WAYZATA PLANNING COMMISSION
MEETING MINUTES
JULY 15, 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: Crowder, Gonzalez, Iverson, Pearson, and Vanderheyden. Absent and excused: Commissioners Cooper and Ramy Jr. City Planner Gadow and Council Member Anderson were also present.

Commissioner Iverson asked staff to confirm the wording reflected on Page 12, Item b. Other Items, Lines 18-25. She asked whether it should indicate: "…heavy restriction on adjacency to residential or park property and option to adding buffering language" instead of: "…heavy restriction on adjacency to residential or park property and option of adding buffering language."

Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson, to approve the July 1, 2013, meeting minutes as amended above. The motion passed 5/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. Review and Adoption of Planning Commission Report and Recommendation for Carriage House CUP, Building Height CUP, Structural Element Height CUP, and Lot Combination for 392 and 410 Ferndale Road South – Indian Mound, LLC

City Planner Gadow reviewed the consideration of the Planning Commission at its July 1, 2013, meeting related to the request of Indian Mound, LLC for a Carriage House CUP, Building Height CUP, Structural Element Height CUP, and Lot Combination for 392 and 410 Ferndale Road South. At that meeting, the Planning Commission directed staff to prepare a formal Planning Commission Report and Recommendation for consideration at tonight's meeting. City Planner Gadow stated the City Council also received the draft Report and Recommendation and will be apprised of any changes made before consideration at their July 16, 2013, meeting. He stated the draft is an attempt to present a clear form of the Planning Commission's position on the application for approval with some conditions on the application.

Commissioner Iverson asked for an explanation of the wording on Page 11 of the meeting minutes, Lines 1-7, relating to there being "no more disruption within ten feet west of the current bluff;" however, the motion language was changed to indicate "no more disruption ten feet east of the survey line." City Planner Gadow stated it was changed to provide additional clarity for the applicant and City Council where the "no touch zone" would be on the bluff. The Planning Commission's discussion started at ten feet from the top of the bluff but it was felt a more clear direction would be to use the existing survey that includes a line delineating the bluff line.

Commissioner Vanderheyden explained on the drawing it was difficult to determine the location of the top of the bluff so the thicker black line (on the survey) was purposely selected as the demark. The intent is to protect the bluff.

Chair Gonzalez asked whether both lots would become nonconforming, should there be a future subdivision, because of the CUP setback requirements for the buildings and chimney height.

City Planner Gadow explained if subdivided in the future, the buildings would meet setbacks from the property lines and Lake but it would result in the carriage house, an accessory use, being on a separate lot from the house, resulting in a nonconformity. He noted a question heavily discussed by the Planning Commission at the July 1, 2013, meeting was that if the lot was combined, the grading done as proposed, and then the lot was resubdivided, the balance of the grading would be done from the southern lot and well over what would be allowed without City Council approval. City Planner Gadow stated it was discussed whether to place a condition and deed restriction on the subdivision so it could not be further subdivided if combined as a result of this application.

Chair Gonzalez stated the carriage house could be a freestanding single-family home since it meets requirements of the ordinance as to size. City Planner Gadow stated that would be the case if owned by two separate property owners.

Commissioner Vanderheyden stated two acres is the minimum size for lot area in this zoning district. City Planner Gadow stated that is correct.

Commissioner Vanderheyden stated it is conceivable that this property could then be subdivided into three lots. City Planner Gadow stated it is conceivable with the same type of subdivision review.

Chair Gonzalez noted there is also an Indian Burial Mound on this property so it may not qualify for subdivision into three lots.

Commissioner Crowder stated the current recommendation is that the applicant submit a revised grading plan and receive approval of the City Engineer, City Manager, City Planner, and City Building Officials. He asked why not, before it is approved, have it discussed or brought to the attention of the Planning Commission and/or the City Council. Commissioner Crowder stated he does not want something done that the Planning Commission may not have approved of. He stated he thinks the adjacent property should have come before the Planning Commission for consideration and just because the language in the ordinance says anything over two feet should go to the City Council, that does not mean it should not come before the City Council if at 1.9 feet or 1.8 feet. Commissioner Crowder stated there is language in other ordinances that should have brought that adjacent property before the Planning Commission and he would like this to also be brought to the Planning Commission's attention before it is approved by staff. Then, the Planning Commission can make a recommendation if it wants.

Commissioner Vanderheyden stated he agrees with that view but there is no ordinance support for such a request. He stated he suspects the intent of the ordinance is to manage lots like his at

two feet, but not to manage seven-acre lots at two feet. Commissioner Vanderheyden asked if it would be helpful to edit the ordinance to say "two feet up to 100,000 cubic feet." He stated the lot Commissioner Crowder referenced should probably have come before somebody other than staff, because of its impact on the community but he does not know what grounds the City would have to require it.

Commissioner Crowder stated with the adjacent property it resulted in destruction of the bluff and there are ordinance provisions and Comprehensive Plan language that says the City will not allow that to happen. He felt it should have at least been discussed and while you can interpret the ordinance in difference ways, he does not think language indicating: "two feet or more has to go to the City Council," answers the question definitively. Commissioner Crowder stated maybe with a lot of this size it should not have come before the Planning Commission but for a large lot with historical and environmental significance, staff should not have approved it without it coming before the Planning Commission and/or City Council.

Chair Gonzalez stated there is support in the ordinance to ask to see it, noting Section 805.14.e.3 says, "building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading." She stated there is support in the ordinance to request review of the grading plan but the Planning Commission has not seen it for this application. She stated it is also in the Comprehensive Plan that grading has to be at the minimum, as necessary to build a house around Lake Minnetonka, maybe to enhance the views but not to use a bulldozer to totally reshape the lot. She stated she voted against because of the massive grading and removal of trees far in excess of what is necessary to build the home and amenities around it.

City Planner Gadow stated if there is support for Commissioner Crowder's amendment, that language could be included for the City Council's review. He stated the City sent an extension notice so there is some time but the City has to be timely with applications.

Commissioner Crowder stated he wants to assure the revised excavation plan follows the spirit of the Planning Commission's vote and truly does not disrupt the slope. He would like to see the revised grading plan so his paranoia is addressed.

Commissioner Iverson stated she supported that position based on what she has seen happen in the community.

Commissioner Pearson stated he likes the draft as written but does not have a strong objection to what Commissioner Crowder is suggesting.

Commissioner Vanderheyden stated he does not have a strong objection to what Commissioner Crowder is suggesting but does not plan to vote for the document so his opinion may not be material on this edit. He stated he believes with the proposal as originally submitted, it would be difficult, in his opinion, for the City to defend its position based on the way the ordinance and Comprehensive Plan are written. Commissioner Vanderheyden stated as written, the Comprehensive Plan is open to interpretation.

Chair Gonzalez stated in that case, there is not enough support for the Report and Recommendation.

Commissioner Crowder stated a majority of the Planning Commission voted in support for staff to draft the Report and Recommendation as it has been presented. He asked if there was support to revise Section 4. Recommendation, Subparagraph 4.4.2.

City Planner Gadow asked the Planning Commission to first address the proposed amendment and then to deal with the document as a whole.

Commissioner Crowder made a motion to amend the Report and Recommendation, Section 4. Recommendation, Subparagraph 4.4.2. to add the following language: "Any revised grading plan to be submitted to the Planning Commission for a review prior to any approval."

Chair Gonzalez asked if the Planning Commission should continue this item to request a revised grading plan.

Commissioner Crowder stated there will still be grading on this site and all he is suggesting is that when it goes before the City Council for a decision, if the Planning Commission recommendation is adopted by the City Council, the applicant will submit a revised grading plan and he would like to see it. The application request can still move forward whether or not his suggested amendment is approved.

Chair Gonzalez asked if it is a requirement or a request. City Planner Gadow stated it would be a condition of approval so the subdivision would be conditionally approved and the applicant would have to come back with the revised grading plan for review by the Planning Commission and/or City Council, depending on the decision of the City Council.

Commissioner Iverson seconded the motion to amend.

The motion passed 3/2 (Commissioners Pearson and Vanderheyden).

Commissioner Crowder made a motion, seconded by Commissioner Pearson, to approve revised Planning Commission Report and Recommendation for approval of the request by Indian Mound, LLC for a Carriage House CUP, Building Height CUP, Structural Element Height CUP, and Lot Combination for 392 and 410 Ferndale Road South, based on the findings and subject to conditions as detailed in the Report and Recommendation.

The motion passed 3/2 (Commissioner Vanderheyden and Chair Gonzalez).

Chair Gonzalez stated she still feels she does not have enough information on the amount of grading that will happen and the number of trees to be removed is far in excess of what is needed to create a building pad.

Commissioner Vanderheyden stated he found the original request, as made, was within the ordinance.

AGENDA ITEM 3. Other Items.

a. Review of Development Activities

City Planner Gadow provided details of the proposed Anchor Bank application that will be considered at an August meeting.

Commissioner Crowder asked whether the proposal is for the property Anchor Bank currently owns or includes part of the lots to the north. City Planner Gadow stated the commercial redevelopment would be on the Anchor Bank-owned property and the residential development would be on the reconfigured lots that are perpendicular to the highway to create three north/south residential lots. The commercial part of the development will not absorb part of the residential lots but there may be impact from the road reconfiguration. The goal is to have the residential as a buffer to further commercial activity up Central. The Anchor Bank building would be removed as part of this redevelopment.

City Planner Gadow provided a brief update on the Lake Effect and stated a report will be given to the City Council at its July 17, 2013, meeting relating to the June workshops. He stated there will be an open house on August 13, 2013.

Chair Gonzalez asked about the notice for Sunsets. City Planner Gadow stated that application is not yet fully vetted and would include an expansion of the outdoor rear patio area with an adjacent waiting area.

b. Other Items

Chair Gonzalez asked when the Telecommunication Ordinance will be before the Planning Commission. City Planner Gadow estimated mid-August to the first meeting in September.

Commissioner Crowder asked whether, when the Planning Commission reviews the written Report and Recommendation, it is only to determine if the document reflects the prior vote. City Planner Gadow stated that is correct and the Report and Recommendation is a written version of the meeting minutes to make it more clear to the applicant and City Council what the Planning Commission's recommendation was and the findings of fact to support that particular recommendation.

Commissioner Crowder stated it is not the intent to rehash the application or change it substantively, but to just approve the form. City Planner Gadow stated that is correct.

AGENDA ITEM 4. Adjournment.

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

The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Carla Wirth
TimeSaver Off Site Secretarial, Inc.