

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JULY 7, 2014**

AGENDA ITEM 2. Call to Order, Roll Call and Approval of Minutes.

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

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

Chair Gonzalez stated the minutes to be reviewed are from June 16, 2014.

City Planner Gadow stated he had received corrections from Commissioner Tyacke and Chair Gonzalez.

Commissioner Vanderheyden stated on page 12, line 28, the motion carried 6-1 not 6-0.

Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson, to approve the June 16, 2014 minutes as amended above. The motion carried 6-0

AGENDA ITEM 3. REGULAR AGENDA PUBLIC HEARING ITEMS:

a. 165 and 213 Central Avenue N – Property Resources Corporation

i. Concurrent Preliminary/Final Plat for Five (5) Lot Subdivision

ii. Subdivision Variance for a Private Roadway

iii. Review of alternative seven (7) lot subdivision concepts

City Planner Gadow stated Property Resources Corporation submitted an application for a preliminary and final plat subdivision for a five (5) lot subdivision with a subdivision variance request for a private roadway access at 165 and 213 Central Avenue. At the June 16 Planning Commission meeting, the Commission reviewed the application. Discussion focused on whether or not the code required a variance for the private roadway or if it was considered a private driveway. The Commission continued review of the original Application to this meeting and requested the Applicant prepare additional concepts for review that included an option that did not connect Cross Street to Byrondale Ave. The Applicant has a purchase agreement for the property at 1015 Cross Street and used this parcel to provide two (2) alternative concepts. The Commission also requested revised calculations of hardcover, if the roadway was required to be public and built to 26-foot standards. He also reviewed the additional information the Applicant provided for consideration.

Chair Gonzalez reviewed the role of the Planning Commission and explained what an alley was compared to a roadway according to State definitions and City definitions. She explained according to these definitions the Planning Commission would be discussing a street not an alley.

1 Ms. Jennifer Haskamp, 246 Albert Street S., St. Paul, stated the developer would consider the
2 roadway proposed in the seven (7) lot subdivision as an alley because Lots 1-4 front Central
3 Avenue and Lot 5 has frontage on Wooddale Avenue. She stated if the Planning Commission
4 considers Lots 1-4 to have the rear yard facing Central Avenue then a 6-foot fence would be
5 applicable according to the City Code. In order to provide a development that would meet the
6 City's Codes then the Developer would need a clear definition of what they consider to be the
7 front yard.

8
9 Commissioner Pearson stated the homes along Benton that have an alley access also have a
10 sidewalk that goes from the front of their home to the street.

11
12 Ms. Haskamp stated the definition does not specify that a walkway to the front door is required
13 to establish the front of the home.

14
15 Commissioner Pearson asked if there was a definition for principal frontage.

16
17 City Attorney Schelzel stated this would be looked in.

18
19 Ms. Haskamp pointed out the existing roads and street make this a difficult site to develop. She
20 also clarified the 6-foot fence along Central Avenue was removed because the Planning
21 Commission had established the frontage to be along Central Avenue.

22
23 Commissioner Pearson stated the principal frontage could be the street that is used as an address.
24 He asked what street address these homes would have.

25
26
27 Ms. Haskamp stated this is a process with the County and if the alley/private roadway does not
28 have a name then Lots 1-4 would likely have a Central Avenue address, Lot 5 could have a
29 Wooddale address, Lot 6 could be either a Cross or Wooddale address, and Lot 7 could have a
30 Byrondale address.

31
32 City Planner Gadow stated there is no definition for principal frontage but the definition for
33 frontage is that boundary of a lot, which abuts an existing or dedicated public street, water course
34 or similar barrier.

35
36 Commissioner Iverson stated the Wayzata Code states an alley is a public or private right-of-way
37 primarily designated to serve as a secondary access and the proposed access is only one access.

38
39 Ms. Haskamp suggested in most roadways where there is an alley to access the garage it is in the
40 rear and there is not a second access to the garage.

41
42 Commissioner Iverson stated if the front of the homes are on Central Avenue there is no access
43 from Central Avenue.

44
45 Ms. Haskamp stated a person could walk from the sidewalk on Central Avenue to what would be
46 the front of a home through the grass.

1
2 Commissioner Tyacke asked since the properties originally fronted Central Avenue and had
3 access off Central Avenue why the Developer had not considered a cul-de-sac access for these
4 homes off Central Avenue.

5
6 Ms. Haskamp stated this had been considered and when the project was originally discussed it
7 had been determined that the two lots with access to Central Avenue could be subdivided. The
8 Developer talked to the County about options for getting access to these additional properties
9 similar to what was already there and the County wants to eliminate as many access points as
10 possible off Central Avenue. The current driveway does not meet County spacing guidelines
11 between intersections. She stated the County had responded today stating if the property was
12 being replatted it would trigger a new access permit through the County and they have the ability
13 to deny an access permit. The County has been clear in letting the Developer know that they
14 would prefer if other streets were available for access then those be used.

15
16 Commissioner Pearson stated the City should not automatically defer to what the County would
17 prefer unless they mandate it. He stated there should be objective criteria that state an access
18 cannot be located here.

19
20 Ms. Haskamp stated the County has established guidelines they use and it is not possible to meet
21 these access spacing guidelines.

22
23 Commissioner Iverson asked why this project had not been discussed with the Walgreens project
24 because this could have eliminated the access discussions for both projects.

25
26 Ms. Haskamp stated they had attempted to work with Walgreens and Anchor Bank but had been
27 unsuccessful.

28
29 City Planner Gadow stated the drawing of the cul-de-sac access with four (4) lots had been sent
30 to the County and they will review it. He stated once he hears from them if this would be
31 something the County would discourage or simply not grant an access permit for he will let the
32 Planning Commission know.

33
34 Commissioner Pearson stated the best argument for a private drive would be the County would
35 not grant access off Central Avenue to this development. He stated the Developer would be
36 better off calling this a private street rather than an alley.

37
38 Ms. Haskamp indicated this could be called whatever the City wants to call it. There is nothing
39 in the City's Code that says three (3) homes cannot share a driveway. In this scenario it would
40 be two (2) private driveways.

41
42 Commissioner Pearson asked if it would be considered a private street if it accessed more than
43 two (2) homes.

44
45 Ms. Haskamp stated the critical components are that it not exceed 150-feet in length and there is
46 no definition on how many homes can share a driveway.

1
2 Commissioner Tyacke stated he felt the addition of the property on Cross Street would be used
3 for the access off Central Avenue with a public street and cul-de-sac. This would solve the
4 access problem, keep the traffic out of the other neighborhoods and eliminate the need to discuss
5 if an alley, a public street, or driveway would be needed. He would like an answer from the
6 County before moving forward.

7
8 Ms. Haskamp stated a cul-de-sac is not the preferred option of the Developer and this is not
9 being proposed.

10
11 Commissioner Vanderheyden asked if the 1200-cubic feet of storage that was planned with this
12 development had been a requirement of the City or if it had been included in any of the
13 hardcover calculations.

14
15 City Planner Gadow stated the lots as they are proposed would meet or be below the 35%
16 hardcover that is required in this district. The 1200-cubic feet of storage is an add-on proposed
17 by the Applicant to deal with stormwater on the site.

18
19 Commissioner Vanderheyden asked to clarify the concerns of the Commission regarding the
20 access road.

21
22 Commissioner Tyacke stated his concerns are with the reaction of the residents who oppose
23 access off the side streets. He stated he would find it hard to determine hardship unless the
24 County rules out the access off Central Avenue.

25
26 Commissioner Pearson stated at the last meeting he had asked specifically what the highly
27 unique circumstances affecting the property such that the strict applications of the code would
28 deprive the applicant reasonable use of the land. This is a standard that needs to be met by the
29 applicant and if the County denies access to the property off Central then this would be a good
30 argument for highly unique circumstances.

31
32 Commissioner Iverson stated if the County denies access off Central Avenue then the City would
33 need to discuss if the alternate access would be public or private. If the road is public it would
34 be wider than what is proposed and it is difficult to envision seven (7) homes on these parcels.
35 She stated she would like to have the lots staked out so the Commission has an opportunity to
36 determine what the density impacts would be prior to making a decision.

37
38 Commissioner Vanderheyden pointed out that Lot 1, Lot 7, Lot 4, and Lot 5 could have street
39 access other than Central Avenue.

40
41 Ms. Haskamp clarified the intent of the private drives was to narrow the drive from the 20-feet
42 proposed in the connecting private road and this would make them feel more like driveways than
43 roads.

44
45 Chair Gonzalez stated the problem the Commission is having is they are guided by State law and
46 the City Code. Under state law, a driveway serves one property only and a street under the

1 City's code serves two (2) or more homes. She stated the other problem the Commission has is
2 that it cannot recommend approval of something that is going to affect the quality of life for an
3 existing neighborhood. She stated a private street is not allowed under the City's Ordinance
4 unless there is a Planned Unit Development or an undue hardship.

5
6 Ms. Haskamp asked for the definition of a private driveway.

7
8 City Planner Gadow stated there is no definition for driveway in the subdivision ordinance.

9
10 Chair Gonzalez stated there is a definition under State Statute, Section 169.011 Subdivision 57.

11
12 City Attorney Schelzel stated the City Code specifies private street provides access to two (2) or
13 more parcels of land and is not for public use. The proposed layout would be a private street
14 because it access two (2) or more parcels.

15
16 Ms. Haskamp stated the proposed roadway does meet the definition of an alley. The County had
17 told them they could not have access off Central Avenue on two occasions. They did their due
18 diligence in gathering information prior to designing the plat because it is a costly process.

19
20 Commissioner Iverson asked if the Applicant had a written response from the County.

21
22 Ms. Haskamp stated they had the County's access guidelines but they do not have a formal
23 review letter because they did not review a formal plat. They stated since the properties had
24 access from other public streets then the County would not view access from Central Avenue
25 favorably and they may not give permission to the existing access points because it would be a
26 replatting process. With this information the plat that has been presented was created. She
27 stated the practical difficulty is there is no access off Central Avenue.

28
29 Chair Gonzalez stated all the e-mails received in regards to this project would become part of the
30 record. She opened the public hearing at 7:50 p.m.

31
32 Mr. Brian Gongoll, 1015 Cross Street, Wayzata, stated they had worked out a fair agreement
33 with the Developer. The residents on Benton Avenue have talked about cut-thru traffic. He
34 asked why Cross Street and Benton Avenue were not signed "Dead End" because this would
35 eliminate people making mistakes. The cut-thru traffic on the proposed road would be
36 eliminated if it is not signed. He also suggested adding a speed limit to this road. This proposed
37 roadway would give Byrondale and Benton Avenue a second access if needed.

38
39 Mr. Jim Richter, 152 Benton Avenue, Wayzata, stated there is a lilac covering the "Dead End"
40 sign on Benton Avenue. He stated the only street in this area that cars can park on is Benton
41 Avenue because it is 26-feet wide. He pointed out that any additional cars for the proposed
42 seven (7) homes would not be able to park in the "alley". He would like to see this access be a
43 public street at 26-feet wide since it is a neighborhood. He suggested a parking lot be included
44 in the project.

45

1 Mr. Dave Larson, 158 Benton Avenue, Wayzata, stated he is not in favor of having the streets
2 connected because of the cut-thru traffic.

3
4 Ms. Marilyn Richter, 152 Benton Avenue, Wayzata, stated she would not support a private road
5 and she does not believe the Applicants proposal of utilizing grass in the design would reduce
6 the cut-thru traffic.

7
8 Ms. Pat Broyles 212 Benton Avenue, Wayzata, stated the addition of the two (2) lots along Cross
9 Street would be in her back yard. Her neighbor has sent a letter stating she is against the private
10 drive. She stated the proposed development is too large and she is against having anything open
11 to Byrondale. She asked the Commission to deny the project because it was too large for the
12 amount of space.

13
14 Ms. Helen Morrison, 135 Benton Avenue, Wayzata, stated she would like to have the Applicants
15 look at having access off Central Avenue and not affect Byrondale and Benton Avenue. She
16 suggested the Commission look at alternatives.

17
18 Ms. Joann Birkholz, 40 Benton Avenue, Wayzata, encouraged the City to contact the County
19 about access on Central Avenue and not the Developer. She shared the concerns with the cut-
20 thru traffic. The addition of these homes would add a significant amount of traffic to the
21 neighborhood. She asked the Commission to be mindful of the safety of the neighborhood
22 versus the ease of the City.

23
24 Ms. Broyles presented a drawing to the Applicant that utilizes the existing driveway and adding
25 another to create and in and out access to Central that would access the four (4) homes. She
26 stated the parcel off Cross Street is too small to have two (2) homes on it. She stated there is not
27 a hardship when there are alternatives available. She did not believe the County would deny
28 access for these four (4) homes along Central Avenue.

29
30 Ms. Susan Seeland, 470 Peavey Road, Wayzata, stated they had met with the City a few years
31 ago and at that time the City had expressed concerns about the need for additional access for the
32 cul-de-sac on Benton Avenue. The County is planning to widen Central Avenue to include a
33 turn lane in the future and they asked that the plat take this into consideration. Once this is done
34 there will be a retaining wall added along this stretch and it does not make it inviting for the
35 front view of a home. She stated none of the proposed properties were as small as the average of
36 Benton Avenue. She stated the neighborhood had expressed concerns about this being a gated
37 community and the Developer does not want to put in a gate for safety reasons.

38
39 Ms. Broyles stated she is not a fan of developers.

40
41 Chair Gonzalez closed the public hearing at 8:09 p.m.

42
43 Chair Gonzalez asked if the Fire Chief and City Engineer had reviewed the new proposals.

44

1 City Planner Gadow stated the preference of the Fire Chief is to have access through and the
2 roadway meet State Fire Code requirements. They would prefer 20-feet of pavement versus the
3 15-feet of sub straight or sod.

4
5 Chair Gonzalez asked what would happen with snow during the winter if the road did not go
6 through.

7
8 City Planner Gadow stated there would be a public easement over the top of the roadway and as
9 part of that the City and the Applicant would figure out snow maintenance responsibilities. This
10 is something that would need to be worked out.

11
12 City Attorney Schelzel stated the Applicant has requested a variance for a private street as part
13 of the application. In any version, a variance would be needed.

14
15 Chair Gonzalez asked if Lot 3 and Lot 4 would meet the frontage requirements on a public street.

16
17 City Planner Gadow stated these lots would meet the frontage requirements on Central Avenue.
18 The Code does not specify where the frontage measurement is taken. These would be
19 conforming lots. The way Lots 6 and 7 are laid out do not meet the requirements. This is
20 currently a legal non-conforming parcel and would require a variance for frontage. The Planning
21 Commission does have to make a recommendation on the five (5) lot application.

22
23 Commissioner Vanderheyden asked what the Applicant's next step would be if the Planning
24 Commission does not recommend approval of this plat.

25
26 City Attorney Schelzel clarified the alternate seven (7) lot proposals would be considered new
27 applications and the Commission could act on any or all of the applications. The Planning
28 Commission would only make a recommendation on the Application. He suggested the Planning
29 Commission direct Staff to draft findings of fact that capture all of the thoughts of the
30 Commission.

31
32 Commissioner Vanderheyden clarified the zoning was R3A with a 9,000-square foot minimum
33 size and these lots all meet this requirement.

34
35 Commissioner Pearson clarified the Commission is discussing a private street and the Applicant
36 has not tried to make an argument for recommending a private street and they have not presented
37 anything that establishes hardship or special circumstances because there is nothing from the
38 County that states there cannot be an access on Central Avenue. He stated he would not
39 recommend approval based on the Ordinance and the Applicant not establishing a hardship or
40 unique circumstances that prevent the reasonable use of the land.

41
42 Commissioner Tyacke stated according to Section 805.14.e the Commission has to review the
43 adverse impacts of the application on the site and the surrounding neighborhood. The
44 Subdivision is consistent with the City's Comprehensive Plan but he is concerned with the
45 acquisition of the property at 1015 Cross Street and adding two (2) homes here increases the
46 density and he does not prefer this. The access from Central Avenue is speculative and he would

1 like to know the County's position on granting access. He cannot support the plat until he knows
2 the position of the County on the access.

3
4 Commissioner Iverson stated they need a clear answer from the County on the access off Central
5 Avenue. There are concerns from the neighborhood regarding cut-thru traffic. She stated the
6 access should be a public access not a private access because the City discourages private streets.
7 If this road is public and constructed to public street standards she would like to know the
8 impacts this would have on the lot sizes. She also stated the Applicant has not established
9 hardship at this time that would allow the Commission to grant a variance.

10
11 Commissioner Gnos stated a key piece would be the feedback from the County regarding the
12 access off Central Avenue. Once this has been established then the Commission will have a set
13 direction. There is a willingness on the part of the Developer and Applicant to work with the
14 City and the neighborhood but there is more work that could be done.

15
16 Chair Gonzalez stated the proposal meets the City's Comprehensive Plan however the County's
17 preference should not be the guiding principle in this application. She stated reducing the
18 number of lots could eliminate some of the problems but building a public road that goes through
19 may not be in the best interest of the City. She asked if the Applicant would be willing to grant
20 an extension on the application.

21
22 Ms. Haskamp at this time they are not willing to provide an extension because there is adequate
23 time to move forward and work with the County.

24
25 Commissioner Vanderheyden asked if the response from the County would be sufficient.

26
27 City Attorney Schelzel stated the County may not be obligated to formally respond to this
28 request. He advised the Commission to go as far as possible but it may not be possible to get a
29 legal answer from the County. He asked the applicant to clarify if the application was for the
30 five (5) lots only or if the alternatives for the seven (7) lots were also included in the application.

31
32 City Planner Gadow stated based on the June 16 meeting the Commission had asked for
33 alternatives to the five (5) lot proposal. These were noticed to the neighborhood so they would
34 be informed of what the Commission would be discussing.

35
36 Chair Gonzalez stated there were no alternatives presented just different names for the "street"
37 and the addition of the two (2) lots.

38
39 Commissioner Pearson stated the Commission should know what regulations the County is
40 working with and if they have a variance process.

41
42 Ms Haskamp stated they do not have three (3) separate proposals. At the last meeting the
43 Commission had asked the Applicant to address the driveway easement for 1015 Cross Street
44 and the solution resulted in Lot 6 and Lot 7. This was being presented as an alternative to
45 vacating the driveway easement and the Applicant is looking for feedback regarding this
46 alternative. The private driveways were presented because there had been concerns about having

1 a road connect Benton and Byrondale. She stated they would work with Staff to meet with
2 Hennepin County to discuss the potential for an access point on Central Avenue. She stated the
3 Applicant is not comfortable with the drawing the City submitted to the County because this is
4 not the Applicants proposal and it is not something they would support. They do not want a
5 formal decision made based on a sketch from Commissioner Iverson.

6
7 Commissioner Iverson asked if the Applicant would be willing to change the orientation of the
8 homes and provide a more accurate drawing to the County that reflects what she submitted.

9
10 Ms. Haskamp stated they would look at this but if the homes are orientated differently this will
11 impact the grade and the proposed cuts from Central Avenue need to be looked at as well.

12
13 Chair Gonzalez asked if the City had considered extending Cross Street and having a cul-de-sac
14 there.

15
16 City Planner Gadow stated a City cul-de-sac would take 60-foot right-of-way from all of the lots
17 and the current proposed configurations would not work. The City would also need to determine
18 if the dimensional requirements for a cul-de-sac could be met.

19
20 Chair Gonzalez stated the Applicant may have to give up one lot but the point is what is being
21 proposed is a clear cut of the whole place. Every tree will be cut down and replaced just so a
22 company can profit. The Applicant is asking the Commission to ignore the written letter of the
23 City's laws and the Commission is having difficulty finding a reasonable solution.

24
25 Ms. Haskamp stated the Applicant is not proposing to clear cut the trees on this site. If the
26 orientation of the lots is changed then more trees would need to be removed but the original plat
27 is preserving a significant number of trees. They are proposing to remove those trees that are
28 damaged and not healthy.

29
30 Commissioner Iverson asked what the City could do in the future when a developer says they are
31 going to preserve trees and they do not. This is something that needs to be discussed by the
32 Commission.

33
34 City Attorney Schelzel clarified the Applicant has one application in front of the Commission
35 with two (2) alternatives. He stated the Commission could table this Application until they are
36 able to get the desired information from Hennepin County regarding access to Central Avenue
37 and to direct Staff to work with the Applicant on getting these answers or the Commission or the
38 Commission could direct Staff to draft findings to recommend either approval or denial on the
39 original application.

40
41 Chair Gonzalez stated the County would not provide a true answer until a formal application is
42 submitted.

43
44 Commissioner Iverson stated she would like to see what the plat would look like of the roadway
45 was a public road and not private and designed to meet the 26-foot wide requirements for a
46 public road.

1
2 Chair Gonzalez stated she would be more willing to recommend approval if there were
3 justification for the variance for a private road due to the hardship the surrounding
4 neighborhoods would have due to a public road.

5
6 Commissioner Iverson asked where guests would park if this were a private roadway.

7
8 City Planner Gadow stated unless this were a public road it would be signed no parking and the
9 City would work with the Applicant to resolve potential parking problems.

10
11 Commissioner Pearson made a motion, Seconded by Commissioner Tyacke to continue the
12 discussions to the next available meeting and to direct Staff and the Applicant to review and
13 address the questions and concerns brought up by the Planning Commission and additional
14 information for the Planning Commission to develop findings of fact as outlined during the
15 meeting. The motion carried 6-0.

16
17 Chair Gonzalez recessed the meeting at 8:53 p.m.

18
19 Chair Gonzalez reconvened the meeting at 9:00 p.m.

20
21 **b. 294 Grove Lane – Wayzata Brew Works LLC and Boatworks II LLC**
22 **i. Amendment to PUD/CUP to allow microbrewery and taproom facility**
23 **ii. Review draft ordinance regarding Micro-Production Facilities and**
24 **Taprooms/Tasting Rooms**

25 City Planner Gadow stated Boatworks II LLC and Wayzata Brew Works LLC have submitted an
26 application for approval of an amendment to an existing Planned Unit Development
27 (PUD)/Conditional Use Permit (CUP) to allow the operation of a microbrewery and taproom
28 facility at 294 Grove Lane. As part of the submitted application, the Applicant is requesting
29 approval of the an Amendment to existing PUD to implement a proposed expansion of the
30 Property under Section 801.33.9, a Site Plan Review under Section 801.22, and a Review and
31 Approval of an Ordinance to allow Micro-production Facilities and Taprooms/Tasting Rooms.
32 If the City allows Micro-Production facilities then an amendment to the City's General
33 Ordinance, as it relates to liquor laws, to establish a licensing procedure and process for these
34 types of applications would need to be reviewed. He reviewed the building layout and proposed
35 project. He explained the Applicant has reconfigured the layout to allow for trash receptacles to
36 be housed inside the building. He reviewed the parking study and plans for parking for the site.
37 He clarified the hours of operation would be approved separate. He reviewed the potential
38 changes to the Ordinance that the Planning Commission could consider. He stated the Planning
39 Commission will need to consider if the operation of a micro-production facility would be a
40 permitted or conditional use for the various zoning districts in the City. He stated he would
41 recommend a conditional use in certain districts in the City.

42
43 It was the Consensus of the Planning Commission to designate micro-production facilities as a
44 conditional use.
45

1 Commissioner Iverson asked what the long-term use was for the dirt lot used for valet parking at
2 the facility.

3
4 City Planner Gadow stated at this time he did not know. If it were redeveloped then a set number
5 of parking spaces would need to be set aside as part of the agreement with the City.

6
7 Commissioner Tyacke asked how Bay Holdings LLC was related to Boatworks II LLC.

8
9 City Planner Gadow stated when Boatworks LLC purchased the property all of the Development
10 Agreement requirements and conditions transferred to the new owner of the property.

11
12 Commissioner Tyacke asked if the off street parking, as outlined in Section 801.20.5 of the
13 Parking Ordinance, was being met.

14
15 City Planner Gadow stated the Boatworks site had access to 202 parking spaces within near
16 proximity of the building and this meets the requirements. Staff is satisfied they meet the
17 parking requirements.

18
19 Chair Gonzalez asked if this could be considered manufacturing and she asked if this would be
20 included in the City's definition of commercial in the City's Comprehensive Plan.

21
22 City Planner Gadow stated the City does not have a definition for industrial in the
23 Comprehensive Plan.

24
25 Chair Gonzalez asked if the City has reviewed the water usage for this facility.

26
27 City Planner Gadow stated the Applicant would speak to this. They were asked for a flow
28 analysis for the Lift Station located in this area to ensure that it has the capacity to handle these
29 new facilities. The Utilities Superintendent will review this information when it is available.

30
31 Commissioner Vanderheyden expressed concerns about the patio being so close to the sidewalk
32 and he clarified that all building garbage would be contained inside the building.

33
34 Mr. Cavanaugh, Brew Works LLC, 294 Grove Lane, Wayzata, stated it was his understanding
35 that there would be an interior location for garbage from their location and the restaurant that
36 will also be added. The patio is no closer to the boardwalk than the one located at 6 Smith. The
37 difference is theirs would be at a higher elevation. Their patio is higher than the boardwalk.

38
39 Commissioner Pearson asked for an explanation of the mitigation that will be done to reduce the
40 odors.

41
42 Mr. Robert Klick, Brew Works LLC, 294 Grove Lane, Wayzata, stated the brewing hours would
43 be early morning and the chimney will be on top of the roof and the odor would not be any more
44 than the surrounding restaurants. They would be brewing for 2-3 days a week for about 1 hour
45 per batch and they would do 2 batches a day.

46

1 Commissioner Tyacke asked if the “growlers” were recyclable.

2
3 Mr. Klick stated these were 64 oz glass jugs that were recyclable. They would collect a deposit
4 of them and they could be brought back in to be refilled or exchanged. They are etched glass
5 and say Wayzata.

6
7 Mr. Cavanaugh stated it takes about 3-gallons of water to make 1-gallon of beer. A lot of the
8 water is used for cleaning and they do plan on recycling as much of the water as possible.

9
10 City Planner Gadow stated the City does have the capacity to handle the increased usage for
11 production but they are waiting to get additional information for the flow analysis for the Lift
12 Station.

13
14 Commissioner Iverson stated that particular Lift Station is noisy. She asked if the increase flow
15 would cause this station to run longer.

16
17 City Planner Gadow stated he would check into this.

18
19 Chair Gonzalez stated on page 2 of the draft ordinance it states a winery is a facility operated by
20 the owner of the farm. She asked if this was from State Statute.

21
22 City Planner Gadow explained this is how it has been defined in other municipal statutes and
23 ordinances and the State Statute.

24
25 Commissioner Vanderheyden suggested removing the language requiring owning a farm to
26 operate a winery.

27
28 City Attorney Schelzel suggested directing Staff to remove this language if permissible
29 according to State Statute.

30
31 Commissioner Iverson stated the language for #8 regarding garbage was a little loose.

32
33 City Planner Gadow stated this was common language in other ordinances in the City. This can
34 be set as a discussion point for the City Council.

35
36 It was the consensus of the Commission to leave the existing language for item #8 regarding
37 screening garbage.

38
39 Commissioner Tyacke clarified the required City and State licenses would be required for them
40 to operate but Federal license should be added.

41
42 Commissioner Vanderheyden stated requiring “no odor beyond the property line” was a high
43 standard.

44
45 City Planner Gadow stated if there is alternative language he would be open to this.

46

1 City Attorney Schelzel stated the City should consider what they want to enforce. If there were
2 significant complaints this language would give the City the ability to enforce if there real issues.

3
4 Commissioner Pearson stated the defined terms should be either capitalized or not throughout
5 the ordinance and the State does not capitalize.

6
7 Chair Gonzalez asked if there were any plans to serve food.

8
9 Mr. Cavanaugh stated food can be brought in and they will have a partnership with other
10 restaurants but they would not be making any food at this facility.

11
12 Chair Gonzalez opened the public hearing at 9:55 p.m.

13
14 Mr. Jason Markkula, 16603 Holdridge Road, Wayzata, stated he owns a brewery in Hendricks
15 and he supports opening one in Wayzata.

16
17 Chair Gonzalez closed the public hearing at 9:56 p.m.

18
19 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to direct staff
20 to prepare a report and Planning Commission recommendation with appropriate findings to
21 reflect comments received recommending approval for review and adoption at the next Planning
22 Commission meeting of draft ordinance #746 regarding Micro-Production Facilities and
23 Taprooms/Tasting Rooms. The motion carried unanimously.

24
25 Commissioner Tyacke asked if the amendment to the PUD/CUP would be binding to both the
26 Applicant and the property owner.

27
28 City Planner Gadow stated it would be binding to the property owner and as it applies to the
29 applicant but it would be recorded against the property.

30
31 Commissioner Iverson suggested the Applicant verify the outdoor seating is in alignment with
32 the other patio seating.

33
34 Commissioner Tyacke asked if there would be signage for the facility.

35
36 City Planner Gadow showed the sign over the door and any other signage would be handled
37 through the City's signs ordinance.

38
39 Chair Gonzalez suggested adding a condition that the Utility Superintendent reviews the flow
40 analysis provided by the Applicant prior to permits being issued.

41
42 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to direct staff
43 to prepare a report and Planning Commission recommendation with appropriate findings to
44 reflect comments received recommending approval for review and adoption at the next Planning
45 Commission meeting for the amendment to the PUD/CUP to allow microbrewery and taproom at
46 294 Gove Lane and the site plan. The motion carried unanimously.

1
2 **AGENDA ITEM 4. Other Items.**

3 **a. Review of Development Activities**

4 City Planner Gadow stated the other items on the upcoming Planning Commission meetings
5 would be the continued discussion for the Central Avenue subdivision and the design plans for
6 the project on Bushaway Road and the application for a CUP amendment for an outside sidewalk
7 café at McCormick's Restaurant.
8

9 **b. Other Items**

10 Commissioner Pearson stated he would attend the next Heritage Preservation meeting.
11

12 **AGENDA ITEM 5. Adjournment.**

13 There being no further business, Commissioner Vanderheyden made a motion, seconded by
14 Commissioner Iverson, to adjourn the meeting. The motion passed unanimously.
15

16 The meeting was adjourned at 10:15 p.m.
17

18 Respectfully submitted,
19

20 Tina Borg

21 *TimeSaver Off Site Secretarial, Inc.*