

MINUTES

CALL TO ORDER

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

ROLL CALL

Present: Chair Eggenberger; Commissioners Huskins, Holker and Johnson; Planning Director Darling; and City Planner Griffiths

Absent: None

1. APPROVAL OF AGENDA

Huskins moved, Holker seconded, approving the agenda for January 7, 2025, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

- **December 3, 2024**

Holker moved, Johnson seconded, approving the Planning Commission Meeting Minutes of December 3, 2024, as presented. Motion passed 4/0.

3. MATTERS FROM THE FLOOR

4. PUBLIC HEARINGS - NONE

5. OTHER BUSINESS –

- A. Variance from the Side Yard Abutting a Street Setback for a Proposed Portico
Location: 6040 Cajed Lane
Applicant: Eric Magistad

City Planner Griffiths reviewed the request for a variance at 6040 Cajed Lane to the side yard setback in order to construct a portico. He noted that the home was built in 1977 and was already grandfathered in and legally non-conforming and was similar to other homes in the neighborhood. He noted that the proposal would be for the portico to be constructed on the existing concrete slab and it would not increase any impervious surface on the property. He outlined the analysis staff had done on this request and explained that they were recommending approval of the variance request with the condition that the applicant obtain all necessary permits for construction by March 1, 2025 and pass all inspections.

Commissioner Huskins clarified that the variance was not due to the applicant increasing any of their existing non-conformities and was only because the proposed portico extension was greater than 4 feet.

City Planner Griffiths explained that the variance was needed because the City Code would require a 50 foot setback for new improvements, but noted that this would not increase the non-

conformity and a variance was required because the portico was at 5 feet from the front face of the house. He stated that if it were 4 feet or less, it would be considered a permitted encroachment and this process would not be needed.

Commissioner Holker asked why the building permit had been denied in September 2024.

Planning Director Darling explained that the building permit was denied because the portico does not meet the setback.

Eric Magistad, 6040 Cajed Lane, thanked the staff for the work they have done on his behalf through this process. He stated that they have worked with their contractor for the last 9 years and were confident in his ability to deliver on the conditions that were being recommended by City staff.

Commissioner Huskins noted that the rendering submitted was very different than the existing photograph.

Mr. Magistad stated that the rendering that was submitted to the contractor as their 'inspiration' did not really fit the façade of their house. He explained that they know what the dimensions will be, but were not exactly sure what it would end up looking like in the end.

Holker moved, Huskins seconded, to recommend approval of the variance request from the Side Yard Abutting a Street Setback for a Proposed Portico at 6040 Cajed Lane, subject to the conditions included in the staff report. Motion passed 4/0.

Chair Eggenberger stated that this item would come before the City Council on January 27, 2025.

B. Discussion of Subdivision Regulations Amendments Related to Administration and Enforcement Procedures
Applicant: City Initiated

Planning Director Darling explained that the City had hired a consultant to redraft the City's subdivision ordinances and this discussion was intended to submit feedback to the consultants on their initial draft and also allow them to give whatever other feedback the Commission may have. She explained that the consultants were trying to get all of the administrative pieces of the ordinances into one place so people would not have to skip around between applications types and design standards.

Commissioner Johnson asked if there were any administrative procedures that would apply now that did not before, for example, if there were zoning administrator approval of things that previously would have been handled in a different manner.

Planning Director Darling stated that there were some of those differences proposed and they were looking for input from the Commission on those things but explained that if the Commission wasn't comfortable with those changes, they could be pulled back a bit.

Commissioner Johnson explained that she was not sure how they would know whether they were comfortable with it or not because they do not know exactly what the impacts may be. She asked if there was something like review by the City Attorney and asked if there was anything that would highlight that this item was new to this subsection, but has been in place for another subsection. She stated that the Commission did not have that information and was something that would be

difficult for them to be able to do on their own. She reiterated her question on whether there would be City Attorney review that would be required.

Planning Director Darling stated that the City Attorney would absolutely review these changes.

Commissioner Johnson stated that she would love to see it highlighted in order to show places where there would no longer be Planning Commission review or a public hearing where there previously had been. She stated that from what she has seen it looks like public hearings have disappeared in some cases.

Planning Director Darling suggested that they start walking through the draft information included in the packet because she thinks that will make it easier for the Commission to understand. She reiterated that the consultants were trying to consolidate all the procedures in one section and were also trying to make it consistent how each procedure was presented. She explained that one thing she liked was that they were taking all of the common procedures across the board and were putting them in one section at the beginning which she felt would be helpful because there would not be repeats, but noted that in this draft she had noticed some repeats.

Commissioner Huskins stated that for people looking for information, for example, for a cemetery, what they were looking to do was not applicable to this section. He explained that he felt it would be helpful to include direction to the portion of code that would apply for their situation.

Commissioner Johnson stated that she would also make that suggestions for items 1 and 2.

Commissioner Huskins stated that his sense of doing this work was to streamline it in order to make it more readable and easier for people to use which he felt his suggestion would do.

Planning Director Darling continued review of the draft document and stated that staff could not issue a building permit for any lot that was not created in compliance with the chapter.

Commissioner Huskins noted that in the building permit section of 'Common Procedures' section he was expecting to see a statement that said, 'here is the process by which you can get a building permit', but he felt nothing in this section told him how to do that and simply tells him what he could not do.

Planning Director Darling stated that she understood his point and suggested that 1 and 2 needed to go under Introductory Provisions. She moved the discussion onto the third subdivision related to who would be authorized to file applications and subdivision 4 related to application fees. She noted that she would like to add an additional statement that made it clear that no application would be accepted without the actual application form, so people could not just simply submit their documentation.

Commissioner Johnson noted that under application fees there is a statement that says that escrow amounts 'may' be required and asked if that should be changed to 'will'.

Planning Director Darling suggested changing the wording to 'an escrow amount shall be required by the City, subject to Chapter 1301'. She moved the discussion onto subdivision 5, pre-application meetings and explained that they could come in for a meeting before they actually submit their application in order to allow staff to take a look at it and give initial comments. She noted that in the current Code this seemed to be required and she would like to make this more

discretionary. She noted that if they come in for a pre-application meeting, she would like to change the language so it is clear that they must bring in a sketch for staff to look at.

Commissioner Huskins asked if there was a charge to the applicant when there is a pre-application meeting.

Planning Director Darling stated that there would not be a charge to the applicant in that situation because it would be handled by staff and not consultants.

Commissioner Huskins gave the example of the City receiving an application that had many holes in it which had not held a pre-application meeting.

Planning Director Darling acknowledged that was what usually happened.

Commissioner Huskins stated that he did not think the fees were structured according to how much time staff spends reviewing an application. He explained that he felt that encouraging applications to have the pre-application meeting would end up as a benefit to staff because it would reduce the amount of time they would have to spend correcting issues. He stated that this was why he was thinking, in most cases, it would be better to have a requirement for a pre-application meeting.

Planning Director Darling noted that most developers come in before they submit their application and meet with staff because it also saves them time and money.

Commissioner Holker asked if there were any laws that kept the City from requiring a pre-application meeting.

Planning Director Darling stated that with any planning and zoning application they have the right to submit the land-use applications and she did not think the City could turn it down solely because they had not met with staff ahead of time.

City Planner Griffiths explained that the other thing that they would potentially run into was possible litigation related to what would really be considered an application requirement. He stated that as soon as you do application requirements then they start triggering review timelines that are required by State statutes. He stated that if they required a pre-application meeting, that would start the clock sooner.

Planning Director Darling agreed that they would have to be really careful with that timeline but noted that there were cities that required fees just to have basic questions answered.

Commissioner Huskins stated that if they leave this as discretionary, he asked if there was something that they could include that the procedure or process was intended to encourage this type of meeting, even if it was not required.

Chair Eggenberger suggested language that simply stated that 'all applicants were encouraged to meet with the Zoning Administrator'. He asked if the applicant could choose to invite additional city staff to the meeting.

Planning Director Darling explained that sometimes the applicant will say that they have more questions for the engineer, for example. She clarified that she did not think language should be added and should be left to her discretion on who will attend the meeting.

Commissioner Johnson asked if the Zoning Administrator was a new position.

Planning Director Darling stated that it was not and was the statutory definition of her principle job duties.

Chair Eggenberger asked where an applicant would go if they have issue with the Zoning Administrator.

Planning Director Darling explained that they can appeal it, but noted that in a small town such as Shorewood, they will have to work with her, even if they do not like her because the City staff was too small, so they do not have duplication of duties amongst staff like other cities may have. She explained that the appeal process would go through the Planning Commission and then onto the City Council. She moved the discussion onto subdivision 6, coordination of applications and 7, deadline for actions.

Commissioner Huskins stated that he felt the fees in a situation for coordination of applications needed to be clearly outlined. He suggested that there be language that says that each application fee would be additive and that there would not be a discount for coordination of applications.

Commissioner Johnson stated that she did not fully understand the deadline for action and noted that she felt it should be based on some application, but if there were a bunch of them bouncing around, she questioned which application the deadline would apply to.

Planning Director Darling explained that it would be for the complete application for preliminary approval.

Commissioner Huskins stated that if there were multiple applications, the clock would start ticking when all of them were completed.

Commissioner Johnson cautioned that she just didn't want the City to be responsible for having a deadline that was too early due to confusion about what 'delivery of an application' really was.

Planning Director Darling stated that there was a lot of case law on this topic so she did not think it would be confusing for applicants but noted that she would make sure that the City Attorney reviewed this language. She noted that subdivision 8 related to the premature subdivision was not really common so they want to move that.

Commissioner Huskins asked if there was convention for use of the word 'premature'.

Planning Director Darling explained that it was very intentional.

Commissioner Huskins stated that from a layperson's perspective he felt that by saying something was premature that meant that there was some cure in order to make it mature, but he felt some of the conditions listed were not actually curable.

Planning Director Darling stated that was correct and if the applicant cannot solve the problems that were listed, then they should not submit an application for subdividing.

City Planner Griffiths stated that he felt the word 'premature' and much of this had a lot of case law that goes into them. He stated that the word 'premature' had been heavily litigated and comes directly from court review for subdivision ordinances.

Commissioner Huskins asked whether an incurable factor would perpetuate this to be premature for eternity.

Planning Director Darling stated that was correct, until something resolved the situation and explained that the City had the right to turn it down if the property was essentially not ready to be subdivided.

Commissioner Huskins explained that he was fine with it but just felt it was a very strange word to use.

Planning Director Darling noted that in this case, premature meant, not ready.

Commissioner Huskins stated that he felt some of the conditions were more than not ready and would never be ready.

Commissioner Huskins referenced item (6) in this section regarding providing public improvements.

Planning Director Darling acknowledged that she was not sure what that meant and stated that she also had some questions for the consultant about this.

Commissioner Johnson referenced the language that stated that it must be provided at public expense and asked if that meant that they were supposed to provide a park that was in a subdivision.

Planning Director Darling stated that many subdividers do that.

Commissioner Johnson asked if that was how the City wanted it to continue and noted that she felt that there ought to be very little that is actually paid by the public.

Planning Director Darling agreed that she felt that they needed to have more internal conversations with the consultants about what they intended with this section. She stated that she gets the impression that it was serving as more of a catch-all section, which made her a bit nervous.

Commissioner Huskins stated that he also questioned the use of the word 'reasonably' and gave the example of something that was aesthetically pleasing to one person would not be for another. He questioned what was meant by using the word reasonably in this statement and asked whose reason would take precedence.

Planning Director Darling reiterated that was something that they would have to discuss with the consultants.

Commissioner Johnson asked if there was anything with a premature application that would come before the Planning Commission.

Planning Director Darling stated that depending on the type of application, it may come before the Planning Commission as well as the City Council. She moved the discussion onto subdivision 11, appeal of decisions and explained that if someone did not like something she decided would be appealed directly to the City Council but noted that in the Zoning Ordinance it would go to the Planning Commission first. She noted that, in this case, they could also have the Commission review it and make a recommendation to the Council as well.

Chair Eggenberger asked if the 30 days in item 11.b. was statutory.

Planning Director Darling stated that she was not sure if that was exactly what it said in statute or if they were just putting a time period in there.

Commissioner Johnson questioned the use of the word 'delivery' and if that meant by e-mail, phone call, putting it in USPS, receipt of USPS, or by certified mail. She stated that she felt that 30 days was a tight timeline so she felt that there should be something that talks about specifics related to delivery.

Planning Director Darling explained that typically it was the date that the Council acted on a resolution, but if there was an administrative review, it may be the date that she put something in writing and sent it out. She noted that e-mail had the same weight as USPS mail.

Commissioner Huskins asked if in 11.b, 'serve' was implying a subpoena.

City Planner Griffiths clarified that it would not necessarily be a subpoena but they would essentially inform the City with the notice of the appeal, and there would be a signed authorization by the City that it was received.

Commissioner Huskins explained that he wanted to just point this out in case it needed further clarification in future drafts. He referenced subdivision 10.a where it stated, 'unless substantial changes have been made which warrant reconsideration' and questioned the use of the word 'substantial'. He explained that he would prefer it be something more clear that remediates all prior concerns that were raised.

Planning Director Darling stated that was usually her determination on whether it was substantially changed and explained that this was trying to prevent nuisance subsequent applications. She moved the discussion onto subdivision 12, registered land surveys and explained that she recommended this be put into applications because they are a separate type of application and not really a procedure. She noted that for subdivision 13, amendments, she liked having this section because it essentially was saying that if they were amending their preliminary plat, for example, they had to follow the same procedure that they did for the first one.

Commissioner Johnson stated that was not the way she read it and had actually thought it meant that the actual subdivision had to go through this review.

Planning Director Darling stated that these were actual amendments to the code and agreed that they were not appropriate for the common practices as well.

Commissioner Huskins referenced subdivision 12.c. and noted that he read this and was surprised because he did not think the Planning Commission ever had anything to do with building permits.

Planning Director Darling explained that the Planning Commission does because they review preliminary plats and this was saying that the City cannot issue a building permit on registered land surveys until they have actually been approved.

City Planner Griffiths noted that registered land surveys are a bit goofy because of the way they are done. He explained that there may be situations where a registered land survey could get approved and accepted for a property but the City may not be aware of it. He stated that this section was basically saying that if this happens and the City has not seen it yet, there was not an obligation to issue a building permit until they go through the whole process, as usual.

Planning Director Darling moved the discussion on the administrative adjustments and noted that this was something new and reviewed various examples of the circumstances when this process would be used. She asked if the Commission would want to notify people in order to let them know what was going on in the neighborhood. She stated that there could be a situation where they are notified and then get upset because they cannot really do anything and stating their opposition would not really impact the outcome.

Commissioner Johnson asked if this was already in City Code.

Planning Director Darling stated that it was not already in the City Code.

City Planner Griffiths noted that this is a process that exists in many other communities in the Twin Cities area and explained that many times it is an alternative to judicial review for small issues.

Commissioner Johnson stated that she felt this seemed like it was a bit more than a minor adjustment and explained that she was not sure she could support it.

Commissioner Holker noted that it would still have to fall within the guidance for the zoning, so the City cannot turn it down.

Commissioner Johnson referenced the administrative adjustment 1.c. where it talks about not being in violation of this chapter, the Zoning Code or the building code and asked if it should also include the Comprehensive Plan.

Planning Director Darling explained the division of a base lot and shared examples around the City.

Commissioner Johnson asked if an administrative adjustment could be made without notifying the other side.

Planning Director Darling clarified that one person would own it until it was subdivided. She noted that there was one other type of subdivision that the City has no authority over which would be a condo plat where they would not own the land and just owned a portion of the home. She reiterated that this would be another type of subdivision but would not be under the City's purview.

Commissioner Johnson stated that the question for the Commission to consider was whether they want to separate the administrative adjustments out or leave them within the minor subdivision.

There was consensus of the Commission to separate administrative adjustments from minor subdivisions.

Commissioner Johnson asked for additional context on a base lot.

Planning Director Darling gave an overview of base lots and shared an example of the lots at Lake Park Villas and explained that development was a unit lot/base lot subdivision. She moved the discussion onto minor subdivisions and noted that her recommendation was that it not be more than 2 lots and should not be on any lot that was not previously platted.

Commissioner Huskins asked about the items that referenced in the R-1D zoning district neither lot may be greater than 125% of the minimum lot size for the zoning district.

Planning Director Darling stated that she has not yet found the story for why that was included in the City's current code and had planned to ask the consultants to remove this from the code.

Commissioner Johnson noted that this language was also used in the administrative adjustment section.

Planning Director Darling explained that she felt the language should also be removed from that section.

Commissioner Johnson asked if this was something that normally the Planning Commission would have normally considered, but now it goes straight to the City Council.

Planning Director Darling explained that was what the consultant had suggested and noted that they could continue to have it go before the Planning Commission. She explained that the current procedure for a minor subdivision did not include notice to the neighborhood if it didn't require a variance and, in her opinion, if you have a public process, there should be some type of notice given.

Commissioner Johnson clarified that her question was whether it would make more sense for it to come to the Planning Commission first and make a recommendation.

Commissioner Holker stated that she keeps going back to the fact that if there are no variances, whether there would ever be a reason that the Commission wouldn't recommend approval other than their own personal preference. She noted that she wonders if it should come before the Planning Commission and would need to have a public hearing if there was actually nothing that could be done if people didn't like it, as long as it fit within the City guidelines. She stated that if there was nothing that the City can do about it she would question why they would want to just frustrate the public by coming and giving their opinion, when essentially the City would say thank you, but we cannot change anything.

Chair Eggenberger stated that he agreed with Commissioner Holker.

Commissioner Huskins stated that the issue would then become if there is a variance, it would have to come before the Planning Commission and would require a public hearing. He stated that he felt that there would be people there who would pay no attention to the variance request because they hate what is there.

Commissioner Johnson asked, if they made the determination that a public hearing would only be necessary if there was a variance request, who would make sure that it complied with all the City Code and everything.

Commissioner Holker stated that she assumed that would be handled by the Planning Department.

Commissioner Johnson referenced subdivision 4b under minor subdivisions and stated that she felt that this should just be for the Comprehensive Plan and not include mission, values, and policies.

Commissioner Huskins stated that he felt it came back to whether the City Council would want the Planning Commission to look at the cut-and-dried minor subdivisions even if there were no variances and asked how the Commission felt about that approach.

Planning Director Darling confirmed that was a question that she would be asking the Council.

Chair Eggenberger noted that even if the Commission didn't review it, staff would still give the Council a recommendation.

There was a consensus that the Commission was comfortable with no notice requirements.

Commissioner Johnson suggested that wherever there was a statement that included the Comprehensive Plans mission, vision and values, that they take a look at that and explained that she was not sure how 'squishy' that was supposed to be.

City Planner Griffiths stated that his guess was that wording was intended to encompass the entire Comprehensive Plan, but noted that they could probably say the same thing using less words.

Planning Director Darling moved the discussion onto preliminary plats and noted that the proposal was not very different than the current process. She noted that the things that will likely change would be to modernize the submittal requirements.

City Planner Griffiths explained that preliminary and final plats have the most statutory guardrails in place and can be more standardized from city to city.

Planning Director Darling explained that she would like to extend how long the application approval was good for and would like to change it from 6 months to 12 months.

Commissioner Huskins noted that what had caught his eye within the summary of changes was under subdivision variances where it talked about removal of the need for a public notice/hearing.

Planning Director Darling stated that she would like to change that to a public meeting because the published notice in the newspaper does nothing. She stated that she thinks only once or twice in her 30 years of planning has she had people come and ask about legal notices.

Commissioner Johnson referenced the preliminary plat requirements and asked if the third party permissions for things such as trails that go through property had to be identified.

Planning Director Darling stated that it would not need to be identified and explained that it would be a permit from another jurisdiction that the City would have to see before they could subdivide.

Commissioner Huskins asked if they could move onto park dedication and asked why there was a difference in the park dedication calculation between residential and non-residential developments.

Planning Director Darling explained that usually, commercial projects do not have to pay the same rate of park dedication that residential does which was in direct proportion to the lesser use generated by commercial properties which is why it was changed from 8% to 5%.

Commissioner Johnson stated that she would like to see this amount remain at 8% for both commercial and residential.

Commissioner Huskins asked if a parcel had already paid park dedication at the beginning whether it would be required to pay more if they subdivided.

Planning Director Darling stated that they be required to pay more, but they would get credit for the amount that they had previously paid.

Commissioner Johnson asked about subdivision 2 under park dedication regarding cash in lieu of land and suggested that this be struck wherever it appeared in the document because it was primarily based on the value of raw land. She stated that it talks about going into the City Park Fund but there isn't much said about the use of it once it goes into that fund and explained that she objected because she felt there ought to be a dedication of land because that is a big part of what makes Shorewood what it is today.

Planning Director Darling explained that Shorewood was a built-out City, according to the Comprehensive Plan which meant that they do not acquire more land for parks unless it was directly adjacent to an existing park or in an area of need, such as south of Galpin Lake. She stated that what the City was looking for with each subdivision was the cash payment and noted that most of the park dedication that the City receives is actually in the form of cash in lieu of land. She explained that this cash goes into a special fund and are used for improvements to existing parks or acquisition of park land.

Commissioner Johnson stated that this says that you cannot get any more existing land but she felt that they could if they kept the existing percentages.

City Planner Griffiths stated that one thing to think about is when they talk about acquiring land, it has to be within the boundary of the subdivision, if the City was going to take park land. He clarified that meant that they could not go somewhere else and buy additional property but would mean that if someone, for example, came forward with a 3-lot subdivision on one acre of land, that parkland would have to be contained within the area and would essentially be a postage stamp park. He explained that the park dedication money allows the City to accept the payment and then spend the money in a location to buy land adjacent to an existing park rather than being shoehorned into the exact site location.

Commissioner Huskins asked who made the determination about land versus money for park dedication.

Planning Director Darling explained that the requests go to the Park Commission for a recommendation to the City Council, but noted that it goes back to the Comprehensive Plan and what it says which is that the City would prefer to have cash over having small bits of land throughout the City.

Commissioner Johnson asked if trails would be considered parks.

Planning Director Darling stated that some cities do consider trails as parks, but in Shorewood, they are funded through the Street Fund, except for things like the trails in Freeman Park.

Commissioner Johnson stated that she just felt that this language did not have enough meat around it.

Planning Director Darling agreed that the language in this section may still need a bit of work.

Commissioner Johnson stated that she would be interested in seeing how the percentages for park dedication were handled in other cities, such as for commercial properties, and reiterated that she felt the language used was a bit weak. She clarified that she did not like that the City could not get land.

Chair Eggenberger asked if the Commission was ready to wrap up their discussion on this agenda item.

Commissioner Johnson asked if the Commission would see this document again after the revisions have been made.

Planning Director Darling stated that it would come back before the Commission.

Chair Eggenberger recessed the meeting at 9:07 p.m. and reconvened at 9:11 p.m.

**C. Discussion of Zoning Ordinance Amendments to the R-3A and Related Amendments
Needed to Implement Medium Density Land Use**
Applicant: City Initiated

Planning Director Darling gave an overview of the Zoning Ordinance amendments to the R-3A that were necessary in order to implement medium density land use that would allow 6-8 units per acre. She outlined some of the amendments she was proposing including changing 'elderly housing' to 'age-restricted housing'.

Commissioner Huskins asked about the use of the term subdivision and if when he sees it he should be thinking about the previous agenda item.

Planning Director Darling stated that was correct but noted that there is one section that was currently located in the Zoning Ordinance that she was recommending be moved to the Subdivision Ordinance which was the subdivision of twin homes and townhomes into separate lots for ownership.

Commissioner Huskins stated that he also thought it was very clear that they were cutting out two-family homes from this because they cannot get the density, but in many portions of the document two family homes were still included.

Planning Director Darling suggested that they go through those because in some cases there will be standard conditions that apply to more than just these two zoning districts. She began the overview of the proposed changes beginning with definitions and the removal of quadrominium and just refer them to townhouses.

Commissioner Johnson referenced the marina property and the other properties that were discussed recently, it says allows development of between 6 and 8 units per acre and asked if the dredging company property, for example, would be 6 to 8 units.

Planning Director Darling clarified that the dredging company property was guided for high-density development. She noted that the property they were looking at tonight was the property that has the dry storage of boats for the marina and the marina itself which are separate parcels from the dredging company. She noted that the parcel was a bit deceptive because the southern portion of the property is all wetland.

Commissioner Johnson asked if this meant that the marina property had to have 6 to 8 residential units.

Planning Director Darling stated that they can use it as a marina indefinitely, but if there was some other use, without a zoning change, they could also propose to redevelop it for townhouses or apartments.

Commissioner Holker stated that depending on what their overall acreage was without the wetland areas, it will be more than just an overall 6 to 8 units per acre and would most likely be more than that.

Planning Director Darling clarified that it would actually be less than that amount after the removal of the wetlands.

Commissioner Huskins asked Planning Director Darling to review the townhouse-attached definition.

Planning Director Darling reviewed examples of attached townhouses, including row homes or back-to-back homes.

Commissioner Huskins noted that as stated here, a detached townhouse would not be acceptable in this district.

Planning Director Darling clarified that it would not be, except through a PUD.

Commissioner Huskins explained that when he read this he understood it to be apartments or townhomes, but not two-family dwellings, and reiterated that within the document he kept finding references to two-family dwellings, which he found confusing.

Planning Director Darling moved the discussion onto the proposed changes in the districts.

Commissioner Huskins referenced subdivision 4.c (1) under R-3A and asked why the required side yard setbacks shall not be any greater than 30 feet.

Planning Director Darling stated that was all existing language, so she was not sure why it was put in there. She noted that side yards are typically 10 or 15 feet and would rarely be more than 15 feet.

Commissioner Huskins stated that they have gotten used to seeing things where people are not hitting what they were supposed to and essentially look the other way if someone has more of a setback than the code says that they need.

Planning Director Darling stated that this caps the required setback, but noted that people can still have more of a side yard setback than 30 feet, but it was not required.

Commissioner Huskins suggested that they may want to work on the wording on this item.

Planning Director Darling explained that there were very few parcels in the City that this section would apply to so they could remove schools and recreational buildings in a few districts.

Commissioner Huskins clarified that he was not implying that it should be removed but just that the language just be made more clear.

Commissioner Johnson stated that she wouldn't mind the removal of subdivision 4.c.

Planning Director Darling stated that it had to be included.

Commissioner Huskins reiterated that if it was kept in, he would like it to be worded a bit more clearly.

Planning Director Darling reiterated that they could remove schools and recreation buildings from some of the districts because everything did not need to be allowed.

Commissioner Johnson stated that the medium density requirements are for 6 to 8 units per acre and asked if it could go higher than that.

Planning Director Darling stated that it could not go higher than 6 to 8 units per acre and clarified that it would be capped at 8 units per acre.

Commissioner Johnson stated that she found the lot size changes to be strange.

Planning Director Darling explained that the sizes were what would be needed in order to get to 6 to 8 units per acre.

Commissioner Huskins asked if there was a difference between dwelling unit and unit.

Planning Director Darling stated that there was not a difference and noted that her hope was to correct these references so it would be 'unit' through most of the ordinance.

Commissioner Huskins referenced Subd. 7 where the word dwelling was a new word that had been added.

Planning Director Darling offered to take it out if the Commission would like.

Commissioner Huskins stated that if unit and dwelling unit were essentially the same, he would think that they should all be referred to as the same thing.

Planning Director Darling explained that in this reference, she had put in dwelling unit because this was a unit of housing versus a unit of paper or other product.

Commissioner Huskins stated that if both commercial and residential were included in this document he felt it would make sense to use dwelling unit.

Commissioner Johnson pointed out a small typographical error in Section 3, subdivision 4.c.

Commissioner Huskins referenced Section 3, subdivision 2 a. and noted that the last words in this section say 'with the following standards and limitations', but then it just moves on to item b.

Planning Director Darling suggested some other language that could be used since it could not just directly follow that statement.

Commissioner Huskins referenced Section 3, subdivision 3.a (2) asked how many levels there could be for a clubhouse and asked if this point was predicated on something.

Planning Director Darling stated that she believed that this statement was intended to minimize the size of the clubhouse so it was not a party place.

City Planner Griffiths stated that the clubhouse would be limited to 2.5 stories in this zoning district.

Planning Director Darling clarified that the height limitation was listed in subdivision 6.

Commissioner Johnson stated that in the coming sections they do use two family and townhouse dwellings and asked if they wanted to continue using them that way or if they should be tied to the definitions that were already prepared and shared some examples of where she found these within the document.

City Planner Griffiths stated that was how they were intended to be used.

Planning Director Darling stated that those are defined terms.

Commissioner Holker noted that within Section 3 there was not a subdivision 1.

City Planner Griffiths clarified that they had simply skipped to subdivision 2 because there were no changes to subdivision 1.

Commissioner Huskins referenced the table related to parking lot dimensions and asked for a simple explanation of the statement delineated by an asterisk.

Planning Director Darling explained that this statement had a typographical error in it which was what she was trying to correct. She stated that when they were calculating the parking space dimensions, they can assume that each space includes 2 feet for vehicle overhang.

Commissioner Huskins noted that in Section 10, subdivision 16, there was a reference to 'townhouse dwelling lots'. He gave the example of language throughout the document that says something like 'shall comply with the Minnesota State building code' and asked if that would be something that would be common for anyone reading this to know what it was and where they could find it.

Planning Director Darling stated that it would be something that anyone reading this would know where it could be found.

Commissioner Johnson pointed out a reference to elderly housing that still needed to be removed.

6. REPORTS

- **Council Meeting Report**

City Planner Griffiths noted that at the last Council meeting, they approved a code amendment that did not come before the Commission related to amendments to native vegetation due to a change in State law.

Planning Director Darling reviewed the agenda for the last Council meeting and gave a brief overview of what was discussed.

- **Draft Next Meeting Agenda**

City Planning Griffiths stated that the Commission can expect their next meeting to be lengthy because there are two subdivision applications, one variance, as well as the next chunk of the subdivision code that was started earlier in the meeting.

7. ADJOURNMENT

Johnson moved, Huskins seconded, adjourning the Planning Commission Meeting of January 7, 2025, at 10:20 P.M. Motion passed 4/0.