

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
OCTOBER 1, 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, Buchanan, Iverson, and Douglas. Absent: Murray and Flannigan. 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 Douglas made a motion, seconded by Commissioner Iverson, to approve the October 1, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of September 17, 2018 Meeting Minutes

Chair Buchanan read the items on the consent agenda and asked if any Commission wanted to pull any item for further discussion. Hearing no such request, he asked for a motion to approve the Consent Agenda as presented.

Commissioner Douglas 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.) Zitzloff Redevelopment – 305 and 309 Lake St E

i. Design Review, Variances, Shoreland Impact Plans, Conditional Use Permits, and Preliminary and Final Plat Subdivision

1 Director of Planning and Building Jeff Thomson stated the applicant, Lowell Zitzloff, and the
2 property owner, Swans Corner, LLC, have submitted a development application to redevelop the
3 properties at 305 and 309 Lake St E. The applicant is proposing to demolish the existing building
4 on the site, and construct a new 3-story mixed-use building. As part of the submitted development
5 application, the applicant is requesting approval of the design, a height variance, third story setback
6 variance, Shoreland Impact Plan/Conditional Use Permit for the building height, Shoreland Impact
7 Plan/Conditional Use Permit for impervious surface, Joint Parking Conditional Use Permit, and
8 Preliminary and Final Plat Subdivision. The first floor of the building would include retail and
9 service commercial uses, as well as interior parking. The second and third floor would include
10 office uses. The proposed building includes one level of underground parking. The building
11 would be internally connected to the existing adjacent 315 Lake Street building, but would be a
12 separate building on a separate parcel of land. The underground and first floor parking garages
13 would be connected to provide for a common and shared parking area, and the internal hallways
14 of the second and third levels would also be connected.

15
16 Mr. Thomson explained that the applicant has submitted two plans as part of the Application: a
17 proposed plan that includes a fourth level/roof-top on the proposed building, and an alternative
18 plan that would not include the fourth level and related features. The proposed plan includes a
19 rooftop patio and partial fourth floor to provide elevator and staircase access to the rooftop. This
20 plan requires approval of a variance from the C-4 building height requirement and a shoreland
21 impact plan/conditional use permit from the shoreland overlay district height requirements. The
22 alternative plan eliminates the rooftop patio and the fourth story penthouse. This plan includes a
23 5-foot tall elevator overrun, as permitted by the zoning ordinance. This alternative would comply
24 with the C-4 and shoreland district height requirements and eliminate the need for a height variance
25 and a shoreland impact plan/conditional use permit for building height. Under either plan, the
26 proposed project does not meet three of the design standards and requires the following design
27 deviations: 1) second story building recession, 2) Lake St ground level transparency, and 3) Barry
28 Ave sidewalk width. The proposed building includes 54 enclosed parking spaces within the first
29 floor and underground parking garage. The applicant, who also owns the office building at 319
30 Barry Ave S, is requesting approval of a joint parking facilities conditional use permit to utilize
31 surplus parking at the 319 Barry Ave S property to accommodate the additional parking
32 requirements for the proposed project.

33
34 Commissioner Douglas asked if the shared parking would be on the north portion of the property,
35 or if it would include the internal parking on the south side of the building.

36
37 Commissioner Iverson asked why there was an excess of parking on the 319 property.

38
39 Mr. Thomson stated the City's parking requirements were reduced in 2015, and when the building
40 was originally constructed, they included excess parking to allow for flexibility in the building use
41 for this property and the surrounding properties owned by the applicant.

42
43 Chair Iverson asked if the height variance for the partial fourth floor was for 14-feet as presented
44 or 13-feet as shown in the building plans. She also asked what the 9-foot 6-inch well house was.

45
46 Mr. Thomson stated the height variance being requested would be 13-feet.

1
2 Chair Buchanan asked what the second floor recession was for the Five Swans building, and what
3 the floor area ratio and transparency for the first floor was for that building.
4

5 Mr. Thomson stated he did not have any information available at this time on the Five Swans
6 building. The project proposed in 2008 for this property had been a PUD, and there had not been
7 floor area ratio requirements. He clarified staff could look at the surrounding properties and bring
8 this information to the Commission for further review.
9

10 Applicant's representative, Darrin Schmitt, Bruce W Schmitt & Associates, 320 Manitoba Ave,
11 stated the parking ramp for the 319 building was added because the project would have been 7
12 parking stalls short at that time. The parking ramp resulted in excess stalls at that time. Using the
13 current parking requirement calculations, they have even more excess parking. The 315 building
14 second floor recess is on the corner of Lake and Manitoba, and this meets the setback requirement.
15 The parking lot had not been included in the floor area ratio in the 2008 proposed project. If they
16 do not recreate the bank façade, then the project would meet the transparency requirement.
17

18 Applicant Lowell Zitzloff, 319 Barry Avenue, stated the original plan had been to save the bank.
19 By saving the bank, they would not have been able to develop the whole property, and this would
20 result in lost revenue. Because the bank is a historical site, he met with different groups in an
21 attempt to raise money to preserve the bank. The rooftop terrace is proposed as an amenity for the
22 project, and would be a tradeoff for recreating the bank façade.
23

24 Mr. Schmitt stated they have worked with staff and recreated the plans to include the bank façade.
25 They are going to attempt to use the columns from the original bank building, but if they cannot
26 be reused, they will be recreated to look like they do now.
27

28 Commissioner Plantan stated she appreciated the attempt to save the bank façade, but would like
29 to see the widow spacing on top of the portico be more proportional.
30

31 Mr. Schmitt state the intent is to replicate the front of the bank, and they would be sure to have
32 accurate measurements when construction began.
33

34 Commissioner Douglas asked how the bank would be accessed.
35

36 Mr. Schmitt stated the Lake Street side would have an at sidewalk level access, and there will also
37 be the steps in the front of the building and access from the parking area.
38

39 Commissioner Iverson stated on page 48 of the packet, section 5 states that an additional 9-feet 6-
40 inches above the penthouse structure is requested for the light well structure.
41

42 Mr. Schmitt stated that this is an erroneous carryover from a previous design that included a
43 lighthouse structure. There is no lighthouse structure with the project proposed at this time.
44

45 Chair Buchanan opened the public hearing on the application at 7:52 p.m.
46

1 Mr. John Nolan, 328 Barry Ave, expressed concerns about the building height variance and rooftop
2 terrace. He would prefer the Planning Commission consider the alternative plan, without the patio.
3 He would like to see the Planning Commission add roof design conditions, including that applicant
4 shall obtain City approval of a detailed roof plan, all roof elements shall be consolidated to a
5 location on the roof, any future modifications shall require City approval, and no equipment,
6 plants, pots, furniture or other such features shall be allowed on the roof. He also stated the
7 previous plan submitted by the applicant showed the second floor setback along Barry Ave. He
8 would strongly prefer this plan with the setback. Moving the second floor forward would also
9 bring the third floor forward as well. This adversely affects the views from their building. He
10 would also like to see a solar study so that he could understand the solar impacts to his building
11 throughout the year. He would also like to make sure the grade plan calculations are done
12 correctly. He believes removing the components of the project he is opposed to would not
13 adversely affect the project.

14
15 There being no one else wishing to comment on this application, Chair Buchanan closed the public
16 hearing at 7:59 p.m.

17
18 Chair Buchanan asked the Commission which plan they would like to move forward with for
19 discussion purposes. There is the plan with the rooftop patio that includes height variance requests,
20 and the plan that complies with the City code on the height and includes the recreation of the bank
21 façade.

22
23 Commissioner Plantan asked why the second floor-building step back had been removed along
24 Barry Avenue.

25
26 Mr. Schmitt stated with saving the bank there is a loss of square-footage, and this would result in
27 less rental space. The setback could be reincorporated to meet the City's requirements, but then
28 the bank façade would not be preserved as part of the plans.

29
30 Commissioner Douglas stated she does not like the rooftop patio, and this is not an added amenity
31 for the building.

32
33 Commissioner Plantan agreed with Commissioner Douglas on the terrace. It does not appear there
34 was a lot of thought put into the patio design.

35
36 Commissioner Iverson stated she would agree that the City should stick to the height requirement
37 and not allow the variances required for the rooftop patio.

38
39 Chair Buchanan stated he likes the consistency of "Plan B", and would like the Commission to
40 move forward with discussions on this plan.

41
42 Commissioner Iverson stated the applicant is requesting 97.9% impervious surface coverage and
43 the Shoreland Overlay requirement is 75%. She asked what the surrounding properties had for
44 coverage.

45

1 Mr. Thomson stated there is not a maximum hard surface coverage within the downtown districts.
2 The Shoreland Overlay District does have a 75% requirement, but there is not a variance
3 requirement for exceeding this amount. Applicants can go over this 75% amount as long as it is
4 allowed in the zoning district and as long as the impact plan treats and stores the storm water
5 associated with the project on site. City Engineer Mike Kelly did stated the impervious surface is
6 the roof and this would be considered clean storm water runoff. The Commission could consider
7 rate control and water quality improvements during construction.

8
9 Commissioner Iverson asked the Commission to add a condition of approval that the water runoff
10 rate control and water quality improvements be included in the project.

11
12 Chair Buchanan stated he would support the transparency deviation, the second story recession
13 deviation, and the Barry Avenue sidewalk width deviation because of the other positive design
14 elements in the project.

15
16 Commissioner Iverson stated she would not support the second story recession deviation. The
17 building will create a mass over Barry Ave. She would like to see the recession required for both
18 sides of the building.

19
20 Commissioner Plantan stated she would support the deviations, in that they would support the
21 inclusion of the bank façade design element.

22
23 Mr. Thomson clarified that if the Commission favors the alternative plan, it would still have to
24 recommend denial of the variance for building height and Shoreland Impact Plan/Conditional Use
25 Permit for building height associated with the proposed plan with the fourth story.

26
27 Chair Buchanan stated it is important to get 54 parking stalls with this project, and he would
28 support the floor area ratio variance.

29
30 Commissioner Iverson stated the parking agreement would stay with the building, and future
31 owners of the 315 property would be required to provide these additional stalls.

32
33 Commissioner Douglas stated the there is an excess of parking at 315 Barry, and she does not see
34 a concern.

35
36 Commissioner Plantan clarified that allowing the sidewalk along Barry to be 6-feet wide would
37 allow the on street parking to remain.

38
39 Mr. Zitzloff stated the on street parking along Barry Avenue is vital to the retail that is planned
40 along this street.

41
42 Commissioner Iverson stated the Comprehensive Plan states there should be some landscaping
43 elements, and she would like to see a landscape plan. She stated the traffic should also be
44 discussed, and a determination made if it negatively impacts the downtown area and adjacent
45 neighborhoods. The City needs to be mindful of the density that is being added.

46

1 Mr. Schmitt stated there is a landscape plan included the application. The applicant is willing to
2 plant whatever type of tree the City would prefer in these locations.

3
4 Commissioner Iverson stated in order to grant a variance the applicant needs to show practical
5 difficulty, but she would be willing to support the variance because of the trade-off proposed of
6 including the bank façade. She pointed out this is not something the City would typically consider.

7
8 Commissioner Douglas made a motion, seconded Plantan by Commissioner, to direct staff to
9 prepare a draft Planning Commission Report and Recommendation with appropriate findings
10 recommending approval of the design with the deviations for first floor transparency, the second
11 story recession, and the 6-foot sidewalk width along Barry Ave, a variance for the third story
12 setback, a variance for the floor area ratio, a Shoreland Impact Plan/Conditional Use Permit for
13 impervious surface coverage with the added condition of including storm water management, a
14 Conditional Use Permit for joint parking, the preliminary and final plat subdivision and
15 recommending denial of the variance for building height and the Shoreland Impact
16 Plan/Conditional Use Permit for building height.

17
18 The motion carried unanimously.

19
20 Mr. Thomson noted that the draft Report and Recommendation would be on the consent agenda at
21 the next Planning Commission meeting.

22
23
24
25 **b.) Highcroft North – 153 Peavey La**

26 **i. Preliminary and Final Plat Subdivision**

27
28 Director of Planning and Building Jeff Thomson stated the applicant, Sathre-Bergquist Inc., and
29 the property owners And/Or Assigns, LLC have submitted a development application to subdivide
30 the property at 153 Peavey Lane. The applicant is proposing to subdivide the one existing property
31 into three single-family residential lots. As part of the submitted development application, the
32 applicant is requesting review and approval of a preliminary and final plat of the proposed
33 subdivision. The property currently contains a three-family residential home. As part of the
34 project, the existing home would be demolished and three new single-family homes would be
35 constructed. The applicant has not submitted preliminary concept elevations for the single-family
36 homes, however the proposed plans include preliminary house pads and driveways entrances for
37 each of the new lots. The proposed house pads would comply with all requirements of the R-3
38 zoning district including setbacks, lot coverage, and impervious surface. There are 21 trees located
39 on the site that meet the minimum size requirements as either significant or heritage trees. Of the
40 21 trees, 18 are classified significant and 3 are heritage. The proposed plans include removal of 4
41 significant trees and 1 insignificant tree would be removed. For a subdivision application, the tree
42 ordinance allows for removal of up to 25% of the inches of significant trees before mitigation is
43 required. Based on the proposed removal, 8-inches of replacement trees would be required in
44 place of the significant trees that would be removed. The proposed plans include the replacement
45 of 9-inches of trees.

1 Commissioner Douglas asked if the home pads and driveway locations were part of the approval.

2
3 Mr. Thomson stated the Commission is not approving homes as this time. Only the subdivision
4 of the land into three lots is what is being reviewed. The City requests the preliminary house pads,
5 tree removal and grading in order to have a general sense of where the homes would be located
6 and what the impacts might be. If the lots are approved by the City Council, the final details of
7 the building permit are reviewed by staff to ensure all of the City's codes are met. If the proposed
8 home meets all the requirements of the zoning code, then staff would issue the building permit. If
9 there are specific concerns the Planning Commission has about items, such as the driveway
10 location, these should be added as conditions of approval.

11
12 Applicant's representative, Charlie Wiemerslage, Sathre-Bergquist, Inc., 150 Broadway Ave S,
13 stated the application does not request any variances.

14
15 Chair Buchanan opened the public hearing at 7:32 p.m.

16
17 Mr. F. Mike Higgins, 144 Peavey Lane, expressed concerns that the proposed lots were not
18 consistent with the adjacent properties. These lots would be significantly different. He stated the
19 Comprehensive Plan states residential land uses should protect property values through the
20 consistent relationship of land uses. He stated allowing this development to occur would have a
21 negative impact on the value of the adjacent homes, especially the home at 151 Peavey Lane. The
22 Comp Plan also states land uses should protect residential neighborhoods from encroachment or
23 intrusion by incompatible uses or incompatible higher densities. The proposed homes pads are
24 much smaller than the adjacent properties and would not be compatible. He stated preliminary
25 plat criteria (Section 805.14.E) states the proposed subdivision shall be consistent with the
26 Wayzata Comp Plan, and he does not believe the proposed project is consistent with the Comp
27 Plan. Section 805.14.E also states the creation of a lot or lots shall not adversely impact the scale,
28 pattern or character of the City, its neighborhoods, or its commercial areas. He stated every lot to
29 the east of this property are single-family homes of like size. He further stated the proposed project
30 does not meet Section 805.14.E in the lot size that results from the subdivision would be dissimilar
31 from adjacent lots found in the surrounding neighborhood. The preliminary plat criteria also stated
32 that the proposed subdivision shall not tend to or actually depreciate the values of neighboring
33 properties in the area in which the subdivision is proposed. He believed the proposed project
34 would have a negative impact on the adjacent homes.

35
36 Ms. Carol Danner, 151 Peavey Lane, stated she has lived next to the triplex that is on the property
37 for 46 years. She expressed concerns about where the construction workers would park and that
38 additional traffic. The neighborhood has already had to accommodate construction traffic for the
39 construction on Ferndale. The traffic would increase with the addition of 3 new single-family
40 homes in the neighborhood. She stated the backyard has remained unattended since the sale of the
41 triplex, and she asked when this would change. The addition of these homes would disrupt the
42 charm of the neighborhood. Having all of the driveways exit onto Peavey Road would be
43 dangerous for school buses coming in and out of the school across from the property. She
44 expressed concerns about where the air conditioning units would be located and the amount of
45 noise these would generate. She asked when the house plans would be available for review, and
46 why the applicant was not available for the hearing.

1
2 Mr. Wiemerslage stated the average home price for the proposed subdivision would be \$1.2-\$1.5
3 million, and this would increase the values of the adjacent properties. He stated the existing
4 building is a three family unit and this would be replaced by three single-family homes, so there
5 would not be an increase in traffic. He explained the driveway for Lot one could be shifted to
6 access Peavey Lane. This shift would add only one additional driveway to Peavey Road. He
7 stated the proposed project does meet the zoning requirements, Comprehensive Plan, and
8 ordinances.

9
10 Ms. Laurel Anthony, 145 Peavey Lane, stated she had been told the homes would be smaller homes
11 with a footprint of about 1000-1200 square feet. She stated developer stated the homes would be
12 values at \$1.2-\$1.5 million. These sound like different homes and based on the proposed value,
13 these would be very large homes. She stated the scale would not fit with the neighborhood.

14
15 Ms. Sherry Smith, 133 Peavey Lane, expressed concerns about the lot size because the proposed
16 lots would be much smaller than the adjacent properties. She also expressed safety concerns with
17 the addition of three driveways. She expressed additional concerns about the impact these homes
18 would have on property values. She did not believe a home values at \$1.2-\$1.5 million would fit
19 on the proposed lots. She does not believe there is enough information available to approve the
20 subdivision because there is not a development application or renderings of the homes available.

21
22 Mr. Mike Lawrence, 141 Peavey Lane, expressed concerns about the homes being too large for
23 the proposed lots. He asked the Commission to consider the Comprehensive Plan, the comments
24 of the neighborhood and common judgment when making a decision.

25
26 Ms. Danner stated she had received a letter from the property owner and they had asked if she was
27 interested in selling. At the time she was not but if the project is approved, she may reconsider.
28 She stated if she sold and others also sold, the area would turn into a high rise and this is not what
29 the City wants. She wants the neighborhood left how it is.

30
31 Applicant representative, Ms. Lori Serum, Regency Homes, 875 Lake St, stated the homes will
32 not be 1000-1200 square feet. These homes would be larger but they would meet the 35% hard
33 cover requirement of the City. The intent is to maintain the integrity and look of Peavey Lane.

34
35 Applicant representative, Ms. Beth Ulrich, 307 Manitoba, stated the clients they have interested in
36 these properties are empty nesters looking for a smaller home with a yard.

37
38 Ms. Serum stated they would follow the City's ordinances and codes, and they are open to working
39 with the City on what these homes would look like.

40
41 Mr. Higgins stated a 9,000 square foot lot is not consistent with the neighborhood. He would like
42 to see one home built on the property.

43
44 There being no one else wishing to address the Planning Commission on this application, Chair
45 Buchanan closed the public hearing at 8:52 p.m.

46

1 Commissioner Plantan clarified based on the current zoning and Comprehensive Plan, any lot in
2 the neighborhood could be subdivided because they are zoned R-3.

3
4 Mr. Thomson stated he has not evaluated all of the lots on Peavey Lane, but some of them can be
5 subdivided and meet the zoning requirements. Not all of the lots would be able to provide the 60-
6 feet of width and 100-feet of depth that would be required under the Zoning Ordinance.

7
8 Commissioner Douglas stated the property is zoned R-3 or single-family or two family. She
9 clarified the property currently has three families living on it.

10
11 Mr. Thomson stated the zoning district currently allows for either single-family homes or twin
12 homes or duplex.

13
14 Chair Iverson stated the project does not meet the Comprehensive Plan because of the size and
15 scale of the proposed lots and homes. The other lots in the neighborhood are significantly larger.
16 The proposed project would significantly change the character of the neighborhood. She stated
17 the project does not meet Section 805.14.E.1, 805.14.E.5, 805.14.E.7, and 805.14.E.8 of the
18 Subdivision Ordinance preliminary plat criteria. She would recommend denial of the project.

19
20 Commissioner Douglas stated she would agree that the project would change the character of the
21 neighborhood. She would consider 2 single-family homes.

22
23 Commissioner Plantan agreed, and stated a twin home or duplex would be an option.

24
25 Chair Buchanan stated he would support a motion for denial.

26
27 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to direct staff to
28 prepare a draft Planning Commission Report and Recommendation with appropriate findings
29 recommending denial of the preliminary and final plat subdivision for 153 Peavey Lane. The
30 motion carried unanimously.

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

34
35 **a.) September 18th City Council Meeting Report**

36
37 Director of Planning and Building Jeff Thomson provided a report on the September 18, 2018 City
38 Council meeting. The City Council discussed the redevelopment of the Boatworks at their
39 workshop. During the regular meeting, the City Council approved the conditional use permit for
40 a fence at 217 and 223 Ferndale and 101 Walker Ave. The City Council also approved the land
41 use requests for the Ventana Condos project on Lake Street.

42
43 Commissioner Iverson stated she would not be at the October 15 meeting.

44
45 **b.) Review of Development Activities**

46

1 Director of Planning and Building Jeff Thomson stated upcoming development activities include
2 the applications reviewed tonight, which would be on the next meeting's consent agenda. The
3 Comprehensive Plan would be a workshop item, and the public hearing for that would be at a later
4 date. The regular agenda would likely include a subdivision at the end of Hampton Street, and a
5 lot line adjustment in the Highcroft neighborhood.

6
7 **c.) Next Meeting**
8

9 Director of Planning and Building Jeff Thomson stated the next Planning Commissioner meeting
10 was scheduled for October 15, 2018.
11

12
13 **AGENDA ITEM 7. Adjournment.**
14

15 There being no further business on the agenda, Chair Buchannan asked for a motion to adjourn.
16

17 Commissioner Douglas made a motion, seconded by Commissioner Iverson, to adjourn the
18 Planning Commission meeting. The motion carried unanimously.
19

20 The Planning Commission meeting was adjourned at 9:05 p.m.
21

22 Respectfully submitted,
23

24 Tina Borg

TimeSaver Off Site Secretarial, Inc.