

DRAFT MINUTES

CALL TO ORDER

Vice-Chair Eggenberger called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Commissioners Eggenberger, Holker, Gorham, Johnson; Planning Director Darling; Planning Technician Carlson, and, Council Liaison Maddy

Absent: Commissioner Huskins

1. NOMINATION AND ELECTION OF OFFICERS

Holker moved, Gorham seconded, to elect Commissioner Eggenberger to serve as Chair. Motion passed 4/0.

Johnson moved, Holker seconded, to elect Commissioner Gorham to serve as Vice-chair. Motion passed 4/0.

2. APPROVAL OF AGENDA

Holker moved, Gorham seconded, approving the agenda for March 7, 2022, as presented. Motion passed 4/0.

3. APPROVAL OF MINUTES

- February 7, 2022

Holker moved, Gorham seconded, approving the Planning Commission Meeting Minutes of February 7, 2023, as presented. Motion passed 4/0.

4. MATTERS FROM THE FLOOR – NONE

5. PUBLIC HEARINGS

Chair Eggenberger 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 – Rezoning and PUD Concept Plan for a Twin Home Development**
Applicant: TSML Properties LLC
Location: 24250 Smithtown Road

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Planning Director Darling explained the request from TSML Properties, LLC to rezone the property at 24250 Smithtown Road and for a PUD concept plan for 8 townhomes which would be individually owned. She noted that this item relates to only the portion of the project that would be located in Shorewood and noted that there are components of the project that are in Tonka Bay. She stated that staff feels that they are proposing too many units on the site to be able to offer adequate buffer and transition between the proposed homes and the Public Works facility. She stated that staff finds this inconsistent with the direction in the Comprehensive Plan and feels that the conflict between uses would be problematic without at least having visual protection of this activity. She explained that staff was recommending denial of the application of both the rezoning and the PUD concept plan. She noted that the City received one letter that expressed concern about the development.

Commissioner Gorham asked what the next step in the process would be if the Planning Commission decided to actually recommend approval.

Planning Director Darling explained that if the application moves forward to the City Council and they find it should be approved, the applicant would need to come back for a PUD development plan and Preliminary Plat, a PUD final plat and Final Plat.

Commissioner Holker stated that this proposal has also not been formally presented to the City of Tonka Bay either.

Commissioner Gorham stated that he remembered that the Commission had heard a different proposal for these sites and at that time there was some preliminary discussions with Tonka Bay on the overall process. He asked if there was any insight into how this may play out.

Planning Director Darling stated that the previous proposal got to the sketch plan phase of development and believes both cities would support review of the application separately. She stated that the thought was that they did not want to adjust the boundary between the two cities so the development would fully be in one city of the other.

Commissioner Holker asked if the previous applicant had formally walked away from the project.

Planning Director Darling stated that this was correct and explained that the previous applicant had an option on the property and had walked away.

Chair Eggenberger asked if the Planning Commission voted to recommend denial if that would go before the City Council without a delay.

Planning Director Darling stated that was correct.

Todd Simning, Ador Homes, introduced Ryan Lundgren with TSML Properties. He stated that they held a meeting with the cities of Shorewood and Tonka Bay and his take away from was that Tonka Bay wanted to ensure that the units within each respective City were clearly within the boundaries of one or the other and explained that they were aware of the Public Works facility. He noted that they also have had conversations with the County about the possibility of changing the intersection in this location in order to make it more safe. He stated that they applied a little over two weeks ago with Tonka Bay for this application and stated that the applications with the two cities are running concurrently. He noted that two of the biggest objections from staff related to the north property line and the noise from the Public Works facility. He stated that moving the house a bit further away would really not help control the noise level that much and stated that this was one of the reasons behind their fence design and explained their plans for arbor vitae

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because it would reduce the decibel level by about 10 points. He gave an overview of STC ratings which are ratings of decibels as they go through structures and noted that a townhouse project involves STC ratings because people don't want to hear each other, so they put together a good structure that assists with helping the noise not to travel so freely. He stated that he can provide more detailed documents to the City to show what they can utilize in this type of situation. He stated that the City does not have a lot of multi-family housing options available and they would like to provide this option to the residents. He stated that by using quality construction methods they will not downgrade the neighborhood and people will really enjoy living there despite what is nearby. He stated that they are planning for 12 feet between units and reviewed their plans for water runoff plans. He stated that back in 2019 the City approved two structures that were put in with a PUD that are only 10 feet apart, but inside the roof overhangs, the structures are only about 8 feet apart. He referenced Barrington that has side yard setbacks of 4 feet and noted that he feels this is a really nice development. He stated that for the fence on the north side, there is currently a chain link fence, however, they are proposing an 8 foot high white fence and would suggest that their fence replace the chain link fence. He noted that they are willing to maintain it, if the City did not want to take over its maintenance. He explained that they felt this would be better than having two different fences right next to each other. He asked that the Planning Commission move their request on to the City Council. He explained that their goal is to go no more than about the \$1-1.2 million price range for the units.

Commissioner Gorham stated that he would agree that the City needs more multi-family housing options but noted that one of the big constraints on this site, in his opinion, is the elevation.

Mr. Simning stated that the road goes up pretty gradually and they are planning to use most of the land as natural grade.

Kevin Teppen, Civil Site Group, explained that currently, with the driveway coming in, it is relatively flat and you notice the big hill and the existing wall. He stated that with the County agreeing to remove the wall, they have been able to give it a nicer residential feel along Smithtown Road. He stated that it will also allow them to do some things up along the road that would be beneficial to a residential development. He stated that for the existing grade, the 'T' intersection into the commercial area remains at the same grade as it was but they are working with the slope and going up plan to shave about 1.5 feet off which will require some export of material. He reminded the Commission that this is still in the concept level, but they feel it will work out pretty well.

Commissioner Gorham asked what would happen on the north side near building #12.

Mr. Teppen explained that the way it is currently shown, they are sloping down to the property line.

Commissioner Gorham asked to see the landscaping plans and explained that he wanted to see how the grade would work with the landscape plans.

Mr. Teppen stated that the building finished floor for #12 is approximately 1,004 and at the property line it is 997 or 996 so there is some grade change but they do have the plant material about 8 feet in. He stated that they were thinking to put up an opaque fence and put some tall, skinny arbor vitae in there to help with visual and audible screening.

Commissioner Gorham asked if the thought was that a retaining wall would not be needed on this edge.

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Mr. Simning stated that they have talked about that and they could easily have a retaining wall in that area which would keep the fence up and allow the arbor vitae to be higher as well.

Commissioner Holker asked if her understanding was correct that Mr. Simning was saying that it would not be financially feasible to have one less building.

Mr. Simning stated that is correct and everything has to be there for it to be feasible.

Commissioner Holker asked about the side elevation for a walk-out with this kind of slope.

Mr. Simning reviewed the grading plans and the egress window wells.

Commissioner Holker asked how much space there would be between the egress window and the fence/arbor vitae.

Mr. Teppen stated that there are 16.4 feet from edge of structure to property line and the egress windows are 3, which brings it down to 13.4 feet. He explained that the arbor vitae are about 5 or 6 feet wide, which means they will be about 7 feet from the arbor vitae, at maturity, to the face of the building.

Chair Eggenberger stated that they are proposing an 8 foot privacy fence and asked if they would like to go higher with it.

Mr. Simning stated that he has done a lot of fencing and feels 6 foot fences are the best, but 8 foot fences are also okay. He stated that once it goes higher than that, there can be problems with sheer from the winds which makes it difficult to go higher.

Chair Eggenberger asked about the water run-off routes.

Mr. Teppen reviewed the water run-off and plans for catch basins.

Commissioner Johnson asked if she was correct that the plans for the fencing on the north side would not even be close to hitting the main level at some parts.

Mr. Simning stated that he believes it will be about 5 feet above where the first floor is located.

Chair Eggenberger opened the Public Hearing at 7:51 P.M. noting the procedures used in a Public Hearing. There being no comments, Chair Eggenberger closed the public hearing at 7:52 P.M.

Chair Eggenberger asked about the roadway and asked if Tonka Bay would own the first portion and Shorewood would own the rest. He asked how this would work for maintenance purposes and if there were other roads handled this same way.

Planning Director Darling stated that it will be a private street so neither of the cities will own it and would actually be owned by the HOA. She stated that the HOA would also be responsible for performing all the maintenance for it as well. She explained that the utilities would be public and would require some sort of encroachment agreement because their roadway will be over the top of the cities utility lines.

Commissioner Gorham stated that one of the things that resonated with him during the presentation was the idea of other developments that have approached the level of variance needs. He stated that he did not want to be in the business of shoehorning properties into a site

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and then looking at noise mitigation to offset the allowances that were made. He stated that the STC data is most likely true, but that does not speak to the consistency that the Comprehensive Plan tries to provide. He stated that their plans may work in different cities in another location, but this site is on a hill on a very busy street. He stated that he feels that this is a highly visible site and the applicants are asking for a lot of PUD forgiveness from the City. He explained that he was unwilling to do that for this site because there are too many units crammed in. He stated that he wants more multi-family options for residents but thinks that this plan is too much and would require too much 'shoe-horning'.

Commissioner Holker stated that she concurred with Commissioner Gorham and explained that she would feel better about the project if there was one less building, however she understands that is not financially feasible. She agreed that it feels as though this is stuffed into the area and when the trees are cleared off the visibility and adjacency to the Public Works just would not feel right. She stated that she likes the density of this proposal more than the previous proposal, but she still feels as though they are trying to do too much on this parcel.

Commissioner Johnson stated that she is also concerned that the plans are too dense for the property and explained that she worries about the traffic. She stated that she has concerns about how a private road and a public road will be able to do a good job working together. She explained that the north side just feels too tight and thinks the entire development feels too tight for this parcel. She stated that she would recommend that the Planning Commission follow the recommendation made by staff to recommend denial.

Chair Eggenberger stated that he agrees with what has already been stated. He stated that the Commission could vote to recommend approval because that would mean that everything gets further fleshed out in greater detail, but he is not sure that would change the Commissioners minds.

Gorham moved, Holker seconded, recommending denial of the Rezoning and PUD Concept Plan for a townhouse development by TSML Properties, LLC, located at 24250 Smithtown Road . Motion passed 4/0.

Planning Director Darling stated that this item would come before the City Council at the March 27, 2023 meeting.

6. OTHER BUSINESS

- A. Variance to Side-Yard Setback
Applicant: Kyle Hunt & Partners, Inc.
Location: 28170 Woodside

Planning Director Darling gave an overview of the variance requests for property located at 28170 Woodside Road to allow a new home to be constructed. She explained that they are asking for two variances for a side-yard setback of 27 feet rather than 30 and for an overhang that projects four feet into the side-yard setback where two feet is allowed. She stated that staff found the variance proposals meet the criteria and recommends approval, subject to the conditions listed in the staff report. She stated that the City received one letter from an adjacent property owner stating their support for the variance requests.

Kyle Hunt, Kyle Hunt & Partners, 18324 Minnetonka Boulevard, Deephaven, stated that he was here representing the property owners since they were unable to attend tonight. He stated that he was hoping that the Commission has had a chance to read their narrative and

explained that part of the challenge is that his homeowners are empty nesters with a large immediate family who have the expectation of someday having grandchildren. He explained the desire for the master bedroom on the main level and then accomplishing the rest of the house in ways to accommodate their large family. He stated that every inch proposed on the main level makes sense to them and noted that they are not looking at having a second floor because this is something that they plan to utilize for the remainder of their years. He stated that they do have some future space that they could finish in the lower level, but are trying to keep this fairly small. He stated that when setbacks were established, they were under the assumption that there may be neighboring properties on both sides, but in this case, there is a subdivision that has a 33 foot side reverse flag lot that is to the north. He noted that about 10-12 years ago they built the home to the south and that has a 15 foot setback on their north side. He explained that the letter the City received in support of their request is from the property owner to the north.

Commissioner Johnson asked if she was correct that there were no plans to put a second story on the home and asked if that would even be possible with the way this home will be constructed.

Mr. Hunt stated that without a variance someone could build within 10 feet and it could be a full two-story home.

Planning Director Darling reminded the Commission that when they approve a variance, the approval is tied to the plans so if the applicant would want to come back and add another story, they would need to modify the resolution or meet all the setback requirements.

Commissioner Holker stated that she had the same question because she assumes this is not their primary residence since they have 6 children.

Mr. Hunt stated that this is their primary residence and explained that they sold their very large home in Medina and are moving here for the two of them to live but want to have possible accommodations for their children, when they come home.

Commissioner Gorham asked about the overhang variance request.

Mr. Hunt gave an overview of the overhang design and the variance request.

Chair Eggenberger noted that Mr. Hunt had sent him an e-mail over the weekend asking to meet and discuss the property, but explained that he declined to do that.

Gorham moved, Johnson seconded, to recommend approval of the variance requests at 28170 Woodside Road, subject to the conditions included the staff report. Motion passed 4/0.

Planning Director Darling stated that this item would come before the City Council on March 27, 2023.

B. 2023 Work Program and Schedule

Planning Director Darling explained that she had put together a tentative Work Program for the Commission to consider. She stated that the Commission could choose to add other

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projects to it or remove items that they do not feel are necessary. She reviewed the proposed Work Program and asked for feedback from the Commission.

The Commission reviewed and discussed the proposed Work Program and schedule.

Holker moved, Gorham seconded, approving the 2023 Work Program and Schedule as presented. Motion carried 4/0.

C. Liaisons for Upcoming Council Meetings

March - Commissioner Holker

April – Commissioner Johnson

May – Commissioner Gorham

June – Chair Eggenberger

July – Commissioner Huskins (tentatively)

August – Chair Eggenberger

D. REPORTS

- **Council Meeting Report**

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

- **Draft Next Meeting Agenda**

Planning Director Darling stated there were not any new development applications slated for the next meeting but noted that there are still a few out there that are incomplete. She noted that at this point the plan will be to discuss the sign regulations at the next meeting.

E. ADJOURNMENT

Holker moved, Johnson seconded, adjourning the Planning Commission Meeting of March 7, 2023, at 8:42 P.M. Motion passed 4/0.