



Wayzata Planning Commission Meeting Agenda

Monday, January 7, 2019
6:30 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 December 17, 2018 Meeting Minutes
 - b. Adoption of Report and Recommendation for Approval of Preliminary and Final Plat Subdivision for Akeny Addition at 353 Ferndale Rd S
4. **Old Business Items**
 - a. None
5. **Public Hearing Items**
 - a. Urness Fence – 143 and 151 Westwood La
Variance and Conditional Use Permit
6. **Other Items**
 - a. December 18th City Council Meeting Report – Commissioner Plantan
 - b. Review of Development Activities
 - c. Election of Chair and Vice Chair
 - d. Next meeting is February 4, 2019 at 6:30 p.m.
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
DECEMBER 17, 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, Murray, Buchanan, Iverson, and Flannigan. Absent: None. 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 17, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of November 19, 2018 Meeting Minutes
- b.) Approval of December 3, 2018 Meeting Minutes
- c.) Adoption of Report and Recommendation for Approval of a Variance for St. Bartholomew's at 630 Wayzata Blvd 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 Agenda as presented.

Commissioner Douglas 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.) Ankeny Addition – 353 Ferndale Rd S
 - i. Variance

City Planning Consultant PeggySue Imihy, WSB & Associates, provided the following summary. 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

1 Road. The applicant is proposing to subdivide the existing single lot into two single-family
2 residential lots. The proposal requires review and approval of a preliminary and final plat to
3 subdivide the property. This application was originally presented and a public hearing was held
4 at the December 3, 2018 Planning Commission meeting. The Planning Commission took no
5 action on the application at that time, and tabled the item until the next meeting, asking the
6 Applicant to provide more information related to applicant and a future home on the site. The
7 applicant has updated their proposal to include the requested information regarding the home
8 site, a narrative of their plans, grading and fill plans, and public letters of support. The house
9 plans are meant to illustrate the potential footprint of a home that could be located on the site in
10 the future. The final house plans and site design would be reviewed by City staff as part of the
11 building permit review to ensure compliance with all zoning ordinance requirements. The plans
12 include a tree inventory of 85 trees, which are located on Lot 1. Of these 85 trees, six are
13 considered heritage trees, and there are no plans to remove any trees until a new home is
14 constructed. The amended plans identify five trees that may need to be removed for construction
15 of a new home, none of which are heritage trees. Final plans for tree preservation will be
16 submitted at the time of home construction and reviewed for compliance with the City's tree
17 preservation and replacement requirements. The applicant has submitted a Wetland Delineation
18 Report, which is currently being reviewed by staff and is subject to a 15-day comment period. A
19 formal decision on the wetland delineation will be made by December 19, 2018. Any decision
20 made regarding the subdivision should incorporate the information in the approved Wetland
21 Delineation Report. The City Engineer has reviewed these plans, and had noted that the sanitary
22 sewer service from the existing house will likely cross the newly created parcel. The Applicant
23 would need to create an easement or the service would have to be relocated.

24
25 Applicant, Mr. Phil Ankeny, 353 Ferndale Road, gave a presentation outlining the 12 criteria
26 contained in the City's code, Section 805.14.E for a preliminary plat, and how the proposed
27 project meets these criteria. He provided pictures showing the area to establish why someone
28 would want to build on the newly formed lot. He stated the revised application included a
29 representative house pad and home on the property, and how this would work on the property.
30 He explained there would be minimal grading or tree removal on the property with the proposed
31 home pad. Engineers have estimated that 600-1000 cubic yards of structural fill for the
32 foundation and site work and 550 cubic yards of Class 5 material for the driveway would be
33 needed. He stated five of the seven owners of neighboring properties are in support of the
34 application, and they have provided letters of support for the Commission.

35
36 Commissioner Iverson asked how many truckloads of structural fill and Class 5 material would
37 be brought to the site.

38
39 Director of Planning and Building Jeff Thomson stated based on the estimates, it would be
40 approximately 66 trucks for the house and 30 trucks for the Class 5 material. This is a typical
41 amount. Once the City receives a building permit there are specific grading requirements and
42 restrictions the applicant is required to follow. One of these restrictions is that there cannot be
43 more than a 2-foot change in grade over the entire lot. The amount of fill and Class 5 they are
44 proposing would be approximately a half of a foot grade change.

1 Commissioner Flannigan stated he appreciated having the comments of support from the
2 neighbors.

3
4 Chair Buchanan asked for clarification on the service easement.

5
6 Ms. Imihy stated this had been a comment from the City Engineer, and the need for an easement
7 or moving the services would depend on the location of the house. She noted that this does not
8 need to be included as a condition of approval of the Application.

9
10 Applicant representative, Mr. David Pemberton, Sathre-Bergquist, stated there is a sanitary
11 sewer line running along the west side of the property line and the plan would be to tie into either
12 the manhole or the pipe in the future.

13
14 Chair Buchanan clarified an approval would need to include a condition that the Wetland
15 Delineation Report is approved.

16
17 Mr. Thomson stated the review is scheduled in two days. The location of the wetlands is what
18 would be determined, and any change in the wetland location would impact where the house pad
19 could be located but would not affect the plats. Thus, it did not need to be a condition of
20 approval.

21
22 Commissioner Plantan made a motion, seconded by Commissioner Murray, to direct staff to
23 prepare a draft Planning Commission Report and Recommendation with appropriate findings
24 reflecting a recommendation of approval of the concurrent preliminary and final plat subdivision
25 at 353 Ferndale Road for review and adoption at the next Planning Commission meeting. The
26 motion carried unanimously.

27
28
29 **AGENDA ITEM 5. Public Hearing Items:**

30
31 **a.) Hughes Development – 235 and 239 Lake Street E**

32 **i. Preliminary and Final Plat and Conditional Use Permit**

33
34 Chair Buchanan stated the applicant has requested the Planning Commission take no action on
35 the application at this time.

36
37 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to close the public
38 hearing that had been continued at the Planning Commissions last meeting, and table any further
39 action on the application.

40
41
42 **AGENDA ITEM 6. Other Items:**

43
44 **a.) December 4th City Council Meeting Report – Commissioner Murray**

45

1 Commissioner Murray provided a report on the December 4th City Council meeting, including
2 public comments about neighborhood power outages during certain times of the season and what
3 could be done about them. There had also been discussion about an increase in Mediacom
4 complaints. The final tax levy was approved. The Council also approved the vacation of a
5 drainage easement, and the preliminary and final plat subdivision and variance at 450 and 460
6 Highcroft Road as had been recommended by the Planning Commission.
7

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

9

10 Director of Planning and Building Jeff Thomson stated the January agenda would include
11 consideration of an application for a conditional use permit for a fence on Westwood Lane.
12 There will be a workshop prior to the first meeting in January for training and orientation of the
13 new Planning Commissioners.
14

15 Commissioner Iverson stated that the posts for the fence on Westwood Lane are already in place.
16

17 Mr. Thomson stated the City is aware of this, and has taken enforcement action.
18

19 **c.) Next Meeting**

20

21 Chair Buchanan stated the next Planning Commissioner meeting was scheduled for January 7,
22 2019. He stated this would be the last meeting for him and Commissioner Murray, in light of his
23 election to Council and Commissioner Murray's term being up.
24

25 Commissioner Plantan clarified there would only be one meeting in January. She thanked Mr.
26 Buchanan and Mr. Murray for their service.
27

28 **AGENDA ITEM 7. Adjournment.**

29

30
31 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.
32

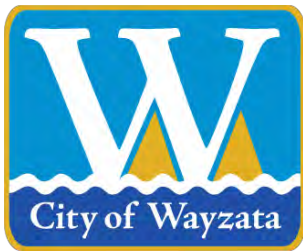
33 Commissioner Murray made a motion, seconded by Commissioner Plantan, to adjourn the
34 Planning Commission meeting. The motion carried unanimously.
35

36 The Planning Commission meeting was adjourned at 7:32 p.m.
37

38 Respectfully submitted,
39

40 Tina Borg

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 7, 2019	AGENDA ITEM: 3b
TITLE: Adoption of Report and Recommendation for Approval of Preliminary and Final Plat Subdivision for Akeny Addition at 353 Ferndale Road	
PROJECT NAME: Ankeny Addition	
ADDRESS: 353 Ferndale Road	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

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 development application requests approval of preliminary and final plat subdivision.

Planning Commission Review

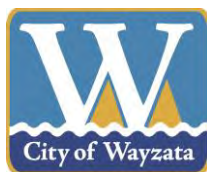
The Planning Commission reviewed the application and held a public hearing at its meeting on December 3, 2018. At the December 3rd meeting, the Planning Commission tabled the item until more information could be presented regarding the future home on the site. The Planning Commission reviewed updated application information submitted by the applicant at its meeting on December 17, 2018. The Planning Commission voted six in favor and zero opposed to direct staff to prepare a report and recommendation for approval of the development application.

PLANNING COMMISSION ACTION:

City staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

JANUARY 7, 2019

REPORT AND RECOMMENDATION OF APPROVAL OF CONCURRENT PRELIMINARY AND FINAL PLAT SUBDIVISION AT 353 FERNDAL ROAD S

SUMMARY OF RECOMMENDATION

Approval* of Proposed Preliminary and Final Plat for two lot residential subdivision

** with certain conditions listed at the end of this Report*

REPORT

Section 1. BACKGROUND

- 1.1 Proposed Subdivision. The applicant, Sathre-Bergquist Inc, and the property owners Phillip and Susan Ankeny (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide the lot at 353 Ferndale Road S (the “Property”) into two residential lots. On December 3, 2018, the Planning Commission reviewed the Application, held a public hearing, but tabled action on the Application, requesting that the Applicant provide additional information related to certain review criteria in the Subdivision Ordinance. On December 17, 2018, the Planning Commission reviewed additional information and analysis under the criteria of the Subdivision Ordinance provided by the Applicant, including information on a potential home site, wetland delineations, grading and fill plans, and letters of support from neighboring property owners.
- 1.2 Approvals Requested. The Application requests the following:
 - A. Preliminary and Final Plat. Simultaneous review and approval of preliminary and final plats to subdivide the Property from a single lot into two single-family residential lots, as reflected on Attachment A hereto (the “Proposed Subdivision” and “Preliminary and Final Plats”).

- 1.3 Property. The address, property identification numbers and owner of the Property are:

Address	PID	Owner
353 Ferndale Road S	01-117-23-41-0016	Phillip and Susan Ankeny

- 1.4 Land Use Designations. The Property fall within the following land use districts:

Zoning:	R-1A Low Density Single Family Estate
Comp plan designation:	Estate Single Family
Overlay districts:	Wetlands Overlay District, Shoreland Overlay

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on November 20, 2018. A copy of the notice was mailed to all property owners located with 350 feet of the Property on November 14, 2018. The public hearing on the Application was held at the December 3, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat.

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. The City may agree to review the preliminary and final plat simultaneously. Chapter 1003.03.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1005.02:
1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the

standards of the Wayzata Subdivision and Zoning Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Subdivision / Preliminary and Final Plat.

- A. City review of the Preliminary and Final Plat simultaneously is appropriate under City Code Sec. 1003.03.A.
- B. The Planning Commission finds that there would be no significant adverse effects of the Proposed Subdivision based upon the following factors found in Section 1003.02.E:
 - 1. The Proposed Subdivision is consistent with the Wayzata Comprehensive Plan, which guides the Property to Estate Single Family.
 - 2. The building pads that result from the Proposed Subdivision will not impact sensitive natural, scenic, historic or community assets. The Applicant has provided sufficient information about how the wetlands, trees and other natural assets of the Property will be protected as part of any future construction of a driveway and home on the Property.
 - 3. The building pads that could result from the Proposed Subdivision will respect natural topography and minimize filing or grading.
 - 4. Impacts to significant and heritage trees on the Property by future construction of a driveway and home on the Property will be minimal and mitigated by the requirements of the Tree Preservation Ordinance.
 - 5. The Proposed Subdivision will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and would generally maintain the existing scale, pattern and character. The Proposed Subdivision would create lots of similar sizes to those in the surrounding neighborhood. No change in the present R-1A Low Density Single Family Estate District residential use is proposed.
 - 6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character as noted elsewhere in this Report.
 - 7. The lot sizes resulting from the Proposed Subdivision are not dissimilar to the nearby R-1A Low Density Single Family Estate

District lots.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residences are not known at this time. The Applicant has stated that a future residence on the Property would be similar to the characteristics and high quality of those in the surrounding residential neighborhood.
9. The Design Standards outlined in Section 9 of the Wayzata Zoning Ordinance do not apply to the Property.
10. The Proposed Subdivision is not likely to depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Proposed Subdivision and Preliminary and Final Plats, subject to the following conditions:
- A. The Applicant must record the final plat with Hennepin County within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
 - B. Prior to release of the final plat for filing at Hennepin County, the Applicant must pay the park dedication fees required by the subdivision ordinance in an amount of \$2,500 per new lot.
 - C. Prior to construction activity on the Property, the Applicant or future homeowner must apply for and obtain all necessary building permits from the City. The building permit application must also include the following:
 1. The final grading & drainage plan, erosion control plan, utility plan, and civil details for each lot that have been reviewed and approved by the City Engineer.
 2. The final tree inventory, tree preservation plan, and tree replacement plan for each lot and any impacted right of way areas, that have been reviewed and approved by the City Forester.
 - D. The Applicant must build and complete the Project in conformance in all

material respects with the plans depicted in the Application.

- E. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 7th day of January 2019.

Voting For the Findings and Recommendation of Approval in this Report: Douglas, Plantan, Murray, Buchanan, Iverson, and Flannigan

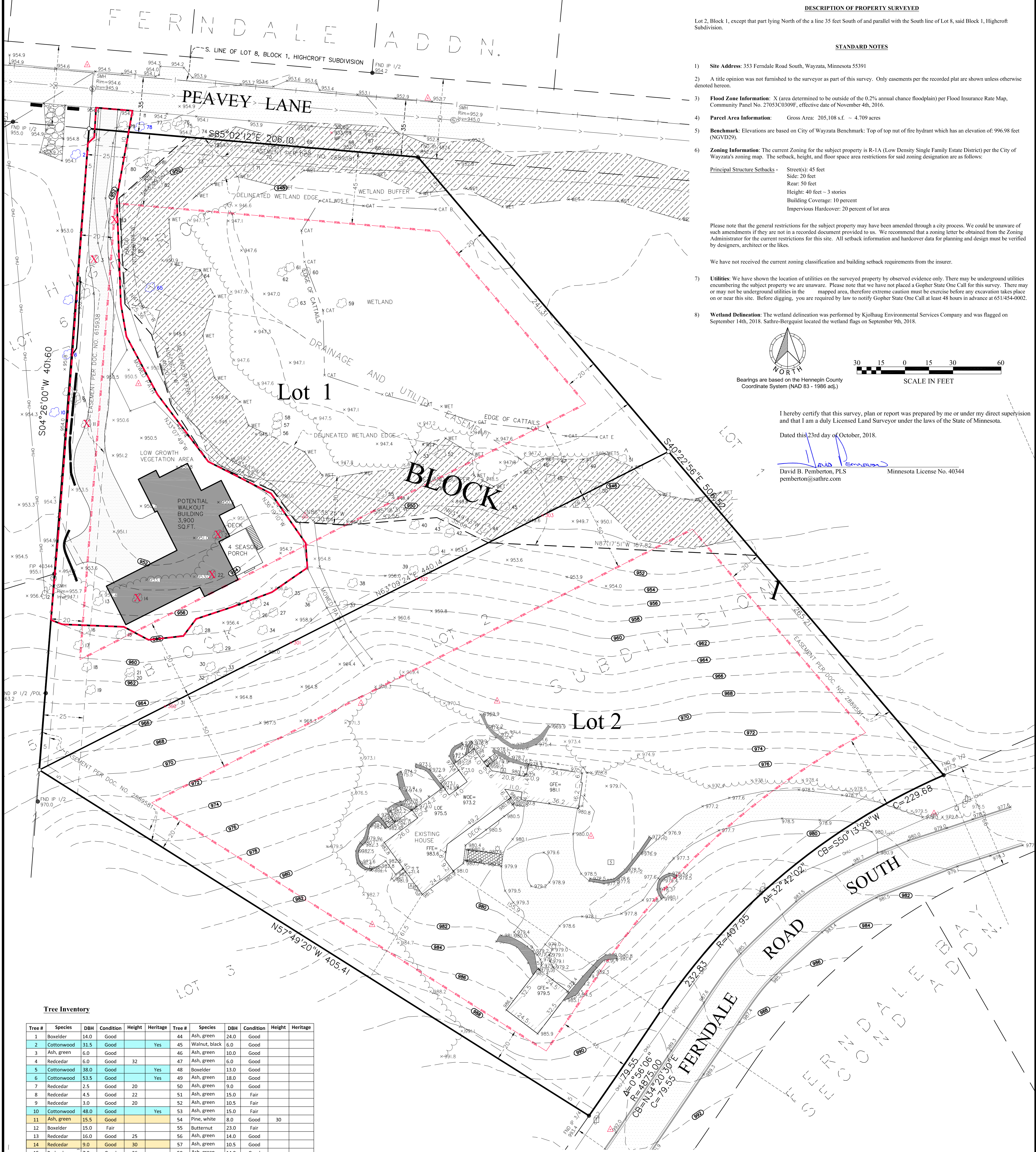
Voting Against: None

Abstaining: None

Absent: None

Attachment A
Preliminary and Final Plats

DRAFT



DESCRIPTION OF PROPERTY SURVEYED

Lot 2, Block 1, except that part lying North of the a line 35 feet South of and parallel with the South line of Lot 8, said Block 1, Highcroft Subdivision.

STANDARD NOTES

- Site Address:** 353 Ferndale Road South, Wayzata, Minnesota 55391
- A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
- Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0309F, effective date of November 4th, 2016.
- Parcel Area Information:** Gross Area: 205,108 s.f. ~ 4,709 acres
- Benchmark:** Elevations are based on City of Wayzata Benchmark: Top of top nut of fire hydrant which has an elevation of: 996.98 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. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks -
Street(s): 45 feet
Side: 20 feet
Rear: 50 feet
Height: 40 feet ~ 3 stories
Building Coverage: 10 percent
Impervious Hardcover: 20 percent of lot area

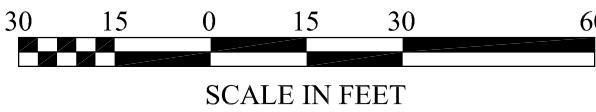
Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by designers, architect or the likes.

We have not received the current zoning classification and building setback requirements from the insurer.

- 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. 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.
- Wetland Delineation:** The wetland delineation was performed by Kjolhaug Environmental Services Company and was flagged on September 14th, 2018. Sathre-Bergquist located the wetland flags on September 9th, 2018.



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



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 23rd day of October, 2018.

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

Tree Inventory

Tree #	Species	DBH	Condition	Height	Heritage	Tree #	Species	DBH	Condition	Height	Heritage
1	Bovelder	14.0	Good			44	Ash, green	24.0	Good		
2	Cottonwood	31.5	Good		Yes	45	Walnut, black	6.0	Good		
3	Ash, green	6.0	Good			46	Ash, green	10.0	Good		
4	Redcedar	6.0	Good	32		47	Ash, green	6.0	Good		
5	Cottonwood	38.0	Good		Yes	48	Bovelder	13.0	Good		
6	Cottonwood	53.5	Good		Yes	49	Ash, green	18.0	Good		
7	Redcedar	2.5	Good	20		50	Ash, green	9.0	Good		
8	Redcedar	4.5	Good	22		51	Ash, green	15.0	Fair		
9	Redcedar	3.0	Good	20		52	Ash, green	10.5	Fair		
10	Cottonwood	48.0	Good		Yes	53	Ash, green	15.0	Fair		
11	Ash, green	15.5	Good			54	Pine, white	8.0	Good	30	
12	Bovelder	15.0	Fair			55	Butternut	23.0	Fair		
13	Redcedar	16.0	Good	25		56	Ash, green	14.0	Good		
14	Redcedar	9.0	Good	30		57	Ash, green	10.5	Good		
15	Redcedar	7.0	Good	26		58	Ash, green	14.0	Good		
16	Ash, green	9.0	Good			59	Ash, green	7.0	Good		
17	Pine, Scots	5.0	Good	25		60	Ash, green	11.0	Good		
18	Redcedar	11.0	Good	30		61	Ash, green	9.0	Good		
19	Ash, green	6.5	Good			62	Ash, green	7.5	Good		
20	Pine, Scots	15.0	Fair	35		63	Ash, green	8.0	Good		
21	Redcedar	10.0	Fair	25		64	Ash, green	8.5	Good		
22	Redcedar	13.0	Fair	20		65	Ash, green	40.0	Fair		Yes
23	Ash, green	24.0	Fair			66	Bovelder	27.0	Good		
24	Redcedar	6.0	Good	22		67	Ash, green	7.0	Good		
25	Redcedar	7.0	Good			68	Bovelder	16.0	Good		
26	Pine, white	13.0	Fair	26		69	Ash, green	21.0	Good		
27	Pine, white	8.0	Good	35		70	Bovelder	22.0	Fair		
28	Redcedar	14.0	Good	30		71	Ash, green	7.0	Good		
29	Redcedar	11.0	Good			72	Ash, green	20.0	Fair		
30	Redcedar	11.0	Good	30		73	Ash, green	10.5	Good		
31	Pine Scots	11.0	Fair	22		74	Ash, green	15.0	Good		
32	Redcedar	10.0	Good	30		75	Ash, green	7.0	Good		
33	Redcedar	7.5	Good	30		76	Ash, green	7.0	Good		
34	Redcedar	7.0	Good	22		77	Ash, green	7.5	Good		
35	Birch, river	6.5	Good			78	Cottonwood	50.0	Good		Yes
36	Birch, river	10.5	Good			79	Ash, green	6.0	Good		
37	Birch, river	9.0	Good			80	Ash, green	6.5	Good		
38	Ash, green	15.5	Good			81	Ash, green	6.5	Good		
39	Ash, green	8.5	Good			82	Ash, green	6.0	Good		
40	Ash, green	22.5	Good			83	Ash, green	7.0	Good		
41	Ash, green	9.0	Good			84	Ash, green	6.0	Good		
42	Pine, white	8.0	Good	30		85	Walnut, black	6.0	Good		
43	Walnut, black	6.0	Good								

Potential Tree Removals

Deciduous Trees: #11, 23, 83
Coniferous Trees: #14, 22

Total Caliper Inch On Site: 810"
Caliper Inch Removed: 68.5"
% Removed: 8.45%

SIGNIFICANT TREE
HERITAGE TREE

TREE TO BE REMOVED

TREE OFF SITE - NOT INCLUDED

ENGINEER/LAND SURVEYOR

Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391
Engineer: Dan Schmidt
Email: Schmidt@sathre.com
Land Surveyor: David Pemberton
Email: Pemberton@sathre.com
Tel: 952-476-6000

OWNER

Phillip and Susan Ankeny
353 Ferndale Road
Wayzata, MN 55391
Tel: 612-670-1466
Tel: 612-850-8786
Email: sueankeny@gmail.com

PROPOSED LOT INFORMATION

ZONING/SETBACKS

R-1A (Low Density Single Family Estate District)
Street Setback: 45 feet
Side Setback: 20 feet
Rear Setback: 50 feet
Area: 80,000 sq. ft.
Lot width: 200 feet
Lot depth: 200 feet

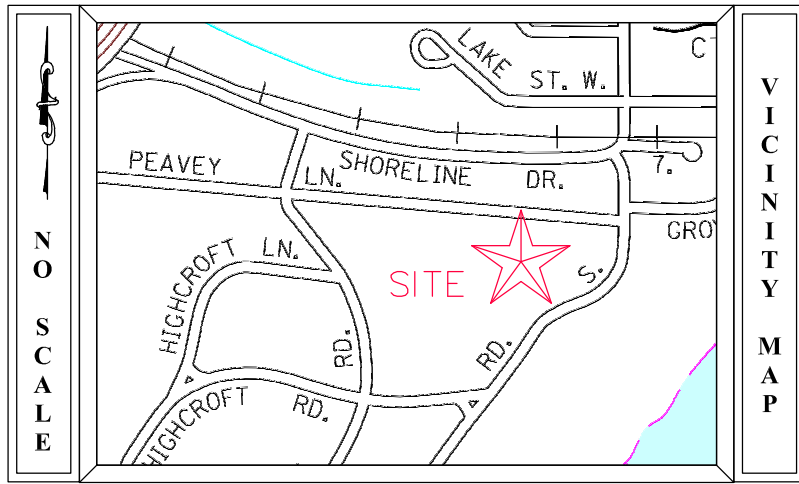
LOT AREA INFORMATION

Lot 1: 93,013 sq. ft./2.135 acres
Hardcover: %
Driveway: 5,450 sq. ft.
Home: 3,900 sq. ft.
Deck/Porch: 650 sq. ft.
Ret. Walls: 500 sq. ft.
Total: 10,500 sq. ft.
Hardcover: 11.3%

Lot 2: 112,095 sq. ft./2.573 acres
Hardcover: 11.07%

Hardcover

Lot Area = 205,108 S.F.
House Area = 3,663 S.F.
Driveway Area = 6,618 S.F.
Stoop/Steps Area = 225 S.F.
Deck Area = 464 S.F.
Ret. Walls = 275 S.F.
Brick/Walkways = 1,161 S.F.
Total Area = 12,406 S.F.
Coverage = 6.05%



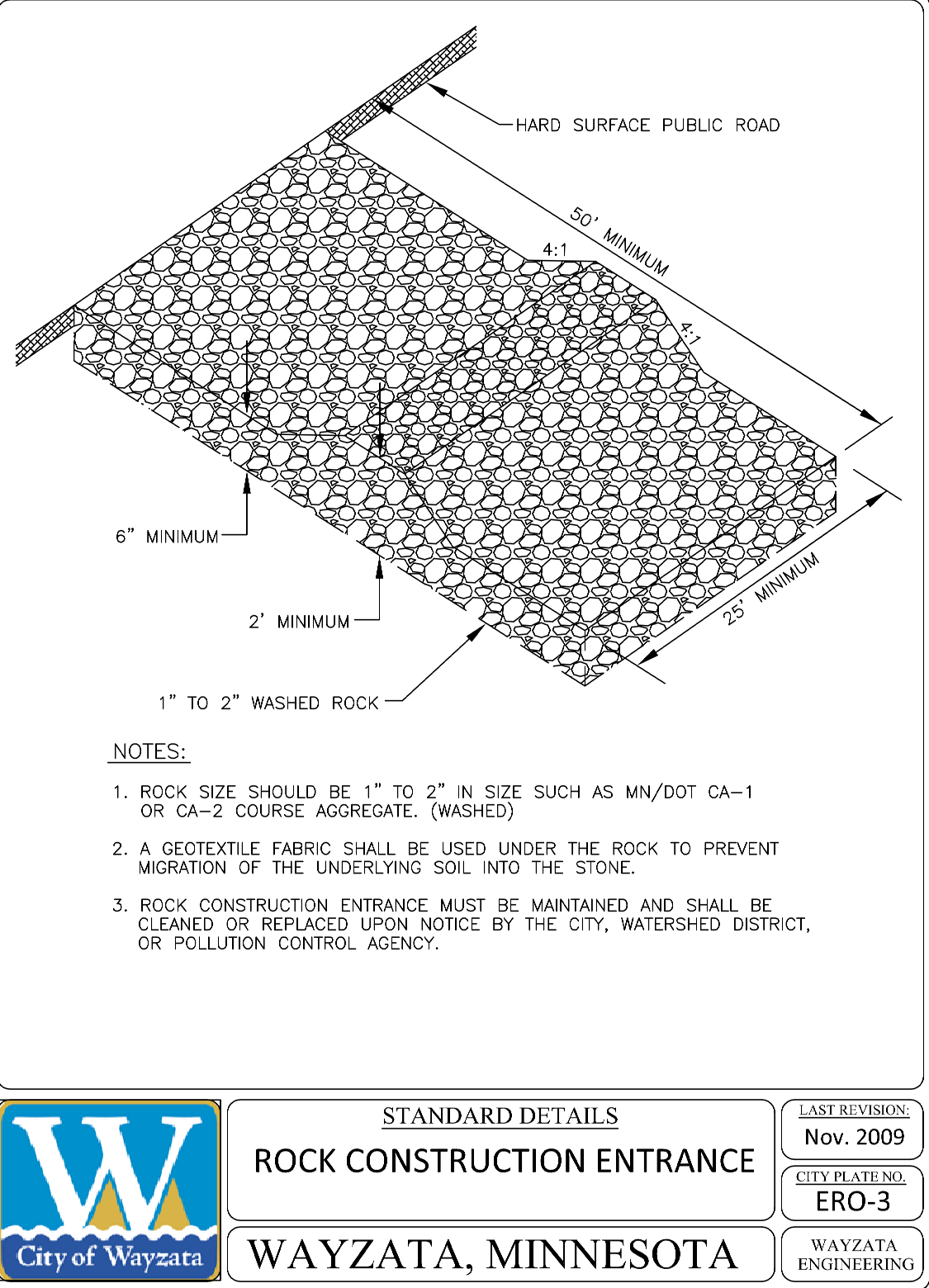
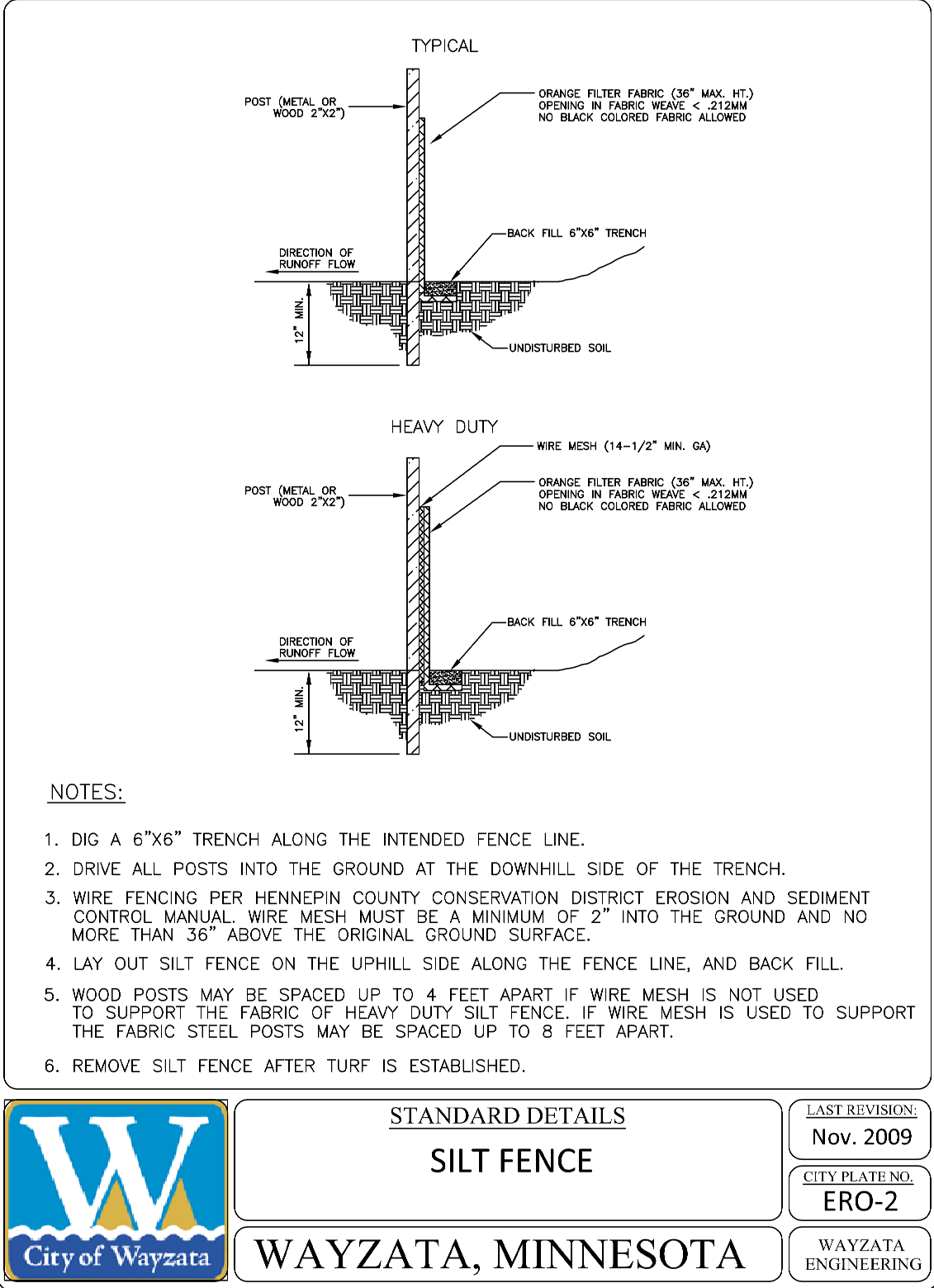
SURVEY LEGEND

- CAST IRON MONUMENT
- CATCH BASIN
- FLARED END SECTION
- GATE VALVE
- GUY WIRE
- HYDRANT
- SURVEY MONUMENT SET
- SURVEY MONUMENT FOUND
- SURVEY CONTROL POINT
- LIGHT POLE
- POWER POLE
- SANITARY MANHOLE
- SANITARY CLEANOUT
- PROPOSED GROUND ELEVATION (972.5)
- EXISTING GROUND ELEVATION
- STORM DRAIN
- STORM MANHOLE
- YARD LIGHT
- A/C UNIT
- WELL
- WOE WALKOUT ELEVATION
- FFE FIRST FLOOR ELEVATION
- GAGE FLOOR ELEVATION
- TOP OF FOUNDATION ELEV.
- LOE LOWEST OPENING ELEV.
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- GAS METER
- GAS VALVE
- HAND HOLE
- SOIL BORING
- TREE DECIDUOUS
- TREE CONIFEROUS
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- UTILITY MANHOLE
- UTILITY PEDESTAL
- PIEZOMETER
- SIGN
- BITUMINOUS
- BUILDING SETBACK LINE
- CABLE TV
- CONCRETE CURB
- CONCRETE
- CONTOUR EXISTING
- CONTOUR PROPOSED
- GUARD RAIL
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- RAILROAD TRACKS
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND
- UTILITY UNDERGROUND
- WATERMAIN
- TRAFFIC SIGNAL

FIELD CREW	NO.	BY	DATE	REVISION	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	FILE NO.
AT	1	EMW	11/13/2018	TREE SURVEY		10052-001
DRAWN	2	DBP	12/11/2018	SITE PLAN/TREE PLAN		1
DBP/EMW						
CHECKED						
DBP						
DATE						
09/18/18						

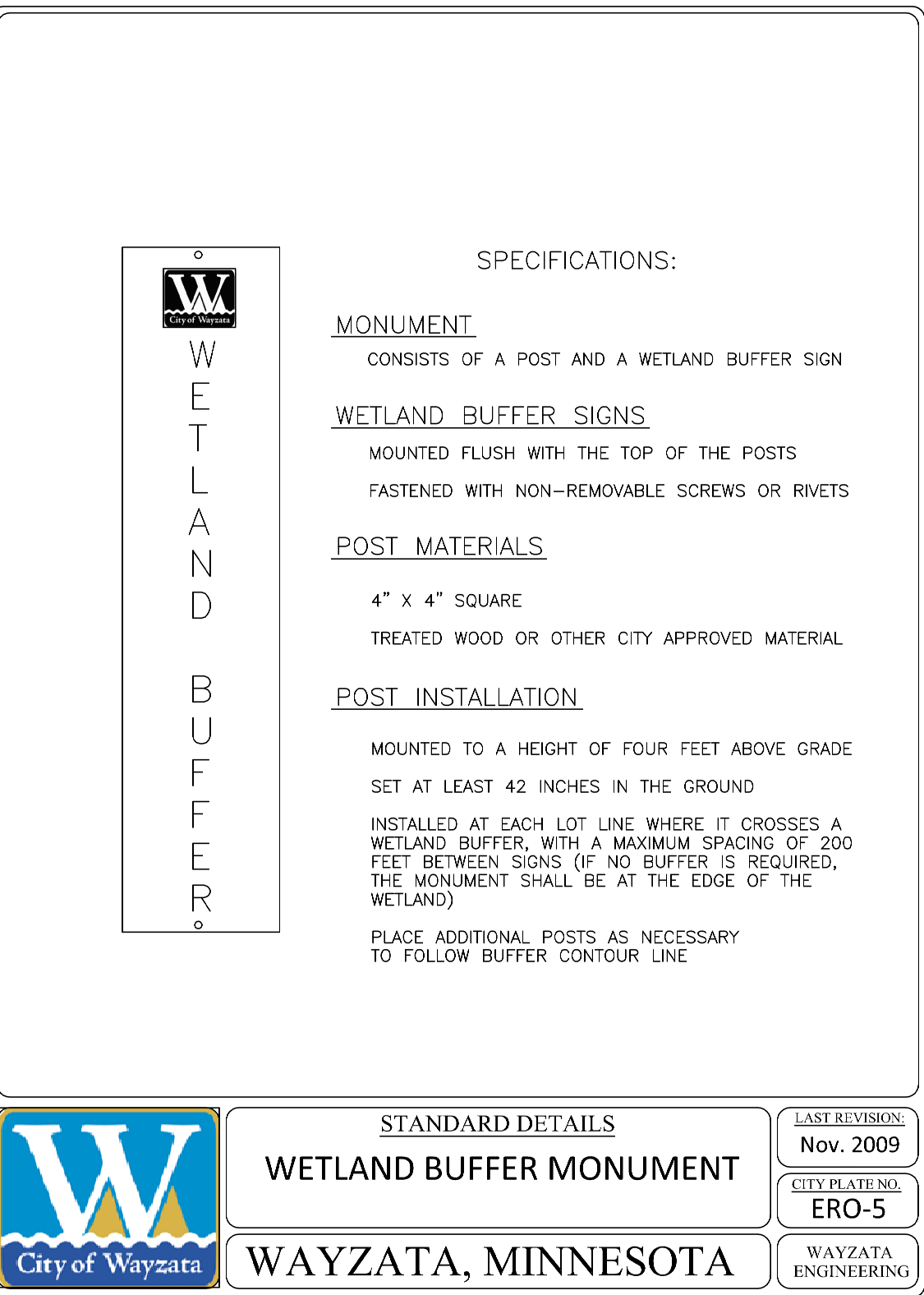
Wayzata, Minnesota

PRELIMINARY PLAT
POTENTIAL CONDITIONS
TREE INVENTORY
PREPARED FOR:
Philip and Susan Ankeny



Quantities
550 c.y. 12" Class 5 for driveway
600 to 1,000 c.y. of Structural Fill

The actual quantities will have to be revised after the final home plans are prepared and the geotechnical recommendations are finalized.



DRAWING NAME	NO.	BY	DATE	REVISIONS	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY.	I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	ENGINEERS SURVEYORS DESIGNERS PLANNERS  SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000	CITY PROJECT NO.	GRADING PLAN 535 FERNDAL RD PHILIP & SUSAN ANKENY	FILE NO.	
BASEANKENY								---		10052-001	
DRAWN BY											1
CAW											
CHECKED BY											
CAW											
DATE											
11/13/18									1		

R.T. DOC. NO. _____

In witness whereof said Philip D. Ankeny and Susan K. Ankeny, husband and wife, have hereunto set their hands this _____ day of _____, 201__.

The instrument was acknowledged before me this _____ day of _____, 201__ by Philip D. Ankeny and Susan K. Ankeny.

My Commission Expires: _____

Dated this _____ day of _____, 201__

This instrument was acknowledged before me this _____ day of _____, 201_, by David B. Pemberton.

My Commission Expires: _____

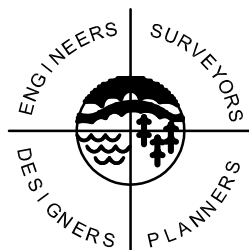
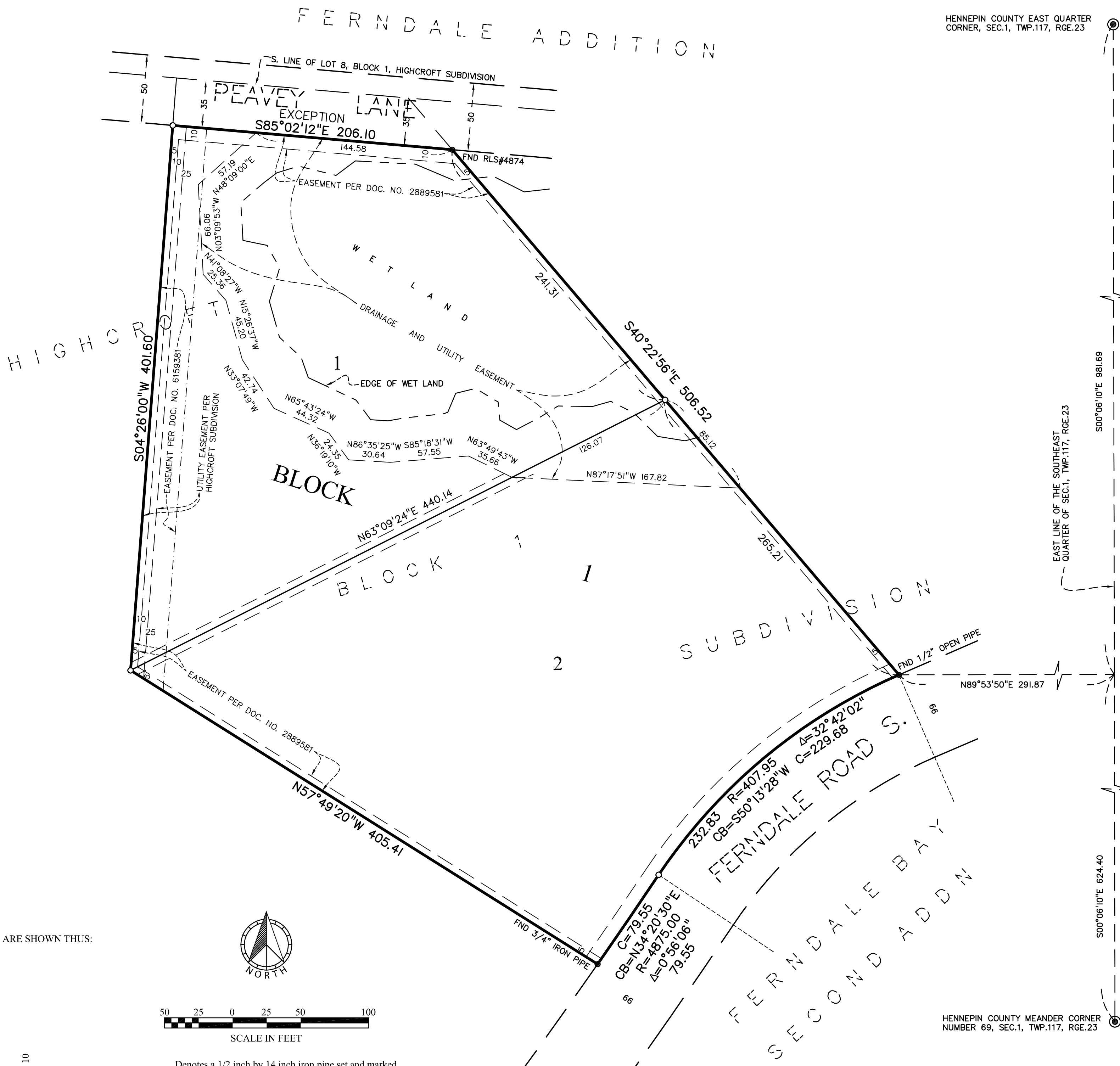
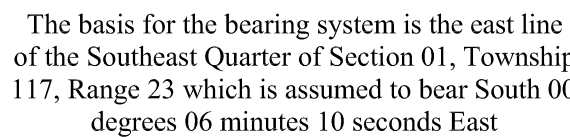
Mark V. Chapin, County Auditor

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 201__.

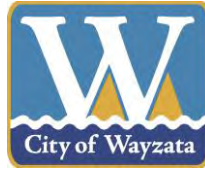
Chris F. Mavis, County Surveyor

Martin McCormick, Registrar of Titles

By: _____, Deputy



SATHRE-BERGQUIST, INC.



**Staff Report
January 7, 2019**

Project Name: Urness Fence
Applicant Todd Urness
Addresses of Request: 143 and 151 Westwood Lane
Prepared by: PeggySue Imihy, Planner
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: January 28, 2019

Development Application

Introduction

The property owners, Todd and Katherine Urness, have submitted a development application for a fence and gate located on the properties at 143 and 151 Westwood Lane. The applicant is proposing a five (5) foot tall chain link fence in the side and front yard, a five (5) foot tall steel fence in the front yard, and a wooden, 100% opaque, gate across the driveway in the front yard. The development application requests approval of a variance for the fence material, a variance for the height of the fence in the front yard, and a conditional use permit for a gate consisting of more than 50 percent solid in the front yard.

Property Information

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

Address	PID	Owner
143 Westwood Lane	01-117-23-12-0005	Todd and Katherine Urness
151 Westwood Lane	01-117-23-13-0012	Todd and Katherine Urness

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

Current zoning:	R-1 Low Density Single Family Residential District
Comp plan designation:	One Acre Single Family
Overlay districts:	None

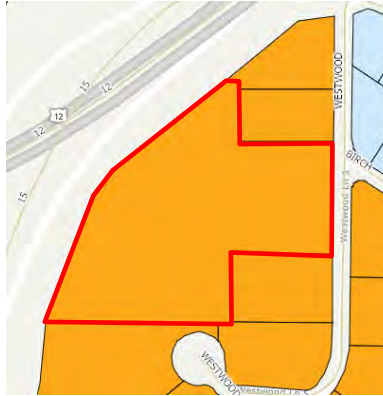
Project Location

The property is located off Westwood Lane, South of Birch Lane:

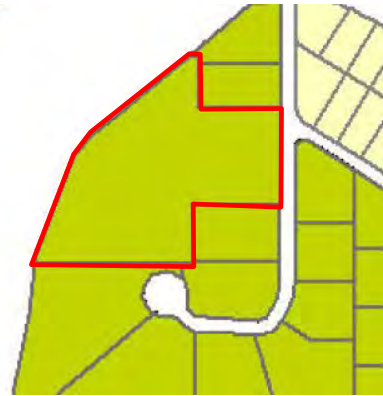
Map 1: Project Location



Map 2: Zoning Map



Map 3: Comp plan



Application Requests

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

- A. Variance to the Allowed Materials for Fences in the Side and Front Yard: The proposal requests the use of chain link fencing in side and front yards, a type of material not allowed by City Code. (City Code Section 918.01D.08)
- B. Variance for Fence Height in the Front Yard: The proposal requests a fence height of 60 inches in the front yard, where the maximum fence height is 42 inches. (City Code Section 918.01E.02)
- C. Conditional Use Permit for a Fence exceeding 50 Percent Opacity in the Front yard: Fences consisting of greater than 50% solid matter in front of the rear building line up to the front property line and not exceeding a height of 8 feet are allowed by CUP. The proposed gate across the driveway would be 100% solid, which requires a conditional use permit. (City Code Section 918.01F.01B)

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 homes	R-1 Low Density Single Family Residential District	One Acre Single Family
East	Single family homes	R-1 Low Density Single Family Residential District	One Acre Single Family

South	Single family homes	R-1 Low Density Single Family Residential District	One Acre Single Family
West	Single family homes	R-1 Low Density Single Family Residential District	One Acre Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on December 20th, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on December 21, 2018.

Analysis of Application

Proposed Fencing

The proposed application request approval for three areas of fencing: (1) a five-foot tall chain link fence in the side and front yard; (2) a five-foot tall steel fence in the front yard, and (3) a wooden, 100% opaque gate in the front yard.

- Chain-link fencing: In the side and front yards of a property the City's zoning ordinance states that a fence may be constructed of the following materials or materials of comparable quality: decorative masonry, wrought iron, or wood of proven durability, such as cedar or redwood. The applicant has proposed to use vinyl coated chain-link instead of the other approved materials, which requires a variance.
- Fence height: In the front yard – which is defined as in front of the front building line as established by the primary structure on the lot – fences not exceeding 42 inches in height and consisting of no more than 50 percent solid matter are allowed. The applicant has proposed a fence to be located in the front yard that would be 60 inches in height, which requires a variance. The proposed materials - vinyl coated chain link and steel - meet the requirement of being no more than 50% solid matter.
- Gate Opacity: Fences consisting of greater than fifty (50) percent solid matter, not exceeding eight (8) feet, where fences of up to six feet height, are allowed with a conditional use permit. In conjunction with the variance request for additional height in the front yard, the applicant has proposed a 100 percent opaque gate to be constructed in the front yard. The gate would also be 60 inches in height and would be made of solid wood.

Staff Comments

An inspection of this property by Staff on December 12, 2018 showed that the property owner and/or their contractors had begun work to construct the fences. The chain-link fencing has already been installed in the side and front yards as requested in the

application. In addition, the posts for the five-foot fencing in the front yard have been installed. The City issues a citation and fine to the contractor, and the fine has been paid.

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.

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and

- (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

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

Variance Request Letter
Survey of Property
Proposed Fence Design
Public Comments

Dear Members of the Planning Commission and City Council,

We are requesting two fence variances for our single-family home at 143 and 151 Westwood Lane (adjoining properties). One for the height of the fencing that we are proposing and one for the material used for a portion of the proposed fence. The current fence code in Wayzata, as we understand it, requires fences in the front yard to be no more than 42" in height, no more than 50% solid, and limited to approved materials. We respectfully request the approval to install a 5' high decorative steel fence along the front of our property and a 5' high black chain link fence along the side property lines in our front yard. Our reasons for these requests are as follows:

Height -

1. Our home is located on approximately 5 acres and sits approximately 350' from Westwood Lane. We situated our house near the location of the previous MacMillan estate so that we can better appreciate the beauty of this historic lot. However, with the house sitting so far back from the road, this makes our front yard more than an acre according the definition of 'front yard' per the Wayzata fence code. We believe that this puts us in a unique situation and if required to follow the current fence code, a 5' high fence would have to be placed behind our home therefore losing fenced in access to a large portion of our property in the front yard. This becomes problematic for two reasons.
 - a. Dog Containment - We have large dogs which we would like to be able to access the front of our property. A 5' high fence is necessary to keep our dogs contained in our yard.
 - b. Security - We feel that a 5' height is necessary for security reasons. Due to the distance of our home from the street, we cannot properly monitor the front of our property while inside of our house. We would like to maintain a fenced buffer along the front of our property which would require approved access. There are two examples of why the security of our property is a primary concern for us.
 - i. We worked closely with the Bureau of Indian Affairs during the planning and construction of our home due to a burial mound being located on the property. There were, in fact, remains found during the construction process. In light of this discovery, the BIA strongly advised us to secure the property after construction because it is common for people to dig through burial mounds for remains and artifacts, even on private property.
 - ii. The previous estate sat vacant for many years before we purchased the property. It was a known party house for youth during that time. Since we have demolished the old house and finished construction, we have noticed evidence of people accessing the property without our consent. Most notably, new vandalism on the sound barrier wall on the back side of our property which may be linked to the history of the previous vacant estate.

We have also decided to install the proposed fence 75' back from the street. Our decision to do this was to maintain the spirit of the fence code which, for aesthetic and visibility purposes, is understandably in place to prohibit tall, obstructive fences close to the road.

Material –

2. Our second request is to install black chain link along the north property line of 143 and the south property line of 151 which is in our 'front yard' as defined by the fencing code. Both properties were almost completely fenced in along the property lines with 5' high black chain link when we purchased the lots. The existing chain link fencing extended into the front yard of the previous MacMillan estate and now continues to extend into the front yard after the construction of our new house. We are requesting chain link to repair existing fencing damaged by construction and downed tree limbs and to extend the current fence line to meet the proposed steel fence which would run along the front of the property. There are two reasons for our request:
 - a. Aesthetics - Since there is existing 5' high black chain link fencing around most of the property that already extends into the front yard, it makes sense to continue with the same material along the property line. We feel that it is better aesthetically to maintain the same look along the property line then to abruptly change to a different material.
 - b. Minimum visibility - Our property lines in the front yard are heavily wooded so the fence is not very visible from the road or the adjacent properties. We also have a row of Arborvitae along Westwood lane which further serve to block view of the chain link fencing. We feel, again, that the spirit of the fence code is primarily one of aesthetics. It seeks to prohibit aesthetically unpleasing fencing materials in the front yard. However, the material we are requesting to use will be minimally visible from any vantage point beyond our property.

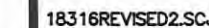
The fence code provides very understandable requirements for most lots in Wayzata. However, due to the unique size and layout of our property, the current fence code puts undue limitations on the usability and aesthetics of our property. We have moved into the Wayzata community because we appreciate the history and character of the city. Our requests are not an attempt to diminish Wayzata's appearance but rather our efforts to work with the uniqueness of our property, maximize enjoyment of our yard, and enhance the aesthetic of the larger community.

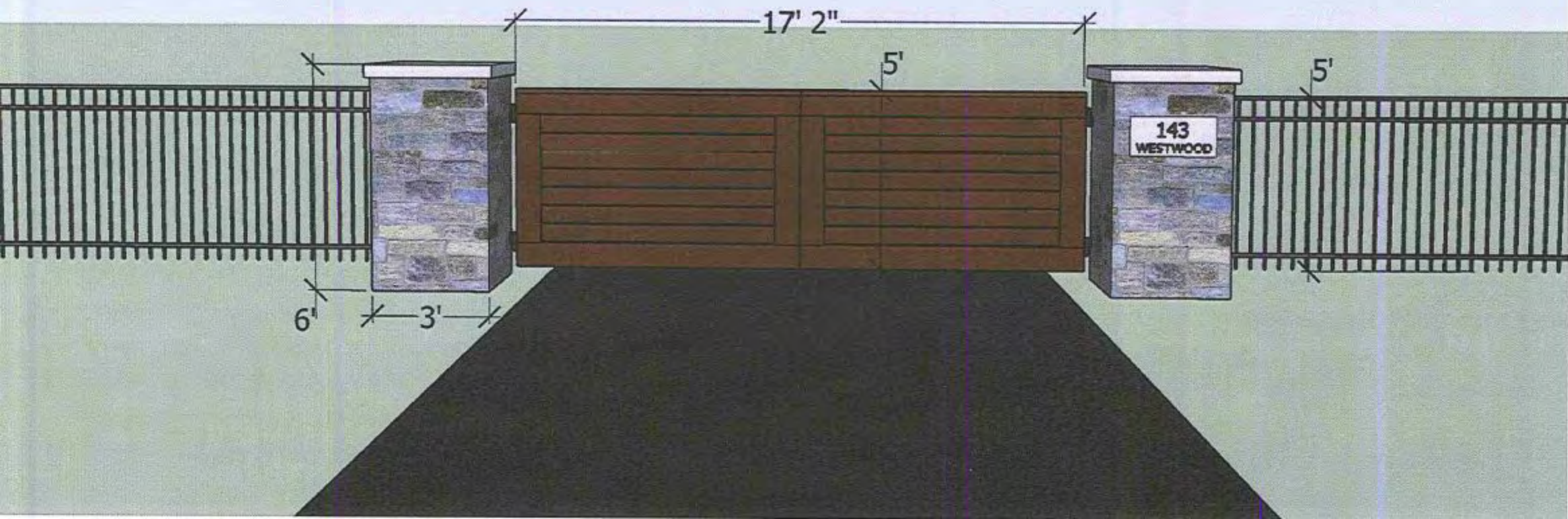
Thank you for your consideration,

Todd and Katherine Urness

CERTIFICATE OF SURVEY FOR
TODD URNESS

IN LOTS 1 & 2, BLOCK 1, MACMILLAN PLACE
HENNEPIN COUNTY, MINNESOTA





January 3, 2019

Dear Planning Commissioners,

We are writing in response to the request for variances and CUP for the fencing project at 143 Westwood Lane. We reside directly across the street from the project.

Our understanding is that these types of requests require that the homeowner demonstrates that the property has practical difficulties meeting the existing fence regulations. We have lived across the street for 18 years and are unaware of any such difficulties.

We believe the proposed fencing and gate is not consistent with the surrounding properties and neighborhood.

We are concerned that granting the variances and CUP would set precedent for future development in our neighborhood and Wayzata.

Sincerely,

Bob & Cori Mueffelman
172 Birch Lane West
Wayzata, MN
(952) 473-6145

Jeff Thomson

From: Jeff Thomson
Sent: Friday, January 4, 2019 4:00 PM
To: Jeff Thomson
Subject: FW: Planning variance for Westwood Lane

----- Original message -----

From: Catrina McAuliffe <catrina@wayzataconsulting.com>
Date: 1/3/19 9:38 AM (GMT-06:00)
To: PeggySue Imihy <PImihy@wsbeng.com>
Subject: Planning variance for Westwood Lane

Dear Planning Commissioners,

We oppose granting the requested variances and CUP for the proposed gate and fencing at 143 Westwood Lane. This has always been an open and friendly neighborhood and the planning ordinances support this. The people who bought this property presumably purchased this property because they liked the feel of the neighborhood.

The style, mass and scale of the proposed gate and fencing is inconsistent with style and pattern of the neighboring properties, the Highland neighborhood, and R-1 neighborhoods in Wayzata in general.

This is a fence and gate we would drive past every day, all day, and I think sets a precedent for the neighborhood. If the variances are granted, any other property owner with similar site conditions should be able to obtain a similar variance.

I see no peculiar or unusual practical difficulties the property has with conforming to existing city of Wayzata fence regulations.

Regards

Catrina
172 Westwood Drive

Catrina McAuliffe
catrina@wayzataconsulting.com