

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
October 6, 2014**

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

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

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

Chair Gonzalez stated the minutes to be reviewed are from the September 15, 2014 workshop.

Commissioner Tyacke stated on line 28 of page 1 talks about a development agreement and the reports refer to this as an application. He asked if this was an agreement or application.

City Planner Gadow clarified it had been an application.

Commissioner Tyacke stated on page 6, line 29, there should be a period at the end and line 33, should be changed to "if there were a two lane road".

Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson, to approve the September 15, 2014 workshop minutes as amended. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. 331 Broadway AvenueS/691 Lake Street – McCormick’s Restaurant**
 - i. Amendment to existing Outdoor Sidewalk Café Conditional Use Permit (CUP) for additional nine (9) table and twenty-four (24) seats**

City Planner Gadow stated McCormick’s Restaurant is expanding into the space directly to the south at 691 Lake Street. The expansion continues the same façade design material, and color as the portion of McCormick’s on Broadway Avenue around to the Lake Street façade. As part of the expansion, the Applicant is requesting approval to amend the existing Outdoor Sidewalk Café CUP to include additional outdoor seating adjacent to the new restaurant space along Broadway Avenue. The current Outdoor Sidewalk Café CUP allows for thirteen (13) tables and thirty-six (36) associated seats, which are enclosed within a fence in an area adjacent to the building. The CUP Amendment requests an additional (9) tables and twenty-four (24) seats within an enclosed fenced area adjacent to the new expanded space. If approved, the Applicant would be required to provide at least 5-feet of clear space for pedestrian movement.

Commissioner Gnos stated he would approve the application.

Commissioner Ramy asked if it was a requirement to include the plantings for aesthetics and why this had not been done at the Yogurt Lab. He stated he would approve the proposal.

1
2 City Planner Gadow explained the plantings for this CUP were part of the streetscape
3 requirement but he was not sure of the specifics for the approval for the Yogurt Lab.

4
5 Commissioner Vanderheyden stated the Planning Commission did not finish the approval for
6 Yogurt Lab because they put their seating within 5-feet of the building, which is what they
7 already own.

8
9 Commissioner Tyacke stated the Code requires the Commission to look at possible adverse
10 effects. He asked if the City had received any complaints from residents or other café's in the
11 area.

12
13 City Planner Gadow stated there were no complaints for McCormick's but he has gotten
14 questions for the "extenders" for Gianni's. The approval for that "extender" was based on the
15 way that side of the building fronts the sidewalk. There was no space to do any type of café
16 without being in the pedestrian way.

17
18 Commissioner Tyacke stated the code references the right-of-way abutting the lot front. The
19 business would have a Lake Street address. He asked if the lot front would include the side of
20 the lot in this particular case.

21
22 City Planner Gadow stated it would include the side because it fronts on two (2) public streets.
23 Staff prefers to have the tables on Broadway versus wrapping them around the corner in order to
24 help with pedestrian flow.

25
26 Commissioner Pearson asked if this application would be in connection with the new space and
27 how this would work forward.

28
29 City Planner Gadow stated this is a CUP so it would be for the whole building. The tenant using
30 the CUP would be McCormick's but the approval runs with the building. This would be a joint
31 application. The owners of the building would sign the Hold Harmless Agreement that would be
32 a requirement of the CUP approval.

33
34 Commissioner Vanderheyden stated Item 2.1.1.1 states no electronically amplified outdoor
35 music, intercom, audio speakers, or other such noise generating devices shall be allowed in the
36 café area. He asked if an outdoor café that does not have a CUP could have amplified music.

37
38 City Planner Gadow stated unless amplified music was prohibited in another agreement with the
39 owner this could be allowed in a café that does not operate under a CUP.

40
41 Commissioner Vanderheyden stated Item 2.1.3.e states one (1) covered trash receptacle
42 matching appearance of other furniture shall be provided for every eight (8) tables. He asked
43 where these would need to be located.

44
45 City Planner Gadow stated this is not defined and could be further defined.
46

1 Chair Gonzalez asked if there were any expanded parking requirements under the Ordinance.

2
3 City Planner Gadow stated there would not be for outdoor sidewalk cafés because this is a
4 seasonal use and it is not covered. He stated the building that this is associated with also has
5 nine (9) parking spaces in front of the property and attached to the ramp in the back. The
6 restaurant expansion would require more parking but this is met with by the parking ramp.

7
8 Chair Gonzalez asked if the minimum of pedestrian space of 5-feet would be adequate to meet
9 ADA requirements.

10
11 City Planner Gadow stated 5-feet pedestrian space does meet the ADA standard. The Applicant
12 has 5-feet 6-inches in order to accommodate the planting boxes without encroaching into the
13 required 5-feet.

14
15 Commissioner Ramy asked if the 5-feet was to the curb. He pointed out that larger vehicles do
16 hang over the curb onto the sidewalk by as much as 2-feet. If this occurs then there would not be
17 enough space for a wheelchair to get through.

18
19 Chair Gonzalez stated from October to April they could not have outdoor furniture out. She
20 asked if this would be the beginning of October or the end of October.

21
22 City Planner Gadow clarified this would be from the end of October to the beginning of April.

23
24 Chair Gonzalez stated this would be an Ordinance the Planning Commission should review and
25 clarify.

26
27 Commissioner Tyacke asked if the entryway would remain in the current location and if there
28 had been any problems with people having access around the tables.

29
30 Mr. Tim McCormick, 1058 Lomalinda Avenue, Orono, stated the entry would remain in its
31 current location and there have been no issues with access so he would not foresee any problems
32 with the expanded outdoor seating. He clarified there are patrons who rely on wheelchairs and
33 they have not brought any concerns forward.

34
35 Chair Gonzalez asked if there was room to expand the seating around the corner onto Lake
36 Street.

37
38 Mr. McCormick stated they would like to have done this but it did not appear to be an option
39 given the density and activity in that area.

40
41 Commissioner Iverson asked how the restaurant planned to serve drinks to the outdoor café area.

42
43 Mr. McCormick stated they plan to have all beverages served brought from inside the restaurant.
44 There would not be any outdoor points of sale. If there were special events then they would
45 apply for a Special Event Permit.

46

1 Chair Gonzalez opened the public hearing at 7:24 p.m.

2
3 There being no public input Chair Gonzalez closed the public hearing at 7:25 p.m.

4
5 Commissioner Vanderheyden stated he prefers not having standing height tables for outdoor café
6 spaces along the sidewalk where people walk.

7
8 Commissioner Tyacke asked if the benches would be permanently located in the proposed
9 locations.

10
11 City Planner Gadow stated these would be permanently attached in the proposed locations.

12
13 Chair Gonzalez stated the City is giving away the public space through permits that run with the
14 property. She suggested the City look at ways that these things can be granted to an applicant
15 for a particular use rather than the property. She suggested the City also consider establishing a
16 fee for businesses to use the public space.

17
18 City Planner Gadow clarified the CUP that allows for the outdoor café does run with the
19 property but the business would still have to apply for an annual license to operate an outdoor
20 café. The Council has discussed charging a fee but has not determined a method for calculating
21 a fee and what would be considered a fair price.

22
23 Commissioner Tyacke expressed concerns about maintaining the 5-foot sidewalk.

24
25 Chair Gonzalez suggested Staff look into a barrier along the curb to ensure vehicles do not
26 encroach on the sidewalk.

27
28 Commissioner Ramy made a motion Seconded by Commissioner Pearson, to recommend
29 approval to amend the existing Outdoor Sidewalk Café CUP as presented with the conditions
30 and findings of fact presented by Staff. The motion carried unanimously.

31
32 City Planner Gadow stated this would be presented to the City Council at their October 21
33 meeting.

34
35 **AGENDA ITEM 3. Other Items:**

36
37 **a. Review of Development Activities**

38
39 City Planner Gadow stated at the October 20 meeting, the Planning Commission would be
40 reviewing the 151 Westwood Lane project. Staff has received an application for 253/259 Lake
41 Street for a concept PUD and building height variance for a 5-story mixed use building project
42 and this may be ready for the Planning Commission to review in November.

43
44 **b. Other Items**

45

1 Chair Gonzalez reviewed the City Council meeting. The microbrewery has withdrawn their
2 application.

3
4 City Planner Gadow stated the Applicants for the microbrewery had some changes in their
5 business plan so they withdrew their application.

6
7 Chair Gonzalez stated the City Council adopted the Ordinance changes pertaining to
8 microbrewing/distilleries on a 3-2 vote. The City Council also discussed antennas on the City
9 water tower. There had been comments that the Ordinance needed to be updated prior to any
10 further discussions. The Planning Commission had done this work and sent it to the City
11 Council and they did not find it acceptable. There had been no further discussions. She asked if
12 Planning Commission would need to address this now.

13
14 City Planner Gadow stated the City Council needed to address some of the questions pertaining
15 to the site and this would guide the ordinance but if the direction from the City Council is to
16 address this ordinance without the public policy questions then it would be added to the agenda.

17
18 Chair Gonzalez stated Mayor Willcox was the Chamber's Person of the Year.

19
20 Commissioner Iverson asked where the Central Avenue Development Project was and if this
21 would be coming back to the Planning Commission.

22
23 City Planner Gadow stated the Applicants had gotten feedback from the City Council and were
24 working on how to proceed with this. This may be back to the Planning Commission at a future
25 meeting.

26
27 **AGENDA ITEM 4. Adjournment.**

28
29 There being no further business, Commissioner Vanderheyden made a motion, seconded by
30 Commissioner Pearson, to adjourn the meeting. The motion passed unanimously.

31
32 The meeting was adjourned at 7:41 p.m.

33
34 Respectfully submitted,

35
36 Tina Borg
37 *TimeSaver Off Site Secretarial, Inc.*