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2 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to approve the  
3 Consent Agenda as presented. The motion carried unanimously.  
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6 **AGENDA ITEM 5. Public Hearing Items:**  
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8 **a.) Development Application for a Variance and Conditional Use Permit for a**  
9 **Detached Garage at 908 Shady Ln E**  
10

11 Assistant Planner, Nick Kieser stated that the applicant and property owner, Clifford Otten, is  
12 requesting approval of a front yard setback variance and a Conditional Use Permit for a detached  
13 garage in the front yard of his property. The proposed garage will be one story and 28' x 30', or  
14 840 square feet. A similar application came before the Planning Commission on December 2<sup>nd</sup> on  
15 which the Commission voted to recommend approval of the front yard setback variance, but denial  
16 of the Conditional Use Permit. The applicant withdrew that previous application and has now come  
17 back with updated plans for the garage based on the Planning Commission's comments on the  
18 previous proposal. The footprint of the proposed garage in the current application has been reduced  
19 by 60 square feet and no longer has a second story. The garage height was also reduced from 20'  
20 to 14'.  
21

22 Assistant Planner Kieser noted that the current zoning for the property is R-2A Single-Family  
23 Residential District. The 2030 Comprehensive Plan designation is Low Density Single Family  
24 Residential, and the 2040 Comprehensive Plan designation is Low Density Residential. The  
25 property is also in the Shoreland Overlay District. The site has an existing 4,333 square-foot house  
26 with an attached garage that is able to fit one car. A side yard variance was approved in early 2018  
27 for a porch addition. The proposed garage will be located in the front yard, 1.6' from the front  
28 property line, and will connect to the current driveway. There is existing landscaping/buffering  
29 that the applicant maintains in between where the proposed garage would be located and the road.  
30 No trees or landscaping will be removed with this project, and the location of the proposed garage  
31 is on a grassy area.  
32

33 Chair Plantan asked if the Commission had any questions for Staff.  
34

35 Commissioner Douglas asked if the lot was large enough to accommodate the additional structure.  
36

37 Assistant Planner, Nick Kieser stated that the property is in the Shoreland Overlay District which  
38 requires hard cover to be under 25%. The hard cover in the proposed application is below the  
39 limit.  
40

41 Commissioner Merriam asked for clarification regarding the size of the adjacent lots.  
42

43 Assistant Planner Kieser stated that years ago there were a number of smaller lots that were  
44 combined along Shady Lane to create larger more buildable lot sizes.  
45

1 There being no further questions from the Commission for Staff, Chair Plantan opened the public  
2 hearing on the application at 6:43 p.m.

3  
4 Seeing no member of the general public wishing to speak, Chair Plantan asked the applicant to  
5 speak to the Planning Commission about the application.

6  
7 Applicant, Clifford Otten, 908 Shady Lane E, stated that he was available for questions.

8  
9 Commissioner Douglas asked if he had spoken to his neighbors regarding the application.

10  
11 Mr. Otten stated that he had not heard anything negative from his neighbors. He added that he had  
12 received a Christmas card stating that he should enjoy his new garage. He commented that the  
13 sender obviously did not know the previous application had been denied.

14  
15 Commissioner Douglas asked if he was planning on maintaining the double driveway and the  
16 hedge.

17  
18 Mr. Otten responded that he would.

19  
20 Commissioner Bashioum stated that she appreciated the changes that have been made to the  
21 project.

22  
23 Mr. Otten joked that the denial saved him \$100K.

24  
25 There being no one wishing to comment on the application further, Chair Plantan closed the public  
26 hearing at 6:45 p.m.

27  
28 Chair Plantan asked the Commission to provide feedback and comments on the application.

29  
30 Commissioner Merriam stated that she is comfortable with the new application, location, and the  
31 buffering hedge. She asked if a condition could be added to require that the existing hedge remain  
32 and be maintained. She added that her approval relies on the existence of the hedge/buffer.

33  
34 Commissioner Douglas stated that the current home owner will not likely make any changes to the  
35 hedge, but a different home owner may want to remove the hedge. She asked if a condition could  
36 be added to guarantee that the hedge would remain.

37  
38 City Attorney, David Schelzel stated that the standards associated with a Variance and Conditional  
39 Use Permit allow for conditions to be required that address impacts of the proposed use and are  
40 reasonably tied to the request made. He noted that it is often very difficult to enforce a landscaping  
41 standard over the course of 10 or 20 years.

42  
43 Commissioner Merriam stated that she had a negative experience related to some changes made  
44 to a previously owned property of hers. She added that changes were made to a neighboring  
45 property that negatively affected her property, but they were left with no recourse. She asked if a  
46 condition regarding the existence and maintenance of a hedge was added to the CUP, if a new

1 property owner attempted to remove the hedge, would an effected neighbor have the ability to  
2 contest the change.

3  
4 City Attorney Schelzel stated that the hedge in question may also be in the City right-of-way,  
5 which would add additional complication to the situation. He suggested that the Planning  
6 Commission direct staff to prepare a draft report and recommendation with the concern noted.  
7 Staff would then further discuss and report back to the Commission with their findings and  
8 recommendations on that potential condition.

9  
10 There being no further discussion regarding the application, Chair Plantan asked for a motion on  
11 the application.

12  
13 Commissioner Bashoum made a motion, seconded by Commissioner Douglas, to direct staff to  
14 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
15 reflecting a recommendation of approval of the development application for a front-yard Setback  
16 Variance and a Conditional Use Permit for a Detached Garage at 908 Shady Ln E with a potential  
17 condition requiring that the arborvitaes along Shady Lane be maintained, for review and adoption  
18 at the next Planning Commission meeting.

19  
20 Chair Plantan asked for any discussion on the motion, and stated that she would like to see a  
21 condition that would require some natural screening, and that Staff should make recommendations  
22 regarding the wording for the amendment.

23  
24 Commissioner Merriam stated that she would like to see the condition included that the hedge  
25 would remain and be maintained.

26  
27 There being no further discussion, Chair Plantan called for a vote.

28  
29 The motion passed unanimously.

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

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33 **a.) Review of Development Activities**

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35 Assistant Planner, Nick Kieser stated the next Planning Commission would likely have one new  
36 application for review and approval for design.

37  
38 **b.) January 7 and 21 City Council Meeting Reports**

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40 Commissioner Plantan provided a report on the January 7 City Council Meeting, and noted that  
41 the new Three Rivers Park District Commissioner was introduced. A firefighter that recently  
42 returned to Wayzata after 18 years was introduced. She added that the annual appointments were  
43 made, and the mayor has the title of Chief Weed Inspector. There was discussion regarding the  
44 City Hall renovation project. She stated that the meeting minutes are available online.

45

1 Community Development Director, Emily Goellner provided a report on the January 21 City  
2 Council Meeting and noted that she is providing the Council liaison report on behalf of  
3 Commissioner Parkhill. Staff from the Three Rivers Park District spoke about long term planning  
4 for a 21-mile regional trail that will run from Wayzata all the way through to Maple Grove. The  
5 project is expected to take between 10 to 20 years to complete. A resident asked for local  
6 regulations regarding the use of plastic. The Council directed the Energy and Environment  
7 Committee to investigate and provide recommendations at some point in 2020. Two board and  
8 commission resignations were received, and staff will work to fill those positions. There was a  
9 first reading of an ordinance prohibiting the sale of tobacco and vaping products to anyone under  
10 the age of 21. There was also discussion regarding the Section Foreman House with the focus  
11 primarily being about stabilizing and fully winterizing the property. The Historic Site designation  
12 for the property was approved.

13  
14 **c.) Planning Commissioner Liaison for the February 4 City Council Meeting**

15  
16 It was noted that Commissioner Douglas will attend this meeting and report back to the Planning  
17 Commission.

18  
19 **d.) 2020 Meeting Calendar**

20  
21 Director Goellner stated that the 2020 meeting Calendar was included in the packet and agenda  
22 due to a number of required schedule changes from the normal meeting times.

23  
24 **AGENDA ITEM 7. Adjournment.**

25  
26 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

27  
28 Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to adjourn the  
29 Planning Commission meeting. The motion carried unanimously.

30  
31 The Planning Commission meeting was adjourned at 7:02 p.m.

32  
33 Respectfully submitted,

34 Jenny Groess

35 *TimeSaver Off Site Secretarial, Inc.*