

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 20 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, Buchanan, Iverson, Flannigan and Douglas. Absent: None. Director of Planning and Building Jeff Thomson, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Chair Buchanan asked for a motion to approve the agenda for the meeting.

Commissioner Flannigan made a motion, seconded by Commissioner Douglas to approve the August 20, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of July 30, 2018 Meeting Minutes

Chair Buchanan noted that staff had provided an updated draft of the July 30 Planning Commission meeting minutes, making some minor corrections and clarifications, and asked for a motion to approve these amended minutes.

Commissioner Douglas made a motion, seconded by Commissioner Plantan to approve the amended minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Lowell Zitzloff – 305 and 309 Lake St E

- i. Design Review, variance, Shoreland Impact Plan/Conditional Use Permit and Preliminary and Final Plat Subdivision**

1 Chair Buchanan stated the applicant, Lowell Zitzloff, and the property owners, Swans Corner LLC
2 and Jeffway LLC, had requested to be removed from the August 20, 2018 Planning Commission
3 agenda. The applicant will contact City staff to reschedule the public hearing.
4

5 Commissioner Iverson moved, seconded by Commissioner Flannigan, to move this item off the
6 agenda and table consideration of the development application for 305 and 309 Lake St E until a
7 future meeting. The motion carried unanimously.
8

9 Mr. Thomson noted that a public hearing on the application would be moved to that future date
10 and re-noticed.
11

12 **b.) Vanderheyden Fence – 105 Walker Ave N**
13 **i. Conditional Use Permit**
14

15 Director of Planning and Building Jeff Thomson stated the applicant and property owners, Tom
16 and Deb Vanderheyden, are requesting approval of a conditional use permit to allow installation
17 on an 8-foot solid fence on their property at 105 Walker Ave N. The fence would be located along
18 Wayzata Blvd. Within the side yard, the zoning ordinance allows fences that are a maximum of
19 six feet in height and no more than 50% solid matter. Within the rear yard, the zoning ordinance
20 allows fences that are a maximum of six feet in height and up to 100% solid. The proposed fence
21 would not meet these requirements as it is eight feet in height and 100% solid within the side yard.
22 Fences consisting of greater than 50% solid matter, not exceeding 8-feet, are allowed with a
23 conditional use permit.
24

25 Commissioner Flannigan asked how high the bottom of the fence would be from Wayzata Blvd.
26

27 Mr. Thomson stated he does not have the exact height of the topography changes from Wayzata
28 Blvd to the fence location.
29

30 Applicant, Mr. Tom Vanderheyden, 105 Walker Avenue N, stated the purpose of the fence is 100%
31 for sound protection. Mr. Vanderheyden stated that they are trying to provide a fence that is not
32 visible, and they are landscaping on both sides of the fence with vegetation greater in height than
33 the fence.
34

35 Commissioner Iverson asked why 8-feet and not 6-feet.
36

37 Mr. Vanderheyden explained they were trying to get a 6-foot of fence protection factoring in the
38 topography changes and in order to achieve this, the fence needs to be 8-feet in some places.
39

40 Chair Buchanan opened the public hearing at 7:14 p.m.
41

42 There being no member of the public wishing to address the Commission on this application, Chair
43 Buchanan closed the public hearing at 7:15 p.m.
44

45 Commissioner Plantan stated that she would not support an 8-foot fence and that with the proposed
46 landscaping, a 6-foot fence would suffice.

1
2 Commissioner Douglas stated she would agree with Commissioner Plantan and does not want to
3 start a trend of 8-foot fences in Wayzata.

4
5 Commissioner Murray stated he would agree and does not want to see a fence that would be 10-
6 feet above grade.

7
8 Commissioner Iverson stated she would not support a 100% solid 8-foot fence.

9
10 Commissioner Flannigan stated this is an odd lot that is next to a busy road. He understands the
11 need for the fence, and would like to see a rendering of what the fence would look like with the
12 landscaping from street level. He suggested he would not support the current application, but
13 would consider a 6-foot fence. He said he would like to see renderings of the fence and what it
14 would look like from Wayzata Blvd.

15
16 Chair Buchanan stated he would like to see a rendering of the proposed fence with the landscaping
17 being proposed, which would screen the fence.

18
19 City Attorney David Schelzel stated the Commission can recommend conditions of approval of
20 the CUP, including that the landscaping plan must be implemented as presented in the Application
21 and maintained by the property owners. The CUP would go with the property, and the conditions
22 of its approval would be applicable in the future. If the landscaping was a condition of approval
23 and not maintained, the City could revoke the approval of the fence.

24
25 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
26 for a motion on the Application.

27
28 Commissioner Flannigan made a motion to table the application to allow the applicant to provide
29 additional details on the landscaping and renderings.

30
31 There being no second to the motion, the motion failed.

32
33 Mr. Vanderheyden stated he would like clarity on what the Commission is looking for.

34
35 Commissioner Iverson stated there are not 6-foot fences on Wayzata Blvd, and this could be setting
36 a precedence for 6-foot fences in this area.

37
38 Mr. Thomson stated that a 6-foot fence is allowed under the Zoning Ordinance, and would not
39 require a conditional use permit if it met the 50% openness requirement for the side yard.

40
41 Commissioner Murray made a motion, seconded by Commissioner Iverson, to table the application
42 for a CUP for a fence at 105 Walker Ave N to allow the applicant to consider amending the
43 application based on the Commission's discussions on a 6-foot fence, and to direct staff to prepare
44 a draft Report and Recommendation with appropriate findings recommending approval of an
45 amended application for a 6-foot fence with full opacity and a condition that the landscaping be
46 provided and maintained. The motion carried unanimously.

c.) Ventana Condos – 253 Lake St E
i. PUD, General Plan, Design Review

Director of Planning and Building Jeff Thomson stated the applicant, Weber Architects & Planners, and the property owner, Ventana, LLC, have submitted a development application to redevelop the property at 253 Lake ST E. On December 19, 2017 the City Council approved the rezoning, PUD concept plan, building height variance and shoreland impact plan/conditional use permit for the redevelopment at 253 Lake St E. The proposal includes demolition of the existing building and construction of a 3-story building with 16 residential condos with one level of underground parking. As part of the approved PUD concept plan, the applicant proposed donating the land behind the building to the City for use as public parking. On July 31, 2018, the City Council approved the development application to subdivide the property into three separate lots to facilitate the donation of the back of the property to the City. As part of the current development application, the applicant is requesting approval of a PUD general plan of development, and design review and approval. The proposed project requests one deviation from the design standards for the front door location. The designs standards state that the main entrance to the building must face the primary street at sidewalk grade. The proposed plans have the main entrance at sidewalk level, but on the side of the building and not on Lake Street. The primary reason for the entrance location is 1) the residential uses on the first floor, and 2) the width of the building and 3) the functionality of the first level floor plan. The final height of the building has been reduced from the approved 40-feet to 39.1-feet.

Commissioner Iverson clarified, and Mr. Thomson confirmed, that the air conditioning units would be in the underground parking level.

Commissioner Murray asked if the City would be working with the applicant to coordinate the construction of the public parking lot on the back of the property.

Mr. Thomson stated the City is working with the applicant, along with the neighboring property owner, to coordinate the construction. The terms have not been worked out yet and will be dependent on the applicant's TIF applications. The intention is to have the public parking constructed at the same time the project is constructed.

Commissioner Iverson asked if there had been any environmental studies done on the amount of fill that would be brought to the site for the parking.

Mr. Thomson explained the City has a preliminary layout for the parking lot and the City's engineering consultants have been engaged to start the permitting process to fill the wetland. The City has banked wetland credits through other projects in the City and these credits can be used for public projects that impact wetlands.

Chair Buchanan asked if staff would approve the landscape plan separately.

Mr. Thomson stated the applicant would do some private landscaping, but there would not be a lot of property remaining for landscaping once the building is constructed. The only space available

1 would be between the building and the sidewalk. The applicant has not finalized the landscaping
2 that would occur in this area. Staff would review and approve the landscaping as part of the
3 building permit process.

4
5 Commissioner Douglas asked if there would be landscaping along the path that goes from the
6 street to the parking lot.

7
8 Applicant's representative, Mr. Neal Weber, Weber Architects & Planners, clarified the three lots
9 that were created with Lot 1 for the building, Lot 2 as a piece about 30-feet deep from the back,
10 and Lot 3 as the remainder. As it currently sits, the land donation to the City would be Lot 3. The
11 reason for creating the additional Lot 2 is because the Applicant's had to have an easement
12 agreement with Wayzata Blu for access to the parking garage. Once the other projects in the area
13 are approved they could donate Lot 2 to the City because they would have a different access for
14 the parking garage. The concept plan for this project and the Hughes project have changed because
15 the Hughes project previously had access on the other side of the building. Through discussions
16 it had been determined that it would be best if the access for the properties were located between
17 these two projects. This would allow for both pedestrian and vehicle access on the one side and
18 separation of the buildings. The trellis from Lake Street was designed to emphasis that the entrance
19 to the building is on the side of the building. They would work with the City and Mr. Hughes to
20 determine the best way to landscape and light the sidewalk area and the area in front of the building.
21 He stated the building is stepped back on the front, east and west sides and they are including as
22 much glass as possible for each unit.

23
24 Commissioner Douglas asked if there was a walkway on the east side of the building by Wayzata
25 Blu.

26
27 Mr. Weber stated there is no walkway between the project and Wayzata Blu on the Applicant's
28 property. Wayzata Blu has a walkway on their property from their parking area for their employees
29 and clients.

30
31 Chair Buchanan opened the public hearing at 8:01 p.m.

32
33 There being no member of the public wishing to address the Commission on this application, Chair
34 Buchanan closed the public hearing at 8:02 p.m.

35
36 Commissioner Flannigan stated he would support the requested Design Standards deviation for
37 the entry door on the side of the building.

38
39 Commissioner Iverson suggested including colors in the landscape.

40
41 Mr. Weber stated there was intention to coordinate with the neighboring properties for
42 landscaping.

43
44 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
45 for a motion on the Application.

46

1 Commissioner Murray made a motion, seconded by Commissioner Douglas, to direct staff to
2 prepare a draft Planning Commission Report and Recommendation with appropriate findings to
3 recommend approval of the PUD General Plan and Design with a deviation for the entry door on
4 the side of the building, for Ventana Condos at 253 Lake St E. The motion carried unanimously.
5

6 **d.) Hughes Redevelopment – 235 and 239 Lake St E**

7 **i. PUD General Plan, Design Review, Variance, Shoreland Impact**
8 **Plan/Conditional Use Permit**
9

10 Director of Planning and Building Jeff Thomson stated the applicant, Pat Hughes and Tom Dillon,
11 and the property owner, Melvin's 235 LLC, have submitted a development application to
12 redevelop the properties at 235 and 239 Lake St E. The applicant is proposing to demolish the
13 existing office building and construct a 3-story, 37,879 square foot office building. The
14 development application is the second phase for the PUD rezoning, and requests approval of the
15 PUD general plan, design review, building height variance, and a conditional use permit/shoreland
16 impact plan for the building height. On February 20, 2018 the City Council approved the rezoning
17 of the subject property to PUD/Planned Unit Development along with the PUD concept plan. The
18 current application is similar to the approved concept plan with the following modifications: the
19 access drive has been moved from the west side of the building to the east between 235 and 253
20 Lake St E, the building has been increased in size from 35,181 to 37,879 square feet, and the plans
21 include a lower level parking garage that would include 29 enclosed parking stalls, and would
22 increase the height of the building above the 35-foot height requirement. The off-street parking
23 for the building would be provided by a shared surface parking lot on the back of the property.
24 The project originally requested deviations from the design standards for Lake Street façade
25 transparency for less than 50% of the ground level façade being transparent, the proposed plans
26 meet the material requirements for the south/Lake St and east elevations, but the use and amount
27 of fiber cement board on the west and north sides of the building exceeds 10%. The design
28 standards state that continuous sidewalks at least 12-feet in width must be provided along Lake
29 Street. The proposed plans include a 6-foot sidewalk on Lake Street. In addition, the design
30 standards require streetscaping elements including lighting, benches, and boulevard trees that are
31 not included in the proposed plans. The design standards state that all building façade lighting
32 must be projected downwards. The proposed plans include up/down lighting fixtures on the east,
33 north, and west elevations. He clarified that the applicant had provided additional information
34 regarding the design deviations requested and based on the updated plans they are requesting a
35 design deviation for the exterior building materials. According to the design standards, 90% of
36 non-glass surfaces of each elevation must be brick, stone, cast stone, wood, or stucco. The
37 applicant is proposing fiber cement in excess of 10% on the west and north elevations. The
38 applicant is requesting a variance for the building height. The proposed building would be 3-
39 stories with an overall height of 39.7-feet, as measured from grade to the top of the parapet/coping.
40 The proposed building also includes a basement level for underground parking, which would
41 exceed 6.3-feet above average grade level because of the high water table on the site. The zoning
42 ordinance states that a basement level can extend up to 6-feet above grade before it is considered
43 an additional story. Therefore, as defined by the zoning ordinance, the proposed building is 3-
44 story with a basement level and the maximum height in the PUD district is 35-feet or 3 stories,
45 whichever is less and the Shoreland Overlay district states the minimum building structure height
46 for either lake classification shall follow the individual district requirements of the base zoning

1 districts but shall not exceed 35-feet. Building heights over 35-feet may be allowed through
2 approval of a shoreland impact plan/conditional use permit. The proposed building includes 29
3 enclosed parking spaces and the balance of the parking would be provided in the surface parking
4 lot to the north of the building, which is shared with the public parking behind the building. The
5 City is the applicant for the public parking lot and an application will be before the Commission
6 for this once the land has been acquired. This parking lot is part of the City's strategic planning
7 and the City is looking to use the tax increment received to pay for the construction. The final
8 details of the public parking would be worked out with the property owners through a development
9 agreement.

10
11 Commissioner Flannigan asked how the applicant increased the sidewalk size from 6-foot to 12-
12 foot.

13
14 Mr. Thomson stated there is enough room in the right-of-way to allow for the 12-foot sidewalk
15 without moving the building.

16
17 Applicant's representative, Mr. Tom Dillon, 229 Minnetonka Ave S, Wayzata, clarified they had
18 worked with staff to reduce the number of design standard deviations they were requesting as part
19 of the application. He explained having 29 underground parking stalls would benefit the City's
20 long-term goal of providing more public parking behind the building, as well as the marketability
21 of the office space. They are working on submitting an additional application to have the property
22 replatted to allow for the property to be divided so they can provide the necessary land to the City
23 for the public parking noted. He stated the project would redevelop one of the blighted properties
24 on Lake Street and enhance the beautification of this area. He explained the request for a height
25 variance was due to the ground soils and water table on this property. The building itself has been
26 compressed as much as possible to get to the requested 39.7-feet. If they can reduce this more
27 through the design process they would.

28
29 Applicant's Architect, Mr. Brian Gadiant, Momentum Design Group, 765 N Hampden Ave #180,
30 St. Paul, clarified the fiber cement design standard deviation they are requesting is for the east
31 elevation only. Currently they are at 12%, which is 2% more than the maximum allowed. They
32 have been able to meet the requirements for the other elevations. He explained the height of the
33 building's parapet reached the maximum requested height of 39.7-feet in a couple of areas, but
34 otherwise it is around 39-feet. The areas that are marked as masonry in the drawings will be stone,
35 and they are working through the details of the type of stone they would be using.

36
37 Applicant, Mr. Pat Hughes, 235 Lake St E, stated he is excited to move forward with the project.

38
39 Chair Buchanan opened the public hearing at 8:33 p.m.

40
41 Mr. Lowell Zitzloff, 305 Lake St E, stated he has concerns about traffic from Barry Avenue. He
42 has been working with David Carlson, developer of Wayzata Blu. There are 85 parking stalls
43 controlled by Rick Born and not the City. He has been working with David to allow them to use
44 his parking. He stated the size of a building should come down to the amount of parking they are
45 able to have. His concern is parking, and this is critical. He stated the applicants can meet the
46 height requirements, it would just be more costly for them. He stated since the project did not

1 have near enough parking, they should be sure they are able to accommodate the parking needs
2 with the parking lot, and that Mr. Born is included in any discussions that involved the allocated
3 85 parking stalls.

4
5 There being no other member of the public wishing to address the Commission on the Application,
6 Chair Buchanan closed the public hearing at 8:37 p.m.

7
8 Commissioner Douglas stated she supported the design overall and the exterior material design
9 standard deviation. She would like to see landscaping done along the driveway so that the sidewalk
10 is separated from the vehicle access.

11
12 Commissioner Plantan stated she would like to see the landscape plan, and she would support the
13 requested design standard deviation.

14
15 Commissioner Iverson expressed concerns on the parking and believes the City would be able to
16 work this out with the property owners.

17
18 Commissioner Flannigan stated he would support the variance request and the design standard
19 deviation.

20
21 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
22 for a motion on the Application.

23
24 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to direct staff to
25 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
26 recommending approval of the PUD General Plan of Development Review, the Design with the
27 requested exterior materials deviation, the height variance for 39.7-feet, and the Shoreland Impact
28 Plan/Conditional Use Permit for the building height, at 235 and 253 Lake St E. The motion carried
29 unanimously.

30
31
32 **AGENDA ITEM 6. Other Items:**

33
34 **a.) July 31st City Council Meeting Report – Commissioner Iverson**

35
36 Commissioner Iverson reported on the July 31st City Council meeting. She stated Becky Malone,
37 who has retired from her position at the City, was recognized. She stated a neighbor to the Pillar
38 Homes project made a presentation to the City expressing concerns about the noise ordinance. The
39 City Manager and Mr. Thomson met with the Developer and they have come to a resolution. She
40 stated she had also spoke at the meeting expressing concerns about enforcement of City
41 Ordinances. There was also a petition signed by over 70 people to change the noise ordinance to
42 allow workers to work from 7 am to 6 pm Monday to Friday, 7 am to 3 pm on Saturday and no
43 construction work allowed on Sunday. The City Council did not move forward with the petition
44 requests but she would continue to push this item. Mediacom presented their customer service
45 report to the City.

1 Director of Planning and Building Jeff Thomson stated the variance for the addition at 224
2 Broadway, the Right-of-Way Ordinance, and the two right of way vacation requests that were
3 reviewed by the Planning Commission were also approved at the meeting.
4

5 **b.) August 9th City Council Meeting Report – Commissioner Murray**
6

7 Commissioner Murray reported on the August 9th City Council meeting. He stated the variance
8 requests for 405 Bushaway and 635 Bushaway were approved. There was discussion on the citizen
9 proposed striping test for the Lake Street project, which had originally been turned down by the
10 City but there were now private parties interested in paying the cost. There was also the first
11 reading of the City Code of Ordinances, and the approval of Resolution for Municipal Fees, Right-
12 of-Way and Telecommunications ordinance updates.
13

14 Director of Planning and Building Jeff Thomson stated the City Council did not approve the
15 temporary striping proposal for Lake Street. He stated the City is moving all of the City
16 Ordinances and codes to an electronic format as part of the recodification of the City Code of
17 Ordinances.
18

19 City Attorney Schelzel noted for the Commission that the numbering in the Code would be a little
20 different, particularly the chapters for the subdivision ordinance and zoning ordinance.
21

22 **c.) Review of Development Activities**
23

24 Director of Planning and Building Jeff Thomson stated the Enclave fence CUP application is
25 scheduled to be back on the next agenda.
26

27 **d.) Next Meeting - September 5, 2018**
28

29 Director of Planning and Building Jeff Thomson stated the next Planning Commissioner meeting
30 is scheduled for September 5, 2018.
31

32 **AGENDA ITEM 7. Adjournment.**
33

34 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.
35
36

37 Commissioner Flannigan made a motion, seconded by Commissioner Plantan, to adjourn the
38 Planning Commission meeting. The motion carried unanimously.
39

40 The Planning Commission meeting was adjourned at 8:51 p.m.
41

42 Respectfully submitted,
43

44 Tina Borg

TimeSaver Off Site Secretarial, Inc.