WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 16, 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 and City Engineer Mike Kelly were also present.

Chair Gonzalez stated the minutes to be reviewed are from May 19, 2014 and June 2, 2014.

Commissioner Tyacke suggested adding a definition for "growler" to the May 19, 2014 minutes. Also in the May 19 minutes on page 3, line 25 the word second to the last word "the" should be changed to "they"; on page 4, line 33 change the "t" to the word "to," on page 5, line 37 Randy Stanley should be identified as the tenant of the space, and on page 6, line 11 the phrase should read "of the railroad traffic" and line 38 the phrase should be changed to "in which beer."

Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson, to approve the May 19, 2014 workshop minutes as amended above. The motion carried 6-0-1 (Gonzalez abstained)

Commissioner Tyacke stated for the June 2, 2014 minutes on page 1, line 22 the access is Ferndale North, on page 2, line 39 the word "be" should be changed to "been," on page 4, line 32 should reference the "parking lot area," and on page 7, line 37 "Tyacke" is misspelled.

Commissioner Tyacke moved, Seconded by Commissioner Vanderheyden, to approve the June 2, 2014 minutes as amended above. The motion carried unanimously.

AGENDA ITEM 3. REGULAR AGENDA PUBLIC HEARING ITEMS:

a. 165 and 213 Central Avenue N – Property Resources Corporation

i. Concurrent Preliminary/Final Plat for Five (5) Lot Subdivision

ii. Subdivision Variance for a Private Roadway

City Planner Gadow stated Property Resources Corporation submitted an application for a preliminary and final plat subdivision for a five (5) lot subdivision with a subdivision variance request for a private roadway access at 165 and 213 Central Avenue. If approved, five (5) single family residences would be built on the property that meet the requirements of the R-3A Zoning District. The property includes two (2) existing single family residential lots, which are currently vacant. These lots are accessed off Central Ave N/CR 101. As part of the application, the Applicant is requesting the current access be closed and build a 20-foot private roadway to match the existing roadway character in the neighborhood, rather than build a standard 26-foot wide public street. The proposed roadway would connect from Cross Street through to Byrondale Avenue and meet State Fire Code access requirements. If a public easement access

were placed over this private roadway, the Applicant and the City would need to coordinate snow removal and maintenance responsibilities. Hennepin County supports the closure and vacation of existing accesses on Central Avenue related to the two (2) parcels. The building layouts would meet the 35% hardcover limit and the Applicant is proposing to install a 1,200-square foot underground storage basin in the rear yard of proposed Lot 1 to collect surface water from the shared roadway and individual accesses and this would meet the Minnehaha Creek Watershed District requirements for stormwater treatment. The property has 26 existing trees of various species. The Applicant proposes to remove 15 trees and would plant 33 new trees and 24 deciduous shrubs and various perennials and grasses.

Commissioner Ramy asked what the current easement was granted for.

City Planner Gadow stated it was a driveway easement.

Commissioner Tyacke asked if the City had any additional requirements for roadway width beyond the State Fire Code access requirements.

City Planner Gadow stated the City does not have any additional requirements for the width because it is proposed to be a private road. The City follows the State Fire Code standards as it relates to fire access.

Commissioner Pearson stated the County supports the closure of these accesses. He asked if the permanent closure of these access points would need to be a condition of approval.

City Planner Gadow stated in order for the Applicant to get any permits the County would require the closure of these access points. Staff could add the closure of the access points as a condition of approval. He clarified if the access points were closed it is unlikely the County would allow them to reopen in the future.

Commissioner Pearson clarified the Applicant would need to resolve the easement with the adjacent property owner at 1015 Cross Street prior to filing the subdivision plat. He asked what would be involved in this process.

City Planner Gadow stated it could be a release of the easement or purchase of the property. At this time he is not sure how this would be done but the applicant would need to work this out with the adjacent property owner to have the easement released prior to filing the subdivision plat.

Commissioner Vanderheyden clarified the two lots that exist both have access to Central Avenue. He asked what rights Lot 1 would have to access the Byrondale cul-de-sac.

City Planner Gadow stated they would have the ability to access this cul-de-sac with no exceptions.

Chair Gonzalez asked what the purpose of the 10-foot easement on Wooddale Avenue would be.

City Engineer Kelly stated the right-of-way along Wooddale is 20-feet wide and part of the approval with the Anchor Bank/Walgreens proposal where they granted an additional 10-feet to the Wooddale right-of-way to allow for the construction of a 20-foot wide roadway. The current roadway is 12-16-feet in width. Allowing the additional 10-foot easement on Wooddale Avenue would allow that roadway to meet the fire code access standards.

Chair Gonzalez stated Hennepin County is requesting an 8-10-foot trail/sidewalk that would be along Central Avenue. She asked if both the easements were approved if the size of the lots would be affected.

City Planner Gadow stated it would not affect the lots meeting the City's requirements because it would be an easement not a land dedication so the land area would not be affected.

Chair Gonzalez asked if the 20-foot private access were denied and a 26-foot wide road were constructed if the lots would still meet the R-3A requirements.

City Planner Gadow stated they would need to calculate this because this would need to be subtracted from the lot area because this land would be dedicated to public roadway. He clarified the key policy issue for the Planning Commission and the City Council is if the road should be public or private and the answer to this will lead into whether there should be a connection to Byrondale or not. He clarified under the Ordinance if a private driveway accesses more than two (2) private homes then it would be considered a private roadway.

Commissioner Iverson asked how many private roadways the City had.

City Planner Gadow explained the City has approved approximately three (3) over the last few years.

Chair Gonzalez stated the City has typically approved these because the City is getting something in exchange such as tree preservation.

Ms. Jennifer Haskamp, 246 Albert Street S., St. Paul, stated the purpose of the driveway easement that is giving access to 1015 Cross Street to provide access for a driveway and it is specific that it is provide access to Central. They have been in contact with the property owners to work out a satisfactory solution. They do have a design concept that could be used on this particular lot that would work with the easement. The City does not have any code or ordinance that limits the number of homes that can share a driveway. The project is being proposed to create a small neighborhood quality and respect the existing neighborhood. They did not want to create a large road that went thru the existing neighborhood.

Commissioner Iverson asked if Ms. Haskamp knew what the impacts would be to the lot sizes and setbacks if a 26-foot wide road were constructed versus the proposed 20-foot private roadway.

Ms. Haskamp stated they had looked at this option but she did not know the numbers at this time.

Commissioner Tyacke stated 122nd Street Land Company is the property owner for 165 Central Avenue and Property Resources Corporation owns the property at 213 Central Avenue. He asked what relationship Crossdale Development LLC had with the project.

Ms. Haskamp stated Crossdale Development is the developer and has a purchase agreement with the land owners to develop the property.

Commissioner Tyacke asked if the site plan designated the trees that would be removed and if any of these were significant trees.

Ms. Haskamp stated the trees being removed are greater than the 6-inch caliper minimum to be considered significant trees. They would only remove those trees that were necessary for the project and there are a couple of trees on Lot 3 that may be saved based on the home developed on the property. They are proposing to remove those trees that are as healthy. These are identified on the chart and the landscape plan.

City Planner Gadow stated if the trees are damaged or unhealthy they would not be counted towards to total caliper inches being removed.

Commissioner Tyacke asked why the private road was connecting Byrondale Avenue to Cross Street. There are a number of ways to access this. Calling it a road has implications possibily affecting traffic even though it may be labeled as private. He asked why you could not access one or two lots from either direction and not have a road through here.

Ms. Haskamp stated this could be done. The developer felt the proposed private driveway would be a hybrid solution for the City's concerns on safety and emergency vehicle access. They would like to have this signed as a private driveway instead of a private roadway to reduce the number of people who would attempt to use this as a roadway.

Commissioner Tyacke stated Hennepin County will require a permit to build in the right-of-way. He asked if they had filed with Hennepin County to obtain a permit.

Ms. Haskamp stated they wanted to present the project to the City prior to applying to the County for any permits.

Commissioner Vanderheyden asked for comments regarding the 6-inches of fill being brought in and what the total fill calculations were for the project.

City Engineer Kelly stated there would be 6-inches of replacement top soil brought in as part of the restoration. This is required by the Minnehaha Creek Watershed District and would be brought in for the areas that are disturbed.

Commissioner Vanderheyden stated he lives on a private driveway/roadway and this is not built to a street standard. He asked if greater requirements for the proposed roadway have been considered to accommodate the potential for greater traffic.

City Engineer Kelly stated they would have the roadway constructed to the same standards because it would need to accommodate large trucks and public safety vehicles. The City's standard is 8-inches of class 5 and 3-inches of pavement.

Commissioner Vanderheyden asked if there were any concerns for snow storage and if snow plows could make the turn in this area.

City Engineer Kelly stated there would be snow storage in driveways and the City would use the smaller snow truck for snow removal. There would not be a need for a snow easement.

Commissioner Pearson asked what the street addresses would be for the proposed lots.

City Planner Gadow stated they would work out the addresses with Hennepin County if the plat moves forward.

Commissioner Iverson asked how traffic was calculated.

City Engineer Kelly stated the standard is about 10 trips per day for a single-family home.

Commissioner Tyacke stated the Hennepin County report recommends an access using a shared driveway to access Cross Street to the west of the property only. He asked if the implication of this would be the County does not want the private driveway connected to Byrondale.

City Engineer Kelly stated they are suggesting not adding additional traffic to Central Avenue and push it towards Wayzata Boulevard.

Chair Gonzalez stated historically the County encourages less curb cuts into the County roads.

Commissioner Gnos asked if the minimum square footage for the lot sizes had changed over time.

City Planner Gadow stated not in recent years.

Chair Gonzalez stated if the homes proposed were going to be walk out then there would be a large amount of grading and fill done on the lot and the City's Subdivision Ordinance is clear in the building pads have to be selected and located in respect to the natural topography to minimize the amount of fill and grading.

Ms. Haskamp stated it was her understanding that there would not be a large amount of fill needed in respect to the project. There are a couple of lots with significant grades and this would make a walk out easier to accommodate. They have taken care to plan where the building pads would be located on these lots to minimize the grading impact.

Chair Gonzalez asked if the concerns of the City Engineer listed on page 14 had been addressed.

City Engineer Kelly stated not all concerns have been addressed yet and they would not need to be determined until the final design and others would be determined as the roadway is discussed and decided on.

Chair Gonzalez asked what the advantage would be to have a public access easement over the proposed private drive.

City Engineer Kelly stated it would provide another access point to Central Avenue to or from the neighborhood.

Commissioner Ramy asked if this would be operated as an association and if this would save the City money for snow removal and maintenance.

Ms. Haskamp stated they would operate the neighborhood as an association.

City Engineer Kelly stated this would be something that would need to be determined with the applicant.

Ms. Haskamp stated the plat should be updated to show the dedication of the 10-foot easement on Wooddale Avenue.

Chair Gonzalez opened the public hearing at 7:51 p.m.

Mr. Jim Richter, 152 Benton Avenue, Wayzata, stated his concern is the private driveway. It connects two streets so people will use it as a regular roadway and this will create problems. If there is a road connecting Benton and Byrondale it should be a City street not a private driveway.

Mr. John Berryhill, 229 Byrondale, Wayzata, stated he had attended all of the Anchor Bank meetings and most residents are happy with the private road off Wooddale going east bound that support the three (3) single-family homes that were part of that development. He asked why this model could not be replicated with this particular project. He would like to see this as a Plan B and have two (2) private access points. He stated one of his neighbors, Nadine Storms, is also opposed to the extension of Byrondale and the proliferation of private roads.

Ms. Marilyn Richter, 152 Benton Avenue, Wayzata, asked if Wooddale would be 26-feet wide.

City Engineer Kelly stated it would be 20-feet wide with no curb and gutter.

Ms. Richter stated she would like to make sure that any construction vehicles for this project do not use Benton Avenue. She asked what the 10-foot by 12-foot building was in the corner of one of the lots.

City Planner Gadow explained this was not a building but an underground structure that would hold stormwater runoff.

Mr. Dick Shaver, 263 North Central, Wayzata, stated it is difficult for people to get up the hill after a snow storm and a visibility is difficult coming the other direction. If this road is opened up to additional traffic there will be several accidents.

Ms. Joann Birkolz, 40 Benton Avenue, Wayzata, stated one of the reasons the private driveway with the Anchor Bank project had been supported was to minimize the cut through traffic. This new proposal recreates the cut through issues. She asked the Planning Commission to consider having these homes go one way, either Byrondale or Cross but not cut through.

Chair Gonzalez closed the public hearing at 8:03 p.m.

Commissioner Vanderheyden asked what mitigation could be taken to keep people from traversing a private roadway.

City Engineer Kelly stated the City has used mitigation techniques in other neighborhoods including additional signage and speed bumps. Residents in these neighborhoods are happy with these mitigation steps.

City Planner Gadow stated from the Fire Department stand point they would prefer to see this as a through roadway.

City Engineer Kelly stated if the roadway did not go through then there would need to be some kind of turn around capabilities for emergency and public safety vehicles.

Commissioner Vanderheyden asked if the City had any neighborhoods with 20-foot streets that the City takes care of.

City Engineer Kelly stated the City did have areas including the Holdridge neighborhood with 20-foot streets that the City maintains.

Chair Gonzalez asked what the advantages and disadvantages were for a private road versus a public road.

City Engineer Kelly stated the way it is designed today would not meet the public road standards of concrete curb and gutter and 26-feet wide. In order to fit with the character of the neighborhood the applicant has designed a narrower roadway.

Chair Gonzalez asked who would maintain a private road.

City Engineer Kelly stated in this particular case it would depend on what was negotiated with the Developer and how the utilities are defined.

Chair Gonzalez stated if the Planning Commission were to recommend approval of the private roadway they would have to make sure that a condition of approval is that it is a road for public use because Wayzata does not want to be a gated community.

Commissioner Tyacke stated he did not see the advantage of designating the road as public as long as the easements for public utilities are reserved.

City Planner Gadow clarified in cases where the City has approved a private roadway that roadway must meet the Fire Code access requirements otherwise it would be constructed as a public street and it would be required to meet the City's standard and be 26-feet wide.

City Engineer Kelly stated any mitigation the City would like to have done could be done for either a public or private road.

City Planner Gadow clarified the City may not want to get into the habit of approving a platted public road that is not 26-feet wide. If the City wanted to have a narrower road that meets the private road access they could have a public easement in order to grant public access.

Commissioner Pearson suggested the Commission review the findings to determine if the requirements for a variance request and approval have been met.

Commissioner Iverson asked if this is the only layout for the building pads that have been reviewed. She stated it would be nice to have other options for the Planning Commission to consider for the pad layouts prior to moving forward.

Ms. Haskamp stated they reviewed several layouts and the proposed layout made the most sense for providing privacy for the lots and to pull the homes off Central Avenue.

Chair Gonzalez stated if the road were constructed to public road standards then the lots would need to meet the required public road frontage. According to the documents Lot 3 and Lot 4 would not meet this requirement.

City Planner Gadow stated they would still meet the requirement because they have frontage along Central Avenue, which is a public road. He stated the Planning Commission should determine if they concur with staff's interpretation and that a variance would be needed for this particular roadway or if it was a driveway then it would not need a variance.

Commissioner Iverson stated she would like to see private driveways as an option with only a couple of homes utilizing an access and not have the through roadway.

Commissioner Pearson stated since the proposed roadway is connecting two (2) streets that are not currently connected it would not be a driveway. He asked what the applicant saw as the highly unique conditions of the property that not allowing a private roadway would deprive them from reasonable use of the land.

Ms. Haskamp stated they feel this is a request for a private driveway and it would not need a variance. The roadway was a hybrid solution to meeting the Fire Code access requirements and still staying with the character of the neighborhood. The unique characteristics of this property is that the neighborhood was designed many years ago and travel needs have changed since then and how County roads are accessed has changed and this puts constraints on this property that

did not exist previously. This required them to look at alternatives for accessing the property and the County would not allow access on a County road.

Chair Gonzalez stated the Planning Commission would still need to determine an undue hardship in order to grant a variance, and the standard for this type of variance sets a high bar because the applicant would have to show an undue hardship. If the applicant were to build two homes on the existing properties then the County would not close the existing accesses.

Commissioner Ramy asked if the County wanted to close these access to limit the access to Central Avenue because the through road would actually increase the number of people accessing Central.

City Planner Gadow stated the County is looking to decrease the number of access points not the amount of traffic.

Commissioner Vanderheyden stated having only one or two entry points to five properties would make it difficult to service these properties effectively. The proposal is a good use of the land.

Chair Gonzalez agreed that the proposal is a good use of the land. She stated the park dedication indicates the applicant would pay a fee but the ordinance also states that land could be dedicated for public use. Adding five homes would create a need for green space. She asked if this had been discussed with the applicant.

City Planner Gadow stated the City typically recommends the park dedication fee over green space with smaller developments because there is not the space for public parks.

Chair Gonzalez asked if the Planning Commission felt this particular development would meet the City's Subdivision Ordinance.

Commissioner Iverson stated she would like to see the lot sizes and setback calculations if there were a standard 26-foot wide public road constructed.

Commissioner Vanderheyden clarified if they went with a public road then the land for that would not be used in the calculations for lot size.

City Planner Gadow stated the project may need to be reconfigured to accommodate a public road.

Commissioner Iverson recommended reviewing these calculations prior to making any recommendations.

Commissioner Tyacke stated he would recommend the Planning Commission consider the plat that is presented. He stated according to Section 805.14.e of the City Code most of the requirements are met. He stated the tree removal and replacement, the elevations, and the public versus private utilities would need to be reviewed in greater detail.

Commissioner Iverson stated it is an ethical question for the Planning Commission to review the private driveway versus a public street to ensure the applicant is not requesting a private driveway just to meet the lot size requirements for five (5) lots.

Commissioner Tyacke stated one of the conditions of approval should be that all significant trees removed be replaced with the required caliper inches of like trees.

Chair Gonzalez recommended if the plat is approved one of the conditions should be that every home that is build should come back to the Planning Commission for review.

City Planner Gadow stated the applicant is presenting the designs that would be available to a future buyer and if the home buyer wanted a different design then it would come back to the Planning Commission for review and approval.

Ms. Haskamp presented a materials board for the Planning Commission to review of all the materials that would be used in the construction of the home designs being presented. She clarified the material palate would be similar for all the homes but each home would be a different style. These homes would sell for $750,000 to $950,000.

City Planner Gadow stated these materials were similar to those used in other projects in the City.

Chair Gonzalez stated the flat roof of the Contemporary design did not seem to fit into the neighborhood.

Commissioner Tyacke stated he did not understand a home owners association for five (5) different homes.

Ms. Haskamp stated there are a couple of flat roof homes along Byrondale and this idea was used in the architectural style of this particular home. The home owners association is to ensure the common elements of the neighborhood are maintained and managed including how the hedge along Central Avenue is treated and maintained and potentially the private driveway. It is not like a townhome association where they would maintain yards.

Commissioner Iverson asked how high the proposed fence would be.

Ms. Haskamp explained the fence would be a 6-foot privacy fence and it is designed to work with the plans Hennepin County has long term for a trail along this section. The addition of the vegetation and staggering the wall will keep it from looking like a large wall.

Chair Gonzalez stated the city's Fence Ordinance would need to be reviewed because she does not believe a 6-foot fence is allowed.

City Planner Gadow stated this would be reviewed when the applicant applies for a fence permit. If a 6-foot fence is not permitted then a variance would be needed.

Commissioner Tyacke stated the Cottage design is consistent with previous project approved by the Commission.

Commissioner Iverson stated she did not think the modern style of the designs would be consistent with the neighborhood. She would like to see the designs more closely match the neighborhood and the cottage design switched up more so that it feels like a neighborhood that has been there for many years.

Commissioner Gnos asked if the fence would be more of an architectural effect or to provide privacy.

Ms. Haskamp stated it would be to create a privacy screen and to mitigate the noise from Central Avenue. There are spruce trees in the back that can be seen over the fence.

Commissioner Pearson stated the preliminary and final plat are fine and the private drive as it is set up is a good compromise for safety and cutting down on through traffic. The burden is on the applicant to provide the special circumstances or conditions for the property and without these he could not approve it at this time.

Commissioner Vanderheyden stated the private drive is an acceptable part of the design and he would recommend full public easement and public utilities and using mitigation to reduce cut through traffic.

Commissioner Tyacke stated it is a reasonable solution. He would like to see two access points but if that entails a turnaround then it would not be practical. He likes the access for safety and emergency vehicles. He would recommend planting some pines on the outside of the fence to increase the vegetation on the street side.

Commissioner Iverson stated she preferred not to see a pass through for traffic and she would like the developer to come back with a different layout for the property and she would like to see the calculations for the set backs if this would be a public road. She recommended the City do more work before making a recommendation.

Commissioner Ramy stated it is a good land use and a nice neighborhood design. From a practical stand point he would not see people cutting through this area and he would like to see a little more work from staff.

Commissioner Gnos stated the landscape could be looked at to reduce the look of the large wall along Central Avenue. The private drive does have pluses and minuses but it would be worth looking at other layout options. He stated he would support the through road for safety reasons but he would like to see if there is space for a turn around so there would not be a pass through.

City Engineer Kelly stated there would be different configuration that may not require a turn around.

Chair Gonzalez asked how long the driveway for Lot 4 would be.

City Planner Gadow stated the Fire Chief did not have any comments on the length of the 64-foot driveway.

Chair Gonzalez asked staff to review Lot 4 with the Fire Chief.

Commissioner Iverson moved to continue the discussions to the next available meeting with additional research to address the question of having two access points and if this would meet with fire codes and if the Fire Chief is comfortable with the length of the driveway for Lot 4, more investigation of private drive versus public drive and how this impacts the lot sizes and setbacks, and additional landscape options for the wall including height requirements.

After discussion by the Planning Commission, Commissioner Iverson withdrew her motion.

Commissioner Iverson made a motion, seconded by Commissioner Pearson to continue the discussions to the next available meeting and to direct staff and the applicant to review and address the questions and concerns brought up by the Planning Commission and additional information for the Planning Commission to develop findings of fact.

Commissioner Tyacke stated the application for this plat has been filed. He asked if they were asking for an amended application.

Chair Gonzalez stated many of the questions brought up by the City Engineer have not been answered and the Planning Commission is requesting additional information in order to make an informed decision to determine if they would recommend a private road or public road and if this would connect the two roads. The plat as presented is acceptable.

The motion was called to a vote. The motion carried 6-1 (Vanderheyden).

City Planner Gadow stated staff would work to have this item on the July 7, 2014 Planning Commission agenda.

AGENDA ITEM 4. Other Items.

a. Review of Development Activities

City Planner Gadow stated the other items on the upcoming Planning Commission meetings would be the Planned Unit Development amendment or the Boat Works Building for consideration for the microbrewery/taproom and a cursory review of the amendment to the ordinance. There is also an application for a CUP amendment for an outside sidewalk café at McCormick's Restaurant.

b. Other Items

Chair Gonzalez stated the last City Council meeting the Council discussed bus transit and improving bus service and dedicated lanes.

City Planner Gadow stated this was a study done by the Metropolitan Council for a number of corridors in the Metro Area. It was more a feasibility study not a yes this project will be done. There would be more studies in relation to this.

Chair Gonzalez stated the Council also discussed the docks along the coast and if they would be purchased or leased, the City's parking issues and possible solutions and the Yacht Club.

City Planner Gadow stated the docks are for temporary transient docks as part of a temporary measure as it pertains to the Lake Front Plan. The Community Sailing School was before the Council regarding their PUD that had been approved in 2012.

Commissioner Pearson stated he would attend the July 8, 2014 Heritage Preservation Board meeting.

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 9:24 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.