

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 17, 2014**

AGENDA ITEM 1. 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, Gnos, Ramy, Tyacke, and Iverson. City Planner Gadow and City Attorney David Schelzel were also present.

Chair Gonzalez stated the minutes to be reviewed are from November 3, 2014.

Commissioner Tyacke stated on page 1, line 17 there was a typo and line 42 the third word should be "sightings". On page 2, line 4, "residents" should be changed to "resident's", line 23 "Excel" should be "Xcel", and line 37 the fourth word should be "thought". On page 3, line 9 change to "bring forward", line 11 the word turbines is misspelled, and line 13 change "dependant" to "dependent".

Commissioner Pearson stated on page 3, lines 7-9 should be changed because what he meant to say was "the question of when turbines would not be something the City would face going forward."

Commissioner Pearson made a motion, Seconded by Commissioner Tyacke, to approve the November 3, 2014 minutes as amended. The motion carried 6-ayes; 1-abstain (Iverson)

AGENDA ITEM 2. REGULAR AGENDA PUBLIC HEARING ITEMS:

a. 165 and 213 Central Avenue North, and 1015 Cross Street – Property Resources Corporation

i. Concurrent Preliminary/Final Plat for a six (6) Lot Subdivision

ii. Concept/General Plan Planned Unit Development (PUD)

City Planner Gadow stated Crossdale Development LLC submitted an application for a concurrent preliminary and final plat subdivision and concept/general plan PUD for a six (6) lot subdivision. He reviewed the Staff reports including previous discussions regarding the project, the landscaping plan, the home designs and layouts, and the access to the property.

Commissioner Pearson clarified previous discussions had been about the access being private versus public. In order to have a private street access the Commission had to determine that the Applicant was being denied reasonable use of the property, but with the PUD process this would no longer be a necessary finding.

City Planner Gadow stated private roadways would be allowed in a PUD.

Commissioner Pearson asked who would be responsible for clearing the trail.

1
2 City Planner Gadow stated the road would have a drainage and utility easement and a public
3 access easement over that and the trail would be dedicated to the City so the City would own
4 that. Staff would work with Public Works for the best way to clear snow.

5
6 Ms. Jennifer Haskamp, 246 S. Albert Street, Suite 2A, St. Paul, stated the trail would be an
7 amenity to the whole community and they would be willing to work with the City to determine
8 the best way to ensure that it stays cleared.

9
10 Commissioner Ramy asked if the trail would be in lieu of a park dedication fee.

11
12 City Planner Gadow stated the dedication of the trail would meet the park dedication
13 requirements.

14
15 Commissioner Tyacke asked if the number of trees being planted would be sufficient to replace
16 the amount of trees being removed.

17
18 City Planner Gadow stated the Applicant is planting 34 trees and this would be sufficient to
19 replace what is being proposed to be removed.

20
21 Commissioner Iverson asked about the fence that went along Central Avenue.

22
23 Ms. Haskamp stated they would be proposing a 6-foot staggered fence that would integrate
24 vegetation and plantings on both sides so that there would not be a solid wall along this section.
25 A Home Owner's Association would be necessary as part of this proposal to ensure that this
26 edge is kept well-manicured and in good repair. There would also be an opening where the trail
27 would connect to the neighborhood.

28
29 Chair Gonzalez asked Staff to review the City's Fence Ordinance to be sure that a 6-foot fence
30 would be allowed on these properties since they are on a public street.

31
32 Commissioner Ramy asked if the City could specify the requirements that would be contained in
33 the covenants for the Home Owner's Association.

34
35 City Planner Gadow stated the City could not dictate the terms of the covenants but they can
36 offer guidance and suggestions.

37
38 Commissioner Iverson stated there are significant trees on the property that are not included on
39 the landscape plan. She stated she would want to see a true and accurate rendering of the
40 property with all the trees and the location of the home.

41
42 Ms. Haskamp stated the intent was to show everything on the site and to preserve as many trees
43 as possible along with bringing in new trees.

44
45 Commissioner Tyacke stated the PUD Ordinance has a section on roadways and it indicates a
46 roadway with a PUD must conform to the design standards of the Wayzata Subdivision

1 Ordinance unless otherwise approved by the Council. He asked if the proposed roadway
2 complies with the Subdivision Ordinance or if they were relying on the Council to approve the
3 roadway.

4
5 City Planner Gadow stated the roadway would meet the State Fire Code requirements, but would
6 need Council approval for the smaller roadway. The width is proposed to be approximately 26-
7 feet at the parking bump out area and 20-feet wide the remaining length. The design standard for
8 a public street is 26-feet wide.

9
10 Ms. Haskamp stated some of the problems with the original design had been the proposed road
11 connection so they decided to look at a cul-de-sac design. They were trying to find a design that
12 would work with the current surface water drainage and to keep the total amount of impervious
13 surface as low as possible. She explained there would also be 50-feet of dedicated area outside
14 of the roadway for snow storage.

15
16 Commissioner Ramy asked how many cars could park in the separate parking area.

17
18 Ms. Haskamp stated this would depend on the parking abilities of the individuals and the size of
19 the vehicles.

20
21 Chair Gonzalez stated the Commission had received an email from a resident to the west of Lot
22 6. They are concerned that the height of the homes on Lot 5 and Lot 6 would encroach on their
23 privacy. She asked if it would be possible to move the house pads closer to the proposed
24 roadway in order to leave more space between the homes.

25
26 Ms. Haskamp stated they could review the setbacks and they could also look at additional
27 screening in this area as well as adjusting the roof lines for the homes on these lots.

28
29 Chair Gonzalez stated there was a capped pipe located on Lot 1 (near the northern property line
30 and Byrondale). She would like to have this identified and steps identified to address this. She
31 asked how the construction equipment would access the site if it were approved.

32
33 Ms. Haskamp explained the construction equipment would access the property off Byrondale.

34
35 Commissioner Tyacke asked if there were any boundary disputes with Lot 1 and the house to the
36 north.

37
38 Ms. Haskamp explained they were currently working with the resident to determine the best
39 solution. The resident has a fence that has been built in Lot 1.

40
41 Chair Gonzalez stated grading and fill would affect the trees and she wanted to be sure that the
42 trees being preserved would survive. She asked how many trees would be removed.

43
44 Ms. Haskamp stated they would be removing 11 trees and preserving 15 others. There are also
45 several trees on the property that are diseased and would be removed. They are planning to
46 repopulate the property by planting an additional 34 trees.

1
2 Chair Gonzalez opened the public hearing at 7:44 p.m.
3

4 Ms. Joann Birkholz, 140 Benton Avenue, Wayzata, thanked the Commission and the Applicant
5 for working with the neighborhoods to address their concerns and she would support the current
6 proposal.
7

8 Chair Gonzalez closed the public hearing at 7:46 p.m.
9

10 Chair Gonzalez stated the Commission had received an email expressing concerns about having
11 only one access on Benton Avenue and the safety issues that the slope in the street creates. She
12 asked if the Council had considered this access.
13

14 City Planner Gadow explained the City Council had not looked at a second access to Benton
15 Avenue.
16

17 Commissioner Gnos stated the Applicant had listened to the neighbors and the Commission and
18 found a layout that would work. He stated he would like to see additional evergreen trees on Lot
19 5 and Lot 6 to screen these homes from existing homes.
20

21 Commissioner Ramy stated the density does fit the zoning but he does have concerns about the
22 non-standard roadway.
23

24 Commissioner Iverson stated she would want to review the landscape plan to ensure everything
25 was correctly surveyed. She expressed concerns about the appearance, scale, mass, proportion
26 and scale of the roof lines for the homes on Lot 5 and Lot 6. She does not feel they would be
27 proportionately fitting. She asked how the setbacks would be affected if the roadway was 26-
28 feet wide.
29

30 Ms. Haskamp stated if the roadway was required to be 26-feet wide then they would not propose
31 a cul-de-sac design but would move forward with a through street concept and the lots would
32 meet all the setback and hard surface area requirements.
33

34 Commissioner Tyacke stated these lots meet the Zoning requirements for size and the cul-de-sac
35 design would make this a nice neighborhood. The 20-foot wide roadway does match the
36 character of the Byrondale approach and the County did review the roadway access plan and
37 found no problems with the proposed traffic flow.
38

39 Commission Pearson stated he found this design to be a good solution for the City, the
40 Applicant, and the neighborhoods.
41

42 Commissioner Vanderheyden recommended the City review the language in the PUD Ordinance
43 and the Subdivision Ordinance in regards to allowable road width.
44

45 Chair Gonzalez stated the PUD should be used to preserve something in exchange for making
46 some exceptions and she does not believe this is the ideal property for a PUD. The proposed

1 development does not meet the affordable housing requirements of the Comprehensive Plan.
2 The Comp Plan states Tier 1 residential policy is to protect residential neighborhoods from
3 encroachment or intrusion by higher density. She stated the Fence Ordinance would need to be
4 reviewed as well to verify the height requirements for the fence along Central Avenue and she
5 expressed concerns about the construction traffic on Byrondale.

6
7 Commissioner Ramy asked if the City would be setting a precedent of using the PUD process to
8 avoid a variance.

9
10 City Attorney David Schelzel stated the PUD by definition was a device to be used by the City to
11 vary from strict standards in the zoning ordinances when there was a development that warranted
12 it. If the Commission feels strongly about the development then they can direct Staff to prepare
13 a draft report and recommendations which would outline the PUD standards and provide
14 findings for the Commission to consider approving at their next meeting.

15
16 Chair Gonzalez stated she would not be in support of this Application because of the impact to
17 the trees, the large amount of grading and filling, the impact of the construction equipment on
18 the neighborhoods and it does not meet the spirit of the City's Comp Plan.

19
20 Commissioner Tyacke made a motion, Seconded by Commissioner Pearson to direct Staff to
21 prepare a Planning Commission Report and Recommendation with the appropriate findings and
22 additional conditions to include a review of the Fence Ordinance, the addition of a snow storage
23 easement, include an accurate tree survey and modification to the homes and building pads for
24 Lot 5 and Lot 6 as discussed, reflecting a recommendation of approval on the Application for
25 review and adoption at the next Planning Commission meeting. The motion carried 5-ayes; 2-
26 Nays (Gonzalez and Iverson)

27
28 City Planner Gadow stated this would be back to the Planning Commission on December 1 and
29 presented to the City Council on December 2.

30
31 The Planning Commission recessed at 8:04 p.m.

32
33 The Planning Commission reconvened at 8:06 p.m.

34
35 **b. 151 Westwood Lane – White Birch Properties and Development Group**
36 **(Continued from September 15th meeting)**

37 **i. Concurrent Preliminary/Final Plat for a three (3) Lot Subdivision**

38 City Planner Gadow stated the Planning Commission had reviewed this Application in
39 September. After the conclusion of the public hearing the Commission had directed Staff to
40 work with the Applicant to provide additional information. He reviewed the Staff reports
41 including a letter from the State Archeologist, possible solutions for precluding future lots to the
42 north from using the new roadway and alternate street designs.

43
44 Commissioner Pearson asked if the one-lane design for the roadway preserved more trees than
45 the two-lane design.

46

1 Mr. Scott Roe, 5128 Bryant Avenue South, Minneapolis, stated there would be some spruce lost
2 along Westwood with the two-lane design but less than would be touched with this design. The
3 two-way option does address the concerns of the residents with homes that face the entrances.
4

5 Mr. Mark Gronberg, Gronberg and Associates, 445 Willow Drive North, Long Lake, stated the
6 initial concerns about the utilities had been the driving force behind the road design but these
7 issues have been resolved so there would be no concerns with moving forward with either
8 design.
9

10 Commissioner Tyacke asked if the hedge could be moved.
11

12 Mr. Roe stated he did not believe these could be transplanted effectively.
13

14 Commissioner Tyacke suggested adding trees where the hedge would be removed. He stated the
15 home on Lot 3 would be located right behind the home located at 159 Westwood. The
16 Commission had discussed additional berming and buffering along this area. He asked that this
17 be added to the drawings.
18

19 Chair Gonzalez asked how the City could limit other properties from access the proposed
20 roadway in future development.
21

22 City Planner Gadow explained the Applicant could dedicate the outlot to the City as public open
23 space and the City would then have ownership of this. Because of the importance of the trees the
24 City could also add a Conservation easement to this out lot.
25

26 Commissioner Vanderheyden stated the landowner to the north has expressed concerns about
27 being boxed out of access to the road and potential future development. He clarified the current
28 proposal meets all of the City's requirements including access within the property and that this
29 should also be the case of any future development to the north.
30

31 Chair Gonzalez opened the public hearing at 8:31 p.m.
32

33 Ms. Wendy Vanloy, 136 Birch Lane West, Wayzata, expressed concerns about the pride and
34 integrity of the neighborhood being impacted by the density of these homes. She asked the
35 Commission to look at the big picture and the impacts this development would have on the
36 surrounding neighborhoods.
37

38 Mr. Paul Norell, 186 Westwood Lane, Wayzata, stated the three (3) lots would not fit in the
39 neighborhood and would recommend the Commission consider allowing only two (2) lots to be
40 created.
41

42 Mr. Ken McAuliffe, 172 Westwood Lane, Wayzata, stated the roadway configuration would
43 shine more traffic lights into his neighbor's home. The trees the City is trying to preserve are not
44 healthy and would probably not be there long term and the project would be removing a large
45 portion of the hedge that should be preserved. The configuration of the proposed neighborhood
46 does not fit in with the surrounding area.

1
2 Ms. Jan Allen, 128 Westwood Lane, Wayzata, stated the scale of this neighborhood does not fit
3 in with the surrounding neighborhoods and she is concerned about the amount of pavement
4 being added as part of this development.

5
6 Ms. Winnie Willcox, 178 Westwood Lane, Wayzata, stated the scale of this neighborhood would
7 greatly impact the neighborhood and its character.

8
9 Chair Gonzalez closed the public hearing at 8:40 p.m.

10
11 Commissioner Tyacke stated there is a valid concern about the size and scope of the
12 development but the proposal does meet the R1 lot size requirements.

13
14 Commissioner Iverson stated this development would change the neighborhood. She would like
15 to see the City consider existing scale and pattern of surrounding neighborhoods when
16 considering a subdivision.

17
18 Commissioner Gnos stated the question was scale versus the Ordinance requirements and finding
19 a balance. He would support the roadway with the least amount of hardcover.

20
21 Chair Gonzalez stated the two-way road option should be a recommendation. She also suggested
22 that a condition that a certified archeologist be on site during the project.

23
24 City Planner Gadow stated the State Archeologist cannot require this but he would recommend
25 it.

26
27 Chair Gonzalez stated the Comp Plan is the guiding document for the City and this talks about
28 protecting residential neighborhoods from encroachment or intrusion by incompatible higher
29 densities and protecting existing neighborhood character while adopting to changing
30 demographics and a desire not to force additional densities upon established single-family
31 neighborhoods. People have the right to develop their property but it is not the role of the
32 Planning Commission to help developers to maximize their profit. This development is not
33 compatible with the neighborhood. There is a historical home on this property that should be
34 preserved if possible. Three (3) lots would be too many in this area.

35
36 Commissioner Vanderheyden stated the lot sizes meet the minimum requirements for this Zone
37 and they also meet or exceed the neighborhood lot median size. He asked what grounds the City
38 would have to deny this request when all of the requirements are being met and there are no
39 variance requests.

40
41 City Attorney Schelzel stated the criteria is spelled out in the Subdivision Ordinance and if the
42 Commission finds that all the criteria are met the Commission should vote to recommend
43 approval even if there are aspects of the development the Commission does not like.

44

1 Chair Gonzalez stated this criteria includes the health, safety, and welfare of the residents and if
2 people are going to be impacted by higher density, increased traffic, and clear-cutting of trees
3 then the development may not be in the best interest of the City.

4
5 City Planner Gadow pointed out that the City's Comp Plan specifically plans for this property to
6 be developed into 1-acre single-family lots and this is being accomplished by this proposal.

7
8 Commissioner Iverson asked if the Applicant would consider subdividing into two (2) lots rather
9 than three (3).

10
11 Mr. Roe stated all of the subdivision requirements are being met by the three (3) lot subdivision
12 and this is more economically feasible.

13
14 Commissioner Pearson stated all of the objective factors for this application have been met and
15 he would not be comfortable denying the project based on subjective determinations. He would
16 defer this decision to the City Council.

17
18 Commissioner Vanderheyden stated the proposal meets the letter of the law and does not need
19 any variances. This is a straight forward development and should be moved forward to the City
20 Council for review. If the Commission does not feel good about it then this would be an
21 Ordinance issue that should be looked into.

22
23 Chair Gonzalez reviewed the criteria under Section 805.14.E of the Subdivision Ordinance.
24 Chair Gonzalez stated that the proposal has to be consistent with the Comprehensive Plan, which
25 was previously discussed, but also building pads result in a subdivision or lot combination shall
26 preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees, vegetation,
27 scenic points, historical locations or similar comment assets. As proposed, the subdivision does
28 not meet those requirements. Chair Gonzalez stated existing trees shall be retained wherever
29 possible, and the building pads need to be integrated into the existing trees. It shall not impact
30 the scale, pattern, or character of the City, the neighborhood, or commercial area. Chair
31 Gonzalez stated the problem she has is the third lot that is so close to an existing home that it is
32 going to affect the quality of life for the particular property owner. In addition, the additional
33 traffic and headlights shining into a home across the street from the new access road justifies
34 asking the developer to take a second look at the proposal.

35
36 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to direct Staff
37 to prepare a Planning Commission Report and Recommendation with the appropriate findings
38 and additional conditions to include incorporation of the two way roadway alternative, a
39 conservation easement over the outlot, additional tree screening on Lot 3, and the applicant
40 follow the requirements of the State Archeologist, reflecting a recommendation of approval on
41 the Application for review and adoption at the next Planning Commission meeting. The motion
42 carried 4-ayes; 3-Nays (Tyacke, Gonzalez, Iverson)

43
44 **AGENDA ITEM 3. Other Items.**

45
46 **a. Review of Development Activities**

1
2 City Planner Gadow stated the December 1 Commission agenda would include the 253/259 Lake
3 Street concept PUD and building height variance project and the December 15 agenda would
4 include the PUD for 240 Minnetonka Avenue.

5
6 Commissioner Tyacke reviewed the Planning Commission items that had been discussed by the
7 City Council including the discussions regarding the telecom towers and the East Corridor
8 Landscape Plan.

9
10 **b. Other Items**

11
12 There were no other items.

13
14
15 **AGENDA ITEM 4. Adjournment.**

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

18
19 The meeting was adjourned at 9:10 p.m.

20
21 Respectfully submitted,

22
23 Tina Borg
24 *TimeSaver Off Site Secretarial, Inc.*