

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MARCH 11, 2024**

AGENDA ITEM 1. Call to Order

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

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

AGENDA ITEM 2. Roll Call

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

Present at roll call were Commissioners: Plantan, Schwalbe, Sorensen, Stockton, and Severson. Community Development Director Emily Goellner, Assistant Planner Valeria Quarles, and City Attorney David Schelzel were also present.

Absent at roll call were: Commissioners Douglas and Elg

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Schwalbe made a motion, seconded by Commissioner Severson, to approve the March 11, 2024 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the January 8, 2024 Planning Commission Meeting and Workshop Minutes

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

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

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

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Front, Rear, and Lakeshore Setback Variances for an Addition at 620 Bushaway Road

Assistant Planner, Valerie Quarles, stated that the owners, Gary and Karen Kirt, have submitted a development application for front, rear, and lakeshore setback variances for an addition to the existing house at 620 Bushaway Road. She reviewed the project location, zoning and land use designations, existing conditions, details from the variance application, and tree impact/replacement plans. She gave a brief overview of comments by the City Engineer and the City Forester on the plans. She noted that the City had not received any public comment in advance on this application.

At the conclusion of Planner Quarles's presentation, Chair Stockton asked if the Commission had any questions for Staff.

Commissioner Schwalbe asked what criteria the City would usually have for approving such large variances, particularly for something this close to both the water and the roadway. She asked if she was correct that they had not gotten variances when the garage went up and that it had just been put up.

Planner Quarles stated that she believed that was correct but wasn't sure when the garage went up. She clarified that she was not saying that the construction of the garage was unpermitted.

Commissioner Schwalbe reiterated her question about the criteria that would be used to approve something that is so close to the water and the roadway. She explained that she had concerns about setting a precedent.

Planner Quarles stated that each variance request is always unique to the property and request, and noted that for shoreland specific variances, the Code requires a shoreland impact plan which the applicant has included in their application.

City Attorney Schelzel stated that he would echo everything Planner Quarles said, and noted that variance criteria are always the same no matter where the subject property is located in the City and the size. He stated that he believes some of the variance criteria go to the concerns voiced by Commissioner Schwalbe and explained that with each variance request, the Commission has to ask themselves if it is reasonable and also what about the subject property is driving the request.

Commissioner Schwalbe asked if there was any chance that this proposal would create a problem because of the setback from the lake. She referenced another property that had questions raised about whether or not setbacks were properly followed in terms of its distance from the water.

City Attorney Schelzel stated that he was not sure which property she was referring to, but if the Commission goes through the variance criteria that have been outlined by staff and makes findings on each, that would be the correct legal process to follow.

Commissioner Severson stated that the packet had mentioned that this home had been an accessory building to another building across the street, and asked if there was any relevant history as to why

1 this home ended up being so close to both the road and the lake. She asked if Bushaway Road was
2 built after this home.

3
4 Planner Quarles stated that Bushaway Road has been expanded over the years and believes it was
5 originally across the street but it may have been more a situation of being 'across the dirt road'
6 when it was originally built as an accessory structure to the house across the way. She noted that
7 Bushaway Road since that time has been paved and improved. She reminded the Commission that
8 a few years ago there was a proposal to make Bushaway a 4-lane road which did not happen, so
9 there is a lot of 'excess' right-of-way on either side of Bushaway which is part of why this home
10 has become a bit closer to the property line than it would have been originally. She explained that
11 was part of why their fence is located within the right-of-way, the fireplace encroachment is in the
12 right-of-way, and the driveway also goes over into the right-of-way.

13
14 There being no further questions for Staff, Chair Stockton invited the Applicant to address the
15 Commission. Applicant's representative, Tom Rauscher, Rauscher and Associates, explained that
16 their design approach for this property was to find a way to respect what was already there. He
17 stated that they tried to create something that would capture the charm of the existing building but
18 gave them something new that could be tied to the old. He noted that he believes their proposed
19 plans consolidate the look of the property more than what is currently in place. He explained that
20 they wanted to make sure that they did not disrupt the integrity of what had been built in 1925 by
21 putting in some type of 'McMansion'. He noted that the lot itself was the constraint in this situation
22 and would come into play regardless of what type of addition they did.

23
24 Commissioner Schwalbe asked if the bridge on the Property would remain as a foot bridge, and
25 noted that it appears as though there is water running underneath it. She asked when the new
26 driveway went through if it would also have a bridge.

27
28 Mr. Rauscher stated that he did not believe it would still be a bridge and explained that in order to
29 get fire trucks in there, there will be a drainage system set up so the water drains off the driveway.

30
31 Commissioner Severson asked about the thought process around some of the setbacks, and why
32 they had not tried to conform more.

33
34 Mr. Rauscher stated that they just did not have the real estate to be able to conform to 30 or 40
35 foot setbacks. He noted that being that the house was already tight to the lake, they tried to keep
36 the addition pushed back and in line with the house, and explained that the structure actually
37 follows the shoreline quite nicely. He stated that it was not jogging in and out or 'shouting' at the
38 lake, and explained that everything they tried to do was to keep it within the confines of connecting
39 the front corner of the existing house back to the north.

40
41 Commissioner Severson noted that they did have a choice about the size of the addition.

42
43 Mr. Rauscher agreed and explained that there is also the issue of today's standards for what
44 someone wants to see in a home compared to what it was in 1925. He noted that they would have
45 asked for a larger footprint and were not asking for much more than was already there in the
46 detached garage space. He said they are just confining the footprint and attaching it.

1
2 Chair Stockton asked if she had read somewhere in the Staff report that even with all the changes
3 that the applicants would actually be reducing the impervious surface on the Property.
4

5 Mr. Rauscher stated that was correct, and explained that the impervious surface would change
6 from 18% to 15% of the Property, and noted that this was done purposely to create more garden
7 effects and less hard surface, in order to keep the charm.
8

9 Commissioner Schwalbe asked for details of what the layout would be for the addition, above the
10 garage, and the existing home.
11

12 Mr. Rauscher reviewed the proposed usage for the addition, existing home, and the space above
13 the garage. He noted that the existing house is currently a one-bedroom home, and the addition
14 would make it a 3-bedroom home.
15

16 There being no additional questions from the Commission for the applicant, Chair Stockton opened
17 the public hearing on the application at 7:06 pm.
18

19 Kathy and David Whiting, 1800 Crosby Road, noted that they are building across the street at 611
20 Bushaway Road. Ms. Whiting expressed her appreciation for the work the Planning Commission
21 does on behalf of the City, and explained that they have built two homes in the City. She noted
22 that the Brooks Estate next door was the original property for all of the area. She stated that the
23 causeway did not extend to the other side of the lake originally, and was later filled and added.
24 She explained that things have completely changed over the years. She noted that the existing
25 home is adorable and spent quite a bit of time there with previous owners and shared some of the
26 work done by another previous owners in creating a lush 'English' type garden on the property.
27 She agreed that this is a great property, and she is very interested in the character of Wayzata
28 because she grew up here and she and her husband moved back to the City to build their home on
29 Crosby Road about 30 years ago. She stated that she is thrilled to know that this existing home
30 will not be torn down as part of these plans because it is beautiful. She stated that she thinks that
31 what Mr. Rauscher has designed is consistent and gorgeous with what is already there, and would
32 continue to match the Brooks Estate across the street. She explained that it did not bother her at
33 all that it is close to the lake because it always has been that close to the lake. She noted that it is
34 very 'user friendly' and does not 'feel' too close to the lake. She stated that personally, she was
35 not a big fan of the conservatory in the middle because it feels modern and is not consistent with
36 the historical nature of the home. She stated that she did not feel that piece was in character with
37 the house, but feels the rest of the style of the design is gorgeous. She noted that she is happy that
38 the owners and Mr. Rauscher care enough about the City to want to continue the history as they
39 are proposing. She stated that they love the proposed project plans. She stated that there were
40 neighbors who have small children that were not able to attend tonight's meeting, and one of their
41 main concerns was with construction traffic and equipment parking.
42

43 Peter Pflaum, 620 Bushaway Road, stated that he and his wife own the property immediately to
44 the south of this property. He noted that he was born and raised in the City, and also had a business
45 and three office buildings in the City. He explained that this little house is sort of a landmark in
46 the area and noted that most of them knew it as the "mushroom house" on the lake. He stated that

1 anyone who has been on the lake knows and treasures this house because of the setting,
2 landscaping, and the structure itself. He explained that he was very much in favor of what is being
3 proposed for this property, and would like to see more people try to keep this type of historic
4 structure. He stated that they have been careful to keep the character of the house. He stated that
5 there were concerns raised about the variances but noted that he may have set the record for
6 variances with his home because he ended up needing 6 variances for basically the same reasons
7 as this property. He noted there is not enough room on the properties to really meet any of the
8 ordinance setbacks. He explained that his requests received unanimous approval from both the
9 Planning Commission and the City Council. He stated that he liked what they were proposing and
10 would like to see the City approve it. He said he believes it will be in good taste for the
11 neighborhood and also for the people on the lake.

12
13 Planner Quarles stated there were no people that called in to the meeting that have asked to speak
14 at the public hearing.

15
16 There being no additional comments on the application, Chair Stockton closed the public hearing
17 at 7:18 pm.

18
19 Chair Stockton asked for the Commission to share their thoughts and feedback on the application.

20
21 Commissioner Plantan commended the applicant and the architect for their work and narrative on
22 their proposal. She noted that all lakeshore properties are unique, and was not surprised to see the
23 variances that were needed. She stated that she remembered the variance requests made by Mr.
24 Pflaum, and noted that she thinks what makes Wayzata unique is this kind of unique structure.
25 She reiterated that she wanted to commend the architect for what they had done by replicating the
26 front of the building and including the conservatory in the middle. She noted that she felt the
27 juxtaposition of the architectural styles is actually pleasing to the eye, and feels what they are
28 proposing is a very nice treatment of the property. She stated that she did not have a problem with
29 the variance requests, and noted that she thinks they are fortunate to have owners that care so much
30 about the property that they would put this much care, attention, and detail into the architecture.
31 She stated that she also loves the tree canopies that will be preserved, which will also help them
32 keep the charm and appeal on the site.

33
34 Commissioner Sorensen stated that he would mirror much of what Commissioner Plantan had
35 shared. He stated that he would agree the designs have been very thoughtful in attempting to
36 maintain the integrity of the property and have been done very tastefully. He stated that related to
37 the comments made earlier in the meeting by Commissioner Schwalbe, he does feel the
38 Commission needs to be very careful about granting variances which is why they have criteria to
39 follow. He noted that on the surface, this is quite a big 'ask', but the depiction related to the tree
40 preservation plan of what would be left on this property if they complied with the setbacks was
41 important to see. He stated that the only way they can do this project is with the proposed
42 variances. He noted that what he thinks is hugely important is that the setbacks of the addition
43 will be very consistent with what is already there. He stated that he would also support granting
44 these variance requests.

45

1 Commissioner Severson stated that she is a bit torn on this application, and explained that she was
2 getting stuck on the fact that this is such a tiny lot and they would be adding a pretty large home
3 addition. She stated that what is being proposed just feels like a lot for this property. She noted
4 that she also loved this home and was glad it wasn't being torn down, but is concerned with the
5 proposed size and scope. She stated that she would have liked to see something a bit more
6 constrained.

7
8 Commissioner Sorensen stated that he thinks it is important to note that with the addition, the
9 impervious surface of the lot would be decreased, which he also felt was an important issue.

10
11 Chair Stockton stated that impervious surface is an important factor for her because it can have a
12 big impact with things like rainwater. She stated that she thinks it is very obvious to her how this
13 project tries to marry the existing structures, and noted that this property very unique and sits next
14 to a property that has already done something very similar. She stated that she really likes this and
15 feels it is one of the first projects she has seen that has really attempted to capture something that
16 exists and hits the nail on the head with the 'charm' aspect, but also modernizes the property. She
17 reviewed the criteria for consideration of the variance requests, and explained that she would be
18 in favor of approval.

19
20 Commissioner Schwalbe explained that she had been really conflicted about this request because
21 she knows the property, and loves the renderings that have been shown and believes that the
22 conservatory is especially nice. She noted that she also sees a beautiful building and elegant house
23 where there once was an adorable cottage. She stated that the work that has been put into the plans
24 are wonderful, but explained that she was just not wholeheartedly in favor. She asked if she could
25 abstain from voting on this request.

26
27 City Attorney Schelzel stated that it was possible for Commissioner Schwalbe to abstain from
28 voting.

29
30 Commissioner Severson asked what Commissioner Schwalbe was conflicted about.

31
32 Commissioner Schwalbe explained that she was conflicted about how close this is to the road and
33 the lake. She noted that she felt it was one thing to have a cottage be in this location rather than a
34 big long building such as being proposed. She stated that this was meant to be a gardener's cottage,
35 and this proposal makes it something else on this tiny strip of land. She stated that it may be
36 possible that she just wasn't in the 21st century yet.

37
38 Chair Stockton reminded the Commission that they needed to point back to the primary criteria
39 questions for consideration, and reviewed them aloud.

40
41 Commissioner Plantan stated that she did not think what was being proposed would actually alter
42 the site that much, and believes that sometimes renderings can be deceiving and misrepresent
43 things. She noted that she did not think the building would be that big because the height is the
44 same and will be further back from Bushaway Road than they are the adjacent neighbor to the
45 south.

1 Chair Stockton stated that she appreciated the height aspect being considered because other
2 approaches may have made this property seem even less ‘cottage-like’. She noted that from her
3 perspective these requests meet the primary criteria outlined in the packet.
4

5 Commissioner Sorensen stated that the other unique thing about this site is its secluded nature and
6 because of this he believes the impact to anyone will be minimal. He stated that the home will get
7 bigger along Bushaway, but is compliant with impervious surface requirements and reduces what
8 is currently there.
9

10 Community Development Director Goellner noted that typically an abstention is recommended if
11 there is a clear conflict of interest that has been discussed with the City Attorney, and also if they
12 feel that they lack sufficient information to make a decision. She stated that if those are not the
13 situation, she would recommend that all Commissioners vote on an approval or denial direction
14 this evening.
15

16 There being no further discussion, Chair Stockton asked for a motion on the application.
17

18 Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to direct staff to
19 prepare a draft Planning Commission Report and Recommendation with appropriate findings
20 reflecting a recommendation of approval of Front, Rear, and Lakeshore Setback Variances for an
21 Addition at 620 Bushaway Road for review and adoption at the next Planning Commission
22 meeting, with the condition that the updated Tree Replacement Plan submitted March 8, 2024 be
23 included in the application.
24

25 City Attorney Schelzel noted that the record will reflect the concerns and feedback that were raised
26 by each Commissioner, so the Council will understand the rationale behind the votes.
27

28 Community Development Director Goellner completed a roll call vote on the motion. Upon a
29 vote, the motion carried 4 ayes, 1 opposed (Commissioner Severson).
30

31 Chair Stockton recessed the meeting at 7:38 p.m. and reconvened at 7:44 p.m.
32

33 **b) Consider Development Application and Adopt Planning Commission Report and**
34 **Recommendation of Approval for a Medical Clinic Conditional Use Permit at**
35 **1905 Wayzata Boulevard East**
36

37 Assistant Planner, Valerie Quarles, stated that the owner, CWE, LLC, has submitted a
38 development application for a Conditional Use Permit for a medical clinic at 1905 Wayzata
39 Boulevard East. She reviewed the project location, surrounding zoning and land use, existing
40 conditions, prior entitlements, and details of the development application. She noted that no public
41 comments have been received regarding this application, and given the nature of the request, a
42 draft Planning Commission Report and Recommendation had been drafted for the Commission’s
43 consideration.
44

45 At the conclusion of Planner Quarles’s presentation, Chair Stockton asked if the Commission had
46 any questions for staff.

Commissioner Severson asked why the City wouldn't just amend the PUD to allow all of the uses that are currently allowed under the new City Code.

Planner Quarles stated that it is an option for the property owner but would not be initiated by staff.

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

Megan Rogers, Larkin Hoffman, representing the applicant, noted City staff had done an excellent job of explaining this situation and how they got here. She stated that they would be interested in taking the approach suggested by Commissioner Severson, however Dr. Ecker has a timeline for opening this project later this spring, subject to City approval, and the timeline for tonight's request matched better than the other process.

There being no questions from the Commission for the applicant, Chair Stockton opened the public hearing on the application at 7:54 pm.

There was no person present wishing to speak, and Planner Quarles stated there were no people that called in to the meeting that have asked to speak at the public hearing.

There being no one wishing to comment on the application, Chair Stockton closed the public hearing at 7:54 pm.

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

Commissioner Severson noted that this request is an easy 'yes' for her.

Commissioner Schwalbe stated that she agreed that this should be approved, and believes this will be the perfect location for this clinic.

Commissioner Sorensen stated that he felt staff did a good job of laying this situation out and concurs with their recommendations.

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

Commissioner Schwalbe made a motion, seconded by Commissioner Plantan, to adopt the Planning Commission Report and Recommendation reflecting a recommendation of approval of a Conditional Use Permit for a medical clinic at 1905 Wayzata Boulevard East. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a) Review of Development Activities

1 **b) Planning Commission Meeting Schedule**

2
3 Community Development Director Goellner noted that she had nothing new to report because
4 there are no development applications that were considered complete. She stated there are a few
5 that they are working on finalizing but wasn't sure what the upcoming meeting schedule will look
6 like, and will keep the Commission informed via e-mail. She noted that there are 3 planned
7 Commissioner absences for April 8, 2024, and would feel uncomfortable hosting a meeting with
8 just a quorum present, but noted that she will confirm the upcoming meeting schedule as soon as
9 possible.

10
11 Commissioner Schwalbe noted that she would be able to be here on April 22, 2024. She asked
12 what the Commission should do about their iPads that weren't properly working with the new
13 system.

14
15 Community Development Director Goellner suggested various options to get the technology
16 linked properly, and noted that staff can assist when necessary.

17
18 **AGENDA ITEM 7. Adjournment.**

19
20 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

21
22 Commissioner Severson made a motion, seconded by Commissioner Sorensen, to adjourn the
23 Planning Commission meeting.

24
25 The Planning Commission meeting was adjourned at 8:02 p.m.

26
27 Respectfully submitted,
28 Kayla Atkins Rokosz
29 *TimeSaver Off Site Secretarial, Inc.*
30