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2
3 **AGENDA ITEM 4. Consent Agenda**
4

- 5 a.) **Approval of the January 4, 2021 Planning Commission Meeting Minutes**
6 b.) **Approval of Planning Commission Report and Recommendation for a**
7 **Subdivision at 555 Bushaway Road**
8 c.) **Approval of Planning Commission Report and Recommendation for a Fence in**
9 **the Rear Yard at 600 Rice Street East**

10
11 Chair Plantan read the items on the consent agenda and asked if any Commissioner had questions
12 about an item or wished to pull an item for further discussion.

13
14 Hearing no such request, Chair Plantan asked for a motion to approve the Consent Agenda as
15 presented.

16
17 Commissioner Douglas made a motion, seconded by Commissioner Bashioum, to approve the
18 Consent Agenda as presented.

19
20 Director Goellner completed a roll call vote on the motion. Ayes – Bashioum, Douglas, Merriam,
21 Stockton, and Plantan. Abstain – Flannigan. The motion carried.

22
23 **AGENDA ITEM 5. Public Hearing Items**
24

- 25 a) **Consider Development Application for a Preliminary and Final Plat at 314 and**
26 **322 Broadway Avenue North**
27

28 Assistant Planner, Nick Kieser, stated that the first public hearing item is a subdivision application
29 for a lot line adjustment that would create two conforming lots at 314 and 322 Broadway Avenue
30 North. The properties are zoned R3A and are designated as Central Core Residential in the 2040
31 Comprehensive Plan. He explained that the lots are a bit unique in the neighborhood because they
32 are longer in depth than most of the surrounding properties. One of the lots has an existing single-
33 family home and the other lot had a home that was demolished last year and is now vacant. The
34 request is to adjust the center lot line between the two properties. Planner Kieser noted that the
35 Applicant plans to take down the existing home and build new homes on both lots. He noted that
36 the pond on the back of the property is technically a wetland, so there will be a wetland buffer of
37 30 feet from the building pads. He reviewed the applicable R3A zoning requirements, and noted
38 that the northerly lot is currently a legal non-conforming lot, because of its lot width, and this
39 adjustment would make both lots legal conforming. He reviewed the proposed drainage and utility
40 easement location, and noted that there should not be an issue with tree removal on the properties
41 because the expectation is that the new homes will be built in similar locations to the prior homes.
42 He reviewed the questions for the Planning Commission to consider under the criteria of the
43 Subdivision Ordinance, noted that no public comments on the application have been received by
44 the City, and explained that staff recommends approval.

45
46 Chair Plantan asked if the Commission had any questions for Staff.

1
2 Commissioner Flannigan asked why the property lines extend so far into the wetland area.

3
4 Planner Kieser stated that he is not sure why the lot lines were placed this way, but noted that there
5 is a sanitary sewer pipe near that wetland edge and the City is working to have the easement cover
6 that area. He also noted that the City owns the property just east of these properties, and the
7 majority of the pond area is City owned.

8
9 Commissioner Flannigan asked about the maximum building coverage on this lot.

10
11 Planner Kieser stated that the maximum lot coverage would be 30%, and the maximum impervious
12 surface would be 35%.

13
14 Commissioner Flannigan stated that it appears as though these two lots could have very large
15 houses on them because of how far the property goes into the wetland.

16
17 Commissioner Merriam asked if the new lots would be consistent with the surrounding lot sizes,
18 and whether the homes that would be built would also be consistently sized with the area homes.

19
20 Planner Kieser stated the applicant may be able to shed some light on what the plan would be for
21 the future homes. He stated that these lots are quite unique for R3A designation because of the lot
22 depth. He stated that technically, they could have larger lot coverage on these lots as compared to
23 other homes in the area because under the standards for lot coverage, the bigger the lot, the larger
24 the home you are able to have.

25
26 Chair Plantan asked if the 30% lot coverage includes the pond area within the property in the
27 calculation, or if it only includes the buildable area of the property.

28
29 Planner Kieser stated that Wayzata has historically taken into account the whole lot area, even if
30 there is a wetland or unbuildable area on it.

31
32 Commissioner Stockton asked if the concept of including wetland in the lot coverage is consistent
33 with the objective of having a limitation on impervious surfaces.

34
35 Planner Kieser explained that some cities do it differently, but overall, your property is a certain
36 size regardless of whether there are wetlands or not, and historically, the City has included all of
37 that into the lot area.

38
39 Commissioner Merriam asked if a duplex would be allowed in an R3A district if there is enough
40 property.

41
42 Planner Kieser stated that a two-family residence is allowed via a C.U.P. and would also need to
43 meet the other applicable requirements.

44
45 Commissioner Bashoum asked if this is approved whether the building plans submitted would
46 come before the Planning Commission.

1
2 Planner Kieser noted that if the building permit application meets the applicable requirements and
3 does not need a variance, a building permit could be issued and would not need additional review
4 of the Planning Commission or approvals from the City Council.

5
6 Chair Plantan invited the applicant to address the Commission.

7
8 Applicant's representative, Beth Ulrich, 270 Peavey Road, stated that they had originally
9 purchased Lot 2 when it was 110 feet wide. She explained that the neighbor came to them about
10 buying the other lot, which was only 55 feet wide. She explained that when they purchased both
11 lots, they felt it would make sense to give 18 feet from the wider lot to the other lot in order to get
12 a home that looked more like the other homes across the street.

13
14 Commissioner Merriam asked what the applicant intentions were for the two lots.

15
16 Ms. Ulrich stated that they are working with couples that are interested in each lot. She noted that
17 they are currently building a home on 323 Broadway Avenue that will probably be similar to what
18 is built on Lot 1. She noted that for Lot 2, they are planning to build a home that is similar to the
19 home just to its right, and it will most likely be about a 5,000 square foot home. She stated that
20 because these lots are so large, it will give the buyers the room to put in a pool, which they are
21 both interested in doing.

22
23 There being no further questions from the Commission for the applicant, Chair Plantan opened the
24 public hearing on the application at 6:58 pm.

25
26 Polly Anderson, 230 Chicago Avenue North, stated that she would like to understand the buildable
27 area on the lots in relation to the bluff. She stated that she would like to know if and where the
28 builder would need to have a variance.

29
30 Planner Kieser stated that for a bluff to exist under the terms of the Zoning and Subdivision
31 Ordinances, there are certain criteria and in particular, a certain degree of grade change, which
32 means there would not be a bluff in this area. He noted that the wetland edge and the buffer area
33 will be totally unbuildable areas on the lots. He stated that staff is strongly encouraging the
34 applicant to build on the front of the lots, which is what he believes they are planning to do.

35
36 Ms. Anderson stated that the City currently does not have a tree ordinance that gets to the
37 importance of the heritage trees to the neighborhood, as well as to the ecosystem. She asked if the
38 City had plans to revisit the tree ordinance with some of these things in mind.

39
40 Planner Kieser explained that the Zoning Task Force is planning to hire a tree arborist to look into
41 the tree preservation code this fall to see what updates need to occur. He noted that it is in the
42 works, but has not yet been discussed in detail, and noted that any proposal for changes would
43 come before the Planning Commission and possibly the Energy and Environment Committee
44 before going to the Council.

45

1 Ms. Anderson stated that right now there really isn't a mechanism to recognize all of the animals
2 and plants that are relying on some of these large heritage trees, such as tree #57 on the plans
3 provided. She explained that she would like the City to look beyond the circumference and the
4 diameter of trees, and take into account the animals and plants in the ecosystem. She stated that
5 she realizes that this is not officially part of tonight's discussion, but asked that the City and the
6 applicant keep that in mind as they move forward.
7

8 There being no additional comments on the application, Chair Plantan closed the public hearing at
9 7:06 pm.
10

11 Chair Plantan asked for the Commission to share their questions and feedback on the application.
12

13 Commissioner Flannigan asked if 328 Broadway Avenue North was on the property line without
14 proper setbacks.
15

16 Planner Kieser explained that was not officially part of the survey, and noted that it is difficult to
17 tell without the official setbacks and survey information, but it appears as though it would be very
18 close.
19

20 Commissioner Flannigan asked City Attorney Schelzel if there would be any opportunity to rework
21 the back lot lines to bring it into conformity so it is not in the middle of the wetland.
22

23 City Attorney Schelzel stated that there is a particular plat under review tonight that has been
24 drawn up by the applicant and their surveyor, so that is what the Commission has to decide on. He
25 noted that the City can't unilaterally redraw those lot lines without acquiring the remnants of the
26 property. He noted wetland areas do change over time, and believes what could have happened
27 with the wetlands in this case is that it has simply grown over time. He noted that the other issue
28 that plays into how the City looks at the buildable areas is that when you own a certain number of
29 square feet of property, even if some of it is wetland, you are still responsible for the property and
30 pay property tax based on the full amount of property you own.
31

32 Commissioner Flannigan stated that he supports this application, and feels it makes a lot of sense
33 and will bring the northern lot into conformity. He stated that his concern would be the possibility
34 of having two massive homes on these lots.
35

36 Commissioner Douglas stated that in this neighborhood there have been several new homes built
37 that are larger than the older homes. She stated that she thinks the market will drive much of the
38 size of the homes. She stated that she did not believe that someone will come in and build a 15,000
39 square foot home in that neighborhood, and will support this subdivision.
40

41 Commissioner Bashioum stated that she supports the subdivision in order to bring both lots into
42 conformity. She thanked Ms. Anderson for bringing up the concerns and potential discussion
43 surrounding heritage trees. She stated that she would love to see the cottonwood tree that she
44 mentioned preserved, if at all possible.
45

1 Commissioner Merriam stated that she also supports the application and feels the lot line
2 adjustments makes for a better situation. She noted that she does hope the homes stay within the
3 same scale as the surrounding neighborhood.

4
5 Commissioner Stockton stated that she concurs with the thoughts surrounding consistency with
6 the other property frontages. She stated that she agrees on the thoughts shared surrounding tree
7 conservation, and encourages the Zoning Task Force and Energy and Environment Committee to
8 take a look at that because it is an important part of preserving the natural beauty of the area.

9
10 Chair Plantan stated that she agrees with the comments made by the Commission that this proposal
11 will create two conforming lots. She noted that she also appreciates the concerns raised by Ms.
12 Anderson regarding the heritage trees, and hopes the applicant takes those concerns into
13 consideration.

14
15 Planner Kieser noted that he wanted to clarify that he had said earlier that the applicant was allowed
16 up to 25% tree removal; however, that does not include for heritage trees. He noted that if any
17 heritage trees were removed, they must be replaced on a 2:1 caliper inch basis.

18
19 There being no further discussion, Chair Plantan asked for a motion on the application.

20
21 Commissioner Douglas made a motion, seconded by Commissioner Flannigan, to direct staff to
22 prepare a draft Planning Commission Report and Recommendation with appropriate findings
23 reflecting a recommendation of approval for the requested subdivision at 314 and 322 Broadway
24 Avenue North, for review and adoption at the next Planning Commission meeting.

25
26 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

27
28 **b) Consider Development Application for a Heritage Preservation Site Designation**
29 **for the Trappers Cabin at 220 Grove Lane East**

30
31 Planner Kieser stated that this public hearing and application is for a Heritage Site Designation for
32 the Trapper's Cabin in Shaver Park, at 220 Grove Lane East. He noted that the applicant is the
33 Heritage Preservation Board, and the property is owned by the City. He showed an aerial view
34 of the property, and noted that the Heritage Preservation Site designation would only apply to the
35 Trapper's Cabin and not the underlying or surrounding property. He gave a brief history of the
36 Trapper's Cabin, and noted the Chair of the Heritage Preservation Board, Dan Gustafson would
37 also be sharing more detailed information. He noted that the cabin was moved to its present
38 location in Shaver Park in 2013, and explained that there was a significant amount of research and
39 work done by Board member Irene Stemmer to preserve the cabin. He gave an overview of the
40 applicable criteria and effect of the Heritage Preservation Site (HPS) Designation.

41
42 Commissioner Stockton asked how many criteria were supposed to be met for this designation.

43
44 Planner Kieser stated that there can be just 1 criteria met in order to be eligible for approval of this
45 designation.

46

1 Commissioner Flannigan asked if his understanding was correct that if Trapper's Cabin is
2 designated as an HPS, the "site" is just the cabin and has nothing to do with the surrounding park
3 or any other piece of the land nearby.
4

5 Planner Kieser confirmed that is correct and the HPS designation would just be for the structure
6 itself, and nothing else that surrounds it.
7

8 Chair Plantan invited Heritage Preservation Board Chair, Dan Gustafson, to speak. Mr. Gustafson
9 gave a brief presentation that reviewed the history of the Trapper's Cabin, and noted that the
10 structure is believed to have been built around 1850. He noted that the oldest photograph they
11 have of the cabin was taken in about 1889. He explained that they believe it was built by a French-
12 Canadian named John Bourgeois, and the rumor is that Bushaway got its name because people
13 could not pronounce Bourgeois. He read aloud the plaque that is on display near the cabin.
14

15 Chair Plantan asked if the Commissioners had any questions for the applicant.
16

17 Commissioner Bashioum stated that currently the inside of the Trapper's Cabin is not accessible,
18 and asked if it would be possible for school groups to get admittance into the cabin to see the small
19 size and be able to picture a family living in the cabin. She asked if the Heritage Preservation
20 Board had ever discussed this possibility.
21

22 Heritage Preservation Board Chair Gustafson stated that he does not believe that they have dealt
23 with that specific question, but he thinks it is something that could be explored and would want to
24 consult with City staff and Public Works to ensure that this would fit within their thinking. He
25 noted that he can bring that question back to the Board for discussion.
26

27 Commissioner Bashioum expressed her appreciation to the late Irene Stemmer for doing all the
28 work to preserve this piece of Wayzata history.
29

30 There being no questions from the Commission for the applicant, Chair Plantan opened the public
31 hearing on the application at 7:35 pm.
32

33 Director Goellner stated there were no people that called or logged in to the meeting that have
34 asked to speak at the public hearing.
35

36 There being no one wishing to comment on the application, Chair Plantan closed the public hearing
37 at 7:36 pm.
38

39 Chair Plantan asked for the Commission to share their questions and feedback on the application.
40

41 Commissioner Douglas stated that Irene Stemmer was one of the first people she met when she
42 moved to Wayzata years ago, and has done much within the City to establish the City's history.
43 She stated that she worked very hard at it and unfortunately passed away a little over a year ago.
44 She stated that in her honor, she is so glad the City is considering this designation.
45

1 Commissioner Merriam stated that she thinks it is amazing that this log cabin is still standing after
2 170 years.

3
4 There being no further discussion, Chair Plantan asked for a motion on the application.

5
6 Commissioner Bashioum made a motion, seconded by Commissioner Stockton, to direct staff to
7 prepare a draft Planning Commission Report and Recommendation with appropriate findings
8 reflecting a recommendation of approval to designate the Trapper's Cabin at 220 Grove Lane East
9 as a Heritage Preservation site for review and adoption at the next Planning Commission meeting.

10
11 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

12
13 **AGENDA ITEM 6. Other Items:**

14
15 **a) Review of Development Activities**

16
17 Planner Kieser stated that the next meeting of the Planning Commission is scheduled for February
18 1, 2021, and there is currently one development application on the agenda.

19
20 Director Goellner stated that there may be one additional application for the agenda which is for
21 an existing project at Melvin's 235. She noted that in 2020, the Planning Commission and City
22 Council reviewed and approved permits worth \$81,000,000, and was a very busy year. She
23 compared 2020 to 2019 where the City approved permits worth \$51,000,000.

24
25 Commissioner Flannigan explained that he had raised a question to Director Goellner and Planner
26 Kieser regarding the vacant lot on Lake Street and Manitoba. He stated that he hopes that there
27 will soon be an update on what is going on there, and wants to make sure the City is keeping their
28 eye on that project.

29
30 Commissioner Bashioum stated that she had brought this same issue up to City staff last year when
31 the water was significantly pooling in that lot and mosquitoes were breeding. She stated that she
32 would also like to get an update on when they plan to move ahead with their construction.

33
34 **b) Planning Commissioner Liaison Schedule and City Meeting Calendar**

35
36 The Planning Commission Liaison schedule and City Meeting Calendar were noted.

37
38 **c) Election of Officers of Planning Commission for 2021 Calendar Year**

39
40 Director Goellner explained that the Chair and Vice-Chair are annually elected offices for the
41 Planning Commission for a one-year period. She explained that the Commission's bylaws state
42 that a person can hold the office for 3 consecutive years, and noted that Chair Plantan and Vice-
43 Chair Parkhill have offered to serve one more year in their respective roles.

44
45 There being no other nominations, Chair Plantan asked for a motion.
46

1 Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to re-appoint
2 Chair Plantan as Chair for 2021.

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

5
6 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to re-appoint
7 Commissioner Parkhill to continue to serve as Vice-Chair for 2021.

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

10
11 **AGENDA ITEM 7. Adjournment.**

12
13 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

14
15 Commissioner Merriam made a motion, seconded by Commissioner Stockton, to adjourn the
16 Planning Commission meeting.

17
18 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

19
20 The Planning Commission meeting was adjourned at 7:52 p.m.

21
22 Respectfully submitted,
23 Kayla Atkins Rokosz
24 *TimeSaver Off Site Secretarial, Inc.*
25