

**MINUTES**

**CALL TO ORDER**

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

**ROLL CALL**

Present: Chair Maddy; Commissioners Eggenberger, Gault, Riedel, and Huskins; Planning Director Darling; Planning Technician Notermann, and Council Liaison Gorham

Absent: None

**1. APPROVAL OF AGENDA**

**Riedel moved, Huskins seconded, approving the agenda for May 4, 2021, as presented. Roll Call Vote: Ayes – all. Motion passed 5/0.**

**2. APPROVAL OF MINUTES**

- **April 6, 2021**

**Eggenberger moved, Riedel seconded, approving the Planning Commission Meeting Minutes of April 6, 2021, as presented. Roll Call Vote: Ayes – all. Motion passed 5/0.**

**3. 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 – CUP AMENDMENT, VARIANCES AND SITE PLAN AMENDMENT REVIEW FOR TONKA BAY CAR WASH**

**Applicant: Reprise Design**

**Location: 24245 Smithtown Road**

Planning Director Darling stated that the applicant is proposing a conditional use permit to rehabilitate the existing car wash and convert two of the bays to be automatic car wash, rather than manual. The applicant is asking for two variances to allow less stacking and less parking than required by ordinance. This would also require a site plan amendment for the proposed changes. She stated that this is currently zoned C-1 and reviewed the surrounding property uses. She explained that the applicant is proposing that the flow of traffic be changed so the vehicles enter the car wash from the west side of the building and exit on the east side of the building. They are proposing to plant new bushes on the south side of the stacking area to provide required screening. She noted that staff recommends that they have a new enclosure for their dumpster

**CITY OF SHOREWOOD PLANNING COMMISSION MEETING**

**MAY 4, 2021**

**Page 2 of 7**

once it is relocated and that they hook up to City sewer and water. She gave an overview of the request for reduced stacking and explained staff's recommendation that the applicant provide additional stacking spaces on the site, which would not need a variance. She stated that the business had originally asked to operate 24 hours/day, but are now proposing 6:00 a.m. to 12:00 p.m. She noted that the applicant has shown that they can meet the noise standards however the City Attorney has asked that there be a condition added that the dryers only function when the doors are closed and also a condition that the applicant must continue to operate the car wash consistent with the City's noise standards. She stated that the other variance that the applicant is asking for is related to the required parking spaces. She explained that the Zoning Ordinance required 10 full parking spaces but with a fully automatic car wash with the possibility of a maximum of one staff member being on site at a time, they feel that parking requirement may be a bit excessive and have asked to provide the one parking space as proposed on the north end of the building. Staff recommends approval of the variance to provide only one parking stall, denial of the request for reduced stacking, and overall approval of the application.

Commissioner Riedel asked for additional clarification on the proposed stacking.

Planning Director Darling explained the stacking and noted that staff is proposing that the stacking lines be painted going to the north side of the building so it is clear how the stacking would function. She stated that the Commission could also add a condition that they place a sign that states no stacking is permitted into the public street.

Commissioner Huskins asked if the through-putting of cars took into account the vacuuming units that occur right at the exit. He asked if there will be a right turn only sign as cars depart.

Planning Director Darling stated that they have full access at their eastern entrance, so she does not think the City could say that it was right turn only. She explained that the applicant is moving most of the vacuuming stations from the site. She stated that she does not believe it will be a problem with stacking but could block exiting cars and suggested that the applicant address this question.

Commissioner Gault asked why staff was recommending this be hooked up to City sewer and water.

Planning Director Darling explained the reasoning behind this recommendation was related to City Code which requires hook up with development if water is available.

Commissioner Gault stated that he would like to know how they propose to deactivate the automatic washes outside of the business hours and asked if the City was proposing that even the manual stalls have limited operating hours.

Planning Director Darling stated that she assumed that the manual and automatic stalls would have the same hours of operation.

Farhad Hakim, owner of the property, stated that he can answer some of the questions that were raised. He stated that they would like to address the dumpster issue. Since he has owned the property, there are weeks that the dumpster just sits empty. He stated that they are proposing to remove the dumpster and have 2 roller bins on the inside of the building for people to use when emptying their cars and 2 bins on the outside of the building in a similar location to the dumpster. He stated that they would just have the four bins emptied every week rather than having a dumpster on the site. He stated that their goal is to bring the site back to life so it doesn't look run

**CITY OF SHOREWOOD PLANNING COMMISSION MEETING**

**MAY 4, 2021**

**Page 3 of 7**

down and flow easily through the site. He stated that their plan is to only keep the vacuum that is located between the self-service bays.

Commissioner Gault asked how the applicant proposed limiting the hours of operation since it is automatic.

Mr. Hakim stated that all the machines, including the manual machines, lighting, and doors, can be set on a timer so they will not operate outside of operating hours.

Commissioner Riedel asked for the applicant to comment on the stacking issue and whether reorienting the stacking towards the east entrance is acceptable.

Mr. Hakim stated that they do not think stacking will be a problem with two automatic bays operating because they will be able to move people through more quickly. He stated that they are willing to put it in writing that if it does become an issue and leak out into the street then they will close the other entrance. He stated that they are definitely open to painting the stacking lines as suggested by staff.

Commissioner Eggenberger asked about the possibility of closing the west entrance from the start.

Mr. Hakim stated that his biggest issue is that once they are closed you can never get them reopened and would like to leave it open for future possibilities.

Commissioner Huskins asked the applicant to comment on the recommendation from staff for this site to use City water and sewer.

Mr. Hakim stated that they are not opposed to hooking up to City sewer and water. He stated that either option of using well or City water have pros and cons.

Chair Maddy noted that the staff report has a lot of conditions and asked if there were any that the applicant was not willing to concede on.

Mr. Hakim stated that they have gone through them and are not opposed to them, but would hope that the City is not trying to hammer them to the ground with restrictions.

Corey Englund, Reprise Design, stated that he wanted to touch on the earlier statement that they are planning to move away from dumpsters and change to 96-gallon carts similar to standard residential and commercial size. He asked if the trash enclosure provision could go away if they do that rather than dumpsters.

Planning Director Darling stated that the code requires that all trash receptacles on commercial properties to be screened. She stated that if they are kept within the car wash bays, then they would not have to provide an enclosure for the carts. She stated that the 2 carts the applicant would like to have located outdoors would require screening.

Mr. Hakim stated that they do not have to be the rolling type of trash can but can just be a bigger receptacle like what is seen at Target or a gas station.

Planning Director Darling stated that a trash can could be kept outdoors without an enclosure, but not a cart or a dumpster.

**CITY OF SHOREWOOD PLANNING COMMISSION MEETING**

**MAY 4, 2021**

**Page 4 of 7**

Mr. Englund stated that he thinks the proposed plan will do a lot to clean up this building and stated that he feels their layout will ensure that the stacking does not overflow to the street.

Commissioner Huskins asked about the response time if a person is required to respond to something that occurs on the property. He gave the example of it being 11:30 p.m. and someone is using the automatic bay and the doors do not open at the conclusion of the wash.

Mr. Hakim stated that he lives about 9 minutes from the site so he will be responding. He noted that they also have cameras on site and the machines will be new that will even send alerts to his phone if there is something wrong.

Chair Maddy opened the Public Hearing at 7:48 P.M. noting the procedures used in a Public Hearing.

There being no public comment, Chair Maddy closed the Public Hearing.

Commissioner Riedel stated that he is still a bit uncomfortable with the potential stacking issue and noted that he thinks the Commission should be planning for this to be a very successful business, which means congestion. He stated that he understands the applicant's reluctance to close off one of the entrances and supports the condition that should stacking occur, then the City can require an entrance to be closed.

Commissioner Eggenberger stated that he agrees with Commissioner Riedel and would also like to stipulate that the vacuum between the automatic bays is removed.

Commissioner Huskins stated that he likes the idea of continuing the striping so it is clearly marked and avoid issues. He stated that he is still unsure about the City sewer and water because of the cost of the hook up.

Commissioner Eggenberger asked if Commissioner Huskins felt that the applicant should have the option to keep well water if he wants.

Commissioner Huskins stated that he just wasn't sure what the Commission should recommend because he feels there would be advantages to hooking up to City water, but understands that the costs to hook up are not low. He asked what other Commissioners felt about the recommendation from staff regarding City water.

Commissioner Gault stated that he had the same concern and noted that it was phrased as a recommendation within the staff analysis and not a requirement. He stated that if it is not required within the Code, he likes the idea of giving the applicant the option of making that decision.

Commissioner Eggenberger asked what the reasoning was being the staff recommendation for hooking up to City water.

Planning Director Darling stated it was because of the change in use and the more intense water user now being on City water. She noted that the other commercial properties along Smithtown have already hooked up to City water and this would be the last one.

**Riedel moved, Huskins seconded, recommending approval of the CUP and Site Plan Review for Tonka Bay Car Wash located at 24245 Smithtown Road, subject to the recommendations that applicant provide full cut off light fixtures and side shielding of the lighting, the dumpster be removed or if they choose to keep it screening be provided, the**

area be restriped to provide additional stacking space for a minimum of 3 vehicles, connect to public water and pay the connection fee, subject to approved financial guarantees, should any stacking occur in the future in the public right-of-way, the applicant would be required to close the westerly access, business hours will be limited to 6:00 a.m. to 12:00 p.m., the overhead doors are required to be closed during the blowing cycle, and the vacuum between the automatic stalls will be removed.

Commissioner Eggenberger expressed concern about the wording being “any stacking” and stated that it seems harsh. He asked what would happen if there was stacking just one time.

Riedel amended the motion, Huskins seconded the amended motion, recommending approval of the CUP and Site Plan Review for Tonka Bay Car Wash located at 24245 Smithtown Road, subject to the recommendations that applicant provide full cut off light fixtures and side shielding of the lighting, the dumpster be removed or if they choose to keep it screening be provided, the area be restriped to provide additional stacking space for a minimum of 3 vehicles, connect to public water and pay the connection fee, subject to approved financial guarantees, should staff judge the stacking to be problematic in the public right-of-way, the applicant would be required to close the westerly access, business hours will be limited to 6:00 a.m. to 12:00 p.m., the overhead doors are required to be closed during the blowing cycle, and the vacuum between the automatic stalls will be removed.

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

#### **B. SIGN ORDINANCE AMENDMENTS – Continued to June 1, 2021**

Chair Maddy opened the Public Hearing at 8:03 P.M. noting the procedures used in a Public Hearing.

Planning Director Darling noted that the City had received a letter from Pamela McDonald expressing concerns that even with a 10-foot setback there are some areas with drainage ditches that would make it difficult to put political signage out.

**Riedel moved, Gault seconded, to continue the Public Hearing for the Sign Ordinance Amendments to June 1, 2021. Roll Call Vote: Ayes – all. Motion passed 5/0.**

#### **4. NEW BUSINESS**

##### **A. Variance to Front yard Setback**

Applicant: John Mark Graham  
Location: 5565 Howards Point Road

Planning Technician Notermann explained the request for a variance at 5565 Howards Point Road is in order to add a porch to be 43 feet from the front property line where 50 feet is required. She explained that the home was built in 1954 and is considered a legal non-conforming structure. She stated that this lot has 28.8% impervious surface which is more than the 25% allowed in the Shoreland District, but noted that the Shoreland regulations were adopted in 1987. The City received one e-mail from the neighbor at 5490 Howards Point Road, that expressed support for this request. Staff recommends approval of the variance request.

Commissioner Riedel asked when the impervious surface on the property increased.

**CITY OF SHOREWOOD PLANNING COMMISSION MEETING**

**MAY 4, 2021**

**Page 6 of 7**

Planning Technician Notermann explained that it was unclear in the older permits because there wasn't much information regarding impervious surface at that time. She stated that if you look at aerial imagery, you can see a bit of increased driveway on the south side of the garage and a bit in the back, that was not anything they could find permits for and it is hard to tell when those areas came to be.

John Graham, stated that where they plan to put the porch will cover up a garden that had some plastic underneath it. He stated that if the City would like them to remove some of the plastic to help bring down the impervious surface a bit, they are happy to do that.

Commissioner Huskins stated that he would like clarification from the applicant on when the home was built and the setback because there are discrepancies between the staff report and the information the applicant submitted.

Mr. Graham stated that they have lived in the home for about 50 years and after they moved in an older gentleman had walked by and told him that he used to milk cows in the basement of their house because the home had originally been a barn.

Mrs. Graham stated that when they first moved in it was a little bungalow which is where the number from the 1950s came from when they built it on top of the barn.

Mr. Graham stated that they do not know exactly when the original house was built because the foundation of the house is double brick wall which was most likely the original barn. He stated that they have added onto the home several times over the years.

Planning Technician Notermann stated that she thinks the discrepancy regarding the setback is the difference between the measurement to the edge of the road versus measuring the setback from the property line.

Bob Boyer, contractor, stated that he was contacted by the Grahams because they would like to stay in this home as long as they can. He stated that they have tried to move their living to the main level so he is working on a remodeling project to assist them in that effort and a porch is part of that plan for them.

**Eggenberger moved, Gault seconded, to recommend approval of the variance request to the front yard setback at 5565 Howard's Point Road for the purpose of constructing a porch**  
**Roll Call Vote: Ayes – all. Motion carried.**

**B. Site Plan Review**

Applicant: Minnetonka Public School District

Location: 19685 State Highway 7

Planning Director Darling explained that this is a request for a site plan amendment for property located at 19685 State Highway 7. The Minnetonka School District recently purchased the property and is proposing to remodel the building and site to accommodate a school use for older, special needs students to help them acquire job and life skills to transition into a more independent life. She explained that the majority of the changes are interior to the building but noted that there are a few site changes being proposed. She reviewed some of the conditions and noted that staff recommends approval of the application, subject to those conditions.

Commissioner Gault asked about access and drop-off locations.

Planning Director Darling suggested that the applicant answer those questions.

Paul Bourgeois (with the Minnetonka School District) stated that they are expecting between 25 and 40 students who are mildly impaired, ages 18-21. He stated that these are students that can have successful lives if they are taught things such as how to live in an apartment and other life skills. They will also work with local business on apprentice type job opportunities. He explained that there is cross access within the Planned Unit Development and his understanding is that in essence, technically all the parking could be shared. He stated that they are not intending to share and noted that there should be about 10-15 staff members on site on a daily basis. The bus traffic will be the small buses with classes from about 9:00 am to 3:00 pm. He stated that there will be some traffic during the day because the students will go on field trips to various businesses to learn about different jobs. He stated that they have spoken with Alerus and are planning to have the buses enter the west driveway and loop around, drop the students at the west door, and then the buses would exit. He stated that they are anticipating 2 or 3 buses in the morning and also in the afternoon.

**Eggenberger moved, Riedel seconded, to recommend approval of the request for a Site Plan Amendment for 19685 State Highway 7, subject to conditions as listed in staff report. Roll Call Vote: Ayes – all. Motion carried.**

## **5. OTHER BUSINESS**

### **6. REPORTS**

- **Council Meeting Report**

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

- **Draft Next Meeting Agenda**

Planning Director Darling stated there are a number of new variance applications planned for the next meeting including: a CUP for a new home to be constructed on Birch Bluff; a variance for a new garage addition on Woodside Road; and a variance on Birch Bluff for building height and hard cover.

Planning Director Darling stated that although the Planning Commission does not look over Final Plat applications, she wanted to let them know that two submitted, one for The Villas at Shorewood Village, which will now be known as Walnut Grove, and for two duplexes at 20325 Excelsior Boulevard, which will be called Excelsior Woods.

## **7. ADJOURNMENT**

**Riedel moved, Huskins seconded, adjourning the Planning Commission Meeting of May 4, 2021, at 8:52 P.M. Roll Call Vote: Ayes – all. Motion passed 5/0.**