



1 Chair Plantan asked for a motion to approve the agenda for the meeting.

2  
3 Commissioner Douglas made a motion, seconded by Commissioner Bashioum, to approve the  
4 January 4, 2021 agenda as presented.

5  
6 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

7  
8 **AGENDA ITEM 4. Consent Agenda**

9  
10 **a.) Approval of the December 7, 2020 Planning Commission Meeting Minutes**

11  
12 Chair Plantan read the items on the consent agenda and asked if any Commissioners had questions  
13 on the agenda item, or wished to pull it for further discussion.

14  
15 Hearing no such request, Chair Plantan asked for a motion to approve the Consent Agenda as  
16 presented.

17  
18 Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the  
19 Consent Agenda as presented.

20  
21 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

22  
23 **AGENDA ITEM 5. Public Hearing Items**

24  
25 **a) Consider Development Application for a Subdivision at 555 Bushaway Road**

26  
27 Assistant Planner, Nick Kieser, stated that this application is for a subdivision and combined  
28 preliminary and final plat at 555 Bushaway Road that involves four properties on the shore of Lake  
29 Minnetonka. He reviewed the zoning for the property and the area, and the provisions of the 2040  
30 Comprehensive Plan that guide this property as Estate Single Family. He stated that the proposal  
31 is to combine the four lots into two lots. He noted that the two existing southern lots are currently  
32 conforming, so a single-family home could be built on either one of the lots. He noted that in  
33 2019, there was a home on one of the larger lots that was demolished, and significant grading and  
34 conservation work was completed on the properties. He reviewed the driveway locations, the total  
35 buildable portions of the lots, lot coverage, and conservation easement areas. He noted that the  
36 applicant will work with the Minnehaha Creek Watershed District if there are any changes needed  
37 due to the subdivision, and any future grading on the property will need Council approval. He  
38 explained that the applicant is in the process of a Letter of Map Revision for the lots with FEMA  
39 which helps determine flood insurance. He stated that because of the previous grading work done  
40 on the site, the City would only allow an additional 15% of trees to be removed for a total of 25%  
41 tree removal. He noted that no public comment had been received on the application, and stated  
42 that the applicant had also sent out notices to the neighboring property owners. No comments have  
43 been received from either notice. He reviewed the relevant questions for the Commission to  
44 consider with a request for subdivision and plat approval under the criteria of the Subdivision  
45 Ordinance.

46

1 Chair Plantan asked if the Commission had any questions for Staff.

2  
3 Commissioner Douglas asked about page 21 of the packet, which shows a map with possible  
4 placement of home, and asked how large the potential homes could be.

5  
6 Planner Kieser gave an overview of the depiction in his presentation that showed the maximum  
7 size the homes could be, and noted that the applicant is aware of this limit.

8  
9 Commissioner Merriam noted that the map shows that the larger parcel could have a footprint of  
10 about 15,000 and 11,800 square feet.

11  
12 Commissioner Parkhill asked what the advantages are of the conservation easement area noted in  
13 the proposed plat and application materials, and asked how the easement benefits both the owner  
14 and the City.

15  
16 Planner Kieser stated that he will have the applicant answer questions regarding the benefits for  
17 the owner. He explained that from a City perspective, the easement helps to preserve some of the  
18 natural areas of the property and enhances stormwater manage and runoff into the Lake.

19  
20 Chair Plantan asked if the applicant was present and would like to address the Commission.

21  
22 Applicant's representative, David Baer, Lake Properties, 6423 City West Parkway, Eden Prairie,  
23 stated that there are a multitude of reasons why they decided to do the conservation easement, and  
24 one of the main reasons was to create a habitat around the property that would be able to be restored  
25 to the natural habitat that it once was. He stated that they worked very closely with both the  
26 Watershed District and some environmental consultants to create a buffer zone that also makes the  
27 property more beautiful.

28  
29 Commissioner Bashioum asked about the conservation easement when Lot 2 is sold. She asked if  
30 they need to follow all the guidelines and stipulations, or if they will they be able to vacate the  
31 easement at will.

32  
33 Mr. Baer explained that the easements are perpetual and will be required to be kept and maintained  
34 in accordance with the plan that was put forth in the easement document. He stated that the idea  
35 was that even if they were to subdivide the property further, that the easement and obligations  
36 would remain.

37  
38 Commissioner Bashioum stated that she thought she read somewhere in the packet that at any time,  
39 the conservation easement can be vacated just by giving notice.

40  
41 Mr. Baer asked the Applicant's attorney, Todd Phelps, to answer that question, and noted that he  
42 does not think the property owners have the right to do that.

43  
44 Todd Phelps, Stinson Law Firm, stated as Mr. Baer mentioned, the conservation easement lasts in  
45 perpetuity, and the land has been encumbered by that easement with all of the obligations contained  
46 in what is a very comprehensive and thorough conservation easement. He stated that in theory, it

1 could be terminated, but there are quite substantial penalties and consequences associated with that  
2 action. He noted that they worked with the Watershed District for almost a year to formulate this  
3 plan. He stated that while nothing is impossible, he would say that it is extremely improbable that  
4 the conservation easement will ever go away.

5  
6 Commissioner Stockton asked if it would make sense to consider that the conservation area has  
7 the ability to be redefined proportionate to the existing lots in the event that there was a future  
8 proposed subdivision of the two lots into three.

9  
10 Mr. Baer stated, to his knowledge, the boundaries of the easement cannot be changed.

11  
12 Commissioner Stockton asked if that meant that future subdivisions would be somewhat inhibited.

13  
14 Mr. Phelps stated that any future subdivision would require a variance from the City, but noted  
15 that there is nothing planned for the type of subdivision Commissioner Stockton was referencing.  
16 He stated that additional subdivision would also require consent from the Minnehaha Creek  
17 Watershed District as the holder of the conservation easement. He noted that the agreement states  
18 that this area can be subdivided into two lots, but not three.

19  
20 There being no additional questions from the Commission for the applicant, Chair Plantan opened  
21 the public hearing on the application at 7:02 pm and repeated the instructions for participation in  
22 the public hearing via Zoom or by phone.

23  
24 Director Goellner stated there were no people that joined or called into the meeting that have asked  
25 to speak at this public hearing.

26  
27 There being no one wishing to comment on the application, Chair Plantan closed the public hearing  
28 at 7:03 pm.

29  
30 Chair Plantan asked for the Commission to share their thoughts, questions and feedback on the  
31 application.

32  
33 Commissioner Douglas thanked the applicant for a very detailed and complete application. She  
34 stated that this is a beautiful property and looks forward to seeing what happens here. She stated  
35 that the proposal meets all the minimum lot requirements, is larger than all the surrounding lots,  
36 and fits into the character of the neighborhood. She feels this will be a nice addition to the area.

37  
38 Commissioner Stockton stated that the conservation easement idea is lovely, and hopes that it will  
39 set somewhat of a standard for similar larger properties.

40  
41 Chair Plantan stated that she thinks the configuration seems very reasonable and preserves the  
42 wildlife habitat, trees, and vegetation, and that it fits in with the area.

43  
44 There being no further discussion, Chair Plantan asked for a motion on the application.  
45

1 Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to direct staff to  
2 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
3 reflecting a recommending approval for the Preliminary and Final Plat Review and Subdivide four  
4 lots into 2 lots at 555 Bushaway Road for review and adoption at the next Planning Commission  
5 meeting.

6  
7 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.  
8

9 **b) Consider Development Application for a Conditional Use Permit for a Fence in**  
10 **the Rear Yard at 600 Rice Street East**

11  
12 Planner Kieser stated that this application is for a CUP for fence height for 600 Rice Street East,  
13 which is the Wayzata City Hall property. He reviewed the zoning on the property and in the  
14 surrounding neighborhood, and the Comprehensive Plan land use designation. He stated that the  
15 proposed fence in the rear yard would be 7 feet where 6 feet is otherwise allowed without a CUP.  
16 He reviewed the plans for the proposed 7 foot tall dark, steel fence with a 16-foot-long automatic  
17 gate to enclose and help secure the area to the rear of City Hall and the police vehicle parking area.  
18 He noted that the proposal would enclose about 20 parking stalls and leave 8 outside of the fencing.  
19 He noted that there was discussion with the gate company about the noise output of the gate  
20 mechanism, and the company advised that it was essentially comparable to a garage door opener  
21 in a single-family home. He noted that the City of Plymouth has a similar gate that makes virtually  
22 no noise. He explained that there is a proposed future car port that would cover about 7 stalls. He  
23 showed examples of the fencing material and how the gate would operate. He noted that one of  
24 the concerns brought up in public comment received in advance of the meeting was the visual  
25 impact of the fence, and shared images of the site that show the difference in neighboring views  
26 between summer months and winter months. He explained that two public comments were  
27 received, one in general support and the other that expressed concerns about visual impact, noise  
28 from the gate, time of gate use, and the impact of the future carport. He reviewed the CUP criteria  
29 and questions for the Commission to consider with the application.

30  
31 Chair Plantan asked if the Commission had any questions for Staff.

32  
33 Commissioner Merriam stated that in the memo from Police Chief Risvold on the proposal, he  
34 states that they need the 7-foot fence so it cannot easily be climbed, but there are two 4-foot  
35 pedestrian gates on the south and north side and asked why those are only 4 feet.

36  
37 Planner Kieser stated he believes the 4 feet refers to the width of the gates and not the height.

38  
39 Chair Plantan asked if the applicant would like to address the Commission.

40  
41 Applicant representative, Police Chief Risvold, 600 Rice Street, explained that this fencing is  
42 strictly a security effort, and noted that the City of Wayzata Police Department is one of the few  
43 police agencies in the area that does not have a secured area for its vehicles and employees. He  
44 noted that this has been discussed with the City Council, including at one of their workshop  
45 meetings and has been included in budget plans.

46

1 Commissioner Douglas stated that there are a few different fencing options shown in the plans  
2 included in the packet, and she would prefer that the fencing does not have the curved top as shown  
3 in a few examples, because it reminds her of a prison fence. She stated that the classic design  
4 shown in the other examples is similar to what the City has elsewhere, and would like to keep it in  
5 a similar genre.

6  
7 Chief Risvold stated that he is not married to any of the particular design options, and noted that  
8 the curved top design is probably more secure than other options; but none of them are  
9 insurmountable if someone really wants to get over the fence.

10  
11 There being no additional questions from the Commission for the applicant, Chair Plantan opened  
12 the public hearing on the application at 7:22 pm. and reiterated the instructions for involvement  
13 via Zoom or phone call.

14  
15 Catherine Robinson, 215 Walker Avenue, stated that she is one of the new homeowners in the 7  
16 townhomes that are being built nearby. She stated that she is happy there are actions being taken  
17 to protect the City's police force. She noted that regarding the fence, there were a few statements  
18 made in the application that said that the fence would be visible to some property owners from the  
19 south. She stated that without the framing of the units complete yet, she thinks it is hard to visualize  
20 how the windows on the first and second levels of the new units will look out to the new proposed  
21 fencing, gate and potential car port. She stated that they would like a deeper review completed.  
22 She does not think all the other homeowners are aware of the application and noted that she had  
23 found it by happenstance on the City website this week when they were researching other things  
24 regarding the City. She stated that with regard to the automatic gate, if they were sitting on their  
25 deck or patio, they believe there will be some noise issues with them hearing the gate open or  
26 close. She asked if the intent was for the gate to be opened and closed throughout the day. She  
27 asked whether it may make sense for the gate not to open and close between 10:00 p.m. and 6:00  
28 a.m. because that would alleviate most of the noise concerns. She stated that car port would be  
29 taller than 7 feet, and asked if there was any pre-planning done to have additional vegetation to  
30 hide the fence or the carport. She asked about landscape plans to hide the gate, fence and carport.  
31 She stated that she agrees with the comments made by Commissioner Douglas on the style of  
32 fencing looking like a prison fence.

33  
34 There being no other person wishing to provide comments on the application, Chair Plantan closed  
35 the public hearing at 7:27 pm.

36  
37 Chair Plantan asked for the Commission to share their thoughts, questions, and feedback on the  
38 application.

39  
40 Commissioner Douglas asked if the gate would swing open toward Walker or toward the building.

41  
42 Chief Risvold stated that he believes it will go towards Walker, but is not completely sure because  
43 it will be more of a logistical item for the fencing company to work out.

44  
45 Commissioner Douglas asked if the Council had any comments when this was discussed at the  
46 work session, regarding tree cover or the visibility to the west.

1  
2 Chief Risvold stated that it was brought up and noted that there was some vegetation over there.  
3 He stated that the Council also discussed the style and type of fence being important, and that it  
4 should look nice and fit in with other fences that the City has around town and have a more  
5 decorative look.

6  
7 Commissioner Bashioum stated that she is in favor of adding another layer of security for the  
8 police department and staff. She asked if there has been an allocation made by the City Council  
9 regarding additional tree coverage, such as arborvitae that is four season vegetation that would  
10 provide a screen.

11  
12 Chief Risvold stated that the cost of the overall project is kind of a moving target because there  
13 are many components, and the fencing is just one of them. He stated that it will also involve  
14 reconfiguring the after-hours entry doors and the main entrance at the lower level, and those costs  
15 are not yet known. He stated that when they did the ballpark budget figures, they did not talk  
16 specifically about additional screening.

17  
18 Commissioner Bashioum asked staff if there was any money set aside for providing additional  
19 four-season vegetation.

20  
21 Planner Kieser stated that there may be other opportunities within the project budget for trees, but  
22 does not know the specific amounts. He stated that staff would have to look into that further to  
23 see if there are other options for additional trees in that area.

24  
25 Commissioner Douglas stated that she would support Commissioner Bashioum's concern, and  
26 thinks it is definitely needed. She stated that she doesn't think it needs to be a solid wall of trees,  
27 and could be staggered a bit and still be effective. She stated that she would like the City to find  
28 a way to do some work to provide additional screening.

29  
30 Commissioner Merriam stated that she feels it is important for the City to have this extra layer of  
31 security. She stated that it is unknown how much noise the opening and closing of the gate will  
32 produce. She stated that they do know that the fence will not be an eyesore, but suggested that the  
33 concerns regarding noise and visibility be addressed when the gate is in use, and addressed later.

34  
35 Chair Plantan stated that she thinks the Commission could put in a request that when the City  
36 Council reviews this, that the Commission recommends they consider additional plantings for  
37 screening.

38  
39 Commissioner Parkhill stated that he thinks the request for a 7-foot fence is very reasonable. He  
40 stated that this is a nice quality fence and does not see it as an eyesore whether it will be partially  
41 visible or not. He stated that if it becomes a problem, it could be mitigated in the future with some  
42 arborvitae or something similar. He stated for about 7 months out of the year, the existing natural  
43 buffer will be completely blocking it, and he does not see a reason to deny this request.

44  
45 There being no further discussion, Chair Plantan asked for a motion on the application.  
46

1 Commissioner Merriam made a motion, seconded by Commissioner Douglas, to direct staff to  
2 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
3 reflecting a recommending approval of a CUP Permit for the proposed fence at Wayzata City Hall,  
4 600 Rice Street East, to be reviewed and adopted at the next Planning Commission meeting.  
5

6 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.  
7

8 **AGENDA ITEM 6. Other Items:**  
9

10 **a) Review of Development Activities**

11  
12 Planner Kieser stated that it is going to start getting busy in the coming months, and noted that  
13 there are quite a few development applications that have been submitted. He gave an overview of  
14 a few of the specific applications that are in process, but not yet complete.  
15

16 Director Goellner stated that staff has been working with CoV Restaurant on a potential expansion  
17 of their outdoor bar seating area into the public right of way, which would include an encroachment  
18 permit. She stated that she is hoping this will be ready for Commission review in about a month.  
19

20 **b) Planning Commissioner Liaison Schedule and City Meeting Calendar**

21  
22 Director Goellner noted that because of Martin Luther King Jr Day, the next meeting of the  
23 Commission will be held on the 4<sup>th</sup> Monday of the month.  
24

25 Commissioner Douglas asked if there will be any public hearings at the next meeting.  
26

27 Director Goellner stated that staff is still working a few applications before they can be deemed  
28 complete, but she expects that there will be two or three public hearings at that meeting.  
29

30 **c) Introduce and Welcome Commissioner Stockton**

31  
32 Director Goellner stated that she is very happy to welcome Commissioner Stockton to the Planning  
33 Commission. She stated that there were several applicants and this appointment was a difficult  
34 selection for the City Council. She noted that Commissioner Stockton currently serves on the  
35 Zoning Task Force.  
36

37 Commissioner Stockton stated that she is honored to be part of the Commission, and shared a little  
38 background information on her work experience and history in the area.  
39

40 Director Goellner noted that the Commission will hold their election of officers at the January 25,  
41 2021 meeting.  
42

43 **AGENDA ITEM 7. Adjournment.**  
44

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



1 Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to adjourn the  
2 Planning Commission meeting.

3  
4 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

5  
6 The Planning Commission meeting was adjourned at 7:45 p.m.

7  
8 Respectfully submitted,  
9 Kayla Atkins Rokosz  
10 *TimeSaver Off Site Secretarial, Inc.*

11