



Wayzata Planning Commission

Meeting Agenda

Monday, June 1, 2015

Community Room,
600 Rice Street East,
Wayzata, Minnesota

- 7:00 p.m.**
- 1. Call to Order and Roll Call, and Approval of Minutes**
 - 2. Regular Agenda Public Hearing Items:**
 - a. 250 Bushaway Road – Zev and Kristi Oman
 - i. Concurrent Preliminary and Final Plat for Three (3) Lot Subdivision
 - ii. Frontage Variance from Subdivision Ordinance
 - iii. Lot Area Variance from Subdivision Ordinance
 - 3. Other Items:**
 - a. Review and adoption of Planning Commission Report and Recommendation on 532 Ferndale Rd W for Shoreland Conditional Use Permit and Variances.
 - b. Review of Development Activities
 - c. Other items
- 9:00 p.m.**
- 4. Adjournment**

NOTES:

¹ Time(s) are estimated and provided for informational purposes only.

² Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
May 4, 2015

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

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

Present at roll call were Commissioners: Gruber, Gonzalez, Iverson, Gnos and Young. Absent and excused were Commissioner Vanderheyden and Ramy. Director of Planning and Building Gadow and City Attorney David Schelzel were also present.

Acting Chair Iverson stated the minutes to be reviewed are from the April 20, 2015 meeting.

City Attorney Schelzel stated he had provided minor grammatical and spelling corrections to Mr. Gadow.

Commissioner Gruber made a motion, Seconded by Commissioner Gnos, to approve the April 20, 2015 meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. 532 Ferndale Rd W – Phillip and Margaret Soran**
 - i. Shoreland Conditional Use Permit**
 - ii. Impervious Surface Variance**
 - iii. Front Yard Setback Variance for Garage**
 - iv. Variances for Tennis Court**

Mr. Gadow stated Phillip and Margaret Soran have submitted a development application requesting zoning approvals to remove an existing non-conforming detached garage on the property at 532 Ferndale Road W to build a new attached garage and install a tennis court on the Property. He reviewed the Staff Report, the zoning requests included in the Application along with a zoning analysis, the relevant property information, hardcover calculations, and stormwater treatment methods.

Commissioner Gonzalez asked if the Minnehaha Creek Watershed had reviewed the Application.

Mr. Gadow stated the Minnehaha Creek Watershed would not need to review this Application. The City serves as the administrator of the Minnehaha Creek Watershed rules for these types of requests. The City Engineer would be the appropriate person to review the Application unless there are additional questions. The City Engineer has reviewed this Application and requested a grading permit be submitted prior to construction starting. He reviewed the grading that would be done with the Project.

1 Acting Chair Iverson asked if the City Engineer was familiar with the Storm Tech Chamber
2 System.

3
4 Mr. Gadow stated this and similar technology has been used with other projects in the City. He
5 suggested that if the Shoreland CUP is approved a Stormwater Management Agreement be
6 included as a condition of approval that would outline what these systems are, the maintenance
7 responsibilities and inspection responsibilities. This agreement would be recorded against the
8 property so that future buyers would be aware of these responsibilities.

9
10 Acting Chair Iverson asked what the life expectancy would be for this type of system.

11
12 Mr. Gadow stated he would not be able to speak to this specifically but could have this
13 information available for the City Council.

14
15 Mr. Phil Soran, 5625 Interlocking Circle, Edina, stated tennis is a large part of their lives and
16 they looked at ways to make the hardcover better by adding the Stormwater collection systems
17 that are included in the project. They have also discussed this project with the neighbors and
18 they are supportive of the project and the tennis court addition does fit with the character of the
19 neighborhood.

20
21 Mr. Chuck Hanna, Outdoor Lab Landscape, 147 E. 10th Street, St. Paul, explained the system is
22 an infiltration system. It has been in use for at least 15-years and is the same system under the
23 TCF Bank Stadium and Target Stadium. It has been oversized to meet the needs of the property
24 for a 1.5-inch rainfall. The maintenance includes having it cleared off but this is less of a
25 concern with a tennis court versus a road and cleaning the sump every 2-years. He explained
26 there is an inspection schedule included as well.

27
28 Mr. John Daly, Revision LLC, 153 E. Lake Street, Wayzata, stated the proposed garage would
29 replace the existing detached garage and improve the current setbacks.

30
31 Commissioner Gonzalez asked if the brick paver driveway would be replaced with pervious
32 pavers.

33
34 Mr. Daly stated the existing driveway is a brick paver system that is not calculated as
35 impervious. They would not be replacing these at this time because the Storm Tech Chamber
36 System would meet the needs of the property.

37
38 Commissioner Gonzalez stated anything that can be done to mitigate the runoff into the lake
39 would be a plus. She asked if the Applicant had plans for additional landscaping in the back of
40 the property to offset the pervious brick there.

41
42 Mr. Soran stated the plan was to add trees and vegetation throughout the property. The brick
43 that are located in the back are part of the character of the property and are from the original
44 streets. They are working to minimize runoff to improve it over what it is currently.

45

1 Commissioner Gruber asked if the Applicant planned to retain all of the gardens on the property
2 and how many tennis courts were located in the neighborhood.

3
4 Mr. Soran stated they would be keeping the gardens on the eastside of the property along with
5 landscaping in the front and along the berm where the stormwater system is located. Some of
6 the gardens will be lost but there would be others added.

7
8 Acting Chair Iverson asked if any of the existing trees would be removed.

9
10 Mr. Soran stated there is one (1) tree that would be removed and the others would be close but
11 they should remain.

12
13 Mr. Daly stated there are five (5) other homes in this area that have tennis courts.

14
15 Commissioner Gruber stated this particular lot would be the smallest one with a tennis court on
16 it. She asked where the applicant planned to play tennis if the Application were denied.

17
18 Mr. Soran stated they would schedule time to play at another location although they would
19 probably not play as often.

20
21 Ms. Margie Soran, 5625 Interlocking Circle, Edina, stated this is also something that draws
22 people to their home and something they can enjoy with guests.

23
24 Acting Chair Iverson opened the public hearing at 7:29 p.m.

25
26 There being no one wishing to speak to the Planning Commission, Acting Chair Iverson closed
27 the public hearing at 7:30 p.m.

28
29 Commissioner Gonzalez stated there were four (4) requests that the Planning Commission is
30 reviewing. The request for a Shoreland Conditional Use permit for hardcover above 25% with
31 Stormwater mitigation has been addressed. She asked why they are requesting a variance from
32 the impervious surface maximum of 25%.

33
34 Mr. Gadow stated this was included because even if the Shoreland Conditional Use Permit is
35 approved the maximum amount of cover in the R-1 District is 25%. What the Applicant is
36 showing, absent any treatment options, is 38.6%. He wants the record to reflect what is existing
37 today and they are planning to go over this. They are planning water treatment options but he is
38 not sure if they would be under the 25% maximum allowed for the District.

39
40 Commissioner Gonzalez asked if the tennis court were not approved if the impervious surface
41 variance would be necessary.

42
43 Mr. Gadow explained if the tennis court is not approved there would be approximately 5,000-
44 square feet of impervious surface not included in the plan and they would be within the 25%.

45
46 Commissioner Gruber asked how mitigation was measured.

1
2 Mr. Gadow stated he would discuss this with the City Engineer and get a clear answer on what
3 the percentages would be. The proposed system can treat a 1.5-inch rainfall, which is more than
4 the Minnehaha Creek Watershed standard of 1-inch of rainfall.

5
6 Commissioner Gnos suggested replacing the tree that would be removed as part of the landscape
7 plan.

8
9 Commissioner Young stated the garage would be an improvement because the existing garage is
10 further into the City right-of-way. This would move it back from the street more and improve
11 the safety.

12
13 Commissioner Gnos stated the neighbors are in support of the request.

14
15 Commissioner Gonzalez stated she is not comfortable approving everything because there are
16 too many variances needed. The other tennis courts in the neighborhood are further from the
17 lake. The stormwater treatment system proposed does not bring the hardcover into compliance
18 with the Ordinances. Both the Statute and the Code state the requests need to be reasonable in
19 order to be approved and the tennis court would require four (4) variances. She expressed
20 concerns about what precedent this would be setting. She would not support the variances for
21 the tennis court or the impervious surfaces but she would support the variance for the garage.
22 The Applicant knew what the size of the lot was and the restrictions prior to purchasing the
23 property.

24
25 Acting Chair Iverson expressed concerns regarding the amount of green space that is
26 disappearing in the City. She would like to know what the long-term impact of this would be to
27 the lake and what would happen if the system failed. She would not be comfortable with
28 approving the variances for the tennis court at this time.

29
30 Acting Chair Iverson asked if Staff could prepare hardcover calculations so they could
31 understand the impacts if the tennis court were denied.

32
33 Mr. Gadow stated if the tennis court were removed they Application would meet all the
34 hardcover requirements.

35
36 Commissioner Gruber asked for specific information on the Storm Tech Chamber system and
37 how the City makes the calculations for what this system would mitigate.

38
39 Commissioner Young asked if Commissioner Gruber's concerns were about the short-term
40 integrity of the system or if they were more on the long-term performance.

41
42 Acting Chair Iverson stated those are concerns why also the number of variances that would be
43 needed for the tennis court.

44
45 Commissioner Gonzalez stated the City Code and Ordinance states there must be practical
46 difficulties in granting a variance. This Application is not reasonable for the size of the lot and

1 the buyer knew this was a substandard size lot prior to purchasing it. The Ordinance requires
2 that the plight of the landowner is due to circumstances unique to the property and not created by
3 the landowner. The desire of the landowner to have tennis courts is not a plight due to the
4 uniqueness of the property. These are practical difficulties created by the landowner's desire to
5 have a tennis court and are not justified according to the Code and Ordinance. She clarified she
6 would support any variance needed for the garage.

7
8 Mr. Gadow stated if the tennis court were removed from the hardcover calculations the property
9 would be at 22.6% and they would meet the requirements of the R-1 District. There would not
10 be a need for any storm water mitigation methods.

11
12 Commissioner Young made a motion, Seconded by Commissioner Gnos to direct Staff to
13 prepare a Draft Planning Commission Report and Recommendation for approval of the
14 Application for a Shoreland Conditional Use Permit, Impervious Surface Variance, Front Yard
15 Setback Variance for the Garage, and Variances for the Tennis Court based on the discussion of
16 the Planning Commission for review and approval at the next Planning Commission meeting.

17
18 Acting Chair Iverson recommending adding a condition that a landscape plan be included when
19 this is presented to the City Council.

20
21 Commissioner Young suggested including the net hardcover calculations after the mitigation
22 system is installed.

23
24 Acting Chair Iverson suggested a condition that the report includes information from the City
25 Engineer regarding the grading on the property and a Stormwater Maintenance Agreement to be
26 recorded against the property.

27
28 Commissioner Young and Commissioner Gnos accepted the proposed conditions to the motion.

29
30 Commissioner Gruber asked how far the tennis court would be from the water.

31
32 Mr. Gadow stated it would be 27-feet from the lake. The Code allows options for determining
33 the setback from the lake: 75-feet from the lake or the line that connects the two (2) adjacent
34 properties, whichever is more restrictive. Using either method the tennis court would require a
35 setback variance.

36
37 Commissioner Young stated the Applicant is preserving the existing home, having the garage
38 setback further from the road is an improvement, and the Applicant is taking extensive steps to
39 mitigate the stormwater related to the tennis court.

40
41 Acting Chair Iverson asked if it would make a difference if the tennis court were made out of
42 grass or clay.

43
44 Mr. Gadow stated grass would be the same as any other grass surface and as long as it allowed
45 water to infiltrate the ground it would not be used to calculate hardcover. Staff would have to do
46 more research on a clay surface.

Commissioner Gonzalez clarified looking at the City Code and Ordinances the application does not meet the requirements that would allow for a variance to be granted. It is the City Council that votes on policy.

The motion was called to a vote. The motion carried 3-ayes; 2-nays (Iverson, Gonzalez)

b. 637 Harmony Circle – Fritz Gullickson

i. Review of revised one (1) story residential designs

Mr. Gadow stated in 2014, Mr. Gullickson submitted a Development Application requesting concurrent preliminary and final plat subdivision approval of a two (2) lot subdivision at 637 Harmony Circle. The Planning Commission reviewed the Application on January 26, 2015 and February 23, 2015 and found that the submitted house plans were not similar to the architectural appearance, scale, and mass in the surrounding neighborhood. The Planning Commission had requested the Applicant submit alternative plans and they recommended approval of the Original Application with multiple conditions. The Applicant reached out to the architecture and firm of Charles Cudd & Co. Charles Cudd & Co. has submitted a revised preliminary plat and architectural plans reflecting two 1-story style homes on the lots. He reviewed the Staff Report, the analysis of the current development proposal, applicable Code provisions for review, the grading, and the conditions of approval from the Original Application.

Commissioner Gonzalez stated the original Application had included a recommendation that a sewer line be relocated, which would have meant the large Bur Oak tree would have either been damaged or removed. She clarified that it had been determined at the workshop that this line would not need to be removed.

Mr. Gadow stated portions of the sewer line would be removed in areas that would not impact the tree.

Acting Chair Iverson asked if this was documented as a condition in the Staff Report.

Mr. Gadow stated Condition H.4 could be further clarified to reflect that the sewer line would be removed in areas where it would not impact the bur oak tree and then abandoned in those areas where removal would have a negative impact on the tree.

Acting Chair Iverson asked if an updated grading plan had been submitted.

Mr. Gadow explained the revised preliminary plat was being presented at this time. There has not been much change other than the location of the 1-story home pads and the grading is the same as what had been approved with the original application.

Mr. Rick Denman, Charles Cudd & Co., 3515 Meadow Lane, Minnetonka, stated they had reviewed all the discussions in order to determine what they would need to design to get approval and acceptance from the City and the neighborhood. He clarified they would take any reasonable measures to save the bur oak tree on Lot 1. One of the changes that is not represented

1 in the Application is the home on Lot 2 is pushed back in order to accommodate the wishes of
2 the homeowner on Lot 7 and improve the streetscape. They are also proposing to add 2-feet to
3 the length of each home in the garage. This will not affect the setbacks as they are looking to
4 add this to the back of the home. They are planning to construct both homes at the same time
5 and this would create a fair amount of construction traffic. They will send out a letter to the
6 neighborhood with their contact information so if there are problems the neighborhood can
7 contact them.

8
9 Commissioner Gonzalez asked if there were construction materials available for the Commission
10 to look at.

11
12 Mr. Denman stated he did not have a material board at this time but he did review they type of
13 materials he would use.

14
15 Mr. Gadow stated they are proposing the same materials as what had been approved by the
16 Commission previously.

17
18 Acting Chair Iverson asked where the heavy equipment would be staged during the construction
19 process.

20
21 Mr. Denman stated the backhoes would remain on the properties while they are digging and the
22 other equipment would come and go as they are needed. There would be one large dumpster put
23 between the two (2) lots.

24
25 Acting Chair Iverson asked if there was a written plan that shows the measures that will be taken
26 to protect the bur oak tree.

27
28 Mr. Denman stated he would be able to prepare this report for the City.

29
30 Acting Chair Iverson suggested clarifying how far from the tree the fence would be maintained
31 and include a plan for the upkeep of the fence in the event that it is damaged.

32
33 Acting Chair Iverson opened the public hearing at 8:19 p.m.

34
35 Ms. Jeanne Osterby, 636 Harmony Circle, Wayzata, stated she had talked with Mr. Denman.
36 She also put together a petition for the City to consider for the future development in Harmony
37 Circle. She suggested the Commissioners be sure to use their microphones so that the people in
38 the audience could hear what was being discussed. She provided a full timeline of her activities
39 with this project. She stated she would like to see the height of the homes reduced further. She
40 also asked why the lot sizes were different. She would like to see something in writing that
41 Charles Cudd & Co. would be responsible for the repair of any damages done to other property
42 and roads during construction.

43
44 Acting Chair Iverson closed the public hearing at 8:35 p.m.
45

1 Commissioner Gruber thanked Mr. Gullickson for continuing to work with the community and
2 the new plans that are being presented.

3
4 Mr. Gadow stated Condition D was a carry over from previous discussion regarding the 1-1/5-
5 story homes. This condition could be stricken then Condition A would be the prevailing
6 condition on the home construction or the Commission could change Condition D to reflect what
7 is being presented at this time.

8
9 City Attorney Schelzel recommended striking Condition D.

10
11 It was the consensus of the Commission to strike Condition D.

12
13 Acting Chair Iverson stated she would like to see either the landscape plan or Condition C
14 include the size of the trees that would be planted.

15
16 Mr. Gadow stated they would work with the Applicant but the minimum is no less than 3-inches.
17 He stated any motion should include the home on Lot 2 would be pushed back 8-10-feet and
18 each home would be built 2-feet larger, the Applicant will work with the neighborhood to
19 manage construction traffic and send out a letter to the neighborhood to let them know that they
20 would be responsible for any damage.

21
22 Acting Chair Iverson stated she would like to see a tree preservation plan included with the
23 Application as part of the packet for the City Council.

24
25 Mr. Denman stated the height of the homes would depend on the types of joists he uses and he
26 would like to make sure that there would be some flexibility in the height to accommodate as
27 much as a 6-inch variance. He also stated the large bur oak tree would be preserved so he does
28 not believe the three (3) additional trees would be required. As part of the landscape plan they
29 may be planting some trees. He would not have a landscape plan available by the City Council
30 meeting on May 5. He asked if this could be presented when he applies for the permits.

31
32 Mr. Gadow stated the Planning Commission can require that a landscape plan be provided when
33 a building permit is applied for.

34
35 It was the consensus of the Commission to modify Condition C to read: The Applicant and/or
36 future homeowners must provide a minimum landscape plan for Lots 1 and 2 prior to the
37 issuance of a building permit.

38
39 Mr. Gadow asked if the Commission would prefer to add Condition D back in and change the
40 height limit to 26-feet.

41
42 It was the consensus of the Commission to strike Condition D because the variance would be
43 less than a foot.

44

Commissioner made a motion, Seconded by Commissioner Gnos to recommend approval to the City Council based on the findings of fact in the Staff Report and the conditions outlined in the Staff report with the modifications that have been discussed. The motion carried unanimously.

AGENDA ITEM 3. Other Items:

a. Review and Adoption of Planning Commission Report and Recommendation on 313 Central Avenue S Subdivision and Shoreland CUP

Mr. Gadow reviewed the Planning Commission Report and Recommendation including the conditions.

Commissioner Young made a motion, Seconded by Commissioner Gruber to adopt the Planning Commission Report and Recommendation for Approval for 313 Central Avenue S Subdivision and Shoreland CUP. The motion carried 3-ayes and 2- nays (Iverson Gonzalez)

b. Review of Development Activities

Director of Planning and Building Gadow reviewed the items that would be on the next Planning Commission meeting agenda including the 532 Ferndale West and a subdivision application for Bushaway. The Commission will be reviewing the Telecommunications Ordinance at a future meeting.

c. Other Items

Commissioner Gnos provided an update on City Council activity including the construction on Bushaway, 151 Westwood subdivision was approved, and discussion on Sunday liquor sales at a few restaurants.

Mr. Gadow stated the Historical Society had been able to get a grant from Burlington Northern Railroad to do a historical structures report on the Section Foreman's house.

Acting Chair Iverson stated the City has been working to address the potential loss of the City's ash trees. The City is looking for volunteers to locate and tag the City owned ash trees.

AGENDA ITEM 4. Adjournment.

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

- 1 Tina Borg
- 2 *TimeSaver Off Site Secretarial, Inc.*



**Planning Report
Wayzata Planning Commission
June 1, 2015**

Project Name:	Frenchwood Third Addition
File Number:	PR 2015-5
Applicant/Owner:	Zev and Kristi Oman
Address of Request:	250 Bushaway Road
Property ID #s:	05-117-22-34-0018
Prepared by:	Bryan Gadow, Director of Planning and Building
Planning Commission Review:	June 1, 2015
City Council Review:	To Be Determined
"120 Day" Deadline:	July 29, 2015

PROJECT SUMMARY

Section 1. Development Application

- 1.1. General. The applicant and property owners, Zev and Kristi Oman (collectively, the "Applicant") have submitted a Development Application (the "Application") requesting concurrent preliminary and final plat subdivision approval (the "Subdivision" or the "Preliminary/Final Plat"), a variance from the Subdivision Ordinance for public street frontage for proposed Lot 3 (the "Frontage Variance"), and a variance from the Subdivision Ordinance for lot area under two acres (the "Lot Area Variance") for a three (3) lot subdivision (the "Project") at 250 Bushaway Road (the "Property"). Access to the Project would be through an existing private easement driveway that provides access to multiple parcels off of Bushaway Road. The existing residence on Lot 1 would remain. Building plans for the new structures on Lots 2 and 3 are not available at this time, so any approval recommendation should include a condition requiring the future owners of Lots 2 and 3 to provide building plans for review by the Planning Commission and City Council, and obtain Council approval, prior to building permit submittal.

Along with the Development Application, the following plans are included with the Application and attached to this Report as Attachment A:

- Narrative Letter
- Certificate of Survey and Preliminary Plat
- Final Plat
- Grading and Utility Plan

- Significant Tree Inventory Plan

1.2 Application Requests.

As part of the submitted Application, the Applicant is requesting approval of the following items:

- A. Concurrent Preliminary and Final Plat Subdivision to create three (3) lots (Section 805)
- B. Variances from Subdivision Ordinance to allow use of existing private driveway to serve Lot 3 (collectively, the "Frontage Variance"):
 - 1. Use of Private Roadways (Section 805.27.K)
 - 2. Lot Frontage on a Public Street (Section 805.26.E)
 - 3. Street Width Less Than Twenty-Six (26) feet (Section 805.29.A)
 - 4. Construction of Roadways Without Curbs and Gutters (Section 805.29.L)
- C. Variance from Subdivision Ordinance to allow for two (2) lots that do not conform with Comprehensive Plan guidance of Two (2) acre minimum in the Bushaway Conservation District (Section 805.14.E.1) (the "Lot Area Variance")

1.3 Project Location.

The proposed Subdivision would be on property located east of Bushaway Road/ CR 101.

Map 1: Project Location.



The property identification numbers and owners for the Property involved in the proposed Application is as follows:

250 Bushaway Road	05-117-22-34-0018	Zev and Kristi Oman
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1.4 Area Land Uses.

Land uses along Bushaway Road are single family residential with larger residential estates flanking the east side and R-2A residential on the west. The following table shows lot sizes of lots on the east side of Bushaway Road.

Address	Lot Size (acres)	Square Feet (SF)
200 Bushaway Road	5.1	223,993
218 Bushaway Road	1.7	72,779
240 Bushaway Road	2.32	101,068
250 Bushaway Road	4.78	208,265
270 Bushaway Road	3.29	143,116
100 Bushaway Road	5.61	244,245
258 Bushaway Road	2	87,273
260 Bushaway Road	2.15	93,757
262 Bushaway Road	1.88	81,779
264 Bushaway Road	2	87,331
266 Bushaway Road	2.03	88,333
268 Bushaway Road	1.83	79,829
310 Bushaway Road	1.91	83,602
314 Bushaway Road	1.84	80,394
318 Bushaway Road	1.94	84,912
322 Bushaway Road	2.18	94,832
324 Bushaway Road	1.99	87,006

1.5 Property Background.

The landscape features include upland deciduous trees, mainly maple, basswood and oak. A tree inventory identifies tree type and size for the proposed Lots 2 and 3 on the preliminary plat. A small wetland area is located in the northwest corner of the property on the proposed lot 1.

The existing home sits atop a knoll on the northeast corner of the property. Topography is steep, sloping to the west and south from the home site. Proposed Lots 2 and 3 slope to the south.

Access to the property is via a private easement over the neighboring property to which the City is not a party.

Bushaway Road is a Hennepin County (101) controlled roadway. Any new access points to the roadway would be controlled by a permit authorized by the County.

1.6 Previously Subdivision Proposal

The Applicant previously submitted an application for a preliminary plat for a two (2) lot subdivision in 2008, which the Planning Commission recommended approval 4-2 with conditions. The Application was withdrawn before City Council action in 2009.

1.7 Public Hearing Notice.

Zoning Ordinance Section 805.14 requires the Planning Commission to hold a public hearing on the Subdivision Application. The Notice of Public Hearing was published in the *Lakeshore Weekly* on May 19, 2015. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject Property on May 22, 2015.

Section 2. Analysis of Application

2.1 Lot Arrangement.

The Project would consist of three (3) parcels, together totaling 4.78 acres. The proposed lot sizes would be 123,122 SF (Lot 1), 40,066 SF (Lot 2), and 45,054 SF (Lot 3). Lots 2 and 3 would require approval of a variance from the Subdivision Ordinance to be less than the two (2) acre guidance for the Bushaway Conservation District in the City's Comprehensive Plan.

Table 1: Proposed Lot Sizes

Lot	Lot Size (SF)	Acre(s)
1	123,122	2.82
2	40,066	0.92
3	45,054	1.03

2.2 Housing Unit Density.

The Subdivision consists of 3 single-family homes on a 4.78 acre site. This yields a total project density of 1 dwelling unit per 1.59 acres, which would not meet the two (2) acre minimum density requirements of the Bushaway Conservation District guidance in the Comprehensive Plan. The Subdivision request would require approval of a variance from the Subdivision Ordinance requirement to confirm with Comprehensive Plan guidance.

2.3 Comprehensive Plan Guidance.

The Property is located within the Bushaway Conservation District land use category in the City's Comprehensive Plan. The Bushaway Conservation District land use category has the following description:

The properties east of Hwy 101 in the Bushaway neighborhood are generally larger lots that contain important natural resources, such as mature tree coverage, wetlands, and steep slopes. Lot sizes should be a two (2) acre minimum. However, the City may on an individual case basis grant a variance to the lot area requirement in order to preserve trees, steep slopes, and/or wetlands. A special overlay district may be appropriate for this area to address the City's desire to preserve important natural resources.

As the proposed lot sizes for Lots 2 and 3 are less than two (2) acres, the proposed Subdivision would require City Council approval of a variance to allow less than two (2) acre lot sizes.

2.4 Zoning.

The Property is located in the R-1, Low Density Single Family District. The R-1 District prescribes minimum design criteria for the creation of lots and platting of land, in addition

to Comprehensive Plan land use requirements for the Bushaway Conservation District noted above. The following minimum standards for the R-1 District apply to this Preliminary/Final Plat:

Table 4: R-1 Zoning District Requirements

R-1 District	Standard
Minimum Lot Area	40,000 square feet
Minimum Lot Width	150 feet
Minimum Lot Depth	150 feet
Front Yard Setback (min.)	45 feet
Side Yard Setback (min.)	20 feet
Rear Yard Setback (min.)	50 feet
Lot Coverage	15%
Impervious Surface	25%

As shown on the submitted Plat, the proposed division would result in two (2) buildable parcels that would meet minimum standards of the R-1 District and therefore would be conforming lots.

Table 5: Proposed Development Plan

	R-1 Requirements	Lot 1	Lot 2	Lot 3	Notes
Lot Area	40,000 SF, but Bushaway Conservation District requirement is two (2) acres.	123,122 SF	40,066 SF	45,054 SF	Lots 2 and 3 do not conform with Comprehensive Plan guidance. Requires approval of a Variance.
Lot Width (Public Street Frontage)	150 ft	164 ft	150 ft	304 ft, but not on a public street	Lot 3 requires approval of a Variance
Lot Depth	150 ft	567 ft	270 ft	150 ft	Conforms to Code
Front Yard Setback	45 ft	250 ft	64 ft	50 ft	Conforms to Code
Side Yard Setback	20 ft	26 ft and 73.7 ft	30 ft and 44 ft	48 ft and 150 ft	Conforms to Code
Rear Yard Setback	50 ft	93 ft	90 ft	54 ft	Conforms to Code
Potential Lot Coverage	15%	5.4% (6,627 SF)	8.0% (3,535 SF)	8.0% (3,600 SF)	Conforms to Code
Proposed Hardcover	25%	12.3% (15,128 SF)	15.3% (6,135 SF)	11.5%	Conforms to Code

Building plans for Lots 2 and 3 have not been provided at this time. Thus, the Planning Commission should consider recommending a condition of any approval be that any future owners of these Lots provide building plans for review by the Planning Commission and City Council prior to applying for a building permit. The Applicant has provided example building pads to highlight potential locations for future residential structures. All residential structures would need to conform to applicable setback, lot coverage, and hardcover requirements.

2.5 Access to Project.

The Project proposes to utilize the location of the existing private easement road to access the Property. This private easement road serves multiple properties within the eastern portion of Bushaway Road. As noted above, Lot 3 would not have direct public street frontage, and would require approval of a variance from the Subdivision Ordinance.

2.6 Tree Inventory.

The Application materials include a tree inventory of the Property, which shows a total of 349 significant trees on the property having a minimum diameter of 6 inches. The property includes a wide variety of species: Maple, Basswood, Oak, Ash, and Spruce.

The amount of trees proposed to be removed for the Project is:

Portion of Site	Number of Trees Proposed for Removal
Lot 1	0
Lot 2	23
Lot 3	32
Total	55 trees (out of 349) or 15.8

The amount of trees to be removed for the proposed subdivision is 55 trees, or 15.8% of the site.

2.7 Traffic.

Based on data from the Institute of Transportation Engineers (ITE) *Trip Generation, Ninth Edition*, a single family detached housing unit has approximately 9.5 trips per day. For a three lot single family development, the average daily trips would be approximately twenty nine (29) trips.

Section 3. Applicable Code Provisions for Review

3.1 Approval of Subdivisions and New Plats

Section 805.14(e) provides criteria for the Planning Commission to evaluate when reviewing a Preliminary Plat. In this review, the Planning Commission should determine if the proposed subdivision would have an adverse impact on the site or surrounding area. The following are the factors from this section for consideration. Included are Staff's comments on each of the factors.

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.

The Property is guided for Bushaway Conservation District land use category within the Comprehensive Plan, which has a two acre minimum, unless a variance is granted by the City Council. Proposed Lots 2 and 3 would not meet the two acre minimum, at 0.92 acres and 1.03 acres, respectively. The Subdivision would require approval of a variance from the Subdivision Ordinance in order to proceed.

- B. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

The Applicant's submittal materials show that approximately fifty five (55) trees will need to be removed as a result of the Project. The Planning Commission and City Council should evaluate the impact of the amount of tree loss and preservation proposed as part of the Project.

- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

The proposed building pads for Lots 2 and 3 are located on an area for slope of twelve percent (12%) or greater. A grading plan was submitted as part of the Application and will need final approval by the City Engineer prior to any construction work so that land disruption is minimized.

- D. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

The Applicant's submittal materials show that approximately fifty five (55) trees will need to be removed as a result of the Project. The Planning Commission and City Council should evaluate the impact of the amount of tree loss and preservation proposed as part of the Project.

- E. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

The proposed Lots 2 and 3 would be less than the size of other lots in the immediate area. The Subdivision Application would require approval of a variance from the Subdivision Ordinance to allow lot sizes less than two acres. Lot 1 would meet and exceed the two acre minimum.

- F. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

The proposed Lots 2 and 3 would be less than the size of other lots in the immediate area. The Subdivision Application would require approval of a variance from the Subdivision Ordinance to allow lot sizes less than two acres. Lot 1 would meet and exceed the two acre minimum.

- G. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

The proposed Lots 2 and 3 would be less than the size of other lots in the immediate area. The Subdivision Application would require approval of a variance from the Subdivision Ordinance to allow lot sizes less than two acres. Lot 1 would meet and exceed the two acre minimum.

- H. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

Cannot comment at this time. The Applicant does not have building elevations or plans available for the proposed three lots at this time. As a condition of any approval this Application, the Planning Commission and City Council should consider requiring that the Applicant and/or future homeowner to submit plans for review and approval by the Planning Commission and the City Council depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.

- I. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.

Not applicable, as the City does not have single family residential design standards.

- J. The proposed lot layout and building pads shall conform with all performance standards contained herein.

As noted above, due to the existing layout of the lot and the Applicant's proposal to utilize the existing private easement road to access the Property, the Project would need approval of a variance from the Subdivision Ordinance for public street frontage and use of a private easement road for proposed Lot 3.

- K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

The proposed Lots 2 and 3 would be less than the size of other lots in the immediate area. The Subdivision Application would require approval of a variance from the Subdivision Ordinance to allow lot sizes less than two acres. Lot 1 would meet and exceed the two acre minimum.

- L. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

The Project has access to City sanitary sewer and water services through a connection to Bushaway Road, and would not over-burden these systems.

3.2 Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.

3.3 Variance Standards from Subdivision Ordinance. As noted above, the Applicant is requesting the following variances from the Subdivision Ordinance to allow for lot sizes less than two (2) acres for Lots 2 and 3, and the use of the existing private easement road to serve as access to the Property:

- A. Variance from Subdivision Ordinance to conform with Comprehensive Plan guidance of Two (2) acre minimum in the Bushaway Conservation District (Section 805.14.E.1)
- B. Use of Private Roadways (Section 805.27.k)
- C. Lot Frontage on a Public Street (Section 805.26.E)
- D. Street Width Less Than Twenty Six (26) feet (Section 805.29.a)
- E. Construction of Roadways Without Curbs and Gutters (Section 805.29.I)

Section 805.60 allows the City Council to approve variances from the minimum standards of the Subdivision Ordinance, when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

- (1) That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
- (2) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
- (3) That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
- (4) Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
- (5) That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

3.4 Parkland Dedication Fee. Section 805.37 of the Subdivision Ordinance requires a parkland dedication of land or fee in lieu for new single family lots at the time of recording of the Final Plat. As the proposed Subdivision creates two (2) new lots, the Applicant would be required to dedicate land or pay a fee in lieu for the two (2) new lots.

- 3.5 Premature Subdivision. The Subdivision Ordinance requires the City Council to deny any preliminary plat of a proposed subdivision deemed premature for development. Section 805.16. The burden is on the applicant to show that the proposed subdivision is not premature. Section 805.18. Under Section 805.17 of the Subdivision Ordinance, a subdivision may be deemed premature should any of the conditions listed in Section 805.17 exist, including inadequate drainage, inadequate water supply, inadequate roads, inadequate waste disposal systems, and inconsistency with the Comprehensive Plan, in ability to provide public improvements, and MEQB policies.

Section 4. Staff Input.

City Staff has reviewed the proposed Project. Comments are as follows.

4.1 City Planner

- As the Application does not include architectural plans for each of the new single family residences that would be built on the lots, the Applicant should be aware that the Planning Commission and City Council are likely to place a condition on any approval of the proposed Subdivision, such that any future owners of the lots would be required to submit the proposed building plans and landscaping plans for review by the Planning Commission and approval by City Council prior to any building permits being issued for the Property.

4.2 Fire Marshal

- Lots 1 & 3 of the proposed addition are more than 150 ft from a public road (Bushaway), therefore I will require that the fire access road be widened to 20 ft to within 150 ft of the Lot 3 building as per Minnesota Fire State Code (MSFC) Section 503.1.1.
- Since Lots 1 & 3 of this addition are more than 400 ft from a fire hydrant on a public access road (Bushaway), a fire hydrant shall be added as per Section 508.5.1 of the MSFC. Location to be determined by the Wayzata Fire Marshal.

Section 5. Action Steps.

After considering the items outlined in this Report, the Planning Commission should direct staff to prepare a *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:

- Attachment A: Applicant Submittals:
 - o Project Narrative
 - o Certificate of Survey and Preliminary Plat
 - o Proposed Grading and Utility Plan
 - o Tree Inventory Plan
- Attachment B: Received Public Comment
- Attachment C: Letter from Wayzata Fire Marshal

Attachment A

5/8/2015

To: Wayzata City Council

From: Zev and Kristi Oman
250 Bushaway Road
Wayzata, MN 55391

Re: Proposed Subdivision- VARIANCE REQUEST

We purchased our home at 250 Bushaway Road, Wayzata in April 2003. At that time the surrounding properties all contained large acreage and our property, which has 4.75 acres was one of the smaller parcels. Now, 12 years later all of our surrounding properties have been subdivided and we now feel like we live in a urban development. Our property used to have a private estate like feel to it, now it does not fit in with the neighboring homes.

To be consistent with the neighboring properties we are looking to subdivide into 3 lots. Because of the topography and access, our home would remain as the largest parcel and the two other lots are just shy of the 80,000sf minimum. It doesn't make sense to do a single lot split because the new lot/house would look out of place standing alone, and would not esthetically conform with the surrounding homes.

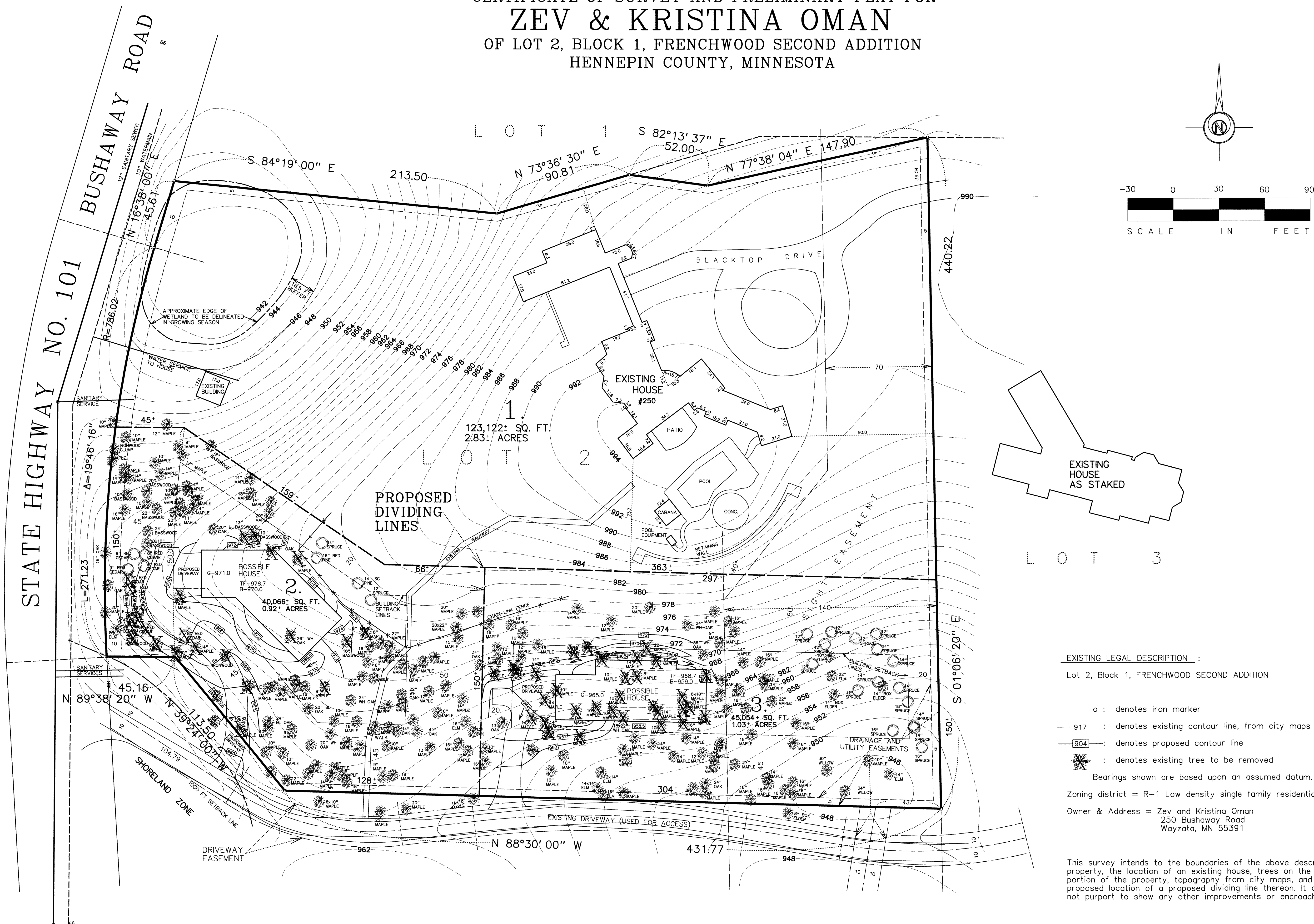
Also I would like point out some issues/mistakes made with neighboring properties which have negatively effected our property. In 1999 when 240 Bushaway Road was subdivided the city eliminated access to our lower level garages making it impossible to access them. Two years ago city allowed our neighbor at 270 Bushaway Road to install a pool at his property, even though the subdivision bilaws do not allow it, the pool was installed on the side of this home, not the back yard, so now every time I walk out my front door I see a swimming pool and the serene, quiet atmosphere is gone.

The Lecy Bros. development at 262 Bushaway Road contains two lots that do not conform with the 80,000sf lot minimum, our proposed two lots are similar in size with these lot sizes.

Lastly, I would like to point out that selling these proposed two additional lots would help me recoup some of the economic loss I have sustained; which was due to no fault of ours.

A handwritten signature in black ink, appearing to read 'Kristi Oman', with a long horizontal flourish extending to the right.

FRENCHWOOD THIRD ADDITION
CERTIFICATE OF SURVEY AND PRELIMINARY PLAT FOR
ZEV & KRISTINA OMAN
OF LOT 2, BLOCK 1, FRENCHWOOD SECOND ADDITION
HENNEPIN COUNTY, MINNESOTA



EXISTING LEGAL DESCRIPTION :

Lot 2, Block 1, FRENCHWOOD SECOND ADDITION

o : denotes iron marker

—917— : denotes existing contour line, from city maps

—904— : denotes proposed contour line

 : denotes existing tree to be removed

Bearings shown are based upon an assumed datum.

Zoning district = R-1 Low density single family residential

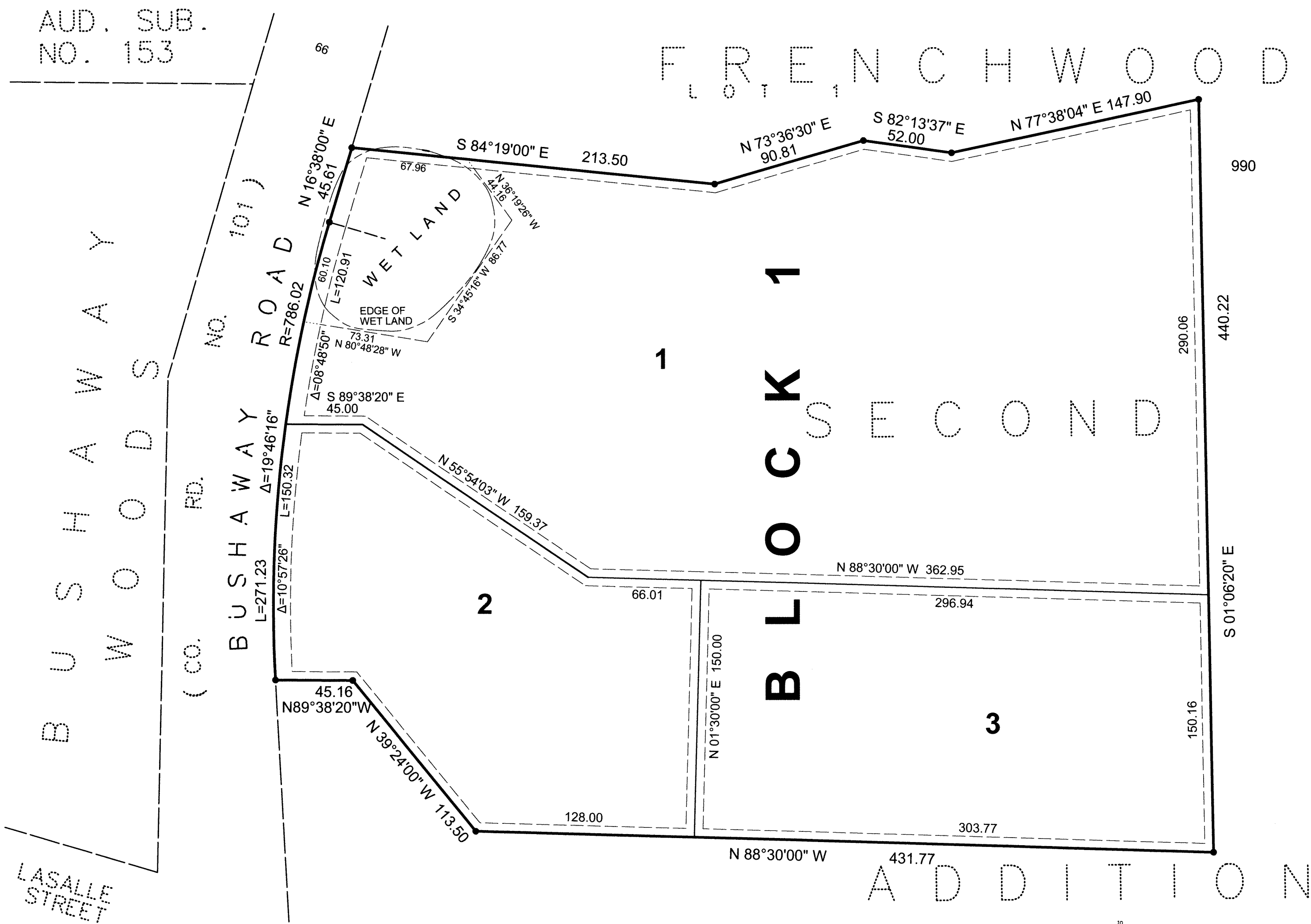
Owner & Address = Zev and Kristina Oman
250 Bushaway Road
Wayzata, MN 55391

This survey intends to the boundaries of the above described property, the location of an existing house, trees on the southerly portion of the property, topography from city maps, and the proposed location of a proposed dividing line thereon. It does not purport to show any other improvements or encroachments.

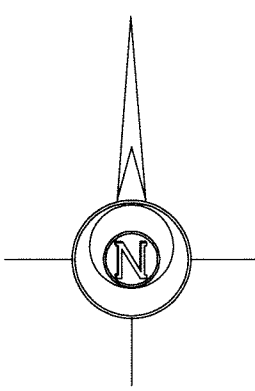
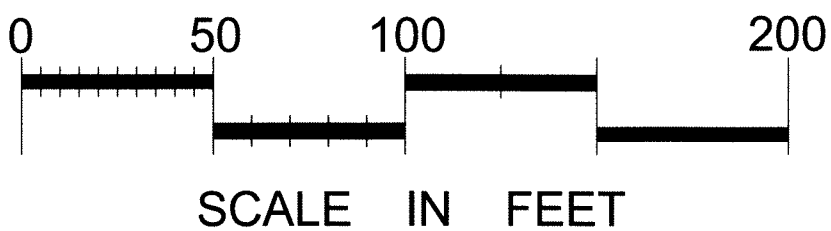
REVISIONS		I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.	PROJECT	 GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
DATE	REMARKS			
2-17-15				
REVISED PRELIMINARY PLAN				
		Mark S. Gronberg Minnesota License Number 12755		

C.R.DOC.NO. _____

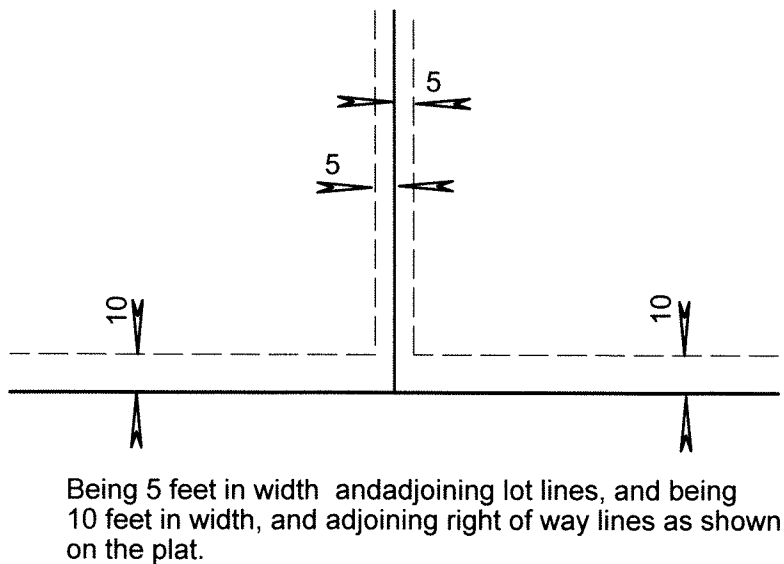
FRENCHWOOD THIRD ADDITION



• DENOTES IRON MARKER FOUND
○ DENOTES IRON MARKER SET; MARKED BY MN. LIC. NO. 12755
FOR PURPOSES OF THIS SURVEY, THE SOUTH LINE OF LOT 2, BLOCK 1, FRENCHWOOD SECOND ADDITION HAS AN ASSUMED BEARING OF N 88°30' W



Drainage and utility easements shown thus:



Know all persons by these presents that Zev Oman and Kristina M. Oman, husband and wife, fee owners of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 2, Block 1, FRENCHWOOD SECOND ADDITION

Has caused the same to be surveyed and platted as FRENCHWOOD THIRD ADDITION, and does hereby dedicate to the public for public use forever the drainage and utility easements as shown on the plat.

In witness whereof said Zev Oman and Kristina M. Oman, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

ZEV OMAN

KRISTINA M. OMAN

STATE OF _____

COUNTY OF _____ The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Zev Oman and Kristina M. Oman, husband and wife.

Notary Public, _____ County, _____ Notary's printed name

My commission expires _____

I, Mark S. Gronberg, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd.3 as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Mark S. Gronberg Licensed Land Surveyor and Engineer

Minnesota License Number 12755

STATE OF _____

COUNTY OF _____ The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Mark S. Gronberg, Land Surveyor and Engineer.

Notary Public, _____ County, _____ Notary's printed name

My commission expires _____

WAYZATA, MINNESOTA

This plat of FRENCHWOOD THIRD ADDITION was approved and accepted by the City Council of Wayzata, Minnesota, at a regular meeting held this ____ day of _____, 20__. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City, or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subd. 2.

CITY COUNCIL OF THE CITY OF WAYZATA, MINNESOTA

_____, Mayor

_____, Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in 20__ and prior years have been paid for land described on this plat. Dated this ____ day of _____, 20__.

MARK V. CHAPIN, HENNEPIN COUNTY AUDITOR

By _____, Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to MINN. STAT. Sec. 383B.565, (1969), this plat has been approved this ____ day of _____, 20__.

CHRIS F. MAVIS, HENNEPIN COUNTY SURVEYOR

By _____

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of FRENCHWOOD THIRD ADDITION was recorded in this office this ____ day of _____, 20__, at ____ o'clock ____ M.

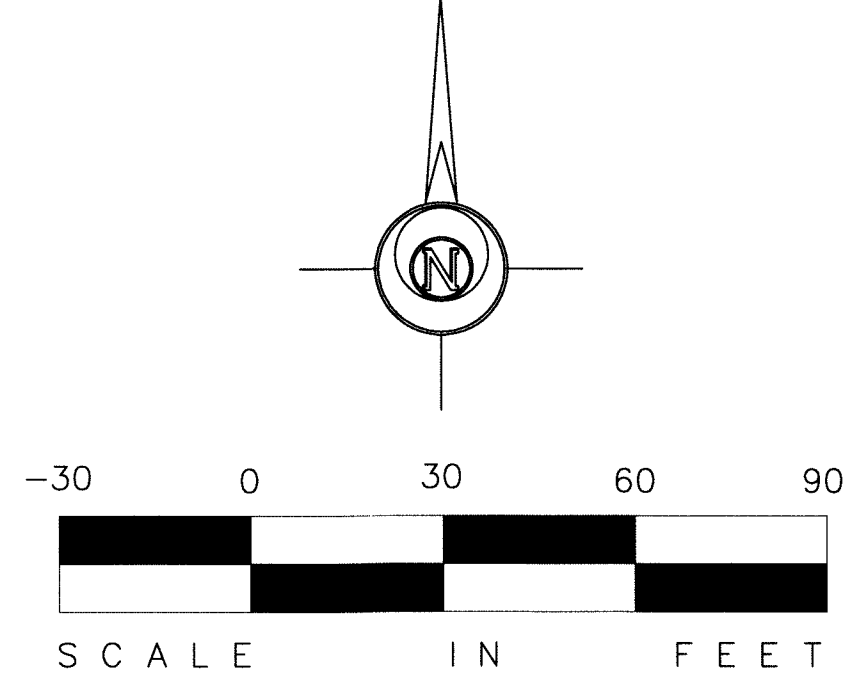
MARTIN MCCORMICK, HENNEPIN COUNTY RECORDER

By _____, Deputy

GRONBERG & ASSOCIATES, INC.

ENGINEERS, LAND SURVEYORS, PLANNERS

FRENCHWOOD THIRD ADDITION
PRELIMINARY PLAT & GRADING AND UTILITY PLAN FOR
ZEV & KRISTINA OMAN
OF LOT 2, BLOCK 1, FRENCHWOOD SECOND ADDITION
HENNEPIN COUNTY, MINNESOTA



IMPERVIOUS SURFACE CALCULATIONS :

Lot 1	Lot area = 123,122± sf Existing house = 6160 sf Out buildings = 467 sf Driveway = 6007 sf Courtyard = 1895 sf Walk = 140 sf Patio = 459 sf Total = 15,128 sf 15,128 / 123,122 x 100 = 12.29%
Lot 2	Lot area = 40,066± sf Possible house = 3535 sf Driveway = 2600 sf Total = 6135 6135 / 40,066 x 100 = 15.31%
Lot 3	Lot area = 45,054± sf Possible house = 3600 sf Driveway = 1600 sf Total = 5200 sf 5200 / 45,054 x 100 = 11.54%

EXISTING HOUSE
AS STAKED

EXISTING LEGAL DESCRIPTION :

Lot 2, Block 1, FRENCHWOOD SECOND ADDITION

- o : denotes iron marker
 - 917— : denotes existing contour line, from city maps
 - 904— : denotes proposed contour line
 - ✖ : denotes existing tree to be removed
- Bearings shown are based upon an assumed datum.
- Zoning district = R-1 Low density single family residential
- Owner & Address = Zev and Kristina Oman
250 Bushaway Road
Wayzata, MN 55391

This survey intends to the boundaries of the above described property, the location of an existing house, trees on the southerly portion of the property, topography from city maps, and the proposed location of a proposed dividing line thereon. It does not purport to show any other improvements or encroachments.

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

DATE: 1-29-08
BY: [Signature]
CHECKED: [Signature]
SCALE: 1"=50'

PROJECT: PROJECT

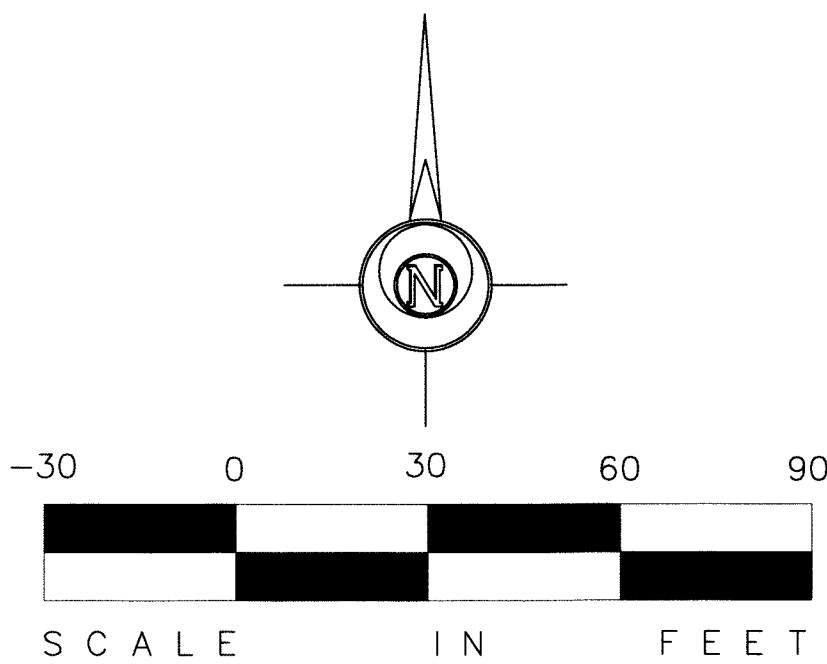
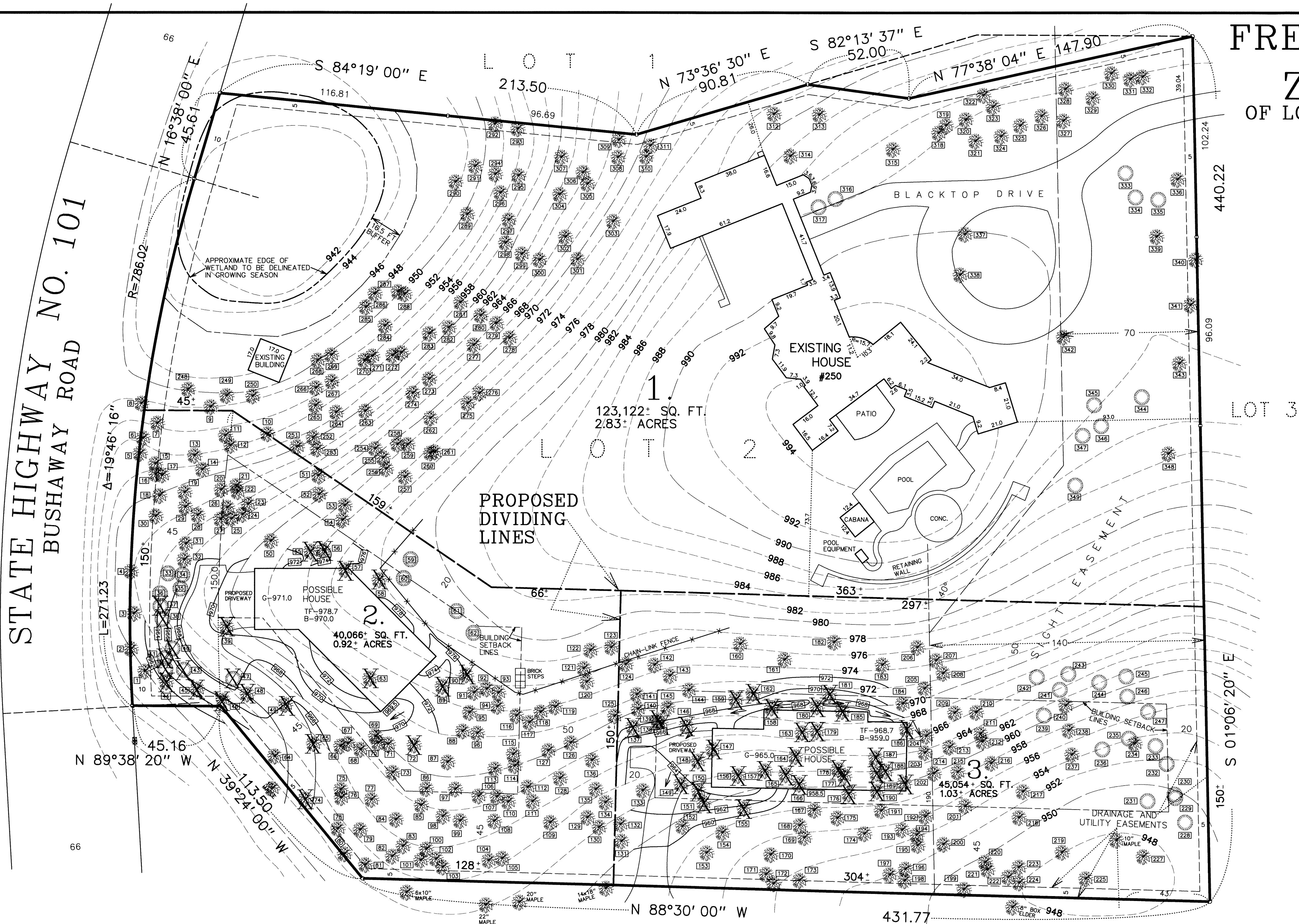
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg Minnesota License Number 12765

DATE	REVISIONS
2-17-15	REVISED PRELIMINARY PLAT
3-31-15	

FRENCHWOOD THIRD ADDITION
TREE PLAN FOR
ZEV & KRISTINA OMAN
OF LOT 2, BLOCK 1, FRENCHWOOD SECOND ADDITION
HENNEPIN COUNTY, MINNESOTA

STATE HIGHWAY NO. 101
BUSHWAY ROAD



EXISTING LEGAL DESCRIPTION :
Lot 2, Block 1, FRENCHWOOD SECOND ADDITION

- o : denotes iron marker
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250 Bushway Road
Wayzata, MN 55391

This survey intends to the boundaries of the above described property, the location of an existing house, trees, topography from city maps, and the proposed location of a proposed dividing line thereon. It does not purport to show any other improvements or encroachments.

Total caliper inches = 5119
Total inches proposed to be removed = 667

1 8" ELM	21 14" MAPLE	41 10" WHITE CEDAR	61 14" SCOTCH PINE	81 12" MAPLE	101 14" MAPLE	121 20"x22" MAPLE	141 10" MAPLE	161 12" MAPLE	181 22" MAPLE	201 18" MAPLE	221 18" MAPLE	241 12" SPRUCE	261 16" MAPLE	281 16" MAPLE	301 18" MAPLE	321 10" MAPLE	341 30" OAK
2 20" MAPLE	22 9" MAPLE	42 10" WHITE CEDAR	62 12" SPRUCE	82 10" MAPLE	102 6" MAPLE	122 20" MAPLE	142 16" MAPLE	162 18" MAPLE	182 20" MAPLE	202 16" MAPLE	222 16" MAPLE	242 12" SPRUCE	262 10" MAPLE	282 12" MAPLE	302 18" MAPLE	322 10" ASH	342 34" MAPLE
3 10" OAK	23 7" MAPLE	43 8" RED CEDAR	63 26" WHITE OAK	83 8" MAPLE	103 18" MAPLE	123 14"x14" MAPLE	143 16" MAPLE	163 10" MAPLE	183 24" WHITE OAK	203 12" MAPLE	223 16" MAPLE	243 12" SPRUCE	263 14" MAPLE	283 10" MAPLE	303 20" MAPLE	323 12" MAPLE	343 14" MULBERRY
4 18" OAK	24 14" MAPLE	44 8" BASSWOOD	64 22" BASSWOOD	84 18" BASSWOOD	104 9" MAPLE	124 16" MAPLE	144 16" MAPLE	164 10" MAPLE	184 36" WHITE OAK	204 9" MAPLE	224 16" MAPLE	244 12" SPRUCE	264 18" OAK	284 14" MAPLE	304 10" MAPLE	324 12" MAPLE	344 8" RED PINE
5 10" MAPLE	25 11" MAPLE	45 8" SH	65 22" MAPLE	85 20" WHITE OAK	105 18" MAPLE	125 34" OAK	145 12" MAPLE	165 10" MAPLE	185 10" MAPLE	205 9" MAPLE	225 34" WILLOW	245 12" SPRUCE	265 10" MAPLE	285 10" ASH	305 14" MAPLE	325 12" MAPLE	345 10" SPRUCE
6 IRONWOOD CLUMP	26 14" MAPLE	46 10" MAPLE	66 14" MAPLE	86 10" MAPLE	106 8" MAPLE	126 12" MAPLE	146 14" MAPLE	166 18"x22" WHITE OAK	186 6" MAPLE	206 8" MAPLE	226 8" MAPLE	246 14" SPRUCE	266 14" MAPLE	286 10" BOX ELDER	306 18" MAPLE	326 10" MAPLE	346 16" SPRUCE
7 10" MAPLE	27 20" MAPLE	47 8" RED CEDAR	67 21" MAPLE	87 24" WHITE OAK	107 8" MAPLE	127 12" MAPLE	147 10" MAPLE	167 9" MAPLE	187 8"x11" MAPLE	207 16" MAPLE	227 14" ELM	247 14" SPRUCE	267 14" MAPLE	287 10" MAPLE	307 12" MAPLE	327 10" ASH	347 16" SPRUCE
8 10" MAPLE	28 22" BASSWOOD	48 14" MAPLE	68 10" MAPLE	88 20" MAPLE	108 10" MAPLE	128 10" MAPLE	148 14" MAPLE	168 16" MAPLE	188 18" MAPLE	208 12" MAPLE	228 16" SPRUCE	248 22" MAPLE	268 12" MAPLE	288 24" MAPLE	308 10" MAPLE	328 12" MAPLE	348 26" SILVER MAPLE
9 12" MAPLE	29 10" MAPLE	49 6" IRONWOOD	69 7" MAPLE	89 10" BASSWOOD	109 13" MAPLE	129 16" MAPLE	149 14" MAPLE	169 8" MAPLE	189 6" MAPLE	209 14" MAPLE	229 14" SPRUCE	249 16" MAPLE	269 14" MAPLE	289 18" MAPLE	309 2-16" LINDENS	329 16" ASH	
10 12" BASSWOOD	30 16" MAPLE	50 20" BLACK OAK	70 16" MAPLE	90 8" MAPLE	110 14" OAK	130 12" MAPLE	150 14" MAPLE	170 12"x14" ELM	190 16" MAPLE	210 16" MAPLE	230 14" SPRUCE	250 16" MAPLE	270 12" MAPLE	290 10" MAPLE	310 16" MAPLE	330 10" MAPLE	
11 9" MAPLE	31 24" BASSWOOD	51 14" MAPLE	71 16" MAPLE	91 16" MAPLE	111 40" OAK	131 16" MAPLE	151 2-22" OAKS	171 2-14" ELMs	191 14" MAPLE	211 10" MAPLE	231 16" SPRUCE	251 28" OAK	271 10" MAPLE	291 18" MAPLE	311 8" MAPLE	331 10" ASH	
12 12" MAPLE	32 2-10" BASSWOODS	52 18" MAPLE	72 8" MAPLE	92 18" MAPLE	112 6" MAPLE	132 10" MAPLE	152 9" MAPLE	172 16" ELM	192 6" MAPLE	212 14" MAPLE	232 18" SPRUCE	252 10" MAPLE	272 8" MAPLE	292 12" MAPLE	312 28" OAK	332 26" BLACK OAK	
13 10" MAPLE	33 9" RED CEDAR	53 14" MAPLE	73 20" BLACK OAK	93 22" MAPLE	113 10" MAPLE	133 13" OAK	153 10" MAPLE	173 8" MAPLE	193 12" MAPLE	213 8" MAPLE	233 14" SPRUCE	253 10" MAPLE	273 12" MAPLE	293 12" MAPLE	313 10" BOX ELDER	333 18" SPRUCE	
14 14" MAPLE	34 8" RED CEDAR	54 20" MAPLE	74 8" MAPLE	94 6"x8" MAPLE	114 8" MAPLE	134 12" OAK	154 10" MAPLE	174 14" MAPLE	194 8" MAPLE	214 16" MAPLE	234 14" SPRUCE	254 22" MAPLE	274 12" MAPLE	294 16" MAPLE	314 26" MAPLE	334 10" SPRUCE	
15 8" MAPLE	35 9" RED CEDAR	55 13" BASSWOOD	75 24" BLACK OAK	95 24" BLACK OAK	115 22" WHITE OAK	135 16" ELM	155 14" MAPLE	175 14" MAPLE	195 10" MAPLE	215 16" MAPLE	235 14" SPRUCE	255 10" OAK	275 10" MAPLE	295 8" MAPLE	315 20" ASH	335 12" SPRUCE	
16 14" MAPLE	36 9" RED CEDAR	56 10" BASSWOOD	76 10" MAPLE	96 6" MAPLE	116 16" MAPLE	136 14" MAPLE	156 14" MAPLE	176 10" MAPLE	196 24" WHITE OAK	216 22" MAPLE	236 12" SPRUCE	256 20"x22"x24" LINDEN	276 26" LINDEN	296 18" MAPLE	316 16" SPRUCE	336 14" LOCUST	
17 14" MAPLE	37 9" RED CEDAR	57 8" OAK	77 9" MAPLE	97 16" MAPLE	117 14" MAPLE	137 14" MAPLE	157 10" MAPLE	177 14" MAPLE	197 8" MAPLE	217 16" MAPLE	237 14" SPRUCE	257 10" OAK	277 12" MAPLE	297 8" MAPLE	317 16" SPRUCE	337 30" OAK	
18 10" BASSWOOD	38 9" RED CEDAR	58 14" MAPLE	78 10" MAPLE	98 6" MAPLE	118 10" MAPLE	138 10" MAPLE	158 20" BASSWOOD	178 6" MAPLE	198 18" MAPLE	218 16" MAPLE	238 22" ELM	258 10" MAPLE	278 3-10" MAPLES	298 8" MAPLE	318 12" LINDEN	338 36" OAK	
19 20" BASSWOOD	39 26" MAPLE	59 14" SPRUCE	79 10" MAPLE	99 8" MAPLE	119 8" MAPLE	139 10" MAPLE	159 2-10" MAPLE	179 8" MAPLE	199 8" MAPLE	219 30" WILLOW	239 12" SPRUCE	259 12" MAPLE	279 12" MAPLE	299 14" MAPLE	319 14" ASH	339 16" CRIMSON MAPLE	
20 10" MAPLE	40 12" WHITE CEDAR	60 12" WHITE CEDAR	80 14" MAPLE	100 6" MAPLE	120 15" MAPLE	140 8" MAPLE	160 14" MAPLE	180 14" MAPLE	200 27" MAPLE	220 14" MAPLE	240 10" ELM	260 8" MAPLE	280 8" MAPLE	300 10" MAPLE	320 20" ASH	340 24" CRIMSON MAPLE	

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

PROJECT
Lot 2, Block 1, FRENCHWOOD SECOND ADDITION

DATE
3-3-16

REVISIONS

DATE
3-3-16

REVISIONS

Attachment B

Bryan Gadow

From: Robert Keith <rkeith@hunter-keith.com>
Sent: Wednesday, May 20, 2015 1:41 PM
To: Bryan Gadow
Subject: The 250 Bushaway Road variance

Hello Bryan:

My wife, Michele, and I reside at 100 Bushaway Road. We were recently made aware of the request for a variance by the residents at 250 Bushaway Road. We desire to make you, the Planning Commission and the City Council aware of our hope that the request to reduce the lot size below two acres not be approved. We feel a precedent for the two acre size has been established on our area of Bushaway Road by the Lecy Brothers and Stonecrest developments. It is our belief that allowing more dense development would negatively impact our area both aesthetically and financially.

Thank you and the various committees for considering this input.

Robert Keith

Attachment B

Bryan Gadow

From: Andrea Fillbrandt <Andrea@lecybros.com>
Sent: Thursday, May 28, 2015 8:48 AM
To: Bryan Gadow
Subject: Questions for Wayzata Planning Design
Attachments: Questions for Wayzata Planning Design 6.1.15.pdf

Good Morning Bryan,

Roy and Mark asked me to pass the above questions to you for review prior to the meeting next week.

Have a great day,

Andrea Fillbrandt



15012 Highway 7
Minnetonka, MN 55345
Direct 952.746.3780
Office 952.944.9499
Fax 952.942.1068
Andrea@lecybros.com
www.lecybros.com

COMMENTS & QUESTIONS FOR WAYZATA PLANNING DEPARTMENT

There is still an opening to access the Oman's property from 101. I would assume the Oman's are working with the Highway Department to protect that access.

- 1) Where will construction trucks and heavy earth moving equipment turn around – We will not allow trucks to drive through our development and turnaround in our private cul-de-sac.
- 2) Construction Workers' Parking – Where?
 - The road is 16' wide – We own the land on both sides of the private road in our development. Our workers can pull off the road to park. It appears that the Oman's will need permission from adjoining property owners to park on their property with the two lot option.
- 3) Road Damage During Construction – The private road in our development has been damaged by home construction – We will have to repair the road. When we developed our property, we widened the private drive to 16' and repaved the entire road to 101. There will be construction damage when homes are built on the Oman's lot(s). How will the applicant or a new owner(s) be held accountable for damages to the private road?
- 4) How are New Lot(s) Owners paying their Fair Share for:
 - Snow Plowing
 - Future Maintenance & Repair or Replacement
- 5) We were required to have a tree conservation area and rain gardens.
- 6) Fire Trucks – We were required to have a 20' wide road for fire truck access. We had to provide a turnaround area for the fire trucks. The existing 16' wide road was unacceptable to the city as access for fire trucks.
- 7) 2-Acre Lots – Absolute condition for our Development. What is justification for 1-acre lots?
- 8) Over-Burdening the Easement
 - We were sued by the Oman's claiming that our six additional homes would overburden the easement. We had to hire a traffic engineer and prove to a judge we were not overburdening the easement. The Oman's need to demonstrate that adding 2 additional homes and increasing traffic by 20% will not overburden the easement (8 homes to 10 homes). The City Council would not approve our project until the overburdening issue was resolved.

We would support one 2-acre lot with answers to 1,2,3,& 4.



Attachment C

WAYZATA FIRE DEPARTMENT

600 RICE STREET
WAYZATA, MN 55391
(952) 404-5337
FAX (952) 404-5336
fire@wayzata.org

5/19/2015

To; Brian Gadow
City of Wayzata Planner

Re; Proposed Frenchwood addition
Review,
Bushaway/Hwy101

Brian,

The proposed Frenchwood Third Addition is approved by the Wayzata Fire Department officer's with the following changes as per the Minnesota State Fire Code. (MSFC)

A- Lots 1&3 of the a proposed addition are more than 150 from a public road, (Bushaway) therefore I will require that the fire access road be widened to 20 feet to within 150 feet of the lot 3 building as per MSFC Sectin503.1.1. (Enclosed)

B- Since lot 1&3 of this addition are more than 400 feet from a fire hydrant on a public access road, (Bushaway) a fire hydrant shall be added as per Section 508.5.1 of the MSFC. (enclosed)
Location to be determined by the Wayzata Fire Marshal.

If you have any questions, I can be contacted at 612-490 2307

Sincerely

Bill Meyer,
Fire Marshal,
City of Wayzata

Cc; Kevin Klapprich, Wayzata Fire Chief

CHAPTER 5

FIRE SERVICE FEATURES

SECTION 501 GENERAL

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter.

501.2 Permits. A permit shall be required as set forth in Sections 105.6 and 105.7.

501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

SECTION 502 DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

FIRE COMMAND CENTER. The principal attended or unattended location where the status of the detection, alarm communications and control systems is displayed, and from which the system(s) can be manually controlled.

FIRE DEPARTMENT MASTER KEY. A limited issue key of special or controlled design to be carried by fire department officials in command which will open key boxes on specified properties.

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

■ **KEY BOX.** A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

* **503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

SECTION 507 HAZARDS TO FIRE FIGHTERS

507.1 Trapdoors to be closed. Trapdoors and scuttle covers, other than those that are within a dwelling unit or automatically operated, shall be kept closed at all times except when in use.

507.2 Shaftway markings. Vertical shafts shall be identified as required by this section.

507.2.1 Exterior access to shaftways. Outside openings accessible to the fire department and which open directly on a hoistway or shaftway communicating between two or more floors in a building shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible from the outside of the building.

507.2.2 Interior access to shaftways. Door or window openings to a hoistway or shaftway from the interior of the building shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible.

Exception: Marking shall not be required on shaftway openings which are readily discernible as openings onto a shaftway by the construction or arrangement.

507.3 Pitfalls. The intentional design or alteration of buildings to disable, injure, maim or kill intruders is prohibited. No person shall install and use firearms, sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner which may passively or actively disable, injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling or extinguishing a fire, rescuing trapped occupants or rendering other emergency assistance.

SECTION 508 FIRE PROTECTION WATER SUPPLIES

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

508.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

508.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

508.4 Water supply test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6.

*** 508.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

508.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

508.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

508.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

508.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.



WAYZATA PLANNING COMMISSION

June 1, 2015

REPORT AND RECOMMENDATION OF APPROVAL OF SHORELAND CONDITIONAL USE PERMIT FRONT YARD SETBACK VARIANCE, IMPERVIOUS SURFACE VARIANCE, AND TENNIS COURT VARIANCES AT 532 FERNDAL ROAD WEST

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Shoreland Conditional Use Permit
Approval* of Front Yard Setback Variance
Approval* of Impervious Surface Variance
Approval* of Variances from the Front Yard, Side Yard, and Lakeshore Setbacks for
Accessory Uses for installation of a tennis court

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Phillip and Margaret (the "Applicant") have submitted a development application (the "Application") requesting zoning approvals to remove an existing non-conforming detached garage on the property at 532 Ferndale Road W (the "Property") to build a new attached garage and install a tennis court on the Property (the "Project").
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following items:
 - A. A Shoreland Conditional Use Permit (CUP) for hardcover above twenty five percent (25%) to 38.6% with stormwater mitigation (the "Shoreland CUP")
 - B. A Variance from the forty five (45) ft Front Yard Setback to allow a 17.1 ft front yard setback for a new attached garage (Section 801.52.6.B.1.a) (the "Front Yard Setback Variance")

- C. A Variance from the Impervious Surface maximum of twenty five percent (25%) for impervious surface up to 38.6% (Section 801.52.7.A) (the "Impervious Surface Variance")
- D. Variances from the Front Yard, Side Yard, and Lakeshore Setbacks for Accessory Uses for installation of a tennis court (Sections 801.52.6.B.2.b and 801.91.9.D.2 & 3)(the "Tennis Court Variances") with the following setbacks:
1. Front Yard Setback of 11.5 ft
 2. Side Yard Setback (West) of 6 ft
 3. Rear Yard Setback of 27 ft
- 1.3 Property. The street address, property identification number and owner of the Property are:
- | | | |
|------------------------|-------------------|------------------------|
| 532 Ferndale Road West | 01-117-23-33-0027 | Sendero Properties LLC |
|------------------------|-------------------|------------------------|
- 1.4 Land Use. Uses in the general vicinity are single family detached residential. The Property and adjacent properties are zoned R-1 (40,000 SF minimum lot sizes).
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly* on April 28, 2015. A copy of the notice was mailed to all property owners located with 350 feet of the Property on April 24, 2015. The required public hearing was held at the May 4, 2015 Planning Commission meeting.

Section 2. STANDARDS

2.1 Shoreland Conditional Use Permit (CUP).

Except for certain situations not applicable to the Project, Section 801.91.19 of the Zoning Ordinance requires landowners or developers developing land in the Shoreland District to first submit a conditional use permit application in accordance with Section 801.04 (CUPs) and a Shoreland Impact Plan in accordance with Section 801.91.19A. The purpose of the Shoreland Impact Plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation. All conditional use permits for consideration under Section 801.91.19 are subject to the following stipulations:

- A. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
- B. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.

- C. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
- D. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
- E. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
- F. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of the Zoning Ordinance.
- G. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in the Zoning Ordinance.
- H. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
- I. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
- J. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
- K. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
- L. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

The Shoreland Conditional Use Permits are regulated by Section 801.04.2.F which requires City Council to consider possible adverse effects of the proposed conditional use. Their 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 compatibility with present and future 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 values in the area in which it is developed.
 6. Traffic generated by the proposed use is 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.
- 2.2 Front Yard Setback. The front yard setback in the R-1 District is forty-five (45) feet. Section 801.52.6.B.1.a.
- 2.3 Impervious Surface Maximum. Impervious surfaces in the R-1 District shall not exceed of twenty-five (25) percent of the lot area. Section 801.52.7.A.
- 2.4 Front Yard, Side Yard, and Lakeshore Setbacks for Accessory Uses. For accessory structures in the R-1 District, the front yard setback is fifty (50) feet and the side yard setback is ten (10) feet. Section 801.52.6.B.2.b. The Lakeshore setbacks for accessory uses in the Shoreland Overlay District are a minimum of seventy five feet, the average of the lakeshore setback of the two adjacent properties, or a line connecting the closest points of the two adjacent properties, whichever is greater. Sections 801.52.6.B.2.b and 801.91.9.D.2 & 3.
- 2.5 Zoning Ordinance Variance Standards. Sections 801.05.1.C and 801.91.9.D.3 provide the criteria for reviewing variances from the Zoning Ordinance. The variance review criteria are as follows (with Staff's comments included in *italics*):
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and

- (iii) the variance, if granted, will not alter the essential character of the locality.
- D. 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.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. 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.
- G. 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.
- H. 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.
- I. The required setback distance may be reduced by a variance if the following conditions are met:
1. The minimum setback from the ordinary high water mark is at least seventy-five feet,
 2. The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures,
 3. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots.
 4. A shoreland impact plan is submitted and approved as required and set forth in Section 801.91.19 of this Ordinance.
 5. The conditions of Section 801.05 and Section 801.91.20 of this Ordinance are considered and satisfactorily met.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Shoreland CUP, Front Yard Variance, Impervious Surface Variance, and Tennis Court Variances:

3.1 Shoreland CUP.

- A. The Applicant has complied with applicable requirements and regulations for a Shoreland CUP under Section 801.91.19 of the Zoning Ordinance with the proposed installation of the StormTech chamber infiltration system and drain tile system as specified in the Application.
- B. The Applicant has complied with the applicable requirements and regulations for a Conditional Use Permit under Section 801.04 of the Zoning Ordinance:
 - 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - 2. The proposed use's compatibility with present and future 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 values in the area in which it is developed.
 - 6. Traffic generated by the proposed use is 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.

3.2 Variances.

- A. The variance requests included in the Application (collectively, the "Variances") do not change the current single family residential use. The proposed additional hardcover is being mitigated with appropriate stormwater treatment measures required under the Zoning Ordinance. The Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.
- B. The Property's lot area (32,879 SF) and lot depth (120 ft) are legal non-conforming for the R-1 District, which creates practical difficulties in complying with the setback and impervious surface requirements.
- C. The Variances requested are reasonable, due to circumstances driven by the existing lot layout and a desire to preserve the historic character of the

existing residence, and if granted would not alter the essential character of the locality. The Applicant has proposed to mitigate the additional impervious surface through stormwater treatment methods. In addition, other properties within the area have tennis courts, which is part of the character of the area.

- D. The practical difficulties necessitating the Variances are not solely economic in nature. The existing layout of the Property and a desire to preserve the historic and architecturally significant character of the property are significant factors in the practical difficulty with meeting the ordinance requirements.
- E. The proposed uses for the Property, including an attached garage and tennis court, are permitted accessory uses within the R-1 District.
- F. The conditions for granting approval of the Variances listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Variances are justified under the criteria of this section in order to make reasonable use of the land, structures and buildings on the Property.

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 Application (Attachment A), subject to the following conditions:

- A. The Applicant must submit a proposed landscaping plan for review by City staff and the City Council.
- B. The Applicant must enter into a Stormwater Maintenance Agreement with the City Engineer that covers design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
- C. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
- D. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- H. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this ____th day of June 2015.

Voting In Favor:

Voting Against:

Abstaining:

Chair, Planning Commission

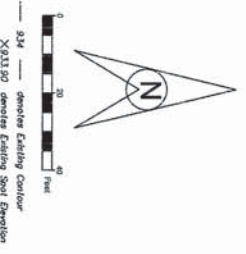
000043/480049/1996383_1

Attachment A

Applicant Submittals

DRAFT

Certificate of Survey and Topographic Survey



MARKER CALCULATIONS:
AREA = 32,879 S.F. (0.75 ACRES)

EXISTING IMPOVEMENTS:

Feature	Area
Existing House	3,807 S.F.
Existing Garage	3,809 S.F.
Existing Driveway	1,479 S.F.
Existing Slope	8,463 S.F.
Road	25,78 S.F.
Hardwood	25,78 S.F.

Property Description:
Lots 66 and 67, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota.

Certificate of Survey and Topographic Survey
on Lots 66 and 67, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota.

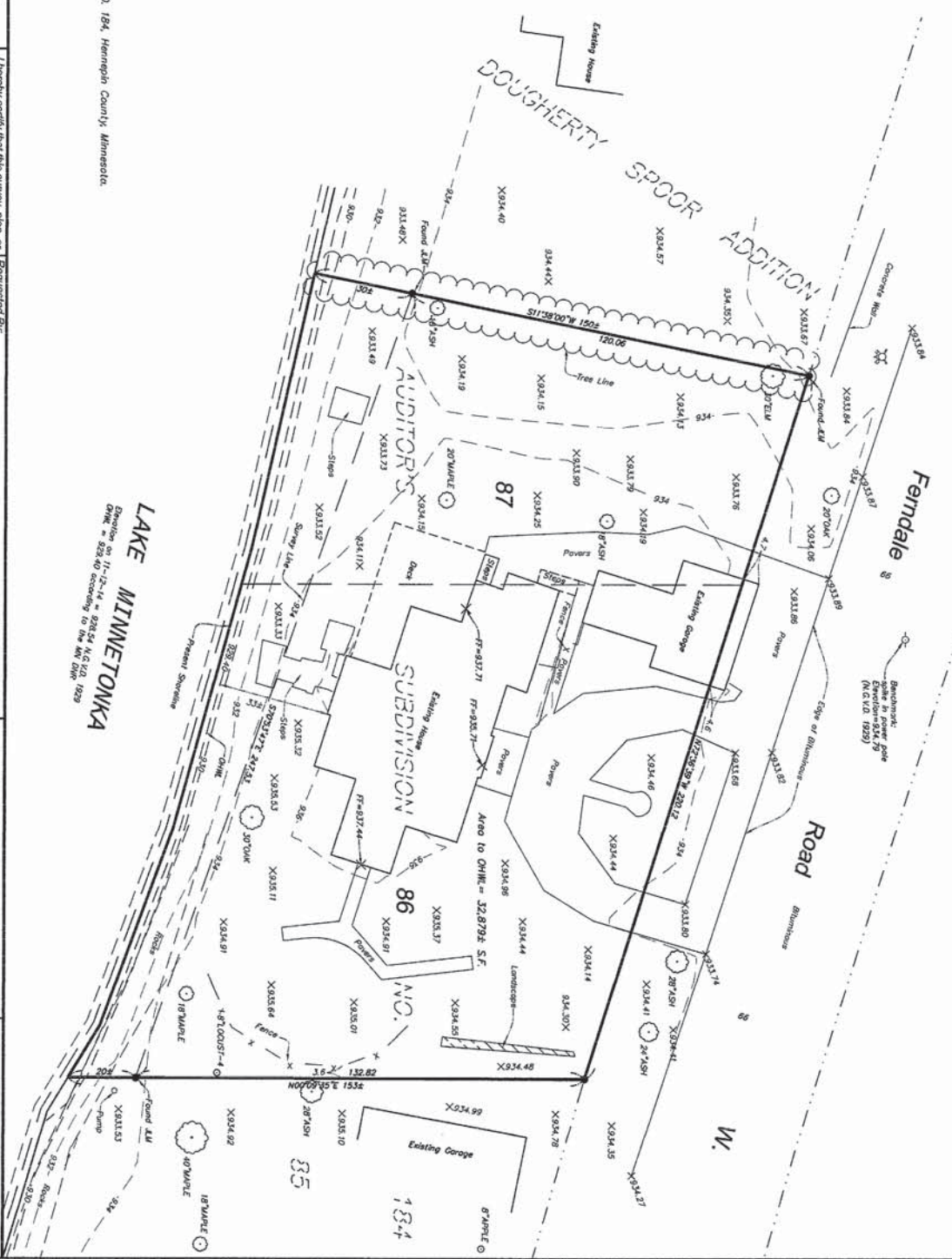
Requested By:
Paul E. Otto
License #40062 Date: 11-20-14

Revised:

Drawn By: T.J.B.
Scale: 1"=20'
Checked By: P.E.O.

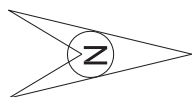
Requested By:
Patt Cavanaugh
www.ottoassociates.com
9 West Division Street
Burlington, MN 55573
(763) 682-4727
Fax: (763) 682-3522

Project No.: 14-0413



• denotes iron monument found
○ denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062

Certificate of Survey and Topographic Survey (Proposed Conditions)

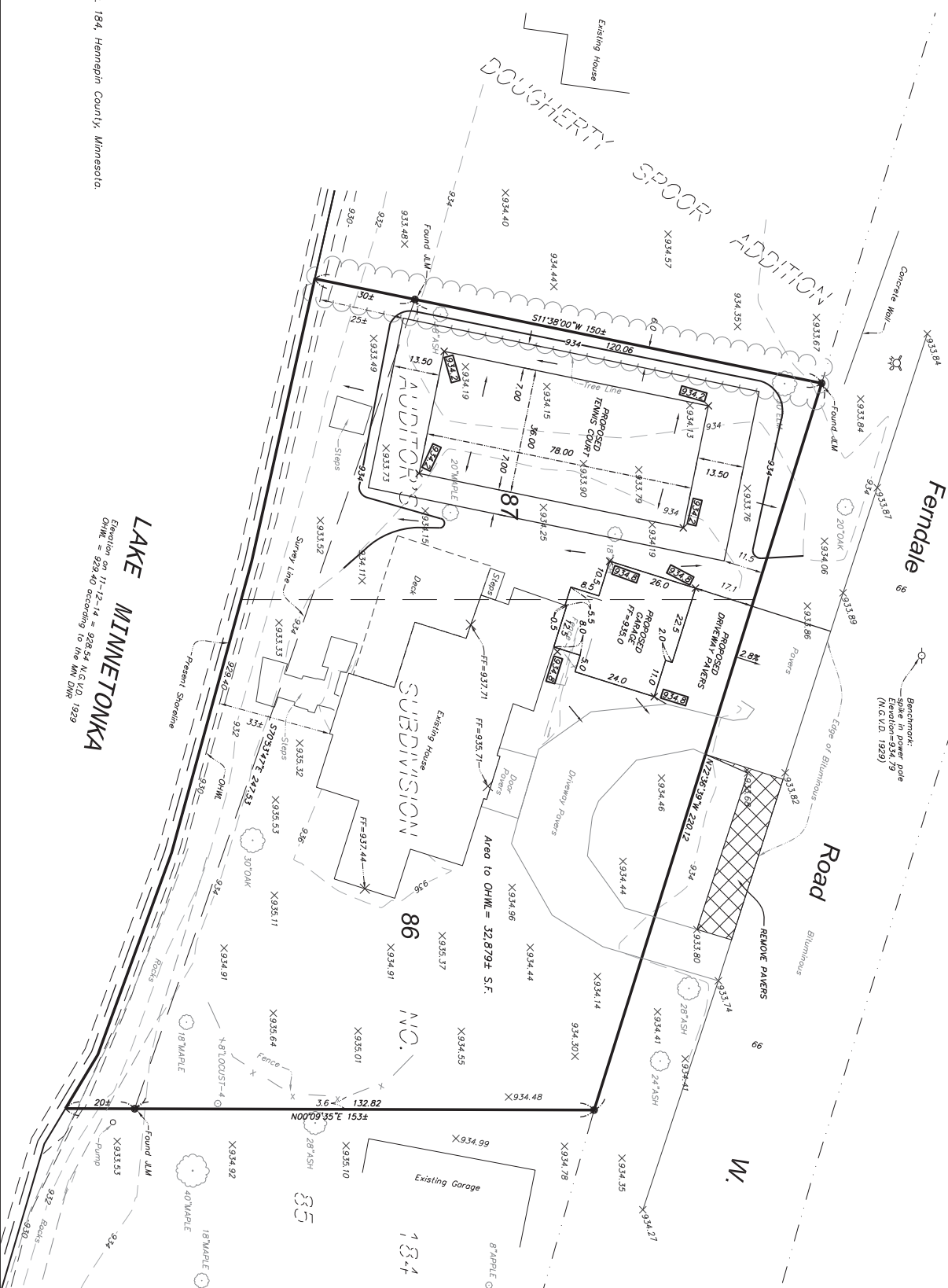


- 934 — denotes Existing Contour
- X 933.90 denotes Existing Spot Elevation
- X 934.35 denotes Proposed Spot Elevation
- 938 — denotes Proposed Contour
- denotes Proposed Drainage

HARDCOVER CALCULATIONS:
AREA = 32,879 S.F. (0.75 ACRES)

PROPOSED HARDCOVER:

	Area
House	3,387 S.F.
Garage	996 S.F.
Travis Court (Outer Area)	2,808 S.F.
Travis Court (Driveway & Door)	2,442 S.F.
Powers	2,629 S.F.
Stairs	453 S.F.
Total	12,689 S.F.
% Hardcover	38.6%



LAKE MINNETONKA
Elevation on 11-12-14 = 928.54 N.G.V.D. 1929
OHWL = 929.40 according to the MN DNR

Certificate of Survey and Topographic Survey
on Lots 86 and 87, AUDITOR'S SUBDIVISION
NO. 184, Hennepin County, Minnesota.

Revised: HARDCOVER CALCULATIONS 4-30-15

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.

Paul E. Otto
License #40062 Date: 4-30-15

Alexander Design Group

Date: 11-11-14

Drawn By: T.J.B.

Scale: 1"=20'

Checked By: P.E.O.



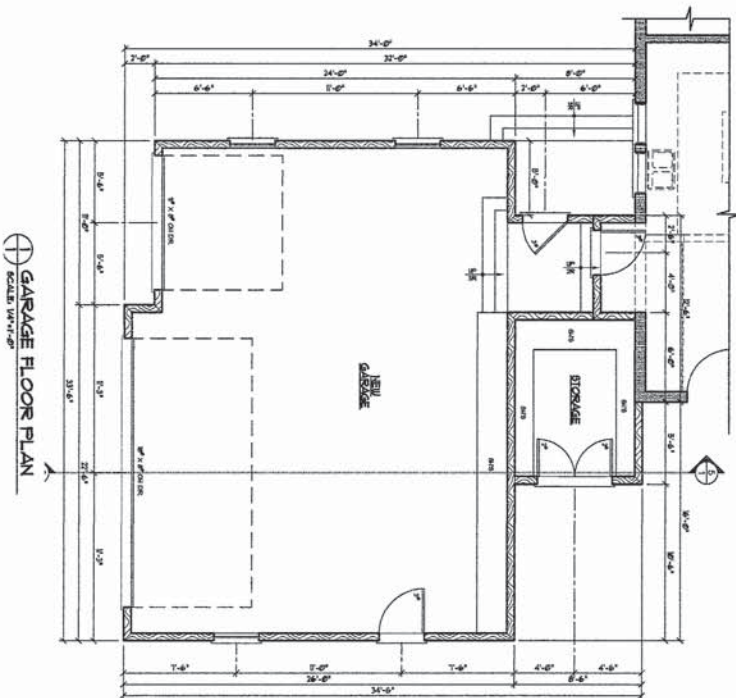
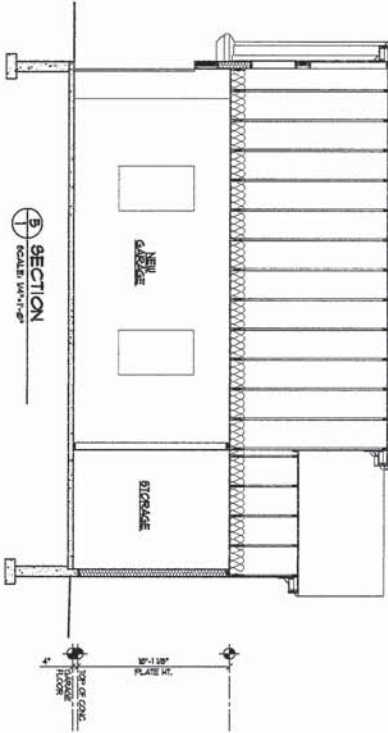
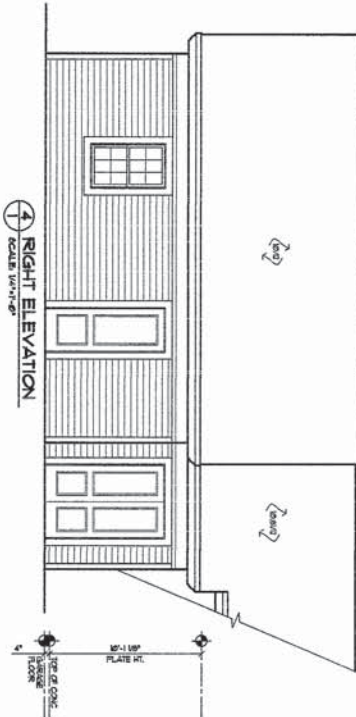
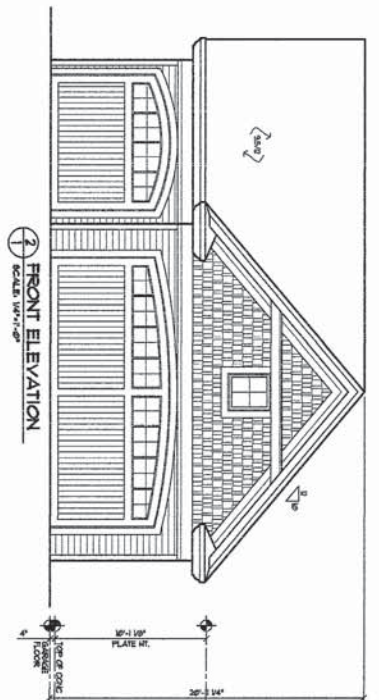
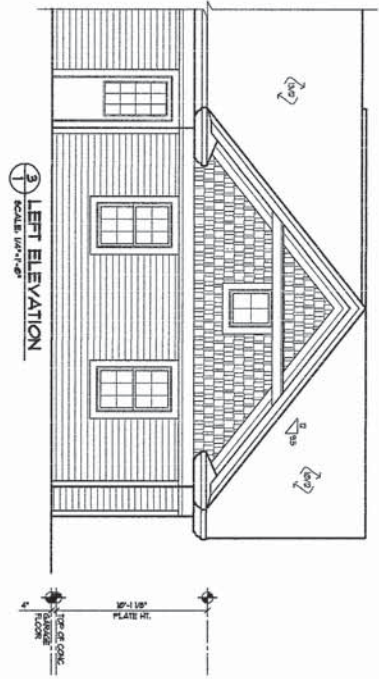
SSOCIATES
Engineers & Land Surveyors, Inc.

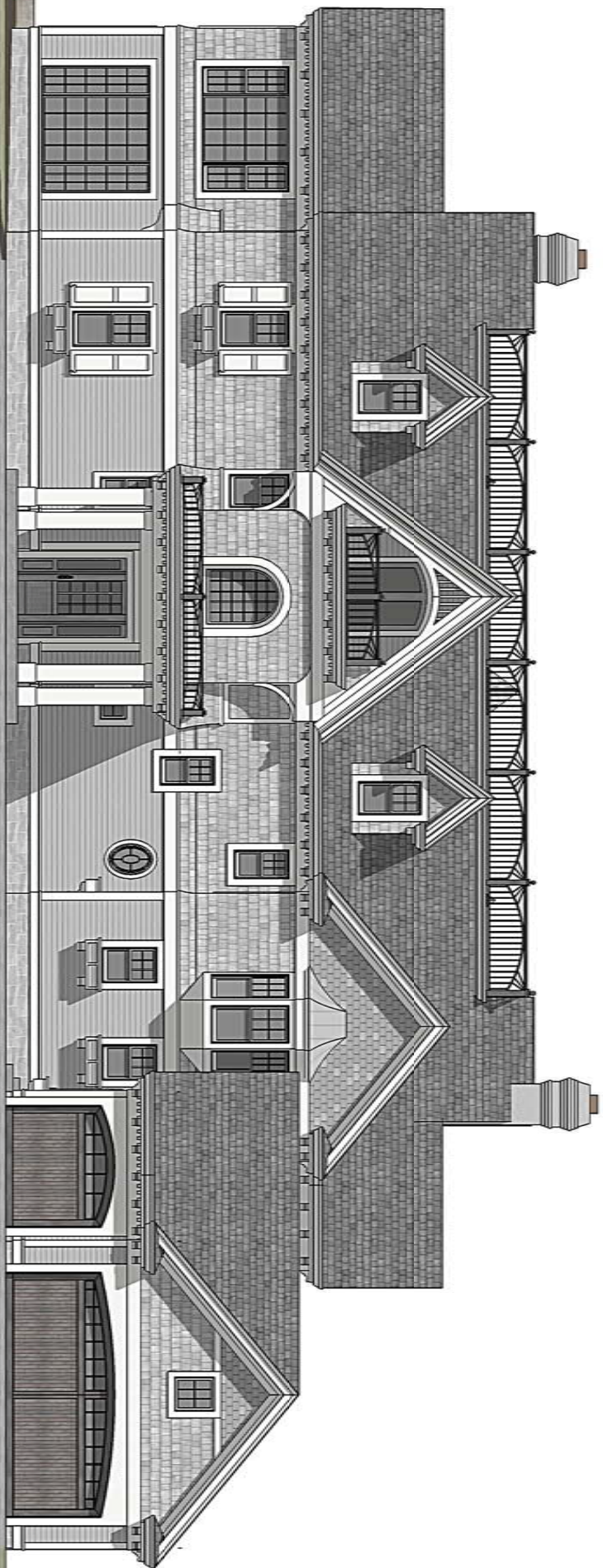
www.alexandersociates.com
9 West Division Street
Buffalo, MN 55313
(763) 682-4177
Fax: (763) 682-3522

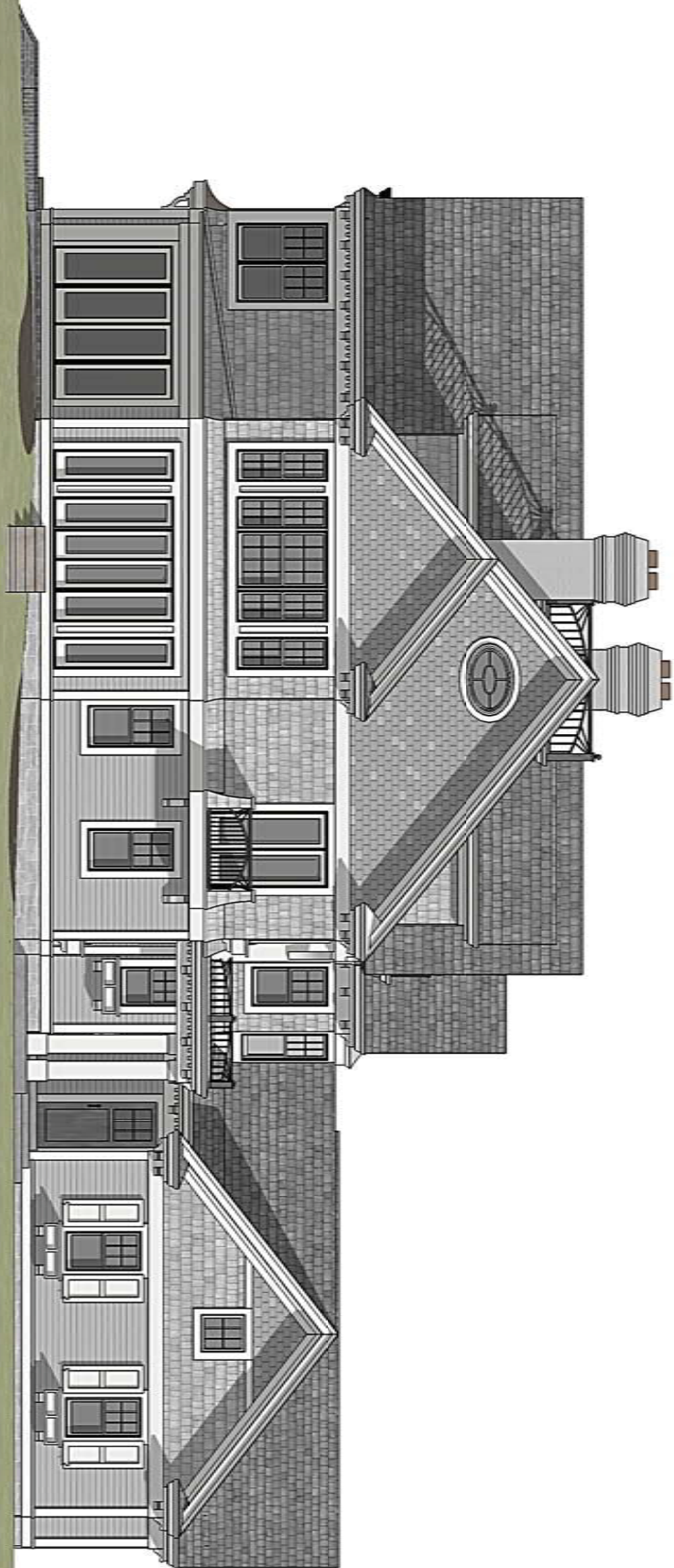
- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe
set and marked by License #40062

Project No.

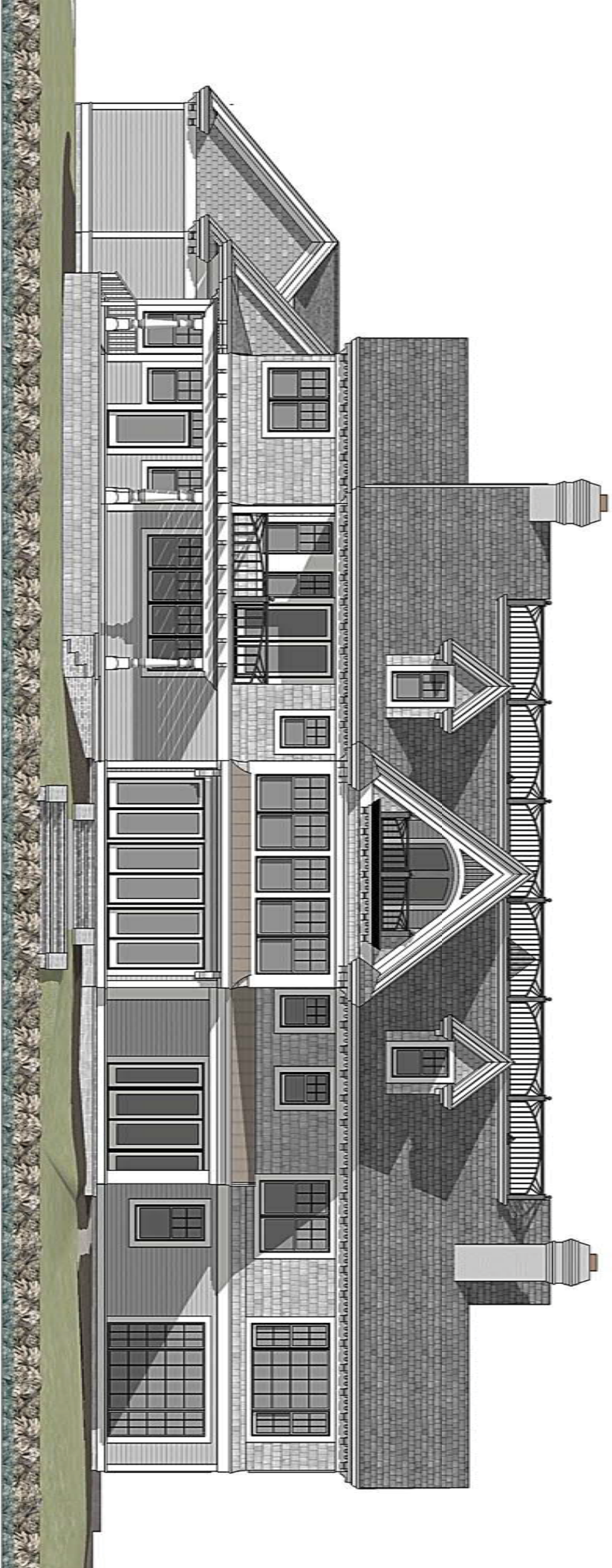
15-0151













Front Perspective
Grid Option #4

ALEXANDER DESIGN GROUP 3D Conceptual Illustration Copy right 2015		Soran Residence		REVISIONS		A
				6	04/07 /15	Revised window grids
				7	04/08 /15	Revised window grids
				8	04/15 /15	Revised window grids Option 3
				9	04/24 /15	Revised window grids Option 4
				10		



Rear Perspective 1
Grid Option #4

ALEXANDER DESIGN GROUP 3D Conceptual Illustration Copy right 2015		Sorran Residence		REVISIONS		
				MA/DO/Y	REMARKS	
				6 04/07 /15	Revised window grids	
				7 04/08 /15	Revised window grids	
				8 04/15 /15	Revised window grids Option 3	
				9 04/24 /15	Revised window grids Option 4	
				10		
						A



Rear Perspective 2
Grid Option #4

Soran
Residence

REVISIONS	
NO.	REMARKS
6	04/07 /15 Revised window grids
7	04/08 /15 Revised window grids
8	04/15 /15 Revised window grids Option 3
9	04/24 /15 Revised window grids Option 4
10	



Front Elevation
Grid Option #4

Soran
Residence

REVISIONS	
NO.	REMARKS
6	MA/DD/Y Y Revised window grids
7	04/07 /15 Revised window grids
8	04/08 /15 Revised window grids
9	04/15 /15 Revised window grids Option 3
10	04/24 /15 Revised window grids Option 4



Left Elevation
Grid Option #4

Soran
Residence

REVISIONS	
NO.	REMARKS
6	04/07 /15 Revised window grids
7	04/08 /15 Revised window grids
8	04/15 /15 Revised window grids Option 3
9	04/24 /15 Revised window grids Option 4
10	



Right Elevation
Grid Option #4

Soran
Residence

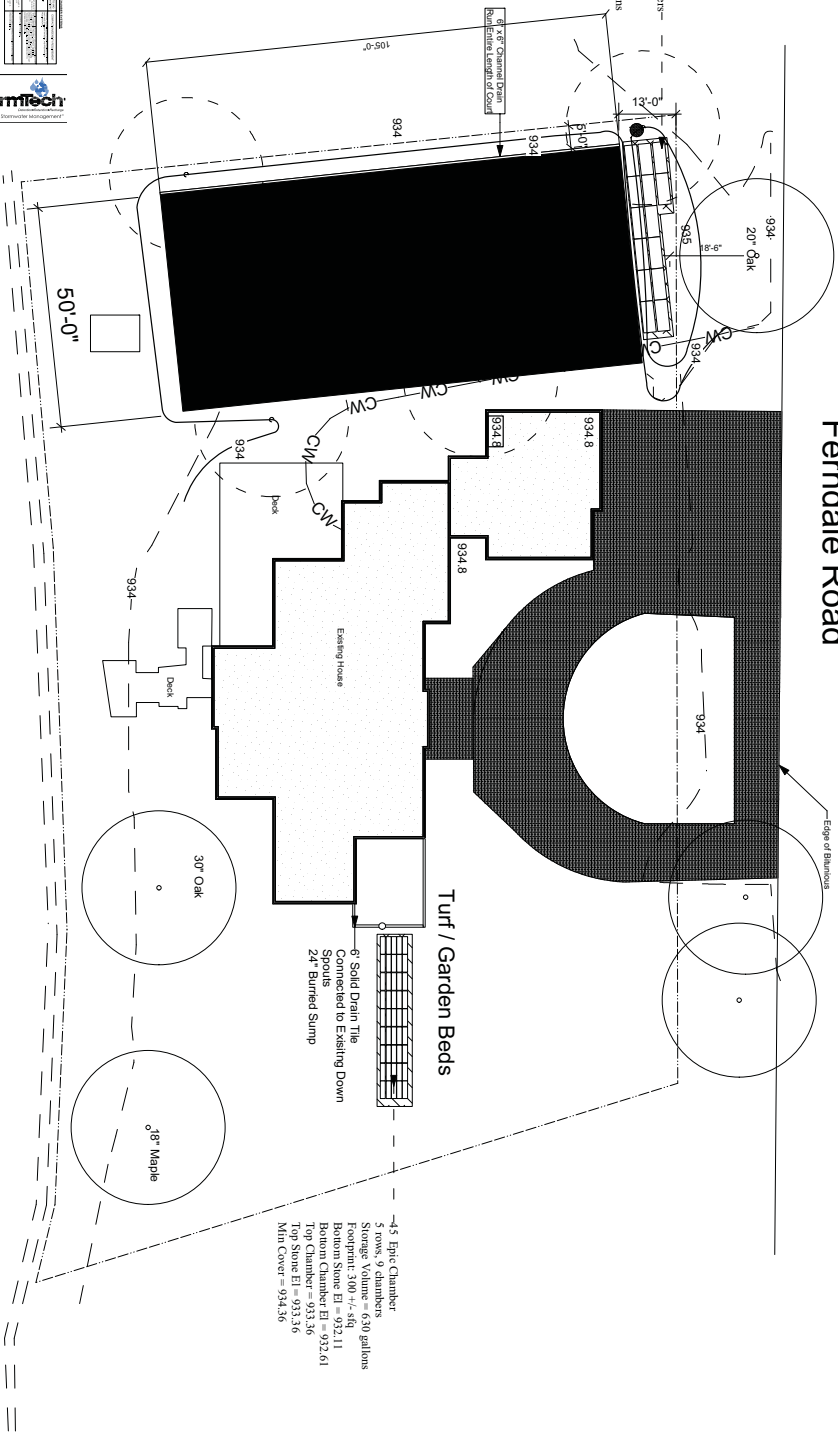
REVISIONS	
MA/D/Y/Y	REMARKS
6 04/07 /15	Revised window grids
7 04/08 /15	Revised window grids
8 04/15 /15	Revised window grids Option 3
9 04/24 /15	Revised window grids Option 4
10	



Rear Elevation
Grid Option #4

ALEXANDER DESIGN GROUP		3D Conceptual Illustration Copy right 2015		Sor an Residence		REVISIONS		A
						6	MM/DD/Y Y	
						7	04/07 /15	
						8	04/08 /15	
						9	04/15 /15	
						10	04/24 /15	
						REMARKS		
						Revised window grids		
						Revised window grids		
						Revised window grids Option 3		
						Revised window grids Option 4		

Ferndale Road



16 SC10 StormTech Chambers—
2 rows, 7 chambers
1 row, 2 chambers
Storage Volume = 4,500 gallons
Footprint: 400' x 44'
Bottom Chamber EI = 932.11
Bottom Chamber EI = 932.61
Top Chamber EI = 933.94
Min Cover = 935.94

HARDCOVER CALCULATIONS
AREA = 32,879 S.F. (0.75 ACRES)

PROPOSED HARDCOVER:	
House	3,387 s.f.
Garage	996 s.f.
Tennis Court	2,808 s.f.
Tennis Court (Outer Area)	2,442 s.f.
Steps	427 s.f.
Total	10,060 s.f.
% Hardcover	30.6%
Pavers Not Included in Hardcover 2,696 s.f.	

Tree Removal
E107 - 18" Oak
E108 - 16" Maple
E109 - 20" Hackberry

StormTech
Subsidiary of Outdoor Labs, Inc.

SC10 StormTech Chambers
The SC10 StormTech Chamber is a precast, concrete, rectangular structure designed for stormwater storage and detention. It is available in two sizes: 4' x 4' and 4' x 8'. The chambers are constructed from high-strength concrete and are designed to withstand heavy loads and harsh weather conditions. They are easy to install and maintain, and they provide a long service life. The chambers are also designed to be aesthetically pleasing, with a finished exterior that blends with the surrounding landscape.

SC10 StormTech Chambers
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1 StormTech
Sheet

Lake Minnetonka

Project Title

Chamber System

Phil Soren
532 Ferndale Road N
Wayzata MN

DATE	REVISIONS	SCALE	T = 20'

DRAWN BY
CH

CHECKED

APPROVED

outdoor LAB Landscape Design LLC
address: 147 Trinh Street, St. Paul, Minnesota 55101
email: chris@outdoorlab.com phone: 651.202.3662

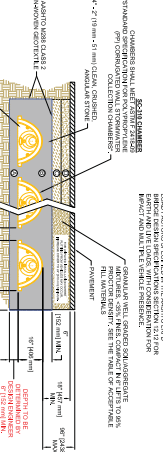
Date: 4/1/15
Sheet #

Sheet #

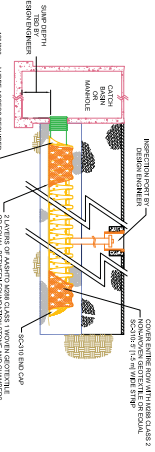
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STORMTECH ACCEPTABLE FILL MATERIALS

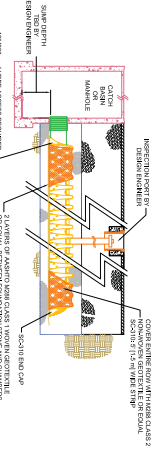
2. AS AN ALTERNATE TO PROCTOR TESTING AND FIELD DENSITY MEASUREMENTS, STONE/STONE CONTACTS ARE MET FOR VARIOUS TYPES OF MATERIALS, SUCH AS GRAVEL, CRUSHED STONE, AND COARSE SAND, ETC.



SC-310 STANDARD CROSS SECTION

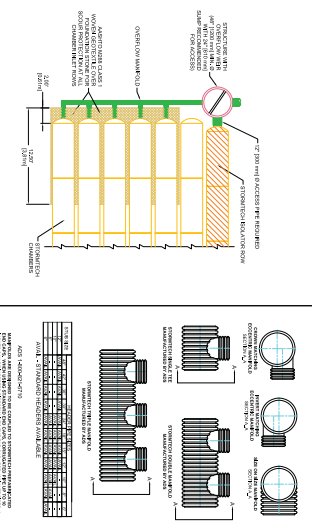


SC-310 ISOLATOR™ ROW DETAIL

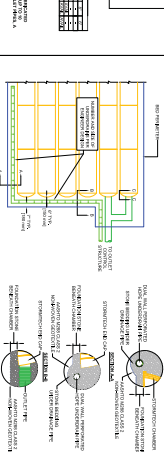
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1 PLAN VIEW LAYOUT

DESCRIPTION



9 SC-310 INSPECTION PORT DETAIL



⑤ SC-310 MANIFOLD DETAIL

⑩ SC-310 UNDERDRAIN DETAIL

THIS DRAWING WAS PREPARED TO SUPPORT THE DESIGN ENGINEER FOR THE PROPOSED PROJECT. IT IS THE ULTIMATE RESPONSIBILITY OF THE DESIGN ENGINEER TO ENSURE THAT THE STORMWATER SYSTEM DESIGN IS IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. IT IS THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THAT ALL STORMTECH PRODUCTS ARE DESIGNED IN ACCORDANCE WITH STORMTECH MINIMUM REQUIREMENTS. STORMTECH LLC DOES NOT APPROVE PLANS, SIZING, OR SYSTEM DESIGNS. THE DESIGN ENGINEER IS RESPONSIBLE FOR