

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY () _____
EGGENBERGER (April) _____
HOLKER () _____
RIEDEL () _____
HUSKINS (May) _____
COUNCIL LIAISON SIAKEL (JAN-JUNE) _____
COUNCIL LIAISON GORHAM (JULY-DEC) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ March 1, 2022

3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

4. PUBLIC HEARINGS

- A) City Code Amendments for Campaign and Non-Commercial Speech Sign Amendment Discussion
Applicant: City of Shorewood
City-wide

5. NEW BUSINESS

- A) Site Plan Amendment Review for Commercial Building Modifications
Applicant: Mikan Homes
24275 Smithtown Road

6. OLD BUSINESS – None

7. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda
- C) Liaisons for June, July and August.

8. ADJOURNMENT

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, MARCH 1, 2022

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

DRAFT MINUTES

CALL TO ORDER

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

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Riedel, Huskins and Holker; Planning Director Darling; and, Council Liaison Siakel

Absent: None

1. APPROVAL OF AGENDA

Commissioner Huskins noted that on his copy of the agenda he is marked as absent.

Planning Director Darling explained that she thought he was not going to be in attendance tonight.

Riedel moved, Huskins seconded, approving the agenda for March 1, 2022, as amended. Roll Call Vote: Ayes – all. Motion passed 5/0.

2. APPROVAL OF MINUTES

- February 15, 2022

Huskins moved, Riedel seconded, approving the Planning Commission Meeting Minutes of February 15, 2022, as presented.

Roll Call Vote: Ayes – Eggenberger, Huskins, Riedel, Maddy. Motion passed 4/0/1 (Holker abstained).

3. MATTERS FROM THE FLOOR - NONE

4. PUBLIC HEARINGS

Chair Maddy explained 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 – CONDITIONAL USE PERMIT FOR
TELECOMMUNICATIONS ANTENNAS**

Applicant: SMJ International, LLC for Dish Wireless

Location: 24283 Smithtown Road

Planning Director Darling explained that this is a request for a CUP for co-location of telecommunications antennas on the existing tower located at 24283 Smithtown Road. They are proposing to add three telecommunication antennas and six radio receiving units and various other equipment in a triangular array at about 138 feet above the ground which is just a little higher than midpoint of the tower. She noted that the unusual complication for this application is that there are nesting osprey at the top of the tower so any work on the tower needs to be done outside of nesting season and if the nest will be disturbed, they will need to obtain permits from the DNR. She explained that staff recommends approval, subject to the conditions included in the staff report.

Chair Maddy stated that the City had approved a CUP for this in the past and asked if there was any difference other than the dates on the paperwork.

Planning Director Darling stated that the difference between this application and the previous application is that they are proposing an ice bridge but that is a fairly minor change.

Commissioner Riedel asked about screening of the equipment at the base, its visibility and whether staff felt it was satisfactory.

Planning Director Darling stated that they have not proposed any particular screening with this application. She explained that they are proposing to install equipment on the north side, so from the park, there are many mature trees and a building between the equipment and park users will be. She stated that she thinks the equipment will be fairly invisible and noted that they had previously proposed slats in the chain link fencing, but she finds those to be a long-term maintenance issue and they tend to look worse after just a few years.

Commissioner Huskins asked about the portion of the parcel that was being leased for this tower.

Planning Director Darling gave an overview of the site layout and use using the aerial photograph.

Commissioner Eggenberger asked if the tower was currently being used by an osprey pair.

Planning Director Darling stated that the tower is used every year by osprey that come back year after year. She stated that there was maintenance that occurred at the top of the tower about a year ago and they did have to obtain a permit from the DNR to remove the nest and complete their maintenance. She stated that the osprey came back and rebuilt the nest, but noted that the nest is abandoned in winter.

Commissioner Eggenberger asked if the City needed to be more specific on 'nesting season' and asked whose definition was being used.

Planning Director Darling explained that the City uses the DNR's definition for nesting season.

Commissioner Eggenberger asked about the building on the site and what it was used for.

Planning Director Darling explained that it was used for both storage and for detailing cars that are sold on the lot.

Commissioner Eggenberger stated that he can remember discussing the fencing during the last application. He noted that he understands the concern about slats not looking good long-term, and realizes that perhaps there will not be many people who will see the chain link fence, but he thinks it looks terrible. He stated that it may be good that it can be seen through, but reiterated that he doesn't think the fencing looks good and suggested that perhaps it was in need of a new one.

Planning Director Darling stated that if the Commission has issues with the maintenance of the fence, she would need to get in contact with the tower owner.

Kristin Swenson, SMJ International, on behalf of Dish Wireless, 49030 Pontiac Trail, Suite 100, Wixom, MI, reviewed their application to accommodate a new wireless carrier that will bring additional options and services to the community. She stated that this is helpful because many people have been getting rid of their landlines and exclusively using wireless services. She stated that the co-location will not adversely affect land owners because the antennas are being added to an existing structure. She stated that they are aware of the conditions being recommended by staff and indicated that they intend to comply with them.

Commissioner Huskins asked if the expert inspector has been selected and if, so, could she identify that person or firm.

Ms. Swenson explained that they have not yet been selected but she ordered the statement of special inspections this morning and expects it to be back within a week.

Chair Maddy opened the Public Hearing at 7:26 P.M. noting the procedures used in a Public Hearing. There being no input, Chair Maddy closed the Public Testimony portion of the Public Hearing at 7:27 P.M.

Commissioner Eggenberger asked that when maintenance is done, even outside of nesting season, that the applicant do whatever they can to not disrupt the osprey.

Riedel moved, Huskins seconded, recommending approval of the Conditional Use Permit for Telecommunications Antennas, for SMJ International, LLC for Dish Wireless at 24283 Smithtown Road, subject to the conditions recommended in the staff report.

Roll Call Vote: Ayes - all. **Motion passed 5/0.**

Planning Director Darling noted that this item will be on the March 14, 2022 City Council agenda.

B. PUBLIC HEARING – CITY CODE AMENDMENTS FOR URBAN FARM ANIMALS

Applicant: City of Shorewood

Location: City-wide

Planning Director Darling reviewed the proposed amendments to City Code to: add new definitions of enclosures/runs and urban farm birds; add requirements that urban farm bird enclosures/runs/shelters must be fully covered with nets; greater setback for enclosures/runs/shelters to increase distance to side property lines; amend the regulations that do not need to apply to rabbits or bees; and add a means to revoke and deny permits.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 4 of 12

Chair Maddy asked if the Chief of Police still needs to be the referenced enforcer since the City permits and inspects the properties.

Planning Director Darling noted that the Chief of Police is not the enforcer for the urban farm animals but is listed as the enforcer for the rest of the animals.

Chair Maddy pointed out a few grammatical errors that he had found including under Section 705.09 Farm Animals, 2.C. the word 'additional' should be changed to 'addition'; and under 2.D., he believes 'animal' should be made plural. He asked about the language used under Denial of Permits related to inspections and whether it should be changed to make it clear that there was not something the City was supposed to do.

Planning Director Darling suggested changing the language to, '....the applicant has not requested the required inspection for three calendar months.'

Commissioner Huskins asked if there was any language about any minimal size property that would be precluded from having a permit for farm animals.

Planning Director Darling stated that the Commission had asked that restriction be taken out.

Commissioner Riedel explained that part of their discussion and reason for making that change was to have a set number of animals, but increase the setback.

Commissioner Huskins asked if the smallest lot within the City was capable of having six urban farm animals.

Planning Director Darling confirmed that this was accurate.

Commissioner Holker stated that in the prior minutes there was a conversation about neighboring cities and how close the City is to their regulations. She stated that Planning Director Darling had indicated it had been included in a prior packet but would have some information about that at this meeting and asked if there was any information she could share related to neighboring communities.

Planning Director Darling noted that she had forgotten to include that information in their packets but could review the regulations from other communities in the Twin Cities.

Planning Director Darling noted that the City had received a letter from Patrick and Jenna Johnston at 25965 Smithtown Road who opposed some of the new regulations including the 30 foot setback requirement.

Chair Maddy opened the Public Hearing at 7:45 P.M. noting the procedures used in a Public Hearing.

Benton Sellwood, 20775 Garden Road, asked if this would require that any enclosure, such as a chicken run, have netting or a barrier over the top.

Planning Director Darling confirmed that was what was being proposed.

Mr. Sellwood explained that he believes that may be an issue for some enclosures. He stated that he has never had a problem with his birds coming out and noted that he had tried to put an enclosure over the top when he first began, but it proved to be difficult for functionality and

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 5 of 12

maintenance and reiterated that his birds have not gotten out. He stated that in the case a predator would get into the enclosure, he would like his birds to be able to at least try to jump out and get into a tree. He asked if there was a way that the City could consider looking at this issue again.

Patrick Johnston, 25965 Smithtown Road, stated that he sent the letter earlier today and wanted to make sure that everyone was able to read it.

There was agreement from the Commission that they had read the letter submitted by Mr. Johnston.

Commissioner Riedel stated that he would like to begin discussion with the issue raised by the residents and asked if the City could consider 'grandfathering'. He asked for opinions on the situation where the Commission was in agreement on a 30 foot setback, related to grandfathering in people who have existing chicken coops that were built when 10 feet was the setback requirement. He stated that the permit has to be renewed and if the chicken coop was considered moveable, there would be no legally non-conforming structures.

Chair Maddy asked what guidance the City received from legal counsel on who would make the choice on whether it was fixed or moveable coop.

Planning Director Darling stated that as it is written now, if it is a structure that is permanently fixed to the ground, then those structures would be considered legally non-conforming and they would be allowed to continue to have chickens in them.

Chair Maddy asked about freestanding sheds that are too big too move.

Planning Director Darling stated that would fall under the same situation, but moveable hutches or coops would have to be moved.

Chair Maddy asked if the inspector would make that determination.

Planning Director Darling stated that the inspector would make that choice. She stated that in the older permits they had to give a description or a diagram of the shelter.

Commissioner Eggenberger explained that he had not thought much about the change from 10 feet to 30 feet until he read Mr. Johnston's letter this afternoon. He asked what the reason was for 30 feet as opposed to 10 feet.

Commissioner Riedel stated that he believes it was the idea of extending the distance to avoid disruption to the neighbors. He stated that it was a proposed compromise to allow people to have chickens on small lots, but not to be able to situate them right next to the property lines. He stated that there is also a provision that the chickens have to be closer to your own property than to your neighbors.

Planning Director Darling noted that increasing the distance also potentially helps with smells relating to waste that is not cleaned up.

Commissioner Eggenberger pointed out that dogs can be within 10 feet and asked how that is different than urban farm animals.

Council Liaison Siakel noted that most dogs do not live outside full-time like a chicken.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 6 of 12

Commissioner Riedel noted that dogs are also much more common than chickens. He stated that he does agree that it does seem arbitrary and having a 30 foot setback requirement could really constrain people.

Commissioner Eggenberger stated that he is not anti-chicken or pro-chicken, but he sees a dichotomy where a person can put up a fence with multiple dogs within 10 feet of the property line, but another person who wants to have guinea fowl cannot.

Commissioner Riedel suggested that 30 feet may be excessive and suggested a compromise of 15 or 20 feet.

Chair Maddy stated that he re-read some of the other cities regulations and was interested in the possibility of a 10 foot setback, but needed to be 50 feet away from a neighbors residence. He stated that it would not need to be those exact numbers, but feels that may be a concept that would work.

Commissioner Huskins asked how many permits have been issued or renewed over the last 5 years. He asked if it would be possible to do a paper study to determine how many of the existing structures would need to be 'grandfathered'.

Planning Director Darling stated that she has a list of all the permit holders because she sent them all notices of this meeting. She stated that she believes there are about a dozen that are permitted with chickens and another 5 or 6 that are keeping farm animals without permits.

Council Liaison Siakel stated that what was kind of guiding these changes were complaints around coops that were right on the property line, closer to the neighbors property than the chicken owner, chickens escaping, smell, and disruption. She stated that there were some pretty heated comments from neighbors that were inconvenienced and not happy with having neighbors that kept chickens. She stated that in her neighborhood there are two families that have chickens but noted she was not sure if either one of them was permitted. She stated that she also believes that another reason for having well defined guidelines that were less ambiguous is because chicken keeping is becoming more popular.

Planning Director Darling stated that one of the individuals that complained was someone who had chickens on all three sides of his property which had been escaping from all three of the properties into his yard and are then causing damage. He stated that he has also been worried that his dogs will attack the chickens which would cause a neighborhood incident.

Council Liaison Siakel stated that there were also concerns about predators coming into the neighborhood because of the chickens and about the City not ending up like a rural farm community.

Planning Director Darling explained that this particular property owner stated that the chickens are getting out on a regular basis and they scratch up and move his landscaping mulch and dig up the plants.

Chair Maddy stated that he is not sure a setback would address those problems.

Commissioner Huskins stated that the regulations from nearby cities that Chair Maddy mentioned with both a setback and a distance from a neighboring home could be something that the City

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 7 of 12

considers, especially since they are not recommending a lot size restriction on having urban farm animals.

Planning Director Darling stated that within the last amendments that were reviewed and adopted, there was a change to the setbacks such that the enclosures have to be farther from the adjacent neighbors home than the chicken owners home, but it did not provide a specific distance.

The Commission discussed various setback regulations and how they would affect various sized lots.

Commissioner Holker stated that it sounds like there are some bad chicken owners and asked if there was any type of enforcement options, such as only being allowed a certain number of offenses before their permit was revoked.

Planning Director Darling stated that they are proposing some language that would allow the City to deny or revoke permits for property owners that are adopting poor animal husbandry, for example, allowing their chickens to escape.

Commissioner Holker asked who would make that decision.

Planning Director Darling stated that would usually come to her, but noted that those decisions are appealable to the City Council.

Chair Maddy suggested a 10-foot setback and the requirement to be 50 feet from the neighbors dwelling.

The Commission discussed specifics around being no closer than 10 feet from the property line with the requirement to be 50 feet from the neighbor's home.

Council Liaison Siakel noted that to address the comments made in the letter sent by Mr. Johnston regarding enclosure the coops, she felt some of his points were valid. She asked if there could be something put in that with the first complaint of chickens escaping they would be requiring to enclose the coop and a second violation results in revocation of the permit so there is an escalating penalty.

Chair Maddy noted that all of his neighbors who have chickens have nets, but he is unsure how much more work it creates.

Council Liaison Siakel stated that she has two neighbors who have chickens that roam free on their property and does not believe there is a net.

Commissioner Riedel stated that his view is that the City should simplify enforcement and not complicate it and feels the simpler the rules, in this situation, the better.

Commissioner Eggenberger stated that one of the residents had stated that adding an enclosure would be a hassle due to the snow and leaves. He stated that his thought it that perhaps that is the cost of raising chickens. He stated that it may not be ideal, but it may be just something that they need to do in order to have chickens.

Commissioner Huskins noted that he agreed that it becomes a balance between residents who do not have chickens but have been bothered by them and the responsibility and accountability

of the chicken owner. He stated that he thinks simplifying the rule to require netting for everyone makes sense to him.

Chair Maddy reviewed the items that the Commission agreed upon for the amendments to the Code.

The Commission discussed situations where urban farm animals owners could be grandfathered.

Riedel moved, Holker seconded, recommending approval of the proposed Code amendments to Urban Farm Animal regulations including; the grammatical changes as discussed, a minimum of 10 foot setback from property lines with 50 feet from neighboring homes and are closer to the owners home than to any adjacent neighbor.

Roll Call Vote: Ayes – all. Motion passed 5/0.

Planning Director Darling noted that this item would be in front of the City Council on April 14, 2022.

5. NEW BUSINESS

A. Campaign and Non-Commercial Speech Signs Discussion

Planning Director Darling explained that this agenda item is intended to be a pre-Public Hearing discussion regarding campaign and non-commercial speech signs. She stated that staff has put together some draft language for them to consider. She noted that the Commission had forwarded some potential amendments to the City Council but they did not act on them and continued it, indefinitely. She explained that a new public hearing will be required for any changes to the campaign and non-commercial speech signs. She stated that the main purpose for having any amendments is because the City has a number of regulations for campaign signs that duplicate and overlap each other and shared examples of where it can be difficult to determine when and when not to enforce the rules. She noted that the proposed amendments include adding new definitions; removing the definition of campaign signs; amending the regulations for campaign signs including renaming them as non-commercial signs, clarifying the time period when they are allowed, clarifying the setback; and adding a substitution clause.

Chair Maddy stated that in Reed v. The Town of Gilbert ruling, it says the City may still regulate signs on a reasonable time, place, and manner restrictions. He asked what this meant and if it referred to obscenities.

Planning Director Darling stated that is saying that you cannot regulate the content of the signs, but you can regulate where they sit, how long they sit, and the way they are installed.

Chair Maddy stated that he has had someone contact him saying that obscenities and implied obscenities or swear words are getting more and more popular. He stated that he wanted to clarify that the City will not even talk about restricting what goes on the sign.

Planning Director Darling stated that if the City did that they would likely be challenged with violation of the First Amendment and would be unsuccessful at defending themselves. She stated that she shares the concerns about the lack of civility, in general because of the increasing amount of anger. However, there is a line that the City has to walk and that includes not having regulations that are content based. She gave an overview of the suggestions and feedback made by the City Council on this issue.

The Commission discussed primary and general election signs.

Planning Director Darling explained that the Commission was only being asked to have a narrow focus right now in order to get any amendments adopted prior to the election season. She noted that there will be some other Code amendments needed in the future.

Chair Maddy asked about the proposed 5-foot setback requirement from a street or paved roadway in a situation where people have a lot of shrubbery right up to the pavement edge and if that meant they would be disallowed from having signs. He asked if they could add a caveat that it has to be 5 feet from the paved surface unless there is something permanently affixed that would be a visual obstruction to people for seeing the sign.

Commissioner Eggenberger expressed concern that if someone wanted to put a sign closer to the street they could just go plant a little shrub so they could do it.

Chair Maddy stated that there would need to be some caveat about visibility but realized that there would be people that would try to 'game' the situation. He explained that he wants to err on the side of allowing people to put out more signs rather than restricting them.

Commissioner Eggenberger stated that his biggest concern with signs too close to the road is kids and safety.

Commissioner Huskins stated that he is a believer in personal choice and part of him says that if it is important to a resident to put a sign out, and the City has a reasonable setback code, then the fact that they have shrubbery does not prevent them from taking out part of the shrubbery to put up a sign. He stated that if they cannot comply and they complain because there is some obstruction in the way, he would question whether that is the responsibility of the homeowner to solve the problem by removing the obstruction.

Commissioner Riedel stated that there will always be a compromise involved and asked if the 5 foot setback was reasonable.

Council Liaison Siakel stated that even with a setback of 5 feet, there are a lot of properties in the City that would not be able to comply with that and noted that in her yard, she would have to take out a whole hedge of trees that were in place when they moved in to be able to comply. She stated that she did not think it has ever really been a problem, but now people have gotten a bit ugly about stuff and would not be surprised if this election season if people are out with tape measures to see how far the yard sign is from the edge of the road. She stated that people should be able to put out a reasonable sign and thinks this issue came up because many people were putting up their signs within the right-of-way areas, such as right near stop signs, which can be a safety issue. She suggested that in that case there needs to be some rules such as that it has to be a 10 foot setback if it is City right-of-way and asked if they could differentiate between private property and public space.

Chair Maddy asked why people are allowed to put non-commercial speech signs on right-of-way that they do not own the property in front of.

The Commission discussed free speech, public land, and obstructions.

There was consensus of the Planning Commission to support the 5 foot setback with no caveat.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 10 of 12

Commissioner Huskins stated that in the packet, Public Works Director Brown had made comments about intersections and setbacks that would be more appropriate and asked if the 5 foot setback would interfere with what he was addressing.

Planning Director Darling stated that referred to the safety triangle and language has been included to address that issue.

Commissioner Holker noted that reading this Code related to the substitution clause, was a bit confusing, but Planning Director Darling spent some time with her talking about it, so she has a better understanding of it, but noted that it was a confusing concept.

Chair Maddy noted that the substitution clause needs to remain in the Code, but the Commission could attempt to simplify it.

Planning Director Darling explained that the substitution clause in the most recent draft is simpler than what was previously included in the ordinance. She read aloud the traffic visibility section of the Code to the Commission and the substitution clause examples.

Chair Maddy stated that it appears as though the Commission is in agreement with the amendments presented by staff.

Planning Director Darling stated that she will make arrangements for a public hearing at the next Planning Commission meeting.

B. Election of Officers

Riedel moved, Eggenberger seconded, to re-appoint Chair Maddy to continue serving as Chair in 2022.

Roll Call Vote: Ayes – all. **Motion carried 5/0.**

Eggenberger moved, Maddy seconded, to re-appoint Commissioner Riedel to continue serving as Vice-Chair in 2022.

Roll Call Vote: Ayes – Eggenberger, Holker, Huskins, and Maddy. **Motion carried 4/0/1 (Riedel abstained).**

Commissioner Eggenberger stated he would like to discuss the issue surrounding the letter received from Mr. Larson and the instruction they had been given not to respond to him.. He stated that when people come to the meetings to speak and they are given 3 minutes to speak. He stated that if the Commission is told not to respond when they send a letter, he questions how residents can communicate with the Commission.

Planning Director Darling clarified that the issue was that he sent the letter and asked for a response from all Commissioners which would have been an open meeting law violation. She explained that Mr. Larson could come to another Matters from the Floor and bring up his points in front of the Commission at that time.

Commissioner Eggenberger asked about the 3 minute time limit and asked how that is regulated and whether people can be allowed to speak more than once.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

MARCH 1, 2022

Page 11 of 12

Chair Maddy stated that it is up to the Chair and he has only recently followed the 3 minute time limit when people started pushing their comments closer to the 20 minute mark. He stated that sometimes, he would like to have a little dialogue also, as long as it does not turn into a character attack, which came close at the last meeting.

Planning Director Darling noted that the 3 minute rule only applies to Matters from the Floor.

Commissioner Eggenberger stated that he understands the practicality of the rule, but it made him wonder how people can really discuss issues with the Commission.

Council Liaison Siakel explained that Mayor Labadie sent out a poll to mayors throughout the State asking about how other cities handled Matters from the Floor. She stated that the average response was that they allowed each individual about 3 minutes, with some allowing even less time. She explained that she thinks the idea is to allow them to run the meeting in a professional way that allows the City to conduct their business and be able to make decisions versus turning it over a crowd that is more disruptive and often times it is the same argument being repeated over and over. She stated that it is not that the City does not want these individuals to speak, but she feels that the City has put a process in place and has stuck to it, which means everyone is treated the same and gets to be heard.

Commissioner Riedel noted that the Planning Commissioners are not staff at City Hall and should not discuss matters that should be discussed with staff. He stated that the Commission's job is the Planning Commission meetings and that should be their focus.

Commissioner Eggenberger noted that he has never had a discussion with anyone about these kinds of things and explained that he had just been thinking about it because of what happened recently. He stated that he completely agrees with Commissioner Riedel's statement.

The Commission discussed hypothetical situations where Commissioners may be approached for information about City Code or variances by their neighbors or other members of the community.

Planning Director Darling stated that if residents ask a Code question, she would ask that they refer them to staff to ensure there are accurate answers and cautioned the Commission to be careful about giving neighbors a preference towards one position or another prior to the meeting before they have received all the information.

6. OLD BUSINESS - NONE

7. REPORTS

• Council Meeting Report

Council Liaison Siakel noted that at the last Planning Commission meeting, Commissioner Eggenberger had asked her about the fiber optic project. She stated that she had spoken with City Administrator Lerud and found out that Jaguar Communication is now MetroNet and they will be installing fiber beginning in late summer of 2022 to be completed in 2023. She noted that she believed the intent was to only lay fiber throughout the communities within Shorewood, Excelsior, and Tonka Bay and they will not be pursuing a franchise agreement with LMCC. She reported on matters considered and actions taken during the Council's recent meetings.

Planning Director Darling noted that the Council had also approved the hiring of a new Planning Technician, Jason Carlson, who will begin work at the end of March.

- **Draft Next Meeting Agenda**

Planning Director Darling stated the Public Hearing for the campaign and non-commercial speech signs will be held at the next meeting as well as a site plan amendment for the redevelopment of a commercial building.

8. ADJOURNMENT

Riedel moved, Holker seconded, adjourning the Planning Commission Meeting of March 1, 2022, at 9:10 P.M.

Roll Call Vote: Ayes – all. Motion passed 5/0.



CITY OF
SHOREWOOD

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5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: April 5, 2022

RE: Text Amendments for Campaign Signs and Non-Commercial Speech

Attached for your review is the draft ordinance for campaign signs and non-commercial speech. The amendments are proposed to accomplish the following:

1. Add new definitions for commercial and noncommercial signs.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to: 1) rename them as noncommercial signs; 2) clarify the time period when they are allowed in any number or size; and 3) amend the setback.
4. Add a substitution clause to allow noncommercial speech to be substituted for commercial or other noncommercial speech.
5. Various small amendments to correct terms or grammar.

These amendments were discussed informally at the March 1, 2022 meeting and no additional changes were made to the draft since that meeting.

Staff recommends the Commission review the ordinance, hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments.

Public Notice:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

ATTACHMENTS:

Planning Commission Memo from March 1, 2022
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: March 1, 2022

RE: **Draft Text Amendments for Campaign Signs and Non-Commercial Speech**

Last year, the Planning Commission reviewed several proposed amendments to City Code related to noncommercial speech signs and campaign signs and forwarded recommendations to the City Council. The City Council continued the discussion of the amendments indefinitely, which requires the review process to start over. They asked staff to bring the topic back for their discussion at the February 14, 2022 worksession. The staff report and minutes are attached. Based on their direction, staff has revised the amendments and brings them to your attention for discussion.

Attached to this memo is the information sent to the City Council and proposed draft language. Please review the language and provide comments or concerns. Staff have tentatively set the public hearing for the April Planning Commission meeting. In order to be adopted prior to the election season, the amendments would need to be adopted in April.

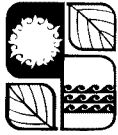
Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Add new definitions.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to 1) rename them as noncommercial signs; 2) clarify the time period where they are allowed; and 3) clarify the setback.
4. Add a substitution clause.

ATTACHMENTS:

City Council Worksession Memo from February 14, 2022
Minutes from February 14, 2022 City Council meeting
Draft Ordinance



City of Shorewood Council Meeting Item

Title/Subject: Potential Amendments to City Code Chapter 1201.03 Regarding Rules for Campaign and Other Related Signage

Meeting Date: February 2, 2022

Prepared By: Marie Darling, Planning Director

Attachments: Draft ordinance amendments

At the January 24, 2022 meeting, the City Council directed staff to provide a review of any necessary changes to the zoning ordinance related to election signage. The Council's stated goal was to have any changes to the ordinance completed prior to the election season.

Below staff have prepared a summary of the current statute language, current city regulations, and staff recommendations on what is needed to improve the regulations.

State Statute:

Minnesota State Statute 211B.045 has specific language regarding noncommercial speech signs during state election years.

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

During the defined time-period above, no City may limit the number or size of campaign signs.

Shorewood Code Language:

In an attempt to comply with State Statute, Shorewood's current sign regulations (Section 1201.03 Subd. 11. b. (1) (d) of City Code) related to the above include the following:

- (d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner.

Improvements Proposed:

1. Remove the defined term “campaign sign” from the code and replace with noncommercial speech sign (with a new definition). Campaign sign is a term that regulates content, which is no longer allowed in sign regulations. Noncommercial speech sign is viewed as a content neutral label and is consistent with Supreme Court precedent.
2. Use the same time period for all elections consistent with state statute, 46 days prior to primaries until 10 days after the election.
3. Remove the fee for removal of signs as it would be difficult to determine who would need to be charged and staff typically does not try to assess the cost of removing the signs.
4. Keep the distance requirement from the edge of the street to protect the use of the street and adjacent boulevard for drivers and pedestrians.
5. Add a substitution clause to allow any noncommercial speech to be substituted for other noncommercial speech signs or commercial signs. This would allow noncommercial speech signs in lieu of other allowed signs outside of the election time period defined in statute.

Staff provided some optional draft language on the issues outlined above.

Next Steps

The amendments that were previously in front of the City Council at their July 26, 2021 meeting, were continued indefinitely. To reconsider any amendments, a new public hearing would need to be held at the Planning Commission.

To be in place prior to the next election, the city would need to have the ordinance approved and published prior to May 1, 2022 to avoid any conflicts with the current language in the code that indicates signs are permitted 100 days prior to any election.

As the City Council considers sign regulations, it is important to note that due to the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

Direction:

Staff requests direction on the following:

1. Does the City Council find amendments to the regulations are warranted at this time?
2. Are the amendments shown adequate or would the City Council find other amendments to the sign code are needed at this time as well?

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, FEBRUARY 14, 2022

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING (Held via interactive technology/videoconferencing)

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; Planning Director Darling; and Director of Public Works Brown;

Absent: None

B. Review Agenda

Siakel moved, Gorham seconded, approving the agenda as presented.

Roll Call Vote: Johnson, Callies, Siakel, Gorham and Labadie voted Aye. **Motion passed 5/0.**

2. SIGN ORDINANCE

Planning Director Darling stated that staff was directed to provide a review of any necessary changes to the Zoning Ordinance related to election signage at the January 24, 2022 meeting. She noted that included in the packet was language from the State statute as well as the Shorewood City Code. She explained that what staff is hoping to accomplish is to strip down the proposal just to the most important issues to minimize any impact that changes to the signage may cause. She stated that staff would like to move the ordinance towards content neutrality and have a clear time period for enforcement of election signage and add a substitution clause to allow more opportunity for non-commercial speech signs outside of the election time period. She reviewed the improvements that staff are proposing as outlined in the staff report. She noted that a new public hearing would need to be held by the Planning Commission before any changes could be adopted. She stated that in order for this to be in place prior to the election, the ordinance would need to be approved and published prior to May 1, 2022.

Councilmember Callies stated that she had already spoken with Planning Director Darling regarding some of her questions. She stated that overall, she agrees with what is being proposed and thinks it is helpful to have this meeting prior to the public hearing so the Council can try to winnow down what is being considered by the Planning Commission. She noted that in her opinion, a distance of ten feet from the street surface is too much for many neighborhoods in the City. She stated that she would like to see the City stick with the five foot distance that is located elsewhere in the ordinance for non-commercial speech signs. She stated that she understands why the City wants to have consistency for all types of elections, however, she thinks it is too drastic of a change from the current language. She reviewed the time period between the primary and general election for the school board and noted that 46 days for the other type of public

elections is not really keeping it the same for the type of elections because the time period between the primary and general election for some, is longer than that time period. She stated that she would like to keep it at one-hundred days as it is in the current ordinance. She asked where signs like 'Happy Birthday' or 'Black Lives Matter' would fit into the ordinance and why the City was doing a substitution clause.

Planning Director Darling stated that regarding the setback being too large, the City has the ability to alter that particular setback. She stated that she thinks five feet may be too close in some situations and gave the example of situation where there are improved shoulders adjacent to the paved roadway, unless they alter the setback to be from the improved roadway which takes into account shoulders. She stated that regarding the time period for signage being one-hundred days, as long as it is clearly written and can be enforced so it does not allow one-hundred days before every primary and every election, she thinks that would be acceptable. She explained the substitution clause which allows any sign that is allowed in any district to be substituted, so you can substitute out the non-commercial speech message for whatever the allowed message is on the permitted or listed sign. She gave the example of address signage as one that is allowed at two square feet, so most of the 'Black Lives Matter' or "Blue Lives Matter" signs would fit into that square footage allowance, so they would be allowed to have that on the property as a substitute for the address sign.

City Attorney Shepherd gave a brief explanation of the substitution clause and noted that it is a mechanism that helps the City address some of the issues that arise in the sign ordinance especially in light of recent case law. He referenced the most recent Supreme Court case of *Reed v. Gilbert* and noted that what needs to be considered is that there can be no content based regulation but the City can have reasonable time, place, and manner restrictions, such as setback from the road. He stated that there are things in the Code that still need to be worked on to ensure that the City is complying with the content neutrality issue.

Councilmember Callies stated that she finds the substitution clause a bit confusing, not because of the way Planning Director Darling has written it, but because it is a confusing principle. She noted that the City could be put at risk if it did not have the ability to substitute this type of sign and understands that it is a good thing to have and feels it is of benefit to citizens.

Councilmember Gorham stated that he was also confused by the substitution clause because from reading it, it appeared that you could substitute a campaign sign for a 'Black Lives Matter' sign which means it would then be restricted by the timeframe. He stated that it looks like it refers to a different subdivision so you have to do that bit of digging to understand it. He stated that he would like to see the distance be closer, such as five feet. He asked about Section 3, Subd. C.(3) where it states, 'No portion of any sign shall be located within five feet of any property line, except as permitted in b.(1)(d) of this subdivision.' He stated that this says five feet, but the subdivision it references says ten feet and noted that he felt this was a strange way to word it.

Councilmember Siakel stated that she agreed that there are a lot of situations in the City where ten feet does not make sense. She asked if there could be a distinction between a County roadway versus a side street. She stated that for the most part, five feet, in Shorewood, seems to make sense and would like to see if there would be a way to differentiate between the type of street for five feet versus ten feet. She gave the example of a sign in her yard being back ten feet and explained that it would never be seen. She stated that she agreed with the comment made by Councilmember Callies regarding school board election signs going from one-hundred to forty-six days and understands why the City would want to align that number.

Mayor Labadie stated that she agrees that there are portions of the City where ten feet would make signs not visible. She asked if Public Works Director Brown had any concerns from a Public Works standpoint with a five foot setback versus a ten foot setback. Public Works Director Brown stated that the City could specifying a setback from a corner because that is typically where you get into most site distance issues. He suggested that there be something similar to the landscaping ordinances where there is a site triangle requirement at the intersections.

Mayor Labadie stated that she does not want to get to the point where the City is out actively policing signs and has become an enforcer. Councilmember Siakel stated that the City has not done this in the past and noted that she was not sure why this issue has become such a big deal. She stated that she understands updating the ordinance because of some of the things such as the Supreme Court decision, but does not think this should be punitive. She stated that if someone wants to be able to put up a sign in their yard, she feels they should be able to do that.

Councilmember Callies asked about the statement made earlier by Planning Director Darling when she talked about distance from the improved roadway versus the street surface. She stated that, to her, that sounds like the same thing. She stated that she believes that there have been complaints in every election so she understands the City has to have something in the Code, but in her opinion, the less said, the better.

Mayor Labadie stated that this came about because of complaints during the last election. She explained that she would like this ordinance to get to the point where anyone can understand it clearly. She stated that she feels the current language was not easily understood, which is where Councilmember Callies explanation that 'less is more' would be beneficial.

Councilmember Siakel asked what the specific complaints were and suggested that perhaps the discussion needed to focus on those specific areas. She stated that if the goal is to simplify it and make it easily understood, she would say that saying something has to be five feet from an 'improved road surface' is probably confusing for most people.

Public Works Director Brown stated that they did check on some signs based on complaints that were received and explained that all the complaints they received were based on setback concerns. He stated that he thinks road surface is adequate language and is easy for anyone to check.

Planning Director Darling stated that during the last election, the City had complaints in two different areas of the City where signs were placed so close to the road and in such number that the callers were frustrated by having an overwhelming amount of signs right up to the street. She explained that in previous years the complaints were, in general, about too much signage and noted that what the City can enforce, is setbacks.

Councilmember Johnson stated that he did not see any regulations for overall non-commercial speech signs size. Planning Director Darling explained that during the election period, the City is not allowed to regulate the size of signs or the number of signs. Mayor Labadie suggested that the Council take a look at defining the edge of the road and determine how far back they would like to go.

Councilmember Callies stated that based on the discussion, she feels the Council has consensus to have signs be allowed five feet from the edge of pavement. Public Works Director Brown noted

that the City has three gravel roadways so there may need to be some provision made for those. He stated that if the roadway is unimproved then it would be from the edge of the aggregate surface. Councilmember Callies stated that she believes the Council also had consensus on allowing one-hundred days for other types of elections, such as school board.

Councilmember Siakel noted that she sees Mr. Yelsey's hand raised and stated that this may be a good time to allow public input. Alan Yelsey, 26335 Peach Circle, stated that he agrees with most of the statements made by Councilmember Callies. He stated that he feels the five foot setback and allowing one-hundred days for elections other than the State mandated ones makes sense, although he would prefer a three foot setback. He stated that he does not like the substitution clause and does not feel it is stated clearly. He stated that the Council has not yet addressed the concern that caused many citizens to be unhappy which was what happens to signs outside of the election period. He stated that there is no language that clearly says you can put up any kind of signs that you want, in your lawn, with minimal or no restrictions. He stated that he feels this is free speech and would suggest that there be language that says for non-commercial signs, outside of the election period, here is what you are able to do. He stated that he believes it is illegal for the City to call out holiday signs or illumination of holiday signs and would ask that they be treated as any other non-commercial signage and not to restrict it in any significant way because that is also free speech. He reiterated that the substitution clause as it is, is unfathomable and would encourage the City to create simple language. He stated that he has raised the issue of right-of-way several times and it is still there because the City actually prohibits signs in the right-of-way. He stated that the City allows mailboxes and plantings, but does not allow signs and suggested that language also be corrected and make it clear that people can put up signs in the right-of-way with a setback. He stated that theft has also been an issue with signs and explained that he would love to see a clause that addresses that issue and makes it a misdemeanor in the City. He stated that the City may also want to limit hate speech.

Mayor Labadie asked City Attorney Shepherd or Planning Director Darling to address Mr. Yelsey's comments on right-of-way, hate speech, theft, holiday signs, and the three foot setback.

Planning Director Darling explained that, in general, staff would want to preserve the right-of-way for the purpose it was created for, which would be things like drainage projects and allow no private improvements. She noted that mailboxes have to be allowed in order to allow for mail delivery. She stated that improvements in the right-of-way require permits but signs are generally not something the City would issue permits for.

Councilmember Callies stated that it appears as though non-commercial speech signs are allowed in the right-of-way as permitted, which seems to address Mr. Yelsey's concern. Planning Director Darling explained that staff wrote this section to allow them during the election period, but not at any other time. City Attorney Shepherd stated that Council may want to make a distinction between non-commercial speech signs during the election period versus others.

Mr. Yelsey stated there is encroachment and right-of-way language included in the Code that says you cannot do what Councilmember Callies just stated can be done. He stated that the language conflicts and is confusing because it says nothing can be put into a right-of-way other than a mailbox and landscaping. He stated that most people do not know how large the right-of-way is on their property from the roadway.

City Attorney Shepherd stated that staff can look at other language that is purported to be conflicting with the right-of-way provision in the sign ordinance because the City does not want

people to be confused about the restrictions or lack thereof. He stated that to address Mr. Yelsey's comment related to hate speech, that would be considered a content based restriction. He stated that tonight's discussion certainly addresses the election related provisions of the sign ordinance but as he noted earlier, there are other provisions of the sign ordinance that need amendment. He stated that the substitution clause is sort of a preservation clause that is recommended by the League of Minnesota Cities and preserves the ability of the residents to have non-commercial signs when there is otherwise conflicting regulations in the Code. He explained that he thinks it is important to have in the Code, but noted that staff could take a look at 'wordsmithing' it a bit to make it a bit more clear.

Mayor Labadie asked about the issue related to theft of signs. City Attorney Shepherd stated that he thinks theft of signs can be prosecuted as any other theft under State law. He stated that theft is not called out in the Code, but does not think it needs to be in order for it to be prosecuted. Public Works Director Brown noted that the City has had incidents of theft that the SLMPD has been involved in and noted that he believes that they were prosecuted as a misdemeanor.

Mr. Yelsey explained that he has had many signs stolen and noted that the owner of the sign is often the political party and sometimes it is the property owner. He stated that it would be nice to have a clause in the Code that clearly states it is a misdemeanor just to help preclude people from doing that. Councilmember Siakel noted that most people who are stealing signs are most likely not reading City Code. She stated that it will go back to going to the police department and filing a complaint.

Mr. Yelsey explained that many times it is kids doing the stealing and feels their parents need to know that this is a serious crime and not just fun and games like taking a pumpkin at Halloween.

Guy Sanschagrin, 27725 Island View Road, stated that he would like to touch on theft and vandalism of signs. He explained that he had many signs stolen and vandalized during the last election. He stated that he feels it is not just the 'law' but also what is done to communicate, enforce, and encourage people to follow the law. He stated that he is challenged by complaint based enforcement. He also gave the example of the Birch Bluff area and noted that he did not think any of those properties would be able to have signs on them because the hedges are right along the roadway even with a five foot rule. He stated that he feels Shorewood can do better than it did during the last election. He stated that it should not just be about enforcement and the law but should be about everyone coming together as a community to have a fair and just election.

Councilmember Siakel stated that anybody who has run for office has had some situation where a sign has disappeared and does not think that is unique to one candidate or one election. She stated that she would encourage people that want things to change, to start with themselves.

Mayor Labadie asked Councilmember Siakel to comment on the comment made regarding hedges in the Birch Bluff area. Councilmember Siakel stated that she feels the comment made by Mr. Sanschagrin is probably accurate, which is one of the reasons that she suggested five feet from the roadway. She explained that ten feet would make it very difficult for anybody on Birch Bluff and many other streets within the City. She noted that Mr. Yelsey brought up some points that probably should be discussed and suggested that the Council divide this topic and just focus on campaign signs tonight and cover the other points at a later time.

Councilmember Callies stated that she agreed that there should be two discussions and that tonight can focus on the campaign signs in order for that to be completed prior to the election.

She stated that the Council can then deal with the other items that need to be updated at a later date.

Councilmember Gorham stated that the misdemeanor language does not feel to him like it belongs in City Code because it is not within their control of how it is enforced. He suggested that perhaps it is something that is noted in the Shore Report or the newsletter that theft activity is discouraged. Mayor Labadie stated that she also felt a letter in the Sun Sailor and/or on the Shore Report would be a good idea to remind people that vandalism and theft of signs is a punishable offense. She stated that she feels this may be a more appropriate route than modifying the actual Code language. She asked about the timeline for making these changes.

Planning Director Darling stated that she feels that there will be enough time to make these changes prior to the election season, if the public hearing is held in April.

3. ADJOURN

Siakel moved, Johnson seconded, Adjourning the City Council Work Session Meeting of February 14, 2022, at 6:58 P.M.

Roll Call Vote: Siakel, Callies, Johnson, Gorham, and Labadie voted aye. **Motion passed 5/0.**

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

ORDINANCE xxx

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)
RELATED TO SIGNS

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS:

Section 1: City Code Chapter 1201 (Zoning Regulations) Section 1201.01 (Definitions), is hereby amended to add or alter the following definitions:

Language stricken is proposed to be removed, language underlined is proposed for insertion.

1201.02 DEFINITIONS.

~~**SIGN – CAMPAIGN.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.~~

SIGN – COMMERCIAL SPEECH. A sign advertising a business, profession, commodity, service, or entertainment.

SIGN – NONCOMMERCIAL SPEECH. A sign that includes message that does not promote commercial products or services.

Section 2: Chapter 1201 (Zoning Regulations), Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) , is hereby amended as follows:

Section 1201.03 General Building and Performance Standards

Subd. 11. *Signs.*

a. *Purpose.* This subdivision is established to protect and promote health, safety, general welfare and order within the City of Shorewood through the establishment of a comprehensive and impartial set of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use and/or display of devices, signs or symbols serving as a visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this subdivision are intended to encourage opportunity for effective, orderly communication by reducing confusion and hazards resulting from unnecessary and/or indiscriminate use of communication facilities

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

- (a) Public signs;
- (b) Address signs;
- (c) Integral signs;
- ~~(d) — Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;~~
- ~~(d) —~~ Temporary noncommercial speech signs, subject to the following:
 - (i) Signs may be posted in any number during the following times:
 - A. State general election years: 46 days before a state primary until ten days following the state general election pursuant to MS. § 211B.045.
 - B. For all other public elections years: 100 days prior to the election until ten days following the election.
 - (ii) During the time outlined in (d) (i), noncommercial speech signs shall not be located in violation of 1201.03 Subd. 2. h. (Traffic Visibility) of City Code or closer than five feet from the street, as measured from:
 - A. The curb of a paved roadway.
 - B. The paved street surface for those streets without curbs or shoulders.
 - C. The edge of the aggregate surface for gravel streets or those paved streets with improved gravel shoulders
- ~~(d)(e)~~ Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- (f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the City Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;
- (g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in Residential Districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the front and one facing the lake;

- (h) Informational/directional signs shall not be larger than three square feet and shall conform to the location provisions of the specific district;
- (i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

c. *General provisions.*

- (1) All signs shall comply with the Minnesota State Building Code as may be amended.
- (2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

~~(3)~~ No portion of any sign shall be located within five feet of any property line, except as permitted in b. (1) (d) of this subdivision.

~~(3)~~(4) No signs other than governmental-public signs and ~~political-campaign~~ noncommercial speech signs as provided in b.(1)(d) of this subdivision, shall be erected or temporarily placed within any ~~street~~ right-of-way, ~~or~~ upon public lands, or easements ~~or rights-of-way~~. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

~~(4)~~(5) *Temporary signs.*

- (a) The temporary use of signs, searchlights, banners, pennants and similar devices shall require a permit. The permit shall be valid for ten consecutive days. The permit shall be prominently displayed during the period of validity. Only two temporary permits may be granted for any property within any 12-month period. Temporary signs shall not exceed 32 square feet in area. Any new business that has applied for its permanent business sign may, at the same time, apply for a temporary business sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary business sign shall be professionally prepared and shall be no larger than the approved permanent sign.
- (b) A conditional use permit may be granted to nonprofit athletic associations, contracted with the city pursuant to Section 902.06 of this code, for the display of temporary business sponsorship signs to be placed on certain ball field fences on public property, provided that:
 - (i) A nonprofit athletic association under contract with the City may display signs only on facilities that have been reserved for its use;
 - (ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan;
 - (iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties;

- (iv) All signs must be professionally made, using durable weather resistant material, painted or colored dark green on the back side of the sign;
- (v) Signs are limited in size to no larger than 42 inches in height and seven feet in length;
- (vi) There shall be a minimum spacing between signs of seven feet;
- (vii) The maximum number of signs per ball field is 15;
- (viii) The nonprofit athletic association is responsible for maintaining the signs in good repair. If a sign become detached, torn, or vandalized, the association must repair or replace them immediately or the sign will be summarily removed by the city;
- (ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign;
- (x) The conditional use permit is subject to review and recommendation by the Shorewood Park Commission;
- (xi) The nonprofit athletic association must obtain an annual license from the city and enter into a license agreement setting forth the conditions of approval and the duration of the approval. The association shall pay an annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season; and
- (xii) It shall be the responsibility of the nonprofit athletic association to obtain a temporary sign permit for each sign to be displayed on ball field fences, prior to erecting the sign.

~~(56)~~ No sign or sign structure shall protrude over a public right-of-way.

~~(67)~~ All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

~~(78)~~ All height restrictions on signs shall include height of sign structure and be measured from lot grade.

~~(89)~~ In the case of a two-faced, freestanding sign, where the two faces of the sign are parallel and face in opposite directions, only one face shall be used in computing the allowable area of the sign.

~~(910)~~ Any sign now or hereafter existing which no longer advertises or identifies a business conducted, service rendered or product sold on the premises shall be removed by the owner, agent or person having the beneficial use or control of the building or structure upon which the sign may be found within 60 days from the date of vacancy.

~~(4011)~~ The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags. Nor shall these regulations pertain to a sign inside a building, provided the sign is at least three feet in back of the inside of the exterior wall and is readable from the inside of the building.

~~(412)~~ All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

(13) Substitution Clause. The owner of any sign which is otherwise allowed by this

article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Section 3. This Ordinance xxx shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this xxth day of x, 2022.



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: April 5, 2022

REQUEST: Site Plan Amendment Review

APPLICANT: Mikan Custom Homes Properties, LLC.

LOCATION: 24275 Smithtown Road

REVIEW DEADLINE: June 17, 2022

LAND USE CLASSIFICATION: Commercial

ZONING: C-1 (General Commercial)

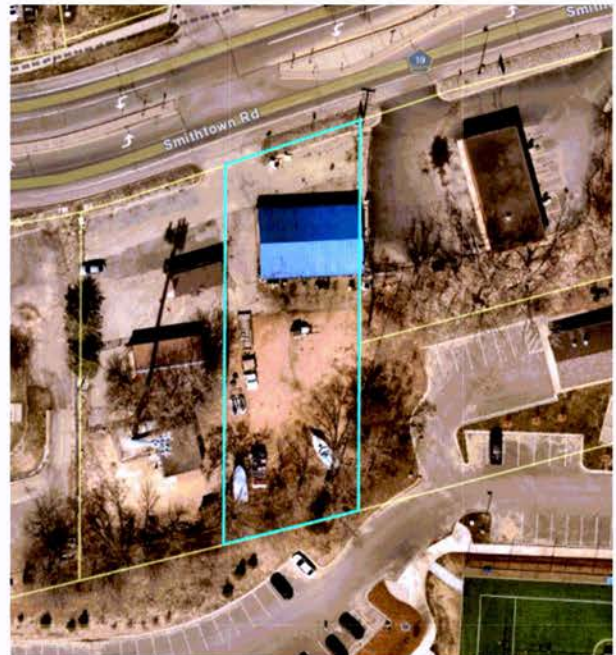
FILE NUMBER: 21.34

REQUEST:

The applicant recently purchased the subject property and proposes to remodel the building and site to accommodate their office and storage needs. The applicant proposes a more residential look to the exterior of the building in keeping with their residential home construction business. The proposed changes include:

- Adding a three-foot by 10.5-foot front entry.
- Redesigning the front parking lot so that the required spaces are clearly identified
- Converting the rear storage area to parking and landscaping
- Reducing the amount of hardsurface on the site
- Reside/reroof the exterior of the building
- Renovate the interior of the building so that the majority would be offices to meet with clients, the remainder would be storage for materials used on construction site and interior trailer storage

The applicant's narrative is attached.



BACKGROUND

The property is approximately 17,200 square feet (.4 acres). The properties to the east and west are also commercial buildings (carwash and car sales/computer services). The properties to the south are the City Hall/Badger Park/Community and Event Center campus. The properties to the north include Truffle Hill (Tonka Bay) and a single-family home.

The building was constructed in 1979 as a transmission repair shop with separate approvals in 1982 for a lighted sign near Smithtown Road. The existing building is legally nonconforming to the side (east) setback and the northwest corner of the building is nonconforming to the front setback.

Section 1201.03 Subd. 17 of City Code requires a site plan review or amendment for all building and site plans for all but minor alterations for multiple-family housing or commercial construction subject to the review by the Planning Commission and approval by the City Council. No notice of the site plan review application is required. The purpose of the review is to enforce design and construction standards as required elsewhere in city code.

ANALYSIS

The applicant is proposing changes to the site and building consistent with their proposed use as offices for their residential home building business. The northerly ½ of the building would be used for their office staff, with occasional client meetings. The southerly ½ of the building would be used for storage and indoor parking. The changes the applicant proposes to the building and site are discussed below.

Building Alterations: The applicant proposes to re-side the building with hardi-panel and lap siding, with a faux-slate shingle roof. Although hardi-panels are not listed as allowed materials in section 1201.03 Subd 7. c. (1) of city code, they are similar in appearance to other wood siding, which is listed. Section 1201.03 Subd. 7. c. (1) (i) specifically allows the City Council the flexibility to approve other materials. Staff recommends approval of the material for this request.

Entry Addition: The applicant has proposed a covered entry addition to the north side of the building that would be consistent with the required setback (30 feet).

Impervious Surface coverage: The site is currently about 88 percent impervious surface, including the compacted gravel storage area behind the building as required by city code. A maximum of 66 percent coverage is allowed and the site is currently legally non-conforming. The reductions in the amount of the compacted gravel storage area and the front bituminous would both improve the appearance of the site and bring the impervious surface coverage to a conforming amount. After the improvements are in place, staff estimates the total impervious surface coverage on the site to be under 60 percent impervious.

Parking Lot Design: With the new uses in the building, the applicant needs to redesign the parking on the site to accommodate nine spaces, including one handicapped space. The applicant is currently proposing two spaces inside the building and seven outside, with the extra two outside spaces used primarily as maneuvering room for trailers. This conforms to ordinance requirements.

In the front, the applicant proposes to convert about a third the existing bituminous to landscaping and create two defined parking spaces and an entry walk. The property has had legally, nonconforming angled parking spaces in this area for many years and would be reducing the nonconformity with the proposed layout. The two spaces extend into the drive-aisle and staff recommends shifting the spaces

further into the site so they are fully protected. All the front parking area needs to be protected with barrier curb, like the B6-12 variety. The applicant's proposal isn't clear what type of curb is proposed.

Behind the building, the applicant proposes to convert what was previously fenced storage area for vehicles being repaired and access drives to the rear service area into five parking spaces including one handicapped spot. The remainder of the gravel lot would be converted to greenspace. The parking is required to be protected by curb as well, but the city engineer recommends that an area with a ribbon curb or surmountable curbs be added toward the south side of the parking area to allow storm water run-off to pass over the newly landscaped area to allow for infiltration and for snow storage.

Staff recommends an amendment to the plans to clarify where the curbs are proposed and what type they will be using in various areas of the site. Staff also note that disturbance of 5,000 square feet or more would require an erosion control permit through the Minnehaha Creek Watershed District.

Lighting: The applicant is proposing new lighting for the building and site. Four uplights are proposed at the front of the building to provide architectural interest on the building and two sconces near the front door. At the rear of the building, the applicant proposes a full-cut-off flood light, which conforms.

Section 1201.03 Subd. 2 i. (glare) allows a maximum of 2,000 lumens per façade and the applicant's proposed uplighting, including both with the front floodlights and the uplight portion of the sconces are about 1,560 lumens.

Section 1201.03 Subd. 2. v. (lighting) allows a maximum of 3 lumens per square foot of impervious surface coverage. The applicant calculated the total amount of lumens based on the existing building and paved areas (without the compacted gravel areas) which allows 20,907 lumens. They propose 7,000 lumens, which conforms to zoning requirements.

The applicant submitted information showing that the backlight and glare for the sconce fixture conform to ordinance requirements. The other lights are narrow focused flood-lights and are conforming.

Sign: The sign by the street is legally non-conforming but hasn't been maintained or had advertising material on it for some time and fits the definition of an abandoned sign. The applicant has stated they have no interest in keeping the sign and won't be using it for their business. Staff recommend a condition of approval to remove the sign.

Staff have preliminarily reviewed the sign proposed on the building and notes that it conforms to the sign regulations in regard to location and size. A separate sign permit is required prior to installation.

Fencing: A previous property owner enclosed the rear of the property with a chain-link fence and this fence was installed over the property line onto the properties owned by the city and the adjacent property owner. The portion of the fence over the property line has been removed. In the future, the applicant would like to add fencing to the rear of the site that is more secure and private than a standard chain link fence but has not yet proposed a specific fence type. Section 1201.03 Subd. 2 f. (Fences) would allow a boundary fence in the rear yard subject to the same requirements as residential properties. In the future, their fence proposal could be reviewed administratively.

Trash Storage: Section 1201.03 Subd. 2 n. requires all trash receptacles to be screened from all adjacent properties and the public right-of-way. The applicant has indicated that they will store their trash inside except on pick-up days as allowed by City Code.

FINDINGS/RECOMMENDATION

Staff recommends approval of the application. Should the Planning Commission also recommend approval of the site plan amendment, staff recommends that the applicant be required to:

- Acquire all necessary permits prior to construction;
- The plans submitted shall be a formal agreement between the applicant and the city and no modification shall be made to any plan detail without prior approval;
- The existing freestanding sign shall be removed prior to certificate of occupancy on the existing building.
- The new parking spaces shall be identified with white or yellow paint lines.
- The plans shall be revised as follows or the following information submitted, consistent with city code and the engineer's memo dated 3/16/2022:
 - The applicant shall submit a copy of a permit from MCWD if the disturbed area exceeds 5,000 square feet.
 - The applicant shall submit a revised plan identifying where each curb type is proposed.

ATTACHMENTS

Location Map

Engineer's Memo

Applicant's Plans

24275 Smithtown Road Location Map





**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

MEMORANDUM

Date: 3/16/2022
To: Marie Darling, Planning Director
From: Matt Bauman, PE
Subject: 24275 Smithtown Road
City of Shorewood
Project No.: 0C1.123603

The following documents were submitted for review of compliance with the City of Shorewood's City Code and Engineering Standards:

- Plan Set dated 2/17/2022

This review only included the documents listed above, primarily dealing with grading, and code requirements.

1. Add a legend to the proposed site plan to clearly define what is being installed. Some grade elevations should be included as well.
2. The front two parking spots stick into the drive aisle. Shift/straighten the front sidewalk so the parking can be fully protected by the island area from the highway.
3. The entire drive/parking area shall be bordered by curb and gutter. Define the curb and gutter style.
 - a. As noted before, the curb will need to have a dump point to the south. We suggest this be at the corner of the "backup trailers" parking area located at the "D" of Subdivision.
 - b. A surmountable curb for the remaining area may be best for snow removal.

Mikan Custom Homes is a custom home builder and remodeling company currently located in Excelsior, MN. Our mission is to deliver quality custom craftsmanship with an emphasis on details. We strive to build personal relationships with our clients while creating spaces that are intimate, functional, and timeless.

The main use for the property located at 24275 Smithtown Road will be an office and meeting space. The goal is to host all sales meetings, strategy meetings, client introductions etc. on site in the new office. The storage area in the building will be used strictly as overflow storage for site material that will be installed in projects at a further date. There will be no fabrication of materials/products whatsoever on site.

A general overview of proposed renovations would include:

- Refacing (roofing and siding) the building to better reflect the local area and also the craftsmanship of Mikan Custom Homes
- Build out office spaces and storage per the attached floorplan
- Establish set parking spaces in accordance with the city bylaws

SCOPE OF WORK

Mikan Custom Homes
24275 Smithtown Rd.
Excelsior, MN 55331
January 10th, 2022

Exterior

- Demo all siding, roof, doors & windows, save 2 overhead doors.
- Remove sign and chain-link fence
- New Hardi panel and lap siding
- New Davinci faux slate roof
- New ½ round gutters, guards and drainage system
- New Marvin Ultimate clad windows and doors per plan
- New parking areas per plan (5 cars total including an ADA location) w/ poured curb and gutter
- New landscaping per plan
- Electrical to code, exterior sconces (2), full cut-off flood lights w/ full shade lens (2), up lights (4) ring cameras (2)
- Note – no garbage or recycling will be stored outside
- Note – no hazardous waste will be stored on site

Storage Mechanical and Garage

- Demo 2 overhead garage doors and fill in with wall
- Ex'g concrete floor to remain – patch as needed
- New floor, wall and stair framing per plan
- Walls & ceiling to be sheet-rocked, smooth and painted
- HVAC to code
- Electrical to code, provide 11 overhead light fixtures
- New elevator per plan & specs
- Plumbing
 - ♦ New mop sink
- Stairs to be wood treads and painted risers Include a code required handrail at all stair run locations
- All walls & ceiling to be painted
- New slat wall system & 2x4 shelving

Main Level Office Space:

- Demo entire space
- New floor, wall and stair framing per plan
- Walls & ceiling to be sheet-rocked, smooth and painted
- New oak hardwood floors per plan
- New 5-1/4" flat stock base, 3-1/4" flat stock casing & single flat panel interior doors (enameled)
- HVAC to code
- Electrical to code and plan, provide recessed can and pendants lights at reception (2)
- Appliances
 - Microwave drawer & beverage center
- Plumbing to code, include ADA requirements and grab bars
 - Bath 1 include toilet, sink, faucet & bath accessories
 - Bath 2 include toilet, sink, faucet & bath accessories
- New Stairs are to be stained treads and painted risers. Include a code required handrail at all stair run locations
- Tile
 - New tile floor & base at bathroom 1 & 2
 - New tile backsplash at break room
- New stained & painted cabinetry per plan
- New wood & stone countertops per plan
- New door and cabinet hardware
- New rod & shelf at closet
- New frameless glass enclosure at conference room & mirrors at Bath 1 & 2



MIKAN OFFICE BUILDING
24275 SMITHTOWN RD.
EXCELSIOR, MN 55331

ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

TITLE PAGE

T1



MIKAN OFFICE BUILDING
24275 SMITHTOWN RD.
EXCELSIOR, MN 55331

ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

TITLE PAGE

T2

FIXTURE 'A' SMSBULLET2X12YA QTY 2

LUMEN OUTPUT: 2502

CRI: 84

COLOR TEMPERATURE: 3000K

MOUNTING HEIGHT: 12'-6"

FULL CUT-OFF; FULL SHADE LENS

SMSBULLET2X12YA

RAB



Two adjustable 12W LED floodlights. Equivalent to 2x75W BR30 halogen/wide floods. Comes with sensor with 180° detection pattern at up to 30 ft.

Color: Bronze

Weight: 5.2 lbs

Technical Specifications

Compliance

UL Listed:

Suitable for wet locations, wall mount only

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

LED Characteristics

LEDs:

Multi-chip, high output, long life LEDs

Color Stability:

LED color temperature is warranted to shift no more than 200K in color temperature over a 5-year period

Color Uniformity:

RAB's range of Correlated Color Temperature follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2017.

Performance

Lifespan:

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Construction

Thermal Management:

Superior heat sinking with external Air Flow fins

Housing:

Die-cast aluminum housing, lens frame and mounting plate

Reflector:

Semi-specular, vacuum-metallized polycarbonate

Lens:

Microprismatic diffusion lens for smooth and even light distribution

Mounting:

Heavy-duty mounting arm with "O" ring seal and stainless steel screws

Gaskets:

High-temperature silicone gaskets

Finish:

Our environmentally friendly polyester powder coatings are formulated for high durability and long lasting color

Green Technology:

Mercury and UV free, RoHS-compliant components

FIXTURE 'B' UNIQUE NUCLEUS - QTY 4

LUMEN OUTPUT: 270

CRI: 90

COLOR TEMPERATURE: 2700K

LANDSCAPE UP LIGHT

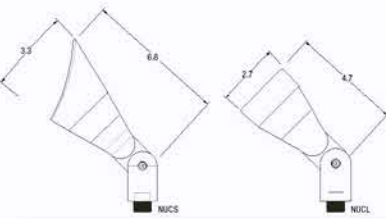
UNIQUE
LIGHTING SYSTEMS®

Nucleus®
Up Light
Elements™ Series



PRODUCT SPECIFICATIONS

PROJECT:
 MODEL #:
 LAMP(S):
 NOTES:



Specifications:

- Marine grade A360 alloy construction
- High temperature silicone o-rings
- 1' FLEX™ Auxiliary wire lead
- 15' direct burial cable
- AMC - Anti-Moisture Connections
- Available in shrouded and non-shrouded version
- 8W max. LED lamp / 35W max. halogen
- Bronze finish
- E-Shield™ coating process
- Composite stake with brass threaded insert
- Limited 10 year warranty

Light Distribution Cones:



Unique Lighting Systems® reserves the right to modify the design and/or construction of the fixture shown without further notification.

© Unique Lighting Systems® • 5825 Jasmine Street, Riverside, CA 92504 • Customer Service - 800-955-4831 • Order Service - 800-654-1882
 www.uniquelighting.com

FIXTURE 'C' WS-W54620 - BL - QTY 2

LUMEN OUTPUT: 478

CRI: 90

COLOR TEMPERATURE: 3000K

UP & DOWN LIGHT

MOUNTING HEIGHT: 5'-6"

ICON - LED Outdoor Sconce
 WS-W54614, WS-W54620

dweLED
by WAC Lighting

Fixture Type:
 Catalog Number:
 Project:
 Location:

PRODUCT DESCRIPTION

Like a simple reference to something greater, the up and down lights accentuate linear architectural forms.

FEATURES

- Simple shape, simple ideas, infinite applications
- Shielded light source for great low-glare illumination
- Driver located inside the fixture
- Up & down light
- Universal driver (120V-220V-277V)
- Color Temperature: 3000K
- CRI: 90
- Rated Life: 54,000 hours

SPECIFICATIONS

Construction: Aluminum body with acrylic diffuser

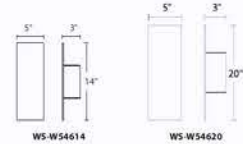
Input: 120V-277V

Dimming: 100% - 10% ELV

Light Source: High output LED

Finish: Brushed Aluminum (AL), Bronze (BZ), Black (BK)

Standards: ETL/cETL, Wet location listed, IP65 Rated, ADA Compliant



ORDER NUMBER

Model	Size	Watt	LED Lumens	Delivered Lumens	Finish
WS-W54614	1 1/2"	11W	6,472	478	AL Brushed Aluminum
WS-W54620	2 1/2"	11W	6,811	478	BZ Bronze

Example: WS-W54614-AL

dweLED.com
 Phone: (800) 526-2598
 Fax: (800) 526-2585

Headquarters/Eastern Distribution Center
 44 Harbor Park Drive
 Port Washington, NY 11050

Central Distribution Center
 1600 Distribution Ct
 Lithia Springs, GA 30122

Western Distribution Center
 1750 Archibald Avenue
 Ontario, CA 91760

dweLED retains the right to modify the design of our products at any time as part of the company's continuous improvement program. FEB 2019

Light Specs

Fixture #	Lumens
1	270
2	270
3	270
4	270
5	478
6	478
7	2502
8	2502
TOTAL	7040

Lighting specs

- Total Lumens for entire property = 7,040 at 3000k

Total allowed lumens per code = 6,969 (impervious surface) x 3 = 20,907

- 2 x up / down sconces located on the front pillars (see elevation and attached specs)
- 4 x landscape uplighting fixtures (see survey and attached specs)
- 2 x motion security floodlights on the back of the building (see elevation and attached specs). Specs provided are for ring product. Similar and comparable product may be used as security product.

* There are no proposed changes to the current city utility connections

* There are no proposals for freestanding lighting or signage

MIKAN
CUSTOM HOMES

MIKAN OFFICE BUILDING
 24275 SMITHTOWN RD.
 EXCELSIOR, MN 55331

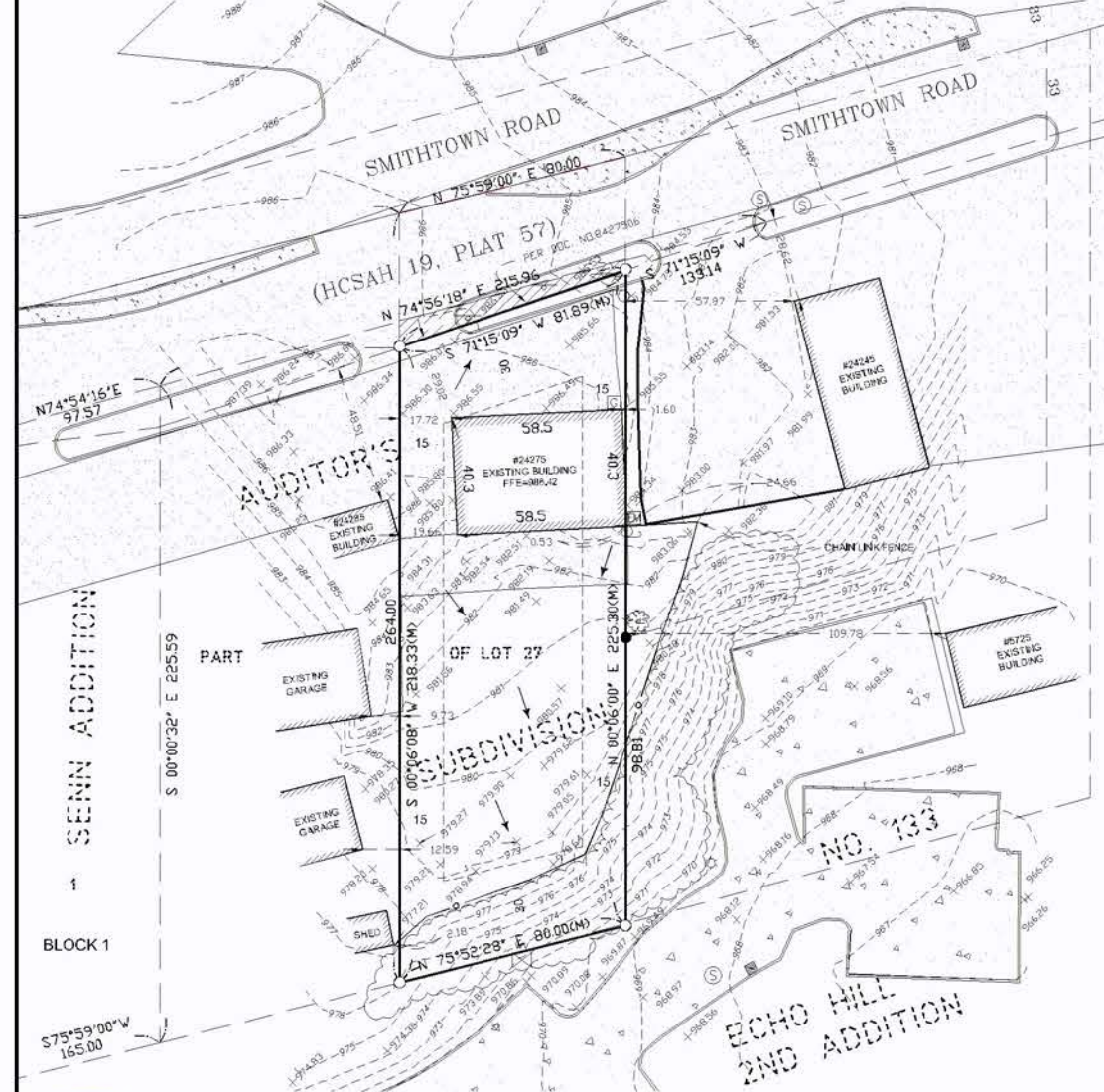
ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC DESIGN	10.22.2021
CITY PLAN	2.14.2022
	2.17.2022

TITLE PAGE

T3

CERTIFICATE OF SURVEY -for- MIKE YOUNGS



BUILDING SETBACKS

ZONING: C1 - GENERAL COMMERCIAL DISTRICT
HOUSE: FRONT = 30 FT
SIDE = 15 FT
REAR = 30 FT

EXISTING HARDCOVER

EXISTING BUILDING 2,358 SQ. FT.
EXISTING BITUMINOUS SURFACE 4,611 SQ. FT.
EXISTING IMPERVIOUS AREA 6,969 SQ. FT.
TOTAL LOT AREA 17,208 SQ. FT.
EXISTING HARDCOVER 40.5 %

REFERENCE BENCHMARK

ELEVATION = 937.60 (NGVD 29) MNDOT DISK "MOUND".

LEGAL DESCRIPTION

That part of Lot 27, AUDITOR'S SUBDIVISION NO. 133, describes as follows:

Commencing at a point in centerline of Smithtown Road 415.00 feet easterly from the northerly extension of the westerly line of Lot 27; thence easterly along said centerline 80.00 feet; thence southerly parallel with westerly line of Lot 27 distance 264.00 feet; thence westerly parallel with said centerline 80.00 feet; thence northerly to the point of beginning excluding Road, Hennepin County, Minnesota, according to the recorded plat thereof, (HENNEPIN COUNTY TAX DESCRIPTION)

NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- DENOTES BOUNDARY LINE
- - - DENOTES LOT LINE
- - - DENOTES SETBACK LINE
- x999.99 DENOTES EXISTING SPOT ELEVATION
- DENOTES CONCRETE SURFACE
- - - DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES BITUMINOUS SURFACE
- DENOTES TREE LINE
- DENOTES DECIDUOUS TREE
- DENOTES WATER VALVE
- DENOTES CHAINLINK FENCE
- DENOTES SIGN/POST
- DENOTES ELECTRIC POWER POLE
- DENOTES LIGHT POLE
- (M) DENOTES MEASURED DISTANCE
- DENOTES SANITARY MANHOLE
- DENOTES ELECTRIC METER
- DENOTES GAS METER
- DENOTES STORM CATCH BASIN (SQUARE)
- DENOTES DRAINAGE FLOW

EDS ENGINEERING DESIGN & SURVEYING
6480 Wayzata Blvd, Minneapolis, MN 55426
OFFICE: (763) 545-2800 FAX: (763) 545-2801
EMAIL: info@edsmin.com WEBSITE: http://edsmin.com

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Kad Survan DATED: 12/06/21
VLADIMIR SURVIER L.S. NO. 25105

JOB NAME: MIKE YOUNGS	FIELD WORK DATE: 11/03/21	DRAWN BY: IS	PROJECT NO.: 21-252
LOCATION: 24275 SMITHTOWN ROAD SILVERWOOD, MN 55331	FIELD BOOK NO.: EDS-13	CHECKED BY: VS	SHEET NO. 1 OF 1

Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166



MIKAN OFFICE BUILDING
24275 SMITHTOWN RD.
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ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

SITE
PLAN

S1

CERTIFICATE OF SURVEY ~~for~~ MIKE YOUNGS



BUILDING SETBACKS

EXISTING HARDCOVER

REFERENCE BENCHMARK

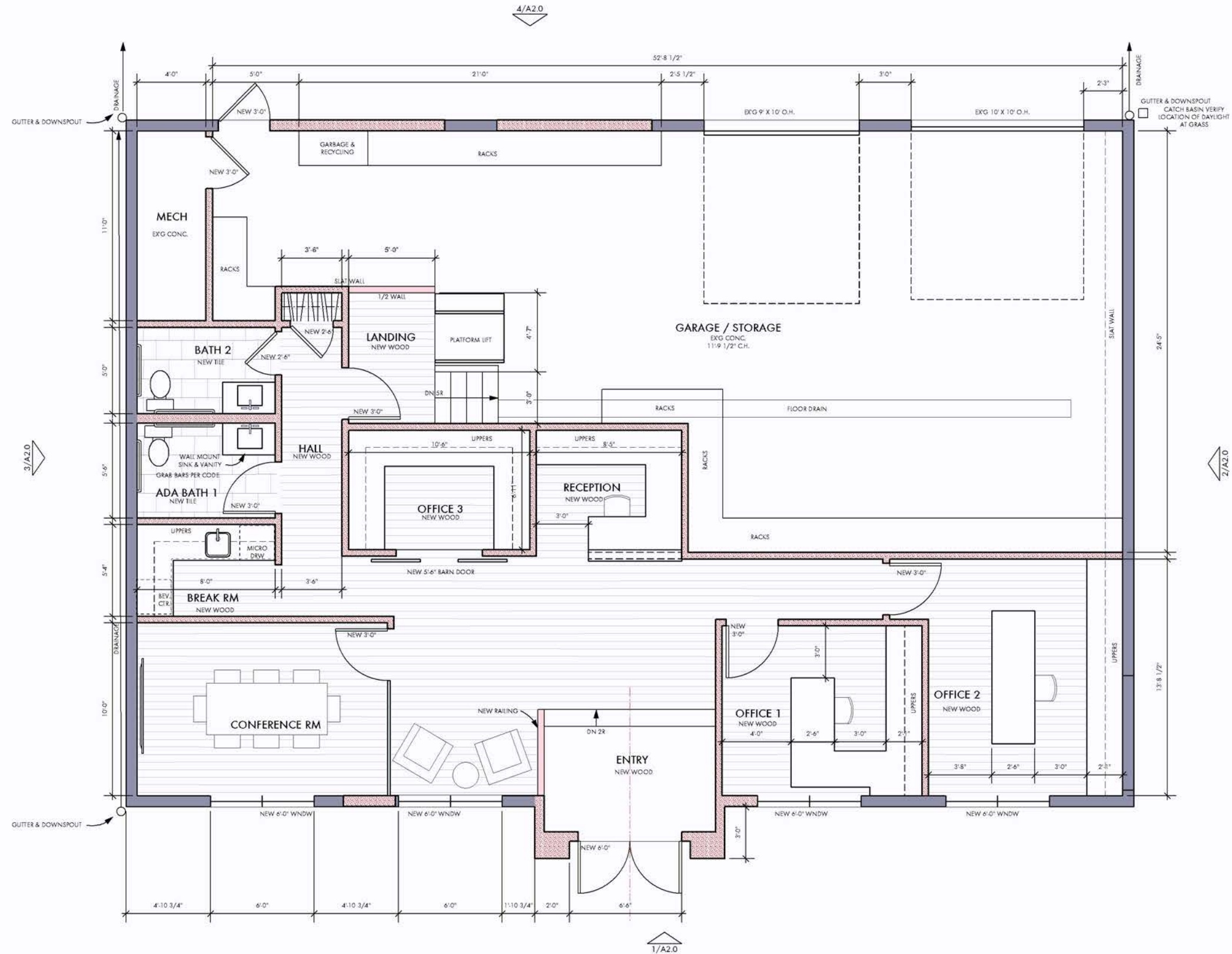
LEGAL DESCRIPTION

NOTES

- LEGEND**

- SHEET NO. 1 OF 1

S2



1 PROPOSED MAIN LEVEL
A1.1 1/4"=1'0"


















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 EXCELSIOR, MN 55331

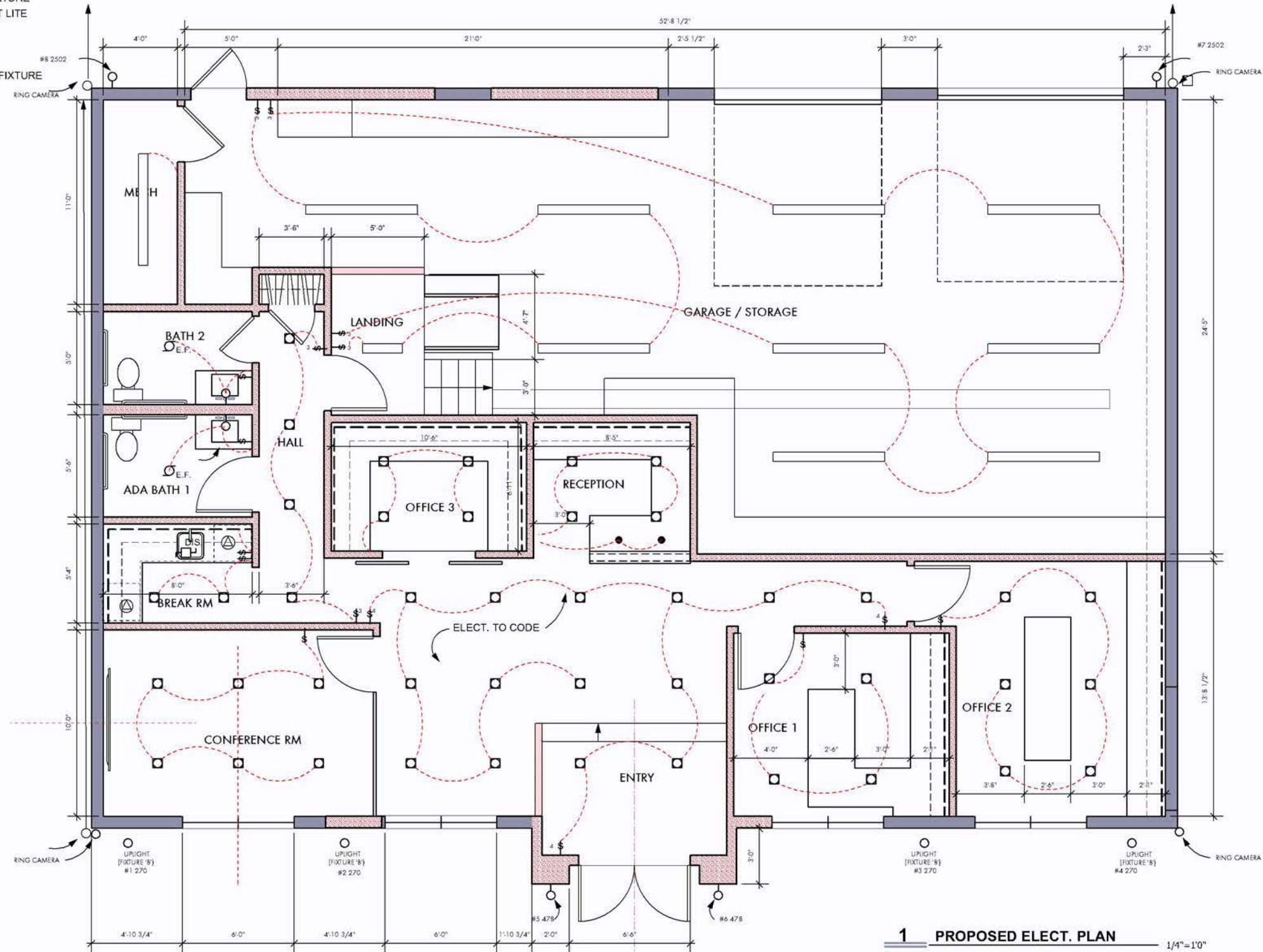
ISSUE/REVISIONS	
ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

PROPOSED
 MAIN LEVEL

A1.1

ELECTRICAL SYMBOLS KEY

-  SWITCH, D - DENOTES DIMMER, 3 - DENOTES 3-WAY SWITCH
-  DUPLEX RECEPTACLE
-  MICROWAVE OR DISHWASHER CONNECTION
-  VENT HOOD ABOVE COOK TOP OR OVEN CONNECTION
-  SURFACE MOUNTED CEILING LIGHT FIXTURE
-  SURFACE MOUNTED PENDANT
-  RECESS CAN FIXTURE
-  DIRECTIONAL RECESS CAN FIXTURE
-  SURFACE MOUNTED WALL LIGHT FIXTURE
-  UNDERCABINET LIGHTING OR SOFFIT LITE
-  GARBAGE DISPOSAL
-  EXHAUST FAN
-  SURFACE MOUNTED CEILING LIGHT FIXTURE W/ LARGER HEAD
-  CEILING FAN
-  CEILING GARAGE LIGHT



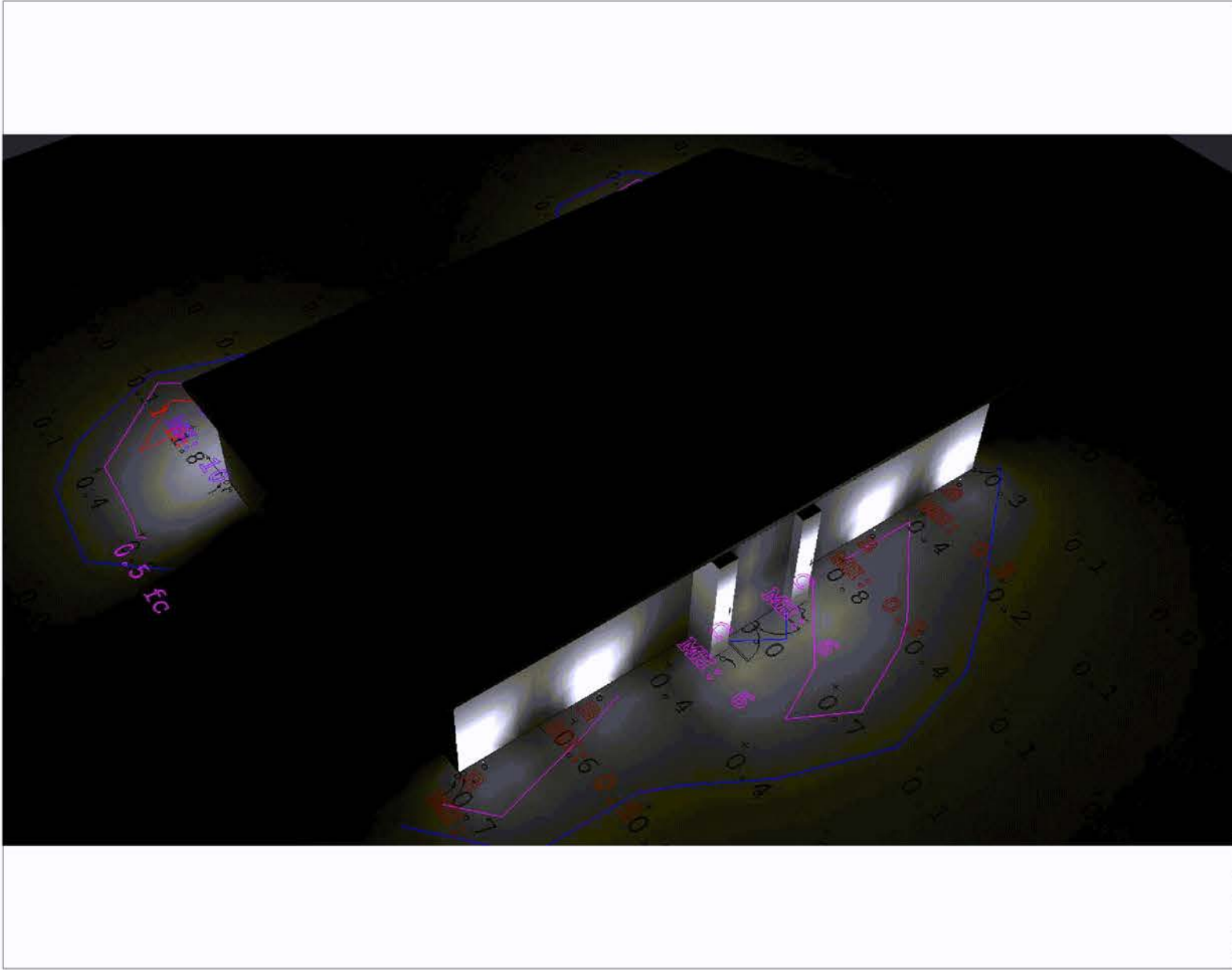
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 24275 SMITHTOWN RD.
 EXCELSIOR, MN 55331

ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

ELECT. PLAN

E1.1



Calculation Summary									
Label		Calc.Type	Units	Avg	Max	Min	Avg/Min	Max/Min	
Ground Planar		Illuminanc	Fc	0.05	2.1	0.0	N.A.	N.A.	
Luminaire Schedule									
Symbol	Qty	Label	Arrangement	LLF	Description				Lum. Watts
⦿	2	A	SINGLE	0.910	SMSLES2X13Y				13.3
⦿	4	B	SINGLE	0.910	LES13YVG				13.3
⦿	2	C	SINGLE	0.910	WS-W54620				10.792

Mikan Office	Drawn By: Daniel Budke	#	Date	Comments
Exterior	Checked By:			
	Date: 2/17/2022			
	Scale:			

**VIKING**
electric
A Sonospar Company

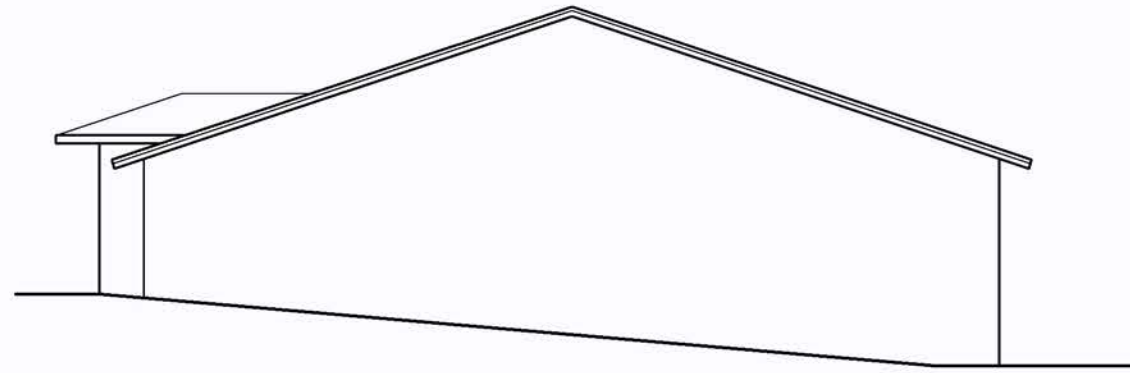
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24275 SMITHTOWN RD.
EXCELSIOR, MN 55331

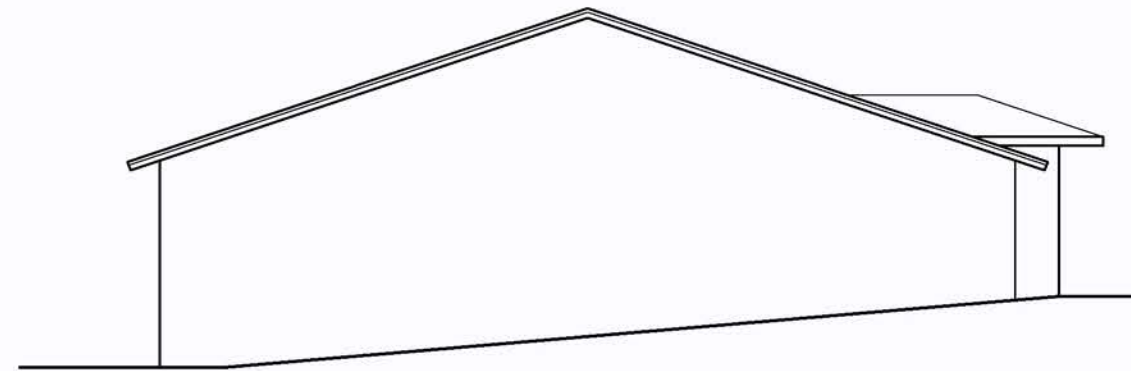




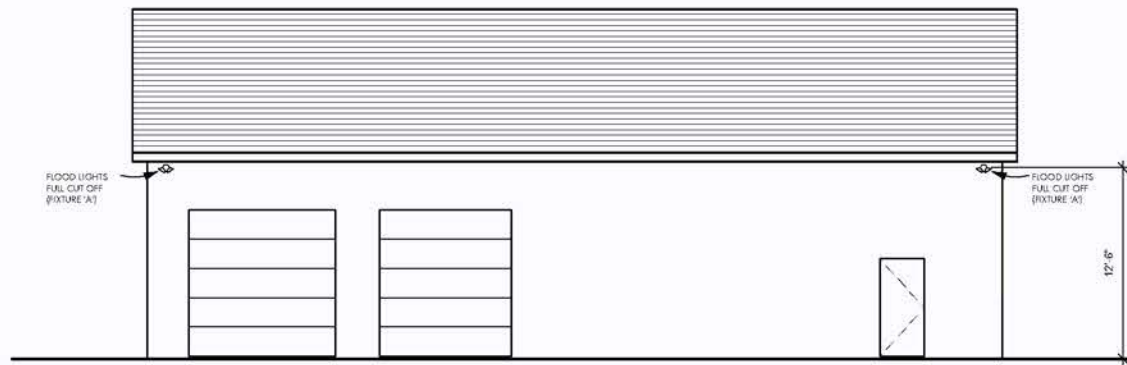
1 FRONT EXTERIOR ELEVATION
A2.0 1/4"=1'0"



2 RIGHT EXTERIOR ELEVATION
A2.0 1/8"=1'0"



3 LEFT EXTERIOR ELEVATION
A2.0 1/8"=1'0"



4 REAR EXTERIOR ELEVATION
A2.0 1/8"=1'0"



MIKAN OFFICE BUILDING
24275 SMITHTOWN RD.
EXCELSIOR, MN 55331

ISSUE/REVISIONS

ISSUE:	DATE:
SCHEMATIC	10.22.2021
DESIGN	2.14.2022
CITY PLAN	2.17.2022

**EXTERIOR
ELEVATIONS**

A2.0