

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
March 2, 2015**

**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: Ramy, Vanderheyden, Iverson, Gruber, and Gnos (7:43 p.m.). Absent and excused were Commissioner Young and Gonzalez. Director of Planning and Building Gadow and City Attorney David Schelzel were also present.

Chair Vanderheyden stated the minutes to be reviewed are from the February 23, 2015 meeting.

Commissioner Ramy made a motion, Seconded by Chair Vanderheyden, to approve the February 23, 2015 meeting minutes as presented. The motion carried 2-ayes, 2- abstain (Young and Gruber).

**AGENDA ITEM 2. Regular Agenda Public Hearing Items:**

- a. **123 Broadway Avenue N – Brian and Tasha Winkels**
  - i. **Variance from 35% Impervious Limit in R-3A District**

Mr. Gadow stated Brain and Tasha Winkels have submitted a development application requesting approval to construct a new 2-story single-family residence at 123 Broadway Avenue North. The Application requests approval to exceed the thirty-five percent (35%) impervious surface limit in the R-3A District to allow for the location of a driveway to a side loading garage. He reviewed the Staff Report and the proposed site plan and building plans for the new residence.

Mr. Brian Winkels, 610 Lanewood Lane, Plymouth, provided background information on the project and why they would like to build within the Community. The Historical Society did take pictures of the original home prior to it being removed. He explained they would be open to the type of material used in the proposed new driveway including pavers.

Commissioner Ramy asked if any plans had been drawn to show how much could be mitigated by using pavers for the driveway.

Mr. Steve Behnke, Traditions by Donnay Homes, 9655 63<sup>rd</sup> Avenue N, Maple Grove, explained the areas that could be mitigated on the property. He explained in order to meet the coverage the garage would need to be located in the front of the home and this would not be the type of home that would fit in Wayzata. He stated the home would be 2-feet shorter and the garage would be smaller than what is in the application.

1 Commissioner Iverson asked if the applicant had looked at house plans that would meet the  
2 hardcover requirements and provide the living space the family is looking for.

3  
4 Mr. Behnke stated the living space for the home is reasonable with 3-bedrooms and 2-  
5 bathrooms. The first floor is the footprint of 1900-square feet and the second floor does not  
6 affect the footprint size.

7  
8 Commissioner Iverson asked if the applicant had plans to finish the attic space above the garage  
9 as living space.

10  
11 Mr. Winkels stated plans were to leave this as unfinished storage space.

12  
13 Commissioner Gruber asked if the Applicant had considered other lots in Wayzata. She stated  
14 the City is looking for willingness of the Applicant to work with the City regarding the variance.  
15 She asked if the Applicant had considered options if the variance were not approved.

16  
17 Mr. Winkels stated they had looked at several lots and homes since 2008. The traditions of  
18 Wayzata offer what the family is looking for and this is why they chose to relocate to the area.  
19 He stated the home had been designed with the understanding that the existing easement to the  
20 north would be nullified and a new driveway constructed. In January the initial plan had been  
21 submitted to the City but the hardcover for that design had been over 51%. Over the course of  
22 the last 6-months they have done as much as possible to reduce the hardcover and still have it  
23 meet the needs of the family.

24  
25 Chair Vanderheyden stated the Planning Commission has received cards and e-mails in regards  
26 to the proposed project. He explained the role of the Planning Commission and he clarified that  
27 the Commission has no binding authority and makes recommendations to the Council. The  
28 Council will make the final decisions regarding the Application.

29  
30 Chair Vanderheyden opened the public hearing at 7:28 p.m.

31  
32 Ms. Joan Malikowski, 138 Broadway Avenue N, Wayzata, stated it appeared the home would be  
33 8 feet closer to the street than the other homes on the block. She asked if the home was suppose  
34 to be in line with the existing homes. This home is proposed to be larger than the home that had  
35 been on the property and if it is closer to the street it would change the feel of the block.

36  
37 Mr. Gadow stated the way the Ordinance is written today there is not a requirement that a new  
38 home has to meet the average setbacks of the neighboring properties only that it meets the  
39 minimum of 20-feet and this is what the applicant is proposing.

40  
41 Ms. Malikowski stated the look of the neighborhood should be considered as part of the variance  
42 request.

43  
44 Mr. Gadow stated the variance request must demonstrate an undue difficulty and the City's  
45 Ordinance determines undue difficulty by considering if the proposed use is reasonable, the

1 plight of the land owner is unique to the property, and the variance if granted does not alter the  
2 character of the locality.

3  
4 Ms. Malikowski asked if the basement would be finished and if the office could be located in the  
5 basement in order to shrink the footprint of the building or set the house back further. There will  
6 be over 4,000-square foot finished and this is large for the size of the lot.

7  
8 Ms. Emmie Hester, 131 Broadway Avenue N, Wayzata, stated their property shares the driveway  
9 easement and they had been willing to get rid of the easement but the hardcover was too much.  
10 Keeping the easement does help the Winkels with the hardcover. The driveway provides 85-feet  
11 of hardcover that is shared 60/40. To keep in scale with the neighborhood the hardcover should  
12 not be exceeded. The size of the home proposed would require a lot over 9,000-square feet and  
13 this lot is only 7,000-square feet. The proposed home would be overwhelming. The City needs  
14 to stay with the maximum hardcover requirements in order to keep with the character of the  
15 neighborhood. If the variance is granted then they would be requesting one as well.

16  
17 Ms. Gail Wilson, 135 Broadway Avenue N, Wayzata, asked if the easement could be removed.  
18 She asked what it would mean if the Winkels removed their portion of the easement and went  
19 with a driveway in the front of the house. She asked if this would be possible.

20  
21 Mr. Gadow stated the easement between two (2) properties could be removed if both property  
22 owners agreed to remove the easement. He clarified in order for the Winkels to remove their  
23 portion of the easement they would need to get approval from the neighbors to the north and  
24 remove the pavement associated with this easement and if this happens then they would be able  
25 to put a driveway wherever on the property where it would meet the code requirements.

26  
27 Ms. Wilson stated the neighborhood is not what it was 30-years ago and they are getting larger  
28 homes. The proposed home has great curb appeal and would fit nicely into the neighborhood.  
29 There is no problem with what is being proposed and she would support the project. She  
30 recommended the Commission approve the variance request.

31  
32 Ms. Alison Humphrey, 425 Highcroft Road, Wayzata, asked what would be unique about this lot  
33 that would require a variance to be granted.

34  
35 Ms. Babcock, 337 Reno Street, Wayzata, stated this area had been studied 10-years ago by the  
36 Planning Commission because people had been buying smaller lots in the area and building large  
37 homes. The Commission had struggled with what the hardcover percentage should be and set  
38 the maximum in what would be acceptable to the City. She would like to see the rear load  
39 garage maintained because this does keep with the character of the neighborhood but she would  
40 like to see the hardcover percentage lowered to be within the Ordinance requirements. She  
41 suggested using impervious pavers for the walkway and driveway or work to reduce the size of  
42 the home.

43  
44 Commissioner Gnos joined the meeting at 7:43 p.m.

45

1 Ms. Mandy Adams, 309 Ramsey Road, Wayzata, stated her concerns for this part of Wayzata is  
2 that the City is chasing out people that live there because they would not be able to afford the  
3 taxes. There are other lots in the City that are as small as this particular lot and she asked if they  
4 would also qualify for a variance to increase the hard surface in order to build larger homes. She  
5 stated this would be setting a precedent for those other lots.

6  
7 Ms. Lee Vaughan, 649 Park Street E, Wayzata, stated Wayzata is sending a message that the old  
8 homes are valuable and she believes the Commission should require the Applicant to meet the  
9 35% hardcover requirement. She provided a letter from Mary Doleman expressing concerns  
10 about the variance.

11  
12 Ms. Wilson asked if the Winkels would be within the hardcover requirement if they use  
13 impervious pavers for their sidewalk and driveway.

14  
15 Mr. Gadow explained this property is outside of the Shoreland Overlay District and the  
16 properties do not have as strict hardcover limits. There is a zoning process in place that allows  
17 those properties inside of the Shoreland Overlay District to use pavers to reduce exceed the 25%  
18 maximum in those areas. The Applicant's property is outside of the Shoreland Overlay District  
19 there is not a mechanism for the City to give credit for the use of pavers. The only way this can  
20 occur is if the Council determined the variance were warranted but they are granting the variance  
21 on the condition that impervious pavers and rain gardens were to be installed to mitigate the  
22 extra hardcover.

23  
24 Ms. Babcock stated the problem with the rain gardens and barrels is that these need to be  
25 monitored and these should not weigh in for a variance request.

26  
27 Mr. Behnke stated if the home is pushed back it would add to the amount of hardcover in the  
28 sidewalk and the driveway. As other homes in the neighborhood change there will be similar  
29 designs to move closer to the front in order to minimize the hard cover. He stated the Winkels  
30 are willing to install pavers as a mitigation requirement if this were the recommendation by the  
31 City.

32  
33 Chair Vanderheyden closed the public hearing at 7:55 p.m.

34  
35 Commissioner Ramy stated he would rather reduce hardcover than mitigate for increased  
36 hardcover. This size lot is difficult to work with and get what a family of four (4) wants today.  
37 Other boutique communities are embracing their older homes more than Wayzata. He would  
38 like to try and reduce the hardcover.

39  
40 Commissioner Gruber stated she would not be in favor of granting the variance and it does not  
41 meet the test for practical difficulties. There are options that could be looked into to reduce the  
42 amount of hardcover including potentially flipping the home to remove bituminous on the one  
43 side of the home. She would advise the applicant to look at options. There is nothing unique  
44 about this property that would require the granting of a variance and the size of the home on this  
45 block would not meet the character of the neighborhood.

46

1 Commissioner Iverson is concerned about the future if the variance is granted. The City had put  
2 a lot of work into determining the proper amount of hardcover coverage and she would not  
3 support increasing the amount of hardcover. She suggested the Applicant look at reducing the  
4 hardcover and still meet the needs of the family.

5  
6 Commissioner Vanderheyden stated this lot is non-conforming based on the size of the lot. The  
7 Applicants are proposing to have a building size smaller than what the City had decided would  
8 fit on a 9,000-square lot. You cannot have a rear-loading garage with only 5% hardcover. This  
9 does present a hardship because the applicant is meeting the hardcover requirements for the  
10 home and keeping in character with the neighborhood by designing a home with a rear-loading  
11 garage but they are not able to do these things with the 5% hardcover allowed for the driveway  
12 unless there are alterations to the home. He said he would like to see the home set back 2-feet  
13 but this would increase the hardcover. The Commission could recommend a cistern to  
14 accommodate the runoff.

15  
16 Commissioner Iverson stated the bigger question would be one of setting precedent.

17  
18 Chair Vanderheyden stated several years ago the City determined a 30% hardcover for a home  
19 was reasonable for these lots.

20  
21 Commissioner Gnos asked if there was a way to set conditions for this property so that they are  
22 not setting a precedent for future development in this area. He is in favor of finding a way to  
23 make this work. The proposed home is what is attractive to the area.

24  
25 Mr. Winkels stated one of the challenges with the existing property is that the way the existing  
26 easement reads their legal obligation is to provide 4-1/2-feet up to 85-feet regardless of where  
27 and how the home is placed. They had looked at vacating the easement but this was not  
28 possible.

29  
30 Mr. Behnke stated the uniqueness of this property is the shared driveway, the desire for a rear-  
31 load garage without an alley to connect to. Granting a variance does not set a precedent because  
32 this is a unique property. Each proposal is unique and this is how the standard is written.

33  
34 Ms. Hester stated it would not help the hardcover if the easement were to be vacated because  
35 then the hardcover would be over 50%. If this is the direction of the Commission then they  
36 would be willing to vacate the easement.

37  
38 Commissioner Iverson stated every property is unique but when people come into Wayzata and  
39 buy a lot they know what they are getting and you should know what the building requirements  
40 and hardcover requirements and Ordinances are. This is why she wants to stay firm to the 35%.  
41 These calculations were set for a reason and homes should be proportioned to fit the lot.

42  
43 Commissioner Ramy asked if there were things that could be required to reduce the hardcover.  
44

1 Mr. Gadow stated this is not the right District for the City to give credit for mitigation methods  
2 but the Planning Commission and Council could determine if there are reasonable conditions  
3 that could be placed on the variance approval to mitigate the hardcover.

4  
5 Chair Vanderheyden stated the Applicant is asking for a variance for hardcover not building size.  
6 Cities look to limit hardcover due to runoff. They are 622-feet over the maximum and the City  
7 has done up to 50% credit for mitigation methods in other Districts in the City.

8  
9 Mr. Gadow stated in order to get up to 50% there would need to be more than one method of  
10 mitigation utilized.

11  
12 Chair Vanderheyden suggested requiring the Applicant to mitigate 1300-square feet of  
13 hardcover.

14  
15 Commissioner Ramy stated a cistern would be easier to maintain than rain gardens.

16  
17 Mr. Gadow stated if there are rain gardens or other mitigation methods used then there would be  
18 a maintenance agreement with the City that is recorded against the property outlining the  
19 property owner's obligations. This would run with the property.

20  
21 Commissioner Iverson asked if the Applicant was willing to look at other options for their  
22 family.

23  
24 Mr. Winkels clarified the footprint of the previous building had been larger than 788 square feet.

25  
26 Commissioner Gnos stated if there were an opportunity to do something with conditions then he  
27 would be willing to make this work.

28  
29 Mr. Winkels stated he would be willing to continue this discussion and given the opportunity to  
30 have this variance approved they would meet any condition the Planning Commission requires.  
31 They are open to mitigation methods as well.

32  
33 Commissioner Gruber moved, seconded by Commissioner Gnos to continue discussions  
34 regarding the Application until additional information is available regarding making the footprint  
35 smaller and potential mitigation methods.

36  
37 The motion was called to a vote. The motion passed unanimously.

38  
39  
40 **AGENDA ITEM 3. Other Items:**

41  
42 **1. Notice of Rescheduling – 151 Westwood Lane – Two (2) Lot Subdivision and Private**  
43 **Roadway Variance – Rescheduled to March 16, 2015**

44  
45 Mr. Gadow stated that the 151 Westwood Lane two (2) lot subdivision and private roadway  
46 variance request that was noticed to be heard tonight would be rescheduled to March 16, 2015.

1  
2       **a. Review and adoption of Planning Commission Report and Recommendation on**  
3       **Concurrent Preliminary and Final Plat for Two (2) Lot Subdivision at 637**  
4       **Harmony Circle**  
5

6 M. Gadow presented the Report and Recommendation of Approval of concurrent preliminary  
7 and final plat at 637 Harmony Circle.  
8

9 Chair Vanderheyden asked about the park dedication fee.  
10

11 Mr. Gadow clarified the park dedication fee was based on new lots were created by the  
12 subdivision.  
13

14 Commissioner Gruber asked if the recommendation presented had any conditions regarding the  
15 oak tree.  
16

17 Mr. Gadow stated at the last Planning Commission meeting the Commission had opted not to  
18 make a recommendation regarding the oak tree but this would be something for the City Council  
19 to consider.  
20

21 Chair Vanderheyden explained there was a sewer line that would be vacated under the tree it was  
22 unlikely the tree would survive.  
23

24 Mr. Gadow stated the City could choose to leave this section of pipe and the Council could look  
25 at this.  
26

27 Commissioner Gruber stated based on the new information regarding the possibility of saving  
28 the tree the Commission should look at adding a condition.  
29

30 Mr. Gadow stated the Planning Commission could amend the recommendation at this time.  
31

32 Commissioner Gruber stated she would recommend a condition that the oak tree be saved.  
33

34 Commissioner Iverson suggested adding the construction precautions to the conditions.  
35

36 Chair Vanderheyden stated if this were the direction the Planning Commission chose to go then  
37 they should follow the directions of the City Forester.  
38

39 Mr. Gadow stated the City Forester would be able to provide this guidance.  
40

41 Commissioner Ramy stated at the last Planning Commission meeting they had discussed the  
42 possibility of saving the tree at length. During that meeting it had been determined if the  
43 driveway were moved it would create additional problems for the property.  
44

45 Commissioner Gruber stated if the home were flipped the Engels windows would be facing the  
46 garage.

1  
2 Chair Vanderheyden stated if the tree remained then the home would be flipped and then the  
3 Engels would have windows facing their property and they would like to avoid this.

4  
5 Mr. Gadow asked if a condition was being recommended that the Applicant must preserve the  
6 bur oak on Lot 1 in accordance with the advice and consultation of the City Forester and the City  
7 Tree Consultant.

8  
9 City Attorney Schelzel suggested changing the language that the Applicant can take the steps to  
10 preserve the tree but the City should not make the approval conditional on the tree surviving  
11 because this may not be possible.

12  
13 Commissioner Ramy stated based on the discussion of the Commission at the last meeting he  
14 would recommend a condition that the Applicant considers the new information.

15  
16 Chair Vanderheyden agreed with requesting the Applicant reconsider options for saving the tree  
17 and let the Council provide conditions regarding this.

18  
19 Commissioner Iverson stated she would like the conditions to reflect the tree be saved.

20  
21 Commissioner Gruber made a motion, Seconded by Commissioner Iverson to add a condition  
22 that the applicant consider the new information available on the abandonment of the sewer line  
23 and take steps to preserve the bur oak tree on the north side of the lot in consultation if the City  
24 Forester and City Tree Consultant. The motion passed 3-2 (Vanderheyden, Ramy)

25  
26 **b. Notice of Rescheduling – 151 Westwood Lane – Two (2) Lot Subdivision and Private**  
27 **Roadway Variance – Rescheduled to March 16, 2015**

28  
29 Moved to Agenda Item 3.1.

30  
31 **c. Review of Development Activities**

32  
33 Director of Planning and Building Gadow stated the next meeting would be discussions on  
34 subdivision on 151 Westwood Lane and possibly the east block of the Wayzata Bay Center  
35 design review and PUD Amendment.

36  
37 **d. Other Items**

38  
39 Commissioner Ramy asked when the Commission would be reviewing the setbacks.

40  
41 Mr. Gadow stated he does not have a date at this time and when there is time this would be  
42 brought forward.

43  
44 Commissioner Iverson asked if the Planning Commission would be willing to meet an hour  
45 earlier each meeting for a work shop in order to work on the Tree Ordinance,  
46 Telecommunications Ordinance, and the setbacks.

1  
2 Mr. Gadow stated Staff would also need to find the additional time as well.  
3

4  
5 **AGENDA ITEM 4. Adjournment.**  
6

7 There being no further business, Commissioner Ramy made a motion, seconded by  
8 Commissioner Gruber, to adjourn the meeting. The motion passed unanimously.  
9

10 The meeting was adjourned at 8:53 p.m.  
11

12 Respectfully submitted,  
13

14 Tina Borg

15 *TimeSaver Off Site Secretarial, Inc.*