WAYZATA PLANNING COMMISSION
Meeting Agenda

Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at: www.wayzata.org/wctv. Members of the public may submit comments or questions about items on the agenda in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5313, or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment). To speak during the Public Hearing portions of the meeting, you may call 1 312 626 6799, enter Zoom Meeting ID 942 4992 6138, and press *9 to speak. You will be placed on hold and muted until you have been recognized and invited to speak.

Monday, May 18, 2020
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
   a. Approval of Report and Recommendation for a Preliminary and Final Plat, an Amendment to the PUD General Plan, Shoreland Impact Plan/Conditional Use Permit, and Design Review of Ventana Apartments at 253 Lake Street East
   b. Approval of May 4, 2020 Meeting Minutes
5. **Public Hearing Items**
6. **Other Items**
   a. Zoning Ordinance Amendment Topics
   b. Review of Development Activities
   c. Cancelling June 1, 2020 Planning Commission Meeting
   d. Planning Commissioner Report for the May 5, 2020 City Council Meeting
   e. Planning Commissioner Liaison for the May 19, 2020 City Council Meeting
   f. Planning Commissioner Liaison for the June 2, 2020 City Council Meeting
   g. Public Meeting Changes in Response to COVID-19 Pandemic
7. **Adjournment**

Upcoming Meetings:

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 4.a
TITLE: Approval of Report and Recommendation for a Preliminary and Final Plat, an Amendment to the PUD General Plan, Shoreland Impact Plan/Conditional Use Permit, and Design Review of Ventana Apartments at 253 Lake Street East	
PREPARED BY: Eric Zweber	
REVIEWED BY: Nick Kieser, Assistant Planner	
60 DAY DEADLINE: August 8, 2020 (Extension to 120 Days)	

BACKGROUND:

The applicant and the property owner, Berry & Co., Inc., are seeking approvals for preliminary and final plat, an amendment to a Planned Unit Development (PUD) general plan, a shoreland impact plan/conditional use permit (SIP/CUP) for impervious coverage, and design review to redevelop the properties located at 253 Lake St E. The applicant is seeking an amendment to the original PUD general plan to construct a 25-unit apartment building. The amendment also includes adjustment to the building's garage footprint for a larger underground parking level expanded north to accommodate the proposed 50 parking stalls (2 stalls per unit), while the exterior measurements of the first, second, and third stories will remain the same as the 2018 approval.

The Planning Commission recommended approval of this development application on a 7-0 vote.

ACTION REQUESTED:

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. Draft PC Report and Recommendation

WAYZATA PLANNING COMMISSION

May 18, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF AMENDMENT TO PUD GENERAL PLAN, PRELIMINARY AND FINAL PLAT, SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT, AND DESIGN FOR VENTANA APARTMENTS AT 253 LAKE STREET E

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of Amendment to PUD General Plan of Development
2. **Approval*** of Combined Preliminary and Final Plat for Lot Combination
3. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface
4. **Approval*** of Design of Project with Deviations

*** with certain conditions listed at the end of this Report**

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Proposed Land Use. The applicant and property owner, Berry & Co., Inc., (the "Applicant") has submitted an application for approval of (i) Amendment to a Planned Unit Development (PUD) General Plan; (ii) Combined Preliminary and Final Plat; (iii) Shoreland Impact Plan/Conditional Use Permit (SIP/CUP) for impervious coverage; and (iv) Project Design (the "Application") for the properties located at 253 Lake St E and legally described on Attachment B (the "Property"). The Applicant is seeking the approvals in connection with an amendment to a previously approved PUD on the Property for a 16-unit condominium building to modify it to a 25-unit apartment building as detailed in the Application (the "Project").

1.2 Previous Approvals. In 2018, City Council approved the Property's rezoning to PUD District, a PUD General Plan (the "Existing PUD"), a Building Height Variance for up to 40 feet, and Shoreland Impact Plans/Conditional Use Permits

for both height and impervious surfaces. The Applicant entered into a development agreement for the project, and a related donation and easement agreements for part of the Property to the rear of the Project (Lots 2 and 3) to be donated to the City to be used for public parking.

1.3 Approvals Requested. The Application includes requests for approval of the following:

A. Amendment to PUD General Plan of Development (the "PUD Amendment"): An amendment to the Existing PUD to incorporate the changes depicted in the Application, and that is attached to this Report as Attachment A.

B. Combined Preliminary and Final Plats (the "Preliminary and Final Plats" or "Lot Combination"): A combined preliminary and final plat for a lot combination of Lots 1 and 2 of the Property, as shown on Attachment B.

C. SIP/CUP for Impervious Surface Coverage (the "Impervious Coverage CUP"): A shoreland impact plan/conditional use permit for an impervious surface coverage that exceeds 25% of the lot coverages to allow for the Project's proposed 84% impervious surface coverage on the newly combined Lot 1.

D. Project Design (the "Project Design"): The design of the Project which is outlined in the staff report attached to this Report as Attachment C (the "Design Report"). The Project Design includes deviations from the Wayzata Design Standards for type of exterior building materials and to allow the main entrance to be located somewhere other than on the primary facade along Lake Street (the "Deviations").

1.4 Property. The address, lot numbers, property identification numbers, and owners of the Property involved in the Project are:

Address	PID	Owner
253 Lake St E (Lot 1)	0611722230377	Berry and Co, Inc.
Address Unassigned (Lot 2)	0611722230378	Berry and Co, Inc.
Address Unassigned (Lot 3)	0611722230379	Berry and Co, Inc.

1.5 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	PUD/ Planned Unit Development
Comp Plan:	Central Business District

Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District

1.6 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on April 23, 2020 and mailed to all property owners located within 350 feet of the Property on April 23, 2020. The public hearing on the Application was held at the May 4, 2020 Planning Commission meeting.

Section 2. STANDARDS

2.1 PUD Amendment.

A. Process. Section 933.09 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.

B. Intent and Purpose of PUDs. Section 933 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.

2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.

3. More convenience in location and design of development and service facilities.

4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.

6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)

8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

C. General Standards. Section 933.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.

3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.

4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.

5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.

6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 933.2.A.6.c are meet.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.

9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 933.2.A.10.

10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.A.10.

11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.

12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

D. Residential PUD Standards. Sections 933.03 sets forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential component. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

2.2 Subdivision / Preliminary and Final Plat.

A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. The City may agree to review the preliminary and final plat simultaneously. Chapter 1003.03.A.

B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1005.02:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.

2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible.
Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.

11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.3 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface.

A. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area. Impervious surface coverage may be allowed to exceed 75% of the total lot area when the following stipulations are met:

1. All structures and practices are in place for the treatment of stormwater runoff.

2. A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 991.19.A of the Zoning Ordinance, subject to the conditions listed in Section 991.19.C of the Zoning Ordinance.

B. Shoreland Impact Plan. Except for situations listed in Sec. 991.19.B., landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of the Zoning Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

C. General CUP Criteria. Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of a proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use's compatibility with present and future uses of the area.

3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The proposed use's effect on the area in which it is proposed.

5. The proposed use's impact upon property values in the area in which it is developed.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

D. SIP/CUP Conditions**.** All conditional use permits for consideration under Section 991 shall be subject to the following stipulations.

1. The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.

2. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.

3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.

4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.

5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.

6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.

7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.

8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.

11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

2.4 Design Standards. All new multi-family residential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Report" (Attachment C). Deviations from the Design Standards may be permitted under Sec. 909.29 (with the exception of Sec. 909.10 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.

B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.

C. The positive effect of the project on the area in which the project is proposed.

D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.

E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.

F. A national, state or local historic designation.

G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning and Subdivision Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 PUD Amendment.

A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Chapter 933 of the Zoning Ordinance.

B. Intent and Purpose of PUDs. The Amended PUD would continue to encourage the following, as noted in the findings for approval of the Existing PUD:

1. The conservation and more efficient use of land in the PUD.

2. The preservation and enhancement of desirable site characteristics.

3. A creative use of land and related physical development which allows a phased and orderly development and use pattern.

4. An efficient use of land resulting in smaller networks of walkways thereby lower development costs and public investments.

C. General Standards. The Amended PUD would not materially impact thirteen (13) of the fourteen (14) general standards listed in Section 933.2.A and in Section 2.1 of this Report, which would continue to be meet as with the Existing PUD. The Existing PUD has an approved variance from Section 933.2.A.14 to allow for a maximum height of 40 feet and three stories, whichever less. The PUD Amendment will mainly allow for an updated building design and additional parking related to rental versus ownership units. The PUD Amendment would not include any other significant changes (except as noted in the Report and associated requests in the Application) to the previously approved and Existing PUD, including the general size, footprint, and height of the Applicant's building.

3.2 Subdivision / Preliminary and Final Plat.

A. City review of the Preliminary and Final Plat simultaneously is appropriate under City Code Sec. 1003.03.A.

B. The Planning Commission finds that there would be no significant adverse effects of the Proposed Subdivision based upon the following factors found in Section 1003.02.E:

1. The Proposed Subdivision is consistent with the Wayzata Comprehensive Plan, which guides the Property to Central Business District.

2. The building pad that results from the Proposed Subdivision will not impact sensitive natural, scenic, historic or community assets. The Applicant has provided sufficient information about how the wetlands and other natural assets of the Property will be protected as part of the construction of the Project.

3. The building pad that results from the Proposed Subdivision will respect natural topography and incorporate filing or grading as recommended by the City Engineer for the surrounding area.

4. There will be minimal impact to any trees as a result of the Proposed Subdivision.

5. The Proposed Subdivision will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and is designed to work within the larger plans for the surrounding area, including the scale, pattern and character of the downtown business area.

6. The design of the lot, the building pad, and the site layout

responds to and is reflective of the surrounding lots and neighborhood character as noted elsewhere in this Report.

7. The lot size resulting from the Proposed Subdivision are not dissimilar to the nearby lots.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the proposed building on the Property would be similar to the characteristics and quality of those in the surrounding buildings.

9. The design, scale and massing of the building proposed complies with the applicable criteria of the Wayzata Design Standards.

10. The Proposed Subdivision is not likely to depreciate the values of neighboring properties in the area in which it is proposed.

11. The Proposed Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.3 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The provisions of Section 991.19 and 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. Shoreland Impact Plan.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. The Shoreland Impact Plan must approved by the City Engineer as a condition of approval.

B. General CUP Criteria.

1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan.

2. The Project and associated use is compatible with present and future uses of the area.

3. The Project and associated use conforms with all performance standards contained in the Zoning Ordinance, except those for which variances and deviations have been requested and/or granted in other approvals for the Project.

4. The Project and associated use will not have a negative effect upon the surrounding area.

5. The Project and associated use is not likely to \ have a negative impact upon surrounding property values.

6. The Project and associated use will not increase traffic above capacity.

7. The Project and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

C. SIP/CUP Conditions.

1. The Project has been analyzed and the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications have been mitigated through approved means to the extent possible.

2. Stormwater treatment measures used for the Project are subject to the review of the City Engineer and the Minnehaha Creek Watershed District where applicable.

3. The Project has been analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes.

4. The Project has been analyzed in terms of the appearance of the structures and will not generally be visible when viewed from the lake's surface.

5. Building height has been analyzed to determine the impact on surrounding structures and views from the lake surface or other shores.

6. Residential density of the Project will not exceed the maximum allowed density of the base zoning district for which the Project is proposed.

7. Lot coverage of the Project will be restricted to the provisions for maximum impervious surface coverage provided for in the Zoning Ordinance.

8. The Project will not cause the overall residential densities in the shoreland area to exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason

and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.

9. The Project will not cause the overall lot coverage in the shoreland area to exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.

10. The Project is in conformance with the Stormwater Management Plan for the City of Wayzata, August 2019, as may be amended and/or approved by the City Engineer.

11. The Project is in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan.

12. The Project will be subject to the review of the Minnehaha Creek Watershed District.

3.4 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. The Commission finds that there would be very little, if any, negative impacts of the Deviations, in that the proposed exterior materials are more efficient, and the front door location reflects (1) the residential uses; (2) the narrow width of the building from the Lake Street side; and (3) the functionality of the building design and floor plans. To the extent there are any negative impacts of the Deviation, those impacts are outweighed by one or more of the following factors:

A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.

B. The extent to which the deviation would alleviate of an undue burden, taking into account current leasing, housing and commercial conditions.

C. The positive effect of the Project on the area in which the Project is proposed.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) PUD Amendment; (ii) Preliminary and Final Plats; (iii) Impervious Coverage CUP; and (iv) Design of the Project, including the Deviations, subject to the following conditions:

A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.

B. Stormwater Facilities, Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.

C. The Applicant must enter into a new or amended Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution, and maintains all conditions of previous approvals for the Existing PUD that are not superseded by the approvals this Resolution.

D. The Applicant must enter into a new or amended property donation agreement with the City, with terms and in a form acceptable to the City Attorney, in which all property rights in Lot 3 of the Property are donated to the City for use in connection with public parking. The deed for such conveyance must be both delivered and properly recorded with the County, and proof of such recording must be delivered to the City, within 10 days of the date of approval of the Application.

E. The Applicant must enter into a new or amended easement agreement with the City, with terms and in a form acceptable to the City Attorney, in which any needed easements, including ingress and egress of vehicular and pedestrian traffic, are granted to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide for additional public parking in the area. Such agreement must be properly recorded with the County, and proof of such recording must be delivered to the City, within 10 days of the date of approval of the Application.

F. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 18th day of May 2020.

Chris Plantan
Chair, Planning Commission

Voting For Approval Recommendation: _____
Voting Against Approval Recommendation: _____
Abstaining: _____
Absent: _____

Attachments:
Attachment A: Amended PUD Plans
Attachment B: Legal Description and Preliminary and Final Plats
Attachment C: Design Report

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 4.b
TITLE: Approval of May 4, 2020 Meeting Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the May 4, 2020 Planning Commission meeting.

ATTACHMENTS:

1. May 4, 2020 Minutes

WAYZATA PLANNING COMMISSION
MEETING MINUTES
May 4, 2020

AGENDA ITEM 1. Call to Order

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

Chair Plantan read the following prepared statement:
Pursuant to Minnesota Statute Sec 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/wctv. Members of the public may submit comments or questions about items on the agenda in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5313, or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). To speak during the Public Hearing portions of the meeting, you may call 1-(312) 626-6799, enter the Zoom meeting ID 939 4478 8872, and press *9 to speak. You will be placed on hold and muted until you have been recognized and invited to speak.

AGENDA ITEM 2. Roll Call

Chair Plantan asked Planning Consultant Eric Zweber to take roll call.

Present at roll call were Commissioners: Plantan, Douglas, Merriam, Parkhill, Iverson, Bashioum, and Flannigan. Planning Consultant Eric Zweber, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the May 4, 2020 agenda as presented.

Planner Zweber completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) **Approval of the April 20, 2020 Planning Commission Meeting Minutes**
b.) ~~**Approval of Report and Recommendation for Design Review of Wayzata Medical Center at 1120 Wayzata Boulevard East**~~

c.) Approval of Report and Recommendation for a Curb Cut Spacing Variance at 1611 Holdridge Terrace

d.) Approval of Report and Recommendation for Design Review of Lexus of Wayzata at 16100 Wayzata Boulevard

Chair Plantan read the items on the consent agenda and stated that she would recommend removing item 4b from the consent agenda for further discussion.

Chair Plantan asked for a motion to approve the Consent Agenda with the removal of item 4b to be taken up after action on the Consent Agenda.

Commissioner Douglas made a motion, seconded by Commissioner Merriam, to approve the Consent Agenda as presented with the removal of item 4b.

Planner Zweber completed a roll call vote on the motion. The motion carried unanimously.

b.) Approval of Report and Recommendation for Design Review of Wayzata Medical Center at 1120 Wayzata Boulevard East

Chair Plantan explained that there continues to be concerns regarding the $70,000 fee being paid in lieu of tree replanting on the Property. She would like to propose that City staff and or City Council direct that the $70,000 fee be used for replanting trees and restoring the natural buffer with the adjacent properties that would be affected. She indicated that another option could be for City staff to facilitate a joint parking agreement between the two adjacent properties. She stated that between the two properties, there was an overage of about 10 parking stalls, and if they would work together on reducing the parking area, a number of existing heritage trees maybe saved.

Commissioner Douglas stated that she is also concerned with the number of trees being removed and asked for guidance from staff regarding the tree replacement policy.

Assistant Planner Nick Kieser stated that City Code establishes a maximum percentage of trees that can be removed from a site without replacement required. Overages to this amount would require either tree replacement on the site itself or payment of a fee in lieu of that for each inch of tree that is removed. He added that the applicant has discussed with staff options available to them for increasing the number of trees on their site and subsequently reducing the fee in lieu. Hennepin County has made some changes to the parking configuration to provide better access on Wayzata Boulevard. The Public Works Director, planning staff, and the applicant need to continue to discuss how to reach the common goal of increasing the number of replacement trees planted and to mitigate the effects of this development on the surrounding properties.

Commissioner Iverson thanked the Commissioners for their concern regarding the tree mitigation on the application. She would like to see the City Council add a condition to the development agreement regarding tree mitigation. She commented that it was her understanding that a number of trees are planned to be removed due to the construction of a retaining wall. She asked if the retaining wall could be built on the back side of the lot, which would also save a number of trees from removal.

Planner Kieser stated that the retaining wall will be along the western and southern side of the property. The slope is quite steep. He noted that the approval that is needed for this development is for the design, and that they are meeting the requirements of the tree ordinance that is in place. If the Commission wants to add a condition regarding the trees, it would need to be based on the design review.

Commissioner Iverson stated that she continues to be concerned about the tree removal. She asked to hear from the other Commissioners regarding the issue. She added that letters have been received from people that will be affected. She noted that communication difficulties may be keeping those at the Boardwalk Apartments from knowing what may be happening behind them.

Commissioner Parkhill asked if there was a way to modify the number of required parking spots which would allow the applicant more room to keep trees.

Commissioner Douglas asked if the applicant also owned the property where Jimmy John's business is located. She added that a letter writer stated the Jimmy John's lot is seldom full, and questioned if there couldn't be some shared parking between the properties.

Planner Kieser stated that the proposal in the current application has three parking stalls over the required number. He added that due to County's comments they received, it is likely that they will remove two or three of those parking spots. The property to the east is essentially at code maximum for parking stalls, so there may not be that much flexibility. He added that if the Commission wants to consider requiring less parking stalls than code, than there would need to be an additional approval request of a variance from the parking stalls required by code.

City Attorney, David Schelzel, stated that reducing the number of required parking spaces would require a variance which may be reasonable due to the practical difficulties being discussed. He added that there may also be an opportunity to create a shared parking arrangement, but this would also have to work under the code. He noted that it appears that applicant is very willing to work with the city to decrease the number of trees removed, the number of replacement trees planted, and maintain a minimum tree buffer. Adding a tree-related condition of approval on a design deviation for exterior materials when the application is following the tree ordinance, may be difficult to support.

Commissioner Merriam stated that any time a resident can be given additional privacy, it is a good idea. She added that she was the single nay vote of the design review due to her concern regarding the materials being proposed. She had concerns regarding the quality of the woodgrain metal product that was described, and did not feel that the design of the building was such that it rendered reason to grant a design deviation. She noted that a letter was received by the Commission indicated the same concerns.

Commissioner Bashioum stated that she abstained from the vote at the last meeting and will continue to remain quiet.

Commissioner Iverson asked if the applicant could be asked to install a solid fence instead of a black metal fence.

Planner Kieser stated that code would allow for a 100% opaque fence in the rear yard. The side yard can only be 50% opaque. These changes would require an additional approval process.

Commissioner Iverson expressed gratitude to Planner Kieser for offering to have a conversation with the applicant regarding the opaque fence. She noted that the 100% opaque fence could really help to alleviate the light projecting into the neighbor's yards.

Chair Plantan asked for guidance from City Attorney Schelzel as to the next steps. She added her concern regarding not delaying the approval process for the applicant, and Commissioner Iverson's request to have something in writing regarding tree mitigation.

Mr. Schelzel stated that a motion to approve the report and recommendation with an additional recommendation to Council regarding pursuing the remedial actions (parking agreement, opaque fencing) in lieu of the fee. He added that the applicant appeared to be willing to entertain a number of different things to reduce the fee in lieu amount.

Chair Plantan asked for a motion on the application.

Chair Plantan made a motion to approve the Planning Commission Report and Recommendation for design approval with the additional comments to direct staff to work with the City Council on the remedial steps discussed by the Commission, and to have the fee in lieu of tree replacement go back into the area through replanting.

Commissioner Iverson seconded the motion and stated that she would like to ask that the fence is 100% opaque.

Commissioner Flannigan stated that he is not inclined to require the applicant do anything that they aren't already required to do. He added that the vegetation on the fencing that the applicant is proposing will eventually block the light produced by the parking lot.

Commissioner Iverson stated that the light will not be blocked in the winter season.

Commissioner Flannigan stated that they can ask the applicant to put a solid fence in, but it cannot be required.

Commissioner Iverson stated that a fence can be required to prevent somebody falling down a 20-foot retaining wall.

Commissioner Flannigan stated that there are a number or ways to prevent someone driving over an edge.

Mr. Schelzel stated that in any event, the parking lot design would need to meet code.

Commissioner Parkhill stated that $70,000 is a lot of money and that requiring the entire amount to be spent on trees and fencing for the immediate vicinity may be overkill. He would like to see the money spread out to other areas of the City.

Mr. Schelzel stated that the direction the Commission is making is to recommend staff work with the applicant to address the concerns raised, being mindful that the solution can take a lot of different forms. Ultimately it is the City Council who will direct staff in this regard and determine what the solution will be. He added that the applicant's incentive to work with staff would be a possible reduction of the fees in lieu of tree replacement.

Commissioner Parkhill asked for the proposal to be repeated. He added that his understanding of the proposal was that the $70,000 would be required to be spent in the immediate vicinity of the property.

Mr. Schelzel stated that the fee in lieu is a mathematical calculation that is set by ordinance. He believes that Commissioner Parkhill is wanting to allow Staff the flexibility to perhaps spend less than the full $70,000 in the immediate area if a remediation plan is determined that costs less.

There being no further discussion, Chair Plantan called for a roll call vote.

Planner Zweber took a roll call vote on the motion. The motion carried 6 ayes, 0 nay, 1 abstention (Bashioum).

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for a Preliminary and Final Plat, an Amendment to the PUD General Plan, Shoreland Impact Plan/Conditional Use Permit, and Design Review for Ventana Apartments at 253 Lake Street East

Planning Consultant, Eric Zweber started by reminding everyone that this agenda item is a public hearing. He stated that after his presentation there would be an opportunity for the Planning Commission to ask staff questions, then it would open up for comments from applicant. The Commission would then have the opportunity to ask questions of the applicant. Finally, the public hearing will open and everybody in attendance we'll be given the opportunity to speak regarding the application.

Planning Consultant, Eric Zweber, stated that the property owner, Berry & Co., Inc., are seeking approvals for preliminary and final plat, an amendment to a Planned Unit Development (PUD) general plan, a shoreland impact plan/conditional use permit (SIP/CUP) for impervious coverage, and design review to redevelop the properties located at 253 Lake St E.

Planner Zweber provided a review of the background of the property. In 2018, City Council approved the property's rezoning to PUD, a PUD general plan, building height variance, and shoreland impact plan/conditional use permit. The PUD called for demolishing the existing buildings at the property and constructing a three-story, 16-unit condo building with an

underground parking level. The approval also included a variance permitting a building with a maximum height of 40 feet.

Planner Zweber reviewed the requested amendment. The applicant is seeking an amendment to the original PUD general plan to develop a 16-unit condominium building to construct a 25-unit apartment building. The amendment also includes adjustment to the building's garage footprint for a larger underground parking level expanded north to accommodate the proposed 50 parking stalls (2 stalls per unit), while the exterior measurements of the first, second, and third stories will remain the same as the 2018 approval. The applicant is proposing to relocate access to the underground parking from the buildings rear (north) side to its west side. In order to accommodate the expanded garage, the applicant is proposing to combine Lots 1 and 2 of the plat approved in 2018. The rear lot (Lot 3) will be donated to the city to develop public parking. This public parking would provide additional public parking for the downtown area. With the approval of the individual development projects by the city, the land behind 235, 253, and 275 Lake Street has been approved with donation of the northern portions of their respective properties for public parking option.

The 2030 Comprehensive Plan designation is Central Business District, which includes the main thoroughfare of Lake St East. Per the Comprehensive Plan, this district provides a wide range of uses, including residential. This area continues to evolve into a mix of retail stores, offices, and residential land uses.

Planner Zweber noted that the current zoning for the property is PUD/Planned Unit Development. The property is in the Shoreland Overlay District and Wetland Overlay District. Before the 2018 rezoning to PUD, the property was zoned C-4A.

Planner Zweber reviewed the application requests. The proposed plans include a subdividing that would combine Lots 1 and 2 under the ownership of Berry & Co., Inc., which requires preliminary and final plat review. The applicant is proposing an impervious coverage amount of 84 percent on the newly combined Lot 1, which is located within the Shoreland Overlay district. The City Engineer request a condition that the stormwater infrastructure is reviewed and approved by the City Engineer.

Planner Zweber explained that the applicant is also requesting a design review and approval. Construction of a new multi-family residential buildings requires design review including a deviation to the exterior building materials to allow greater use of composite metal panels. Another deviation needed is to allow the main entrance to be located somewhere other than the primary façade along Lake Street.

A number of PUD standards require the use of the standards of the previous zoning district. A table was provided to highlight this information. The PUD zoning does not have minimum lot size, width, or depth requirements, and the proposed subdivision would meet the lot requirements of the PUD zoning district.

Planner Zweber stated that the PUD zoning district requires that the residential area standards of the R-5 zoning district apply to multiple family residential PUD projects, as determined by the

City Council. The R-5 zoning district would require a minimum of 2,000 square feet of lot area per dwelling unit provided that two underground parking stalls are provided per unit. The proposed PUD would have a lot area per dwelling unit of 2,134.3 square feet.

At the conclusion of Planner Zweber's presentation, Chair Plantan asked if the Commission had any questions for Staff.

Commissioner Merriam expressed concern regarding the additional two-foot grade increase that Planner Zweber mentioned in his presentation. She asked how that height increase will compare to the nearby building of Wayzata Blu.

Planner Zweber stated that Lake Street increases in height as it goes west. Height is measured by the average grade point. Wayzata Blu would be at 973 and the Ventana property would be at 977. The Ventana property would be 4 feet taller from the Lake St frontage than Wayzata Blu. He reiterated that this measurement is not how the City Code measures height.

Commissioner Merriam asked what the original application proposed to do with Lot 2.

Planner Zweber stated that the original concept plan was for additional parking stalls along the south side of the Lot 2.

Commissioner Merriam asked if the City would be losing parking if this current application is approved.

Planner Zweber stated that he was hesitant to answer the question because the Lot 2 was never going to be City owned parking. It was a property that could have had parking available to the public through the City having an easement.

Commissioner Flannigan asked if a full design review is going to come back to the Planning Commission. His concern is that the Planning Commission has not seen the materials or colored drawings of the proposed building.

Planner Zweber stated that what has been shared meets the code requirements for a design review.

Commissioner Flannigan asked for the rationale for the applicant changing from condominiums to apartments.

Planner Zweber stated that the applicant could likely speak to the question. He noted that the decision was likely based on a reviewing of the economics of the project and having a building where there would be one owner and the ability to rent units.

Commissioner Flannigan asked for the process for going from an apartment to condominium in the future.

Planner Zweber stated that the first step would be to review the building codes. Going from ownership to rental is called tenure and that is not allowed to be zoned. A property is either multi-

family or not. Zoning districts do not call for ownership of units versus rental units. Zoning will come down to density.

Commissioner Flannigan asked if the ownership group of the building could turn it into condominium units in the future.

Planner Zweber stated that the property could be sold as condominiums as long as the building code is met in that conversion, there wouldn't be a zoning issue.

Mr. Schelzel noted that a PUD amendment or other approval may be required if the property owner wanted to change the building from an apartment complex over to a condominium model.

Commissioner Douglas also wanted to understand the process of a building changing from an apartment complex to a condominium model. She noted a building in Wayzata that apparently had converted in the way discussed without having been brought to the Planning Commission. She further asked what the height over the garage to the patio deck. She also wanted to know what restrictions would be on the patio usage.

Planner Zweber stated that the rooftop structure restrictions do not likely apply to the project. The restrictions mentioned apply to occupying space that is over the 35-foot building code height requirement. The space would be monitored the same as a private deck by following City noise ordinances.

Commissioner Bashioum asked if there was a lighting plan submitted for the deck.

Planner Zweber stated that the plan does not indicate that there would be a permanent fixed lighting proposed.

Commissioner Bashioum stated that she does have concerns regarding the light pollution for the two adjacent properties. She noted that additional heating elements if used could also be noisy. She asked for clarification. She also wanted Mr. Zweber to repeat the information that he provided regarding the changes in floor height when moving from concrete to a wood structure.

Planner Zweber stated that when using concrete flooring, you would need to account for the eight-inch concrete slab between the floors. When using wood floor joists, the total between the floors greater in the range of 14 inches.

Commissioner Bashioum asked for the total height difference between the original building designed with concrete and the proposed building constructed with wood.

Planner Zweber stated that the current building is one and one quarter inch shorter than the previous building when measuring from the garage floor to the top of the building. The current building's garage floor will be raised two feet due to the adjacent wetlands and the City's requirement for improved drainage for the parking lot.

Commissioner Parkhill asked for clarification regarding the building height.

Planner Zweber stated that the proposed building will be 4 feet 5 inches above the height of the neighboring building Wayzata Blu. He reiterated that building height is not determined from the sidewalk of the front elevation to the top of the parapet. Building height is determined by the average grade.

Commissioner Iverson added that Wayzata Blu was approved for a height slightly over 35 feet due to the high-water table.

Commissioner Parkhill stated that he is trying to understand the reason for approving the increased height request of the previous application. He added that it must have been for a good reason, but it wasn't something that he was a part of. He stated that his interest is to maintain an equitable environment for all.

Commissioner Iverson asked for the height of the Hughes building.

Planner Zweber stated that Hughes was approved at the almost 40 feet from the average grade plane to the coping elevation, which is the height. He added that the water-table is very high in the area.

There being no further questions for staff, Chair Plantan invited the applicant to address the Commission.

Applicant's principal, Brad Hoyt, 326 Ferndale Rd W., stated that he was available to answer questions.

Commissioner Iverson asked for the color of the metal that has been proposed.

Mr. Hoyt stated that he did not have an answer, but Neil Weber, the project architect, likely does.

Commissioner Iverson asked for more data regarding any of the exterior finishes that are proposed.

Mr. Hoyt stated that when the decision was made to change the building from condominiums to apartments, a directive was given to keep the exterior finishes and the quality of design as close as possible to the condominium design. The only differences in material are related to the ability to install the materials on a wood structure rather than a post tensioned concrete. The wood structure does not have the ability to hold the weight of material as the concrete does. They are working on accomplishing the same appearance utilizing lighter materials in some areas. He noted that the design has changed a lot recently, and Neil Weber is likely to have the most up to date information.

Applicant's architect, Neil Weber, Neil Weber Architects, Long Lake, stated that the materials being used are very similar to those used on Wayzata Blu. The exact color choices have not been made yet because they are wanting to choose different, but complimentary colors to the two other developments in the area. They are focusing on the keeping the quality of the materials. He added that the lighting for the residential building will be very subtle or low lighting. They have discussed sitting down with Staff to develop a lighting scheme to the whole drive and rear area.

They are not planning on having any parking lot lighting. He acknowledged that there are a number of people that need to work together to create a lighting plan that works for all involved.

Commissioner Parkhill asked if Mr. Weber has found technology that will limit the sound transmission between floors similar to the low level allowed with concrete.

Mr. Weber stated that concrete can deaden the low frequency sounds but not the high frequency, or high impact sounds. Wood works has the opposite effect. He added that both systems can be quite effective at limiting sounds when done correctly. They are utilizing sound experts within their design plans.

Commissioner Parkhill asked what the plan is for sound transmission.

Mr. Weber stated that the construction will include the use of a number of materials to decrease the acoustic transmission.

Commissioner Parkhill asked if ductwork would be run through the joists.

Mr. Weber stated that wiring and pipework would be run through joists, but not ductwork. He added that by switching systems the condominium ceilings were set to be at 10-feet, and the apartment ceilings will be at 9-feet. The one foot that was lost, is made up in the wood construction.

Commissioner Merriam asked if the metal composite material that is proposed to be used is the same material used on Wayzata Blu. She further asked for the percentage used on Wayzata Blu.

Mr. Weber stated that he did not know the percentage used on Wayzata Blu.

Commissioner Merriam asked if the amount was significant.

Planner Zweber offered to show a photo of Wayzata Blu from the PowerPoint.

Commissioner Merriam stated that she was curious as to what the material looked like because they haven't been given any samples to examine.

Planner Zweber pointed out the dark metal material on Wayzata Blu.

Commissioner Merriam asked for the length of time the material is expected to last. She added that the specifications looked good.

Mr. Weber stated that the material will not dimple, fade, or be damaged by rain or hail. He explained that the material is a high-quality product.

Commissioner Bashioum asked if it would be appropriate to ask the applicant to bring samples of materials with a chosen color palate to the City Council, if the application moves forward. She added that it is difficult to sign-off on a design review when a design hasn't been shown.

Planner Zweber stated that the Planning Commission can add a condition to the report and recommendation. He can work with the applicants to provide the physical materials and determine the color palate that would be complimentary to the area. He added that at the last Planning Commission meeting it was discussed that the list of approved materials needed to be updated to include the new technology. He would like a clarification as to the expectations and submittal requirements of building materials for Design Review as an appropriate addition to the list of appropriate updates.

Commissioner Bashioum stated that Mr. Zweber suggestion would be extremely valuable when the Commission evaluates requests.

Commissioner Iverson thanked the applicant for adding apartments to the community. She believes that they will be a nice addition.

There being no additional questions from the Commission for the applicant, Chair Plantan repeated the information provided at the opening of the meeting regarding the ways that the community could comment or ask questions regarding the application.

Chair Plantan opened the public hearing on the application at 8:19 pm.

Planner Zweber stated that there were three callers that were likely waiting to speak during the public hearing. He explained that he would unmute each caller in the order that their calls were received. He added that any additional callers will be invited to speak as well.

Resident, Lowell Zitzloff, 319 Berry Ave., stated that he did not have any issue with the plans that he reviewed. He added that he owns the current Coldwell Banker Burnet building that is likely to require reconstruction or redevelopment at a later date. He added that it is important to remember that 85 stalls of Wayzata Blu are designated for the Boatworks use. He explained that the Coldwell Banker Burnet building will likely have the possibility for additional parking for the City. He questioned the height of the building and asked that all of the buildings are equitable. He explained some confusion regarding the planters and if they are included in the height measurement. He added that maintaining the height limits of the properties is greatly appreciated as properties are devalued when the limits are not followed.

Applicant, Terri Fox, 293 Grace Point Ct., stated that Mr. Hoyt and Mr. Hughes have provided a great benefit to the City of Wayzata by giving property to be used for parking. She strongly urged the Commission to approve the project. She added that the entire community from Broadway to Ferndale is under construction. She doesn't think that there is a better time to start these projects.

Applicant, Pat Hughes, 235 & 239 East Lake St., stated that it is critical for the City to approve this application so that parking on the west side of town can be addressed.

Planner Zweber stated that there are no other callers waiting to address the Commission. He asked if additional time should be given.

City Attorney, David Schelzel, stated that the contact information has been given multiple times and people have had ample time to call into the meeting. He is comfortable having the Commission move on.

There being no one else wishing to comment on the application, Chair Plantan closed the public hearing at 8:28 pm.

Chair Plantan asked for the Commission to share their questions and feedback on the application.

Planner Zweber asked to clarify a statement made during the public hearing. He utilized a visual to demonstrate how the building height average was determined. He added that a City Code allows for the City Council to determine the average grade.

Commissioner Merriam stated that the approval of a 40-foot height building by the City Council is very unusual. She added that the request for an additional footprint on top of the 40-foot height is questionable. She wondered how the approval came about.

Planner Zweber stated that there was no matrix used to balance gains by the City and the Developer for the previous application. The developer received a variance for building height, it was not a part of the PUD. A variance requires an explanation of practical difficulties and a PUD weighs the pros and cons of a request. A variance was granted in this case because of the practical difficulties related to the high-water table and the grade change of the properties to the north of said property. The issue of dedication of land for public use was a discussion point of the pros and cons of the PUD request.

Commissioner Merriam stated that when the PUD and variances were requested there were three lots that could have been used. The proposed building only utilized one lot and not more of their property. She questioned what discussion went into the approval, and why more of the property wasn't utilized.

Commissioner Flannigan stated that he was on the Commission when the proposal was approved. He does not remember a quid pro quo type discussion. The height was granted due to the high-water table and the need to build a building that was appropriate for the investment on Lake Street.

Commissioner Iverson agreed with Commissioner Flannigan regarding the approval of the previous application. She stated that the three applications that were brought to the Planning Commission each had different issues with the water table and the struggle to get parking underneath the buildings.

Commissioner Douglas agreed with the information shared by the Commissioners Flannigan and Iverson.

Commissioner Iverson asked if there should be discussion regarding the usage of the rooftop and how it could possibly impact adjacent neighbors.

Planner Zweber stated that City Code provides restrictions related to lighting and noise. This type of information was not requested as part of this application.

Commissioner Iverson clarified that her question referred primarily to furniture and its storage.

Mr. Schelzel stated that when this topic was discussed by the Planning Commission on a previous application, the City Council ultimately addressed by adding the details on rooftop use provided by the Planning Commission in to the development agreement.

Commissioner Iverson stated that it would be nice to mimic the language that the City Council is requiring for use on future applications.

Chair Plantan agreed that having a consistency of language would be beneficial.

Planner Zweber stated he had an answer to Commissioner Douglas's question regarding the height of the back patio. The deck is seven feet eight inches above the parking lot to the north of the building.

There being no further discussion, Chair Plantan asked for a motion on the application.

Commissioner Parkhill made a motion, seconded by Commissioner Merriam, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation of approval for preliminary and final plat review, planned unit development amendment for 15 to 25 units, shoreland impact plan/conditional use permit or impervious surface, and design review for the property at 253 Lake Street East for review and adoption at the next Planning Commission meeting.

Chair Plantan asked for any discussion on the motion.

Commissioner Merriam asked if the Public Works Director/City Engineer approval of the stormwater infrastructure could be added to the recommendation.

Commissioner Flannigan stated that he is very uneasy about the design review. He would like to have more context provided to alleviate any strain that the lack of the information could cause the City Council.

Commissioner Iverson asked if it was possible to pull the approval of materials out of this approval and ask for the applicant to come back with material choices.

Mr. Schelzel explained that the applicant has provided what the applicant is required to provide for the application. A recommendation can go forward to the City Council with the request that the applicant bring more information on the design to the City Council. He added that the Planning Commission has articulated their concerns very well, and Staff feels very comfortable conveying that information to the applicant for when they make their presentation to the City Council.

Commissioner Flannigan stated his agreement with Mr. Schelzel's recommendation.

Commissioner Iverson agreed that she doesn't want the application to be held up and she also agreed to Mr. Schelzel's recommendation.

Commissioner Bashioum agreed with the recommendation and the discussion.

There being no further discussion on the motion, Chair Plantan called for a vote.

Planner Zweber completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a) Review of Development Activities

Assistant Planner, Nick Kieser stated there are no new applications scheduled for the next Planning Commission meeting. The Boatworks application will go to the City Council May 5. He also noted that Wayzata was approved for Xcel's Partners in Energy Program. An Energy Action Team will be created, more information regarding the team or how to participate will be on the Wayzata website.

b) Planning Commissioner Report for the April 21, 2020 City Council Meeting

Commissioner Bashioum provided a report of the April 21 City Council Meeting. She stated that the Consent Agenda passed including the second reading of the ordinance to provide for extended hours for construction of Panoway. Conditional Use Permit for FILOP with preliminary donation of land, along with preliminary agreements in tandem with Ventana and Wayzata Blu projects for shared public parking. It was noted that final approval would not be given until all the PUD's and plats of all the projects are in place. She added that the exact layout and further design review is needed and will be reviewed by the Planning Commission and the City Council. Melvin's 235 & 239 Lake Street E with relief of a portion of FILOP in exchange for the land donation. City Council also approved a side-yard setback variance and impervious surface variance at 244 Wayzata Blvd East. A heated sidewalk was requested by Miss Parrish representing Marquee Place LLC. City Council discussed and determined to pass the measure. COVID-19 measures were discussed.

c) Planning Commissioner Liaison for the May 5, 2020 City Council Meeting

It was noted that Commissioner Merriam will provide the Commission with a report of the May 5 City Council Meeting at the next Planning Commission meeting.

Commissioner Douglas stated that new materials for design standards needs to be updated. She requested that Planner Kieser begin to compile research as the Commission waits for the return of Director Goellner.

Planner Kieser thanked Commissioner Douglas for volunteering him. He added that Staff has already begun to plan.

Commissioner Bashioum added that there are a number of code issues that continue to be brought forward. She would like to see if perhaps some codes need to be changed in the attempt to streamline the process.

Planner Kieser stated that it is a big topic and will require a number of workshops and discussions regarding priorities and what should be looked at within the code.

Planner Zweber added that the changes that would result from the 2040 Comprehensive Plan will also need to be addressed. The code changes as a result of the Comp plan will have a time requirement of 9 months. Staff will begin to work on compiling this list and get the Planning Commissions input regarding the priorities prior to Director Goellner's return.

d) Public Meeting Changes in Response to COVID-19 Pandemic

No additional information shared.

AGENDA ITEM 7. Adjournment.

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

Commissioner Flannigan made a motion, seconded by Commissioner Iverson, to adjourn the Planning Commission meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 9:02 p.m.

Respectfully submitted,
Jenny Groess
TimeSaver Off Site Secretarial, Inc.

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.a
TITLE: Zoning Ordinance Amendment Topics	
PREPARED BY: Eric Zweber	
REVIEWED BY: Nick Kieser, Assistant Planner	
60 DAY DEADLINE: N/A	

BACKGROUND:

The Planning Commissioners have mentioned a number of items within the Zoning Ordinance that they would request to be reviewed. In addition, the Zoning Ordinance needs to be reviewed and revised to be compliant with the 2040 Comprehensive Plan within nine months of the adoption of the Comprehensive Plan. Attached is a list of these topics to be reviewed at the Planning Commission to provide priorities and identify any addition issues to be reviewed.

ACTION REQUESTED:

Comments as necessary.

ATTACHMENTS:

1. Zoning Text Amendment Considerations

Zoning Text Amendment Considerations:

- Design Standards
    - Building Materials
    - Submittal Requirements
    - Bluff District Standards or a Fourth District
- Planned Unit Development
    - Combine Chapter 933 and Chapter 990
    - Eliminate PUD by CUP
    - Public Purpose Criteria
    - General Clean Up
- Floodplain, Shoreland, and Wetland Chapters
    - General Clean Up
- C-4, C-4A, and C-4B Districts
    - Retail requirements and standards
- Repeat Land Use Request Standards
- Subdivision Ordinance
    - Review Criteria
    - Minor and Administrative Subdivisions
    - Parkland Dedication Update
    - General Clean Up
- Sign Ordinance
    - General Clean Up
- Fence Ordinance
    - Simplicity
    - General Clean Up
- R-5 District
    - Conformance with 2040 Comprehensive Plan Densities
- R-2, R-3, and R-3A
    - Conformance with the 2040 Comprehensive Plan (Central Core Residential)

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.b
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.c
TITLE: Cancelling June 1, 2020 Planning Commission Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

As discussed in the review of development activity, there are no items that would require Planning Commission action until June 15, 2020. Staff has cancelled the June 1, 2020 Planning Commission meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.d
TITLE: Planning Commissioner Report for the May 5, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Merriam will give a report on the May 5, 2020 City Council meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.e
TITLE: Planning Commissioner Liaison for the May 19, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Douglas is scheduled for the May 19, 2020 City Council meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. PC Assignments at Council Meetings 2020

2020
Planning Commission assignments at Council meetings

Meeting Date		**Commission Representative**
Tuesday	January 7, 2020	Christine Plantan
Tuesday	January 21, 2020	Jeff Parkhill
Tuesday	February 4, 2020	Peggy Douglas
Tuesday	February 18, 2020	Gregory Flannigan
Tuesday	March 10, 2020	Cathy Iverson
Tuesday	March 24, 2020	Jeff Parkhill
Tuesday	April 7, 2020	Lindsay Bashioum
Tuesday	April 21, 2020	Lindsay Bashioum
Tuesday	May 5, 2020	Laura Merriam
Tuesday	May 19, 2020	Peggy Douglas
Tuesday	June 2, 2020	Gregory Flannigan
Tuesday	June 16, 2020	Cathy Iverson
Tuesday	July 7, 2020	Jeff Parkhill
Tuesday	July 21, 2020	Christine Plantan
WEDNESDAY	August 5, 2020	Lindsay Bashioum
Tuesday	August 18, 2020	Laura Merriam
Tuesday	September 1, 2020	Peggy Douglas
Tuesday	September 15, 2020	Gregory Flannigan
Tuesday	October 6, 2020	Cathy Iverson
Tuesday	October 20, 2020	Laura Merriam
Tuesday	November 10, 2020	Christine Plantan
Tuesday	November 24, 2020	Lindsay Bashioum
Tuesday	December 1, 2020	Laura Merriam
Tuesday	December 15, 2020	Peggy Douglas

Last Updated: January 1, 2020

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.f
TITLE: Planning Commissioner Liaison for the June 2, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Flannigan is scheduled for the June 2, 2020 City Council meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. PC Assignments at Council Meetings 2020

2020
Planning Commission assignments at Council meetings

Meeting Date		**Commission Representative**
Tuesday	January 7, 2020	Christine Plantan
Tuesday	January 21, 2020	Jeff Parkhill
Tuesday	February 4, 2020	Peggy Douglas
Tuesday	February 18, 2020	Gregory Flannigan
Tuesday	March 10, 2020	Cathy Iverson
Tuesday	March 24, 2020	Jeff Parkhill
Tuesday	April 7, 2020	Lindsay Bashioum
Tuesday	April 21, 2020	Lindsay Bashioum
Tuesday	May 5, 2020	Laura Merriam
Tuesday	May 19, 2020	Peggy Douglas
Tuesday	June 2, 2020	Gregory Flannigan
Tuesday	June 16, 2020	Cathy Iverson
Tuesday	July 7, 2020	Jeff Parkhill
Tuesday	July 21, 2020	Christine Plantan
WEDNESDAY	August 5, 2020	Lindsay Bashioum
Tuesday	August 18, 2020	Laura Merriam
Tuesday	September 1, 2020	Peggy Douglas
Tuesday	September 15, 2020	Gregory Flannigan
Tuesday	October 6, 2020	Cathy Iverson
Tuesday	October 20, 2020	Laura Merriam
Tuesday	November 10, 2020	Christine Plantan
Tuesday	November 24, 2020	Lindsay Bashioum
Tuesday	December 1, 2020	Laura Merriam
Tuesday	December 15, 2020	Peggy Douglas

Last Updated: January 1, 2020

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 18, 2020	**AGENDA ITEM:** 6.g
TITLE: Public Meeting Changes in Response to COVID-19 Pandemic	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Eric Zweber	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is scheduled to be on Monday, June 15, 2020 and it will likely be held remotely by electronic means using the audio and visual conferencing platform, Zoom. Staff appreciates the patience and willingness to adapt from the Commission and members of the public during this time.

The City Council Meetings will also be held remotely. The meetings will be shown on Channel 8, WCTV, and streaming on the City website at www.wayzata.org/WCTV.

Members of the public are encouraged to provide their feedback in an email to staff prior to the meeting. The best email address to use is PublicComment@wayzata.org. The public may also call staff to provide input. If sending comments by mail is preferred, mail should be postmarked at least three days prior to the meeting and addressed to Wayzata City Hall, 600 Rice St E, Wayzata, MN 55391, Attn: Public Comment.

If a member of the public would like to call in to the meeting during the public hearing period of a meeting, they can follow the instructions posted on the City website at www.wayzata.org/632/Virtual-City-Hall. The agenda packets will continue to be posted on the City website at www.wayzata.org/AgendaCenter.

For information on other public meetings, please visit www.wayzata.org/631/Coronavirus-COVID-19.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None