CITY OF SHOREWOOD PLANNING COMMISSION MEETING TUESDAY OCTOBER 5, 2021

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

AGENDA

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ROLL CALL / (LIAISON) SCHEDULE

MADDY (SEPT)	
EGGENBERGER (DEC)	
GAULT (AUG)	
RIEDEL (NOV)	
HUSKINS (OCT)	
COUNCIL LIAISON JOHNSON (JUL-DEC.)	

- 1. APPROVAL OF AGENDA
- 2. APPROVAL OF MINUTES
 - September 7, 2021

3. MATTERS FROM THE FLOOR

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

4. PUBLIC HEARINGS

A) Registered Land Survey, Variances and Special Home Occupation Permit

Applicant: Peter & Marie Lehman

Location: 21265 & 21285 Radisson Road

B) Conditional Use Permit

Applicant: Ben Becker

Location: 6180 Cathcart Drive

C) Comprehensive Plan 2040 Amendments to the Land Use Map

Applicant: City of Shorewood

Location: Multiple

5. NEW BUSINESS

A) Variance

Applicant: Gianfranco & Bonnie Cuneo Location: 26020 Birch Bluff Road

B) Variance

Applicant: City of Shorewood Location: 5655 Merry Lane

6. OTHER BUSINESS - None

CITY OF SHOREWOOD PLANNING COMMISSION MEETING TUESDAY, SEPTEMBER 7, 2021

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

DRAFT MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Gault, Huskins, and Riedel; Planning Director

Darling; Planning Technician Notermann; and, Council Liaison Johnson

Absent: Commissioner Eggenberger

1. APPROVAL OF AGENDA

Riedel moved, Huskins seconded, approving the agenda for September 7, 2021, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

• August 3, 2021

Gault moved, Huskins seconded, approving the Planning Commission Meeting Minutes of August 3, 2021, as presented. Motion passed 3/0/1 (Riedel).

3. MATTERS FROM THE FLOOR - NONE

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

4. PUBLIC HEARINGS

A. Urban Farm Animal Ordinance Amendments

Planning Technician Notermann explained that in June, a resident asked the City Council to amend the City's regulations regarding required consent from a portion of the neighbors in order to have chickens or to add a variance process. She referenced a recent Minnesota Supreme Court decision that appears to require cities to follow the same process for ordinance amendments on codes related or dependent on zoning regulations as actual zoning amendments. As a result, the City Council forwarded the proposed ordinance amendments to the Planning Commission for public hearing and recommendation.

Planning Technician Notermann provided an overview of the proposed amendments based on Planning Commission direction from their August 3, 2021 meeting, as well as housekeeping corrections as recommended by staff.

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Commissioner Riedel asked if residents were allowed to have two dogs, but to go beyond two dogs the consent of neighbors was required.

Planning Technician Notermann stated she would have to investigate this matter further.

Commissioner Riedel suggested if this was the case that the language regarding neighbor consent for dogs be removed from this portion of City Code given the fact residents would be able to have chickens without needing to receive neighbor consent.

Commissioner Huskins questioned if a resident wishes to do something different (twice as many chickens, etc.) than is in the code, what will that trigger.

Planning Technician Notermann reported this resident would have to make a request to the City Council and staff would have to be directed to look into the request. She noted there was no variance process in place for the urban farm animals code language. Depending on the request, the City may have to consider another ordinance amendment. She explained the urban farm animal section of the code was not within the zoning code so no variance or conditional use permit would apply to these requests.

Chair Maddy opened the Public Hearing at 7:13 P.M. noting the procedures used in a Public Hearing. There being no public comment, Chair Maddy closed the Public Hearing at 7:13 P.M.

Commissioner Riedel commended the Commission for their work on this matter at the last meeting. He stated he supported removal of the neighbor consent language as he anticipated this would be an area of contention. He noted he liked the language that required the coop to be closer to the applicants house than the neighbor's house.

Commissioner Huskins recommended the fees be listed within the Ordinance. Planning Technician Notermann reported this information was within the fee schedule that was adopted by the City Council on an annual basis.

Huskins moved, Riedel seconded, to recommend approval of ordinance approving an amendment to Shorewood City Code Chapter 705 (Farm and Other Animals) as presented by staff. Motion passed 4/0.

B. CUP for a fence

Applicant: Alec Walsh

Location: 5660 Minnetonka Drive

Planning Technician Notermann gave an overview of the request by Alec Walsh for a CUP to construct a six-foot fence at 5660 Minnetonka Drive. She explained a six-foot fence in a front yard abutting an arterial road, County Road 19/Smithtown Road, is allowed with the approval of a CUP. She reviewed the R-2A Single and Two-Family Residential zoning of the subject property, applicable Code sections, staff's analysis, and findings. Staff recommended approval of the CUP subject to the applicant obtaining all necessary permits prior to constructing the fence.

Commissioner Huskins asked if the fence would be on the property line along Minnetonka Drive.

Planning Technician Notermann reported the fence along Minnetonka Drive would be four feet in height and this was allowed per City Code. She noted the portion along County Road19 would be six feet in height, which would require a CUP.

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Commissioner Riedel questioned if neighbor permission was required in order to locate the fence directly on the property line.

Planning Technician Notermann explained this would be completed when the applicant applied for a zoning permit.

Alec Walsh, 5660 Minnetonka Drive, reported the fence along the west property line would be four feet from the property line. He noted there was a sewer easement along this property line and he did not want to be required to remove the fence if the City had to access the sewer line.

Commissioner Huskins questioned if the fence would be treated, painted or stained.

Mr. Walsh reported the fence would be weathered and then stained a natural tone.

Chair Maddy opened the Public Testimony portion of the Public Hearing at 7:24 P.M.

<u>John Leebens</u>, <u>23825 Smithtown Rd</u>, stated he lived directly across the street and has done so for the past 25 years. He discussed how much traffic went by his property on a daily basis noting he fully supported the requested fence.

Chair Maddy closed the Public Testimony portion of the Public Hearing at 7:26 P.M.

Huskins moved, Gault seconded, to recommend approval of the CUP for a six-foot fence in the front yard abutting an arterial road at 5660 Minnetonka Drive, subject to the applicant obtaining all necessary permits prior to constructing the fence. Motion passed 4/0.

Planning Technician Notermann stated this item should appear before the Council on September 27, 2021.

5. **NEW BUSINESS**

A. Variance to side and rear yard setback

Applicant: Wayne Hartmann

Location: 27460 Maple Ridge Lane

Planning Technician Notermann gave an overview of the request by Wayne Hartmann for a variance to side and rear yard setbacks to construct a shed and carport on a 24-foot by 24-foot concrete pad at 27460 Maple Ridge Lane. She noted the accessory structure is already constructed and located approximately 4 feet from the side property line where ten feet is required and 16 feet from the rear property line where 50 feet is required. This variance application was submitted after City staff was made aware that the shed was under construction without permits.

Planning Technician Notermann referenced public comments received that are included in the meeting packet. She then provided an overview of the background of this request, applicable Code sections, staff analysis, variance criteria, and findings. Staff is recommending approval subject to applicant obtaining all necessary permits prior to any additional construction of the shed. Should the Planning Commission consider recommending approval of this variance, staff recommends the applicant be required to acquire all necessary permits and enter into an encroachment agreement.

Commissioner Riedel questioned when the original shed was built without a permit.

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Planning Technician Notermann commented it was built prior to the applicant being on the property.

Commissioner Riedel inquired if the driveway was installed without a permit.

Planning Technician Notermann stated this was the case and noted the City would require this to be rolled into zoning permit with the new structure.

Commissioner Riedel asked if a building straddles a property line, it cannot be legally non-conforming. He questioned what the process was for these buildings.

Planning Technician Notermann commented that in this instance an encroachment agreement could be pursued with the neighbor to allow the shed to remain in place, across the property line.

Commissioner Gault explained he was the neighbor and noted this shed has been in place since before 2003. He noted he moved to the property in 2005. He anticipated the encroachment occurred because there were offsetting easements on his property and on the Hartmann property. He indicated the encroachment was very minor, one foot or so.

Wayne Hartmann, 27460 Maple Ridge Lane, applicant, thanked staff for the detailed presentation. He reported his original intent was to use the original carport and lift it up. He explained it had become unusable because it was not built well and did not have a foundation. He stated his efforts failed and the building came crashing down. At that point, the building was twisted and broken, so he found it would be easier to rebuild. He reported his existing driveway runs down the property line and services the garage with an extension to the carport. He indicated this was currently non-conforming and has been non-conforming the entire time he owned the property. He explained he was looking to keep a driveway in place to the carport.

Commissioner Riedel asked if the applicant had considered applying for a permit for the process. He stated it appeared the applicant had built a shed and driveway without speaking to the City. He requested further information regarding this process.

Mr. Hartmann explained the driveway was not rebuilt, but rather remained as is. He noted with the shed he was working to make repairs and then went into an automatic replacement mode after the shed fell. He had the understanding a shed under 200 square feet did not require a building permit.

Commissioner Riedel clarified an accessory structure under 200 square feet did not require a building permit, but did require a zoning permit.

Commissioner Huskins requested further information regarding the decision for the structure to have a drain and then not to have a drain.

Mr. Hartmann commented he spoke to a landscaper regarding the use of pavers because this would assist in absorbing the water runoff from the driveway. However, after speaking with staff, he learned the City of Shorewood does not recognize this as impervious surface coverage. At that point, he decided to move in another direction given the expense to install pavers. He reiterated that he was just trying to get his property back to normal.

Commissioner Huskins questioned if there was a history of water concerns on the property.

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Mr. Hartmann stated there was a slope on the property from the flat driveway down to the shed and water flows downhill. He commented when the old building was in place there was asphalt down the hill. He indicated the new shed would push the water to either side. He explained he was not aware that he had a drainage easement on his property, but rather was only a utility easement.

Chair Maddy explained the applicant received a variance for a bedroom expansion in the past and as part of this a ten foot drainage and utility easement may have been required. He asked if staff could check the records for that.

Planning Technician Notermann indicated staff could check the records, but noted staff does refer to these types of easements at drainage and utility easements. She explained Mr. Hartmann's easement was only referred to as a utility easement.

Mr. Hartmann stated the addition to his home was on the opposite end of the house. He noted there was supposed to be a 50 foot setback for his house, but this went right through the middle of his home. He discussed how difficult it was for a homeowner that purchases a home and has a home not within the setbacks. He commented further on how odd his lot was and explained the proposed shed location was the right place for the shed.

Gayle King, 6110 Lake Virginia Drive, stated she has lived at her property since 2003. She noted there has been a common courtesy trail that runs between down from Michelle and Wayne's driveway onto her property in order for the kids to get to the school bus. She indicated this was a loose trail and over the years the trail has washed out more and more. This was brought to her attention in May after a large rain event. She provided the Commission with a photograph of this trail. She commented further on how the base of the shed had eroded due to the rain running down the property. She explained she then began to question if there was another area the shed could be located given the topography of the property and brought these concerns to the City.

Stan King, 6110 Lake Virginia Drive, explained he was concerned with how his property will be impacted by water runoff from Mr. Hartmann's property. He indicated asphalt and cement cause a great deal of water runoff and he wanted to be assured drainage and mitigation measures were in place. He noted erosion was occurring this year, which was a drought year.

Ms. King stated the building looked nice, but she was concerned about the erosion and runoff.

Commissioner Riedel asked what could be done to solve the problem in terms of drainage.

Mr. King indicated he was not an engineer. He noted the City had engineers that had expertise to address this concern.

Ms. King explained she had pictures of the erosion area and stated she would email these to the City.

Mr. Hartmann clarified he did not intend it was no big deal the water was running downhill, rather this was a statement of fact. He reported his work on the property had not changed the fact that the water still ran downhill. He explained the new shed was not changing the fact that there would be water running off his property down the hill. He indicated the boards were put in place to protect the floating slab. He commented he did not suggest to Peggy that a drain be installed, rather the neighbors were installing a drain on their driveway. He noted he has lost six maple trees on his property due to water runoff from Peggy's property and he was not complaining, rather he knew that water ran downhill and he would have to accommodate this water.

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Chair Maddy encouraged the residents in attendance to just agree to disagree on this matter and to respect both sides of the issue.

Chair Maddy commented the applicant had constructed a shed that was just shy of 600 square feet when only a 200 square foot structure was allowed without a building permit.

Planning Technician Notermann explained the applicant would be required to secure a building permit.

Commissioner Huskins questioned if staff has directed the City Engineer to look at the drainage issues south of the property given the topography on this lot. He stated he did not recall if there was a storm sewer drain on this street.

Planning Technician Notermann commented she was not sure if there was a storm sewer drain on this street but noted the City Engineer's would review the building permit application which would also address drainage and runoff concerns.

Commissioner Gault did not believe there was anywhere for the water to go, other than down the Hartmann's driveway.

Commissioner Riedel stated if the shed had not been straddling the property line, it would have been legally non-conforming. In that case the owner would have been able to rebuild the shed with the same footprint without any variance requests needed. With respect to the owner rebuilding the shed without a permit, he can be faulted for doing that but it would be reasonable to consider the request given the fact an existing structure can be rebuilt and the variance was needed because the structure straddled the line. However, the drainage concerns change the matter and a permit was needed to redo the driveway. He discussed how the matter was complicated because the work was done and there were drainage concerns. His instinct would be to have a study done on the drainage prior to approving a building permit. He stated if improvements could be made to the drainage, this should be done prior to granting a building permit.

Chair Maddy commented on the building permit process and noted the applicant could not increase the amount of impervious surface or the runoff rate.

Commissioner Riedel asked how this will work with a retroactive permit, given the fact a variance was being requested for a shed that was already in place.

Planning Technician Notermann stated it was her understanding since the shed was already built, the engineer's would be able to suggest sufficient mitigation to address the drainage concerns on the property prior to issuing a building permit.

Chair Maddy indicated he has seen this before on new construction and noted a rain garden may have to be installed.

Commissioner Riedel reported the building permit would not be issued until the drainage requirements were satisfied.

Planning Technician Notermann stated this was her impression and noted this could be made a condition for approval.

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Commissioner Gault commented Mr. Hartmann's intent was to move the shed away from his property. He understood the intent was good, but there were some problems with the execution. He anticipated the new concrete was forcing the water around the structure where before it had gone through the structure. He believed it was appropriate to approve the variance and appreciated the fact the building permit process would look at the plans in further detail.

Chair Maddy asked if it would make sense to add a condition for approval that looked at the rate or flow of water on the property.

Planning Technician Notermann recommended this be made a condition for approval.

Commissioner Huskins discussed how it was the City's responsibility to address the water that was flowing down Mr. Hartmann's driveway.

Commissioner Riedel indicated this was the purpose of a drainage and utility easement, which was located underneath this property.

Commissioner Huskins explained the survey notes this area is a utility easement only. He commented that this roadway does not have any storm sewer drains, curb or gutter.

Commissioner Gault questioned how much more water is being diverted to the property from a fairness standpoint. He believed it should be returned to status quo. He indicated he did not support approving the variance at this time in the absence of having some way to return to status quo. He did not hear the neighbors suggest the applicant was willing to mitigate the issue. He asked what would happen when a building permit and water mitigation measures were put in place.

Planning Technician Notermann commented in a normal case when a building permit is requested without needing a variance, staff would ensure that the water running off the property wasn't increasing. She indicated there was not really a status quo, but rather the impact would not be increased on the neighboring properties.

Chair Maddy stated this would occur with this property, even though the shed was already built.

Commissioner Riedel explained he was concerned with the fact the building permit review process would not have the same force as the conditions placed on the variance, or perhaps the building permit review process could be just as strict. He recommended the variance not be granted or that a condition be placed on the variance to require a drainage study to be done.

Commissioner Gault questioned if action on this item should be tabled for a month to allow staff to further study the property.

Commissioner Riedel stated this would be another option.

Commissioner Huskins asked if the study could be completed prior to the next Planning Commission meeting.

Planning Technician Notermann commented she was uncertain if this could be completed in the next month, but anticipated this work could be done.

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Chair Maddy reported the Commission could approve the variance and the study could be completed through the building permit process and prior to this matter being considered by the City Council.

Riedel moved, Huskins seconded, to recommend approval of the side and rear yard setback variance request for the a 16x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad constructed approximately four feet from the side property line and 16 feet from the rear property line at 27460 Maple Ridge Lane, subject to the applicant obtaining all necessary permits and entering into an encroachment agreement, directing staff to perform a drainage study prior to this item going before the City Council to ensure there is no increase in water runoff. Motion passed 3/0/1 (Gault).

6. OTHER BUSINESS – NONE

7. REPORTS

A. COUNCIL MEETING REPORT

Planning Technician Notermann reported on matters considered and actions taken during Council's August 23, 2021, meeting (as detailed in the minutes for that meeting).

B. Draft Next Meeting Agenda

Planning Technician Notermann stated that for the next Planning Commission meeting there will be a Comprehensive Plan Amendment to consider, along with a Preliminary Plat. In addition, the City is requesting a variance at the Christmas Lake boat landing for and expansion of the ramp. The Commission will also be considering a variance on Birch Bluff for an attached garage.

8. ADJOURNMENT

Huskins moved, Riedel seconded, adjourning the Planning Commission Meeting of September 7, 2021, at 8:34 P.M. Motion passed 4/0.



CITY OF

SHOREWOOD

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: October 5, 2021

RE: Registered Land Survey, Variances and Special Home Occupation Permit

APPLICANT: Peter Lehman

LOCATION: 21265 and 21285 Radisson Road

REVIEW DEADLINE: November 24, 2021

ZONING: R-1A/S

COMPREHENSIVE PLAN: Low Density

Residential

FILE NO.: 21.20

REQUEST

The applicant proposes to adjust the lot line between two properties so that they would be roughly equal in area. Under the plan, the applicant would adjust the lot lines between the two homes and remove the southernmost accessory building along Merry Lane and the northernmost driveway.



The following are required for this process:

- A registered land survey reflecting the new legals of both properties.
- A variance to the required lot width for each lot as neither meets the required width of 120 feet.
- A variance to the required lot area for each lot as neither would meet the required lot area of 40,000 square feet.

The applicant is also requesting a special home occupation permit to operate a home office in an accessory building.

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

<u>Context:</u> According to Hennepin County, the primary residence was constructed in about 1940. The three cabins were constructed around 1930. In the past, the three cabins were used as vacation rentals. Both parcels were originally part of the Auditors Subdivision No. 246 within Lot 2 (recorded in 1930) but were created in their present form through later minor subdivisions. The City has no record of these subsequent subdivisions. The three cabins are about the same size and do not meet the City's minimum size for principal structures. They also do not meet the required setback from Merry Lane and are legally nonconforming for those reasons.

The subject properties are within the Shoreland District for Christmas Lake, but not within a floodplain. The property contains mature trees. If further development is proposed, that request would be subject to tree preservation.

The properties to the north across Highway 7 are commercial properties within the City of Greenwood. The property to the east is developed with single-family homes. The property to the south is a public lake access and the property to the west is a private stormwater pond.

Applicable Code Sections:

1201.03 Subd. 2. b. states that no accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

1201.03 Subd. 2. d. (4) (a) states that the total area of accessory building shall not exceed the floor area of all stories above grade of the principal structure.

1201.03 Subd. 5. d. (e) No curb cut or driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the intersection of lot lines.

1201.03 Subd. 5. d. (f) No curb cut or driveway access shall exceed 25 feet in width. Both proposed properties exceed this requirement.

1201.03 Subd. 5. d. (j) Each property shall be allowed one curb cut or driveway access for each 120 feet of street frontage. Tract B is permitted two driveways and Tract A is permitted one.

1201.03 Subd. 5. f. (3) There shall be no off-street parking within 15 feet of any street surface.

1202.05 Subd. 2. a. Size. The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat.

ANALYSIS

Lot Line Adjustment:

<u>Lot Width/Area</u>: 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.

ADDRESS	EXISTING		PROF	POSED	REQUIRED IN R-1A		
	Lot Area	Lot Width*	Lot Area	Lot Width*	Lot Area	Lot Width*	
21265 Radisson Rd.	39,175 sf.	118 ft.	NIA.		40,000 cf	120 foot	
21285 Radisson Rd.	6,784 sf	50 ft.	NA				
Tract A (21265)		24,848 s		80 ft.	40,000 sf	120 feet	
Tract B (21285)	NA		26,519 sf	90 ft.			

^{*}As measured at the front setback

<u>Setbacks</u>: The current property owner has not proposed any new construction on Tract B. However, staff reviewed the lot to make sure the proposed lot line configuration could produce a conforming home in the future. The lot has an area of approximately 30 feet by 131 feet that meets the setbacks. Although narrow, a home could be placed on the lot that meets the required setbacks. The buildable area is shown in red on the graphic to the right.

<u>Impervious Surface Coverage</u>: The table below reflects the applicant's proposal to reduce the amount of impervious surface coverage that would be removed when the southerly cabin and northerly drive is removed.

	88
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Record 2	
TRACT B	

	Maximum Allowed	Proposed
Tract A (21265)	25 Percent	±12 %
Tract B (21285)	25 Percent	±13.6 %

<u>Easements</u>: Section 1202.05 Subd. 6. requires 10-foot drainage and utility easements around the periphery of each lot. As a condition of approval, staff recommends the applicant submit executed, 10-foot drainage and utility easements around the periphery of each lot prior to recording the lot line adjustment. The applicant has already submitted the legal descriptions and exhibits for the easements.

<u>Stormwater Run-Off</u>: The applicant is proposing no new construction at this time and is proposing to reduce the impervious surface coverage on the property. Should any new construction be proposed in the future, the applicant would be required to submit additional information regarding storm-water with the building permit request.

<u>Utilities</u>: The lots have access to municipal sewer. Each lot must have access to a separate well. Prior to recording the RLS, staff recommend a condition that the applicant provide documentation that each property has an independent well located on the property of the home it serves.

<u>Multiple Dwellings</u>: The properties are both zoned R-1A which is a single-family district. After the lot line adjustment, the three small cabins would be located on the same property. Only one habitable structure is permitted on each property. The applicant is living in the northerly cabin and has proposed to remove the southerly cabin. They additionally propose to convert the center cabin to a home office and would remove the existing kitchen. Staff recommends that prior to recording the lot line adjustment, any kitchen demolition must be completed (the other alterations to convert the structure to a home office may continue after recording) and the southerly cabin must be removed from the site.

<u>Parking</u>: Both parcels have nonconforming parking situations. The applicant has proposed to remove the northerly drive on Tract B which is too close to the intersection. Staff recommends as a condition of approval that some areas currently used for parking, which directly abut and are parallel to Merry Lane, be removed and returned to turf as the applicant has other conforming areas that could be used for parking. The parking areas staff recommends for removal are shown in green.



Variances:

The applicant has proposed lot area and width variances for each lot so that they would have two nearly equal sized lots.

The subdivision regulations allow for variances upon showing that unusual hardship exists and that the request is consistent with the intent of the regulations. Section 1202.08 Subd. 1 of the Shorewood Subdivision Regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. Are the proposed uses compatible with the existing uses in the vicinity?

The subject property and all the surrounding properties except the public lake access to the south are currently zoned and guided for residential purposes. No change in use is proposed and consequently the uses would remain compatible.

The lots would be larger than the existing lot to the east which has 16,007 square feet and about 60 feet of lot width. The three undersized properties together create a more homogenous neighborhood. When a larger area is considered, other properties further west are also narrower than permitted in the zoning district.

2. Are there special and unique circumstances or conditions affecting the property that are not common to other properties in the city and the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land?

The special circumstances for this lot line adjustment are the age of the structures and the surrounding neighborhood, the unique history, and the applicant's desire to maintain the historic structures to the extent possible.

3. Would the variance cause detrimental impact to public welfare/adjacent properties?

Approval of the variances would not cause detrimental impact to public welfare/adjacent properties. By removing the northerly driveway and the ability to parallel park adjacent to the curb for Merry Lane, the traffic situation would be improved.

4. Would the variance correct the unusual hardship related to any other physical factors of the land?

Approval of the variance would correct the inequity.

Special Home Occupation Permit:

The applicant has applied for a special home occupation permit pursuant to the requirements of the Shorewood Zoning Code to use the center cabin as a home office. A special home occupation follows the same process as a conditional use permit (CUP).

Section 1201.03 Subd. 12. d. (3) (b) of the Zoning Code provides that special home occupations may be conducted within an accessory building. As noted in the applicant's request letter, the applicant has begun working from home through the pandemic and that will continue into the future.

The applicant has addressed the general requirements of the Code in the narrative and states that the home occupation would involve no employees, clients coming to the site, or unusual equipment that would cause electrical interference, vibration or other nuisance for the adjacent properties. Staff recommends a condition that the home occupation be maintained in conformance with the requirements of the zoning regulations, such as no signage, no exterior storage of materials or equipment, etc.

Home occupation licenses are required to be renewed after the first year and then after each three subsequent years.

RECOMMENDATION

Staff recommends approval of the RLS lot line adjustment, variances and special home occupation permit based on the finding that the lots would be consistent with intent of the subdivision and zoning requirements and with the following conditions:

- Prior to recording the lot line adjustment, the applicant shall complete the following:
 - o Submit a revised final RLS in a format acceptable to Hennepin County.
 - O Submit executed 10-foot drainage and utility easements around the periphery of each lot.
 - O Demolish the southerly cabin, remove any kitchen from the central cabin and remove the additional parking areas parallel to the property line abutting Merry Lane.
 - o Provide documentation that each property has a well that would be located on the parcel.
- Other conditions:
 - Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits. All construction must be consistent with the requirements of City Code, including but not limited to, tree preservation and storm water requirements.
 - The home occupation shall comply with the zoning ordinance standards and the special home occupation permit shall be renewed in one year.

ATTACHMENTS

Location map Applicant's narrative and plans

Austin - Billings - Bismarck - Cedar Rapids - Denver Detroit Lakes - Fargo - Minot - St. Paul - Sioux Falls - Williston

PRELIMINARY PLAT

Ulteig

Being registered land as is evidenced by Certificate of Title No. 854221.

for the control of the second of the control of the

where line of Christmos Lake edge of water field located 3/27/2014 Elevation = 932.3 feet (NAVDBB) CHRISTMAS LAKE

1 10/1

PETER & MARIE LEHMAN

OWNER:

Peter & Marie Lehman 21265 Radisson Road Shorewood, Mn. 55331 Tel. (952) 470—0032

SURVEYOR:

Ulteig 4285 Lexington Avenue North 8t. Poul. MN 55126 Attn: Kurt M. Kisch Tel. (651) 415-6667

DESCRIPTION OF PROPERTY PARCEL 1

TRUNK Plant Transfer of Transf

The following described part of Lat 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY—SIX (246) of Hennepin County, Minnesola:

Commercing of the southwest corner of soid Lot 2; thence North 21 degrees 23, minutes along west like of soid but, 120 feet to a load soil, 120 feet to a load soil, 120 feet to a load soil of the soil of beginning the soil of beginning the soil of beginning the soil of beginning the property to be described, thence confinitiving Math 164 degrees, 27 minutes East 127 feet to on their shorts state 3 such as a second soil of soil of soil 100 feet to me soil to the soil of beginning the soil of th

PARCEL 2

klin that part of Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY—SIX (246) of Hennepin County, Minn ollows:

Commending of a point in the notherity life of add to which is 50 field easterly from the northwest conner of sold loft thence depends 25 and use 52 and u

PARCEL 3

Lot summory: Number of Tractx: 2 Residential	Area Summary ±46,789 Sq.Ft. 105 Acres Total proceed recen ±24,848 Sq.Ft. 105 Acres Proceed recent Acres ±24,848 Sq.Ft. 0.57 Acres Hard Surfoce Calculation ±3,425 Sq.Ft. 0.08 Acres Proceed Total ±2,048 Light. 4.177 Sq.Ft. Hard Surfoce Calculation ±1,778 Sq.Ft. 0.03 Acres	Assumed bearing bose: For the purposes of this survey, the West like of Lot 2, AUDROR'S SUSHONS IN NUMER'S SAF, Hemeson County, Minnesoto is ossumed to been 105725 31 W	Use) Benchmark: MM/DOT 2706 AD mile resterly along Trunk History record of Professor of March March Mayney 7 Mayory Condition International Mayney 7	millionin (18.6. 4.0.) feet libert of retitional millionin (18.6. 4.0.) feet libert of children Lunk Highway 7, 77.5, feet libert of children Lunk House, 250 metals Submissionement of traffic Medits of Williams south of Radiano Roads. 1.5 feet Elevation = 941,335 feet (NAVD88)	Motes 1. Above grand utility lecations have been find located or shown. The undergrand public utilities shown have been discounted maken and provided the sweeper has not projectly located that undergrand utilities. The sweeper has not projectly been that the provided when undergrand utilities, plice in or site location (812–845–9001), on on m-site location (812–945–9001).
	City Utilities (ovolable) Residential Well	R1-A (Shoreland) R1-C (Shoreland)	Mutti-family Residential (non conforming use) Single family Residential (conforming use)		Road): 35 feet e): 35 feet 10 feet nork) 75 feet
Municipality: City of Sharewood	Proposed Utilities: Sever: Woter:	Zoning: Existing Zoning: Proposed Zoning:	Use: Current use: M Proposed use: S	Existing Setbocks: Front yard (Rodisson Road): Side yard (Merry Lane): Side yard: Reav yard (dies shross Reav yard (dies shross) ordnovy high water mark)	Proposed Setbocks: Front yord (Rodisson Road): Side yord (Merry Lone): Side yord: Fleey yord (Alex shore) ordinary high water mark)

Bearings are based on the north line of the Northeast Quotser of Section 35, Township 11. Ronge 23 which bears South 882925" East

SUBDIVISION NUMBER 246, Hennepin Counts, Minnesoto

LEGEND

VICINITY MAP

RECEIVED

JUL 27 2021

CITY OF SHOREWOOD

To: City of Shorewood Minnesota,
Marie Darling, Planning Director,
Planning Commission and
City Council.
5755 Country Club Road
Shorewood, MN 55331

From: Peter Lehman and Marie Lehman 21265 Radisson Road Shorewood, MN 55331

Subject: Request for Simple Lot Line Revision

Location:

21265 Radisson Road (PID: 35-117-23-13-037) and
21285 Radisson Road (PID: 35-117-23-13-033)

Date: July 26, 2021

Narrative:

We (Peter Lehman and Marie Lehman) would like to jointly make improvements to adjacent properties in the City of Shorewood MN through:

- a lot line rearrangement between two lots of record to create more equally sized lots,
- reduction of housing density from 4 homes per acre to 2 homes per acre,
- · removal of an existing driveway within 15ft. of the intersection of Merry Land and Radisson Rd,
- overall reduction in hard cover by at least 600 sq. ft. and finally,
- grant to the City of Shorewood a 10ft. drainage and utility easement around the revised lots each proposed lot size in excess of 20,000 sq. ft.

We believe these are significant improvements to these properties and respectfully request that this simple lot line revision, variances and special home occupancy license contained in this application be approved.

To realize our property improvements, we would need the following approvals in this R1A Zoning district:

- Preliminary Plat (lot line rearrangement),
- Lot area variances,
 - o Tract A: 24,848 sq. ft. (62% of the 40,000 sq. ft. required)
 - Currently: 39,005 sq. ft. (97.5% of the 40,000 sq. ft required)
 - Tract B: 20,941 sq. ft. (52% of the 40,000 sq. ft. required)
 - Currently: 6,784 sq. ft. (17% of the 40,000 sq. ft. required)
- Lot width variances,
 - o Tract A: 85 ft. (71% of the 120 ft. required)
 - o Tract B: 90 ft. (75% of the 120 ft. required)
- Building setback variance:
 - Tract A: Existing garage, 12.8 feet from east side (20 feet required)
- Special Home occupancy license for accessory structure (converted habitable dwelling to home office)

Although these variances are required for R1A (1 home per acre), our request is consistent with the 2040 comprehensive plan of 1-2 homes per acre and removes the current legal non-conforming use of 4 homes per acre.

Additional Comments:

- No new construction is proposed in this request.
- A 600 sq. ft. single-story habitable dwelling is proposed to be removed in this request.
- No changes to landscaping nor elevations are included in this request.
- No changes to the shoreline or wetlands are included in this request.
- No trees will be removed, and an existing inventory of trees is being provided. Tree remediation plans have been created to replace at least one substantial tree if unintendedly removed.

Hardcover Calculations:

Lehman's Addition Existing/Proposed RLS area calculations	Existing sq. ft.	Proposed sq. ft.	Change % Proposed sq. ft.	Existing Hardcover sq. ft	Existing Hardcover %	Proposed Hardcover sq. ft	Proposed Hardcover %	Change % Proposed Hardcover
RLS Total:	45,789	45,789	0.0%	6,766	14.8%	6,157	13.4%	-1.3%
Buildings				3,440	7.5%	2,840	6.2%	-1.3%
Other				3,326	7.3%	3,026	6.6%	-0.7%
Tract A (21265 Radisson)	39,005	24,848	-36.3%	5,566	14.3%	2,982	12.0%	-2.3%
Buildings				2,840	7.3%	1,619	6.5%	-0.8%
Other				2,726	7.0%	1,363	5.5%	-1.5%
Tract B (21285 Radisson)	6,784	20,941	208.7%	1,200	17.7%	3,175	15.2%	-2.5%
Buildings				600	8.8%	1,212	5.8%	-3.1%
Other				600	8.8%	1,963	9.4%	0.5%

Location Description:

The location of the lots are such that they are on an 'unplanned' (Circa 1900) residential peninsula now surrounded on 3 sides by the DNR Christmas Lake Public Access to the South, Outlot A of the Christmas Shores subdivision to the West (drainage pond) and the 12' high zero lot line concrete retaining wall for Hwy 7 to the North. We believe this isolation from a traditionally homogeneous development, creates variances that are less impactful than if the properties were located centrally in a more traditionally 'planned' residential setting.

The nearest residential lot is the Easterly adjacent lot of record (21235 Radisson Rd, Circa 1900) with the following characteristics:

- lot area of 16,009 sq. ft. (40% of the 40,000 sq. ft. required)
- lot width of 65 ft. (54% of the 120 ft. required)

As an example of prior variance approval, this adjacent lot is 20% smaller in width and area than the proposed Registered Land Survey (RLS) Tract A or Tract B, and was granted Conditional Use Permits and variances in 1999 to build a large new home on this substandard lot.



In summary:

- our proposal removes an inconsistency with the 2040 comprehensive plan of 4 homes per acre to 2 homes per acre and
- modifies the 2 existing lots of record to be more homogeneous in size, shape and orientation to the contiguous residential lots to the east and greater Christmas Lake 'North Bay'.

Background:

We have been residents of Shorewood and lived on the subject properties since the Summer of 1986. Since then, there have been a variety of city actions that have directly affected our property and subsequently ourselves. We have worked in the public arena to reduce the impact of these actions on our property but ultimately these changes, approved by the city, increased our non-conformities, outside of our control.

Since 1986 both properties have been impacted by:

- the creation of the DNR public access in 1987 (Merry Lane easement converted to City Road),
- the expansion of Highway 7 in 1996 (resulting in 15 ft. of setback loss from Radisson Rd) and corresponding lot area reductions,
- the expansion and reconstruction of Merry Lane during the Christmas Shores subdivision (1998) with its 8 ft. biased placement easterly of designed center agreed to in the Preliminary PLAT public hearing (effectively eliminating the planned drainage and utility easement adjacent to the subject properties),
- the installation of a full-time employee operating a motorized (acoustically loud), invasive species decontamination station at the public access from 6 AM to 10 PM 7 days a week during the spring, summer and fall when we spend much of our time, outdoors.

Conclusion:

Over decades, given our location, we have found it necessary to provide public input to the City of Shorewood on the impact of city/community/state actions to the subject properties, our concerns were heard but limited tangible changes were made as a result of our input. We understand these changes and resulting impact to ourselves have been for the benefit of the citizens of Shorewood and the broader community, and it is within this context that we believe our request is reasonable and consistent with those evolving, incremental, positive community benefits, albeit not always perfect for all stakeholders.

The city code provides clear guidance that the elimination of non-conformities should not be precluded nor thwarted. As landowners, we would like make changes cooperatively with the city to eliminate our legal nonconforming multi-family use in favor of single-family conforming use. In addition, we believe the simple lot line revision proposed is a meaningful improvement to the oddly shaped, disproportional, 100-year-old existing lots eliminating a habitable dwelling in the process and granting to the city valuable drainage and utility easements.

Thank-you for thoughtfully considering out request.

Regards,
Peter Lehman Mono Lahan 7/26/2021

Marie Lehman Mono Lahan 7/26/2021

SUPPLEMENTAL DOCUMENTION FOR SIMPLE LOT LINE REVISION

To: City of Shorewood Minnesota, City Planner, Planning Commission and City Council.

From: Peter Lehman and Marie Lehman

21265 Radisson Road

Shorewood, MN 55331

Subject: Request for simple lot line revision

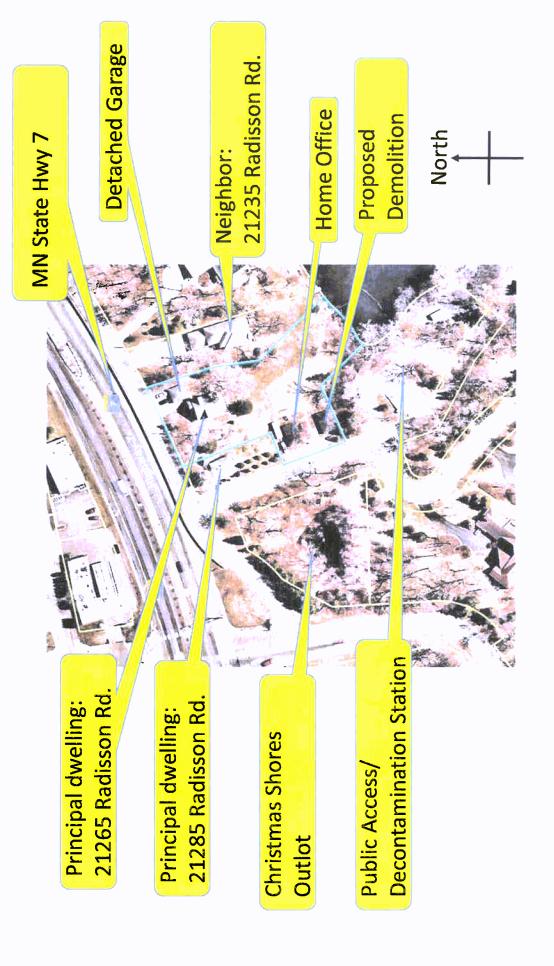
Location:

21265 Radisson Road (PID: 35-117-23-13-037) and

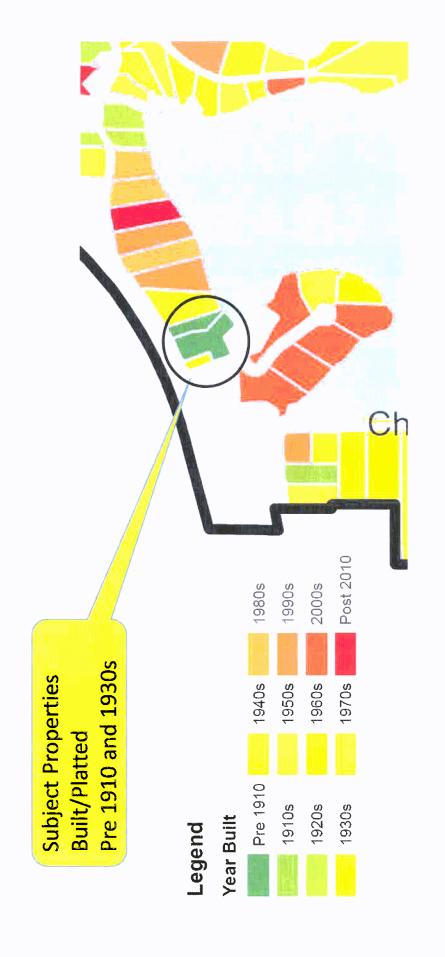
• 21285 Radisson Road (PID: 35-117-23-13-033)

Date: July 26, 2021

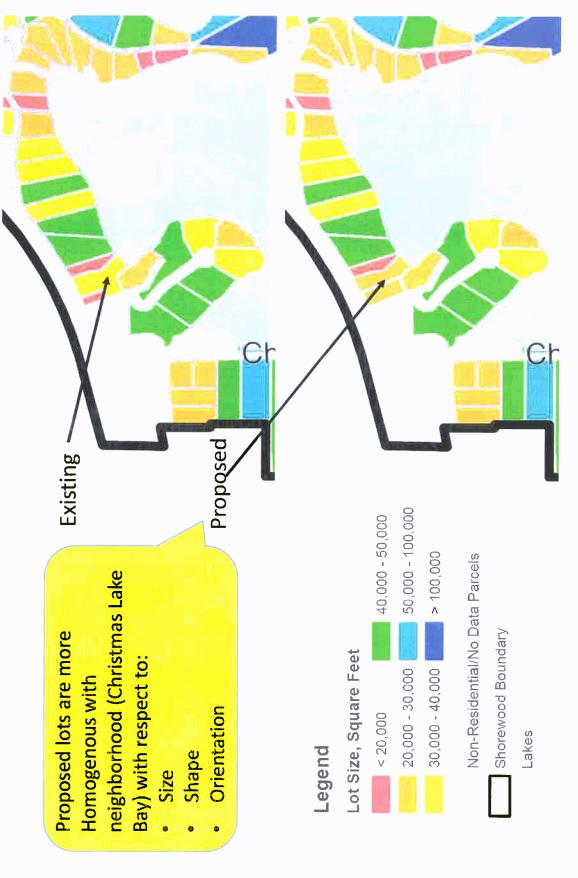
Aerial view, subject properties

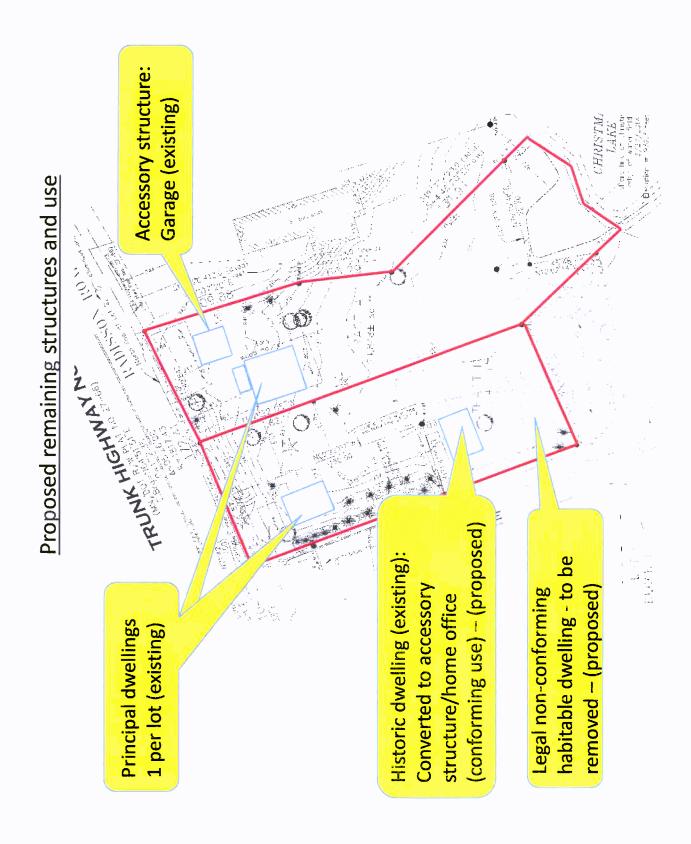


Single Family Housing Year Built

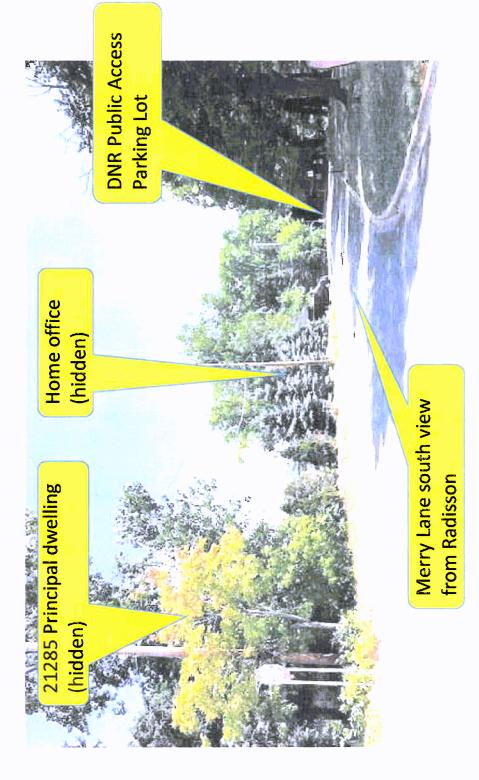


Single Family Lot Sizes (Existing/Proposed)





'Planned' (2014) Mature Natural Evergreen screen 'hides' structures from view



'Planned' (2014) Mature Natural Evergreen screen 'hides' structures from view



New professional painting/roof trim 2020 (21285 and 'Home Office') New roofs all buildings 2020 (21265, 21285 and 'Home Office')

Roofs Matching (all), Color Matching for 21285 Home and Home Office



Historical Significance of Tract B Cabins 21285 Radisson Rd, 5615 and 5625 Merry Lane

Response to request for independent historical opinion of subject cabins/homes:

Request to: Excelsior/Lake Minnetonka Historical Society Request forwarded to local historian: Scott McGinnis Scott McGinnis Response Follows (March 17, 2021):



assume Mr. Lehman is looking at the small house right on the corner of Radisson Road and Merry Lane. It appears to be identical to 5625 Merry Lane and the other small house next to it to the south. All three have approximately the same dimensions with hip question in my mind as to if the log-sided cabin was moved and placed on a new concrete foundation. This could have happened resided. Bernice does not remember log cabins, however, this is not a true log cabin. It is a frame structure and merely has logstyle siding. All three of these structures appear to be in the identical position as in the 1956 aerial photographs. There is still a roofs and a identically placed central chimney. My estimate is late 1930s-1940s construction for all three. It appears that the house on corner of Radisson Road and Merry Lane retains its original log siding. The other two cabins appear to have been during Highway 7 expansion/reconstruction which I think took place during the late 1970s.

My initial sense is that all three structures have the potential to be historically significant and possibly be eligible for listing on the National Register of Historic Places. They could represent a scarce cultural resource tied to the early development of the road-side motel industry. I am unable to absolutely state any of this as fact without an in-depth historical study of the property

hour of searching records and over 40 years of historical research experience. Please forward this with my contact information to I know the ELMHS will not put anything on its letterhead regarding this matter. This is merely my initial impression from about 1 Mr. Lehman if you think it worthy.

Scott

Additional Historical Significance of 21285 Radisson Road

Before being drafted into WWII. The property was owned by the Plehal family at the time. National recording artists "Plehal Brothers" Harmonica Duo frequently broadcast live on WCCO Radio from 21285 Radisson Road in the 1930's and early 1940's



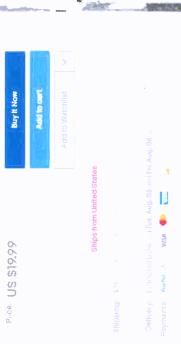
Cassette Tape

accounts of these broadcast to the Lehman's and stated to the 'national' popularity of the band. Bernice Brooks (deceased), owner of the Christmas Lake Motel, gave firsthand

They published at least 47 albums on DECCA records (national label) pre 1938 to 1941. Albums can still be purchased on Ebay (below). The group is also referenced in a 50 year anniversary book publication of the history of WCCO radio (below right).

Plehal Brothers 78rpm Single 10-inch Decca Records #2576 W.P.A.





Prior City of Shorewood, precedence for preserving historic structures within setbacks Under Section 1201.03 Subd. 2.d.(4):

5620 Covington Rd. Historic Structure preserved through separate (unrelated) variance request, September 2014 Structure 3 feet or less from road (R1A zoning).



Relevant input in 1998 to Merry Lane placement concerns for Christmas Shores Preliminary plat public hearing

ROLL CALL

Chair Borkon; Commissioners Bailey, Callies, and Collins; Planning Present;

Director Nielsen; City Engineer Brown; and Council Liaison O'Neill.

Commissioner Anderson Absent:

APPROVAL OF MINUTES

Planning Commission Minutes - June 16, 1998

Bailey moved, Collins seconded approving the Planning Commission Minutes of June 16, 1998, as presented. Motion passed 4/0.

7:00 P.M. PUBLIC HEARING - PRELIMINARY PLAT - CHRISTMAS SHORES

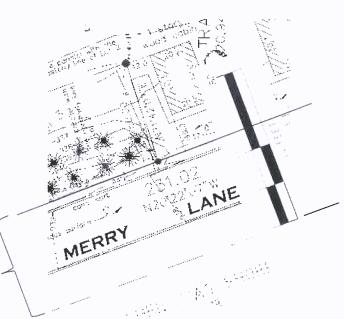
Keith Waters and Associates, Inc. 5715 Christmas Lake Road

Chair Borkon opened the public hearing at 7:45 p.m.

and residents parking on the street. His proposed realignment would decrease the flow of traffic Peter Lehman, 21265 Radisson and 21285 Radisson Road, stated that he is directly adjacent to several alternatives for the Merry Lane realignment. He stated he has concerns with boat traffic Merry Lane and that the traffic flow and road alignment are concerns. Mr. Lehman presented near his home on Merry Lane and slow boat traffic while approaching the public access.

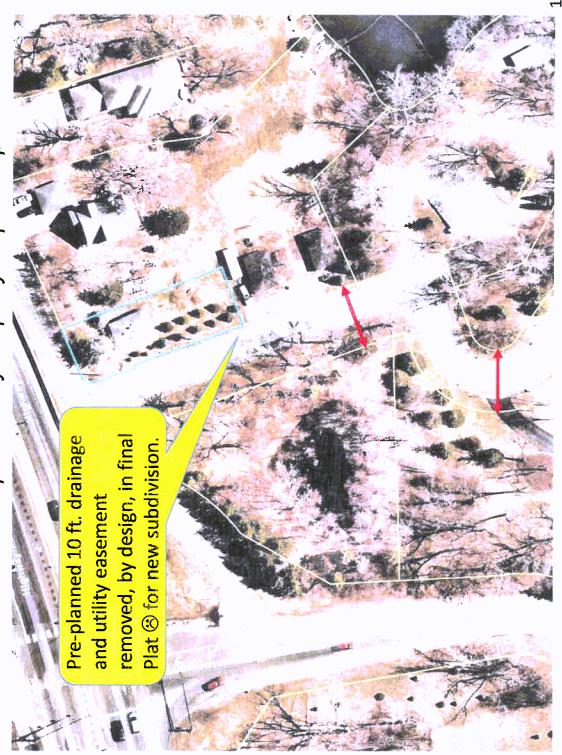
that the NURP pond on Outlot A wouldn't be allowed if the road was moved as Mr. Lehman suggested. Mr. Lehman stated that the buffers on the new lots are important and should be Chair Borkon asked the City Engineer if these alternatives were at all feasible. Mr. Brown stated considered for his land, as well.

10 ft. balanced design criteria pavement in 50 ft. road right of way ignored – biased east. Simple request to center 18 ft. utility buffer West, 2 ft. utility buffer East



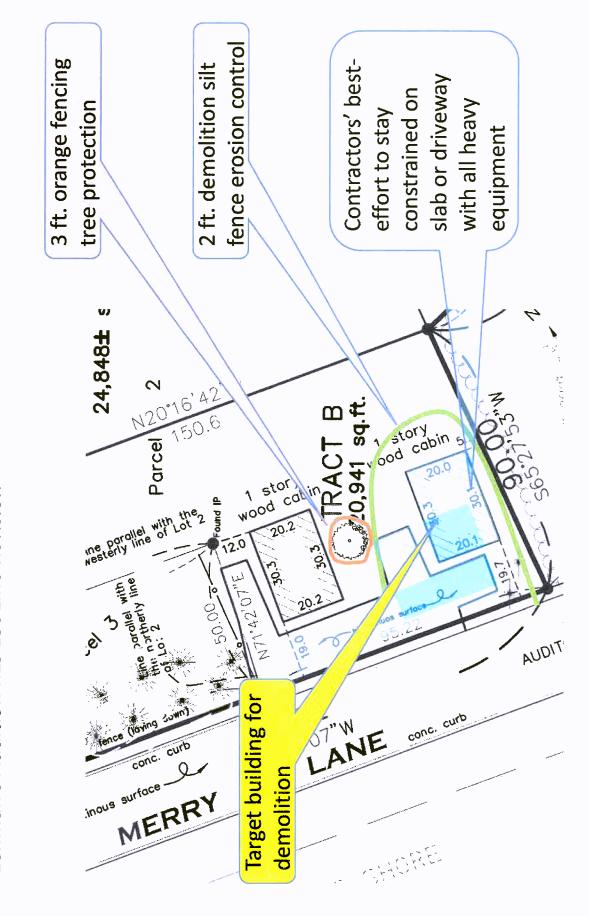
Merry Lane built off-center from platted Christmas Shores design despite public input requesting centered roadway

Source: Hennepin County Property map lookup



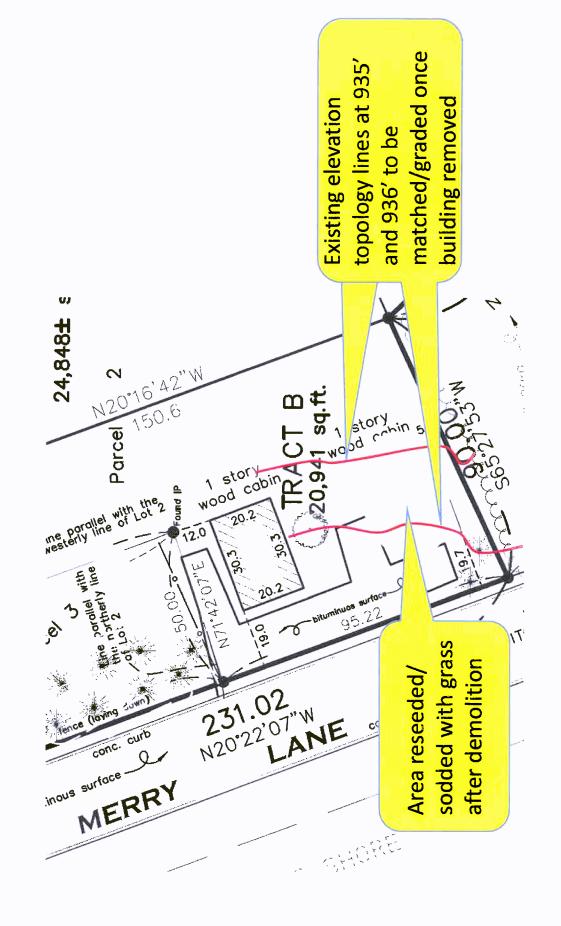
Demolition Erosion Control Plan

Lehman's Addition RLS Lot Line Revision



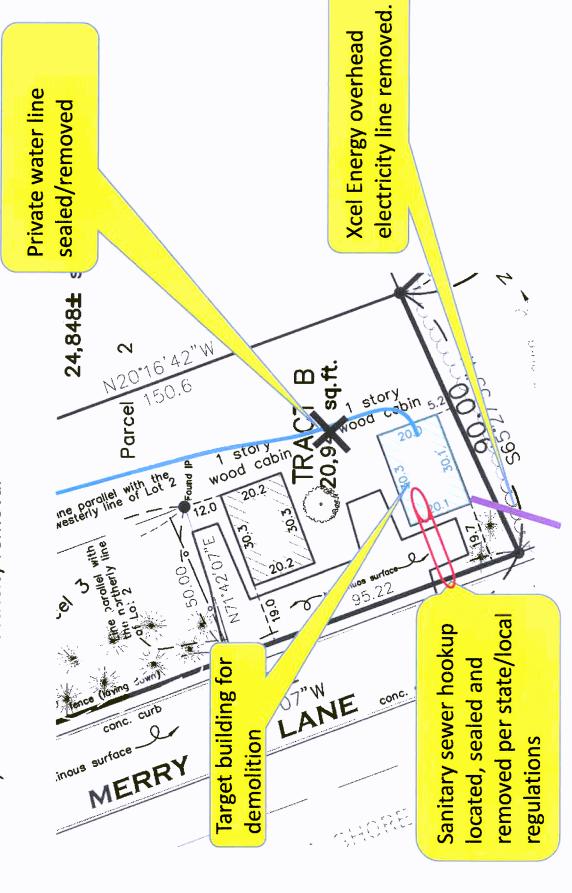
Grading and Landscaping Plan

Lehman's Addition RLS Lot Line Revision



Utility Plan

Lehman's Addition RLS Lot Line Revision Water, Sewer and Electricity removal



To:
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
952.960.7900
planning@ci.shorewood.mn.us

Date: July 26, 2021

From:

Peter Lehman (Tel: 612-201-8475)

21265 Radisson Road Shorewood, MN 55331

Subject: Special Home Occupation License Application

Business Type: Virtual Engineering and Data Analytics Services.

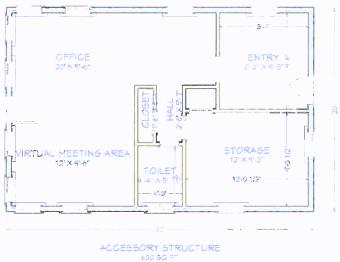
Whereas Peter Lehman is pursuing a simple lot line revision at the subject address, should the application be approved by the City of Shorewood and subsequently recorded in Hennepin County, the resulting RLS Tract B of "Lehman's Addition" will consist of a Primary Dwelling and one accessory structure within which a Special Home Occupation License is requested.

The nature of the business to be conducted will be computer based, Software Engineering, Software Development, Firmware Development, Data Analytics and Report Writing.

The subject address of the application is 21285 Radisson Road, Shorewood, MN 55331.

CONCEPT FLOOR PLAN (to scale)

The accessory structure is existing and has the following proposed floor plan:



Page | 1

Requirement:

The home occupation shall not employ more than one person other than those who reside in the home.

Applicant: Only residents of collocated principal dwelling plan to use office

Requirement:

Identify any accessory buildings that would be affected by the home occupation.

Applicant: See PLAT, 5615 Merry Lane, Shorewood, MN 55331

Requirement:

Identify the number of clients/pupils/animals that would be on the property at any one time and (with the exception of pet grooming) how often such group activity is likely to occur (maximum of once per week).

Applicant: None anticipated, zero, all meetings planned virtual.

Requirement:

No home occupation shall produce light, glare, noise, odor, electrical interference or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

Applicant: Agreed, nature of work consistent with above restrictions.

Requirement:

The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof and shall result in no incompatibility or disturbance to the surrounding residential uses.

Applicant: All business activity indoor of existing home/cabin built in 1940's, converted from habitable dwelling (multi-family to single family use).

Requirement:

Identify any interior or exterior alterations or construction features that would be required but are not customarily found in dwellings. The home occupations shall meet all applicable fire, building and nuisance codes.

Applicant: No alterations anticipated or required; fire extinguishers will be located in visible accessible locations.

Requirement:

No signs or exterior display are permitted.

Applicant: Agreed

Requirement:

Identify the hours of operation for the home occupations, but it may not be operated between 9:00 p.m. to 7:00 a.m. unless it is contained within the principal building and does not required any onstreet parking facilities.

Applicant: Virtual meetings with global teams will require occupation within accessory structure from time to time from 9:00 p.m. to 7:00 a.m. strictly by residents of principal dwelling collocated on property.

Requirement:

Parking of vehicles shall comply with Section 1201.03 Subd. 5 of the zoning regulations. Only one commercial vehicle or trailer may be parked on a residential property and it may not exceed 12,000 pds (by license). All vehicles related to the home occupation must be parked on the driveway and may be no closer than 25 feet from the curb or edge of street.

Applicant: Agreed, virtual business not anticipated to use any noncompliant parking needs.

In closing...

Please issue requested Special Home Occupation License to Peter Lehman for the Accessory Structure identified on Tract B, "Lehman's Addition" located at 21285 Radisson Road, Shorewood, MN 55331

Regards. Peter Lehman

Mobile: +1-612-201-8475

CITY OF

SHOREWOOD

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

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: October 5, 2021

REQUEST: Conditional Use Permit to allow two

detached garages on the same property

APPLICANT: Ben Becker

LOCATION: 6180 Cathcart Drive

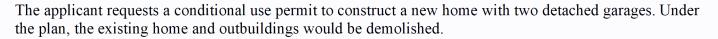
REVIEW DEADLINE: January 13, 2022

LAND USE CLASSIFICATION: Min Density Residential

ZONING: R-1A

FILE NUMBER: 21.24

REQUEST:



Notice of the public hearing for the conditional use permit was published in the official newspaper at least 10 days prior to the meeting and mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

<u>Context</u>: The existing home was constructed around 1900. The original lot was created as part of the Minnewashta Acres plat in 1911. The property as it is today was created through subsequent minor subdivisions for which the city does not have record.

The majority of the adjacent properties are all developed with single-family homes, with the exception of Minnewashta Church and the Lake Minnetonka Regional Trail. The properties to the west, north and northeast are zoned R-1A and the Minnewashta Church is zoned R-1D. The properties to the south are in Chanhassen. The lot is not within a shoreland or floodplain district. A wetland impacts the westerly side of the parcel and the applicant has indicated that they have added buffers as required by the MCWD. Tree



preservation requirements will also apply and would be reviewed with the building permit request. The applicants have not yet provided a tree preservation plan, but their plans indicate few trees would be disturbed for construction.

Applicable Code Sections:

Chapter 1201.03 Subd. 2. d. (5) Subject to the provisions of subdivision (4) above, no permit shall be issued for the construction of more than one private detached garage structure for each detached single-family dwelling, except on the approval of a conditional use permit according to the provisions of § 1201.04 of this chapter.

Chapter 1201.03 Subd. 2. d. (4) (Referred to in the above) For single-family and two-family homes, no accessory building, including attached garages, or combination of accessory buildings but excluding docks shall exceed three in number, nor 1,200 square feet in area in the R 1A, R 1B, R 1C, R 2A, R 2B and R 3A Districts, nor 1,000 square feet in area in the R 1D, R 2C, R 3B and R-C Districts, except by conditional use permit as provided for in § 1201.04 of this chapter. In addition, the following conditions shall apply:

- (a) The total area of accessory buildings shall not exceed the floor area of all stories above grade of the principal structure.
- (b) In no case shall the total area of accessory buildings exceed 10% of the minimum lot area for the district in which the property is located.
- (c) In evaluating the conditional use permit, the city shall take into consideration the location of existing and proposed structures, site drainage and landscaping.
- (d) The architectural character of proposed accessory buildings shall be similar and consistent with other buildings on the site and in the area.
- (e) Properties occupied by nonconforming accessory structures are not allowed to exceed three accessory structures, or to exceed 1,000 square feet or 1,200 square feet of accessory floor area, based upon the district in which they are located.

Impervious Surface Coverage

	Required	Existing	Proposed	
Impervious Surface Coverage	33 % (max.)	7.6 %	4.3 %	

ANALYSIS

The applicants' narrative is attached and indicates that they propose to remove the home from the lot and construct a new home on the property. The applicants proposed two detached garage structures, one 336 square feet and the other 672 square feet for storage of vehicles. The narrative indicates that the garages have been designed to be compatible with the design of the home and the combined square footage (1,008 square feet) would be less than that of the home (2280 square feet) and less than 4,000 square feet (10 percent of the minimum lot size in the R-1A zoning district).

Conditional Use Permit Criteria:

Conditional use permit applications are subject to both the general conditions in 1201.04 Subd. d. (1) of the zoning regulations as well as the specific requirements listed in 1201.03 Subd. 4 and 5. Below is a summary of the staff review:

• Compliance with the Comprehensive Plan: The applicants have proposed uses consistent with the comprehensive plan on the property.

- Compatibility with the neighborhood: The applicants design of the home would be compatible with the neighborhood as most homes in the area were constructed at widely different eras and have custom designs.
- Potential to overburden public infrastructure/public welfare/endanger health and safety: The applicant's design shifts the driveways further from the offset intersection of Cathcart Drive, 62nd Street West and the Lake Minnetonka Regional Trail. Staff recommend a condition that the portion of the driveway that extends to the intersection be removed with the demolition of the existing home and replaced with turf prior to final inspection of the home.
- Other Code requirements: The applicants would be required to submit all necessary plans to the City prior to issuance of a building permit, including tree preservation and landscaping plans.

RECOMMENDATION

Staff recommends approval, subject to the list of conditions shown below, but acknowledges that the conditional use permit criteria and variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise or recommend additional conditions.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to:

- 1) Acquire all necessary permits prior to construction and submit all necessary documents including, but not limited to, a tree preservation and landscaping plan.
- 2) With the demolition of the home, the applicant shall remove the existing driveway segment that extends in front of the home and connects to the right-of-way at the intersection of 62nd Street and Cathcart Drive. The area must be restored to turf/vegetation prior to the final inspection (weather permitting).

ATTACHMENTS

Location map
Applicants' narrative and plans

S:\Planning\Planning Files\Applications\2021 Cases\6180 Cathcart Drive CUP\PC memo.docx

Location Map - 6180 Cathcart Drive





August 24, 2021

We are requesting a conditional use permit to allow for the construction of 2 accessory buildings on our property at 6180 Cathcart Drive (Hennepin County property ID # 32-117-23-33-0038, zoning district R-1A). These accessory buildings accompany a single-family residence that we would like to construct on our property. In total we are proposing three structures on the property – a main residence and two accessory buildings. Both accessory buildings are considered detached garages.

Accessory building 1 measures 336 square feet and accessory building 2 measures 672 square feet – totaling a combined 1008 square feet. The main residence is 2280 total square feet - 1000 square feet on floor 1 and 1280 on floor 2.

The building height of accessory building 1 and accessory building 2 is less than 15 feet.

Shorewood city code defines building height as a distance to be measured from the lowest land grade to the top of a flat roof, to the mean distance (between eaves and peak) of the highest gable on a pitched or hip roof, to the roof deck line of a mansard roof, to the uppermost point on all other roof types. The lowest land grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

The height of the proposed garages is 12'8 ft above the finished garage floor to the middle of the gable, thus meeting the required height.

The accessory buildings are larger than 100 square feet and subject to all setbacks described for zoning district R-1A properties. The accessory buildings meet these building setback requirements.

Additionally, there is a wetland located on the property, and the accessory buildings meet the setback and buffer zone requirements outlined by the Minnehaha Creek Watershed District.

Each accessory building will be constructed of materials and a design compatible with the general character of the home, as required of the city code for accessory buildings larger than 150 square feet.

Shorewood City Code for zoning district R-1A, allows for up to 3 accessory buildings provided that the total combined square footage does not exceed 1200 square feet. More than 1 detached garage on a property requires approval of Conditional Use Permit – thus the reason for this application.

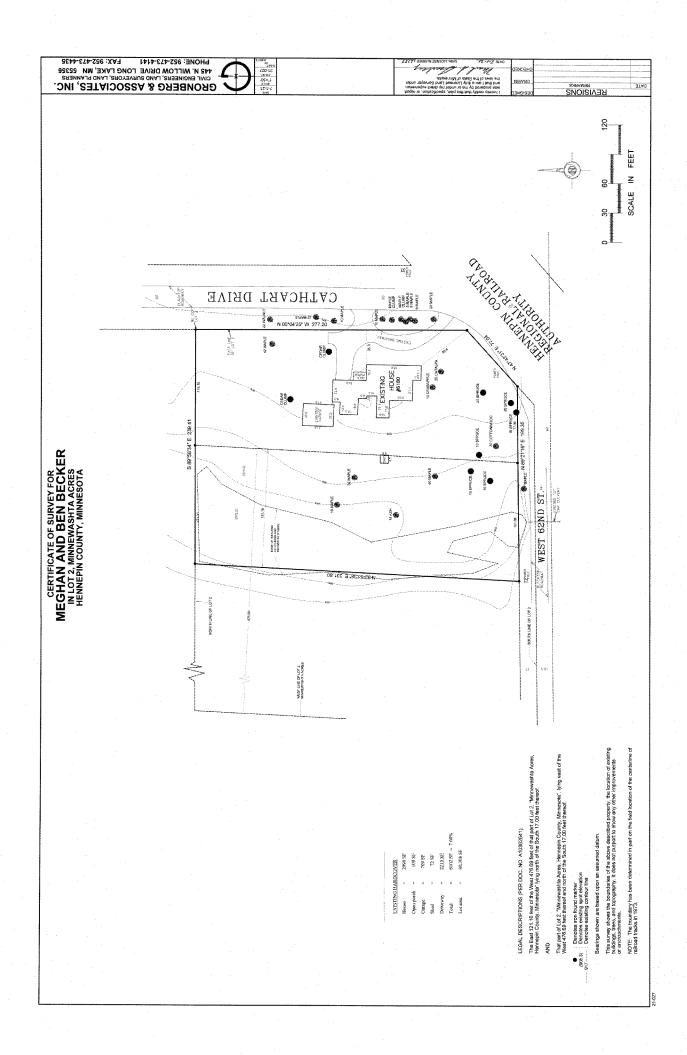
Our request has a combined square footage of less than 1200 square feet, and as such, is not subject to the "over-sized" accessory building requirements outlined in the city code.

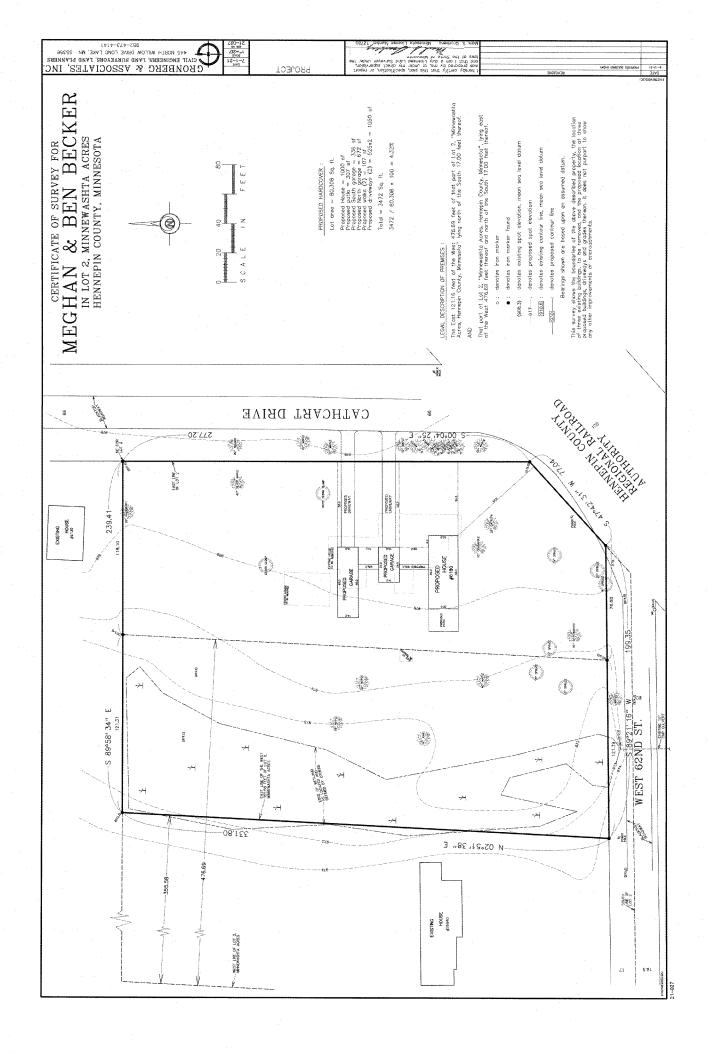
The proposed use of this construction, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan. The proposed use would be compatible

with present and future land uses in the area and would not tend to or actually depreciate the area in which it is proposed. The proposed use would not overburden the city's service capacity and would be accommodated with existing public services including public streets. The establishment, maintenance or operation of this proposed conditional use would promote and enhance the general public welfare and would not be detrimental to or endanger the public health and safety. The proposed use conforms to the applicable regulations of the district in which it is located and otherwise conforms to the applicable regulations of the city code.

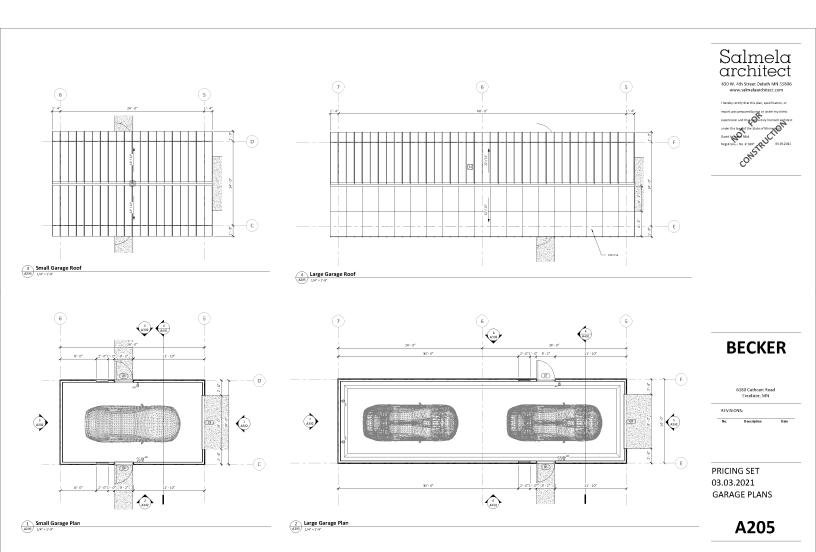
Thanks,

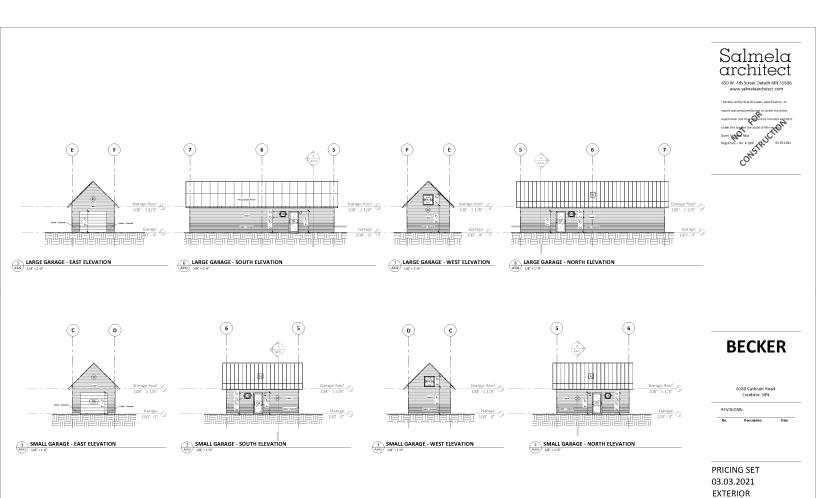
Meghan and Ben Becker 6180 Cathcart Dr. 612-760-1585



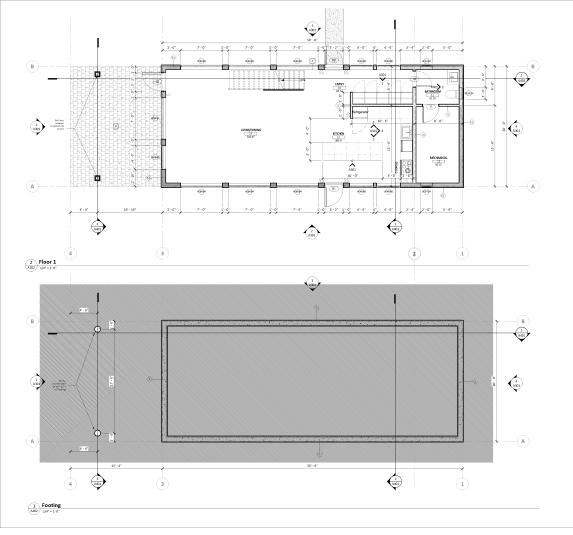








ELEVATIONS - GARAGES A302





BECKER

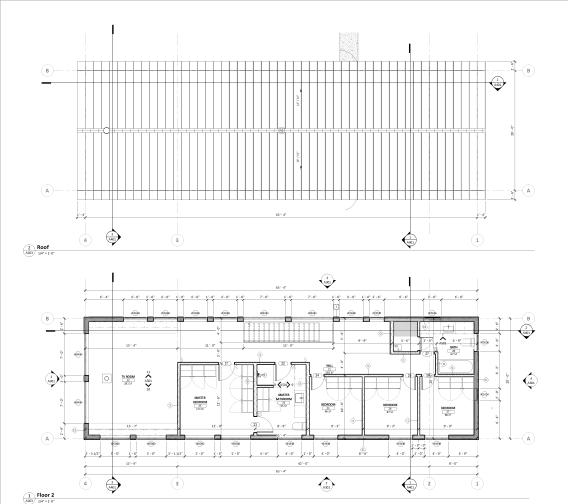
6180 Cathcart Road Shortewood, MN

REVISIONS:

No. Description Date

CUP SET 08.24.2021 HOUSE PLANS

A202





BECKER

6180 Cathcart Road Shorewood, MN

REVISIONS:

CUP SET 08.24.2021 HOUSE PLANS

A203



SHOREWOOD

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

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: October 5, 2021

RE: Discussion of Amendments to the Comprehensive Plan

Background

As introduced at the August 3, 2021 Planning Commission meeting, the City received review comments from the Metropolitan Council some time back and the most impactful comments were the need to allow the potential to add an additional 155 households between 2018 and 2040. To create these 155 dwellings, the City needs to allocate properties with density greater than five dwellings per acre and at a density high enough (8 dwellings per acre or more) to produce 48 affordable dwellings.

The previous draft proposed meeting the need for more homes and higher density through joint housing projects with other small lake communities that share the same market area. However, in subsequent meetings, Metropolitan Council staff indicated that approach is not consistent with statutory requirements. The previous draft also proposed increasing density ranges to provide the required housing. The City also addressed this need by adjusting the allowed densities of two land use classifications: Low to Medium Density (now 3-6 dwellings per acre) and Medium Density (now 6-8 dwellings per acre). These changes were not enough to satisfy the requirements.

As a result, the City's consultants came up with some alternatives and discussed those options with the City Council in November of 2020, see the attached memo. The Consultants incorporated council direction into the plan, which is attached for your review along with a response letter. The draft plan meets the Metropolitan Council's direction.

The changes include the creation of a new land use "Commercial Mixed Use". The concept of this new land use would be to preserve the right to continue the commercial uses on the site but allow for the opportunity to add residential to the properties as long as the development can mitigate any traffic issues and is appropriate for the context of the area. The specific language included in the Comprehensive Plan is included on the next page.

The following is an excerpt from p. 120 of the Comprehensive Plan:

Commercial Mixed Use. While the City aims to maintain vibrant commercial areas to serve community residents, certain commercial areas have been identified as being appropriate for the Commercial Mixed Use designation. The City has identified certain key existing commercial areas that are capable of providing for housing units in conjunction with maintaining commercial activity. These housing units would provide adequate density to aid in increasing the commercial customer base while also providing for a greater range of housing choice within the community.

These sites may merit redevelopment into mixed use, provided the development plan is appropriate for the context of the area, traffic issues are properly mitigated, and it fits within the goals and policies of the City. The City requires a minimum of 50% of the site to be maintained as a Commercial land use, to continue the important commercial presence within these areas.

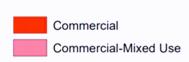
Residential uses with a minimum of 15 units per acre and a maximum of 30 units per acre shall be used for a minimum of 40% of the site, provided it can be established in a manner that is consistent with the character of the immediate vicinity.

The new Commercial Mixed Use land use is proposed to be applied to the following parcels (see graphic to the right):

- 23470-23800 State Highway 7 (Cub Foods and the attached shopping center)
- 19905-19625 State Highway 7 (Holiday/shopping center easterly to New Horizon Day Care)



Cub Foods and Adjacent Shopping Center at Hwy 7 and CR 41





Commercial properties along Hwy 7
East of the Old Market Intersection

The amendments also include the following changes:

- Included the following properties as high density (8-30 dwellings per acre):
 - 23400 Smithtown Road (dredging company)
 - o 23425 County Road 19 (storage building)
 - 23445 County Road 19 Garden Spot (garden sales and greenhouse)
- Including the following properties as medium density (6-8 dwellings per acre):
 - 23500 Smithtown Road (Shorewood Yacht Club)





Finally, one "Housekeeping" Change:

• To be consistent with other parcels in the area: 25485 State Highway 7 (from Minimum Density to Low Density)

Minimum Density Residential

Low Density Residential

Staff would request the Planning Commission review the changes and discuss these approaches.

NOTICE OF THE AMENDMENTS:

Each property owner was sent a letter regarding the changes about six weeks prior to this meeting. The amendments were published in the official newspapers about 10 days prior to this meeting. Mailed notice was sent to all property owners within 500 feet of each property about 10 days in advance of this meeting.

ATTACHMENTS:

Future Land Use Map

City Council memo for November 23, 2020

Minutes from the City Council work session on November 23, 2020

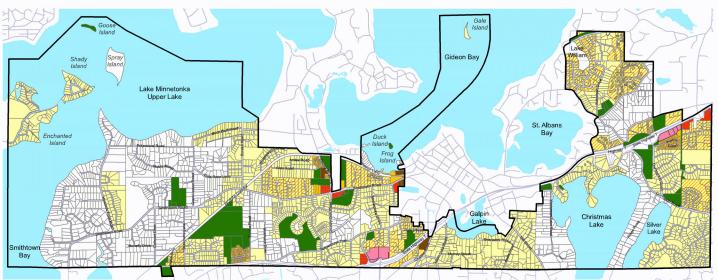
Draft Response to the Metropolitan Council dated July 29, 2021

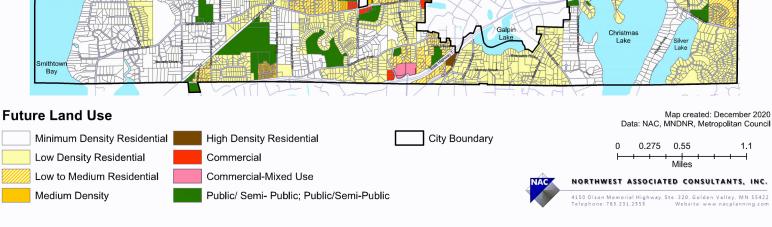
Comprehensive Plan http://www.ci.shorewood.mn.us/CompPlan (not case sensitive) (Paper copy not included, please use this link to Website)

Correspondence Received

Future Land Use

City of Shorewood 2040 Comprehensive Plan







City of Shorewood Council Meeting Item

MEETING TYPE Worksession

Title / Subject: 2040 Comprehensive Plan Discussion

Meeting Date: November 23, 2020

Prepared by: Marie Darling, Planning Director

Attachments: NAC Response Letter to Metropolitan Council

Strikeout/Underscore Version of Land Use Chapter

Final Draft Version of Land Use Chapter

A copy of the 2040 Comprehensive Plan sent to the Metropolitan Council last summer is available on the City's website

Background:

The City's consultants have finalized the revisions necessary to resubmit the Plan to the Metropolitan Council. For most of the revisions, the changes are minor; and staff did not include a full copy of the plan for your review this evening. The most significant changes to the Comprehensive Plan were made to the land use chapter, with those changes repeated in the housing chapter. Due to the length of the Chapters and the amount of repetition, staff did not include the housing chapter language in your packet this evening.

The significant changes to the land use chapter include amending the land use map and the text in the following areas per the previous Council direction:

- 19905 State Highway 7: A paragraph was added within the text of the land use chapter indicating that this site is a mixed-use site. (P. 115 of the strikeout/underscore version of the land use chapter)
- 23400, 23425 and 23445 Smithtown Road were changed from Commercial to High Density Residential
- Changes to the tables throughout the chapter to be consistent with the land use map.

The Metropolitan Council's direction was to add enough locations to produce 155 dwelling units and 48 units of affordable housing. Both need to be at a density of 5 units per acre or greater.

Using the Metropolitan Council's calculations, these sites, plus other properties classified for a density over five units to the acre would produce 95 of the required dwellings including 30 of the required 48 affordable housing units. In a meeting held between the Mayor, City Staff and the Metropolitan Council staff and appoint representative, the Met Council staff also told the City that the city could be complete but not compliant in this regard. However, staff could also include the Shopping Center at Hwys 41 and 7 as a mixed-use site, which would bring the numbers even closer to meeting the requirements.

Mission Statement: The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

Staff would like direction on the following:

- 1. Are the changes that were directed by Council adequate as shown on the map? Or should staff include the shopping center property at Hwys 41 and 7 as mixed use to approach the original direction of the Metropolitan Council?
- 2. Level of review with the public: The changes to the land use map are not required to be reviewed again by the public. However, they are substantial changes and staff recommends allowing some public notice and public comment, even if it is a generic notice regarding the review of the final document changes. Notice also could include the City of Excelsior, residents within 500 feet of the affected properties, etc.

CITY OF SHOREWOOD CITY COUNCIL WORK SESSION MEETING MONDAY, NOVEMBER 23, 2020

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

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Zerby called the meeting to order at 6:00 P.M.

A. Roll Call

Present. Mayor Zerby; Councilmembers Johnson, Labadie, Siakel, and Sundberg; City

Administrator Lerud; Planning Director Darling; Director of Public Works Brown; City Engineer Budde, and Nate Sparks, Northwest Associated Consultants (NAC)

Absent: None

B. Review and Adopt Agenda

Johnson moved, Siakel seconded, approving the agenda as presented. Roll Call Vote: Ayes – all. Motion passed 5/0.

2. Comprehensive Plan Discussion

Planning Director Darling explained that the City's consultants have finalized the revisions needed in the 2040 Comprehensive Plan. She stated that most of the changes are relatively minor. She stated that staff wanted to have one more informal meeting to discuss the more substantive changes needed in the Land Use map. She stated that the Met Council had sent back the Comprehensive Plan to the City stating that there needed to be more opportunities to produce one hundred fifty-five more dwelling units including more opportunities to provide forty-eight more units of affordable housing. She noted that the City already held public hearings on the Comprehensive Plan, however there will be changes made to the Land Use map, which infers some property rights. She stated that she feels it may be appropriate to notify property owners within five hundred feet of the properties proposed as changes and staff will also meet individually with the property owners. She noted that staff is looking for direction from Council on whether they would like them to hold a full public hearing at the Planning Commission or if bringing the changes to the December 14, 2020 Council meeting would be adequate.

Nate Sparks, NAC, gave an overview of the information included in the Comprehensive Plan and explained how the City made the calculations. He gave a brief explanation of the staging plan and noted the possibility of certain areas being designated as mixed use in order to come up to the numbers determined by the Met Council. He stated that some of these areas could be included but the likelihood of them actually being developed is questionable because some of them are fairly successful business areas where the economic incentive for this is not necessarily present. He reviewed the proposed changes in the Comprehensive Plan surrounding affordable housing.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES NOVEMBER 23, 2020

Page 2 of 4

Councilmember Johnson noted that he is inclined to include parcels seven and forty-one as mixed use. He stated that he would support taking out the Shorewood Yacht Club property as well as the ones across Smithtown.

Planning Director Darling noted that the parcel shown is the dredging company.

Councilmember Siakel stated that she thinks it makes the most sense to put the most density along corridors. She asked about the businesses off of Vine Hill Road and asked if that was considered mixed use.

Councilmember Johnson stated that he believes that this is mixed use and would consider from Valvoline to Holiday as potential mixed use.

Mayor Zerby stated that he would go further to the self-storage facilities.

The Council discussed the issues related to access for the dredging company.

Councilmember Johnson stated that he would like to clear up the border issues with Excelsior and then revisit this topic.

Councilmember Labadie stated that she would agree with Councilmember Johnson and asked Planning Director Darling for her opinion.

Planning Director Darling stated that the reason the dredging company was originally included was because the property owner is interested in redeveloping it for residential uses and have been softly marketing the property.

Councilmember Labadie asked if that would cause issues with the neighboring property that is divided between two cities.

Planning Director Darling explained that the complication would be more of a social complication rather than a land use complication.

Mayor Zerby noted that this is a long-range plan and not for the next year or two. He stated that he thinks this is a City-wide topic and deserves public input. He stated that he would propose a public hearing at the Planning Commission and invite residents to give their input.

Councilmember Sundberg stated that she agreed and asked if the resident comments would be shared with the Met Council.

Planning Director Darling stated that her understanding is that if it is a public meeting, the comments have to be shared with Met Council.

Councilmember Sundberg stated that she thinks it would be good for the Met Council to get the public comments.

Councilmember Siakel stated that she disagreed about holding a public hearing, because this has already been provided to the public and there has not been much feedback surrounding redevelopment. She stated that the City rarely has anybody give feedback and the Comprehensive Plan is usually used as a reference to prevent change or as opposition to a

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES NOVEMBER 23, 2020

Page 3 of 4

development. She stated that she thinks a public hearing at the Planning Commission will create more work for staff with the ultimate result being the same as if they had not held the public hearing. She stated that she is comfortable moving forward at a Council meeting.

Mayor Zerby stated that he disagreed because the information being reviewed tonight is new and the public has not seen this yet.

Councilmember Siakel reiterated that she does not think the results will be any different.

Councilmember Labadie stated that she agreed with both Mayor Zerby and Councilmember Siakel. She stated that she does not think the result will be any different, but feels the right thing to do is to make the process transparent and give people the opportunity to give feedback.

Councilmember Sundberg stated that she does not see any harm in proceeding with a public hearing.

Councilmember Johnson suggested that Planning Director Darling put a blurb in the newsletter. He asked if the Council wants to consider adding the adjacent parcels along the Highway 7 corridor and noted that including these properties may get the City where they need to be according to the Met Council.

Mayor Zerby stated that he does not like the phrase "need to be" and noted that the City has spoken with the Met Council who indicated that it would be all right if the City submitted a proposal that did not meet all of their requirements. He stated that he thinks the numbers are a bit arbitrary and thinks the City does not need to strive to get where it "needs to be", but just to do the right thing.

Councilmember Johnson stated that when he drives by that area, he thinks it would be a great place for a restaurant with some apartments above.

Mayor Zerby stated that he would agree, but feels the intersections need to be examined more thoroughly.

Planning Director Darling asked if the Council would like staff to add a 'Mixed Use' category and include them on the map or just continue keeping them in the text of the document.

Mr. Sparks stated that if the City created something that allowed mixed use in commercial areas, it would meet what the Met Council says the parameters are for the City. He stated that they would also define what the City considers mixed use and could potentially reject sites that don't work because of transportation or access issues. He noted that there are both vertical and horizontal options for mixed use and gave examples of horizontal mixed-use projects in the City of Mound.

Councilmember Johnson stated that he would support that idea.

Mayor Zerby stated that he likes the idea of adding a percentage to the amount of commercial and residential allowed as suggested by Mr. Sparks.

Councilmember Johnson asked if there was a conclusion around including the dredging company.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES NOVEMBER 23, 2020 Page 4 of 4

There was Consensus from the Council to include the dredging company.

Planning Director Darling asked if the Council was comfortable including the Garden Patch site and the small storage building.

There was Consensus of the Council to include those locations.

3. ADJOURN

Johnson moved, Sundberg seconded, Adjourning the City Council Work Session Meeting of November 23, 2020, at 6:36 P.M. Roll Call Vote: Ayes – all. Motion passed 5/0.

ATTEST:				
	Scott Zerby, Mayor			
Sandie Thone, City Clerk				



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422 Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Shorewood Planning Commission and City Council

FROM: Nate Sparks, Consulting Planner

DATE: July 29, 2021

RE: Shorewood - 2040 Comprehensive Plan

BACKGROUND

Based on Metropolitan Council comments, a revised version of the Land Use Plan chapter of the draft plan was created for review. The City Council reviewed the revisions at the November 23, 2020 work session. Based on the discussion at the work session, some minor modifications were made to meet the remaining requirements from the Metropolitan Council.

PLAN CHANGES

The Land Use Plan was slightly adjusted to include specific parcels that are identified for potential future development and the minimum number of housing units that can be provided (Pages 122-123).

Some of the parcels are commercial in nature being reclassified as residential. Others are residential but have the land area and capacity for new development. These properties provide for new units that can be used to come close to meeting the required forecasts.

Additionally, there was a new land use designation added to the plan, called "Commercial-Mixed Use." This designation allows for the potential introduction of housing units to certain specified commercial areas. This allowed for the plan to provide the number of units and density required by the Metropolitan Council.

The Metropolitan Council requested that the City provide 155 new units of housing at 5 units per acre. The plan now meets these standards.

The Metropolitan Council also requested that the City provide 48 units at a minimum of 8 units per acre to qualify as meeting the affordable housing requirements. With the provided areas of high density and mixed use, the plan now meets this standard.

RESPONSE TO MET COUNCIL

The following is a summary of stated "required information" (necessary in order to deem the Plan complete) as well as a City response which describes the changes which have been made to the updated version of the Comprehensive Plan or provides related comments.

WASTEWATER

The City must include a copy or copies of intercommunity service agreements entered into with an adjoining community, or language that confirms the Council's understanding that the communities reimburse each other for the municipal wastewater charges that each will occur by receiving flow from the adjacent community; including a map of areas covered by the agreement.

Response. The agreements will be attached as Appendix G to the plan. The plan will reference reimbursement policies between the cities.

TRANSPORTATION

<u>Transit.</u> The Plan must be revised to include a full description of Shorewood's Transit Market Areas (TMA), which include both TMA 4 and TMA 5, which includes the portion of the City west of Eureka Road.

Response. The Transportation Section is updated to include references to all Transit Market Areas in the City on page 180.

Advisory Comment

The Plan should include reference to Metro Mobility or Transit Link in the transit section. Both are available in Shorewood, and the document should directly mention these dial-a-ride services.

Response. The two dial-a-ride services mentioned above have been referenced in the Transit section of the Plan on page 180.

<u>Bicycling and Walking.</u> The Tier 1 and 2 Regional Bicycle and Transportation Network (RBTN) corridors / alignments must be mapped in the Plan. The RBTN could be added to the local park and trail system map or provided in a separate map identifying the. The RBTN GIS file can be located here:

https://gisdata.mn.gov/dataset/us-mn-state-metc-trans-regional-bike-trans-netwrk.

Response. The proper Regional Bicycle and Transportation Network corridors/alignments are illustrated on the updated Regional Parks and Trails map on page 46.

PARKS

The Plan must describe, map and label the Lake Independence Extension Regional Trail Search Corridor. A description of the Lake Independence Extension Regional Trail Search Corridor is available on page 34 of Shorewood's 2015 System Statement, and available online at:

https://metrocouncil.org/Communities/Planning/Local-Planning-Assistance/System-Statements/System-Statements/02395877 Shorewood 2015SS.aspx.

A map of the Regional Parks System in the City, including the regional trail search corridor, appears on page 36 of Shorewood's System Statement.

City Response. The Regional Parks System map (prepared by the Metropolitan Council) which includes the Lake Independence Extension Regional Trail Search Corridor has been added to the Plan as a new map which illustrates regional Parks and trails in both the City of Shorewood and surrounding areas on page 46.

The Plan must also include a capital improvement program for parks and open space facilities as part of the implementation section.

City Response. The City's capital improvement program, which includes specific programs for parks and open space has been attached to the Plan as Appendix C.

FORECASTS

The Land Use Chapter must include an analysis specifying what quantities of land will be developed over the next two decades, and at what densities. While the Plan includes a map of vacant and undeveloped land supply, estimated at 202 acres, there is not enough information in the Plan to determine that the land supply accommodates the growth forecast (155 additional households during 2018-2040). A housing capacity and staging table needs to be added to the Plan.

City Response. The staging plan is on Page 123 depicting the number of units provided. Pages 122-123 depict the specific parcels with the future units associated.

The Council requires some measure of employment-bearing land use intensity for commercial and industrial land uses to be added to the Plan. Acceptable measurements of intensity include Floor Area Ratio (FAR), or building footprint coverage, or jobs per acre, or setback and height restrictions. Any of these would meet the requirement of measuring of employment-bearing land use intensity.

City Response. The City is not increasing the commercial and industrial properties within the plan, as the City is currently meeting the employment forecasts.

Advisory Comments

Council staff find that recent employment growth and population growth have significantly exceeded what was expected in the current decade. The City can request that the employment numbers be increased with the Plan update. Council staff recommend adding +200, +300, and +400 population respectively to each of the 2020, 2030, and 2040 forecasts. The households number can remain as is.

Further, we recommend resetting the employment forecast to 1,600 jobs for each of the future forecast years; Shorewood reached 1,600 jobs in 2018.

			Shor	ewood				
	Census		Previous Council Forecasts		Estimates	Council staff recommendation		
	2010	2020	2030	2040	2018	2020	2030	2040
Population	7307	7400	7500	7600	7693	<u>7600</u>	<u>7800</u>	8000
Households	2658	2800	2910	3000	2845	2800	2910	3000
Employment	1113	1300	1340	1400	1600	<u>1600</u>	1600	<u>1600</u>

Response. The City accepts the revised forecasts and uses these assumptions in the revised version of the Land Use Plan.

LAND USE

<u>Community Designation.</u> The Plan must include a map acknowledging the City's regional Community Designation as Suburban. The Plan does acknowledge the overall density expectations for Suburban Communities at five units per acre, but the Community Designation Map is not included. The map is available on the City's Community Page of the Local Planning Handbook.

Response. The Community Designation map has been added to the Plan on page 111.

<u>Existing Land Use.</u> The Existing Land Use table states 2016 land uses and the Existing Land Use map states 2017 land uses. This information must be consistent.

Response. The Existing Land Use table has been modified to be convey 2017 information such that the table and map are consistent and is included on page 127.

Right-of-way is included on the table and not in the map legend. This information must be represented consistently.

Response. Right-of-way has been added to the legends on both the Existing Land Use map and the Land Use Plan on pages 116-117.

Future Land Use

Land use categories must include types of allowed uses and include a description of allowable housing types such as single family, detached, duplexes, townhomes, etc.

Response. The land use categories in the previously submitted version of the Plan and the revised Plan both reference types of allowable uses and housing types. Further clarification of this has been added on pages 118-120.

The Plan must address missing information or resolve inconsistencies within the Plan regarding the density ranges for planned land uses.

Response. This has been included in the revised Land Use Plan. There are no longer inconsistencies. It may be found on pages 118-120

The Plan should provide a table of identified redevelopment or new development areas that includes future land uses, acreages, density ranges, and total residential units in 10-year increments.

- The narrative describes areas that could be developed for residential or a mix of uses and also need to identify a timeframe.
- The narrative describes areas for potential high-density residential development and needs to assign a timeframe and depict these areas on a map.

Response. A table with staging has been added to the revised Land Use Plan on page 123.

For mixed used districts, the Plan must include estimates of the percentage of land that would be used as residential.

- These percentages should reflect the Plan's flexibility in defining mixed use districts as either vertical mixed use (e.g., 100% residential with integrated non-residential uses) or some combination of a horizontal mix of uses (e.g., 50% of parcels developed as residential).
- For example, the narrative describes two areas that could be developed with a mix of uses on page 114. The section should include the share and density ranges for those uses.

Response. The description of the Commercial Mixed Use designation can be found on page 120.

Advisory Comment

Staff encourages the City to develop a table that simplifies and clarifies the future land use analysis and policy, and one that would fulfill the Plan requirements. Information could be added to the Existing and Proposed Land Uses table on page 120. These elements include the following:

- Guiding land use
- Acreage anticipated to develop
- % of land anticipated to develop as residential
- o Timeframe (e.g., 2021-2030)

Response. A revised land use table is included with a diagram showing parcels included for meeting the forecasts and is on pages 122-123.

Density Calculations

More information is needed to determine the average net residential density for the City. The Plan must Identify where forecasted residential growth will happen on the Future Land Use Map or a separate map showing expected new development and re-developed areas and focusing on areas of change. Show which planned land uses have changed from the City's previously approved plan and where new land uses (change or development intensity) are planned/expected. This information must match the future land use table recommended above.

Response. This has been included in the revised Land Use Plan. The City is delivering new development at the required levels (over 5 units per acre) as demonstrated on page 123.

Staged Development and Redevelopment

A staging table noting the number of acres potentially available for development within each 10-year planning period must be included in order to clarify the City's

ability to meet the minimum required density for a Suburban Community of five units per acre.

Response. A staging plan is included on page 123.

Identify potential local infrastructure impacts for each 10-year increment.

Response. The plan has been revised to account for this on page 169.

Demonstrate that the City is capable of providing services and facilities that accommodate its planned growth in the included a capital improvement plan or similar document.

Response. The capital improvement plan is attached as Appendix C.

The staging plan or likely development phasing must be consistent with the volume of anticipated sewer flow identified in the City's Local Comprehensive Sewer Plan.

Response. This is revised in the Sewer Plan on page 194.

HOUSING

Existing Housing Need

Plans must provide the number of existing housing units that are affordable within each of the three bands of affordability (less than 30% Area Median Income (AMI), 31-50% AMI, and 51-80% AMI).

Response. The number of housing units for the three bands of affordability have been added to the Housing Plan on page 137.

Plans must state the number of publicly subsidized or income-restricted housing units available within the City, even if that number is zero.

Response. The number of publicly subsidized or income-restricted housing units available within the City, has been added to the Housing Plan on page 136.

Plans must provide the number of existing households that are housing cost burdened within each of the three bands of affordability.

Response. The number of existing households that are housing cost burdened within each of the three bands of affordability have been indicated in the Housing Plan on page 136.

Maintenance and senior housing options have been identified as existing housing needs. Once the missing data is provided, the Plan should consider if they reveal any additional existing housing needs. Once existing housing needs are clearly stated, a description of all widely recognized tools Shorewood would consider using to address those needs, and in what circumstances, is required for the Plan to be complete.

Response. Within the Housing Plan, the description of housing tools has expanded in a manner similar to the example provided by the Metropolitan Council on pages 140-145.

Projected Housing Need

Land guided to address Shorewood's 2021-2030 allocation of affordable housing is not sufficiently described for review. A staging table noting the number of acres available or likely to develop within the Medium Density Residential and the High Density Residential land uses in the 2021 decade is necessary to determine if sufficient land is guided to address Shorewood's allocation.

Response. As explained on page 137, the City is providing the affordable housing units in a manner consistent with regional policy.

Implementation Plan

The Plan must describe and provide policy direction on what available housing tools it is likely or unlikely to use with respect to identified housing needs. As a reminder, housing needs include those identified through the existing housing assessment narrative and the affordable units allocated between 2021 and 2030. This includes tools that are not locally controlled but require local support, application or administration to be successfully used. Tools mentioned by the Plan that don't adequately describe the circumstances of their use include:

- Tax Increment Financing
- Hennepin County's Affordable Housing Incentive Fund (AHIF)
- Hennepin County HOME funds

Referring to the Local Planning Handbook's list of recognized housing tools does not meet the requirement to describe and consider available housing tools to meet identified housing needs. As a reminder, housing needs include those identified through the existing housing assessment narrative and the affordable units allocated between 2021 and 2030. Tools not mentioned in the Plan include:

- Tax Abatement
- Housing bonds

- Fair Housing Policy
- Participation in housing-related organizations, partnerships, and initiatives (basically committing to ongoing education about housing tools available to meet housing needs)
- City support or direct application to specific resources within the Consolidated RFP put out by Minnesota Housing
- Preservation of naturally occurring affordable housing, including partnership with Homes Within Reach to create land trust homes in Shorewood, local 4d tax incentives, Housing Improvement Areas, and promoting/supporting/applying for resources to preserve naturally occurring affordable housing such as MN Housing, Greater Minnesota Housing Fund's NOAH Impact Fund, and others.

Staff has provided an example of another community's housing implementation table that meets the requirements of the Metropolitan Land Planning Act and is consistent with Council housing policy, in case it is helpful.

Response. As previously indicated, a description of housing tools is provided in the Housing Plan. The description is presented in a manner similar to that provided by the Metropolitan Council on pages 140-145.

Advisory Comment

Both pages 74 and 137 include policy direction to encourage owner-occupied housing. This policy could be considered exclusionary. Council staff encourage the City to consult with their attorney to consider if this statement leaves the City vulnerable to a Fair Housing complaint under the Fair Housing Act.

Response. These comments were removed.

WATER SUPPLY

The City must attach the final local water supply plan template, as submitted to DNR, as an attachment to the Plan so that all components of the Plan are accessible together.

Response. The plan has been attached as Appendix E.

COMMUNITY WATEWATER AND SUBSURFACE SEWAGE TREATMENT SYSTEMS

The Plan indicates that there are four individual SSTS and no public or privatelyowned Community Wastewater Treatment Systems in operation in the City. Text on page 52 of the Plan states that SSTS locations "are shown on the map on the following page" of the document, however a map depicting the locations of operating SSTS in the City was not found in the Plan. The Plan needs to be revised to contain the referenced map.

Response. The ISTS map has been inserted into the Plan on page 56.

The Hennepin County Plan indicates that the City has delegated the responsibility of permitting, inspection, maintenance management, and compliance enforcement of remaining SSTS in the City in accordance with Hennepin County Ordinance 19. The Plan is silent on this issue and needs to have text added to the Plan to either confirm that the County actively oversees the City's SSTS program, or detail how the City oversees its SSTS maintenance management program.

Response. This has been included on page 55.

AGGREGATE RESOURCES

The Plan is silent on the presence of aggregate resources in the City. The Council's aggregate resources inventory information contained in Minnesota Geological Survey Information Circular 46 indicates there are no known viable aggregate resource deposits available for extraction within the City. The Plan needs to be revised to include this information.

Response. Plan has been revised to state that there are no known viable aggregate resource deposits available for extraction within the City on page 18.

IMPLEMENTATION

Define a timeline as to when actions will be taken to implement each required element of the Plan.

Response. This has been included beginning on page 233.

The Plan must include a Capital Improvement Program (CIP) for transportation, sewers, parks, water supply, and open space facilities. Specify the timing and sequence of major local public investments.

Response. The City's capital improvement program, which includes specific programs for parks and open space has been attached to the Plan as Appendix C.

The CIP must align with development staging identified in other parts of the Plan and include budgets and expenditure schedules.

Response. This has been included as Appendix C.

Include your local zoning map and zoning category descriptions. Identify what changes are needed to ensure zoning is not in conflict with the new land use plan and consistent with regional system plans and policies.

Response. The City's zoning map and zoning district descriptions have been inserted into the Plan, followed by the zoning map. This is found on pages 22-26.

REQUESTED ACTION

City Officials need to review the plan changes and direct Staff to resubmit the plan for final approval.

Marie Darling

From: Kurt <khwehrmann@gmail.com>
Sent: Monday, September 27, 2021 6:54 PM

To: Planning Cc: Kristi Luger

Subject: Land use changes 23400/23500 Smithtown Road

Comments for the October 5, 2021 Shorewood Planning Commission Meeting

RE: Parcels 23400/23500 Smithtown Road

I am all for growth and higher density if it is planned well. However, I am very concerned about the existing access to West Lake Street from 23400 Smithtown Road.

Prior to granting density changes two things must happen. The first is creating access for these properties directly to County Road 19. The second is closing the current access to West Lake Street indefinitely. Furthermore, the City of Shorewood, Metropolitan Council and the City of Excelsior need to ensure that the responsibility of both creating the County Road 19 access and closure of the West Lake Street access are in place in order to remove this burden from anyone who owns or develops this land.

Your time is appreciated. Kurt

Kurt Wehrmann 444 West Lake Street Excelsior, MN 55331-1749 iPhone: 612-968-6200 KHWehrmann@gmail.com

Marie Darling

From: Courtnay Suter <courtnay.suter@gmail.com>

Sent: Sunday, September 26, 2021 7:48 PM

To: Planning Cc: Brian Suter

Subject: Eureka and Hwy 7

Hello

As you are likely aware there was a fatal traffic accident this summer on the corner of highway 7 and Eureka. This intersection continues to be a dangerous and hazardous corner as there is much congestion and bad visibility during peak hours - morning & afternoon school traffic as well as coming/going from the nearby soccer & baseball fields especially on weekends when there are tournaments or games. As a home owner in this area I am concerned about expansion and development plans along Eureka until traffic issues at this intersection are addressed. Can you please provide any updates as to what, if anything, is being reviewed and developed for this corner?

We received a notice for the comprehensive plan for the property at 25485 Highway 7 to become Medium Density. I would like to publicly voice concern for this change, as it relates to future developments, understanding that no development is proposed at this time.

However, I hope the city is taking account the loss of a young life and seriously considering improvements to this corner to make our community safer and less chaotic for all drivers.

Thank you for your consideration,

Courtnay Suter

Davis Family, LLC 805 Enterprise Dr. E. Ste. G Belle Plaine, MN 56011

Subject: Objection to change the land use of 23425 C.R. 19 (Smithtown Road) PID 34-117-23-24-0040

Marie Darling, AICP, Planning Director Shorewood Planning Commission 5755 Country Club Road Shorewood, MN 55331

Dear Ms. Darling and Shorewood Planning Commission,

Davis Family, LLC received correspondence from Ms. Darling dated August 20, 2021 providing notice of an upcoming public hearing to change to the comprehensive plan land use map, affecting the property located at 23425 C.R. 19 (Smithtown Road).

This letter states the proposed change would amend the land use from Commercial Service District to High Density Residential.

Let this letter serve as the property owner's formal objection to the proposed change in land use affecting the property located at 23425 C.R. 19 (Smithtown Road) PID 34-117-23-24-0040.

The proposed change by the Shorewood Planning Commission and Metropolitan Council is in direct opposition of the property owner's continued use and enjoyment of the property. This change would limit the rights of the property owner, detract business development, limits gathering resident input, and ignores the desires of residents on matters that impact them. All of these outcomes are contrary to the "visionary outcomes" stated in the City of Shorewood's Strategic Plan.

Therefore, it is in the best of interest of the property owner, the City of Shorewood and its residents to oppose the proposed change in land use.

Sincerely,

Joel Peters

Davis Family, LLC

Sept. 30, 2021

RECEIVED
SEP 30 2021
CITY OF SHOREWOOD

To: Marie Darling, AICP
All Planning Commission Members
All City Council Members

From: Tom & Cathy Lingo
Owners
23445 Smithtown Rd.
Excelsior
The Garden Patch

You have proposed to change the Zoning for 23445 Smithtown Rd. from Commercial To High Density Residential.

There are many drawbacks for our 23445 Smithtown Rd. property that you would like To use for residential housing. It is located along Hwy. 19 in Shorewood. Hwy. 19 is a Very, very busy highway filled with trucks of all sizes ~ several thousand cars and trucks Per day. It is very, very noisy. Many days the air is polluted with car and truck exhaust. It is dangerous for any pedestrian use and very dangerous for families with children who Would live close to it. Only businesses surround this piece of land and it is like living in A commercial area ~ because all the land around it is commercial.

Water drainage is a big problem. It is officially in a Federal Floodplain. We were Required to purchase Federal Flood Insurance when we first started our business. Also, the Land is still flooding in every heavy rain. A big problem is the high water table. Much of the Land has only a 3 ft. water table and that prevents the land from being stable, and draining Well. Another problem is the large culvert that drains Studer Pond under Hwy. 19 to Lake Minnetonka. There is a permanent easement which cuts a large piece of the property Off from the East side of the land. That shrinks the amount of land that is available for Housing. Nothing can be built above this culvert or too close to it. It's a 20 foot easement, and If there is a problem with the culvert at any location from the start of the culvert over to the spot That it drains to go into Lake Minnetonka, the city has the legal right to dig up the culvert at any spot and repair it. If any structure is in the way, it would be removed. This is the same culvert That was repaired in August for the Mary's Lake project. Since that time we now have a new Access requirement that the city needs the land open and available for checking and repairing The culvert at any time. This means that more land is not available for building, ever.

This parcel of land is not a good spot for residential homes. The purpose of high Density housing is to provide housing for new growth in the community ~ accessible and Affordable. Land that is this close to Lake Minnetonka has high land value and high Property taxes. The parcel has only a small portion that is suitable for building and only a Few units could fit. This parcel could not support accessible or affordable housing because The usable portion of the parcel is too small and the value is too high. A much better Solution to the housing problem would be to find a larger acreage further from the lake that Is not developed and a lower price for the land. An area like the Town Houses by Freeman Park Close to Hwy. 7 would be a good example. This sort of development meets all housing needs. It has been very popular and it can accommodate more types of housing such as duplexes, Smaller individual homes, four plexes, and town homes. Housing would be a much better Value in a different undeveloped area.

Another consequence of the proposed Zoning change is that the value of our land would Drop considerably and we would not be compensated for the loss. Also, while we are Operating our business, The Garden Patch, we could not make any changes to the buildings Or add any improvements because they would not be allowed in the new zoning. We would Have no options for other uses in the future of the business and the land.

We feel that our property does not offer enough safe and enjoyable space for residential Use. There are just too many restrictions and problems. The needs of a growing community Are best served in other undeveloped residential, lower valued land..

Thank you.



SHOREWOOD

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

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

Marie Darling, Planning Director

MEETING DATE: October 5, 2021

REQUEST: Variances to construct an attached garage and addition to an existing home

APPLICANT: Gianfranco and Bonnie Cuneo

LOCATION: 26020 Birch Bluff Road

REVIEW DEADLINE: January 14, 2022

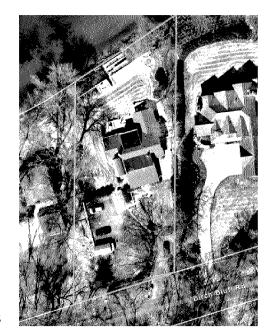
LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1C/S

FILE NUMBER: 21.25

REQUEST:

The applicant requests a variance to allow a two-story addition to be located 10.3 feet from the west property line, where the code would require 15.7 feet. The combined side-yard setbacks would be 24.6 feet where 30 feet is required.



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

The original request and notices also included a request for a variance to the impervious surface coverage, but the applicant was able to revise their application to construct the addition to maintain the current nonconforming situation.

BACKGROUND

Context:

The existing home was originally constructed around 1900 with multiple additions after that time. The lot was created as part of the Birch Bluff Upper Minnetonka subdivision recorded in 1881. The lot abuts Lake Minnetonka to the north and is within the shoreland district.

There was a detached garage located roughly in the same location as the proposed and that was demolished in 2013. That garage was 5.3 feet from the east property line.

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

Applicable Code Sections:

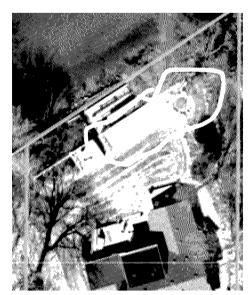
Chapter 1201.03 Subd. 2.u. of the zoning regulations states that the maximum amount of impervious surface coverage on properties within the shoreland district is 25 percent of the lot area.

Chapter 1201.26 Subd. 5.a. of the zoning regulations states that the combined side yard setback for lots abutting the water is 30 feet total with a minimum of 10 feet on each side.

Nonconformities

Since 2018, the previous property owners added a patio and fire pit improvement within the 50-foot setback to the OHWL at the top of steep slopes. The area must be returned to turf. The referenced patio and firepit are shown on the aerial photo. Other decks and improvements that were added between 1969 and 1989 may continue as legally nonconforming structures.

Additionally, in 2013, the previous property owners received a zoning permit for an 8-foot by 15-foot shed on the south side of the driveway to store the contents of the garage. The survey indicates an 8 by 20-foot shed was constructed. Consequently, the shed is nonconforming as well.



Staff will require both improvements removed prior to issuance of a permit.

<u>Impervious Surface Coverage</u>

The impervious surface coverage for the property is currently at 33.5 percent, where a maximum of 25 percent is permitted by the zoning regulations. The property has been over the allowed amount for some time and the City had approved some of the improvements that count toward the additional coverage and others pre-date any permitting or impervious surface coverage requirements. The applicant has designed their proposed addition so that the proposed improvements would not exceed the existing.

ANALYSIS

The applicants' narrative is attached and indicates that they propose to add an addition which contains an attached garage and living space on the second floor. The narrative indicates that the addition design necessitates the variance because of the constraints on the side yard setback. The house is located 14.3 feet from the east side yard, which requires that the west side yard setback be no less than 15.7 feet to reach the combined total side yard setback of 30 feet. The applicants have proposed 10.3 feet from the west property line, which is 5.4 feet less than required. The addition would include about a 900 square foot garage (three car garage with extra storage space) and mudroom on the lower level and recreational space/home gym above.

Variance Criteria:

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

- 1. *Intent of comprehensive plan and zoning ordinance*: The property owner would continue to use the property for residential purposes and proposes no uses on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses.
- 2. *Practical difficulties*: Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the lack of a garage on a property in Minnesota and the presence of the home on the lot with multiple additions construction prior to modern zoning requirements.
 - a. Reasonable: A garage is a reasonable use of the property.
 - b. *Unique Situation vs. Self-Created*: This is a situation unique to this property. The applicants' have purchased a home that was built prior to modern zoning and did not anticipate the need for attached garages, multiple vehicles per property or lake storage.
 - c. Essential Character: Homes in the area have widely varying setbacks with many older homes constructed that do not have 30 feet of combined setback between the two side lot lines. The variance if approved, would not alter the essential character of the area.
- 3. *Economic Considerations*: The applicants have not proposed the variance solely based on economic considerations, but to provide a garage and living space that suits their family's needs.
- 4. *Impact on Area*: The property owner is not proposing anything that would impair an adequate supply of air to an adjacent property, increase the risk of fire, or significantly increase the impact on adjacent streets. There was previously a smaller garage on the property in a closer to the lot line.
- 5. Impact to Public Welfare, Other Lands or Improvements: The applicants are not proposing anything that would negatively impact the supply of air to an adjacent property, increase the risk of fire or significantly increase the impact on adjacent streets.

6. Minimum to Alleviate Practical Difficulty: A two-stall garage is typically adequate to eliminate the practical difficulty of not having a shed. With the location of the home on a lake, more storage is typically desired to avoid having more recreational equipment stored outside on the property. The applicant is proposing a three-stall garage with additional storage space 5.5 feet closer to the property line than permitted and also has a nonconforming shed. Consequently, staff recommends requiring the removal of the shed to reduce the impact of the request on the neighborhood. With this removal, the request would be the minimum to eliminate the practical difficulties.

RECOMMENDATION

Staff recommends approval of the variance application, subject to the list of conditions shown below, but acknowledges that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to:

- 1) Acquire all necessary permits prior to construction.
- 2) Prior to the issuance of a permit, remove the patio within the setback to the OHWL and restore the area to turf.
- 3) Prior to the final inspection for the new garage, remove the shed and deck on the south side of the driveway.

ATTACHMENTS

Location map Applicants' narrative and plans Correspondence Received



Property Address:

Gianfranco and Bonnie Cuneo 26020 Birch Bluff Road Shorewood, MN 55331

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

We believe the addition of the garage adds a balanced extension to the house and complies with all standard zooming regulations. Given the size of the lot we are constrained at the West side with side yard setbacks resulting in a request for forgiveness on the side yard setback.

- 2. The applicant has established that there are practical difficulties in complying with this Chapter. Practical difficulties mean: (a) The property owner proposes to use the property in a reasonable manner, but which is not permitted by this Chapter. (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner. (c) The variance, if approved, would not alter the essential character of the locality
 - Correct for all points listed. We are proposing to add a much-needed garage extension to the existing house while maintaining the original character of the home.
- 3. The variance would not be based exclusively on economic considerations.
 - Not at all. There is a major missing component to the house.
- 4. The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street or increase the danger of fire or endanger the public safety

We are maintaining adequate light, air flow and access to the street. The proposed addition does not impede on any of that.

- The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood. Not Applicable to this proposed addition
- 6. The variance is the minimum variance necessary to address or alleviate the practical difficulties.

 Absolutely. We are asking for what we believe to be a reasonable adjustment to the current site and property conditions

LAKE MINNETONKA LEGAL DESCRIPTION: Lot 20, BIRCH BLUFF UPPER MINNETONKA, Hennepin County, Minnesota. It of 20, BIRCH BLUFF (UPPER MINNETONKA, Hemepin County, Minnesota. SCOPE OF WORK & LIMITATIONS. 1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown. 2. Showing the location of observed existing improvements we deem necessary for the survey. 3. Setting survey markers or verifying existing survey markers to establish the corners of the property. 4. This survey has been completed without the benefit of a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon. 5. Note that all building dimensions and building the dimensions to the property lines, are taken from the siding and or stucco of the building. 6. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction. 7. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction. STANDARD SYMBOLS & CONVENTIONS: "•" Denotes iron survey marker, set, unless otherwise noted. RO^{AD} BLUFF COVER 2,214 Sq. Ft. 728 Sq. Ft. 414 Sq. Ft. 3,483 Sq. Ft. 159 Sq. Ft. 33 Sq. Ft. 124 Sq. Ft. 243 Sq. Ft. 279 Sq. Ft. 556 Sq. Ft. 17 Sq. Ft. House Existing Decks Decks by the lake Bituminous Driveway Shed Concrete Surfaces Wood Steps Porch Stone Areas Ret. Walls Cantilever BIRCH

REVISION DESCRIPTION

UPDATE TO SHOW HOUSE TO THE WEST

TOTAL EXISTING HARDCOVER 8,250 Sq. Ft. AREA OF LOT TO OHW 24,630 Sq. Ft.

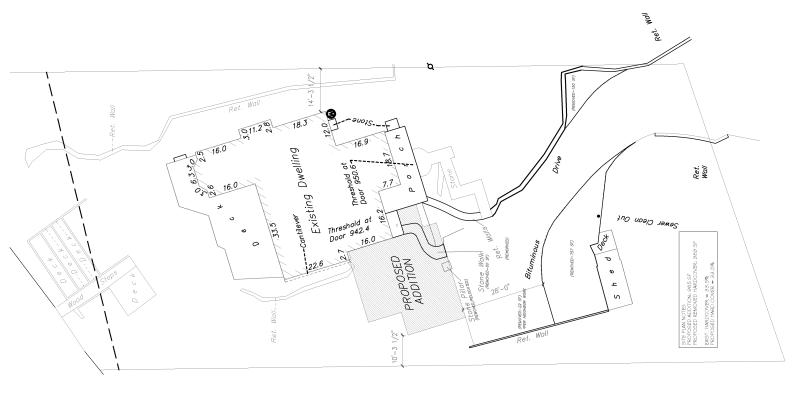
VERONICA GROVER 26020 BIRCH BLUFF ROAD SHOREWOOD, MN

Advance Surveying & Engineering, Co. MARCH 24, 2021

DATE SURVEYED: MARCH 23, 2021 DATE DRAFTED: MARCH 24, 2021 SHEET TITLE
EXISTING CONDITIONS
SURVEY 210332 TB REV 4 - 13

SHEET SIZE 22 X 34

S1



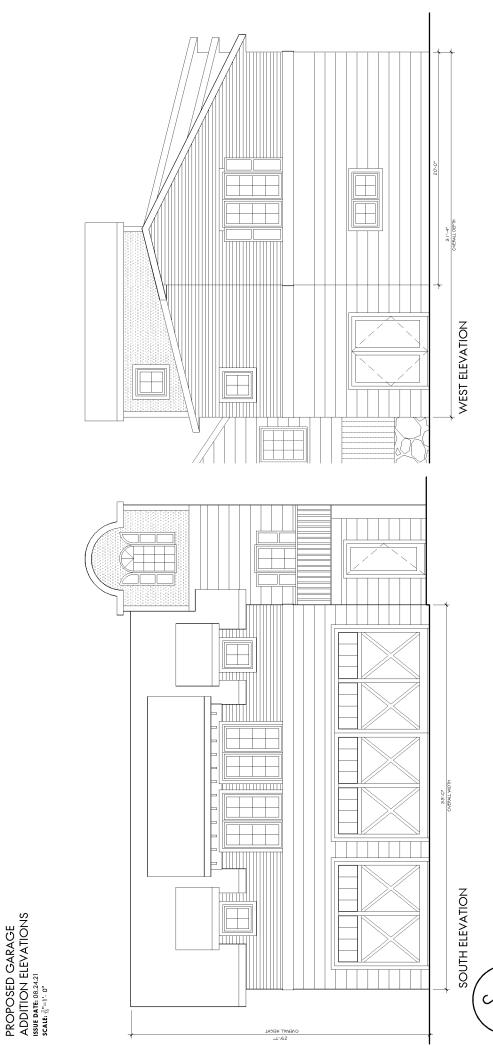


RESIDENCE:
CUNEO RESIDENCE
26020 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331
PROPOSED SITE PLAN

ISSUE DATE: 08.24.21

REVISED: 09.23.21

SCALE: 16" = 1'-0"

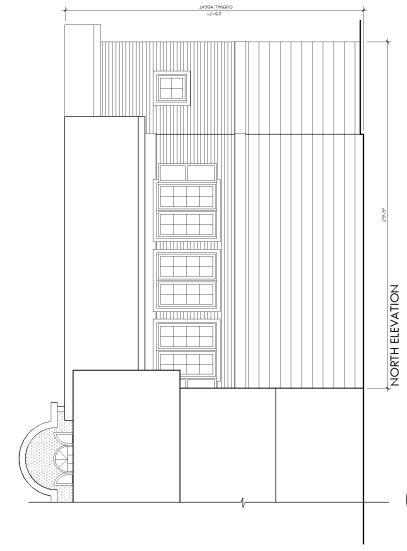


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RESIDENCE
CUNEO RESIDENCE
20620 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331

RESIDENCE CUNEO RESIDENCE 20620 BIRCH BLUFF ROAD SHOREWOOD, MN 55331

PROPOSED GARAGE ADDITION ELEVATIONS ISSUE DATE: 08.24.21 SCALE: (\$^-11.0°





ALL DRAWINGS COPYRIGHT 2021 A.SADOWSKI DESIGNS, LLC

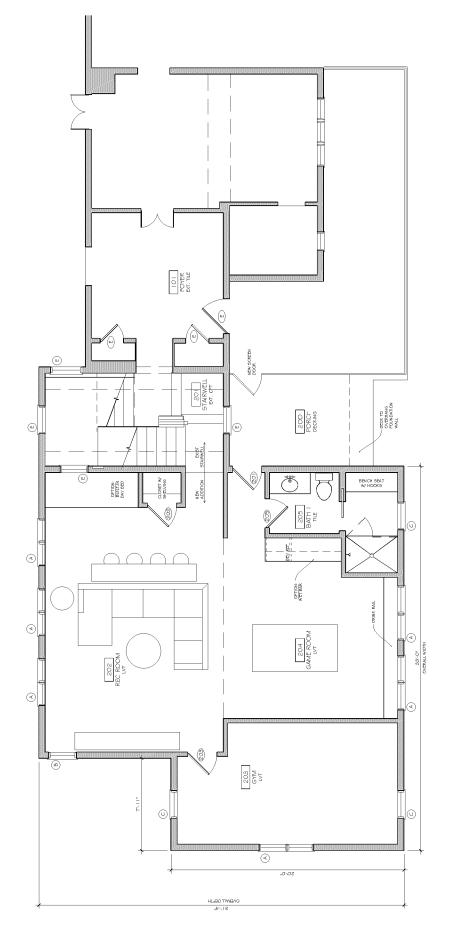
MUDROOM TILE STARWELL EXT. CPT 33'-0" OVERALL WIDTH <u>4</u> PROPOSED GARAGE ADDITION ISSUE DATE: 08.24.21 SCALE: 3"-1": 0" RESIDENCE CUNEO RESIDENCE 20620 BIRCH BLUFF ROAD SHOREWOOD, MN 55331





PROPOSED 2ND FLOOR ADDITION







Marie Darling

From: Bonnie <bonniedogs@comcast.net>

Sent: Sunday, September 26, 2021 8:04 PM **To:** Planning

Subject: Cuneo variance

Dear Marie Darling,

We, Tod and Bonnie Carpenter are writing in support of the variance to the side yard setback and impervious surface coverage at 26020 Birch Bluff. The Cueno west property line borders our property at 26050 Birch Bluff.

Kind regards,

Tod and Bonnie Carpenter 26050 Birch Bluff Rd Shorewood, Mn 55331

Sent from my iPad

October 1, 2021

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

Dear Madams and Sirs,

We are the owners of 25990 Birch Bluff Road directly east of 26020 Birch Bluff Road owned by Gianfranco and Bonnie Cuneo.

The Cuneo's would like to build an attached two story, 3-car garage with living space above. They are asking for a hard cover variance to increase their hard cover from the standard surface coverage limit of 25%. They indicate their present hardcover is 33.5%.

Part of the Cuneo's hard cover includes a driveway and stonewall, and a portion of that driveway and stonewall is actually on our property.

An easement agreement was signed in this regard between a previous owner and ourselves. That agreement indicated the driveway and stonewall on our property would be removed if the Cuneo's house no longer existed or the driveway was relocated. The easement agreement runs with the land and the Cuneo's were aware of it at the time they purchased the property.

Although the home will not be demolished, the 2 story, 3-car garage is a significant addition to the home and the driveway is being adjusted as portions of it are being removed.

We have suggested to the Cuneo's that as they are removing hardcover along their driveway to accommodate the building of a garage, this would be a good time to remove the part of their driveway and stone fence on our property. We thought we had an agreement with the Cuneo's to do this. We prepared a written agreement to that effect but they have not returned a signed copy to us.

The plans submitted to the planning commission do not indicate a removal of the driveway and wall on our property. We suggest that removing the easement on our property would help to decrease the hard cover issue for the Cuneo's. If in fact, the hard cover on our property was not included in their hardcover calculations, then they are actually exceeding 33.5 % coverage.

Furthermore, the excess hard cover could possibly be reduced further if the Cuneo's relocated their drive way to the west of their property directly in line with the new 3 car garage.

There is significant flooding and accumulation of water just below and west of the Cuneo residence if there is a large amount of rain in the spring. Excess hardcover just exacerbates the situation.

Finally, we are asking that the hearing of this matter be adjourned to a later date. We are leaving for the East Coast on Oct 1 and will not be returning until Oct 11. Hopefully we can reach a written agreement with the Cuneo's before then and if not, we would like to be present and speak to the matter before the planning commission.

If the planning commission is not prepared to adjourn the hearing, and are inclined to approve the hardcover variance, we would ask that it be approved on the condition that the Cuneo's remove their hardcover portion on our property so our Title will be clear of any easements or encroachments.

Respectfully Submitted,

Bonnie McPhee -- 952-237-9023 Jim Prokopanko -- 612-961-3719

CITY OF

SHOREWOOD

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

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: October 5, 2021

REQUEST: Variances to impervious surface coverage and setback to Christmas Lake

APPLICANT: City of Shorewood

LOCATION: 5655 Merry Lane

LAND USE CLASSIFICATION: Public/Semi-Public

ZONING: R-1A/S

FILE NUMBER: 21.26

REQUEST:

The City of Shorewood requests two variances to allow placement of a concrete pad for AIS equipment:

- A variance to allow the pad to be located 40 feet from the OHWL (ordinary high water level) of Christmas Lake where 75 feet is required
- A variance to allow about 64.8 percent impervious surface coverage where the maximum allowed is 25 percent. The current impervious surface coverage on the property is about 64.5 percent.

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

<u>Context</u>: The existing property was acquired by the City in 1969 and the boat launch was reconstructed to generally the same form as it currently exists in around 1989. Aquatic Invasive Species (AIS) inspections have been provided on the site since 2013.

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



ANALYSIS

The project narrative is attached and indicates that the city proposes to add a new pad in an existing parking island to store AIS decontamination equipment. Currently the equipment is stored in one of the parking spaces, which are in high demand for vehicle/trailer use. The proposed locations for the pad are limited by the proximity to the lake and the necessary turning radii for vehicles with trailers that must pass through the site.

The proposed location for the concrete pad was reviewed by the Parks Commission August 10th of this year and this location was the recommended spot for the new pad based on limited impact of the location on the neighbors, trees and water quality.

Although within the existing parking lot, the proposed pad would be within the 75-foot required setback from the Lake and would increase the amount of impervious surface coverage on the property.

Variance Criteria:

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

- 1. Intent of comprehensive plan and zoning ordinance: The City of Shorewood would continue to use the property for public purposes which would be consistent with the intent of both the Comprehensive Plan and zoning ordinance.
- 2. *Practical difficulties*: Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the usual purpose of the property.
 - a. Reasonable: Use of the AIS equipment pad is a reasonable use on a public lakefront property.
 - b. *Unique Situation vs. Self-Created*: The situation is unique as the boat launch and parking area were originally installed to benefit the public; and the AIS decontamination is necessary to protect the water quality of the lake.
 - c. *Essential Character*. The proposed addition would not be out of character for the neighborhood. The additional parking space that will be available when the decontamination equipment is moved is beneficial to allow for one additional trailer/vehicle to park at the site.
- 3. *Economic Considerations*: The city has not proposed the variance solely based on economic considerations, but to make use of all the available parking spaces on the site.
- 4. *Impact on Area*: The city is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets.
- 5. *Impact to Public Welfare, Other Lands or Improvements*: Staff finds the proposed addition would not be detrimental to the public welfare.

6. *Minimum to Alleviate Practical Difficulty*: Staff finds the variance request is the minimum necessary to alleviate the practical difficulties on the property.

FINDINGS/RECOMMENDATION

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

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

ATTACHMENTS

Location map
Project narrative and plans

5655 Merry Lane Location Map





Project Narrative

The Christmas Lake Boat Landing parcel PID: 3511723130038 is zoned R-1A. Permitted uses within R-1A includes public parks, public playgrounds public recreational areas, and public wildlife areas.

The existing parking lot includes seven car & trailer parking stalls and vehicles enter/exist in a clockwise direction within the parking lot. The DNR and the Christmas Lake HOA coordinate to keep aquatic invasive species (AIS) out of Christmas Lake by monitoring the public boat landing and providing a cleaning station to inspect and remove AIS.

The current cleaning station needs to be located near the entrance so that vehicles/boats can be cleaned prior to using the boat landing. The cleaning system requires a small trailer. The trailer is currently parked in one of the seven available car & trailer parking spaces therefore making it unusable to the public. Demand for the boat launch area is increasing and staff were tasked with looking for options to allow for another location for the trailer.

The goal is to create a usable space to allow the cleaning trailer to be located out of the stalls so that all seven car & trailer parking stalls can be used by the public. The existing parking lot is located 9 feet from the Ordinary High-Water Level (OHWL) at its closest point and averages about 15 feet.

Christmas Lake is classified as Recreational Development and there are two variances being proposed.

In researching new locations for the AIS trailer, staff reviewed two options. One along the drive-aisle and the proposed location in an existing parking lot island.

At their August 10, 2021 meeting, the Parks Commission reviewed the two options and selected the parking lot island as the preferred location because the other option included creating a pad that would have been nearly up to the OHWL of the Lake, involved more tree removal and would have been even closer to the homes to the north.

The proposed location would be within an existing parking lot island as shown on the attached plans. A 300 square foot concrete slab would be installed in a location that would be 40 feet from the OHWL of Christmas Lake, maximizing the distance to the shoreland. One tree would need to be removed along with some adjustments to the existing storm sewer.

Two variances are required with this option:

Variance 1: 1201.26, Subd 5a3 – 75-foot setback from OHWL using an existing parking island to create a new concrete slab. Although within the existing parking lot, the location is 40 feet from the OHWL where 75 feet is required.

Variance 2: 1201.26, Subd 5a5 – Max 25% impervious surface area

The existing parcel is 0.62 acres and currently has impervious on the site at 17,200 SQ FT or 0.400 acres and is at 64.52%. The concrete pad will add 300 SQ FT of new impervious bringing the site total to 17,500 SQ FT (0.402 acres) or 64.84%.

Variance Criteria:

The proposal is consistent with the intent of the Comprehensive Plan and Zoning Ordinance to provide a public boat launch at this property and to maximum the number of parking spaces.

There are practical difficulties related to the request, including:

- Providing a concrete pad for the AIS equipment is a reasonable use to protect the lake at the boat launch.
- The situation is unique to this property that were not created by the City. The desire to have a public access on Christmas Lake is beneficial to all residents of Shorewood and the public.
- The selected option is a minor addition to the property and the least impactful. Driving by the improvements would not be noticeable to the traveling public, but would allow for one less trailer circling through the area waiting for an open parking space.

The variances would not be based exclusively on economic considerations but to maximize the number of existing parking spaces and protect the lake to the extent possible.

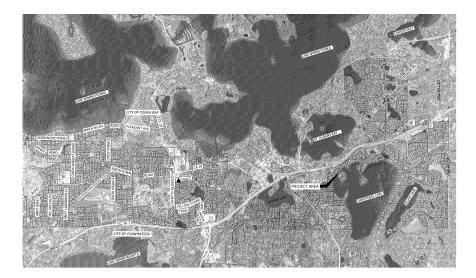
The variances would not impair an adequate supply of light and air to adjacent property, cause any additional congestion to the public street or increase the danger of fire or public safety.

The variances as proposed would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.

The variances as proposed would result in the least amount of change to the site to relocate the equipment out of one parking space and minimize the requests for setback and impervious surface coverage.

CITY OF SHOREWOOD

CHRISTMAS LAKE BOAT LANDING



SHEET INDEX

SHEET NUMBER SHEET TITLE TITLE SHEET

C1.01 C1.02 C1.03 C1.04 EXISTING CONDITIONS & REMOVAL PLAN CONSTRUCTION DETAILS

CONSTRUCTION PLAN







ıs	NO.	BILEDYCA	CAPE	CITY OF SHOREWOOD			
VPJS	Н			CHRISTMAS LAKE BOAT LANDING			
JS 30 34750	E			TITLE SHEET			

C1.01

STING TOPOGRAPHIC SYMBOLS		SURVEY SYMBOLS		EXISTING PRIVATE UTILITY LINE	S	
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AIR CONDITION UNIT		⊕ CONTROL POINT		EXACT LOCATIONS PRIOR TO COMMENCING C	ONSTRUCTION AS REQUIRED BY STATE LAW. NO	TIFY GOPHER STATE ONE CALL, 1-800-252-1
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BENCH	SIREN				UNDERGROUND GAS UNDERGROUND COMMUNICATION	
BIRD FEEDER	TELEPHONE BOOTH	XXXXXXXX	RETAINING WALL FENCE		OVERHEAD ELECTRIC	
BOLLARD			FENCE-DECORATIVE	0C 0C 0C	OVERHEAD COMMUNICATION	
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CLEAN OUT	∜ TREE-DEAD		CONTROLLED ACCESS	UTILITY QUALITY LEVELS:		
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DRINKING FOUNTAIN	四 TREE STUMP		CENTERLINE EXISTING EASEMENT LINE	RECORDS MAY INCLUDE AS-BUILT DRAWINGS, CONSTRUCTION PLANS, ETC.	, DISTRIBUTION AND SERVICES MAPS, EXISTING G	EOGRAPHIC INFORMATION SYSTEM DATAB
DOWN SPOUT	G TRAFFIC ARM BARRIER		PROPOSED EASEMENT LINE	OLIALITY LEVEL C: INVOLVES SURVEYING VISIE	BLE SUBSURFACE UTILITY STRUCTURES SUCH AS I	MANUACIES MAND-HOLES LITHLITY VALVES A
FILL PIPE	TRAFFIC SIGNAL		EXISTING LOT LINE	METERS, FIRE HYDRANTS, PEDESTALS AND UT CREATE COMPOSITE DRAWINGS, INCLUDES OF	TILITY MARKERS, AND THEN CORRELATING THE IN	FORMATION WITH EXISTING UTILITY RECOR
FIRE HYDRANT	.⊜. TRASH CAN		PROPOSED LOT LINE			
FLAG POLE	UTILITY MARKER		EXISTING RIGHT-OF-WAY PROPOSED RIGHT-OF-WAY		HE HORIZONTAL POSITION OF SUBSURFACE UTILI SURVEY METHOD, INCLUDES QUALITY LEVEL C AI	
FLARED END / APRON	VALVE		SETBACK LINE	QUALITY LEVEL A: PROVIDES THE HIGHEST LEV	VELOF ACCURACY, IT INVOLVES LOCATING OR PO	OTHOLING UTILITIES AS WELL AS ACTIVITIES
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GRILL	VALVE VAULT		QUARTER LINE SIXTEENTH LINE			
GUY WIRE ANCHOR			TEMPORARY EASEMENT	ABBREVIATIONS		
HANDHOLE	VENT PIPE	EXISTING UTILITY LINES		A ALGEBRAIC DIFFERENCE	GRAV GRAVEL	RSC RIGID STEEL CONDUIT
HANDICAP SPACE	®HS WATER SPIGOT			ADJ ADJUST ALT ALTERNATE	GU GUTTER GV GATE VALVE	RT RIGHT SAN SANITARY SEWER
IRRIGATION SPRINKLER HEAD	WELL		FORCEMAIN SANITARY SEWER	B-B BACK TO BACK	HDPE HIGH DENSITY POLYETHYLENE	SCH SCHEDULE
IRRIGATION VALVE BOX	∆ WETLAND DELINEATED MARKER		SANITARY SERVICE	BIT BITUMINOUS	HH HANDHOLE	SERV SERVICE
LIFT STATION CONTROL PANEL	→ WETLAND		STORM SEWER	BLDG BUILDING BMP BEST MANAGEMENT PRACTICE	HP HIGH POINT HWI HIGH WATER LEVEL	SHLD SHOULDER STA STATION
LIFT STATION	WET WELL		STORM SEWER DRAIN TILE	BR BEGIN RADIUS	HYD HYDRANT	STD STANDARD
LIGHT ON POLE	Ø YARD HYDRANT		WATERMAIN WATER SERVICE	BV BUTTERFLY VALVE	I INVERT	STM STORM SEWER
LIGHT-GROUND	PROPOSED TOPOGRAPHIC SYMBOLS	PROPOSED LITUITY LINES	WATER SERVICE	CB CATCH BASIN C&G CURB AND GUTTER	K CURVE COEFFICIENT L LENGTH	TC TOP OF CURB TE TEMPORARY EASEMEN
MAILBOX	9	PROPOSED UTILITY LINES		CIP CAST IRON PIPE	LO LOWEST OPENING	TEMP TEMPORARY
MANHOLE-COMMUNICATION	● CLEANOUT	———————————	FORCEMAIN	CIPP CURED-IN-PLACE PIPE	LP LOW POINT	TNH TOP NUT HYDRANT
MANHOLE-ELECTRIC	 MANHOLE 		SANITARY SEWER	CL CENTER LINE CL. CLASS	LT LEFT MAX MAXIMUM	TP TOP OF PIPE TYP TYPICAL
MANHOLE-GAS	■ LIFT STATION	${\hspace{0.025cm}\rightarrow\hspace{0.05cm}\rightarrow$	SANITARY SERVICE	CLVT CULVERT	MH MANHOLE	VCP VITRIFIED CLAY PIPE
MANHOLE-HEAT	 STORM SEWER CIRCULAR CASTING 		STORM SEWER STORM SEWER DRAIN TILE	CMP CORRUGATED METAL PIPE	MIN MINIMUM	VERT VERTICAL
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MANHOLE-UTILITY	■ STORM SEWER OUTLET STRUCTURE	-\+ /> /+/ > /+/ > /+/ >	PIPE CASING	CSP CORRUGATED STEEL PIPE	NTS NOT TO SCALE	WM WATERMAIN
MANHOLE-WATER	STORM SEWER OVERFLOW STRUCTURE	GRADING INFORMATION		DIA DIAMETER DIP DUCTILE IRON PIPE	NWL NORMAL WATER LEVEL OHW ORDINARY HIGH WATER LEVEL	
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ORDER MICROPHONE	◆ FIRE HYDRANT	EXISTING CON	TOUR MINOR	E EXTERNAL CURVE DISTANCE	PCC POINT OF COMPOUND CURVE	CF CUBIC FEET
PARKING METER	WATER VALVE	os0 EXISTING CON		ELEC ELECTRIC ELEV ELEVATION	PE PERMANENT EASEMENT PED PEDESTRIAN, PEDESTAL	CV COMPACTED VOLUME CY CUBIC YARD
PAVEMENT MARKING	▶ WATER REDUCER	oF2 PROPOSED CO		EOF EMERGENCY OVERFLOW	PERF PERFORATED PIPE	EA EACH
PEDESTAL-COMMUNICATION	WATER BEND	PROPOSED GR	ADING LIMITS / SLOPE LIMITS	ER END RADIUS	PERM PERMANENT	EV EXCAVATED VOLUME
PEDESTAL-ELECTRIC	A WATER TEE	× 953.53 × STA:5+67.19 PROPOSED SPI 980.87 PROPOSED SPI	DT ELEVATION	ESMT EASEMENT EX EXISTING	PI POINT OF INTERSECTION PL PROPERTY LINE	LB POUND LF LINEAR FEET
PEDESTRIAN PUSH BUTTON	■ WATER CROSS	1:4 RISE:RUN (SLC	PE)	FES FLARED END SECTION	PRC POINT OF REVERSE CURVE	LS LUMP SUM
PICNIC TABLE	■ WATER SLEEVE	HATCH PATTERNS		F-F FACE TO FACE	PT POINT OF TANGENT	LV LOOSE VOLUME
POLE-UTILITY	WATER CAP / PLUG	BITUMINOUS		FF FINISHED FLOOR F&I FURNISH AND INSTALL	PVC POLYVINYL CHLORIDE PIPE PVMT PAVEMENT	SF SQUARE FEET SV STOCKPILE VOLUME
POLE-BRACE	RIP RAP	L STOWNSON	GRAVEL	FM FORCEMAIN	R RADIUS	SY SQUARE YARD
POST	→ DRAINAGE FLOW	CONCRETE	4	FO FIBER OPTIC	R/W RIGHT-OF-WAY	
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