

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JULY 1, 2013**

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: Cooper, Crowder, Gonzalez, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: Commissioner Iverson. City Planner Gadow, City Engineer Kelly, and Mayor Ken Willcox were also present.

Commissioner Pearson made a motion, seconded by Commissioner Vanderheyden, to approve the June 17, 2013, meeting minutes as presented. The motion passed 6/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item:

a. 392 & 410 Ferndale Road South – Indian Mound LLC (continued from June 3, 2013)

- i. Conditional Use Permit for Carriage House**
- ii. Conditional Use Permit for Structural Element Height**
- iii. Conditional Use Permit for Building Height**
- iv. Concurrent Preliminary / Final Lot Combination**

It was noted the application under consideration was submitted by Donald MacMillan and Indian Mound LLC, 392 and 410 Ferndale Road South, for a Conditional Use Permit (CUP) to build a new residence and carriage house, a CUP for a gabled roof peak above 40 feet, a CUP for chimneys above the 40-foot height limit in the R-1A District, and a lot combination subdivision to combine Lots 3 and 4 into one lot.

City Planner Gadow stated this application was reviewed by the Planning Commission on June 3 and a formal public hearing was held with some public comment and presentation by the project architect. The Planning Commission asked staff to work with the applicant's architect to receive additional information for review prior to developing findings of fact. City Planner Gadow stated staff has been working with the applicant's team members to obtain that additional information and a third party review of the grading plan. He described additional documentation provided to the Planning Commission and stated notice was mailed to property owners.

City Planner Gadow stated this data is available for consideration tonight. He indicated the Planning Commission could ask for additional information, make a recommendation for City Council consideration, or direct staff to prepare a Planning Report and Recommendation with appropriate findings for review and adoption at the next Planning Commission meeting.

The Planning Commission thanked staff for providing a thorough report that answered Commissioner's questions voice at the previous meeting.

1 Chair Gonzalez asked the Planning Commission to first address the lot combination.

2
3 Commissioner Pearson stated he made a site visit, which was helpful, and his questions were
4 answered at that time.

5
6 Commissioner Cooper referenced Page 2, Item 5, Minnesota Pollution Control Agency (MPCA)
7 comments, indicating that no slopes greater than 3:1 can be longer than 75 feet without being
8 broken up.

9
10 Kevin Gardner, Pierce Pini & Associates, Inc., Consulting Civil Engineers representing the
11 applicant, stated the proposed slopes are 5:1, which would be flatter than being referenced.

12
13 Commissioner Cooper asked how the slope would be broken up. Mr. Gardner stated if it was a
14 steep slope of 3:1, they would break it off with a flat bench before continuing the slope.

15
16 City Planner Gadow stated the applicant's team received the MPCA comments. Mr. Gardner
17 stated a revised Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan have
18 been submitted that take those comments into account.

19
20 Commissioner Crowder asked whether most of the excavation will be on Lot 4. City Planner
21 Gadow stated that is correct and estimated it would contain more than 90% of the excavation.
22 Commissioner Crowder stated it had been pointed out that the only way it comes close to the
23 two-foot standard is by combining the lots. If the lot combination is not granted, it would result
24 in removing four feet from one lot. City Planner Gadow confirmed the lot combination is
25 required to get down to the two-foot threshold.

26
27 Commissioner Vanderheyden stated his concern was that it appeared the entire house would be
28 within one lot, resulting in the opportunity to subdivide the lots in the future. At the last
29 meeting, a question had been posed about the opportunity to limit that (subdivision) from
30 occurring. City Planner Gadow stated it was discussed whether there could be a deed restriction
31 on the lot combination so it was clear that the properties had to remain as one lot to do this
32 amount of grading. City Planner Gadow stated an accessory structure (carriage house) cannot be
33 constructed on a lot that does not have a principle structure. That is another reason the lot
34 combination is required.

35
36 Commissioner Vanderheyden asked if a future property owner could remove another two feet
37 should the lots be subdivided in the future. City Planner Gadow stated if one of the lots is sold
38 and a new property owner wants to do further grading, it would require City Council action and
39 there would be a look back at whether there had been previous grading.

40
41 City Planner Gadow stated if the Planning Commission makes recommendations for findings,
42 staff will obtain a legal opinion on the ability to place a deed restriction.

43
44 Chair Gonzalez asked Jason Wedel, Engineer with WSB & Associates, whether his concerns
45 were addressed relating to the soil borings.

46

1 Mr. Wedel stated he has not seen the information on additional soil borings. City Planner
2 Gadow stated there had not been additional soil borings.

3
4 Chair Gonzalez stated Mr. Wedel had expressed concerns about the impact of this level of
5 grading.

6
7 Mr. Wedel stated the soil borings provided were in the location of the house at the top of the lot
8 and not the area closer to the shore where it would be excavated. Because of that, he could not
9 provide comment on the slope impact.

10
11 Commissioner Vanderheyden stated three borings, from west to east, were conducted and the
12 findings for each were almost identical. Mr. Wedel stated they were consistent and in the last 50
13 feet there may not be much change in boring findings.

14
15 City Engineer Kelly stated grading on lots to the east had revealed similar soil materials.

16
17 Chair Gonzalez asked if there had been impacts to the lake from recent storms. City Engineer
18 Kelly stated staff is not aware of erosion control impacts and since the adjacent site is still under
19 construction, City inspectors have viewed the property and found no problem. He stated there
20 was a combination of fill and cut on the other lot for the retaining walls and those borings found
21 the same material.

22
23 City Planner Gadow stated that amount of grading was well below the threshold to require City
24 Council approval.

25
26 Commissioner Crowder asked if that lot had a lower bluff. City Planner Gadow stated it may
27 have been a smaller bluff but it was steeper.

28
29 Commissioner Crowder stated the Comprehensive Plan addresses the importance of natural
30 resources (bluff) and the City's unique character. He asked how the bluff can be altered
31 permanently and not be considered by anybody but staff. Commissioner Crowder stated the
32 bluff is an important natural characteristic of Wayzata so he would ask why it was not
33 considered by the Planning Commission and City Council. He stated he respects City staff but
34 the Planning Commission also has a role in making these decisions, such as when a bluff is
35 destroyed.

36
37 City Planner Gadow stated the Comprehensive Plan does not prohibit modifications to the bluff
38 but in cases where the alteration is on 13% or greater slope, certain types of tasks and permits are
39 required.

40
41 Commissioner Crowder stated the values set forth in the Comprehensive Plan permeate through
42 the ordinances and should also permeate through the decisions made. He felt it was a subjective
43 consideration and should have worked its way through the Planning Commission and City
44 Council.

45

1 Commissioner Vanderheyden asked who is the Erosion Control Supervisor and what is that role.
2 City Engineer Kelly stated it will be someone from the contractor's team who will be daily
3 responsible for erosion control supervision of the site. If there is an issue noted by the City's
4 inspectors, staff will contact the Erosion Control Supervisor for remedy.

5
6 Chair Gonzalez reopened the public hearing at 7:22 p.m.

7
8 There being no comment, Chair Gonzalez closed the public hearing at 7:22 p.m.

9
10 Chair Gonzalez asked for comment on the lot combination given the massive regrading being
11 proposed and recommended conditions.

12
13 Commissioner Crowder stated he is concerned that the only way the applicant can meet the
14 criteria on excavation is receiving approval of a lot combination. In addition, since a lot
15 combination cannot be made permanent, there could be substantial soil removal from the other
16 lot as well. Commissioner Crowder referenced the following: Section 805.14.e., A.4., indicating
17 "Relate development/redevelopment to the natural characteristics of the land to enhance the
18 development through the preservation of attractive natural amenities (i.e., lakes, wetlands,
19 creeks, wooded areas, slopes, etc.) (Comprehensive Plan); and, Section 805.14.e.B. "Criteria for
20 Approval. Under Section 805.14e of the Subdivision ordinance, the Planning Commission must
21 consider the possible adverse effects of a preliminary plat and report its findings and
22 recommendation to the City Council. Its judgment must be based upon, but not limited to the
23 following factors: 1. The proposed subdivision or lot combination shall be consistent with the
24 Wayzata Comprehensive Plan."

25
26 Commissioner Crowder read the second paragraph of the Comprehensive Plan introduction
27 indicating: "Often described as the "Gem by the Lake" and its unique character is intimately
28 connected to the wealth of natural and scenic resources that exist within the community. These
29 resources serve an important role in enhancing the high quality of life enjoyed by residents,
30 while also performing vital ecological roles. As part of the community's commitment to sound
31 land use development decisions, the need for additional infill growth and development must be
32 balanced against preserving and enhancing the natural and community amenities that create
33 Wayzata's 'sense of place.'" He also referenced the following objectives as contained in the
34 Comprehensive Plan: Objective 1 Promote sound land use development decisions which protect
35 and enhance Lake Minnetonka and other wetlands as a significant natural resource to the
36 community's vitality and 'sense of place;" Objective 3 Utilize and support sustainable
37 development practices for public and private developments within the City; Objective 4 Promote
38 sound land use decisions which protect and preserve native ecological systems and wildlife
39 habitats within Wayzata; and, Objective 6 Protect important topographical features and views
40 within the community."

41
42 Commissioner Crowder stated allowing this excavation and destroying this bluff forever does
43 not satisfy the goals or the ordinance nor Comprehensive Plan introduction. He stated a beauty
44 of Wayzata is the natural bluffs and this project will do away with them.

45

1 Commissioner Crowder referenced in Section 804.14.e., B. Criteria for Approval, indicating: “2.
2 Building pads that result from a subdivision or lot combination shall preserve sensitive areas
3 such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical
4 locations, or similar community assets.” and “3. Building pads that result from subdivision or lot
5 combination shall be selected and located with respect to natural topography to minimize filing
6 or grading.” Commissioner Crowder stated destruction of the bluff is not consistent with this
7 criterion and while the City can approve it and it can be done, the question is should we do it.
8 He stated as stewards of the land, it should not be approved.
9

10 Commissioner Ramy stated he is familiar with Mn/DOT specs and asked about reference in the
11 SWPPP, Page 9, relating to a compost erosion blanket installed per Mn/DOT specs. He stated he
12 is not familiar with that term. Mr. Gardner stated there are two kinds of erosion mats and they
13 specified the coconut fibered blanket so it will be left on site and disintegrate over time.
14

15 Commissioner Ramy agreed that this level of grading is feasible and he does not have as strong
16 of feelings as expressed by Commissioner Crowder about the bluff but he did agree that the
17 Planning Commission needs to be stewards of the City’s natural resources. He stated he is
18 looking for a happy medium between that and private development.
19

20 Commissioner Cooper stated she agrees with Commissioner Crowder’s comments and found that
21 the bluff does not look the same now as it did previously. She stated the site is historic, has an
22 Indian burial mound, and is significant. Commissioner Cooper stated if grading continues, the
23 lakeshore will not look the same as it did 20 years ago. She stated support for preserving the
24 beach, noting there is a six acre lot available on Ferndale that would have required no grading.
25

26 Commissioner Pearson stated he was somewhat ambivalent when he came to the meeting but
27 gives the benefit of the doubt to not destroying something that cannot be restored. He stated he
28 would like to see more compelling evidence that this is an appropriate action to consider.
29 Commissioner Pearson stated he has some of the same sentiments, if not the specific comments.
30

31 Commissioner Vanderheyden stated as he walked through the site, he put himself in the position
32 of the owner in what is reasonable to maintain with the site and bluff, as much as possible, and
33 still get access to the lake. He felt after the walkthrough and reviewing the revised plans that the
34 property owner had done a decent job of that. As the owner, he would feel it is a reasonable
35 request, is within the ordinance, and it would be a tough position of the City to stand in the way,
36 so he would support it.
37

38 Chair Gonzalez asked about a tree inventory. City Planner Gadow stated it was included in the
39 landscape plan submitted with the original packet. Chair Gonzalez stated it identified some of
40 the trees to be removed but it did not equal the number of trees or species being replaced. She
41 stated this is a massive reshaping of the land and removing that number of trees will require
42 replacement of many more trees to receive the same benefit of the larger trees being removed
43 that affix the soil and filter water. Chair Gonzalez stated she is concerned with erosion control
44 and storm water going to adjacent properties, noting the Planning Commission has been assured
45 in the past that it will not occur but there have been similar problems in the past.
46

1 Commissioner Pearson stated the lot to the west is definitely lower and during the walkthrough
2 he asked if it had been graded or was natural. He asked whether the City had previously allowed
3 that lot owner to clear it out.

4
5 Charlie Witzke, TEA₂ Architects Project Manager, stated he does not know the past history of
6 the lot to the west.

7
8 City Planner Gadow stated the lot to the south with the existing home was probably graded some
9 time in the 1970s during a substantial remodeling project but he does not have the history of the
10 slope being modified.

11
12 Commissioner Cooper asked whether that lot had been modified, noting the lot adjacent to the
13 lot under discussion also has a natural slope so she does not think it had been modified.

14
15 Chair Gonzalez stated once you remove the top soil and replace with clay, the stormwater will
16 go to the west and also into the Lake.

17
18 Commissioner Vanderheyden stated both of those lots are being redeveloped and discussions are
19 underway with the property owner to the south about how to minimize cut and fill activities.

20
21 Dan Nepp, TEA₂ Architects Principal, representing the applicant, stated he has been in
22 conversations with the developer of the lot to the south who indicated they will take any fill that
23 is available from this site.

24
25 Mr. Witzke stated they are developing one-half of the property for the house and the other one-
26 half of the property for the carriage house. If one lot, there may be additional tree removal. In
27 addition, the plan shows the tree removal and the number of trees within the bluff, noting they
28 will be replacing double the amount to be impacted in the bluff area. He stated the soil will not
29 be replaced with clay and top soil will be placed to provide infiltration.

30
31 Chair Gonzalez stated they were told during the walkthrough that clay would be placed in the
32 area of the house for the foundation and walkout area. Mr. Witzke stated the house would be
33 placed on native soil and they would never use clay for the house or walkout foundations
34 because clay moves too much. In addition, they do not bring in clay as top soil. The existing top
35 soil will be scraped, saved, and then replaced because six inches to one foot of black dirt will be
36 needed to maintain plants.

37
38 Chair Gonzalez stated at the last meeting, it was indicated they will haul many truckloads of dirt
39 from this site and clay will be brought in. Mr. Witzke stated sandy gravel will be removed but
40 the top soil/black dirt will be saved for reuse.

41
42 Chair Gonzalez asked how many trucks loads of dirt will be removed and if it could be 600-700
43 truck loads. Mr. Witzke stated it could be and whether combined or individual lots, that number
44 of truckloads could be removed.

45

1 Mr. Witzke stated their goal is to do the least visual scarring. It was felt the large switchbacks
2 with retaining walls would be more damaging to the property and that this approach was the
3 most sympathetic to the lot and adjacent properties. Mr. Witzke noted future tree locations, the
4 shoreline, and stated more vegetation will be installed along the bluff. He stated there is not a lot
5 of mature trees in this bluff area and the open area of disturbance is a small percentage given the
6 size of the site. In addition, they will plant more natural vegetation than currently exists and
7 rebuild the beach area, possibly resulting in a net gain of the natural bluff.

8
9 Commissioner Vanderheyden referenced Attachment F (photographs), and asked if it depicts a
10 restored bluff. Mr. Witzke stated that is correct and noted the location of the cart path and edge
11 where turf will be restored. He stated the path may remain to serve an existing pump, but not of
12 asphalt, and both sides will be filled in with vegetation.

13
14 Mr. Witzke stated holding larger estates is part of Wayzata's history and it is the property
15 owner's intent to hold these two lots together, resulting in less disturbance related to tree
16 removal and bluff disturbance, and following the goals of the Comprehensive Plan.

17
18 Mr. Nepp stated this proposal will result in better storm water control and run off plan, once
19 installed, because it abides by the City's plans.

20
21 Mr. Gardner stated there is a large auto courtyard with a permeable section and the majority of
22 roof and driveway runoff will be directed into a storm sewer system to reduce the level of run off
23 that currently exists. He stated maintenance of the pavers will be required over time.

24
25 Commissioner Crowder asked if the existing trail along the top of the vegetated section of the
26 bluff leads to stairs that then lead to the current dock for this property. Mr. Witzke stated the
27 path continues to the edge of the property.

28
29 Commissioner Crowder asked if the dock and boathouse will be for these two lots. Mr. Witzke
30 stated there is no plan to keep the dock or boathouse, other than for the pump.

31
32 Commissioner Crowder stated there is already access to the boat dock and boathouse so there is
33 no need for switchbacks. He felt the bluff was being removed to have a sandy beach or different
34 boathouse without having to walk down steps. Mr. Witzke stated the major reason is that there
35 is no visual sight line to the shoreline, boats, or boathouse.

36
37 Commissioner Crowder stated they knew that before purchasing the lot. Mr. Witzke stated they
38 also knew that the ordinance allowed the removal of soils to create that view. Commissioner
39 Crowder stated that would only be the case if a lot combination is granted.

40
41 Commissioner Crowder asked about Attachment A, WSB Report, Page 2, Regulatory Review,
42 indicating the Minnehaha Creek Watershed District (MCWD) will require a permit for shoreline
43 alterations. City Planner Gadow stated the MCWD would conduct a staff review of the proposed
44 plan and if the shoreline riprap was modified, it would require a permit of the MCWD.

45

1 Commissioner Crowder asked if their concern will be if it is feasible to do or with erosion into
2 the Lake. City Planner Gadow the MCWD will consider impacts of a modification of the
3 shoreline and water runoff and erosion.

4
5 Chair Gonzalez called for a straw poll on the lot combination. Commissioners Vanderheyden
6 and Ramy indicated support for a recommendation of approval on the lot combination.
7 Commissioners Pearson, Cooper, Crowder, and Chair Gonzalez indicated support for a
8 recommendation of denial on the lot combination.

9
10 Chair Gonzalez stated the Comprehensive Plan is clear that alteration of site topography needs to
11 be limited and only when necessary. She felt it was obvious that this was not the right lot for
12 what this family wants to construct.

13
14 City Planner Gadow asked if the Planning Commission intends to make a recommendation on
15 each request, noting the Planning Commission can draft findings for its recommendation or
16 direct staff to prepare those findings for consideration at the next meeting.

17
18 Chair Gonzalez spoke in support of directing staff to draft those findings and asked if there were
19 comments or questions on the CUP request for the carriage house.

20
21 Commissioner Vanderheyden stated without the lot combination, he is unsure if the rest of the
22 plan stays together or falls apart.

23
24 City Planner Gadow stated in the absence of the lot combination, a carriage house would not be
25 allowed on Lot 3 as there would not be a principle structure. He asked the Planning Commission
26 to still consider the CUPs for building height and chimney height as they stand alone from the lot
27 combination.

28
29 Commissioner Crowder stated four Commissioners have expressed concern with the extent of
30 the excavation the applicant is requesting but there has not been concern expressed with the lot
31 combination itself. He stated he does not object to the applicant building their mansion but he
32 does have problems with removal of the bluff. He supported recommending approval of the lot
33 combination but denying the extent of soil removal. Or, he would support making a
34 recommendation to the City Council and letting them wrestle with the excavation request.

35
36 Commissioner Vanderheyden asked what the conditions would be on a recommendation of lot
37 combination approval, such as the number of trees allowed to be impacted or amount of allowed
38 grading.

39
40 Chair Gonzalez stated she would support making a recommendation on the application as
41 presented.

42
43 City Planner Gadow stated the City Council will then consider that recommendation and have a
44 copy of the Planning Commission's meeting minutes so they are aware of the comments made
45 and questions asked. He asked the Planning Commission to make a recommendation on the four
46 requests along with findings and conditions.

1
2 Commissioner Crowder asked if the record is sufficient for the other three CUP requests. City
3 Planner Gadow stated it is not and asked the Planning Commission to make comment and
4 findings on the other three CUP requests.

5
6 Chair Gonzalez asked the Planning Commission to address the CUP for the carriage house,
7 noting it meets the requirements of the Comprehensive Plan and Zoning Ordinance if the two
8 lots are combined.

9
10 The Planning Commission expressed no questions or comments.

11
12 Chair Gonzalez asked the Planning Commission to address the CUP for chimney height. City
13 Planner Gadow stated this request is for a chimney height of up to 50 feet, an aesthetic issue and
14 also a Building Code issue, as it is required to provide two to three feet of clearance between the
15 roof and chimney height. The Code would allow the chimney up to 40 feet and the CUP request
16 is to go up to 50 feet in height.

17
18 Chair Gonzalez stated the ordinance addresses height as not being more than five feet above the
19 Zoning District maximum without requiring additional building setbacks. City Planner Gadow
20 stated this request is in compliance with the requirement for additional setback based on chimney
21 height. Chair Gonzalez stated in that case, it would be in compliance with that Zoning
22 Ordinance requirement.

23
24 Chair Gonzalez asked the Planning Commission to address the CUP for building height. City
25 Planner Gadow stated this request is to go above 40 feet in height for the roof pitch. He stated
26 additional setbacks are required for this height and the proposal complies with that requirement.

27
28 Commissioner Vanderheyden stated the existing house is at 49 feet and the request is 50 feet for
29 the chimneys. He stated he is not qualified to ask the architect to lower the chimney height and
30 asked what the ordinance is attempting to protect if often in an exception area.

31
32 City Planner Gadow stated the building height CUP is not often seen but typically, it is on estate
33 lots where additional building height/roof design is desired. The CUP allows an avenue for that
34 to occur provided additional setback from the side yards is provided. He stated this would be
35 more important with smaller-sized lots to prevent an extra tall roof or wide massing of structure.
36 Commissioner Vanderheyden asked if it is to not cast a shadow on neighboring properties. City
37 Planner Gadow stated that is correct.

38
39 Chair Gonzalez stated it also protects views. She asked about comment from the Fire Chief.
40 City Planner Gadow stated the plans were submitted to department heads and no comments were
41 received.

42
43 Commissioner Crowder made a motion, seconded by Commissioner Pearson, to direct staff to
44 prepare appropriate findings based on tonight's discussion to recommend denial of the
45 application of Donald MacMillan and Indian Mound LLC, 392 and 410 Ferndale Road South,

1 for a lot combination subdivision to combine Lots 3 and 4 into one lot. The motion passed 4/2
2 (Ramy and Vanderheyden).

3
4 Chair Gonzalez asked, with denial of the lot combination, what is the impact to the other CUP
5 requests. City Planner Gadow stated the Planning Commission can recommend denial of the
6 CUP for the carriage house based on the recommendation of denial for the lot combination
7 subdivision or it can issue a recommendation of approval with commentary on the concern with
8 grading and related impacts.

9
10 Commissioner Vanderheyden offered the option of recommending approval of all four requests
11 conditioned on zero dirt removal or not impacting the bluff. He stated that type of
12 recommendation would provide something for the City Council to react to. He stated the
13 concern is not the lot combination but the removal of the bluff.

14
15 Chair Gonzalez stated she is also concerned with removal of the old and large trees and resulting
16 impact with drainage. She stated the Comprehensive Plan is the Planning Commission's guiding
17 plan and it addresses preservation of trees on public and private property.

18
19 City Planner Gadow stated the Planning Commission has the option to rescind the previous
20 motion and make another motion.

21
22 Commissioner Pearson stated the lot combination does not bother him, it is the extent of the
23 grading, so if there is a way to "split the baby" he would be willing to go along with that.

24
25 Commissioner Crowder stated he is comfortable with either Commissioner Vanderheyden's
26 suggestion or the motion made because the City Council will understand there was no problem
27 with the lot combination or CUP requests but the concern was with removal of the bluff and
28 trees. He stated he has no problem with the project other than removal of the bluff.

29
30 Commissioner Pearson stated that may be a better option since it would be difficult for staff to
31 draft what the Planning Commission is requesting.

32
33 City Planner Gadow stated he would then recommend the previous motion be rescinded and a
34 new motion made considering the request with that comment.

35
36 Commissioner Crowder made a motion, seconded by Commissioner Pearson, to rescind their
37 previous motion. The motion passed 5/1 (Gonzalez).

38
39 Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper, to direct staff
40 to draft findings recommending approval of the application of Donald MacMillan and Indian
41 Mound LLC, 392 and 410 Ferndale Road South, for a Conditional Use Permit (CUP) to build a
42 new residence and carriage house, a CUP for a gabled roof peak above 40 feet, a CUP for
43 chimneys above the 40-foot height limit in the R-1A District, and for a lot combination
44 subdivision to combine Lots 3 and 4 into one lot with the condition that there can be no
45 disruption of the current bluff within ten feet west of the top of the current bluff.

46

1 Commissioner Pearson asked if the condition is specific enough to address the concerns of
2 Commissioner Crowder. Commissioner Vanderheyden stated the intent of the condition is that
3 there can be no disruption within ten feet west of the top of the current bluff. He used a map to
4 point out the area (ten feet west) being referenced as the survey line.

5
6 Commissioner Vanderheyden offered a friendly amendment to the motion, accepted by
7 Commissioner Cooper who had seconded the motion, that the condition be stated as: "there can
8 be no disruption of the current bluff east of the current survey line." The motion as amended
9 passed 5/1 (Gonzalez).

10
11 Chair Gonzalez stated she voted against the motion as this is still a major disruption of the
12 topography and natural environment.

13
14 City Planner Gadow stated staff will prepare findings for consideration at the July 15, 2013,
15 Planning Commission meeting and the July 16, 2013, City Council meeting.

16
17 Chair Gonzalez expressed concern with that timeline as the City Council does not have enough
18 time for review. She supported getting back to the schedule where the Planning Commission
19 recommendation is made two weeks in advance of the City Council's consideration.

20
21 Commissioner Vanderheyden asked whether this is a policy consideration or concern by the
22 Planning Commission.

23
24 City Planner Gadow stated this timeline balances expediency for the applicant and allows time
25 for the Planning Commission to adopt its formal findings. He stated the City Council is also
26 provided with the draft findings and advised if any changes have been made. In addition, the
27 City Council is provided with the link to the webcast of the Planning Commission meeting
28 should they wish to view it. He stated with a two-week time line between the Planning
29 Commission recommendation and City Council consideration, this application would then be
30 considered by the City Council on August 6.

31
32 Commissioner Pearson stated the only difference is that the City Council would then receive a
33 copy of the Planning Commission's final findings and recommendation instead of the draft
34 findings and recommendation with an update at their meeting should there have been any
35 changes or modifications. City Planner Gadow stated that is correct.

36
37 Chair Gonzalez stated it depends on how many changes take place and she wanted to bring that
38 concern to the table. She stated staff has decided this but she wanted to bring it up.

39
40 City Planner Gadow stated staff wants to expedite the process from the applicant's standpoint
41 and be timely with the "clock" in review of development applications.

42
43 Commissioner Crowder asked if the City Council receives a copy of the Planning Commission's
44 minutes. City Planner Gadow answered in the affirmative.

45
46 **AGENDA ITEM 3. Other Items**

1
2 **a. Review of Development Activities**

3 City Planner Gadow stated the Planning Commission Recommendation and Report from tonight
4 will be considered at the meeting of July 15, 2013, and possibly a redevelopment of the Anchor
5 Bank site.
6

7 **b. Other Items**

8 City Planner Gadow provided a recap of the City Council Workshop discussion relating to the
9 telecommunication ordinance and concerns expressed: whether the ordinance goes too far and
10 may result in vendors relocating to private locations instead of City locations; heavy restriction
11 on adjacency to residential or park property and option to add buffering language so a number of
12 parcels are not excluded that are close to residentially zoned properties; unintended
13 consequences when dealing with the existing site and ability to amend or extend leases; whether
14 tenants would be forced off the existing water tower; and, need to be so restrictive as to require
15 stealth design and underground storage of mechanicals if at the Public Works site.
16

17 Commissioner Vanderheyden stated the City Council made several valid points of how onerous
18 the ordinance was if a vendor wants to do business with the City, such as requiring
19 soundproofing if at the Public Works site. He stated the intent was not to be onerous but from
20 the City Council's perspective, the language may have resulted in over reaching.
21

22 City Planner Gadow stated staff will work on the ordinance and it will be back on the Planning
23 Commission's agenda in August.
24

25 Chair Gonzalez stated support to hold the public hearing on this ordinance this summer.
26

27 With regard to the Heritage Preservation Board, City Planner Gadow stated they continue to
28 work on their annual report and have asked for a joint City Council Workshop in August. Work
29 also continues on logistics to relocate the Trapper's Cabin and expectations are that it will be
30 moved from the Bushaway site to Public Works within the next three weeks, weather dependent.
31

32 Commissioner Crowder stated the Planning Commission has not yet addressed the Martinson
33 Clinic property. City Planner Gadow stated the challenge with the Martinson Clinic rezoning is
34 that it is nonconforming as R-3 and rezoning to C-1 or C-1A would also result in
35 nonconformities. He stated a rezoning action cannot remove old nonconformities and result in
36 new nonconformities.
37

38 Chair Gonzalez stated there had been discussion of subdividing the property with the back as
39 residential and the front as C-1A. City Planner Gadow stated the back is already zoned for
40 residential and the lot in question is on the south, closest to Wayzata Boulevard. If rezoned to C-
41 1A, it would result in additional nonconformities.
42

43 **AGENDA ITEM 4. Adjournment.**

44 There being no further business, Commissioner Vanderheyden made a motion, seconded by
45 Commissioner Pearson, to adjourn the meeting. The motion passed unanimously.
46

1 The meeting was adjourned at 8:28 p.m.

2

3 Respectfully submitted,

4

5

6 Carla Wirth

7 *TimeSaver Off Site Secretarial, Inc.*