

1                                   **WAYZATA PLANNING COMMISSION**  
2                                   **MEETING MINUTES**  
3                                   **FEBRUARY 1, 2016**

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6    **AGENDA ITEM 1. Call to Order and Roll Call**

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

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

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15   **AGENDA ITEM 2. Regular Agenda Public Hearing Items:**

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17       **a.) Huntington Heights – 173 Huntington Avenue S**

18           **i. Concurrent Preliminary and Final Plat**

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20   Director of Planning and Building Thomson stated the Applicant, Bruno Silikowski, has  
21   submitted a development application to subdivide the property at 173 Huntington Avenue S into  
22   two (2) single-family lots. The property has street frontage along Huntington Avenue on the  
23   east, Circle Drive East on the south and a public alley on the west. There is one existing house  
24   and detached garage on the property, which are located on the far north of the existing lot. The  
25   existing house has its driveway access from the public alley. As part of the development  
26   application, the existing house and detached garage would be demolished, and two (2) new  
27   homes would be constructed with access from the public alley. The Applicant is proposing to  
28   construct a house on Lot 1 and has submitted preliminary house plans. Staff had a preliminary  
29   meeting with a potential buyer for Lot 2; however, the Applicant does not have preliminary  
30   house plans for the new home on Lot 2.

31  
32   Mr. Thomson reviewed the existing conditions survey, preliminary plat, erosion control and  
33   grading plan, tree survey, final plat, and preliminary house plan for Lot 1. He noted that staff  
34   believes there is an opportunity to preserve additional trees on Lot 1 because they are outside of  
35   the footprint of the proposed house and adjusting the site grading and grading within the critical  
36   root zone could preserve two (2) additional trees. The Applicant has submitted revised plans  
37   which reduce the height of the home by 2-feet in order to meet the maximum height specified in  
38   the Zoning Ordinance. The Applicant is not requesting a variance for the building height.

39  
40   Chair Iverson clarified that based on the tree inventory provided, the Applicant is proposing to  
41   remove seven (7) of the sixteen (16) trees on Lot 1.

42  
43   Commissioner Gonzalez asked if Lot 2 would meet the requirements for public street frontage on  
44   Huntington.

45

1 Mr. Thomson clarified the Zoning Ordinance states that a property has only one (1) front  
2 property line. For the proposed Lot 2, the front property line would be Circle Drive E, and would  
3 meet the minimum lot width requirement.

4  
5 Commissioner Gonzalez asked if the lot coverage would meet the requirement for the Zoning  
6 District with the construction of the new house, driveway, garage and swimming pool, and if the  
7 hard surface coverage of 33.7% included credit for the pavers on the sidewalk.

8  
9 Mr. Thomson stated the Applicant is not showing any credits for pervious pavers in the  
10 application. He stated the City's practice has been to not count the water surface area of a pool  
11 as hardcover. The apron and patio around the pool would be counted towards hardcover.

12  
13 Chair Iverson stated the Commission should request more detailed information on the patio  
14 around the swimming pool, so that the hard surface calculation can accurately reflect the total  
15 hard coverage proposed.

16  
17 Mr. Bruno Silikowski, 36150 Zircon Lane North, Plymouth, the Applicant, explained why he  
18 would like to move to Wayzata. He stated the pool is a ribbon pool design that he intends to turn  
19 into a fountain look, and there would be only enough hard surface around the pool to walk  
20 safely. Mr. Silikowski's architect had assured him that the hard surface coverage would still be  
21 under the maximum allowed in the zoning district.

22  
23 Commissioner Gruber stated the proposed home needs to meet the character of the neighborhood  
24 in size, mass, and scale. Commissioner Gruber asked what the square footage of the proposed  
25 home on Lot 1 would be.

26  
27 Mr. Silikowski stated he was not sure of the square footage but he was working on making the  
28 home smaller. Mr. Silikowski stated that the footprint of the proposed home on Lot 1 is 1,800  
29 square feet.

30  
31 Commissioner Gonzalez asked if the Applicant had discussed saving the largest oak tree on the  
32 property with the architect.

33  
34 Mr. Silikowski stated they will be adding trees to the property but the tree Commissioner  
35 Gonzalez is referring to is in an unfortunate location.

36  
37 Chair Iverson asked for a landscape plan.

38  
39 Mr. Silikowski stated they were currently working on this.

40  
41 Commissioner Gonzalez stated one of the requirements of the Zoning Ordinance is that the home  
42 cannot exceed 32-feet in height.

43  
44 Mr. Silikowski stated his architect had contacted Mr. Thomson and explained to him that they  
45 would be able to meet the 32-foot maximum height requirement.

46

1 Commissioner Flannigan stated the proposed home does fit the character, mass, and size for the  
2 neighborhood. Commissioner Flannigan asked what the second lot would sell for.

3  
4 Mr. Silikowski stated he has had interest in this parcel, and there is room for a building pad on  
5 this parcel to build a similar home to what he is proposing on Lot 1.

6  
7 Commissioner Gruber stated there are 5-6 oak trees in the tree inventory for the property. She  
8 asked what lot these trees were located on. Commissioner Gruber asked that the Applicant take  
9 care during the building process to try and save as many of these trees as possible.

10  
11 Commissioner Flannigan explained where each of the oak trees was located and stated that  
12 several of the trees had not been maintained in several years.

13  
14 Mr. Silikowski pointed out that this proposal would remove a non-conforming home and replace  
15 it with two (2) conforming homes.

16  
17 Commissioner Flannigan asked if Mr. Silikowski would consider fixing the lot line between Lot  
18 1 and the property to the north.

19  
20 Mr. Silikowski explained he would work with his neighbor to the north on addressing the  
21 northern lot line.

22  
23 Commissioner Flannigan expressed concerns with the amount of fill that would be required on  
24 Lot 2. He asked how the Commission could obtain additional information on the fill that would  
25 be required for this property.

26  
27 Mr. Silikowski explained the topography of Lot 2 would allow the home to be built more into the  
28 ground without a lot of fill being brought to the site. He stated this had been reviewed and  
29 discussed with the previous City Planner, Bryan Gadow, when he was working with the City.

30  
31 Chair Iverson opened the public hearing at 7:35 p.m.

32  
33 There being no one wishing to address the Planning Commission, Chair Iverson closed the  
34 public hearing at 7:36 p.m.

35  
36 Mr. Thomson stated the City does not have plans for Lot 2 to review, but there are ways to  
37 design the home that would minimize the grading and fill required. He explained the  
38 Commission could add a condition of approval that the home design for Lot 2 must be submitted  
39 to the Planning Commission and City Council for approval of the design, grading, and fill.

40  
41 Chair Iverson asked what would happen if there was not a suitable design that could be brought  
42 to the City, that would not require a lot of grading and fill and changes to the topography of the  
43 lot.

44

1 City Attorney Schelzel stated it is unlikely that an architect could not develop a design that  
2 would work with this lot and meet the City's Zoning Ordinance, and conditions pertaining to the  
3 grading, fill and changes to the topography.  
4

5 Commissioner Gonzalez expressed concerns that the subdivision does not preserve sensitive  
6 areas, as outlined in City Code Section 805.14.E.2. She stated she would like to see a building  
7 that would work with the natural environment trying to preserve the best trees on the property  
8 and minimize the fill and grading. She stated it is a problem that the Commission does not have  
9 any information on how much fill and grading would be required for Lot 2. Commissioner  
10 Gonzalez stated that City Code Section 805.14.E.2 states existing stands of significant trees shall  
11 be retained where possible, and that the plans presented for Lot 1 do not preserve the most  
12 significant tree on the property. Commissioner Gonzalez further stated that the proposed home  
13 does not conform to the City's Zoning Ordinance for maximum height, and the Planning  
14 Commission would have to be sure that the home presented at this meeting with the excessive  
15 height is not the home that would be approved.  
16

17 Commissioner Flannigan explained the pad for the home proposed on Lot 1 could not be moved  
18 forward on the lot because of the existing grading.  
19

20 Commissioner Gonzalez stated she would like to see a water management plan for Lot 2.  
21

22 Chair Iverson suggested adding a condition to any approval recommendation that a water  
23 management plan for Lot 2 must be provided.  
24

25 Commissioner Gruber stated she appreciates the Applicant cleaning up the property. Based on  
26 the lot division, she stated she does not see a way that the one large oak tree can be preserved,  
27 but the Applicant stated he would be planting additional desirable trees. Commissioner Gruber  
28 stated that the proposed home on Lot 1 is in character with the neighborhood and what is being  
29 built in that area. She stated that Lot 2 could have some problems but plans for this lot have not  
30 been presented at this time.  
31

32 Commissioner Gnos stated this is an upgrade to the existing lot, and that it would be nice to be  
33 able to save the one tree, but shifting the home to do that could create additional problem and the  
34 need for variances. Commissioner Gnos stated the Applicant stated he would be planting  
35 additional high quality trees on the site, and the Planning Commission could make this a  
36 condition of approval. Commissioner Gnos stated that Lot 2 does have some unknowns but the  
37 Planning Commission can add a condition to ensure the plans are brought to the Planning  
38 Commission and City Council for review and approval, and the Planning Commission's  
39 concerns are addressed.  
40

41 Commissioner Flannigan stated the proposal is a good solution for this property and the hard  
42 cover for Lot 1 is not a large increase. He asked if the Planning Commission could request the  
43 Applicant to provide a home design for Lot 2 along with information on the amount of fill and  
44 grading that would need to be done.  
45

1 Mr. Thomson stated the Planning Commission could request this but this would not be a final  
2 grading plan because there is no house design for this parcel. Mr. Thomson stated that the  
3 preliminary grading plan would be subject to change based on the home design submitted.  
4

5 Mr. Thomson stated if the Planning Commission recommends a condition for the plans for Lot 2  
6 to be submitted for review by the Planning Commission and review and approval by the City  
7 Council, it could be included in the Planning Commission Report and Recommendation and City  
8 Council resolution, which would be recorded against the property and anyone looking at the  
9 parcel will be made aware of the condition.  
10

11 Commissioner Murray stated the Applicant has done due diligence and this would be a welcome  
12 improvement to the property.  
13

14 Chair Iverson stated the existing home on the property is quaint, and she does have concerns  
15 with the trees that will be removed from the property. She stated the proposed home does not  
16 look like the homes that used to be in this neighborhood because those homes are set back  
17 further than they are today. Chair Iverson stated that the plan presented does not fit with the  
18 rhythm and character of the neighborhood because there are still some smaller homes in this  
19 neighborhood. She would like to add a condition that the Planning Commission gets a chance to  
20 verify that the height of the house has been modified to meet the 32-foot height restriction, and  
21 that City Staff will check this during construction. She asked what the City could legally do if a  
22 building is approved at a set height and is constructed taller.  
23

24 Mr. Thomson stated the City does regular inspections as part of the building process and if the  
25 construction does not meet what was approved, than the City would not issue a Certificate of  
26 Occupancy. Mr. Thomson stated that the Applicant would have to make a modification to  
27 conform to the City Code, or submit an application to the City requesting a variance.  
28

29 Mr. Silikowski stated this would not be an overly large house, and the plan submitted with the  
30 excessive was an error that was not intentional and has since been fixed.  
31

32 Commissioner Gonzalez recommended that a Landscape Plan be submitted by the Applicant to  
33 the Planning Commission or be included when the application goes to the City Council for  
34 review. She would also like to see some calculations on the hardcover added by the swimming  
35 pool or add a condition that requires the Applicant comply with the requirements of the Zoning  
36 Ordinance for hard cover, including the swimming pool. She asked who takes care of the alley.  
37

38 Mr. Thomson stated this is a public alley and is maintained by the City. There are plans to do  
39 some repair work but the City is waiting until all of the construction in the area is completed.  
40

41 Commissioner Gonzalez asked if the Commission could add a condition that limits the hours  
42 they can work on the house so the neighbors are not disrupted.  
43

44 Mr. Schelzel stated the City can add any reasonable conditions, and in order to add a condition  
45 regarding hours of construction, the City would need to know what is standard and reasonable  
46 for this type of work.

1  
2 Commissioner Flannigan stated the City does have a procedure in place that residents can follow  
3 to mitigate this problem. He stated that it is not the Planning Commission's job to put  
4 restrictions on when people can work or have work done.

5  
6 Commissioner Gonzalez stated she would like the Applicant to be aware of the concerns that  
7 have come forward about construction noise. She asked if the Applicant was aware of the Park  
8 Dedication Fees required under the Subdivision Ordinances.

9  
10 Mr. Thomson stated the Applicant is aware of this. He clarified the Commission is requesting to  
11 review a Landscape Plan for Lot 1 at the next meeting, rather than adding a condition that one be  
12 included for approval.

13  
14 Chair Iverson stated there is generally a Landscape Plan included in these applications. She  
15 stated this is something that should be included in the application that is presented to the City  
16 Council for approval.

17  
18 Commissioner Murray asked if a Landscape Plan is binding.

19  
20 Mr. Schelzel stated the Commission can ask for or recommend the Landscape Plan be included  
21 for the City Council's review of the Application, but he would not recommend making it a  
22 condition of approval because the City Code does not require it as part of a Subdivision  
23 application.

24  
25 Mr. Silikowski stated he had done his due diligence with respect to the trees and hired an arborist  
26 to identify the trees that could be kept and how to lay out the home to protect as many trees as  
27 possible.

28  
29 Commissioner Gruber asked if Staff had the information they needed to conclude that this is not  
30 a premature subdivision.

31  
32 Mr. Thomson stated the City has received the required information.

33  
34 Commissioner Gonzalez made a motion to direct Staff to prepare a draft Report and  
35 Recommendation recommending approval of the concurrent preliminary and final plat for a two  
36 (2) lot subdivision at 173 Huntington Ave S with the additional conditions and recommendations  
37 of: conformance with the hard cover requirements, conformance with the height requirements,  
38 payment of the park dedication fee, and submission of house plans for Lot 2 when they are  
39 developed for City approval and a recommendation for the Applicant to include a Landscape  
40 Plan for review.

41  
42 Chair Iverson asked Staff to ensure the wording for the requirement for Lot 2 is clear that this  
43 would be a requirement for the owner of Lot 2, and not the Applicant for the proposal being  
44 considered at this time.

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46 The motion was seconded by Commissioner Flannigan. The motion carried unanimously.

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**AGENDA ITEM 3. Regular Agenda Old Business Items:**

a) None.

**AGENDA ITEM 4. Other Items:**

**a.) Review of Development Activities**

Mr. Thomson stated a summary of the work done by the Lake Effect Steering Committee has been sent to the Commissioners.

Commissioner Gruber recommended the Commissioners review the power point that had been presented.

Mr. Thomson stated there is a Lake Effect Steering Committee meeting and Open House on February 23. He stated the City Council would meet on February 2 to discuss the trolley and review the house plans for Circle A Drive. He provided the Commission with a draft schedule for Commissioners to attend the Heritage Preservation Board meetings. The next Planning Commission meeting is scheduled for February 22.

**b.) Other Items**

None.

**AGENDA ITEM 4. Adjournment.**

Commissioner Gruber made a motion, seconded by Commissioner Murray, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Tina Borg  
*TimeSaver Off Site Secretarial, Inc.*