WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 7, 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: Gruber, Gonzalez, Iverson, Murray, Flannigan, and Buchanan. Absent: Young. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Buchanan made a motion, Seconded by Commissioner Murray, to approve the August 7, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) July 17, 2017 Planning Commission Meeting

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the July 17, 2017 Planning Commission Meeting minutes as amended. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None

AGENDA ITEM 5. Public Hearing Items:

a.) Waytonka East End – 236 Central Ave S and 1101 Lasalle St

i. Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated Pillar Homes and the property owners, AM Partners, LLC and Brian and Lauren Tholen, have submitted a development application to subdivide the properties at 236 Central Ave S and 1101 Lasalle Street. The applicant is proposing to subdivide the two existing properties into four single-family residential lots. As part of the submitted development application, the applicant is requesting approval of a concurrent preliminary and final plat subdivision. The two properties each currently contain a two-family residential home. As part of the project, both duplexes would be demolished and four new single-family homes would be constructed. The proposed house pads would comply with all

requirements of the R-3A zoning district, including setbacks, lot coverage, and impervious surface. There are 31 trees located on the site that are classified significant or heritage trees under the City's tree ordinance. Of the 31 trees, 26 are classified as significant and 5 are heritage trees. The proposed plans indicate that five significant trees and one heritage tree would be removed for the project. However, based on the proposed grading, an additional heritage tree (tree #300 on the plans) would likely be lost due to impacts to the critical root zone of the tree during construction. For a subdivision application, the tree ordinance allows for removal of up to 25 percent of the inches of significant trees on the property before mitigation is required, and there is no threshold for heritage trees. Based on the proposed removal, 119 inches of replacement trees would be required for the two heritage trees that would be removed and/or lost. The significant tree removal would be less than 25 percent so mitigation would not be required. The proposed plans do not include a tree replacement plan.

Commissioner Flannigan asked where the widths of the lots were measured.

Mr. Thomson stated that under the code, the minimum lot width is measured at the front yard setback, in this case the measurement was taken at the 20-foot building setback.

Commissioner Gonzalez asked what the height would be on the proposed buildings.

Applicant's representative, Mr. David Pemberton, 13401 Preston Rd, Minnetonka, of Pillar Homes, stated due to the size of the lots, the homes will be custom built, and there are no final house plans at this time. Based on other projects by Pillar homes, they would expect the homes to be within the 32-foot maximum height requirement.

Commissioner Gonzalez asked if the developer would be within all the setbacks for the homes, based on the lot sizes proposed.

Mr. Pemberton stated the homes are expected to meet all of the setbacks. He noted that Mr. Chermak, the developer's principal, knows that these homes would need to be custom built to fit within the setbacks.

Commissioner Gonzalez asked if there was a preliminary Stormwater management plan available.

Mr. Thomson stated that these properties were outside of the Shoreland Overlay District and for subdivisions of four or fewer lots, the City code does not require a storm water management plan. There are general grading and drainage requirements that are reviewed as part of home construction projects.

Commissioner Gonzalez stated she would like to see a storm water management plan. She asked the applicant how much fill would be brought to the properties.

Mr. Pemberton stated there would be some grading done. The natural topography of the properties allows for some lookout homes. The properties would be graded appropriately to allow the water to go down the side property lines.

Commissioner Gruber asked what the price would be for these homes.

Mr. Pemberton stated he did not have this information, but he could get this for the Commission.

Commissioner Gruber stated she would like to know what the price points would be because this project is proposing to replace duplexes, which are considered affordable housing, with more expensive single-family homes. She stated she would have liked to have Mr. Chermak in attendance to address questions because this is an important application.

Commissioner Buchanan asked if there was a chance that any of the trees numbered 328, 329, 330, and 331 could be saved.

Mr. Pemberton stated based on the grading plan and discussions with the engineer, they have done what they could to minimize the tree removal.

Commissioner Flannigan asked when the Commission would have a landscape plan or mitigation plan to review.

Mr. Pemberton stated he would discuss this with Mr. Chermak.

Chair Iverson added that all of the trees in front of three of the homes would be removed. She stated she lived a couple of houses from the project area. She said she talked with Mr. Chermak about saving tree 300, but it now appears this tree would be removed. She challenged Mr. Chermak to look at the layout and plat of this house, and to do what he can to save tree 300.

Mr. Thomson stated tree 300 is not shown on the plans as being removed as part of the project, and they have shown grading limits outside of the tree. However, the challenge is that the tree is very large and has an extensive critical root zone. The tree ordinance considers impact to the critical root zone of a tree, removal of that tree, as it will die over time due to the damage. He noted that the City can talk to the developer, surveyor and engineer to see what can be done to change the grading area, so that it is outside of the critical root zone.

Chair Iverson suggested the home pad could also be reduced. She asked if the house plans would be presented to the Commission.

Mr. Thomson stated the house plans would not be brought back to the Commission unless variances are being requested. He explained staff, as part of the building permit process, would review a landscaping plan. One of the challenges of the tree ordinance is that the City can identify trees that may be removed, but this is not final until the house plans are approved as part of the building permit process.

Chair Iverson stated she had been to one of the other developments of the developer, where the developer had clear cut the property and after 5-years, only 3 trees had been replaced. She would like to make sure this does not happen with this development. She would like to ensure that the trees are being replaced according to the City's tree ordinance and if they are not, that there are significant consequences.

Chair Iverson opened the public hearing at 7:23 p.m.

Mr. Nancy Schussler, 230 Central Ave S, Wayzata, expressed concerns about the heritage trees on the property being removed. She asked if the tree replacement would occur on the lot that the tree was removed from, or if it could be replaced on any lot in the project.

Mr. Thomson stated the tree ordinance states the tree replacement would have to occur on the site that the removal occurred to the extent that the site allows. If there is not enough room on a site then, at its discretion, the City can accept a fee in lieu of replacement. The City can then add plantings to other areas of the City.

Ms. Schussler asked if there were specified trees the developer could use to replace the removed trees.

Chair Iverson stated there is recommended tree replacement list in the tree ordinance.

Mr. Thomson stated the replacement tree must also be comparable to the tree that is removed, and the developer must provide for a diversity of species.

Ms. Schussler expressed concerns about decreasing the amount of affordable housing in Wayzata. She also expressed concerns about the density of the proposal, and the impacts to privacy in the neighborhood due to the project. She stated Pillar does construct beautiful, quality homes. She asked if the new homes would be taller than her home, and if there would be any provisions taken to protect the privacy of other properties. She asked if the neighborhood could participate in the design of these homes.

Mr. Thomson stated that Council would be make the decision about the subdivision application. If the subdivision were approved, then the zoning regulations for the zoning district would apply to the construction of the homes, including setbacks, lot coverage, impervious surface coverage and building heights. There are no additional land use requirements for the homes beyond the R-3A zoning requirements.

Ms. Schussler asked if the cottonwood in the rear of the property would be saved.

Chair Iverson stated this particular tree was marked as being saved.

Mr. Merrily Babcock, 331 Reno St, Wayzata, stated the age of the oak trees being removed were 133-years, 142-years, 149-years, and 117-years and this is concerning to her. She asked how much excavation would be going on with this project that would cause these trees along the property line to be removed, and how much fill would be removed from the site. She stated the alterations to the land would be too significant, and this is causing the loss of these older trees. She stated it was disappointing that all the garage doors face the front, and there would be no trees in the front. She stated the application being presented does not appear to be complete because the Commission is not provided with the excavation information. She stated the project presented is not of the quality

that Mr. Chermak can do and if these are custom homes, they should be able to work around these trees.

Mr. Thomson reviewed the grading plan for the project. He explained that staff reviewed the proposed change in grade and it is below the City's threshold, and allowed. As house plans are brought forward, staff would be recommending that the grading be kept as tight as possible to the footprint of the homes, so that the trees that are intended to be kept are not impacted. Staff will talk to the developer and builder about tree 300 to see if there is an opportunity to save it, although he is not optimistic this will be the case.

Chair Iverson closed the public hearing at 7:36 p.m.

Commissioner Gruber stated in her opinion the application is not ready for a Planning Commission recommendation. She would like to hear from Mr. Chermak regarding her concerns. The homes presented are not custom homes, and the project density is too high for this neighborhood. The loss of trees is concerning, and these trees could be saved by dividing the property into less lots. The Commission should know how much land or fill will be brought to and removed from the site. She stated the Commission does not have the house plans to review, and they do not know what the height would be for these homes. She expressed concerns about the loss of the affordable housing this project represents.

Commissioner Buchanan stated the density of the property would not change since there are two duplexes on the property currently, and the project is proposing four homes. The previous Pillar Homes project had been recommended for approval by the Commission and was approved by the City Council, and these homes are expected to be consistent with those. There is nothing that should prevent the Commission from moving this project forward to the City Council for review.

Commissioner Gruber explained there would be four homes and there could be additional cars. She is very concerned about the price point for these homes. She would also like to hear from Mr. Chermak to find out if he had considered dividing the property into fewer parcels. Even though the ordinance does allow for this property to be subdivided into four parcels, she would like to know why they are proposing four instead of two or three.

Commissioner Murray stated that if the City does not want builders to meet the setbacks, lot coverage, and impervious surface coverage for the zoning district, then the City needs to change the zoning ordinances. This application meets all of the setback, lot coverage, and impervious surface requirements established in the current zoning ordinance. If there are less parcels and the garages are moved to the back, then there would be more impervious surface on each lot and/or an increase the number of trees that would be removed. He stated that the project meets the requirements, and he would not recommend to deny it.

Commissioner Flannigan stated he has an issue with the pie shape of the lots, with the narrowness in the back. He would like to hear from Mr. Chermak and see more information on alternatives to this project.

Commissioner Gonzalez stated she had voted against the previous Pillar Homes project, and she does not feel there is enough information to make a recommendation at this time. Even though the developer is not required to provide a storm water management plan, the Comp Plan does require the Commission to identify water and ecological quality impacts that affect the Lake. In addition, in this particular area, there has been a recent history of adjacent neighborhoods being affected when there has been significant grading done. She wants to ensure that the project that goes on this particular site does not affect the quality of life for the neighbors. She would like to see a filling and grading plan. The Preliminary Plat criteria states the Commission should consider that building pads that result from a subdivision shall be located with respect to natural topography. She stated she would like to know that the developer exhausted all possibilities for preserving the significant and heritage trees on this site. Even though these are custom homes, in the past the Commission has been given enough information to know what would be built on the properties before recommending approval. She also stated four large homes would house more people than two duplexes, and this would create more traffic.

Chair Iverson stated she does not have enough information to make a recommendation. There are still several significant lots and two non-conforming lots in the neighborhood. She stated until the Wise properties were developed, there had not been any lots in this neighborhood with 9,000 square-feet. She questioned if this was the direction the City wanted to move in. Changing these lots from two to four would adversely impact the character of the City and neighborhood. She stated the subdivision criteria states wetlands should not be adversely impacted, and the Commission does not understand the grading plan enough to know that these wetlands would not be impacted. She would like to see Mr. Chermak and his team look at creative options for this property to save the trees. She stated just because a similar subdivision was approved, does not make it right. The City has a Comprehensive Plan and Subdivision Ordinance that states the character of the City should be preserved, and little by little this is being taken away.

Commissioner Flannigan stated he would like to have the applicant come back to the Commission with an option for a 3-lot subdivision.

Commissioner Gonzalez stated the Commission's obligation is to the current application that is being presented.

Chair Iverson asked the applicant to provide information on other options that would address the density concerns.

Commissioner Flannigan asked the applicant to also provide information on alternatives to the homes that would allow some of the trees to be saved, what the homes would look like, and what the grading would be for the sites.

Commissioner Gruber requested the applicant provide additional information on the estimated price point for the proposed homes.

Commissioner Murray stated the applicant could come back to the Commission with the requested information and the application would still meet the requirements of the zoning ordinance. The Planning Commission is going beyond what is required by code. He asked what latitude the

Commission had to go beyond the written requirements of the City's zoning and subdivision codes. He would like to see consistency in the additional information requests made by the Commission for applications.

Chair Iverson stated looking at the Comprehensive Plan and the subdivision ordinance, there are things that go to the concerns brought up by the Commission, including saving trees and impacts to topography. Some of this information is not included in the application information, and it is difficult to make a decision when there is no information. There have been proposed subdivisions where the City Council has requested that the density of homes proposed be decreased, specifically because of the guidance of the Comprehensive Plan. Even though the proposed subdivision meets the lot area of the zoning district, it does not meet the character of the neighborhood.

Commissioner Murray stated if the Commission requires details such as specifics on the homes to be built, the number of trucks coming and going, and alternative plans reviewed, then the City should make this an express requirement of the application process, so that developers know what they need to present beyond what is in the code.

Mr. Thomson stated the applicant makes the decision on what the application is and if they submit a plan for four lots, then that is what is reviewed. He confirmed that the Commission is requesting additional information from the Applicant on the current application regarding the price of the homes to be built, the grading impacts to the trees, specifically tree 300, the amount of cut and fill on a site by site basis, analysis of the grading limits to see if they can be adjusted to preserve the trees along the back of the property, clarification on building height, and a drainage plan.

Chair Iverson requested the applicant also look at the oak trees along the property line to see if there was a way to potentially save some of these.

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to continue the discussions on the application for a Preliminary and Final Plat Subdivision at 236 Central Avenue and 1101 Lasalle Street to the next Planning Commission meeting, and request the applicant be present and provide the additional information outlined. Motion passed unanimously.

b.) Glea Haven 3rd Addition – 190 Gleason Lake Rd and 121 Gleahaven Rd

i. Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the applicant, David J. Heil, and the property owners, David J. Heil and David W Heil, have submitted a development application to subdivide the properties at 190 Gleason Lake Rd and 121 Gleahaven Rd. The applicant is proposing to subdivide the two existing properties into five single-family residential lots. The applicant is requesting approval of a concurrent preliminary and final plat subdivision. The existing home on the 190 Gleason Lake Rd property would remain on the new Lot 5 and the existing house at 121 Gleahaven Rd would be torn down. New homes would be constructed on Lots 1,2, 3 and 4 and the proposed plans include preliminary house pads for each new home. The proposed house pads comply with all requirements of the R-3 zoning district including setbacks, lot coverage, and impervious surface. The driveway to the existing house that would remain on Lot 5 would be unchanged. Lots 1 and 2 would have separate driveway access from Gleahaven Rd and Lots 3 and

4 would have a shared driveway access from Gleason Lake Rd as recommended by Hennepin County, which has access authority over Gleason Lake Road/County Rd 15. There are 45 trees located on the site that are classified as either significant or heritage trees under the tree ordinance. The proposed plans include no tree removal on Lot 5, since the existing house would be retained and no construction is proposed; all of the significant and heritage trees would be removed on Lots 2 and 3; only two trees would be preserved on Lot 1; and only one tree would be preserved on Lot 4. The proposed plans indicate that 29 significant and 1 heritage tree would be removed. Based on the tree preservation ordinance and the proposed removal, 50 inches of replacement trees would be required for the heritage tree removal and 260 inches of trees would need to be replaced for the proposed significant tree removal, all for a total of 310 inches of tree mitigation. The proposed plans do not include a tree replacement plan.

Mr. Thomson noted that Hennepin County has reviewed the proposed plat since it is adjacent to a County Road. Mr. Thomson summarized the County's comments and the City's follow up: 1.) The County prefers that Lots 3 and 4 have access to Gleahaven Road, rather than to Gleason Lake Road as proposed, and the County has stated that if access from Gleahaven is not feasible, they would allow access to Gleason Lake Road upon demonstration of adequate sight distance for vehicles entering the road, 2.) The County is requesting dedication of seven feet of additional right of way along Gleason Lake Road to match the full 80-foot full roadway section. The right of way dedication would impact the proposed lots such that Lots 3 and 4 would no longer meet the lot area or lot depth requirements of the City's ordinance. In which case, variances would be required for the proposed subdivision, 3.) The County requests that Stormwater be internally captured on the site, and would require that the proposed flow rates be less than existing flow rates. City Staff has reviewed the proposed plans and finds that the majority of Stormwater runoff would be captured internally. The final confirmation of flow rates would occur with the County when the building permits would be reviewed for each of the new homes.

Commissioner Gonzalez asked if the County could deny the creation of two access points or curb cuts along Gleason Lake Road unless they get the 7-foot right of way dedication they are requesting.

Mr. Thomson stated State Statute requires the City to notify the County of any subdivisions that are adjacent to a County highway. This is a notification, and the County then provides comments to the City. The County has requested the City make this right of way dedication a requirement of approval because the City has authority under the subdivision ordinance to require this. Any dedication has to be commensurate with the demand of the subdivision and related to the subdivision.

Commissioner Gonzalez asked what would justify the City requiring the 7-foot right of way dedication to the County.

Mr. Thomson stated if this right of way is consistent with the City's Comprehensive Plan, Transportation Plan and ordinances, then the City can make this requirement.

Commissioner Gonzalez asked if the County had the same right of way beyond this particular property.

Mr. Thomson explained the reason for the 7-foot right of way request is to extend and be consistent with the already existing 80-foot width of the road and right of way that currently exists along Gleason Road.

The Applicant, Mr. David Heil, 190 Gleason Lake Road, Wayzata, stated his family had acquired the property with the intention of developing it. He would continue living in the home that would be on Lot 5 of the proposed subdivision. He explained the proposed grading would level off the bluff on the exisiting property so that there would not be any one home over powering the others.

Commissioner Gonzalez asked if Mr. Heil had an alternate plan based on the County's request for a 7-foot right of way easement.

Mr. Heil stated he did not at this time.

Chair Iverson opened the public hearing at 8:20 p.m.

Mr. Douglas Weston, 106 Gleahaven, Wayzata, expressed concerns about the volume of water that would come out of the proposed interceptor. He would like to ensure that the City Engineer looks at these plans to make sure there is the capacity to move the required volume of water without impacting the neighborhood.

Mr. Bob Fisher, 140 Gleahaven Road, Wayzata, expressed concerns about the water flow. The existing underground chamber that had been installed fills with water and does not work effectively. He stated he had also sent an email expressing other concerns.

Chair Iverson read the email into the record:

> "I would like to convey my concerns about the proposal to subdivide the properties at 121 Gleahaven Road and 190 Gleason Lake Road to the Planning Commission. The proposal is for a preliminary and final plat approval but the applicant has not included any information on what the type, style, size, and value of the homes he intends to build. With a final plat approval without this information, is the applicant guaranteed carte blanche to build anything he wants via the building permit process. According to the Wayzata subdivision ordinance the creation of lots shall not adversely impact the scale, pattern, or character of the neighborhood. Up until a few years ago, the smallest lot on Gleahaven Road was 17,572 square-feet. Lots of 9,000 square-feet are a drastic change. Homes along Gleahaven Road are primarily single story and one-and-a-half story homes. If the applicant intends to build full two-story homes on these lots, I believe this will also impact the scale and character of the neighborhood. While I am not against the proposed subdivision, I feel that before a final approval is given, the applicant should present more information to his proposal (i.e. reference the Pillar Home proposal that is being presented on the same night). Thank you. Bob Fisher."

Mr. Dan Poss, 133 Gleahaven Road, Wayzata, stated the existing knoll on these properties is quite high. He is not opposed to the project but is concerned that if the property is lowered to the same

level as the surrounding properties, a two-story home would be out character for the neighborhood. He is also concerned about excess water being directed to his property.

Mr. Heil stated LBK built the homes at 108 and 110 Gleahaven, and they are looking to conform with this same style of home. He also lives in this neighborhood, and wants to ensure the look and feel of the neighborhood is maintained. This project would be an opportunity to address some of the drainage problems experienced in the neighborhood. They are not trying to take the grade down to build up. They are working to slope the property in a more favorable manner. The two smaller lots are sharing a driveway so the hard surface would be reduced for these lots. He said he has the ability to review what people are looking to build in the neighborhood prior to selling the lot.

Commissioner Gonzalez stated if four homes are added, there would be a significant increase in the amount of hardcover on the property. This area does have problems with water runoff. The County is also requesting a additional 7-foot right of way easement, and this would impact his ability to create four lots. The City Engineer reviewed the storm water management plan. She asked if this would take care of the runoff on both sides of the property.

Mr. Heil stated this had been the intent. He does not have a calculation on the number of truckloads of fill that would be removed. Leaving the knoll and having steep driveways would not solve any of the runoff problems for his property or surrounding properties. They would be using the County Road to do the loading and unloading.

Chair Iverson closed the public hearing at 8:36 p.m.

Commissioner Flannigan stated the project does not meet the subdivision ordinance because the lots would adversely impact the scale, pattern and character of the neighborhood. He added that the design of the lot, building pad and the site layout are not reflective of the surrounding area; the lot sizes are dissimilar from adjacent lots in the neighborhood; and the subdivision would depreciate the value of neighboring properties.

Commissioner Flannigan stated there is a problem in the neighborhood with the knoll and this could solve some of the water mitigation in the neighborhood. The proposed lot sizes are smaller, but there could be a compromise that would meet the drainage and storm water runoff issues in the neighborhood, and accomplish what the landowner would want in terms of redeveloping a lot that could be redeveloped. He expressed concerns about the trees being removed, but noted it may be a situation that in order to correct a problem, these steps need to be taken.

Commissioner Murray stated that he would agree with Commissioner Buchanan. This particular project does have more of a significant change to the neighborhood.

Commissioner Gonzalez agreed with Commissioner Buchanan, and stated the project is too much density for the area and it does not reflect the character of the neighborhood. If the applicant were to comply with the County's request for a 7-foot right of way easement, then they would not be able to create four conforming lots. The loss of trees is devastating and the code does not allow for significant changes in topography.

Commissioner Gruber agreed with the other commissioners. She noted that the proposed lots are significantly smaller than surrounding properties. She would recommend reconsidering the number of lots proposed, the tree removal, and the changes in the topography.

Chair Iverson agreed with the Commission and would not support this application at this time. The plan presented is not the right plan for this property.

Commissioner Gonzalez made a motion, seconded by Commission Gruber, to direct staff to prepare a draft Planning Commission Report and Recommendation, including findings of fact, recommending denial of the Preliminary and Final Plat Subdivision at 190 Gleason Lake Road and 121 Gleahaven Road. The motion passed unanimously.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated the City Council had appointed Commissioner Gonzalez and Commissioner Buchanan to the Advisory Committee for the Comprehensive Plan Update. There is a community survey currently open on the City's website that would be used by this Advisory Committee. After this survey is completed, there will be a workshop that will take the survey results and put together visions for the City. There will be a joint workshop on September 5 for the City Council, the HRA, and the Planning Commission on the potential redevelopment of Lake Street between Ferndale and Barry. There are a number of possible projects in this area, and there have been discussions on potential public funding and tax increment financing.

b.) Next Meeting is Scheduled for August 21, 2017

Director of Planning and Building Thomson stated the Planning Commission would be continuing its review of the two projects from this agenda, and begin review of the Wayzata Blu general plan of development, at the August 21 Planning Commission meeting.

Commissioner Gonzalez asked if the Council had approved the additional condominium requested for the Meyer Brothers projects.

Mr. Thomson stated the Council did approve this PUD Amendment and the related development agreement for the project. The Council also approved the T-Mobile telecommunications facilities CUP with the conditions recommended by the Planning Commission, and approved the sign CUP for the Holiday station store.

Chair Iverson asked staff to confirm that the air conditioning units on the Landings Hotel that are currently visible along Lake Street, would be covered.

AGENDA ITEM 7. Adjournment.

Commissioner Flannigan made a motion, seconded by Commissioner Murray, to adjourn the meeting of the Planning Commission. The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.