

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
APRIL 2, 2018**

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

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

Present at roll call were Commissioners: Plantan, Murray, Young, Buchanan, and Iverson. Absent: Flannigan and Douglas. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

**AGENDA ITEM 2. Approval of Agenda**

Commissioner Young made a motion, Seconded by Commissioner Iverson, to approve the April 2, 2018 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.) **Bly Fence – 433 Bushaway Road**  
i. **Conditional Use Permit**

Director of Planning and Building Jeff Thomson stated Steiner Koppelman and the property owners, Allan and Stacey Bly, have submitted a development application to construct an 8-foot stone wall and gate in the front yard of the property at 433 Bushaway Road. The development agreement requests approval of a conditional use permit for a wall and fence greater than 42-inches in height and 50 percent solid within the front yard. In 2013, the previous house that was located on the property was demolished, and in 2016 the City issued a building permit for a new house to be constructed on the property. The new house meets all of the zoning ordinance requirements. As part of the home construction, the applicant constructed a retaining wall all along the front of the property that varies in height from 5 to 7-feet. There are no setback or height requirements for retaining walls. In order to fully enclose the front of the property, the applicant is proposing to construct a stone wall and gate that would extend from the end of the retaining

1 wall on the north side of the driveway, across the driveway, and connect to the retaining wall on  
2 the south side of the driveway. The proposed stone wall and wrought iron gate would be 8-feet  
3 in height. A 42-inch wrought iron fence would also be constructed along Bushaway Road, from  
4 the end of the stone wall to the south property line. Mr. Thomson noted that the City has  
5 received six emails from members of the public regarding the application, which will be made  
6 part of the record.

7  
8 Chair Buchanan asked if the construction of the retaining walls had been necessary as part of the  
9 2016 building permit.

10  
11 Mr. Thomson stated the walls had been constructed largely to flatten the front yard of the  
12 property. There had been a 10-foot grade change on the front of the property as part of the  
13 project. Currently the top of the retaining wall is at an elevation of 942-feet and the previous  
14 elevation had been 931-feet.

15  
16 Applicant's Representative, Mr. David Steingas, Steiner and Koppelman, 21500 Fairview Street,  
17 Greenwood, stated the elevation of the property had evolved through the landscape design, and  
18 the applicant has an autistic son who is in a wheel chair, so they wanted a flatter driveway going  
19 to the front door of the home.

20  
21 Commissioner Plantan asked why the applicant was not meeting the 50% opaqueness  
22 requirement of the fence ordinance.

23  
24 Mr. Steingas stated both sides of the proposed gate become retaining walls to the full height of  
25 the proposed stone wall. In order to make the gate work with the elevation of the driveway and  
26 the swing of the gate they need to have 8-foot columns against the existing retaining wall to hold  
27 the gate in place. He clarified the request was for the columns and the gate only. He stated that  
28 there is retaining wall up to both sides of the driveway at this time.

29  
30 Commissioner Young clarified the driveway would be graded at a slope down with retaining  
31 walls on both sides.

32  
33 Mr. Thomson asked the applicant if the change in grade on the south side of the property was a  
34 change to the previously approved grading plan.

35  
36 Mr. Steingas stated the topography is at 942-feet and the driveway starts at 940-feet and works  
37 its way down to 936-feet, and there would not be a change to the approved grading plan.

38  
39 Mr. Thomson further clarified that there is a short segment on the south side of the retaining wall  
40 that is not retaining earth, and this would be part of the application as well. He stated the City  
41 would review the grading plan and current conditions with the applicant, but this does not impact  
42 the application before the Planning Commission at this time.

43  
44 Commissioner Iverson asked if there would be additional plantings.

45

1 Mr. Steingas stated there would be additional plantings, but the arborvitaes would only be on the  
2 top of the retaining wall.

3  
4 Chair Buchanan stated this would block the view of the lake from Bushaway Road.

5  
6 Chair Buchanan opened the public hearing at 7:24 p.m.

7  
8 Resident Nan Corwin, 1605 Locust Hills Trail, stated they have watched the development of the  
9 home and property and are dismayed with the planting of the arborvitae because this takes away  
10 their view of Wayzata Bay, and she feels that allowing a solid wall would further impact  
11 people's ability to see and experience the lake.

12  
13 Resident, Elizabeth Olig, 425 Carpenters Pt, stated she is discouraged at what is being done at  
14 this property to impact the public view of the lake. The arborvitaes block the inlet and the  
15 channel and this does not provide any additional privacy for the home but does impact the view  
16 for residents.

17  
18 There being no other members of the public wishing to speak, Chair Buchanan closed the public  
19 hearing at 7:28 p.m.

20  
21 Commissioner Iverson stated the Planning Commission is in a tough spot due to the existing  
22 retaining wall that was installed by the applicant. She asked if there were other options the  
23 Commission could consider. All of the emails from the public on the application that the City  
24 received are against continuing to hide the views of the lake.

25  
26 Commissioner Young stated he would not support the CUP at this time and it is not clear to him  
27 what is being considered and requested as part of the CUP request. The view of the lake is being  
28 impeded by the current landscaping, and would be further impeded by the CUP request.

29  
30 Commissioner Murray stated the arborvitae would provide the privacy they are looking for, and  
31 the increased height of the fence would not be required. He would not support the current  
32 application.

33  
34 Commissioner Plantan stated she would not support the application, and there are other options  
35 for the wall especially on the south end. She would like to see additional drawings to make the  
36 application clear.

37  
38 Commissioner Young asked if the applicant would consider other design options.

39  
40 Mr. Steingas stated he would look at other design options, but he would like guidance from the  
41 Commission and he would work with the City to comply with the code.

42  
43 Commissioner Young suggested looking at the totality of the project, and consider less  
44 arborvitae and blocking of the lake view.

45

1 Mr. Steingas stated he could suggest this to the client, but they do not want to look at Highway  
2 101.

3  
4 City Attorney Schelzel noted that the Planning Commission can only consider and make a  
5 recommendation to Council on the application that is being presented, and not other options for  
6 the property.

7  
8 Commissioner Young made a motion, Seconded by Commission Murray, to direct staff to prepare  
9 a draft Planning Commission Report and Recommendation with appropriate findings  
10 recommending denial of the Conditional Use Permit for an 8-foot fence at 433 Bushaway Road.  
11 The motion carried unanimously.

12  
13 Ms. Olig suggested in the future if there are public hearings on development applications that  
14 include property in the estate zoning district, the area of notification of the hearings be expanded  
15 to include additional neighbors.

16  
17  
18 **AGENDA ITEM 6. Other Items:**

19  
20 **a.) March 20<sup>th</sup> City Council Meeting Report – Commissioner Douglas**

21  
22 Commissioner Plantan provided a report on the March 20 City Council meeting, including an  
23 update on the naming of the police memorial, the tabling of the CUP application for Verizon  
24 wireless to allow Verizon additional time to evaluate other options, the tabling of soliciting for  
25 bids for the reconstruction project at Wayzata Blvd/Superior intersection to allow staff to look at  
26 all options including community input and education, the approval of the bid for SRF Consulting  
27 for the 2040 Comp Plan services, and the changes within the Fire Department.

28  
29 **b.) Review of Development Activities**

30  
31 Director of Planning and Building Jeff Thomson stated the joint workshop with the City Council  
32 regarding the tree ordinance would be scheduled for May 21. He noted that there are three new  
33 applications being reviewed by staff at this time: two for outdoor patios for restaurants and one  
34 for subdivision application at the end of Benton Avenue. He further noted that Wayzata Blu and  
35 Meyer Place would be starting construction soon.

36  
37 **c.) Next Meeting is April 16, 2018**

38  
39 Director of Planning and Building Thomson noted that the next regular meeting of the Planning  
40 Commission is scheduled for April 16, 2018.

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

44  
45 There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.  
46

1 Commissioner Young made a motion, Seconded by Commissioner Murray, to Adjourn the  
2 Planning Commission meeting. The motion carried unanimously.

3

4 The Planning Commission meeting was adjourned at 7:43 p.m.

5

6 Respectfully submitted,

7 Tina Borg

8 *TimeSaver Off Site Secretarial, Inc.*