

MINUTES

CALL TO ORDER

Chair Eggenberger called the meeting to order at 7:00 P.M. and welcomed new Planning Commissioners Longo and Magistad.

ROLL CALL

Present: Chair Eggenberger; Commissioners Longo, and Magistad; City Planner Griffiths; and, Council Liaison DiGruttolo

Absent: Commissioners Huskins and Holker

1. APPROVAL OF AGENDA

Longo moved, Magistad seconded, approving the agenda for March 4, 2025, as presented. Motion passed 3/0.

2. APPROVAL OF MINUTES

- **February 4, 2025**

Eggenberger moved, Magistad seconded, approving the Planning Commission Meeting Minutes of February 4, 2025, as presented. Motion passed 3/0.

3. MATTERS FROM THE FLOOR – NONE

4. PUBLIC HEARINGS – NONE

5. OTHER BUSINESS

A. Subdivision Ordinance Rewrite

City Planner Griffiths stated that this was intended as a discussion item to review the second half of the updates to the City's Subdivision Ordinance. He explained the Planning Commission had been working, for a number of months, on an update to a specific chapter within the City Code related to subdivision and had already gone line-by-line through the first half. He noted that tonight they were being asked to review the remainder of this chapter which would then move onto the City's consultant to incorporate their feedback and then brought back to the Commission to review the final version and make a recommendation to the City Council. He started the review of sections 1202.00 through 1202.06 and noted that most of the changes on the first few pages were administrative, in nature.

Commissioner Longo asked if there was a target date for when these changes should be completed.

City Planner Griffiths explained that the City did not have a specific target date but he anticipated that it could be completed by the end of April. He noted that he had highlighted a few sections

throughout the document and explained that those were just references to State statute for the consultant to review.

Commissioner Magistad asked about section 1202.34, 'Minor Subdivision' and if the definition would be for two lots, but the lots could be any size.

City Planner Griffiths stated that was correct and explained that there was only a limitation on the number of lots, not their sizes.

Commissioner Magistad asked about the reason for not requiring a public hearing for a minor subdivision.

City Planner Griffiths explained that during the Commission's last discussion, there was some conversation related to the minor subdivision process and the review procedures. He noted that the current procedure was to come to the Commission and then onto the City Council, and the direction given at the last meeting was to tweak the approval process as a way to make it more efficient for applicants, since these were generally pretty straight forward.

Chair Eggenberger explained that the Commission had decided that staff would be able to handle that without having to get permission from the Commission.

City Planner Griffiths explained that if there were situations where there were variances, those would have to come to the Commission. He moved the discussion on section 1202.10 'Definitions' and reviewed some of the proposed changes but noted that many of them were substantially the same as they were in the current City code. He moved the discussion onto 1202.41 and explained that this section was essentially the meat and potatoes of the information that the City would be looking for in review of applications. He noted that sections 1202-42 and 1202.43 were also essentially the same as the current version and the changes were administrative and not policy driven. He referenced 1202.44 'Street and Alley Design' and explained that they had added more information to this section because, currently, the City did not have a lot of standard requirements, and this added more information and beefed up the existing rules. He referenced 1202-45 'Non-Motorized Connections' and explained that he was not sure why this section had been included within the City Code and the consultant had recommended that they leave it in because there was most likely a reason the City had adopted it in the past, even though this was not something that would typically be seen in a subdivision ordinance. He moved onto section 1202.46 'Easements' and noted that the City required standard easements on all lots and explained that section 1202.47 'Utilities' was much the same. He explained that the big change within the 'Utilities' section was from the last Commission meeting and the City Council workshop to require municipal water hook-ups for all subdivisions. He noted that he had worked in other cities and found that requiring municipal water hook-ups was a pretty standard requirement. He stated that in section 1202.48 'Drainage and Erosion Control' it essentially says that if you are going to develop a lot they needed to provide for erosion control, which was pretty basic stuff. He noted that the City did not need to have super strict rules in this area, because this was also something that the Minnehaha Watershed District handled and their rules were much more strict than the City's. He moved the discussion onto section 1202.50 'Improvements' and explained that much of this he would consider just common sense.

Chair Eggenberger asked if the condition of the streets changed with the size of the development.

City Planner Griffiths explained that he would say that they do, because if there was a larger development, such as the Country Club, the City had the opportunity to build wider roads, but many happen on existing roads, which can be very tiny.

Chair Eggenberger clarified that he was thinking of a minimum and asked if there was a minimum, no matter what the size of the development would be.

City Planner Griffiths stated that there was a minimum, but noted that would be located with the zoning regulations. He moved the discussion onto section 1202-52 'Financial Guarantee' and explained that City staff will negotiate a development agreement with an applicant and the guarantee would typically be a letter of credit from a bank or cash that would guarantee the City that the improvements that the developers said would be built would actually get built. He noted that section 1202.53 'Inspection' was also pretty standard and simply stated that the City had the right to inspect what would eventually be their infrastructure. He referenced section 1202.60 'Park Dedication' and noted that they may have veered off course from the initial scope of the update. He explained that former Planning Director Darling had been interested in expanding this section and as they had dug into it more, they discovered that they did not have enough information in order to update this section and give it due justice. He stated that what they were presenting tonight was kind of a 'Band-aid' that beefed up the language a bit more than the current language. He explained that the Park Commission was currently working on an update to the Park Master Plan and that information was really needed in order to be able to update this section and explained that it would likely be brought back again after the Park Commission completed their work on their Master Plan. He explained that the rest of this document was mainly administrative changes and reminded the Commission that staff was looking for feedback, concerns, or if there was anything the Commission felt still needed to be added.

Commissioner Magistad referenced something like water being stubbed to the property line as a requirement and asked if there would be exceptions that would need to be made because not everyone had water stubbed to their property line.

City Planner Griffiths explained that the intent was that this would be set up so that, if water was not available, it would be presumed that there would not be the ability to subdivide or develop the property until it was available. He stated that on a case by case basis, the City would be able to consider a variance for unique circumstances but stressed that the intent of the policy would be that in most situations, subdivision would just have to wait until water was available.

Commissioner Magistad asked if it was appropriate to make that explicit within the ordinance.

City Planner Griffiths stated that there would be references in this section and noted that there was also a separate section in City Code that talked about water connections which is where the bulk of this information would be located.

Commissioner Magistad asked if City staff had any sort of forecast of where the subdivision requests may emanate from or an estimation of where the demand signals may come from.

City Planner Griffiths explained that in the City's Comprehensive Plan, they identified some of the larger areas in the City where there would be some development potential. He noted that Shorewood was pretty built out, but there were a few properties where things could happen. He explained that he can provide a map of this information to the Commission and noted that those areas were located along major roads and some of the larger estate lots. He noted that in the next Comprehensive Plan, the City would be doing that analysis again.

Chair Eggenberger stated that the Commission had discussed much of this before and noted that he had not seen anything in what was presented that gave him any concern.

City Planner Griffiths explained that this would likely come back for a Public Hearing at their meeting in April or May.

B. Nomination and Election of Officers

Chair Eggenberger noted that this was a bit unique because two of the Commissioners were absent tonight and two that were new Commissioners. He stated that he was of the opinion that the officers rotate positions every year and nominated Commissioner Huskins to serve as Chair and Commissioner Holker to serve as Vice-Chair in 2025.

Longo moved, Magistad seconded, to Appoint Commissioner Huskins as Chair and Commissioner Holker as Vice-Chair for the Planning Commission in 2025. Motion passed 3/0.

City Planner Griffiths noted that since Commissioners Huskins and Holker were not present, he wanted to let the Commission know that they would be able to revisit this vote in the future, if something came up. He explained that he would reach out to Commissioners Huskins and Holker to ensure that they were on board with serving in those positions.

C. 2025 Work Program and Schedule of Meetings

City Planner Griffiths reminded the Commission that this was an annual item for the Commission which gave them the opportunity to look and see what things they may be looking at in the future. He clarified that no vote was required on this item and explained that it was more of an acknowledgement and would be forwarded to the City Council for their next meeting. He stated that he wanted to ensure the Commission knew how limited staff time was right now within the Planning Department which was why the 2nd quarter work program was pretty light. He briefly highlighted some of the things included in the work program and outlined things that were going to be included in the State's legislative session and how that may effect the City and their work program. He reviewed the tentative Planning Commission meeting schedule and explained that he felt that they may need to talk about moving some of the meeting dates because of recent changes in the Park Commission meeting schedule.

D. Liaisons for Upcoming Council Meetings

Chair Eggenberger explained that the Commission gives a report to the City Council once a month to explained what had been discussed and to give details of their recommendations.

March 24, 2025 – Chair Eggenberger
April 28, 2025 – Commissioner Magistad
May 27, 2025 – Commissioner Longo

E. Monthly Training Topic: Planning Commission Roles and Responsibilities

City Planner Griffiths explained that this was a new addition to the Planning Commission meeting and stated that they intended to schedule in various training topics within the meetings, especially

if there was a light agenda. He gave a brief review and explanation behind the roles and responsibilities of the Planning Commission as their first training topic.

Commissioner Magistad asked, when a Public Hearing occurred, if the Planning Commission meetings were broadcast live the way City Council meetings were.

City Planner Griffiths stated that they were not and explained that, right now, the meetings had audio recordings which is what the meeting minutes were based on and clarified that the Planning Commission meetings were not broadcast live.

Commissioner Magistad asked if there was any other channel for public comments on Planning Commission items.

City Planner Griffiths stated that when there are Public Hearings, staff sends out notices ahead of time, posted a sign on the property with details about the Public Hearing, published notice in the newspaper, and also sends out mailings to nearby residents. He noted that anyone from the public can submit comments, via letter or e-mail, ahead of the meeting and they would be included in the official record of the meeting.

Chair Eggenberger noted that, in the past, the Commission had received some training on 'precedent' and how there really was not a precedent and that each needed to be considered as separate and unique.

City Planner Griffiths confirmed that if there was actually any precedent, staff would call it out for the Commission, but noted that it would happen very rarely.

Commissioner Magistad asked if staff ever had different opinions or recommendations than the Commission.

City Planner Griffiths explained that the Commission and the City Council can overturn the recommendations made by staff.

Commissioner Magistad clarified that he was talking about the recommendations within City staff, such as the City Engineer and the Planning Department.

City Planner Griffiths stated that, typically, staff would work that out prior to the meeting and come to a consensus before it was presented to the Commission.

Chair Eggenberger noted that he had a few additional items that he felt should be discussed such as Commissioners talking to applicants outside of the meetings.

City Planner Griffiths stated that the simple answer is that they should not be talking to applicants outside of meetings. He noted that Shorewood is a small community so they may run into applicants at the grocery store or a sporting event, but it was better that they not engage in any discussion regarding the application or Commission business.

Commissioner Magistad asked what the attitude was about talking, via e-mail, between meetings with the other Commissioners.

City Planner Griffiths stated that he did not want to continue to use the word 'don't', but noted that there was something called the open meeting law, which would most likely be a future training

topic as well. He stated that all discussion should happen in the chambers, which meant that e-mail chains, phone calls, text messages, or posts on social media were all subject to the open meeting law. He explained that if staff send an e-mail, they will blind carbon copy (bcc) the Commissioners, so nobody can accidentally hit 'reply all'. He noted that the Commissioners can have one-on-one conversations, such as e-mailing the Chair to let them know that they would not be able to attend a meeting, but beyond that, the Commission was supposed to be silent outside of the chambers. He noted that chance encounters with each other were fine, but cautioned them not to discuss any Commission items outside of this room.

Council Liaison DiGruttolo noted some training that she received that essentially said to never use 'reply all'.

6. REPORTS

A. Council Meeting Report

Council Liaison DiGruttolo reported on matters considered and actions taken during the Council's recent meetings.

B. Draft Next Meeting Agenda

City Planner Griffiths stated that he expected the next meeting to have a full agenda which included the Public Hearing for the Subdivision Ordinance, rezonings related to medium density development, a variance application, a CUP amendment, and an Interim Use Permit.

Chair Eggenberger commended City Planner Griffiths for doing a good job running the Planning Commission meeting for the first time.

7. ADJOURNMENT

Magistad moved, Longo seconded, adjourning the Planning Commission Meeting of March 4, 2025, at 8:02 P.M. Motion passed 3/0.