

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

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5
6 **AGENDA ITEM 1. Call to Order and Roll Call**

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

9
10 Present at roll call were Commissioners: Plantan, Murray, Buchanan, and Douglas. Absent and
11 Excused: Young, Iverson, and Flannigan. Director of Planning and Building Jeff Thomson, City
12 Planning Consultant Olivia Dorow Hovland from WSB & Associates, and City Attorney David
13 Schelzel were also present.

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

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18 There were no changes to the agenda.

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21 **AGENDA ITEM 3. Consent Agenda**

- 22
23 **a.) Approval of June 18, 2018 Meeting Minutes**
24 **b.) Adoption of Report and Recommendation of Approval of Right-Of-Way**
25 **Ordinance Amendment**
26 **c.) Adoption of Report and Recommendation of Approval of Variance for Albers**
27 **Addition at 224 Broadway Ave N**
28 **d.) Adoption of Report and Recommendation of Approval of PUD Amendment and**
29 **Design Review for Broadway Place at 326 and 332 Broadway Ave S**
30 **e.) Adoption of Report and Recommendation of Approval of Interim Use Permit and**
31 **Shoreland Impact Plan/Conditional Use Permit for Wayzata Bay Car Wash at**
32 **143 Lake St E.**

33
34 Chair Buchanan read the items on the Consent Agenda and asked if the Commissioners wished to
35 remove any items for further discussion. He noted that a letter had had been received from Dan
36 Gustafson related to Newspaper vending machines and this would be added to the record. He
37 made a correction on page 7 of the June 18, 2018 minutes, noting it should read "Wayzata Bay
38 Car Wash." City Attorney Schelzel also noted a few corrections to the minutes.

39
40 Hearing approval of the suggested amendments, and no requests to pull any items, Chair Buchanan
41 asked for a motion to approve the Consent Agenda as amended.

42
43 Commissioner Murray made a motion, Seconded by Commissioner Plantan, to approve the
44 Consent Agenda as amended. The motion carried unanimously.

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46

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

2
3 a.) None.

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

7
8 a.) **Ventana Subdivision – 253 Lake St E**

9 i. **Preliminary and Final Plat Subdivision**

10
11 Director of Planning and Building Thomson stated on December 9, 2017, the City Council had
12 approved the rezoning, PUD concept plan, building height variance, and shoreland impact
13 plan/conditional use permit for the redevelopment of 253 Lake St E. The redevelopment project
14 includes demolition of the existing buildings and construction of a three-story building with 16
15 residential units, and the applicant has also proposed donating the land behind the building to the
16 City for use as public parking. In connection with the donation, the applicant, Ventana, LLC, and
17 the property owner, Berry & Co., Inc., have submitted a development application to subdivide the
18 property to effectuate the donation of a parking area to the City. The development application
19 requests simultaneous approval of the preliminary and final plat subdivision to subdivide the
20 property into three separate lots. The front lot along Lake Street (Lot 1) would be the future
21 development site. The rear lot (Lot 3) would be donated to the City for future public parking. Lot
22 2 would be donated to the City for future public parking after the applicant obtains an access
23 easement from the owner of the adjacent property to the west. The applicant has also submitted
24 the PUD general plan and design review application, which would be reviewed at a future Planning
25 Commission meeting. Staff has drafted a draft Report and Recommendation recommending
26 approval of the preliminary and final plat subdivision request for the Commission to review and
27 adopt at this meeting.

28
29 Chair Buchanan asked if construction would be allowed in the wetland area.

30
31 Mr. Thomson stated the City has had discussions with Watershed District and confirmed that
32 wetland impact is doable in this area. The City would be able to do this because the City has built
33 up enough wetland credits through other construction projects in the City. These credits could be
34 used to offset any wetland fill the City needs to do as part of a public project. The parking project
35 would be about 160 total stalls.

36
37 Applicant Representative, Mr. Neal Weber, stated they are working with the Hughes project
38 development team to get the access between the buildings on each property to allow for greater
39 separation, and given this is still in process, the 2-phase donation of property to the City was
40 needed.

41
42 Chair Buchanan opened the public hearing at 7:12 p.m.

43
44 There being no one wishing to address the Commission on the application, Chair Buchanan closed
45 the public hearing at 7:13 p.m.

46

1 After brief discussion among the Commissioners, Chair Buchanan asked for a motion on the
2 Application.

3
4 Commissioner Murray made a motion, seconded by Commissioner Plantan, to approve the Draft
5 Planning Commission Report and Recommendation, as presented, recommending approval of the
6 Preliminary and Final Plat Subdivision at 253 Lake St E, subject to the conditions outlined in the
7 Report. The motion carried unanimously.

8
9 **b.) Taylor Residence – 405 Bushaway Rd**
10 **i. Variance**

11
12 City Planning Consultant Ms. Olivia Dorow Hovland, from WSB & Associates, stated the
13 applicant, Charlie and Co Design, on behalf of the property owner, Carolyn Taylor, has submitted
14 a development application for the property at 405 Bushaway Rd. The applicant is proposing to
15 tear down the existing family home and construct a 2-story, 6,165 sf home and a 247-sf boathouse.
16 As part of the submitted development application, the applicant is requesting approval of a
17 variance for a shoreline setback. The required shoreline setback is 156-feet (the average shoreline
18 setback of the two adjacent properties). The proposed home is located at a 129-foot setback. The
19 existing home is at a 114-foot setback.

20
21 Applicant Representative, Mr. Charlie Simmons, Charlie and Co. Design, stated they had designed
22 the project for the homeowner and would answer any additional questions the Commission would
23 have.

24
25 Chair Buchanan stated the application was well prepared and thorough. He opened the public
26 hearing at 7:20 p.m.

27
28 There being no one wishing to address the Commission on the application, Chair Buchanan closed
29 the public hearing at 7:21 p.m.

30
31 After brief discussion among the Commissioners, Chair Buchanan asked for a motion on the
32 Application.

33
34 Commissioner Murray made a motion, seconded by Commissioner Plantan to direct staff to
35 prepare a draft Planning Commission Report and Recommendation recommending approval of the
36 variance for a shoreland setback at 405 Bushaway Rd. The motion carried unanimously.

37
38 **c.) Enclave at Crossdale Fence – 205, 211, 223 Byrondale Ave N**
39 **i. Conditional Use Permit**

40
41 City Planning Consultant, Ms. Olivia Dorow Hovland, from WSB & Associates, stated the
42 applicant Susan Seeland, on behalf of the property owners, Scott and Sarah Johnson, Douglas and
43 Sarah Carter, and Bruce Gates, has submitted a Fence Conditional Use Permit application for the
44 properties at 205, 211, and 223 Byrondale Ave N. The applicant is proposing to install fencing
45 and a gate along the property lines adjacent to Wooddale Avenue. The proposed fence would be
46 6-feet high and 100% solid. The applicant is requesting a conditional use permit for a fence in the

1 front yard that is greater than 50% solid matter and greater than 42-inches in height. Fences
2 consisting of greater than 50% solid matter in front of the rear building line up to the front of the
3 property and not exceeding a height of 8-feet are allowed by CUP. Although the area where the
4 fence is located functions as the back yard of the properties, the lots are considered double frontage
5 lots since they have street frontage on Byrondale Ave and Wooddale Ave. Therefore, the front
6 yard fence requirements apply to the fence located along Wooddale Ave.
7

8 Commissioner Plantan asked how far the fence would be from the road.
9

10 Ms. Hovland stated it is not clear from the site plan. The setback requirement is 10-feet from the
11 street.
12

13 Commissioner Douglas asked if City public works staff had reviewed the plan for problems that
14 may arise for snow removal.
15

16 Director of Planning and Building Thomson stated staff had discussed the project with Mike Kelly,
17 the Interim Public Works Director. He explained why the City requires a 10-foot setback from the
18 road. The survey presented does not show where the edge of the pavement is so the City is not
19 clear if the fence is setback 10-feet from the road. This is something that could be added as a
20 condition of approval.
21

22 Applicant, Ms. Susan Seeland, 12 Bald Eagle Road, Hilton Head, South Carolina, stated nothing
23 along Wooddale Ave is 10-feet back from the road. The existing fence is 3-feet from the road.
24 When they developed the property, they gave property to the City to accommodate the road. There
25 is not enough room to provide for a 10-foot setback. She stated that this is an alley way and there
26 are neighboring garages right along the roadway. She provided pictures of the existing fence. She
27 explained they are requesting 160-feet of fence and this would continue along the path.
28

29 Chair Buchanan opened the public hearing at 7:34 p.m.
30

31 Resident, Ms. Pat Broyles, 212 Benton Ave, stated the last house that would be constructed as part
32 of the Applicant's development in the neighborhood would be behind her property. She stated the
33 existing fence should not have been put up because it was not part of the development agreement
34 and had not been approved. She stated there is a public trail planned along the fence.
35

36 Ms. Seeland stated the trail is installed, and the fence they are proposing would not block the trail.
37

38 Ms. Broyles stated there is a gate on the trail at Hwy 101, so people have to open the gate to
39 continue on the trail. There should not be a gate on the trail especially at this end of the trail. She
40 does not support the fence. This would make this appear to be a closed gated community.
41

42 Applicant, Mr. Bruce Gates, stated the existing house he purchased has the arborvitae that are in
43 poor condition. He provided pictures of his property and the neighborhood. He would like to
44 continue the existing fence to make the neighborhood look more cohesive.
45

1 Applicant Representative, Mr. Steve Schwieters, Wooddale Builders, 6117 Blue Circle Dr., Suite
2 101, Minnetonka, stated they had constructed all of the homes in the neighborhood, the idea of
3 fences in the neighborhood had been discussed with the property owners, and they had been
4 unaware that the property owners had to pull fence permits. He stated the fence is important for
5 the neighbors, and they did host a neighborhood meeting to discuss the proposed fence project.
6 Those that attended had been in favor of the fence.

7
8 Ms. Seeland stated the gate had not been included in the original PUD for the development but
9 due to the grading on the property the Council agreed that a gate would be a good safety measure
10 to prevent people from going into traffic. The portion of the path that has the gate would not be
11 used, but the rest of the path would be.

12
13 Applicant, Doug Carter, stated the understanding had been there would be a fence installed on the
14 property. They have a privacy concern, their backyard has become the path, and car lights are a
15 problem.

16
17 Applicant, Mr. Scott Johnson, 205 Byrondale, stated they had built the existing fence because they
18 have a young son and they would like to see a gate and fence added to protect him from going
19 down the path. He stated if they followed the 10-foot setback, they would not be able to use their
20 backyard.

21
22 There being no one further wishing to address the Commission on the application, Chair Buchanan
23 closed the public hearing at 7:53 p.m.

24
25 Chair Buchanan stated the dilemma is that the existing fence is 3-feet from the road. Even though
26 this fence was not approved, any additional fence should be continued along the same path. He
27 explained the Commission should make a decision based on what is best for the City, and the fence
28 may require approval of a setback variance. If the Commission recommends approval of anything
29 less than the 10-foot, then City may want to consider including a hold harmless provision in the
30 approval so if the fence were damaged by the City, the City is not responsible for replacing the
31 fence because it would be located so close to the road. He clarified the applicant would have to
32 provide a separate application for the setback variance. The current application is for the CUP for
33 the height and opacity of the fence. If these items were coupled, there would have to be another
34 public hearing for the variance request.

35
36 Commissioner Douglas stated she would like the fence to be consistent with what is already in
37 place. There is a safety issue, and it would be important to have a hold harmless agreement in
38 place. These particular lots are smaller than other city lots and the street is narrow. She could
39 support the project.

40
41 Commissioner Murray expressed concerns about the snow removal, the height and opacity of the
42 fence, and the setback. He stated moving the existing fence could be an option.

43
44 Chair Buchanan stated they are really looking at the backyard for these homes, even though the
45 front yard requirements apply. Continuity in the neighborhood is important. He would support

1 the fence project but needed further clarification on the details of the proposal and City
2 requirements.

3
4 City Attorney David Schelzel suggested the Planning Commission could recommend approval of
5 the CUP request as submitted, and if the applicant wants less than the required 10-foot setback,
6 the Applicant could amend the application, and a public hearing would be held at the next meeting.
7 Staff could prepare a draft report and recommendation based on the discussions for approval at the
8 next meeting.

9
10 After further discussion among the Commissioners, Chair Buchanan asked for a motion on the
11 Application.

12
13 Commissioner Murray made a motion. Seconded by Commissioner Plantan, to direct staff to work
14 with the applicant to amend the application as needed to include a variance request for the fence
15 setback to align with the existing fence, and prepare a draft Planning Commission Report and
16 Recommendation recommending approval of the CUP request for the fence height, opacity and
17 variance request if needed for the setback for a fence at 205, 211, and 223 Bushaway Ave N, and
18 any new the public hearing for the variance request.

19
20 City Attorney Schelzel suggested an amendment to the motion to include conditions pertaining to
21 liability, maintenance and snow removal.

22
23 The amendment was accepted by Commissioners Murray and Plantan.

24
25 Chair Buchanan called the amended motion to a vote. The motion carried unanimously.

26
27 Mr. Thomson stated the gate would be considered a separate issue because it crosses a public trail,
28 and staff would welcome input from the Commission for the City Council to consider such a
29 request.

30
31 It was the consensus of the Commission to recommend that the trail be open in this location, and
32 not be gated.

33
34 **d.) Greenway Boathouse – 623 Bushaway Rd**

35 **i. Variance**

36
37 City Planning Consultant, Ms. Olivia Dorow Hovland, from WSB & Associates, stated the
38 applicant, Greg Jurvakainen of L. Cramer Builders, on behalf of the property owners, Chad and
39 Jenni Greenway, have submitted a development application for the property at 623 Bushaway Rd.
40 The property owners are proposing to construct a new boathouse, replacing the existing one on the
41 site. The new boathouse would be 250 sf in size and located generally in the same location as the
42 existing one, but moved further back from the shoreline to meet setback requirements. As part of
43 the submitted development application, the applicant is requesting approval of a lot coverage
44 variance. Within the R-1A zoning district, lot coverage shall not exceed 10% of lot area. The
45 proposed new boathouse would exceed the 10% maximum lot coverage requirement. There is an

1 existing boathouse on the property, which is 187 sf in size. The new structure would be 63 sf
2 larger than the existing one.

3
4 Applicant Representative, Mr. Greg Jurvakainen, L. Cramer Builders, stated they want to build a
5 250-sf boathouse that would comply with the City's other ordinances and meet the character of
6 the site. The property is a substandard lot and just under the minimum square foot requirement. If
7 the property was not substandard and met the minimum lot size requirement, they would not need
8 to request a variance.

9
10 Chair Buchanan asked if the applicant had considered building the boathouse to comply with the
11 ordinance.

12
13 Mr. Jurvakainen stated they are planning to add a fireplace to the structure that would increase the
14 size of the footprint and make the space more usable. He stated the applicant was requesting a
15 variance for a structure up to 250-sf in size.

16
17 Chair Buchanan opened the public hearing at 8:13 p.m.

18
19 Applicant, Mr. Chad Greenway, 623 Bushaway Rd, stated the primary reason for the change in
20 the building size was for functionality. This change would allow for adding a couple of chairs to
21 the facility to make the building more functional for the family.

22
23 Commissioner Plantan asked if the new structure would follow the same roofline as the home.

24
25 Mr. Greenway stated the concept they would mimic that home with the same roofline and look
26 and would have a maximum height of 10-feet.

27
28 There being no one further wishing to address the Commission on the application, Chair Buchanan
29 closed the public hearing at 8:18 p.m.

30
31 After further discussion among the Commission, Chair Buchanan asked for a motion on the
32 Application.

33
34 Commissioner Murray made a motion, seconded by Commissioner Plantan, to direct staff to
35 prepare a draft Planning Commission Report and Recommendation recommending approval of the
36 lot coverage variance for 623 Bushaway Rd. The motion carried unanimously.

37
38
39 **AGENDA ITEM 6. Other Items:**

40
41 **a.) June 19th City Council Meeting Report – Commissioner Buchanan**

42
43 Chair Buchanan stated the June 19 City Council meeting included extended discussion and public
44 comment on Resolution 20-2018 for the Lake Street Design and Process Scope. This is a
45 resolution on a project that reimagines the area between Lake St and Barry Ave to provide better
46 sidewalks, pedestrian and bike ways and access by removing a center lane. This would be

1 something that would fit with where the City wants Lake St to go in terms of design. Most of the
2 public comments were against the proposal but the City Council did vote in favor of the project.
3

4 **b.) Review of Development Activities**
5

6 Director of Planning and Building Thomson stated the July 30 Planning Commission agenda is
7 scheduled to include two new items. The Broadway Place PUD and Design Review that had
8 been approved would be brought back for further review. There were items in the project that
9 had not been included in the original application and these would need to be approved. The
10 second item is an amendment to a development agreement for a PUD from thirty years ago. The
11 residents in this development are restricted on what they can do to replace the old decks in this
12 area. The August agendas would likely include the development agreement for the 253 Lake St
13 project, and the additional approvals for the Hoyt project and 305 Lake St.
14

15 **Next Meeting is July 30, 2018**
16

17 Director of Planning and Building Thomson noted the next regular meeting of the Planning
18 Commission was scheduled for July 30, 2018
19

20
21 **AGENDA ITEM 7. Adjournment.**
22

23 There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.
24

25 Commissioner Douglas made a motion, seconded by Commissioner Murray, to adjourn the
26 Planning Commission meeting. The motion carried unanimously.
27

28 The Planning Commission meeting was adjourned at 8:25 p.m.
29

30 Respectfully submitted,
31

32 Tina Borg
33 *TimeSaver Off Site Secretarial, Inc.*