

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
April 27, 2010**

**CALL TO ORDER**

Chair Proud called the meeting of the April 27, 2010 Shoreview Planning Commission to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Proud; Commissioners Feldsien, Ferrington, Mons, Solomonson, Schumer and Wenner.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien to approve the agenda as submitted.

VOTE: Ayes – 7 Nays – 0

**APPROVAL OF MINUTES**

Page 10: Commissioner Mons requested that the second sentence of the first full paragraph be changed to, "...towers and recalled using bell towers...". The word "recalled" should be used instead of "imagined."

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to approve the minutes of the March 23, 2010 Planning Commission meeting as amended.

ROLL CALL: Ayes - 6 Nays - 0 Abstain - 1 (Feldsien)

Commissioner Feldsien abstained, as he did not attend the March 23<sup>rd</sup> meeting.

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Nordine reported that the City Council approved the following:

1. Minor Subdivision by Masterpiece Homes at 4161 Rice Street, and
2. Flood Plain Management Ordinance with minor changes in response to comments received, as approved by the DNR.

Ms. Nordine announced the new Home Energy Improvement Loan Program available to Shoreview residents. Information was distributed to Commissioners.

City Attorney Filla stated that he has reviewed the three affidavits for public hearing. They are in order to hold the public hearings at this meeting.

**NEW BUSINESS**

**PUBLIC HEARING – TEXT AMENDMENTS – FALCONRY**

**FILE NO.: 2394-10-12**  
**APPLICANT: CITY OF SHOREVIEW**  
**LOCATION: CITY WIDE**

**Presentation by Senior Planner Rob Warwick**

Earlier this year, a resident submitted an application to amend the City’s Code relating to non-domestic animals in order to keep a raptor at her residence. The amendment was not approved, but a joint workshop was subsequently held with the Planning Commission and City Council in March, and staff was directed to further research appropriate amendments that would allow keeping raptors.

Amendments are now proposed to Chapter 200, Sections 202 and 205, and to Chapter 601. The Planning Commission is only authorized to recommend approval on the sections in Chapter 200 to the City Council.

Staff proposes to delete falcons from the *Non-Domestic Animal* definition in Chapters 200 and 601. Llamas and emus have been added to the definition of *Non-Domestic Animal*, as they have become more common. A definition of *Wild Animal*, which would include falcons, would be added in Chapter 200 and the same definition used in Chapter 601.

Section 205.082(B) prohibits keeping *Wild Animals*, except as permitted per Section 601.020(B) with a license issued by the City Council. Keeping raptors would require obtaining a Wild Animal License from the City, with approval by the City Council.

Concerns have been expressed about the lot size on which raptors would be kept. The Code stipulates minimum area, width and depth requirements equal to a standard lot in the R-1 District, which can be increased or decreased by the City Council based on adjacent land uses.

Federal licensing regulations allow apprentice falconers to keep one raptor; general class permit falconers up to two raptors, and Master falconers up to three raptors. This will change in 2014, when general and master class permits will allow three to five respectively. City regulations will require a City Wild Animal license for each raptor. The City license would be for two years. Inspections would be required at license renewal or if there are any complaints. Multiple licenses would be allowed based on type and size of raptors, experience of the falconer, area and

configuration of the property and surrounding land uses.

Raptor shelters must comply with Development Code regulations. They are not allowed in the front or side yard abutting a street. There is a minimum 5-foot setback from a side lot line and 10 feet from a rear lot line. The maximum height of a shelter is 10 feet with a peak up to 18 feet. Accessory structure floor limitations apply, which means a maximum of 150 square feet. Also, a 30-foot setback from any property line and 50-foot setback from a principal structure on adjacent property is proposed.

Notice of the public hearing was published April 13, 2010. Notices were also mailed to property owners previously notified of the amendment. Three responses were received with notice of the public hearing, one in support and two opposed.

Commissioner Ferrington asked what the two-year inspections would consist of and who would be responsible for the inspections. Mr. Warwick stated that the DNR has the expertise to conduct the inspections. He anticipates that staff would participate with the DNR, but nothing has been formalized at this time. He does not anticipate a flood of applications to keep raptors. Commissioner Ferrington further asked how comments from neighbors, notified of an impending license, would be used in determining whether to issue a license. Mr. Warwick stated that comments would be considered by the Council at the time of licensing. If there are concerns after the license is issued, they would be considered complaints and staff would investigate.

City Attorney Filla noted that the City has always considered public comment, but there is not a specified percentage of opposition that would prohibit the Council from taking contrary action.

Commissioner Mons asked if notices are sent at the time of renewing a license. Mr. Warwick stated license renewal would be an administrative procedure. Public notices are not anticipated. If there are complaints, staff would look at the property, location of the shelter, existing conditions and seek expertise in evaluating the situation.

Commissioner Mons referenced Section 205.082(B)(4) which indicates that two or more non-domestic animals may be kept if the property is two or more acres, but it does not say that it is permitted to keep a non-domesticated animal on a property of less than two acres. He further noted that there is no reference to a license for keeping non-domestic animals on a property of more than two acres. That item should be reworded to specifically state that non-domestic and wild animals can be kept on a lot of less than two acres with a license.

City Attorney Filla suggested beginning item (4) with, “Except as provided in...,” to make it clearer.

Commissioner Feldsien asked for clarification on the setback requirements for a raptor shelter. In one place there is reference to a minimum setback of 30 feet from any property line and 50 feet from a principal structure. Other references talk about an accessory structure setback of 5

feet from the side lot line and 10 feet from the rear lot line. Mr. Warwick explained that the regulations in 601 are meant to show that the shelter setback would be greater than the minimums for an accessory structure. Section 205 is silent on special regulations for shelters because any deviation under Section 205 would require a variance. Under 601, the Council can be flexible with individual circumstances. Commissioner Feldsien noted that a lot with a 75-foot width means there would be 15 feet within which to build a shelter.

Commissioner Solomonson stated that a 30-foot setback is extreme. This setback requirement would mean that a shelter would have to be in the center of the property where many people have decks. He suggested 20 feet or less and would support setbacks that conform to the requirements for accessory structures. A kennel could have a setback of 10 or 20 feet from a principal structure, but 50 feet is required for a raptor. He would prefer to see setback requirements addressed in Chapter 200 with accessory structures instead of under licensing in Chapter 600.

Commissioner Mons stated that he would not want to see a different setback for falcons than is otherwise required. He would like to be able to refer to one section that states the setback requirements, rather than a number of sections. Mr. Warwick stated that the setback requirements are included in the licensing section because the Code previously did not address setbacks under zoning.

Commissioner Schumer asked how the City can be sure insurance is carried throughout the two-year license term. Mr. Warwick stated that there is a provision that the insurance is not allowed to lapse without 30 days notice to the City. There is a clause that requires notification to the City if there is a change in insurance coverage or the insurance is going to lapse.

Chair Proud asked if there is flexibility in licensing fees to cover the cost of consultants. Referring to Section 202(f), he suggested the language state any poisonous animal and not just specify snakes or amphibians. Also, the insurance requirement should be general liability for \$200,000.

Chair Proud opened the public hearing.

**Ms. Linda Baschky**, 657 Pinewood Drive, stated that she sees the intent to have a definition of wild animals in both sections of zoning and licensing. She stated that inspections would be done by the DNR. There is no fee. Licensed falconers are registered with the DNR. Inspections of shelters, birds and records are all regulated and documented. That is what would be inspected. A Certificate of Insurance can only be given to zoos or veterinary clinics. She has been assured by insurance underwriters that the homeowner's policy covers any animals that are kept. Shoreview could be listed as an interested party and then would receive notice if the premiums are not paid.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Ferrington to close the public hearing.

VOTE:                      Ayes - 7                      Nays - 0

Commissioner Ferrington asked how the Planning Commission can vote on Chapter 200, if the City Council has not adopted the amendments in Chapter 601, as stated in Finding No. 1.

Chair Proud suggested changing No. 1 to state "...proposed definitions of animals as stated in Chapter 601...". It was the consensus of the Planning Commission to make this change to the motion.

City Attorney summarized the following comments from Commissioners regarding the proposed amendments:

1. Insurance provisions;
2. Inspection fees, if any, passed on to the applicant;
3. Setbacks;
4. Clarification of Section 205.082 (B)(4) to better explain the relationship between Sections 205 and Section 601. and
5. Definition of Wild Animal under 601.010 (f) regarding poisonous animals.

Chair Proud polled Commissioners regarding preferences for greater or lesser setback requirements:

Commissioner Feldsien stated the setbacks should not be less than current requirements, but he would support less than 50 feet from an adjacent principal structure.

Commissioner Wenner stated the setbacks should be less than stipulated.

Commissioner Mons stated that he does not favor this proposal because it is not compatible with a suburban setting.

Commissioner Solomonson stated that the recommended setbacks are excessive and should not exceed what is required for an accessory structure.

Commissioner Schumer stated that he does not support this proposal.

Commissioner Ferrington stated that she would support the same setback requirements as required for chickens, which is 5 feet from the side lot line, 10 feet from the rear lot line and 30 feet from any principal dwelling on an adjacent property.

Chair Proud stated that he would support smaller setbacks.

MOTION:     by Commissioner Solomonson, seconded by Commissioner Ferrington to recommend the City Council approves the text amendments to Chapter 200 of the

Municipal Code:

1. The proposed definitions of animals make them consistent with the definitions of animals used in Chapter 601
2. Permitting Wild Animals that have been licensed by the City to be kept in the RE and R-1 districts do not represent a welfare or safety issue and so is compatible with keeping licensed domestic animals.
3. Incorporate revisions to Section 205.082(B)(4) to provide a better link to Chapter 600.

Discussion:

Commissioner Mons noted comments of opposition that were received. He does not believe keeping falcons is a compatible residential use and does not see a need to modify the requirement to allow them on lots of less than two acres.

VOTE:           Ayes - 5                           Nays - 2 (Mons, Schumer)

**PUBLIC HEARING - PLANNED UNIT DEVELOPMENT-DEVELOPMENT STAGE/PRELIMINARY PLAT/REZONING/COMPREHENSIVE SIGN REVIEW**

**FILE NO.:           2391-10-09**  
**APPLICANT:       DPS-SHOREVIEW, LLC**  
**LOCATION:           PID 263023230011 & 263023240004 – RED FOX ROAD**

**Presentation by City Planner Kathleen Nordine**

Ms. Nordine stated that the applicant has requested the applications be tabled. The anchor for this development, Aldi, has determined that this site does not meet their requirements for development and has pulled out of the proposed plan.

Chair Proud stated that the matter would be tabled for 120 days. Ms. Nordine stated that if another anchor is not found, staff will suggest the application be withdrawn.

City Attorney Filla stated that by July, staff should seek to determine what action the developer plans to take, as the review period is limited to 120 days.

**MOTION:**       by Commissioner Feldsien, seconded by Commissioner Wenner to table development applications submitted by DPS Shoreview, LLC, for a phased mix-use retail development grocery/retail center approximately 27,700 square feet in size, a 4,500 square foot commercial/bank/retail building and a 4,500 square foot commercial/retail restaurant located on Red Fox Road, east of Lexington Avenue at the applicant’s request and extend the review period

to 120 days from the date the applications was complete.

ROLL CALL:           Ayes - 7                           Nays - 0

**SITE AND BUILDING PLAN REVIEW**

**FILE NO.:**               **2392-10-10**  
**APPLICANT:**       **WELLS FARGO PROPERTIES, INC./RSP ARCHITECTS**  
**LOCATION:**           **1801/03 PARKVIEW DRIVE**

**Presentation by Senior Planner Rob Warwick**

This application is for Wells Fargo to build an addition to their Data Center on their business campus of the north central 50 acres of Rice Creek Corporate Park. The property is zoned PUD. All projects must comply with the conditions and covenants for Rice Creek Corporate Park.

Currently, the Wells Fargo Campus includes a 400,000 square foot Operations Center, a retail bank, and a Data Center of 158,120 square feet. The addition would be one story with 16,580 square feet, of which 13,300 square feet would be fully enclosed to house the HVAC and electrical equipment. The addition will increase space for HVAC and electrical equipment needed to support the data processing equipment and to provide power if there is a power outage. It will increase the footprint of the building by approximately 10%. Security enhancements are proposed for the Data Center with an extended security fence and alteration of service drives throughout the site.

The access drive around the building will be shifted to surround the addition, and the driveway from Rice Creek Parkway will be altered to only serve the Data Center. This means the east/west campus service drive will be eliminated. There will no longer be an internal service drive to connect the Data Center and the Operations Center. Deliveries will be directed from Parkview Drive to the northeast corner of the Operations Center. This requires a new short driveway connection that will not conform to the required 5-foot setback from the property line, and so is a deviation. The adjacent property is owned by the Rice Creek Owners Assn. where a storm water pond is located. The Rice Creek Owners Assn. supports the proposal. Staff does not believe this new drive will have an adverse impact and is reasonable with the land use of the adjacent property. A new drive access will be built to serve the parking area southwest of the Operations Center.

The parking area east of the Data Center will be reduced by eliminating 82 spaces and a drive aisle leaving a remainder of 78 spaces. There are 20 employees in the Data Center. A total of 1450 parking spaces will remain for the total site. There are approximately 1250 employees at the Operations Center. The smaller parking area for the Data Center will be fenced with the existing security fence extended to enclose the addition and Data Center parking. Proof of parking is shown in the central area of the site, but at this time there is no need for additional parking.

The proposed addition is consistent with the Comprehensive Plan and complies with all setback requirements. Impervious surface coverage is well below the 85% maximum allowed in the district. The storm water ponds will be enlarged for increased capacity. Storm sewer pipe and catch basins will be installed where parking and access drives are being altered. Wells Fargo is working with Rice Creek Watershed to comply with regulations.

A new monument sign is planned at the new access from Park View Drive that is consistent with other monument signs for the campus.

Notices were sent to property owners within 350 feet of the site, including property owners in the City of Blaine. No comments were received from residents. There was no comment from the City of Blaine, and one comment of support by Interstate Partners.

The application was reviewed by the Lake Johanna Fire Department which determined that the access is sufficient but must include a gate for Fire Department access.

Staff finds the proposal is consistent with the PUD and Comprehensive Plan and recommends approval.

Commissioner Feldsien asked if a percentage of green area has been incorporated into this new parking plan. Mr. Warwick explained that parking space is being reduced. Only drive access is being added and so did not require added landscaping.

Commissioner Solomonson asked the number of parking spaces that would normally be required for a building of this size. Mr. Warwick stated that it would be significantly more parking than provided, but a large share of the addition is for mechanical systems. Commissioner Mons added that when the PUD was initially considered, it was decided that the parking ratio for the building size would not be used, as there is sufficient land for any future expanded parking that would be needed.

Commissioner Solomonson stated that his concern is that the Data Center is being isolated. If more parking is needed for the Data Center, a new road connection will be needed. Mr. Warwick noted the proof of parking area provided that could be accessed with changes to the surrounding fence.

**Mr. Bob Seeger**, Chief Architect for Wells Fargo, thanked the Planning Commission for their work and relationship with the City regarding the Wells Fargo parcel. There are actually 12 employees in the Data Center. Gates will be put in the fence for any overflow need for parking. Wells Fargo is elevating the availability level of the Data Center to a Tier 4 classification with added security. A K8 fence will surround the addition. The Data Center provides power in any situation when there is a power failure.



**MOTION:** by Commissioner Schumer, seconded by Commissioner Feldsien to recommend that the City Council approve the Site and Building Plan application to construct an addition and make associated site improvements at 1801/03 Park View Drive, subject to the following conditions:

1. This approval permit's the construction of an addition to the Data Center for Wells Fargo, 1801/03 Park View Drive in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.
2. Final grading, drainage and erosion control and utility plans are subject to approval by the Public Works Director.
3. Lighting on site shall comply with Section 206.030 of the Development Code.
4. The applicant shall enter into a site development agreement and an erosion control agreement with the City. Said agreement shall be executed prior to the issuance of a building permit for this project.
5. The plan shall incorporate any further comments from the Lake Johanna Fire Department.
6. City permits shall not be issued prior to Rice Creek Watershed District issuing a permit for the project.
7. The Building Official is authorized to issue a building permit for this project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the PUD - Planned Unit Development District. The underlying zoning designation is BPK, Business Park.
2. The use and proposed alterations are consistent with the planned land use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 6, Economic Development.
3. The project in this PUD is consistent with the requirements specified in the Municipal Code.

Discussion:

Commissioner Feldsien expressed his appreciation for Wells Fargo being located in Shoreview, providing jobs and a beautiful facility in the community.

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

**PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT – SURFACE WATER MANAGEMENT**

**FILE NO.:**                      **2393-10-11**  
**APPLICANT:**                      **CITY OF SHOREVIEW**  
**LOCATION:**                      **CITY WIDE**

**Presentation by City Planner Kathleen Nordine**

The 2008 Comprehensive Plan indicates that the City is located in three major watershed districts: Rice Creek, Vadnais Lake (VLWMO) and Grass Lake (GLWMO). VLWMO recently completed a boundary study which reviewed water flows in or out of Vadnais Lake. VLWMO has executed joint powers agreements with GLWMO and Rice Creek to manage the small portion of Shoreview that drains to Vadnais Lake. Staff is proposing to amend the City's Comprehensive Plan to state that the small area of Shoreview land that drains into Vadnais Lake is to be managed by the watershed districts of Rice Creek and Grass Lake. The Minnesota Board of Water and Soil Resources, which oversees all watershed districts, has approved the changes. Chapter 9, Section D would be revised to remove references to VLWMO.

An amendment is also proposed to reference recent 2010 Federal Emergency Management Agency flood hazard study, flood insurance rate map and the Flood Insurance Study.

Notification of the public hearing was published in the newspaper. No comments have been received.

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

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

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to recommend the City Council approve the comprehensive plan amendment to Chapter 9D, Surface Water Management, addressing. The plan amendment is consistent with the watershed boundary changes recently adopted by VLWMO and other surface watershed management agencies and reflects the recent study completed by FEMA.

VOTE: Ayes - 7 Nays - 0

**MISCELLANEOUS**

Commissioners Solomonson and Wenner will respectively attend the City Council meetings of May 3, 2010 and May 17, 2010.

A Planning Commission workshop will be held before the regular meeting on May 25, 2010. Ms. Nordine stated that no applications have been received for May. There is one pending

application. The workshop will be at 6:15 p.m. to discuss cell towers.

After a brief discussion, it was the consensus of the Commission to hold the workshop after the regular meeting of the Planning

**MOTION:** by Commissioner Mons, seconded by Commissioner Solomonson to hold a workshop meeting on May 25, 2010, after any and all applications are considered at the regular meeting.

**VOTE:** Ayes - 7 Nays - 1 (Wenner)

**ADJOURNMENT**

**MOTION:** by Commissioner Mons, seconded by Commissioner Schumer to adjourn the April 27, 2010 Planning Commission meeting at 9:58 p.m.

**ROLL CALL:** Ayes - 7 Nays - 0

**ATTEST:**

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Kathleen Nordine  
City Planner