

MINUTES

CALL TO ORDER

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

**ROLL CALL**

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

Absent: Commissioner Longo

**1. APPROVAL OF AGENDA**

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

**2. APPROVAL OF MINUTES**

- **March 4, 2025**

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

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

**3. MATTERS FROM THE FLOOR - NONE**

**4. PUBLIC HEARINGS**

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

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

**Applicant: Alan and Jessica Brandhorst  
Location: 27225 Smithtown Road**

Planning Director Griffiths gave an overview of the request for an Interim Use Permit (IUP) that would allow an additional single-family home to be built on the property, while the existing home also remained on the site for a short period of time. He noted that the second request was an amendment to the site's existing Conditional Use Permit (CUP), which allows Twin Oaks Nursery

to operate on the property, to allow them to build the new home in their desired location. He outlined details of the property location and details and analysis using criteria from the City Code, pertaining to their requests. He explained that staff recommends approval of the requests, subject to the conditions listed in the staff report, and noted that the City had not received any comments on this application prior to the meeting.

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

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

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

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

Chair Huskins invited the applicants to address the Commission.

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

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

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

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

## 5. OTHER BUSINESS

### A. Consider a Variance to Construct a Detached Garage Structure

**Applicant: Dan Wallace**

**Location: 5765 Eureka Road**

Planning Director Griffiths stated that this was a variance application to construct a detached garage at 57654 Eureka Road. He explained that there currently was not a garage at this property

and noted that for anything to be built on this property, a variance would be required. He noted that a previous property owner had obtained a variance approval for a similar structure in 2015, but took no action, so the approval expired. He briefly reviewed the criteria to be considered with this request and noted that staff was recommending approval, subject to the conditions listed in the staff report. He explained that notice had been given to the public, but no feedback had been received.

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

Planning Director Griffiths stated that he did not have that information but reminded the Commission that the variance had been approved.

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

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

Chair Huskins asked about Planning Director Griffiths' thought process that what was being proposed was the minimum to alleviate the practical difficulty.

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

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

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

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

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

Chair Huskins invited the applicant to address the Commission.

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

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

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

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

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

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

#### **4. PUBLIC HEARINGS – CONTINUED:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**C. PUBLIC HEARING – REZONING THREE PARCELS TO R-2A**  
**Applicant: City-Initiated Request**  
**Location: 6055, 6065, and 6067 Lake Linden Drive**

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

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

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

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

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

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

Planning Director Griffiths stated that he did not have a good answer to that question. He stated that from staff's perspective, the Comprehensive Plan and the City Code all point towards this action being the best solution for the homeowners. He stated that the only real potential impact is that the setback now was 30 feet and with this change would be 35 feet, but explained that in that situation, the City would work with the property owner and they could keep what is there.

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

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

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

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

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

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

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

**Applicant: City-Initiated Request**

**Location: City-Wide**

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Magstad confirmed that those two items were for minor subdivisions and administrative adjustments.

Planning Director Griffiths moved the discussion onto the water connections and noted that anytime wholesale changes were made to City Code, there will often be parallel references, which are other sections of the City Code that would be impacted. He explained that City staff was currently working on a lot of updates to the City Code and explained that the plan was to wait and do some of those other minor updates when they get to those sections, but noted that there were two that staff felt were pressing. He briefly reviewed some of the necessary related amendments and noted that the more substantive part of this was related to municipal water connections. He stated that this was a portion of the City Code that was not something that the Planning Commission would typically review and would normally be under the Council's purview. He explained that since they were related, staff felt it would be appropriate for the Commission to also discuss this. He stated that the direction from the Commission to the Council was to say that for any subdivision request, going forward, it would be considered premature if municipal water was not available to the site. He stated that with that direction, staff had updated Section 903-15 with amended language that stated that all subdivision applications after the effective date would be required to connect to municipal water. He stated that he had gotten a few questions from

residents and felt it was important to note that this would not impact existing neighborhoods, or existing private wells. He explained that this meant that any owner who has an existing private well can continue to do what they would like, and this would only be for new developments. He noted that the City's current policy was that if a development had three or fewer lots, connection to City water would not be required even if it was available. He reiterated that this was not technically part of the Commission's purview, but he felt it was appropriate to share with them and also potentially get some public feedback on that tonight as well. He noted that the City Council would also hold a Public Hearing on this section of Code when they review it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Director Griffiths stated that was correct.

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

Commission to reject this on the grounds that the City has no consistent principles on which they conduct City business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Holker stated that was what she was thinking.

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

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

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

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

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

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

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

**#5 OTHER BUSINESS – continued...**

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

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

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

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

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

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

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

Planning Director Griffiths explained that as part of any development application, there was an internal staff group called the Development Review Committee that is comprised of him, the Building Official, City Planner, City Administrator, City Attorney, City Engineer, Public Works Director, and the Finance Director. He explained that the City budget was not paying for the City Engineer or City Attorney services for planning applications, and would be covered by the escrow money paid to the City as part of their application fees.

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

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

Commissioner Magistad asked who led the public comment coordination efforts.

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

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

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

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

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

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

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

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

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

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

## 6. REPORTS

- **Council Meeting Report**

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

- **Draft Next Meeting Agenda**

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

## 7. ADJOURNMENT

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