

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
June 18, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Plantan, Murray, Young, Buchanan, and Flannigan. Absent and Excused: Iverson and Douglas. Director of Planning and Building Jeff Thomson, City Attorney David Schelzel, and Olivia Dorow Hovland from WSB & Associates were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, seconded by Commissioner Plantan, to approve the June 18, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of June 4, 2018 Meeting Minutes

Commissioner Murray made a motion, seconded by Commissioner Plantan to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Benton Harbor – 310 Benton Ave N and 1023 Gardner St E

i. Preliminary and Final Plat Subdivision

Chair Buchanan stated the applicant has waived the 120-day period of review, and he requested a motion to continue the public hearing until the application is complete.

Commissioner Young made a motion, seconded by Commissioner Plantan, to continue the public hearing for the preliminary and final plat subdivision at 310 Benton Ave N and 1023 Gardner St E until the application is complete. The motion carried unanimously.

b.) Right-of-way Ordinance

Director of Planning and Building Jeff Thomson stated during the 2017 legislative session, the State enacted a new law amending Minnesota's Telecommunication Right-of-way User Law to clarify whether wireless providers are treated the same as other telecommunications right-of-way users under State law. The law creates a separate streamlined permitting system for placement of small wireless facilities on city-owned structures in right-of-ways. In order to be consistent with the change in State law, the City needs to amend its Right-of-way Ordinance. The City Attorney has drafted an amendment to the City Code that incorporates the changes for small wireless facilities in the City's right-of-way. There are other changes based on staff's experience with administering the current ordinance and recent applications including sidewalk cafes, trees and landscaping, encroachments, and vacation of right-of-way. The Planning Commission held a public hearing and reviewed the draft ordinance amendment on June 4, 2018. An additional standard has been added that states that all reasonable methods of screening above ground wireless facilities must be used. A new section has been added for encroachments into the City's right-of-way. The standards for sidewalk cafes within the City's right of way have been updated and the Planning Commission provided direction that the Zoning Ordinance should be updated to expand how outdoor dining patios are regulated on private property. The Planning Commission should continue the public hearing on the draft Right-of-Way Management and Zoning Ordinance amendment and direct staff to prepare a draft Report and Recommendation on the ordinance amendment for review and adoption at the next Planning Commission meeting.

Chair Buchanan asked if there were any provisions for awnings outside of size.

Mr. Thomson stated the City does not have provisions regarding the appearance of awnings in this ordinance. He stated the City's sign ordinance and design standards underlie awnings.

Chair Buchanan continued the public hearing at 7:08 p.m.

There being no one wishing to address the Commission, Chair Buchanan closed the public hearing at 7:09 p.m.

Commissioner Young made a motion, seconded by Commissioner Murray, to direct staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the draft ordinance as presented. The motion carried unanimously.

c.) Albers Addition – 224 Broadway Ave N

i. Variance

Director of Planning and Building Jeff Thomson stated the applicant and property owner, Steve Albers, has submitted a development application for the property at 224 Broadway Ave N. The applicant is proposing to construct a two-story, 646 square-foot addition to the existing single-family home and is requesting a variance. The proposed addition would be constructed at the rear of the house, in place of an existing patio. The addition would include a family room, bathrooms, and master suite. The property also contains a driveway running along the southern property line and a garage in the rear of the home. The northern wall of the addition would be parallel with the

1 existing northern wall of the home. The existing home is at a 3.3-foot setback from the northern
2 property line and the addition would also be at a 3.3-foot setback from the northern property line.

3
4 Commissioner Flannigan asked if the roof was overhanging the property line.

5
6 Mr. Thomson stated the road is about 2-feet from the property line.

7
8 Applicant, Mr. Steve Albers, 224 Broadway Ave N, stated the lot size is one of the restrictions
9 they have and if they were to build within the 10-foot setback they would not be able to access the
10 garage. He stated the addition would match the character of the new homes that have been built
11 in the area. The neighbors that he has talked to are in support of the project.

12
13 Chair Buchanan opened the public hearing at 7:18 p.m.

14
15 There being no one wishing to address the Commission, Chair Buchanan closed the public hearing
16 at 7:19 p.m.

17
18 Commissioner Young stated the addition would be in line with the existing structure and the
19 property is currently non-conforming.

20
21 Commissioner Plantan stated the adjacent properties also have non-conforming setbacks and she
22 would support the application.

23
24 Commissioner Flannigan stated he understands the rationale for the project but the variance request
25 is difficult to overcome. Adding a two-story building that close to the neighbor to the north will
26 affect their privacy. The Commission needs to consider the impact the addition would have on the
27 neighbors. He questioned why the garage was positioned the way it was because it meets the
28 setbacks. He would not support the application.

29
30 Chair Buchanan stated the request is reasonable but not permitted by this ordinance, the plight of
31 the landowner is due to circumstances unique to the property and not created by the landowner,
32 and the variance, if granted, will not alter the essential character of the locality. He would support
33 the application.

34
35 Commissioner Young made a motion, seconded by Commissioner Plantan, to direct staff to
36 prepare a draft Planning Commission Report and Recommendation recommending approval of the
37 development application for 224 Broadway Ave V for a setback variance. The motion carried: 4-
38 ayes and 1-nay (Flannigan).

39
40 **d.) Broadway Place – 326 and 332 Broadway Ave S**
41 **i. PUD Amendment, Design Review**
42

43 Director of Planning and Building Jeff Thomson stated the applicant, Beltz Enterprises, LLC, and
44 the property owner, MJ Mail Center, LLC, have submitted a development application to modify
45 the previously approved redevelopment of the Gold Mine and Mail Center properties at 326 and
46 332 Broadway Ave S. The proposed modifications include connecting the previously approved

1 three-story mixed-use building to the existing building on site. The proposed addition would
2 require vacating the public alley located between the buildings. The applicant would request the
3 alley vacation from the City Council and no action for the alley vacation is required from the
4 Planning Commission. As part of the submitted development application the applicant is
5 requesting approval an amendment to the previously approved PUD to allow the connection of the
6 two buildings and design review of the building. The applicant is requesting deviations from the
7 design standards as the second-story would no longer be recessed except at the northwest corner.
8 He stated the application had been approved for retail on the first floor. The applicant does intend
9 to have retail on the first floor but would be different than what is outlined in the ordinance as
10 retail. The applicant is looking to add retail services/commercial. The efficiencies of combining
11 the two buildings would include the use of the existing elevators and corridors for access to the
12 upper levels of the new building. The proposed project would have the same building height and
13 impervious surface as the approved project.

14
15 Applicant's Representative, Mr. David Shea, Shea Inc., 10 South 8th Street, Minneapolis, stated
16 the potential clients are excited to have the two buildings connected. The entrance to the new
17 building would be through the existing building and the only changes to the exterior is the
18 extension of the building. There would be more retail space added to the building with the
19 proposal.

20
21 Commissioner Flannigan asked if the access point for the mechanical and trash would be marked
22 as no parking.

23
24 Mr. Shea stated this area would be marked appropriately.

25
26 Chair Buchanan opened the public hearing at 7:41 p.m.

27
28 Resident, Kathleen Kasprick, 722 Widsten Circle, stated her view was in 2016 the City Council
29 approved the variances in order to get Mr. Beltz to support the Mill Street parking ramp project.
30 She does not want to see Mr. Beltz include a dog groomer in the retail space. She clarified her
31 problem with the project is the voters and taxpayers stated they do not want the electrical on the
32 roofs. She has trees dying on her property due to the Mill Street ramp project and she has had to
33 deal with the noise and dirt from this project and she does not to go through it again with another
34 project.

35
36 Resident, Ms. Stacy Carisch, 681 E Lake St, stated she would like to see the roof of the building
37 and asked if the architecture for this had changed. She expressed concerns about parking and
38 people continuing to use the Carisch ramp to meet the public parking needs. The current sidewalk
39 is not user friendly.

40
41 There being no one further wishing to address the Commission, Chair Buchanan closed the public
42 hearing at 7:49 p.m.

43
44 Commissioner Flanagan asked for additional information on the parking and what the view of the
45 roof looked like.

46

1 Mr. Thomson stated the conversation in 2016 had been around how the City would be able to
2 manage all of the construction in this area at one time with this project and the Mill Street ramp
3 project. The impacts of the construction would have been greater if the two projects had occurred
4 at the same time. The sidewalk on the south side of Mill Street had also been discussed in 2016.
5 The City had decided not to build this portion of the sidewalk at the time of the Mill Street ramp
6 project because it would have been torn up with this project. The City does have a plan to make
7 this section of sidewalk more user friendly. He clarified the mechanical equipment on the rooftop
8 would be located below the parapet and would be screened from view from the street.

9
10 Commissioner Murray clarified the fee in lieu of parking would be more at this time because of
11 the increased uses in the building.

12
13 Mr. Thomson stated the Mill Street ramp had been funded independently and did not include any
14 fees from developments. The City created a Mobility District as part of the Mill Street ramp project
15 in order to allow for shared parking in the downtown area. The payment in lieu of parking is for
16 those businesses that are utilizing the parking provided by the City to meet those parking
17 requirements.

18
19 Ms. Carisch stated that when her family wanted to do a similar project they had to provide parking
20 and this had been used for public parking for several years. The City is now asking developers to
21 pay for this ramp and it seems short sighted of the City. The ramp is not being utilized as it should
22 be. The City needs to look beyond what this project requires.

23
24 Commissioner Plantan stated the building design was good and the connection of the two buildings
25 is done very well. She liked the additional improvements to the Mill Street side of the project.

26
27 Commissioner Young stated he would support the amendments. Connecting the two buildings
28 alleviates the need for additional elevator shafts and added building height. He had concerns about
29 the change from retail to retail, service/commercial but it has been pointed out that there is plenty
30 of parking in this area.

31
32 Commissioner Flannigan stated connecting the buildings enhances the aesthetics of the project.
33 He is in favor of this project and the proposed amendments.

34
35 Commissioner Flannigan made a motion, seconded by Commissioner Young, to direct staff to
36 prepare a draft Planning Commission Report and Recommendation recommending approval of the
37 amendment to the previously approved PUD to allow the connection of the two buildings and
38 approval of the design review for 326 and 332 Broadway Ave S. The motion carried unanimously.

39
40 **e.) Wayzata Bay Car Wash – 143 Lake St E**

41 **i. Interim Use Permit, Shoreland Impact Plan/Conditional Use Permit**
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43

44 Director of Planning and Building Jeff Thomson stated the applicant and property owners, Bruce
45 and Colleen Lea, have submitted a development application for the property at 143 Lake St E. The
46 applicant is proposing to construct an approximately 762 square-foot addition to the existing car

1 wash. This addition would house more equipment. No additional car wash bays would be added.
2 The addition would bring the wall of the car wash to within 2-3/8 inches of the west property line.
3 The development application requests approval of an Interim Use Permit and a conditional use
4 permit for a shoreland impact plan. The applicant has submitted a survey indicating one significant
5 tree on the site would not be removed for the building expansion project. However, aerial
6 photography shows a row of coniferous trees along the west side of the car wash that are not shown
7 on the survey. It is not clear if these trees would be impacted by the project or if they are
8 significant. Provisions of the Shoreland Overlay District stipulate that impervious coverage may
9 be allowed to exceed 75% of the total lot area when structures and practices are in place for the
10 treatment of Stormwater runoff and a shoreland impact plan/conditional use permit is approved.
11 This site is an existing car wash, which was at more than 75% impervious coverage before the
12 proposed addition.

13
14 Chair Buchanan asked if the existing car wash was operating under an Interim Use Permit.

15
16 Mr. Thomson stated it was not operating under an Interim Use Permit because this requirement
17 was changed after the car wash had been built. When the ordinance changed the car wash became
18 a non-conforming use and is covered by those regulations and standards. The expansion would be
19 subject to the Interim Use Permit standards.

20
21 Applicant, Mr. Bruce Lea, 143 Lake St E, stated the building had been built 50-years ago and they
22 have outgrown the space. The trees that are being removed are trees they planted.

23
24 Commissioner Plantan asked why the expansion was needed.

25
26 Mr. Lea stated they have a machine for washing towels and because of where it is located it is
27 constantly getting wet which affects the machine and replacing these machines is costly and the
28 power washing unit is at the other end of the building from where it is needed and because of the
29 connections required to bring the water where it needs to be there is not less pressure and the
30 machines are not operating as efficiently as they should be.

31
32 Commissioner Flannigan asked if there would be a change in the amount of noise that is created.

33
34 Mr. Lea stated they would not be adding equipment, using more water, or using more electricity.
35 They are trying to reorganize the building to be more efficient and cost effective.

36
37 Chair Buchanan asked if the applicant had considered other locations on the property that were not
38 as close to the property line.

39
40 Mr. Lea stated they had looked at other areas and he has looked at this for several years. There
41 are really no other locations on the property that would work for this equipment.

42
43 Chair Buchanan opened the public hearing at 8:22 p.m.

44
45 There being no one wishing to address the Commission, Chair Buchanan closed the public hearing
46 at 8:23 p.m.

1
2 Commissioner Young stated he would support the application.
3

4 Commissioner Flannigan stated he would support the application. He recommended tying the
5 Interim Use Permit to the property use as a car wash and if it no longer operated as a car wash the
6 Interim Use Permit would expire.
7

8 City Attorney Schelzel explained the Interim Use Permit requested is for the expansion of the car
9 wash. The current car wash is a legal non-conforming use for the property. The City can set a
10 limit on how long the Interim Use Permit is good for based on the conditions of the permit being
11 met.
12

13 Commissioner Young stated he would support the Interim Use Permit being valid as long as the
14 property operated as a car wash and if there is a change in ownership then the City would be able
15 to review this again.
16

17 Mr. Lea stated they would not be able to sell the property as a car wash and he would expect that
18 if the property were sold to someone outside of the family it would be redeveloped. They expected
19 to operate the business as a car wash as long as it is profitable. If there is a possibility that they
20 would have to take down this addition is 10-20 years then they would not likely proceed. The
21 addition is not adding capacity but rather giving them the opportunity to provide better service.
22 He would like to see the sunset part of the application removed.
23

24 Chair Buchanan stated the consensus of the Commission was to have the term of the Interim Use
25 Permit last as long as the property is operating as a car wash.
26

27 Commissioner Young made a motion, seconded by Commissioner Plantan, to direct staff to
28 prepare a draft Planning Commission Report and Recommendation recommending (i) approval of
29 the Interim Use Permit, with a sunset date specifying the permit is valid as long as the property is
30 operated as a car wash, and (ii) approval of the CUP/Shoreland Impact Plan for 143 Lake St E.
31

32 City Attorney Schelzel stated it might difficult to specify the sunset date as being tied to the land
33 use. He stated staff would look into this and determine if this was possible or if it should be tied
34 to the ownership of the property.
35

36 Chair Buchanan called the motion to a vote. The motion carried unanimously.
37
38

39 **AGENDA ITEM 6. Other Items:**
40

41 **a.) Review of Development Activities**
42

43 Director of Planning and Building Jeff Thomson stated the next meeting would include three
44 new development applications including a new house with variance on Bushaway Road, a
45 boathouse expansion on Bushaway Rd, and a fence application on Byron Avenue. He stated the
46 June 5, 2018 City Council meeting included approval of the Benedict's patio, the final plat for

1 350 Gardner St was approved, vacation of right-of-way at 649 Ferndale Road W was not
2 approved. At the June 19 meeting, the City Council will be making decisions on the Lake Effect
3 design, next steps for the Superior Blvd and Wayzata Blvd intersection and the Baja Haus
4 application.

5
6 **b.) Next Meeting is July 16, 2018**

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8
9 **AGENDA ITEM 7. Adjournment.**

10
11 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.

12
13 Commissioner flannigan made a motion, seconded by Commissioner Plantan to adjourn the
14 Planning Commission meeting. The motion carried unanimously.

15
16 The Planning Commission meeting was adjourned at 8:43 p.m.

17
18 Respectfully submitted,

19 Tina Borg

20 *TimeSaver Off Site Secretarial, Inc.*