

WAYZATA PLANNING COMMISSION

Meeting Agenda

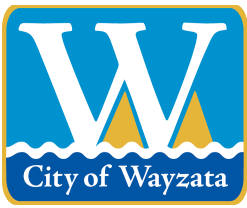


Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at: www.wayzata.org/wctv. Members of the public may submit comments or questions about items on the agenda in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5313, or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment). To speak during the Public Hearing portions of the meeting, you may call 1 312 626 6799, enter Zoom Meeting ID 966 2366 5779, and press *9 to speak. You will be placed on hold and muted until you have been recognized and invited to speak.

Monday, July 20, 2020
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of July 6, 2020 Meeting Minutes
 - b. Approval of Report and Recommendation for an Impervious Surface Variance at 128 Broadway Avenue North
 - c. Approval of Report and Recommendation for an Impervious Surface and a Rear Setback Variance at 225 Manitoba Avenue South
 - d. Approval of Report and Recommendation for a Lakeshore Setback Variance at 578 Harrington Road
5. **Public Hearing Items**
6. **Other Items**
 - a. Review of Development Activities
 - b. Cancelling August 3, 2020 Planning Commission Meeting
 - c. Planning Commissioner Report for the July 7, 2020 City Council Meeting
 - d. Planning Commissioner Liaison for the July 21, 2020 City Council Meeting
 - e. Planning Commissioner Liaison for the August 4, 2020 City Council Meeting
 - f. Zoning Ordinance Update Task Force and Priorities
7. **Adjournment**

Upcoming Meetings:
City Council - July 21, 2020
Planning Commission - August 3, 2020



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 4.a
TITLE: Approval of July 6, 2020 Meeting Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the July 6, 2020 Planning Commission meeting.

ATTACHMENTS:

1. July 6, Draft PC Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
July 6, 2020**

AGENDA ITEM 1. Call to Order

Chair Plantan called the meeting to order at 6:30 p.m.

Chair Plantan read the following prepared statement:

Pursuant to Minnesota Statute Sec 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. Members of the Commission, City staff, and others that are a part of the meeting will be participating by video or audio connections where we can all hear each other and see the presentations being made. We have a public forum and public hearing this evening on the agenda. If you'd like to speak during these portions of the meeting you may call 1 (312) 626-6799, enter the Zoom meeting ID 961 7133 1425, and press 9 to speak. Callers will be placed on hold and muted until the appropriate time of the meeting is reached. At that time, each caller will be recognized in turn, and invited to speak. Public comments continue to be welcomed and encouraged and we ask if possible, that comments of future agenda items be submitted in advance by emailing PublicComment@wayzata.org. Please include "public comments" in the subject line, your name and address, and the agenda item that you are speaking to. Comments can also be submitted by calling City staff or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/wctv.

AGENDA ITEM 2. Roll Call

Chair Plantan asked Interim Community Development Director Zweber to take roll call.

Present at roll call were Commissioners: Plantan, Douglas, Merriam, Parkhill, Bashioum, and Flannigan. Interim Community Development Director Eric Zweber, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present. Commissioner Iverson joined the meeting later at 6:52 p.m.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Douglas made a motion, seconded by Commissioner Bashioum, to approve the July 6, 2020 agenda as presented.

Interim Development Director Zweber completed a roll call vote on the motion. The motion carried unanimously.

1
2 **AGENDA ITEM 4. Consent Agenda**

- 3
4 **a.) Approval of the June 15, 2020 Planning Commission Meeting Minutes**
5 **b.) Approval of Report and Recommendation for a Preliminary and Final Plat at**
6 **15610 Holdridge Road**
7

8 Chair Plantan read the items on the consent agenda and asked if any Commissioner had questions
9 or wished to pull an item for further discussion.

10
11 Hearing no such request, Chair Plantan asked for a motion to approve the Consent Agenda as
12 presented.

13
14 Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to approve the
15 Consent Agenda as presented.

16
17 Interim Community Development Director Zweber completed a roll call vote on the motion. Upon
18 a vote, the motion carried 5 ayes, 1 abstain (Merriam).

19
20 **AGENDA ITEM 5. Old Business Items**

21
22 Chair Plantan noted that there were no old business items on the agenda.

23
24 **AGENDA ITEM 6. Public Hearing Items**

- 25
26 **a) Development Application for an Impervious Surface Variance at 128 Broadway**
27 **Avenue North**
28

29 Assistant Planner, Nick Kieser, gave an overview of the application and noted the lot location and
30 its designation in the 2040 Comprehensive Plan. He explained that the variance request is to
31 exceed the impervious surface limit for the R-3A District. He gave an overview of the variance
32 for 38% impervious surface for the project that was approved in 2017, but never constructed. He
33 stated that the property was subsequently sold and the new owner submitted a new plan and was
34 approved for a building permit with 35% impervious surface that meet the Zoning Ordinance
35 standard in 2018. Mr. Kieser reviewed the plans for both the 2017 plans and the 2018 plans. He
36 noted that a portion of the 2018 plans were constructed, but the garage and the driveway were not
37 constructed. He stated that this property is once again under new ownership and new plans have
38 been submitted to the City. He gave an overview of the current plans, proposed driveway, rain
39 garden, and garage. He noted that the request is to go up to 49.6% impervious surface with a rain
40 garden mitigating about 15.94% of impervious surface. He explained that the applicant feels their
41 practical difficulties are that the existing home and narrow lot make a rear detached garage
42 practical; the previous variance request with additional paved driveway and turnaround area; and
43 the proposal is a similar configuration to surrounding neighborhood. He stated that the applicant
44 has indicated that they are willing to do more stormwater management techniques on the property
45 in addition to the rain garden that is already proposed. Mr. Kieser noted that two public comments
46 were received regarding this application.

1
2 Chair Plantan asked if the Commission had any questions for Staff.

3
4 Commissioner Bashioum asked if the applicant had considered pervious pavers or ecobloc.

5
6 Planner Kieser stated that he believes the applicant was leaning more towards installing an
7 underground water filtration system because there was a significant cost to putting in the
8 permeable pavers throughout the whole driveway.

9
10 Commissioner Bashioum stated that she would feel more comfortable approving this variance if
11 that information was included in their plan.

12
13 Commissioner Flannigan asked about plans that included a proposed deck and how that affected
14 the impervious surface calculation.

15
16 Planner Kieser stated this particular application does not include a proposed deck.

17
18 Commissioner Flannigan stated that any deck would require permitting, so they will not be able to
19 get around the hard cover issues by putting it in after the fact. He asked, from a City and water
20 treatment standpoint, what the implications would be of having the proposed underwater treatment
21 system versus just a system to move the water to the street.

22
23 Planner Kieser noted that would be something that would be thoroughly reviewed by Public Works
24 and Engineering.

25
26 Commissioner Flannigan asked if the City's standards were more to address a flooding issue or an
27 environmental issue.

28
29 Planner Kieser explained that it is a little bit of both and the main objective is to not allow more
30 stormwater runoff into the City's sewer system than what it would be with a 35% impervious
31 surface project.

32
33 Commissioner Flannigan asked if the application in 2018 was from the current property owner.

34
35 Planner Kieser explained that the original variance request came from the first owner in 2017, a
36 second owner had the building permit request in 2018 where they built the addition to the home.
37 He stated that the current owner is a new owner and was not involved in either of the other
38 applications in the past. He clarified that there have been three different owners with three
39 different plans.

40
41 Commissioner Flannigan stated that, in theory, the current owner knew what he was buying.

42
43 Planner Kieser stated that is correct, but wasn't sure if he had also reviewed the previously
44 submitted plans.

1 Commissioner Parkhill stated that it appears as though the water can be mitigated through various
2 means, so there may be a net zero effect. He asked why the City set the parameter of 35%
3 impervious surface, and if there were reasons other than water to consider in this situation.

4
5 Planner Kieser stated that the impervious surface relates to both stormwater as well as lot coverage
6 percentages so there are open or green spaces on lots.

7
8 Commissioner Parkhill asked about lot coverage and whether it was different than the impervious
9 coverage.

10
11 Planner Kieser stated that impervious coverage is different and that the maximum lot coverage is
12 30% maximum.

13
14 Commissioner Parkhill asked if that only applied to the house and the garage.

15
16 Planner Kieser stated that the lot coverage applies to anything with a foundation.

17
18 Commissioner Parkhill stated that, in his opinion, pavers would look nicer than concrete. He
19 suggested that they consider using some in the driveway and perhaps making a portion of the
20 driveway be the tire treads rather than a large concrete pad.

21
22 Interim Community Development Director Zweber stated that Commissioner Parkhill's first
23 statement, by Code, falls into the provisions of the Shoreland Ordinance. He stated that is not
24 what the City looks at that is outside the Shoreland District, but this area in the 2040
25 Comprehensive Plan has a new designation as part of the Central Core. He noted that one of the
26 tasks in the near future is to review this area and see what makes sense in terms of stormwater
27 management, and revisit the standards of this district. He stated that does not really apply to this
28 discussion, but would like the Commission to give staff direction for issues they would like
29 considered when this is reviewed.

30
31 Commissioner Merriam stated that it looks like the proposed garage in 2018 was more forward
32 than the current proposal.

33
34 Planner Kieser stated that in the 2018 building permit application there was a one car garage that
35 was pushed further forward than what is currently being proposed.

36
37 Commissioner Merriam stated that it looks like it was more in line with the neighbor to the north
38 and now it has been pushed to the back of the lot.

39
40 Planner Kieser stated that this was correct, and he believes it has been moved about 10 or 15 feet.

41
42 Commissioner Merriam stated that her concern is that they are asking for 49.6% and not 39.6%
43 which would be closer to the 35%. She stated that she can appreciate what they are offering to
44 help alleviate some of the concerns regarding water runoff, but is having a hard time grasping why
45 the garage needs to be moved further back. She stated that she also isn't sure about why the
46 walkway needs to be complete hard cover and not pervious pavers.

1
2 City Attorney Schelzel noted that Commissioner Iverson has joined the meeting, so the full
3 Commission is present.

4
5 There being no further questions for staff, Chair Plantan invited the applicant to speak, and asked
6 them to state their name and address for the record.

7
8 Applicant's representative, Paul Cameron, 11578 Chamberlain Court, Eden Prairie, stated that this
9 is a very difficult lot to have a two car garage on the property. He noted that the plans in 2017 had
10 a much larger garage because it was side loaded. He explained that the challenge was that plan
11 was never actually built and the 2018 plan was not well thought out. He stated that the tire track
12 design is very difficult for drivers to maintain without driving off of them. He stated that if you
13 pave the driveway from the street to the backline of the house, you meet the coverage ratio, but
14 there would be no garage and no place to turn or even get a second car in. He stated that he took
15 a look at the other houses in the area and practically all of the garages are located on the back lot
16 line. He gave examples of the difficulty of the lot and the ability to get a two car garage onto the
17 lot. He stated that pavers are very expensive and noted that he used a rain garden to try to mitigate
18 a portion of the storm water runoff. He stated that he is also proposing a system where the water
19 will be maintained under the driveway until it naturally percolates out.

20
21 At the conclusion of the Mr. Cameron's remarks, Chair Plantan asked if the Commission had any
22 questions for the applicant.

23
24 Commissioner Flannigan asked if this request ends up being approved by the City Council, how
25 long Mr. Cameron expects the remainder of the project to last.

26
27 Mr. Cameron stated that he hopes all the work can be completed by the end of August. He stated
28 that as soon as he has a definitive direction on the garage situation, he plans to put it on the market.

29
30 There being no other questions from the Commission for the applicant, Chair Plantan opened the
31 public hearing on the application at 7:06 pm.

32
33 Chair Plantan asked Planner Kieser to read into the record that letters than were submitted
34 regarding this application.

35
36 Planner Kieser read aloud the letter submitted by Sandy Harvey, 138 Broadway Avenue North
37 requesting that the variance be denied, as proposed. He also read aloud the letter submitted by
38 Tasha Winkels, 123 Broadway Avenue North.

39
40 Chair Plantan asked if there was anyone from the public on the phone or online that would like to
41 speak on this issue.

42
43 City Attorney Schelzel suggested that the numbers to participate in the public hearings be once
44 again shared in case someone missed them at the beginning of the meeting.

1 Chair Plantan stated that if any member of the public would like to speak during these portions of
2 the meeting they may call 1 (312) 626-6799, enter the Zoom meeting ID 961 7133 1425, and press
3 *9 to speak.

4
5 Interim Community Development Director Zweber stated that he has checked the public comment
6 e-mail address and there were no comments.

7
8 There being no one wishing to comment further on the application, Chair Plantan closed the public
9 hearing at 7:13 pm.

10
11 Chair Plantan asked for the Commission to share their questions and feedback on the application.

12
13 Commissioner Flannigan stated that he lives around the corner from this property and that it has
14 been very disappointing to see what has transpired on this parcel. He stated that, from a
15 neighborhood perspective, Ms. Winkel's comments could not be more accurate. He stated that
16 this property is blighted and has construction materials on it. He stated that there is also a dumpster
17 and a port-a-potty at the property, which he understands is required, and it has been like this for
18 years. He stated that although it is unfortunate, he feels that it will take a variance in order to have
19 a good-looking house that fits in with the neighborhood. He stated that he thinks that there needs
20 to be some changes in the approach and suggested that the hammerhead be taken away and the
21 driveway be reduced as much as possible. He stated that he would also like to see half of the
22 driveway become pervious pavers. He asked whether this property would be allowed to get credit
23 even though it is not close to the lake. He stated that the City has gotten themselves in a terrible
24 position with this situation, but reiterated that he would like the Commission to work towards a
25 way to allow for some additional hard cover.

26
27 Commissioner Bashioum stated that she would echo Commission Flannigan's statements. She
28 noted that she is inclined to approve a variance but would also like the applicant to reduce the hard
29 cover. She suggested that pervious pavers be used for the sidewalk and a portion of the driveway
30 as suggested by Commissioner Flannigan. She stated that perhaps they could look at adding the
31 ecobloc system as well in order to reduce the overall impervious surface amount because she thinks
32 49.6% is excessive.

33
34 Commissioner Douglas stated that she walked the property today and agrees with Commissioner
35 Flannigan that something needs to be done because this has been going on for too long. She stated
36 that she is concerned about impervious surface but has concerns about putting too many
37 restrictions on the development because financially he may not be able to get this done as quickly
38 as the City would like. She stated that she is also concerned about using impervious pavers because
39 of potential maintenance and plowing issues. She expressed concern that restrictions and requiring
40 impervious pavers will take finances away from other quality issues in the home. She stated that
41 she would also recommend taking away the hammerhead turnaround area to reduce some of the
42 impervious surface. She stated that the City will be running into this same type of issue more often
43 with the narrow lots in the areas and their new designation in the 2040 Comprehensive Plan as the
44 Central Core District. She stated that she thinks for a house to be marketable in today's market,
45 in the State of Minnesota, there needs to be a two car garage. She asked what percentage the
46 impervious surface would be reduced if the turnaround area was taken away.

1
2 Planner Kieser stated that he does not have any specific information about what could be done or
3 what the developer is willing to do to modify the variance request.

4
5 Commissioner Douglas stated that she likes the idea of the stormwater holding area that was
6 mentioned as part the next agenda item, and suggested that perhaps that could be considered.

7
8 Commissioner Iverson stated that she would like to ask the applicant to get a little bit more creative
9 with some other options to reduce the impervious surface. She stated that she thinks the City
10 should look at the inclusion of a tire track driveway. She stated that she has seen them popping
11 up more and more and feels they add a uniqueness to a property. She stated that she would also
12 like to see the turnaround taken out and increase the use of pavers in order to reduce the total
13 impervious surface amount. She asked if the applicant could come back to the Commission with
14 some proposed solutions because there seem to be a lot of concerns being raised about the same
15 issues. She stated that if the Commission feels it can get some clarity on these issues as a condition
16 of approval, she believes it can be moved forward, but if not, she believes it should come back
17 before the Commission again with revised plans. She stated that she would prefer revised plans
18 before the Commission makes a recommendation.

19
20 Commissioner Parkhill stated that he thinks the City would like to move this item along so this
21 house can be on the market by the fall. He asked if there could be a condition that says either the
22 impervious surface needs to be reduced by a certain percentage amount, such as 20%-25%, or be
23 replaced with pervious materials.

24
25 Commissioner Douglas asked if he would reduce the impervious surface of the total requested
26 49.6%.

27
28 Commissioner Parkhill suggested that Planner Kieser work with the applicant on a specific range
29 and work to get the impervious surface amount down to perhaps 45%.

30
31 Commissioner Iverson stated that she thinks that is a great suggestion and if the Commission is
32 going to talk about numbers, she would like to see the impervious surface amount be under 40%.
33 She reiterated that she would like to see the developer be as creative as they can in order to meet
34 the marketing needs to sell the property and comply with the City ordinances that are in place.

35
36 Planner Kieser stated that staff can work with the applicant on the issues brought forward by the
37 Commission. He stated that the application can either move forward with those conditions or be
38 tabled, whichever is the Commission's preference.

39
40 Commissioner Flannigan asked if the ordinances allow for reduction in coverage for permeable
41 surfaces in this area.

42
43 Planner Kieser stated that is an interesting point and noted that Public Works and the City Engineer
44 takes a look at this, but for the most part, staff wants the total impervious surface to be reflected in
45 the variance request, and then the City can look at what stormwater management techniques they
46 are using to minimize the impacts. He reiterated that for the variance, staff recommend that the

1 variance includes the total amount of impervious surface on site. The plans can show what the
2 mitigation amount would be with stormwater management techniques.

3
4 City Attorney Schelzel stated that this is a variance request, and some of the mitigation that has
5 been discussed would not change the percentage in the request. However, he thinks the
6 Commission can consider that mitigation as important because it goes to the reasonableness of the
7 request and the effect of the variance on the locality, which are both key factors in reviewing a
8 variance request. He stated that even though this parcel is not located in the Shoreland Overlay
9 District where it could get credits that reduce the amount of variance needed, the Commission
10 should consider how reasonable the request is. He stated that the application could be moved
11 forward with a recommendation that the applicant works with staff on ways to mitigate the impacts,
12 such as incorporating pervious pavers or the infiltration system that will be discussed in the next
13 agenda item, but also look at a redesign, such as removing the hammerhead, which will reduce the
14 percentage of the variance. He stated that if the Commission chooses this option, when it gets to
15 the Council level, the Council can make the call regarding whether the applicant did enough to
16 mitigate this situation and get the amount of impervious surface nearer to 40%.

17
18 Commissioner Parkhill stated that his issue is more of an aesthetic issue with all the concrete, as
19 proposed, versus the water run-off issue.

20
21 Commissioner Flannigan stated that he understands where Commissioner Parkhill is going with
22 that and the nice piece to this one is that it is a single car lane that is broken up by the portico. He
23 stated that in this neighborhood it will just look like it is a lot of driveway because of the nature of
24 the lots.

25
26 Commissioner Merriam stated that she also wants to move this forward so the house can be
27 finished. She stated that she thinks a two car garage is appropriate but would like to see this move
28 forward. She noted that she assumes it will be quicker to move it forward with the added condition
29 of working with staff to reduce the impervious surface amount and let Council make the
30 determination whether that is enough, rather than tabling it. She stated that she would like to see
31 the impervious surface reduced along with mitigation for anything over 35%.

32
33 Commissioner Douglas stated that currently the applicant is asking to be allowed 49.6%
34 impervious surface. She stated that the staff report states that the rain garden will account for
35 15.94% mitigation, and asked if that would bring it down to 33.68%.

36
37 Planner Kieser stated that those were the calculations presented.

38
39 Commissioner Douglas asked if a lot of maintenance was required in order to keep the rain garden
40 effective.

41
42 Planner Kieser stated that it does require maintenance but how much varies on a site by site basis.

43
44 There being no further discussion, Chair Plantan asked for a motion on the application.

1 Commissioner Douglas asked what would happen a few years down the road if the maintenance
2 was not being conducted on the rain garden. She asked if the City had any clout to oversee the
3 maintenance or require it.

4
5 Planner Kieser noted that this was a very good question and is something that the City has struggled
6 with in some situations. He explained that if approved, the property owner should be maintaining
7 any rain gardens or other stormwater management techniques on the site. He stated that the City
8 can leverage this in the future if they find that it is not being maintained properly.

9
10 Commissioner Bashioum stated that she isn't 100% sure that the rain garden will stand the test of
11 time. She stated that the house will be going on the market as soon as it is completed, and the City
12 will have no assurances from the new owner that the rain garden will be properly maintained. She
13 stated that it feels more like a wish and a prayer that the rain garden will sufficiently treat the
14 15.94% of the area. She stated that she would like to see the Commission add conditions, if this
15 moves forward, that the project include either pervious pavers, an ecobloc system or some
16 combination of them and removal of the hammerhead portion of the driveway.

17
18 Commissioner Iverson stated that she would echo the same concern and expressed additional
19 concern about putting the demand to keep an eye on this rain garden on City staff because they are
20 already overwhelmed. She stated that the Commission cannot lose sight of what will continue to
21 happen in this neighborhood. She stated that she doesn't want the City to be short-sighted in future
22 applications and wonders how many other homes will be asking for variances for impervious
23 surface in the future. She stated that the Commission needs to think long-term for the City and
24 she feels now is the time to do that with the applicant here and to really put strong conditions on
25 this project. She stated that this is a long-term decision. She stated that if the Commission truly
26 feels tire tracks and removing the hammerhead is what they want, then there needs to be truly
27 strong conditions because this is the first of many that will be coming before the Commission.

28
29 Commissioner Flannigan stated that he has a number of friends that have the tire tracks and they
30 do not like them and wish they didn't have them. He stated that he agrees with the concerns about
31 the rain garden, but would like it to remain in the plans. He stated that in order to get to a targeted
32 40%, the developer will need to take away about 800 square feet. He stated that if the hammerhead
33 is removed and the City asks for some mitigation on the driveway, such as pervious pavers, he
34 thinks that may be a potential solution. He stated that if the Commission wanted to reduce the
35 percentage, you could just do the calculation for how much more would need to be removed. He
36 noted that the Commission had approved 38% coverage a few years ago with the last plan that was
37 presented. He stated that he feels the Commission can ask for a few things and come up with
38 something that they feel comfortable with.

39
40 Chair Plantan stated that she agreed with Commissioner Flannigan. She stated that she likes the
41 idea of moving this forward with certain conditions that he will work on with staff.

42
43 Commissioner Douglas stated that she feels the Commission should present the applicant with a
44 certain goal and he can then work out how he will get there. She stated that she would be
45 comfortable with the applicant either working on it with staff, or bringing it back before the
46 Commission at the next meeting.

1
2 Commissioner Parkhill suggested a 50% reduction in the concrete material and the applicant can
3 decide how and where this can be done.

4
5 Commissioner Douglas stated that she feels it should be up to the applicant to figure out a
6 combination that will work.

7
8 Commissioner Flannigan asked what the total percentage of impervious surface would be in that
9 scenario. He reiterated that the Commission had previously approved 38%.

10
11 Commissioner Parkhill stated that he doesn't know what percentage the concrete is other than the
12 fact that it is 14.6% over and stated that Planner Kieser should be able to figure that out. He stated
13 that he thinks there can be a compromise with pavers and some texture that would enhance the
14 look that makes this more aesthetically pleasing as well as more responsible to the environment.

15
16 Commissioner Bashium stated that she liked this solution because she is not comfortable at 40%
17 and because 38% was previously approved, she does not want to go over that number. She stated
18 that if the formula of reducing the concrete by 50% hardcover works, she would support that
19 solution.

20
21 Commissioner Merriam stated that she had a conversation with Planner Kieser earlier today about
22 the possibility of pervious pavers. She stated that her understanding is that the use of pervious
23 pavers does not reduce the impervious surface, so this parcel would still have 49.6% impervious
24 surface even if pavers are used. She noted that she would agree that it creates a better look and
25 does a lot in terms of water run off but the total amount would still be 49.6%.

26
27 Planner Kieser confirmed that this was correct.

28
29 Commissioner Merriam stated that in order to reduce the impervious surface, the size of the
30 driveway and walkway will need to be reduced.

31
32 Commissioner Flannigan stated that he thinks what he is suggesting is the effective percentage,
33 which will potentially include reduction of the driveway, garage and walkway as well as use of
34 different materials which will all be combined to get this project to 38% affective coverage. He
35 noted that he personally has a pervious paver deck that has been very effective.

36
37 Commissioner Parkhill asked City Attorney Schelzel if there was a way to allow the pervious
38 pavers to count in this situation.

39
40 City Attorney Schelzel stated that it would be acceptable from the standpoint that this is a request
41 for a variance to exceed the limit for impervious surface on the lot. He stated that from a legal
42 perspective, the Commission can factor in the stormwater management techniques, the use of
43 pervious pavers, and the systems for water filtration in determining whether the variance request
44 is reasonable, even though legally they are not receiving credits like they do in the Shoreland
45 Overlay District. He stated that based on the conversation, the Commission could direct staff to
46 prepare a draft report, and recommend approval with the condition that the applicant modify the

1 current plans so that enough redesign and mitigation is incorporated into the plans to mitigate the
2 impervious surface to bring it to an effective impervious surface of 35%.

3
4 Commissioner Parkhill stated that the current plans have it mitigated to 33.7% with the rain garden.

5
6 City Attorney Schelzel stated that the Commission could state that the percentage must be reached
7 without factoring in the rain garden. He stated that the Commission could also specify the
8 techniques that they would like to be considered. He noted that the Commission is making a
9 recommendation to the City Council and if they would like something done, they can either
10 encourage it or make it as a condition in the recommendation to Council.

11
12 Commissioner Douglas reiterated that she feels the Commission should pick a number the group
13 is comfortable with and let the applicant figure out the details. She expressed concern about the
14 Commission not picking this time because she only thinks about future applications that will be
15 coming into the City. She clarified that she thinks the Commission needs to be careful how this
16 application is driven because this may set a precedent for future applications.

17
18 Commissioner Iverson stated that Commissioner Flannigan made a valid point that the
19 Commission had already approved 38% in the past for this property. She suggested that the
20 Commission stick with that number and not over complicate the situation. She stated that the
21 discussion has surrounded removing the rain garden from the calculations and suggested that the
22 Commission to move forward and take a vote on this issue. She asked if the Commission was in
23 agreement on 38%.

24
25 Commissioner Flannigan asked if she was saying an unmitigated 38% or what he suggested with
26 an effective 38% that incorporates the mitigating factors.

27
28 Commissioner Iverson stated that she would support the effective 38% and the applicant that can
29 do whatever he needs to do, excluding the rain garden from the calculations to get down to 38%.

30
31 Commissioner Merriam asked if the 38% that was approved in the past was without mitigation.

32
33 Commissioner Flannigan stated that this was correct.

34
35 Commissioner Merriam stated that she would also like it on record that part of the problem with
36 this situation is that the house got built with a larger footprint than would have been approved in
37 the first place.

38
39 Commissioner Flannigan stated that he agrees that this is exactly the issue; however, that was
40 under a different owner and it was for an addition on the back of the home.

41
42 Commissioner Merriam stated that she does not want other people coming forward in the future
43 thinking that this is okay.

44
45 There being no further discussion, Chair Plantan once again asked for a motion on the application.

1 Commissioner Flannigan made a motion, seconded by Commissioner Bashioum, to direct staff to
2 prepare a draft Planning Commission Report and Recommendation with appropriate findings
3 reflecting a recommending approval for the impervious surface variance request at 128 Broadway
4 Avenue North, with the condition that the applicant work to incorporate mitigation and redesign
5 to bring the effective impervious surface percentage down to 38%, excluding the use of the rain
6 garden.

7
8 Commissioner Merriam stated that many on the Commission would like there to be pervious
9 pavers incorporated into the plans in order to get to the 38% and asked if that should be included
10 in the motion language.

11
12 Commissioner Flannigan stated that he thinks the motion can stand because City staff is in a better
13 position to understand what will work best and knows more than the Commission does about this
14 issue and what materials may work best. He stated that he believes City staff should work with
15 the applicant to come up with what will work best in this situation.

16
17 Commissioner Merriam stated that she thought the Commission was also concerned with the
18 aesthetics.

19
20 Commissioner Douglas stated that there was a motion on the floor and asked that the vote be called.

21
22 Commissioner Iverson stated that the Commission can still discuss this and asked Commissioner
23 Parkhill what he felt about this because he had shared his concerns about the aesthetics.

24
25 Commissioner Parkhill stated that he is concerned with aesthetics but is also concerned with
26 completely eliminating the use of mitigating things like rain gardens and other methods such as
27 the underground treatment. He stated that he doesn't want to set a precedent by not allowing rain
28 gardens and shared his concern that the Commission is not being consistent.

29
30 Commissioner Iverson stated that she believes the Commission needs to look at each application
31 as a unique application that will have unique circumstances.

32
33 City Attorney Schelzel stated that the Commission must be mindful of the effect that this
34 application may have perception wise on other applications, but agreed that with every request,
35 they must look at the particulars of the application itself. He noted that to speak to Commissioner
36 Parkhill's concern about eliminating the rain garden, the way he understands the motion is that it
37 is up to the applicant to do the changes to redesign the mitigation, however, the rain garden will
38 not be counted towards the reduction. He stated that he has heard all the Commissioners say that
39 they would like the applicant to keep the rain garden but, it will not count towards the mitigation
40 calculations.

41
42 Commissioner Parkhill stated that he doesn't feel any of this addresses the aesthetics. He stated
43 that if the motion is reducing impervious surface down to 38%, using less concrete and pavers are
44 acceptable to use in lieu of concrete, then he is fine with the motion.

1 Commissioner Douglas reiterated that she would like the Commission to vote on the motion that
2 is on the floor. She stated that she is not in favor of changing the motion.

3
4 Commissioner Parkhill asked for the motion to be repeated.

5
6 Chair Plantan read aloud the motion and City Attorney Schelzel clarified the language.

7
8 Interim Community Development Director Zweber completed a roll call vote on the motion. Upon
9 a vote the motion carried 5 ayes, 2 nays (Iverson and Merriam).

10
11 **b) Development Application for an Impervious Surface and a Rear Setback Variance**
12 **at 225 Manitoba Avenue South**
13

14 Planner Kieser, stated that the owners, Sara and David Frey have submitted a request for two
15 variances at 225 Manitoba Avenue South. He gave an overview of the current zoning in the area
16 and noted that in the 2040 Comprehensive Plan it is designated as Central Core Residential. He
17 stated that the applicant is requesting a rear yard accessory structure setback variance for a garage
18 to be a distance of 1.5 feet rather than five feet from the property line, and an impervious surface
19 variance to allow 47.4% coverage rather than 35%. He noted that this property is within the
20 Shoreland Overlay District which has a 25% requirement. He stated that the applicants are
21 proposing to tear down the existing home and detached garage, and build a new home and new
22 detached garage in similar locations. He reviewed the plans and the practical difficulties stated for
23 each variance request. He noted that the information presented by the applicant regarding the
24 impervious surface variance indicates that they will be getting it down to 38.9% with the planned
25 mitigation of permeable pavers, rain garden, and an underground filtration system. He gave an
26 overview of the items that the Commission should consider with this application. He noted that
27 the applicant is present on the conference call and noted that the City did not receive any public
28 comment prior to the meeting regarding this application.

29
30 Chair Plantan asked if the Commission had any questions for Staff.

31
32 Commissioner Parkhill asked if there was any idea of how much coverage would be saved if they
33 did not have the difficulty of having to move the garage back so the neighbor could get into their
34 garage.

35
36 Planner Kieser stated that if they were to move the proposed driveway up a bit, he thinks they
37 would be at around 38%. He asked for a few minutes to find the exact information.

38
39 Commissioner Douglas asked when the 25% for the Shoreland Overlay District comes into play,
40 and also how the shared driveway impacts the calculations.

41
42 Planner Kieser stated that for the shared driveway they are putting on around 1,000 square feet and
43 does not include the other half on the other driveway. He explained that any property within 1,000
44 feet of Lake Minnetonka is considered to be in the Shoreland Overlay District, which this property
45 falls into.

1 Commissioner Douglas asked if that meant this property needed to fall into the 25% impervious
2 surface requirement and not the 35%.

3
4 Planner Kieser stated that staff works with applicants if they can meet the 35% requirement but
5 not the 25%, and then will require them to do stormwater mitigation techniques as outlined in the
6 code.

7
8 Interim Community Development Director Zweber stated that he had an answer for Commissioner
9 Parkhill's question regarding how much coverage would be saved if the applicant did not have to
10 move the garage back in order for the neighbor to be able to access their garage. He stated that
11 the information can be found on pages 80 and 81 of the packet and explained it would result in a
12 difference of 70 square feet, which is the equivalent of .87% of the lot.

13
14 Commissioner Parkhill stated that if the garage had to be moved east towards Manitoba about 30
15 feet, it seems as though that would take out impervious surface of about 30x30.

16
17 Interim Development Director Zweber stated that this is correct; however moving it to the east
18 would occupy the easement for the garage to the south., which would prevent that person from
19 using their garage.

20
21 Commissioner Parkhill stated that if this property owner is limited in where they can put their
22 garage because the easement forces him to move it all the way back, he doesn't feel he should be
23 harmed by building a driveway to the garage.

24
25 Commissioner Flannigan stated that what many people do in this situation is put a side loading
26 garage behind the house and just keep it tight. He stated that the reason this applicant cannot do
27 that is because of the shared driveway which becomes sort of a practical difficulty. He asked if
28 the stairs depicted in the garage go down or up.

29
30 Planner Kieser stated that the stairs go down to a lower level.

31
32 Commissioner Iverson asked how much square footage is added to the garage because of the stairs.

33
34 Planner Kieser stated that he believes the garage is about 750 square feet total with the stairs and
35 about 580 square feet if they were removed. He noted that it is a non-living space and is intended
36 to be used as a work space.

37
38 Commissioner Merriam asked if there was another way to configure the steps so they would not
39 take up as much square footage.

40
41 Planner Kieser stated that is something that can be looked at.

42
43 Commissioner Flannigan asked if the applicant could address why they would like to build this
44 lower level work space and how it will be used.

45
46 Chair Plantan invited the applicant to speak about the application.

1
2 Applicant's architect and representative, Alissa Luepke Pier 1045 Washburn Avenue N.
3 Minneapolis, MN 55411, explained that she is the architect for this project and noted that the
4 landowners and the builders are also in on the call if the commissioners have questions for them.
5 She gave an overview of the plans and noted that the existing garage sits about 11 inches off the
6 rear property line. She explained that they are moving the garage to bring it further into
7 compliance to 18 inches and noted that the reason they are not moving it into full compliance is
8 that it would basically render the garage to the south unusable. She stated that they are just
9 trying to be good neighbors in this situation. She stated that the other practical difficulties for the
10 second variance request are the small size of the lot and the required easement. She assured the
11 Commission that they took into consideration all the possible places to move the garage
12 mentioned by the Commissioners and feel their proposal is the best. She reviewed the planned
13 building materials and extra foundational requirements for using brick and real stucco. She
14 noted that the property owners plan to live in this house until retirement age. She noted that the
15 design plans have what is now an extra storage area, but will be designed and engineering to hold
16 a future residential elevator so the home would still be accessible in their later years. She stated
17 that they have also designed some of the other features of the home to be able to utilize
18 wheelchairs, such as the bathrooms and widened hallways. She noted that this plan for life cycle
19 housing matches the Comprehensive Plan desire for residents to be able to age in place. She
20 explained that the land owner does woodworking as a hobby and plans to utilize the lower level
21 of the garage as his workshop. She explained some of the building code details that are
22 necessary to accommodate the garage parking space and the lower level workspace. She
23 explained where they are planning to use permeable pavers, rain water garden, and the
24 underground filtration system to mitigate the stormwater. She noted that they did not use the
25 filtration system in any of their calculations but are hoping to capture about 28% of the
26 stormwater run off from the roof. She stated that her clients cannot comply with the letter of the
27 law, but believe for both variances that they can comply with the spirit of the law.
28

29 Applicant David Frey, 240 Manitoba Avenue, stated that he has lived on Manitoba Avenue for the
30 last 10 years. He noted that his wife has lived here for 6 years. He explained that he had first lived
31 at 225 Manitoba Avenue, and then 6 years ago moved to 240 Manitoba Avenue. He stated that
32 they have had 4 children over the last 4 years and their needs have changed with the addition of
33 their new roommates. He explained that they have spent a lot of time designing a home that will
34 meet their current needs, as well as remain functional as they become empty nesters and beyond.
35 He stated that he also believes that their design is consistent with the charm of the City which was
36 what drew them to the area and also continues to keep them here. He stated that they attempted to
37 limit the size of the home, but wanted to be able to have all six of them sleep on the same level
38 which ended up driving much of the foot print for the house. He stated that they will do whatever
39 is necessary to mitigate the negative impact of this project on the environment.
40

41 There being no questions from the Commission for the applicant, Chair Plantan opened the public
42 hearing on the application at 8:38 pm.
43

44 Chair Plantan noted that those wishing to speak during these portions of the meeting may call 1-
45 (312) 626-6799, enter the Zoom meeting ID 961 7133 1425, and press *9 to speak.
46

1 Interim Community Development Director Zweber stated there were no people that called in to
2 the meeting that have asked to speak at the public hearing.

3
4 There being no one wishing to comment on the application, Chair Plantan closed the public hearing
5 at 8:39 pm.

6
7 Chair Plantan asked for the Commission to share their questions and feedback on the application.

8
9 Commissioner Flannigan asked if all the homes built to the north of this property had used pervious
10 pavers and asked if they got credit for those.

11
12 Planner Kieser stated that he did not review them specifically, but knows that they did. He noted
13 that most of them have shorter driveways and did receive credit for permeable pavers.

14
15 Commissioner Flannigan stated that he thinks there is a reason why the code allows for the
16 mitigation of hard cover through pervious pavers in this area. He stated that the lots are smaller,
17 and he thinks the practical difficulty that this property has is the shared driveway. He stated that
18 he really likes their proposal and feels that they are going above and beyond. He stated that he
19 appreciates that they are asking for a lot, but he thinks he can get behind recommending approval
20 of these variances because there are seemingly mitigating a lot of the issues that are out there.

21
22 Commissioner Douglas stated that she agreed with Commissioner Flannigan and thinks the
23 applicant put a lot of thought into their plans. She stated that she loves the era of the design and
24 feels as though it is a warm, solid looking, family home and reminds her of her grandpa's home.
25 She expressed her appreciation for the work that was put into the application because it was very
26 detailed. She stated that she thinks this home will be a great addition to the neighborhood.

27
28 Commissioner Bashioum stated that she also appreciated the proposal and the detailed report. She
29 noted that all of her questions were answered before she could even ask them. She stated that she
30 loves the fact that this is a family home, but that the applicants are also thinking forward to be able
31 to age in place with the spot for the elevator. She stated that she is in favor of the proposal.

32
33 Commissioner Parkhill stated that he thinks they have done a nice job with the aesthetics, and he
34 has no issue with the aesthetics and the placement of the garage. He stated that he understands the
35 placement of the garage and thinks they have mitigated the water issues successfully. He stated
36 that he is also in favor of approval.

37
38 Commissioner Merriam noted that the proposed site plan says "concrete" and asked if that had
39 been part of an earlier design. She asked about the area that will require pavers so the neighbor to
40 the south can access their driveway.

41
42 Ms. Luebke-Pier explained that they debated whether to pave the gap between the existing
43 driveway and the garage to the south. She stated that they were trying to be cognizant of the
44 amount of hard cover but could add that to the variance request. She noted that the proposed site
45 plan says "concrete" because they just did an overlay on top of the existing survey and assured the
46 Commission that this material will not be concrete.

Commissioner Merriam stated that she feels this home will be a really nice addition to the neighborhood. She stated that she appreciates the use of permeable pavers on the driveway. She stated that she wishes the impervious surface amount could be brought down, but feels they are doing a lot of the right things in this situation.

Chair Plantan stated that she agrees that the applicant has done a beautiful job with the design of the home and are looking to the future and planning for aging in place. She stated that she thinks the quality of materials and design will fit nicely into the City. She stated that she is also a bit uncomfortable about the amount of impervious surface but loves the application.

There being no further discussion, Chair Plantan asked for a motion on the application.

Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommending approval for 225 Manitoba Avenue South impervious surface variance for the 47.4% mitigated down to 38.9%, with the opportunity to mitigate further with the underground stormwater filtration system, and the rear yard setback variance from five feet to 1.5 feet for review and adoption at the next Planning Commission meeting.

Interim Development Director Zweber completed a roll call vote on the motion. The motion carried unanimously.

c) Development Application for a Lakeshore Setback Variance at 578 Harrington Road

Assistant Planner, Nick Kieser, stated that the applicant, Murphy and Co. Design and property owner Lookout Point, LLC have submitted a development application requesting approval of a variance from the shoreland setback for the redevelopment and construction of a home at 578 Harrington Road. He reviewed the current zoning and the 2040 Comprehensive Plan land use designation. He noted the location of this lot is out on a point along the shoreline of the lake, between the two bays, which will factor into the discussion. He stated that a past development application was approved for an impervious surface variance, a shoreland setback variance, as well as a CUP for the chimney height. He noted that the current application does not require new approvals for a CUP or an impervious surface variance, but does require a change to the shoreland setback variance. He stated that the house style and architecture remain the same as the previous application. He gave an overview of the proposal to take down the existing home and build a new one, but noted that the guest house on the north end of the property will remain intact. He reviewed the proposed site plan details. He explained that just as the applicant was planning to pursue a building permit, they found in the property records that there is a “no build” clause on a portion of the property in the area around the existing guest house, which is why the configuration has been changed to keep the existing driveway intact and push the home further south into the lakeshore setback. He reviewed the lakeshore setback details and explained the request for a ur.2 feet setback for the home and the limits related to the no build clause. He stated that the practical difficulties presented are the same as

1 previously: shape of the lot; location of the property on the point; driveway easement on
2 the property; but also the no build area. He showed a rendering that depicted the proposed
3 house versus the existing house which is very similar, just a bit closer to the lakeshore. He
4 stated that the applicant and owner are present on the conference call if the Commission
5 has questions for them.
6

7 Chair Plantan asked if the Commission had any questions for Staff.
8

9 Commissioner Bashioum asked if staff has received any paperwork regarding title work being
10 done prior to the applicant purchasing the property. She stated that to her, it would seem quite
11 logical to have title work completed before a property is purchased.
12

13 Planner Kieser stated that staff does not receive any of the title or deed paperwork when a property
14 changes hands. He stated that when there will be a building permit, there is sometimes additional
15 research that needs to be put into the application. He stated that the no build area was not
16 discovered before because there have not been any plans to build in that area.
17

18 Interim Community Development Director Zweber suggested that the applicant may be able to
19 better address the process and how the encumbrance was discovered.
20

21 Commissioner Bashioum stated that she would appreciate knowing why the encumbrance was not
22 discovered earlier.
23

24 Commissioner Iverson asked if no build clauses were very common.
25

26 Planner Kieser stated that he has never seen one before nor has he heard of one.
27

28 Commissioner Iverson stated that it would be interesting if the applicant could provide some
29 explanation of why the clause was applied to the property.
30

31 Chair Plantan asked the applicant to speak to the Commission.
32

33 Applicant's representative, T.J. Majdecki 811 Glenwood Ave Suite 250 Minneapolis, MN 55405,
34 from Murphy and Co. Design stated that he cannot speak to what happened with the previous
35 property owners and the property to the north that predicated the no build clause. He stated that
36 its discovery was a surprise to everyone involved in the project. He noted that it was not discovered
37 in the usual title work process and was buried in the records of the Hennepin County website. He
38 stated that they found that the two previous owners spent a sum of \$1 to dedicate this no build
39 clause, but no reason was given.
40

41 Matthew Hemsley, 578 Harrington Road, the principal of the property owner, stated that this is a
42 complicated piece of property. He stated that that the title company would not provide title
43 insurance when they made the purchase because they could not reach a comfort level that they
44 could find everything that was sitting on the property. He stated that they did as much work as
45 they could to look into the paperwork and noted that, to Planner Kieser's point, nobody has really

1 seen a no build clause like this nor was there any logical reason to think it may exist. He stated
2 that he would describe it as a curve ball.

3
4 The representative for Murphy and Co. Design stated that the no build clause and the driveway
5 easement basically pinched the house location into the proposed location. He stated that the
6 existing house location makes the most sense for this site.

7
8 Commissioner Merriam stated that it appears as though the house could be moved about five feet
9 north to reduce the amount of variance being requested and asked why the applicant didn't choose
10 to do that.

11
12 The representative for Murphy and Co. Design stated that there is really only about two feet to the
13 north where they could fit the house. He stated that the legal easement for the driveway approach
14 does not match the existing conditions on the site. He stated that if the owner of the property to
15 the north ever enforced the actual easement, it would push the driveway further south so they want
16 to protect the house from being near that easement.

17
18 Commissioner Merriam stated that there is a pretty steep slope and asked how the slope will be
19 treated and whether it will be planted.

20
21 The Murphy and Co. Design representative stated that most of the slope will be left as it is and
22 they are not planning to do any grading. He explained that they do have a landscape plan with that
23 will take hard cover away and reiterated that there is not plan to change the grading of the slope.

24
25 There being no further questions from the Commission for the applicant, Chair Plantan opened the
26 public hearing on the application at 9:15 pm.

27
28 Chair Plantan noted that those wishing to speak during these portions of the meeting may call 1-
29 (312) 626-6799, enter the Zoom meeting ID 961 7133 1425, and press *9 to speak.

30
31 Interim Development Director Zweber stated there were no people that called in to the meeting or
32 that have asked to speak at the public hearing.

33
34 There being no one wishing to comment on the application, Chair Plantan closed the public hearing
35 at 9:16 pm.

36
37 Chair Plantan asked for the Commission to share their questions and feedback on the application.

38
39 Commissioner Bashioum stated that in her opinion, this doesn't meet the criteria for meeting
40 practical difficulty. She stated that she would think the person purchasing the property would
41 think long and hard about buying the property if the title company refused to issue title insurance.
42 She stated that the applicant is the cause of his own difficulty by not searching all the records and
43 seeking more information about the property prior to purchasing it. She stated that it is an unusual
44 situation with the no build, but she is having difficulty finding that this meets the criteria to grant
45 the variance.

1 Commissioner Parkhill stated that he understands Commissioner Bashioum's concerns but would
2 hate to render this beautiful lot as unbuildable. He stated that it looks like it will be a beautiful
3 house and stated that he believes it will be far enough up the hill and back to not create an issue.
4 He stated that it is also located on the point which also makes it very difficult to build on. He
5 stated that he supports the variance request.

6
7 Commissioner Douglas stated that her understanding is that Mr. Hemsley already owns the
8 property.

9
10 Mr. Hemsley stated that he has owned this property for about two years.

11
12 Commissioner Douglas stated that she didn't realize that the new plan is basically in the same
13 place as the current home and noted that she could support this request.

14
15 Commissioner Iverson stated that she would be really interested in knowing how the no build
16 clause came about for \$1. She stated that she is sure there is a good story to be told as to why this
17 was done. She stated that she likes the plans and will support the variance request.

18
19 Chair Plantan asked how close the new location is to the lake compared to the proposed new home.

20
21 The Murphy and Co. Design representative stated that the new home is at the same location as the
22 existing home.

23
24 Planner Kieser confirmed that it is in the same location, but noted it may be shifted a few inches
25 in either direction, but is essentially in the same location.

26
27 Commissioner Merriam stated that she understands Commissioner Bashioum's concerns but likes
28 that they are keeping the impervious surface down below 20% which is a positive change from the
29 original application and that they are keeping the home location in the same spot. She stated that
30 she can recommend approval.

31
32 Commissioner Flannigan stated that another reason to support this is to not impede the view of
33 their neighbors and doesn't see anything in the plans that will infringe on either properties in the
34 area. He stated that a lot of time has been spent on this and feels there are practical difficulties.
35 He noted that none of the professionals involved, including the Commission and staff have seen
36 something like the no build clause before. He stated that he will support this application.

37
38 Commissioner Merriam stated that looking at the criteria listed in the staff report she does believe
39 it is reasonable and due to the circumstances that are unique to the property, and does not alter the
40 essential character of the locality.

41
42 Commissioner Bashioum stated that she is a little unclear as to the variance request because the
43 house in the same location, and asked if the variance was just for either end of the home.

44
45 Planner Kieser stated that the City does variance requests from the point of the house that is closest
46 to the lakeshore which is used as the setback marker.

1
2 There being no further discussion, Chair Plantan asked for a motion on the application.

3
4 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to
5 prepare a draft Planning Commission Report and Recommendation with appropriate findings
6 reflecting a recommending of approval for the development application for the lakeshore setback
7 variance at 578 Harrington Road for review and adoption at the next Planning Commission
8 meeting.

9
10 Interim Development Director Zweber completed a roll call vote on the motion. The motion
11 carried unanimously.

12
13 **AGENDA ITEM 7. Other Items:**

14
15 **a) Review of Development Activities**

16
17 Planner Kieser stated that there are no new development applications scheduled for the next
18 meeting agenda. He stated that they will work with 128 Broadway on their plans. He stated that
19 there is a Council workshop coming up to discuss the zoning changes presented by staff and the
20 Commission. He noted that Community Development Director Goellner should be coming back
21 shortly after the next meeting.

22
23 Interim Development Director Zweber stated that at the next City Council meeting, they will look
24 at revising the schedule since Night to Unite will not be occurring. He stated that he believes it is
25 Commissioner Bashioum's responsibility for attendance at that meeting, so it if passes, the meeting
26 will be returned to Tuesday, August 4.

27
28 Commissioner Bashioum stated that she did not think she was on deck for that meeting.

29
30 Commissioner Parkhill noted that he is on deck for the July 7, 2020 Council meeting.

31
32 Planner Kieser noted that Chair Plantan is scheduled for the July 21, 2020 Council meeting.

33
34 Interim Development Director Zweber reiterated that the meeting he is referring to is currently on
35 the calendar for Wednesday, August 5, but he expects it to be changed back to Tuesday, August 4
36 and Commissioner Bashioum is listed as the Planning Commission member to be in attendance.

37
38 **b) Planning Commissioner Report for the June 16, 2020 City Council Meeting**

39
40 Commissioner Iverson stated that she was only able to attend a portion of the meeting and noted
41 that there was not much on the agenda. She asked staff to fill the Commission in on any pertinent
42 information from that meeting.

43
44 Interim Development Director Zweber gave a brief overview of the discussion at the June 16, 200
45 City Council meeting as reflected in the minutes.

1 **c) Planning Commissioner Liaison from the July 7, 2020 City Council Meeting**

2
3 It was noted that Commissioner Parkhill will be the liaison for the July 7, 2020 City Council
4 meeting.

5
6 Chair Plantan encouraged the Commissioners to read through the minutes of the Planning
7 Commission meetings to make sure that their voice and comments are accurately reflected because
8 sometimes it can be difficult during the Zoom meetings to make sure they are being heard.

9
10 **AGENDA ITEM 8. Adjournment.**

11
12 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

13
14 Commissioner Merriam made a motion, seconded by Commissioner Douglas, to adjourn the
15 Planning Commission meeting.

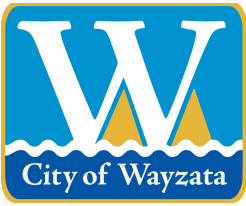
16
17 Interim Development Director Zweber completed a roll call vote on the motion. The motion
18 carried unanimously.

19
20 The Planning Commission meeting was adjourned at 9:36 p.m.

21
22 Respectfully submitted,

23 Kayla Atkins Rokosz

24 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 4.b
TITLE: Approval of Report and Recommendation for an Impervious Surface Variance at 128 Broadway Avenue North	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: July 26, 2020	

BACKGROUND:

The applicant has submitted an application for an impervious surface variance for a single-family residence at 128 Broadway Ave N from the property owner Chamberlain Capital LLC. This variance request is to construct a new detached garage in the rear of the property and to reconfigure the driveway to the garage.

The applicant has been in discussions with staff and is working on a underground stormwater system on this site to mitigate the stormwater runoff to the required 38% with the goal of providing further stormwater filtration past the 38%.

ACTION REQUESTED:

Approve the Planning Commission Report and Recommendation for an Impervious Surface Variance at 128 Broadway Avenue North.

ATTACHMENTS:

1. Draft PC Report and Recommendation
2. Impervious Surface Mitigation Information



WAYZATA PLANNING COMMISSION

July 20, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCE FOR IMPERVIOUS SURFACE COVERAGE FOR NEW RESIDENCE AT 128 BROADWAY AVE N

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Impervious Surface Coverage Variance

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Chamberlain Capital LLC (the “Applicant”) has submitted a development application for an impervious surface variance (the “Application”) to build a new driveway and detached garage on the Property (the “Project”) in connection with a single family residential project on the property at 128 Broadway Ave N (the “Property”). The Applicant is seeking to complete improvements to the residence, which have been happening off and on under the current and previous owners of the Property since 2017.
- 1.2 Application Request. The Application includes a request for approval of a variance from the 35% impervious surface coverage limit in the R-3A Zoning District to allow for an impervious surface coverage of up to 49.6% on the Property (the “Impervious Surface Variance”).
- 1.3 Property. The street address, property identification number, and owner of the Property are:

128 Broadway Ave N	06-117-22-13-0065	Chamberlain Capital LLC
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- 1.4 Land Use. The Property is zoned R-3A/Single and Two Family Residential District and guided Low Density Single Family under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on June 26, 2020. A copy of the notice was mailed to all property owners located with 350 feet of the Property on June 24, 2020. The public hearing on the Application was held at the July 6, 2020 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Impervious Surface Coverage Limit. The maximum impervious surface coverage permitted in the R-3A/Single and Two Family Residential District is thirty-five percent (35%) of the lot. Section 955.07.A.
- 2.2 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning 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 the Zoning 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 the Zoning 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. The City Council shall not permit as a variance any use that is not allowed under the Zoning 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.

- F. 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.

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 Impervious Surface Variance.

- A. The Impervious Surface Variance requested is (i) in harmony with the general purposes and intent of the Zoning Ordinance in that it would be used for a project that seeks to conform with the existing aesthetics, styles, design and layout of the residences and garages of the surrounding residential neighborhood, and (ii) consistent with the Comprehensive Plan's guidance for the area and encouragement of preserving neighborhood character.
- B. The Applicant, in the narrative of its Application and its public comments before the Planning Commission has established that there are practical difficulties in complying with the strict standards of the Zoning Ordinance as they relate to impervious surface coverage limits.
- C. A finding of "Practical difficulties" is supported by the following:
 - (i) The Applicant's proposal for the Property is reasonable in that it reflects the character and layout of the surrounding neighborhood by locating the garage to the rear of the residence, which with the narrowness of the lot is driving the need for the Impervious Surface Variance. The existing home and driveway location make the need for providing a garage in the rear yard. In addition, the Applicant is willing to consider and incorporate additional storm water mitigation plans that will result in overall better storm water management for the Property than if no variance were requested and will be an improvement over the existing conditions on the Property.
 - (ii) The plight of the Applicant is due to the unique narrow character of the Property, and was not created by the Applicant.
 - (iii) The Impervious Surface Variance would not alter the essential character of the locality but will instead improve and allow greater conformity to such character than without the variance.
- D. The practical difficulties necessitating the Impervious Surface Variance are not economic in nature but rather are driven by the narrowness of the Property and a desire to better conform to character and layout of the residences and garages in the surrounding neighborhood.

- E. The proposed use for the Property is permitted within the R-3A/Single and Two Family Residential District.
- F. The conditions for granting approval of the Impervious Surface Variance listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Impervious Surface Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

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 Impervious Surface Variance requested in the Application, subject to the following conditions:

- A. The Applicant must incorporate stormwater management and mitigation techniques and systems into the plans for the Project that meet with the approval of the City Engineer to reduce the area of unmitigated impervious coverage to no greater than 38% of the lot area, not including the proposed rain garden.
- B. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
- C. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application, including the updated plans for stormwater management and mitigation.
- D. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 20th day of July 2020.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Absent:

Abstaining:

Attachments:

Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property

Address	128 Broadway Avenue North
PID	06-117-22-13-0065
Legal Description	Lot 3, Block 17, Wayzata "revised"
Abstract or Torrens?	Torrens
Certificate No.	1492431

DRAFT

Variance Request Supplement

128 Broadway Ave N

The Planning Commission gave direction to Chamberlain during its July 7th meeting to modify its plan to achieve an effective impervious coverage ratio of less than 38% to meet the 2017 approved variance. Effective impervious coverage ratio is defined as the actual coverage ratio calculation less credit for effective stormwater runoff mitigation measures. Furthermore, the Planning Commission will exclude any mitigating effects of a rain garden in the calculation of the effective ratio. The exclusion of rain garden in the calculation is founded on the questionable the long term management of the rain garden by future owners and limited city staff's time to monitor its effectiveness over time.

Chamberlain reviewed the proposed impervious plan for the potential to reduce impervious surfaces. No practical reduction was identified. Items considered were.

1. Reducing width of driveway

The average vehicle width is 6 feet. The driveway is 9 feet wide. Therefore, the payment only extends 18 inches on each side of the vehicle.

2. Eliminating walkway from garage to back porch

Pedestrian travel from the home to the garage during the winter requires a surface that can be effectively shoveled. This walkway represents 63 sq ft or .0076%.

3. Reducing size of garage

The garage was reduced as compared to the 2017 approved variance. The variance approved a 30 x 22 ft or 660 sq ft garage. Current design is 24 x 24 ft or 576 sq ft. The garage is minimally sized for two vehicles and some space for lawn mower, garage carts, bicycles and garden equipment.

4. Eliminating turnaround

This home has a neighborhood unique and attractive portico design feature. This feature has three steel support posts which hold up a portico and bedroom over the driveway. The horizontal clearance between the posts and the exterior wall of the home is 9 feet wide. As a vehicle with an average width of 6 feet passes under the portico there is clearance of 18 inches on each side of the vehicle. The existing portico conditions requires a turnaround to give typically skilled drivers the ability to successfully navigate the narrow passage while driving forward and therefore eliminating the necessity and difficulty of reversing the vehicle in such tight confines.

Mitigation Actions

To achieve the Planning Commission directive to achieve an effective impervious ratio as defined above of less than 38% with the practical inability to reduce actual coverage for the reasons stated above. Chamberlain evaluated three storm water mitigation options. Chamberlain proposes the implementation of Option 3 below. Design specifications to be reviewed and approved by City Engineer.

1. Installation of Rain Garden

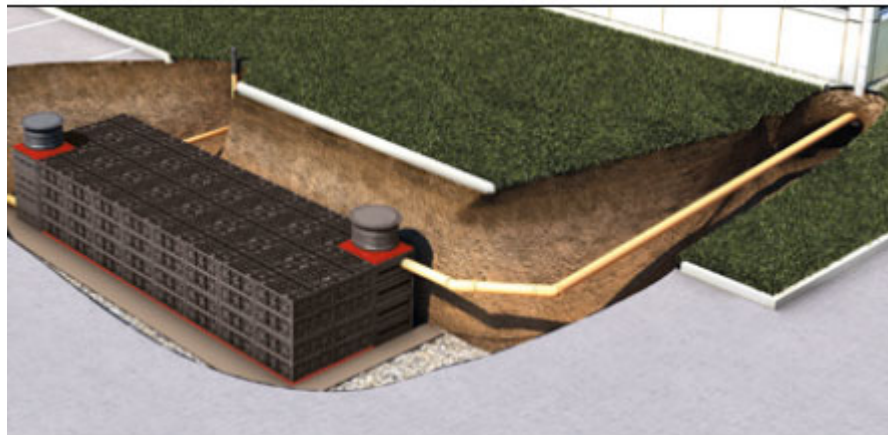
The Planning Commission July 7th resolution directed that a rain garden mitigation option would not be given any credit toward an effective impervious surface ratio calculation. So this option is not viable.

2. Installation of pervious paver driveway system

Since the previous credit is typically not 100% for this type of solution, additional longterm maintenance concerns and significant initial installation costs exceeding \$25,000. This was determined to not be the most cost effective solution when compared to the capacity and cost effectiveness of option 3 below.

3. Subsurface storm water retention and percolation

Techo Storm Water Management System supports the ability to retain and percolate storm water under the driveway. Storm water inflow is sourced from house and garage gutters. This system is more effective than pervious paver approach as its capacity to capture storm runoff far exceeds the absorption rate of pavers. Once captured the water will naturally percolate under the driveway. Initial review by City Engineer and head of Public works is positive. Future Homeowners will have an option to use retained rain water for garden irrigation.



Coverage Calculations Summary

Lot size: 8,275.01

Zone Coverage Ratio 35%

2017 Approved Variance Coverage Ratio 38%

HARDCOVER CALCULATIONS:

EXISTING HOUSE:	1,457 SQ. FT.
EXISTING CARPORT:	290 SQ. FT.
FRONT COVERED PORCH:	103 SQ. FT.
REAR COVERED PORCH:	46 SQ. FT.
TOTAL EXISTING:	1,896 SQ. FT. OR 22.9%

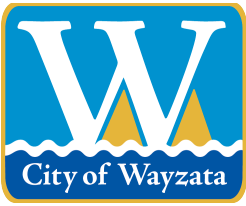
PROPOSED GARAGE:	576 SQ. FT.
PROPOSED DRIVEWAYS:	1,565 SQ. FT.
PROPOSED AC PAD:	6 SQ. FT.
PROPOSED WALKWAY:	63 SQ. FT.
TOTAL PROPOSED:	4,106 SQ. FT. OR 49.6%

Minnehaha Creek Watershed District (MCWD) requires developers to try to capture the first 1 inch of a rain fall event.

Chamberlain proposes to install the Techno Storm Water Management System to a calculated effective coverage ratio of 30% for a 2 inch rain fall event or double the MCWD requirement.

$$49.5\% - 30\% = 19.6\%$$

$$19.6\% \times 8,275 \text{ sqft} = 1,572 \text{ sqft to a depth of 2 inches} = 1,960 \text{ Gallons.}$$



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 4.c
TITLE: Approval of Report and Recommendation for an Impervious Surface and a Rear Setback Variance at 225 Manitoba Avenue South	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: August 14, 2020	

BACKGROUND:

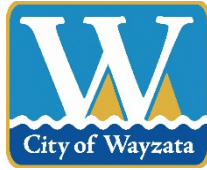
An application has been submitted for an impervious surface variance and rear accessory structure setback variance for a new single-family residence at 225 Manitoba Ave S. The new proposed single-family home is proposed to have detached garage in the rear of the property which will require the rear setback variance.

ACTION REQUESTED:

Approve the Planning Commission Report and Recommendation for an Impervious Surface and a Rear Setback Variance at 225 Manitoba Avenue South.

ATTACHMENTS:

1. Draft PC Report and Recommendation



WAYZATA PLANNING COMMISSION

July 20, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCES FOR IMPERVIOUS SURFACE COVERAGE AND REAR YARD SETBACK FOR NEW RESIDENCE AT 225 MANITOBA AVE S DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of Impervious Surface Coverage Variance
2. **Approval*** of Rear Yard Setback Variance for Accessory Structure

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Property owners Sara and David Frey, and architect Alissa Pier, (collectively, the “Applicant”) have submitted a development application for an impervious surface variance and rear yard setback variance for an accessory structure (the “Application”) to demolish an existing, and construct a new, single-family residence with a rear yard detached garage (the “Project”) on the property at 225 Manitoba Avenue S, (the “Property”).
- 1.2 Application Requests. The Application includes a request for approval of:
 - A. Impervious Surface Variance. A variance from the 35% impervious surface coverage limit in the R-3A Zoning District to allow for an impervious surface coverage of up to 47.4% on the Property (the “Impervious Surface Variance”); and
 - B. Accessory Structure Rear Yard Setback Variance. A variance from the 5 feet rear yard setback requirement for accessory structures in the R-3A Zoning District to allow for a minimum rear yard setback of 1 foot, 6 inches for the proposed detached garage on the Property (the “Rear Yard Setback Variance”).

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

225 Manitoba Ave S	06-117-22-24-0011	Michael J Frey
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- 1.4 Land Use. The Property is zoned R-3A/Single and Two Family Residential District, falls within the S Shoreland Overlay District, and guided Central Core Residential under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on June 26, 2020. A copy of the notice was mailed to all property owners located with 350 feet of the Property on June 24, 2020. The public hearing on the Application was held at the July 6, 2020 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Impervious Surface Coverage Limit. The impervious surface coverage limit in the Shoreland Overlay District is 25% of the lot area, though such coverage may exceed 25% if the City Engineer/Public Works Director finds the site has satisfactory stormwater management requirements. Sec. 991.11. The maximum impervious surface coverage permitted in the R-3A/Single and Two Family Residential District is thirty-five percent (35%) of the lot. Section 955.07.A.
- 2.2 Rear Yard Setback Requirement for Accessory Structures. The rear yard setback for accessory structures in the R-3A District is 5 feet. Section 955.06.
- 2.3 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning 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 the Zoning 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 the Zoning 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. The City Council shall not permit as a variance any use that is not allowed under the Zoning 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.
- F. 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.

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 Impervious Surface Variance. Based on the evaluation of the City Engineer/Public Works Director, the site will have satisfactory stormwater management features in place under the applicable requirements of the Shoreland Overlay District. With respect to the variance criteria:
- A. The Impervious Surface Variance requested is (i) in harmony with the general purposes and intent of the Zoning Ordinance in that it would be used for a project that seeks to better conform with the existing aesthetics, styles, design and layout of the residences and garages of the surrounding residential neighborhood, and (ii) consistent with the Comprehensive Plan's guidance for the area and encouragement of preserving neighborhood character.
- B. The Applicant, in the narrative of its Application and its public comments before the Planning Commission has established that there are practical difficulties in complying with the strict standards of the Zoning Ordinance as they relate to impervious surface coverage limits.
- C. A finding of "Practical Difficulties" is supported by the following:
- (i) The Applicant's proposal for the Property is reasonable in that it reflects (a) the character and layout of the surrounding neighborhood by locating the garage to the rear of the residence and (b) the driveway easement burdening the Property that benefits the adjacent

property are driving the need for the Impervious Surface Variance. In addition, the Applicant is proposing a storm water mitigation plan that will result in overall better storm water management for the Property than if no variance were requested and will be an improvement over the existing conditions on the Property.

- (ii) The plight of the Applicant is due to the unique narrow character of the Property and the pre-existing driveway easement, and was not created by the Applicant. The location of the southern property's garage as it opens up north which requires the detached garage to be located closer to the rear property line.
 - (iii) The Impervious Surface Variance would not alter the essential character of the locality but will instead improve and allow greater conformity to such character than without the variance.
- D. The practical difficulties necessitating the Impervious Surface Variance are not economic in nature but rather are driven by the pre-existing driveway easement and a desire to better conform to character and layout of the residences and garages in the surrounding neighborhood.
- E. The proposed use for the Property is permitted within the R-3A/Single and Two Family Residential District.
- F. The conditions for granting approval of the Impervious Surface Variance listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Impervious Surface Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

3.2 Rear Yard Setback Variance.

- A. The Rear Yard Setback Variance requested is (i) in harmony with the general purposes and intent of the Zoning Ordinance in that it would be used for a project that seeks to better conform with the existing aesthetics, styles, design and layout of the residences and garages of the surrounding residential neighborhood, and (ii) consistent with the Comprehensive Plan's guidance for the area and encouragement of preserving neighborhood character.
- B. The Applicant, in the narrative of its Application and its public comments before the Planning Commission has established that there are practical difficulties in complying with the strict standards of the Zoning Ordinance as they relate to impervious surface coverage limits.
- C. A finding of "Practical Difficulties" is supported by the following:

- (i) The Applicant's proposal for the Property is reasonable in that it reflects (a) the character and layout of the surrounding neighborhood by locating the garage to the rear of the residence and (b) the driveway easement benefiting the adjacent property, which are driving the need for the Rear Yard Setback Variance to locate the garage further back on the Property.
 - (ii) The plight of the Applicant is due to the unique narrow character of the Property and the pre-existing driveway easement, and was not created by the Applicant. The location of the southern property's garage as it opens up north which requires the detached garage to be located closer to the rear property line.
 - (iii) The Rear Yard Setback Variance would not alter the essential character of the locality but will instead improve and allow greater conformity to such character than without the variance.
- D. The practical difficulties necessitating the Rear Yard Setback Variance are not economic in nature but rather are driven by the pre-existing driveway easement on the Property.
- E. The proposed use for the Property is permitted within the R-3A/Single and Two Family Residential District.
- F. The conditions for granting approval of the Rear Yard Setback Variance listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Rear Yard Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of (i) the Impervious Surface Variance, and (ii) the Rear Yard Setback Variance requested in the Application, subject to the following conditions:
- A. The Applicant must incorporate a stormwater management system into the Project that has been reviewed and approved by the City Engineer.
 - B. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
 - C. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.

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

Adopted by the Wayzata Planning Commission this 20th day of July 2020.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Absent:

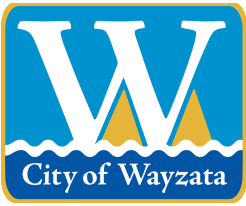
Abstaining:

Attachments:

Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property

Address	225 Manitoba Avenue South
PID	06-117-22-24-0011
Legal Description	Lot 6, Maurer's Addition to Wayzata, Lake Minnetonka, Hennepin County, Minnesota. Together with a driveway easement over the Northerly 4 1/2 feet of the Easterly 110 feet of Block 5, said Addition, Hennepin County, Minnesota.
Abstract or Torrens?	Abstract
Certificate No.	N/A



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 4.d
TITLE: Approval of Report and Recommendation for a Lakeshore Setback Variance at 578 Harrington Road	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: August 22, 2020	

BACKGROUND:

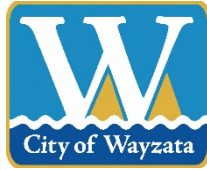
An application has been submitted for approval of a lakeshore setback variance to construct a new single-family residence at 578 Harrington Road.

ACTION REQUESTED:

Approval of the Report and Recommendation for a Lakeshore Setback Variance at 578 Harrington Road.

ATTACHMENTS:

1. PC Report and Recommendation



WAYZATA PLANNING COMMISSION

July 20, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF SHORELAND SETBACK VARIANCE FOR NEW RESIDENCE AT 578 HARRINGTON ROAD

DRAFT

SUMMARY OF RECOMMENDATION

1. Approval* of Variance from Shoreland Setback Requirement

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. In early 2020, Murphy & Co. Design, and property owner, Lookout Point LLC, (collectively, the “Applicant”) received approval of (i) a variance from the Shoreland setback requirement; (ii) a variance from the impervious surface coverage limit; and (iii) a conditional use permit (CUP) for additional chimney height, all in connection with the construction of a new house (the “Project”) on the property located at 578 Harrington Road (the “Property”). In the process of further work on the Project, the Applicant discovered a “no build” covenant on the Property that required the house to be relocated closer to the Lake.
- 1.2 Application Request. The Application includes a request for approval of variance from the 150-160 feet Shoreland lakeshore setback requirement of the Shoreland Overlay District for this Property to allow for a 59 feet, 2 inches minimum setback from Lake Minnetonka (the “Setback” and the “Shoreland Setback Variance”).
- 1.3 Property. The street address, property identification number and owner of the Property are:

578 Harrington Road	12-117-23-13-0010	Lookout Point LLC
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- 1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-1A / Low Density Single Family Estate District
Comp Plan:	Estate Single Family
Overlay Districts:	S / Shoreland Overlay District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on June 26, 2020 and mailed to all property owners located within 350 feet of the Property on June 24, 2020. The public hearing on the Application was held at the July 6, 2020 Planning Commission meeting, where there was no public comment on the Application.

Section 2. STANDARDS

- 2.1 Shoreland Setback Variance. The Shoreland Overlay District's lakeshore setback is required to be the greatest of three different setback measurements. Sec. 991.09.D.2. Staff has calculated that for this Property, the greatest setback measurement would be a line drawn between the two closest riparian principal structures, resulting in a setback requirement of approximately 150-160 feet. Variances from the standards of the Shoreland Overlay District may be granted by the City Council in accordance with Section 905 of the Zoning Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional limitation criteria shall apply within shoreland areas (some of which are superseded by applicable provisions of state law and City Code):
- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
 - B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
 - C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
 - D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Shall constitute a "practical difficulties" as defined in Section 905 of the Zoning Ordinance.

- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.

City Code Sec. 991.20. The criteria for granting a variance from the standards of the Zoning Ordinance under Section 905 are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning 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 the Zoning 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 the Zoning 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 the Zoning Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under the Zoning 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.

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 Shoreland Setback Variance. With respect to the criteria of Section 991.20 of the Zoning Ordinance:

- A. This is an extraordinary case and in the public interest, given the location and unique layout of the Property, at a point on the edge of Lake Minnetonka.
- B. The Setback will not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.
- C. The Setback is based upon a specific need or circumstance which is unique to the Property in question, namely, its position and orientation on the Lake and to adjacent properties, and the driveway access easement and no-build restriction on the Property, and will not set a precedent which is contrary to the intent of the Zoning Ordinance.

With respect to the criteria of Section 905 of the Zoning Ordinance:

- A. The Shoreland Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The use of a single-family residence and the size of the residence is consistent with the Zoning Ordinance and Comprehensive Plan.
- B. The Property's unique shape, topography, proximity to adjacent lake and bluff area, the no-build area and access easements benefiting adjacent properties, all create practical difficulties in complying with the lakeshore setback requirement. The Property is located on a point which makes it difficult to meet the lakeshore setback requirement. The driveway access easement and no-build area creates an area where the house cannot be located which makes the lakeshore setback encroachment larger.
- C. The Shoreland Setback Variance requested is reasonable, due to circumstances driven by the unique shape, topography and position of the lot layout, the no-build area and access easements, and a desire to preserve

and significantly enhance the existing character of the Property, and if granted would not alter the essential character of the locality.

- D. The practical difficulties necessitating the Shoreland Setback Variance are not economic in nature. The unique shape, topography and position of the lot layout, the no-build area and access easements, and a desire to preserve and significantly enhance the existing character of the Property, are all significant factors in the practical difficulty with meeting the ordinance requirements.
- E. The proposed uses for the Property are permitted within the R-1A District.
- F. Recommended conditions of approval are outlined in Section 4 of this Report.
- G. The Applicant has provided the reasons that the Shoreland Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property, which include the no-build restriction and the shape and location of the Property.

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 Shoreland Setback Variance, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
- B. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 20th day of July 2020.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Absent:

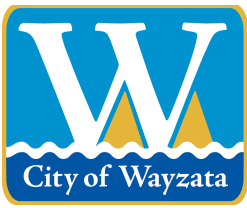
Abstaining:

Attachments:

Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property

Address	578 Harrington Road
PID	12-117-23-13-0007 12-117-23-13-0010
Legal Description	Parcel 1: Lot 13, Auditor's Subdivision No. 99, Hennepin County, Minnesota. Parcel 2: Lot 4, Auditor's Subdivision No. 99, Hennepin County, Minnesota and Lot 3, Auditor's Subdivision No. 99, Hennepin County, Minnesota excepting therefrom that part of said Lot 3 described as follows: Beginning at a point in the Northeasterly line of said Lot 3 distant 70.75 feet Southeasterly from the most Northerly corner of said Lot 3; thence Southwesterly parallel to the Northwesterly line of said Lot 3 a distance of 58.7 feet; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 242.65 feet Southeasterly from the Southwesterly corner thereof; thence Southeasterly along the Southwesterly line of said Lot 3 to the Southeast corner thereof; thence Northeasterly along the shore of Lake Minnetonka to the Northeast corner of said Lot 3; thence Northwesterly along the Northeasterly line of said Lot 3 to the point of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County. Together with a non-exclusive easement for road & utility purposes over other land for the benefit of above land. (See Inst.) Subject to an easement for subterranean water pipes through and across said Lots 3 and 4, Auditor's Subdivision No. 99 reserved by that certain deed of record in Book 505 of Deeds, page 374 in the office of the Register of Deeds in and for Hennepin County, Minnesota; Subject to an easement in favor of that part of Lot 3, Auditor's Subdivision #99 described in the above exception, said easement being for a right of way for driveway purposes over a strip of land 14 feet in width extending in a general Southerly, Easterly and Northeasterly direction in Lots 3 and 4, Auditor's Subdivision #99 from the Northwesterly line of said Lot 3 to the Westerly line of the premises contained in the hereinabove described exception to the said Lot 3, the center line of said 14 foot strip being described as follows: Beginning at a point in the Northwesterly line of said Lot 3 distant 8.2 feet Northeasterly from the most Westerly corner of said Lot; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 14.55feet from said most Westerly corner of said Lot; thence Easterly on a curve, convex to the Southwest with a radius of 71.97 feet a distance of 90.8 feet to a point in the Southwesterly line of said Lot 3 distant 100.05 feet Southeasterly from the most Westerly corner of said Lot; thence Northeasterly on a continuation of the last described curved line a distance of 9.2 feet; thence Northeasterly on a tangential curve to the left with a radius of 223.17 feet a distance of 40 feet; thence Northerly on a tangential curve to the left with a radius of 57.0 feet a distance of 35.5 feet to a point in the Westerly line of the premises contained in the hereinabove described exception to said Lot 3 which point is 76 feet Southerly from the most Westerly corner of said premises contained in the exception hereinabove described as shown in Book 1691 of Deeds, page 224.
Abstract or Torrens?	Both
Certificate No.	1482838



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.a
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

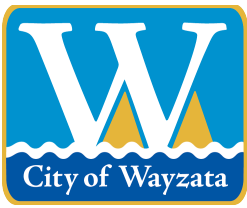
Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.b
TITLE: Cancelling August 3, 2020 Planning Commission Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

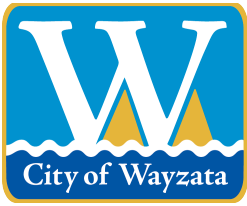
As discussed in the review of development activity, there are no items that would require Planning Commission action until August 17, 2020. Staff has cancelled the August 3, 2020 Planning Commission meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.c
TITLE: Planning Commissioner Report for the July 7, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

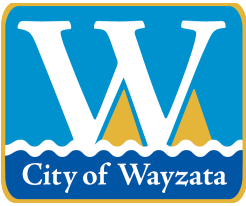
Commissioner Parkhill will give a report on the July 7, 2020 City Council meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.d
TITLE: Planning Commissioner Liaison for the July 21, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Chair Plantan is scheduled for the July 21, 2020 City Council meeting.

ACTION REQUESTED:

N/A

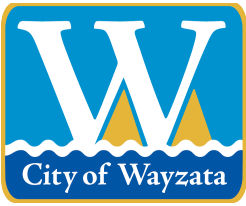
ATTACHMENTS:

1. PC Assignments at Council Meetings 2020 rev 07072020

2020* (Revised 07.07.2020)

Planning Commission assignments at Council meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 7, 2020	Lindsay Bashioum
Tuesday	January 21, 2020	Laura Merriam
Tuesday	February 4, 2020	Peggy Douglas
Tuesday	February 18, 2020	Gregory Flannigan
Tuesday	March 10, 2020	Cathy Iverson
Tuesday	March 24, 2020	Jeff Parkhill
Tuesday	April 7, 2020	Christine Plantan
Tuesday	April 21, 2020	Lindsay Bashioum
Tuesday	May 5, 2020	Laura Merriam
Tuesday	May 19, 2020	Peggy Douglas
Tuesday	June 2, 2020	Gregory Flannigan
Tuesday	June 16, 2020	Cathy Iverson
Tuesday	July 7, 2020	Jeff Parkhill
Tuesday	July 21, 2020	Christine Plantan
Tuesday	August 4, 2020	Lindsay Bashioum
Tuesday	August 18, 2020	Laura Merriam
Tuesday	September 1, 2020	Peggy Douglas
Tuesday	September 15, 2020	Gregory Flannigan
WEDNESDAY	October 7, 2020	Cathy Iverson
Tuesday	October 20, 2020	Jeff Parkhill
Tuesday	November 10, 2020	Christine Plantan
Tuesday	November 24, 2020	Lindsay Bashioum
Tuesday	December 1, 2020	Laura Merriam
Tuesday	December 15, 2020	Peggy Douglas



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.e
TITLE: Planning Commissioner Liaison for the August 4, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Lindsay Bashium is scheduled for the **Tuesday, August 4, 2020** City Council meeting.

ACTION REQUESTED:

N/A

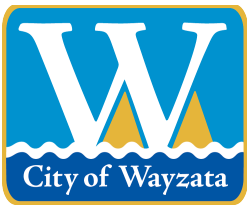
ATTACHMENTS:

1. PC Assignments at Council Meetings 2020 rev 07072020

2020* (Revised 07.07.2020)

Planning Commission assignments at Council meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 7, 2020	Lindsay Bashioum
Tuesday	January 21, 2020	Laura Merriam
Tuesday	February 4, 2020	Peggy Douglas
Tuesday	February 18, 2020	Gregory Flannigan
Tuesday	March 10, 2020	Cathy Iverson
Tuesday	March 24, 2020	Jeff Parkhill
Tuesday	April 7, 2020	Christine Plantan
Tuesday	April 21, 2020	Lindsay Bashioum
Tuesday	May 5, 2020	Laura Merriam
Tuesday	May 19, 2020	Peggy Douglas
Tuesday	June 2, 2020	Gregory Flannigan
Tuesday	June 16, 2020	Cathy Iverson
Tuesday	July 7, 2020	Jeff Parkhill
Tuesday	July 21, 2020	Christine Plantan
Tuesday	August 4, 2020	Lindsay Bashioum
Tuesday	August 18, 2020	Laura Merriam
Tuesday	September 1, 2020	Peggy Douglas
Tuesday	September 15, 2020	Gregory Flannigan
WEDNESDAY	October 7, 2020	Cathy Iverson
Tuesday	October 20, 2020	Jeff Parkhill
Tuesday	November 10, 2020	Christine Plantan
Tuesday	November 24, 2020	Lindsay Bashioum
Tuesday	December 1, 2020	Laura Merriam
Tuesday	December 15, 2020	Peggy Douglas



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 20, 2020	AGENDA ITEM: 6.f
TITLE: Zoning Ordinance Update Task Force and Priorities	
PREPARED BY: Eric Zweber, Interim Community Development Director	
REVIEWED BY: Nick Kieser, Assistant Planner	
60 DAY DEADLINE: N/A	

BACKGROUND:

During the July 7 City Council Workshop, City staff reviewed the sections of the City Code proposed to be overhaul now that the 2040 Comprehensive Plan has been adopted. The review included the specific Code sections, their relation to the Comprehensive Plan goals and Strategic Plan initiatives, and their priority. The City Council indicated general agreement with sections and priorities of the overhaul along with the establishment of a Zoning Ordinance Overhaul Task Force to provide guidance. Staff has proposed a structure of the Task Force to include Two Planning Commissioners. The City Council is anticipated to approve the structure of the Task Force on July 21 and it is anticipated that the membership of the Task Force would approved at the August 18 City Council meeting.

The Task Force membership would be expected to commit to meeting at least monthly from September 2020 through at least June of 2021. The proposed timeline would expect the completion of the overhaul in the second quarter of 2022. The Planning Commissioners that are appoint to the Task Force will be expected to provide updates to the whole Planning Commission periodically, similar to the way that the Planning Commission liaison provides an update of the City Council meetings. Any Planning Commissioner who would like to be considered to be appointed to the Task Force should email the reasons why they are interested and an acknowledgement of a time commitment of at least one additional meeting per month to the planning@wayzata.org email address.

ACTION REQUESTED:

No action required. Separately, Planning Commissioners interested in serving on the Zoning Ordinance Overhaul Task Force should email their interest to planning@wayzata.org

ATTACHMENTS:

1. Zoning and Official Controls CC Packet 07-07-2020

Proposed Zoning Ordinance and Official Control Revisions (07/07/2020)

Updates Required to Comply with 2040 Comprehensive Plan

Needing Assistance from Consultant

Topic	Issues to Address/Review	Comprehensive Plan Policy	Strategic Plan Goal	Comprehensive Plan Implementation Priority	Type of Consultant
Design Standards (Chp. 909)	Building Materials; Fourth District; Submittal Requirements	"Charming" (p. 1-5) and "Walkable and Pedestrian Friendly" (p. 1-6) Guiding Principles; Consider the updating of design standards to ensure high standards of planning and design (p.3-6)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14); Healthy commercial/retail sector (p. 14)	Short-Term	Architect
Tree Preservation (Chp. 936)	Review Five Years of Implementation; Homeowner/Post-Development Removals; Heritage Tree Criteria; Use of Fee-in-Lieu of Replacement	Maintaining and Enhancing Tree Coverage and Streetscaping (p.6-1)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14)	Medium-Term	Arborist, Landscape Architect

Ad Hoc Committee

Topic	Issues to Address/Review	Comprehensive Plan Policy	Strategic Plan Goal	Comprehensive Plan Implementation Priority
Affordable and Lifecycle Housing Opportunity Amount (ALHOA; Minn. Statute Sec. 473.254)	Goals and Policies to be included in the Housing Action Plan	Affordable housing as attraction to young professionals and workforce (p.1-4); Recognize the Metropolitan Council affordable rental and life-cycle benchmarks (p. 3-6); Provide safe, affordable and quality housing stock for a range of affordability levels (p. 4-8); Support housing typologies and development that will help the City fill the existing affordable housing gap (p. 4-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14)	Immediate
R-2, R-3, and R-3A Zoning Districts (Chps. 954, 955, 956)	Conformance with the 2040 Comprehensive Plan (Central Core Residential)	Central Core Residential Description (p. 3-11)	Redevelopment consistent with character and scale (p. 14)	Short-Term
R-5 Zoning District (Chp. 959)	Conformance with the 2040 Comprehensive Plan (High Density Residential - density range)	"City Nodes with Greater Housing Diversity" Guiding Principle (p. 1-8); High Density Residential Description (p. 3-13); Examine the management of areas guided for new high-density housing (p. 4-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14)	Immediate
C-4, C-4A, and C-4B Zoning Districts (Chps. 978, 979, 980)	Purposes and Differences; Retail requirements and standards	"Connected" Guiding Principle (p. 1-8); Central Business District Description (p. 3-13); 2040 Residential Growth Net Density (p. 3-21);	Redevelopment consistent with character and scale (p. 14); Healthy commercial/retail sector (p. 14)	Short-Term

Staff-Led Revisions

Topic	Issues to Address/Review	Comprehensive Plan Policy	Strategic Plan Goal	Comprehensive Plan Implementation Priority
Housing Action Plan	Convert Housing chapter from 2040 Comp Plan into Housing Action Plan with ALHOA allocation and revised to only between 2021-2030	Affordable housing as attraction to young professionals and workforce (p.1-4); Recognize the Metropolitan Council affordable rental and life-cycle benchmarks (p. 3-6); Provide safe, affordable and quality housing stock for a range of affordability levels (p. 4-8); Support housing typologies and development that will help the City fill the existing affordable housing gap (p. 4-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14)	Immediate
Repeat Application Request Standards (Chps. 903, 904, 905, 923)	Review and Provide Consistency	"Charming" Guiding Principle (p. 1-5); Wayzata seeks to manage development of land in a manner that results in compatible land use patterns, access to services and amenities, and efficient utilization of public services (p. 3-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14); Healthy commercial/retail sector (p. 14)	Medium-Term
General Building and Performance Requirements (Chp. 916)	General Clean-Up	Provide safe, affordable and quality housing stock for a range of affordability levels (p. 4-8); Review and evaluate site design standards within each of the residential zoning districts to ensure that regulations do not hinder the development of a housing stock that meets the goals of Wayzata (p. 4-8); Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass and scale of existing residences within their neighborhood (p. 4-9); Provide for continuing review, updating, and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design for residential structures within the community (p.4-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14); Healthy commercial/retail sector (p. 14)	Medium-Term
		Provide safe, affordable and quality housing stock for a range of affordability levels (p. 4-8); Review and evaluate site design standards within each of the residential zoning districts to ensure that regulations do not hinder the development of a housing stock that meets the goals of Wayzata (p. 4-8); Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass and scale of existing residences within their neighborhood (p. 4-9); Provide for continuing review, updating, and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design for residential structures within the community (p.4-9)	Redevelopment consistent with character and scale (p. 14)	Medium-Term
Accessory Buildings, Structures, Uses, and Equipment (Chp. 917)	General Clean-Up	"Charming" (p. 1-5), "Walkable and Pedestrian Friendly" (p. 1-6), and "City Nodes with Greater Housing Diversity" (p. 1-8) Guiding Principles; High Density Residential Description (p. 3-13); Examine the management of areas guided for new high-density housing (p. 4-9)	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14); Healthy commercial/retail sector (p. 14)	Immediate
Planned Unit Development Zoning District (Chp. 933 and 990)	Eliminate PUD by CUP (Eliminate Chapter 933 and move relevant sections to Chapter 990); Public Purpose and Criteria; General Clean-Up	"Environmental Sustainability" (p. 1-7) and "Connected" (p. 1-8) Guiding Principle; Identify opportunities to protect property values through the consistent relationship of land uses and natural features (p. 3-6); Consider requiring that housing developments include site design consideration that preserve and protect the community's natural amenities, including tree coverage, wildlife habitats, steep slopes and wetlands (p. 4-9); Promote sound land use development decisions which protect and enhance Lake Minnetonka and other wetlands as a significant natural resource to the community's vitality and "sense of place" (p. 6-8); Consider opportunities to ensure the protection, conservation, and maintenance of the natural environment in the design of public open spaces and private developments (p. 6-9)	Clean, connected, welcoming lakefront (p. 13); Redevelopment consistent with character and scale (p. 14); Healthy commercial/retail sector (p. 14)	Medium-Term
Floodplain, Shoreland, and Wetland Chapters (Chps. 991, 992, and 993)	General Clean-Up	Consider the review, updating and enforcement of subdivision to ensure high standards of planning and design (p. 3-6); The City of Wayzata's Zoning and Subdivision Ordinances are the primary tools to implement the natural and community resource goals and policies included in this Comprehensive Plan (p. 9-4)	Expanded, connected, safe parks and trail system (p. 13); Improve maintenance and sustainability of parks, trails and streetscapes (p. 13); Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14)	Short-Term

Updates Proposed by Staff

Topic	Issues to Address/Review	Comprehensive Plan Policy	Strategic Plan Goal	Comprehensive Plan Implementation Priority
Fence Ordinance (Chp. 918)	General Clean-Up; Simplify	N/A	Redevelopment consistent with character and scale (p. 14)	Long-Term
Sign Ordinance (Chp. 927)	General Clean-Up	N/A	Redevelopment consistent with character and scale (p. 14); Managed redevelopment of Wayzata Blvd (p. 14); Healthy commercial/retail sector (p. 14)	Long-Term