

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, May 6, 2024

6:30 PM

HYBRID MEETING INFORMATION

Click here to join Zoom Meeting

Meeting ID: 875 0787 2026 Passcode: 628858

Members of the public may attend this Planning Commission meeting in person, or watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.



Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting Minutes of April 22, 2024
 - b. Acknowledgment of Withdrawal of Development Application at 163 Wayzata Boulevard West - Moments of Wayzata
5. **Public Hearing Items**
 - a. Consider Zoning Text Amendments to Chapter 930 (Animals) to Allow for the Keeping of Chickens on Single-Family Residential Properties
 - b. Consider Zoning Text Amendments to Chapter 936 on Tree Preservation
 - c. Consider Development Application for Front Yard Setback Variance at 425 Highcroft Road
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:
City Council - May 7, 2024
Planning Commission - May 20, 2024

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of April 22, 2024	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the regular meeting minutes of April 22, 2024.

ATTACHMENTS:

1. Draft Planning Commission Meeting Minutes of April 22, 2024

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
APRIL 22, 2024**

AGENDA ITEM 1. Call to Order

Chair Stockton called the meeting to order at 6:30 p.m.

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

AGENDA ITEM 2. Roll Call

Chair Stockton asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Douglas, Merriam, Stockton, Sorensen, and Severson. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, and City Attorney David Schelzel were also present.

Absent at roll call were Commissioners: Schwalbe and Elg

AGENDA ITEM 3. Approval of Agenda

Chair Stockton asked for a motion to approve the agenda for the meeting.

Commissioner Severson made a motion, seconded by Commissioner Sorensen, to approve the April 22, 2024 agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the March 11, 2024 Planning Commission Meeting Minutes**
- b.) Approval of the Planning Commission Report and Recommendation of Approval for Setback Variances at 620 Bushaway Road**

Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

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

Commissioner Plantan made a motion, seconded by Commissioner Severson, to approve the Consent Agenda as presented.

1 The motion carried unanimously.

2
3 **AGENDA ITEM 5. Public Hearing Items**

4
5 **a) Consider Development Application for Comprehensive Plan Amendment, Zoning**
6 **Map Amendment, Conditional Use Permit, Variance to the West Side Yard**
7 **Setback, and Design Deviations for an Elderly Care Facility (Moments of**
8 **Wayzata) at 163 Wayzata Boulevard West**
9

10 Community Development Director Goellner reviewed the project location, the zoning and land
11 uses in the surrounding neighborhood, and gave a general summary of the application.
12

13 Planning Consultant Zweber reviewed details about the previous business that was located on this
14 site, Meridian Manor. He outlined the existing conditions and the previous approvals from the
15 City for Moments of Wayzata from 2021. He reviewed the current application submittals for a
16 new building, the proposed site plan, setbacks, building height, residential units/sizes, outdoor
17 recreation areas, CUP and rezoning request, variance to side yard setback, design standard
18 deviations for the parking location/building recesses/massing breaks/unit entries/screening of
19 sheet roofing, and the lot coverage/FAR, grading and retaining walls, parking, trees, and
20 landscaping plans.
21

22 Ms. Goellner stated that notification of the requested Comprehensive Plan amendment was sent to
23 the Cities of Orono and Plymouth, and no concerns were received back from them. She outlined
24 the other notification actions taken, and explained that a neighborhood meeting was held on
25 February 5, 2024 and noted that 15 people attended. She outlined some of the topics of discussion
26 and concerns that were raised at the meeting, including, headlight glare, east property line
27 improvements, entry/exit points, parking configuration, design deviations, and site lighting. She
28 noted that there has been one letter received from a group of neighbors that expressed concerns
29 regarding tree preservation, light pollution, design and deviations, and the property condition since
30 2021. She noted that in 2023 there were property maintenance violations for this property which
31 have since been addressed by the property owner through a separate process with the City. She
32 reviewed the questions the Commission was being asked to consider in related to the requests of
33 the application.
34

35 Chair Stockton asked if the Commission had any questions for Staff.
36

37 Commissioner Sorensen asked about the elevation in the parking lots of the proposed lots in
38 comparison to the existing parking.
39

40 Ms. Goellner suggested that they note that question to answer later after staff has had time to look
41 at the plan figures.
42

43 Commissioner Severson asked staff to confirm the location and layout of the parking, and how it
44 differs from the existing parking. She asked if this would be a two-story building from the front
45 but three stories in the rear and noted that, if so, it would be different from the current building.
46

1 Mr. Zweber reviewed the proposed building height plans and noted that the building height would
2 be 39 feet and 11 inches. He noted that under City Code, the building would be not considered to
3 have a third story because less than 50% of the building foundation is exposed for more than 6 feet
4 in height. He noted, however, that if you looked from the north you would see three levels, but
5 again clarified that under the definitions of City Code, the building was only two stories.

6
7 Commissioner Severson stated that she was also curious about the tree plan for the front of the
8 building.

9
10 Mr. Zweber clarified that they were not planning to remove any trees within the boulevard between
11 Wayzata Blvd and Babcock Lane, but that they were planning to install trees within the gaps of
12 the existing vegetation. He noted that details could be found on page 58 of the packet.

13
14 Ms. Goellner noted that this same diagram would also answer Commissioner Severson's questions
15 related to the parking configuration.

16
17 There being no further questions for staff, Chair Stockton invited the applicant to address the
18 Commission.

19
20 Jeff Schuler, 3953 Regent Avenue, Robbinsdale, explained that he was functioning as the owner's
21 representative and lead architect for the project.

22
23 Elizabeth Wright, 13564 Westernesse Road, Minnetonka, explained that she was the owner of
24 TMSC of Wayzata and the Moments of Wayzata.

25
26 Mr. Schuler reviewed their proposed design deviations and explained why they felt it would
27 enhance the project. He explained that the 'feel' of this portion of town is residential, which was
28 what they tried to include in their design choices. He shared some details related to their tree
29 preservation efforts, especially on the south side, but noted that many trees will need to be removed
30 because of building demolition. He reviewed details related to the parking lot and noted that the
31 grade of the lot will block most headlights. He added that they were also planning ways to obscure
32 the lights with things like bushes. He reminded the Commission that none of the residents of the
33 proposed building would own cars, nor would visitor cars be present after 9:00 or 10:00 p.m. He
34 reviewed the existing screening and tree cover, and noted that all of the trees along Wayzata
35 Boulevard would be preserved. He reviewed the requests for design deviations for building
36 recesses and massing breaks. He explained that they have attempted to not have the building be
37 just straight walls, and shared details of their proposed design. He explained the reasons for their
38 design deviation request related to the individual exterior unit doors was due to this being a
39 memory care facility.

40
41 At the conclusion of Mr. Schuler's remarks, Chair Stockton asked if the Commissioners had
42 questions for the applicant.

43
44 Commissioner Douglas asked about the parking lot and if the only spaces facing Wayzata
45 Boulevard will be the same as what is already there.

1 Mr. Schuler confirmed that this was correct.

2
3 Commissioner Douglas stated that she is interested to hear the grading details from staff. She
4 stated that the new proposal will have the headlights facing the building on the southeast side.

5
6 Mr. Schuler stated that was correct and any additional parking in the front of the building will all
7 face the building.

8
9 Chair Stockton stated that the diagram of the building looks flat and level, but noted that she
10 believed that it would actually be sloped.

11
12 Mr. Schuler stated that was correct, and explained that the rendering was prepared by the architect
13 to highlight the building and not necessarily the lot.

14
15 Commissioner Plantan asked about the number of stalls. She stated that they were only required
16 to have 54 stalls and were proposing 62.

17
18 Ms. Wright explained that what they have been doing with the Moments of Lakeville location was
19 having some robust staffing so, in order to accommodate the shift change times, they need to have
20 additional parking. She stated that they also like to invite families and neighbors to come in and
21 see what they are doing as well. She stated that they love being part of the community, as a larger
22 fixture, and gave the example the dog contests that Meridian Manor used to hold in the parking lot
23 during J.J. Hill Days.

24
25 Commissioner Plantan confirmed that their plans were just for 2 additional parking stalls in front
26 compared to what is currently in place.

27
28 Mr. Schuler stated that he believes that was correct.

29
30 Chair Stockton confirmed that the current building did not have parking in the rear, and asked if
31 the proposed function was for visitors and staff up front and waste management type use in the
32 back.

33
34 Mr. Schuler explained that it will be mandated to staff that if there is an available spot in the rear,
35 that is where they will need to park and noted that will be most of where the traffic for the building
36 will be. He stated that they had also moved the loading docks so they now face north from where
37 they currently faces southwest. He noted that the front stalls would primarily be for visitors and
38 overflow parking.

39
40 Ms. Wright stated that part of their design includes the employee entrance off the rear west side
41 and that she believes that employees will all want to park as close to that as possible.

42
43 Mr. Zweber stated that the Commission had asked about the height of the building from the
44 sidewalk to the peak of the roof for the existing building and the proposed building.

1 Commissioner Sorensen clarified that he was looking for details on the elevations of the existing
2 parking lot compared to the proposed parking lot.

3
4 Mr. Zweber reviewed details from the current elevations and noted that the sidewalk at the front
5 door is currently at 998.9 feet, and they are proposing 1,001.5 feet. He stated that would make the
6 elevation of the front door 2.6 feet taller than the current configuration. He noted that generally,
7 for the whole site, the two entrances to the parking lot will be the same as they are currently. He
8 explained that on the west side, it is currently at the 998.9 feet elevation and on the east side it is
9 almost 1,004 feet, and those would stay the same. He noted that the southwest corner of the
10 parking lot would be the same as it is today at 998.5 feet. He stated that the current proposal on
11 the south side of the parking lot is at an elevation of 1,002 feet, which means the southern curb
12 line is 1 foot below the current Wayzata Boulevard elevation and the northern curb line is actually
13 at 1,000 feet, which would be a 2 foot grade drop.

14
15 Commissioner Sorensen asked how that would differ from the current parking lot and noted that
16 he was just looking for a general idea of the proposed parking in front compared to what is
17 currently is.

18
19 Mr. Zweber stated that if they look at the east side, the proposed parking elevation and the existing
20 curve is the same. He stated that the port cochere is 2.6 feet higher than the current front door but
21 the parking lot is at the same elevation as it is today.

22
23 Chair Stockton summarized that the point she felt Mr. Zweber was trying to make was that it would
24 more or less feel similar to what is currently there.

25
26 Mr. Zweber stated that was correct, and noted that if you ignore the west parking that faces
27 Highway 12, the parking in front of the building currently has 31 stalls and they are proposing 35
28 stalls.

29
30 There being no further questions from the Commission for the applicant, Chair Stockton opened
31 the public hearing on the application at 7:32 pm.

32
33 Mike Sund, 136 Babcock Lane, stated that he was right across the street from the former Meridian
34 Manor and had lived there for 26 years. He stated he thinks everyone understands that the City is
35 really a special place, which was not an accident, and explained that some of the reasons were due
36 to the zoning and the design guidelines, along with the City's enforcement of them. He referenced
37 Folkstone which he stated was compliant with the look, feel, and character of the City, along with
38 the new Wells Fargo development, Chipotle, and Punch.

39
40 Mr. Sund further stated that all of these projects have a good look and feel, and are not dominated
41 by automobile traffic or parking. He explained that in this case, the Commission is considering a
42 number of deviations from the City's rules. He stated that he felt these deviations may diminish
43 some of the value of the adjacent neighborhood but because of its location, may also have an
44 impact on the way people who approach the City feel about Wayzata. He stated that when there
45 is something that has a monolithic look, with parking out front, it feels more like a motel than
46 some of the other current developments that he mentioned. He stated that he feels this will affect

1 all of the City, and believes that first impressions matter. He stated that he thinks that what the
2 residents are asking for is that the City enforce the current rules, which may mean that the applicant
3 has to go back to the drawing board.
4

5 Ken Wilcox, 178 Westwood Lane, shared some history of this property, and explained that it used
6 to be a community garden. So, when Meridian Manor came along, there was a lot of pressure put
7 on them to fit into what was basically a residential neighborhood. He noted that no one wanted
8 the garden to go away, but they wanted to make sure that whatever did go in there would fit into
9 the residential neighborhood, which he believes was still the case. He stated that Meridian Manor
10 has been a really important building and has always been an active part of the community. He
11 explained that he felt that whatever is put in here needed to adhere to that kind of history and feel,
12 which may be hard to accomplish, but asked the Commission to keep that in mind while they were
13 deliberating. He stated that what they are proposing is a solid building going across and, in his
14 opinion, this kind of long white building will be a bit of a spotlight into the neighborhood. He
15 stated that the City has deliberated on color for long time and found that dark colors tend to recede
16 and light colors, such as white, are more in your face, but can also be more of a holiday or lakeshore
17 kind of thing. He stated that in this location, he believes that they will want it to recede, so white
18 would not be the correct choice.
19

20 Mr. Wilcox further explained that he was unsure if design standards for materials applied in this
21 location, but one of the reasons that Meridian Manor looks residential like it does is because of the
22 brick and the white trim. He noted that what the applicant is proposing does not look residential
23 and thinks that if they put more effort into materials and color, it would help. He stated that
24 variances used to be tough to get, which has eased and the new standards are now based on
25 'practical difficulty'. He stated that if they have a clean slate, in this case, with Meridian Manor
26 going away, the applicant can put anything on that property that they want, so he didn't feel there
27 was really an excuse for needing a variance, which is why he would be against the City granting
28 one. He stated that he felt that it kind of made sense to rezone this property to institutional, but it
29 is zoned a PUD right now and that could be changed to a new PUD, which means the City would
30 have more control over what happens. He stated that redesignation to institutional would allow
31 them a bit more height, which he does not think the City wants to see in this area. He asked the
32 Commission to give this point some serious thought, and reiterated that just having a new PUD
33 would allow the City more control over the design elements.
34

35 Joe VanLoy, 136 Birch Lane W, stated that he has been a resident of the City for 24 years. He
36 stated that his question about rezoning was whether staff had taken the time to see where that
37 would be of value for the City, and not just for the applicant. He stated that the City has worked
38 on the Comprehensive Plan for a very long time, and had also put a lot of money and effort into it,
39 and believes that the City needed to make sure that the right choices were being made. He stated
40 that the proposed building is 355 feet wide, which is essentially a football field plus the end zones,
41 which is very linear. He stated that the Commission needs to picture what it would look like on
42 this site and if they compare this to Meridian Manor, they will be able to see that what they are
43 proposing goes way to the edges. He asked the Commission to make sure that they are considering
44 what that impact will be. He stated that the City has worked very hard so they are not just looking
45 at parking lots, and noted if this project is starting from scratch, he feels that there should be a way
46 to either put more behind or put it underground.

1
2 Daniel Grotning, 120 Westwood Lane, explained that he had lived in the City for 36 years and was
3 right across the street from the exit that this building will create. He stated that he hoped that the
4 Commission considers site lighting. He explained that he used to build SuperValu stores, and
5 noted that because of that experience understands that it is very easy to make a difficult mistake,
6 which could mean that the site lighting has a large impact on the neighbors. He stated that he was
7 in support of this property being developed, but would like the Commission to remember that the
8 devil is sometimes in the details.

9
10 Jane Wallace, 118 Babcock Lane, stated they purchased their home about 9 years ago and fell in
11 love with the charm of Wayzata. She explained that they were interested in purchasing where they
12 did because it was family friendly. She stated that her concern with the proposed plan is similar
13 to what has already been expressed by her neighbors, in that it lacks the charm and character that
14 attracted her to the City. She stated that this was not just an entrance to the neighborhood or that
15 it may be a potentially corporate looking building in their neighborhood, but is also the west end
16 entrance to the City. She did not think their proposed plan would represent them well.

17
18 Ms. Wallace further noted that she had worked for a high-end senior residential living facility in
19 Arizona and when they were building, they were required to adhere to very strict guidelines in the
20 area, which they did because they wanted to be a good neighbor. She stated that her concern is
21 that the applicant has not seemed to demonstrate that they are willing to be a good neighborhood
22 and has not seen that their proposed plans match the look and feel of the community. She stated
23 that the property has been neglected over the past few years, and was hopeful that a rejection at
24 this point may bring everyone to the table to be able to create a plan that works for all of them.

25
26 Ms. Goellner advised the Chair that there were no people that called in to the meeting that have
27 asked to speak at the public hearing.

28
29 There being no additional comments on the application, Chair Stockton closed the public hearing
30 at 7:47 pm.

31
32 Chair Stockton asked for the Commission to share their thoughts and feedback on the application.

33
34 Commissioner Douglas asked staff if there had been any discussion with the applicant about
35 keeping a PUD in place.

36
37 Ms. Goellner explained that there was discussion about that, and noted that a PUD rezoning would
38 be a two-step process because it requires a Concept Plan approval and a General Plan approval,
39 and would typically take about twice as long to get through the entitlement process. She stated
40 that the City also looks for solutions that do not require a PUD, and explained that the applicant
41 had been charged with looking to see if they could find a solution within the City's zoning
42 ordinance. She noted that the institutional Comp Plan designation and zoning district would be
43 very appropriate for memory care. She stated that ultimately the applicant had indicated that they
44 were interested in the 40 foot height limit that is offered within the institutional district. She
45 explained that the applicant was also concerned because a PUD requires dedication of public space,
46 and felt this use was not very conducive to memory care. She stated that the Commission should

1 be focused tonight on exactly what the applicant has applied for, even though the PUD has been
2 raised as an alternate idea.

3
4 Commissioner Douglas stated that in looking over the Comprehensive Plan, one of the goals of
5 the community is to support multi-generational community and provide housing for people of all
6 ages. She stated that part of that idea was that as people age there are opportunities created so that
7 younger people can move into the homes, which is one part she likes about this proposed
8 amendment to the Comprehensive Plan. She explained that she can support senior living because
9 it is an important part of the community.

10
11 Commissioner Severson stated that she likes the idea of having senior living in this location, and
12 believes that Meridian Manor was a great addition to the neighborhood, but is not sure that she is
13 ready to change the zoning to institutional. She stated that she agreed with some of the comments
14 made by the neighbors related to parking in the front and the point made that because they are
15 tearing down the existing building, they will have a clean slate. She stated that coming before the
16 City and asking for a lot of variances, when they have a clean slate, is not something that makes
17 her super comfortable at this point.

18
19 Commissioner Plantan thanked the applicant for making this proposal, and stated that she felt more
20 facilities like this were needed. She stated that she loves the idea of multi-generational housing
21 and letting residents find a way to age in place. She stated that she would support a change in the
22 Comprehensive Plan to Institutional because the properties that are adjacent are already this land
23 use category. She stated that she felt that it would also support the safety of the residents in the
24 institution by allowing things like recreational areas in the back. She stated that she would really
25 hate this parcel to be used for high density housing.

26
27 Commissioner Sorensen stated that he was very much aligned with Commissioners Douglas and
28 Plantan and their comments, especially those related to the possibility of this being developed as
29 a high density development and the burdens that would bring. He stated that he could support the
30 amendment to Institutional.

31
32 Chair Stockton stated that she was also in alignment on that issue with Commissioners Douglas,
33 Plantan, and Sorensen, and would be in support of moving the parcel towards Institutional.

34
35 Commissioner Plantan asked if the City had made any amendments to the Comprehensive Plan to
36 date.

37
38 Ms. Goellner stated that the City has made a few Comprehensive Plan amendments, and noted that
39 the last one was for another memory care facility called Cantissimo Senior Living that changed its
40 name to Harbors of Wayzata, and that parcel was also changed to Institutional guidance as well.

41
42 Commissioner Severson asked what that land use had changed from.

43
44 Ms. Goellner stated that parcel had been in a single family residential area and was re-guided
45 institutional in 2022-2023.

1 City Attorney Schelzel pointed out the list of standards for consideration of rezoning on page 35
2 of the packet. He explained that the Commission was charged with looking at the possible adverse
3 effects of a rezoning.

4
5 Chair Stockton stated that the description from the applicant has made her more comfortable about
6 the parking as well as the additional stalls facing north.

7
8 Commissioner Sorensen stated that for the Zoning Map Amendment, he would be inclined to
9 support that given the criteria of conforming with the present and future land uses of the area.

10
11 The Commission discussed the proposed outdoor recreation area, the retaining wall and fence
12 locations, and concluded that these features would be appropriate within the CUP requested.

13
14 Chair Stockton suggested that they move the discussion onto the other requests starting with the
15 side yard setback variance. She noted that she felt that this request contributes to the massing
16 break deviation request as well.

17
18 Ms. Goellner agreed that the length of the building would be effected by this variance and if not
19 approved, the required setback would be 50 feet.

20
21 Chair Stockton stated that she felt it was important to consider this request with respect to the
22 design deviations because she felt they were related.

23
24 Commissioner Plantan stated that normally she would look at this and say that the request makes
25 sense because it is up against Highway 12; however, with the variance there is a building that is
26 20 feet longer. She stated that because of that proposed additional length, it brings along all the
27 other problems with the design deviations. She explained that she has some challenges in
28 supporting this request, and noted that she did not see a benefit to the community of approving it,
29 it would just be a benefit to the applicant. She stated that usually when the City grants variances,
30 there is some type of greater good for the community.

31
32 Commissioner Douglas asked if the request was because they were increasing the number of
33 residents to 80. She stated that it adds to the length of the building and does drive the other
34 deviation requests.

35
36 Commissioner Severson explained that she had the same thought as Commissioner Plantan with
37 the proximity to Highway 12, but the mass of the building itself bothers her. She stated that this
38 is a big building and is twice the footprint that is there today, which is what she has a problem
39 with. She noted, however, that she wasn't sure that having the building be 20 feet less would fix
40 the issue because it would still be a 304 foot long building.

41
42 Commissioner Sorensen stated that when he first saw this proposal he wasn't too concerned about
43 it because of what is there up against the highway and the golf course, but noted that he did think
44 that as they talk about the other issues, this may become a bit more clear. He stated that he believes
45 the long, linear nature of the building was causing some of the issues and concerns that have been

1 raised. He suggested that perhaps the Commission should move on and talk about the design
2 deviation requests because he felt that make this answer more clear.

3
4 Ms. Goellner noted that technically there were 6 design deviation requests but noted that there are
5 really just 5 because two of them are related to the same design issue but addressed in two different
6 code sections.

7
8 Chair Stockton suggested that they look at numbers 5 (ground-level entries) and 6 (screening of
9 sheet roofing) first.

10
11 Commissioner Douglas stated that she felt she could support eliminating the ground level entries
12 because she cannot imagine having a doorway to every resident's room and agreed that having a
13 locked door would cause agitation to the resident. She stated that she could support the eliminating
14 the sheet roofing in that one location to reduce the height, as long as it was better than the City
15 standards.

16
17 Chair Stockton noted that as long as they were not planning to put anything on the roof, then she
18 did not see a need to drive that higher in height.

19
20 Commissioner Sorensen stated that he had similar thoughts on both of those items, and would
21 support both of these requests.

22
23 Chair Stockton suggested that they move the discussion onto the building recesses and massing
24 breaks, and the overall presence of the building. She stated that she walked the site earlier today
25 and that what stood out to her is the distinct tonal and material difference of the current building,
26 which makes a difference visually because of the use of the materials and helps break up the
27 building. She stated that they have also used color to create visual recesses where they may not
28 actually be a recess. She stated that what is being proposed is an extended continual façade, and
29 noted that the design standards are intended to make sure that they create something that feels
30 connected with the residential feel of the neighborhood. She stated that she appreciated the
31 comparisons that the applicant has made with properties in the area and the care that they have put
32 into moving in that direction, but noted that she felt that this may not be enough in that direction.

33
34 Commissioner Douglas stated that in the proposal are comments from Moments dated February
35 28, 2024, which had a statement that the exterior of the building was influenced by the character
36 of the City. She stated that the City runs into the word 'character' all the time when trying to
37 describe the City. She stated that there are many beautiful homes in the neighborhood that are
38 white or light colored, but that they were not 355 feet long. She stated that she understands that
39 white buildings with black windows is very popular right now, but felt that there was something
40 missing in what they have presented. She explained that she would love to see the planned building
41 materials. She explained that there was something about the proposed design of the building that
42 bothers her.

43
44 Commissioner Severson stated that Commissioner Douglas had stated that she 'thought there was
45 something missing' and, in her opinion, she thinks there isn't enough missing. She stated that she
46 thinks there is just too much building, and noted that she was almost having the same reaction as

1 she has had to some of the proposals for the TCF building space. She stated that just because they
2 have the space does not mean that you should take it all up, as they are proposing with the whole
3 front of the property.

4
5 Commissioner Douglas stated that she also felt it needed to be more subtle.

6
7 Chair Stockton stated that she thinks it is probably a combination of the length of the proposed
8 building, the tone, and the harder edges, that collectively create a lot of impact and feels less
9 residential.

10
11 Commissioner Plantan stated that she understands how difficult massing breaks can be and
12 wanting to have the walkway connection for the residents, so it wouldn't be viable to have a lot of
13 separate buildings; however, the intent of massing breaks is to eliminate monolithic buildings. She
14 stated that she just did not see enough of that in this case. She noted that she felt a deviation was
15 appropriate when the purpose and intent of the design standards were achieved, but did not feel
16 either the purpose of the intent of massing breaks was being achieved with the proposed deviation
17 request.

18
19 Commissioner Sorensen stated that he did not have a big issue with the massing break issue if they
20 believe, in general, that having a linear building is important to the operation of the facility. He
21 stated that he thought he had heard, related to the building recess issue, that this recess every 50
22 feet is only particular to the Bluff District, and asked if that was correct.

23
24 Ms. Goellner confirmed that this was correct.

25
26 Commissioner Sorensen asked what the initial intent had been of requiring there be a recess every
27 50 feet in the Bluff District.

28
29 Ms. Goellner explained that this parcel is not in a design district, so it defaults to the Bluff District
30 standards. She noted that generally the buildings in this part of town are smaller, less suburban
31 and more of the urban core, which means building widths are smaller and that the recesses would
32 be more frequent to more generally match that character.

33
34 Commissioner Sorensen stated that applying that to this long building is a bit of a challenge. He
35 stated that with that in mind, he felt the recess issue was not very applicable, but what he felt was
36 applicable was the feedback from the community and from the Commission was the overall look
37 and feel of the building. He explained that he would tend to agree that it is lacking in residential
38 scale, architecture, and character due to the long, linear nature of the building. He stated that for
39 some reason they did not feel that way about Meridian Manor because it had a nice, homey,
40 residential feel. He stated that this has more of the look and feel of institutional monolithic design,
41 and explained that he did not think that what has been proposed would be the best for their
42 community. He noted that if it had more of a residential flair, he thinks that it would be much more
43 appealing. He stated that he thinks the other deviation requests are reasonable and appropriate.

44
45 Chair Stockton stated that her point was that she felt that perhaps color or material choices may be
46 able to impact the affect that massing breaks or recesses. She asked how the Commission felt

1 about the variance request for the setback on the west side, now that they have discussed some of
2 the other deviation requests.

3
4 Commissioner Severson stated that for her she still would not support it because it just extends a
5 massive building another 20 feet.

6
7 Commissioner Douglas stated that she did not feel that it would be significant, and believes they
8 should focus on the look of the building.

9
10 Commissioner Plantan stated that she also did not think the additional 20 feet would make that
11 much of a difference. She stated that it is just that if you look at what they are looking at in the
12 packet, their proposed building takes up the entire frontage of the lot which she did not feel was
13 appropriate. She referenced the green spaces near the church parsonage and the church and stated
14 that even though they are an institutional lot, things are broken up enough to still feel compatible
15 with the neighborhood and still have a residential feel. She explained that the building being
16 proposed just did not feel like a residential building.

17
18 Chair Stockton stated that it sounded like she was saying that it was about the character of the
19 locality. She asked if there was a variation that somehow they could get more compliance with
20 the design standards.

21
22 Commissioner Severson stated that she thought so, and shared examples of other institutional
23 properties along Wayzata Boulevard. She stated that she felt that there were other institutional
24 and industrial buildings along that corridor that do have a look and feel that matches the look, feel,
25 and character of the neighborhood. She stated that if this building would look more like the
26 Wayzata Country Club, for example, then she may feel better about what they are proposing.

27
28 Commissioner Douglas stated that she did not have a problem with the massing breaks, and likes
29 the corridors because they are all glass and likes that you can see all the way through it.

30
31 Ms. Goellner noted that she had been taking notes during the Commission discussion in order to
32 be able to put together potential findings for each of the requests. She stated that the one that the
33 Commission had not discussed in detail was the parking location.

34
35 Commissioner Severson asked if the parking would need to be a deviation if they make the change
36 to Institutional.

37
38 Ms. Goellner stated that since design standards must be complied with for all new construction,
39 they are required to move the parking to the back, unless they obtain a deviation.

40
41 Commissioner Severson stated that thinking about the other buildings in the area, they do have
42 parking in the front and this parking would be screened and lower than the street. She noted that
43 she does not love what they are proposing but understands why they did it so they can have more
44 room in the back, so she thinks she would be comfortable with what they are proposing for parking.

1 Chair Stockton stated that she also liked that the level was the same as the existing parking lot, and
2 they would be adding a lot of trees. She further noted that the City has approved parking in the
3 front for other projects.

4
5 Chair Stockton noted that she believed that the Commission had come to a consensus on all the
6 requested items.

7
8 Ms. Goellner suggested that she review what she had heard from the Commission and outlined
9 that she heard support from most Commissioners on the Comprehensive Plan Amendment, the
10 Zoning Map Amendment and the CUP, noting that the Commission was comfortable with an
11 elderly care facility in the Institutional zoning district. She stated that generally the discomfort
12 with Variance and Design Deviations in that the shape of the building is causing concern and
13 potential for findings of denial. She noted that what she heard from the Commission was that
14 while the building is close to the highway side, the building is already much longer than the
15 existing building and is, in general, a long building not suitable for Wayzata and its character. She
16 stated that adding a setback variance may not contribute to the character of the locality even though
17 a few of the Commissioners felt that the additional 20 feet would not make a huge difference. She
18 explained that she felt that the majority of the Commission were not comfortable moving forward
19 with a variance because of the issues around character of the locality due to the width of the
20 building. She stated that for design standard deviation requests, she heard general support for
21 parking location, unit entries, and screening of sheet roofing. She stated that there were still
22 concerns raised about building recesses and massing breaks, and what she heard is that it was a
23 combination of the length of the structure, the harder edges, and the color that was creating some
24 visual impact that makes this property feel less residential. She stated that the Commission had
25 stated that it may be a good idea to have the glass hallway, but it did not seem to be the design
26 solution where the Commission felt that the positives outweighed the negative, which is what the
27 design deviations are all about. She reviewed some of the comments that the Commission had
28 made on this topic. She stated that she felt that there would not be majority support for building
29 recesses or massing breaks, and that the variance was still a bit up in the air, as well.

30
31 Commissioner Sorensen stated that he was okay with the massing breaks.

32
33 Commissioner Douglas stated that she was too.

34
35 Chair Stockton stated that where she is sort of 'in between' was that if the appearance of massing
36 breaks could be achieved through material usage, the massing breaks would not be such a big deal
37 aesthetically for her.

38
39 Commissioner Sorensen asked if the massing breaks would be pretty much glass.

40
41 Ms. Goellner stated that was correct, but would not be the case on the ground level. She noted that
42 it was not even required on the ground level.

43
44 Chair Stockton explained that what makes the most impact for her was the ground level, which is
45 why she was suggesting some type of color change in order to make more visual breaks in lieu of
46 an actual massing break.

1
2 Commissioner Douglas asked if just having a color break would follow the City's design
3 guidelines.

4
5 Chair Stockton clarified that she felt that visual impact could be changed by color and material.

6
7 Commissioner Severson stated that she did not have a problem with the glass walkway as a
8 massing break and thinks it is a clever way to connect the buildings, but reiterated that she had an
9 issue with the size of the building itself.

10
11 The Commission discussed the items that they had not yet reached consensus.

12
13 Ms. Goellner gave another summary of the Commission for recommending approval of deviation
14 requests for parking in the front yard, the glass walkway massing break, the elimination of the
15 ground-level entries and the lack of roof screening and denial of reduction of the number of the
16 building recesses. She noted that the Commission supported the Comprehensive Plan Amendment,
17 the Zoning Map Amendment, Comprehensive Plan Amendment and the Side Yard Setback
18 Variance.

19
20 Commissioner Severson asked how she should vote if the motion was made that matched what
21 Ms. Goellner had just stated and she, for example, disagreed with the building recesses and the
22 side yard setback variance.

23
24 Mr. Schelzel stated that he would recommend that Commissioner Severson vote 'no' because she
25 would not be in favor of everything included in the motion. He noted that all of the comments
26 shared by the Commission would be included with the draft report and recommendation, and
27 would encourage Commissioners to look carefully at the minutes to ensure that their concerns were
28 expressed accurately for the City Council.

29
30 There being no further discussion, Chair Stockton asked for a motion on the application.

31
32 Commissioner Sorensen made a motion, seconded by Commissioner Douglas, to direct staff to
33 prepare a draft Planning Commission Report and Recommendation with supporting findings
34 reflecting a recommendation of approval for Comprehensive Plan Amendment, Zoning Map
35 Amendment, Conditional Use Permit, Variance to the West Side Yard Setback, and Design
36 Deviations for parking location, massing break, unit entries, and screening of sheet roofing; and a
37 recommendation of denial for the design deviation for building recesses, for the Elderly Care
38 Facility (Moments of Wayzata) at 163 Wayzata Boulevard West for review and adoption at the
39 next Planning Commission meeting.

40
41 Director Goellner completed a roll call vote on the motion. Upon a vote, the motion carried
42 3 ayes, 2 nays (Plantan and Severson).

43
44 Commissioner Severson clarified that she was not in favor of the side yard setback or the deviation
45 from the massing break and recess deviations.

1 **AGENDA ITEM 6. Other Items:**

2
3 **a) Review of Development Activities**

4
5 **b) Planning Commission Meeting Schedule**

6
7 Ms. Goellner noted that the next Planning Commission meeting will be May 6, 2024 where they
8 will have an application for 425 Highcroft Road; updates to the City's tree ordinance; and updates
9 to the chicken keeping ordinance. She asked that the Commissioners keep her informed if there
10 are specific dates over the summer that they will be gone.

11
12 **AGENDA ITEM 7. Adjournment.**

13
14 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

15
16 Commissioner Severson made a motion, seconded by Commissioner Douglas to adjourn the
17 Planning Commission meeting.

18
19 The motion carried unanimously.

20
21 The Planning Commission meeting was adjourned at 8:58 p.m.

22
23 Respectfully submitted,
24 Kayla Atkins Rokosz
25 *TimeSaver Off Site Secretarial, Inc.*
26



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 4.b
TITLE: Acknowledgment of Withdrawal of Development Application at 163 Wayzata Boulevard West - Moments of Wayzata	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Property owner TMSC previously submitted a development application for the property at 163 Wayzata Blvd W. The proposal was considered by the Planning Commission at their April 22 meeting. The applicant formally withdrew their application on April 24 with the intention of resubmitting an amended proposal in the future.

ACTION REQUESTED:

The Planning Commission should acknowledge the withdrawal of the application.

ATTACHMENTS:

1. 163 Wayzata Blvd W - Withdrawal Letter

From: [Jeff Schuler](#)
To: [Emily Goellner](#)
Cc: [Elizabeth Wright](#)
Subject: Moments of Wayzata Submission
Date: Wednesday, April 24, 2024 3:38:21 PM
Attachments: [Outlook-Title_Lin.png](#)

Emily, we would like to formally remove our application for planning approval for the moments of Wayzata at this time. We will be resubmitting a revised application in the coming weeks

Jeff Schuler, AIA

Director of Construction
Paragon Builders
Paragon Commercial Builders

Mobile: 612-518-2610

Email: jschuler@paragoncommercialbuilders.com

Minnesota office

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St. Louis Park, MN 55426

Arizona Office

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ROC 341525

www.paragoncommercialbuilders.com





City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 5.a
TITLE: Consider Zoning Text Amendments to Chapter 930 (Animals) to Allow for the Keeping of Chickens on Single-Family Residential Properties	
PREPARED BY: Nick Kieser, Parks and Environment Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Currently, keeping chickens is prohibited in Wayzata without a Conditional Use permit. The proposed zoning text amendments would allow residents to keep chickens on a single-family residential lot with certain restrictions. Attached is a staff report outlining the proposed text amendments and a Planning Commission Report and Recommendation of Approval for the proposed amendments.

No public comments have been received. Staff and the Energy and Environment recommend approval of the proposed amendments.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should make a motion of approval or denial of the *Draft Planning Commission Report and Recommendation of Approval*.

ATTACHMENTS:

1. Staff Report
2. Draft Planning Commission Report and Recommendation and Draft Ordinance 837



**Staff Report
Wayzata Planning Commission
May 6, 2024**

Project Name:	Chicken Keeping Ordinance
Request:	Zoning Text Amendment
Applicant:	City of Wayzata
Location of Request:	City of Wayzata
Prepared by:	Nick Kieser, Parks and Environment Planner

Background

The current regulations in Wayzata prohibit the keeping of chickens on residential properties unless a Conditional Use Permit is obtained. In 2021, staff proposed amendments to the Zoning Ordinance to allow residents to keep chickens, subject to certain conditions. The draft Ordinance included restrictions based on various discussions with the City Council and Planning Commission along with research of neighboring city's chicken keeping Ordinances. After a public hearing with the Planning Commission in 2021, the Council noted concerns regarding the limitations on lot sizes of 40,000 sq. ft. In addition, the main discussion focused on the number of hens allowed, the extent of the permitting process, logistics of enforcement, the pros and cons of neighbor notification, and the overall administration burden. Overall, consensus was not made among the Council and staff on the draft code language.

Subsequently, the City Council decided to conduct further community engagement to assess public interest in permitting chicken-keeping. Staff conducted a short survey of the community which resulted in 121 total responses. With a low response rate, it was difficult to use the data to make conclusions about the level of interest within the community for keeping chickens.. Based on the survey results, the wide range of differing recommendations received from the Planning Commission and City Council, and other more urgent priorities at the time, Council directed staff not to move forward on the chicken-keeping initiative immediately. Some inquiries from residents about opportunities for chicken-keeping have been received since then. Therefore, the Council recently directed staff to prepare options that are more simplified and that would strike a balance between the wide range of options.

City Council Workshop

The City Council discussed a number of options to allow the keeping of chickens in Wayzata at the March 26, 2024 Council workshop. During this workshop, the Council

reviewed a spectrum of options ranging from more stringent to less stringent requirements. Ultimately, the Council wanted a regulatory framework that focused on simplicity while remaining sensitive to potential nuisances. The draft Ordinance that is attached for review was created as a result of the Council's direction to staff.

Zoning Ordinance Amendment

Application Request

As part of the submitted development application, the applicant is requesting approval of the following items:

- A. Zoning Text Amendment (§930): Staff proposes amendments to Chapter 930 Animals.

Project Location

The proposed Ordinance amendments are applicable to all properties within the City of Wayzata and are not specific to any particular Zoning District.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on April 25, 2024.

Energy and Environment Committee

The proposed Ordinance amendments were reviewed by the Energy and Environment Committee at the March 19, 2024 meeting. The Committee confirmed that allowing chickens is a benefit to the community from a sustainability and educational perspective. Their recommendation underscored the importance of keeping the restrictions simple and accessible to all residents.

Proposed Changes

Based on the recent direction from the City Council, past discussion with the Planning Commission and Council, and research of similar Ordinances of neighboring communities, the draft Ordinance was created. The following items summarize the draft Ordinance that allows for the keeping of chickens on residential properties:

- Allow chickens on any single-family residential property
- Require a permit application to be reviewed by city staff
 - An electronic permit application would be created for this purpose
 - The permit application would involve a site plan review to ensure all the restrictions are met
- Maximum of four hens, no roosters
- Chickens must be maintained in a chicken coop/run or in a fenced-in rear yard
- Chicken coops have a maximum of 50 square feet and the runs have a maximum of 100 square feet
- All accessory structure setbacks must be met

- The chicken coop and run must be kept in a healthy and sanitary condition
- Chickens can only be kept for personal use

Standards of Planning Commission Review of Application Requests Primary Questions to Consider

- Does this text amendment fit with the City's 2040 Comprehensive Plan?
- Do the proposed changes conform to the present and future land uses of the area?
- Do the proposed changes help protect, preserve, and enhance the natural environment of the community?

Staff Recommendation

Staff and the Energy and Environment Committee recommend approval of the Zoning Text Amendments to Chapter 930 - Animals. The proposed changes will continue to protect, preserve, and enhance the natural environment of the community. A draft Planning Commission Report and Recommendation of Approval is attached for review.

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission can vote on the *Draft Planning Commission Report and Recommendation of Approval*.

Attachments

- Draft Planning Commission Report and Recommendation of Approval of Zoning Ordinance Amendment to Allow Keeping Of Chickens

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan

Guiding Principles of the Comprehensive Plan

Charming

- **Fostering charm in a community known for its small-town character requires intentionality and purpose.** A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way. City residents want to connect to the City’s shared spaces. City spaces can be plain, or they can be charming – it is just a question of thoughtfulness. **Visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia.** Wayzata – by nature, as it is located on the shore of Lake Minnetonka – evokes these feelings. **The challenge for the City is to make charm an utmost priority not only in new developments but in every aspect of the City’s lifecycle.** Placing emphasis on the arts, for example, is something that allows passers-by and visitors to slow down and enjoy the City. Development should be small and intimate, creating room for “randomness.”

Vibrant Parks and City Spaces

- **Vibrant City parks and City spaces are essential to Wayzata’s future. Parks provide mental health benefits to residents, opportunities for physical activity, and bring the important nature connection to daily routines.** City spaces allow residents and visitors to come together, create a sense of belonging, and encourage walkability. Wayzata, through the upcoming robust Parks and Trails System Master Plan, can revive its park spaces and transform them into inter-generational centers with opportunities and spaces from young families to older generations. Connecting the parks and city spaces are also crucial for Wayzata’s vitality. While Wayzata has plenty of park land, some spaces feel forgotten. The Nature Center is the key example of a place that could be reinvented to further connect residents and visitors with nature, and provide opportunities for physical activity.

Environmental Sustainability

- As a prosperous and renowned destination suburb, Wayzata has an opportunity to take the lead on sustainability goals and objectives. In the Vision Survey, 68 percent of respondents believe that Wayzata should ‘Aggressively pursue new sustainability actions and focus.’ The health of Lake Minnetonka’s ecosystem, a

City free of visual and noise pollution, and **a City that cares about fostering a healthy, vibrant, and sustainable environment should be Wayzata's priorities.** A process to streamline the permitting application of green energy sources such as residential solar systems and the encouragement of the use of green sources of energy in large developments was highlighted by stakeholders as a key step in achieving a more sustainable Wayzata. Wayzata could also reduce the number of City landscapes that have high consumption of water and instead opt for more sustainable options. The establishment and operation of a City of Wayzata commission on energy and environment creates an opportunity for Wayzata to determine its sustainability goals and take steps to achieve them. Stakeholders agreed on a balanced but progressive agenda in Wayzata's sustainability efforts

Zoning Text Amendment

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use's conformity with present and future land uses of the area.

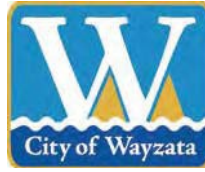
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The proposed use's effect on the area in which it is proposed.

5. The proposed use's impact upon property value in the area in which it is proposed.

6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.



WAYZATA PLANNING COMMISSION

May 6, 2024

REPORT AND RECOMMENDATION OF APPROVAL OF ZONING ORDINANCE AMENDMENT TO ALLOW KEEPING OF CHICKENS

SUMMARY OF RECOMMENDATION

Approval* of Zoning Ordinance Amendment to Allow Keeping of Chickens

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Amendment to Allow Keeping of Chickens. After holding a City Council workshop on March 26, 2024 on the topic of keeping chickens on residential properties for non-commercial uses, Council directed staff to prepare a draft ordinance for consideration that would allow but regulate the keeping of chickens on single family residential properties in the City. A draft amendment to Ch. 930 of the Zoning Ordinance (Animals) has been prepared by City Staff with regulations that staff believes are in line with the direction of City Council, a copy of which is attached to this Report as Attachment A (the "Zoning Ordinance Amendment").
- 1.2 Notice and Public Hearing. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Sun Sailor* on April 25, 2024 and on the City's website. The public hearing on the Zoning Ordinance Amendment was held at the May 6, 2024 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendment. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance

under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the materials submitted by City Staff, the Staff report, comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Zoning Ordinance Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendment would provide for well-regulated keeping of chickens for non-commercial purposes, and would not have an adverse effect on residential properties in the City and the City overall. The Zoning Ordinance Amendment meets the applicable standards for a zoning ordinance amendment in that:

- A. The limited and well-regulated keeping of Chickens as proposed in the Zoning Ordinance Amendment does not contravene the specific policies and provisions of the official City Comprehensive Plan.

- B. The limited and well-regulated keeping of Chickens as proposed in the Zoning Ordinance Amendment would be compatible with the permitted land uses of residential lots of the City.
- C. The limited and well-regulated keeping of Chickens as proposed in the Zoning Ordinance Amendment would conform with all performance standards contained in the Zoning Ordinance.
- D. The limited and well-regulated keeping of Chickens as proposed in the Zoning Ordinance Amendment would not have a negative effect on the area in which it is proposed, provided the proposed regulations are followed.
- E. The impact of the Zoning Ordinance Amendment upon property values in the area in which it is proposed would be negligible.
- F. There would be no additional traffic generation as a result of the Zoning Ordinance Amendment in relation to capabilities of streets serving the properties eligible for permits.
- G. The impact of limited and well-regulated keeping of Chickens as proposed in the Zoning Ordinance Amendment upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity would be negligible.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Amendment.

Adopted by the Wayzata Planning Commission this 6th day of May 2024.

Attachments:

Attachment A: Zoning Ordinance Amendment

CITY OF WAYZATA**HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 837****AN ORDINANCE AMENDING CHAPTER 930 (ANIMALS) OF
WAYZATA CITY CODE TO ALLOW FOR KEEPING OF CHICKENS**

WHEREAS, the City Council directed staff to prepare a draft ordinance for consideration that would allow but regulate the keeping of chickens in the City of Wayzata on single family residential lots for non-commercial purposes;

WHEREAS, staff prepared a draft amendment to Ch. 930 of the Zoning Ordinance (Animals) that was reviewed by the Planning Commission at a public hearing on the amendment on May 6, 2024;

WHEREAS, the Planning Commission adopted a Report and Recommendation of Approval, dated May 6, 2024, on the draft amendment (the “PC Report and Recommendation”); and

WHEREAS, City Council concurs with and hereby adopts the findings and recommendation of the PC Report and Recommendation.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 930. Chapter 930 of the Wayzata City Code (Animals) is hereby amended and restated as follows (~~struck~~ text deleted, underlined text added):

CHAPTER 930 – ANIMALS**930.01 – Keeping Animals**

A. The following animals may be kept in the City, subject to the regulations of this Chapter and other sections of City Code:

A-1. Domestic animals ~~are allowed~~, which are permitted in all zoning districts. Dog kennels require a conditional use permit pursuant to Chapter 904 of this Ordinance.

B-2. Horses ~~are~~, but only as an allowed accessory use under per zoning district regulations.

C-3. ~~Farm animals are not allowed in the City.~~ Chickens, but only as a permitted use provided for in this Chapter.

- ~~D.4.~~ Animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional docent programs. Before such animals are allowed, however, the participant in the program must notify the City Manager in writing of their participation in the program and identify the animal being kept.
- ~~E.5.~~ ~~With the exception of animals allowed by subsections A, B, C and D above, no other animals are allowed except by conditional use permit.~~ Animals kept for commercial purposes if authorized in the zoning district where the animals are located.
- ~~F.~~ ~~Animals may only be kept for commercial purposes if authorized in the zoning district where the animals are located.~~
- ~~G.~~ ~~Animals may not be kept if they cause a nuisance or endanger the health or safety of the community.~~
- ~~H.~~ ~~Dog kennels shall require a conditional use permit pursuant to Chapter 904 of this Ordinance and shall be subject to other applicable sections of the City Code.~~
- B. Any animals not permitted under Sec. 930.01. A. of this Chapter are not allowed to be kept in the City.
- C. Animals may not be kept if, in the judgment of the City Manager, they cause a nuisance or endanger the health or safety of the community.
- D. Chickens are allowed on single family residential properties, subject to the following requirements:
1. A Chicken Keeping Permit must be applied for and approved by the City prior to keeping any chickens on the property.
 2. A site plan must be submitted with the permit application, including plans for construction of the coop and/or chicken run, which must comply with City Building Code if applicable.
 3. No more than 4 hens may be kept on a property; no roosters may be kept.
 4. Chickens must be maintained in a coop and/or fenced chicken run at all times unless the rear yard is completely enclosed by a fence adequate to contain animals. The fence must be a minimum of four (4) feet in height in addition to complying with the other regulations applicable to fences.
 5. All chicken feed must be placed in a pest and rodent free container.
 6. The size of chicken coops may not exceed 50 square feet, and the size of chicken runs may not exceed 100 square feet. Chicken coops must be a minimum of five square feet per chicken, and the chicken run must be a minimum of 25 square feet.

7. Chicken coops and fenced chicken runs must be located outside the accessory structure setback of the applicable zoning district.
8. The coop and chicken run must be kept in a healthy and sanitary condition, and in such a way that no noxious odors or unsanitary drainage impact adjacent public or private property.
9. Chickens may be kept for personal use only. Butchering of chickens and the sale of chicken and eggs on or from the property is prohibited.
10. Property owners and applicants must provide access to their property for a pre-inspection at the time of the permit request, if needed, and at any time thereafter as requested by the City, to verify compliance with the conditions of this Chapter or in response to a complaint.
11. A Chicken Keeping Permit may be revoked by the City at any time if the Permit holder fails to comply with all the conditions specified in this Chapter, the Chicken Keeping Permit and application, or if the chickens create a nuisance, objectionable odors, unsanitary conditions, or there are other City Code violations on the property.
12. A Permit holder or property owner must remove the chicken coop and chicken run if a Permit is revoked or expires, or if there are no longer chickens on the property.

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 5.b
TITLE: Consider Zoning Text Amendments to Chapter 936 on Tree Preservation	
PREPARED BY: Bennett Myhran, City Forester	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Significant amendments to the Tree Preservation Ordinance (TPO) were approved at the end of 2022 and clarifying amendments were approved in June 2023. Enforcement of the revised TPO led to additional proposed amendments that will help regulate and manage the city's tree canopy to fulfill the TPO's purpose to its full extent. These amendments provide additional clarity to existing tree removal mitigation processes, incorporate references to the City's Tree Management Plan, and adjust the Ordinance's definition of Heritage Tree to better reflect the relative value of large trees according to species. City Forester Bennett Myhran will present the proposed ordinance amendments.

Staff is recommending approval of the amendments. A draft Planning Commission Report and Recommendation of Approval is attached. No public comments have been received.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should make a motion of approval or denial of the draft *Planning Commission Report and Recommendation of Approval*.

ATTACHMENTS:

1. Staff Report
2. Draft Planning Commission Report and Recommendation and Draft Ordinance 838



**Staff Report
Wayzata Planning Commission
May 6, 2024**

Project Name:	Tree Preservation Ordinance Updates
Request:	Zoning Text Amendment
Applicant:	City of Wayzata
Location of Request:	City of Wayzata
Prepared by:	Bennett Myhran, City Forester

Background

In October of 2022, The City of Wayzata adopted various substantial changes to its Tree Preservation Ordinance (TPO – Chapters 936, 710, and 519 of City Code) in an effort to mitigate the impacts of property development on the City’s tree canopy. Notable updates included Heritage Tree protections, tree replacement requirements, and mandatory permitting for most tree removals in the City. Additional clarifying revisions (Chapters 936 and 918) were adopted in June of 2023.

Through the consistent application of these standards across a wide range of project and property types, Staff has recognized certain areas for improvement, and has incorporated them in the Ordinance amendments proposed here (to Chapter 936 of the Zoning Ordinance). These revisions aim to make the Tree Preservation Ordinance more objective and enforceable – and ultimately better able to achieve its original purpose and intent as spelled out in Section 936.01.

Areas of Applicability

The Tree Preservation Ordinance applies to all properties within the City of Wayzata, and is not specific to any Zoning District. There are certain regulations and processes within the TPO which are exclusive to particular project and/or property types.

Requested Action

The City is requesting approval of the amendments to Chapter 936 – Tree Preservation Ordinance (TPO) –that are shown in the draft PC Report and Recommendation.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on April 25, 2024.

Proposed Changes

Below is a list of proposed revisions and additions in the proposed amending ordinance which will help improve Chapter 936 – Tree Preservation.

1. To objectify and standardize the City's interpretation of tree hazards (§936.02.G):

"Hazard Tree" means a tree that receives an overall risk rating of "high" or "extreme" from an arborist who has obtained a Tree Risk Assessment Qualification (TRAQ) from the International Society of Arboriculture. A tree's risk rating may be verified by the City Forester and/or the City's consulting arborist. A tree's risk rating, or any other type of tree risk assessment, cannot and does not guarantee the structural integrity of any tree, nor does it create any liability for the City related to total or partial tree failure.

2. To modify the City's classification of Heritage Trees, as it relates to their environmental value and appropriate mitigation requirements (§936.02.I):

"Heritage Tree" means a Healthy Standard-Growth Tree, Healthy Coniferous Tree, or Healthy American Elm Tree that is 25 inches or greater in DBH.

3. To codify the use of Tree Mitigation Agreements for any tree-related financial securities required by the City (§936): *Incorporated throughout; see Proposed Language for Chapter 936 – Tree Preservation Ordinance.*
4. To allow for actionable alternatives to the standard preservation escrow process for certain Heritage Trees (§936.08.D):

[...] The escrow requirements for such preservations may be determined by the estimated cost of soil decompaction or other restorative prescription, as deemed appropriate by the City Forester. The schedule of and requirements for the release of such an escrow shall be specified in the Tree Mitigation Agreement.

5. To establish a due date for required tree replacement (§936.11.B):

[...the City may use the financial guarantee to correct or complete the work] beginning 24 months after project completion. If the work's correction or completion is not feasible at that time, the City may retain the financial security as a fee-in-lieu of planting.

Staff Recommendation

Staff recommends approval of the Amendment. The amendments proposed for Chapter 936 have been reviewed by the City Attorney and various staff members. Staff believes the proposed changes are supported by science and best practices and would be beneficial to existing TPO enforcement and administration processes. Staff also believes that the proposed changes will help further the expressed goals and intent of Chapter 936, as expressed in Section 936.01.

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission can adopt the draft *Planning Commission Report and Recommendation* that is included with the packet, with any updates or changes to the Report that could be adequately discussed and decided upon at the meeting. If the Planning Commission feels further work and/or information is needed on the proposed amendments before the Commission can make a recommendation to Council, it can direct staff to do that and bring back an updated draft for consideration.

Attachments

- Draft PC Report and Recommendation of Approval

Forthcoming Proposals Related to the Tree Preservation Ordinance

In discussing these TPO text amendments with City Council on April 9, several related initiatives were endorsed, including the development of a Tree Management Plan for the City of Wayzata. Such a plan will, among other things, continuously identify and prioritize the maintenance needs of Wayzata's forest through data collection, community engagement, and defined canopy goals. Additionally, the Council encouraged staff to assess their ability to positively influence private tree canopy – specifically through “small grant funding” for tree injection, diseased/infested tree removal, and tree planting for eligible residents. In an effort to accommodate these directives, staff has drafted certain revisions to the City's Tree Replacement Fee-in-Lieu Fund Policy, which regulates the spending of fees collected through TPO-mandated tree removal mitigation processes:

City of Wayzata Fee-in-Lieu Fund Spending Policy (Priorities for Funds)

1. Planting of new trees on public properties or right-of-way, in accordance with priorities set by the City of Wayzata's Tree Management Plan
2. Maintenance or removal of trees on adjacent or nearby public properties or right-of-way, as defined in the City of Wayzata's Tree Management Plan
3. Purchasing of trees to be planted on private property within the City of Wayzata
4. Reimbursement or partial reimbursement of approved private tree preservation costs, as defined in the City of Wayzata's Tree Management Plan
5. Planting or maintenance of plants/shrubbery on adjacent or nearby properties or right-of-way
6. Other similar activities that mitigate the impacts of tree removal on the subject property and fulfill the purpose and intent of the Wayzata Tree Preservation Ordinance, the Wayzata Comprehensive Plan, and this Policy, as determined by the City of Wayzata Public Works Director or his/her designee

The complete policy in its current form is included for reference (Fee-in-Lieu Fund Policy – Current). The Planning Commission is welcome to comment on these proposed policy changes, which the City Council will soon consider for adoption.

Applicable Code Provisions for Review

2040 Comprehensive Plan

Guiding Principles of the Comprehensive Plan

Charming

- **Fostering charm in a community known for its small-town character requires intentionality and purpose.** A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way. City residents want to connect to the City’s shared spaces. City spaces can be plain, or they can be charming – it is just a question of thoughtfulness. **Visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia.** Wayzata – by nature, as it is located on the shore of Lake Minnetonka – evokes these feelings. **The challenge for the City is to make charm an utmost priority not only in new developments but in every aspect of the City’s lifecycle.** Placing emphasis on the arts, for example, is something that allows passers-by and visitors to slow down and enjoy the City. Development should be small and intimate, creating room for “randomness.”

Vibrant Parks and City Spaces

- **Vibrant City parks and City spaces are essential to Wayzata’s future. Parks provide mental health benefits to residents, opportunities for physical activity, and bring the important nature connection to daily routines.** City spaces allow residents and visitors to come together, create a sense of belonging, and encourage walkability. Wayzata, through the upcoming robust Parks and Trails System Master Plan, can revive its park spaces and transform them into inter-generational centers with opportunities and spaces from young families to older generations. Connecting the parks and city spaces are also crucial for Wayzata’s vitality. While Wayzata has plenty of park land, some spaces feel forgotten. The Nature Center is the key example of a place that could be reinvented to further connect residents and visitors with nature, and provide opportunities for physical activity.
- Recreation opportunities can be further enhanced by improved Wayzata parks and recreation. The work currently being carried out through partnerships fostered by the Lake Effect Conservancy (with the YMCA, Wayzata Sailing School, Wayzata School District, Interfaith Outreach, and Science Museum of Minnesota) is a fantastic step in that direction, so the focus should be on enhancing those partnerships and centralizing them at the City level so as to enhance access and grow the number of programs offered.

Environmental Sustainability

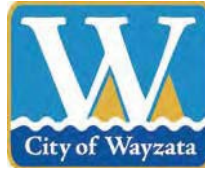
- As a prosperous and renowned destination suburb, Wayzata has an opportunity to take the lead on sustainability goals and objectives. In the Vision Survey, 68

percent of respondents believe that Wayzata should ‘Aggressively pursue new sustainability actions and focus.’ The health of Lake Minnetonka’s ecosystem, a City free of visual and noise pollution, and **a City that cares about fostering a healthy, vibrant, and sustainable environment should be Wayzata’s priorities.** A process to streamline the permitting application of green energy sources such as residential solar systems and the encouragement of the use of green sources of energy in large developments was highlighted by stakeholders as a key step in achieving a more sustainable Wayzata. Wayzata could also reduce the number of City landscapes that have high consumption of water and instead opt for more sustainable options. The establishment and operation of a City of Wayzata commission on energy and environment creates an opportunity for Wayzata to determine its sustainability goals and take steps to achieve them. Stakeholders agreed on a balanced but progressive agenda in Wayzata’s sustainability efforts.

Zoning Text Amendment

The Planning Commission shall consider ***possible adverse effects*** of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.**
2. The proposed [action’s] conformity with present and future land uses of the area.
3. The proposed conformities with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed effect on the area in which it is proposed.
5. The proposed impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- 7. The proposed [action’s] impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City’s service capacity.**



WAYZATA PLANNING COMMISSION

May 6, 2024

REPORT AND RECOMMENDATION OF APPROVAL OF ZONING ORDINANCE AMENDMENTS RELATED TO TREE PRESERVATION

SUMMARY OF RECOMMENDATION

Approval* of Zoning Ordinance Amendments to Chapter 936 - Tree Preservation

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Recent Updates to Tree Preservation Ordinance. In October 2022, substantial changes were made to the City's Tree Preservation Ordinance (TPO – Chapters 936, 710, and 519 of City Code) in an effort to mitigate the impacts of property development on the community's tree canopy. Notable updates addressed heritage tree protections, tree replacement requirements, and mandatory permitting for most tree removals in the City. Additional clarifying amendments (Chapters 936 and 918) were adopted in June of 2023.
- 1.2 Proposed Updates to Improve Ordinance. Based on the City Forester's administration of the TPO over the past year, he has recommended further amendments to the TPO to make it more objective and enforceable, and better able to achieve the original purpose and intent of the TPO as set forth in Section 936.01. A draft amendment to Chapter 936 has been prepared by City Staff with these amendments, a copy of which is attached to this Report as Attachment A (the "Zoning Ordinance Amendments").
- 1.3 Notice and Public Hearing. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Sun Sailor* on April 25, 2024 and on the City's website. The public hearing on the Zoning Ordinance Amendment was held at the May 6, 2024 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's conformity with present and future land uses of the area.
 - C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property value in the area in which it is proposed.
 - F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the materials submitted by City Staff, the Staff report, comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Zoning Ordinance Amendments. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendments would not have any significant adverse effects, and would make the City's Tree Preservation Ordinance more objective and enforceable, and better able to achieve the purpose and intent of the Ordinance to better protect, preserve, and enhance the City's tree canopy and

natural environment. The Zoning Ordinance Amendments meet the applicable standards in that:

- A. The Zoning Ordinance Amendments would help implement the policies and provisions of the official City Comprehensive Plan that call for the following:
 - 1. Fostering charm in a community known for its small-town character.
 - 2. Helping visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia.
 - 3. Supporting vibrant City parks and City spaces to provide mental health benefits to residents, opportunities for physical activity, and bring the important nature connection to daily routines.
 - 4. Fostering a healthy, vibrant, and sustainable environment.
- B. The Zoning Ordinance Amendments would conform with the present and future land uses within the City as set forth in the City's Comprehensive Plan provisions noted above.
- C. The Zoning Ordinance Amendments would conform with all performance standards contained in the Zoning Ordinance, and improve the clarity of several standards related to the removal, replacement, planting and care of trees in the City, making such standards easier to understand and apply.
- D. By better protecting, preserving, and enhancing the City's tree canopy and natural environment, the Zoning Ordinance Amendments will have a positive aesthetic, economic, and environmental effect on all areas of the City, including residential, institutional, and commercial areas.
- E. By better protecting, preserving, and enhancing the City's tree canopy and natural environment, the Zoning Ordinance Amendments should have a positive effect on property values in the City.
- F. The Zoning Ordinance Amendments would not have any known detrimental effect on traffic.
- G. The Zoning Ordinance Amendments would not negatively impact existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity, and will help the City better regulate the removal, replacement, planting and care of trees in the City.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of

this Report, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Amendments.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Amendment.

Adopted by the Wayzata Planning Commission this 6th day of May 2024.

Attachments:

Attachment A: Zoning Ordinance Amendment

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 838**

**AN ORDINANCE AMENDING CHAPTER 936 (TREE PRESERVATION)
OF WAYZATA CITY CODE**

WHEREAS, the City Forester has made recommendations on certain revisions to the City's Preservation Ordinance to make such ordinance more objective and enforceable, and better able to achieve the purpose and intent of the Ordinance as set forth in Section 936.01;

WHEREAS, staff prepared a draft amendment to Ch. 936 (Tree Preservation) that was reviewed by the Planning Commission at a public hearing on the amendment on May 6, 2024;

WHEREAS, the Planning Commission adopted a Report and Recommendation of Approval, dated May 6, 2024, on the draft amendment (the "PC Report and Recommendation"); and

WHEREAS, City Council concurs with and hereby adopts the findings and recommendation of the PC Report and Recommendation.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 936. Chapter 936 of the Wayzata City Code (Tree Preservation) is hereby amended and restated as follows (~~struck text deleted~~; underlined text added):

CHAPTER 936 – TREE PRESERVATION

936.01 Purpose and Intent.

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the City, and to encourage a balanced approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations of this Chapter to promote the following:

- A. Protection and preservation of the environment and natural beauty of the City;
- B. Assurance of orderly development within wooded areas to minimize tree and habitat loss;
- C. Evaluation of the impacts to trees and wooded areas resulting from development;
- D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;

- E. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and
- F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

936.02 Definitions.

For purposes of this section, the following definitions shall apply:

- A. **"City Forester"** means that person appointed as City Forester in Section 710.02(b).
- B. **"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- C. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- D. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet ($10 \times 1.5 = 15$).
- E. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.
- F. **"Diameter of Tree at Breast Height" or "DBH"** means the diameter of a tree as measured four and one-half feet (54 inches) above the ground. Trees that branch near or below four and one-half feet from the ground will be measured at the narrowest point below four and one-half feet. Trunks that originate from the ground shall be considered separate trees. The diameter of multi-stemmed trees shall be calculated via the square root method (the square root of the sum of each trunk diameter squared).
- G. **"Hazard Tree"** means a tree that receives an overall risk rating of "high" or "extreme" from an arborist who has obtained a Tree Risk Assessment Qualification (TRAQ) from the International Society of Arboriculture. A tree's risk rating may be verified by the City Forester and/or the City's consulting arborist. A tree's risk rating, or any other type of tree risk assessment, cannot and does not guarantee the structural integrity of any tree, nor does it create any liability for the City related to total or partial tree failure.
- HG. **"Healthy Tree"** means a tree that is in the average or better condition and vitality for the area, as determined by the City Forester.
- IH. **"Heritage Tree"** means ~~a Healthy Rapid-Growth Tree that is 30 inches or greater in DBH, a Healthy Standard-Growth Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree, or a Healthy American Elm Tree that is 25 inches or greater in DBH.~~
- I. ~~**"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.~~
- J. ~~**"Nursery Stock Dealer" or "Nursery Stock Grower"** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.~~
- JK. **"Public Infrastructure"** means the construction or maintenance of:

1. Collector or arterial roads as defined by the City Transportation Plan;
2. Public recreational trails;
3. Stormwater infrastructure;
4. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or
5. Any essential service or public improvement.

KL. **“Rapid-Growth Tree Species”** means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash.

LM. **“Removal” or “Tree Removal”** means:

1. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
2. Grading impact, compaction, or other damage up to 40 percent of a tree's Critical Root Zone;
3. Excessive pruning that severely impacts the long-term survivability of the tree; or
4. Any other impact to a tree that comprises the long-term health or structural stability of a tree.

MN. **“Significant Tree”** means a Healthy Standard-Growth Tree that is six inches or greater in DBH, a Healthy Rapid-Growth Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH.

NO. **“Site Plan”** means the site plan established and described in this Chapter.

OP. **“Standard-Growth Tree Species”** means a species of tree recognized as standard-growth trees by the City Forester.

PQ. **“Structural Root Zone”** means the area around a tree with a radius that is equal to three inches for each one inch of DBH of the tree.

QR. **“Tree Inch(es)”** means the DBH of a tree or trees on a site.

R. **“Tree Mitigation Agreement”** means an agreement, in content and form acceptable to the City Attorney, that is executed by the party responsible for submitting tree-related financial securities and/or fees-in-lieu of planting under this Chapter, specifying property information, payment details, and the relevant sections of this Chapter.

S. **“Tree Preservation Plan”** means the tree preservation plan established and described in this Chapter.

T. **“Tree Preservation Zone”** means the tree preservation zone established and described in this Chapter.

U. **“Tree Removal Permit”** means a permit that is required under this Chapter for tree removal.

936.03 Establishment of Tree Preservation Zone.

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat-island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; provide a haven for animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all property within the City of Wayzata. The regulations and requirements imposed within the Tree Preservation Zone shall be in addition to the zoning districts within the existing and amended text and map of the Wayzata Zoning Ordinance, and the Floodplain, Shoreland, and Wetland regulations and requirements. In cases where there is a conflict between regulations applicable within such zones, the more restrictive requirements shall apply.

936.04 City Forester Role.

The City Forester shall have the authority to make interpretations and final determinations on calculations, measurements, and the language of this Chapter.

936.05 Tree Removal Permit Requirement.

A Tree Removal Permit is required for the removal of any tree with a diameter at breast height (DBH) of six inches or more. No permit fee shall be required for the removal of trees that are determined by the City Forester to be dead, diseased, dying, or hazardous. Removal of any tree that requires a Tree Removal Permit shall comply with all of the requirements of this Chapter along with the requirements listed in the Permit itself.

Submittals for a Tree Removal Permit Application shall be as follows:

- A. Completed Tree Removal Permit Application Form.
- B. Tree Preservation Plan, if applicable, as specified in Section 936.07.

The process for review and approval of a Tree Removal Permit Application shall be as follows:

- A. Submission of a completed Tree Removal Permit Application and other required submittals to the City.
- B. City staff review of the Application and determination if the Application is complete.
- C. Submission of any required tree escrow payment to cover tree replacement, accompanied by a Tree Mitigation Agreement.
- D. Staff approval or denial of the Tree Removal Permit.
- E. If the Permit is approved, removal of the trees covered by the Permit can commence by the property owner or a licensed tree contractor under City Code Ch. 519.

936.06 Tree Replacement Thresholds.

The tree replacement requirements of Section 936.09 shall apply as follows:

- A. **Subdivision, Public Infrastructure, Construction of Single-Family Home.** The following tree removal thresholds shall apply to all Subdivisions, Public Infrastructure projects, and construction of single-family homes.
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09, in addition to any other requirements hereunder.
 2. **Significant Trees.** Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, 25 percent of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond 25 percent will require replacement in accordance with the standards of Section 936.09.
 3. **Public Infrastructure.** The City Council may waive the tree replacement requirements of this Section for Public Infrastructure projects if the City Council makes a finding that the tree replacement requirement would create an undue financial or other burden on the project, and the public benefits of the Public Infrastructure project outweigh the benefits of the required tree replacement. All Public Infrastructure projects shall otherwise adhere to the standards of this Chapter, except for Section 936.11.
- B. **Land Disturbance Permits, Design Review, and Expansions to Single-Family Homes.** The following tree removal thresholds apply to projects that require a Land Disturbance Permit under City Code Section 409.05, projects that require Design Review under City Code Section 909.04.B, and expansions or additions to an existing single-family home:
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09 in addition to any other requirements hereunder.
 2. **Significant Trees.** The City recognizes that additional tree removal may occur after the construction of new houses or commercial developments, or the expansion of existing homes or commercial developments, but to a lesser degree than the original development. Therefore, ten percent of the existing DBH inches of trees can be removed without obligation of replacement. Any removal beyond ten percent will require replacement in accordance with the standards of Section 936.9.
- C. **Heritage Tree Removal.** Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one inch to one inch DBH removed in accordance with the standards of Section 936.09.

- D. **Trees Exempt From Replacement Requirements.** The following types of trees shall not be included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09:
1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester prior to removal; or
 2. Trees that are transplanted from the site to another appropriate location within the City as approved by the City Forester; or
 3. Trees that were planted as part of a commercial business such as a tree farm or nursery; or
 4. Trees that are structurally unstable and pose a risk to people or permanent structures, as deemed by a certified arborist with a Tree Risk Assessment Qualification and the City Forester.
 5. Significant trees that are not part of any project not listed in 936.06.A or 936.06.B.
 6. Tree species listed as invasive in the City of Wayzata's Tree Management Plan.
- E. **Trees Included for Structural Root Zone Disturbance.** Any tree with a Structural Root Zone that will be disturbed in any way in connection with a project listed in Sections 936.06.A and 936.06.B must be (i) inventoried and removed prior to grading or excavation, and (ii) included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09.

936.07 Tree Preservation Plan.

When a Tree Preservation Plan is required with a Tree Removal Permit, an applicant is responsible for implementing the approved Tree Preservation Plan prior to and during site grading and plan development. A Tree Preservation Plan is required for any land use approval or activity mentioned in Section 936.06. The Tree Preservation Plan will be reviewed by the City Forester and any other relevant City staff to assess the best overall tree design for the project involved, taking into account the preservation, renewal and health of Significant and Heritage Trees, and ways to enhance the efforts to mitigate damage to the trees on the property and the natural environment. The applicant is encouraged to meet with City staff prior to submission of a Subdivision application, Public Infrastructure project, or Design Review application to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest Significant and Heritage Trees being destroyed or damaged. The Tree Preservation Plan must include the following items:

- A. The name(s) and address(es) of property owners and applicants.
- B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon.
- C. Delineation of all areas to be graded and limits of land disturbance, including the contouring of all areas to be graded.
- D. Size, species, location and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area. The size of Deciduous Trees must be recorded in

DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.

- E. Identification of all Dead, Diseased, Dying and Hazard Trees.
- F. The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved.
- G. Identification of all Significant and Heritage Trees proposed to be removed within the Construction Area.
- H. Identification of all Significant and Heritage Trees on all individual lots. The Developer must submit a list of all lot and block numbers identifying those lots.
- I. Measures to protect Heritage and Significant Trees as outlined in Section 936.08.
- J. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.
- K. Description or diagram of planting specifications to be observed during replacement tree installation. Specifications shall, at a minimum, address planting depth, mulching, and long-term girdling (e.g. root ball packaging, encircling roots). An approved example of this document can be found in the City of Wayzata's Tree Management Plan.
- K. Calculations of the total amount of tree inches proposed to be removed, the allowed removal percentage, and tree replacement inches required and proposed.
- L. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.

936.08 Tree Protection.

The following tree protection measures are required:

- A. **Mandatory Protection.** Measures to protect Significant and Heritage Trees must include:
 - 1. Installation of chain-link fence, snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone and any other areas identified by the City Forester for the protection of Significant and Heritage Trees to be preserved on or adjacent to the property for which a ~~Tree Removal Permit has been issued~~ Tree Preservation Plan is being submitted.
 - 2. Any tree protection fencing placed within a Significant or Heritage Tree's Critical Root Zone shall not be installed below grade (i.e., machine-sliced or trenched).
 - 23. Trees proposed to be removed must be clearly tagged or otherwise marked on the site, in a non-permanent manner, as specified by the City Forester. Trees must be tagged or marked at least one week before they are removed.
 - 34. Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum based tree wound sealant, such as shellac.
- B. **Discretionary Protection.** Measures to preserve or protect Significant and Heritage Trees which may be required by the City include, but are not limited to:

1. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the lot being developed.
 2. Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.
 3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 4. Use of tree root aeration, fertilization, and irrigation systems when appropriate.
 5. Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area.
 6. Safety pruning for people working within the construction limits and for the trees involved.
 7. Tree protection fencing of a particular height or material.
- C. **Construction Protection.** Three years after construction has been completed on residential properties, and five years after construction has been completed for commercial or institutional properties, the City Forester shall inspect trees on a project site for which a Tree Removal Permit has been issued to ensure the health of the trees. If the trees are determined to be dead, dying, or in general poor health because of the construction on the site, the same number of tree inches must be replaced on the site.
- D. **Discretionary Securities for Heritage Tree Preservation.** ~~In addition,~~ The City Forester may require additional escrow for Heritage Trees that are proposed to be saved on a property undergoing construction and/or nearby property if, in the judgment of the City Forester, such Heritage Trees are in close proximity to a construction area or are in danger from construction in any way. The escrow requirement for such preservations may be determined by the estimated cost of soil decompaction or other restorative prescription, as deemed appropriate by the City Forester. The schedule of and requirements for the release of such an escrow shall be specified in the Tree Mitigation Agreement.

936.09 Tree Replacement.

- A. **Tree Replacement Formula.** Replacement of removed or disturbed trees in excess of the percentage allowed under Section 936.06 shall be according to the following ratios.
1. All Significant Trees shall be replaced at the ratio of one caliper inch per one inch of DBH removed.
 2. All Heritage Trees removed in connection with a project listed in Sections 936.06.A and 936.06.B shall be replaced at the ratio of two caliper inches per one inch of DBH removed. Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one inch to one inch DBH removed.
 3. The height of Coniferous Trees shall count towards the caliper inches of tree replacement or tree removal as follows:
 - a. A four to six-foot tall coniferous tree shall be equivalent to two caliper inches of tree replacement. For every two-foot range in additional coniferous tree height, above six

feet, one additional caliper inch shall be counted towards tree replacement (e.g., a 15-foot coniferous tree = seven caliper inches of replacement).

- B. **Size, Types and Diversification of Replacement Trees.** A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. No more than 20 percent of the replacement trees planted may be of the same genus unless otherwise approved by the City Forester. If more than 20 percent of the same genus of trees are planted on the site, the tree inches of the same genus over 20 percent shall not be included in the total tree inch replacement calculations. The recommended tree replacement species shall be those found on the Hennepin County Recommended Tree List.
- C. **Prohibited Tree Replacement Species.** The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Plants List.
- D. **Tree Replacement Location.** Replacement trees must be located only on the property for which a Tree Replacement Permit has been issued unless the City Council approves tree replacement on neighboring properties with the consent of such property owner and findings that (i) all the options for planting trees on the project site have been exhausted and tree replacement on the site is impractical; and (ii) it will allow additional screening from the neighboring property.
- E. ~~**Tree Replacement Reduction for Preserving Heritage Trees.** Heritage trees that are protected and saved during a construction process, that otherwise had a significant probability of removal or loss based on the construction project, and that are healthy after the construction process, all as determined by the City Forester, may be used to reduce the total number of required tree replacement inches for the project associated with the construction. Such reduction will equate to the total DBH inches of the saved tree.~~
- F. **Other Replacement Tree Requirements.** Choice of replacement trees species and location of the trees should also take into account the following information:
1. **Soil Composition.** Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible. This is particularly important for the existing and proposed soil composition for the root balls of spaded and B&B trees.
 2. **Spatial Requirements.** The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.
 3. **Pathogen Problems.** Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Wayzata is located.
- FG. **Fee-In-Lieu of Tree Replacement or Replacement Trees Planted in Public Areas.** The City recognizes that there may be instances where the total amount of tree replacement required under this section cannot occur on site. In those instances, the City may, at its option, accept a fee-in-lieu of tree replacement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu-of-tree replacement should be used only when replacement on site is not feasible.

The amount of fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

936.10 Past Tree Removal.

Any trees removed on a property in the two years preceding the date of an application for a building permit, land disturbance permit, Tree Removal Permit or other approval request in connection with a project listed in Sections 936.06.A and 936.06.B for such property shall be included in the tree removal/replacement calculations of the current application.

936.11 Financial Guarantee.

- A. **Financial Guarantee.** The City may, at its option, withhold a certificate of occupancy or require cash escrow or a letter of credit satisfactory to the City in the amount of 110 percent of the value of the tree removal and/or replacement, securing the full performance of Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the fee-in-lieu of tree replacement schedules. The financial security shall be sufficient to cover the costs of the tree removal and/or replacement trees planted, including any needed replacement of the trees over a three-year period. The submission of any payment described in this section shall be accompanied by a Tree Mitigation Agreement.
- B. **Use of Financial Guarantee.** If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement plan, in accordance with the City Council or City Forester approval, the City may use the financial guarantee to correct or complete the work beginning 24 months after project completion. If the work's correction or completion is not feasible at that time, the City may retain the financial security as a fee-in-lieu of planting.
- C. **Release of Financial Guarantee.** At least once annually, the City Forester shall review the financial securities, inspect the applicable trees, and release the financial securities as necessary. The financial security shall be released based on the following schedule, unless otherwise noted in the Tree Mitigation Agreement:
1. Upon installation of a healthy tree: 50 percent of the financial guarantee for that tree shall be released.
 2. First year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 3. Second year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 4. Third year inspection determining the installed tree is still healthy: 20 percent of the financial guarantee for that tree shall be released.
- D. **Transfer of Ownership.** Tree-related financial securities shall only be released to the party originally responsible for payment.

936.12 Penalties.

- A. **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Chapter. Minn. Stats. § 561.04 strictly prohibits intentional damage to trees on public property in any form and provides

that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. ~~The City Forester and other City Staff should not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.~~

- B. **Violation.** Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stats. § 609.02, Subd. 3.

It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

- C. **Enforcement.** Violations of the provisions of this Chapter will be investigated and resolved in accordance with the provisions of Chapter 908. In responding to a suspected violation, the Zoning Administrator and City may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines.

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 5.c
TITLE: Consider Development Application for Front Yard Setback Variance at 425 Highcroft Road	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: August 6, 2024 (extended to 120 days)	

BACKGROUND:

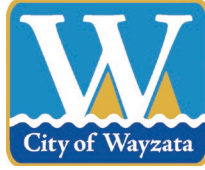
Applicant Streeter Custom Homes, on behalf of applicant Loren Unterseher, has submitted a development application requesting a front yard setback variance to support a home currently under construction at 425 Highcroft Road. As of May 2, three positive public comments have been received.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the variances requested in the application, for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. 425 Highcroft Rd - Staff Report
2. 425 Highcroft Rd - Application Materials
3. 425 Highcroft Rd - Public Comments Received by May 2 (3)



**Staff Report
Wayzata Planning Commission
May 6, 2024**

Project Name: 425 Highcroft Road Variance
Approval Requests: Variance – Front Yard Setback
Applicants/Owners: Loren Unterseher
Addresses of Request: 425 Highcroft Road
Prepared by: Valerie Quarles, Assistant Planner
“120 Day” Decision Deadline: August 6, 2024

Development Application Introduction

Owner Loren Unterseher, represented by Streeter Homes, has submitted a development application requesting a front yard setback to support a new home currently under construction at 425 Highcroft Road.

The property identification number and owner of the property are as follows:

Address	PID	Owners
425 Highcroft Rd	0111723420007	LOREN A UNTERSEHER TRUSTEE 425 HIGHCROFT RD WAYZATA MN 55391

The current zoning and comprehensive plan land use designation for the property are as follows:

Current Zoning:	R-1A Low Density Single Family Estate District
Comprehensive Plan Designation:	Estate Single Family
Overlay Districts:	N/A
Design District:	N/A

Project Location

The property is located at the northwest corner of Highcroft Road and Peavey Road.

Map 1: Project Location



Source: Hennepin County (2022 image)

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following item:

- A. Variance – Front Yard Setback (§951.06.B.1.a): The applicant is proposing a variance of 4 feet off the required front yard setback of 45 feet, in order to maintain the location of the home under construction 41 feet off the front (east) property line.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on April 25, 2024. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on April 25, 2024.

Neighborhood Notification

The applicant sent a letter about the Application to residents within 500 feet of the subject property on April 26, 2024.

Public Comments

As of May 2, three public comments have been received in favor of the project.

Existing and Proposed Conditions

The existing lot is 52,206 square feet (1.2 acres) in area. The original home on the lot was constructed in 1960. The attached three-car garage was set back 30.1 feet from Peavey Road and required a front yard setback variance, which was approved by

Resolution 19-2006. The findings for that variance cited the curvature of Peavey Road as an undue hardship. The home and garage were demolished in 2022.

Streeter Custom Homes was issued a building permit for a new home on June 5, 2023, which complied with required setbacks. On June 22, the applicant submitted an amended set of plans, with the proposed home shifted approximately 25 feet to the northeast, increasing the home's proposed setback from Highcroft Road. However, due to the curvature of Peavey Road, the linear shift brought the proposed home into violation of the required front yard setback from Peavey Road (45 feet). Staff erred in their review of the adjusted location of the new home, in part due to an incorrectly depicted required setback line from Peavey Road, and approved the amended plans for permit. The amended plans included two corners of the home, totaling 51 square feet in area, within the required front yard setback.

The applicant submitted an additional amendment to their plan set on February 20, 2024 for changes to the proposed landscaping. When reviewing this change, staff noticed the setback error and notified the applicant. At that time, the corners of the home in violation had already been constructed, though not completed. The applicant opted to submit a request for a variance rather than remove and reconstruct those corners of the home to comply with the 45-foot setback.

Zoning District and Land Use Designation

The site is zoned R-1A, Low Density Single Family Estate District. The purpose of the R-1A Low-Density Single-Family Estate District is to provide a district for existing large low density residential and estate-type properties. These properties are distinctive in that they are unusually large in size and frequently include accessory structures, such as accessory dwelling units. This district also allows recreational uses. The 2040 Comprehensive Plan land use designation for this site is Estate Single Family.

Analysis of Application

Variance – Front Yard Setback (R-1A)

Two portions of the structure encroach on the minimum required setback: the garage and the cabana. The southern encroachment is the northeast corner of the garage, which totals approximately 24 square feet and is approximately 14 feet in height. One stall of the three-stall garage is impacted by the setback.

The northern encroachment is the northeast corner of the cabana, which is a one-story room that includes a chimney. The encroachment totals approximately 27 square feet. The encroaching portion of the roof reaches approximately 16 feet in height, while chimney reaches 30 feet in height, which is within the height limit in this zoning district of 40 feet. Notably, chimney footprints are allowed to fall under a limited exception to setbacks (City Code 919.02.B, which allows certain home elements to encroach up to 2.5 feet over the setback) but the footprint of the chimney is too large to be completely allowed within the setback.

	City Code	Current	Proposed
Front Yard Setback	45 feet	41 feet (under construction)	41 feet

Department Comments

There are no additional comments from other departments.

Standards of Planning Commission Review of Application Requests

Primary Questions to Consider:

1. Is the proposal consistent with the Comprehensive Plan?
2. Is the variance reasonable?
3. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
4. Would the variance alter the essential character of the locality?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

Attachments

1. Narrative
2. 2022 Survey
3. 2023 Original Permit Survey
4. 2023 Survey with Home Shift
5. 2024 Setback and Encroachment Exhibit
6. Selected Floor Plans
7. Construction Photos
8. Neighborhood Exhibits

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. Staff has highlighted in **bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan – Residential Goals

- **Maintain and enhance the character, diversity, and livability of all residential neighborhoods.**

Variance Standards – City Code Chapter 905

The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where strict enforcement of the provisions of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when the variances are harmony with the general purposes and intent of this Ordinance, and the variances are consistent with the Comprehensive Plan.

Criteria for Granting. Conditions governing considerations of variance requests.

1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance; and
 - b) Consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a) **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) **The variance, if granted, will not alter the essential character of the locality.**
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.



VARIANCE NARRATIVE

April 3, 2024

Unterseher Residence

425 Highcroft Rd, Wayzata, MN 55391

Thank you for your consideration of our variance application. We would first like to describe the circumstances that have led us to applying for a variance on a project that is already under construction (please see attached photos). The City of Wayzata granted us (Streeter Custom Builder) a building permit to construct a single-family home at 425 Highcroft Road on June 5th, 2023. The approved Site Plan is attached. Please note that a 20' side yard setback is noted and approved. Prior to starting excavation work we reviewed the offset stakes with our client, Loren Unterseher. At that review, our client expressed his desire to move the proposed home approximately 25 feet straight back from Highcroft to better align other houses on Highcroft. We had the surveyor (Sathre Berquist) update the proposed survey and we sent that to city staff for approval prior to starting construction. We received approval on June 28, 2023 to proceed. Our client's home has now been under construction for 10 months. In the process of verifying hardcover restrictions as we finalized the landscaping and driveway design, the City Planner emailed us on February 23, 2024 to notify us of a side yard setback violation. Attached is an Aerial Survey showing the current location of the project superimposed on the former structure. The red areas show the 2 areas of the home that encroach the setback. The areas of the home affected are the Garage and Pool Cabana. We then requested site meetings with staff to review the existing conditions and circumstances. In those meetings, both Assistant City Planner Valerie Quarles and City Building Official Jason Wagner acknowledged they had made mistakes in their reviews and approvals and that we had followed all procedures properly.

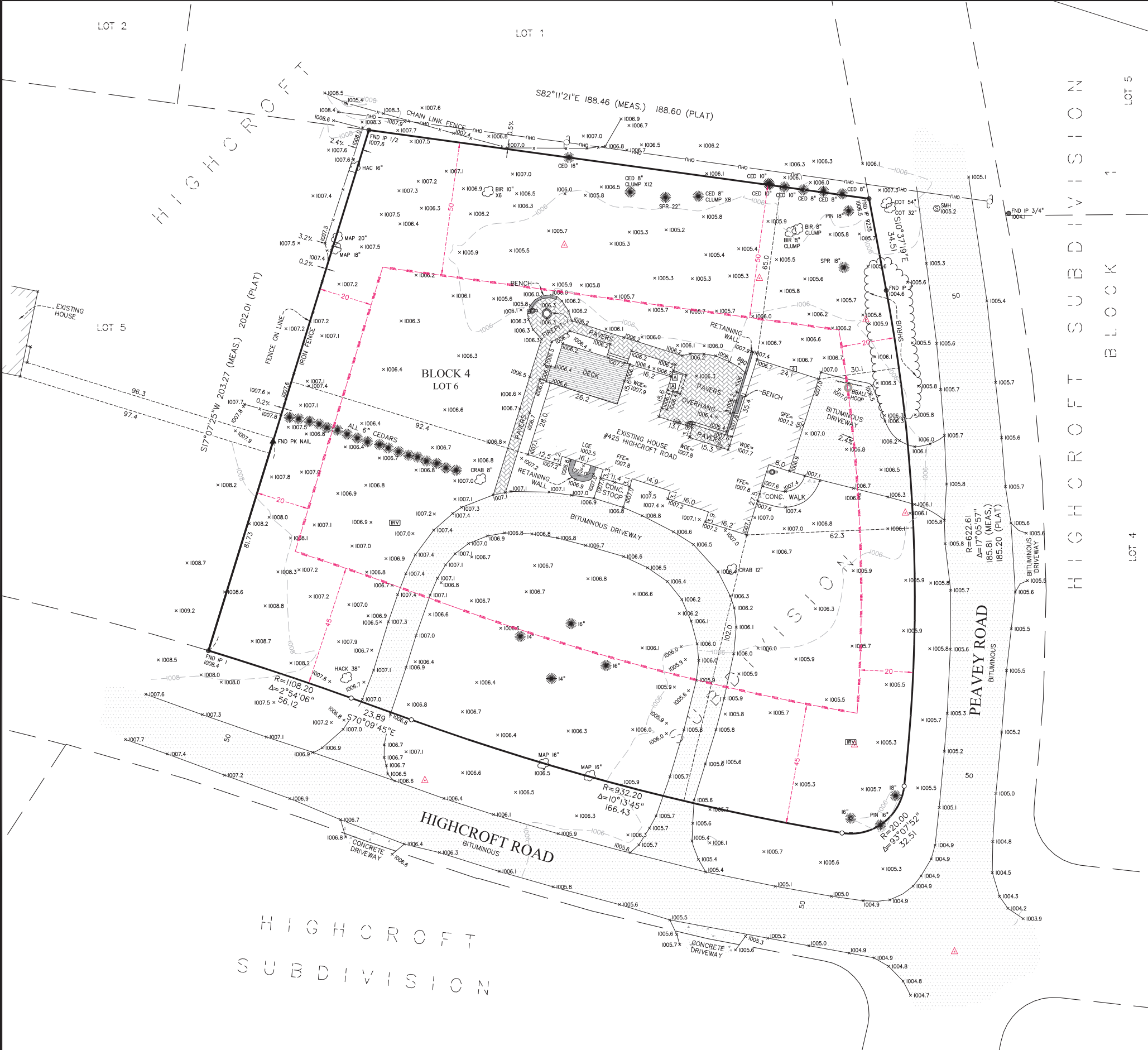
Given that background, the following are the details and reasoning for our variance request.

1. Is the project in harmony with the general purposes and intent of this Ordinance?
 - Yes. The intent of the setback requirement is to provide a visual and physical buffer between the street and the home. The previous structure was 30.1' away from the property line. The home under construction is 41' from the property line. The previous structure in this location was 2 stories tall, whereas the current portion of the house in violation is only 1 story tall. The current project has improved the setback and decreased the building bulk.
2. Is the project consistent with the Comprehensive Plan?
 - Yes.
3. Is the property owner's proposal for the property reasonable but not permitted by this Ordinance?
 - Yes. Given the circumstances of previous city approval for the project, it is a reasonable request to allow the areas of the home in violation of the ordinance to remain, especially given that the impact of that violation is not perceptible in the

neighborhood. In fact, the current home's placement and bulk is an improvement from the original structure.

4. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
 - The circumstances creating our need to apply for a variance were not created by the landowner. This is a unique situation. Both the assistant city planner and city building official acknowledged they had made review and approval errors. We reasonably relied on their inadvertent errors/approvals to construct the house on the property. As a matter of fundamental fairness, we believe the landowner should not have to deconstruct his home especially considering the minor, inconsequential nature of the setback issue. This should be an isolated incident as future reviews of the information provided by multiple professionals should prevent this mistake from happening again.
5. Will the variance, if granted, alter the essential character of the locality?
 - No. Please see the attached diagram provided by the Surveyor of Record. There are at least three other properties in the immediate neighborhood that have structures closer to the property line than 45'. In addition, the violation occurs on a curving road with inconsistent structure placements along its length. There is no readily perceptible reference point for the side yard setback especially with the existing wooded buffer between the road and the structure. It will not in any way adversely affect the neighbors. To the contrary, it is an improvement to the property consistent with aesthetic character of the City of Wayzata. Please see attached photos.
6. Economic considerations alone do not constitute practical difficulties.
 - While economic consideration alone does not constitute a practical difficulty it should have weight in this situation. To fully comply with the ordinance the structure would have to be significantly modified. The garage and pool cabana would likely need to be fully demolished as the rooflines would not work with a modified floor plan in this classically inspired home. Between the time delays, the increased cost of materials and labor, the costs could be well above \$200,000. This impact does not seem to equate to the severity of the violation.

Thank you again for your consideration of our variance application.



DESCRIPTION OF PROPERTY SURVEYED
Lot 6, Block 4, HIGHCROFT SUBDIVISION, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

- Site Address:** 425 Highcroft Road, Wayzata, MN, 55391
- Flood Zone Information:** This property appears to be in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0309F, with an effective date of 11/4/2016.
- Parcel Area Information:** Gross Area: 52,206 s.f. — 1.2 acres
*We do not affirmatively insure the quantity of acreage set forth in the description
- Benchmark:** Elevations are based on City of Wayzata Top Nut Hydrant Benchmark: TNH #350 which has an elevation of: 1005.928 feet (NGVD29).
- Zoning Information:** The current Zoning for the subject property is R-1A (Low Density Single Family Estate District) per the City of Wayzata's zoning map dated 01/22/2022. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Street(s): 45 feet (Highcroft Road)
Side: 20 feet
Rear: 50 feet
Height: 3 Stories or 40 feet (whichever is less)
Lot Coverage: 10 percent of lot area
Impervious Surface: 20 percent of lot area

Accessory Structure Setbacks - Front: 50 feet
Side: 10 feet
Rear: 10 feet

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.
- Wetland Delineation:** No wetland delineation was performed for this survey.

Existing Elevations

Garage Floor Elevation	= 1007.2
First Floor Elevation	= 1007.8
Lookout Opening Elevation	= 1002.5

Existing Impervious Surface

Lot Area	= 52,206 S.F.
House Area	= 3,402 S.F.
Driveway Area	= 4,918 S.F.
Sloop Area	= 92 S.F.
Pavers Area	= 1,324 S.F.
Concrete Walk Area	= 140 S.F.
Deck Area	= 416 S.F.
Benches Area	= 27 S.F.
Retaining Wall Area	= 57 S.F.
Total Area	= 10,376 S.F.
Coverage	= 19.88%

2022 - Survey of Original Home

SURVEY LEGEND

● CAST IRON MONUMENT	● PIEZOMETER	WOE WALKOUT ELEVATION
○ IRON PIPE MONUMENT SET	○ POWER POLE	FFE FIRST FLOOR ELEVATION
○ IRON PIPE MONUMENT FOUND	○ GUY WIRE	GFE GARAGE FLOOR ELEVATION
○ DRILL HOLE FOUND	○ ROOF DRAIN	TOP TOP OF FOUNDATION ELEV.
○ CHISELED "X" MONUMENT SET	○ CHISELED "X" MONUMENT SET	LOE LOWEST OPENING ELEV.
○ CHISELED "X" MONUMENT FOUND	○ SANITARY MANHOLE	CONCRETE
○ REBAR MONUMENT FOUND	○ SANITARY CLEANOUT	BITUMINOUS
○ PK NAIL MONUMENT SET	○ STORM MANHOLE	BUILDING SETBACK LINE
○ PK NAIL MONUMENT FOUND	○ STORM DRAIN	CABLE TV
○ PK NAIL W/ ALUMINUM DISC	○ CATCH BASIN	CONCRETE CURB
○ SURVEY CONTROL POINT	○ FLARED END SECTION	CONTOUR EXISTING
○ A/C UNIT	○ TREE CONIFEROUS	CONTOUR PROPOSED
○ CABLE TV PEDESTAL	○ TREE DECIDUOUS	GUARD RAIL
○ ELECTRIC TRANSFORMER	○ TREE CONIFEROUS REMOVED	DT DRAIN TILE
○ ELECTRIC MANHOLE	○ TREE DECIDUOUS REMOVED	ELC ELECTRIC UNDERGROUND
○ ELECTRIC METER	○ TELEPHONE MANHOLE	FENCE
○ ELECTRIC OUTLET	○ TELEPHONE PEDESTAL	FO FIBER OPTIC UNDERGROUND
○ YARD LIGHT	○ UTILITY MANHOLE	GAS GAS UNDERGROUND
○ LIGHT POLE	○ UTILITY PEDESTAL	OVERHEAD UTILITY
○ FIBER OPTIC MANHOLE	○ UTILITY VAULT	GHU TREE LINE
○ FIRE DEPT. HOOK UP	○ WATERMAIN MANHOLE	○ SANITARY SEWER
○ FLAG POLE	○ WATER METER	○ STORM SEWER
○ FUEL PUMP	○ WATER SPIGOT	○ TELEPHONE UNDERGROUND
○ FUEL TANK	○ WELL	○ RETAINING WALL
○ PROPANE TANK	○ MONITORING WELL	○ UTILITY UNDERGROUND
○ GAS METER	○ CURB STOP	○ WATERMAIN
○ GAS VALVE	○ GATE VALVE	○ TRAFFIC SIGNAL
○ GAS MANHOLE	○ HYDRANT	+++++ RAILROAD TRACKS
○ GENERATOR	○ IRRIGATION VALVE	○ RAILROAD SIGNAL
○ GUARD POST	○ POST INDICATOR VALVE	○ RAILROAD SWITCH
○ HAND HOLE	○ SIGN	○ SATELLITE DISH
○ MAIL BOX	○ SOIL BORING	○ WETLAND BUFFER SIGN

FIELD CREW

NO.	BY	DATE	REVISION
DM, ABE			
DRAWN			
JRS			
CHECKED			
DLG			
DATE			
4/19/2022			

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 19th day of April, 2022.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

ENGINEERS SURVEYORS

SATHRE-BERGQUIST, INC.

14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE-23-SEC.1
Hennepin County

WAYZATA, MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
STREETER CUSTOM BUILDERS

FILE NO.
92319-001

1

Page 63 of 80

Reviewed for code
compliance-JW

12/19/2022 6:47:23 AM

DESCRIPTION OF PROPERTY SURVEYED
Lot 6, Block 4, HIGHCROFT SUBDIVISION, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

- 1) **Site Address:** 425 Highcroft Road, Wayzata, MN, 55391
- 2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0309F, with an effective date of 11/4/2016.
- 3) **Parcel Area Information:** Gross Area: 52,206 s.f. ~ 1.2 acres
*We do not affirmatively insure the quantity of acreage set forth in the description
- 4) **Benchmark:** Elevations are based on City of Wayzata Top Nut Hydrant Benchmark: TNH #350 which has an elevation of: 1005.928 feet (NGVD29).
- 5) **Zoning Information:** The current Zoning for the subject property is R-1A (Low Density Single Family Estate District) per the City of Wayzata's zoning map dated 01/22/2022. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Street(s): 45 feet (Highcroft Road)
Side: 20 feet
Rear: 50 feet
Height: 3 Stories or 40 feet (whichever is less)
Lot Coverage: 10 percent of lot area
Impervious Surface: 20 percent of lot area

Accessory Structure Setbacks - Front: 50 feet
Side: 10 feet
Rear: 10 feet

*Please note that the zoning information shown hereon may have been amended through a city process. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

- 6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.

2023 Original Permit Survey

Tree Summary

Trees to be Removed =									
Tree #	Species	DBH	Stems	Height	Significant	Heritage	Notes		
50	Crabapple	9.0	1		Yes	No			
51	Spruce, blue	15.0	1	45	No	No	Diseased		
52	Cottonwood	76.0	1		Yes	No			
53	Cottonwood	32.0	1		Yes	Yes			
54	Pine, Austrian	16.0	1	45	Yes	No			
55	Arborvitae	5.5	1	20	Yes	No			
56	Arborvitae	8.5	1	25	Yes	No			
57	Arborvitae	6.5	1	25	Yes	No			
58	Arborvitae	11.0	1	25	Yes	No			
59	Arborvitae	7.5	1	25	Yes	No			
60	Arborvitae	10.0	2		Yes	No			
61	Birch, paper	10.5	2		Yes	No			
62	Birch, paper	6.0	1		Yes	No			
63	Arborvitae	48.5	7	25	Yes	Yes			
64	Spruce, blue	19.5	1	50	Yes	No			
65	Arborvitae	55.5	8		Yes	Yes			
66	Arborvitae	6.0	5	8	Yes	No			
67	Pine, Austrian	23.0	1	50	Yes	No			
68	Pine, Austrian	19.0	1	50	Yes	No			
69	Pine, Austrian	19.0	1	50	Yes	No			
70	Hackberry	38.5	1		Yes	Yes			
71	Pine, Austrian	21.0	1	50	Yes	No			
72	Pine, Austrian	17.5	1	50	Yes	No			
73	Spruce, blue	14.5	1	50	Yes	No			
74	Pine, Austrian	14.0	1	50	Yes	No			
75	Maple, sugar	16.5	1		Yes	No			
76	Maple, sugar	18.5	1		Yes	No			
77	Arborvitae	N/A		<12	No	No	Too short		
78	Arborvitae	N/A		<12	No	No	Too short		
79	Arborvitae	N/A		<12	No	No	Too short		
80	Arborvitae	N/A		<12	No	No	Too short		
81	Arborvitae	N/A		<12	No	No	Too short		
82	Arborvitae	N/A		<12	No	No	Too short		
83	Arborvitae	N/A		<12	No	No	Too short		
84	Arborvitae	N/A		<12	No	No	Too short		
85	Arborvitae	N/A		<12	No	No	Too short		
86	Arborvitae	N/A		<12	No	No	Too short		
87	Arborvitae	N/A		<12	No	No	Too short		
88	Arborvitae	N/A		<12	No	No	Too short		
89	Arborvitae	N/A		<12	No	No	Too short		
90	Arborvitae	N/A		<12	No	No	Too short		
91	Arborvitae	N/A		<12	No	No	Too short		
92	Arborvitae	N/A		<12	No	No	Too short		
93	Arborvitae	N/A		<12	No	No	Too short		
94	Hackberry	16.5	1		Yes	No			
95	Crabapple	9.0	1		Yes	No			
96	Elm, American	18.5	1		Yes	No			
97	Maple, sugar	25.0	1		Yes	No			
98	Birch, paper	43.5	5		Yes	Yes	1 broken since 1st inv		
99	Arborvitae	19.0	2		Yes	No			
100	Spruce, blue	2.0	1	12.5	Yes	No			
101	Maple, sugar	6.0	1		Yes	No			
Total DBH =		684.0							
Total DBH Removed =		107.5							
Total DBH Percentage =		15.72%							

Existing Elevations
Garage Floor Elevation = 1007.2
First Floor Elevation = 1007.8
Lookout Opening Elevation = 1002.5

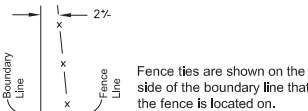
Proposed Elevations
Proposed Garage Floor Elevation = 1007.7
Proposed Top of Foundation Elevation = 1008.0
Proposed First Floor Elevation = 1008.7
Proposed Basement Floor Elevation = 996.6

Existing Lot Coverage
Lot Area = 52,206 S.F.
House Area = 3,402 S.F.
Total Area = 3,402 S.F.
Coverage = 6.52%

Proposed Lot Coverage
Lot Area = 52,206 S.F.
House Area = 4,629 S.F.
Total Area = 4,629 S.F.
Coverage = 8.87%

Existing Impervious Surface
Lot Area = 52,206 S.F.
House Area = 3,402 S.F.
Driveway Area = 4,918 S.F.
Stoop Area = 92 S.F.
Pavens Area = 1,324 S.F.
Concrete Walk Area = 140 S.F.
Deck Area = 416 S.F.
Benches Area = 27 S.F.
Retaining Wall Area = 57 S.F.
Total Area = 10,376 S.F.
Coverage = 19.88%

Proposed Impervious Surface
Lot Area = 52,206 S.F.
House Area = 4,629 S.F.
Driveway #1 Area = 1,645 S.F.
Driveway #2 Area = 1,777 S.F.
Covered Porch Area = 148 S.F.
Fence Piers Area = 17 S.F.
Paver Terrace Area = 1,709 S.F.
Pool Apron Area = 122 S.F.
Pool Equipment Area = 25 S.F.
A/C Pads Area = 16 S.F.
Paver Steps Area = 96 S.F.
Retaining Walls Area = 45 S.F.
Total Area = 10,229 S.F.
Coverage = 19.59%

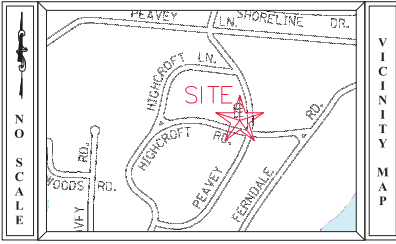


Fence ties are shown on the side of the boundary line that the fence is located on.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SCALE IN FEET
20 10 0 10 20 40



SURVEY LEGEND

- CAST IRON MONUMENT
- IRON PIPE MONUMENT SET
- IRON PIPE MONUMENT FOUND
- DRILL HOLE FOUND
- CHEELED "X" MONUMENT SET
- CHEELED "X" MONUMENT FOUND
- REBAR MONUMENT FOUND
- PK NAIL MONUMENT SET
- PK NAIL MONUMENT FOUND
- PK NAIL W/ ALUMINUM DISC
- SURVEY CONTROL POINT
- A/C UNIT
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- PIEZOMETER
- POWER POLE
- GUY WIRE
- ROOF DRAIN
- LIFT STATION
- SANITARY MANHOLE
- SANITARY CLEANOUT
- STORM MANHOLE
- STORM DRAIN
- CATCH BASIN
- FLARED END SECTION
- TREE CONIFEROUS
- TREE DECIDUOUS
- TREE CONIFEROUS REMOVED
- TREE DECIDUOUS REMOVED
- TELEPHONE MANHOLE
- ELECTRIC OUTLET
- YARD LIGHT
- LIGHT POLE
- FIBER OPTIC MANHOLE
- FIRE DEPT. HOOK UP
- FLAG POLE
- WATER METER
- FUEL PUMP
- FUEL TANK
- PROPANE TANK
- GAS METER
- GAS VALVE
- GAS MANHOLE
- GENERATOR
- GUARD POST
- HAND HOLE
- MAIL BOX
- TELEPHONE PEDESTAL
- UTILITY MANHOLE
- UTILITY PEDESTAL
- UTILITY VAULT
- WATERMAIN MANHOLE
- WATER METER
- WATER SPIGOT
- WELL
- MONITORING WELL
- CURB STOP
- GATE VALVE
- HYDRANT
- IRRIGATION VALVE
- POST INDICATOR VALVE
- SIGN
- SOIL BORING
- WALKOUT ELEVATION
- FIRST FLOOR ELEVATION
- GARAGE FLOOR ELEVATION
- TOP OF FOUNDATION ELEV.
- LOWEST OPENING ELEV.
- CONCRETE
- BITUMINOUS
- CONCRETE SETBACK LINE
- CABLE TV
- CONCRETE CURB
- CONTOUR EXISTING
- CONTOUR PROPOSED
- GUARD RAIL
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- TREE LINE
- SANITARY
- STORM SEWER
- TELEPHONE UNDERGROUND
- RETAINING WALL
- UTILITY UNDERGROUND
- WATERMAIN
- TRAFFIC SIGNAL
- RAILROAD TRACKS
- RAILROAD SWITCH
- SATELLITE DISH
- WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
DM, ABE	1	JRS	10/14/2022	PROPOSED CONDITIONS
DRAWN	2	JRS	10/26/2022	REVISED TREE SUMMARY
JRS	3	JRS	12/9/2022	ADDED UTILITY & WATERMAIN EASEMENTS
CHECKED	4	JRS	12/12/2022	ADDED DRIVEWAY DIMENSIONS & NOTE
DATE				
4/19/2022				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 14th day of October, 2022.

Daniel L. Schmidt

Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147



SATHRE-BERGQUIST, INC.

14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

WAYZATA,
MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
STREETER CUSTOM BUILDERS

FILE NO.
92319-001

1

STANDARD NOTES

- 1) **Site Address:** 425 Highcroft Road, Wayzata, MN, 55391
- 2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0309F, with an effective date of 11/4/2016.
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Impervious Surface: 20 percent of lot area

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Rear: 10 feet

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Tree Summary

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53	Cottonwood	32.0	1		Yes	Yes			
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55	Arborvitae	5.5	1	20	Yes	No			
56	Arborvitae	8.5	1	25	Yes	No			
57	Arborvitae	6.5	1	25	Yes	No			
58	Arborvitae	11.0	1	25	Yes	No			
59	Arborvitae	7.5	1	25	Yes	No			
60	Arborvitae	10.0	2		Yes	No			
61	Birch, paper	10.5	2		Yes	No			
62	Birch, paper	6.0	1		Yes	No			
63	Arborvitae	48.5	7	25	Yes	Yes			
64	Spruce, blue	19.5	1	50	Yes	No			
65	Arborvitae	55.5	8		Yes	Yes			
66	Arborvitae	6.0	5	8	Yes	No			
67	Pine, Austrian	23.0	1	50	Yes	No			
68	Pine, Austrian	19.0	1	50	Yes	No			
69	Pine, Austrian	19.0	1	50	Yes	No			
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71	Pine, Austrian	21.0	1	50	Yes	No			
72	Pine, Austrian	17.5	1	50	Yes	No			
73	Spruce, blue	14.5	1	50	Yes	No			
74	Pine, Austrian	14.0	1	50	Yes	No			
75	Maple, sugar	16.5	1		Yes	No			
76	Maple, sugar	18.5	1		Yes	No			
77	Arborvitae	N/A		<12	No	No	Too short		
78	Arborvitae	N/A		<12	No	No	Too short		
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94	Hackberry	16.5	1		Yes	No			
95	Crabapple	9.0	1		Yes	No			
96	Elm, American	18.5	1		Yes	No			
97	Maple, sugar	25.0	1		Yes	No			
98	Birch, paper	43.5	5		Yes	Yes	1 broken since 1st inv		
99	Arborvitae	19.0	2		Yes	No			
100	Spruce, blue	2.0	1	12.5	Yes	No			
101	Maple, sugar	6.0	1		Yes	No			
Total DBH =		684.0							
Total DBH Removed =		107.5							
Total DBH Percentage =		15.72%							

Existing Elevations
Garage Floor Elevation = 1007.2
First Floor Elevation = 1007.8
Lookout Opening Elevation = 1002.5

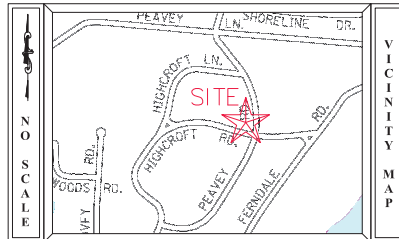
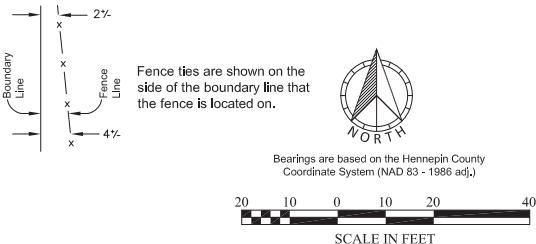
Proposed Elevations
Proposed Garage Floor Elevation = 1007.7
Proposed Top of Foundation Elevation = 1008.0
Proposed First Floor Elevation = 1008.7
Proposed Basement Floor Elevation = 996.6

Existing Lot Coverage
Lot Area = 52,206 S.F.
House Area = 3,402 S.F.
Total Area = 3,402 S.F.
Coverage = 6.52%

Proposed Lot Coverage
Lot Area = 52,206 S.F.
House Area = 4,629 S.F.
Total Area = 4,629 S.F.
Coverage = 8.87%

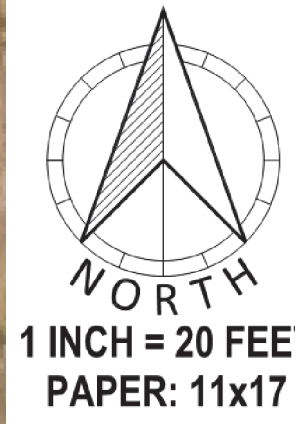
Existing Impervious Surface
Lot Area = 52,206 S.F.
House Area = 3,402 S.F.
Driveway Area = 4,918 S.F.
Stoop Area = 92 S.F.
Pavers Area = 1,324 S.F.
Concrete Walk Area = 140 S.F.
Deck Area = 416 S.F.
Benches Area = 27 S.F.
Retaining Wall Area = 57 S.F.
Total Area = 10,376 S.F.
Coverage = 19.88%

Proposed Impervious Surface
Lot Area = 52,206 S.F.
House Area = 4,629 S.F.
Driveway Area = 1,870 S.F.
Motor Court Area = 1,517 S.F.
Covered Porch Area = 148 S.F.
Sidewalk Area = 257 S.F.
Fence Piers Area = 9 S.F.
Paver Patio Area = 1,845 S.F.
Pool Equipment Area = 32 S.F.
A/C Pads Area = 18 S.F.
Paver Steppers Area = 96 S.F.
Total Area = 10,421 S.F.
Coverage = 19.96%



SURVEY LEGEND

- | | | | | | |
|---|---|--|---|--|--|
| ● CAST IRON MONUMENT
○ IRON PIPE MONUMENT SET
● IRON PIPE MONUMENT FOUND
● DRILL HOLE FOUND
● CHISELED "X" MONUMENT SET
● CHISELED "X" MONUMENT FOUND
● REBAR MONUMENT FOUND
● PK NAIL MONUMENT SET
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● PK NAIL W/ ALUMINUM DISC
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● ELECTRIC METER | ● PIEZOMETER
● POWER POLE
● GUY WIRE
● ROOF DRAIN
● LIFT STATION
● SANITARY MANHOLE
● SANITARY CLEANOUT
● STORM MANHOLE
● STORM DRAIN
● CATCH BASIN
● FLARED END SECTION
● TREE CONIFEROUS
● TREE DECIDUOUS
● TREE CONIFEROUS REMOVED
● TREE DECIDUOUS REMOVED
● TELEPHONE MANHOLE | ● ELECTRIC OUTLET
● YARD LIGHT
● LIGHT POLE
● FIBER OPTIC MANHOLE
● FIRE DEPT. HOOK UP
● FLAG POLE
● FUEL PUMP
● FUEL TANK
● PROPANE TANK
● GAS METER
● GAS VALVE
● GAS MANHOLE
● GENERATOR
● GUARD POST
● HAND HOLE
● MAIL BOX | ● TELEPHONE PEDESTAL
● UTILITY MANHOLE
● UTILITY PEDESTAL
● UTILITY VAULT
● WATERMAN MANHOLE
● WATER METER
● WATER SPIGOT
● WELL
● MONITORING WELL
● CURB STOP
● GATE VALVE
● HYDRANT
● IRRIGATION VALVE
● POST INDICATOR VALVE
● SIGN
● SOIL BORING | ● WOE WALKOUT ELEVATION
● FFE FIRST FLOOR ELEVATION
● GFE GARAGE FLOOR ELEVATION
● TOP OF FOUNDATION ELEV.
● LOE LOWEST OPENING ELEV.
● CONCRETE
● BITUMINOUS
● CONCRETE SETBACK LINE
● CABLE TV
● CONCRETE CURB
● CONTOUR EXISTING
● CONTOUR PROPOSED
● GUARD RAIL
● DRAIN TILE
● ELECTRIC UNDERGROUND
● FENCE | ● FO FIBER OPTIC UNDERGROUND
● GAS GAS UNDERGROUND
● OVERHEAD UTILITY
● TREE LINE
● SANITARY
● STORM SEWER
● TELEPHONE UNDERGROUND
● RETAINING WALL
● UTILITY UNDERGROUND
● WATERMAIN
● TRAFFIC SIGNAL
● RAILROAD TRACKS
● RAILROAD SIGNAL
● RAILROAD SWITCH
● SATELLITE DISH
● WETLAND BUFFER SIGN |
|---|---|--|---|--|--|



2024 Setback and Encroachment Exhibit



R=622.61
Δ=17°05'57"
185.81 (MEAS.)
185.20 (PLAT)

PEAVEY ROAD
BITUMINOUS

R=932.20
Δ=10°13'45"
166.43

R=20.00
Δ=93°07'52"
32.51

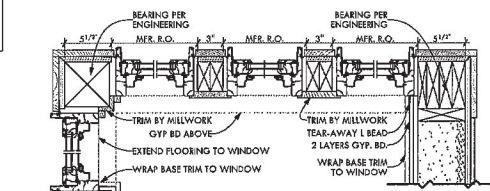
HIGHCROFT ROAD
BITUMINOUS

WINDOW AND FULL VIEW DOOR:
(SEE SPEC FOR ADD'L INFO.)
CLR, MARVIN
MFR, BRONZE

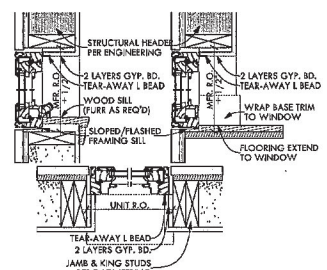
SIGNATURE NARROW FRAME WINDOWS:
CLAD/WOOD, 2-3/16" PINE JAMB, BARE
WOOD INTERIOR, 156° OGEE SGL
w/BLACK SPACER BAR, BRONTE
HARDWARE, LOW-E 366, HIGH
TRANSPARANCY SCREENS

SIGNATURE DOORS:
METAL CLAD/WOOD, 6-11/16" PINE
JAMB, BARE WOOD INTERIOR, 156°
OGEE SGL w/BLACK SPACER BAR, OIL
FINISH, BRONTE HINGE, BRONTE
HARDWARE, ADJUSTABLE BRONZE
HINGES, LOW-E 366, BRONZE SILL &
BLACK WEATHERSTRIPPING, NO SCREENS

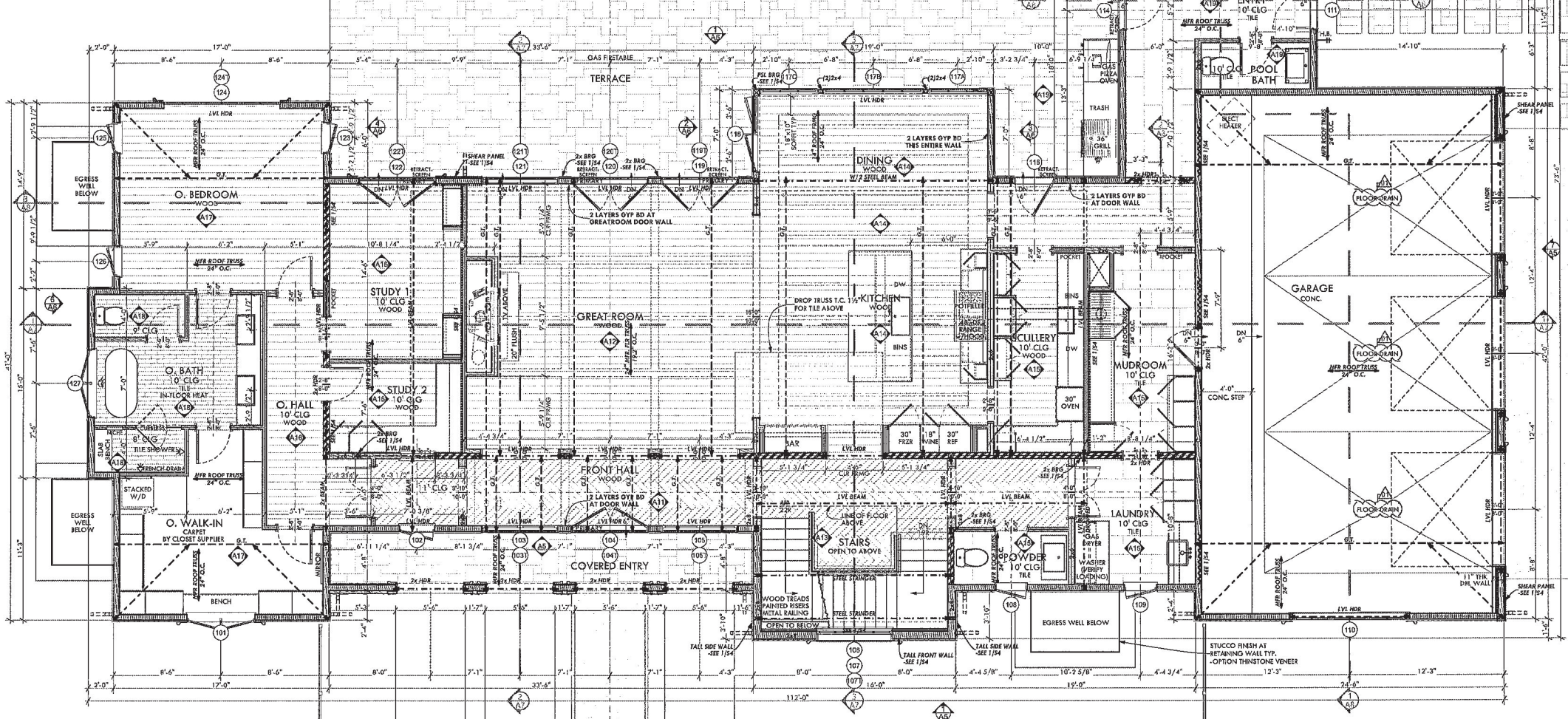
MAIN LINE WINDOW & GLASS DOOR SCHEDULE									
MARK	UNIT	UNIT	QTY	WIDTH	HEIGHT	JAMB	HEADER	REMARKS	
CALL NUMBER	QTY	UNIT	WIDTH	HEIGHT	JAMB	HEADER	REMARKS		
120	SWING DOOR	1	0.6/0.8	2.52	6.9/1.6	2.52/1.72	MULL TO 120		
1201	DOOR TRANSOM	1	0.6/0.8	3.0/3.8	6.9/1.6	10.0/3.78	ARCHED		
121	SWING DOOR	1	0.6/0.8	2.52	6.9/1.6	2.52/1.72	MULL TO 121		
1211	DOOR TRANSOM	1	0.6/0.8	3.0/3.8	6.9/1.6	10.0/3.78	ARCHED		
121	SWING DOOR	1	0.6/0.8	2.52	6.9/1.6	2.52/1.72	MULL TO 121		
122	SWING DOOR	1	0.6/0.8	3.0/3.8	6.9/1.6	10.0/3.78	ARCHED		
123	CASNETMI	1	2" x 5"	5' 7" 1/8"	2" x 1/4"	6" x 3"	MULL TO 124		
124	3W FIXED	1	2" x 5"	5' 7" 1/8"	2" x 1/4"	6" x 3"			
124	3W FIXED	2	2" x 5"	21" 1/8"	2" x 1/4"	11" 2/8"			
125	CASNETMI	1	2" x 5"	5' 7" 1/8"	2" x 1/4"	6" x 3"			
126	CASNETMI	1	2" x 5"	5' 7" 1/8"	2" x 1/4"	6" x 3"			
127	3W IN-SLASH FIXED	1	2" x 5"	5' 7" 1/8"	2" x 1/4"	6" x 3"			



4 DINING WINDOW PLAN 1 1/2"= 1'-0"

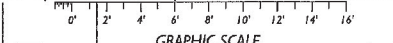


5 TYP. WINDOW DETAILS 1 1/2"= 1'-0"



SOUND INSULATION
AT U.L. FLOOR ABOVE

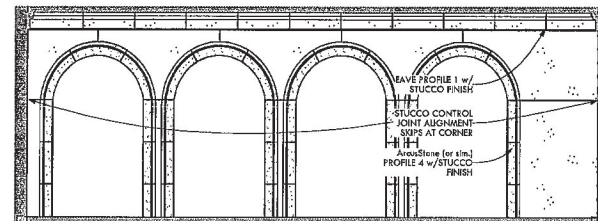
TYP. CEILING HEIGHT = 12'-1 1/8"
APPROX S.F. = 3,607 FINISHED + 1,029 GARAGE + 156 COVERED OUTDOOR



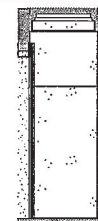
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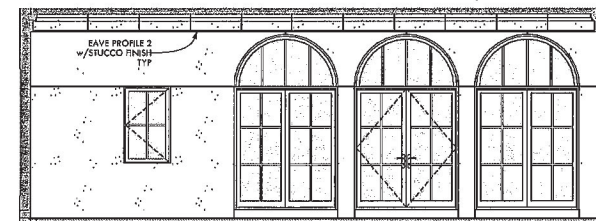
1 SOUTH ELEVATION



2 COVERED ENTRY



3 COVERED ENTRY



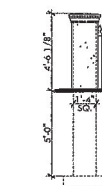
4 COVERED ENTRY



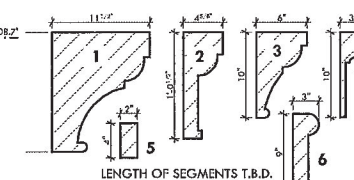
5 COVERED ENTRY



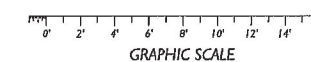
7 EAST ELEVATION



6 PIERS



8 EXTERIOR TRIM PROFILES 1 1/2" = 1'-0"



612-296-7575
18318 Minnetonka Blvd
Deephaven, MN 55391
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STREETER
CUSTOM BUILDER

952-449-9448
18312 Minnetonka Blvd
Wayzata, MN 55391

HIGHCROFT
RESIDENCE

425 HIGHCROFT ROAD
WAYZATA, MN 55391

CONSTRUCTION SET
12 JUNE 2023
21 JUNE 2023

SHEET

A5

S

STREETER

CUSTOM BUILDER

Current Status of Construction



S

STREETER

CUSTOM BUILDER



S

STREETER

CUSTOM BUILDER



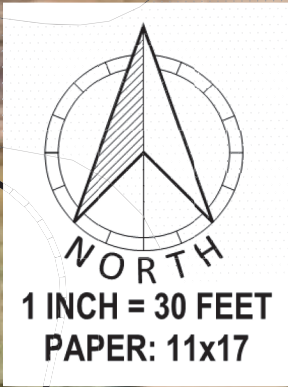
S

STREETER

CUSTOM BUILDER

Wooded Buffer Zone that Separates the Homes Facing Highcroft from those on Peavey





HIGHCROFT ROAD

35.5

43.6

#400

#410

43.1



1 INCH = 30 FEET
PAPER: 11x17



Valerie Quarles

From: Shawn B. Taher <S.Taher@taher.com>
Sent: Monday, April 29, 2024 4:10 PM
To: Valerie Quarles
Subject: Variance for 425 Highcroft - Support

Good afternoon,

This letter is to write in support of granting the variance at 425 Highcroft, Wayzata, MN 55391. We own the home next door and support granting the variance.

Please let us know if there are any questions.

Sincerely,

Shawn and Sara Taher

Shawn B Taher | Chief Operating Officer
d 952.345.2868 | f 952.945.0444 | c 612.770.6880



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Valerie Quarles

From: anastasia Hoeft <amdovolos@gmail.com>
Sent: Wednesday, May 1, 2024 7:01 AM
To: Valerie Quarles
Cc: Nate Wissink; Bill Costello; Bill; Loren Unterseher; Anastasia Hoeft
Subject: Support of 425 Highcroft variance

Good morning Valerie,

This letter is to express our full support of Loren Unterseher's variance being approved. His home is a beautiful addition to our neighborhood. Furthermore we are neighbors directly across Highcroft Rd from Mr. Unterseher's new home and love what has been built.

Thank you,

Anastasia & William Hoeft
420 Highcroft Rd 55391
612-889-2117
612-799-5006

Sent from my iPhone

Valerie Quarles

From: Jeannie Hamm <jeannie.hamm@gmail.com>
Sent: Wednesday, May 1, 2024 7:14 PM
To: Valerie Quarles
Subject: Variance for 425 Highcroft Road

Dear Ms. Quarles,

I live at 445 Highcroft Road, which is next door to the new construction. I think that the variance should be granted. The small amount that crosses the line seems inconsequential to me. The fact that the city failed to catch this mistake during the review process would seem to argue for leniency in this case.

Please note that I have never met the owners nor do I have any contacts at Streeter. I am advocating for common sense where the infraction is tiny, the remedy of tearing down a part of the construction seems out of proportion, and the new footprint is a vast improvement over the previous owner's footprint by the city's own rules.

In this age of intolerance, let's find a solution through compromise.

Sincerely,
Jeannie Hamm



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 6, 2024	AGENDA ITEM: 6.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The 2024 City Calendar and City Council Liaison Schedule are attached. The next Planning Commission meeting is scheduled for May 20. The next City Council meeting is scheduled for May 7.

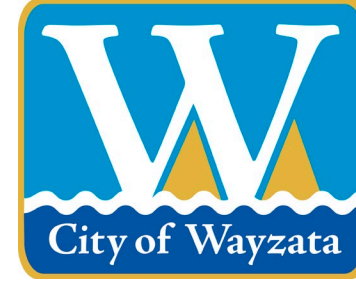
ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2024 Wayzata City Calendar
2. 2024 City Council Liaison Schedule

City of Wayzata 2024 Meeting Calendar



January 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2024						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2024						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2024						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Charter Commission - 9:00 AM
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 11:30 AM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed
City Offices Closed

2024 Election Dates

February 27—Precinct Caucus
March 5—Presidential Nomination Primary
April 30—Special Primary Election (Hennepin Co Commissioner)
May 14, 2024—Special Election (Hennepin Co Commissioner)
August 13—State General Primary Election
November 5—State General Election

Revised
10/24/2023

2024 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 9	Peggy Douglas
Tuesday	January 23	Adam Elg
Tuesday	February 6	Chris Plantan
Tuesday	February 20	Bonnie Schwalbe
Tuesday	March 12	Jen Severson
Tuesday	March 26	Ken Sorensen
Tuesday	April 9	Larissa Stockton
Tuesday	April 23	Peggy Douglas
Tuesday	May 7	Adam Elg
Tuesday	May 21	Chris Plantan
Tuesday	June 4	Bonnie Schwalbe
Tuesday	June 18	Jen Severson
Tuesday	July 9	Ken Sorensen
Tuesday	July 23	Larissa Stockton
Wednesday	August 7	Peggy Douglas
Tuesday	August 20	Adam Elg
Tuesday	September 3	Chris Plantan
Tuesday	September 17	Bonnie Schwalbe
Tuesday	October 8	Jen Severson
Tuesday	October 22	Ken Sorensen
Tuesday	November 12	Larissa Stockton
N/A	No meeting November 26th	
Tuesday	December 3	Peggy Douglas
Tuesday	December 17	Adam Elg