

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 26, 2023**

AGENDA ITEM 1. Call to Order

Vice-Chair Sorensen called the meeting to order at 6:30 p.m.

Vice-Chair Sorensen read a prepared statement outlining multiple options for joining remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

Vice-Chair Sorensen asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Merriam, Sorensen, Severson, and Elg. Community Development Director Emily Goellner, Assistant Planner Valerie Quarles, and City Attorney David Schelzel were also present.

Absent at roll call were Commissioners: Schwalbe, Douglas and Stockton

AGENDA ITEM 3. Approval of Agenda

Vice-Chair Sorensen asked for a motion to approve the agenda for the meeting.

Commissioner Merriam made a motion, seconded by Commissioner Severson, to approve the June 26, 2023 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the May 15, 2023 Planning Commission Meeting Minutes

Vice-Chair Sorensen read the item on the consent agenda and asked if any Commissioner wished to pull it for further discussion.

Hearing no such request, Vice-Chair Sorensen asked for a motion to approve the Consent Agenda as presented.

Commissioner Elg made a motion, seconded by Commissioner Merriam, to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items

a) Consider Application for Impervious Surface Variance at 374 Ferndale Road W

1 Assistant Planner, Valerie Quarles, gave a presentation on the application and reviewed the project
2 location, the surrounding zoning/land use designations, and the existing conditions, including the
3 neighbor's driveway that crosses over the property line. She explained that the application is for
4 a variance to build a new patio and add a pool to the rear yard. She reviewed details of the
5 impervious surface variance request as well as proposed stormwater management plans. She
6 reviewed the notifications given for the public hearing and explained that there was a small
7 problem with the newspaper notice that had an inaccurate address within the body of the notice,
8 but explained that the other information was accurate. She reviewed the questions for consideration
9 of the variance by the Commission.

10
11 At the conclusion of the Staff presentation, Vice-Chair Sorensen asked if the Commission had any
12 questions for Staff.

13
14 Commissioner Severson asked if the neighbor's driveway went away, whether there would still be
15 a need for a variance.

16
17 Assistant Planner Quarles stated that she believes that driveway is what puts them over the 20%
18 limit for impervious surface.

19
20 Commissioner Merriam noted that the applicant had provided the specific numbers in their
21 narrative. She stated that the existing hardcover is 22.4% and they are proposing 24.9% and the
22 neighbor's driveway is 1,870 sq. ft. of hardcover, which if removed would bring the hardcover
23 amount down to 20.2%. She stated that she looked at the property today and stated that the
24 neighbor's driveway placement and the tree coverage make it appear that this property is smaller
25 than it is.

26
27 Assistant Planner Quarles stated that she believes the neighbor's driveway was built in the late
28 1970s.

29
30 There being no further questions from the Commission for Staff, Vice-Chair Sorensen invited the
31 applicant to address the Commission.

32
33 Jeremy Schultz, Outdoor Perfection, representing the applicant, stated that it appears as though at
34 one point the driveway was part of the 374 Ferndale parcel and then subdivided, but is unsure why
35 it was left on this parcel.

36
37 Assistant Planner Quarles noted that if there was a subdivision on the past, she would guess that
38 about the driveway encroachment on the current parcel was due to minimum frontage length
39 requirements.

40
41 There being no questions for the applicant, Vice-Chair Sorensen opened the public hearing on the
42 application at 6:47 pm.

43
44 Community Development Director Goellner stated there were no people that called in to the
45 meeting that have asked to speak at the public hearing.
46

1 There being no one wishing to comment on the application, Vice-Chair Sorensen closed the public
2 hearing at 6:48 pm.

3
4 Vice-Chair Sorensen asked for the Commission to share their thoughts and feedback on the
5 application.

6
7 Commissioner Elg stated that he believes this is a reasonable request, and explained that he did
8 not think it will change the character of the community and believes that they do have a unique
9 circumstance with the position of the neighbor's driveway.

10
11 Commissioner Merriam stated that she agreed, and also that she sees the practical difficulty with
12 the driveway easement running across their property which increases their hardcover. She noted
13 that without the neighbor's driveway, the request would only be for a .2% variance.

14
15 There being no further discussion, Vice-Chair Sorensen asked for a motion on the application.

16
17 Commissioner Merriam made a motion, seconded by Commissioner Severson, to direct staff to
18 prepare a draft Planning Commission Report and Recommendation with appropriate findings
19 reflecting a recommendation of approval of the impervious surface variance requested at 374
20 Ferndale Road West for review and adoption at the next Planning Commission meeting. The
21 motion carried unanimously.

22
23 **b) Consider Application for Impervious Surface Variance and Parking Area Setback**
24 **Variance at 138 Huntington Avenue S**
25

26 Assistant Planner Quarles gave an overview of the application for impervious surface and parking
27 area variances for the property located at 138 Huntington Avenue S. She reviewed the project
28 location, the zoning and land use in the surrounding neighborhood, existing conditions, and the
29 plans in the application to take the current driveway and reconstruct it with permeable pavers. She
30 explained that the proposal is to decrease the current nonconforming hardcover on the property
31 from 40.94% to 38.3%, and noted that they are also requesting a variance to acknowledge that
32 the side yard setback for the parking area is 1 foot rather than the required 10 feet. She reviewed
33 engineering comments and the neighborhood notification that went out on the application and
34 public hearing.

35
36 At the conclusion of the Staff presentation, Vice-Chair Sorensen asked if the Commission had any
37 questions for Staff.

38
39 Commissioner Merriam asked if, because the applicant was planning to change the driveway from
40 asphalt to permeable pavers, they get credit within their hardcover calculations.

41
42 Planner Quarles explained that when it comes to permeable pavers, it depends on whether they are
43 in the Shoreland District or not. She stated that in this situation, there are no credits because this
44 Property is not within the Shoreland District, but the permeable pavers are still an important part
45 of the application because they mitigate the extra hardcover.
46

1 Commissioner Merriam clarified that this application was not asking for an additional impervious
2 surface because of additional deck or patio spaces, but were asking for it because they were already
3 over and are attempting to make the situation better by using the permeable pavers.

4
5 Planner Quarles stated that was correct.

6
7 Commissioner Merriam stated that this appears to be another situation where the question is how
8 the setback got this way initially, but noted that the property was already this way when the
9 applicant purchased it.

10
11 Commissioner Severson asked about the parking area setback, and clarified that the applicant was
12 not asking for anything more but this action would just outline the current conditions of the 1 foot
13 setback. She asked if the idea was just to document this situation with a variance so it would be a
14 legal non-conformance.

15
16 Planner Quarles stated the strategy was to entitle the condition so it was not just kept as a non-
17 conforming condition, but brought into conformance with the Zoning Ordinance through
18 variances.

19
20 There being no further questions for Staff, Vice-Chair Sorensen invited the applicant to address
21 the Commission.

22
23 Applicant representatives Dan Vanderheyden and Chris Bachinski of Black Dog Homes
24 introduced themselves. Mr. Bachinski gave an overview of the proposal for using permeable
25 pavers for the driveway surface.

26
27 Commissioner Elg asked about the current garage setback.

28
29 Mr. Bachinski stated that it is roughly the same as the driveway and believes the garage door is
30 about 2 feet off the corner of the garage.

31
32 There being no additional questions from the Commission for the applicant, Vice-Chair Sorensen
33 opened the public hearing on the application at 7:05 pm.

34
35 John Blank, 138 Huntington Avenue S, and applicant stated that he has a letter of support from his
36 neighbors for their proposed plans.

37
38 Gordy Straka, 130 Huntington Avenue S, stated that he lives next door and noted that if the current
39 driveway was put in illegally, it would have been when Councilmember Mullin owned the home.
40 He stated that he sits about 2 feet lower than Mr. Blank's property and asked what would happen
41 with the impervious pavers if there is more water than can be held in those pavers. He expressed
42 concern that the water would then make its way to his yard. He stated that he has had good luck
43 with the existing blacktop because the water runs out to the street and then to the stormwater drain.
44 He stated that the driveway has been in this location for the entire 54 years that he has lived in this
45 home. He stated that he was in support of the project.

46

1 Community Development Director Goellner noted there were no people that called in to the
2 meeting that have asked to speak at the public hearing.

3
4 There being no one else wishing to comment on the application, Vice-Chair Sorensen closed the
5 public hearing at 7:09 pm.

6
7 Vice-Chair Sorensen asked for the Commission to share their thoughts and feedback on the
8 application.

9
10 Commissioner Merriam noted that Mr. Straka had asked about where the water would go, and
11 explained that was a question for the engineer and asked for reassurance that any design that is
12 used is reviewed with that concern in mind. She stated that she was sure that had already been
13 done, but asked staff to make note of the specific concern raised by Mr. Straka.

14
15 Commissioner Severson stated that she thinks this is a reasonable request and they are reducing
16 the amount of non-conforming hardcover.

17
18 Commissioner Elg stated that he was also in favor of this request. He noted that he was not an
19 engineer, but assumes that the idea is that the water would continue to leach into the soil and sink
20 and if it exceeds the amount that can be held, the driveway would have some slope or grade of
21 some kind so it would still be directed towards the street.

22
23 There being no further discussion, Vice-Chair Sorensen asked for a motion on the application.

24
25 Commissioner Severson made a motion, seconded by Commissioner Elg, to direct staff to prepare
26 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
27 recommendation of approval of the impervious surface variance and parking area setback variance
28 for property located at 138 Huntington Avenue South for review and adoption at the next Planning
29 Commission meeting. The motion carried unanimously.

30
31 **c) Consider Application for Subdivision and Report and Recommendation of**
32 **Approval at 1030 Lake Street E**
33

34 Assistant Planner Quarles gave an overview of the application, including project location, the
35 surrounding zoning and land use in the neighborhood, existing conditions, and the development
36 application. She noted that the request is to subdivide the existing parcel into two parcels, demolish
37 the current home and garage and build a new home on each parcel. She reviewed the existing
38 wetland, buffer area, and stormwater plans, as well as the proposed tree removal, preservation, and
39 replacement plans. She reviewed the engineering comments and the neighborhood notifications.
40 She stated that the City received no public comments on this application. She noted that staff had
41 already prepared a draft report and recommendation of approval for the Commission's
42 consideration.

43
44 At the conclusion of the Staff presentation, Vice-Chair Sorensen asked if the Commission had any
45 questions for Staff.
46

1 Commissioner Elg asked if the tree replacement policy takes into consideration the viability of a
2 tree.

3
4 Planner Quarles stated that it does take that into consideration and explained that is where the
5 dead, diseased, and dying provision mentioned previously comes into play. She stated that if there
6 is a tree that is already on its way out, the City recognizes that it does not make sense to penalize
7 someone for removing a tree that should be removed so those are not included in the calculations.

8
9 Commissioner Merriam referenced page 47 of the staff report and that it mentioned a general
10 sketch of the spec home, but noted that had not been included in the packet. She asked if that was
11 available for review.

12
13 Planner Quarles explained that page 47 of the report was the applicant's narrative, and noted that
14 she can ask them for clarification on that question.

15
16 Commissioner Severson stated that there was discussion about the hardcover limit for Lot #2 with
17 regard to the Shoreland Overlay District. She asked for additional information and if the
18 expectation was that a variance would need to be approved in the future.

19
20 Planner Quarles stated that the way it is set up is that if a project is over the zoning district limit of
21 35%, that is when it will need to come to the Commission with a variance request. She stated that
22 if the hardcover is between 25-35% it is a staff approval process for the required stormwater
23 improvements alone.

24
25 Vice-Chair Sorensen asked if the fee in lieu referenced is in addition to what had already been
26 paid.

27
28 Planner Quarles stated that she believes that is correct, and that the City already has escrow of
29 about \$56,000 for trees that were already removed.

30
31 There being no further questions for Staff, Vice-Chair Sorensen invited the applicant to address
32 the Commission.

33
34 Applicant Dan Vanderheyden, Black Dog Homes, stated that they are in the process of designing
35 the spec home but noted that he had copies of the plans on his laptop if the Commission would
36 like to see those plans. He reminded the Commission that what is currently being shown for Lot
37 #2 is a 'for instance' type of situation that is meant to show what 'could' go there, not what 'will'
38 go there.

39
40 Commissioner Severson asked if Mr. Vanderheyden expected that both of the eventual homes
41 would be within all the setbacks, or if he expected to have any future variance requests.

42
43 Mr. Vanderheyden stated that he did not expect that he would be requesting any future variances.

44
45 There being no questions from the Commission for the applicant, Vice-Chair Sorensen opened the
46 public hearing on the application at 7:35pm.

1
2 Community Development Director Goellner stated there were no people that called in to the
3 meeting that have asked to speak at the public hearing.

4
5 There being no one wishing to comment on the application, Vice-Chair Sorensen closed the public
6 hearing at 7:36 pm.

7
8 Vice-Chair Sorensen asked for the Commission to share their thoughts and feedback on the
9 application.

10
11 Commissioner Severson stated that the applicant has taken the feedback that they were given a
12 few months ago and reworked their plans into something that she feels is a much better use of the
13 land.

14
15 Vice-Chair Sorensen stated that he wanted to acknowledge that this has been quite a process for
16 the applicant and the City to work through. He stated that he believes the process has worked well
17 because there was a lot of public input, and believes it is clear that the applicant had worked hard
18 to come up with a solution that will be a great addition to the neighborhood.

19
20 There being no further discussion, Vice-Chair Sorensen asked for a motion on the application.

21
22 Commissioner Merriam made a motion, seconded by Commissioner Severson, to adopt the draft
23 Planning Commission Report and Recommendation with findings reflecting a recommendation of
24 approval of the requested subdivision of the property at 1030 Lake Street East. The motion carried
25 unanimously.

26
27 City Attorney Schelzel noted that this item will go straight to the City Council and would not be
28 back before the Commission.

29
30 **AGENDA ITEM 6. Other Items:**

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

33
34 **b) Planning Commission Meeting Schedule**

35
36 Community Development Director Goellner stated that the next meeting is scheduled for July 17,
37 2023, and there should be one public hearing scheduled for that meeting. She stated that there will
38 be two meetings in August on the 7th and 21st. She reminded the Commission that they had chosen
39 to proactively cancel the meeting that had been scheduled for July 3, 2023.

40
41 **AGENDA ITEM 7. Adjournment.**

42
43 There being no further business on the agenda, Vice-Chair Sorensen asked for a motion to adjourn.

44
45 Commissioner Severson made a motion, seconded by Commissioner Elg, to adjourn the Planning
46 Commission meeting. The motion carried unanimously.

1
2 The Planning Commission meeting was adjourned at 7:43 p.m.
3

4 Respectfully submitted,
5 Kayla Atkins Rokosz
6 *TimeSaver Off Site Secretarial, Inc.*
7