

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER () _____
HUSKINS () _____
LONGO () _____
MAGISTAD () _____
HOLKER (June) _____
COUNCIL LIAISON DIGROTTOLO (Jan-June) _____
COUNCIL LIAISON MADDY (Jul-Dec) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ May 6, 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) Tingewood HOA Common Area PUD Concept
Location: Parcel ID 3511723110072
Applicant: Tingewood Homeowner's Association
- B) Impervious Surface Definition City Code Amendments
Location: City Wide
Applicant: City of Shorewood

5. OTHER BUSINESS

A) Monthly Training Topic – Due Process & Public Hearings

6. REPORTS

A) Council Meeting Report

B) Draft Next Meeting Agenda

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, Longo, and Magistad; and
15 Planning Director Griffiths

16
17 Absent: None
18

19 **1. APPROVAL OF AGENDA**
20

21 **Commissioner Holker moved, Commissioner Longo seconded, approving the agenda for**
22 **May 6, 2025, as presented. Motion passed 5/0.**
23

24 **2. APPROVAL OF MINUTES**
25

- 26 • **April 1, 2025**
27

28 Chair Huskins explained that he had submitted minor edits and typographical errors to Planning
29 Director Griffiths before the meeting.
30

31 **Commissioner Eggenberger moved, Commissioner Magistad seconded, approving the**
32 **Planning Commission Meeting Minutes of April 1, 2025, as presented. Motion passed 5/0.**
33

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

36 George Greenfield, 24715 Old Yellowstone Trail, asked Chair Huskins if he felt it was his
37 obligation to respond to questions from citizens, especially in light of last month's meeting when
38 there was confusion among the Commission related to a distinction the Planning Director had
39 made about one portion of the ordinance being relevant to the Commission and the other was
40 not. He stated that neither the Commission nor the audience truly understood and explained
41 that he had emailed Chair Huskins to try to clear things up, but he had not heard back from him.
42

43 Chair Huskins stated that he had not received an email from Mr. Greenfield.
44

45 Mr. Greenfield stated that he felt this matter still needed to be cleared up and that Planning
46 Director Griffiths tried to force a conclusion on the Commission. He noted that he felt the entire
47 meeting seemed a bit shady because it felt like something was being forced on the Commission.
48 He stated that he would submit another email to Chair Huskins to try to get some answers.
49

50 Commissioner Eggenberger explained that usually the Commission did not respond to emails
51 from citizens because one Commissioner cannot conduct City business on their own. He stated
52 that City business has to be done in partnership with the other Commissioners and must be done
53 in a public forum, and noted that they usually refer anything they get to staff.

1
2 Planning Director Griffiths clarified that the Commission can respond to individual questions, but
3 agreed that typically the proper channel would be to refer them to staff, and staff can put together
4 a response on behalf of the Commission.

5
6 Chair Huskins agreed that would be what he would typically do when he received an email.

7
8 Mr. Greenfield referenced Commissioner Eggenberger's comments and asked when citizens
9 could have conversations with members of the Planning Commission.

10
11 Commissioner Eggenberger clarified that those conversations could take place through staff
12 members.

13
14 Mr. Greenfield stated that the Planning Commission and staff were two different entities.

15
16 Chair Huskins explained that their standard procedure was to receive input from any citizen, listen,
17 ask questions to ensure they understand the issue, and then take that to Planning Director
18 Griffiths who would help the Commission understand if it was a matter that should be placed on
19 an agenda for the entire Commission or to force it up to the City Council for their actions. He
20 reiterated that individually, the Commission members do not act by themselves, but act as a body,
21 in public meetings.

22
23 Mr. Greenfield stated that he would send an email and ask Planning Director Griffiths to respond
24 to his question on why the Commission was not apprised of the distinction he had made at the
25 last meeting regarding one section of the amended statute being relevant to their view and the
26 other not being relevant to them. He stated that despite that distinction, he had asked the
27 Commission to vote on the entire thing, even though he had told them the entire thing was not
28 under their jurisdiction, which he found very confusing.

29
30 **4. PUBLIC HEARINGS**

31 Chair Huskins explained that the Planning Commission is comprised of residents of the
32 City of Shorewood who are serving as volunteers on the Commission. The Commissioners
33 are appointed by the City Council. The Commission's role is to help the City Council in
34 determining zoning and planning issues. One of the Commission's responsibilities is to
35 hold public hearings and to help develop the factual record for an application and to make
36 a non-binding recommendation to the City Council. The recommendation is advisory only.

37
38 **A. PUBLIC HEARING – VACATION OF EASEMENT**

39 **Applicant: Heidi and Craig Johnson**
40 **Location: 27940 Smithtown Road**

41
42 Planning Director Griffiths reviewed the request from Heidi and Craig Johnson at 27940
43 Smithtown Road for vacation of an easement. He explained that they were trying to clean up the
44 title work on the survey of the property and stated that staff recommended approval of their
45 request.

46
47 Chair Huskins asked if the extension of the Johnson Hollow easement was still in force and, if so,
48 why.

49
50 Planning Director Griffiths stated that vacation of easements can only be requested by an
51 individual property owner or by a City Council resolution, which meant that they were only

1 considering vacation of the easement for this particular property. He noted that he has had
2 conversations with adjacent property owners to let them know that this was a process they could
3 also pursue and that the City would be supportive of their efforts.

4
5 Commissioner Magistad asked if there was potential for these properties to be subdivided in the
6 future, and having implications for new easements.

7
8 Planning Director Griffiths stated that at this point, he would say 'no' because the Zoning
9 Ordinance would not allow for further subdivision of the properties, because there were also
10 protections for Lake Minnetonka. He explained that the applicant was interested in vacation of
11 this easement because they wanted to remodel their property.

12
13 Chair Huskins opened the Public Hearing at 7:14 P.M., there being no public comment, he closed
14 the Public Hearing at 7:14 P.M.

15
16 **Commissioner Longo moved, Commissioner Magistad seconded, recommending approval**
17 **of the Vacation of Easement for Heidi and Craig Johnson at 27940 Smithtown Road, as**
18 **presented. Motion passed 5/0.**

19
20 Planning Director Griffiths noted that this item would go before the City Council on May 12, 2025.

21
22 **B. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR INCREASED FENCE HEIGHT**
23 **Applicant: Richard and Jennifer Pearce**
24 **Location: 5905 Grant Street**

25
26 Planning Director Griffiths reviewed the request for a CUP for an increased fence height at 5905
27 Grant Street and explained that the fence had already been built. He noted that on their north
28 boundary, they had constructed an 8.5-foot fence on the last portion because of the existing
29 retaining wall. He explained that the applicant had gone through the permit process with the City
30 for the fencing and stated that staff had approved the permit most likely based on the angle of the
31 fence on the other side of the retaining wall that still looked like it was a 6 foot tall fence, and was
32 why the applicant was here requesting this deviation. He stated that staff recommended approval
33 of the request based on the unique appearance of the fence and the applicant's willingness to
34 provide the structural certification. He stated that they had received public comments on this item,
35 and a majority were in favor of this request. He noted that they had also received a few phone
36 calls from people who had some questions, and one who wanted to anonymously indicate that
37 they were opposed.

38
39 Commissioner Holker asked if the applicants were located on the right-hand side of the picture
40 and asked if there was anything that required the horizontal planks to go down to the ground.

41
42 Planning Director Griffiths stated that there was no requirement for that and explained that the
43 City Code would most likely prefer the existing design.

44
45 Commissioner Holker stated that one of the comments submitted was about the neighbor's fence
46 being lower than this fence, so this fence would be seen above the neighbor's, and asked if there
47 were any pictures of that situation.

48
49 Planning Director Griffiths stated that he did not have any photos of that situation, but did not
50 believe it was the immediately adjacent property.

1 Chair Huskins asked where the retaining wall was located on the north side of the property.

2

3 Planning Director Griffiths displayed a photo and pointed out the location of the retaining wall and
4 explained that the fencing runs the length of the property line.

5

6 Chair Huskins asked if the photograph had been taken from the backyard.

7

8 Planning Director Griffiths explained that the photo was taken from the street.

9

10 Chair Huskins asked if the 8.5-foot portion of the fencing was on the driveway portion of the
11 property.

12

13 Planning Director Griffiths confirmed that it was essentially located on the driveway portion of the
14 property. He indicated the photograph and explained that it was just the first panel of fencing,
15 where it was up on the posts, before the remaining part of the fence just followed the grade.

16

17 Commissioner Magistad asked about the structure certification and whether it had included the
18 integrity of the retaining wall.

19

20 Planning Director Griffiths stated that the fence was not attached to the retaining wall and was a
21 completely self-standing structure, with footings under the posts.

22

23 Commissioner Magistad asked if repairs had to be made to the retaining wall, and whether the
24 fence would have to be deconstructed.

25

26 Planning Director Griffiths noted that he felt that they would be able to make those improvements
27 from the other side and would be room to access the top of the retaining wall underneath the
28 fence.

29

30 Commissioner Eggenberger shared some hypothetical situations and asked questions on how
31 they would be handled.

32

33 Planning Director Griffiths stated that the hypothetical situations outlined by Commissioner
34 Eggenberger would be handled in the same manner as the current application.

35

36 Commissioner Longo asked if the City allowed this, what would be the limit.

37

38 Planning Director Griffiths explained that typically, 6 feet would be the maximum, and any
39 deviation would come before the Commission and the City Council for authorization.

40

41 Commissioner Longo stated that in this case, it was built before they got this authorization, which
42 meant that he could build something and then, at some point, come for authorization, and
43 reiterated his question about what the limit would be.

44

45 Planning Director Griffiths reiterated that the Council and Commission set the limit through their
46 review of the requests. He stated that precedent was not that important from request to request,
47 because there were always different factors involved, and noted that he believed it had been
48 many years since the City had reviewed this type of request.

49

50 Commissioner Eggenberger noted that he did not believe he had ever seen a request like this
51 and stated that he did not believe this would have ever come before the Commission if they had

1 only constructed the fence at 6 feet in height. He stated that the retaining wall would be any
2 height as long as this was 6 feet above the retaining wall, they could go up as far as they want.

3
4 Planning Director Griffiths stated that was not accurate and explained that he was saying that the
5 way the City Code was set up was that if a fence was built on top of a retaining wall, the combined
6 height between the retaining wall and the fence was capped at 6 feet. He stated that anything
7 over that height would have to come before the Commission through this permitting process.

8
9 Commissioner Magistad noted that they would not build a retaining wall unless it was retaining
10 something.

11
12 Commissioner Holker asked if the request had been approved by the staff originally.

13
14 Planning Director Griffiths explained that this had happened before he was with the City and
15 stated that his understanding was that former Planning Director Darling issued a zoning permit
16 for this project based on the design, looking from the view on the other side.

17
18 Chair Huskins asked for clarification on the location of the 8.5-foot fencing.

19
20 Planning Director Griffiths pointed out the location of the 8.5-foot fencing in the photo that was
21 being displayed.

22
23 Chair Huskins referenced the email received by the City that said they would see a portion of this
24 fence higher than the fence that they had on their property, and stated that he would like to be
25 clear where that was located.

26
27 Commissioner Holker noted that the email referred to their backyard.

28
29 Planning Director Griffiths stated that the applicant may be able to shed some light on that issue.

30
31 Richard Pearce, 5905 Grant Street, stated that the email they were just talking about was referring
32 to the house that is located to the east and pointed out on the screen what she was talking about.
33 He stated that their fence was not being built there and was already in place and is before he
34 started fencing. He explained that he believed she was thinking that he proposed to build another
35 fence that was 8 feet tall and was not referring to the fence that was already there. He explained
36 that they had applied for this fencing through the City, and it had been approved and built. He
37 stated that the fence was built in good faith, and there was just a misunderstanding about the
38 height in the location near the retaining wall. He stated that it was not a situation where they had
39 built something with the idea of trying to get away with something, and they had submitted for all
40 the necessary permits and felt that they had intended to follow the letter of the law in everything
41 that they had done on the property. He explained that this was a fence that was 6 feet tall from
42 their backyard and steps down from the backyard to the front yard, and matches the rest of their
43 fencing. He noted that the posts shown in the photos were the only thing that added the extra
44 height. He explained that this fence was a significant improvement over the fence that was there
45 previously and noted that it was also higher than what they had just built. He explained that the
46 previous fence had a lattice at the top as well as a structure at the end of the driveway, which was
47 taller than 10 feet. He stated that they believe that the fence they have constructed was
48 aesthetically pleasing and noted that there were neighbors present and many had also written to
49 the City in support of their request. He noted that this was a necessary privacy fence that was
50 desired by them, but also by their neighbors to the north. He stated that the neighbors to the
51 north had also applied for a fence, but were denied because it did not meet the City's

1 requirements, and reiterated that their fencing had been approved by the City. He explained that
2 the fence had helped to reduce the number of unpleasant interactions with their neighbors, which
3 seemed to stem from the construction of their home. He stated that they have two small children
4 and explained that, in the past, they had been subjected to things by the neighbors to the north,
5 and this fence was helping them just be able to live their lives and be left alone. He stated that
6 he felt the fence brought the opportunity for peace, separation, and hopefully also civility. He
7 explained that their request had a lot of support from the community. He explained that the
8 neighbor's sewer line ran through their property and had to be cut when they built their home, and
9 the neighbors had been upset with them ever since they built their home 2.5 years ago.

10
11 Commissioner Eggenberger asked what it would mean to Mr. Pearce if the fence were only 6 feet
12 tall in this location and not 8.5 feet.

13
14 Mr. Pearce stated that if the panels were lowered to 6 feet, that would mean that from their
15 backyard, they would have a 4-foot-tall fence, which would not be a privacy fence. He noted that
16 the area to the left is a sunken driveway, which is why it looks like it does. He reiterated that the
17 previous fence matched that elevation and was higher than what they had installed.

18
19 Chair Huskins opened the Public Hearing at 7:37 P.M.

20
21 Derek Allmendinger, 5915 Grant Street, stated that they have lived next to the Pearces for ten
22 years, and the families have been close. He stated that the effort the Pearces have put into their
23 property over the last ten years has elevated their property, but also everyone else's in the area,
24 which was greatly appreciated by their direct neighbors. He stated that the fence is structurally
25 sound, safe, and provides privacy, and noted that the only person who has expressed opposition
26 was about its aesthetics. He suggested that the Commission drive by and look at it because he
27 felt it was very visually appealing, and asked the Commission to recommend approval of this
28 request.

29
30 Kevin Kensel, 23255 Park Street, stated that he felt this fence had plenty of setback from the
31 street and did not provide any visibility issues, and asked the Commission to recommend approval
32 of the request.

33
34 Julie Williams, 771 Grant Street, Excelsior, stated that she was also here in support of this request
35 and asked the Commission to recommend approval of their fencing, which she felt was beautiful.

36
37 Brenda Boime, 826 Pleasant Street, Excelsior, stated that they live behind the Pearce residence
38 and stated that they felt they had done a wonderful job building a beautiful home and fence. She
39 stated that she also encouraged the Commission to recommend approval of their request. She
40 noted that they felt the Pearces had done a great job and had elevated the property values for
41 everyone in the area.

42
43 David Hoo, 23260 Park Street, stated that he also hoped that the Commission would recommend
44 approval of this request for the fence, as is. He stated that he felt it was a nice addition to the
45 neighborhood and agreed that the Pearces had done a beautiful job on their house and fence,
46 and their work had considerably improved the property.

47
48 Chair Huskins closed the Public Testimony portion of the Public Hearing at 7:43 P.M.

49
50 Commissioner Holker stated that she had not seen a letter from the property to the north.

1 Planning Director Griffiths stated that the City had not received any comments from the property
2 to the north.

3
4 Commissioner Eggenberger stated that he hated fences, so when he sees a variance or a CUP
5 request for a fence that goes beyond the City Code, alarms go off in his head, but explained that
6 he realized there was a need for fencing in some cases. He stated that he intended to vote in
7 favor of this request.

8
9 **Commissioner Magistad moved, Commissioner Holker seconded, recommending**
10 **approval of the Conditional Use Permit for Increased Fence Height for Richard and Jennifer**
11 **Pearce located at 5905 Grant Street. Motion passed 5/0.**

12
13 Planning Director Griffiths stated that this would come before the City Council on May 12, 2025.

14
15 **C. PUBLIC HEARING – PRELIMINARY PLAT AND DEVELOPMENT STAGE PLANNED**
16 **UNIT DEVELOPMENT APPLICATION**

17 **Applicant: Mark Kaltsas**
18 **Location: Shorewood Carriage Homes, 24560 Smithtown Road**

19
20 Planning Director Griffiths gave a brief overview of the request for a Preliminary Plat and
21 Development Stage PUD for Shorewood Carriage Homes at 24560 Smithtown Road. He noted
22 that this property was recently rezoned to match the Comprehensive Plan guidance for medium
23 density for development of 6 to 8 units/acre, and they were proposing a relatively straightforward
24 6-lot development. He explained that staff recommended approval subject to the conditions
25 included in the staff report.

26
27 Commissioner Eggenberger asked about the guest parking spaces and asked if they would have
28 signs that indicated it was for use by cars only and not RVs or trailers.

29
30 Planning Director Griffiths explained that, as part of the HOA documents and the previous City
31 Council approval, there was a general restriction that those types of items were supposed to be
32 stored on the exterior of the HOA-owned property.

33
34 Commissioner Magistad asked about the timeline for the development.

35
36 Planning Director Griffiths stated that the applicant would like to begin construction in 2025, if the
37 City approved.

38
39 Commissioner Longo stated that there are a lot of Native American burial grounds in the area and
40 asked if there was that kind of finding, if the City would end up being liable for taking care of it.

41
42 Planning Director Griffiths stated that burial grounds are a bit tricky because their location is
43 protected as confidential data by State law. He stated that the City's engineering firm has access
44 to some of that information and noted that they did not have any concerns with this location.

45
46 Commissioner Longo noted that two of the units will need some specific force mains for the sewer
47 and asked if there were issues with them if the City would be responsible for any damage to the
48 units.

49
50 Planning Director Griffiths stated that the City would not be responsible because those would be
51 private improvements for the homeowners. He explained that several homes in the City have

1 private force mains, and it is not uncommon. He stated that the City ensured that its infrastructure
2 was a gravity main and was comfortable with this proposal.

3
4 Chair Huskins asked about the fence and why it was in the staff report.

5
6 Planning Director Griffiths stated that he was not with the City at the time, but his understanding
7 from the record was that the adjacent fence on the south side of the site was falling over and in a
8 state of decay. He stated that the fence is located on the property line, and with this application,
9 there is the opportunity for the developer to provide some additional screening for the residents
10 of the apartment. He noted that the language used in the section was 'consider' because the City
11 cannot require this level of off-site improvements, and explained that the applicant had indicated
12 that they were trying to work in good faith with that property owner to figure out the fence situation.

13
14 Chair Huskins asked where the sidewalk would end in the development.

15
16 Planning Director Griffiths explained that the location where the sidewalk would end and noted
17 that there was a full trail on the south side of Smithtown. He stated that the developer was
18 proposing some small sidewalk improvements so the residents can get back up to the intersection
19 to make a safe crossing to access the rest of the trail system.

20
21 Chair Huskins asked if there may be an opportunity, for safety reasons and access to the country
22 club development and the trails, for some signage or a painted pathway to provide a crossing
23 over Smithtown Road from the development to the other side.

24
25 Planning Director Griffiths stated that the issue here was the proximity to the intersection with
26 County Road 19 and stated that having a crosswalk in this location would not be safe for residents
27 because of how close the intersection was. He explained that the safest option for pedestrians
28 would be to go to the intersection and cross at that point.

29
30 Chair Huskins asked about the landscaping to the west near the single-family home.

31
32 Planning Director Griffiths displayed the proposed landscape plan and stated that they were
33 proposing a six-foot-tall ornamental fence that would run the length of the property line. He noted
34 that the big circles shown on the plan indicated trees that would be planted to help with screening
35 from things like headlights shining on the adjacent property. He stated that they were also
36 planning a line of shrubs on the inside of the fence for the length of the property. He noted that
37 the City had received a comment from that property owner, Paul Hirsch, 24590 Smithtown Road,
38 who indicated that he would prefer it be a privacy fence rather than an ornamental fence.

39
40 Chair Huskins asked how much of the 10-foot setback area would be consumed by the
41 landscaping and how much usable backyard the units would have.

42
43 Planning Director Griffiths stated that the backyards of these properties would be covered by a
44 drainage and utility easement, so they would not be able to build structures in their yards. He
45 noted that the Commission could think of this project almost like a detached townhome, and things
46 like sheds would be controlled by the HOA covenant. He stated that there will be a few feet where
47 residents could have something like a grill, but essentially, the whole backyard area would
48 predominantly be landscaping.

49
50 Chair Huskins asked about the entrance related to signage and lighting.

51

1 Planning Director Griffiths explained that the entrance would be on Smithtown Road as a private
2 driveway access and would not be any other improvements associated with it. He stated that he
3 believed the applicant may place a monument sign at the entrance.
4

5 Chair Huskins asked if the private road would be wide enough to support traffic in both directions
6 at the same time.
7

8 Planning Director Griffiths stated that the road was about 26 feet wide, so two cars could fit side
9 by side and squeak by each other. He reminded the Commission that there were only 6 homes
10 in the development, and staff were not concerned about residents running into each other all the
11 time.
12

13 Chair Huskins explained that he was more concerned about the entrance with vehicles exiting or
14 entering when there was substantial traffic on Smithtown Road.
15

16 Planning Director Griffiths stated that there could be cars entering and exiting at the same time
17 and displayed a diagram that showed the amount of room available and stated that he felt there
18 was enough room for the cars to negotiate with each other for entrances and exits with the traffic
19 driving by.
20

21 Chair Huskins asked if a homeowner would be able to leave the property if there was an
22 emergency vehicle on the property.
23

24 Planning Director Griffiths admitted that it would be a bit trickier and displayed the current
25 rendering that showed the emergency vehicle turning movements, and stated that with an
26 emergency vehicle on site, it would get a bit more difficult. He noted that the intent would be that
27 it be signed as 'no parking', so he felt the emergency vehicles would be able to negotiate that like
28 they would any other driveway or street in the City. He noted that the Excelsior Fire District had
29 reviewed this concept and was generally supportive of it.
30

31 Commissioner Magistad stated that the potential zoning reform appeared to be stalled at the State
32 level and asked if the City were proactive now, if it would give them any planning capital for the
33 Comprehensive Plan, and if the City could demonstrate that they would build medium-density
34 residential ahead of any State reforms.
35

36 Planning Director Griffiths stated that he did not believe so because, by law, the City was required
37 to develop at this density at this location. He stated that the City was essentially doing the bare
38 minimum with this proposal and noted that any less development with fewer units would not meet
39 the City's requirements.
40

41 Will Matzek, Kimley Horn, St. Paul, explained that they were proposing a 26-foot wide entrance,
42 which should be sufficient, and noted that Target's drive aisles were 24 feet wide. He stated that
43 they also want this to be a safe development and have been working with staff at the Fire
44 Department.
45

46 Commissioner Holker asked about the fence on the west side and the request from the
47 homeowner to install a privacy fence rather than an ornamental fence, and asked if they had
48 spoken about this.
49

1 Mr. Matzek stated that they have only been working with staff up to this point and noted the
2 ornamental fence was what was desired at the Concept Plan phase, but noted that they could
3 have some discussions with the homeowner about this to find an amenable solution.

4
5 Commissioner Magistad asked when responsibility would transfer to the HOA.

6
7 Mark Kaltsas, 7035 Halstead Drive, Minnetrista, stated that he was one of the owners of the
8 property and explained that they would transfer the responsibility to the HOA when there was
9 about 75% ownership in the development.

10
11 Commissioner Magistad asked about the expected timeline if they were allowed to break ground
12 in 2025.

13
14 Mr. Kaltsas stated that it would come down to how quickly his real estate team can sell the
15 properties. He explained that because they were introducing a product that did not currently exist,
16 they were hopeful that there would be a demand in the market at their price point.

17
18 Commissioner Holker asked about the price point.

19
20 Mr. Kaltsas stated that it was not set but explained that they would come in lower than anything
21 that was new construction single-family homes in the City, and noted that he was hoping that it
22 would be between \$500,000 and \$900,000. He stated that he expects this to be about a 2-year
23 build if they were able to break ground in 2025.

24
25 Chair Huskins asked if there was a plan for a sample home.

26
27 Mr. Kaltsas stated that if they had to, they would build a model, but he intended to try to sell and
28 then use one of the initial builds to show others as people become interested.

29
30 Chair Huskins asked staff about the restrictions that may be related to sample homes in
31 developments.

32
33 Planning Director Griffiths stated that there were some restrictions, but explained that they
34 typically revolved around parking and construction access to the site, and noted that for this
35 development, he did not foresee there being any issues.

36
37 Chair Huskins opened the Public Hearing at 8:17 P.M.

38
39 Paul Hirsch stated that he was the homeowner to the west and had spoken with Planning Director
40 Griffiths earlier today. He stated that he had been spoiled in not having any neighbors, and it
41 made him a bit teary to see what was happening, but he understood that this project would be
42 going in. He explained that he felt a privacy fence would be better than an ornamental fence. He
43 noted that he has a few really old trees and felt it would be crazy to build anything underneath
44 them, and did not see a reason that he should have to remove something that had been there for
45 50 years, and noted that he had been there for 40 years. He stated that the nature in the area
46 was fantastic and explained that he had been envisioning this kind of project forty years ago when
47 he bought the property, and stated that he felt like he was getting a rug yanked out from under
48 him because this was not what his vision was for the property. He stated that there are eagle
49 nests that are within 500 feet of the building area, which concerns him. He noted that he had
50 been on pins and needles since the Smithtown Crossing project happened 18 years ago and
51 hadn't done anything to his house because this proposal came in to take over his property and

1 control it, which was the only thing he owned. He explained that he lay awake at night worrying
2 about this, even though he realized that there was nothing he could do and just had to take what
3 was getting crammed down his throat and hope for the best. He reiterated that he would request
4 that they install a privacy fence.

5
6 Chair Huskins asked Planning Director Griffiths to speak to this application as a PUD, which he
7 felt provided a degree of leverage for the City to make requests about the project and what types
8 of requests would be reasonable.

9
10 Planning Director Griffiths stated that with a PUD, it was not really for the City to leverage different
11 benefits from a development, but to look at the project that was more efficient or had a better
12 layout than what could otherwise be done with the City code. He noted that typically there were
13 other improvements with this kind of project because the applicants were trying to build a desirable
14 product, but the City was not necessarily in a position to leverage its approval to try to get different
15 things from the project. He explained that in this situation, the applicant was providing several
16 offsite improvements through the construction of a sidewalk and were in conversations with the
17 adjacent owner on the opposite side on an ornamental fence and felt that the Commission could
18 weigh in with a similar recommendation for a privacy fence in this instance, because it related to
19 screening for the adjacent homeowner. He stated that he had spoken with the developer today
20 about the concerns related to the trees that Mr. Hirsch had brought.

21
22 Mr. Kaltsas stated that they were amenable to installing a privacy fence as requested by Mr.
23 Hirsch and explained that they would work with him on possible tree issues and did not expect
24 that he would have any costs associated with their development. He explained that he understood
25 Mr. Hirsch's plight and assured the Commission that they were not trying to do something that
26 was not in compliance or accordance with the plan. He stated that they had bought the property
27 knowing the guidance the City had for the property and explained that their intent was really to
28 create a transition between commercial on the east side and low-density residential on the west
29 side. He stated that if the Commission had other direction they wanted to give, they would be
30 happy to hear it and would work with Mr. Hirsch.

31
32 Commissioner Longo stated that, having 6 units that had such short backyards, he felt having
33 privacy fencing would be the most appropriate.

34
35 Mr. Kaltsas stated that a privacy fence may also be good for their buyers and agreed that it was
36 a good solution.

37
38 Chair Huskins closed the Public Testimony portion of the Public Hearing at 8:25 P.M.

39
40 Commissioner Eggenberger noted that when the Commission gets proposals for a project on a
41 lot that had been vacant for years and the adjacent property owners do not want anything to be
42 built on it was hard and a bit sad, but the owner of the lot has the right, as long as they are within
43 City Code, to do what they want to with the lot. He stated that he felt for Mr. Hirsch and his
44 concerns, but would be voting in favor of this application.

45
46 **Commissioner Holker moved, Commissioner Eggenberger seconded, recommending**
47 **approval of the Preliminary Plat and Development Stage Planned Unit Development**
48 **Application for Shorewood Carriage Homes located at 24560 Smithtown Road.**
49

1 Commissioner Eggenberger stated that the only thing he would add was that the Commission
2 had heard, in good faith, that the applicant would work with the neighboring property owners on
3 making this development more acceptable to them.

4
5 Chair Huskins asked if the Commission needed to formalize that point as part of their
6 recommendation of approval.

7
8 Planning Director Griffiths stated that it would be part of the record, and staff would draft the
9 resolution that comes before the Council with language to that effect.

10
11 **Motion passed 5/0.**

12
13 Planning Director Griffiths stated that this item would come before the City Council on May 12,
14 2025.

15
16 Chair Huskins recessed the meeting at 8:29 P.M. and reconvened at 8:32 P.M.

17
18 **D. PUBLIC HEARING – NONCONFORMITIES CITY CODE AMENDMENTS**

19 **Applicant: City Initiated**

20 **Location: City-wide**

21
22 Planning Director Griffiths reviewed the proposed City-wide City Code amendments related to
23 nonconformities and explained that the intent behind the proposed amendments was to make
24 things simpler for residents, the Commission, and staff. He outlined the two most substantial
25 policy changes that were being recommended and shared examples of when they would arise.

26
27 Commissioner Magistad gave the example of the most recent item, where the gentleman's
28 property had been rezoned, and asked if that created a nonconformity. He asked, for example, if
29 that owner could build an addition on the house under these proposed rules.

30
31 Planning Director Griffiths stated that he would build an addition on the house under these rules.

32
33 Commissioner Longo stated that Planning Director Griffiths had mentioned certain things that are
34 reasonable and would not need a variance, but asked who would decide what was considered
35 reasonable because the change would no longer come before the Planning Commission.

36
37 Planning Director Griffiths explained that with the way the language was written, there would only
38 be very unique circumstances where variances would not be required, and explained that the
39 ordinance would be determining what would be considered reasonable, and City staff would
40 administer the ordinance.

41
42 Chair Huskins asked for a definition of 'may be' and noted that it may be, in part, in addition to the
43 question asked by Commissioner Longo, and explained that they could use an example.

44
45 Planning Director Griffiths explained that this was where the legal precedent came in and
46 explained that the way the State law was written was very wishy-washy. He stated that much of
47 the language that City Attorney Shepherd had put into the ordinance was also not very rigid to
48 allow for the flexibility of interpretation. He stated that in the situation mentioned by Chair Huskins,
49 the term 'may' meant that if you can demonstrate this certain thing, the City may grant it. He
50 explained that by using the term 'may' instead of 'shall', the City was trying to avoid potential
51 litigation.

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Chair Huskins stated that to him, that was more of a risk than using the term 'shall' and could require some form of mediation because what he thought may be completely different than what Commissioner Eggenberger may think. He reiterated that he felt the risk of a challenge to this may be higher with this approach.

Planning Director Griffiths stated that if that was something that concerned the Commission, he could have a conversation with City Attorney Shepherd about those references.

Commissioner Eggenberger stated that if they said 'shall' in those instances, they could still run into the same problem because then they have to decide which meant there would still be ambiguity.

Chair Huskins clarified that he was not arguing that they should insert the term 'shall' but explained that he had gotten hung up on the items that said 'may' and not 'shall' because the 'shall' statements were easier.

Commissioner Longo stated that the use of the word 'may' could make a citizen think that they may not need to ask for a variance, which may mean that things would be built or modified.

Chair Huskins stated that was why he had asked the generic question earlier about the meaning of the word 'may'.

Planning Director Griffiths stated that all he could say was that this language came from City Attorney Shepherd's office. He noted that this was a very complicated ordinance that covers a lot of topics. He explained that between this meeting and the City Council meeting, he could have a follow-up conversation with City Attorney Shepherd to discuss some of the Commission's concerns.

Chair Huskins stated that he would like to see that happen.

Commissioner Eggenberger stated that he did not think having that conversation would hurt anything.

Planning Director Griffiths stated that he felt it was a good question.

Chair Huskins asked about item 1201.03, Subd 1, item b related to continued nonconforming use and stated that this ended with 'but not, including expansion, enlargement, or intensification.' He noted that later in the document, he saw expansion being possible and asked if it might be better to say something like 'there are exceptions noted herein' or something similar.

Planning Director Griffiths stated that this was the point where the language was confusing and explained that this section came directly from State law and was saying the word 'use'. He noted that there were two different standards, nonconforming uses and nonconforming structures. He reviewed examples of nonconforming uses and nonconforming structures. He noted that he also wished that the State law was clearer.

Chair Huskins referenced item O. Appeal of estimated value of damage, on the last page and stated that it felt odd to him that this was pasted on at the end when earlier in the document that talked about the 50% and asked if there was a reason that this wasn't more contiguous with that portion of the ordinance.

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Planning Director Griffiths stated that he was not sure there was a specific reason, but he could check with the City Attorney on how this had been organized.

Commissioner Magistad asked if Planning Director Griffiths felt a homeowner that did not agree with a decision made by the City about the need for variance, could use the Commission or Council meeting as a forum to use this document to challenge that determination.

Planning Director Griffiths stated that residents were always welcome to appeal to the Commission or Council if they disagreed with a determination that was made.

Chair Huskins opened the Public Hearing at 8:54 P.M. There being no one at the meeting, he closed the Public Hearing at 8:54 P.M.

Commissioner Eggenberger moved, Commissioner Holker seconded, recommending approval of the City Initiated Nonconformities City Code Amendments for the City, with the direction that Planning Director Griffiths discuss some of their concerns with the City Attorney. Motion passed 5/0.

Planning Director Griffiths stated that this would come before the Council on May 27, 2025.

5. OTHER BUSINESS

A. Monthly Training Topic – Findings of Fact

Planning Director Griffiths explained that the City made decisions based on findings of fact and the record and shared a brief training about how findings of fact explain how and why the City reaches a decision. He noted that there was detailed information from the League of Minnesota Cities included in the packet for their reference.

Commissioner Holker stated that she thought this information was great and put a bit of caution in her mind not to be swayed too much by personal opinions if it was not consistent with the facts.

Chair Huskins gave the example of a situation where the Commission had heard the findings of fact, but upon a vote, there was not a unanimous vote, and asked if that exposed the City if there were non-unanimous recommendations.

Planning Director Griffiths stated that it did not expose the City at all and would be the same as the Supreme Court having a 5-4 decision. He explained that what the court looks at is whether the City followed its process, such as opening and closing the public hearing, considering what people had to say, and developing findings of fact to support whatever the majority decision was.

Chair Huskins noted that they ask the dissenting Commissioner to offer reasons for their vote and asked if that was important or if it was something that they should not be doing.

Planning Director Griffiths stated that he felt for this group, it made sense to ask that question so it could be shared with the Council all of their thoughts on a project, but noted that it did not have a substantial impact. He noted that the Commission would never get in trouble by providing more information and would only get in trouble if it provided less information.

1 Chair Huskins suggested that the Commission agree that if there was a non-unanimous vote that
2 they would take the time to articulate the reasons. He stated that staff reports under former
3 Planning Director Darling, there was a sentence routinely added that he had not seen in Planning
4 Director Griffiths' reports. He stated that the sentence was something to the effect of, 'The
5 Planning Commission may reasonably find otherwise' which she included following her
6 recommendation.

7
8 Planning Director Griffiths stated that he did not include that sentence because he felt it was
9 common sense and stated that they had been appointed to the Commission to disagree with him
10 if they felt he was wrong. He noted that he would add that statement for variance resolutions
11 because that was where the subjective review criteria could be found.

12
13 Chair Huskins noted that he was not asking this sentence to be included but wanted to make sure
14 the Commission firmly understood that point, especially because there were two new
15 Commissioners.

16
17 Commissioner Eggenberger noted that his starting point was the staff recommendation, but he
18 did like the sentence former Planning Director Darling had included.

19
20 Planning Director Griffiths stated that he could certainly put the sentence back in for the
21 Commission.

22
23 ***There was a consensus of the Commission that they would like the sentence used by***
24 ***former Planning Director Darling to be included, which clarified that the Commission did***
25 ***not need to agree with the staff recommendation.***

26
27 **B. Liaisons for Upcoming Council Meetings**

28
29 Commissioner Holker noted that many of tonight's agenda items were being presented to the
30 Council on May 12, 2025, but there was not a liaison for that meeting and asked if these should
31 be aligned better.

32
33 Planning Director Griffiths stated that typically, the Park Commission sends a liaison to the first
34 Council meeting of the month, and the Planning Commission sends a liaison to the second
35 meeting of the month. He noted that typically in this situation where items were taken to the first
36 meeting of the month he takes on the role of providing an update for the Council and most of the
37 time, the Councilmember who serves as liaison to the Commission would also be present and
38 able to give some insight to the Council, if necessary.

39
40 May 27, 2025 – Commissioner Longo
41 June 23, 2025 – Commissioner Holker
42 July 28, 2025 – To be determined

43
44 Commissioner Eggenberger explained that, due to health reasons, he would be resigning from
45 serving on the Planning Commission. He explained that he was willing to stay on the Commission
46 until they found a replacement so they would not run into any quorum issues.

47
48 Planning Director Griffiths suggested that Commissioner Eggenberger send him an email
49 outlining his intention and willingness to continue serving until a replacement is found, and he will
50 bring that to the Council. He thanked Commissioner Eggenberger for his service to the City and
51 noted that he was sorry to see him go.

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C. Planning Commission Photo

Planning Director Griffiths stated that the Communications Department had asked him to take a photo of the Commission.

6. REPORTS

• Council Meeting

Planning Director Griffiths gave an overview of recent Council discussions and actions.

• Draft Next Meeting Agenda

Planning Director Griffiths stated he expected the agenda for the next meeting to be fairly light and reviewed the applications. He noted that the City was actively recruiting for the open Planner position and would be holding the second round of interviews sometime next week.

7. ADJOURNMENT

Commissioner Holker moved, Commissioner Magistad seconded, adjourning the Planning Commission Meeting of May 6, 2025, at 9:25 P.M. Motion passed 5/0.



Title/Subject: Tingewood HOA Common Area PUD Concept Plan
Meeting Date: June 3, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Site Location Map
 Applicant’s Narrative & Plans

APPLICANT: Janie Korin, Secretary, Tingewood Homeowner’s Association
LOCATION: Parcel ID 3511723110072
REVIEW DEADLINE: August 20, 2025
COMPREHENSIVE PLAN: Low Density Residential (1-2 Units Per Acre)
CURRENT ZONING: PUD – Planned Unit Development/Shoreland
PROPOSED ZONING: R-1A – Single Family Residential/Shoreland

REQUEST

The applicant is requesting a planned unit development concept plan to subdivide the Tingewood Homeowner’s Association’s 5.06-acre common area into one additional lot. The newly created lot would be removed from the Planned Unit Development and meet the requirements of the R-1A zoning district. 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 is a part of Tingewood Addition which was originally developed in 1983. There are 9 townhouses in the development which share access to the 5.06-acre common area that surrounds the homes. The existing homes have shared private driveway access to Radisson Rd to the south of the site and are served by municipal sanitary sewer and private wells for water. Municipal water is not available in the vicinity of the site.

The site is surrounded by low density single-family residential neighborhoods to the east, south and west. The northern property line is adjacent to State Highway 7. The entirety of the development is located

within a Shoreland Protection Zone due to its proximity to both Lake Minnetonka to the north and Christmas Lake to the south. There are no known wetlands for floodplain on the site.

ANALYSIS

Requests for PUD Concept Plans are part of the legislative role of the Planning Commission and City Council. These types of requests have rules that apply broadly and have the most discretionary review.

Relation to Comprehensive Plan:

The Comprehensive Plan guides the site for low density residential housing at a range of 1 to 2 units per acre. The applicant's request provides for 1 home on approximately 1 acre of land which has a density of 1 unit per acre which meets the guidance of the Comprehensive Plan. When considering how the proposal ties in with the existing Tingewood development, there would now be 10 homes on 5.48 acres with a density of 1.82 units per acre which also meets the guidance of the Comprehensive Plan.

Planned Unit Development:

The applicant's proposal is essentially an amendment to the boundary of the Tingewood PUD. By removing a portion of the common area from the PUD, the area that is removed reverts back to the base zoning of R-1A. This zoning district is consistent with the surrounding neighborhood and provides single-family residential lots with a minimum lot size of 40,000 square feet. As with any concept plan, the applicant will need to create more detailed plans if the project moves forward, however, the request conceptually meets the requirements of the R-1A zoning district. The remainder of the Tingewood PUD would remain in full effect for the existing 9 townhouses and the remaining common area if the request is approved.

Street Access & Traffic:

The newly created lot would have driveway access off of Radisson Entrance to the east of the site which is a public street. The newly created lot would not utilize the Tingewood development's shared private driveway access. Radisson Entrance is a dead end street that has a minimal amount of local traffic. The addition of one additional driveway is not anticipated to create any traffic concerns.

Utilities:

The newly created lot would be served by a private well for drinking water and would be connected to the municipal sanitary sewer system. Sanitary sewer is available within the right-of-way of Radisson Entrance, however, municipal water is not available in the area.

Future Applications:

As with any concept plan, if the project moves forward the applicant will need to prepare detailed plans including a stormwater management plan, drainage plan, tree preservation plan, etc. To complete the City review process, the applicant must apply for and receive approval of the following applications and related agreements:

- PUD Development & Final Stage Plan
- Minor Subdivision
- Rezoning Request

FINDINGS/RECOMMENDATION

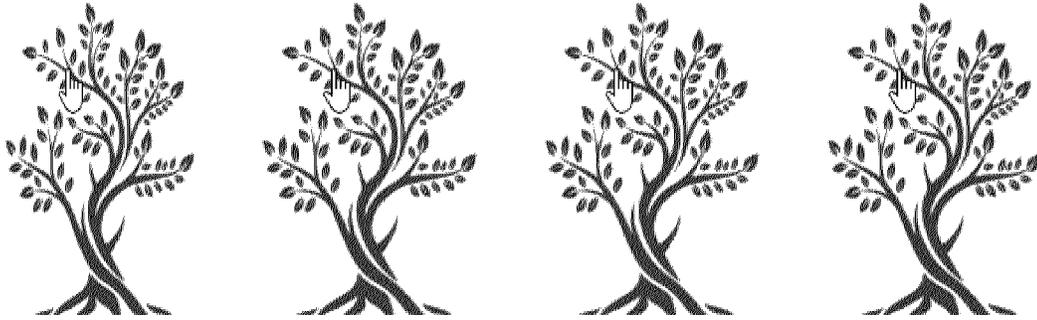
Since the applicant's proposal meets the guidance of the Comprehensive Plan and is consistent with the requirements of the R-1A zoning district, City staff would recommend approval subject to the following conditions:

1. With future phases of development, the applicant shall submit all application materials required as part of the PUD Development & Final Stage Plan, Rezoning, and Minor Subdivision Application subject to City Code requirements.
2. The newly created lot shall meet all applicable requirements of the R-1A zoning district.
3. The applicant should modify the boundary of the newly created lot to provide for at least 5-foot between the existing townhouses and the newly created lot line to allow for adequate maintenance access between the two properties.
4. The applicant shall provide revised HOA documents for the Tingewood neighborhood to accommodate the applicant's proposal.
5. The approval of the PUD Concept Plan shall expire in 180 days if the applicant has not submitted a complete application for PUD Development Plan & Final Stage Plan, Rezoning and Minor Subdivision Application, except that the applicant may request an extension of the approval subject to City Code 1201.25 Subd. 6. c. (5).

Since the Commission and City Council have legislative discretion regarding this request, they could reasonably find otherwise.

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing on the proposed PUD Concept Plan, take any testimony provided, and make a recommendation to the City Council.



Tingewood HOA

5528 Tiffany Lane Shorewood, MN 55331

Attn: Janie Korin, Secretary

City of Shorewood

Attn: Planning Department

5755 County Club Road

Shorewood, MN 55331

Re: Narrative for Tingewood HOA Concept PUD Amendment

Revised April 14, 2025

Background:

Tingewood is a small Townhome development located on Tiffany Lane in Shorewood, built in the mid- to late-1980s. We are 9 units and organized into a small Homeowners Association (HOA). We are in the concept stages of a plan to amend our Planned Unit Development (PUD) with the City to change the boundary of our large common lot (Lot 10) to sell a portion of the property, and have that portion be removed from the PUD. We understand future PUD Amendment and Minor Subdivision Applications will be necessary after this concept submittal.

Names and contact information for professional consultants who have contributed to the development to date:

☒ Eric Lindgren, PLS, Land Surveyor with Lindgren Land Surveying, PLLC.

Direct Phone Number: 952.567.0566

Email: Eric@LindgrenLS.com

Description of Request:

As mentioned above, we desire to gain approvals to sell two parcels at the northeast corner of the Common Lot. On the attached survey documents, they are identified as Proposed “Lot A” and “Lot B”. We have worked with our Land Surveyor to draw these parcels to meet the minimum lot size requirements for R1C zoning– which is the type of zoning primarily surrounding the Tingewood PUD. We are looking for input on whether the Lots would be covered by R1C zoning if removed from the PUD.

We have spoken with a number of Real Estate Agents and local developers and believe there is demand for vacant lots in this area. The two parcels to be created and sold stand apart from the Tingewood circle of homes on Tiffany Lane, and are on a quiet street with great coverage by mature trees and vegetation. Our review of the comprehensive plan shows that this minor subdivision would be in accordance with the general idea of slow and thoughtful development of additional residential parcels where possible, which is why we envision the parcels would switch to R1C zoning.

A great value to the proposed lots is the mature tree cover. We have had a tree Inventory completed on the proposed lots and that data is included in the survey documents. Our plan is to let the future buyer and home-builder determine their plan

for which trees will need to be removed and replaced, as the location and quantity of the trees can vary greatly depending on the home design. Please note that the survey documents show an approximate outline for a house. However we do not have detailed house plans – these are just as a reference for what could be built there.

The checklist for a PUD Concept Plan also details that this narrative should include a phasing plan and provisions for care of common areas. Once we have minor subdivision approvals in place, we plan to put both parcels (Lot “A” and “B”) up for sale. In speaking with various developers, it is quite likely that one party may purchase both lots. In either case, from a phasing perspective, we plan to have both parcels for sale at the same time, and hope that they sell and are built on quickly. Tingewood HOA will continue to maintain our common property; but no new or additional common land is contemplated with this Minor Subdivision and sale of parcels.

The rear of the “Lot B” is quite close to some of the existing units, and so Tingewood is planning a restrictive covenant on that parcel to restrict the construction of any major improvements on the rear of the parcel.

An official wetland report has not been prepared at this time. In reviewing the National Wetland Inventory dataset, no wetlands are shown in the area of the proposed parcels. Drainage appears to be easterly to the street, and then continue easterly to Como Lake/wetland.

Thank you for your consideration of this application.

Best Regards,

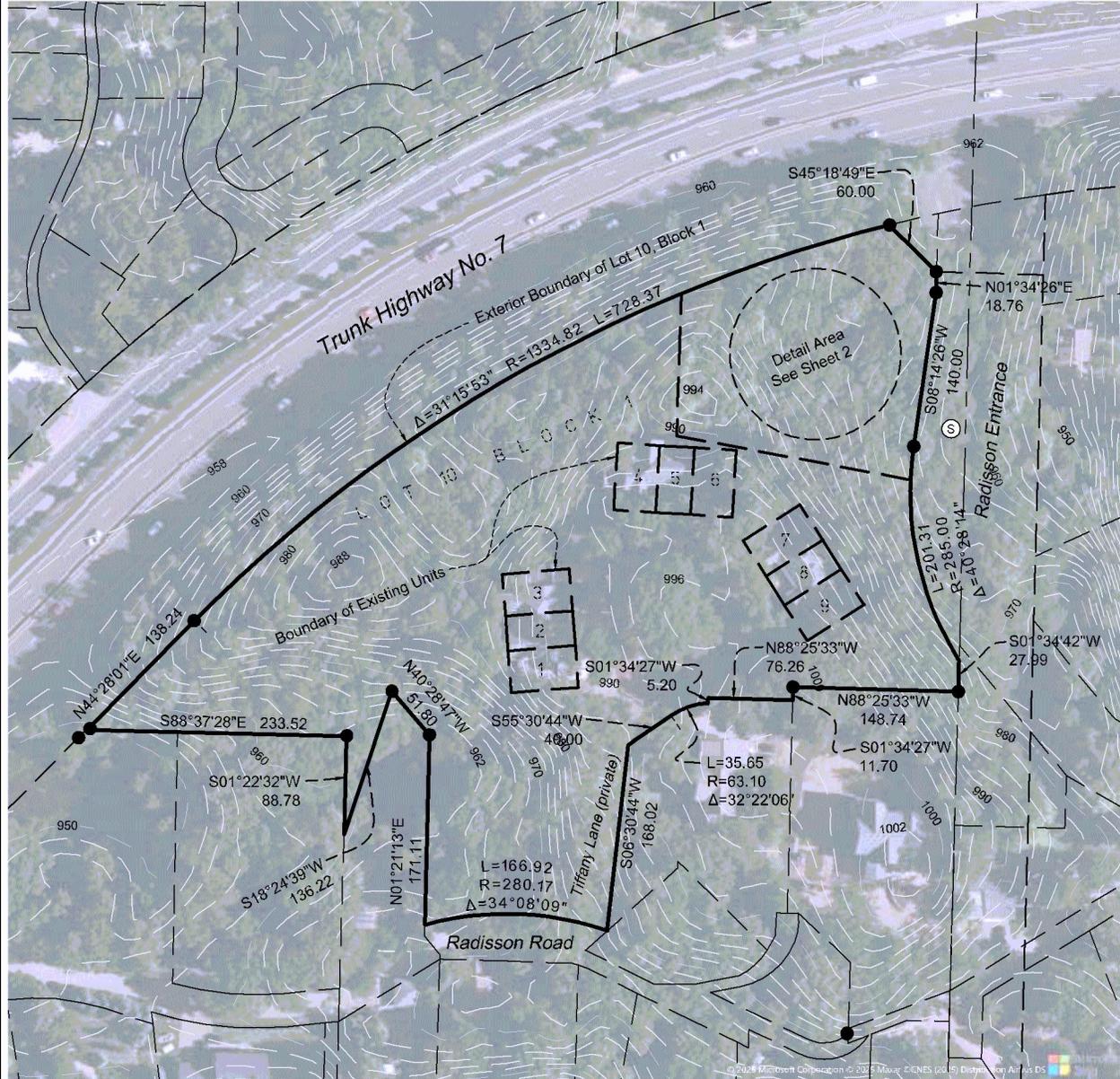
Janie M.S. Korin

Secretary

Tingewood HOA - PUD Amendment (concept)

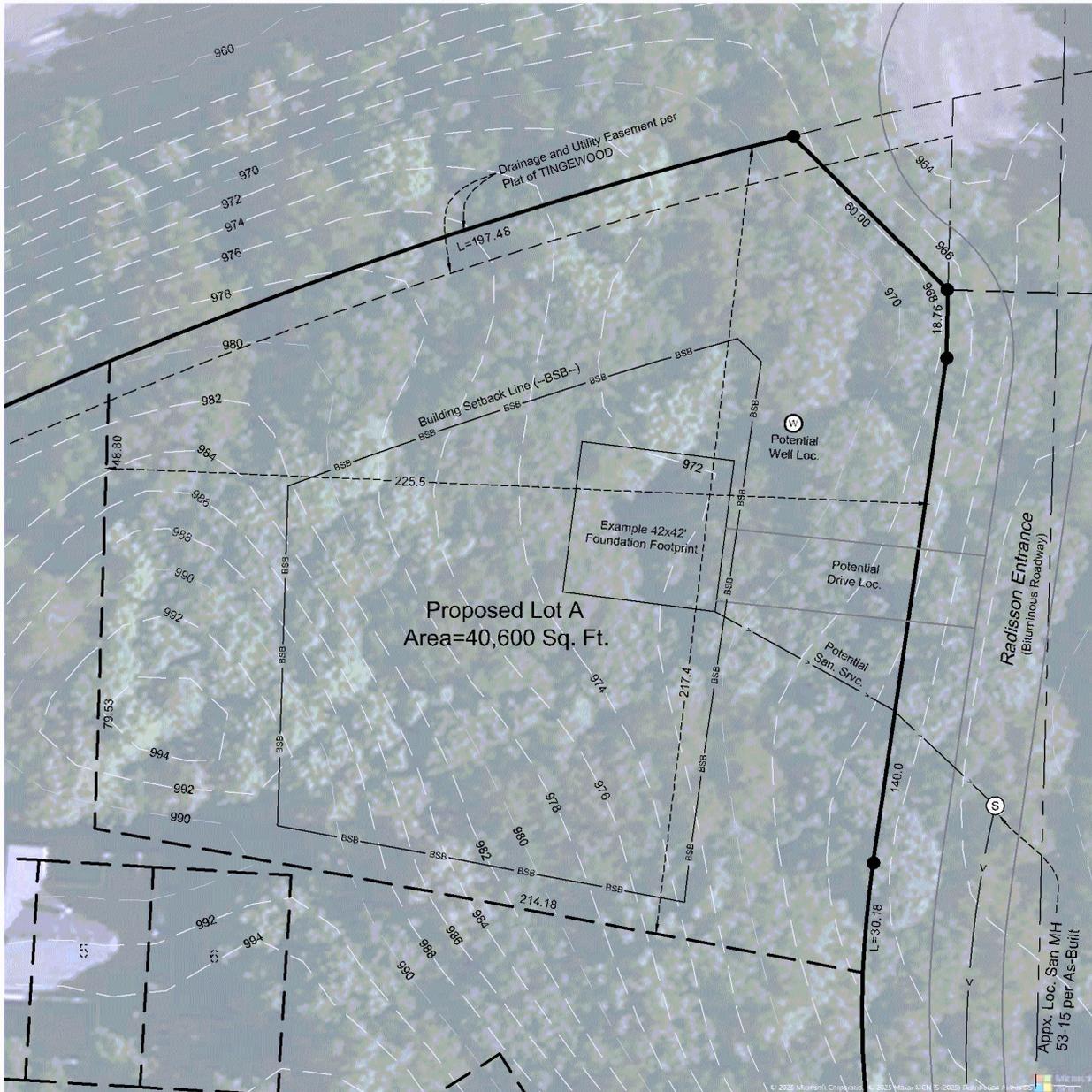
Survey Prepared For: Tingewood Homeowners Association

Property Description: Lot 10, Block 1, TINGEWOOD, Hennepin County, Minnesota, EXCEPT Parcel 222 as shown on Minnesota Department of Transportation Right of Way Plat No. 27-65.



Tingewood HOA - PUD Amendment (concept)

Site Plan

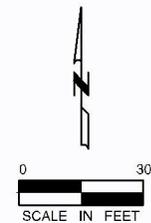


Notes (cont.)

4. Tingewood property is zoned PUD.
5. Tingewood HOA is 9 units, 10 Lots, 5.51 Acres total.
6. Proposed Lot A is drawn to meet the underlying zoning - R1A:
 - Minimum Lot Size 40,000 Sq. Ft.
 - Minimum Lot Size 120 feet wide, 150 feet deep
 - Building Setbacks: 50 Front, 50 Rear, 10 Side (50 when abutting a street)
7. Gravity Sanitary Sewer appears to be available in Radisson Entrance per as-built plan S-53.
8. Land Usage:
 - Current Usage: Residential 100%
 - Proposed: Residential 100%
 - Current PUD Area: 5.51 Acres
 - PUD Area after conveyance of Lots A and B: 4.57 Acres

Legend

- Denotes Found Survey Monument on exterior parcel boundary



April 25, 2025

LINDGREN
Land Surveying

PO Box 217
Chanhassen, MN 55317
(952) 223-0063

PROJ. NO.
17423C

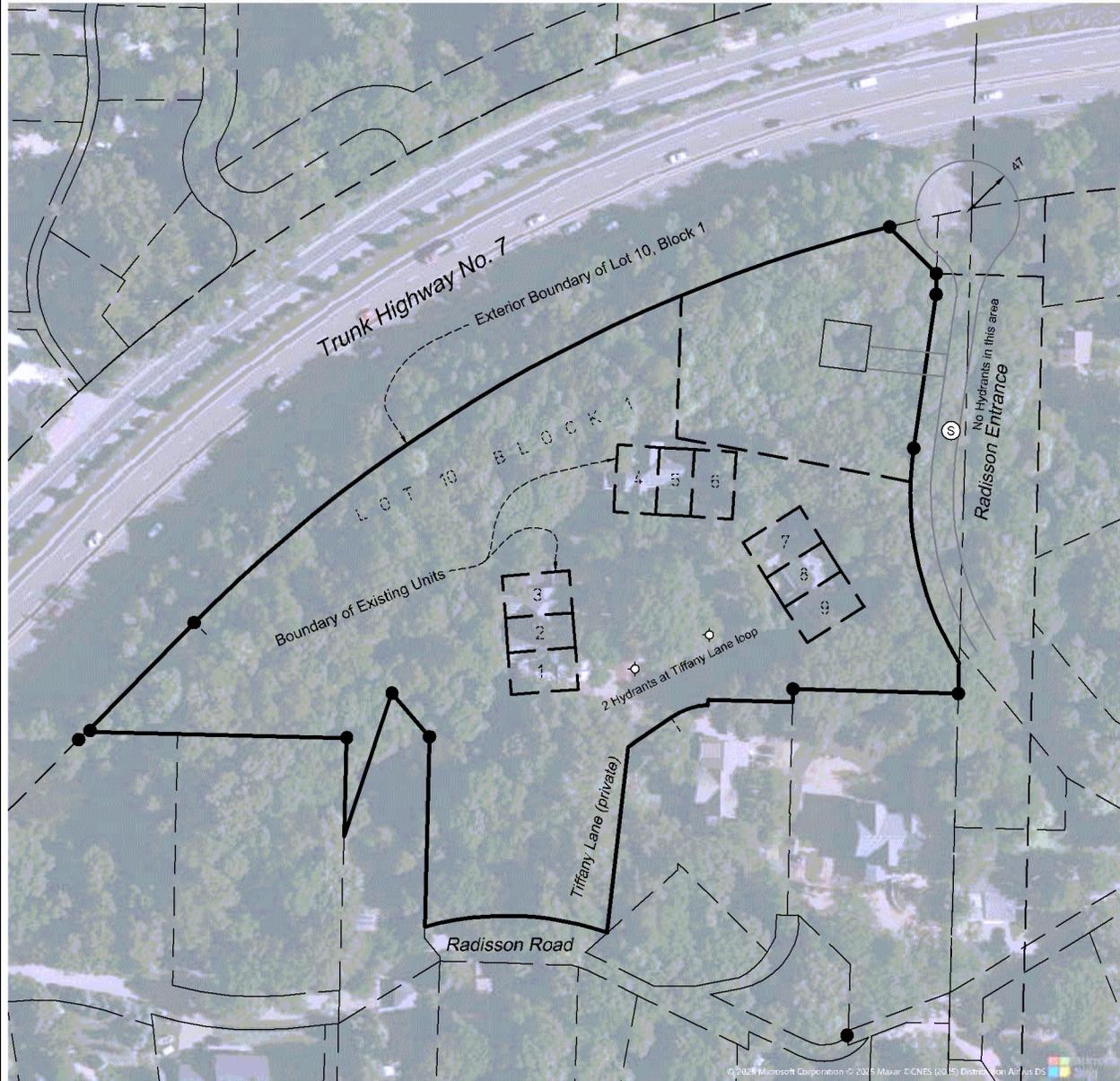
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Tingewood HOA - PUD Amendment (concept)

Fire Protection Details and Additional Calculations



Fire Protection Details

- The Tiffany Lane loop area (where no changes are contemplated) has two existing hydrants. They appear to be served by Tingewood HOA's common well, although this detail has not been verified by the surveyor.
- No hydrants are visible along Radisson Entrance in the area of the proposed parcel. The Surveyor reviewed as-builts available from the City, and it does not appear watermain is available in the street for connecting new hydrants.
- The Turn-Around at the end of Radisson Entrance appears suitable for turning around large vehicles.

Land Use Calculations

- The current and proposed use of the property is 100% residential.
- Current Use:
 - 9 Lots Multifamily Residential = 19,450 Sq. Ft. = 8.1% Multifamily
 - Common Lot 10 = 220,550 Sq. Ft. = 91.9% Transportation (private access road, parking), Common Space.
- Proposed Use:
 - 9 Lots (Multifamily) Residential = 19,450 Sq. Ft. = 8.1% Multifamily
 - Proposed Lot A (Single Family) = 40,600 Sq. Ft. = 17.0% Single Family use.
 - Remaining Common Lot 10 = 180,000 Sq. Ft. = 74.9% Transportation (private access road, parking), Common Space.

*Note surveys to measure all impervious before/after have not yet been completed.

April 25, 2025

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Tingewood HOA - PUD Amendment (concept)

Tree Inventory for Proposed Parcels

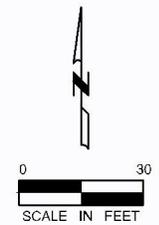


Notes

- Tree Inventory and Tree Grading performed by Heritage Shade Tree Consultants, Excelsior, MN.
- Potential impact area to the trees are identified by red clouding. However no detailed identification of what trees are to be removed/replaced has been completed, as a future buyer will provide their design and plans in an application to the City at time of house construction.

Legend

 1234 Existing Deciduous Tree with Tag Number



April 25, 2025

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Tingewood HOA - PUD Amendment (concept)

Tree Inventory Data

Tag #	Spp	DBH	Condition
1672	Basswood	12	Good
1673	Basswood	10	Good
1674	Basswood	13	Good
1675	Green ash	8	Dead/Dying
1676	Red oak	29	Fair
1677	Sugar maple	10	Good
1678	Sugar maple	18	Good
1679	Red oak	25	Fair
1680	Sugar maple	19	Good
1681	Sugar maple	17	Poor
1682	Paper birch	9	Fair
1683	Sugar maple	11	Fair
1684	Paper birch	8	Fair
1685	Sugar maple	10	Good
1686	Red oak	27	Good
1687	Sugar maple	12	Fair
1688	Basswood	16	Fair
1389	Sugar maple	13	Fair
1690	Red oak	18	Good
1691	Red oak	20	Good
1692	Sugar maple	10	Good
1693	Sugar maple	12	Good
1694	Sugar maple	8	Poor
1695	Sugar maple	9	Good
1696	Sugar maple	8	Fair
1697	Sugar maple	11	Good
1698	Sugar maple	11	Good
1699	Sugar maple	10	Good
1700	Sugar maple	11	Good
1701	Sugar maple	10	Fair
1702	Sugar maple	13	Good
1703	Sugar maple	9	Good
1704	Sugar maple	10	Good
1705	Sugar maple	11	Good
1706	Sugar maple	9	Fair
1707	Sugar maple	8	Good
1708	Sugar maple	10	Good
1709	Sugar maple	9	Good
1710	Sugar maple	9	Fair
1711	Red oak	11	Fair
1712	Basswood	16	Good
1713	Basswood	24	Good
1714	Basswood	11	Fair
1715	Sugar maple	17	Good
1716	Red oak	11	Fair
1717	Sugar maple	14	Good
1718	Red oak	24	Fair
1719	Basswood	15	Good
1720	Red oak	22	Fair
1721	Sugar maple	11	Fair
1722	Sugar maple	18	Good
1723	Sugar maple	9	Fair
1724	Sugar maple	14	Good
1725	Red oak	23	Fair
1726	Sugar maple	8	Fair

Tag #	Spp	DBH	Condition
1727	Red oak	29	Good
1728	Sugar maple	10	Good
1729	Sugar maple	10	Good
1730	Sugar maple	13	Good
1731	Basswood	21	Fair
1732	Sugar maple	10	Fair
1733	Basswood	18	Good
1734	Sugar maple	11	Good
1735	Sugar maple	12	Good
1736	Sugar maple	14	Good
1737	Sugar maple	8	Good
1738	White oak	28	Good
1739	Red oak	30	Good
1740	Sugar maple	8	Poor
1741	Sugar maple	8	Good
1742	Sugar maple	9	Good
1743	Basswood	8	Poor
1744	Basswood	14	Poor
1745	Sugar maple	13	Good
1446	Basswood	12	Fair
1747	Red oak	19	Good
1748	Sugar maple	15	Good
1749	Sugar maple	9	Fair
1750	Red oak	27	Fair
1751	Red oak	17	Good
1752	Red oak	19	Good
1753	Sugar maple	18	Good
1754	Sugar maple	11	Good
1755	Sugar maple	11	Fair
1756	Basswood	14	Poor
1757	Sugar maple	8	Fair
1758	Basswood	17	Good
1759	Sugar maple	11	Fair
1760	Sugar maple	14	Good
1761	Sugar maple	17	Fair
1762	Sugar maple	12	Fair
1763	Sugar maple	8	Fair
1764	Red oak	25	Poor
1765	Sugar maple	13	Good
1766	Red oak	22	Fair
1767	Sugar maple	8	Fair
1768	Basswood	13	Fair
1769	Basswood	12	Poor
1770	Green ash	12	Dead/Dying
1771	Green ash	17	Dead/Dying
1772	Basswood	10	Fair
1773	Sugar maple	8	Good
1774	Red oak	17	Good
1775	Red oak	23	Fair
1776	Red oak	29	Fair
1777	Sugar maple	11	Good
1778	Basswood	34	Fair
1779	Ironwood	10	Fair
1780	Basswood	17	Fair
1781	Red oak	8	Poor
1782	Red oak	12	Fair
1783	Red oak	38	Fair
1784	Red oak	26	Fair

April 25, 2025

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PROJ. NO.
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SHEET
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Title/Subject: **Impervious Surface Definition City Code Amendments**
Meeting Date: June 3, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Draft City Code Amendments

APPLICANT: City of Shorewood
LOCATION: City Wide

BACKGROUND

The City is required to regulate the amount of impervious surface that can be built on a property by the State of Minnesota through the Department of Natural Resources’ Shoreland Management Program. While these regulations typically only apply to properties within 1,000 ft of a lake, most cities in the region, including Shorewood, apply this type of regulation City wide as they serve a substantial public benefit when it comes to stormwater management and preservation of natural resources. In Shorewood, properties within 1,000 ft of a lake are limited to no more than 25% impervious surface coverage, and properties greater than 1,000 ft from a lake are limited to no more than 33% impervious surface coverage. Some common impervious surfaces include rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt and similar type surfaces.

Recently, City staff have identified a discrepancy between the City Code’s definition of what constitutes an impervious surface and the City’s historic practice in administering impervious surface requirements. This discrepancy is particularly vulnerable to less common impervious surfaces such as artificial turf and permeable pavers. In response, the proposed amendment addresses this discrepancy as outlined in the attached draft City Code amendments. No new policy changes are being proposed, these City Code amendments would rather adopt the City’s current policy and procedures into the City Code.

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 amendments to the City Code are consistent with the Minnesota Department of Natural Resources’ (DNR) and Minnehaha Creek Watershed District’s (MCWD) definition of impervious surface. By aligning our City Code with the requirements of these two organizations, all property owners in Shorewood will have consistent regulations when it comes to impervious surfaces.

Gravel driveways are defined as impervious since soils become compacted after use and impair infiltration of water, and they are often eventually paved over by property owners and such work doesn’t usually require a permit. Permeable pavers and artificial turf are also included to eliminate their use as a “work around” to meeting impervious surface coverage standards. These materials can reduce stormwater runoff, if maintained, however, most products utilize plastic underlayment and require a high amount of maintenance by property owners that ultimately eliminate their benefit. As a hard surface, they also

remove habitat/vegetation and thus also impact shoreland aesthetics. It is important to note that these materials are currently classified as impervious surfaces by the DNR, MCWD, and City of Shorewood.

FINDINGS/RECOMMENDATION

Staff recommends approval of the proposed amendments to the definition of impervious surface. The Planning Commission is requested to hold a public hearing on the proposed amendments, take any testimony provided, and make a recommendation to the City Council.

1201.02 DEFINITIONS.

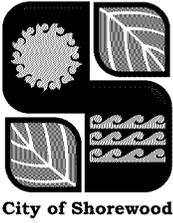
...

IMPERVIOUS SURFACE. An artificial or natural surface through which water, air or roots cannot penetrate. A constructed hard surface that prevents or hinders entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt, gravel driveways, permeable pavers, artificial turf, and other similar surfaces. The following shall not be considered impervious surfaces:

a. Cantilevers no greater than two feet from the side of the structure and at least four feet above the adjacent grade.

b. Overhangs no greater than two feet from the side of the structure.

...



Planning Commission Meeting Item

Item
5A

Title/Subject: Monthly Training Topic – Due Process & Public Hearings
Meeting Date: June 3, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: None

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, we will discuss due process and public hearings.

One of the most unique responsibilities of the Planning Commission is to hold public hearings. This responsibility has been given to the Commission by the City Council, who relies on the Commission to take public testimony and provide the City Council with a recommendation. The City Council typically does not hold public hearings during their meetings. The purpose of holding a public hearing is to ensure due process. Due process ensures that all persons appearing before the Planning Commission will be treated equally and given the same opportunities. Due process encourages objective decision making by providing all interested persons with notice and an opportunity to be heard.

Planning issues are frequently contested in court, and the outcome is often decided based on whether or not the Planning Commission provided participants due process. Public hearings must treat all interested participants fairly and equally, provide complete disclosure of what is being proposed to all parties, and provide the applicant and all citizens with the right to have their views and arguments heard. After the hearing, the Planning Commission makes a recommendation based on findings of fact to ensure that a court does not overturn the decision.

Due process requires:

- Adequate notice of public hearings sent to persons within a specified distance of the affected property and published in the City's official newspaper.
- The opportunity to be heard.
- Findings of fact to be adopted to support recommendation.
- No conflict of interest on the part of the Planning Commission.
- Prompt decisions.
- Records of the proceedings (minutes of the meeting).

Generally, the Chairperson will explain the public hearing procedure to members of the audience prior to opening the public hearing. The Chairperson may remind the audience or speakers throughout the public hearing if they are getting off track. In some situations, the Commission may review an application, like a variance, which does not require a public hearing but rather a public meeting. In these situations, the Commission should still take public input as if a hearing was required. Formally opening and closing a public hearing is not required in this situation. Rather, the Chairperson can simply invite members of the public to provide input and then move on from that portion of the meeting.

Action Requested

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