

**WAYZATA PLANNING COMMISSION
WORKSHOP MEETING MINUTES
JANUARY 7, 2013**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

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

Present at roll call were Commissioners: Cooper, Crowder, Gonzalez, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow was also present.

Acting Chair Gonzalez requested corrections to page 9, Line 12, to indicate: "~~into~~ from the site" and Page 13, Line 40, to indicate: "storm water into a rain garden."

Commissioner Crowder made a motion, seconded by Commissioner Iverson, to approve the December 17, 2012, meeting minutes as amended above. The motion passed 3/0/4 (Cooper, Pearson, Ramy Jr., and Vanderheyden).

The Planning Commissioners introduced themselves.

AGENDA ITEM 2. Workshop Items:

a. Discussion of Building Setback Study

City Planner Gadow stated the purpose of tonight's discussion is to update new Commissioners on this topic and receive feedback and direction in how to move forward. The Commission's next discussion will include a draft ordinance that can be fine-tuned for presentation at a public hearing.

City Planner Gadow explained the Planning Commission has been discussing moving from the current calculation method of front yard setbacks to a different methodology for all residential zoning districts. He noted that currently, each residential district has its own front yard setback distance that a residential structure has to be set back from the front property line. Depending on the district, the front yard setback ranges from 45 feet to 20 feet. City Planner Gadow reviewed that in 2000, due to a rash of new home construction on smaller sized R-3 lots in an older area of Wayzata, the Planning Commission and staff studied whether to adopt an average front yard setback. In R-3A, the minimum front yard setback is 20 feet but older homes were built with a 30- or 40-foot setback. City Planner Gadow noted there are also situations where someone buys land, tears down the house, and then builds a new residential structure to the new setback (20 feet). This results in a neighborhood with varying setbacks with older homes set farther back and newer homes set farther forward, disrupting the rhythm of elements and character aesthetics of the neighborhood. However, at that time, the City Council did not want to consider an average front yard setback. The Planning Commission raised this topic again in late fall of 2012 and the City Council indicated it is interested in receiving a recommendation from the Planning Commission.

1 City Planner Gadow stated the Planning Commission looked at zoning ordinance examples from
2 other municipalities that include an average front yard calculation. It was found there are many
3 and different ways to perform this calculation ranging from simplistic formulas that use only the
4 properties on either side to complicated mathematical formulas such as received from Arlington
5 Heights, Illinois. City Planner Gadow explained staff wanted to show the range of options
6 available and how it would impact Wayzata's neighborhoods practically speaking. He indicated
7 the Planning Commission had been looking at two different neighborhoods and could look at
8 more as the process continues.

9
10 City Planner Gadow referenced the staff report summation of the Commission's discussion,
11 noting it favored a model that was calculated utilizing the four most adjacent properties to
12 establish the average setback for a particular property. He noted that with older subdivisions, the
13 City might not have survey data so it is difficult to establish the average front yard setback for an
14 entire block. It is easier in neighborhoods that are laid out with a grid pattern. He explained the
15 advantage of using the four most adjacent properties is that it includes more properties into the
16 averaging calculation than only using properties within a certain distance (i.e., 50 feet) from the
17 subject property. City Planner Gadow noted that Austin, Texas, used this methodology and
18 examples are included in the meeting packet.

19
20 City Planner Gadow presented another option to use the six most adjacent properties and then
21 throw out the highest and lowest numbers to eliminate an outlier and skewed average. It was
22 noted the intent is to preserve and enhance character elements.

23
24 City Planner Gadow indicated the City has heard from residents that covered or uncovered front
25 porches provide an enhanced element. So, in order to not disincentivize front porches, they
26 could be eliminated from the calculation.

27
28 Commissioner Crowder asked what is an uncovered porch. City Planner Gadow stated it would
29 be an open area with a deck and guard railing but without a roof and different from a stoop.

30
31 Commissioner Vanderheyden asked how a stoop would be classified. City Planner Gadow
32 stated it would be entrance steps to a home with a roof structure.

33
34 Acting Chair Gonzalez asked whether a stoop could encroach into a setback. City Planner
35 Gadow stated that could be done if language is incorporated into the ordinance.

36
37 Acting Chair Gonzalez asked about allowing a porch with a roof but no sidewalls so it could not
38 become a living space. City Planner Gadow stated that can be defined if it is a concern.

39
40 Acting Chair Gonzalez asked the newly appointed Commissioners if they understood the reason
41 the Planning Commission was looking into the option of an averaged front yard setback. The
42 Commissioners answered in the affirmative.

43
44 Commissioner Cooper asked about the uncovered porch scenario and if that would be considered
45 a deck or patio deck as seen in the back yard. City Planner Gadow stated it would not be a brick

1 or stone patio deck as seen in a back yard but would be a structure that comes off the front of the
2 house, most often covered with a roof element or may be an unenclosed wraparound porch.

3
4 Commissioner Iverson stated there is such a porch at the grey house across from the beach so
5 there are a few houses with such a design.

6
7 City Planner Gadow stated this would be a wooden structure added to the front of the home with
8 seats or Acting Chairs.

9
10 Commissioner Iverson noted the Commission had not discussed porches that intrude into the
11 front yard, without a roof, but constructed of a hard material. City Planner Gadow explained that
12 typically when doing a rear yard patio, it is of stone with grass in between to allow water
13 infiltration. However, if constructing a front porch with a wooden structure, it would have to be
14 considered in the hard surface calculation.

15
16 Acting Chair Gonzalez requested feedback on which methodologies the Planning Commission is
17 most interested in further exploring.

18
19 City Planner Gadow indicated the City has never adopted another City's code "wholesale" but
20 pieces of the examples provided could be combined into an ordinance for Wayzata.

21
22 Commissioner Vanderheyden stated he liked the plus or minus 10% variability provided in the
23 Raleigh, North Carolina, code example. The logic being if you have a home already designed
24 and are able to move it plus or minus 10%, it may help to not have windows directly adjacent to
25 neighbor's windows. He noted plus or minus 10% is nominal in terms of feet but may be
26 meaningful when applied. Commissioner Vanderheyden stated support for the option using the
27 four closest adjacent properties but suggested to also tie in a maximum footage consideration.
28 He stated as he drove through neighborhoods with large lots, he noticed using the four adjacent
29 properties still results in a long distance from a house so an idea would be to include a maximum
30 footage, such as not to exceed 200 feet from the subject property line. On the outliers, if the
31 methodology includes the six most adjacent properties and throws out the high and low options,
32 it may be reasonable to have a maximum footage where the house position is more than two
33 times the existing setback.

34
35 Commissioner Crowder asked how this would impact R-1 or R-1A lots that are larger. He
36 questioned whether the Planning Commission is trying to develop an average front yard setback
37 concept that applies to all districts. City Planner Gadow stated that is the intent.

38
39 Commissioner Vanderheyden stated if the Planning Commission is considering the rhythm of
40 elements down a one-quarter mile stretch of roadway, he would ask whether the rhythm of
41 elements is more critical than the staggering or non-staggering of the homes. In addition, the
42 data points are so much farther apart, he wondered whether the City would want to assert a
43 standard by them.

44
45 Commissioner Crowder stated in his neighborhood, a home was built that the Planning
46 Commission did not have the opportunity to consider. That home was built at a 45-degree angle,

1 which satisfied the setbacks, but is much closer to the road than the other houses that directly
2 face the street. He felt that limiting it to 200 feet might result in too many exceptions.

3
4 Commissioner Vanderheyden concurred and stated it may need to be 400 feet; he was just trying
5 to find a reasonable standard.

6
7 Commissioner Iverson asked if it will constrain because the intent is to retain the character and if
8 including exceptions, it may result in “diving a little deeper” than the Planning Commission
9 intends. She preferred to keep the methodology as simple as possible.

10
11 Commissioner Vanderheyden referenced the Ferndale neighborhood, noting if you are four
12 homes away, you will not see the homes together based on the curvature of the road. He asked
13 what type of problem the Planning Commission is trying to solve.

14
15 Commissioner Iverson stated the issue is with smaller postage sized lots and wanting to construct
16 a monster home. The Planning Commission wanted thoughtfulness in what that type of situation
17 does to the character of the neighborhood.

18
19 Commissioner Vanderheyden noted on Benton there are two homes in a row that reveal this
20 concern.

21
22 Commissioner Crowder pointed out that variances are now easier to grant than three years ago so
23 if six homes are considered and the high and low are thrown out, it can be justified to make an
24 exception under the current law.

25
26 City Planner Gadow stated to that point, the 2008 variance law required an undue hardship on
27 the land that prevented an owner from putting something on the property. That standard has
28 been changed in State Law to a practical difficulties test, which is more flexible and subjective
29 and allows the City more leeway to approve or not approve.

30
31 Acting Chair Gonzalez stated if the City is granting a lot of variances, then the ordinance needs
32 to be rewritten. Otherwise, she would ask why have the regulation. She asked if it makes sense
33 to start by addressing the R-3 District.

34
35 City Planner Gadow indicated that is an option, noting R-3 neighborhoods were the impetus of
36 this consideration so it would make sense to consider that district sooner since it contains more
37 rhythm of elements issues. However, having different standards for different zoning district may
38 be a concern.

39
40 Acting Chair Gonzalez noted different zoning districts have different lot sizes and setbacks so R-
41 3 may be a good place to start. City Planner Gadow pointed out there are also different setbacks
42 from the lakeside so then the front yard setback is not as important. The concern is with
43 properties without lakeshore and located in the heart of Wayzata. He agreed it is an option to
44 first roll out the R-3 District, see if there are issues, and if not it can be rolled out for the other
45 residential districts.

46

1 Acting Chair Gonzalez asked the Planning Commissioners how they feel about this option.

2
3 Commissioner Pearson stated he finds this to be an almost impossible issue to deal with because
4 down Broadway, homes are closely set but in other neighborhoods, you cannot see the
5 neighboring house. He felt it would be almost impossible to draft a rule that could be universally
6 applied.

7
8 Commissioner Iverson stated she would like feedback from the neighborhoods and community
9 before making this decision.

10
11 Commissioner Vanderheyden noted even in the R-3 District, other than Benton, there are not too
12 many blocks with perfectly clear lot layouts. Acting Chair Gonzalez noted the area north of
13 Wayzata Boulevard is clearly laid out. Commissioner Vanderheyden agreed it is better but if
14 four streets lock in a block, based on his observations, houses face outward on all four sides with
15 no distinct pattern from block to block. He found Benton and Broadway were clear visuals of
16 the problem but it becomes less clear in other areas.

17
18 Acting Chair Gonzalez asked whether the Planning Commission was interested in trying to forge
19 an ordinance amendment to address average front yard setbacks.

20
21 Commissioner Iverson stated she did not want to give up.

22
23 Commissioner Vanderheyden felt for those who live on a 20-foot setback, there is great
24 sensitivity to this issue and the City should listen to the community. He stated it is a valid issue,
25 noting outliers have occurred and as a Commissioner, he would like to preclude them from
26 occurring in the future.

27
28 Commissioner Cooper noted the greatest concern is with the R-3 District and older areas so big
29 homes are not constructed on small lots. She suggested just looking at the R-3 District.

30
31 Commissioner Pearson stated he would also agree, noting he cannot see his neighbor's house
32 because of the trees and driveway configuration so determining his setback based on his
33 neighbor's setback would "put his house on 394." Commissioner Pearson stated neighborhoods
34 are different, as is the core of Wayzata compared to the outside areas. He wondered how to draft
35 a rule that would apply to both situations.

36
37 Acting Chair Gonzalez supported starting with the R-3 District.

38
39 Commissioner Crowder stated when you consider the rhythm of the neighborhood, whether in R-
40 1 or R-3, people constructing a house seem to not care about a front, side, or rear yard but want
41 the largest house possible even if it sits close to the street. He noted most homes are set back 30
42 feet or more so a new house at 20 feet may not be supported by the neighborhood.
43 Commissioner Crowder supported applying a front yard setback to all residential neighborhoods
44 with a simple methodology and then if an application comes forward that does not make sense, a
45 variance can be considered.

1 Acting Chair Gonzalez asked whether he would support a methodology that used the six most
2 adjacent properties with the extremes thrown out to establish the average setback, or the
3 methodology using the four most adjacent properties. Commissioner Crowder stated he could
4 support either of those two methodologies.

5
6 Commissioner Vanderheyden stated his concern with using more is if they would have to pay to
7 survey the six lots.

8
9 Commissioner Cooper asked about doing something different for R-3 than R-1.

10
11 Commissioner Iverson stated she would not support that.

12
13 Acting Chair Gonzalez stated if doing an average, the rule can be applied throughout the City
14 because it would address the neighborhood rather than a fixed mandated number of feet. She
15 noted one consideration is that sometimes the placement of the building depends on the
16 topography, wetlands, mature trees, and asked if there is a way to accommodate those needs
17 within the ordinance. City Planner Gadow answered there is not because writing in exceptions
18 makes the ordinance difficult to enforce. He noted the variance option is the cleanest process.

19
20 Commissioner Iverson felt some of the responsibility needed to be placed on builders on the
21 front end to assure the home is designed to fit the lot and neighborhood prior to presentation to
22 the City. City Planner Gadow stated if the methodology includes the four closest adjacent
23 properties and the City did not have that data, it would have to require surveys prior to
24 submission of the preliminary survey and building permit application. The applicant would have
25 to pay for surveying those four properties if the City did not have that data on file.

26
27 Commissioner Pearson asked about the Lecy project off Bushaway Road that is being subdivided
28 and how setbacks would be calculated since it is estate property at a great distance from the road.
29 City Planner Gadow stated the Lecy project is a PUD, which establishes setbacks for that
30 subdivision as well as location of building pads. He explained the average front yard setback
31 methodology would not apply to PUDs. In addition, the City no longer has large land areas
32 available for subdivision.

33
34 Commissioner Pearson asked why a PUD was used. City Planner Gadow explained that for
35 large properties, there are compelling reasons to use a PUD to save tree stands, allow
36 construction of more narrow private roads, and preserve other features.

37
38 Commissioner Pearson stated he does not understand what made the Lecy development different
39 from the properties on either side. City Planner Gadow advised the existing stand of old trees
40 and roadway into the project made it different.

41
42 Commissioner Pearson noted with Locust Hills there were no homes so those Codes were
43 established at the beginning, resulting in creating a character for that new neighborhood.

44

1 Acting Chair Gonzalez indicated the Lecy property could have been subdivided to meet the R-1
2 requirements with large buildings constructed on larger lots but the developer wanted to
3 construct more houses so they went with a PUD and the City agreed.

4
5 Commissioner Pearson stated if Lecy they could have been subdivided based on existing
6 ordinances, he would ask how the City would develop appropriate setbacks given the properties
7 on either side have great setback distances. City Planner Gadow explained that with a new
8 subdivision such as that, there would be a minimum setback along with an average setback.
9 With the Lecy property, there were no properties to average it against so a minimum setback was
10 set. That project will have its own average setback to establish the rhythm of elements within
11 that subdivision.

12
13 Acting Chair Gonzalez asked whether the Planning Commission should request a joint Council
14 workshop to receive more guidance before going too far in writing an ordinance amendment.

15
16 Commissioner Crowder stated he thinks the public hearing should be held first.

17
18 City Planner Gadow noted the City will need draft language to present at the public hearing so
19 residents have something with which to react.

20
21 Commissioner Iverson suggested presenting two scenarios (four lot and six lot methodologies) at
22 the public hearing.

23
24 Acting Chair Gonzalez suggested the City also request feedback if the public sees a need to
25 establish an average front yard setback.

26
27 Commissioner Crowder asked if the Planning Commission would then determine, after the
28 public hearing, which methodology to use and ask the City Council whether there should be a
29 workshop.

30
31 Commissioner Vanderheyden asked if the Planning Commission would create a draft that would
32 be published to the public against which it would have a hearing.

33
34 Commissioner Crowder suggested presenting the two methodologies, accepting public input, and
35 then drafting an ordinance amendment. He indicated he would hate for staff to spend a lot of
36 time drafting an amendment and then have the public not support it. Commissioner Crowder
37 suggested staff draft the language after the public hearing for Planning Commission
38 consideration.

39
40 Commissioner Iverson asked if another public hearing would be scheduled if only five residents
41 show up.

42
43 Commissioner Vanderheyden stated you also need to consider where you get the samples from
44 and if someone has “a burr in their hide” about this, they will attend.

45

1 Commissioner Crowder stated that is a good observation because some of the same people attend
2 all public hearings.

3
4 Commissioner Pearson stated people get interested in attending when their “ox is being gored.”
5 If a theoretical issue of City policy, he felt no one would attend and the Planning Commission
6 would just be going through the exercise. He stated there is no sense to scheduling a public
7 hearing just to do so and have no one show up.

8
9 Acting Chair Gonzalez stated a good example is when the City considered a height ordinance for
10 the R-3 area and many residents showed up for the Council meeting.

11
12 Commissioner Iverson stated she brought it up because multiple public meetings may be needed.
13 She stated she wants to be conscious of the quantity and demographics of people attending to
14 assure the right decision is made. In addition, the public has to be heard so it is represented.

15
16 City Planner Gadow asked whether the public hearing notice would be to the entire community
17 or by zoning district. He advised that a standard mailed notice to all residents is time consuming
18 and costly since it would involve more than 2,000 mailed notices.

19
20 Commissioner Crowder noted if public hearings are held by neighborhood, it would involve a lot
21 of meetings.

22
23 Commissioner Iverson suggested holding a public hearing and if the numbers are not there in
24 attendance, the Planning Commission can talk about it.

25
26 Commissioner Vanderheyden asked about the Council’s perspective. City Planner Gadow stated
27 in early November the Council had indicated support of the Planning Commission’s study of
28 average front yard setbacks.

29
30 City Planner Gadow stated he will consider how to best undertake this type of public hearing
31 outreach and options for notification beyond mailed notice.

32
33 Acting Chair Gonzalez suggested an invitation on the front page of *The Portal*, which all
34 residents receive.

35
36 Commissioner Crowder asked if the City would contemplate minimum setback language if going
37 with an average front yard setback for all the zoning districts. City Planner Gadow stated the
38 City would have the options fleshed out so each can be on a screen at the public hearing or
39 included in *The Portal* so residents know what is being considered and have something on which
40 to provide commentary.

41
42 Commissioner Crowder asked whether the current minimum setbacks should be revisited to
43 determine if any should be changed to be more or less restrictive. He stated he thinks the
44 minimum setbacks should be larger than currently exist because when they were established,
45 people were not building to the setback. Now there is a tendency to build to the setback no
46 matter the size of the lot.

1
2 Acting Chair Gonzalez reviewed the setbacks: R-1 is 45 feet, R-2A is 30 feet, R-3A is 20 feet,
3 and R-3 is 20 feet.
4

5 City Planner Gadow summarized the Planning Commission's discussion that it would like more
6 community discussion and to refine the two or three options under consideration. The
7 methodologies are to use the four closest adjacent properties or the six closet adjacent properties
8 and throwing out the two outliers. Another option is the suggestion by Commissioner
9 Vanderheyden to have some "wiggle room" with a plus or minus factor to allow more flexibility
10 and eliminate a rash of variances. He explained that a variance, not a conditional use permit, is
11 the proper consideration since this relates to varying from a performance standard.
12

13 Commissioner Vanderheyden noted the Raleigh, North Carolina, standard to which he referred
14 included a plus or minus 10% variation, a relatively small number of feet.
15

16 **AGENDA ITEM 3. Other Items**

17

18 **a. Review of Development Activities**

19 City Planner Gadow invited the Commissioners to attend the January 8 Wayzata Bay Center
20 Plaza Block Workshop; the January 15 Wayzata Lakefront Effect Open House; the January 17
21 Bay Center Park Charette; and, the January 22 City Council Workshop on the draft
22 Telecommunications Ordinance.
23

24 City Planner Gadow stated he will invite the City Attorney to a future meeting to provide an
25 update on changes in land use law, planning, and zoning.
26

27 City Planner Gadow advised of upcoming planning educational opportunities and indicated that
28 due to the Martin Luther King holiday, the next Planning Commission meeting will be January
29 28.
30

31 **b. Other Items**

32 City Manager Nelson welcomed newly appointed and returning Planning Commissioners and
33 thanked each for their service to Wayzata. She also invited them to attend the January 15
34 Lakefront Effect Open House.
35

36 At the request of Acting Chair Gonzalez, City Planner Gadow reported on actions undertaken at
37 the December 18, 2012, City Council meeting.
38

39 **AGENDA ITEM 4. Adjournment.**

40

41 There being no further business, Commissioner Pearson made a motion, seconded by
42 Commissioner Ramy Jr., to adjourn the meeting. The motion passed unanimously.
43

44 The meeting was adjourned at 8:09 p.m.
45

46 Respectfully submitted,

1
2
3 Carla Wirth
4 Recording Secretary
5 *TimeSaver Off Site Secretarial, Inc.*