

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 5, 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, Iverson, Flannigan and Douglas. Absent and Excused: None. Director of Planning and Building Jeff Thomson, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Chair Buchanan asked for a motion to approve the agenda for the meeting.

Commissioner Plantan made a motion, seconded by Commissioner Douglas to approve the September 5, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of August 20, 2018 Meeting Minutes
- b.) Adoption of Report and Recommendation of Approval of PUD General Plan and Design Review for Ventana Condos at 253 Lake St E
- c.) Adoption of Report and Recommendation of Approval of PUD General Plan. Design Review, Variance, and Shoreland Impact Plan/Conditional Use Permit for Hughes Redevelopment at 253 and 239 Lake St E

Chair Buchanan read the items on the consent agenda and asked if any commissioner wanted to pull any item for further discussion. Hearing no such request, he asked for a motion to approve the consent agendas as presented.

Commissioner Iverson 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.) Enclave at Crossdale Fence – 205, 211, 223 Byrondale Ave N
 - a. Conditional Use Permit

Director of Planning and Building Jeff Thomson stated the applicant Susan Seeland, on behalf of the property owners, Scott and Sarah Johnson, Douglas and Sarah Carter, and Bruce Gates, has

submitted a development application to construct a 6-foot tall solid fence in the side yard between the properties at 217 and 223 Byrondale Ave N. The Planning Commission reviewed the application and held a public hearing at its meeting on July 16, 2018. The original application requested approval of a conditional use permit for a 6-foot tall solid wood fence along Wooddale Ave at 205 and 211 Byrondale Ave N and a 6-foot tall solid wood fence along the side property line between 217 and 223 Byrondale N. During its review at the July 16 meeting, the Planning Commission expressed concerns about the distance of the fence from Wooddale Ave and directed the applicant to address the impacts to the city street and apply for a variance if the fence did not meet the setback requirement. After the Planning Commission meeting, the applicant submitted a letter to the City that disagreed with City staff's interpretation that the fence along Wooddale Ave is subject to the front yard fence requirements and therefore required a conditional use permit. After reviewing the zoning ordinance, City staff has determined that the fence is subject to the rear yard setback requirements and not the front yard fence requirements as originally determined. Under this determination, the proposed 6-foot fence meets the rear yard fence requirements and does not require a conditional use permit. Since the fence would be located in a City utility easement, the applicant has agreed that the fence must be setback at least 5-feet from Wooddale Ave, which is the recommendation of the City engineer to ensure the fence does not obstruct the use and maintenance of the public street. The application still requires a conditional use permit for the 6-foot solid fence located in the side yard between 217 and 223 Byrondale Ave N properties since the City's side yard fence requirements state the fence must be at least 50% open.

Commissioner Iverson stated the Planning Commission had previously struggled with allowing the fence along Central Avenue. There had been a number of residents that had come forward to speak against it at that time. The applicant had originally agreed to not put up a fence along the rear or side of the property in the 2011 application. It was then determined that they could have a fence that would stop kids from going from the trail onto Central Avenue. She stated she talked to residents who had been at the original meetings and they are upset. The applicant had agreed to keep this open as a walkway to get to Lunds. She would like to see the gate removed on the trail that goes to Central Avenue. She would not support the application because it is against what the applicant had previously agreed to.

Chair Buchanan stated the application is only for the side yard fence, and the rear yard fence is in compliance with the City's ordinances.

Mr. Thomson stated the gate had been previously discussed at the last meeting, and it is not part of the current CUP request. The City has more discretion on the gate being installed or not because the City has a public trail easement over this area. At the last meeting, the Planning Commission expressed concerns about the gate, and the applicant agreed to not include the gate across the trail as part of its application.

Commissioner Douglas made a motion, seconded by Commissioner Plantan, to approve and adopt the draft Planning Report and Recommendation as presented, recommending approval of the conditional use permit for a 6-foot tall solid wood fence at 217 and 223 Byrondale Ave N with conditions. The motion carried 5 ayes and 2 nays (Iverson and Flannigan)

b.) Vanderheyden Fence – 105 Walker Ave N

1 **a. Conditional Use Permit**
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3 Director of Planning and Building Jeff Thomson stated the applicant and property owners, Tom
4 and Debra Vanderheyden, have submitted an application for a conditional use permit to construct
5 a 100% opaque, wooden fence measuring 6-feet in height and located in the side and rear yard of
6 their home located at 105 Walker Ave N. The applicant requests approval of a conditional use
7 permit opacity requirement for fences located in the side yard of a residential property. The
8 Planning Commission reviewed the application and held a public hearing at its meeting on August
9 20. The Planning Commission expressed concerns about original proposal which asked for a 100%
10 opaque, wooden fence measuring 8-feet in height. The Commission requested the applicant
11 provide information about the landscaping around the fence, as well as voiced support for a fence
12 that would be no more that 6-feet in height. Since the August 20 meeting, the applicant submitted
13 a revised plan for the fence and an updated landscape plan for the screening of the fence. In the
14 revised application, the height of the fence has been reduced to 6-feet, which is allowed for a fence
15 located in the side yard of a residential property.
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17 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to approve and
18 adopt the draft Planning Commission Report and Recommendation as presented, recommending
19 approval of a conditional use permit for a fence at 105 Walker Ave N. with conditions. The motion
20 carried unanimously.
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23 **AGENDA ITEM 5. Public Hearing Items:**
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25 **a.) Benton Harbor – 310 Benton Ave N and 1023 Gardner ST E**

26 **i. Preliminary and Final Plat Subdivision**
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28 Director of Planning and Building Jeff Thomson stated the applicant and property owner, Invest
29 Capital Group, LLC, have submitted a development application to subdivide the properties at 310
30 Benton Avenue and 1023 Gardner St E. The applicant is proposing to subdivide the two existing
31 properties into four single-family residential lots. The existing homes would be demolished and
32 four new homes would be constructed. The proposal requires preliminary and final plat review to
33 subdivide the two existing lots. The Planning Commission reviewed the development application
34 and held a public hearing at its meeting on May 21, 2018. At the meeting, the Planning
35 Commission continued the public hearing and directed the applicant to submit all information
36 required by the City's subdivision ordinance. The Planning Commission noted the application did
37 not include a preliminary grading, drainage, and erosion control plan, tree preservation plan, and
38 utility plan. At its June 18th meeting, the Planning Commission reviewed the revised plans
39 submitted by the applicant, which included alteration and fill of floodplain on the property.
40 Alterations to the floodplain are reviewed and approved by the Minnehaha Creek Watershed
41 District. Since the proposed house pads shown on the grading plan would result in alterations to
42 the floodplain, the Planning Commission tabled the application and directed the applicant to obtain
43 approval from MCWD before the City considers the subdivision. The applicant subsequently
44 obtained approval from MCWD for the floodplain alteration. There had been concerns from the
45 neighbors regarding drainage, and this has been reviewed to ensure the drainage patterns would
46 not impact the neighboring properties.

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2 Applicant representative, Mr. Mike Sharratt, Sharratt Design, 464 2nd ST, Excelsior, stated they
3 are creating approximately 120 cubic yards of floodplain volume. They are changing the grading
4 to make pads for the homes so that they are no to high that they are filling the floodplain or to low
5 that the homes would flood. This increases the area that water can be. The vision is for these to
6 be smaller and more affordable houses. This will fill a void in the City. These homes would not
7 have basements because you cannot have a floor below the floodplain.

8
9 Commissioner Iverson asked if a condition of approval could be added that required permanent
10 tree fences to be installed around the maple tree and the cherry tree on the first lot.

11
12 Mr. Sharratt clarified this would be during construction only, and they would agree to install a
13 more rigid fence with posts driven into the ground.

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15 Chair Buchanan opened the public hearing at 7:39 p.m.

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17 There being no one wishing to address the Planning Commission on this application, Chair
18 Buchanan closed the public hearing at 7:40 p.m.

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20 Commissioner Flannigan stated this is a nice project for this area.

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22 Commissioner Iverson made a motion, seconded by Commission Murray, to direct staff to prepare
23 a draft Planning Commission Report and Recommendation with appropriate findings of fact to
24 recommend approval of the preliminary and final plat for the subdivision at 2130 Benton Avenue
25 and 1023 Gardner St E. The motion carried unanimously.

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

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30 **a.) September 4th City Council Meeting Report – Commissioner Plantan**

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32 Commissioner Plantan provided a report of the September 4, 2018 City Council meeting. She
33 noted that Mike Kelly had been introduced as the new Public Works Director, and there had been
34 an update on the design features along Lake Street as part of the Lake Effect. The City Engineer
35 was asked to look at the intersection of Walker and Rice Street due to safety concerns. The City
36 approved the amended Police Services contract with the City of Long Lake ,and the new design
37 for the police memorial.

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39 **b.) Review of Development Activities**

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41 Director of Planning and Building Jeff Thomson stated upcoming development activities include
42 the review of two new homes on Wise and Circle East and the Utilitarian Church property. The
43 Commission will also be reviewing an amendment to the subdivision ordinance to address park
44 dedication fees. October 15 is when the public hearing for the Comp Plan is scheduled. There are
45 three meetings scheduled in October.
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1 **c.) Next Meeting**
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3 Director of Planning and Building Jeff Thomson stated the next Planning Commissioner meeting
4 was scheduled for September 17, 2018.

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6 Commissioner Flannigan suggested the City review the ordinances and revise the permitted
7 construction times to make it more neighborhood friendly.

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9 Mr. Thomson stated this is an issue that has been brought to the City Council's attention, and in
10 October they will be reviewing their strategic plan and prioritizing these items.

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13 **AGENDA ITEM 7. Adjournment.**
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15 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.

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17 Commissioner Iverson made a motion, seconded by Commissioner Murray, to adjourn the
18 Planning Commission meeting. The motion carried unanimously.

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20 The Planning Commission meeting was adjourned at 7:54 p.m.

21
22 Respectfully submitted,

23 Tina Borg

24 *TimeSaver Off Site Secretarial, Inc.*