

**CITY OF SHOREWOOD  
PLANNING COMMISSION MEETING  
TUESDAY MAY 4, 2021**

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

Due to the Centers for Disease Control's recommendation limiting the number of people present at a meeting, and pursuant to MN Statute §13D.02, the Shorewood Planning Commission meetings will be held by electronic means. For those wishing to listen live to the meeting, please go to [http://ci.shorewood.mn.us/current\\_meeting/](http://ci.shorewood.mn.us/current_meeting/) for the meeting link. Contact the city at 952.960.7900 during regular business hours with questions. For link issues at meeting time, call 952.960.7906.

## **A G E N D A**

### CALL TO ORDER

### ROLL CALL / (LIAISON) SCHEDULE

MADDY (APR) \_\_\_\_\_  
EGGENBERGER (JUN) \_\_\_\_\_  
GAULT (MAY) \_\_\_\_\_  
RIEDEL (AUG) \_\_\_\_\_  
HUSKINS (JUL) \_\_\_\_\_  
COUNCIL LIAISON (Callies) \_\_\_\_\_

#### 1. APPROVAL OF AGENDA

#### 2. APPROVAL OF MINUTES

- ♦ April 6, 2021

#### 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) CUP and Site Plan Review for Tonka Bay Car Wash

Applicant: Reprise Design

Location: 24245 Smithtown Road

##### B) Sign Ordinance Amendments *Continued to June 1, 2021*

#### 5. NEW BUSINESS

##### A) Variance to front yard setback

Applicant: John Mark Graham

Location: 5565 Howards Point Road

##### B) Site Plan Review

Applicant: Minnetonka Public School District

Location: 19685 State Highway 7

#### 6. OTHER BUSINESS - None

7. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

8. ADJOURNMENT

**CITY OF SHOREWOOD  
PLANNING COMMISSION MEETING  
TUESDAY, APRIL 6, 2021**

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

## **MINUTES**

### **CALL TO ORDER**

Chair Maddy called the meeting to order at 7:04 P.M.

### **ROLL CALL**

Present: Chair Maddy; Commissioners Eggenberger, Gault, Huskins, and Riedel (arrived at 7:18 p.m.); Planning Director Darling; Planning Technician Notermann and, Council Liaison Callies

Absent: None

#### **1. INTRODUCTION OF NEW PLANNING COMMISSIONER – KEN HUSKINS**

#### **2. APPROVAL OF AGENDA**

**Eggenberger moved, Gault seconded, approving the agenda for April 6, 2021, as presented. Roll Call Vote: Ayes – all. Motion passed 4/0.**

#### **3. APPROVAL OF MINUTES**

- **March 2, 2021**

**Eggenberger moved, Huskins seconded, approving the Planning Commission Meeting Minutes of March 2, 2021, as presented. Roll Call Vote: Ayes – Eggenberger, Maddy; Abstain – Gault and Huskins. Motion passed 2/0/2.**

#### **4. MATTERS FROM THE FLOOR**

#### **5. 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 – DETACHMENT AND ANNEXATION**

**Applicant: Cities of Shorewood and Excelsior**

**Location: 450 West Lake Street**

Planning Director Darling stated that this application is a joint request from the City of Shorewood and the City of Excelsior to detach .1 acre from the City and allow it to be annexed into the City of Excelsior. The parcel is the west half of 450 West Lake Street and explained that the home straddles the boundary line between the two cities. She gave an overview of the surrounding properties and explained that this boundary adjustment is to correct the issue of the building being built over the property/boundary line. She stated that this adjustment would allow the property to

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become one property and only be within one of the cities. Because the property straddles the two cities, the property owner is responsible for knowing the codes for both cities and noted that this is a very uncommon situation. She gave an overview of the options for resolving this issue and noted that staff is recommending that the smaller parcel be annexed into Excelsior.

Commissioner Eggenberger asked if there would be any negative impact to the City if this parcel is annexed into Excelsior, besides losing the small amount of tax dollars the City receives.

Planning Director Darling stated that she does not know of any negative impacts.

Commissioner Huskins noted that this is a joint application and asked if the Excelsior Planning Commission had made any recommendation.

Planning Director Darling stated that she has spoken with her counterpart at the City of Excelsior but they have not conducted any studies other than both cities are aware of the problems. She stated that they will be bring the same type of request to their Planning Commission and Council at upcoming meetings.

Commissioner Huskins confirmed with Planning Director Darling that he was understanding correctly that Shorewood was taking the first look at this issue and then Excelsior would consider it.

Chair Maddy opened the Public Hearing at 7:18 P.M. noting the procedures used in a Public Hearing.

Petra Cripe, 450 West Lake Street, stated that she has lived here for twenty years and this property has been subdivided between two cities since before 1940 and noted that there has not been an issue with it during that entire time. She stated that they were a little concerned when they received notice of tonight's meeting and asked who actually initiated this appeal. She explained that she would like to know their reason and noted that she thinks she deserved to know that information since she is the resident on the property being discussed. She stated that they did not ask for this action and are concerned about their best interests not being looked after. She stated that both of their neighbors who have caused them extreme stress over the last year appear to be present at the meeting. She stated that she is worried about why the City wants to push this through. She shared that there was a water break on their lake side some years ago because all of the lines were tied together and it turned out to be the neighbors piece of the T that had broken. In order to get a small excavator into the backyard, part of their back deck needed to be removed. She asked Excelsior if they could have an extra three feet in order to build a porch in that location and they said no because it was against their zoning and ordinances. They then presented the request to Shorewood and because that portion of the property was within the City boundary, they said they could build a porch. She stated that she has concerns that if they were to be annexed into Excelsior and something were to damage her porch, that they may not allow her to repair it. She stated that if this goes forward, she wants to be assured that they would be grandfathered in on the porch and numerous other things. She stated that another example is that her sons want to raise chickens which is allowed in Shorewood with a permit, but is not in Excelsior. She stated that she wants to make sure they, as the homeowner, are protected because in the past year, they have not been protected and have seen much hardship because of what the cities have done along with what their neighbors have done to them. She stated that they are just a family, raising their kids, minding their own business, and they need to be protected. She stated that they do not want to be railroaded by the cities like they have been over the last year.



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Chair Maddy asked Planning Director Darling what led to this application.

Planning Director Darling explained that this was a staff-initiated recommendation and did not come from any member of the public. She stated that it came from the difficulty of trying to apply two codes to the same property.

Chair Maddy stated that he agrees with what the City is trying to do to simplify things so there is only one set of rules. He asked Ms. Cripe for her opinion on which city she would like to reside in.

Ms. Cripe stated that she likes it the way it is and reiterated that it has never been a problem for them other than when they first moved in when they were escrowing their taxes to the bank. She stated that they like being part of both cities and like them both the same. She stated that they have no plans to tear down their house and rebuild. She stated that she wonders if their neighbors have been complaining to Planning Director Darling about ordinance violations. She noted that in the 20 years they have lived here, nobody has ever complained about them and noted that they live on a dead-end street. She explained that they used to park their boat on their driveway, but suddenly their neighbors had issues with what she considers to be ridiculous things like ensuring the boat is 10 feet from the street and that there is only one kayak on the dock. She stated that she is convinced that this is why this action has been initiated. She asked which staff member had initiated this action. She stated that she thinks she should be privy to that information since this is her property.

Commissioner Riedel stated that he is not sure that point is relevant because complaints are treated anonymously and is the policy of the City not to reveal this information.

Ms. Cripe stated that she is not looking for the person who initiated the complaints, because she already knows who they are, but would like to know who initiated the annexation appeal.

Planning Director Darling reiterated that this issue came to the Planning Commission because of the complexity of applying two different cities codes to the same property.

Chair Maddy stated that he agrees with that and remembers that there was a storage issue on this property which was an awkward conversation because depending on which side of the property they were considering, there were two sets of rules. He reiterated that it makes sense from a distance, but would like to make sure the homeowner is part of the conversation.

Gabriel Jabbour, stated that he owns the property known as "the dredging company" which was the former Shorewood Yacht Club. He stated that he has not registered one single complaint with the City but admitted that it has been extremely frustrating for everyone to figure out what set of rules they should live by. He stated that he thinks this is a great housekeeping issue and will just clean things up. He stated that he is assuming the Cripes, by law, would be considered residents of Excelsior since that is where they vote. He stated that it has been a difficult summer for everyone because nobody seemed to be happy about anything. He stated that he thinks this action is the right thing to do and is a bit past due. He reiterated that he did not initiate or file any complaint, but did express frustration in response to having to remove the gate and the fence.

Kurt Wehrmann, 444 West Lake Street, Excelsior, explained that he lives next door to Ms. Cripe. He stated that he thinks it is a good idea to eliminate code violations and annex the property to one city or the other. He stated that he agrees that this would reduce confusion between the two cities and also save time for the cities in working on code enforcement. He stated that they are not out to get anybody but just want to do their best to keep their property looking good and keep

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their property values up by eliminating eye sores on the south side of the street on City property. He stated that the boat in the driveway was an issue because they have small school bus that needs to turn around on this dead-end road. He stated that he does not wish ill will on anyone and hopes that the property is annexed one way or the other.

Ms. Cripe asked why both of her neighbors just spoke in support of annexing her property when they claim that they have no ill will towards her or any type of agenda. She stated that it seems quite ironic that these two people are the only other people speaking at tonight's public hearing, besides herself. She explained that the issue with the bus and the boat was all caused by Mr. Jabbour moving the fence up by 20-25 feet which now makes it difficult for the short bus, FedEx, UPS, or any delivery vehicle to find a way to back up to do the turn around which means they have been turning around in Mr. Wehrmann's driveway which he has an issue with. She stated that she does not mind trucks turning around in her driveway. She stated that both Mr. Jabbour and Mr. Wehrmann showed animosity towards her family last summer and have an interest in this meeting.

There being no additional public input, Chair Maddy closed the public hearing at 7:36 p.m.

Chair Maddy reminded everyone that the Planning Commission is just a recommending body, and noted that his understanding is that even if the City Council in Shorewood voted to approve this, nothing would happen without the City Council in Excelsior doing the same thing.

Planning Director Darling stated that this was correct.

Commissioner Gault stated that when he saw this on the agenda, he assumed the property owner was a participant in the request and was supportive of this action. He stated that it is a major concern for him because Ms. Cripe is opposed to this action. He stated that he does not feel the City should be doing anything with the property without the property owner's approval.

Commissioner Riedel stated that the building code does not permit a structure to straddle two properties which means this is a building code violation. He stated that he understands that the Commission is discussing a zoning issue and in principle for that type of issue an applicant can, in principle, apply for a variance. He stated that he is struggling to find what part of City law applies to a building code violation that would be permitted to stand and asked if this was just a situation where the Council just has complete discretion.

Planning Director Darling stated that the Council has complete discretion within their boundary lines, but the building code itself is a State rule. She explained that the building code does not permit structures or buildings to cross property lines. One way to correct the situation is to move the jurisdictional boundary which is sometimes not possible and explained some of the other ways to deal with the issue.

Commissioner Gault asked if this meant that the portion on the City side would need to comply with our ordinances and setbacks and vice versa for the Excelsior side.

Planning Director Darling stated that this would be correct but there can be variances granted. She noted that there was a variance granted by Shorewood at one point to allow for an expansion of the garage.

Chair Maddy noted that Ms. Cripe stated that the garage variance was granted in 1986.

Commissioner Gault asked what would happen if the garage was destroyed and the property owner wanted to rebuild it. He asked if it would be grandfathered in.

Planning Director Darling stated that they would have six months to pull a permit and rebuild.

Chair Maddy asked if she was referring to a Shorewood permit or an Excelsior permit.

Planning Director Darling stated that it would have to be both.

Commissioner Eggenberger stated that the answer Planning Director Darling just gave shows how absurd this situation is and this is something that should have been resolved many years ago. He stated that it makes no sense to have this resident straddle two jurisdictions. He stated that the only advantage he can see for the homeowner is the ability to play two cities off of each other. He stated that it makes the most sense to him that this property would go to Excelsior because that is where the utilities and the residence is located. He stated that, to him, this is a slam dunk, regardless of who brought the issue forward. He reiterated that it makes sense for this property to be under one jurisdiction.

**Eggenberger moved, Riedel seconded, recommending approval of the Comprehensive Plan Amendment to detach a parcel from the City of Shorewood and allow annexation of the parcel into the City of Excelsior for property located at 450 West Lake Street PID # 34-117-23-21-0011. Roll Call Vote: Ayes – Eggenberger, Riedel, Huskins, and Maddy. Nay – Gault. Motion passed 4/1.**

Commissioner Gault explained that he had voted against this motion because the City would be taking this action over the objection of the property owner.

Planning Director Darling stated that this should go to the City Council on April 26, 2021. She explained that the Excelsior Planning Commission will also be meeting on April 26, 2021 and their recommendation will be sent to their City Council at their first meeting in May.

## **6. NEW BUSINESS**

### **A. Sign Ordinance Update – Discussion on Political Signs**

Planning Director Darling explained that this item is also a staff-initiated item regarding text amendments for political signage. She stated that one of the priorities that the Council set for themselves and the Planning Commission this year was to review and consider amendments of the political sign regulations and noted that of concern specifically were the number and proximity of campaign signs to the streets. She stated that it is a complicated issue and there are a number of State statutes that give the City some requirements for what is allowed. She read aloud the State statute and the City's sign regulation language. She stated that the language is similar but has two separate standards that apply to all elections which causes confusion about when the City can apply their standards and when they cannot. Staff is proposing that the code be changed to be more clear when the non-commercial signs can be put up before all elections. She reviewed the recommendations from staff that they would like the Planning Commission to consider.

Commissioner Eggenberger asked about regulation of non-commercial signage and whether the City can regulate where they are placed.

Planning Director Darling stated that the City can impose location requirements.

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Councilmember Callies stated that she thinks it is a good idea to have the language be consistent with the State law but thinks that 15 feet from the edge of the pavement is not practical for most areas of the City and would basically prohibit any campaign signs being visible.

Commissioner Huskins stated that he would agree that a 15-foot setback seems a bit excessive, but his concern was that it may have the unintended consequence of having people place larger signs in order for them to be visible. He stated that he would prefer smaller signs in the neighborhoods. He asked if a campaign would be allowed to have signage for an event if they got a permit to hold a rally on public lands.

Planning Director Darling stated that she would have to review that information and noted that there are very few signs that organizations can put up during events.

Commissioner Huskins stated that the proposed language states that the City would have the right to remove the signs that are in violation.

Planning Director Darling clarified that this is would either be in the right-of-way or on public land. She stated that if there were violations on private property, the City would notify the property owner.

Commissioner Gault commented that he was not sure if residents understood the regulations surrounding nameplate signs and substitution of non-commercial signs.

Planning Director Darling stated that nameplate signs seem to be going away and very few homeowners even have them anymore.

Commissioner Riedel asked if Commissioner Gault was asking if someone, under this ordinance, would be permitted to put up a non-conforming sign simply because it contains non-commercial speech. He stated that he does not think that is the case and people cannot put up a fully non-conforming sign.

Commissioner Gault stated that he agreed, but feels this language says they can substitute their nameplate sign with a non-commercial speech sign but cannot have both.

Commissioner Riedel stated that he would agree and feels that this is a 1<sup>st</sup> Amendment issue that if you are allowed to write something, then you are allowed to write anything.

Chair Maddy stated he has the same concern because you can have a sign that says, "Vote for Joey", but cannot have a sign that says, "Eat at Joey Nova's". He stated that he would like to stay as far away from this as possible.

Commissioner Riedel stated that he would not want to go further than the City has to with this issue and would like to do the minimum to avoid 1<sup>st</sup> Amendment issues.

Chair Maddy stated that State law dictates what the City has to do and asked why the City would not just match their language and not touch any restrictions. He stated that he did not think the City has had a problem with excessive signage.

Planning Director Darling stated that the City can match the State law exactly, except State law does not apply to things like school board elections or municipal elections that would happen in non-State general election year. She stated that she thinks that there should be rules for those instances as well.

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Chair Maddy suggested having the school board and other elections match the framework of the State election language and just leave it at that.

Planning Director Darling stated that would be fine.

Commissioner Gault suggested that it just refer to 'public elections'.

Planning Director Darling clarified that there have been complaints about the number of signs and how close they were which is why the Planning Commission was directed to take a look at this issue.

Commissioner Gault stated that he would go to the free speech issue that if he can say one thing, he should be able to say it 100 times or be able to say 100 different things.

Commissioner Huskins stated that the State language does not appear to say anything about setbacks. He stated that if the City simply takes the State's language, he does not think that would be sufficient.

Chair Maddy asked if the setback issue was because of traffic and visibility concerns.

Planning Director Darling stated that there could be visibility issues which is why she thinks there has been a setback included. She stated that she thinks it was that there were so many, so close to the street, that there was a concern that it would be a distraction.

Commissioner Riedel stated that he thinks a setback is helpful and becomes an issue when there are complaints if there is a specific hard number to point to, then it becomes less of a subjective issue. Just stating that signage is not allowed to interfere with visibility opens it up for discussion and interpretation. He stated that he thinks a 15-foot setback is excessive and would suggest something like 5-10 feet.

Chair Maddy stated that he does not want to dictate how many feet back a sign can be. He stated that it is not blocking the view of traffic, he would prefer the City just stay out of it.

Commissioner Gault stated that it has to be on private property so whatever number that would be forces there to be a setback. He stated that then this raises the question of whether the City allows it at the property line.

Planning Director Darling asked what would be done when the property line is in the middle of the street.

Commissioner Gault stated that some common sense needs to be used and people cannot put any sign where it will obstruct traffic either for pedestrians or vehicles. He stated that the speech he wants to promote on his private property is whatever he wants it to be and the City has no constitutional ability to stop that unless he would advocate for violence or something. He stated that he does not have a concern with the number of signs, but does have a concern with someone putting up a 10 x 12 sign at an intersection where it will obstruct visibility.

Commissioner Eggenberger stated that the trouble with that, without using a setback, is people just saying, 'oh, well that doesn't obstruct traffic' and it is just an opposing discussion without a tangible solution. He stated that if there is a setback then it is clear when things need to be moved and when they do not.

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Commissioner Riedel stated that the more he thinks about this, the more he agrees with Chair Maddy. A setback onto private property could actually be challenged. He stated that a public right-of-way is one thing, but an individual's property is their property and a setback in this situation would be somewhat arbitrary.

Commissioner Eggenberger stated that all of the City codes could be considered somewhat arbitrary and listed a few examples.

Chair Maddy stated that to paraphrase, it appears that what the Commission wants to do is not push any values and let people speak. He stated that the setback issue is interesting because there are good arguments on both sides.

Commissioner Huskins stated that he would agree with Commissioner Gault and thinks that a setback will help clarify and reduce some of the subjectivity that would otherwise occur. He stated that he believes a ten-foot setback is reasonable.

Commissioner Eggenberger stated that he would agree with Commissioner Huskins.

Planning Director Darling asked if they meant ten feet from the edge of the road or ten feet from the front property line.

**There was a consensus that the measurement would be from the edge of the road. There was consensus to follow the State guidelines for all public elections for signs to be posted 46 days before the election.**

Commissioner Huskins stated that he prefers the terminology 'non-commercial speech' versus 'campaign signs'.

Commissioner Riedel asked what type of sign is permitted year round with or without a permit.

Planning Director Darling stated that most small signs, such as nameplates and the small signs that stick in the ground do not require a permit. Nameplate signs are allowed in any residential district, so there can also be a non-commercial speech sign of the same size, subject to the same setback requirements at any time in the year. She clarified that people get to have one sign and can choose to use it for their name or some other non-commercial speech message. She thanked the Commission for their input and stated that she will bring this back to the Commission at a future date.

### 7. OTHER BUSINESS:

Planning Director Darling asked for volunteers to act as the Commission Liaison in the upcoming months.

April – Chair Maddy

May – Commissioner Gault

June – Commissioner Eggenberger

July – Commissioner Huskins

August – Commissioner Riedel

### 8. REPORTS

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- **Council Meeting Report**

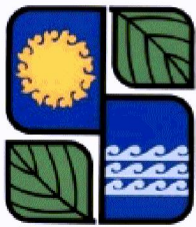
Council Liaison Callies reported on matters considered and actions taken during the most recent Council meeting (as detailed in the minutes).

- **Draft Next Meeting Agenda**

Planning Director Darling stated there will be a variance for a screened porch, site plan review for a rehab of the former Park Nicollet clinic into a school, and a CUP, variance, and site plan review for the Wash and Roll at the next Planning Commission meeting.

**9. ADJOURNMENT**

**Riedel moved, Gault seconded, adjourning the Planning Commission Meeting of April 6, 2021, at 8:30 P.M. Motion passed 5/0.**



CITY OF  
**SHOREWOOD**

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## MEMORANDUM

**TO:** Planning Commission, Mayor and City Council

**FROM:** Marie Darling, Planning Director

**MEETING DATE:** May 4, 2021

**REQUEST:** Conditional Use Permit Amendment, Site Plan Amendment, and Variances for a car wash rehab project

**APPLICANT:** Reprise Design

**LOCATION:** 24245 Smithtown Road

**REVIEW DEADLINE:** August 12, 2021

**LAND USE CLASSIFICATION:** Commercial

**ZONING:** C-1 - General Commercial District

**FILE NUMBER:** 21.05

**REQUEST:**

The applicant is proposing to rehab the existing car wash and change its name to the Tonka Bay Car Wash.

Required for this application are:

- A conditional use permit amendment to change the southerly two bays for automatic car wash instead of manual
- A variance to the required stacking
- A variance to the required parking
- A site plan amendment to alter the site to stack waiting vehicles on the west side of the site, add outside pay stations, move the dumpster, add landscaping as screening, etc.

Notice of this application was published in the official newspaper and mailed to all property owners within 500 feet of the property at least 10 days in advance of the public hearing.

## BACKGROUND

The property contains approximately 18,893 square feet (.43 acres). The property to the west is currently a vacant auto repair business, the property to the south and east are owned by the City of Shorewood and are used for the Shorewood Community and Event Center and a utility building. To the north across County





Road 19 is a single-family home. The City Council approved a CUP for a self-service car wash in 1985 and the building was constructed in 1986.

Applicable Code Sections:

Section 1201.22 of the zoning regulations lists car washes as a conditional uses in the C-1 zoning district, subject to 12 listed conditions, including the following issues:

Architecture and Site Design	Vehicle stacking	Screening
Landscape islands	Parking	Dust control
Drainage	Lighting	Site Access
Signage	Noise	CUP Performance Standards

**ANALYSIS**

The applicant's narratives are attached. The property has recently changed hands and the applicant is proposing to update the appearance, convert the southerly two wash bays for automatic washes, flip the entry to the wash bays so that stacking may occur on the west side of the building, and other improvements as discussed below. There are no landscaping islands on the property, all of the vehicle areas are currently paved for dust control, and they propose no increase in impervious surface coverage, so those items would not apply.

Conditional Use Permit and Site Plan Amendments:

Section 1201.04 Subd. 1. d. of the zoning regulations provides general conditions for granting conditional use permits in addition to the standards listed in section 1201.22 of the zoning ordinance as summarized above. Staff reviewed the application subject to both sets of conditions and have combined them together as follows:

*Consistency with the Comprehensive Plan:*

The proposed use is a commercial use in a commercial district and is consistent with the direction of the Comprehensive Plan.

*Compatible with Neighboring Land Uses/Depreciate the Area:*

The use of the property for a car wash is generally compatible with the other auto-oriented uses on south side of Smithtown Road. To make sure the application is compatible with the area, the applicant has addressed the following.

**Architectural Design:** The applicant proposes to clean up the building, add new metal mansard trim around the top and paint the top row of blocks under the new mansard trim. This update would be an improvement to the property and enhance the area.

**Signage:** The total amount of signage on the site may not exceed 10 percent of the silhouette of the front façade of the building. The applicant has proposed to replace the wall sign with another of the same size. The freestanding sign is legally nonconforming due to its straddling the property line. As a result, the surface may be altered, but the location, size and other aspects of the sign must stay the same, unless it is relocated to a conforming location. Window signage counts toward the total allowed signage on the property and the applicant could not include any signage on the windows unless they can show it would not exceed the amount allowed by the zoning regulations. Additionally, signs are limited to three in number.



**Trash Enclosure:** The existing property has a nonconforming open dumpster on the west side of the building. They now propose to move the dumpster to the east side of the building. Section 1201.03 n. requires all trash receptacles to be screened from all adjacent properties and the public right-of-way. With this amendment, staff recommend the applicant construct a trash enclosure consistent with city code, including doors, to provide the required screening.

**Screening:** Section 1201.22 Subd. 4. c. indicates that all parking and stacking areas shall be screened from view of abutting residential districts. The properties to the south, although used for public buildings and a park, are zoned residential. Consequently, the applicant has proposed to enhance the green space between the stacking area and the adjacent property using a row of 36-inch junipers, which would provide screening year-round. The ordinance would require a financial guarantee for both the initial planting and a two-year survival of the junipers.

**Lighting:** The applicant proposes to install eight new fixtures installed on the building walls. The full cut-off fixture proposed on the north side of the site is conforming, but the seven new fixtures on the east and west sides are proposed to be installed at an angle. Because the fixtures are within 300 feet of residential property, the fixtures must either be full cut-off or mounted with side shielding. As a result, staff recommend a condition that the applicant choose a conforming fixture for seven of the lights. The total lumens proposed on the site, installation height and the light color are conforming.

**Noise:** The applicant's proposal for automatic car washes includes automatic dryers. These automatic dryers are the noisiest part of a car wash. Most dryers operate as the car is leaving the car wash, but the applicant has proposed to use dryers that are part of the automatic car wash bay and operate while the doors are closed. The applicant has provided documentation indicating that the dryers would meet the nighttime noise standards at the south and east property lines while the doors are closed.

**Business Hours:** Section 1201.03 Subd. 2 t. states that the typical business hours are 7:00 am to 10:00 pm. Anything other than that requires approval of a conditional use permit. The applicant hasn't indicated any other hours and consequently would be limited to operating within those hours.

*Overburden existing public services including streets and enhance the public welfare:*

**Stacking:** The zoning ordinance requires that the applicant provide enough stacking to accommodate the vehicles that could be served in ½ hour. The applicant has shown that the wash cycles would permit five vehicles per ½ hour for each of the automatic bays and one per fifteen minutes for each of the manual bays. They are showing stacking for 11 of the 14 required stacking spaces and have applied for a variance for the remaining three. However, staff note that if the stacking spaces were continued around the building to the easterly access, there would be adequate spacing for the stacking. The westerly access point would not be available during high-volume usage. Consequently, staff recommend increasing the striping around the north side of the building for stacking.

**Access and Street Connections:** The westerly access point into the property would be blocked by stacked vehicles. Any stacking in the Smithtown Road/County Road 19 right-of-way would be a hazard to the traveling public. No stacking or standing would be permitted in the Smithtown Road/County Road right-of-way. However, staff recommend a condition be added to any resolution approving the use that if the City or County documents stacking in the right of way, the applicant must close the westerly driveway access point.

**Utilities:** The property is currently served by a private well. With the increased use, staff recommend that the applicant be required to connect the building to municipal water. A connection fee would be



required. The cost to provide a service stub to the property line may be credited against the connection fee. The building is hooked up to municipal sewer, but applicant may need to pay additional sewer area charges (passed through to the Metropolitan Council) for the change in use. That fee would be calculated by the Metropolitan Council prior to issuance of a building permit.

Parking: The zoning regulations require a minimum of 10 parking spaces for automatic car washes or one per employee on the largest shift, whichever is greater. Because the size of the site is small without opportunities for more than one parking space on site, the applicant has requested a variance to this requirement, which is discussed further later in the report.

#### Variances

Section 1201.05 subd. 3. a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria.

Stacking: The applicant has proposed three fewer stacking spaces than the ordinance allows and proposed the variance to avoid showing any additional stacking on the site. Although the uses proposed on the site would be consistent with the comprehensive plan and the use of the site for a car wash is reasonable, staff does not find the remainder of the variance criteria are met. Additionally, as the applicant has alternative locations for additional stacking, the variance would not meet the minimum request to reduce the practical difficulties. Further, staff is concerned that not identifying the stacking during high volume usage could create a traffic bottleneck at the westerly access point that could spill over into Smithtown Road which could increase the congestion in the public street. As a result, staff recommend the applicant provide the additional stacking spaces on the site.

Parking: The applicant's car wash is fully automatic and is not reliant on employees to dry or vacuum out vehicles, as was likely assumed when the standard was written. The applicant has provided one space on site for maintenance staff. Staff finds the variance consistent with the intent of the Comprehensive plan and the intent of the ordinance to make sure there is adequate parking on site. The site has practical difficulties complying with the chapter that are unique to their business model and not self-created and approval of the variance would not alter the essential character of the locality. There is no parking on Smithtown Road and it is unlikely that parking would spill out to the public right-of-way based on the use proposed. Consequently, staff finds approval of the request the minimum action necessary to alleviate practical difficulties.

#### **FINDINGS/RECOMMENDATION**

Staff recommend approval of the application for a CUP and Site Plan Amendment as well as the variance request for parking. Staff find the applicant has not shown practical difficulties for the request for the stacking variance and recommends denial. Should the Planning Commission recommend approval of the application, staff recommend the following conditions:

- The applicant may not begin work on the site without permits.
- Prior to issuance of any permits, the applicant shall provide revised plans consistent with City Code, and as follows:
  - Provide full cut-off light fixtures or provide side shielding.
  - Add a dumpster enclosure to the site that provides screening from all adjacent properties and public streets.
  - Re-stripe the area to provide additional stacking space for a minimum of three vehicles.
  - Connect to public water and pay the connection fee.

- Submit approved financial guarantees for all site improvements and an executed development agreement.
- Should any stacking occur in the public right-of-way, the applicant is required to close the westerly access to the site.
- The business hours be limited from 7 a.m. to 10 p.m.

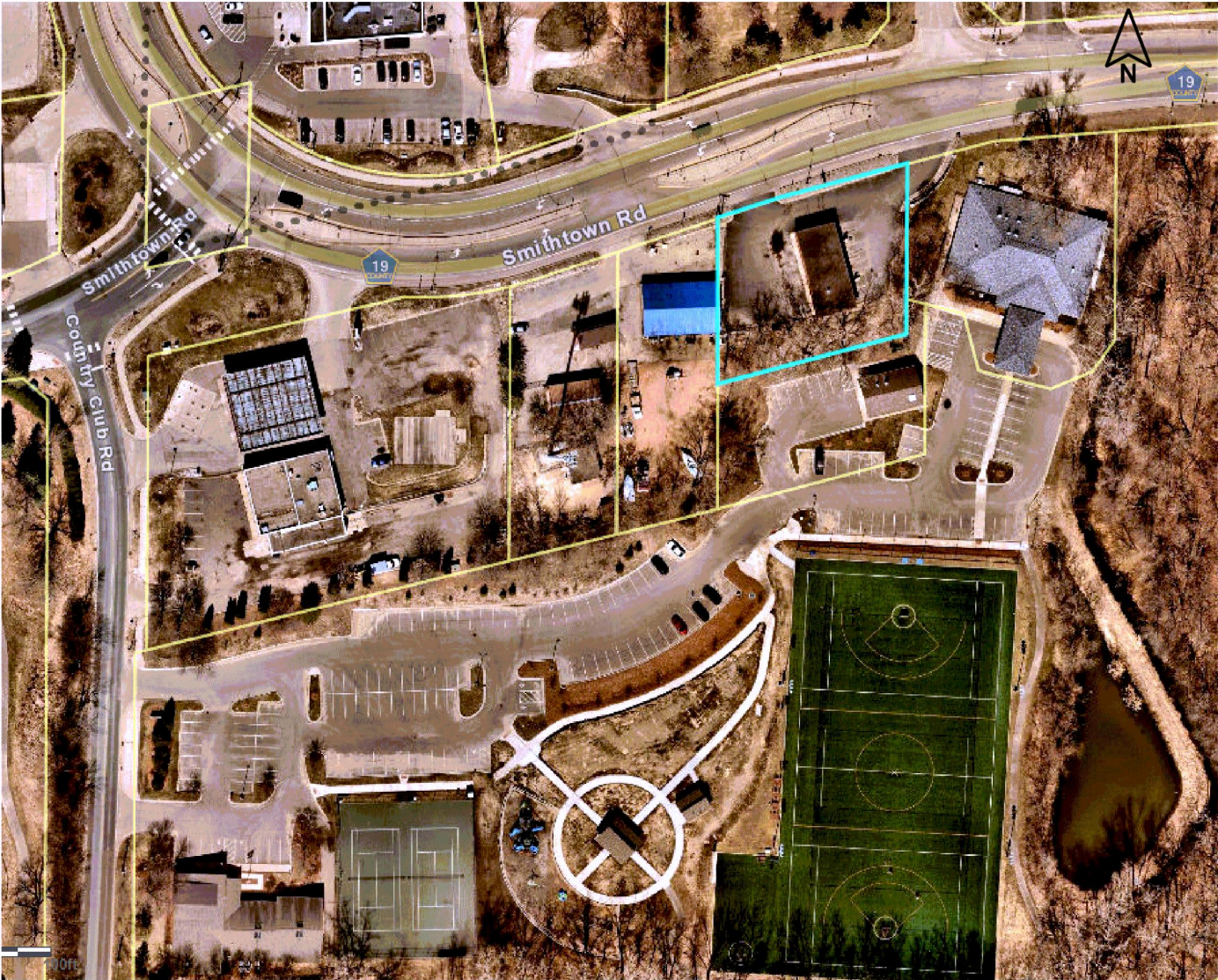
## **ATTACHMENTS**

Location map

Applicants' narrative and plans



# 24245 Smithtown Road Location Map





Architecture & Planning  
12400 Portland Avenue South, Suite 100  
Burnsville, MN 55337  
Office: (952) 252-4042  
Fax: (952) 252-4043

April 26, 2021

Planning Department  
City of Shorewood  
5755 Country Club Road  
Shorewood, MN 55331

Re: 24245 Smithtown Road, Shorewood, MN 55331 – Conditional Use Narrative

Dear Planning Department,

This above site is an existing car wash that has been in operation for over 30 years with self-service manual car washing equipment. We are requesting a conditional use permit for this site to allow installation of automatic car washing and drying equipment in two of the four existing wash bays. The business is intended for operation 24 hours a day. Site improvements will be limited to restriping as well as installation of new landscaping, bollards, and pay stations. There will be no changes to the site grading or overall impervious area. This request conforms to the Conditional Use Standards set forth in 1201.04:

*1) The proposed use, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan.*

The proposed use of the site is unchanged from its current use as a commercial car wash, and the proposed changes merely improve the equipment at the site and allow for more efficient operation. This is consistent with the Comprehensive Plan which calls for this site to continue as a commercial land use.

*2) The proposed use would be compatible with present and future land uses in the area and would not tend to or actually depreciate the area in which it is proposed.*

Since the proposed use is simply continuing the current use of the site with improved equipment, it is compatible with present and future land uses. The site improvements will appreciate the value of the area by improving the appearance of the building and surrounding site.

*3) The proposed use would not overburden the city's service capacity and would be accommodated with existing public services including public streets.*

No changes to roads or site access will be required, and this site will continue to be served by existing infrastructure.

*4) The establishment, maintenance or operation of this proposed conditional use would promote and enhance the general public welfare and would not be detrimental to or endanger the public health and safety.*

This car wash provides a useful service that benefits general public welfare, and the proposed improvements will increase the functionality of the site by providing customers with the option for a fully-automatic car wash. The proposed improvements will be in no way detrimental to public health or safety.

5) *This proposed use conforms to the applicable regulations of the district in which is it located and otherwise conforms to the applicable regulations of city code.*

The proposed improvements will be compliant with city code. We are proposing to replace the existing lights with new full cut-off fixtures to comply with lighting regulations. We are also reconfiguring the site striping to maximize vehicle stacking. We will be providing tall shrubs along the perimeter of the new stacking area to provide extra screening in addition to the existing deciduous trees on the site.

To control noise, the proposed automatic dryer equipment will only operate when the doors are closed. Based on attached manufacturer data, max noise levels will be 68.5 dB at the south property line 30' from the building and 64.5 dB at the east property line over 40' from the building. The nearest property lines also have existing trees to further reduce noise. The proposed dryer system works rapidly, and per the manufacturer can remove over 80% of water from a vehicle in a 10 second pass. The system is most appropriately evaluated under L10 standards per MN rules 7030.0040, which place the maximum sound level for Noise Area Classification 2 at 70 dB. MN rules 7030.0050 lists Noise Area Classification 2 as appropriate for Businesses, Repair Services, Parks, Automobile Parking, and Public Assembly Spaces, which encompass the activities in the immediate area. Based on the above information, the operation of dryer equipment at this site will be in compliance with state noise regulations.

Due to the limited size of the site, variances will be needed for parking and stacking requirements. These are detailed in a separate letter.

Respectfully,

A handwritten signature in black ink, appearing to read "Corey Englund". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Englund".

Corey Englund  
Project Manager  
Reprise Design



Architecture & Planning  
12400 Portland Avenue South, Suite 100  
Burnsville, MN 55337  
Office: (952) 252-4042  
Fax: (952) 252-4043

April 26, 2021

Planning Department  
City of Shorewood  
5755 Country Club Road  
Shorewood, MN 55331

Re: 24245 Smithtown Road, Shorewood, MN 55331 – Variance Narrative

Dear Planning Department,

Due to the limited space available at the above site, we are requesting two variances:

- (1) We are requesting a variance to reduce the number of required parking stalls for an automatic car wash facility by nine stalls, from ten required to one proposed. The zoning standard appears to be intended for automatic car wash with full-time employees, but the proposed equipment is fully automatic. This business will operate without full-time staff, and the proposed stall will accommodate parking for anyone performing routine maintenance of the equipment.
- (2) A variance will also be required for the total stacking available. The automatic bays can wash approximately 1 car every 6.5 minutes, or five cars in a 30 minute period. Self-service bays can accommodate approximately 1 car every 15 minutes. Based on these calculations, total stacking required for two automatic bays and two self-service bays would be 14 cars. The proposed plan has stacking for 11 cars, so a variance of three cars will be required.

Smithtown Road has a traffic volume of approximately 14,000 trips per day, and a metric of 0.5% of street traffic can be used to estimate an average of 70 customers per day. Replacing manual bays with automatic bays will provide far more rapid turnover, which will allow the anticipated number of customers to be served more rapidly and reduce stacking pressure. A single automatic bay could accommodate this anticipated level of business, and adding two ensures there will not be excessive wait times or stacking needed. Since the automatic bays have identical equipment, customers will always have a choice of two interchangeable queues which will also help ensure every line moves quickly.

These variances conform to the below standards set forth in 1201.05:

*1) The variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of the zoning regulations*

The variances are in harmony with the comprehensive plan and the general intent of the zoning regulations. This site has not had issues with stacking backing up historically, and it only had space for total stacking of 7 cars per historic approval documents. The new plan improves on that and adds additional stacking to allow for 11 total cars waiting for wash bays. Similarly, the parking needs for this site have been limited historically, and the proposed stall will accommodate that need.

*2) The applicant has established that there are practical difficulties in complying with this Chapter. Practical difficulties mean: (a) The property owner proposes to use the property in a reasonable manner, but which is not permitted by this Chapter. (b) The plight of the landowner is due to circumstances unique*



*to the property not created by the landowner.(c) The variance, if approved, would not alter the essential character of the locality.*

A car wash is a reasonable use of the property, and this site has operated as a car wash for over 30 years. The requested variances are required due to the limited size of the site and the orientation of the existing building. Approval of the variances would not alter the essential character of the locality, since the site would continue to operate as it has except with a more efficient layout and the option for fully-automatic service instead of only self-service.

*3) The variance would not be based exclusively on economic considerations.*

The variances are being requested purely because of space limitations on the site.

*4) The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street or increase the danger of fire or endanger the public safety.*

The requested variances relate to parking and vehicle stacking, and they will not deprive the adjacent properties of light or air. Congestion of the public streets will not be increased, since overall available stacking is actually being improved. These variances do not present any new hazards for fire or endangerment of public safety.

*5) The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.*

The variance will allow for site improvements to go forward which will improve the utility of the site for the public by providing an option for an automatic car wash. The proposed improvements also include a rehabilitation of building finishes and new landscaping that will improve the appearance of the site.

*6) The variance is the minimum variance necessary to address or alleviate the practical difficulties.*

The proposed plan maximizes vehicle stacking on the site by providing space for four additional cars overall. The variance requested represents the smallest gap between the stacking standards present in the zoning requirements and what can be achieved on this site. The site has historically functioned without issue with less stacking present than proposed. The stacking provided is well over what is needed to accommodate the anticipated number of customers based on traffic volume, and it is our belief that the proposed plan provides the stacking necessary for the function of this business and meets the intent of the code. The parking stall count for this site was discussed with Planning and we believe it is sufficient to meet the maintenance needs present on this site.

Respectfully,

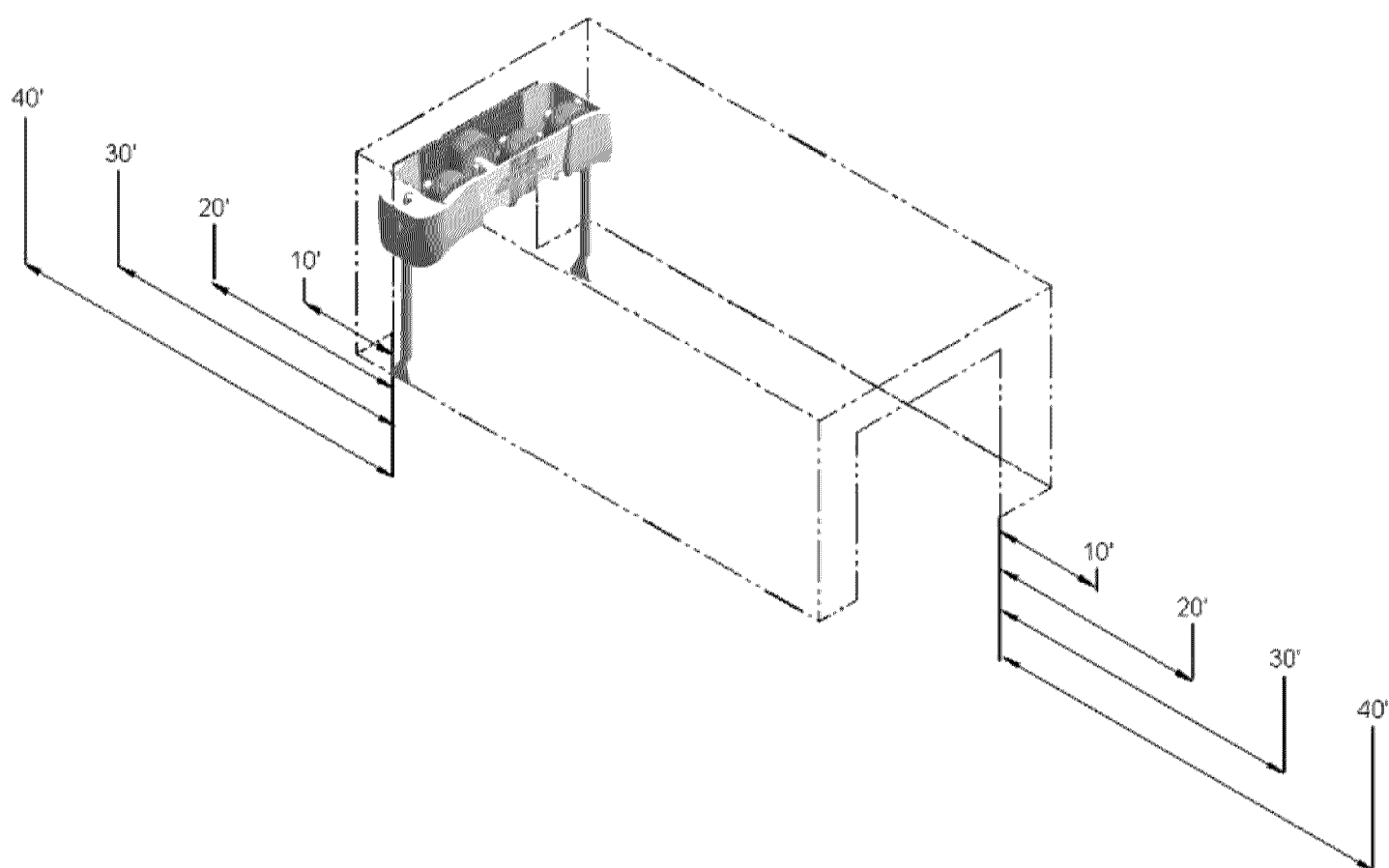
A handwritten signature in black ink, appearing to read "Corey Englund". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Englund".

Corey Englund  
Project Manager  
Reprise Design

**Decibel Readings**

**Test Site Details**

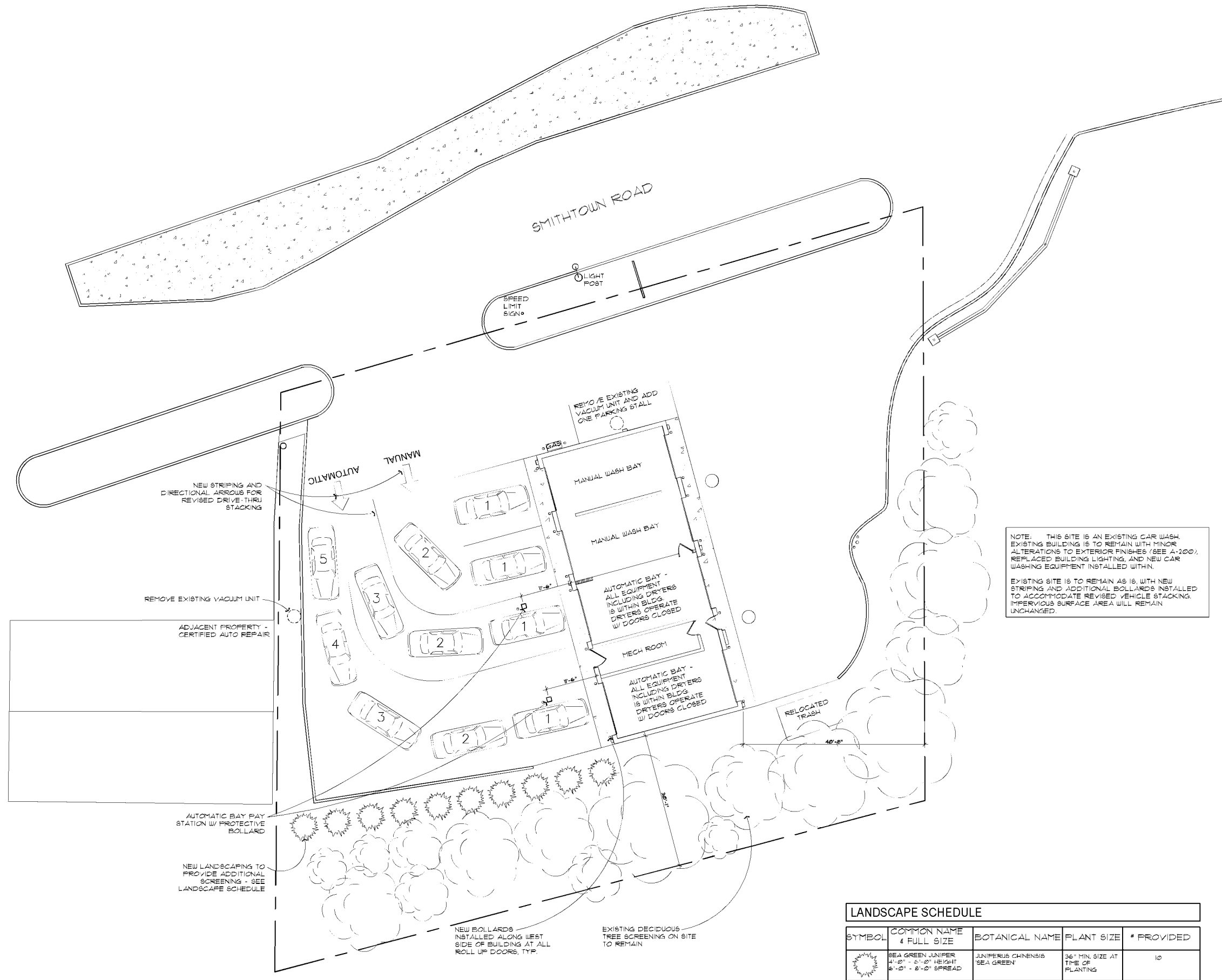
Bay Dimensions: 12'H x 15'W with image package.



**Figure 23-Decibel Readings.**

**Note: The actual sound level will vary depending on factors including but not limited to the location of the carwash site, type of building, materials used for the site, and size of the building.**

DOOR OPEN/CLOSED	ENTRANCE / EXIT	dBA AT DISTANCE FROM DOOR OPENING				
		0'	10'	20'	30'	40'
DOOR OPEN	ENTRANCE	95.5	89.0	83.5	81.0	78.5
	EXIT	101.0	93.5	88.5	84.0	81.0
DOOR CLOSED	ENTRANCE	84.5	74.5	70.0	67.0	64.0
	EXIT	88.5	78.5	71.5	68.5	64.5



NOTE: THIS SITE IS AN EXISTING CAR WASH. EXISTING BUILDING IS TO REMAIN WITH MINOR ALTERATIONS TO EXTERIOR FINISHES (SEE A-200). REPLACED BUILDING LIGHTING, AND NEW CAR WASHING EQUIPMENT INSTALLED WITHIN.

EXISTING SITE IS TO REMAIN AS IS, WITH NEW STRIPING AND ADDITIONAL BOLLARDS INSTALLED TO ACCOMMODATE REVISED VEHICLE STACKING. IMPERVIOUS SURFACE AREA WILL REMAIN UNCHANGED.

LANDSCAPE SCHEDULE				
SYMBOL	COMMON NAME & FULL SIZE	BOTANICAL NAME	PLANT SIZE	# PROVIDED
	SEA GREEN JUNIPER 4'-0" - 6'-0" HEIGHT 6'-0" - 8'-0" SPREAD	JUNIPERUS CHINENSIS 'SEA GREEN'	36" MIN. SIZE AT TIME OF PLANTING	10

1 SITE PLAN  
3/32"=1'-0"



## TONKA BAY CAR WASH

SITE PLAN AMENDMENT / CONDITIONAL USE PERMIT  
24245 SMITHTOWN ROAD  
SHOREWOOD, MN 55331

## SITE PLAN AND SITE NOTES

DATE ISSUED  
CITY REVIEW 03-22-21  
REVISED SITE PLAN 04-14-21

DRAWN BY CE,TB  
CHECKED BY CS  
JOB NO. 21078

A-400

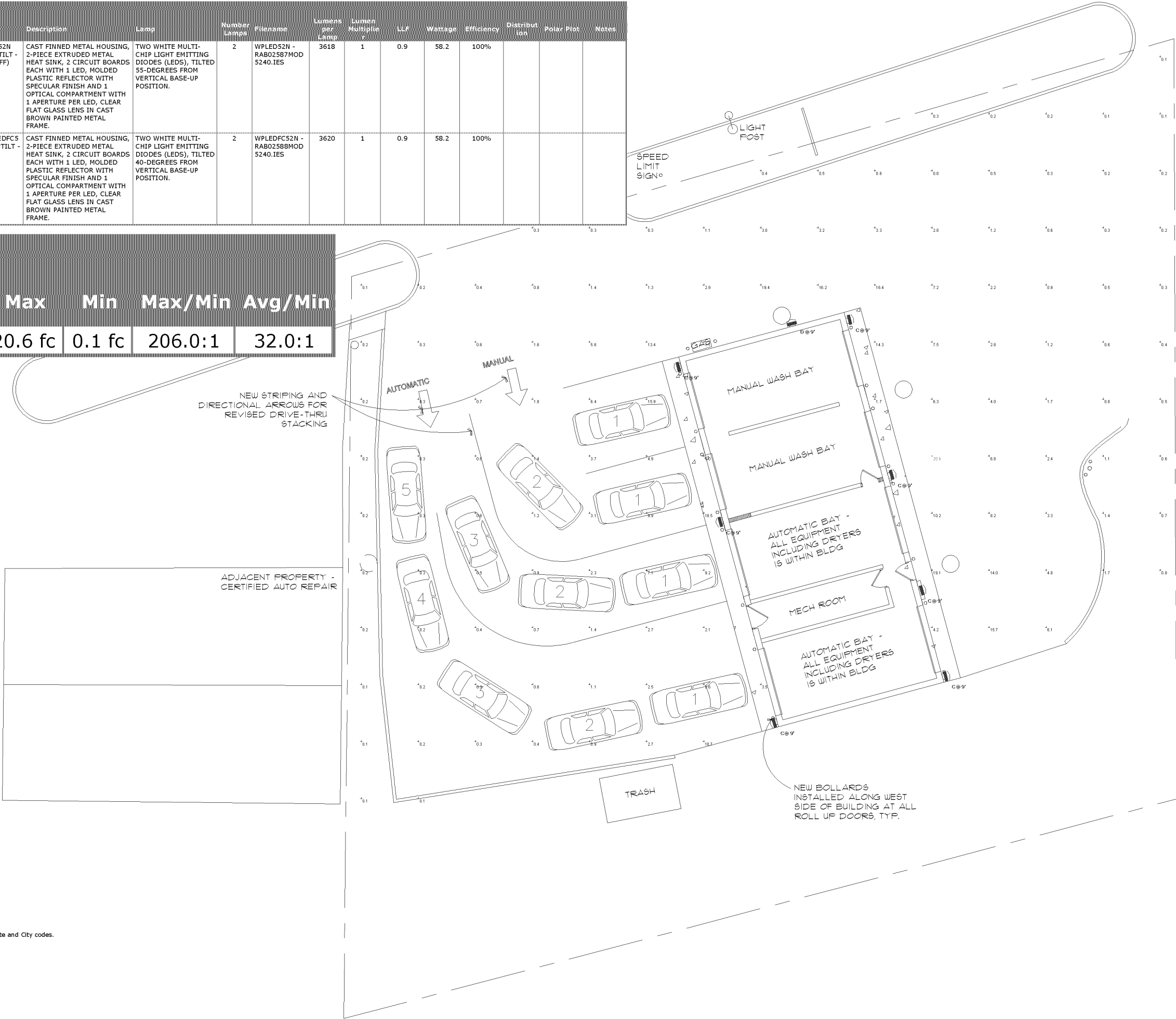
PRELIMINARY  
NOT FOR CONSTRUCTION

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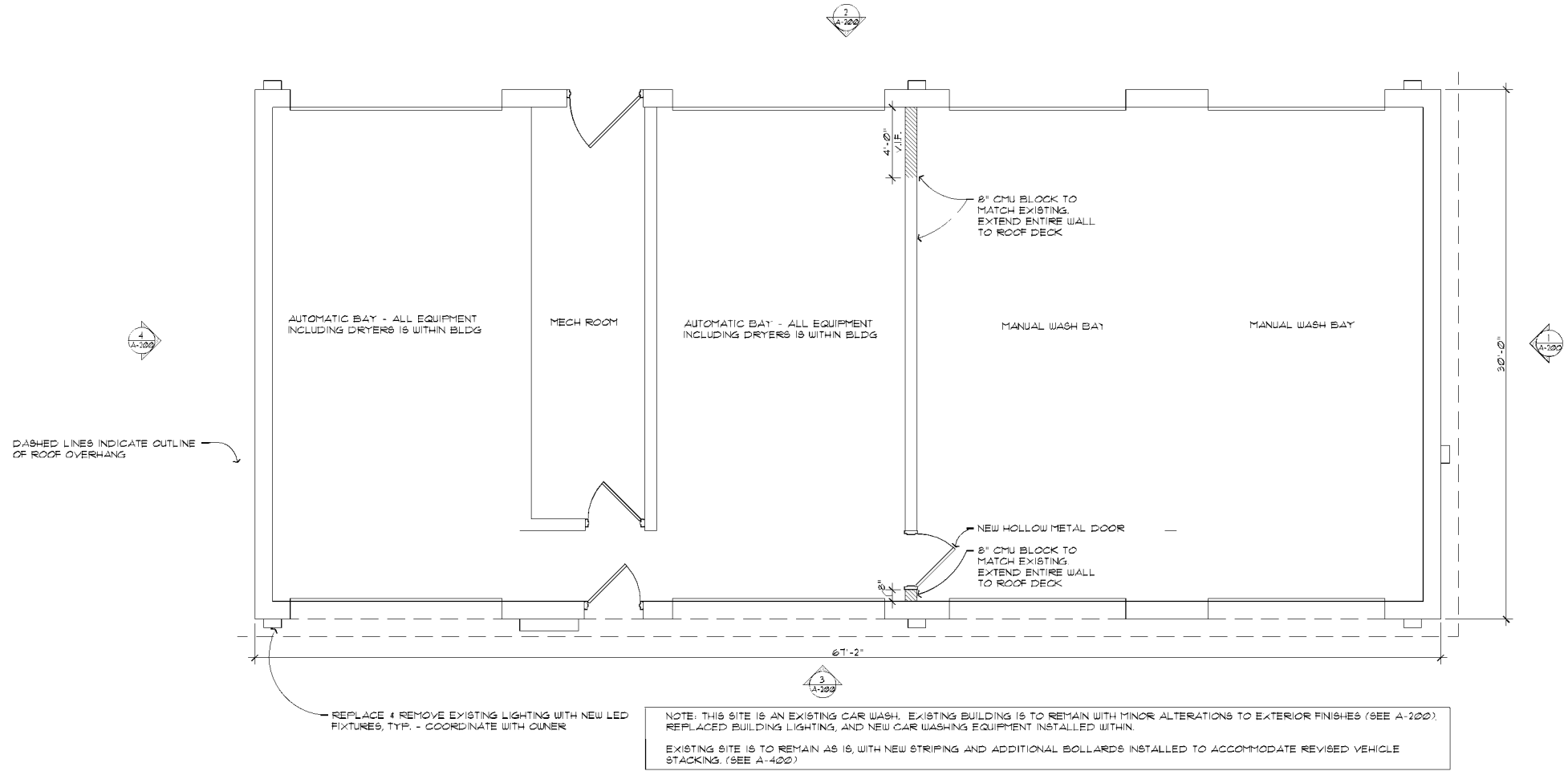
Schedule																	
Symbol	Label	Image	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	Lumen Multiplier	LLF	Wattage	Efficiency	Distribution	Polar Plot	Notes
	C		7	RAB LIGHTING INC.	ALED52N/WPLED52N (15 - DEGREE UPTILT - STANDARD CUTOFF)	CAST FINNED METAL HOUSING, 2-PIECE EXTRUDED METAL HEAT SINK, 2 CIRCUIT BOARDS EACH WITH 1 LED, MOLDED PLASTIC REFLECTOR WITH SPECULAR FINISH AND 1 OPTICAL COMPARTMENT WITH 1 APERTURE PER LED, CLEAR FLAT GLASS LENS IN CAST BROWN PAINTED METAL FRAME.	TWO WHITE MULTI-CHIP LIGHT EMITTING DIODES (LEDs), TILTED 55-DEGREES FROM VERTICAL BASE-UP POSITION.	2	WPLED52N - RAB02587MOD 5240.IES	3618	1	0.9	58.2	100%			
	D		1	RAB LIGHTING INC.	ALED52N/WPLED52N (0-DEGREE UPTILT - FULL CUTOFF)	CAST FINNED METAL HOUSING, 2-PIECE EXTRUDED METAL HEAT SINK, 2 CIRCUIT BOARDS EACH WITH 1 LED, MOLDED PLASTIC REFLECTOR WITH SPECULAR FINISH AND 1 OPTICAL COMPARTMENT WITH 1 APERTURE PER LED, CLEAR FLAT GLASS LENS IN CAST BROWN PAINTED METAL FRAME.	TWO WHITE MULTI-CHIP LIGHT EMITTING DIODES (LEDs), TILTED 40-DEGREES FROM VERTICAL BASE-UP POSITION.	2	WPLED52N - RAB02588MOD 5240.IES	3620	1	0.9	58.2	100%			

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Site	+	3.2 fc	20.6 fc	0.1 fc	206.0:1	32.0:1



Note  
1. Graybar Electric does not assume responsibility for the interpretation of this calculation, or State and City codes.  
2. Calculation Points are taken A.F.G.



1 FLOOR PLAN  
1/4" = 1'-0"



PRELIMINARY  
NOT FOR CONSTRUCTION

PRELIMINARY  
NOT FOR CONSTRUCTION

TONKA BAY CAR WASH

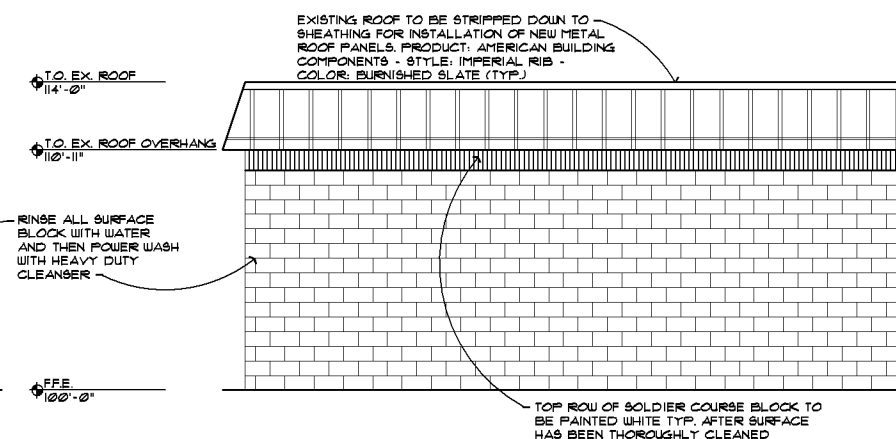
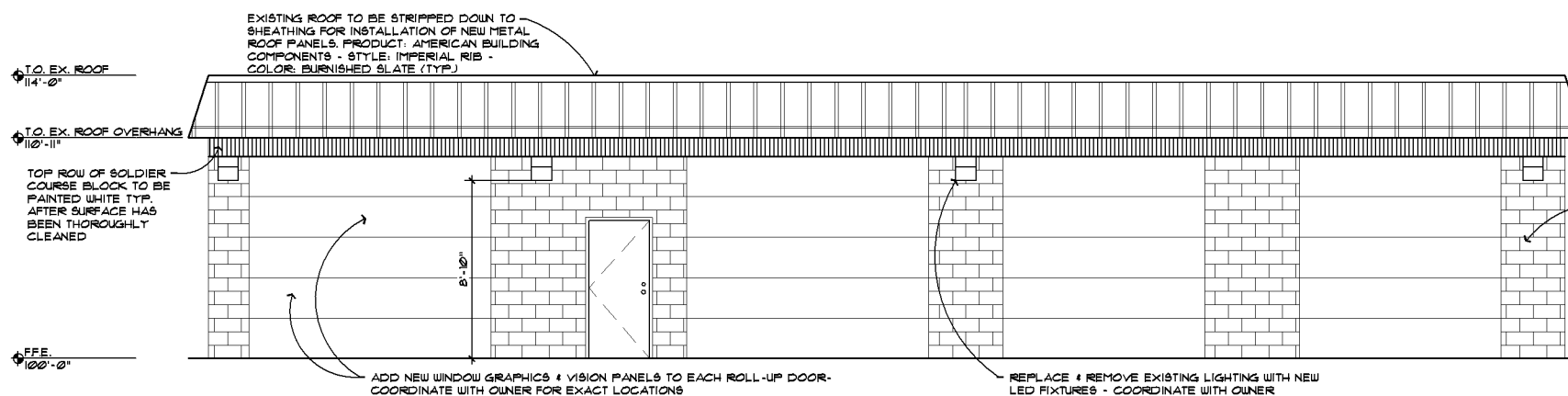
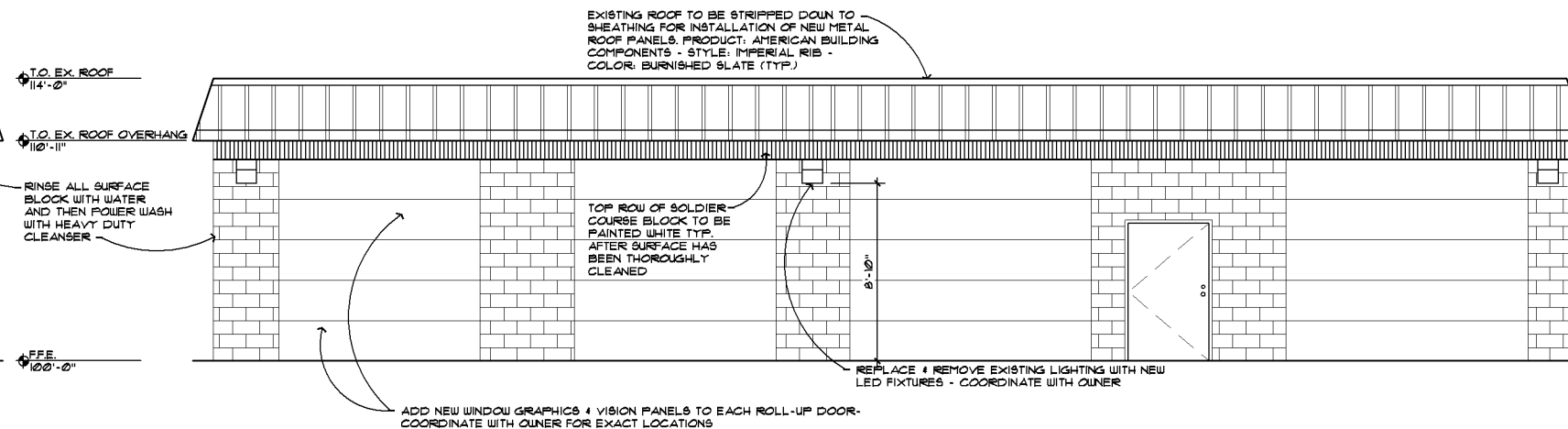
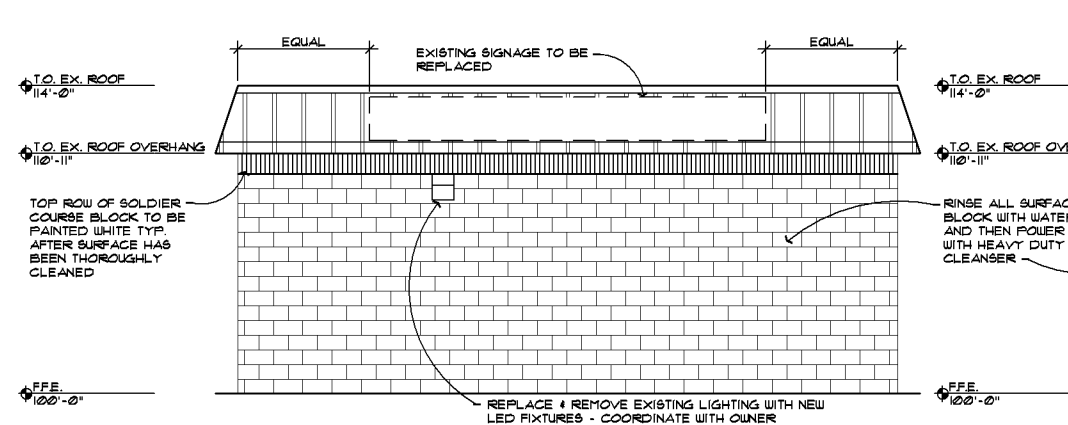
SITE PLAN AMENDMENT  
24245 SMITHTOWN ROAD  
SHOREWOOD, MN 55331

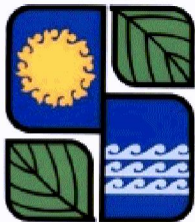
FLOOR PLAN

DATE ISSUED  
CITY REVIEW 03-22-21

DRAWN BY CE, TB  
CHECKED BY CS  
JOB NO. 21078

A-100





# CITY OF SHOREWOOD

5755 Country Club Road • Shorewood, Minnesota 55331 • 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:** May 4, 2021

**APPLICANT:** City of Shorewood

**REQUEST:** Zoning Ordinance Amendment for Political Signs

**LOCATION:** Citywide

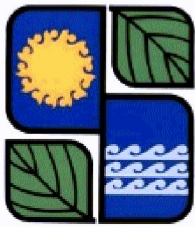
### REQUEST

The City is proposing to amend the rules to correct overlapping election signage regulations, match state statute regarding the rules for election signage and nonconforming speech signs, and add a substitution clause to allow noncommercial speech to be substituted for commercial or other noncommercial speech on signs. At this time, staff requests additional time to complete the draft amendments and recommends the Planning Commission open the public hearing, take any offered testimony and continue the hearing to the June 1, 2021 meeting.

Notice of this application was published in the City's official newspapers.

### ATTACHMENTS

Staff Memorandum for the April 6, 2021 meeting (electronic packet only)  
(Refer to the minutes for a recap of the discussion on this item)



CITY OF  
**SHOREWOOD**

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900  
[www.ci.shorewood.mn.us](http://www.ci.shorewood.mn.us) • [cityhall@ci.shorewood.mn.us](mailto:cityhall@ci.shorewood.mn.us)

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Marie Darling, Planning Director

**MEETING DATE:** April 6, 2021

**RE:** **Text Amendments for Political Signage**

One of the priorities set by the City Council for 2021, was the review and amendment of the political sign regulations. Of concern were the number and proximity of the signs to the street throughout the city.

### **Background**

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's sign regulations include the following regulations for political and noncommercial signs signs: (Section 1201.03 Subd. 11. b. (1) (d))

- (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;

This paragraph includes two standards for election signs: the required language that mirrors state statute and another standard that appears to apply to all elections, including state primaries. The City can allow a



greater period than the state required standard (but not lesser) and can have different standards that apply to school, county and municipal elections. However, having two different standards that apply to the same elections is confusing.

Also, there is no definition of noncommercial speech signs or noncommercial speech in the zoning regulations. Finally, there is no fee identified in Chapter 1300 (Municipal Fees) or the Master Fee Schedule regarding removal of signs.

Another section of the sign regulations (Section 1201.03 Subd. 11. B. (3) states:

- (3) No portion of any sign shall be located within five feet of any property line. No signs other than governmental signs and political campaign 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.

There is no definition of governmental signs and the term political campaign sign seems to refer to campaign signs, but with no additional definition.

### **Proposed Ordinance Amendments**

Definitions: Staff propose to add additional definitions for noncommercial speech signs and abandoned signs. Staff also propose to change the reference of “governmental signs” to “public signs” and amend the reference of “political campaign signs” to solely “campaign signs”. Instead of campaign signs, the Planning Commission could recommend the term “noncommercial speech sign”, which is more content neutral and matches the language in state statute.

Elections: Staff propose to amend the language for elections so that the wording continues to mirror the state statute for elections with primaries, but amend the other standard so that it applies to all other elections. The length of time would be the same as indicated in the ordinance now, but where the rules apply would be clearer.

Increase the Distance from Streets: In order to increase the distance between the public street and the campaign signs, staff propose to prohibit all signs other than governmental signs from the right-of-way or 15 feet from the curb or edge of pavement, whichever is greater. Staff proposed the second setback as some streets have a very small right-of-way or the right-of-way applies to the traveled surface. There are a few streets that have extra width in the right-of-way over the standard width and this proposal would require the signs to be placed farther back. Staff also recommend that any signs placed in the right-of-way or within the allowed 15-foot setback from a roadway would be considered abandoned and the appropriate jurisdiction could remove them.

Public Lands and Public Parks: The current ordinance prohibits placing signs in public rights-of-way or on land without the permission of the adjacent property owner. As the City cannot give permission to one candidate or side of an issue without giving permission to all candidates or sides, staff recommends prohibiting noncommercial signs in parks and public lands. Further, that any signs installed on public lands or parks would be considered abandoned and the City could remove them without notice.

Responsibility for Signs: The signs are currently the responsibility of the persons that place them. That type of language was partially struck down by the MN Court of Appeals in 2006. Staff are not aware that anyone ever puts that language on a campaign sign or other noncommercial speech signs. Staff would propose that the property owner be responsible for the placement of a sign on their property.

Noncommercial Speech Signs: Under the current regulations, the signs are treated differently based on when the signs are installed, as follows:

- During an election period, the signs are treated the same as any political signs
- Outside of the election period, the signs are limited by 1) the same requirements in each district as any other signs; 2) may not be placed in the public right of way; and 3) must be installed at least five feet from all property lines

Staff propose to continue to treat noncommercial signs the same as above.

However, staff notes that there is one other issue related to noncommercial speech on signs that should be addressed. This is not related specifically to political or campaign signs. Shorewood is required to allow the substitution of any noncommercial speech for any other speech on any sign that is allowed in any zoning district. For example, a homeowner is allowed one nameplate sign. Because they are allowed a nameplate sign, they may substitute other noncommercial speech on a sign of the same size allowed for a nameplate sign, like “Black Lives Matter” or “Blue Lives Matter” or “Thank You Essential Workers.” Similarly, in a commercial district, a property owner may substitute noncommercial speech for advertising on any business sign, like replacing their business name with “Happy Easter” or “Heroes Work Here” and the city cannot prohibit or regulate the content. Because this is established law and the City would be amending the sign regulations, staff recommend including a statement to that effect in the general provisions.

How do other cities regulate signage?

Attached is a summary table of other cities’ ordinances related to political signs and campaign signs. Much of the regulations are very similar to state statute and have similar limitations. The majority of cities prohibit signs in the right-of-way.

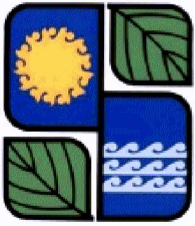
**ATTACHMENTS:** Summary of other cities’ ordinances



City	Reference	Code
Shorewood	ROW	Section 1201.03 Subd. 11. B. (3) states that no signs other than governmental signs and political signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-way. There is no definition of governmental signs.
	Political Campaign Signs	Signs must contain the name and address of the persons responsible for the sign and its removal.
	Political Campaign Signs	Signs shall be permitted on each lot for a period of 100 days prior to and 10 days after an election.
	Political Campaign Signs	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 10 days after the state general election.
	Political Campaign Signs	At any time, the city shall have the right to remove signs that are prohibited under this subdivision and assess a fee.
Mound	Political Campaign Signs	Campaign signs or other noncommercial speech signs shall not be located closer than 10 feet from any street surface and shall not be placed in front of any property without the consent of the property owner.
	Political Campaign Signs	(d) Exemptions. No permit shall be required for the following signs; provided, however, that all signs herein exempted from the permit requirements shall conform with all other requirements of this chapter:
	Political Campaign Signs	Campaign sign means a temporary sign posted by a bona fide candidate for political office or by a person or group promoting a political issue for a candidate.
	ROW	(a) No sign other than governmental unit signs shall be erected or placed upon any public way or upon public easements with the exception of garage sale and real estate directional signage as provided for in subsection (i) of this section, pertaining to temporary signs.
	Political Campaign Signs	(r) Campaign signs may be placed in any district, subject to the following restrictions: (1) Pursuant to Minn. Stats. § 211B.045, all noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state election.
Excelsior	ROW	(2) Campaign signs shall be exempt from fees.
	Political Campaign Signs	(3) All campaign signs shall have the name and telephone number of the person responsible for posting the sign clearly marked either on the face or reverse side.
	ROW	(4) Campaign signs shall be removed and/or replaced if they become torn, faded, or otherwise damaged.
	ROW	No sign shall be placed within any drainage or utility easement or within the public right-of-way except by the issuance of a license agreement in accordance with article 25 of this Appendix E.
	ROW	No sign or sign structure shall be placed on or protrude over the public right-of-way except wall (maximum protrusion 18 inches), canopy, awning, marquee, and nonilluminated sandwich board signs not to exceed eight square feet per side. All signs located over public right-of-way or over any public or private access route (sidewalk, etc.) shall be located a minimum of eight feet above surface grade.
Deephaven	ROW	Except for traffic control, all signs are prohibited within the public right-of-way or easements except that the zoning administrator may grant an administrative permit to locate signs, banners and decorations on or within the right-of-way, as allowed in subsections 24-3(h) and 24-3(k).
	Political Campaign Signs	All noncommercial speech signs of any size posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election. Sign installation shall comply with the Fair Campaign Practices Act contained in Minn. Stats., chapter 211B.
	Political Campaign Signs	Subd. 27. "Non-commercial Speech" Dissemination of messages not classified as Commercial Speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
	Political Campaign Signs	Subd. 32. "Political Sign" Any sign which includes the name or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies, which is erected on private property by a bona fide candidate for political office or by a person or group supporting such a candidate and which contains the name of the person or group responsible for the erection and removal of the sign.
	Political Campaign Signs	1115.05 Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
Victoria	Political Campaign Signs	c. Political Signs. Freestanding political signs, not exceeding a sign surface area of 12 square feet each, displayed for a period of not more than eight weeks prior to the pertinent election date and not more than one week after that election date.
	Political Campaign Signs	1115.06 Prohibited Signs. Unless a sign is specifically permitted under this Section, or a temporary sign permit has been issued for the sign under this Section, or a special use permit has been issued for the sign under the City's Zoning Ordinance, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited: (h) Signs within the public right-of-way, public property or public easement.
	ROW	Signs containing noncommercial speech are permitted without a permit anywhere that signs containing commercial speech are permitted without a permit, subject to the same regulations regarding size and setback applicable to such signs.
	Political Campaign Signs	No sign other than public signs (governmental signs) shall be erected or placed upon any public street, right-of-way, public easement, public land or project over public property.
	ROW	The following signs are allowed without a permit: A. Political campaign signs. Political campaign signs not exceeding eight square feet. The sign must contain the name and address of the person responsible for such sign, and that person shall be responsible for its removal. The city shall have the right to remove and destroy signs not conforming to this section.
Minnetrista	Political Campaign Signs	State Law reference— Noncommercial signs permitted during certain times, Minn. Stats. § 211B.045.
	Political Campaign Signs	The following signs are prohibited in all districts: Signs on or over the public rights-of-way, unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed ten days, except in section 21-21(E,4) sandwich board signs in the central business district.
	ROW	Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located within or adjacent to public right-of-way, or are located at driveway or street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians.
	ROW	The following types of Signs are prohibited within the city: (a) Signs within public right-of-way or easements, except Government Signs.
	Political Campaign Signs	The following types of Signs are allowed without a permit in all zoning districts: (e) Signs permitted by Minnesota Statutes Section 211B.045.
	ROW	(h) No Signs erected on private property shall project over public property.

	ROW	Findings. The city finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further the city finds:
	ROW	Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located within or adjacent to public right-of-way, or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information.
Chanhasen		Signs allowed without permit. Political campaign signs. Temporary political campaign signs are permitted according to the following: The sign must contain the name of the person responsible for such sign, and that person shall be responsible for its removal.
		Signs are not permitted in the public right-of-way, or within the sight triangle.
		Shall comply with the Fair Campaign Practices Act contained in M.S. § 211B.045.
		The city shall have the right to remove and destroy signs not conforming to this subsection.
		Permitted from 46 days before the state primary in a state general election year until ten days following the state general election and 13 weeks prior to any special election until ten days following the special election.
	Political Campaign Signs	No such sign shall be located within 100 feet of any polling site.
		Sign shall be located on private property with permission of the property owner.
	ROW	No sign, other than governmental signs, shall be erected or placed upon any public street, right-of-way, or project over public property unless approved by the city and contingent upon an approved encroachment agreement. Temporary signs may not be erected or placed in a public easement unless approved by the city. No sign shall be placed within any drainage or utility easement without an approved encroachment agreement.
	ROW	uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
	Political Campaign Signs	the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
	Political Campaign Signs	17."Non-commercial sign" - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.
Minnetonka	Political Campaign Signs	The following signs do not require a permit but must meet the regulations in this section: a) Signs required or allowed by section 325.05, subd. 3.
	Political Campaign Signs	f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.
		a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e) of this section 325.05, the permission of the immediately adjacent property owner must be obtained.
	ROW	b) Unless specifically noted otherwise, all signs must maintain a 10-foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
	ROW	e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05.
	ROW	<i>Streets and Easements.</i> No sign other than public signs shall be erected or placed upon any public street, right-of-way, public easement, or public land, or project over public property or public easements, except as allowed in the I-394 Mixed Use Zoning District.
	ROW	No garage sale signs shall be Located on any governmental property, including the street right-of-way.
Golden Valley	Political Campaign Signs	All signs containing non-commercial speech of any size may be posted in any number from 46 days before the State primary in a State general election year until 10 days following the State general election subject to the applicable provisions of Minn. Stats. § 211B.045.
	Political Campaign Signs	All signs containing non-commercial speech of any size may be posted in any number from 90 days before a special or municipal election until 10 days following the special or municipal election.
	Political Campaign Signs	All such signs shall conform with the location, setback, and placement provisions of this chapter.





CITY OF  
**SHOREWOOD**

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[www.ci.shorewood.mn.us](http://www.ci.shorewood.mn.us) • [cityhall@ci.shorewood.mn.us](mailto:cityhall@ci.shorewood.mn.us)

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: May 4, 2021

REQUEST: Variance to the front yard setback

APPLICANT: John Mark Graham

LOCATION: 5565 Howard's Point Road

REVIEW DEADLINE: August 13, 2021

LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1A/S

FILE NUMBER: 21.03

REQUEST:



The applicant requests a variance to the setback from the front yard line in order to add a porch to their existing non-conforming house. The proposed porch would be located 43 feet from the front property line abutting Howard's Point Road where 50 feet is required.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

Context: The existing home was constructed in 1954 and is located as close as 28.7 feet from the front property line abutting Howard's Point Road. The R-1A zoning district requires a front yard setback of 50 feet, so the house is considered a legally non-conforming structure.

Additionally, the current impervious surface coverage on the lot is 28.8%, which is more than the 25% limit in the Shoreland District. The following permits were approved, but no approvals have ever been granted for the property to have more than the 25% impervious surface coverage regulated by the Shoreland Regulations.

1973: Detached Garage approved

1983: City Council approved a building permit for a swimming pool  
1984: Administrative approval of a storage building  
1991: Administrative approval of a building permit for a home addition.

The Shoreland Regulations were adopted in 1987, meaning that the original construction of the home and much of the subsequent development was done prior to the impervious surface coverage limits being in existence.

The adjacent properties are all developed with single-family homes and zoned R-1A\S.

Applicable Code Sections:

Section 1201.10 subd. 5. d. of the zoning regulations requires a setback of 50 feet from the front yard line.

Section 1201.26 subd. 5. of the zoning regulations limits the impervious surface coverage in the Shoreland District to 25 percent.

Section 1201.03 subd. 1(i) of the zoning regulations allows the expansion of non-conforming single-family residential units.

Section 1201.03 subd. 1(i) of the zoning regulations allows the expansion of non-conforming single-family residential units provided-

1. *That the expansion does not increase the nonconformity and complies with height and setback requirements of the district in which it is located;*

The porch addition does not comply with the setback requirement and consequently a variance is required for this expansion.

*\*There are additional criteria, in this section but since the proposed development does not meet the first regulation, a variance is required.*

Impervious Surface Coverage

	Required	Existing	Proposed
Impervious Surface Coverage	25 % (max.)	28.8 %	28.8 %

At various points, the property owner developed the property with home additions, accessory structures and driveways, some of which were approved and some not. As a result, the property is currently over the maximum impervious surface coverage allowed.

The applicants' proposal does not increase the amount of impervious surface coverage currently on the property. The location of the porch will be located over the top of existing flower beds with liners that are considered impervious surface coverage. <<flower beds without liners are pervious.>>

**ANALYSIS**

The applicant's narrative is attached and indicates that the property owners propose to add a new porch on the south side of their existing home. The proposed porch would encroach on the front yard setback by 7 feet. It is proposed to be setback from the Pine Bend right-of-way more than the required 50 feet.



Variance Criteria:

Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The property owner would continue to use the property for residential purposes. They propose no uses on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the topography.
  - a. *Reasonable:* The applicant has proposed reasonable residential use on the property.
  - b. *Unique Situation vs. Self-Created:* The situation is unique as the home was constructed under different regulations.
  - c. *Essential Character:* The porch would not be out of character for the neighborhood. It does not encroach farther towards the street than the house does, so the character of the lot will remain mostly unchanged.
3. *Economic Considerations:* The applicant has not proposed the variance solely based on economic considerations, but to enhance the livability of the home.
4. *Impact on Area:* The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets. The closest adjacent home to the property is about 100 feet away, but it is located on the opposite side of the property from where the proposed porch will be. The next closest home to the proposed porch is about 200 feet away and the other homes in the area are located across Howard's Point Road and Pine Bend.
5. *Impact to Public Welfare, Other Lands or Improvements:* Staff finds the porch addition would not be detrimental to the public welfare as it would be a typical addition. The proposed porch addition is not increasing the impervious surface coverage on the lot, as they are placing the addition over existing impervious flower beds.
6. *Minimum to Alleviate Practical Difficulty:* Staff finds the variance request is the minimum necessary to alleviate the practical difficulties on the property.

**FINDINGS/RECOMMENDATION**

Staff finds the variance proposal meets the criteria above and recommends approval of the variance while acknowledging that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the variance, staff recommends that the applicant be required to acquire all necessary permits prior to construction.

#### ATTACHMENTS

Location map

Applicants' narrative and plans



# 5565 Howards Point Road Location Map



Answer to questions on Variance Checklist  
April 6, 2021

**#1 Does it conform to the comp plan?**

The Variance requested is in conformity and reasonable under the circumstances. It conforms with the comprehensive plans for a R-2 zoning district.

The intended use is for residential leisure recreation.

The structure will match architecturally with the house and fit in nicely.

The porch is consistent with other structures throughout the neighborhood.

**#2 difficulties?**

The existing home was built in the 1920s well before Shorewood existed, and well before the existing zoning regulations. There is no alternative location on the property that could reasonably accommodate this porch.

**#3 Economic considerations?**

The purpose of the porch is to provide outdoor relaxation for the residents of the home.

**#4 Variance will not Impair**

The new porch is more than 200 feet from any other home, and 60 feet from Howard's Point road. It will have no detrimental effect on any adjoining property or roadway.

**#5**

This structure has no effect on the public welfare and will make the home more enjoyable.

**#6**

The porch is of modest size, approximately 12 ft x 12 ft, and the variance is required due to lot line that sets further than normal away from the road due to the curvature of Howard's Point Road. As noted in item #4, the proposed porch is 60 feet away from Howard's Point Road and more than 200 feet away from any other home.

Respectfully,

J. Mark & Judy Graham  
5565 Howard's Point Road  
Shorewood, Minnesota

**Home Road**

**Pine Bend**

S 89°03'14" E  
--212.92--

Found 3" IP up 1.0

--114.03--

90°00'16" Meas  
90° Plat

A 480

Side wall  
Drive

Edge of wet area

Existing Dwelling

Garage

1400

3400

S 08°06'45" W  
--171.34--

Road

Exception  
for

82°50'00" Plat and Meas  
90° Plat

Found 1/2"

--234.31--  
S 89°03'15" E

Found 1/2"

Found capped iron

--69.68--

Found capped iron

--170.00--  
N 00°56'30" E

94.2

52.6

91.7

33.0

19.0

32.9

28.7

28.9

32.8

25.9

4.5

12.6

3.9

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27.1

38.0

2.700

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**LEGAL DESCRIPTION:**

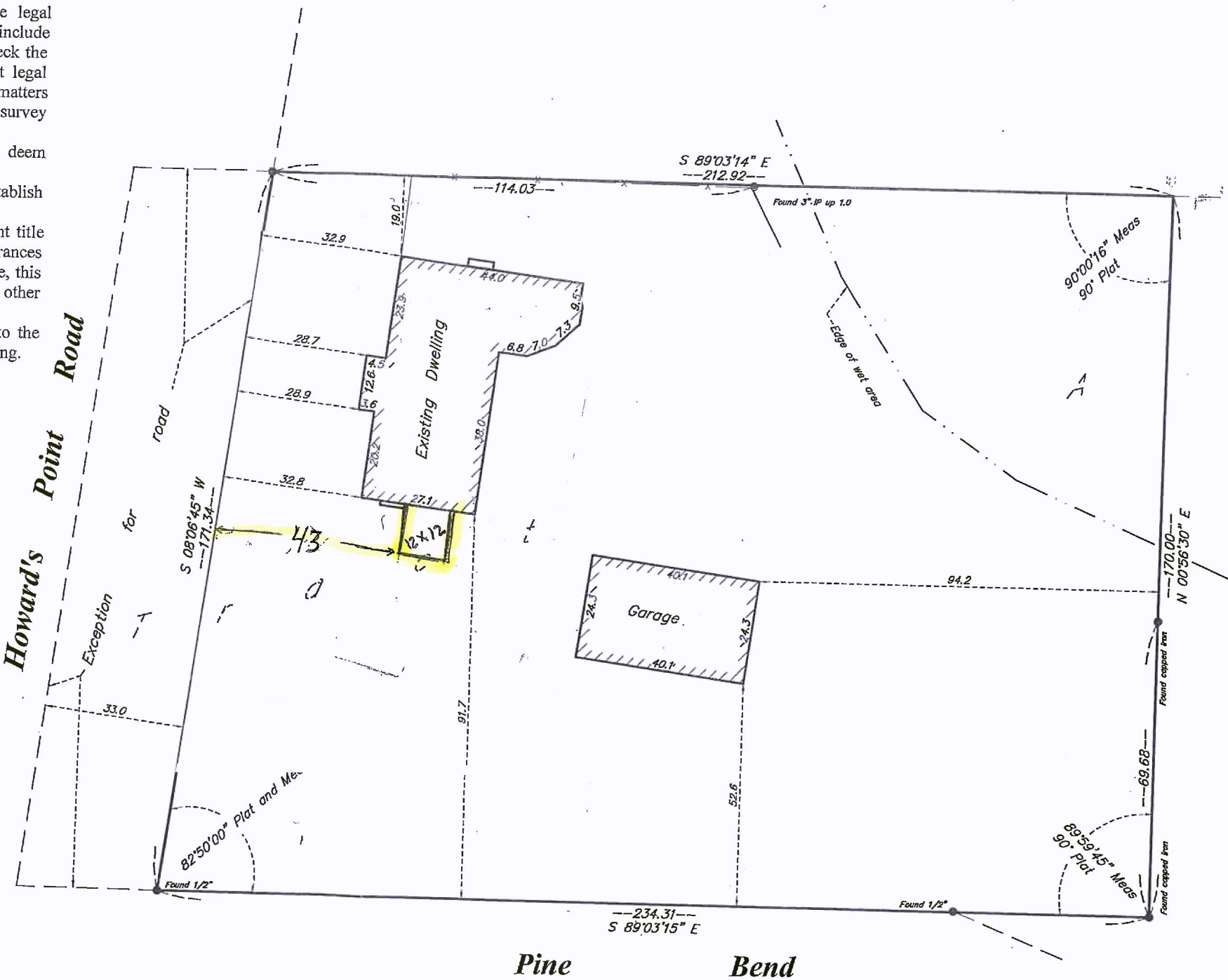
Tract A, except portion taken for road, REGISTERED LAND SUREY NO. 976, Hennepin County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

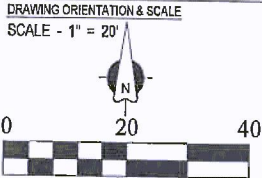
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes iron survey marker, set, unless otherwise noted.



DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS  
**BOYER BUILDING CORP.**  
5565 HOWARD'S POINT ROAD  
SHOREWOOD, MN

**Advance**  
Surveying & Engineering, Co.  
17917 Highway 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7984  
Web: www.advanceur.com

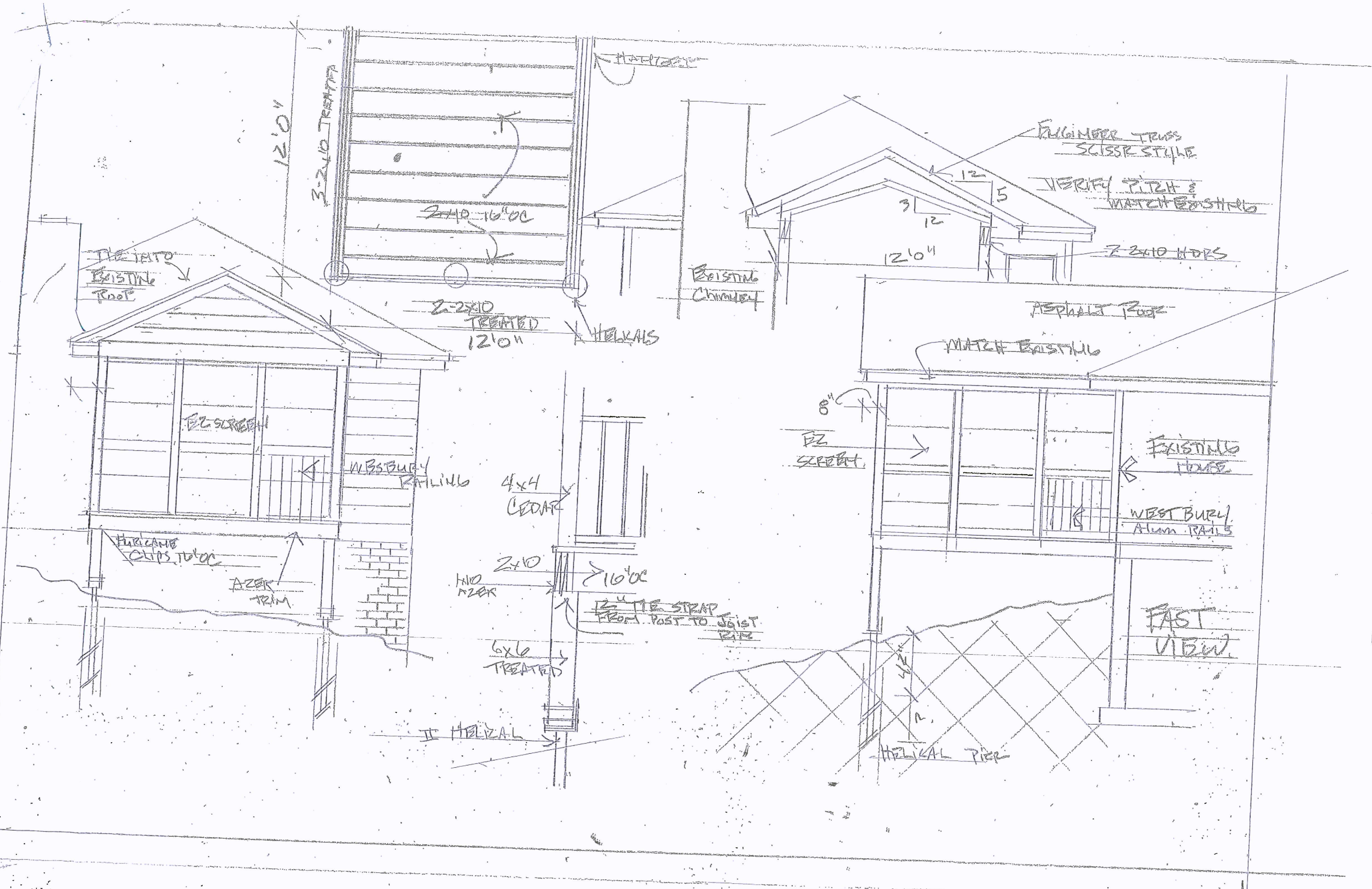
I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Thomas M. Bloom*  
# 42379  
LICENSE NO.  
MARCH 11, 2021  
DATE

DATE SURVEYED: MARCH 11, 2021  
DATE DRAFTED: MARCH 11, 2021

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**  
DRAWING NUMBER  
210243 TB

SHEET SIZE 17 X 22  
SHEET NO.  
**S1**  
SHEET 1 OF 1





12'0"

3-2x10 TREATED

2x10 16" OC

2-2x10 TREATED 12'0"

HELICALS

WESTBURY RAILING

4x4 CEDAR

2x10  
HID AZEK

16'0"

1/2" TIE STRAP FROM POST TO JOIST RING

6x6 TREATED

II HELICAL

ENGINEER TRUSS  
SCISSOR STYLE

VERIFY PITCH &  
MATCH EXISTING

2-2x10 HD RS

ASPHALT ROOF

MATCH EXISTING

E2  
SCREEN

EXISTING HOUSE

WESTBURY  
ALUM RAILS

FAST  
VIEW

HELICAL PIER



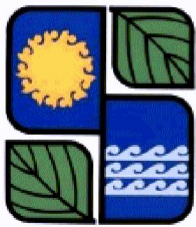
**Boyer**  
Building Corporation  
3435 COUNTY ROAD 101, MINNETONKA, MN 55343  
PHONE: 952-475-2097

Graham Residence  
5565 Howard Point  
Shorewood MN 55331

PHONE:123-456-7890	PHONE:123-456-7890
--------------------	--------------------

SHEET #:
2





CITY OF  
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## MEMORANDUM

**TO:** Planning Commission, Mayor and City Council

**FROM:** Marie Darling, Planning Director

**MEETING DATE:** May 4, 2021

**REQUEST:** Site Plan Amendment Review

**APPLICANT:** ATS+R

**LOCATION:** 19685 State Highway 7

**REVIEW DEADLINE:** July 27, 2021

**LAND USE CLASSIFICATION:** Commercial

**ZONING:** PUD (Waterford)

**FILE NUMBER:** 21.04



### REQUEST:

The Minnetonka School District recently purchased the subject property and propose to remodel the building and site to accommodate a school building for older, special needs students to help them acquire job and life skills to transition to a more independent life. The skills taught require more space per student than is typical for other schools. The majority of the changes are interior to the building and not subject to a review, however a few site changes are proposed:

- Mill and overlay the parking lot
- Add a drop-off area on the west side of the building by widening the sidewalk and alter the grades of the drive aisle on the west side of the building to provide handicapped accessibility
- Adding surmountable curb to allow for snowstorage on the south end of the parking lot

The applicant's narrative is attached.

### BACKGROUND

The property contains approximately 47,833 square feet (1.1 acres). The properties to the east and west are used for a daycare and a bank. The properties to the south are residential. All the adjacent properties were developed as part of the Waterford PUD. The building was constructed in 1997.



## **ANALYSIS**

Drop-off alterations: The proposed alterations allow for a compliant handicapped-accessible route into the west side door. At some point in the past, additional parallel parking stalls were added to the east side of the drive-aisle without permission and in violation of the Fire Code requirements for access width. Those spaces would be removed and the sidewalk widened to five feet, which leaves adequate room for a complying width for a drive-aisle/fire access road width and one row of parallel parking.

Parking lot design: The mill and overlay project will not result in any changes to the parking layout on the site. The use proposed would typically require 31 parking spaces and 40 are provided. This is based on 8 classrooms and the seating capacity of the largest classroom, as there is no assembly area. Staff finds this to be conforming. Additionally, staff notes that all students would be bussed to this school.

The applicant has proposed to install surmountable curb instead of barrier curb in several places in the site to make plowing easier. The zoning ordinance requires barrier curb to protect landscaping islands and greenspaces, with the exception that the applicant could use surmountable curb to facilitate snow storage in the pond area at the south end of the site. Staff recommends a condition requiring the applicant's plans be changed to show barrier curbing except for the area near the pond.

The engineer has reviewed the proposed alterations to the grades and as shown throughout the site and finds the changes are minimal and unlikely to have a public impact.

Trash Enclosure: Section 1201.03 n. requires all trash receptacles to be screened from all adjacent properties and the public right-of-way. The existing trash enclosure is missing its doors and staff recommend a condition requiring their reinstallation.

## **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: 1) acquire all necessary permits prior to construction; 2) include a note or reference that the dumpster doors shall be replaced compliance with zoning regulations in the plans submitted for building permit; and 3) show that all curbs protecting greenspace and landscape islands, except on the south end of the site, shall be barrier curb.

## **ATTACHMENTS**

Location map

Applicants' narrative and plans



## 19685 Highway 7 Location Map







April 22, 2021

RE: City of Shorewood – City Submittal – Site and Building Requested Narrative and Project Description.

The following is an outline and response to the City of Shorewood, MN Requested Narrative:

**Project Overview:**

The existing commercial building located at 19685 State Highway 7, Shorewood, MN was purchased by the Minnetonka Public School District 276 to expand and better serve the older typical students and community from 18 years to 21 years of age, and those students considered to exhibit the need for additional assistance in transitioning beyond their high school years in preparing them for employment and a more independent lifestyle.

The existing building was previously used as a doctor's office, in which the interior will be partially reconfigured and renovated to meet the needs of the School District's program.

Renovation to the exterior façade of the building will only involve the replacement of exterior entrance doors.

If, and as, budgets allow site reconstruction work will include the removal and replacement of the sidewalk along the west side of the building to allow for a safer sidewalk width of 5 feet. The current sidewalk is 3 feet or less. With the widening-out of this sidewalk, the drive lane pavement along the west side of the building will be removed and replaced with a raised concrete pavement area for the purpose to provide a smaller bus type drop-off area, and that allows an ADA accessible access into the west building entrance. Along with the sidewalk being removed and replaced the existing parking lot island near the front of the building will be removed and replaced with a slightly larger island which will align with the new west sidewalk.

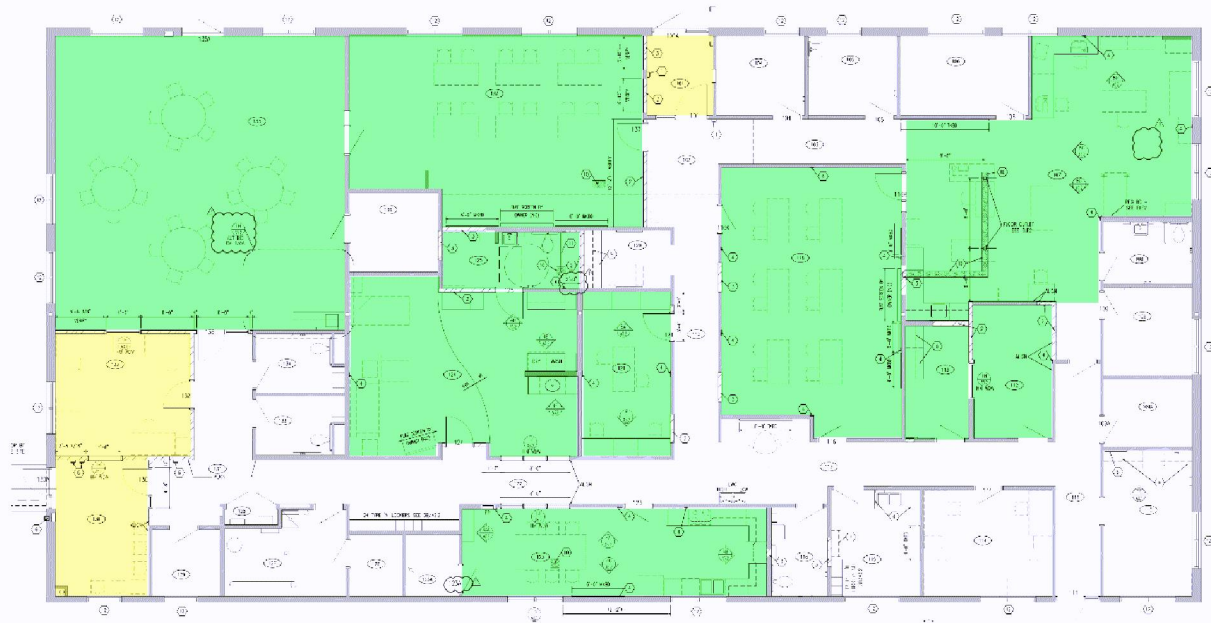
Other site improvements will involve replacing a portions of existing concrete barrier curb section at the south end of the parking area with a surmountable curb to better enable snow removal and snow storage. Then the current plan is to mill off the top layer of the remaining asphalt pavement areas and provide a fresh asphalt layer and pavement restriping.

The existing site exterior lighting will remain as is, and the current landscaping will stay as is, with only some minor sod repair work being done due to disturbed curb line work and as necessary to spruce up the site.

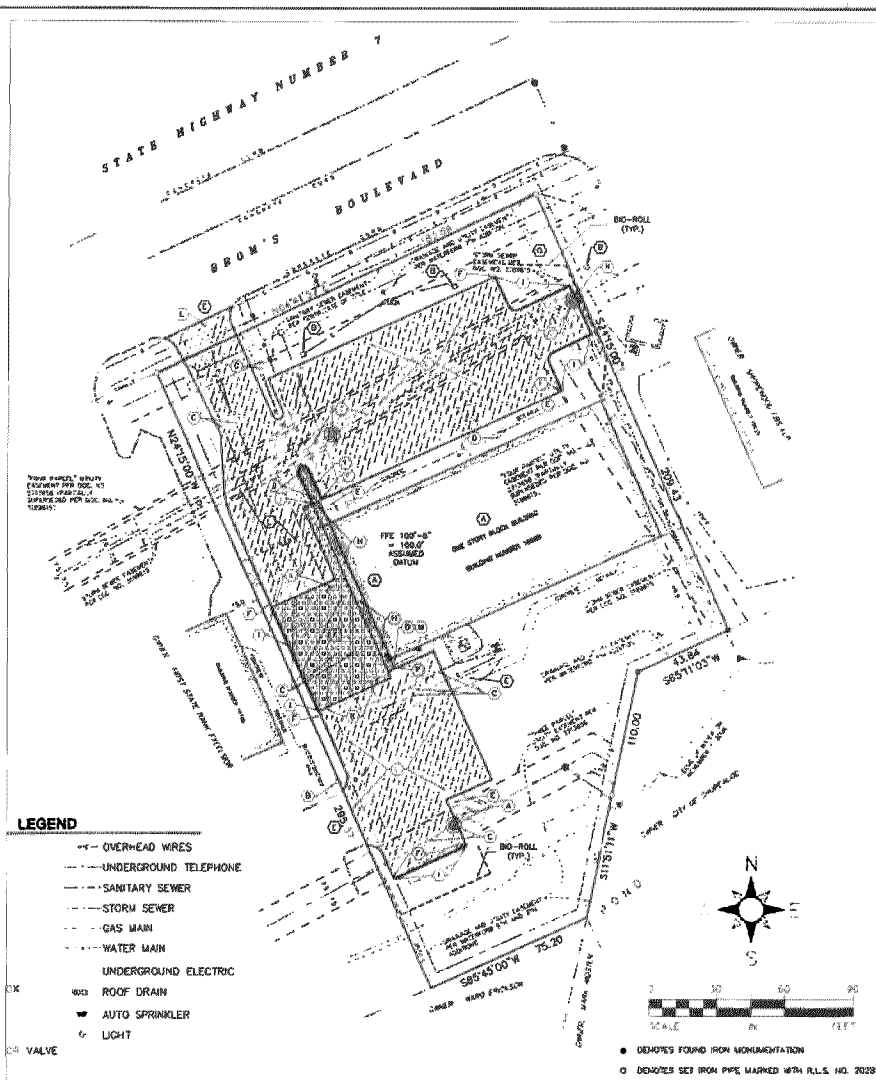
The only other exterior changes will be the updated graphics to the existing monument sign located at the front of the building and along the service drive.

### **Building Interior Modification, Renovations and Repurposing:**

The interior is being partially modified to provide teaching spaces as highlighted in green below. The teaching spaces include two general use classrooms, a multipurpose room, sewing, kitchen/dining, independent living, gardening, video/control, and a PAES (Practical Assessment Exploration System) lab. The two main entrances, as shown highlighted in yellow, will be reconfigured for security purposes.



The remaining spaces will be utilized as program staff individual office spaces, breakout/learning space, storage rooms, restrooms, and conference room spaces.



1 ALTERNATE - SITE DEMOLITION PLAN  
L1.0 SCALE: 1" = 30'

**SITE DEMOLITION GENERAL NOTES**

CONTRACTOR SHALL BE RESPONSIBLE TO VISIT THE SITE AND BE COMPLETELY FAMILIAR WITH SITE FEATURES, ELEMENTS AND ACCESS. NO ADDITIONAL COMPENSATION WILL BE PROVIDED BY THE OWNER FOR THOSE SITE FEATURES, ELEMENTS AND ACCESS ISSUES WHICH ARE READILY KNOWN THROUGH A SITE VISIT.

THE CONTRACTOR SHALL BE RESPONSIBLE TO DOCUMENT THE AS-BUILT SITE ELEMENTS, SITE FEATURES AND GRADES, AND THEN PREPARE AN AS-BUILT EXISTING CONDITION REFERENCE PLAN. CONTRACTOR'S AS-BUILT EXISTING CONDITION REFERENCE PLAN SHALL BE SUBMITTED TO ARCHITECT AND OWNER PRIOR TO THE START OF ANY SITE RELATED CONSTRUCTION ACTIVITIES.

CONTRACTOR SHALL COORDINATE ALL WORK IN THE R.O.W. WITH THE CITY OF SHOREWOOD, MN. CONTRACTOR TO FOLLOW CITY OF SHOREWOOD, MN STANDARD PLATES AND SPECIFICATIONS IN THE R.O.W.

THE ALTA/ACSM LAND TITLE SURVEY IS PROVIDED BY THE OWNER AND IS FOR REFERENCE ONLY, AND IS ONLY USED AS BACKGROUND INFORMATION FOR REPRESENTING THIS PROJECT. THE OWNER, NOR THE ARCHITECT ASSUME ANY RISK FOR THE USE OF THE THIS IMAGE OR ACCURACY. THE CONTRACTOR SHALL ASSUME ALL RISK IF, OR AS USED FOR BIDDING OR CONSTRUCTION PURPOSES.

IN ACCORDANCE WITH STATE LAW, PRIOR TO EXCAVATION OR GRADING ON ANY SITE, UTILITIES MUST BE LOCATED. CALL Gopher State One Call AT 1-800-252-1168 OR 651-454-0002 TO SCHEDULE UTILITY LOCATIONS FOR THIS SITE. [MS 2160.01-2160.07]

CONTRACTOR SHALL HAVE ALL UNDERGROUND PUBLIC AND PRIVATE UTILITIES LOCATED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.

DO NOT BEGIN CONSTRUCTION UNTIL RELATED TEMPORARY SITE EROSION CONTROL MEASURES ARE IN PLACE. NOT ALL TEMPORARY SITE EROSION CONTROL MEASURES REQUIRED MAY, OR HAVE BEEN, SHOWN ON THE CONSTRUCTION DOCUMENTS. WHETHER SHOWN OR NOT, DOES NOT RELIEVE THE CONTRACTOR OF BEING RESPONSIBLE FOR THE EROSION CONTROL MEASURES BEING INSTALLED AND/OR MAINTAINED.

CONTRACTOR SHALL PROTECT EXISTING VEGETATION AND SITE FEATURES WHICH ARE TO REMAIN. ALL SITE FEATURES DAMAGED BY CONTRACTOR (INCLUDING TURF AREAS), NOT SCHEDULED TO BE REMOVED, SHALL BE REPAIRED/REPLACED BY CONTRACTOR TO OWNERS SATISFACTION AT NO ADDITIONAL COST TO THE OWNER.

PROTECT EXISTING TREES TO REMAIN AT DRIPLINE, AND AS NECESSARY OR AS SHOWN ON THE DEMOLITION PLAN. NO CONSTRUCTION MATERIAL SHALL BE STORED OR PLACED BENEATH OR WITHIN THE TREE(S) DRIPLINE.

ALL OVERHEAD/UNDERGROUND UTILITIES NOT INDICATED TO BE REMOVED, SHALL REMAIN.

REMOVAL OF PAVEMENTS AND/OR CURBS SHALL INCLUDE FULL DEPTH REMOVAL OF PAVEMENT/CURBS, THE EXISTING AGGREGATE BASE MATERIAL SHALL REMAIN IN PLACE. PROOF-ROLL AND RE-COMPACT EXISTING AGGREGATE BASE MATERIAL IN THE PRESENCE OF OWNER'S TESTING ENGINEER. SEE SECTION 01 22 00 FOR ADDITIONAL INFORMATION.

**DEMOLITION LEGEND**

PROTECT TREES (12.0)

CURB REMOVALS

CONCRETE REMOVALS

ASPHALT PAVEMENT REMOVAL

MILL AND OVERLAY ASPHALT PAVEMENT

SALVAGE STONE MULCH

BIO-ROLL TEMPORARY EROSION CONTROL

INLET PROTECTION TEMPORARY EROSION CONTROL

**DEMOLITION PLAN KEYNOTES**

(A) PROTECT EXISTING BUILDING AND/OR SITE STRUCTURAL ELEMENT

(B) PROTECT EXISTING LIGHT POLE TO REMAIN.

(C) PROTECT EXISTING ABOVE GRADE AND UNDERGROUND UTILITIES.

(D) PROTECT EXISTING SIGNS AND/OR SIGN POST

(E) PROTECT EXISTING PAVEMENT TO REMAIN.

(F) PROTECT EXISTING CURB & GUTTERS TO REMAIN.

(G) PROTECT EXISTING TREES AND/OR PLANTING MATERIAL TO REMAIN. (12.0)

(H) REMOVE EXISTING CONCRETE PAVEMENT TO NEAREST CONSTRUCTION JOINT. REMOVE EXISTING FULL DEPTH CONCRETE PAVEMENT. AGGREGATE BASE MATERIAL SHALL REMAIN IN PLACE. PROOF-ROLL AND RE-COMPACT EXISTING AGGREGATE BASE MATERIAL IN THE PRESENCE OF OWNER'S TESTING ENGINEER.

(I) REMOVE EXISTING CURB AND GUTTER. REMOVE EXISTING FULL DEPTH CONCRETE CURB AND GUTTER AND AGGREGATE BASE MATERIAL. SALVAGE EXISTING AGGREGATE BASE MATERIAL IF OWNER'S TESTING ENGINEER APPROVES MATERIAL FOR REUSE.

(J) SALVAGE STONE MULCH MATERIAL FOR REUSE BACK INTO PROJECT.

(K) REMOVE FULL DEPTH ASPHALT PAVEMENT MATERIAL. EXISTING AGGREGATE BASE MATERIAL SHALL REMAIN IN PLACE. PROOF-ROLL AND RE-COMPACT EXISTING AGGREGATE BASE MATERIAL IN THE PRESENCE OF THE OWNER'S TESTING AGENT IN PREPARATION OF SITE IMPROVEMENTS. REF: TO SITE LAYOUT PLAN.

(L) MILL ASPHALT PAVEMENT TO A MINIMUM DEPTH OF 2-INCHES, UNLESS OTHERWISE DIRECTED BY THE OWNER'S TESTING AGENT. FILL AND/OR PATCH UNDERLYING CRACKS IN ASPHALT BASE COURSE LAYER.

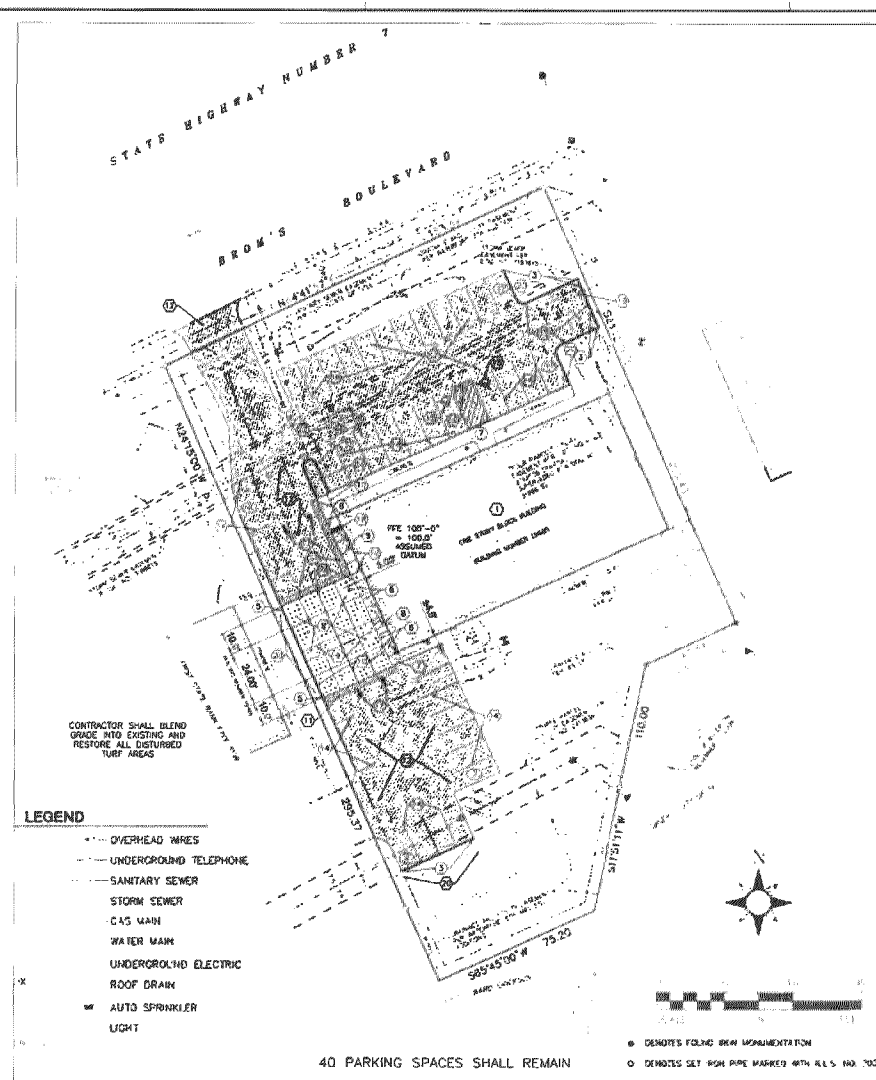
(M) REMOVE AND RECYCLE SIGN PANEL. SIGN POST TO REMAIN.

(N) REMOVE STORM SEWER STRUCTURE CASTING

**NOTE:**

CONTRACTOR SHALL PROVIDE AS PART OF THE PROJECT THE PROPER REINSTALLATION OF AN IRRIGATION SYSTEM THAT APPROPRIATELY SUPPLIES WATER TO THE RECONSTRUCTED SITES LAWN AND PLANTING BED AREAS.

AN IRRIGATION SYSTEM IS REQUIRED IN AREAS WHERE AN IRRIGATION SYSTEM HAD BEEN REMOVED. CONSULT WITH THE OWNER IF AN IRRIGATION SYSTEM IS DESIRED FOR ANY PREVIOUSLY UN-IRRIGATED AREAS.



2 ALTERNATE - SITE LAYOUT PLAN  
L1.0 SCALE: 1" = 30'

**SITE LAYOUT GENERAL NOTES**

CONTRACTOR SHALL BE RESPONSIBLE TO VISIT THE SITE AND BE COMPLETELY FAMILIAR WITH SITE FEATURES, ELEMENTS AND ACCESS. NO ADDITIONAL COMPENSATION WILL BE PROVIDED BY THE OWNER FOR THOSE SITE FEATURES, ELEMENTS AND ACCESS ISSUES WHICH ARE READILY KNOWN THROUGH A SITE VISIT.

NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR COORDINATION AND SEQUENCING, DELAYS, INCONVENIENCE OR DAMAGE SUSTAINED BY THE CONTRACTOR DUE TO INTERFERENCE FROM THE UTILITIES AND APPURTENANCES OR THE OPERATIONS OF MOVING OR INSTALLING THEM.

CONTRACTOR TO COORDINATE ALL WORK IN THE R.O.W. AND CITY WITH THE CITY OF SHOREWOOD, MN. CONTRACTOR TO FOLLOW CITY OF SHOREWOOD, MN STANDARD PLATES AND SPECIFICATIONS IN THE R.O.W.

CONTRACTOR SHALL HAVE ALL UNDERGROUND PUBLIC AND PRIVATE UTILITIES LOCATED PRIOR TO CONSTRUCTION.

DO NOT BEGIN CONSTRUCTION UNTIL RELATED TEMPORARY SITE EROSION CONTROL MEASURES ARE IN PLACE, AND HAVE BEEN APPROVED BY GOVERNING AUTHORITY IF AND AS REQUIRED.

ALL DIMENSIONS ARE TAKEN FROM EXISTING FINISHED FACE OF BUILDING, UNLESS OTHERWISE NOTED. ALL COORDINATES ON RADII ARE TO CENTER OF RADII.

ALIGN EDGES OF WALKS WITH BUILDING WALLS AND/OR STOOPS AS SHOWN, UNLESS OTHERWISE NOTED.

CONTRACTOR SHALL MATCH REPLACEMENT PAVEMENT, AND REPLACEMENT CURB AND GUTTER GRADES BACK TO PRIOR/EXISTING CONDITIONS, OR AS SHOWN ON DRAWINGS, AND/OR SHALL MATCH UP WITH ADJOINING PAVEMENT, CURB AND GUTTER, OR SITE ELEMENTS, UNLESS OTHERWISE NOTED. REFER TO CONTRACTOR'S AS-BUILT EXISTING CONDITION REFERENCE PLAN. CONTRACTOR'S AS-BUILT EXISTING CONDITION REFERENCE PLAN SHALL BE SUBMITTED TO ARCHITECT AND OWNER PRIOR TO THE START OF ANY SITE RELATED CONSTRUCTION ACTIVITIES.

PROTECT ALL EXISTING TREES TO REMAIN FROM CONSTRUCTION ACTIVITY. INSTALL TREE PROTECTION MEASURES AROUND ALL TREES IN IMMEDIATE VICINITY OF CONSTRUCTION ACTIVITY.

CONTRACTOR SHALL BE RESPONSIBLE TO PROPER REPAIR ANY AFFECTED DISTURBED TURF, PLANTING BED, OR BARK MULCH AREAS BACK TO EXISTING GRADE AND CONDITIONS, AND/OR ACCORDINGLY TO OWNER'S APPROVAL.

STRIPE: PARKING SPACES SHALL BE A MINIMUM OF 9'x20' WHERE CONCRETE SIDEWALK IS AT THE HEAD END OF THE PARKING STALL AND A MINIMUM OF 9'x18' WHERE LAWN OR PLANTING BED AREAS ARE AT THE HEAD END OF THE PARKING STALL SPACE, AND AS FOR 90-DEGREE PARKING ANGLE. ALL OTHER STRIPING SHALL MATCH EXISTING STRIPING CONDITIONS AS PER THE PROPERTY'S RECORD P.U.D. DEVELOPMENT.

**PAVEMENT & PARKING SUMMARY**

EXISTING PAVEMENT AREA = ± 17,125 SQFT.

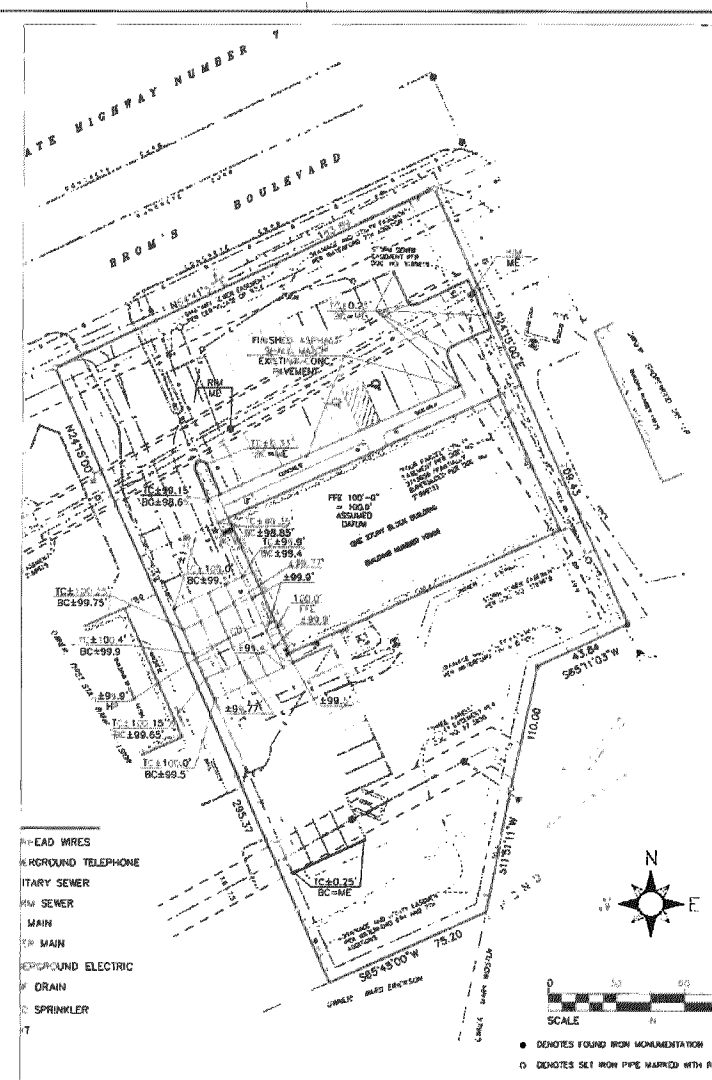
EXISTING PARKING LOT ISLAND = ± 183 SQFT.

PROPOSED/EXISTING PAVEMENT AREA = ± 17,106 SQFT. (-19 SQFT.)

PROPOSED/EXISTING PARKING LOT ISLAND = ± 182 SQFT. (+19 SQFT.)

PARKING SPACES (EXISTING/PROPOSED) = 40 SPACES (2 ADA SPACES)

\*NOTE: THERE WERE 4 NON-APPROVED PARKING SPACES ALONG THE WEST SIDE OF THE BUILDING THAT WILL NOT BE RE-STRIPPED AS SUCH



3 ALTERNATE - SITE GRADING PLAN  
L1.0 SCALE: 1" = 30'

**SITE GRADING PLAN GENERAL NOTES**

NO SURVEY DATUM WAS ACQUIRED FOR THIS PROJECT. THE CONTRACTOR SHALL BE REQUIRED TO VERIFY AND GENERATE A RECORD EXISTING AS-BUILT VERIFICATION PLAN FOR THE PURPOSES OF PROPERLY GRADING THE SITE AND FOR ASSURANCE THAT SITE FEATURES WILL FUNCTION PROPERLY. THE CONTRACTOR SHALL ACQUIRE OWNER'S AND ARCHITECTS APPROVAL PRIOR TO PROCEEDING WITH FINAL GRADING AND ESTABLISHMENT OF PAVEMENT GRADES. CONTRACTOR SHALL SUBMIT THE RECORD AS-BUILT VERIFICATION PLAN PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.

CONTRACTOR SHALL HAVE ALL UNDERGROUND PUBLIC AND PRIVATE UTILITIES LOCATED PRIOR TO CONSTRUCTION.

CONTRACTOR SHALL MATCH REPLACEMENT PAVEMENTS GRADES BACK TO PRIOR/EXISTING CONDITIONS, AS SHOWN ON DRAWINGS, AND/OR SHALL MATCH UP WITH ADJOINING PAVEMENT OR SITE ELEMENTS, UNLESS OTHERWISE NOTED.

CONTRACTOR SHALL BE RESPONSIBLE TO PROPERLY RESTORE GRADES BEHIND BACK OF CURBS (BOC) AND WHERE THE CURB TYPE AND HEIGHTS HAVE CHANGED. CONTRACTOR SHALL BLEND DISTURBED TURF AND/OR PLANTING BED GRADES INTO EXISTING SITE CONDITIONS AND SHALL BE A SMOOTH TRANSITION WITH AND INTO EXISTING SITE CONDITIONS, UNLESS OTHERWISE NOTED.

PROTECT ALL EXISTING TREES TO REMAIN FROM CONSTRUCTION ACTIVITY. INSTALL TREE PROTECTION MEASURES AROUND ALL TREES IN IMMEDIATE VICINITY OF CONSTRUCTION ACTIVITY, AND AS NECESSARY.

CONTRACTOR SHALL BE RESPONSIBLE TO PROPER REPAIR ANY AFFECTED DISTURBED TURF, PLANTING BED, OR BARK MULCH AREAS BACK TO EXISTING GRADE AND CONDITIONS, AND/OR OWNER'S APPROVAL.

**GRADING PLAN LEGEND**

FFE - FINISH FLOOR ELEVATION

HP - HIGH POINT

LP - LOW POINT

G.B. - GRADE BREAK

ME - MATCH EXISTING

TC - TOP OF CURB

BC - BOTTOM OF CURB

BC=ME - BOTTOM OF CURB SHALL MATCH EXISTING (PREVIOUS GRADES)

**SEDIMENT AND EROSION CONTROL RESPONSIBLE PARTIES**

OWNER:  
MINNETONKA PUBLIC SCHOOLS DISTRICT ISD, No. 279  
MR. PAUL BOURGEOIS, EXECUTIVE DIRECTOR OF FINANCE AND OPERATIONS  
paul.bourgeois@minnetonkaschools.org  
(952) 401-5024

PROJECT SITE MANAGER/CONTRACTOR:  
SCHREIBER MULLANEY CONSTRUCTION  
MR. BRANDON GORDER, PROJECT MANAGER  
brandon@schreiber-mullaney.com  
(612) 248-0093