

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JANUARY 28, 2013**

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

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

Present at roll call were Commissioners: Cooper, Crowder, Gonzalez, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow and Council Member Tanner were also present.

Acting Chair Gonzalez requested the following corrections: starting on Page 1, Line 8, and throughout minutes, replace "Chair Gonzalez" with "Acting Chair Gonzalez"; and, on Page 8, Line 24, identify Commissioner who made the comment.

Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson, to approve the January 7, 2013, meeting minutes as amended above. The motion passed 7/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. 801 Lake Street – Wayzata Bay Center Redevelopment Company, LLC
i. Registered Land Survey/Vertical Plat for West Block of the Wayzata Bay Center Project

City Planner Gadow presented the application of the Wayzata Bay Center Redevelopment Company LLC for approval of a concurrent preliminary and final Registered Land Survey (RLS) for vertical platting of the West Block building as part of the Bay Center Planned Unit Development (PUD). He explained this Vertical Plat request is similar to the request the applicant made for the Superior Block in 2011. City Planner Gadow explained the purpose of this Vertical RLS Plat is to create tracts within the building at 801 Lake Street that would be sub-developed for the retail/commercial components of the building. The applicant would retain ownership over Tract A, the housing component and associated parking. It was noted the Comprehensive Plan guides this property for Downtown Medium Use District and the zoning is PUD.

City Planner Gadow displayed a diagram of the lower level RLS and described the use of Tract A for housing parking, Tract I for the Pavilion, Tract J for the retail component, and Tract H for an easement area for interior roadways. Access into the site would be from Lake Street and Superior Boulevard. He displayed a diagram of the first floor RLS and described the use of Tract A for the elevator shaft, Tract A for the all age market rate housing lobby, and Tract A for the Lake Street lobby for senior housing. It was noted that Tracts B and C are retail areas on Lake Street, Tract D is for senior and market rate parking, Tracts E and F are retail components, Tract H is a roadway easement area, and Tracts G and J are retail components. City Planner Gadow displayed a diagram of the parking mezzanine RLS and described the use of Tract D for general parking for the retail and commercial components, Tract A for lobby and building

entrances, Tracts G and J for retail components, Tract I for the Pavilion, and Tract H for an easement area for roadways. He then displayed a diagram of the upper level RLS and described the use of Tract H for roadway easement and Tract I for housing components. City Planner Gadow presented the floor plans, noting the roof gardens on the second and third levels. He indicated a general description of each tract had been included in the staff report.

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

Commissioner Crowder asked if there will be parking above the retail tract adjacent to Lake Street. City Planner Gadow answered in the affirmative and pointed out the location on the mezzanine floor plan.

Commissioner Pearson noted the staff report indicated this consideration is similar to that of the Superior Block in 2011. He asked if there is anything materially different with respect to this application versus what had been approved in 2011. City Planner Gadow explained there is nothing materially different other than the complexity due to a greater mixture of housing and retail, resulting in more tracts in the West Block than considered in the Superior Block. The Superior Block contains larger areas of retail and the West Block has more tracts, more spaces, and points of entry. City Planner Gadow indicated the platting system between the two blocks is the same.

Commissioner Vanderheyden referenced the staff report, Page 5, Section 3.1, last sentence, indicating: "...if any of the tracts do not have the required footage on a dedicated public street." He asked whether the requirement for frontage on a dedicated street had been met. City Planner Gadow explained that this PUD was approved with an allowance for private internal streets so that section of Code would not apply to this application. He indicated that should the City Council approve the West Block RLS, it would be with the understanding there would be no public street access for Tract H. It was noted there is public street frontage for Tracts B, C, D, and G.

Commissioner Vanderheyden asked if this is a submission for the first time for this block. City Planner Gadow indicated it is the first submission for an RLS subdivision plat for the West Block.

Commissioner Iverson asked if this is a formal process and what direction the Planning Commission could consider other than staff's recommendation. City Planner Gadow indicated the Planning Commission's role is to review the internal subdivision application and provide feedback and recommendation with findings to the City Council. He noted this same process was followed with the Superior Block in 2011 so it will be a similar consideration tonight for the West Block and in the future for the Plaza and East Blocks.

1 Commissioner Iverson asked if other cities have considered this type of information and if the
2 Planning Commission can determine it does not support the proposed subdivision and propose
3 another type of division.

4
5 Commissioner Crowder asked if this internal subdivision is being requested to sell or lease
6 portions of the building.

7
8 John Mehrkens, representing the Wayzata Bay Center, explained this is a commonly used
9 division of property when there is mixed use on a site. In this case, there is retail, housing, and
10 parking to support the uses within the building itself. The RLS Subdivision creates tracts that
11 can be mortgaged, financed separately, purchased, and sold. Each will have a separate tax
12 identification number. Mr. Mehrkens explained the complexity of this block primarily relates to
13 the tracts not being contiguous and being separated by a lobby or parking area. In the end, all
14 retail tracts will be cobbled together into one entity, as will the housing tracts. In relation to the
15 West Block, Mr. Mehrkens explained the senior housing component is sponsored by a 501c3
16 not-for-profit and will be financed with tax-exempt bonds. If not within that tax jurisdiction, it
17 will be financed traditionally.

18
19 Commissioner Vanderheyden asked whether it would be possible to further subdivide any of the
20 tracts. Mr. Mehrkens answered in the affirmative and explained that with the Plaza Block, there
21 will be parking below, retail and commercial tracts in the middle, and condominium/housing
22 units above that, in the future, may be subdivided through a CIC platting process.

23
24 Commissioner Vanderheyden asked about a commercial tract. Mr. Mehrkens stated a retail tract
25 could be further subdivided, such as a retail condominium. However, that is not their intent. Mr.
26 Mehrkens stated they plan to have commercial under a single owner and user. He stated there
27 are mixed-use developments where retail space is broken into parcels so it can be individually
28 sold and financed.

29
30 Commissioner Vanderheyden asked if such a division would come before the Planning
31 Commission for recommendation. City Planner Gadow answered that it would come before the
32 Planning Commission if the division resulted in a substantial change from what was approved.

33
34 Mr. Mehrkens indicated that is also his understanding.

35
36 Acting Chair Gonzalez asked about the resolution dealing with the West Block that was
37 approved in December of 2011. She noted one condition was the percentages for senior and
38 market rate housing units. Mr. Mehrkens stated this application does meet those required
39 percentages. There will be 98 total units of which 25 are for all age, meeting the requirements.

40
41 Acting Chair Gonzalez asked whether this application met the requirements for parking ratios.
42 City Planner Gadow advised they are providing 333 parking spaces, which meets the 1 to 1
43 requirement.

44
45 Commissioner Ramy asked if the retail tracts will not be managed as a mall property. Mr.
46 Mehrkens advised it will be managed like a mall property with the intent that while each block

1 will have retail developed and financed separately, each will belong to an association owned by a
2 single entity. He explained they do not want a situation of creating competition between owners
3 within the same retail space for the same tenants. There will be a comprehensive retail
4 development plan across the entire site. Mr. Mehrkens stated the Wayzata Bay Redevelopment
5 Company will be taking that on and self-developing as well as the housing in the West Block.
6 The Plaza Block will be co-developed with a condominium developer separately from the
7 Wayzata Bay Redevelopment Company.

8
9 Acting Chair Gonzalez asked if the housing units will be rental. Mr. Mehrkens answered in the
10 affirmative.

11
12 Commissioner Vanderheyden noted the 2011 Declaration of Easements and Covenants had the
13 same restriction as being considered tonight. City Planner Gadow explained that language was
14 recommended by the City Attorney because there will be interim covenants until the final
15 ownership is determined. He noted the same restriction will be considered for the Plaza and East
16 Blocks.

17
18 Mr. Mehrkens stated that process is in place for the Superior Block so all easements were created
19 and have been reviewed by the City Attorney. The West Block will follow the same process.

20
21 Commissioner Vanderheyden noted the staff report indicates the Planning Commission “ought to
22 do it,” but “doing it” is an administrative function with the City Attorney. City Planner Gadow
23 confirmed that is the case.

24
25 Commissioner Cooper asked if Tract B, a retail tract, will be subdivided as well. Mr. Mehrkens
26 stated it will be subdivided by lease, but not by ownership. There will be one owner with
27 multiple lessees, and partition walls constructed between potential spaces within the tract.

28
29 Commissioner Cooper asked if Tract B will be subdivided with interior partition walls based on
30 the tenant. Mr. Mehrkens stated that is correct and the partition walls will be based on the
31 requirements and needs of each tenant. Commissioner Cooper asked if that subdivision will be
32 considered for approval. Mr. Mehrkens clarified it is not a technical “subdivision” and will be
33 handled through leases, similar to an apartment building being under one ownership with
34 multiple tenants within.

35
36 Commissioner Crowder asked about Tracts D, G, and J and whether the PUD documents make it
37 mandatory that the second floor is commercial/retail. City Planner Gadow noted Tract D is for
38 parking and Tract G is for retail/commercial. The PUD development agreements indicate no
39 more housing than has already been approved for the upper levels.

40
41 Mr. Mehrkens described the elevation change from front to back and indicated if there is any use
42 change of the tracts, it would require an amendment to the PUD. City Planner Gadow confirmed
43 that is correct.

44
45 Commissioner Pearson asked about the timetable for construction, noting one lane on Superior
46 was shut down for truck traffic. Mr. Mehrkens stated their planned schedule for development

1 and construction is to start the summer of 2013 with 15 months of construction. He indicated
2 there is likely to be a 60-90 day separation between construction of the West and Plaza Blocks.
3 Mr. Mehrkens stated the northern entrance to the site was closed because they were building
4 infrastructure and roads at that location. Once that is constructed, it will become the entrance to
5 the site.

6
7 Commissioner Crowder asked about the status of the East Block. Mr. Mehrkens stated it is in
8 predevelopment with interest and continued excitement to have a hotel as part of this
9 development.

10
11 Commissioner Iverson asked where the craftsmen will park when construction starts on the units.
12 Mr. Mehrkens indicated in this phase, the staging area is the great lawn. Once the great lawn
13 comes in with the Plaza and West Blocks, the East Block will stage on the roads in front of it
14 with parking off site and busing.

15
16 Commissioner Vanderheyden asked whether, between the general plan and final plan, the
17 exterior shape or dimensions had changed. Mr. Mehrkens stated the footprint and square footage
18 stayed pretty much identical, within a few percentage points, but the upper floor architecture
19 changed by adding a flat roof. He noted there were some adds and take aways on the interior
20 when they laid out balconies to refine what was already there.

21
22 Acting Chair Gonzalez asked if there has been a design review for the buildings. She noted on
23 Page 6 of the staff analysis, it indicates the final project design submittals will be review with the
24 City Council. Acting Chair Gonzalez asked if the Planning Commission is supposed to conduct
25 that review.

26
27 City Planner Gadow explained the project was originally approved in 2008 with a design for all
28 of the blocks but the applicants, if they desire, can make changes to the exterior. Under the 2008
29 resolution, the City Council reviews those design modifications and can decide whether they
30 want to refer the design to the Planning Commission for recommendation. City Planner Gadow
31 stated two joint workshops addressed potential modifications to the West Block and the
32 applicant is making revisions based on that feedback. City Planner Gadow indicated the
33 applicant will make presentation before the City Council on February 5, 2013, to review the
34 revised building design for the West Block. At that time, the City Council will make a
35 determination on the review of that design.

36
37 Acting Chair Gonzalez asked whether the applicant has submitted everything required relating to
38 storm water treatment. City Planner Gadow advised that the applicant was required to submit
39 the infrastructure plans, including storm water treatment, prior to construction of the first two
40 blocks and those plans were reviewed by City staff and external consultants.

41
42 Acting Chair Gonzalez opened the public hearing at 7:36 p.m.

43
44 There being no comment, Acting Chair Gonzalez closed the public hearing at 7:36 p.m.
45

Commissioner Pearson made a motion, seconded by Commissioner Cooper, to recommend approval of the Wayzata Bay Center Redevelopment Company LLC application for a Registered Land Survey (Attachment A) based on the findings contained in Section 5 of the staff report and subject to the condition contained in Section 4 of the staff report. The motion passed 7/0.

City Planner Gadow advised this application will be considered by the City Council on February 5, 2013.

AGENDA ITEM 3. Other Items

a. Election of Vice-Chair

City Planner Gadow described the role of the Chair to moderate the meeting, direct questions to staff and the applicant, and move the discussion forward. Should the Chair be absent, those responsibilities would be taken up by the Vice-Chair. He suggested the Planning Commission first consider appointment of the Vice-Chair through a nomination and voice vote process.

The floor was opened for nomination of Vice-Chair.

Commissioner Pearson nominated Commissioner Iverson.

Commissioner Iverson accepted the nomination.

Hearing no additional nominations, a vote was held. Nomination passed 7/0 to elect Commissioner Iverson as 2013 Planning Commission Vice-Chair.

b. Election of Chair

The floor was opened for nomination of Chair.

Commissioner Pearson nominated Acting Chair Gonzalez.

Acting Chair Gonzalez accepted the nomination.

Hearing no additional nominations, a vote was held. Nomination passed 7/0 to elect Acting Chair Gonzalez as 2013 Planning Commission Chair.

c. Review of Development Activities

City Planner Gadow stated on February 5, there will be another joint City Council/Planning Commission Workshop on the Plaza Block starting at 6 p.m. A Planning Commission Workshop is scheduled for February 4 to discuss the telecommunication ordinance.

Chair Gonzalez asked whether the consultant could attend the February 4 Planning Commission Workshop to answer questions. City Planner Gadow stated the City is beyond the initial contract and would have to pay for his time but he could be asked to attend a future joint Workshop meeting with the City Council, if desired.

1 Commissioner Vanderheyden suggested the consultant's attendance be delayed to a future
2 meeting to allow new Planning Commissioners the ability to get up-to-speed on this topic and
3 formulate questions.

4
5 Chair Gonzalez asked staff to provide information on what is a safe distance and what kind of
6 limitations can be placed. She also asked whether the ordinance can include a clause to not place
7 antennas on private property.

8
9 Commissioner Vanderheyden asked about the average setback information for cellular towers
10 and whether staff had gathered ordinances from other cities prior to drafting the proposed
11 Wayzata ordinance. City Planner Gadow answered in the affirmative and explained that in 2012,
12 the City began the study after recognizing the current ordinance was deficient. In 2010 and
13 2011, staff had looked at a number of communities from around the area and out state to find
14 best practices to provide a basis of what other communities have done. Staff then drafted an
15 ordinance that has been revised based on discussion.

16
17 Commissioner Crowder asked whether there are any development applications in the works.
18 City Planner Gadow advised that none have been filed to a level of submission.

19
20 City Planner Gadow announced that on February 20, a joint City Council Workshop will be held
21 on the RLS for the Plaza Block. In addition, he is working with the City Attorney to provide a
22 refresher course on land use for newly appointed Commissioners.

23
24 Chair Gonzalez requested an update on the Boat Works site. City Planner Gadow stated the City
25 Council discussed whether to approve a contract with the City's financial/economic development
26 consultant to hold a developer's round table to gauge the interest of the development community.
27 In that way, issues can be fleshed out as well as opportunities if the Boat Works is purchased by
28 a private developer so the City could be a partner at the table to guide development. City
29 Planner Gadow noted this is an important property to the Lake front and Dakota Trail so the City
30 Council will move forward with that process.

31
32 Commissioner Iverson requested a Lake Street update. City Planner Gadow stated he does not
33 have a timeline but the project is in the midst of construction this week.

34
35 **d. Other items**

36 Chair Gonzalez reported on actions taken at the January 22, 2013 City Council meeting.

37
38 Commissioner Iverson asked when the roundabout design at the east end of Lake Street was
39 approved. City Planner Gadow advised it was approved as part of the original 2008 Bay Center
40 Plan and more formalized discussions were held with the City Council in 2010. In addition, the
41 City Engineer mailed a survey about traffic to residents in the eastern neighborhood.

42
43 Commissioner Iverson stated her opinion the roundabout does not reflect what the traffic study
44 showed so she is concerned with how that decision was made. She asked if it is possible for the
45 roundabout to be reviewed again.

46

1 Commissioner Crowder asked if that approval involved a one-way into the LaSalle
2 neighborhood. City Planner Gadow stated that is one option the City Council is considering, as
3 well as certain lane closures, but that has not been finally decided.
4

5 Commissioner Crowder stated a large number of bicyclist come from Plymouth through the
6 LaSalle neighborhood to get into downtown Wayzata because Wayzata Boulevard, Highway
7 101, and Eastman Lane are too dangerous. He noted if it is a one-way roundabout, the bicyclist
8 will have to travel the wrong way and could get hit.
9

10 Commissioner Iverson asked if it can be looked at again in more depth. City Planner Gadow
11 stated the City Council will be considering a design for all access or having some lane closures
12 within the next few weeks.
13

14 Commissioner Ramy stated Mayor Willcox had referred to creating a “bookend” with the
15 entrance at the other end of the City, from Highway 15 by the school. He asked whether the
16 Planning Commission would be participatory in that discussion. City Planner Gadow explained
17 the Planning Commission’s role is limited to land use and zoning issues.
18

19 Chair Gonzalez stated she has yet to hear from anyone living by a roundabout that they like
20 them.
21

22 Council Member Tanner indicated a number of roundabout configurations had been presented so
23 the City Council will be holding a Workshop during which the public will be invited to express
24 their views. He explained the City Council wants to preserve privacy of the Circle A Drive
25 neighborhood.
26

27 Commissioner Iverson asked whether staff could pull some studies relating to whether
28 roundabouts have resulted in reduction in pass through traffic. She stated the 2009-2010
29 neighborhood studies showed about 67% of the neighborhood traffic was cut through.
30 Commissioner Iverson stated she is sure other neighborhoods have this same issue and would
31 ask if any have done a roundabout as a resolution and if doing so resulted in a reduction. She
32 stated she wants to be sure the roundabout provides the solution desired for that neighborhood.
33

34 Council Member Tanner explained part of the problem is that the neighborhood survey came
35 back without an overwhelming response to closing off the area. About 80 surveys were returned
36 with 39 voting to keep it and 46 did not respond. Council Member Tanner stated that is what
37 will be discussed, whether it should be a full access roundabout or if some of the legs should be
38 closed off to the neighborhood so traffic could come out but not get in.
39

40 Chair Gonzalez asked whether another reason for a roundabout is for traffic that wants to
41 patronize businesses in the new development but drives past the entrance. With a roundabout,
42 that traffic can turn around right away instead of going through the neighborhood. City Planner
43 Gadow agreed one benefit is to minimize cut through traffic from retail by providing an easier
44 access back to the main thoroughfare.
45

1 Commissioner Crowder stated if the roundabout limits access and exit, then it defeats the
2 purpose of the roundabout, creating only a fancy right turn for traffic going east.

3
4 **AGENDA ITEM 4. Adjournment.**

5 There being no further business, Commissioner Vanderheyden made a motion, seconded by
6 Commissioner Cooper, to adjourn the meeting. The motion passed unanimously.

7
8 The meeting was adjourned at 8:02 p.m.

9
10 Respectfully submitted,

11
12
13 Carla Wirth

14 *TimeSaver Off Site Secretarial, Inc.*