



WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Monday, August 18, 2025
6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
 - a. Approval of Meeting Minutes June 9, 2025
 - b. Approval of Meeting Minutes June 16, 2025
- 5. Old Business Items**
- 6. Public Hearing Items**
 - a. 547 Harrington Road - Lake Shore Setback Variance
- 7. Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
- 8. Adjournment**

Upcoming Meetings:
City Council - August 19, 2025
Planning Commission - September 8, 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: August 18, 2025	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes June 9, 2025	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the regular meeting minutes from the June 9, 2025 Planning Commission meeting.

ATTACHMENTS:

1. PC.06.09.2025 Final Draft

**WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JUNE 9, 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 Community Development Director Sharpe to take roll call.

Present at roll call were Commissioners: Schwalbe, Severson, Elg, Cameron, VanLoy, and Ankeny. Community Development Director Alex Sharpe, Planner Haily Hedblom, and City Attorney David Schelzel were also present.

Absent at roll call: Commissioner Plantan

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Schwalbe made a motion, seconded by Commissioner Ankeny, to approve the June 9, 2025, agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the May 5, 2025 Planning Commission Meeting Minutes

b.) Approval of the May 19, 2025, Planning Commission Meeting Minutes

Chair Cameron read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion. He pointed out some minor corrections to the May 5, 2025, and May 19, 2025, meeting minutes.

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

Commissioner VanLoy made a motion, seconded by Commissioner Ankeny, to approve the Consent Agenda as amended with corrections noted.

The motion carried unanimously.

AGENDA ITEM 5. Old Business Items

AGENDA ITEM 6. Public Hearing Items

a) 1022 and 1042 Wayzata Boulevard East (Lamborghini) – PUD Concept Plan

Community Development Director Sharpe reviewed the proposed PUD Concept Plan for adjacent properties located at 1022 and 1042 Wayzata Boulevard East. He outlined the project location, land use, zoning, existing conditions, and details of the concept plan, and other action steps that would be required in order for the applicant to develop the property for a Lamborghini dealership. He reviewed some of the City engineer's comments and noted that a neighborhood meeting was held on June 2, 2025, with 12 residents in attendance. He stated that the City had received 4 public comments, but three were received after the packet had already been sent out to the Commission.

At the conclusion of Mr. Sharpe's presentation, Chair Cameron asked if there were any questions from the Commission for staff.

Commissioner Schwalbe referenced the slide from Mr. Sharpe's presentation that showed access and asked about the purple 'x', where it was located, and what it was.

Mr. Sharpe explained that the purple 'x' was at an existing access point, just before it closes into the adjacent cul-de-sac. He noted that the diagram in his report was supposed to show that they were intending for that access point to be closed. He stated that there was currently no structure located on this parcel, but that was the access used when one was present.

Commissioner Schwalbe asked how long it had been since there was a structure on this site.

Mr. Sharpe stated that it had been several years and reminded the Commission that the structure on this site had been demolished.

Commissioner Schwalbe asked about the access points on Central Avenue.

Mr. Sharpe pointed out the two access points on Central Avenue.

Commissioner Schwalbe noted the portion of the sidewalk that exists today, the two trees shown on the dry cleaner site, and asked if, when the PUD was put into effect, there had been a requirement for sidewalks.

Mr. Sharpe stated that, to his knowledge, there had not been a PUD in this location, and it was just a straight zoning site. He stated that these parcels are relatively old and explained that it was likely that they had been redeveloped multiple times over the City's lifetime. He noted that a sidewalk was not present for the entire length of the property, which he assumed would not have been required in the past, but would be required today.

1 Commissioner Ankeny asked if there was a sidewalk in front of the building, and if the new
2 development on the corner of Superior and Wayzata Boulevard would have sidewalks.

3
4 Mr. Sharpe explained that there is a section to the north of Mulberry's that lacks a sidewalk and
5 stated that the new development she mentioned would have sidewalks.

6
7 Chair Cameron asked if the City, in the C-3 zoning district, had any other car dealerships.

8
9 Mr. Sharpe stated that the City has at least one other car dealership but would need to look up what
10 it was zoned as and report back to the Commission.

11
12 Commissioner Schwalbe referenced the Huntington right-of-way and asked for details on its width
13 and the parking in the area.

14
15 Mr. Sharpe stated that, to the best of his knowledge, Edina Realty was using both parking areas,
16 even though those areas belonged to the City.

17
18 Commissioner Schwalbe asked if they may be able to share parking with the applicant.

19
20 Mr. Sharpe clarified that he did not know the specifics of the agreements put into place when
21 Edina Realty came along, but that is something staff could look at more closely and could include
22 more information about this in future iterations of the plans, as well as his staff report.

23
24 Commissioner Ankeny asked if the City had a lighting ordinance, and noted that she assumed this
25 applicant would want their property lit for safety reasons, but she would like to know how this
26 would affect the neighborhood.

27
28 Mr. Sharpe confirmed that the City has a lighting ordinance, and explained the information the
29 applicant would be required to submit to the City for review and consideration. He noted that he
30 did not believe that there would be any exterior storage of the vehicles on this site, and the exterior
31 parking areas would be used for customer and employee parking.

32
33 Commissioner Schwalbe asked how staff had made the determination that this proposal would
34 need 41 parking stalls.

35
36 Mr. Sharpe explained that the code did not have a parking requirement for auto dealership
37 inventory, but it does set a requirement for their sales and services areas, as well as for Mulberry's.

38
39 Commissioner Elg asked if parking was allowed on the east side of Huntington.

40
41 Mr. Sharpe stated that because it was located in public right-of-way, he would presume that answer
42 would be 'yes', but there may be specific agreements put into place as part of the Edina Realty
43 situation that he would want to check into more closely. He stated he believed that this site will
44 need to apply for a parking variance, no matter what staff found.

1 Commissioner Elg noted that there was not currently a continuous sidewalk from Huntington to
2 Bushaway on the south side of Wayzata Boulevard, but believed that any future projects that come
3 through in those areas would be required to add a sidewalk.

4
5 Mr. Sharpe stated that this approach to sidewalks was a common 'best practice' for cities. He
6 explained that when there are sidewalk gaps, they are identified by the City, and the understanding
7 was that any future development 'shall' provide a sidewalk.

8
9 There being no further questions for staff, Chair Cameron invited the applicant to address the
10 Commission.

11
12 Dan Burnham, 10 Nicholas Way, Hudson, WI, explained that he was with the architect for the
13 project, Gries Architecture. He reviewed renderings and plans for development and changes to
14 the existing Mulberrys building. He noted that currently, north of Mulberrys, there is some
15 landscaping and trees, but no sidewalk, and they are proposing to remove this and put in sidewalks
16 so people can get to the corner crosswalk. He explained that with that design, they would not be
17 able to have a landscape buffer. He noted that they were also planning to put up a decorative fence
18 along the southern property line to prevent headlights from shining into the neighboring properties.
19 He reviewed the general site layout plans, and explained that they were planning to remove the
20 furthest south existing access to Huntington Avenue. He showed plans for the lower level,
21 including the indoor parking areas for vehicles, and confirmed that they would not use any surface
22 parking for their vehicles for overnight usage. He outlined plans for the upper-level showroom,
23 customer lounge, and service bay areas. He reviewed the planned building materials and
24 renderings that showed the overall proposed look of the Lamborghini dealership building and the
25 changes to the Mulberrys building.

26
27 At the conclusion of Mr. Burnham's presentation, Chair Cameron asked if the Commission had any
28 questions for the Applicant.

29
30 Commissioner VanLoy asked about vehicle deliveries and how they would take place on this site.

31
32 Mr. Burnham stated that he assumed they would come in and park parallel to Wayzata Boulevard,
33 unload the vehicles, and then leave via Wayzata Boulevard, but noted that he had not run turning
34 radius calculations yet.

35
36 Commissioner VanLoy referenced parts, which was going to be located on the lower level, and
37 asked if those deliveries would allow someone access to the site off of Central.

38
39 Mr. Burnham stated that was correct.

40
41 Commissioner VanLoy noted that there would be 5 service bays, and asked if they had thought
42 about a situation where they needed to clear a bay and how that would take place.

43
44 Mr. Burnham stated that he assumed they would handle this through scheduling, and noted that
45 this would not be like a Toyota dealership where they would be servicing multiple vehicles at the
46 same time. He noted that there would be options for where they could move the vehicles, if needed.

1
2 Commissioner VanLoy noted that this was a very tight spot, and explained that he was concerned
3 about the nearby residents with potential engine noise sounds from sports cars that may be serviced
4 there.

5
6 Mr. Burnham stated that he assumed that when the vehicles were done being serviced, they would
7 be pulled around to the area along Huntington, but acknowledged that they could not necessarily
8 control a customer who wanted to rev their vehicle.

9
10 Commissioner Elg asked if the other Walser Group representatives would be able to answer some
11 of the Commission's questions, and explained that he did not like that their architect was simply
12 speculating on operational matters. He asked if Walser owned this entire property and why it was
13 paramount to leave the existing dry cleaner on the site.

14
15 Don Schilling, Walser Automotive Group, stated that they do own the entire property and stated
16 that part of the purchase agreement for the property allowed the dry cleaner to remain on the
17 property as a tenant for a drop-off and pick-up site.

18
19 Commissioner Severson asked how long the terms of the purchase agreement would last.

20
21 Mr. Schilling explained that it would be in place for 10 years.

22
23 Commissioner Severson asked why they wanted to put the Lamborghini dealership in this location,
24 and explained that she had looked at other locations across the United States and did not find any
25 others that were placed in the middle of a residential area in a city. She referenced other local auto
26 parks in the area, and asked why they felt this would be the ideal location for the dealership.

27
28 Mr. Schilling explained that when the manufacturer determines that there should be better
29 representation for their product in a market, they put out an RFP. He stated that the manufacturer
30 defined the market and where they wanted the building to be located, and then Walser started
31 looking for properties in that vicinity. He noted that they had shown Lamborghini 3 properties in
32 the area, and this was the one they chose.

33
34 Commissioner Ankeny asked what would happen if this were approved by the City, but the
35 Lamborghini dealership turned out not to be sustainable, and if it could be switched to something
36 like Walser Ford.

37
38 Mr. Sharpe answered that the land use approvals would run with the land and not with a particular
39 land use, but conditions could be put in for things specific to the site, for example, the number of
40 vehicles on site and the access points, that would remain in place, but the actual user could change
41 to a different car brand.

42
43 Commissioner Ankeny asked if, no matter what, there would be no parking allowed outside.

44
45 Mr. Sharpe acknowledged that it could be one of the PUD conditions that the City puts in place.
46

1 Chair Cameron asked about the location of the parking spots for the dry cleaner.

2
3 Kate Cohen of Walser Automotive Group, stated that the dry cleaner parking was the 3 stalls in
4 front, to the left of the building. She explained that they anticipate the majority of the vehicles
5 would be delivered to the site on a flat bed, and most of the owners in the area preferred to have
6 this type of concierge service.

7
8 Commissioner Schwalbe asked where the truck that would unload the new vehicles at the
9 dealership would park to unload.

10
11 Chair Camerson explained that Commission VanLoy had already asked this question, and the
12 applicant had told them they would park parallel to Wayzata Boulevard.

13
14 Mr. Schilling noted that these vehicles would not be coming to them on a traditional transport truck
15 and would come to them as they get built, which would typically be one at a time.

16
17 Commissioner Severson asked about used cars that customers may trade in.

18
19 Mr. Schilling explained that they were not facilitating a used car department for this dealership but
20 explained that he would have to check with the owners regarding trade ins. He stated that they
21 may be sent to one of their other lots for liquidation, but he was not sure.

22
23 Commission Severson asked the applicant to give the Commission an idea of the busyness and
24 activity level at the dealership on a day-to-day basis.

25
26 Katie Cohen stated that they are anticipating having about 10 employees at their peak, and
27 explained that this operation would primarily be a boutique, which means customers would need
28 an appointment. She stated that because this is an ordered vehicle, they will not have vehicles in
29 the inventory lower level that someone could pick up on the same day. She noted that they have
30 an ordering center on site where people can choose their materials with the expectation of a 12-18
31 month delivery window. She stated that she was not aware that they were planning to have any
32 test drives for the vehicles at this location.

33
34 Commissioner Elg stated that the renderings showed 4 vehicles located in the showroom.

35
36 Katie Cohen explained that her understanding of those vehicles was for people to be able to see
37 the finishes that could be achieved for the different vehicle models.

38
39 There being no additional questions from the Commission for the applicant, Chair Cameron
40 opened the public hearing on the application at 7:25 pm.

41
42 Kimberly Walsh, 495 Highcroft Road, stated that she did not feel this property was a practical use
43 of space in the City. She explained that she did not see Wayzata residents using a Lamborghini
44 dealership, and felt it was also a potentially slippery slope for the City to have a car dealership on
45 the main street within their small village. She stated that opening the City up for car dealerships
46 in this area would not be picturesque. She noted that what they heard from the applicant's

1 presentation was that this was not being done to serve a local need but was done because
2 Lamborghini was looking for an ideal location, which was not a Wayzata-focused decision.
3

4 Gordy Straka, 130 Huntington Avenue, stated that his property abuts the back of the property, and
5 noted that he had lived there for 57 years. He stated that he felt this current proposal was a big
6 step up from the last one, which wanted to put in a Caribou Coffee drive-thru. He noted that the
7 Walsers have worked well with the neighborhood, and some of their questions were related to
8 lighting and fencing, which would be up to the City. He stated that this property is commercial,
9 so he wasn't sure how the City could defer it for something else. He stated that, as a neighborhood,
10 they have met with Walser numerous times, who has shown that they want to work with the
11 neighborhood. He stated that if customers need an appointment to come to the site, there would
12 not be a high volume of traffic associated with the business. He stated that the neighbors that have
13 met with Walser felt that this proposal was something they could work with since it was going to
14 be so low volume.
15

16 Jason McClain, 141 Wooddale, stated that he lives about 500 feet from this property and would
17 be able to see the dealership from his home. He stated that he has spoken with his neighbors, and
18 none of them want this here. He noted that he believed it would be a nuisance and would be loud,
19 and believed the question raised by Commissioner VanLoy was spot on about the possibility of
20 people who just bought an expensive car from revving their engine as soon as they get it. He stated
21 that they built their home ten years ago and asked the City for one variance, which was not
22 approved, and this project has quite a long list of variances that would be needed and were expected
23 to come forward. He stated that building code rules and regulations were in place because of what
24 they want the community to look like, and asked the Commission to keep that in mind.
25

26 Greg Hoglund, 120 Chevy Chase Drive, stated that he and his wife own the multi-family building
27 to the south of the proposed property. He stated that there have been several neighborhood
28 meetings over the last 6 months, and the adjacent neighbors are the most in favor of this proposal.
29 He noted that this site has been an eyesore for at least 10 years and part of the issue is that there is
30 water that flows through their property down into the backyards of everyone on Central, and one
31 positive of getting development on this property would be that they will restrict the water that is
32 running through the yards downstream. He stated that Lamborghinis are sold in a different fashion
33 than the car dealers that are located along 394, and noted that, as a concierge service, he was told
34 that they sell 50 cars per year. He stated that they were willing to work with the applicant, and felt
35 that this would be an asset to the community and would not reduce property values.
36

37 Mr. Sharpe stated that there were no people who called in to the meeting that have asked to speak
38 at the public hearing.
39

40 There being no one else wishing to comment on the application, Chair Cameron closed the public
41 hearing at 7:35 pm.
42

43 Chair Cameron asked the Commission to share their questions and feedback on the application.
44

45 Commissioner Elg stated that he assumed that there was a business plan for this business, and Mr.
46 Hoglund had alluded to this site selling 50 vehicles per year. He asked if that was an average

1 among dealerships across the country. He noted that Wayzata was not the same as Los Angeles
2 or New York, and asked what they planned for sales volume at this specific location.

3
4 Katie Cohen stated that they would be happy to go back to ownership and find out that information
5 for the Commission.

6
7 Commissioner VanLoy stated that the initial drawings that have been presented show a very stark
8 view from the street, which included no landscape buffers or trees, and asked if that was intentional
9 or if they have not yet put together the overall landscape plans.

10
11 Mr. Burnham answered that they have not put together the landscape plans at this point in the
12 process, and what they had shown was purely conceptual. He stated that if they could proceed to
13 the next round, they would come back with many more drawings that included landscape plans
14 and stormwater calculations.

15
16 Commissioner Schwalbe stated that she has seen previous proposals for this site and believed this
17 one was the most unique, interesting, creative, and innovative idea on how to use the site. She
18 noted that it was unusual to have the neighbors who are very nearby to be in favor of this proposal.
19 She stated that there were things that will need to be worked on, and agreed with Commissioner
20 VanLoy that there needs to be some greenery and sidewalks so it looks inviting and not so stark.
21 She stated that they are proposing a modern building, which she didn't mind, but it needed to be
22 softened a bit.

23
24 Commissioner VanLoy stated that he was concerned about lighting and noted the recent request
25 the Commission reviewed related to a fence to limit the amount of lights that could be seen from
26 the dealerships along 394. He asked if there would be a way to protect the nearby property owners
27 from the lighting. He stated that while this was just a concept plan, he was concerned about the
28 number of boxes that they were not able to check and felt a bit like this was trying to be shoehorned
29 into the space.

30
31 Commissioner Elg stated that he agreed with the comments shared by Commissioner Schwalbe
32 that this was a creative use of the property, and felt that this concept was a unique opportunity for
33 the City to have a Lamborghini dealership and was excited to see this move forward.

34
35 Commissioner Ankeny referenced the question related to whether this created a development
36 pattern in harmony with the objectives of the Wayzata Comprehensive Plan, which was supposed
37 to be charming. She stated that she was not sure that there needed to be a car dealership in
38 downtown Wayzata.

39
40 Commissioner Schwalbe stated that she felt that Lake Street comes up for her when she thinks of
41 charming and walkable. She stated that this is Wayzata Boulevard and is a business district, so
42 there will be a business located there.

43
44 Commissioner Severson stated that she agreed with Commissioners Elg and Schwalbe that this
45 was very innovative and a creative use of the land. She explained that where she was getting hung
46 up was that she wrote down the phrase, 'so many variances'. She stated that it felt a bit more

1 palatable to her to approve variances when there is an odd-shaped lot or other things at play, but
2 this would be a brand-new building. She explained that the other thing she came back to was that
3 the applicants made a lot of assumptions about how things would be handled operationally and
4 about the amount of sales in this location. She stated that it would have been nice for the
5 Commission to have heard from Lamborghini or someone who had more direct experience on how
6 this business would run on a day-to-day basis. She stated that she appreciated the representatives
7 who were present tonight, but she still had a lot of questions about how this space would operate
8 with this business. She stated that she did not oppose having the Lamborghini name in Wayzata,
9 but also did not love it. She noted that there were a lot of other spaces where they have luxury
10 brand car dealerships in the area, and felt it may be better for this to be located closer to those
11 areas. She explained that she still had too many concerns about the project for her to be
12 comfortable with what was being proposed today.

13
14 Chair Cameron stated that he liked what the applicant had done and agreed that it was innovative,
15 and noted that this is a tough spot to put something in. He stated that what they were looking at
16 today was a concept plan, which is essentially something scratched out on the back of a napkin
17 rather than all the details. He stated that conceptually, he liked what was being proposed, but
18 would agree that they will have some challenges, but that was not under the purview of the concept
19 plan. He stated that the neighbors who spoke tonight about Walser working with them were
20 positive and explained that he would support the concept plan being able to move forward, even
21 though there were still a lot of details that needed to be ironed out.

22
23 Mr. Sharpe stated that the Commission had asked a few questions throughout their discussion, and
24 explained that he could address some of them at this time. He stated that the first question was
25 related to the zoning district and explained that it appeared that there was a single parcel in a C-3
26 district that was a dealership, but clarified that he was not sure which dealership it was.

27
28 City Attorney Schelzel said he believed that this parcel was the Lexus dealership.

29
30 Mr. Sharpe referenced the building plans submitted by the applicant, and noted that staff had not
31 determined that there were 16 stalls in the lower level because of a parking stall in front of the
32 trash enclosure, which would not be permitted, which had been noted within the staff report. He
33 stated that the applicant can amend their application as they move forward from the concept plan
34 after hearing concerns raised by the public and the Commission. He reminded the Commission
35 that an approval of a concept plan did not bind the Commission or Council to future approvals or
36 future iterations of the plan.

37
38 Commissioner Severson asked what specific concept they were being asked to consider.

39
40 Mr. Sharpe explained that the PUD concept plan was considered a preliminary stage application,
41 before the more detailed plans came into the City. He stated that they do need to identify what
42 those future items would be under this proposal for the Commission to decide on the 30,000-foot
43 view. He stated that what the Commission was acting on tonight was essentially the proposal of
44 the type of land use, identifying where they had concerns, and identifying items that they felt
45 functioned well.

1 Mr. Schelzel stated that the specific concept the Commission was being asked to consider was
2 what was presented tonight and noted that the concept, as it stands today, would require the
3 variances and deviations that staff pointed out. He stated that between the PUD concept stage and
4 the general plan stage, assuming the applicant received concept plan approval from the City, they
5 could refine their plans which may eliminate the need for some of the variances and deviation
6 noted by staff.

7
8 Commissioner Severson explained that she was having a hard time separating the full application
9 and the concept of the application.

10
11 Mr. Schelzel stated that the concept that the Commission was weighing in on requires all the other
12 things right now, which means the applicant was either going to have to come back and get
13 approval of those things or will have to modify their concept to eliminate the need for those things.
14 He stated that if Commissioner Severson was of the mindset that this was a concept that she could
15 never get behind because all those things would be required, then she could vote accordingly. He
16 stated that they could also approve with conditions that certain things be addressed or modified in
17 the general plan, or approve the concept plan with commentary, but noted that those comments
18 already made would be available within the minutes of this meeting.

19
20 There being no further discussion, Chair Cameron asked for a motion on the application.

21
22 Commissioner Elg made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare
23 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
24 recommendation of approval for 1022 and 1042 Wayzata Boulevard East (Lamborghini) – PUD
25 Concept Plan for review and adoption at the next Planning Commission meeting.

26
27 Upon a roll call vote, the motion carried 4 ayes, 2 nays (Ankeny and Severson).

28
29 **AGENDA ITEM 7. Other Items:**

30
31 **a) Review of Development Activities**

32
33 Mr. Sharpe stated that staff was still working on the 641 plan for providing a pedestrian walkway
34 in the area. He introduced the City's new Planner, Haily Hedblom, and shared some of her
35 background and experience.

36
37 **b) Planning Commission Meeting Schedule**

38
39 Mr. Sharpe stated that their next meeting would be on June 16, 2025.

40
41 **AGENDA ITEM 8. Adjournment.**

42
43 There being no further business on the agenda, Chair Cameron asked for a motion to adjourn.

44
45 Commissioner Severson made a motion, seconded by Commissioner Elg, to adjourn the Planning
46 Commission meeting.

1
2 The motion carried unanimously.
3

4 The Planning Commission meeting was adjourned at 7:59 p.m.
5

6 Respectfully submitted,

7 Kayla Atkins Rokosz

8 *TimeSaver Off Site Secretarial, Inc.*
9

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 18, 2025	AGENDA ITEM: 4.b
TITLE: Approval of Meeting Minutes June 16, 2025	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the regular meeting minutes from the June 16, 2025 Planning Commission meeting.

ATTACHMENTS:

1. PC.06.16.2025 Final Draft

**WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JUNE 16, 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 Community Development Director Sharpe to take roll call.

Present at roll call were Commissioners: Plantan, Severson, Elg, Cameron, VanLoy, and Ankeny. Community Development Director Alex Sharpe, City Forester Bennett Myhran, and City Attorney David Schelzel were also present.

Absent at roll call was Commissioner: Schwalbe.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner VanLoy made a motion, seconded by Commissioner Ankeny, to approve the June 16, 2025, agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approve Planning Commission Report and Recommendation for 1022 and 1042 Wayzata Boulevard East (Lamborghini) – PUD Concept Plan

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

Community Development Director Sharpe noted that two additional public comment items came in after the packet was published and noted that they had been left on the table in front of the Commission for their review and would be shared alongside the Commission's Report and Recommendation when this moves on to the City Council.

Chair Cameron stated that he would like to remove this item from the Consent Agenda and move it to the regular agenda as item 5.a.

1
2 **AGENDA ITEM 5. Old Business Items**

3
4 **a) Approve Planning Commission Report and Recommendation for 1022 and 1042**
5 **Wayzata Boulevard East (Lamborghini) – PUD Concept Plan**

6
7 Chair Cameron explained that he wanted to correct a statement he had made while summarizing
8 public comments. He stated that he had said that all of the public comments were positive when,
9 in fact, two were positive and two were negative.

10
11 City Attorney Schelzel stated that at the next meeting, they will be reviewing the draft minutes
12 from the meeting, and he can make sure that his comments are accurately reflected.

13
14 Chair Cameron asked for a motion. Commissioner Severson made a motion, seconded by
15 Commissioner Elg, to approve the Planning Commission Report and Recommendation for 1022
16 and 1042 Wayzata Boulevard East (Lamborghini) – PUD Concept Plan, as amended. The motion
17 carried unanimously.

18
19 **AGENDA ITEM 6. Public Hearing Items**

20
21 **a) Chapter 936 – Tree Preservation Ordinance – Golf Courses**

22
23 Mr. Sharpe shared background on the City's Tree Preservation Ordinance, project history of the
24 Woodhill Country Club, draft ordinance provisions, and outlined the possible action steps for the
25 Commission to consider.

26
27 Chair Cameron asked if the Commission had any questions for staff.

28
29 Commissioner VanLoy referenced the slide, which it stated that Woodhill's concerns were project
30 costs, staff burden, tree risk, and tree planting, and asked if this would be part of tonight's
31 discussion so the Commission would be able to garner an understanding of their concerns about
32 this versus the current Tree Preservation Ordinance.

33
34 Mr. Sharpe noted that City Forester Bennet Myhran was present and could answer some of those
35 questions.

36
37 City Forester Myhran stated that the biggest obstacles that staff have discussed with Woodhill are
38 the project costs, like tree replacement escrow. He explained that the ordinance requires that, if
39 the tree removal described in a proposal crosses a certain threshold, then there is a certain amount
40 of replacement required on site, via formulas, which is also secured by a replacement escrow. He
41 explained that the escrow was released over a 3-year period, based on the condition of the newly
42 planted trees, with the goal of having them all become established and contribute to the canopy,
43 which can be expensive, especially with larger projects. He stated that currently, the fee schedule
44 is set at \$330/inch, which is a large financial commitment. He noted that Woodhill's concerns
45 about ordinance burdens are essentially a different kind of cost, and he was also concerned about
46 tree risk and what constituted a hazardous tree. He explained that hazardous trees are not subject

1 to many of the requirements in the ordinance, but if a tree didn't meet the standard for a hazardous
2 tree, it would be considered either a significant or heritage tree and would have to meet the
3 replacement requirements. He stated that the concerns about tree planting, for a larger project, can
4 be a challenge because they have to find a place for the trees, which requires significant land
5 available. He stated that those items were the main sticking points with Woodhill and noted that
6 there had been a lot of back and forth between them and staff on this issue.

7
8 Commissioner Severson asked if the Commission was being asked to amend the ordinance or to
9 grant a specific request to Woodhill Country Club.

10
11 Mr. Sharpe explained that the City Council had directed staff to prepare a study of an ordinance
12 that would exempt golf courses from the Tree Preservation Ordinance.

13
14 Commissioner Severson stated that there were currently 2 golf courses located in the City and
15 noted that she assumed that there was no available land for there to be another golf course, so the
16 request was really to exempt those 2 entities from the ordinance.

17
18 Chair Cameron stated that he did not see it as exempting them, but would give them a path.

19
20 Mr. Sharpe explained that it would not automatically exempt them, but would give them a path via
21 the two alternatives outlined in the presentation.

22
23 Mr. Schelzel stated that the actual proposed changes are pretty straightforward and simple and
24 could be found on page 19 of the packet. He noted that there would be 2 paths for a golf course to
25 request relief from some of the ordinance regulations and reviewed the proposed language.

26
27 Commissioner Severson noted that both courses adjoin the City of Orono and asked if this would
28 just apply to the portion of the parcel that was within Wayzata.

29
30 Mr. Sharpe noted that this was also a point raised during the City Council discussions and was a
31 point raised by Woodhill. He stated that because the golf courses fall under multiple jurisdictions,
32 that meant they were subject to Wayzata's Tree Preservation Ordinance as well as any that Orono
33 may have. He noted that those ordinances do not need to be the same, so that was one of the
34 encumbrances or burdens that Woodhill had attempted to express to the City.

35
36 Mr. Schelzel clarified that Wayzata did not have the authority to regulate property located in
37 Orono, so the City's ordinance would apply to the portion of the golf course that falls within their
38 jurisdiction. He stated that the larger point trying to be made was that if you are a golf course
39 located in two jurisdictions, it is more challenging and burdensome to handle because there would
40 be two sets of regulations.

41
42 Commissioner Van Loy asked if the City could see what Orono does and if there was a chance
43 from an operational standpoint where they could create a plan and bring it forth to both cities, or
44 if this would be proposing something that Orono was not doing.

1 Mr. Sharpe stated that he believed that Orono had looked at modeling some of their ordinance after
2 Wayzata, but less stringent. He explained that he was not sure they had completed their Tree
3 Preservation Ordinance.

4
5 Mr. Myhran noted that Orono had consulted him as they had been putting together their ordinance,
6 but was not sure where they were in the overall process, or how similar their standards would be.

7
8 Commissioner Severson asked if the Commission should have any concerns about exempting these
9 entities would mean that there aren't rules for them.

10
11 Mr. Sharpe stated that there could be some concerns about that, but explained that staff has taken
12 Council's direction for an exception and drafted language which would seek to address these
13 concerns. He stated that this item was a bit unique in the order in which it came to the Commission,
14 which was why he had tried to provide them with some of the history and context of the discussion.

15
16 Mr. Schelzel stated that the administrative path that was described in the staff report to work with
17 the forester would still require a lot of the same process, review, and plan that other landowners
18 would, but this would exempt them from the potential financial burden. He asked the Commission
19 to think about whether they were comfortable with having the discretion to make these kinds of
20 decisions on their own.

21
22 Mr. Myhran suggested that the language in B.7. be changed to Tree Management Plan.

23
24 Mr. Schelzel asked if 'management' was a defined term in the ordinance.

25
26 Mr. Myhran stated that he did not believe it was defined, but the Tree Preservation Plan was.

27
28 Chair Cameron asked Mr. Sharpe to do a bit of research on the definitions.

29
30 Mr. Schelzel clarified that there is a definition of Tree Preservation Plan, but not for a Tree
31 Management Plan, which he would like to see included.

32
33 Chair Cameron asked for an explanation of how the Tree Preservation Plan had been defined.

34
35 Mr. Myhran gave a general overview of the definition of a Tree Preservation Plan.

36
37 Mr. Sharpe stated that the definition could be found in Section 936.07.

38
39 Mr. Myhran stated that Woodhill has concerns about hazardous trees and the definition of how
40 those are managed. He stated that if a Tree Preservation Plan provided an exemption, specific to
41 a project, if felt a tree had become hazardous outside of the project scope, they would still be
42 subject to the other requirements and standards of the ordinance, and the Tree Management Plan
43 would speak to that situation.

44
45 Mr. Sharpe noted that they would rely heavily on City Attorney Schelzel.

1 There being no questions from the Commission for the staff, Chair Cameron opened the public
2 hearing on the application at 7:12 pm.

3
4 Brian Edmiston, Woodhill Country Club, explained that they were seeking this exemption because
5 of 3 issues: safety, administrative, and financial burdens. He noted that this exemption would not
6 just be for their course but also for other golf courses and large institutional land owners. He
7 explained that Woodhill had been around for 110 years and had been a responsible land steward,
8 and shared examples of their stewardship. He noted that when they remove trees, it is not in order
9 to put in large concrete buildings, but for safety purposes, and replace them with grass, which
10 makes it green space to green space. He shared examples where trees have caused safety concerns
11 on their course, and in one instance, a member was hit and passed away due to his injuries. He
12 shared examples of the challenges they face if they are not granted this exemption. He noted that
13 Edina has exempted golf courses from their tree preservation ordinance for many of the reasons
14 he outlined, and noted that other cities in the area have exemptions for situations where it was
15 green space to green space.

16
17 Mr. Sharpe stated that there were no people who called in to the meeting that have asked to speak
18 at the public hearing.

19
20 There being no one wishing to comment on the application, Chair Cameron closed the public
21 hearing at 7:18 pm.

22
23 Chair Cameron asked the Commission to share their questions and feedback on the application.

24
25 Commissioner Severson stated that she thought there was already a portion of the ordinance that
26 diseased, dead, or dying trees do not count, and asked why it may matter how many trees walk
27 under it.

28
29 Mr. Sharpe stated that dead, diseased, and dying trees are exempt from tree replacement, but there
30 is some nuance in when they would meet the criteria.

31
32 Chair Cameron read aloud from the portion of the Tree Preservation Ordinance that referred to
33 dead, diseased, or dying trees and noted that it would require City Forest Myhran to go out and
34 deem it dead, diseased, or dying.

35
36 Mr. Myhran explained that every situation was different on whether it required inspection or just
37 a photograph. He stated that for the occupancy rate referenced by Commissioner Severson, the
38 City refers to a tree risk assessment, which is a standardized process used by the industry and
39 insurance companies. He stated that looking at the occupancy rate is just one piece of the matrix
40 used to assess the tree.

41
42 Mr. Sharpe explained that the City Council had only directed staff to bring forward an amendment
43 to the ordinance that would only apply to golf courses and would not apply, at the moment, to
44 other large landowners, but that may be considered in the future.

1 Chair Cameron asked if staff were aware of anything that the Wayzata Country Club may be doing
2 on their properties as part of their remodel.

3
4 Mr. Myhran stated that their timeline goes back a bit further, but much of what they can see is
5 located within Orono, and he has worked with them on some tree replacement and plantings in
6 areas located in Wayzata.

7
8 Chair Cameron asked Mr. Edmiston if the Woodhill Country Club was planning to do something
9 similar to the Wayzata Country Club and do some reprofiling of the course.

10
11 Mr. Edmiston answered that their long-range plan and intent were to bring the course back to the
12 original design drawings from the 1950s.

13
14 Chair Cameron asked about the timeframe associated with their long-term plans.

15
16 Mr. Edmiston stated that they were planning to begin this project in July of 2025, and the
17 restoration efforts should take about 1 year, but explained that the tree plan for the property would
18 be ongoing.

19
20 Chair Cameron asked how the Woodhill Country Club was navigating the relationship of having
21 cross-jurisdiction with Orono and Wayzata.

22
23 Mr. Edmiston stated that Orono did not currently have a tree management plan.

24
25 Commissioner Severson asked what the threshold would be and if it would be a certain number or
26 percentage of trees.

27
28 Mr. Myhran stated that there are different thresholds, and the City's involvement with tree removal
29 would begin at the permitting level for even just one tree, but when they get to replacement
30 requirements, there would be two scenarios to look at. He explained that the first would be if any
31 heritage tree was removed, and also for significant trees, because they require a certain amount of
32 replacement if the applicant crosses the removal allowance, which is a certain percentage of the
33 total tree inventory on the property.

34
35 Chair Cameron stated that his initial thought is that he was not sure he was totally comfortable
36 allowing the City Council to freely grant an exemption at their whim. He explained that he would
37 be much more comfortable if the City Forester were involved in any of the discussions, whether it
38 was a Tree Management Plan, which he considered long-term, or a Tree Preservation Plan, which
39 he considered a short-term plan. He stated that he was okay with the Council having the power
40 to grant an exemption, but felt it needed to be done in consultation with the City Forester, rather
41 than just blanket. He referenced Section 936.06, 7, Trees on Golf Courses, and stated that he
42 would change the language in this portion to say 'management' and agreed that they would need
43 to have an actual definition for what a Tree Management Plan was.

44
45 Commissioner Van Loy stated that he had somewhat of the same mindset, which was why he had
46 asked the question about variances as a way to mitigate issues and would also keep the City

1 Forester involved. He stated that he looked at golf courses very differently than most of the other
2 institutional landowners, because their job is to keep a very beautiful landscape, because that is
3 what they sell. He stated that when they look at this for golf courses, he thought it made a lot of
4 sense, but when they come up with the definition around a Tree Management Plan, he asked that
5 they consider tree removal situations where it did not meet the occupancy requirements or safety
6 of golfers as given in the examples shared by Mr. Edmiston. He stated that he would like to see
7 the Tree Management Plan defined to include some of those kinds of items for golf courses and
8 would strike the option that would simply go to the City Council without going through the other
9 process.

10
11 Commissioner Plantan stated that she likes having both of the exceptions included in this language
12 because it can serve as a bit of a check and balance. She referenced item #7 and stated that the
13 City heavily relied on staff and the ordinances, but also having the ability to go to the City Council
14 would give the chance for other considerations to be taken into account. She stated that she felt
15 this proposed amendment aligned with the goals and intentions of the City's tree preservation
16 ordinances and aligned with the Comprehensive Plan. She explained that she would support this,
17 but would like to see both exceptions included as options, with the additional language surrounding
18 the definition of Tree Management.

19
20 Commissioner Ankeny noted that she agreed with Commissioner Plantan. She stated that she felt
21 that Woodhill was proactive in working with City Forester Myhran and that it made sense to
22 include both options within the amendments.

23
24 Commissioner Severson stated that she was not thinking of this as an 'either or' situation and more
25 of a 'one of the other' option, and was leaning towards support of what was Section 7 under Section
26 936.06. She stated that she was trying to think of this related to the ease of it from an applicant's
27 standpoint, and also felt the more appropriate path would be to go to the City Forester and have a
28 Tree Management Plan rather than getting an exemption or approval from the City Council. She
29 stated that she did not believe the Council members were experts in tree management or what was
30 dead, diseased, or dying. She reiterated that she did not think this should be an 'either or' and
31 should for sure include Section 7, but noted that they could also add that they would also have to
32 get approval from the Council. She explained that she did not want to see there to be a path to just
33 go to the City Council, but if they were going to have them go to the City Council, she would
34 rather they not decide without the input of the City Forester.

35
36 Mr. Schelzel stated that there could be language changes made so staff would not be cut out of the
37 process if this goes before the City Council. He explained that staff would not make the actual
38 decision, like the administrative option, but the Council would get their input. He noted that he
39 suspected that the Council would be getting this kind of input from staff anyway.

40
41 Commissioner Plantan stated that she would support adding the language that the Council had to
42 consult with the City Forester.

43
44 Chair Cameron

45
46 There being no further discussion, Chair Cameron asked for a motion on the application.

1
2 Commissioner Cameron made a motion, to approve the draft Planning Commission Report and
3 Recommendation for Chapter 936 – Tree Preservation Ordinance – Golf Courses, as modified per
4 discussion, to create and define ‘Tree Management Plan’, change the language in number 7 to
5 replace ‘Tree Preservation Plan’ with ‘Tree Management Plan’, inclusion of the City Forester
6 within the City Council/administration approval option, with appropriate findings reflecting a
7 recommending Chapter 936 – Tree Preservation Ordinance – Golf Courses.
8

9 Mr. Schelzel and the Commission asked some clarifying questions and suggested wording changes
10 for the motion.
11

12 Commissioner Cameron withdrew his motion.
13

14 Chair Cameron asked if the Planning Commission wanted a Tree Management Plan to also be part
15 of the Council action option.
16

17 Commissioner Severson stated that her opinion is that there is just one path and suggested that
18 there be a Tree Management Plan done by the City Forester alone, or that, plus approval by the
19 City Council. She asked if anyone on the Commission would be comfortable with an option in
20 which the Council did not seek a Tree Management Plan and could just make the decision on their
21 own.
22

23 Commissioner Van Loy stated that he believed there should be a plan in place, independent of
24 whatever path is chosen for moving forward.
25

26 Commissioner Plantan stated that she thought the creation of the Tree Management Plan was part
27 of the application process.
28

29 Mr. Sharpe stated that the Tree Management Plan had not been defined yet, but noted that the Tree
30 Preservation Plan was already required. He noted that if the Council provided an exemption from
31 the entire Tree Preservation Ordinance for an entire site, that would exempt them from all of the
32 ordinance requirements. He stated that part of the discussion by the Commission tonight was
33 adding the consideration of the City Forester into the review process.
34

35 Commissioner Plantan stated that adding the Tree Management Plan language to the Council
36 option would just bring them back to number 7.
37

38 Mr. Schelzel stated that if they add a Tree Management Plan to the Council review option, it would
39 end up making it harder for an applicant. He explained that the original direction from the Council
40 was that they wanted applicants to be able to come straight to them to make their case, and if they
41 did, they would be exempt from all the financial and other administrative requirements within the
42 Tree Preservation Ordinance. He stated that the Council had also indicated that there could be an
43 administrative approach because it may be less burdensome if they present a plan, which from the
44 clarification given earlier in the meeting by City Forester Myhran would be a Tree Management
45 Plan, but they wouldn’t have to pay or provide the replacement requirements, but would have to
46 do other paperwork.

1
2 Commissioner Severson stated that she could be persuaded to cut the City Council out of the
3 process and just go to number 7 and remove the redlined section.
4

5 Mr. Schelzel explained that the Commission was in the uncomfortable position of having a Council
6 that had directed them to consider this option, but if the Commission feels that way, she believes
7 the Council will want to know why and what their concerns were with giving the Council that
8 authority and discretion.
9

10 Chair Cameron explained that his discomfort with the Council and not involving the City Forester
11 revolves around the fact that this was not the Council's job because their job was not to manage
12 trees and forests. He stated that he felt whatever approach they decided to take that it needed to
13 involve the City Forester because that was their profession and had a deep pool of knowledge on
14 this issue. He stated that he understood the potential burden this would put on the golf courses
15 because it was an additional step, but it sounded like there had already been a good partnership
16 established between the City and the golf courses.
17

18 Commissioner Van Loy stated that he believed it was a good policy for the golf courses to put
19 down a plan that indicates when and why they think a tree should come down, because of certain
20 criteria, which may be different than what was already in the Tree Preservation Ordinance
21 language. He noted that he did not think this needed to be burdensome and noted that if there was
22 not something that fit into the plan, the City still had a variance process that could be followed.
23

24 Commissioner Elg referenced the second sentence of the two-sentence paragraph on top of the
25 page they were looking at would be amended to say 'Council will acquire a Tree Management
26 Plan'.
27

28 Chair Cameron stated that if they made that change, it would become a circular reference and
29 asked if Commissioner Elg was suggesting that they remove number 7 to say that this has to go
30 through the City Council.
31

32 Commissioner Elg confirmed that it had been what he was suggesting.
33

34 Commissioner Severson asked if Commissioner Elg was saying that they would have to go to the
35 City Council with a Tree Management Plan.
36

37 Commissioner Elg explained that his thought was that the applicant would have the exemption,
38 but would have to go to the City Council with a Tree Management Plan. He stated that if they
39 didn't have this and they came for an exemption, it would mean that they could just strip the land
40 bare.
41

42 Chair Cameron stated that what he was describing would provide more of a checks and balances
43 system by involving the City Council and the City Forester, but noted that it would be more
44 burdensome on the applicant.
45

1 Commissioner Elg stated that he did not feel that this would be an unreasonable burden because
2 they were already being exempted from having a huge cash burden, and stated that he felt that the
3 golf courses would already have this information because they already know where they want to
4 move things or remove things.

5
6 Commissioner Severson stated that she thought that either way, there should be a Tree
7 Management Plan, whether it still requires City Council approval or not. She explained that she
8 did not think the option should be to either go to the City Council or to have a Tree Management
9 Plan, because either way, she would want to see some type of Tree Management Plan included.

10
11 Commissioner Plantan asked if there was a different way to write the exception on part A that
12 would include something like 'or as directed by the City Forester', and read aloud a portion of that
13 section of text.

14
15 Mr. Schelzel stated that to capture the earlier discussion, what he may do is add some language
16 such as, 'Council may grant, after consulting with the City Forester, an exemption for such
17 properties'.

18
19 Chair Cameron explained that one of the things he was thinking about was how the City could
20 make it so the golf courses would not need to come get a permit every winter, if they had dead or
21 dying trees.

22
23 Mr. Myhran stated that he felt that a very important piece of a Tree Management Plan would be
24 addressing the things they would normally be looking for through the permitting process, and
25 would essentially serve as a replacement for the permitting requirements.

26
27 Commissioner Severson stated that she agreed with the point made by Commissioner Elg that if
28 the City was going to give an exemption, asking for this was not an onerous burden.

29
30 Commissioner Van Loy stated that, given the size and scale of the golf course properties, he
31 believed that there should be a Tree Management Plan in place to consider relieving them of the
32 Tree Preservation Ordinance requirements.

33
34 Commissioner Severson suggested that if they add 'pursuant to a Tree Management Plan,' they
35 would not need to have a number 7 because it would be baked in that they would need to come to
36 the Council with the Tree Management Plan.

37
38 Mr. Schelzel stated that if the Commission kept the Council pathway and added a Tree
39 Management Plan, he was not sure what they would get with the second option. He stated that
40 leaving the administrative option would mean that they would potentially not have to go to the
41 Council.

42
43 Chair Cameron stated that he felt the Commission was saying that they did want this to go before
44 the Council, and that they should have a Tree Management Plan.

1 Commissioner VanLoy stated that he felt that they should have a Tree Management Plan that was
2 approved by the City Forester, but if the majority of the Commission felt that the Tree Management
3 Plan should also go in front of the Council, then he would be okay with that.

4
5 Commissioner Plantan stated that she felt the City should leave number 7 in, in case there was an
6 applicant who did not want to go in front of the Council, and would give the applicant two avenues
7 to get this done.

8
9 Commissioner Severson stated that she didn't think anyone would end up going before the
10 Council.

11
12 Commissioner Plantan stated that an applicant would still need to meet the obligations under
13 number 7.

14
15 Commissioner Elg, how it would be determined that they would go through the administrative
16 process or the Council approval process.

17
18 Mr. Schelzel stated that the way it was currently drafted, the applicant would have the choice to
19 comply with the Tree Preservation Ordinance requirements or choose the two approaches being
20 discussed.

21
22 There being no further discussion, Chair Cameron asked for a motion.

23
24 Commissioner Severson made a motion, seconded by Commissioner Elg, to approve the draft
25 Planning Commission Report and Recommendation for Chapter 936 – Tree Preservation
26 Ordinance – Golf Courses, as modified per discussion, for an applicant that wanted to not follow
27 the Tree Preservation Ordinance, they would have to bring forward a Tree Management Plan and
28 then approval by the City Council, and remove the proposed number 7.

29
30 Mr. Schelzel clarified that what would be changed is that they would strike the language in number
31 7 and add language to Section A, that the property owner must include a Tree Management Plan
32 that has been reviewed and approved by the City Forester.

33
34 Upon a roll call vote, the motion carried 4-2 (Plantan and Cameron opposed).

35
36 Mr. Schelzel noted that this item would come before the City Council at the July 1, 2025, meeting.

37
38 **AGENDA ITEM 7. Other Items:**

39
40 **a) Review of Development Activities**

41
42 Mr. Sharpe noted that the City had hit the traditional summer lull in activities and reviewed the
43 items that staff were working on.

44 **b) Planning Commission Meeting Schedule**

1 Mr. Sharpe stated that the next scheduled meeting was on July 7, 2025, but at the moment, he did
2 not have set items for the meeting, so they may be able to cancel the meeting, if necessary.
3

4 **AGENDA ITEM 8. Adjournment.**
5

6 There being no further business on the agenda, Chair Cameron asked for a motion to adjourn.
7

8 Commissioner Plantan made a motion, seconded by Commissioner Ankeny, to adjourn the
9 Planning Commission meeting.
10

11 The motion carried unanimously.
12

13 The Planning Commission meeting was adjourned at 8:22 p.m.
14

15 Respectfully submitted,
16 Kayla Atkins Rokosz
17 *TimeSaver Off Site Secretarial, Inc.*
18



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 18, 2025	AGENDA ITEM: 6.a
TITLE: 547 Harrington Road - Lake Shore Setback Variance	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: 120 Day Deadline - November 20, 2025	

BACKGROUND:

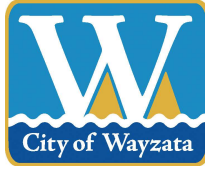
The applicant, Kyle Hunt, and property owner, Craig Swanson, have submitted a development application requesting approval of a 152.5 foot variance from the required lake shore setback in the Shoreland Overlay District (Chapter: 991.09 D. 2.).

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. 08132025_PC Staff Report_547 Harrington Road_Final
2. 547 Harrington_Applicant Narrative
3. Swanson Prop. Lake Setback Exhibit 7-22-25 address corrected
4. Swanson 547 Harrington- Tree Locations and Hardcover with Calcs 8-5-25
5. Applicant Presentation_547 Harrington Rd Variance Request
6. Summary Exhibit for PC_Lake Shore Variances Table
7. Swanson Variance_Carole Hunter
8. 2025.8.13 Cover Letter and Objection To Lakeshore Setback Variance FINAL
9. 20250814_152436
10. Swanson Variance Application for 547 Harrington Road



**Staff Report
Wayzata Planning Commission
August 13, 2025**

Project Name: 547 Harrington Road
Request: Variance for Shoreland Setback
Applicant: Kyle Hunt, Kyle Hunt & Partners Artisan Homes
Property Owner: Craig Swanson
Prepared by: Haily Hedblom, Planner
“60 Day” Decision Deadline: September 21, 2025
“120 Day” Decision Deadline: November 20, 2025

Development Application

Introduction

The applicant, Kyle Hunt, and property owner, Craig Swanson, have submitted a development application requesting approval of a 152.5 foot variance from the required lake shore setback of 260.5 feet in the Shoreland Overlay District (Chapter 991.09 D. 2.) to allow a setback of 108 feet.

Property Information

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

Address	PID	Owner
547 Harrington Road	12-117-23-21-0010	Craig Swanson

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

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

Project Location

The property is located on the west side of Harrington Road abutting Browns Bay.

Map 1: Project Location



Source: Hennepin County

Application Requests

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

- A. Shoreland Setback Variance: The applicant has stated that at this time, a specific home has not been designed, however; they are seeking the variance to allow for the demolition of the existing structure/home and future construction of a new home at a later date. City Code Chapter 991.09 D. states that a principal structures setback from the lake shore shall be 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.

The greatest of these setbacks is b) a line which is drawn between the two closest riparian principal structures on either side of a proposed building site; The approximate setbacks of the two adjacent houses are 299' (543 Harrington Road) and 189' (549 Harrington Road), creating an average setback of 244'. A

line drawn between these structures creates a setback requirement of 260.5'. If the variance is granted as proposed, the new lakeshore setback would be 108'.

The proposed lake shore setback of 108' will meet the minimum requirement of a) seventy-five feet. This setback is also further back from the lake shore than the existing house setback of 91.9'.

The applicant has provided their practical difficulty and other variance justification in the narrative document and slide presentation attached to this staff report.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on August 8, 2025. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on August 7, 2025.

Neighborhood Notification

The applicant mailed a letter with additional details about the application to residents within 500 feet of the subject property on August 7, 2025.

Public Comments

As of August 13, 2025, two public comments related to this application have been received. One comment is in support of the variance request; one comment is opposed. Both comments have been included at the end of this staff report.

Existing Conditions

The property is located within the R-1A Low Density Single Family Estate District. The property is a legal lot of record with a unique configuration and non-conforming minimum lot width of approximately 100.34' where 200' is required in the R-1A District and is located on a prominent bend in the shoreline of Lake Minnetonka. Due to the age of the structure, the existing home is legally non-conforming to the setbacks required in the Shoreland Overlay District. The existing principal structure is setback 91.9' from the Ordinary High Water Mark (OHWM), where a 260.5' setback is required.

Description of Proposal

The applicant is proposing a 152.5' variance to the required 260.5' lakeshore setback determined by City Code Chapter 991.09.D.2 to allow a setback of 108 feet. The applicant has stated that at this time, a specific building plan has not been designed, and they are seeking the variance to allow for the potential demolition of the existing structure/home and construction of a new home at a future date. The applicant has identified a general 'Buildable Area' within the existing and proposed setbacks.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Regulation	R-1A District	Shoreland Overlay District	Proposed
Setbacks (min)	Front: 45' Rear: 50' Side: 20'	Lake Shore: 260.5' A line which is drawn between the two closest riparian principal structures on either side of a proposed building site	East (front): 45' West (rear, lake shore): 108' North (side): 20' South (side): 20'

Setbacks

The proposed buildable area shown meets the minimum setback requirements for the R-1A Zoning District.

The lake shore setback is required to be the greatest of three different setback measurements. For this property, the greatest setback would be a line drawn between the two closest riparian principal structures which requires a setback of approximately 260.5'

The applicant is requesting a variance to allow a lake shore setback of 108' from the Ordinary High Water Mark (OHWM) or west property line/shoreline which would require a 152.5' variance from the current setback. The location of the proposed 'Buildable Area' adheres to the 75' lakeshore setback which is the least of the three possibilities in this case. The location of the proposed 'Buildable Area' is also setback 16.1' further from the lake shore than the existing structure. The applicant states that the practical difficulty is due to the unique configuration of the lot, along with the significantly larger than average setback on the property to the north (543 Harrington Rd) due to lowland/marshy area near the shoreline, pushing the setback requirements for 547 Harrington Rd further from the lake.

This lake shore setback is a requirement of the Shoreland Overlay District and therefore must be evaluated as a part of the variance standards of the Shoreland Overlay District outlined in City Code Chapter 911.20.

Standards of Planning Commission Review of Application Requests

The variance request is a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the lake shore setback request by the applicant if the Commission determines that it meets all of the Shoreland Overlay

District variance requirements in City Code Chapter 991.20 (see below). A condition of recommendation for approval should include the requirement to submit a Shoreland Impact Plan as outlined in City Code Chapter 991.20.d with any future building permit, to be reviewed administratively.

Primary Questions to Consider Regarding Variances

The following questions are taken from Chapter 905 of City Code and should be considered as the primary criteria when evaluating a request for variances.

1. Is the proposal consistent with the Comprehensive Plan?
2. Is the variance reasonable?
3. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
4. Would the variances alter the essential character of the locality?
5. Economic considerations alone shall not constitute a practical difficulty.

The Planning Commission is typically tasked with evaluating variance requests based solely on the criteria above, however, due to this property being located in the Shoreland Overlay District, there are additional criteria outlined in Chapter 991.20 of City Code that apply. The Shoreland Overlay District is, in effect, superimposed upon the underlying zoning districts. The regulations and requirements imposed by the Shoreland Overlay District are in addition to and apply jointly with the underlying zoning requirements. "Under the joint application of standards, the more restrictive requirements shall apply" (Ch.991.04). City Code Chapter 991.09.D.3 states that "The required setback distance may be reduced by a variance if the following conditions are met:

- a) The minimum setback from the ordinary high water mark must be at least 75 feet;
- b) The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures;
- c) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of City Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots;
- d) A shoreland impact plan must be submitted and approved as required and set forth in Section 991.19 of City Ordinance;
- e) The conditions of Chapter 905 and Section 991.20 of City Ordinance are considered and satisfactorily met."

Action Steps

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

Attachments

1. Applicant Narrative
2. Survey Depicting Existing Conditions and Proposed Setback Variance
3. Survey Depicting Existing Tree Coverage, Lot Coverage and Impervious Surface
4. Applicant Presentation Slide Deck
5. Summary Exhibit of Similar Lake Shore Setback Variances Granted in Wayzata
6. Public Comments Received Related to Application

Date: July 23, 2025
Project Address: 547 Harrington Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

SWANSON VARIANCE REQUEST

Summary of Request

Dick and Elaine Swanson seek one variance from the City of Wayzata.

They have lived at 547 Harrington Road for over 45 years. At this stage in their lives, they are preparing to sell their family home which was originally built nearly 100 years ago.

It is important that the buildable area for a new home is defined and in keeping with the location of the existing home in the marketing of their property for sale given the building envelope variance required to provide the new owners with a reasonable location for a new home on the property.

The variance we seek is a 152.5' variance to the Wayzata Code of Ordinances, Chapter 991.09 Shoreland Overlay, Minimum Setback Requirements, Sub-section b) *"a line which is drawn between the two closest riparian principal structures on either side of a proposed building site;"*

Background and Context

The existing home has been in place for nearly 100 years and fits within the character and history of the Harrington Road Neighborhood.

In consideration of the variance request, the Swanson's would propose to increase the lake setback from 91.9' (existing house current lake setback) to 108' (proposed building envelope lake setback per variance request) as measured from the OHWL:

The proposed setback will improve upon the views of the two adjacent properties and provide a comparable size building envelope that is in keeping with other homes in the neighborhood. An overall enhancement to this unique property.

Unique Characteristics of the Swanson Site

- The immediate home to the north owned by Joanne Leavenworth (543 Harrington Road; “543”) is set back a considerable distance from the lake due to a wetland condition between the lake and the slope leading to the house. As a result, the setback line drawn between 543 and the home immediately to the south owned by Daniel Cosentino (549 Harrington Road; “549”), pushes the building envelope for 547 to the east, into the neck of the pie shaped lot boundary, a much closer proximity to the road; likely deeming it an unbuildable site.
- The positioning of 543 is a relative anomaly on Harrington Road with most homes, especially to the south, being much closer to the lake and consistent with the current positioning of 547 (see Exhibit .
- 547 is pie-shaped, with the property widening dramatically as it nears the lake.
- Additionally, the property is at a point/bend in the shoreline which radiuses back to the north making the Chapter 991.09 (b) line between the two closest riparian principal structures on either side of 547 are atypical and more extreme as related to this part of the code (see Exhibit ). Locating a new home in a similar position from the lake as the existing home makes logical sense and we believe is in keeping with the intent of the code. This primary location for a home is consistent with the neighborhood, making it the highest and best use of the property.

Variance Request

The variance we seek is a 152.5’ variance to the Wayzata Code of Ordinances, Chapter 991.09 Shoreland Overlay, Minimum Setback Requirements, Sub-section b) *“a line which is drawn between the two closets riparian principal structures on either side of a proposed building site;”*

Point #1

- a. The variance is in harmony with the general intent and purpose of the Ordinance.**

The proposed allowable buildable area keeps in harmony with general purpose and intent of this ordinance by improving upon the current home lake setback by 16.1 feet while maintaining and improving the existing view sight lines from the two closest principal structures on either side of the buildable envelope.

b. The variance is consistent with the comprehensive plan.

The proposed setback is consistent with the Comprehensive Plan as the proposed setback improves the neighboring views and provides home placement consistent with the topography of the property, the R1-A district, and the Harrington Road Neighborhood.

Point #2

There are practical difficulties in complying with the Ordinance

Practical difficulties described in Point #3

Point #3

The applicant establishes that there are practical difficulties

a. The property owner proposed to use the property in a reasonable manner not permitted for the official controls

This proposed setback is a reasonable use of the property as it increases the setback from OHWL, it improves site lines of the two closest principal structures, and it allows the ability to place a new home on the property in the most buildable area. It will also provide opportunity to disrupt the least number of mature trees on the property.

b. There are circumstances unique to the property not created by the land owner.

The practical difficulty in complying with the requirement of the setback related to a line drawn between the two closet neighboring properties is a result of the setback of the home at 543 being an anomaly and is set back 299' from the OHWL due to the wetland area on the lakeside of the property.

c. The variance will not alter the essential character of the locality.

The Swanson's have further restricted the building envelope/buildable area by creating sightline delineation from the north and south neighbors. The proposed change further increases the setback from the OHWL from the existing home location (see Exhibit). The Swanson's seek to honor sightlines of the neighbors while providing reasonable use of the property for a future owner.

Point #4

Practical difficulties are not related to economic considerations alone.

The reason for this variance request is not related to economic considerations. As noted above, the practical difficulties are related to unique setback lines of neighboring homes and the best reasonable use of property for a future owner.

Final Considerations

1. This building envelope respects the neighboring properties, evidence in large part by a letter submitted by the neighbor at 543 (see Exhibit). Also, the neighboring south property at 549 planted a large arborvitae hedge after completing construction of their new home, creating a clear southwestern view corridor for their property which would not be impacted by development within the proposed 547 building envelope.
2. The variance we are requesting is based on respecting the sightlines of the north and south neighbors and avoiding any potential impact on value for the properties; respecting all side yard and lake setbacks, hardcover restrictions, as well as height restrictions; honoring the existing character of the neighborhood; and providing a reasonable building envelope for the next owner of the property.
3. The requested building envelope respects the character of the neighborhood and provides a reasonable building envelope for the next owner of the property to enjoy all that this exceptional location and neighborhood has to offer.

LAKE
MINNETONKA
BROWN'S BAY

LAKE SETBACK EXHIBIT FOR
DICK SWANSON
OF TRACT B, R.L.S. NO. 1416
HENNEPIN COUNTY, MINNESOTA

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

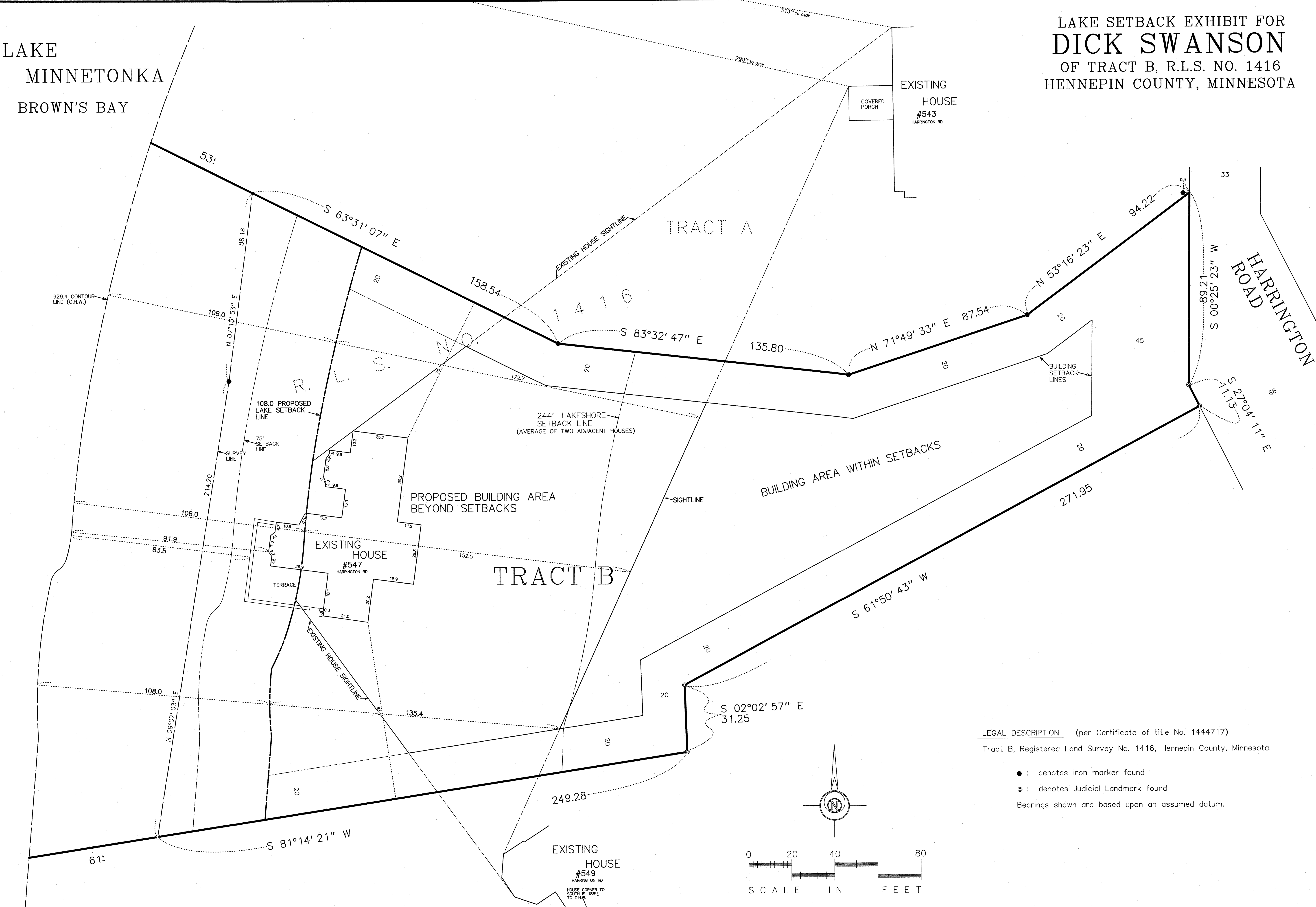
PROJECT

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

REVISIONS

DATE	REVISION
8-11-25	REVISED LAKESHORE SETBACK LINE
8-11-25	REVISED LAKESHORE PROPOSED SETBACK LINE
7-22-25	REVISED LAKESHORE PROPOSED SETBACK LINE

25116AEXHBT5.SCI



LEGAL DESCRIPTION : (per Certificate of title No. 1444717)
Tract B, Registered Land Survey No. 1416, Hennepin County, Minnesota.

- : denotes iron marker found
 - ⊙ : denotes Judicial Landmark found
- Bearings shown are based upon an assumed datum.

LAKE
MINNETONKA
BROWN'S BAY /

CERTIFICATE OF SURVEY FOR
DICK SWANSON
OF TRACT B, R.L.S. NO. 1416
HENNEPIN COUNTY, MINNESOTA

DATE 5-15-25

SCALE 1"=20'

JOB NO. 25-116A



GRONBERG & ASSOCIATES, INC.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS

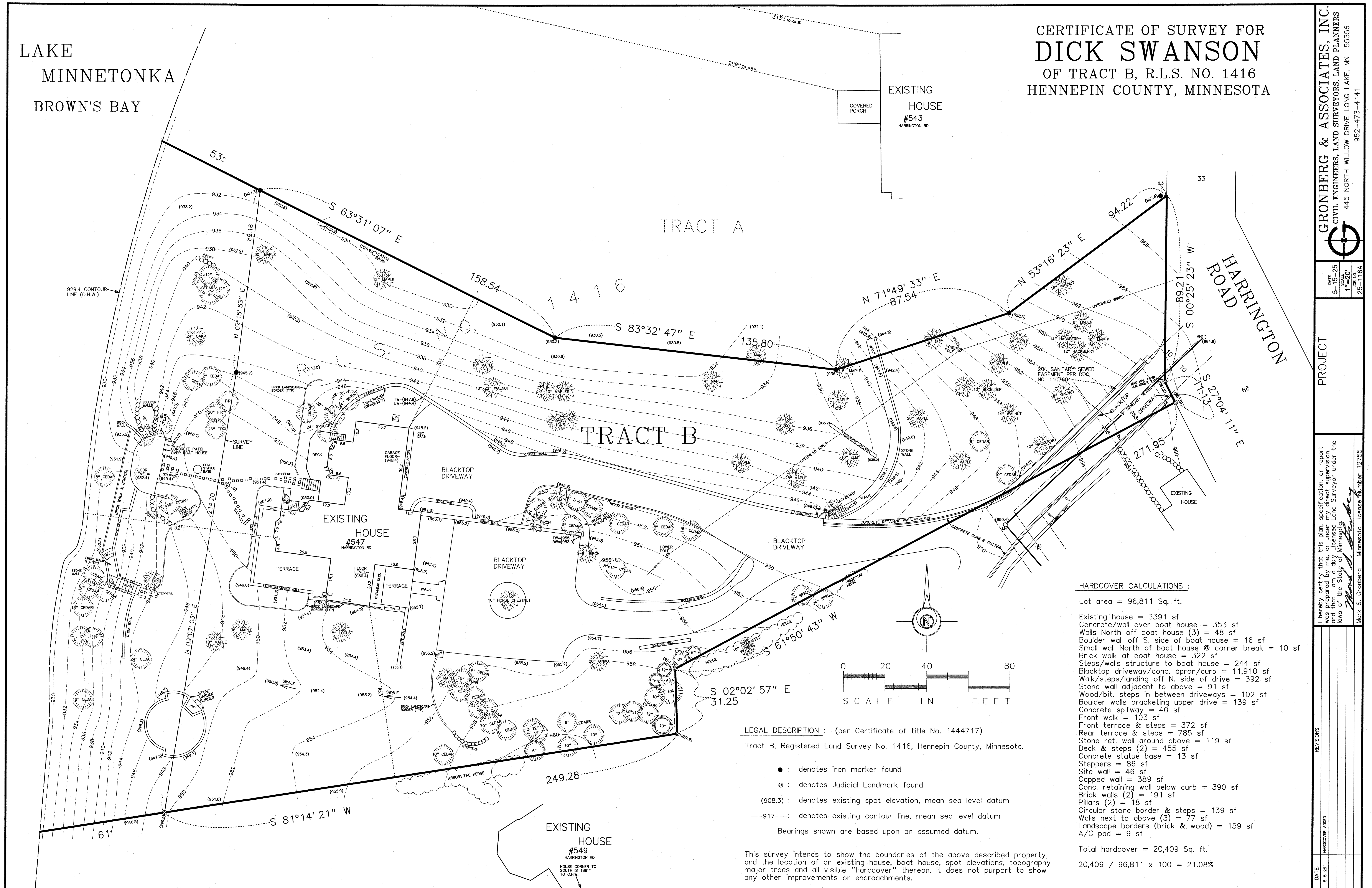
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356

952-473-4141

PROJECT

Mark S. Gronberg

8-5-25	HARDCOVER ADDED
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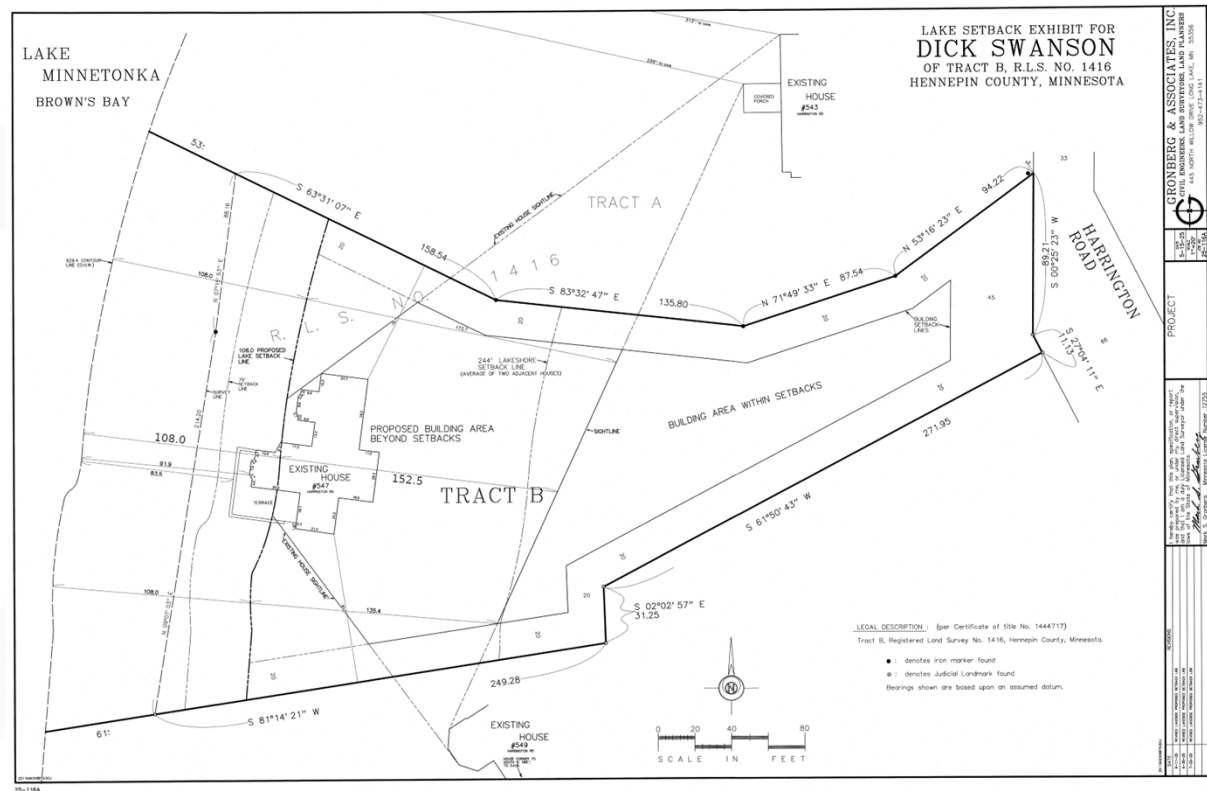
547 Harrington Rd, Wayzata MN

Request for variance to establish appropriate build envelope consistent with the spirit of the neighborhood and practical exceptions to Wayzata Code of Ordinances, Chapter 991.09 Shoreland Overlay, Minimum Setback Requirements Section b) *“a line which is drawn between the two closest riparian principal structures on either side of a proposed building site;”*

Setback Variance Request for 547 Harrington Rd

To aid in the sale of the property and preserve the lot's use in the future, we are requesting a setback variance of 152.5 feet to define an appropriate build envelope consistent with established exceptions to the Wayzata Code of Ordinances, Chapter 991.09 Shoreland Overlay, Minimum Setback Requirements Section b);

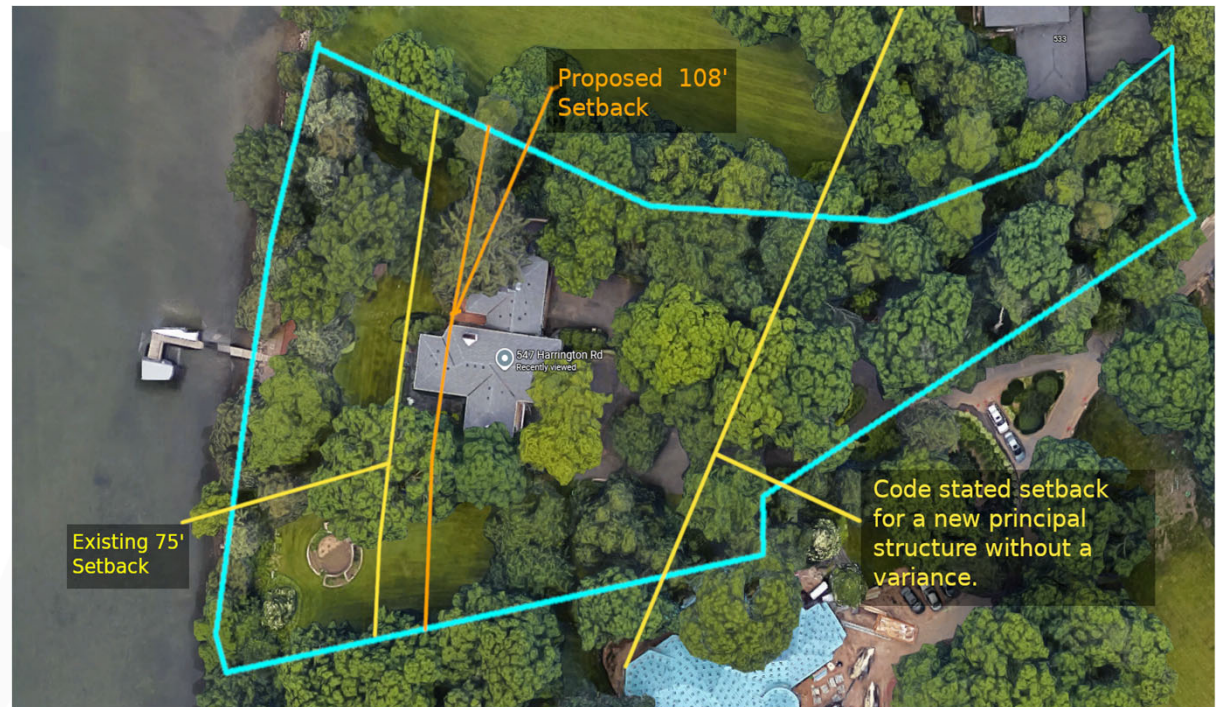
“a line which is drawn between the two closest riparian principal structures on either side of a proposed building site;”



Setback Variance Request for 547 Harrington Rd

To aid in the sale of the property and preserve the lot's use in the future, we are requesting a setback variance of 152.5 feet to define an appropriate build envelope consistent with established exceptions to the Wayzata Code of Ordinances, Chapter 991.09 Shoreland Overlay, Minimum Setback Requirements Section b);

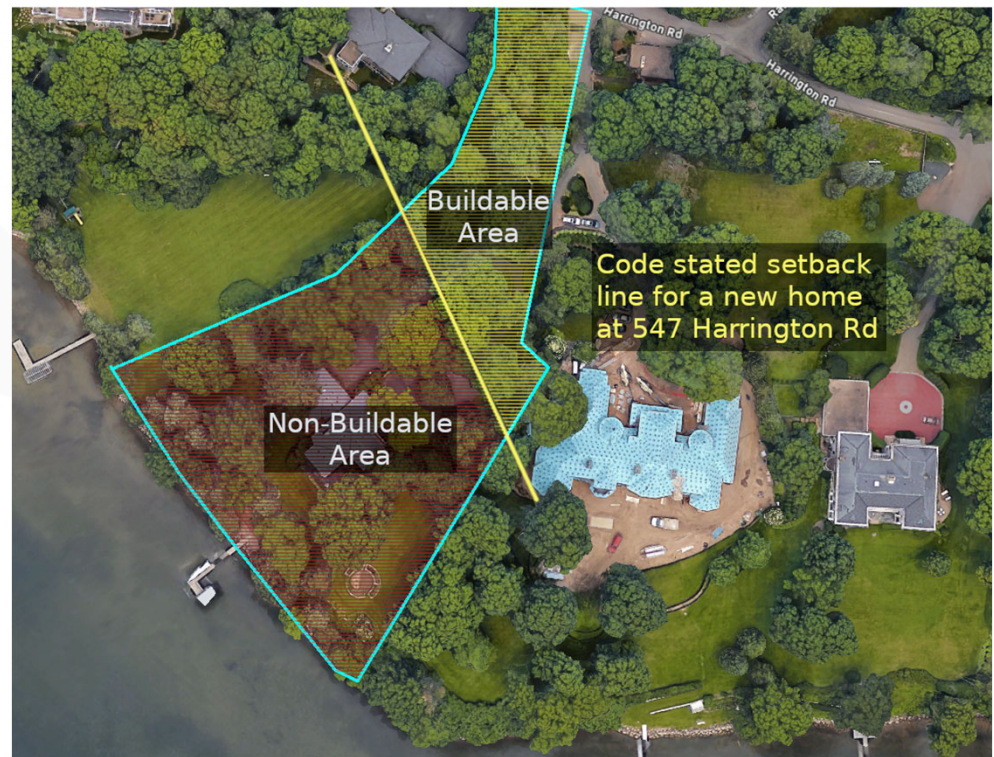
“a line which is drawn between the two closest riparian principal structures on either side of a proposed building site;”



Aerial view showing existing and proposed setback lines.

Background and Context

- Dick and Elane Swanson have lived at 547 Harrington Rd for over 45 years. At this stage in their lives, they are preparing to sell their family home, which was originally built nearly 100 years ago.
- Due to several conditions of the property and its neighbors, it is important that a buildable area is defined in keeping with the location of the existing home to provide future owners with a reasonable location for a new home on the site.
- The code in place in the city of Wayzata requires a setback along the shoreline to be drawn as a straight line between the points of the principal structures adjacent to the subject property that are closest to the shoreline.
- In the case of 547 Harrington this would remove most, if not all buildable area of the lot.



Unique characteristics of the site

- 547 Harrington is a pie shaped lot along a prominent bend on the lakeshore, with a wide area near the lake to the west and a narrow neck at the midpoint of the lot that narrows further as it approaches the road to the East.
- The home immediately to the North of 547 owned by Joanne Leavenworth (543 Harrington Rd. "543") is set back 299', a considerable distance from the lake due to a large portion of wetland between the lake and the slope leading to the house.
- As a result, the setback line drawn between 543 and the home immediately to the South owned by Daniel Cosantino (549 Harrington Rd. "549"), pushes the building envelope for 547 to the East into the neck of the pie shaped boundary, a much closer proximity to the road; likely deeming it an unbuildable site.



Unique Characteristics of the site

- 547 is at a prominent bend in the shoreline, protruding westward from the properties to the north and the south, which in conjunction with the atypical placement of the principal structure at 543, further exacerbates the results of applying code 991.09 (b) as written.
- The similar lots to the south of 547 around Lookout Point share similar characteristics as 547 and have similar variances.



An inconsistent setback is easily seen when compared to neighboring lots along the shoreline

Comparison with similar lots in the area

- Immediately to the South of 547, three lots along Lookout Point share similar conditions, they would each fall short of meeting the code without a variance.
- 570 and 562 Harrington's principal structures protrude past the code setback, while the principal structure at 578 was granted a variance similar to this request.



Variance request

Because of these conditions, we seek a 152.5' variance to the Wayzata code of Ordinances 991.09 Shoreland Overlay, Minimum Setback requirements, sub-section b) *“a line which is drawn between the two closest riparian principal structures on either side of a proposed building site;”*



Considerations

1. **We believe that the variance is in harmony with the general intent and purpose of the ordinance.**

The proposed allowable buildable area keeps in harmony with the general purpose and intent of this ordinance by improving upon the current home setback by 16.1 feet while maintaining and improving the existing view sightlines from the two closest principal structures on either side of the buildable envelope.

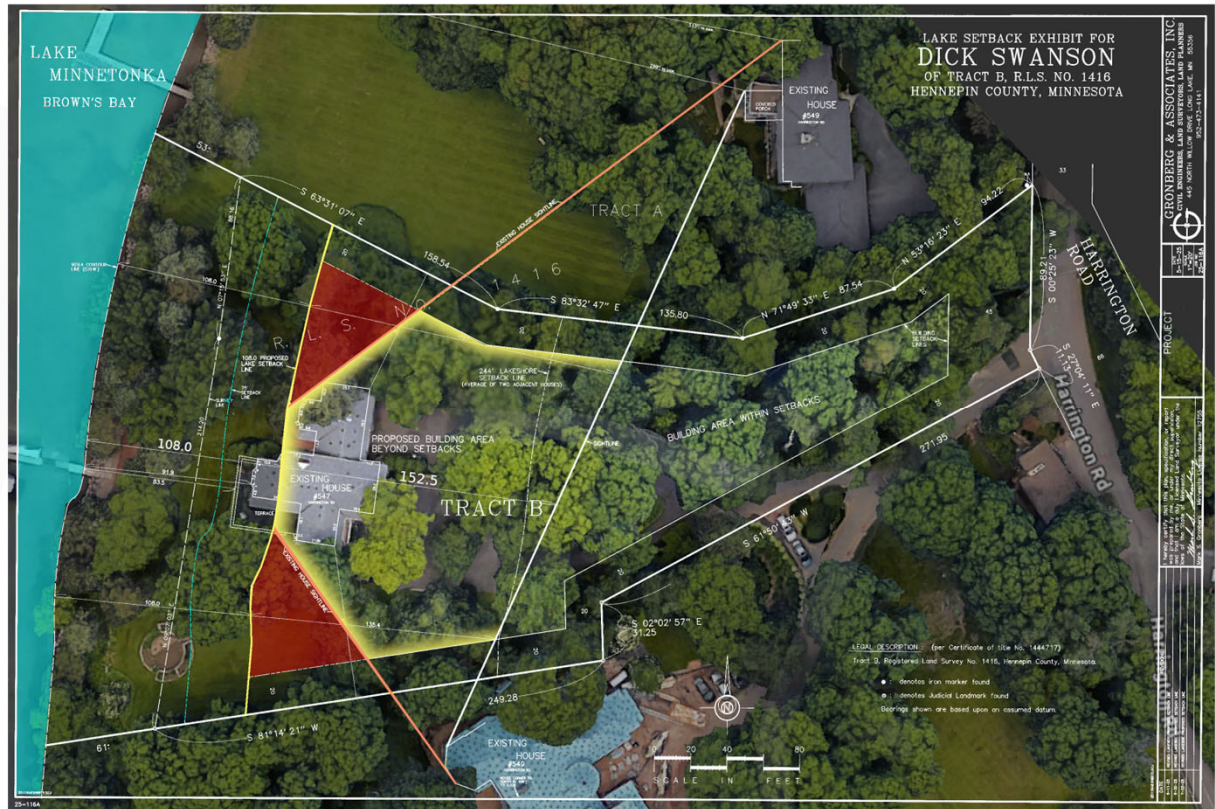
2. **The Variance is consistent with the Comprehensive Plan.**

The proposed setback improves the existing home setback by 16.1', improves neighboring views, and provides home placement consistent with the topography of the property, the RA-1 district, and the Harrington Road Neighborhood.



Practical Difficulties in Complying with the Ordinance

1. **The property owner proposed to use the property in a reasonable manner not permitted for the official controls.**
 - This proposed setback is a reasonable use of the property as it increases the setback from OHWL, it improves sightlines of the two closest principal structures and allows the ability to place a new home on the property in the most buildable area. It will also provide opportunity to disrupt the least number of mature trees on the property.
2. **There are circumstances unique to the property that were not created by the land owner.**
 - The practical difficulty in complying with the requirement of the setback related to a line drawn between the two closest neighboring properties is a result of the setback of the home at 543 being an anomaly and is set back 299' from the OHWL due to the wetland area on the lakeside of the property.
3. **The Variance will not alter the essential character of the locality.**
 - The Swansons have further restricted the building envelope/buildable area by creating sightline delineation from the North and South neighbors by improving the setback from the OHWL from the existing home location. The Swansons seek to honor sightlines of the neighbors while providing reasonable use of the property for a future owner.

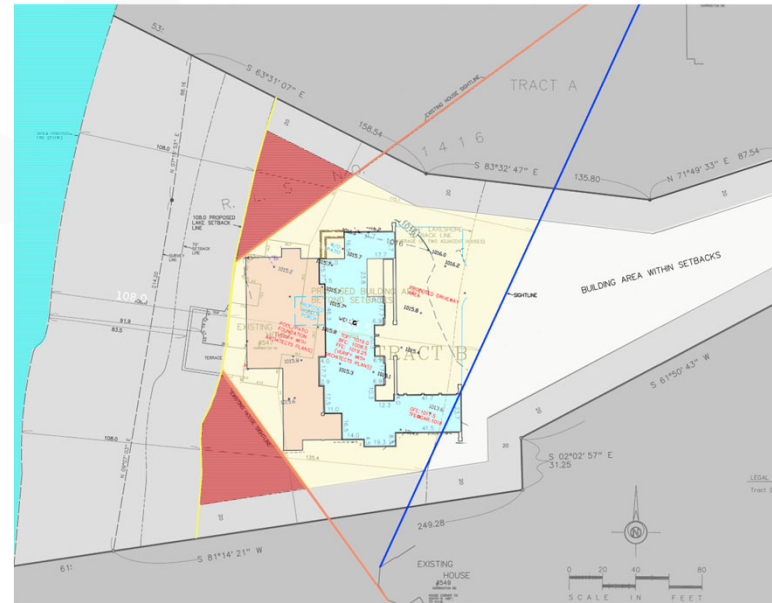
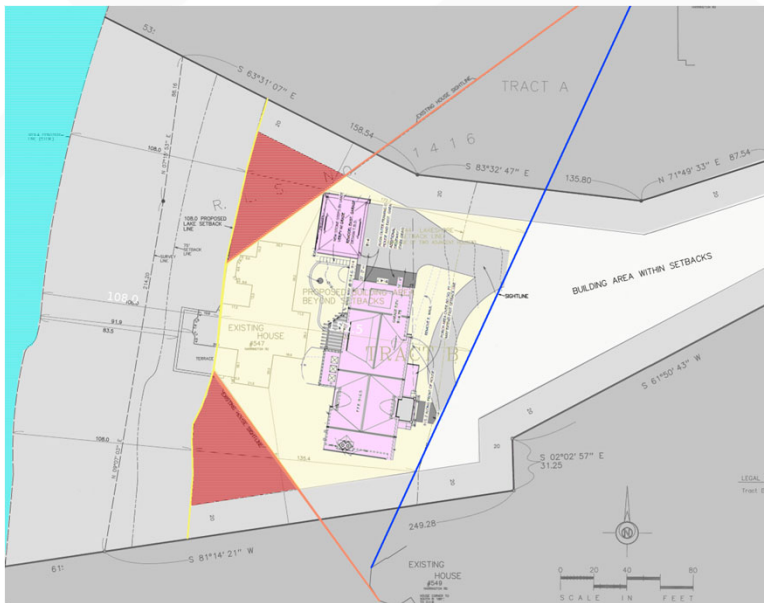


Practical Difficulties in Complying with the Ordinance

- Practical difficulties are not related to economic considerations alone.
- The reason for this variance request is not related to economic considerations. As noted previously, the practical difficulties are related to unique setback lines of neighboring homes and a reasonable use of the property for a future owner.

Final Considerations

- The building envelope respects the neighboring properties, evidenced in large part by a letter submitted by the neighbor at 543. Also, the neighbor at 549 has planted a large arborvitae hedge after completing construction of their new home, creating a clear southwestern view corridor for their property which would not be impacted by development within the proposed 547 building envelope.
- The variance we are requesting is based on respecting the sightlines of the North and South neighbors and avoiding any potential impact on value for the properties; respecting all side and lake setbacks, hardcover restrictions, as well as height restrictions; honoring the existing character of the neighborhood; and providing a reasonable building envelope for the next owner of the property.

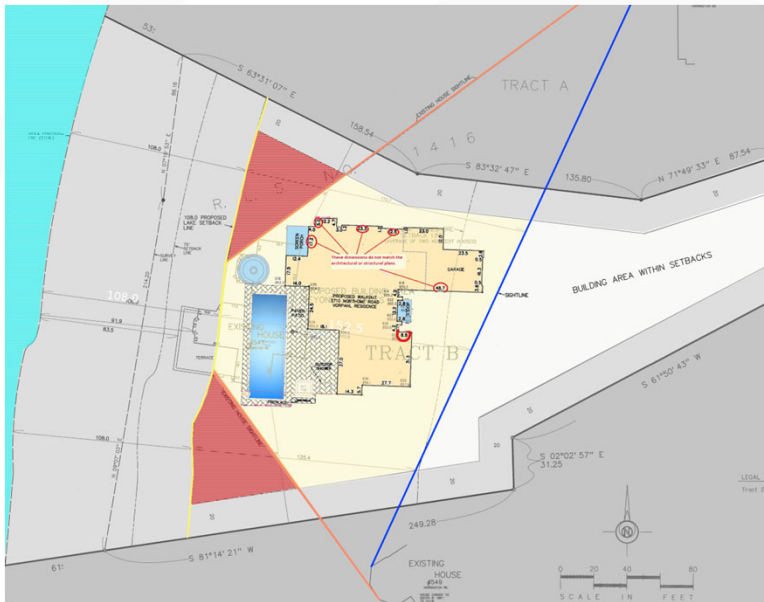


Builder License Number: BC001967

Homes that could be built on the lot with a variance that could not be without.

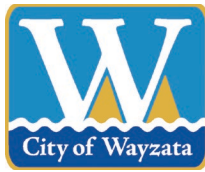
Final Considerations

- The building envelope respects the neighboring properties, evidenced in large part by a letter submitted by the neighbor at 543. Also, the neighbor at 549 has planted a large arborvitae hedge after completing construction of their new home, creating a clear southwestern view corridor for their property which would not be impacted by development within the proposed 547 building envelope.
- The variance we are requesting is based on respecting the sightlines of the North and South neighbors and avoiding any potential impact on value for the properties; respecting all side and lake setbacks, hardcover restrictions, as well as height restrictions; honoring the existing character of the neighborhood; and providing a reasonable building envelope for the next owner of the property.



Builder License Number: BC001967

Homes that could be built on the lot with a variance that could not be without.



Summary Exhibit of Similar Lake Shore Setback Variances

For historical context, staff reviewed setback variances in the Shoreland Overlay District. The subject property, 547 Harrington, is listed first, followed by properties grouped by setback type. Variances matching the subject property's setback type are marked with a blue box. Aerial photos of applicable variances are provided for reference.

Shoreland Setback Category	Project Address	Required Setback (ft.)	Variance Request from Required Setback (ft.)	Proposed New Setback (ft.)
<i>b. A line which is drawn between the two closest riparian principal structures on either side of a proposed building site</i>	547 Harrington	260.5'	152.5'	108'

Shoreland Setback Category	Site Address	Required Setback (ft.)	Variance from Required Setback (ft.)	New/Approved Setback (ft.)
<i>a) Seventy-five feet</i>	620 Bushaway	75'	49.6'	25.4'
	630 Bushaway	75'	60.3'	14.7'
	900 Shady Ln	75'	50'	25'
<i>b. A line which is drawn between the two closest riparian principal structures on either side of a proposed building site</i>	578 Harrington	approx. 150-160'	approx. 90-100'	59'2"
	611 Bushaway	approx. 260'	approx. 165.5'	94.5'
	639 Bushaway	approx. 154.4'	approx. 49'	105.4'
<i>c. The average setback of the two closest riparian principal structures on either side of a proposed building site</i>	405 Bushaway	176'	47'	129'

Aerial Photo Depictions



578 Harrington Rd – Variance of 90-100' from 150-160' required to allow 59.16' Setback

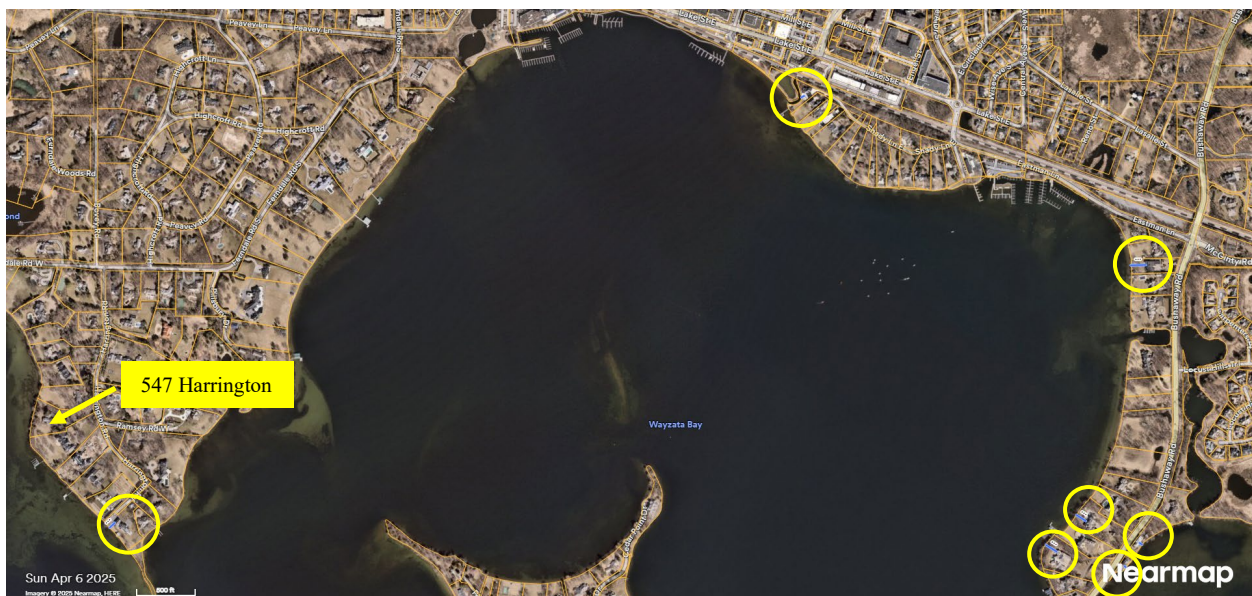


611 Bushaway Rd – Variance of 165.5' from 260' required to allow 95.4' Setback



639 Bushaway Rd – Variance of 49' from 154.4' required to allow 105.4' Setback

Locations of Lakeshore Setback Variances



Haily Hedblom

From: Carole Hunter <carolethunter@gmail.com>
Sent: Tuesday, August 12, 2025 8:04 AM
To: Public Comment
Subject: Swanson variance

Hello - we are fine with the variance request for the Swansons. Carole Hunter, 537 Harrington Rd., Wayzata, 55391



SANFORD | PIERSON
THONE | STREAN
ATTORNEYS AT LAW

www.ssmnlaw.com

August 13, 2025

City of Wayzata
Attn: Mr. Alex Sharpe
Community Development Director
600 Rice Street East
Wayzata, MN 55391

Christopher J. Pierson
Jeffrey W. Thone
Courtney M. Streat
Andrew J. Meyer*
Kirby C. Graff**
Matthew W. Simenstad
Charlotte R. James
Hanna F. Weil

Re: 547 Harrington Road - Application For Lakeshore Setback Variance
Objection by Owner of 549 Harrington Road

Of Counsel
James A. Sanford*

Dear Director Sharpe:

Retired
John H. Brennan

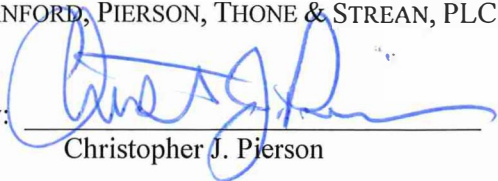
Our firm represents Daniel and Tracy Cosentino, the owners, through a trust, of the property located at 549 Harrington Road, Wayzata. The Cosentinos purchased the property in 2013. They have lived there since 2015/2016 when they completed construction of their home, which they carefully designed to comply strictly with all applicable zoning restrictions without any variances.

The Cosentinos object to the pending application for a substantial lakeshore setback variance in connection with the demolition and reconstruction of a home on the 547 Harrington Road Property owned by the Swansons, the property immediately north of the Cosentinos' property. The application and accompanying materials (referred to herein as the "**Application**") seek to establish a "building envelope" without submission of plans for what is to be built in that envelope. The Application does not satisfy the conditions for approval required be satisfied by Chapter 991. Granting the sought variance would severely adversely impact the shoreline and lake views of the Cosentinos. In addition, the Application is motivated solely by economic considerations, the requested variance is not needed to accommodate the needs alleged in the Application, and granting the variance without construction and other required plans is likely to lead to problems the City should seek to avoid.

On behalf of the Cosentinos, I submit this letter and the materials that follow in opposition to the Application for a variance, and I urge the Commissioners to vote to recommend denial of it.

Sincerely,

SANFORD, PIERSON, THONE & STREAN, PLC

By: 

Christopher J. Pierson

enc.

I. PRELIMINARY CLARIFICATIONS AND CONFIRMATIONS

Before turning to the substance of the Cosentinos' objection, four items require clarification or confirmation to avoid future confusion, focus discussion, and clarify the record:

1. The base zoning of the 547 Property is R-1A Low-Density Single-Family Estate District, but it is located in an S Shoreland Overlay District subjecting it, specifically per Section 991.04, to the stricter requirements set out in Chapter 991 (S Shoreland Overlay District) of the Wayzata Code of Ordinances¹. This would apply to stricter requirements for Lake Shore Setbacks and granting of variances.
2. Absent a variance, Wayzata Code Section 991.09(D)(2)(b) determines the Lake Shore Setback. It is the line drawn between the two closest riparian principal structures on either side of a proposed building site (the “**Sightline**” on Exhibit B to the Application drawn between the front of the Leavenworth home and the front of the Cosentino home.) We believe that is undisputed. And, it is clear from the Application. However, at the time of this submission, the Project Description on the City website highlights 991.09(D)(2)(c), which averages the setbacks of the neighboring properties and yields a lesser setback. Under 991.09(D)(2), the greater setback applies. I assume the highlighting is mistaken and 991.09(D)(2)(b) applies.
3. The Application seeks “a 152.5’ variance.” However, generally a variance from a required setback is measured from the setback otherwise required by the Code. A 152.5-foot variance from the Sightline would yield a Lake Shore Setback line parallel to and 152.5 feet west of the Sightline and cutting diagonally across the Swanson property; NOT a line parallel with the ordinary high water mark as sought. The variance actually sought by applicant ranges from approximately 175-180 feet at the north property line, to approximately 130 feet at the south property line. At only one fixed point would the sought Lake Shore Setback line of 108 feet from the ordinary high water mark be 152.5 feet from the Sightline. So, in these materials we assume the Application seeks a variance from the “Sightline” setback line of such amount that the actual setback line would be at 108 feet from the ordinary high water mark.
4. While in several places the Application suggests somewhat ambiguously that the applicant is willing to accept greater restrictions on the “building envelope/buildable area”, the Application clearly and repeatedly requests a Lake Shore Setback of 108 feet from the ordinary high water mark. Nonetheless, for purposes of this submission, we assume the applicant is not proposing to allow construction in the “red triangles” shown in their submitted PowerPoint, and we have structured our arguments and Renderings accordingly.

¹ All references to the Wayzata Code of Ordinances, the Wayzata City Code, or the Code, and its Sections, are to the CODE OF ORDINANCES City of WAYZATA, MINNESOTA Codified through Ordinance No. 847, enacted February 13, 2025. (Supp. No. 12), exclusive of Ordinance No. 851 adopted July 15, 2025, amending Chapter 936 regarding tree preservation on golf courses. All emphases in quoted passages are added.

II. THE REQUESTED SETBACK DOES NOT SATISFY THE REQUIREMENTS FOR GRANTING A VARIANCE

Section 991.09(D)(3) governs the granting of variances of Lake Shore Setbacks. It states:

3. The required setback distance **may** be reduced by a variance **if the following conditions are met:**
 - a) The minimum setback from the ordinary high water mark is at least 75 feet;
 - b) **The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures;**
 - c) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots;
 - d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance;
 - e) **The conditions of Chapter 905 and Section 991.20 of this Ordinance are considered and satisfactorily met.**

The proposed setback fails to satisfy several of those conditions. And, note that by the plain language of the section each is an express condition, a prerequisite. The only reasonable interpretation of the section is that if any of (a) through (e) is not satisfied, the variance cannot be granted. That conclusion is further justified by Section 991.04, which states:

The "S" District shall be applied to and **superimposed upon** all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and Official Zoning Map. **The regulations and requirements imposed by the "S" District shall be in addition to those established for the base zoning districts which jointly apply. Under the joint application of standards, the more restrictive requirements shall apply.**

Once the above law is applied to the facts of the case at hand, the Application must be rejected. End of discussion.

A. Condition (b) Is Not Satisfied - The Proposed Setback Would Adversely Impact the Cosentinos' View of the Shoreline/Lake

The section makes clear in (b) that a condition of issuing a variance of a Lake Shore Setback is that it not adversely impact views of the shoreline or lake for adjacent neighboring principal structures. Again, a plain reading of the ordinance is that if a reduced setback would impact such views, then condition (b) is not satisfied and, therefore, a request for a variance allowing that reduced setback cannot be granted.

The detrimental impact of a 108-foot setback on the Cosentinos' property is obvious and substantial. Granted, the 108 feet is 16.1 feet further set back from the front of the current Swanson house, but that totally disregards and dismisses the fact that with a new 108-foot setback a 35-foot high structure could be built 20 feet from the Cosentino-Swanson property line. Renderings 1 and 2 on the following two pages depict what that could look like.

Rendering 1



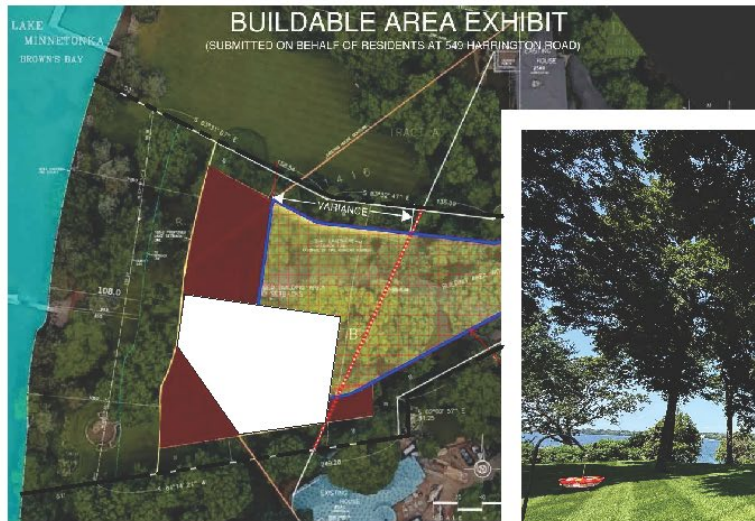
SIGHTLINE STUDY
WAYZATA, MN
8/12/2025

549 HARRINGTON RD



View from kitchen door.

Rendering 2



SIGHTLINE STUDY
WAYZATA, MN
8/12/2025

549 HARRINGTON RD



View from patio.

Note two things about these renderings:

1. Despite the fact the Application is not entirely clear on whether the “red triangles” would be buildable areas (see Preliminary Clarification 4 above), the Renderings depict a structure that is not in the red triangle on the south. A 35-foot structure within those areas would have a dramatic additional adverse impact on the Cosentinos’ view; and
2. In the Renderings the Cosentinos’ arbor vitae hedge has been removed. There is mention in the Application of the Cosentinos having planted an arbor vitae hedge along a portion of their border with the Swansons. They did. But, the arbor vitae argument is a red herring. The very reason the Cosentinos planted the hedge was to provide screening between both properties’ houses and maintain privacy for the owners of each - so the Cosentinos would not be sitting in their kitchen looking right into the Swansons’ windows. They planted foliage to provide a screen between their conforming home and the non-conforming home next door. It was not to block views of the shoreline and lake. Now, the neighbors want to build a different non-conforming structure, and they need variance to do so. Consideration of views without the arbor vitae is entirely appropriate. The structures in the above images would totally frustrate any efforts to maintain privacy, and allowing a 108-foot setback will have an adverse impact on the Cosentinos’ views whether the arbor vitae are there or not.

There can be no legitimate argument that the right to construct that structure or something like it does not adversely impact the Cosentinos’ view of the shoreline and lake. **Therefore, condition (b) is not satisfied. Therefore, the request for a variance must be denied.**

B. Condition (e) – Analysis of Section 905.01 Criteria For Granting Variances

Given the failure to satisfy condition (b), there should be no need to discuss condition (e) and the application of Chapter 905, especially in light of the Section 991.04 requirement that the stricter requirement of Chapter 991 shall apply. The variance should be denied. Nonetheless, a brief analysis of purposes of ordinances, “practical difficulties”, economic considerations, and what is NOT in the Application is illuminating.

- Condition (e) of Section 991.09(D)(3) says Section 991.20 and Chapter 905 must be considered in determining if variances of setbacks under Chapter 991 should be granted. 991.20 merely says Chapter 905 provides the process and standards for granting variances, subject to, as noted above, the 991.05 edict that the stricter requirements of Chapter 991 apply.
- Section 905.01 states in relevant part that its purpose is to allow variances “in instances where strict enforcement of the provisions of this Ordinance would cause **practical difficulties** because of **circumstances unique to the individual property** under consideration, and to grant such variances **only** when the variances are [in] harmony with the general purposes and intent of this Ordinance ...” Even if the Cosentinos were to concede, which they do not, that the deep setback of the Leavenworth property due to the wetland between the house and the high water mark constitutes “practical difficulties because of circumstances unique to the individual property under consideration” there would still be a valid challenge to the requested variance because both Sections 991.01 (stating the Purposes of Chapter 991) and 901.03 (stating the Intent of Part IX of the Code) list maintaining or preserving property values as a general purpose or intent of the Ordinance. The detrimental impact the proposed setback would have on the Cosentinos’ view (see discussion above) is hardly consistent with maintaining or preserving their property’s value.
- The Application attempts to explain away the obvious economic motivations driving the request for a variance by simply denying them and then claiming, “... the practical difficulties are related to unique setback lines of neighboring homes and a reasonable use of the property for a future owner.” The only reason any of that is a concern for the current owners is because it will increase the potential sale price of the property (currently listed at \$10,500,000.) The Swansons have had a perfectly reasonable use of the property for 45 years. Now, on brink of their sale of the property, they have concerns about its future use. There is only one answer to the question, why is the owner so worried about the next owner’s building envelope? It is the economic considerations. Furthermore, the Application itself cannot conceal its economic motivations. It contains one reference to “the marketing of their property for sale” and two to “aid in the sale of the property.” Economic considerations are the sole motivator.
- Considerations of *future use* lead to a crucial point. The Application essentially asks the Cosentinos to assent to – or not object to – a significant variance and a *building envelope* without disclosing what is to be built in that envelope. If the Cosentinos are being asked to assent or consent to something, they need to know what it is they’re consenting to. Until then, they must oppose the Application. The Commission should want and require similar information before any recommendation of approval. Granting the requested variance would be premature at best, and at worst would invite piecemeal development, opportunism and the potential for abuse by future owners.

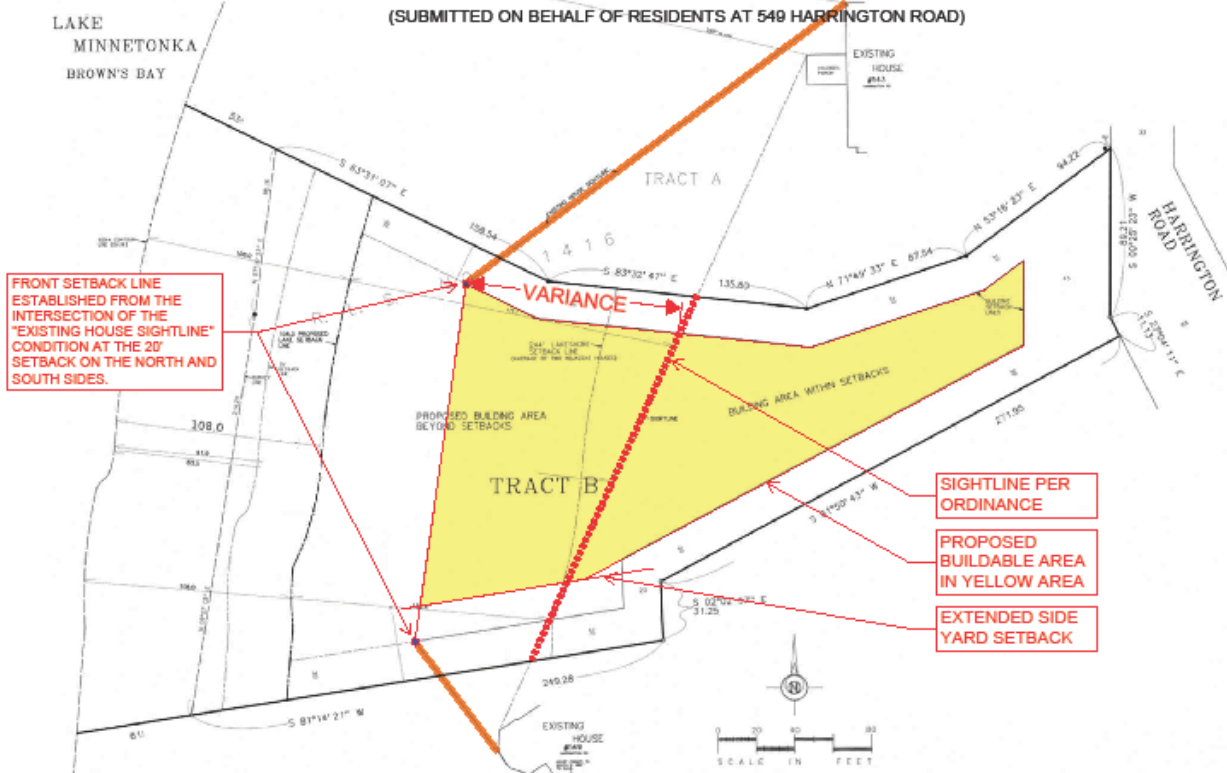
III. THE APPLICATION PROVES THERE IS NO REAL NEED FOR THE REQUESTED VARIANCE

Please consider carefully the final rendering on page 13 of applicant's submitted PowerPoint presentation. It depicts a floor plan (in green) of a large home (call it the "Green House") that would not fit on the lot without a variance. However, the Green House would fit in a buildable area far more restricted than that proposed in the Application. In fact, the images below show the Green House, rendered to scale, fitting in a hypothetical Buildable Area with (i) a reasonable additional Lake Shore Setback determined rationally by the two points where the respective "Existing House Sightlines" intersect the existing 20-foot side setback lines, AND (ii) an additional south side setback to protect against the imposing 35-foot-structure-on-the-20-foot-setback-line depicted in Renderings 1 and 2 above.

Rendering 3

HYPOTHETICAL BUILDABLE AREA EXHIBIT

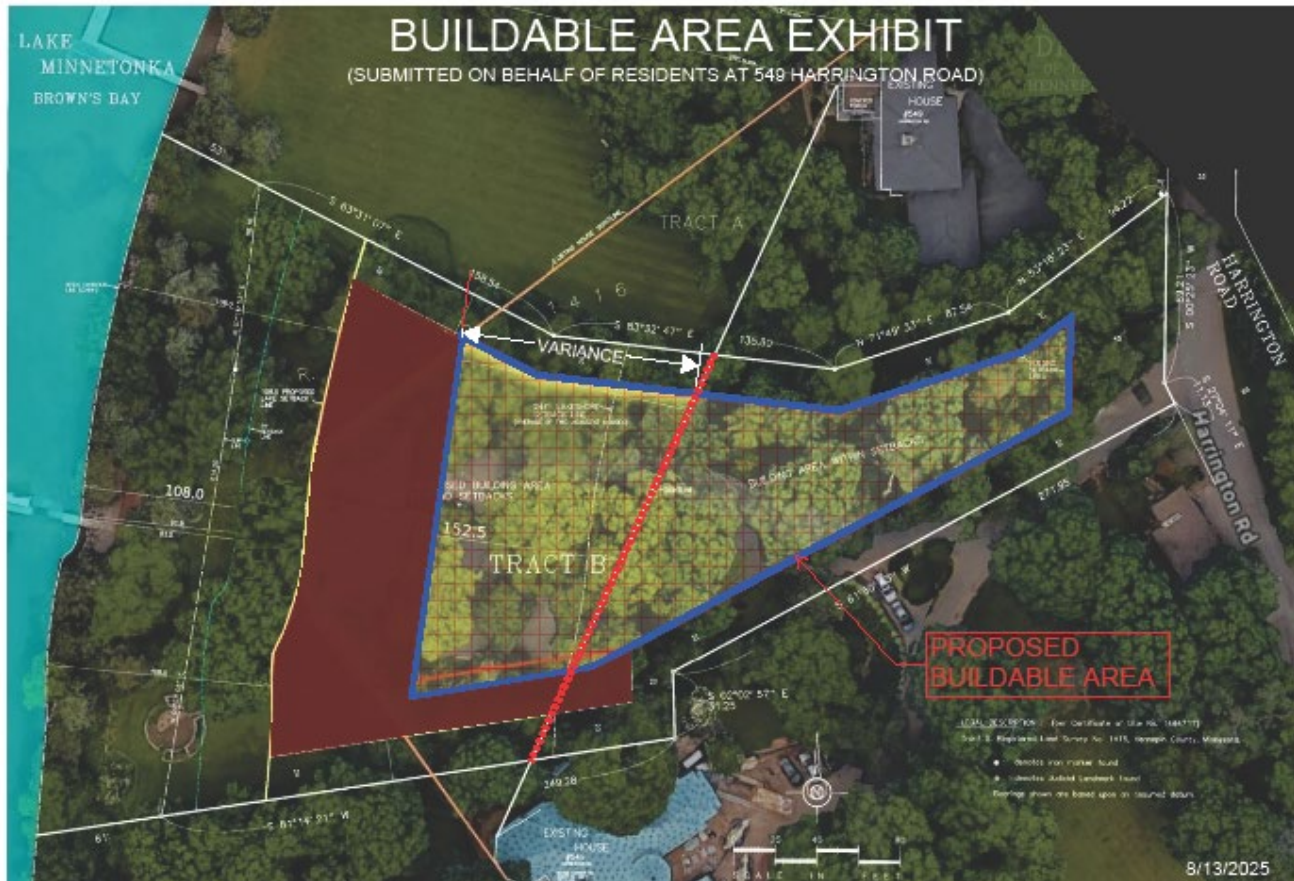
(SUBMITTED ON BEHALF OF RESIDENTS AT 549 HARRINGTON ROAD)



8/13/2025

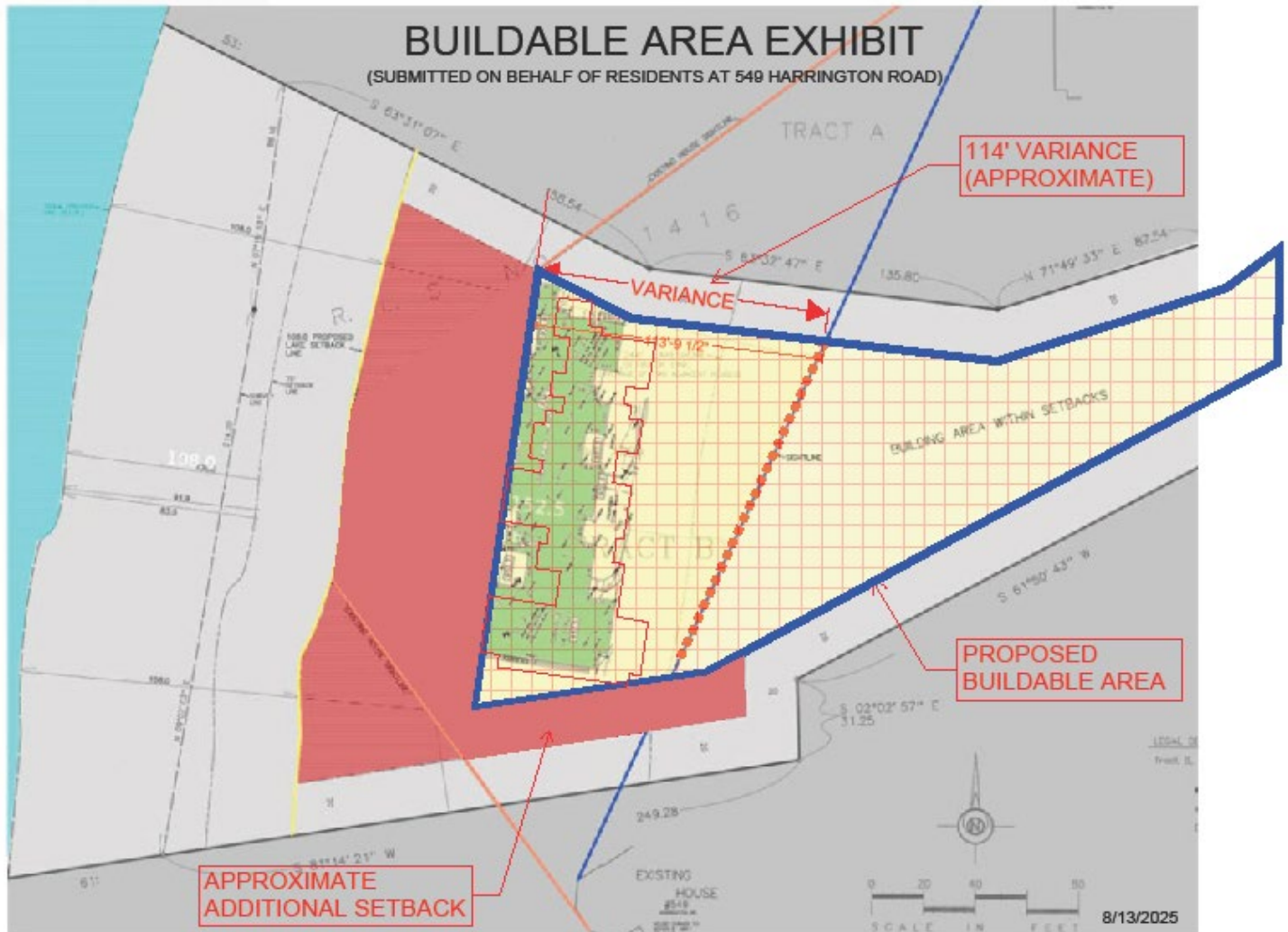
Rendering 4

(Hypothetical)



Rendering 5

(Hypothetical)



It is quite possible some of the other three renderings on pages 12 and 13 of Applicant's submitted PowerPoint would fit in this hypothetical Buildable Area as well. Clearly, there is no need for a Lake Shore Setback to be pushed all the way out to the 108-foot line.

IV. CONCLUSION AND NOTE

The Cosentinos urge the Planning Commission to recommend denial of the pending Application for Lakeshore Setback Variance submitted with respect to 547 Harrington Road, Wayzata. As detailed above, The Application does not satisfy the conditions for approval required be satisfied by Chapter 991. Granting it would severely adversely impact the shoreline and lake views of the Cosentinos. In addition, the Application is motivated solely by economic considerations, and the requested variance is not needed to accommodate the needs alleged in the Application.

Finally, we note the Application is not accompanied by any proposed building plans. It only seeks a variance to establish a building *envelope*. This seems procedurally irregular, not conducive to good planning and transparency, and likely to lead to development and construction by piecemeal applications and opportunity for abuse by future unknown owners.

JOANN W. LEAVENWORTH
543 HARRINGTON ROAD
WAYZATA, MN. 55391

July 1, 2025

City Council
Planning Commission
Wayzata City Hall
Wayzata, Mn. 55391

Dear Members of the City Council and Members of the Planning Commission,

I have been asked to alert you to the possible request for a zoning variance.

547 Harrington Road is for sale. Because of the topography of this property, the existing 1920s house is located where it is. It would not meet the current 'lakeshore set back' code. Please take this into consideration, if and when, should the request for a variance come before you. One look and the situation would be very apparent to you.

Thank you for your service,



Joann W. Leavenworth

From: John Nolan [REDACTED]
Sent: Thursday, August 14, 2025 9:50 AM
To: Alex Sharpe <ASharpe@wayzata.org>
Subject: Swanson Variance Application for 547 Harrington Road

Good morning Alex,
My name is John Nolan. I live at 557 Harrington Road. I'm a neighbor to Dick and Elaine Swanson. If you would, please include my comments below regarding their variance request in the packet being sent to the planning commission members.
Please let me know if you have any questions.
Thank you,
John

Dear Planning Commission Members,

My name is John Nolan. I live at 557 Harrington Road. Dick and Elaine Swanson asked if I would review their request for variance and if comfortable, write to the city expressing my view on their application.

After reviewing their request, I feel the request is reasonable, appropriate and meets both the spirit and the technical requirements for variance relief for all the reasons expressed in their variance application.

I am in support of the city approving this request.

Sincerely,
John Nolan
557 Harrington Road
Wayzata, MN



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 18, 2025	AGENDA ITEM: 7.a
TITLE: Review of Development Activities	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Verbal updates will be provided at the meeting. Staff would like to discuss the following items:

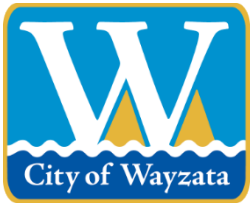
1. Tentative/Draft City Calendar for 2026
2. Training and Education Opportunities for Planning Commissioners

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 18, 2025	AGENDA ITEM: 7.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The 2025 City Calendar and City Council Liaison Schedule are attached. The next Planning Commission meeting is scheduled for Monday, September 8.

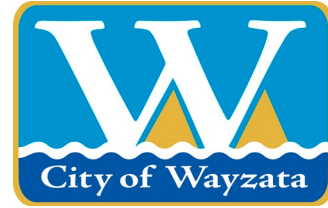
ACTION REQUESTED:

N/A

ATTACHMENTS:

1. Wayzata calendar 2025 revised 05.27.2025

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
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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
Local Board of Appeal & Equalization - April 17th
 - 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
 - Election
- Precinct Caucuses - no statewide caucus in 2025

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

Revised
5/27/2025