

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
OCTOBER 17, 2016**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Iverson called the meeting to order at 7:02 p.m.

Present at roll call were Commissioners: Gruber, Gonzalez, Iverson, Murray, Flannigan and Gnos. Absent: Commissioner Young. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber to approve the October 17, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) September 19, 2016 Planning Commission Meeting

Commissioner Gonzalez requested the minutes of the September 19, 2016 meeting be amended as follows: on page 9, line 10, insert "a" prior to the word "home" and on page 11, line 31 replace "benefit" with "burden".

Commissioner Gruber made a motion, Seconded by Commissioner Flannigan to approve the September 19, 2016 Planning Commission meeting minutes as amended by Commissioner Gonzalez. The motion carried unanimously.

b.) October 3, 2016 Planning Commission Meeting

Commissioner Gonzalez made a motion, Seconded by Commissioner Murray to approve the October 3, 2016 Planning Commission meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Ovsyannikova Addition – 15610 Holdridge Rd E
i. Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the property owners, Anna Ovsyannikova and Yengeny Ogranovich, have submitted a development application to subdivide the property at 15610 Holdridge Rd E into two (2) single-family residential lots. The existing house would remain and one (1) new home would be constructed on the new lot. The proposal requires preliminary and final plat review. The proposed lots would meet the minimum lot requirements for the R-2 Zoning District. The proposed subdivision plans also provide the location and footprint of the proposed house, which would meet the requirements of the R-2 Zoning District for setbacks, lot coverage, and impervious surface. The applicant has submitted house plans for the new home on Lot 2. The proposed house would be 2-stories in height but would exceed the building height limit of the R-2 Zoning District due to the significant topography change from the front of the home to the rear of the home. To be approved, the home plans would need to be adjusted to meet the height requirements for this district. The proposed plans show the removal of 12 total trees, 11 significant trees and 1 heritage tree, with 24.8% of the inches of significant trees and 23.1% of the inches of heritage trees being removed. Under the City's Tree Preservation Ordinance, the plans would not require mitigation for the significant tree removal, but would require replacement of 81-inches of trees for the 1 heritage tree that would be removed.

Commissioner Gonzalez stated there is a large oak tree along the road and driveway that is marked to be removed but it is not being considered as a heritage tree. She asked why this tree was not being replaced.

Commissioner Flannigan asked what the grade change was from the street level to the back of the proposed home.

Mr. Thomson stated the street is at an elevation of 977-feet and the garage floor is at 969-feet and the basement walkout is at 959-feet and the yard continues to slope downward from this point.

Commissioner Flannigan asked if the rear yard would be usable or if it would be filled.

Mr. Thomson stated the only grading proposed is in the one corner in the rear of the home. They are not proposing to fill or grade the back of the property.

The Applicant, Ms. Anna Ovsyannikova, 15610 Holdridge Road E, Wayzata, stated they have removed all of the buckthorn from the property, and the present property is too large for them to maintain. They would not use this portion of the property. The proposed grading and retaining walls will address the runoff problems that affect neighboring properties. She explained the wider cement board used for the exterior of the proposed home is also used in two (2) of the neighboring homes.

1 The Applicant, Mr. Yengeny Ogranovich, 15610 Holdridge Road E, Wayzata stated this would
2 be a good opportunity for the neighborhood to have this portion of the lot maintained as a new
3 single family lot and kept clean.

4
5 Ms. Ovsyannikova stated the driveway is laid out in the proposed plat to preserve the three (3)
6 large oak trees that are in this area of the property.

7
8 Mr. Thomson clarified the trees Commission Gonzalez referenced earlier as being removed are
9 not going to be removed, but are marked as being in the City's right-of-way.

10
11 Commissioner Gonzalez asked if the applicant had removed any trees from the property that
12 were not buckthorn.

13
14 Ms. Ovsyannikova stated they had removed a large oak tree that was very close to the existing
15 home in March of this year. This particular tree was damaged and cracked down the middle.
16 This made the tree dangerous and unstable.

17
18 Commissioner Gruber asked how much fill would be brought onto the property.

19
20 Ms. Ovsyannikova stated based on the comments from the general contractor and architect, they
21 would use the dirt that would be removed for the walkout home for fill on the property. She
22 explained they had evaluated the property and the house location to ensure they would not need
23 to excavate too much or bring in too much fill.

24
25 Mr. Ogranovich stated they may have a need for 1-2 loads of fill.

26
27 Commissioner Gonzalez stated the proposed home does not meet the height requirements for the
28 District. She asked if this would be changed.

29
30 Ms. Ovsyannikova stated she had not been aware the height did not meet the requirements, and
31 she would be meeting with the architect and would ask him to adjust the height to meet the
32 requirements.

33
34 Mr. Thomson stated the height requirement is 30-feet to the mid-point and 35-feet to the peak.
35 The proposed home is 42-feet to the peak.

36
37 Commissioner Flannigan asked why the lot was "L" shaped. He also asked what had gone into
38 the design of the home because it does not look interesting.

39
40 Ms. Ovsyannikova stated they decided to split the property and create a second lot in such a way
41 as to meet the required lot size and leave a portion of the flat part of the property with the
42 existing structure, so there would be usable back yard space for both properties. She stated that
43 most of the homes on the Wayzata side are 1950s ranch style homes with straight lines. The
44 proposed home was designed to keep with this concept and blend with the neighborhood. They
45 would be creating interest by using different siding colors, white trim and accents, and stone.
46 The windows are located in the back of the home so that they could enjoy the wooded property

1 and there is nothing to look at on the sides of the property so they did not put windows in these
2 areas. They could put in additional windows to add architectural interest.

3
4 Chair Iverson asked how high the retaining walls were.

5
6 Ms. Ovsyannikova stated the retaining walls would be approximately 2-3 feet in height and
7 would be needed to support the driveway.

8
9 Commissioner Gonzalez asked if there would be a patio attached to the proposed home because
10 the property is almost at the maximum for hard cover.

11
12 Ms. Ovsyannikova stated they were considering a small one off the kitchen.

13
14 Mr. Ogranovich stated they are planning to have a patio on the back of the home by the walk out.

15
16 Chair Iverson asked Mr. Thomson if the property were sold, and the new owners would want to
17 bring in fill for the backyard, if this would come back to the Planning Commission for review.
18 There are several open questions regarding the lot.

19
20 Commissioner Flannigan asked if the owner would have to build the home proposed.

21
22 Mr. Thomson stated if there is a change to the grading in the backyard, it would require
23 administrative review of a grading permit. There are standards in the City's Ordinances
24 regarding drainage, grading, storm water management and the amount of fill that can be brought
25 onto a property before it would require Council approval. Mr. Thomson stated that adding the
26 home design as a condition of approval to the subdivision is a policy and practice question, and
27 the Planning Commission could include a recommendation to the Council regarding that.

28
29 Ms. Ovsyannikova stated they would like to have the Commission consider allowing them to do
30 a small amount of grading to make the backyard of both lots a little flatter.

31
32 Commissioner Gonzales stated that if there is additional dirt moved this would affect the trees on
33 the property and the City does have a Tree Preservation Ordinance in effect.

34
35 Ms. Ovsyannikova stated they would work with their landscape specialist to see what they could
36 do and work with the Watershed District to find out what can be planted in this area. She
37 provided building material samples for the Commission to consider.

38
39 Chair Iverson opened the public hearing at 7:40 p.m.

40
41 Mr. Alex Clingaert, 15804 Holdridge Road E, Wayzata, stated he had concerns about how this
42 project would affect the character of the neighborhood. Part of the character of the neighborhood
43 is the large lots with space between homes. Subdividing this property would not meet the City's
44 goal of low density housing in this area, because it would be adding housing.

45

1 Mr. Tony Shink, 15600 Holdridge Road E, Wayzata, stated he is also concerned about this
2 subdivision setting precedent for other properties in the neighborhood to subdivide and create
3 more housing in the neighborhood. More housing in the neighborhood would impact the streets
4 and the plumbing in this neighborhood as well. He asked if there was adequate infrastructure to
5 support these properties subdividing.

6
7 Ms. Suzanne Candell, 15804 Holdridge Road E, Wayzata, stated the proposed lot was 70%
8 smaller than the average lot size for the surrounding properties. She stated based on the
9 inventory there would be two (2) heritage trees removed, not one as suggested. This would
10 change the character of the neighborhood as well. It appears that there have been several other
11 trees removed from the site prior to the application. Because of the wetlands, she would like to
12 see a more comprehensive environmental study performed before there are any decisions
13 regarding this project. According to Hennepin County Natural Resources map there is an
14 Ecological Significant area noted on this property.

15
16 Ms. Ann Glad, 15611 Holdridge Road E, Wayzata, stated the notice letter she had received from
17 the City had stated there would be a lot width variance requested as part of the Application, and
18 she has not heard any discussions on this.

19
20 Chair Iverson stated there had been a miscalculation on the lot width, and a variance was not
21 needed for the lot width.

22
23 There being no one further who wished to speak, Chair Iverson closed the public hearing at 7:49
24 p.m.

25
26 Commissioner Gonzalez stated she had received an email from Bob Ambrose, 15803 Holdridge
27 Road E, and he expressed concerns about the number of trees that have been removed from the
28 property prior to this application.

29
30 Commissioner Gruber stated there is environmental significance that the City was not aware of.
31 She asked if Staff was aware of this significance.

32
33 Mr. Thomson stated the City had reviewed this aspect of the Application, and the wetland
34 referenced has been delineated. Based on this, there is a 30-foot buffer between the wetland and
35 the proposed redevelopment. He would check with the City Engineer to ensure the buffer is
36 accurate, but can confirm that the City Engineer has reviewed the plans and does not see any
37 problems with this aspect of the plans.

38
39 Commissioner Gonzalez asked what requirements the City had for the wetlands when there
40 would be a lot of grading and fill brought to the site.

41
42 Mr. Thomson stated as part of any building permit application, the City requires an erosion
43 control plan that indicates measures that would be used to prevent erosion onto surrounding
44 properties and into the wetland during construction. The City monitors the erosion controls
45 throughout construction to ensure that they are functioning properly. If there are problems with
46 any of the erosion controls, the contractor or homeowner is required to fix the problem.

Commissioner Gruber stated the subdivision would create two (2) smaller lots, and based on the surrounding properties these smaller lots may not be in the character of the neighborhood.

Commissioner Gonzalez stated she had reviewed the requirements of the Subdivision Ordinance and this proposal does not meet several of the requirements. Item 2 of the requirements states building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation. She is not convinced that the trees that are to be preserved would survive redevelopment given the topography of the lot. She expects there would be a lot of grading and a lot of fill, and the Commission does not have this information. Item 4 states existing stands of significant trees shall be retained where possible, and Item 5 stated the creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. The proposal has a significant impact on the significant trees on the property because these will not be replaced, and the smaller lots created would change the character of the neighborhood. She would not recommend approval of this project because it does not meet the letter or the spirit of the Ordinance.

Commissioner Flannigan stated just because the property can be divided to make two (2) conforming lots does not mean that it should be done. The remaining lot would be awkward. There is a reason the property is set up the way it is with the existing home located in the front corner of the property. He does not believe the proposed home would fit with the character of the neighborhood, and the project does not meet the requirements of the Ordinance.

Commissioner Murray stated this project would not fit with the character of the neighborhood, even though it meets all the lot zoning requirements. He would not recommend approval of the project.

Commissioner Gnos stated the applicant has worked hard on this project and is not economically driven. The neighbors do not support the project, and they are the ones that are directly impacted. His feeling is that this project does not make sense for this neighborhood.

Chair Iverson stated she would not recommend approval of the project because the lot sizes do not meet the aesthetics and character of the neighborhood.

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan to direct Staff to prepare a Planning Commission Report and Recommendation recommending denial of the Preliminary and Final Plat Subdivision to subdivide the property 15610 Holdridge Road E based on the findings discussed at the meeting. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

1 Director of Planning and Building Thomson stated the City Council is meeting on October 18,
2 and they will be reviewing several of the development applications the Commission has seen
3 recently at that time. There is a Volunteer Appreciation dinner on November 17.

4
5 Commissioner Flannigan asked that the City Council be asked to look at what is happening with
6 the trees. He is concerned that people have the ability to cut down trees prior to bringing an
7 application for development to the City. There is a gap in the Tree Ordinance and homeowner's
8 rights. If this gap is not addressed, then the Tree Ordinance is not effective.

9
10 Chair Iverson asked if the City's trees should be included in the Tree Preservation plan, and
11 noted that this is something that the City Council will have to determine.

12
13 Mr. Thomson stated the City Council did have a workshop on the Tree Ordinance, and there are
14 two (2) primary issues related to the Commissioners' comments: First, the policy decision of the
15 Council as to whether or not homeowners that are not proposing construction should be allowed
16 to remove trees without restrictions, and (2) how this affects development applications. At the
17 workshop, the Council confirmed that the Ordinance is written as intended by Council, and that a
18 homeowner should be allowed to remove trees on their property without restriction if they are
19 not doing any construction. The City Council did ask Staff to look at adding a "look back" and a
20 "look forward" clause to the Ordinance to address the removal of trees prior to submitting a
21 development application.

22
23 Commissioner Gonzalez stated she would like to see the Commissions look into how they treat
24 lots that meet all the setback and lot dimension requirements except there is a steep slope on the
25 property that would make development difficult. There is a provision in the Lake Overlay
26 District, and this may be something that should be applied to the entire City.

27
28 Commissioner Gruber stated the last Council meeting included discussions on the City Budget,
29 the dissolution of the Communications Advisory Board, and the Beacon Five project that the
30 Planning Commission had reviewed. The City Council approved the project with the condition
31 that the Garrison Landing and Beacon Five work to put trees between the two properties. The
32 City Council also had the first reading of the Floodplain Ordinance amendment.

33
34 **b.) Next Meeting is November 7, 2016**

35
36 Mr. Thomson noted that the next meeting of the Planning Commission is scheduled for Monday,
37 November 7, 2016 at 7pm.

38
39 **AGENDA ITEM 7. Adjournment.**

40
41 Commissioner Gruber made a motion, seconded by Commissioner Murray to adjourn the
42 meeting. The motion carried unanimously.

43
44 The Planning Commission meeting was adjourned at 8:18 p.m.

45
46 Respectfully submitted,

- 1
- 2 Tina Borg
- 3 *TimeSaver Off Site Secretarial, Inc.*