



Wayzata Planning Commission

Meeting Agenda

Monday, April 17, 2017

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

- 7:00 p.m.**
- 1. Call to Order & Roll Call**
 - 2. Approval of Agenda**
 - 3. Approval of Minutes**
 - a. April 3, 2017
 - 4. Public Hearing Items:**
 - a. Impervious Surface Variance – 128 Broadway Ave N
 - 5. Old Business Items:**
 - a. None
 - 6. Other Items:**
 - a. Review of Development Activities
 - b. Next Meeting is May 1, 2017
 - 7. Adjournment**

NOTES:

¹ Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
APRIL 3, 2017

AGENDA ITEM 1. Call to Order and Roll Call

Chair Iverson called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray, Flannigan and Buchanan. Absent: None. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, Seconded by Commissioner Murray, to approve the April 3, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) February 27, 2017

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez, to approve the February 27, 2017 meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Impervious Surface Variance – 128 Broadway Ave N

Director of Planning and Building Thomson stated the property owners, Scott Cooper and Jeff Jaglo, are proposing to demolish the existing home on the property at 128 Broadway Avenue N, and construct a new single-family home with detached garage. As part of the submitted development application, the applicants are requesting approval of an impervious surface variance. The R-3A zoning district establishes a maximum impervious surface coverage of 35%. The applicant is proposing to construct a new single-family home, detached garage, and driveway, which would include 38.0% of impervious surface coverage on the lot, which requires a variance. The proposed house and detached garage meet all of the zoning district requirements for setbacks and lot coverage. However, the size of the driveway results in an impervious surface coverage that exceeds the maximum 35% in the R-3A District. The applicant is proposing to construct a small rain garden on the south east corner of the lot to capture and treat the stormwater runoff associated with the additional impervious surface. The zoning ordinance does not require stormwater treatment for a new single-family home, but the applicant is proposing the rain garden as part of the requested impervious surface. Mr. Thomson stated the

1 public hearing notices did go out late and the 10-day notification requirement may not have been
2 met. He recommended the Commission continue the public hearing to the next Planning
3 Commission meeting to allow for additional notification time and public comment.

4
5 Commissioner Gonzalez asked how high the house would be.

6
7 Mr. Thomson stated the applicant previously submitted a building permit application to the City,
8 which included a new single-family home with an attached garage on the front of the house. The
9 house met all of the R-3A zoning requirements, including the building height and impervious
10 surface maximum. The applicant has revised the plans to include a detached garage in order to
11 be consistent with the other single-family homes on surrounding lots. Mr. Thomson stated that
12 the applicant is not requesting a height variance. The applicant included schematic design plans
13 with the development application. The applicant would be required to submit detailed
14 construction plans with the building permit application to ensure the house meets the maximum
15 height requirement.

16
17 Mr. Thomson stated the potential practical difficulties for the impervious surface variance are the
18 lot is less than 9,000 square feet in size, and the lot is only 50-feet wide. Mr. Thomson stated that
19 the lot size and lot width are less than the minimum zoning district requirements.

20
21 Commissioner Gonzalez asked what type of material would be used for the deck.

22
23 Mr. Thomson stated decks are not counted as hard surface as long as the surface below the deck
24 is pervious. The deck would likely be made from typical decking material such as wood or
25 composite materials.

26
27 Applicant's representative, Mr. Jeff Jaglo, 16890 80th Place N, Maple Grove, stated they
28 originally had had professional plans produced and submitted to the City but the plan they
29 developed did not meet the characteristic of the neighborhood. They had stopped the building
30 permit review and decided to come up with a plan that would better fit the character, look, and
31 charm of the neighborhood.

32
33 Commissioner Flannigan asked if the applicant preferred the garage to be positioned closer to the
34 house, or if the applicant would prefer to move it further back on the property.

35
36 Mr. Jaglo stated they would prefer to have the garage attached but with the setback requirements
37 from the side lot line, this would not work with a side loading garage. Therefore, they positioned
38 it to be closer to the home. Mr. Jaglo stated that if the garage were further back there would be
39 an increase in the impervious surface coverage.

40
41 Commissioner Gonzalez asked what the height of the home would be and what type of materials
42 would be used.

43
44 Mr. Jaglo stated the height would be 31-feet. They would be using composite decking material.
45 He explained that as a developer they target homes that would typically not be remodeled, and

1 they redevelop sites to closely match what is being replaced in terms of style or era of
2 construction.

3
4 Chair Iverson asked if it would be possible to shrink the footprint of the house to meet the 35%
5 impervious surface coverage.

6
7 Mr. Jaglo stated that they could not reduce the house footprint because the home they are
8 proposing does not have any inefficient use of space. The home is 26x46 and 4100 total square
9 feet with 2600 square feet being the main floor. The other homes they have built along
10 Broadway are 4400-4600 square feet. They have reviewed the design and in order to make the
11 stairs work and traffic flow, they have compressed it as much as possible. This particular plan is
12 smaller than the one they had previously submitted for approval.

13
14 Commissioner Gruber asked if the applicant had looked at the use of pervious pavers.

15
16 Mr. Jaglo stated they had but there is not a provision in the City Code that allows for the use of
17 pervious pavers for impervious surface credit.

18
19 Mr. Thomson stated in standard zoning districts, the City does not give credit toward the hard
20 surface coverage for the use of pervious pavers. In certain circumstances, they are allowed as
21 storm water management in the Shoreland Overlay district. The applicant is proposing a rain
22 garden to offset the increase in the impervious surface.

23
24 Commissioner Gruber suggested the City review the use of pervious pavers and allowing for
25 impervious surface credit as part of the City's Code review.

26
27 Mr. Thomson stated the City adopts the Minnehaha Watershed District stormwater management
28 rules, and the watershed district is in the process of updating their rules. One of the topics they
29 are looking at is pervious pavers standards and regulations. If the watershed district updates their
30 rules, the City would consider the proposed changes at part of adopting the updated stormwater
31 management requirements.

32
33 Mr. Jaglo stated they are including some pervious pavers in their plan but these are not credited
34 toward the impervious surface coverage amount.

35
36 Commissioner Gonzalez asked what Mr. Jaglo would suggest for maintenance of the pavers so
37 that the compaction would not create an impervious paver situation.

38
39 Ms. Jaglo stated he would not be able to speak to that as it was not his area of expertise, but he
40 would think that the seasonal movement of the pavers would be what keeps them from
41 compacting. He stated he would prefer to do a concrete drive with the rain garden. He explained
42 all of the runoff from the house and garage would be directed to the rain garden and this surface
43 area was more than the additional 250 square feet of impervious surface they were proposing to
44 add as part of the variance application.

45
46 Commissioner Gonzalez asked if there would be any trees removed from the site.

1
2 Mr. Jaglo stated there was one significant tree on the property, and it was shared with the
3 neighboring property, and this would not be removed. They would do everything they could to
4 ensure that this tree is not impacted.

5
6 Chair Iverson opened the public hearing at 7:38 p.m.
7

8 Ms. Sandy Harvey, 134 Broadway Avenue N, Wayzata stated they are thrilled to see that there is
9 going to be some development on the property. She had seen the first plans that were submitted
10 with the building permit application, and she had concerns about the mass and what this would
11 do to the daylight her home receives. She would be happy to see the home as it is currently
12 proposed and laid out because it does match the neighborhood better, and it cuts up the mass of
13 the first proposal. She stated the 3% overage in impervious surface would be a good
14 compromise to ensure a better design for the neighborhood.
15

16 Mr. Scott Frost, 122 Broadway Avenue N, Wayzata, stated he would agree with Ms. Harvey.
17 This particular design would fit into the neighborhood and they are doing everything they can to
18 mitigate the water and move it to the backside of the property. He stated he would like to see
19 additional trees and landscaping on the backside of the property.
20

21 Chair Iverson closed the public hearing at 7:42 p.m.
22

23 Chair Iverson asked what the impervious surface would increase to if someone decided in the
24 future to change the design of the driveway from a "tire track" driveway to a paved driveway.
25

26 Mr. Thomson stated in order to redo the driveway, the homeowner would not have to apply for a
27 permit from the City, but they would still have to comply with the impervious surface
28 requirements.
29

30 Mr. Jaglo stated if the full driveway were paved it would be approximately an additional 4-feet
31 by 70-feet, or 280 square feet.
32

33 Commissioner Gonzalez asked whether the variance would be attached to the land and be a part
34 of the property records.
35

36 City Attorney Schelzel stated the variance would run with the property and if the variance
37 contains a condition that the driveway could not be altered, then that condition would come out
38 in any title work on the property.
39

40 Mr. Thomson stated the City would not treat this particular property any different than other
41 properties in the City that have an impervious surface variance.
42

43 Chair Iverson stated it would be difficult to enforce the impervious surface requirement if the
44 applicant is not required to have a permit to do their driveway.
45

1 Commissioner Flannigan stated the sidewalk from the driveway to the front door was not
2 included in the proposed hardcover calculation. He suggested this be included in the calculation
3 when it is finalized.

4
5 Mr. Thomson stated there is no sidewalk in the proposed plans and the sidewalk along the street
6 is located in the right-of-way, and is not included in the impervious surface calculations for the
7 lot.

8
9 Commissioner Gonzalez stated the character of the neighborhood and the lot size would drive the
10 practical difficulties for this variance request. She would recommend approval of the variance
11 request. She would like to add a condition that when the final plans are brought forward there is
12 a storm water management plan approved by the City Engineer.

13
14 Commissioner Buchanan stated the request was reasonable and he would recommend approval.

15
16 Commissioner Gruber stated she would also recommend approval of the variance request. The
17 design fits with the character of the neighborhood, and the neighbors are in support of the
18 application.

19
20 Chair Iverson stated this variance request of 3% may not be much, but this does add up
21 throughout the community. She stated the plans could be altered to reduce the impervious
22 surface to meet the 35% requirement.

23
24 Chair Iverson stated that the public hearing for the development application would be continued
25 to the next Planning Commission meeting on April 17th.

26
27 Commissioner Gonzalez made a motion, Seconded by Commissioner Young, to direct staff to
28 prepare a draft Planning Commission Report and Recommendation with appropriate findings
29 recommending approval of the impervious surface variance at 128 Broadway Avenue N, subject
30 to a condition that a storm water management plan be submitted for review and approval by the
31 City Engineer. The motion carried 6 ayes and 1 nay (Iverson)

32
33
34 **AGENDA ITEM 5. Old Business Items:**

35
36 **a.) None**

37
38
39 **AGENDA ITEM 6. Other Items:**

40
41 **a.) Review of Development Activities**

42
43 Mr. Thomson stated there would be a joint meeting with the Planning Commission, City Council
44 and Housing Redevelopment Authority on Tuesday, April 11. He stated at the next Council
45 meeting, the City Council would be considering a first reading of an amendment to the City

1 Ordinance that adopts the State Building Code. The Council will also be considering a new
2 location for the farmers' market in the municipal parking lot at Broadway Ave and Lake St.
3

4 **b.) Next Meeting is April 17, 2017**
5

6 Chair Iverson asked whether the road restrictions were still in place.
7

8 Director of Planning and Building Thomson stated this was correct and if contractors violate the
9 road restriction, then residents are encouraged to call the police.
10

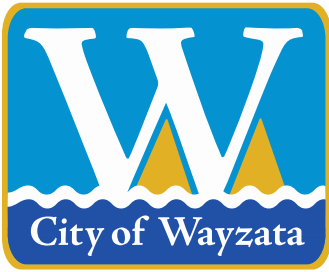
11
12 **AGENDA ITEM 7. Adjournment.**
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14 Commissioner Gonzalez made a motion, seconded by Commissioner Murray, to adjourn the
15 meeting. The motion carried unanimously.
16

17 The Planning Commission meeting was adjourned at 8:04 p.m.
18

19 Respectfully submitted,
20

21 Tina Borg, *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata

600 Rice Street
Wayzata, MN 55391-1734

Mayor:

Ken Willcox

City Council:

Dan Koch
Johanna McCarthy
Alex Plechash
Steven Tyacke

City Manager:

Jeffrey Dahl

Date: April 13, 2017
To: Planning Commission
From: Jeff Thomson, Director of Planning and Building
Subject: Impervious Surface Variance – 128 Broadway Ave N

Application Information

The property owners, Scott Cooper and Jeff Jaglo, are proposing to demolish the existing home on the property at 128 Broadway Ave N, and construct a new single-family home with detached garage. The development application requests a maximum impervious surface variance from 35% to 38%.

Planning Commission Review

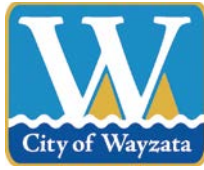
The Planning Commission reviewed the development application and held a public hearing at its meeting on April 3, 2017. After discussing the application, the Planning Commission directed staff to prepare a draft Planning Commission Report and Recommendation for approval of the development application.

Planning Commission Action

City staff has drafted the attached Planning Commission Report and Recommendation, which recommends approval of the development application.

Attachments

Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

April 17, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCE FOR IMPERVIOUS SURFACE COVERAGE AT 128 BROADWAY AVE N

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Variance for Impervious Surface Coverage of Single Family Residential Project

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Scott Cooper and Jeff Jaglo on behalf of JSJ-Wayzata, LLC (the "Applicant") have submitted a development application for an impervious surface variance (the "Application") for a new single family home on the property at 128 Broadway Ave N, (the "Property"). The Applicant is proposing to demolish the existing home on the Property and construct a new single family home with detached garage (the "Project").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Impervious Surface Variance. The Project requires an impervious surface coverage variance of three percent (3%) above the maximum allowed for the R-3A/Single and Two Family Residential District, or a total of thirty-eight percent (38%) impervious surface coverage (the "Impervious Surface Variance").
- 1.3 Property. The street address, property identification number and owner of the Property are:

128 Broadway Ave N	06-117-22-13-0065	JSJ-Wayzata, LLC
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- 1.4 Land Use. The Property is zoned R-3A/Single and Two Family Residential District and guided Low Density Single Family under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on March 23, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on March 27, 2017. The public hearing on the Application was held at the April 3 and April 17, 2017 Planning Commission meetings.

Section 2. STANDARDS

- 2.1 Impervious Surface Coverage Limits. The maximum impervious surface coverage permitted in the R-3A/Single and Two Family Residential District is thirty-five percent (35%) of the lot.
- 2.2 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 801.05.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

- F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Impervious Surface Variance.

- A. The Impervious Surface Variance requested is (i) in harmony with the general purposes and intent of the Zoning Ordinance in that it would be used for a project that seeks to better conform with the existing aesthetics, styles, design and layout of the residences and garages of the surrounding residential neighborhood, and (ii) consistent with the Comprehensive Plan's guidance for the area and encouragement of preserving neighborhood character.
- B. The Applicant, in the narrative of its Application and its public comments before the Planning Commission has established that there are practical difficulties in complying with the strict standards of the Zoning Ordinance as they relate to impervious surface coverage limits.
- C. A finding of "Practical difficulties" is supported by the following:
 - (i) The Applicant's proposal for the Property is reasonable in that it reflects the character and layout of the surrounding neighborhood by locating the garage to the rear of the residence, which is driving the need for the Impervious Surface Variance. In addition, the Applicant is proposing storm water mitigation plans that will result in overall better storm water management for the Property than if no variance were requested and will be an improvement over the existing conditions on the Property.
 - (ii) The plight of the Applicant is due to the size and width of the lot, which are less than the minimum R-3A lot requirements, and are unique characteristics of the Property, and were not created by the Applicant.
 - (iii) The Impervious Surface Variance would not alter the essential character of the locality but will instead improve and allow greater conformity to such character than without the variance.
- D. The practical difficulties necessitating the Impervious Surface Variance are not economic in nature but rather are driven by a desire to better conform to

character and layout of the residences and garages in the surrounding neighborhood.

- E. The proposed use for the Property is permitted within the R-3A/Single and Two Family Residential District.
- F. The conditions for granting approval of the Impervious Surface Variance listed below in Section 4 of this Report should be considered by City Council.
- G. The Applicant has provided the reasons that the Impervious Surface Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of the Impervious Surface Variance requested in the Application, subject to the following conditions:

- A. The Applicant must incorporate a stormwater management system into the Project. Prior to the City issuing the building permit for construction of the new house, the Applicant must submit a stormwater management plan for review and approval by the City Engineer.

4.2 Recording of Variance. In accordance with City Code, the Applicant must record the variance with the County Recorder within thirty (30) days of the City Council approval date and as soon as reasonably possible thereafter, furnish the City proof of recording. No building permits for the Property will be granted until such proof of recording is furnished to the City.

Adopted by the Wayzata Planning Commission this 17th day of April 2017.

Voting In Favor:

Voting Against:

Abstaining:

Absent: