

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
DECEMBER 3, 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: Douglas, Plantan, Buchanan, Iverson, and Flannigan. Absent and Excused: Murray. Director of Planning and Building Jeff Thomson, City Planning Consultant PeggySue Imihy from WSB & Associates, 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 Douglas made a motion, seconded by Commissioner Plantan, to approve the December 3, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Adoption of Report and Recommendation for Approval of Combined Preliminary and Final Plat Subdivision for Highcroft North at 153 Peavey Lane.

Chair Buchanan read the items on the consent agenda and asked if any Commissioner wanted to pull any item for further discussion.

Commissioner Iverson stated she wished to make a statement related to the draft Report because she had been absent from the last meeting. She stated having only one house on this property would better fit the scale and character of the neighborhood, and had she been at the meeting she would have recommended denial of the application.

Commissioner Flannigan stated he would also have supported a recommendation of denial, as the neighborhood does not support the subdivision. He stated he would abstain from the vote.

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to approve the Consent Agenda as presented. The motion carried 3 ayes and 2 abstentions (Iverson and Flannigan).

AGENDA ITEM 4. Old Business Items:

1 a.) None.
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4 **AGENDA ITEM 5. Public Hearing Items:**
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6 **a.) St. Bartholomew – 630 Wayzata Blvd E**
7 **i. Variance**
8

9 City Planning Consultant PeggySue Imihy, WSB & Associates, stated the applicant, Marion Clark,
10 and property owner, Church of St. Bartholomew, are requesting approval of a variance to allow
11 installation of two (2) covered entryways in the front yard of the subject property at 630 Wayzata
12 Blvd E. The approval would allow encroachment upon the required front yard setback of 50-feet
13 in the Institutional District by two proposed covered entryways. The existing building on the
14 property currently does not conform to the required front yard setback, and the addition of the
15 covered entryways would be an expansion of the legal non-conforming structure. The variance
16 would allow for construction of covered entryways at 8.7-feet and 20.9-feet from the property line.
17 The proposed covered entryways for which the variance is requested would be located along Rice
18 Street and would be attached to the existing building entrances.
19

20 Applicant's Representative, David Marquis, 885 Willow View Drive, Orono, stated he had been
21 in front of the Planning Commission when the church had been rebuilt. Buildings need on going
22 maintenance, and they would like to also make some improvements. This includes adding
23 canopies over the entrances. This is both a practical and aesthetic request. The canopies would
24 not only provide protection from the elements while entering and exiting the building, but also
25 help to visually break up the façade of the existing building. If the application is approved, they
26 plan to do construction during the summer to minimize the impacts to the kids.
27

28 Chair Buchanan opened the public hearing at 7:10 p.m.
29

30 There being no one wishing to address the Planning Commission on the application, Chair
31 Buchanan closed the public hearing at 7:11 p.m.
32

33 Commissioner Douglas stated she would support the application based on the application materials
34 and information presented. The canopies would enhance the look of the building.
35

36 Commissioner Plantan stated she can understand the need for some protection as you are stepping
37 in or out of the building, and that she would support the application.
38

39 Commissioner Iverson stated the design architecturally made it look as though the proposed
40 canopies had always been a part of the building. She would support the application.
41

42 Commissioner Flannigan made a motion, Seconded by Commissioner Plantan, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation with appropriate findings to
44 recommend approval of the requested variance from the required front yard setback of 50-feet to
45 allow for construction of covered entryways at 8.7-feet and 20.9 feet from the property line for the
46 property at 630 Wayzata Blvd. E. The motion carried unanimously.

b.) Ankeny Addition – 353 Ferndale Road
i. Preliminary and Final Plat

City Planning Consultant PeggySue Imihy, WSB & Associates, stated the applicant Sathre-Bergquist Inc. and the property owners Phillip and Susan Ankeny have submitted a development application to subdivide the property at 353 Ferndale Road. The applicant is proposing to subdivide the one existing property into two single-family residential lots. The proposal requires preliminary and final plat review to subdivide the property. The property currently contains one single-family home. The proposed plans include a new preliminary house pad and driveway entrances for the newly created lot. The proposed house pad would comply with all requirements of the R-1A zoning district related to setbacks, lot coverage, and impervious surface. The existing home is located on what would become Lot 2. The proposed plans include a tree inventory of 85 trees located on Lot 1. Of those trees, six are considered heritage trees, and there are no plans to remove any trees until a new home is constructed. At the time of home construction, a plan for any mitigation of lost trees would need to be provided. The newly created lot is encumbered by wetlands and is subject to the Wetland Overlay District regulations. The applicant has submitted a Wetland Delineation Report, which is currently being reviewed by staff and is subject to a 15-day comment period. A formal decision on the delineation will be made by December 19, 2018. Any approval decision made regarding the subdivision should include a condition that the Wetland Delineation Report is approved. The City Engineer has reviewed these plans and had noted that the sanitary sewer service from the existing house will likely cross the newly created parcel. The Applicant would need to create an easement or the service would have to be relocated.

Chair Buchanan asked for clarification on the easement.

Ms. Imihy stated there is a 20-foot private easement on the west side of the property of Lot 1 and along the southwest side of Lot 2. The applicant is interested in vacating this easement.

Commissioner Plantan asked how close a home could be built to the wetland buffer.

Ms. Imihy stated a home could be built right at the edge of the buffer. The buffer essentially establishes the required setback from the wetland.

Commissioner Flannigan confirmed with staff that the driveway for Lot 1 would access Peavey Road. He asked if other properties in this neighborhood had access to Peavey Road.

Ms. Imihy stated there are adjacent properties with access to Peavey Road.

Applicant's representative, Mr. David Pemberton, Sathre-Bergquist, 150 S. Broadway Ave, Wayzata, stated they would try to vacate the private easement, as it serves no purpose at this time. He noted that there are no architectural plans for a home on Lot 1 at this time.

Commissioner Iverson asked what the soil conditions were like on the site, and if they would have to bring in soil.

1 Mr. Pemberton stated there had been soil borings done, and the geotechnical expert reviewed them
2 and found nothing alarming. Once architectural plans for a home have been received, they would
3 reevaluate to ensure everything is done correctly. At this time he does not know if there would be
4 a need for additional soil to be brought in. This would depend on the house and where it is located.

5
6 Commissioner Flannigan stated the applicant is asking the Commission to make a recommendation
7 on a subdivision that requires a lot of additional information that the applicant is not willing to
8 give. He asked how much fill would need to come into the lot in order to be able to build a home
9 on the property, and how close the driveway used for construction traffic would be to the wetland.

10
11 Mr. Pemberton stated he is a land surveyor, and this is not his area of expertise. Until there are
12 plans for a home on the property, they are not able to say how much fill would have to either be
13 brought to or removed from the property. Typically the architect designing the home would work
14 with the topography of the property. He stated there is 25-feet between the wetland buffer and the
15 property line.

16
17 Chair Buchanan asked if the applicant had looked at other ways to subdivide the lot.

18
19 Mr. Pemberton stated they had looked at other layouts, but the proposed design met the zoning
20 requirements.

21
22 Chair Buchanan opened the public hearing at 7:25 p.m.

23
24 Resident, Mr. George Stickney, 340 Peavey Road, stated his property abuts the subject property
25 on the southwest side. He stated all of the surrounding properties would have a view of the newly
26 formed lot, and the house pad the applicant is showing in the plans would be about the biggest that
27 would fit on the property. He reviewed the elevations of the surrounding eight homes that would
28 be impacted by the view of the newly formed property and potential home pad shown on the
29 application. He stated the average elevation in the surrounding properties is over 980-feet and the
30 proposed home pad is at 952-feet. He stated the location of the driveway combined with the
31 fishbowl effect would make this property undesirable to homebuyers and the surrounding
32 properties. He stated most of the surrounding homes have horseshoe driveways that allow for
33 extra parking and traffic flow. He stated he is a developer and would not attempt to develop a
34 property next to a wetland. He gave a background of the property sand uses starting in 1930. He
35 stated with all of the development, the hardcover has increased, which increases the size of the
36 wetland. He presented two home layout possibilities. The first included a 500-foot driveway
37 system that would address the circulation problem that goes around the pad site that has a 10-12-
38 foot elevation. He worked on a similar project in Orono. The soil conditions were better in that
39 project but there were still hundreds of truckloads of soil being removed and replaced. He stated
40 that the applicant should be aware of all the parameters of what could happen. They would have
41 to remove 500-feet of soil for the driveway, plus all the soil for the house pad to get down to
42 compactable ground. He estimated there would be approximately 700 truckloads of material
43 moving in and out of the property. This would affect everyone in the neighborhood. He stated no
44 other home in Highcroft has a lower elevation to build on, the necessary soil corrections needed to
45 be buildable, such a small gross amount of property to build on, smallest home pad site, no other
46 homes would be this close to a wetland, and no other homes have only 25-feet to access the

1 property. He suggested working the plans to split the property so there is an access off of Ferndale
2 and tree preservation. He stated the project does not comply with items 1, 2, 3, 5, and 7 of the
3 Comprehensive Plan, and the project is not in character with the neighborhood. He stated people
4 have been dumping things on the property for years, and he would not want to be there, and as a
5 realtor he would not want to list it. He provided a copy of his presentation and materials he
6 discussed.

7
8 Applicant, Mr. Phil Ankeny, thanked Mr. Stickney for his comments. He stated they currently
9 have the largest lot in Highcroft, and they are exploring subdividing the property. They have
10 thought about building a smaller home on Lot 1 and selling the home they currently live in. He
11 stated the comments made by Mr. Stickney are interesting but highly speculative because he is
12 assuming a specific approach to building a home on the site. There are constraints to the property
13 with the wetlands and setbacks, but they do not know what the future home pad would look like
14 at this time. They have looked at different ways to subdivide the property, but the concern with
15 dividing the lot north/south is that it would dramatically encroach on the Ferndale presence that
16 their current home and the neighboring home have. They do not want the neighborhood to look
17 like the homes are jammed together. They have taken a thoughtful approach to the subdivision
18 and believe there are people who would find this property to be a lovely place to have a home. He
19 has discussed the project with other neighbors, and they have been in support of the project.

20
21 There being no one else wishing to address the Commission on this application, Chair Buchanan
22 closed the public hearing at 7:51 p.m.

23
24 Commissioner Douglas stated she been involved in a project that required building a road over
25 wetland and there had been loads of fill brought in. She suggested the applicant was requesting
26 the subdivision to soon because there were no plans for the home and driveway that could be
27 considered in making a recommendation to subdivide the property.

28
29 Commissioner Plantan stated the application does meet all of the zoning requirements of the R-1A
30 district, but she expressed concerns about the impacts to the wetlands because they do not know
31 yet what would need to be done to be able to build on the site and the wetland delineation report
32 was not completed.

33
34 Commissioner Flannigan stated just because the numbers work does not mean it should be done.
35 He stated this property is likely the largest property in the neighborhood because there should not
36 be anything built in the back. The information presented in not enough for the Planning
37 Commission to make an informed decision on a recommendation for the application. He clarified
38 that most of the subdivision and preliminary plat criteria of the Subdivision Ordinance have not
39 been addressed in the application. He would recommend denial on the application as it is
40 presented.

41
42 Commissioner Iverson stated she would agree that the application is being submitted too soon and
43 if the applicant is looking to build on this site, it would be helpful for the Commission to see this
44 and have a better understanding of the soil conditions. She stated in the Preliminary Plat Criteria
45 of the Subdivision Ordinance, Section 805.14.E, items 2 and 3 may not be met. There is not
46 enough information for the Planning Commission to understand the grading and fill or the impacts

1 to the wetlands. She is not sure that this would be a buildable lot. She would not recommend
2 approval at this time.

3
4 Chair Buchanan asked staff if the Commission can consider whether or not the lot is buildable at
5 this time.

6
7 Director of Planning and Building Jeff Thomson stated the City would define buildable area in this
8 context as upland area not encumbered by wetland that is within the setback requirements. He
9 noted that there is substantial buildable area on the proposed new lot. In terms of soil conditions
10 and construction, the City does not typically have this information until the applicant has gone
11 through the building design process. He clarified there is no wetland impact from what is proposed
12 as part of this application. There would be no wetland areas filled or driveways built in the wetland
13 area. Any potential wetland impacts are not a part of this application. He requested the
14 Commission clarify what additional information from the applicant would be helpful to them in
15 making a recommendation on the application.

16
17 Commissioner Douglas asked how large the buildable area of the lot was compared to the total
18 size of the lot, and how much hardcover there would be relative to the square footage.

19
20 Mr. Thomson stated that the wetland is still part of the lot and would be considered when
21 calculating impervious surface coverage. Based on that, there would be an allowable 18,000 square
22 feet of hard surface for the house and driveway.

23
24 Chair Buchanan clarified that the criteria for the application being considered is not if the property
25 is buildable, sellable, or marketable, but rather if the property is able to be subdivided.

26
27 Ms. Imihy stated that the application is not for a house and if the application is approved, it would
28 simply be two lots. What should be considered is whether the application meets the minimum
29 requirements for a subdivided lot per the City Code.

30
31 Commissioner Flannigan stated that he is concerned about the grading and fill on the property, and
32 the scale of the house that would be built on the new lot. He stated the code references the house
33 and should be considered.

34
35 Ms. Imihy stated there is no house proposed, so those items would not apply at this time.

36
37 Commissioner Flannigan stated the Commission's position is there is not enough information to
38 make a decision based on the criteria of the code because the code references the house and
39 building materials, and there is no house included in the plans.

40
41 Commissioner Iverson stated that most applicants that come before the Commission to potentially
42 down the road build, do build. She stated she can only go from history on what goes on at
43 construction sites, and she would like a clear understanding of what mitigation steps are being
44 taken to ensure the wetland is protected.

45

Commissioner Flannigan suggested the applicant address the items listed in the Preliminary Plat criteria of the Subdivision Ordinance to help the Commission understand the project and how it meets the criteria. He would like to see answers to Section 805.14.E items 3 (grading), 5 (scale, pattern or character), 6 (design and scale of lot), and 8 (architectural appearance, scale, mass, constructions materials of building proposed for the property). The footprint that they are showing does not fit the neighborhood.

Commissioner Iverson stated she would like the applicant also address Section 805.14.E item 2, regarding the construction process, and what mitigation would be done to protect the wetlands.

Commissioner Flannigan stated the applicant should also have the soil tests available, a tree removal plan, an exact calculation on how many trucks would be coming in and out of the property, how much fill there would be, and a rough idea of the house pad they would be considering.

Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to table action on the application for a concurrent preliminary and final plat subdivision at 353 Ferndale Road to a future meeting, and request that the applicant supply the requested additional information noted by the Commissioners related to the Preliminary Plat Criteria, Section 805.14.E, for the Commission to consider at a future meeting. The motion carried unanimously.

c.) Hughes Development – 235 and 239 Lake Street E

i. Preliminary and Final Plat and Conditional Use Permit

Director of Planning and Building Jeff Thomson stated the applicant Melvin's 235 LLC has submitted a development application for Preliminary and Final Plat subdivision for the properties at 235 and 239 Lake Street East. In addition, the applicant is also requesting a Conditional Use Permit (CUP) in order to utilize shared parking through the City's Fee in Lieu of Parking Policy. Because the application is not yet ready to be considered, but the public hearing has already been scheduled, the public hearing will need to be tabled to the December 17 Planning Commission meeting.

Chair Buchanan opened the public hearing at 8:08 p.m.

There being no one wishing to address the Commission on the Application, Commissioner Flannigan made a motion, seconded by Commissioner Plantan, to continue the public hearing for the Preliminary and Final Plat and Conditional Use Permit for 235 and 239 Lake Street to the December 17, 2018 Planning Commission meeting. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) November 20th City Council Meeting Report – Commissioner Iverson

Commissioner Iverson provided a report on the November 20th City Council meeting. She noted the meeting included a presentation on the STEM program, and she stated she would like to see the STEM program continued in the future. The Heritage Board had made a presentation to the

1 Council on the Bank façade and that this is the only historic building left in Wayzata. The Vantana
2 Condo project at 253 Lake Street received approvals, and bids for the rehabilitation of the water
3 tower and the second reading of Ordinance 786 were approved. The City Council also discussed
4 the Lake Street Design. The Sailing School project was approved.

5
6 Director of Planning and Building Jeff Thomson added that the Zitzloff project was also approved
7 by the City Council with a minor change to the second story recession and preservation of the
8 columns and bank. The developer will also have a TIF application that would need to be
9 considered and approved by the City at a future date.

10
11 **b.) Review of Development Activities**

12
13 Director of Planning and Building Jeff Thomson stated the City Council would have a meeting
14 with the Comp Plan Advisory Committee on December 4. The next Planning Commission agenda
15 would include the follow up to the Hughes project and continuation of the public hearing. He
16 noted the City Council is conducting interviews for the four open Planning Commission seats at
17 the December 18 workshop. The City Council will also be approving the 2019 City Council and
18 Planning Commission meeting schedule, and the proposed regular meeting time for the
19 Commission has been changed to 6:30 p.m. start time.

20
21 **c.) Next Meeting**

22
23 Chair Buchanan stated the next Planning Commissioner meeting was scheduled for December 17,
24 2018.

25
26
27 **AGENDA ITEM 7. Adjournment.**

28
29 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.

30
31 Commissioner Flannigan made a motion, seconded by Commissioner Iverson, to adjourn the
32 Planning Commission meeting. The motion carried unanimously.

33
34 The Planning Commission meeting was adjourned at 8:16 p.m.

35
36 Respectfully submitted,

37 Tina Borg

38 *TimeSaver Off Site Secretarial, Inc.*