

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 24, 2025**

AGENDA ITEM 1. Call to Order

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

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

AGENDA ITEM 2. Roll Call

Chair Cameron asked City Planner Quarles to take roll call.

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

Absent at roll call was Commissioner Plantan (with prior notice).

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to approve the February 24, 2025 agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the February 10, 2025 Planning Commission Workshop and Regular Meeting Minutes

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

Hearing no request for further discussion or changes, Chair Cameron asked for a motion to approve the Consent Agenda as presented.

Commissioner VanLoy made a motion, seconded by Commissioner Ankeny, to approve the Consent Agenda as presented.

The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Preliminary Plat at 565 Ferndale Road West (Ferndale Bluff)

City Planner, Valerie Quarles, gave an overview of the subdivision application for approval of a Preliminary Plat at 565 Ferndale Road West. She reviewed the project location, surrounding zoning and land use, existing conditions, a prior application from 2024, and details within the current application. She noted that the City Engineer had reviewed the application and had provided no additional comments at this time, but would need to approve final site plans during the Final Plat and Development Agreement phase of the application. She stated that as of 5:00 p.m. tonight, the City had gotten 12 public comments on the application and explained that half expressed support of the application, and the other half expressed opposition.

At the conclusion of Ms. Quarles' overview, Chair Cameron asked if the Commission had any questions for Staff.

Commissioner Schwalbe asked for clarification from City Attorney Schelzel on what the Commission's role was and if they were to look at the application strictly as a land use request or if they were supposed to be more quasi-judicial, and had the ability to look at other issues as well.

City Attorney Schelzel explained that the application was for approval of a Preliminary Plat to subdivide the property, so the Commission should be looking at the proposed plat under all the criteria from the City's Subdivision Ordinance and should direct staff to prepare a draft report and recommendation with their findings. He noted that the Commission could attach reasonable conditions to this recommendation.

Commissioner Schwalbe noted that it had been brought up quite a bit throughout the public comments received, and explained that she wanted to make sure that she understood the Commission's role.

Commissioner Ankeny asked who would be responsible for building the proposed road.

Ms. Quarles explained that the applicant would be responsible for building the road as well as the associated costs, and the City would be responsible for ongoing maintenance of the road, as a public street.

Commissioner Severson stated that her understanding was that they weren't concerned right now about what homes would be built there, and were only concerned about where the placement of the homes could possibly be.

Ms. Quarles stated that was correct and explained that the subdivision code asks for depictions of where building pads would be approximately placed so the City had an idea of what could be built there, but the actual location and design would depend on future decisions and building permitting.

1 Commissioner Severson asked about the existing home on the property, and noted that the City
2 did not know if it would be torn down or maintained.

3
4 Ms. Quarles stated that was correct because the decision would be made by the current or future
5 owner of the property on which the home was located.

6
7 Commissioner Severson asked what would happen if the City approved this and the lots were sold,
8 and then new owners came back wanting something completely different than what was agreed to
9 with the Preliminary Plat.

10
11 Ms. Quarles stated that if someone wanted to change the configuration of the lots, they would
12 likely need to come back before the Commission with another subdivision approval request but
13 noted that if someone wanted to change the house location within the buildable areas, they would
14 be able to do that without additional Commission review. She explained that the City was being
15 asked to approve the subdivision with the lot lines as outlined in the proposed plat and, if approved,
16 that was how the lot lines would remain, unless they wanted to re-subdivide it for some reason in
17 the future. She reiterated that in terms of where the houses would go, as long as it was compliant
18 with zoning, it would just go through the building permit process and would not need to come back
19 before the Commission, unless a variance ended up being needed.

20
21 Commissioner Elg asked if there were only 2 outlots associated with the retaining wall.

22
23 Ms. Quarles explained that there were only 2 outlots and they would split ownership of the
24 retaining wall on the west side. She noted that there was also a retaining wall on the east side as
25 well, but that was on the same lots as the homes.

26
27 Commissioner Elg asked if the height of the retaining wall on the outlots was about 7 to 8 feet.

28
29 Ms. Quarles answered that the retaining wall west of the public road on the outlots was 8 feet tall
30 and the one east of the public road would be 7 feet tall.

31
32 Commissioner Elg asked if the City knew how the retaining walls would be constructed.

33
34 Ms. Quarles stated that the only information she knew was that retaining walls over 4 feet high
35 required an engineered wall.

36
37 Commissioner Schwalbe asked for additional clarification on what it may feel like driving up the
38 driveway with the retaining wall there.

39
40 Ms. Quarles explained that heading up the driveway to the north, on their left they would start to
41 see a retaining wall come up as the road cuts through the existing hill. She noted that as you travel
42 through, and the land rises and falls, that would be where the retaining walls would be located.
43 She explained that the retaining walls would be located a bit further out from the street and would
44 not be right next to the pavement. She explained that they would be located beyond the right-of-
45 way, because the City wanted them to be on private property.

46

1 Commissioner Severson asked if the retaining wall would be going up from the road or down
2 below the roadway.

3
4 Ms. Quarles stated that the road was low and the retaining wall would go up.

5
6 Chair Cameron referenced slide 16 from the presentation, and asked if the green areas on the far
7 right was the buildable area.

8
9 Ms. Quarles confirmed that this was roughly the buildable areas.

10
11 Chair Cameron referenced the proposed 8% grade and asked how steep Broadway Avenue was
12 near City Hall. He explained that he was trying to envision how steep 8% actually was.

13
14 Ms. Quarles stated that she did not know that information off the top of her head but would assume
15 it was steeper than 8%.

16
17 Commissioner Schwalbe stated that the last time they discussed this, they spoke about the
18 consequences to a lot if, lots 1 and 3 were built first, which would have a negative impact on where
19 lot 2 could build.

20
21 Ms. Quarles stated that was why the applicant had noted that they would provide a covenant in the
22 Development Agreement associated with approval of the proposed plat to ensure that scenario did
23 not happen, because it would force a variance.

24
25 Commissioner VanLoy asked about the pond that will be created right next to Ferndale, and if the
26 visual from Ferndale would be significantly different than the view right now.

27
28 Ms. Quarles explained that it would depend on what type of screening the applicant would place
29 in this location. She noted that she believed that there was an existing hedge, but any trees that
30 were in the location of the pond would no longer be in place, so there would most likely be some
31 visual differences.

32
33 Commissioner Elg stated that he believed that there would be 122 trees removed under the
34 proposal, and the presentation also had a graphic that outlined how many dead, dying, or diseased
35 trees were there. He asked if the removal amount had delineated the dead, dying or diseased trees.

36
37 Ms. Quarles stated that her understanding of the 122 number was that it excluded the dead,
38 diseased, or dying trees, because the way the City calculated the replacement inches needed,
39 excluded those trees.

40
41 There being no further questions for staff, Chair Cameron invited the applicant to address the
42 Commission.

43
44 Applicant's representative, Mike Steadman, 401 Lake Street East, Compass Real Estate, noted that
45 he had specialized in new construction and land development for over 30 years and reviewed some
46 of the local projects he had been involved in. He explained that he was working with Meredith

1 Howe from Coldwell Banker alongside the Capen family, and felt this project was a culmination
2 of careful planning by the Capen family who have been residents in Wayzata for over 60 years.
3 He noted that their proposal did not include any variances for 3 lots sitting on 12 acres and was
4 compliant with City Code and with Zoning. He noted that he also felt that what they were
5 proposing was attractive and environmentally sensitive, as well as thoughtful in design.
6

7 Samantha Capen Muldoon explained that she and her sisters owned the subject property at 565
8 Ferndale Road West, but her home address was 1801 West Farm Road, Long Lake. She gave a
9 presentation outlining a broad overview of their proposed project, the team that has been working
10 on their plans, different iterations of the plans from the past, and communication that had taken
11 place with neighbors. She outlined some of the changes that had made to their plans that she felt
12 were substantial, including a reduction of the overall residential lots from 5 to 3 on their 12 acres
13 of land. She noted that she also felt it was important to note that they had designed this project to
14 be in harmony with the environment.
15

16 Pat Steinhoff, attorney for the applicant, stated that the City had approval standards within its
17 Zoning and Subdivision Ordinances and that this application was for plat approval, which was a
18 type of quasi-judicial decision. He stated that this application did not deviate from any of the
19 City's standards in the Code, which meant that the City cannot deny this request for reasons such
20 as someone would prefer there to only be 2 lots or less riparian lots. He reiterated that this was a
21 fully conforming application, so the City did not have the discretion to deny it and asked the
22 Commission to recommend approval of the request.
23

24 At the conclusion of the Applicant's presentation, Chair Cameron asked if the Commissioners had
25 any questions for the Applicant.
26

27 Commissioner Schwalbe asked how long the expected grading and trucks coming in and out would
28 last.
29

30 Ms. Capen Muldoon asked David Lyste to answer that question.
31

32 Applicant's contractor, David Lyste, Vice President, Rachel Contracting, stated that he expected
33 the grading and truck traffic to last between 6 to 8 weeks, but noted that they may be able to finish
34 the work in a month. He noted that the worst case scenario would be 2 months.
35

36 Chair Cameron asked about the covenant for the order of development, and asked if there were
37 any other covenants that would be included for any of the lots.
38

39 Ms. Capen Muldoon stated that there was another item that would tie to the 2 outlots to the 2 lots
40 across the street, but was not sure that was actually part of a covenant.
41

42 Chair Cameron stated that he liked what Ms. Capen Muldoon had to say about their conservation
43 credentials, and expressed his desire to them include a prohibition of removal of any of the heritage
44 trees, subsequent to purchase.
45

1 Ms. Capen Muldoon stated that she did not believe they could actually do that, and noted that
2 Wayzata's forester believed that they can save an additional 30 trees.

3
4 Chair Cameron acknowledged that it was also beyond the purview of the Planning Commission,
5 but that issue seemed to be one of the things that got people excited about this project. He stated
6 that there were a ton of trees on the property, which he felt was positive.

7
8 Ms. Capen Muldoon noted that many of the heritage trees were located within the bluffs, and the
9 steep slopes leading down to the lake that were not part of the buildable area.

10
11 There being no additional questions from the Commission for the applicant, Chair Cameron
12 opened the public hearing on the application at 7:26 pm.

13
14 Don Birdsong, 621 and 623 Ferndale Road, noted that they resided at the property along the
15 western property line with 565 Ferndale Road, and stated that he felt the City should deny this
16 request because he felt that construction of the road so close to their property line would create a
17 hazard for them. He stated that the new road location abuts their property line and the retaining
18 wall would be located sometimes within 10-15 feet of their property line. He referenced slide 16
19 and explained that at the beginning of the cul-de-sac, it was indistinguishable where the property
20 line is and explained that it was about an 8 foot elevation. He noted that he had sent a few photos
21 in his correspondence and reiterated that he felt this plan created a hazard. He further explained
22 that they felt that nothing had really changed from the first application to the current application
23 with respect to the location of the road. He stated that he did not believe that the applicant wanted
24 the road located where they are proposing, but, instead, have to put the road there. He noted that
25 they both share a ridge with a bluff to the east and a bluff to the west believe this proposal created
26 a hazard. He explained that he disagreed with the sentiment shared by the applicant's attorney,
27 and that the City did have a right to deny this request.

28
29 Ms. Quarles stated there were no people that called in to the meeting that have asked to speak at
30 the public hearing.

31
32 There being no additional public comment on the application, Chair Cameron closed the public
33 hearing at 7:31 pm.

34
35 Chair Cameron asked for the Commission to share their thoughts and feedback on the application.

36
37 Commissioner Severson clarified that this request was just to subdivide this parcel into 3 lots and,
38 the applicant would then own 3 separate lots.

39
40 Ms. Quarles confirmed that the request was to subdivide the property into 3 lots, and her
41 understanding was that the current owners would then sell those lots to future buyers.

42
43 Commissioner Severson noted that the future buyers could do whatever they wanted with the
44 property, which meant that the City could potentially see 3 variance requests come back before the
45 City.

46

1 Ms. Quarles stated that if the future owners wanted to do something that required a variance, they
2 could go through that process, but part of the idea behind all of the information included with the
3 application was to show that development would be possible without the need for a variance.

4
5 Commissioner VanLoy asked if there was any City Code in terms of change of elevation close to
6 a lot line or if it was permitted.

7
8 Ms. Quarles stated that the City has regulations on the amount of grading that someone can do on
9 a property before further approvals were required, and noted that this application did not come up
10 against that threshold because it was an average 2 foot grade change over an entire property. She
11 noted that she felt the biggest thing related to elevation changes close to another property was
12 typically drainage and runoff, and stated that the applicant had submitted exhibits with the
13 application that showed that the property graded as proposed would be able to handle its own
14 drainage.

15
16 Commissioner Elg asked to see the slide that depicted the retaining walls in red, and asked if after
17 the retaining walls, it was back to surface road.

18
19 Ms. Quarles stated that there was still grading associated with the surface road, but at a certain
20 point, it no longer required a retaining wall.

21
22 Commissioner VanLoy asked how close the retaining wall was to the property line.

23
24 Ms. Quarles asked Planning Consultant Zweber to double check the distance in the packet but
25 noted that she believed that it came within about 10 feet, at its closest point.

26
27 Planning Consultant Zweber noted that the closest point to the property line was approximately 8
28 feet to the retaining wall.

29
30 Commissioner Schwalbe asked how tall the retaining wall would be at this point.

31
32 Planning Consultant Zweber stated that at the narrowest point, it was essentially zero. He
33 explained that the retaining wall, at each end, matched the grade and then in the middle, where
34 Outlot A and B end was, it was 8 feet high.

35
36 Commissioner Schwalbe asked how far the retaining wall was from the lot line in the middle where
37 it was the tallest.

38
39 Planning Consultant stated that at that point, it was approximately 14 feet from the property line.

40
41 Commissioner Schwalbe asked for a description of the existing driveway.

42
43 Planning Consultant Zweber used an aerial photo to show and explain the location of the existing
44 driveway. He noted that there was very little gap, if any, between the Birdsong's driveway and
45 the property line, but there was 10 feet between the property line and the right-of-way and also

1 about 12 feet between the right-of-way and what will be the public road, which would make it in
2 the neighborhood of about 22 feet.

3
4 Commissioner Schwalbe asked if the Birdsong's driveway came right up to the property line.

5
6 Planning Consultant Zweber confirmed that was what the plan showed.

7
8 Chair Cameron asked City Attorney Schelzel about hazard creation as mentioned by Mr. Birdsong.

9
10 Mr. Schelzel stated that the City primarily addresses safety issues through its code, regulations,
11 and permitting process, and what the City Engineer and Building Official reviewed as part of the
12 application. He stated that the City Engineer did not have any concerns with the proposed design
13 in terms of it creating a safety issue, and noted that the proposed road was compliant with City
14 Code.

15
16 Commissioner Elg stated that if he was seeing this correctly, the closest point that anything related
17 to the driveway would be to the property line was the retaining wall, at the north end, which would
18 be about 8 feet. He noted that the furthest western edge of the driveway, at any point, would still
19 provide a 10 foot space to the property line.

20
21 Planning Consultant Zweber clarified that there was a 10 foot outlot before the right-of-way begins
22 and there was a 24 foot road within a 50 foot right-of-way, so if they placed it in the middle, there
23 would be a 13 foot space between the right-of-way line to the edge of the road, so it would be
24 about 23 feet.

25
26 Commissioner Elg stated that he appreciated the effort that the Capen family had made to adjust
27 their plans. He stated that, personally, he felt the applicant had done an outstanding job in working
28 to meet the requirements of the City Code, and was consistent with the City's plan and desire for
29 the community. He explained that he felt it was all well done and would have no problem
30 supporting this request.

31
32 Commissioner Schwalbe stated that one thing she really liked about things tonight was to see how
33 passionate everyone who lived on Ferndale felt about their neighborhood. She noted that she felt
34 it was impressive to see how much effort the Capen family took in the creation of their plans,
35 because it was clear that they took everyone's considerations into account, and she believed that
36 they had done what they could to minimize the impacts.

37
38 Commissioner Ankeny stated that she agreed, and felt the Capen family had done a wonderful job
39 of being good stewards of the land. She noted that she had walked the property on Saturday and
40 felt that they had placed the lots very thoughtfully. She stated that she lived in this neighborhood,
41 and felt that their plan fit in with the neighborhood.

42
43 Commissioner VanLoy stated that he agreed that, in general, there was a thoughtful process for
44 this application but understood the concerns raised during the public hearing. He noted that he
45 wasn't sure if the concern was that someone may fall off the retaining wall, and suggested they
46 could put in some sort of fencing.

1
2 Commissioner Severson stated that she had not seen this application in its previous iteration
3 because she was not at the Planning Commission meeting where it had been discussed. But from
4 what she had seen, she felt it had been thoughtfully done. She explained that she also felt that it
5 met all of the City's standards for a recommendation of plat approval, but noted that she hoped
6 that the City did not end up seeing any variance requests for the new lots in the next few years.

7
8 Chair Cameron stated that he agreed, and felt the level of work and passion that had gone into this
9 application was amazing. He stated that he appreciated the fact that there were no variances
10 requested with this application and that it is a challenge to try to make everyone happy. He noted
11 that the property could not stay like it is forever.

12
13 There being no further discussion, Chair Cameron asked for a motion on the application.

14
15 Commissioner Elg made a motion, seconded by Commissioner Severson, to direct staff to prepare
16 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
17 recommendation of approval for the Application for Approval of a Preliminary Plat at 565
18 Ferndale Road West (Ferndale Bluff) for review and adoption at the next Planning Commission
19 meeting.

20
21 The motion carried unanimously.

22
23 **AGENDA ITEM 6. Other Items:**

24
25 **a) Review of Development Activities**

26
27 Mr. Zweber stated that the Wells Fargo project was still moving forward, and noted that 150
28 Broadway has received their building permit and was doing the foundation/utility work. He noted
29 that coming up for discussion at the next few Commission meetings would be applications for a
30 fence variance, redevelopment of 200 Lake Street (former TCF building), and also a request for a
31 communications tower.

32
33 Commissioner Severson noted that an e-mail was sent to all of the Commissioners related to 200
34 Lake Street, and asked if that was relevant to share with City staff.

35
36 Mr. Zweber stated that a similar e-mail had been sent to the City Council, so he was not surprised
37 that it had also been sent to the Commission.

38
39 Commissioner Severson noted that she had not responded to the e-mail, but wasn't sure what she
40 should do with it.

41
42 Mr. Schelzel stated that, it is good to keep staff in the loop if Commissioners receive
43 communications from applicants, so that staff is aware of the information the Commission is
44 receiving or if it is something that needs to be added to the record. He explained that his general
45 advice to Commissioners is not to meet with developers who may come before the Commission

1 with an application, in order to maintain objectivity and an open mind about every application, and
2 to avoid any Open Meeting Law issues.

3
4 Commissioner Severson explained that she just forwarded the e-mail she received to City staff.

5
6 Commissioner Schwalbe stated that she had responded to the e-mail and had just thanked them for
7 the e-mail, and that she felt it was best for all of the Commission to hear what he had to say at the
8 same time, in the same place, with the same words, at a Commission meeting.

9
10 Mr. Zweber stated that for that particular development, their public engagement process or public
11 information process required a neighborhood meeting, but he did not believe that had been
12 scheduled yet. He stated that the Commission could attend that neighborhood meeting, but if they
13 did, he suggested that they not participate or comment at the meeting. He reminded the
14 Commission that the City website had all the materials that the applicant had submitted that could
15 be reviewed, so they could review those materials rather than taking them up on the offer to meet
16 privately.

17
18 Commissioner Severson asked how much notice was necessary when an applicant scheduled a
19 neighborhood public meeting, and how much before the Commission meeting it needed to take
20 place.

21
22 Mr. Zweber stated that they have to have the neighborhood meeting 10 days before the public
23 hearing, and believed it was a week before that the notification letter needed to be sent out.

24
25 **b) Planning Commission Meeting Schedule**

26
27 Ms. Quarles reminded the Commission that the next meeting would be on March 10, 2025.

28
29 **AGENDA ITEM 7. Adjournment.**

30
31 There being no further business on the agenda, Chair Cameron asked for a motion to adjourn.

32
33 Commissioner Elg made a motion, seconded by Commissioner Schwalbe, to adjourn the Planning
34 Commission meeting.

35
36 The motion carried unanimously.

37
38 The Planning Commission meeting was adjourned at 7:56 p.m.

39
40 Respectfully submitted,
41 Kayla Atkins Rokosz
42 *TimeSaver Off Site Secretarial, Inc.*
43