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**WAYZATA CITY COUNCIL  
SPECIAL MEETING MINUTES  
June 14, 2016**

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

Mayor Willcox called the meeting to order at 6 p.m. Council Members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Dahl, City Attorney Schelzel, City Engineer Kelly, and Director of Planning and Building Thomson.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed the Lake Effect Conservancy.

**AGENDA ITEM 2. Approve Agenda.**

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda. The motion carried 5/0.

**AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).**

None.

**AGENDA ITEM 4. New Agenda Items.**

Mr. Tyacke requested a report from Mediacom at a future meeting and would like the City to discuss ways to enforce the franchise agreement with them. The Council agreed.

City Manager Dahl stated there will be an update at the July 19 City Council meeting on cell tower discussion for Presbyterian Homes, the monopole, and he will also include an update from Mediacom.

**AGENDA ITEM 5. Consent Agenda.**

Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the consent agenda:

- a. Approval of Check Register
- b. Municipal licenses which received administrative approval (informational only)
- c. Building Activity Report
- d. Approval of Resolution No. 16-2016 Appointing Absentee Ballot Board Election Judges for the 2016 Elections
- e. Approval of the Second Reading of Ordinance #759 Amending Official Zoning Map to Rezone Property to PUD and R-1 Residential at 2030 Wayzata Road

The motion carried 5/0.

**AGENDA ITEM 6. New Business.**

**a. Consider Resolution No. 18-2016 Approving Impervious Surface Variance at 426 Ferndale Road South**

Director of Planning and Building Thomson reported the applicant, Keenan and Sveiven Inc., is requesting a variance from the maximum impervious surface requirements in the R-1A zoning district from 20% to 21.6%. The increase requested is mainly for the driveway, which has been consolidated from two access points to only one, but the resulting driveway is larger. The Planning Commission recommended approval of the impervious surface variance four to one, subject to installation of the stormwater management plans.

Mrs. McCarthy asked who would be conducting inspections on the stormwater plans and how often. City Manager Kelly responded the applicant will be part of a stormwater facilities agreement which requires them to install the plan and maintain it. The agreement requires the homeowner to provide an annual inspection and maintenance report. If they do not, the City will do it and charge the homeowner.

1 Mrs. Anderson commented if pervious pavers were used in a section the driveway, a  
2 variance would not be needed. Mr. Thomson stated there is an inconsistency because this  
3 application is part of the Shoreland Overlay district and zoning district R1-A. The zoning district  
4 is more restrictive than the Shoreland Overlay district and that becomes the requirement. The  
5 zoning district does not allow for any impervious pavers to be used in stormwater management, but  
6 the Shoreland Management does. Staff will look at how to revise this inconsistency.

7 Mr. Willcox stated Lake Minnetonka will benefit from this property having more  
8 impervious surface than allowed. He referred to page 19, paragraph C(ii), and asked what is unique  
9 about this property that is causing the difficulty. Mr. Thomson stated there are not any constraints.

10 Mr. Schelzel stated a practical difficulty could be that this property is different from most  
11 lakefront properties.

12 Mr. Tyacke asked how the Planning Commission addressed the practical difficulty finding.  
13 Mr. Schelzel pointed out the Planning Commission finding is found in page 20, items C and D.

14 Mrs. Anderson asked if the practical difficulty is due to the topography of the property or  
15 due to the more restrictive zoning ordinance versus the Shoreland Overlay requirements.

16 City Engineer Kelly commented if this property had the ability to provide innovative  
17 stormwater management, they would have been treating the additional hardcover above the 20  
18 percent, which is only 2,100 square feet. However, due the inconsistency in the request for a  
19 variance, they are required to treat all the hardcover on the site, which is 29,500 square feet. This  
20 requirement makes it a better site.

21 Mr. Willcox commented he does not believe there is an inconsistency in the ordinance.  
22 The City is trying to protect the lakefront properties and the zoning is much stricter for that reason.

23 City Engineer Kelly stated the R-1A district does not offer the opportunity to do stormwater  
24 management. When homeowners get to 20 percent impervious surface, they are done.

25 The Council stated it supports this application due to the extensive way the applicant is  
26 proposing to treat stormwater management. The benefit to the community and lake outweighs the  
27 definition of the ordinance.

28 Mr. Tyacke made a motion, seconded by Mr. Mullin, to adopt Resolution No. 18-2016,  
29 Approving an Impervious Surface Variance at 426 Ferndale Road South. The motion carried 5/0.

30  
31 **b. Consider Resolution No. 19-2061 Approving Impervious Surface Variance at 353**  
32 **Park Street East**

33 Director of Planning and Building Thomson reported the applicant, Celia Threlkeld, is proposing  
34 to demolish the existing garage on the property at 353 Park Street East, and construct a new garage  
35 on the back of the property. This would provide 41.9% of impervious surface on the lot. The  
36 Planning Commission recommended approval of the impervious surface variance five to zero.

37 Mrs. McCarthy asked if any other configuration for the garage had been considered and if  
38 a remediation plan had been considered. Mr. Thomson stated this plan does not include any  
39 stormwater management requirements. It is not a requirement that they do stormwater management  
40 if they request an impervious surface variance, but it can be included as a condition of approval.  
41 The garage meets the maximum size and setback requirements.

42 Mrs. Celia Threlkeld, 353 Park Street East, commented they looked at other configurations,  
43 but this plan allows them to get their cars off the street, park in the driveway and garage, and provide  
44 additional needed storage. The garage is behind the house and does not have a big impact on the  
45 neighborhood. They have not considered pervious pavers because there is no credit for it unless  
46 you are within 1,000 feet of the watershed and it is much more expensive.

47 Mrs. Anderson asked if they looked at an option where the garage was not as far back on  
48 the property.

49 Mrs. Threlkeld stated they did look at a lot of options with an architect, but it is more  
50 difficult to get around a corner near a deck on the property. The proposed garage is located exactly

1 where it can fit. The increase requested is only 479 feet and it may not warrant putting in a costly  
2 stormwater management system.

3 Mr. Tom Threlkeld, 353 Park Street East, stated this is a preliminary drawing and some  
4 square footage may be saved near the deck.

5 Mr. Mullin commented there are several smaller remodeled homes on Park Street with  
6 three car garages. It is a thoughtful plan that gets cars off the street, uses the existing footprint of  
7 their garage, and improves the conditions of the property and the adjacent landowners. The zoning  
8 ordinance pushes the garages to the front of the property in order to meet the requirements and it  
9 looks better at the back of the property.

10 Mrs. Thelkeld stated in the early planning phases they had garage up front and attached to  
11 the house, but there was no character left for the house. They also had it by the street, but that  
12 masked the house from the street.

13 Mrs. Anderson stated they could get closer to meeting the requirement if they had a two  
14 car garage and also asked about installing pervious pavers. Mrs. Threlkeld commented it would  
15 still not meet the requirement because of the length of the driveway.

16 City Engineer Kelly commented there are no provisions for credits for pervious pavers and  
17 they want to give residents the opportunity to be innovative. Staff needs to look at how to allow  
18 innovation without allowing a property to become 100 percent hard.

19 Mrs. Anderson commented it also impacts neighbors behind them with the noise and  
20 exhaust of having a three car garage.

21 Mr. Willcox asked if there was any feedback from the neighbors. Mr. Thomson stated  
22 notices were sent out, but no one came forward.

23 Mr. Tyacke stated it is a thoughtful design, there are other homes in the neighborhood that  
24 have three car garages, and he supports the application.

25 Mrs. McCarthy commented it is a small lot, it is too much garage, and without a runoff  
26 plan in place, the neighbors will pay the price. She encouraged the applicants to look at a smaller  
27 garage and indicated she does not support the application.

28 Mr. Mullin stated support of the application, but encouraged the applicant to address the  
29 runoff. He suggested rain barrels or a rain garden to capture some of the water.

30 Mrs. Anderson stated she does not support the application as the garage is oversized for  
31 the lot. She suggested the applicant come up with a stormwater management plan.

32 Mr. Willcox commented the garage is okay in size, location, and shape, and it is getting  
33 cars off the street and driveway. The Comprehensive Plan does not want garages in front of homes.  
34 He stated he supports the variance with the condition that the applicant works with the City  
35 Engineer to come up with a practical stormwater management plan.

36 Mr. Mullin made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 19-2016  
37 Approving an Impervious Surface Variance at 353 Park Street East, with a condition that the  
38 applicant work with City staff to explore practical and reasonable stormwater management  
39 initiatives.

40 Mr. Schelzel asked if the applicant needs to get the approval of the City Engineer of the  
41 stormwater management plan.

42 Mr. Mullin amended the original motion to include as part of the condition that the  
43 applicant have their stormwater management initiative approved by the City Engineer. Mr. Tyacke  
44 seconded the amendment. Upon roll call vote, with Mullin, Tyacke, Anderson and Willcox voting  
45 yes, and McCarthy voting no, the amended motion carried 4/1.

46  
47 **c. Consider Resolution No. 17-2016 in Support of World Expo in 2023**

48 City Manager Dahl reported former Secretary of State Mark Ritchie has been leading an effort for  
49 the State of Minnesota to bid to host the 2023 World's Fair. He has asked the City to support his  
50 efforts through a Resolution of Support. The website [EXPO2023.info](http://EXPO2023.info) explains what is being done  
51 and the benefits it will have for the State and the City of Wayzata.

1 Mrs. McCarthy referred to the resolution, fifth paragraph, and advised there is a typo with  
2 the word "region" being in there twice.

3 Mr. Willcox advised there is nothing binding on the City with this resolution.

4 Mr. Mullin stated a group of citizens are trying to bring forth a lake festival in the future  
5 and this group could join with the World Fair initiative if both become a reality.

6 Mr. Mullin made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 17-2016 in  
7 Support of the State of Minnesota's Bid to Host the 2023 World's Fair. The motion carried 5/0.

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9 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

10 **a. Upcoming City Meetings**

- 11 • Bushaway meeting on Thursday, June 16, and is open to the public.
- 12 • Update on Mill Street Parking Ramp at the July 5 Council meeting.
- 13 • HRA will provide an update at the July 19 City Council meeting.
- 14 • Parks and Trails Board will provide an update in August.

15  
16 **b. Upcoming City Events**

- 17 • Wayzata Wednesdays will be tomorrow, Wednesday, June 15
- 18 • 6smith will have Live on the Water on Thursday, June 16, from 3:00 p.m. to 6:00 p.m.
- 19 • Wayzata Wine Tasting event on Wayzata Bay will be on Thursday, June 24, from 6:30  
20 p.m. to 9:30 p.m.
- 21 • Wayzata Art Experience will be the weekend of June 25.

22  
23 City Manager Dahl advised there will be a private fireworks display at the Country Club on Friday,  
24 June 17 around 10:00 p.m.

25  
26 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

27 There were no comments.

28  
29 **AGENDA ITEM 9. Adjournment.**

30 Mrs. Anderson made a motion, seconded by Mrs. McCarthy to adjourn. There being no further  
31 business, Mayor Willcox adjourned the meeting at 7:00 p.m.

32  
33 Respectfully submitted,

34  
35 *Becky Malone 07-05-2016*

36  
37 Becky Malone  
38 Deputy City Clerk

39  
40 Drafted by Shannon Schmidt  
41 *TimeSaver Off Site Secretarial, Inc.*