

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 20, 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 that outlined 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, Stockton, Sorensen, and Schwalbe. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant Planner Valerie Quarles, City Engineer Mike Kelly, and City Attorney David Schelzel were also present.

Absent at roll call were Commissioners: Elg and Severson.

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 Plantan, to approve the May 20, 2024 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the May 6, 2024 Planning Commission Meeting Minutes
- b.) Approval of Planning Commission Report and Recommendation of Approval for Setback Variance at 425 Highcroft Road

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

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

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

AGENDA ITEM 5. Public Hearing Item

a) Consider Development Application for Subdivision Approval and Variance to Cul-de-Sac Length at 565 Ferndale Road West (Ferndale Bluff)

Assistant Planner, Valerie Quarles, began the staff presentation and stated that the applicant had submitted a development application for approval of a Preliminary Plat and Subdivision Variance for property located at 565 Ferndale Road West. She reviewed the project location, the surrounding neighborhood zoning and land use, existing conditions, and prior review of this project, which included an environmental assessment worksheet (EAW).

Planning Consultant Eric Zweber reviewed details of the development application, and explained that the Applicant is looking to divide the existing lot into four riparian lots with private access to Peavey Pond and as part of that, create a new cul-de-sac to serve the new homes. He reviewed specifics related to the Preliminary Plat for each proposed lot, concepts for home placement on the lots, side lot lines, setbacks, bluffs and steep slopes, protected areas, and tree removal/replacement plans. He reviewed details of the subdivision variance request related to the street, including the length of the proposed cul-de-sac, grading and retaining walls, and the outlot. He noted that the City Engineer has reviewed the documents and had no additional comments for analysis of the Preliminary Plat.

Community Development Director Goellner reviewed the noticing that took place for the application and Public Hearing. She stated that the City received five public comments on the application, and all were opposed. She explained that the comments cited environmental impacts, number of lots, impact to Peavey Pond, length of the road, tree impacts, land disturbance, and construction traffic as reasons for their opposition. She highlighted the applicable City Code and questions for the Commission to consider in reviewing the application for both the Preliminary Plat and the Subdivision variance.

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

Commissioner Schwalbe asked about the length of the proposed cul-de-sac and why the City had chosen to limit the length of a cul-de-sac to 600 feet in the Code.

City Engineer Mike Kelly explained that the City Code was put together before any of the current staff was with the City, so he was not sure how they came to the decision that the maximum length of a cul-de-sac should be 600 feet. He noted that there are cul-de-sacs within the City and the surrounding communities that are longer than 600 feet.

Commissioner Schwalbe asked if that meant there was not a safety concern associated with a longer cul-de-sac length.

City Engineer Kelly reiterated that he was not sure how the City came to the decision to have the maximum length allowed be 600 feet.

1 Community Development Director Goellner noted that staff cannot theorize about what the intent
2 was of the Code writers in the past, but explained that many of the City's blocks are around 600
3 feet, which may have factored into their analysis.

4
5 Commissioner Sorensen asked if the road and cul-de-sac would be public roadways.

6
7 Community Development Director Goellner stated that the road and cul-de-sac would be a public
8 roadway.

9
10 Commissioner Sorensen asked who would pay for the construction of the roadway.

11
12 Community Development Director Goellner explained that the exact answer to that question would
13 be clarified during the Development Agreement process with the applicant, but noted that typically
14 the developer covers the cost of this type of construction.

15
16 Commissioner Sorensen asked if there would be an excess of materials to be hauled off the site.

17
18 Community Development Director Goellner stated that would have to be answered by the
19 applicant.

20
21 Chair Stockton asked about the reference made in the presentation to the order of building each
22 planned home and the differing impacts associated with the order. She asked if staff could review
23 that information again so she could understand it better.

24
25 Planning Consultant Zweber gave another overview of the impacts to the proposed lots, building
26 sites, and setbacks and the order of construction.

27
28 Chair Stockton asked if there was essentially an inter-reliance on the sequence of the houses
29 because of the order of building which would not be a controllable or foreseeable event.

30
31 Planning Consultant Zweber stated that the applicant is not proposing any restrictions on the order
32 in which the homes are constructed.

33
34 Chair Stockton noted that would mean the order they are built could impact the homes in a
35 detrimental way.

36
37 Planning Consultant Zweber stated that was correct, and explained that the potential detriment
38 would be to the building pad and amount of buildable area.

39
40 Commissioner Schwalbe asked if lots 1 and 4 were built upon first if it would be possible that lots
41 2 and 3 would ask for a variance.

42
43 Planning Consultant Zweber stated that anyone who owns a property can ask for a variance. He
44 explained that one of the City's Subdivision ordinance standards is that the proposed subdivision
45 does not require a future variance. He stated that this means if the City knows that a variance will
46 be required, a finding could be made that the proposed subdivision violates that section of the code.

1 He noted that the owner of the subject property has demonstrated that there is an order that they
2 could be constructed and comply with City Code. He stated, however, that they are also aware
3 that to make similar sized building pads could require and trigger a request for variances. He
4 referenced pages 95-102 of the packet which outlined scenarios related to the order the homes are
5 built.

6
7 Commissioner Plantan asked about the approximate building pad sizes that were included in the
8 information presented to the Commission.

9
10 Planning Consultant Zweber stated that the diagram depicted them as 50 feet deep by 100 feet
11 long.

12
13 Commissioner Schwalbe noted that would be a pretty good sized building pad because that is
14 essentially 5,000 sq. ft. for just one level.

15
16 Planning Consultant Zweber stated that was correct, but noted that it is likely that the garage space
17 would be included in the building pad.

18
19 Commissioner Schwalbe noted that Peavey Pond is considered an impaired lake by the State and
20 asked what made it 'impaired'. She asked what the City felt may be the result of having 4
21 additional homes located there.

22
23 Community Development Director Goellner noted that there are many impaired waters found in
24 the State due to pollutants from development over time, and noted that the applicant has a
25 stormwater mitigation plan.

26
27 City Engineer Kelly explained that Peavey Pond is impaired for chlorides, which is usually due to
28 salt from the roadways. He stated that he would not see adverse impacts to Peavey Pond from
29 adding 4 additional homes.

30
31 There being no further questions for staff, Chair Stockton invited the applicant to address the
32 Commission.

33
34 Samantha Capen Muldoon, 1801 West Farm Road, Long Lake, MN, explained that she was the
35 owner and developer for this application.

36
37 Mike Steadman, 401 Lake Street East, stated that he was with Compass Real Estate and has
38 specialized in new construction and land development for the last 30 years. He noted that he had
39 been involved in the development of several projects in the Lake Minnetonka area, such as Locust
40 Hills and Shoreline Estates. He reviewed the background and experience of the individuals on the
41 development team for this property, and noted that they had been working on this application with
42 City staff for over two years. He stated that Ms. Muldoon and her sisters own the property, and
43 explained that Ms. Muldoon was here representing the family at tonight's meeting.

44
45 Ms. Muldoon explained that she intended to take the Commission through the 'who, where, what,
46 and why' of the property and the requests. She stated that her parents purchased the property in

1 1964 and raised their family there, but explained that she and her sisters currently own the property
2 and were proposing this development. She gave a brief overview of education and community
3 involvement of herself and her two sisters, and explained that they have put together a team of
4 seasoned local experts for this project. She stated that they are proposing a small scale subdivision,
5 and noted that there are currently two homes on the property and they are proposing to divide this
6 into four lots. She explained that they were not proposing to do any of the building of either the
7 homes or the driveways, and what was presented in the application was intended to simply
8 demonstrate feasibility. She stated that they were also seeking a variance for the length of the
9 proposed cul-de-sac, and noted that what they are proposing is responsive to the topography and
10 would impact fewer trees and require less grading. She noted that they strongly believe that the
11 variance would make for a better project overall, in relation to the environment. She stated that
12 they have also met multiple times with the neighbors and have tried to be responsive to their
13 concerns. She noted that they are empathetic to their concerns, but explained that they are the
14 same concerns they had when the neighbors were building their homes and adding things like
15 docks and roads. She reiterated that they have been working with the City for the past two years
16 on this proposal and noted that they were proposing 4 lots on a parcel of land that is almost 12
17 acres in size which she felt was consistent with the existing scale and character of the
18 neighborhood.

19
20 At the conclusion of Ms. Muldoon's remarks, Chair Stockton asked if the Commissioners had
21 questions for the applicant.

22
23 Commissioner Sorensen asked if there had been calculations done on the volume of material to be
24 hauled off the site.

25
26 Ms. Muldoon stated that Mark Gronberg, from their development team can answer that question,
27 but noted that they have an extremely deep two-story basement in the existing home which has not
28 yet been factored into the grading plan because it will need to be filled.

29
30 Applicant's engineer, Mark Gronberg, Gronberg and Associates Engineers and Surveyors, located
31 at 445 Willow Dr N, Long Lake, MN, stated that they had done an analysis of the grading for both
32 the 600-foot cul-de-sac and the proposed 726-foot cul-de-sac. He noted that when they increased
33 the proposed roadway length, it went down from 9,600 to 3,900 cubic yards. He explained that
34 Ms. Muldoon was correct that the 3,900 cubic yard measurement did not account for filling in the
35 basement that that kind of work. He stated that there will be some fill taken off site, but would
36 estimate that it will end up being around 1,500-2,000 cubic yards of material.

37
38 Commissioner Sorensen asked if he had understood correctly that for the 600-foot cul-de-sac, it
39 would be 3,900 cubic yards of material.

40
41 Mr. Gronberg clarified that for the 600-foot cul-de-sac it would be 9,600 cubic yards of material
42 and with the proposed 726 foot cul-de-sac, it would be 3,900 cubic yards of material. He stated
43 that if they place the cul-de-sac near the guest house like they are proposing, it is much more flat
44 and would also save a lot of the trees.

1 Commissioner Schwalbe stated that she had taken a look at the property, and asked if the current
2 gravel driveway would go back to nature if these plans are approved.

3
4 Ms. Muldoon stated that it was not their intention to use the gravel driveway for anything.

5
6 Commissioner Schwalbe asked if each lot would have their own individual access to the lake, and
7 asked how that would work because, for example, Lot 1 was quite a ways from the lake.

8
9 Mr. Steadman stated that each lot would have their own access to the lake.

10
11 Ms. Muldoon explained that Lot 1 is dry land, so they would be able to walk down to the dock and
12 get to the lake. She explained that was what she and her family have done over the years, and
13 noted that they walk through the woods or use the current gravel road.

14
15 Commissioner Schwalbe asked if the other lots would have a stairway down to the lake.

16
17 Ms. Muldoon explained that there is one stairway that is currently there and noted that she assumed
18 that Lot 4 would not end up needing a stairway because it is fairly level to the lake, but Lot 2 would
19 need a stairway.

20
21 Commissioner Schwalbe asked if they anticipated that each lot would have their own dock area.

22
23 Ms. Muldoon explained that they were not putting in docks, but wanted to make the opportunity
24 available to people who bought the properties. She stated that each lot, as they are currently
25 delineated, has room for a dock which would be compliant with the setbacks.

26
27 Commissioner Schwalbe asked if the Muldoon family had planted many of the trees.

28
29 Ms. Muldoon answered that her mother had never met a tree that she did not want to try to keep,
30 and noted that her mother and father had battled over keeping the trees. She stated that she knows
31 that they planted some of the trees on the top and near the home, but believed that the wooded area
32 was just natural, because her parents did not believe in cutting down trees.

33
34 Commissioner Schwalbe stated that her observation was that the forest has a lot of trees, and a lot
35 of volunteer trees coming up around all of the bigger trees along with ferns, brush, and moss. She
36 stated that she felt that allowing more sunshine in the area may be a good thing because it almost
37 had a 'moldy' feel about it.

38
39 Commissioner Plantan asked how the applicant had determined that they wanted to subdivide this
40 into 4 lots.

41
42 Ms. Muldoon stated that earlier in this process had hired a surveyor that had proposed they
43 subdivide it into 6 lots, but they were uncomfortable with that amount. She stated that they also
44 had not realized the setback and bluff constraints when they were working with the first surveyor.
45 She stated that when they hired Mr. Gronberg, he helped them refine the plans and came up with
46 the 4 lot proposal.

1
2 Chair Stockton asked about the potential distance to the water from Lot 1.
3

4 Ms. Muldoon referenced the potential building pad that was depicted in the packet and showed the
5 most likely walking pathway. She noted that they have no way of knowing if whoever purchases
6 that lot will want to have a dock or have watercraft.
7

8 Commissioner Sorensen asked if Lots 1 and 2 would have to traverse over wetland to get to the
9 lake and if that mean putting in a boardwalk.
10

11 Ms. Muldoon explained that there are wetland areas and noted that there could be a dock to traverse
12 the wetlands, but noted that the EAW found that the effects of putting in dock over the wetlands
13 would be negligible, temporary, and would not cause an environmental issue.
14

15 Ms. Steadman explained that there are several boardwalks on Peavey Pond for people to get access
16 to their docks.
17

18 Ms. Muldoon noted that most of the docks on Peavey Pond are in excess of what the allowed
19 length is, and some of the residents also have long, permanent staircases.
20

21 Community Development Director Goellner noted that there was still one unanswered
22 Commission question about the distance from the building pad to the shore.
23

24 Ms. Muldoon explained that from the dry land of Lot 1 to the slip on the dock it would be about
25 130 feet, and is 500 feet from the home. She reminded the Commission that the house location
26 shown was just a placeholder because they would not be constructing the homes or the driveways.
27

28 Chair Stockton asked the applicant to elaborate on the order of builds and the impact that would
29 potentially have.
30

31 Ms. Muldoon stated that they submitted a variety of different scenarios to the City where the order
32 of build would not negatively impact any of the properties.
33

34 Applicant's consultant, Brad Scheib, HKGI, 800 Washington Avenue N, Minneapolis, referenced
35 the PDF report that they had submitted to the City that showed the different scenarios that would
36 work. He noted that there are multiple sequences that would work and reviewed some of the
37 possible phasing sequences that would work with little to no problems.
38

39 Commissioner Plantan stated that it appears as though the building pads were depicted in their
40 proposed location due to the grade.
41

42 Mr. Scheib explained that the building pads were shown in a way to minimize the impact on trees,
43 and also locate them in the flattest locations in order to also minimize the impact on the grade.
44

1 Ms. Muldoon noted that the building pad for Lot 2 is in an area where there is currently driveway,
2 Lot 3 is in the current backyard, which is a green lawn that does not have trees, and Lot 1 is in
3 woods, but it is a flat area.

4
5 There being no additional questions from the Commission for the applicant, Chair Stockton opened
6 the public hearing on the application at 7:17 pm.

7
8 Sue Schwalbach, 510 Ferndale Road West, she stated that a building pad is different than a building
9 envelope so when you look at what was portrayed on the plat, they cannot assume that someone
10 will build a rectangle shaped home. She stated that there could be a complex interference with
11 these lots after they are sold. She noted that she would be curious whether a realtor would feel
12 comfortable selling the most difficult lot first, and asked what would happen if the buyers end up
13 wanting to build on all four lots at the same time. She stated that she has been trying to understand
14 how they can feel comfortable trying to put 4 homes on this property because it is extremely
15 complex. She stated that she had read all the documents that have been put out including the EAW,
16 supporting documents, and the staff report and felt that it just gets murkier and more complex as
17 it goes along. She stated that she felt the Capen sisters should be able to develop their property
18 but felt that this proposal seemed almost unbelievable. She stated that in order for the Commission
19 to understand more about the proposed length of the cul-de-sac, she suggested that they envision
20 starting at the east end of Cov on Lake Street and walking westward to the Ben and Jerry's
21 intersection. She stated that this roadway would cover more than an acre with the hard cover due
22 to its length and width. She stated that the question of fill has come up in the past, and noted that
23 she understands that their plans may have changed, but from what she has calculated, there could
24 be anywhere from 487 to 784, 10-ton truckloads that would be involved in getting the land ready.
25 She stated that some people like the dark wooded areas and proceeded to share with the
26 Commission a few props that showed the equivalent of a 4 inch tree and a 2 inch tree. She reviewed
27 some of the details of the proposed tree replacement plan, and noted that the City has put a lot of
28 time and effort into creating a tree ordinance and questioned how they would consider using this
29 proposal to mitigate all the planned removal, and explained that she did not feel good about that
30 approach.

31
32 Phil Soran, 532 Ferndale Road West, stated that he lives right across the street from the proposed
33 development. He stated that Ms. Schwalbach had touched on some of his concerns already. He
34 noted that his number one objection was doing a subdivision here, and asked why they were
35 planning for a road that has gutters and is wider than most of the roads in the community for 4
36 homes. He stated that the proposed road goes right into their driveway, so he also had concerns
37 about safety for his family along with their property values. He stated that he had done a quick
38 estimate and found that within the first 15 feet of the property they will probably lose about 25
39 trees. He expressed doubt that the total of 85 trees indicated was really the right number for just
40 the impact from the road. He stated that once they did the building pads, he feels that this will
41 impact a lot of trees, and noted that fee in lieu will not cover what is lost. He stated that this is a
42 very complex project, and stated that he felt that leadership from the Planning Commission and
43 the City Council was needed. He agreed that the Capen's should be able to monetize their property,
44 but said he would like to see some changes made so the impacts will be minimized.

1 Don Birdsong, 621 Ferndale Road West, stated that they have 650 feet of abutted property line
2 that runs to the west of this property. He stated that they moved to their property in 2005 after
3 purchasing it in 2003. He stated that during their construction, they kept the same driveway, same
4 retaining walls, and did not remove any trees. He explained that they removed an uninhabitable
5 conditional use home and built their current home. He stated that they built a circular drive to
6 ensure that service vehicles and emergency vehicles could safely access the property. He stated
7 that in 2006, they completed a conditional use property that was used by Ms. Muldoon's parents
8 for caregiving for her parents. He stated that they constructed their new home in the same location
9 as the prior home, and explained that they own 450 feet of frontage on Ferndale Road and own 5
10 acres of land. He stated that there is an existing house at 565 Ferndale Road with a conditional
11 use which is also what their property has. He asked why the proposal had a road coming within
12 10 feet of his property. He highlighted a few things from the proposal that are impacting his
13 property including the road location that will remove 89 trees for the roadway and 3,900 cubic
14 yards of material. He stated that it will require 2,500 cubic yards of fill on the back end to get to
15 the cul-de-sac which means there is a significant amount of activity for the road. He stated that he
16 did not believe that the applicant actually wanted to put the roadway within 10 feet of their
17 property, but thinks it is actually a situation where that is where they 'have' to put the roadway.
18 He noted that there are three key bluff setback points on the property which really constrict the
19 ability to place the building pads, and he believes that they make everything have to move in his
20 direction, rather than to the east. He stated that he took exception to the explanation for the request
21 for a variance for the length of the cul-de-sac being done to preserve the topography. He invited
22 the Commission to come out to look at the area, and explained that there is a massive hole that
23 runs between the current driveway and the guest house which is probably about 15 feet deep. He
24 stated that if they fill that hole, because they are in a wetland area, it will end up pushing water
25 towards his property and a corner of their guest house. He noted that the applicant had referenced
26 City Code 1003.02. He read aloud language from this section of the code and stated that he does
27 not believe that the applicant has complied with that requirement to be located with respect to
28 natural topography, minimize filling and grading, or the plans for trees. He explained that they
29 believe the proposed plan adversely impacts the scale pattern of the neighborhood, and believe
30 that this proposal should be denied. He noted that he felt that the City and the applicant should
31 work together to come up with a plan that does not so severely impact the street, for example, find
32 a way to utilize an existing private driveway and get in a similar number of homes in that would
33 not be required to be R-1A.

34
35 Chair Stockton stated that his allowed time was up and asked him to finish his statements.

36
37 Mr. Birdsong stated that he felt it was unfair that the residents in the public hearing were not being
38 given sufficient time to share their statements about a project that will have a significant impact
39 on the area.

40
41 Tom Hall, 459 Ferndale Woods, stated that they are the neighbors to the west of this property and
42 have enjoyed having the Capen's as their neighbors. He explained that his concern was the
43 creation of 4 lots, where in the past there has just been 1 lot. He stated that the consequences will
44 be increased street traffic, pond traffic, additional residential noise, as well as some environmental
45 impacts on the wildlife. He explained that his primary concern is the 4 access points on Peavey

1 Pond, and noted that for several decades this was a spawning area which had limited boat access.
2 He stated that it really is a pond by its character and they would like to preserve that character.

3
4 Steve Hemsley, 622 Ferndale, stated that he aligns with the other comments that have been shared,
5 along with about 20 others in the immediate community that oppose these plans and this level of
6 development. He stated that he felt if the Commission had actually been to the property and seen
7 its topography, the notion of advancing a 'subdivision' into this community would be dismissed,
8 out of hand. He stated that he could not agree with the notion of putting in a roadway and
9 developing it in this manner because it would disturb the character and aesthetics of the community
10 and impact the environment. He stated that he believes it is clear that the level of development
11 being suggested is too aggressive, and he would like to see a more responsible approach to
12 developing the property.

13
14 Geoff Martha, 520 Ferndale Road, stated that his family are one of the newer members of the
15 neighborhood because they have only been there about 3 years. He stated that one of the reasons
16 they purchased here was the serene nature of the area. He noted that they do get a lot of walkers,
17 runners and bikers, but they do not get a lot of traffic, which will dramatically change if this
18 proposal is approved. He stated that he did not want to repeat the concerns that have already been
19 raised, but would say that the scale of this proposal seems very aggressive. He stated that he was
20 concerned about property values, but also the disruption it will cause in the area for years to come.
21 He stated that it has been interesting to hear all of the technical details that have been presented,
22 but noted that when you take a step back, he does not understand how it will all actually work or
23 how this can actually be done.

24
25 Community Development Director Goellner stated that no one had called in to the meeting via
26 Zoom that had asked to speak at the public hearing.

27
28 There being no additional comments on the application, Chair Stockton closed the public hearing
29 at 7:39 pm.

30
31 Chair Stockton asked for the Commission to share their thoughts and feedback on the application.

32
33 Commissioner Schwalbe stated that the roadway placement seemed awfully close to the
34 neighboring property. She asked that if they were to stick with the original road placement and
35 just have it be a driveway, if it would be possible to have 3 or 4 cuts off of it for the other driveways.
36 She asked if this had to be a City road in order to have those lots there.

37
38 Community Development Director Goellner explained that the short answer would be 'yes'.

39
40 Planning Consultant Zweber stated that a public road is required in any subdivision that is not a
41 Planned Unit Development (PUD), which was discussed with the applicant as a different option.
42 He stated that the City Code requires any subdivision to have a new public road that has curb and
43 gutter, 26 feet wide, and with 50 feet of right-of-way. He stated that even if, for example, they
44 subdivided this property into just two lots, in R-1A, they would require a public roadway. He
45 noted that there is a minor subdivision or lot split provision in the City Code that would allow for
46 two lots, but one of the conditions would be that both lots that are created are within 125% of the

1 minimum lot size and this lot is too large for that process. He explained that unless they applied
2 for a planned unit development the code requires that they have a public roadway.

3
4 Commissioner Schwalbe asked if a PUD had been discussed with the applicant.

5
6 Planning Consultant Zweber explained that they had identified that section of the code to the
7 applicant.

8
9 Community Development Director Goellner stated that the PUD option is a completely different
10 process that has completely different criteria. She noted that in looking at the zoning map, there
11 are no other PUDs in this area, which was discussed with the applicant. She noted that that she felt
12 that the City's subdivision ordinance was the most appropriate mechanism for managing
13 thoughtful development within the community and residential neighborhoods, and felt that the City
14 should continue to work with the applicant on a subdivision application. She stated that she
15 understands that there are a lot of private driveways put in in the past, but that is not what the
16 subdivision ordinance allows at this time.

17
18 Chair Stockton asked if there was any restriction with a public roadway on how close it can be to
19 someone's property line.

20
21 Planning Consultant Zweber noted that the edge of the right-of-way can be at the property line,
22 but the road itself cannot be.

23
24 Chair Stockton asked if that meant that the proposed roadway conformed to those requirements.

25
26 Community Development Director Goellner confirmed that it did conform to those requirements.

27
28 Commissioner Plantan stated that there was mention of a 2-lot split but variances would be
29 required, and asked what would be required if it was not under the R-1A.

30
31 Planning Consultant Zweber reiterated that a lot split can occur when both lots are within 125%
32 of the minimum lot size so in this case, the minimum lot size is 80,000 square feet. He explained
33 that this meant that each lot could not be larger than 100,000 square feet. He stated that 3 of the
34 proposed lots are at 80,000 square feet and that last one is 214,000 square feet, so it would not
35 meet the standard for a 2 lot split.

36
37 Assistant Planner Quarles explained that Mr. Zweber was describing the difference between a
38 minor and a major subdivision. She stated that minor subdivisions are handled administratively
39 through staff, and major ones come to the Commission and Council. She stated that in terms of
40 whether a 2-lot subdivision would be compliant without the need for any variances, they would
41 have to analyze this in greater detail, but, at first glance, the frontage on Ferndale Road today is
42 just over 200 feet, so, at minimum, they would need to discuss a lot width variance in order to fit
43 in 2 lots that both had frontage on Ferndale Road.

44
45 Chair Stockton noted that the proposed lot shapes are unique.

46

1 Planning Consultant Zweber stated that the City Code requirements for side lot lines are that they
2 be at right angles to the street line and that they are radial to the lakeshore. He reviewed the various
3 segments of the proposed lot lines.

4
5 Chair Stockton asked if the purpose of the lot shapes was to increase the access for each lot to
6 Peavey Pond, similar to what would be done to fit lots around a cul-de-sac.

7
8 Planning Consultant Zweber stated that he would defer to the applicant's testimony, but
9 acknowledged that was his understanding.

10
11 Commissioner Sorensen stated that he applauds the residents for coming in to share their concerns,
12 and also the applicant for the effort that they put into their very thorough application. He stated
13 that many of the things pointed out by the applicant comply with the City's subdivision ordinance
14 requirements. He stated that while he can understand that there are a lot of things that support
15 developing this property as they are proposing, he also feels it important to step back from some
16 of those more granular issues and consider things like lot size and the actual land available, which
17 he sees as a practical issue. He stated that the lot configuration has already had a lot of discussion
18 tonight, and the proposal shows significant variance from what is really desirable. He stated that
19 it was not discussed, but he believes that there were some issues with the parking area grade, as
20 well as protected areas with steep slopes and bluffs. He stated that the punchline of what had been
21 presented by the applicant's consultant was that this proposal 'may' work but it also may result in
22 a situation that would require a variance, which he feels the Commission should consider. He
23 stated that he understands that there is a desire to give all 4 lots access to Peavey Pond but that
24 requires the irregular shaped lots. He explained that in thinking about this, they need to think about
25 it in terms of the criteria that the Commission had been given from the ordinance, and read aloud
26 a few of the criteria outlined in the staff report. He stated that, to him, it appears as though they
27 are trying really hard to get 4 lots that all have water access, which may actually be trying a little
28 bit too hard. He stated that depending on what happens with the Commission this evening, he
29 would hope that the applicant heard what had been shared tonight.

30
31 Commissioner Plantan stated that the applicants' submission was very detailed and had taken a
32 long time to review. She stated that she was intrigued with all the care that went into the location
33 of the building pads and grading. She noted that sometimes when there are so many 'challenges'
34 and you can meet some of them, that does not always mean that you 'should'. She shared that
35 something about this proposal does not feel quite right, and noted that in reviewing the questions
36 the Commission is to consider, she felt that there is an impact to the neighbors from this proposal
37 and wished there was a way to consider 2 or 3 lots rather than 4. She stated that she did not see a
38 subdivision like this in this neighborhood at this time, and would like to have additional discussion
39 on that.

40
41 Commissioner Schwalbe stated that she also felt this proposal was taking a lot of 'massaging' in
42 order to get 4 lots on this parcel. She stated that she was particularly worried about the road and
43 how close it would be located to the neighbor to the west, and that Lot 1 requires such a gyration
44 and odd shape in order to get it down to the water. She explained that she felt that there was a bit
45 more work that needed to be done before this application should move forward. She stated that
46 she would like to see a bit more consideration for the neighbors and the reasons behind their

1 objections, and then have it brought back before the Commission because she did not feel what
2 was presented tonight was ready to go.

3
4 Chair Stockton stated that the Commission had not yet discussed the proposed driveways and how
5 steep they are, which would also not be in compliance.

6
7 Community Development Director Goellner stated that the demonstration of a few of the
8 driveways were not able to show slope that was less than 18%.

9
10 Planning Consultant Zweber stated that there are really two or three standards that they are looking
11 at and explained that the driveway itself, by City Code, cannot be more than 10% in grade. He
12 noted that all 4 driveways that have been illustrated are 10% or less. But he also noted that there
13 is another standard related to parking area, and explained that what staff had pointed out in the
14 presentation was that for the driveways depicted, as part of the subdivision, the Preliminary Plat
15 needed to demonstrate that construction was not required in an area of 18% or higher slope. He
16 stated that for 3 of the driveways, there is a slope of 18% or higher between the proposed public
17 road and what would be the building pad.

18
19 Chair Stockton stated that she agreed with the comments that the Commission has already made
20 about this application. She stated that what is filtering to the top for her is a few technicalities,
21 including that there are 3 driveways and a building pad that have a slope of over 18% and also 3
22 potential orders of events with relation to building the homes that would work, but an unknown
23 number of other variations that may impact future use and require variance requests for the lots.

24
25 Commissioner Plantan stated that she felt those comments addressed the question of whether the
26 4 lots were reasonable and acceptable.

27
28 Chair Stockton agreed and also referenced the shape of the lots. She explained that she appreciated
29 the desire for access to the lake because it is a wonderful resource, but the efforts to get there seem
30 excessive and overly complex.

31
32 Commissioner Sorensen stated that he felt it would be appropriate to recognize the uniqueness of
33 this property because this is a wonderful piece of property that has great development potential.
34 He noted that what the applicant should be hearing tonight is that there are challenges with their
35 current proposal that he feels could be greatly reduced or eliminated with a less aggressive
36 proposal.

37
38 Community Development Director Goellner asked if the Commission had any additional thoughts
39 on the radial lot lines.

40
41 Chair Stockton stated that she understood what staff had outlined regarding the radial lot lines, and
42 explained that the reason she was a bit hung up on this was because she sees a flag shape to the lot
43 which may end up overcrowding Peavey Pond. She stated that she understands it is a different use
44 than a flag shaped lot on a cul-de-sac, but felt the logic was essentially the same and she was not
45 comfortable with that impact.

46

1 Community Development Director Goellner suggested that the Commission move their discussion
2 onto the variance request regarding the length of the cul-de-sac.

3
4 Commissioner Schwalbe asked if, by agreeing to the variance request, if that also meant agreeing
5 to the road location and placement.

6
7 Community Development Director Goellner explained that the best way to think about this request
8 was that it is associated with the Preliminary Plat, so approval of only this piece would not really
9 relate to any actual building of a street. She stated that she did not see a practical scenario where
10 this piece moves forward in any kind of way without a Preliminary Plat.

11
12 Commissioner Schwalbe stated then it would seem premature to approve something like this
13 variance request.

14
15 City Attorney Schelzel reminded the Commission that they were here to make a recommendation
16 and not to approve anything. He explained that one of the reasons that it was important to discuss
17 the variance request and have it included in the Planning Commission Report and
18 Recommendation was to ensure the City Council understands the Commission's thinking. He
19 stated that he agreed with Community Development Director Goellner assessment that approving
20 the variance request without a Preliminary Plat would be moot.

21
22 Commissioner Plantan stated in reviewing the criteria for the variance, she did not think that
23 extending the cul-de-sac would correct any of the inequities. She stated that what they are
24 proposing is very close to the adjacent property, and would also not help correct the 18% grade to
25 the lots.

26
27 City Attorney Schelzel explained to those in the audience that the Planning Commission was an
28 advisory body to the City Council, and that the next step in the process was for the Commission to
29 direct staff to prepare a draft Planning Commission Report and Recommendation in which staff
30 will capture the comments that were made during the meeting and articulate findings based on the
31 subdivision criteria. He stated that this draft report will come back to the Commission at their next
32 meeting for review and adoption, and then it will move on to the Council for their consideration
33 and decision.

34
35 There being no further discussion, Chair Stockton asked for a motion on the application.

36
37 Commissioner Schwalbe made a motion, seconded by Commissioner Sorensen, to direct staff to
38 prepare a draft Planning Commission Report and Recommendation with appropriate findings
39 reflecting a recommendation of denial of the Subdivision Request and Variance to Cul-de-Sac
40 Length (Ferndale Bluff) at 565 Ferndale Road West, for review and adoption at the next Planning
41 Commission meeting.

42
43 The motion carried unanimously.

44
45 **AGENDA ITEM 6. Other Items:**

46

1 **a) Review of Development Activities**

2
3 Community Development Director Goellner noted that the Commission should have been able to
4 see the progress happening at the Wells Fargo site, and explained that she thinks the bank will
5 open in July. She noted that demolition of the existing building may happen this fall, and reminded
6 residents that project updates were available on the City website.

7
8 **b) Planning Commissioner Meeting Schedule**

9
10 Community Development Director Goellner stated that there will be a Planning Commission
11 meeting on June 3, 2024. She noted that there will be one public hearing for a home on Rice Street
12 that has requested variances for landscape improvements. She explained that she was currently
13 anticipating that the June 17, 2024 meeting may be cancelled because of potential attendance
14 issues.

15
16 **AGENDA ITEM 7. Adjournment.**

17
18 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

19
20 Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to adjourn the
21 Planning Commission meeting. The motion carried unanimously.

22
23 The Planning Commission meeting was adjourned at 8:47 p.m.

24
25 Respectfully submitted,
26 Kayla Atkins Rokosz
27 *TimeSaver Off Site Secretarial, Inc.*
28