

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
OCTOBER 7, 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, Gonzalez, Iverson, Ramy Jr., and Vanderheyden. Absent and excused: Commissioner Crowder and Pearson. City Planner Gadow City Attorney Schelzel, and Marie Cote from SRF Consulting were also present. Councilmember Anderson was also present.

Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper to approve the September 16, 2013, meeting minutes as submitted. The motion passed 5/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

- a. **1055 Wayzata / 141 Central Avenue / 155 Central Avenue – Anchor Bank and Leo and Algena Lund Partnerships (continued from August 5th Planning Commission Meeting)**
- **Amendment to Planned Unit Development**
 - **Project Design Review**
 - **Concurrent Preliminary and Final Plat**
 - **Site Plan Review**
 - **Street Vacation Request**
 - **Drive-thru CUP**

City Planner Gadow reviewed the consideration by the Planning Commission at its August and September meetings, relating to the development application from Anchor Bank and the Leo and Algena Lund Partnership for a multipart Planned Unit Development (PUD) and Subdivision application for a new Anchor Bank, Walgreens, and three single-family residential lot development. After holding the public hearing and discussion of the application's components, the Planning Commission had opted, on a vote of 4 (Cooper, Gonzalez, Pearson, Vanderheyden) / 3 (Crowder, Iverson, Ramy), to direct staff to prepare a Report and Recommendation of approval for the revised development application.

City Planner Gadow described elements of the decision points that remain: address any remaining questions regarding provided traffic studies; review design Option #3 and provide input/design review; and, review draft Planning Commission Report and Recommendation, provide feedback or additions, and vote on the Report. He noted the attendance of Marie Cote, SRF Consulting, to answer questions of the Planning Commission relating to the traffic study component.

1 Chair Gonzalez asked the Commissioners to raise questions related to traffic. She stated an issue
2 was closing Elm Street and effect on traffic in and out of the Benton Avenue neighborhood.
3 Chair Gonzalez asked if the traffic report covered that issue.

4
5 Ms. Cote stated the traffic on Elm Street and the neighborhood exits were not specifically looked
6 at. However, it is known that the Benton intersection at Wayzata Boulevard has, in the past,
7 been an issue. Several years ago, SRF looked at revisiting the Wayzata Boulevard and Superior
8 Boulevard intersection and improvements were recommended for after the Wayzata Bay Center
9 was fully developed including a detector on Benton Avenue, timing of the signal, and slight
10 realignments to make the major movement from Wayzata Boulevard to Superior Boulevard. If
11 approved, those design changes would make it easier for those existing Benton Avenue.
12 However, that was not specifically looked at for this development study.

13
14 Chair Gonzalez stated another issue was how much an increase in traffic this Walgreens would
15 generate. Ms. Cote stated they believe they took a conservative approach with the trips
16 generated and future traffic. As an example, as reflected on Page 8 in Table 5, they did driveway
17 counts for the existing Bank with five lanes and the office space. In Table 6, the driveway counts
18 reflect the drive in bank remains but the office goes away. Ms. Cote reviewed the data included
19 in the two tables and stated it is likely the bank will not generate more trips as it will be a smaller
20 sized bank but the study kept consistent with the traffic manual to take a conservative approach
21 and is estimating more trips than are there today.

22
23 Commissioner Iverson stated this project involves more than just the bank.

24
25 Ms. Cote stated they added more trips than expected, which is a conservative approach and the
26 analysis did take into account 2018 with the Wayzata Bay Center. It did not just look at
27 Walgreens but went further out to consider trip generation when the Wayzata Bay Center is
28 completed and that traffic was added to give worse case, five years out, how traffic will operate.

29
30 Commissioner Iverson asked if they expect, with the 2018 traffic, there will be 104 trips in and
31 106 trips out. Ms. Cote explained the 104 trips in and 106 trips out, and that they took off the 23
32 and 33 trips because they wanted to take off traffic there today. Then pass-by trips were
33 considered. Ms. Cote stated for this type of development, in studies across the United States, it
34 found almost 50% were pass-by trips. This assumes that during PM peak, traffic on Central
35 Avenue and Wayzata Boulevard traveling home, would go into the site, then exit and continue to
36 their destination. A new trip is possible for Walgreens, but typically for this type of
37 development, there is higher pass-by for people on their way home, or in the morning on their
38 way to work. That is what that line item takes into account.

39
40 Commissioner Iverson asked if that number accounts for expected traffic in 2018. Ms. Cote
41 stated it does in addition to Table 3 that reflects Wayzata Bay Center trips. Commissioner
42 Iverson noted that is significantly higher. She stated Table 3 has 2018 daily trips for the
43 Wayzata Bay Center at 6,481. This would be new traffic coming into the City that does not exist
44 today. Ms. Cote stated that is correct for a 24-hour period but takes into account PM peak hours.
45 She stated SRF took new counts at all intersections to create a base line, considered AM and PM

1 peak hours throughout the system, then identified 44 in and 36 out in new trips. That model was
2 run and analyzed to give the results shown in the study.

3
4 Commissioner Iverson stated in 2011, build conditions, the traffic report states concerns for the
5 way things are set up currently. Ms. Cote explained that on Central Avenue, leaving Colonial
6 Square in PM, it is difficult to make left turns out as well as left turns out from Anchor Bank.
7 The southbound queues result in back up from Central Avenue through the Colonial Square
8 driveway so it gets to be confusing. When you add traffic from the Wayzata Bay Center and the
9 proposed site, that condition worsens. However, their recommendation is that the majority of
10 problems at the Central Avenue and Wayzata Boulevard intersection is the fact that in the
11 southbound direction there is a shared left lane, a through lane, and a right turn lane. SRF has
12 looked at this intersection many times and always came up with the need for dual left turn lanes.
13 The recommendation of SRF is to have a left lane, through left lane, and right turn lane, which
14 makes a significant difference to provide queuing space so it does not back up Central Avenue to
15 the Colonial Square driveway. That will improve the safety conditions. In addition, there are
16 numerous studies on Central Avenue and Wayzata Boulevard to do with access. Ms. Cote
17 explained that as development goes in, access on both sides has not been aligned. One benefit of
18 this project is to remove Elm Street and move the Anchor Bank driveway so you can see the
19 driver ahead of you.

20
21 Commissioner Iverson asked if the City has a long-term comprehensive plan to address these
22 issues. City Planner Gadow stated the intersection changes to Wayzata Boulevard and Superior
23 Boulevard, are still under discussion and design and as the Wayzata Bay Center is built out, it
24 will be looked at more closely and completed. A temporary measure discussed is the possibility
25 of a loop detector at Benton Avenue to address concerns of the neighborhood about making a left
26 turn lane onto Benton Avenue. On improvements to Central Avenue, the City would have to
27 work with Hennepin County as it is their roadway. For the Wayzata Boulevard and Superior
28 Boulevard intersection, it may be three years out depending on the length of construction for the
29 Wayzata Bay Center.

30
31 Chair Gonzalez asked whether the daily trip calculation for the Wayzata Bay Center site
32 considers full occupancy by residential and commercial spaces. Ms. Cote stated the types of
33 land uses and sizes have been confirmed through City staff as being approved with the Wayzata
34 Bay Center plan.

35
36 Commissioner Vanderheyden stated Table 3 shows shopping center traffic is two-thirds of the
37 total and assumes it is filled with standard retail and those customers. He noted the "jury is out"
38 on the tenants that will be in the Wayzata Bay Center so he agrees it is the worst-case scenario.
39 However, if the retail spaces are filled with professional services, the estimated trip generation
40 will likely not be fulfilled. Ms. Cote stated that is correct.

41
42 Commissioner Iverson stated it is zoned for retail and that is what they want.

43
44 Chair Gonzalez stated the exit from the bank site onto Wayzata Boulevard is close to Benton
45 Avenue. If Elm Street is closed, more traffic will use Benton Avenue. She asked whether they
46 looked at temporary measures to deal with safety issues at that intersection as that location is just

1 out of a curve. Ms. Cote stated it is a right-out today and proposed for right-in/right-out. When
2 looking at access for a new development, if no access, the agreement usually offered is a right-in
3 as it has less impact to the main line. In this case, the right-out has always been there. Ms. Cote
4 stated there are 12 trips coming out today so SRF viewed that the majority of those making right
5 turns out, as it affects Benton Avenue, could be a through movement at Benton Avenue. If
6 closed, vehicles would have to come out on Central Avenue and join the south bound movement,
7 the worst movement for that intersection. SRF saw it as a benefit to residents west of Walgreens
8 to avoid that intersection and be able to make a right turn. For motorists, it would be the same
9 vehicle whether making a turn right-out or coming out on Central Avenue so that impact would
10 be similar.

11
12 Chair Gonzalez asked if there should be concern if Elm Street is closed because more traffic will
13 be coming out. Ms. Cote stated that is not a concern because the number would be minimal.

14
15 Commissioner Ramy asked if the study rippled out to Glenbrook Road, a block to the west of
16 Benton Avenue. Ms. Cote stated it did not. SRF worked with staff to identify the five key
17 intersections to be addressed.

18
19 Chair Gonzalez thanked Ms. Cote for attending to address the Commission's lingering doubts.

20 21 **ii. Project Design Review / Signage**

22 Chair Gonzalez asked the Commission to move to the site design review for Option #3.

23
24 City Planner Gadow displayed design images of Option #3 and described elements of the four
25 facades, signage measurements, and three-dimensional imagery.

26
27 Chair Gonzalez asked about the design of the Anchor Bank building. City Planner Gadow stated
28 that has been reviewed and the only issue was the potential need for deviation on the amount of
29 metal. Chair Gonzalez stated that issue had been discussed by the Planning Commission.

30
31 The Planning Commission agreed it had been discussed and all agreed with that requested
32 deviation.

33
34 Relating to the Walgreens signage, Chair Gonzalez stated the design standards say that large
35 bold or brightly lit signage or logos must be lowered and scaled down to meet standards and
36 signage cannot be repeated on the façade of the principal structure more than once. City Planner
37 Gadow explained the Planning Commission is being asked to make a finding whether the design
38 presented meets that standard of being franchise architect, or not. The plans show one sign
39 element being repeated once so the Planning Commission can determine whether to recommend
40 approval of that deviation or if it should be eliminated to comply with Code.

41
42 Chair Gonzalez noted there are four sides of the building and asked if the standard is that you
43 can have that sign element only on one wall. City Planner Gadow stated Section 12.1.B.
44 indicates "shall not be repeated on the façades (plural) of the principal structure more than once"
45 so if the same sign element is on more than one elevation, the Planning Commission can
46 considered whether to recommend that deviation.

1
2 John Kohler, architect with Semper Development representing the applicant, stated this is a
3 building located on a corner with two street fronts. Chair Gonzalez stated she understands that
4 but the Planning Commission is to address the requirements of the Code, not to address policy.

5
6 Mr. Kohler stated the proposal is to have "Walgreens" signs on the two street fronts. Chair
7 Gonzalez stated that would then be a deviation.

8
9 City Planner Gadow concurred and noted that is called out in the staff report.

10
11 Commissioner Ramy stated this will unmistakably be a Walgreens so he does not think a
12 deviation is needed. Commissioner Iverson concurred.

13
14 Commissioner Cooper stated she finds it to be reasonable to request signage on two street fronts
15 so traffic driving south on Central Avenue know it is a Walgreens.

16
17 Commissioner Vanderheyden stated the signage is used twice on the east side (Walgreens and a
18 big "W"), once on the south side, and once on the north side. He stated he is not a fan of
19 billboard usage of the building, which is a concern with a 7-foot tall "W" on the tower so this
20 will unmistakably be a Walgreens. He stated he is thinking about how to have Walgreens
21 signage with discretion.

22
23 City Planner Gadow stated signage is allowed on both street fronts but it is a questions of
24 whether to allow a deviation of repeating the same sign more than once.

25
26 Commissioner Vanderheyden stated on the north side, a "W" is the only signage and if driving
27 southbound on Highway 101, you will not see the other signage until parked or stopped next to
28 it. He asked how to minimize the signage while making it effectual, and how else that tower
29 space could be used.

30
31 Mr. Kohler stated the "W" on the tower does not have to be an issue as the "Walgreens" sign is
32 much more important.

33
34 Chair Gonzalez stated in the past, bright illumination in the evening has been an issue. She
35 asked if there will be dimmers. Mr. Kohler answered in the affirmative, noting they are LED
36 lights that will be shut off when the store closes.

37
38 Commissioner Vanderheyden stated he does not object to single use of signage on three sides.
39 City Planner Gadow asked if he was supporting a "W" on one side, "Walgreens" on a second
40 sign, and another sign on the third side. Commissioner Vanderheyden stated for those driving
41 south on Highway 101, he would be fine with some type of sign to identify the Walgreens. He
42 stated on the eastern elevation, two signs are proposed. He asked how the signage can be
43 reduced and still be effective.

44
45 Commissioner Iverson asked about the monument sign. City Planner Gadow stated monument
46 signs are allowed in this District and the Planning Commission can offer thoughts on that design.

1
2 Mr. Kohler stated the monument sign is proposed to be located perpendicular to Wayzata
3 Boulevard. He stated the "W" on the east side can be eliminated if that is an issue, or they can
4 eliminate all of the "W" signs. He noted on the north side, the neighbors may see the "W" sign.

5
6 Commissioner Ramy asked if two monument signs are proposed. City Planner Gadow stated
7 only one monument sign is proposed for this building and the other monument is farther north
8 for Anchor Bank.

9
10 Commissioner Vanderheyden stated the conversation has been to not recommend a deviation for
11 Walgreens signage as it has a right to put a single sign on the two elevations facing the road.
12 City Planner Gadow stated the applicant has indicated they are willing to remove the "W" signs.

13
14 Mr. Kohler stated there would still be a "Walgreens" sign on the south and also on the east
15 elevations. That would be the deviation.

16
17 Commissioners Vanderheyden and Cooper and Chair Gonzalez indicated they would favor
18 eliminating the "W" signs and recommending a deviation for two "Walgreens" signs.

19
20 Commissioner Iverson stated she would like more discussion on the entire design of the building
21 and to not single out signage. At this point, she will not recommend either way.

22
23 Commissioner Ramy stated he would like more dialog on franchise architecture as well. He
24 asked if this plan gets away from traditional franchise architecture, noting several Walgreens
25 throughout the City look just like this.

26
27 Commissioner Iverson stated she would like more small-town character as discussed in past
28 meetings and shown in photographs presented. She stated this particular design does not
29 represent anything special, small town character, or charm. Commissioner Iverson supported
30 design modifications with softer rooflines. She stated exhibits from Ohio showed more small
31 town character so the building does not look like a big brick Walgreens. She does not feel
32 Walgreens has achieved that.

33
34 Commissioner Cooper stated the Promenade development is great big brick buildings without a
35 small town appearance so she is thinking why penalize Walgreens for using brick. She felt this
36 Walgreens would appear miniscule compared to the Promenade and she supports this design.

37
38 Commissioner Vanderheyden described the series of buildings on Highway 55 and Vicksburg
39 that he would not consider "Walgreens franchise" but period architecture. He stated he did not
40 see the Walgreens design to be against the Code with respect to the architecture. He finds it to
41 be period architecture that Walgreens is choosing to deploy in this project. Commissioner
42 Vanderheyden stated he prefers the rooflines in Option #3 when compared to prior options.

43
44 Chair Gonzalez agreed Option #3 is an improvement but she finds that it is still not unique or
45 "Wayzata" and is the same as in any other city. She stated she does not feel competent to choose

1 the design, as she is not crazy about any of the options, but acknowledged that the applicant has
2 worked to try and improve it.

3 4 **Landscaping / Retaining Wall**

5 Chair Gonzalez asked if there were questions on the landscaping.

6
7 Commissioner Iverson stated she sent a picture to staff. Mr. Kohler stated they followed up on
8 the request of Commissioner Iverson by removing the retaining wall, redoing the grading plan,
9 and finding a way to save the trees. Mr. Kohler presented a plan with a sculpted retaining wall;
10 however, the building floor elevation is being lowered so the trees would be seven feet above the
11 sidewalk. This results in the trees sitting on mounds. Mr. Kohler displayed images of what that
12 plan would look like from Wayzata Boulevard and from directly in front.

13
14 Chair Gonzalez asked if the root system will be damaged. Mr. Kohler stated the building's floor
15 elevation will be dropped to lower building height so the root system of the trees will be
16 impacted but they wanted to determine if there was a way to meet Commissioner Iverson's
17 request.

18
19 Commissioner Iverson stated she likes the retaining wall because it is covered with vines,
20 creating a softening, and there is not as much of an encroachment of the building to the roadway.
21 She stated if that is eliminated, the impact will be much greater.

22
23 Mr. Kohler stated if walking along Wayzata Boulevard today, you are walking as part of the
24 street and not part of the site.

25
26 Commissioner Iverson felt the vines on the wall really helped, noting she walks that route often.
27 Mr. Kohler stated the vines help six month out of the year but you still are part of the street when
28 walking along Wayzata Boulevard.

29
30 Commissioner Ramy stated he remains concerned about the scale of the project, though he finds
31 Option #3 to be an improvement over the previous options. He stated he thinks the trees help to
32 soften the project and he would prefer if there was a way to save all of the trees.

33
34 Chair Gonzalez thanked Mr. Kohler and the applicant for their efforts to work with the
35 neighborhood and Planning Commission. She stated she likes that they are planting larger
36 caliper trees than initially proposed.

37
38 City Planner Gadow stated the plans shows 2.5-inch caliper for some trees but one condition of
39 approval was to upsize trees to three caliper inches and the applicant was comfortable with that.

40
41 Commissioner Iverson asked about the code indicating "LF" on the landscaping plan. Mr.
42 Kohler indicated it references shrubs and lineal feet.

43
44 Commissioner Vanderheyden stated he is comfortable with the landscaping plan.
45

1 Commissioner Cooper stated she has no questions about the landscaping plan but thinks the issue
2 of the retaining wall and two trees along the front have not yet been resolved. City Planner
3 Gadow suggested the Planning Commission make a recommendation for the Council's
4 consideration on that item.

5
6 Chair Gonzalez stated she would not support the retaining wall by the sidewalk, noting the
7 design standards for this area indicate it has to be at grade so the proposal is closer to the design
8 standards than that option. City Planner Gadow clarified that the plan does include entrances at
9 grade so that aspect of the Code is met.

10
11 Chair Gonzalez stated if there were to be an entrance on the south side, they would be required
12 to drop the building so she does not know why the Planning Commission has to make a big deal
13 of a retaining wall.

14
15 Commissioner Iverson stated the issue is saving trees of that caliber.

16
17 Chair Gonzalez asked if the trees could be transplanted. Mr. Kohler stated the trees are awfully
18 large so the chance of survival would be a low percentage, even with the largest spade truck they
19 could find.

20
21 Commissioner Cooper stated the chance of survival for two trees when excavating all around is
22 also low.

23
24 Commissioner Iverson stated there are other alternatives that have not been discussed from a
25 design standpoint in where the building sits on the property. She stated the building could be
26 pushed back and asked if this large of a building is needed. Commissioner Iverson stated those
27 questions have not been asked or challenged. She stated she does not know the ROI but the trips
28 generated are estimated at 44 so she would ask how you can have a successful business with so
29 few trips. She asked what is the footprint that they need to make it truly successful.

30
31 Commissioner Cooper asked what is the square footage of the Plymouth Walgreens, for
32 comparison purposes. Mr. Kohler estimated within 300 to 400 square feet and the Plymouth
33 Walgreens may be larger.

34
35 Commissioner Iverson stated Wayzata is not a big town and this is a big drug store in a little
36 town.

37
38 Chair Gonzalez stated Walgreens is more than a drug store.

39
40 Commissioner Vanderheyden stated it will be placed on a very high traffic road and many are
41 just passing through.

42
43 Commissioner Iverson stated to her, the numbers do not add up so that is why she is asking the
44 questions. She stated Commissioner Crowder raised the same questions that something does not
45 seem right, something is off, and that is why Ms. Cote attended to answer questions.

1 Commissioner Iverson stated when raised by the Planning Commission, it puts the Council on
2 note that perhaps they should consider some other design alternatives.

3
4 City Planner Gadow asked whether the existing pine trees on the western side will remain on the
5 site and supplemented with additional plantings. Chair Gonzalez stated the applicant said at the
6 last meeting they would plant evergreen bushes under the pine trees on that berm, which should
7 be a condition.

8
9 Mr. Kohler stated they will do what they can to save the pine trees on the west but there may be
10 impacts because of grading. He stated the trees higher on the berm will not be a problem but the
11 trees farther south may be questionable, which is why they propose significant additional
12 plantings of various sizes.

13
14 Commissioners Vanderheyden and Cooper stated they are comfortable with the landscaping
15 plan, as proposed.

16
17 Commissioner Iverson stated she does not support the landscaping plan.

18
19 Commissioner Ramy stated he does not mind trying to save the trees as it would soften the
20 façade from the south and as driving from the east and west.

21
22 Chair Gonzalez stated the footprint looks huge and the site is big. She stated it would be
23 wonderful if there would just be a pharmacy instead of a store that sells a lot of things but she
24 does not know if they can survive.

25
26 Commissioner Iverson asked whether they have ever done other design plans that do not look
27 like a typical Walgreens. Mr. Kohler stated he has done 400 and never done one like Option #3.
28 He stated some of the pictures they received were straight out of Walgreen's prototype book. He
29 stated different communities push in different directions from something exceedingly modern,
30 more so that than breaking up the box and making it smaller pieces to reduce massing so it is not
31 seen as one long structure. Mr. Kohler stated the neighborhood also supported breaking up the
32 long structure to reduce mass.

33 34 **Amending the PUD**

35 Chair Gonzalez asked the Commissioners to address the issue of amending the PUD.

36
37 Commissioners Vanderheyden and Cooper stated they are fine with the proposed amendment to
38 the PUD.

39
40 Commissioner Iverson stated the original PUD had strong language to protect against future
41 commercial development and she is still concerned that approving without requiring the houses
42 to be done first will allow encroachment of commercial into the residential neighborhood.

43
44 Commissioner Vanderheyden pointed out that as drafted, it does require construction of
45 residential houses first, prior to the store opening.

46

1 City Planner Gadow stated the Planning Commission has discussed a condition that the single-
2 family homes have to start prior to opening of the Walgreens. That is what is reflected in the
3 Report.

4
5 Commissioner Iverson asked how strong that is from a legal standpoint. City Attorney Schelzel
6 stated it is pretty strong, noting it is reflected in Section 4.1.A. and built into this approval as
7 well as a development agreement the applicant would sign.

8
9 Commissioner Vanderheyden stated the Walgreens store cannot open until a certificate of
10 occupancy is issued for the house.

11
12 Commissioner Iverson stated it does happen that development agreements have been altered, so
13 it remains a potential risk.

14
15 City Planner Gadow stated in addition to the development agreement, there is a deed restriction
16 that the lots have to be used for residential houses. The Walgreens cannot be opened until a
17 certificate of occupancy is issued for the first house and the three single-family lots will have a
18 deed restriction that those properties can only be used in that way.

19
20 Commissioner Iverson stated this was a concern of the neighborhood so she wants to ask the
21 questions to be sure that concern is addressed.

22
23 Chair Gonzalez stated the Comprehensive Plan guides this property for residential uses and it is
24 also zoned for residential.

25
26 Commissioner Ramy stated that is important language so with that, he would not object to
27 amending the PUD but has reservations about the project overall.

28
29 Chair Gonzalez stated she is also concerned relating to the PUD being consistent with the City's
30 Comprehensive Plan, which talks about preserving and enhancing small town character.
31 However, this is more than a small town pharmacy but a very intense retail use not contemplated
32 by the Comprehensive Plan. In addition, successive Comprehensive Plans talk about protecting
33 neighborhoods to the north of Wayzata Boulevard and to the west of Central Avenue from
34 encroachment by incompatible uses or heightened commercial or intrusion. Chair Gonzalez
35 stated the neighborhoods impacted are by high volume roadways and dissimilar land uses. She
36 found this Walgreens to be a dissimilar land use. Chair Gonzalez stated the zoning of the two
37 commercial properties to the west on Wayzata Boulevard is C-1A, Neighborhood Office and
38 Limited Commercial District. She felt this zoning protected neighborhoods to the north of
39 Wayzata Boulevard while still allowing some commercial use, including retail, but with limited
40 contact with the public. Chair Gonzalez stated she is not comfortable with project and is very
41 uncomfortable with the Walgreens hours of operation as this is not a small town use next to a
42 neighborhood if the hours of operation are 6 a.m. to 10 p.m. for seven days a week. She stated
43 people have the right to a quiet evening at home. Chair Gonzalez stated the site could be used
44 for retail purposes, but it has to be a lower intensity retail use and she is not comfortable
45 recommending approval of this proposal. [Note: The full text of Chair Gonzalez's comments are
46 included as Attachment A to the minutes].

i. Review of Draft Planning Commission Report and Recommendation on Application

The Planning Commission agreed with the suggested edit by Commissioner Vanderheyden to Section 4.1.F., to ensure parking lot and signage lights are turned off when the store is not open.

Commissioner Cooper referenced the neighborhood letter dated October 7, 2013, noting it is supportive of the redevelopment, with concerns. She stated a lot of the issues raised in the letter have been met, noting the neighborhood is requesting hours of operation of 7 a.m. to 10 p.m. Commissioner Cooper stated she would support those hours of operation.

Chair Gonzalez stated she supported shorter hours of operation at least twice a week to allow people some peace and quiet.

Commissioner Ramy stated his agreement with Chair Gonzalez comments related to the Comprehensive Plan.

City Planner Gadow stated if this project were to move forward to final platting of three residential lots, a variance on street width would be needed for the middle lot. He explained all new lots need frontage on a public street; however, there is not public street access to the middle lot due to how they are configured. The middle lot would be served by a 20-foot private drive that the Commissioners have already indicated they are comfortable with. City Planner Gadow stated the variance consideration would be a condition of the preliminary subdivision approval. The final plat and design review would be considered at a future date if this application moves forward. If approved, the private driveway would be maintained by the homeowner.

Chair Gonzalez stated she also feels that the project does not meet the requirements of the Subdivision Ordinance as it requires compliance with the Comprehensive Plan and this project is not consistent with the Comprehensive Plan, specifically not meeting the goals of the Subdivision Ordinance for protection of the public health, safety, comfort, convenience, and general welfare, as it will inconvenience an existing neighborhood. In addition, the ordinance requires that existing stands of significant trees shall be retained, where possible, and building pads sensitively located to save trees.

With regard to street vacation, City Planner Gadow stated the draft Report reflects a recommendation of approval as that was the discussion and the direction at the last Planning Commission meeting.

Chair Gonzalez asked if there were concerns related to the two drive-thru CUPs.

None were expressed.

City Planner Gadow stated the Planning Commission can consider a motion for approval of the Report, approval of the Report with modifications, or denial of the Report. Should there be a tie vote, the City Council would still receive the Planning Commission's meeting minutes.

1 Commissioner Vanderheyden stated at the last meeting, a vote of 4 to 3 to the affirmative caused
2 the creation of the Draft for a recommendation of approval; however, based on tonight's
3 discussion he was unsure whether there would be a majority supporting a recommendation of
4 approval.

5
6 Chair Gonzalez stated the draft Report is a recommendation of approval and asked if there was a
7 motion.

8
9 Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper, to approve
10 the Report and Recommendation of approval for the revised development application from
11 Anchor Bank and the Leo and Algena Lund Partnership for an amendment to the PUD,
12 concurrent preliminary and final plats, site plan review, street vacation request, drive-thru CUP,
13 subject to the findings and conditions as detailed in the Report and Recommendation, with
14 modifications around signage lighting.

15
16 The motion failed 2 (Cooper, Vanderheyden) / 3 (Gonzalez, Iverson, Ramy).

17
18 City Attorney Schelzel stated the draft Report and Recommendation was not adopted so the
19 Planning Commission should make a recommendation in the other direction and with as much
20 detail and stated findings as possible.

21
22 Commissioner Iverson made a motion, seconded by Commissioner Ramy, to recommend denial
23 of the revised development application from Anchor Bank and the Leo and Algena Lund
24 Partnership for an amendment to the PUD, concurrent preliminary and final plats, site plan
25 review, street vacation request, and drive-thru CUP.

26
27 Commissioners Iverson and Ramy and Chair Gonzalez discussed findings for denial relating to
28 the C-1A district, as stated by Chair Gonzalez, as well as traffic concerns by Commissioner
29 Iverson, and not meeting requirements of the Comprehensive Plan.

30
31 Chair Gonzalez stated there is also concern that the Legion and adjacent commercial building on
32 the north side of Wayzata Boulevard are zoned C-1A and any expansion of commercial should
33 meet requirements of C-1A so it does not set an adverse precedent when those two sites are
34 redeveloped.

35
36 City Attorney Schelzel recommended the motion be restated with findings.

37
38 Commissioner Iverson made a motion, seconded by Commissioner Ramy, to recommend denial
39 of the revised development application from Anchor Bank and the Leo and Algena Lund
40 Partnership for an amendment to the PUD, concurrent preliminary and final plats, site plan
41 review, street vacation request, and drive-thru CUP, based on the following findings:

- 42 1. This project and amendment to the PUD is not compliant with the Comprehensive Plan based
43 on comments articulated by Chair Gonzalez
- 44 2. The traffic from this project would be impactful to adjacent neighboring and that intersection
- 45 3. The proposed use does not meet the C-1A zoning which is zoning of adjacent commercial
46 properties within the same residential neighborhood

1 4. The scale and size of the proposed Walgreens would be impactful to the adjacent
2 neighborhood

3 5. The Walgreens design does not meet the spirit and intent of the Subdivision Ordinance or
4 design standards in being franchise architect and not being unique enough
5

6 City Planner Gadow asked about the Anchor Bank building. Chair Gonzalez and Commissioner
7 Ramy stated they have no problem with the Anchor Bank building. Commissioner Iverson
8 stated she thought the Anchor Bank building was part of the same application.
9

10 City Planner asked if the intent is to recommend denial of both Walgreens and the Anchor Bank
11 building. Commissioner Iverson stated that is the intent of her motion. Commissioner Ramy
12 stated if not mutually exclusive, he also supports denial of both.
13

14 The motion passed 3 (Gonzalez, Iverson, Ramy) /2 (Cooper, Vanderheyden)
15

16 City Planner Gadow stated this recommendation will be considered by the Council at its October
17 15, 2013 meeting.
18

19 Chair Gonzalez thanked the applicant for their hard work and time invested with the City and
20 neighbors.
21

22 **AGENDA ITEM 3. Other Items.**
23

24 **a. Review of Development Activities**

25 City Planner Gadow the October 21, 2013, agenda will include review of the telecommunication
26 ordinance if he is able to complete that report.
27

28 **b. Other Items**

29 None.
30

31 **AGENDA ITEM 4. Adjournment.**

32 There being no further business, Commissioner Vanderheyden made a motion, seconded by
33 Commissioner Iverson to adjourn the meeting. The motion passed unanimously.
34

35 The meeting was adjourned at 8:35 p.m.
36

37 Respectfully submitted,
38 Carla Wirth, *TimeSaver Off Site Secretarial, Inc.*

39 Attachment A
40

41 Copy of Chair Gonzalez's Remarks

Attachment A

Monday, October 7, 2013

PC Mtg. – Anchor Bank/Lund Partnership/Walgreens Project – **Graciela Gonzalez**

- **AMENDMENT TO EXISTING PUD**

After carefully studying the Comprehensive Plan and the ordinances involved in this project, and taking into account the input from the public, I have concluded that I cannot support the proposed amendment to the existing PUD to allow the construction and operation of a Walgreens Pharmacy on the site. I have no problem recommending that two separate structures be allowed on the site, and the proposed Anchor Bank drive through meets the requirements of the Comprehensive Plan and the PUD Ordinance, as well as the spirit and the letter of the existing PUD. However, **A PUD project must be consistent with the City's Comprehensive Plan and the Walgreens proposal is not consistent with the Comp. Plan.**

The Comp Plan “presents a vision for the future of Wayzata.” (Chapter 1, page 1-6) Among the objectives listed in the Comp Plan are:

“Preserve and enhance Wayzata’s ‘small town’ character” (p.1-7)

The proposed Walgreens is much more than a “small town” pharmacy and would set a very bad precedent by allowing increased retail uses on the north side of Wayzata Blvd.

“Reinforce and enhance residential neighborhoods.” (Id.)

Successive Comp Plans have stressed the importance of protecting existing neighborhoods from encroachment and/or expansion of commercial uses. The 2030 Comprehensive Plan specifically states that, **“Compatibility of retail and service commercial areas is of concern when adjacent to exiting residential neighborhoods. The mass, scale and character of these commercial areas can be incompatible with single family residential building design.”** (p.3-4). (Emphasis added.) Furthermore, the Comp Plan establishes a **“Residential Policy”** to **“Protect residential neighborhoods from encroachment or intrusion by incompatible uses or incompatible higher densities.”** (Id.) The Comp Plan further states that, **“Areas in decline tend to be those that are negatively impacted by higher volume roadways or are proximate to dissimilar land uses.”** (page 3-1) (Emphasis added.)

Retail of the type being proposed by Walgreens is a completely **“dissimilar”** land use so close to an existing neighborhood. Further, the increased traffic generated by Walgreens would contribute to diminishing the quality of life in the Benton Avenue neighborhood and created more congestion in an already overburdened intersection; namely, Wayzata Blvd./ Central/ Superior intersection and adjacent streets. Our own traffic consultant concluded that a Walgreens at the site of the current Anchor Bank would contribute to higher volumes of traffic. The City needs to come up with a comprehensive solution to the problem of traffic congestion in this area.

Past Comp Plans, and also the present one, have established a firm policy of limiting commercial uses adjacent to the existing neighborhoods north of Wayzata Blvd. and west of Central Avenue. This is reflected in the creation, about ten years ago or so, of a new zoning district: the **C-1A, Neighborhood Office and Limited Commercial District**. The ordinance is in the process of being amended to add “medical office” to the list of permitted uses in the C-1A district.

Furthermore, the two commercial properties just west of the Anchor Bank site, on the north side of Wayzata Boulevard, are zoned **C-1A**; considerably limiting future development options for

Attachment A

those two sites. (The two properties are the current site of the American Legion and the future home of a new medical office.) According to the ordinance, **“the uses allowed in the C-1A district are those in which there is limited contact with the public and provide for mixed commercial and residential use.”** In addition, I find the hours of operation proposed for a new Walgreens extremely intrusive for the Benton Avenue neighborhood. **“Limited”** retail is allowed in the C-1A zoning district. The proposed Walgreens is anything but “limited retail.”

The **existing PUD** clearly reflects the vision of the Comp Plan then and now by stating:

[T]he City is agreeing to the rezoning in part out of a desire to protect the surrounding residential neighborhood from an expansion of the present commercial use of the Property... (p.1)

Furthermore, the existing PUD clearly limits the “Allowed Uses” for the property to “...banking... general office, and other like-commercial office uses not involving retail goods.” (Id. p. 2) (Emphasis added.)

It is true that the banking industry has changed and it makes sense for Anchor Bank to build a smaller, drive-through facility on the site. However, the expansion into a much more intense retail use—especially a national chain store, is unwarranted and contrary to the Comp Plan and the spirit and the letter of the existing PUD.

I could support recommending approval of some limited retail use on the site, along the lines of what is allowed under the C-1A ordinance, given that the Legion and the former Lundgren Bros. site could, conceivably, be redeveloped to accommodate some retail uses.

The Comp Plan purports to **“Preserve and protect significant natural resources.”** (p.1-7) The proposed project would cut down significant trees and the project does not replace the large caliper that would be lost to new construction on the site. The Comp Plan states a goal of **“Maintaining and enhancing tree coverage.”** (p.6-2) and **“Support[s] a healthy tree coverage.”** (p.6-6)

• PROJECT DESIGN REVIEW

--The Anchor Bank drive-through design meets both the spirit and the letter of the Design Standards.

--The Walgreens design does not meet either the intent or the letter of the Design Standards.

Section 801.09.12.1 states that,

“A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. (Emphasis added.)

“B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once.” (Emphasis added)

Attachment A

The proposed design for the Walgreens building “screams franchise architecture” as concluded by Commissioner Crowder at a previous meeting.

The company is proposing too many “franchise” signs.

The design of the Walgreens building lacks quality and imagination. I have to agree with former Mayor Barry Petit that it is a pastiche of different styles, with no unique character at all.

- **CONCURRENT PRELIMINARY AND FINAL PLAT**

The proposed Walgreens store does not meet the requirements of the Subdivision Ordinance (Section 805.2.b).

It is not consistent with the Comp Plan for the reasons stated above.

It does not meet the goals of the Subdivision Ordinance; specifically, the protection of the “public health, safety, comfort, convenience and general welfare.” (Sec. 805.02(A)(5))

The proposed development would greatly inconvenience the Benton Ave. neighborhood.

“Existing stands of significant trees shall be retained where possible... Building pads...shall be sensitively integrated into existing trees.” (Sec. 805.14 (E)(4).

Too many large trees will be cut down and replaced by fewer and smaller trees.

- **SITE PLAN REVIEW**

I cannot comment or make a recommendation about the Site Plan because I cannot recommend approval of the PUD amendment or Concurrent Preliminary and Final Plat.

- **STREET VACATION**

I cannot support recommending vacating Elm Street at this time because I feel it would be premature without a comprehensive redesign of the entire intersection of Wayzata Boulevard and Superior Boulevard/Central Avenue, and the smaller streets that feed into that major intersection.

For the time being, Elm Street provides a way out of the Benton Avenue neighborhood for people who need to go East on Wayzata Blvd. The intersection of Benton and Wayzata Blvd. is dangerous during heavy traffic hours.

- **DRIVE THROUGH CUP** for the proposed new Anchor Bank–No problem recommending approval. It meets the ordinance.

M. Graciela Gonzalez, Chair, Wayzata Planning Commission.