

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 20, 2013**

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: Crowder, Gonzalez, Iverson, and Ramy Jr. Absent and excused: Commissioners Cooper, Pearson, and Vanderheyden. City Planner Gadow and Council Member Anderson were also present.

Chair Gonzalez requested the following corrections: Page 4, Line 15, indicating: "...if located next to or near by a residential property..."; Page 18, Line 19, indicating "City Chair Gonzalez; and, Page 19, Lines 16 and 26 change "principal" to "principle." Chair Gonzalez asked staff to review Page 6, Lines 7-8, indicating: "...while minimizing the public against adverse impacts..." and determine if a word needs to be added.

Commissioner Crowder made a motion, seconded by Commissioner Iverson, to approve the February 4, 2013, meeting minutes as corrected above. The motion passed 4/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. 801 Lake Street – BohLand Regatta, LLC

i. Registered Land Survey / Vertical Plat for Plaza Block of the Wayzata Bay Center Project

City Planner Gadow presented the development application of BohLand Regatta, LLC for concurrent approval of a Registered Land Survey (RLS) for vertical platting of the Plaza Block building as part of the Bay Center PUD development. This Vertical Plat request is similar to the request the applicant made with the Superior Block in 2011 and the West Block in January of 2013. He explained the purpose of this Vertical RLS Plat is to create tracts within the building that would be subdeveloped for retail/commercial components of the building. The applicant would retain ownership over Tract A, which is the housing component and associated parking.

City Planner Gadow displayed a slide of the subject site, noting the location of the Plaza Block with ground floor retail and 63 units of owner-occupied condominiums. He then displayed diagrams of the lower level RLS and described the use of Tract A for parking of the housing component. He displayed a diagram of the first level that would be divided into tracts with Tract A for the Lobby, Tract B for the retail component, Tract C for additional parking, and Tract D for additional retail. City Planner Gadow displayed a diagram of the second level/mezzanine and described the use of Tract A for an access corridor, Tract B for retail, Tract C for parking, and Tract D for additional retail space. He then displayed a diagram of the third and fourth levels and described the use of Tract A for 63 units of housing. The floor plans for each level and tract descriptions for each level were also presented.

1 City Planner Gadow advised of action steps for the Commission's consideration to develop
2 findings of fact based upon the staff report and any revisions the Commission wishes to make or
3 to direct staff to prepare a Planning Report and Recommendation with appropriate findings for
4 review and adoption at the next Planning Commission meeting.

5
6 Chair Gonzalez questioned the address of the request, noting the staff report indicates 841 Lake
7 Street East and the agenda indicates 801 Lake Street East. City Planner Gadow explained the
8 request involves multiple land parcels and when finalized the Plaza Block will have individual
9 addresses. He stated 801 Lake Street East is the correct address at this time so that correction
10 will be made to the staff report.

11
12 Commissioner Crowder noted Tracts B, C, and D are on two floors and asked why the plans
13 indicate: "open to below."

14
15 John Mehrkens, Wayzata Bay Center, explained the retail space is one open floor that is 20 feet
16 in height with two ten-foot levels of parking tucked in behind.

17
18 Chair Gonzalez noted the Comprehensive Plan says this property is Limited Office, as detailed
19 on Page 5 of the staff report. She asked whether there has been a proposal for an office use. Mr.
20 Mehrkens stated at this time, they have no letters of intent for retailers but if an office user came
21 forward and fit the use and building, it would be an allowable use. He noted that one of the two
22 leases in the Superior Block is a Sotheby's retail office use. However, the target remains
23 traditional retail.

24
25 Commissioner Iverson asked what would happen if they cannot get retail to fill the space. Mr.
26 Mehrkens stated office would then be allowable but it is less desirable due to the rent base.

27
28 City Planner Gadow explained the intent of the language is to indicate the project could not
29 become all office.

30
31 Chair Gonzalez asked whether conditions should be placed in the development agreement to
32 limit office use in case there is a lot of empty retail space. Mr. Mehrkens assured the Planning
33 Commission that there continues to be retail interest; however, they have not yet marketed this
34 part of the project.

35
36 Commissioner Crowder stated he would be disappointed if it is not all retail as that was the
37 driving force behind this project. Mr. Mehrkens stated he would also be disappointed and retail
38 remains the driving force of their plans.

39
40 Commissioner Iverson stated she found the definition of "limited" to be open ended and asked at
41 what point additional language should be considered. She stated she does not want to mislead
42 the community since in 2008 it was thought to be retail so she would like the language tightened
43 to include a percentage. She wanted to assure there was no "bait and switch."

44
45 Mr. Mehrkens stated the language under consideration is from 2008 and contained in the
46 development agreement so there has been no "switch."

1
2 Chair Gonzalez noted this language is also contained in the Comprehensive Plan.

3
4 Commissioner Crowder asked if having a mixture of retail, hotel, and residential is important for
5 the health of the project. Mr. Mehrkens answered in the affirmative and confirmed it is vital for
6 the economic viability of the site.

7
8 Commissioner Ramy stated there is no way to control that, noting a project on Grand Avenue
9 that includes a Trader Joe's used to have a lot of retail but it is now all office. He agreed
10 residents get hurt when that occurs.

11
12 Chair Gonzalez opened the public hearing at 7:17 p.m.

13
14 There being no comment, Chair Gonzalez closed the public hearing at 7:17 p.m.

15
16 Commissioner Ramy referenced the staff report, Page 5, paragraphs E. and F. addressing the
17 creation of lots not adversely impacting the scale, pattern, or character of the City, its
18 neighborhoods, or its commercial areas. He questioned that claim, noting the scale of the
19 development is not like the scale of the residences. City Planner Gadow clarified the
20 development is in like scale with the other buildings within the project.

21
22 Commissioner Iverson asked if they see this as being one owner. Mr. Mehrkens explained the
23 condominiums will have a homeowner's association with individually-owned units and the retail
24 will be under a single owner. He stated they are self developing that element across the entire
25 site.

26
27 Chair Gonzalez stated under the previous considerations, a lot of time had been spent by the
28 Council on discussion of the exterior materials and color pallet of the building. She suggested
29 they bring all of those materials when this item is considered by City Council. Mr. Mehrkens
30 indicated they will do so and noted the West Block approval was conditioned on presenting
31 those final building materials.

32
33 City Planner Gadow indicated this was a previous condition of the West Block.

34
35 Commissioner Iverson asked how snow will be removed from this dense site. Mr. Mehrkens
36 stated there is a hydronic snow melt system for the entire area including the interior streets and
37 sidewalks. For average snowfalls, the snow will melt as it lands and for heavy snowfalls, under
38 certain conditions, the snow will be removed manually and trucked off site. He indicated that
39 snow will not be stored on the lawn.

40
41 Commissioner Iverson stated she noticed a series of three trucks removing snow from Wayzata
42 Boulevard. City Planner Gadow stated that is the method used by the City for removal of snow
43 windrows. Mr. Mehrkens stated they can take off the top snow layer to allow the snow melt
44 system to catch up. He stated this system is a unique element and the retailers are excited to not
45 have sand and salt coming into their spaces and incidents of slip/falls are insignificant.

46

1 Commissioner Ramy asked if that is part of the geothermal testing that occurred early on. Mr.
2 Mehrkens stated they are related but separate systems. He explained the snow load cannot be
3 placed on the geothermal system, which is for heating/cooling of residential spaces.
4

5 Commissioner Crowder made a motion, seconded by Commissioner Iverson, to recommend
6 approval of the BohLand Regatta, LLC application for a Registered Land Survey (Attachment
7 A) of the Plaza Block based on the findings contained in Section 5 of the staff report and subject
8 to conditions contained in Section 4 of the staff report. The motion passed 4/0.
9

10 City Planner Gadow indicated this recommendation will be considered by the City Council on
11 March 5, 2013.
12

13 Steve Bohl, BohLand Regatta, LLC, stated the condominium sizes range from 800 sq. ft. to over
14 2,000 sq. ft. and the value ranges will start mid-\$400,000 and be considerably higher for the
15 larger-sized units. The average sized condominium will sell in the \$600,000 range.
16

17 **AGENDA ITEM 3. Other Items**

18

19 **a. Review of Development Activities**

20 City Planner Gadow provided an update on the robust discussion with the Council on the issue of
21 telecommunication equipment. Staff was directed to look into the feasibility of building a new
22 tower at the Public Works site, coverage maps from vendors, cost estimates, options to construct
23 or revamp the water tower base to provide interior storage of the ground equipment to address
24 the visual impact; and, options of an underground or aboveground storage facility.
25

26 Council Member Anderson explained there are many variables in addition to the cost, planning
27 for future technology, and possible expansion. City Planner Gadow stated staff has heard that
28 technology is changing yet vendors have not given additional detail as to what that may entail or
29 if the vendors were willing to invest in that new technology.
30

31 Chair Gonzalez asked whether staff had contacted vendors to obtain that information. City
32 Planner Gadow stated staff had asked Mr. Terry, as part of the study, to send a survey to vendors
33 to get that information; however, the vendors did not respond so the Council directed the City
34 Attorney to send a letter to advise vendors the City is considering the feasibility of a new site.
35 Chair Gonzalez stated she is interested in hearing from the vendors as they may also come up
36 with some good ideas.
37

38 Commissioner Ramy stated the Council's discussion raised interesting points in that the survey
39 may have alarmed vendors and that antenna leases are a revenue stream to the City that may be
40 predatorized by surrounding cities with more advantageous lease rates. In addition, Mr. Terry
41 had indicated the lease rates and terms in Wayzata were the most expensive in the five State
42 area, which raised concern if lost since it would require building and taxing 300 homes to offset
43 that revenue loss.
44

Council Member Anderson agreed this is a nice revenue stream, but the City now has the opportunity to be more proactive and look at alternatives for other revenue streams that are not so dependent on antennas.

Chair Gonzalez stated support to work with the vendors.

b. Other Items

City Planner Gadow and Council Member Anderson reported on the February 19, 2013, Council meeting and answered questions of the Commissioners.

AGENDA ITEM 4. Adjournment.

There being no further business, Commissioner Crowder made a motion, seconded by Commissioner Ramy, to adjourn the meeting. The motion passed unanimously.

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

Respectfully submitted,

Carla Wirth

TimeSaver Off Site Secretarial, Inc.