

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY () _____
EGGENBERGER (SEP) _____
HOLKER (OCT) _____
RIEDEL (NOV) _____
HUSKINS (DEC) _____
COUNCIL LIAISON SIAKEL (JAN-JUNE) _____
COUNCIL LIAISON GORHAM (JULY-DEC) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ Aug 2, 2022

3. MATTERS FROM THE FLOOR

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

4. PUBLIC HEARINGS

A) Conditional Use Permit for a Special Purpose Fence

Applicant: Richard Jeidy and Virginia Ball

Location: 25140 Glen Road

B) Preliminary Plat for High Point Estates 2nd Addition

Applicant: Roy Lecy

Location: High Pointe Estates 2nd Addition. Southeasterly extent of Charleston Circle

5. NEW BUSINESS

6. REPORTS

A) Council Meeting Report

B) Draft Next Meeting Agenda

7. ADJOURNMENT

DRAFT MINUTES

CALL TO ORDER

Vice-Chair Riedel called the meeting to order at 7:00 P.M. and explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission and 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.

ROLL CALL

Present: Commissioners Eggenberger, Riedel, Huskins and Holker; Planning Director Darling; Planning Technician Carlson, City Engineer Budde, and Council Liaison Gorham

Absent: Chair Maddy

1. APPROVAL OF AGENDA

Holker moved, Huskins seconded, approving the agenda for August 2, 2022, as presented. Roll call vote: All in favor, motion passed 4/0.

2. APPROVAL OF MINUTES

- May 3, 2022

Commissioner Huskins noted two minor typographical errors in the minutes on page 9.

Huskins moved, Holker seconded, approving the Planning Commission Meeting Minutes of May 3, 2022, as amended. Roll call vote: All in favor, motion passed 4/0.

3. MATTERS FROM THE FLOOR - NONE

4. PUBLIC HEARINGS -

- A. PUBLIC HEARING – MAPLE SHORES: REZONING, PUD, CONCEPT/DEVELOPMENT STAGE AND PRELIMINARY PLAT**
Applicant: Chamberlain Capital, LLC
Location: 20430 Radisson Road and four adjacent parcels on the south side of Highway 7

Vice-Chair Riedel gave an overview of the procedures and rules for public hearings.

Planning Director Darling explained that the applicant is proposing to develop the property for seven homes in a planned community with shared maintenance to be called 'Maple Shores'. She noted that this site is comprised of 5 separate parcels located between Radisson Road and

Highway 7 on the east and north sides of Lake Como. She reviewed the elevation and current conditions of the property. She noted that the developer is proposing to remove the existing home and lower the middle of the property in order to construct the homes along a new private street with 4 of the homes backing up to the lake and 3 backing up to a new stormwater pond. She stated that the plans call for water to be extended across Highway 7 and noted that sewer is available in Radisson Road. She explained that the homes would have the majority of the living area on the main level with either a walk-out level for those on the lakeside or an upper level on the stormwater pond side. The homes would be upwards of 3,400 square feet and feature extra deep two stall garages. She explained that the applicant has requested a rezoning from R-1A to PUD as well as a Concept/Development Stage and Preliminary Plat. She gave an overview of the items that the applicant is requesting flexibility on such as the ability to construct two-family homes, three homes to be served by a private street, reduced setback, ability to remove 5,840 cubic yards of material, and the ability to construct a model home prior to installation of utilities and street paving. She stated that the plans are to construct the townhomes and keep the majority of the site for open space and for the individual homeowners to just own the land around the foundation of the unit. She reviewed the impervious surface coverage requirement, the amount of dirt proposed to be removed from the site, the route for the truck traffic, and the requirement for a fence along the top of the retaining wall to address safety concerns. She gave a brief overview of the proposed conditions that staff is recommending, if this is approved. She stated that the site has a number of significant trees that will be removed as part of this project and would be required to replace 28 replacement trees, however, the applicant is proposing to plant 35 trees with a number of them being along Highway 7. She stated that staff feels the site can accommodate even more trees and would also provide a greater visual barrier for the residents, so they are recommending additional plantings. Staff recommends approval subject to the conditions listed in the staff report. She stated that the City has not received any written comments on this application.

Vice-Chair Riedel noted that the packet had also included an engineering report and information from the DNR.

Commissioner Huskins asked about how water would be brought into the development and whether the County would need to be involved.

Planning Director Darling stated that the City ordinance requires that any subdivision with four or more homes proposed has to be served by City water. She stated that in this area of the City there are two options for City water, one would be to directionally bore under Highway 7 from mains that are within Excelsior Boulevard and the other option would be to extend a main from public water main that is close to the water tower. She stated that the applicant has proposed the crossing under Highway 7 as their preferred approach and will require permits from MnDot, but no permits for the crossing from the County. She turned the answer to the question on operation questions on the extension to City Engineer Budde.

City Engineer Budde stated that he believes their plans are for directional drilling which means Highway 7 would be undisturbed from a traffic perspective. He stated that the City will require that they hook up with a 'wet tap' which means they are able to make the connection without having to shut down the existing 12 inch main on the north side.

Commissioner Holker asked about the location of the homes closest to this development.

There was an answer given from the audience.

Commissioner Holker stated that she would also like to know about the indication on one of the maps about 'limit of landscaped yard'.

Planning Director Darling suggested that Vice-Chair Riedel repeat the statements that were made from the audience since those comments were not recorded.

Commissioner Holker stated that the answer that was given indicated that the structure she was referencing had bedrooms on the backside closest to the boundary of the proposed development.

Commissioner Huskins asked about information in the staff report about the common area being 'primarily' used for shore area, wetland, wetland buffers, stormwater pond, and open spaces.

Planning Director Darling stated that there are not a whole lot of uses beyond the conservation easements, wetland buffers, open spaces, and lawn areas. She stated that it is all within an outlot and a structure cannot be built on outlot, which would prohibit having something like a shed.

Commissioner Holker stated that there were a few references to Lot 11 and asked for clarification on what that was referring to.

Planning Director Darling stated that she believed those references were in the property owners narrative. She noted that lot 11 is owned by an adjacent property owner but many of the residents in the area have a private easement over the property for access to the lake and passive shoreland uses. She stated that the easement is private and whether or not the new residents in the subdivision have rights to the lot is outside the City's authority and the City does not get involved in the interpretation of private easements, which is why it was not addressed in her staff report.

Commissioner Huskins asked about Lake Como and its allowed uses.

Planning Director Darling stated that the lot lines, when they are showed as extending into the lake, are riparian, which means the DNR has jurisdiction over everything below the ordinary high water level for Lake Como. She stated that means it is open to use even though there is no public access to this lake. She explained that it was a very shallow lake with marshland all the way around it. She stated that there is nothing preventing people from fishing on the lake, but she was not sure if there were even any fish in the lake.

Commissioner Huskins asked if it would be a fair statement to say that if this PUD was completed, it would not change the character of the lake, access to the lake, or change what people have been routinely doing.

Planning Director Darling stated that is correct and the only change would be the areas that are adjacent to the lake that are within these parcels would be owned in common. She stated that it does mean that the residents could walk down to the shoreland and use the water, if there was any kind of clear and open access to the water, for example for a canoe or kayak.

Vice-Chair Riedel asked if there would be any restriction on putting a dock into the lake.

Planning Director Darling stated that the DNR would not have a restriction that would prohibit anyone from putting in a dock, however the City's wetland regulations do not allow for artificial obstructions of stormwater purposes, so this is a bit complicated because of the extensive marshland.

Commissioner Holker asked if looking across the lake the retaining wall would be visible.

Planning Director Darling stated that the lowest portion of the retaining wall would be about 18 feet above the ordinary high water level of the lake but noted that it is fairly heavily treed in the area which should obscure some of the visibility.

Commissioner Eggenberger asked about the plans to assign each home a certain amount of surface they can use in the future for impervious surface coverage.

Planning Director Darling explained that this was both now and in the future and is based on the stormwater design and the goal of not exceeding the 25% allowed.

Commissioner Eggenberger confirmed that the first person to build could not come in and use of the entire allotment.

Planning Director Darling explained that this was why there is a portion assigned to each lot so one homeowner could not use up the impervious surface allowed for another homeowner.

Commissioner Eggenberger stated that he assumes that there would be a lot of water behind the retaining wall and asked where the water will go.

Planning Director Darling stated that she anticipates that they will tile the water around the wall as part of their structural design of the wall.

Commissioner Eggenberger stated that there are 68 ash trees on the site. He stated that he understands that there are plans to have an arborist come in and see which ones should be removed but asked, before the development begins, why they wouldn't just come in and remove all of the ash trees so they are not even able to get ash borer. He stated that in his mind it may be easier to get them all out and then compensate with additional trees.

Planning Director Darling explained that the Commission could certainly propose something to that effect. She stated that some of the existing trees are on pretty steep slopes and getting the equipment down there may cause more damage than letting the tree die naturally. She stated that they are in the conservation easement area, so they can be allowed to become part of the natural environment as they die. She clarified that it is unlikely that the trees on those slopes would be a hazard for the new structures.

Commissioner Eggenberger stated that he was not implying that they could be a hazard to the structure, but rather a potential hazard of spreading ash borer. He stated that to him, it would make more sense, before the development even begins, to just go in and remove those ash trees.

Planning Director Darling stated that the Commission could consider this as an added condition.

Vice-Chair Riedel stated that there will be large areas that are undisturbed, so to go in to specifically cut out ash trees may not be the best way to move forward.

Paul Cameron, Chamberlain Capital, stated that the idea behind this development is a need that he and his wife personally have. He stated that they are coming out of a big house, their children are in college so they don't need that much space. He stated that they want to live in a space that is very controlled and have their own garages with some extra space for things such as motorcycles. He stated that the fully built out spaces are about 3,500 square feet but they include spaces like sunrooms and screened in porch spaces. He stated that the spaces are intended to

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be single level living with extra space either up or downstairs for when company comes over. He stated that they are envisioning this as a turnkey type of property where people can go south for the winter without having to worry about anything because the association is intended to be full maintenance. He explained that they had originally planned for 9 units but after discussing the future expansion of Highway 7, they reduced the number of units down to 7. He noted that all of the gutters will be helmeted and the water will come down the house and back into the street underground and following the stormwater all the way down to the catch basins and then into the pond. He stated that the one exception may be on the backside because they aren't sure they can get the gutter angle correct.

Vice-Chair Riedel asked if Mr. Cameron was in agreement with the recommendations suggested by staff and gave examples of HOA rules.

Mr. Cameron stated that they were in agreement and assured the Commission that they were of the mindset that it should be a really clean development. He noted that they are not in favor of parking on the street overnight or having a third vehicle parked on the driveway because it doesn't fit in the garage. He stated that they will probably have to have exceptions for situations like a college kid home for the summer, but suggested that they may have a permit process in that situation.

Vice-Chair Riedel noted that there is no parking allowed on Radisson Road. He stated that he suspects there will be concerns raised about that, the amount of traffic, and stressed that there simply cannot ever be overflow traffic on Radisson Road.

Mr. Cameron stated that he understood and explained their hopes for parking situations such as a party or even and noted that he expects this situation to arise only rarely.

Commissioner Huskins asked if his understanding was correct that this was a one phase process and they would build when they get a contract. He asked what they expect the timeframe would be from first sale to seventh sale.

Mr. Cameron stated that the customer for this would be someone who already lives in the area and would like to downsize without having to leave the area. He stated that they believe their primary residents will be empty nesters who will be downsizing and will have equity in their homes so they do not think they will need to be sensitive to the talk about recession and higher interest rates. He noted that their intent is to only build the model home if it is needed, depending on the timing. He stated that the expectation is that they will build next spring and be ready to move forward with all 7 units. He noted that when they had originally put together their plan, they had expected to be further along in the process by now. He noted that he is not concerned about any of the conditions and expectations raised by staff because they all appear to be very logical but reiterated that many of them may not end up being relevant because they may not even have a model and will just move right into building the actual products.

Vice-Chair Riedel opened the Public Hearing at 7:56 P.M. noting the procedures used in a Public Hearing.

Paul Cossette, 5570 Shore Road, stated that he feels the City has done a fine job assessing what will need to be done with the assumption that a PUD is approved. He stated that he believes their issue is that they do not believe a PUD should be approved because the things being done under the guise of a PUD do not necessarily fit with the zoning that is there or the neighborhood development the way it is now. He stated that the impact of the variances being discussed do impact the people in the neighborhood and the atmosphere that is there. He stated that if it

remained under the existing zoning he did not feel they would have those issues. He stated that their first issue is with the significant amount of trees that will be removed because it is essentially two-thirds of the trees in the area and to scrape most of the remaining area to turn it into a parking lot. He stated that those trees provide a tremendous amount of noise protection and are visually very important and the replacement trees are very small. He explained that his next issue was related to the capacity of the lift station that is in place because this will add a significant amount of people onto the lift station. He stated that his basement is the lowest thing in the entire area, so when the lift station doesn't work, which has happened, his basement floods with raw sewage, which obviously causes him concern. He stated that he is also concerned about the stormwater run-off and noted that the way it is set up with the pond is very good for standard rain and standard run-off, but the applicant admits in their information that once it is over a 1 inch rain the water will flow down the street and into Como and into the pond across the street, which happens to be in front of his house. He expressed concern about the sizing of the watermain and asked that if this is approved and moves forward under the PUD that they are sized so the neighborhood could connect up to City water, which he thinks the majority would like to do if it were an option. He stated that he felt the variances being asked for were significant and noted that the closer proximity of the buildings mean that it will be a much more dense neighborhood which is not allowed under the current zoning and, in his opinion, is not appropriate for the neighborhood. He stated that he questioned how the neighbor in the nearby house will be effected by the large retaining wall that is planned.

Scott Smith, 6313 Loch Moor Drive, Minneapolis, stated that he was an attorney representing Donna Watts and Bill Hitler who are the fee owners of Lot #11. He stated that he would like to discuss this lot in relation to the project and noted that he heard Planning Director Darling's comment relative to the easement issue but noted that he would vociferously disagree with the notion that the impacts of this project, if approved, upon Lot #11 and the easement holders, are beyond the purview of the Commission. He stated that he feels the Commission is charged with considering the impacts in a variety of circumstances that this project, as proposed, may have on things like vegetation, trees, tax base, parking, and traffic. He stated that the impact that this project may have on the Lot #11 easement holders rights, are something that they ask the Commission to consider and deal with. He stated that his clients are opposed to this proposal and urge the Commission to recommend denial. He stated that he assumed that the Commission was generally familiar with the fact that there are easements on most of the Radisson Inn Addition properties that allow them to use Lot #11 for certain purposes. He stated that the problem is that this project is being marketed that it has homes with access to Christmas Lake, however the only such access is through Lot #11 because these properties are not on Christmas Lake. He stated that thinks that Lot #11 becomes an important part of the puzzle for the Commission to consider even though there have only been two references to Lot #11 in the materials submitted to them. He noted there was really nothing said that addresses how the developer will address the impact of multi-family housing with seven families on two lots and how it will burden both the owners of Lot #11 and the others who are entitled to use it through existing easements. He stated that the lack of discussion in the proposal on this issue feels problematic. He noted that he sees the bigger problem as shoehorning seven families into two lots that were created in 1939 which is not allowed under these facts by Minnesota law. He stated that the 'black letter law' in Minnesota is that an easement shall not be enlarged by legal construction beyond the objects originally contemplated by the parties. He stated that it raises the question of what the intent was when the easement was created in 1939 regarding the number of people who would be entitled to access Lot #11. He stated that he thinks that the original intent was never for multi-family dwellings or multiple families living on single lots to have full access rights. He stated that this was easement was originally created, the properties being discussed were Lots #24 and #23 and referenced page 14 of the packet material submitted by the applicant of Registered Land Survey N. 730 which is referenced as Lot #23 and explained that Lot #24 runs to the north. He explained that he believes

the original intent of the grantor of this easement was that there would be two lots and two dwellings which would be the burden on Lot #11.

Commissioner Eggenberger asked if there was any evidence to show that they thought those lots would never be divided.

Mr. Smith stated that is a fair point, but he knows of no evidence that indicates that the lots could not be divided, however they do know that Lot #23 was essentially divided into 8 tracts of land. He explained that he still goes back to the original intent of the grantor from 1939 because according to Minnesota law you cannot impose the additional burden of having those families on that lot beyond what was intended at the time of the creation of the easement.

Vice-Chair Riedel stated that the City does not grant private easements, adjudicate disputes over easements, or enforce easements which is a matter for the courts. He stated that some of the discussion happening here is directed at the wrong audience and the disputes over the easement are not relevant to the discussion of the zoning criteria that is before the Commission. He stated that he would not discourage discussion or comments but wanted to make it clear that the discussion could not be done to debate the validity or impact of the easements.

Commissioner Huskins stated that Mr. Smith has used the term 'burden' which he is interpreting as meaning the number of people that are entering and leaving through Lot #11. He asked how many homeowners had this deeded easement today.

Mr. Smith stated that he believes the number is in the vicinity of 20.

A man from the audience stated that the number is 13.

A different man stated that this number was not correct.

Mr. Smith suggested that he get the exact number and submit it to the City within a day or two. He stated that the question raised by Commissioner Huskins is good because this is potentially a precedent setting decision because there may be other properties in the Radisson Inn Addition that have the same easement rights and other developers may want to come and build multi-family units as well. He stated that he would disagree with Vice-Chair Riedel that this discussion is beyond the purview of the Planning Commission because they are charged with considering the potential impacts of the changing in zoning on the existing community. He reiterated that he did not think Minnesota law allows the developer to pyramid 7 new easement holders out of an estate on two lots that was clearly never intended for this purpose by the grantor in 1939.

Vice-Chair Riedel noted that he agreed with Mr. Smith's first point, but not his second point. He explained that he would agree that, very broadly, it is within the Commission's purview to consider this issue, but he disagreed that it is for the Commission to consider the legality of the subdivision because that is a matter to be argued before the courts. He stated that he would agree that it is within their purview to consider the impact of the subdivision, which includes the easement.

Mr. Smith stated that about five years ago there was a petition that was put forward relative to the use of the dock at Lot #11 to expand the number of boats that would be allowed to tie up there by easement holders. He stated that this was a legal issue and noted that the Council got an opinion from the city attorney, but they ultimately rejected the application because it was prohibited by Lake Minnetonka ordinances.

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Vice-Chair Riedel noted that he feels there is a critical difference in this situation because in the City's zoning code there is language that pertains to the use of the docks and there is nothing in the City code that pertains to easements and easements rights because that is a State issue.

Commissioner Eggenberger asked what 'additional burden' he and his clients were concerned about.

Mr. Smith explained that it would be things like added traffic, waste, potential for damage, and leaving water toys around. He stated that the traffic alone makes the property less marketable. He stated that adding 7 new families was not a burden that his clients contemplated when they acquired Lot #11 in 2015.

Michael Cohen, 20640 Radisson Road, stated that his boundary touches the boundary of Maple Shores. He stated that he has been a steward of taking care of Lake Como for the last 35 years. He stated that he would like to know exactly the percentage of acre, per unit, that is being allowed on this PUD because he owns 3 acres right next door. He stated that according to the comment from Mr. Smith, the City will set the precedent which means he could do the same thing as is being proposed, but noted that the neighborhood was never designed for 14 twin homes. He stated that the City cannot simply decide to approve these actions for one person and not for another. He noted that Mr. Cossette mentioned the lift station and noted that the low point of the hill has a lift station which does not have a gen set so when the power goes out the lift station fails because there is not generator. He stated that if 7 new homes are added, he thinks they need to consider the cost of a generator to lift the sanitary waste from those additional homes. He explained that he has good feelings about the new neighbors and thinks they are wonderful people but asked the Commission to realize that if they are allowed to develop, he can also develop. He stated that if they determine that they can add more access to Lot #11, so can he. He stated that it is unfortunate, but there has been fraud in this transaction. He stated that there is a template for the 13 families that won, at an enormous cost, a 10-foot easement and 121 feet of usage with a dock. He stated that when Mr. Chamberlain bought the property, the verbiage was in his packet, which is total fraud because he was not allowed that. He stated that three months after it was bought, it was switched back so he feels Mr. Chamberlain was duped on this transaction. He stated that he feels it makes a huge difference on the price he can sell these for, the quality they can be built with if this property, which is lake adjacent, can get to the lake versus not being able to get to the lake. He stated that he believes this is the oldest easement in the State as well as the most litigated easement. He stated that he would suggest that before anything goes forward that the legal team from the fee holder and the builder get an adjudication from the courts so they know exactly what they can sell.

Paula Callies, 20465 Radisson Road, stated that her home is across the street from the development. She stated that she agreed that this was the wrong venue for a discussion around Lot #11 and agreed with the suggestion by Mr. Cohen that there should be some other legal remedy. She stated that she feels the arguments made by Mr. Smith were very cogent but reiterated that she feels this is the wrong venue. She stated that she appreciated the questioning by Commissioner Eggenberger and explained that she doesn't really care if there are 7 more people who can walk down to the lake but noted that there is a limit on how many boats can be there, nor can there be another dock. She stated that this is a long-standing issue and explained that when her property was subdivided, they received the benefit of that easement so there may be other properties that can also be subdivided. She stated that this proposal would be a change for them personally and explained that it has been a nuisance property, so they are looking forward to having it cleaned up and improved compared to what is currently there. She stated that she could also say that she wishes that it would be one single family home in this location, but doubts that would be a realistic expectation. She stated that she would be in favor of a quality

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development and feels that Mr. Cameron has been responsive in listening to the neighborhood thus far, and has reduced the density, which she feels is positive. She noted that she did have some concerns about the sight lines. She explained that she felt the conditions recommended by staff appear to be reasonable and the applicant has expressed willingness to comply with them which is also positive.

Commissioner Huskins asked if Ms. Callies was advocating that the matter relating to Lot #11 be adjudicated prior to approval by the City.

Ms. Callies stated that she did not think the City had any authority to require that. She stated that it would be great if it could be resolved but noted that it has been going on for a long time. She noted that there is different easement language for different properties.

Commissioner Huskins stated that his understanding is that this is not something that they could make as a condition of approval and would become part of the applicants' decision-making process as to whether or not it is a risk that they wish to take to build the development.

Vice-Chair Riedel asked if there were any residents present who wanted to speak about issues other than Lot #11 such as screening and traffic.

Mr. Cohen stated that if the assumption is made that all 7 homes are sold it would bring an additional 14 cars. He stated that there is an extremely narrow curve on Radisson Road near Al Peterson's house that is only wide enough for one car to pass through at a time. He stated that by adding 14 cars and not having this be a through-way is a concern. He stated that he believes they can live with it as long as the people realize that there is an easier and safer way out. He expressed concern about the heavy equipment and construction traffic and stated that he didn't feel they should ever go through that narrow portion.

Vice-Chair Riedel stated that currently there is a lot of green space and that will change with development. He stated that Highway 7 is very noisy and asked how residents felt about this change in screening.

Mr. Cohen stated that the noise of Highway 7 is based on the road surface which has improved over the years greatly. He stated that because of the large drop in elevation he thinks the noise will go over this property. He noted that on his property when the trees lose their leaves he can see Highway 7. He stated that Mr. Chamberlain did a great job with their tree planning and feels that he has completely respected his view which he appreciates.

David Downs, 20465 Radisson Road, asked about the comments shared about the lift station and asked if he was correct that this lift station was about to be replaced.

City Engineer Budde stated that he was not aware of that plan.

Mr. Downs stated that he understands that trees are coming down, but houses will be going up. He explained that when they built their home, noise from Highway 7 was a major concern but it has really been a non-issue so he did not think there would be a very significant change with these plans.

Mr. Cossette stated that he thinks there is a lot of concern about the trees coming down and the potential noise it may create for certain residents. He suggested that there be an independent sound analysis of what this will cause with the removal of the trees. He stated that he thinks that the homes will block some of the noise, but it may also push noise over.

Mr. Cohen asked about the holding pond in the back of the property. He stated that his understanding is that the drain for the holding pond will be into Lake Como and asked what permits would be necessary in order to allow this overflow.

Vice-Chair Riedel stated that the holding pond is part of the stormwater management plan submitted by the applicant to capture the additional water from the new impervious surface. He stated that it was designed to capture and infiltrate water but the overflow during significant rain events would drain into Lake Como.

City Engineer Budde explained that the applicant would need a permit from the Minnehaha Creek Watershed District and if they work within the ordinary high water level of Lake Como they will also need a permit from the DNR.

Planning Director Darling suggested that the Commission may want to take a brief break.

Vice-Chair Riedel recessed the meeting at 8:48 p.m. and reconvened at 8:51 p.m.

There being no additional public comment, Vice-Chair Riedel closed the public hearing at 8:51 p.m.

Mr. Chamberlain stated that he appreciates the feedback they have gotten and noted that he had spoken with some individuals and tried to resolve many of these issues already. He stated that their stormwater design meets the requirements by the Minnehaha Creek Watershed District and has gone through all the appropriate processes. He stated that regarding the trees, they are required to give an arborist tree survey on the property and were not required to do the 60 feet from the blacktop of Highway 7 to the property boundary. He stated that they are planning to take the property down even further than it already is, so whatever noise is coming across those trees and continuing out will continue because he cannot put a barrier at the highway level. He stated that they tried to keep a ring of trees around the entire development and create a sort of enclave inside. He stated that he feels this type of housing is truly needed in the area. He understands that change can be hard but feels this is needed and noted that they are not planning to build something that is ugly. He stated that he is hoping that this will be kind of a timeless, Frank Lloyd Wright type style. He stated that they are doing cheap, low-end construction.

Vice-Chair Riedel stated that the tree removal is one of the most significant aspects of this proposal. He stated that as one of the residents stated, if this were just an R-1A parcel with 6 acres, with the wetland buffers there may be able to be one or two homes, which means they most likely would have removed far fewer trees. He stated that in exchange for cutting down a lot of trees, they are accepting restrictions as part of the PUD. He stated that he feels that staff has done a good job of emphasizing the need for screening and strategic planting of trees. He stated that he feels that the right to develop at a higher density should have a commensurate higher burden to provide screening to preserve the character of the neighborhood, which currently has a lot of green space.

Mr. Chamberlain stated that he totally agreed and assured the Commission that they were on board with that idea. He stated that he didn't think many people understood that there are 5 lots, with one that could probably be subdivided again, but they do not conform so there are processes in the City that allow them to deal with non-conforming lots. He stated that would be 6 lots and he is asking for 7, but to cluster them together as guided in the Comprehensive Plan and meld it together into one package that makes sense.

Vice-Chair Riedel stated that there are 5 lots of record.

Someone from the audience asked to make a comment.

Vice-Chair Riedel reopened the public hearing at 8:59 p.m.

Gregory Hofstede, 20480 Radisson Road, asked about the retaining wall because he feels there are some elevation issues in the way the drawing is currently shown.

There being no additional public comment, Vice-chair Riedel closed the public hearing at 9:00 p.m.

Mr. Chamberlain explained that it almost looks like there was a road that was carved out in the middle of the property. He stated that it is high in the middle and then goes down on both sides so in order to get a building pad, they have to flatten that area which means the actual elevations will drop. He stated that as they blend the hill coming down onto the sides, the ends of the retaining walls will just be 1 foot and will be blended on the sides.

Vice-Chair Riedel asked about the building materials planned for the retaining wall.

Mr. Chamberlain stated that the retaining wall will be engineered and will not be boulder wall.

Vice-Chair Riedel asked if in there were any plans for screening at the base of the wall to kind of hide the wall.

Mr. Chamberlain stated that he cannot because it is in the wetland buffer.

Vice-Chair Riedel noted that once the soil has been disturbed to build a retaining wall, he believes they would be permitted to plant shrubs right in front of it.

Mr. Chamberlain stated that he believes that would be determined by Minnehaha Creek Watershed District, so they could ask if they could put shrubs in.

Vice-Chair Riedel stated that he understanding is that you are not allowed to cut things down in a buffer zone but you are allowed to plant in a wetland buffer zone.

Commissioner Eggenberger noted that many times the City will see tracts of land that the neighbors don't want anything to be built there. He stated that he would agree with the comments made earlier that the Lot #11 issue is not the Commission's issue. He stated that he is perhaps a bit more concerned about the lift station and watermain issues and suggested that it may be a good idea to look more closely at those issues. He stated that overall he thinks this is a reasonable plan and noted that he disagreed with the notion that this project would be precedent setting if this is allowed. He stated that he plans to recommend approval with the conditions as recommended by staff.

Vice-Chair Riedel suggested that the Commission could add a condition related to the lift station.

Commissioner Huskins stated that he agreed with Commissioner Eggenberger's concerns about the lift station. He stated that, in general, he is favorable towards the proposal. He stated that he also agreed that the issue related to Lot #11 was not the Commissions issue but will be for the applicant.

Commissioner Holker stated that she was also in favor of recommending approval of this proposal and noted that she appreciated the way it has been tucked in and that it is a smaller density development.

Commissioner Huskins suggested that in addition to a condition about studying the lift station situation he thinks there could also be the opportunity to take a look at the trees and the sight lines.

Vice-Chair Riedel stated that the issue of Lot #11 is very complex and reiterated his statement that the City does not adjudicate, enforce, or pass judgement on easements. He stated that the issue of the subdivision and the easement that goes with it, is broadly relevant here however there is really nothing for the Commission to discuss. He stated that the final point made by Mr. Chamberlain was a strong point that they own 6 acres in R-1A that has 5 lots that are all substandard, but if you own property in this district, you are generally allowed to build on it. He stated that he believes that variances would be needed in every direction which would not be desirable. He stated that a PUD that proposes 7 homes is a compromise but agrees with Commissioner Holker that this seems very well laid out in the way they are tucked into the area. He stated that it appears that staff and the applicant have worked hard to minimize the impact and noted that he also intends to recommend approval. He stated that there has been discussion of the lift station and questioned whether that should be included as a condition or if it could just be a directive to staff.

City Engineer Budde stated that the City is planning to rehab that lift station this year which means replacing a lot of its 'guts' and making sure that it will function long term. He explained that the rehab will not change the capacity of the lift station because it already has adequate capacity for this development. He stated that he would agree that it is vulnerable with power outages which is something he will discuss with Public Works because this could be a good time to do something about that as part of the rehab process. He stated that he will follow up and provide a summary that explains more specifics of the lift station and how this development would change it to make sure everyone understands it clearly.

Commissioner Huskins asked if they could also get some information about the retaining wall and what types of screening would be possible.

City Engineer Budde stated that they can get feedback on that.

Planning Director Darling stated that regarding the wetland buffers, the two jurisdictions, the City and the Minnehaha Creek Watershed District have a different sized buffers and are both applying the required buffers to this development. She stated that the City's buffer is 35 feet for the wetland buffer itself and in that area they would not allow any construction and tree removal would be limited to just noxious weeds and diseased trees. She explained that the Minnehaha Creek Watershed District requires 40 feet for the wetland buffer but they do allow some flexible averaging. She noted that the DNR has asked that the entirety of the Minnehaha Creek Watershed District be included in the conservation easement. She explained that typically once there is a conservation easement you do not want any additional landscaping and simply preserve the natural habitat that is there, but there are times when there may be a lot of deadfall or diseased trees that the area needs to be re-vegetated to prevent erosion by using some type of native plantings. She stated that additional trees or shrubs could be added at the top end of the wetland buffer but would not want to get so close with the root systems that the retaining wall may be destabilized.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

AUGUST 2, 2022

Page 13 of 14

Commissioner Huskins stated that earlier in the meeting Commissioner Eggenberger had made a statement about his concern regarding the ash trees and asked if the applicant had any feedback on that issue.

Planning Director Darling stated that after the meeting she could go through on the 'saved' trees and determine how many of those would be ash trees.

Commissioner Eggenberger asked who was responsible for removing the ash trees if they are diseased.

Planning Director Darling stated that if there is documented ash borer on private property, they would have to issue orders for their removal. She explained that if they were in the public right-of-way, then the City would be responsible. She stated that they know the emerald ash borer is marching this way, and is present in the surrounding communities, however, there has only been one documented case, to date, in the City.

Vice-Chair Riedel reminded attendees that the Planning Commission was just an advisory body and that the final decision would rest with the City Council.

Planning Director Darling agreed and noted that there are a few more steps in the review and approval process if this moves forward. She stated that the Parks Commission will also review the development for its impact to the park system in the City on August 16, 2022. She stated that on August 22, 2022 the City Council will hold a second public hearing on this application. She stated that if the Council approves the plans, the next step would be to submit a Final PUD and Final Plat which would take all of the conditions and incorporate them into the plans and resubmit with final details required.

Eggenberger moved, Huskins seconded, recommending approval of the request for rezoning from R-1A to Planned Unit Development; PUD Concept and Development Plan, and Preliminary Plat for 'Maple Shores' for property located at 20430 Radisson Road and four adjacent unaddressed parcels, subject to the staff recommendations. Roll call vote: all in favor, motion passed 4/0.

Commissioner Eggenberger asked staff to look into the lift station issue prior to the City Council meeting.

Vice-Chair Riedel asked staff to also take a look into the ash borer issue and the ratio of tree replacement that may be necessary.

5. NEW BUSINESS

A. Liaisons for City Council Meetings – August through December

August – Commissioner Riedel

September – Commissioner Eggenberger

October – Commissioner Holker

November – Commissioner Riedel (tentative)

December – Commissioner Huskins

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 Technician Carlson noted that there are a few applications coming up for the next meeting: an addition to a non-conforming house; a CUP for a privacy fence; and a Preliminary Plat for an outlot that will be converted into a single-family lot.

7. ADJOURNMENT

Huskins moved, Holker seconded, adjourning the Planning Commission Meeting of August 2, 2022, at 9:34 P.M. Roll Call Vote: Ayes – all. Motion passed 4/0.



CITY OF
SHOREWOOD

4A

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: September 20, 2022

REQUEST: Conditional Use Permit- Special Purpose Fence

APPLICANT: Richard Jeidy and Virginia Ball

LOCATION: 25140 Glen Road

REVIEW DEADLINE: November 30, 2022

LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1C

FILE NUMBER: 22.05

REQUEST:

The applicants requested a conditional use permit to construct a privacy fence with six and seven foot tall sections along their west property line for the purpose of reducing confrontation areas along the property line with their neighbor. The request is considered a special purpose fence that requires a conditional use permit because varies in height, design, and location from the residential boundary fence regulations of the Shorewood City Code.

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

The adjacent property owners on the east, south and west sides of the property are developed with single family homes. The property on the north side (across the regional trail) is a twin-home. The subject property contains approximately 31,000 square feet of area and includes no wetland or floodplain. The property is not subject to tree preservation regulations.

Applicable Code Sections: City Code Section 1201.03, Subd. 2 .f. 11. provides for a conditional use permit to be obtained for any special purpose fence when the height, location and design vary from the residential boundary fence regulations.

City Code Section 1201.03, Subd. 2.f. (9) (a) allows any fence along a side property line to be constructed to a height of six feet on or along the side property line from the rear property line to the required front setback (in this case 35 feet), although it must be at least 25 percent open.

Section 1201.03, Subd 2 f. (9) (b) prohibits any fence in the required front yard to be taller than four feet and requires that it must be a minimum of 25 percent open.

REQUEST

The applicants maintain that the hostility exhibited by the adjacent neighbor has been on-going and the fence is proposed to reduce visibility across the property line and erect a barrier in specific confrontation areas. Due to the height of the adjacent neighbor, the applicants request a solid privacy fence that would be a minimum of six feet along the shared property line and seven feet in the confrontation areas. The fence is proposed to extend the entirety of the shared property line (about 226 feet). The fence would be erected a few inches onto the property owner's side of the property line. The distance between the curb and the front property line is 13.5 feet.

The proposed fence varies from the regulations of City Code Section 1201.03, Subd. 2.f.9- Residential District Fences in three ways: height, setback and design.

Height/Setback: As noted above, without a conditional use permit application, the city's fence regulations would allow for a maximum of a four-foot fence to be installed within 35 feet of the front property line. The applicants have proposed a fence with six and seven-foot sections along the shared property line, with the taller sections in regular confrontation areas. The height they proposed is based on the height of their neighbor.

Design: City Code Section 1201.03, Subd. 2.f.9.a(vii) states that all residential boundary line fences must be constructed to have 25% of the plane from the ground to the top of the fence open. The applicants have stated a concern that with openings, the fence would not achieve the full barrier that is needed to stop property line area confrontations.

FINDINGS

All conditional use permits are reviewed using the standards listed in Section 1201.04. Staff reviewed the application accordingly and finds:

Consistency with the Comprehensive Plan: The proposed use, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan. Fences up to six feet are a conditionally allowed use in residential districts. Although the proposed fence varies slightly from the provisions of the City Code, it is not inconsistent with a residential use of the property.

Compatible with Present and Future Land Uses: The proposed fence would add additional privacy and security between two properties that have a long-standing history of confrontations. It would be an unusual fence in that it will be quite tall, however, the affected property is near the end of Glen Road.

City Service Capacity: The proposed fence uses no utilities or greater impact on the public street.

Public Welfare: The fence would promote and enhance the general public welfare by providing additional security for the property owners. The fence would not be detrimental to or endanger the

public health and safety of any adjacent property owners or car or pedestrian traffic. The fence would be installed near the far west end of the cul-de-sac and the fence would not block visibility of the cul-de-sac as the turnarounds extends south of the existing roadway rather than being centered on the end of the roadway. There is very little traffic on this end of Glen Road and the traffic that drives down this area is proceeding slower as the drivers either prepare to enter driveways or turnaround in the cul-de-sac. According to their survey, the adjacent property owners' driveway is about 70 feet from the proposed fence. The location of the fence at the front property line will be very close to where a coniferous tree is planted and as a result, the fence would provide no new obstructions to visibility.

RECOMMENDATION

Staff finds that the applicants' proposal meets the standards for a conditional use permit and recommends approval. The standards are open to interpretation and consequently, the Planning Commission could reasonably find otherwise. Should the Planning Commission recommend approval of the special purpose fence conditional use permit, staff recommends that the applicant be required to acquire all necessary permits prior to construction.

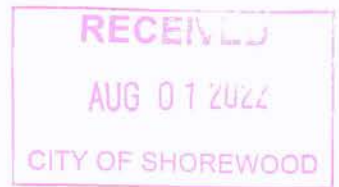
ATTACHMENTS

Location map

Applicants' narrative and plans

25140 Glen Road Location Map





From: Richard Jeidy and Virginia Ball

To: City of Shorewood,

Date: August 1, 2022

RE: Conditional Use Permit (CUP)

Attention: Marie Darling

Reason: Intrusion and harassment from adjacent neighbor @ 25170 Glen Road, Shorewood, MN 55331

The specific reasons we are seeking a CUP are outlined below. The adjacent neighbor has been constantly harassing and yelling at us for 17+ years. He stands on his property glaring at us attempting intimidation. We are asking for 7' high fencing in two areas, these areas are the confrontation areas. The request to move from variegated to solid panels is to eliminate his constant observation of our activity. Frankly we are tired of his antics and fencing would provide out of sight and peace of mind.

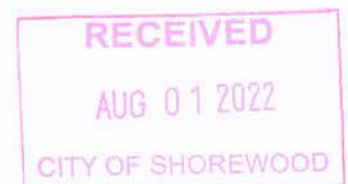
Conditional Use Permit Requests:

- From 6' to 7' (two designated sections) – confrontation areas
- From variegated panels to solid panels
- From back property stake 75' of 6' high, 60' of 7' high, 60' 6' high in front of Global Arborvitaes, 40' of 7' high from end of Global Arborvitaes to street – Detailed on Survey map
- Extend 7' fence as far as possible in the front yard to curb of to prevent visual contact and eliminate one of the confrontation areas: no restrictions on visibility and no impact of traffic. Both 7' high sections would be eliminating confrontation areas

Harassment Instances

1. Verbally assaulted my wife, Ginger Ball standing at the property line and calling her a "vagina". Reported incident to Shorewood Police Dept
2. Denny Hanson former Shorewood Chief of Police recommended we take out a restraining order on the adjacent neighbor
3. October 23, 2021, cut the other adjacent neighbor @ 25110 Glen Road and my Mediacom Internet and cable TV connections, not realizing Mediacom mistakenly cut my line the day before on October 22 and I had a repair ticket for the fix on October 24. Accused me of cutting his line so it was retaliation. He threatened me and asked me "if I wanted to make something of it"
4. November 11, 2021, verbally harassed us while measuring distances on lot line
5. Chased our dog with a shovel while yelling at him
6. The adjacent neighbor cats used our property as a litter box

7. Turns on in-ground lawn sprinklers on while mowing at the property line
8. Constant picture taking & looking out windows – watching our every move
9. Stands on lot line and glares at us
10. Stacked wood on our property, former Shorewood arbitrator Michael Grahek told him to remove wood pile since he was over the property line
11. Threatened me after he was told to remove wood by the City, asked me “what I like to do something about it”. My thought is he was pushing for a physical confrontation
12. Cut back global arborvitaes on our property after specifically being told by former Shorewood arbitrator Michael Grahek to only maintain his side, he left his side untouched
13. April 18, 2022, received letter from attorney Patrick Neaton accusing me of removing existing property stakes - copies attached
14. July 11th, 2022, harassed surveyor from Gronberg & Associates while finding survey stakes



CERTIFICATE OF SURVEY FOR
ERNIE PIVEC
 IN LOT 8, BLOCK 1, CASEY ADDITION
 HENNEPIN COUNTY, MINNESOTA

RECORDED
 AUG 01 2002
 CITY OF SHOREWOOD

SITE COPY

- PROPOSED ELEVATIONS
 1) TOP OF FOUNDATION = ~~962.3~~ 962.3
 2) BASEMENT FLOOR ELEVATION = ~~958.3~~ 958.3
 3) GARAGE FLOOR ELEVATION = ~~962.0~~ 962.0
 SEE SHOREWOOD CITY ENGINEER'S
 MEMORANDUM ATTACHED.

PROPOSED HARD COVER

HOUSE	=	2332	±	Sq. Ft.
DRIVWAY	=	1160	"	
DECK PORCH	=	201	"	
DECK	=	224	"	
SIDEWALK	=	148	"	
TOTAL	=	4065	=	12.72%
LOT AREA	=	31,945	"	

CHICAGO & NORTH WESTERN RAILWAY
 $R=1601.40$
 $\Delta=90^{\circ}14'40''$
 $L=118.58$

0.38

118.00

(955.9)

S 00°00'00" E 312.82

60' OF 7'
 CONFRONTATION
 AREA

60' OF 6'

40' OF 7'
 CONFRONTATION
 AREA

2"-3" OFF
 PROPERTY LINE

GLEN ROAD

N 90°00'00" W 118.00

MANHOLE
 RM ELEV=960.8
 HY ELEV=947.10

LEGAL DESCRIPTION OF PREMISES

The East 118 feet of Lot 8, Block 1, CASEY ADDITION

This survey shows the boundaries of the above described property, the location of an existing foundation thereon, and the proposed location of a proposed house and deck. It does not purport to show any other improvements or encroachments.

- : Iron marker found
 - : Iron marker set
 - (959.5) : Existing spot elevation, mean sea level datum
 - (959.5) : Proposed spot elevation, mean sea level datum
- Bearings shown are based upon an assumed datum



GRONBERG & ASSOCIATES, INC.
 CONSULTING ENGINEERS, LAND SURVEYORS, SITE PLANNERS
 445 N. WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a duly registered Civil Engineer and Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
 Mark S. Gronberg Minnesota License Number 12755

SCALE
 1"=30'

DATE

9/27/02

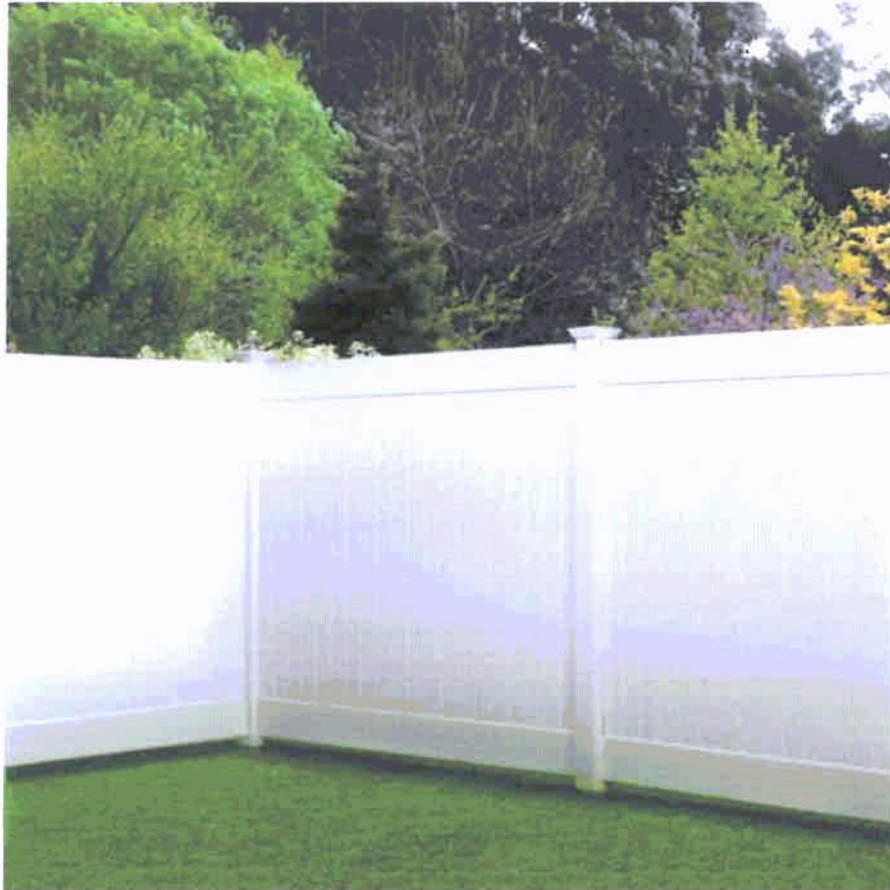
JOB NO.

02-432

RECEIVED

JUL 25 2022

CITY OF SHOREWOOD





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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: September 20, 2022

RE: Preliminary Plat

APPLICANT: Roy Lecy

LOCATION: Outlot D High Pointe Estates (PID 3411723340032)
Southeast end of Charleston Circle

REVIEW DEADLINE: December 29, 2022

ZONING: R-1C

COMPREHENSIVE PLAN: Low To Medium Density Residential

FILE NO.: 22.07

REQUEST:

The applicant proposes a preliminary plat to alter the legal description for Outlot D so that they can sell the property for construction of one single family home.

The applicant also requests approval of a final plat. Requests for final plat are reviewed by the City Council.

Notice of the request was published in the official newspaper and mailed to all property owners within 750 feet of the subject property at least 10 days prior to the public hearing.



BACKGROUND

Context: This parcel was platted as Outlot D in High Pointe Estates subdivision and PUD in 2003. The outlot was created so that the land could be further subdivided in the future with other neighboring properties.

The subject property is not within the Shoreland or Floodplain Overlay District. The majority of the wetland to the south is on a separate parcel owned the City of Shorewood, but wetland buffers will be required for the new lot.

The adjacent properties, except the outlot for the wetland, are all developed with single-family homes

Applicable Code Sections:

Section 1201.02 (Definitions) **OUTLOT.** A lot remnant or parcel of land left over after platting, which is intended as open space or other use, or which is reserved for future development and for which no building permit shall be issued.

Section 1202.05 Subd. 2. e. *Lot remnants/outlots.* Remnants of land below minimum lot size, except in instances of cluster zoning, shall be added to adjacent lots rather than remaining as unusable parcels. Outlots may be used, if they carry with it an easement in favor of the city, for open space to guarantee that the same will not be developed for building purposes. Outlots may also be used to set aside land to be platted at a later time. In these cases a resubdivision sketch for the outlot shall be required. Building permits shall not be issued for outlots or remnants.

ANALYSIS

The applicant is requesting approval of the plat not to subdivide the property but to provide a lot/block legal description that would allow the parcel to be sold for development. When the property was originally platted, the outlot was set aside to be combined with other adjacent properties for a larger subdivision that what is possible on its own. After 20 years, the developer wants to sell the property. HOA documents were already recorded against the parcel and those will carry over after the new legal is recorded.

Lot Width/Area: Section 1202.05 Subd. 2. c. of the subdivision regulations requires that all lots have adequate frontage on a city-approved street. Additionally, section 1201.12 of the zoning regulations has specific area and width requirements for newly created lots. The current and proposed lot areas and widths are shown below. The applicant has proposed variances for both requirements and that discussion is found later in the report.

	EXISTING		REQUIRED IN R-1C	
	Lot Area	Lot Width*	Lot Area	Lot Width*
Parcel	79,415 sf.	±155 ft.	20,000 sf	100 feet

*As measured at the front setback

Setbacks: The applicant has indicated that he has adequate area for a house to be construction on the home consistent with minimum structure and wetland buffer setbacks.

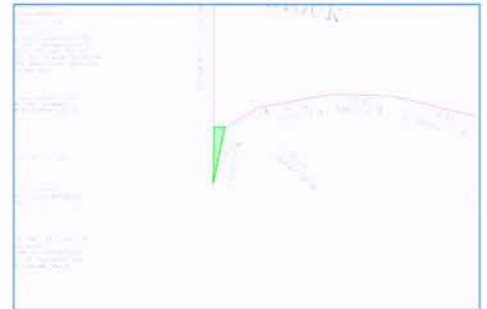
Impervious Surface Coverage/Stormwater run-off: The applicant indicates that their concept home would require about 9 percent impervious surface coverage and that they would construct two separate raingardens to provide rate control. The final design would be submitted with the building permit application, but the concept design appears consistent with the city's requirements.

Easements: Section 1202.05 Subd. 6. requires 10-foot drainage and utility easements around the periphery of each lot and the applicant has shown the easements on their plans. As a condition of approval, staff recommends the applicant:

- 1) extend the drainage and utility easement over the wetland and wetland buffers; and
- 2) submit executed conservation easements over the wetland and wetland buffers.

The applicant has already submitted the legal descriptions and an exhibit for the conservation easement.

Additionally, the plat would landlock the city-owned wetland parcel to the south. Staff recommends requiring an access easement over the southerly tip of the property (see the figure to the right) to ensure access the property in the future.



Wetland: The applicant indicates that the wetland crosses off the city property and onto theirs and has submitted a wetland delineation application. The delineation is required to be submitted to the watershed for their review and the final determination of the boundary must be submitted to the city. Any changes needed to accommodate the edge of the wetland must be documented on the final plat and with the conservation easement legal description. Staff recommend conditions to this effect.

Utilities: The lot has access to municipal sewer in Charleston Circle, but water is farther away and could be provided by well.

Tree Preservation: The applicant has submitted a tree inventory, but it does not include the specie, size, quality or status of the trees. If the final plan submitted is consistent with the proposed home, between 6 and 12 trees would be removed for the home and driveway. The applicant is also required to provide a reforestation plan with the new building permit to show what types/sizes of trees would be planted to replace those removed. Staff also recommend conditions to provide the missing information on the tree inventory as well as the landscaping plan.

RECOMMENDATION

Staff recommends approval of the preliminary plat on the finding that the lot would be consistent with intent of the subdivision and zoning requirements, subject to the following conditions:

- Prior to recording the plat, the applicant shall complete the following:
 - Any changes to the wetland delineation shall be incorporated into the plans and the legal descriptions for the conservation easement for the wetland and wetland buffer.
 - Submit a revised final plat with drainage and utility easements over the wetland and wetland buffers and separate legal description and exhibit for an access easement over the southwesterly tip of the parcel to provide access to the city's property to the south.
 - Submit executed conservation easements over the wetland and wetland buffers and an executed access easement.
 - Pay required utility connection fees and park dedication for one additional lot.

- Prior to construction of a home on the new lot, provide the following:
 - Proof of recording for the plat, easements, and other recorded documents.
 - A stormwater management plan consistent with the City and watershed district requirements.
 - A revised tree preservation inventory with the size, species, condition, and status of the trees on the site
 - A landscaping plan showing the required tree replacements consistent with City Code and the tree preservation policy.

ATTACHMENTS

Location map

Engineer's Memo

Applicant's narrative and plans

S:\Planning\Planning Files\Applications\2022 Cases\High Point Estates 2nd Addition PP FP\PC memo.docx

City of Shorewood Application Request

Roy Lecy and Mark Lecy request Outlot D High Pointe Estates be converted to one single family lot. The new lot would be Lot 1 Block 1 High Pointe Estates Second Addition.

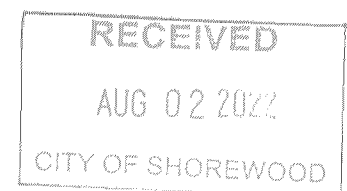
Sincerely,



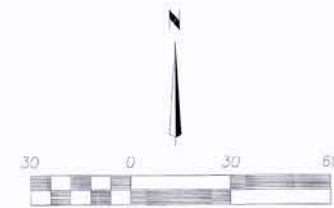
Roy Lecy 7/10/22



Mark Lecy 7/10/22



LEGAL DESCRIPTION:
Outlot C, HIGH POINTE ESTATES



SCALE IN FEET
ALL BEARINGS ARE ASSUMED
○ - DENOTES 1/2-INCH X 1/4 INCH SET IRON
PIPE MARKED BY LICENSE NO. 22414
● - DENOTES FOUND IRON PIPE

AREA: Lot 1, Block 1 - 79,415.6 Sq. Ft.

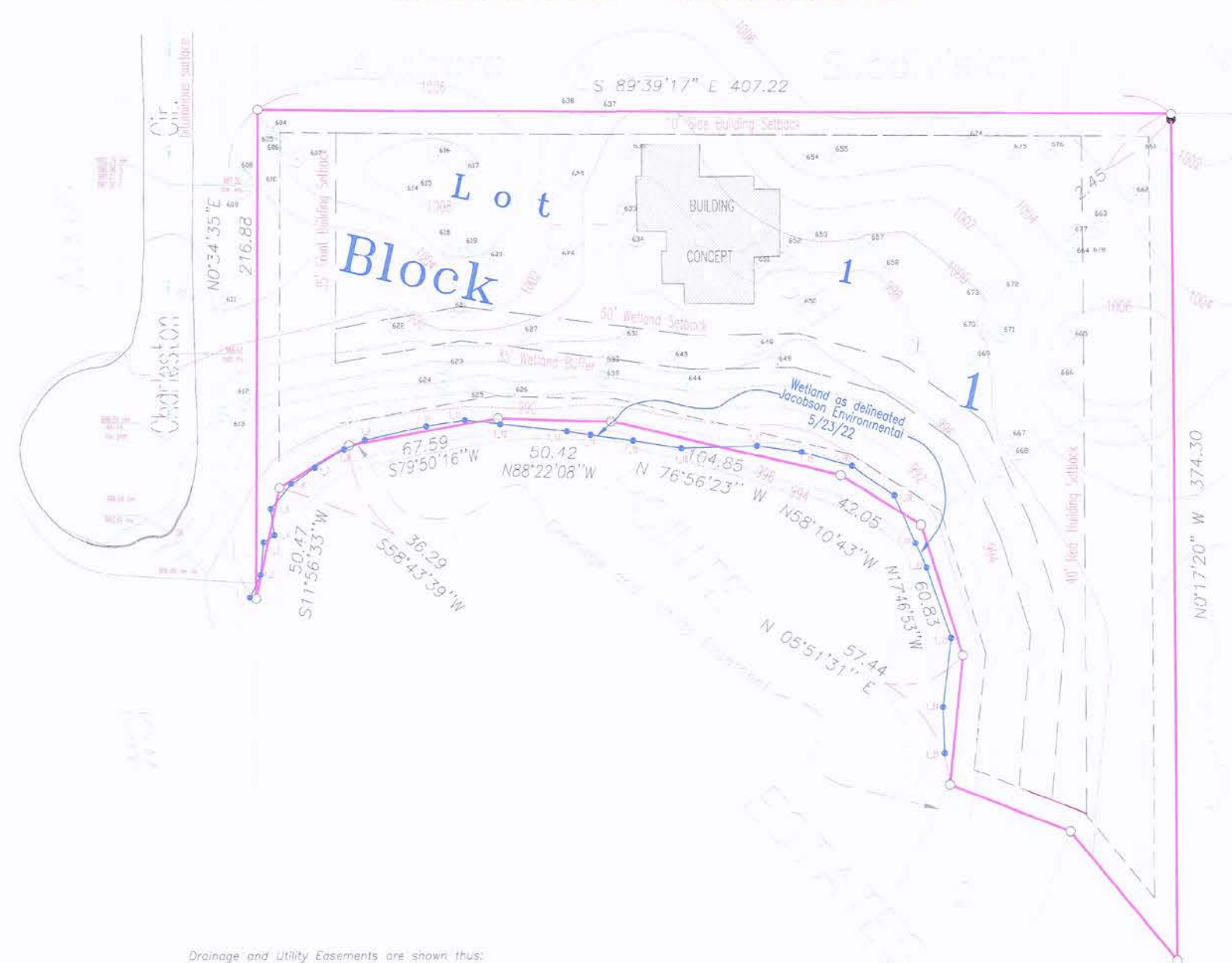
Tree Descriptor Legend



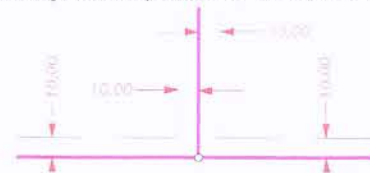
Tree Inventory:

604	trbw dbl 2	648	trw18
605	trbw26 1.5	649	trw18
606	trbw12	650	tre16
607	trbw20 dbl	651	tre16
614	tre12	652	tre12
615	tre14	653	tre12
616	trbw14 3.5	654	tre10
617	trbw14	655	trw18
618	trbw14	656	trw16
619	tre12	657	trbw12
620	tre18	658	trw18
621	tre16	661	trw18
622	tre18	662	tra8
623	tre18	663	tre14
624	trbw10	665	trm14
625	trbw14 3w	666	trw16
626	trm14se	667	trbw24
627	trbw24	668	trbw20
628	trbw24	669	trbw20
629	trbw32	670	trbw20
631	trw22	671	trbw16
632	trw14	672	tre16
633	trbw10	673	trbw10
634	tre12	674	trw18
635	tre14	675	trw20
636	trbw12	676	trw12
643	trw10	677	trp8
644	trbw10	678	trm12

HIGH POINTE ESTATES SECOND ADDITION



Drainage and Utility Easements are shown thus:



Being 10 feet in width adjoining lot lines, unless otherwise indicated, and 10 feet in width adjoining right-of-way lines, as shown on the plot.

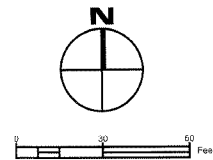
DEMARS-GABRIEL
LAND SURVEYORS, INC.
2317 W. 93rd St.
Bloomington, MN 55431
Phone: (763) 559-0908
dec@westoffice.net

I hereby certify that this survey, plan 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.
Revised: 1/12/2022
David C. Crook
Date: 1/12/2022 Min. Reg. No. 22414

File No.
14637-D
Book-Page
KH/DRM
Scale
1"=10'

DEMARS-GABRIEL
LAND SURVEYORS, INC.

RECEIVED
AUG 02 2022
CITY OF SHOREWOOD



BENCHMARK
See survey documentation

LEGEND:

- PROPERTY LINE
- SETBACK
- STABILIZED CONSTRUCTION ENTRANCE
- SILT FENCE OR SEDIMENT CONTROL LOG
- PROPOSED SPOT ELEVATION
- PROPOSED DRAINAGE DIRECTION
- PROPOSED CONTOUR
- EXISTING CONTOUR
- RAIN GARDEN BASIN
- RIPRAP, CL II W/ FABRIC
- SANITARY SERVICE W/ CLEANOUT

SITE DATA:

- PROPERTY AREA: $\pm 79,422 \text{ FT}^2$
 - EXISTING IMPERV.: $\pm 0 \text{ FT}^2$
 - PROPOSED IMPERV.: $\pm 7,200 \text{ FT}^2$
 - NET NEW IMPERVIOUS: $\pm 7,200 \text{ FT}^2$
 - REQ'D BASIN VOLUME*: 600 FT^3
- *BELOW OUTLET ELEV.

GRADING & RAIN GARDEN NOTES:

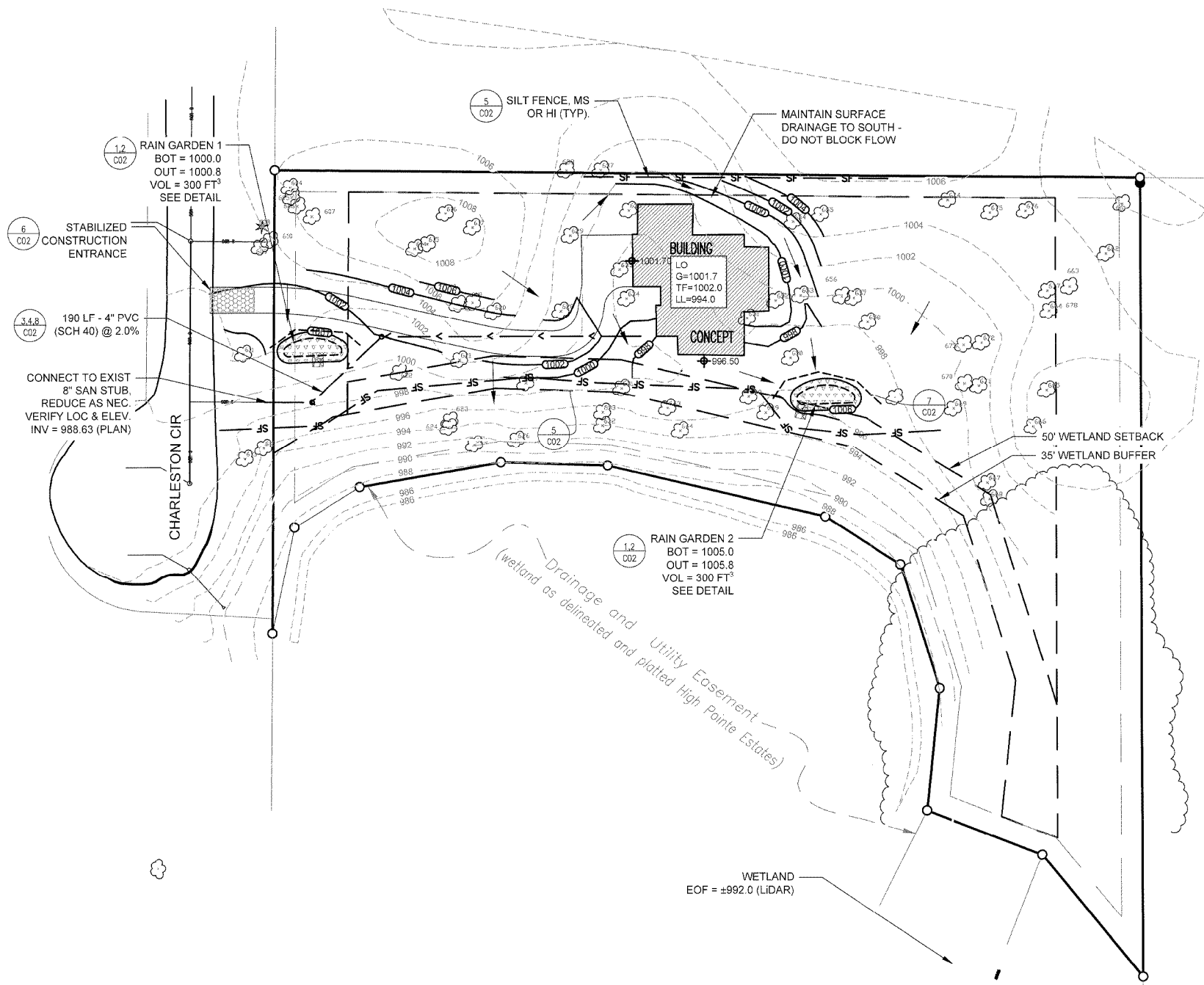
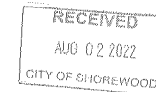
- Grading indicates one potential option; preferred driveway type and location and basin location may vary per owner preference. Verify.
- At least 50% of new impervious area shall drain to rain garden basins.
- The utilities have not been located for this plan; Contractor is responsible for contacting Gopher State One Call and ensuring utilities are located prior to digging.
- Topographic survey by others.
- Unless noted otherwise, all proposed contours indicate finished grades.
- 12' wide driveway shown with 2% cross slope (no crown).
- Minimize compaction in rain garden area below outlet elevation (OE); excavate with light-weight equipment or from the side to the extent practical.
- Excavate to 2-3" below final basin bottom elevation, add 2-3" of leaf compost and/or sandy topsoil, till to 8-12" depth.
- Any offsite topsoil borrow brought in for rain garden should be a minimum of 50% coarse sand.
- NOTE: If basin bottom contains compacted silts and clays it will not drain property, and will likely have extensive standing water and plant die-off; soil correction may be required.
- Plant basin with water-tolerant native rain garden plant species (2" plugs or larger) in spring or fall as recommended by supplier.
- Basin shall be protected with sediment control log (or similar) until remaining disturbed area is stabilized with vegetation and basin plantings are growing.

SEDIMENT CONTROL & TURF RESTORATION NOTES:

- Perimeter sediment controls shall be installed as indicated prior to site disturbance, and shall be installed to allow for high-flow bypass or overflow to prevent failure during significant rainfall.
- Contractor is responsible for keeping sediment from leaving the property, including vehicle tracking. Should sediment be tracked onto adjacent street, Contractor shall sweep at the end of work day.
- Install silt fence or sediment control log around any soil stockpiles that will be present for more than 7 days.
- If areas with slopes greater than 3:1, and near water bodies, are disturbed, they shall be protected with temporary vegetation, mulch or other means as soon as practical.
- Perimeter sediment controls shall be installed as indicated prior to site disturbance, and shall be installed to allow for high-flow bypass or overflow to prevent failure during significant rainfall.
- Devices shall be inspected weekly and after all rainfall events exceeding 1", and maintained as necessary to keep the intended functional condition.
- Accumulated sediment shall be removed from sediment control devices when $\frac{1}{3}$ of device height has been reached.
- After rough grading is completed, and topsoil spread, areas shall be seeded and blanketed or hydromulched (or sodded) within 7 days. Areas not being actively worked must be covered with temporary seed within 14 days.
- Perimeter sediment controls shall remain in place until vegetation is growing / established in all disturbed areas.

POLLUTION PREVENTION NOTES:

- Concrete washout shall not be permitted onsite, unless done per MPCA standard.
- Vehicle or equipment washing will not be performed on site.
- All solid waste must be disposed of in accordance with all applicable federal and state regulations.
- All hazardous materials must be properly stored to prevent spills or leaks; dispose per all applicable regulations, including MN Rule Ch. 7045.
- Pesticides, herbicides, fertilizers, cleaners, paints, treatment chemicals, etc., must be stored under cover to prevent pollutant discharge (or similarly protected to prevent contact with stormwater).
- DEWATERING, if necessary, shall be done in a manner so as to not discharge sediment-laden water or cause downstream nuisance conditions of standing water or erosion.
 - Discharge dewatering towards street.
 - Dewatering water shall be inspected for turbidity (cloudy with sediment); if present, filtration mechanism shall be installed at pump inlet and/or outlet to remove sediment. This may include pumping from a perforated barrel lined with a filter fabric, pumping to a sediment filter sack or temporary settling basin (lined dumpster, pit, etc.) with in-line Chitosan sock (or similar non-toxic flocculant) and discharge from the surface, or similar filtration mechanism approved by the City.
 - Dewatering must be done to MPCA standards.



CIVIL METHODS, INC.

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West St. Paul, MN 55118
o:763.210.5713 | www.civilmethods.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DAVID M POGGI
DATE: 12-19-2019
UC NO: 44573

DESIGNED: DMP/KEB
DRAWN: DMP
CHECKED: KEB

DATE / REVISION:
12-19-2019 INITIAL SUBMITTAL

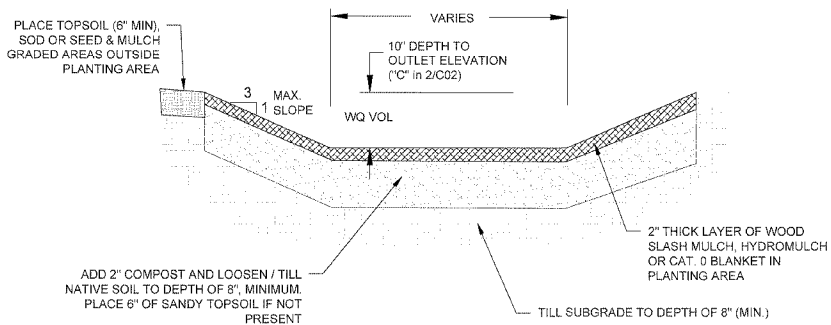
LECY BROS. CONSTRUCTION
MINNETONKA, MN

GRADING, UTILITY & EROSION CONTROL
HIGH POINTE ESTATES SECOND ADDITION
SHOREWOOD, MN

SHEET NO:

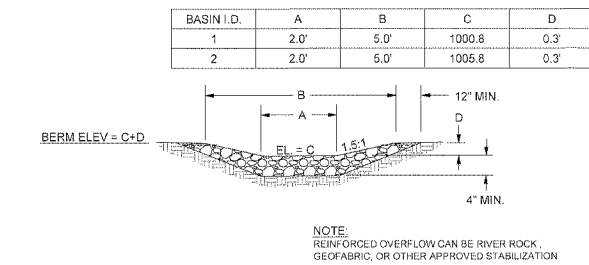
C01

NOTE: INSTALL NATIVE PLANT PLUGS (SIZE 2") FROM LIST (OR SIMILAR) SPACED PER SUPPLIER INSTRUCTIONS.



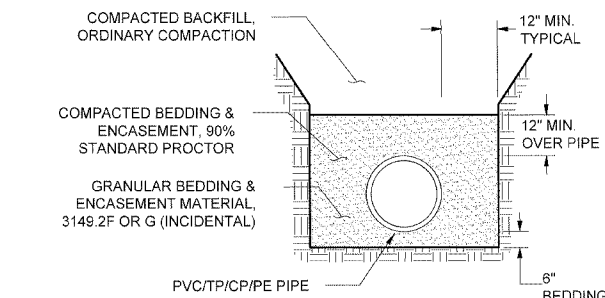
RAIN GARDEN

1
C02



REINFORCED BASIN OVERFLOW

2
C02



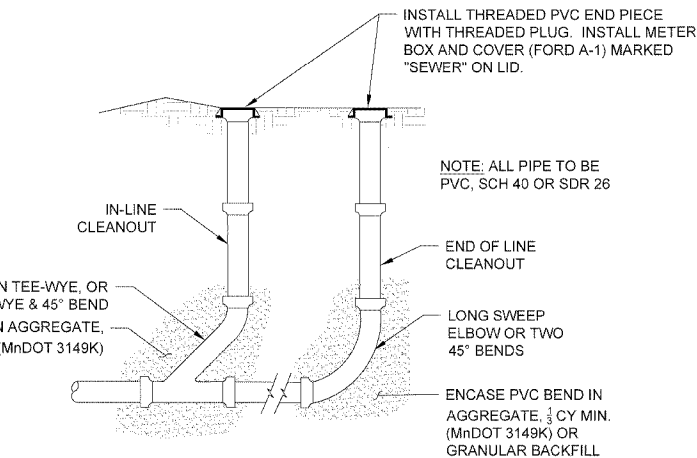
PIPE TRENCH - FLEXIBLE & DIP

3
C02

Common Name	Height	Location	Color	Bloom Time
Wildflowers				
Black-eyed Susan	1.0 - 3.0	Side	Yellow	Jun-Aug
Yellow/Greenhd Coneflower	3.0 - 8.0	Bot	Yellow	Jul-Sept
Sneezeweed	2.0 - 5.0	Bot	Yellow	Aug-Oct
Ironweed	3.0 - 6.0	Bot	Purple	Jul-Sept
Marsh Milkweed	3.0 - 5.0	Bot	Pink/white	Jun-Aug
Joe-Pye Weed	4.0 - 6.0	Bot	Purple	Jul-Sept
Ox-eye Sunflower	2.0 - 4.0	Bot	Yellow	Jun-Sept
Blue Flag Iris	2.0 - 3.0	Bot	Blue	May-Jul
Great Blue Lobelia	1.0 - 2.5	Bot/Side	Blue	Aug-Sept
Smooth Phlox	2.0 - 3.0	Bot/Side	Pink/Purp	May-Jun
Autumn Joy Sedum	1.5 - 2.0	Side	Pink	Aug-Oct
Compass Plant	5.0 - 8.0	Bot	Yellow	Jul-Sept
Culver's Root	3.0 - 5.0	Bot	White	Jul-Aug
Prairie Blazingstar	2.0 - 4.0	Bot/Side	purple	Jul-Aug

Grosses				
Karl Foerster's Feather Reed	1.0 - 2.0	Bot/Side		
Nodding Sedge	2.0 - 4.0	Bot		
Palm Sedge	1.0 - 2.0	Bot/Side		
Tussock Sedge	1.0 - 3.0	Bot		
Fox Sedge	1.0 - 2.5	Bot/Side		
Soft Rush	1.0 - 2.0	Bot		
big bluestem	2.0 - 6.0	Bot		

NOTE: This is a partial rain garden plant list; other wet-tolerant native plants may be suitable.



SANITARY SEWER CLEANOUT

4
C02

TRENCH EXCAVATION, BEDDING & BACKFILL:

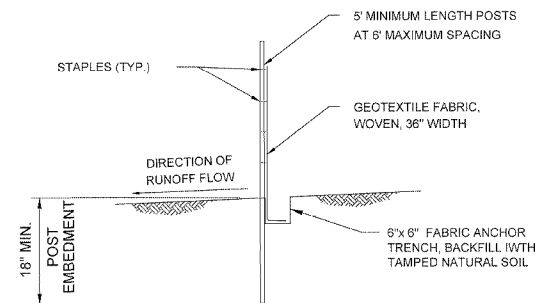
- Trench excavations shall be in accordance with the requirements of CEAM Standard Specifications Section 2600.3B.
- Granular Bedding and Granular Encasement - Bedding and granular encasement materials used in the pipe zone area (4" below the pipe to 12" over the pipe) shall conform to Mn/DOT 3149.2F.
- Backfill material shall consist of soil from trench; in the case of unsuitable material, backfill shall consist of Mn/DOT 3149.D1.
- Bedding and encasement shall be compacted to 90% Standard Proctor using Specified Density Method, or as recommended by manufacturer, whichever is denser.
- Backfill shall be compacted in 12" lifts to Specified Density Method:
 - 100% Standard Proctor from subgrade elevation down 3 feet.
 - 95% Standard Proctor from bottom of excavation up to 3 feet below
- Backfill material around all manholes, catch basins, valve boxes, curb boxes, and hydrants shall be compacted with hand-machines. The maximum lift thickness shall be 6 inches.

SANITARY SEWER SYSTEM:

- If existing stub/main is VCP, installation of the PVC wye will require installation of rubber couplings with stainless steel shear rings and stainless steel clamps. Couplings shall conform to ASTM C425 and ASTM C1173.
- Water tight connection to existing pipe shall be encased in concrete from trench bottom.
- Sanitary sewer pipe and fittings shall consist of solid-wall PVC SDR 26 / Schd 40 with joints of elastomeric or solvent cement as recommended by the manufacturer for water-tight connection.
- Sanitary service lateral (4" Ø) shall be installed at a minimum grade of 2.0% and shall tie in at crown of existing main (if appl); any deviation shall be approved by the Engineer prior to installation.
- When connecting to existing lines, Contractor shall field verify location, elevation, type and size of existing material to ensure a proper connection. Notify engineer if differs from plan.
- All water / material must be kept out of the bell of the pipe until the joint is completed.
- Extend pipe to 5' of building wall; coordinate location & elevation with building contractor / mechanical drawings.
- Sanitary stub end to be plugged until building connection made.
- Pipes shall be inspected and tested per City standards.

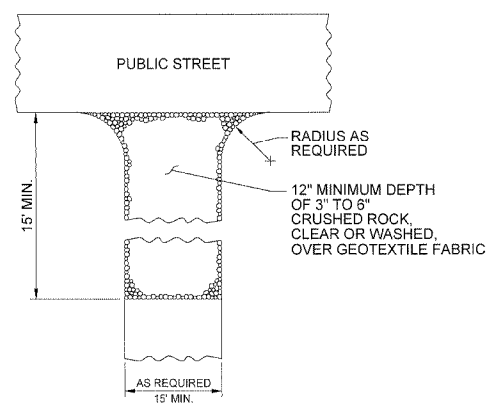
SANITARY SEWER NOTES

8
C02



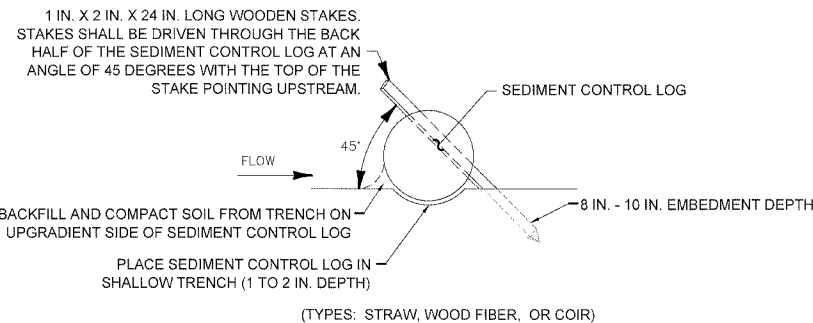
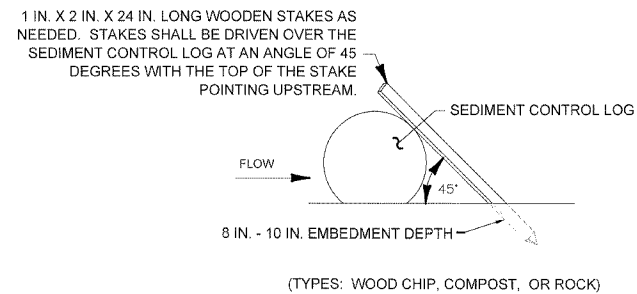
SILT FENCE - PREASSEMBLED

5
C02



STABILIZED CONSTRUCTION ENTRANCE

6
C02



SEDIMENT CONTROL LOGS

7
C02

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DETAILS
HIGH POINTE ESTATES SECOND ADDITION
SHOREWOOD, MN

SHEET NO:

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**BOLTON
& MENK**

Real People. Real Solutions.

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Bolton-Menk.com

MEMORANDUM

Date: September 14, 2022
To: Marie Darling, Planning Director
From: Andrew Budde, PE/Matt Bauman, PE
Subject: High Pointe Estates Subdivision/Final Plat – Engineering Review
City of Shorewood
Project No.: 0C1.123603

The following documents were submitted for review of compliance with the City of Shorewood's Local Surface Water Management Plan and Engineering Standards:

- Civil Engineering Plans dated 12/19/2019
- Stormwater Management Plan dated 12/18/2019
- Wetland Delineation Report dated 5/23/2022

This review included the documents listed above primarily dealing with grading, modelling and stormwater management.

1. The proposed stormwater management proposed generally meets the City's Surface Water Management Plan requirements. Additional review and comments will be provided during building permit application.
 - a. Note the applicant will be required to complete a stormwater maintenance agreement for the long-term care of the rain garden facilities.
 - b. The rain garden facilities will need to be outside of the drainage and utility easements.
2. An access easement should be included with the plat for the southwestern tip of the property between the cul-de-sac and the wetland so the City can reach the wetland in the future.