

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
January 26, 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: Gonzalez, Ramy, Vanderheyden, Iverson, Gruber, Young, and Gnos. Director of Planning and Building Gadow and City Attorney David Schelzel were also present.

Chair Gonzalez stated the minutes to be reviewed are from the January 5, 2015 meeting.

Commissioner Vanderheyden made a motion, Seconded by Commissioner Gruber, to approve the January 5, 2015 meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

a. 637 Harmony Circle – Fritz Gullickson

i. Concurrent Preliminary and Final Plat for a Two (2) Lot Subdivision

Mr. Gadow stated Mr. Fritz Gullickson has submitted a Development Application requesting concurrent preliminary and final plat approval to divide a 37,565 square-foot parcel into two (2) new lots. He reviewed the existing conditions survey, the preliminary plat, grading, utility and tree inventory plans, the final plat, and proposed residential images and plans. He also reviewed the changes the Applicant had made in response to Staff comments and the actions the Commission could take.

Commissioner Iverson asked if the lot width of 60-feet would be from the front or if it was an average.

Mr. Gadow stated this is calculated at the 20-foot front yard setback.

Chair Gonzalez asked if there would be 20-feet between the two (2) homes.

Mr. Gadow stated there would be a 10-foot side yard setback on each home, which would equal the 20-feet between the two (2) homes.

Chair Gonzalez stated the current property line encroaches into the driveway of the neighbor to the north.

Mr. Gadow stated the existing driveway crosses the property line to the north. This would be an item the Applicant and the property owner would have to resolve.

1
2 Commissioner Iverson asked how much fill would be brought in.

3
4 Mr. Fritz Gullickson, 3443 Crystal Place, Orono, stated there would not be fill brought in. The
5 site plan shows how the property will be leveled. The dirt that would be dug up for the
6 basements would be used.

7
8 Commissioner Gruber asked for Mr. Gullickson's background in home building.

9
10 Mr. Gullickson provided an overview of his experience in home building.

11
12 Commissioner Vanderheyden asked if the Applicant had considered a story and a half or ranch.

13
14 Mr. Gullickson stated he had looked at the homes that are currently being built in the City and
15 the 2-stories seem to be a family orientated home in today's market.

16
17 Commissioner Gruber asked what the price point would be for these homes.

18
19 Mr. Gullickson stated they would be priced approximately \$600,000 to \$700,000.

20
21 Chair Gonzalez asked what the height of the homes would be.

22
23 Mr. Gullickson stated they would be under the 35-feet height maximum allowed and he would
24 expect them to be at 32-feet.

25
26 Chair Gonzalez asked if he had talked with the neighbor to the north to address the driveway
27 encroachment and find a resolution.

28
29 Mr. Gullickson stated he has talked to the neighbor and they have not expressed concerns
30 regarding this driveway.

31
32 Chair Gonzalez asked what type of materials would be used.

33
34 Mr. Gullickson provided sample panels for the Planning Commission to review.

35
36 Chair Gonzalez stated the Applicant planned to take down a 34-caliper inch oak tree on the
37 property. She asked if there would be a way to move the garage to the other side in order to
38 preserve the tree.

39
40 Mr. Gullickson stated he had put the driveway on the north side so that the two driveways would
41 be parallel to each other and the existing driveway and there would be more green space between
42 the homes. He did not believe this could be changed.

43
44 Commissioner Iverson suggested Mr. Gullickson do what he can to save the large oak tree.

45

1 Chair Gonzalez asked if the City Engineer had any concerns with the storm sewer system being
2 relocated.

3
4 Mr. Gadow stated the City Engineer did not have concerns and the system would be located in a
5 new easement and removed from an odd location. This would be done at the Applicant's
6 expense.

7
8 Chair Gonzalez asked if the City Forester had any comments on the oak tree and if it would be
9 possible to save this tree.

10
11 Mr. Gadow stated he could talk to the City Forester again regarding this tree.

12
13 Commissioner Iverson stated the proposed new lots do meet the minimum requirement for the
14 district but not the whole lot would be considered buildable. She asked what portion of the lots
15 would be buildable. She has concerns that the scale of the home is too large for the buildable lot
16 size.

17
18 Mr. Gadow stated the code does not take this into consideration but he would have the
19 information available for the City Council when they review the application.

20
21 Chair Gonzalez opened the public hearing at 7:23 p.m.

22
23 Ms. Cheri Morris, 663 Harmony Circle, Wayzata, expressed concerns with having two (2) 2-
24 story homes in this location. She would prefer to have only one home on this property or have
25 ramblers. The request for 2-story homes is an economic consideration for the developer. This is
26 a middle-class neighborhood and families are moving there because it is affordable housing for
27 them.

28
29 Ms. Jeanne Osterby, 636 Harmony Circle, expressed concerns about the development. This is a
30 unique neighborhood. The homes are ramblers and there are a couple of walkout basements.
31 The new driveways would affect her driveway. The Comprehensive Plan tries to maintain the
32 character of the neighborhood and this neighborhood does not have 2-story homes. The property
33 is too small for two (2) homes this size. She would prefer to see one rambler or story and a half
34 home on this property. She read an email from another neighbor, which expressed concerns
35 about the traffic from the additional homes in this neighborhood.

36
37 Ms. Nancy Engel, 645 Harmony Circle, Wayzata, this project greatly impacts her property and
38 family because her home faces this property. She likes having the open property. She stated
39 they understand that change would occur and Mr. Gullickson has been very willing to work with
40 them. They are "ok" with whatever the City's decision is regarding the development. She
41 would like to see the one tree saved if possible. She is concerned that the home closest to them
42 would have all their windows facing their property but Mr. Gullickson is willing to work with
43 these concerns.

44

1 Mr. Gordy Engel, 645 Harmony Circle, Wayzata, stated he would be alright with two (2) homes
2 in this area and it would have a positive impact on the neighborhood to have two (2) families
3 move in.

4
5 Ms. Christine Cameron, 667 Harmony Circle, Wayzata, understands Mr. Gullickson's
6 perspective in providing the amenities the floor plans offer. This is a good neighborhood for
7 middle-class families. Two (2) homes would be a tight fit but having one large home would not
8 fit the neighborhood either. She is concerned about the precedent that this subdivision would
9 establish for future development of this neighborhood.

10
11 There being no additional public comments, Chair Gonzalez closed the public hearing at 7:53
12 p.m.

13
14 Commissioner Gruber suggested Mr. Gullickson consider putting a smaller home on the parcels
15 and try to save the oak tree. Mr. Gullickson is working with the neighborhood but today's
16 market is for larger homes. The plans presented are out of character for this neighborhood and
17 scaling the homes down would fit into this neighborhood better.

18
19 Commissioner Vanderheyden stated there are no variances being requested so it is difficult to
20 deny the application. The Commission does consider the fit in the neighborhood and two (2) 2-
21 story homes does not fit the character of the neighborhood.

22
23 Commissioner Young stated there are no variances and the developer is working with the
24 neighborhood to address concerns but in a neighborhood that does not have 2-story homes they
25 would be very different. This would not be setting a precedent for this neighborhood because
26 there are only a couple of lots that would be large enough for a subdivision to even occur. He
27 does have concern about the 2-story and would suggest the developer look at a home design that
28 would be more in keeping with the character of the neighborhood.

29
30 Commissioner Iverson expressed concerns that the City is pushing out young families by
31 allowing more expensive homes to be built. She is also concerned about setting precedent for
32 other development in this neighborhood and the scale of the homes is too large for the
33 neighborhood. She suggested the developer also look at ways to save the oak tree.

34
35 Commissioner Ramy stated he would rather live next to two (2) smaller homes than one (1) very
36 large home and the homes proposed are modest in size compared to today's standards. There are
37 no variances being requested so he would recommend moving it to the City Council with a
38 suggestion the developer considers modifying the design of the homes to fit the neighborhood
39 more and look at ways to save the oak tree.

40
41 Commissioner Gnos stated there are no variances and the developer showed good faith by
42 meeting with the neighborhood. He has heard more concerns about the homes being 2-story
43 rather than having two (2) homes and he would suggest the developer look at other design
44 options for the homes. He would also like to see the oak tree saved if possible.

45

1 Chair Gonzalez stated it meets the requirements of the R-3 District and the Developer is not
2 requesting any variances but there are two (2) Ordinances the Commission should consider: the
3 R-3 Single Family Zoning Ordinance and the Subdivision Ordinance. Section 3.1.B of the Staff
4 Report, reference Subdivision Ordinance Section 805.14.E.2, which states that trees should be
5 preserved and the Applicant is proposing to remove a tree that would be equal to a small grove.
6 She suggested the Applicant consider angling the driveway to save this tree. She would like to
7 have an opinion from the City Forester regarding this tree. She asked for clarification regarding
8 the grading that would be required for the project.

9
10 Mr. Gadow stated the applicant had revised their plans to closely match the existing grading and
11 there would be removal of fill rather than bringing in fill.

12
13 Chair Gonzalez stated if the property is raised a foot then the height of the building would be
14 even greater.

15
16 Mr. Gadow stated the height is calculated by taking data points around the building and using the
17 average grading.

18
19 Chair Gonzalez stated Section 3.1.E of the staff report references Subdivision Ordinance Section
20 805.14.E.5, which states the creation of the lots shall not adversely impact the scale, pattern, or
21 character of the City, its neighborhoods, or its commercial areas. The buildable area of these lots
22 is not very large. The application did not include a landscaping plan and she is not clear on what
23 steps would be taken to protect the existing wetlands to the north. She stated the runoff from the
24 property should be trapped on the property. Section 3.1.H of the staff report references
25 Subdivision Ordinance Section 805.14.E.8, which states the architectural appearance, scale,
26 mass, construction materials, proportion and scale of roof line and functional plan of the building
27 proposed should be similar to the characteristics and quality of existing development. These
28 homes do not fit the character of the existing neighborhood.

29
30 Commissioner Gruber suggested the developer consider scaling down the homes to better fit the
31 existing character of the neighborhood.

32
33 Commissioner Iverson stated she would like to see a landscape plan.

34
35 Commissioner Young suggested if the tree is not diseased it should be part of the application that
36 the developer attempts to save it.

37
38 Chair Gonzalez asked if the Commission would want to ask the developer to come back to the
39 Commission with revised plans and have the City Forester provide input regarding the tree or if
40 the Commission is ready to make recommendations.

41
42 Commissioner Iverson stated she would like to see it come back to the Commission so they are
43 able to make recommendations to the City Council.

44
45 Commissioner Gruber asked what the Commission's rights were in asking the application to
46 come back.

1
2 Mr. Gadow stated the Commission has the right to ask the Applicant to come back with
3 additional information. He stated he would have to look at the time line for the development
4 review.

5
6 Commissioner Vanderheyden clarified the Commission is to consider the application being
7 presented and can ask the Applicant if they would be interested in revising their application.
8

9 Mr. Gadow stated the application is for two (2) 2-story homes on two (2) lots. The Commission
10 can forward this to the City Council as is, forward to the City Council with conditions for
11 approval, or ask the applicant to provide additional information on the questions brought up by
12 the Commission.
13

14 Mr. Gullickson stated he has added trees to the front and along the sides to replace the large tree
15 being removed. The homes are positioned in order to provide privacy for the neighbors. He
16 would prefer to move forward with the 2-story designs presented in the application.
17

18 Commissioner Vanderheyden stated he would not support the project because it does not fit the
19 character of the neighborhood. The tree is critical but it is only 10% of the total caliper inches
20 for the property. He does not have an issue with the subdivision but would like to see the scale
21 of the homes smaller.
22

23 Commissioner Young stated he would recommend approval.
24

25 Commissioner Gruber stated she would recommend approval with a condition that the developer
26 attempt to save the tree.
27

28 Chair Gonzalez stated she would recommend a condition that measures be taken to protect the
29 wetlands.
30

31 Commissioner Iverson stated she would recommend denial because Section 3.1.B, 3.1.D, 3.1.E,
32 and 3.1.H do not meet the criteria set forth.
33

34 Commissioner Ramy stated he is concerned about the scale but is willing to recommend
35 approval with conditions.
36

37 Commissioner Gnos stated he would recommend approval with the conditions.
38

39 Chair Gonzalez stated this does not fit the neighborhood and does not meet the goals of the
40 Comprehensive Plan of having affordable housing in the city so she would recommend denial.
41

42 Commissioner Iverson stated this is the first time she has seen a builder not be willing to work
43 with the City and she found this disturbing.
44

45 Commissioner Gruber would be in favor of denying the application.
46

Commissioner Young stated the condition of the tree should be known before making any requirements or suggestions on what to do. The total tree coverage is high. This is a lot that is going to be redeveloped and these homes coupled with the developer working with the neighborhood may work better in the long term. Finding a solution to the scale and preserving the tree may create other concerns that could result in variance requests or not work with what the neighborhood has asked for.

Chair Gonzalez stated the Applicant did work with the neighborhood but the width of the existing lot barely supports two (2) new lots. The City wants to have 20-feet between homes and the Engels home is only 2-feet from the property line so these homes would be too close together.

Commissioner Vanderheyden suggested tabling the discussion to allow the builder to consider changing the design and bring back at a future meeting for a vote. This would also allow time for the City Forester to comment on the tree. He clarified the new homes that are proposed would be conforming and the Engel's home is non-conforming.

Commissioner Vanderheyden made a motion, Seconded by Commissioner Gruber to table the discussion and ask the City to research the tree and allow the Developer to consider alternative home designs and bring back to the Commission on February 23, 2015. The motion carried 6-ayes; 1-nay (Gonzalez).

b. 700 Lake St E. – Clock Tower Ventures LLC & CoV Restaurant

- i. Amendment to CUP for twenty four (24) additional dining seats in an enclosed rear building addition**
- ii. Use of City Right-of-Way for storage**

Mr. Gadow stated Clock Tower Venture, LLC and CoV Restaurant desire to expand their existing private dining space by adding a 16-foot by 17-foot glass enclosed dining space at the rear of the building. The request requires an amendment to an existing 1988 Conditional Use Permit (CUP) and development agreement to increase the number of restaurant seats. The Applicant has included a request to the City Council for use of two (2) locations on adjacent City right-of-way for enclosed storage bins. He reviewed the parking requirements and considerations for the City Council.

Mr. Neil Weber explained where the additional storage would be and the design. He stated the updated parking analysis the City had done was recommending 2.71 per 1,000 for restaurant and retail. Since this is not currently the standard he asked if this project be required to follow current standards or the recommended standard.

Mr. Gadow stated this would depend on the timing of the project. At this time the City has not started the process of reviewing the Parking Ordinance and if the Ordinance were updated prior to approval of the application then the new standards would be used.

Mr. Dean Vlahos, 2129 Maplewood Road, Woodland, reviewed the addition to the private dining area and the need to accommodate larger corporate groups.

1
2 Commissioner Iverson asked why the Applicant chosen canvas for the storage bins.

3
4 Mr. Vlahos stated it looks good and is easy to roll up to access the wood and still keep it dry. He
5 explained the proposed design for the other enclosed storage bins they are proposing.

6
7 Chair Gonzalez asked if the encroachment into the City right-of-way would go with the land, be
8 specific to the applicant and if there could be limits set.

9
10 Mr. Gadow stated the current enclosed storage bins do not have any conditions. The City
11 Council is requested to review the existing enclosed storage and the proposed storage and
12 determine any restrictions at that time. He explained this request would not be part of the CUP
13 and is a separate encroachment agreement the City Council would enter into with the Applicants.
14 The Commission does not have to deal with this particular request but they can provide
15 comments for the City Council to review.

16
17 Commissioner Iverson asked how much of the current parking is valet.

18
19 Mr. Vlahos stated when they first come to Wayzata they had decided not to intrude on the
20 parking available for retail so they decided to do all valet parking.

21
22 Commissioner Vanderheyden asked if Mr. Vlahos had looked at options to secure the additional
23 seven (7) parking spots that would be required.

24
25 Mr. Vlahos stated he had talked to the dog groomer but they did not give him an answer on
26 letting him lease the spaces.

27
28 Mr. Weber stated Charlie Schoen owns the property being discussed and Blue Point has an
29 agreement with him to park there so they may all be spoken for.

30
31 Chair Gonzalez opened the public hearing at 9:05 p.m.

32
33 There being no public comment Chair Gonzalez closed the public hearing at 9:06 p.m.

34
35 Chair Gonzalez asked if the requirement of seven additional parking stalls would be enough to
36 deny the project.

37
38 Commissioner Gruber asked what the options would be for the owner. The lots are full and he
39 has already approached other owners.

40
41 Mr. Gadow stated the options are the owner of the building would have to have an agreement
42 with the City Council for a financial contribution for future parking arrangements unless other
43 parking stalls become available for him to lease.

44
45 Chair Gonzalez stated the City requires too much parking.
46

1 Commissioner Ramy asked if there was an existing formula that would determine the financial
2 assessment.

3
4 Mr. Gadow stated this would be developed if this application were to move forward.

5
6 Commissioner Iverson stated she is comfortable since most of the cars are valet parked.

7
8 Chair Gonzalez stated the proposed expansion would not generate a lot of extra parking
9 requirements. She stated Mr. Carisch wrote the Commission requesting the application be
10 denied because he does not want more people invited to the City until there is a parking ramp
11 built that would satisfy all the needs today and accommodate future growth.

12
13 Mr. Weber stated the parking analysis shows there is enough parking but it is not all located in
14 the right areas. People who are not familiar with Wayzata may have problems finding parking
15 because they do not know all the public parking areas.

16
17 Commissioner Iverson suggested adding outdoor ashtrays near the outdoor storage or designate
18 this area as no smoking. She also recommended the Applicant ensure the size of the storage bins
19 is adequate to accommodate the needs of the facility.

20
21 Commissioner Vanderheyden suggested the Council consider a requirement that the back of the
22 building be kept clean and free of garbage. In other areas of town, where there are parking
23 shortages are created, this would be a different discussion on what the applicant would need to
24 do. The valet parking they offer has been helpful.

25
26 Commissioner Ramy stated the increased seating may not result in an increase in the parking
27 needs and as long as they offer valet there is room to not require the additional parking.

28
29 Commissioner Young stated many of these people are already at the location and the valet
30 parking does address these parking needs. The proposal presented is reasonable.

31
32 Commissioner Gnos stated this would be a good addition to the restaurant and the valet parking
33 is a good solution.

34
35 Commissioner Young made a motion, Seconded by Commissioner Iverson to recommend
36 approval of the amendment to the CUP for twenty-four (24) additional dining seats in an
37 enclosed rear building addition with the Findings of Fact as outlined in the Staff Report and
38 recommend the City Council consider a fee to meet the parking requirements. The motion
39 carried unanimously.

40
41 Chair Gonzalez expressed concerns about the use of the City right-of-way being attached to the
42 land and not the business.

43
44 Commissioner Vanderheyden asked if the use of City right-of-way could be something that is
45 reviewed annually.

46

1 City Attorney Schelzel stated this would depend on if an easement is granted or if the City does a
2 license for this area. This could be looked at and discussed by the Council.

3
4 Mr. Vlahos stated if the outdoor storage area is not maintained then the permit can be pulled.

5
6 Commissioner Vanderheyden made a motion, Seconded by Commissioner Ramy to recommend
7 approval for the use of the City right-of-way on an annual evergreen basis that the Council has
8 the right to pull with reasonable notice and in exchange for this the back of the building should
9 be maintained in its current state and/or allow for some greenery and place an outdoor ashtray in
10 this location. The motion carried unanimously.

11
12
13 **AGENDA ITEM 3. Other Items:**

14
15 **a. Election of Vice-Chair**

16
17 Mr. Gadow reviewed the roles of the Chair and Vice Chair.

18
19 Commissioner Ramy would not like to serve as Vice Chair.

20
21 Chair Gonzalez would not like to serve as Vice Chair.

22
23 Commissioner Vanderheyden nominated Commissioner Iverson as Vice Chair.

24
25 Commissioner Iverson accepted the nomination.

26
27 Commissioner Iverson was elected unanimously to serve as Vice Chair.

28
29 **b. Election of Chair**

30
31 Commissioner Ramy would not like to serve as Chair.

32
33 Commissioner Gnos would not like to serve as Chair.

34
35 Chair Gonzalez would not like to continue to serve as Chair.

36
37 Commissioner Ramy nominated Commissioner Vanderheyden to serve as Chair.

38
39 Commissioner Vanderheyden accepted the nomination.

40
41 Commissioner Vanderheyden was elected unanimously to serve as Chair.

42
43 **c. Review of Development Activities**

44
45 Mr. Gadow stated the next meeting would be a workshop session and LSA would be presenting
46 the Planning Commission with an overview on parking and the Commission would be looking at

1 the Parking Ordinance. The annual Planning Commission training would also be included in the
2 workshop. The Telecommunication Ordinance would be reviewed at a future meeting. The
3 Planning Commission is invited to a joint workshop with the City Council, the Housing
4 Redevelopment Authority, and the Heritage Preservation Board hosted by the Urban Land Shop.
5 The last meeting in February would be moved to February 23 due to President's Day.

6
7 Chair Gonzalez requested the City Attorney review with the Planning Commission how to
8 navigate multiple ordinances with applications and how to reconcile the differences.

9
10 Commissioner Vanderheyden suggested an update in any legal areas that the Commission should
11 be considering during the next year.

12
13 **d. Other Items**

14
15 Mr. Gadow stated the City Council reviewed the 236/240 Minnetonka and Indian Mound project
16 and recommended approval with conditions.

17
18 Chair Gonzalez stated the Mayor had voted against the project because it did not follow the
19 Comprehensive Plan.

20
21 Mr. Gadow stated the Council also considered the lot combination on Walker and Park Street
22 and the Wayzata Brew Works project.

23
24 Chair Gonzalez attended the last Heritage Preservation Board meeting, but it had to be
25 continued.

26
27 Commissioner Gnos stated he would attend the February 10th Heritage Preservation Board
28 meeting.

29
30 The Commission thanked Chair Gonzalez for her leadership in a difficult role for the last three
31 years.

32
33 **AGENDA ITEM 4. Adjournment.**

34
35 There being no further business, Commissioner Vanderheyden made a motion, seconded by
36 Commissioner Ramy, to adjourn the meeting. The motion passed unanimously.

37
38 The meeting was adjourned at 9:44 p.m.

39
40 Respectfully submitted,

41
42 Tina Borg
43 *TimeSaver Off Site Secretarial, Inc.*