

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
APRIL 21, 2014**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

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

Present at roll call were Commissioners: Vanderheyden, Pearson, Gonzalez, Tyacke, and Iverson. Absent and excused were Commissioners Gnos and Ramy Jr. City Planner Gadow was also present.

Chair Gonzalez stated the minutes to be reviewed are for April 7, 2014.

Commissioner Vanderheyden stated on page 2, line 35, add the words “for public safety” after “reviewed the driveway access.”

Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson, to approve the April 7, 2014 minutes as amended above. The motion carried unanimously.

Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson to approve the February 3, 2014 workshop minutes as presented. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. Review and Adoption of Planning Commission Report and Recommendation on Request for: Final Plat Subdivision for Three (3) Residential Lots; Street Frontage Variance for Lot 2; Impervious Surface Variance; and Residential Design for Lot 2 at 141 and 155 Central Avenue N – NLD Wayzata LLC

City Planner Gadow stated based on the Planning Commissions feedback at the April 7, 2014 meeting, Staff drafted a recommendation for approval for the Planning Commission to review and adopt. He pointed out the change in Section 4.1.b on page 8. Staff would like to add language to clarify the applicant shall connect the private roadway to the storm water management system installed in the rear yard and the side yard of the property as depicted on the site plan included as Attachment A. This will clarify exactly where that system is located.

Commissioner Vanderheyden stated on page 6, Section 3.1.a. should read, “the applicant had complied.”

City Planner Gadow stated on page 7, Section 3.4.b, the word “difficult” would be changed to “difficulty.”

Commissioner Tyacke expressed confusion regarding the title because the Planning Commission is not approving a conditional use permit and not addressing the property at 1101 Wayzata

1 Boulevard. He asked if the title would be changed to reflect what the Planning Commission was
2 approving.

3
4 City Planner Gadow stated this would be updated.

5
6 Commissioner Tyacke stated the applicant in this proceeding is NLD Wayzata LLC. He asked
7 who the owners were behind this. The record should reflect who the owners are. He also
8 expressed confusion because the applicants for the Resolution that was approved by the City
9 Council were Anchor Bank and The Leo and Algena Lund Partnership. He asked if these
10 entities were related.

11
12 City Planner Gadow stated Anchor Bank is separate from the Leo Lund Trust, who previously
13 owned the two (2) residential lots that will be split into three (3) residential lots. NLD Wayzata
14 LLC has closed on these properties and has taken over the ownership. As such successor they
15 are entitled to the obligations under the City Council's Resolution and the development
16 agreement. All the obligations under this resolution that applied to Leo and Algena Lund
17 Partnership now apply to NLD Wayzata LLC.

18
19 Commissioner Tyacke asked if this was in the record. City Planner Gadow stated this was in the
20 applications and the title work.

21
22 Ms. Allison Kern, 50 South 6th Street, Minneapolis, manager of NLD Wayzata LLC, explained
23 City Planner Gadow's explanation of NLD Wayzata LLC acquiring the property is accurate.

24
25 Commissioner Tyacke stated there had been previous discussions of the home on Lot 2 being a
26 walkout basement but this was actually a lookout basement. He asked if the descriptions and
27 drawings had all been updated to reflect this.

28
29 City Planner Gadow stated this had been updated.

30
31 Commissioner Tyacke stated Section 3.4.b talks about the use of the private roadway as being
32 required and approved as part of the preliminary plat. He stated it was his understanding that the
33 applicant had requested this roadway.

34
35 City Planner Gadow explained the applicant requested a private roadway because a public
36 roadway would not have fit the character of the neighborhood due to scale and size. He
37 suggested adding language "as requested by the applicant and approved with the preliminary
38 plat."

39
40 Commissioner Tyacke suggested adding this language.

41
42 Chair Gonzalez explained a lot of this was driven by the City Council's decisions.

43
44 Commissioner Pearson made a motion, seconded by Commissioner Vanderheyden, to
45 recommend approval of the report and recommendation for approval for the Final Plat
46 Subdivision for Three (3) Residential Lots; Street Frontage Variance for Lot 2; Impervious

1 Surface Variance; and Residential Design for Lot 2 at 141 and 155 Central Avenue N – NLD
2 Wayzata LLC. Subject to the following corrections: the title, the two typos: compiled changed
3 to complied and difficult changed to difficulty, and required to requested, and the change in 4.1.b
4 adding the location of the storm water management system. The motion carried unanimously.
5

6 City Planner Gadow stated this would go to the City Council for approval at their May 6
7 meeting.
8

9 Chair Gonzalez clarified the agenda stated this would be a public hearing but the Planning
10 Commission had held a public hearing at the April 7 meeting on this topic.
11

12 City Planner Gadow explained this item was a carryover from the previous meeting so it would
13 still be in this section. Additional clarification can be done for future occurrences.
14

15 **AGENDA ITEM 3. Workshop Items**

16 **a. Introduction of Microbrewery/Taproom Ordinance Concept**

17
18
19 City Planner Gadow stated there has been interest in the community of a group of business
20 owners would like to operate and open a taproom and production facility in the City of Wayzata.
21 They are tentatively looking at space in the Boat Works building. Before this can happen the
22 City needs to decide if they want to change the existing liquor laws to allow for a number of
23 brewery production type facilities. If this continues to move forward it would be brought to the
24 Planning Commission as a Zoning Ordinance amendment or change to the City Code to change
25 the liquor ordinances to create space for a microbrewery or taproom and if the applicant moves
26 forward with the space at the Boat Works building an amendment to the existing PUD would
27 need to be requested by the applicant. He provided a couple of example ordinances from
28 Excelsior, Minnetonka, and Hopkins for the Planning Commission to review and consider. The
29 all operate under the theme in that they delineate the type of microbrewery operation that may or
30 may not be permitted in a particular city. They run the gambit from a brewpub to a strict
31 production facility. He explained a brewpub is a microbrewery with a restaurant attached to it
32 and a taproom is a facility where they brew a certain amount of product on site that is sold per
33 glass or growler. He stated once the ordinance is in the process of being drafted then the
34 Planning Commission could get into determining what may or may not be appropriate.
35

36 Commissioner Pearson clarified this would be a two-step process that would include an
37 amendment to the ordinance and an amendment to the PUD. He asked if the ordinance would
38 come before the Planning Commission for comment.
39

40 City Planner Gadow stated if the City's liquor laws are duly changed this would be part of the
41 general City Code and would not necessarily come back to the Planning Commission but Staff
42 would want to make sure the Commission is aware of how this change would affect the City's
43 Zoning. In addition to changing their general City Code, other cities have added additional
44 language to their zoning ordinances and these would be brought back to the Planning
45 Commission.
46

1 Commissioner Tyacke expressed concerns about the public safety aspect with the parking, the
2 beach, and the railroad crossing. He stated these things need to be reviewed in the context of the
3 PUD amendment.

4
5 City Planner Gadow stated this would be good feedback to provide to the applicant so they have
6 an opportunity to address these concerns and questions.

7
8 Chair Gonzalez pointed out some of the parking questions were addressed in the Q&A.

9
10 City Planner Gadow stated one of the things the applicants are looking at is a valet parking
11 option for the site so that they could park cars in a space rented from a third party. Once a
12 formal application is made then Staff will spend time looking at exactly what the parking
13 situation would be.

14
15 Commissioner Tyacke stated the public safety with the railroad crossing would be getting
16 emergency vehicles to the site and the trains can be long. The area is almost inaccessible during
17 certain times and this is troublesome to him. He also stated the City has a muni and he is
18 troubled by the fact that the City relies on this muni as a source of income for the City and this
19 would bring in a competing business.

20
21 City Planner Gadow clarified Commissioner Tyacke was concerned that this would be allowing
22 another business to compete against the muni in terms of alcohol sales.

23
24 Commissioner Tyacke stated the City does not allow private liquor stores and this would be
25 allowing a private business to make and sell alcohol in the City. This is conceptually
26 inconsistent.

27
28 City Planner Gadow stated if this application were to go forward Staff would be looking at how
29 these potential changes would interact with the City's existing ordinances and municipal
30 operations. He stated the amount of beer purchased at a taproom would be similar to what would
31 be purchased at a restaurant.

32
33 Commissioner Iverson stated this is an opportunity for the City to look at some additions to the
34 lakefronts. She stated she understood the concerns brought up and the City has a lot of work to
35 do to determine what this would mean for the City. She stated she would like to get some
36 feedback from Excelsior and other cities regarding their successes and failures with this type of
37 business in order to better understand it.

38
39 City Planner Gadow clarified the Planning Commission is not being asked to make any decisions
40 regarding this at this meeting. He was introducing the idea and topic to the Planning
41 Commission so they would be aware and to determine where additional work would be needed.

42
43 Commissioner Iverson stated there is potential to draw new people into the City because people
44 do like to tour the different breweries in the Twin Cities.

45

1 Chair Gonzalez stated it is wonderful that the City gets funding from the muni operation but this
2 is a free market country and the City needs to be willing to accept some competition.

3
4 Commissioner Pearson agreed with Chair Gonzalez. He stated the Q&A states the aroma from a
5 brewery is similar to a fresh bread or malt-o-meal production. He stated malt-o-meal production
6 smells terrible so he suggested removing this reference.

7
8 City Planner Gadow stated the same comment came up at the City Council workshop. He stated
9 scrubbers could be installed to mitigate some of the smell and odor. He stated Staff would talk
10 with other communities regarding the smell and what they have done to mitigate it.

11
12 Chair Gonzalez asked if there would be safeguards in place to prevent any type of explosions.

13
14 City Planner Gadow stated a brewery needs to get City and State licenses and the equipment
15 needs to meet the established standards and there are redundancies within the system to deal with
16 the types of things that could potentially cause an explosion.

17
18 Commissioner Vanderheyden stated he had come up with nine (9) different descriptions for
19 firms like this. He stated he tried to segment these based on the attributes each. He stated it
20 would be helpful to have a matrix to show these attributes. He stated he would like to act on
21 behalf of the City and take a more strategic view for the City. He asked if there could be a zone
22 within the City where this would not be a conditional use or planned unit development to have a
23 microbrewery. They would not be selling the product from there just brewing it.

24
25 City Planner Gadow stated the City does not have any industrial parks so it would have to be a
26 permitted use in an appropriate commercial district. You would be making a distinction between
27 a production facilities vs. a wholesale facility vs a taproom.

28
29 Commissioner Vanderheyden asked if this particular application were approved if the next
30 person who wanted to open a taproom in Wayzata has to go through the same exception process.

31
32 City Planner Gadow stated it would be an option to set up the types the City felt would be
33 appropriate to be permitted uses. This would trigger a building permit only. Most communities
34 have established these as conditional uses or require a planned unit development. It is up to the
35 City to determine how they would like to have this set up.

36
37 Chair Gonzalez stated it could be a permitted use in a certain zone but as a conditional use in
38 other zones. She stated the City has an adult uses ordinance and it is restrictive on where these
39 businesses can operate. This could be used as a model to limit where a microbrewery could go.

40
41 City Planner Gadow explained those type of ordinances are set up to limit a particular use so that
42 it is not close to a school or church.

43
44 Chair Gonzalez stated the Commission could consider having this type of facility a certain
45 distance from a residential area.

46

1 Commissioner Vanderheyden asked if the City limits liquor licensing from the stand point of, if
2 a new restaurant opens they would need to apply for a liquor license. He asked if the City had a
3 cap on the number of these types of licenses they could issue.

4
5 City Planner Gadow stated not at this time. He stated there is a cap on the number of bars but
6 not on the number of liquor licenses that could be issued for restaurants.

7
8 Commissioner Vanderheyden asked what the definition difference was between a bar and a
9 restaurant. City Planner Gadow stated it is a set percentage of revenue must be from food to be
10 classified as a restaurant.

11
12 Commissioner Vanderheyden asked if there would be any limits around taprooms or
13 microbreweries. City Planner Gadow stated this was a question that came up with the City
14 Council. There are several options for this including limiting the number that could be located in
15 town or they can only be in certain zoning districts. This is something that can be looked at
16 more closely when the ordinance is drafted.

17
18 Commissioner Vanderheyden stated there is sensitivity around the topic of food in the State
19 laws. He asked why there is a concern about food in relation to breweries.

20
21 City Planner Gadow stated it is driven from State Statute to differentiate between a brewpub
22 facility and a taproom facility. The brewpub has the restaurant as part of the facility and a
23 taproom is a production facility only and they have a third party that provides food. He stated
24 the applicant would have a close proximity to the new restaurant in the Boat Works building but
25 they are also open to working out a deal with other food vendors in town. He explained there are
26 other locations that are close to restaurants that allow patrons to bring food into the
27 establishment. This is a direction this applicant is moving toward because they do not want to
28 limit choices.

29
30 Chair Gonzalez stated is worries her when alcohol is served with no food.

31
32 Commissioner Vanderheyden stated he had gone to a public house and they required patrons to
33 have food. You could not drink in the establishment without food.

34
35 Commissioner Iverson stated a matrix would be helpful. The City wants to make sure the right
36 limitations are established while still being open for growth for the community

37
38 Chair Gonzalez suggested the starting point for the ordinances should be the State Statutes.

39
40 City Planner Gadow stated this would be where they would start. He stated Staff would get
41 started on a matrix and pose the questions regarding safety to the potential applicant and parallel
42 to that start thinking strategically about how the various options could work in the City so if a
43 formal application comes forward they would be prepared.

44
45 Chair Gonzalez suggested the ordinance say they shall comply with the established design
46 standards.

1
2 City Planner Gadow stated nothing would change as far as design with these changes.

3
4 Chair Gonzalez stated the City also has an ordinance that deals with parking and this should be
5 applied to this potential application and/or business type.

6
7 City Planner Gadow stated this is one area that could use additional clarity because the ordinance
8 does not have a definition of a microbrewery and the parking implications of a microbrewery.
9 He stated Staff would look at other codes to use those as a starting point for the parking. He
10 stated he did not know when this would be brought back to the Planning Commission for
11 additional workshop discussion.

12
13 Chair Gonzalez asked the Planning Commission if this would be a good idea for Wayzata.

14
15 Commissioner Pearson stated it is a good idea and it brings a different market and people to the
16 community.

17
18 Commissioner Tyacke stated he had heard that an establishment like this might be located at the
19 Meyer Brothers site but that was not feasible. He asked if this would be a different applicant
20 than the one for 6 Smith Restaurant.

21
22 City Planner Gadow stated it is a different applicant and entity. It may establish an informal
23 relationship with 6 Smith but they are separate.

24
25 **AGENDA ITEM 4. Other Items.**

26
27 **a. Review of Development Activities**

28 City Planner Gadow stated the next Planning Commission meeting is scheduled for May 5. At
29 6:00 p.m. there would be a joint workshop with the City Council and the regular meeting at 7:00
30 p.m. At this time the application that is on the schedule are a couple of variances and a CUP for
31 the redevelopment of a substandard lot at 520 Ferndale Road West.

32
33 **b. Other Items**

34 Commissioner Pearson stated he had watched the last City Council meeting. The Council
35 discussed concepts for the East Lake Street/Eastman Lane corridor landscaping. The five
36 concepts were brought down to one and there seemed to be some general approval with where it
37 was going. The Council reviewed a telecom compound proposal and decided to move ahead
38 with another consultant study of improvements to the existing site on a 4-1 vote.

39
40 City Planner Gadow stated this was to look at options to improve the existing facility that
41 doesn't preclude the City from deciding in the future to relocate things to a different site in town
42 or if they wanted to just make the changes to the existing facility.

43
44 Commissioner Pearson stated one Council member was prepared to move forward with repairs to
45 the existing site. He stated the Council also had discussions on the outdoor dining development
46 agreement, Cru. There were some changes made to the development agreement that were

1 approved by the Council. The Council passed a resolution approving this development
2 agreement. The Council also considered a resolution to study the Lake Minnetonka scenic
3 byway concept. This is a statement of intent by the City and other surrounding communities are
4 doing similar things.

5
6 Commissioner Iverson asked if the trees that had been taken down in front of the Sunsets parking
7 lot were going to be replaced.

8
9 City Planner Gadow stated they are waiting on the landscaping until the City decides what the
10 future that 600-block stretch of Lake Street is, given all the work that has been done on the Lake
11 Effect Plan. There is no established time line at this time but the goal is to get a plan together for
12 this stretch of road in the next two (2) years.

13
14 Chair Gonzalez stated the HPB is meeting on Tuesday April 22 and their next meeting is May
15 13. She asked for a volunteer to attend this meetings.

16
17 Commissioner Pearson stated this would not work with his schedule.

18
19 Commissioner Vanderheyden stated he would be traveling that week.

20
21 Commissioner Iverson suggested having a schedule calendar put together similar to the one used
22 for the City Council meetings.

23
24 Commissioner Vanderheyden stated this had been previously discussed as well as a review of the
25 duties of the Planning Commission.

26
27 Chair Gonzalez stated it was in the ordinance that someone attend.

28
29 Commissioner Vanderheyden stated he respected that but the reason it is in the ordinance should
30 be reviewed to make sure it is still a valid reason.

31
32 City Planner Gadow stated in the interim he would put together a schedule.

33
34 Chair Gonzalez stated she would attend the May 13 meeting but someone else would need to
35 volunteer for the June meeting.

36
37 City Planner Gadow stated the City Council will be reviewing these liaison roles to determine if
38 they are needed.

39
40 Chair Gonzalez stated this can also be discussed at the Workshop with the City Council.

41
42 **AGENDA ITEM 5. Adjournment.**

43 There being no further business, Commissioner Pearson made a motion, seconded by
44 Commissioner Vanderheyden, to adjourn the meeting. The motion passed unanimously.

45
46 The meeting was adjourned at 7:58 p.m.

1
2 Respectfully submitted,
3
4
5 Tina Borg
6 *TimeSaver Off Site Secretarial, Inc.*