

1                                   **WAYZATA PLANNING COMMISSION**  
2                                   **MEETING MINUTES**  
3                                   **JANUARY 23, 2023**

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6    **AGENDA ITEM 1. Call to Order**

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8    Chair Stockton called the meeting to order at 6:30 p.m.

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10   Chair Stockton read a prepared statement on public participation in the meeting.

11  
12   **AGENDA ITEM 2. Roll Call**

13  
14   Chair Stockton asked Community Development Director Goellner to take roll call.

15  
16   Present at roll call were Commissioners Merriam, Stockton, Schwalbe, Severson, and Elg.  
17   Community Development Director Emily Goellner, Assistant Planner Valerie Quarles, and City  
18   Attorney David Schelzel were also present.

19  
20   Absent at roll call were Commissioners Sorensen and Douglas.

21  
22   **AGENDA ITEM 3. Approval of Agenda**

23  
24   Chair Stockton asked for a motion to approve the agenda for the meeting.

25  
26   Commissioner Merriam made a motion, seconded by Commissioner Schwalbe, to approve the  
27   January 23, 2023 agenda as presented. The motion carried unanimously.

28  
29   **AGENDA ITEM 4. Consent Agenda**

- 30  
31           **a.) Approval of the January 4, 2023 Regular Meeting and Workshop Minutes**  
32           **b.) Approval of Planning Commission Report and Recommendation of Approval for**  
33           **Zoning Ordinance Amendments Related to Solar Energy Systems**

34  
35   Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to  
36   pull an item for further discussion.

37  
38   Hearing no such request, Chair Stockton asked for a motion to approve the Consent Agenda as  
39   presented.

40  
41   Commissioner Schwalbe made a motion, seconded by Commissioner Elg, to approve the Consent  
42   Agenda as presented. The motion carried unanimously.

43  
44   **AGENDA ITEM 5. Public Hearing Items**

45

1           **a) Consider Development Application for Black Dog Homes Addition at 1030 Lake**  
2           **Street E**

3  
4           Assistant Planner Valerie Quarles reviewed the development application for a subdivision  
5           submitted by Black Dog Homes Addition at 1030 Lake Street E. She reviewed the zoning and  
6           land use of the surrounding neighborhood, existing conditions and the request to subdivide the  
7           parcel into three parcels, demolish the existing home and garage, and build a new home on each  
8           parcel. She reviewed the proposed site plans for all three lots and gave an overview of the  
9           wetland/buffer areas and the possible need for future stormwater mitigation on some of the lots.  
10          She noted that the dimensions proposed for the lots are compliant with City zoning ordinance. She  
11          reviewed the plans for tree removal/preservation, including trees that have been previously  
12          removed in expectation of development, and gave an overview of tree replacement plans. She  
13          briefly reviewed the comments submitted by the City's Engineering Department. She stated that  
14          the City has received two public comments in advance on this proposal that expressed concerns  
15          about the wetland, tree loss, the number of proposed homes, and street parking. She reminded the  
16          Commission of the primary questions they should take into consideration when evaluating this  
17          request.

18  
19          At the conclusion of Planner Quarles presentation, Chair Stockton asked if the Commission had  
20          any questions for Staff.

21  
22          Commissioner Schwalbe stated that 2019 was a particularly wet season and Lake Minnetonka was  
23          high. She asked if staff was aware if that wet season had caused any problems on this parcel.

24  
25          Planner Quarles stated that she wasn't sure, and explained that the wetland delineation that they  
26          are looking at was completed after 2019.

27  
28          Commissioner Schwalbe stated that she can remember walking by this parcel during that particular  
29          time frame and found that it was very soggy. She asked if staff had any data about flooding of the  
30          existing house.

31  
32          Planner Quarles stated that she did not have that information.

33  
34          Community Development Director Goellner stated that they are not aware of any flooding issues  
35          and as far as the City knows, this area is not located within a flood plain nor was it mentioned by  
36          Engineering as an area of concern. She reminded the Commission that soil borings will be required  
37          as part of the building permit process, so the stability of the ground will be looked at more closely.

38  
39          Chair Stockton asked for clarity on the calculation for pervious surface requirements on the parcel  
40          that would contain the wetland.

41  
42          Planner Quarles stated that the wetland does not factor into that calculation, and the City would  
43          just be looking at the size of the parcel and the size of the footprint.

44  
45          Commissioner Merriam asked for details on which trees on the parcel would be considered  
46          heritage trees.

1  
2 Planner Quarles stated that she believed that there are some heritage trees on the property near  
3 Lake Street. She stated that quite a few of them will be coming down, but some would be spared.

4  
5 Commissioner Merriam stated that it appears as though there are a lot of trees that will be taken  
6 down right along Lake Street.

7  
8 Commissioner Schwalbe stated that she remembers when quite a few trees were taken down back  
9 in 2021, and asked if the City had data on how many trees were taken down then and how many  
10 will be taken down in the future.

11  
12 Planner Quarles noted that information was included in the staff report, and asked for a minute to  
13 pull up that information.

14  
15 Commissioner Merriam stated that one of the comments in the letter the City received in advance  
16 on the application mentioned street parking, and asked if that had been part of the conversation  
17 amongst staff. She stated that it is pretty tight in this area and is essentially a one-way street.

18  
19 Planner Quarles stated that was not a concern from an engineering point of view, in terms of traffic.  
20 She noted that the City does require a certain number of parking spots, per home, on the property.  
21 She explained that street parking is kind of an extra thing, and not something that the City requires.

22  
23 Commissioner Schwalbe asked if this street was a one-way or a two-way street.

24  
25 Commissioner Merriam explained that it is a two-way street.

26  
27 Commissioner Schwalbe stated that the street is remarkably narrow, and asked if there was  
28 someone parked on the street whether other cars would be able to get through. She stated that if  
29 the City Engineer took that into consideration and did not see it as a problem, then she would  
30 assume that traffic will flow successfully through the area.

31  
32 Commissioner Merriam explained that her comment saying that this was ‘essentially a one-way  
33 street’ meant that you can enter the neighborhood on the corner, but you cannot exit there and  
34 would have to go out a different way.

35  
36 Commissioner Severson asked if there was anything the Commission needed to take into  
37 consideration with regard to the railroad.

38  
39 Planner Quarles stated that she does not believe the railroad has to weigh in for development on  
40 adjacent properties, especially because the construction impacts for these parcels are located as far  
41 from the railroad as they can be. She clarified that there was not a requirement to specifically  
42 notify the railroad for this project.

43  
44 Commissioner Severson confirmed that other than the request for subdivision, there are no other  
45 requests, such as a variance, that need to be considered because the proposed lots are compliant  
46 with City Code.

1  
2 Planner Quarles confirmed that the proposed lots are compliant with City Zoning Code and would  
3 not require a variance.

4  
5 Commissioner Severson asked if the plan was for the applicant to sell the other two properties to  
6 a developer, and asked if the answer to that question would matter to the City.

7  
8 Planner Quarles stated that would be a good question for the applicant, but noted that she did not  
9 think it would matter to the City in terms of the actual subdivision evaluation and approval criteria.

10  
11 There being no additional questions from the Commission for Staff, Chair Stockton invited the  
12 applicant to address the Commission.

13  
14 Dan Vanderheyden, 312 Hampton Street, Wayzata stated that he is the owner of Black Dog Homes,  
15 the Applicant. He stated that they have been in business for 18 years, and noted that he also lives  
16 in the neighborhood. He stated that when he first sat down with staff, they talked about trying to  
17 find ways to be as respectful as possible with the tree proposal, in particular, and looked for a way  
18 to put it together in a way that honored the property and retained as many of the trees as possible.  
19 He stated that they also met with Bennett Myhran, the City Forester, in order to understand what  
20 had already happened to the lot and what the impact would be with their proposal. He stated that  
21 their intent is to build the initial home as a spec home and then sell the other two properties; but  
22 also be the builder for those properties and were not intending to sell them to another developer.  
23 He stated that they have completed other projects throughout the City, and referenced one they  
24 had done at 123 Walker. He reiterated that he lived in this neighborhood and has every intention  
25 of building something beautiful that will fit nicely. He stated that most streets in the City are  
26 narrow, and there will always be a challenge in where cars will park and ways to get around. He  
27 noted that his team of consultants is also present if the Commission has other specific questions.

28  
29 Chair Stockton asked if the Commission had any questions for the Applicant.

30  
31 Commissioner Elg asked about the possible square footage of the proposed homes.

32  
33 Mr. Vanderheyden stated that, he would expect the homes, in general, would be somewhere  
34 between 3,000 and 5,000 square feet.

35  
36 Commissioner Schwalbe asked if her assumption was correct that the front of each home will  
37 primarily be garage space.

38  
39 Mr. Vanderheyden stated that for Lots 2 and 3, the homes will be more like that because there is  
40 less width to work with. He referenced the project they completed at 123 Walker and noted that  
41 he believed they were able to create something beautiful with just 55 feet in width. He stated that  
42 for Lot 1, they have done some work with Planner Quarles and staff with regard to the speed bump,  
43 and have created more of an arced entrance which he believes will be very elegant. He stated that  
44 there are 4-5 trees that are on the east side of that which are shown to be taken down and the reason  
45 for that is because the driveway is a bit higher than the trees. He stated that they could circumvent  
46 that by putting in a culvert underneath the driveway so they could possible save some of the trees.

1  
2 Commissioner Schwalbe stated that from the comments that have come to the City, most seemed  
3 to be in favor of developing this parcel because it does not look the best right now. She asked if  
4 any consideration had been given to creating two home sites rather than three.

5  
6 Mr. Vanderheyden stated that part of the decision is related to economics because the buyer ahead  
7 of them bought the lot for a certain amount of money; but he noted that he thinks they have a lot  
8 of great ideas in terms of how those houses will be able to have beautiful sight lines.

9  
10 Commissioner Schwalbe asked if these would be typical family homes with all the bedrooms on  
11 the second floor.

12  
13 Mr. Vanderheyden he stated that they will have control of those choices for the spec home, and  
14 right now they are planning for a main level master suite with additional bedrooms upstairs.

15  
16 There being no questions from the Commission for the Applicant, Chair Stockton opened the  
17 public hearing on the application at 7:12 pm.

18  
19 Matthew Thompson, 456 Arlington Circle, Wayzata stated that he was here representing Wayzata  
20 Sailing which is a 501(c) 3 that serves over 1,200 youths over the summer. He expressed his  
21 appreciation to the City and their neighbors for working with them over the years. He stated that  
22 they do not have any major concerns with this proposed project but wanted to state, for the record,  
23 that both for the development and the sale of the sites to the developer that they have worked with  
24 the neighbors to become a neighborhood organization and have already made some concessions  
25 to their operation and ability to fund raise based on the opinions of the former lot owner on this  
26 site. He stated that they would like to know that this is not something that the developer or future  
27 home owners are looking to change. He stated that they also have 150 watercraft on the day  
28 serving the youth on their site that are putting up sails. He explained that if you looked at the  
29 orientation of the buildings right now, a lot of those advertised 'lake views' go straight through  
30 their sailboats and the future tree plantings. He reiterated that they had no specific concerns or  
31 pushback on the proposal but wanted it put on the record that they have worked with everybody  
32 as best they can to fit in and to ensure that those expectations were not expected to change as part  
33 of this development.

34  
35 Jeff Nelson, 1037 Lake Street E, Wayzata stated that he had also submitted a written comment to  
36 the City. He stated that in his mind the most important issue has to do with the water drainage and  
37 the wetland. He noted that over the last few years there has been much dryer weather than typical,  
38 but despite that, when his wife walked around the current home on this parcel, the land was squishy  
39 this past fall and not dry. He expressed concern for what could happen in a year where there is  
40 higher than usual precipitation with the wetland. He stated that he also wanted to make sure the  
41 Planning Commission takes a look at the significant number of trees that will be lost with this  
42 proposal. He stated that the City has been looking at protecting the cover of the City and in looking  
43 at the number of trees that were already removed on this property over the last few years in addition  
44 to what is proposed for removal, it seems to him that there should be a better alternative. He stated  
45 that the site, as it exists, is a very good site for a single family home and feels a beautiful home  
46 could be built there which would mean no other trees would have to be removed. He noted that

1 he has lived in this neighborhood for the last 7 months, and has realized that there is quite a bit  
2 more traffic than what he had initially thought there would be. He stated that he and his wife  
3 understood that a home would be built across the street from them, but explained that they have  
4 concerns about the wetland and want to make sure that the City is taking that into consideration in  
5 addition to the amount of traffic and congestion that already exist without building any homes on  
6 the lot. He asked about the replacement trees that have been mentioned and whether there was  
7 any obligation for replacement if the tree dies in a certain amount of time.  
8

9 Jacy Grais, 1044 Lake Street E, Wayzata stated that she lives directly east of the applicant's  
10 property. She stated that prior to purchasing their home in December of 2021, they learned that  
11 the 1030 property had recently been sold to a family that was planning to build a single family  
12 home on the lot. She stated that now the most recent plans will have some negative effects on their  
13 property including loss of natural light. She stated that she also has concerns about the block just  
14 east of the roundabout because it is really a thoroughfare and is used by people coming from  
15 downtown who want to leave the area and avoid crossing the train tracks. She stated that it is not  
16 a street that is primarily used by the residents of the neighborhood. She confirmed that the street  
17 is narrow and when it snows, the snow can pile up in the street so there is barely enough room for  
18 two cars to pass each other. She stated that adding three more homes and driveways to a short and  
19 already congested area that contains speed bumps, will make the street even more congested. She  
20 stated that she feels this is inconsistent with the City's goal of preserving and enhancing the City's  
21 small town character as set forth in the Comprehensive Plan. She noted that another concern she  
22 has is with the size of the proposed homes relative to the lot sizes. She explained that there are  
23 other homes that are in the 3,000 to 5,000 square foot range, however they all sit on much larger  
24 lots and feels the proposed plans do not respect the existing scale, character, and pattern of the  
25 street or the surrounding area. She stated that the Comprehensive Plan designation for this area is  
26 1-3 units/acre so placing 3 units on .64 buildable acres does not seem to satisfy that designation.  
27 She stated that this proposal will result in the loss of many large and beautiful trees with the  
28 majority of them being on the Lake Street side of the lot. She stated that she has no doubt that  
29 Black Dog Homes builds beautiful homes, but would still urge the Commission to recommend  
30 denial for the request to subdivide this parcel.  
31

32 David Gagne, stated that he is the former owner of 1044 Lake Street and now owns 298 Central  
33 Avenue, Wayzata which is also in the neighborhood. He stated that he was also here to ask the  
34 Commission to not move forward with approval for this subdivision. He stated that he does not  
35 believe that this plan meets all of the criteria in the subdivision criteria such as lot size not being  
36 dissimilar to the adjacent lots. He noted that 1044 Lake Street and 1050 Lake Street says that they  
37 will be low density, but these new proposed lots are 65 feet wide. He noted that the home at 1044  
38 Lake Street is 80 feet wide itself, so he feels the proposed lots would be very dissimilar to the  
39 adjacent lots. He noted that he agrees with everything shared by Ms. Grais regarding traffic and  
40 home values. He stated that he feels that a subdivision with just 2 homes would be fantastic in this  
41 location and thinks it would also work from an economic standpoint. He stated that this proposal  
42 wedges 3 homes onto .64 acres which is not what is seen elsewhere in that neighborhood. He  
43 stated that he also feels if this parcel is subdivided into 2, rather than 3, that they will be able to  
44 significantly protect the existing trees and would strike a balance between development and  
45 preservation.  
46

1 Chet Whitley, 1050 Lake Street E, Wayzata stated that moved to the area because it was absolutely  
2 beautiful and his family used to vacation to the Wayzata area. He stated that at least half of the  
3 attraction is the view from the lake and as they see the amount of trees that will be taken down,  
4 the character of both the street view and the lake view will dramatically change. He stated that  
5 there are places where you will see tiny little houses, but some of those are for ice fishing. He  
6 expressed concern with plans to further deforest this lot and stated that he felt the wetland would  
7 be destroyed that is used for ducks and wild birds. He stated that subdividing this lot will make a  
8 radical difference in the area and his partner, who frequently walks her dog there, will be  
9 heartbroken to see it changed from something that has beautiful character to something that does  
10 not fit the rest of the neighborhood.

11  
12 Julie Whittington, stated that she is married to David Gagne and they built 1044 Lake Street that  
13 is adjacent to this parcel. She stated that they bought it in 2018 and before they purchased it, they  
14 did a lot of visiting in the area. She stated that she wanted to reinforce to the Commission the  
15 questions that have been raised surrounding that pond and how large it actually is. She stated that  
16 she thinks that what is being presented is something that is in an ideal state and stated that she feels  
17 the maximum size of the pond exceeds what has been presented tonight. She stated that she would  
18 be very curious to see when this data was gathered because she has witnessed the pond being much  
19 larger than it was over the last two summers. She noted that it has been expressed that there is .64  
20 acres of buildable land, but she feels it is actually much less than that.

21  
22 K.C. Chermak, 330 Wise Avenue S, Wayzata stated that his understanding is that this request does  
23 not require a variance because it does meet the zoning requirements.

24  
25 Planner Quarles confirmed that there is no lot size variance being asked for.

26  
27 Mr. Chermak stated that there was a time in the City when people were trying to avoid the  
28 'McMansions' and the oversized homes that can be created in areas like this. He stated that the  
29 redevelopment and reclassification of this area has gone on for about 10 years now which he feels  
30 has gone very well. He stated that his property is 3 lots away and feels that this proposal fits in  
31 with the majority of the new lots in this area. He stated that the creativity will be in the hands of  
32 the builder and he believed that Black Dog Homes will create something that is a very high quality,  
33 has high end finishes, and adds character to the neighborhood. He stated that the pond item is one  
34 of the reasons that he is here before the Commission and noted that he did not think its existing  
35 condition was particularly attractive. He stated that this pond is just once piece of water before it  
36 gets to Lake Minnetonka and he would encourage the City to investigate this a bit more in order  
37 to improve where water goes in and comes out, so the water flow and what is being purified is  
38 improved. He stated that he serves on the Energy and Environment Committee in the City and  
39 they have walked this area. He stated that this is the only piece of land with water on it that the  
40 watershed had no access or ability to improve it or make it better because there were no easements  
41 for the City or access points that were officially recorded. He stated that he believes the easement  
42 and access points are now available and also believes that this pond deserves a little bit of 'love'  
43 and should be improved to make sure that the water that leaves this pond and heads to Lake  
44 Minnetonka is purified a bit better and has better water flow. He stated that he would agree that  
45 the roads can be difficult to park on both sides, but feels that is the way it is in the City and is  
46 something that comes when you live in a cottage style community like Wayzata. He stated that

1 this road is brand new and explained that the City put it in, addressed some of the slight pitches  
2 that were present, but ultimately had agreed on its size.

3  
4 Mr. Gagne returned to the podium and stated that he would agree that the wetland and the pond  
5 need some 'love'. He stated that the subdivision Mr. Chermak did on his property was not for  
6 cottage styles with front loading garages for very narrow lots. He stated that the ones that Mr.  
7 Chermak created fit the character of the neighborhood, but he feels that what is being proposed by  
8 Black Dog Homes does not. He stated that he would not describe this neighborhood as a 'cottage  
9 style' neighborhood and reiterated his earlier point that the adjacent lots have significantly more  
10 width that the proposed lots will have. He stated that according to the Comprehensive Plan, this  
11 portion of the neighborhood is low density and noted that Mr. Chermak's portion of the  
12 neighborhood is not designated as low density. He reiterated that the impact this proposal has on  
13 the trees, the wetland, the view from the lake and the street, and the area property values is  
14 significant. He stated that the road is brand-new, but it is narrow and creating more of a traffic  
15 issue is not a good idea. He stated that there are at least 5-10 cars a day that go the wrong way  
16 and he feels the amount of traffic that already is exists is a huge issue.

17  
18 Community Development Director Goellner stated there were no people that called in to the  
19 meeting that have asked to speak at the public hearing.

20  
21 There being no one wishing to provide additional public comments on the application, Chair  
22 Stockton closed the public hearing at 7:40 pm.

23  
24 Chair Stockton asked for the Commission to share their questions and feedback on the application.

25  
26 Commissioner Merriam referenced page 24 of the packet and asked where the three proposed lots  
27 would fit in the picture.

28  
29 Planner Quarles stated that she had not overlaid the plan with an aerial photo. She stated that a  
30 nice reference is that the existing home matches up with the center lot almost exactly which means  
31 that the existing home is about where a home would go on Lot 2 and the other homes would be to  
32 the east and the west.

33  
34 Chair Stockton stated that there was a question raised about the tree replacement and a requirement  
35 to replant if the tree dies.

36  
37 Planner Quarles stated that when someone is planting a tree as part of the tree preservation plan,  
38 the City collects escrow funds. She explained that the City holds those funds and releases a bit  
39 every year over a three year period. She stated that if the tree survives the three years, then those  
40 funds are returned to the applicant and if it dies, she believes the City would use those funds to  
41 replace the tree.

42  
43 Commissioner Schwalbe stated that there was a question regarding density requirements of 1-3  
44 homes/acre and asked what the density calculation is without the unbuildable area. She stated that  
45 she would also like to know if the pond would be owned by the owner of Lot 1.

46

1 Planner Quarles stated that she can do that calculation for the Commission and explained that Lot  
2 1 would own the pond.

3  
4 Commissioner Schwalbe asked if the owner of the pond would be responsible for its purification  
5 rather than the City.

6  
7 Planner Quarles stated that is correct but noted that while she did not know the quality of the job  
8 that the pond is doing in terms of filtering water, she can confirm that it would be the responsibility  
9 of the homeowner.

10  
11 Community Development Director Goellner stated that a development agreement would be  
12 required with the owner, so those types of details could be worked out.

13  
14 Commissioner Merriam stated that when she first looked at this, on paper, she felt it was something  
15 that could really make sense; but when she went in person and took a look at the lot, the trees, and  
16 the wetland as well as listening to the comments shared tonight, she feels that because of the loss  
17 of significant and heritage trees, she can see it being divided into two lots, but not three. She stated  
18 that she does not think she can recommend approval of subdividing it into three lots.

19  
20 Commissioner Severson stated that she is also struggling with the subdivision proposal because  
21 when you look at it, the wetland areas does not look as big as it actually is, so when you factor that  
22 in, putting in three houses seems like a lot. She noted that if she looks at other homes in the  
23 neighborhood, they are also taking up quite a bit of their lot space, so she is struggling a bit because  
24 maybe it isn't too big. She stated that ultimately, she thinks subdividing this into 3 parcels is just  
25 too much.

26  
27 Commissioner Elg stated that he has similar feelings to what has already been expressed and noted  
28 that it is hard to speculate on what it will look like with 3 homes. He stated that Lots 2 and 3, as  
29 proposed, seem like they would be very narrow lots, but agreed with Commissioner Severson that  
30 many of the neighboring homes take up a lot of surface, as well, and do not have a lot of greenspace  
31 around them. He stated that he is not entirely opposed to the request, but noted that ideally he  
32 would love to see just two homes put in, rather than three. He noted that he was not prepared to  
33 commit to a stance at this moment because he could actually go either way on recommending  
34 approval or denial of the request.

35  
36 Commissioner Schwalbe stated that the Commission is all a bit conflicted on what to do. She  
37 stated that she thinks it is a perfect area to be developed and if it were just two lots, she thinks the  
38 entire Commission would most likely support it but agreed with Commissioner Elg that she would  
39 not necessarily dismiss the request out of hand either. She asked if staff has an answer to the  
40 question about the density of 1-3 homes/acre that she had asked earlier, and whether or not the  
41 pond area is counted. She clarified that she would like to know if the 2040 Comprehensive Plan  
42 allows for these three homes to be built there.

43  
44 Planner Quarles explained that for the purposes of calculating density for this application, staff  
45 included the pond area as part of the lot area. She stated that there was a question asked earlier

1 about what the density would be if the wetland was excluded and after running those calculations,  
2 it would be 4.68 homes/acre, but clarified that staff had not used that calculation.

3  
4 Commissioner Schwalbe stated that there was been talk about the ‘squishiness’ that may have  
5 surrounded the existing home. She stated that now there are plans to put three homes on the  
6 property which has hard surface, and asked how that typically effected water absorption and asked  
7 if it would increase the amount of water that goes into the holding pond.

8  
9 Planner Quarles stated that the math says that when you add impervious surface to a lot it means  
10 more of that water is going to make its way to the grass or green space that remains. She stated  
11 that the grading for this set of lots says that from there it would make its way into the wetland and  
12 the home pads would no longer absorb that water.

13  
14 Commissioner Schwalbe asked if the City Engineering Department had looked at this and said that  
15 the pond can handle three homes on the site.

16  
17 Planner Quarles stated that there were no specific Engineering comments on how the increased  
18 impervious surface would effect the wetland. She stated that she understands they were looking  
19 at whether these lots, individually, complied with the Shoreland Overlay District. She stated that  
20 she had noted in her presentation that it is likely that Lots 2 and 3 will require additional stormwater  
21 mitigation and will have to find ways to retain some of their own rainwater because of their  
22 increased impervious surface.

23  
24 Chair Stockton stated that there are some things that jump out to her after visiting the site in person  
25 and in looking at the various subdivision goals that are to be assessed. She referenced Subdivision  
26 Ordinance criteria in Sec. 1003.02.E, and the concerns that have been raised by the public and the  
27 Commission regarding the wetland size and how it will be impacted, as well as the amount of trees  
28 that cannot be replaced due to the amount of wetland that exists in the area. She noted that she  
29 believed a rough count would end up with a deficit of about 70% of the trees that were originally  
30 there. She stated that particular lot and side of the street is distinct and is a very unique piece of  
31 lakefront property. She referenced Subdivision Ordinance criteria in Sec. 1001.02.B, and noted  
32 that she questioned whether the proposed plans would respect the existing scale, character and  
33 pattern of the City. She stated that she is in favor of subdividing this parcel to a certain extent, and  
34 noted that most of the Commission appears to be comfortable with the idea of subdividing it into  
35 2 lots rather than 3 lots.

36  
37 Commissioner Elg stated that he thinks keeping the homes similar to what is already there makes  
38 a lot of sense, and stacking three homes against larger homes seems a bit out of place.

39  
40 Commissioner Severson stated that one other thing she has been thinking about is that all three of  
41 the proposed lots meet the City’s standards and the applicant was not requesting any variances.  
42 She stated that this lot is zoned R-3A, which means it would have the same density as the rest of  
43 the neighborhood.

44  
45 Planner Quarles stated that it is zoned R-3A, but is guided differently than the rest of the  
46 neighborhood as low density residential.

1  
2 Commissioner Schwalbe asked for a reminder on what the Commission's boundaries are with  
3 regard to a recommendation of approval or denial in this situation.

4  
5 Community Development Director Goellner advised that the Commission use the criteria found  
6 on page 30 of the packet to make findings supporting a recommendation of approval or denial, and  
7 noted the criteria points mentioned by Chair Stockton.

8  
9 Commissioner Merriam noted that she had also referenced Sec. 1003.02E (4) and (8) of the  
10 Subdivision Ordinance regarding significant trees and architectural appearance, scale and mass.  
11 She stated that she agreed with the comment made by Commissioner Severson that the proposal  
12 did not need any variances, but explained that the Commission is also tasked with looking at other  
13 criteria as well.

14  
15 Commissioner Schwalbe stated that it appears as though the Commission has quite a bit of  
16 ambivalence about this proposal, and noted that she wonders if the developer could ease that  
17 ambivalence if they took a look at a few things such as the size and footprint of the houses. She  
18 suggested that perhaps now that they have gotten some feedback, the developer should be allowed  
19 to have one more run at their proposal and be able to try to mitigate some of the concerns that have  
20 been raised. She stated that it may not need to be a hard no on 3 lots, but perhaps it just needs to  
21 be massaged a bit in order to do things like save some trees.

22  
23 City Attorney Schelzel stated that part of the challenge for the Commission may be that this is not  
24 the application that they all 'wish' they could see, but reminded them that it is the application that  
25 is before them right now. He stated that comments that are being made are certainly being heard  
26 by the Applicant but explained that the Commission needed to make a recommendation to the City  
27 Council on this particular 3 lot subdivision that has been proposed. He stated that all the other  
28 thoughts expressed will be included in the meeting minutes, but the report and recommendation  
29 for consideration at the next meeting has to be on this particular application. He explained that the  
30 Commission is charged with looking at the potential adverse effects of the proposed subdivision  
31 including the criteria that has been noted. He stated that the Commission has highlighted several  
32 items that could be grounds for recommending a denial.

33  
34 Chair Stockton stated that she felt pretty strongly that given the adjacent lots and the lower density  
35 lakefront property that she would be inclined to recommend denial of the request.

36  
37 There being no further discussion, Chair Stockton asked for a motion on the application.

38  
39 Commissioner Merriam made a motion, seconded by Commissioner Severson, to direct staff to  
40 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
41 reflecting a recommendation of denial of the Application for the subdivision of Black Dog Homes  
42 Addition at 1030 Lake Street E for review and adoption at the next Planning Commission meeting.

43  
44 Community Development Director Goellner completed a roll call vote. The motion carried  
45 unanimously.

46

1 Chair Stockton recessed the meeting at 8:10 pm and reconvened at 8:15 pm.

2  
3 **b) Consider Development Application for Cantissimo Senior Living at 15419/15429**  
4 **Wayzata Boulevard/1405 Holdridge Terrace**  
5

6 Planner Quarles gave an overview of the development application for Cantissimo Senior Living at  
7 15419/15429 Wayzata Boulevard and 1405 Holdridge Terrace. She reviewed the zoning and land  
8 use for the surrounding neighborhood; existing conditions, and the PUD plan. She explained that  
9 this was a proposal for a 40 unit, ‘L’ shaped memory care facility with two stories and a walk-out  
10 level in the rear. She explained that the Comprehensive Plan amendment from Low Density  
11 Residential to Institutional has been conditionally approved. She reviewed renderings and  
12 explained that the Applicant has described the plans as having a ‘Lake Minnetonka-like’ feel. She  
13 reviewed the Application requests for a PUD General Plan; subdivision (lot combination);  
14 variance; rezoning; and design deviations. She reviewed the tree removal, landscape, and tree  
15 replacement plans. She gave an overview of the wetlands, buffer requirements, and buffer  
16 averaging that could be used in this location, but noted that this project is not proposing any impact  
17 to the wetlands. She stated that the units are proposed to be smaller units because they will not  
18 have kitchens as there is a commercial kitchen and dining room on the main level. She noted that  
19 the building will need to meet MN state standards for memory care facilities. She explained that  
20 there are a lot of design deviations that came up with this project and gave a few examples of the  
21 requested deviations and the applicant’s reasons for their request. She briefly explained the City  
22 Engineering comments that were provided on the application. She noted that a neighborhood  
23 meeting was held on January 17, 2023 which had 5 community members in attendance.  
24

25 At the conclusion of Planner Quarles’ presentation, Chair Stockton asked if the Commission had  
26 any questions for Staff.  
27

28 Commissioner Merriam asked if there was concerns expressed at the neighborhood meeting about  
29 the relocation of the lift station on the Property.  
30

31 Planner Quarles stated that she cannot recall if it was just a general discussion or if it was concern.  
32

33 Commissioner Merriam stated that she thought the Applicant had indicated that they would be  
34 willing to put in a few benches, and asked if that was in the park area.  
35

36 Planner Quarles stated that she believed the benches would go in the park area.  
37

38 Commissioner Merriam asked what changes had been made to the back of the building following  
39 the City Council discussion at the PUD Concept Plan stage.  
40

41 Planner Quarles stated that as she understands it, it involved incorporating some material changes,  
42 but did not think the massing has changed that much. She stated that she believed that there were  
43 changes made to try to make it have a bit more visual interest.  
44

45 There being no further questions for Staff, Chair Stockton invited the applicant to address the  
46 Commission.

1  
2 Applicant's representative K.C. Chermak, Pillar Homes, explained that he refers to this piece of  
3 land as one that time forgot, and believes that this project will have a positive effect on the City  
4 and address a need for multi-generational living. He stated that he feels that their plans keep it  
5 residential, but also provide a buffer to a residential neighborhood. He stated that he did not  
6 believe that the frontage road or the highway is someplace where it made sense to have a single  
7 family neighborhood which would have kids playing there. He stated that their PUD plans have  
8 been very thoroughly reviewed by Staff, and noted that they have also held two neighborhood  
9 meetings. He stated that he believes that the Commission will hear mostly positive comments  
10 from people in the surrounding neighborhood related to their plans. He stated that there have been  
11 some architectural changes since the PUD Concept Plan was approved, but they are subtle and  
12 gave a brief overview of the proposed changes. He stated that the lift station relocation did come  
13 up during their neighborhood meeting and stated that they paid for a study to ensure that the lift  
14 station could handle their proposed structure. He stated that during that process Staff came to the  
15 conclusion that the lift station should be moved to the west, and put on the lot line of the park and  
16 this building. He stated that at the neighborhood meeting, they also discussed landscaping. He  
17 stated that their proposal is to keep a nature park land area which will also provide a buffer. He  
18 stated that with regard to the wetlands, they have had meetings with their civil engineer,  
19 Minnehaha Watershed District, and also City Engineer Mike Kelly. He stated that the wetland has  
20 been extensively reviewed and confirmed that they are planning to use the 'average buffering' as  
21 described by Planner Quarles. He stated that their request for variance for room size is important  
22 and noted that it had come up during the first presentation to the Commission. He stated that the  
23 rooms are purposely smaller because they are safer for the tenants, and is consistent with memory  
24 care facilities. He noted that the interior of the building will be subject to the Minnesota  
25 Department of Health. He stated that a PUD is supposed to have some sort of public benefit, and  
26 he believes the park land area will be very beneficial to the neighborhood and will provide a  
27 beautiful transition between the two areas.

28  
29 At the conclusion of Applicant's remarks, Chair Stockton asked if the Commission had any  
30 questions for the Applicant.

31  
32 Commissioner Severson stated that Mr. Chermak had stated that the interior of the building had  
33 been under the jurisdiction of the State Health Department, and asked if the size of the units would  
34 still meet State standards.

35  
36 Mr. Chermak stated that their proposed room size would meet State Codes.

37  
38 Commissioner Merriam asked about the gathering spaces and common areas and where people  
39 would go if they were visiting somebody.

40  
41 Mr. Chermak stated that the main floor and the upstairs gathering areas are a bit more like a hearth  
42 room or sitting room. He stated that he believes that the dining area could also be used as a  
43 gathering space between meal times.

44  
45 Commissioner Merriam asked if the units would have seating areas and televisions.

46

1 Mr. Chermak stated that there will be televisions and believes that there will also be seating, but  
2 cannot specifically say what will go in each room. He noted that there are reasons for all the plans  
3 and knows that they do not want to have too many things inside the rooms.  
4

5 Commissioner Merriam noted that unit 108 does not appear to have a door.  
6

7 Mr. Chermak stated that the door for that unit would be to the north.  
8

9 There being no additional questions from the Commission for the Applicant, Chair Stockton  
10 opened the public hearing on the application at 8:55 pm.  
11

12 Terry Ray, 1409 Holdridge Terrace, stated that they have been flattered as residents of the adjacent  
13 property during this entire process, and that the City and the Applicant have attempted to take such  
14 good care of them. He expressed his appreciation to everyone for taking them into consideration  
15 as they make their decisions. He stated that their initial concern was the impact that this proposal  
16 would have from their rear window, and noted that he would rather have the backside of the  
17 building be unremarkable because he would rather see the trees and foliage than the building  
18 façade. He stated that he thinks the Applicants have done a great job of addressing those concerns.  
19 He stated that when they first moved into that house 8 years ago, it was in disrepair. He explained  
20 that as they worked to improve and repair their property, they took it upon themselves to sort of  
21 be stewards of the corner lot area and get it cleaned up as well, because it had essentially become  
22 a dumping ground while no one was watching. He stated that he feels the Applicant is going to be  
23 able to do things that he cannot, like remove diseased trees. He explained that they have come  
24 away from this discussion feeling very positive about the proposal.  
25

26 Community Development Director Goellner stated there were no people that called in to the  
27 meeting that have asked to speak at the public hearing.  
28

29 There being no one wishing to provide additional public comments on the application, Chair  
30 Stockton closed the public hearing at 8:59 pm.  
31

32 Chair Stockton asked for the Commission to share their questions and feedback on the application.  
33

34 Commissioner Elg stated that he lives on Crosby and Wayzata Boulevard which is near this  
35 location. He stated that he drives by this parcel several times a day and believes this is a very  
36 attractive development, and felt the applicant had gone to great lengths to accommodate the  
37 neighbors and ensure that they are creating a facility that is appropriate and pleasant for the  
38 residents. He stated that he believes what they are proposing will be a great addition to the  
39 neighborhood.  
40

41 Commissioner Severson asked about the requested design deviations for the project, specifically  
42 the sidewalks and benches. She asked how many people besides the residents, visitors, and  
43 employees would actually use them, and asked if this would actually be used by the public.  
44

45 Planner Quarles stated that was the argument used by the Applicant that these standards were built  
46 for the Bluff District in the core of town where there is a lot of foot traffic and this area of town is

1 not like that. She stated that she does not have numbers to back up what the actual foot traffic  
2 levels would be, but believes that they will be a lot lower than others. She stated that with relation  
3 to the benches, she thinks the question would be whether it would be much of a hardship to require  
4 or if it was something that the City could let go of as a deviation.  
5

6 Commissioner Severson stated that she did not think it was that big of a deal and given where this  
7 property sits and its use, she thinks it makes more sense to design it in the way the property needs  
8 to be used, and not necessary to ensure that it does not have deviations. She stated that if that  
9 means it doesn't need sidewalks or benches, she would support that.  
10

11 Planner Quarles noted that she believed the Applicant was proposing 2 benches in the  
12 walking/nature area, but to deviate from the other 5 bench requirement along Wayzata Boulevard.  
13

14 Commissioner Merriam stated that she likes the idea of having a few benches in the nature area  
15 for the Holdridge neighbors and does not think people are really going to want to sit along Wayzata  
16 Boulevard and watch traffic go by.  
17

18 Commissioner Elg stated that he thinks benches in the nature area seem appropriate to him so the  
19 residents and their visitors can get outside and get some fresh air.  
20

21 Commissioner Schwalbe stated that for quite a while this has been an unattractive spot along  
22 Wayzata Boulevard and explained that she had liked this project since the beginning and continued  
23 to have no concerns or objections.  
24

25 Chair Stockton stated that she was a member of the Design Standards Task Force, and noted that  
26 she did not see any deviations that do not have logical rationale behind them.  
27

28 Commissioner Merriam referenced a rendering on page 101 of the packet that did not have any  
29 landscaping included. She stated that she thinks adding trees to the blank wall areas of the building  
30 will really add a lot to the aesthetic, and asked if her understanding of the landscaping plans were  
31 correct and that there would be some pretty good sized trees in those areas.  
32

33 Mr. Chermak confirmed from the audience that this was correct.  
34

35 Chair Stockton stated that she believes that this plan is an improvement to the area.  
36

37 There being no further discussion, Chair Stockton asked for a motion on the application.  
38

39 Commissioner Elg made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare  
40 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a  
41 recommendation of approval of the Application for Cantissimo Senior Living at 15419/15429  
42 Wayzata Boulevard/1405 Holdridge Terrace for review and adoption at the next Planning  
43 Commission meeting. The motion carried unanimously.  
44

45 **AGENDA ITEM 6. Other Items:**  
46

1           **a) Review of Development Activities**

2  
3 Community Development Director Goellner stated that there will be one public hearing scheduled  
4 for February 6, 2023 regarding the Wayzata Country Club.

5  
6           **b) Planning Commission Meeting Schedule**

7  
8 Community Development Director Goellner stated that the second meeting in February will be  
9 February 27, 2023, rather than February 20, 2023, due to President's Day.

10  
11 Commissioner Schwalbe noted that she will not be able to attend the February 6, 2023 meeting.

12  
13 **AGENDA ITEM 7. Adjournment.**

14  
15 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

16  
17 Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to adjourn the  
18 Planning Commission meeting. The motion carried unanimously.

19  
20 The Planning Commission meeting was adjourned at 9:13 p.m.

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

25