

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
MARCH 18, 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, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow and Council Member Tanner was also present.

Commissioner Vanderheyden made a motion, seconded by Commissioner Ramy, to approve the March 3, 2013, meeting minutes as amended above. The motion passed 6/0/1 (Gonzalez).

**AGENDA ITEM 2. Regular Agenda Public Hearing Item.**

**a. 318 Bushaway Road – Charles Cudd Company**

**i. Review of Residential Building Plan**

City Planner Gadow recapped that on March 6, 2012, the Council approved a five-lot subdivision at 310 and 324 Bushaway Road conditioned on: “The Applicant and/or future homeowner shall submit plans for review and approval of the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9. The applicant shall include this requirement to their covenant documents in order to convey this requirement to future owners of the Property.”

City Planner Gadow indicated that Charles Cudd Company is working on behalf of the new owner (BCLW Investments) to construct one of the homes on the lot. The applicant has submitted the proposed building plans for review for the structure on Lot 3 (318 Bushaway Road) with the intent to have the home completed in time for the Fall Parade of Homes. The applicant is requesting review of the plans that were included in staff’s report as Attachments A and B.

John Sonnek, Charles Cudd Company, displayed exterior elevations, noting the style was fitting for the neighborhood and desirable for the City of Wayzata. The exterior will have architectural asphalt roof with cedar shingle exterior, Victorian Cottage elements, and interior open floor living with a sport court behind the garage. He stated they have located the building pad to minimize the number of trees impacted and will construct retaining walls to further limit impact. The building pad has also been lowered from the street level to address trees and drainage.

Commissioner Crowder asked how tall is the house. Mr. Sonnek stated it is about 37 feet to mid-roof and at 45 feet to the peak without variance of special use conditions from the average grade of the house.

1  
2 Chair Gonzalez asked how that compared to existing homes in the area. City Planner Gadow  
3 stated this property is guided for larger estate lots so the heights are larger than allowed in other  
4 areas of Wayzata. He indicated that 45-foot roof heights are common for homes along the  
5 lakeshore and not out of character from that perspective.

6  
7 Mr. Sonnek stated the house will also have large side yard setbacks, estimating the proposed  
8 house is about 7,500 square feet but the lot would allow a 12,000 square foot house.

9  
10 Chair Gonzalez asked about the point of access to Lot 3. City Planner Gadow displayed a site  
11 plan and described the location of the access via a private driveway that would be smaller than  
12 normally required to reduce impact on trees. This driveway had been approved with the  
13 preliminary plat, meets requirements of the Fire Code, and provides turn around for emergency  
14 vehicles.

15  
16 Chair Gonzalez asked if the house will be sprinkled. City Planner Gadow indicated it would not  
17 as there are fire hydrants available at each end of the hammerhead.

18  
19 Commissioner Iverson asked about the exterior finish. Mr. Sonnek stated based on the last  
20 review of the design, they will use cedar shake siding in a weathered gray color with white  
21 painted trim. Commissioner Iverson stated she prefers natural cedar shakes over cement-board  
22 shakes.

23  
24 Chair Gonzalez asked about the log cabin that is located in this area. Mr. Sonnek indicated there  
25 is a safety fence around the cabin and the builders have been told they need to stay away from  
26 that area.

27  
28 City Planner Gadow explained that in 2012, staff reviewed the possibility of the owner donating  
29 the cabin with the City relocating it for restoration and then placing it in the park. This was  
30 offered in lieu of the developer paying normal park dedication fees. The City is now working  
31 with the Wayzata Bay Center who has expressed interest in paying the costs for relocation and  
32 having it placed as an amenity. City Planner Gadow stated the Heritage Preservation Board  
33 researched the history of this cabin but the records are unclear. Tree dating provided additional  
34 information so the cabin is considered to be a replica of early cabins built during the foundation  
35 of the community.

36  
37 Chair Gonzalez asked how this would be handled related to time. City Planner Gadow indicated  
38 it is staff's goal to address moving logistics within the next month, formally accept the donation  
39 from the property owner, and then move the cabin off the private property to the City's Public  
40 Works facility so restoration could begin on the City's timetable.

41  
42 Chair Gonzalez stated she is concerned that when construction starts on Lot 1, the cabin may be  
43 in the way so she was thinking about the types of conditions the Planning Commission should  
44 suggest. City Planner Gadow indicated staff has been in contact with the property owner so the  
45 timeline can be adjusted, if needed.

46

1 Commissioner Vanderheyden asked if each house in this development requires Planning  
2 Commission review. City Planner Gadow answered in the affirmative. Commissioner  
3 Vanderheyden noted that issue could then be addressed when the building design for Lot 1 is  
4 presented.

5  
6 Commissioner Iverson asked if there will be any costs to the City related to the cabin's  
7 relocation and restoration. City Planner Gadow explained staff is determining whether there will  
8 be a funding gap or if it can be funded through private donations.

9  
10 Commissioner Ramy commented that the cabin is small in size, almost a child's playhouse, but it  
11 would be nice if it could be relocated where the public could view it.

12  
13 Chair Gonzalez stated the cabin is built of Tamarack logs. She noted that with Lot 3, the park  
14 dedication fee does not need to be addressed. City Planner Gadow stated that is correct but he  
15 had made note of the park dedication as a reminder to the Council that when the cabin is  
16 dedicated and accepted, the City would waive park dedication fees.

17  
18 Commissioner Iverson stated the house is cute, sets a good stage, and asked if a list of trees to be  
19 removed has been submitted. City Planner Gadow stated when the subdivision was approved,  
20 that information was presented. He displayed a diagram depicting the trees and those that would  
21 be impacted.

22  
23 Chair Gonzalez stated there is also a wetland on the lot. City Planner Gadow stated no  
24 development can occur within the wetland buffer. Mr. Sonnek stated they have a silt fence in  
25 place and will not be near the wetland area.

26  
27 Chair Gonzalez stated in other communities where a wetland exists, property owners start filling  
28 in that area for personal use. City Planner Gadow indicated that City Code and the Minnehaha  
29 Creek Watershed District established a wetland setback that cannot be impacted to prohibit  
30 filling or activity such as that.

31  
32 Mr. Sonnek stated there is also a deed restriction that identifies a registered wetland so the  
33 buyers are aware of that prohibition. He noted on Lot 3 there is enough property closer to the  
34 house for a tennis court or similar amenity.

35  
36 Commissioner Crowder asked if building samples will be presented to the Council. Mr. Sonnek  
37 stated he can do so, if required. Commissioner Crowder encouraged him to do so.

38  
39 Commissioner Pearson asked how quickly the other four lots will be developed. Mr. Sonnek  
40 stated he does not know and this home is being built as a model spec house and they are  
41 currently marketing during the Spring Parade of Homes.

42  
43 Commissioner Pearson stated the intent is for this home to be ready for the Fall Parade of  
44 Homes. Mr. Sonnek stated that is correct and he imagines if buyers come along, they will be  
45 back for consideration.

46

1 Chair Gonzalez opened the public hearing at 7:19 p.m.

2  
3 There being no comment, Chair Gonzalez closed the public hearing at 7:19 p.m.

4  
5 Commissioner Crowder stated he has no problems with the application subject to the exterior  
6 building samples being presented to the Council.

7  
8 Commissioner Cooper made a motion, seconded by Commissioner Crowder, to recommend  
9 approval of the proposed building plan and exterior elevations for a home to be constructed on  
10 Lot 3 by Charles Cudd Company, subject to presentation of exterior building materials to the  
11 Council and submittal of the landscaping plan.

12  
13 Commissioner Pearson asked whether findings of fact are required for this consideration. City  
14 Planner Gadow stated the only finding is that the application has adequately completed the  
15 condition of approval.

16  
17 Commissioner Pearson offered an amendment to the motion to add: "The applicant, with  
18 submittals and conditions, has completed the condition of approval as indicated in Resolution  
19 No. 11-2012, approving an application for concurrent preliminary and final plat subdivision and  
20 variances.

21  
22 Commissioners Cooper and Crowder accepted the friendly amendment.

23  
24 The motion passed 7/0.

25  
26 **b. 110 Gleahaven Road – Mr. Ashish Aggarwal – Shree Investments, LLC**

27 **i. Review of Shoreland Conditional Use Permit**

28 City Planner Gadow reviewed that on September 5, 2012, the Planning Commission had  
29 recommended denial of the development application submitted by Ashish Aggarwal of Shree  
30 Investments, LCC requesting concurrent preliminary and final plat subdivision approval of a  
31 new two-lot subdivision at 110 Gleahaven Road. However, on October 16, 2012, the Council  
32 reviewed the application and voted 4-1 to direct staff to draft a resolution with findings  
33 approving the subdivision and asked the Planning Commission to provide recommendations on  
34 design considerations and conditions of approval of the subdivision.

35  
36 City Planner Gadow noted at the December 17, 2012, meeting, the Planning Commission had  
37 reviewed the building design and potential of a Shoreland Conditional Use Permit (CUP) due to  
38 the amount of proposed hardcover. The Planning Commission also requested additional  
39 information from the Applicant on the proposed stormwater management techniques and  
40 landscaping plan and continued review of the Shoreland CUP to a future meeting. Since that  
41 time, the applicant has been compiling this requested information, which is included in staff's  
42 report as Attachment B.

43  
44 City Planner Gadow displayed slides of the site plan, existing home, preliminary plat, and sizes  
45 of the two lots. He noted the property falls within the Shoreland Overlay District so the total  
46 amount of allowed hardcover is 25%. City Planner Gadow indicated the proposed stormwater

1 treatment method is to have two 55-gallon rain barrels at the garage, a 207 square foot rain  
2 garden, and a 16 square foot dry well, allowing treatment capacity of 161 cubic feet. This results  
3 in treating above and beyond what is required.

4  
5 Commissioner Crowder asked whether the additional hard cover on Lot 1 is to be mitigated by  
6 these three methods (two rain barrels, a rain garden, and a dry well) based on a one-inch rainfall.  
7 City Planner Gadow answered in the affirmative and explained that a one-inch rainfall is the  
8 typical event and standard used by the City. In the rare instances of larger rainfalls, the excess  
9 water will go into the City's stormwater system.

10  
11 Commissioner Crowder asked about the two rain barrels and indicated he has never seen that  
12 method come before the Planning Commission in Wayzata. City Planner Gadow stated it is a  
13 good method as it is a cost effective way to keep water on site for reuse. He described how rain  
14 barrels are attached to the downspouts and configured.

15  
16 Commissioner Iverson asked what happens to the rain if it is not reused to water lawns. City  
17 Planner Gadow indicated it would dissipate over time. Commissioner Iverson asked about the  
18 scenario should there be heavy rainfalls or back-to-back events. City Planner Gadow stated the  
19 property's other treatment methods that would come into play.

20  
21 Chair Gonzalez asked whether, if not emptied regularly, the rain barrels will become a breeding  
22 ground for misquotes or an eyesore.

23  
24 Commissioner Cooper noted it is proposed to locate the rain barrels at the front of the house.

25  
26 City Planner Gadow stated rain barrels are designed with a lid and screen to keep out mosquitoes  
27 and other insects and it is recommended to stir the water every couple of weeks so it does not  
28 become stagnant or a breeding ground. He indicated the rain barrels can be plastic or reused oak  
29 wine-barrels and different styles are available. He stated he has not looked into whether there  
30 would be issues in placing the rain barrels to the rear gutter system.

31  
32 Commissioner Crowder asked if he is aware of other locations in Wayzata with rain barrels.  
33 City Planner Gadow stated he is not aware of other locations through the CUP process; however,  
34 private home owners could have rain barrels in use. It was noted the City of Minnetonka buys  
35 rain barrels in mass and offers them for sale.

36  
37 Commissioner Vanderheyden indicated the City of Plymouth had a similar offer and encouraged  
38 use of rain barrels.

39  
40 City Planner Gadow stated if rain barrel use is a concern, the other systems can be upsized to  
41 cover the capacity of two rain barrels.

42  
43 Commissioner Vanderheyden noted with Lot 1, rain barrels would not be needed to meet the  
44 stormwater requirements and on Lot 2, a single barrel would meet the stormwater requirements.  
45 City Planner Gadow indicated that was correct.

46

1 Commissioner Iverson asked for an explanation of a dry well. City Planner Gadow stated it is a  
2 treatment system chamber built into the ground to hold water that, over time, evaporates. He  
3 explained it is more of a capacity tank and would be tied into the systems through drainage and a  
4 piping system, such as a French drain, to provide access into the dry well. A 4-foot by 4-foot by  
5 4-foot dry well is 16 square feet and has 64 cubic feet of capacity. However, it could be upsized  
6 to increase capacity if rain barrels are not desirable.

7  
8 Commissioner Ramy asked if it can be used for sprinkling the lawn. City Planner Gadow stated  
9 he was unsure and would have to check. He advised that a Stormwater Maintenance Agreement  
10 would set the inspection and maintenance schedule to assure they function correctly and be  
11 recorded with the property.

12  
13 Ashish Aggarwal, Shree Investments, LLC, introduced his development team and indicated they  
14 have been working together to develop a landscape and water mitigation plan for this lot.

15  
16 Vern Svedburg, architect representing Mr. Aggarwal, clarified that the dry well on each property  
17 is located down towards the driveway where it accesses the public street. The intent is to collect  
18 water from the driveway and the goal is to restrict water from getting to the public systems due  
19 to phosphorus loading that may contaminate the Lake. The dry well has been sized to capture a  
20 one-inch rain from the driveway and it will be located offset, a ways from the paving, to allow  
21 the water to run across grass and concrete to remove impurities/contaminants such as oil. Mr.  
22 Svedburg indicated the systems will capture all of the rainfall from a one-inch rain.

23  
24 Chair Gonzalez stated concern has been expressed relating to the rain barrels and asked if they  
25 could be located to the rear. Mr. Svedburg stated they are trying to control water from the  
26 garage roof to reduce the amount of water running down the driveway. He indicated the rain  
27 barrels can be relocated, noting the cubic foot captured is almost insignificant. Mr. Svedburg  
28 stated he has a rain barrel at his home that was given to him by the City of Minneapolis and they  
29 use a soaker hose/valve so the rain water can be reused for his garden. In this case, they  
30 anticipate having a soaker hose in the landscaped area at the front of the house that will reuse  
31 rain barrel water.

32  
33 Mr. Aggarwal stated the landscape plan does take the rain barrels into account by locating  
34 plantings in front of them. He noted the Minnehaha Creek Watershed District requires  
35 mitigation of one inch of rainfall, while other cities require mitigation of one-half inch of  
36 rainfall.

37  
38 Commissioner Crowder stated the landscaping will block the view of the rain barrel only six  
39 months of the year.

40  
41 Faith Appelquist, arborist representing Mr. Aggarwal, advised evergreens will be used in front of  
42 the rain barrel to screen view from the street.

43  
44 Commissioner Crowder noted the amount of water the rain barrel captures is insignificant so he  
45 would ask why they are being used instead of other methods.

46

1 Mr. Svedberg stated it will conserve water for reuse and noted that water is becoming a precious  
2 commodity. Commissioner Crowder stated when it gets to that point, the use of rain barrels can  
3 be considered and at that time, more will be familiar with the use of rain barrels. He stated this  
4 is the first time the Planning Commission has considered the use of rain barrels to mitigate  
5 stormwater. Commissioner Crowder stated when he thinks of rain barrels, it brings to mind the  
6 one his grandfather used on his Tennessee farm and he would not want that type of barrel located  
7 in the front of someone's home.

8  
9 Commissioner Iverson indicated that rain barrels have come a long way and people are moving  
10 towards reuse of rainfall but the Planning Commission wants to assure it is being done properly.  
11 Commissioner Crowder stated he feels uncomfortable voting for something when it is the first  
12 time and he does not know what it will look like. Commissioner Iverson asked if the applicant  
13 can address this concern by presenting pictures of the rain barrel that will be used.

14  
15 Mr. Aggarwal noted they will be building two beautiful homes on these lots and assured the  
16 Planning Commission they will not place an ugly rain barrel in the front. He stated he cannot  
17 say if it will be oak or terra cotta but it will look nice once the brick and Hardiboard siding are  
18 determined. Then they will decide what rain barrel will look the best. He noted it is  
19 insignificant to the entire plan and if the Planning Commission is not comfortable, it can be  
20 removed.

21  
22 Commissioner Pearson asked if the design of a rain barrel is before the Planning Commission at  
23 this time or a general stormwater treatment plan. City Planner Gadow stated it is a discussion of  
24 the general stormwater management system.

25  
26 Commissioner Vanderheyden agreed it is not a design discussion.

27  
28 Chair Gonzalez stated the Planning Commission can recommend reasonable conditions be  
29 imposed such as the applicant using the same building materials to cover the outside of the rain  
30 barrel, or to shield the barrel from the neighbors.

31  
32 Commissioner Pearson stated he does not want to micromanage. Chair Gonzalez agreed but  
33 noted the Planning Commission recommendation needs to address protecting the neighborhood  
34 from an eyesore or nuisance.

35  
36 Commissioner Vanderheyden referenced the staff report, Page 6, indicating the City Engineer  
37 had reviewed the proposed treatment methods and determined they would be sufficient and that  
38 the proposed methods were also submitted to the Minnehaha Creek Watershed District (MCWD)  
39 but no comments were received. He asked whether this is a two-step process including approval  
40 by the MCWD. City Planner Gadow stated under the City's ordinance, the plans have to be  
41 made available to them but the MCWD is less concerned with residential storm treatment than  
42 commercial storm treatment. In this case Wayzata, is the Local Government Unit and if the  
43 MCWD has concerns, they will provide those comments.

1 Commissioner Vanderheyden stated he would be comfortable with some statement requiring  
2 “sufficient year-round screening.” Commissioner Cooper agreed and stated she supports reusing  
3 the rain water for gardens or plant material.  
4

5 Mr. Aggarwal stated until they researched water management systems, he had no idea what was  
6 available but after research of the various methods, he wanted to get two rain barrels for his own  
7 house because it is the easiest and most efficient way to reuse the water. Chair Gonzalez agreed  
8 that is the case if it is done well.  
9

10 City Planner Gadow referenced the building plans included in the staff report and explained that  
11 after the previous public hearing, the Planning Commission found that “Scheme B” with the  
12 higher pitched roof design did not meet the character of the neighborhood. The applicant has  
13 agreed to construct the building design labeled “Scheme A” for a one and one-half story design  
14 with a lower roof pitch. Those building plans were submitted as part of the application.  
15

16 Chair Gonzalez referenced the discussion by the Council related to the option of a Planned Unit  
17 Development (PUD). City Planner Gadow stated it was decided a PUD for a two-lot subdivision  
18 did not make sense since it can be handled with a subdivision and subject to conditions.  
19

20 Chair Gonzalez asked whether the applicant had submitted a revised survey that identified lot  
21 square footages. City Planner Gadow advised that information has been submitted.  
22

23 Commissioner Iverson asked about the trees to be removed, noting there are a lot in front of the  
24 existing house and pool areas and a condition of approval is to provide relocation or replacement  
25 of trees to be removed. She asked which conifers will be removed in front of the pool and house.  
26

27 Ms. Appelquist displayed a drawing depicting numbered trees and indicated that trees 26-22  
28 shown in the color yellow are White Spruce and at a size they cannot be transplanted. In  
29 addition, they are diseased and planted too closely so they have a needle cast disease. She  
30 indicated that ten new trees will be planted on both lots including one evergreen and the rest are  
31 a variety of deciduous trees. Ms. Appelquist read the types and sizes of the ten trees to be  
32 planted, as listed on the landscape plan, indicating all will be balled and burlap trees.  
33

34 Commissioner Crowder asked the size of the balled and burlap trees. Ms Appelquist stated they  
35 will use the largest evergreen tree available in the nursery, about 10 feet. Deciduous trees are  
36 measured by caliper diameter and will be in the 2.5-inch and 1.5-inch range. She indicated they  
37 will use 3-inch to 4-inch, if available, but have found that 2-inch to 3-inch are more readily  
38 available so the size will be dependent on what the nursery carries.  
39

40 Commissioner Crowder stated that 3-4 inch deciduous trees are available if you look and asked  
41 if the size will be determined by the cost. Ms. Appelquist stated if they order a Hackberry, they  
42 will take the largest they have available, whether 4 inches or 3.5 inches.  
43

44 Chair Gonzalez asked if the City has a forester. City Planner Gadow stated the City Park’s  
45 Department reviewed the tree plan and their only question was to assure the Ash trees in the  
46 boulevard are protected when the curb cuts are installed.

1  
2 Mr. Aggarwal stated before they started on the landscape plan they received feedback from the  
3 Park Board on the trees. Ms. Appelquist was asked to independently come up with a  
4 determination on the trees that have to be removed and what should be planted. He advised that  
5 both plans were in sync. City Planner Gadow confirmed that was the case and Parks Department  
6 personnel have visited the site several times.

7  
8 Commissioner Pearson stated the action step provides two choices. One is to develop findings of  
9 fact based on the staff report with additions or deletions. He stated he is not sure of the findings  
10 of fact by the staff. City Planner Gadow stated staff's recommendation is for approval of the  
11 Stormwater Management Plan as it goes beyond what would be required. Staff concurs with the  
12 Scheme A building design to better match the scale and character of the neighborhood. City  
13 Planner Gadow indicated staff is comfortable with the landscaping plan subject to protecting the  
14 remaining trees including the Ash trees in the boulevard. The applicant has met the terms of the  
15 CUP criteria.

16  
17 Chair Gonzalez opened the public hearing at 7:59 p.m.

18  
19 Doug Westin, 106 Gleahaven Road, stated he lives immediately to the north of Lot 1 and his  
20 wife is not here tonight but she does like rain barrels. Mr. Westin stated with the overall plan,  
21 they would prefer a single house on a large lot but understand that will not happen. They like the  
22 Water Mitigation Plan. He explained most water on the road drains to the culvert under his  
23 driveway, past the neighbor's house, then drains to the east. Mr. Westin expressed concern that  
24 any excess water may result in a higher flow but if mitigated, he sees no problem with it. He  
25 stated it looks like they will need to bring in fill near the road to raise the topography for the  
26 foundation at an elevation of 972.

27  
28 Mr. Svedburg stated they do not have a specific calculation but one builder estimated the soil  
29 will be equal and they will mitigate all driveway water so it will be lower than water leaving the  
30 site today.

31  
32 Chair Gonzalez noted if a single house, it would be at least twice as large and out of character  
33 with this neighborhood. Mr. Westin stated he does not think anyone would want to build a  
34 massive home in this neighborhood, but you never know.

35  
36 Robert Fisher, 140 Gleahaven Road, stated he lives to the south of Lot 2, and hopes these are the  
37 homes that are actually built. He stated he has lived here for 21 years and never had a problem  
38 with the neighbor's water draining over his yard since the existing house is 25+ feet from the  
39 property line with a lot of grass and pervious area to take up rain water. However, the new  
40 roofline is only ten feet from his property line and it appears from the center back of the house,  
41 the water will flow towards his property. In addition, water from the center side of the house  
42 will also flow to the back of his property. Mr. Fisher stated he is concerned that with a  
43 downspout and four-foot extension, a lot of water will be dumped onto his property. He stated  
44 his back yard tends to flow downhill. Mr. Fisher indicated he has been assured by Mr. Svedberg  
45 that they will address it, but he wants the record clear that this is his concern. With regard to  
46 rain barrels, he stated if he purchased this house, he would not want rain barrels in the front yard.

1 He pointed out that with Lot 1, rain barrels are not required to address stormwater mitigation.  
2 On Lot 2, only seven cubic feet of water would need to be mitigated without the rain barrels. He  
3 would prefer making the dry well a little larger to mitigate that water, noting rain barrels are not  
4 permanent. Mr. Fisher stated there is a large tree on the back corner of the property, identified as  
5 29, that is shown to be saved; however it is a volunteer Chinese Elm that is dropping limbs and  
6 at the end of its life. He supported removal of that tree prior to constructing the new house.  
7

8 Mr. Svedberg noted the information contained on the survey and spot elevation of 976.8, which  
9 is higher than 976 going to the north. He stated they will clarify that issue and guarantee that  
10 surface water from their development will not run onto Mr. Fisher's property.  
11

12 Chair Gonzalez asked about the location of the rain gardens. Mr. Svedberg stated there will be  
13 two kidney shaped rain gardens and they are shown on the plan. Chair Gonzalez asked if a  
14 structure, such as a catch basin, can be located towards Mr. Fisher's property to address his  
15 concern. Mr. Svedberg stated the proposed house is 12.5 feet from Mr. Fisher's boundary and  
16 they did slide the house closer to Mr. Fisher's to accommodate the rain garden but it may be  
17 possible to make an adjustment to slide it back several feet.  
18

19 Mr. Fisher stated at the past meetings, the house was at 25 feet so it was moved considerably.  
20

21 Mr. Svedberg stated they can probably make some adjustments.  
22

23 Mr. Fisher stated there is a swale on his side of the property to drain his driveway. The existing  
24 house was graded down to the level of the swale so all that water drains to his swale but before  
25 there was 25 feet of grass to address some of it. Mr. Svedberg stated they will add a swale on  
26 their property to address that issue but noted most of their water will drain towards the street. He  
27 stated this is a minor adjustment and assured the Planning Commission it will be addressed and  
28 fixed.  
29

30 There being no comment, Chair Gonzalez closed the public hearing at 8:12 p.m.  
31

32 Chair Gonzalez asked about the height of the buildings and if it was still at 25 feet. Mr.  
33 Svedberg stated the building was slightly widened. City Planner Gadow stated it is 26 feet in  
34 height. Chair Gonzalez stated at the last hearing, the Planning Commission was assured the  
35 height would not exceed 25 feet. City Planner Gadow stated the Planning Commission should  
36 provide commentary on the building height.  
37

38 Commissioner Pearson stated he viewed this application more narrowly, as a review of the  
39 stormwater management design. Commissioner Vanderheyden stated he had done the same.  
40

41 Mr. Svedberg presented an image of the proposed house and pointed out the roof elevation  
42 notation of 26 feet, plus or minus, to the very top of the clearstory roof.  
43

44 Commissioner Pearson stated he would be more comfortable directing staff to prepare the  
45 recommendation in writing, with findings and conditions, for review at the next meeting.  
46

1 Chair Gonzalez suggested a condition requiring the applicant to submit a plan showing how Mr.  
2 Fisher's property will be protected from water runoff. She asked about the concern expressed  
3 relating to Tree #29. Ms. Appelquist stated it is an Elm Tree, not an American Elm, and the  
4 exact species is still an unknown but could be Siberian Elm or a Red Elm. Since she could not  
5 obtain a leaf or bud, she submitted the information to the University. The University indicated it  
6 may be a new species comprised of a cross between a Siberian Elm and Red Elm and they would  
7 like to take a cutting as part of their experimental group.

8  
9 Chair Gonzalez asked if the tree posed a danger to adjacent properties.

10  
11 Mr. Fisher stated the City Arborist indicated it was a Chinese Elm.

12  
13 Ms. Appelquist stated the tree is healthy and 29 inches in diameter. She noted that after 15  
14 inches in diameter, the tree become "significant." The tree is Dutch Elm resistant and an asset to  
15 the property. Also, its tree roots contribute towards water retention on the property.

16  
17 Commissioner Pearson made a motion, seconded by Commissioner Vanderheyden, to direct staff  
18 to prepare a Planning Commission Report and Recommendation reflecting an approval  
19 recommendation on the application, with appropriate findings of fact and conditions, for review  
20 and adoption at the April 1, 2013, meeting.

21  
22 Commissioner Iverson asked about a condition relating to the good faith effort by the applicant  
23 on the landscaping plan to obtain appropriately sized trees.

24  
25 Commissioner Vanderheyden asked if an ordinance guides this decision rather than an opinion  
26 on what is or is not reasonable. City Planner Gadow stated the ordinance, as written, does not  
27 address replacement tree size. Commissioner Vanderheyden stated if outside of the ordinance he  
28 finds it to be over reaching and based on opinion.

29  
30 Chair Gonzalez stated it is appropriate to attach reasonable conditions and she found addressing  
31 stormwater drainage towards neighboring property to be reasonable. Commissioner Pearson  
32 agreed that drainage patterns are allowed to be considered, based on a reading of the Code.

33  
34 Chair Gonzalez stated it has been practice that when a developer removes large caliper trees, it is  
35 appropriate to require replacement with the largest caliper trees available.

36  
37 City Planner Gadow stated he will confer with the City Attorney to address the appropriate  
38 language related to the landscape plan. He noted the Planning Commission has discussed two  
39 conditions: addressing all stormwater runoff to adjacent properties; and, the applicant will make  
40 every effort to purchase the largest trees available.

41  
42 Commissioner Vanderheyden took exception to a condition relating to the landscape plan and  
43 best effort. He stated if there is something special about this property that would require the City  
44 to behave differently relating to landscape, it can be discussed. But, if the City already has a  
45 standard within its Code and the Planning Commission wants a higher standard, then he thinks

1 there needs to be cause to apply a higher standard. He asked the Planning Commission to call  
2 out what that cause would be.

3  
4 Commissioner Pearson noted it says the plan must provide for the relocation or replanting of  
5 trees to be removed so there is a degree of subjectivity that can be brought to this process. He  
6 felt it was an art, not a science.

7  
8 Commissioner Vanderheyden asked if there was already a process.

9  
10 City Planner Gadow stated this application followed City process by submitting a landscape plan  
11 that was reviewed by City staff and the Planning Commission and will be reviewed by the City  
12 Council. He stated adding language indicating, "if available" would be appropriate, noting the  
13 applicant has stated their preference to purchase larger sized trees if they are available in this  
14 area.

15  
16 Commissioner Crowder felt a term such as "available" was worthless.

17  
18 Commissioner Vanderheyden stated he supports encouragement, noting it is public and a  
19 commitment has been made.

20  
21 City Planner Gadow clarified the motion and conditions that the applicant will satisfy  
22 stormwater mitigation to all adjacent properties and the applicant will be encouraged to secure  
23 the largest size balled and wrapped trees that are available.

24  
25 The motion passed 6/1 (Crowder).

26  
27 Commissioner Crowder stated he voted against as he does not feel comfortable approving the  
28 water management system since it included rain barrels, something with which he is not familiar.

29  
30 **AGENDA ITEM 3. Other Items**

31  
32 **a. Review of Development Activities**

33 City Planner Gadow stated the 110 Gleahaven Road Planning Commission Report and  
34 Recommendation will be considered at the April 1, 2013, meeting and he will also try to present  
35 ordinances that are currently under discussion. There are no other development applications for  
36 consideration.

37  
38 **b. Other Items**

39 City Planner Gadow reported on the Council's actions at its March 5, 2013, meeting.

40  
41 Chair Gonzalez asked if the Council had determined a definition for "limited commercial use" as  
42 it relates to the Wayzata Bay Center. City Planner Gadow explained the Council took the same  
43 position as the Planning Commission that it is not a term that can be defined in what is allowed  
44 in the Central Business District. But, Mr. Mehrkens will be asked to address the mix of retail  
45 and office. He noted the project needs retail leases to be successful so they are actively  
46 marketing to retail tenants.

1  
2 Commissioner Cooper stated it was her understanding that the Wayzata Bay Center plans would  
3 come to the Planning Commission for review. However, the retail designs presented to the City  
4 Council were different than what had been presented to the Planning Commission. City Planner  
5 Gadow explained that when approved in 2008, a condition was placed that any design  
6 modifications would go to the City Council. The Workshop sessions were held on the West and  
7 Plaza Blocks to allow opportunity for the Planning Commission to provide feedback.

8  
9 Commissioner Cooper noted the Planning Commission was not given the opportunity to provide  
10 comment on the new element for the retail spaces that were to be covered but now sections are  
11 only glass. City Planner Gadow stated he conferred with the Wayzata Bay Center about that  
12 issue and described the desired elements that are still part of the design, though they may not  
13 have shown well on the “bird’s eye” perspective plans.

14  
15 City Planner Gadow reported on the activities of the Heritage Preservation Board.

16  
17 **AGENDA ITEM 4. Adjournment.**

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

20  
21 The meeting was adjourned at 8:38 p.m.

22  
23 Respectfully submitted,

24  
25  
26 Carla Wirth

27 *TimeSaver Off Site Secretarial, Inc.*