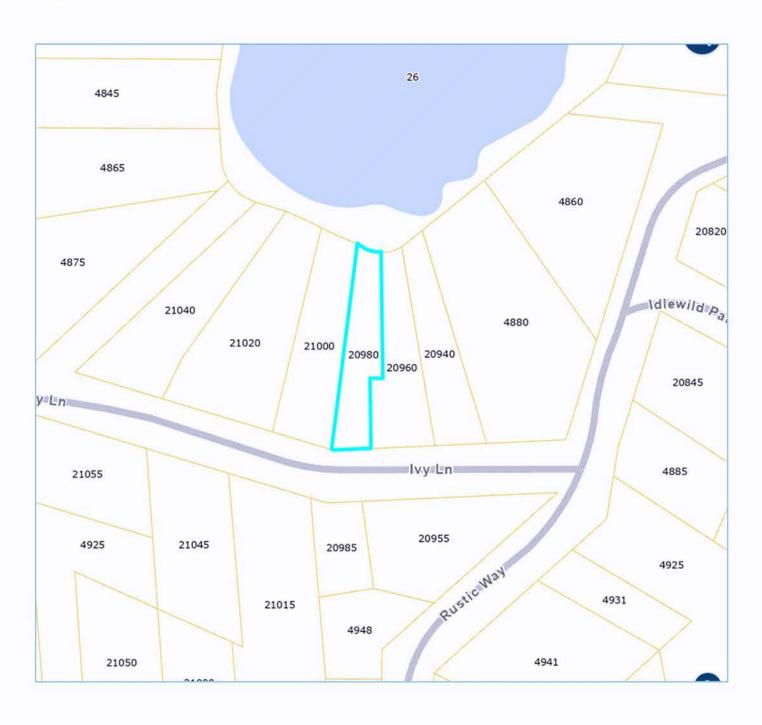
#### **ATTACHMENTS**

Location map
Applicants' narrative and plans
Correspondence Received

S:\Planning\Planning Files\Applications\2023 Cases\20980 Ivy Lane Var\PC memo.docx

# 20980 Ivy Lane Location Map







Todd Nelson 20980 Ivy Lane, Shorewood, MN 55331

The Nelson family at 20980 Ivy Lane consists of a mother, a father and a 5-year-old boy. We are raising our son in this neighborhood, and we have family in this neighborhood. The current congested space we live in makes it very burdensome and difficult to function as a family. Our kitchen is very small and very difficult to live in. We are going to be living in this house for the rest of our lives, and our child will be here through graduation in 2036. This is our home, and we are struggling to function with the limited space. The addition proposed will greatly increase the quality of our lives, as we can then move the stairs to the new space and hence make the kitchen area larger and more habitable.

The property at 20980 Ivy Lane, Shorewood MN 55331 is very narrow and forms a wedge type shape and as a result, has significant constraints that create an unfair and unreasonable burden on the family. The practical difficulties are apparent when observing this lot. The lot protrudes to the north in a narrowing fashion, which creates increasing constraints as well as visual encroachments on the neighbors and the lake views. The close proximity of the houses to the property lines of neighbors on both sides of the subject creates an unfair challenge and hardship that requires a variance to solve.

The owner is proposing a 16' X 24' addition for livable space in the form of 1 single room/living room. This space will include extending the basement- and first floor. The new space will allow for the current location of the stairs in the kitchen to be moved to the new living room. The relocation of the stairs will then allow the kitchen to be expanded. The added basement space will be used for storage and mechanical purposes. The roof pitch will remain the same (5/12) and blend seamlessly into the existing structure. New cedar/cottage type siding and roof as well as doors and windows will create an appealing structure for the neighborhood. The Nelson Addition will not alter the essential character of the neighborhood in any way, in fact, the new structure will blend in well with the current and new homes in the area.

The owner is also seeking a side yard variance. The current structure's East side property line distance from the house is 3.4 feet. The New Addition will have a distance of 5.4 feet at its closet east side corner. (see site plan). The west side closest distance to property line will be unchanged. This is a net improvement in east side distance that will benefit all parties concerned.

The proposed structure is consistent with other homes and structures in the area. To name just a few homes and structures that are closer to the property line and street than the proposed structure would be, and in our immediate 2 block area:

- 1) 20960 Ivy Ln, Shorewood, New large garage
- 2) 4880 Rustic Way, Shorewood Garage, which is next to 20960 Ivy Lane
- The variance, if approved would not alter the essential character of the locality.
- The variance and its use is consistent with the intent of the comprehensive plan and in harmony with the general purpose and intent of the zoning regulations
- The property owner is proposing to use the property in a reasonable manner, but which is not permitted by the chapter.

- The plight of the owner is due to circumstances unique to the property and not created by the landowner
- The variance would not alter the essential character of the locality.
- This variance is the minimum variance necessary to address and alleviate the hardship and burden historical property line decisions have placed on the owner.

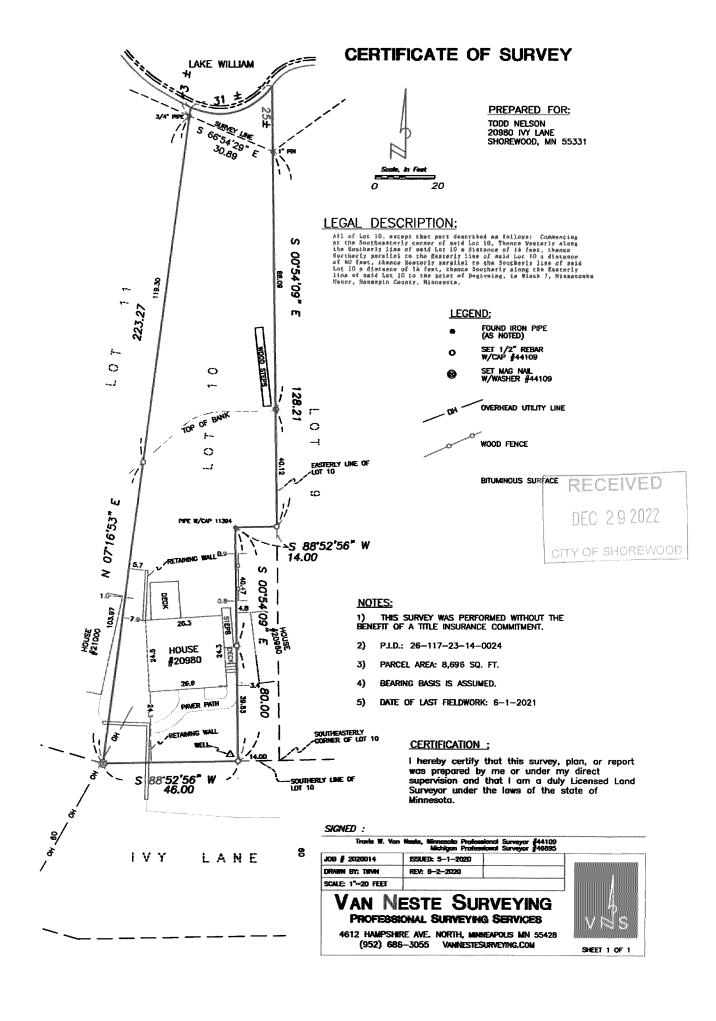
## **Existing and Proposed Impervious Surface Calculations:**

These calculations include the current structure and the asphalt driveway.

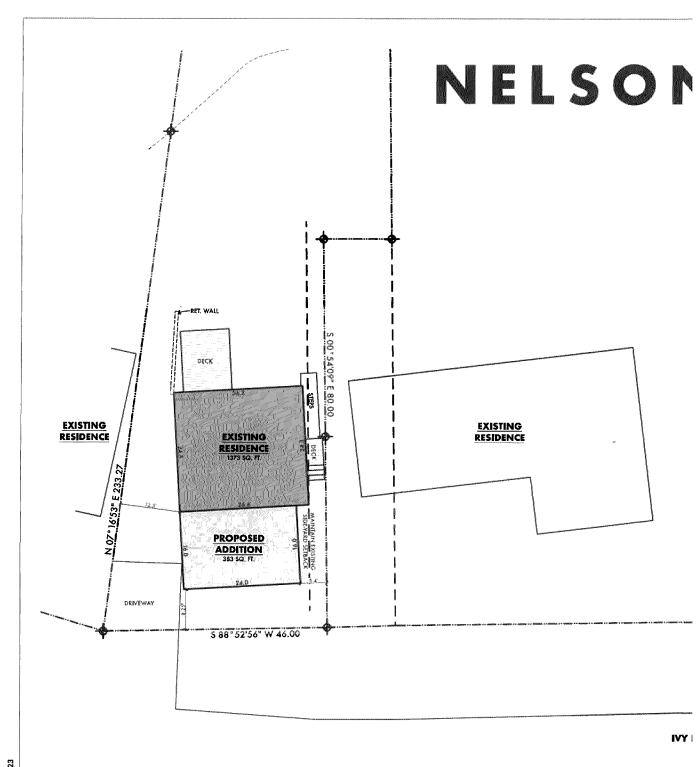
Existing Impervious surface calculation:

Current structure 625 sqft + driveway 325 sqft + 75 sqft sidewalk divided by total sq ft of lot 8712 sqft = .117

<u>Proposed</u> structure 960 sqft + driveway 325 sqft - 75sqft sidewalk + 36 sqft new sidewalk divided by total sqft of lot 8712 = .143



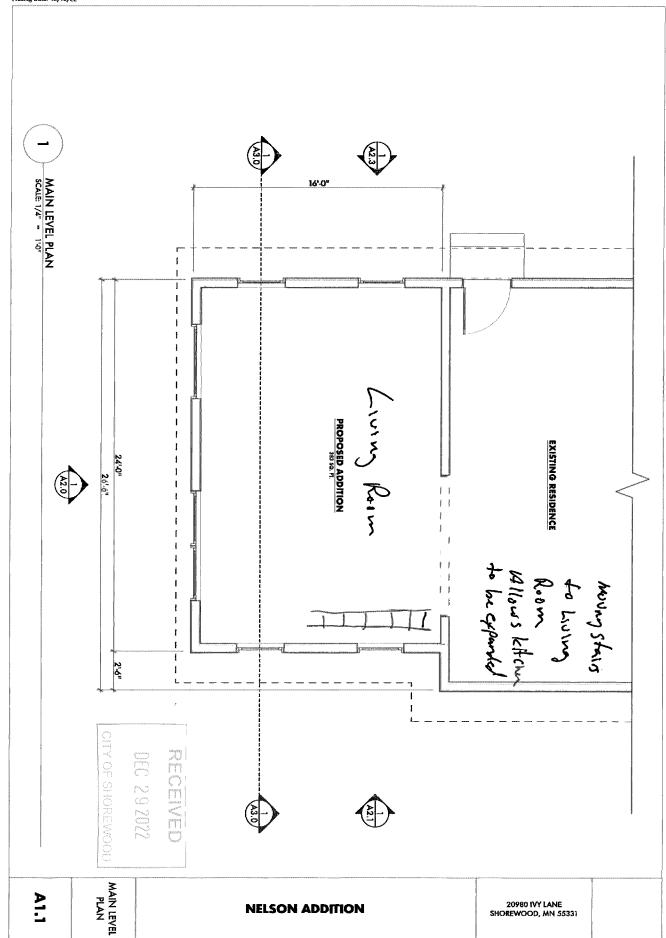


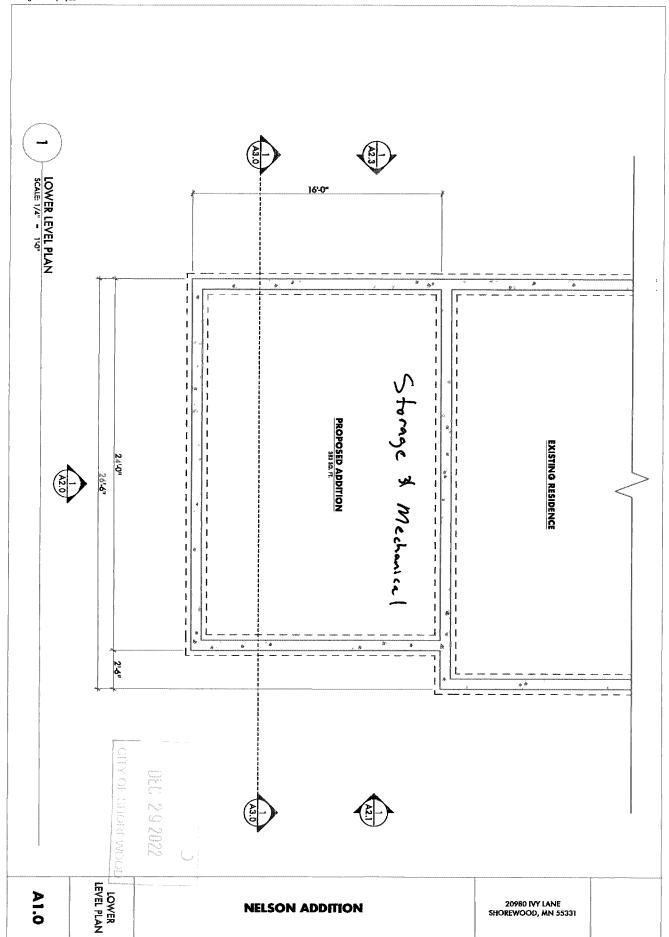


1

SITE PLAN

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





# **Marie Darling**

From:	Dan Neitge <dnbbdtech@gmail.com></dnbbdtech@gmail.com>
Sent:	Wednesday, February 1, 2023 3:20 PM
To:	Marie Darling

iviane Daning

**Subject:** Todd Nelson Proposed Home Addition

Hi Marie,

My name is Dan Neitge at 21000 Ivy Lane. Todd Nelson is my neighbor that has submitted home addition plans to the City of Shorewood. I looked at the plans and I approve what he would like to do. They are a very nice young family that need more room for their young family.

Thank You Marie

Sincerely,

Dan Neitge