

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
April 20, 2015**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Vanderheyden called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Gruber, Gonzalez, Vanderheyden, Iverson, Ramy, and Gnos. Absent and excused was Commissioner Young. 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 April 6, 2015 meeting.

Commissioner Ramy stated he had left the meeting at 8:15 p.m. for line 19 on page 7. He did not second the motion to adjourn the meeting on page 10, line 32.

Chair Vanderheyden stated there had been several seconds to the motion to adjourn.

City Attorney Schelzel stated he had provided typo corrections to Mr. Gadow.

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the April 6, 2015 meeting minutes as amended. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. 313 Central Avenue S – Pillar Homes (Continued from April 6, 2015)**
 - i. Concurrent Preliminary and Final Plat for Three (3) Lot Subdivision**
 - ii. Shoreland Conditional Use Permit**

Mr. Gadow stated on April 6, the Planning Commission began review of an application for subdivision of the property at 313 Central Avenue S. into three (3) single-family lots. The application also included a request for a Shoreland CUP for additional hardcover above the 25% limit. After the public hearing, the Planning Commission voted to continue review of the application to request additional information from the Applicant including: having the Applicant review options to preserve and restore the existing residence, clarify the amount of grading, provide a landscape plan, tree preservation techniques that would be used on the site, and alternate driveway configurations. He stated Ms. Babcock would be able to speak about the options for the existing home.

Mr. K.C. Chermak, owner Pillar Homes, 575 Far Hill Road, Wayzata, stated the proposed grading amounts for the site were 80 cubic-yards of fill average per lot and they are proposing silt fencing and tree protection fencing around the trees during construction and rock areas during construction for vehicle access to disperse pressure from construction vehicles. He had a

1 Certified Arborist evaluate the trees on the site and he does agree that the large rock areas will
2 disperse pressure on the roots. He clarified he would also do most of the access for the project
3 on Lot 3 because there are less trees in this area. The driveways would be approximately 10-feet
4 narrower than on the survey and the driveways would be pervious pavers. He stated he had met
5 with the Wayzata Heritage Preservation Board and the Wayzata Historical Society regarding the
6 existing home. These meeting have resulted in a good collaboration of creative ideas and
7 entrepreneurship. There is no guarantee that the home will be kept but there is a chance with
8 creativity that it could happen. He has showed the home to three (3) interested parties. The
9 home would not stay where it is located because there would be too many variances needed to
10 make this happen and the home needs to be moved to a better foundation regardless. He has
11 received an estimate for moving the home. He reviewed the landscape plan.

12
13 Commissioner Gonzalez expressed gratitude that Mr. Chermak had been willing to look at
14 alternatives for the existing home and she asked what the total tree loss would be on the
15 property.

16
17 Mr. Chermak stated this had been estimated at 45% but the Certified Arborist had found a couple
18 of these trees to be damaged, diseased or dead so the percentage would be closer to 40%. He did
19 express concerns about the ash trees on the property.

20
21 Mr. Gadow clarified from the original analysis there had been 14 trees to be removed.

22
23 Commissioner Gonzalez asked if there would be additional tree loss if the existing home is
24 moved.

25
26 Mr. Chermak stated they would expect to have to remove branches but no significant trees. The
27 strategy is to move the home north.

28
29 Commissioner Gruber thanked Mr. Chermak for his work in trying to save the existing home and
30 asked if there would be any deciduous trees planted on the property.

31
32 Mr. Chermak stated there are so many on the property now that he had not planned on adding
33 more than the one maple.

34
35 Commissioner Iverson asked if these would be custom homes or spec homes.

36
37 Mr. Chermak stated the last 15 permits he had pulled in Wayzata had all been for custom homes
38 and he believed that the three (3) new homes would also be custom homes. He stated he is not a
39 proponent of the sprinkler code that was just changed and he would try to keep the homes under
40 a certain size for this reason and they would fit into the neighborhood better.

41
42 Commissioner Iverson asked what the time frame would be for when the final decision would
43 need to be made regarding the existing home.

44
45 Mr. Chermak estimated he would need to know in approximately the next 45-60 days. If a site is
46 selected the time could be extended another 60-90 days by moving the home to the corner. He

1 stated he had looked at the footprint of the existing home to verify that it would fit on the smaller
2 lots in the area and it did but may require a variance.

3
4 Chair Vanderheyden opened the public hearing at 7:26 p.m.

5
6 Chair Vanderheyden closed the public hearing at 7:27 p.m.

7
8 Commissioner Gonzalez recommended adding a condition that the Applicant would repair any
9 damage to the roads done by the construction traffic.

10
11 Commissioner Iverson asked how they would determine what damage was done by the
12 Applicant and what had been preexisting because these roads are in bad condition due to the
13 construction at Presbyterian Homes. She would not feel comfortable making the Applicant fix a
14 road that was already damaged.

15
16 Mr. Gadow stated they would check with the City Engineer regarding the request.

17
18 Commissioner Iverson suggested adding language that the Applicant would help pay for it when
19 the City does work on the road and she would recommend this is added to the Presbyterian
20 Homes request as well.

21
22 Commissioner Gruber stated having one more driveway on Wise Avenue would be dangerous.
23 The land can be subdivided but she would like to see if there was a way the City could mitigate
24 some of this danger with additional signs.

25
26 Mr. Gadow stated if the Planning Commission approves this Application one of the conditions
27 would be that a Storm Water Maintenance Agreement would be put together with the Applicant
28 and recorded against the property.

29
30 Commissioner Iverson asked how realistic 45-60 days would be for putting something together
31 to save the existing home and if the Commission could recommend a condition that the
32 Applicant provides 90 days.

33
34 Ms. Merrily Borg Babcock, 337 Reno Street, Wayzata, stated she would not be able to say if this
35 is a realistic time line. Mr. Chermak is being reasonable and providing options. She asked the
36 Commission to consider having the driveway not cut onto Wise Avenue but exit on Central
37 Avenue, if possible.

38
39 Commissioner Gruber asked Mr. Chermak why he thought he would only be able to give them
40 45-60 days to save the existing home.

41
42 Mr. Chermak stated there are a couple of things that have to do with the timeframe of the
43 application. When there are deadlines then things can happen but he would not like to see it
44 extended indefinitely. The real estate market is vibrant and he would not tear it down just
45 because the deadline would need to be pushed slightly when there is a plan in place.

46

1 Commissioner Gonzalez stated she would support the Shoreland Conditional Use Permit with a
2 condition that would ensure the mitigating measures are taken and maintained. She expressed
3 concerns about the number of trees that would be lost and the preservation of trees is very strong
4 in the Subdivision Ordinance. She stated she would support two (2) houses on this property but
5 three (3) is too many because this many curb cuts in an area that is already dangerous would not
6 work. She would not support the Preliminary and Final Plat for three (3) houses.

7
8 Commissioner Iverson asked if speed bumps should be discussed again for this neighborhood.

9
10 Mr. Gadow stated he would check with Public Works but these are something that are typically
11 considered after receiving a petition from the neighborhood with a set percentage of residents
12 requesting them. Once this is received the City would do a study to see if these would work in
13 the area.

14
15 Commissioner Gruber stated mitigating the safety in the area should be included in the
16 Commission report and the City should look at ways to mitigate the safety. Mr. Chermak had
17 done a great deal to make sure there are no additional trees lost and he is doing what he can to
18 save trees and still be able to develop the property.

19
20 Commissioner Iverson asked if the City should be notified if the home is going to be taken
21 down. She would like to see the Developer come before the City Council and notify the City in
22 this situation.

23
24 Mr. Chermak stated he would come back to the City Council in the event the home needs to be
25 taken down but he would like the time frame shortened to the 45-60 days he had requested.

26
27 City Attorney Schelzel asked if Commissioner Iverson was asking for notice in order to inform
28 the public or in order to try and make one last ditch effort to save the home. He also asked how
29 much notice would be required and when would this notice need to be received.

30
31 Commissioner Iverson stated she would like to have notice in order to inform the public that all
32 efforts had been exhausted and the Developer did everything he could but the home could not be
33 saved.

34
35 Commissioner Gnos stated part of the demolition process includes notice to the City.

36
37 Commissioner Gruber made a motion, Seconded by Commissioner Ramy, to direct Staff to
38 prepare a draft Planning Commission Report recommending approval of the Preliminary and
39 Final Plat for a Three (3) Lot Subdivision and Shoreland Conditional Use Permit for 313 Central
40 Avenue S. with the following conditions: At the policy level concern for safety mitigation
41 methods should be discussed by the Council, there is a Storm Water Maintenance Agreement
42 recorded against the property, the tree protection that the Developer has offered is implemented
43 through the construction process, and best efforts basis to save the existing home with a period
44 not to be less than 60 days from City Council approval and if all opportunities have been
45 exhausted the Developer would provide the City with public notification 10 days prior to the
46 home being taken down.

Commissioner Gonzalez asked how she would vote since she does not support the Preliminary and Final Plat but she does support the Shoreland Conditional Use Permit.

City Attorney Schelzel stated if Commissioner Gonzalez did not support the motion on the floor then she should vote nay.

The motion was called to a vote. The motion carried 4-ayes; 1-nay (Gonzalez).

AGENDA ITEM 3. Other Items:

a. Review of Development Activities

Director of Planning and Building Gadow stated the next meeting would be the Planning Commission recommendation on 313 Central Avenue subdivision and a variance request, Shoreland Conditional Use Permit and impervious surface variance request for 532 Ferndale West and 637 Harmony Circle application.

b. Other Items

Chair Vanderheyden asked what value the Planning Commission had when holding public hearings when they are held again at the City Council meetings.

Mr. Gadow stated from a policy level, as part of their rules, the City Council allows the public to come and speak to any items that are not formally on the agenda and those that are formally on the agenda.

City Attorney Schelzel stated under the City Code the Planning Commission legally holds the public hearing. The City Council does not have to hold a public hearing.

AGENDA ITEM 4. Adjournment.

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

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Tina Borg

TimeSaver Off Site Secretarial, Inc.