

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
DECEMBER 4, 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: Buchanan, Young, Iverson, Flannigan, and Douglas.
Absent: Gonzalez and Murray. 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 Young, to approve the December 4, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) None

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) **Kiser Subdivision – 227 Walker Avenue N, 521 and 529 Park St E**
i. **Preliminary and Final Plat**

Director of Planning and Building Thomson stated the property owners, Joseph and Mary Kiser, have submitted a development application to combine the lots at 227 Walker Avenue N and 529 Park St E, and a portion of the lot at 521 Park St E, into one lot. As part of the submitted development application, the applicant is requesting approval of the concurrent preliminary and final plat of the lot combination. In January 2015, the same property owners applied for and received approval of a preliminary and final plat to combine the 227 Walker Ave N and 529 Park St E lots into one lot. The plat was never filed with Hennepin County and the 2015 approval has expired. The 2015 plat application did not include the 521 Park St E lot. Currently, the 521 Park St E property meets all of the R-3A District lot requirements. The 529 Park St E property and 227 Walker Ave N properties do not meet the R-3A requirements. With the proposed lot combination and lot line adjustment, both of the new lots would meet all of the R-3A lot requirements, and the

1 resulting lots could not be subdivided in the future and meet the R-3A lot requirements. Given the
2 familiar background on the application, Mr. Thomson noted that a draft Planning Report and
3 Recommendation of approval was included in the Commission's materials for the meeting.

4
5 Commissioner Flannigan asked if the properties would conform to the hardcover requirements,
6 and the reason for the expedited review.

7
8 Mr. Thomson stated that the lots would meet the hardcover requirement of the R-3A District, and
9 the applicant would like to file the final plat with Hennepin County before December 31, 2017 for
10 property tax purposes.

11
12 Chair Iverson noted that the applicant indicated that there is not any more to add to the discussion
13 at this time.

14
15 Chair Iverson opened the public hearing on the application at 7:09 p.m.

16
17 There being no one wishing to comment, Chair Iverson closed the public hearing at 7:10 p.m.

18
19 There being no further comments or discussion among the Planning Commission, Chair Iverson
20 asked for a motion on the application. Commission Buchanan made a motion, Seconded by
21 Commissioner Young, to adopt the Planning Commission Report and Recommendation as
22 presented, recommending approval of the Preliminary and Final Plat Subdivision for 227 Walker
23 Ave N, 521 and 529 Park St E.

24
25 Chair Iverson asked for any discussion on the motion and hearing none, asked Mr. Thomson if
26 there would be a home built on the 521 Park St E.

27
28 Mr. Thomson stated there were no plans submitted for the 521 Park St E property at this time. He
29 read the findings included in the Planning Commission Report and Recommendation presented.

30
31 Chair Iverson clarified that the motion based on the findings in the Report, and read the conditions
32 included in the Planning Commission Report and Recommendation.

33
34 Commissioner Buchanan restated his motion to expressly include the findings of fact and
35 conditions as stated. The motion was seconded by Commission Young. The motion carried
36 unanimously.

37
38
39 **b.) Gardner Place – 350 Gardner St E**

40 **i. Rezoning, PUID Concept and General Plan, Preliminary Plat Subdivision**

41
42 Director of Planning and Building Mr. Thomson stated the applicant, Bohland Homes, has
43 submitted a development application to subdivide the property at 350 Gardner St E into two single-
44 family residential lots. The existing house would be demolished and two new homes would be
45 constructed with access from a private driveway. The application requests rezoning from R-3A to
46 PUD/Planned Unit Development, PUD concept and general plan, and preliminary plat subdivision.

1 Mr. Thomson noted that earlier in 2017, the Planning Commission and City Council reviewed a
2 three-lot subdivision of the property. The previous development application retained the existing
3 R-3A zoning, and requested approval of a subdivision variance to allow for a private street, and a
4 zoning variance from the impervious surface limitation. The City Council denied that application
5 due to concerns about the number of homes, small lot sizes, tree removal, private street, amount
6 of grading and fill, and impacts on adjacent properties. The current development application
7 includes the removal of the existing house, and the construction of new homes on each of the new
8 lots. The proposed house pads would comply with all requirements of the R-3A zoning district
9 including setbacks, lot coverage, and impervious surface. The property currently has a private
10 driveway that is shared with the adjacent property. Although the driveway would be commonly
11 referred to as a shared driveway, it would be considered a private street under the broad definition
12 of a private street in the subdivision ordinance. The City's subdivision ordinance prohibits private
13 streets except in the case of planned unit developments. The applicant is proposing to widen the
14 private street to 14-feet and extend it to provide access to the two new homes, which is the reason
15 for the request to rezone to PUD. The City Engineer recommended that the sanitary sewer force
16 main serving the property be private, with an agreement between the two lots for maintenance.

17
18 Commissioner Buchanan asked for clarification on where the private road began and where the
19 public portion of Gardner Street ended. He clarified that a private road was defined as a driveway
20 or road that serviced two or more homes, and a private road did not have to be constructed to the
21 same standards as a public street. He asked if the private road would be compliant for emergency
22 vehicle access.

23
24 Mr. Thomson stated the application was reviewed by the Fire Marshal, and he had provided two
25 options related to access and fire safety. The first option is to extend a code compliant fire access
26 lane to both lots, and the second option is for the homes to include a fire sprinkler system, in which
27 case the expanded fire access lane would not be needed. Given the grading, tree removal, and
28 impervious surface impacts of a code compliant fire access lane to the property, City staff would
29 recommend that the homes be required to have fire sprinklers as a condition of approval.

30
31 Commission Flannigan asked if there was an agreement with the neighboring property to allow
32 the private driveway/road to cross their property. He asked if the applicant has agreed to the
33 condition of requiring sprinkler systems for the homes.

34
35 Mr. Thomson stated part of this driveway already exists on the adjacent property, but he is not sure
36 if there is an agreement for the proposed extension. He stated he did not know if the applicant had
37 agreed to the condition of having fire sprinklers in the homes.

38
39 Chair Iverson stated even with the sprinklers, if there were a fire, the trucks would need to get to
40 the property. She asked how these trucks would turn around.

41
42 Mr. Thomson stated with the fire sprinklers the number of trucks that would be required would be
43 less, but if they did have a full-size fire truck on the property it would have to back out.

44
45 Commissioner Douglas stated to the east there is a large hill going to the water tower. She asked
46 if staff had reviewed the impacts of the runoff from this hill.

1
2 Mr. Thomson stated the City Engineer did review the plans and he recommended the grading
3 maintain the existing drainage patterns, and the storm water runoff from the new hardcover would
4 have to be appropriately directed.

5
6 Chair Iverson asked if there was a way to reroute the stormwater catch basin so that the two
7 significant trees located in the City's right of way would not have to be removed. These trees are
8 a buffer for Highway 12, and the adjacent homeowner had come to the last meeting and expressed
9 concerns about potential water issues. She stated the Commission would need additional
10 information on the stormwater management. She stated at the last public hearing a neighbor had
11 also expressed concern about the significant trees on her property being impacted by the grading.
12 She asked if this had been addressed.

13
14 Commissioner Flannigan stated the concerns had been raised because the previous proposal had
15 included the construction of a retaining wall and the grading for this could have impacted the trees
16 on her property.

17
18 Chair Iverson asked how much of a reduction there would be in the slope. She stated the
19 topography was changing significantly, and she would like to understand how this would impact
20 the stormwater runoff and drainage.

21
22 Commissioner Douglas asked what the City's experience was with grinder pumps located in homes
23 in Wayzata.

24
25 Mr. Thomson stated grinder pumps require more maintenance. If the pump fails, it could impact
26 the home it is located in, but it would not impact the City's sewer main or cause backups in other
27 homes.

28
29 Chair Iverson asked if the applicant has worked out an agreement with the neighbors regarding the
30 private driveway/road. She expressed concerns about the removal of the significant trees. They
31 had reviewed pictures during the public hearing on the previous proposal for this property and the
32 pictures depicted the coverage these trees provide to the neighborhood from Highway 12, which
33 buffer the noise. The driveway had been a concern at the previous public hearing as well.

34
35 Applicant's representative, Steve Bohl, 550 Far Hill Rd, stated the proposed driveway would go
36 onto the neighboring property about a foot. They could push the driveway a foot further north and
37 most of the private driveway would then be in the public right-of-way. He explained the previous
38 application had proposed a wider driveway and this had impacted more trees, so their goal with
39 this design was to stay as close to the existing driveway as possible to serve the one additional
40 home. He stated that they have not had any discussions with the adjoining property owner on the
41 new proposal.

42
43 Chair Iverson asked for clarification on the retaining wall and the impacts to the trees and the
44 grading that would occur.
45

1 Mr. Bohl stated the retaining wall is a 4-foot retaining wall and is pushed away from the eastern
2 property line, and they would not impact the trees along the eastern property line. The grading
3 that is occurring on the eastern property is to direct the water around the home. The grade of the
4 hill to the east of the retaining wall would remain. They would only be removing dirt to build the
5 retaining wall.

6
7 Commissioner Douglas asked what the size of the footprint and price point would be for the homes
8 on these properties.

9
10 Mr. Bohl reviewed the plans that had been previously reviewed by the Commission and noted that
11 the square footage on the main level would be 1178 square-feet, and the garage would add another
12 757 square-feet.

13
14 Commissioner Flannigan asked if the applicant would consider providing some screening in the
15 right-of-way in order to offset what would be removed.

16
17 Mr. Bohl stated there would be an opportunity to look at this. There are some trees that would
18 have to be removed because they are dead or poor growing. He explained if they removed the
19 catch basin on the northern side, then the two trees they are showing as being removed would be
20 saved. He said was not sure if the catch basin in the right of way had been a recommendation from
21 City staff.

22
23 Mr. Thomson clarified that the City's Arborist did review the trees in the City's right-of-way and
24 confirmed that there are dead and diseased trees that may need to be removed even if this
25 application is not approved, given their dead and diseased state.

26
27 Commissioner Flannigan stated these trees have presented a liability to the City for the last 15-
28 years, and the City has not looked at this area for 30-years.

29
30 There being no further questions of the Applicant and staff, Chair Iverson opened the public
31 hearing at 7:57 p.m.

32
33 Mr. Joe Madson, 344 Gardner Street E, asked if it was a City requirement that the catch basin be
34 put in. He would like to see as much screening from Highway 12 maintained as possible. If there
35 is an option to not remove these trees he would like that reviewed, and if the catch basin does need
36 to be installed he would like the City to look at adding tree replacement for the trees that would be
37 removed. He also asked if it had been a City requirement that the private road be pushed back
38 onto his property. He expressed concerns about the construction process and how this access
39 would impact his property.

40
41 Ms. Robin Bintossi, representing Linda Linden at 345 Gardner Street E, stated Ms. Linden had
42 requested she attend for her. Ms. Linden has expressed concerns since the beginning for the
43 proposed project and several of these concerns are still pertinent today. Her concerns include the
44 fact that the new proposal still proposes the rerouting of the existing water drainage, and this would
45 significantly impact her building pad. She clarified whether two trees would be removed in the

1 City's right-of-way, and she would like to know if the City is giving any of the City owned right-
2 of-way to the developer for what is being proposed for the properties adjacent to 350 Gardner.

3
4 Ms. Elissa Madson, 344 Gardner Street E, stated where the public street ends and the private
5 driveway begins there are two existing catch basins. In her conversations with City Engineer
6 Mike Kelly, she had been told that 15-years ago the City of Wayzata came in and dug up the private
7 driveway. Water is currently being routed under the driveway and routed down to a catch basin by
8 the smaller garage, and there is a catch basin in the north corner that catches any water that comes
9 off. The street water funnels under the driveway and meets up with the catch basin at the bottom
10 of the driveway and other water that funnels off the hill. From here it goes north into the City
11 right-of-way.

12
13 Ms. Lucy Bruntjen, 402 Gardner Street E, asked if the hill on the project property would be affected
14 at all.

15
16 Mr. Bohl stated clarified the retaining wall locations and the slight grading changes to allow the
17 water to be redirected. He noted that the change to the slope will be minor but there would be a
18 4-foot drop because of the retaining wall. There will be soil correction on the driveway, and this
19 may involve some grading.

20
21 There being no other member of the public wishing to speak, Chair Iverson closed the public
22 hearing at 8:08 p.m.

23
24 Chair Iverson asked about the portion of private driveway that would be in the City's right-of-way.

25
26 Mr. Thomson stated he would look into the questions regarding the catch basin at the end of
27 Gardner Street. The City is not requiring the driveway to be located in any particular location, but
28 they are requiring the driveway to be at least 14-feet in width. The City is not selling, vacating or
29 getting rid of any portion of the right-of-way.

30
31 Commissioner Flannigan asked if the City Engineer was confident that this plan addressed all the
32 stormwater issues that may exist.

33
34 Mr. Thomson stated there are some items that need to be clarified on the storm sewer
35 improvements, but that the grading plan is generally acceptable under the standards of maintaining
36 drainage patterns and not directing storm water onto adjacent properties. The City would need to
37 look further at alternatives to the storm sewer plan.

38
39 Commissioner Flannigan stated there would need to be a commitment from the applicant regarding
40 the fire sprinklers because if they are not going to be installed in the homes, then the access would
41 need to change based on the Fire Marshall's recommendations.

42
43 Chair Iverson stated that the fire sprinklers could be included in the conditions of approval when
44 the property owners apply for building permits. She stated the Commission could move forward
45 with the application with the added conditions the applicant provides the additional information
46 the Commission has requested.

1
2 Commissioner Flannigan stated the applicant has made significant changes to the project to address
3 previous concerns. He would like to see a landscape plan for the City's right-of-way. He would
4 also like the applicant to work with the Madson's regarding the driveway and its location, and
5 what the plan would be for the maintenance of the private driveway.
6

7 There being no further discussion, Chair Iverson asked for a motion on the application.
8

9 Commissioner Young made a motion, Seconded by Commissioner Flannigan, to direct staff to
10 prepare a draft Planning Commission Report and Recommendation with appropriate findings
11 recommending approval of the Rezoning from R-3A/Single and Two Family Residential District
12 to PUD/Planned Unit Development, the PUD Concept and General Plan of Development, and the
13 Preliminary Plat Subdivision for 350 Gardner St E, and further directing staff to request additional
14 information from the City Engineer and the applicant regarding the catch basins, the maintenance
15 of the private driveway, the landscaping for the City's right-of-way, and the driveway location in
16 relation to the Madson's property. The motion carried unanimously.
17
18

19 **c.) Whittington Garage – 126 Circle A Dr S**

20 **i. Variances**
21

22 Director of Planning and Building Thomson stated the property owners, Michael and Julie
23 Whittington, have submitted a development application to construct a garage on the property at
24 126 Circle A Drive S. The applicant is proposing to tear down the existing detached garage and
25 construct a new detached garage in the same general location. As part of the submitted
26 development application, the applicant is requesting approval of a front yard setback variance from
27 20-feet to 8.3-feet and a side yard setback variance from 5-feet to 0.1-feet. The proposed garage
28 would maintain the same setbacks as the existing garage. The new garage would be two stories
29 with a gabled roof. There would be an internal staircase at the back of the garage to provide
30 connection between the first and second floor. The detached garage would meet the accessory
31 building requirements of the R-3A zoning district, except for the front and side yard setbacks.
32

33 Commissioner Buchanan asked how the height of the proposed structure compared to the height
34 of the existing structure.
35

36 Mr. Thomson stated the new structure is 16-feet in height and the existing structure is about 11-
37 feet in height.
38

39 Commissioner Flannigan asked if there were any sight lines the proposed structure would block.
40

41 Mr. Thomson stated he was not aware of any sight lines that would be obstructed.
42

43 The applicant, Mike Whittington, 126 Circle A Dr S, stated the goal is to get a workable two-stall
44 garage. He explained moving the garage further back to comply with setback requirements would
45 cause tree removal and more hardcover.
46

1 There being no further questions of the Applicant and staff, Chair Iverson opened the public
2 hearing at 8:30 p.m.

3
4 There being no member of the public wishing to address the Commission regarding the application,
5 Chair Iverson closed the public hearing at 8:31 p.m.

6
7 Chair Iverson asked for a motion on the application.

8
9 Commissioner Young made a motion, Seconded by Commission Buchanan, to direct staff to
10 prepare a draft Planning Commission Report and Recommendation with appropriate findings
11 recommending approval of the Front Yard Setback Variance and Side Yard Setback Variance for
12 126 Circle A Drive S. The motion carried unanimously.

13
14
15 **d.) Otten Addition – 908 Shady La E**

16 **i. Variance**

17
18 Director of Planning and Building Thomson stated the property owner, Clifford Otten, has
19 submitted a development application to construct an addition to the existing house at 908 Shady
20 La E. The applicant is proposing to remove the existing deck and construct an enclosed porch in
21 the same general location. The applicant is requesting approval of a side yard setback variance
22 from 15-feet to 10.3-feet. The applicant is proposing to tear down an existing deck on the back of
23 the house, which is setback 7-feet from the side property line, and construct a four-season porch
24 in the same location. The porch would be one story in height with a lower level storage area. The
25 proposed addition would be set back 10.3-feet from the side property line, which does not meet
26 the 15-foot side yard setback requirement.

27
28 Commissioner Douglas asked who owned the arborvitae on the retaining wall on the east side of
29 the property.

30
31 The applicant, Cliff Otten, 908 Shady Lane E, stated he owned the retaining wall, and the
32 arborvitae are shared with the neighboring property because they are right on the property line.
33 He asked if they would require an additional variance because there is a 1-foot portion of the
34 project that would not meet the lakeshore setback requirement. If a variance is required, he would
35 ask that this be included in the application being presented and discussed.

36
37 Commissioner Young asked if the additional variance request could be added at this time.

38
39 Mr. Thomson clarified the nature of the variances needed for the proposal and explained that a
40 corner of the porch addition extends approximately 1-foot into the Shoreland setback. He noted
41 that the applicant has not applied for a Shoreland setback variance, so that would need to be
42 requested for the proposal in addition to the R-2A setback variance. If the Shoreland setback
43 variance is not requested and approved, the applicant would need to revise the plans to meet the
44 Shoreland setback requirement. The Commission could discuss this variance and the Commission
45 could continue the public hearing to the next meeting to allow the City to publish notification on

1 the Shoreland variance request. Staff can include this variance in the report and recommendation
2 for the Commission to review at the next meeting.

3
4 City Attorney Schelzel stated the applicant would also need to amend the application to include
5 the request for a Shoreland setback variance.

6
7 Mr. Otten stated he would amend the application to include the request for a Shoreland setback
8 variance.

9
10 There being no further questions of the Applicant and staff, Chair Iverson opened the public
11 hearing at 8:46 p.m.

12
13 There being no member of the public wishing to speak, Chair Iverson continued the public hearing
14 to the Planning Commission meeting on December 18, 2017 for any additional public comment
15 on the amended application, and asked for a motion from the commission.

16
17 Commissioner Young made a motion, Seconded by Commission Douglas, to direct staff to prepare
18 a draft Planning Commission Report and Recommendation recommending approval of the
19 Variance from the R-2A Zoning District Side Yard Setback requirement and the Variance from
20 the Shoreland District Lakeshore Setback requirement for review at the December 18th Planning
21 Commission meeting. The motion carried unanimously.

22 23 24 **AGENDA ITEM 6. Other Items:**

25 26 **a.) Review of Development Activities**

27
28 Director of Planning and Building Mr. Thomson stated the next Planning Commission meeting
29 agenda is scheduled to include discussion on the modification to the redevelopment plan for the
30 Central Area Redevelopment District and a Tax Increment Financing Plan for TIF District No. 6.
31 The Planning Commission's role in the proposed modifications is to ensure the modified plan
32 complies with the City's Comprehensive Plan.

33 34 **b.) Next Meeting is December 18, 2017**

35
36 Director of Planning and Building Mr. Thomson stated the December 18th meeting would be the
37 last meeting of the Planning Commission for 2017, and the last meeting for Commission Gonzalez.
38 He noted that Chris Plantan has been appointed by City Council to fill the vacancy, and she will
39 be joining the Planning Commission at the first meeting in January.

40 41 42 **AGENDA ITEM 7. Adjournment.**

43
44 There being no further business on the agenda, Chair Iverson asked for a motion to adjourn.
45

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

3
4 The Planning Commission meeting was adjourned at 8:51 p.m.

5
6 Respectfully submitted,

7
8 Tina Borg

9 *TimeSaver Off Site Secretarial, Inc.*