



Wayzata Planning Commission

Meeting Agenda

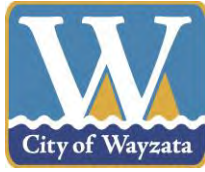
Monday, April 2, 2018
7:00 p.m.

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

1. **Call to Order & Roll Call**
2. **Approval of Agenda**
3. **Consent Agenda**
 - a. None
4. **Old Business Items**
 - a. None
5. **Public Hearing Items**
 - a. Bly Fence – 433 Bushaway Rd
Conditional Use Permit
6. **Other Items:**
 - a. March 20th City Council Meeting Update – Commissioner Douglas
 - b. Review of Development Activities
 - c. Next meeting is April 16, 2018
7. **Adjournment**

NOTES:

- ¹ Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



**Staff Report
April 2, 2018**

Project Name: Bly Fence
Addresses of Request: 433 Bushaway Rd
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: April 28, 2018

Development Application

Introduction

Steiner Koppelman and the property owners, Allan and Stacey Bly, have submitted a development application to construct an 8-foot stone wall and gate in the front yard of the property at 433 Bushaway Road. The development application requests approval of a conditional use permit for a wall and fence greater than 42 inches in height and 50 percent solid within the front yard.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
433 Bushaway Rd	08-117-22-22-0007	Allan and Stacey Bly

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-1A/Low Density Single Family Residential District
Comp plan designation:	Estate Single Family
Overlay districts:	S/Shoreland and FP/Floodplain

Project Location

The property is located on the west side of Bushaway Rd between McGinty Rd and Locust Hills Trail:

Map 1: Project Location



Application Requests

As part of the submitted development application, the applicant is requesting approval of the following item:

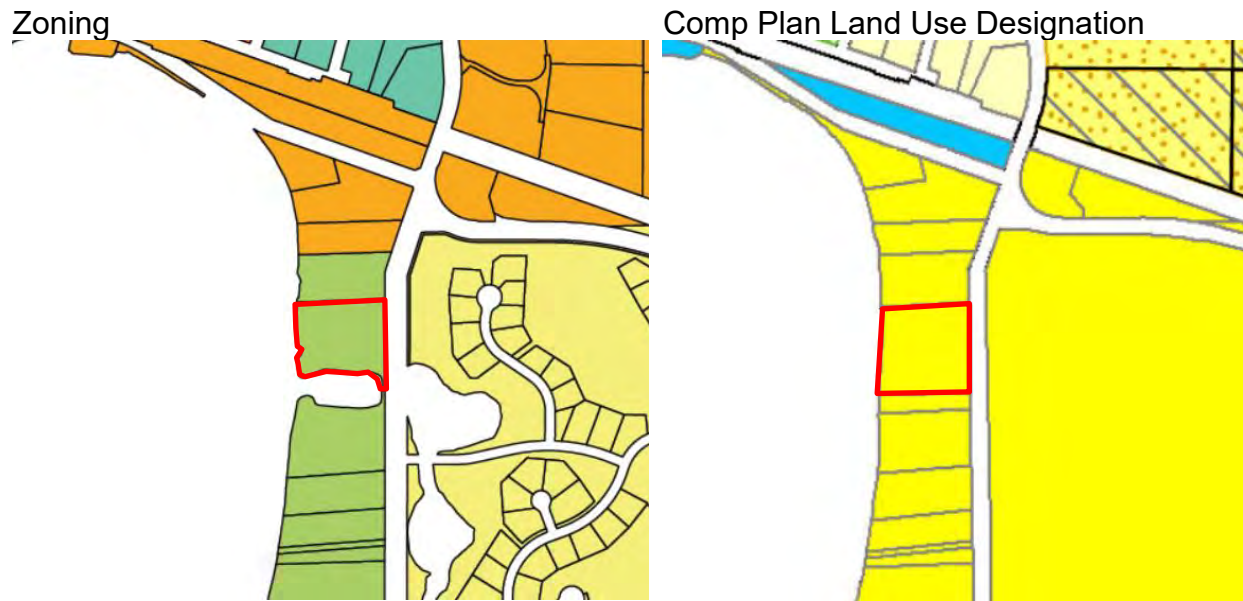
- A. Conditional use permit: The applicant is proposing to construct an eight-foot tall stone wall on the front of the property along Bushaway Rd. Fences located in the front yard that are greater than 50 percent solid matter and exceed 42 inches in height require a conditional use permit.

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family home	R-1A/Low Density Single Family Residential District	Estate Single Family
East	Bushaway Rd	N/A	N/A
	Locust Hills	PUD/Planned Unit Development	Estate Single Family
South	Lake Minnetonka	N/A	N/A
	Single-family home	R-1A/Low Density Single Family Residential District	Estate Single Family
West	Lake Minnetonka	N/A	N/A

Map 2: Adjacent Land Uses



Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on March 22, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on March 22, 2018.

Analysis of Application

Background Information

In 2013, the previous house that was located on the property was demolished, and in 2016 the City issued a building permit for a new house to be constructed on the property. The new house meets all of the zoning ordinance requirements for the R-1A and overlay zoning districts. As part of the home construction, the applicant constructed a retaining wall along the front of the property that varies in height from five to seven feet, which meets the City's zoning requirements. The zoning ordinance does not provide setback requirements or height restrictions for retaining walls.

Proposed Wall and Fence

In order to fully enclose the front of the property, the applicant is proposing to construct a stone wall and gate that would extend from the end of the retaining wall on the north side of the driveway, across the driveway, and connect to the retaining wall on the south side of the driveway. The proposed stone wall and wrought iron gate would be eight feet in height. A 42-inch wrought iron fence would also be constructed along Bushaway Road, from the end of the stone wall to the south property line.

Fence Requirements

The City's zoning regulations include specific requirements for fences that are based on the location of the fence on the property. In the front yard, defined as the area between

the house and the street, a fence with a maximum height of 42-inches and a maximum opaqueness of 50 percent is permitted. In the side yard – the area between the front and back of the house – a fence with a maximum height of six feet and a maximum opaqueness of 50 percent is permitted. Finally, in the rear yard – the area between the house and the rear property line – a fence with a maximum height of six feet is permitted with no opaqueness requirement. The City's fence requirements also state that fences in the front yard that consist of more than 50 percent solid matter and not exceeding eight feet in height are allowed by conditional use permit.

Applicable Code Provisions for Review

Conditional Use Permit for a Fence: City Code Section 801.18.1.F.2 outlines the following standards for evaluating fence conditional use permits:

- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
- B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
- C. The provisions of Section 801.04.2.G of this Ordinance are considered and satisfactorily met.

Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

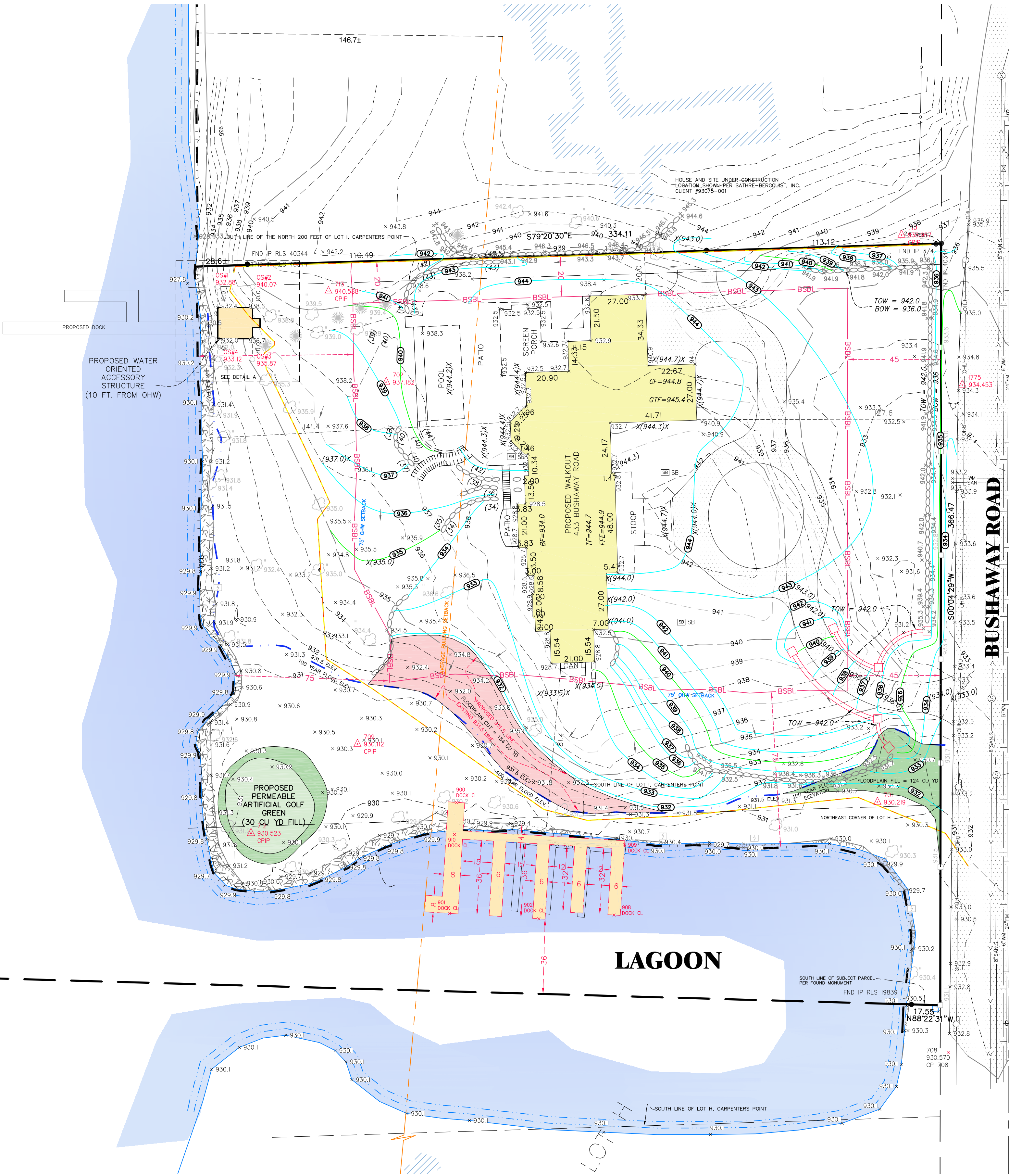
Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

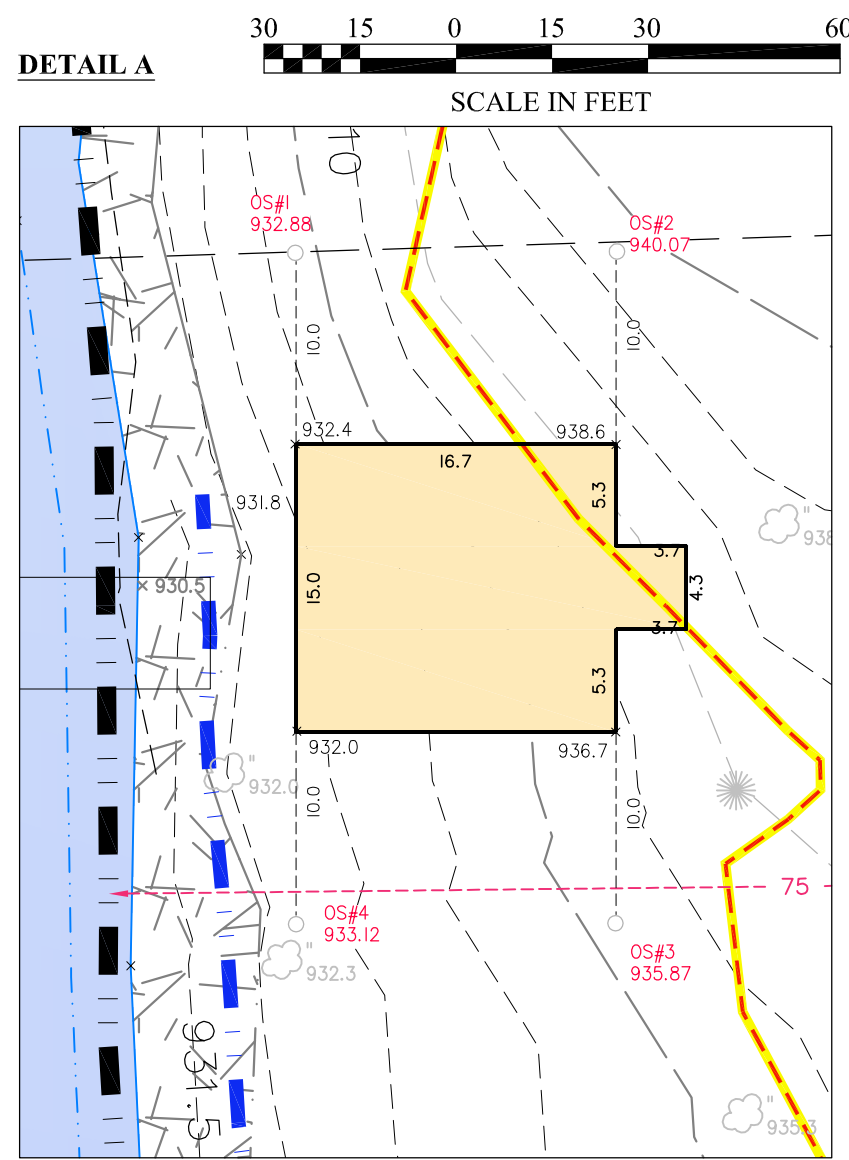
Proposed Plans

LAKE MINNETONKA
"WAYZATA BAY"



BUSHAWAY ROAD

LAGOON



DESCRIPTION OF PROPERTY SURVEYED

The south 10 feet of the north 200 feet of "Lot 1" of CARPENTERS POINT, Hennepin County, Minnesota and all that part of "Lot 1" of CARPENTERS POINT, Hennepin County, Minnesota, which lies south of a line which is parallel with the north line of said "Lot 1" and is distance 200 feet south of said north line; and that part of "Lot 1" of said CARPENTERS POINT, Hennepin County, Minnesota, described as follows: Commencing at the northeast corner of said "Lot 1"; thence running south on the east boundary line thereof 84.23 feet; to a point made by the intersection of said line with a line which is an extension to the northerly line of a steel culvert under the county road lying to the east of and at right angles to said east boundary line, which culvert permits the flow of water under said road to and from the lagoon on said "Lot 1"; thence westerly to the shore of said lagoon; thence northerly and westerly along the shore of said lagoon to the shore of Wayzata Bay, Lake Minnetonka; thence northerly along the shore of said Wayzata Bay to the north boundary line of said "Lot 1"; thence east along said north boundary line to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

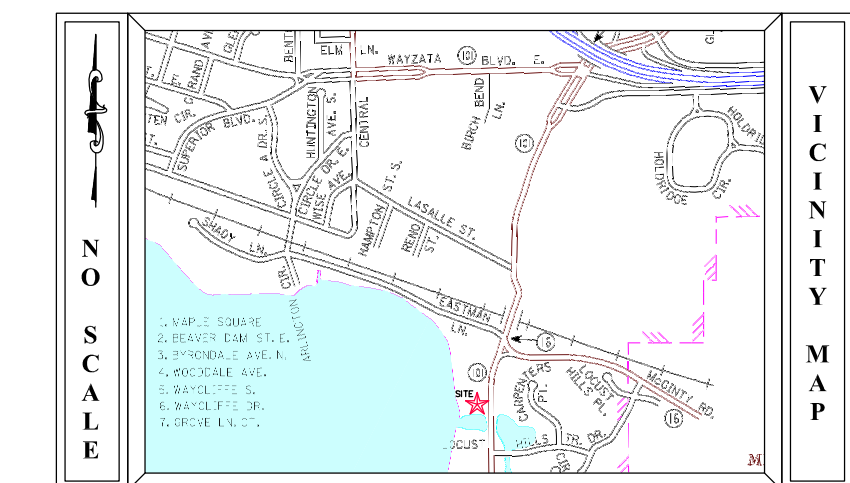
- Site Address:** 433 Bushaway Road, Wayzata, Minnesota 55391
- Flood Zone Information:** This property appears to lie in Zone X (Area of areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) and Zone AE (Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. In most instances, base flood elevations derived from detailed analyses are shown at selected intervals within these zones.) per Flood Insurance Rate Map, Community Panel No. 27053C0328E, effective date of September 2, 2004.
- Parcel Area Information:**
Gross Area: 103,305 s.f. ~ 2.372 acres (Measured to Ordinary High Water Line.)
Gross Area: 82,715 s.f. ~ 1.899 acres (Measured to 931.5 flood elevation.)
- Site Elevation:** Elevations are based on MN/DOT Geodetic Station Name: Roger MN053 ~ Southeast Quadrant of Bushaway Road and Interstate 394. Elevation = 993.69 feet (NGVD29).
- Zoning Information:** The current Zoning for the subject property is R-1A (Low Density Single Family Estate District) per the City of Wayzata's zoning map dated April 28th, 2015. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of April 19th, 2016 and are as follows:
Principal Structure Setbacks: Front Yard - 45 feet (Bushaway Road)
Rear Yard - 75 feet (Lake Side - From Ordinary High Water Line)
Side Yard - 20 feet
Allowable Building Height: 3 Stories or 40 feet, whichever is lesser.
Accessory Structure Setback: Front Yard - 50 feet
Side Yard - 10 feet
Rear Yard - 10 feet
Allowable Hardcover: 10% Building Coverage - 10,331 sq. ft.
20% - 20,661 sq. ft. (Exception may apply)
Lowest Allowable Floor Elevation = 934.00 ft.

*Zoning and Setback information provided by the Planning Department of the City of Wayzata. Contact the Planning Department for more information.

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.
- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware of. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

Hardcover		Offset Irons (elevations are to the top of pipe)	
Lot Area	= 103,305 S.F.	OS #1= 938.68	OS #2= 938.56
House/Garage Area	= 7,798 S.F.	OS #3= 940.12	OS #4= 940.05
Porch Area	= 813 S.F.	OS #5= 941.44	OS #6= 942.52
Driveway Area	= 6,423 S.F.	OS #7= 943.04	OS #8= 942.87
Stoop Area	= 888 S.F.	OS #9= 942.26	OS #10= 941.54
Patios Area	= 2,713 S.F.	OS #11= 940.92	OS #12= 932.95
Landscape Steps Area	= 168 S.F.	OS #13= 932.80	OS #14= 932.86
Retaining Walls Area	= 1,461 S.F.		
Decorative Wall Area	= 14 S.F.		
A/C Units / Generator Pads Area	= 44 S.F.		
Future New Boathouse Area	= 250 S.F.		
Total Area	= 20,472 S.F.		
House Coverage	= 8.34%		
Impervious Coverage	= 19.82%		

Proposed Elevations	= 944.8
Garage Floor	= 944.8
Garage Top of Foundation	= 945.4
Top of Foundation	= 944.7
Basement Floor	= 934.0
First Floor	= 944.9



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SURVEY LEGEND

● CAST IRON MONUMENT	⊠ A/C UNIT	▨ BITUMINOUS
⊠ CATCH BASIN	⊠ CABLE TV PEDESTAL	— BSBL — BUILDING SETBACK LINE
◁ FLARED END SECTION	⊠ ELECTRIC TRANSFORMER	— CTV — CABLE TV
⊠ GATE VALVE	⊠ ELECTRIC MANHOLE	— CON — CONCRETE CURB
< GUY WIRE	⊠ ELECTRIC METER	— CON — CONCRETE
⊠ HYDRANT	⊠ GAS METER	— CON — CONTOUR EXISTING
○ SURVEY MONUMENT SET	⊠ GAS VALVE	— CON — CONTOUR PROPOSED
● SURVEY MONUMENT FOUND	⊠ GUARD RAIL	— DT — DRAIN TILE
△ SURVEY CONTROL POINT	⊠ HAND HOLE	— ELC — ELECTRIC UNDERGROUND
○ LIGHT POLE	⊠ SOIL BORING	— F — FENCE
⊠ POWER POLE	⊠ TREE CONIFEROUS	— FO — FIBER OPTIC UNDERGROUND
⊠ SANITARY MANHOLE	⊠ TREE DECIDUOUS	— GAS — GAS UNDERGROUND
⊠ SANITARY CLEANOUT	⊠ TELEPHONE MANHOLE	— OHU — OVERHEAD UTILITY
⊠ SIGN	⊠ TELEPHONE PEDESTAL	===== RAILROAD TRACKS
⊠ GROUND ELEVATION	⊠ TRAFFIC SIGNAL	— S — SANITARY SEWER
⊠ STORM DRAIN	⊠ UTILITY MANHOLE	— S — STORM SEWER
⊠ STORM MANHOLE	⊠ UTILITY PEDESTAL	— TEL — TELEPHONE UNDERGROUND
○ YARD LIGHT	⊠ WELL	— UTL — UTILITY UNDERGROUND
		— W — WATERMAIN

FIELD CREW	NO.	BY	DATE	REVISION
ALL	12	EMW	9/19/2017	REVISED BOAT HOUSE
DRAWN	13	EMW	9/26/2017	STAKED BOAT HOUSE
EMW	14	EMW	11/6/2017	UPDATED SITE PLAN PER CLIENT
CHECKED	15	EMW	11/8/2017	931.5 FILL/CUT, GREEN, HARDCOVER, DOCKS
DBP	16	EMW	12/4/2017	ADDED AREA TO FLOOD PLAIN CUT
DATE	17	EMW	12/15/2017	CLARIFIED PROPOSED 931.5 LINE
04-19-16	18	EMW	2/27/2018	REVISED ENTRY GATE AREA

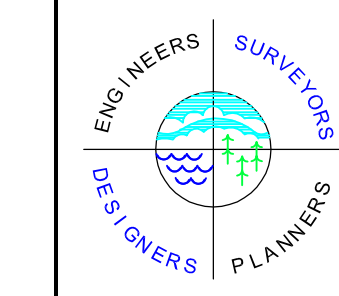
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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 28th day of April, 2016.

David B. Pemberton, PLS
pemberton@sathre.com

Minnesota License No. 40344



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

TWP.117 - RGE.22 - SEC.08
Project City: Wayzata
Hennepin County

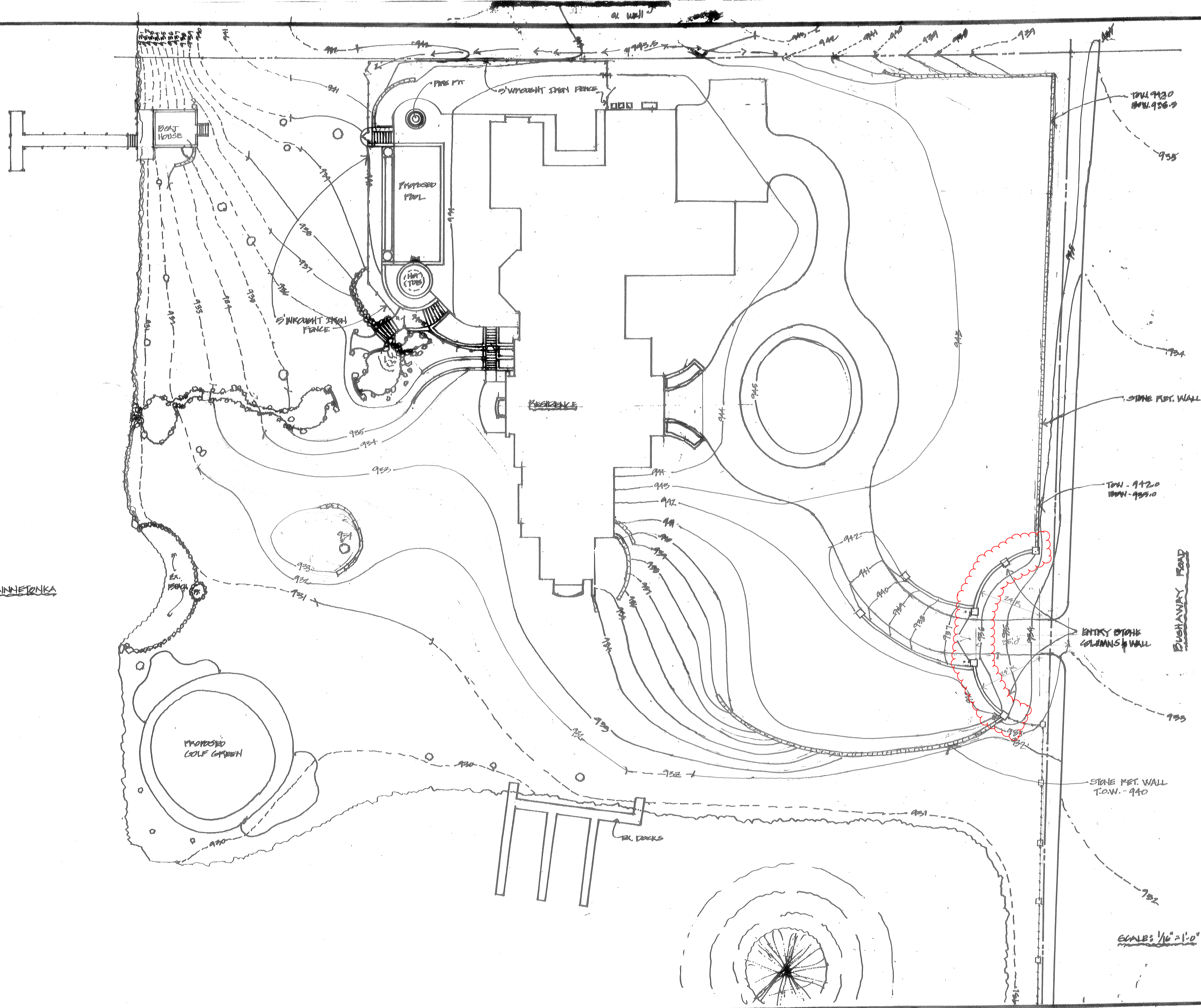
CERTIFICATE OF SURVEY

PREPARED FOR:

STEINER & KOPPELMAN

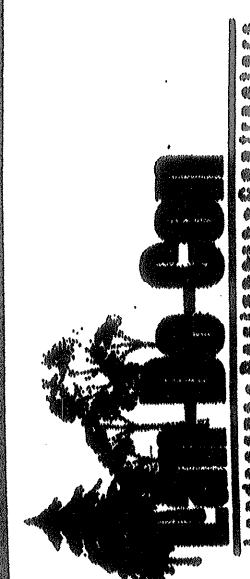
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LAKE MINNETONKA



AL & STACY BLY
155 BUSHAWAY ROAD
WAYZATA, MN.

15 Brentwood Avenue
Excelsior, MN 55331
PH (952) 474-2260



DATE: 6/26/13
REVISED: 11/20/13

DRAWN: MWT

PAGE ONE

