

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 17, 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: Cooper, Crowder, Gonzalez, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow and Council Member Tanner were also present.

Commissioner Vanderheyden asked staff to review the discussion relayed on Page 6, Lines 28-32, regarding the reason the chimney is 50 feet in height and proponent's response that it was to add architectural interest.

Chair Gonzalez requested the following corrections: Page 2, Line 17, "Chair Gonzalez stated she attended a course for professional planners last year and it was stated that if granting too many variances, you need to consider whether the ordinance serves the purposes of the City." Page 4, Line 7, "Chair Gonzalez stated the ~~sidewalks~~ tables cannot be secured into the public sidewalk." Page 5, Line 21, "Chair Gonzalez stated support to postpone the recommendation for two weeks so staff can prepare findings of fact ~~for~~ to recommend approval and the applicant's representative can attend to provide more information.

Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper, to approve the June 3, 2013, meeting minutes as amended above. The motion passed 7/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

a. 314 Bushaway Road – Charles Cudd Company
i. Review of Residential Building Plan

City Planner Gadow stated Charles Cudd Company has requested review of residential building plans for the house proposed to be constructed at 314 Bushaway Road. He displayed colored renderings of the exterior elevations, noting this building plan review is a condition of the five-lot subdivision approval.

John Sonnek, Charles Cudd Company, presented exterior building materials and colors proposed to be used. Materials included Timberline architectural roof shingles, Anderson windows, and an asphalt driveway. Mr. Sonnek described the trees that will be preserved during the construction of this two-story home.

Commissioner Iverson stated she has no questions on the architectural elements but it would have been nice if the site plan had identified the trees that would be removed.

1 City Planner Gadow estimated an impact to about 15 trees from the building footprint, driveway,
2 and grading.

3
4 Mr. Sonnek stated a survey was provided to the City. He explained how another row of trees can
5 be saved at the garage end, noting the location where the sewer line will impact some of the
6 trees.

7
8 Commissioner Vanderheyden asked if the trees identified on the survey are significant. City
9 Planner Gadow stated it identifies trees over six inches in diameter and described the existing
10 species mixture of Ash and Red Oak.

11
12 Chair Gonzalez stated when she visited the site yesterday, she saw a wild turkey and encouraged
13 the developer to not disturb its nest. She asked whether a four-car garage is the standard for the
14 area. City Planner Gadow stated in this residential district, any size of garage is allowed as long
15 as it does not exceed 10% of the building footprint. He stated this proposal meets the City's
16 requirements.

17
18 Mr. Sonnek provided actual building samples for the Commission's review. He stated the cedar
19 shingle sample shows two different colors to depict the variety in stain that could occur on the
20 natural cedar shingles. He stated the stained garage doors will be of a coordinating color. Mr.
21 Sonnek stated the site will also be landscaped.

22
23 Chair Gonzalez opened the public hearing at 7:14 p.m.

24
25 There being no comment, Chair Gonzalez closed the public hearing at 7:14 p.m.

26
27 Commissioner Iverson asked if a landscape plan is to be provided. City Planner Gadow stated
28 the landscape plan has not yet been finalized and once the house is constructed the City and
29 applicant will discuss landscaping.

30
31 Mr. Sonnek stated the landscape plan for 318 Bushaway Road should be ready in several weeks
32 and the landscape plan for 314 Bushaway Road will be completed shortly after backfilling the
33 site.

34
35 Chair Gonzalez asked whether the site will be excavated or filled. Mr. Sonnek stated good clay
36 dirt will be brought into the back yard, behind the house, to fill the swale area that is under the
37 basement footings. He estimated 10-15 truck loads of dirt will be brought in.

38
39 City Planner Gadow stated the City Engineer indicated he is comfortable with the plans as
40 submitted and will also review the formal grading plan once completed.

41
42 Mr. Sonnek stated if the site had good clay dirt, he would not have to bring in any. The black
43 dirt will have to be removed from that area and spread over the back yard.

44
45 Chair Gonzalez stated the concern is impact to public streets by the truck traffic. Mr. Sonnek
46 stated Bushaway Road is a 9 ton design and the roads within the development are private.

1
2 Commissioner Crowder made a motion, seconded by Commissioner Vanderheyden, to find that
3 the applicant, with submittals and conditions, has completed the condition of approval as
4 indicated in Resolution No. 11-2012, approving an application for concurrent preliminary and
5 final plat subdivision and variances and to recommend approval of the proposed building plan
6 and exterior elevations for a home to be constructed at 314 Bushaway Road by Charles Cudd
7 Company. The motion passed 7/0.
8

9 **b. Review and Adoption of Planning Commission Report and Recommendation for**
10 **CUP Amendment for Outdoor Sidewalk Café for 681 Lake Street East – Caribou**
11 **Coffee**

12 City Planner Gadow presented the request of Caribou Coffee for a Conditional Use Permit
13 (CUP) amendment for an outdoor sidewalk café for 681 Lake Street East. It currently has four
14 tables and sixteen chairs and the request is to expand it to seven tables, twenty-eight chairs, and
15 four umbrellas. City Planner Gadow reviewed the Planning Commission's discussion at the June
16 3, 2013, meeting and request for additional detail from the architect as to how the tables and
17 chairs will be placed on the outdoor sidewalk area. He displayed the site plan of the subject site
18 and stated he contacted the tenants on either side and found both were supportive of the
19 application moving forward as long as the tables and chairs remain in the designated area so
20 pedestrians have free passageway to enter their shops. In addition, Marna Burrows, 205 Barry
21 Avenue South, stopped by City hall and indicated she was supportive of the application and
22 wanted it to move forward.
23

24 Commissioner Vanderheyden stated when he viewed the site, one of the tables was adjacent to
25 the light pole to the east, in the middle of the Dichotomy shop. The western most table was in
26 front of Shelly Storch Fine Jewelry. He asked whether the CUP limits the east/west boundaries
27 or if the shop owners are saying it is okay for the tables to be in front of their locations.
28

29 City Planner Gadow stated it is his understanding based on conversations that the jewelry store
30 has no concern with the tables or chairs but were concerned about having them spill out to the
31 west of Caribou. He stated Dichotomy did not express as much concern about that as the other
32 tenant.
33

34 Commissioner Iverson stated when she visited the site, the chairs had migrated to the front of
35 Talbots.
36

37 City Planner Gadow stated at the last meeting, concern had been expressed about the location of
38 the bicycle rack and dog tie-up. He pointed out places where both could be located to help keep
39 chairs from moving easterly. City Planner Gadow stated Caribou would have to work out how to
40 attach the dog tie-up, such as a bollard, rather than using the tree.
41

42 Commissioner Crowder stated given the configuration proposed, he suspects the bicycle rack is
43 in the best position it can be in. City Planner Gadow stated at the lat meeting a concern had been
44 expressed that the bicycle rack would not be used if out of the bicycle owner's sight.
45

1 Commissioner Crowder stated people do use the bicycle rack but if the bicycle is expensive, he
2 does not think it would be used if out of view. Instead, that bicycle owner will park the bicycle
3 along the building or flower planter.

4
5 Chair Gonzalez stated the bicycle rack also cannot block the handicapped parking space.

6
7 Commissioner Iverson stated she supports outdoor cafés but this is a congested area. She asked
8 if there is another solution to allow outdoor seating but with a different sized or shaped table, or
9 different table configuration.

10
11 City Planner Gadow stated the applicant could delineate the outdoor café area with something
12 like sidewalk paint that can be washed off each season but provide a “box” the tables and chairs
13 must be within. Then it would be the onus of Caribou and City staff to assure it is enforced.

14
15 Chair Gonzalez asked how the area can be demarked so customers know the tables/chairs must
16 stay within those boundaries. She stated on the west side there is a red brick at the property line.
17 But, this morning a table and two chairs were beyond that property line and located in front of
18 the next store’s front door. Chair Gonzalez asked how seven tables can be squeezed into that
19 space.

20
21 Commissioner Iverson asked whether a family style table could be considered.

22
23 Jim Sultany, Wilkus Architects, stated the average sized customer group is 1.75 people per table,
24 which would not support a family-sized, six-person, table. He stated there are two larger
25 community tables inside Caribou. Mr. Sultany stated they are not proposing the black furniture
26 that is currently on the site. Caribou will be using 30-inch round tables, which is six inches
27 smaller than the tables currently on the site. He stated the tables are pretty heavy so they cannot
28 be blown over by the wind.

29
30 Commissioner Crowder stated the heavier the table, the more difficult it is to move.

31
32 Mr. Sultany stated he spoke with City Planner Gadow about being less intrusive with the
33 boundaries and agreed that Caribou staff needs to monitor it hourly to assure the tables/chairs are
34 not outside the boundaries and trash is picked up.

35
36 Chair Gonzalez asked whether the trash bin can be moved one way or the other to accommodate
37 a table location. City Planner Gadow stated they would have to determine whether the trash bin
38 is bolted down.

39
40 Commissioner Iverson asked if flower planters were considered to demark the outside border.
41 Mr. Sultany stated that was considered but they require watering and upkeep and a level of
42 commitment by the employees so they may not look attractive.

43
44 Commissioner Iverson stated landscaping is required. Mr. Sultany stated the 2001 CUP required
45 several hanging baskets. Commissioner Iverson stated hanging baskets dry out faster and it may
46 be possible to include landscape maintenance as part of the employee’s job responsibilities,

1 possibly at the end of the day. She stated flower planters would also enhance the appearance of
2 the City.

3
4 Chair Gonzalez stated she would prefer to make a recommendation to the Council that includes
5 how the outdoor café area will be demarked, which is a requirement of the ordinance and
6 condition of the recommendation if supported for approval. She stated it would be nice to know
7 how that demarcation will be done.

8
9 Mr. Sultany asked if the bicycle rack and dog post could be relocated to bookmark the sidewalk
10 café.

11
12 Commissioner Iverson stated she is opposed to relocating the bicycle rack to that location.

13
14 Commissioner Ramy stated there is also concern with north/south fluctuation as that impacts
15 passers by between the windows and tables and cuts off pedestrian traffic flow.

16
17 City Planner Gadow stated one solution to the east/west migration is to require that the tables
18 and chairs not go farther west or east than the edge of the storefront. Caribou staff would then
19 know the outer boundary and that the tables and chairs must be within that box.

20
21 Chair Gonzalez stated another option is to use the red bricks to demark the outer area but there
22 should also be a line on the sidewalk so customers know the tables/chairs must remain within
23 those limits.

24
25 Chair Gonzalez asked if there is a City policy about painting the sidewalks. City Planner Gadow
26 stated it would have to be a temporary demarcation so it can be washed off after the season.

27
28 Commissioner Vanderheyden asked if the employees can be trained to maintain the east/west
29 boundary, can they also maintain the north edge of boundary.

30
31 Commissioner Iverson stated that will be an ongoing training issue due to employee turnover.
32 She stated she preferred a more creative solution other than relocating the bicycle rack and dog
33 tie up. She stated she supported the use of landscaping to control some of the migration.

34
35 City Planner Gadow stated planters are the best solution from an aesthetic standpoint but
36 depending on the location, they may cut into the pedestrian pathway.

37
38 Commissioner Iverson stated she was suggesting landscape planters, such as a long rectangle
39 planter, as an east/west border.

40
41 Commissioner Crowder stated a landscape company can suggest plants that survive without
42 watering several times a day.

43
44 Chair Gonzalez asked Mr. Sultany what kind of solution is being offered to the concerns that
45 have been expressed.

46

1 Mr. Sultany stated they will have to add some landscaped planters to demark the east and west
2 boundaries and control table/chair migration. He asked whether the planters can be placed from
3 the property line outward, rather than from the property line inward.

4
5 City Planner Gadow stated the planters would have to be located from the building line inward.

6
7 Commissioner Crowder stated if the abutting business owners understand the planters will keep
8 the tables/chairs from migrating, they may be happy to allow the planters to infringe on their
9 space.

10
11 Commissioner Cooper asked if the planters would be of brick or portable. City Planner Gadow
12 stated the planters would have to be portable and not damage the sidewalk. He stated as part of
13 the Lake Effect, there may be discussion on how the sidewalks are designed so this may be a
14 temporary solution.

15
16 Chair Gonzalez stated if there is a way to assure employees will keep the tables/chairs inside, she
17 thinks the red bricks would be enough demarcation and the Planning Commission would not
18 have to be so prescriptive.

19
20 Chair Gonzalez opened the public hearing at 7:41 p.m.

21
22 There being no comment, Chair Gonzalez closed the public hearing at 7:41 p.m.

23
24 Commissioner Crowder stated he supports requiring planters for the east/west borders.

25
26 Chair Gonzalez asked if there is support to allow seven tables now that it is known the tables will
27 be smaller in size. No objection was expressed.

28
29 Commissioner Ramy stated he also enjoys seeing people at a sidewalk café as long as the
30 pedestrian flow can be maintained. He stated he supports east/west planters to demark the
31 boundary and to require employees to monitor migration.

32
33 Commissioner Copper agreed that planters can only enhance the area and she supports that
34 requirement.

35
36 Commissioner Pearson stated he thinks the existing brick provides good demarcation and while
37 planters sound nice, placing two more may impact pedestrian flow. He stated the existing bricks
38 provide a natural demarcation so he would support that but has no philosophical objection to the
39 planters.

40
41 Commissioner Vanderheyden stated his agreement with the comments of Commissioner Pearson
42 and that he is less inclined to favor planters as real estate on the sidewalk is a premium and
43 planters, while they constrain the tables/chairs, come at a cost.

44

1 Commissioner Iverson stated Sections 4. Recommendation, Conditions 5 and 21, state the
2 applicant shall install planter baskets or other landscaping materials, indicating this is an
3 important issue.

4
5 Chair Gonzalez stated that is to occur at the front door, which would further limit the sidewalk.
6 City Planner Gadow stated hanging baskets would not create an issue and based on tonight's
7 discussion, the landscaped planters would be placed at the sides instead of the front.

8
9 Commissioner Cooper stated the planter boxes would allow patrons to know that is where the
10 tables should be as opposed to having staff constantly moving tables back so it may be more
11 efficient to use the planters as demarcation.

12
13 City Planner Gadow reviewed grammatical corrections made to the Planning Commission
14 Report and Recommendation on Page 5, Section 3.4 CUP Standards, subset b., to indicate: "The
15 property does conform to the Comprehensive Plan guidance." He stated additional revisions were
16 made on Page 7, Section 4, Recommendation, Condition 10, "The furniture shall be washable,
17 constructed of metal or other weather resistant material, and maintained in a safe and sanitary
18 condition."

19
20 Chair Gonzalez asked whether the Commissioners supported Condition 21, "Annual/perennial
21 flowers shall be used to enhance streetscape aesthetics." City Planner Gadow stated if that is a
22 concern wording could be added to indicate: "or other appropriate vegetative material." The
23 Planning Commission supported this revision.

24
25 Chair Gonzalez asked if a condition should be placed to use landscaped planters to demark the
26 east/west boundaries. City Planner Gadow suggested a revision to Condition 2 to add: "...and
27 demark the area with planter boxes on the west and east side of the café area."

28
29 Commissioner Iverson suggested also adding: "...that are appropriate in scale" to assure there is
30 mass and sizing.

31
32 The Planning Commission agreed with these revisions.

33
34 Commissioner Iverson made a motion, seconded by Commissioner Cooper, to approve Planning
35 Commission Report and Recommendation for CUP Amendment for Outdoor Sidewalk Café for
36 681 Lake Street East – Caribou Coffee, with grammatical changes as noted by the City Planner
37 and revision to Condition 2 to indicate: "The applicant shall demark the café area from adjacent
38 pedestrian area with planter boxes on the east/west sides that are appropriate in size and scale."
39 The motion passed 6/1 (Pearson).

40
41 Commissioner Pearson stated he does not support the condition requiring the planter boxes.

42 43 **AGENDA ITEM 3. Other Items**

44 45 **a. Review of Development Activities**

1 City Planner Gadow stated the July 1, 2013, agenda may include the 392 and 410 Ferndale Road
2 South application. He reminded the Commissioners of the June 18, 2013, City Council joint
3 workshop to address the telecommunications ordinance.

4
5 City Planner Gadow stated he is scheduling a site visit to 392 and 410 Ferndale Road South for
6 this week Friday and asked which Commissioners are available. Commissioners Cooper,
7 Crowder, Iverson, Pearson, and Vanderheyden indicated they are available this week Friday.
8 Chair Gonzalez stated she will check her calendar. City Planner Gadow stated he will contact
9 the applicant's architect to determine if he is available and post this meeting so there is not a
10 violation of the open meeting law.

11
12 **b. Other Items**

13 City Planner Gadow provided an update on the two community design Lake Effect workshops
14 and stated another is scheduled on June 20, 2013.

15
16 Commissioner Pearson reviewed items the City Council considered at its June 4, 2013, meeting.

17
18 City Planner Gadow stated the Presbyterian Homes West Block pilings are underway but
19 building construction has not yet started.

20
21 **AGENDA ITEM 4. Adjournment.**

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

24
25 The meeting was adjourned at 7:59 p.m.

26
27 Respectfully submitted,

28
29
30 Carla Wirth

31 *TimeSaver Off Site Secretarial, Inc.*