WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 5, 2014

AGENDA ITEM 2. Call to Order, Roll Call and Approval of Minutes.

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

Present at roll call were Commissioners: Vanderheyden, Pearson, Gonzalez, Tyacke, Ramy, Gnos and Iverson. City Planner Gadow was also present.

Chair Gonzalez stated the minutes to be reviewed are for April 21, 2014.

Commissioner Ramy stated he did not second the motion on page 1, line 22.

City Planner Gadow stated he would review the notes and correct this.

Commissioner Tyacke stated on page 3, starting at line 42, a verb or action should be inserted such as "are duly changed" to make the sentence read correctly. On page 6, line 5, the word "pint" should be changed to "point."

Chair Gonzalez stated on page 7, line 24, "My Brothers" should be changed to "Meyer Brothers".

Commissioner Vanderheyden made a motion, Seconded by Commissioner Tyacke, to approve the April 21, 2014 minutes as amended above. The motion carried unanimously.

AGENDA ITEM 3. Regular Agenda Public Hearing Item.

- **a. 520 Ferndale Road West – Sendero Properties, LLC**
  - **I. CUP for Redevelopment of a Legal Non-Conforming Lot**
  - **II. Shoreland CUP**
  - **III. Lakeshore Setback Variance**
  - **IV. Front Yard Setback Variance**
  - **V. Lot Coverage Variance**

City Planner Gadow stated the zoning requests included in the application are: a Conditional Use Permit (CUP) to redevelop a legal non-conforming lot; a Shoreland Conditional Use Permit for hardcover above 25% with storm water mitigation; a variance to the Lakeshore Setback; a variance from the Front Yard Setback; and a variance from the Lot Coverage maximum of 15%. He stated Pat Cavanaugh owns the property at 532 Ferndale Road and 520 Ferndale Road. She is proposing to remove the existing structure at 520 Ferndale Road and build a new single-family residence, which she will move into. Given the way the lot is laid out, a number of requests will need to be reviewed in order to get a building pad that would meet Ms. Cavanaugh's needs. He reviewed the existing non-conforming conditions for 520 Ferndale Road. If the existing structure is removed and the lakeshore setbacks are strictly applied the building area would be

very small for a residential structure. He reviewed the lakeshore setback variance rules. Given the lack of lot depth for 520 Ferndale Road, the most restrictive lakeshore setback would be 75-feet but this would create a very limited building area. The applicant is asking for approval of a variance from the 75-feet requirement, but would still have the new residence setback further than the line connecting the two (2) adjacent properties and the approximate 43-foot average setback of the two (2) closest structures.

Commissioner Iverson asked what the square footage of the pad would be if all the setbacks were applied.

City Planner Gadow stated Mr. Sharratt may be able to provide this information during his presentation. He stated the existing residential structure on the property was built in 1940 and was only setback 9.8-feet from the front property line. Currently the front yard setback requirement is 45-feet from the front property line. The applicant is proposing to remove the existing non-conforming structure and install a portion of the new structure within the footprint of the legally non-conforming existing structure location, but increase the setback to 33.1-feet at the northeast corner of the new garage. The balance of the new residence would meet the 45-foot front yard setback requirement. Additionally the applicant is requesting a variance from the lot coverage requirement. The maximum amount of building/structure footprint is 15% of lot area in the R-1 District. The applicant is proposing a structure footprint of 16.4% due to their concern over installing a basement within the new structure given the grade of the property in relation to the lake and the flood plain. The variance would allow the applicant to locate all living areas on the first and second floor. He explained the other requests were for a CUP for the redevelopment of a legal non-conforming lot and a Shoreland CUP to increase the hardcover by 0.9% to a total of 25.9% and install pervious pavers for the driveway, sidewalk and patio areas. If the request for use of pervious pavers as part of the Shoreland CUP are approved by the City Council, then the hardcover on the site would be reduced to 23.4%. He reviewed the design and materials of the home being proposed. He reviewed the action steps available to the Planning Commission.

Commissioner Vanderheyden stated the application was very thorough. He asked if the two (2) adjacent buildings had 100-foot setbacks, if this would be considered the “new” standard for this lot.

City Planner Gadow stated in the example provided by Commissioner Vanderheyden the 75-foot setback would probably not be the most restrictive and the 100-foot setback established by the adjacent properties would be used.

Commissioner Vanderheyden asked what setbacks were considered more important to the City.

City Planner Gadow stated all the setbacks are important and an applicant should meet all the setback standards unless there is practical difficulty in doing so. For this particular property the sideyard setbacks would be considered more important but overall the lakeshore setback would be the most important one to consider.

Commissioner Vanderheyden asked Mr. Sharratt what the proposed placement of the home was trying to accomplish.

Mr. Mike Sharratt, Sharratt Design & Company, 464 2nd St. #100, Excelsior, stated the goal was to make the City happy with the location of the home by meeting the setbacks for the principal dwelling. The size of the home is to accommodate the needs of the owner, the space requirements for those items typically contained in the basement such as mechanical components and eliminate the need for a basement due to concerns about the grade of the property and the flood plain. He also explained the structure was not moved further north because they were trying to meet all the setbacks.

Commissioner Pearson asked if 532 Ferndale Road and 520 Ferndale Road were one (1) property in the past and subsequently subdivided and if the carriage house on 520 Ferndale is being used as a single family home.

City Planner Gadow stated both properties are currently owned by the same person but he does not know if it is used as one property. He stated he had not been able to find records on how this property came to be divided how it is but according to the County each parcel is a stand-alone property. He stated he did not know what the carriage house was currently being used for.

Mr. Sharratt stated the carriage house is not being used as a single family home. The Cavanaugh's bought this piece of property after living at 532 Ferndale Road for a couple of years. Prior to when they purchased the property the carriage house was used as a single family home but the Cavanaugh's used it as a guest house.

Commissioner Tyacke stated the Staff report assumes a 25% credit, for hardcover, for storm water management but the City's Stormwater Management Plan states a credit of up to 50% credit may be given. He asked how the 25% was determined.

City Planner Gadow stated if the City Council and Planning Commission approve a Shoreland CUP for property that is using stormwater mitigation techniques the minimum amount given would be 25% and the maximum amount would be 50%. This amount depends on the engineer's review of the technique being used and the amount being used. In this particular case, the City Engineer felt comfortable with 25% given the pavers are only being used in the patio area, driveway, and walkway and there are no other systems included with the property. Typically 50% is given when impervious pavers are used with other systems on the same property.

Commissioner Tyacke suggested the Staff report include information that the City Engineer reviewed the plan.

City Planner Gadow stated approval from the City Engineer is always included as a condition of approval to show that the systems that are shown on the plans are the systems that are installed.

Commissioner Tyacke stated the zoning for this particular property was R-1, low density single-family residential. He stated the carriage house had only been used as a guest house for the last

couple of years and now both properties would be single-family residential homes that would be occupied full-time. He asked if this affected the low density requirement.

City Planner Gadow stated the low density requirement would not be affected because the property at 520 Ferndale Road is a stand-alone lot. It would be different if the Cavanaugh's were asking to subdivide but it is a preexisting lot of record.

Commissioner Tyacke asked Mr. Sharratt if the shoreline at 520 Ferndale Road had been improved with riprap.

Mr. Sharratt stated all the properties along this stretch have riprap and 532 Ferndale Road is currently showing beach due to the low water level at this time. The other shorelines are right up to the riprap.

Commissioner Tyacke asked how the high water mark was determined if the shoreline had been improved.

Mr. Sharratt explained on the survey shows where the 924-foot mark is. He explained the aerial photo that was used as a visual for the Planning Commission shows where the houses are and they were used to illustrate the practical difficulties the property owner faces. He stated the buildable area for this parcel is 2300 square feet based on meeting all setbacks. This would include garage space, porches, and the foot print of the first floor. The property owner's want everything on one floor for ease of living due to their ages and the upper level would be primarily for guests.

Commissioner Tyacke stated there are specific statutory requirements under the statutes if the owner has two (2) properties and one (1) is being developed. He stated this was not addressed in the Staff report. He asked that these statutory requirements be covered. He clarified he was referencing, Section 462.357, Subdivision 1e, relating to non-conformities and d-j relate to shoreland lots of record in the office, and specifically paragraph f talks about a group of two (2) or more continuous lots under common ownership. He suggested the City have this reviewed to determine if this applies and address this in the Staff Report.

City Planner Gadow stated Staff would look into this.

Commissioner Iverson asked when the home at 532 Ferndale Road was built and why it is as close to the lake as it is. She also asked if there would be a large amount of dirt removed from the site.

City Planner Gadow stated the home was built prior to the more restrictive shoreland requirements were put in place.

Mr. Sharratt explained the grading that is on the site is what is being used and will not be changed. The first floor of the proposed home is at the same elevation as the first floor of the existing home. The dominate elevation on the entire site is about 934-feet so the site is flat and essentially has no grading.

Commissioner Iverson asked if the existing carriage house had water issues.

Mr. Sharratt stated there had not been water issues in the past with the carriage house.

Commissioner Ramy asked if the existing carriage house has a basement.

Mr. Sharratt stated there is no basement in the carriage house but the home at 532 Ferndale Road does have a basement.

Commissioner Ramy asked if pavers would be beneficial given the fact that there is water in the street in this location.

Mr. Sharratt stated he was not a hydrological engineer but water tables vary compared to the level of the lake. The existing structure has not been taken down, there has been no grading, and there has not been a hydrological analysis done to determine where the actual water elevation is but the owner does want to do pavers. The water level in comparison to the water table will need to be determined in order to prepare the underground crushed rock.

Commission Gnos clarified if the garage were moved to the side then it would encroach into the side yard setback.

Mr. Sharratt stated this was correct. He stated the owners had originally wanted a side entry garage but they recommend at least 30-feet of space behind a garage door to allow for backing up and there was only 20-feet to the setback if the garage was located the way they originally wanted.

Chair Gonzalez stated the design of the proposed home is beautiful and she thanked them for working to preserve the trees on the property. She asked how big the parcel is at 532 Ferndale Road.

Mr. Sharratt stated it is 30179-square feet according to Hennepin County records.

Chair Gonzalez clarified this parcel was also non-conforming.

City Planner Gadow stated this was correct.

Mr. Sharratt stated the property owner had talked about moving the property lines to make the parcel conforming but because both lots are non-conforming it would not work.

Chair Gonzalez asked if there had been any feedback from the neighbors in this area.

City Planner Gadow stated notices had been sent out but there had been no feedback.

Chair Gonzalez asked what type of maintenance the property owners were going to do for the pavers to ensure they work as they are intended.

Mr. Sharratt stated power washing is one of the best ways to keep these clean and functioning. The manufacturer of the paver system will also provide the property owners with maintenance information. He stated this information will be reviewed by the City Engineer as well.

City Planner Gadow stated as part of any Shoreline CUP that is approved by the City, one of the conditions that are added would be that the owner of the property enters into a stormwater maintenance agreement with the City, which would be recorded against that property. The maintenance agreement has language that requires the current and future owners to keep up maintenance of that system in perpetuity.

Chair Gonzalez opened the public hearing at 7:42 p.m.

There being no public comment Chair Gonzalez closed the public hearing at 7:43 p.m.

Commissioner Vanderheyden stated he would be in support of the majority of this application. He would have liked to seen the house pushed back a little further from the lake. The home at 532 Ferndale Road is close to the water and as the City continues to grow and change homes will be removed and rebuilt and he would like to see them further from the shoreline. He agrees with the mitigation techniques and the design of the home. He would suggest moving the home 10-feet further from the bank if it were technically possible and did not encroach in other areas that would create other difficulties.

Mr. Sharratt stated this had been considered. Ferndale is not a wide road and there are parking issues along this roadway. The owners were hoping to keep as much magazine in the driveway as possible for parking and guests.

Chair Gonzalez asked if the house was designed as small as the family needed.

Mr. Sharratt stated the home is designed to have the master suite on the main floor along with all the home mechanical systems and laundry facilities. 2000—square foot is as small as it could be made and still have usable sized rooms. The property owners are also trying to recognize the design style of the homes on Ferndale by using high quality materials that will make the home looked appropriately aged. The largest footprint he had seen with a main floor master suite was upward of 5,000-square feet so this home design is at the low end of the spectrum at 2,300-square feet.

Chair Gonzalez stated the City had changed the setbacks for the lake because this is the City's largest asset and it needs to be protected. She thanked the applicants for the Stormwater mitigation they were proposing to include but asked if they had considered doing more.

Mr. Sharratt explained it would be difficult with a flat lot to provide additional mitigation for runoff to the lake. The property owners have looked at rain gardens but they are hoping to get approval from the City with the elements they are including at this time. Since the lot is flat it could all be considered a rain garden.

Commissioner Pearson asked how the pervious paver credits work and if the City includes a finding that the applicant qualifies for the 25% credit would they require a CUP or variance.

City Planner Gadow stated the applicants do need a CUP in order to get the credit for the pervious pavers to reduce the hard surface of the property. The CUP needs to be approved in order to utilize the credit.

Commissioner Pearson stated he could not see how anyone would be able to build on this particular lot without requesting some variances to the setbacks. He expressed concerns about the Statute Commissioner Tyacke had brought up regarding contiguous property.

Commissioner Vanderheyden stated it is important how the properties are titled otherwise the lots become contiguous and permanently joined.

Commissioner Tyacke stated he would agree with recommending approval of CUP but he would like to see all the loose ends tied up. The property does present practical difficulty.

Commissioner Iverson agreed. The layout and function of the home is well thought out and she would be in favor of approval.

Commissioner Ramy agreed. The property owner has been proactive in working to meet what the City's expectations would be.

Commissioner Gnos stated he would also recommend approval.

Chair Gonzalez asked if Mr. Sharratt had reviewed the recommendations from the City Engineer and the Utilities Superintendant on page 14 of the Staff Report.

Mr. Sharratt stated they are currently in the design and schematic stage so these recommendations have not been incorporated into the project yet. This will be checked during the building permit.

Chair Gonzalez stated the recommendations of Staff are typically included as part of the conditions of approval.

Mr. Sharratt stated this would be acceptable.

Chair Gonzalez stated she would be in favor of recommending approval subject to the conditions from the City Engineer, Utility Supervisor, and Parks Department on page 14 of the Staff Report, the agreement for upkeep of the pavers, but she does not feel that the Planning Commission is ready to recommend approval today because they need to review the final legal recommendations regarding State Statute Section 462.357.

City Planner Gadow stated it is up to the Planning Commission if they would like to send it to the City Council with a condition that Staff work with the City Attorney to verify the language

requirements for this State Statute or the Planning Commission could have it come back for review at the next meeting.

Chair Gonzalez reviewed the Planning Commission was in support of the three variance requests and the 2 CUP requests.

City Planner Gadow stated the Planning Commission could recommend approval to this application to the City Council with the condition that Staff would work with the City Attorney concerning the legal question that Commissioner Tyacke brought up. The Condition could also contain language that if there is a problem with this particular State Statue then it could be brought back to the next Planning Commission meeting for review if there needs to be any additional review and if there are no concerns brought up by the City Attorney then it can proceed to the City Council.

Commissioner Pearson stated the findings for the variances would not have to be more than the practical difficulties that have been presented.

City Planner Gadow suggested if the Planning Commission wanted to move this application forward to the City Council, then the motion could be recommending the City Council consider and approve the application based on the findings of facts based on the comments in the Staff Report and the discussions and deliberations of the Planning Commission and the applicant's agent. Staff would then create the draft resolution the City Council would review that would spell out the practical difficulties that have been brought up and comments made at the meeting.

Commissioner Tyacke asked what the timeline is for the applicant.

City Planner Gadow stated if it were brought back to the Planning Commission it would be presented at the May 19, 2014 meeting. If it is approved at that time then it could go to the City Council May 20. If the Planning Commission approves this application tonight it would be reviewed by the City Council at their May 20 meeting.

Chair Gonzalez suggested the following findings: the property is guided for 1-acre single family residential use in the Comp Plan and the applicant proposes a single-family residential home so it does meet the letter and the spirit of the Comp Plan; the proposed variances are in harmony with the general purposes and intent of the Zoning Ordinances and there are practical difficulties in complying with the strict requirements of the Ordinance. Approval of the variances or CUPs would not have a negative impact on the neighborhood. She would like to make sure the recommendation also includes the recommendations on page 14 of the Staff Report.

Commissioner Iverson recommended voting on the application tonight.

City Planner Gadow stated the minutes from this meeting would also be included for the City Council to review. If there is a concern brought up by the City Attorney regarding the State Statute then Staff would alert the Planning Commission.

Commissioner Pearson made a motion, Seconded by Commissioner Iverson to recommend approval of the CUP for Redevelopment of a Legal Non-Conforming Lot, the Shoreland CUP, the Lakeshore Setback Variance, the Front Yard Setback Variance, and the Lot Coverage Variance for 520 Ferndale Road West – Sendero Properties, LLC based on the findings of facts presented in the Staff Report and those discussed by the Planning Commission, including the Conditions recommended by Staff on page 14 of the Staff Report and the additional condition Staff work with the City Attorney to clarify State Statute Section 462.357 regarding contiguous properties and the impacts. The motion carried unanimously.

AGENDA ITEM 4. Other Items.

a. Review of Development Activities

City Planner Gadow stated the next Planning Commission meeting is scheduled for May 19. There have been four (4) development applications submitted for a number of different projects including: Wayzata Community Church for a phased redevelopment of their property as it relates to parking and a small expansion; a Shoreland CUP for a new single-family residential structure on Rice Street; a variance request for an addition to a legally non-conforming residence on Hampton Street; and a 5 Lot subdivision of two (2) residential properties north of Anchor Bank. These will be reviewed during June and July. The agenda for May 19 will include additional work on the taproom and microbrewery production facility discussions.

b. Other Items

City Planner Gadow stated Gil Penalosa, an International Expert on Walkability and Open Streets, will be available May 6 at 4:30-6:00 p.m. and the Planning Commission is welcome to attend.

Chair Gonzalez stated the HPB is presenting 100-year awards at the May 6 City Council meeting.

Commissioner Ramy asked if there would be any notes available for the discussions with Mr. Penalosa.

City Planner Gadow stated he would try and provide notes and part of it would be recorded.

AGENDA ITEM 5. Adjournment.

There being no further business, Commissioner Vanderheyden made a motion, seconded by Commissioner Ramy, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,
Tina Borg, *TimeSaver Off Site Secretarial, Inc.*