



1           **a.) Development Application for a Planned Unit Development Concept Plan and**  
2           **Variances for the Boatworks Re-Imagined Redevelopment at 294 Grove Lane**  
3           **East**  
4

5           Community Development Director, Emily Goellner, stated that the applicant and property owner,  
6           Boatworks II, LLC, has submitted a development application requesting approval of (i) a Planned  
7           Unit Development (PUD) Concept Plan for a new 49-foot-tall, four-story, mixed-use building  
8           consisting of office, restaurant, and residential condominiums uses, and (ii) four variances to  
9           height, setbacks, shoreland setback and rooftop restaurant ventilation equipment to allow for the  
10          redevelopment of the property at 294 Grove La E. The applicant is proposing to demolish the  
11          existing building to construct a new 49-foot tall, four-story building. The two lower floors would  
12          be comprised of office and restaurant uses. The third and fourth floors would include 35  
13          condominiums which is one less condominium than was proposed with the last submission. A  
14          PUD Concept Plan was submitted in October 2019 and reviewed by the Planning Commission and  
15          City Council from October through December of 2019. The proposal was ultimately denied by  
16          the City Council. The past proposal was for a 66.6-foot-tall building at its tallest point and included  
17          a rooftop terrace accessible to condo owners and their guests, as well as mechanical equipment.  
18          The current proposal is for a four-story building, but with a reduced height of 49-feet measured up  
19          to the top of the coping. The applicant is also proposing a number of public benefits on the site  
20          that would add value to the community.

21  
22          Director Goellner stated that in addition to the request for the approval of the PUD Concept Plan,  
23          the applicant is requesting four variances for: building height over 35-feet tall, building setbacks  
24          that are closer than 10-feet on the west and north sides of the property, the presence of restaurant  
25          ventilation equipment on the rooftop where it is prohibited, and for a building setback closer than  
26          75-feet from the shore of Lake Minnetonka. If the applicant receives approval from the City  
27          Council for a PUD Concept Plan, they would need to apply for approval of a PUD General Plan,  
28          as well as a design review and approval of the architectural design in accordance with the Cities  
29          Design Standards. The applicant would also be required to re-zone the property to a PUD District  
30          at a later date, as well as apply for a Shoreland Impact Plan and Conditional Use Permit for a height  
31          over 35 feet, impervious surface greater than 25%, and get approval from FEMA for a letter of  
32          map adjustment based on fill, and then a vertical plat for condominiums.

33  
34          Director Goellner stated that the property is located near the Lake St. E. and Grove Lane E.  
35          intersection. The current zoning is C-3/Service Commercial and Planned Unit Development (C-  
36          3/PUD). The 2030 and 2040 Comprehensive Plan Designation is Central Business District. The  
37          property is also in the Shoreland Overlay District and the Bluff Design District.

38  
39          Planning Consultant, Eric Zweber, stated that he would be going over more detailed information  
40          on the five requests in the Application, and explain the plans based on the requests. The applicant  
41          is asking for approval of the PUD Concept Plan for a new 49-foot-tall, four-story, mixed-use  
42          building consisting of a 2-level parking ramp, office, restaurant, and residential condominiums  
43          uses. Should PUD Concept Plan approval be granted, this approval in no way binds the City to  
44          subsequent approval of General Plan of Development. The property has access to Lake Street to  
45          the north, the Depot to the east, and the City's Marina and beach to the west. The bottom level of  
46          the parking ramp will be accessed off of Grove Lane and the top level accessed from Lake Street.

1 The ground floor parking ramp will include a gate to reserve 70 parking spaces for condominium  
2 owner. There will also be 51 public parking spaces as well as a turnaround area by the restaurant  
3 and office access areas. The second level will include office space, 101 public parking spaces with  
4 turnaround area, mechanical equipment, restrooms, elevator, and a staircase. The third and fourth  
5 floors will contain 35 condominiums.

6  
7 Mr. Zweber noted that the required number of parking stalls for the proposed PUD is 338. The  
8 proposal provides 327 parking stalls 24 hours/day. The total parking stalls at peak demand (6 am-  
9 7 pm weekdays) is 351. He reviewed terms of the existing developer's agreement and parking  
10 agreement for the property. He explained restrictions that currently exist for a number of parking  
11 stalls that are reserved for City use or require a City permit. If the project moves forward to the  
12 General Plan, these parking agreements would need to be modified.

13  
14 Mr. Zweber shared the City Engineer/Director of Public works comments regarding the PUD  
15 Concept Plan. The total number of parking stalls currently on the north/south running aisle of the  
16 beach/marina property is being reduced to construct the turn-around at the south end. 27 parking  
17 stalls would be reserved as beach/marina parking on the weekend, as is required in the current  
18 parking agreement, to replace the three stalls removed for the turn around. The proposed site plan  
19 eliminates a number of parking stalls on the north side of Grove Lane that currently exist and  
20 proposes a sidewalk and boulevard pedestrian way on the north side of the parking structure. The  
21 City Engineer recommended that this pedestrian way should be reduced in width to allow for the  
22 construction of 24-foot roadway and maintain parking stalls on the north side of Grove Lane. The  
23 pedestrian access on the east side of the beach/marina parking lot should be reduced to the  
24 minimum allowable width to provide additional parking stall(s).

25  
26 Chair Plantan asked the Commission if it had questions for staff regarding the proposed PUD  
27 Concept Plan.

28  
29 Commissioner Iverson asked for explanation of two of the future requests noted by Director  
30 Goellner: approval from FEMA for a letter of map adjustment based on fill, and a vertical plat for  
31 condominiums.

32  
33 Mr. Zweber explained that the map adjustment is in response to the applicant stating that the city  
34 beach and marina parking lot is currently below the floodplain. One of the public benefits that the  
35 applicant is offering with the PUD is that when the parking is constructed, the parking area will  
36 get raised to come out of the floodplain. The process from FEMA to get that approval is through  
37 a letter of map adjustment. The vertical plat for condominium is the process to provide unit  
38 ownership to the condominium owners by plating the 35 condominiums separately from the other  
39 building areas.

40  
41 Commissioner Flannigan asked what the difference in the number of parking stalls that the City  
42 has rights to would be if the City Engineer's changes were accepted and incorporated into the  
43 proposal.

44  
45 Mr. Zweber stated that the number of parking stalls that would be restricted would be the same.  
46 Three of the stalls would be moved to the City owned property Marina. The parking stalls that

1 would be available 24 hours/day would go down to 324, but the total available during peak hours  
2 would stay at the existing 351.

3  
4 Commissioner Iverson asked how the weekday parking for the beach would be addressed because  
5 it is busy seven days a week.

6  
7 Mr. Zweber stated that one of the City Engineer requests was that the curb line and pedestrian way  
8 to the north of the property be made smaller to potentially accommodate an additional 20 parking  
9 stalls in the area. These spots would not be exclusive to the City but would increase parking in the  
10 area.

11  
12 Commissioner Iverson expressed concern that a number of parking spots from an existing parking  
13 agreement with the City are being included in the number of parking that the applicant is required  
14 to provide for the proposed PUD.

15  
16 Mr. Zweber stated that the comment was valid. He stated that the PUD General Plan phase will  
17 contain more detail regarding the parking issue. He further added that there was potential for  
18 additional parking spaces to be created in the future. He noted that the location of the parking  
19 would be in the floodplain and would therefore be subject to flood conditions. He also added that  
20 there are also an additional 19 parking spots located further down Grove Lane.

21  
22 There being no further questions from the Commission regarding the information provided, Chair  
23 Plantan asked Mr. Zweber to continue with his presentation.

24  
25 Mr. Zweber stated that there were four variances requested in the Application for the project, and  
26 that information on the practical difficulties was provided as part of the Application. He stated  
27 that each variance and practical difficulty needed to be considered separately.

28  
29 With respect to the requested Height Variance, Mr. Zweber shared that the maximum building  
30 height within a PUD District is 35 feet and three stories, whichever is lesser. The proposed  
31 building height is 49 feet and four stories. The applicant has stated that the practical difficulties  
32 include not being able to provide underground parking due to the high-water table, that current  
33 building is non-compliant, and the 14-foot first floor to allow indoor loading dock.

34  
35 With respect to the requested Setback Variance, Mr. Zweber shared that the front, rear, and side  
36 yard restrictions on the periphery of the Planned Unit Development site at a minimum must be the  
37 same as the previous zoning district, in a PUD District. The previous Zoning District in this case  
38 is C-3/Service Commercial, which has a minimum setback requirement of ten feet. The western  
39 (side) and northern (front) yards are proposed to have zero-foot setback. In the case of the  
40 northwestern corner of the property, the proposed parking structure is located across the property  
41 line to construct parking stalls available for public use.

42  
43 With respect to the requested Variance to Allow Rooftop Mechanical Equipment, Mr. Zweber  
44 shared that the Bluff District does not allow for any mechanical equipment for a building to be  
45 located on the roof deck. The Boatworks proposal included mechanical rooms located on the east  
46 and west ends of the second floor to house much of the mechanical equipment inside the building,

1 but Boatworks is asking for a variance for the proposed restaurant's up-blast centrifugal roof  
2 exhaust fan. The plan is to keep the height of the van under 5 feet and potentially powder coat it  
3 a dark color to disguise it. The applicant's information on practical difficulties include that  
4 horizontal ducting can lead to grease build up, and the kitchen odors could be sent to neighboring  
5 properties or public spaces.  
6

7 With respect to the requested Shoreland Setback Variance, Mr. Zweber shared that no principal  
8 structure or building addition other than a water oriented accessory structure as specified can be  
9 located closer to the ordinary high water mark than the greater of 75 feet, a line which is drawn  
10 between the two closest riparian principal structure on either side of a proposed building site, the  
11 average setback of the two closest riparian principal structures on either side of a proposed building  
12 site, or the average setback line shall be measured parallel to the ordinary high-water level. The  
13 existing Boatworks building is about 24 feet from the ordinary high-water level (OHWL). The  
14 proposed Boatworks would be about 21 feet from the OHWL. The City-owned Wayzata Depot &  
15 Museum property is located to the east and the City-owned Beach and Marina is located to the  
16 west of the subject property. The Depot building is about 52 feet from the OHWL at its closest  
17 point. The City Beach and Marina have a beach house that is located about 17 feet from the  
18 OHWL. However, the beach house is considered a water oriented accessory structure, which is  
19 exempt from the OHWL setback requirement. The applicant noted that their practical difficulties  
20 include the limited depth of the lot, no underground parking due to the high-water table, and it is  
21 an existing condition & past practice. The applicant also provided information regarding their  
22 proposed stormwater treatment plan and the benefits of the location being closer to the water.  
23

24 Director Goellner reiterated the applicant's requests. She stated that three public comment letters  
25 were received by the City, have been added to the packet, and will be posted on the City website.  
26 She provided information regarding the next steps for the application.  
27

28 Chair Plantan asked the Commission if they had any questions for Staff.  
29

30 Commissioner Merriam asked for clarification regarding a statement that the applicant made as to  
31 the practical difficulties with variance request number one. The applicant stated that the current  
32 building was non-compliant, and she questioned if the building was currently under 35 feet and if  
33 so, what were the applicants referring to.  
34

35 Mr. Zweber stated that the non-compliance is actually in separation between the high-water mark  
36 and the first-floor elevation. The requirement by building code and City code is that the first floor  
37 needs to be at least one foot above the OHWL mark and any opening need to be 3-feet above. The  
38 current building has a portion that is actually below the OHWL mark. If they were to reconstruct  
39 the first floor, they would have to increase the first-floor height a little bit to meet that compliance.  
40

41 Commissioner Merriam asked for clarification regarding Section 991.1 of the zoning ordinance  
42 that states that building heights of over 35 feet may be allowed through approval of Shoreland  
43 Impact Plan Conditional Use Permit. She asked if this section was part of the PUD code.  
44

45 Mr. Zweber responded that the section was in the Shoreland Ordinance, which is a separate chapter  
46 of the Zoning Ordinance. The applicant is currently asking for a variance to allow the building to

1 be taller than 35 feet based on practical difficulties. The mitigating measures that are called for  
2 in the Shoreland Ordinance will be reviewed and detailed in the General Plan and Design Review  
3 stage.

4  
5 Commissioner Merriam stated that the FAR in the C-3 District is one. She asked for clarification  
6 as to the reason FAR had not been addressed.

7  
8 Mr. Zweber responded that there is not a FAR requirement in a PUD District. If the application  
9 gets approved, the zoning will be changed to PUD District.

10  
11 Commissioner Merriam asked if there were other C-3 zoned properties in the area because C-3  
12 zoning requires a FAR of one. She also asked if there were other zoning districts in the downtown  
13 that have a FAR of one.

14  
15 Mr. Zweber responded that to his knowledge the Boatworks property is the only C-3 zoned  
16 property in the Central Business District. He added that C-4 also requires a FAR of 2. He added  
17 that the properties on the north side of Lake Street, based on those underlying zoning districts,  
18 would have a FAR of 2.

19  
20 Commissioner Flannigan asked for the amount of office square footage on the second floor.

21  
22 Mr. Zweber provided an answer.

23  
24 There being no further questions from the Commission for Staff, Chair Plantan asked for the  
25 Applicant to address the Commission regarding the application.

26  
27 Applicant's principal and representative, Rick Born, 294 Grove Lane thanked the Commission for  
28 allowing them to present an application again. He stated that the first application had a building  
29 height of 71-feet, the next application had a building height of 58-feet, and the current application  
30 is at 49-feet in height. He acknowledged that building height and building mass are important  
31 issues, and the current plan includes large decreases of both. He explained that they were able to  
32 make the decreases in building height by removing a level from the parking ramp. He provided a  
33 visual with other buildings in the area and their height. He stated that their proposed building is  
34 lower than the average height of the buildings on Lake Street. He added that setback from the  
35 railroad is almost 30-feet. The changes made in the new application improve the safety and  
36 walkability around the property. The current focus has been to decrease the height and overall  
37 density. He stated that if the height and density can be agreed upon, they would accept changes  
38 suggested to the exterior aesthetic of the building. The proposal greatly increases the walkability  
39 of the area, increases the safety, and connects the neighboring properties in a much better way than  
40 what currently exists. He also provided more visuals regarding the public benefits of the proposal  
41 for the property. He explained that the timeline for the construction would be very aggressive.  
42 The plan would be to move the current tenants out by the end of the current year and start  
43 construction. The first summer may be a little rough, but the following summer should only have  
44 interior construction and very minimal exterior work remaining.

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

1  
2 Commissioner Flannigan stated that he appreciates the work that Mr. Born's team has put into the  
3 project. He stated that the first practical difficulty listed in the application was regarding  
4 economics. He asked what the 39,000 square-feet of office space on the second-floor means to  
5 the viability of the project. He added that removal of the second-floor could alleviate the parking  
6 difficulties and would get the building height very close to the requirement.  
7

8 Mr. Born responded that the current building is 70,000 square-feet and is 100% occupied. He  
9 stated that they would need to move out very successful businesses at great cost to be able to re-  
10 develop the property. He explained that the expense would need to be justified by the building of  
11 an economically commensurate replacement.  
12

13 Commissioner Flannigan stated that the existing building does not have condominiums, and he  
14 posed the question as to what they mean to the project. He reiterated that the applicant's first  
15 practical difficulty listed was economic.  
16

17 Mr. Born responded that the question is a fair one. He joked that the economic practical difficulty  
18 should be moved to last on the list. He further stated that return on investment was a factor. He  
19 added that the property is very unique in the large number of public benefit improvements that  
20 they are proposing to make, such as \$2 million for an improved boardwalk and the loss of \$30,000  
21 in slip rentals for the construction of a public pier. He stated that the applicant is giving up a lot  
22 for these things, and would like to see some give-and-take.  
23

24 Commissioner Iverson stated that she has completed some calculations of her own. She stated that  
25 office space will likely earn \$50/square foot and the condominiums will start at \$500/square foot.  
26 She questioned the need to keep the office space when there are already a number of vacant office  
27 spaces within the City.  
28

29 Mr. Born responded that having only condominiums on the property would result in problems with  
30 those owners not liking so many people walking by all day long. He added that economically he  
31 would be better off selling the building rather than having three floors of condominiums. He stated  
32 that others have commented that the City doesn't need more condominiums, it needs more open  
33 spaces and increased accessibility.  
34

35 Commissioner Iverson stated that the proposal has four-stories with office space on the first and  
36 second floor. She added that leaving the first floor as it currently is and only removing the second  
37 floor of office space could be a good option.  
38

39 Mr. Born stated that the current building is 70,000 square-feet and by removing the second floor  
40 and the additional changes the building would have a value of half of what it currently has.  
41

42 Commissioner Bashioum thanked Mr. Born for his perseverance. She reminded him of his  
43 statement made at a previous Commission meeting where he said that he could not lose the  
44 penthouses from the plan that was being presented at that time.  
45

1 Mr. Born stated that the current proposal is nowhere near as economically viable as previous plans,  
2 but it is likely reasonable. He added that he will not build the property with only three floors, and  
3 he stated that there wouldn't be any other developers in town willing to do it either. The risk is  
4 too high for the potential reward. His window for getting a decision on the property is very small.  
5 He needs to make a decision with his tenants to sign new leases or not by mid-April. If they do  
6 not get approval, then he will likely never develop the property. He clarified that his statements  
7 are not threats, but that he has to be able to move forward with the proposed project, or invest  
8 money in making repairs to the property as is and move on. The leases for his tenants are for ten-  
9 year time spans, and he does not see the redevelopment opportunity happening again.

10  
11 Commissioner Bashoum stated that she has a problem with the height of the building and the  
12 setbacks from the shoreline. She added that Lake Minnetonka is one of the City's greatest assets,  
13 and she dislikes having to encroach on the shoreline more than the building already does. She  
14 added that the new proposal moves the building a couple feet closer to the shoreline than where it  
15 currently is.

16  
17 Mr. Born stated that there may be some flexibility to the shoreline setback. The intent was to keep  
18 the same setback as the existing building.

19  
20 Commissioner Merriam asked for clarification regarding the marina.

21  
22 Mr. Born stated that they are planning on removing two of the very prime boat slips to create a  
23 public space.

24  
25 Commissioner Parkhill stated that there have been many comments from property owners located  
26 up the hill from the proposed redevelopment. He asked if he had any responses to those property  
27 owners.

28  
29 Mr. Born stated that the properties up the hill are each privately owned and don't have a public  
30 amenity attached to their property. He added that many of the properties do not currently have a  
31 view of the lake, and therefore may not be losing anything. He acknowledged the idea of fairness  
32 and that each property should be held to the same standard, but that not all properties need the  
33 same things. He added that there have been changes granted to specific properties, and he assumed  
34 that those changes were granted with good reason.

35  
36 Commissioner Iverson stated that a previous meeting discussed the creation of a public amenity as  
37 part of the proposal, but also that it may not be accessible to the public. She asked for reassurance  
38 that the amenities that have been provided in the current proposal will actually occur and be open  
39 to the public.

40  
41 Mr. Born stated that if the proposal does not get approved then access will stay as it is. If the  
42 proposal gets approved and they move forward with redevelopment, then the details and language  
43 will be determined.

44  
45 Commissioner Iverson stated that it is important that the public is made aware of the details.  
46



1 Chair Plantan asked for Staff to comment.

2

3 Director Goellner stated that the typical process is that the Planning Commission and City Council  
4 would voice the specific areas that they would like to see be public amenities, whether they are  
5 represented on the plans or not. During the PUD General Plan, the exact details would be  
6 determined and approved as part of the plan. If the builder decides to make changes, then they  
7 would need to get approval to amend the General Plan. All of the negotiations made with the  
8 developer on these points need to be approved by the City Council and memorialized in the  
9 exhibits, all of which get added to public record.

10

11 Project Developer, Terry Schneider, stated that the design of the dock gathering space in the  
12 illustration will likely not comply with LMCD's dock ordinance, and that was noted on the  
13 illustration. The illustration is for information of size and location only and with the understanding  
14 that additional discussions on the particulars of this feature will occur during the General Plan  
15 review stage. The development agreement will contain language as to its use and its limitations.  
16 He added that the intent is for the dock gathering area to predominately be available for public use.  
17 He explained that they plan to provide alternate solutions to any of the comments or concerns  
18 identified by the Planning Commission so that the City Council has additional information to make  
19 decisions.

20

21 Commissioner Bashioum asked for the measurement from the front edge of the building to where  
22 the lake starts.

23

24 Mr. Schneider stated that the measurement will have some variability along the length of the space.  
25 They plan to rebuild a seawall on the lake edge that has deteriorated. They acknowledge that the  
26 walking path may not be uniform, but they will not encroach on the waterline. The current building  
27 is very straight, and the proposed building will not be so straight, as to have places for landscaping  
28 and seating.

29

30 Commissioner Bashioum stated that the edge of the building in the rendering does not appear to  
31 have adequate space allowed for the large walkway depicted.

32

33 Mr. Schneider stated that the rendering plan is to scale and in general, on average, there is more  
34 area to work with than what is currently available. The details will be worked out with the  
35 authorities.

36

37 Chair Plantan stated that Mr. Born spoke of addressing height and massing concerns that were  
38 shared by the Commission, the Council, and the public. It was mentioned that the building was  
39 reduced by nine feet and the mass was reduced by 17%, but the building footprint remains the  
40 same. She asked where the mass reduction was coming from.

41

42 Mr. Schneider stated that most of the reduction comes from the removal of an entire parking deck  
43 floor. The mezzanine parking was all removed and that allowed the reduction of the visible wall  
44 along Grove Lane. Additional details can be discussed with the PUD General Plan. He calculated  
45 17.6% less cubic feet of building than the previous application with 30,000 square-feet coming  
46 from the parking ramp.

1  
2 Commissioner Parkhill stated that the plan has a point where the building is 3-feet closer to the  
3 water line than the current building.

4  
5 Mr. Schneider stated that it was an oversight and the intention was not to go over the setback line  
6 for the building. This can be adjusted back 3 feet.

7  
8 There being no further questions from the Commission for the applicant, Chair Plantan opened the  
9 public hearing on the application at 8:14 p.m.

10  
11 Eric Myhran, 900 Willow Drive North, Orono, stated that he has lived in and around Wayzata for  
12 50 years. He thanked the Planning Commission for their time and energy. He appreciated the  
13 Council and Planning Commission pushing back on the first two proposals. He stated that Ms.  
14 Bashoum may think that continuing to push back at the developer will result in a smaller building.  
15 He sees the current proposal as the best option. He acknowledged the need to respect zoning  
16 regulations but feels that the property is unique and should be considered on its own merit. Unlike  
17 the properties along Lake Street and elsewhere, this property for good or bad is integrated into the  
18 public experience with everything around it. This property has significant impact on public safety,  
19 traffic, walkability, water quality, the connectivity of the new boardwalk, and more. The new  
20 building would be, by design, woven into the public experience of life. The building starts  
21 essentially at sea level and will be shorter than the TCF building and homes on Ferndale Road. He  
22 respected other opinions regarding the project, but asked that consideration be made for the  
23 substantial public benefits which the developer is offering. Refusing to approve the application  
24 may leave the antiquated building, with its horrible traffic and pedestrian flow, with its negative  
25 impact on water quality, and with its current public walkway along the lake will essentially be “as  
26 is” for decades. He stated that it would be an extraordinary loss for the City to deny the world  
27 class building being proposed. He ended by stating that the height starting point should be  
28 reconsidered because a person can be taller if they are standing on a box.

29  
30 Sarah Biondi, 3985 St. Louis Ave, stated that she is not anyone special, a millionaire or a  
31 developer. She stated that she has a voice, an opinion, and lives in the area. She stated that the  
32 City has been successful thus far because they have followed the Comprehensive Plan. The plan  
33 has strong language that outlines the community’s priorities. She thinks Rick Born has chosen a  
34 path that outright ignores the design standards that all previous developments have adhered to. She  
35 agreed that a new Boatworks could bring a wonderful refresh to the west side of Lake Street, but  
36 not at 49 feet, and not at the cost of setting a new precedence for developers. The Boatworks  
37 application is asking for the variances not for practical or reasonable purposes, but because that  
38 extra fourth story of condos will make an excess profit. Ms. Biondi stated the numbers do work,  
39 and that she was calling Mr. Born’s bluff. She stated in our world today, greed and excess can  
40 sometimes blur our vision, but as a community it is our job to step in and say let’s reshuffle the  
41 deck. Ms. Biondi suggested making this an opportunity that doesn’t serve only a small number of  
42 investors but one that can work for the community as a whole. She read from the City’s  
43 Comprehensive Plan, Chapter 3, item 3.10 under mixed-use commercial and residential policies:  
44 enact and enforce a commercial maintenance code to help ensure the commercial development  
45 continues to maintain community character. Ms. Biondi ended by stating, “Let’s band together  
46 with integrity, for the City that we love.”

1  
2 Darrin Knight, 319 Barry Ave, stated that he is an attorney and has an office in Wayzata. He  
3 commented the Mr. Born is a pleasant and successful individual. He stated that the application  
4 should be denied, and that it isn't even a close call. He listed many of the buildings in the area and  
5 stated the heights of each building which ranged from 35 to 40 feet. He stated that there are soil  
6 issues and a high-water table for many of the properties, and they still build to 35 feet. If the  
7 application is approved, the surrounding properties values will diminish. He asked for all  
8 properties to be treated equally. He offered warnings for the potential precedence that approval of  
9 the current proposal would establish. He stated that other developers/property owners that were  
10 unable to attend the public meeting, asked him to mention "spot zoning". He stated that spot  
11 zoning is the application of zoning to a specific parcel within a larger zoned area that is at odds  
12 with the master plan or the existing zoning restrictions. Arguably, this parcel would be favored  
13 over the other parcels in the area, which could create issues.

14  
15 Lowell Zitzlof, 201 Lake St E, stated that he is a developer and has been in Wayzata since 1934  
16 and financial is not a reason for a variance for buildings. The public of Wayzata has done a  
17 wonderful job of protecting their greatest asset, which is the sparkling blue waters. He explained  
18 that one of his tenants did not renew their lease in his building because the construction of Wayzata  
19 Blu is now blocking the view of the lake. He stated that he has no anger with Wayzata Blu because  
20 they built their property to 35 feet. The additional 14 feet of the proposed building is more than  
21 one story. He explained the ways that he has had to adjust his plans to comply with the ordinances.  
22 He believes that there is a way to reconfigure the applicant's plans. He explained that the absentee  
23 ballot percentage is 40% in the City of Wayzata, noting the majority of condominiums that sell  
24 from \$1-4 million typically only have occupancy for five months a year, but businesses in the area  
25 rely on people and their business 12 months out of the year. He would love to see the project move  
26 forward, but within the rules. He ended by stating that there is a highway underneath the English  
27 Channel. In this case, underground parking is possible, but it will cost more money.

28  
29 Rufus Winton, 150 Ferndale Rd, stated he and his parents were born and raised in Wayzata and  
30 noted that his grandfather was even mayor in the 1930s. He has served on the Planning  
31 Commission in the past and understands the difficulty facing the Commission. He stated that  
32 what is being proposed is attractive, but he thinks that being neighborly, consideration of others  
33 and the City standards need to be applied in this situation. Mr. Winton stated that he doesn't like  
34 the idea of impairing others' view of the lake and finds the height variance request unacceptable.

35  
36 John Nolan, 328 Barry Ave, stated he owns the building on the bluff just above the Boatworks  
37 project. He feels the height of this project will negatively impact his views in that his views will  
38 be completely eliminated. He appreciates the position that the Commission has taken regarding  
39 this project, and encouraged the Commission not to fatigue in their clarity on this issue. He is not  
40 opposed to redevelopment of Boatworks because he thinks there are a lot of good ideas in the  
41 proposal, but he would like it to be at the 35-foot height restriction. Mr. Nolan stated he feels the  
42 height regulation is one of the most important aspects to the City's code as it helps maintain a  
43 lower scale massing, is pedestrian friendly, preserves views, and keeps the small-town character.  
44 He stated the only thing that matters in the end is whether the variance meets the high standards  
45 required by law in order to allow this to exceed the maximum height in the City. He stated a  
46 variance is a very big deal because it is a deviation from the rules the City has agreed upon and

1 applied to everyone else. Mr. Nolan read aloud language from the state law regarding granting  
2 variances, and quoted from the City Code regarding development and variances. He stated that he  
3 has problem with multiple aspects of this proposal but right now is just focusing on the height,  
4 which he thinks should be a pretty easy call for the Commission. He thanked the Commission for  
5 their time to hear his opinions.

6  
7 There being no one else wishing to comment on the application, Chair Plantan closed the public  
8 hearing at 8:41 p.m.

9  
10 Chair Plantan asked for the Commission to provide feedback regarding the application.

11  
12 Commissioner Merriam stated that a PUD cannot be used as the means of bypassing underlying  
13 zoning restrictions. She noted this property is currently in the C3 zoning district, so it has a FAR  
14 of 1, and the request is for a FAR of 2.13. She stated with a PUD, you can have a FAR of 2.13 but  
15 on top of that, the applicant is requesting variances. Commissioner Merriam stated under the PUD  
16 standards you need to stay with the height restrictions and setbacks. It seems to her that there are  
17 concerns that this application would devalue properties on the north side of Lake Street. She stated  
18 she cannot support a recommendation to move forward with the PUD.

19  
20 Commissioner Iverson stated she shares the same concerns and would have the same  
21 recommendation.

22  
23 Commissioner Parkhill stated there are aspects of the PUD that he thinks could be considered  
24 reasonable, given the uniqueness of the site. He looks forward to talking about that at some point.  
25 He stated he likes the building and wants it in some fashion, as it is good for Wayzata, anchors  
26 both ends, keeps the tax burden down, and would be great for Panoway. Commissioner Parkhill  
27 stated he would also consider recommending approval of several of the variances dealing with  
28 screening of rooftop equipment, front and side setbacks, and the lake setbacks, which seem  
29 reasonable. However, given this is a terraced community that has held strong on height limits, he  
30 would say no on the height variance.

31  
32 Commissioner Flannigan stated from a concept standpoint, he could find a way to support the PUD  
33 as it goes to the effect of creating a more desirable and creative environment than strict application  
34 of zoning standards. He noted, as the Planning Commission has heard, this is an issue of height.  
35 He commended the development team for their persistence, but stated he struggles with the  
36 ultimate decision and has to trust the developers, staff, and Council to come to the right solution.  
37 Commissioner Flannigan noted there have been comments on protecting the lake for the  
38 community, but there is a flip side to protect the six owners of buildings and tenants looking at  
39 their view. He noted there is an existing access, the public can walk the boardwalk, go between  
40 the beach, and will be able to utilize a longer boardwalk through Wayzata with this proposal. He  
41 thinks if another use for the building was available, there would be restrictions with that on public  
42 utilization. Commissioner Flannigan noted that developers have interesting ways to express their  
43 interests and if some who spoke tonight were joint venture partners, he wondered if they would  
44 address the same issues and come with a three-story building. He stated he supports the project  
45 with the height reduced ultimately to 37 or 38 feet. Commissioner Flannigan stated the City  
46 Council should look seriously at this project for this side of town because the other pieces of the

1 plan work well for this parcel, and it is located on the side of the community where there is not  
2 much going on, and which has significantly outdated areas. He supports the plan but wishes there  
3 was easy way to resolve the height.  
4

5 Commissioner Bashoum stated she has the same struggles mentioned, and in particular the height  
6 and upholding the Code across every street in the City. She stated she understands Mr. Born is  
7 providing public amenities but does not think that is a fair trade off when blocking views of the  
8 lake from properties behind. Also, massing of the buildings is a concern when viewed from the  
9 beach, as it seems to be out of character and does not meet the spirit of the 2030 or 2040  
10 Comprehensive Plans. She would like the project to move forward but not at the currently  
11 proposed height.  
12

13 Commissioner Iverson stated she has spoken to a lot of people, including her mom who said the  
14 easiest way to resolve the height concern, is to buy the property. Commissioner Iverson stated this  
15 is a beautiful piece of property, and the City should be excited to see it improved. She struggles  
16 with the application of standards, as the City has a height standard for a reason, and she supports  
17 following the Code. Another consideration relates to fatigue, as it is easy to get beat down and  
18 give in; but this consideration is for a long standing, 100+ year building. Commissioner Iverson  
19 stated she is concerned with the requested height, noting some of the condos are as large as 4,500  
20 square feet, so perhaps the applicant should look at adding condos on the second floor. Another  
21 concern is with overall parking, as well as the beach and impact of this massing. She stated a lot  
22 of people have approached her about their utilization of the beach, and it is hard to tell the true size  
23 of what this building will really look like. Commissioner Iverson asked the developer to look at  
24 the height and consider if there is some wiggle room to reduce it to 37 feet or 38 feet. She stated  
25 she hopes the developer does not walk away and can find a way to make it financially work. She  
26 would hate to see the walkway go away, but the height restriction was placed or a reason.  
27 Commissioner Iverson commented on the criteria required for variance consideration.  
28

29 Commissioner Merriam said one PUD requirement is if it creates a more desirable environment  
30 than what would be available through strict application of zoning regulations. She stated this is an  
31 exciting project but her experience of using the beach is with the building being set back and of a  
32 lower height. She looked at it today and where the building would come to, covering the parking  
33 lot and at a height of 49 feet. Commissioner Merriam noted that means your experience at the  
34 beach will be of a building looming over you, which will impact your experience.  
35

36 Chair Plantan stated she was excited to see the application was submitted, but disappointed the  
37 height was only reduced to 8 feet. She stated the Commission and Council had discussed concerns  
38 about height and massing with previous applications. While it is understood why the Promenade  
39 was approved, no one wants another. Chair Plantan stated she was excited for this project, but had  
40 hoped more would have been done to address height and massing. She stated the variances  
41 practical difficulties are self-imposed, but maybe the Planning Commission could get behind  
42 variances for the rooftop equipment and setbacks, but not the height. She stated she hopes the  
43 developers go back and work out those concerns. She stated people are excited about the public  
44 amenities, but the height and massing are her concern.  
45

46 Chair Plantan asked for a motion on the application.

1  
2 Director Goellner stated if there is no debate about there being a split recommendation, it would  
3 be appropriate to consider the application under one motion.  
4

5 City Attorney, David Schelzel clarified the motion to make is to direct staff to prepare a draft  
6 Planning Commission Report and Recommendation, with appropriate findings, making a  
7 recommendation on each of the five requests. He referenced a slide detailing the applicant's  
8 request is for PUD Concept Plan, variances for building height, property line setbacks (west and  
9 north), restaurant rooftop equipment, and shoreland setback (south).  
10

11 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to  
12 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
13 reflecting a recommendation approval for the PUD Concept Plan with height at the 35-foot range,  
14 property line setbacks (west and north), restaurant rooftop equipment, and shoreland setbacks  
15 (south), and a recommendation of denial for the variance for building height for review and  
16 adoption at the next Planning Commission meeting.  
17

18 Commissioner Iverson noted two Commissioners had addressed concern with massing, scaling to  
19 the beach, and the building having no setback. She would like to see the building pushed back a  
20 little bit.  
21

22 Attorney Schelzel stated a motion has been made and seconded and suggested taking a vote or  
23 asking those making the motion to modify it. He clarified that the PUD Concept Plan contemplates  
24 a building at the height requested with the height variance, so the motion would be approval of the  
25 PUD Concept Plan apart from the height aspect. He asked to clarify that is the intent of the motion.  
26

27 Commissioners Parkhill and Flannigan confirmed that is the intent of the motion.  
28

29 Commissioner Bashioum stated the PUD Plan allows the project to increase the mass.  
30 Commissioner Merriam explained that massing is part of the Concept Plan as the request is for  
31 height plus setbacks.  
32

33 Commissioner Parkhill restated the motion on the floor.  
34

35 Chair Plantan asked for a roll call vote, which was as follows: Bashioum – aye; Parkhill – aye;  
36 Flannigan– aye; Plantan – nay; Iverson – nay; Merriam - nay. The motion failed.  
37

38 Attorney Schelzel, advised that on a tie vote, the motion fails.  
39

40 Chair Plantan asked for another motion on the application.  
41

42 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to  
43 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
44 reflecting a recommendation approval for the PUD Concept Plan with height at 35-foot range for  
45 review and adoption at the next Planning Commission meeting.  
46

1 Commissioner Merriam asked if this motion would say ‘yes’ to a PUD at 35 feet. Attorney  
2 Schelzel advised the report would recommend approval of the Concept Plan but not the element  
3 of the requested height reflected in the plan.

4  
5 Mr. Zweber explained the building is close to a FAR of 1 but adding the residential use changes it  
6 to a mixed use so the FAR formula prorates the size of the lot with 50% commercial and 50%  
7 height, shrinking the lot size in half. That is how the FAR increased from around 1 to 2 even  
8 though the amount of office and restaurant had not increased.

9  
10 Commissioner Iverson stated the Commission’s recommendation would be more clear if the  
11 motion was made on the existing PUD proposal, and not something the Commission would  
12 propose or wish changed in the PUD.

13  
14 Attorney Schelzel stated there is a motion on the floor that would recommend approval of the PUD  
15 Concept Plan proposed without the height. The benefit of the motion is that it expresses support  
16 for the other elements in the PUD plan. He stated the Council will want as much feedback as  
17 possible, and if the stickler for the Planning Commission relates to the height, and some concerned  
18 about massing, it would be good to put that in the Report. With this motion the focus is height and  
19 if massing is another concern, then maybe the Commission will want to consider recommending  
20 denial of the Concept Plan at this point.

21  
22 Commissioner Parkhill asked if the Commission recommends approving PUD, does it then  
23 approve the 49-foot height.

24  
25 Attorney Schelzel advised the Commission cannot recommend approval of the Concept Plan  
26 without considering the variances because they are part of the proposed PUD plan. The current  
27 motion is to approve the PUD Concept Plan, minus the height as proposed.

28  
29 Commissioner Iverson stated she preferred to consider and vote on each item in the Application  
30 separately so the Council is clear on the Planning Commission’s recommendation for each item.

31  
32 The Planning Commission discussed the best way to consider and vote on the requests in the  
33 application.

34  
35 Attorney Schelzel stated there is a motion on the floor, which can be either withdrawn or the Chair  
36 can call for a vote.

37  
38 Commissioner Parkhill and Commissioner Flannigan withdrew the motion.

39  
40 Commissioner Flannigan suggested considering the variance requests first, as that will impact the  
41 outcome of the PUD Concept Plan. Attorney Schelzel explained if the variances are considered  
42 first, then the motion on the Concept Plan can be considered, with consideration of those parts not  
43 permitted without the variances.

44  
45 Chair Plantan asked for a motion on the application related to the variances.  
46

1 Commissioner Parkhill made a motion, seconded by Commissioner Bashioum, to direct staff to  
2 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
3 reflecting a recommendation of denial of the variance for a building height of 49 feet, for review  
4 and adoption at the next Planning Commission meeting.

5  
6 Commissioner Flannigan noted for building height, he would support something other than 35 feet  
7 but not 49 feet.

8  
9 Chair Plantan asked for a roll call vote: Bashioum – aye; Parkhill – aye; Flannigan– aye, Plantan  
10 – aye; Iverson – aye; Merriam - aye. The motion carried unanimously.

11  
12 Chair Plantan asked for a motion on the application related to the other variances.

13  
14 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to  
15 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
16 reflecting a recommendation of approval for the variances for property line setbacks (west and  
17 north), for review and adoption at the next Planning Commission meeting.

18  
19 Chair Plantan asked for a roll call vote: Bashioum – nay; Parkhill – aye; Flannigan – aye, Plantan  
20 – nay; Iverson – nay; Merriam - nay. The motion failed.

21  
22 Chair Plantan asked for another motion on the application related to the setback variances.

23  
24 Commissioner Merriam made a motion, seconded by Commissioner Iverson, to direct staff to  
25 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
26 reflecting a recommendation of denial for the variances for property line setbacks (west and north)  
27 of less than ten feet, for review and adoption at the next Planning Commission meeting.

28  
29 Chair Plantan asked for a roll call vote: Bashioum – aye; Parkhill – nay; Flannigan– nay, Plantan  
30 – aye; Iverson – aye; Merriam - aye. The motion carried.

31  
32 Chair Plantan asked for a motion on the application related to the rooftop equipment variance.

33  
34 Commissioner Parkhill made a motion, seconded by Commissioner Bashioum, to direct staff to  
35 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
36 reflecting a recommendation of approval for screening for restaurant rooftop equipment for review  
37 and adoption at the next Planning Commission meeting.

38  
39 Attorney Schelzel clarified the request is not for screening of restaurant rooftop equipment but to  
40 have it located on the roof.

41  
42 Commissioner Parkhill amended his motion, seconded by Commissioner Bashioum, to direct staff  
43 to prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
44 reflecting a recommendation of approval of restaurant rooftop equipment, for review and adoption  
45 at the next Planning Commission meeting.

46



1 Chair Plantan asked for a roll call vote: Bashioum – aye; Parkhill – aye; Flannigan– aye, Plantan  
2 – aye; Iverson – nay; Merriam - aye. The motion carried.

3  
4 Commissioner Iverson stated she voted against the motion, as it did not contain a requirement for  
5 screening.

6  
7 Chair Plantan asked for a motion on the shoreland setback.

8  
9 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to  
10 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
11 reflecting a recommendation of approval for property and shoreland setbacks (south), for review  
12 and adoption at the next Planning Commission meeting.

13  
14 Commissioner Bashioum noted it had been mentioned this was for only the one little corner.  
15 Commissioner Flannigan explained the corner went from 24 feet to 21 feet in the most recent  
16 application but it's 21 feet from the required setback of 75 feet.

17  
18 Mr. Zweber stated with height or setback variances, it is preferred to include a not to exceed  
19 measurement so the intent it is clear.

20  
21 Commissioner Parkhill asked if the language should indicate not to exceed 21 feet. Commissioner  
22 Merriam stated the existing setback is 24 feet, and only one corner goes to 21 feet. The request is  
23 for 21 feet from the required 75-foot setback.

24  
25 Attorney Schelzel recommended the motion reference the actual request from the applicant.

26  
27 Commissioner Parkhill amended his motion, seconded by Commissioner Flannigan, to direct staff  
28 to prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
29 reflecting a recommendation of approval for a variance of 54 feet off the required 75-foot  
30 shoreland setback requirement for a total of 21 foot setback for review and adoption at the next  
31 Planning Commission meeting.

32  
33 Commissioner Merriam stated her preference to have the corner brought back to 24 feet.  
34 Commissioner Bashioum stated she would also like to see it brought back to 24 feet because she  
35 has significant concern that the project not be allowed to encroach on the shoreline and that  
36 everything is done to maintain and protect our most precious asset, which is Lake Minnetonka,  
37 adjacent to the Boatworks project.

38  
39 Chair Plantan asked for a roll call vote: Bashioum – nay; Parkhill – aye; Flannigan– aye, Plantan  
40 – aye; Iverson – nay; Merriam - nay. The motion failed.

41  
42 Commissioner Iverson reconsidered and changed her vote to aye so the item can keep moving  
43 forward. She noted the City Council will be aware of the Commissioner's concerns.

44  
45 The motion carried.

46

1 Chair Plantan asked for a motion on the PUD Concept Plan.

2  
3 Commissioner Parkhill made a motion, seconded by Commissioner Flannigan, to direct staff to  
4 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
5 reflecting a recommendation of approval for the PUD concept plan with the exception of those  
6 parts not permitted without the variances, for review and adoption at the next Planning  
7 Commission meeting.

8  
9 Chair Plantan asked for a roll call vote: Bashioum – aye; Parkhill – aye; Flannigan– aye, Plantan  
10 – aye; Iverson – aye; Merriam - aye. The motion carried.

11  
12 Attorney Schelzel stated staff will prepare the Planning Commission Report and Recommendation  
13 incorporating each of the recommendation in the one report, which will be on the consent agenda  
14 at the next Planning Commission meeting. He encouraged Commissioners to review it carefully  
15 as this was a complicated consideration.

16  
17 Chair Plantan thanked staff, the applicant, and public for their hard work on this case.

18  
19 **Recess and Reconvene**

20  
21 Chair Plantain called for a recess at 9:28 p.m. The meeting was reconvened at 9:35 p.m.

22  
23 **b.) Consider Development Application for Side Yard Setback, Impervious Surface,**  
24 **and Curb Cut Spacing Variances for the Doolittle Residence at 244 Wayzata Blvd**  
25 **East.**

26  
27 Assistant Planner, Nick Kieser, stated that the applicant and property owner of 244 Wayzata Blvd.  
28 E, Patrick Doolittle, is requesting a side yard setback variance and an impervious surface variance  
29 for a new 244 square-foot addition to the rear of the principal structure. The applicant is also  
30 requesting a curb cut spacing variance for the new curb cut for a reconfiguration of the driveway.  
31 The project also includes two proposed rain gardens for stormwater management. The proposed  
32 addition will be used for extra living space and to allow for more room to improve the stairway in  
33 the house. He explained that it is currently zoned R-3 and to the south and to the west it is zoned  
34 R-5. He stated that in the 2030 Comprehensive Plan the land use is low density single-family and  
35 in the 2040 Comprehensive Plan it is designated as central core residential. He explained that  
36 there is a total of three variance requests: side yard setback; impervious surface; and, curb cut  
37 spacing. He gave a detailed explanation of each variance request and stated that the applicant is  
38 present if the Commission has any questions for him.

39  
40 Chair Plantan asked if the Commissioners had questions for staff.

41  
42 Commissioner Parkhill asked if the proposed rain gardens would get this down to the 35% or less  
43 impervious surface mark.

44

1 Assistant Planner Kieser explained with the rain gardens, the Public Works Director stated that it  
2 will essentially mitigate 41% of the impervious surface which would mean that only mean 3-4%  
3 of the impervious surface would not be mitigated on site.

4  
5 Commissioner Flannigan asked how a rain garden works, and if they were somehow directing  
6 water into the garden areas.

7  
8 Assistant Planner Kieser stated there is some piping including the gutters on the primary structure  
9 that directs water towards the rain gardens, and there is also some drain tile incorporated into the  
10 driveway that will direct the water to the rain gardens. He noted that a rain garden basically acts  
11 as a filtration system so the stormwater doesn't just run off into the street.

12  
13 Commissioner Flannigan asked about the location of the driveway.

14  
15 Assistant Planner Kieser stated it is technically .25 feet off the property line which is about 3  
16 inches.

17  
18 Commissioner Flannigan asked if a driveway was allowed to be that close to the property line.

19  
20 Assistant Planner Kieser stated the driveway is allowed to be that close, but the curb cut needs to  
21 be setback 10 feet from the property line.

22  
23 Commissioner Bashoum asked if water from the rain garden just percolates down or if there is a  
24 receptacle that holds it.

25  
26 Assistant Planner Kieser stated there are certain plantings that the rain gardens need to have, and  
27 a certain depth that it needs to hold, in order to be approved. It will allow some of the nutrients to  
28 flow through and percolate into the groundwater.

29  
30 Commissioner Parkhill asked who would be responsible for paying for the sidewalk repairs  
31 because of the change with the curb cut.

32  
33 Assistant Planner Kieser stated that would be done at the applicant's expense.

34  
35 Commissioner Merriam stated that the existing driveway is gravel and the plans are to replace that  
36 with cement. She asked how the overall hardcover was reduced with the proposed plans.

37  
38 Assistant Planner Kieser explained this type of gravel is classified as impervious surface because  
39 it does not allow water to flow through it.

40  
41 Commissioner Iverson noted the aerial view of the properties makes it look like they are currently  
42 not meeting zoning requirements of setbacks.

43  
44 Assistant Planner Kieser stated that was correct.

45

1 Commissioner Iverson asked if the neighboring properties meet the setback requirements  
2 anywhere.

3  
4 Assistant Planner Kieser stated he is not sure and would need to examine things more carefully to  
5 make that determination.

6  
7 Commissioner Bashoum clarified that the gravel driveway would no longer be used ,and asked if  
8 it would be possible to plant grass or put in some other type of landscaping in that area.

9  
10 Assistant Planner Kieser noted this was already the plan in their proposal.

11  
12 There being no further questions from the Commission for Staff, Chair Plantan asked for the  
13 Applicant to address the Commission regarding the application.

14  
15 Applicant's representative, David Pemberton, Sathre-Bergquist Inc., clarified the driveway angles  
16 inward and is not .25 feet off the property line for the full length of the property. He explained the  
17 existing gravel access and noted there are many reasons to get rid of that material. He stated  
18 removing the gravel driveway will also help clean up the title and issues with encroachment on the  
19 neighboring property, as well as reduce the hardcover. He believes the rain gardens have been  
20 designed in order to calculate for the 100-year rainfall event.

21  
22 Commissioner Bashoum stated she was on site today and noted this is a big job, but is happy to  
23 see something done with the property. She was surprised that the Commission only had the  
24 addition information and didn't have the remodeling information.

25  
26 Mr. Pemberton noted that Mr. Doolittle and his family will be moving into the house when it is  
27 completed.

28  
29 Commissioner Flannigan asked what happened to the wizard.

30  
31 Applicant, Mr. Doolittle, stated it has disappeared. He explained that it was a tree that had a pole  
32 going up the middle and was sitting on a large concrete footing that is still there.

33  
34 Commissioner Iverson thanked Mr. Doolittle for saving this old house. She asked if they had  
35 looked at ways to construct the addition in the back, which would have kept them within the 10-  
36 foot setback area.

37  
38 Mr. Pemberton stated that they did look at it, but the layout and the roofline would have had issues  
39 if they had attempted to jog in that corner in order to meet the setback requirements.

40  
41 Commissioner Parkhill asked if there had been any discussions with the neighbor regarding the  
42 setback request.

43  
44 Mr. Doolittle stated that they have had conversations, and Assistant Planner Kieser has a copy of  
45 a letter stating that he does not have a problem with them going over the setback line.

46

1 There being no further questions from the Commission for the applicant, Chair Plantan opened the  
2 public hearing on the application at 10:01 p.m.

3  
4 Clark Wolf, 250 Wayzata Blvd E, stated that his parents bought this house in 1965. He noted that  
5 the existing driveway on the west side of the property was in use that whole time and has always  
6 been sufficient. He asked how the driveway could be over the property line if it was fine for 50-  
7 60 years as it was. He stated that he is not in favor of moving the driveway to his side of the  
8 property, and noted that headlights of people coming down this driveway will be shining into his  
9 family room window. He is also concerned about possible issues down the line if these variances  
10 are granted. He stated the picture that shows the proposed location of the driveway makes it look  
11 like a double lane freeway and if the City decides to grant this variance and allow the driveway in  
12 that location, he asks that it be put in at least 10 feet from his property line. He stated his driveway  
13 has never been shared with that property nor has he ever given permission for that to happen. He  
14 noted the home was a rental property for 20 years and those people cut into his driveway and used  
15 it without his permission. If the driveway is moved, he does like the idea of the rain gardens  
16 because it helps his concern about this project creating problems for flooding his garage. He also  
17 has concern about the remodel taking proper precautions because the lap siding probably contains  
18 asbestos. He stated this property has been declining for years and he is glad to see someone coming  
19 in and making improvements, he just doesn't like the driveway plans.

20  
21 There being no one else wishing to comment on the application, Chair Plantan closed the public  
22 hearing at 10:06 p.m.

23  
24 Chair Plantan asked for the Commission to provide feedback regarding the application.

25  
26 Commissioner Bashoum asked about asbestos mitigation procedures.

27  
28 Assistant Planner Kieser stated the City will work through the permitting process to ensure that  
29 any work done is under the regulations that protect the workers and the neighboring property.

30  
31 Commissioner Merriam asked about the curb cut because she feels that the request by Mr. Wolf to  
32 have the curb cut moved 10 feet over and the driveway curve back would cause more headlights  
33 to shine into Mr. Wolf's home than if it just went straight back.

34  
35 Assistant Planner Kieser stated this is the first time he has heard the concerns regarding headlights.  
36 He can see valid points for either placement of the curb cut but cannot say for certain which way  
37 would be more obtrusive.

38  
39 Commissioner Merriam asked the applicant if he had explored the possibility of putting the  
40 driveway along the west side of the property.

41  
42 Mr. Pemberton stated because of the addition, there will not be enough room. He noted that even  
43 with the existing home, there is barely enough room to continue the driveway within the property  
44 line. He explained the potential boundary issues with the neighboring property to the west.

45

1 Commissioner Flannigan stated he thinks the applicant is protecting his rights as a land owner and  
2 making sure the investment he has made in this property is protected into the future. He noted that  
3 the driveway to the east will result in a close driveway, so he understands Mr. Wolf's concerns,  
4 but this plan allows Mr. Doolittle to utilize his property. He stated that he has concern about things  
5 like snow removal on the driveways, but would like to recommend approval of this application as  
6 it is laid out. He encouraged the applicant to give strong consideration to making certain that  
7 everything is done to honor what has been there for many years with Mr. Wolf.

8  
9 Commissioner Bashioum asked about landscaping in the area that separates the two homes in order  
10 to help separate the two driveways and stop it from looking like a freeway.

11  
12 Mr. Pemberton stated the issue raised by Mr. Wolf is new so they have not planned any landscaping  
13 at this time. He suggested Mr. Wolf and Mr. Doolittle have a discussion about that possibility.

14  
15 Commissioner Iverson stated that she has made a conscious decision based on things she has seen  
16 in the past, to not support allow something to encroach upon the 10-foot setback because it changes  
17 the character of the neighborhood. She did not feel houses should be that close together and doesn't  
18 think it is wanted in this community. She reiterated that she is not comfortable recommending  
19 approval of this proposal because of the side yard setbacks.

20  
21 Commissioner Flannigan noted the encroachment already exists.

22  
23 Commissioner Iverson stated she understands that but does not want to make the situation worse,  
24 and noted that the City has setback requirements for a reason.

25  
26 Chair Plantan stated she feels the proposed variances are in harmony with the general purpose and  
27 intent of the zoning ordinances, does not believe they alter the character, and are in agreement with  
28 the Comprehensive Plan. She encouraged Mr. Wolf and Mr. Doolittle to work together and discuss  
29 some possible landscaping that can alleviate some of Mr. Wolf's concerns. She stated she supports  
30 the variance requests.

31  
32 Commissioner Merriam stated she agrees with Chair Plantan, does not think it makes sense to  
33 move the curb cut over 10 feet, and thinks putting in some bushes or something similar to create  
34 some separation between the two homes is a good idea.

35  
36 Chair Plantan asked for a motion on the application.

37  
38 Commissioner Flannigan made a motion, seconded by Commissioner Merriam, to direct staff to  
39 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,  
40 reflecting a recommendation of approval of the three variance requests for side yard setback  
41 variance, impervious surface variance, and curb cut spacing variance as presented, for review and  
42 adoption at the next Planning Commission meeting. The motion carried 5-1 (Iverson opposed).

43  
44 **AGENDA ITEM 6. Other Items:**

45  
46 **a.) Review of Development Activities**

1  
2 Assistant Planner Kieser stated the next scheduled Commission meeting has one design review  
3 and approval application on the agenda for 1120 Wayzata Boulevard E, the property next to Jimmy  
4 John's.

5  
6 Community Development Director Goellner stated there is one other item they are considering for  
7 the March 16, 2020 agenda, which is to give the Commission some background information on a  
8 corridor study for Wayzata Boulevard.

9  
10 **b.) Planning Commissioner Liaison for the March 10, 2020 City Council Meeting**

11  
12 Chair Plantan noted that Commissioner Iverson will provide a report at the next Planning  
13 Commission meeting.

14  
15 **c.) 2020 Planning Commission Meeting Calendar**

16  
17 Community Director Goellner stated that the next meeting is scheduled for Monday, March 16,  
18 2020.

19  
20  
21 **AGENDA ITEM 8. Adjournment.**

22  
23 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

24  
25 Commissioner Parkhill made a motion, seconded by Commissioner Merriam to adjourn the  
26 Planning Commission meeting. The motion carried unanimously.

27  
28 The Planning Commission meeting was adjourned at 10:22 p.m.

29  
30 Respectfully submitted,

31 Jenny Groess

32 *TimeSaver Off Site Secretarial, Inc.*

33