

1                                   **WAYZATA PLANNING COMMISSION**  
2                                   **MEETING MINUTES**  
3                                   **APRIL 4, 2022**

4  
5    **AGENDA ITEM 1. Call to Order**

6  
7    Chair Parkhill called the meeting to order at 6:30 p.m.

8  
9    Chair Parkhill read a prepared statement regarding the hybrid meeting format, including  
10 information on attending in person, viewing online, and providing public comments.

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

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

15  
16    Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Stockton, Sorensen,  
17 Schwalbe, and Severson. Community Development Director Emily Goellner, Planning Consultant  
18 Eric Zweber, Assistant Planner Valerie Quarles, Director of Public Works/City Engineer Mike  
19 Kelly, and City Attorney David Schelzel were also present.

20  
21   **AGENDA ITEM 3. Approval of Agenda**

22  
23    Chair Parkhill asked for a motion to approve the agenda for the meeting.

24  
25    Commissioner Stockton made a motion, seconded by Commissioner Severson, to approve the  
26 April 4, 2022 agenda as presented.

27  
28    The motion carried unanimously.

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

- 31  
32       **a.) Approval of the March 21, 2022 Planning Commission Meeting Minutes**  
33       **b.) Approval of Planning Commission Report and Recommendation of Denial for**  
34       **Development Application at 1022 Wayzata Boulevard**  
35       **c.) Acknowledgement of Development Application Withdrawal for 150 Broadway**  
36       **Avenue South**

37  
38    Chair Parkhill read the items on the consent agenda and asked if any Commissioner wished to pull  
39 an item for further discussion.

40  
41    Hearing no such request, Chair Parkhill asked for a motion to approve the Consent Agenda as  
42 presented.

43  
44    Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to approve the  
45 Consent Agenda as presented.

46

1 The motion carried unanimously.  
2

3 **AGENDA ITEM 5. Public Hearing Items**  
4

5 **a) Consider Development Application for Highcroft Enclave located at 301 Peavey**  
6 **Lane**  
7

8 Assistant Planner Valerie Quarles stated that the applicant is asking for a Comprehensive Plan  
9 amendment, a zoning map amendment, subdivision of an existing lot, a variance for driveway  
10 setback, and a variance for cul-de-sac length and width radius for property at 301 Peavey Lane,  
11 known as the Blake School location. She reviewed the zoning and land use of the surrounding  
12 area, and the existing conditions on the site. She explained that the proposal is to subdivide the  
13 existing lot into 15 single-family lots ranging from 15,000 to 25,000 square feet and three outlots.  
14 She gave an overview of the application requests including the variances, and reviewed the land  
15 use and housing goals in the Comprehensive Plan.  
16

17 Planning Consultant Eric Zweber gave an overview of the subdivision, outlots, tree preservation  
18 plan, environmental considerations of the site including the wetland, park dedication, traffic  
19 analysis provided by applicant, and details of the variance requests. He reviewed the comments  
20 and concerns received from the Engineering and Fire Departments and details on the home design  
21 with regard to building pads, and that some of lots will have basements and some lots will have  
22 crawl space areas.  
23

24 Assistant Planner Quarles noted that the applicant held a neighborhood meeting on March 17, 2022  
25 which was attended by about 30 people and gave an overview of some of the concerns raised at  
26 the meeting. She stated that the City had received a number of public comments, and explained  
27 that some had been included in the packet and the others that were not received in time were  
28 available at the dais as, well as the binder in the front of the room. She reminded the Planning  
29 Commission that the Comprehensive Plan and Zoning Map Amendments are legislative decisions,  
30 and the subdivision and variance requests are quasi-judicial decisions. She gave the Commission  
31 an overview of the questions for consideration during their discussion.  
32

33 At the conclusion of the Staff presentation, Chair Parkhill asked if the Commission had any  
34 clarifying questions for Staff.  
35

36 Commissioner Severson asked if the Planning Commission was being asked to deny or recommend  
37 approval of the whole project, or if they would be able to go item by item and say yes or no to the  
38 various requests.  
39

40 Community Development Director Goellner stated that the Commission can consider each  
41 application request separately; however, the Comprehensive Plan and Zoning Map amendments  
42 are fundamental to the application because the subdivision is based on this property being re-  
43 guided and rezoned. She suggested that the Planning Commission begin with discussion of those  
44 two items before they move into the details of the proposal.  
45

1 Commissioner Douglas asked about Outlot B, and if the nearby woods was part of this property  
2 and, if not, where the outlot would be in relation to that wooded area.

3  
4 Community Development Director Goellner stated that it appears as though the woods is in the  
5 right-of-way area just west of the property line.

6  
7 Commissioner Douglas asked if the City-owned property on the north east corner of these plans  
8 was available for development.

9  
10 Director of Public Works/City Engineer Mike Kelly noted that with regard to Commissioner  
11 Douglas's question about Outlot B, it incorporates the vacated right-of-way directly west of the  
12 property. He explained that the neighboring property to the north east of this property was  
13 purchased by the City for a potential future well and cannot be developed.

14  
15 Commissioner Douglas confirmed that some of the trees being removed are from the vacated right-  
16 of-way area.

17  
18 Community Development Director Goellner stated that this was correct and she had misstated that  
19 information earlier.

20  
21 Commissioner Schwalbe asked if this property is changed from Institutional-Public to Residential,  
22 how that would that change the percentage of institutional property that is within the City and if  
23 that was something the City should take into consideration.

24  
25 Community Development Director Goellner stated when the Comprehensive Plan was done in  
26 2018-2020, they identified 90 acres in the City currently being used for institutional use. So if this  
27 proposal is approved, the City would then only have 82 acres zoned for institutional use.

28  
29 Commissioner Schwalbe asked about Lots 7, 8, and 9, and if they would be on a slab-on-grade or  
30 if they would have any space underneath for mechanicals. She stated that she would like to know  
31 how large a crawl space would be and what it would be used for.

32  
33 Planning Consultant Zweber suggested that the applicant may be the best one to answer those  
34 questions, but noted that there would be some space and would not be slab-on-grade; however, it  
35 would be too small to classify as a basement.

36  
37 Commissioner Schwalbe asked if that would be an unusual setup for homes in this price range.

38  
39 Planning Consultant Zweber stated that it would be unusual, but in many cases the basement is  
40 determined by the high water level mark. He noted that the City has quite a few properties that  
41 are on wetlands or close to the lake and in those cases, those homes also have homes on crawl  
42 spaces which means while it is uncommon, it does happen.

43  
44 Commissioner Schwalbe asked if she was correct that that there are a certain number of lots on the  
45 south side that will have sidewalks leading up to the front door, but the driveways will be off of  
46 Peavey Place with addresses also off of Peavey Place.

1  
2 Planning Consultant Zweber stated that this was correct, and explained that the Fire Department  
3 was recommending that the addresses be off of Peavey Place because that is how emergency  
4 personnel would access the structure.

5  
6 Commissioner Sorensen asked what the U.S. Postal service would consider as their addresses, and  
7 where the mailboxes would be located.

8  
9 Planning Consultant Zweber explained that the address would be considered whatever the City  
10 submits, such as the Fire Department recommendation of Peavey Place, and noted that the mailbox  
11 location could be discussed with the applicant because that is oftentimes dealt with in the  
12 development agreement.

13  
14 Commissioner Stockton asked if the proposed stormwater pond was just for rainwater collection,  
15 or if it had other uses.

16  
17 Director of Public Works/City Engineer Kelly explained that the stormwater pond is really a means  
18 of treating the stormwater for the entire development. He noted that the development is required  
19 to meet the standards of the City and the watershed district, so the pond has been sized in order to  
20 meet that requirement.

21  
22 Commissioner Douglas asked about the letter from the Fire Chief. She noted that she lives on  
23 Edgewood Court, and explained that they had to have two accesses for fire and emergency  
24 vehicles.

25  
26 Director of Public Works/City Engineer Kelly stated that the Edgewood development does have  
27 secondary fire lane access that is provided off of Ferndale. He noted that this access is not currently  
28 available for the public, and is blocked off with bollards. He stated that there was also a similar  
29 development called Enchanted Woods off of Bushaway Road that has a secondary fire lane  
30 provided.

31  
32 Commissioner Douglas asked if that concept had been discussed with the applicant.

33  
34 Planning Consultant Zweber stated the Fire Chief asked that the cul-de-sac radius variance be  
35 denied, and noted that there is no additional easement next to the drive. He explained that the  
36 grade of the cul-de-sac is higher than Peavey Lane, so trying to use it as a turnaround or access  
37 would add an additional layer of complications. He reiterated that granting this variance would  
38 not be the preference of the Fire Department.

39  
40 Commissioner Severson stated that staff had mentioned that Peavey Lane would be higher than  
41 the houses, and asked if there had been any consideration for the houses that would face Peavey  
42 Lane. She asked what it would look like, for example, if there would be a flight of stairs going  
43 down to the homes.

44  
45 Planning Consultant Zweber stated that Peavey Place and Peavey Lane have two different grades,  
46 with Peavey Place being relatively flat and Peavey Lane being highest by Peavey Road and lowest

1 to the west. He explained that for Lots 1-3, Peavey Lane will be higher than the building pads and  
2 for Lots 7 and 8, Peavey Lane will be lower than the building pads.

3  
4 Commissioner Sorensen noted that his understanding was that the Fire Chief would prefer a second  
5 access on Peavey Lane, and also wants a larger radius for the turn around.

6  
7 Planning Consultant Zweber stated that he would say that is correct and noted that in his  
8 conversation with the Fire Chief, he definitely felt that making the connection and getting rid of  
9 the cul-de-sac and connecting to Peavey Lane is a 'want' and his preference. He stated that full  
10 radius for the cul-de-sac is the Fire Chief's recommendation and is what he thinks should occur.

11  
12 Commissioner Sorensen explained that it was a bit unclear from the narrative in the packet, and he  
13 wasn't sure if it was their preference and they could live with what was proposed; or if it was  
14 something that was a legitimate safety concern or a redline issue. He explained that he was not  
15 sure how to actually 'land' on this issue.

16  
17 Planning Consultant Zweber stated that the Fire Chief purposely did not make the extension of  
18 Peavey Plance to Peavey Lane a recommended requirement, and it is not a redline issue. He noted  
19 that getting the cul-de-sac radius to the correct amount and getting fire hydrants in the right  
20 locations would mean he could survive if there was a longer cul-de-sac; but those other elements  
21 need to happen in order for him to accept that increased cul-de-sac length.

22  
23 Commissioner Stockton asked if there were any comparable cul-de-sacs in the City. She noted  
24 that one she knows is problematic for snow removal is Byrondale Avenue.

25  
26 Planning Consultant Zweber stated that there are many cases of long cul-de-sacs within the City,  
27 and noted that often there are environmental features such as trees, wetlands, and grade issues that  
28 if a block pattern was created would be impacted. He stated that the Planning Commission should  
29 consider if there are those same environmental constraints in this situation that would prevent a  
30 block or thru-street.

31  
32 Chair Parkhill asked if there were cul-de-sacs with narrower radii.

33  
34 Director of Public Works/City Engineer Kelly stated that there are narrower cul-de-sacs in the  
35 City. He noted that the one mentioned by Commissioner Stockton is a private street that was  
36 allowed by the City Council, so it doesn't necessarily have to meet the City standards and Code  
37 requirements, and also is a PUD which gives it more flexibility. He stated that the City is very  
38 old, and the standards that were set in the Zoning Code were done in the mid-1900s. Given the  
39 City itself goes back to the late 1800s, the dimensions and history gives the City some of the older  
40 and smaller cul-de-sacs.

41  
42 Chair Parkhill asked about the possibility of restricting parking in order to allow emergency  
43 vehicles to access the neighborhood.

44  
45 Director of Public Works/City Engineer Kelly stated that they have not yet gotten into that type of  
46 detail, but noted that they want to be able to provide at least 18-20 feet to allow a fire truck to be

1 able to pass. He stated that they may restrict parking on a portion of this roadway, and noted that  
2 the HOA may also want to restrict parking and explained that they can look into that detail further.

3  
4 Chair Parkhill asked whether the Commission was supposed to not discuss the three foot grade  
5 change tonight, and if it was really more of a City Council discussion item.

6  
7 Community Development Director Goellner explained that there is a provision within the City  
8 Code that if the grading of a lot changes by more than 2 feet, the City Council has the authority to  
9 approve the grading plan so they can analyze the effect that it is having on the properties. She  
10 stated that it is a City Council decision, but grading is also a very relevant piece of the Commission  
11 analysis for the subdivision itself. She stated that if the Commission has any comments about  
12 grading, she thinks it is appropriate and relevant to the subdivision, so it would also be relevant to  
13 the City Council's discussion.

14  
15 Steve Bohl, BohLand Development, 849 Mill Street East, shared a video flyover of the site and  
16 iterations of the proposed plans. He stated that he understands the concerns regarding the tree  
17 removal plans and noted that they do not yet have a landscape plan, because those will come along  
18 individually with the building permits. He shared their plans for tree planting on the Outlots, the  
19 expected buffer around the development with trees, and the plans for the caliper of trees put on to  
20 each lot. He stated that they are expecting the values of these properties to be in the \$2,500,000  
21 range, which would include the home and the lot. He stated that they are expecting the location  
22 of this project to definitely drive the values.

23  
24 Commissioner Schwalbe asked about Outlot C because it will be a public park, and Outlot A will  
25 serve as the access to Outlot C. She stated that the way it is proposed, it appears as though it is an  
26 enclave unto itself, and asked how many people who don't live in the enclave would actually walk  
27 up that path and use the park. She stated she wonders what the people who live in the enclave will  
28 feel about having people who don't live there come in and use, what feels like 'their park'. She  
29 asked if the park could be located in a different location so it really would be open and inviting to  
30 other members of the public, for example, on either the east or west end of the project.

31  
32 Mr. Bohl explained that their current proposed plans show a perimeter sidewalk which they feel  
33 will help make it more accessible to everyone. He stated that the park would still be hidden behind  
34 the homes, but there will be signs posted to show that it is public, but noted that it is a pocket park.

35  
36 Commissioner Schwalbe reiterated that her fear is that this park will only be used only by the  
37 people who live in this exact neighborhood.

38  
39 Commissioner Douglas stated that she has trouble with the homes on the south side having their  
40 back to the neighborhood, and suggested that there could be more cohesiveness and a feeling that  
41 they were part of the neighborhood if they faced the interior of the neighborhood.

42  
43 Mr. Bohl stated that they have put a lot of thought into the home orientation, and noted that it may  
44 make more sense to front load the homes if the park was not there and they just did a 26 foot wide  
45 cul-de-sac going to the back. He stated that he loves the orientation how they have proposed it,

1 with the home frontages on Peavey Lane on the south side and also the orientation of those on the  
2 north.

3  
4 Commissioner Douglas stated that she looked at it from the viewpoint of having a street on the  
5 north side and looking out her home to the park, but beyond that would be looking into someone's  
6 backyard. She stated that this, as proposed, also has a wide variety of setbacks.

7  
8 Mr. Bohl stated that their balance was to make it look very nice on Peavey Lane, but also very nice  
9 internally. He stated that he likes that it is connecting to the neighborhood, but also not as though  
10 they are leaving the neighborhood. He stated that he is very confident with how these will be  
11 designed and placed, and believes the lots will be pretty spectacular.

12  
13 Commissioner Merriam stated that this is a large piece of land that could have been an open slate,  
14 and much could have been done with it. She stated that one of the requirements of a subdivision is  
15 that 10% of the gross area is used for public recreation, and yet this falls far short of that because  
16 it is proposing 10,000 square feet rather than 36,000 square feet. She asked why their plans are to  
17 put so many homes into the neighborhood, rather than use some of it for public recreation purposes.

18  
19 Mr. Bohl stated that he believes this is an adequately sized park for the neighborhood and those  
20 that may want to visit it, especially when there is already the beach and the park just a block to the  
21 east. He stated that he would question whether they needed to create another larger park on this  
22 site if those benefits are already just down the street.

23  
24 Commissioner Merriam stated that with regard to their request related to the requirements for cul-  
25 de-sac radius, she would reiterate that the applicant has a clean slate.

26  
27 Mr. Bohl explained that they have modeled some of what they have done here from Locust Hills,  
28 and the creativity that was used there.

29  
30 Commissioner Merriam stated that she felt Locust Hills is a bit different because they have a lot  
31 of open area and because that was a true PUD, where they came up with a creative design that  
32 included lots of open area and walking trails.

33  
34 Mr. Bohl stated that what is unique about this site is that it is bordered on half the site by a busy  
35 thoroughfare and a highway and a railroad track. He explained that the comparisons he wanted to  
36 apply with Locust Hills was regarding the size of the radius of the cul-de-sac. He stated that the  
37 public area in Locust Hills is really not public because they have a private building and a private  
38 park, but do have a meandering trail system all around it. He reiterated that he felt the park size  
39 they are proposing fits perfectly into what they are proposing.

40  
41 Commissioner Stockton noted that she felt the flyover presentation was very helpful to visualize  
42 the plans. She stated that what they are proposing, in isolation, looks very beautiful. She stated  
43 that some things that keep popping up on her mind are the park, in terms of the size and the City  
44 requirements; fire access; the overall feel and vibe of being a bit dense for the area; sidewalk access  
45 because it brings a more urban feel and is not consistent with the neighborhood; and the lot with  
46 the driveway variance butting up to the City property, which could in the future be a well location.

1 She stated that all of these things ‘jump off the page’ to her, and she also thinks of the practicalities  
2 for things like snow, fire access, and off-street parking for guests and visitors. She stated that this  
3 strikes her as a bit congested from that point of view. She stated that she wondered about the  
4 possibility of Lot 1 not being a home and keeping some of the heritage trees and even if the park  
5 was not moved there, there would be more of a natural look in keeping what it is now, without  
6 sidewalks. She noted that it may make for a more accessible public area and would feel less  
7 congested, overall. She stated that she would agree with Commissioner Merriam that in Locust  
8 Hills, the homes are interspersed with a lot of wetlands and spaces so it does not have the same  
9 feeling as what is being proposed in this instance. She stated that in looking at this proposal what  
10 came to mind for her was a Portico Drive development in the City of Minnetonka off of Crosby  
11 Road, which has very large public space and has less homes. She asked if they had thought about  
12 maintaining the natural aspect of the eastern side of the overall lot, and whether there would be an  
13 HOA.

14  
15 Mr. Bohl stated that the neighborhood and the park will be managed by the HOA. He noted that  
16 to compare with Locust Hills, he did a comparison of lot widths and explained that they average  
17 85 feet, and the lots on Peavey Lane in their proposal average 120 feet, so they are almost 1/3  
18 larger than Locust Hills.

19  
20 Commissioner Stockton asked about how this development compares to the lots that continue on  
21 down Peavey Lane.

22  
23 Mr. Bohl stated that the lots to west are bigger, but they do vary. He stated that he does not think  
24 it changes the feel and noted that generally the homes are spaced pretty far apart, and noted the  
25 wetland delineation line in the area which was why those homes were spread apart. He noted that  
26 their goal was to provide a blend between the west to the east considering there is a highway and  
27 a railroad track.

28  
29 Commissioner Stockton asked about the frontages that are east of Peavey Lane, and noted that  
30 those appear pretty rhythmic.

31  
32 Mr. Bohl stated that those are all 114 feet, and reminded the Commission that their lots are at 120  
33 feet for six of the eight lots along Peavey Lane and the other two lots are at 100 feet.

34  
35 Commissioner Merriam asked if the idea for the houses that face Peavey Lane was for their guests  
36 to park in front of the home and then take the sidewalk to the door.

37  
38 Mr. Bohl stated that it is more of a landscape amenity but that it could be used in that fashion. He  
39 stated that the reality is that there is plenty of parking within the development because they have  
40 the two 24 feet wide side streets in the loop and explained that he likes the idea of the character of  
41 still having a home with a sidewalk that runs out to the street.

42  
43 Commissioner Severson noted that many of her questions had already been asked but would like  
44 to know how they had settled on 15 lots, rather than larger estate lots that can be seen in the area.  
45



1 Mr. Bohl explained that when he looked at the Comprehensive Plan and the description of Low  
2 Density Residential at 1-3 units per acre, for this parcel, that would be anywhere from 8-24 units.  
3 He stated that he also looked at how this parcel may align with the R-2 zoning district. He noted  
4 that when they had first looked at the site, they created a plan that was more dense with 27 units,  
5 and explained that they had wanted to apply some creativity and include charm, which they feel  
6 the 15 lots fits.

7  
8 Commissioner Severson asked about the timing for completion of all of these homes.

9  
10 Mr. Bohl stated that Blake would like to continue to use the school on the site for the time being,  
11 so they would not gain access to the property until July of 2023. He stated that they expect it  
12 would take the remainder of 2023 to do site work for street, utilities, grading, and perimeter  
13 landscaping. He stated that with the 15 homes, the pace of construction would take 2.5 to 3 years.  
14 He stated that their goal would to be stage the work from the west to the east.

15  
16 Commissioner Douglas asked if the plans would be to bring in a lot of dirt as part of their grading  
17 plans.

18  
19 Applicant's engineer, Charlie Wiemerslage, of Sathre-Bergquist, explained that they would be  
20 importing about 20,000 yards of material in order to bring it up to grade.

21  
22 Mr. Bohl stated that he understands that there will be questions about how much truck traffic this  
23 will entail, and he can get this information to the City. He stated that within their construction  
24 schedule, there may be a short period of time when they are doing utility hook-ups to the site that  
25 they would need to interrupt traffic on Peavey Lane or Peavey Road. He stated that he would  
26 expect that length of time to be minimal and after that there will be no construction traffic  
27 anywhere on Peavey Road or Peavey Lane and would all come off of Shoreline Drive.

28  
29 Commissioner Merriam asked how many yards a truckload can take.

30  
31 Mr. Wiemerslage stated that depending on the size of the trucks it would be anywhere from 9-12  
32 yards per truck.

33  
34 Commissioner Sorensen asked if there would be any intent to screen the construction from the  
35 traffic on Peavey Lane.

36  
37 Mr. Bohl stated his idea was a chain link fence approach, which was not well received at the  
38 neighborhood meeting. He stated that one idea would be conditioned on the removal of the  
39 sidewalk along Peavey. He stated that once the grading work is done, he can see resetting the  
40 perimeter with as much landscaping as they could in order to buffer the activity.

41  
42 Commissioner Schwalbe stated that the whole area to the far west has a lot of soccer fields, baseball  
43 fields and have stairs to get to the fields from the parking lot. She asked if that would be where  
44 most of the fill would be placed.

45

1 Mr. Bohl stated that will be a good share of it, and gave an overview of the topography of the site  
2 and the grade changes.

3  
4 Commissioner Schwalbe asked how much time it takes for fill to settle before it could be built  
5 upon.

6  
7 Mr. Bohl stated that the fill can be packed so it can be built upon immediately. He noted that they  
8 have soil test engineers that will be approving the work at every step of the way.

9  
10 Planning Consultant Zweber stated there is information on the grading plan on page 104 of the  
11 packet, and noted that it is a net of 13,000 yards.

12  
13 Chair Parkhill stated that the biggest objections from the neighborhood is the size of the lots, the  
14 number of trees that will be removed, and the re-grading. He asked if there would be other ways  
15 to keep some of those features and not raise the grade so much. He stated that it looked like  
16 removal of the sidewalks would save some old growth trees, and asked if there were other things  
17 like that which could be done rather than just clear cutting the whole place and leveling it all out.  
18 He explained that something the Commission is really supposed to consider in their  
19 recommendation is how the applicant is treating the land and existing natural environment.

20  
21 Mr. Bohl stated that for their tree removal and replacement plan, they purposefully showed the  
22 worst case scenario. He stated that after the neighborhood meeting, he met with a tree forester and  
23 Mr. Wiemerslage, and walked around the site to see how they could custom grade each lot for  
24 individual homes and save some of the trees. He stated that because of the extent of the grading  
25 to the west, he cannot save the cottonwoods, but he does feel some of the ash trees on the perimeter  
26 can be saved, as well as some along Peavey Lane and Peavey Road. He stated that a decision will  
27 need to be made if, because of the types of trees they are, it would be better to simply replace them  
28 with something else. He stated he believes that redrawing the grading for individually grading the  
29 lots probably saved 10-15% tree removed within the current calculations, but there will still be a  
30 lot of trees that are coming out.

31  
32 Chair Parkhill asked if the sidewalk was made a bit wider on Outlot A, could it be the emergency  
33 egress for fire trucks with bollards as discussed earlier.

34  
35 Mr. Bohl stated that they can absolutely do that, and explained that they set the width of it to meet  
36 design standards for emergency vehicle access.

37  
38 Commissioner Douglas stated that she feels it can be done very attractively, and noted that many  
39 people do not even realize it is a second access to the neighborhood.

40  
41 Commissioner Merriam asked Director of Public Works/City Engineer Kelly if he felt this would  
42 be a possible solution.

43  
44 Director of Public Works/City Engineer Kelly stated that it would be a possible solution for fire  
45 access but noted that there is a preference to have a 20 foot side drivable surface. He stated that

1 they would need to verify with the Fire Chief that a 15-16 foot wide paved section would be  
2 adequate.

3  
4 Commissioner Stockton asked if the street design would be capable of allowing for a large moving  
5 truck to get in and out.

6  
7 Mr. Bohl stated that it is possible, and explained that the width on both of the loop streets was 24  
8 feet wide which means there would also be room for parking and passing.

9  
10 There being no additional questions from the Commission for the applicant, Chair Parkhill opened  
11 the public hearing on the application at 8:30 pm.

12  
13 John Sexter, 410 Peavey Lane, stated that the neighborhood does not like the proposed project.  
14 He stated that the flyover visual looked great until they got to Peavey Lane because he felt it made  
15 it feel like Maple Grove, which he feels would be absurd. He stated that if this project is going to  
16 be housing, he felt it should revert to estate lots because that is what it adjoins. He stated that the  
17 proposal is basically to clear cut 8 acres of trees which he feels the City cannot let happen because  
18 it is unfathomable in a small town like Wayzata. He expressed concern about the applicant asking  
19 for two variances when the site is an open slate of 8 acres to work with. He stated that he also  
20 feels that the developer is playing around with front yards and backyards in order to get around  
21 setbacks so they can cram more houses onto the property and it is not being done for aesthetic  
22 purposes. He stated that the developer is proposing to move around 2,420 dump trucks of fill on  
23 to the site which he felt was too big of a project for the neighborhood. He noted that he also felt  
24 the developer should follow the City rules and maintain 10% of the site for public use. He  
25 explained that for the reasons he has shared, he feels the project should be denied. He stated that  
26 he also has concern that these plans will end up flooding him out and more water cannot be added  
27 to his backyard.

28  
29 Gregg Peterson, 250 Peavey Lane, stated that they have lived in their home for almost 40 years,  
30 and noted that he hopes the City will take input from the overall collective duration of the residency  
31 of the neighbors into account because it is about 250 years. He stated that the neighborhood has  
32 peacefully co-existed with the school for a long-time, and noted that he was an alumni and is sorry  
33 to see it go. He stated that they are opposed to this project as it is currently proposed, and noted  
34 that it seems excessive in both scope and scale. He gave the analogy of trying to fit a 15 pound  
35 bowling ball into an 8-10 pound sack with part of the sack having a very soggy bottom. He stated  
36 that he supports many of the written comments that have been submitted, and noted that he also  
37 takes the comments made by the Fire Chief very seriously. He stated that there has been a lot of  
38 stewardship of the street, and they have concerns about parallel parking and how they would be  
39 able to squeeze down the street during construction. He stated that the graphics presented by the  
40 applicant were delightful but the trees depicted would probably be representative of 15 year  
41 growth. He explained that he felt there are ways to improve this project, and reiterated that they  
42 are opposed to the project in its current form and urged the Commission to deny it.

43  
44 Jason Mikunda, 401 Peavey Lane, explained that his property abuts Outlot B. He stated that what  
45 was presented with the video flyover tonight looks beautiful, but his thoughts resonate with the  
46 other neighbors because he would also like to see less. He stated that he would like to know what

1 would happen if his house does flood because of the work done on this parcel. He asked if there  
2 would be insurance for that and whether that would be something the City delineates. He stated  
3 that he has a drain in his front yard, but noted that they end up out there a lot because there is a lot  
4 of flooding. He noted that when they fixed the bridge the year he moved in, there were definitely  
5 cracks in his house afterwards, and noted that they could feel the shaking from the construction  
6 work. He stated that he thinks the concerns being shared are super relevant.  
7

8 Community Development Director Goellner stated there were three people on-line who have  
9 expressed an interest in speaking. Chair Parkhill invited them to speak in turn.  
10

11 Lindsey Bashioum, 461 Peavey Lane, noted that she had sent quite a bit of information to the  
12 Planning Commission and while she would not go over everything she sent, she would like to  
13 highlight Chapter 4 of the Comprehensive Plan. She read aloud a portion of the Housing Chapter  
14 from the Comprehensive Plan, and stated that the new proposed development fails to meet this  
15 very important chapter. She read additional language on housing goals and policies. She noted  
16 that the Planning Commission should encourage new family residential development that  
17 conforms with the mass and scale of existing residences, and this proposed project also fails to  
18 meet those guidelines. She stated that she would encourage the Planning Commission to deny the  
19 proposal as it has been presented. She read language from Chapter 9 of the Zoning Ordinance  
20 regarding variances, and noted that she feels this project, as proposed, will adversely affect the  
21 health, safety, and general welfare of the residents in the surrounding area. She stated that she  
22 feels squeezing 15 homes onto 8 acres, and clear cutting all the trees including the cottonwood tree  
23 that is close to 150 years old, is unacceptable. She stated that the developer has chosen the conflict  
24 by choosing density over proper land use as directed by the 2040 Comprehensive Plan and if the  
25 approval is granted, it will definitely alter the essential character of Highcroft, Peavey Lane, and  
26 the locality forever. She stated that the developer alone stands to be rewarded financially at the  
27 expense of the neighborhood. She reiterated her request that the Planning Commission  
28 recommend denial of the application.  
29

30 Steve Shank, 330 Peavey Lane, explained that their home is located directly across the street from  
31 the Blake School. He stated that they are elevated below the site, but Mr. Bohl's keeps saying that  
32 the houses on the south side are 40 feet above the site, which ignores his home, and noted that they  
33 would be directly impacted by the site. He stated that he would like to add his plea to those  
34 already shared that this squeezed in development where the lot designs have been tortured for only  
35 economic reasons, be denied. He stated that all the adjoining lots are much larger than what they  
36 are proposing, and he feels it does not meet the intent to respect the character of the neighborhood  
37 nor does all the fill that is being proposed. He stated that he worries about water run off that will  
38 be created and the plan to destroy all of the existing trees, because he felt that was excessive. He  
39 stated that he would heartily urge the Planning Commission to take guidance from the intent of the  
40 Comprehensive Plan, the ordinances, and the guidelines, and deny this proposal.  
41

42 Chris Bentley, 290 Peavey Road, stated that he had submitted comments earlier because he was  
43 not sure he would be able to join the meeting this evening. He stated that he won't repeat some of  
44 the comments that have already been made by other individuals. He stated that he was also unable  
45 to attend the neighborhood meeting that was referenced earlier. He stated that the presentation by  
46 Mr. Bohl never mentioned the impact on the only two homes that are on Peavey Road. He stated

1 that their lot faces west toward Blake School and if this project moves forward, they will be one  
2 of two homes that will directly face this development. He stated that this would mean no more  
3 mature trees, berm, or grassy school yard. He explained that the quiet and tranquil setting that he  
4 has looked at every day for the last few years as he has worked from home would be gone. He  
5 stated that he does not understand how this development would enhance neighborhood appeal and  
6 noted that from their perspective, they do not see any appeal. He stated that there was also no  
7 mention of a perimeter buffer to the east. He referenced the comments he made in his written  
8 submissions related to zoning. He stated that this proposal is jamming 15 homes onto 6.05 acres  
9 not the 8 acres that has been mentioned, which means these are much smaller than 0.5 acre lots.  
10 He stated that all of the surrounding homes sit on 0.5 acre or larger estate lots, and he does not  
11 understand how cramming these homes onto this parcel creates anything charming at all especially  
12 when homes on the north side face garages on the south side of the development. He stated that if  
13 the number of homes were decreased, they would not have to cut down as many trees. He stated  
14 that no one has talked about the flag lot of Lot 1 which would be directly across from where he  
15 lives. He stated that this lot would destroy the berm and the trees that are currently there because  
16 the plan is to remove all the trees along Peavey Road and as already mentioned, many of the trees  
17 are 100 years old or older. He stated that he does not feel the developer's highest priority is low  
18 impact housing and neighborhood appearance as they have stated. He stated that, to him, Lot 1 is  
19 a 'non-starter' because it violates the statement that 'this will provide a true feeling of  
20 neighborhood along with best use when looking at homes from Peavey Lane and Peavey Road'.  
21 He stated that the applicant contradicted this statement later in their application when they say that  
22 there are only a few new homes in Highcroft Enclave that will impact any views beyond the current  
23 visual impact of the school building and parking lot. He stated that the developer seems resolute  
24 about having a pocket park and suggested that if they removed the idea of Lot 1 and put it together  
25 with the outlot, there would be a recreational area that would meet the requirements and the trees,  
26 berm, and park-like feel could be maintained, which he feels is better than the pocket park as  
27 proposed. He stated that the traffic analysis submitted was good, but he feels it is meaningless  
28 because it doesn't address Shoreline Drive because they are proposing one entrance off of the  
29 busiest County roads within the City.

30  
31 Peter Riley, 382 Bovey Road, stated that one of the Commissioners had put the question to the  
32 applicant of why they did not proceed with fewer lots, and noted that he did not hear a satisfactory  
33 answer from the applicant. He stated that there are more homes proposed in this development  
34 alone than there are on the entire rest of Peavey Lane to the west and more than there are on all of  
35 Peavey Lane to the east to West Ferndale which he feels should tell the Commission all they need  
36 to know about the excessive density of this project. He stated that character is an important part  
37 of the Comprehensive Plan and if that is to be the measure, this is a total change from the current  
38 character of the area. He stated that Locust Hills has been frequently mentioned and he wanted to  
39 point out that Locust Hills is much different than this proposal and would be like comparing his  
40 looks to the looks of George Clooney. He explained that the applicant had talked about the  
41 frontage of the lots, but he ignored the fact that there is a whole other set behind it. He stated that  
42 the park land, as proposed, is way below the standard. He stated that their proposal requires a lot  
43 of standards to be changed or avoided which should tell the Commission that this proposal is a  
44 radical change from what should be allowed. He asked the Commission to reject this proposal and  
45 let the developer work with the neighborhood and come back and create a better project. He noted  
46 that they lived at 410 Peavey Lane for many years and explained that he wonders about the traffic

1 numbers that were given because they do not seem to account for the fact that two days a week  
2 there is no traffic as well as 3 months during the summer and a few other weeks throughout the  
3 year when there is no traffic from the school.  
4

5 Barry Pettit, 420 Peavey Lane, stated that he feels it is fascinating that Peavey Place is being  
6 defined as both a street and an alley. He stated that it is a street if you are on County Road 15 and  
7 an alley if you are on Peavey Lane because it defines the front yard, conveniently, and allows them  
8 to avoid front yard setbacks that are punitive towards the lots that focus on Peavey Place. He  
9 stated that this is about allowing the developer to decide front yards and back yards rather than the  
10 Fire Chief and the normal planning tradition that the front yard is where the access and address  
11 are, which should be the end of the discussion. He stated that he does not understand why the City  
12 is not following its own ordinances and listening to the Fire Chief. He stated that the idea that the  
13 City would allow a developer to decide front yard versus rear yard is wrong. He stated that the  
14 underlying zoning is Institution that allows housing at the density of R-3 and would love the  
15 Planning Commission to ask themselves the question of how that happened and why it is there.  
16 He stated that all institutional zoning in the City is automatically R-3, as a conditional use, which  
17 he feels makes no sense. He stated that he also goes back to the proposed flag lot and noted that  
18 he remembers in his days, they made flag lots illegal.  
19

20 Assistant Planner Quarles that there were no other people that called in to the meeting that have  
21 asked to speak at the public hearing.  
22

23 Carter Peterson, 250 Peavey Lane, stated that one of the things that has not been talked about very  
24 much is that twice a day, Peavey Lane is the most dangerous road in the area because of the way  
25 it was constructed. She stated that the road is not wide enough from what she has seen from living  
26 there and reiterated that the road situation does not work. She stated that the other thing that has  
27 not been discussed is the most important trail in Hennepin County and possibility the State, which  
28 is the Dakota Trail that is directly across from this location. She stated that she thinks this is a  
29 larger problem than anyone realizes and believes parking will be a huge problem.  
30

31 Dan Kelly, CFO of Blake School, explained that a year ago they announced their decision to  
32 combine their Highcroft and Blake lower schools on to their Hopkins campus. He explained that  
33 they hired an experienced brokerage team that canvassed the entire market and ran an extensive  
34 listing process and at the end of the process, their Board selected Steve Bohl and BohLand Homes  
35 to enter into a purchase agreement. He stated that the selection was based on the thoroughness of  
36 his proposal, and his extensive experience working with constituencies across Wayzata to build  
37 quality properties. He stated that they received a number of proposals from developers and Mr.  
38 Bohl's was far and away the most thoughtful and thorough. He explained that they had only  
39 received two offers from entities that wanted to use the existing building, but their Board had  
40 concerns about the viability of those proposals with both financing and potential parking and traffic  
41 problems, including the need for a two level parking garage which they did not feel was  
42 appropriate. He reviewed the surrounding zoning and noted that Mr. Bohl's proposal of a  
43 charming R-2 development with architecturally distinct homes as a transition between the highway  
44 R-3 and the estate sections, made a lot of sense to them.  
45

1 There being no one else wishing to comment on the application, Chair Parkhill closed the public  
2 hearing at 9:10 pm.

3  
4 Chair Parkhill asked staff to address the questions that had been raised during the Public Hearing.

5  
6 Director of Public Works/City Engineer Kelly stated that the property of the individual to the west  
7 who had laid out drainage concerns sits in an area where about 2/3 of the existing site today drains  
8 through a culvert that sits between his driveways and south to Mr. Sexter's property. He stated  
9 that the way the site is currently proposed to be drained, somewhat mimics the current conditions.  
10 He explained that the eastern third of the site will drain to the north, and he would say that there is  
11 a slight increase of drainage that will go to the west. He stated that the big feature that is not  
12 currently there today is the drainage pond which is meant to hold a certain amount of water, and  
13 only allow water out of the pond in an overflow condition. The drainage plan submitted in the  
14 plans is a depiction of something that would work, but noted that they have indicated to the  
15 developer that staff will want to look at it in final detail condition. He stated that it works but is  
16 not necessarily ideal, and staff would like to see some minor modifications made but reiterated  
17 that it currently works, and it is likely the design of the pond will manage the overall drainage.

18  
19 Chair Parkhill asked if his understanding was correct that everything coming off the lot would now  
20 be going into the retention pond, and the overflow from the retention pond will hit the culvert near  
21 Mr. Mikunda's home and then onto Mr. Sexter's property.

22  
23 Director of Public Works/City Engineer Kelly stated that about 2/3 of the site drains that direction,  
24 and the proposal is to do the same.

25  
26 Chair Parkhill noted that the proposal being presented is that it would first hit the retention pond  
27 before moving outward, and asked if that meant there would actually be less water flowing.

28  
29 Director of Public Works/City Engineer Kelly noted that it would be hard to say because there is  
30 obviously a current amount of hard cover on the site which would be changed somewhat with their  
31 proposal. He stated that the pond is intended to handle the normal rain events and then in an  
32 overflow condition, drain to the south.

33  
34 Chair Parkhill stated that there may be more water because during construction there will no longer  
35 be trees absorbing a bunch of the water.

36  
37 Director of Public Works/City Engineer Kelly stated there was also a statement made about  
38 vibration that may happen during construction and noted that it is not uncommon for a developer  
39 to hire a consultant to do an inspection of neighboring house before the project occurs so there is  
40 a baseline so if anything were to occur it could be addressed. He stated that this would be  
41 something simple enough to ask, and thinks that Mr. Bohl would not be against including this to  
42 ensure that he is protecting adjacent properties.

43  
44 Community Development Director Goellner asked Director of Public Works/City Engineer Kelly  
45 to address the concerns raised about the traffic information that had been provided.

46

1 Director of Public Works/City Engineer Kelly stated that the information provided in the packet  
2 related to traffic is from an Institute of Traffic Engineers manual that pulls information related to  
3 a school, how it would function, and how much traffic would be generated, and the typical traffic  
4 generated by a single family home. He stated that he also, personally, has a concern about traffic  
5 exiting onto Shoreline Drive, which has been shared with the development team. He stated that it  
6 is exiting onto a roadway that is 45 mph at the end of an off ramp, which while not against the  
7 rules, is not ideal.

8  
9 Planning Consultant Zweber addressed the concern raised about the definition of a ‘flag lot’ in  
10 reference to Lot 1. He read aloud from the subdivision ordinance and noted that in this case, this  
11 lot has three frontages, so by the ordinance, this lot would not be prohibited.

12  
13 Community Development Director Goellner stated that there was a question raised about whether  
14 housing was permitted in any way in the current industrial district, and they specifically referenced  
15 R-3.

16  
17 Planning Consultant Zweber explained that when the City is looking at a zoning district, there are  
18 uses in different types of definitions. He stated that permitted uses do not require any other  
19 approval to be implemented and there are accessory uses that can only happen if there is a principal  
20 use with it, and then there are conditional uses, which require a CUP, a public hearing, approval  
21 by the City Council, and have a number of standards and criteria to be reviewed. He stated that  
22 for institutional, the uses that are permitted are schools such as preschools, elementary, junior or  
23 senior high schools; religious institutions or places of worship; publicly owned civic or cultural  
24 buildings such as libraries; City offices; and auditoriums. He reviewed some of the conditional  
25 uses that would be allowed such as parking lots; cemeteries; higher education usage; community  
26 center; hospital; and a number of residential type uses which include housing for the elderly; half-  
27 way houses; living quarters accessory to principal use; and single family or two-family residences  
28 provided they are in compliance with the R-3, but also in compliance with all the other CUP  
29 criteria. He explained that in the typical R-1 through R-5 zones, residences are permitted uses and  
30 don’t need a separate CUP, however, in institutional, if they are looking for residential use they  
31 would need to apply for a CUP and meet all the criteria.

32  
33 Chair Parkhill asked if a Comprehensive Plan amendment and a zoning map amendment qualify,  
34 because he was under the impression that this would be under a CUP.

35  
36 Planning Consultant Zweber stated that the applicant indicated that this could have been a course  
37 of action, but all the standards of a CUP would then have needed to be met. He stated that the  
38 applicant has choices in how they want to submit an application, and they chose to go the route of  
39 a Comprehensive Plan and zoning map amendments.

40  
41 Community Development Director Goellner noted that staff had spoken extensively with the  
42 applicant about that option and recommended that for long term land use planning purposes, it  
43 would be appropriate that an all residential development would be guided and zoned as a  
44 residential. She stated that is better land use planning for the City in order to guide how the  
45 property will be used. She noted that she is not sure about the origin of why single family  
46 residences were allowed as conditional uses in the institutional district. She explained that her



1 suspicion is that things like half-way houses need to be treated similar to single family dwellings,  
2 so it may have been a code change done a long time ago to try to provide some fairness. She stated  
3 that the other problematic piece of the option to keep this property in the institutional district for  
4 the long term is that the right way to do it would be to issue a CUP for each and every single lot,  
5 which would mean there would be 15 properties entitled with 15 different CUPs. She explained  
6 that this would be a burden for each homeowner because a CUP runs with the land, so staff had  
7 recommended that the applicant move forward with this type of application if they wanted the 15  
8 home proposal.

9  
10 Chair Parkhill asked the Commission to share their questions and feedback on the application.

11  
12 Commissioner Merriam stated that Mr. Kelly had mentioned that somebody had been interested  
13 in the building, but would need a parking garage. She asked if a proposal like that came forward,  
14 how much discretion the Commission would have to allow a two story parking garage and if it  
15 would automatically be okay.

16  
17 Community Development Director Goellner stated that based on a quick read through of the Code,  
18 it looks like it talks pretty clearly about 'publicly owned' parking structures but she does not see  
19 clarity about privately owned parking structures. She stated that staff may need to do more  
20 research on this topic for the City Council.

21  
22 Planning Consultant Zweber stated that he would need to look into this more deeply and look at  
23 the other design standards. He stated that it may be possible that the outside of a parking garage  
24 could be treated in a way so it appears as a building. He stated that they would not be able to  
25 construct a parking garage that does not meet all the other standards of the Code without requesting  
26 a variance.

27  
28 Commissioner Merriam stated that the Blake School and its layout is attractive, and just wonders  
29 how much more impervious surface and lot coverage could occur.

30  
31 Community Development Director Goellner stated that the lot coverage requirement here is that  
32 all buildings not exceed 30% of the lot coverage for Institutional. She stated that a parking lot,  
33 which is not lot coverage, would be included in the impervious surface standards.

34  
35 Planning Consultant Zweber stated that if it were to be a parking garage that would move it into a  
36 structure category and therefore included as lot coverage.

37  
38 Commissioner Merriam explained that she was just asking if there would still be a lot of green  
39 space there.

40  
41 Planning Consultant Zweber noted that currently the institutional zoning district does not have an  
42 impervious surface requirement.

43  
44 Chair Parkhill suggested that the Commission first consider the whole idea of the Comprehensive  
45 Plan amendment to move from Institutional to Residential. He asked if anyone on the Commission  
46 had major issues with that request.

1  
2 Commissioner Douglas stated that she read the possible uses for this land, it reminded her of the  
3 recent pressure to do a mega church on the Hillcrest property, and the impact something like that  
4 would have on the property and the neighborhood. She stated that she is in support of a  
5 Comprehensive Plan amendment to single family housing because she feels that would be the best  
6 long-term use of this land.

7  
8 Commissioner Stockton stated that she agreed with Commissioner Douglas, especially if there are  
9 no restrictions related to impervious surface for Institutional properties because that could cause  
10 more drainage problems than residential use. She stated that, in general, she thinks residential  
11 makes sense for this neighborhood.

12  
13 Commissioner Sorensen stated that he also agrees that housing a pretty good solution for this  
14 property.

15  
16 Chair Parkhill stated that change would give up 8 acres of the 90 acres of institutional use, and  
17 asked if that concerned anyone on the Commission.

18  
19 Commissioner Merriam stated that does concern her but under the right scenario, she would  
20 support a Comprehensive Plan amendment to guide this to low density residential. She stated that  
21 she is not necessarily saying, however, that it should happen with the plan that is currently before  
22 the Commission. She stated that she does have concerns about changing the use away from  
23 Institutional because the City will lose 8 Institutional acres that will never come back.

24  
25 Commissioner Schwalbe stated that there is only 5.7% of the land as Institutional in the City and  
26 the Comprehensive Plan amendment would be a big loss. She stated that on the other hand, she  
27 realizes that the City cannot just create someone to come and be another Blake School.

28  
29 Chair Parkhill stated that it is kind of infill because it is surrounded by residential.

30  
31 Commissioner Stockton stated that there is nothing Institutional in the whole area other than the  
32 Blake School, which has historically been quaint and offers a lot of green space. She stated that  
33 the probability of a 'like for like' new owner coming to the site is probably very low, so from her  
34 perspective, residential would be preferred.

35  
36 Chair Parkhill noted that it appears that the Commission was in agreement on guiding the property  
37 for low density residential use, and suggested that the Commission continue discussion on the  
38 other portions of the proposal.

39  
40 Commissioner Severson asked what residential zone this would go to.

41  
42 Community Development Director Goellner stated that the Comprehensive Plan is more of a 40-  
43 year land use plan and guidance document, so it is for long term use but is more general and does  
44 not have specific regulations. She suggested that the Commission start with the Comprehensive  
45 Plan future land use map and go over some of the details. She reviewed the categories as shown in  
46 the legend for future land use residential and noted the location of estate lots and what the applicant

1 is proposing to move this to the low density category and the neighbors are interested in it  
2 becoming estate single-family and stated that there is also the one acre single family option which  
3 can be seen on the southern side of the Highcroft neighborhood.  
4

5 Chair Parkhill suggested the Commission consider the zoning map amendment as well.  
6

7 Community Development Director Goellner reviewed the surrounding neighborhood zoning, and  
8 noted that the applicant is recommending moving to R-2 medium density single-family residential.  
9 She stated that it could be argued that this would be a transition between the properties to the east  
10 that are zoned R-3.  
11

12 Commissioner Douglas stated that she thought R-2 was low density residential.  
13

14 Planning Consultant Zweber stated that the Comprehensive Plan request is to Low Density  
15 Residential, but as Community Development Director Goellner pointed out, there are still two land  
16 uses that are less dense than Low Density Residential. He stated that in looking at zoning, R-1A  
17 fits with the Estate Single Family Residential land use, R-1 fits with the One Acre Single Family  
18 Residential and then there are the R-2 and R-2A which are appropriate for Low Density  
19 Residential Comprehensive Plan designation. He stated that because this application would be  
20 doing a Comprehensive Plan amendment and a rezoning concurrently, it is a request for Low  
21 Density Residential Comprehensive Plan designation and R-2 Medium Density Residential zoning  
22 designation.  
23

24 Community Development Director Goellner explained that the Comprehensive Plan is sort of like  
25 an umbrella and has less categories because it is less detailed, and then within that umbrella, there  
26 are multiple zoning districts that comply because there is a range.  
27

28 Commissioner Douglas asked about the properties that were just developed on Peavey Road and  
29 if they were R-3.  
30

31 Community Development Director Goellner stated that they are R-3, and noted that it may help  
32 the Commission to hear what the minimum lot sizes are for the districts. She noted that R-2 has a  
33 minimum lot area of 15,000 square feet and have a minimum lot width of 100 feet and minimum  
34 dept is also 100 feet. She stated that R-3 lots have a minimum lot size of 9,000 square feet but  
35 noted that ones showing up on the map are allowed to be much smaller than they actually are  
36 because many of them are closer to 20,000 square feet. She stated that in actuality, what is being  
37 proposed are just a bit smaller than what is seen on the lots currently zoned R-3. She stated that  
38 the estate district has a minimum lot size of 80,000 square feet and the R-1 has a minimum lot area  
39 of 40,000 square feet, with a lot width and depth each of 150 feet.  
40

41 Chair Parkhill asked the Commission what they feel the appropriate zoning would be.  
42

43 Commissioner Stockton stated that she thinks the right question is what lot sizes are appropriate,  
44 and suggested that they look at the rail line as a guide for proximity for the City overall. She asked  
45 if there were estate lots that go up to the railroad.  
46

1 The Commission discussed zoning and density along the rail line.

2  
3 Commissioner Sorensen stated that he thinks this is an important issue because many of the  
4 comments were based on the thought that they felt these should be R-1A lots. He stated that if you  
5 step back and take a broader view of it and look at Peavey Lane on the east, that is R-3, even  
6 though the lots are larger than they could be. He stated that they are proposing R-2, and it could  
7 be said that it would be a bit of a transition so it may make sense. He stated that an R-2 designation,  
8 in terms of the Comprehensive Plan, would help promote diversity in housing, and this would  
9 probably be widely appealing to young families and seniors with regard to walkability,  
10 accessibility and connection to downtown. He stated that R-2 zoning would be very appealing to  
11 a broad range of people interested in living in the City.

12  
13 Chair Parkhill stated that if the Commission is looking in the R-1 or R-2 range, he asked what their  
14 concerns would be with this subdivision.

15  
16 Commissioner Severson stated that she has concerns about this being an 8 acres parcel, but the  
17 applicant is already asking for a lot of variances. She stated that the proposed park is significantly  
18 smaller than required and reiterated her concern about the variance requests. She stated that this  
19 project, even though it is a blank slate is starting off with variance requests.

20  
21 Commissioner Merriam stated that she echoes Commissioner Severson's concerns, and would also  
22 add the issue of all the trees being taken down and the impact on the environment and natural  
23 habitat in the area.

24  
25 Commissioner Douglas stated that she would concur with both Commissioner Severson and  
26 Commissioner Merriam. She stated that she had run some numbers earlier today and she was  
27 thinking in the range of 10-12 homes. She noted that 12 homes would have a bit over 30,000  
28 square feet lots and with ten homes, it would be 36,000 square foot lots. She stated that making  
29 that change would solve a lot of the other issues such as the cul-de-sac radius and perhaps the  
30 driveway variance but would still be a nice transition.

31  
32 Commissioner Sorensen stated that there is obviously a lot of passion surrounding this project,  
33 which is understandable. He stated that he thinks in some respects, the applicant has tried to be  
34 responsive to neighborhood concerns and thinks the Locust Hills comparison could potentially be  
35 a good one if it does end up resembling the flyover visual. He stated that he has gone through  
36 some of the applicable Code criteria, and noted that it could be said that much of this application  
37 is consistent with the intent of the Comprehensive Plan; however, there are two issues that he is  
38 having a hard time getting his head around. He stated that he thinks they are significant issues  
39 with the mass clearing of trees, and that having 15 lots is creating other challenges that could be  
40 dealt with more appropriately if there were a few less lots. He stated that there are other issues  
41 such as the park deficiency, the flag lot, the emergency access issue, and the sidewalk issue. He  
42 noted that he feels that with a little more work there could be a lot to like about this proposal but  
43 he does not feel it is quite there yet.

44  
45 Commissioner Stockton stated that she agreed with Commissioner Sorensen.

46

1 Commissioner Schwalbe stated that she seems to be the one having the most trouble with letting  
2 go of the Institutional designation. She stated that the City has so little of it and they will never  
3 get it back, but realizes that she cannot create the perfect school, students, and organization to take  
4 this over. She stated that as far as this proposal goes, she thinks they did a great job of putting it  
5 together because she loved the flyover visual, but she does have concerns about the way this is  
6 plotted out. She stated that she is worried about Lots 8 and 9 because it will require a tremendous  
7 amount of fill in order for them to work. She stated that the neighbor who lives just to the west  
8 had concerns about what would happen if anything does go wrong with drainage. She stated that  
9 she read what the Fire Chief had said about wanting another road leading into the development.  
10 She stated that keeping something on Peavey Lane would be desirable but that would mean  
11 reworking a lot of the plans. She stated that she also has concerns about Lot 1, and she also does  
12 not feel Outlot C that is planned to be a public park will never actually be a 'public' park. She  
13 feels that it will be a park for the people who live there, even if there is a 15 foot walkway, because  
14 she does not think that will make it feel welcoming to people outside of the neighborhood. She  
15 stated that she would like the houses on the north and the south side to face each other. She stated  
16 that to her, it seems like there could be a spot in here to make a very nice park that everyone could  
17 use which she would like to see. She stated that if there is a cul-de-sac, it should conform with  
18 what the Fire Chief has asked for. She noted that other than these issues, she does think it could  
19 be a very beautiful development.

20  
21 Commissioner Stockton asked if the City had a concern with the front yard/backyard issue.

22  
23 Community Development Director Goellner noted that it was an interesting issue and explained  
24 that the typical process is creating legal lots and then the owners decide how to use the legal lot.  
25 She stated that perhaps there could be an arrangement where the owner would sell the lots with  
26 particular restrictions such as the way the houses face, but that is not typically the City government  
27 deciding that. She noted that they do have to keep in mind health, safety, and welfare, so there is  
28 an interest in there being consistency in these lots but noted that she thinks this is an area that needs  
29 further discussion.

30  
31 City Attorney Schelzel asked Planning Consultant Zweber if this lot is currently platted in a  
32 manner that the front of the lot, by definition in the City's Zoning Code is Peavey Place. He  
33 explained that the City has a definition in the Code of the front of a lot, so while individual  
34 homeowners may have some discretion about orientation of their building pad and how they build  
35 the house to reflect what looks like the front of the house facing the rear of the lot, the Code does  
36 tell the City which is which.

37  
38 Planning Consultant Zweber stated that there are two separate issues in this situation with one  
39 being the question of what is the front yard which would relate to the setbacks, and the other issue  
40 is lot width. He stated that the front yard is the narrowest point, so for Lots 1, 2, and 3 the front  
41 yard is Peavey Place; however, the Code says the lot width is measured at the building setback and  
42 does not say front building setback. He explained that this means you would measure lot width  
43 from the rear building setback which is what the developer is currently doing. He stated that the  
44 parking code, that deals with driveways, doesn't say that a driveway has to be through the front  
45 yard. He stated that front yard really has to do with how close you can be to the road, and lot  
46 configuration and use of the lot falls more into lot width, which can be measured from the front or

1 the rear, and driveways can be accessed to public streets that do not have some other access  
2 limitation. He clarified from a Code standpoint, whether it is front yard or rear yard doesn't dictate  
3 where the driveway goes.

4  
5 Chair Parkhill stated that he thinks the developer has tried to put the best part of the house towards  
6 the most visible part of the neighborhood. He stated that he thinks there is a lot of really good stuff  
7 in this application, but it is a big decision to go from Institutional to Residential. He thinks for the  
8 right project it is an okay thing to do for the community, especially given this is infill. He explained  
9 that he did not yet think this was right project because there hasn't been enough consideration for  
10 various things such as the feeling that it is too congested, the issues with the wetland, trees, natural  
11 topography, and the idea of bring in 2,000 truck loads of fill. He stated that if there are  
12 modifications made, he would love to see the development preserve a bit more the way it is now,  
13 especially on the perimeter because he thinks that would be beneficial to all. He stated that he  
14 thinks Lot 1 is something that should be up for discussion, as well as one of the lots near the  
15 retention pond. He stated that the Commission has given Mr. Bohl a lot of feedback, and that most  
16 of the Commission feels this may be close but are not comfortable with the way it is now, and  
17 there are some things that need to be changed.

18  
19 Commissioner Sorensen noted that the current proposal has eight homes facing Peavey Lane and  
20 if this were R-1 and each lot was 40,000 square feet, there would still be eight lots lined up along  
21 Peavey Lane.

22  
23 Chair Parkhill noted that he had also written that point down because the density he is seeing is on  
24 Shoreline Drive is really what resonated with him. He stated that he thinks this is a reasonable  
25 thing for the Commission to look at because what you see along Peavey Lane is the estate lot look,  
26 and it is really what is behind them that is causing the density which may not be as visible.

27  
28 Commissioner Stockton stated that this is where she thinks the public park becomes a back yard  
29 extension to those homes which is a plus for the development but raises the question of public  
30 access. She stated that for specific feedback, she likes the rhythm that was presented, if it was  
31 consistent and there was a guarantee through the development going forward as they are built that  
32 the houses are facing in the same direction. She stated that she thinks the Commission wants to  
33 see the public use meet the 10% requirement and also be more accessible. She stated that if you  
34 are thinking about trees, it appears as though Lot 1 and the sidewalks are inhibitors and the size of  
35 the public space and its location may not be adequate. She stated that the fire access has been sort  
36 of addressed with the side road and having constraints over things like trees growing into it but  
37 thinks these are all key points for consideration.

38  
39 Commissioner Merriam stated that she would like to see less homes.

40  
41 Chair Parkhill stated that he did not think there was any way to accomplish what the City would  
42 like to see here without there being less homes.

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

1 Commissioner Merriam made a motion, seconded by Commissioner Schwalbe, to direct staff to  
2 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
3 reflecting a recommendation of denial of the requested subdivision, Comprehensive Plan  
4 amendment, Zoning Map amendment, variance for driveway setback, variance for cul-de-sac  
5 length, right-of-way, and radius for Highcroft Enclave property located at 301 Peavey Lane, for  
6 review and adoption at the next Planning Commission meeting.

7  
8 The motion carried unanimously.

9  
10 Chair Parkhill recessed the meeting at 10:15 p.m. and reconvened at 10:22 p.m.

11  
12 **AGENDA ITEM 6. Old Business Items**

13  
14 **a) Approval of Planning Commission Report and Recommendation for Changes to**  
15 **Residential and Commercial Zoning Districts**

16  
17 Assistant Planner Quarles gave an overview of the recommended changes to the residential and  
18 commercial zoning districts based on the discussion of the Commission related to Accessory  
19 Dwelling Units (ADU), and asked if the Commission wanted to discuss further the lot size  
20 minimum.

21  
22 Commissioner Stockton stated that she felt ADUs should start with 11,000 square feet as the  
23 minimum property size. She asked what the minimum size lot would have been for keeping  
24 chickens under the proposed ordinance on that, and if there should be some consideration of those  
25 two things.

26  
27 Community Development Director Goellner stated that she would have to look at that ordinance  
28 but believes for chickens it was a minimum of 10,000 square feet.

29  
30 Commissioner Stockton stated that the City has struggled with this, and spent a lot of time talking  
31 about ADUs. She stated that a chicken coop is much smaller than an ADU and thought it would  
32 make sense, as a whole, to think about that comparison.

33  
34 Commissioner Severson stated that she believes the square footage was actually larger than 10,000  
35 square feet because she is in R-2 and she would not be able to have chickens.

36  
37 Community Development Director Goellner stated that she will look and clarified that the City has  
38 not approved a chicken ordinance because the Council felt it was not enough of a priority to  
39 continue to work on, at this time.

40  
41 Commissioner Douglas stated that she definitely feels the minimum lot size for an ADU should be  
42 increased to 11,000 square feet, especially in relation to parking on the street. She stated that she  
43 feels this is important, and wants her comments to be reflected in the record.

44  
45 Commissioner Merriam asked what the rental license statement will say that is proposed to be  
46 included in the new ordinance language.

1  
2 Assistant Planner Quarles stated that it basically says that if you are going to have an ADU unit  
3 for rental, you must have a rental license, and explained that it did not add any additional weight  
4 to what is already in the Code.

5  
6 Commissioner Merriam clarified that her big concerns with ADUs was things like everyone  
7 renting out their ADU as an Airbnb.

8  
9 Assistant Planner Quarles stated that there is not a quota for rental licenses for ADUs, but asked if  
10 Community Development Director Goellner had any ideas on when the Council would once again  
11 have the short term rental discussion.

12  
13 Community Development Director Goellner stated that she would suggest that the Council  
14 consider short term rentals at the same time as they are looking at this.

15  
16 Commissioner Sorensen stated that he also supports raising the minimum lot size in the proposed  
17 ordinance amendments to 11,000 square feet.

18  
19 Community Development Director Goellner noted she had found the information on the chicken  
20 keeping ordinance, and stated the proposal was for a minimum lot size of 40,000 square feet for  
21 keeping chickens.

22  
23 Commissioner Douglas stated she feels that the City should limit the ADUs to where they are now,  
24 and grandfather those ones in and move on.

25  
26 Assistant Planner Quarles gave an overview of the recommended changes to the Commercial and  
27 Residential districts, and creation of a new C-3A district.

28  
29 Commissioner Sorensen confirmed that C-3 currently along Wayzata Boulevard would be two  
30 stories and until the corridor study is done, anything that would come in front of the Commission  
31 would have that standard before any changes were made to the Zoning Ordinance.

32  
33 Community Development Director Goellner stated that basically they would put the text in the  
34 Code, but no properties would have the C-3A zoning designation on the map.

35  
36 Assistant Planner Quarles reviewed the items staff felt were lacking consensus at the March 22,  
37 2022 meeting, and how explained how staff was proposing those be handled. She noted that staff  
38 is planning to work on a mini "Round 2" of Code clean-up and minor policy questions that they  
39 feel would benefit from input from the Planning Commission.

40  
41 Commissioner Merriam stated that she still has concerns about lots zoned R-5 along Wayzata  
42 Boulevard west of Superior Boulevard for many reasons, such as their height limitations being  
43 different. She asked if she was correct that you could not build single family in R-5 zoning.

44  
45 Community Development Director Goellner stated that this was correct.  
46



1 Commissioner Merriam asked if on those parcels there could be an exception made and written in  
2 as part of the code, ‘unless it is abutting single family residential’.

3  
4 Community Development Director Goellner stated that she thinks the best way to handle this issue  
5 would be a map amendment. She noted that what she feels Commissioner Merriam was suggesting  
6 is that those properties do not stay zoned as R-5 forever. She stated that those unique locations  
7 may not be appropriate for R-5, so it may be more of a map amendment rather than changing the  
8 text of standards for that district. She explained that she would like to do a bit more analysis to  
9 see exactly what is happening on those lots, and which could perhaps be wrapped into the corridor  
10 study.

11  
12 Commissioner Merriam stated she would like a closer look at everything west of Superior along  
13 Wayzata Boulevard. She noted that the other thing that she is observing is that with the new  
14 medical building at 1120 Wayzata Boulevard, it seems like there is not enough space between the  
15 sidewalk and the building to allow a nice landscape plan. She said she wonders if there should be  
16 more thought given to having a greater setback.

17  
18 Assistant Planner Quarles stated that would also be a good corridor study discussion on how the  
19 public realm is treated on Wayzata Boulevard, and if it is just the sidewalk.

20  
21 Commissioner Merriam stated that she was comfortable deferring that issue to the corridor study.

22  
23 There being no further discussion, Chair Parkhill asked for a motion.

24  
25 Commissioner Merriam made a motion, seconded by Commissioner Severson, to Adopt the Draft  
26 Planning Commission Report and Recommendation of changes to Residential and Commercial  
27 Zoning Districts, with a change of the minimum lot size for detached ADUs to 11,000 square feet.

28  
29 The motion carried unanimously.

30  
31 **AGENDA ITEM 7. Other Items:**

32  
33 **a) Review of Development Activities**

34  
35 Community Development Director Goellner noted that the next meeting is April 18, 2022, and  
36 there are two public hearings planned. One public hearing is regarding the Section Foreman  
37 House, and the other a proposal to rezone several parcels that are City-owned parks into a new  
38 parks and open space zoning district.

39  
40 **b) Planning Commission Meeting Schedule**

41  
42 Community Development Director Goellner noted that right now it looks like the May 2, 2022  
43 meeting will be cancelled because she will be out of town.

44  
45 **AGENDA ITEM 8. Adjournment.**

46

1 There being no further business on the agenda, Chair Parkhill asked for a motion to adjourn.

2

3 Commissioner Douglas made a motion, seconded by Commissioner Stockton, to adjourn the  
4 Planning Commission meeting.

5

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

7

8 The Planning Commission meeting was adjourned at 10:48 p.m.

9

10 Respectfully submitted,

11 Kayla Atkins Rokosz

12 *TimeSaver Off Site Secretarial, Inc.*