

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, February 24, 2025

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Teams Meeting](#)

Meeting ID: 262 125 416 247 Passcode: zQ6v6Tt6

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



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

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

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting and Workshop Minutes of February 10, 2025
5. **Public Hearing Items**
 - a. Consider Development Application for Preliminary Plat at 565 Ferndale Road West (Ferndale Bluff)
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:

City Council - March 4, 2025

Planning Commission - March 10, 2025

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 24, 2025	AGENDA ITEM: 4.a
TITLE: Approval of Meeting and Workshop Minutes of February 10, 2025	
PREPARED BY: Valerie Quarles, City Planner	
REVIEWED BY: Eric Zweber, Planning Consultant	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the regular meeting and workshop minutes of February 10, 2025.

ATTACHMENTS:

1. Planning Commission Meeting Minutes of February 10, 2025
2. Planning Commission Workshop Minutes of February 10, 2025

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 10, 2025**

AGENDA ITEM 1. Call to Order

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

Chair Cameron read a prepared statement that outlined multiple options for joining remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

Chair Cameron asked City Planner Quarles to take roll call.

Present at roll call were Commissioners: Plantan, Schwalbe, Severson, Cameron, VanLoy, and Ankeny. City Planner Valerie Quarles, Planning Consultant Eric Zweber, and City Attorney David Schelzel were also present.

Member absent: Commissioner Elg (with prior notice)

a. Welcome New Commissioner Sue Ankeny

Commissioner Ankeny explained that she had previously served on the Heritage Preservation Board and was excited to be able to serve on the Planning Commission.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Plantan made a motion, seconded by Commissioner Schwalbe to approve the February 10, 2025 agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the January 6, 2025 Planning Commission Meeting Minutes

Chair Cameron read the item on the consent agenda and asked if any Commissioner wished to pull an item for further discussion. He noted one typographical error within the minutes.

Chair Cameron asked for a motion to approve the Consent Agenda as amended.

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

The motion carried unanimously.

AGENDA ITEM 5. Other Items:

a) Review of Development Activities

Planning Consultant Zweber stated that at the next Planning Commission meeting they will review the Ferndale Bluffs subdivision which had changed a bit since they had last seen the proposal. He noted that during one of their March meetings they will review the resubmitted plans for the 200 Lake Street site. He stated that the Commission should have seen some e-mails related to the Carisch building and the former Caribou coffee site and noted that the City has been receiving inquiries about the plans.

Commissioner Schwalbe asked if there had been any businesses that have contracted or inquired about the space at the Carisch building.

Ms. Quarles explained that her understanding was that the upper story would be office space, and may also take up some of the space on the first floor. She stated that outside of that there will be some additional space on the first floor but was unsure if that would be retail space or some small take-away food establishment.

Commissioner VanLoy asked about Ferndale Bluff and its location.

Ms. Quarles explained that it is located on the north side of Ferndale Road West just before reaching Orono. She outlined their previous proposal and explained that the Planning Commission had recommended denial and the applicant had withdrawn their original proposal. She explained that they have now refined their proposal and would be bringing it back to the Planning Commission at their February 24, 2025 meeting.

b) Planning Commission Meeting Schedule

Chair Cameron noted that the next meeting would be on February 24, 2025.

AGENDA ITEM 6. Adjournment.

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

Commissioner Schwalbe made a motion, seconded by Commissioner VanLoy to adjourn the Planning Commission meeting.

The motion carried unanimously.

The Planning Commission meeting was adjourned at 6:39 p.m.

1
2 Respectfully submitted,
3 Kayla Atkins Rokosz
4 *TimeSaver Off Site Secretarial, Inc.*
5

DRAFT

**WAYZATA PLANNING COMMISSION
WORKSHOP MINUTES
FEBRUARY 10, 2025**

AGENDA ITEM 1. Call to Order

Chair Cameron called the meeting to order at 6:45 p.m. The same Commissioners and staff members who had been present at the regular meeting were present at the workshop.

AGENDA ITEM 2. Annual Planning Commission Training

City Attorney Schelzel presented the annual Planning Commission training. The presentation included details on the roles of the Planning Commission, staff, the public, and applicants; different types of land use applications and the levels of discretion associated with them; and how a Planning Commission meeting is typically run. Commissioners asked questions about the Open Meetings Law, how to interact with potential applicants, and how to handle applications with multiple requests. The end of the workshop served as an open forum for Planning Commissioners to ask further questions of staff.

AGENDA ITEM 3. Adjournment

The Planning Commission meeting was adjourned at 8:10 p.m.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 24, 2025	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Preliminary Plat at 565 Ferndale Road West (Ferndale Bluff)	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Valerie Quarles, City Planner	
60 DAY DEADLINE: 120 Day Deadline - April 17, 2025	

BACKGROUND:

Applicant Draycott DST has submitted an application to subdivide the existing 11.67-acre property at 565 Ferndale Road West into three riparian lots. The preliminary plat application includes a new public street to serve the three new lots.

The applicant previously submitted requests for a subdivision into four (4) riparian lots and variance for cul-de-sac length, with a public hearing on May 20, 2024 ending in a recommendation of denial. Prior to that application, the project team completed an Environmental Assessment Worksheet under the City's discretionary authority.

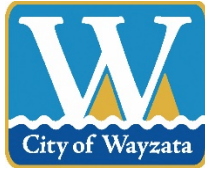
Eight public comments have been received as of February 20. Six are in support of the project as proposed. Two cite concerns about potential negative impacts associated with grading, the size of the proposed public street, and long driveways.

ACTION REQUESTED:

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

ATTACHMENTS:

1. 565 Ferndale Rd W - Staff Report
2. 565 Ferndale Rd W - Application Materials
3. 565 Ferndale Rd W - Applicant Letter to Commission
4. 565 Ferndale Rd W - Public Comments (8)



**Staff Report
Wayzata Planning Commission
February 24, 2025**

Project Name: Ferndale Bluff Subdivision
Address: 565 Ferndale Road West
Application Requests: Preliminary Plat
Applicant: Dray Trustee LLC
Report Prepared by: Valerie Quarles, City Planner
Eric Zweber, Consulting Planner
“60 Day” Deadline: February 16, 2025
“120 Day” Extension: April 17, 2025

Development Application

Introduction

Dray Trustee LLC, on behalf of Draycott DST, has submitted a development application requesting approval of a Preliminary Plat. The applicant seeks to subdivide the 11.67-acre property into 3 residential riparian lots. All 3 lots are proposed to have shoreline on Peavey Pond. The current property has two residential buildings: a single-family home and a caretaker’s cottage. The caretaker’s cottage will be demolished but the existing house may either remain or be demolished. The applicant’s intent is to subdivide the property, construct the required street and associated subdivision improvements, and then sell the lots individually. Driveways and building pads are shown on the plat to demonstrate that the lot configuration would allow for future houses to be constructed without any variances to the Zoning Ordinance. These are herein referred to as “demonstration” building pads and driveway locations. The current application includes the necessary subdivision and shoreland zoning requests to subdivide and improve the lots prior to sale.

Property Information

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

Address	PID	Owner
565 Ferndale Rd W	01-117-23-33-0026	Draycott DST

The current zoning and land use designation for the property is as follows:

Address:	565 Ferndale Rd W
Current Zoning:	R-1A Low Density Single Family Estate District
2040 Comp Plan Designation:	Estate Single Family – 0.25 to 0.5 units/acre
Overlay Districts:	Shoreland and Wetland
Design District:	N/A

Project Location

The property is located north of Ferndale Road West, west of Bovey Road and southeast of Hillside Drive West. The property abuts Ferndale Road West and Peavey Pond.

Map 1: Project Location



Source: Hennepin County

Application Request

The applicant is requesting approval of the following items:

- A. Preliminary Plat (Subdivision Ordinance §1003.02): The applicant requests approval of the preliminary plat for subdivision of the property into 3 residential riparian lots.

Public Hearing Notice and Neighborhood Notification

Notice of the public hearing on the Application was published in the Sun Sailor on February 13, 2025. The public hearing notice was mailed to all residents and property owners located within 500 feet of the subject property on February 11, 2025. Per the City's Neighborhood Notification and Meeting Policy, the applicant sent a letter about the Application to residents within 500 feet of the subject property on February 6, 2025. A neighborhood meeting was not required.

Public Comments

As of February 19, eight written public comments have been received. Six express support for the proposal. Two express concerns with the proposal, noting potential negative impacts associated with grading, the size of the proposed public street, and long driveways.

Background Information

The property has been under the same family's ownership since 1964. Allison Capen, Heather Capen Cox, and Samantha Capen Muldoon are the current property owners and they are represented as Dray Trustee LLC. A development application for this property was first submitted in 2022.

During initial project review in 2022, City staff requested the completion of an Environmental Assessment Worksheet (EAW). At that time, the proposed number of docks and spaces for watercraft associated with the subdivision exceeded the exemption threshold under Minn. Stat §4410.4600, Subp. 16, which allowed the City to request a Discretionary EAW. EAWs are review processes by which governments can determine if a project meets the criteria for an Environmental Impact Statement (EIS), which is a guidance document intended to help regulators manage significant environmental impacts. The completed EAW also functions as a guidance document that can help regulators manage complex permitting processes, even if the project is not anticipated to have significant environmental impacts.

Planning consultant WSB then drafted the EAW, which includes topics such as land use and geology, water resources, potential contamination, fish and wildlife, historic and cultural resources, and air quality. The worksheet went through the standard public review process and included a public comment period. After this period, the state Environmental Quality Board (EQB) provided a decision document to the City stating that the project's environmental impacts could be adequately managed through standard permitting processes, and would not meet the criteria for an EIS. Both the decision document and the EAW were reviewed by City Council on April 18, 2023. At that meeting, the Council heard public comments, reviewed the EAW information, and reviewed the EQB's decision document, concurring that the project would not require an EIS. The applicant subsequently conducted a Phase I Cultural Resources Assessment requested in the EAW, which found no significant cultural resources on the site, along with a Bald Eagle Habitat Assessment. A Wetland Notice of Decision and Delineation report was also completed.

The EAW now functions as one of the primary tools by which the City and other governmental agencies would manage the project if approved. The proposed project's phased construction, heavily wooded condition, and location next to Peavey Pond would lead to a complex, overlapping permitting process as outlined in the EAW.

With the EAW process concluded, the Planning Commission reviewed a development application for a 4-lot riparian subdivision and a variance for a cul-de-sac that exceeded 600 feet in length in May 2024. At that time, the Planning Commission determined that:

- The proposed subdivision was not consistent with the City's goals to protect significant natural resources such as wetlands and healthy tree coverage;
- The proposed subdivision would not minimize filling or grading;
- The creation of four riparian lots would adversely impact the scale, pattern and character of the surrounding properties;
- The irregularly shaped lots and site layout did not reflect the surrounding lots and neighborhood character, and;
- The subdivision did not conform with all performance standards of City Code, including:
 - The subdivision proposed grading in environmentally sensitive areas, including slopes greater than 18%;
 - The order of lot development did not demonstrate that a variance from the shoreland setbacks would not be required in the future, and;
 - The lot lines included segments that were not radial to lake shores and not at right angles to the street line.

Further, the Planning Commission found that the cul-de-sac length variance request was moot because of recommendation of denial for the preliminary plat. The applicant withdrew the subdivision application before its review by the City Council.

Since June of 2024, the concepts for the plat have been refined. During that time, amendments to the Shoreland Ordinance and Tree Preservation Ordinance were adopted by City Council, which apply to this application. The applicant has noted that they previously met with the neighbors regarding the proposed plans prior to the official neighborhood notification letter described above.

Summary and Analysis of Current Application

Proposed Plans and Improvements

The proposed subdivision would create 3 single-family residential lots (each with riparian access to Peavey Pond) and 2 outlots containing retaining walls, stormwater infrastructure, and right-of-way for a public street and cul-de-sac. The current property consists of 2 residential buildings: a single-family home and a caretaker's cottage. The existing caretaker's cottage on Lot 1 will be demolished to allow for the sale and eventual residential development of that lot, while the existing house on Lot 2 may initially remain so that the future purchaser can choose whether to improve the home or demolish it for new construction.

The City Engineer does not support the City assuming any additional right-of-way beyond that which is required for the public street per the City Code. Instead, the applicant chose to create Outlot A and Outlot B for the area between the public street and the property to the west. The applicant has requested that Outlot A be combined with Lot 3 and Outlot B be combined with Lot 2 through a special lot combination agreement. The owner of Lot 3 would be responsible for all maintenance of Outlot A and the owner of Lot 2 would be responsible for all maintenance of Outlot B.

The proposed public street and cul-de-sac would extend 526 feet from Ferndale Road West right-of-way to the center of the cul-de-sac, along the western side of the property. The cul-de-sac bulb would be positioned in the location directly west of the existing house. Under this application, activity would be limited to the demolition of one or two of the existing structures and associated infrastructure as well as deconstruction of the driveway from Ferndale Road West to the new stormwater pond on Lot 1. The applicant notes that the 3 lots would not undergo any additional grading or tree clearing until subsequent owners identify and receive approval for building placement. The building footprints shown on the preliminary plat could be adjusted by subsequent owners and are shown at this stage of platting to ensure each lot is buildable within current zoning regulations. Each lot would have some constraints to buildable area due to the presence of bluffs, wetlands, and Peavey Pond.

	Lot 1	Lot 2	Lot 3
Lot Area (sq ft)	287,396	95,132	81,198

Each lot would have frontage on Peavey Pond and the application shows proposed locations for driveway access to the public street. Exact driveway locations will be determined by the subsequent owners. Outlot A would be 6,570 square feet (0.15 acres) and Outlot B would be 3,081 square feet (0.07) in size and includes retaining walls. All 3 lots include portions of Peavey Pond and/or Ferndale Marsh.

Peavey Lake is an impaired water as identified by the Minnesota DNR and noted in the 2040 Comprehensive Plan. Peavey Lake's aquatic life is affected by chloride and aquatic recreation is affected by nutrients. Ferndale Marsh is identified as a moderately sensitive wetland area in the Comprehensive Plan.

Comprehensive Plan

The property is guided for Estate Single Family use. Per the Comprehensive Plan, single-family homes are the primary use within this category, with accessory dwelling units allowed. The category provides the lowest density of residential uses, with typical lot sizes of 2 acres or larger and residential densities ranging from 0.25 to 0.5 units per acre.

The proposed residential lots vary in size from 1.86 to 6.60 acres. Each residential lot is expected to contain one single-family home, once purchased, resulting in residential densities ranging from 0.15 to 0.54 units per acre. The development as a whole would have a density of 0.26 units per acre.

Zoning

The property is currently zoned as R-1A, Low-Density Single Family Estate district. The property is also located in the Shoreland Overlay District and Wetland Overlay District. The following table compares the zoning standards between the R-1A District, Shoreland Overlay District, and the proposed plat.

	R-1A – Low-Density Single Family Estate	Shoreland Overlay District	Proposed Plat
Lot Area (min.)	80,000 sq. ft.	Same as underlying zoning district	Min: 81,183 sq. ft. (Lot 3)
Lot Width (min.)	200 ft	Same as underlying zoning district	Min: 200 ft (Lot 1)
Lot Depth (min.)	200 ft	N/A	Min: ~420 ft (Lot 3)
Setback from Ordinary High Water Level	N/A	The greater of the following: a) 75 ft; b) line drawn between two closest riparian principal structures on either side; c) average setback of two closest riparian principal structures on either side. In all cases, the setback line will be parallel to the OHWL.	Building construction sequence impacts the applicable setback. Principal structures not yet designed. Each lot allows for buildable area within setbacks – demonstration building pads provided for illustration. See <i>shoreland setback analysis for more information.</i>
Setback from top of bluff	N/A	30 ft	Demonstration building pads at least 30 ft from bluff.
Property Line Setbacks, principal structure (min.)	Front: 45 ft Side (west): 20 ft Side (east): 20 ft Rear: 50 ft	Same as underlying zoning district	Principal structures not yet designed. Each proposed lot allows for buildable area within setbacks - demonstration building pads provided for illustration.
Height (max.)	3 stories or 40 ft	35 ft*	Principal structures not yet designed.
Impervious Surface (max.)	20%	25%	Demonstration building pads/driveways – Max. 6.03% (lot 3)

Lot Coverage (max.)	10%	N/A	Demonstration building pads – Max. 3.85% (Lot 3)
-------------------------------	-----	-----	---

**Building heights of over 35 feet may be allowed with a Shoreland Impact Plan/Conditional Use Permit.*

Preliminary Plat

The platting process for the City of Wayzata is a two-step process involving preliminary and final plat approval. After submittal and staff review, Preliminary Plat plans are presented to the Planning Commission for their recommendation using the review criteria in the Subdivision Ordinance. The Planning Commission recommendation of approval or denial, along with the Preliminary Plat application, is then reviewed by the City Council. If approved, the applicant will be directed to file an application for a Final Plat, which is reviewed by the City Council. A development agreement for the project is typically processed along with the Final Plat.

Cul-de-Sac Length

The proposed plans indicate that a public street (with the cul-de-sac) will be constructed at a length of 526 feet. This is measured from the Ferndale Road right-of-way to the center of the cul-de-sac. The maximum cul-de-sac length allowed by the Subdivision Ordinance is 600 feet.

Street Design - Location

The Subdivision Ordinance sets standards for street design in platted subdivisions. A local public street, which is what is proposed with this plat, is required to have a right-of-way width of 50 feet and a pavement width of 26 feet. Concrete curb and gutter are required for a local street and the submitted plans meet this specification. Centerline gradients shall be at least 0.4 percent and local streets cannot have a gradient over 8 percent. The road plan that has been submitted meets this requirement.

Per §1006.05.M, the street design shall not be designed in a way that causes hardship to owners of adjoining property in platting their own land and providing convenient access to it. The neighboring property to the west, 621 Ferndale Road, is large enough to potentially undergo a lot split in the future. The presence of Outlots A and B are located between 621 Ferndale Road and the proposed public road with the Ferndale Bluffs Preliminary Plat. To provide for a future public street to the west, should 621 Ferndale Road choose to subdivide in the future, a 50-foot easement is proposed to be dedicated over the northern portion of Outlot B. To allow for the use of this easement in the future, a draft Special Lot Combination document has been prepared that acknowledges the use of this 50-foot easement for street and utility purposes.

The City Engineer has reviewed the plans for conformity with Subdivision Ordinance standards for street design and has no issues or concerns with the proposed public street design. Per standard procedure, the City Engineer will review the final plan set to ensure that the street design remains in compliance with the Subdivision Ordinance. This will also be addressed with Final Plat review and within the development agreement.

Lot Configurations

Subdivision Ordinance §1006.04.B establishes standards for the design of side lot lines. Of particular note is the requirement that side lines of lots shall be radial (at right angles) to lake or stream shores or at right angles to street lines. Each lot has one lot line segment that is radial to the lakeshore and one lot line segment that is at a right angle to the new street.

Protected Areas

Subdivision Ordinance §1006.14 addresses protected areas within subdivisions and the incorporation of protected areas into each proposed lot. Protected areas are those deemed environmentally sensitive by the City due to wetlands, drainage ways, watercourses, floodable areas or steep slopes. When protected areas are to be incorporated into the proposed lots, the applicant must demonstrate that the design of the lots will not require construction on steep slopes (over 18 percent). The preliminary plat would create lots that would require construction on steep slopes for the construction of the public street, but also demonstrates that all lots can be developed without additional grading within the areas of 18% slope or greater. Since the public street has specific standards that must be met (such as a maximum slope of 8% and a minimum curb-to-curb width of 26 feet), staff acknowledges that will impact areas of 18% slope or greater.

Lot Coverage & Impervious Surfaces

In the R-1A, Low-Density Single Family Estate district, lot coverage may not exceed 10 percent of lot area and impervious surfaces on a lot may not exceed 20 percent of lot area. The demonstration building pads and driveway areas identified on the preliminary plat result in lot coverage and impervious surface totals that are well below the allowable maximum.

The following table outlines the proposed lot coverage and impervious surface area for each lot, as calculated based on the demonstration driveway and building pad locations:

	Lot 1	Lot 2	Lot 3
Lot Area (sq. ft.)	287,396	95,132	81,198
Max. Allowable Lot Cover (sq. ft.) – 10%	28,740	9,513	8,120
Illustrative Building Pad Area (sq. ft.)	4,250	3,600	3,130
Percent Lot Coverage	1.48%	3.78%	3.85%
Max. Allowable Impervious (sq. ft.) – 20%	57,480	19,026	16,240

Illustrative Building and Driveway Area (sq. ft)	7,700	7,400	4,900
Impervious Surface Coverage (building & driveway surfaces)	2.68%	7.78%	6.03%

Shoreland Setback

Shoreland Ordinance §991.09.D.2 addresses minimum setbacks to lakeshores. Building setbacks need to be the greater of the following:

- a) 75 feet;
- b) line drawn between two closest riparian principal structures on either side;
- c) average setback of two closest riparian principal structures on either side.

The setback requirement (b) requiring a line drawn between the two closest riparian principal structures require the evaluation of the order in which the lots are built on. The applicant has provided a Setback Analysis (attached to this report) to demonstrate these impacts. The applicant has submitted information that Lot 3 could be developed without a setback variance if the existing house on Lot 2 remains or if the existing house is removed. Similarly, Lot 1 can find compliant shoreland setbacks regardless of the order that Lot 2 or Lot 3 builds.

If the existing house remains and then houses are built on Lot 1 and Lot 3, any future demolition of the existing house on Lot 2 would require a shoreland setback variance for the construction of a new house on Lot 2.

Steep Slopes

Shoreland Ordinance §991.13.E provides regulations regarding steep slopes. The applicant has provided a Stormwater Pollution Prevention Plan (SWPPP) for this project and is not proposing grading on the bluffs or steep slopes between the house pads and Peavey Pond. The EAW contains stipulations that will need to be addressed during the process of construction.

Land Suitability

Shoreland Ordinance §991.21.A requires that all lots shall be suitable in their natural state for the proposed use with minimal alteration. Topography and other features of the natural land need to be examined to determine if the proposed use would likely be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. The creation of a preliminary plat that creates three lots from one existing lot will alter the site, which is a reduction of one lot and a cul-de-sac reduced by 200 feet from the May 2024 public hearing submittal. The proposed Tree Preservation Plan is compliant, but trees will need to be removed for the construction of the public street. The applicant has demonstrated that the three lots can be developed without the requirement of grading within areas of 18% or greater slope on future private lots, but grades greater than 18% will be disturbed for the creation of the public street. The Planning Commission will need to consider whether these activities are greater than a “minimal” alteration.

Consistency with Other Controls

Per §991.21.B of the Zoning Ordinance, a subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purposes. The proposed lots would create sufficient buildable area and appropriate site conditions for each future owner to build a house and associated improvements without any required variances; however, the applicant must be diligent about phasing the construction of the lots to ensure that they are constructed in a manner that does not put other lots in peril of needed variances for future construction.

Tree Removal and Replacement

The applicant is proposing to remove 122 Significant Trees (totaling 1,556 inches of trunk diameter at breast height, or DBH) and no Heritage Trees (0 DBH). Under Chapter 936 of the Zoning Code, Significant Tree removals which exceed the 10% DBH removal allowance require an inch of replacement per inch of removal. Any Significant Tree replacement that does not occur on-site requires a Fee-in-Lieu of Tree Replacement. There is no removal allowance for Heritage Tree removals, which require two inches of feasible on-site replacement per inch of removal. Any Heritage Tree replacement that cannot occur on-site requires a Fee-in-Lieu of Tree Replacement.

	Total DBH	DBH Removed	% DBH Removed	Removal Allowance	DBH Replacement Required
Significant Trees	9,793	1,556	15.9%	10% (979 DBH)	577
Heritage Trees	703	0	0.0%	N/A	0

The applicant has proposed a Mitigation Plan consisting of 39 trees with a total inches of 113.5 on-site tree replacement, shown below.

Quantity	Common Name	Size	Total DBH
9	Arborvitae	7' (2.5")	22.5
5	Princeton Elm	3"	15
4	Firefall Maple	4"	16
9	Swamp White Oak	3"	27
6	Hackberry	3"	18
6	Canadian Hemlock	7' (2.5")	15

The remaining 463.5 inches of required replacement are proposed for mitigation by Fee-in-Lieu of Tree Replacement. The applicant states on page 17 of the Tree Inventory & Mitigation Plan that fee mitigation is necessary due to the density of existing stands.

Tree Preservation

The proposed Tree Preservation Plan calculates grading and construction impacts as required by City Code. The preservation methods described are consistent with current best practices. If the plan's specifications are adhered to throughout the development period, an above-average tree preservation success rate is expected.

Comments from the City Engineer/Director of Public Works

The City Engineer has reviewed the submitted documents and the EAW. The City Engineer has no additional comments for the preliminary plat analysis but they will review the plans submitted during the final plat and ensure that the EAW mitigation strategies are implemented.

Standards of Planning Commission Review of Application Requests

The Preliminary Plat approval and Variance requested are quasi-judicial actions, meaning that the Planning Commission acts similarly to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to the facts associated with this particular project and property.

Primary Questions to Consider

1. Preliminary Plat

a. Overall Plat

- i. Is the proposed subdivision or lot combination consistent with the Wayzata Comprehensive Plan?
- ii. Does the creation of a lot or lots adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas?
- iii. Does the design of the lots, the building pads, and the site layout respond to and is reflective of the surrounding lots and neighborhood character?
- iv. Does the proposed lot layout and building pads conform with all performance standards in the Subdivision Ordinance?
- v. Does the proposed subdivision or lot combination tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed?

b. Are Three Lots Reasonable or Acceptable?

- i. Do the building pads that result from the subdivision preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets?
- ii. Are the building pads that result from subdivision selected and located with respect to natural topography to minimize filling or grading?
- iii. Are existing stands of significant trees retained where possible and are the building pads sensitively integrated into existing trees?

- iv. Does the design of the subdivision clearly reflect all necessary measures of protection to ensure against adverse environmental impact?
 - v. Does the applicant demonstrate that the proposed design will not require construction on slopes over 18 percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary?
 - vi. Are the proposed lots suitable in their natural state for the proposed use with minimal alteration?
- c. Are Three Riparian Lots Reasonable or Acceptable?
- i. Do the demonstration building pads preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 - ii. Are the proposed lots suitable in their natural state for the proposed use with minimal alteration?

Action Steps

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

Attachments

Exhibit Summary (December 2024)*
Application Narrative (December 18, 2024)
565 Ferndale West Illustrative Site Plan (undated)
Preliminary Plan Set (Revised January 15, 2025)
Bluff Determination Memo (February 24, 2023)
Constraints Diagram (Revised June 26, 2023)
Tree Survey and Preservation Plan (December 18, 2024)
Draft Special Lot Combination Agreements (Undated)
Lake Minnetonka Conservation District Letter (December 14, 2024)
Setback Analysis Narrative (December 18, 2024)

**It is the City's policy to limit the size of packet attachments to no greater than 15 megabytes. These documents have been abridged to practically reduce the total size of the attachments. Additional documents (including the EAW) and full size versions of these documents are available on the City's project page at: <https://www.wayzata.org/844/565-Ferndale-Rd-W---Ferndale-Bluffs>*

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval.

Preliminary Plat Approval

Section 1003.02.E. of the Subdivision Ordinance sets forth general criteria for consideration of a preliminary plat. The planning commission's recommendation shall be based upon, but not limited to, the following factors:

- 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.**
- 2. 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.**
- 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
7. 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.
8. 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.
9. 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 Chapter 909 of the Wayzata Zoning Ordinance.
- 10. The proposed lot layout and building pads shall conform with all performance standards contained herein.**
- 11. 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.**
12. 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.

Specific Ordinances Pertaining to the Project.

Zoning Ordinances

§920.05.D.1 requires that front, side and rear setbacks of at least three feet from property lines shall be maintained from parking areas in all residential districts besides R-5. (Note that this requirement was reduced from ten feet in February 2025.)

§920.05.D.7 Curb Cut Maximum. No curb cut access shall exceed 24 feet in width except upon approval by the City Engineer.

§920.05.D.10 Parking Area Grades. The grade elevation of any parking area or portion thereof shall not exceed five percent.

§951.07.A and B. Lot coverage may not exceed ten percent of lot area and Impervious surfaces on a lot may not exceed 20 percent of lot area.

§991.09.D.2 Minimum Setback Requirement. Lake Shore Setbacks. No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark than the greater of:

- a. Seventy-five feet;
- b. A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
- c. The average setback of the two closest riparian principal structures on either side of a proposed building site; or
- d. The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

§991.13.E Steep Slopes. The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to permits to prevent erosion and preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

§991.21.A Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 991.17 of this Ordinance, **shall be suitable in its natural state for the proposed use with minimal alteration.** Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, **steep topography**, inadequate water supply or sewage removal capabilities, near shore aquatic conditions unsuitable for water based recreation, **important fish and wildlife habitat**, presence of significant historic sites, **or any other feature of the natural land**

likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

§991.21.B Consistency with Other Controls. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purposes.

Subdivision Ordinances

§1006.04.B Side Lot lines. Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.

§1006.04.C Building Sites. Each lot shall provide an adequate building site at least one foot above the street grade.

§1006.05.J Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets. §1006.05.M The street design shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. §920.05.D.6 Curb Cut Proximity to Intersection. No curb cut or other driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way.

§1006.07.A requires a minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right-of-Way Width	Pavement Width
Local Street	50 feet	26 feet
Cul-de-sac	60 feet turnaround radius	48 feet turnaround radius

§1006.07.E Deflection. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.

§1006.07.H Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.

§1006.07.K Corner Radii. Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

§1006.07.L requires a concrete curb and gutter for all street surface improvements.

§1006.14 Protected Areas. Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall

clearly reflect all necessary measures of protection to ensure against adverse environmental impact. The City's Stormwater Management Plan shall be carefully referenced and adhered to when designing a subdivision. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, **the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over 18 percent**, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

§1006.15.I Public Sites and Open Spaces (Parkland Dedication): When a subdivision is too small for practical dedication of public land, or if no land in the subdivision is suitable for such use, the applicant may be required to pay an equivalent cash fee for all or part of the portion to be dedicated, based on the fair market value of the land on the day of final plat approval.

§1006.16 Minimum Design Features. The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Wayzata Comprehensive Plan.

Comprehensive Plan

The Comprehensive Plan identifies multiple goals and policies relating to this request. These statements can provide guidance and direction for decision making. The first relevant residential policy is to identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties (Comprehensive Plan p. 3-6). The second is to identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts (Comprehensive Plan p. 3-6).

The Natural and Community Resources section identifies seven objectives. Objective 1 is to promote sound land use development decisions which protect and enhance Lake Minnetonka and other wetlands as a significant natural resource to the community's vitality and "sense of place" (Comprehensive Plan p. 6-8). Objective 3 is to promote sound land use decisions which protect and preserve native ecological systems and wildlife habitats within Wayzata (Comprehensive Plan p. 6-9). Objective 4 is to support a healthy tree coverage, and objective 5 is to protect important topographical features and views within the community (Comprehensive Plan p. 6-9).

Exhibit Summary - Ferndale Bluff Dec 2024 Preliminary Plat Application

December 2024

Title	Description	Conclusion
<i>Cover Letter</i>	List of all documents in the application	NA
<i>Exhibit 1 - Illustrative Site Plan* (1 page)</i>	Graphic plan showing the layout of the preliminary plat with the new road and storm ponds.	NA
<i>Exhibit 2 - 565 Ferndale Bluff Application Narrative (15 Pages)</i>	A 15 page narrative describing the project, and outlining the project's adherence to the twelve subdivision standards (City Code, § 1003.02(E)), and the five Subdivision Goals (City Code, § 1001.02(B)).	NA
<i>Exhibit 3 – Neighborhood Notification Letter (1 page)</i>	A draft of the letter to be sent to neighbors within 500 yds of Property, regarding neighborhood meeting prior to planning commission. Meeting to be scheduled after Application is deemed complete and the date of the Planning Commission meeting has been set.	NA
<i>Exhibit 4 – Preliminary Plat Plan Set (10 sheets)</i>	Drawings of the preliminary plat and supporting plans & sections	NA
<i>Exhibit 5 – Bluff Determination Memo and Exhibits* (24 pages)</i>	A memo that summarizes the revised Bluff Determination Standards, and exhibits illustrating the bluffs on the Property, and their setbacks. Unchanged from Feb 2024 Application.	There are three bluffs present on the property.
<i>Exhibit 6 – EAW ROD and Document (106 pages)*</i>	The May 2023 EAW document by WSB Associates (Wayzata City Consultant) assesses any environmental impacts of the project, and mitigation needed by Applicant. The City of Wayzata's ROD (the recorded formal determination that no further environmental assessment is necessary) accepted the EAW conclusions in May 2023. Unchanged from Feb 2024 Application.	The EAW found that the proposed subdivision does not have “potential for significant environmental effects.”
<i>Exhibit 7 – Cultural Resources Report and SHPO Letter* (52 pages)</i>	The June 2023 Cultural Resources Assessment by Blondo Consulting to determine if there were any cultural constraints on the property. Unchanged from Feb 2024 Application.	No cultural resources were found.
<i>Exhibit 8 – Bald Eagle Habitat Assessment (9 pages)</i>	May 2023 survey of Property assessing if there is a bald eagle habitat on the property. Unchanged from Feb 2024 Application.	No bald eagle nesting activity on the property.

* Additional documents requested by City staff

<i>Exhibit 9 – Preliminary Drainage and Stormwater Calculations (93 pages)</i>	Drainage and Stormwater Calculations to ensure any run-off is contained within the property, and to illustrate the stormwater management plan.	Any potential runoff is contained within the property with the use of two stormwater ponds and drainage systems, as well as overflow contingency plans.
<i>Exhibit 10 & 10A – 565 Ferndale Rd. W Wetland Delineation Report and NOD (29 pages)</i>	2024 Wetland Delineation Report by Kjouhaug Associates, and Wetland NOD.	The 2024 Wetland delineation reiterated the 2019 boundaries without changes.
<i>Exhibit 11 – Constraints* (1 page)</i>	A diagram that shows the bluffs, setbacks, and other constraints of the property..	NA
<i>Exhibit 12 – Tree Survey and Preservation Plan (17 pages)</i>	An inventory of all the trees on the property, broken out by Type and Heritage vs. Significant status, and an analysis illustrating the impacts of the road constructions and the potential impacts of the illustrative houses and driveways by lot, which will be addressed through future permitting.	Road construction will impact 15.49% of trees; impacts above 10% will be mitigated. The impacts of tree removal across the site, as estimated by the building pads and driveways shown, will be under the 25% threshold of the Tree Preservation Ordinance, for each lot and cumulatively.
<i>Exhibit 13 - Near Shore Aquatic Conditions* (2 pages)</i>	Analysis of near shore aquatic conditions.	NA
<i>Exhibit 14 - Draft Special Lot Combination Agreements (10 pages)</i>	A draft of Special Lot Combination Agreements for Outlots A and B, legally connecting Lot 2 with Outlot B and Lot 3 with Outlot A, in order to codify ownership, maintenance and landscaping responsibilities.	NA
<i>Exhibit 15 - LMCD Letter for 565 Ferndale Rd. West* (1 page)</i>	A letter from the LMCD outlining the role of the LMCD in dock approvals and oversight, and issuing a point of view on the illustrative dock/dock setback examples in proposed plat.	The LMCD is responsible for dock and dock setback approvals and oversight; the illustrative docks as presented are compliant with LMCD regulations.
<i>Exhibit 16 - Shoreland Setback Analysis* (4 pages)</i>	An analysis of the shoreland setback impacts, and the implications for construction order.	Applicant has agreed to submit a covenant addressing construction order.

December 18, 2024

Preliminary Plat Application: Subdivision of 565 Ferndale Road West, Wayzata, MN 55391

Applicant: Dray Trustee LLC for Allison Capen, Heather Capen Cox, and Samantha Capen Muldoon

I. EXECUTIVE SUMMARY

The Property is currently a single parcel improved with one single-family home and a caretaker's cottage. We, the applicant, propose to subdivide the 11.67 acre property into 3 separate buildable lots.

The proposed plat conforms to all requirements of the City's zoning and subdivision ordinances.

Applicant has worked diligently with the city staff since 2022, refining the plat and submitting additional information as requested by the city including an Environmental Assessment Worksheet (EAW) and a Phase One Cultural Resources Assessment in spring of 2023. Applicant has revised the plan multiple times in order to respond thoughtfully to City and neighbor feedback. Specifically, we have reduced the number of lots, the number of docks, the scope of proposed grading/tree removal, and we have minimized the size of the road, beyond that dictated within the code.

Our guiding vision has been a responsible, thoughtful, small-scale development, consistent with the Comprehensive Plan, city code and subdivision requirements, consistent with the existing neighborhood character, and sensitive to the surrounding environment.

II. APPLICANT BACKGROUND

The Capen family purchased the home 60 years ago, in 1964. Allison, Heather, and Samantha all grew up on the property and have sustainability, landscape design, and conservation backgrounds.

- **Allison** is a licensed architect and nationally known environmental and sustainability consultant with over 20 years of experience in her field. She is a former Committee for the Environment co-Chair at AIA Seattle, and Chair of the Sustainable Design Resource Group of AIA Washington Council. At the International Living Future Institute, she was Technical Director of the Living Building Challenge (LBC) program, and has presented at numerous national conferences, including Living Future and GreenBuild. She has worked in sustainable building design and was an early LEED reviewer. She lives in Seattle with her husband Mark and daughter Camille.
- **Heather** worked as a licensed landscape architect at landscape design firms SWA Group, Hargreaves Associates (now Hargreaves Jones) and Oehme, van Sweden, and Associates, all internationally acclaimed, award-winning firms known for their ecologically responsible designs. Her work has included developing sustainable design options for Stanford University, an ecologically responsible 40-acre residential development project, and a master plan for an estate in Martha's Vineyard, all with an emphasis on native plants. She is currently a successful large-scale landscape painter, represented by Maybaum Gallery of San Francisco. She lives in northern California with her husband (Brennan Cox, owner of Groundworks Office, a landscape architecture firm) and three boys, Porter, Calder, and Teddy.

- **Samantha** is Vice Chair of Long Lake Waters Association (LLWA), a local watershed, wetland, and water quality nonprofit. Her hands-on watershed conservation work with LLWA was formally recognized in 2018 by the City Council of Long Lake, as well as the Lake Minnetonka Garden Club (LMGC), where she was presented with a GCA Conservation Commendation in 2021. She has been Conservation Chair of the LMGC, and has advocated on behalf of native plants, trees, and our national parks at the Federal level. She is the former Board Chair of the MN Zoo Foundation, where she spearheaded the strategic plan focused on connecting people with nature. She is a former Chair of the Orono Parent Association, and has spearheaded the annual July 4th “Flying” Pancake Breakfast in Wayzata with her family. She lives in Orono, with her husband Paul and two children, Angus and Lydia.

III. RE: SUBDIVISION STANDARDS: City Code, § 1003.02(E)

When considering an application for preliminary plat approval, the City Council, following a recommendation by the Planning Commission, “shall consider possible adverse effects of the preliminary plat.” City Code, § 1003.02(E). In doing so, the City Council must consider twelve factors set forth in the City’s subdivision ordinance. The applicant addresses below each of the factors outlined in City Code, § 1003.02(E)(1)-(12):

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan. City Code, § 1003.02(E)(1).

The Property is guided Estate Single Family by the City’s 2040 Comprehensive Plan¹. According to the Plan, “*This category provides for the lowest density residential uses, with lot sizes of 2 acre or larger. Single-family homes are the primary use within this category.*”² The Plan calls for densities of between .25 and .5 units per acre, as this larger lot size and lower density requirement is “conducive to the preservation of important natural resources” located within those areas of the City that are designated Estate Single Family.

The proposed preliminary plat conforms to the (1) use, (2) lot size and (3) density guidelines defined objectively by the Wayzata Comprehensive Plan and zoning ordinance. The proposed plat conforms to the subdivision ordinance in implementing the Comprehensive Plan, Section 1003.02(E)(1). Specifically: (1) The use is Residential. (2) The size of each residential lot is at least 80,000 feet. (3) The density of the proposed plat is 0.26 units per acre.

The proposed plat includes improvements that are designed to minimize impacts to existing natural features, providing potential building sites on areas with the least amount of slopes and where limited impacts to trees will occur. The required new street closely follows the existing driveway, avoids bluffs, and is in a location least visible from any public waters. Municipal utilities already serve the site. The creation of two additional lots will more optimally utilize existing municipal infrastructure. Therefore, by all objective standards, this proposed subdivision is consistent with the Wayzata Comprehensive Plan. See Subdivision Code, § 1003.02(E)(1).

Moreover, as set forth elsewhere in this application, the applicant has worked with the City since 2022 to design the proposed plat specifically to preserve the “important natural resources” located on the Property outlined in the Comprehensive Plan.

¹ 2040 Comprehensive Plan, Fig. 3-2, Fig. 3-5

² 2040 Comprehensive Plan, p. 3-9

Conclusion: Project is consistent with the Comprehensive Plan, City Code, § 1003.02(E)(1).

2. 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. City Code, § 1003.02(E)(2).

We have carefully considered the wildlife on the property, and have worked diligently to present a proposal that is sensitive to the wetlands and woods and wildlife present, and reflective of the character of the surrounding neighborhood. The applicant has designed the proposed plat and shown potential building pads specifically to preserve the “important natural resources” located on the Property as directed by the Comprehensive Plan. Multiple revisions to the plan have further improved the location of the potential building pads to reduce environmental impacts to the unique topography as much as possible.

An extensive Environmental Assessment Worksheet (EAW) and Phase 1 Cultural Resources Assessment were conducted, at the request of City Staff, in the spring of 2023. WSB, the City’s hired consultant, completed the assessment.

At its conclusion, in April 2023, WSB issued an extensive report of all of the environmental considerations.

Specifically, WSB stated:

*“There are no MNDNR Regionally Significant Ecological Areas, MNDNR Native Plant Communities... within the project area or within one mile of the project area. No MBS Sites of Biodiversity Significance were identified within the project area. **No impacts to these ecological resources are expected to occur from project construction...** There are no scenic views or vistas on or near the project area, and no non-routine impacts or visual nuisances are anticipated... (the) proposed project is consistent with established uses in the area, and therefore will not create a significant change in visual aesthetics. **No other potential environmental effects exist.**”*

The Wayzata City Council, as the RGU, formally determined that **no further environmental analysis was needed due to the low to negligible impact of the project on the project’s environmental resources, and/or community assets.** The Wayzata City Council subsequently unanimously issued a Negative Declaration of Need for an Environmental Impact Statement (EIS) on April 18th, 2023 (Resolution 25-2023).

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(2).

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading. City Code, § 1003.02(E)(3).

Potential building pads are shown on the flattest portions of each lot, as close to the proposed road as possible adjoining code-compliant driveways. Such locations will minimize grading and site disturbance. All building pads will be custom graded by future owners as part of the residential building permit process.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(3)

4. 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. City Code, § 1003.02(E)(4).

This site is heavily wooded, as the applicant has not conducted any significant tree removals for over 60 years other than occasional removal of diseased, dead or dying trees. Gronberg & Associates Inc., identified all significant and heritage trees on the property, and identified trees to be removed using GPS data which maps to exact tree classifications, diameter, species, and age/health. In fact, a majority of the existing trees are on bluffs or steeper slopes, and they will not be impacted in any way by the proposed subdivision.

The project was designed specifically to take advantage of the existing road, and caretaker cottage turn-around, and other open areas currently on the property, as much as feasible, in order to minimize tree removal, particularly of significant trees.

Applicant has worked with the Wayzata City Forester (and our arborist, Davey Tree) to refine the proposal to reduce impact on trees. All proposed tree removals are in compliance with the recently amended Wayzata Ordinance Chapter 936 - Tree Preservation.

Heritage Trees: No heritage trees will be impacted by the proposed subdivision.

Significant Trees: Over **79%** of the significant trees will not be impacted by the proposed subdivision.

All three lots can accommodate a building pad and driveway while **staying below the 25%** threshold for tree mitigation, as defined in City Code Chapter 936.04 Subpart A2.

As required, the applicant has submitted a detailed tree preservation plan from a certified arborist (Davey Tree) and retained professional landscape architect and planning consultant (HGKi) to minimize impacts and save additional trees through sound mitigation strategies.

Some additional trees will likely be removed for future residential structures. Such removals will be governed by the City of Wayzata's Tree Preservation Code, and must abide by all City regulations and permitting process (see Code 936.05). It is important to note that the City Tree Preservation Code and regulations are cumulative and take into account the current proposed subdivision removals in their regulation calculations (in other words, the tree removal count doesn't reset to zero when/if the property changes hands). Applicant has provided an extensive tree survey and inventory in order to enable the evaluation of tree impacts over time as homes are built.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(4)

5. 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. City Code, § 1003.02(E)(5).

The proposed lots are consistent with, and will not adversely impact, the scale (lot size/density), character, and pattern (layout) of existing lots in this area of the City.

1. **Scale (Lot Size/Density):** The property is zoned R-1A, Low Density Single Family Estate District and has a Comprehensive Plan designation of Estate Single Family. This density allows a residential density of between 0.25 and 0.5 units/acre and has a minimum lot area of 80,000 square feet.

The project proposes to subdivide the parcel into three lots that vary in size (81,198 sf, 95,132 sf, and 287,396 square feet) which results in a site density of 0.26 units per acre. The proposed lot sizes are in line with those in the neighborhood, which range from 17,620 square feet at to 275,147 square feet³ which is a density range of 2.47 to .16 units/acre, respectively.

According to the City's consultant WSB, in the April 2023 EAW:

"The proposed development is consistent with City land use plans and zoning for development in this area."

Therefore, based on both lot size and density calculations and the EAW conclusions, the proposed lots are consistent with the established neighborhood scale.

2. **Character:** The term 'character' is imprecise, and as such it is difficult to objectively **define** in order to assess or determine impact. However, elements that can be objectively quantified to consider are (i) a neighborhood's land use, (ii) visual resources, (iii) historic resources, (iv) socioeconomics [value], (v) traffic, and (vi) noise.

i. Land Use: **Per Factor 1, Code Compliance (above), the project is compliant with Wayzata Comprehensive Plan Land Use zoning, and is objectively consistent with the land use in the surrounding neighborhood.**

ii. Visual Resources: The project will maintain the visual buffer of the trees and bluffs surrounding Peavey Pond, as shoreline and city setback and bluff regulations preclude tree removals and grading in those delineated areas. Additionally, the project is not contiguous with Lake Minnetonka, and will not be visible from Lake Minnetonka, due to large scale existing residential buildings and tall hedges already on the lakefront properties.

The houses that will eventually be built on the property will be appropriately sited for the neighborhood. Two of the houses will be built on the back of the property, toward the north, in the woods, and will not be visible from the street. One home will be on Ferndale Road West, on the front lot (Lot 3), consistent with the locations of the other homes on both sides of the street.

The road that will be placed on the property is consistent with the City Code, and as such is allowed. There are several other subdivision roads in the neighborhood, such as Ferndale Woods, Bovey Road, Highcroft Road and Hillside Road. Measuring 526 feet in length, the proposed road is consistent with the City Code, and is in fact smaller than the other roads in the neighborhood.

Finally, according to the City of Wayzata's consultant, WSB, in the April 2023 EAW (formally approved and adopted by the City Council) noted that:

"There are no scenic views or vistas on or near the project area, and no non-routine impacts or visual nuisances are anticipated. During construction, the surrounding residential and industrial properties will

³ 520 Ferndale Road West and 493 Bovey Road are both neighboring lots to 565 West Ferndale.

experience temporary visual impacts because of tree removal and construction. The proposed project is consistent with established uses in the area, and therefore will not create a significant change in visual aesthetics.” (Sec. 15, Visual, pg. 19, EAW on file with the City of Wayzata).

Based on the site conditions and the conclusions within the EAW, the visual impacts of the project are therefore consistent with the visual resources aspect of the character of the existing area.

- iii. Historical Resources: A Phase I Cultural Resources Assessment was completed in June of 2023, and **no historical resources** were found within the proposed project area. The findings have been filed and accepted by the State Historic Preservation Office (SHPO), and the State Archaeologist Office and the Minnesota Indian Affairs Council received the Phase I CRA and had no concerns.

Therefore, according to the State of MN, and as filed with the City of Wayzata, and the Record of Decision issued by the City, there are no historical resources affected by the project.

- iv. Socioeconomic/Value: The lots proposed by the city are being sold as upper bracket residential lots, consistent in terms of land value with the surrounding lots. It is expected that homes similar to those in the neighborhood will be built by the buyers of these homes.

The land and homes will be in the upper bracket, and well within the range of the existing homes within the neighborhood, defined in this case as those homes around Peavey Pond and along Ferndale Road. Therefore, the proposed 3-lot subdivision **will not materially impact the values of the homes within the neighborhood.**

- v. Traffic: According to the April 2023 EAW approved by the City:

*“The proposed project is not expected to generate traffic during construction of the residential dwelling units... The project construction may cause minor traffic inconveniences to roadway users on Ferndale Rd W but will have **no effect on traffic congestion or impact the regional transportation system.**”*

- vi. Noise: According to the EAW approved by the City:

“The existing noise sources and levels near the project area are typical of residential areas... It is anticipated that noise levels will temporarily increase locally during project construction but are expected to return to intensities consistent with existing levels and sources following construction completion. All noises emanating during construction will be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7030 and Minn. Stat. § 116.07.”

According to the EAW, any projected noise levels will be consistent with the

character of the existing area.

3. Pattern: Ferndale Road, and the surrounding Estate neighborhoods have evolved over 100+ years, and consequently the lots vary greatly in shape, size, configuration, and layout with regard to each other, without discernible pattern. In fact, it has been said that the distinguishing characteristic of the neighborhood is the irregularity of the lots, and the charming and sophisticated effect that results from a natural lot layout that has evolved over time (vs. a calculated, rigid lot layout of a planned contemporary development, such as one might find in Plymouth, MN).

Attached please find some examples (all within 0.5 miles of the proposed 3-lot subdivision) of the charming irregularity within the Ferndale/ Harrington/ Peavey Pond neighborhood which has evolved over decades to result in a varied streetscape, reflective of topographical features and/or access needs within the neighborhood (slopes, woods, wetlands, property and shoreline access, etc.). Each of the cited properties contributes to the overall sophistication and irregularity of the neighborhood. Each of these cited properties fall within the same comprehensive plan land use designation and zoning district as the proposed plat. (See attached Exhibit A).

The proposed lots will not be ‘cookie cutter’ and therefore are very consistent with the current pattern of the neighborhood.

Conclusion: Proposed project meets the multiple standards referenced in the City Code, § 1003.02(E)(5)

6. 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. City Code, § 1003.02(E)(6).

In addition to the response below, see the response to factor number five regarding proposal’s consistency with established neighborhood scale, pattern and character, above.

Over the past 60+ years, we have watched the neighborhood grow and evolve. Neighbors moved in and out of the area, removed or renovated homes, built new homes, subdivided and reconfigured their lots, installed docks, removed trees, planted gardens, and otherwise enjoyed their property, as is their right within the city regulations. The neighborhood has been continually changing and evolving. To ensure our project is complementary to the appropriate evolution of the neighborhood, we have hired an expert team, within the environmental, engineering, and architectural fields to help ensure our proposal is sensitive and thoughtful to the neighborhood.

Specifically, we have retained the following team of experts:

- o Hoisington Koegler Group Inc./HKGi (Planners and Landscape Architects with expertise in shoreland regulatory controls such as Bluff analysis)
- o Gronberg & Associates Inc. (local civil engineers with stormwater management expertise)
- o Emmons & Olivier Resources, Inc./EOR (wildlife, water resources, sustainability, and environmental consultants)
- o Kjolhaug Environmental Services (wetland and water resource experts)
- o Blondo Consulting (MN archaeological and cultural consultants)
- o Davey Tree (certified Arborists)
- o Whitten Associates (licensed architect and city planner with over 40 years development experience in the area).

Ferndale Bluff / 565 Ferndale Road West

Three-lot Subdivision Application Narrative

Similar to other lots in the neighborhood, each resulting lot design encompasses some slope, trees, wetland and/or water, and has a reasonable area for building for each lot. Each proposed building pad is situated well away from the wetlands, bluffs, and shoreline (consistent with the other homes on Peavey Lake) and will not obstruct or intrude on neighbor views of the water.

The road has been located along the existing driveway on the western edge of the property, to avoid run-off to the lake, minimize view impacts from the lake, and to maintain wildlife corridors along the shoreline.

We are not building any new structures, however the potential building pads shown illustrate that tree removal, grading or construction on sensitive bluffs or steep slopes would not be required. Each lot has adequate access to the shoreline without requiring extensive grading or impacts to bluffs.

Additionally, it should be noted that most of the surrounding homes have graded their land, removed many trees, and formally landscaped their properties and shorelines to the point where they have very little natural landscape. The current code standards are stricter today than they have been in the past, and the above changes that have evolved in the neighborhood would no longer be allowed today. Nonetheless, we are adhering to the current code, as it sets objective standards for the character of the surrounding lots and neighborhood. Subjective approval standards, relating to character or any other subject, are not allowed under state law.

The site layout and lots we are proposing, and the building pads we have suggested, are consistent in size, type and value with the surrounding lots and neighborhood character, and have been designed and proposed to respond to and reflect the surrounding Ferndale Road neighborhood and Peavey Lake neighborhood.

Conclusion: Proposed project meets the standards outlined per City Code, § 1003.02(E)(6)

7. 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. City Code, § 1003.02(E)(7).

Per the response in 5.1 (above) this size lot proposed is consistent with the established neighborhood, which has a minimum lot area of 80,000 square feet.

The project proposes to subdivide the almost 12 acre parcel into 3 lots that vary in size from 81,198 to 287,396 square feet, which is similar to existing lots in the neighborhood, which range from 17,620 square feet to 275,147 square feet.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(7)

8. 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. City Code, § 1003.02(E)(8).

NA. The applicant is not proposing any buildings as part of this preliminary plat approval application. However, the possible building pads, shown at the request of the City, would accommodate structures similar in scale to those already in the neighborhood. The established City Permitting process and oversight will provide guardrails to the building process, ensuring the

resulting homes are of the caliber and scale expected within the neighborhood.

Conclusion: City Code, § 1003.02(E)(8) is not applicable.

9. 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 Chapter 909 of the Wayzata Zoning Ordinance. City Code, § 1003.02(E)(9).

NA. The Property is not within any of design districts identified in the design standard review provisions contained in Chapter 909 of the City's zoning ordinance. However, the established City Permitting process and oversight will provide guardrails to the building process, ensuring the resulting homes are of the caliber and scale expected within the neighborhood.

Conclusion: City Code, § 1003.02(E)(9) is not applicable.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein. City Code, § 1003.02(E)(10).

The proposed lot layouts within the plat conform to the requirements of the City's subdivision and zoning ordinances.

Lot layouts have been adjusted slightly since the April 2023 EAW.

Many of these adjustments were in response to feedback from City Staff on various zoning and subdivision code standards. For example, lot lines were adjusted to allow access to the shoreline without the need for any boardwalks, to be radial to curved street lines and the OHWL, and to avoid impacting heritage trees. These adjustments were made to be more consistent with the definition of side lot lines in the subdivision code (see 1006.04 b.). All lots in the proposed plat meet minimum square footage requirements, setbacks (including setbacks related to shorelines, bluffs, steep slopes and wetlands), lot width as measured at the street and the OHWL, grading restrictions, and other restrictions on lot layout.

We have made significant reductions in scope since our initial discussions with the City and neighbors:

- o Shortened and redesigned the road
- o Reduced the number of lots to 3 (on almost 12 acres)
- o Reduced the number of docks to 3 (on 400+ ft. of shoreline)

These changes in the scope and layout of the project have resulted in significant reductions in neighborhood/environmental impact. Most notably, the new plan:

- o Reduces the number of impacted Heritage trees to zero
- o Reduces the length of the retaining walls by 50%
- o Reduces the size of the road to 526'

We have undertaken extensive impact surveys (EAW, Bats, Eagles, Cultural, etc.) that confirm the "temporary and minimal" environmental and cultural impacts of the project on the lakes and waterways, wetlands, wildlife, woodlands and steep slopes.

Additional adjustments were made to the lot layouts based on feedback from the Planning Commission regarding lot line irregularity. This plat adheres to the strictest possible interpretation of the code, with only two lot segments on each lot line (vs. three or four). This is in contrast to other lots around Peavey Pond and in the surrounding neighborhood, some of which have up to seven segments on a lot line.

The property has approximately 400 linear feet of frontage on Peavy Pond (as measured along the OHWL). At the minimum lot width of 75' as measured at the OHWL per City Shoreland Overlay and per shoreland rules, there is sufficient land area, and frontage on Peavy Pond to support 5 lots under the governing minimum dimensional criteria stated in the ordinance. The proposed 3 lots allow improvements that avoid bluffs and minimize impacts on steep slopes and trees while remaining consistent with the dimensional standards of the R-1A zoning district and shoreland overlay.

Proposed layout of lots and building pads conforms to all City performance standards.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(10)

11. 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. City Code, § 1003.02(E)(11).

The proposed preliminary plat will result in gracious lots suited for beautiful homes. The property is zoned R1-Low Density Single Family Estate, and will feature single family homes as zoned. They will not depreciate the values of neighboring properties. Specifically, per the comments under Socioeconomic/Value, within Factor 3, Character above, **the proposed project will result in lots and homes consistent in value with those already in the neighborhood, and will therefore not adversely impact the values of the neighboring properties.**

The zoning of our property (zoning which is public and has been in place for decades, and has been reaffirmed multiple times in the past 10 years) and the subsequent potential for its development as zoned, has already been factored into the value of neighboring properties by the market. Therefore, the argument cannot be made that this development, which aligns with existing publicly known zoning standards, will have an impact on the price of neighboring homes.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(11)

12. 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. City Code, § 1003.02(E)(12).

The proposed preliminary plat includes 3 lots on 11+ acres. It is an increase of only 2 lots to the existing plat, which currently has both a single-family home and a caretaker's cottage. These 2 new lots will have negligible impacts on traffic, water/sewer demand, noise, lake crowding, etc., and will only enhance the efficiency of the existing municipal infrastructure. According to the April 2023 EAW, **the City's transportation, utility and public services can easily accommodate this project.**

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(12)

In summary, each approval requirement of City Code, § 1003.02(E)(1-12), has been met by Applicant.

ADDRESSING SUBDIVISION GOALS: City Code, § 1001.02(B)

The City's subdivision ordinance also states that subdivision approvals are to be guided by certain goals set forth in the ordinance. City Code, § 1001.02(B).

The applicant addresses each of these goals below:

1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan). City Code, § 1001.02(B)(1).

As noted above with respect to Section 1003.02(E)(1), the proposed plat conforms to the guidelines set forth for land within the Estate Single Family category of the City's 2040 Comprehensive Plan.

Scale, mass and other qualities of future residential buildings will be controlled by City of Wayzata zoning and building codes, and enforced through the established building permit process to ensure consistency with the surrounding neighborhood. Accordingly, this 3-lot subdivision project preserves and enhances the City's "small town" character by maintaining consistency with the Comprehensive Plan and surrounding neighborhood character.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(1)

2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan). City Code, § 1001.02(B)(2).

As noted above under Subdivision Standards, Section 1003.02(E)(5)-(7), the proposed lots are consistent with, and therefore will not adversely impact, the scale, pattern and character of existing lots in this area of the City. They are residential and will not impact commercial areas.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(2)

3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan). City Code, § 1001.02(B)(3).

The proposed development will increase the City's housing supply.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(3)

4. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan). City Code, § 1001.02(B)(4).

The proposed plat is located in an existing single family estate residential neighborhood. It is within walking and biking distance of Wayzata schools, restaurants, businesses and churches, and will support, and be consistent with, the existing pedestrian environment in that neighborhood.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(4)

5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan). City Code, § 1001.02(B)(5).

As noted above with respect to Sections 1003.02(E)(1)-(4), the applicant has designed the proposed plat specifically to preserve the “important natural resources” located on the Property as directed by the Comprehensive Plan.

The applicant has thoughtfully designed the project to follow the unique topographic contours of the site, including following the path of the existing driveway where feasible. In addition, the road and potential building pads are proposed to be located away from the waterline, bluffs, and wetlands to minimize shoreland impacts, and to take advantage of existing clearings within the woods. The proposed project:

- will not impact any lakes.
- will not impact the wetlands.
- will not impact the small creek on the far eastern edge of the plat.
- has sought to minimize tree removals.
- will not impact bluffs.
- has been redesigned to minimize impacts to steep slopes.

The Spring 2023 EAW, conducted by WSB Associates in connection with the applicant’s previous application, found that the proposed subdivision does not have “potential for significant environmental effects.” (See Exhibit 6 within the Application).

Note on Protected Areas:

The City’s subdivision ordinance contains a provision relating to “protected areas” that applies where “land proposed for subdivision is deemed environmentally sensitive by the City.” See City Code, § 1006.14. It has been suggested that application of this provision requires the Applicant to take certain measures to avoid construction on slopes over 18 percent. However, the subject property has not been “deemed environmentally sensitive” by the City. To the contrary, the City Council decided as part of the EAW conducted in connection with the applicant’s previous application that the proposed subdivision does not have “potential for significant environmental effects.” For this reason, Section 1006.14 does not apply to the proposed subdivision at all.

Even if Section 1006.14 does apply generally to the proposed subdivision, it does not restrict construction on the slopes of 18% or more identified in the application materials. The language of Section 1006.14 pertaining to construction on 18% slopes refers back to earlier language relating to the need to “control and maintain certain sensitive areas” within the subdivision and requiring the Applicant to undertake a “minimum of alteration” to such “sensitive areas.” The restriction on construction on 18% slopes is therefore limited to locations where “these [sensitive] areas are to be incorporated into lots within the proposed subdivision.” Here, there are no “sensitive areas” within the proposed subdivision on which the Applicant is proposing construction on slopes of 18% or more. None of the proposed construction on slopes of 18% or more will be located within areas that are “sensitive” in any way. For this reason, the language in Section 1006.14 restricting construction on the slopes of 18% or more simply does not apply. To the extent that there is any uncertainty about this, the City is obliged to construe that uncertainty in favor of the Applicant.

Notwithstanding the inapplicability of Section 1006.14 to the proposed subdivision, the Applicant has minimized construction on slopes of 18% or more to the fullest possible extent and has taken measures to ensure that all drainage from the subdivision is contained within the plat boundaries as required by the City’s ordinance.

Finally, the April 2023 EAW (as adopted and published formally by the City of Wayzata)

objectively confirmed that **the impact of the proposed plan to the natural amenities and environment would be “minimal”**.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(5)

In summary, each aspect of City Code, § 1001.02(B) has been met by Applicant.

IV. ADDITIONAL TOPIC(S)

The City’s staff has suggested the following topic should be addressed in our narrative, to clarify Applicant’s adherence to the City Code on specific issues.

Shoreland Setback:

The City’s shoreland management ordinance requires the Applicant to design the proposed subdivision to avoid a circumstance in which “a later variance from one or more standards in official controls would be needed to use the lots for their intended purposes.” City Code, § 991.21.B. To avoid the need for later variances from the setback requirements in Section 991.09.D of the City’s shoreland management ordinance, the Applicant will provide a restrictive covenant addressing the sequence in which the proposed lots will be developed.

Docks:

Please note that Applicant is not planning on installing any docks or slips – Applicant is merely showing, at the City’s request, a layout compliant with LMCD regulations so that future owners can consider applying for a permit.

The Lake Minnetonka Conservation District is responsible for regulating docks for property owners surrounding Lake Minnetonka, including Peavey Pond, not the City of Wayzata. On the property, there is 400 ft of shoreline on Peavey Lake (DNR No. 27-138), and each parcel will have 100+ft of shoreline, which would allow each property owner to seek a dock, as permitted through LMCD.

The Lake Minnetonka Conservation District is responsible for regulating docks for property owners surrounding Lake Minnetonka, including Peavey Pond. Current LMCD regulations allow one watercraft per 50 feet of continuous shoreland, for a total of up to 8 boats for the 400+ feet of shoreline, independent of the number/shape of the lots on the property. The proposed layout has shown the allowable slips divided between the three properties.

In addition, the bridge leading from Peavey Lake to Lake Minnetonka has a very low clearance with a small scale which is prohibitive to larger boats/excessive boating impacts.

Finally, it must be noted that the City’s April 2023 EAW clearly states that:

“the increase in the number of watercraft[s] of Peavey Lake (DNR No. 27-138) is not expected to result in direct or indirect environmental effects from the physical modification of Peavey Lake.” Additionally, the EAW states that *“impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor.”*

This assessment was based on the assumption of four docks; now that the number of docks is reduced to three, the only reasonable conclusion is that those temporary minor impacts would be even lower.

As future owners will be subject to LMCD and WCA regulations, the issue of docks should not be of concern by the City. Please see the attached letter from the LMCD, outlining their regulatory oversight role, including a review of the setbacks and illustrative docks.

Conclusion: Not Applicable; Potential docks are subject to the regulatory oversight of the LMCD, and not the City of Wayzata. The published and formally adopted EAW explicitly concluded that there were no “direct or indirect environmental impacts” from the proposed addition of watercraft. Therefore, this issue does not need to be addressed via the City of Wayzata’s subdivision process.

V. CONCLUSION

Our goal has been to gently sub-divide our parent’s property (which our family has owned for 60 years) into an environmentally sensitive, responsible, low-density project consistent with the surrounding neighborhood character.

Currently, the large (11.67 acre) property consists of one lot with 2 houses on it, and we are proposing to subdivide it, in order to create 3 lots from the current oversized lot.

Our proposal complies with all of the City of Wayzata subdivision standards including setbacks, lot coverage, grading, acreage, tree preservation ordinances, and any other city and state regulations. The proposed application is designed to meet code and to minimize impacts on the environment.

Allowing the subdivision of this property is consistent with the purpose and goals of the subdivision ordinance. (See City Code, §_1001.2 A. 1. “*To encourage well planned, efficient and attractive subdivisions, by establishing adequate and impartial standards for design and construction.*”). This application meets and often exceeds the objective standards of the applicable ordinances.

Over the past four years, Applicant has responded to multiple ordinance revisions that occurred after we began preparing our submittal materials (shoreland ordinance amendments, updated bluff definitions, new lot line interpretations, and tree ordinance revisions, among others). Throughout the process, the applicant has provided the city with extensive information detailing bluff impacts and tree impacts including a tree preservation plan, and other aspects of the proposal.

Additionally, Applicant has been very respectful of neighborhood concerns. We have met multiple times with many of the neighbors, and been responsive to their concerns. We have been very flexible in our approach to this development. We have revised the plan many times, in response to City and neighborhood feedback, including decreasing the number of lots below the required thresholds, reducing the number of docks below what would be allowed by the LMCD, and altering the proposed road and tree preservation plan to protect desirable tree coverage and minimize grading and retaining walls. We have also altered the location of the Ferndale curb-cuts, to respond to neighbor feedback.

The property at 565 West Ferndale Road, as currently platted, is a historical anomaly. The proposed

Ferndale Bluff / 565 Ferndale Road West

Three-lot Subdivision Application Narrative

small scale development brings the property in line with the surrounding neighborhood as it currently exists.

We appreciate your time and attention to this proposal, and we look forward to responding to your questions, concerns or comments. Thank you,



Samantha Capen Muldoon, Member, Dray Trustee LLC



Allison Capen, Member, Dray Trustee LLC



Heather Capen Cox, Member, Dray Trustee LLC

Exhibit A Lot Pattern Exhibition

The proposed lots are consistent with many lots in the surrounding neighborhood:

Lots in the surrounding Ferndale and Harrington neighborhood are unique, as the nearby lot pattern has evolved over time. The neighborhood is characterized by a natural layout, which is responsive to the topography, and responsive to lake access. The table attached illustrates that the proposed lot configurations are consistent with many of the neighboring lots, and thus meets the city zoning requirement that it “respect the existing scale character and pattern”¹ of the neighborhood.

Comparison Properties (see page 2):

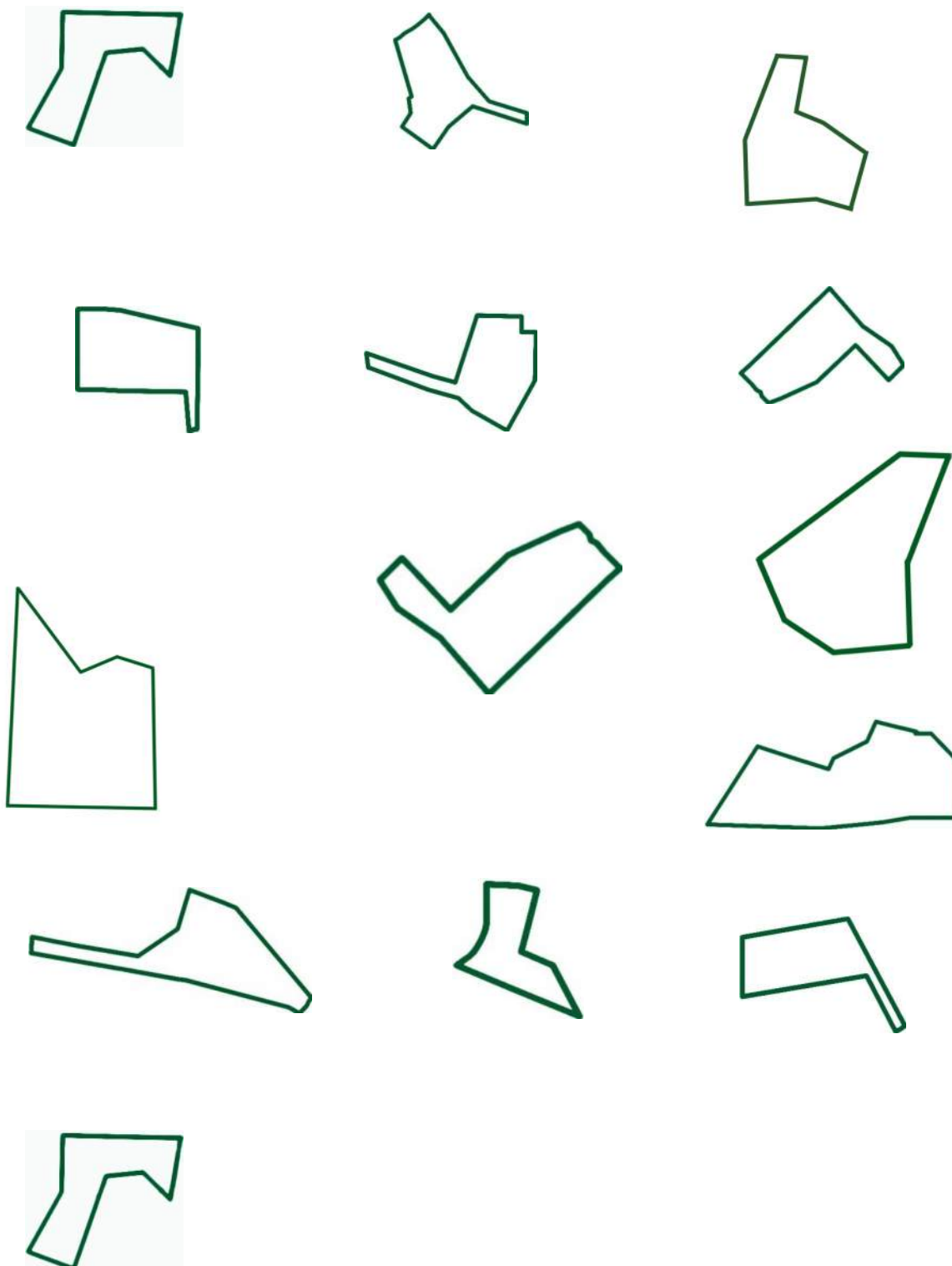
- All referenced properties are within 0.5 miles of 565 West Ferndale Road (circle below indicates approximate area of consideration, with western edge truncated due to Orono City Line).
- All referenced properties are zoned similarly, *R-1A Low Density Single Family Estate District* (as outlined in Wayzata City Code of Ordinance, Part XI, Chapter, 951).

Applicant property is the only unchanged plat since 1914, and as such, is currently both a historical and neighborhood anomaly. Subdivision of this 11.67-acre site into 3 single family estate lots meets all zoning requirements, and would bring the property into consistency with the neighborhood.



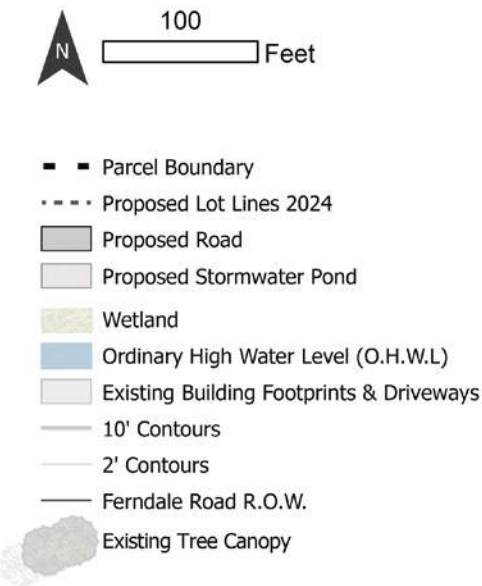
¹ Wayzata City Code 1001.2, B2

Exhibit A
Lot Pattern Exhibition



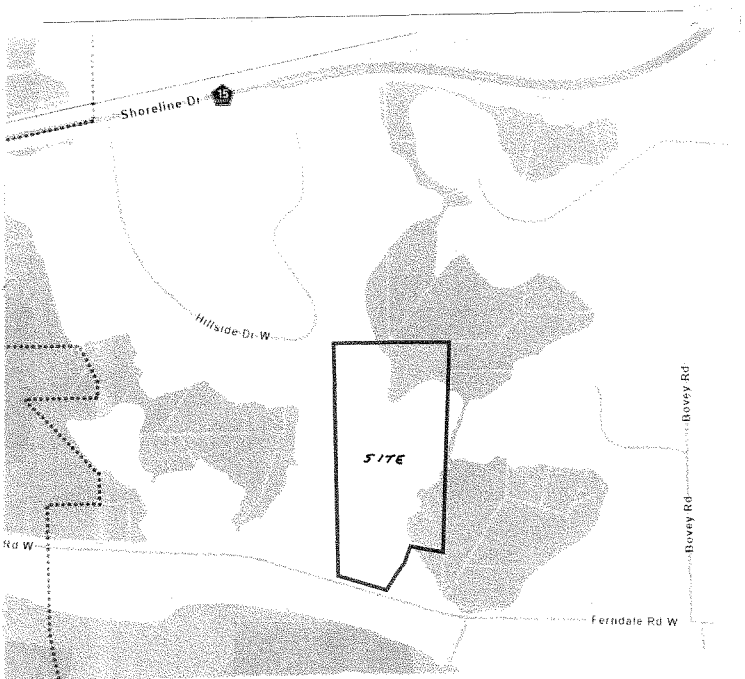
All examples are within ½ mile of property and are zoned *RI-Low Density Single Family Estate* in the 2040 Comprehensive Plan.

565 FERNDAL WEST ILLUSTRATIVE SITE PLAN



FERNDALE BLUFF

TITLE SHEET



VICINITY MAP

TABLE OF CONTENTS

- 1. TITLE SHEET
- 2. EXISTING CONDITIONS
- 3. PRELIMINARY PLAT
- 4. GRADING & ROAD PLAN
- 4A. DEVELOPER PROJECT GRADING & INTERIM DRIVEWAY PLAN
- 5. PRELIMINARY UTILITY PLAN
- 6. TREE INVENTORY PLAN
- 7. DOCK AND DRIVEWAY DETAIL
- 8. PROPOSED LOT LINES AND EASEMENTS

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

DATE
7-23-22
N/A
25-005

PROJECT
FERNDALE
BLUFF

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 Professional Engineer under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

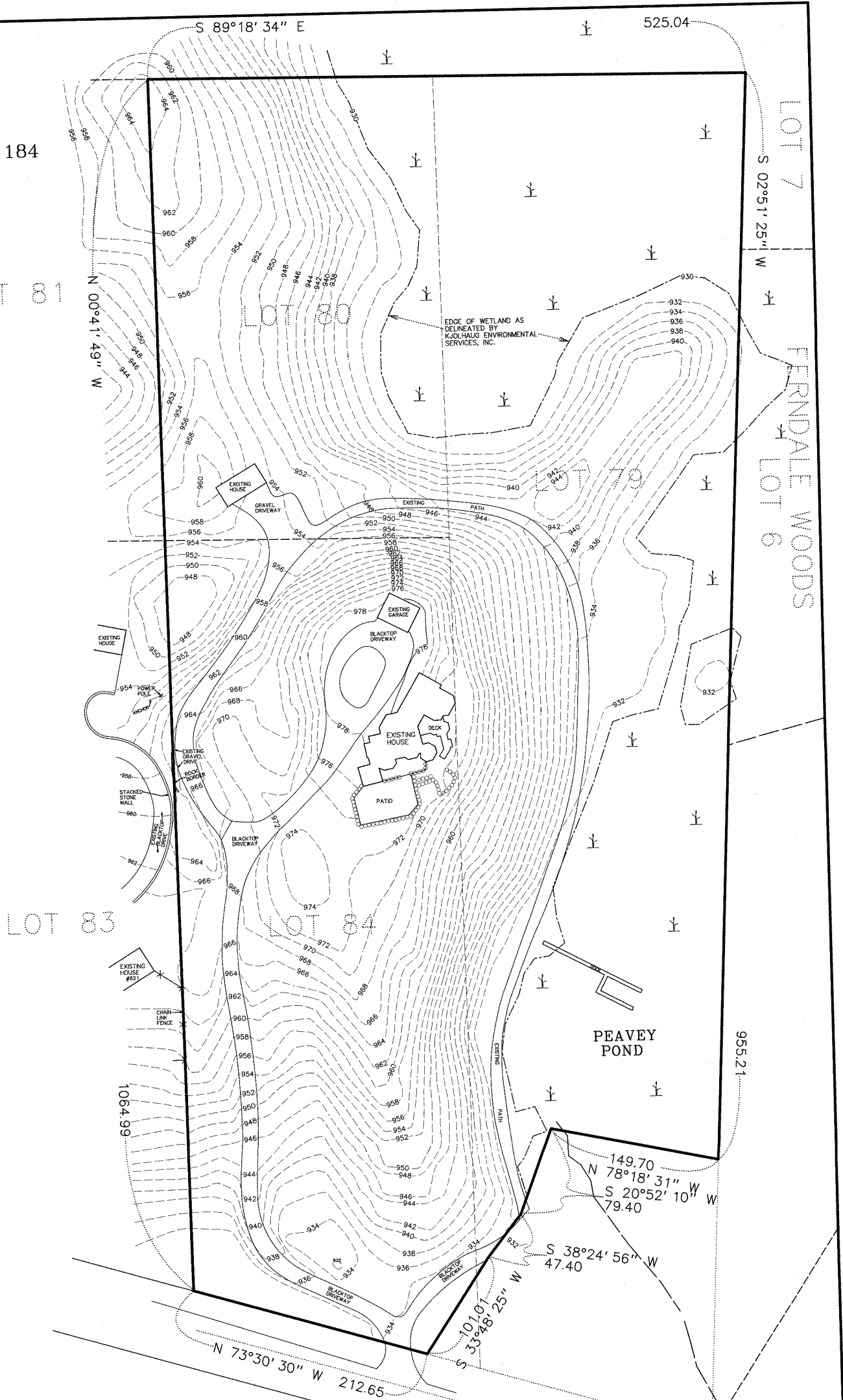
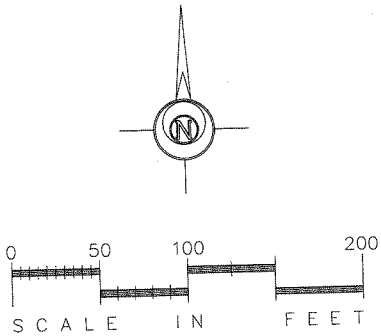
REVISIONS	
DATE	
8-15-22	
8-25-22	
8-28-23	
1-10-24	
12-2-24	
12-18-24	
1-12-25	

25-005

25005525XCON4.SCU

FERNDALE BLUFF

CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from said last described course a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northeasterly deflecting on an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting on an angle of 10 degrees 01 minutes from last described course a distance of 60 feet; thence deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 51.5 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;
Lot 80;
Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence westerly, measured along said dividing line a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northeasterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northeasterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



DATE	REVISIONS
8-12-22	
8-25-22	
9-26-23	
1-10-24	
3-14-24	
12-2-24	
1-18-25	

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
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

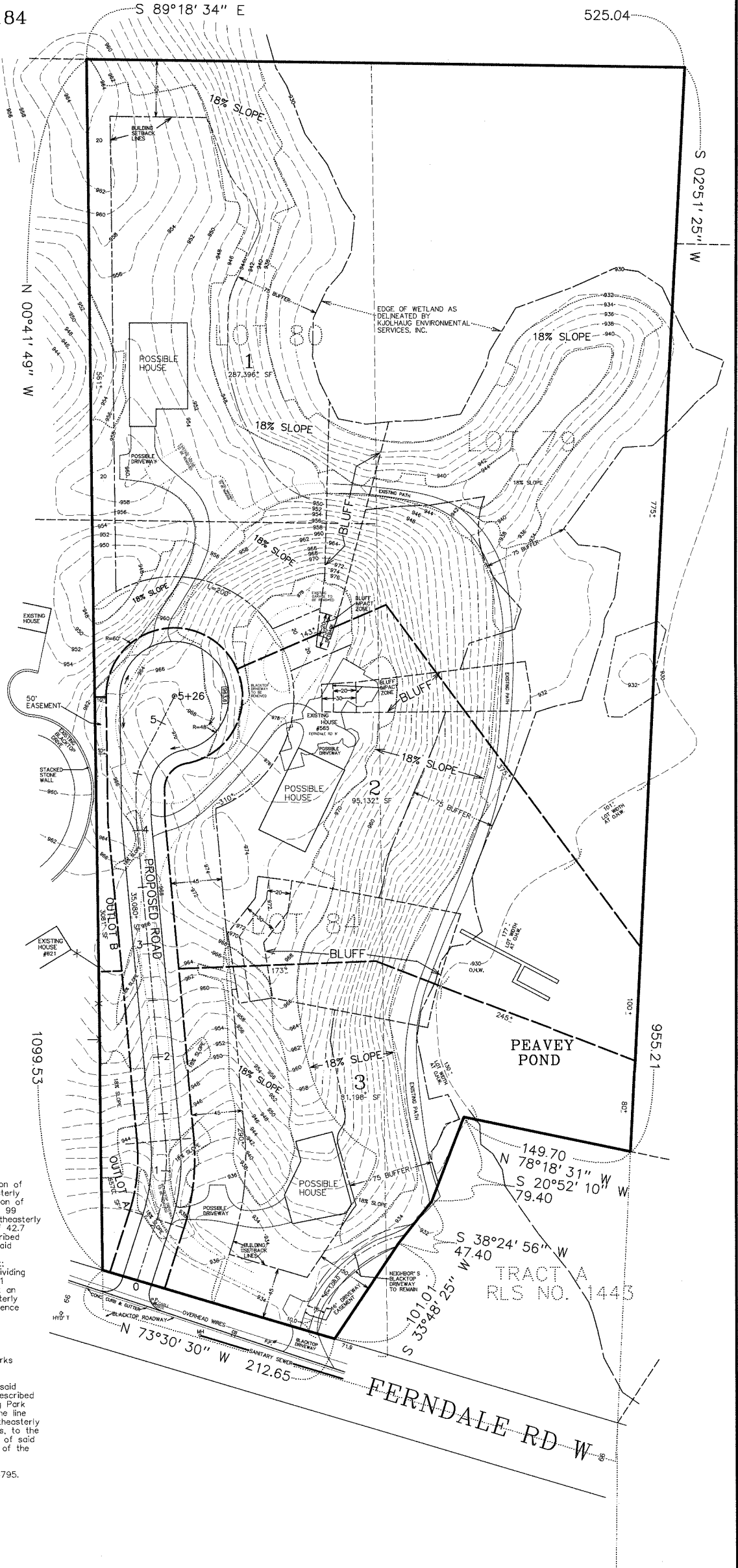
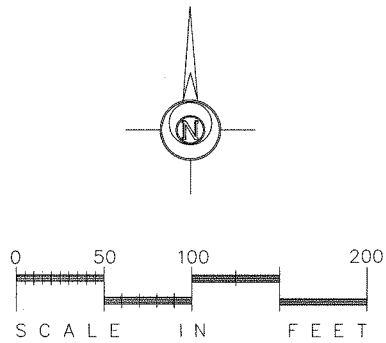
DATE
7-23-22
SCALE
1"=50'
JOB NO
25-005



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

FERNDALE BLUFF
CERTIFICATE OF SURVEY & PRELIMINARY PLAT FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northern line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northern line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northern line of said Road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443; Lot 80; Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwesterly line of the tract of land hereinabove excepted, and there terminating. The Northern line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.

o : denotes iron marker

--917-- : denotes existing contour line, per owner's drawing

Bearings shown are based upon the Hennepin County coordinate datum

This survey intends to show the boundaries of the above described property, and the location of several existing buildings, driveways, decks, and topography, and the proposed location of a proposed road, outlot, three lots and three possible houses thereon. It does not purport to show any other improvements or encroachments.



250053PREPLAT8CJ

DATE	REVISIONS
8-12-22	
8-25-22	
3-22-23	REVISED BLUFF INFORMATION PER HWG
6-26-23	
1-11-24	
3-14-24	
12-2-24	
12-16-24	
1-15-25	

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
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

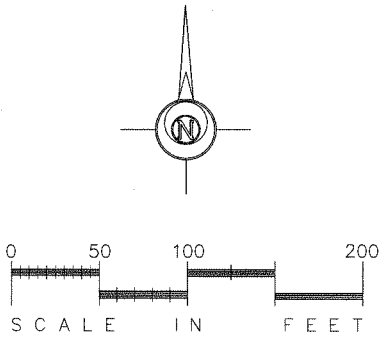
DATE
7-23-22
SCALE
1"=50'
JOB NO
25-005



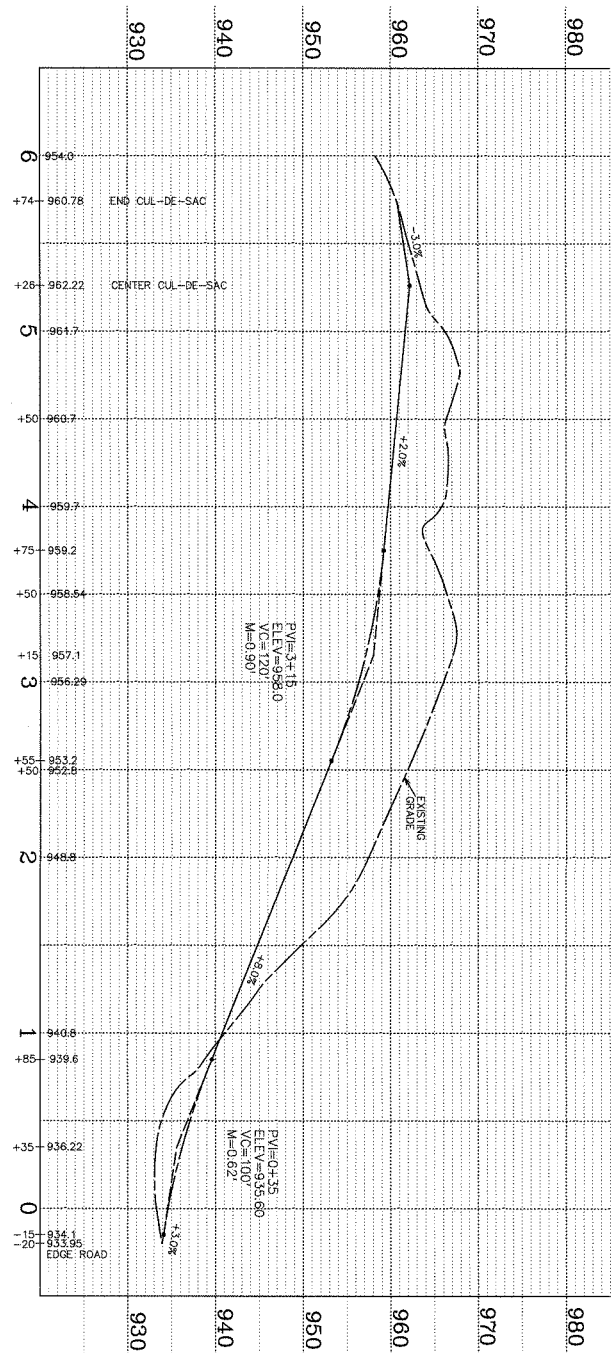
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF

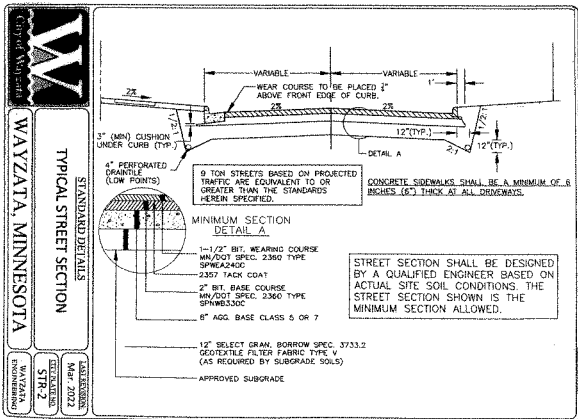
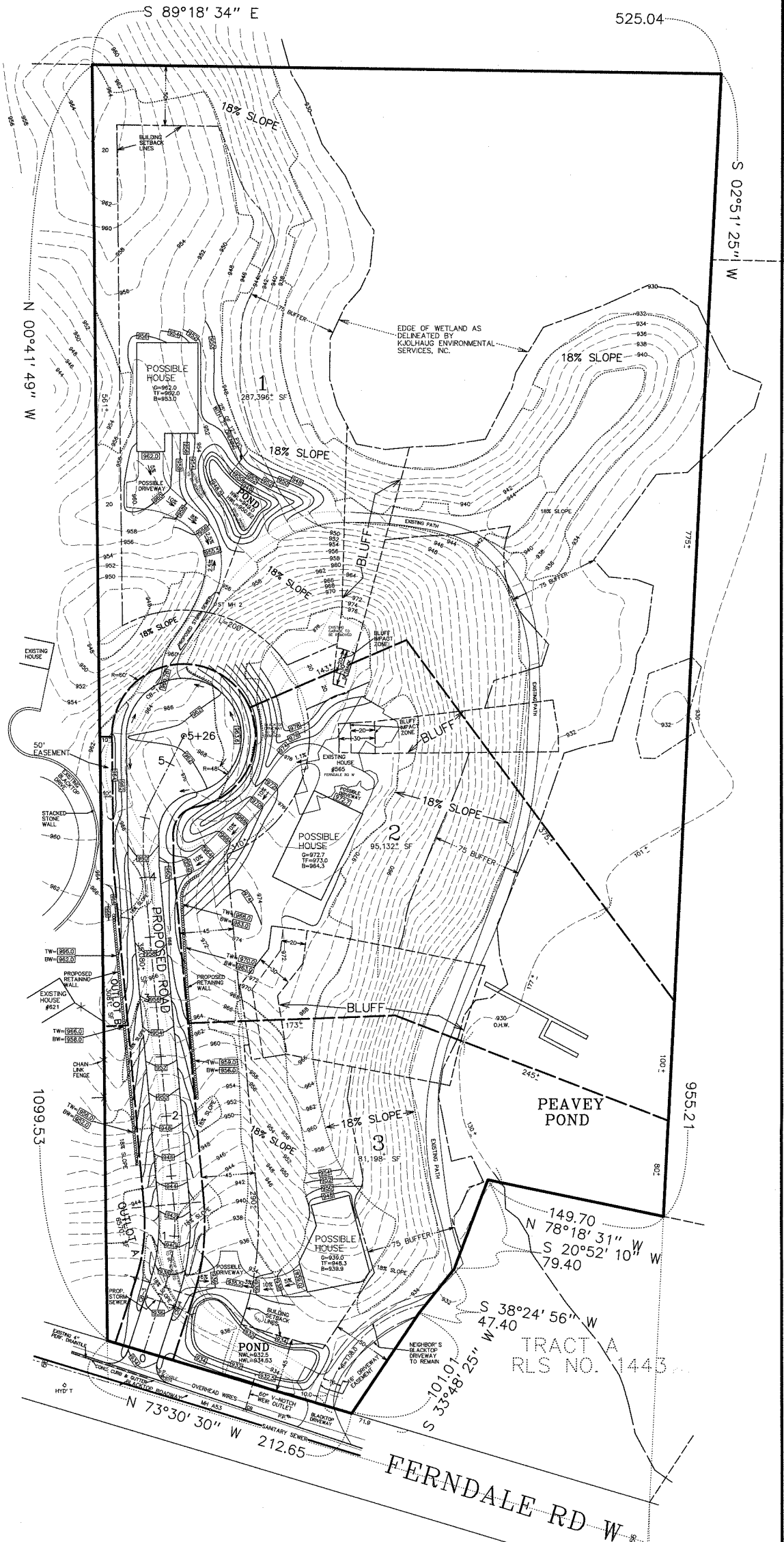
PROPOSED GRADING & ROAD PLAN



— 917 — denotes existing contour line
[910.8] denotes proposed spot elevation
— 930 — denotes proposed contour line



ROAD PROFILE



4

2500554 GRADING/ROADS.CJ

DATE	REVISIONS
10-8-24	REVISED
11-8-24	REVISED
12-2-24	REVISED
12-18-24	
1-15-25	

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 Professional Engineer under the laws of the State of Minnesota.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

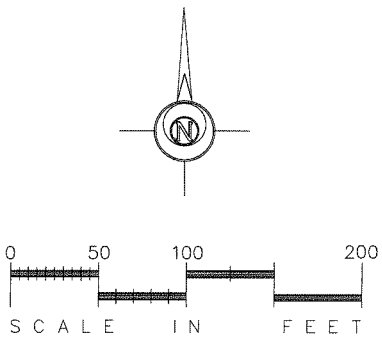
DATE
6-15-22
SCALE
1"=50'
JOB NO
25-005



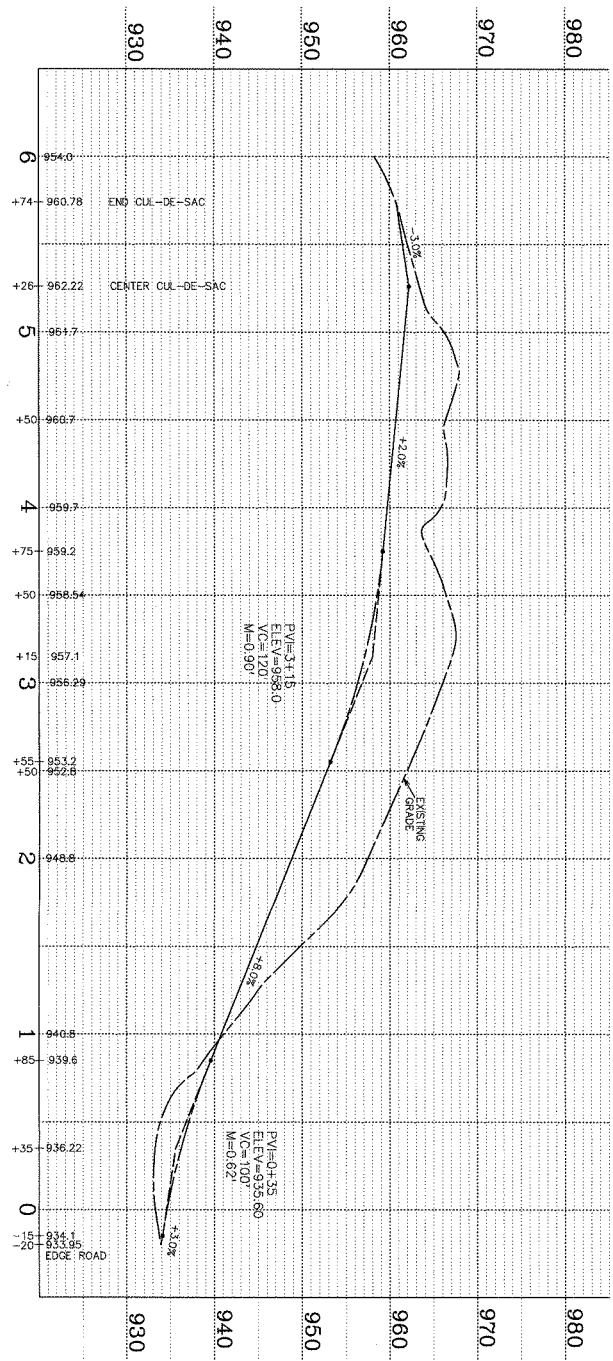
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF

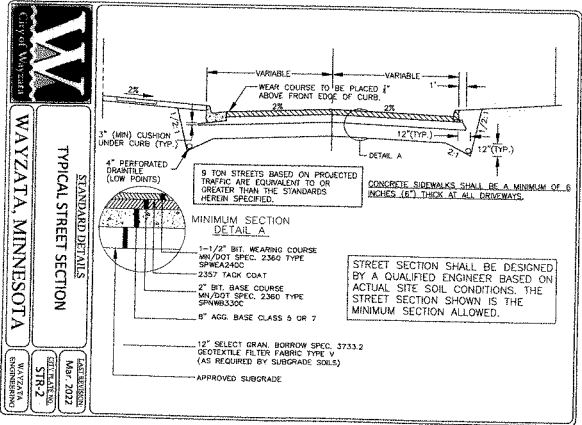
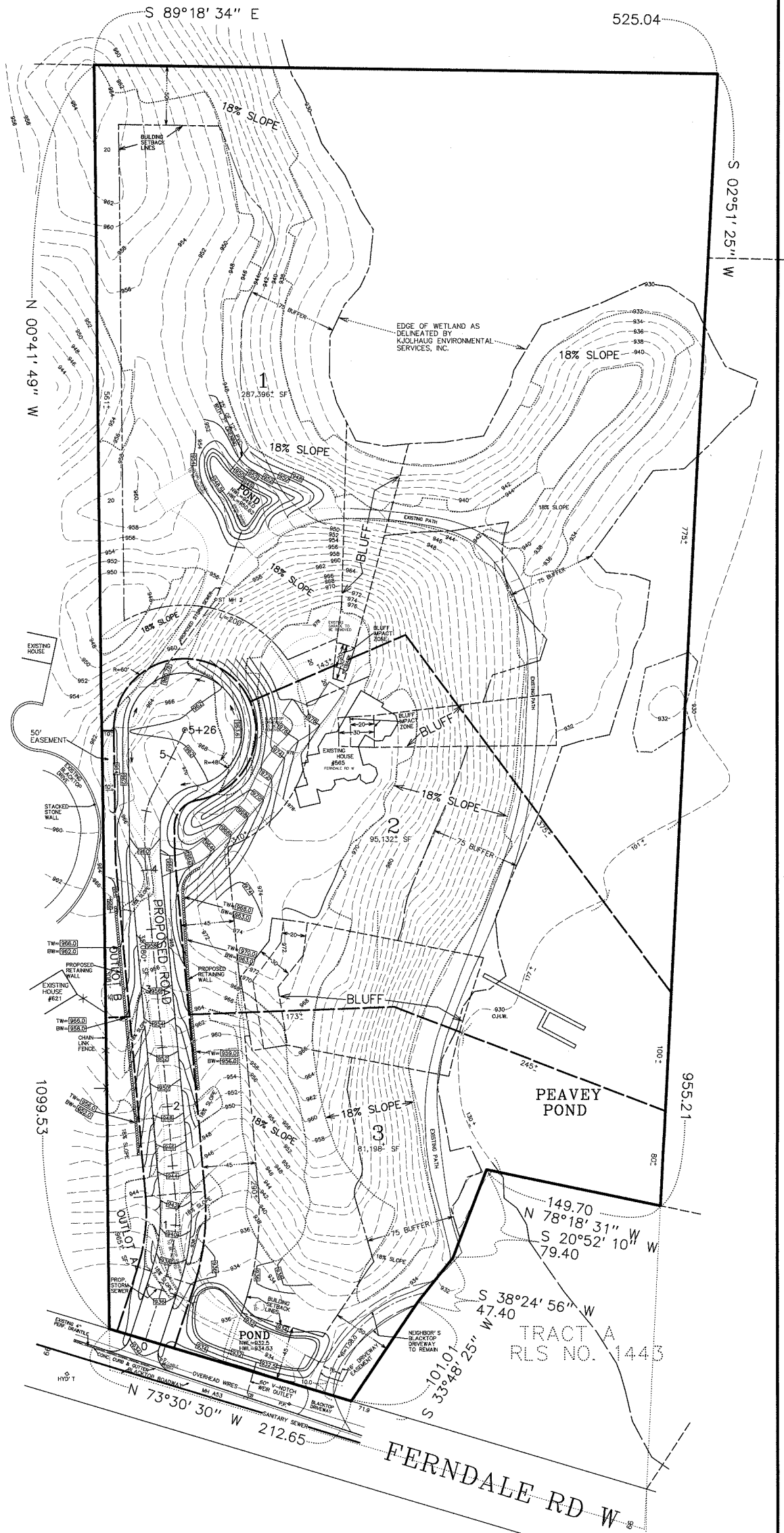
DEVELOPER PROJECT GRADING SCOPE & INTERIM DRIVEWAY PLAN



— 917 — denotes existing contour line
[910.8] denotes proposed spot elevation
— 930 — denotes proposed contour line



ROAD PROFILE



DATE	REVISIONS
10-8-24	REVISED
11-8-24	REVISED
12-2-24	REVISED
12-16-24	
1-15-25	

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 Professional Engineer under the laws of the State of Minnesota.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

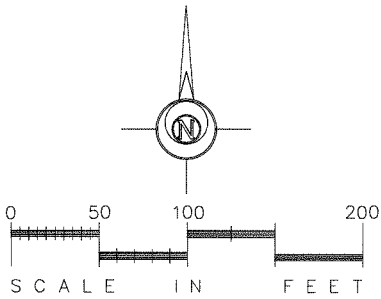
DATE
6-15-22
SCALE
1"=50'
JOB NO.
25-005



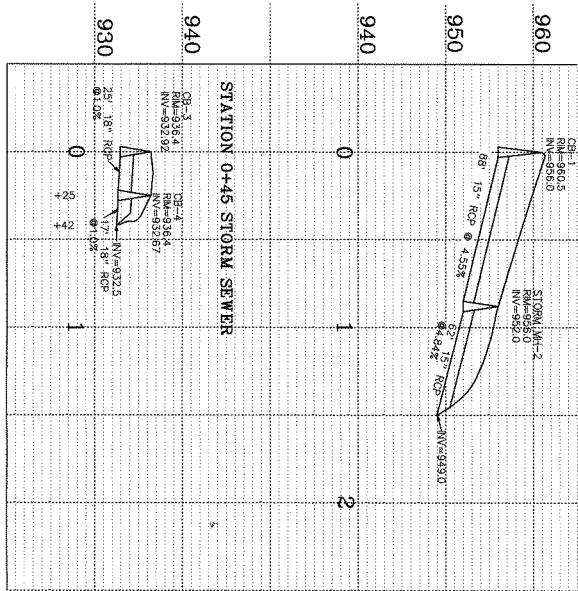
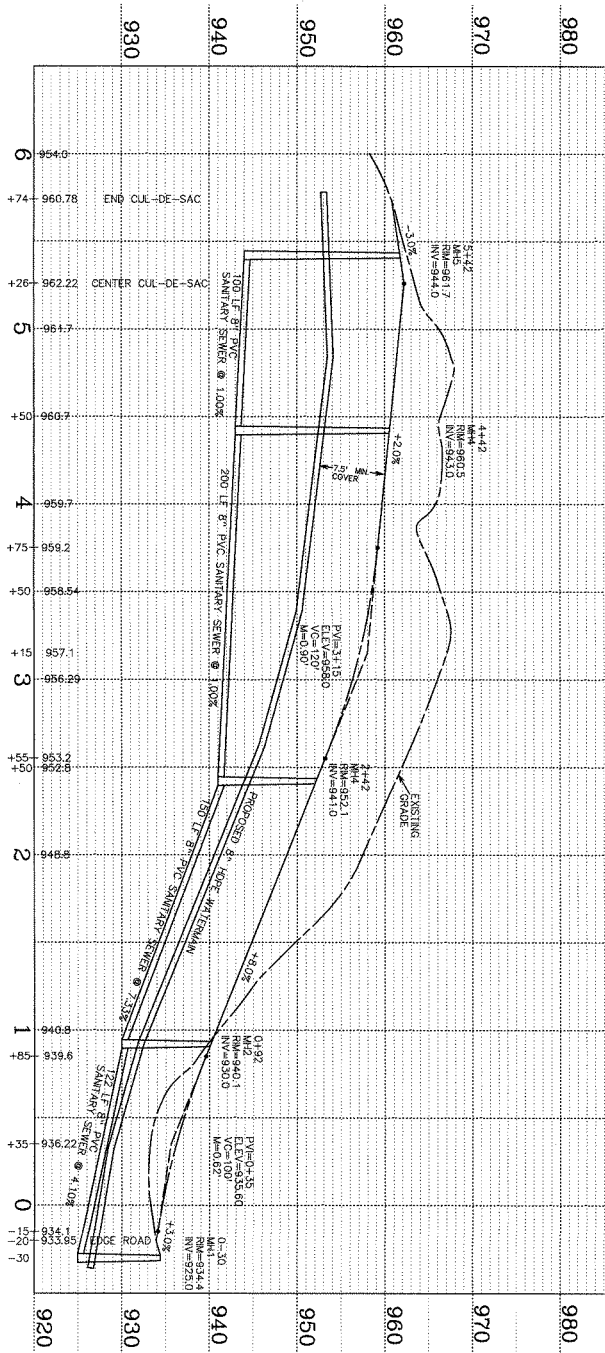
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF

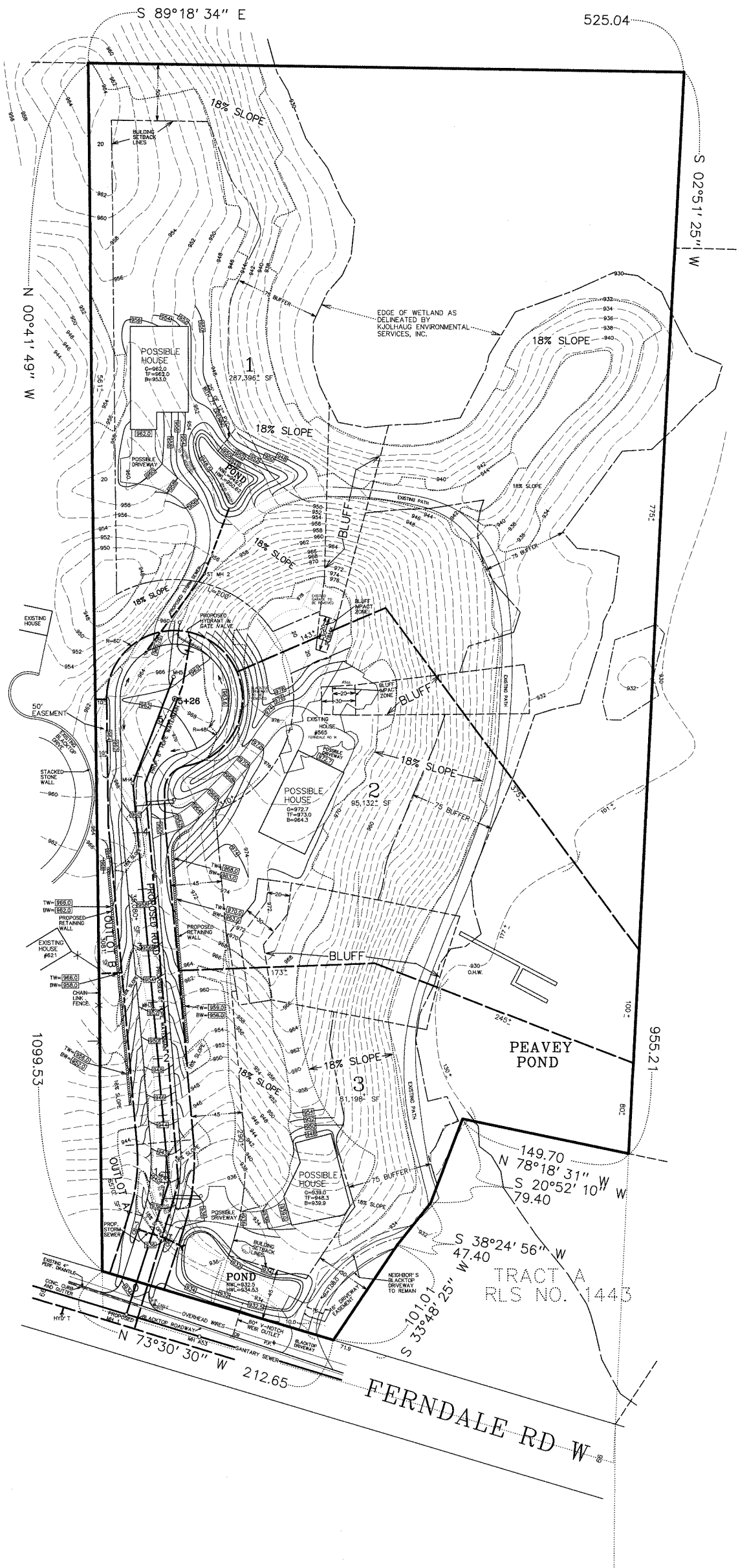
PRELIMINARY UTILITY PLAN



—917—: denotes existing contour line
[910.8]: denotes proposed spot elevation
—930—: denotes proposed contour line



ROAD PROFILE



5

2500555/UTILITY/7.SCU

DATE	REVISIONS
8-12-22	
8-25-22	
6-28-23	
1-11-24	
3-14-24	
12-2-24	
12-16-24	
1-15-25	

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
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

DATE
7-23-22
SCALE
1"=50'
JOB NO
25-005

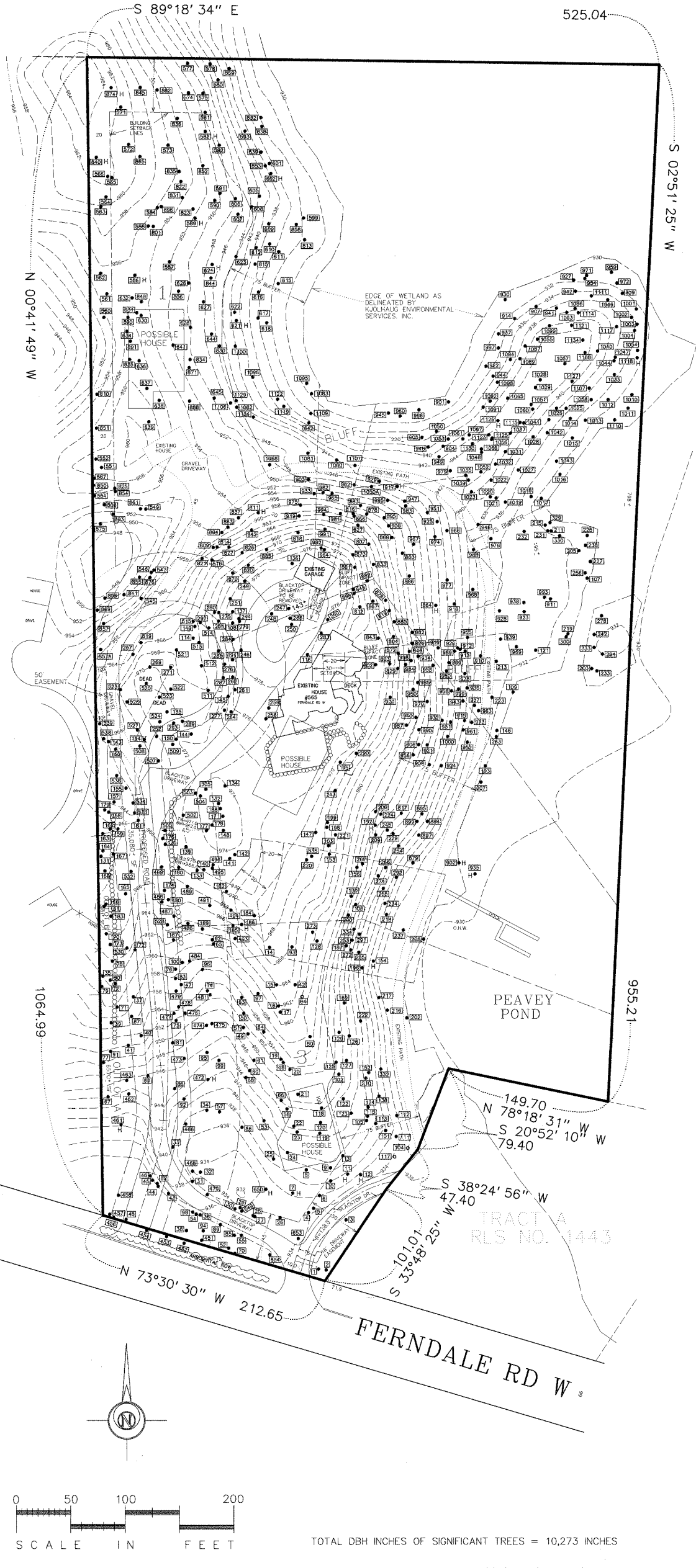


GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

TREE SCHEDULE

TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
1	11 MAPLE	146	10 BOXELDER	451	15 HICKORY	806	12 HICKORY
2	23 MAPLE	147	9 MAPLE	452	14 OAK	807	12 MAPLE
3	13 ASH	148	19 MAPLE	453	21 MAPLE	808	11 BOXELDER
4	21 MAPLE	149	10 MAPLE	454	13 HACKBERRY	809	8 MAPLE
5	11 MAPLE	150	8 MAPLE	455	14 MAPLE	810	13 MAPLE
6	12 MAPLE	151	12-13-14 LINDEN	456	17 ASH	811	28 MAPLE(H)
7	25 MAPLE(H)	152	20 MAPLE	457	20 OAK	812	9 MAPLE
8	13 MAPLE	153	28 OAK(H)	458	34 MAPLE(H)	813	22 MAPLE
9	16 LINDEN	154	17 MAPLE	459	15 MAPLE	814	10 MAPLE
10	17 MAPLE	155	13 MAPLE	460	15 MAPLE	815	23 MAPLE
11	27 MAPLE(H)	156	6 MAPLE	461	19 MAPLE	816	11 MAPLE
12	30 MAPLE(H)	157	9 MAPLE	462	16 ASH	817	11 HICKORY
13	13 BOXELDER	158	6 MAPLE	463	19 ASH	818	20 MAPLE
14	23 MAPLE	159	8 MAPLE	464	28 MAPLE(H)	819	9 MAPLE
15	13 ELM	160	10 MAPLE	465	18 MAPLE	820	9 MAPLE
16	17-13-13 LINDEN	161	9-20 MAPLE	466	16 MAPLE	821	19-14 MAPLE
17	11 HICKORY	162	10 MAPLE	467	24 MAPLE	822	9 MAPLE
18	16 HACKBERRY	163	8 MAPLE	468	20 MAPLE	823	8 MAPLE
19	34 HICKORY	164	9 MAPLE	469	17 MAPLE	824	16 ASH
20	6 MAPLE	165	10 MAPLE	470	14 MAPLE	825	8 ELM
21	14 MAPLE	166	18 MAPLE	471	13 MAPLE	826	9 MAPLE
22	12 BOXELDER	167	21 MAPLE	472	13 MAPLE	827	10 MAPLE
23	12 HACKBERRY	168	15-16 HICKORY	473	13 HICKORY	828	18 MAPLE
24	14 BOXELDER	169	8 MAPLE	474	22 MAPLE	829	7 MAPLE
25	12 MAPLE	170	18 MAPLE	475	16 MAPLE	830	15 MAPLE
26	11 MAPLE	171	8 MAPLE	476	24 MAPLE	831	12 MAPLE
27	11 MAPLE	172	18 MAPLE	477	18 LINDEN	832	18 BOXELDER
28	10 MAPLE	173	12 MAPLE	478	18 MAPLE	833	8 MAPLE
29	9 MAPLE	174	12 MAPLE	479	23-7 MAPLE	834	13 ASH
30	6 MAPLE	175	9 MAPLE	480	19 MAPLE	835	18 HICKORY
31	8 MAPLE	176	12 MAPLE	481	16 MAPLE	836	10 ELM
32	15 MAPLE	177	12 MAPLE	482	14 MAPLE	837	15 MAPLE
33	9 MAPLE	178	16 MAPLE	483	17 MAPLE	838	15 ASH
34	9 MAPLE	179	7 MAPLE	484	20 MAPLE	839	12 MAPLE
35	21 MAPLE	180	15 MAPLE	485	28 OAK(H)	840	28 OAK(H)
36	10 MAPLE	181	10-8 LINDEN	486	20 MAPLE	841	29 MAPLE(H)
37	10 MAPLE	182	18 MAPLE	487	13 MAPLE	842	16 MAPLE
38	8 MAPLE	183	7 MAPLE	488	14-17 MAPLE	843	7 MAPLE
39	16 BOXELDER	184	14 MAPLE	489	11 CEDAR	844	24 MAPLE
40	21 MAPLE	185	28 OAK(H)	490	12 CEDAR	845	12 HICKORY
41	7 MAPLE	186	11 ELM	491	11 CEDAR	846	6 MAPLE
42	7 MAPLE	187	8 MAPLE	492	15 MAPLE	847	19 MAPLE
43	8 MAPLE	188	8 MAPLE	493	21 MAPLE	848	6 MAPLE
44	7 MAPLE	189	11 LINDEN	494	17 MAPLE	849	13 ELM
45	12 MAPLE	190	14 MAPLE	495	16 LINDEN	850	11 MAPLE
46	8 MAPLE	191	32 WALNUT(H)	496	20 MAPLE	851	16 ASH
47	10 MAPLE	192	11 BOXELDER	497	17 MAPLE	852	11 MAPLE
48	15 OAK	193	11 MAPLE	498	10 MAPLE	853	10 MAPLE
49	15 MAPLE	194	12 MAPLE	499	14 ELM	854	14 ELM
50	8 MAPLE	195	9 MAPLE	500	DEAD-DEAD-DEAD	855	12 MAPLE
51	13 MAPLE	196	13 MAPLE	501	21 HICKORY	856	9 MAPLE
52	9 MAPLE	197	8-15 MAPLE	502	15-7 LINDEN	857	20 MAPLE
53	12 BOXELDER	198	23 BOXELDER	503	DEAD-LINDEN	858	20 MAPLE
54	8 MAPLE	199	9 MAPLE	504	12 HICKORY	859	14 MAPLE
55	14 MAPLE	200	12 LINDEN	505	14 MAPLE	860	14 MAPLE
56	17 MAPLE	201	10-16 LINDEN	506	14 MAPLE	861	14 MAPLE
57	16 BOXELDER	202	13 ASH	507	12 MAPLE	862	23 MAPLE
58	9 BOXELDER	203	8 MAPLE	508	28 OAK(H)	863	10 MAPLE
59	19 MAPLE	204	10 ELM	509	12 MAPLE	864	28 OAK(H)
60	15 MAPLE	205	12-15 ELM	510	20 ELM	865	12 ASH
61	9 MAPLE	206	11 MAPLE	511	14 MAPLE	866	22 MAPLE
62	12 MAPLE	207	20 ASH	512	16 LINDEN	867	10 MAPLE
63	25 MAPLE	208	7 MAPLE	513	14 MAPLE	868	10 MAPLE
64	13 MAPLE	209	15 ELM	514	14 MAPLE	869	10 MAPLE
65	11 BOXELDER	210	15-18 ASH	515	14 MAPLE	870	10 MAPLE
66	24 MAPLE	211	14 BOXELDER	516	23 MAPLE	871	7 MAPLE
67	22 MAPLE	212	17 ELM	517	23 MAPLE	872	9 MAPLE
68	19 MAPLE	213	10-15 HICKORY	518	13 LINDEN	873	8 MAPLE
69	12 HACKBERRY	214	11-14-16-18-10 LINDEN	519	13 LINDEN	874	28 MAPLE(H)
70	11 MAPLE	215	10-15 HICKORY	520	15 MAPLE	875	13 LINDEN
71	9 MAPLE	216	12-13 CEDAR	521	15 MAPLE	876	7 MAPLE
72	15 MAPLE	217	14 ELM	522	15 MAPLE	877	15 MAPLE
73	7 MAPLE	218	13 MAPLE	523	14 MAPLE	878	23 MAPLE
74	10 MAPLE	219	16 LINDEN	524	14 MAPLE	879	16 LINDEN
75	16 LINDEN	220	17 LINDEN	525	13 MAPLE	880	19 LINDEN
76	9 MAPLE	221	15 ASH	526	13 MAPLE	881	23 MAPLE
77	17 LINDEN	222	16 LINDEN	527	16 LINDEN	882	7 MAPLE
78	10 MAPLE	223	14 HICKORY	528	16 LINDEN	883	11 MAPLE
79	16 LINDEN	224	17 LINDEN	529	22 OAK	884	17-17 OAK
80	9 MAPLE	225	19 ASH	530	15 OAK	885	20 MAPLE
81	17 LINDEN	226	6 MAPLE	531	23 OAK	886	8 MAPLE
82	10 MAPLE	227	12 ASH	532	17 OAK	887	18 ELM
83	8 MAPLE	228	9 ASH	533	15 ASH	888	7 MAPLE
84	9 MAPLE	229	18-16-14-14 LINDEN	534	21 LINDEN	889	24 LINDEN
85	12 MAPLE	230	14-12 MAPLE	535	15 ASH	890	19 MAPLE
86	16 MAPLE	231	15 ASH	536	24 OAK	891	7 MAPLE
87	7 OAK	232	16 ASH	537	22 LINDEN	892	13 ASH
88	9 MAPLE	233	10 HACKBERRY	538	13 MAPLE	893	10 ASH
89	15 MAPLE	234	18 HACKBERRY	539	14 MAPLE	894	8 MAPLE
90	7 MAPLE	235	17 MAPLE	540	16 MAPLE	895	15 MAPLE
91	10 MAPLE	236	9 HICKORY	541	17 MAPLE	896	8-7 HICKORY
92	10 LINDEN	237	14-9 LINDEN	542	28 OAK(H)	897	16 LINDEN
93	11 HICKORY	238	6-7-11 PAPER BIRCH	543	23 OAK	898	23 MAPLE
94	9 MAPLE	239	12-12-16 PAPER BIRCH	544	27 OAK(H)	899	22 LINDEN
95	6 MAPLE	240	22 MAPLE	545	36 OAK-DYING	900	6 MAPLE
96	14 MAPLE	241	11-11-8 PAPER BIRCH	546	13 HICKORY	901	8 ASH
97	22 MAPLE	242	23 OAK	547	28 OAK(H)	902	44 WILLOW(H)
98	8 MAPLE	243	8 MAPLE	548	16 MAPLE	903	21 MAPLE
99	6 MAPLE	244	15 MAPLE	549	15 MAPLE	904	14 ASH
100	10 MAPLE	245	19 MAPLE	550	15 MAPLE	905	14 MAPLE
101	10-7 BOXELDER	246	12 LINDEN	551	15 MAPLE	906	12 LINDEN
102	18 HACKBERRY	247	11 MAPLE	552	22 MAPLE	907	20 BOXELDER
103	24 MAPLE	248	21 WHITE CEDAR	553	20 MAPLE	908	10 HICKORY
104	6-6 ARS. CLUMP	249	20 RED PINE	554	25 MAPLE(H)	909	16 BOXELDER
105	9 HACKBERRY	250	15 PAPER BIRCH	555	19 LINDEN	910	10 ELM
106	21 LINDEN	251	7-8 IRONWOOD	556	20 MAPLE	911	7 MAPLE
107	20-20 ASH	252	20 ASH	557	19 MAPLE	912	9 MAPLE
108	8 MAPLE	253	10 BOXELDER	558	15 MAPLE	913	22 ASH
109	19 ASH	254	264 MAPLE	559	14 MAPLE	914	8-8 MAPLE
110	17 BOXELDER	255	7 MAPLE	560	20 MAPLE	915	19 ASH
111	14-16 LINDEN	256	8 MAPLE	561	16 MAPLE	916	8 MAPLE
112	8 BOXELDER	257	22 MAPLE	562	20 MAPLE	917	25 MAPLE(H)
113	8 MAPLE	258	12 MAPLE	563	15 MAPLE	918	20 MAPLE
114	11 HACKBERRY	259	8 MAPLE	564	13 MAPLE	919	12 MAPLE
115	13-13-8 PAPER BIRCH	260	11 MAPLE	565	23 MAPLE	920	25 LINDEN
116	7-7-7-8 ARS. CLUMP	261	13 MAPLE	566	11 HICKORY	921	10 HICKORY
117	16 BOXELDER	262	12 MAPLE	567	28 MAPLE(H)	922	10 ASH
118	10 BOXELDER	263	6 MAPLE	568	13 MAPLE	923	16 ASH
119	10 BOXELDER	264	13 LINDEN	569	14 MAPLE	924	16-14-17 LINDEN
120	17 BOXELDER	265	28 OAK(H)	570	16 MAPLE	925	16 MAPLE
121	11-15 BOXELDER	266	15 OAK	571	15 OAK	926	7 MAPLE
122	16 BOXELDER	267	20 LINDEN	572	20 LINDEN	927	10 ELM
123	13 MAPLE	268	22 LINDEN	573	22 LINDEN	928	22 BOXELDER
124	13 MAPLE	269	20 OAK	574	22 OAK	929	9 MAPLE
125	17 MAPLE	270	19 OAK	575	19 OAK	930	8-8 ASH
126	17 MAPLE	271	20 OAK	576	20 OAK	931	20 MAPLE
127	19 ELM	272	18 MAPLE	577	22 LINDEN	932	16 LINDEN
128	20 BOXELDER	273	19 MAPLE	578	21 ASH	933	16 MAPLE
129	12-16-18 LINDEN	274	11 LINDEN	579	31 MAPLE(H)	934	6 MAPLE
130	13 MAPLE	275	14 MAPLE	580	18-24 ASH	935	40 WILLOW(H)
131	13 MAPLE	276	18 ASH	581	14 LINDEN	936	11 MAPLE
132	17 MAPLE	277	14 ASH	582	10-8-6 HICKORY	937	8 MAPLE
133	14 MAPLE	278	14 MAPLE	583	16 HACKBERRY	938	7 MAPLE
134	22 LINDEN	279	23 LINDEN	584	14 ASH	939	7 MAPLE
135	9 MAPLE	280	13 ELM	585	10 MAPLE	940	11 MAPLE
136	17 MAPLE	281	10 MAPLE	586	10 MAPLE	941	16-14 LINDEN
137	13 MAPLE	282	14 ASH	587	14 MAPLE	942	12 MAPLE
138	14 HACKBERRY	283	14 MAPLE	588	31 MAPLE(H)	943	17 MAPLE
139	14 MAPLE	284	18 ASH	589	18-24 ASH	944	14 MAPLE
140	7 MAPLE	285	14 LINDEN	590	14 LINDEN	945	14 ASH
141	8 ELM	286	14 ASH	591	10-8-6 HICKORY	946	19 MAPLE
142	9-7 MAPLE	287	14 MAPLE	592	16 HACKBERRY	947	6 MAPLE
143	10 ELM	288	22 LINDEN	593	23 LINDEN	948	14 ASH
144	11 MAPLE	289	9-11 MAPLE	594	13 ELM	949	12 MAPLE
145	10 HICKORY	290	8 MAPLE	595	10 MAPLE	950	14 MAPLE
				596	6 MAPLE	951	6 MAPLE
				597	14 MAPLE	952	14 MAPLE

FERNDALE BLUFF
TREE INVENTORY FOR
DRAYCOTT DST



TOTAL DBH INCHES OF SIGNIFICANT TREES = 10,273 INCHES
TOTAL DBH INCHES OF HERITAGE TREES = 729 INCHES

(H): denotes heritage tree, all others are significant trees



DATE	REVISIONS
6-28-23	
1-11-24	
3-14-24	
12-2-24	
12-16-24	

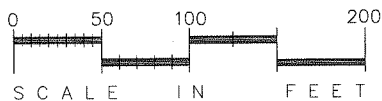
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT

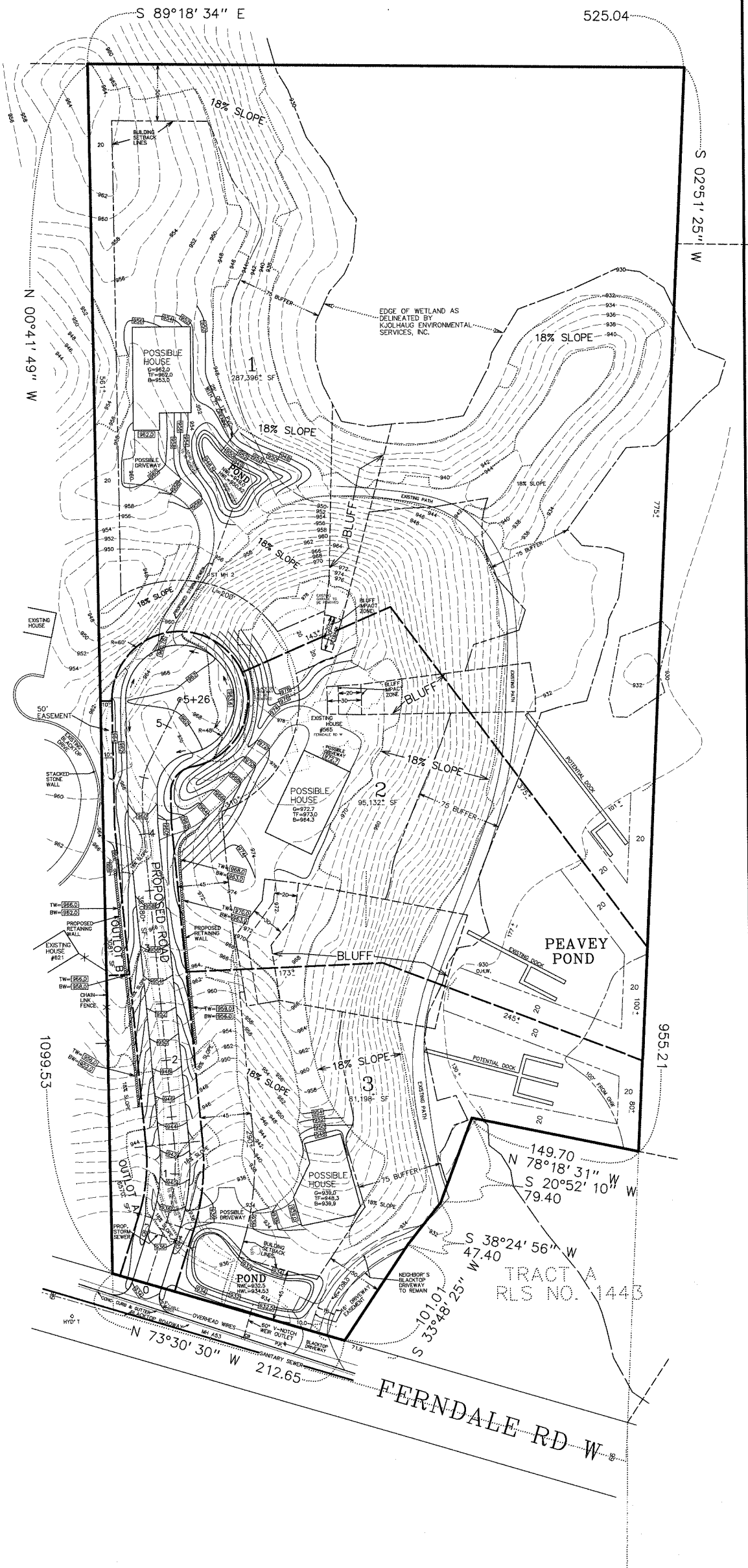
DATE	7-23-22
SCALE	1"=50'
JOB NO	25-005

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

DOCK AND DRIVEWAY DETAIL



-917- : denotes existing contour line
 [910.8] : denotes proposed spot elevation
 -930- : denotes proposed contour line



DATE	REVISIONS
10-8-24	REVISED
11-8-24	REVISED
12-2-24	REVISED
12-18-24	
1-16-25	

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

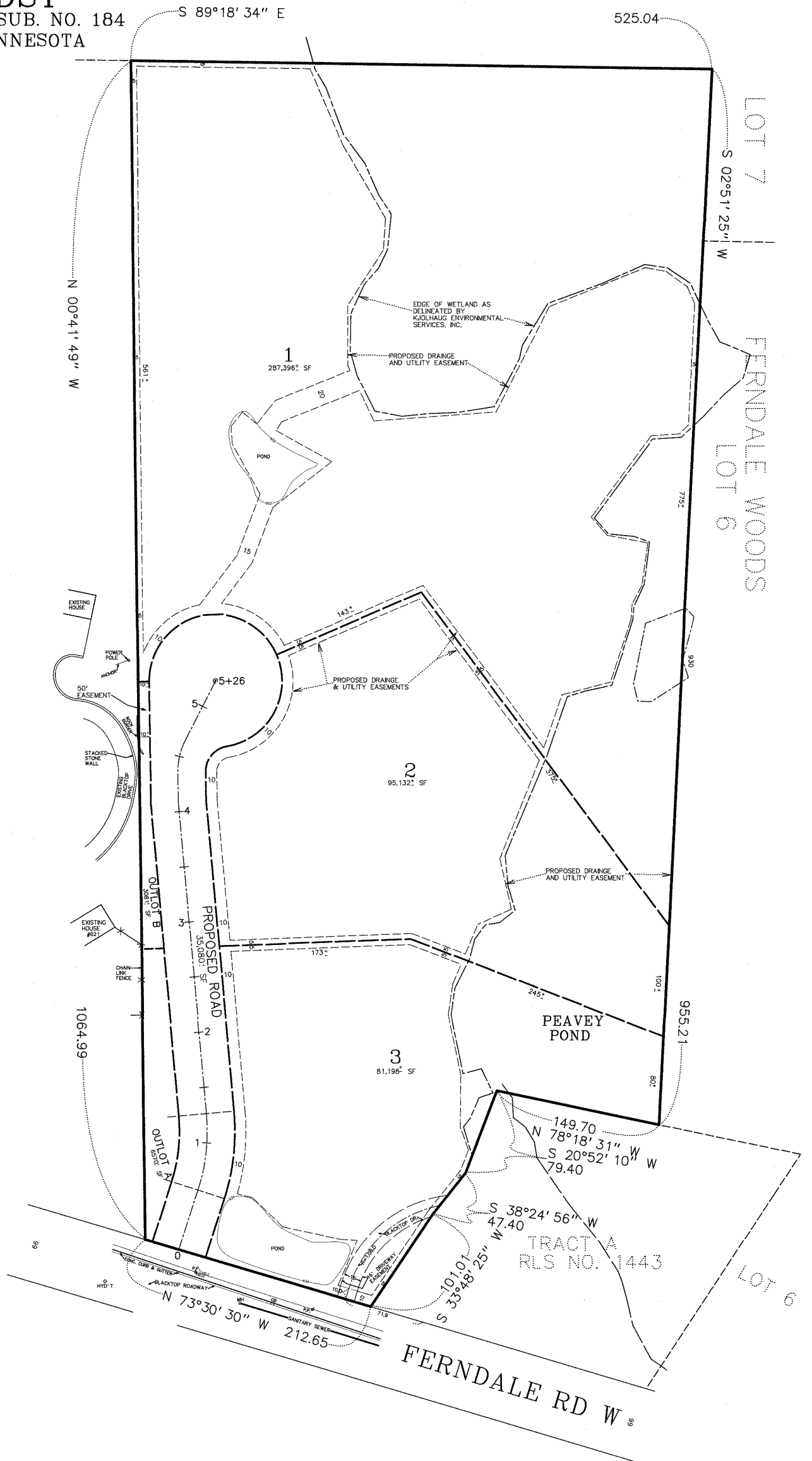
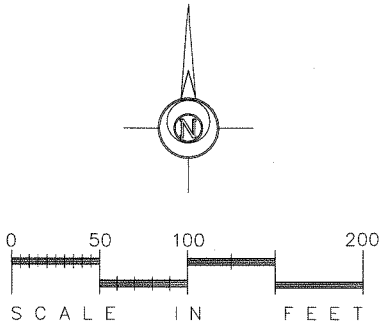
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDAL
BLUFF

DATE	6-15-22
SCALE	1"=50'
JOB NO	25-005

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

FERNDAL BLUFF
PROPOSED LOT LINES AND EASEMENTS
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



DATE	REVISIONS
8-12-22	
8-25-22	
6-28-23	
1-11-24	
3-14-24	
12-2-24	
12-18-24	
1-15-25	

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
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDAL BLUFF

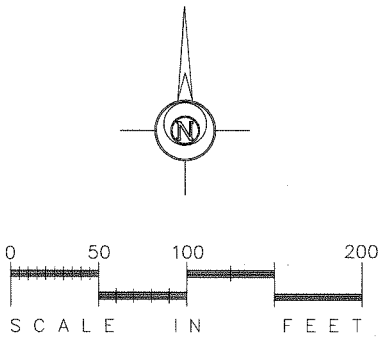
DATE
8-25-22
SCALE
1"=50'
JOB NO
25-005



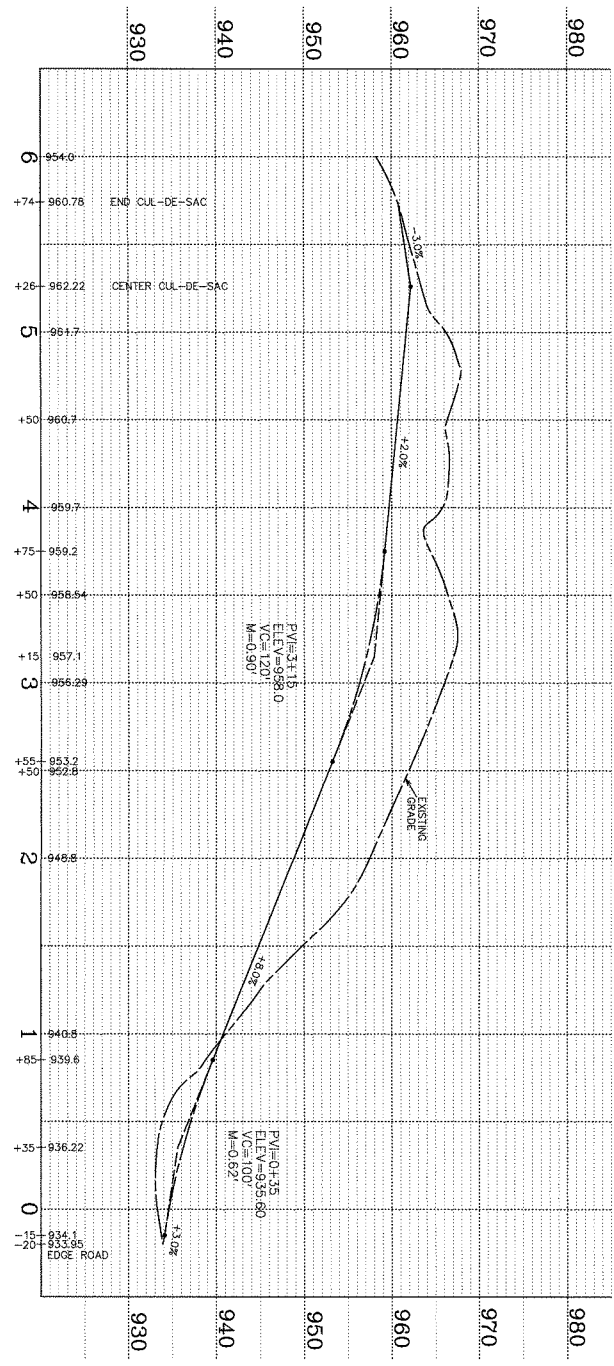
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF

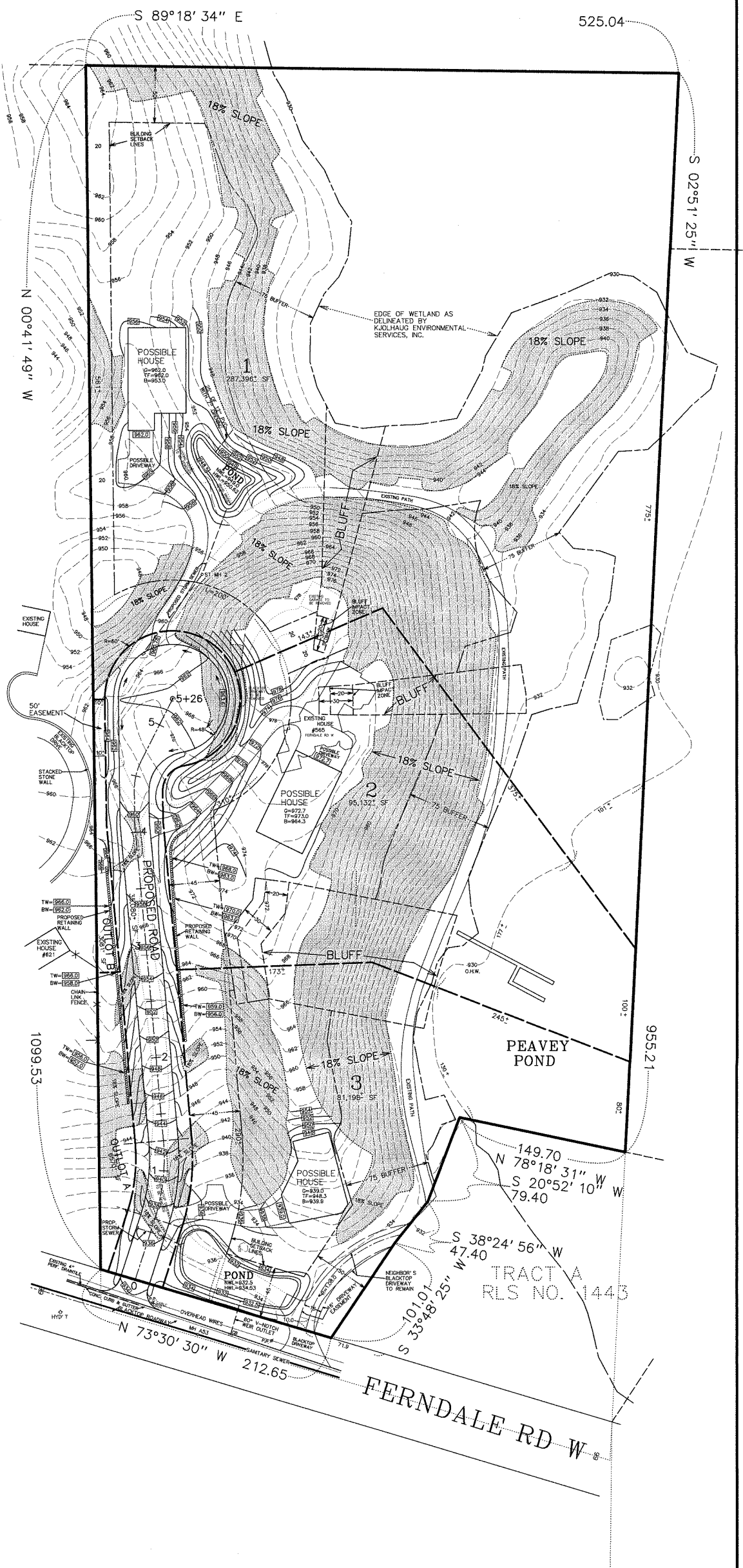
18% SLOPE EXHIBIT



— 917 — denotes existing contour line
[910.8] denotes proposed spot elevation
— 930 — denotes proposed contour line



ROAD PROFILE



DATE		REVISIONS	
10-8-24	REVISED		
11-8-24	REVISED		
12-2-24	REVISED		
12-18-24			
1-15-25			

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
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE BLUFF

DATE
6-15-22
SCALE
1"=50'
JOB NO
25-005

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

MEMORANDUM

Hoisington Koegler Group Inc.



To: Emily Goellner, City of Wayzata CD Director and Review Staff
From: Brad Scheib, AICP
Subject: Evaluation and Determination of Bluff Impacts on 565 Ferndale Road W
Date: 02/24/2023

This memo provides a documentation of our review of the site conditions at 565 Ferndale Road W and determination of the presence of “Bluffs” and relevant bluff impact zone and structure setbacks as per the City of Wayzata Shoreland Ordinance including revisions from Ordinance 810. The process also includes following the DNR Guidance document from 12/09/2021.

Initial analysis was completed using LiDAR data from the Minnesota DNR downloaded from the MnTOPO site. Field survey data was then used to determine actual bluff locations including top and toe of bluffs and appropriate offsets for bluff impact zones and setbacks. The field survey was provided by Gronberg and Associates, Inc. and dated 08/05/2022.

Key Definitions were modified by Ordinance 810 in April of 2022. These definitions are used in the process and are as follows:

Toe of the Bluff: The point on a bluff that is the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Top of Bluff: The point on a bluff that is the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

The Bluff Impact Zone was identified per the current zoning code online. The bluff impact zone is 20’ from the top of the bluff. The building setback from the zoning code is 30’ from the top of the bluff.

The following are key steps taken in determining if a bluff exists. Where bluff conditions are present, offsets for the bluff impact zone and the building setback are established.

Step 1. Determine if a bluff exists following criterion outlined in DNR Guidance documentation from 12/09/2021.

Criterion 1: Part or all of the feature is located in the shoreland.

Finding: All of 565 Ferndale Road W is located within the shoreland district, or 1,000 feet of the OHWL of a public water body.

Criterion 2: The Slope drains toward the water body.

Finding: One drainage area is landlocked and does not drain towards a public water body. All other slopes drain towards a public water body either directly or indirectly. See Exhibit B.

Criterion 3: The slope rises at least 25 feet above the ordinary high water level (OHWL) of the waterbody.

Finding: The OHWL for Peavy Pond is 930 as confirmed by the DNR area hydrologist and the City of Wayzata Engineer. Peavy Pond is the primary water body that affects the Bluff determination for 565 Ferndale Road W. The majority of the site rises 25 feet above the OHWL. The OHWL of Peavy Pond (930 contour) and 25 feet above 930 (955 contour) are demarked on the Exhibit C as per the field survey.

Criterion 4: The grade of the slope from the toe (of the slope) to a (any) point 25 feet or more above the OHWL averages 30% or greater. The toe of the slope is determined using the definition for toe of bluff: the lower end of a 50 foot segment with an average slope exceeding 18 percent or the OHWL, whichever is greater. If any point that is 25 feet or more above the OHWL is 30% or greater, then this criterion is met.

The following steps were taken to evaluate the areas that met criterion 1 through 3.

- i. Using the Digital Elevation Model (DEM), areas where identified where slopes are 18-29.9% and slopes that are 30% or greater. The DEM provides us the ability to focus in on those areas over 30% that might meet Criterion 4 based on the methodology of determining average grade from the toe to a point 25 feet or more above the OHWL. It is not possible for a bluff to exist where slopes are less than 30%. Therefore, 30% or greater are identified to determine where further exploration is needed. This is reflected in Exhibit D.*
- ii. A toe of the slope was identified as a starting point for measurement of the slope. The toe does not follow any specific contour but varies based on the lower end of a 50 foot segment where the average slope exceeds 18% or 9 feet of elevation change. In a few cases the toe ends up being the OHWL. In one case (near the detached garage) the toe ends up being located away from the OHWL because the slopes 'turn' and face away from the OHWL. The toe is reflected in Exhibit E.*
- iii. Slope Cross Sections were drawn as perpendicular to the contours from the OHWL as possible connecting the toe of the slope to a point above the 955 contour. Profiles following these section cuts were then drawn to illustrate where the ground intersected a 30% slope. Where the ground exceeded the 30% slope, a bluff condition exists. Additional profiles were drawn to illustrate the greatest slope in locations where a bluff exists or a transition between steep slope and bluff conditions exists. Exhibit F shows these section cuts and keys them to a table that shows the calculation of the steepest slope (see Exhibit I). Profiles for each cross section follows Exhibit F. Exhibit G is the same graphic, zoomed into a 50 scale.*

Finding: Bluff conditions exists in some locations. (Exhibit J)

2. Step 2. Where a bluff exists, locate the Top of the Bluff and determine structure setbacks and the bluff impact zone.

In locations where a bluff was determined to be present, the top of the bluff was located by finding the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent. The top of the bluff then follows a path as parallel as possible to the OHWL.

The existing home on the site is a legally non-conforming structure. It was built prior to the current zoning code definition of the top of bluff. In determining the top of the bluff where the existing home is located, the ground floor elevation was measured at approximately 971 contour. This contour was used as the elevation point of the house footprint.

From the top of the bluff, a 20 foot offset is established to determine a bluff impact zone edge (see Exhibit K) and a 30 foot offset is established to determine the building or structure setback. (See Exhibit L).

Attached Exhibits A-L (as revised on 03/03/2023)

End of Memo



Exhibit A - Aerial and Property



Exhibit B - Topography and Drainage Patterns



Exhibit C - 930 Contour (Ordinary High Water Line) and 955 Contour (25' + Ordinary High Water Line)



Exhibit D - Slopes and Search Area



Exhibit E - Toe of Slope (Bottom of an average slope of 18% or the Ordinary High Water Line)



Exhibit F - Slope Cuts Analyzed

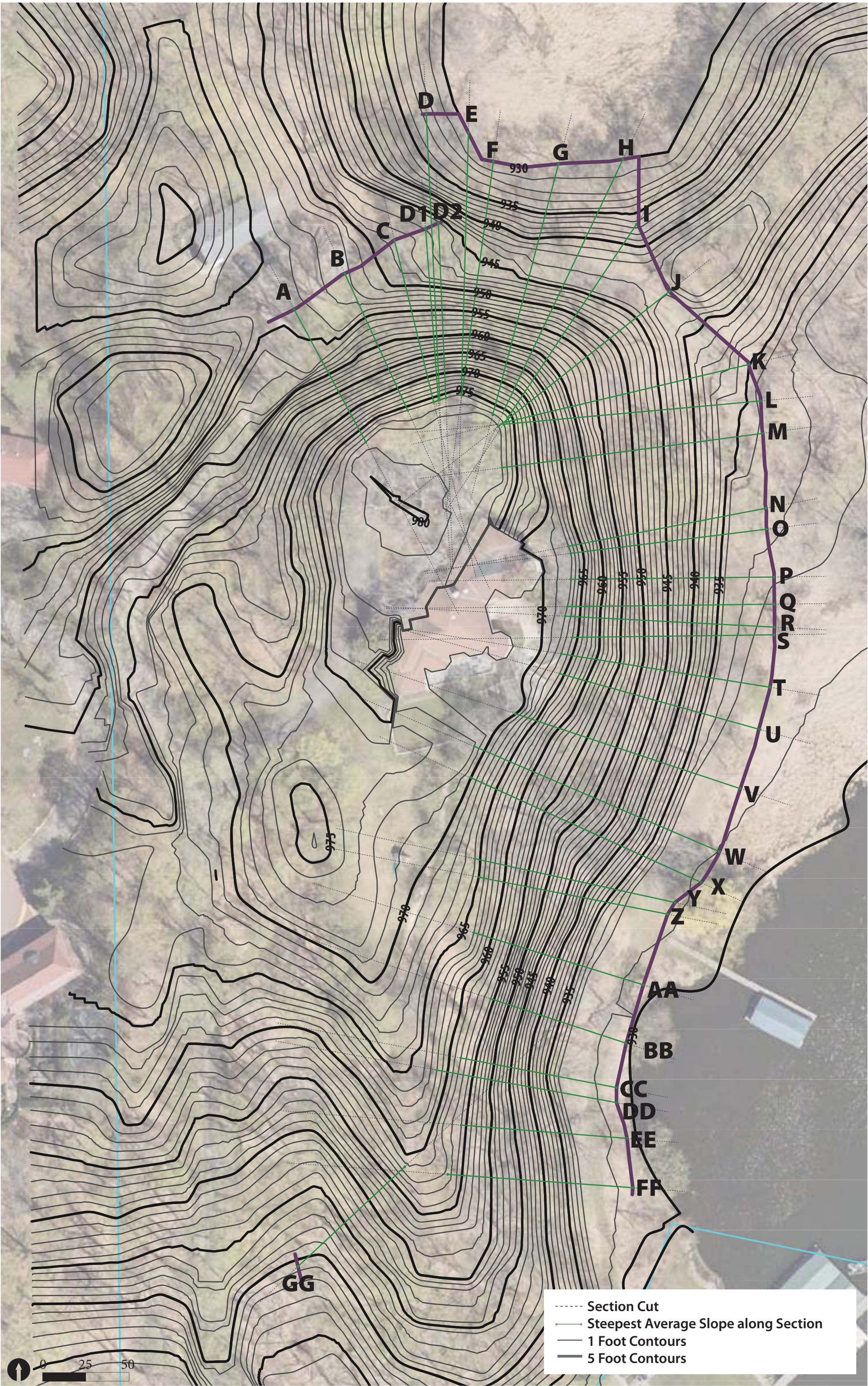
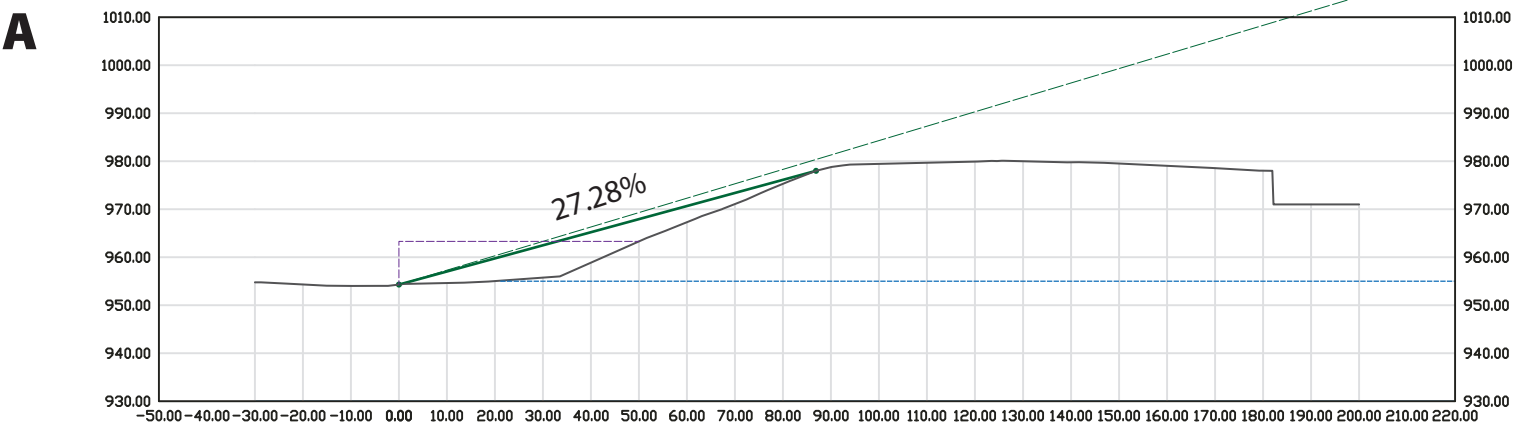
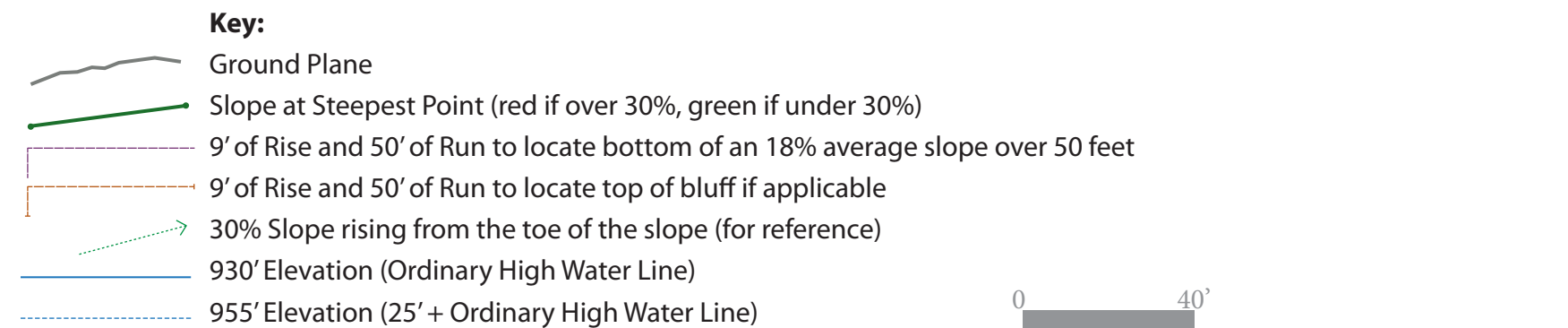


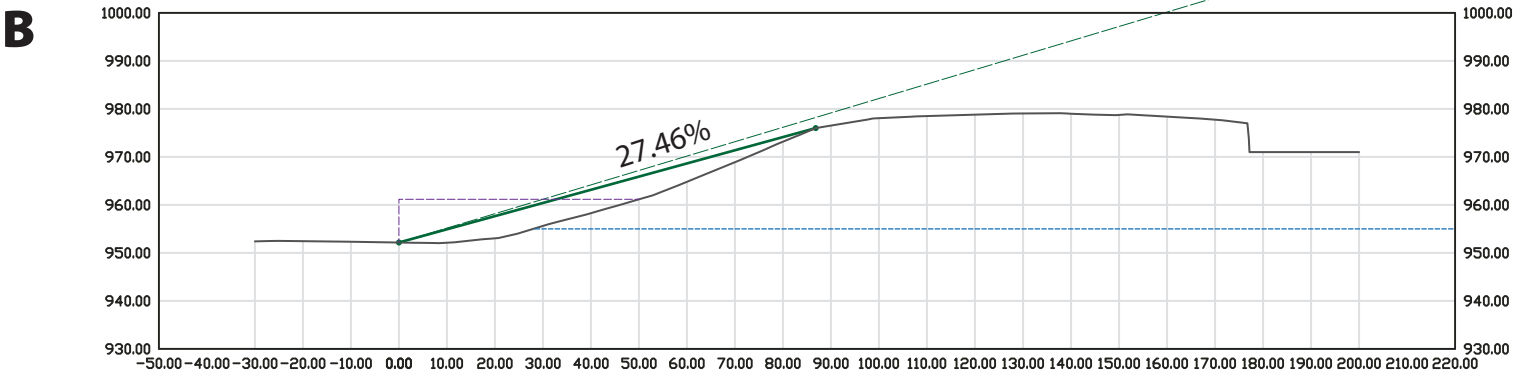
Exhibit G - Slope Cuts Analyzed - Enlarged

	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
A	954.30	963.3	978.00	23.70	86.87	27.28%			
B	952.16	961.16	976.00	23.84	86.82	27.46%			
C	948.53	957.53	976.00	27.47	96.19	28.56%			
D1	946.92	955.92	976.00	29.08	99.21	29.31%			
D	932.68	941.68	976.00	43.32	165.08	26.24%			
D2	946.07	955.07	976.00	29.94	101.01	29.64%			
E	930.00	N/A (OHWL)	976.00	46.00	151.56	30.35%	186.46	969.30	978.30
F	930.00	N/A (OHWL)	976.00	46.00	136.12	33.79%	170.94	969.30	978.30
G	930.00	N/A (OHWL)	977.24	47.24	149.72	31.55%	178.08	969.18	978.18
H	930.00	N/A (OHWL)	976.00	46.00	162.02	28.39%			
I	936.49	945.49	976.00	39.51	134.08	29.47%			
J	942.64	951.64	978.00	35.36	125.69	28.81%			
K	935.07	944.07	976.47	41.40	143.70	28.81%			
L	933.90	942.9	977.07	43.17	148.94	28.98%			
M	933.91	942.91	978.00	44.09	151.62	29.08%			
N	933.37	942.37	968.00	34.63	115.95	29.87%			
O	933.30	942.3	968.00	34.70	113.85	30.48%	150.51	962.00	971.00
P	932.22	941.22	968.00	35.78	117.20	30.53%	153.19	962.00	971.00
Q	931.98	940.98	968.00	36.02	119.43	30.16%	153.35	961.96	970.96
R	931.86	940.86	968.00	36.14	120.92	29.89%			
S	931.81	940.81	966.00	34.19	116.45	29.36%			
T	931.59	940.59	967.03	35.44	121.95	29.06%			
U	931.50	940.50	966.00	34.50	120.01	28.75%			
V	931.31	940.31	970.00	38.69	136.65	28.31%			
W	930.96	939.96	972.00	41.04	153.95	26.66%			
X	930.82	939.82	970.14	39.32	146.49	26.84%			
Y	931.19	940.19	966.00	34.81	118.16	29.46%			
Z	931.22	940.22	964.83	33.61	110.48	30.42%	151.29	961.57	970.57
AA	930.46	939.46	964.00	33.54	102.27	32.80%	144.37	961.00	970.00
BB	930.16	939.16	956.00	25.84	82.31	31.39%	157.28	962.13	971.13
CC	930.43	939.43	958.00	27.57	91.35	30.18%	138.55	957.11	966.11
DD	930.48	939.48	962.00	31.52	105.34	29.92%			
EE	930.34	939.34	956.00	25.66	103.76	24.73%			
FF	930.60	939.6	957.59	26.99	107.01	25.22%			
GG	939.42	948.42	958.59	19.17	84.22	22.76%			

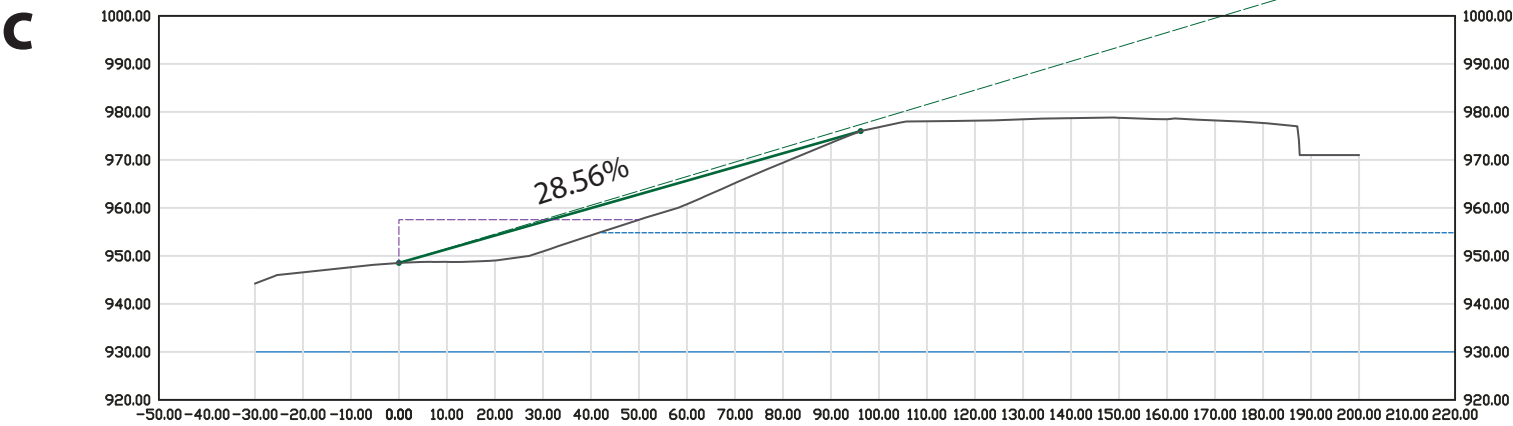
Exhibit I - Slope Cross Sections



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
A	954.30	963.3	978.00	23.70	86.87	27.28%			

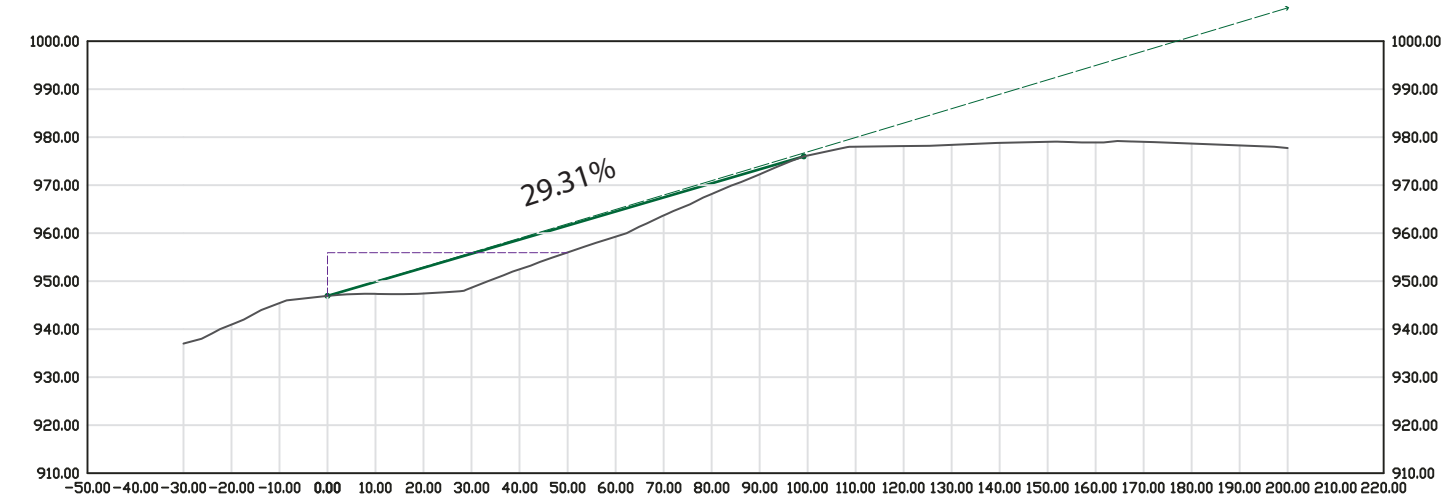


	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
B	952.16	961.16	976.00	23.84	86.82	27.46%			



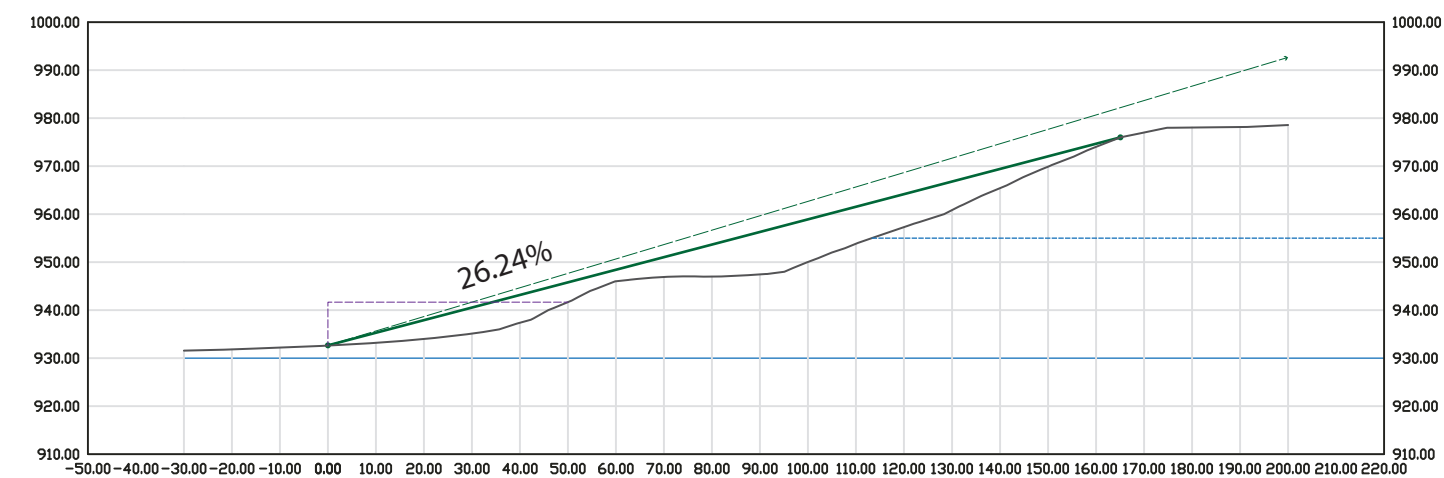
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
C	948.53	v	976.00	27.47	96.19	28.56%			

D1



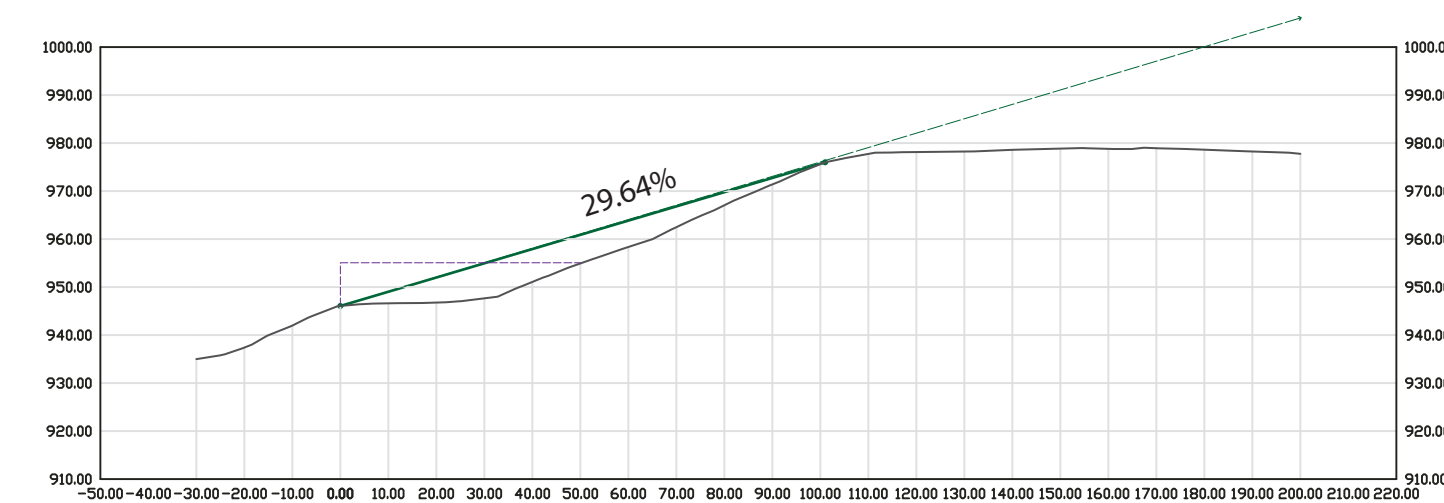
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
D1	946.92	955.92	976.00	29.08	99.21	29.31%			

D



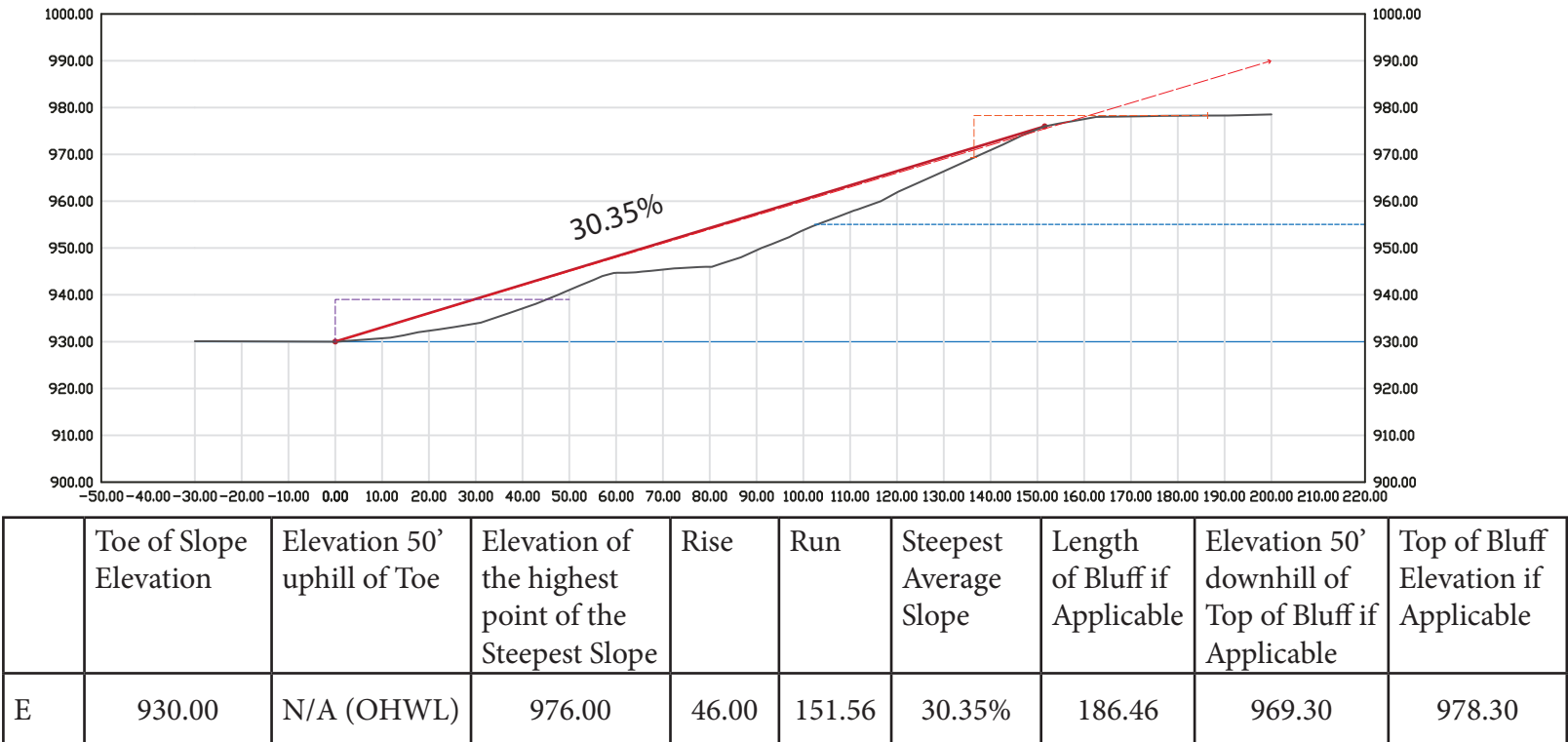
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
D	932.68	941.68	976.00	43.32	165.08	26.24%			

D2

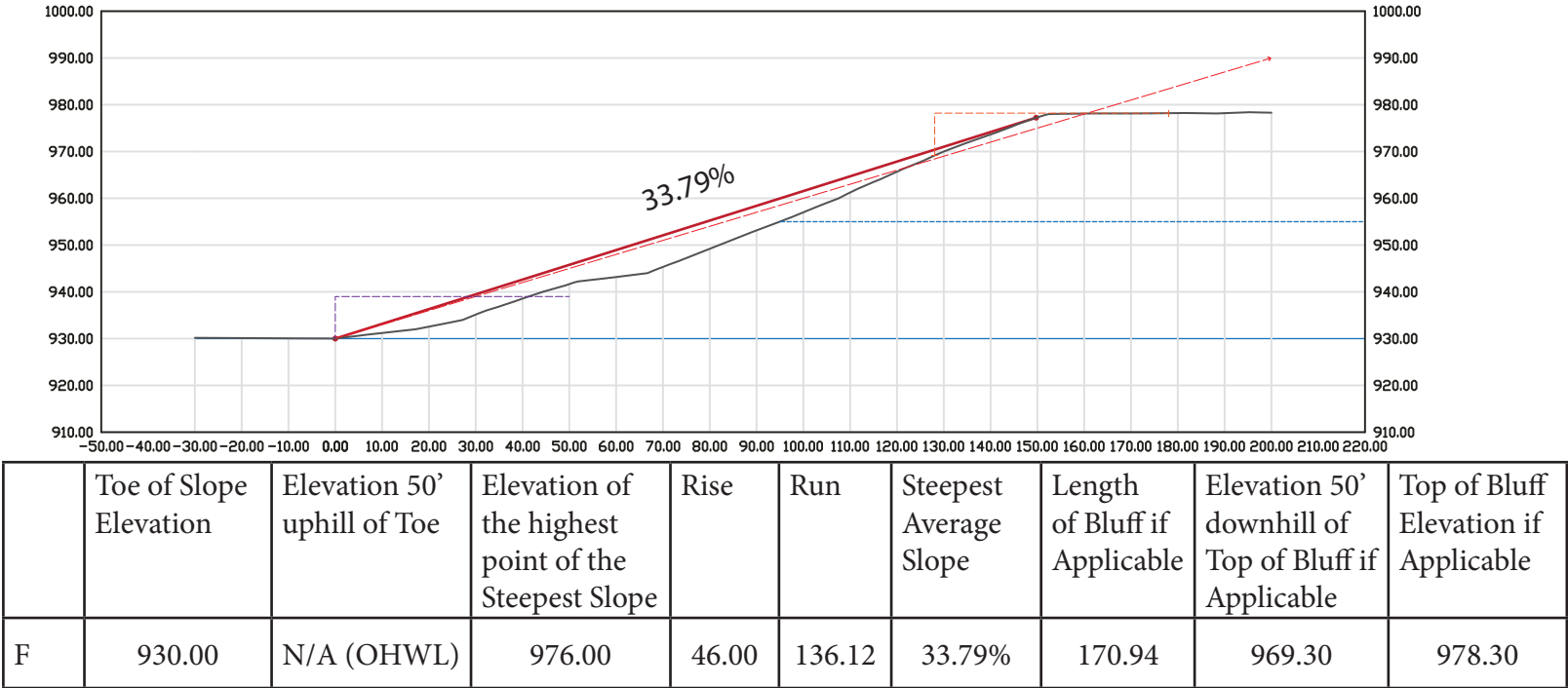


	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
D2	946.07	955.07	976.00	29.94	101.01	29.64%			

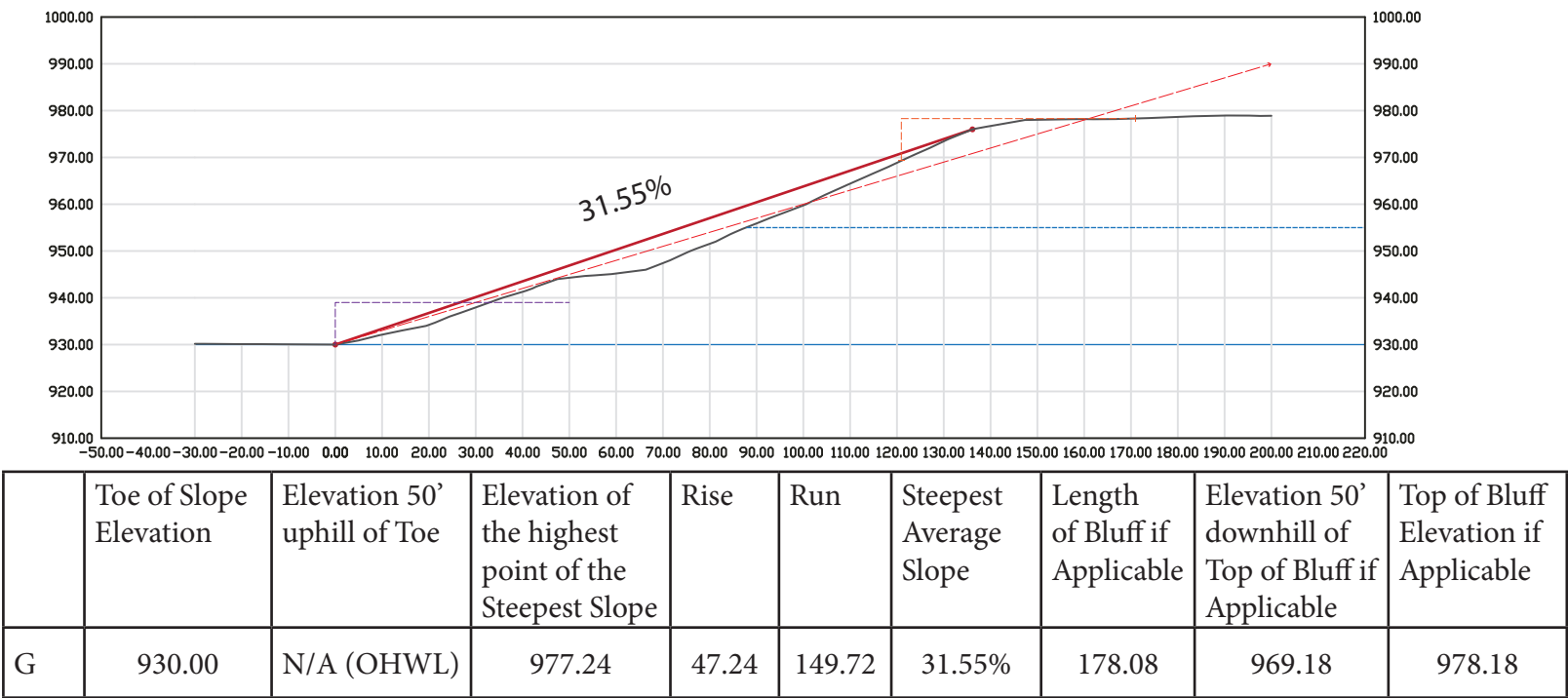
E



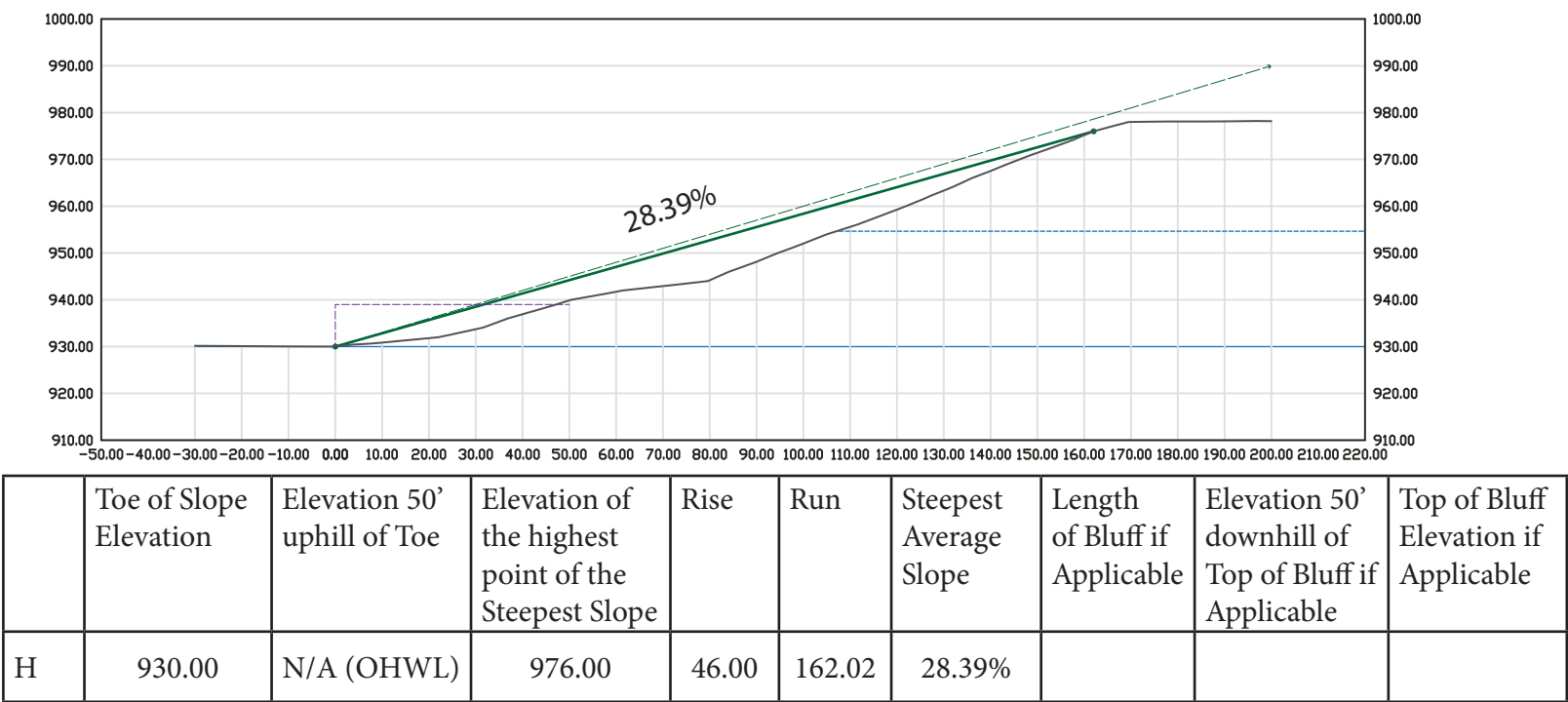
F



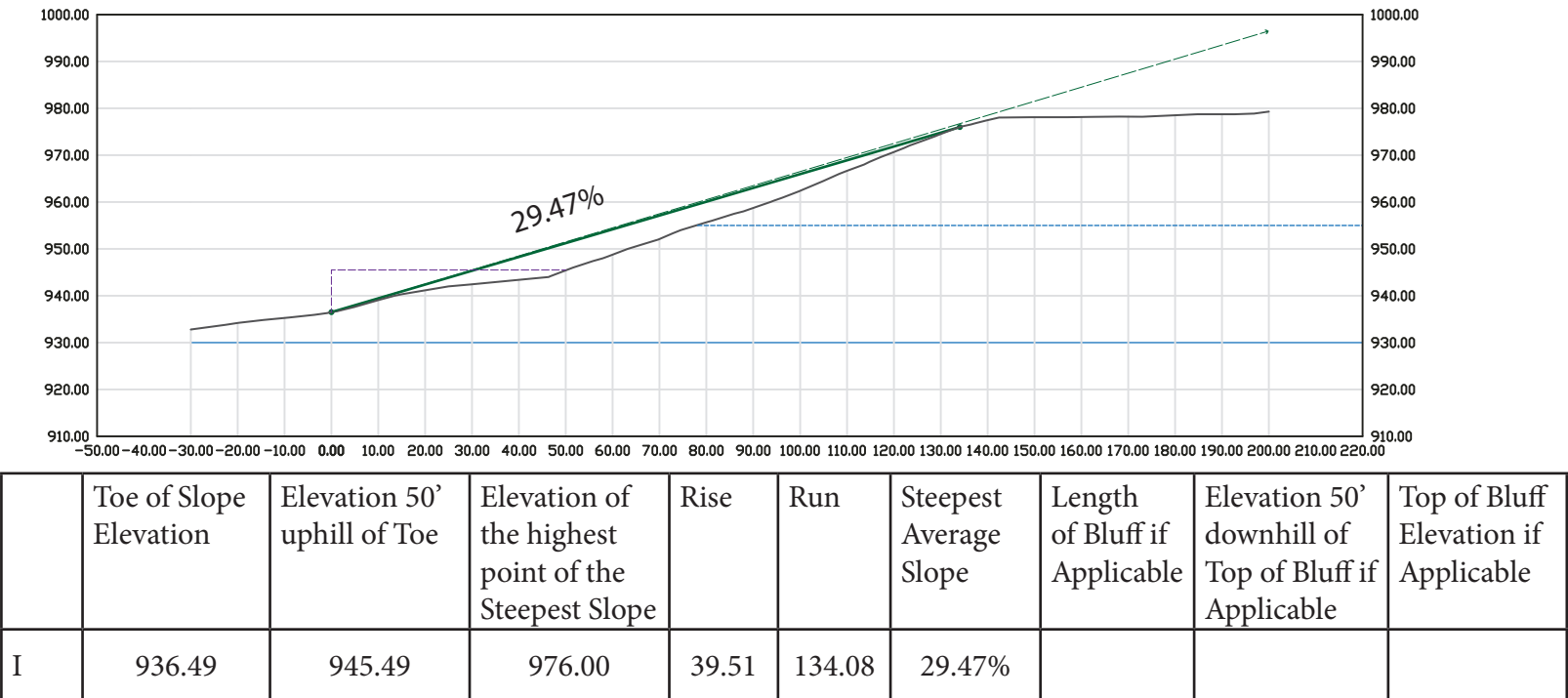
G



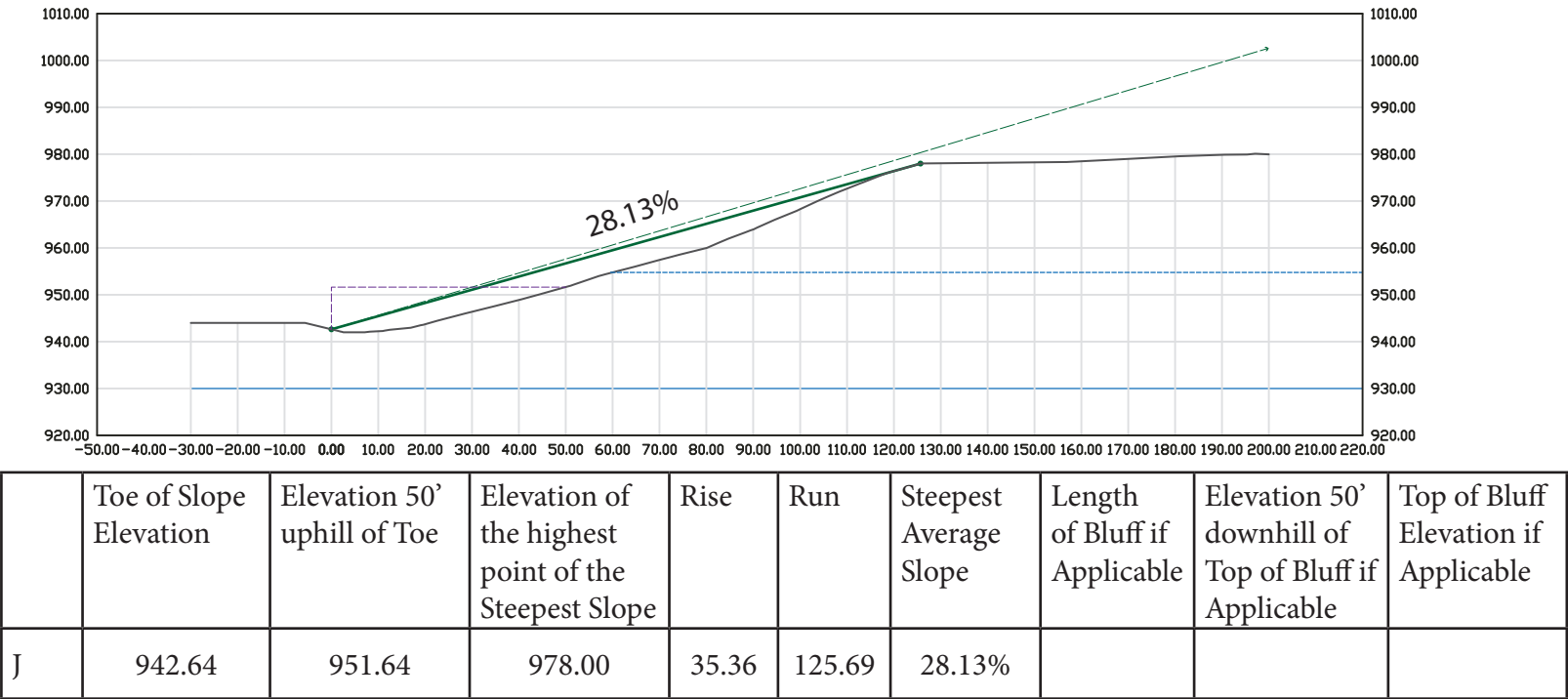
H



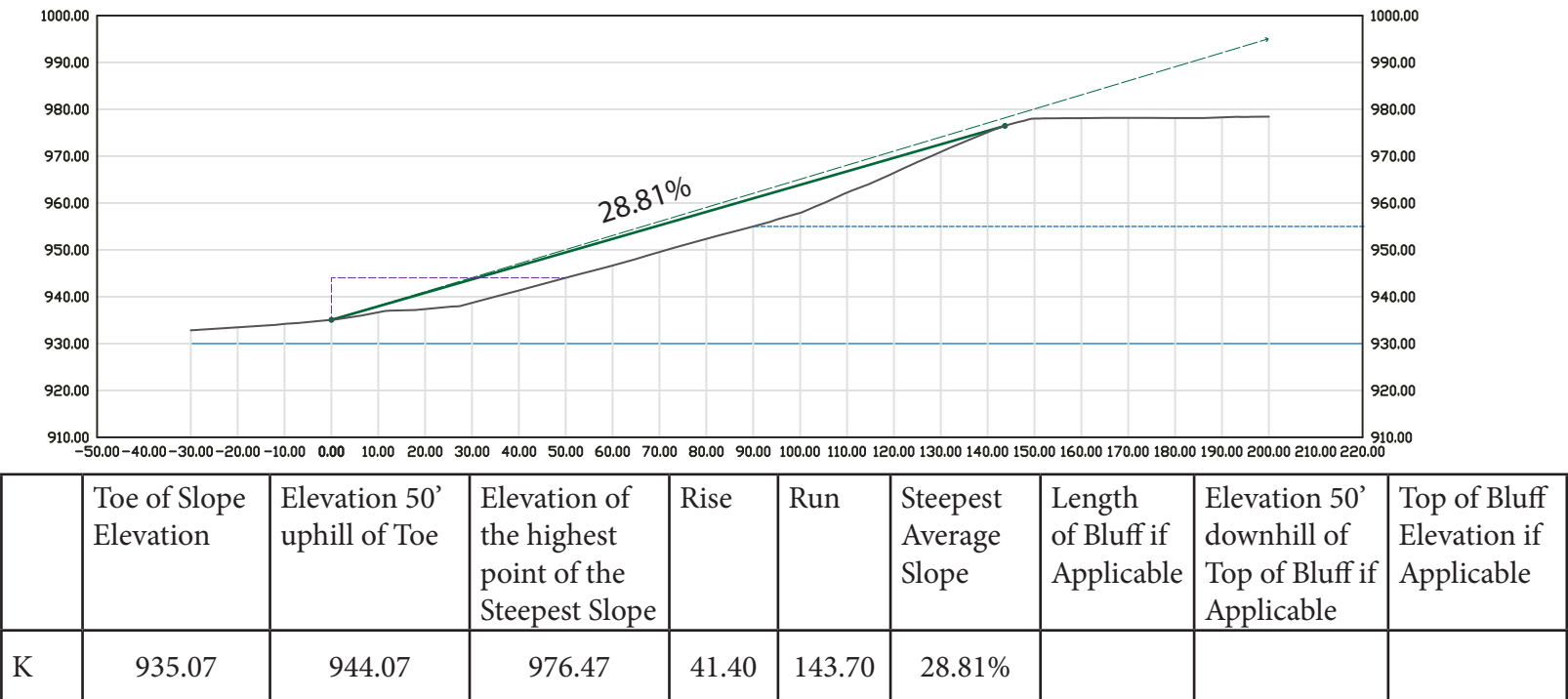
I



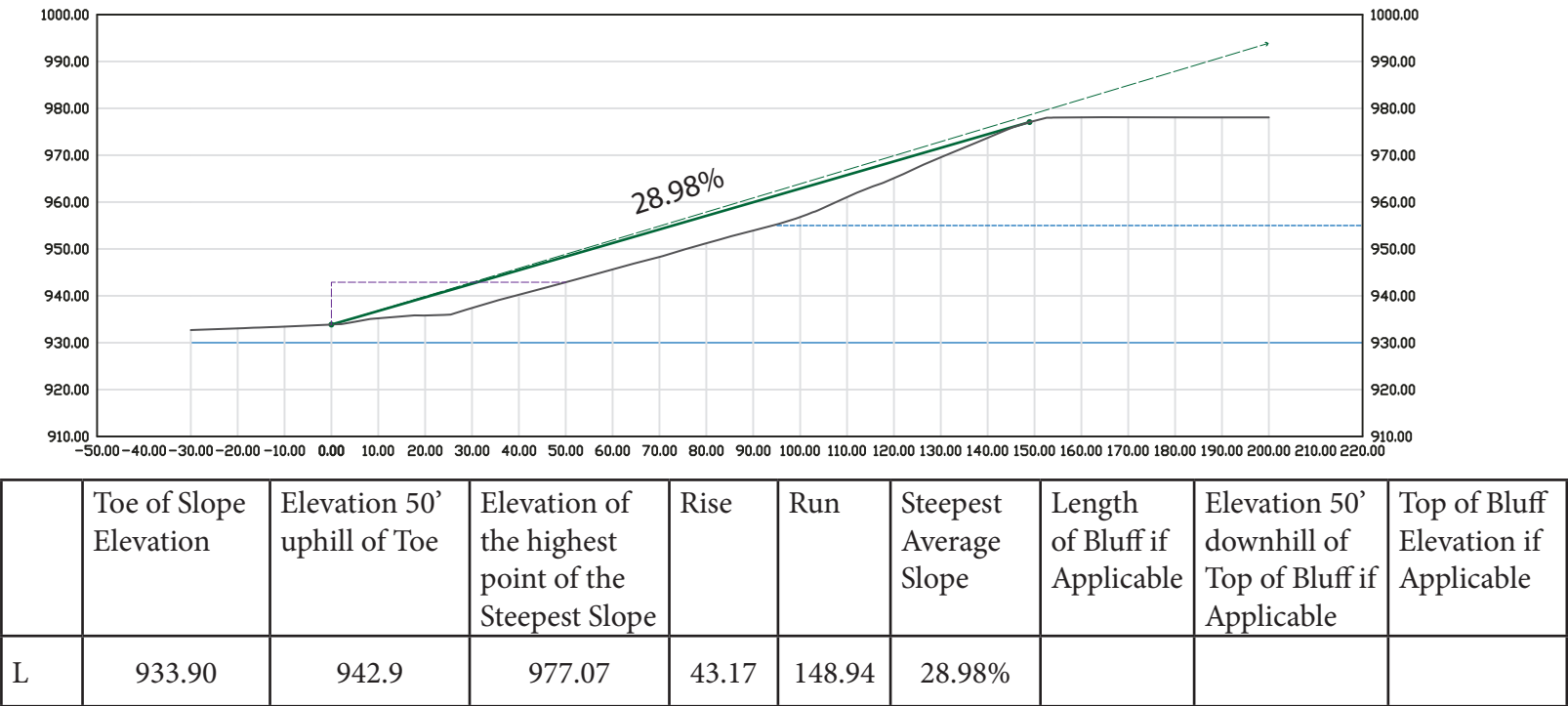
J



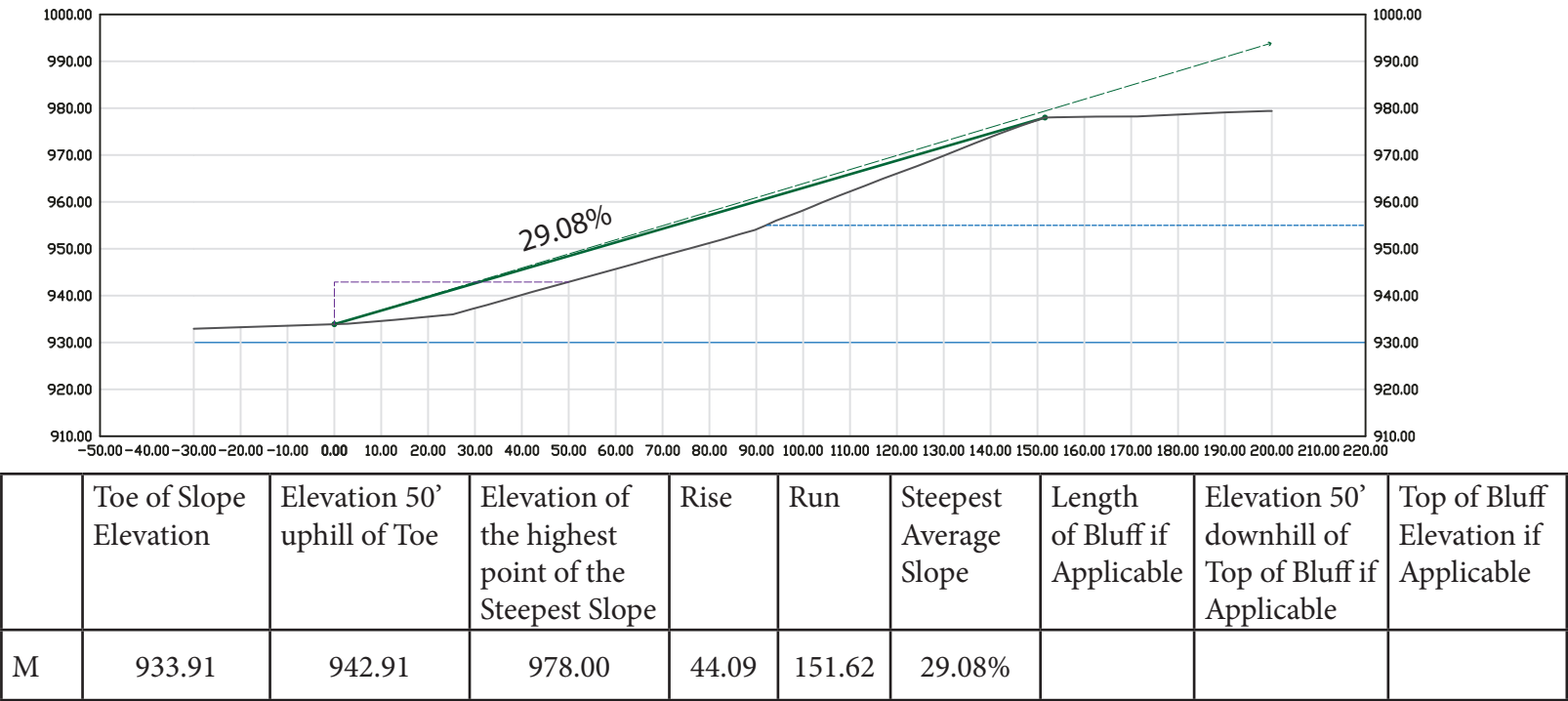
K



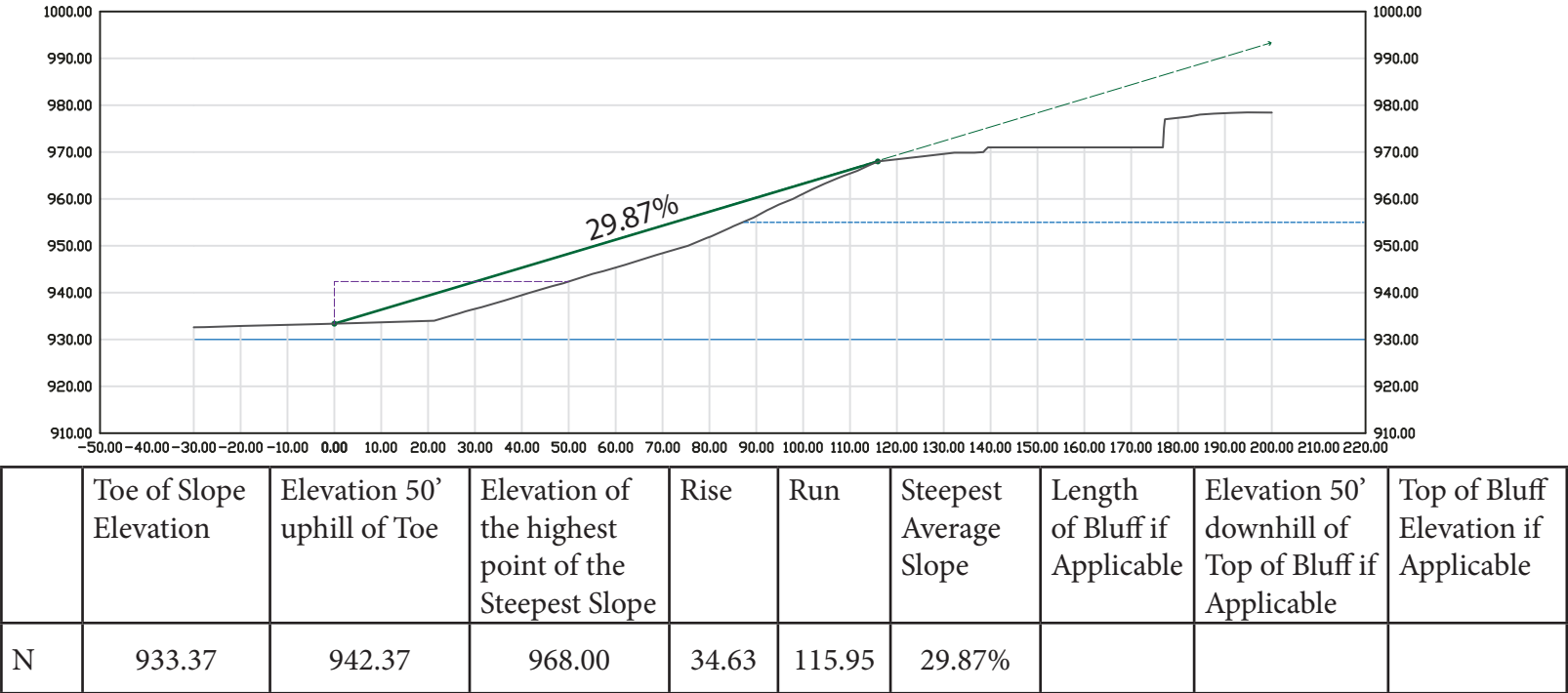
L



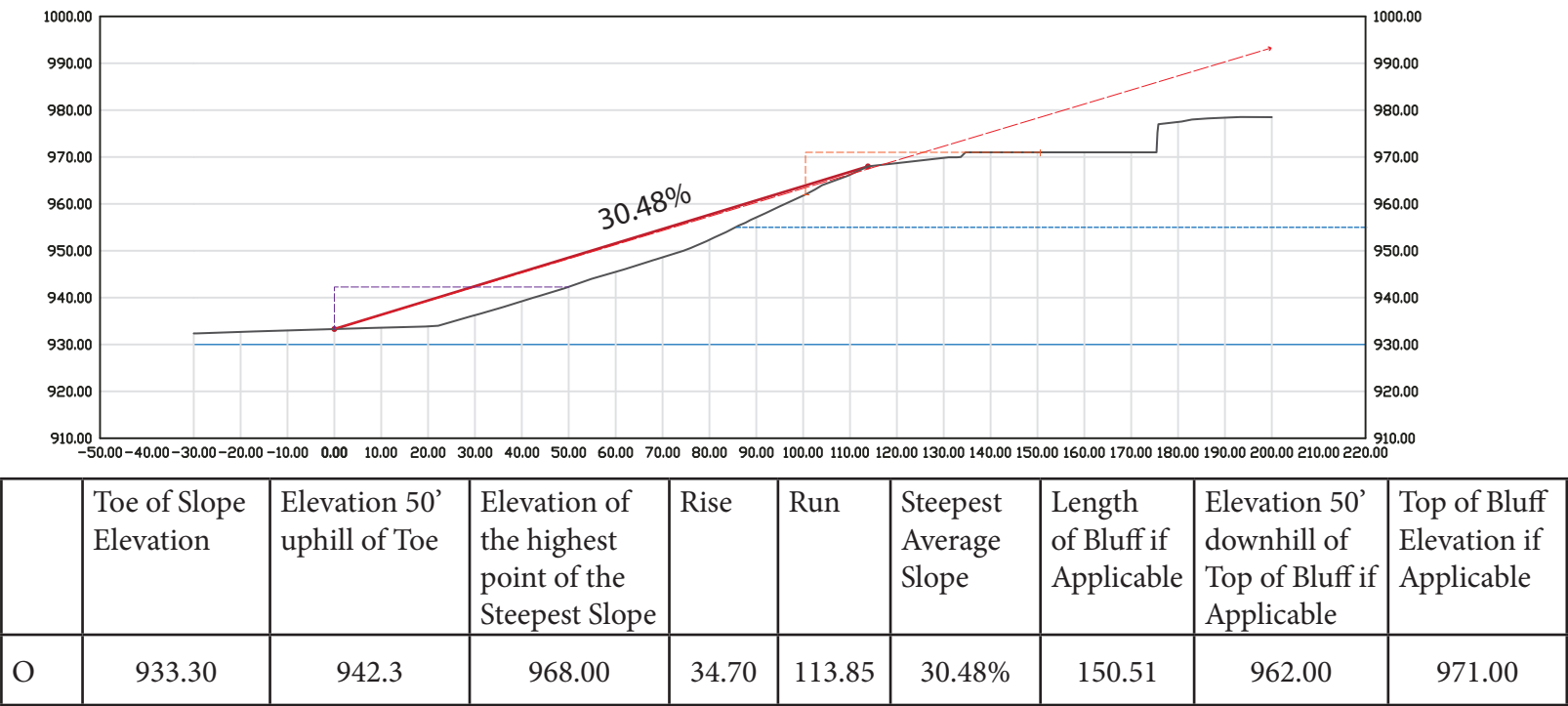
M



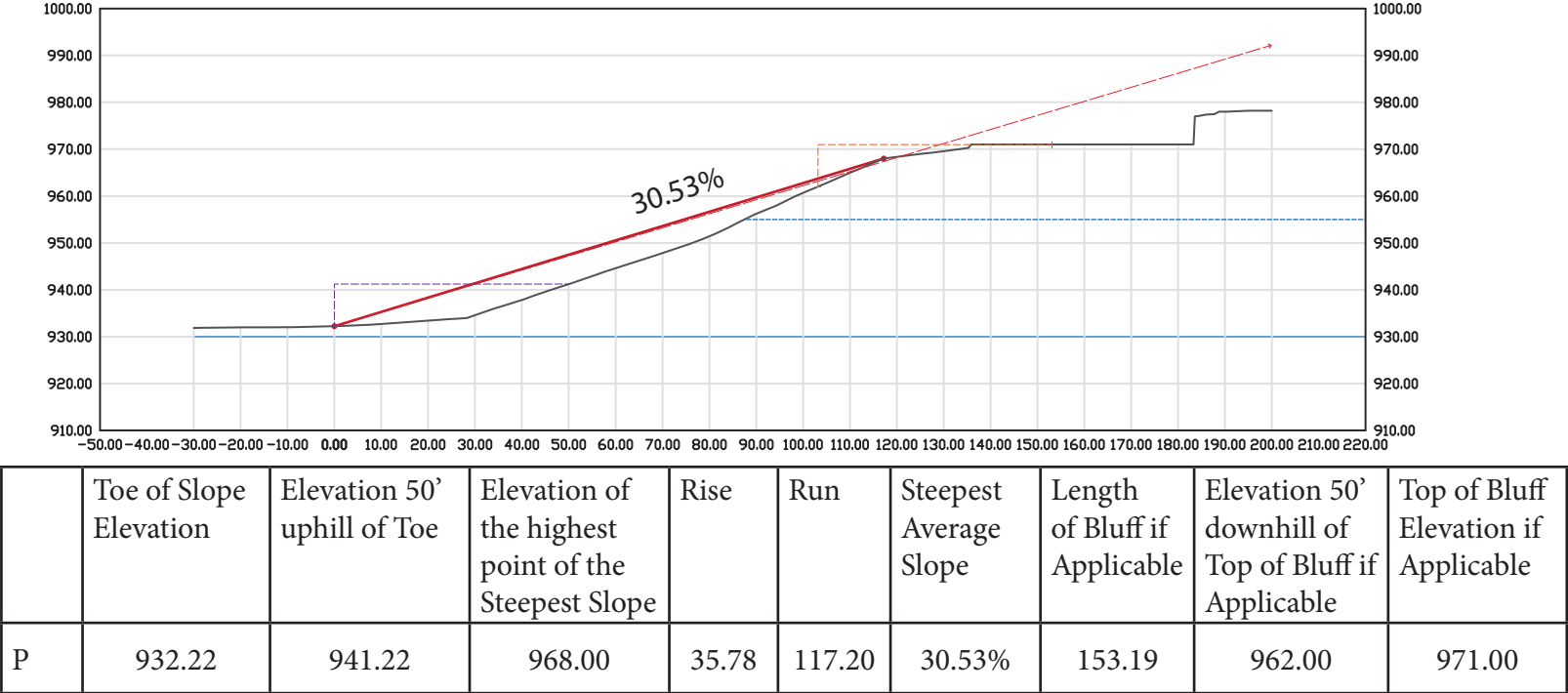
N



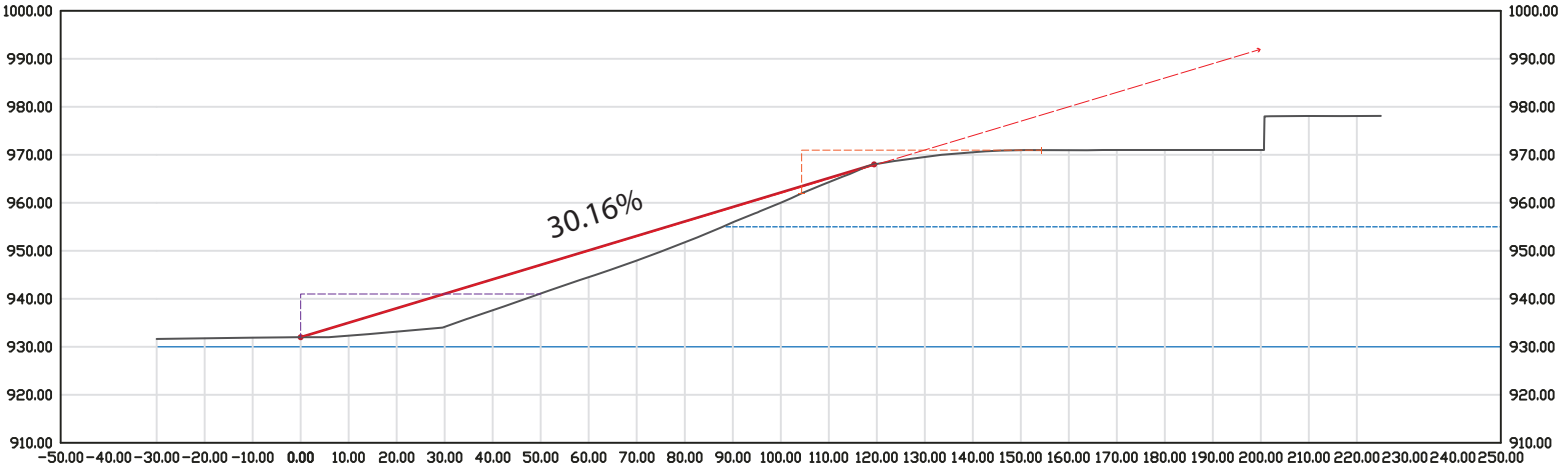
O



P

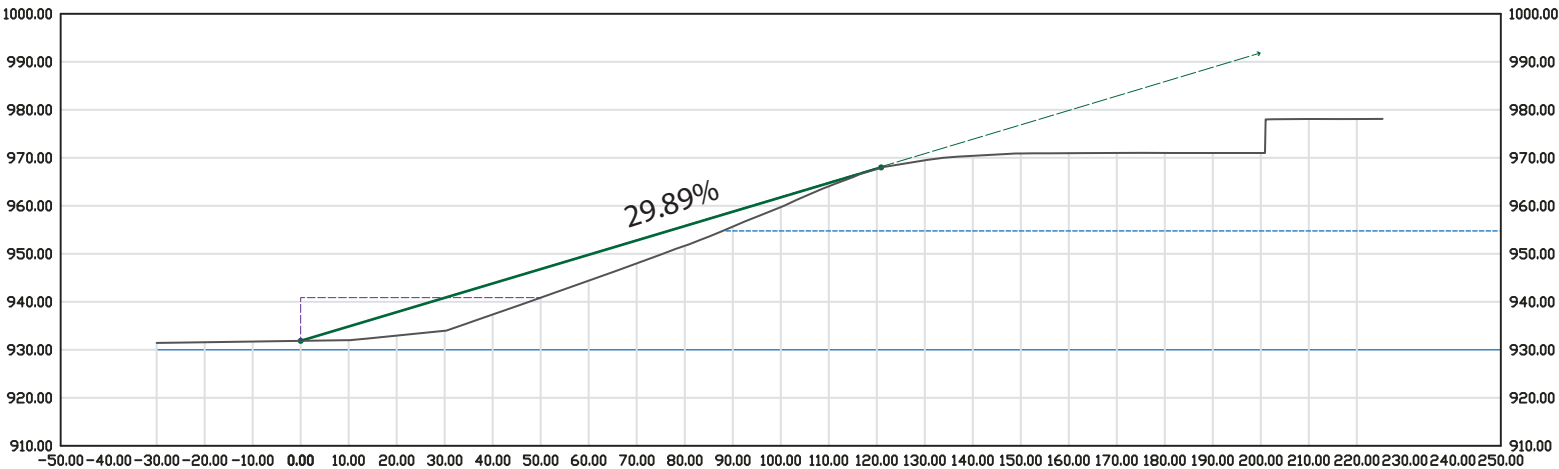


Q



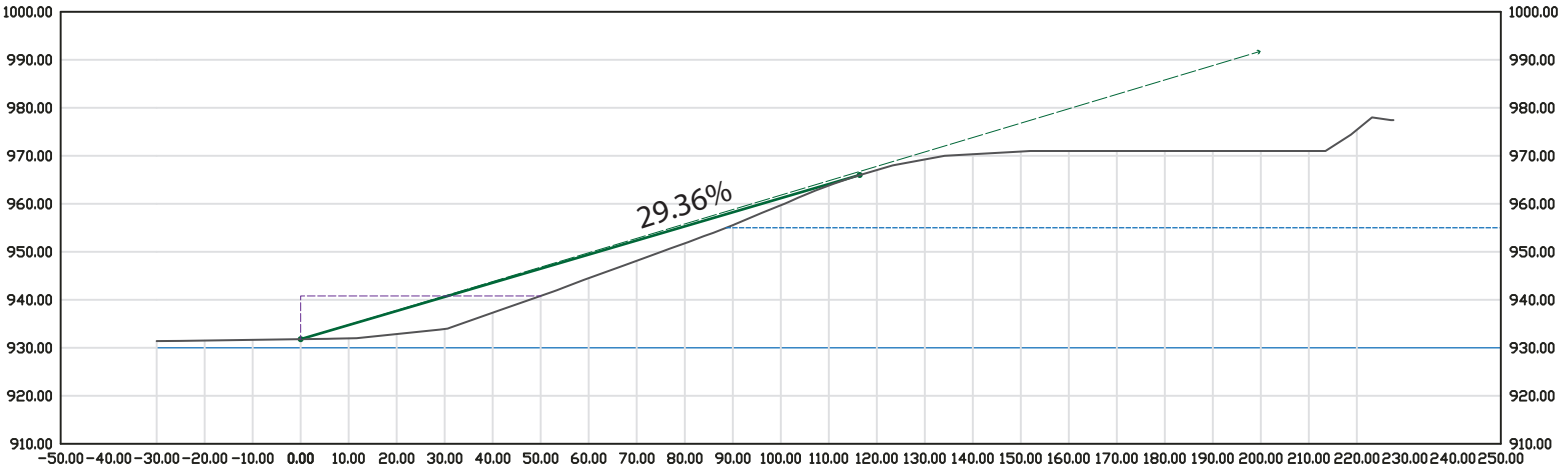
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
Q	931.98	940.98	968.00	36.02	119.43	30.16%	153.35	961.96	970.96

R



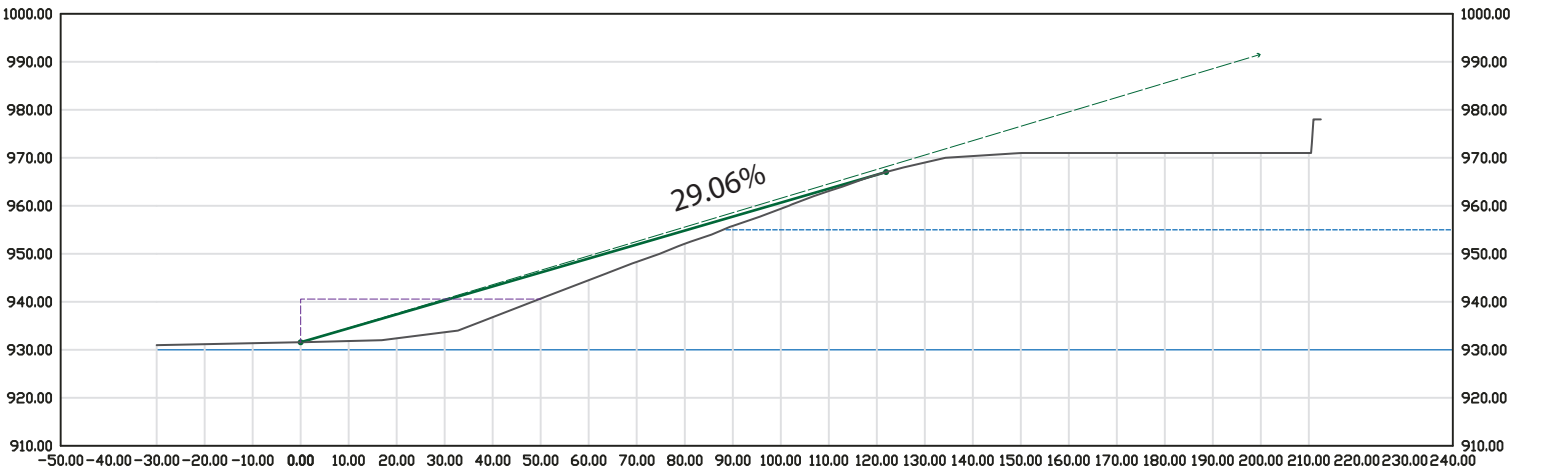
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
R	931.86	940.86	968.00	36.14	120.92	29.89%			

S



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
S	931.81	940.81	966.00	34.19	116.45	29.36%			

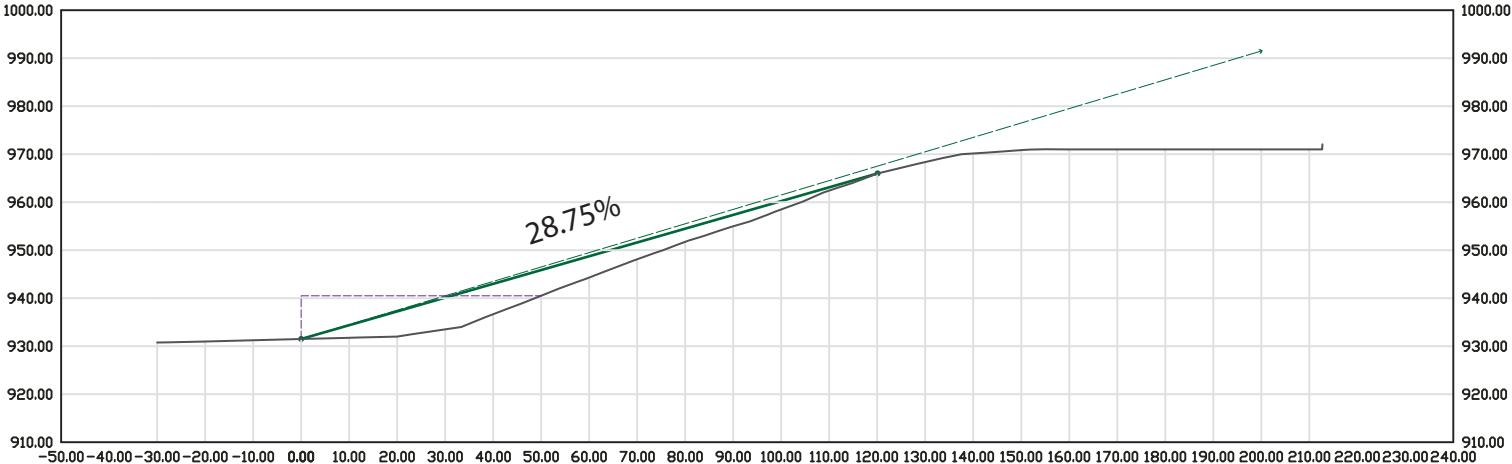
T



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
T	931.59	940.59	967.03	35.44	121.95	29.06%			

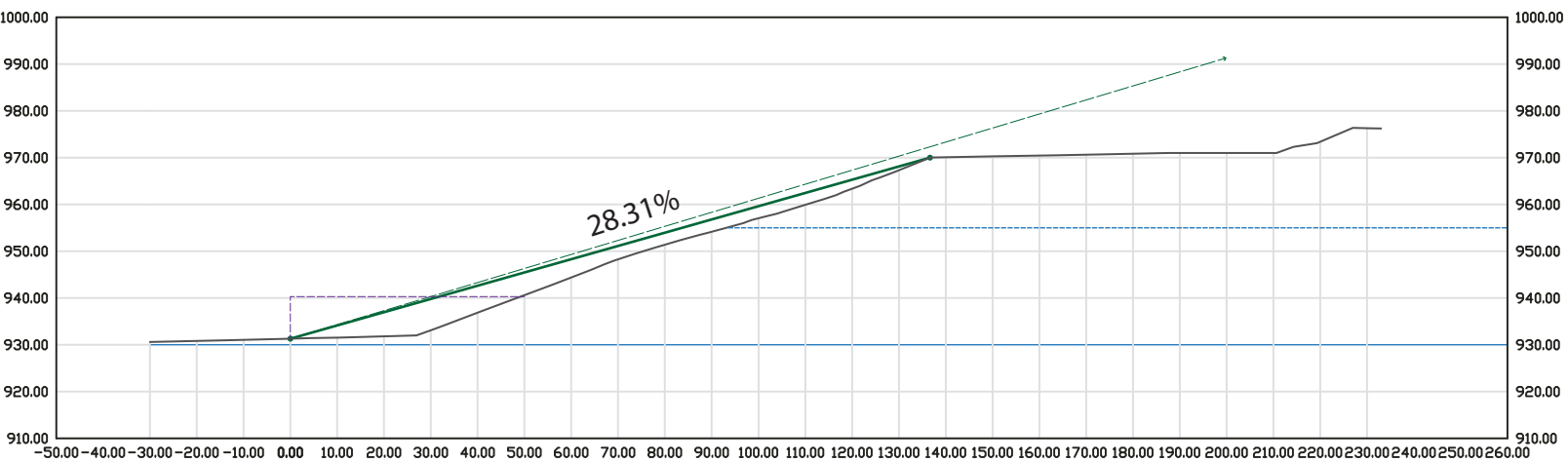
New U

U



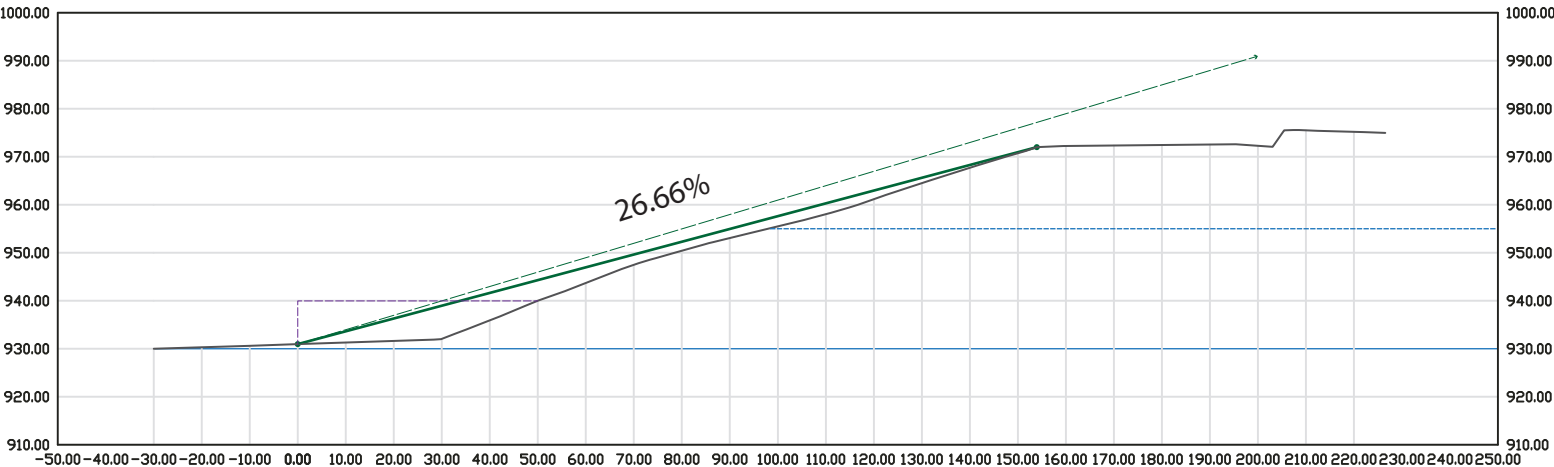
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
U	931.50	940.50	966.00	34.50	120.01	28.75%			

V



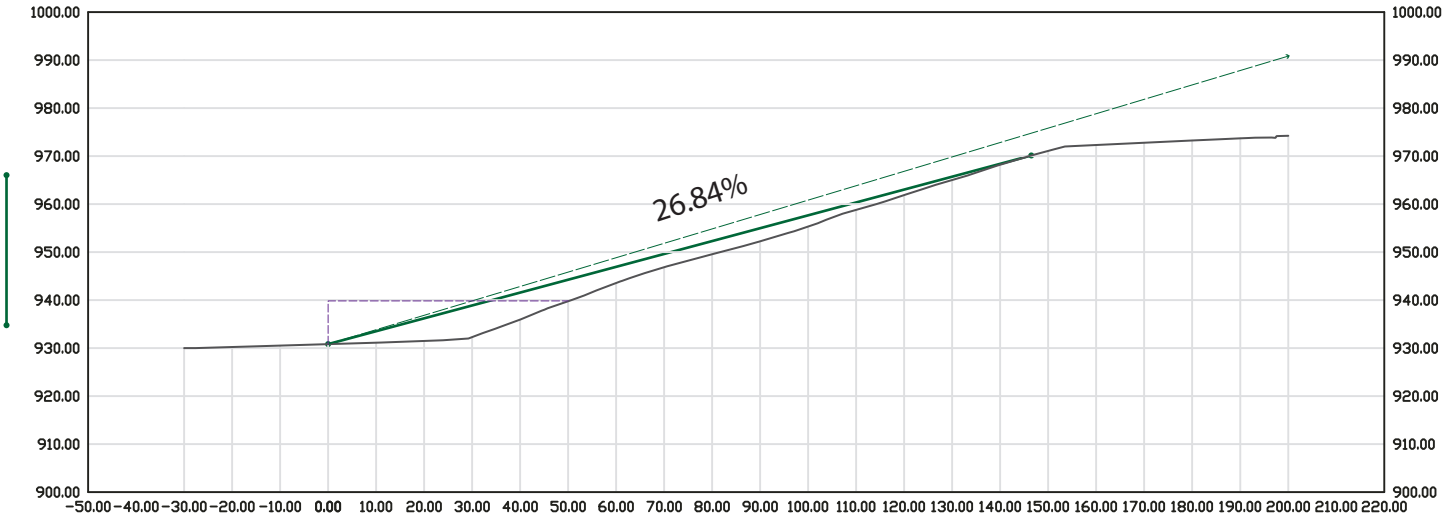
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
V	931.31	940.31	970.00	38.69	136.65	28.31%			

W



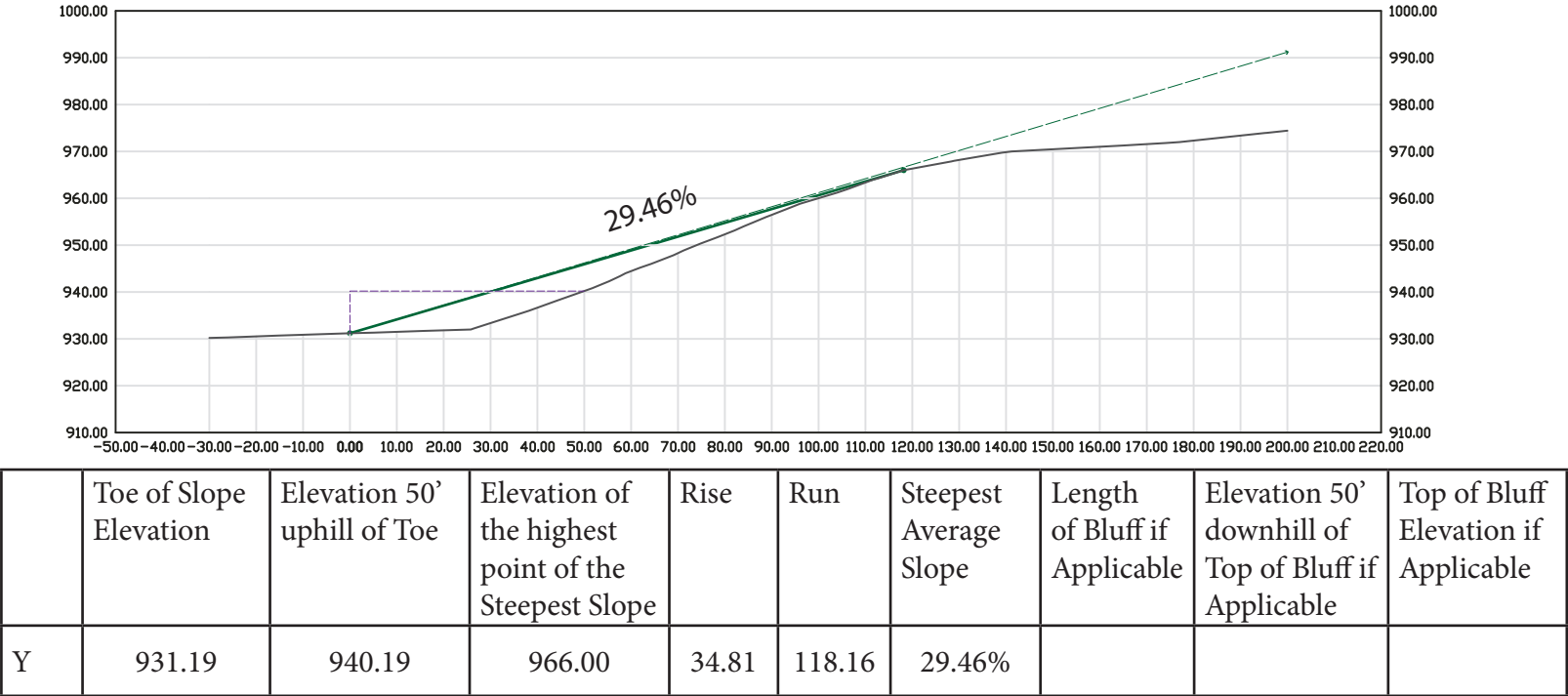
	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
W	930.96	939.96	972.00	41.04	153.95	26.66%			

X

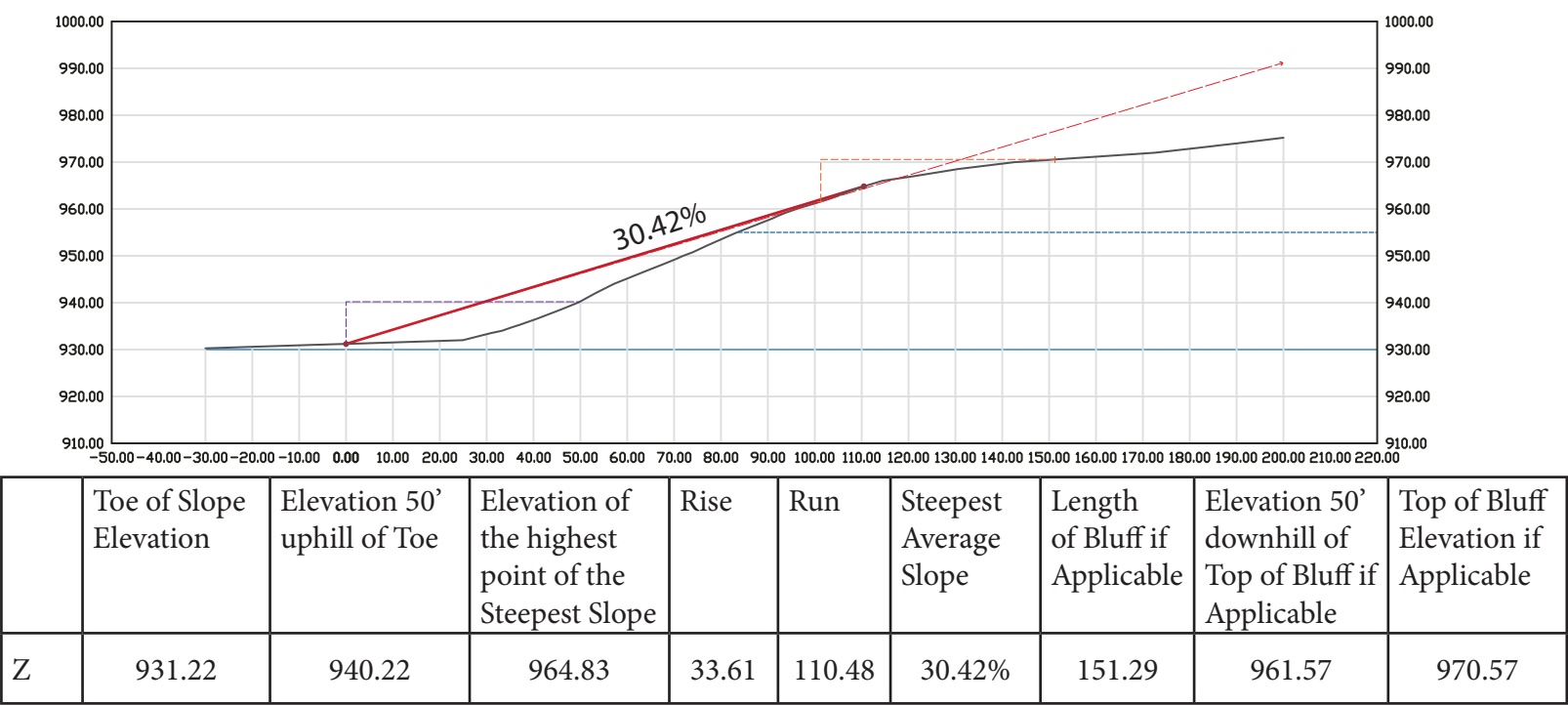


	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
X	930.82	939.82	970.14	39.32	146.49	26.84%			

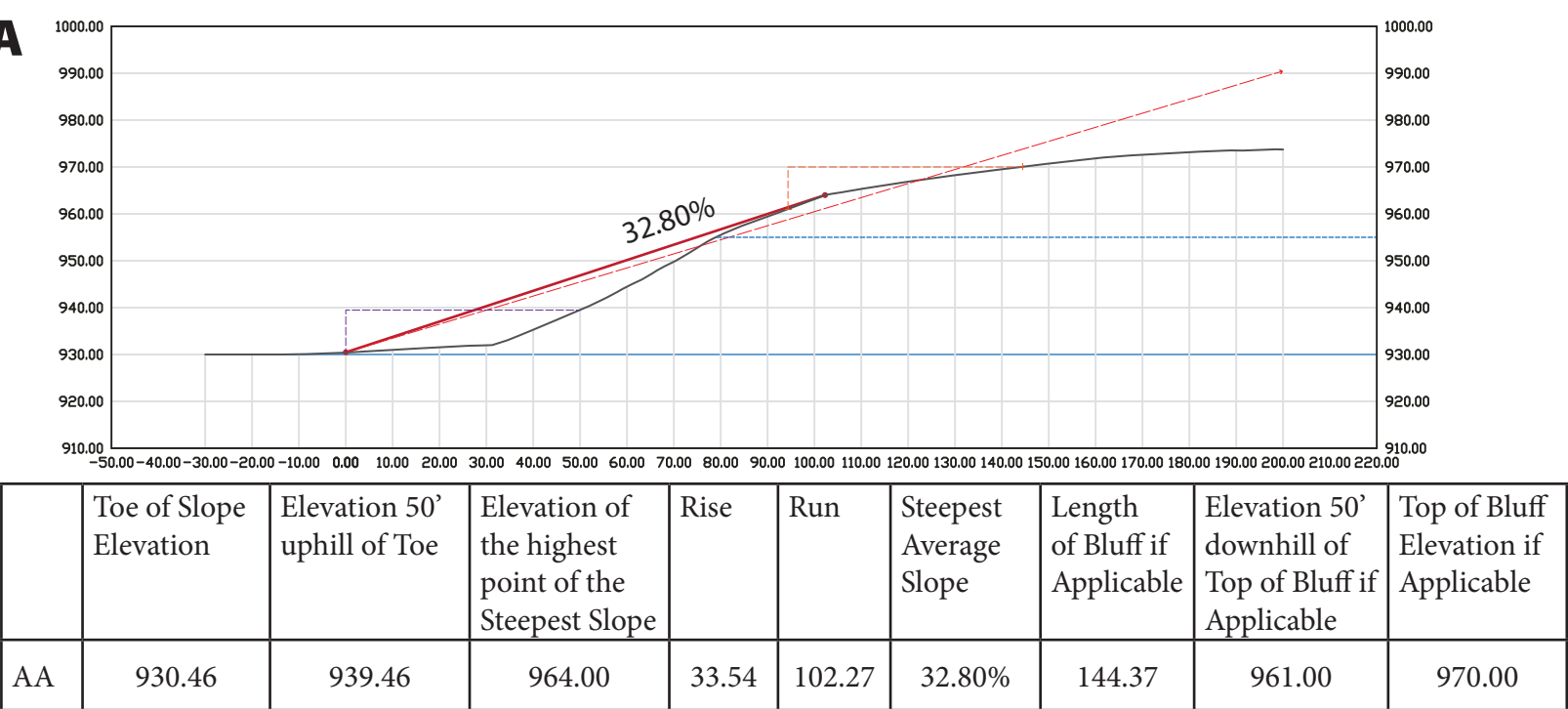
Y



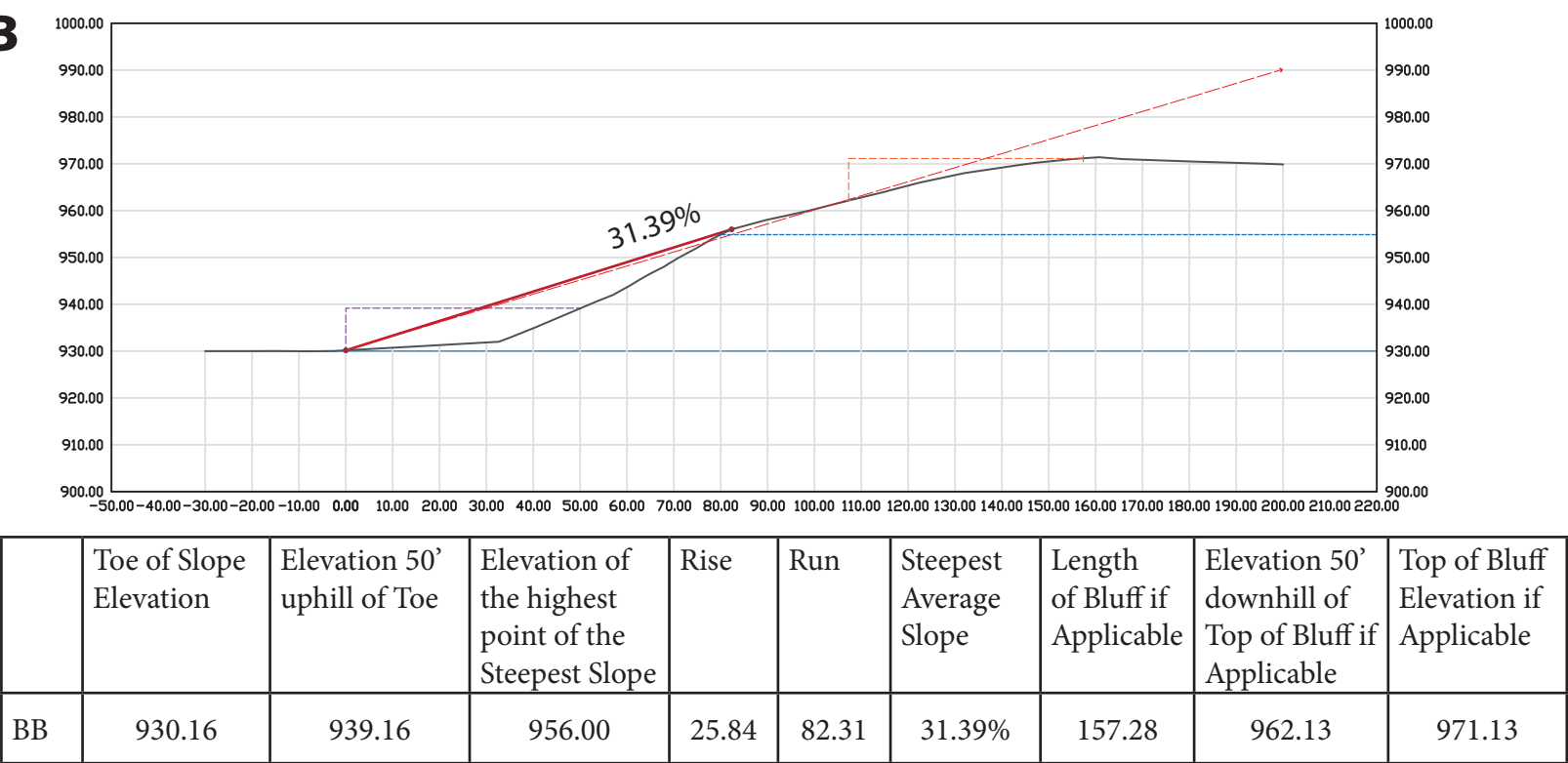
Z



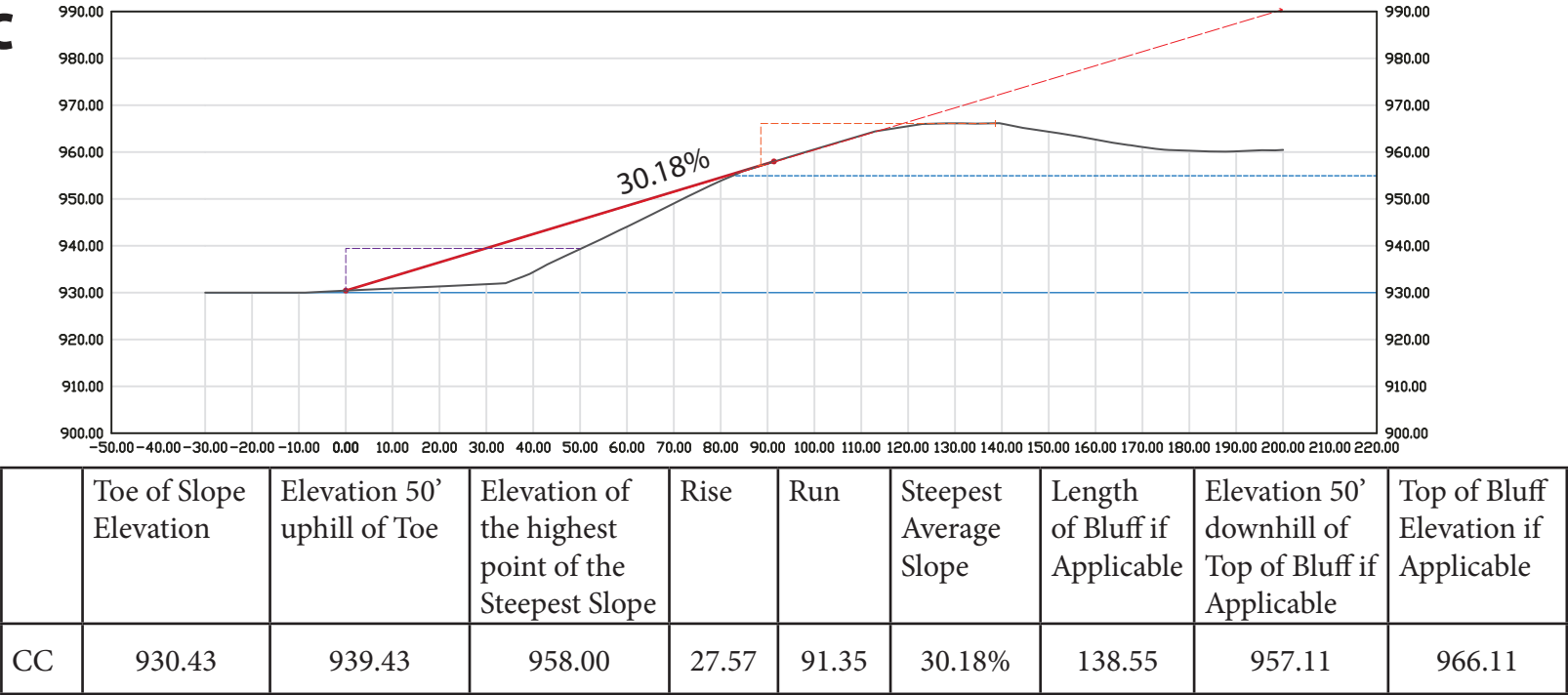
AA



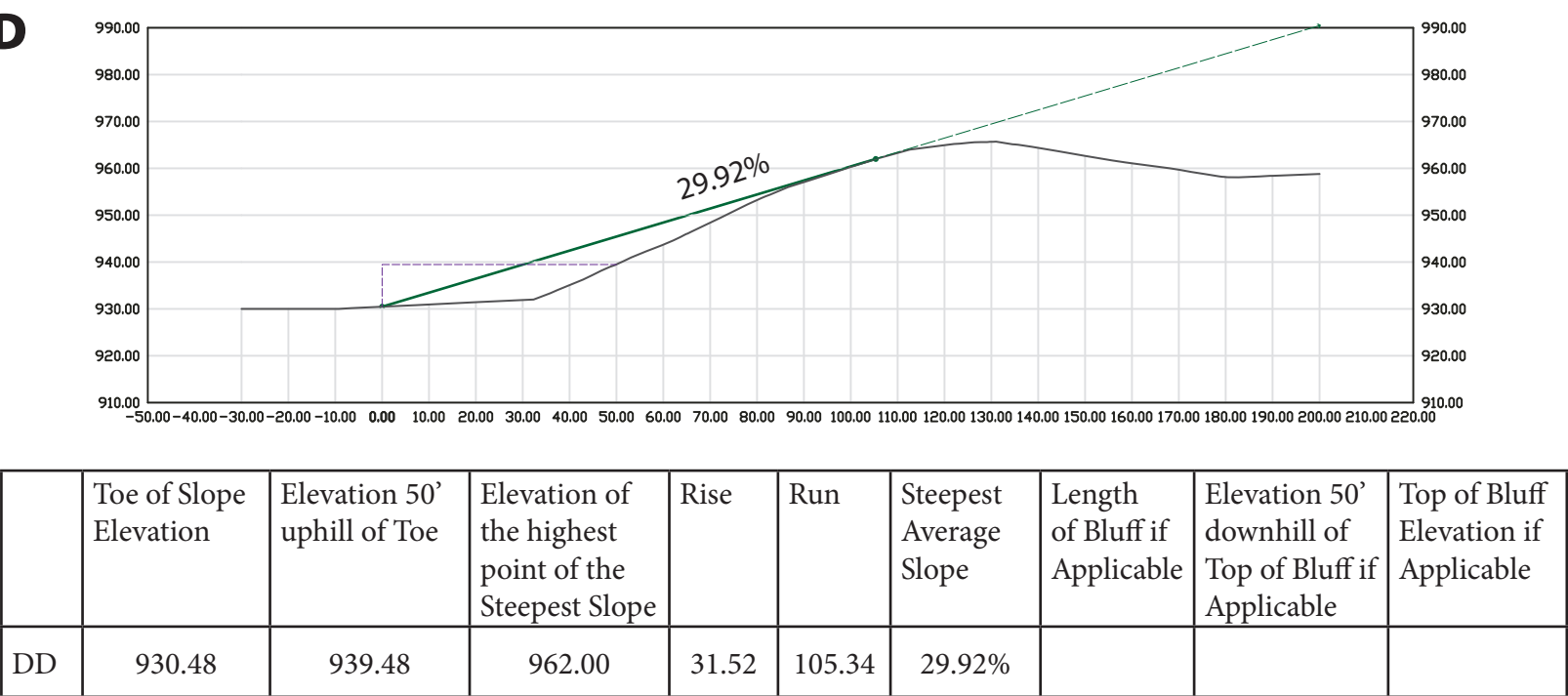
BB



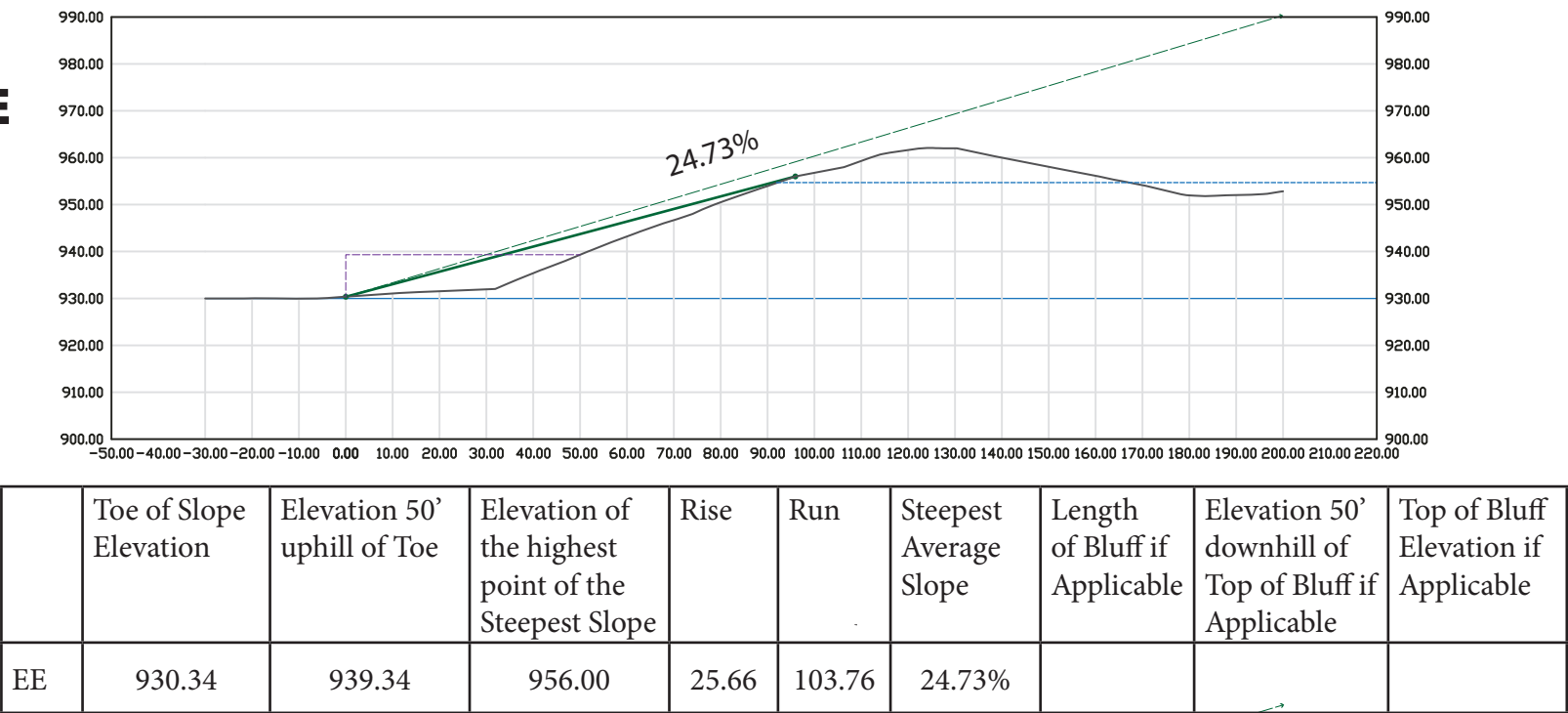
CC



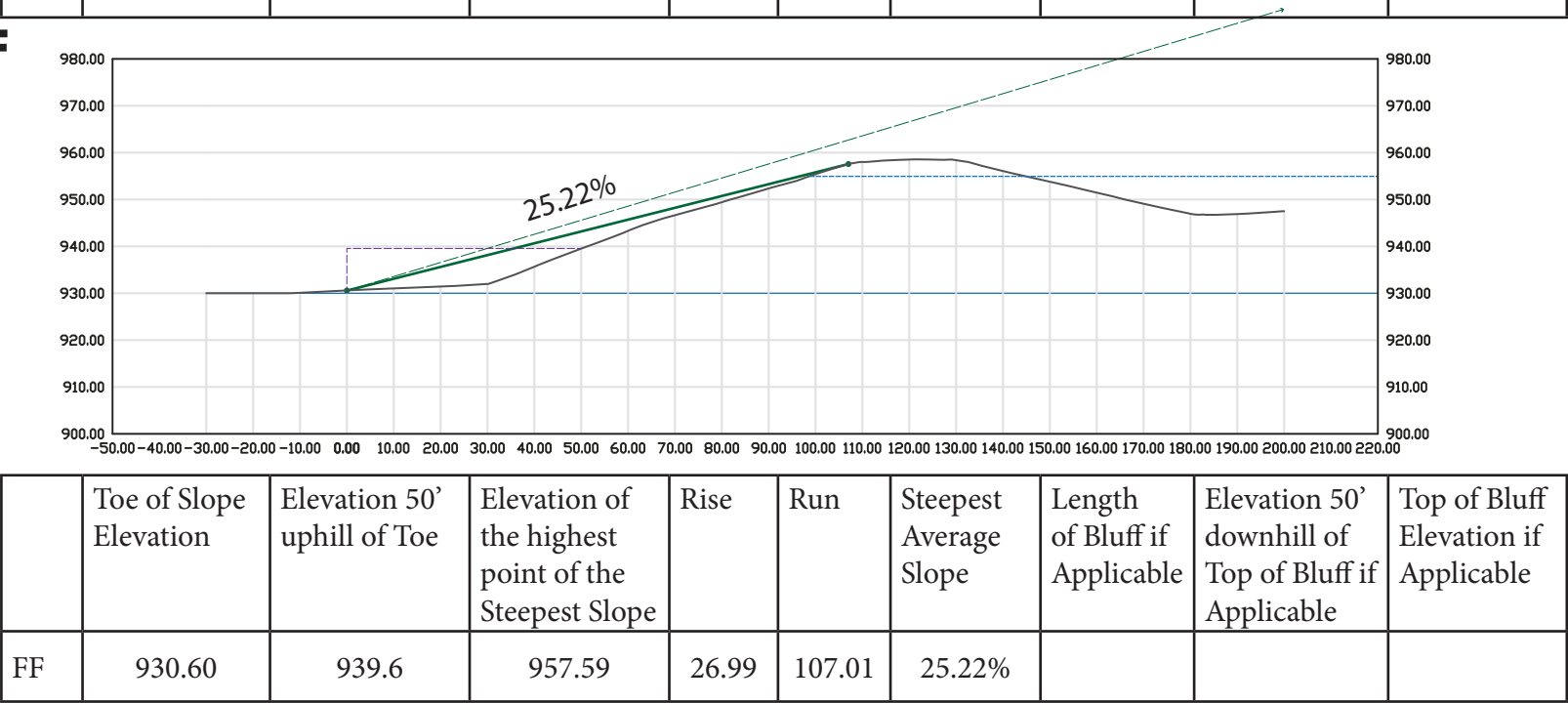
DD



EE

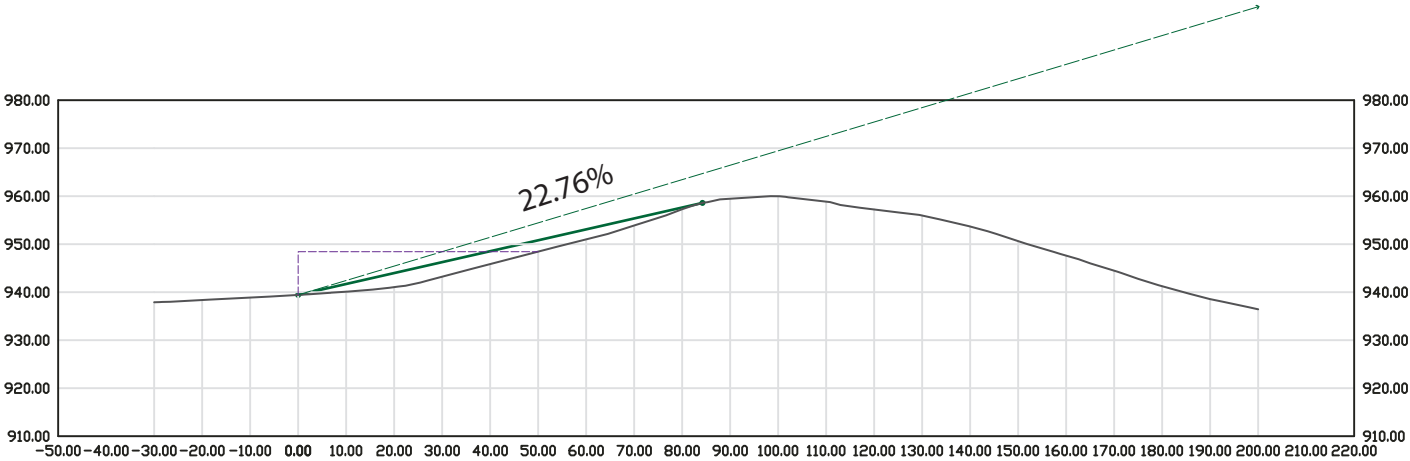


FF



DD

GG



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
GG	939.42	948.42	958.59	19.17	84.22	22.76%			

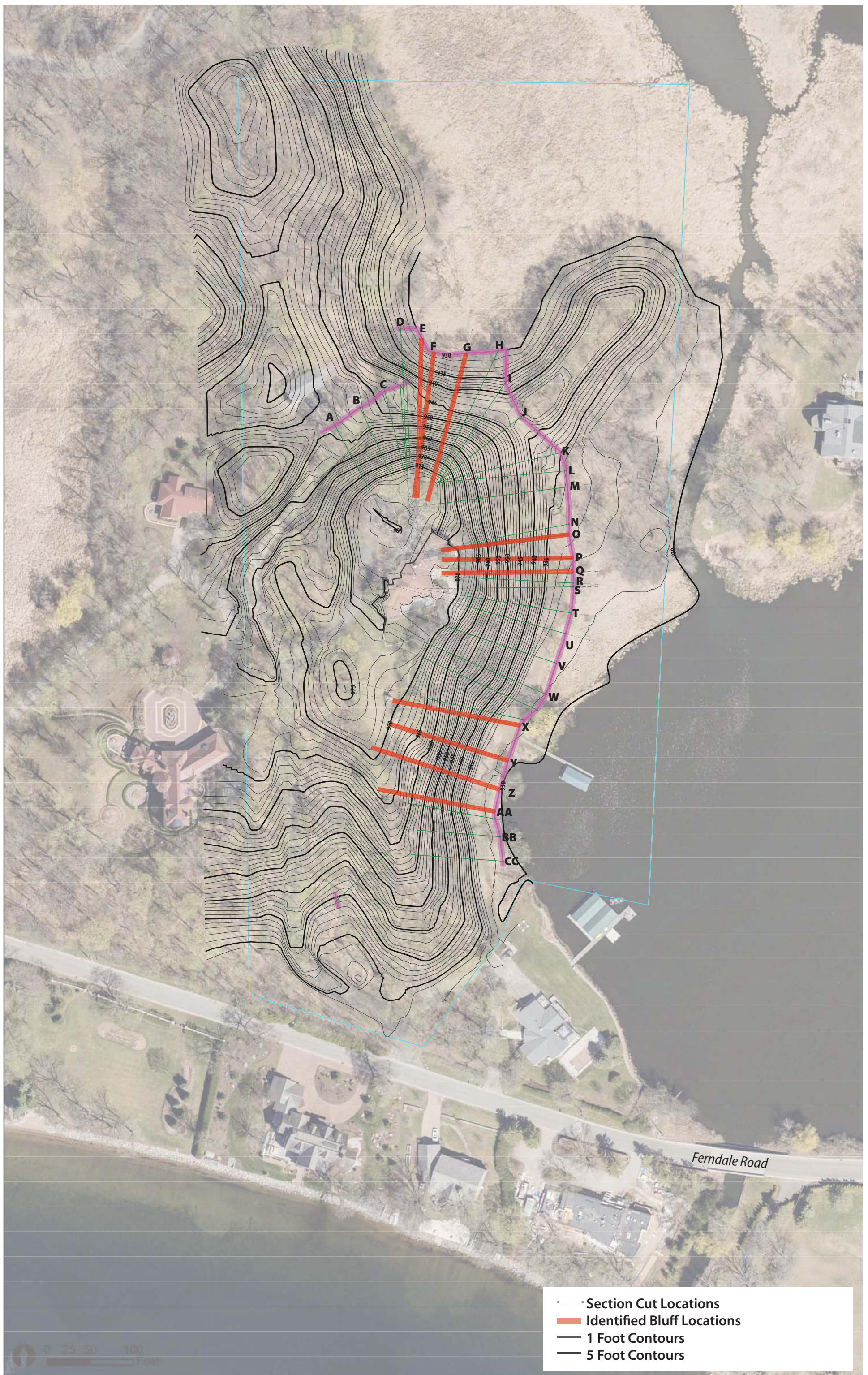


Exhibit J - Bluff Locations

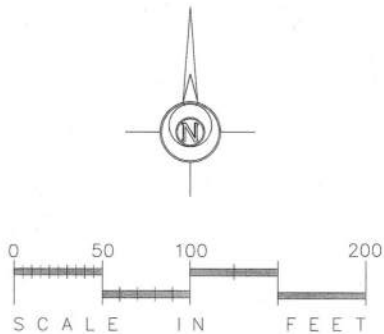


Exhibit K - 20' Bluff Impact Zone



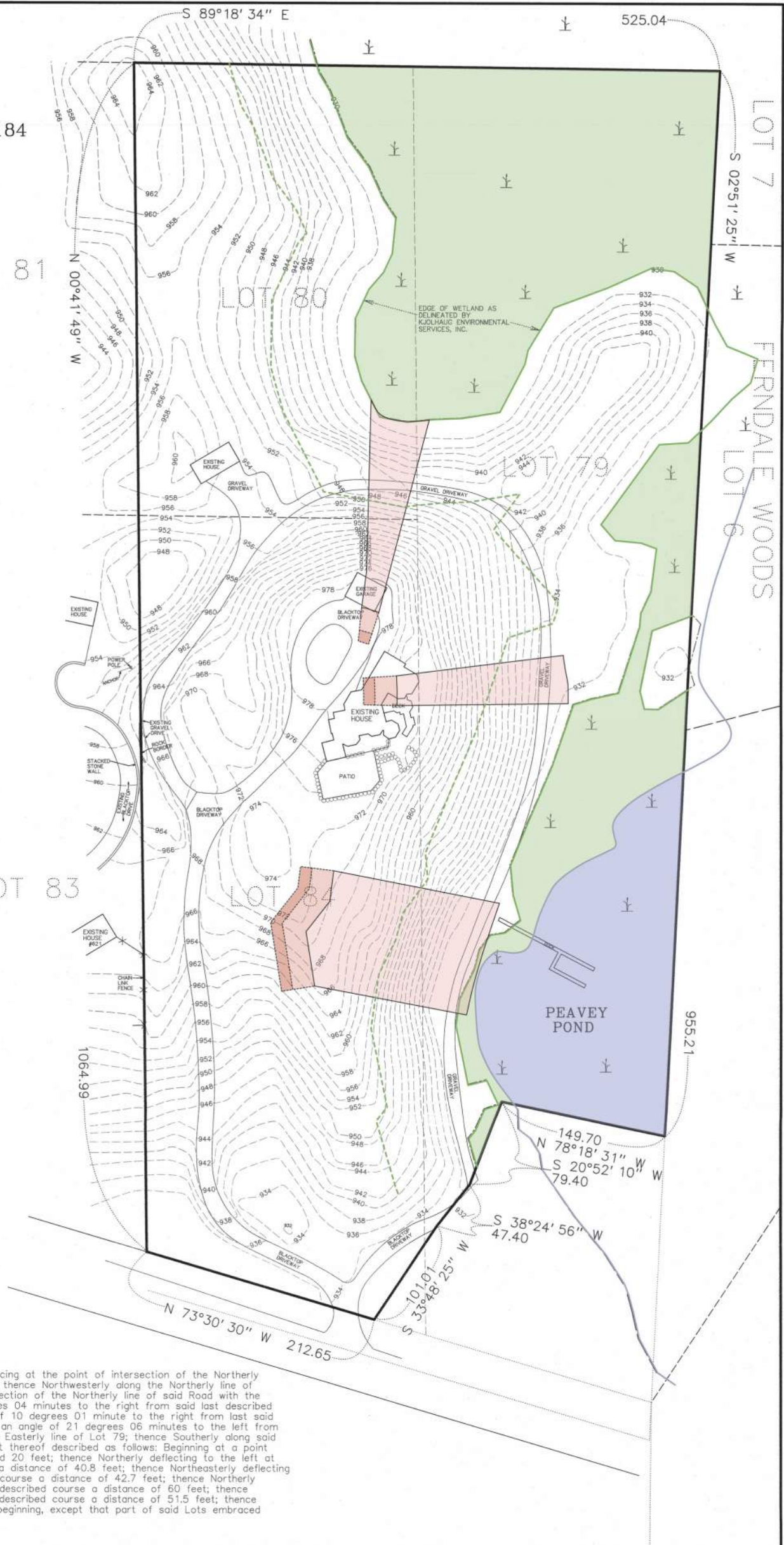
Exhibit L - 30' Bluff Setback

FERNDALE BLUFF
CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LEGEND

- ORDINARY HIGH WATER LEVEL (O.H.W.L.)
- DELINEATED WETLAND
- WETLAND BUFFER (75' SETBACK)
- BLUFF PER SHORELAND DEFINITION
- BLUFF IMPACT ZONE
- BLUFF SETBACK



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said Road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443; Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwesterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



DATE 8-12-22 8-25-22 6-26-23	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. <i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755	PROJECT FERNDALE BLUFF	DATE 7-23-22 SCALE 1"=50' JOB NO. 22-073	GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
---------------------------------------	-----------	---	------------------------------	---	---

To: Val Quarles, City of Wayzata City Planner
From: Brad Scheib, AICP
Subject: Tree Survey and Preservation Plan – Ferndale Bluffs
Date: 12/18/2024

INTRODUCTION

This memo provides documentation to support the Tree Survey and Tree Preservation Plan prepared for 565 Ferndale Road W and the proposed three lot subdivision, Ferndale Bluffs. The Tree Survey and Tree Preservation Plan was prepared using the City Ordinance 818 and the revisions to Chapter 936 Tree Preservation adopted in October of 2022 and subsequently amended most recently in June of 2023.

An initial tree survey of significant trees on site was completed by Gronberg & Associates Inc. in July of 2022 (Gronberg Survey) per the Chapter 936 guidance at the time. This survey was revised June 26, 2023 to reflect dead tree removals completed in 2023 and in 2024, conformance to Ordinance 818, and to rectify tree diameter calculations with mapped tree tags. Attached to this summary memorandum is a Tree Preservation Plan and analysis completed by HKGi based on the trees tagged in the Gronberg Survey and adjusted due to dead trees and storm damage since the tree survey was completed. The Gronberg Survey provides a unique ID to each tree that is tied to the various analysis tables included in this memorandum and the attached analysis exhibits.

HKGi took the tree survey data completed by Gronberg & Associates Inc. and conducted a detailed analysis of tree impacts on the site in the spring and summer of 2023 based on the Chapter 936 Standard (post October 2022 updates) of the city code and city staff direction. This analysis includes impacts¹ to trees based on the “construction area” resulting from the proposed subdivision public improvements including construction of a new road, required stormwater ponds, and associated grading impacts.

In June 29th, 2023 an amendment was made to the city code Chapter 936: the term ‘structural root zone’ was added. In response, board-certified arborist Tyler Hesseltine of Davey Tree was consulted to examine Tree Preservation Planning efforts by the team and provide feedback based on this addition to the code. Findings were that trees with critical root zones with impacts of 40%-60% could potentially be saved with safe construction techniques so long as the proposed work does not interfere with the structural root zone of the tree.

Following these findings, an exhibit was created to show recommended construction techniques suggested by Hesseltine. As a result, a number of significant trees could be saved during the construction process. For this study, these trees are deemed impacted. These 30 trees will still be marked as impacted or removed

¹ Tree impacts were based on each tree’s critical root zone (CRZ as defined by the Wayzata Tree Preservation Ordinance 818, sect936.02); if 40% or more of the CRZ is affected by structure or grading limits/construction areas the tree is considered to be impacted and a likely candidate for removal.

throughout the remainder of this plan as we cannot guarantee that these trees will not be impacted by road construction.

To demonstrate future lots are buildable and can meet zoning and subdivision code standards, conceptual driveways (with grading limits) and building pads are illustrated for each buildable lot. Potential tree impacts resulting from the driveway and building pads were quantified for each lot to demonstrate the ability to comply with Chapter 936 standards. Lastly, a total number of trees and the percentage of trees impacted within each lot's buildable area was quantified at the request of staff.

The tree inventory analysis was completed by or under the direction of professional licensed landscape architects, engineers, and planners.

The following is a summary of the tree survey and associated impacts:

EXISTING TREE INVENTORY SUMMARY

For the duration of this summary the following terms will be used as follows:

- “Significant Tree”: non-Heritage trees that meet the Wayzata Ordinance 818 section 936.02 definition of Significant Tree.
- “Heritage Tree”: all trees that meet the Wayzata Ordinance 818 section 936.02 definition of Heritage Tree.
- “Total Trees”: all Significant and Heritage Trees.

There are a total of 709 identified in the tree survey. Of those 709 Trees:

1. The majority (418) of the significant trees on the property are Sugar Maples. The remainder are a mix of Ash, Linden, Box Elder, Elm, Hickory, Oak and others.
2. 10 are dead or dying (4 linden, 4 maple, and 2 oak) and have been recently removed from the calculations in the analysis per city code.
3. 70 trees are Ash trees and at the direction of the city forester have been removed from the calculations in the analysis due to high probability of Emerald Ash Borer infestation.
4. Removal of the 10 dead and 70 Ash trees leaves us with a total of 629 Significant Trees to use in our analysis.
5. 24 are Heritage Trees representing 703 inches Diameter at Breast Height (DBH) or approximately 7.21% of all inches DBH of Significant and Heritage trees on the site.
6. 605 trees are Significant Trees that are not Heritage or dead representing 9,090 Inches DBH or approximately 92.82% of all trees on the site.
7. The total DBH on the property is 9,793 inches (excluding the 10 dead or dying trees and 70 ash trees). This includes the sum of DBH of all stems on multi-stem trees.

ROAD AND STORM POND IMPACTS

Multiple road scenarios with cul-de-sacs were explored in evaluating the subdivision potential of the subject property. The 526' road scenario submitted with this preliminary plat application meets the code without a variance and is the subject of this analysis. The 526' road design (road, storm pond and grading limits) will

impact approximately 15.89% of the total inches DBH of all significant trees on the site or a total of 122 trees representing 1,556 inches DBH.

The road and storm pond construction for the scenario will have no impact on Heritage Trees.

Table 0-1 Storm and Road Tree Impacts

Tree Category	# of Trees	Inches DBH	DBH: inches as % of total
Heritage	N/A	N/A	0.00%
Other Significant	122	1,556	15.89%
Total	122	1,556	15.89%

LOT SUMMARY

Three buildable lots are shown on the Preliminary Plat. The following represents the tree impact analysis of the three lot plan:

- A lot-by-lot summary of trees within the “Buildable Area” (requested by City Staff). For this analysis buildable area was defined as the gross lot area minus:
 - i. wetlands and land below 930 elevation- PWI
 - ii. bluffs,
 - iii. bluff impact zones,
 - iv. bluff setbacks, and
 - v. front, side, and rear yard building setbacks (including a 75’ setback to wetlands per Wayzata Wetland Buffer Standards).
- Conceptual driveways and building pads are shown to demonstrate each lot is a buildable lot. Final design of driveways and building pads will be determined by buyers of each lot and permitted through the City by the buyers.
- Impacts to trees have been estimated based on conceptual construction areas of each lot to include driveway, driveway grading, and potential building pad². These impacts are determined post-road construction. All lots can accommodate a building pad and driveway while staying below the 25% threshold for tree mitigation as defined in City Code Chapter 936.04 Subpart A 2.

The buildable lots shown will not be graded as part of this project and the design of the homes and driveways will be permitted separately.

² Note: Trees removed for road and storm water improvements as part of the public improvements are assumed removed and not included in the individual lot analysis.

- Any additional site work for detached accessory structures, stormwater needs, or other site improvements will be at the discretion of future buyers (in compliance with City codes), and requests for variances would be subject to City approval.
- Any impacts to heritage trees on individual lots would require individual lot owners/builders to mitigate per the City Code. All lots have the potential to build without impacting heritage trees.
- The addition of any boardwalks and/or docks will be at the discretion of future buyers and will be required to be consistent with all applicable codes and permitting.

LOT 1 SUMMARY

Table 1-1 Total Significant Trees on Lot 1

Tree Category	# of Trees	Inches DBH
Heritage Tree	13	356
Other Significant Trees	276	4,166
Total	289	4,522

Table 1-2 Trees within Buildable area of Lot 1

Tree Category	# of Trees	Inches DBH
Heritage Tree	5	798
Other Significant Trees	45	139
Total	50	937

Table 1-3 Trees Impacted by Conceptual Construction Areas (Driveways and Building Pads) on Lot 1

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
Heritage Trees	N/A	N/A	N/A
All Significant Trees	11	243	5%

LOT 2 SUMMARY

Table 2-1 Total Significant Trees on Lot 2

Tree Category	# of Trees	Inches DBH
Heritage Trees	4	144
All Significant Trees	113	1,814
Total	117	1,958

Table 2-2 Trees within Buildable area of Lot 2

Tree Category	# of Trees	Inches DBH
Heritage Tree	N/A	N/A
Other Significant Trees	10	164
Total	10	164

Table 2-3 Trees Impacted by Conceptual Construction Areas (Driveways and Building Pads) on Lot 2

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
Heritage Trees	N/A	N/A	N/A
All Significant Trees	9	172	9%

LOT 3 SUMMARY

Table 3-1 Total Significant Trees on Lot 3

Tree Category	# of Trees	Inches DBH
Heritage Tree	6	169
Other Significant Trees	109	1,654
Total	115	1,823

**One additional heritage tree not counted here is in Outlot A which will be connected to Lot 3 through ownership.*

Table 3-2 Trees within Buildable area of Lot 3

Tree Category	# of Trees	Inches DBH
Heritage Tree	2	56
Other Significant Trees	16	234
Total	18	290

Table 3-3 Trees Impacted by Conceptual Construction Areas (Driveways and Building Pads) on Lot 3

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
Heritage Trees	N/A	N/A	NA
All Significant Trees	9	120	6.58%

CUMULATIVE IMPACTS

When looking at the entire site and recognizing the impacts to trees that will occur with the public improvements (road and stormwater ponds) followed at a later time by private owner/builder improvements to each lot, a cumulative impact was prepared assuming the conceptual building pads and driveways are built as shown on the attached exhibit.

- Overall cumulative impacts are **21.35%** DBH of all significant trees (including Heritage Trees) on site, which is [below the 25% level in the Wayzata Code 936 Tree Preservation for which mitigation is required](#). This number can be reduced through careful construction of public improvements, custom home design, and grading at time of individual home construction.

Table 5-1 Cumulative Impacts

Tree Category	Total # of Trees	# of Trees (potentially impacted)	Total Inches DBH	Inches DBH (Potentially Impacted)	Inches DBH as % of Total DBH on Property
Heritage Trees	24	N/A	703	N/A	0.00%
All Significant Trees	602	148	9,090	2,091	23.00%
Total	629	151	9,793	2,091	21.35%

TREE REPLACEMENT PLAN

Tree replacement is proposed as part of the Tree Preservation Plan and Landscape Plan. Tree replacement plantings are proposed strategically to enhance screening to the home site to the west and the home sites south of Ferndale Road West as well as future homes sites of the development. Tree species were selected from the city tree list and are native to the site and area. Tree replacements were also selected with diversity considerations and canopy replacement considerations. A total of 39 new trees are proposed to be planted.

No heritage trees are likely to be impacted by the road and storm pond improvements. If they were, per the city code, these impacted trees would require mitigation at a ratio of 2:1. New trees are proposed to be planted in conjunction with the new road project. Fee-in-lieu will be used to cover any remaining required mitigation. Tree replacement thresholds for subdivision and public infrastructure are identified in Section 936.06 subpart A 2 as 25%. Tree impacts beyond that threshold require replacement. The cumulative impacts from the proposed three-lot subdivision are anticipated to be below that 25% threshold.

In addition, a land disturbance permit will be needed for the construction of the public road and stormwater ponds per an approved subdivision plat. The land disturbance (936.06 B 2) allows for 10% removal of significant trees before replacement is required. The proposed improvements (road and stormwater pond) will impact 15.89%. Based on staff comments our draft mitigation calculations are based on the 10% allowance threshold for impacts related to the road and stormwater pond improvements. Proposed mitigation will be a combination of new tree plantings and fee-in-lieu as allowed per code.

Table 6-1 **DRAFT** Mitigation Calculations

Reference	Inches	Mitigation Required (Caliper Inches)	Notes
10% Removal Allowance	979.3	-	This is the total DBH allowed to be removed per the number of DBH on site per (10% of 9,747 inches DBH) see code 936.06 B 2.
Total Proposed Removal of Significant Trees	1,556	576.7	This is the total amount of trees anticipated to be removed as part of the road (526-foot concept) and stormwater improvements. Mitigation is based on the impacts over the 10% allowance.
Heritage Tree Impacts	0	0	This is the total DBH of heritage trees we are impacting. (Includes tree tags 461, 650, 841.) This number is within the total significant trees impacted (1,196). Heritage trees are required to be mitigated at a 2:1 ratio. The first inch is included in the significant tree mitigation (210). The second inch is included here.
Total Mitigation Required	-	576.7	The total mitigation requirement includes all significant trees plus the 2:1 replacement for Heritage trees
Proposed new tree plantings (39 trees at a total of 113.5 caliper inches)	113.5		Per the city code 936.09 A, tree replacement is calculated based on the proposed tree mitigation plan prepared by licensed landscape architects and arborist.
Remaining Mitigation needed		463.2	Total mitigation needed less proposed tree planting
Fee-in-lieu (\$300 per cal inch) per City Fee Schedule	\$138,960		

Exhibits include the following:

1. Site Survey
2. Tree Inventory Tables/Tags (Gronberg Tree Survey)
3. Existing Tree Inventory with notes
4. 526' Road Concept Tree Impacts
5. CRZ Percent Impacts
6. Possible Driveway and Building Pad Impacts
7. Significant Trees in Buildable Areas by Lots
8. Composite Tree Impacts
9. Measures to Protect
10. Mitigation Plan

565 FERNDAL WEST
SURVEY

- Parcel Boundary
 - Wetland Delineation
 - O.H.W.L. Delineation
 - Wetland
 - Ordinary High Water Level (O.H.
- Final_Existing Trees
- Heritage
- Significant Tree
 - Dead, Diseased, Dying
 - Heritage Tree

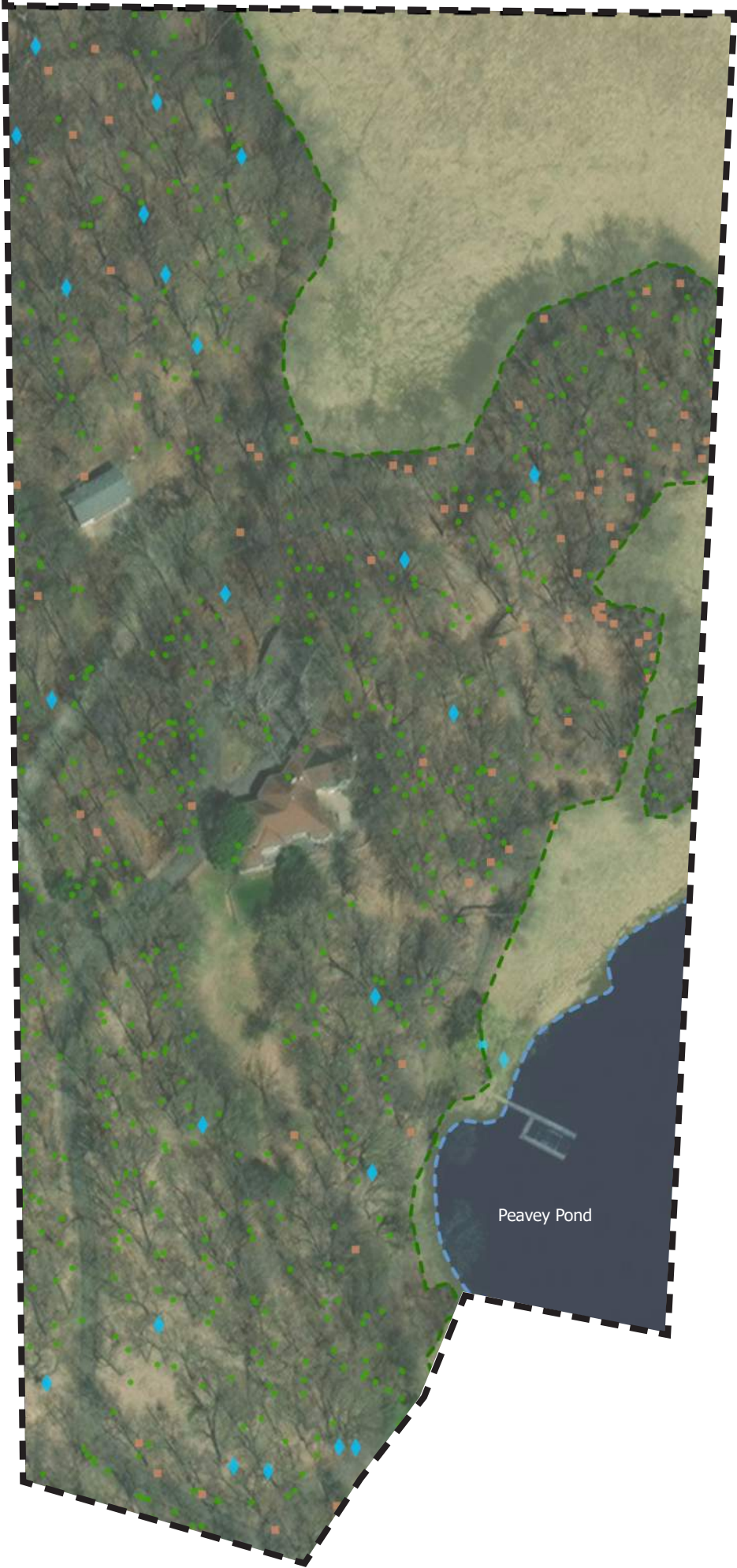


Table of Contents

Tree Preservation Plan Cover Sheet	1
Gronberg Tree Inventory	2
Tree Inventory Summary and Notes	3
526' Road Concept Trees Removed	4
CRZ Percent Impacts	5
Possible Location of Driveways (Including Grading Limits) and Building Pads	6
Significant Trees Located Within Buildable Areas	7
Composite Tree Impacts	8
Tree Preservation Plan	9
Mitigation Plan	10

TREE SCHEDULE									
TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
1	11 MAPLE	146	10 BOXELDER	451	15 HICKORY	806	12 HICKORY	953	14 MAPLE
2	23 MAPLE	147	9 MAPLE	452	14 OAK	807	12 MAPLE	954	14 ASH
3	13 ASH	148	19 MAPLE	453	21 MAPLE	808	11 BOXELDER	955	15 MAPLE
4	21 MAPLE	149	10 MAPLE	454	13 HACKBERRY	809	8 MAPLE	956	20-20-16 LINDEN
5	11 MAPLE	150	8 MAPLE	456	14 MAPLE	810	13 MAPLE	957	18 ELM
6	12 MAPLE	152	12-13-14 LINDEN	457	17 ASH	811	26 MAPLE(H)	958	16 HICKORY
7	25 MAPLE(H)	153	20 MAPLE	458	23 OAK	812	9 MAPLE	959	10 ASH
8	13 MAPLE	154	28 OAK(H)	461	34 MAPLE(H)	813	22 MAPLE	960	16 ASH
9	16 LINDEN	155	17 MAPLE	462	24 MAPLE	814	10 MAPLE	961	13 HICKORY
10	17 MAPLE	156	13 MAPLE	463	15 MAPLE	815	23 MAPLE	962	14 MAPLE
11	27 MAPLE(H)	157	6 MAPLE	466	19 MAPLE	816	11 MAPLE	963	8 ASH
12	30 MAPLE(H)	158	9 MAPLE	468	16 ASH	817	11 HICKORY	964	10 ELM
13	13 BOXELDER	159	6 MAPLE	470	19 ASH	818	20 MAPLE	965	15 MAPLE
14	23 MAPLE	160	8 MAPLE	472	28 MAPLE(H)	819	9 MAPLE	966	11 MAPLE
15	13 ELM	161	10 MAPLE	473	18 MAPLE	820	9 MAPLE	967	21 LINDEN
16	17-13-13 LINDEN	162	9-20 MAPLE	474	16 MAPLE	821	19-14 MAPLE	968	16-18 MAPLE
17	11 HICKORY	163	10 MAPLE	475	24 MAPLE	822	9 MAPLE	969	11 MAPLE
18	16 HACKBERRY	164	8 MAPLE	476	20 MAPLE	823	8 MAPLE	970	8 MAPLE
19	34 HICKORY	165	9 MAPLE	477	17 MAPLE	824	16 ASH	971	12 ELM
20	6 MAPLE	166	10 MAPLE	478	14 MAPLE	825	8 ELM	972	14 ELM
21	14 MAPLE	167	18 MAPLE	479	13 MAPLE	826	9 MAPLE	973	13 LINDEN
22	12 BOXELDER	168	21 MAPLE	481	13 MAPLE	827	10 MAPLE	974	8 MAPLE
23	12 HACKBERRY	169	15-16 HICKORY	484	13 HICKORY	828	18 MAPLE	975	15 MAPLE
24	14 BOXELDER	170	8 MAPLE	486	22 MAPLE	829	7 MAPLE	976	16 ASH
25	12 MAPLE	171	18 MAPLE	487	16 MAPLE	830	16 MAPLE	977	23 MAPLE
26	11 MAPLE	172	8 MAPLE	488	24 MAPLE	831	12 MAPLE	978	12 MAPLE
27	11 MAPLE	173	18 MAPLE	489	18 LINDEN	832	18 BOXELDER	979	10 MAPLE
28	10 MAPLE	174	12 MAPLE	491	18 MAPLE	833	8 MAPLE	980	6 MAPLE
29	9 MAPLE	175	8 MAPLE	493	23-7 MAPLE	834	13 ASH	981	9 MAPLE
30	6 MAPLE	176	9 MAPLE	494	19 MAPLE	835	18 HICKORY	982	13 MAPLE
31	8 MAPLE	177	12 MAPLE	495	16 MAPLE	836	10 ELM	983	14 MAPLE
32	15 MAPLE	178	12 MAPLE	496	14 MAPLE	837	15 MAPLE	984	9 MAPLE
33	9 MAPLE	179	16 MAPLE	499	17 MAPLE	838	15 ASH	985	11 OAK
34	9 MAPLE	180	7 MAPLE	500	20 MAPLE	839	12 MAPLE	986	8 MAPLE
35	21 MAPLE	181	15 MAPLE	502	20 MAPLE	840	28 OAK(H)	987	18 MAPLE
36	10 MAPLE	182	10-8 LINDEN	503	20 MAPLE	841	29 MAPLE(H)	988	18 ASH
37	10 MAPLE	183	18 MAPLE	504	13 MAPLE	842	16 MAPLE	989	8 MAPLE
38	8 MAPLE	184	7 MAPLE	505	14-17 MAPLE	843	7 MAPLE	990	8-8 HICKORY
39	16 BOXELDER	185	14 MAPLE	507	11 CEDAR	844	24 MAPLE	991	12 MAPLE
40	21 MAPLE	186	28 OAK(H)	508	12 CEDAR	845	12 HICKORY	992	9 ELM
41	7 MAPLE	187	11 ELM	509	11 CEDAR	846	6 MAPLE	993	23 BOXELDER
42	7 MAPLE	188	8 MAPLE	511	18 MAPLE	848	19 MAPLE	994	11 MAPLE
43	8 MAPLE	189	8 MAPLE	512	21 MAPLE	849	6 MAPLE	995	18 MAPLE
44	7 MAPLE	190	11 LINDEN	513	17 MAPLE	850	13 ELM	996	18 ASH
45	12 MAPLE	191	14 MAPLE	514	18 LINDEN	851	16 ASH	997	20 MAPLE
46	8 MAPLE	192	32 WALNUT(H)	515	20 MAPLE	852	11 MAPLE	998	14 MAPLE
47	10 MAPLE	193	11 BOXELDER	516	17 MAPLE	853	10 MAPLE	999	16 MAPLE
48	15 OAK	194	11 MAPLE	519	19 MAPLE	854	14 ELM	1000	15 ASH
49	15 MAPLE	195	12 ELM	520	DEAD-MAPLE	855	12 MAPLE	1001	14 ELM
50	8 MAPLE	196	9 MAPLE	521	21 HICKORY	856	9 MAPLE	1002	8 MAPLE
51	13 MAPLE	197	13 ELM	522	15-7 LINDEN	857	20 MAPLE	1003	16 BOXELDER
52	9 MAPLE	198	8-15 MAPLE	523	DEAD-LINDEN	857A	20 MAPLE	1004	12 BOXELDER
53	12 BOXELDER	199	23 BOXELDER	524	12 HICKORY	858	10 MAPLE	1010	16-14 ASH
54	8 MAPLE	200	9 MAPLE	525	16 MAPLE	859	14 BOXELDER	1011	18 ASH
55	14 MAPLE	202	12 LINDEN	526	14 MAPLE	861	14 MAPLE	1012	14 ASH
56	17 MAPLE	203	10-16 LINDEN	527	18 MAPLE	863	23 MAPLE	1013	10 MAPLE
57	16 BOXELDER	205	13 ASH	528	12 MAPLE	864	28 OAK(H)	1014	16 ASH
58	9 BOXELDER	206	8 MAPLE	530	19 MAPLE	865	12 ASH	1015	14 ASH
59	19 MAPLE	207	10 ELM	532	15 MAPLE	867	22 MAPLE	1016	18 ASH
60	15 MAPLE	208	12-15 ELM	533	20 ELM	868	8 MAPLE	1017	18 LINDEN
62	9 MAPLE	209	11 MAPLE	534	14 MAPLE	869	13 MAPLE	1018	10 ASH
63	12 MAPLE	210	6-8 MAPLE	536	20 MAPLE	870	10 MAPLE	1019	16 MAPLE
64	25 MAPLE	211	20 ASH	538	16 LINDEN	871	7 MAPLE	1020	14 MAPLE
65	13 MAPLE	213	7 MAPLE	539	19 ELM	872	9 MAPLE	1021	14 MAPLE
66	11 BOXELDER	215	18-18 ASH	545	14 MAPLE	873	8 MAPLE	1022	23 MAPLE
67	24 MAPLE	216	14 BOXELDER	546	23 MAPLE	874	28 MAPLE(H)	1023	18 MAPLE
68	22 MAPLE	217	17 ELM	547	18 MAPLE	875	13 LINDEN	1025	14 HICKORY
69	19 MAPLE	218	10-15 HICKORY	549	22 LINDEN	876	7 MAPLE	1026	12 LINDEN
70	11 HACKBERRY	219	11-14-16-18-10 LINDEN	551	7 CEDAR	877	15 MAPLE	1027	10 ASH
71	11 MAPLE	220	13 CRABAPPLE	552	18 CEDAR	878	23 MAPLE	1028	12 ASH
72	9 MAPLE	221	17 LINDEN	554	14 ELM	880	19 LINDEN	1029	18-8 MAPLE
74	15 MAPLE	222	15 ASH	560	13 MAPLE	881	23 MAPLE	1031	16 MAPLE
75	7 MAPLE	223	17 ELM	561	16 LINDEN	882	7 MAPLE	1032	10 MAPLE
76	10 MAPLE	224	14 HICKORY	562	19 OAK	883	11 MAPLE	1033	10 ASH
77	16 LINDEN	225	17 LINDEN	563	22 OAK	884	17-17 OAK	1035	6 MAPLE
78	9 MAPLE	227	19 ASH	564	15 OAK	885	20 MAPLE	1037	14 MAPLE
79	17 LINDEN	229	6 MAPLE	565	23 OAK	886	8 MAPLE	1039	8 MAPLE
80	17 MAPLE	231	12 ASH	566	17 OAK	887	18 ELM	1040	14 MAPLE
81	6 MAPLE	232	9 ASH	571	15 ASH	888	7 MAPLE	1041	8 MAPLE
82	9 MAPLE	233	18-16-14-14 LINDEN	572	21 LINDEN	889	24 LINDEN	1042	14 ASH
83	12 MAPLE	234	14-12 MAPLE	573	15 ASH	890	19 MAPLE	1043	8 ASH
84	16 HEMLOCK	237	15 ASH	574	24 OAK	891	7 MAPLE	1044	10 MAPLE
85	12 MAPLE	238	16 ASH	575	22 LINDEN	892	13 ASH	1046	12 BOXELDER
86	10 MAPLE	242	10 HACKBERRY	577	13 MAPLE	893	10 ASH	1047	16 BOXELDER
87	7 OAK	243	19 HACKBERRY	578	14 MAPLE	894	8 MAPLE	1048	12 MAPLE
89	9 MAPLE	244	17 MAPLE	580	16 MAPLE	895	15 MAPLE	1050	14 ASH
90	15 MAPLE	245	9 HICKORY	581	17 MAPLE	896	8-7 HICKORY	1050A	18-18 MAPLE
91	7 MAPLE	246	14-9 LINDEN	582	28 OAK(H)	897	16 LINDEN	1051	22 MAPLE
92	10 LINDEN	247	6-7-11 PAPER BIRCH	584	23 OAK	898	23 MAPLE	1052	10 MAPLE
93	11 HICKORY	248	12-12-16 PAPER BIRCH	586	27 OAK(H)	899	22 LINDEN	1053	14 MAPLE
94	9 MAPLE	249	22 MAPLE	587	36 OAK(H)	900	6 MAPLE	1054	10 BOXELDER
95	8 MAPLE	250	14-11-8 PAPER BIRCH	588	13 HICKORY	901	8 ASH	1055	8 MAPLE
96	14 MAPLE	251	23 OAK	589	28 OAK(H)	902	44 WILLOW(H)	1056	6 MAPLE
97	22 MAPLE	252	8 MAPLE	590	16 MAPLE	903	21 MAPLE	1057	12 MAPLE
98	8 MAPLE	253	13 MAPLE	591	16 MAPLE	904	14 ASH	1058	26 LINDEN
99	6 MAPLE	254	19 MAPLE	592	14 MAPLE	905	14 MAPLE	1060	10 MAPLE
100	10 MAPLE	256	12 LINDEN	593	15 MAPLE	906	12 LINDEN	1061	16 MAPLE
101	10-7 BOXELDER	257	11 MAPLE	598	22 MAPLE	907	20 BOXELDER	1064	16 ASH
102	18 HACKBERRY	258	21 WHITE CEDAR	601	20 MAPLE	908	10 HICKORY	1065	12 MAPLE
103	24 MAPLE	259	20 RED PINE	602	25 MAPLE(H)	909	16 BOXELDER	1066	8 MAPLE
104	6-8 ARB. CLUMP	260	15 PAPER BIRCH	605	19 LINDEN	910	10 ELM	1068	22 ASH
105	9 HACKBERRY	261	7-8 IRONWOOD	608	20 MAPLE	911	7 MAPLE	1080	20 BOXELDER
106	21 LINDEN	262	20 ASH	607	19 MAPLE	912	9 MAPLE	1081	12 ELM
107	20-20 ASH	263	10 BOXELDER	608	15 MAPLE	913	22 ASH	1082	6 MAPLE
108	8 MAPLE	264	10 MAPLE	609	20 MAPLE	914	8-8 MAPLE	1083	14 ASH
109	19 ASH	265	7 MAPLE	610	20 MAPLE	915	19 ASH	1086	16 MAPLE
111	17 BOXELDER	266	8 MAPLE	611	16 MAPLE	916	8 MAPLE	1087	16 HICKORY
112	14-16 LINDEN	267	22 MAPLE	612	20 MAPLE	917	25 MAPLE(H)	1089	10 MAPLE
113	8 BOXELDER	269	12 MAPLE	615	23 MAPLE	918	20 MAPLE	1091	16 MAPLE
114	8 MAPLE	270	8 MAPLE	616	13 LINDEN	919	12 MAPLE	1092	14 MAPLE
115	11 HACKBERRY	271	11 MAPLE	617	23 MAPLE	920	25 LINDEN	1093	14 MAPLE
116	13-13-8 PAPER BIRCH	272	13 MAPLE	618	11 MAPLE	921	10 HICKORY	1094	8 MAPLE
117	7-7-7-8 ARB. CLUMP	273	17 ASH	621	28 MAPLE(H)	922	10 ASH	1095	14 HICKORY
118	16 BOXELDER	274	12 MAPLE	622	15 MAPLE	923	16 ASH	1096	16 LINDEN
119	10 BOXELDER	275	6 MAPLE	623	16 MAPLE	924	16-14-17 LINDEN	1097	8 MAPLE
120	17 BOXELDER	276	13 LINDEN	624	28 OAK(H)	925	16 MAPLE	1098	16-14 MAPLE
121	10 LINDEN	277	18 MAPLE	626	15 OAK	926	7 MAPLE	1099	5 MAPLE
122	11-15 BOXELDER	278	14 MAPLE	627	20 LINDEN	927	10 ELM	1100	12 MAPLE
123	16 BOXELDER	279	10 MAPLE	628	22 LINDEN	928	22 BOXELDER	1101	18 MAPLE
124	13 MAPLE	280	10 MAPLE	630	22 OAK	929	9 MAPLE	1106	8 MAPLE
125	13 ELM	281	7 MAPLE	631	19 OAK	930	8-8 ASH	1107	12 ASH
126	17 MAPLE	283	15 PAPER BIRCH	632	20 OAK	931	20 MAPLE	1108	10 BOXELDER
127	19 ELM	284	18 MAPLE	634	22 LINDEN	932	18 LINDEN	1109	8 MAPLE
128	20 BOXELDER	285	19 MAPLE	635	18 MAPLE	933	16 MAPLE	1110	16 LINDEN
129	12-16-18 LINDEN	286	9 MAPLE	636	18 MAPLE	934	6 MAPLE	1111	16 MAPLE
130	15 MAPLE	287	8 MAPLE	637	23 OAK	935	40 WILLOW(H)	1114	14-14 MAPLE
131	13 MAPLE	288	10-6 PAPER BIRCH	638	13-26 MAPLE	936	11 MAPLE	1115	6 MAPLE
132	17 MAPLE	289	8 MAPLE	639	24 ASH	937	8 MAPLE	1117	16 BOXELDER
133	14 MAPLE	290	19 LOCUST	641	23 MAPLE	938	7 MAPLE	1118	26 ASH(H)
134	22 LINDEN	291	20 MAPLE	642	18 MAPLE	939	7 MAPLE	1119	18 ASH
135	9 MAPLE	292	12 ASH	644	14 MAPLE	940	11 MAPLE	1121	12 BOXELDER
136	17 MAPLE	293	8 MAPLE	645	17 LINDEN	941	16-14 LINDEN	1122	12 ASH
137	13 MAPLE	294	11 LINDEN	649	21 ASH	942	12 MAPLE	1123	8 MAPLE
138	14 HACKBERRY	297	8 MAPLE	650	31 MAPLE(H)	943	17 MAPLE	1124	8 MAPLE
139	14 MAPLE	300	1						

565 FERNDALE WEST EXISTING TREE INVENTORY

Legend

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:

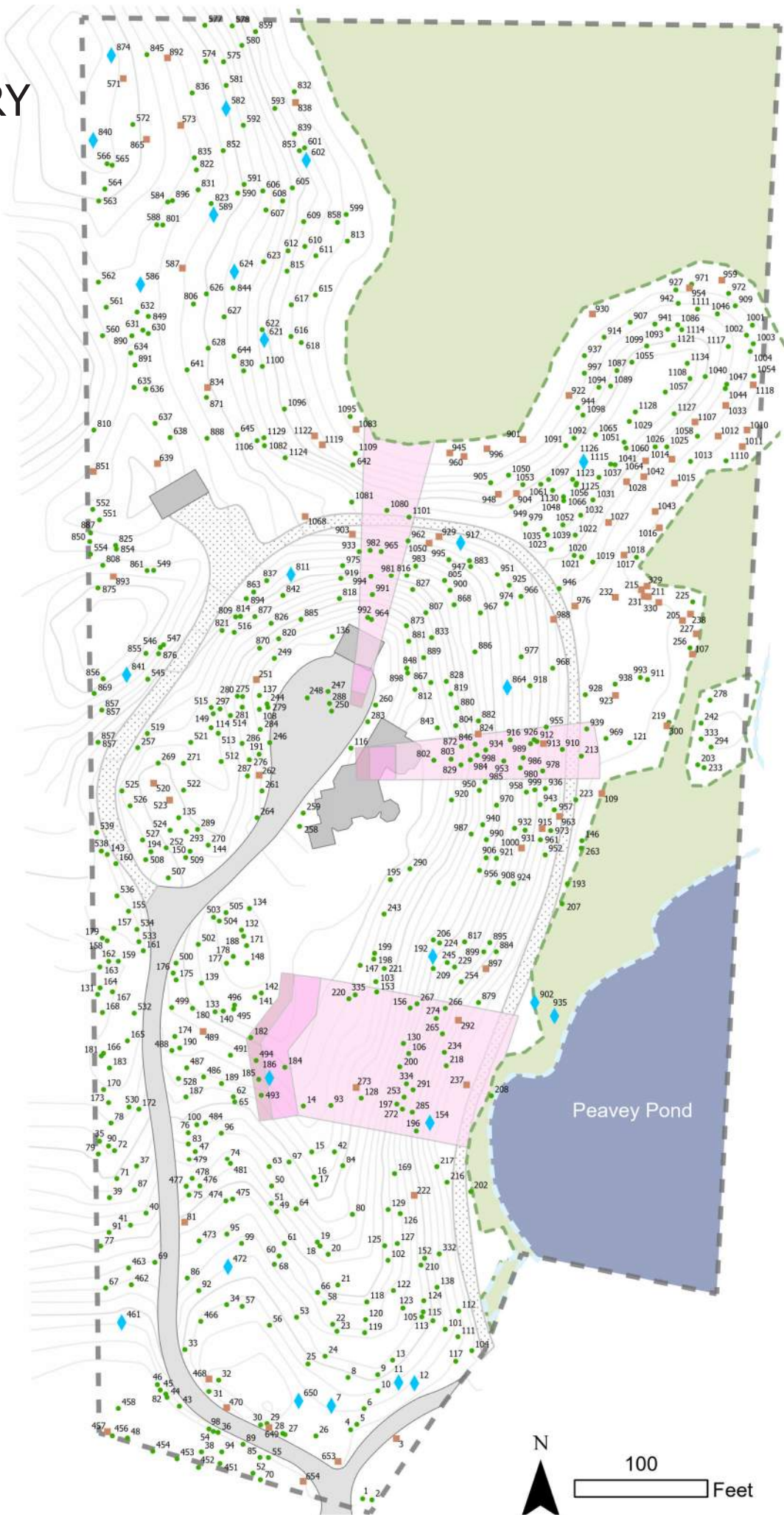
707 Total Significant Trees Surveyed
- 79 Dead, Diseased, or Dying
Including 70 Ash Trees

602 Total Significant Trees Included In
Evaluation Of Impacts

24 Heritage Trees

610 Other Significant Trees

9,747 Total DBH (excluding 9 dead or
dying and 70 ash trees)



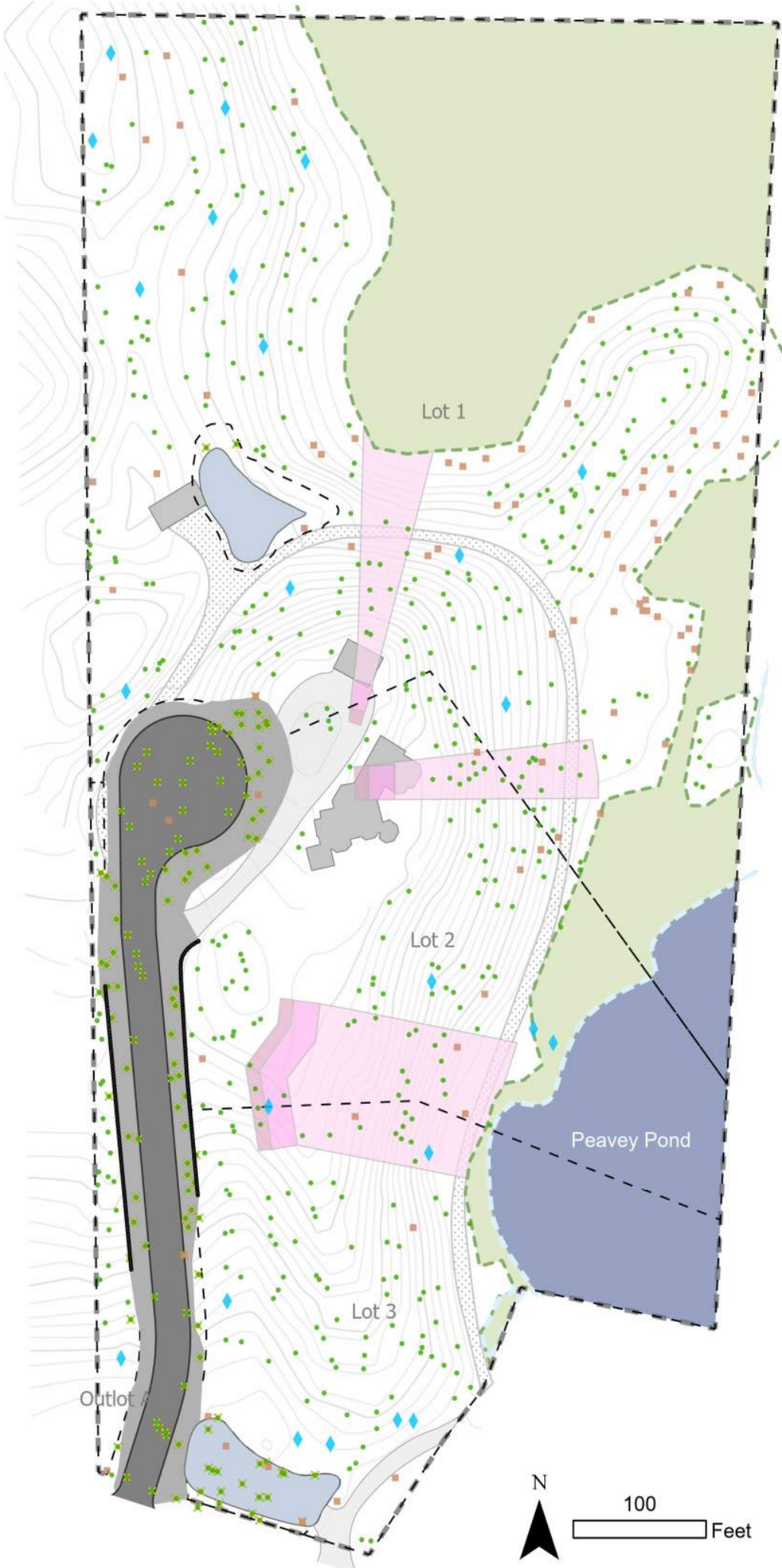
- Existing tree inventory was completed by Gronberg and Associates on 7/23/2022
- These trees represent **significant trees**, defined as “a Healthy Standard-Growth Tree that is six inches or greater in diameter at breast height, a Healthy Rapid-Growth Tree that is 12 inches or greater in diameter at breast height, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in diameter at breast height”
- Heritage trees are defined by the Ordinance as “a Healthy Standard-Growth Tree, Healthy Coniferous Tree, or a Healthy American Elm Tree that is 25 inches or greater in DBH.”
- Rapid-Growth Tree Species: “means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash”
- Tree tags 520 and 523 were removed in 2023 after being evaluated as dead by the City of Forester
- Tree tags 81, 251, 489, 654, 897, 903, and 929 were identified as dead following a storm and removed by the applicant’s forester in 2024
- Code references are taken from the Wayzata Tree Management and Preservation Ordinance Chapter 936.0 **as amended in June 2024**
- Due to the presence of Emerald Ash Borer on site, the City Forester recommended that the ash trees on site be marked as dying and not included in the analysis as they will be removed.

565 FERNDALE WEST
526' Road CONCEPT TREES
REMOVED

Legend

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Existing Trees
- Proposed Lot
- Storm Grading
- Road Grading
- Proposed Stormwater
- Proposed Road
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:
Removal is based on predicted
impact to a tree’s critical root
zone of 40% or more (Ch 936.02)



Tree Species	Trees Impacted by Street Construction			Total DBH Impacted by Street Construction (inches)			% of All Trees on Site Impacted by Street Construction (629 total trees)			% of Site Impacted by Street Construction per DBH (9,793 inches)		
	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total
ASH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
BOXELDER							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CEDAR		3	3		34	34	0.00%	0.48%	0.48%	0.00%	0.35%	0.35%
CLUMP							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CRABAPPLE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ELM		3	3		41	41	0.00%	0.48%	0.48%	0.00%	0.42%	0.42%
HACKBERRY		2	2		25	25	0.00%	0.32%	0.32%	0.00%	0.26%	0.26%
HEMLOCK							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HICKORY		4	4		58	58	0.00%	0.64%	0.64%	0.00%	0.59%	0.59%
IRONWOOD		1	1		15	15	0.00%	0.16%	0.16%	0.00%	0.15%	0.15%
LINDEN		8	8		130	130	0.00%	1.27%	1.27%	0.00%	1.33%	1.33%
LOCUST							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MAPLE		98	98		1,209	1,209	0.00%	15.58%	15.58%	0.00%	12.35%	12.35%
OAK		3	3		44	44	0.00%	0.48%	0.48%	0.00%	0.45%	0.45%
PAPER BIRCH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
RED PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WALNUT							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WHITE PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WILLOW							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grand Total	0	122	122	0	1,556	1,556	0.00%	19.40%	19.40%	0.00%	15.89%	15.89%

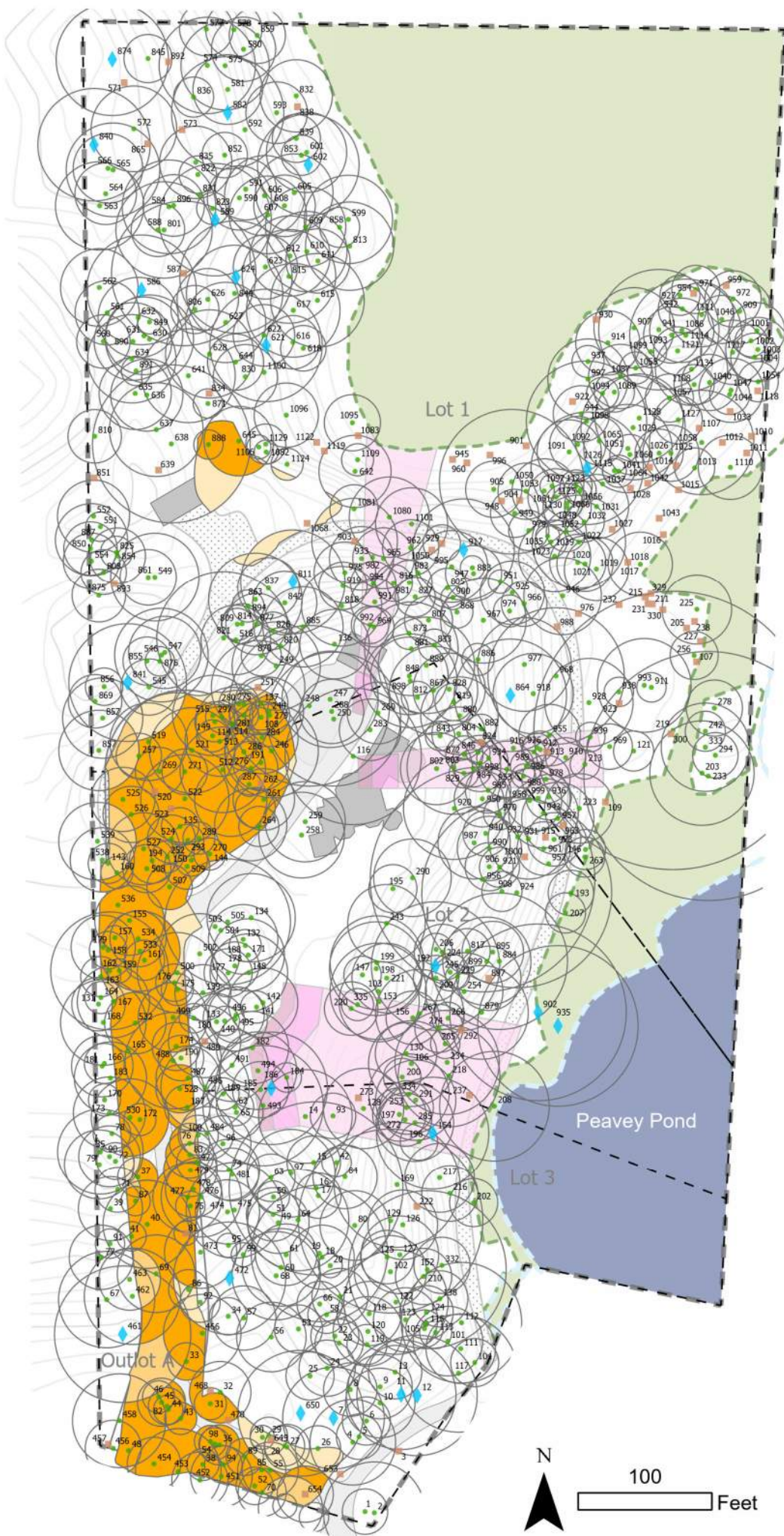
565 FERNDALE WEST
526' Road Concept
CRZ Impact Percentages

Legend

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- All Critical Root Zones
- Less than 25% CRZ Impact
- 25% - 40% CRZ Impact
- More than 40% CRZ Impact
- Proposed Lot
- Proposed ROW
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:

An impact on the critical root zone of a tree that is 40% or greater indicates removal. Trees within the 25% to 40% range are deemed impacted but not to the level of removal.



TREE TAG	% IMPACT
31	99.51
32	53.38
33	99.97
35	36.50
36	96.39
37	99.97
38	99.96
39	48.57
40	93.19
41	99.96
43	96.48
44	91.03
45	76.35
46	92.05
47	43.33
54	99.96
67	29.20
69	90.44
71	70.74
72	69.84
75	77.05
76	72.12
77	16.44
78	59.29
79	31.09

TREE TAG	% IMPACT
82	87.40
83	65.28
86	37.72
87	99.96
89	23.99
90	49.92
91	21.99
92	4.57
94	84.11
96	2.05
98	99.96
100	50.43
108	34.87
114	99.96
131	37.84
133	1.83
135	20.67
137	40.26
139	22.38
143	52.97
149	99.97
155	89.43
157	96.77
158	63.90
159	99.95

TREE TAG	% IMPACT
160	83.59
161	99.97
162	55.95
163	41.80
164	40.38
166	42.42
167	66.97
168	48.23
170	33.49
172	99.96
173	51.10
174	90.34
175	94.58
176	95.61
179	47.82
180	38.38
181	40.43
183	55.03
187	84.86
190	85.85
191	10.93
194	97.42
244	27.78
246	17.82
248	9.61

TREE TAG	% IMPACT
249	14.32
252	66.68
257	99.97
269	99.98
271	99.97
275	99.95
276	18.26
279	13.54
280	98.82
281	99.22
284	31.46
286	55.40
297	99.96
451	66.12
452	84.34
453	43.19
458	8.49
461	46.95
462	62.90
463	64.66
466	37.61
472	5.71
473	30.32
474	2.33
475	5.50

TREE TAG	% IMPACT
476	40.98
477	65.41
478	54.41
479	59.02
484	30.14
486	40.53
487	69.48
488	78.60
491	0.45
499	81.70
500	67.25
502	28.69
505	7.67
507	65.72
508	99.98
509	13.30
511	10.54
512	54.44
513	93.67
514	86.97
515	99.99
516	39.39
519	99.98
521	98.21
522	59.51

TREE TAG	% IMPACT
524	47.92
525	88.46
526	99.88
527	92.84
528	96.43
530	82.74
532	99.98
533	98.05
534	99.98
538	40.88
539	36.88
545	99.98
546	99.89
547	99.98
549	9.74
809	0.35
814	0.78
821	47.70
841	80.54
855	99.98
856	82.23
857	247.42
863	0.05
869	51.60
870	8.40

TREE TAG	% IMPACT
876	99.96
877	0.82

565 FERNDALE WEST
POSSIBLE LOCATION OF DRIVEWAY
(INCLUDING GRADING LIMITS) AND
BUILDING PADS

Legend

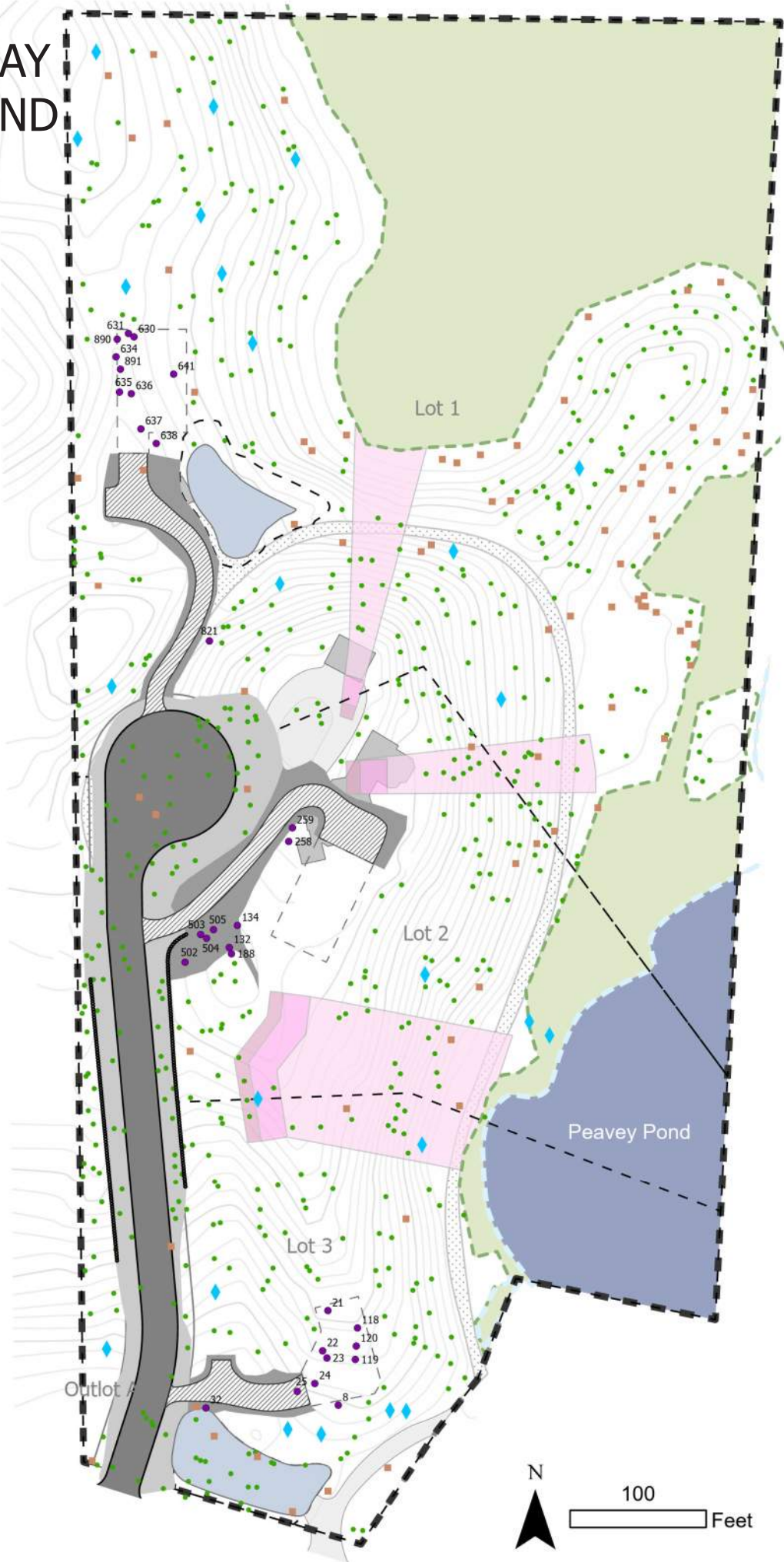
- Tree Potentially Impacted*
- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Parcel
- Proposed Lot
- Proposed ROW
- Storm Grading
- Road Grading
- Proposed Stormwater
- Proposed Road
- Driveway Grading
- Proposed Driveway
- Proposed House
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:

Exact tree impacts will be determined at the time of driveway and building permits. Driveway and building pads are shown to demonstrate buildable lot per zoning and subdivision code.

Impact is based on predicted impact to a tree’s critical root zone of 40% or more (Ch 936.02)

*Trees are impacted by the conceptual location of driveways or buildings pads



Trees Impacted by Conceptual Location of Buildings and Driveways				Total DBH Impacted by Conceptual Location of Buildings and Driveways (inches)			% of All Trees on Site Impacted by Conceptual Location of Buildings and Driveways (629 total trees)			% of Site Impacted by Conceptual Location of Buildings and Driveways per DBH (9,793 inches)		
Tree Species	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total
ASH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
BOXELDER		5	5		69	69	0.00%	0.79%	0.79%	0.00%	0.70%	0.70%
CEDAR							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CLUMP							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CRABAPPLE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ELM							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HACKBERRY		1	1		12	12	0.00%	0.16%	0.16%	0.00%	0.12%	0.12%
HEMLOCK							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HICKORY							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
IRONWOOD							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
LINDEN		2	2		44	44	0.00%	0.32%	0.32%	0.00%	0.45%	0.45%
LOCUST							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MAPLE		16	16		305	305	0.00%	2.54%	2.54%	0.00%	3.11%	3.11%
OAK		3	3		64	64	0.00%	0.48%	0.48%	0.00%	0.65%	0.65%
PAPER BIRCH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
RED PINE		1	1		20	20	0.00%	0.16%	0.16%	0.00%	0.20%	0.20%
WALNUT							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WHITE PINE		1	1		21	21	0.00%	0.16%	0.16%	0.00%	0.21%	0.21%
WILLOW							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grand Total		70	72		1,131	1,187	0.00%	4.61%	4.61%	0.00%	5.46%	5.46%

565 FERNDAL WEST
SIGNIFICANT TREES
LOCATED WITHIN BUILDABLE AREAS

- Legend
- Tree Potentially Impacted*

Significant Tree

Dead, Diseased, Dying

Heritage Tree

Buildable Area

Parcel

Proposed Lot

Proposed ROW

Storm Grading

Road Grading

Proposed Stormwater

Proposed Road

Driveway Grading

Proposed Driveway

Proposed House

565 Ferndale Parcel Boundary

O.H.W.L.

Peavey Pond

Wetland Delineation

Wetland

Bluff Impact Zone

Bluff Setback

Shoreland Definition

Existing Structures

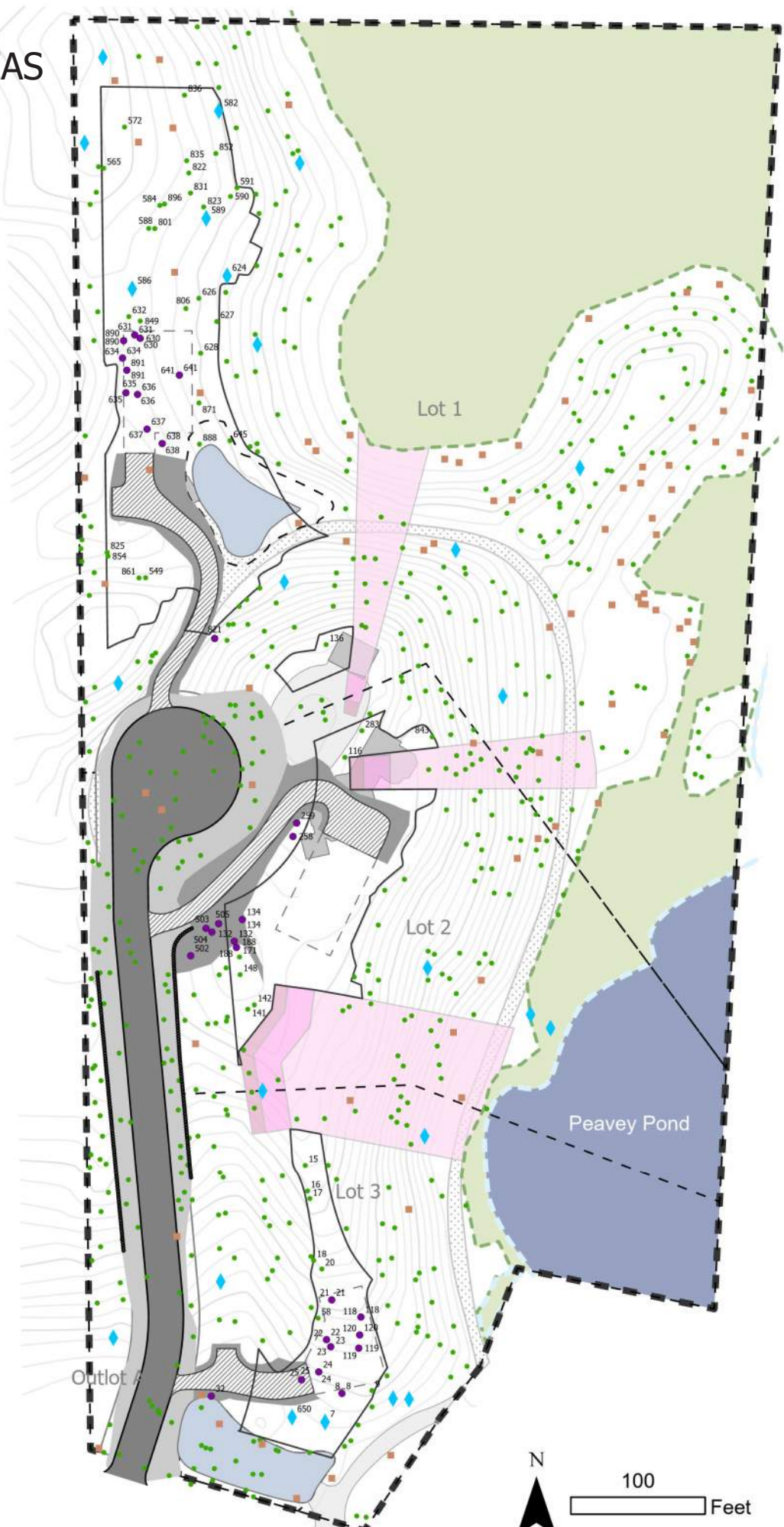
Existing Gravel Driveway

Existing Blacktop Driveway

NOTES:
Impact is based on predicted impact to a tree’s critical root zone of 40% or more (Ch 936.02)

Buildable area is represented by the parcel less, setback areas, bluff impact areas, and bluffs.

*Trees are impacted by the conceptual location of driveways or buildings pads



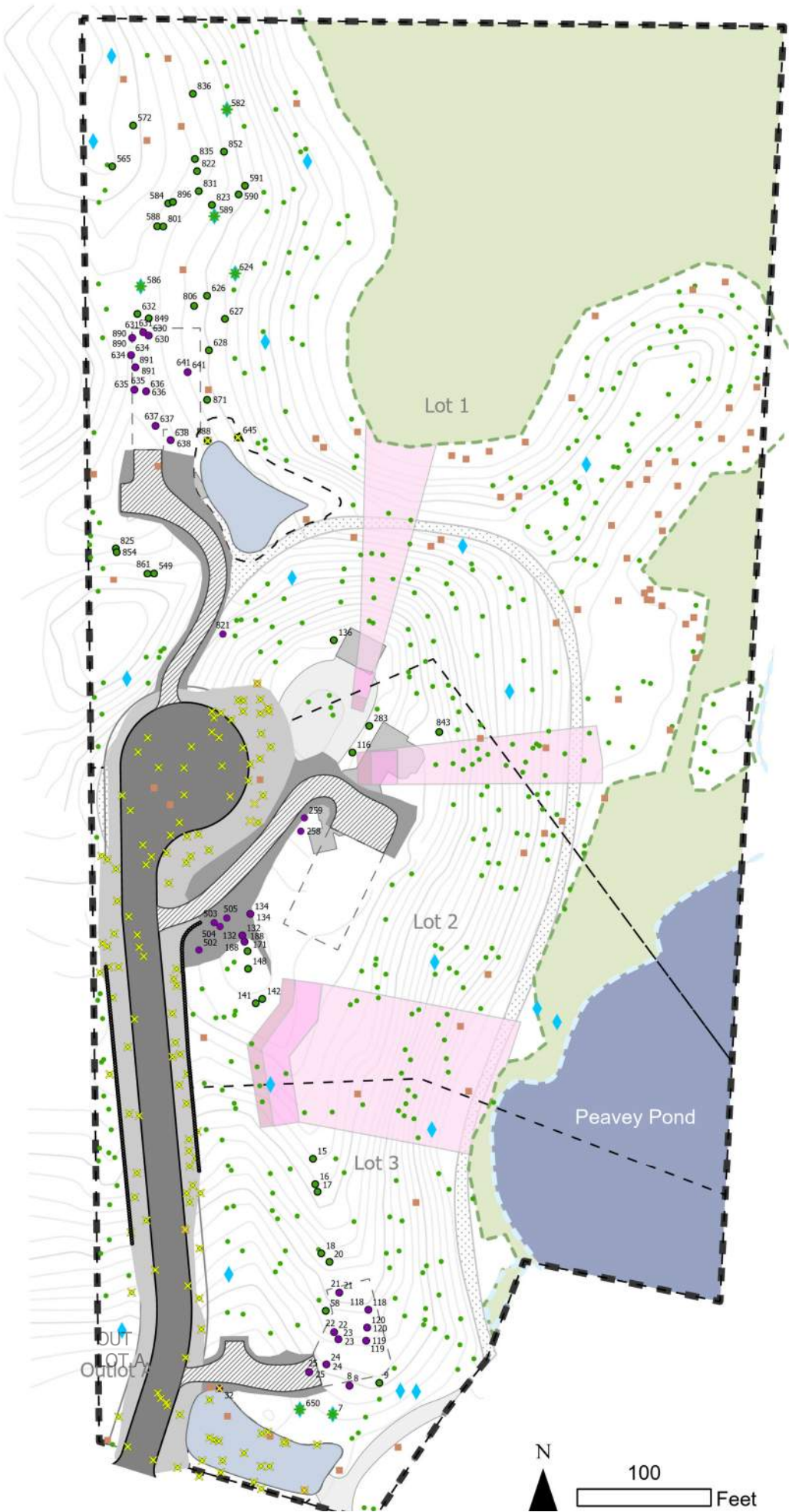
565 FERNDALE WEST
COMPOSITE TREE IMPACTS

Legend

- Tree to be Removed
- Tree Potentially Impacted*
- Tree in Buildable Area
- Heritage Tree in Buildable Area
- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Parcel
- Proposed Lot
- Proposed ROW
- Storm Grading
- Road Grading
- Proposed Stormwater
- Proposed Road
- Driveway Grading
- Proposed Driveway
- Proposed House
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:
Removal and impact is based on potential impact to a tree’s critical root zone of 40% or more (Ch 936.02)

*Trees are impacted by the conceptual location of driveways or buildings pads



565 FERNDALE WEST

Tree Preservation Plan

Legend

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- All Critical Root Zones
- 0.41% - 25.00%
- 25.01% - 40.00%
- 40% - 60% CRZ Impact
- More than 60% CRZ Impact
- Proposed Lot
- Proposed ROW
- 565 Ferndale Parcel Boundary
- O.H.W.L.
- Peavey Pond
- Wetland Delineation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Shoreland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:

Based on the evaluation by Davey Tree Expert Company and Tyler Hesseltine, Master Arborist, trees with a CRZ impact of 40-60% may be saved if careful construction techniques are followed.

Potential savings from tree preservation measures:

- 24 Total Significant Trees
- 3.97% Total Significant Trees
- 377 Total DBH
- 3.85% Total DBH

Davey Tree Expert Company
2500 Fernbrook Ln N
Plymouth, MN 55447

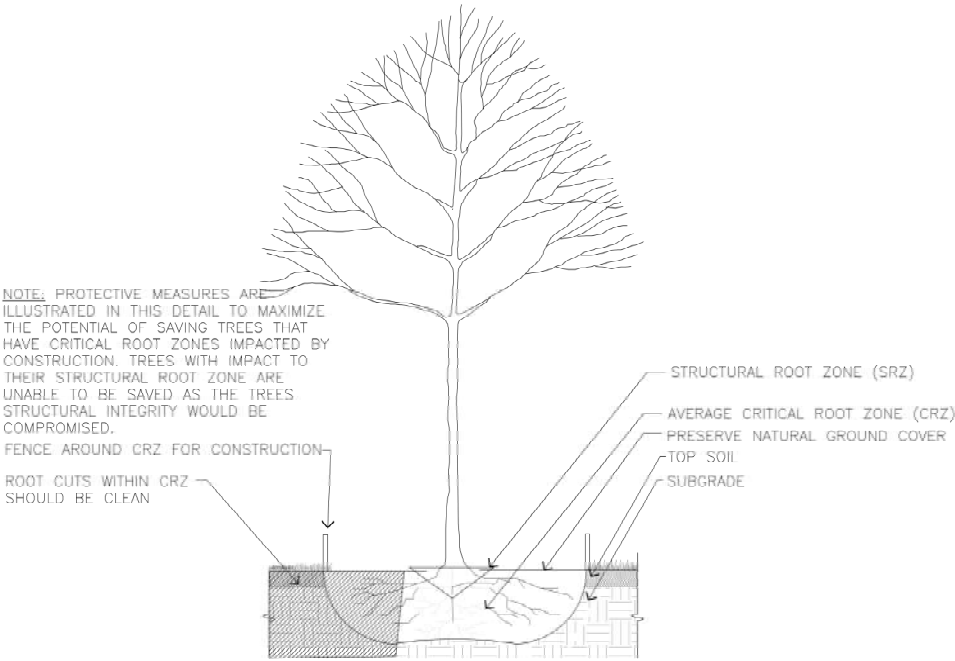
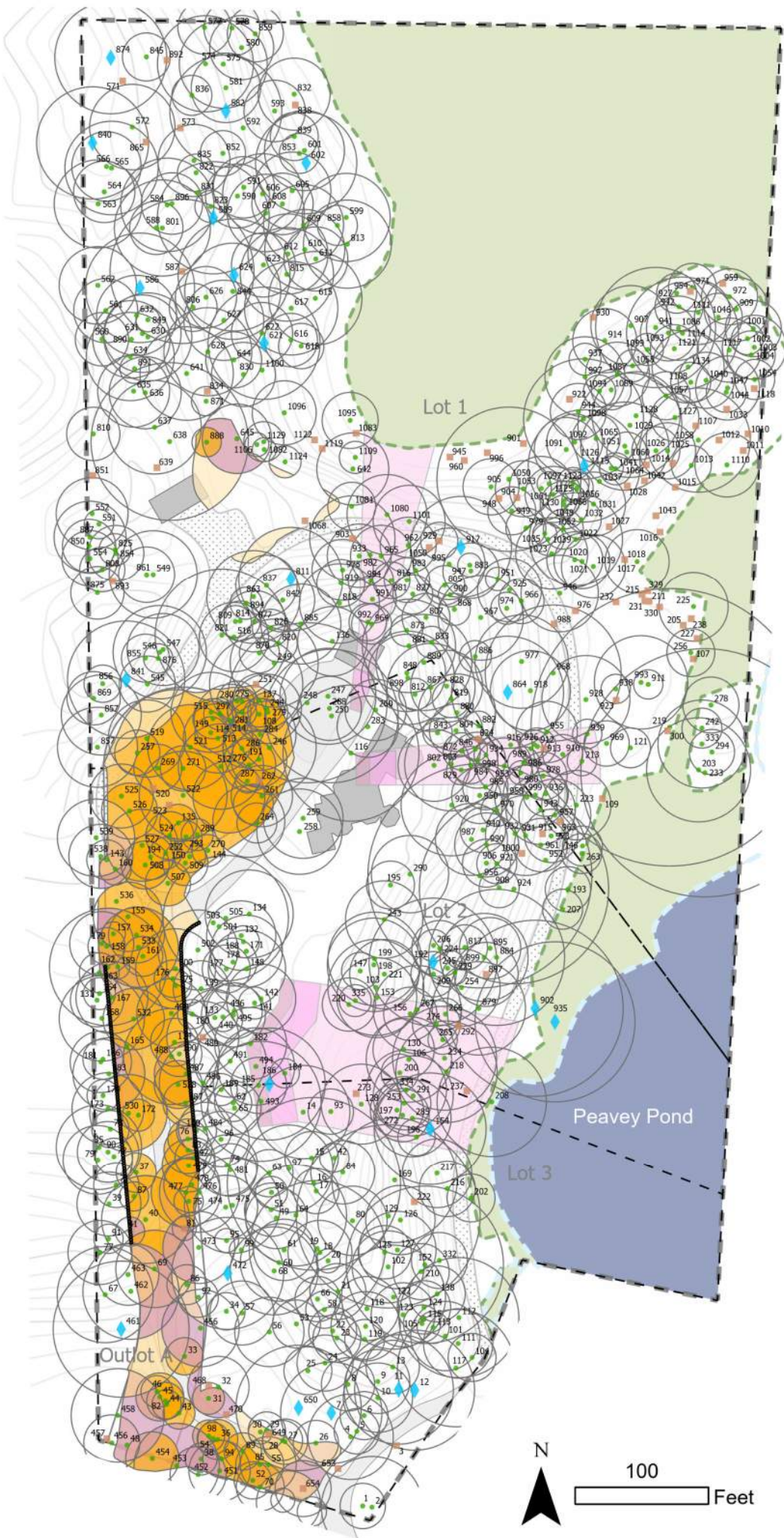
August 11, 2023

Prepared By:
Tyler Hesseltine
Boad Certified Master Arborist MN-4177B
Tree Risk Assessment Qualified

Prepared for:
565 Ferndale West

Tree Preservation Plan

- Install appropriate tree protection measures prior to any construction activities and remain in place until completion of construction activities.
- Snow fencing, silt fencing, or other upright barriers shall be placed at the Critical Root Zone (CRZ) for Significant and Heritage trees to be preserved.
- Prevent soil compaction and grade change within the CRZ. Construction activities like parking, driving through, or storing materials within the CRZ is prohibited, as is the placing of fill against the trunk of the tree, on the root crown, or within the CRZ.
- Trees being removed must be clearly tagged or marked at least 1 week before they are removed.
- Oak trees shall not be pruned or mechanically injured anytime between April 1st and July 15th to minimize the chance of overland transmission of oak wilt. Any cuts or wounds generated in this time period shall be sealed with a non-petroleum based wound sealant. Sealant needs to be on site and available during this time period.
- Place utilities in common trenches outside the CRZ or use tunneled installation methods.
- Prevent change in soil chemistry from toxic materials like fuels, paints, and solvents, as well as construction material runoff like concrete spillage or washout.
- Utilize plant health care tactics prior to, during, and after construction activities to maintain tree vigor where feasible. This can include root zone aeration, fertilization, tree growth regulators, and water irrigation systems.
- Preserve natural ground cover (not sod) for trees being preserved.
- When excavating where preserved trees may incur exposed or damaged roots, the roots shall have clean cuts (instead of jagged tearing) and be exposed to drying and desiccation as short a period of time as possible.
- Tactics employed to remove trees, either from disease or where they cannot be preserved, should be done to minimize injury to trees being preserved. For example, using cranes to control material being lowered in the removal process can reduce the amount of scraping and gouging damage to preserved trees instead of conventional felling practices.



0 100 200 ft

HKGI Project No.: 023-006

Prepared by: HKGI

With Consultation by:
Gronberg and Associates
Davey Tree Expert Company



Davey Tree Experts Company

[Signature]

Tyler Hesseltine - Board Certified Arborist

Project: 565 FERNDALE WEST
LOTS 79, 80, & 84
WAYZATA, MINNESOTA

Sheet Title: TREE PRESERVATION
PLAN

DATE

9

12.18. 2024

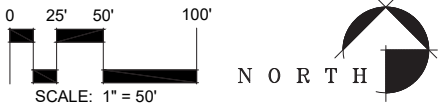
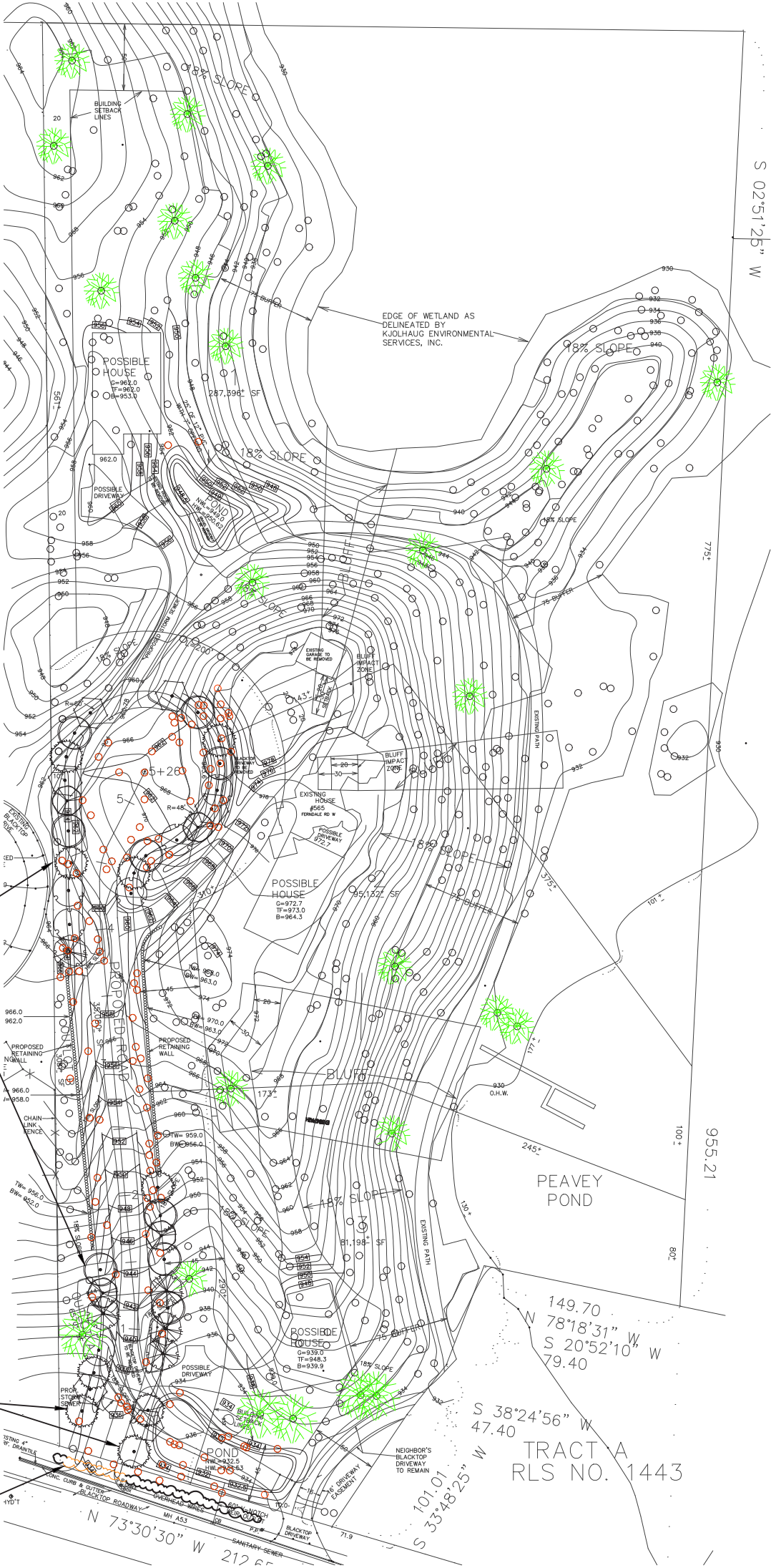
Page 94 of 133

565 FERNDALE WEST
MITIGATION PLAN

PROPOSED TREE PLANTING SCHEDULE - TREES TO BE STAKED IN THE FIELD						
Qty.	Common Name	Scientific Name	Size	Caliper In.	Container	Comments
9	Arborvitae, White Cedar	Thuja occidentalis	7' FT (2.5")	22.5	B&B	Single Stem
5	Elm, Princeton	Ulmus americana 'Princeton'	3" CAL	15	B&B	Single Stem
4	Maple, Firefall	Acer x freemanii	4" CAL	16	B&B	Single Stem
9	Oak, Swamp White	Quercus bicolor	3" CAL	27	B&B	Single Stem
6	Hackberry	Celtis occidentalis	3" CAL	18	B&B	Single Stem
6	Hemlock, Canadian	Tsuga canadensis	7' FT (2.5")	15	B&B	Single Stem
TOTAL	39			113.5		

REFERENCE	INCHES	MITIGATION REQUIRED	NOTES
10% Removal Allowance	979.3 Inches	0	This is the total DBH allowed to be removed per the number of DBH on site per (10% of 9,747 inches DBH) see code 936.06 B 2.
Total Proposed Removal of Significant Trees	1,556 Inches	576.7 Inches	This is the total amount of trees anticipated to be removed as part of the road (526-foot concept) and stormwater improvements. Mitigation is based on the impacts over the 10% allowance.
Heritage Trees Impacted	0	0	This is the total DBH of heritage trees we are impacting. (Includes tree tags 461, 650, 841.) This number is within the total significant trees impacted (1,196). Heritage trees are required to be mitigated at a 2:1 ratio. The first inch is included in the significant tree mitigation (210). The second inch is included here.
Total Mitigation Required	0	576.7 Inches	The total mitigation requirement includes all significant trees plus the 2:1 replacement for Heritage trees
Proposed new tree plantings (39 trees at a total of 113.5 caliper inches)	113.5 Inches	0	Per the city code 936.09 A, tree replacement is calculated based on the proposed tree mitigation plan prepared by licensed landscape architects and arborist.
Remaining Mitigation needed	-	463.2 Inches	Total mitigation needed less proposed tree planting
Fee-in-lieu (\$300 per cal inch) per City Fee Schedule		\$138,960	

-  MAPLE
-  ELM
-  OAK
-  HACKBERRY
-  HEMLOCK
-  WHITE CEDAR
-  EXISTING HERITAGE TREE
-  TREES TO BE REMOVED
-  EXISTING TREES TO REMAIN



NEW TREES

PLANTING
ENHANCEMENTS
AT ENTRANCE

PARTIAL ARBORVITAE
REMOVAL AT
ENTRANCE

Date: 08.29.23	Description/Revision: MITIGATION PLAN	HKGI Project No.: 023-006	 800 WASHINGTON AVE N. #207 MINNEAPOLIS, MN 55401 www.hkgi.com	Client: DRAYCOTT TRUST	Project: 565 FERNDALE WEST LOTS 79, 80, & 84 WAYZATA, MN	LP-01 TREE PRESERVATION PLAN
01.19.2024	MITIGATION PLAN - UPDATED LOT LINES	Designed by: HKGI		Registration No. 01.01.01	Sheet Title: LANDSCAPE PLAN	
12.18.2024	MITIGATION PLAN - UPDATED LOT LINES	Drawn by: HKGI		Date 01.01.01		
		Checked By: Bryan Harges, PLA				

(reserved for recording information)

SPECIAL LOT COMBINATION AGREEMENT

THIS INDENTURE is made and entered into this _____ day of _____, 2025, by the **City of Wayzata, Minnesota**, a municipal corporation, its successors and assigns (hereinafter referred to as “City”), and **DRAYCOTT DST A DELAWARE STATUTORY TRUST** (hereinafter referred to as “Owner”).

WITNESSETH:

WHEREAS, Owner is the fee owner of certain real property in the City of Wayzata, Hennepin County, Minnesota, legally described as follows (and hereinafter collectively referred to as the “Properties”):

Lot 2, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel A”);
and

Outlot B, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel B”); and

WHEREAS, Owners intend to apply for a tax parcel combination of the Properties; and

WHEREAS, the City Council has required combination of Parcel A and Parcel B as a condition of its approval of the Ferndale Bluff preliminary plat application;

WHEREAS, it is the intent of the Owner and the City that Parcel A and Parcel B are and shall henceforth be continued in common ownership by the same person or persons, and further that Parcel A and Parcel B are intended to be used and/or developed in common by Owner as they were in fact one parcel instead of two; and

WHEREAS, it is the intent of the Owner and the City that the Owner convey to the City an easement over the north 50 feet of Parcel B for future use by the City, if necessary, to dedicate right-of-way necessary to connect the public street dedicated in the Ferndale Bluff plat with a

future public street dedicated within the parcel of land to the immediate west of the Ferndale Bluff plat (PID 0111723330005) should that parcel of land be subdivided.

NOW, THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, Owner hereby covenants, grants, gifts, quit claims and conveys to the City the right to restrict, and Owner hereby agrees to restrict, limit and preclude the ownership, use, improvement and development of the Properties according to and under the conditions and covenants herein contained, as follows:

1. The City and Owner agree that the Properties shall henceforth be contained in common use and ownership even if recorded as a separate lot or parcel, and that the Properties will not be conveyed, sold, leased or otherwise encumbered except together as if they were a single parcel.
2. The City shall not issue any building permits, variances, or conditional use permits for any structure or use on the Properties inconsistent with the covenants contained herein.
3. In addition to any other remedy the City may have, the covenants and restrictions contained herein may be enforced by injunction.
4. The parties may mutually agree that the terms and conditions of this indenture may be modified, amended, or extinguished and thereafter Parcel A and Parcel B may be separated.
5. Owner agrees that it shall perform all necessary maintenance to Parcel B and any improvements to Parcel B, including but not limited to trees planted within Parcel B and the retaining wall constructed on Parcel B.
6. Owner agrees that recording of this indenture shall not vest any property rights in the Properties and that any zoning of development authorities granted herein or hereinafter because of this indenture shall remain in effect until and unless this indenture is extinguished. The Properties shall be subject to future regulation, modification, and/or limitation by the City or other regulatory bodies in accordance with legally applicable and enforceable zoning or other ordinances of the City.
7. Owner grants and conveys to the City an easement over the north 50 feet of Outlot B, Ferndale Bluffs for the purpose of dedicating to the public a public street connecting the public street dedicated in the Ferndale Bluff plat with a future public street dedicated within the parcel of land to the immediate west of the Ferndale Bluff plat (PID 0111723330005) should that parcel of land be subdivided. The easement granted conveyed herein is a conditional easement effective only upon the filing of a plat of the parcel of land to the immediate west of Outlot B (PID 0111723330005) containing a public road terminating at the boundary of Outlot B.
8. The City does not intend that the public should have any interest in the Properties by virtue of this indenture or otherwise, except as hereinabove set forth.

9. All provisions hereof shall run with the land and shall extend to and bind the heirs, successors, representatives, grantees or assigns of the respective parties hereto.
10. This Agreement may be executed with the use of counterpart signature pages.

DRAFT

Trustee of the DRAYCOTT DST A _____, as
DELAWARE
STATUTORY TRUST

STATE OF _____)
)ss.
COUNTY OF _____)

NOTARY PUBLIC

CITY OF WAYZATA

By: _____
Mayor _____

(SEAL)

By: _____
_____, City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__, by _____ and by _____, respectively the Mayor and City Manager of the **City of Wayzata**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

INSTRUMENT DRAFTED BY:

Malkerson Gunn Martin LLP
5353 Gamble Drive, Suite 225
Minneapolis, MN 55416
(PBS)

(reserved for recording information)

SPECIAL LOT COMBINATION AGREEMENT

THIS INDENTURE is made and entered into this _____ day of _____, 2025, by the **City of Wayzata, Minnesota**, a municipal corporation, its successors and assigns (hereinafter referred to as “City”), and **DRAYCOTT DST A DELAWARE STATUTORY TRUST** (hereinafter referred to as “Owner”).

WITNESSETH:

WHEREAS, Owner is the fee owner of certain real property in the City of Wayzata, Hennepin County, Minnesota, legally described as follows (and hereinafter collectively referred to as the “Properties”):

Lot 3, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel A”);
and

Outlot A, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel B”); and

WHEREAS, Owners intend to apply for a tax parcel combination of the Properties; and

WHEREAS, the City Council has required combination of Parcel A and Parcel B as a condition of its approval of the Ferndale Bluff preliminary plat application; and

WHEREAS, it is the intent of the Owner and the City that Parcel A and Parcel B are and shall henceforth be continued in common ownership by the same person or persons, and further that Parcel A and Parcel B are intended to be used and/or developed in common by Owner as they were in fact one parcel instead of two.

NOW, THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, Owner hereby covenants, grants, gifts, quit claims and conveys to the City the right to restrict, and Owner hereby agrees to restrict, limit and preclude the ownership, use,

improvement and development of the Properties according to and under the conditions and covenants herein contained, as follows:

1. The City and Owner agree that the Properties shall henceforth be contained in common use and ownership even if recorded as a separate lot or parcel, and that the Properties will not be conveyed, sold, leased or otherwise encumbered except together as if they were a single parcel.
2. The City shall not issue any building permits, variances, or conditional use permits for any structure or use on the Properties inconsistent with the covenants contained herein.
3. In addition to any other remedy the City may have, the covenants and restrictions contained herein may be enforced by injunction.
4. The parties may mutually agree that the terms and conditions of this indenture may be modified, amended, or extinguished and thereafter Parcel A and Parcel B may be separated.
5. Owner agrees that it shall perform all necessary maintenance to Parcel B and any improvements to Parcel B, including but not limited to trees planted within Parcel B and the retaining wall constructed on Parcel B.
6. Owner agrees that recording of this indenture shall not vest any property rights in the Properties and that any zoning of development authorities granted herein or hereinafter because of this indenture shall remain in effect until and unless this indenture is extinguished. The Properties shall be subject to future regulation, modification, and/or limitation by the City or other regulatory bodies in accordance with legally applicable and enforceable zoning or other ordinances of the City.
7. The City does not intend that the public should have any interest in the Properties by virtue of this indenture or otherwise, except as hereinabove set forth.
8. All provisions hereof shall run with the land and shall extend to and bind the heirs, successors, representatives, grantees or assigns of the respective parties hereto.
9. This Agreement may be executed with the use of counterpart signature pages.

_____, as
Trustee of the DRAYCOTT DST A DELAWARE
STATUTORY TRUST

STATE OF _____)
)ss.
COUNTY OF _____)

NOTARY PUBLIC

BY: _____
_____, Trustee

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by _____, as Trustee of the DRAYCOTT DST A DELAWARE STATUTORY TRUST.

NOTARY PUBLIC

CITY OF WAYZATA

By: _____
Mayor _____

(SEAL)

By: _____
_____, City Manager

STATE OF MINNESOTA)
 (ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 202____, by _____ and by _____, respectively the Mayor and City Manager of the **City of Wayzata**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

INSTRUMENT DRAFTED BY:

Malkerson Gunn Martin LLP
5353 Gamble Drive, Suite 225
Minneapolis, MN 55416
(PBS)

4915-0206-8743, v. 1



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

December 14, 2024

Mike Steadman
DRAYCOTT DST
C/O DRAY TRUSTEE, LLC
565 Ferndale Rd W,
Wayzata, MN 55391

RE: Dock Structure and Watercraft Authority Over Peavy Lake (Bay 36), Lake Minnetonka

Dear Mr. Steadman & Proper Owners of 565 Ferndale Rd West

This letter is in follow up to a meeting held at the LMCD Office on May 2, 2024, in which we discussed the potential subdivision and subsequent Dock Use Areas associated with the proposed subdivision of 565 Ferndale Rd West. (See Updated Survey 12/02/24)

In this meeting we discussed the regulative authority of the LMCD with regard to Residential Dock Structure, Watercrafts, ect, as laid out in Section 2-3.03 & 2-3.05 of the LMCD Code of Ordinances. The LMCD retains its regulative authority set forth in [Minn. Stat. § 103B.611](#). See also [Minn. Stat. § 103B.641](#) (rulemaking authority), over the waters of Lake Minnetonka, more specifically below the 929.4 OHWL.

The proposed Dock Structures presented at this meeting were inline and following LMCD Setbacks, Watercraft density, and Length Restrictions. Although the LMCD does not require a formal Residential Dock License (unless more than 5 watercrafts are proposed for a site), the LMCD does enforce the rules as previously stated.

Simply put, if the Dock Structures and Watercrafts below the 929.4 OHWL are installed following the LMCD's Code of Ordinance, they are compliant.

A final note; LMCD staff cannot attest to any structure, permit, ect. ect. above the 929.4 OHWL, that would fall to the regulative authority for shoreline and land.

Sincerely

A handwritten signature in black ink, appearing to read 'Thomas Tully', is written over a white rectangular background.

Thomas Tully
Manager of Code Enforcement
Enc. Residential Docks, Structures, & Watercraft handout

Ferndale Bluff Supplemental Information – Setbacks Analysis

City Staff Comments

City Staff has requested information on the plat to determine consistency with lake shore setbacks per 991.09 D. 2 of the zoning code. Specifically related to this item, staff has requested that the applicant *“provide a phasing plan that demonstrates the order in which the houses will be built to comply with these shoreland setback regulations.”* In other words, the applicant is being asked to demonstrate how the property may be developed without creating a need for a variance from the setback provisions of Ordinance 991.09D. 2.

Applicants Intent Reiterated

As noted in the application materials, it is the applicant’s intent to subdivide the property creating three lots, construct the required street and the improvements associated with that effort, and then sell the lots. The applicant does not intend to build on the lots. The applicant does not know the exact sequence or building plans for each lot as that would be up to each individual buyer. Therefore, completing this task requires a number of assumptions and hypotheticals that have near infinite possibilities.

Challenges in Determining Average Setbacks

One challenge with this request is the innumerable number of potential scenarios the applicant is being asked to address. Ordinance 991.09D.2.c.) bases the setback on the specific siting and footprint of neighbors – but in this case, neither the designs, the location, nor which houses will be the relevant neighbors, are known for these lots after the first one is built. Since there are countless options for how each house will be designed and sited, the only way to truly determine a setback is after a building is constructed and an as-built survey can pinpoint the exact location of the house relative to the OHWL. Therefore, all the calculations in this exercise are based on broad assumptions and hypotheticals.

In addition, the ordinance as written creates difficulties if applied to new subdivisions. It produces a situation where the setback distances for construction and siting will be changing in real time as all buyers are potentially working concurrently to design and permit their houses. These changing constraints have the potential to create confusion at the city as the buyers and city planners try to determine who has precedence and is approved first.

Zoning Code Language for Lake Shore Setbacks and Analysis Results

Applicant’s analysis response, based on the proposed plat and identification of possible building pads, is provided in *‘blue italic’* text. This analysis is conducted under two scenarios: 1. If the existing principal house remains. And 2. If the existing principal house is removed.

991.09 D. **Lake Shore Setbacks.**

2. No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark ***than the greater of:***
 - a) Seventy-five feet;

1. If the existing house remains: the 75 foot setback standard does not apply because it is the least restrictive of the three options.

2. If the existing house is removed: In all cases, the first home to be built will have to adhere to this setback as the two structures nearest the OHWL on either side of the property average less than seventy-five feet. Once the first structure is built, seventy-five feet will no longer be the determining setback.

- b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;

1. If the existing house remains: Because the existing home sits approximately 190 feet from the OHWL, the average setback for lot either lot 3 or lot 1 would exceed the line connecting to adjacent principal structures methodology. Thus this method does not apply.

2. If the existing house is removed: There are a limited number of circumstances where this line could result in a greater setback than the average setback for a portion of the lot.

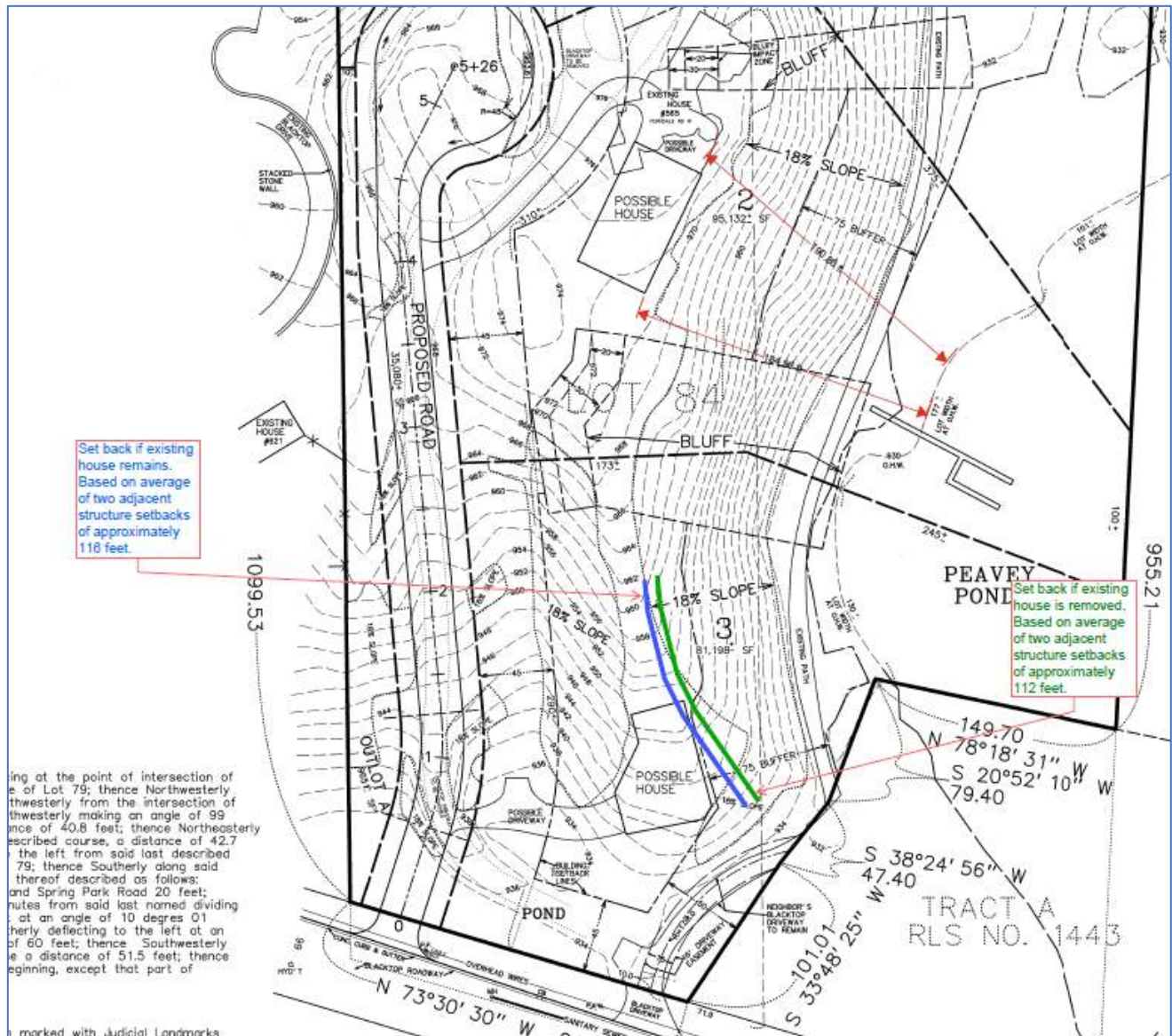
After the first lot is built on (regardless of which lot goes first), and with each subsequent lot's house construction or addition, the setback line based on this method may change based on the new buildings' footprints and locations.

- c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or

1. If the existing house remains: the setbacks for lot 3 would be 116.5 feet from the OHWL based on the average of the setbacks from the two adjacent structures. This leaves adequate room for a home to be constructed without needing a variance. See exhibit that follows. Setback for Lot 1 is not affected by the average or line of site from the OHWL. If Lot 3 is built, then Lot 1 is built, the existing house on Lot 2 would become non-conforming for setbacks under most circumstances. This could affect the ability for Lot 2 to tear down and build new. However, variance conditions noted in section 991.09D subpart 3 exist in this case. This is a circumstance not unique to this property but created by the code in that one property owner's actions could create a non-conforming situation for a neighboring property.

2. If the existing house is removed: For the first lot that is built, under current conditions, the structures at 459 Ferndale Woods Rd. (setback approximately 83 feet from OHWL) and 513 Ferndale Road (setback approximately 40 feet from the OHWL) are the two closest riparian principal structures on either side of a proposed building site. After the first lot is built (regardless of which lot goes first), and with each subsequent lot's house construction the average setback will change. To determine the average setback requires determining the exact point of an adjacent riparian structure and the distance from that point measured to the OHWL. Based on the average setback, the only circumstance resulting in situation that would create the need for a variance is if Lot 1 is built before Lots 2 and 3. The applicant recognizes this and will place a covenant on the purchase of Lot 1 to address this issue.

In the event lot 3 is built first, there are no impacts on lots 2 or 1. If Lot 2 is built first, the average setback for lot 3 will be approximately 112 feet if built according to the hypothetical building pad location. This leaves ample room for a building pad on Lot 3.



- d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

Notes and Assumptions

1. The building pads are merely possible locations to demonstrate each lot can be built on and meet code requirements. Each pad is oversized and represented by a simple rectangle. Future homes may have a number of variations that may affect average setback determinations.
2. When measuring a setback distance from the OHWL, a line is drawn as perpendicular as possible from the OHWL to the nearest point of the subject structure.
3. When determining the setback line for the "average setback" a line is drawn parallel to the OHWL at a distance offset from the OHWL equal to the average setback of the two closest riparian principal structures on either side of the proposed building site.

4. Principal Riparian Structures are homes that are on a lot with frontage on public waters.
5. The 'closest riparian principal structure on either side of a proposed building site' is measured from the proposed building pads edge to any existing principal building with riparian frontage.
6. Method b) is also referenced as "Line of sight", a common riparian zoning term which is used to protect new construction from obstructing existing adjacent homes' views of the lake.
7. When drawing a "line of sight", a line is drawn between the two closest riparian principal structures on either side of a proposed building site.
8. The applicant has created lots where it is unlikely that any of the structures would change the water views for any of the other houses, given a 75' set back and the topography of the property.
9. For the existing structures adjacent the subject site, measuring points for principal structures and OHWL were determined using Hennepin County aerial photos and the 930 contour (OHWL for Peavey Lake).
10. When a site is impacted differently based on how the setback is determined, a combination of setback methods was applied (e.g. setback average + line of sight).

MALKERSON GUNN MARTIN LLP

5353 GAMBLE DRIVE, SUITE 225
MINNEAPOLIS, MINNESOTA 55416
TELEPHONE 612-344-1111
FACSIMILE 612-344-1414

Patrick B. Steinhoff, Esq.
Attorney at Law

Direct Dial No. 612.455.6601
pbs@mgmlp.com

February 19, 2025

Planning Commission
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Dray Trustee, LLC Preliminary Plat Approval Application
565 Ferndale Road West, Wayzata, Minnesota
Our File No. 3661.001

Dear Members of the Planning Commission:

I represent Dray Trustee, LLC (“Applicant”), which has submitted an application for preliminary plat approval relating to real property with a current street address of 565 Ferndale Road West (“Property”). The application is scheduled to be considered at a public hearing before the Planning Commission on February 24, 2025.

The Applicant has spent years on the design of the proposed plat to address concerns and comments provided to it by members of the City staff, members of the public and members of the Planning Commission at a public hearing on a previous application for plat approval. As modified to address these concerns and comments, the proposed plat fully conforms to all applicable provisions of the City’s zoning and subdivision ordinance. For this reason and the additional reasons set forth below, the Applicant respectfully requests that the Planning Commission recommend approval of the Applicant’s application.

I. BACKGROUND.

The Property is 11.67-acre parcel of land currently improved with a single-family home and carriage house. The Applicant proposes to subdivide the Property into three single-family home lots. As you may recall, the Applicant submitted a prior application for preliminary plat approval for the Property that proposed four lots and also requested a variance to construct a longer cul-de-sac road than the maximum length allowed by the City’s subdivision ordinance. Following a public hearing on May 20, 2024, the Planning Commission recommended denial of the prior application for preliminary plat approval. The Applicant subsequently withdrew its prior application and redesigned the proposed plat in response to the comments of members of the Planning Commission and public given at the public hearing on that application.

Among many other design changes, the Applicant has reduced the number of proposed lots from four to three. The Applicant has reduced the length of the proposed cul-de-sac road so that it is less than the maximum length allowed for cul-de-sac roads by the City's subdivision ordinance without the need for a variance. The applicant also redesigned the proposed plat to address concerns raised by the Planning Commission members and City staff concerning grading on steep slopes; concerning the location of side lot lines; concerning compliance with the average lakeshore setback requirements in the City's zoning ordinance; and concerning many other issues.

The Applicant has spent years working diligently with the City staff to submit an application that fully conforms in every way to all applicable requirements in the City's zoning and subdivision ordinances. It has also worked diligently to design the proposed plat in a way that satisfies the preferences of neighboring and nearby property owners to the extent possible while still conforming the proposed plat to the design requirements set forth in the applicable ordinances.

II. THE APPLICATION FULLY COMPLIES WITH THE CITY'S SUBDIVISION AND ZONING ORDINANCES, AND THE CITY THEREFORE HAS NO DISCRETION TO DENY IT.

The Applicant respectfully reminds the Planning Commission that the City has limited discretion in approving or denying an application for preliminary plat approval. Plat approval decisions are different from decisions to amend the City's zoning code or decisions to rezone land for which the City has broad discretionary powers.

An application for preliminary plat approval is a type of "quasi-judicial" decision. *See Hurre v. Cnty. of Sherburne ex rel. Bd. of Comm'rs*, 594 N.W.2d 246, 249 (Minn. Ct. App. 1999). A government entity making a "quasi-judicial" decision has the task of "receiving and weighing evidence, making factual findings, and applying a prescribed standard to reach a conclusion" concerning whether to approve or deny the application before it. *Id.* Because a government agency must apply a "prescribed standard" when making a "quasi-judicial" decision, it has much less discretion that it would when making decisions that are "legislative" in nature (like, for example, a decision to amend a zoning ordinance, amend a comprehensive plan, or rezone land to a different zoning district designation). *See Honn v. City of Coon Rapids*, 313 N.W.2d 409, 417 (Minn. 1981); and *St. Croix Development, Inc. v. City of Apple Valley*, 446 N.W.2d 392 (Minn. Ct. App. 1989) (explaining the distinctions in a city's role in making legislative decisions as opposed to quasi-judicial decisions). Here, the City Council has already exercised its legislative discretion when it adopted the current approval standards and requirements set forth in the City's subdivision and zoning ordinances. Now, its task will be to simply apply those approval standards and requirements to the Applicant's application for preliminary plat approval. As set forth below, the City has no discretion to deny the application if it conforms to all objective approval standards and requirements in the City's ordinances.

It is, and has always been, the goal of the Applicant to propose a fully conforming application for preliminary plat approval. The Applicant has submitted a lengthy narrative explanation with its

application materials setting forth in great detail how the proposed subdivision application satisfies every single one of the standards and requirements for preliminary plat approval established by the City's subdivision and zoning ordinances. I refer the Planning Commission members to that narrative explanation; ask that they review it; and adopt it by reference into this letter.

Municipal land use decisions are subject to a rational basis standard of review. *SuperAmerica Group, Inc. v. City of Little Canada*, 539 N.W.2d 264, 266 (Minn. Ct. App. 1995). A decision lacks a rational basis if it is unsupported by substantial evidence, rests on a legally insufficient reason, or is premised on subjective or unreasonably vague standards. *PTL, LLC v. Chisago County Bd. of Comm'rs*, 656 N.W.2d 567, 571 (Minn. Ct. App. 2003). "[W]here a subdivision ordinance specifies standards to which a proposed plat must conform, it is arbitrary as a matter of law to deny approval of a plat which complies in all respects to the subdivision ordinance." *Nat'l Capital Corp. v. Village of Inver Grove Heights*, 301 Minn. 335, 337, 222 N.W.2d 550, 552 (1974). In other words, if a preliminary plat application satisfies all approval standards in the City's subdivision ordinance, the City is legally obliged to approve the application and lacks the discretion to lawfully deny it.

The Applicant has conducted multiple neighborhood meetings and has met one-on-one with many neighbors to discuss the application and the changes to the design of the proposed plat since the previous public hearing. The Applicant has done its best to incorporate feedback it has receiving during these meetings into the plat design as best it can while still conforming to all applicable requirements¹ in the City's ordinances. To the extent that members of the community nevertheless oppose the Applicant's application because they want the Property developed in a different way or simply do not want the Property developed at all, these sentiments are not legally sufficient reasons for the City to deny the application. The law in Minnesota is that community opposition to a landowner's desire to use its land for a particular purpose is not a legally sufficient reason for denying a zoning or subdivision approval. *Scott County Lumber Co. Inc. v. City of Shakopee*, 417 N.W.2d 721 (Minn. Ct. App. 1988) and *Amoco Oil Co. v. City of Minneapolis*, 395 N.W.2d 115 (Minn. Ct. App. 1986). Indeed, the Minnesota Supreme Court has held that a local government entity must base a denial of an application for such an approval on "something more concrete than neighborhood opposition and expression of concern for public safety and welfare." *Chanhassen Estates Residence Assoc. v. City of Chanhassen*, 342 N.W.2d 335, 340 (1984); see also *Scott County Lumber Co. Inc. v. City of Shakopee*, 417 N.W.2d 721 (Minn. Ct. App. 1988) and *Amoco Oil Co. v. City of Minneapolis*, 395 N.W.2d 115 (Minn. Ct. App. 1986).

The City does not have the discretion to deny a preliminary plat application that fully complies with the City's subdivision and zoning ordinances. It does not have the discretion to deny a

¹ Certain design features of the proposed plat are dictated by the requirements of the City's ordinances. For example, the Applicant has received many comments relating to the design and status of the proposed road. The City's subdivision ordinance dictates that the road be a public road and also dictates minimum design specifications (to include minimum width requirements) for that road. See City Code, §§ 1006.05(K), 1006.06, 1006.07. The Applicant is obviously obliged to comply with these requirements notwithstanding that some would prefer that the road be narrower or require less grading.

conforming plat application simply because neighboring properties owners or members of the public would prefer that the Property not be subdivided or developed at all. Here, the plat proposed by the Applicant fully conforms to all applicable requirements of the City's subdivision and zoning ordinance. The City therefore does not have discretion to lawfully deny it. For this reason, the Applicant respectfully requests that the Planning Commission recommend approval of the Applicant's application for preliminary plat approval.

III. CONCLUSION.

As set forth above, the proposed plat conforms to all applicable approval requirements set forth in the City's subdivision and zoning ordinances. The City lacks the discretion to deviate from or add to these approval requirements. It must therefore approve the application. For this reason, the Applicant respectfully requests that you recommend approval of its application for preliminary plat approval.

Representatives of the Applicant will be present at the public hearing on this application on February 24, 2025, and will be happy to answer whatever questions you may have concerning the application. I thank you in advance for your thoughtful consideration of this letter.

Very truly yours,

MALKERSON GUNN MARTIN LLP

/s/Patrick B. Steinhoff

Patrick B. Steinhoff

PBS/ksk

cc: Client
City Planner
City Attorney

From: [BRUCE ATWATER](#)
To: [Public Comment](#)
Cc: [Martha Atwater](#)
Subject: Proposed project at 565 West Ferndale Road.
Date: Sunday, January 19, 2025 6:55:47 PM

To the City of Wayzata Planning Staff, Wayzata Planning Commission and Wayzata City Council:

This email expresses our full support for the current proposed project at 565 West Ferndale Road.

The proposal is for three riparian lots (on almost 12 acres), built along a city road leading up into the woods. This proposal seems reasonable and in character with the neighborhood.

1. The density is appropriate, and well below what is allowed by the city zoning.
2. The proposed road and prospective pads are well located relative to the existing driveway, existing clearings, and appropriately away from adjacent parcels, bluffs, wetlands, and Peavey Pond.
3. We understand that the Capen daughters have significantly revised the plan several times to minimize any environmental impacts, and address any neighborhood questions.
4. This thoughtful and well designed project is ready for approval now. Please move this along to a fast approval.

The Capen proposal also has strong congruence with the historic development patterns since the first homes were built on this area of Ferndale Road West over 100 years ago.

My grandparents built a summer cottage there in about 1902. We inherited the cottage from my grandmother and build our current house on the same site about 50 years ago.

We believe the Capen proposal will preserve the character of this land in ways that my grandmother would have fully understood. These historic factors also make us very comfortable with our recommendation to proceed with a speedy approval.

Please ensure that our letter is enclosed in the background materials for both the Planning Commission and the City Council Meetings regarding this issue.

Sincerely,
Martha and Bruce Atwater

Sent from my iPad

Public Comment

From: Kathleen Jones <bmustangs9@icloud.com>
Sent: Monday, February 17, 2025 4:42 PM
To: Public Comment
Subject: A response to the public meeting notice for 565 FERNDAL ROAD WEST - FERNDAL BLUFFS SUBDIVISION

As the owner of two lots on Peavey Pond and a resident there for over forty years, I support the proposed 565 Ferndale Road West development.

I appreciate the reduction in lots from four to three and the preservation of native and heritage trees. The new shorter and curved road design aligns with the character of the neighborhood and City codes.

I am sure Samantha Muldoon, with her environmental conservation expertise, will ensure the development's sustainability. Her sisters are professionals in the field of sustainable development and are also committed to developing the subdivision in a responsible way.

If the subdivision adheres to City Code, the Comprehensive Plan, and all environmental regulations, the Planning Commission should approve it.

Thank you for considering my input.

Respectfully submitted,
Kathy Jones
469 Ferndale Woods Road
(479 Ferndale Woods Road)

Public Comment

From: Melissa Rappaport Schiffman <LRSchifman@comcast.net>
Sent: Tuesday, February 11, 2025 5:10 PM
To: Public Comment
Subject: In support of 565 West Ferndale property owners' plans

To whom it may concern:

I'm writing to express my continued support for the proposed development at 565 West Ferndale. I grew up in Wayzata, on Lake Minnetonka, and my parents still live there. I have had many friends in the Ferndale area and am familiar with the property at 565 West Ferndale.

Over the past 50 years, I've witnessed dramatic lakeshore growth and development, some more environmentally sensitive than others. As a sustainability writer, advocate, and consultant, and one of the few LEED Accredited Professionals in the Twin Cities who has not only certified several million square feet of commercial and residential properties but also lives in a LEED certified home, I feel I have a strong sense for discerning what constitutes "sustainable" development.

The property owners have worked hard to create a thoughtful, small-scale project that is consistent with the existing neighborhood character and sensitive to the surrounding environment. I wrote a note in the spring of 2023 in favor of this development, and since then, they have done even more: refining the plat, reducing the number of lots and docks (though no docks or boardwalks would be added), and submitting additional information to reduce impact to the neighborhood and the environment.

- **Density.** This is almost a 12-acre property, and the proposal for only three single-family lots equates to an average of almost four acres per lot. That is not high density. (Most sustainability advocates would argue for much higher density than this!) The proposal is well below the density outlined in the two-acre minimum zoning required for estate properties in this neighborhood.
- **Existing infrastructure.** More sustainable development utilizes existing infrastructure to limit expansion of homes on to undeveloped land that requires more pipes and land disruption. Since buildings already exist on this property, it makes sense for it to be consistent in its use as residential property. According to the Stantec Analysis, meeting the demand for city water and sewer system will not be a problem.
- **Wetlands.** Wetlands are an important environmental resource to support biodiversity and water quality, among other things. As the Environmental Assessment says, "The project has been designed to avoid wetland impacts." It also actually *adds* a 0.11-acre stormwater pond to help reduce runoff into Lake Minnetonka.
- **Minimal tree removal.** The property is heavily wooded, which is an environmental asset to the community. From the Environmental Assessment, the proposed project is designed to minimize tree removal and disruption to the land.

- Minimal to no impact from docks. Again, this is not a high-density proposal. Per the EAW, there is sufficient shoreline (100' per lot) for two watercraft per lot, which complies with the Lake Minnetonka Conservation District rules. Additionally, it states the “impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor.”

Residential development around Lake Minnetonka is part of a natural progression of people wanting to live next to such an extraordinary area of beauty as well as access to outdoor recreational activities. It is rare to see such an environmentally sensitive proposal as the 565 W. Ferndale project. It increases density an appropriate amount and would not negatively impact the neighborhood. I support it and urge others to support this development as well.

I would appreciate being copied in on the packets from the Planning Commission and City Council regarding this project.

Thank you for your consideration,

Melissa Rappaport Schiffman, LEED AP
Minneapolis, MN
c. 612.600.6543

Dear Planning Commission members,

Blake Cameron (bcameron@wayzata.org), Chris Plantan (christineplantan@wayzata.org), Sue Ankeny (sanken@wayzata.org), Adam Elg (aelg@wayzata.org), Bonnie Schwalbe (bschwalbe@wayzata.org), Jennifer Severson (jseverson@wayzata.org), Joe VanLoy (jvanloy@wayzata.org)

In looking back to June, 2024, at the reasons for denial of the first application for a subdivision, I believe this second application should likewise be recommended for denial.

1. The new, second development proposal is for three homes instead of four and for a shorter road that now does not require a variance. The new accompanying narrative suggests that this proposal (with one less homesite and a shorter road) will limit the multiple adverse effects on wildlife, trees and vegetation. In fact, in spite of the one less homesite, this newest proposal quite likely requires even more clearing, grading and soil removal because of the need for significantly longer driveways as well as the construction of two ponds. One of the ponds is approximately 100' long by 45' wide. The other pond is approximately 56' long by 25' wide. Together these two ponds are much larger than the fourth homesite that was removed. In the first application the developer stated that grading would involve 3900 cu. yds. of cut (243-390 10-ton dump truck loads depending on the material). [We can assume similar cubic yards of cut because of the added ponds and longer driveways.](#)
2. The relocation of the road and the new placement of the homesites continue to present an immense impact on the scale, pattern and character of the neighborhood. The 26' wide city road with an additional 10' of right of way on each side (50' full width including curb and gutter) has been straightened in this new application and moved westward to as close as 10' from the neighboring property line to the west. Additionally, almost 400 feet of the proposed road will need to be 6-9 feet below the current property and driveway elevation in order to produce a required road grade under 8%. (see attached road profile.) In the first development application the developer stated that approximately 1400 cu yds of excess material will be hauled away. (88-144 10-ton truckloads. [We can assume similar cu yds because of the added ponds and the lowered road level.](#) In the first application the developer also stated that approximately 2500 cu yds of fill will be required (156-250 10-ton dump truck loads.)
3. The new road proposal continues to require more than 250' of retaining wall along two sides of the road.
4. The stated length of the newly proposed road is 526'. It is difficult to determine on the plan whether that length is measured from Ferndale Road to the middle of the cul de sac or to its far end. (If the measured length is to the middle, it is important to note that there will be an additional 30' of pavement to get to the furthest side of the cul de sac. (A cul de sac circle must be 60 feet in diameter.) [The proposed road at 526 ft by 50](#)

feet equals 26,300 square feet of hardcover from the road alone is 2/3 or an acre. (One acre is 43, 560 square feet.

5. Each new proposed homesite now requires a longer driveway than in the previous application. This fact will result in even more grading and more soil disruption and more tree loss. (Interesting to note that House #2 shows an approximately 150' driveway that appears to require a 12' climb from the new road to the house. When building permits are sought, what will be the allowable widths and area for driveways?)
6. Last year the Planning Commission noted the following: *"a subdivision cannot be approved where a later variance from one or more standards in official controls would be needed to use lots for their intended purposes."* At that time there was no "applicant commitment" document included in the Narrative explaining the phasing or order of the four lots/home construction. For this new application, City staff again requires the Applicant to provide a restrictive covenant addressing the sequence in which the proposed three lots will be developed. (page 13/15 of narrative). *"To avoid the need for later variances from setback requirements in Section 991.09.D of the City's shoreland management ordinance, the Applicant must provide a restrictive covenant addressing the sequence in which the proposed lots will be developed."* That covenant is not included in this new application narrative. Further consideration of this application must be tabled until this construction phasing document is submitted.

Summary:

Each of you is charged with making decisions and recommendations about the development of properties in Wayzata. Your decisions have permanent outcomes and "forever" ramifications. My sincere hope and desire are that you recommend denial of this second application. This development as proposed should not be allowed by the planners for the City of Wayzata. While realtors may have offered a suggestion to the Capen family of valuation and development possibilities and while city codes may be interpreted by experts as applicable to this subdivision request, the first and foremost reason for recommending denial is in the very first lines about a subdivision...*there must be consistency with the comprehensive plan; sensitivity to areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation; and respect to the natural topography to minimize filling and grading.*

It's not difficult to see that the simple size and acreage of the site might be adequate for three homes. But this property is not flat and treeless. A full city road over 500 feet long and 50 feet wide with a 60 foot diameter cul de sac at the end is required to access three homesites. The massive earth moving and grading just to build the road and the ponds and the other infrastructure are only the beginning. Additional chaos to the landscape will

occur when the yet-to-be-determined three homesites and their long driveways are considered. The ongoing extreme loss of trees, and the extraordinary resulting hardcover for three large homes are all simply too much for this unique site.

The Capen family certainly has the right to look at all the possibilities for selling and representing their beloved property to a buyer/s. Their intent to do so via a subdivision falls far short of what is admirable, logical, appropriate, thoughtful and responsible for this unique lot. One can imagine Mr. and Mrs. Capen, long ago, choosing the perfect location on this property to build their home. They were considerate and surely interested in maintaining the beauty of the site. They chose to minimally disrupt the stunning landscape that, to this day, remains filled with marshes, high bluffs, rolling hills and trees at every turn, just as it was when they purchased it so many years ago.

I can fully support an application that shows two spectacular homesites where only a driveway is required, not a full city road. Maybe the current driveway can then be used. With two homes, hardcover would be minimized, ponds would not be necessary, many hundreds of trees would be saved. Animal habitat would be spared, tons of dump truck loads of fill and cut and debris would be eliminated. Disruption of the topography would be minimal. Two docks on Peavey Pond would not interfere with views nor nearly crisscross in their lengths as three docks would. Development costs for the Capen sisters would be far less and the value of the two lots would be far greater to discerning buyers. Maybe a lovely gate would announce the site. Ferndale Bluffs would be a beautiful and very private addition to Ferndale Road West and to the neighboring properties along the shore of Peavey Pond. The Capen sisters would then be very proud of their stewardship of this lovely site.

Thank you for listening and for recognizing the tragic mistake that would be made if this three-home subdivision is approved.

Sincerely,

Sue Schwalbach

510 Ferndale Road West

Attachments:

- #1. Buildable areas,
- #2. Preliminary Plat
- # 3. Grading and Road Profile (at the side in bubble)

565 FERNDALE WEST
SIGNIFICANT TREES
LOCATED WITHIN BUILDABLE AREAS

Legend

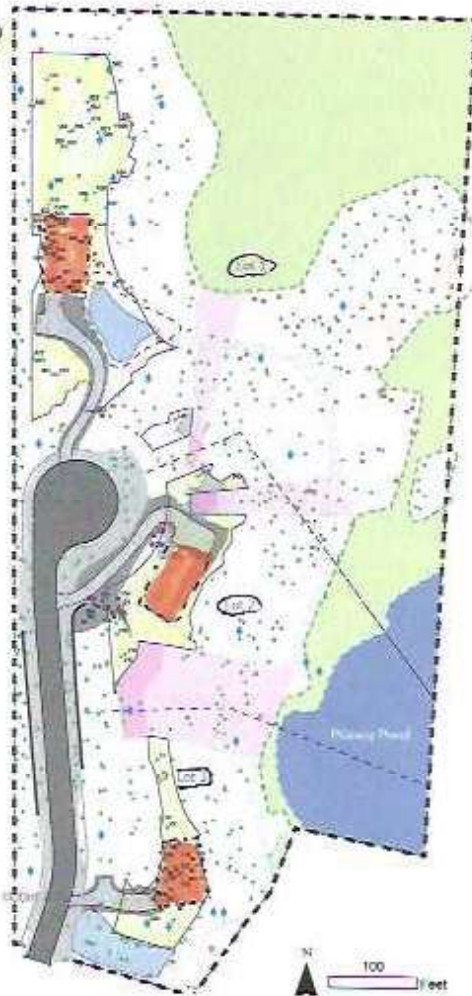
- Tree Potentially Impacted*
- Significant Tree
- Dead, Dismantled, Dying
- Heritage Tree
- Buildable Area
- Varnet
- Proposed Lot
- Proposed ROW
- Storm Grading
- Road Grading
- Proposed Stormwater
- Proposed Road
- Driveway Grading
- Proposed Driveway
- Proposed House
- 565 Ferndale Parcel Boundary
- CUL-DE-SAC
- Retain Pond
- Wetland Mitigation
- Wetland
- Bluff Impact Zone
- Bluff Setback
- Wetland Definition
- Existing Structures
- Existing Gravel Driveway
- Existing Blacktop Driveway

NOTES:

Impact is based on predicted impact to a tree's critical root zone of 40% or more (Ch 936.02)

Buildable area is represented by the parcel less, setback areas, bluff impact areas, and bluffs.

*Trees are impacted by the conceptual location of driveways or buildings pads.



THIS IS THE BUILDABLE AREA/
BUILDING ENVELOPE FOR EACH OF THE THREE LOTS.
THE DOTTED RECTANGLE SHOWS A PROPOSED HOUSE.



②



REQUIRED)
PROPOSED 10' ADD'L
EACH SIDE

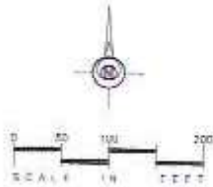
2

I hereby certify that this information is correct
and was prepared by me, or under my direct supervision.
and that I am a duly Licensed Land Surveyor under the
State of the State of Minnesota.
Walter J. Blumhagen
Walter J. Blumhagen, Minnesota License Number 12120

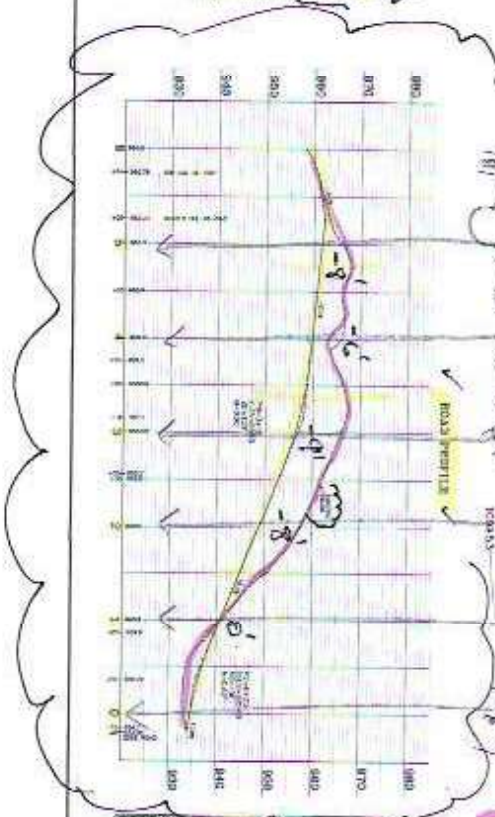
GRONBERG & ASSOCIATES, INC.
CITY ENGINEERING, LAND DEVELOPMENT, LAND PLANNING
402 NORTH WILLOW BLVD. LONG BEACH, CA 90802
562-403-4041

FERNDALE BLUFF PROPOSED GRADING & ROAD PLAN

3



--- 0.1% existing existing contour line
--- 0.1% existing proposed 0.001 elevation
--- 0.1% existing proposed contour line



CURRENT
DRIVEWAY GRADE

PROPOSED DRIVEWAY GRADE

4

PROJECT FERNDALE BLUFF		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERING, LAND SURVEYING, LAND PLANNING 411 NORTH HILLWAY DRIVE, LONG BEACH, CA 90801 TEL: 412-444-1111							
DATE 11/11/01		BY J. GRONBERG							
SCALE 1"=20'		APP J. GRONBERG							
REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11/11/01</td> <td>ISSUED FOR PERMIT</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	11/11/01	ISSUED FOR PERMIT	NOTES 1. Verify utility and other data distribution or location shown on this plan or other data shown on drawings. 2. All work shall be in accordance with the latest edition of the California Building Code. 3. All work shall be in accordance with the latest edition of the California Building Code.	
NO.	DATE	DESCRIPTION							
1	11/11/01	ISSUED FOR PERMIT							

City of Wayzata Planning Commission

600 Rice Street East

Wayzata, MN 55391

Observations and Comments from living at 565 Ferndale Road W

We have rented the property at 565 Ferndale Road W for the past year and a half. Peter has either worked or lived in Wayzata for over 60 years and Erin has lived here for over 35 years. We are permanent residents of the area.

- The heavy woods and topography make it impossible to see the four corners of the current estate in a single view. No neighbor can see the entire property, meaning they won't see the three homes that are proposed instead of the existing two.
- The existing forest rings the edges of the property. The neighboring properties also have wooded areas on their borders meaning interior development will be screened in a way that exceeds current development rules.
- The subdivision request creates three large lots on almost 12 acres that exceeds the city's two acre minimum. It is a very low-density proposal.

We are in favor of the subdivision since it makes the site similar to adjoining properties and will have minimal visual impact on neighbors.

Peter and Erin Slocum

565 Ferndale Road West

Wayzata, MN 55391

Wayzata Planning Commission and City Council

This letter is written regarding the new application for the 565 Ferndale Rd West Subdivision. Unfortunately, we will be out of town for both the Planning and City Council meeting dates but request you accept our feedback in this letter in your deliberations.

First off – We have appreciated the efforts of Samantha Capen to meet personally with the neighbors and include some feedback into the new application. The three-lot proposal is an improvement over the original proposal, but it still entails similar clearing and soil removal amounts.

The Planning Commission and City Council need to ensure that the plan fits the scale, pattern, and character of the neighborhood. We do not think this subdivision plan fits these criteria. We have safety, environmental, and character concerns to share with the Planning Commission and City Council members.

1. Our biggest concern is with the proposed subdivision road. This road will create an intersection right across from our driveway. Is there not a way to utilize the existing driveway and dirt service roads on the property? The city could work with the applicants on this type of variance which would have significant positive impact – environmentally, character wise, and economically.
2. The shorter road is now replaced by 3 longer driveways which will still cause major clearing and soil removal.
3. If there is no way for a driveway variance, do we need this large of road (50 feet in width) with curbs and gutters for 3 houses? This appears to be wider than the busy Ferndale Road West street. Could the city approve a variance for a smaller road?
4. Could we see a rendering of the property to get a better feel for the eventual impact. We are concerned about the drainage pond on the front of the lot and the street landscaping. The applicant has told us it will be very tasteful and a rendering for the entire development would sure help.
5. Environment – the amount of earth that will be moved is still substantial – in fact probably equal to the original application. The number of trees that will need to be removed is substantial. This work will be done very near a highly sensitive bluff and marsh areas. Lot 3 will especially impact the contour to the point where they are proposing the storm water ponds.
6. The new application now includes two large drainage ponds which is indicative of scope of the environmental impact.

We just ask the city to put in the creative efforts to modify the plan to minimize the impact on the neighborhood character, aesthetics, and property values.

Respectfully
Phil and Margie Soran

532 Ferndale Road West

From: [E. B. Swanson](#)
To: [Public Comment](#)
Subject: Capen plat approval
Date: Sunday, January 19, 2025 2:23:34 PM

To: City Wayzata

For forty four years, we have lived in Wayzata and have know the Capen family.

After reviewing the proposed plat and having a general knowledge of their trials and compromises I must add our strong support, to their request, and trust the city to move promptly to approve.

Regards,

Dick and Elaine Swanson
547 Harrington Road

TO: publiccomments@wayzata.org

FROM: Kathleen and Bill Wanner

SUBJECT: Capen request to subdivide property at 565 West Ferndale Rd, Wayzata, MN

To Whom It May Concern:

We are writing this letter to support the Capen's request to subdivide their property at 565 West Ferndale Rd. For approximately twenty years, we have either owned a home or owned property on Ferndale Road. Our former home is located at 510 West Ferndale Road, and we currently own a lot at 1095 Ferndale Road West. Our former 510 West Ferndale Road home is across from the driveway entrance to the Capen's property and is adjacent to the waterway linking Brown's Bay to Peavy Pond.

We examined the Capen's plans. We feel their request to create three lots on almost twelve acres of land is appropriate and falls well within the minimum density requirement of two acres. Given the topography plus all the trees, we feel the proposed homes would be barely visible from Ferndale Road, and appropriate for the Ferndale neighborhood.

Sincerely yours,

Kathleen and William Wanner.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 24, 2025	AGENDA ITEM: 6.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, City Planner	
REVIEWED BY: Eric Zweber, Planning Consultant	
60 DAY DEADLINE: N/A	

BACKGROUND:

The 2025 City Calendar and City Council Liaison Schedule are attached. The next City Council meeting is scheduled for Tuesday, March 4. The next Planning Commission meeting is scheduled for Monday, March 10.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2025 Wayzata City Calendar
2. 2025 Planning Commission Liaison List - updated February 2025

City of Wayzata 2025 Meeting Calendar



January 2025						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2025						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March 2025						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April 2025						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2025						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June 2025						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July 2025						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August 2025						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September 2025						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2025						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2025						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2025						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Energy & Environment 5:30 PM

Planning Commission - 6:30 PM

City Council - 7:00 PM

Charter Commission - 9:00 AM

Lake Minnetonka
Conservation District (LMCD)

Heritage Preservation
Board (HPB) - 11:30 AM

Housing & Redevelopment
Authority (HRA) - 7:30 AM

Parks & Trails Board - 6:00 PM

Night to Unite

Holiday Observed
City Offices Closed

Precinct Caucuses - no statewide caucus in 2025

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

Revised
9/24/2024

2025 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 7	Blake Cameron
Tuesday	January 21	Adam Elg
Tuesday	February 4	Joe VanLoy
Tuesday	February 18	Chris Plantan
Tuesday	March 4	Bonnie Schwalbe
Tuesday	March 18	Jennifer Severson
Tuesday	April 1	Sue Ankeny
Tuesday	April 15	Blake Cameron
Tuesday	May 6	Adam Elg
Tuesday	May 20	Joe VanLoy
Tuesday	June 3	Chris Plantan
Tuesday	June 17	Bonnie Schwalbe
Tuesday	July 1	Jennifer Severson
Tuesday	July 15	Sue Ankeny
Wednesday	August 6	Blake Cameron
Tuesday	August 19	Adam Elg
Tuesday	September 9	Joe VanLoy
Tuesday	September 23	Chris Plantan
Tuesday	October 7	Bonnie Schwalbe
Tuesday	October 21	Jennifer Severson
Tuesday	November 4	Sue Ankeny
Tuesday	November 18	Blake Cameron
Tuesday	December 2	Adam Elg
Tuesday	December 16	Joe VanLoy