WAYZATA PLANNING COMMISSION
Meeting Agenda

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Due to expiration of the State of Emergency on July 1 by Gov. Tim Walz, the city is now complying with the Open Meeting Law in which in-person public meetings will resume effective with the July 7 Planning Commission meeting. The public will be allowed to participate in the meetings in-person or via Zoom.

This Planning Commission meeting is being conducted both in-person and and remotely using the audio and video conferencing platform, Zoom. Members of the public may watch and listen to the meeting by logging into Zoom, or by calling 3126266799 on a phone, and entering **Zoom Meeting ID 966 2929 2578 and Passcode 581910**. The meeting will also be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/WCTV.

To speak remotely during the Public Forum and/or Public Hearing portions of the meeting you can use Zoom or a phone. When using Zoom, indicate you'd like to speak by using Zoom's "raise hand" function. When using a phone, press *9. In each case, you will be muted until you have been recognized and invited to speak. When you are invited to speak, you will not be able to unmute yourself. Please wait until you receive notification to "unmute" and then you may begin speaking.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 9524045313, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

Wednesday, July 7, 2021
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
   a. Approval of June 7, 2021 PC Minutes
   b. Approval of June 21, 2021 PC Minutes
   c. Consider Adoption of Planning Commission Report and Recommendation of Approval for a Sign Area Variance at 16100 Wayzata Boulevard the Lexus of Wayzata Dealership
   d. Consider Adoption of Planning Commission Report and Recommendation of Approval for an Amendment to Zoning and Subdivision Ordinance Notification Requirements
   e. Acceptance of Withdrawal Letter from the Moments of Wayzata at 163 Wayzata Boulevard West
5. **Other Items**
   a. Review of Development Activities
   b. Planning Commissioner Liaison Schedule and City Meeting Calendar
6. **Adjournment**

Upcoming Meetings:
City Council - July 20, 2021
Planning Commission - July 19, 2021

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 4.a
TITLE: Approval of June 7, 2021 PC Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the June 7, 2021 Planning Commission meeting.

ATTACHMENTS:

1. Draft June 7, 2021 Meeting Minutes

WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 7, 2021

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. Members of the Commission, City Staff, and others that are a part of the meeting will be participating by video or audio connections where we can all hear each other and see the presentations being made. We have a public forum and public hearing this evening on the agenda. If you'd like to speak during these portions of the meeting, you may call 1-(312) 626-6799, enter the Zoom meeting ID 97119215809, and press 9 to speak. Callers will be placed on hold and muted until the appropriate time of the meeting is reached. At that time, each caller will be recognized in turn, and invited to speak. Public comments continue to be welcomed and encouraged and we ask if possible, that comments of future agenda items be submitted in advance by emailing PublicComment@wayzata.org. Please include "public comments" in the subject line, your name and address, and the agenda item that you are speaking to. Comments can also be submitted by calling City Staff or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/wctv.

AGENDA ITEM 2. Roll Call

Chair Plantan asked Director Goellner to take roll call.

Present at roll call were Commissioners: Plantan, Merriam, Parkhill, Stockton, Bashioum, and Sorensen. Commissioner Douglas was absent. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, Public Works Director/City Engineer Mike Kelly, 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 Merriam made a motion, seconded by Commissioner Stockton, to approve the June 7, 2021 agenda as presented.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

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a.) Approval of the May 3, 2021 Planning Commission Meeting Minutes

Chair Plantan read the items on the consent agenda and asked for a motion to approve as presented unless anyone had anything to remove from the consent agenda.

Commissioner Merriam requested a change to the minutes on page 4 Line 7 where it says "Commissioner Merriam asked if the wording could be changed to similar and equivalent quality materials rather than same or similar materials." She noted that she intended to say "same or similar and equivalent quality" and wondered if that is what was heard and what went in to the design standards.

Director Goellner noted she would need to look through the design standards materials regarding that particular piece. If it was clear that Commissioner Merriam meant the word "quality" was to be included, if the Commission is comfortable with that, they can make that change to the minutes.

Commissioner Merriam asked for an additional change to the minutes on page 18 Line 17 where she asked Mr. Chermak if the design of 520 and 524 was actually bigger, to which he stated that "the westerly wall is about five feet longer." She noted that she then made the comment that that was his hardship, and that was not included in the meeting minutes; she said he had stated the hardship was the location of the stormwater pipe. She asked to add to the minutes that she made that additional comment.

Commissioner Parkhill made a motion, seconded by Commissioner Merriam, to approve the Consent Agenda with Commissioner Merriam's requested revisions.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Side Yard Setback Variances, Shoreland Setback Variance, and a Conditional Use Permit at 900 Shady Lane East

Assistant Planner Kieser explained that this application was for side yard setback variances, a shoreland setback variance, and a Conditional Use Permit (CUP) to construct a new single-family residence at 900 Shady Lane East. The Applicant is Kathryn Alexander with Alexander Design Group. The zoning of the property is R-2A single family residential district, and all the properties east of this property along Shady Lane East are also zoned R-2A; to the south and west is Lake Minnetonka which makes the property in the shoreland overlay district and west of the property is a meandering creek along with a storm water pond and the Section Foreman House is on the western property as well. To the north are the railroad tracks and the property zoned C-2 is a shopping center and C-4B for central business district. Planner Kieser noted that in the 2040 Comprehensive Plan, this property is designated as low density residential and the Section Foreman House property is designated as parks; just north of that is the central business district along Lake Street.

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Planner Kieser explained that there are essentially three requests in the application, with one that could be separated into two, setback variances from the R-2A zoning district requirements. First is the north side yard setback for variance of 1 foot of the required 15-foot distance for a distance of 14 feet and the south side yard setback variance of 5 feet off the required 15-foot setback to a distance of 10 feet. There is also a shoreland overlay district setback variance of 50 feet off the required 75-foot distance for a distance of 25 feet. Third, which is a bit unique, is a CUP for a structure located in the Flood Fringe District. Assistant Planner Kieser showed an aerial of the existing lot and gave background information. In 1984 there were previous setback variances granted to construct the principal structure of the home on the site which was recently demolished. He noted that in 2019 a similar development application with similar requests for a new single-family residence was approved. He noted the current application requests are almost identical except for the north side yard setback variance, where the request is for a variance of 8 feet off the required 15-foot setback to a distance of 7 feet. Therefore, this proposed home would be less on the north side yard setback than what was previously approved.

Planner Kieser showed a table outlining the R-2A zoning district requirements, the shoreland area of the property, and the shoreland zoning district requirements. In the R-2A district the 15-foot setback they are requesting is a variance from that on both sides of the home, and the proposed rear yard setback meets the R-2A requirements but requires a variance from the shoreland setback of 75 feet; they are proposing a 25.3-foot setback from the shoreline. The Applicant would meet the lot coverage and impervious surface standards with a lot coverage of 14.1% and impervious surface at 25% which is the shoreland overlay district limit. They would also meeting the building height requirement of a little over 24 feet to the peak. He walked the Commissioners through the survey on screen. The proposed home is a slab on grade with no basement and there is a pool deck, pool, and hot tub. The practical difficulty stated in the application is the unique shape and location of the lot on Shady Lane, especially with the meandering creek, which creates a small buildable area of a little under 2,800 square feet. Mr. Kieser also noted that the property is close to the flood plain, and reviewed the proposed flood plain mitigation plan. He said the proposed home would be in the Flood Fringe District as shown in yellow on screen. It is a small portion of the plans, a majority of which is the hot tub and the boat house. He noted that these are permitted uses within the Flood Fringe District, but the main thing is the fill or the flood plain volume, of which they are adding to that volume located on the site. He explained that this is important because it is where the water flow will go on the site, so they want to ensure if there is a flood in any circumstance the water has enough area to flow naturally. He shared that the Applicants have been in contact with the DNR and the Watershed District, who had no formal comments on the application at this time. They will need future correspondence and potential approvals from the DNR and the Watershed District to locate the hot tub and boat house within the flood plain and there may be more insurance needed for those areas. Mr. Kieser reviewed the tree preservation plan and noted trees in red shown on the slide have been removed along with the work of the most recent single-family home that was to be put there, so those would still be counted within the tree preservation plan, which they will need to calculate in to the overall plan. Mr. Kieser stated there are 74 inches of significant trees on the site and under the Code they are allowed 25% removal, or 18.5 inches; overall they will need 28.5 inches of replacement for the proposed trees to be removed. The Applicant is proposing to add in 36 inches of tree replacement on site which would exceed the Code requirement. He noted there were quite a few house renderings provided with the application, and showed a few on screen.

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Mr. Kieser noted that there had been no public comments received prior to the public hearing. He noted that the questions for the Commission to consider with the application include: is there a practical difficulty to support the variance requests? Is this project a reasonable use of the land? Is the project compatible with the preservation of the natural land forms, vegetation, and the wetlands? Are there protected measures in place for any flood plain alteration? Mr. Kieser noted that staff recommends approval of the application based on the unique shape, lot, and location of the project, especially because of similar approvals have been granted in the past and in 2019, which were almost identical requests/approvals for this property. The current proposal is less intensive on the north side yard setback, and the proposed project will increase the flood plain volume to allow the water flow in the case of a flood.

Chair Plantan asked if the Commission had any questions for Staff or the Applicant.

Commissioner Bashioum asked if a formal landscape plan was submitted with the application.

Assistant Planner Kieser said the tree preservation plan shows locations of proposed trees. It does not describe the species but on the north and west sides there are proposed landscaping improvements to the site.

Commissioner Bashioum asked if there is any other landscaping in the flood plain or is that not needed?

Assistant Planner Kieser replied that is not a requirement, and showed on screen some existing trees and arborvitae on the west/northwest side.

Commissioner Stockton asked how flood plain volume is actually increased.

Assistant Planner Kieser explained, showing the plan, that it is essentially taking fill out of the flood plain area to meet the elevation at the 931.5; they take some fill out from around the edges of the area to allow an increase in water volume. A civil engineer would calculate the volume in cubic yards of the water flow.

Commissioner Stockton noted they are actually raising the elevation of the property in certain areas.

Assistant Planner Kieser replied this is essentially lowering the fill, or taking out fill, to allow more volume.

There being no further questions for staff, Chair Plantan asked if the Applicant would like to speak.

Applicant Kathryn Alexander, Alexander Design Group, 275 East Lake Street, Wayzata noted Gary Kraemer and Kevin Hilgers with John Kraemer and Sons are also present and they would be happy to answer any questions the Commissioners may have.

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Commissioner Parkhill asked if the reason the structure could not be moved a bit more to the west towards the river was because of the flood plain. It seems like visually there would be space to move the building a bit to reduce the setback variance needed.

Ms. Alexander replied they pushed it as far west as they can with the flood plain and the setback. She stated the reason there are so many jogs on that side of the house is because they are actually touching the setback in several points.

Assistant Planner Kieser noted there is a wetland edge and wetland setback there, as well, which limits where the home can go.

Commissioner Merriam asked if they have talked to the neighbor to the east.

Ms. Alexander stated that she has not personally talked with the neighbor and was not involved with the 2019 variance, but knows much of that legwork was done back then with the former owner.

Commissioner Merriam noted it looks as though the house is no closer than the previous home and asked if that is correct.

Ms. Alexander replied that is correct.

Mr. Hilgers said they have not had any interactions with neighbors in regards to the new project. He stated they always send out letters to neighbors with the contact information and encourage good relationships with neighbors. Once they get through this preliminary approval process the site supervisor and Mr. Hilgers are planning to approach the neighbor to get that correspondence started, knowing that the end of the cul-de-sac and access for construction vehicles will be very challenging on this project. They want to talk through it and be sure they have good standing relationships with the neighbor throughout construction.

There being no additional questions from the Commission for the Applicant, Chair Plantan opened the public hearing on the application at 7:01 p.m. She noted the public hearing portion is a very important part of the City Code and State Law. It gives anyone the opportunity to comment on an application and provides the Commissioners with valuable feedback as they review and make a recommendation to the City Council on these applications. She noted that the Planning Commission only provides recommendations to the City Council and are not a legislative body, so it is important to carefully consider all the comments, and they will listen carefully to all of them.

There being no one wishing to comment on the application, Chair Plantan closed the public hearing at 7:02 p.m.

Chair Plantan asked for the Commission to share their thoughts on the application.

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Commissioner Parkhill said given it was discussed two years ago, he does not think what is being asked is an unreasonable request. He would be fine whenever the Commissioners are ready to make a motion on these requests.

Commissioner Bashioum said she remembers the proposal, and the Commission went through all of these "asks" when it was before them previously. Since nothing has basically changed and they have not heard any negative thoughts about the project, she would encourage the builder to reach out to the neighbor before it comes to planning as a touchstone to start a dialogue. She likes the project and thinks the home is beautiful, and would also be in favor of the project.

Chair Plantan thanked the Applicant for such a thorough application, and noted it was very detailed and included a great set of documents. She said she agrees with fellow Commissioners that this is a difficult lot to build on and similar variances were granted in 2019. She stated this project meets the intent of the City's ordinances and definitely demonstrates clear and practical difficulties. She thinks it is consistent with the intent of the zoning ordinances and does not really impact any adjacent homes. She, too, would be in favor of this proposal.

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

Commissioner Parkhill agreed the home is beautiful, it is a hard lot to build on, and complimented the Applicant on turning in the tree preservation plan, because it is always a question that gets asked. He thanked the Applicant.

Commissioner Parkhill made a motion, seconded by Commissioner Bashioum, to direct Staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval for a setback variance, a Shoreland setback variance, and a Conditional Use Permit for principal structures in the Flood Fringe District at 900 Shady Lane to be reviewed and adopted at the next Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

Chair Plantan noted this will appear on the Consent Agenda at the next meeting.

b) Consider Development Application for a Planned Unit Development Amendment (PUD) and Variance for the Rice Street Townhomes of 520, 524, 530, and 534 Rice Street East

Director Goellner began staff's presentation. She said the Applicant is Pillar Homes Partner, Inc. who has applied for a PUD amendment to an existing 3 building PUD plan, and variance to the R-4 and R-5 standards of the PUD district zone, and that the project is called Rice Street Townhomes. She noted on screen the surrounding neighborhood properties and the Applicant's properties which are zoned as a Planned Unit Development. The PUD is surrounded primarily by commercial and residential uses. The property is guided as high-density residential use in the 2040 Comprehensive Plan, and there are a mixture of uses but primarily residential uses to the north with some commercial uses to the south and institutional uses to the east. She showed an aerial map of the properties including Building 1 of the PUD (existing), Building 2 (proposed – building

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construction halted) and Building 3 (proposed). There are 6 units included in the proposal, units 1 and 2 in blue, unite 3 and 4 in red, and units 5 and 6 in purple.

Director Goellner reviewed the unique history of the property, and said the PUD district and a PUD general plan was approved by the City Council in 2005, and a development agreement was executed with the property owner in 2006. Since 2006, Building 1 was constructed, along with the storm water management system and the parking lot behind Building 1. After a lapse of time, construction on Building 2 began in 2020 but was then halted, and there has been no construction of Building 3. Director Goellner clarified that the properties for Buildings 2 and 3 are under new ownership since 2006.

Director Goellner explained that in 2019, Staff and Applicant began discussing plans for Buildings 2 and 3 with the current property owner, and after some deliberation the owner and current Applicant indicated to Staff that they would like to complete the project as originally approved and submitted an application for a Building permit, which did not require a public review process in the form of a Planning Commission public hearing and City Council review and approval. The building permit was subsequently issued by the City for Building 2. It was later discovered that it was incorrectly issued because applicable and important PUD standards for the site were missed; after it was discovered that the building permit was incorrectly issued by the City, construction was halted on Building 2 which happened in late March during the framing process. After that time, the framers were allowed to be on site in April and May to add a roof cap to preserve building materials, but no further construction was permitted at that time. The Applicant is now proposing to finish constructing Building 2 and is proposing to construct Building 3 as shown in the application. This requires a PUD amendment and a variance to the R-4 and R-5 standards that are applicable in the PUD district. In the 2006 development agreement, it states that the PUD must be constructed in accordance with general plans approved by the City Council and filed with the City and recorded against the property.

Director Goellner noted that the Applicant submitted a previous application that was reviewed by the Planning Commission on May 3, 2021, and the Planning Commission recommended denial unanimously of that application. The Applicant then withdrew that application from further consideration and submitted the application before the Commissioners this evening. She showed photos of the existing conditions of the site and said the first request is for a PUD amendment that would incorporate the Applicant's current plans for that would complete the previously approved PUD project in a manner similar to the existing PUD plans in the sense that the new buildings 2 and 3 would remain townhomes with the same unit count. The modifications to the plans for buildings 2 and 3 require a PUD amendment under City Code Section 933. The Applicant is also requesting a variance from the R-4 and R-5 standards that are applicable in a PUD district for multi-family PUDs.

Assistant Planner Kieser noted general amendments/deviations from the 2005 general plans for the proposed PUD amendment, including the front yard setback, the staggering of building heights for Building 2, the construction deadline in the PUD agreement, and the additional architectural modifications shown in the proposed plans which include the location, size of windows, rooftop enclosure, floor plans, and deck locations. He compared the current development application to the previous application that was recently reviewed by the Planning Commission. He noted that

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the proposed front yard building setback for Building 3 has changed from .5 feet to 6.5 feet by reducing the proposed length of the building. He noted that additional information and clarity has been provided on materials for the proposed buildings, making it clear that they will be built with full brick and limestone accent material. Tops of the windows will have curved architectural cornice and limestone accent or banding, and limestone banding has been included in the plan elevations around all the facades. The parapet wall has been lowered on the rooftop by 8 inches on Building 2 and 3. A landscape plan has been provided. The footing for the rear deck of Building 3, Unit 6, has been removed and the rear decks on that building are now cantilevered from the building. The rooftop enclosures for both buildings are proposed to be constructed with a steeper angle on the north and south sides. Along with that, the width of the rooftop enclosure of 520 Rice Street East has been reduced from 11 feet to 8 feet which has reduced the total area of the enclosure by around 20 square feet. He showed front yard setbacks for each building on screen and noted the 2005 general plans have a 6.5 front yard setback for all buildings.

Assistant Planner Kieser then went over the proposed front yard setbacks and said Building 1 is at 6.8 feet, Building 2 would stay in the same place it is currently with front yard setback of 2.1 feet, and Building 3 would be pushed back from the previous proposal to meet the current 6.5 front yard setback. Another PUD plan amendment would be the height staggering. He noted building 3 would not have unit staggering under the existing or proposed plans. He stated the maximum building in the PUD zoning district is 35 feet; the proposed height for Building 1 is difficult to determine without an as-built survey, the proposed height of Building 2 is 33 feet 1 inch, and Building 3 would be 32 feet 10 inches.

Assistant Planner Kieser walked the Commissioners through a table with spot elevations from the surveyor to the top of the parapet. Regarding building footprint, Building 1 is at 2,908 square feet, Building 2 at 2,726 square feet, and Building 3 is at 2, 614 square feet, all falling within the 2005 original proposed range of Building 1 and 2 at 3,100 square feet. Proposed building materials are available to view on site. Assistant Planner Kieser reviewed additional changes proposed, including an updated construction deadline of two years after any development agreement would be approved, garage entrance angle for unit 6, removal of self-service doors next to the garage door in the rear, and changes to window locations and sizes.

Director Goellner stated the City received several advance public comments that all were received by June 3, 2021 at around 9:00 a.m., and those are in the packet. She noted they were from Christopher Vojta, 125 Walker Avenue South, Nicole Dunham 530 Rice Street East, Tony Straszewski 527 Rice Street East, and Kelly Harrington, 540 Rice Street East. She noted that Additional public comments received on or after June 3, 2021 were sent to the Planning Commission via email and included comments from Bruce Merry, 216 Minnetonka Avenue South, Jon Monson of the Landschute Group, and John Adams, 544 Rice Street East. She noted that the comments included many concerns about the proposed changes from the 2005 PUD Plans, such as the front yard setback, change in the staggering of the unit heights, building height, and changes to building materials. A neighborhood meeting held the previous week had 10 people in attendance, and a meeting was hosted at City Hall to hear neighborhood concerns about the project.

Director Goellner noted the questions for the Commission to consider for the application requests include: Are there higher standards of site and building design through the use of trained and

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experienced land planners, architects, landscape architects, and engineers? Is there a creative use of land and related physical development which allows a phased and orderly development and use pattern? Is there a development pattern in harmony with the objectives of the Wayzata Comprehensive Plan? Are there practical difficulties associated with development of these properties? – whether the changes result in the reasonable use of the property and whether the change would not have an effect on the essential character of the locality, and whether the plight of the landowner is due to a unique circumstance caused by landowner. She explained that the next steps include the Applicant presentation, questions for staff and Applicant, the public hearing, Commission discussion, and consideration of adopting one of 3 alternatives: Option 1, adopting the Planning Commission Report and Recommendation of Approval with the addition of conditions of approval or any adjustments to the report; Option 2, adopting a report recommending approval of some but not all requests, or Option 3, adopting a report and recommendation of denial. She noted that if a report is adopted, the application could be reviewed by City Council on Tuesday, June 15.

The Chair then invited the Applicant to address the Commission on the application.

Applicant K.C. Chermak of Pillar Homes Partner said after the last meeting, and as he heard some of the Rice Street neighborhood feedback, it became apparent that he was going to need to do a steadfast improvement whichcould not be integrated by going to the City Council under that application. He therefore felt it was important to redo the proposal based on feedback presented. He explained that before the Planning Commission is a "reboot" based on some of that feedback he felt was important to incorporate into the new application. He said staff informed him that there was some communication variation on what is considered real brick, and the color and installation with the limestone, so he wanted to make sure that was provided. Regarding the feedback on the windows, he elected to incorporate that even on the sides and back, the radius as opposed to architectural details being minimized, so instead of designing just for function, it became apparent that the form and shape was slightly more important than the function. He noted that other details changed have to do with the stairway enclosure which was slightly reduced, and after evaluation of concerns and comments about height he was able to reduce the height of the parapet. All of this was from feedback received and he adjusted accordingly. The last adjustment had to do with Building 3 and the ability to redesign the front setback to achieve the 6.5 front setback from the original PUD. He explained that the redesign took some challenges, and revolves around the storm water scepter and the pipes behind the building. He noted that the rear lot line location of Building 6 (the west-most building) was not altered and was set zero, and cannot be altered due to the information and actual location of that pipe. He explained that he went slightly wider while keeping the center lot line the same as it is twin home, reduced the square footage, and redesigned the floor plan pulling lot 6 or location 6 back to meet the 6.5 foot from the front. With Building 5, he explained that he slid it back to meet and accommodate that 6.5 foot setback, so there was no redesign on that, it was just slid back.

Mr. Chermak stated that the first proposal was based on information and data collected by the surveyor, Sathre-Bergquist, in current time. The information gathered caused the first application to not have the proper requested 6.5 feet setback for Building 5, and that has now adapted based on the feedback and requirements stated. He noted that the information was gathered in 2020 during the pandemic and during contact with the City, Sathre-Bergquist had to reboot and gather

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information from the application. Mr. Chermak explained that it was then discovered that there was no current or as-built information provided either with the initial permit for Building 1 and following the completion of it. This data had to be collected by Pillar Homes representative Sathre-Bergquist, including the information for storm water management (the culvert) behind Building 6 and the piping that goes to the west.

Mr. Chermak showed 2005 information on screen and noted recommendations, decisions, and deviations to properly build and locate the buildings to avoid the structure that exists on site. He noted the proposed 2005 storm sewer pipe on screen and said the actual storm sewer and culvert are two elements that are driving decision that the Applicant had to alter around. Mr. Chermak said he discovered their practical difficulty which then was used to make some decisions. The difference of the offset that is determined between the existing pipe - and where a building could be placed - and the new pipe that is actually in place, was roughly 4 feet. It is this four-foot difference that the building has been moved back for Lot 6, and it is also the same 4 feet that was proposed to the City with the original building permit application for Building 2, and was used for the sliding of the building to the north to offset and create a "stepping" in the building from Building 2 to Building 3. He explained that the same 4-foot adjustment calculated from Building 6 was then used to cause and request an adjustment for Building 2. Mr. Chermak stated that this adjustment was never disclosed and was never as-built in any way to the City after it was installed, and most of this is now being uncovered and will need to be better clarified. He said it is this practical difficulty, which is living, existing, and not anything that should be built on, that is the reason location 6/Building 3 was adjusted, and explains how Building 2 was slid to the north the 4 feet that it was, and caused the difference in the front setback. It was this practical difficulty that was discovered by Sathre-Bergquist, and Mr. Chermak noted the circumstances were clearly not created by him in any way. The deviation between existing available information is different than existing on-site.

Mr. Chermak said the request now of the new application will not create an essential character change to the area, and is a slight deviation from the original PUD which brings him before the Planning Commission today. In looking at the survey before and after there is a very large right-of-way between the back of the curb from the existing road (Rice Street) and that of the front lot line. He believes it is roughly about 20 feet and is very abnormal for Wayzata as it is quite large. He does not believe the slight slide to the north changes any of the character of the existing development or the surrounding area. He stated it was driven by the practical difficulty of the storm scepter and the pipe installed. Mr. Chermak said he is available for questions and hopes the second application shows a willing effort to listen to the adjacent neighbors and feedback from nearby residents while integrating it with factual information discovered that the Applicant needs to deal with. This as a 2005 development that was approved and 16 years later Pillar Homes is putting its best foot forward and trying to make an effort and interpretation of what is needed to be done now.

Chair Plantan asked if the Commission had any questions for Staff or the Applicant.

Commissioner Merriam asked to look at the materials slide of the brick and stone and noted there is the brick wall, 2 coloring samples, and laid bricks. She said it looks like 4 different options and asked what they are looking at.

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Mr. Chermak stated that he thinks the two boards with the hand-sets on them were just to show a color cross-section of the brick. The brick down below is a non-assembled brick that is used behind on the vertical wall that is 2x3 feet wide. This example is just for color, it is the exact same brick.

Commissioner Sorensen asked about the decks on the back of the building, and noted that it looks like the original building has the appearance of cantilevered decks on two levels with angles and angle bracing, but they have a certain look to them. From what he understands, Building 2 and one unit in Building 3 would look different with perhaps a roof over the decks and operable screens. He asked how that might look esthetically versus Building 1.

Mr. Chermak replied the main floor decks are virtually the same, and the decks he proposed are a little less than 5 feet shorter in length. Between 2005 and now the idea was to evaluate everything in current time and make sure things looked the same. The shortening of the deck was to give a bit more distance and privacy between the town homes. The rooftop or deck above is slightly larger, so some of the length from the main floor was proposed to go above it and be just a roof over the top of it. From a construction standpoint, he stated they are virtually the same; roughly a foot thick and designed in the same fashion, and are stacked which is slightly different than the original plan. He explained that they are proposing that some buildings will have brackets and others will have a post, which are more architectural.

Commissioner Bashioum noted one comment received during the public comment portion of the last meeting was that the roof above the third floor would create a lot of shade and not allow sunshine in. She noted it looks like they have kept the roof above those balconies and asked if that is correct.

Mr. Chermak replied that is correct and instead of it being 13-14 feet, it is 7 feet long. He said it exists now and is a deck above, so they have removed the railing but made the deck a little longer to match the shorter one on the main floor.

Commissioner Bashioum said she is talking about the enclosure over the top, shading that portion of the back of the building.

Mr. Chermak noted it is a flat roof and is not an enclosure. There has been a discussion about roll-out screens that go up and down and would be temporary in nature.

Commissioner Bashioum asked when those screens are down whether that constitutes a sense of being an enclosure.

Mr. Chermak said he could see where that would be short-term, temporary. He expressed that it is screened, it is not a solid structure, and it is not permanent. They are rolled up and down.

Commissioner Parkhill noted the Applicant said he had to move Building 6 four feet forward because of the pipe running through - but ended up moving it 6 feet forward and the second building 4 feet forward. He asked whether they could have moved the second building 2 feet forward and the third building 4 feet forward to compensate for that.

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Mr. Chermak said he moved the location on lot 6. He is not sure he moved it 6 feet.

Commissioner Parkhill clarified Building 2 was moved 4.4 feet forward, and Building 3 was moved 6.1 feet forward.

Mr. Chermak asked if the question pertains to the previous request.

Commissioner Parkhill answered yes. The changes in the current plan looked like it was pushing the building forward by 4 feet, or they will change location of the pipe.

Mr. Chermak stated he is not sure he is quite following, but noted when the engineers laid this out, they were trying to keep consistent and have a staggering. He asked if Building 5 could have been only moved 4.4 feet on the previous application and said the answer probably could have been yes, but he thinks it was driven more by the location 6, which he reduced back quite a bit and the fact that he was under the requirement of 75% hardcover. He noted that there were many elements that the engineers were trying to fit into the formula. He said in this new application, he basically implemented getting back the 6.5 on the front.

Commissioner Parkhill said his biggest hurdle is the change in the setback, and that is why he is trying to understand that change.

Commissioner Merriam said along those lines, she recalls from the last meeting that the westerly wall on Unit 6 was actually 5 feet longer than on the original PUD plan. She said that explains why they would need to move Building 3 forward but noted that now the Applicant is saying it is because of a different location of the storm sewer. She does not know how both could actually be the case.

Mr. Chermak answered the 5-foot additional length was discussed. He reduced it and shortened it back. He believes the main reason for the longer length was because he had increased the square footage but was still under the 75% hardcover. It was not brought to his attention that the front setback needed to be setback from the front property line until this application and the previous one. The actually practicality and shifting of it was caused by the piping and the storm scepter from behind, so the building was not to be built on top of it.

Commissioner Merriam stated in looking at Buildings 530 and 534 and also on 520 and 524, regarding the rooftop, it has some kind of railing and a huge structure in the middle. She noted that when she looks at the existing Building 1 today from Rice Street, she does not see anything on the rooftop, although she knows it is up there and sees it in the drawings. She wondered how the rooftop structures are different from those on the first, existing building.

Mr. Chermak replied, based on Staff review and what he turned in, there actually really isn't anything different. The reason they can see it more now is because the parapet wall is not built, there is no perimeter on the structure that is built right now, that is just where they put the deck.

Commissioner Merriam clarified she is talking about the drawings, rather than as she sees it today.

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Mr. Chermak answered based on Staff review and the architect, it is not intended to be different at all.

Commissioner Merriam asked why the building is actually higher. She said the Applicant has made them shorter than the proposal the Commissioners looked at previously; the buildings are now somewhat shorter but are still 10 inches taller than what was proposed on the original PUD. She is wondering what the difference is.

Mr. Chermak may need Staff to help with this one as he does not believe the buildings are taller.

Assistant Planner Kieser said from the previous application submitted by the Applicant, the rooftop enclosures have stayed the same size, the angles of which the roofs of those enclosures have become steeper, and the only other change is that the width of the Unit 6 rooftop enclosure is smaller by about 3 feet.

Commissioner Merriam asked what the difference is between what Mr. Chermak is proposing and what was on the original plan from 2005.

Assistant Planner Kieser replied when they reviewed that in the plans that are associated with the development agreement, there were not dimensions of that rooftop enclosure; they also do not have an as-built as to what was actually built for those rooftop enclosures in Building 1. Thus, Mr. Kieser said it is hard to say the exact area and size of those rooftop enclosures from the information they have in the development agreement. He noted it is not an easy or exact answer.

Commissioner Merriam stated that she has been hearing from the neighbors, and John Adams who worked on the final plans, that there are differences between what Mr. Chermak is proposing and what he actually built and what was on the final plans. There are concerns there, and she also sees in the Staff report that the buildings that Mr. Chermak is proposing are 10 inches taller than what was approved with the PUD agreement.

Assistant Planner Kieser noted with these plans, and part of the reason they put “uncertain” for some of the building heights of Building 1, they have one building height for Building 1 of 34 feet. But it is hard to say how they calculated average grade, and if they used average grade to calculate those building heights. He stated they are also unsure if that is to the top unit to the bottom unit or mid-point between the two, which is why they say it is uncertain at this point, what the building height of Building 1 is without an as-built survey. That is why the surveyor tried to get those spot elevations to show exactly how the staggering or height of those buildings differs from building to building to clarify and give more information.

Commissioner Merriam said that answered part of her question. The other part of the question is that there is a final plan for how Building 1 was completed, and there is a rooftop up there. There is a final plan for Buildings 2 and 3, and she realizes they were not in the original PUD agreement, so it is not being used for tonight’s purposes. However, they know that there was a final plan, so how does Mr. Chermak’s proposed plan tonight compare with what is in that final plan.

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Assistant Planner Kieser answered that the final plans the previous owner sent over to the City are different than those that the City has on record for the permitting of Building 1. With that in mind, Staff has not been able to review those plans in full detail at this point, the plans on record which are not associated with the development agreement were not actually what was built. He noted they are a good comparison of what was built so those final plans that the previous owner sent over could have been the final plans but the City does not have those on record. That is why an as-built would be the best representation of what was built, and the City has to go off the 2005 plans which were reviewed and approved by the City Council. Building permit plans are not approved by the City Council so that PUD district is based on the terms of the PUD development agreement and those plans associated with that. Mr. Kieser explained that is how the City reviews it in terms of comparing it to the new proposal; the other plans are certainly something they can compare it to, but they are not something they should necessarily review the new plans through.

Commissioner Merriam asked if there was anything specific in the plans regarding the roof.

Assistant Planner Kieser replied yes, and he would have to look at it exactly to tell what those are, but there would be dimensions in those plans.

Commissioner Merriam said shouldn't they compare the plans proposed in the application with the specifics that they do have, since it is an amendment request.

Assistant Planner Kieser said the PUD district is not based on those building plans that were permitted or approved with the building permit. They need to review the current application through the PUD district standards with the development agreement that was approved and those plans associated with it. The building plans or final plans that were sent over are outside that scope and should not be reviewed to compare the proposal.

Commissioner Merriam stated that she understands that and her question is whether there are specifics that went along with what went into the PUD agreement. She further clarified that she is talking about what they have, and whether there were specifics about what was to happen on the rooftop setbacks, size of enclosure, whether there will be a staircase.

Assistant Planner Kieser said in the development agreement, the main thing it states is that the rooftop enclosure needs to be setback 10 feet from the front building line and there is no elevator access on those. Outside of that, those are the conditions that are listed that touch on the rooftop enclosure and the plans themselves show the rooftop enclosure but do not show dimensions, size, height, or anything like that.

Commissioner Merriam clarified the amended plans the Planning Commission is looking at tonight fulfill all of those requirements that were in the original PUD agreement.

Assistant Planner Kieser replied with those conditions listed, yes.

Commissioner Bashioum asked about revisiting the pipe situation and why Buildings 3 and 4 were moved to accommodate that. She queried that didn't City Engineer Mike Kelly address that situation and say that there was no reason to move the buildings.

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Public Works Director/City Engineer Kelly stated he believes the question at the previous Planning Commission meeting was what was the configuration, and was it built to the original standards or plan. He stated the answer is yes, generally it was constructed that way. As the Applicant and Mr. Kieser has mentioned, they do not have an as-built survey of what exactly was put in the ground. The drawing presented last time showed a highlighted purple area in the driveway, and there is a big storage system under the driveway that drains to a manhole structure directly behind Unit 6 and then drains directly to the west over to Minnetonka Avenue. Mr. Kelly said his response at the last Planning Commission meeting was yes, it was constructed generally that way. Based on the survey that Sathre-Bergquist has provided as well as a field visit, it is obvious that from the manhole structure behind Unit 6 to where the pipe ties in to Minnetonka Avenue, there is an angle on the pipe which brings the pipe slightly closer to the southwest corner of proposed Unit 6. The original design had accounted for the pipe and manhole and based on the current drawing of what is proposed, and he believes they are doing the same. Mr. Kelly said that they are getting as close as 2 feet to that pipe and are getting within about 3.5 feet of the manhole structure which is about as close as he would feel comfortable having the structure so it does not have any impact on the drainage. He said as Mr. Chermak mentioned and the plans show, the Applicant has been able to bring the setback back to the 6.5-foot front yard setback and still maintain a safe distance from the pipe to provide the structure.

Commissioner Merriam said regarding the landscape plans, she is curious if the Applicant will include the brick posts and gate, and wrought-iron fence as exists with Unit 1. She does not see them on the drawing.

Mr. Chermak replied yes, the intention is to do the same brick structure with the wrought-iron and gates.

There being no additional questions from the Commission for the Applicant or staff, Chair Plantan opened the public hearing on the application at 8:16 pm.

Nicole Dunham, the buyer of a unit in the proposed project at 530 Rice Street, stated she is very excited about the opportunity to move to Wayzata and specifically living closer to her family which she has been looking to do since last summer. She said after meeting with Pillar Homes last December, she signed a purchase agreement for 530 Rice Street in January of 2021. At the time it had already received a permit and construction had begun on the property. She said she also made a down payment of 30% for this home, so she has a significant investment in the property already. Following that purchase agreement, she listed and sold her previous home in March and has since moved in to temporary housing on a short-term basis which expires in November. She noted that at the time she signed her lease, she would have had plenty of time on the completion of her home in September or October in order to not extend that lease. Over the past 5-6 months her family of architects and engineers have guided her and spent hours and days working on floor plans for her unit and many of those design changes have been applied to other units in the development, specifically on the lower level, main floor, and upper level. She said she has spent additional hours planning for this home with the builder and has hired an interior design team, selecting appliances, cabinets, and countless design boards to create the vision for her home. Ms. Dunham said she appreciates hearing the concerns of the neighbors and the City around the development, all of

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which affect the home she has purchased and many of which Mr. Chermak has addressed tonight. She stated specifically that she wants to address 2 concerns: the shape of the windows and the elevator access to the rooftop. In regards to the windows, she said she has been working with her interior design team to create a contemporary home within a traditional brick structure to which the rectangular windows played very favorably to. Pillar Homes original plans, under which a permit was granted and which she signed a purchase agreement for, had rectangular windows and an exterior façade that maintained the arched style of the original building while meeting current building trends. The request to change the windows on the main floor and upper levels to arches and half rounds would greatly impact the work she has done from a time and monetary standpoint, as well as the feel of this home. She said she completely understands the City's desire for continuity and believes there is a balance that can be struck if all parties can come to the table and find a solution in keeping these buildings in harmony with one another yet current to today's styles. Ms. Dunham noted her previous home was similar in style, with brick and limestone exterior and both arched and rectangular windows, which gives her confidence that a solution can be found to maintain the aesthetics of this development and neighborhood while adding new buildings to the community that reflect the desires of today's buyers. In regards to the rooftop, Ms. Dunham wants to be really clear on what she is looking to do. She is not, never was, or entertained the idea of a room or a fourth floor on that rooftop; she is seeking a landing that would provide handicap accessibility to extending the current elevator to all levels. An elevator running to all stories of the home from the main level to the upper level and rooftop is personal to her because she has a family member who is unable to climb a flight of stairs and would not be able to access the rooftop without an elevator. In addition to those with physical limitations, the elevator would be an added value as the population continues to age and they should all be acutely focused on creating a more accessible City which Wayzata's 2040 Comprehensive Plan seeks to do. The addition of an elevator to the rooftop can be implemented without impacting the neighbor's views as it would be located on the rear of the building and would not impact the overall vision for the development. She noted that the rooftop already has an encasement for that staircase and the addition of the elevator would not change the total height of the building and would still fall within code compliance and height requirements. The addition of the elevator would not result in any unsightly equipment disturbing the views of other homes in the area like it may have 15 years ago when the original development was proposed. The appearance of this request will be negligible to the neighborhood, and Ms. Dunham asked that they consider allowing for this exemption. Building a home is a stressful time in anyone's life and this process has been far from easy, incredibly complicated and challenging for her. She stated that six months ago, when she signed the purchase agreement, it had been permitted and was under construction; then to have that permit pulled which extended her timeline for moving in, increased her costs significantly from a short-term rent standpoint, rising interest rates for mortgages, and missed investment opportunities because she has money tied up in the property. Ms. Dunham said she is committed to working with the neighbors and the City to quickly come to a resolution on this. She said it adds to the community of Wayzata, will unite the neighborhood in the end, and get them all back to enjoying the beautiful summers on the lake. She thanked the Commissioners for the time this evening to share her concerns.

John Adams, 544 Rice Street East, thanked everyone for the incredible amount of time spent and said he has a much clearer understanding of where everyone stands. He stated Attorney Schelzel is taking the position that the final plans he submitted were not recorded. Mr. Adams said they

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were referenced in the PUD and that it says on page 145 of the packet, which is in the PUD granting developer's agreement that he signed back in 2006, "the recorded copy of this agreement is required below, shall be considered amended by the plans as submitted to the City." He stated that is in reference to the plans he submitted at the City's direction that were the finals plans and final working drawings for all three buildings. Contrary to what Assistant Planner Kieser has said, the City has or should have all of those final plans in their archives from 2006. Mr. Adams' lawyers are of the opinion that those final plans were approved by the City and are a part of the PUD and they have a difference in legal opinions of Attorney Schelzel. It has driven him a bit crazy that all of this reference to the incomplete nature of the plans and the PUD, those are the concept plans. He would like to ask the attorney if he was doing a PUD today and Mr. Adams was the developer and received his concept approval and building permit, did the final plans per the City's direction, and got to the developer's agreement, would he have attached the final plans to the developer's agreement or would he have just simply referenced them like his colleague Bob Meller from the same firm did back then. Either Mr. Meller felt referencing them in the developer's agreement was adequate or he mistakenly left it out. Mr. Adams read an email Mr. Chermak sent him dated April 8 to the Rice Street home owners that says "after discussing and listening to your feedback, I have decided to simply proceed and complete the townhomes with the exteriors in the original architecture that was part of the original PUD agreement that is filed with the City of Wayzata and Hennepin County. The main reason for this has to do with the City of Wayzata requirement to have each owner sign the development application for an acknowledgement of amending and updating the current PUD with the City of Wayzata. By keeping the original architecture and listening to the feedback presented to me through John Adams that replicating the exteriors using the same initial architecture and exterior appearance is what your ownership preference is. This will be accomplished by your signing any documents that will be required by the City to assure this direction is approved." Mr. Adams said Mr. Chermak received those final plans when he bought the lots, the City has those final plans, and his question to Mr. Chermak is: why didn't he just build the final plans? He said he knows it was said after 15 years the codes had changed, and Mr. Adams spoke with Jon Munson about that and he said there were not any codes that he was aware of that had changed that would affect the design of the project as originally approved and designed. Life would have been so much simpler if Mr. Chermak had just followed the plan. Mr. Adams said that at the last Planning Commission meeting, both the Harringtons and Mr. Adams and his wife Rhonda stated they did not want this large roof over the deck or a screened porch there as it will block their light and view and is not acceptable to them. He noted there was selective listening at the last Planning Commission meeting, and that he appreciates everyone's time.

Kelly Harrington, 540 Rice Street East, stated she sent a letter to the committee and she thinks the amendments to Building 3 are commendable, and the changes look great. Her issues land with Building 2 and how close it is to the street. She said they can talk about brick and roof but to her that is so far down the road from where they are today. She noted there was a stop work order and Mr. Chermak worked for 40 days beyond that which is part of the reason they are where they are right now and so far down the road in this process. Ms. Harrington said she just wants the Commissioners to know her opinion, they are super excited about being here, and she understands where Ms. Dunham is coming from as they had a project in Excelsior they had to walk away from because they could not come to terms with the City. She noted it is really hard but what they all have to say as neighbors is important and she appreciates the Commissioners time, as well as the City Attorney's, and the City Planner for listening to them earlier in the week as that meant a lot.

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Anthony (Tony) Straszewski, 527 Rice Street East, thanked the Commission for listening and reading all of the letters sent, and thanked Jeffrey Dahl and David Schelzel for sitting down with them the other day as it feels good to be listened to. Mr. Straszewski said that he has organized his thoughts and comments into two buckets. The first bucket is that his position has not really changed since the May 3, 2021 Planning Commission meeting, as he and his wife relied on the City's assurance that the referenced PUD would be built as it was approved. They moved forward with the purchase of their home and absolutely love where they live. The second point is that his neighbors Kathleen Nash, Tom Robbins, John and Rhonda Adams, spent hours, days, months, negotiating the PUD that was approved back in 2005. Going back on those setback and height restrictions today is just fundamentally not fair to them and to the neighbors, as they negotiated on their behalf. Third, the City Code requires any changes to a PUD to be approved by City Council and the developer's variance application does not include a lot of the changes. Mr. Straszewski said he thinks Commissioner Merriam was asking some questions about the iron railings and brick pillar features in the front. He stated that the plans the Applicant is working off of today do not include any detail about the front steps, and it looks like what is poured there in terms of infrastructure, substructure, and framing would not be consistent with what they see at Building 1. He said he wants to remind everyone that the Code requires any change to go through the Planning Commission and City Council. Mr. Straszewski said the structures at 530 and 534 Rice Street violate the PUD zoning. He noted that PUD stands for Planned Unit Development and it is a vehicle that cities, developers and neighbors can use when everyone agrees that there could potentially be a better use of the land, and allows them to go around the codes that exist. He noted some discussion tonight around the R-4 and R-5 standards, and there is a variance factor there. Mr. Straszewski stated the City Staff and the Applicant never pointed out what the R-4 and R-5 standard is, and he believes it is a 20-foot setback. What they have here is a 6.5-foot setback and the Applicant originally wanted to go to 1/2 of a foot – that is almost a 100% variance. He said that the structure there today (Building 2) exceeds the front yard setback by 4 feet, and in a City where they measure ground cover and building height in inches, that is a big deal. Mr. Straszewski said the structure will clearly exceed the 32 feet 3-inch height restrictions that were negotiated in the original PUD, and all this monkey business around the working drawings is just that – monkey business. He said that the developer agreement that was filed with Hennepin County does specify the 6.5-foot setback from the front yard and the height restrictions of 34 feet for Building 1, 32 feet 3 inches for Building 2, and 32 feet for Building 3, and the unit height of number 4 and the roofline not stepping down from Unit 3. Mr. Straszewski said the second bucket is focused on some things learned at the May 3, 2021 meeting. He said he thinks the neighbors were really shocked to find that the City Staff has not acknowledged those working drawings. Mr. Straszewski knows that Attorney Schelzel's position is that those working drawings were not filed with the PUD documents filed with Hennepin County, and it is not necessary because they are incorporated by reference in the PUD plan and are mentioned. John Adams read that sentence earlier and it was lifted right out of the development agreement that was recorded with Hennepin County and is highlighted in yellow. He said they assert, and Mr. Adam's lawyers are behind this 100%, that those working drawings are absolutely relevant, all of the detail down to the location of the light fixtures, the shape of the windows, the staircase enclosures, it is all incorporated by reference. Mr. Straszewski said he thinks it has become abundantly clear that Pillar Homes fabricated a rationale for moving Building 3 six feet forward and the rationale for moving Building 2 four feet forward. He continued that there is a lot of talk about the storm sewer and the location of a pipe that goes

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at a different angle, and still even with the location of Building 3, the building would not be over the pipe. He said, as Tom Robbins pointed out at the last meeting, with those circumstances doesn't it make more sense to move the pipe and not the building? Mr. Straszewski said he'd like to remind everyone that the permits mistakenly issued to Pillar Homes included fourth stories on both buildings, and a significant amount of square footage was being added and those "flex rooms" as they were promoted amounted to about 700 square feet. This was not insignificant. He said all of that has gone away and there has not been any discussion around that but it is important to bring up tonight because what they strongly suspect is that the moving of the buildings had much more to do with the fact that the City was going to allow Pillar Homes to build to a 35-foot standard and not the 32 feet 3 inches and the 32 feet that were approved in the PUD. They had to move the buildings to necessarily get that height. Mr. Straszewski said he was doing some research about parapet walls around the top of a building and the main reasons architects use them is for safety and to shield rooftop equipment. He said he'd like to remind everyone that the development agreement that was recorded with Hennepin County, the standard used is that any of the rooftop structures must not be visible from the pedestrian level at Rice Street or Minnetonka Avenue. He said they all know that Mike Kelly, City Engineer, who testified truthfully that all of this talk about the storm sewer really had nothing to do with moving the buildings. Mr. Straszewski noted at the May 3, 2021 meeting, there was some discussion around the surveys Mr. Chermak keeps referring to, one of which is dated March 2021. It would seem that all this talk about data points not matching up has more to do with supporting the fabrication of the storm sewer. Mr. Straszewski said that although Mr. Monson was not able to join the meeting, he has provided some direct testimony and public comments that are really important. Mr. Straszewski said the Rice Street neighbors simply won't concede on the height restrictions and the setback restrictions that were negotiated and are part of the recorded PUD with Hennepin County. He said the full set of working drawings are very relevant and should be recognized by the City, they are incorporated by reference and they have been given the letter of the document that was recorded with the City. He respectfully asked that the Commissioners deny the Applicant's request for variance and recommend to the City Council that they order the immediate removal of the violating structure and compel Pillar Homes to start over in accordance with the PUD zoning. He said that many people have talked that the Planning Commission and City Council would do well to conduct their analysis as if the violating structure had not yet been built and the developer were seeking the variance before construction commenced, and Mr. Straszewski agrees with that.

There being no one else wishing to comment on the application, Chair Plantan closed the public hearing at 8:45 pm.

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

Commissioner Bashioum stated she revisited a letter received from Anne LaFrance, who is also listening tonight to the Zoom meeting, dated April 28, 2021 which was included in the packet prior to the May 7, 2021 meeting. In an effort to understand the timeline of events, Ms. LaFrance mentioned a retaining wall suddenly materialized on her property line adjacent to the Pillar brownstone project at the beginning of construction activity without her knowledge until the work had already begun. Commissioner Bashioum quoted from the letter: "I feel dismissed, disrespected, and insulted by the mess Pillar Homes, K.C. Chermak, and the City officials have

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wrought on our neighborhood. There seems to be a pattern of missteps, misinformation, in regard to the adherence of standard code enforcement for this project including enforcing the existing PUD." Ms. Bashioum asked what is the Commission's responsibility was to the property owners in Wayzata, and whether they should dismiss the situation as a little mistake and hold no one responsible. She said she does not think so. She said that the Planning Commission has received a mountain of correspondence in this regard suggesting a conflict between all parties involved. Commissioner Bashioum paraphrased a statement received earlier today from Kathleen Nash: "There is a lot at stake here regarding the Pillar Rice Home/brownstone project. Leaving Building 2 in the wrong place in our neighborhood will leave the neighbors holding the bag. There is no doubt that Building 2 is out of compliance…I hope you keep those who are responsible accountable and not require the neighbors to take the brunt of somebody else's missteps." Commissioner Bashioum said she believes approving this proposal tonight does leave the neighbors holding the bag and stated: doesn't it set an unfortunate precedent that Wayzata doesn't enforce their building code? She said the Planning Commission also received comment correspondence from John Adams and his architect Jon Monson at Landschute with the original architect for the Rice Street brownstones and an email chronology of when the plans were made available to Mr. Chermak along with his assurances that he would comply with the PUD. Commissioner Bashioum wonders if this issue is better solved by another authority but she is certainly unwilling to approve any deviation from the original PUD and encourages the City Council to do the same.

Commissioner Stockton asked to clarify what someone had mentioned about a stop work order that was not followed. She stated that she does not understand that and would like to know the answer to that.

Director Goellner replied that work continued on the property to secure the site for an extended period of time. She has no evidence that additional construction to further construct the building was done under that stop work order.

Commissioner Stockton asked if she understood correctly when Mike Kelly spoke earlier was about whether there was a difference of 4 feet with the angle of the pipe.

City Engineer Kelly replied yes, he is not sure that it is 4 feet but there is a slight difference of 2-3 feet between the original alignment and the actual alignment.

Commissioner Merriam said in regard to the request for the amendment, the first time around on May 3, 2021, Mr. Chermak had stated it was because of the location of the storm scepter that he had moved the building forward. She said they also discovered at the same time that the unit was actually 5 feet longer and now he has Building 3 setback 6.5 feet, which is great, and she said it is wonderful the changes the Applicant has made to the plans from May 3 to today. She said it is great that Mr. Chermak was able to achieve it, and he could have also achieved it with Unit 2 in the first go-round; he had the information and knew there was to be a 6.5-foot setback that was part of the original agreement. Commissioner Merriam said she has a really difficult time seeing a hardship or practical difficulty in this case that would be due to circumstances unique to the property and not created by the land owner. She said, as mentioned, the setback in that zone is 20 feet - they negotiated in 2005 to get 6.5 feet - and to go even closer to Rice Street is just

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unnecessary, so it is unfortunate that the building has begun there. In regard to the Applicant's request for an amendment of the PUD agreement, Commissioner Merriam stated for intents and purposes it is to encourage higher standards of site and building design, and she does not see higher standards of site and building design with this amended proposal. She said she thought they did a really nice job the first time around, and it seems like some of the products are not of the same standard, some things are changing such as the setback within Building 2 and that does not seem to make sense. Commissioner Merriam said she has a hard time, and would recommend denial of the application based on her findings.

Commissioner Sorenson stated this is a tough one. He said he thinks they all struggle with how they can look at this fairly and objectively and do their best as Commissioners to really use the criteria they are given to evaluate the changes here. He said they fall on the lines of, does it affect the essence and character of the neighborhood, and will they be in harmony with the general purpose and intent of the PUD and the zoning ordinances He noted the Planning Commission has been given a lot of information and one asks what is driving these changes and amendments. He asked, were there hardships? He said they have heard a lot of debatable testimony that perhaps there has or has not been. Certainly, general market conditions are having an effect here, and the developer initiated other changes, and they perhaps do not know totally why. Commissioner Sorenson said he thinks cost may be an issue but they have heard so much information about heights, rooftops, why Building 3 was moved, the location of the receptor, and what plans apply to the PUD. As he said as he thought about it and in trying to be fair, looking at the aesthetics of the exterior of the building, if one was a neighbor living on Rice Street or across the street, are the differences they are talking about substantial enough to really alter the character of the original building and original PUD? Clearly some of the changes the developers made have been with that in mind in terms of clarifying the materials. Commissioner Sorenson said in trying to boil all this information down, it kind of felt like aesthetics and what this thing looks like is very important. The one item he struggles with along those lines is the decks; he said he does think that is a significant issue and the fact that they would potentially be screened, even if they are operable screens - he knows people with operable screens that are down a lot and sometimes they are not down a lot. He noted that visually, some have posts, and he thinks if those decks were aesthetically consistent with Building 1, it would go a long way towards making this building look and feel a lot more in character. Commissioner Sorenson said he thinks it would behoove the Planning Commission to try to find a way to move this on to Council, noting they have heard a significant amount of information over the last month and hopefully they can find a way. He said if they could get comfortable with the setbacks, the buildings not being staggered, and additional modifications on the decks, that may be a way forward to think about approving this amendment with additional clarifications.

Commissioner Stockton said she will comment on specific aspects of where the Applicant has made some progress. She said she thinks the material improvements are strong, the window shape change is not something that, to her, impacted primary aesthetic appeal at the back of the property. As an interior designer, she said she will seek a sympathy viewpoint from treating windows; if the window requirement should change, she does not see it as mission-critical for this application. She noted that the elevation staggering height as one cascades down Rice Street from what was originally proposed to what it is now, is a very nice aspect of continual cascades in Building 1 and 2 and then the leveling of Building 3 which seemingly match to the elevations of the original

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proposal back in 2005. However, there is a lot of staggering that is still happening, and she is not sure that she sees that as critical, although she agrees that the original was aesthetically more appealing. Commissioner Stockton said she thought she understood that the decks would all be cantilevered now, but she thinks that is maybe not so. She said she does think it is an architectural element and her initial reaction would be that they should be the same stylistically as the other decks, especially if the windows were to be different. She said she thinks the jutting out and third dimension of a deck or roof deck area is much more obvious of a distinction from what was original. Commissioner Stockton said she also thinks the original pipe location has triggered an alternate need for repositioning of the property; to what extent is a large question mark and to whether or not it was ever necessary for the second building to be pushed forward is also in question and potentially unlikely that it was ever needed to be pushed forward. She stated that moving the third building back to its position is a good improvement and necessary change. She said she cannot recall specifically what aesthetic implications would be required of an elevator to the rooftop, but she knows there are internal ways to provide handicap access, as well. She said there is certainly aesthetic concern for visibility and what is on the roof, given the viewpoint perspectives given originally, it should be looked at with weight because rooftops have become an important item they are addressing as part of the zoning task force, and that is something at the forefront of her mind.

Commissioner Parkhill stated this application is certainly a difficult one, and a difficult situation. He noted that they are a small town, everyone knows each other, and has literally one degree of separation with mutual friends, acquaintances, and use the same local shops, restaurants, and markets. He said that unfortunately, despite their best efforts mistakes happen. He said that on May 3, 2021, he presented a motion to deny the original variance request from Pillar Homes because he was hoping a little more time and communication would result in a compromise, or win-win. He apologized for not making the neighborhood meeting the previous week but stated he sees both sides of these issues and it is a very difficult issue. Commissioner Parkhill said today he stood in front of the buildings and noted how beautiful the one already built (Building 1) is, the limestone, corbels, details, it is really gorgeous and reminds him of the buildings in Chicago where he used to live. He especially loved on Building 1 the recessed arches that were over the windows which were really, really cool. He said that where he comes from in Chicago, there are buildings next to each other that are all very different, including heights, setbacks, windows, and bricks. Some are built with limestone, others board concrete. Commissioner Parkill said the situation is this: they have two vacant lots for 15 years, and that has not boded well for the tax revenue for the City. They are talking 4 townhomes, which conforms to the original intent and purpose of the PUD, and Commissioner Parkhill does not think the townhome windows or the brick will change the essential character of the locality. He said that Pillar Homes has backed off on the encroachment of the third building into the setback, and put it back the way the PUD actually is written. He said he would love to see an elevator for Ms. Dunham's relatives, noting fifteen years ago they were not all as sensitive to people with different abilities. Regarding the roof over the porch, he said that if that is not consistent perhaps that is something that is compromised away. He said he does not see arches as something that should necessarily be a requirement. Commissioner Parkhill said the one that gives him pause more than any of the changes is the setback, and the fact that it should have been known prior to the building being built. However, mistakes happen, he believes in giving people the benefit of the doubt, and there is supposedly a 20–25-foot parkway there, so the front of the building is really 27.1 feet from the road. He feels that is a very healthy distance and it is

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lucky that the large parkway is there because in looking on Minnetonka Avenue and the other side street, it is not. Commissioner Parkhill said he believes there have been a lot of concessions made and that there are extenuating circumstances. He said he would propose an approval adding the elevator, because if that is something in the original plans that Ms. Dunham agreed to, he thinks that is absolutely fine and they should work with that. He noted they can have more discussion over the roof, but he said that is something that should go away over the deck on the roof, and not necessarily making the arches a requirement. He said that is something that Pillar Homes has been willing to go back and add in, and unfortunately that is not exactly what Ms. Dunham was expecting. With that said, he said he would propose moving this forward to City Council and letting them make the final decision.

Commissioner Bashioum stated that she wanted to address some of Commissioner Parkhill's assertions. She said they would not be in this place if Mr. Chermak had followed the PUD, as he said he would as noted in the email chain in the packet. She said she did not know why he changed his mind, but there was more than one change –a lot of changes – and the Commissioners have to decide if they will follow the rules or if they will just let someone say "oh, sorry, I made a mistake" and let it go. She said she is conflicted with this, and it is a very difficult decision. It carries with it a heaviness of what they decide and ultimately the City Council will make the final decision, but she does not think they want to send the signal that it does not matter if rules are followed or not. She also does not think they want to go through with a fine-tooth comb and say they will accept "this variance" or "this change" to the PUD when really none of it is allowed. She does not think it is the Commissioners' job to make it easier for someone that has not demonstrated a hardship that caused this application to come before them again tonight.

Commissioner Parkhill said he does not disagree, and said it is a difficult choice.

Commissioner Merriam commented on the setback for Building 2, and noted that someone had said it was 4 feet, and it is actually 2.1 feet, so it is 4.4 feet different from the 6.5 feet of the original plan. he noted the landscape drawings in the amended architectural plans do not include any kind of detail that would be necessary to have it continue what is on Building 1. She said she thinks if it goes forward to the City Council that way, the Planning Commission needs to be clear that it needs to be completed in the drawings. Otherwise, it may not happen and the Applicant would be able to say "well, it's not in the drawings." She would recommend a condition on that.

Chair Plantan said she agrees with her fellow Commissioners that this has been really hard, with heavy decisions and a long and arduous review of documents. She stated that she, too, has been taking notes and emphasized that an amendment to a PUD should be for a better use of what is already there. After listening to the Applicant, reviewing the Applicant's application submittal, and taking all the neighbors' comments into consideration, she does not see a clear hardship or practical difficulty as defined in the Planning Commission's criteria they are given for granting a variance. She fully understands some of the architectural detail deviations that are requested, and some of them make sense due to changes in some of the construction materials and modern lifestyle living desires. She stated that she does not think most of these proposed decisions would have altered the essential character of the neighborhood but some would, including the deliberate changes in the height, the treated timber posts to support the screened porch, it is not cantilevered. She noted that even if they added a bracket, it does not change that it is supported by posts and

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very different from what is already there. Chair Plantan continued that the biggest requested amendment in her mind is the setback, and she stated she just does not see a practical difficulty or benefit to the neighborhood for that. She said that having a slight angle in the sewer pipe does not affect Building 2 at all, and having a full 3 story building encroaching into the setback does not feel aligned with the intentions of the original PUD. She noted that while some of the design details were concerning, they were not as concerning as that setback with Building 2. With no practical difficulties as defined in the Planning Commission's criteria for reviewing a variance, and no City benefit for the PUD amendments, she would not vote in favor of an approval recommendation for this application.

City Attorney Schelzel stated that staff has been carefully listening to the Commissioners' discussion, the public comment, and everything related to the application. He provided the Commissioners with an outline of the options available as the next action step. He said in the interest of moving this along as quickly as possible, and to assist the Commissioners, staff had prepared two alternative draft reports and recommendations that went into the packet: one with findings and a recommendation of denial and one with findings and a recommendation of approval. He noted those drafts are not set in stone but are intended to help move this forward if there is consensus around one direction or another. He noted that in the motion the Commission could adopt either report – and he would suggest referencing the page number of which report they are talking about – and add any condition or amendment to the draft they'd like to make. He explained that the other option would be to direct Staff to go back and prepare a different report, although Staff would prefer not to do that in the interest of moving this forward as quickly as possible.

Director Goellner noted the draft report of approval starts on page 91 of the meeting packet, and the draft report of denial starts on page 102.

Commissioner Bashioum stated that she does not understand why Mr. Chermak did not follow the original PUD. She noted that the neighbors want the City to enforce the PUD that is in place right now and if they evaluate the proposal by the standards that the Chair mentioned, it does not fly and they cannot approve it because it does not fit what the Commissioners have been instructed to evaluate it by. She said she is uncomfortable approving any portion of this application, and sending it to the City Council. She said Mr. Chermak had the plans and all he had to do was follow them. She concluded that he has not demonstrated a practical difficulty that has not been caused by himself.

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

Commissioner Bashioum made a motion, seconded by Commissioner Merriam, to direct Staff to adopt the draft Planning Commission Report and Recommendation on page 102, with findings and a recommendation of denial for a Planned Unit Development Amendment and variance from the R-4 and R-5 Standards applicable in the PUD District for the Rice Street Townhomes at 520, 524, 530, and 534 Rice Street East, as presented.

Director Goellner completed a roll call vote on the motion. Ayes: Plantan, Parkhill, Douglas, Stockton; Nays: Sorenson. The motion carried.

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Director Goellner noted that this application and the Commission's report would be on the City Council agenda for June 15, 2021.

AGENDA ITEM 6. Other Items:

a) Review of Development Activities

Planner Kieser stated at the next Planning Commission meeting they have two planned development applications on the schedule at this point; one for the Lexus dealership for a sign variance, and the other for Meridian manor, a new proposal called Moments of Wayzata. A neighborhood meeting will be held on June 10, 2021 for the Moments of Wayzata application.

Commissioner Bashioum asked what the proposed use of Meridian manor would be.

Planner Kieser replied there is more information online including plans, but the project will be a similar use with assisted living, memory care units. He noted that they are proposing to essentially keep the same structure but redo the entire exterior and interior of the building, along with a parking lot reconfiguration and an addition on the west side of the existing structure.

b) Planning Commissioner Liaison Schedule and City Meeting Calendar

Director Goellner stated the June 15, 2021 City Council meeting liaison is Commissioner Stockton. She noted the Planning Commission and City Council strategic planning session is scheduled for the following day at 4:00 pm. She noted that they will return to in-person meetings in a couple of months, and are working on the hybrid meeting technology that would allow them to stay remote if they wish to do so.

AGENDA ITEM 7. Adjournment.

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

Commissioner Bashioum made a motion, seconded by Commissioner Stockton, to adjourn the Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

The Planning Commission meeting was adjourned at 9:31 pm.

Respectfully submitted,
Kandi Chavie
TimeSaver Off Site Secretarial, Inc.

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 4.b
TITLE: Approval of June 21, 2021 PC Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the June 21, 2021 Planning Commission meeting.

ATTACHMENTS:

1. Draft June 21, 2021 Meeting Minutes

WAYZATA PLANNING COMMISSION
MEETING MINUTES
June 21, 2021

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. Members of the Commission, City staff, and others that are a part of the meeting will be participating by video or audio connections where we can all hear each other and see the presentations being made. We have a public forum and public hearing this evening on the agenda. If you'd like to speak during these portions of the meeting you may call 1-(312) 626-6799, enter the Zoom meeting ID 9868998, passcode 3519 and press 9 to speak. Callers will be placed on hold and muted until the appropriate time of the meeting is reached. At that time, each caller will be recognized in turn, and invited to speak. Public comments continue to be welcomed and encouraged and we ask if possible, that comments of future agenda items be submitted in advance by emailing PublicComment@wayzata.org. Please include "public comments" in the subject line, your name and address, and the agenda item that you are speaking to. Comments can also be submitted by calling City staff or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/wctv.

AGENDA ITEM 2. Roll Call

Chair Plantan asked Director Goellner to take roll call.

Present at roll call were Commissioners: Plantan, Douglas, Merriam, Parkhill, Stockton, and Sorenson. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present.

Director Goellner noted that Commissioner Bashioum had submitted a letter of resignation and would not be in attendance at tonight's meeting.

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 Stockton, to approve the June 21, 2021 agenda as presented.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

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AGENDA ITEM 4. Consent Agenda – No items

AGENDA ITEM 5. Old Business Items

a.) Special Note: Approval of the June 7, 2021 Planning Commission Meeting Minutes will take place at the next Planning Commission Meeting

Director Goellner noted that the June 7, 2021 meeting minutes were still under review and would be on the next meeting's agenda.

b.) Consider Adoption of Planning Commission Report and Recommendation of Approval for Side Yard Setback, Variances, Shoreland Setback Variance, and a Conditional Use Permit at 900 Shady Lane East

Director Goellner explained that staff is comfortable with the recommendation of approval from the Commission as presented in the draft report document that was included in the packet.

Commissioner Douglas asked if she could vote on this item since she was not in attendance at the last meeting. She noted that she had reviewed all the documents and watched a recording of the meeting.

Chair Plantan stated that it is her understanding that Commission Douglas could vote on this item, and staff agreed.

Commissioner Parkhill made a motion, seconded by Commission Merriam, to adopt the Planning Commission Report and Recommendation of Approval for Side Yard Setback Variances, Shoreland Setback Variance, and a Conditional Use Permit at 900 Shady Lane East.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 6. Public Hearing Items

a) Consider Development Application for a Sign Area Variance at 16100 Wayzata Boulevard the Lexus of Wayzata Dealership

Assistant Planner, Nick Kieser, stated that the property owner and applicant, EFN Wayzata Properties, LLC has submitted a development application for a sign variance for the total area of proposed signage on the site. He explained that in May of 2020, a Design Review application was approved for the remodel of the exterior façade of the Lexus dealership building. He stated that this property is zoned C-3, and gave an overview of the zoning of the surrounding properties. He noted that the property is designated as Mixed Use in the 2040 Comprehensive Plan. He stated that their request is for a sign variance and explained that in a C-3 property, the maximum total sign area allowed is 150 sq. ft., and what they are proposing for signs exceeds that limit. He reviewed an aerial photo of the property, as well as the surrounding properties. He shared

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renderings of the previous site design including the signage. He stated that there are also 2 existing pylons signs on the site, and this project does not propose to change anything with those; however they are included in the calculation of total sign area on the property. He reviewed examples of the proposed signs for the façade of the building, and compared them to the existing signage. He noted that overall the total signage area for the previous building was 184.05 sq. ft. and the total proposed signage for the new signage would be 266.81 sq. ft. He noted that the number of signs for the previous building was 8, which is the same for the proposed signage. He reviewed the practical difficulties the applicant had stated to support the requested variance: unique location; large size of the property; building setback from frontage road; only franchised dealership in the City; and the addition of directional signage such as 'pre-owned' and 'service" which adds to the total sign area. Assistant Planner Kieser said staff recommends approval of the applicant, and are in agreement with the stated practical difficulties. He noted that one public comment on the application was received from a nearby resident ahead of the meeting regarding lighting on the site, and noted that the applicant plans to reach out to the resident with the hopes of mitigating their concerns. He reviewed the questions for the Commission to consider that relate to a variance request.

Chair Plantan asked if the Commission had any questions for Staff.

Commissioner Parkhill asked about the allowed square footage for the dealerships on either side of the property that are located in Minnetonka.

Planner Kieser stated that he had tried to reach out but had not received a response from the City of Minnetonka. He explained that when he looked through their code, it did not have a total sign area limit on the lot itself, and seemed to just limit the size of the individual signs; so he did not have a specific answer on this issue.

Commissioner Stockton stated that she had the same question as Commissioner Parkhill, and thinks it is important to know whether there is a consideration of the allowance in the City of Minnetonka as well.

Chair Plantan asked if the applicant would like the opportunity to speak to the Commission.

Ron Kirsininkas, architect with Napleton Auto Group, explained that he did the design work for this project. He stated that the new signs are almost identical to what was on the old building. He explained that he believes the old signs were 1 foot tall, and the new signs are 1 foot 6 inches tall. He gave an overview of some of the visibility problems they have because they are almost 300 feet back from the main streets. He stated that the new signs will be LED and will be more crisp than what is currently on the building. He stated that they have redone all the parking lot lighting with new LED, dark sky compliant lights which shine straight done and believes that the nearby resident who expressed concern about lighting will no longer have the glare issue that he had communicated to the City. He stated that they are planning to touch base with that resident to address their concerns but suspects it will end up being a moot point.

Commissioner Stockton asked if the applicant had worked within the rules and requirements for signage in Minnetonka.

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Mr. Kirsininkas stated that they had not, because they understand that this business is within the City of Wayzata.

Commissioner Stockton stated that she thinks all the suggested upgrades are lovely and wonders if that shouldn't be taken into consideration because it appears as though that may be a part of why the signage is changing.

Mr. Kirsininkas explained that they are simply following the Lexus USA program for what they require their dealerships to put out, and noted that he had not analyzed the neighboring cities at all.

Commissioner Stockton asked if he meant that there were certain franchise requirements related to signage.

Mr. Kirsininkas replied that the franchise agreement that was entered into a few years ago indicated that they would have to remodel the façade and upgrade the signage to whatever Lexus USA has called their standard.

There being no additional questions from the Commission for the applicant, Chair Plantan opened the public hearing on the application at 7:27 pm.

Director Goellner stated there were no people that called in to the meeting that have asked to speak at the public hearing on this application.

There being no one wishing to comment on the application, Chair Plantan closed the public hearing at 7:27 pm.

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

Commissioner Douglas stated that she agreed with the recommendation from City staff to recommend approval of the variance, due to the setback of the property and because it is a very large acreage property. She stated that she feels the new signs are very tasteful, and the new façade also looks nice. She explained that she will wholeheartedly support this application.

Commissioner Sorensen stated that he agreed with Commissioner Douglas, and thinks the applicant has done a nice and thoughtful job of designing the signs to be in proportion with the large frontage of the building. He stated that because they are so far from the road, it doesn't appear to be too big or offensive in any way.

Commissioner Parkhill stated that the agreed with Commissioners Douglas and Sorensen.

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

Commissioner Parkhill made a motion, seconded by Commissioner Stockton, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings

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reflecting recommending approval for the sign area variance at 16100 Wayzata Boulevard, the Lexus of Wayzata Dealership, for review and adoption at the next Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

b) Consider Development Application for a Planned Unit Development General Plan and Design Deviations at 163 Wayzata Boulevard West

Assistant Planner, Nick Kieser, stated that the property owner, TMSC of Wayzata, LLC, has submitted a development application for approval of a Planned Unit Development General Plan and Design Deviation at 163 Wayzata Boulevard West. He reviewed the zoning for this property and the surrounding neighborhood, and explained the land use designation in the 2040 Comprehensive Plan was high density residential. He gave a brief overview of the existing site and structure, and the proposed rendering of the new building that utilizes the existing structure and adds a covered entry, addition and trash enclosure to the west. He explained that their application for Design Standard Deviations is reviewed under the process of the new Design Standards. He noted that there are three design deviations requested: parking in the front yard; no massing break of the front façade; and building material allowed within the Bluff District. He explained that even though property is located along Wayzata Boulevard, it is outside of the Wayzata Boulevard Design District. He stated that the existing facility was formerly called Meridian Manor which was a senior care facility that was constructed in 1994, and their PUD included things like: 75 units to serve up to 90 residents; 52 parking spaces; reduced floor area to a minimum of 520 feet for double occupancy rooms. He noted that Meridian Manor closed in April of 2020 due to COVID-19 concerns, and this is a new owner applicant for an update and redevelopment of the property. He explained that the proposal is to reuse the existing building, but update the exterior façade, and they are also proposing a 14,657 sq. ft. addition on the west side of the property. He noted they would also like to reconfigure some of the spaces internally in order to create 85 units, including 5 double occupancy units, with the possibility of a 9-unit behavioral care unit. However, he noted that the behavioral unit would likely need to come back before the Planning Commission and City Council for additional approval. He explained there would be senior living, memory care, and adult daycare for up to 20 guests per day. He stated that the applicant is expecting there to be 8-10 employees in the building addition at a maximum, but only 3-5 employees on average. The proposal includes a total of 63 parking stalls and adding a sidewalk along Wayzata Boulevard. Assistant Planner Kieser reviewed the floor plans for the addition portion of the project, zoning for the property, and parking requirements. He gave details about the Design Deviations requested, removal plans for the garage and trees, and landscaping plans. He gave an overview of some of the additional information provided regarding staffing, shifts, and delivery schedules. He noted that the City Engineer provided some comments on additional information that is needed before this project can move forward. He stated that the applicant held two neighborhood meetings on June 10, 2021 and June 15, 2021, and there were a total of 14 community members who joined the meetings. The discussion/questions at the meetings revolved around: parking, architecture, density, environment, front yard aesthetics, sidewalk/street trees. He explained that the City had received a few public comments ahead of the meeting that related to: tree removal, use of the addition, parking lot in front yard, office use, access points along Wayzata Boulevard, trash enclosure, covered entry, light pollution, and the

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desire for boulevard trees. He reviewed the questions the Commission should consider with this application for PUD and design deviation approval.

Chair Plantan asked if the Commission had any questions for Staff.

Commissioner Douglas asked about the information on the parking chart, and how the code defines housing for the elderly and nursing homes/rest homes, and what the differentiation would be.

Planner Kieser stated that the definitions are a bit outdated at this point. He read aloud the definition for nursing homes and elderly housing.

Commissioner Douglas asked about the renderings depicted on page 67 of the packet, and noted that the trash enclosure seems extremely large relative to the building. She asked for an explanation of the other box-like structure between the two entrances.

Planner Kieser that is the area that houses the mechanical equipment for the site. He stated that the City does not have standards for the size of the trash enclosures, but suggested that be a question put to the applicant about whether the size of the enclosure could be reduced.

Commissioner Douglas stated that she thought the new Design Standards advised that there not be dark rooftops.

Planner Kieser stated that he does not recall that specific standard being included in the new standards. The previous design standards stated that the roof material needed to be a dark color.

Commissioner Parkhill asked how many parking spots would be required for an office building that had 9 employees.

Planner Kieser stated that office use is based on square footage and believes it is 3 spaces per 1,000 sq. ft.

Commissioner Parkhill asked about the floor area of the office piece of the building. He asked what the parking requirements would be for a children's day care facility, for example, if they had 20 kids.

Planner Kieser stated that the floor area for the proposed addition is a bit over 14,000 sq. ft. and only one of the floors is office space, so he would estimate the office area to be around 5,000 sq. ft. He stated that with very rough calculations that means they would need around 15 spaces for that office use.

Commissioner Parkhill reiterated his question relating to parking requirements for a children's day care facility.

Planner Kieser stated that there is a provision in the code for group day care centers and that parking requirement is 1 space for each employee, plus one space for every 4 children.

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Commissioner Parkhill noted that if stucco is not allowed he would like a reminder of what is allowed besides hardie board, cement siding, and wood siding.

Planner Kieser stated that it can be either stone or other board type of siding materials.

Commissioner Parkhill asked if there was any solid, smooth, exterior insulation finishing system (EIFS) that would be allowed.

Planner Kieser stated that the Code specifically calls out EIFS and stucco as materials that are not allowed.

Commissioner Sorensen stated that both the trash enclosure and the mechanicals enclosure will be very visible, and feels the City really should give those areas attention to ensure it has the look that they are anticipating. He noted that the photo that was shown of a similar facility in Lakeville made it look pretty decent, but he has concerns about the large enclosures near the front of the building. He stated that if he understood the tree replacement calculations, they did not quite meet it, but they acknowledged it. He asked if the ornamental trees were not considered as replacements unless they are larger than that and asked if there was a reason that the applicant didn't just make those trees larger so they would count.

Planner Kieser that the applicant is just 4 inches short of the tree replacement requirement and could essentially put in 2 trees at 2.5 inches and meet the requirement.

Commissioner Merriam stated that her question is also about the trash enclosure and the mechanical enclosure both being in front of the building. She noted that staff has not raised this as any sort of deviation or regulation and expressed her surprise that they can be located in front of the building. She stated that, in her opinion, they are pretty unsightly.

Planner Kieser explained that the City Code does not necessarily touch on it in the Design Standards, and noted that the main thing stated in the code is that trash enclosures need to be screened from the public right-of-way or neighboring properties. He stated that for mechanical, it is pretty much the same thing and in the Bluff District-- the equipment is not allowed on the rooftop, but needs to be on the ground and either screened or on the interior of the building.

Commissioner Merriam noted that this is screened, but not in a very attractive manner. She asked why the applicant chose stucco for those areas of the building.

Planner Kieser stated that would be a question for the applicant.

Chair Plantan asked about the impervious surface calculation because the staff report only shows it increasing by 4%.

Planner Kieser stated that is what the survey shows and noted that he believes the main reason is because of the parking re-configuration, excess drive in the current parking lot, and the garage stalls being removed. He reiterated that this is a large site, so 4% is significant on a 4-acre site compared to other sites in the City.

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Chair Plantan asked if there was anything in the Design Standards that call out the size and the massing for porte cochere, and asked if they were considered part of the façade or a different structure.

Planner Kieser stated that he did not think so, and explained that the consulting architect also took a look at this and they did not bring that up.

Chair Plantan asked if parking was allowed on Wayzata Boulevard in this area and if so, whether there are any restrictions on those spaces, such as hours.

Planner Kieser stated that he does not think parking is allowed on Wayzata Boulevard in this location and would also assume that the City does not want parking in this location. He stated that if for some reason parking is happening there, the City could address that.

Commissioner Stockton stated that if there is no regulation specifying the location of trash or mechanical enclosures, whether there are examples in the City of other enclosures that can be found at the front.

Planner Kieser stated that it is a difficult question. He stated that the one that comes to mind is Colonial Square in the parking lot near the buildings, and explained that other than that example, nothing else comes to mind for that example.

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

Elizabeth Wright, 13564 Westernus Road, Minnetonka, stated that she is the current owner. She gave a brief background on what services they provide, and referenced Lakeville which was her first community. She stated that their Lakeville location opened in December of 2017, and is only memory care with 32 units. She explained that they specialize in memory care and providing a higher level of care to residents or people afflicted with one of the 78+ forms of dementia. She stated that everything they do within the building focuses on memory care, and believe that beauty on the inside and outside is important for residents, family members and neighbors. She stated that their first responsibility is to their residents and noted that there will not be any residents that will be permitted to drive. She stated that some of the concerns that have been raised have been about light pollution during the overnight and early morning hours. She stated that they are working through that situation and would like to speak to the City about the potential to partner with them to provide some screening along the boulevard between Wayzata Boulevard and Babcock. She explained that they have met with nearby residents a few times and have heard their comments and have been trying to find ways to assuage some of their concerns. She stated that she would like to assure everyone that she, literally, loves trees and have put about 450-500 trees on their property in Lakeville which is about 4.5 acres. She stated that they have made that property which is right on 35W look like a very inviting home. She introduced Burt Elmer and noted that she is excited about being in Wayzata and explained that she had spent a lot of time in Wayzata. She stated that when Meridian Manor closed because of the COVID-19 outbreak, putting in a bid on this property was a ‘no brainer’ for her because she has admired it from afar for quite a while.

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She stated that when they got into the building, they found there were some significant issues that were based on the 1994 construction which meant that they basically had to strip the entire building. She stated that she understands that the City has their Design Standards, but noted that they have kind of a 'brand' standard which is really what Lakeville 1 and Lakeville 2 are all about.

Burt Elmer, 1105 Pineview Lane, Plymouth, stated that he works with Ms. Wright. He noted that the building itself has served the community very well throughout the years and unfortunately the pandemic intervened and changed everyone's life. He stated that one of the issues was the way the site was originally graded and the owners were trying to minimize what they had for cuts and fills and took it right to the finished floor, but unfortunately, much of the grades around the building were funneling the water to the foundation wall so there has been a significant amount of moisture intrusion which means that they need to redo the entire exterior of the building. He noted that air quality and air filtration has changed significantly since 1994 when the building was constructed and gave some examples of some of their plans. He stated that one of the things the company has adopted is using a combination of stone and man-made stone as well as stucco and they feel there are ways this can be done that are very tasteful. He stated that the enclosures on the south side of building just outside of the kitchen are two air units, which are currently in the basement. He stated that based on this conversation, they can plan to clad those enclosures in stone as well so it would be complementary to the building design. The larger structure on the west side will house dumpsters but will also hold an emergency generator, a secondary chiller, and CT cans and transformers and the enclosure is meant to mitigate sound, which explains why the enclosure seems so large. He stated that they will work to continue to define those details and noted that they will also clad the exterior of this enclosure with stone as well. One of the points that was brought up by Consulting Planner, Eric Zweber, was not having accessibility from the front to the dumpsters and mechanical systems, so the side is screened by trees and is facing west and the enclosure in front that is housing the kitchen air and hood exhaust air, also has access that is not visible from the front which he hopes address those questions from the City. He stated that there was a question regarding the parking ratios and stated that he believes there is about 6,800 sq. ft. on the main floor and 6,000 sq. ft. on the lower level, so the office space would require about 18 parking spaces and looking at these calculations was why they added additional parking. He stated that when they created their plans, they were thinking it was in the Wayzata Boulevard Design Standards, rather than the Bluff District, but now that they understand this, they will adjust their plans accordingly. He stated that the trees have been mentioned and the overall topography of the existing tress is actually funneling the water toward the building, so they are trying to rectify what was done 30 years ago in the application of regrading and recontouring the lot which means there needs to be some tree removal and noted that it is unfortunate but necessary to address the drainage. The porte cochere needs to have the guidance of the fire marshal as far as the clearance and noted that they had initially used highway standards in order to have a truck be able to come underneath, but it is probably more of an emergency management service vehicle that will need to be able to come underneath the porte cochere, so they can scale that back. He explained that this is their intention, but they need to get some answers from the fire bureau to clarify the issue. He stated that they are also attempting to correct the drive access issue as well with people attempting to traverse areas that were not intended for that purpose because they are trying to exit the same way they entered. He noted that much of what is seen on the westerly side of the building is actually hardscaped. He stated that regarding the façade and the Design Standards are directed towards more of an urban downtown Lake Street event as opposed to more of the Wayzata Boulevard on the west end. As

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they looked at that stretch of the street along Wayzata Boulevard West from Wells Fargo moving westward, they looked and tried to refine the detail with their proposed plans.

Chair Plantan asked if the Commission had any questions for the applicant.

Commissioner Parkhill asked for a summary of the changes from what was presented in the application today, and the changes that the applicant has decided on making after speaking with neighbors and listening to the Commission comments. He stated a few that he believes he heard mentioned were scaling back the porte cochere, cladding to the two enclosures, and adding some trees in the right of way if the City would allow it.

Ms. Wright explained that during the two meetings, there were a lot of question marks and most centered around the lights coming into the front yards, the porte cochere size, and the enclosures for the trash and equipment. The other main thing that came up was that they wanted them to approach the City to get speed limit brought down. She stated that they attempted to submit an updated landscaping plan in order to show what it would look like with adding additional trees and really trying to keep in mind the desire of the neighborhood that this not look brand spanking new. She stated that they have looked at adding some 18-foot blue spruce trees to the property, so it isn't just the smaller trees that take years to grow. She stated that they have talked about trying to shield from their property onto the neighbors across the street and has concern that the plans will not be enough. She stated that one potentially easy solution would be that they would put some infill types of trees over in the boulevard area.

Mr. Elmer stated that they had considered adding in some type of coniferous trees so there would be year-round hedging and not just canopy coverage for part of the year. In addition, on the Wayzata side of the sidewalk, they have talked about adding a line of street trees that meets the gateway component coming into the City from the west going east and along the north side of the sidewalk so there would be more dense foliage in order to screen lights that could potentially shine.

Commissioner Parkhill asked if they had said they would clad both of the enclosures.

Ms. Wright stated that they will, and noted that all of their enclosures in Lakeville are also clad in stone.

Commissioner Parkhill asked if they had chosen stucco because it was consistent with their branding in Lakeville.

Ms. Wright confirmed that this was correct.

Commissioner Parkhill asked what their other options were if the City decides not to allow that material.

Mr. Elmer stated that their porte cochere in Lakeville has a pre-cast stone panel that has some detailing, and then above it is a running bond in the same natural sort of colors. He stated that he believes they can come up with a palette that is complementary to what the City would like and still work within their brand.

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Commissioner Douglas stated that she is feeling frustration because the neighborhood meetings were after their application was submitted. She stated that it sounds as though the applicant is open to making changes, but it makes it a bit difficult for the Commission members because they have studied, sometimes for many hours, the application that was submitted, and now it appears as though there are quite a few changes coming. She asked what the changes have been in order to make this project fit the Bluff District, since there was a misunderstanding about it being part of the Wayzata Boulevard District.

Planner Kieser stated that he wanted to thank the applicant for working with the City as the City was implementing the new Design Standards. He stated that stucco, is allowed as an accent material in the Wayzata Boulevard District, up to 10-20%. He stated that he believes that is the main difference between the two design districts.

Commissioner Douglas asked if the berm will be removed to accommodate the new sidewalk.

Mr. Elmer stated that the sidewalk is actually in the public right-of-way and noted that their intent is not to disrupt much of that area, and they are trying to just cut into the hillside.

Commissioner Douglas stated that with the acuity of the residents and the adult daycare for memory care, those people will not be driving and asked why the applicant felt it was necessary to exceed the parking standards.

Mr. Elmer stated that the reason was the office component, as well as the adult day care. He explained that there will be a certain number of trips per day, and they wanted to make sure they had the right number that included their staffing ratios.

Commissioner Merriam stated that she is concerned about the request for 63 parking spots because of its proximity to Wayzata Boulevard. She said she was also concerned that they are planning to take down trees, and eliminate the rose garden which takes away a lot of the nice, natural features of this area in order to put in extra parking spots. She stated that she is not sure those extra parking spots are really needed.

Ms. Wright stated that one of the things that they pride themselves on is having very fluid and frequent family member visits, and explained that most memory care facilities do not get the number of visits that they do. She stated that they have, on more than one occasion, prior to COVID, had spontaneous get togethers of just the family members and residents of the building which creates an additional need for parking. She stated that they cannot park on Wayzata Boulevard so they wanted to ensure that they had sufficient parking without having someone need to go park at the church.

Commissioner Merriam stated that she appreciates their desire for a lot of families to visit, but the information in the packet says, “visiting guests, 3-4 families per week and 1-2 persons per group typically at or after evening dinner”. She stated that does not sound like a whole lot of visitors. She asked if they were going to have a gathering whether it would be scheduled when the office workers were not present, so there would still be sufficient parking.

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Ms. Wright stated that they could not do that because most of the time the gatherings involve the administrative staff and would not just be left to the LPNs and CNAs to attend. She explained that she likes to be hands on and present in the buildings, and is planning to have her office in this location. She stated that they are only increasing the parking request by 10 spaces and, in her mind, seems fairly minor.

Commissioner Merriam stated that she wants the facility to have ample parking, but those additional 10 spaces mean that it moves closer to Wayzata Boulevard and removes the rose garden and some trees. She stated that it appears as though they are taking down many trees along the east side of the building. She noted that she had walked there today, and the trees look healthy. She asked if the drainage issue that was mentioned by Mr. Elmer was referring to this side of the building.

Mr. Elmer stated that the issue is the grading itself, and they were the ones that were most prevalent in creating the moisture issue around the east side of the building. He stated that it was in this area where there was recontouring done.

Commissioner Merriam stated that hearing that 67% of the significant trees and 100% will be going down are hard numbers to hear. She stated that she has gotten a bit of an understanding behind the reasoning from their explanation, but it is still disheartening.

Chair Plantan asked why the corporate offices would not be located in one of the other facilities.

Ms. Wright stated that part of the reason is selfish because she lives in Minnetonka, but most of her staff lives in the west metro area. She stated that they are planning on growth, and this location seems to be more centrally located for them.

Chair Plantan asked for details about the potential for a 9-unit behavioral care center that is planned for some time in the future.

Ms. Wright stated that was actually put in there by mistake. She explained that Meridian Manor had a memory care section with a locked wing, and noted that is not ideal for people with dementia. She stated that they had 12 units in there, and their thought process was that if it became something that people wanted to come to the Moments of Wayzata for, they could handle those types of people and behaviors. She explained that nobody who is in the field of memory care and dementia really wants to see a resident in a 'geri psych' because it is not a mental health issue, it is a dementia issue, when people have some outbursts and yell at people. She stated that if there is the opportunity, they would have a specific space within the existing building and it would just be a space that is more adaptable for people with those types of anxieties and behaviors. She explained that they like to avoid, as much as possible, the medication side of things, and believe in a more natural approach in working through what triggers people's anxieties and what brings them to the level of having these extreme behaviors, such as lashing out, that is not life endangering. She stated that they want to make sure that those particular higher behavioral people do not affect the rest of the community. She clarified that this area would all be within the building, and they are not asking for an additional building on the property.

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Commissioner Douglas stated that the third floor of the addition was mostly to observe the lower floor except for a mezzanine area. She asked if the building could just be a two-story building, or if they needed the third floor in order to access the third floor of the current building.

Mr. Elmer stated that what they have done with their brand in Lakeville is to have nice volumes that are part and parcel of the development. He said when they came to this site, they discovered that the building built in 1994 was very frugal, with how much space was put into the building, so the floor to ceiling is about 8 feet, then the deck is about 1 foot thick and there is another 8 feet and another 1-foot deck. One of the things that they would like to do is to illustrate and express in the new addition the characteristics that they have at the Moments of Lakeville.

Commissioner Douglas explained that she had worked in the Meridian Manor building for two years, so she is very familiar with the building. She stated that when she worked there, there was a lot of wasted space on the lower walk-out, and asked if they would be reconfiguring that area.

Mr. Elmer stated that one of the things they are talking about doing is providing the introduction of natural light, so on the south face they will have skylights that let light into the lower level and also provide skylights near the elevator bank in order to provide natural light in this area as well. He explained that they are also planning to remove two of the units on the southwest side and turn that area into the mezzanine/dining room space. He stated that they will basically have dining and activities on all levels so they do not have to traverse elevators or stairs.

There being no additional questions from the Commission for the applicant, Chair Plantan opened the public hearing on the application at 9:00 pm.

Keith Johnson, 166 Babcock Lane, stated that his wife Kris and David Kirkland were also present with him. He stated that they understand the need and desire to have a facility like this in the City, but their concern, as a neighborhood, is for the potential impact on their neighborhood. He explained that they were also concerned about the changes to the access point and removal of the heritage tree in order to move the entrance. He stated that they live right across the street, and currently the entrance point is at an angle. They consider the addition of the 14,000 sq. ft. building to basically be a commercial use because almost 50% of it will be used for office space. He stated that the addition is prompting a lot of other changes that are, in their opinion, somewhat undesirable, such as the need for more parking space. He stated that if the addition was not there, things like the trash enclosure could be moved to the west side of the building and would not require as many trees to be removed. He asked if the overall size of the portico needed to be that large. He stated that their concerns are not so much related to the grade of the building, the air exchange inside of the building or the functionality within the building, but rather everything that is changing on the outside, because that is what will impact them more than anything else.

Daniel Dropping, 120 Westwood Lane, explained that they are in the corner home right across the street from this project. He stated that along with the previous comments, he hopes that everyone understands that they are not against Moments of Wayzata or reopening this type of facility, because they all agree that there is a need for it. He stated that the problem is the size and as Mr. Johnson stated, all the negative parts about their new design are related to the outdoor components

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and all of these things face their neighborhood. He stated that he attended the first neighborhood meeting at Gianni's and a comment was made by somebody that he thought was a group supporting the management of this project, that this office was being built because it would be the new world headquarters. He stated that he does not think that this neighborhood should have to take the visual brunt of that type of structure, just for more parking. He stated that once the building addition is constructed, if some future management group decided to throw in another 30 offices, the structure would be there so they could, which means a parking density increase. He stated that they just want the building to remain the same footprint that it currently is because they think it is big enough. He stated that he lived here when it was built in 1994 and remembers a comment made, at that time, by that group of individuals, "Wow, we didn't think it was going to be that big." He stated that this plan is now trying to make it about 1/3 larger, and reiterated that he thinks the plans are just too big and adding on will not make it better.

There being no additional public comments on the application, Chair Plantan closed the public hearing at 9:09 pm.

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

Commissioner Parkhill stated that he would like to see a revised plan that included all the new things that have been discussed tonight. He stated that he would also like to see the neighbors be a bit more placated and happy with the project. He stated that there may be a reason to have more discussion on the infill along Wayzata Boulevard, which he feels would help a lot, or a way to consider a side yard variance in order to move some parking to the back on the Highway 12 side, or move the addition back a bit. He stated that he would like to see a solution with the proposed stucco, and know whether the applicants will stick with that or switch to the other building materials. He stated that he is not opposed to this application, but feels that the Commission is being asked to guess at a lot of the changes, and it would be nice to look at a better compromise for the neighbors and have some discussion in order to see what those may be.

Commissioner Sorensen stated that he thinks this is a very worthy application, and appreciates the openness and the apparent willingness of the applicant to cooperate with the City and the neighbors. He stated that he thinks it is important to recognize that this is a unique application that is talking about rehabilitating an existing building and maintaining that character. He said that, similar to Commissioner Parkhill, many of the changes that have been acknowledged by the applicant are very important as the Commission considers denial or approval of the application. He stated that he would also like to see them come back and incorporate many of the things that have been talked about into their application because he thinks the entire Commission would feel a bit better about it if that happened. He asked if this meant that the Commission would vote on denial and ask the applicant to come back with new plans, or if there was some other manner that could be accomplished. He reiterated that he believes this is a very valuable business for the community, but the issues that have been brought up are important to the City as well as the neighbors.

Commissioner Stockton stated that one of the things that was just mentioned by Commissioner Parkhill was looking at some of these proposed changes. She noted that one of the things she noticed was that there are pork-chop eave designs currently shown in a number of areas on these

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plans that are features that are called out to be avoided in the new Design Standards. She suggested that also be addressed with new plans. She gave an explanation of what she meant by the pork-chop eave returns.

Commissioner Douglas stated that she had mentioned her feeling of frustration earlier about how quickly this came up after the neighborhood meetings. She noted that while she likes that the applicant is willing to make some changes, she would like to see those changes reflected in the packet materials, so the Commission has time to study it. She stated that she thinks there is a definite need for this type of facility and would really like it to work out, but wants to see a more complete and accurate application. She stated that she believes the City has had to do that before with other applicants, where they have had a continuance rather than a denial action, and asked City Attorney Schelzel to weigh in on the correct procedure.

City Attorney Schelzel stated that a number of the Commissioners have expressed interest in more clearly understanding and documenting the changes that the applicant appears to be willing to make to this application. He stated that under the City Code, when the Planning Commission is reviewing an application, there are a few options. The Commission can direct staff to prepare a report and recommendation of denial or approval as the application is presented; recommend approval but with conditions or modifications of the plans in the application; or, if there are significant or numerous revisions to be made, the applicant can request a delay, effectively tabling action on the application in order for them to modify or amend their proposal.

Commissioner Merriam stated that she would echo much of what has already been said, and likes Commissioner Parkhill's idea of having them come back with some of the revisions that have been discussed. She stated that she also has a few additional comments on this application. She stated that one of the neighbors had commented that when Meridian Manor went up, it felt very residential and like it fit into the neighborhood. She said that the proposed plan felt more institutional with the large portico, the elimination of the screened porches and making them into additional units, and that the outside deck would be eliminated. She stated that there are a lot of features that are being taken away from the current building that will make it feel more institutional, and asked if there was anything the applicant could do to make it fit into the neighborhood better. She stated that she would also like to see them save more of the trees that are in existence, come up with a better design for the utility and trash enclosures, and soften the parking out front so the neighbors aren't just seeing a bunch of cars. She stated that from her perspective, there have been too many changes discussed to the application for her to recommend approval of it tonight, but noted that she really likes the whole idea of what is being presented.

Chair Plantan stated that, in general, she is in support of this project and the concept of it because it would really be an asset to the community. She noted that there is a need for facilities like this to support their Comprehensive Plan, and to have a facility for adult daycare so there is respite for their caregivers, which is important and needed. She stated that regarding the parking in the front, part of it she doesn't mind, because she understands the drop off aspect; but she stated she is not in favor of the one that is to the right of the building where the trees and rose garden will be lost, which gives it the more residential feel. She asked if there was a way to look at some variance and move some of the additional parking for staff and leave the parking in front just for guests and family. She stated that she also feels that there is some additional work that needs to be done, and

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applauds the applicant for addressing some of the needs of the neighbors and their willingness to work with the City and being an advocate, as requested by the neighbors for a discussion of the speed limit. She stated that her recommendation is that all of the recommended changes be documented so the Commission can review the revised application in totality, and that they consider some changes in the parking location, and perhaps the size of the adjacent building.

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

Director Goellner asked to give some context for the tabling option. She stated that the Commission had seen similar situations with a proposal where there was a desire to see a new plan set that incorporated the changes discussed. She explained that the options are to move forward with a recommendation of denial of the current application, or to table the application to allow the applicant to come back with revised plans. She noted that tabling is not usually the best practice because it can be confusing to the public, and there are no additional public notices are sent out to the public.

The Commission discussed various scenarios to move the application forward, having time to review the changes that have been discussed, and the possibilities of extending the timeline.

Mr. Elmer asked the Chair to speak and stated that they would propose that the Commission table their request and set a timeline that they would come back. He said if there needs to be another notification sent to the neighbors, or hold another neighborhood meeting, they are happy to do that. He stated that they would like to stay on the agenda because he thinks many of the things discussed can be incorporated as a workable solution, and they do not want to retract the application or drag it out until September because their goal is to move forward. He stated that they are open to working with staff and are not trying to cause problems, but would like to move forward in an expeditious manner so the Commission has proper time to think about it.

Director Goellner stated that tabling is the best option for the Commission when the Commission feels that the list of changes that they have given can be easily incorporated and it is likely that they would recommend approval upon seeing those changes made. She stated that if a majority of Commissioners are not certain or do not feel confident that they would feel comfortable recommending approval with the proposed changes, then tabling becomes a more time-consuming process for the applicant.

Commissioner Parkhill stated that he would like to make sure they are spending time with the neighbors and working through some of these issues. He stated that there are so many changes that he would recommend moving forward with the denial option, and have the plans resubmitted as a new application, so nobody will be pushed on the timeline. He stated that will also give incentive for the applicant to work with the neighbors, and noted that he would like to make this project a win/win.

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

Commissioner Merriam made a motion, seconded by Commissioner Parkhill, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings

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reflecting a recommendation of denial of a Planned Unit Development General Plan and Design Deviations at 163 Wayzata Boulevard West for review and adoption at the next Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

City Attorney Schelzel asked to clarify what will happen next. He noted that staff will prepare a draft report and recommendation recommending denial which will be on the Consent Agenda at the next Commission meeting unless the applicant decides to withdraw the current application and submit a new application. He stated that he wants to make sure the applicant understands that they have the ability to do that, and believes the timeline of the City review process would essentially be the same as if the Commission had chosen to table it.

c) Consider Amendment to Zoning and Subdivision Ordinance Notification Requirements

Director Goellner presented a proposed amendment to the notification requirements for the City's Zoning and Subdivision Ordinances and similar building code requests. She stated that this is something that has been initiated by the City, and she and Assistant Planner Kieser have been working on it for many months. She stated that these changes give the opportunity to increase awareness in the community of developments and construction activity, and formalizes some existing practices for neighborhood meetings into an official City policy. She noted they are proposing to add a requirement that a neighborhood mailing be sent by the applicant that provides more information than the existing standard mailing sent out that provides a link to the website. She stated that they are proposing to enlarge the area for sending mailings and public notices. She gave an overview of the current practices for notification. She explained that the proposed new policy would be adopted by Council and reflects best practices for staff. The three parts to the Policy would be: letter notifications for Land Use applications with details (mailing); neighborhood meetings for certain types of Land Use applications; letter notifications for Major Construction Projects. She gave an overview of which type of projects would have a letter notification and which would require a neighborhood meeting. She reviewed the current radius for notification and the proposed change to a radius of 500 feet and noted that in some cases that distance, for certain types or sizes of projects, could be increased. She stated that this proposed change requires numerous Ordinance amendments, which is the reason for the Public Hearing. She stated that staff has talked about the importance of trying to get notification to renters as well as property owners in the City because the data shows that 36% of the residents are renters. She stated that this proposal was discussed at a Council workshop in March of 2021, and they were supportive of the proposed changes. She reviewed the questions that the Commission should consider before making a recommendation to Council on the Ordinance amendments.

Chair Plantan asked if the Commission had any questions for Staff.

There being no questions from the Commission for the applicant, Chair Plantan opened the public hearing on the application at 9:47 pm.

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Director Goellner stated there were no people that called in to the meeting that have asked to speak at the public hearing.

There being no one wishing to comment on the application, Chair Plantan closed the public hearing at 9:48 pm.

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

Commissioner Douglas stated that she thinks this is a great idea.

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

Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval of the Amendment to Zoning and Subdivision Ordinance Notifications Requirements for review and adoption at the next Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 7. Other Items:

a) Review of Development Activities

Assistant Planner Kieser stated the next meeting's agenda included no new Development Applications so the meeting will just be the items discussed tonight that will be on the Consent Agenda, along with the meeting minutes that are being reviewed and edited from the last meeting. He noted that the July 6, 2021 Council meeting has been cancelled. He stated that the City has received an application for the TCF site that is not quite complete, and noted that a neighborhood meeting is being planned at the end of June or early July. He noted that there will be a community meeting to discuss and review the Tree Preservation Ordinance on July 12, 2021 at 5:00 p.m. at Shaver Park, and encouraged the Commissioners to attend.

b) Planning Commissioner Liaison Schedule and City Meeting Calendar

Director Goellner stated that she expects the July 7, 2021 Commission meeting to be a very short meeting with just the Consent Agenda items. She reiterated that the July 6, 2021 Council meeting has been cancelled. She stated that the City has been able to hold remote meetings because a State of Emergency has been in effect due to the pandemic. She explained that it looks like this emergency order is lifting on July 14, 2021, which means that if it is not extended, the Commission will need to resume meeting in person. She noted that with the a/v equipment it will be very difficult to have Commissioners join the in-person meetings remotely, so Commissioners may have to use their absences because of these limitations. She stated that currently it looks as though things are scheduled to begin, in person, on August 2, 2021.

Commissioner Merriam asked if there was any idea of what would be on the July 19, 2021 Commission agenda.

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Director Goellner stated that it is possible that the proposed TCF project will be placed on that agenda, and noted that meeting would still be held remotely.

AGENDA ITEM 8. Adjournment.

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

Commissioner Parkhill made a motion, seconded by Commissioner Sorensen, to adjourn the Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

The Planning Commission meeting was adjourned at 9:59 p.m.

Respectfully submitted,
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 4.c
TITLE: Consider Adoption of Planning Commission Report and Recommendation of Approval for a Sign Area Variance at 16100 Wayzata Boulevard the Lexus of Wayzata Dealership	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: July 31, 2021	

BACKGROUND:

The owner and applicant, EFN Wayzata Properties, LLC, has submitted a development application for a sign variance for the total area of proposed signage on the site. In May of 2020, a Design Review was conducted and approved for the remodel of the exterior façade of the Lexus of Wayzata dealership building that is currently underway at 16100 Wayzata Blvd. To keep the two existing pylons on site and to add new signage, a sign variance is required.

At the June 21, 2021 Planning Commission meeting, the Commission recommended approval of the application on a 6-0 vote.

ACTION REQUESTED:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval for a Sign Area Variance at 16100 Wayzata Boulevard the Lexus of Wayzata Dealership

ATTACHMENTS:

1. Draft Report and Recommendation

WAYZATA PLANNING COMMISSION

JULY 7, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF SIGN AREA VARIANCE FOR LEXUS AUTO DEALERSHIP AT 16100 WAYZATA BLVD

SUMMARY OF RECOMMENDATION

Approval* of Sign Area Variance

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

REPORT

Section 1. BACKGROUND

1.1 Project. Property owner and applicant, EFN Wayzata Properties, LLC, (the "Applicant") has submitted an application for a variance from the standard for total allowable sign area for the Lexus of Wayzata dealership property at 16100 Wayzata Boulevard (the "Property"). The Applicant is currently remodeling the exterior façade of the dealership building on the Property for which it received design approval in 2020.

1.2 Approval Requested. The Applicant is requesting approval of a variance from the standard for total allowable sign area on the Property to allow for 266.81 sq. ft. of total sign area (the "Sign Area Variance").

1.3 Property. The legal description of the Property is attached to this Report as Attachment A, and the street addresses, property identification numbers and owner of the Property are:

Address	PID	Owner
16100 Wayzata Blvd	05-117-22-14-0027	EFN Wayzata Properties, LLC

1.4 Land Use. The Property falls within the following land use areas:

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Zoning District:	C-3 Service District
2040 Comp Plan designation:	Mixed Use Commercial/Residential
Overlay District:	Bluff Design District

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on June 10, 2021. A copy of the notice was mailed to all property owners located within 500 feet of the Property on June 9, 2021. The public hearing on the Application was held at the July 21, 2021 Planning Commission meeting, at which no member of the public provided comments, but one public comment was sent in prior to the meeting that was attached to the packet.

Section 2. STANDARDS

2.1 Total Sign Area. The total area of signage on a property in the C-3 Service Zoning District must be the lesser of 150 square feet or 15% of the area of the property. Sec. 927 (Sign Table).

2.2 Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:

A. Variances shall only be permitted when they are:
(i) in harmony with the general purposes and intent of the Zoning Ordinance; and
(ii) consistent with the Comprehensive Plan.

B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

C. "Practical difficulties," as used in connection with the granting of a variance, means that:
(i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
(ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
(iii) the variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the

affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Sign Area Variance.

A. The Sign Area Variance requested is (i) in harmony with the general purposes and intent of the Zoning Ordinance in that the variance is related to positive improvements to a unique service commercial property, and (ii) consistent with the Comprehensive Plan's guidance for the area.

B. The Applicant, in the narrative of its Application and its public comments before the Planning Commission has established that there are practical difficulties in complying with the strict standards of the Zoning Ordinance as they relate to total sign area.

C. A finding of "Practical difficulties" is supported by the following:

(i) The Applicant's proposal for the Property is reasonable in that it reflects the character and layout of a well-recognized automobile brand and franchise dealership design, which is driving the need for the Sign Area Variance.

(ii) The plight of the Applicant is due to the unique character of the Property, and was not created by the Applicant, given the larger size of the property, the setback of the building, the property's location along the frontage road of Wayzata Blvd, and the fact it is surrounded by properties that are in the City of Minnetonka.

(iii) The Sign Area Variance would not alter the essential character of the locality, which is dominated by automobile dealerships and busy roadways. The Property contains the only franchised car dealership in Wayzata, and is a type of commercial use that tends to have more signage. The building on the Property is setback significantly from the frontage road and Highway 12, which drives the need for larger signage for visibility. The building also has a long exterior façade of over 300 feet, which provides for a much greater amount of area for signage than most other commercial buildings in Wayzata.

D. The practical difficulties necessitating the Sign Area Variance are not economic in nature but rather are driven by a desire to better conform to character and layout of the automobile dealership and the Property.

E. The proposed use for the Property is permitted within the C-3 Service District.

F. The conditions for granting approval of the Sign Area Variance listed below in Section 4 of this Report should be considered by City Council.

G. The Applicant has provided the reasons that the Sign Area Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends that the Sign Area Variance be **APPROVED** 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. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.

C. 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 7th day of July 2021.

Attachment A
Information and Legal Description of Property

Address	16100 Wayzata Boulevard
PID	05-117-22-14-0027
Legal Description	That part of Lots 7, 8 and 9, Auditor's Subdivision Number 84, Hennepin County, Minnesota, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, lying East of a line 440.00 feet West of and measured at right angles to and parallel with the East line of said Lot 8 and lying West of a line 220 feet West of the and measured at right angles to and parallel with the East line of said Lot 8; excepting therefrom that part taken for U.S. Highway No. 12. AND The East 220.00 feet of Lot 8, Auditor's Subdivision Number 84, Hennepin County, Minnesota, according to the plat on file and of record in the Office of the County Recorder, Hennepin County, Minnesota, as measured at right angles to and parallel with the East line of said Lot 8; excepting therefrom that part taken for U.S. Highway No. 12. AND That part of Lots 7 and 9 of Auditor's Subdivision No. 84, Hennepin County Minnesota, described as follows: Commencing at the intersection of the north line of said Lot 7 and a line 440.00 feet west of and parallel with the east line of Lot 8; thence South 01 degrees 51 minutes 07 seconds West, along said line, a distance of 480.13 feet to the actual point of beginning; thence South 01 degrees 51 minutes 07 seconds West, along said line, a distance of 92.00 feet; thence South 89 degrees 52 minutes 10 seconds West, parallel to the south line of said Lot 9, a distance of 13.25 feet; thence North 01 degrees 51 minutes 07 seconds East, a distance of 92.0 feet; thence North 89 degrees 52 minutes 10 seconds East, parallel to said south line of Lot 9, a distance of 13.25 feet to the point of beginning.
Abstract or Torrens?	Abstract
Certificate No.	N/A

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 4.d
TITLE: Consider Adoption of Planning Commission Report and Recommendation of Approval for an Amendment to Zoning and Subdivision Ordinance Notification Requirements	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

In the City's efforts to manage thoughtful development, staff sees an opportunity to increase community awareness about development proposals and construction activity. Staff recommends increasing the mailing radius required for notifications about public hearings. This requires an Amendment to the Zoning and Subdivision Ordinances, which requires a public hearing with Planning Commission and adoption by City Council. In addition, staff is recommending that Council adopt a Resolution approving a formal Neighborhood Notification and Meeting Policy. Staff is seeking feedback on this document from the Planning Commission. The Policy includes requirements for neighborhood meetings and letter notifications. The Policy also includes a requirement that an applicant/developer/builder requesting a building permit for a new or significantly renovated commercial, office, or multi-family residential structure prepare a mailing on the construction project in order to provide timely information to the residents.

At the June 21, 2021 Planning Commission meeting, the Commission recommended approval of the notification requirements on a 6-0 vote.

ACTION REQUESTED:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval for an Amendment to Zoning and Subdivision Ordinance Notification Requirements

ATTACHMENTS:

1. Draft Report and Recommendation

WAYZATA PLANNING COMMISSION

July 7, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF AMENDMENTS TO CITY CODE RELATED TO NEIGHBORHOOD NOTIFICATION AND MEETING POLICY

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of amendments to the City's Zoning Ordinance, Subdivision Ordinance, and Building Code to incorporate provisions of new Neighborhood Notification and Meeting Policy

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REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 New Policy on Neighborhood Notice and Meetings. The first draft of a Neighborhood Meeting and Notification Policy related to new land use requests in the City (the "Policy") was presented to the City Council for review and discussion at a March 16, 2021 workshop meeting. The general feedback from Council on the Policy was supportive, and that wider notice and neighborhood meeting requirements for development applications would be beneficial. At the workshop it was noted that the next step would be to bring the related City Code amendments through the public hearing and approval process, and gather additional feedback about the Policy.

1.2 Approvals Requested. The approvals sought are for the amendments to the City's Zoning Ordinance, Subdivision Ordinance, and Building Code contained in the attached draft Ordinance (the "Amendments") and would require that certain land use and building applications follow the requirements of the Policy.

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1.3 Notice and Public Hearing. Notice of a public hearing on the Amendments was published in the *Sun Sailor* on June 10, 2021. The public hearing on the Amendments was held at the July 21, 2021 Planning Commission meeting, at which no member of the public provided comments.

Section 2. STANDARDS

2.1 Ordinance Amendments. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance, Subdivision Ordinance, and Building Code. In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

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

B. The proposed use's conformity with present and future land uses of the area.

C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).

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

E. The proposed use's impact upon property value in the area in which it is proposed.

F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.

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

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 Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Zoning Ordinance Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendment would not have an adverse effect—but rather a

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positive effect—on properties in the City and the City overall. The Zoning Ordinance Amendment meets the applicable standards for a zoning ordinance amendment in that:

A. The Zoning Ordinance Amendment and other Amendments are consistent with and further the Comprehensive Plan's guidance and goals for the City. A implementation measure in the Comprehensive Plan is to encourage opportunities to engage with residents and stakeholders during the planning process which this Amendment accomplishes.

B. The Zoning Ordinance Amendment and other Amendments would help implement guiding principles of the City's 2019-22 Strategic Plan, including to help manage thoughtful development and promote an engaged community.

C. The Zoning Ordinance Amendment would have a positive impact on properties, neighborhoods, commercial areas, community spaces, and other areas of the City by providing more community awareness of and engagement with new development proposals.

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 Amendments, subject to the following:

A. Incorporation of any final edits to the Amendments that correct minor errors, clarify existing or proposed language, properly codify within City Code, and/or are recommend by the City Attorney or City Clerk.

Adopted by the Wayzata Planning Commission this 7th day of July 2021.

Attachment:
Draft Ordinance to Amend Zoning Ordinance, Subdivision Ordinance and Building Code

DRAFT

CITY OF WAYZATA

HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING WAYZATA CITY CODE RELATED TO NEIGHBORHOOD NOTIFICATION AND MEETING POLICY

Whereas, pursuant to City Resolution No. _____, the City has adopted the attached Neighborhood Notification and Meeting Policy (the "Policy"); and

Whereas, the Policy calls for additional notification and meeting requirements for certain land use related applications and permits within the City;

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Zoning Ordinance Notification Requirements. Part IX of the Wayzata City Code (Zoning Ordinance) is hereby amended to add the following new Section 901.5.G:

> **Neighborhood Notification and Meeting Policy**. The City may adopt and implement from time to time a policy on neighborhood notification and meetings for all applications made under this Ordinance, which shall apply in addition to the requirements of this Ordinance.

Section 2. Amendments to Subdivision Ordinance Notification Requirements. Part X of the Wayzata City Code (Subdivision Ordinance) is hereby amended to add the following new Section 1000.03.B:

> The City may adopt and implement from time to time a policy on neighborhood notification and meetings for all applications made under this Chapter, which shall apply in addition to the requirements of this Chapter.

Section 3. Amendments to Building Code Requirements. Chapter 802 of the Wayzata City Code (Zoning Ordinance) is hereby amended to add the following new provision to Section 802.02:

> The City may adopt and implement from time to time a policy on neighborhood notification and meetings for all applications made under this Chapter, which shall apply in addition to the requirements of this Chapter.

Section 4. Effective Date. This Ordinance will become effective upon passage and publication.

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Adopted by the City Council this ___ day of _____, 2021.

_____
Johanna Mouton
Mayor

ATTEST:

_____
Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

Attachment:

City of Wayzata Neighborhood Notification and Meeting

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 4.e
TITLE: Acceptance of Withdrawal Letter from the Moments of Wayzata at 163 Wayzata Boulevard West	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: July 21, 2021	

BACKGROUND:

Burt Elmer, on behalf of TMSC of Wayzata LLC, has submitted a development application requesting approval of a Planned Unit Development (PUD) General Plan of Development and Design Deviations for a building renovation and addition of a Senior Living & Memory Care facility for the property located at 163 Wayzata Blvd W. The application includes a general development plan for a building and parking lot renovation along with a building addition and supportive site elements. The applicant is requesting deviations from the Design Standards for parking in front of the building, significant massing break of the front façade at the public street, and for building materials within the Bluff District. The site was previously operated as Meridian Manor, a senior care alternative facility which had a development agreement approved in 1993. Meridian Manor accommodated up to 90 residents within 75 units. Moments of Wayzata is proposing to house up to 95 residents, within 85 units, the addition of adult daycare services for up to 20 guests per day, and office to house administrative and activities staff to support multiple “Moments” facilities.

The applicant has submitted a letter of withdrawal for the development application, but intend to submit a new development application shortly.

ACTION REQUESTED:

To accept the letter of withdrawal from the Moments of Wayzata at 163 Wayzata Boulevard West

ATTACHMENTS:

1. Withdrawal Letter

Nick Kieser

From: Burt Elmer <burt.elmer@gmail.com>
Sent: Monday, June 21, 2021 9:56 PM
To: Emily Goellner
Cc: Elizabeth Wright; Nick Kieser
Subject: Moments of Wayzata - PUD Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings Emily -

Per following discussions with the owner, the Applicant wishes to withdraw the PUD Amendment application, as presented.
We look forward to working with you in the near future.

Best regards,

Burt Elmer
WH Design Group
612-430-0608

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: July 7, 2021	**AGENDA ITEM:** 5.a
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
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: July 7, 2021	**AGENDA ITEM:** 5.b
TITLE: Planning Commissioner Liaison Schedule and City Meeting Calendar	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is scheduled for Monday July 19, 2021. The next City Council meeting is on July 20, 2021.

Staff is aware that several commissioners are very interested in remote meeting attendance even after in-person meetings begin again.

The City has been able to meet remotely because of the state of emergency that was declared as part of the pandemic which allowed exceptions to the Open Meeting Law. That state of emergency was just extended to July 14. It has now been recently clarified that way to comply with the Open Meeting Law from that point forward (if it's not extended) and still participate remotely is for certain medial allowances that were recently passed (https://www.lmc.org/news-publications/news/all/fonl-pandemic-fix-oml/) So once the emergency is lifted, the City will lack authority to have virtual attendance for Commissioners and Council Members at meetings.

When the City is back to having in person meetings, which for the Planning Commission is scheduled for August 2, the City does not currently have a good audio/visual option to allow for in-person attendance of some commissioners and remote attendance of others. There have been many issues with sound feedback since the Zoom system and the cable system don not communicate with one another in the Community Room. City staff is working on a long-term solution that would hopefully make these systems better work with one another, but without that in place, staff is strongly advising against having some commissioners remote and others in person, even if the emergency order is extended.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2021 Wayzata Calendar
2. Planning Commission assignments at Council meetings 2021

City of Wayzata
2021 Meeting Calendar

January 2021

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021

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	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

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				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021

S	M	T	W	Th	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July 2021

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021

S	M	T	W	Th	F	S
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3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021

S	M	T	W	Th	F	S
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Revised 12/16/2020

- Energy & Environment Committee - 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed
City Offices Closed

Precinct Caucuses -

Primary Election -

General Election - School Board Election

2021
Planning Commission assignments at Council meetings

Meeting Date		**Commission Representative**
Tuesday	January 5, 2021	Christine Plantan
Tuesday	January 19, 2021	Jeff Parkhill
Tuesday	February 2, 2021	Peggy Douglas
Tuesday	February 16, 2021	Gregory Flannigan
Tuesday	March 2, 2021	Larissa Stockton
Tuesday	March 16, 2021	Laura Merriam
Tuesday	April 6, 2021	Lindsay Bashioum
Tuesday	April 20, 2021	Christine Plantan
Tuesday	May 4, 2021	Jeff Parkhill
Tuesday	May 18, 2021	Peggy Douglas
Tuesday	June 1, 2021	Ken Sorensen
Tuesday	June 15, 2021	Larissa Stockton
Tuesday	July 6, 2021	Laura Merriam
Tuesday	July 20, 2021	TBD
Tuesday	August 10, 2021	TBD
Tuesday	August 24, 2021	Jeff Parkhill
Tuesday	September 7, 2021	Peggy Douglas
Tuesday	September 21, 2021	Ken Sorensen
Tuesday	October 5, 2021	Larissa Stockton
Tuesday	October 19, 2021	Laura Merriam
Wednesday	November 3, 2021	TBD
Tuesday	November 16, 2021	TBD
Tuesday	December 7, 2021	Jeff Parkhill
Tuesday	December 21, 2021	Peggy Douglas

Last Updated: July 1, 2021