

1. Agenda

Documents:

[05 06 2025 PLANNING COMM MEETING AGENDA.PDF](#)

2. Agenda Packet

Documents:

[05 06 2025 PLANNING COMM MEETING AGENDA PACKET.PDF](#)

AGENDA

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER () _____

HUSKINS () _____

HOLKER () _____

LONGO () _____

MAGISTAD () _____

COUNCIL LIAISON DIGROTTOLO (Jan-June) absent

COUNCIL LIAISON MADDY (Jul-Dec) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ April 1, 2025

3. MATTERS FROM THE FLOOR

This is an opportunity for members of the public to bring an item, that is not on tonight's agenda, but related to the governance of the City of Shorewood, to the attention of the Planning Commission. In providing this limited public forum, the City of Shorewood expects respectful participation. We encourage all speakers to be courteous in their language and behavior, and to confine their remarks to those facts that are relevant to the question or matter under discussion. Anyone wishing to address the Commission should raise their hand and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Commission on this matter. The Commission may request the issue be forwarded to the City Council or to staff to prepare a report and place it on the next agenda.

4. PUBLIC HEARINGS

A) Vacation of Easement

Location: 27940 Smithtown Rd

Applicants: Heidi & Craig Johnson

B) Conditional Use Permit for Increased Fence Height

Location: 5905 Grant St

Applicants: Richard & Jennifer Pearce

C) Preliminary Plat & Development Stage Planned Unit Development Application
Location: Shorewood Carraige Homes, 24560 Smithtown Rd
Applicants: Mark Kaltsas, PLA

D) Nonconformities City Code Amendments
Location: City Wide
Applicant: City Initiated

5. OTHER BUSINESS

- A) Monthly Training Topic – Findings of Fact
- B) Liaisons for Upcoming Council Meetings
- C) Planning Commission Photo

6. REPORTS

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

7. ADJOURNMENT

AGENDA

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7. ADJOURNMENT

4
5 **DRAFT MINUTES**
6

7
8 **CALL TO ORDER**
9

10 Chair Huskins called the meeting to order at 7:00 P.M.

11
12 **ROLL CALL**

13
14 Present: Chair Huskins; Commissioners Eggenberger, Holker, and Magistad; Planning
15 Director Griffiths; and, Council Liaison DiGruttolo

16
17 Absent: Commissioner Longo
18

19 **1. APPROVAL OF AGENDA**
20

21 Commissioner Eggenberger moved, Commissioner Magistad seconded, to amend the
22 April 2, 2025 agenda, moving item 5.A. to directly follow item 4.A. and approving the
23 agenda for April 1, 2025, as amended. Motion passed 4/0.
24

25 **2. APPROVAL OF MINUTES**
26

- 27 • **March 4, 2025**
28

29 Chair Huskins explained that he had submitted a list of minor typographical errors to Planning
30 Director Griffiths, which had been corrected.
31

32 Commissioner Holker moved, Commissioner Eggenberger seconded, approving the
33 Planning Commission Meeting Minutes of March 4, 2025, as amended. Motion passed 4/0.
34

35 **3. MATTERS FROM THE FLOOR**
36

37 **4. PUBLIC HEARINGS - NONE**

38 Chair Huskins explained that the Planning Commission is comprised of residents of the
39 City of Shorewood who are serving as volunteers on the Commission. The Commissioners
40 are appointed by the City Council. The Commission's role is to help the City Council in
41 determining zoning and planning issues. One of the Commission's responsibilities is to
42 hold public hearings and to help develop the factual record for an application, and to make
43 a non-binding recommendation to the City Council. The recommendation is advisory only.
44

45 **A. PUBLIC HEARING –CUP AMENDMENT FOR CONSTRUCTION OF A NEW
46 HOME AND IUP FOR THE DEMOLITION OF THE EXISTING HOME ONCE
47 COMPLETED**

48 Applicant: Alan and Jessica Brandhorst
49 Location: 27225 Smithtown Road
50

51 Planning Director Griffiths gave an overview of the request for an Interim Use Permit (IUP) that
52 would allow an additional single-family home to be built on the property, while the existing home
53 also remained on the site for a short period of time. He noted that the second request was an

1 amendment to the site's existing Conditional Use Permit (CUP), which allows Twin Oaks Nursery
2 to operate on the property, to allow them to build the new home in their desired location. He
3 outlines details of the property location and details and analysis using criteria from the City Code,
4 of their requests. He explained that staff recommended approval of the requests, subject to the
5 conditions listed in the staff report, and noted that the City had not received any comments on
6 this application prior to the meeting.

7
8 Commissioner Eggenberger asked for clarification on the language that stated that the original
9 dwelling must be removed within 2 weeks of the date that they occupied the new dwelling, but in
10 another location, it stated that 'in under no instance shall the original dwelling remain on the
11 property longer than 2 years.

12
13 Planning Director Griffiths stated that it was two separate requirements and explained that the 2-
14 year reference was 2 years from the date that the City Council would approve this resolution. He
15 explained that this language was also saying that once they go through the building permitting
16 process and are issued a Certificate of Occupancy, then it would trigger the two-week timeframe.

17
18 Commissioner Holker asked about the potential increase in space for commercial usage when
19 the original home was demolished and whether there were any restrictions on that.

20
21 Planning Director Griffiths explained that the applicants have an existing Conditional Use Permit,
22 and if they wanted to substantially expand their operations, they would need to come back to
23 amend that existing approval. He stated that he had spoken with the applicant, and his
24 understanding was that they were not anticipating any expansion of the business at this time.

25
26 Chair Huskins invited the applicants to address the Commission.

27
28 Brent Hislop, Synergy Land Company, 6000 Strawberry Lane, explained that he was here on
29 behalf of the Brandhorst family because they were out of town this week. He noted that he and
30 Planning Director Griffiths had met many times to hammer out the details of their application.

31
32 Chair Huskins opened the Public Hearing at 7:14 P.M., noting the procedures used in a Public
33 Hearing, there being no comments, he closed the Public Hearing at 7:14 P.M.

34
35 **Commissioner Holker moved, Commissioner Magistad seconded, Recommending**
36 **Approval of the CUP Amendment for Construction of a New Home and IUP for the**
37 **Demolition of the Existing Home Once Completed, for applicants, Alan and Jessica**
38 **Brandhorst, located at 27225 Smithtown Road, with the conditions as outlined in the staff**
39 **report. Motion passed 4/0.**

40
41 Chair Huskins reminded the Commission that they had rearranged the agenda a bit at the start of
42 the meeting and would now be moving on to 5.A. before completing all the public hearings
43 scheduled for tonight.

44
45 **5. OTHER BUSINESS**

46
47 **A. Consider a Variance to Construct a Detached Garage Structure**

48 **Applicant: Dan Wallace**

49 **Location: 5765 Eureka Road**

1 Planning Director Griffiths stated that this was a variance application to construct a detached
2 garage at 57654 Eureka Road. He explained that there currently was not a garage at this property
3 and noted that for anything to be built on this property, a variance would be required. He noted
4 that a previous property owner had obtained a variance approval for a similar structure in 2015,
5 but took no action, so the approval expired. He briefly reviewed the criteria to be considered with
6 this request and noted that staff was recommending approval, subject to the conditions listed in
7 the staff report. He explained that notice had been given to the public, but no feedback had been
8 received.

9
10 Commissioner Magistad asked if there had been any public comments received during the prior
11 approval in 2015.

12
13 Planning Director Darling stated that he did not have that information but reminded the
14 Commission that the variance had been approved.

15
16 Chair Huskins asked if there were any other homes in the area that had detached garages.

17
18 Planning Director Griffiths stated that he also did not have that exact information in front of him,
19 but was aware that many homes in the area have detached garages. He clarified that having a
20 detached garage would not be out of character with the neighborhood.

21
22 Chair Huskins asked about Planning Director Griffith's thought process that was being proposed
23 was the minimum to alleviate the practical difficulty.

24
25 Planning Director Griffiths explained that, in this case, the practical difficulty was that the lot was
26 essentially unbuildable without a variance because it was so undersized. He noted that the
27 thought was also that a 10-foot setback was pretty typical, and the City had approved many
28 variances at that distance.

29
30 Chair Huskins noted that the structure was larger than it needed to be for just a garage because
31 it included the additional space and asked if, in Planning Director Griffith's view, that would still
32 be consistent with meeting the minimum required, because they had just focused on the setbacks.

33
34 Planning Director Griffiths reiterated that from staff's perspective, the footprint of the structure met
35 the intent. He noted that this was a pretty clear-cut example of a situation where there had already
36 been an approved variance by the City and the new request was substantially the same as the
37 previous request, so he felt that there was a little bit of a precedent in this case.

38
39 Commissioner Magistad asked if the City Engineer had voiced any concerns.

40
41 Planning Director Griffiths stated that the City Engineer had not voiced any concerns.

42
43 Chair Huskins invited the applicant to address the Commission.

44
45 Dan Wallace, Wallace Architecture, 311 Third Street, Excelsior, explained that he was also the
46 architect the last time this request had been brought to the City and had been retained for the
47 same services as the new owners.

48
49 Commissioner Eggenberger asked if the property owners had plans for the shop area.

50

1 Mr. Wallace stated that he was not aware of any specific plans other than what had already been
2 presented to the Commission, but noted that it was solely for him and his son to use and not a
3 business enterprise.

4
5 Chair Huskins noted that he was not aware that there was not an existing garage structure.

6
7 Mr. Wallace explained that, in the past, there was a single-stall garage on a separate portion of
8 the property, but the driveway did not go to it, so he was not sure of the overall history of the
9 structure. He stated that the current plans call for the driveway to be located at the end of the
10 existing gravel driveway.

11
12 **Commissioner Eggenberger moved, Commissioner Holker seconded, recommending**
13 **approval of a Variance to Construct a Detached Garage Structure for applicant, Dan**
14 **Wallace at 5765 Eureka Road, subject to the conditions listed in the staff report. Motion**
15 **passed 4/0.**

16
17 **PUBLIC HEARINGS – CONTINUED:**

18
19 **B. PUBLIC HEARING – REZONING THREE PARCELS TO R-3A**
20 **Applicant: City-Initiated Request**
21 **Location: 24560, 24590, and 24620 Smithtown Road**
22

23 Planning Director Griffiths explained that this item was essentially a bit of housekeeping with the
24 City's Zoning Code and to carry out the intent of several years of planning decisions that had
25 been made by the City related to the Medium Density Zoning District. He reviewed details within
26 the 2040 Comprehensive Plan and the requirement for rezoning certain properties to meet the
27 minimum net density and affordable housing requirements that have been imposed on the City
28 by the Met Council. He noted that the text amendments to the Medium Density Zoning District
29 section of the City Code were approved last month, and now they were moving forward with
30 changing the zoning of the properties to be what the City had said it would be. He explained that
31 two of the three properties in this application were vacant, and the other was a single-family home,
32 but explained that even if the property was rezoned it would not really change anything for the
33 property owner in the short term. He clarified that they can continue to live on this property as
34 long as they would like and there would be no push by the City to have this developed. He
35 reviewed the criteria used in evaluating this rezoning and explained that staff recommended
36 approval to align the zoning classification of these properties with the policy within the
37 Comprehensive Plan. He noted that the City had received one comment on this request prior to
38 tonight's meeting and read aloud the comment received from Brian Megan, 5670 Christopher
39 Road.
40

41 Chair Huskins asked if Planning Director Griffiths had stated that the two properties to the east
42 were currently zoned Commercial, and thought that the middle property was the one that had the
43 single-family home on it.

44 Planning Director Griffiths stated that the single-family home was on the middle property.

45
46
47 Chair Huskins asked for some background on how a single-family home was located on a parcel
48 guided for commercial use.
49

1 Planning Director Griffiths displayed the zoning map and explained that he had misspoken and
2 explained that the property located the farthest east was zoned Commercial and pointed out the
3 location of the single-family and EDA-owned lots.
4

5 Chair Huskins stated that he believed the EDA-owned property had a number of applications that
6 the City Council had denied for multi-family projects, as well as one related to pickleball courts.
7

8 Commissioner Holker stated that she recollected that the Commission had recommended
9 approval of a limited townhome project that came through after the pickleball court application.
10

11 Planning Director Griffiths stated that last fall, the Planning Commission had recommended
12 approval of a medium-density, detached townhome style development for that site, but noted that
13 this rezoning was not tied to that in any way. He explained that the City simply had to go through
14 with rezoning the properties, regardless of what applications were submitted. He noted that staff
15 had received the next step information for the project just referenced and should come back
16 before the Commission at an upcoming meeting.
17

18 Commissioner Magistad noted that these were long, narrow parcels and asked if there was any
19 expectation that any high-density housing developments would be coordinated across the
20 parcels.
21

22 Planning Director Griffiths stated that this would be zoned medium density, which was six to eight
23 units per acre. He noted that coordinating something across all three parcels would be up to the
24 developer, but noted that the property farthest east was already working on its own.
25

26 Commissioner Magistad asked if the single-family home property could indefinitely exchange
27 hands and be rebuilt as a single-family home.
28

29 Planning Director Griffiths confirmed that the single-family home could be sold as many times as
30 they liked but with the tearing down and rebuilding portion of the question, there would be some
31 restrictions with those actions but clarified that if they kept the same footprint, essentially, they
32 could continue to do as they like with a single-family home.
33

34 Commissioner Holker stated that the last time this was discussed, she believed the former
35 Planning Director Darling had said something about the fact that for the City-owned lot, the City
36 would most likely not do anything with that lot until the single-family home went away.
37

38 Planning Director Griffiths stated that he would agree that there was no plan for that parcel, nor
39 had one been discussed.
40

41 Commissioner Eggenberger stated that Planning Director Griffiths had stated that there would
42 really be no downside for the person who owned the single-family lot because they can live in it,
43 sell it, or have a medium-density housing project on it. He asked if a possible downside would be
44 that the people buying the home would not want higher density on either side of them.
45

46 Planning Director Griffiths agreed that, in theory, that could be a downside from an aesthetic
47 perspective for the homeowner, but noted that the criteria used from a zoning change perspective
48 was property values and these types of changes do not have a substantial negative impact on
49 those values and in some cases they can actually increase property values.
50

1 Commissioner Magistad asked if the City Council would have the opportunity to receive additional
2 public comment if people submitted statements before the City Council meeting.

3
4 Planning Director Griffiths stated that for any application that the City received, if they get written
5 comments between the Planning Commission and the City Council meetings, they forward those
6 to the Council.

7
8 Chair Huskins opened the Public Hearing at 7:44 P.M., noting the procedures used in a Public
9 Hearing. There being no comments, he closed the Public Hearing at 7:44 P.M.

10
11 **Commissioner Holker moved, Commissioner Magistad seconded, recommending**
12 **approval of Rezoning Three Parcels to R-3A for the City-Initiated Request for properties**
13 **located at: 24560, 24590, and 24620 Smithtown Road. Motion passed 4/0.**

14
15 **C. PUBLIC HEARING – REZONING THREE PARCELS TO R-2A**

16 **Applicant: City-Initiated Request**

17 **Location: 6055, 6065, and 6067 Lake Linden Drive**

18
19 Planning Director Griffiths explained that this item was very similar to the previous item on
20 tonight's agenda, but had less to do with the Comprehensive Plan and more to do with the
21 changes that were just made to the Medium Density Zoning District. He noted that these parcels
22 were currently zoned R-3A and, with the changes that were just made to that zoning district, that
23 designation no longer made sense for these properties. He explained that this item was
24 essentially a bit of housekeeping within the City's zoning code. He gave a brief overview of the
25 thought process behind staff's recommendation to guide these parcels to become R-2A rather
26 than R-3A. He noted that the City received one public comment before the meeting and read
27 aloud the statement submitted by Kevin Burns, 6070 Lake Linden Drive, in opposition to the
28 zoning change.

29
30 Commissioner Holker asked for a quick overview of the differences between R-3A and R-2A.

31
32 Planning Director Griffiths noted that it was a bit nuanced, but gave a brief overview of some of
33 the differences between the R-3A and R-2A zoning districts.

34
35 Commissioner Holker stated that this change would not impact the property owners and asked if
36 Planning Director Griffiths believed that this zoning change would impact them in a positive way.

37
38 Planning Director Griffiths stated that, in his opinion, if the City did not approve the rezoning, there
39 would be negative impacts to these property owners because that would mean that anything on
40 their property that did not meet the new zoning district the Commission just recommended would
41 not be considered a non-conformity that even though would be grandfathered in, could present a
42 problem further down the road, for example, if they wanted to go build a shed. He stated that this
43 rezoning would allow the property owners to have the same flexibility they currently have without
44 subjecting them to the need for variances when they want to make improvements to their property.

45
46 Commissioner Magistad asked what could be the drawback to making this housekeeping change.

47
48 Planning Director Griffiths stated that he did not have a good answer to that question. He stated
49 that from staff's perspective, the Comprehensive Plan and the City Code all point towards this
50 action being the best solution for the homeowners. He stated that the only real potential impact

1 is that the setback now was 30 feet and with this change would be 35 feet, but explained that in
2 that situation, the City would work with the property owner and they could keep what is there.

3
4 Commissioner Eggenberger referenced the statement made by Planning Director Griffiths about
5 the recent amendments made to the R-3A relative to medium density housing and asked if he
6 was referring to what the Commission had just voted on.

7
8 Planning Director Griffiths clarified that he was referencing the code amendments that they had
9 discussed at their last meeting.

10
11 Chair Huskins opened the Public Hearing at 7:56 P.M., noting the procedures used in a Public
12 Hearing, there being no comment, he closed the Public Hearing at 7:56 P.M.

13
14 Commissioner Magistad stated that he would like to know the reason behind the public comment
15 in opposition to the rezoning, but they may be able to provide their reasoning to the City Council
16 before it reaches the City Council.

17
18 Planning Director Griffiths stated that he could reach out to Mr. Burns to give him an opportunity
19 to provide more context for his statement and provide that information to the City Council if he
20 heard back from him.

21
22 **Commissioner Magistad moved, Commissioner Holker seconded, recommending**
23 **approval of the City-Initiated request to Rezone Three Parcels to R-2A located at 6055,**
24 **6065, and 6067 Lake Linden Drive. Motion passed 4/0.**

25
26 **D. PUBLIC HEARING – SUBDIVISION ORDINANCE UPDATE CITY CODE**
27 **AMENDMENTS**

28 **Applicant: City-Initiated Request**

29 **Location: City-Wide**
30

31 Planning Director Griffiths introduced the City's consultant for this item, Rita Trapp, with HKGI.

32
33 Rita Trapp, HKGI, gave a brief review of the City's Subdivision Code that they had been working
34 on for the City and reminded the Commission that it had not been updated for a long time. She
35 explained that the overall goal was to update and modernize the Code, make it more user-friendly,
36 ensure it was consistent with State statutes and laws, incorporate current City practices, and also
37 to reflect the direction from the Comprehensive Plan. She highlighted a summary of the proposed
38 code changes within the Subdivision Ordinance.

39
40 Planning Director Griffiths noted that one other larger change in the proposed changes was
41 related to municipal water connections and explained that he would touch on that when Ms. Trapp
42 finished her presentation.

43
44 Ms. Trapp continued her review of the proposed changes, organization, and enforcement within
45 the Subdivision Ordinance.

46
47 Chair Huskins referenced page six of the summary under 'Modification of Requirements' there
48 was text that stated, 'Need to confirm this direction w/staff' and asked if that meant there was
49 something incomplete.
50

1 Planning Director Griffiths explained that the item had been addressed, but they neglected to
2 remove it from the summary document.

3
4 Chair Huskins suggested that, in that same section, they change the word 'subdivider' to
5 'applicant'. He referenced page five of the summary under the last bullet point of Park Dedication.
6 He stated that this item stated 'Language added clarifies that the trails or sidewalks along streets
7 are not considered park dedication'. He noted that when he read that the trail in the Country Club
8 came to his mind, and asked if that was an example of what this bullet point was intended to point
9 out.

10
11 Planning Director Griffiths explained that this item was pointing out a situation where there would
12 be a project on an existing road, and the developer said that they did not want to pay cash in lieu
13 of land, but wanted to put in a sidewalk instead. He stated that this statement was clarifying that
14 a sidewalk was not a park, so the developer would not be able to get any park dedication credits.
15 He stated that in a situation, like the Country Club, where there was a large trail network that went
16 through open space, the City can have a conversation about that, but the intent in this instance
17 was that if the developer was just proposing a sidewalk that would not be considered a park nor
18 would then get any park dedication credit for it.

19
20 Ms. Trapp referenced section 1202.60 Park Dedication, on page thirty, under Subd. 5, which had
21 the full wording rather than a summary that said, 'The dedication shall be in addition to the land
22 dedicated for streets, alleys, trails or sidewalks along streets, storm water ponds or other public
23 purposes.'

24
25 Planning Director Griffiths noted that there were two parts to this: the subdivision updates and the
26 related code amendments relative to municipal water and the zoning changes. He suggested
27 that the Commission discuss the subdivision updates first before they dive into the water
28 conversation. He noted that the Public Hearing had been announced to the public, but no
29 comments had been received prior to the meeting.

30
31 Commissioner Eggenberger noted that there were two items highlighted that would not be coming
32 before the Planning Commission anymore and asked if those were the only items like that.

33
34 Planning Director Griffiths confirmed that those were the only two items that would no longer be
35 coming before the Planning Commission.

36
37 Commissioner Magistad confirmed that those two items were for minor subdivisions and
38 administrative adjustments.

39
40 Planning Director Griffiths moved the discussion onto the water connections and noted that
41 anytime wholesale changes were made to City Code, there will often be parallel references, which
42 are other sections of the City Code that would be impacted. He explained that City staff was
43 currently working on a lot of updates to the City Code and explained that the plan was to wait and
44 do some of those other minor updates when they get to those sections, but noted that there were
45 two that staff felt were pressing. He briefly reviewed some of the necessary related amendments
46 and noted that the more substantive part of this was related to municipal water connections. He
47 stated that this was a portion of the City Code that was not something that the Planning
48 Commission would typically review and would normally be under the Council's purview. He
49 explained that since they were related, staff felt it would be appropriate for the Commission to
50 also discuss this. He stated that the direction from the Commission to the Council was to say that
51 for any subdivision request, going forward, it would be considered premature if municipal water

1 was not available to the site. He stated that with that direction, staff had updated Section 903-15
2 with amended language that stated that all subdivision applications after the effective date would
3 be required to connect to municipal water. He stated that he had gotten a few questions from
4 residents and felt it was important to note that this would not impact existing neighborhoods, or
5 existing private wells. He explained that this meant that any owner who has an existing private
6 well can continue to do what they would like, and this would only be for new developments. He
7 noted that the City's current policy was that if a development had three or fewer lots, connection
8 to City water would not be required even if it was available. He reiterated that this was not
9 technically part of the Commission's purview, but he felt it was appropriate to share with them and
10 also potentially get some public feedback on that tonight as well. He noted that the City Council
11 would also hold a Public Hearing on this section of Code when they review it.

12
13 Chair Huskins asked if the City decided to extend public water to an area in the City where it did
14 not currently exist, homes would not be obligated to connect.

15
16 Planning Director Griffiths stated that was correct and clarified that they would only be obligated
17 to connect if they were to be developed and reiterated that existing homes or an existing lot of
18 record can choose to have a private well, even if there is City water available.

19
20 Commissioner Magistad asked for a definition of 'development' and gave the example of razing
21 a house and then rebuilding it, if that would be considered development.

22
23 Planning Director Griffiths stated the Code was very clear that they were talking about subdivision
24 so it would only be when they were dividing one property into more lots. He noted that just tearing
25 down a house a rebuilding would not have any impact and noted that there was a definition for
26 subdivision in the Code. He noted that an administrative adjustment would also not trigger this
27 Code and was just talking about dividing the lot in order to create new homes or commercial
28 businesses.

29
30 Commissioner Holker asked what percentage of land in the City did not have current access to
31 City water.

32
33 Planning Director Griffiths displayed the City map from October of 2024 and gave an overview of
34 the areas that show where City water was and was not available. He noted that there was about
35 half of the community that were currently served by City water and explained that the hope was
36 that this policy would help spur some additional connections.

37
38 The Commission discussed various hypothetical development possibilities within the City and
39 when this policy would apply.

40
41 Commissioner Eggenberger referenced line thirty-two, which stated, 'if municipal water was not
42 available, the proposed subdivision shall be denied by the City Council' and asked if that meant
43 the City Council would not have a choice.

44
45 Planning Director Griffiths stated that the City Council would have a choice and explained that the
46 applicants could apply for a subdivision variance in order to try to vary from the water connection
47 requirement, but those would be handled on a case-by-case basis. He noted that the direction
48 given from the Planning Commission and the City Council was to make it very clear that the
49 approach was supposed to be the exception rather than the rule.

1 Commissioner Eggenberger asked if they wanted to somehow include that information because
2 it currently says that if water was not available, it 'shall' be denied by the City Council.

3
4 Planning Director Griffiths explained that this language was not needed because it would be
5 redundant, since they had already identified the variance process.

6
7 Chair Huskins noted that he felt the Council would not really be denying it but would be saying
8 that development would be considered 'premature'.

9
10 Commissioner Holker asked if the City had plans to put water in everywhere.

11
12 Planning Director Griffiths stated that would be a policy question for the Council and noted that
13 the conversation tonight was solely on new development.

14
15 Commissioner Magistad asked if there was any point that the City Engineer or the Public Works
16 Department had assessed where they could potentially be overwhelmed by demand for City water
17 connection requests that the City's current well system would not support.

18
19 Planning Director Griffiths stated that language was also in this amendment that talks about there
20 not being adequate public service to support the development of the site. He noted that right now,
21 the City's water system was under capacity and felt the chances of the situation described by
22 Commissioner Magistad happening were pretty slim.

23
24 Chair Huskins opened the Public Hearing at 8:37 P.M., noting the procedures used in a Public
25 Hearing.

26
27 Mike Sharratt, 5590 Woodside Lane, explained that he was an architect and that he was here on
28 behalf of some people who had applied for a subdivision on Shorewood Lane. He noted that the
29 subject lot had an existing duplex and had applied to subdivide the property, and after they
30 applied, they found out that this new ordinance was coming. He stated that when they received
31 engineering comments on their application, they found out that even though the proposed
32 development was going to be three lots or less, the City was going to require them to hook up to
33 City water because of the new incoming ordinance. He stated that the run to the existing duplex
34 was about 300 feet, and to the rest of the cul-de-sac was another 200 feet, which would mean
35 that they would put in about sixty percent of the main for the subdivision of one lot. He explained
36 that they had received some ballpark estimates of what it would cost to run a six inch main to
37 attach to the existing fire hydrant and run it to the existing duplex which were from \$55,000 to
38 \$100,000 and did not include other expenses such as park dedication fees, traffic control, permit
39 fees, pavement removal/replacement, curb removal/replacement, erosion control, seeding, sod
40 disturbing, tree removal/replacement, or excess fill removal. He stated that he would expect
41 these expenses to add up to roughly half the value of the lot. He noted that they had chosen to
42 withdraw the subdivision application because they did not want to be approved and have the
43 requirement for water connection, even though the amendments had not been adopted yet. He
44 compared a larger development that would have twenty lots and noted that the costs could be
45 split among those costs at around five percent per lot, but in his example, they would be
46 responsible for about sixty percent of those costs. He stated that there were thirteen other
47 dwelling units on the roadway that could hook up, if they brought the watermain in. He explained
48 that he was not asking on behalf of his clients to get a 'freebee' but was saying that there should
49 be some sense of scope and hierarchy. He stated that he felt that if it was an absolute mandate,
50 it would not be fair or democratic to have his client be responsible for sixty percent of the full cost
51 of the watermain. He stated that he would like the City to consider some sort of graduated

1 assessment and not make this mandatory for any subdivision. He noted that with the previous
2 code, if a subdivision was for three lots or less, they did not have to connect to City water and
3 explained that they had brought in their application when that was still permitted.
4

5 Commissioner Holker asked Planning Director Griffiths how this Code compared to surrounding
6 communities.
7

8 Planning Director Griffiths stated that he did not have a survey of every community in the Metro
9 area, but the policy that was being proposed in this case was very common. He noted that he
10 would say that the City's current policy would be considered more of an exception than the norm
11 because typically, any city in the seven-county metro area that has water available required a
12 water connection as part of development in areas where there is water. He stated that Shorewood
13 is an urban community and has sanitary sewer that runs throughout the whole City, and
14 communities that fit that description, more often than not, require water as a key ingredient of
15 development.
16

17 Commissioner Holker stated that it made sense to her, but her question related more to what was
18 brought up by Mr. Sharratt, where there was not already water available, and making the
19 homeowner responsible for putting the watermain at their own cost.
20

21 Planning Director Griffiths explained that if that were not the policy, then essentially, the City would
22 not be making a change because if there was not water available, the only other option would be
23 to use private wells. He explained that the intent of the Code change was to say that if water is
24 not available, your proposal to develop the lot was being brought forward too early and was
25 premature. He noted that the alternative would be that if the developer still wanted to develop the
26 lot now, they could bring in water, independent of the City, at their own expense. He stated that
27 in this situation, it was true that there were other owners in the area that 'could' hook up to City
28 water, but those owners were not asking for that right now.
29

30 Chair Huskins stated that he was confused about why a main would be extended because it
31 appeared on the map that water was already there.
32

33 Planning Director Griffiths gave the example of this main not being extended as part of the
34 development, which meant that now the surrounding neighborhood would need to pay for that
35 cost. He explained that the policy was saying that if the owners want to hook up and develop the
36 property, they need to bring the watermain to the farthest property line, so the next property owner,
37 if they want to develop or hook up, could do the same thing. He explained that they were not
38 asking that the watermain be brought to the center of the cul-de-sac, just to the next property,
39 which is a pretty common process when it comes to watermain expansion. He stated that he felt
40 it was important to note that in this specific case, while it was true the request was potentially
41 going to be submitted before this change, the staff's recommendation was based on the fact that
42 there was water available. He stated that the application would have involved a variance, they
43 knew that there was groundwater contamination based on the well logs of the rental property that
44 was currently in place, so in that specific situation, if water is available, even though it was not yet
45 the City's official policy, staff will still sometimes recommend that water connection happened,
46 which was going to be the case with this application. He explained that the application was never
47 brought to the Planning Commission because it had been rescinded.
48

49 Commissioner Eggenberger stated that they had applied for the subdivision before this
50 amendment was adopted, and asked if they had been denied because it was going to go into
51 effect.

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Planning Director Griffiths stated that this application was never denied and clarified that the applicant had rescinded their application after receiving staff's recommendation that the property should be hooked up to water to correct the groundwater contamination issues.

Commissioner Eggenberger asked why staff had made that recommendation if the new ordinance language was not in effect yet.

Planning Director Griffiths clarified that staff had historically given that direction on a case-by-case basis when it was merited and reiterated the evidence of groundwater contamination in the existing wells for the rental property. He explained that there was a concern from staff that sinking two more wells would immediately expose those residents to water that was not good. He stated that when former Planning Director Darling or her predecessors were here, in this kind of situation, they would also have recommended connecting to City water, such as with Shorewood Meadows, even though it was not required, because it was available to the site.

Chair Huskins reiterated his confusion about the water being available on the site.

Mr. Sharratt stated that it was not available on the site. He noted that there was a fire hydrant in the acute angle portion of the property, and that was the location it was suggested that they tap into the water with a 6-inch pipe that would run down.

Chair Huskins asked if, under any circumstances, the pipe would need to be extended even if it was just done for that property.

Mr. Sharratt confirmed that was his understanding and was the reason that they had withdrawn their application.

Planning Director Griffiths explained that this policy would say that if you want to develop a lot that you are extending watermain to, you need to extend it to the next property line so the next property owner or whoever decided to hook up did not have to pay that cost, because it was essentially created because of the development. He reiterated that in the Twin Cities Metro area, this was a pretty standard operating procedure for how properties develop and how utilities were extended.

Commissioner Eggenberger asked if the white portion of the map being displayed meant that there were no fire hydrants in those areas.

Planning Director Griffiths stated that was correct.

George Greenfield, 24715 Yellowstone Trail, stated that when he read this proposed change related to water, it reminded him that the City of Shorewood was a city without principles. He explained that he felt that the whim of the moment determined what the City's principles were and gave the example of the Country Club development and the Starbucks on Vine Hill Road. He stated that in both those instances, he felt the citizens of the City raised many legitimate objections to facets of those projects, and the Council collectively threw up their hands and said that property owners can more or less do whatever they want with their property, and the City could not do anything about it. He stated that in this case, the property owner was apparently subordinate to the wishes of the City Council to extend water and was essentially held hostage to the City extending water there, or they cannot do anything with their property. He noted that he felt it would be nice if the City adopted a principle of making life easier and more pleasant for its citizens,

1 which he does not feel they have ever done in the decades he had lived here. He asked the
2 Commission to reject this on the grounds that the City has no consistent principles on which they
3 conduct City business.

4
5 There being no additional public comment, Chair Huskins closed the Public Hearing at 8:51 P.M.

6
7 Commissioner Holker asked if the Commission was supposed to make recommendations on both
8 pieces.

9
10 Planning Director Griffiths stated that they were asking for the Commission to make one motion,
11 even though half of this would not technically be under the purview of the Planning Commission.
12 He reiterated that staff felt it was appropriate to bring it before them because it was heavily
13 intertwined with the Subdivision Ordinance.

14
15 Chair Huskins noted that because the water portion was not under the purview of the Planning
16 Commission, he would request that it be separated out from their recommendation. He explained
17 that he wanted it to be on record that the Commission was not actually making a recommendation
18 on something that was not within their authority.

19
20 Planning Director Griffiths explained that his one caveat would be that the language in the
21 Subdivision Code says that water was required, otherwise, the development would be considered
22 premature. He stated that, in that way, this would be within the purview of the Planning
23 Commission and noted that the Public Hearing notice explicitly stated that this section would be
24 discussed and that they would invite public comment. He stated that he felt the Commission owed
25 it to the residents who provided feedback to this evening that this be considered and make a
26 recommendation to the Council.

27
28 Commissioner Holker stated that she was struggling with the proposed amendments to the water
29 connection issue. She stated that if the City had a plan over the next five years to put water
30 everywhere, that would not hold a property owner to being premature. She noted that she felt
31 premature meant two years from now, and not twenty years from now. She explained that she
32 felt it was burdensome for particular homeowners, depending on where they were located on the
33 map Planning Director Griffiths had shown, to be on the hook for paying to put the water
34 connection in.

35
36 Chair Huskins stated that to him, the counter to that concern was that everyone in Shorewood
37 pays taxes and asked how she would feel about the City taking on a project of putting water
38 everywhere without knowing that people would hook up or not knowing what the development
39 may be.

40
41 Commissioner Holker stated that she would not want the City to do that and believed that for the
42 smaller developments, dividing the costs between just two or three lots seemed burdensome.

43
44 Planning Director Griffiths stated that he felt it was important to note that when they talk about
45 premature development, the intent was that premature could actually be a long time, such as fifty
46 to one hundred years. He suggested that the Commission think of it in the context of a road and
47 explained that if a site did not have a road, the developer paid for the costs to build it. He clarified
48 that if the road was not there, the development would be premature, until the road was built. He
49 stated that he wanted to clarify that premature did not necessarily mean two years.

1 Commissioner Holker stated that she understood that premature did not necessarily mean two
2 years.

3
4 **Commissioner Huskins moved, recommending approval of Ordinance 617, Amending**
5 **Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning**
6 **and Subdivision Regulations, as discussed, including water connections. Motion died for**
7 **lack of a second.**

8
9 Commissioner Holker explained that she agreed with what Planning Director Griffiths had just
10 stated, but clarified that what she objected to was the particular piece related to water and felt the
11 rest of the proposed amendments looked good.

12
13 Commissioner Eggenberger noted that was why he had not seconded the motion brought to the
14 table.

15
16 Planning Director Griffiths explained that the Commission still needed to vote on a
17 recommendation.

18
19 **Commissioner Magistad moved to recommend denial of Ordinance 617, Amending**
20 **Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning**
21 **and Subdivision Regulations.**

22
23 Planning Director Griffiths explained that the motion meant that the Commission was
24 recommending denial of the entire ordinance amendment updates.

25
26 Commissioner Magistad stated that he understood that and the reasoning would be the
27 statements just made by members of the Commission.

28
29 Commissioner Holker stated that she was still confused about what action they needed to take.
30 She asked if they needed to make a motion to recommend it, but then could just vote 'no'.

31
32 Planning Director Griffiths stated that he felt what the Commission was implying was that the
33 Commission would be open to the broader Subdivision Ordinance updates, with the exception of
34 the water requirement.

35
36 Commissioner Holker stated that was what she was thinking.

37
38 Planning Director Griffiths clarified that the Commission could then make a motion saying that
39 they recommended approval of the amendments, except the water connection requirements.

40
41 **Motion died for lack of a second.**

42
43 **Commissioner Eggenberger moved, Commissioner Magistad seconded, recommending**
44 **approval of Ordinance 617, Amending Shorewood City Code Title 900 Public Right-of-Way**
45 **and Property and Title 1200 Zoning and Subdivision Regulations, with the exception of**
46 **Section 903.15.**

47
48 Chair Huskins noted that embedded in the document were references to mandatory hook-ups of
49 water and noted that for it to be consistent, that portion of the document would need to be noted.

50

1 Planning Director Griffiths explained that those references were in Chapter 1202.02, Subd 1,
2 Section C.2, lack of adequate water supply.

3
4 **Commissioner Eggenberger amended his motion, Commissioner Holker seconded the**
5 **amended motion, to recommend approval of Ordinance 617, Amending Shorewood City**
6 **Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision**
7 **Regulations, with the exception of Section 903.15 and Chapter 1202.02, Subd 1, Section**
8 **C.2. 'Lack of adequate water supply', and any other portion that may refer to water hook**
9 **ups in the proposed amendments. Motion passed 3/1 (Huskins opposed).**

10
11 Chair Huskins recessed the meeting at 9:03 P.M. and reconvened at 9:09 P.M.

12
13 **#5 OTHER BUSINESS – continued...**

14
15 **B. Receive Information on CUP Amendment for Additional Antenna Installation on Water**
16 **Tower at 26350 Smithtown Road**

17
18 Planning Director Griffiths explained that this item was being presented for informational purposes
19 only and explained that the reasoning was due to the 60-day review timeline. He stated that in
20 this kind of situation, the application would be forwarded directly to the City Council for action in
21 order to meet the review deadline. He explained that the City Council would hold a public hearing
22 on this item on April 14, 2025, and make a decision on the application. He gave a brief overview
23 of the application details. He noted that if any of the Commissioners had some individual feedback
24 on this application, he asked that they share it with him after the meeting, and he would share it
25 with the Council.

26
27 Chair Huskins asked who was responsible for the maintenance or repair of the water tower if it
28 required the removal of an antenna in order to do the work.

29
30 Planning Director Griffiths explained that as part of this application, a lease will be negotiated with
31 Verizon and noted that, typically, as part of that, they would agree to pay whatever their portion
32 would be of those costs.

33
34 **C. Monthly Training Topic: Organizational Structure and the Planning and Protective**
35 **Inspections Department**

36
37 Planning Director Griffiths explained that the Planning and Protective Inspections Department
38 consisted of 3.5 staff people, including the Planning Director, a City Planner, a Building Official,
39 and a part-time Administrative Support Professional. He noted that the Department was currently
40 down a position due to the retirement of former Planning Director Darling, but were working
41 through the process of hiring a City Planner to replace his vacation of that position when he came
42 on as Planning Director. He gave a brief overview of the planning duties, building duties, rental
43 housing, and code enforcement that the Planning and Protective Inspections Department
44 undertakes for the City.

45
46 Chair Huskins asked how the Department influenced time from the City Engineer and noted that
47 in the City's organizational chart, that position was housed within Public Works.

48
49 Planning Director Griffiths explained that as part of any development application, there was an
50 internal staff group called the Development Review Committee that is comprised of him, the
51 Building Official, City Planner, City Administrator, City Attorney, City Engineer, Public Works

1 Director, and the Finance Director. He explained that the City budget was not paying for the City
2 Engineer or City Attorney services for planning applications, and would be covered by the escrow
3 money paid to the City as part of their application fees.
4

5 Chair Huskins stated that his question was less about the financing and more about the
6 prioritization of the City Engineer's time and asked if Planning Director Griffiths had ever
7 experienced something being held up because the City Engineer was allocated and prioritized
8 elsewhere.
9

10 Planning Director Griffiths stated that he had rarely had that occur and noted that typically, the
11 City Engineer needed to support the Public Works Department the most due to the nature of their
12 day-to-day work. He stated that for the Planning Department, the engineer supported them, and
13 reminded the Commission the City Engineer Budde was part of a much larger firm, so there have
14 been times when there has been more work than he could handle, he could bring it other people
15 from his firm as well.
16

17 Commissioner Magistad asked who led the public comment coordination efforts.
18

19 Planning Director Griffiths stated that he led the public comments coordination.
20

21 Commissioner Magistad asked if there was any way that could be maximized and referenced the
22 e-mail that was received, which claimed that he had not seen a yard sign posted.
23

24 Planning Director Griffiths stated that the Planning Department was already going well above and
25 beyond the bare minimum of what they were required to do and referenced State law, which only
26 requires notices by published in the newspaper and send a mailing within 350 feet of the property.
27 He explained that the City's public notification process typically has a much larger mailing radius,
28 typically sends at least two notices in the mail, publishes it in the City's official newspaper, and
29 residents could also sign up for an e-mail blast for every public notice. He noted that the City also
30 publishes applications on their website as soon as they are received, and also posted a sign with
31 a QR code on the impacted property.
32

33 Commissioner Magistad stated that he was unaware of the e-mail blast option and felt that it was
34 a good option.
35

36 Chair Huskins explained that you can opt in to a variety of e-mail blasts from the City.
37

38 Planning Director Griffiths noted that the majority of the application fees for projects go towards
39 the public notification costs and explained that they also do posts on social media and Facebook.
40 He reiterated that he felt that Shorewood did a lot more with relation to public notification than a
41 typical city.
42

43 Chair Huskins asked what Planning Director Griffiths' supervisory relationship would be with the
44 City Planner and what specific tasks that position would undertake.
45

46 Planning Director Griffiths gave a brief overview of the day-to-day tasks of the City Planner and
47 explained that the intent of the position was to support the Planning Director. He noted that at
48 the moment, he was essentially handling both positions, but the intent is for them to support each
49 other.
50

1 Chair Huskins asked if there were things that the Planning Commission could do to better support
2 the Planning Director.

3
4 Planning Director Griffiths stated the relationship between the Planning Commission and the
5 Planning Department was for the Planning Department to support the Planning Commission and
6 noted that the best thing the Commission can do is show up and be prepared for the meeting.

7
8 **6. REPORTS**

9
10 • **Council Meeting Report**

11
12 Council Liaison DiGruttolo reported on matters considered and actions taken during the Council's
13 recent meetings. She suggested that it may be a good idea for members of the Commission to
14 attend the Council meetings or read the minutes where they would be discussing things like the
15 water connection issues, because she thinks they may be able to pick up quite a bit of context in
16 those discussions.

17
18 • **Draft Next Meeting Agenda**

19
20 Planning Director Griffiths stated there the next agenda would also be relatively full, but may be
21 less controversial than tonight's items. He noted that there are resident applications for a vacation
22 of an easement and a CUP to build a fence taller than six feet. He explained that staff also
23 planned to bring forward some code amendments related to non-conforming sections of the City
24 Code in order to clarify some existing policies on how things were grandfathered in. He stated
25 that they would also be discussing the Shorewood Carriage Homes project and holding a public
26 hearing. He reminded Commissioner Magistad that he would present at the City Council meeting
27 on April 28, 2025, and asked if the full Commission would be able to attend their next meeting on
28 May 6, 2025. He explained that Communications Coordinator Wilson would like to come and take
29 the official photo of the current Planning Commission that night, if they would all be in attendance.
30 He stated that the City posted the City Planner opening today, and applications would be open
31 through April 22, 2025.

32
33 **7. ADJOURNMENT**

34
35 **Commissioner Magistad moved, Commissioner Holker seconded, adjourning the Planning**
36 **Commission Meeting of April 1, 2025, at 9:40 P.M. Motion passed 4/0.**

37



Title/Subject: Vacation of Easement
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Location Map
 Applicant's Materials

APPLICANT: Heidi & Craig Johnson
LOCATION: 27940 Smithtown Rd
REVIEW DEADLINE: June 15, 2025
COMPREHENSIVE PLAN: Minimum Density Residential
ZONING: R-1A Single-Family/Shoreland

REQUEST

The applicant is seeking to vacate a portion of the drainage and utility easements on their property to accommodate eventual reconstruction of their single-family home. An easement is a legal right to use another person's land for a specific purpose, such as utility access, without actually having ownership of the underlying property. Easements are very common and exist on nearly every property in Shorewood for common purposes such as utility access, roads, etc. The property historically was a part of the Johnson Hollow plat, however, over the years the property and its neighbors are replatted as part of Bill Erickson Addition. The easements proposed to be vacated are remnants from the original Johnson Hollow plat that were never vacated as part of the replatting process. These easements no longer serve any public purpose as new easements were granted to the City of Shorewood as part of Bill Erickson Addition. The applicant's materials are attached for review.



Note of the application was sent by postcard to all property owners within 500 feet of the property and by placing a sign in the right-of-way in front of the home. Notice of the public hearing was sent by US mail to all property owners within 500 feet of the property at least 10 days prior to this meeting. Pursuant to Minnesota State Statute 412.851, notice of the public hearing was published in the City's official newspaper twice leading up to tonight's hearing in order to provide two weeks published and posted notice. Notice was also posted on the City's website and at City Hall. As of the publication of this report, no public comments have been received regarding this application.

FINDINGS/RECOMMENDATION

Since the easements which are proposed to be vacated no longer serve any public purpose and are remnants of the outdated Johnson Hollow plat, City staff recommends approval of the vacation of easement request.

27940 Smithtown Road Location Map



■ DENOTES JOHNSON HOLLOW, DEDICATED, DRAINAGE & UTILITY EASEMENT PROPOSED TO BE VACATED

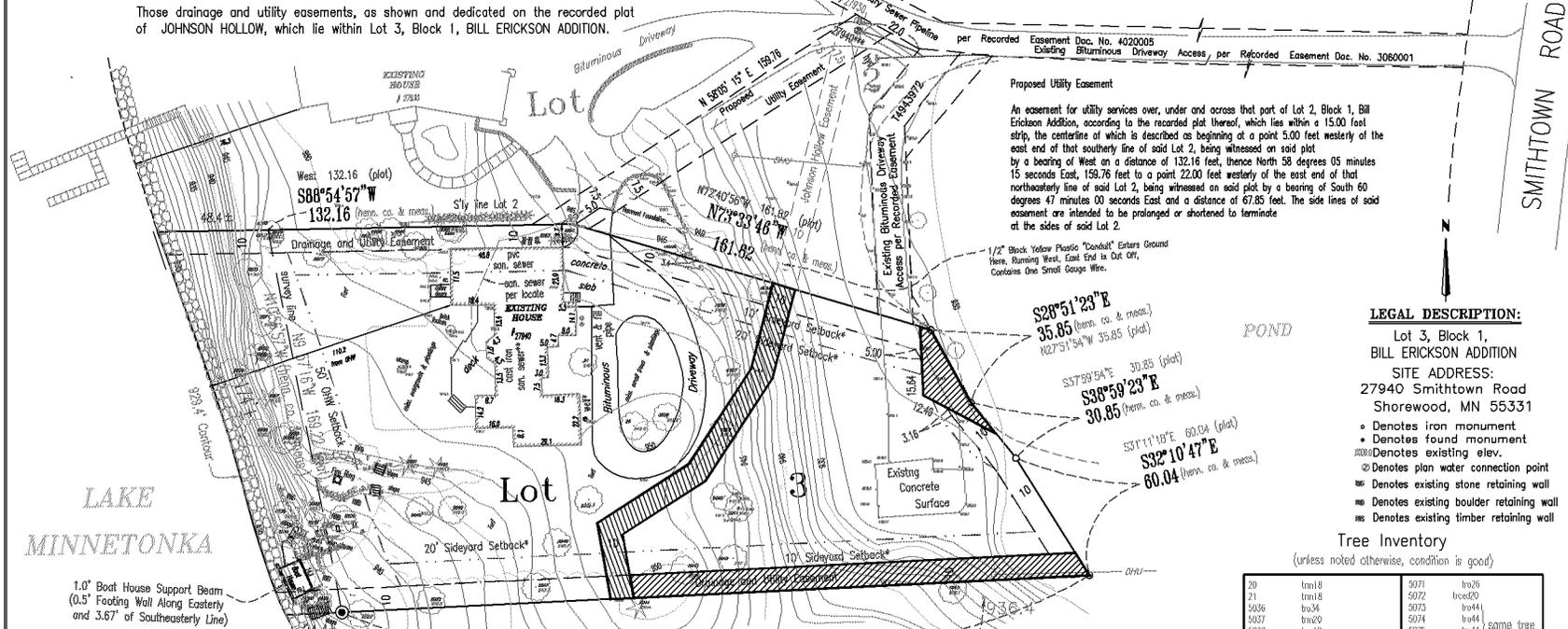
*The area has searched for surface evidence of utility accessories, subjected to Gopher State One Call search, and numerous, city staff records searches. None of the above revealed a current use.

LEGAL DESCRIPTION OF PROPOSED EASEMENT TO BE VACATED;

Those drainage and utility easements, as shown and dedicated on the recorded plat of JOHNSON HOLLOW, which lie within Lot 3, Block 1, BILL ERICKSON ADDITION.

CERTIFICATE OF SURVEY
 prepared for:
Heidi Novogratz Johnson
VACATION EXHIBIT

*Public records are extremely vague with regards to the sanitary sewer provided for this structure. Underground locate revealed that the cast iron sanitary sewer service exits the west basement wall then abruptly angles north under and within the addition to the original structure. This line then continues northeasterly, off the property, in the direction of the public sewer main.
 Though no records or surface evidence of a private septic system have been observed, the age of the structure and the direction of the old cast iron sewer pipe have given the possibility that buried remnants of an abandoned system could exist between the existing house and the lake.
 **City "tie" sheets shows the construction of a 2" copper service line 37' in length for address 27940 of this location. No evidence of connection to this service was found. The existing home showed no evidence of connection to this service. The existing home contained one sealed well and one well that appeared to be active.



Proposed Utility Easement
 An easement for utility services over, under and across that part of Lot 2, Block 1, Bill Erickson Addition, according to the recorded plat thereof, which has within a 15.00 foot strip, the centerline of which is described as beginning at a point 5.00 feet westerly of the east end of that southerly line of said Lot 2, being witnessed on said plat by a bearing of West on a distance of 132.16 feet, then North 58 degrees 05 minutes 15 seconds East, 158.76 feet to a point 22.00 feet westerly of the east end of that northeasterly line of said Lot 2, being witnessed on said plat by a bearing of South 60 degrees 47 minutes 00 seconds East and a distance of 67.85 feet. The side lines of said easement are intended to be prolonged or shortened to terminate at the sides of said Lot 2.

LEGAL DESCRIPTION:

Lot 3, Block 1,
 BILL ERICKSON ADDITION
 SITE ADDRESS:
 27940 Smithtown Road
 Shorewood, MN 55331

- Denotes iron monument
- Denotes found monument
- Denotes existing elev.
- Denotes plan water connection point
- Denotes existing stone retaining wall
- Denotes existing boulder retaining wall
- Denotes existing timber retaining wall

Tree Inventory

(unless noted otherwise, condition is good)

20	trn18	5071	trw26
21	trn18	5072	trw30
5036	trw34	5073	trw44
5037	trw20	5074	trw44 same tree
5038	trn18	5075	trw44
5039	trw16	5076	trw44
5040	trn16	5077	trn12
5041	trw34	5080	trn22
5042	trn14	5083	trn12
5043	trw40 poor dead limb	5084	trn16
5044	trw36	5084	trw24
5045	trw36	5086	trw14
5046	trw30	5097	trn18 fair multi stem
5047	trw18 poor delamated base	5099	trw16
5048	trw22	5100	trw16
5049	trw22	5102	trw10
5050	trw18	5103	trw10
5051	trw18	6001	trw26
5052	trw12	7510	trw30
5053	trw30 off property	8000	trn14
5055	trw20	8001	trn18
5064	trw12	8002	trn16
5065	trw10	8104	trw20
5066	trw22	8105	trw10
5067	trw18	8106	trw10
5068	trw18	8174	trw22 poor hollow
5069	trw10	8175	trw22
5070	trw20	10028	trw12 off property

Tree Descriptor Legend

- denotes tree point no.
- denotes species
- denotes diameter in inches
- 000 TR018
- a - ASH
- el - ELM
- m - MAPLE
- ced - CEDAR
- tw - BASSWOOD
- be - BOX ELDER
- o - OAK
- sp - SPRUCE

EXISTING HARDCOVER (Lot 3)
 House(s) 3205 Sq.Ft.
 Driveway(s) 7085.0 Sq.Ft.
 Walks, Walls & Deck 1515 Sq.Ft.
 Total Hardcover 10,445.0 Sq.Ft.
 Lot Area 49,987.6
 % of Hardcover = 20.9 %

Water Elevation 6-24-2024= 929.9 feet (N.G.V.D. 1929)
 OHWL = 929.4 feet (N.G.V.D. 1929) according to the MN. DNR

DEMARS-GABRIEL LAND SURVEYORS, INC.
 2317 W. 93rd St.
 Bloomington, MN 55431
 Phone: (763) 559-0908
 cell: (612) 751-6755
 dec@guestoffice.net

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

As surveyed by me this 10th day of March, 2025. REVISED: 3/20/2025

David E. Croak
 David E. Croak Minn. Reg. No. 22414

File No.
 15172
 Book-Page
 Scale
 1"=50'

LEGAL DESCRIPTION OF PROPOSED EASEMENT VACATION:

Those drainage and utility easements, as shown and dedicated on the recorded plat of JOHNSON HOLLOW, which lie within Lot 3, Block 1, BILL ERICKSON ADDITION.

DEMARS GABRIEL LAND SURVEYORS, INC. 3/10/25

Revised: 3/19/25



Planning Commission Meeting Item

Item
4B

Title/Subject: Conditional Use Permit for Increased Fence Height
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Location Map
 Applicants' Narrative & Plans
 Public Comments Received

APPLICANT: Richard & Jennifer Pearce
LOCATION: 5905 Grant St
REVIEW DEADLINE: June 3, 2025
COMPREHENSIVE PLAN: Low to Medium Density Residential
ZONING: R-1D Single-Family

REQUEST

The applicants are requesting a Conditional Use Permit (CUP) in order to accommodate construction of a fence 8.5 feet in height. While City Code typically only allows a 6-foot maximum fence height, City Code 1201.03 Subd. 2. f. (11) allows property owners to request a CUP for fences differing in construction, height or length. It should be noted that City staff previously issued a Zoning Permit for construction of the fence with the understanding that it would meet the 6-foot maximum height requirement. However, the fence design places the fence on the top of a retaining wall so that if you were to look at the fence from the south it would appear to be 6-feet tall but if you were to look at the fence from the north it would appear to be 8.5-feet tall. The applicants' narrative and plans are attached for review.



Notice of the application was sent by postcard to all property owners within 500 feet of the property and by placing a sign in the right-of-way in front of the home. Notice of the public meeting was sent by US mail to all property owners within 500 feet of the property at least 10 days prior to this meeting and published in the City's official newspaper, on the City's website and at City Hall. As of the publication of this report several public comments have been received which are attached for review.

CONDITIONAL USE PERMIT ANALYSIS

City Code 1201.04, Subd. 3. provides review criteria for Conditional Use Permits as follows:

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

Fences are a common accessory structure on residential properties and are consistent with the policies and provisions of the Comprehensive Plan.

2. The proposed use would be compatible with present and future land uses in the area and would not tend to or depreciate the area in which it is proposed.

The proposed fence would be compatible with present and future land uses in the area and would not tend to or depreciate the area in which it is proposed.

3. Adequate public facilities and services, including existing and anticipated traffic concerns, are available or can be reasonably provided to accommodate the proposed use.

No public facilities are required to accommodate the proposed fence.

4. The proposed use conforms to the applicable regulations of the zoning district in which it is located and otherwise conforms to all applicable regulations of the City Code.

The proposed fence, with the exception of its increased height, otherwise meets all other City Code requirements. The unique location of the fence makes it appear as though it meets City Code requirements from one side.

5. The proposed use will not be detrimental to the health, safety and general welfare of the occupants of surrounding lands.

It is not anticipated that the proposed fence would be detrimental to the health, safety, and general welfare of the occupants of surrounding lands.

FINDINGS/RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit subject to the following conditions:

- The property owner shall obtain a building permit for construction of the proposed fence and provide a certification from a licensed structural engineer.

5905 Grant Street Location Map



Jake Griffiths

From: Richard Pearce <pearcerichard@bellsouth.net>
Sent: Monday, February 3, 2025 3:09 PM
To: Jake Griffiths
Cc: Richard Pearce
Subject: Re: Conditional Use Permit - 5905 Grant St

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jake,

Please see below fence design with the requested heights along with the narrative below including the fence height. Let me know if you need anything further. Thanks,



4" Cedar Pickets w/ 5/8" – 1" Spacing
Posts: 3" x 3" x 1/8" Aluminum
10" x 30" Sonotube concrete footings
w/ belled bottoms

Richard

NARRATIVE IN SUPPORT OF CONDITIONAL USE PERMIT APPLICATION

Applicant sought and received a zoning permit from the City of Shorewood to build a privacy fence on the north side of applicants' property. Applicant's fence was completed on October 8, 2024. Applicant received a Notice of Violation stating that the fence is too tall on the northwest side. Applicant requests an increase in fence height, that there be no modification of the fence and that this conditional use permit be approved. The fence serves

as a solution to creating a necessary and practical privacy barrier between the adjacent property.

The proposed use, and its related construction, is consistent with the policies and provisions of the Comprehensive Plan. The fence is located on applicant's property 3" – 4" from the property line, the length is accurate at 82', it is linear, has the required 25% openness and is 6' high from the north side of applicant's property and retaining wall. The fence height from the top of the fence to grade is 102".

If the fence were required to be shortened on the northwest side, then the fence height when looking North at the fence from applicant's property would be 3.5' high and ineffective as a privacy fence.

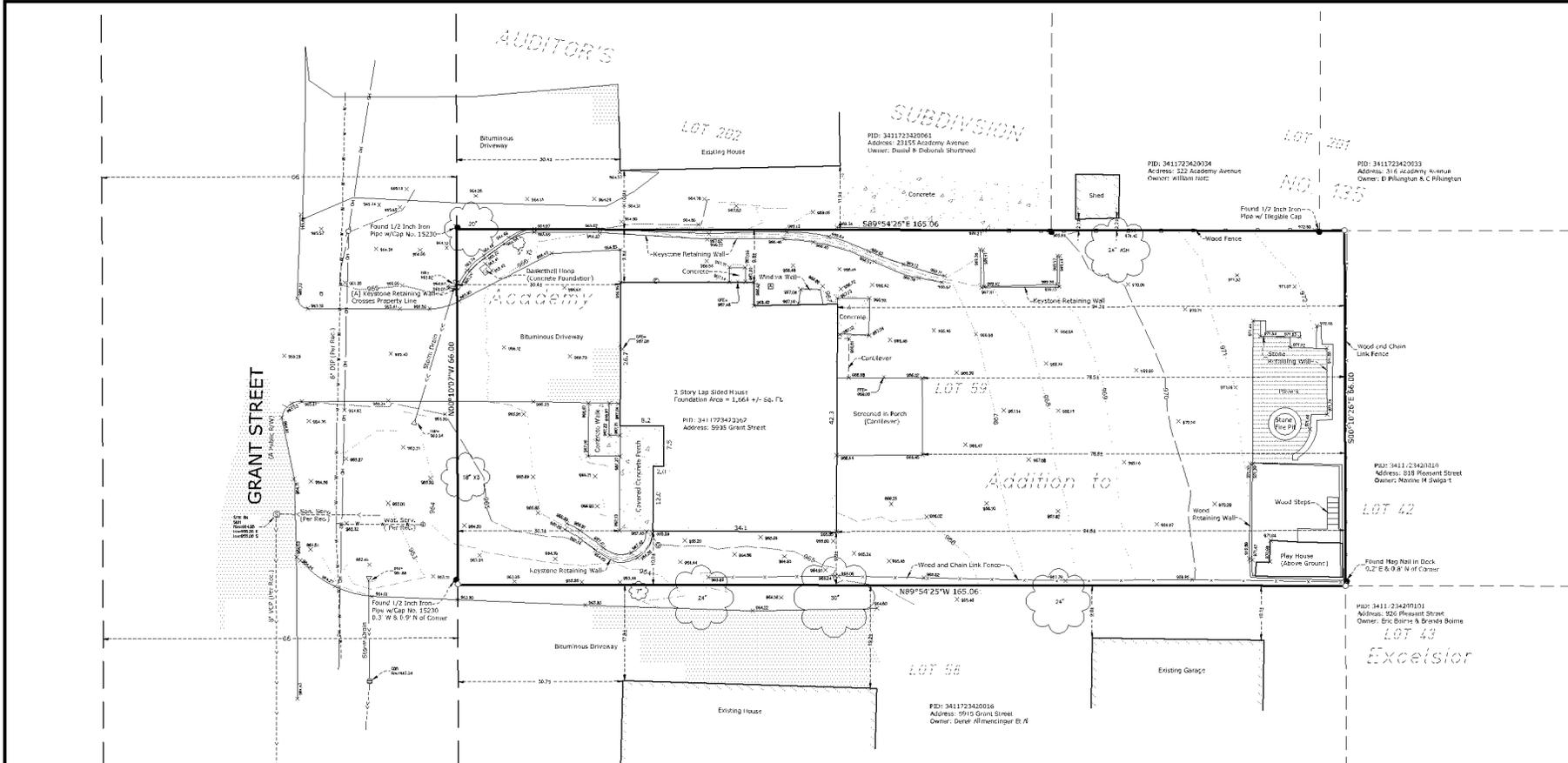
A structural engineer has certified the integrity of the fence based on its method of construction and materials used. See attached certification containing concrete footing description.

The proposed use is compatible with present and future land uses in the area and would not tend to or actually depreciate the area in which it is proposed. The fence is esthetically pleasing and provides monetary and privacy value to both the applicant and the applicant's neighbors. See attached photos.

The proposed use does not overburden the city's service capacity and is accommodated with existing public services including public streets. The fence does not impact servicing capacity in any way. The establishment, maintenance or operation of this proposed conditional use promotes and enhances the general public welfare and is not detrimental to or endanger the public health and safety. The fence promotes necessary privacy and safety for applicant's family.

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. The fence conforms with location on applicant's property 3" – 4" away from property line, conforms with length and openness and is 6' high from the north side of applicant's property. The fence serves the purpose for which it is being used, benefits all

parties, and was built with the intent as proposed within the application for the fence zoning permit. The fence conforms to the conditional use permit standards as set forth in Section 1201.04 of the Shorewood Zoning Regulations.



5905 Grant Street
 Shorewood, Hennepin County, MN 55331
Noberg Homes
 1428 5th Ave, Anoka, MN 55303

I HEREBY CERTIFY THAT THIS SURVEY PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SYNSTELEN
 MN L.S. 162-0203 LICENSE NO. 48555

DATE	04/03/2024
REVIEWED BY	GU
UPDATED BY	



DATE	DESCRIPTION
03/20/2024	Hard Cover Calculations

AS-BUILT SURVEY

V1.0

DESCRIPTION OF PROPERTY SURVEYED

Lot 58, Academy Addition to Excelsior

(Former Property)

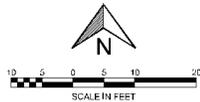
GENERAL SURVEY NOTES

- Boundaries are based on the Hennepin County Coordinate System (1985 Adjustment).
- Measurements are based on the WADP 29 Datum. Site Elevation is the primary meridian (m) located in Grant Street, approximately 36 feet northwesterly from the southwest corner of the subject property, as shown hereon. Elevation = 966.85.
- We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, existing excavations, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.
- Site Address: 5905 Grant Street, Shorewood, MN 55331.
- This property is contained in Zone 2 (Area determined to be outside the a 2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27550D014F, effective date of November 09, 2016.
- The enclosed area is 10,904 +/- square feet or 1,250 +/- acres.
- The names of the adjoining owners of the platted lands, as shown hereon, are based on information obtained from Hennepin County Interactive Property Map.

SURVEY REPORT

- This map and report was prepared without the benefit of a Commitment to Title Insurance. The property description was obtained from Hennepin County tax records and may not be the latest description of record. There may be easements or other matters of record we are unaware of and thus not shown hereon.
- Conflicts such as (but not limited to): encroachments, protrusions, access, occupation, and easements and/or servitudes:
 [A] Keystone retaining wall crosses the west line of the subject property, as shown hereon.

Hard Cover Calculations	
House Area:	1,664 SF
Conc. Covered Porch:	136 SF
Cast-In-Place Screened Porch:	248 SF
Garage:	15 SF
Bituminous Driveway:	763 SF
Pavers:	271 SF
Keystone Retaining Wall:	136 SF
Stone Retaining Wall:	43 SF
Wood Retaining Wall:	31 SF
Concrete:	233 SF
Fire Pit:	15 SF
Total Hard Cover Area:	3,842 SF
Lot Area:	10,904 SF
Hardcover:	35.2%



Linetype & Symbol Legend

- | | | | | | |
|-----|---------------------------|---|----------------------|---|---------------------|
| — | PIETRIC INF | ⊠ | AIR CONDITIONER | ⊠ | UTILITY VAULT |
| --- | ELECTRIC LINE (RECORD) | ⊠ | CABLE TV BOX | ⊠ | UTILITY MANHOLE |
| --- | FIBEROPTIC LINE | ⊠ | ELECTRIC MANHOLE | ⊠ | ELECTRICAL OUTLET |
| --- | FIBEROPTIC LINE (RECORD) | ⊠ | ELECTRIC TRANSFORMER | ⊠ | HAND HOLE |
| --- | GAS MAIN (RECORD) | ⊠ | ELECTRICAL METER | ⊠ | BOUNDARY |
| --- | OSHDREAD UTILITY | ⊠ | FIBEROPTIC H-WHOLE | ⊠ | LEAK HULL |
| --- | GAS MAIN | ⊠ | POWER POLE | ⊠ | FUEL TANK |
| --- | SANITARY SEWER | ⊠ | GUY WIRE | ⊠ | HANDICAP SYMBOL |
| --- | OSHDREAD UTILITY (RECORD) | ⊠ | GAS MANHOLE | ⊠ | MAIL BOX |
| --- | SANITARY SEWER (RECORD) | ⊠ | STORM SEWER | ⊠ | SIGN |
| --- | STORM SEWER | ⊠ | STORM SEWER (RECORD) | ⊠ | COTYLLIFOLIUS HILL |
| --- | WATER MAIN (RECORD) | ⊠ | WATER MAIN | ⊠ | DECIDUOUS TREE |
| --- | CHAINLINK FENCELINE | ⊠ | WATER MAIN (RECORD) | ⊠ | SOIL BORING |
| --- | WOODEN FENCELINE | ⊠ | WATER MAIN | ⊠ | FOUND IRON MONUMENT |
| --- | UNUSUAL | ⊠ | WATER MAIN | ⊠ | SET IRON MONUMENT |
| --- | ACCESS RESTRICTION | ⊠ | WATER VALVE | ⊠ | CAST IRON MONUMENT |
| --- | CONCRETE SURFACE | ⊠ | WELL | | |
| --- | PAVER SURFACE | | | | |
| --- | BITUMINOUS SURFACE | | | | |
| --- | GRAVEL/LANDSCAPE SURFACE | | | | |

Jake Griffiths

From: Jennifer Labadie
Sent: Tuesday, April 15, 2025 11:20 PM
To: Marc Nevinski; Jake Griffiths
Subject: Fwd: Conditional Use Permit application - 5905 Grant Street

JAKE & Marc - FYI

Sent from my iPhone

Begin forwarded message:

From: Miki Huntington <miki.huntington@gmail.com>
Date: April 15, 2025 at 8:41:38 PM CDT
To: Jennifer Labadie <JLabadie@ci.shorewood.mn.us>
Subject: Re: Conditional Use Permit application - 5905 Grant Street

Mayor Labadie (Jennifer),

I hope this email finds you well. I'm reaching out because we received a postcard from the City of Shorewood last week re: Conditional Use Permit Application for the property at 5905 Grant Street.

While we are unable to attend the City Council Public Meeting on May 27, 2025, we would like to express our support for Richard and Jennifer Pearce at 5905 Grant Street. Their home is located about two blocks from ours. Even though our address is Excelsior, we assume postcards were sent to neighbors in close proximity.

In reviewing the application file online, I was surprised to read of a "Notice of Violation," especially since the fence is visually appealing and offers privacy for neighbors on both sides! And I can only imagine the time, energy, and resources being spent in adjudicating what appear to be a non-issue: a well-designed fence that enhances curb appeal, creates privacy, and contributes to the overall aesthetic! I hope this process is essentially a formality to confirm what is already stated in the Narrative - that the construction is "consistent with the policies and provisions of the Comprehensive Plan."

As always, thank you for your continued leadership and service as Mayor of the City of Shorewood!

Kind Regards,

Miki Huntington

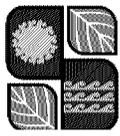
734 Pleasant Street, Excelsior, MN 55331

Melissa Strandmo

From: Jake Griffiths
Sent: Monday, April 28, 2025 9:57 AM
To: Bruce Marmesh
Cc: Melissa Strandmo
Subject: RE: Pearce Request

Good morning Bruce,

Thank you for providing public feedback on this application. I will make sure your comments are shared with the Planning Commission as part of their public hearing on May 6th. If you have any questions or need further assistance please feel free to let me know. Thanks!



City of
Shorewood

5755 Country Club Road
Shorewood, MN 55331
Available Monday – Thursday
7:00am – 5:30pm

JAKE GRIFFITHS
Planning Director

City Hall: 952.960.7900
Direct: 952.960.7909
jgriffiths@shorewoodmn.gov
www.shorewoodmn.gov



From: Bruce Marmesh <brucemarmesh@yahoo.com>
Sent: Sunday, April 27, 2025 12:37 PM
To: Planning <Planning@ci.shorewood.mn.us>
Subject: Pearce Request

Caution: The sender of this message is external to your organization and not recognized. Use care when replying, selecting links, or opening attachments.

To Whom It May Concern:

I live at 711 Grant Street, Excelsior, and my dogs and I walk by the Pearce home every day. I have known Richard, Jen, and the kids ever since they moved in, and they have been wonderful neighbors.

When they built their new house, they did so with the neighborhood in mind and built a home that fits into the area. Their landscaping, and fence, have only enhanced the looks of the property and the neighborhood.

I strongly support their request for a Conditional Use Permit.
Bruce Marmesh

711 Grant Street
Excelsior, MN 55331

952.474.6092

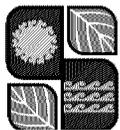
Melissa Strandmo

From: Jake Griffiths
Sent: Thursday, April 24, 2025 7:24 AM
To: Matthew Mehlhoff
Cc: Melissa Strandmo
Subject: RE: Conditional Use Permit Application 5905 Grant St

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Matt,

Thank you for providing feedback regarding this application. Your comments will be reviewed by the Planning Commission as part of their public hearing on May 6th. If you have any questions please feel free to let me know. Thanks!



City of
Shorewood

5755 Country Club Road
Shorewood, MN 55331
Available Monday – Thursday
7:00am – 5:30pm

JAKE GRIFFITHS
Planning Director

City Hall: 952.960.7900
Direct: 952.960.7909
jgriffiths@shorewoodmn.gov
www.shorewoodmn.gov



From: Matthew Mehlhoff <matthew.mehlhoff@gmail.com>
Sent: Wednesday, April 23, 2025 9:01 PM
To: Planning <Planning@ci.shorewood.mn.us>
Subject: Re: Conditional Use Permit Application 5905 Grant St

Caution: The sender of this message is external to your organization and not recognized. Use care when replying, selecting links, or opening attachments.

Hello,

After reviewing the available information it seems Richard Pearce's request is reasonable and should be granted. I support it.

Matt Mehlhoff
760 Grant St, Excelsior, MN 55331

RECEIVED
APR 28 2025
CITY OF SHOREWOOD

Hello Jake + Public Planning
Folks,

Richard's fence is
beautiful - tastefully built +
in place. Please let it
be. I am their neighbor
up on 23290 Park Street.

Thank you,
Clair Cammer

4-24-2025

April 29, 2025

Jake Griffiths
Planning Director,
City of Shorewood

Re: Request for a Conditional Use Permit Application for Richard Pearce, 5905 Grant St., Shorewood

I am writing in regards to the above mentioned application to construct a privacy fence greater than 6' in height, to be erected on the north side of the applicants property. I currently own and live at the home located at 322 Academy, which is on the north side of the proposed fence. Currently, I have a cedar privacy fence around my back yard area, a good portion of which separates Richard's yard from my own.

My concern with his application is the height of the fence he proposes to build, which he is requesting to be above the maximum height allowed of 6'. My own fence is 6' - if Richard were to build a fence greater than that height, the backside of his fence would be visible above my own, which would be an eyesore and destroy the aesthetics of a backyard I've worked very hard to beautiful since purchasing this property nearly 5 years ago.

I have no objection to Richard erecting a fence of the maximum allowable height of 6', but do not see the need to construct one any greater than that, particularly since it would destroy the appearance of my backyard.

I respectfully ask you to consider this, thank you,

Sincerely,

Kiersa Notz
612-267-9237
kiersa@didee.com

Jake Griffiths

From: Julie Williams <williamsjulied55@gmail.com>
Sent: Wednesday, April 30, 2025 12:43 PM
To: Planning
Cc: Jnnfrhrbst@yahoo.com; pearcerichard@bellsouth.net
Subject: EXTERNAL-Conditional Use Permit Application fro 5905 Grant Street

Caution: The sender of this message is external to your organization and not recognized. Use care when replying, selecting links, or opening attachments.

To Whom It May Concern in the Planning Department of the City of Shorewood,
Minnesota:

I, Julie D. Williams, homeowner and resident of 771 Grant Street in Excelsior, am writing to you in support of the conditional use permit application that Rich and Jennifer Pearce are requesting in regard to their privacy fence along the north side of their property at 5905 Grant Street in Shorewood, Minnesota.

I see nothing offensive about this fence and think it adds aesthetic value to both properties that it separates.

I urge you to vote in favor of granting this conditional use permit in an expedient manner. Thank you for your consideration of their request and for reading my email expressing favorable endorsement of this conditional use permit.

With respect and sincerity,

Julie D. Williams
771 Grant Street
Excelsior, MN 55331



Title/Subject: Shorewood Carriage Homes Preliminary Plat & Development Stage PUD
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Location Map
 Applicant’s Narrative & Plans
 PUD Concept Plan City Council Resolution
 Engineer’s Memo
 Fire Marshall’s Memo

APPLICANT: Mark Kaltsas, PLA
LOCATION: 24560 Smithtown Rd
REVIEW DEADLINE: June 14, 2025
COMPREHENSIVE PLAN: Medium Density (6-8 Units Per Acre)
ZONING: R-3A Multiple-Family Residential

REQUEST

The applicant is requesting a preliminary plat and development stage planned unit development known as Shorewood Carriage Homes to subdivide their 0.95-acre property into 6 lots. The applicant’s narrative and plans are attached for review.

Notice of the application was sent by postcard to all property owners within 750 feet of the properties and a sign was also placed in front of the property. Notice of the public meeting was sent by US mail to all property owners within 750 feet of the property at least 10 days prior to the meeting and published in the City’s official newspaper, on the City’s website and at City Hall. As of the publication of this report, no public comments have been received regarding this request.



BACKGROUND

The subject property was originally created as part of Auditor’s Subdivision No. 133 in the early 1900s. There are no substantial structures or dwellings located on the site with the exception of a small shed on the north side of the property that will be demolished as part of development. No portion of the property is within the floodplain or shoreland overlay district, nor does the national wetland inventory indicate that there are any wetlands on the site.

The adjacent property to the north is owned by the City of Shorewood and is commonly known as the Gideon Glen open space area. The adjacent properties to the east are zoned C-1 general commercial and

are currently occupied by a 6-unit apartment building and a commercial business. The adjacent property to the west is currently occupied by a single-family home but is zoned R-3A for medium density housing in the future. The adjacent property across Smithtown Rd to the south is a part of the Minnetonka Country Club Association's open space.

On August 26, 2024, the City Council approved a PUD Concept Plan for the proposed development through Resolution 24-064, a copy of which is attached for reference. This resolution establishes the development standards and criteria for the proposal.

ANALYSIS

Comprehensive Plan: The Comprehensive Plan guides the site as Medium Density Residential, with a net density range of 6 to 8 units per acre. The proposed subdivision has a net density of 6.32 units per acre which is consistent with the Comprehensive Plan. It should be noted that the 6 units being proposed are the minimum allowed on the site by the Comprehensive Plan. Any fewer units and the development would drop below the 6 unit per acre minimum established by the Comprehensive Plan.

Utilities: All 6 lots have access to both municipal sewer and water. Subdivisions of four lots or greater are required to connect to city water, and the proposed development meets this requirement.

Tree Preservation: The applicant has submitted a tree inventory and replacement plan which is consistent with City Code requirements and the City of Shorewood's Tree Preservation Policy.

Staging: The applicant has indicated that the development will be constructed in a single stage.

Private Road: The development would be served by a private road, which would be the responsibility of the homeowner's association to maintain along with the other private improvements associated with the development.

Stormwater: Stormwater on the site would be handled through an underground storage tank on the north side of the site. An emergency overflow would direct any emergency runoff onto the City property to the north, which is consistent with present drainage patterns in the area that cause most drainage in the vicinity to be directed towards the City's property. The applicant will be required to enter into an encroachment agreement with the City for the emergency overflow and provide for its long term maintenance.

Other Improvements: The applicant is proposing to construct a sidewalk on the north side of Smithtown Rd that will provide pedestrian access to the proposed development from the intersection of Smithtown Rd and County Road 19. A mowed trail to Gideon Glen will also be provided as part of the development proposal.

Conformance to City Council Resolution 24-064: The City Council's approval of the PUD Concept Plan established a number of development standards and criteria for the proposal including the following items that were to be provided or revised as part of subsequent applications:

- Revise the plans consistent with the concept plan submitted August 19, 2024.

The applicant has revised their plans to be consistent with the concept plans submitted August 19, 2024.

- Detailed information on the amount of material to be exported/imported, including where on the property it will be removed, erosion control methods, the haul route proposed, etc.

The applicant has provided a grading plan as part of their proposal that indicates the site would not require substantial export/import of fill.

- A utility plan indicating that all homes in the development may be served by gravity sewer.

The applicant has provided a utility plan indicating that all homes in the development may be served by a public gravity sewer main. There are two lots which may need private force mains to be adequately served, however, this is not atypical and would be the responsibility of the homeowner to maintain.

- The HOA documents must include responsibility for maintenance of common areas including the storm water features, private drive, all landscaping and other shared improvements. The HOA documents must also include language requiring the garages to be kept clear of storage items so that a minimum of one-car may be stored within and all vehicles parked on the driveway don't extend into the fire lane. The document must also include language that one trash/recycling hauler, one snowplow/landscaping company, etc. shall service the entire development.

HOA documents will be finalized as part of the final plat process, however, the applicant's narrative indicates that these requirements will continue to be met. City staff will ensure these requirements are incorporated into the HOA documents.

- Provide executed easements and agreements, including stormwater maintenance, development and encroachment agreements.

Executed easements and agreements will be finalized as part of the final plat process.

- Provide a revised landscaping plan to provide all the required detail on the trees to be planted, including, but not limited to, size, species, location, etc. and provide four of the trees to be hardwood maples such as sugar or red.

The applicant has revised their landscaping plan to meet this requirement.

- The curbs of the fire lane turnaround should be painted yellow and the entire private drive should be signed for "no parking by order of the Fire Marshall". The guest parking spaces must be beyond the required dimensions for the turnaround.

The applicant has revised their plans to meet this requirement. The Excelsior Fire District has reviewed the applicant's plans and approval of the request will be conditioned on meeting any outstanding comments the Fire Marshall may have.

- The trail into Gideon Glen shall be a mowed turf trail rather than other surfaces.

The applicant has revised their plans so that the trail into Gideon Glen is a mowed turf trail.

- The PUD Concept Plan is approved to allow six single-family homes as detached townhouses as a permitted use within this subdivision and accessory uses and dimensional requirements as allowed by the R-1D district except as provided herein and shown on the Plans, except that the following accessory uses shall not be permitted: 1) Storage or parking of recreational vehicles or equipment outside the garage; 2) any garage that does not include at least space for one passenger vehicle (not including recreational vehicles or equipment); 3) renting garage space to nonresidents of the property; and 4) noncommercial greenhouses and conservatories; and 5) accessory structures like storage sheds.

The applicant's narrative has indicated that these requirements will be incorporated into the HOA documents as part of the final plat process, and City staff will ensure these requirements continue to be met as the development progresses through the entitlement process. The plans show a six single-family home development consistent with the PUD Concept Plan.

- The PUD Concept Plan is approved allowing the following dimensional requirements:
 - Setback to the internal private drive: 20 ft to the garage.
 - Setback to the north property line: 40 ft
 - Setback between units shall be: 16 ft
 - Setback to east property line: 5 ft for the private drive
 - Setback to the west property line: 10 ft
 - Setback to Smithtown Rd right-of-way: 30 ft for structures
 - No dwelling or other structure attached to the principal dwelling may cross a property line.
 - Basement options shall only be provided for lots where egress wells are not needed for basement bedrooms.

The applicant's plans meet the dimensional requirements established by the PUD Concept Plan resolution.

- Maximum height shall be determined with the PUD Development Plan.

Maximum height shall be no greater than 35 feet, consistent with the requirements of the other single-family residential zoning districts in the City.

- The lot areas and widths for each residential property shall be as shown and approved on the final plat.

Lot areas and widths will be as shown and approved on the final plat. The proposed lot configuration is consistent with the concept plan.

- The development shall have one provider of trash and recycling for all properties.

The applicant has indicated that this will be the case, however, City staff will ensure this requirement is incorporated into the HOA documents.

- The applicant should consider working with the property owner to the east to replace the wood fence with a new privacy fence.

The applicant has indicated in their narrative that they are continuing to work with the property owner to the east to replace the wood fence.

Next Steps: If the request is approved, the applicant will be required to submit a Final Plat and Final Stage PUD Application to the City. The final plat application is reviewed solely by the City Council and the Final Stage PUD Application is reviewed by City staff.

FINDINGS/RECOMMENDATION

Staff recommends approval of the preliminary plat and development stage planned unit development on the finding that the subdivided lots would be consistent with the intent of the Comprehensive Plan, the zoning and subdivision requirements of the City, and the approved PUD Concept Plan, subject to the following conditions:

Prior to recording the plat, the applicant shall complete the following:

- Acquire all permits from other applicable jurisdictions having an interest in the site.
- Revise the plans to conform with City Code, the Engineer's Memo and Fire Marshall's Memo.
- Pay required utility connection fees and park dedication for all 6 lots.
- Enter into a development agreement, stormwater agreement, and encroachment agreement for the development.
- Meet the requirements of City Council Resolution 24-064 approving the PUD Concept Plan and all conditions included therein.
- As part of the final plat application, the applicant shall submit all information required for the PUD Final Plan application and Final Plat application, and any other information that may be required consistent with the City Code, Engineering Guidelines, City Council Resolution 24-064, and approval of the PUD Development Plan and Preliminary Plat.

Prior to issuance of building permits, provide the following:

- Proof of recording for the plat, resolution, easements, agreements and other recorded documents.
- Proof that all existing structures have been removed in accordance with the demolition plan.
- The applicant shall submit a soils/geotechnical report from a licensed professional engineer that indicates the soils present on the site and those brought in are adequate to support the construction of the buildings and other improvements.
- Provide a construction management plan to the City.

The Planning Commission is requested to hold a public hearing on the proposed preliminary plat, take any testimony provided, and make a recommendation to City Council. If the request is approved, the next steps for the applicant would be to submit applications for Final Plat and Final Stage Planned Unit

Development. The Final Plat is reviewed solely by the City Council, and the Final Stage PUD is reviewed by City staff.



April 15, 2025

SHOREWOOD CARRIAGE HOMES NARRATIVE

24560 Smithtown Road

Description of Request: The proposed project received conceptual entitlement approval (PUD Concept Plan Approval) in September of 2024 via **RESOLUTION No. 24-064**. The attached submittal package further details the proposed project. Per prior discussions with the City, we are seeking approval for a Preliminary Plat and a Development Stage Planned Unit Development consistent with the approved Concept Plan.

Project Narrative:

- 1) Description of the project including the proposed name of the development, zoning classification; staging, expected populations/housing profile (if applicable); gross square footage of commercial projects by activity (if applicable); and a statement summarizing any changes from previous submissions, etc.*

The proposed project aims to develop a narrow vacant lot along Smithtown Road, aligning with the City's Comprehensive Plan/zoning and its vision for medium-density housing in the region. This development will create a thoughtful transition between the C-1 Commercial properties to the east and the existing single-family homes to the west. By offering new housing options for six families or households, the project will provide an attainable opportunity for individuals to join the Shorewood community or continue living within its welcoming environment. Our hope is to create and develop a high quality and sustainable housing product/option that does not currently exist within Shorewood Tentatively named "Shorewood Carriage Homes," the development is currently under consideration with a marketing and real estate team finalizing the name.

In accordance with the Shorewood Comprehensive Plan, the designated lot is allocated for medium-density residential use, allowing for 6 to 8 units per acre. The proposed development aligns with this zoning and rezoning of the property to R-3A. In accordance with the City's directives, we are seeking the adoption of a Planned Unit Development (PUD), along with the approval of a Preliminary Plat, with this application. It is important to note that the owner/developer does not possess any contiguous or adjacent land.

We envision completing the development of common infrastructure in a single phase, followed by the construction of individual homes as prospective buyers express interest. We anticipate that the residential options offered through this project will appeal to a diverse

range of residents, particularly aging adults or families looking for obtainable new construction in Shorewood and our corresponding school district.

This submission does not pursue significant changes from the most recent project approval; instead, it represents a refinement of the design plans, incorporating additional details in response to stakeholder feedback. The estimated completion date for this project is set for 2026.

Additional considerations include:

- An ornamental metal fence will mark the property boundary, enhancing aesthetics while screening the development from adjacent properties.
- The proposed lots will accommodate either lookout or walkout basements, as illustrated in the architectural plans.
- The design of this development has been done so that it works closely with the existing grades. The current design is wholly balanced with no export or fill required.
- All homes will offer options for increased finished space, including a basement and optional second floor, allowing potential buyers to select variations that best suit their needs.
- Each home will comply with the garage setback requirement of 20 feet from the curb, ensuring adequate space for two vehicles to park in the driveways.
- Each home will have a two (2) car garage, and the development will require that at least one (1) interior garage space be maintained for passenger vehicle parking. Garage spaces cannot be rented.
- No recreational vehicle parking outside will be permitted within the development.
- No accessory structures, sheds, greenhouses will be permitted within the development.
- No exterior storage of equipment outside of the garage will be permitted.
- Proposed private driveway meets all applicable criteria of the Minnesota State Fire Code (MSFC) Appendix D.
- Exterior building materials will consist of stone, Smart LP, and Cedar wood accents, ensuring an appealing and durable finished product.

- The proposed access driveway will be private and maintained by the Homeowners Association (HOA) for the development, which will oversee all aspects of maintenance, including snow removal, coordinated trash collection using a single provider, seal coating, crack sealing, overlay, and replacements.
- We are working with the adjoining property owners to determine if fence installation or replacement is desired and would cover all costs associated with any fencing changes or installation.
- We are excited about the potential of the Shorewood Carriage Homes and look forward to contributing to the community's growth and vitality.

2) *Any other information required by the City Council or staff from a previous submission*

Any documentation provided by City relative to prior submittals and approvals was reviewed and the enclosed submittal package addresses all requests.

SITE DEVELOPMENT PLANS FOR SHOREWOOD CARRIAGE HOMES

**SECTION 33, TOWNSHIP 117, RANGE 23
SHOREWOOD, HENNEPIN COUNTY, MN**

PROJECT TEAM:

ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.

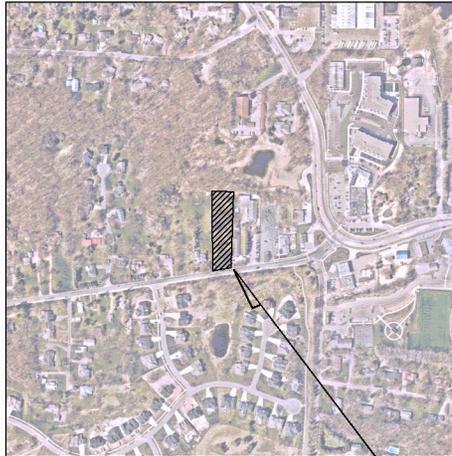


PREPARED BY: MATTHEW J. SORENSON, P.E.
767 EUSTIS STREET, SUITE 100
ST. PAUL, MN 55114
TELEPHONE (651) 645-4197

LANDSCAPE ARCHITECT
TERRAMARK
PO BOX 193
EXCELSIOR, MN 55331
TELEPHONE: (612) 567-8786
CONTACT: MARK KALTSAS, PLA

OWNER / DEVELOPER
ADMARK, LLC
PO BOX 193
EXCELSIOR, MN 55331
TELEPHONE: (612) 567-8786
CONTACT: MARK KALTSAS

SURVEYOR
EGAN, FIELD & NOWAK, INC
475 OLD HIGHWAY 8 NW, SUITE 200
NEW BRIGHTON, MN 55112
TELEPHONE: (612) 466-3300
CONTACT: ERIC ROESER, PLS



**VICINITY
N.T.S.**



SITE

NOTES:

1. CONTRACTOR SHALL CONFIRM THAT THE EXISTING CONDITIONS FOR THE SITE MATCH WHAT IS SHOWN ON THE DRAWINGS INCLUDED PRIOR TO CONSTRUCTION.
2. IF REPRODUCED, THE SCALES SHOWN ON THESE PLANS ARE BASED ON A 22x34 SHEET.
3. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICES COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
4. ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS.

Sheet List Table	
Sheet Number	Sheet Title
C000	COVER SHEET
V100	ALTA SURVEY
C100	GENERAL NOTES
C101	PRELIMINARY PLAT
C200	EROSION & SEDIMENT CONTROL PLAN - PHASE 1
C301	EROSION & SEDIMENT CONTROL PLAN - PHASE 2
C400	SITE PLAN
C101	TURNING MOVEMENT PLAN
C500	GRADING PLAN
C501	STORM DETAILS
C600	UTILITY PLAN

BENCHMARKS	
SITE BENCHMARKS: (LOCATIONS SHOWN ON SURVEY)	
SBM #1 TOP NUT OF HYDRANT LOCATED NEAR THE SOUTHERLY SIDE OF SMITHTOWN ROAD ELEVATION=888.14 (NAVD 88)	



NO.	REVISIONS	DATE	BY

Kimley-Horn
2003 KIMLEY-HORN AND ASSOCIATES, INC.
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: (651) 645-4197
WWW.KIMLEY-HORN.COM

THIS PROJECT AND THE SPECIFICATIONS AND REPORTS PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC. ARE THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.

DATE: 01.11.2008
DRAWN BY: MJS
CHECKED BY: MJS
SCALE: AS SHOWN
PROPERTY: ADMARK, LLC
JOB NO.: 08071

COVER SHEET

PRELIMINARY - NOT FOR CONSTRUCTION

**SHOREWOOD
CARRIAGE HOMES**
PREPARED FOR
ADMARK, LLC
SHOREWOOD, MN

SHEET NUMBER
C000

K:\TWAC_LDEV\TERRAMARK\Shorewood, MN Residential\3 Design\CAD\DWG\Sheet\03-COVER SHEET.dwg April 15, 2025 - 11:22am
This document, together with the schedule and location presented herein, are an integral part of the contract. It is intended only for the specific purpose and need for which it was prepared. Review and accept these plans on this document without alteration and adoption by Kimley-Horn and Associates, Inc. shall constitute liability to Kimley-Horn and Associates, Inc.

ALTA/NSPS LAND TITLE SURVEY FOR: Kimley Horn & Associates, Inc.

LEGAL DESCRIPTION:

That part of Lot 25, Auditor's Subdivision Number One Hundred Thirty-Three (133), Hennepin County, Minnesota described as follows:
Commencing at the intersection of the South line of said Lot 25 and its Easterly extension with the West right-of-way line of Hennepin County State Aid Highway No. 19, Plat 57; thence Southwesterly along said South line of said Lot 25 and its Easterly extension, a distance of 373.185 feet; thence Northerly, parallel to that part of the West right-of-way line of said Highway Plat lying North of the South line of said Lot 25, a distance of 196.67 feet; thence v. Westerly, parallel with the North line of said Lot 25, a distance of 72.11 feet to the point of beginning of the land to be described; thence Northerly, parallel to said West right-of-way line of said Highway Plat, a distance of 192.47 feet to the North line of said Lot 25; thence Westerly along said North line a distance of 103.45 feet to the Northeast corner of said Lot 25; thence Southerly along the West line of said Lot 25 a distance of 411.01 feet to the South line of said Lot 25; thence Easterly along said South line of said Lot 25 to a line drawn Southerly from the point of beginning and parallel with that part of the West right-of-way line of said Highway Plat lying North of the South line of said Lot 25, thence North along said last described parallel line to the point of beginning. Being Torrens Property as evidenced by Certificate of Title No. 788511.

GENERAL SURVEY NOTES:

- The orientation of this bearing system is based on the Hennepin County coordinate grid (NAD 83-2011 Adj.).
- The legal description and assessment information used in the preparation of this survey is based on the Commitment for Title Insurance prepared by Stewart Title Guaranty Company, Commitment No. 21.88.00350 dated January 21, 2021 at 8:00 A.M.
- The surveyed property has direct access to Smithtown Road, a public right of way.
- No evidence of cemeteries, burial grounds or gravestones were observed in the process of conducting the fieldwork.
- This survey shows only those improvements visible during the field survey, some structures and improvements covered by ice and snow, or underground may not be shown.

OPTIONAL TABLE A ITEMS:

- Monuments have been placed at all major corners of the surveyed property described herein, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.
- The address of the property described herein is 24560 Smithtown Road, Shorewood, Minnesota 55331.
- The property described herein lies within Flood Zone "X" (area of minimal flood hazard) per Federal Insurance Rate Map No. 27053C 0314 F, dated November 4th, 2016.
- The total area of the property described herein is 41,548 square feet or 0.95381 acres.
- The contours depicted hereon are per elevation data collected while conducting the fieldwork. The contour interval is 1 foot.
SITE BENCHMARK: Top nut of hydrant located near the southerly side of Smithtown Road
Elevation = 906.14 feet. (NAVD 85)

- No zoning report or letter was received from the insurer pursuant to Optional Table A item 6(e), as set forth in the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.
- Exterior building footprint area is depicted herein.
- The exterior building footprint area at ground level is depicted herein.
- Substantial features observed in the process of conducting the fieldwork are depicted herein.
- As of the date of this survey the property described herein contains no striped parking spaces.
- Existing utilities, services and underground structures shown herein were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 220340648. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.

List of utilities notified per Gopher State One Call Ticket No. 220340648:

CITY OF SHOREWOOD	(952) 292-7023
CENTURYLINK - CTCLD	(877) 368-8344
MO	(608) 624-8674
CENTER POINT ENERGY	(912) 321-4421
MINNETONKA SCHOOLS ISD #276	(218) 346-8248
MEDICOM	(848) 443-2940
XCEL ENERGY	(800) 895-4999

- The names of adjoining owners according to current tax records are depicted herein.
- The intersection of Smithtown Road and County Road 19, lies 373 feet easterly of the surveyed property.
- As of the date of this survey there is no observable evidence of current earth moving work, building construction or building additions on the property described herein.
- The platfile offset assessments or servitudes disclosed in documents provided to the surveyor are depicted herein.

SURVEY ITEMS PER SCHEDULE B:

- ITEM 10: Reservation of Minerals and Mineral rights in favor of the State of Minnesota.
 - ITEM 11: Restrictions, Covenants and Easements of record.
 - ITEM 12: Utility and Drainage assessments on the recorded plat. Plat drawing has been ordered but not received. The company retains the right to make further exceptions based on a review of the Plat Drawing.
- There are no dedicated drainage and utility assessments on Auditor's Subdivision No. 133.

CERTIFICATION:

To Admark LLC, a Minnesota limited liability company, Clarence Clofer Post No. 259, a Post of the American Legion, a Minnesota Corporation, Riverbank Bank, ISADA and Stewart Title Guaranty Company:

This is to certify that this map or plat of the survey on which it is based was made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(e), 7(a), 7(b)(1), 8, 9, 11(c), 13, 14, 16, and 18 Table A thereof. The fieldwork was completed on February 10, 2022.

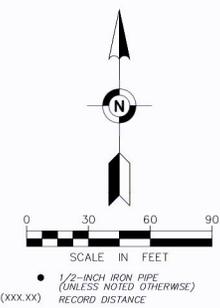
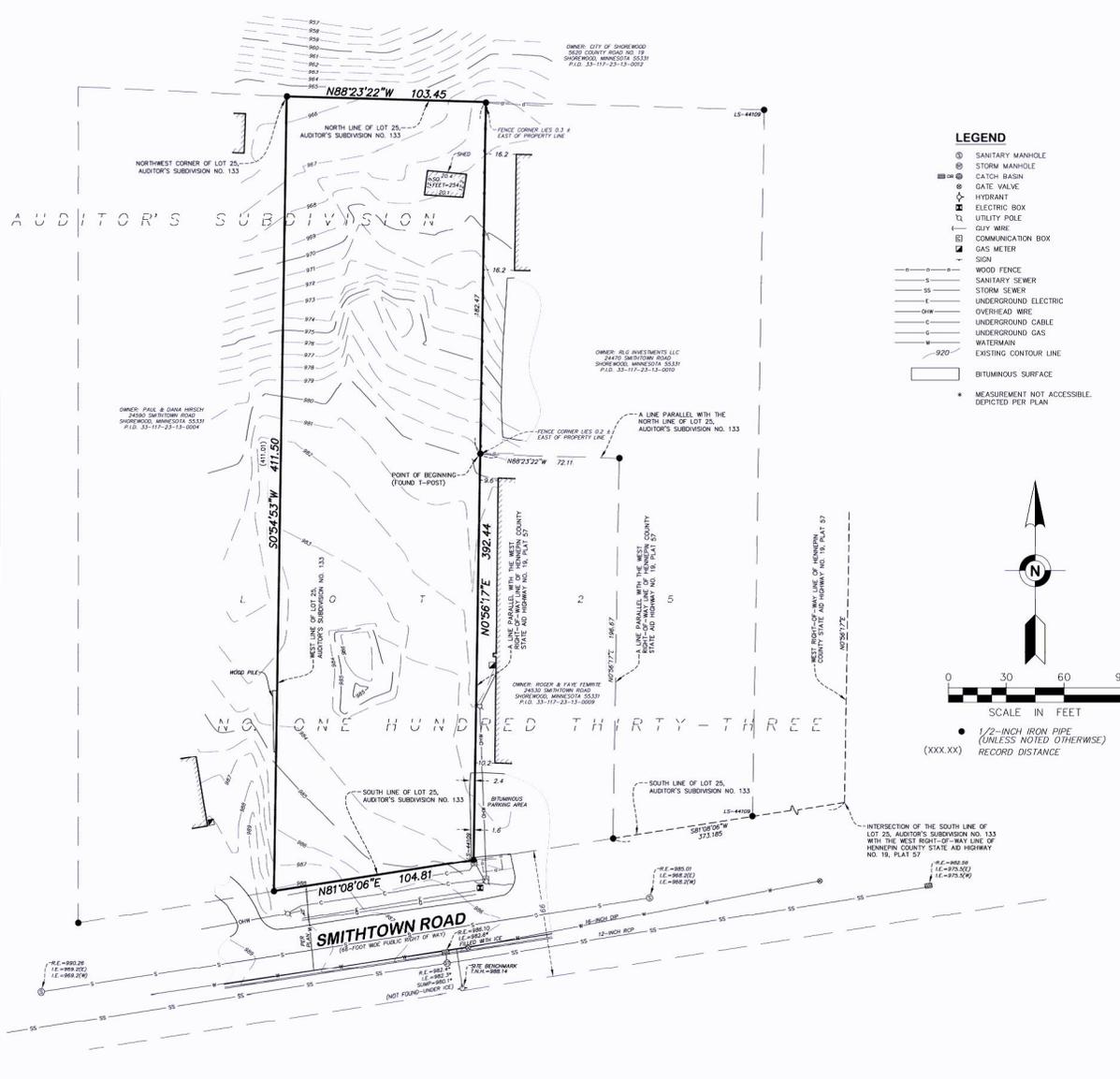
Date of Plat or Map: March 19, 2022.

Eric A. Rosser
Minnesota License No. 47476
eroser@efnsurvey.com



475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3501
WWW.EFNSURVEY.COM

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Land surveyors since 1872

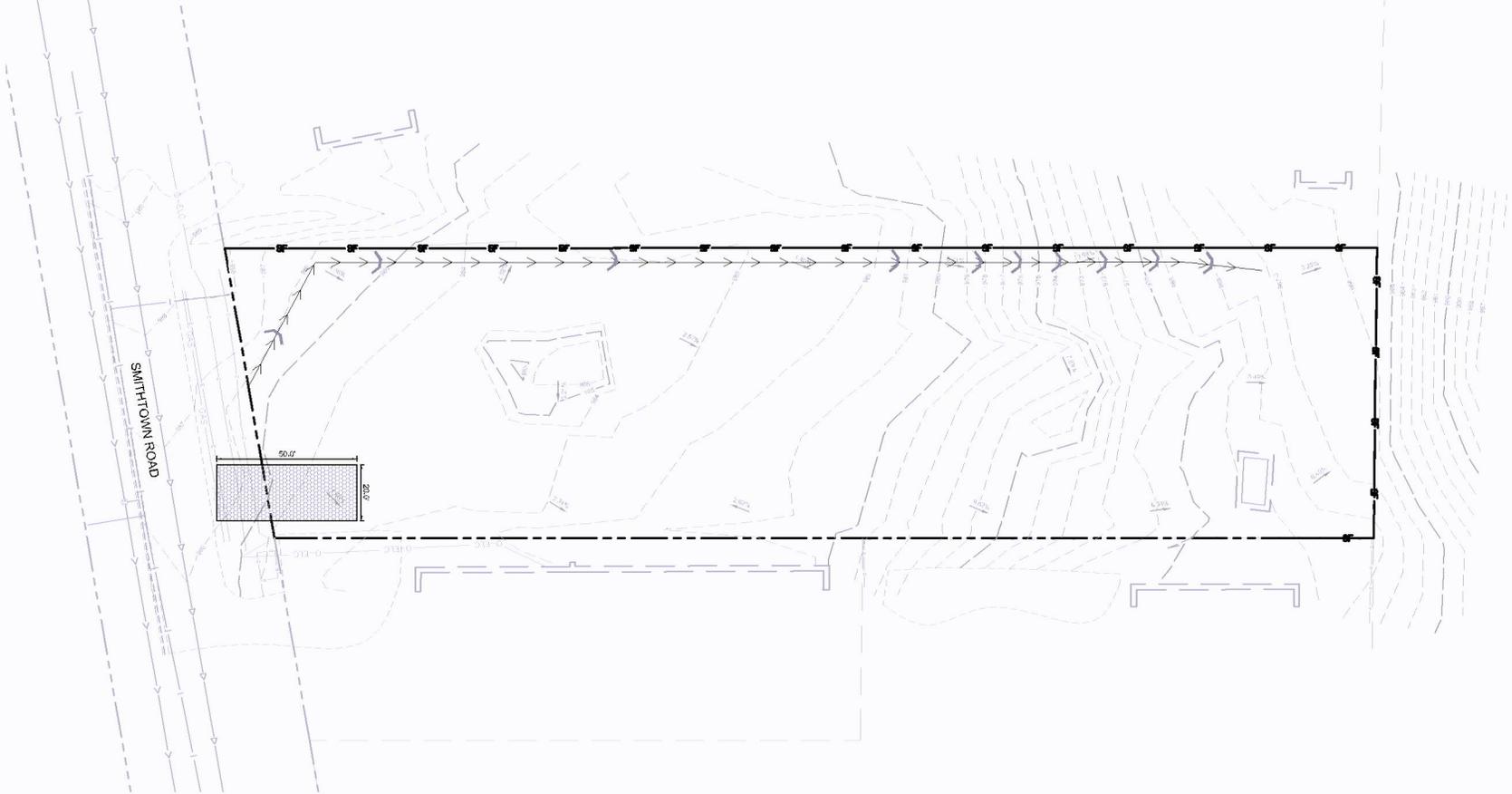


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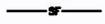
ALTA/NSPS LAND TITLE SURVEY

SURVEY FOR:
Kimley-Horn & Associates, Inc.

PROPERTY ADDRESS:
**24560 Smithtown Road
Shorewood, Minnesota 55331**



LEGEND

-  ROCK CONSTRUCTION ENTRANCE
-  EROSION CONTROL BLANKET
-  INLET PROTECTION
-  SILT FENCE
-  DIVERSION LINE OR DIVERSION CHANNEL
-  DIVERSION
-  BIOROLL

EROSION CONTROL PLAN NOTES

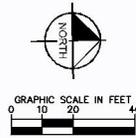
1. ALL PERMITTER SILT FENCE AND ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO CONSTRUCTING.
2. THE CONTRACTOR SHALL CONSTRUCT DRAINAGE BASINS PRIOR TO SITE GRADING.
3. THE CONTRACTOR SHALL INSTALL CATCH BASIN EROSION CONTROL MEASURES.
4. WITHIN ONE WEEK (7 DAYS) OF SITE GRADING ALL DISTURBED AREAS SHALL BE STABILIZED WITH SEED, SOG, OR ROCK BASE. REFER TO LANDSCAPE PLANS FOR MATERIALS.
5. ALL EROSION CONTROL MEASURES SHALL BE REINSTALLED AND MAINTAINED IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
6. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF SILT IN FRONT OF SILT TRAPPS DURING THE DURATION OF THE CONSTRUCTION.
7. ANY EXCESS SEDIMENT IN PROPOSED BASINS SHALL BE REMOVED BY THE CONTRACTOR.
8. REMOVAL ALL EROSION CONTROL MEASURES AFTER VEGETATION IS ESTABLISHED.
9. THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS, ADJACENT AREAS AND SHALL SWEEP ADJACENT STREETS AS NECESSARY IN ACCORDANCE WITH CITY REQUIREMENTS.
10. IF BLOWING DUST BECOMES ANNUYANCE, THE CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.

SEQUENCE OF CONSTRUCTION:

- UPON IMPLEMENTATION AND INSTALLATION OF THE FOLLOWING AREAS: TROILER, PILING, EXISTING PORTABILITY, SHEEL WASH, CONCRETE WASHOUT, FUEL AND MATERIAL STORAGE CONTAINERS, SOLID WASTE CONTAINERS, ETC., REGENERATE DUSTS TO THE AIR ON THE SITE SLOPS AND NOTE ANY CHANGES IN LOCATION AS THEY OCCUR THROUGHOUT THE CONSTRUCTION PROCESS.
- BMP AND EROSION CONTROL INSTALLATION SEQUENCE SHALL BE AS FOLLOWS:
1. INSTALL INLET PROTECTION AT EXISTING STORMWATER CULVERTS.
 2. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE (S), CONCRETE WASHOUT PIT (U) AND INSTALL SILT FENCE.
 3. PREPARE TEMPORARY STORM AND STORAGE AREA.
 4. CONSTRUCT AND STABILIZE DIVERSIONS AND TEMPORARY SEDIMENT TRAPS, PERFORATED PAVING AND CURBING OF THE SITE, PERFORM MASS GRADING.
 5. ROUGHEN TO ESTABLISH PROPOSED DRAINAGE PATTERNS.
 6. START CONSTRUCTION OF THE BUILDING PAD AND STRUCTURES.
 7. TEMPORARILY SEED WITH PINE LIME SEEDS THROUGHOUT CONSTRUCTION.
 8. DISTURBED AREAS THAT WILL BE INACTIVE FOR 7 DAYS OR MORE OR AS REQUIRED BY WISCONSIN/CITY OF SHOREWOOD GRADING PERMIT.

AREA SUMMARY	
TOTAL PROPERTY AREA	0.95 AC
EXISTING IMPERVIOUS AREA	0.00 AC
EXISTING PERVIOUS AREA	0.95 AC
PROPOSED IMPERVIOUS AREA	0.45 AC
PROPOSED PERVIOUS AREA	0.50 AC
TOTAL DISTURBED AREA	0.95 AC

PHASE I BMP QUANTITIES	
SILT FENCE	±550 LF
DIVERSION	±400 LF
BIOROLL	10 EA
ROCK CONSTRUCTION ENTRANCE	1 EA



PRELIMINARY - NOT FOR CONSTRUCTION

**SHOREWOOD
CARRIAGE HOMES**

PREPARED FOR
ADMARK, LLC

SHOREWOOD, MN

**EROSION &
SEDIMENT
CONTROL PLAN -
PHASE 1**

Kimley & Horn

2003 MINNEAPOLIS AND ASSOCIATES, INC.
762 EAST W STREET, SUITE 300, ST. PAUL, MN 55114
PHONE: 651.464.4177
WWW.KIMLEYHORN.COM

PROJECT NO.	DATE	SCALE	PREPARED BY	CHECKED BY
		AS SHOWN	W. PETER J. JOHNSON	J.T.
			DATE: 04.15.2025	DATE: 04.15.2025

NO.	REVISIONS	DATE	BY

K:\TWG_LDEV\terramark\Shorewood_MN_Residential3\Design\CAD\DWG\Shorewood-C4-SITE_PLAN.dwg, April 15, 2025 - 11:28am

This document, together with the schedule and location plan, shall be read in conjunction with the other documents submitted in support of this application. It is intended only for the specific purpose stated and shall not be used for any other purpose without the written authority of the undersigned. No part of this document shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the undersigned.

LEGEND

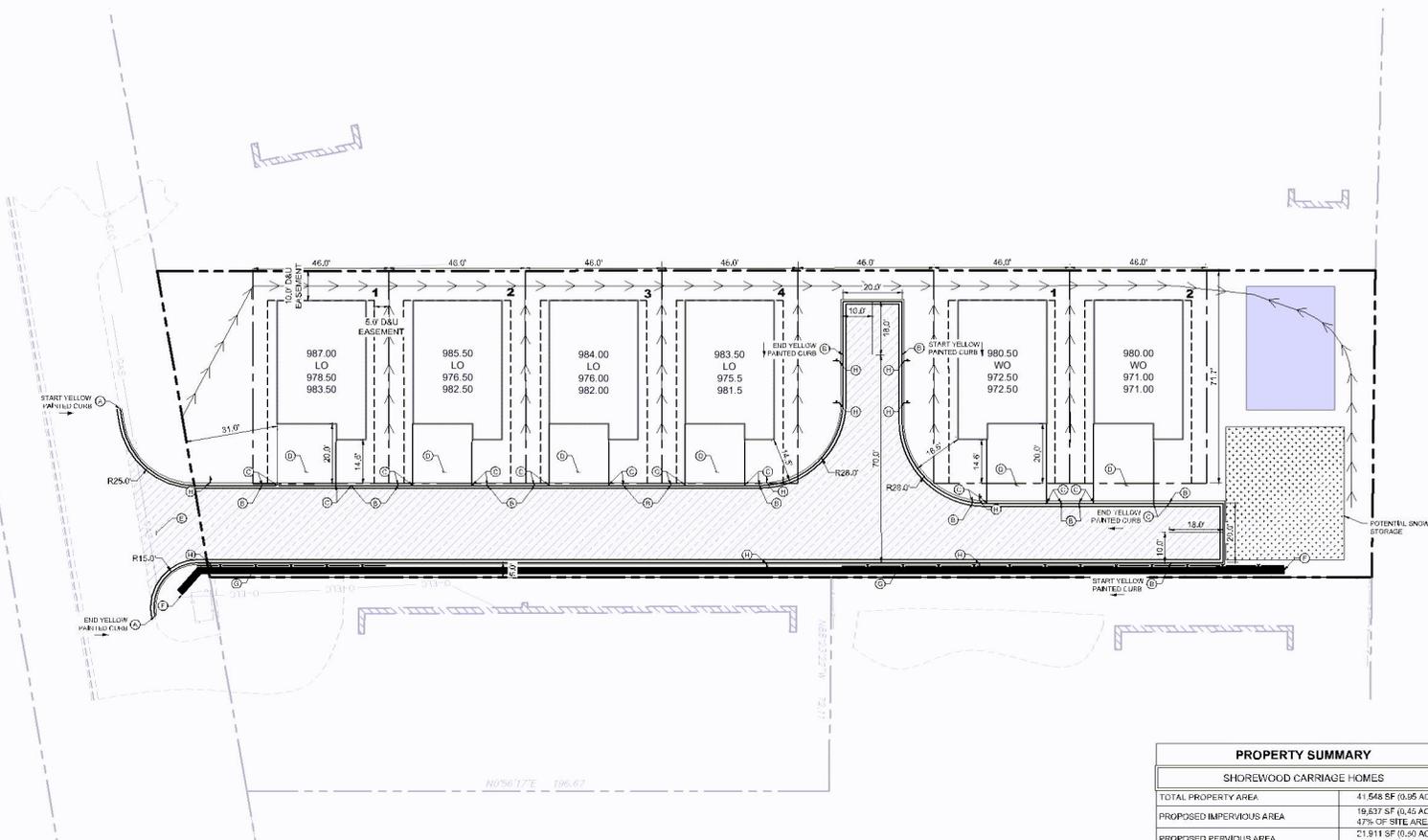
- PROPERTY LINE
- - - LOT LINE
- - - EASEMENT LINE
- - - EXISTING RIGHT-OF-WAY LINE
- - - PROPOSED FENCE
- - - DRAINAGE SWALE WITH DRAIN TILE
- - - RETAINING WALL
- - - PROPOSED CURB AND GUTTER
- - - PROPOSED HEAVY DUTY ASPHALT
- - - UNDERGROUND STORM WATER MANAGEMENT

SITE PLAN NOTES

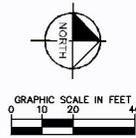
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COMMUNITY REGULATIONS AND CODES AND LOCAL ORDINANCES.
2. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOGIC, VOLS AND DIMENSIONS OF VES, WALLS, SLOPE, PAVING, SCHEDULES, PART FINISHES, TRUCK LOADS, PROPOSED CURB, DIMENSIONS AND FACTOR RATIO FOR UTILITY PRIOR TO CONSTRUCTION.
3. ALL INNER CURBED RADII ARE TO BE 7' AND OUTER CURBED RADII ARE TO BE 10' UNLESS OTHERWISE NOTED. STRIPPED RADII ARE TO BE 5' UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
5. EXISTING STRUCTURES WITH IN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BIDDING.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, UNLESS OTHERWISE NOTED ON PLANS, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SEWER, TRUNK TO SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BIDDING.
7. SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY EQUAL FIELD & ASSOCIATES, DATED 08/19/2022. KIMLEY-HORN ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES, OR OMISSIONS CONTAINED THEREIN.
8. TOTAL LAND AREA IS 0.95 ACRES.
9. Pylon MONUMENT SIGNS SHALL BE CONSTRUCTED BY OTHERS. SIGNS ARE SHOWN FOR GRAPHICAL & INFORMATIONAL PURPOSES ONLY. CONTRACTOR TO VERIFY SIGN LOCATION AND ANY REQUIRED PERMITS NECESSARY FOR THE CONSTRUCTION OF THE Pylon / MONUMENT SIGN.
10. CONTRACTOR SHALL REFERENCE A(1) MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
11. NO PROPOSED LANDSCAPING SUCH AS TREES OR SHRUBS ABOVE AND UNDERGROUND SIGNALLING (E.G. HIGH CUBE SIGNALS) SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY UNLESS SPECIFICALLY NOTED ON PLANS OTHERWISE.
12. REFER TO FINAL PLAT OR AIA SURVEY FOR EXACT LOT AND PROPERTY BOUNDARY DIMENSIONS.
13. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
14. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.

KEYNOTE LEGEND

- (A) MATCH EXISTING EDGE OF PAVEMENT CURB & GUTTER
- (B) EXISTING CURB & GUTTER (TYP.)
- (C) TRANSITION CURB
- (D) RESIDENTIAL DRIVEWAY
- (E) COMMERCIAL DRIVEWAY ENTRANCE
- (F) HELI-LIGHT WALL (BY CONTRACTOR)
- (G) GUARDRAIL
- (H) TYPE 'T' NO PARKING FIRE LANE SIGN



PROPERTY SUMMARY	
SHOREWOOD CARRIAGE HOMES	
TOTAL PROPERTY AREA	41,548 SF (0.95 AC)
PROPOSED IMPERVIOUS AREA	19,637 SF (0.45 AC) 47% OF SITE AREA
PROPOSED PERVIOUS AREA	21,911 SF (0.50 AC) 53% OF SITE AREA
TOTAL DISTURBED AREA	41,528 SF (0.96 AC)
ZONING SUMMARY	
EXISTING ZONING	R-3A, TWO-FAMILY/MULTIPLE
PROPOSED ZONING	PUD, PLANNED UNIT DEVELOPMENT
BUILDING SETBACKS	FRONT = 30' SIDE = 15' REAR = 30' ADD TO RESIDENTIAL = 50'
BUILDING DATA SUMMARY	
AREAS	
PROPOSED PROPERTY	41,548 SF (0.95 AC)
BUILDING AREA	6,616 SF (21% OF TOTAL PROPERTY AREA)
PARKING	
REQUIRED PARKING	4 SPACES
PROPOSED PARKING	4 SPACES



PRELIMINARY - NOT FOR CONSTRUCTION

SITE PLAN

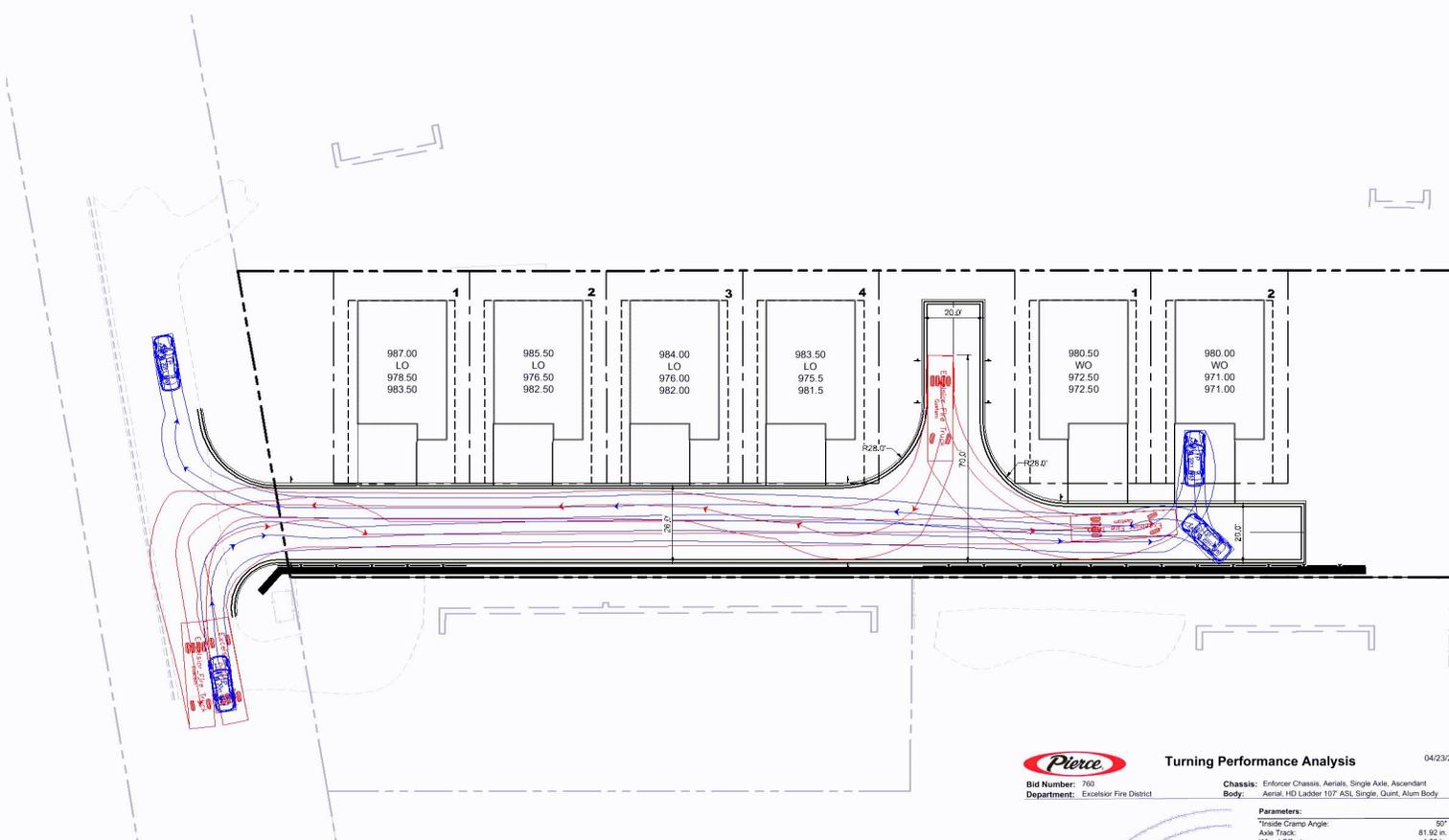
SHOREWOOD CARRIAGE HOMES
PREPARED FOR
ADMAR, LLC

SHEET NUMBER
C400

Kimley-Horn
© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
702 EAST 18th STREET, SUITE 300, ST. PAUL, MN 55114
PHONE: 651.434.4177
WWW.KIMLEY-HORN.COM

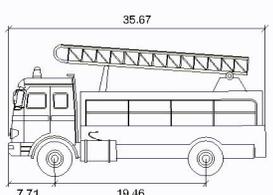
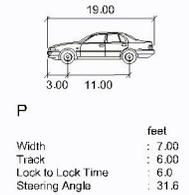
NO.	REVISIONS	DATE	BY

K:\TWAC_LDEV1\terramark\shorewood_mn_residential3\design\cadd\p\in\streets\c4--TURNING MOVEMENT IS.dwg April 22, 2025 - 5:16pm
 This document, together with the schedule and drawings prepared hereon, are an integral part of the contract. It is intended only for the specific purpose and shall be used for no other purpose without the written consent of Kimley-Horn and Associates, Inc. The user assumes all liability for any reproduction and adaptation.



LEGEND

---	PROPERTY LINE
---	LOT LINE
---	EASEMENT LINE
---	EXISTING RIGHT-OF-WAY LINE
---	PROPOSED FENCE
---	EMBRACE SWALE WITH DRAIN TILE
---	RETAINING WALL
---	PROPOSED CURB AND CUTTER



Excelsior Fire Truck
feet

Width	: 8.57	Lock to Lock Time	: 6.0
Track	: 6.83	Steering Angle	: 50.0
		Articulating Angle	: AA

NOTE: MODELED BASED ON LADDER 11 TURNING PERFORMANCE ANALYSIS, SEE DETAIL ON THIS SHEET.

Pierce Turning Performance Analysis 04/23/2019

Bid Number: 760
Department: Excelsior Fire District

Chassis: Enforcer Chassis, Aerials, Single Axle, Ascendant
Body: Aerial, HD Ladder 107' ASL, Single, Quirt, Alum Body

Parameters:

Inside Cramp Angle:	50°
Axle Track:	81.92 in.
Wheel Offset:	4.88 in.
Tread Width:	16.3 in.
Chassis Overhang:	65.95 in.
Additional Bumper Depth:	22 in.
Front Overhang:	92.5 in.
Wheelbase:	233.5 in.

Calculated Turning Radii:

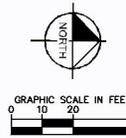
Inside Turn:	15 ft. 4 in.
Curb to curb:	31 ft. 3 in.
Wall to wall:	36 ft. 4 in.

Category **Option** **Description**

Axle, Front, Custom	0617983	Axle, Front, Dana, D-2200F, 22,800 lb, Enforcer, (425 Tires)
Wheels, Front	0019611	Wheels, Front, Alox, 22.50" x 12.25", Aluminum, Hub Pilot
Tires, Front	0094621	Tires, Front, Goodyear, G236 M&A, 42S/65R22.50, 20 ply
Bumpers	0012246	Bumper, 22" Extended, Saber FR/Enforcer
Aerial Devices	0614515	Aerial, 107' ASL, Single Axle, 750# Tip Load

Notes:

*Actual inside cramp angle may be less than shown.
Curb to Curb turning radius calculated for 9.00 inch curb.



PRELIMINARY - NOT FOR CONSTRUCTION
SHOREWOOD CARRIAGE HOMES
 PREPARED FOR **ADMARK, LLC**
 SHOREWOOD, MN

Kimley >> Horn
 © 2025 KIMLEY-HORN AND ASSOCIATES, INC.
 702 EAST 18TH STREET, SUITE 300, ST. PAUL, MN 55114
 PHONE: 651.434.4107
 WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

K&H PROJECT NO. 25-001
 DATE 04/22/2025
 SCALE AS SHOWN
 PREPARED BY MMB
 DRAWN BY JTL
 CHECKED BY WDM

TURNING MOVEMENT PLAN

SHEET NUMBER **C401**

LANDSCAPE PLAN

CARRIAGE HOMES
 24850 S. SMITHTOWN ROAD
 SHOREWOOD, WI 53091

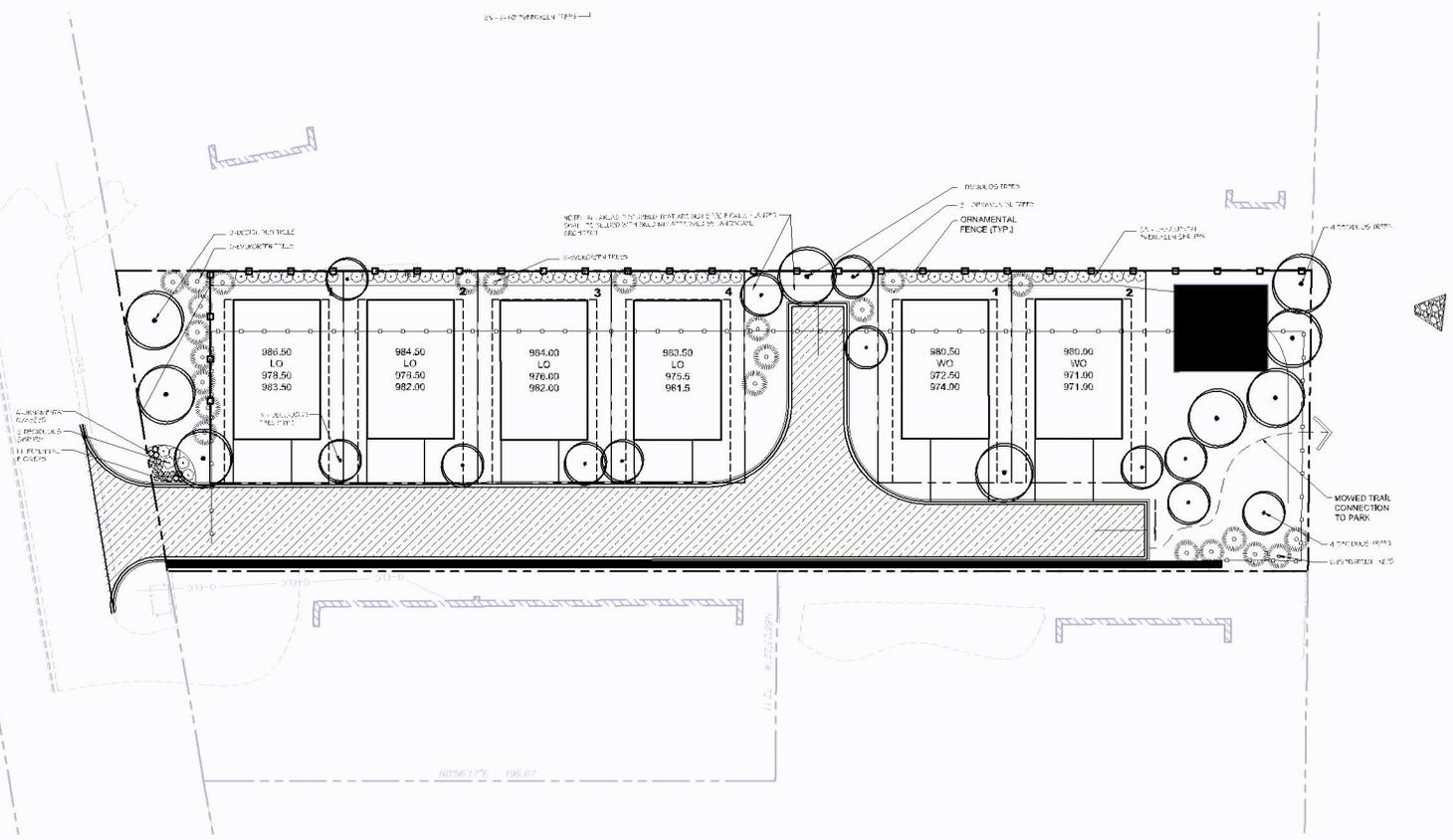
Revisions:
4.9.2025

Scale:
1" = 20'-0"

Job No:
2025-29

Date:
1.20.2025

Sheet No:
L-1



GENERAL LANDSCAPE NOTES

- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR AND SHALL MAINTAIN THE LANDSCAPE FOR 90 DAYS POST THE FINAL INSPECTION.
- CONTRACTOR SHALL CONTACT UTILITY LOCATOR TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANT OR LANDSCAPE MATERIAL.
- LANDSCAPE CONTRACTOR TO CONTACT LANDSCAPE ARCHITECT PRIOR TO GROUNDING PLANT MATERIAL.
- FINAL LOCATION OF ALL PLANTING SHALL BE DETERMINED IN THE FIELD BY THE OWNER'S REPRESENTATIVE.
- NO PLANT MATERIAL WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ANY MODIFICATIONS TO PLANTING LAYOUT, PLANT MATERIALS, ETC. SHALL BE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER PRIOR TO EXECUTION.
- SIZE AND GRADING STANDARDS OF PLANT MATERIAL SHALL CONFORM TO THE LATEST EDITION OF ANY 2024 LANDSCAPE STANDARDS FOR NURSERY STOCK BY THE AMERICAN HORTICULTURE AND LANDSCAPE ASSOCIATION.
- ALL PLANT MATERIALS SHALL BE HANDSOME, MATURE, GROWN STRONG AND SHALL BE FREE OF ANY DISFIGURED, DISEASED OR INSECT DAMAGE. ANY MATERIALS WITH DAMAGED OR DISFIGURED GROWTH, LEAF, BARK, ABRASION, SURFACING, INSECT DAMAGE, ETC. ARE NOT ACCEPTABLE AND WILL BE REJECTED.
- TREES NOT LISTED IN A GENERAL LEADOFF PLAN WILL BE REJECTED UNLESS CALLED OUT IN THE PLANT LIST AS MULTI-SEED.
- CONTRACTOR SHALL PROVIDE A TWO-YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS UPON WRITTEN ACCEPTANCE OF THE FINAL PLANTING BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE. REPLACEMENT PLANT MATERIALS SHALL ALSO HAVE A TWO-YEAR GUARANTEE WHICH COMMENCES UPON RE-INSTALLATION.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY MAINTENANCE (INCLUDING WATERING) OF PLANT MATERIALS FOR 90 DAYS FROM THE DATE OF ACCEPTANCE BY OWNER.
- A MINIMUM OF 18" OF LOAM PLANTING SOIL SHALL BE USED WHEN PLANTING ALL TREES (SEEDS OF HOLES).
- A MINIMUM OF 18" OF LOAM PLANTING SOIL SHALL BE USED WHEN PLANTING ALL TREES (SEEDS OF HOLES).
- PLANTS SHALL BE INSTALLED IMMEDIATELY UPON ARRIVAL TO SITE.
- ALL PLANTING BEDS TO BE EDGED USING COMMERCIAL GRADE PLASTIC EDGING INSTALLED PER MANUFACTURER'S RECOMMENDED INSTALLATION INSTRUCTIONS.
- ALL PLANTING BED AREAS TO BE MULCHED AS FOLLOWS:
 - 16.1.1 ALL DRIVE BEDS SHALL BE MULCHED USING 4"-8" OF SMOOTH RIVER ROCK (MULCH BANNED WITH WEED BARBERS). COLOR SHALL MATCH BUILDING ROOFER ROOF SHALL BE Laid AT A DENSITY SO THAT NO WEED BARRIER SHALL BE VISIBLE.
 - 16.1.2 ALL TREE BEDS IN LAWN AREAS SHALL BE MULCHED USING 3"-4" OF PREMIUM SHEDDED HARDWOOD BARK MULCH (MULCH SHALL BE PLACED SO THAT IT DOES NOT TOUCH THE TRUNK OF THE PLANT).
- TREES SHALL BE PLANTED SO THAT THE ROOT CROWN (FLARE) IS SET 1"-2" ABOVE FINISHED GRADE. DO NOT USE THE EXISTING TOP OF THE ROOT BALL AS AN INDICATOR OF THE LOCATION OF THE ROOT BALL.
- CONTRACTOR SHALL REPAIR ALL DAMAGE TO PROPERTY WHICH RESULTS FROM THE PLANTING AND LANDSCAPE INSTALLATION AT NO COST TO THE OWNER.
- APPLY A PRE-EMERGENT HERBICIDE TO ALL PLANTING AREAS THAT WILL EFFECTIVELY CONTROL BROADLEAF AND GRASSY WEEDS IMMEDIATELY AFTER PLANTING AND PRIOR TO INSTALLATION OF MULCH.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE PERMITS.
- CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
- ALL LAWN AREAS TO BE SEeded WITH COMMERCIAL TURF GRASS BLEND, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

LANDSCAPE LEGEND

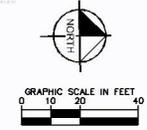


SITE DATA

DATE: 01/20/2025
 CLIENT: COMMERCIAL
 PROJECT ADDRESS: 24850 S. SMITHTOWN ROAD, SHOREWOOD, WI 53091
 SITE: COMMERCIAL
 PROJECT TYPE: COMMERCIAL
 PROJECT PHASE: PRELIMINARY
 PROJECT STATUS: PRELIMINARY
 PROJECT LOCATION: 24850 S. SMITHTOWN ROAD, SHOREWOOD, WI 53091
 PROJECT CONTACT: [REDACTED]
 PROJECT PHONE: [REDACTED]
 PROJECT FAX: [REDACTED]
 PROJECT EMAIL: [REDACTED]

PLANT SCHEDULE

PLANT	QUANTITY	SIZE	PRICE	TOTAL	REMARKS
1. 2\"/>					



**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24 - 064

**A RESOLUTION APPROVING A PUD CONCEPT PLAN FOR THE PROPERTY
LOCATED AT 24560 SMITHTOWN ROAD**

WHEREAS, Admark, LLC. (the “Applicant”), has submitted a request a PUD Concept Plan for a development (the “Request”) for the property legally described as:

That part of Lot 25, Auditor’s Subdivision Number One Hundred Thirty-Three (133), Hennepin County, Minnesota, described as follows:

Commencing at the intersection of the south line of said Lot 25 and its easterly extension with the west right-of-way line of Hennepin County State Aid Highway No. 19, Plat 57: thence southwesterly along said south line of said Lot 25 and its easterly extension, a distance of 373.185 feet; thence northerly, parallel to that part of the west right-of-way line of said Highway Plat lying north of the south line of said Lot 25, a distance of 196.67 feet; thence v westerly, parallel with the north line of said Lot 25, a distance of 72.11 feet to the point of beginning of the land to be described; thence northerly, parallel to said west right-of-way line of said Highway Plat, a distance of 182.47 feet to the north line of said lot 25; thence westerly along said north line a distance of 103.45 feet to the northwest corner of said Lot 25; thence southerly along the west line of said Lot 25 a distance of 411.01 feet to the south line of said Lot 25; thence easterly along said south line of said Lot 25 to a line drawn southerly from the point of beginning and parallel with that part of the west right-of-way line of said Highway Plat, lying north of the south line of said Lot 25, thence north along said last described parallel line to the point of beginning. Being Torrens Property as evidenced by Certificate of Title No. 788511 (the “Property”); and,

WHEREAS, the Request has been submitted in the manner required for the development of land under the Shorewood City Code and under Chapter 462 of Minnesota Statutes, and all proceedings have been duly consistent thereunder; and,

WHEREAS, said Request is consistent with the regulations and requirements of the laws of the State of Minnesota and the City Code of the City of Shorewood for the approval of such a request.

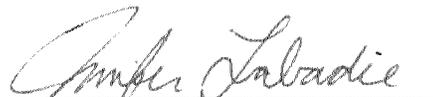
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, AS FOLLOWS:

1. The Request is hereby approved according to the plans and materials submitted May 21, June 3, July 3, and August 19, 2024, (the “Plans”) subject to the conditions listed below.

2. With subsequent applications, the Applicant shall submit plans and materials as required by the zoning and subdivision regulations and elsewhere in City Code and as may be indicated by the City Engineer's Memo dated July 10, 2024.
 - A. Revise the plans consistent with the concept plan submitted August 19, 2024.
 - B. Detailed information on the amount of material to be exported/imported, including where on the property it will be removed, erosion control methods, the haul route proposed, etc.
 - C. A utility plan indicating that all homes in the development may be served by gravity sewer.
 - D. The HOA documents must include responsibility for maintenance of common areas including the storm water features, private drive, all landscaping and other shared improvements. The HOA documents must also include language requiring the garages to be kept clear of storage items so that a minimum of one-car may be stored within and all vehicles parked on the driveway can't hand into the fire lane. The document must also include language that one trash/recycling hauler, one snowplow/landscaping company, etc. shall service the entire development.
 - E. Provide executed easements and agreements, including stormwater maintenance, development and encroachment agreements.
 - F. Revised plans indicating the following:
 - 1) Amend the landscaping plan to provide all the required detail on the trees to be planted, including, but not limited to, size, specie, location, etc. and provide four of the trees to be hardwood maples such as sugar or red.
 - 2) The curbs of the fire lane turnaround should be painted yellow and the entire private drive should be signed for "no parking by order of the fire marshal". The guest parking spaces must be beyond the required dimensions for the turnaround.
 - 3) The trail into Gideon Glen shall be a mowed turf trail rather than other surfaces.
3. The PUD Concept Plan is approved to allow six single-family homes as detached townhouses as a permitted use within this subdivision and accessory uses and dimensional requirements as allowed by the R-1D district except as provided herein and as shown on the Plans, except that the following accessory uses shall not be permitted: 1) storage or parking of recreational vehicles or equipment outside the garage; 2) any garage that does not include at least space for one passenger vehicle (not including recreational vehicles or equipment); 3) renting garage space to nonresidents of the property; and 4) noncommercial greenhouses and conservatories; and 5) accessory structures like storage sheds.
4. The PUD Concept Plan is approved allowing the following dimensional requirements:
 - 1) Setback to the internal private drive: 20 feet to the garage;
 - 2) Setback to north property line: 40 feet;
 - 3) Setback between units shall be: 16 feet;
 - 4) Setback to east property line: 5 feet for the private drive;
 - 5) Setback to the west property line: 10 feet;
 - 6) Setback to Smithtown Road right-of-way: 30 feet for structures;
 - 7) No dwelling or other structure attached to the principal dwelling may cross a property line; and,

- 8) Basement options shall only be provided for lots where egress wells are not needed for basement bedrooms.
5. Maximum height shall be determined with the PUD Development plan.
6. The lots areas and widths for each residential property shall be as shown and approved on the final plat.
7. The development shall have one provider of trash and recycling for all properties.
8. The applicant should consider working with the property owner to the east to replace the wood fence with a new privacy fence.
9. The approval for the PUD Concept Plan shall expire in 180 days if the applicant has not submitted a complete application for PUD Development Plan, except that the applicant may request an extension to the approval subject to the requirements of Section 1201.25 Subd. 6. c. (5).

ADOPTED BY THE CITY COUNCIL OF SHOREWOOD Minnesota this 26th day of August, 2024.



Jennifer Labadie, Mayor

ATTEST:



Sandie Thone, City Clerk

April 28, 2025

Jake Griffiths, City Planner
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

Re: 24560 Smithtown Road – Preliminary Plat and PUD Application

Dear Mr. Griffiths:

The following documents were submitted for review for the proposed development at 24560 Smithtown Road:

- Shorewood Planning/Subdivision Application, prepared by Terramark, signed 2/14/2025
- PUD Development Plan Application Checklist
- Preliminary Plat/Minor Subdivision Summary Application Checklist
- Shorewood Carriage Homes Narrative, prepared by Admark, LLC, dated 4/15/2025
- Shorewood Carriage Homes Civil Plans (11 Sheets), prepared by Kimley-Horn, dated 4/15/2025
- Shorewood Carriage Homes Fire Protection Plan Markup on Site Plan Sheet, prepared by Kimley-Horn, dated 1/7/2025
- Carriage Homes Landscape Plans (1 sheet), prepared by Terramark, dated 4/9/2025
- Carriage Homes Tree Preservation Plan (1 sheet), prepared by Terramark, dated 5/19/2024
- Residential House Architectural Plans (6 sheets), Sheets A1 and A2 dated 1/11/2025 and 4 additional unnumbered sheets dated 4/11/2025
- Shorewood Carriage Homes Sidewalk Exhibit (1 sheet), prepared by Kimley-Horn, dated 12/23/2024
- Shorewood Carriage Homes Stormwater Management Report, prepared by Kimley-Horn, dated 4/14/2025

Barr Engineering Co.'s (Barr's) review included the documents listed above and has generated the following comments:

1. The development needs to be designed and constructed according to the City Standard Specifications and Details.
2. Prior to the start of any construction, permits shall be secured with the following at a minimum:
 - a. Minnehaha Creek Watershed District
 - b. MPCA Construction Stormwater General Permit
 - c. Minnesota Department of Health
 - d. Metropolitan Council Environmental Services
3. The landscape plan (Sheet L-1) shows two lines for an ornamental fence. One of the fences is shown going through the proposed homes and portions of two of the roadways on the lot. The landscape plan needs to be updated to remove the redundant fence line.
4. The project narrative indicates that the proposed lots will accommodate either lookout or walkout basements, as illustrated in the architectural plans, but the architectural plans show slab on grade units. Furthermore, the grading plan shows that the ground elevation difference between the front and rear of the homes units varies from 3.25 feet to 9 feet for the walkout units and varies from 1

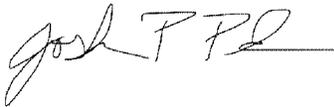
- foot to 4 feet, which may not be sufficient elevation change for walkout or lookout designs. The design intent needs to be clarified, and the drawings need to be updated accordingly.
5. The size of the homes on the architectural plans does not match the size of the homes on the civil plans nor the landscape plans. Ultimately, the design needs to match on all plans.
 6. On the erosion control plan (Sheets 300 and 301), the silt fence needs to extend approximately the full length of the east side of the parcel to keep sediment from leaving offsite to the building to the east.
 7. Profiles of the proposed storm sewer, sanitary sewer, and water main should be provided as part of a final plat submittal.
 8. The elevations of the sanitary sewer services for Block 2, Lots 1-2, shown on the Utility Plan (Sheet C600), may not be deep enough for the proposed elevations of the homes on those lots. The applicant should verify these elevations with the architect and modify the elevations as needed.
 9. The proposed site design needs to comply with the city's rate control requirements in Section 5.3 of the City's Surface Water Management Plan (SWMP). For assessing compliance with these requirements, the following comments need to be addressed.
 - a. The volume of the underground storage vault needs to match between the plans and the HydroCAD modeling.
 - b. Documentation needs to be provided showing that CB 100 is appropriately sized for the amount of surface water drainage to the structure. The City requires that a clogging factor of 50% shall be utilized in sizing intake structures. Modify the analysis to account for the clogging factor or provide documentation that this was included as part of the analysis.
 10. Documentation needs to be provided showing that the proposed site meets the City's flood control requirements in Section 5.3 of the City's SWMP. For assessing compliance with these requirements, the following comments need to be addressed.
 - a. Documentation needs to be provided showing that the minimum floor elevation requirements are met regarding groundwater and regarding the proposed flood elevations of the swales on the sides and rear of each unit.
 11. Documentation needs to be provided showing that the proposed site meets the City's water quality treatment requirements in Section 5.3 of the City's SWMP, including a summary of the average annual pollutant removal efficiencies for total phosphorus and total suspended solids. The volume of the underground storage vault also needs to match between the plans and the stormwater report.
 12. The final design for the proposed site needs to comply with the City's infiltration/volume control requirements in Section 5.3 of the City's SWMP. For assessing compliance with these requirements, the following comments need to be addressed.
 - a. The calculations in the stormwater management report should be updated to match the City's requirements.
 - b. Documentation such as soil borings or geotechnical investigations, needs to be provided as to why infiltration is not feasible.
 - c. The flow capacity, sizing and bypass considerations, and treatment efficiency of the proposed Bayfilter device need to be provided.
 - d. The access route for future maintenance of the proposed underground chamber system and Bayfilter needs to be shown on the plans or on a separate exhibit. No trees, shrubs or other obstructions should be in the access route.
 - e. Owners of private stormwater facilities will need to enter into an agreement with the City describing responsibility for the long-term operation and maintenance of the stormwater facilities; this agreement needs to be executed and recorded with the final plat. An

operations and maintenance plan for the proposed stormwater system should be included with future submittals.

13. At the location of the potential snow storage area on the Site Plan (Sheet C400) there are multiple constraints which may limit the snow storage and/or general use of the space. The landscaping plan (Sheet L-1) shows multiple trees (deciduous and evergreen) that may limit snow storage capacity, the plan shows a trail connection to the park through this area which could be cutoff in the winter by the snow piles. Furthermore, the trail connects to the roadway in the middle of a parking stall, which may inhibit or limit pedestrian access. Consider reconfiguring this space to 1) allow for better access to the trail and 2) modify the locations of the proposed trees to provide more open space for snow storage.

Please let us know if we can provide additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Phillips". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Josh Phillips, PE, Civil Engineer
Barr Engineering Co.



Excelsior Fire District

In partnership with the Communities of:

Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

✉ kmurphyringate@excelsiorfire.org

☎ 952-960-1692

March 10, 2025

Admark, LLC
7035 Halstead Drive
Minnetrista, MN 55364

Re: Shorewood Carriage Homes

Dear Applicant,

I have reviewed the plans for the construction for the project above. Please make sure that the following issues are addressed as you complete your project. The list below is based on review of the plans received by the City of Shorewood , but not limited to, the review of future submitted plans, tests conducted, or items found during the construction process.

General

- Provide a construction/project timeline to the Excelsior Fire District.
- Provide emergency contact information for the project to the Excelsior Fire District.

Emergency Vehicles Access

- Access for emergency vehicles must be maintained at all times.
- To ensure access for Fire Apparatus and other emergency vehicles, please advise concrete companies, vendors, sub-contractors , delivery companies, and landscapers not to block access to the site or any hydrants regardless of their location.

During Construction

- The dumpster(s) must be placed per the Minnesota State Building Code, Section 304, Combustible Waste Material

Hydrants

- The hydrant location on the plans is approved by the Excelsior Fire District based on the location indicated on submitted plans.
- Hydrant signs cannot be within 3 feet of the hydrant. Minnesota State Fire Code Sections 507.5.4-507.5.6
- Hydrants require 3 feet of working space around them at all times, trees, shrubs, perennials, and other landscaping elements shall not impede on the 3 foot perimeter over time.

Excelsior Fire District Access and Safety

- The Excelsior Fire District requires a narrative and plans that reflect the requirements of Minnesota State Fire Code, Appendix D, Fire Apparatus Access Roads that has been adopted by the City of Shorewood. See attached.
 - Indicate turning radius of the Excelsior Fire District Ladder Truck on the plans in addition to the legend. D103.3 Turing Radius. See attachment.
- Please verify the “No Parking Fire Lane ” sign locations on the submitted plans meet the requirements of Appendix D, Fire Apparatus Access Road of the Minnesota State Fire Code.
- Add a “No Parking Fire Lane ” sign to the East and West side of the hammerhead turnaround.
- Paint the curbs of the hammerhead yellow.
- Notify the Excelsior Fire District if propane will be used to heat the town homes while they are under construction. Propane tanks and storage must follow NFPA 58 2017 Edition and other affiliated codes and standards.
- Construction site fire extinguishers must be at least 4.5-pounds, shall be mounted and/or secure from tipping, be in plain sight, and assessable during construction. A fire extinguisher is required for each building under construction.

- Construction site fire extinguisher(s) must have a current inspection tag and be assessable at all times.
- Only combustible storage related to construction should be allowed on site.
- Only the amount of gasoline, propane, or other fuels related to construction are allowed to be stored on site.

Addressing

Temporary Address During Construction:

- Must be posted at each home site as construction begins on the site.
- Numbers must be kept clear of obstructions to help emergency vehicles find the address without delay.
- It should be in a place that cannot be covered by snow, snow plowing, over growth, bushes, dumpsters, or garbage.
- Note: The address may need to be placed in several areas to be seen by emergency personnel.

Permanent Address Posting:

- A permanent address is required before the residence can be occupied, see below for addressing details.
- Home address numbers must be clearly displayed.
- The address must be visible from the middle of the street during all times of the year and all hours of the day.
- Numbers must be a contrasting color with background they will be mounted on or engraved in.
- The address numbers must be permanently displayed, i.e., carved, engraved, or mounted.
- House numbers must be kept clear of obstructions to help emergency vehicles find the address without delay.

- The address should be in a place that cannot be covered by snow, snow plowing, overgrowth, bushes, garbage or recycle cans stored or pulled to the curb.
- Consider reflective numbers for the address.

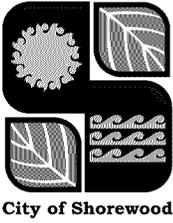
Note: I will be out of town on two separate occasions, Wednesday, March 19 to Monday, March 31st and Tuesday, April 22nd to Tuesday, April 29th

Please plan accordingly.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kellie', with a large, stylized flourish extending to the right.

Kellie Murphy-Ringate
Excelsior Fire District Fire Marshal
952-960-1692
Kmurphyriongate@excelsiorfire.org



Title/Subject: Nonconformities City Code Amendments
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Draft City Code Amendments

APPLICANT: City of Shorewood
LOCATION: City Wide

BACKGROUND

One of the policy goals of the 2040 Comprehensive Plan was to establish appropriate regulations for development upon lawful nonconforming lots. More specifically, the idea was that nonconforming lots that are already developed should be able to be redeveloped without the need for a variance. Upon review of the City Code, City staff also found that it had not been substantially updated for several decades and did not account for recent changes to state law or legal precedent regarding nonconformities.

Nonconforming lots are those properties which do not comply with the present zoning regulations for the area. Typically, nonconforming lots are identified in one of two categories: legally nonconforming or illegally nonconforming. Legal nonconformities are sometimes referred to as being “grandfathered in” and are those situations where a property was being used in a certain manner before zoning regulations were adopted that made it no longer in compliance. Illegal nonconformities are the exact opposite and are essentially violations of the City Code. The City will commonly review variance requests for nonconforming properties.

Notice of tonight’s public hearing was posted in the City’s official newspapers, published on the City’s website and at City Hall. No public comments were received prior to the publication of this report.

REQUEST

The proposed updates to the City Code incorporate the direction of the Comprehensive Plan and also modernize the City’s regulations towards nonconformities. The proposed updates would essentially function as a repeal and replace of the entirety of the existing City Code. The result of the proposed amendments will be much greater flexibility for property owners to use their properties without needing to seek variances from the City. City staff would caution that the proposed amendments were drafted in consultation with the City attorney and have a lot of conversation with state law and legal precedent. For this reason, some of the proposed updates may not be able to be substantially altered in order to maintain compliance with state statute.

The most substantial policy changes include the following:

- Existing lots of record would no longer need a variance in order to be redeveloped, as long as all other City Code requirements are met.

- A parallel extension/expansion of a pre-existing legal nonconforming structure may be permitted without a variance as long as all other City Code requirements are met and the nonconformity is not increased.

FINDINGS/RECOMMENDATION

Staff recommends approval of the proposed amendments implementing the direction of the Comprehensive Plan relative to nonconformities. The Planning Commission is requested to hold a public hearing on the proposed amendments and make a recommendation to the City Council.

1201.02 DEFINITIONS.

~~**NONCONFORMING STRUCTURE.** Any structure which, on the effective date of this chapter, does not, even though lawfully established, conform to the applicable conditions if the structure were to be erected under the guidance of this chapter. Also any structure located on a nonconforming lot.~~

~~**NONCONFORMING USE.** Any use which, on the effective date of this chapter, does not, even though lawfully established, conform to the applicable conditions if the use were to be established under the guidance of this chapter.~~

~~**ILLEGAL NONCONFORMITY OR ILLEGAL NONCONFORMING USE.** A land use, lot of record, structure, building, or sign that was unlawful when it was initiated, created or constructed and which did not conform to the applicable conditions or provisions of the official controls for the district in which the use, lot, structure, building or sign is located.~~

~~**LOT OF RECORD.** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Hennepin County Recorder prior to the effective date of this Chapter.~~

~~**NONCONFORMING BUILDING, STRUCTURE, OR USE.** A building, structure, or use lawfully in existence on the effective date of this chapter or any amendment thereto and not conforming to the regulations for the district in which it is situated.~~

~~**NONCONFORMITY.** Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.~~

1201.03 GENERAL PROVISIONS.

Subd. 1. *Nonconforming buildings, structures and uses.*

— a. *Purpose.* It is the purpose of this section to regulate nonconforming structures and uses and to specify those requirements, circumstances and conditions under which nonconforming structures and uses will be operated and maintained. The zoning ordinance establishes separate uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity.

—b. Any structure or use lawfully existing upon the effective date of this chapter shall not be expanded, but may be continued at the size and in the manner of operation existing upon the date except as hereinafter specified or subsequently amended.

—c. Nothing in this chapter shall prevent the placing of a nonconforming structure into safe condition when the structure is declared unsafe by the Building Official, unless the use is destroyed by fire or other peril to the extent of 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged. The market value shall be determined by the City Assessor.

—d. In instances where complete compliance cannot be achieved, nonconforming structures may be moved or rebuilt, when it can be demonstrated that the structure has less impact on adjacent properties, and conforms substantially better with current zoning requirements. Approval of such cases shall take into consideration existing and proposed landscaping, sight lines, and site drainage, and shall be subject to review and recommendation by the Planning Commission and approval by the City Council.

—e. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

—f. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

—g. Any structure or use lawfully existing upon the effective date of this chapter may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless the structure is removed or the use discontinued for a period of more than one year, after which the land on which the nonconformity is located shall be subject to all of the regulations specified by these zoning regulations for the district in which the land and structures are located.

—h. Alterations may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or the nonconformity.

—i. Lawful nonconforming, single-family residential units may be expanded, provided:

—(1) That the expansion does not increase the nonconformity and complies with height and setback requirements of the district in which it is located;

—(2) That if the nonconformity exists because the lot area does not meet the minimum requirement for the district in which it is located, the expansion shall not increase the floor area of all structures to lot area ratio to greater than 30%.

~~— (3) That the granting of the expansion shall not adversely affect the aesthetics or character of the adjacent property.~~

~~— (4) That any expansion shall take into consideration the protection of light and air to the adjacent property.~~

~~— (5) That in cases where a structure is too close to a lot line, the city may require that the discrepancy be made up by enlarging the opposite required yard space. (Example: where a building is eight feet from a side lot line in a district in which a ten foot setback is required, the city may require a 12 foot setback on the other side.)~~

a. Purpose and intent. It is the purpose of this subdivision to provide for the regulation of nonconformities and nonconforming buildings, structures, and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses may be operated and maintained. The zoning ordinance establishes separate districts, each of which is an appropriate area for the location of uses, which are allowed in that district. It is necessary and consistent with the establishment of these districts and the Comprehensive Plan that nonconforming buildings, structures and uses not be allowed to continue without restriction. Furthermore, it is the intent of this subsection that all non-conforming buildings, structures, or uses shall eventually be brought into conformity with the requirements of the Shorewood City Code. For the purposes of this subdivision, enlargement of alteration means:

~~— (1) Any increase in a dimension, size, area, volume, or height.~~

~~— (2) Any increase in the area of use.~~

~~— (3) Any placement of a structure or building or part thereof where none existed before.~~

~~— (4) Any improvement that would allow the land to be more intensely developed.~~

~~— (5) Any move of operations to a new location on the property.~~

~~— (6) Any increase in intensity of use based on a review of the original nature, function or the purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odor, area of operation, number of employees, and other factors deemed relevant to the City.~~

b. Continued nonconforming use. A nonconforming use may be used and continued, including through repair, replacement, restoration, maintenance or improvement, but not, including expansion, enlargement or intensification.

c. Continued nonconforming building or structure.

____ (1) A nonconforming structure or building damaged by fire or other peril to an extent of 50% or less of its estimated market value, as indicated in the records of the county assessor at the time of damage, may be restored, reconstructed, or repaired, and can be used as before, provided the work is completed within one year after the damage occurred.

____ (2) Any nonconforming structure or building damaged by fire or other peril to an extent greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, shall not be restored or reconstructed and used as before such destruction unless a building permit to restore, reconstruct or repair the structure or building has been applied for within 180 days after the damage occurred. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent properties. A subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

____ (3) The City may permit an expansion, as authorized in this subdivision, and impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health and safety.

d. Change of use. When any legal nonconforming use of land or structure has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use or structure.

e. Reduction of nonconformity. A legally nonconformity may be changed to lessen the legally nonconforming structure or use. Once a legally nonconforming structure or use has been reduced, it shall not be altered thereafter to increase the nonconformity.

f. Discontinuance of nonconformity. If a nonconformity is discontinued or ceases for a period of more than one year, any subsequent use or occupancy of the land or premises shall be a confirming use or occupancy.

g. Maintenance of nonconforming structures. Maintenance of a nonconforming structure, building or sign will be permitted when it includes necessary nonstructural repairs and incidental alternations which do not extend or intensify the nonconforming use of a structure, building or sign.

h. Alterations and expansions.

____ (1) Alterations may be made to a continued nonconforming structure when such alterations improve the livability and safety of such structure or building; provided, however, that they do not increase the number of dwelling units in the structure and meet

the minimum height and setback requirements of the zoning district in which they are located.

____ (2) Where a single-family dwelling is a continued nonconforming structure, the addition of a bedroom that otherwise meets the zoning ordinance regulations shall not be considered an expansion of the use and is permitted. Such addition shall be limited to an increase in the living area of no more than 20% of the existing main floor square footage. The addition of a deck, garage, patio, fence, driveway, swimming pool or other development that improves the liability or safety of the dwelling and otherwise meets the zoning ordinance regulations standards for height and setbacks shall be permitted.

____ (3) A parallel extension/expansion of a pre-existing continued nonconforming structure, or construction of an accessory structure, is permitted without a variance if all the following criteria are met.

_____ a. The nonconforming structure is a conforming use in the zoning district in which it is located.

_____ b. The extension/expansion does not encroach further into the already established nonconforming setback.

_____ c. The extension/expansion meets all other applicable standards of the Shorewood City Code.

____ (4) Any modification to an existing nonconforming residential building or structure to provide an accessibility improvement shall be permitted upon the approval of the Zoning Administrator.

____ (5) Expansion of a continued nonconforming nonresidential use, structure, or building may be permitted if it can be demonstrated that the proposed expansion prevents or abates a public nuisance or protects the public health, safety, and welfare.

____ (6) In cases where a structure is too close to a lot line, the city may require that the discrepancy be made up by enlarging the opposite required yard space. (Example: where a building is eight feet from a side lot line in a district in which a ten-foot setback is required, the city may require a 12-foot setback on the other side.)

i. *Change in tenancy.* A change in tenancy, ownership, or management will not affect the status of the nonconformity if the nonconformity continues in the same manner and of no greater intensity as that occurring prior to the change.

j. *Buildings under construction and building permits granted prior to adoption or subsequent amendment of zoning regulations.* Any proposed structure or building which

will, under the zoning regulations, become nonconforming, but which for a building permit has been lawfully granted prior to the effective date of the ordinance, may be completed in accordance with the approved plans provided:

_____ (1) Construction must commence within 180 days of issuance of the building permit.

_____ (2) Construction continues to completion within one year of the issuance of the building permit.

_____ (3) Such structure or building and use shall thereafter be a legal nonconforming structure, building or use.

k. *Nonconforming lots of record.* Except for land in a floodplain management district, or shoreland management district, the following shall apply to nonconforming lots of record:

_____ (1) Any existing lot of record that is nonconforming and that is not improved with a principal use is entitled to be developed with a principal use provided all requirements of the Shorewood City Code can be met. This provision shall apply even though the lot of record does not meet the current applicable zoning requirements for lot area, lot depth, or lot width.

_____ (2) A nonconforming lot of record is not entitled to be developed with a principal use if the nonconforming lot of record has been in common ownership with an abutting parcel of land or if it has been part of a larger parcel that became nonconforming after adoption of the ordinance from which this chapter is derived.

_____ (3) If two or more contiguous lots in any district are under the same ownership and any individual lot does not meet the lot area and lot width requirements of this chapter, the lot is not considered a separate parcel or lot for the purpose of sale or development and the lot must be combined with one or more contiguous lots so they equal one or more lots, each meeting the lot area and lot width requirements of this chapter to the extent possible. This requirement shall not apply to the construction of a single-family dwelling on a nonconforming single lot of record.

_____ (4) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings or structures, may be erected on any single lot of record. This provision shall apply even though the lot fails to meet the lot area, lot width, or lot depth that are generally applicable in the zoning district, provided that other requirements not involving lot dimensions or lot area (such as setbacks) conform to the regulations for the zoning district in which the lot is located.

l. Burden of proof. A person who wishes to take advantage of the rights granted to a continued nonconformity has the burden of proving the status as a legal nonconformity by clear and convincing evidence.

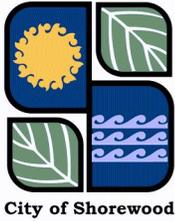
m. Nonconformities in shoreland areas. Nonconformities in shoreland areas shall be regulated by M.S.A. § 462.357, subd. 1e(d) to (j), as amended.

n. Creation of nonconformities by public action. When lot area, width or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least 50% of the otherwise applicable standards, then that lot and any structures existing at the time of public action shall be deemed to be in compliance with the minimum lot area, lot width, and setbacks of this chapter.

o. Appeal of estimated value of damage.

_____ (1) If the City determines that more than 50% of the building or structure has been destroyed, the property owner may, at their sole expense, hire an independent certified appraiser with no interest in the property to determine the market value and present the appraisal to the Zoning Administrator to be considered by the City Council.

_____ (2) If the City Council maintains, after receiving the appraisal, that more than 50% of the building or structure has been destroyed, the property owner shall have the right to appeal the City's market value determination to district court. Such appeal must be brought within 30 days of the City Council's determination.



Planning Commission Meeting Item

Item
5A

Title/Subject: Monthly Training Topic - Findings of Fact
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: League of Minnesota Cities Findings of Fact Handout

Discussion

At most Planning Commission meetings, City staff will provide a brief monthly training session on a topic of interest to the Commission. This month, staff will discuss findings of fact.

Working with municipal land use regulations can be difficult for both city officials and residents. Sometimes cities need to make controversial decisions, and no matter what the result, someone will be unhappy. An important part of the decision-making process is developing and adopting written findings of fact that explain the decision. Carefully and thoughtfully developing written findings of fact can help solve a contentious problem, because it focuses review on the merits of an application. It also provides a record that makes it easier for a court to uphold a decision if it is challenged. This is especially important when making a recommendation to deny an application.

Findings of fact should explain to the reader how and why the City reached its decision and should:

- Identify the relevant legal criteria, such as the Comprehensive Plan or City Code requirements.
- Explain the relevant facts relating to the particular application.
- Apply those facts to the legal criteria.

For example, a finding of fact for denial could be something like: *City Code 1201.10, Subd. 5. a. requires a minimum lot size of not less than 40,000 square feet in the R-1A zoning district. The proposed minor subdivision application is proposing a minimum lot size of 10,000 square feet. Since the proposed application is located in the R-1A zoning district and does not meet the minimum lot size required by City Code 1201.10, Subd. 5. a, the Planning Commission recommends denial to the City Council.*

Please keep in mind that findings of fact must actually be facts, not opinions or hearsay. Additionally, the findings of fact should only relate to items under the City's jurisdiction. For example, denying a proposed residential development out of concern that it could increase classroom sizes at a local school is not an appropriate finding of fact since schools are outside of the City's jurisdiction. Resident opposition alone also cannot be a reason for denial. City staff are available during the meeting to assist with creating findings of fact and often will prepare several findings of fact ahead of the meeting that are included in the staff report or City Council resolution. The Commission, through its recommendation, can also allow city staff to review the entirety of a meeting and create findings of fact to be forward to the City Council for consideration based on the Commission's discussion.

Action Requested

This information is being provided for discussion purposes only, no formal action is required.

Taking the Mystery out of Findings of Fact

Published: June 14, 2021

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from the League's Research staff.

Use of findings of fact

Working with municipal land use regulations can be difficult for both city officials and residents. Sometimes cities need to make controversial decisions, and no matter what the result, someone will be unhappy.

An important part of the process is developing and adopting written “findings of fact” that explain the decision. Carefully and thoughtfully developing written findings can help solve a contentious problem because it forces officials to focus their inquiry on the relevant considerations. It also produces a record that makes it easier for a court to uphold the decision if challenged.

What are findings?

“Findings of fact” is a common term used to refer to a city’s written explanation of a land use decision. The term originates from the courts, where judges often explain their determinations by issuing documents entitled “Findings of Fact and Conclusions of Law.” They recite the relevant facts and then make conclusions by applying those facts to relevant legal criteria.

Like courts, cities sometimes need to apply facts to law to make a decision. In administering land use ordinances, the city must often determine the facts associated with a particular request and then apply those facts to the legal standards.

This process is called “quasi-judicial,” and city authority is limited to applying the rules in place to the facts presented. If the facts indicate an applicant meets the relevant legal standards, then they may be entitled to the approval.

Typical land use approvals for which a city may need to find facts include requests for:

- Conditional or interim use permits
- Zoning variances
- A subdivision or plat approval.

If a city is sued over a land use decision, courts will review the record for a sufficient statement of the reasons given by the city for granting or denying the request. If the city denies an application relating to zoning, Minnesota’s 60-day rule requires the reasons for a denial be put in writing ([Minn. Stat. § 15.99](#)). Even when an application is approved, written findings

explaining the decision are advisable. Findings should provide a court with everything needed to uphold the decision.

How to make findings

Creating findings of fact can be relatively straightforward if a city uses the following basic guidelines.

Apply facts to law

Findings of fact should explain to the reader how and why the city reached its decision. The document should:

- Identify the relevant legal criteria, such as statutory standards or code provisions.
- Explain the relevant facts relating to the particular application.
- Apply those facts to the legal criteria.

Look up the law

Before setting out to find facts, a little investigation is needed. A crucial early step is to identify the relevant legal standards.

For example, applications for conditional use permits are subject to standards that should be spelled out in city ordinance. Determine exactly what ordinance standards apply. Reference and quote the relevant standards in your findings.

Provide relevant facts

Findings of fact should state all the relevant facts the city considered in making its decision. A fact is relevant if it proves or disproves that the application meets the legal standards.

For instance, if an applicant is seeking a conditional use permit where the effect of traffic on adjacent properties is an ordinance standard, then the city should look for facts related to traffic impacts. It is important to address each and every relevant legal standard by describing relevant facts.

Show your work

Like a math exam in school, it is important to be complete and to “show your work.” Showing your work can be more important than reaching a particular result. Explaining the method of reasoning the city followed in judging an application helps ensure the city is on the right track. If a reader can tell how you reached your result, without having to guess, you showed your work. But if the reader is left guessing, then the city may be on shaky ground.

Just because

A simple technique to ensure findings sufficiently connect the decision to legal standards is to use the word “because.” Read each statement carefully before completing the finding. What you write after the word “because” in each finding must support the statement that introduces the finding. A similar approach is to phrase the standard as question, and then provide a detailed answer.

Don't assume

Don't assume the reader knows about your city or has any background about the decisions. Present a complete picture, by telling the whole story. Written findings should be clear to someone unfamiliar with the matter. A person who knows nothing about your city or subject property should be able to read the findings and know what decision the city made and why.

Stay on track

Sometimes issues arise that don't relate to the legal standards. If city officials start to discuss and debate the facts of the application without limiting themselves to the relevant legal standards, they can waste a lot of time and energy on issues that don't lead to a solution. Arguments about irrelevant facts will lead the city astray. Don't include irrelevant facts in your findings.

Beware opposition

Neighborhood opposition is a challenging issue when considering the merits of a particular land use request. Case law holds that the opinions of neighbors should not be the sole basis for a particular city action. While residents can bring to light helpful information that relates to the legal standards, opposition alone is never a legally relevant finding. (*Minnetonka Congregation of Jehovah's Witnesses, Inc. v. Svec*, 226 N.W.2d 306 (Minn. 1975)).

Don't parrot

Findings must adequately describe the reasoning for a decision. Ambiguous, conclusory, or boiler plate language does not usually provide a sufficient explanation of the decision's rationale. Merely restating or "parroting" the legal standard is not enough. It is important to state the legal criteria. But the city must do more and explain *why* the standard is or is not met.

Presentation matters

Presentation can be important if you want to be taken seriously. So, check your spelling, use correct grammar, avoid pronouns, and don't try to be funny. If you take the care to present well, it reinforces the idea that the city knows what it is doing and acted for sound reasons.

Get help

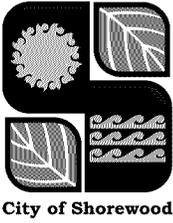
Sometimes a city might find itself in over its head, and it can be important to seek guidance. Be sure you understand the statements in your findings. For example, if you do not know what the comprehensive plan provides, do not try to complete a finding regarding the comprehensive plan until you learn what it states. Consult a planner or the city attorney or contact the League.

Conclude

Written findings should identify the relevant legal criteria (such as statutory standards or code provisions), explain the relevant facts about the particular application, and then apply those facts to the legal criteria to reach a conclusion.

Sometimes more than one conclusion is possible. If the city takes care to develop thoughtful findings of fact that relate to the relevant legal standards, there should be no mystery as to why the city reached the decision it did.

[View sample findings of fact from the City of Grant and others \(pdf\)](#)



Planning Commission Meeting Item

Item 5B

Title/Subject: Liaisons for Upcoming Council Meetings
Meeting Date: May 6, 2025
Prepared by: Jake Griffiths, Planning Director

Background

At each City Council meeting, there is a space on the agenda for a Planning Commissioner to provide a verbal update to the City Council on the last Planning Commission meeting. If no Commissioner can attend the City Council meeting, City staff will provide an update to the City Council on behalf of the Commission. Upcoming City Council meetings include:

- May 27, 2025: Commissioner Longo
- June 23, 2025: _____
- July 28, 2025: _____

Action Requested

A Planning Commissioner is requested to volunteer to serve as the liaison for the upcoming City Council meetings.