



Wayzata Planning Commission

Meeting Agenda

Monday, April 16, 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. Approval of March 19, 2018 Meeting Minutes
 - b. Approval of April 2, 2018 Meeting Minutes
4. **Old Business Items**
 - a. Bly Fence – 433 Bushaway Rd
Conditional Use Permit
5. **Public Hearing Items**
 - a. None
6. **Other Items:**
 - a. April 3rd City Council Meeting Report – Commissioner Flannigan
 - b. Review of Development Activities
 - c. Next meeting is May 7, 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.

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MARCH 19, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Plantan, Murray, Buchanan, and Iverson. Absent: Young, Flannigan, and Douglas. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, Seconded by Commissioner Plantan, to approve the March 19, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of February 5, 2018 Meeting Minutes
- b.) Approval of February 26, 2018 Meeting Minutes
- c.) Approval of March 5, 2018 Meeting Minutes
- d.) Adoption of Report and Recommendation of Approval of Combined Preliminary and Final Plat and Conditional Use Permits at 649 Ferndale Rd W
- e.) Adoption of Report and Recommendation for Approval of Shoreland Setback Variance for Alterations to the Residence at 532 Ferndale Rd W

Chair Buchanan read the items on the Consent Agenda and asked if the Commissioners wished to remove any items for further discussion. Hearing no such requests, Chair Buchanan asked for a motion to approve the Consent Agenda as presented.

Commissioner Murray made a motion, Seconded by Commissioner Plantan to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

- a.) None.

AGENDA ITEM 5. Public Hearing Items:

- a.) None.

AGENDA ITEM 6. Other Items:

a.) March 6th City Council Meeting Report – Chair Buchanan

Chair Buchanan gave a report on the March 6 City Council meeting, which included the approval of a future joint workshop with both the City Council and Planning Commission to review the City's Tree Ordinance, the acceptance of the Future IQ Report on the 2040 Comprehensive Plan, the approval of a contract with Civitas for design services for the Lake effect, and the approval of the development application for The Retreat as recommended by the Planning Commission.

b.) 2040 Comprehensive Plan Update

Director Of Planning and Building Jeff Thomson stated the City Council updated the Visioning Report for the 2040 Comprehensive Plan at their March 6 meeting. He reviewed the timeline and process for the upcoming work on the Comp Plan updates. He discussed the community engagement done by Future IQ. He reviewed the reports that have been completed to date in the process, and the City's Vision Statement that was approved by Council. He explained the next steps in the process, including the City Council considering proposals from consultants for drafting the land use, housing, transportation, water supply, and waste water chapters, and the Parks and Trails Plan for the Comp Plan. Future items will include surface water management, natural resources, historic and cultural resources and implementation. The completed Comp Plan must be submitted to the Met Council by the end of the year.

c.) Review of Development Activities

Director of Planning and Building Jeff Thomson stated the City Council would be reviewing the Verizon Telecom Facilities CUP Application at their next meeting. He noted that this item had been previously tabled, and was expected to be tabled again in order to provide additional time for Verizon to put together the additional information requested by Council. The City Council would also be discussing the Wayzata Boulevard and Superior Boulevard intersection design and potential construction project. The next Planning Commission meeting would include an application for a fence on Bushaway Road. The joint workshop meeting for the Planning Commission and City Council to discuss the Tree Ordinance would possibly be scheduled in May.

d.) Next Meeting is April 2, 2018

Director of Planning and Building Thomson noted that the next regular meeting of the Planning Commission is scheduled for April 2, 2018.

AGENDA ITEM 7. Adjournment.

There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.

1
2 Commissioner Murray made a motion, Seconded by Commissioner Iverson, to Adjourn the
3 Planning Commission meeting. The motion carried unanimously.
4

5 The Planning Commission meeting was adjourned at 7:21 p.m.
6

7 Respectfully submitted,

8 Tina Borg

9 *TimeSaver Off Site Secretarial, Inc.*

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
APRIL 2, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Plantan, Murray, Young, Buchanan, and Iverson.
Absent: Flannigan and Douglas. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, Seconded by Commissioner Iverson, to approve the April 2, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) None.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Bly Fence – 433 Bushaway Road
i. Conditional Use Permit

Director of Planning and Building Jeff Thomson stated 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 agreement 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. 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. As part of the home construction, the applicant constructed a retaining wall along the front of the property that varies in height from 5 to 7-feet. There are no setback or height requirements for retaining walls. 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

1 wall on the north side of the driveway, across the driveway, and connect to the retaining wall on
2 the south side of the driveway. The proposed stone wall and wrought iron gate would be 8-feet
3 in height. A 42-inch wrought iron fence would also be constructed along Bushaway Road, from
4 the end of the stone wall to the south property line. Mr. Thomson noted that the City has
5 received six emails from members of the public regarding the application, which will be made
6 part of the record.
7

8 Chair Buchanan asked if the construction of the retaining walls had been necessary as part of the
9 2016 building permit.
10

11 Mr. Thomson stated the walls had been constructed largely to flatten the front yard of the
12 property. There had been a 10-foot grade change on the front of the property as part of the
13 project. Currently the top of the retaining wall is at an elevation of 942-feet and the previous
14 elevation had been 931-feet.
15

16 Applicant's Representative, Mr. David Steingas, Steiner and Koppelman, 21500 Fairview Street,
17 Greenwood, stated the elevation of the property had evolved through the landscape design, and
18 the applicant has an autistic son who is in a wheel chair, so they wanted a flatter driveway going
19 to the front door of the home.
20

21 Commissioner Plantan asked why the applicant was not meeting the 50% opaqueness
22 requirement of the fence ordinance.
23

24 Mr. Steingas stated both sides of the proposed gate become retaining walls to the full height of
25 the proposed stone wall. In order to make the gate work with the elevation of the driveway and
26 the swing of the gate they need to have 8-foot columns against the existing retaining wall to hold
27 the gate in place. He clarified the request was for the columns and the gate only. He stated that
28 there is retaining wall up to both sides of the driveway at this time.
29

30 Commissioner Young clarified the driveway would be graded at a slope down with retaining
31 walls on both sides.
32

33 Mr. Thomson asked the applicant if the change in grade on the south side of the property was a
34 change to the previously approved grading plan.
35

36 Mr. Steingas stated the topography is at 942-feet and the driveway starts at 940-feet and works
37 its way down to 936-feet, and there would not be a change to the approved grading plan.
38

39 Mr. Thomson further clarified that there is a short segment on the south side of the retaining wall
40 that is not retaining earth, and this would be part of the application as well. He stated the City
41 would review the grading plan and current conditions with the applicant, but this does not impact
42 the application before the Planning Commission at this time.
43

44 Commissioner Iverson asked if there would be additional plantings.
45

1 Mr. Steingas stated there would be additional plantings, but the arborvitaes would only be on the
2 top of the retaining wall.

3
4 Chair Buchanan stated this would block the view of the lake from Bushaway Road.

5
6 Chair Buchanan opened the public hearing at 7:24 p.m.

7
8 Resident Nan Corwin, 1605 Locust Hills Trail, stated they have watched the development of the
9 home and property and are dismayed with the planting of the arborvitae because this takes away
10 their view of Wayzata Bay, and she feels that allowing a solid wall would further impact
11 people's ability to see and experience the lake.

12
13 Resident, Elizabeth Olig, 425 Carpenters Pt, stated she is discouraged at what is being done at
14 this property to impact the public view of the lake. The arborvitaes block the inlet and the
15 channel and this does not provide any additional privacy for the home but does impact the view
16 for residents.

17
18 There being no other members of the public wishing to speak, Chair Buchanan closed the public
19 hearing at 7:28 p.m.

20
21 Commissioner Iverson stated the Planning Commission is in a tough spot due to the existing
22 retaining wall that was installed by the applicant. She asked if there were other options the
23 Commission could consider. All of the emails from the public on the application that the City
24 received are against continuing to hide the views of the lake.

25
26 Commissioner Young stated he would not support the CUP at this time and it is not clear to him
27 what is being considered and requested as part of the CUP request. The view of the lake is being
28 impeded by the current landscaping, and would be further impeded by the CUP request.

29
30 Commissioner Murray stated the arborvitae would provide the privacy they are looking for, and
31 the increased height of the fence would not be required. He would not support the current
32 application.

33
34 Commissioner Plantan stated she would not support the application, and there are other options
35 for the wall especially on the south end. She would like to see additional drawings to make the
36 application clear.

37
38 Commissioner Young asked if the applicant would consider other design options.

39
40 Mr. Steingas stated he would look at other design options, but he would like guidance from the
41 Commission and he would work with the City to comply with the code.

42
43 Commissioner Young suggested looking at the totality of the project, and consider less
44 arborvitae and blocking of the lake view.

45

1 Mr. Steingas stated he could suggest this to the client, but they do not want to look at Highway
2 101.

3
4 City Attorney Schelzel noted that the Planning Commission can only consider and make a
5 recommendation to Council on the application that is being presented, and not other options for
6 the property.
7

8 Commissioner Young made a motion, Seconded by Commission Murray, to direct staff to prepare
9 a draft Planning Commission Report and Recommendation with appropriate findings
10 recommending denial of the Conditional Use Permit for an 8-foot fence at 433 Bushaway Road.
11 The motion carried unanimously.
12

13 Ms. Olig suggested in the future if there are public hearings on development applications that
14 include property in the estate zoning district, the area of notification of the hearings be expanded
15 to include additional neighbors.
16
17

18 **AGENDA ITEM 6. Other Items:**

19
20 **a.) March 20th City Council Meeting Report – Commissioner Douglas**
21

22 Commissioner Plantan provided a report on the March 20 City Council meeting, including an
23 update on the naming of the police memorial, the tabling of the CUP application for Verizon
24 wireless to allow Verizon additional time to evaluate other options, the tabling of soliciting for
25 bids for the reconstruction project at Wayzata Blvd/Superior intersection to allow staff to look at
26 all options including community input and education, the approval of the bid for SRF Consulting
27 for the 2040 Comp Plan services, and the changes within the Fire Department.
28

29 **b.) Review of Development Activities**
30

31 Director of Planning and Building Jeff Thomson stated the joint workshop with the City Council
32 regarding the tree ordinance would be scheduled for May 21. He noted that there are three new
33 applications being reviewed by staff at this time: two for outdoor patios for restaurants and one
34 for subdivision application at the end of Benton Avenue. He further noted that Wayzata Blu and
35 Meyer Place would be starting construction soon.
36

37 **c.) Next Meeting is April 16, 2018**
38

39 Director of Planning and Building Thomson noted that the next regular meeting of the Planning
40 Commission is scheduled for April 16, 2018.
41
42

43 **AGENDA ITEM 7. Adjournment.**
44

45 There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.
46

1 Commissioner Young made a motion, Seconded by Commissioner Murray, to Adjourn the
2 Planning Commission meeting. The motion carried unanimously.

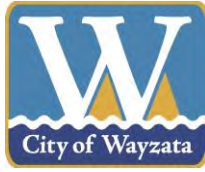
3
4 The Planning Commission meeting was adjourned at 7:43 p.m.

5
6 Respectfully submitted,

7 Tina Borg

8 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



**Staff Report
April 16, 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 tall entry gate in the front yard of the property at 433 Bushaway Road.

Previous Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on April 2, 2018. At the meeting, there was a discrepancy on the plans as to whether the stone wall along the front property line was a fence/wall or a retaining wall. Since the Planning Commission meeting, the applicant submitted revised plans that reduce the height of the wall along the south side of the driveway. With the revisions, the walls on both side of the driveway are retaining earth, and are consistent with the approved grading plan. Therefore the stone retaining walls are not subject to the City’s fence requirements. The only item on the revised plans that requires the conditional use permit is the iron gate across the driveway, which would be up to 8 feet in height, but meets the 50% openness requirement of the fence ordinance.

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
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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 gate on the front of the property along Bushaway Rd. Fences located in the front yard that exceed 42 inches in height require a conditional use permit.

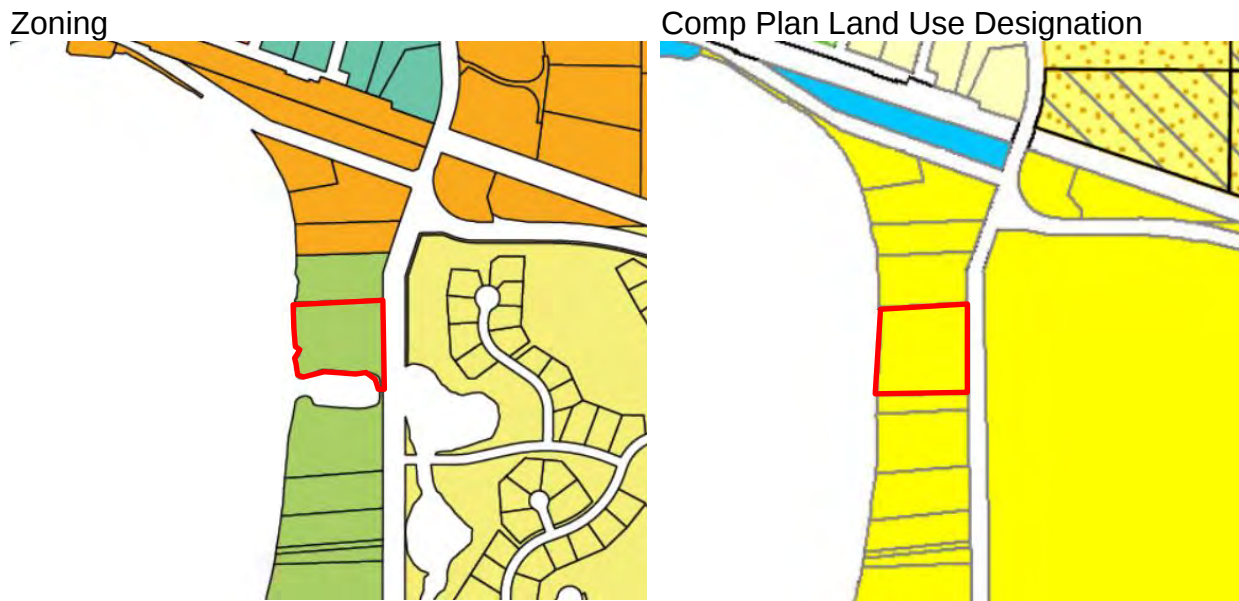
Adjacent Land Uses.

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 Single-family home	N/A R-1A/Low Density Single Family Residential District	N/A 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. The public hearing was held at the April 2, 2018 Planning Commission meeting.

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.

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 opacity 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 opacity 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 opacity 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 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.

Public Comments

The City received several public comments regarding the development application, which are attached to this report.

Planning Commission Action

After discussing the application on April 2nd, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a report and recommendation of denial of the development application for adoption at the next Planning Commission meeting. City Staff has drafted the attached Planning Commission Report and Recommendation which recommends denial of the development application.

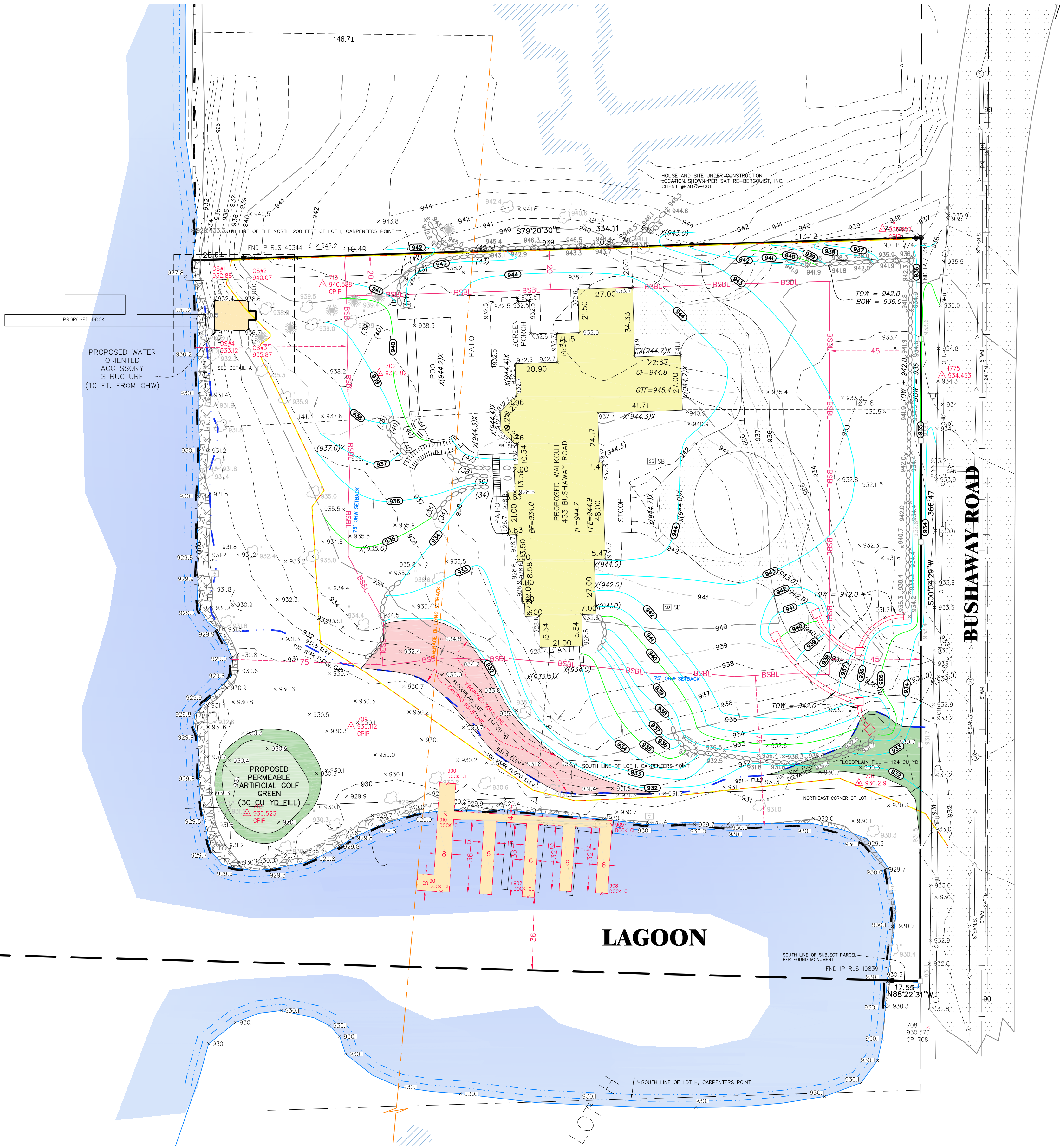
Attachments

Revised Plans

Public Comments

Draft Planning Commission Report and Recommendation

LAKE MINNETONKA
"WAYZATA BAY"



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.

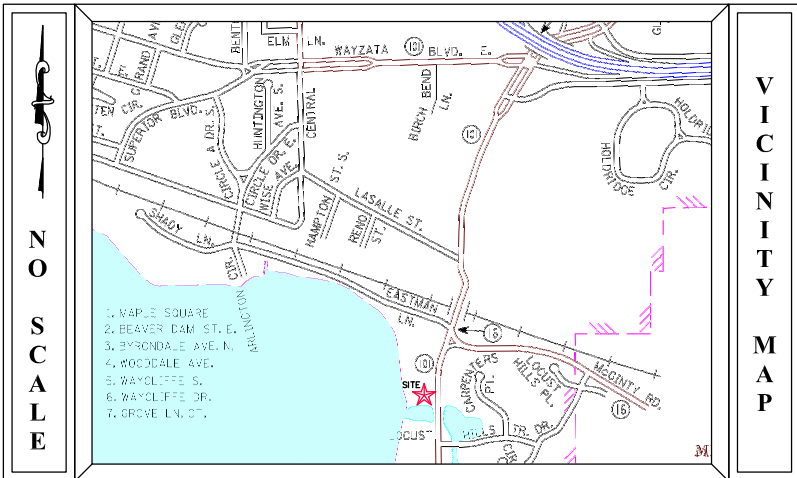
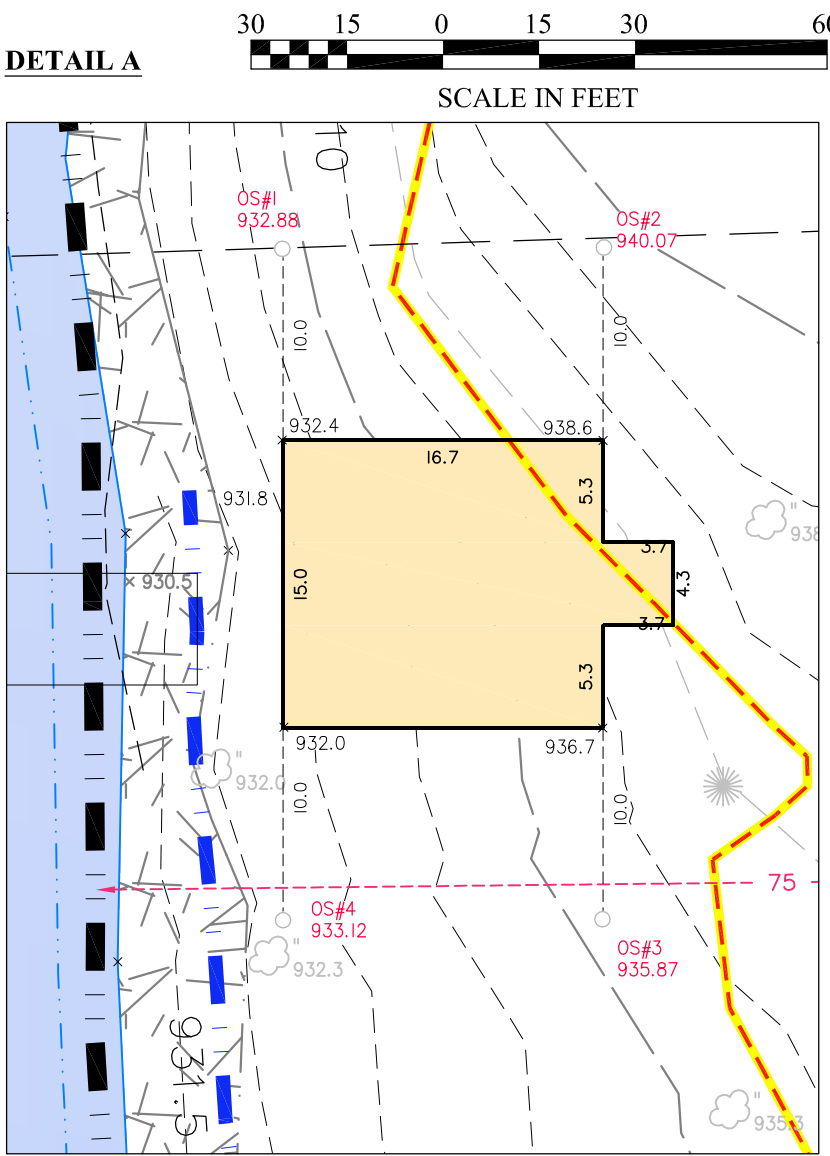
*Zoning and Setback information provided by the Planning Department of the City of Wayzata. Contact the Planning Department for more information.

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			
Lot Area	=	103,305 S.F.	
House/Garage Area	=	7,798 S.F.	
Porch Area	=	813 S.F.	
Driveway Area	=	6,423 S.F.	
Stoop Area	=	888 S.F.	
Patios Area	=	2,713 S.F.	
Landscape Steps Area	=	168 S.F.	
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%	

		Offset Irons
		(elevations are to the top of pipe)
	OS #1= 938.68	OS #2= 938.56
	OS #3= 940.12	OS #4= 9940.5
	OS #5= 941.44	OS #6= 942.52
	OS #7= 943.04	OS #8= 942.87
	OS #9= 942.26	OS #10= 941.54
	OS #11= 940.92	OS #12= 932.95
	OS #13= 932.80	OS #14= 932.86

Proposed Elevations	
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

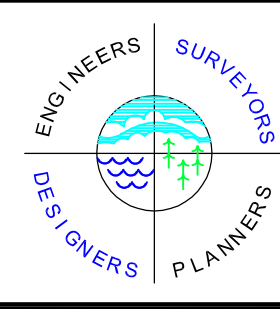
● CAST IRON MONUMENT	⊠ A/C UNIT	▨ BITUMINOUS
⊠ CATCH BASIN	⊠ CABLE TV PEDESTAL	— BSBL — BUILDING SETBACK LINE
◁ FLARED END SECTION	⊠ ELECTRIC TRANSFORMER	— CTV — CABLE TV
⊠ GATE VALVE	⊠ ELECTRIC MANHOLE	— CONCRETE CURB
< GUY WIRE	⊠ ELECTRIC METER	— CONCRETE
⊠ HYDRANT	⊠ GAS METER	— CONTOUR EXISTING
○ SURVEY MONUMENT SET	⊠ GAS VALVE	— CONTOUR PROPOSED
● SURVEY MONUMENT FOUND	— GUARD RAIL	— DT — DRAIN TILE
△ SURVEY CONTROL POINT	⊠ HAND HOLE	— E.L.C. — ELECTRIC UNDERGROUND
○ LIGHT POLE	⊠ SOIL BORING	— F — FENCE
⊠ POWER POLE	⊠ TREE CONIFEROUS	— F.O. — 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	—>—>— SANITARY SEWER
⊠ STORM DRAIN	⊠ UTILITY MANHOLE	—>—>— 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.
Sated this 28th day of April, 2016.

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344



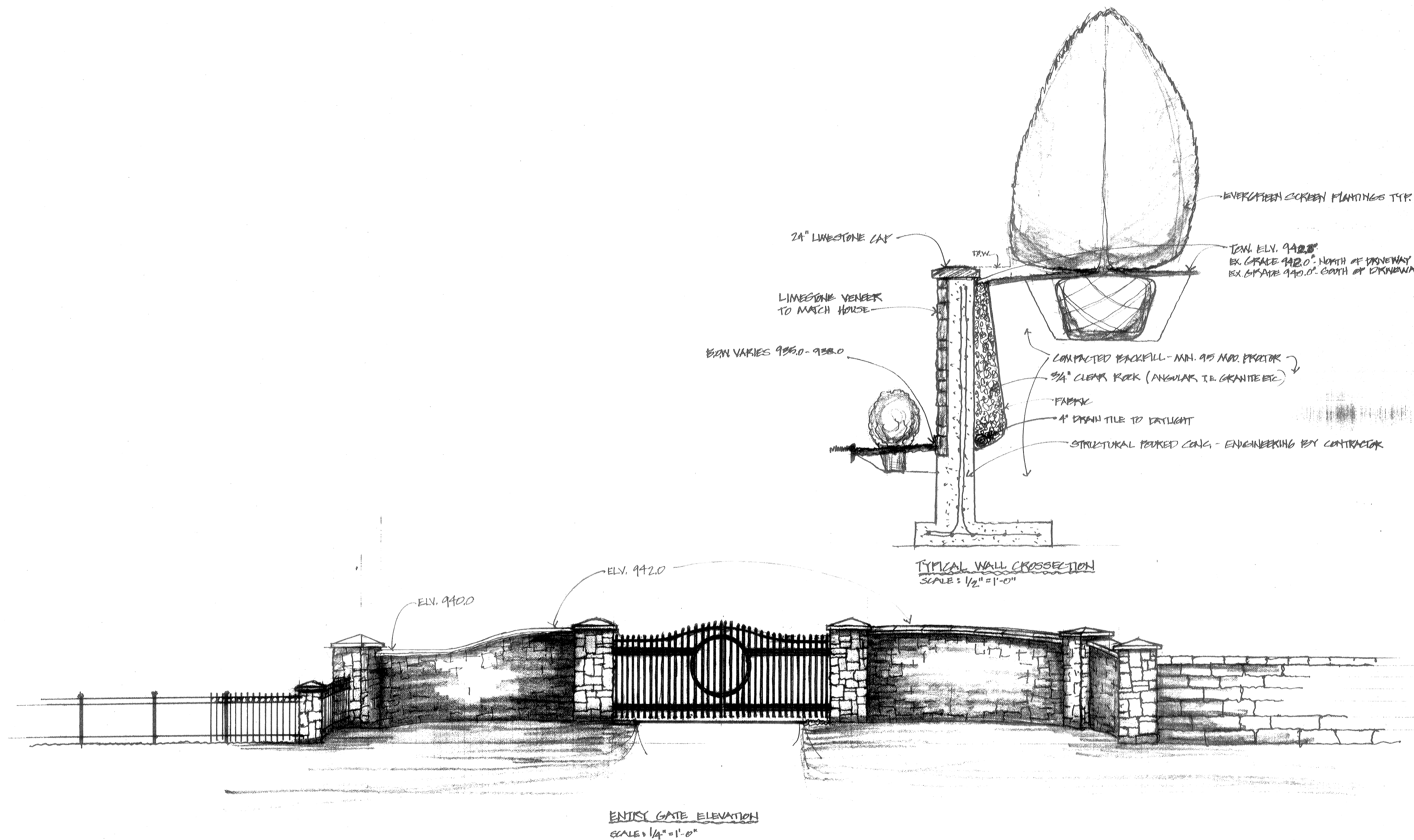
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

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

CERTIFICATE OF SURVEY

PREPARED FOR:
STEINER & KOPPELMAN

FILE NO.
87910-002
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Jeff Thomson

From: Jim Corwin <jcorwin@csiergonomics.com>
Sent: Monday, April 2, 2018 3:40 PM
To: Jeff Thomson
Cc: nan corwin
Subject: 8' Wall proposal at 433 Bushaway

Importance: High

Really?

The hedge was enough, but I believe the 8' wall goes a little beyond privacy. We respectfully call the City of Wayzata to not grant any further building permits that would restrict the beautiful sight lines of Lake Minnetonka.

Please reject any further sight restrictions imposed on this neighborhood by this private party. Nan Corwin will be in attendance tonight. Sincerely,

Jim Corwin
1605 Locust Hills Trail
Wayzata MN 55391

Jeff Thomson

From: nan corwin <nancorwin@me.com>
Sent: Monday, April 2, 2018 3:40 PM
To: Jeff Thomson
Subject: 433 Bushaway Rd.

Jeff, I am a resident of Locust Hills and am completely against accepting the proposal of building an 8' wall at 433 Bushaway Road. The beautiful view of Wayzata Bay is one of the reasons we love Locust Hills and the work the City has done to preserve the views of the Lake along scenic Bushaway. Allowing an 8' wall would block this view as we have already seen with the planting of the Arborvitae that block the view of the channel and Wayzata Bay. Please consider the negative impact this wall will have on neighbors and so many other Wayzata residents who drive Bushaway Road. Thank-you for your consideration,
Nan Corwin
1605 Locust Hills Trail

Jeff Thomson

From: Pamela Friedland <pamela.friedland@gmail.com>
Sent: Monday, April 2, 2018 4:35 PM
To: Jeff Thomson
Subject: Proposed Wall Structure

Hello Jeffrey,

I am including my thoughts on the proposed stone fence recently proposed by the architect representing 433 Bushaway Road.

When Bushaway was recently updated, the final finished product achieved an aesthetic appearance and function, including the ability for residents, those driving through a calm and lovely road, and pedestrians enjoying the newly created walking paths, to truly enjoy the beauty surrounding our Lake Minnetonka.

With the addition of the large and already quite tall grouping of trees planted last autumn, the enjoyment of viewing Wayzata Bay had been diminished. But at least in this case, we can try to minimize our discomfort with this obstruction by saying we are viewing trees and not a looming and unnatural barrier to a beautiful body of water.

My husband and I strongly oppose the addition of yet more blockage to a view that should be enjoyed by all.

I ask you to take our thoughts into consideration.

Thank you,

Pamela Friedland
Wayzata Resident

Jeff Thomson

From: Elizabeth Olig <elizabetholig@gmail.com>
Sent: Monday, April 2, 2018 1:53 PM
To: Jeff Thomson
Subject: Fwd: 433 Bushaway

Jeffrey,

I am writing to oppose the addition of a stone fence proposed by the architect managing the build at 433 Bushaway.

The existing retaining wall and plantings of the arborvitae have already diminished a wonderful view that our City residents and other passersby have always been able to enjoy.

This beautiful and historic road shouldn't belong only to individual property owners.

Driving along Bushaway, and walking along the newly enhanced paths, viewing Lake Minnetonka as it peeks between homes and buildings adds a charm to Wayzata that would begin to disappear if you allow such imposing structures to creep in.

Thank you for considering how important the lake is to all residents of Wayzata.

Sincerely,
Elizabeth Olig
Wayzata Resident

Jeff Thomson

From: bbschwalbe@gmail.com
Sent: Monday, April 2, 2018 6:30 PM
To: Jeff Thomson
Subject: 433 Bushaway

We would like to add our voices to those you are concerned about an eight foot stone wall cutting off Bushaway from beautiful lake views. It is a joy to walk and bike down 101 and glimpse the water. We prefer that the 42 inch maximum remain so that all can continue to appreciate Lake Minnetonka.
Thank you for considering our point of view.

Tom and Bonnie Schwalbe

Please excuse any errors. This message was sent from my mobile device.

Jeff Thomson

From: Jeff Thomson
Sent: Monday, April 2, 2018 5:07 PM
To: Jeff Thomson
Subject: FW: conditional use permit notification on Busahaway

From: Vince Vertin [mailto:vince.vertin@mercedcapital.com]
Sent: Monday, April 2, 2018 4:11 PM
To: Jeff Thomson <jthomson@wayzata.org>
Subject: RE: conditional use permit notification on Busahaway

Hello Jeff,
Thanks for sending over.

I will be unable to attend the meeting tonight, as I will be at the Mayo clinic with my father who is quite sick with cancer. So, I thought I would email you with my thoughts, but if it is required to have someone at the meeting on my behalf to deliver my views to make it 'official' please let me know. For the sake of efficiency, I just shot these over in bullet-point form if you want to summarize where I stand.

- I strongly object to the granting of a CUP for the stone wall **IF and ONLY IF** the total project is **not in conformance** with Wayzata Zoning Ordinance 801.16.4(D)
 - If the project is not in conformance with the "overall grade can't exceed 2 feet" , then it seems to me the wall just further exacerbates the issue.
- If the Planning Commission and you/Mike are satisfied that the Sathre Bergquist survey calculations show compliance with 801.16.4(D) **then I have no objections**, as I am sure it will look great
 - I think you mentioned that the primary structure building footprint was excluded from the calculation of the NEW overall grade height. Although that does not seem equitable, I'll assume you have precedence for this calculation.
 - Regardless, as I understand it---even with the exclusion of the primary structure footprint from the calculation, I believe you and Mike mentioned the calculation was essentially at the limit of 2' (presumably over the 2' limit if primary structure included).
- As I mentioned in our prior conversations, the storm water erosion and runoff from 433 is going to have quite a big impact on the landscaping (specifically trees) on my property as the average grade of the 433 Bushaway property is far higher than prior to the project starting-----especially the grade of the property along the property line between us.



WAYZATA PLANNING COMMISSION

April 16, 2018

REPORT AND RECOMMENDATION OF DENIAL OF CONDITIONAL USE PERMIT FOR A FENCE AT 433 BUSHAWAY RD

SUMMARY OF RECOMMENDATION

Denial of Conditional Use Permit for Fence

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Steiner Koppelman and the property owners, Allan and Stacey Bly, (together, the “Applicant”) have submitted a development application (the “Application”) to construct an 8-foot stone wall and gate (the “Fence”) in the front yard of the property at 433 Bushaway Road (the “Property”) facing Bushaway Road.
- 1.2 Application Request. As part of the Application, the Applicant is requesting approval of a conditional use permit to construct additional wall and fence greater than 42 inches in height and 50 percent solid within the front yard (the “Fence CUP”).
- 1.3 Property. The street address, property identification number and owner of the Property are:

433 Bushaway Rd	08-117-22-22-0007	Allan and Stacey Bly
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- 1.4 Land Use. The Property is zoned R-1A/Low Density Single Family Residential District and guided Estate Single Family. It is also located in the S/Shoreland and FP/Floodplain overlay district.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on March 22, 2018. A copy of the notice was

mailed to all property owners located with 350 feet of the Property on March 22, 2018. The public hearing on the Application was held at the April 2, 2018 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Standards for Fences. 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 Section 801.18.1. 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.F of the Zoning Ordinance are considered and satisfactorily met. Section 801.04.2.F of the Zoning Ordinance requires City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:
 - 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - 2. The proposed use's compatibility with present and future uses of the area.
 - 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - 4. The proposed use's effect on the area in which it is proposed.
 - 5. The proposed use's impact upon property values in the area in which it is developed.
 - 6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
 - 7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Criteria for Fence CUPs.

- A. The placement, height and design of the Fence will not create a safety hazard with regard to, from or on a public street or roadway.
- B. The placement, height and design of the Fence will negatively affect adjoining properties and uses. The Fence will have significant negative impacts on, and in some cases block, views of the Lake from Bushaway Road, and adjacent walking and bicycle paths.
- C. The provisions of Section 801.04.2.F of the Zoning Ordinance are not all satisfactorily met. The Fence (the "Proposed Use") would have adverse effects on the surrounding properties, the area and the quality of the scenic road and pathways that run along the front of the Property based upon the following:
 - 1. The official City Comprehensive Plan recognizes the importance of lake views, and the scenic and historic nature of Bushaway road.
 - 2. The Proposed Use is not compatible with present and future uses of the area, which include a scenic roadway, and pedestrian and bicycle paths.
 - 3. The Proposed Use will have a significant negative effect on the area in which it is proposed, as noted above.
 - 4. The Proposed Use could have a negative impact upon property values in the area for the reasons noted above.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the Fence CUP

Adopted by the Wayzata Planning Commission this 16th day of April 2018.

Voting For Denial Recommendation:

Voting Against Denial Recommendation:

Abstaining:

Absent:

DRAFT