

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 6, 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, and Buchanan. Absent and Excused: Young, and Flannigan. 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 Buchanan, to approve the September 6, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) None

AGENDA ITEM 4. Old Business Items:

- a.) Adopt Report and Recommendation on Waytonka East End – 236 Central Ave S and 1101 Lasalle St
- i. Preliminary and Final Plat Residential Subdivision

Director of Planning and Building Thomson stated the applicant, 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 101 Lasalle St. The applicant is proposing to subdivide the two existing properties into four single-family residential lots. The Planning Commission reviewed the development application and held a public hearing at its meeting on August 7, 2017. The Planning Commission continued the item to the August 21 meeting and requested that the applicant provide additional information regarding grading, tree removal, and house design. The Planning Commission reviewed the additional information at its meeting and after discussions, the Planning Commission voted 4 in favor and 3 opposed to direct staff to prepare a draft Planning Commission Report and Recommendation for denial of the development application.

Commissioner Buchanan stated he continues to support recommending approval of the application because the neighborhood is in transition, the project enhances the value of existing properties,

1 and the lot sizes meet the requirements of the zoning code. The tree removal is disappointing, but
2 they are required to mitigate this removal under the City's Tree Ordinance.

3
4 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to adopt the draft
5 Planning Commission Report and Recommendation, as presented, recommending denial of the
6 Preliminary and Final Plat Subdivision for Waytonka East End at 236 Central Ave S and 1101
7 Lasalle St as presented. The motion carried 3 ayes and 2 nays (Murray and Buchanan).

8
9 **b.) Adopt Report and Recommendation on Glea Haven 3rd Addition – 190 Gleason**
10 **Lake Road and 121 Gleahaven Rd**

11 **i. Preliminary and Final Plat Residential Subdivision**
12

13 Director of Planning and Building Thomson stated the applicant, David J. Heil and the property
14 owners David J. Heil and David W. Heil have submitted a development agreement to subdivide
15 the properties at 190 Gleason Lake Rd and 121 Gleahaven Rd. The applicant is proposing to
16 subdivide the two existing properties into five single-family residential lots. The Planning
17 Commission reviewed the development application and held a public hearing at its meeting on
18 August 7. After discussing the application, the Planning Commission voted 6 in favor and 0
19 opposed to direct staff to prepare a draft Planning Commission Report and Recommendation of
20 denial of the development application.

21
22 Chair Iverson stated the applicant has talked further with City staff, and would like to make a
23 presentation prior to the Commission's vote.

24
25 The Applicant, Mr. David Heil, gave a presentation on his Application, including a tree
26 conservation and replacement plan with remarks from an arborist. Four ash trees would be
27 removed under the plan to prohibit the spread of emerald ash borer affecting the trees in the area.
28 Mr. Heil reviewed the landscaping that would be provided to preserve as many trees as possible.
29 He noted the plan they are proposing would negatively impact 16 significant trees, not 25 trees.
30 They would not be removing any heritage trees from the property. He reviewed the lot
31 characteristics adjacent to the proposed project, including lot size and the grading that would be
32 done to address runoff problems for the properties, and the structure characteristics for the
33 proposed homes. He clarified the fill would be moved utilizing the access point on the County
34 Road.

35
36 Commissioner Gonzalez asked if some of the proposed lots would be non-conforming if the
37 County was granted their request for an 8-foot easement.

38
39 Mr. Thomson stated the County did review the plat and they requested the City require an
40 additional 7-feet of right-of-way to make the street a total width of 80-feet. Staff's thoughts are if
41 the subdivision were to be approved by the Council, the Council can require right-of-way
42 dedication as part of the subdivision approval. The right-of-way dedication would impact the lot
43 depth and width, but the City would only get this right-of-way if the subdivision were approved.
44 This is not a rationale for denying the subdivision.

1 Commissioner Gonzalez asked if the City Engineer had reviewed the impacts the removal of the
2 mound on the property would have on the neighborhood.

3
4 Mr. Thomson stated the City Engineer had reviewed all of the plans, and there is a significant
5 amount of grading. However, he had no comments that this would negatively impact the
6 neighborhood because the applicant is providing storm water management on the property to direct
7 runoff to a catch basin or to the street.

8
9 Commissioner Gruber stated the applicant brought forward new information. She asked if this
10 would be part of the record and if so, could the Commission discuss the presentation because it
11 does address some of the Commission's findings for denial.

12
13 City Attorney Schelzel stated the presentation would be part of the record.

14
15 Chair Iverson stated the information presented is new information, and should be discussed and
16 considered.

17
18 Commissioner Gruber stated she does have concerns about the amount of grading and what the
19 neighbors think of the project. Five of the findings in the draft Report involve the size of the lots
20 and the neighborhood.

21
22 Chair Iverson stated the main reason for the denial recommendation had been the change to the
23 character of the neighborhood that the project would represent.

24
25 Commissioner Buchanan stated he would have liked to have had the information presented by the
26 Applicant during the previous review of the Application. His previous concerns had been the lot
27 sizes, and he would still not support the project.

28
29 Commissioner Murray stated the lot diagram in the presentation had shown that the proposed lots
30 would be slightly larger than other properties in the neighborhood. He would like to see this map
31 with the adjacent lots so the Commission could compare the lot sizes. He noted that the Applicant
32 has made some several improvements to the project to address the concerns of the Commission.

33
34 Mr. Thomson showed the neighborhood map with the zoning and lot sizes for the surrounding lots,
35 excluding the high-density multi-family zoning to the west.

36
37 Commissioner Gonzalez stated she would not be willing to support the project due to the amount
38 of filling and grading that would occur on the property. There is not enough information about the
39 effects the change of the topography would have on the neighborhood. The lot sizes are also not
40 reflective of the entire neighborhood.

41
42 Commissioner Gonzalez made a motion, Seconded by Commissioner Buchanan, to adopt the draft
43 Planning Commission Report and Recommendation, as presented, recommending denial of the
44 Preliminary and Final Plat Subdivision for 190 Gleason Lake Rd and 121 Gleahaven Rd. The
45 motion carried unanimously.

46

c.) Adopt Report and Recommendation on Wayzata Blu – 259, 269, and 275 Lake St E and 339 Barry Ave S

i. PUD General Plan, Design Review, Shoreland Impact Plan/Conditional Use Permit, Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the applicant, Gatehouse Properties Ltd., has submitted a development application to redevelop the properties at 259, 269, and 275 Lake St E and 339 Barry Ave S. The proposal involves the demolition of the existing commercial buildings on the properties and construction of a new 3-story mixed use building consisting of office and retail uses and 18 residential condominiums. The Planning Commission reviewed the development application and held a public hearing at its meeting on August 21. After discussing the application, the Planning Commission voted 7 in favor and 0 opposed to direct staff to prepare a draft Planning Commission Report and Recommendation for approval of the development application. Since the Planning Commission meeting, the applicant submitted updated plans for the project that remove the mechanical equipment from the roof of the building, so that the design deviation is no longer required. The updated plans also include minor modifications to further confirm that the plans meet the City's design standards.

Commissioner Gonzalez asked if the equipment on the roof would be moved to the interior of the building and the parapet would be removed. She asked if conditions would need to be included in the approval for these, and also if the Commission would need to provide findings for the approval of the deviation from the design standards.

Mr. Thomson stated the applicant had submitted revised plans that included the removal of the mechanical equipment and parapet from the rooftop.

City Attorney Schelzel stated that Section 3.2 of the draft Report does provide findings for the deviation from the design standards for the exterior materials.

Chair Iverson asked if there was any further public comment on the Application.

City Attorney clarified that this is an opportunity for additional public comments, but the actual public hearing had been held at the last meeting.

Jane Cole, 181 Ridgeview Drive, Wayzata, stated some of the concerns she had with the project are no longer issues. She stated the first she had heard of the project was when she saw the Planning Commission meeting on TV in March. She had not been notified. She enjoys how the current corner looks, and she has concerns that Candlelight Floral would have to be relocated because the building would be torn down. Judd Frost and the Barbers also wanted to stay in the current building. Candlelight Floral and the Barbers have since relocated but Judd Frost would like to stay if he could. She would like to have a moratorium placed on the property because the City is currently in the process of reviewing the Comprehensive Plan. A new Comp Plan may not allow or approve of this type of development in this location. She understands this is a decision that would have to be made by the City Council. She stated the property had been zoned commercial for many years and only changed because of a budget drought in the City. She stated the developer has a responsibility to keep within the zoning, and she would like to see this property

1 returned to a commercial zoning versus a mixed use residential. This is a corner that the residents
2 have always been able to access and she would like this to remain.

3
4 Chair Iverson asked for any further public comment and hearing from no one, brought the
5 discussion back to the Commission.

6
7 Mr. Thomson commented that the best place to get information on proposed and ongoing
8 developments in Wayzata would be in the City Council and Planning Commission meeting
9 agendas and packets, which are all publically available on the City's website and at City Hall. All
10 notices of meetings and public hearings on new development proposals are published in the
11 *Lakeshore Weekly News* at least 10 days prior to the meeting. Next year the publications will
12 change to the *Sun Sailor*.

13
14 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray, to adopt the draft
15 Planning Commission Report and Recommendation, as presented, recommending approval of the
16 PUD General Plan, Design Review with exterior material deviation, Shoreland Impact
17 Plan/Conditional Use Permit for Impervious Surface, Preliminary and Final Plat Subdivision for
18 259, 269, and 275 Lake Street E and 339 Barry Avenue S.

19
20 Chair Iverson asked if there was any further discussion on the motion.

21
22 Commissioner Gonzalez stated she is disappointed that the City would be losing a thriving
23 commercial retail area. She hopes the Council considers what impacts there would be on traffic
24 with the increased number of condominiums in the area.

25
26 Commissioner Gruber stated she would like to see more done with the landscaping for the project.

27
28 Hearing no further discussion, Chair Iverson called the motion to a vote. The motion carried
29 unanimously.

30
31 **d.) Adopt Report and Recommendation on Boatworks Parking – 259 Lake Street E**
32 **and 294 Grove La E**

33 **i. Conditional Use Permit**
34

35 Director of Planning and Building Thomson stated the applicant, Gatehouse Properties Ltd. and
36 Boatworks II LLC, and the property owners Flagship Financial Group, Inc. and Boatworks II, LLC
37 submitted a development application to amend the existing Conditional Use Permit (CUP) for off-
38 site parking facilities between 259 Lake St E and 294 Grove La E. The Planning Commission
39 reviewed the development application and held a public hearing at its meeting on August 21. After
40 discussing the application, the Planning Commission voted 7 in favor and 0 opposed to direct staff
41 to prepare a draft Planning Commission Report and Recommendation for approval of the
42 development application.

43
44 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray, to adopt the draft
45 Planning Commission Report and Recommendation recommending approval of Conditional Use
46 Permit amendment for 259 Lake Street E and 294 Grove La E parking as presented.

AGENDA ITEM 5. New Business:

**a.) Public Hearing and Consideration of Application for Fretham 17th 2nd Addition
– 1411 Holdridge Ter
i. Preliminary Plat Residential Subdivision**

Director of Planning and Building Thomson stated the applicant Lake West Development LLC has submitted a development application to subdivide the property at 1411 Holdridge Terrace. The applicant is proposing to subdivide the existing property into two single-family residential lots. As part of the submitted development application, the applicant is requesting approval of a preliminary plat subdivision. The applicant has submitted preliminary concept plans for the single-family homes that would be constructed on the lots. In addition, the proposed plans include preliminary house pads for each of the new lots and these would comply with all requirements of the R-2 zoning district, including setbacks, lot coverage, and impervious surface. The proposed lots would meet the minimum lot requirements for the R-3A zoning district for single-family homes. The proposed plans include removal of trees for the proposed homes, driveways, and grading of the lots. The proposed plans indicate that 21% of the inches of significant trees would be removed for the project, which is less than the 25% removal threshold for significant trees before replacement is required. One heritage tree would be removed and this requires mitigation. Based on the proposed removal, 70 inches of replacement trees would be required for the one heritage tree that would be removed. The back of the lots is encumbered by a wetland, which has been formally delineated by the applicant. Based on the management classification of the wetland, the proposed plans include the 25-foot wide buffer along the upland edge of the wetland, as required by the City's and watershed district's requirements. There are public extensions for the City's sewer and water service located on the site, and there would be new gravity sewer line and water extension added with this project to service the two new lots. These extensions are the responsibility of the developer. The City Engineer has reviewed the plans and requested that all of the runoff from the new homes and impervious surfaces be directed to the back of the lots and into the wetlands.

Commissioner Gonzalez stated the grading appeared to be close to the delineation of the wetland. She asked what measures would be taken to protect the wetlands.

Mr. Thomson stated as part of the construction process the City requires silt fence to be installed at the grading limit.

Chair Iverson stated that the silt fence must be replaced within 24 hours if it is broken or damaged. She asked how this was enforced.

Mr. Thomson stated that the City inspects the silt fence prior to construction starting, the City also has inspectors to review this and the building inspector is on the site regularly and one of the items they inspect is the silt fence. It is the contractor's responsibility to ensure this fence is in place and maintained properly.

1 Commissioner Murray asked if the developer would be able to grade into the buffer zone and once
2 the project is complete, whether they would be able to build in the buffer zone.

3
4 Mr. Thomson stated the buffer area can be used for lawn space or backyard but there cannot be
5 any building in this area.

6
7 Chair Iverson asked what the impacts would be to people who use the road in this area when the
8 water and sewer are added.

9
10 Mr. Thomson stated based on where this would be located, there may be some intermittent closure
11 on Holdridge Terrace to the west, near the water connection. The lines are not under the road.

12
13 Commissioner Gruber asked how far the lift station was from the proposed property.

14
15 Mr. Thomson stated the lift station was within 10-feet, and there is regular maintenance on the lift
16 station.

17
18 Commissioner Gonzalez asked how much fill would be brought to the site.

19
20 Mr. Thomson stated they would bring in 853 cubic yards for Lot 1 and about 1200 cubic yards for
21 Lot 2.

22
23 Applicant's representative, Mr. Perry Ryan, Lake West Development LLC, 14525 Highway 7,
24 Minnetonka, stated the amount of fill brought would depend on the size of the basement for the
25 homes that would be built. The amounts listed are within the maximum fill amounts the City
26 allows. They are not expecting to have any street closures for the water and sewer installation.

27
28 Commissioner Gonzalez asked if the applicant had looked at the replacement of the heritage tree
29 and if this would occur on the site.

30
31 Mr. Ryan stated they are looking to plant these replacement trees on the property, and these could
32 be used for noise buffers and screening in the front.

33
34 Chair Iverson stated the proposal presented does keep with the character of the neighborhood.

35
36 Commissioner Gonzalez asked what the homes would look like.

37
38 Mr. Perry stated they intended the homes to be 2-story with walkout basements. There is a similar
39 home already submitted for the development to the west. They would have 3 car garages with
40 individual access points.

41
42 Applicant's representative, Mr. Curt Fretham, Lake West Development LLC, 14525 Highway 7,
43 Minnetonka, stated the proposed homes would be approximately 3500 square feet above grade.

44
45 Commissioner Gonzalez stated the homes looked like they would be in character with the
46 neighborhood.

1
2 Chair Iverson opened the public hearing at 8:15 p.m.

3
4 There being no one wishing to address the Commission on the project, Chair Iverson closed the
5 public hearing at 8:16 p.m.

6
7 Chair Iverson clarified that because the setbacks are being met, the Commission would not be
8 reviewing the design.

9
10 Mr. Thomson stated this was correct.

11
12 Commissioner Buchanan stated the project meets all of the applicable codes and requirements, and
13 he would support recommending approval of the project.

14
15 Commissioner Murray stated he would support recommending approval of the project since the
16 wetlands would be protected.

17
18 Commissioner Gonzalez asked if a condition of approval should be added that requires a tree
19 replacement plan be submitted.

20
21 Mr. Thomson stated the tree replacement plan is a requirement and in the past, the City has required
22 this before a building permit could be issued. The problem at this time is the replacement plan
23 requires a plan of the where the trees would be planted and the species. This would be dependent
24 on the homeowner and their preferences. A plan at this time would not be reflective of what could
25 occur. Thus, the City has made this a requirement as part of the building permit process, and it
26 must be reviewed by the City Forester at that time.

27
28 Commissioner Gruber stated she would support recommending approval of the project.

29
30 Commissioner Gonzalez made a motion, Seconded by Commissioner Buchanan, to direct staff to
31 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
32 recommending approval of the Preliminary Plat Subdivision for Fretham 17th 2nd Addition located
33 at 1411 Holdridge Terrace. The motion carried unanimously.

34
35
36 **AGENDA ITEM 6. Other Items:**

37
38 **a.) Adding Consent Agenda to Planning Commission Meetings**

39
40 Director of Planning and Building Thomson stated a review of the process for adopting reports
41 and recommendations was included in the Planning Commission's 2017 work plan. With the
42 current process, staff does not include any findings in Staff Reports on new development
43 applications for a proposed project. Instead, Staff asks for the Commission's direction based on
44 findings discussed by the Commission at its meeting, and then a draft Report and Recommendation
45 is brought back to the Commission for its review and adoption at the next meeting. An alternative
46 approach to streamline the process would be to utilize a consent agenda for both meeting minutes

1 and Reports and Recommendations on applications previously considered by the Commission.
2 The City Council uses a consent agenda. A consent agenda usually includes items that have been
3 previously discussed, items that are considered routine, or items that do not warrant further
4 discussion by the Planning Commission. These items are noted in the agenda and announced at
5 the beginning of the meeting. If any items need further discussion, they can be removed from the
6 consent agenda. If there are no items removed for further discussion by the Commission, all of the
7 items are adopted with one motion.

8
9 City Attorney Schelzel clarified that if there was incorrect or missing information in a report or in
10 the minutes, or they did not reflect the discussions and direction of the Commission a
11 Commissioner could pull that item for a separate discussion. He explained the key vote for the
12 Commission is after the public hearing and the discussion of a development application or project.
13 This is when Commissioners are voting to recommend approval or denial of a project, and direct
14 staff to prepare the formal report based on the discussions and direction of the Commission. When
15 the draft report comes back at the next meeting, the Commission is voting to adopt the report itself
16 and if it accurately reflects what the Commission voted on at the last meeting, even if a
17 Commissioner voted differently on the application. The final vote is to make sure the report and
18 recommendation accurately reflects the recommendation and findings of the Commission at the
19 last meeting.

20
21 It was the consensus of the Commission to support the process of adding a Consent Agenda to the
22 Planning Commission meeting agendas starting with the September 18 meeting.

23
24 Chair Iverson suggested the Commission review the setback standards for subdivisions if the City
25 Council wants this done.

26
27 Mr. Thomson stated the review of setbacks is in the City Council's strategic plan, and the goal is
28 to have this completed by December 2018.

29 30 **b.) Review of Development Activities**

31
32 Director of Planning and Building Thomson stated at this time the next agenda includes the
33 adoption of the Fretham Addition Report and Recommendation, but other items may be added as
34 applications are completed. He noted that the City Council, HRA, and Planning Commission
35 held a joint meeting on September 5 related to a possible new West End TIF District. The Think
36 Tank 2-day workshop for the Comprehensive Plan update is currently looking for members.

37
38 Commissioner Gruber provided an update on the City Council meeting. The 630 Bushaway
39 Road project was granted an extension for the project due to a title issue, and Broadway Place
40 was also granted an extension of an additional year due to utility issues and notifying lessors.
41 The Public Hearing at the Council meeting was the modification of the Widsten TIF Plan.

42
43 Commissioner Gruber advised the Commission that this would be her last meeting as a
44 commissioner, as she has moved out of the City of Wayzata.

45
46 Chair Iverson and others thanked Commissioner Gruber for her many years of service.

1
2 **c.) Next Meeting is scheduled for September 18, 2017**
3
4

5 **AGENDA ITEM 7. Adjournment.**
6

7 Commissioner Gonzalez made a motion, seconded by Commissioner Buchanan, to adjourn the
8 meeting of the Planning Commission. The motion carried unanimously.
9

10 The Planning Commission meeting was adjourned at 8:38 p.m.
11

12 Respectfully submitted,
13

14 Tina Borg

15 *TimeSaver Off Site Secretarial, Inc.*