

1 **WAYZATA PLANNING COMMISSION**
2 **MEETING MINUTES**
3 **April 16, 2018**

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

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

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

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15 **AGENDA ITEM 2. Approval of Agenda**

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17 Commissioner Plantan made a motion, Seconded by Commissioner Murray, to approve the April
18 16, 2018 meeting agenda as presented. The motion carried unanimously.

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21 **AGENDA ITEM 3. Consent Agenda**

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23 **a.) Approval of March 19, 2018 Meeting Minutes**
24 **b.) Approval of April 2, 2018 Meeting Minutes**

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26 Chair Buchanan read the items on the Consent Agenda and asked if the Commissioners wished to
27 remove any items for further discussion. Hearing no such requests, Chair Buchanan asked for a
28 motion to approve the Consent Agenda as presented.

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30 Commissioner Plantan made a motion, Seconded by Commissioner Murray, to approve the
31 Consent Agenda as presented. The motion carried unanimously.

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34 **AGENDA ITEM 4. Old Business Items:**

- 35
36 **a.) Bly-Fence – 433 Bushaway Rd**
37 **i. Conditional Use Permit**

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39 Director of Planning and Building Thomson stated the Planning Commission reviewed the
40 development application for a Fence CUP at 433 Bushaway Road, and held a public hearing at its
41 meeting on April 2, 2018. At that meeting, there was a discrepancy in the plans as to whether the
42 stone wall depicted along the front property line was a freestanding fence/wall, or a retaining wall.
43 Mr. Thomson stated that since the last Planning Commission meeting, the applicant submitted
44 revised plans that depict a reduction in the height of the wall along the south side of the driveway.
45 With the revisions, the walls on both sides of the driveway would be retaining earth as retaining
46 walls, not fences, and would be consistent with the approved grading plan. Therefore, Mr.

1 Thomson confirmed that the stone retaining walls in the plans that are part of the Application are
2 not subject to the City's fence requirements, and a Fence CUP is not needed for them. The only
3 item shown on the revised and current plans that requires the conditional use permit is the iron
4 gate across the driveway. The proposed gate would require the conditional use permit being up to
5 8-feet in height, but not for transparency in that it would meet the 50% openness requirement of
6 the fence ordinance. Mr. Thomson noted that there had been concerns brought up at the public
7 hearing regarding the arborvitae that have been planted on the property as part of the landscape
8 plan. He explained that there is a specific provision in the fence ordinance that plantings or hedges
9 that are constructed to act like a fence are not subject to the fence regulations. He noted that based
10 on the Commissions direction at the April 2 meeting, staff has prepared a Planning Commission
11 Report and Recommendation recommending denial of the conditional use permit but that the
12 Planning Commission could direct staff to prepare a draft Report and Recommendation
13 recommending approval for review at the next Planning Commission meeting based on the revised
14 plans and additional information presented.

15
16 Commissioner Murray asked if a wall was considered a retaining wall if it is at grade and a fence
17 if it is above grade.

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19 Mr. Thomson stated in order to be considered a retaining wall, the top of the wall has to be at grade
20 with the back of the wall or flush with grade. If a wall extends beyond grade level it is considered
21 a fence and subject to the fence ordinance requirements. If the retaining wall were to be continued
22 upward and still comply with the fence ordinance it could only be a maximum height of 21-inches.
23 This would satisfy the 50% openness requirement.

24
25 Commissioner Murray clarified the open requirement for fences would not include the arborvitae
26 hedge that was planted.

27
28 Mr. Thomson stated this was correct.

29
30 Chair Buchanan asked if the applicant would be filling and grading the property to the height of
31 the proposed retaining wall, and if this had been approved by the City.

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33 Mr. Thomson stated the approved grading on the south side of the driveway has not occurred, but
34 the property would be filled and graded to the height of the proposed retaining wall.

35
36 Commissioner Young stated he would support a recommendation of approval of the application
37 with the proposed revisions and clarifications. He noted that this application is difficult because
38 the residents expressed concerns about the property being "bumped up" and blocking views of the
39 lake. Given that the grading has already been approved by the City, and there are no restrictions
40 on the arborvitae, he concluded that there would be no reason to not approve the gate.

41
42 There being no further questions or discussion, Chair Buchanan asked for a motion on the
43 Application.

44

1 Commissioner Young made a motion, Seconded by Commissioner Plantan, to direct staff to
2 prepare a draft Planning Commission Report and Recommendation recommending approval of the
3 conditional use permit for the gate at 433 Bushaway Road.

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5 Chair Buchanan accepted the motion and asked if there was any further discussion.

6
7 Commissioner Plantan stated there had been confusion at the last meeting regarding the
8 application, and the revisions have clarified the request. She stated the view to the lake is open for
9 about 80-feet after the arborvitae, and the proposed gate is in scale with the design.

10
11 Applicant, David Steingas, was recognized by Chair Buchanan and stated there had previously
12 been an 8-foot stockade fence on the property that blocked the view of the lake, and they are
13 planting the arborvitae to replace this fence. He stated there is a fence requirement for their pool
14 in the backyard for a 60-inch fence, and noted that they may be back to the Planning Commission
15 to ask for another conditional use permit to replace the proposed 42-inch fence on the south side
16 with a 60-inch fence that would meet the City's pool fencing requirements.

17
18 Commissioner Young asked why the Commission would not table this request if the additional
19 fencing would be eminent.

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21 Mr. Steingas stated they are just considering this option for now.

22
23 There being no further discussion, Chair Buchanan called the motion to a vote. The motion carried
24 unanimously.

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27 **AGENDA ITEM 5. Public Hearing Items:**

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29 a.) None.

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32 **AGENDA ITEM 6. Other Items:**

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34 a.) April 3rd City Council Meeting Report – Commissioner Flannigan

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36 Given Commissioner Flanagan's absence, Director of Planning and Building Thomson provided
37 a report on the April 3, 2018 City Council meeting. He noted that the Council meeting included
38 recognition of retiring firefighters, the introduction of four new fire fighters, and an update on the
39 Lake Effect design process. There will be a public open house in May to review the Lake Effect
40 design for Lake Street, Lake Street Plaza, and Depot Park. The City Council approved the
41 development agreement for Wayzata Blu with demolition expected to start by next week. The
42 City Council also approved two land use requests in accordance with the recommendation of the
43 Planning Commission, for the setback variances at 532 Ferndale and the height conditional use
44 permit and lot combination at 649 Ferndale. The City Council also approved the conditional use
45 permit for Verizon Wireless at 1000 Superior Blvd.

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1 **b.) Review of Development Activities**
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3 Mr. Thomson stated the draft Report and Recommendation for the CUP request at 433
4 Bushaway Road discussed earlier this meeting would be on the consent agenda at the May 7th
5 Planning Commission meeting, and the regular agenda would likely include a new application for
6 an outdoor patio on the agenda. The joint workshop with City Council and Planning
7 Commission for discussions on the tree ordinance has been scheduled for May 21 at 5:30 p.m.
8

9 Chair Buchanan asked staff to have copies of other city's tree ordinances, including Edina, for
10 this meeting.
11

12 Commissioner Plantan asked for an update on the Meyer Place project.
13

14 Mr. Thomson stated there had been a preconstruction meeting on April 6, and that the developers
15 have reported that they have secured financing and expect to start demolition on June 1.
16

17 **Next Meeting is May 7, 2018**
18

19 Director of Planning and Building Thomson noted the next regular meeting of the planning
20 Commission is scheduled for May 7, 2018.
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23 **AGENDA ITEM 7. Adjournment.**
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25 There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.
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27 Commissioner Murray made a motion, seconded by Commissioner Plantan, to adjourn the
28 Planning Commission. The motion carried unanimously.
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30 The Planning Commission meeting was adjourned at 7:25 p.m.
31

32 Respectfully submitted,
33

34 Tina Borg
35 *TimeSaver Off Site Secretarial, Inc.*