

**CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY MARCH 1, 2022**

**MEETING HELD VIRTUALLY
7:00 P.M.**

For those wishing to listen live to the meeting, please go to ci.shorewood.mn.us/current_meeting for the meeting link. Contact the city at 952-960-7900 during regular business hours with questions.

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY () _____
EGGENBERGER (April) _____
HOLKER () _____
RIEDEL (March) _____
HUSKINS (May) absent
COUNCIL LIAISON SIAKEL (JAN-JUNE) _____
COUNCIL LIAISON GORHAM (JULY-DEC) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ February 15, 2022

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 Telecommunications Antennas
Applicant: SMJ International, LLC for Dish Wireless
24283 Smithtown Road

B) City Code Amendments for Urban Farm Animals
Applicant: City of Shorewood
City-wide

5. NEW BUSINESS

A) Campaign and Noncommercial Speech Signs Discussion

B) Election of Officers

6. OLD BUSINESS – None

7. REPORTS

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

8. ADJOURNMENT

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 15, 2022

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

MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:03 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Huskins, and Riedel; Planning Director Darling; Council Liaison Siakel; Consulting City Planner Kendra Lindahl; and City Attorney Shepherd

Absent: Commissioner Gault

1. APPROVAL OF AGENDA

Riedel moved, Huskins seconded, approving the agenda for February 15, 2022, as presented. Roll Call Vote: Ayes – all Motion passed 4/0.

2. APPROVAL OF MINUTES

- **November 16, 2021**

Chair Maddy noted that Commissioner Huskins was listed as both present and absent in the minutes.

Commissioner Huskins confirmed that he was absent at the November meeting.

Riedel moved, Eggenberger seconded, approving the minutes for the November 16, 2021 meeting, as revised. Roll Call vote: Ayes – all. Motion passed 3/0/1 (Huskins abstained).

3. MATTERS FROM THE FLOOR

Kristine Sanschragrin asked if there would be an opportunity for the public to speak later in the meeting under the New Business items.

Chair Maddy explained that it is not technically a public hearing, but the Commission will open the agenda items up for public comment.

4. PUBLIC HEARINGS - NONE

5. NEW BUSINESS

- A. Variance to Setback to OHWL for Dock**
Applicant: Jennifer and David Labadie
Location: 5510 Howards Point Road

Chair Maddy acknowledged that this item involves the Mayor of Shorewood and clarified that there were no conflicts of interest within the Commission for this agenda item. He explained that the staff report would be given by a contract planner, and not Planning Director Darling. He stated that the Commission will allow for public comment on this item, but asked that the speakers limit themselves to three minutes and try not to repeat points that have already been made.

Consulting City Planner Lindahl, Landform Professional Services, stated that this is a request for two variances at 5510 Howards Point Road. One variance request is to allow a dock greater than four feet wide and the other is to allow the dock to branch out within eight feet of the Ordinary High Water Level (OHWL). She explained that notice of the request was mailed to property owners within 500 feet of the property. She noted that the City received twelve letters and e-mails after the packet went out which have been entered into the public record, along with the three e-mails submitted by the applicant, but noted that many of the comments in the letters were unrelated to the variance request. The comments related to the variances requests were expressing the opinion that the variance standards were not met, as proposed. She noted that the dock was installed on or before April of 1985 and is permanent, which means it remains in the water year round. She explained that in 1989, the homeowners at that time, obtained a MNDNR permit to dredge the channel to provide access to the upper lake, which lowered the channel in order to provide access for this home as well as some of the neighbors and created channel in the middle of the lagoon. She stated that in 2000, the existing home was demolished and a new home built, also not by the applicant. She explained that the current ordinance was adopted in 2006 and was intended to bring the City's dock ordinance into compliance with the MNDNR and the Lake Minnetonka Conservation District (LMCD) standards. She noted that the applicant purchased the property in 2010 and explained that they were notified of an existing dock violation in October of 2021. She stated that the applicant received an extension after working with staff, and then submitted a variance application which is what is being considered this evening. She explained that when reviewing a variance, the City Code outlines specific standards or criteria that must be reviewed with the burden of proof landing on the applicant. She gave a brief overview of the standards to be considered as part of the analysis of the variance request. She stated that the dock is allowed in the R1-A district, is consistent with the intent of the Comprehensive Plan and uses anticipated by the Zoning Ordinance, has been in place for at least 36 years, and is not removed during the winter months. She stated that staff finds that the continued use of the dock, which has been in place for over 36 years, is a reasonable use and the plight of the landowner is due to circumstances unique to the property and were not created by this landowner. She noted that the application materials include statements from two local dock installation professionals who gave the opinion that the soils in this lagoon create a unique circumstance that would not allow the dock to be safely extended further out into the lagoon. She stated that the variance is not based exclusively on economic considerations and noted that the local dock installation professionals who indicated that extending the dock would likely result in its sinking on the end furthest from the shoreline and would create an unstable dock situation as well as an unstable boat lift and slip. She stated that the variance would not impair the supply of light and air to adjacent property owners, increase congestion, or endanger public safety. She stated that the variances to allow the dock to remain would be the minimum action necessary to address the practical difficulties. She stated that for the reasons she has outlined, staff is recommending approval of both variances, but noted that variance criteria are open to interpretation.

Commissioner Riedel stated that in the application packet, the applicant made claim to the so called 'grandfathering' status for the dock and that they felt the dock qualified as a legally non-conforming structure. She stated that it appears as though City staff rejected that argument which resulted in the variance application. He asked about that process and the basis for the City disagreeing with this dock being a legally non-conforming structure.

Planning Consultant Lindahl stated that staff felt the variance request was the right approach, but asked City Attorney Shepherd to weigh in on that particular analysis.

City Attorney Shepherd stated that the application package does talk about a lawful non-conformity assertion. He stated that it is more akin to an administrative appeal in the context of the procedural posture of the application. He stated that the administrative appeal is not in front of the Planning Commission tonight nor were they being asked to make a decision on whether or not there is a lawful non-conforming use, but are being asked to make a recommendation on the variance application.

Chair Maddy stated that if the City Council ends up granting this variance, then the enforcement action will stop. He asked that if the City Council rejects this variance request, if it would then go back to administrative enforcement on a legally non-conforming use.

City Attorney Shepherd stated that it is correct that the variance application is the opportunity for the applicant to bring their property into compliance with the City Code through the variance. He stated that if the City Council denies the variance, then there is a dock that it is in violation of City Code and enforcement would follow.

Chair Maddy referenced an aerial photo from 2002 that shows the dock was already there, double width and within 8 feet of shore, which pre-dates modern zoning on dock size and asked how the argument could be made that this would not be legally non-conforming. He stated that he would like to understand why this is going through the variance process first.

City Attorney Shepherd stated that the lawful non-conforming use argument is an administrative appeal to the enforcement of the Code, which was not filed in a timely manner. He reiterated that the application being considered tonight is for the variance requests.

Commissioner Riedel stated that he understands that the agenda item is for consideration of the variance requests, but nevertheless, the issue of legal non-conformity does bare on a variance decision. He gave the example of a home on a non-conforming lot where the homeowner wants to put in an addition. He stated that in that example, the addition would not qualify as a legally non-conforming structure, but the discussion of the house being legally non-conforming is relevant because that generally forms the basis of the decision to grant a variance. He asked if the City had taken no position on whether this could be considered a legally non-conforming structure.

City Attorney Shepherd clarified that City staff is not taking a position on whether there is a lawful non-conforming use and are just taking the position, as outlined in the staff report, on the variance application. He stated that he takes Commissioner Riedel's point with respect to the idea of a use pre-dating City Code. He stated that as Planning Consultant Lindahl stated, this is a dock that has been in place for 36 years, which can be a factor in the analysis with respect to the practical difficulties test.

Commissioner Huskins asked if there was a variance request made by the Labadie's in 2012, prior to the dock maintenance and the third section being addition.

Planning Consultant Lindahl stated that her understanding is that the dock was simply installed but no variance was applied for and the slip was part of the work for fixing the footings on the end of the dock. She stated that she does not believe a permit or a variance was applied for at that time.

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Commissioner Huskins asked if there are any legal prohibitions on approving variances retroactively, for work that has already been completed.

City Attorney Shepherd stated that there are no legal prohibitions for that situation and noted that this happens frequently where someone may have a property that is considered in violation of the City Code and then they apply for a variance as a way to remedy the problem and achieve compliance with the City Code.

Commissioner Huskins stated that this is referring to one dock on the lagoon and asked if there would be any precedents set for any of the other docks as to their compliance with the Code from 2006.

City Attorney Shepherd stated that other dock situations will be unique in different ways than this application. He reiterated that the Planning Commission is being asked to consider this particular dock and the variance requests.

Commissioner Eggenberger asked about the variance related to the setback from the OHWL. He asked if the dock was currently 1 foot short of being in compliance.

Planning Consultant Lindahl explained that the dock is 1 foot from the shoreline, where 8 feet is required.

Chair Maddy asked if the applicant would like to address the Commission.

Jennifer Labadie stated that she would like to answer any questions that the Commission may have and asked to reserve the right to speak at the end.

Commissioner Riedel asked the applicant to comment on the precise history of this dock. He stated that from the packet information it appears that there was a dock in place since 1985, but there has been indications from the dock maintenance professionals, that the dock was repaired, maintained, and perhaps expanded. He asked if Ms. Labadie had a precise timeline that she could share, in particular, the footprint of the dock and when any changes were made.

Ms. Labadie stated that the earliest aerial photo related to this property is dated April of 1985 and the earliest County aerial photo is dated 1989. She noted that the current home was built in 2000 and she and her husband moved in in 2010. She stated that when they moved in, there was a dock in the backyard and explained that there are neighbors who are very familiar with the house as it was built in 2000 who have indicated that the dock was in existence in the current location at that time. She explained that the rear end of the dock that is located at the furthest point from the shoreline began to sink and they hired professional dock installers to handle the repair. She stated that two different companies came and performed repair work, lifting up the end of the dock, but the dock was not removed from the water at that point. She explained that mud plates were placed under the footers which is a tool that is commonly used in the dock installation industry when there is a location that is considered substandard soil. She explained that at this time, they did add the second boat house on the north side of the dock and located it where the professionals had recommended.

Commissioner Riedel stated that he believes what is most relevant is the footprint of the dock. He referenced Exhibit E, which is aerial imagery from 2004 which is 2 years prior to the relevant code section being adopted restricting the footprints of docks. He stated that he sees that it has the same footprint that is currently in place and asked if that was accurate.

Ms. Labadie stated that it is not correct and noted that it appears the same, however, the dock section on the most northern side, did not exist at the time that they purchased the home. She stated that it is similar to their current dock, but that portion of the dock was added to the existing section.

Commissioner Riedel asked when that portion of the dock was added.

Ms. Labadie stated that it was added in 2012 and the other portion had been in existence since 1985.

Chair Maddy asked why it was depicted in the picture from 2004 if it was added in 2012.

Ms. Labadie explained that was a portion that belonged to the former homeowners and explained that portion did not exist when they purchased the home.

Chair Maddy asked if that was within 8 feet of the shoreline on that side of the dock.

Ms. Labadie stated that she is unsure but noted that she believes it is the OHWL and not the shoreline. She noted that it is difficult to determine the OHWL right now because the lake is down several feet due to the drought conditions from last summer.

Chair Maddy asked Planning Consultant Lindahl to comment on whether the northern portion of the dock is in violation.

Planning Consultant Lindahl stated that there are two violations and explained that the entire front section, the 'main dock' is in violation because it ranges from about 1 foot from the shoreline to 4 feet from the shoreline. She stated that they do not have a survey with the OHWL but according to the watershed district, for Lake Minnetonka it is 929.4. She stated that based on the surveys in the packet, it is a bit tricky, but they believe it is about 1 to 4 feet from the OHWL where 8 feet is required.

Chair Maddy confirmed that she was saying that both sides of the dock are too close.

Commissioner Eggenberger asked Ms. Labadie when she first became aware that the dock was not in compliance.

Ms. Labadie explained that they received notice of the violation in the fall of 2021, sometime in October.

Commissioner Eggenberger confirmed that she had no knowledge of this situation when she purchased the home or anytime before the notice came in the fall of 2021.

Ms. Labadie stated that this was correct and noted that they had professional dock installers come and had them install the addition and perform the repair work based on their professional opinion. She noted that they simply relied on the professionals that they had hired.

Commissioner Riedel stated that he would like to ask the same question that he posed earlier to City Attorney Shepherd. He stated that the status of this dock is that it existed prior to the modern City Code and there were modifications made after the modern City Code was adopted. He stated that the legal non-conforming argument hinges on the use of the dock and asked Ms. Labadie to comment on that.

Ms. Labadie asked if he was asking her to comment on what they use the dock for.

Commissioner Riedel stated that he thinks it is appropriate to ask the question whether she feels this is a legally non-conforming structure or not.

Chair Maddy clarified that the Planning Commission is only talking about variances.

Commissioner Riedel agreed, but explained that he felt this point was relevant because a variance based on a legally non-conforming structure is different than a variance that is simply based on an otherwise fully conforming situation. He stated that the existing dock, that existed prior to 2006, he thinks would qualify as legally non-conforming and the modifications that were made afterwards may not be, which may be the basis for the variance. He asked if that was the argument the applicant was making to the Commission.

Ms. Labadie stated that was the thought process when the application for a variance was prepared. She stated that they have one dock that has been in existence for over 30 years and a newly installed dock. She stated that she feels the requirements for a variance, as set forth in the City Code, are met in this situation and felt a variance would be appropriate.

Commissioner Huskins stated that there are two aspects to the variance and when a recommendation is made he assumes that the Commission will discuss each of them separately. He asked if those two things, in her mind, were tied together.

Ms. Labadie stated that although they are treated in one application for variance requests, she feels they are two distinct issues. She stated that she feels the issues stand separately.

Commissioner Huskins asked if one variance and not the other was approved whether this would not dampen the use of the dock and would be a satisfactory outcome.

Ms. Labadie disagreed and noted that it would hamper the use of the dock and also the safety of the dock, because the dock hugging the shoreline and not meeting the 8 foot requirement, is the safest possible configuration, as has been stated by two dock professionals. She stated that in both of their opinions, they felt extending it out further could result in an unstable dock situation versus leaving it in its current location. She stated that on the second issue, the two dock catwalks that are put together, exceed the 4 feet, which is also a safety issue because it allows full access of the boat from either side on the newly installed dock and from the one side on the original dock that it is attached to. She stated that she does feel this is a safety issue relating to both aspects of the variance requests.

Commissioner Eggenberger asked if the 8 foot catwalk was 8 feet when the second boathouse was installed.

Ms. Labadie stated that the installation of the second boathouse caused it to be the 7 foot width. She stated that before the installation of the boat house, it was not that width. She pointed out that in the opinion of the dock installers and her neighbors, extending the dock out into the lagoon hampers the traverse ability of the lagoon itself because the structure will take up more water space. She noted that valid DNR permits were obtained and channels were dredged to each of the properties, including hers, and it is possible that moving the dock backwards could place it in the dredged channel which definitely would make it more unstable and more difficult to secure in a safe manner.

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Commissioner Riedel stated that in the application packet, much of the argument centers on what was just described by Ms. Labadie of the professional opinion that moving the dock further out may be problematic. She stated that there is not much that describes the basis for the variance for the double-width and asked for more information on that item and the practical difficulty of not having a dock with the double-width in the center.

Ms. Labadie explained that the double-width is the way it was configured and installed by the professionals. She stated that they installed it that way for safety and access to the boat and reiterated that they had relied on the advice of the professionals at the time the work was completed.

Chair Maddy asked if there was anyone from the public would like to speak on this issue and reiterated the request that comments be limited to three minutes, not repeat each other, nor should the comments focus on character assassination.

Jeff Cameron, 27695 Island View Road, stated that he feels this is a pretty clear case where no variance should be allowed. He stated that the applicant had one slip in 2006 as shown on Exhibit F, and the Code was changed just after the picture was taken. He stated that Exhibit I, from 2015 shows the two docks and another slip was added and widened the center section. He stated that the applicant is arguing that they cannot make the dock longer, which does not have to be done. He stated that the applicant would need to move the parts that are parallel to the shore out which will effectively make the slips shorter. He stated that this is not the fault of the City that the applicant chose to make it this way. He stated that the stuff that was added in 2012 does not affect the length of the dock. He explained that the argument for the center portion being 7 feet wide being done because a 3.5 foot dock would be a safety hazard does not make sense because the standard width of a dock is 3.5 to 4 feet wide and people put boats on either side of those all the time. He stated that he feels this is not a substantial hardship and noted that most people on the lake have that dock width.

Kristine Sanschagrín, 27725 Island View Road, stated that she would like to respond to one of the letters that was included in the packet. She stated that she opposes the variance request being made and noted that the process for code compliance has not been followed, nor does the dock meet the 'grandfather' requirements. She stated that she does not feel the applicant meets the hurdle related to hardship. She stated that she finds it interesting that Ms. McNeil's letter was included in the variance request because she appears to be responding to a news story and not the variance included in the packet. She stated that she would like to speak to some of the conjecture and false statements that she feels were included. She stated that Ms. McNeil has the right to disagree with the complaints, but her statement that the access was on the deed as well as others and was clear to all of us that a dock was not permitted, is false. She stated that she is an owner of the property and the claim is unsubstantiated. She stated that Ms. McNeil and her husband are not registered with the County as easement holders nor have the owners of this property been presented with legal proof of their easement. She stated that they have affidavits from an easement holder and an aerial photo from the 1970s that refutes Ms. McNeil's claims that there has never been a dock on the property. In addition, her comment that it is beyond odd that docks that have been on the lake for years are now under investigation is irrelevant. She stated that if someone purchased a home in the neighborhood that was found to have a code violation, the home would have to be brought up to code prior to sale. She stated that Ms. McNeil's claim that there has been a dock on the property since the early 2000s is also irrelevant, however there is a dispute about whether or not the dock was changed and noted her disappointment that this was not noted by the consultant in her presentation. She stated that when false narratives are shared in the neighborhood it provides unneighborly activity and this is an example of something that was included in the packet and is irrelevant and feels it should be withdrawn. She stated that

she does not feel there is any legal way that this dock should be granted a variance and stated that Ms. Labadie's position as mayor for this variance request should be agnostic. She stated that they are all citizens of this community and nobody, including Ms. Labadie should be an exception in having to meet code requirements. She stated that if the Planning Commission chooses otherwise, they are admitting to special treatment for certain members of the community and not treating all members consistently under the code requirements.

Guy Sanschagrín, 27725 Island View Road, stated that he has written a letter in opposition to the City's practice of providing special treatment to certain residents while dealing with others heavy handedly. He stated that it is important that Shorewood's code enforcement processes are not arbitrary or capricious and noted that currently the process seems selective and subjective. He stated that he would like to ask about the purpose of the rules that are being looked at and whether it was safety, health, welfare. He stated that he feels that understanding this purpose is important. He noted that if this variance is granted, he would question whether these rules should even exist and asked when the City would actually enforce the rules. He asked why the City had any dock regulations at all and noted that the City pays to be part of the LMCD whose purpose is to harmonize the rules on Lake Minnetonka. He asked why another full layer of special rules for Shorewood lakeshore was needed. He suggested that abolishing the City's dock restrictions is the solution in place of a variance. He stated that he feels this action would solve many issues for the City and for its residents. He asked how the City can justify punitively dragging two families through the criminal and civil court systems over the last 5 years while at the same time allowing City officials to violate the code through variances and not enforcement. He asked how the same City officials, who do not adhere to the code turn around and enforce the same code on others. He stated that it is clear that Shorewood's rules only apply to certain residents and the process felt by the common resident is very different than the process afforded to the privileged and politically connected. He stated that zoning enforcement should not be political and should be based on the facts and the law. He stated that residents who stand up to the City and disagree with the status quo are shut out, smeared, and denied a seat at the table. He stated that to him, Shorewood's governance feels much like an oligarchy. He stated that in consideration all these factors, he feels the variance requests should be denied as a first step in reforming the City government in the direction of equal treatment under the law for all residents.

Marty Davis, Edgewood and Birch Bluff area, stated that he feels it is sensible and obvious that this dock should be grandfathered in and fits in with those parameters. He stated that what bothers him is that there have been comments made about false narratives. He stated that some individuals keep putting another dock into the middle of this situation and if they would like, he can lay out the facts, not opinions, for that situation. He stated that he has spoken with Mr. Sanschagrín about these facts so he is aware of them and he is standing too far from the truth. He stated that he feels it is sour grapes to go after a mayor like this and is punitive to her decision to do her job, which he feels is all she has tried to do. He reiterated that he feels the opposition to this request is sour grapes because those individuals did not get what they wanted. He stated that if the truth gets out about what happened in the other situation with the dock next to him at Howards Point, they will find that they have been deceitful and are the ones that have caused the City to waste taxpayer money. He suggested that people contact Brad Neilson and have him let people know what went on with that property. He noted that he does not feel that the people that have written in regarding this issue, have been informed of the truth. He reiterated that people around town really need to understand what went on in that situation and how noble the City officials have been throughout that whole process.

Chair Maddy noted that individuals would only be allowed to speak one time this evening and noted that there appear to be two individuals who have not yet spoken.

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Mary Rotunno, 5525 Howards Point Road, stated that she is here to support the variance requests. She stated that in her opinion, the applicant went through the proper channels, does not believe there was malicious intent, nor does she feel that they have received any special treatment. She stated that she believes that this has become a personal issue within the community which has gotten out of hand. She stated that the personal attacks on the mayor and Council have been, in her opinion, childish. She reiterated that she supports the variance request.

Mary Borgeson, 5485 Grant Lorenz Road, stated that she has been watching this and there have been discussions about whether the dock was legal or not and whether a variance would keep it into compliance. She stated that she is not attacking the mayor, but as someone in a position of power, whether it is legal or ethical, it is always good to take the high road and not be hypocritical. She clarified that she is not calling the mayor a hypocrite, but feels everyone has been guilty of hypocrisy at one time or another because you want something so badly that you cannot see the conflict. She stated the dock issues in this community have become a really hot button issue and she would suggest that the Ms. Labadie bring her dock into compliance first and then ask for a variance. She stated that it may be a sacrifice for Ms. Labadie but explained that it would be a much better look ethically for her to make it legal prior to asking for a variance. She stated that they are very lucky to have a gender diverse City Council and mayor. She noted that when she graduated from high school, a woman could not even get a loan. She stated that the mayor and the two female Councilmembers are leaders in the community and are an example for other young women and thinks they should hold themselves to a higher standard. She reiterated that it would be a much better 'look' and not so divisive if the dock would just be brought into compliance.

Chris Rotunno, 5525 Howards Point Road, stated that he feels this issue comes down to common sense. He stated that there is an aerial photo that shows the dock being discussed and noted that it probably looks better than any other dock in the whole bay. He stated that he knows that because he parked by it until last year and noted that others that have spoken tonight also did, illegally. He stated that he thinks that Ms. Labadie is being persecuted for other issues. He stated that he would encourage the Commission and staff to not treat this like they are dealing with the mayor, but as though they were dealing with a normal citizen. He stated that he really feels like this is common sense and this request is nothing that is hindering anyone else. He stated that it may not sound like a big deal to move the dock out a few feet but the way the bay is configured, they would not be able to get a boat through which would cause complications for the other homeowners in the bay. He stated that some of the individuals no longer have any involvement in this bay and are here fighting against Ms. Labadie and attacking because she is the mayor. He asked the Commission not to punish the mayor because she won an election by a landslide.

Alan Yelsey, 26335 Peach Circle, stated that his interest in this is in the integrity of government. He stated that he appreciates the questions that have been asked by the Planning Commission. He stated that he feels the integrity of the City is at stake in this situation because there is a mayor in the middle of an issue that she should not have been in if Ms. Labadie had followed the code. He stated that he feels the Commission needs to hold Ms. Labadie accountable as it would for any other citizen, without any favoritism. He stated that from what he has seen, in terms of variances and code violations in the past, the City has been fairly strict and feels the process that has been used with others should be followed in this case. He stated that he is disturbed that some other parties have been persecuted for doing something that was compliant with code while in this case, there is clearly non-compliance with code. He stated that for the integrity of government, because the mayor is in the middle of this, it will be very good for her to accept the code violations and change whatever is necessary to be compliant. He stated the hardships that have been mentioned do not sound accurate to him and he feels that some modifications could be adopted with some technical and engineering assistance and still maintain her dock and

privileges. He stated that this is a City that should not be for the rich, wealthy, and influential and should be a City for everyone.

There being no additional public input, Chair Maddy closed the public testimony portion of the meeting at 8:13 p.m.

Commissioner Riedel stated that he would reiterate the point he made in his earlier questioning. He stated that the dock existed, at least partially in its current configuration prior to the adoption of the Code, which is pivotal in this situation. He gave the example of a non-conforming lot with a house that existed on the lot prior to the code being adopted that restricted the setbacks and other criteria for building. He explained that this would be a legally non-conforming house and the owner could continue to live in the house and even rebuild on the exact same footprint with no variance required. He stated that if the applicant wanted to modify the house, for example, put on an addition, they would be permitted to do it as long as the addition did not increase the non-conformity. He stated that this a common scenario for the Planning Commission to consider, where somebody with such a property wants to do something that is quite reasonable, for instance, put on a new deck. He stated that putting on a new deck would increase the non-conformity, so they would not be permitted to do so without applying for a variance. He stated that the variance process is appropriate in that case and this is a situation where there was an existing dock, partly in its current configuration that existed prior to the code being adopted that restricted such docks. He stated that subsequent to that, there were changes made to the dock, hence the need for a variance. He stated that in that context, the Planning Commission must take into account further information, that the current applicant purchased the property with the dock in place and based upon good faith, made modifications to the dock unaware of the code restrictions 10 years ago. He stated that information can be taken into account in the deliberations and noted that it would seem to him that the grandfathering in of the dock, the legal non-conformity of part of the dock, and the changes made without knowledge that they were violating the code, means a variance is appropriate. He stated that the notion that the Planning Commission would never recommend approval of a variance of this type is false. He stated that each case is unique and there is no concept of a precedent when it comes to a variance. He stated that he feels, on its merits, the variance in this case clearly crosses the threshold of being reasonable based on the fact that there was an existing dock in place and the notice of the code violation is being brought forth 10 years after the last modification.

Commissioner Eggenberger stated that there was an implication that if he chooses to vote in favor of approval of this variance, that he is doing so because of some agenda that he would have. He stressed that he has never done that and explained that he votes for things because he thinks they are right or they are wrong. He explained that he intended to do that in this case, as well. He stated that he thinks this variance request is reasonable and agrees with Commissioner Riedel's comments. He stated that he feels it is common sense that this variance was applied for when the applicant found out they were not in compliance, in order to get it into compliance. He stated that he feels the applicant has met all the criteria for the variance request.

Chair Maddy noted that it appears as though there is a hand raised from someone who has not yet spoken. He noted that to ensure that everyone who would like to comment on this item has that ability, he would like to formally reopen the public testimony portion of the meeting at 8:19 p.m.

Kay McNeil, 5620 Howards Point Road, apologized for her lack of technical knowledge and explained that it took her extra time to figure out how to 'raise her hand' within Zoom. She stated that since her name was brought up by one of the neighbors, she felt that she should be heard. She stated that for her, all of this has been based on right or wrong. She stated that she did have

deeded access and feels that this has gone on too long because this is a personal vendetta against Ms. Labadie. She stated that the City is very fortunate that there is a young mom and attorney who has been willing to give her time to help the City. She noted that she does not want to play the 'he said/she said' game. She stated that she wrote a letter based on what she knew of the dock, of having taken care of it for the owner, and to stand up and fight for the right things for the City. She stated that she has watched the property for years and now feels that she has been called a liar and publicly shamed. She stated that she is a grandma, loves the marina and feels it is fortunate that the City has Mr. Davis has brought a wonderful manager into the neighborhood marina. She stated that the people on this street love it here and do not need anymore nonsense. She asked that the Planning Commission be allowed to do their jobs and the City perform what they need to do and put this to rest. She stated that she does not know about the legality of the dock, nor does she want to know. She explained that her whole position was to support the mayor and do what is right and explained that she supports her and the Council 100%. She stated that she is in support of the variance request.

Chair Maddy closed the additional public testimony at 8:23 p.m.

Commissioner Huskins stated that from what he has heard tonight and seen in the packet, he thinks it is clear that there has been a dock there for a long period of time. He stated that regardless of whether there were two slips or one slip, he thinks he is seeing in the photographs that it is consistent over the entire period of time, in the location close to shore. He stated that he has to believe that there is some purpose and reason behind why it was constructed that way initially. He stated that the code did change in 2006 but the aerial photos from that time until 2010 do not show any change in the proximity to the shoreline. He stated that there were opinions expressed by two dock experts about the reason for leaving the structure in this place and noted that he is willing to listen to their expertise. He stated that the difficulty here is that a timely variance would have been applied for at the extension of the dock to create the second slip, but is also persuaded that the City did not do anything to notify through inspection when the deed transferred to the owner. He stated that he takes Ms. Labadie's statement at face value that the first time she learned that she was not compliant with the 2006 code was when she received the notice last fall. He stated that similar to Commissioner Riedel, he is struggling not to take into account the legally non-conforming structure, as he believes this dock was in 2010. He asked earlier if there was any legal prohibition of approving variances retroactively and City Attorney Shepherd stated that there was no legal constraint against doing that. He stated that when he takes everything into consideration and reviews the application, he feels very comfortable in approving the variance requests.

Chair Maddy stated that he has struggled with this one. He noted that Ms. Labadie has asked the Commission to not to reference her as an elected official, but feels that they do not have that luxury. He stated that he feels elected officials and people like himself need to be held to a high standard, but at the same time, had the dock contractor in 2012 come in and requested this variance because of the soil conditions, he is sure that it would have been granted. He stated that the Commission does its best to work with homeowners to enable them to be able to enjoy their property. He stated that he feels if any other person had come in and asked for this, the Commission would have recommended it be granted.

Riedel moved, Huskins seconded, to recommend approval of the variance requests at 5510 Howards Point Road, to allow a dock greater than 4 feet in width and to the dock setback from the OHWL.

Chair Maddy clarified that by granting this variance, the City would not be allowing the dock to be further enlarged, but are saying that where it is currently located is as big as it will get.

Planning Consultant Lindahl noted that there is a staff recommendation to recommend approval based on the findings, which allows the dock to remain in its current configuration without expansion.

Roll Call Vote: Ayes – all. Motion carried 4/0.

Chair Maddy recessed the meeting at 8:30 p.m. and reconvened at 8:35 p.m.

B. Urban Farm Animal City Code Amendments Discussion

Planning Director Darling gave an overview of the past discussions regarding amendments to the Urban Farm Animal regulations. She noted that the City Council had adopted standards for keeping and care of urban farm animals but asked staff to research additional standards to reduce negative impacts for things such as keeping birds on the owners property. She explained that when the most recent code amendments were adopted, there were several people in the audience that noted concerns with noise and property damage when the neighbor's chickens escaped. She asked the Commission to review the proposed draft language and noted that a public hearing will be scheduled in March. She reviewed the proposed ordinance amendments and noted that staff is just looking for initial comments from the Commission on the proposed amendments.

Commissioner Huskins stated that under definitions, he asked why the City is referring to certain animals as both farm animals and farm birds.

Planning Director Darling explained that the reason she separated them out was because rabbits generally do not escape from their hutches and bees cannot be contained. She stated that if she required all urban farm animals to be fully enclosed, that would defeat the purpose of keeping bees and would provide unnecessary regulations for rabbits. She explained that ducks, geese, turkeys, chickens, and guinea hens would be in both urban farm animals and urban farm birds.

Commissioner Huskins stated that in the definition he is not sure it is helpful to have them appear under both farm animals and farm birds.

Commissioner Riedel stated that one is the subset of the other and noted that urban farm animal is the larger set and urban farm birds is a subset of that the larger set. He stated that he does think it is useful.

Commissioner Huskins asked about subdivision 3 (4)g, where it talks about some consequence for failure to pay application fee on any condition set forth in any other permits granted by the City. He asked why the City would say that because they defaulted on one permit it would invalidate the ability to have a farm animal permit.

Planning Director Darling stated that she believes it refers to just under this section or chapter.

Commissioner Huskins stated that to him, it reads as though if he did not pay a fee to put an addition on his home or something, that this would invalidate his ability to apply for an urban farm animal permit.

Planning Director Darling stated that she understands that concern and noted that she will clarify the language with City Attorney. She stated that she believes that item was added in solely to be applied to this chapter.

Chair Maddy stated that he has some really great chicken owners next door and this ordinance seems to be written in response to the worst chicken owners because it limits how many chickens they can have. He stated that he does not want to burden good chicken owners because of the acts of a few others. He stated that is just his general reaction to these proposed amendments and noted that he has also seen good chicken keeping take place on smaller lots and noted that unless the chicken owners want to start feeding the great horned owls, they would already be putting netting on top of their chicken runs and does not understand why the City would require it.

Commissioner Riedel noted that he believes that there had been complaints about escaping chickens.

Chair Maddy stated that there are a large number of wild turkeys who walk through his yard and having concerns about one escaped chicken seems like an over-reaction.

Commissioner Riedel stated that he agrees with the restriction of 6 or 4, but does seem low, if you have a larger lot and only allowing 6 chickens is a fairly strict requirement.

Chair Maddy stated that he understands that the Council gave staff some direction on this that is perhaps more conservative than the Commission feedback. He asked if there were details on what the Council was concerned with.

Planning Director Darling explained that the Council had given general direction to staff and did not supply any specific number of chickens. She stated that they had discussed limiting the number of chickens based on the size of the property.

Commissioner Huskins asked if staff had any data points with neighboring cities.

Planning Director Darling stated that she did not have them with her this evening, but had provided them with previous packets. She stated that she can provide this information at the next meeting.

Commissioner Eggenberger asked if Chair Maddy had a number in mind, because, to him, 6 chickens seems like a lot.

Chair Maddy explained that he had had seen it work well with 6 chickens on a small lot, but they are responsible chicken owners. He stated that he would rather just have 6 total and not limit it down to 4 for the smaller lots.

Commissioner Eggenberger stated that he would agree with that.

Chair Maddy asked if most of the complaints were related to smells or trespassing of chickens.

Planning Director Darling explained that it was primarily trespassing of chickens and noise.

Council Liaison Siakel stated that she thinks some of the comments came where there were situations where there are people who have multiple neighbors who have chickens. She stated that she thinks the thought was to strike a balance for those concerned about escaping chickens, the mess, the smell, and noted that were a number of people who showed up and wanted a bit more restriction and guidance around people who choose to keep chickens. She stated that there was also some conversation about limiting the number of households that the City allows to have chickens.

Commissioner Eggenberger agreed that even though they are not roosters, they can get noisy. He stated that he has chickens nearby and they get noisy once or twice a day, which he has assumed is at feeding time. He stated that it is not obnoxious, but they do make noise and can be heard.

Commissioner Riedel stated that it seems problematic to cap the total number of chicken permits because it would become like a chicken lottery. He stated that he believes it will be better to deal with this by simple, consistent rules that limit the number of chickens per lot.

Commissioner Huskins asked if the recourse of a neighbor who felt they were disadvantaged because multiple properties had chickens, was to file a complaint with the City.

Planning Director Darling explained that if they have a concern about how the chickens are being kept on a specific property, they would need to call staff and formally ask for the property to be inspected. She noted that if no violations were to be found, there is no recourse.

Commissioner Huskins asked if the City would be able to fairly decide on whether a complaint related to escaped chickens, odor, or noise, was valid.

Planning Director Darling stated that if the chickens are out when the inspector gets there they can. She stated that the challenge with a noise issue is the same as for a barking dog. She explained that if they run and check and the dog is not barking, the inspector or police will just move on. She noted that she had not received any complaints about odor, but did get one for erosion.

Commissioner Huskins stated that he also likes the idea of simplicity without creating a lottery situation. He stated that he would just like to make sure that if there is a legitimate reasons for complaint that there be some mechanism by which the City would handle those in a way that would be satisfactory to the complaining neighbor.

Chair Maddy stated that it sounds like it is tough to enforce much of this and noted that he used to be an odor inspector for the City of Minneapolis. He stated that he believes the City wants to find the balance of something that is enforceable but also protects the adjacent homeowners.

Planning Director Darling stated that she will take the comments received from the Commission and incorporate them into a draft ordinance for review at the time of the Public Hearing.

Chair Maddy asked if the Commission felt the right number of birds should be split or have one flat amount for the City.

There was consensus of the Commission to support a flat number of 6 chickens, regardless of lot size.

The Commission discussed the setback requirements for urban farm animals.

Chair Maddy asked what would happen if there was someone who had an existing coop that is less than the newly adopted required setback.

Planning Director Darling explained that this is not in the Zoning Ordinance because chicken coops are typically mobile, so when the permit expires, the coops will have to be brought into

conformance the next time they apply for a permit. She noted that the permit now expires in 1 year.

Commissioner Eggenberger asked if they could also apply for a variance.

Planning Director Darling stated that there was no variance provision in this section of code.

Chair Maddy noted that he can see that becoming a problem because many people have bought sheds from Home Depot to raise chickens and store lawnmowers in that are not easily moved.

Planning Director Darling stated that she will look into this issue with City Attorney Shepherd.

Commissioner Eggenberger noted that Planning Director Darling had stated earlier in the meeting that rabbits were separated out because they do not typically escape their enclosure.

Planning Director Darling clarified that she had not received any complaints and noted that there is currently only one permitted rabbit hutch in the City.

Commissioner Eggenberger stated that he grew up to people who had rabbits and they had an enclosure that they would let the rabbits run around in, and they were constantly escaping from the enclosure because they would dig under the fencing, so rabbits do escape their enclosures.

Planning Director Darling noted that they do not fly over the top of their enclosure though.

Commissioner Riedel stated that it could also be that rabbits just disappear if they escape, so there is not much complaining if that happens.

C. Work Program and Meeting Schedule for 2022

Chair Maddy noted that missing on the work program was discussion on minimum structure width requirements in residential areas.

Planning Director Darling stated that she had mentioned that at the Council meeting when they were reviewing the variance recommendation for the slightly more narrow home. She stated that she heard from one Councilmember that with only one variance requested, there was not proof that those were forming a hardship for the community, in general. She stated that this is why she had not included it on the work program schedule.

Riedel moved, Huskins seconded, to accept the 2022 Work Program, as presented. Roll Call Vote: Ayes – all. Motion carried 4/0.

D. Liaison Volunteers for February and March

February – Chair Maddy

March – Commissioner Riedel

April – Commissioner Eggenberger

May – Commissioner Huskins

Chair Maddy noted that Commissioner Gault would no longer be serving on the Commission and there will be a new Commissioner starting in March.

Planning Director Darling stated that they are planning to hold the March 1, 2022 Planning Commission meeting virtually.

Commissioner Huskins noted that he will be out of town for the March 1, 2022 and asked that communication be handled electronically without a physical packet.

6. OLD BUSINESS - NONE

7. REPORTS

- **Liaison to Council**

Council Liaison Siakel reported on Council considerations and actions from the February 14, 2022 meeting.

- **Draft Next Meeting Agenda**

Planning Director Darling stated there will be a discussion of potential ordinance amendments to election, campaign, and non-conforming speech signs. There will also be two Public Hearings one for additional antennae on an existing monopole and another for the amendments to the Urban Farm Animal Ordinance.

Commissioner Eggenberger asked Council Liaison Siakel about past discussions about some available funds for broadband and asked for an update.

Council Liaison Siakel stated that there is a company called Jaguar Communications that approached the City about running fiber optic internet services to residents within Shorewood, Excelsior, and Tonka Bay. She stated that her understanding was that they should be touching base with the public within the next 6 months with their intent to offer additional service to residents of the area. She stated that she will try to find out more details and get back to the Commission with a specific answer.

8. ADJOURNMENT

Huskins moved, Eggenberger seconded, adjourning the Planning Commission Meeting of February 15, 2022, at 9:17 P.M. Roll Call Vote: Ayes – all. 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: March 1, 2022

APPLICANT: SMJ International LLC. (on behalf of Dish Wireless)

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

LOCATION: 24283 Smithtown Road

REVIEW DEADLINE: May 28, 2022

LAND USE CLASSIFICATION: Commercial

ZONING: C-1

FILE NO.: 18.23

REQUEST

The applicant, on behalf of Dish Wireless, proposes to add three 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

Context: 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 2019, the City Council approved a similar application for this company, but the antennas were not installed in a timely manner and the approval expired.

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 138 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 cabinet.

As shown on the attached plans, the cabinet would be placed on a five-foot by seven-foot equipment platform in the existing fenced area north of the existing equipment building.

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

Comprehensive Plan: 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.

Compatibility with present and future land uses, depreciate area: 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.

Screening: The ground equipment would be behind the existing accessory building and would be behind the new trees and plantings on the city hall site. Because of the utility nature of the equipment, most people do not notice the additional equipment or antennas. Staff do not find that additional screening of the area would be necessary.

Public Services: None needed.

RECOMMENDATION

Staff recommends approval of the conditional use permit 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 a third-party inspectors.
2. The applicant shall install the new antennas and tower equipment outside of the nesting season.
 - a. No lights shall be added to the tower unless required by the FAA and no lights shall be installed on the ground equipment.
3. Prior to approval of any permit, the applicant shall submit revised plans to indicate:
 - a. Antennas and all equipment shall be white, pale grey or a similar color to the existing tower.
 - b. The ground equipment and ice bridge shall be factory coated or painted to match the building.
 - c. Structural drawings stamped by an engineer.
4. All disturbance of the site shall be restored to preconstruction condition by the end of the next growing season.

ATTACHMENTS:

Location Map

Applicant's Narrative and Plans



SMJ INTERNATIONAL

49030 Pontiac Trail, Suite 100
Wixom, MI 48393
www.smj-llc.com

December 28, 2021



City of Shorewood
Planning and Protective Inspections
5755 Country Club Road
Shorewood, MN 55331
Phone: 952-960-7900

Re: **DISH Wireless Proposed Modification at:**
MNMSP00321A 24283 Smithtown Rd., Excelsior MN 55331
PID: 33-117-23-14-0005

Encl: Zoning Application
Zoning Application Checklist
Construction Drawings (3 sets, 11" x 17")
Structural Analysis
Tower Modification (3 sets, 11" x 17")
Fee: \$500.00
Escrow: \$1,000.00

City of Shorewood:

I have previously been in touch with your department regarding DISH Wireless' proposed work at the location above, to improve wireless communication services in your area. DISH Wireless' proposed installation will consist of adding cellular antennas and ground equipment, per the drawings provided.

The proposed project consists of constructing a 5' x 7' equipment platform on the ground and ice bridge for associated cables and adding 3 antennas used for wireless communication (cellular), the height of the tower will not be increased. There will be no lighting added to the tower, and the noise levels will not be increased. All work will take place within the existing, fenced/leased area.

The proposed use, and its related construction, is consistent with the policies and provisions of the Comprehensive Plan.

The proposed use is compatible with present and future land uses in the area and will not depreciate the area in which it is proposed.

The proposed use will not overburden the city's service capacity and would be accommodated with existing public services including public streets.

The establishment, maintenance or operation of this proposed conditional use will promote and enhance the general public welfare and would not be detrimental to or endanger the public health and safety.

This proposed use conforms to the applicable regulations of the district in which it is located and otherwise conforms to the applicable regulations of city code.

Accordingly, please find enclosed a completed application package for zoning approval along with the above-listed materials. Please let me know as soon as possible if any additional information is required.

If approved, please respond with any remaining fees and remit a copy of the completed permit via mail/email to:

Attn: Kristen Swenson
49030 Pontiac Trail, Suite 100
Wixom, MI 48393

Phone: (651) 226-1041
Email: kswenson@smj-llc.com

As always, feel free to contact me with any questions or concerns. I look forward to hearing from you.

All the best,

Kristen Swenson

Kristen Swenson

SMJ INTERNATIONAL



DISH WIRELESS L.L.C. SITE ID:

MNMSP00321A

DISH WIRELESS L.L.C. SITE ADDRESS:

**24283 SMITHTOWN RD.
EXCELSIOR, MN 55331**

CODE COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CODE TYPE	CODE
BUILDING	2020 MINNESOTA BUILDING CODE/2020 IBC
MECHANICAL	2020 MINNESOTA MECHANICAL AND FUEL GAS CODE/2020 IMC
ELECTRICAL	2020 MINNESOTA ELECTRICAL CODE/2020 NEC

SHEET INDEX

SHEET NO.	SHEET TITLE
T-1	TITLE SHEET
LS1	EXISTING SURVEY (BY OTHERS)
A-1	OVERALL AND ENLARGED SITE PLAN
A-2	ELEVATION, ANTENNA LAYOUT AND SCHEDULE
A-3	EQUIPMENT PLATFORM AND H-FRAME DETAILS
A-4	EQUIPMENT DETAILS
A-5	EQUIPMENT DETAILS
A-6	EQUIPMENT DETAILS
E-1	ELECTRICAL/FIBER ROUTE PLAN AND NOTES
E-2	ELECTRICAL DETAILS
E-3	ELECTRICAL ONE-LINE, FAULT CALCS, & PANEL SCHEDULE
G-1	GROUNDING PLANS AND NOTES
G-2	GROUNDING DETAILS
G-3	GROUNDING DETAILS
RF-1	RF CABLE COLOR CODE
GN-1	LEGEND AND ABBREVIATIONS
GN-2	GENERAL NOTES
GN-3	GENERAL NOTES
GN-4	GENERAL NOTES

SCOPE OF WORK

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

TOWER SCOPE OF WORK:

- INSTALL (3) PROPOSED PANEL ANTENNAS (1 PER SECTOR)
- INSTALL (1) PROPOSED ANTENNA PLATFORM MOUNT
- INSTALL PROPOSED JUMPERS
- INSTALL (6) PROPOSED RRHs (2 PER SECTOR)
- INSTALL (1) PROPOSED OVER VOLTAGE PROTECTION DEVICE (OVP)
- INSTALL (1) PROPOSED HYBRID CABLE (LENGTH: 170'-0")

GROUND SCOPE OF WORK:

- REMOVE (1) EXISTING STEEL PLATFORM
- INSTALL (1) PROPOSED STEEL PLATFORM
- INSTALL (1) PROPOSED ICE BRIDGE
- INSTALL (1) PROPOSED PPC CABINET
- INSTALL (1) PROPOSED EQUIPMENT CABINET
- INSTALL (1) PROPOSED POWER CONDUIT
- INSTALL (1) PROPOSED TELCO CONDUIT
- INSTALL (1) PROPOSED TELCO-FIBER BOX
- INSTALL (1) PROPOSED GPS UNIT
- INSTALL (1) PROPOSED SAFETY SWITCH (IF REQUIRED)
- INSTALL (1) PROPOSED FIBER NID (IF REQUIRED)
- INSTALL (1) PROPOSED METER SOCKET

SITE PHOTO



GOPHER STATE ONE CALL
UTILITY NOTIFICATION CENTER OF MINNESOTA
(800) 252-1166
WWW.GOPHERSTATEONECALL.ORG

CALL 2 WORKING DAYS UTILITY NOTIFICATION PRIOR TO CONSTRUCTION



GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE. NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

SITE INFORMATION

PROPERTY OWNER: FISH & SON PROPERTIES LLC
ADDRESS: 70 FLORENCE DR
TONKA BAY, MN 55331

TOWER TYPE: MONOPOLE

TOWER CO SITE ID: 81418

TOWER APP NUMBER: 13710486_MN

COUNTY: HENNEPIN

LATITUDE (NAD 83): 44°54'01.0" N
44.900269 N

LONGITUDE (NAD 83): 93°35'16.6" W
-93.587944 W

ZONING JURISDICTION: CITY OF EXCELSIOR

ZONING DISTRICT: -

PARCEL NUMBER: 3311723140005

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: II-B

POWER COMPANY: TBD

TELEPHONE COMPANY: TBD

PROJECT DIRECTORY

APPLICANT: DISH WIRELESS L.L.C.
5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120
(303) 708-5008

TOWER OWNER: AMERICAN TOWER
10 PRESIDENTIAL WAY
WOBBURN, MA 01801

SITE DESIGNER: FULLERTON ENGINEERING
1100 E WOODFIELD, STE 500
SCHAUMBURG, IL 60173
(847) 908-8400

SITE ACQUISITION: KATHLEEN BOGGS
kathleen.boggs@dish.com

CONSTRUCTION MANAGER: MO MOHAMMED
mo.mohammed@dish.com

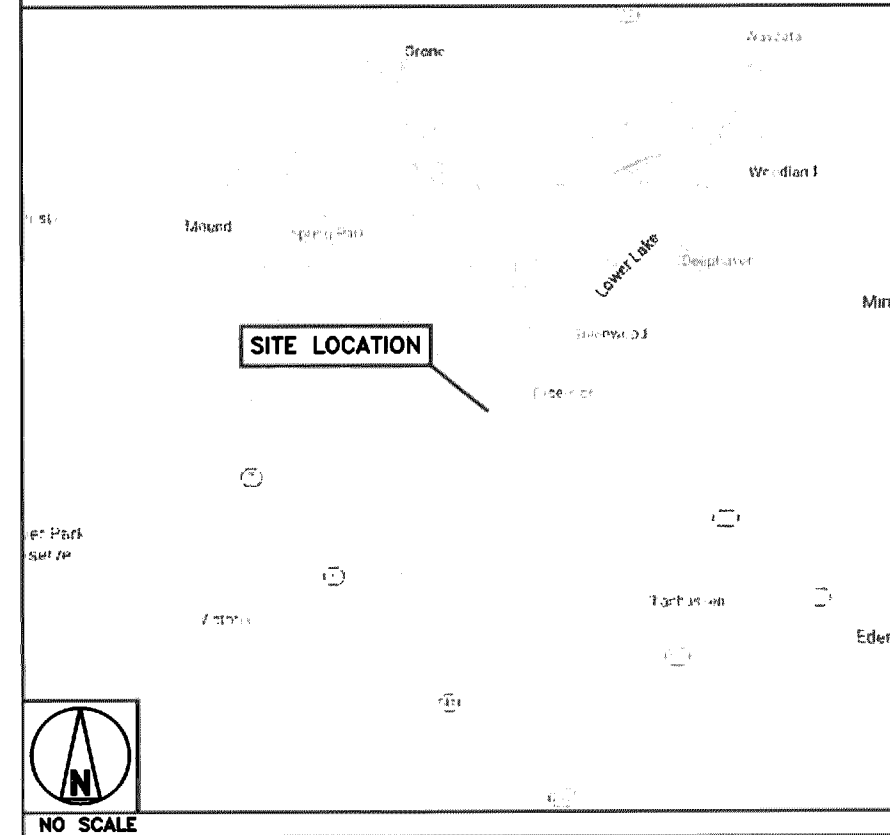
RF ENGINEER: CHONG LEE
chong.lee@dish.com

DIRECTIONS

DIRECTIONS FROM MINNEAPOLIS-SAINT PAUL INTERNATIONAL AIRPORT:

GET ON MN-5 W/STATE HWY 5 W FROM GLUMACK DR. FOLLOW I-494 W TO MN-7 W IN MINNETONKA. TAKE EXIT 16B FROM I-494 W, CONTINUE ON MN-7 W TO YOUR DESTINATION IN SHOREWOOD. MERGE ONTO MN-7 W. TURN RIGHT ONTO OAK ST, CONTINUE ONTO SMITHTOWN RD. TURN LEFT TO STAY ON SMITHTOWN RD, TURN LEFT ONTO COUNTRY CLUB RD, TURN LEFT, DESTINATION WILL BE ON THE RIGHT.

VICINITY MAP



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

FULLERTON
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500
SCHAUMBURG, ILLINOIS 60173
TEL: 847-908-8400
www.FullertonEngineering.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Michael B Leeper
License # 56187

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DRAWN BY: LYN
CHECKED BY: KR
APPROVED BY: ML

RFDS REV #:

CONSTRUCTION DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	06/25/2021	ISSUED FOR REVIEW
0	09/09/2021	ISSUED FOR CONSTRUCTION
1	09/29/2021	ISSUED FOR CONSTRUCTION

A&E PROJECT NUMBER

81418-13710486

DISH WIRELESS L.L.C.
PROJECT INFORMATION

MNMSP00321A
24283 SMITHTOWN RD.
EXCELSIOR, MN 55331

SHEET TITLE
TITLE SHEET

SHEET NUMBER

T-1

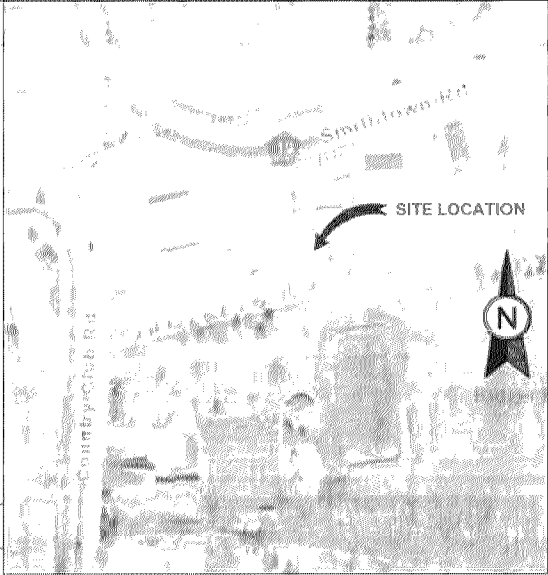
2021.0102.02

PROJECT SUMMARY	SURVEYOR'S NOTES
FIELD SURVEY DATE: 02/19/2019 SITE ADDRESS: 24283 SMITHTOWN RD. EXCELSIOR, MN 55331-8874 PARCEL INFORMATION OWNER: FISH & SON PROPERTIES LLC OWNER ADDRESS: 70 FLORENCE DR, TONKA BAY, MN 55331 APN: 33172340005 INSTRUMENT NO.: 195450322 TOTAL AREAS: PARENT PARCEL: 18,664± SQ. FT. OR 0.43± ACRES ATC LEASE AREA: 7,007± SQ. FT. OR 0.16± ACRES ACCESS EASEMENT - AS PROVIDED: 1,689± SQ. FT. OR 0.04± ACRES ACCESS EASEMENT - AS SURVEYED: 2,534± SQ. FT. OR 0.06± ACRES GEOGRAPHIC COORDINATES OF TOWER: LATITUDE: 44°54'00.889" N LONGITUDE: 93°39'16.562" W VERTICAL DATUM: NAVD 1983 GROUND ELEVATION: 978.9 COORDINATES ARE BASED ON MINNESOTA STATE PLANE COORDINATES, SOUTH ZONE, HENNEPIN COUNTY PROJECTION. BEARINGS ARE BASED ON MINNESOTA STATE PLANE COORDINATES, SOUTH ZONE, HENNEPIN COUNTY PROJECTION. FLOODPLAIN: PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X. COMMUNITY PANEL NO.: 2705308314F DATED: 11/04/2016 BOUNDARY NOTE: THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PARENT TRACT. ANY PARENT TRACT PROPERTY LINES SHOWN HEREON ARE FROM SUPPLIED INFORMATION AND ARE NOT FIELD VERIFIED.	1. THERE IS ACCESS TO THE SUBJECT PROPERTY VIA AN ACCESS EASEMENT - AS SURVEYED TO SMITHTOWN ROAD, A PUBLIC RIGHT OF WAY. 2. THE LOCATIONS OF ALL UTILITIES SHOWN ON THE SURVEY ARE FROM VISIBLE SURFACE EVIDENCE ONLY. 3. AT THE TIME OF THIS SURVEY THERE WAS NO OBSERVABLE SURFACE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS. 4. AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL. 5. AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF ANY RECENT CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. 6. AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF ANY RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS. 7. THIS SURVEY WAS PREPARED TO SHOW THE INTERESTS OF AMERICAN TOWER CORPORATION AND IMPROVEMENTS PROXIMAL TO SAID INTERESTS. IT DOES NOT CONSTITUTE AN AS-BUILT SURVEY OF THE ENTIRE PARENT PARCEL. 8. ALL BEARING AND DISTANCE CALLS ARE MEASURED UNLESS OTHERWISE NOTED. 9. UNLESS OTHERWISE SPECIFIED, UTILITY POLES DID NOT IDENTIFY OWNERSHIP. 10. AT THE TIME OF THIS SURVEY THERE WAS SIGNIFICANT SNOW COVER. THERE MAY BE IMPROVEMENTS THAT EXIST BUT ARE NOT SHOWN ON SURVEY DUE TO THE SNOW COVER.

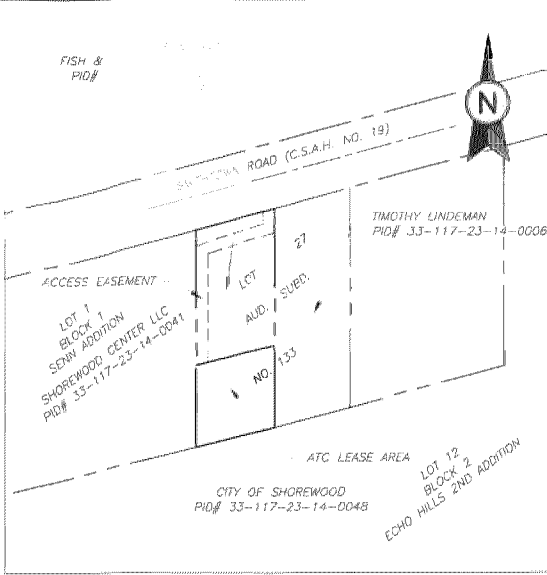
ZONING INFORMATION
ZONING INFORMATION NOT PROVIDED AT TIME OF SURVEY.

LEGAL DESCRIPTION
PARENT PARCEL - AS PROVIDED: <u>ayer Corral Report</u> . That part of Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, described as beginning at the Southeast corner of Block 1, SENN ADDITION; thence along the Easterly extension of the Southerly line of said Block 1 a distance of 85 feet; thence Northerly parallel with the East line of said Block 1 to the Northerly line of said Lot 27; thence Westerly along said Northerly line to the East line of said Block 1; thence Southerly along said East line to the point of beginning. Contains 18,664±- SQ. FT. or 0.43±- Acres. ATC LEASE AREA - AS PROVIDED & AS SURVEYED: <u>Per Memorandum of Amendment No. 2 to Option-Lease Agreement Inst. No. 3597900</u> . The southerly 85.00 feet of the following described property (said 85.00 feet being measured along the east and west lines of the following described property): That part of Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, described as beginning at the Southeast corner of Block 1, Senn Addition; thence along the Easterly extension of the Southerly line of said Block 1 a distance of 85 feet; thence Northerly parallel with the East line of said Block 1 to the Northerly line of said Lot 27; thence Westerly along said Northerly line to the East line of said Block 1; thence Southerly along said East line to the point of beginning. Contains 7,007±- SQ. FT. or 0.16±- Acres. ACCESS EASEMENT - AS PROVIDED: <u>Per Memorandum of Amendment No. 2 to Option-Lease Agreement Inst. No. 3597900</u> . The westerly 12.00 feet of that part of Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, described as beginning at the Southeast corner of Block 1, Senn Addition; thence along the Easterly extension of the Southerly line of said Block 1 a distance of 85 feet; thence Northerly parallel with the East line of said Block 1 to the Northerly line of said Lot 27; thence Westerly along said Northerly line to the East line of said Block 1; thence Southerly along said East line to the point of beginning. Contains 1,689±- SQ. FT. or 0.04±- Acres. ACCESS EASEMENT - AS SURVEYED: A 12.00 foot wide access easement over, under and across that part of Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, described as follows: Commencing at the Southeast corner of Block 1, SENN ADDITION; thence North 76 degrees 00 minutes 11 seconds East, assumed bearing, along the easterly extension of the Southerly line of said Block 1, a distance of 85.00 feet; thence North 00 degrees 07 minutes 11 seconds East, parallel with the East line of said Block 1, a distance of 202.12 feet, to the point of beginning of the easement to be described; thence continue North 00 degrees 07 minutes 11 seconds East, along said parallel line, 25.13 feet, to the southerly line of HENNEPIN COUNTY STATE AID HIGHWAY NO. 19, PLAT 57; thence South 74 degrees 55 minutes 27 seconds West, along last described southerly line, 12.43 feet; thence South 00 degrees 07 minutes 11 seconds West, parallel with said East line of Block 1, a distance of 13.13 feet; thence South 72 degrees 15 minutes 17 seconds West, 74.00 feet, to said East line of Block 1; thence South 00 degrees 07 minutes 11 seconds West, along said East line, 123.89 feet, to a point 85.00 feet northerly of said Southeast corner of Block 1, as measured along said East line; thence North 76 degrees 00 minutes 11 seconds East, parallel with said easterly extension of the Southerly line of Block 1, a distance of 12.37 feet, to a line drawn 12.00 feet easterly of, as measured at a right angle to and parallel with, said East line of Block 1; thence North 00 degrees 07 minutes 11 seconds East, along last described parallel line, 112.13 feet; thence North 72 degrees 15 minutes 17 seconds East, 74.00 feet, to the point of beginning. Contains 2,534±- SQ. FT. or 0.06±- Acres.

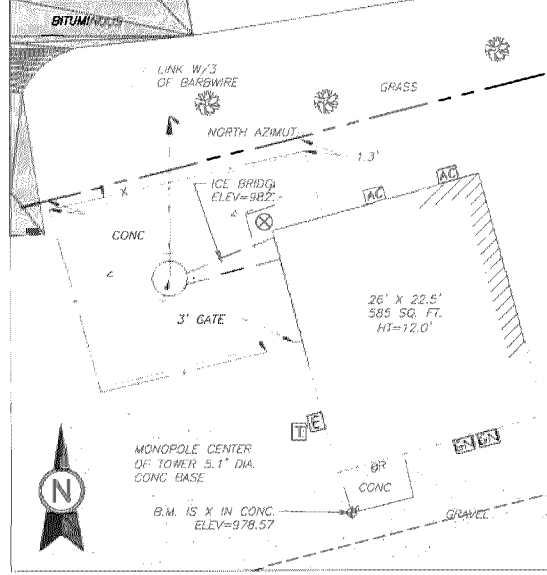
NOTES CORRESPONDING TO TITLE REPORT
THE CORAL REPORT ISSUED BY LINCOLN ABSTRACT & SETTLEMENT SERVICES AS FILE NUMBER 19104669MN AND A SEARCHED FROM DATE OF 8/17/1979 TO 2/12/2019 CONTAINS THE FOLLOWING EXCEPTION ITEMS: Mortgages: Type: Mortgage Mortgage: Bridgewater Bank Mortgage: Fish & Son Properties, LLC Amount: \$150,000.00 Dated: September 15, 2018 Recorded/Filed: September 25, 2018 Document#: T05563359 (APPLIES TO PARENT PARCEL - AS PROVIDED) Affected by: 1. Assignment of Rents recorded September 25, 2018 as Instrument Number T05563360. (APPLIES TO PARENT PARCEL - AS PROVIDED) Liens/Judgments: None Found of Record. Lease/Easements: 1. Option-Lease Agreement between Richard A. Moore and Chicago Title Insurance Co. dated January 15, 1982 and recorded December 21, 1982 as Instrument 4760996. (APPLIES TO PART OF PARENT PARCEL, REVISED BY INSTRUMENT NO. 3597900, NOT SHOWN ON SURVEY) 2. Option-Lease Amendment between Richard A. Moore and Colleen Moore and Chicago Title Insurance Co. dated October 11, 1983 and recorded November 8, 1983 as Instrument 4643529. (NO DESCRIPTION FOR LEASE AREA PROVIDED, PARKING EASEMENT AS SHOWN ON SURVEY) 3. Assignment and Assumption of a lease between Chicago Title Insurance Company and Minneapolis SUSA Limited Partnership dated September 28, 1994 and recorded April 16, 1995 as Instrument 4682982. (APPLIES TO PART OF PARENT PARCEL, REVISED BY INSTRUMENT NO. 3597900, NOT SHOWN ON SURVEY) 4. Ninety-Nine Year Lease between James J. Helland and Jane C. Helland and Richard A. Moore and Colleen Moore dated December 10, 1986 and recorded June 2, 1987 as Instrument 5274985. (APPLIES TO PART OF PARENT PARCEL, REVISED BY INSTRUMENT NO. 3597900, NOT SHOWN ON SURVEY, PARKING EASEMENT PER INSTRUMENT NO. 4643529 AS SHOWN ON SURVEY) 5. Memorandum of Amendment No. 2 to Option-Lease Agreement between Colleen Moore, Jeffrey C. Williams and Verizon Wireless (VAW) d/b/a Verizon Wireless dated August 30, 2002 and recorded September 5, 2002 in Book at Page as Instrument 3597900. (APPLIES TO ATC LEASE AREA AND ACCESS EASEMENT AS PROVIDED) 6. Memorandum of Amendment No. 3 between Fish & Son Properties, LLC and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless dated November 14, 2008 and recorded February 4, 2009 as Instrument T4812476. (APPLIES TO PARENT PARCEL - AS PROVIDED) 7. There are no other leases or easements found of record.



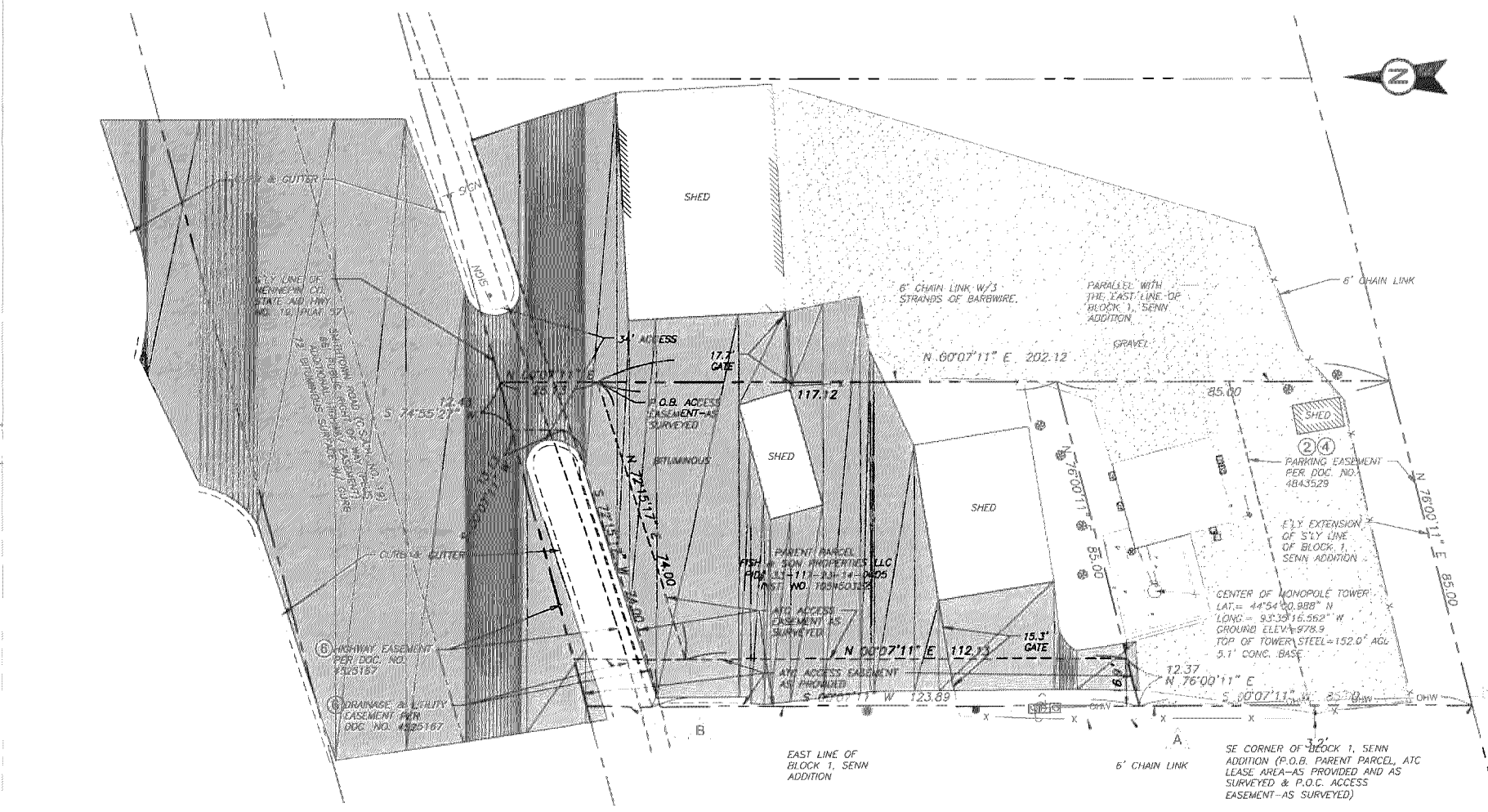
1 VICINITY MAP
NTS



2 PARENT PARCEL
PART OF LOT 27 OF AUD. SUBD. NO. 133
SCALE: 1"=1000' (11X17)
1"=500' (22X34)



3 COMPOUND DETAIL
SCALE: 1"=20' (11X17)
1"=10' (22X34)



SURVEY LEGEND
SURVEY BENCHMARK
EXISTING P.V.C. PIPE
EXISTING SIGN
EXISTING UTILITY POLE
EXISTING UTILITY PEDESTAL (CABLE)
EXISTING UTILITY PEDESTAL (TELEPHONE)
EXISTING UTILITY PEDESTAL (ELECTRIC)
EXISTING GENERATOR RECTEAGLE
EXISTING H.V.A.C.
EXISTING DECIDUOUS TREE
EXISTING PINE TREE
EXISTING PROPERTY
EXISTING RIGHT OF WAY
EXISTING EASEMENT
EXISTING TREE LINE
EXISTING CHAINLINK FENCE

EXISTING ROAD (DIRT)
EXISTING ROAD (PAVED)
EXISTING GRAVEL
EXISTING BITUMINOUS
EXISTING CONCRETE
EXISTING BUILDING
EXISTING ADJ. PROPERTY
EXISTING CONTOUR (MAJOR)
EXISTING CONTOUR (MINOR)
EXISTING OVERHEAD WIRE

4 SURVEY PLAN
SCALE: 1"=40' (11X17)
1"=20' (22X34)

WORK COORDINATED BY:

National Land Survey Consultants
clevin@coxlevin.com
781-640-3100 • www.coxlevin.com



AMERICAN TOWER®
ATC TOWER SERVICES, INC.
3500 REGENCY PARKWAY
SUITE 100
CARY, NC 27518
PHONE: (919) 468-0112
FAX: (919) 466-5415

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OF THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	PRELIM	BCO	02/20/
1	REVISIONS	DMS	03/15/
2	FINAL	BCO	05/14/

ATC SITE NUMBER:
81418
ATC SITE NAME:
SHOREWOOD MN

SITE ADDRESS:
24283 SMITHTOWN RD.
EXCELSIOR, MN 55331

SURVEY CERTIFICATE:
THIS IS TO CERTIFY THAT O'MALLEY & KRON LA SURVEYORS, INC. AT THE REQUEST AND FOR EXCLUSIVE USE OF AMERICAN TOWER CORP., I PERFORMED THIS AS-BUILT SURVEY OF THE LEASE AREA, FROM THE RECORD SOURCES AN ACTUAL FIELD SURVEY ON 2/19/2019 IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. ALL LINE AND ANGULAR VALUES SHOWN ARE BASED UPON DEED OR RECORD INFORMATION UNLESS OTHERWISE NOTED.

(SIGNED)
BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION 42300

SURVEY LOGO:
O'MALLEY & KRON LAND SURVEYORS, INC.
1004 2ND STREET SE
WILLMAR, MN 56201
PH. 320-235-4012
WWW.OMALLEY-KRON.COM

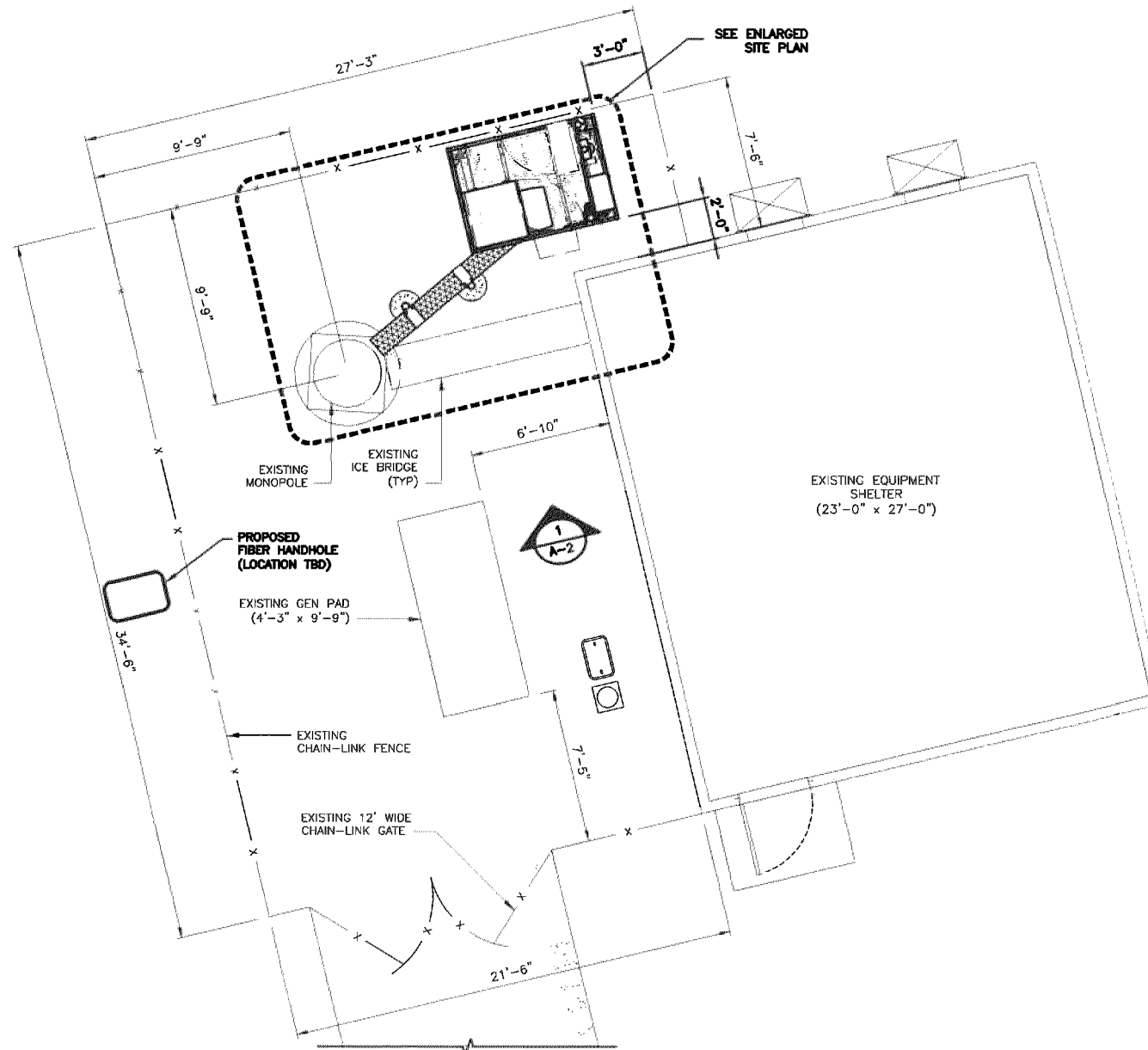
DRAWN BY:	B.C.O.
APPROVED BY:	B.C.O.
DATE DRAWN:	2/20/2019
ATC JOB NO:	81418

AS-BUILT/TITLE AND BOUNDARY PLAN

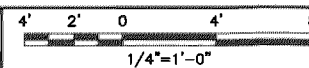
SHEET NUMBER:	REVISI
V-101	2

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.



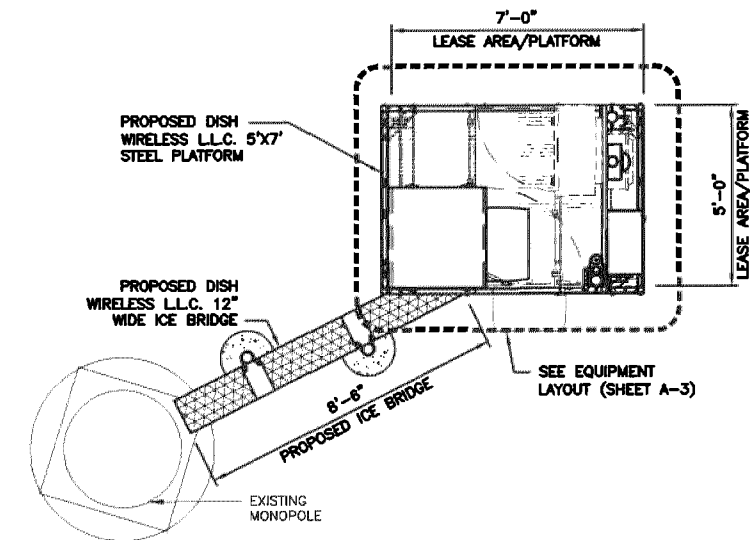
SITE PLAN



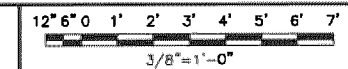
1

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.



ENLARGED SITE PLAN



2



OVERALL SITE PLAN

NO SCALE

3

dish
wireless.

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

FULLERTON
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500
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License # 56187

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DRAWN BY: CHECKED BY: APPROVED BY
LYN KR ML

RFDS REV #:

CONSTRUCTION DOCUMENTS

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1	08/29/2021	ISSUED FOR CONSTRUCTION

A&E PROJECT NUMBER

81418-13710486

DISH WIRELESS L.L.C.
PROJECT INFORMATION

MNMSPO0321A
24283 SMITHTOWN RD.
EXCELSIOR, MN 55331

SHEET TITLE
OVERALL AND ENLARGED
SITE PLAN

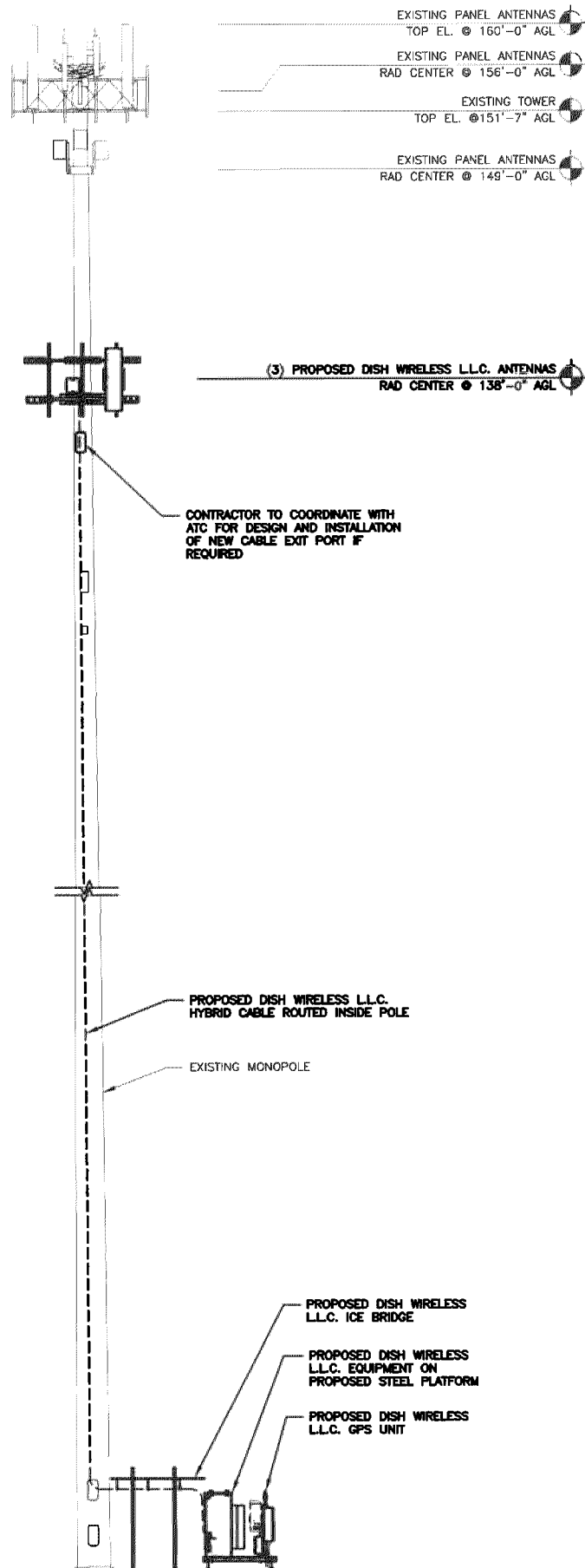
SHEET NUMBER

A-1

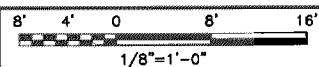
2021.0102.02

NOTES

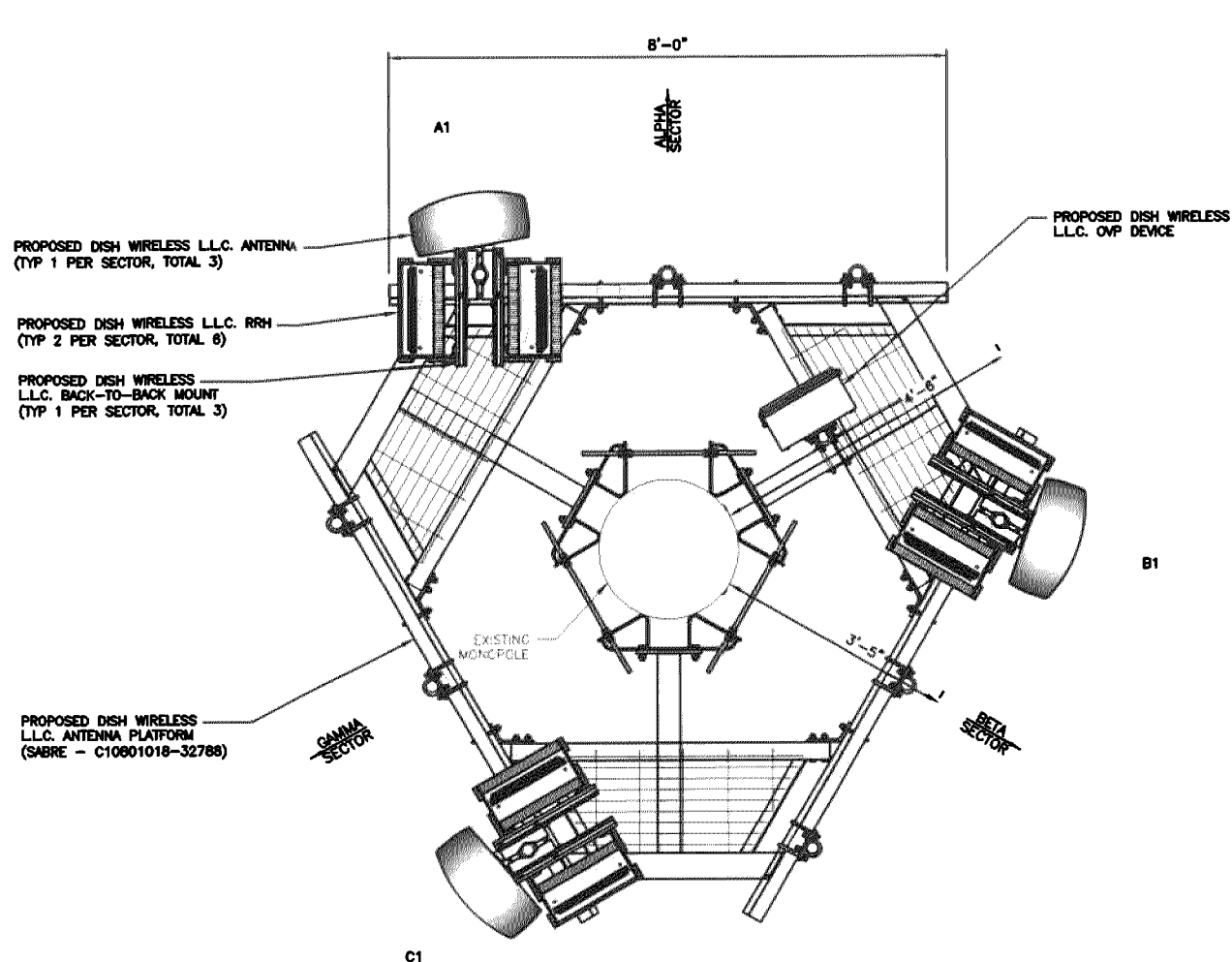
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
3. EXISTING EQUIPMENT AND FENCE OMITTED FOR CLARITY.



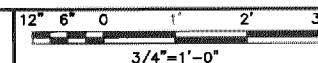
PROPOSED ELEVATION



1



PROPOSED ANTENNA LAYOUT



2

		ANTENNA						TRANSMISSION CABLE
SECTOR	POSITION	EXISTING OR PROPOSED	MANUFACTURER -- MODEL NUMBER	TECHNOLOGY	SIZE (HxW)	AZIMUTH	RAD CENTER	FEED LINE TYPE AND LENGTH
ALPHA	A1	PROPOSED	COMMSCOPE -- FFW65BR2	5G	72.0" x 19.6"	350°	138'-0"	
BETA	B1	PROPOSED	COMMSCOPE -- FFW65BR2	5G	72.0" x 19.6"	110°	138'-0"	
GAMMA	C1	PROPOSED	COMMSCOPE -- FFW65BR2	5G	72.0" x 19.6"	230°	138'-0"	
								(1) HIGH-CAPACITY HYBRID CABLE (170' LONG)
								(1) RAYCAP RDIC-9181-PF-48 OVP
SECTOR	POSITION	RRH		NOTES				
		MANUFACTURER -- MODEL NUMBER	TECHNOLOGY					
ALPHA	A1	FUJITSU -- TA08025-B604	N70, N66	1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS. 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.				
	A1	FUJITSU -- TA08025-B605	N71, N29					
BETA	B1	FUJITSU -- TA08025-B604	N70, N66					
	B1	FUJITSU -- TA08025-B605	N71, N29					
GAMMA	C1	FUJITSU -- TA08025-B604	N70, N66					
	C1	FUJITSU -- TA08025-B605	N71, N29					

PROPOSED ANTENNA SCHEDULE

NO SCALE

3

dish
wireless.

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

FULLERTON
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500
SCHAUMBURG, ILLINOIS 60173
TEL: 847-908-8400
www.FullertonEngineering.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Michael B Leeper
License # 56187

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DRAWN BY: LYN CHECKED BY: KR APPROVED BY: ML

RFDS REV #:

CONSTRUCTION DOCUMENTS

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DISH WIRELESS L.L.C.
PROJECT INFORMATION

MNMP00321A
24283 SMITHTOWN RD.
EXCELSIOR, MN 55331

SHEET TITLE
ELEVATION, ANTENNA
LAYOUT AND SCHEDULE

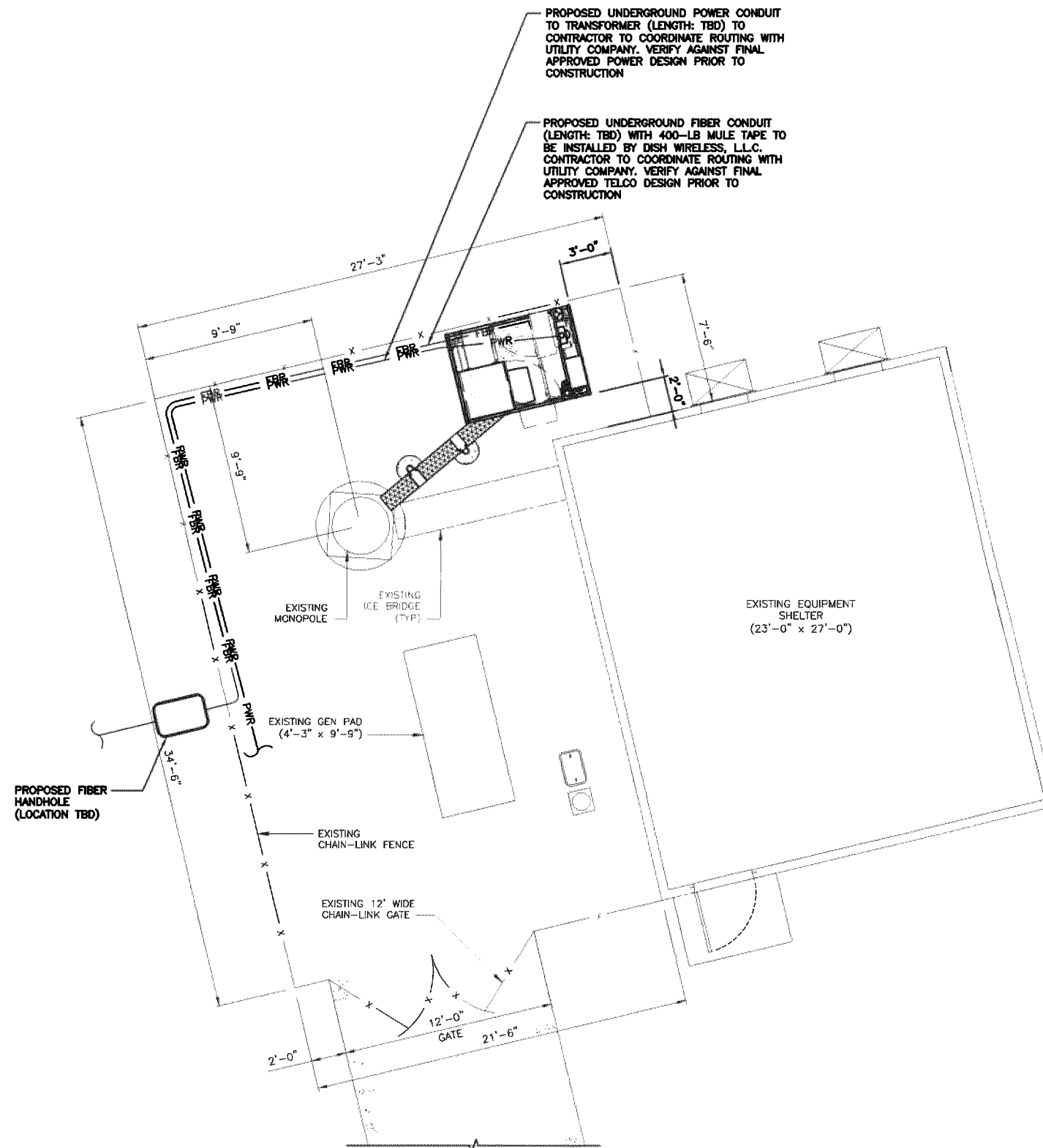
SHEET NUMBER

A-2

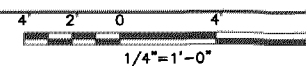
2021.0102.02

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL PROPOSED UNDERGROUND UTILITY CONDUIT ROUTE.
2. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.



UTILITY ROUTE PLAN



1

DC POWER WIRING SHALL BE COLOR CODED AT EACH END FOR IDENTIFYING +24V AND -48V CONDUCTORS. RED MARKINGS SHALL IDENTIFY +24V AND BLUE MARKINGS SHALL IDENTIFY -48V.

1. CONTRACTOR SHALL INSPECT THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. ANY QUESTIONS ARISING DURING THE BID PERIOD IN REGARDS TO THE CONTRACTOR'S FUNCTIONS, THE SCOPE OF WORK, OR ANY OTHER ISSUE RELATED TO THIS PROJECT SHALL BE BROUGHT UP DURING THE BID PERIOD WITH THE PROJECT MANAGER FOR CLARIFICATION, NOT AFTER THE CONTRACT HAS BEEN AWARDED.
2. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT NATIONAL ELECTRICAL CODES AND ALL STATE AND LOCAL CODES, LAWS, AND ORDINANCES. PROVIDE ALL COMPONENTS AND WIRING SIZES AS REQUIRED TO MEET NEC STANDARDS.
3. LOCATION OF EQUIPMENT, CONDUIT AND DEVICES SHOWN ON THE DRAWINGS ARE APPROXIMATE AND SHALL BE COORDINATED WITH FIELD CONDITIONS PRIOR TO CONSTRUCTION.
4. CONDUIT ROUGH-IN SHALL BE COORDINATED WITH THE MECHANICAL EQUIPMENT TO AVOID LOCATION CONFLICTS. VERIFY WITH THE MECHANICAL EQUIPMENT CONTRACTOR AND COMPLY AS REQUIRED.
5. CONTRACTOR SHALL PROVIDE ALL BREAKERS, CONDUITS AND CIRCUITS AS REQUIRED FOR A COMPLETE SYSTEM.
6. CONTRACTOR SHALL PROVIDE PULL BOXES AND JUNCTION BOXES AS REQUIRED BY THE NEC ARTICLE 314.
7. CONTRACTOR SHALL PROVIDE ALL STRAIN RELIEF AND CABLE SUPPORTS FOR ALL CABLE ASSEMBLIES. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS.
8. ALL DISCONNECTS AND CONTROLLING DEVICES SHALL BE PROVIDED WITH ENGRAVED PHENOLIC NAMEPLATES INDICATING EQUIPMENT CONTROLLED, BRANCH CIRCUITS INSTALLED ON, AND PANEL FIELD LOCATIONS FED FROM.
9. INSTALL AN EQUIPMENT GROUNDING CONDUCTOR IN ALL CONDUITS PER THE SPECIFICATIONS AND NEC 250. THE EQUIPMENT GROUNDING CONDUCTORS SHALL BE BONDED AT ALL JUNCTION BOXES, PULL BOXES, AND ALL DISCONNECT SWITCHES, AND EQUIPMENT CABINETS.
10. ALL NEW MATERIAL SHALL HAVE A U.L. LABEL.
11. PANEL SCHEDULE LOADING AND CIRCUIT ARRANGEMENTS REFLECT POST-CONSTRUCTION EQUIPMENT.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR AS-BUILT PANEL SCHEDULE AND SITE DRAWINGS.
13. ALL TRENCHES IN COMPOUND TO BE HAND DUG.

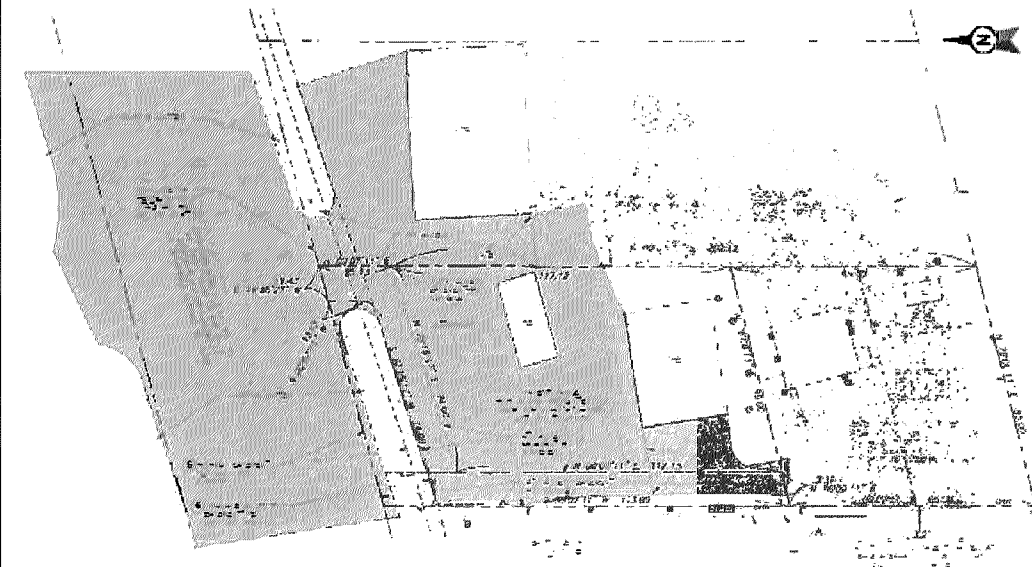
ELECTRICAL NOTES

NO SCALE

2

NOTES

CONSTRUCTION CONTRACTOR MUST FIELD VERIFY THAT THE PROPOSED UTILITY ROUTES ARE WITHIN ATC'S EASEMENT.



UTILITY ROUTE PLAN (OVERALL)

NO SCALE

3

dish
wireless.

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

FULLERTON
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500
SCHAUMBURG, ILLINOIS 60173
TEL: 847-908-8400
www.FullertonEngineering.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Michael B Leeper
License # 56187

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: LYN CHECKED BY: KR APPROVED BY: ML

RFDS REV #:

CONSTRUCTION DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	08/25/2021	ISSUED FOR REVIEW
0	09/09/2021	ISSUED FOR CONSTRUCTION
1	09/29/2021	ISSUED FOR CONSTRUCTION

A&E PROJECT NUMBER
81418-13710486

DISH WIRELESS L.L.C.
PROJECT INFORMATION

MNMSP00321A
24283 SMITHTOWN RD.
EXCELSIOR, MN 55331

SHEET TITLE
ELECTRICAL/FIBER ROUTE
PLAN AND NOTES

SHEET NUMBER

E-1

2021.0102.021



24283 Smithtown Road Location Map





CITY OF
SHOREWOOD

4B

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: March 1, 2022

RE: **Draft Text Amendments for Urban Farm Animals**

Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Add new definitions of enclosure/run and urban farm birds.
2. Add requirements that urban farm bird enclosures/run and shelters must be fully enclosed or covered with nets.
3. Add a greater setback for bird enclosures/runs and shelters to increase the distance from the enclosures to side property lines.
4. Amend regulations that don't need to apply to rabbits or bees.
5. Add a means to revoke and deny permits.

The memo from the February 15, 2022 Planning Commission meeting is attached for background on the Council direction on this amendment. At that meeting, the Commission reviewed the proposed amendments and made recommendations that staff should:

- Remove the limit on the number of animals based on lot size because the greater setbacks and full enclosures would be adequate to reduce the impacts without an additional limit on the number of animals below six per property or not permitting people on smaller properties from having chickens.
- Review the language in the denial of permits section and revise as necessary to make sure penalties apply to permits in that section.
- Research what would be the status of permanent enclosures used as shelters for urban farm birds that could not be moved to meet the new setback. If the structure was permitted as part of a previous animal permit and is permanent secured to the ground and therefore unable to be moved, it would be considered legally nonconforming. All other structures must be moved to comply with the new setback.

Public Hearing

Staff request the Commission review the amendments, hold a public hearing, take all public testimony and make a recommendation to the City Council on the amendments. Notice of the public hearing was

published in the official newspapers at least 10 days prior to the public hearing and mailed to all urban farm animal permit holders.

ATTACHMENTS:

Planning Commission memo from the February 15, 2022 meeting
City Council memo from November 22, 2022 meeting
Draft Ordinance

Draft ORDINANCE

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 705 (FARM AND OTHER ANIMALS)

Section 1: City Code Chapter 705.09 (Farm Animals) Subd. 2 is hereby amended as follows: Language underlined is proposed for insertion and ~~language stricken is proposed for deletion~~

705.01 PURPOSE.

The purpose of this chapter is to establish regulations and controls regarding the keeping of animals other than domestic pets, such as dogs and cats, within the city limits.

705.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED CITY PERSONNEL. The Chief of Police, the health authority, their designees, and other personnel assisting in the enforcement of this chapter.

ENCLOSURE/RUN. An enclosed area where animals can roam unsupervised which may or may not be attached to the shelter, coop or hutch.

MALTREATED ANIMAL. An animal that has not been given adequate food, water or proper shelter from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment, or that has been subjected to the conduct prohibited by M.S. § 343.21.

NUISANCE ANIMAL. An animal, conditions caused by an animal, or the improper care and maintenance of an animal that result in running at large, offensive odor, excessive noise or damage to property, so as to disturb the rights of or threaten the safety of a member of the general public, or interfere with the ordinary use and enjoyment of their property.

OWNER. A person owning, keeping, harboring or acting as custodian of an animal. All adult occupants of the property where the animal resides or is kept are considered an **OWNER** or **OWNERS**.

PERSON. An individual, firm, partnership or corporation.

PREMISES. A building, structure, shelter or land where an animal is kept or confined.

RURAL FARM ANIMAL. Cattle, mules, sheep, goats, swine, llamas, ostriches, emus, and including, but not limited to, other animals typically maintained in a farm setting, but not in an urban setting.

UNDER RESTRAINT. An animal being within a private motor vehicle of a person owning, harboring or keeping the animal; or controlled by a leash not exceeding six feet in length.

URBAN FARM ANIMAL. Ducks, geese, turkeys, chickens, guinea hens, bees and rabbits.

URBAN FARM BIRDS. Ducks, geese, turkeys, chickens or guinea hens.

VETERINARY HOSPITAL. A place for the treatment, hospitalization, surgery, care and boarding of animals and birds, under the direction of one or more licensed veterinarians.

WILD ANIMAL. Any of the following:

- a. Front-fanged venomous snakes, including the Viperidae and Elapidae families of snakes, such as rattlesnakes and cobras;
- b. Snakes over eight feet in length;
- c. Reptiles that have the physical ability as adults to cause substantial bodily injury, as defined in M.S. § 609.02, Subd. 7a, to humans and/or domestic animals, such as python snakes and crocodilians;
- d. Animals that can transmit rabies and cannot be vaccinated against rabies;
- e. Mammals that, as a breed, are considered wild by nature because of breeding, history, character, habit or disposition; and
- f. Mammals that have at least 25% of their heritage from mammals specified in paragraph e. above.
- g. Specifically, such animals as a wolf, fox, skunk, raccoon, mink, bobcat, deer and monkey, but not including a fish, bird, ferret, hamster or gerbil.

705.03 ENFORCEMENT.

The Chief of Police or designees will enforce the provisions of this chapter, with the assistance of other personnel when appropriate.

705.04 RIGHT OF ENTRY.

Authorized city personnel have the right to enter upon a premises at reasonable times for the purpose of discharging their duties imposed by this chapter, when there is reasonable belief that a violation of this chapter has been committed.

705.05 IMPOUNDING OF ANIMALS.

Subd. 1. *Seizure and impoundment.* Authorized city personnel may seize and impound an animal found to be in violation of this chapter. These personnel may enter onto private property to seize and impound animals when:

- a. They have a reasonable and immediate concern for the animal's health, safety or welfare;
- b. They have a reasonable and immediate concern for the health and safety of human beings or other animals as a result of the animal's continued presence on the property; or
- c. They have reasonable cause to believe that a violation of this chapter has occurred or is occurring, and that seizure is necessary to prevent further violation, but only after a reasonable effort has been made to contact an occupant of the property.

Subd. 2. *Interference.* A person must not interfere with authorized city personnel impounding an animal, nor refuse to surrender an animal to these personnel.

Subd. 3. *Cost of impoundment.* The animal owner is responsible for the costs of impounding and housing an impounded animal.

705.06 HEALTH AND MAINTENANCE STANDARDS.

Subd. 1. *Health standards.* The owner of an animal kept in the city must comply with the following standards.

- a. An animal kept outdoors or in an unheated enclosure must be provided with adequate shelter and bedding to protect it from the sun, rain, snow and temperatures below 50°F.
- b. The shelter must include a moisture-proof and windproof structure of suitable size to allow the animal to stand in an upright position, and to lie down stretched out so that no part of its body need touch the sides of the structure. The structure must be made of durable material sufficient to allow retention of body heat, with a solid floor raised at least two inches from the ground, and an entrance covered by a flexible windproof material or self-closing swinging door. The structure must be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets or the equivalent to provide insulation and protection against cold and dampness, and to promote retention of body heat. The structure must be structurally sound and maintained in good repair.
- c. In lieu of the requirements of paragraphs a. and b., an animal may be provided with access to a barn with a sufficient quantity of loose hay or bedding, and protection against cold and dampness.
- d. If an animal is confined by a chain, the chain must be so attached that it cannot become entangled with the chains of other animals or other objects. A chain must be of a size adequate to restrain the animal involved, and must be attached to the animal by means of a well-fitted collar. The collar must be large enough to allow free breathing, but small enough to avoid being easily pulled over the animal's head. A chain must be at least three times the length of the animal, as measured from the tip of its nose to the base of its tail.

e. An animal must be provided with sufficient food and water to meet necessary nutritional requirements.

f. No person shall deposit or cause to be deposited upon any lot or in any street, alley, lake, river or other body of water, sewer or manhole, or bury or conceal in any way, a dead animal or part thereof. The owner or other person having charge of an animal at the time of its death shall remove or cause to be removed the dead body of such animal within 24 hours after death to a crematory, sanitary landfill, rendering factory or any other place approved by the Chief of Police or his or her designee.

Subd. 2. *Maintenance standards.* An owner of an animal kept in the city must comply with the standards below. An action to enforce the provisions of this chapter shall follow the procedures set forth in Chapter 104 of this code.

a. An owner must maintain an animal and the area where it is kept so that no odor that offends the senses of a reasonable person is detected, for more than one day, off the property where the animal is kept.

b. An owner must maintain the property where the animal is kept so that there is no erosion, and no drainage of water contaminated by the animal onto adjacent properties or into public waters or wetlands.

c. An owner must manage the feces and other bodily wastes from the animal in a timely and sanitary manner that prevents health risks and prevents odors that are prohibited under paragraph a. above.

d. All feed kept for animals shall be stored in animal-proof, galvanized containers.

Subd. 3. *Veterinary clinic with indoor overnight care and indoor kennels.* In addition to the standards established under Subd. 1. above, veterinary clinics with indoor care and indoor kennels, where allowed by zoning, must comply with Minn. Rules Chapter 9100, as may be amended.

705.07 WILD ANIMALS.

Subd. 1. *Wild animals prohibited.* A person must not keep, own, harbor or otherwise possess a wild animal within the city, except as provided in Subd. 2. below.

Subd. 2. *Wild animals allowed.* Wild animals may be brought into the city for the purpose of entertainment, education or display only by the following:

a. A zoo operated by a governmental agency or a tax-exempt, non-profit corporation;

b. The Department of Natural Resources;

c. Another similar public educational or charitable organization;

d. A circus; or

e. A city-licensed pet shop.

An organization listed above may bring a wild animal or animals into the city under this subdivision only if the organization can and does comply with the standards contained in Subd. 3. below. No organization covered by this subdivision may have wild animals within the city on more than seven days in a consecutive 12-month period, except that an organization listed above that has a wild animal within the city on the effective date of this section may continue to keep that animal as long as it

lives, if the organization obtains a permit from the city and complies with the standards specified in Subd. 3. below.

Subd. 3. *Standards for keeping of wild animals.* An organization that has a wild animal must comply with the following standards at all times that it possesses a wild animal within the city.

a. A non-governmental organization must have liability insurance to cover potential personal injury or property damage caused by the animal(s), in an amount of at least \$300,000 per person per occurrence.

b. The animal(s) must be kept in a locked cage or other secure enclosure at all times when the public is allowed to be near it(them).

c. The cage or enclosure must be constructed of sufficient materials so that a person, including a child, cannot put a finger, hand or another portion of the body into the cage or enclosure so that the animal(s) could touch it. Alternatively, structural barriers may be used to keep the public away from the cage or enclosure.

d. Only personnel with adequate training or experience in handling wild animals may have contact with the animal(s) while in the city.

e. The animal(s) must be transported to the display location in the city in a secure enclosure sufficient to prohibit potential contact with humans or other animals, except for the personnel identified under paragraph d. above.

f. No sale of a wild animal(s) may occur, nor may orders for the sale of wild animals be taken.

g. The display location must be inspected by authorized city personnel before the wild animal(s) may be brought into the city.

h. Authorized city personnel must be allowed to periodically inspect the display location during reasonable hours while the animal(s) is(are) in the city.

i. If a wild animal bites a person, the animal must be forfeited immediately to authorized city personnel for rabies testing.

705.08 FORFEITURE OF ANIMAL OWNERSHIP RIGHTS.

Subd. 1. *Forfeiture of rights.* The ownership rights of a person owning the following types of animals may be forfeited to the city pursuant to the procedure in this section:

- a. A public nuisance animal;
- b. A wild animal; and
- c. A maltreated animal.

In addition, the ownership rights with respect to other animals owned by the same owner may be forfeited if he or she has demonstrated an inability or unwillingness to properly care for or control such animals, in order to prevent any of them from becoming public nuisance or maltreated animals.

Subd. 2. *Notice.* Authorized city personnel must notify the owner or apparent owner of the animal sought to be forfeited that the city intends to forfeit his or her ownership rights. The notice must be served on the owner personally or by registered mail. The notice must be in writing and state the reasons why forfeiture is sought, including a summary of applicable incidents. The notice must state that the owner has a right, within ten days after receiving the notice, to request a hearing before a Hearing

Officer appointed under City Code Chapter 104. The request for a hearing must be in writing and must state the reason or reasons for the request. A failure to request the hearing will constitute an admission of the facts alleged in the notice, and the animal will be deemed forfeited to the city.

Subd. 3. *Findings of fact.* If the owner requests a hearing, the hearing will be held in accordance with City Code Chapter 104. The Hearing Officer must make written findings of fact and reach a conclusion whether the allegations are true and whether the animal will be forfeited to the city. The findings and conclusions must be made within ten working days after the hearing and must be served on the owner personally or by registered mail. The decision of the Hearing Officer is final, but may be appealed by a writ of certiorari to the District Court.

Subd. 4. *Animal confinement.* After receiving the forfeiture notice and during the forfeiture proceedings, the owner must keep the subject animal confined within his or her home or within a secure, covered enclosure. If the owner fails to do so, or if there is an immediate threat to public health or safety or to the animal's health or safety, authorized city personnel may immediately impound the animal and keep it at the impound facility, at the owner's expense, until a forfeiture determination has been made.

Subd. 5. *Forfeiture.* If the animal is deemed or ordered forfeited, the owner must immediately give the animal to authorized city personnel, and a failure or refusal to do so is a misdemeanor. Authorized city personnel may use reasonable force and go onto private property to take the animal into custody.

Subd. 6. *Disposition of forfeited animal.* Authorized city personnel will determine, on a case-by-case basis, whether forfeited animals are destroyed or given to new owners who will adequately care for and control them.

705.09 FARM ANIMALS.

Subd. 1. *Rural farm animals.* Unless otherwise provided for, a person shall not keep, own, harbor or otherwise possess a rural farm animal within the city.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

a. An urban farm animal may only be kept on properties zoned and used for single-family homes. The owner of the urban farm animals shall live in the dwelling on the property.

b. An urban farm animal, including any enclosure and shelter, may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code. Urban farm bird enclosures/runs and shelters shall be fully enclosed or covered with nets and a minimum of 30 feet from side property lines.

c. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 705.06, Subd. 1. of this chapter. In addition to being located in the building-buildable area of the lot-rear yard as required by paragraph b above, the shelter and any enclosure/run for urban farm birds -must be situated closer to the animal's owner's home than to any dwelling on an adjacent property.

d. The urban farm animal, excluding bees, must be contained on the property by the use of a fence or other appropriate containment device or structure and all enclosures/runs, structures, or other containment devised must be kept in conformance with the regulations of Section 705.06 of this chapter.

e. Roosters are not allowed.

f. Culling urban farm animals for commercial purposes is prohibited.

g. The ground or floor of the area where an urban farm animal (except bees) is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 704.06, Subd. 2.a. and c. of this chapter.

h. The combined number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed six.

i. The number of bee hives shall not exceed four.

j. Any person having more than the allowable number of animals set forth in paragraphs h. and i. above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.

Subd. 3. ^k *Permit issuance; fees; expiration; revocation.*

(1) *Permit Required.* No urban farm animal may be kept in the city until a permit to do so has been conditionally approved by the Zoning Administrator and issued by the office of the Building Official after the Building Official or staff representative has made an inspection of the property to ascertain that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:

(a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property, with dimensions to the property lines.

(b) Architectural plans showing floor plans, building elevations and dimensions.

(2) *Fees.*

(a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.

(b) The City Council shall, from time to time, establish a fee within the city's master fee schedule.

(3) *Expiration of Permits.*

(a) The permit shall expire one year from the date the permit is issued.

(b) A permit may be renewed according to the application process identified in subsection (1) above.

(4) Denial of Permits. A request for a permit or permit renewal may be denied under the following circumstances:

(a) The applicant fails to submit any of the materials or application fees required by this Chapter.

(b) The materials submitted indicate improvements in violation of this Chapter.

(c) The required inspection does not occur for three calendar months after the permit is issued.

(d) Violations are found at the inspection that are not corrected as directed.

(e) The property owner was informed of a violation on the property and the applicant failed to correct it as directed in Chapter 104.03 or multiple violations were noted on the property.

(ef) The applicant has failed to comply with any condition set forth in any other permits under this section granted by the City of Shorewood.

(fg) The applicant, or one acting in their behalf, made oral or written misstatements or misrepresentations accompanying the application.

(gh) The activities of the property owner create or have created a danger to the public health, safety or welfare.

(5) Revocation of Permits. Any permit issued under this section may be revoked or suspended as a penalty for a violation of this Chapter or for violation of the following conditions. No suspension or revocation may take effect until the permittee has received notice of the revocation, either personally, by US mail or electronic mail.

(a) The permittee has proven unable to keep or shelter the animals or maintain the property as required by city code and/or the regulations in this chapter.

(db) As a result of the permitted activity, the property contains conditions that might injure or endanger the safety, health or welfare of neighboring property owners or any member of the public.

(ec) The property owner has violated any regulation or provision of the Code applicable to the activity to which the license has been granted or any regulation or law of the state so applicable or has failed to pay any penalties required by this section and the master fee schedule.

705.10 PENALTY.

Violation of this chapter shall be grounds for ~~administrative~~ enforcement pursuant to § 104.03 of this code or revocation of permits as noted in Section 705.09 Subd. 3.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:

Section 3. That Ordinance XXX Amending Shorewood City Code, Chapter 705, Farm and Other Animals has been hereby approved and adopted.

Section 4. This Ordinance XXX adopting the Amendment to City Code, Chapter 705, Farm and Other Animals shall take effect upon publication in the City's official newspaper.



CITY OF
SHOREWOOD

5A

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

FROM: Marie Darling, Planning Director

MEETING DATE: March 1, 2022

RE: **Draft Text Amendments for Campaign Signs and Non-Commercial Speech**

Last year, the Planning Commission reviewed several proposed amendments to City Code related to noncommercial speech signs and campaign signs and forwarded recommendations to the City Council. The City Council continued the discussion of the amendments indefinitely, which requires the review process to start over. They asked staff to bring the topic back for their discussion at the February 14, 2022 worksession. The staff report and minutes are attached. Based on their direction, staff has revised the amendments and brings them to your attention for discussion.

Attached to this memo is the information sent to the City Council and proposed draft language. Please review the language and provide comments or concerns. Staff have tentatively set the public hearing for the April Planning Commission meeting. In order to be adopted prior to the election season, the amendments would need to be adopted in April.

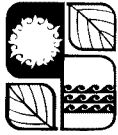
Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Add new definitions.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to 1) rename them as noncommercial signs; 2) clarify the time period where they are allowed; and 3) clarify the setback.
4. Add a substitution clause.

ATTACHMENTS:

City Council Worksession Memo from February 14, 2022
Minutes from February 14, 2022 City Council meeting
Draft Ordinance



City of Shorewood Council Meeting Item

Title/Subject: Potential Amendments to City Code Chapter 1201.03 Regarding Rules for Campaign and Other Related Signage

Meeting Date: February 2, 2022

Prepared By: Marie Darling, Planning Director

Attachments: Draft ordinance amendments

At the January 24, 2022 meeting, the City Council directed staff to provide a review of any necessary changes to the zoning ordinance related to election signage. The Council's stated goal was to have any changes to the ordinance completed prior to the election season.

Below staff have prepared a summary of the current statute language, current city regulations, and staff recommendations on what is needed to improve the regulations.

State Statute:

Minnesota State Statute 211B.045 has specific language regarding noncommercial speech signs during state election years.

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

During the defined time-period above, no City may limit the number or size of campaign signs.

Shorewood Code Language:

In an attempt to comply with State Statute, Shorewood's current sign regulations (Section 1201.03 Subd. 11. b. (1) (d) of City Code) related to the above include the following:

- (d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner.

Improvements Proposed:

1. Remove the defined term “campaign sign” from the code and replace with noncommercial speech sign (with a new definition). Campaign sign is a term that regulates content, which is no longer allowed in sign regulations. Noncommercial speech sign is viewed as a content neutral label and is consistent with Supreme Court precedent.
2. Use the same time period for all elections consistent with state statute, 46 days prior to primaries until 10 days after the election.
3. Remove the fee for removal of signs as it would be difficult to determine who would need to be charged and staff typically does not try to assess the cost of removing the signs.
4. Keep the distance requirement from the edge of the street to protect the use of the street and adjacent boulevard for drivers and pedestrians.
5. Add a substitution clause to allow any noncommercial speech to be substituted for other noncommercial speech signs or commercial signs. This would allow noncommercial speech signs in lieu of other allowed signs outside of the election time period defined in statute.

Staff provided some optional draft language on the issues outlined above.

Next Steps

The amendments that were previously in front of the City Council at their July 26, 2021 meeting, were continued indefinitely. To reconsider any amendments, a new public hearing would need to be held at the Planning Commission.

To be in place prior to the next election, the city would need to have the ordinance approved and published prior to May 1, 2022 to avoid any conflicts with the current language in the code that indicates signs are permitted 100 days prior to any election.

As the City Council considers sign regulations, it is important to note that due to the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

Direction:

Staff requests direction on the following:

1. Does the City Council find amendments to the regulations are warranted at this time?
2. Are the amendments shown adequate or would the City Council find other amendments to the sign code are needed at this time as well?

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, FEBRUARY 14, 2022

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING (Held via interactive technology/videoconferencing)

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; Planning Director Darling; and Director of Public Works Brown;

Absent: None

B. Review Agenda

Siakel moved, Gorham seconded, approving the agenda as presented.

Roll Call Vote: Johnson, Callies, Siakel, Gorham and Labadie voted Aye. **Motion passed 5/0.**

2. SIGN ORDINANCE

Planning Director Darling stated that staff was directed to provide a review of any necessary changes to the Zoning Ordinance related to election signage at the January 24, 2022 meeting. She noted that included in the packet was language from the State statute as well as the Shorewood City Code. She explained that what staff is hoping to accomplish is to strip down the proposal just to the most important issues to minimize any impact that changes to the signage may cause. She stated that staff would like to move the ordinance towards content neutrality and have a clear time period for enforcement of election signage and add a substitution clause to allow more opportunity for non-commercial speech signs outside of the election time period. She reviewed the improvements that staff are proposing as outlined in the staff report. She noted that a new public hearing would need to be held by the Planning Commission before any changes could be adopted. She stated that in order for this to be in place prior to the election, the ordinance would need to be approved and published prior to May 1, 2022.

Councilmember Callies stated that she had already spoken with Planning Director Darling regarding some of her questions. She stated that overall, she agrees with what is being proposed and thinks it is helpful to have this meeting prior to the public hearing so the Council can try to winnow down what is being considered by the Planning Commission. She noted that in her opinion, a distance of ten feet from the street surface is too much for many neighborhoods in the City. She stated that she would like to see the City stick with the five foot distance that is located elsewhere in the ordinance for non-commercial speech signs. She stated that she understands why the City wants to have consistency for all types of elections, however, she thinks it is too drastic of a change from the current language. She reviewed the time period between the primary and general election for the school board and noted that 46 days for the other type of public

elections is not really keeping it the same for the type of elections because the time period between the primary and general election for some, is longer than that time period. She stated that she would like to keep it at one-hundred days as it is in the current ordinance. She asked where signs like 'Happy Birthday' or 'Black Lives Matter' would fit into the ordinance and why the City was doing a substitution clause.

Planning Director Darling stated that regarding the setback being too large, the City has the ability to alter that particular setback. She stated that she thinks five feet may be too close in some situations and gave the example of situation where there are improved shoulders adjacent to the paved roadway, unless they alter the setback to be from the improved roadway which takes into account shoulders. She stated that regarding the time period for signage being one-hundred days, as long as it is clearly written and can be enforced so it does not allow one-hundred days before every primary and every election, she thinks that would be acceptable. She explained the substitution clause which allows any sign that is allowed in any district to be substituted, so you can substitute out the non-commercial speech message for whatever the allowed message is on the permitted or listed sign. She gave the example of address signage as one that is allowed at two square feet, so most of the 'Black Lives Matter' or "Blue Lives Matter" signs would fit into that square footage allowance, so they would be allowed to have that on the property as a substitute for the address sign.

City Attorney Shepherd gave a brief explanation of the substitution clause and noted that it is a mechanism that helps the City address some of the issues that arise in the sign ordinance especially in light of recent case law. He referenced the most recent Supreme Court case of *Reed v. Gilbert* and noted that what needs to be considered is that there can be no content based regulation but the City can have reasonable time, place, and manner restrictions, such as setback from the road. He stated that there are things in the Code that still need to be worked on to ensure that the City is complying with the content neutrality issue.

Councilmember Callies stated that she finds the substitution clause a bit confusing, not because of the way Planning Director Darling has written it, but because it is a confusing principle. She noted that the City could be put at risk if it did not have the ability to substitute this type of sign and understands that it is a good thing to have and feels it is of benefit to citizens.

Councilmember Gorham stated that he was also confused by the substitution clause because from reading it, it appeared that you could substitute a campaign sign for a 'Black Lives Matter' sign which means it would then be restricted by the timeframe. He stated that it looks like it refers to a different subdivision so you have to do that bit of digging to understand it. He stated that he would like to see the distance be closer, such as five feet. He asked about Section 3, Subd. C.(3) where it states, 'No portion of any sign shall be located within five feet of any property line, except as permitted in b.(1)(d) of this subdivision.' He stated that this says five feet, but the subdivision it references says ten feet and noted that he felt this was a strange way to word it.

Councilmember Siakel stated that she agreed that there are a lot of situations in the City where ten feet does not make sense. She asked if there could be a distinction between a County roadway versus a side street. She stated that for the most part, five feet, in Shorewood, seems to make sense and would like to see if there would be a way to differentiate between the type of street for five feet versus ten feet. She gave the example of a sign in her yard being back ten feet and explained that it would never be seen. She stated that she agreed with the comment made by Councilmember Callies regarding school board election signs going from one-hundred to forty-six days and understands why the City would want to align that number.

Mayor Labadie stated that she agrees that there are portions of the City where ten feet would make signs not visible. She asked if Public Works Director Brown had any concerns from a Public Works standpoint with a five foot setback versus a ten foot setback. Public Works Director Brown stated that the City could specifying a setback from a corner because that is typically where you get into most site distance issues. He suggested that there be something similar to the landscaping ordinances where there is a site triangle requirement at the intersections.

Mayor Labadie stated that she does not want to get to the point where the City is out actively policing signs and has become an enforcer. Councilmember Siakel stated that the City has not done this in the past and noted that she was not sure why this issue has become such a big deal. She stated that she understands updating the ordinance because of some of the things such as the Supreme Court decision, but does not think this should be punitive. She stated that if someone wants to be able to put up a sign in their yard, she feels they should be able to do that.

Councilmember Callies asked about the statement made earlier by Planning Director Darling when she talked about distance from the improved roadway versus the street surface. She stated that, to her, that sounds like the same thing. She stated that she believes that there have been complaints in every election so she understands the City has to have something in the Code, but in her opinion, the less said, the better.

Mayor Labadie stated that this came about because of complaints during the last election. She explained that she would like this ordinance to get to the point where anyone can understand it clearly. She stated that she feels the current language was not easily understood, which is where Councilmember Callies explanation that 'less is more' would be beneficial.

Councilmember Siakel asked what the specific complaints were and suggested that perhaps the discussion needed to focus on those specific areas. She stated that if the goal is to simplify it and make it easily understood, she would say that saying something has to be five feet from an 'improved road surface' is probably confusing for most people.

Public Works Director Brown stated that they did check on some signs based on complaints that were received and explained that all the complaints they received were based on setback concerns. He stated that he thinks road surface is adequate language and is easy for anyone to check.

Planning Director Darling stated that during the last election, the City had complaints in two different areas of the City where signs were placed so close to the road and in such number that the callers were frustrated by having an overwhelming amount of signs right up to the street. She explained that in previous years the complaints were, in general, about too much signage and noted that what the City can enforce, is setbacks.

Councilmember Johnson stated that he did not see any regulations for overall non-commercial speech signs size. Planning Director Darling explained that during the election period, the City is not allowed to regulate the size of signs or the number of signs. Mayor Labadie suggested that the Council take a look at defining the edge of the road and determine how far back they would like to go.

Councilmember Callies stated that based on the discussion, she feels the Council has consensus to have signs be allowed five feet from the edge of pavement. Public Works Director Brown noted

that the City has three gravel roadways so there may need to be some provision made for those. He stated that if the roadway is unimproved then it would be from the edge of the aggregate surface. Councilmember Callies stated that she believes the Council also had consensus on allowing one-hundred days for other types of elections, such as school board.

Councilmember Siakel noted that she sees Mr. Yelsey's hand raised and stated that this may be a good time to allow public input. Alan Yelsey, 26335 Peach Circle, stated that he agrees with most of the statements made by Councilmember Callies. He stated that he feels the five foot setback and allowing one-hundred days for elections other than the State mandated ones makes sense, although he would prefer a three foot setback. He stated that he does not like the substitution clause and does not feel it is stated clearly. He stated that the Council has not yet addressed the concern that caused many citizens to be unhappy which was what happens to signs outside of the election period. He stated that there is no language that clearly says you can put up any kind of signs that you want, in your lawn, with minimal or no restrictions. He stated that he feels this is free speech and would suggest that there be language that says for non-commercial signs, outside of the election period, here is what you are able to do. He stated that he believes it is illegal for the City to call out holiday signs or illumination of holiday signs and would ask that they be treated as any other non-commercial signage and not to restrict it in any significant way because that is also free speech. He reiterated that the substitution clause as it is, is unfathomable and would encourage the City to create simple language. He stated that he has raised the issue of right-of-way several times and it is still there because the City actually prohibits signs in the right-of-way. He stated that the City allows mailboxes and plantings, but does not allow signs and suggested that language also be corrected and make it clear that people can put up signs in the right-of-way with a setback. He stated that theft has also been an issue with signs and explained that he would love to see a clause that addresses that issue and makes it a misdemeanor in the City. He stated that the City may also want to limit hate speech.

Mayor Labadie asked City Attorney Shepherd or Planning Director Darling to address Mr. Yelsey's comments on right-of-way, hate speech, theft, holiday signs, and the three foot setback.

Planning Director Darling explained that, in general, staff would want to preserve the right-of-way for the purpose it was created for, which would be things like drainage projects and allow no private improvements. She noted that mailboxes have to be allowed in order to allow for mail delivery. She stated that improvements in the right-of-way require permits but signs are generally not something the City would issue permits for.

Councilmember Callies stated that it appears as though non-commercial speech signs are allowed in the right-of-way as permitted, which seems to address Mr. Yelsey's concern. Planning Director Darling explained that staff wrote this section to allow them during the election period, but not at any other time. City Attorney Shepherd stated that Council may want to make a distinction between non-commercial speech signs during the election period versus others.

Mr. Yelsey stated there is encroachment and right-of-way language included in the Code that says you cannot do what Councilmember Callies just stated can be done. He stated that the language conflicts and is confusing because it says nothing can be put into a right-of-way other than a mailbox and landscaping. He stated that most people do not know how large the right-of-way is on their property from the roadway.

City Attorney Shepherd stated that staff can look at other language that is purported to be conflicting with the right-of-way provision in the sign ordinance because the City does not want

people to be confused about the restrictions or lack thereof. He stated that to address Mr. Yelsey's comment related to hate speech, that would be considered a content based restriction. He stated that tonight's discussion certainly addresses the election related provisions of the sign ordinance but as he noted earlier, there are other provisions of the sign ordinance that need amendment. He stated that the substitution clause is sort of a preservation clause that is recommended by the League of Minnesota Cities and preserves the ability of the residents to have non-commercial signs when there is otherwise conflicting regulations in the Code. He explained that he thinks it is important to have in the Code, but noted that staff could take a look at 'wordsmithing' it a bit to make it a bit more clear.

Mayor Labadie asked about the issue related to theft of signs. City Attorney Shepherd stated that he thinks theft of signs can be prosecuted as any other theft under State law. He stated that theft is not called out in the Code, but does not think it needs to be in order for it to be prosecuted. Public Works Director Brown noted that the City has had incidents of theft that the SLMPD has been involved in and noted that he believes that they were prosecuted as a misdemeanor.

Mr. Yelsey explained that he has had many signs stolen and noted that the owner of the sign is often the political party and sometimes it is the property owner. He stated that it would be nice to have a clause in the Code that clearly states it is a misdemeanor just to help preclude people from doing that. Councilmember Siakel noted that most people who are stealing signs are most likely not reading City Code. She stated that it will go back to going to the police department and filing a complaint.

Mr. Yelsey explained that many times it is kids doing the stealing and feels their parents need to know that this is a serious crime and not just fun and games like taking a pumpkin at Halloween.

Guy Sanschagrin, 27725 Island View Road, stated that he would like to touch on theft and vandalism of signs. He explained that he had many signs stolen and vandalized during the last election. He stated that he feels it is not just the 'law' but also what is done to communicate, enforce, and encourage people to follow the law. He stated that he is challenged by complaint based enforcement. He also gave the example of the Birch Bluff area and noted that he did not think any of those properties would be able to have signs on them because the hedges are right along the roadway even with a five foot rule. He stated that he feels Shorewood can do better than it did during the last election. He stated that it should not just be about enforcement and the law but should be about everyone coming together as a community to have a fair and just election.

Councilmember Siakel stated that anybody who has run for office has had some situation where a sign has disappeared and does not think that is unique to one candidate or one election. She stated that she would encourage people that want things to change, to start with themselves.

Mayor Labadie asked Councilmember Siakel to comment on the comment made regarding hedges in the Birch Bluff area. Councilmember Siakel stated that she feels the comment made by Mr. Sanschagrin is probably accurate, which is one of the reasons that she suggested five feet from the roadway. She explained that ten feet would make it very difficult for anybody on Birch Bluff and many other streets within the City. She noted that Mr. Yelsey brought up some points that probably should be discussed and suggested that the Council divide this topic and just focus on campaign signs tonight and cover the other points at a later time.

Councilmember Callies stated that she agreed that there should be two discussions and that tonight can focus on the campaign signs in order for that to be completed prior to the election.

She stated that the Council can then deal with the other items that need to be updated at a later date.

Councilmember Gorham stated that the misdemeanor language does not feel to him like it belongs in City Code because it is not within their control of how it is enforced. He suggested that perhaps it is something that is noted in the Shore Report or the newsletter that theft activity is discouraged. Mayor Labadie stated that she also felt a letter in the Sun Sailor and/or on the Shore Report would be a good idea to remind people that vandalism and theft of signs is a punishable offense. She stated that she feels this may be a more appropriate route than modifying the actual Code language. She asked about the timeline for making these changes.

Planning Director Darling stated that she feels that there will be enough time to make these changes prior to the election season, if the public hearing is held in April.

3. ADJOURN

Siakel moved, Johnson seconded, Adjourning the City Council Work Session Meeting of February 14, 2022, at 6:58 P.M.

Roll Call Vote: Siakel, Callies, Johnson, Gorham, and Labadie voted aye. **Motion passed 5/0.**

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

ORDINANCE xxx

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)
RELATED TO SIGNS

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS:

Section 1: City Code Chapter 1201 (Zoning Regulations) Section 1201.01 (Definitions), is hereby amended to add or alter the following definitions:

Language stricken is proposed to be removed, language underlined is proposed for insertion.

1201.02 DEFINITIONS.

~~**SIGN – CAMPAIGN.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.~~

SIGN – COMMERCIAL SPEECH. A sign advertising a business, profession, commodity, service, or entertainment.

SIGN – NONCOMMERCIAL SPEECH. A sign that includes message that does not promote commercial products or services.

Section 2: Chapter 1201 (Zoning Regulations), Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) , is hereby amended as follows:

Section 1201.03 General Building and Performance Standards

Subd. 11. *Signs.*

a. *Purpose.* This subdivision is established to protect and promote health, safety, general welfare and order within the City of Shorewood through the establishment of a comprehensive and impartial set of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use and/or display of devices, signs or symbols serving as a visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this subdivision are intended to encourage opportunity for effective, orderly communication by reducing confusion and hazards resulting from unnecessary and/or indiscriminate use of communication facilities

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

- (a) Public signs;
- (b) Address signs;
- (c) Integral signs;
- ~~(d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;~~
- ~~(d) Temporary noncommercial speech signs, subject to the following:~~
 - ~~(i) Signs may be posted in any number during the following times:~~
 - ~~A. State general election years: 46 days before a state primary until ten days following the state general election pursuant to MS. § 211B.045.~~
 - ~~B. For all other public elections years: 100 days prior to the election until ten days following the election.~~
 - ~~(ii) During the time outlined in (d) (i), noncommercial speech signs shall not be located in violation of 1201.03 Subd. 2. h. (Traffic Visibility) of City Code or closer than five feet from the street, as measured from:~~
 - ~~A. The curb of a paved roadway.~~
 - ~~B. The paved street surface for those streets without curbs or shoulders.~~
 - ~~C. The edge of the aggregate surface for gravel streets or those paved streets with improved gravel shoulders~~
- ~~(d)(e)~~ Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- (f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the City Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;
- (g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in Residential Districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the front and one facing the lake;

- (h) Informational/directional signs shall not be larger than three square feet and shall conform to the location provisions of the specific district;
- (i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

c. *General provisions.*

- (1) All signs shall comply with the Minnesota State Building Code as may be amended.
- (2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

(3) No portion of any sign shall be located within five feet of any property line, except as permitted in b. (1) (d) of this subdivision.

(3)(4) No signs other than governmental-public signs and political-campaign noncommercial speech signs as provided in b.(1)(d) of this subdivision, shall be erected or temporarily placed within any street-right-of-way, or upon public lands, or easements or rights-of-way. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

(4)(5) *Temporary signs.*

- (a) The temporary use of signs, searchlights, banners, pennants and similar devices shall require a permit. The permit shall be valid for ten consecutive days. The permit shall be prominently displayed during the period of validity. Only two temporary permits may be granted for any property within any 12-month period. Temporary signs shall not exceed 32 square feet in area. Any new business that has applied for its permanent business sign may, at the same time, apply for a temporary business sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary business sign shall be professionally prepared and shall be no larger than the approved permanent sign.
- (b) A conditional use permit may be granted to nonprofit athletic associations, contracted with the city pursuant to Section 902.06 of this code, for the display of temporary business sponsorship signs to be placed on certain ball field fences on public property, provided that:
 - (i) A nonprofit athletic association under contract with the City may display signs only on facilities that have been reserved for its use;
 - (ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan;
 - (iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties;

- (iv) All signs must be professionally made, using durable weather resistant material, painted or colored dark green on the back side of the sign;
- (v) Signs are limited in size to no larger than 42 inches in height and seven feet in length;
- (vi) There shall be a minimum spacing between signs of seven feet;
- (vii) The maximum number of signs per ball field is 15;
- (viii) The nonprofit athletic association is responsible for maintaining the signs in good repair. If a sign become detached, torn, or vandalized, the association must repair or replace them immediately or the sign will be summarily removed by the city;
- (ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign;
- (x) The conditional use permit is subject to review and recommendation by the Shorewood Park Commission;
- (xi) The nonprofit athletic association must obtain an annual license from the city and enter into a license agreement setting forth the conditions of approval and the duration of the approval. The association shall pay an annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season; and
- (xii) It shall be the responsibility of the nonprofit athletic association to obtain a temporary sign permit for each sign to be displayed on ball field fences, prior to erecting the sign.

~~(56)~~ No sign or sign structure shall protrude over a public right-of-way.

~~(67)~~ All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

~~(78)~~ All height restrictions on signs shall include height of sign structure and be measured from lot grade.

~~(89)~~ In the case of a two-faced, freestanding sign, where the two faces of the sign are parallel and face in opposite directions, only one face shall be used in computing the allowable area of the sign.

~~(910)~~ Any sign now or hereafter existing which no longer advertises or identifies a business conducted, service rendered or product sold on the premises shall be removed by the owner, agent or person having the beneficial use or control of the building or structure upon which the sign may be found within 60 days from the date of vacancy.

~~(4011)~~ The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags. Nor shall these regulations pertain to a sign inside a building, provided the sign is at least three feet in back of the inside of the exterior wall and is readable from the inside of the building.

~~(412)~~ All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

(13) Substitution Clause. The owner of any sign which is otherwise allowed by this

article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Section 3. This Ordinance xxx shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this xxth day of x, 2022.



CITY OF
SHOREWOOD

5B

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

DATE: March 1, 2022

RE: Election of Officers

Officers:

Section 201.04 of the City Code requires the member of the Planning Commission to elect a new Chair and Vice-Chair. The term of office is one year. The membership may reelect incumbents if they wish to be considered or nominate other Planning Commission members. Both offices are elected by majority vote.

Current Chair: Dustin Maddy
Current Vice-Chair: Marc Riedel

New Chair:
New Vice-Chair:

Meetings moving forward:

Due to the reduction in cases of COVID-19 pandemic, on February 28, 2022, the City Council will decide if meetings will be in person moving forward.