

# WAYZATA PLANNING COMMISSION

## Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, November 7, 2022

6:30 PM

### HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

**Meeting ID: 884 6757 7943 Passcode: 124596**

Members of the public may attend this Planning Commission meeting in person, provided they follow all City policies and protocols related to the pandemic.



Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at [www.wayzata.org/WCTV](http://www.wayzata.org/WCTV).

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.**

You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing [PublicComment@wayzata.org](mailto:PublicComment@wayzata.org), calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
  - a. Approval of Meeting Minutes of October 17, 2022
  - b. Approval of Report and Recommendation of Approval for Planned Unit Development Concept Plan, Building Height Variance, and Shoreland Impact Plan/Conditional Use Permit for Building Height at 201 Lake Street East
5. **Other Items**
  - a. Review of Development Activities
  - b. Planning Commission Meeting Schedule
6. **Adjournment**
7. **Workshop**
  - a. Solar Ordinance Discussion

Upcoming Meetings:

City Council - November 15, 2022

Planning Commission - December 5, 2022

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



## City of Wayzata Planning Commission Agenda Report

|                                                                    |                         |
|--------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> November 7, 2022                              | <b>AGENDA ITEM:</b> 4.a |
| <b>TITLE:</b> Approval of Meeting Minutes of October 17, 2022      |                         |
| <b>PREPARED BY:</b> Valerie Quarles, Assistant Planner             |                         |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director |                         |
| <b>60 DAY DEADLINE:</b> N/A                                        |                         |

**BACKGROUND:**

See attached Meeting Minutes of October 17, 2022.

**ACTION REQUESTED:**

Staff recommends approval of the attached regular meeting minutes of October 17, 2022.

**ATTACHMENTS:**

1. Planning Commission Meeting Minutes of October 17, 2022

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
OCTOBER 17, 2022**

**AGENDA ITEM 1. Call to Order**

Chair Parkhill called the meeting to order at 6:30 p.m.

Chair Parkhill read a prepared statement relating to public comments, and to viewing and participating in the meeting.

**AGENDA ITEM 2. Roll Call**

Chair Parkhill asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Merriam, Parkhill, Stockton, Sorensen, Schwalbe, and Severson. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, and City Attorney David Schelzel were also present.

Absent at roll call were: Commissioner Douglas

**AGENDA ITEM 3. Approval of Agenda**

By general consensus, the October 17, 2022 agenda was approved as presented.

**AGENDA ITEM 4. Consent Agenda**

**a.) Approval of the Meeting Minutes of September 19, 2022 Planning Commission Meeting**

Chair Parkhill read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Hearing no such request, Chair Parkhill asked for a motion to approve the Consent Agenda as presented.

Commissioner Schwalbe made a motion, seconded by Commissioner Severson, to approve the Consent Agenda as presented. The motion carried unanimously.

**AGENDA ITEM 5. Public Hearing Items**

**a) Consider Development Application for Planned Unit Development Concept Plan, Building Height Variance, and Shoreland Impact Plan/Conditional Use Permit for Building Height at 201 Lake Street East**

1 Community Development Director Goellner gave a brief overview of the application for a new  
2 PUD development with a three-story building at 201 Lake Street East. She reviewed the Zoning  
3 and Land Uses of the surrounding neighborhood, the existing conditions, and the various  
4 requests associated with this application.

5  
6 Planning Consultant Eric Zweber shared details of the application, including the demolition of  
7 the existing building on the property and the construction of a new, three-story 106,000 square  
8 foot building that would include 36 residential condominiums, 7 commercial condominiums,  
9 underground parking, a shared courtyard, a private trail, and a potential public trail. He reviewed  
10 details about the proposed building design elements, tree preservation plan, residential  
11 uses/density, commercial uses, details surrounding the make-up of the residential units, lot  
12 coverage and Floor Area Ratio (FAR), impervious surface, traffic study details including traffic  
13 generated by the existing building as well as by the proposed project, and plans for the open  
14 space.

15  
16 Community Development Director Goellner reviewed the setbacks and parking plans, and noted  
17 that the application meets or exceeds the City's minimum standards.

18  
19 Planning Consultant Zweber reviewed the variance request in the Application for building  
20 height, and noted that there was an error in the presentation regarding the maximum height  
21 allowed and clarified that the maximum height allowed in the C-4A is 30 feet, two-stories. He  
22 noted that the applicant has requested a rezoning to the PUD District which has a maximum  
23 height of 35 feet or 3 stories. He explained that the applicant is proposing a height of 39 feet, 10  
24 inches and reviewed a cross section of the building that outlined the ceiling heights and the  
25 relation to the groundwater elevation which demonstrates where they came up with the height  
26 they are proposing. He reviewed the nearby buildings, Wayzata Blu, Ventana and Melvins 235,  
27 and their overall building heights.

28  
29 Community Development Director Goellner reviewed the methods taken to notify the  
30 neighborhood. She reviewed the comments included in the two letters the City received in  
31 advance of the meeting, and noted that a neighborhood meeting was held in late August 2022.  
32 She gave a brief overview of the City Engineer comments and reviewed what things the  
33 Commission should consider when reviewing this application.

34  
35 Chair Parkhill asked if the Commission had any questions for Staff.

36  
37 Commissioner Schwalbe asked about the setback from the street to the building for the nearby  
38 buildings.

39  
40 Community Development Director Goellner noted that she believes it ranges from 0 to 5 feet.  
41 She clarified that the property line is not the curb line so there is some additional sidewalk space  
42 in between the curb and the actual property line.

43  
44 Commissioner Schwalbe asked how far this building would be from the curb.

45  
46 Community Development Director Goellner stated that it appears to be 5 feet, 6 inches.

1  
2 Planning Consultant Zweber stated that there is 12 feet of space between the curb and the  
3 building, which would be the same as Melvins 235 and Ventana. He stated that in cases where  
4 there is landscaping such as grass and trees, there is a 6 foot, 6 sidewalk and then the tree space  
5 is 5 feet, 6 inches.

6  
7 Commissioner Schwalbe asked if this was the same setback as the new medical building on  
8 Wayzata Boulevard.

9  
10 Community Development Director Goellner stated that the setback is 10 feet from the property  
11 line, but, in that instance, she believes the curb line and the property line may be the same thing.  
12 She noted that it did not require a variance because for that zoning district, 10 feet is the  
13 minimum setback.

14  
15 Commissioner Schwalbe stated that when she is walking by Wayzata Blu, it does feel a bit like  
16 you could walk right into their living rooms and she feels it may be better to have a bit more  
17 space if people will be living there.

18  
19 Community Development Director Goellner noted that if the Commission is open to having  
20 more residential on the first floor, the applicant has requested having 3 or 4 commercial  
21 condominiums rather than 7. She explained that if those spaces became residential, the  
22 Commission could recommend a slightly larger setback.

23  
24 Commissioner Schwalbe asked if her understanding was correct that a PUD does not need to  
25 include commercial space.

26  
27 Community Development Director Goellner stated that this was correct, but the applicants were  
28 seeking to have a mix of uses that is ideal for this site and area. She encouraged the Commission  
29 to recommend keeping some commercial use in the proposal.

30  
31 Commissioner Schwalbe stated that she likes the idea of keeping some commercial use in this  
32 area.

33  
34 Commissioner Stockton asked how changing from 7 units of commercial to 3 units of  
35 commercial would affect traffic or density.

36  
37 Planning Consultant Zweber reviewed the traffic study information and explained that the study  
38 looked at the total traffic and how much would change at the peak times. He noted one other  
39 thing that comes into play in looking this information is how much parking is provided.

40  
41 Commissioner Stockton stated that she feels having commercial or retail use in this area would  
42 be advantageous because residents will need services.

43  
44 Commissioner Merriam stated that the traffic study information assumes that everyone that  
45 would be coming, for example, to a fast-food place or restaurant would be traveling by car, and  
46 she would hope that there would actually be a lot of pedestrian traffic in this location.

1  
2 Planning Consultant Zweber stated that this is a very good point and gave an overview of the  
3 information from the table that outlines total gross, shared trips, and bypass trips which were all  
4 included in the calculations.

5  
6 Chair Parkhill stated that staff had outlined that with the businesses the proposal would have 61  
7 employees/acre rather than 70 employees/acre and asked for clarification on this information.  
8 He asked how that would change if the commercial units were dropped to 3 units.

9  
10 Planning Consultant Zweber stated that when the 2040 Comprehensive Plan was put together, it  
11 was determined that the mix downtown averages about 70 employees per acre. He stated that  
12 each commercial use ends up having a different ITE number and generates a different amount of  
13 trips, parking requirements, and employees. He stated that with the traffic study, staff had  
14 encouraged that they have a mix of uses in order to really look at what is likely and for the  
15 parking, and at this Concept Plan stage, they are proposing that all 7 of the commercial condos  
16 would be office. He stated that they looked at typical employees for that use, which ended up  
17 calculating out to 61 employees per acre. He stated that if the plan changed, the factor of  
18 employees per acre will stay the same, but the amount of employees will decrease.

19  
20 Community Development Director Goellner explained that it is important, when making the  
21 plans for twenty years from now, there is enough density to support commercial success in the  
22 downtown area, but not so dense that there is severe congestion or overcrowding. She stated that  
23 one positive thing that she sees about this proposal is that the commercial condos are rather  
24 small, which means a large scale business would not come in that would have incredible impacts  
25 on the area, which has been found to be a pretty resilient design because market conditions  
26 change and this allows for some flexibility. She stated that staff feels that the proposed mixture  
27 is compliant with the Comprehensive Plan.

28  
29 Commissioner Severson asked for staff to give a sense of size of some of the neighboring  
30 buildings, and whether the mix is comparable to what is being proposed.

31  
32 Community Development Director Goellner explained that the proposed building footprint is  
33 larger than the nearby buildings. She stated that Ventana has about 20 units of just apartment  
34 rentals, Wayzata Blu has about 18 condos, and Melvins 235 has about 30,000 square feet of  
35 office space.

36  
37 Commissioner Severson asked about the occupancy rates for the nearby buildings.

38  
39 Community Development Director Goellner explained that Ventana's units are very specialized  
40 and have a high market price, and that she believed that there have been some longer vacancies  
41 for some of those units. She stated that the Wayzata Blu condos sold fairly quickly and believes  
42 that the office space in Melvins 235 has almost all been leased.

43  
44 Commissioner Severson asked if Edgewood Court is a private drive or a City roadway.

45  
46 Community Development Director Goellner stated that it is a City roadway.

1  
2 Planning Consultant Zweber shared detailed information regarding Melvins 235 and explained  
3 that it was approved at 37,900 square feet which means it is about 35% the size of the proposed  
4 building. Ventana was approved as 18 units, which is about half of what is proposed for this  
5 building.

6  
7 Commissioner Sorensen asked about density per acre information for the adjacent facilities.

8  
9 Planning Consultant Zweber explained that Melvins 235 is all commercial, so the FAR is 1.5 as  
10 compared to 1.2 for this proposal.

11  
12 Community Development Director Goellner explained that there was a sizable land donation for  
13 the shared parking lot as part of the PUDs for Wayzata Blu, Ventana, and Melvins 235.

14  
15 Commissioner Sorensen asked if that area would be included in the calculation.

16  
17 Community Development Director Goellner explained that they ran the numbers both pre and  
18 post land donation and this information was part of the decision making process.

19  
20 Commissioner Sorensen asked if there were less commercial condos and that space was used as  
21 residential, if the assumption could be made that it would correlate to less traffic.

22  
23 Community Development Director Goellner stated that, in theory, it would most likely correlate  
24 to less traffic, but would depend on the commercial use and where it is located.

25  
26 Planning Consultant Zweber stated that Ventana currently has about 30 units per acre, and this  
27 proposal is just under 20 units per acre.

28  
29 Commissioner Schwalbe asked if the primary parameter that staff uses is how quickly people can  
30 get onto Lake Street when you come out of your parking place. She stated that the area from the  
31 ice cream store down to CoV can be very congested, and asked if staff saw any issue with this.

32  
33 Planning Consultant Zweber stated that the intersection analysis includes areas from Ferndale,  
34 Edgewood, Berry, Minnetonka and Wayzata Boulevard. He explained that the traffic study finds  
35 all these areas to be 'A's with the existing, as well as the proposed. He noted that they did not  
36 analyze what would be the delay at this garage, but traffic is flowing, as it should, on Lake Street  
37 with this proposal, and explained that this study found that one car would be coming out every  
38 two minutes.

39  
40 Commissioner Schwalbe asked if, generally speaking, Planning Consultant Zweber saw an issue  
41 with congestion on Lake Street.

42  
43 Planning Consultant Zweber stated that he did not feel comfortable answering that, but can  
44 address what the engineering standards are for road of that kind. He stated that he thinks that  
45 congestion can be subjective and based on perception, and explained that this proposed project

1 meets all the engineering standards and cannot find anything that requires something to change  
2 with this proposal.

3  
4 Community Development Director Goellner stated that was also the City Engineer's conclusion  
5 that this does not meet the thresholds for requiring any stop signs, for example like at Edgewood  
6 Court and Lake Street, because it doesn't meet the minimal traffic thresholds and adding those  
7 types of things may actually cause more congestion. She explained that the City Engineer  
8 recommended focusing on site lines, and ensuring that when cars are parked on Lake Street that  
9 people can adequately see when they are pulling out.

10  
11 Commissioner Merriam asked about the trees that are planned to be removed.

12  
13 Community Development Director Goellner stated that she believed the trees planned for  
14 removal are located on the northern portion of the building. She noted that the City does not  
15 have a removal plan in their exhibits, and suggested that this question be asked of the applicant.

16  
17 Commissioner Merriam stated that in looking at the impervious surface and lot coverage plans,  
18 they are low compared to the surrounding buildings; but when she looks at the site plan, there is  
19 a lot of wetland which she believes cannot be built on.

20  
21 Community Development Director Goellner explained that any building on the wetland would  
22 involve additional processes with other agencies and is not something that is encouraged,  
23 especially in a location like this because it is a sensitive area near Lake Minnetonka. She stated  
24 that they could have proposed more than this, but staff was pleased to see that the wetland is  
25 preserved in this area.

26  
27 Commissioner Merriam stated that in the packet, under PUD standards for height, there is a  
28 bullet point that states that there shall be no deviation from the height standards applied within  
29 the applicable zoning districts for PUD conditional use permits which, to her, means that they are  
30 not supposed to go any higher than 35 feet. She asked for an explanation of a PUD conditional  
31 use permit.

32  
33 City Attorney Schelzel explained that under the PUD ordinance there are two types of PUD  
34 approvals that an applicant can ask for. The first is a PUD/CUP, which means there is an  
35 underlying zoning district and on top of it is a PUD/CUP. He stated that this applicant is not  
36 asking for that kind of PUD, nor is that the kind of PUD that most PUDs in the City are. He  
37 explained that the second type is what the applicant is asking for, a PUD District that is a distinct  
38 zoning district. He explained that the City's zoning ordinance is not always as clear in  
39 distinguishing between the two types.

40  
41 Commissioner Merriam stated that this statement says that there shall be no deviation, but yet the  
42 City has done it for past PUDs.

43  
44 City Attorney Schelzel stated that was correct and explained that that are two ways that the  
45 height can be a bit different in PUD zoning districts, and noted that the PUD ordinance itself has  
46 some language about that but that would usually happen with a height variance.

1  
2 Planning Consultant Zweber returned to Commissioner Merriam's question about tree removal  
3 and referenced page 83 of the packet. He explained that all the trees have numbers, but noted  
4 that what could be improved is putting 'x's' on the trees that are to be removed. He noted that  
5 on page 78 of the packet there is an existing tree inventory which shows which trees are to be  
6 removed and the ones that will be mitigated. He stated that if the Commission compares these  
7 two they will be able to determine what trees will be taken down.

8  
9 Community Development Director Goellner suggested asking the applicant to clarify the  
10 location of the trees that will be removed.

11  
12 Chair Parkhill stated that on the lot coverage FAR, there is reference to commercial, but not to  
13 residential or the combined commercial and residential.

14  
15 Planning Consultant Zweber explained that a residential FAR is not really the way to measure  
16 residential density. He stated that prior to the Zoning Code updates, the R-5 had a FAR, which  
17 has been removed as part of the update. He clarified that the City measures residential density  
18 by units per acre and commercial by FAR which means that within the Code there is no longer a  
19 residential FAR. He asked to go back to Commissioner Merriam's question about tree removal  
20 and explained that a large number of the trees that will be removed/replaced are in the area just  
21 east of Edgewood Court and north of the parking lot.

22  
23 Community Development Director Goellner stated that regarding Chair Parkhill's question about  
24 residential density, she wanted to be clear that it is important to note the unit size and the unit  
25 mixture. She stated that for this proposal there is a large portion of 3-bedroom units which does  
26 influence the overall massing of the building because these are larger units.

27  
28 Commissioner Severson asked for a brief recess.

29  
30 Chair Parkhill recessed the meeting at 7:39 p.m. and reconvened at 7:43 p.m.

31  
32 There being no further questions for staff, Chair Parkhill invited the applicant to address the  
33 Planning Commission.

34  
35 Darren Schmidt, Bruce Schmidt and Associates, Applicant's architect located at 320 Manitoba  
36 Avenue in Wayzata, gave a brief presentation on their proposal for the Westway Condominium  
37 project. He noted that he does not think they are going to have a fast food establishment as part  
38 of their project, and explained that the most dense use they may have would be a coffee shop.  
39 He reviewed design details, layout, and parking access plans. He stated that the flat roof of their  
40 building is actually at 38 feet, 11 inches and when they added the 'charm' to the building, they  
41 ended up with the extra inches of height because of the pitched roof. He reviewed a rendering  
42 that showed the difference between the existing building and their proposal.

43  
44 A man from the audience spoke but was inaudible.  
45

1 Community Development Director Goellner asked Mr. Schmidt to repeat the statement that was  
2 just made by Mr. Zitzloff.

3  
4 Mr. Schmidt stated that the individual who just spoke was Applicant Lowell Zitzloff, and he was  
5 explaining that, in the past, there had been a roof on top of the existing building. He noted that  
6 this was depicted on the rendering and shaded a different color. He stated that when the building  
7 was reroofed, that portion was not put back on the building.

8  
9 Mr. Schmidt went on to review the landscape plans, and noted that they just saw the City  
10 Forester's report last Friday and will need to have a meeting to discuss some of the things that  
11 were included. He noted that it has been reported that they have some ash trees that have some  
12 issues but noted that their goal was to leave the west end pretty much as it was, with the  
13 exception of the path around the sediment pond. He reiterated that this will need to be  
14 addressed, but their goal had been to not take down trees in that area. He explained that one of  
15 the goals of Ferndale Ridge was to have the landscaping and screening improved between the  
16 properties and have asked that they extend the tree mitigation onto their property which means  
17 they would hire a landscape architect to come up with a proposal. He reviewed the  
18 neighborhood amenity plans, improved signage, screening, and nature path usage for the  
19 neighborhood.

20  
21 Commissioner Sorensen asked how many commercial condominiums the applicant actually  
22 wants.

23  
24 Mr. Schmidt stated that the preference would be to have three at the sidewalk level and noted  
25 that they are a bit concerned about renting the commercial space, so they feel that number would  
26 be the best for this project.

27  
28 Commissioner Sorensen asked why the applicant had not just started with the three commercial  
29 units.

30  
31 Mr. Schmidt stated that they had started with two commercial units and, per the direction of City  
32 staff, ended up expanding it to the seven commercial units. He stated that Ferndale Ridge also  
33 prefers just having the three commercial units.

34  
35 Commissioner Stockton asked if it would make sense to just have the units facing Lake Street as  
36 the retail units and not turn the corner, as a sort of compromise.

37  
38 Mr. Schmidt stated at that point, he thinks they would probably just convert the rest of that floor  
39 to commercial anyway. He stated that splitting off four of the units would be easy and would  
40 keep the residential and commercial separated well. He stated that he thinks it basically comes  
41 down to either three commercial units or seven commercial units.

42  
43 Lowell Zitzloff stated that his family has been in the City for ten decades and shared some of the  
44 history within the City that various members of his family have been involved in. He stated that  
45 he was very concerned about the opinion of the residents of Ferndale Ridge. He noted that he  
46 felt one of the toughest City standards may be having something 'charming' but had attempted to

1 get involvement from the community on their design. He stated that the traffic with this proposal  
2 will be way less than what it was with the existing building.

3  
4 Commissioner Schwalbe stated that people seem to go shopping in areas where there are  
5 multiple options as well as density of retail establishments. She stated that she thinks the City  
6 needs to put enough of it there so there is a reason for people to go there.

7  
8 Mr. Schmidt stated that was some of the information that they wanted input from the City on,  
9 what they actually desired in that part of town.

10  
11 Mr. Zitzloff stated that in visiting with Ferndale Ridge residents, he had discussions about  
12 possibly having a little coffee shop and some sort of wine sipping establishment.

13  
14 Commissioner Severson asked how they came up with the planned 35 units since the buildings  
15 nearby are much smaller than that.

16  
17 Mr. Schmidt stated that there are 36 residential units and 7 commercial units and explained that  
18 the intent was to basically stay with the same impervious footprint that is there currently.

19  
20 Mr. Zitzloff spoke from the audience and expressed the desire that the residents to live there 11-  
21 12 months of the year.

22  
23 Commissioner Merriam asked about the current building and noted that it appears as though the  
24 setback of the existing building is larger than what is being proposed with the new project. She  
25 asked if the plan changed to have the west building residential if the applicant would be able to  
26 set the building back another ten feet or so from the sidewalk in order to give more space.

27  
28 Mr. Schmidt stated that he believes it may be possible, but noted that they have not studied that,  
29 so it would be hard for him to comment specifically. He noted that if they did that it would mean  
30 losing square footage for each floor and not just on the ground floor.

31  
32 Commissioner Merriam stated that her observation is, that the other buildings along Lake Street  
33 are as far forward as they are proposing, and the current building is smaller than what they are  
34 proposing. She stated that it is also setback further, which means the new building will appear  
35 quite a bit bigger than what is there right now. She stated that she feels that for the residential  
36 portion, it would be nice to have it setback more but explained that she appreciated the definition  
37 that they have given to the building and that it does not just have a flat roofline.

38  
39 Mr. Schmidt stated that the third floor of the west residences have a 15 foot setback, so they are a  
40 long ways back.

41  
42 Commissioner Stockton asked if they have found that three bedroom units are what is most  
43 desirable for year round living, and explained that she liked that this was geared toward year  
44 round living.

1 Mr. Schmidt explained that was just the way things shook out based on square footage and  
2 windows. He reiterated that one of Mr. Zitzloff's goals was to have people living here year  
3 round.

4  
5 There being no additional questions from the Commission for the applicant, Chair Parkhill  
6 opened the public hearing on the application at 7:11 pm.

7  
8 David Carland, 130 Edgewood Court, stated that he is on the Board of Director at Ferndale  
9 Ridge, and noted that there were a few other members of the Board that were also present  
10 tonight. He stated that he did not have anything to add to what they submitted within their letter,  
11 but since they were presented wanted to at least address the Commission.

12  
13 Judy Zitzloff, Ferndale Ridge, stated that she thinks Mr. Zitzloff has gone above and beyond  
14 with his plans because from the very beginning, he wanted to make sure that the Ferndale Ridge  
15 residents were happy.

16  
17 Barry Petit, 420 Peavey Lane, stated that in looking at this project, he has been trying to define it  
18 in design terms but he has struggled with context because it seems to avoid understanding  
19 anything around it. He stated that the City has had some success with Wayzata Blu and Ventana,  
20 and should set some clues for what the design may be. He explained that this design reminded  
21 him of Meridian Manor or a clubhouse at a golf course. He stated that he is not sure that these  
22 plans are in sync with what has been extended on Lake Street and what the City is trying to  
23 accomplish. He stated that he feels that the City is creating a potpourri street with every building  
24 being different just for the sake of being different. He stated that this particular aesthetic, on  
25 Lake Street, in this context, does not make sense. He stated that he would have loved to see this  
26 with the buildings around it, so they can understand what it would really be within the greater  
27 overall scheme. He reiterated that, to him, it seems to have dropped out of the sky from no other  
28 influence other than the notion that they have taken feedback from people that want to make it  
29 look like a house. He stated that this is the City's main street and is not where houses are  
30 located, so he isn't sure that this is actually the appropriate look for that area. He stated that he  
31 also wasn't sure why this was moving forward with a PUD, and was also a bit confused about  
32 the height issue. He stated that he felt that this will increase traffic and also create two more  
33 years of construction in the area. He reiterated that he wished the design was more contextual in  
34 the sense that it understood its neighbors and borrowed clues from them, rather than being its  
35 own egocentric and independent idea.

36  
37 Director Goellner stated there were no people that called or logged in to the meeting online that  
38 have asked to speak at the public hearing.

39  
40 There being no additional public comments on the application, Chair Parkhill closed the public  
41 hearing at 8:18 pm.

42  
43 Chair Parkhill asked for the Commission to share their questions and feedback on the  
44 application.

1 Commissioner Stockton noted that they had planned to look at the PUD aspects of the project  
2 before they considered any of the other items.

3  
4 Community Development Director Goellner reviewed the questions for the Commission to  
5 consider related to the proposed PUD concept plan.

6  
7 Commissioner Schwalbe stated that it seems, to a certain degree, like the train has left the station  
8 in terms of whether there should be PUDs on the north side of Lake Street. She stated that she  
9 really likes the look of the proposed building and the two different concepts because it doesn't  
10 just look like one big building. She stated that she likes the atrium in the middle, and explained  
11 that she would like an attempt made to try to get the four other units to be commercial, so there  
12 are seven total commercial units, because she would like to see retail options at this end of the  
13 street and likes the idea of a coffee shop and a wine bar. She explained that she also likes the  
14 four roof peaks and feels that they really add to the design of the westerly building. She stated  
15 that, to her, the proposal is charming, but for aesthetic reasons, she would really like to see them  
16 give a bit more space in front of the building for enhanced landscaping because that could add  
17 extra charm.

18  
19 Commissioner Merriam stated that the second question for consideration of the PUD is related to  
20 preservation and enhancement of desirable site characteristics. She stated that she looks at the  
21 north end where they are putting in the trails and preserving the trees and the pond, which sounds  
22 like it will be a nice little area for the residents to walk, which she thinks is a nice feature.

23  
24 Commissioner Stockton asked if that area would be for residents or for public use.

25  
26 Commissioner Merriam stated that she believed it was stated that it would be for both.

27  
28 Mr. Schmidt explained that currently it is for the Ferndale Ridge as well as their condos. He  
29 noted that Ferndale Ridge was very concerned about opening this up beyond that, so they have  
30 heeded their desires and the intent would be for it to not be open to the public.

31  
32 Commissioner Stockton asked if these areas would be looking for City maintenance.

33  
34 Mr. Schmidt stated that they have not had a lot of discussion about this, but there is a path in the  
35 northwest corner that could connect the apartment buildings to the north to the City parking lot.

36  
37 Chair Parkhill asked what would be required as far as real public space on a C-4A.

38  
39 Community Development Director Goellner explained that the City does not have a clear open  
40 space number, and noted that she had included a number of figures in the staff report that can  
41 guide the Commission discussion regarding adequate open space. She stated that what they are  
42 looking for is the type of open space, whether the City thinks it will function in that way long  
43 term, and the usability for the community. She referenced page 25 of the packet and reviewed  
44 the open space calculation figures. She stated that there is 22,000 square feet of usable open  
45 spaces, with a mixture of private and public. She stated that is a challenge to find the perfect  
46 number and noted that it is really context and site specific. She noted that there is the benefit of

1 having a really public waterfront with Panoway that is available just a few blocks away. She  
2 explained that she was not seeing any red flags from her point of view and that these spaces have  
3 been designed adequately.

4  
5 Commissioner Stockton stated that for the commercial spaces, she thinks that the City should  
6 look at what these residents may need, but also think about it from a City-wide perspective. She  
7 stated that she wants to make sure that they weigh the importance of whether or not the retail  
8 there services primarily the building or the community. She stated that she thinks what may be  
9 best for the City could potentially be more than the three units that the developer would like to  
10 see. She stated that she thinks this issue is something that will need to be decided at the Council  
11 level, which would weigh in on the issue of a PUD as well. She noted that, in her opinion, this  
12 proposal preserves and enhances the desirable site characteristics, and explained that she liked  
13 that this is on the lower end of the residential density numbers. She reviewed her thoughts of  
14 some of the other questions for consideration with respect to a PUD. She stated that overall, she  
15 felt that this proposal is an improvement over the current office space that is there, and reiterated  
16 that she likes the idea of providing year-round housing, which she feels is important for the  
17 community and the viability of Lake Street.

18  
19 Commissioner Severson stated that she thinks it is a beautiful building, and she also feels it is  
20 quite charming and would like to see more buildings designed in this style. She noted that she  
21 also feels that the proposed use and density is appropriate, but noted that she would like to see  
22 the seven commercial units. She noted that she was a bit concerned about the number of units as  
23 compared the neighboring buildings which are much smaller. She explained that she liked the  
24 open spaces and noted that even if the path were deemed to be for public usage, she is not sure  
25 how many people from the public would actually use it because it is not going to be visible. She  
26 noted that she would not be overly concerned with it being public or just for private usage.

27  
28 Commissioner Merriam stated that she likes the plan and design and noted that she can see things  
29 both ways when it comes to commercial versus residential space. She stated that she does want  
30 to see some commercial in this location, but does not feel that it needed to be seven commercial  
31 units. She stated that perhaps she could see some small office use, but would be concerned to  
32 have a lot of retail because that will bring in more traffic.

33  
34 Chair Parkhill asked staff if 'commercial' includes office and retail.

35  
36 Community Development Director Goellner stated that it would, but she would prefer that the  
37 Commission get more specific with the applicant if this moves to a PUD general plan so it is  
38 very clear for the community and the applicant about what types of tenants will work there.

39  
40 Commissioner Merriam clarified that her concern was just surrounding trip generation. She  
41 stated that she feels the applicant has done a nice job with their design, but expressed her  
42 exhaustion with seeing buildings right along the sidewalk. She stated that with this as a PUD, it  
43 provides some flexibility, so she would like to see more of a setback off of Lake Street.

44  
45 Commissioner Sorensen stated that he liked the architecture of the building and that it was  
46 broken into two distinct looking structures. He explained that he liked the imagery and that it is

1 not like some of the others in the area. He felt that the plans were appropriate and he also  
2 considered it 'charming'. He noted that he liked that the applicant has worked hard with the  
3 Ferndale Ridge neighbors, but stated that he would agree with the comments made regarding the  
4 setbacks. He stated that he believes this would be a great opportunity to move the building  
5 farther off the street and make it more appealing as a residential structure. He stated that at the  
6 concept level, he thinks it is important to keep in mind a number of things such as visibility and  
7 signage on the corner of Edgewood. He noted that he likes that they are preserving the wetlands  
8 and creating pathways. He stated that he can also see both sides of the argument regarding the  
9 number of commercial units, and noted that he thinks the City needs to keep in mind that  
10 someday things will be happening to the south on Lake Street that will likely have some  
11 commercial opportunities. He stated that it is difficult to keep out of his mind the amount of  
12 vacant commercial space there is on the other side, and if he were a developer, he would  
13 probably be a bit worried about having more commercial space. He stated that overall, he thinks  
14 the proposal is appropriate and consistent for the neighborhood. He noted that building height  
15 always concerns him, but in this case, because it is just the peaks that go beyond the height, he is  
16 comfortable with this plan. He stated that what happens at the Planning Commission and City  
17 Council level is not about slow growth or fast growth but about what is appropriate for the  
18 community and how this individual site fits in with the area. He stated that he feels this situation  
19 would be completely different if it was on the other side of Lake Street, and does not want  
20 people to think that what applies in this situation will apply to adjacent sites.

21  
22 Commissioner Stockton stated that she agreed with Commissioner Sorensen, and noted that she  
23 likes that the underground parking and that the ground water table has been considered. She  
24 stated that from a height perspective she is glad to see it is the same or less than the nearby  
25 buildings. She stated that other positives are the signage improvements, tree mitigation, and that  
26 there is a sort of 'nod' to the feeling of the CoV building.

27  
28 Commissioner Merriam stated that the City is encouraging underground parking and noted that  
29 there is a water table that needs to be considered. She reiterated that she is very happy that this is  
30 not a flat roof building and was comfortable with this request. She stated that she is a bit  
31 concerned about the driveway into the parking ramp, and encouraged that the applicants make  
32 sure that it is wide enough and has ample space and sight lines.

33  
34 Chair Parkhill noted that he agreed with many of the positives that have been expressed by the  
35 Commission. He explained that he feels the building is pleasant and charming, and is saving the  
36 wetlands. He stated that Mr. Zitzloff has been a model citizen for the last 89 years, and has  
37 proven to be a creative developer. Chair Parkhill referenced the columns in front of one of Mr.  
38 Zitzloff's other buildings that was a nod to the former bank. He stated that this was a bit tougher  
39 from one aspect which is meeting all the PUD requirements, and noted that he feels the  
40 community needs to be careful of how often that is used. He stated that he agrees with  
41 Commissioner Sorensen that the City needs to evaluate each development plan in and of itself,  
42 and consider the unique circumstances and compare each scenario against the PUD requirements  
43 and zoning codes. He stated that his concerns are related to the public benefit, and noted that it  
44 would be very nice to have useable public space as a percentage of the lot and explained that he  
45 didn't feel that the offered public space was really very useable. He suggested that perhaps there  
46 could be a way to allow people to walk their dogs back by the pond as kind of a 'hidden secret'

1 that would not necessarily be advertised, but would be nice if it were allowed. He stated that  
2 mass and scale is also a concern for him because it is a rather large building and suggested that if  
3 something was done with the setback, that may give the feeling that it is a bit smaller and allow  
4 for some distance to put in more landscaping. He stated that it is a residential looking building,  
5 which, to him, feels a bit different being so close to the street. He noted that the he likes the  
6 commercial spaces, but is not sure if seven was the correct number or not and thinks it definitely  
7 deserves more discussion. He stated that his goal is to do his duty and hold Wayzata to a high  
8 standard when making any kind of zoning compromises, variances, or PUDs. He stated that he  
9 thinks that coming up with some solutions on commercial space, modifying the setbacks,  
10 supporting that the roof is not flat, having underground parking makes this something he thinks  
11 he can live with. He reiterated that one thing he would like to see more of is the public benefit.

12  
13 Commissioner Merriam stated that, in her mind, when she was looking at this proposal, part of  
14 what brought her to her conclusion of support was that the other buildings nearby were already at  
15 35 feet and this would not obstruct someone else's view from behind.

16  
17 Commissioner Schwalbe stated that if the setback was pushed back a bit, there could be some  
18 room for some nice community benches which would help provide public benefit.

19  
20 Chair Parkhill asked if all of their comments and feedback would be shared with the City  
21 Council.

22  
23 Community Development Director Goellner noted that she had taken some notes, and explained  
24 that there were three comments that stood out to her that the majority of the Commission was in  
25 agreement on: (i) maximizing the commercial space in the general plan but looking for ways to  
26 reduce any potential commercial impact on the western portion of the building due to its  
27 proximity to neighbors; (ii) increasing the front setback for at least a portion of the building with  
28 the goal of additional landscaping and benches and that it is clear to see around the corner at  
29 Edgewood Court; and (iii) incorporating the City Engineer's comments. She noted that she has a  
30 few other comments that she believes that they can work with the applicant on and bring up to  
31 the Council.

32  
33 Chair Parkhill asked if there is a way to allow the public to go back and walk around the  
34 wetlands or some connection from the parking lot so people can walk around the area. He  
35 reiterated that he would really like to see an enhanced public benefit in this project.

36  
37 Community Development Director Goellner stated that they can bring this feedback to the  
38 Council, and believes that the Commission has given good feedback about the usability of these  
39 spaces.

40  
41 City Attorney Schelzel noted that comments made by the Commission will be part of the record  
42 and explained that along with their recommendation, the Commission can recommend that the  
43 three points outlined by Community Development Director be addressed in the general plan. He  
44 stated that he thinks it will be helpful for everyone if the Commission is specific about the  
45 commercial piece that has been discussed, but the other things can just be addressed in the  
46 general plan.

There being no further discussion, Chair Parkhill asked for a motion on the application.

Commissioner Sorensen made a motion, seconded by Commissioner Merriam, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval of the Planned Unit Development Concept Plan, Building Height Variance, and Shoreland Impact Plan Conditional Use Permit for building height requested in the application for property located at 201 Lake Street for review and adoption at the next Planning Commission meeting, including the recommendation that the specific points addressed in the discussion related to commercial use, increased front setback, addressing the City Engineers comments, and exploration of additional public space or other public benefits be addressed in the plan. The motion carried unanimously.

**AGENDA ITEM 6. Other Items:**

- a) **Review of Development Activities**
- b) **Planning Commission Meeting Schedule**

Community Development Director Goellner stated the next meeting is scheduled for November 7, 2022 and believes there may just be a short workshop discussion prior to the regular meeting to discuss solar panels. She noted that the City has about 5 or 6 applications that have been partially submitted, but are not yet complete, and anticipates that there will be public hearings scheduled for those items in November and December. She stated that the Planning Commission will not be meeting on December 19, 2022.

Commissioner Severson asked if the Commission could get an update when the City Council votes on things that have been passed along to them from the Commission.

Community Development Director Goellner stated that she had been doing that in her bi-weekly e-mail updates to the Commission and would be happy to start including that information again.

**AGENDA ITEM 7. Adjournment.**

There being no further business on the agenda, Chair Parkhill asked for a motion to adjourn.

Commissioner Merriam made a motion, seconded by Commissioner Schwalbe, to adjourn the Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

The Planning Commission meeting was adjourned at 9:10 p.m.

Respectfully submitted,  
Kayla Atkins Rokosz  
*TimeSaver Off Site Secretarial, Inc.*



## City of Wayzata Planning Commission Agenda Report

|                                                                                                                                                                                                                                   |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> November 7, 2022                                                                                                                                                                                             | <b>AGENDA ITEM:</b> 4.b |
| <b>TITLE:</b> Approval of Report and Recommendation of Approval for Planned Unit Development Concept Plan, Building Height Variance, and Shoreland Impact Plan/Conditional Use Permit for Building Height at 201 Lake Street East |                         |
| <b>PREPARED BY:</b> Eric Zweber, Planning Consultant                                                                                                                                                                              |                         |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director                                                                                                                                                                |                         |
| <b>60 DAY DEADLINE:</b> November 21, 2022. 120 Day Extension: January 20, 2023                                                                                                                                                    |                         |

### BACKGROUND:

The applicant, Westway LLC, has submitted a Development Application for the property at 201 Lake Street East. The applicant and owner, Lowell Zitzloff, is proposing to remove the existing 33,000 square foot (two-story) office building in order to replace it with a new 106,000 square foot (3 story) mixed use building comprised of the following:

- 36 residential condominium units
- 7 commercial condominium units
- Underground parking for residents and public uses

The intent is for all residential and commercial condominiums to be sold and operate under a single homeowner's association.

The project includes a single building designed to look like two separate three-story buildings. The buildings will be connected by a shared atrium, courtyard and underground parking. The commercial condominiums would be located on Lake Street with the residential condominiums located toward the rear of the site.

A public hearing was conducted at the Planning Commission meeting on October 17, 2022. The Planning Commission recommended (on a 6-0 vote) that staff prepare a Report and Recommendation of approval for review at the next Planning Commission meeting, including conditions. The detailed findings and conditions are contained within the attached Planning Commission Report and Recommendations.

### ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

### ATTACHMENTS:

1. 201 Lake Street East - Planning Commission Report and Recommendation



**WAYZATA PLANNING COMMISSION**

**November 7, 2022**

**REPORT AND RECOMMENDATION OF APPROVAL  
OF PUD CONCEPT PLAN, BUILDING HEIGHT VARIANCE, AND SHORELAND  
IMPACT PLAN/CUP FOR BUILDING HEIGHT AT 201 LAKE ST E**

**DRAFT**

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**SUMMARY OF RECOMMENDATION\***

1. Approval of Planned Unit Development (PUD) Concept Plan
2. Approval of Building Height Variance
3. Approval of Shoreland Impact Plan/Conditional Use Permit for Building Height

*\*with certain conditions listed in this Report*

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**REPORT AND RECOMMENDATION**

**Section 1. BACKGROUND**

- 1.1 Project. Westway LLC (the “Applicant”) has submitted a development application (the “Application”) for the property at 201 Lake Street East (the “Property”) requesting approval of a (i) PUD Concept Plan, (ii) Building Height Variance, and (iii) Shoreland Impact Plan/Conditional Use Permit for Building Height to allow for the removal of the existing 33,000 square foot (two-story) office building and the construction of a new 106,000 square foot (three-story) mixed use building comprised of 36 residential condominium units, 7 commercial condominium units, underground parking for residents and public uses, and related improvements to the natural features of the Property (the “Project” or the “Proposed PUD”). The Project would require several stages of City review and approvals, and the Application represents the first stage.
- 1.2 Application Requests. The Application contains the following three approval requests:
  - A. PUD Concept Plan: A PUD concept plan for a new 106,000 square foot (three-story) mixed use building comprised of 36 residential condominium

units, 7 commercial condominium units, underground parking for residents and public uses, and related improvements to the natural features of the Property, as further detailed in the Application (the “PUD Concept Plan”).

- B. Building Height Variance: A 4 foot 10 inch variance to exceed the 35 foot maximum height limit, as further detailed in the Application (the “Building Height Variance”).
- C. Shoreland Impact Plan/Conditional Use Permit for Building Height: A conditional use permit for building height exceeding 35 feet in the Shoreland Overlay District (the “Shoreland Height CUP”).

- 1.3 Property. The street address, property identification number and owner of the Property are:

| Address              | PID               | Owner        |
|----------------------|-------------------|--------------|
| 201 Lake Street East | 06-117-22-32-0364 | Westway, LLC |

- 1.4 Land Use. The Property is zoned C-4A Limited Central Business District and guided Central Business District under the 2040 Wayzata Comprehensive Plan. The Property also falls within the S/Shoreland Overlay District and the Lake Street Design District.
- 1.5 Neighborhood Meeting; Notice and Public Hearing. A neighborhood meeting on the Application was held on August 3, 2022 in accordance with City policy. Notice of a public hearing on the Application was published in the *Sun Sailor* on October 6, 2022. A copy of the notice was mailed to all property owners located within 750 feet of the Property on October 6, 2022. The public hearing on the Application was held at the October 17, 2022 Planning Commission meeting.

## Section 2. STANDARDS

### 2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Chapter 933 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type,

design, and placement of structures and by the conservation and more efficient use of land in such developments.

2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
3. More convenience in location and design of development and service facilities.
4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

B. General Standards. Section 933.02.A of the Zoning Ordinance sets forth the general standards for a PUD and review of a PUD application. These include:

1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 933.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 933.02.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.02.A.10.

11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
  12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
  13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
  14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- C. Residential PUD Standards. Section 933.03 sets forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.
- D. PUD Procedure.
1. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of City review and approval of a PUD. Concept Plan approval in no way binds the City to subsequent approval of a General Plan of Development or other approvals that may be required. Section 933.05.B.
  2. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 933.05.C.

2.2 Height Variance. Under the PUD Chapter of the Zoning Ordinance, building height may not exceed 35 feet or three stories. Section 933.02.A.14.a. Section 905.01.C of the Zoning Ordinance provides the criteria for reviewing a variance request from these standards. The criteria are:

- A. Variances shall only be permitted when they are:
  - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
  - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
  - (i) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
  - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
  - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

## 2.3 Shoreland Impact Plan/Conditional Use Permit for Building Height.

- A. SIP/CUP for Building Height. The Shoreland Overlay District provides that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit as regulated under Section 991.19 of the Zoning Ordinance. Section 991.10.
- B. Shoreland Impact Plan. Except for situations listed in Sec. 991.19.B., landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of the Zoning Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.
- C. General CUP Criteria. Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of a proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
  2. The proposed use's compatibility with present and future uses of the area.
  3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
  4. The proposed use's effect on the area in which it is proposed.
  5. The proposed use's impact upon property values in the area in which it is developed.
  6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

D. SIP/CUP Conditions. All conditional use permits for consideration under Section 911 are subject to the following stipulations:

1. The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
2. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.

7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

### Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 PUD. The PUD proposed under the PUD Concept Plan ("Proposed PUD") would meet the standards of the PUD Ordinance.
  - A. Intent and Purpose of PUDs. The Proposed PUD would represent:
    1. Innovations in commercial and residential condominium development to help meet the growing demands for multiple economic expansion, through a development that would (i) provide a greater variety in type, design, and placement of structures and mixed residential and commercial uses; and (ii) conserve the wetlands and natural spaces on the Property, and make more efficient use of land.

2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers. The design, style and massing of the proposed building successfully integrates into the location and the challenges of the Property that borders major roadways, wetlands, and residential areas; and (ii) the design, style and massing of the proposed buildings would successfully reflect a high-quality, larger residence.
3. More convenience in location and design of development, given its location on Lake Street.
4. The preservation and enhancement of desirable site characteristics, including the natural topography of wetlands, pond, trees, and landscaped areas that will help in the prevention of soil erosion and provide a walking path in a natural area.
5. A creative use of land and related physical development which will provide a phased and orderly development and use pattern from the active areas of Lake Street to the more residential areas of the west end of town, to the natural areas of the wetlands, to the adjacent residential areas. The inclusion of an additional landscaping to the property to the west offers a buffer between commercial and residential uses.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan, including a mix of uses in the Central Business District, as noted elsewhere in this Report.
8. A more desirable and creative environment, with an increased setback along Lake Street, than might be possible through the strict application on zoning regulations of the City.

B. General Standards.

1. Health Safety and Welfare; Council Discretion. The effects of the Proposed PUD upon the health, safety and welfare of residents of the community and the surrounding area will be positive and not detrimental.
2. Ownership. The Applicant owns all of the property to be included in the Proposed PUD.

3. Comprehensive Plan Consistency. The Proposed PUD would be consistent with the City's Comprehensive Plan as noted elsewhere in this Report.
4. Sanitary Sewer Plan Consistency. The Proposed PUD would be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The Proposed PUD would provide a combination of common private open space and public open space to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. The General Plan for the Proposed PUD must contain provisions to assure the continued operation and maintenance of such open space to a predetermined reasonable standard.
7. Staging of Public and Common Open Space. The open space of the Proposed PUD is not planned as a staged development over a period of time.
8. Density. The Proposed PUD would be consistent with the density standards of the Comprehensive Plan.
9. Utilities. All utilities associated with the Proposed PUD would be installed underground of Section 933.02.A.10.
10. Utility Connections. All utilities associated with Proposed PUD would meet the utility connection requirements of Section 933.02.A.10.
11. Roadways. All roadways associated with the Proposed PUD will be evaluated to ensure conformance to the Design Standards, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the Proposed PUD, as amended to address the City staff's comments, will be according to a detailed plan that must be approved by the City Council.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Proposed PUD site would comply with the C4-A District (the previous zoning district if the Property is rezoned to PUD District); however, increasing the front setback of the building along Lake Street East would improve the site design with additional seating and landscaping.

14. Height. The maximum height of the building within the Proposed PUD would not exceed the height allowed by the Building Height Variance and the Shoreland Height CUP.

- C. Residential PUD Standards. The Proposed PUD would meet the minimum frontage, roadway and parking standards for PUDs which have a residential components. A utility study is currently being conducted to determine if sufficient municipal water and sewer is available.

3.2 Height Variance. The Height Variance meets all of the standards for granting a variance under the Zoning Ordinance:

- A. The Height Variance, and its relation to the Proposed PUD, is in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed multi-family residential and commercial uses, and the building design and construction; and is consistent with the Central Business District guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the PUD District Standards, in that:
  1. The Applicant's proposal for the Property is reasonable in that it would provide additional design details that add to the charm of the building and not impact views of the Lake;
  2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that the excess height requested is due to the water table on the Property, the preservation of existing wetlands, the desire to discourage surface parking, and the desire not to increase the impervious surface on the Property; and
  3. The Height Variance, if granted, will not alter the essential character of the locality in that the uses and buildings would be compatible to others on Lake Street.
- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the features of the Property, requirements of stormwater management, and other code compliance considerations.
- D. The Height Variance is not a use variance.
- E. The Application submitted by the Applicant sets forth reasons that the Height Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

3.3 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The provisions of Section 991.19 and 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. Shoreland Impact Plan.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan must approved by the City Engineer as a condition of approval.

B. General CUP Criteria.

1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The Project and associated use is compatible with present and future uses of the area.
3. The Project and associated use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance has been requested.
4. The Project and associated use will not have a negative effect upon the surrounding area.
5. The Project and associated use is not likely to have a negative impact upon surrounding property values.
6. The Project and associated use will not increase traffic above capacity, as noted in the traffic study presented by Staff and reviewed by the Commission.
7. The Project and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

C. SIP/CUP Conditions.

1. The Project has been analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes.

2. The Project has been analyzed in terms of the appearance of the structures and will not generally be visible when viewed from the lake's surface.
3. Building height has been analyzed to determine the impact on surrounding structures, including not exceeding the height of the two buildings to the north, and views from the lake surface or other shores.
4. Residential density of the Project will not exceed the maximum allowed density of the base zoning district for which the Project is proposed.
5. The Project will not cause the overall residential densities in the shoreland area to exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan subject to the findings and recommendations of the municipal sewer and water utility study.
6. The Project is in conformance with the Stormwater Management Plan for the City of Wayzata, June 2000.
7. The Project is in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan.
8. The Project will be subject to the review of the Minnehaha Creek Watershed District.

#### Section 4. **RECOMMENDATION**

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) PUD Concept Plan, (ii) Building Height Variance, and (iii) Shoreland Impact Plan/Conditional Use Permit for Building Height, subject to the following conditions and further recommendations:

- A. The Applicant must consider the following modifications and additions to the PUD Concept Plan and incorporate them as appropriate into the proposed PUD General Plan.
  1. Maintain the number and location of the seven proposed commercial condominium units on the ground floor and provide a list of permitted uses in the PUD General Plan that potentially limits the most impactful commercial uses to the eastern portion of the proposed development;

2. Increasing the front setback of the building along Lake Street East by 5 to 10 feet in the PUD General Plan in order to reduce massing, add landscaping, add benches, and ensure intersection visibility;
  3. Addressing the City Engineer's comments on the Application;
  4. Exploring additional public space or other public benefits as part of the overall site plan; and
  5. A Shoreland Impact Plan must be approved by the City Engineer as a condition of approval.
- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 7<sup>th</sup> day of November, 2022.

Attachments:

Attachment A: Legal Description of Property

Attachment A  
Information and Legal Description of Property

|                         |                                  |
|-------------------------|----------------------------------|
| Address                 | 201 Lake Street East, Wayzata MN |
| PID                     | 0611722230364                    |
| Legal Description       | Lot 1, Block 1 Lake West         |
| Abstract or<br>Torrens? | Both                             |
| Certificate No.         | 1486029                          |



## City of Wayzata Planning Commission Agenda Report

|                                                                    |                         |
|--------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> November 7, 2022                              | <b>AGENDA ITEM:</b> 5.b |
| <b>TITLE:</b> Planning Commission Meeting Schedule                 |                         |
| <b>PREPARED BY:</b> Valerie Quarles, Assistant Planner             |                         |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director |                         |
| <b>60 DAY DEADLINE:</b> N/A                                        |                         |

### **BACKGROUND:**

The next Planning Commission meeting is on Monday, December 5. The November 21 meeting has been canceled. The 2022 City Meeting Calendar and Liaison Schedule are attached. The 2023 Calendar is also attached, and the 2023 Liaison Schedule will be available later this fall.

### **ACTION REQUESTED:**

N/A

### **ATTACHMENTS:**

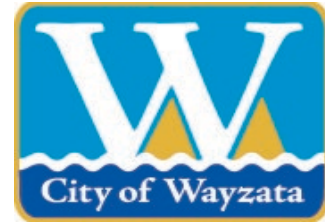
1. 2022 Wayzata City Calendar
2. 2022 Planning Commission Liaison Schedule
3. 2023 Wayzata City Calendar

# City of Wayzata

## 2022 Meeting Calendar

| January 2022 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|
| S            | M  | T  | W  | Th | F  | S  |
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| 16           | 17 | 18 | 19 | 20 | 21 | 22 |
| 23           | 24 | 25 | 26 | 27 | 28 | 29 |
| 30           | 31 |    |    |    |    |    |

| February 2022 |    |    |    |    |    |    |
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| 20            | 21 | 22 | 23 | 24 | 25 | 26 |
| 27            | 28 |    |    |    |    |    |



| March 2022 |    |    |    |    |    |    |
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| 20         | 21 | 22 | 23 | 24 | 25 | 26 |
| 27         | 28 | 29 | 30 | 31 |    |    |

| April 2022 |    |    |    |    |    |    |
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| 17         | 18 | 19 | 20 | 21 | 22 | 23 |
| 24         | 25 | 26 | 27 | 28 | 29 | 30 |

| May 2022 |    |    |    |    |    |    |
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| 22       | 23 | 24 | 25 | 26 | 27 | 28 |
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| June 2022 |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|
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| 19        | 20 | 21 | 22 | 23 | 24 | 25 |
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| July 2022 |    |    |    |    |    |    |
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| August 2022 |    |    |    |    |    |    |
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| September 2022 |    |    |    |    |    |    |
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| October 2022 |    |    |    |    |    |    |
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| November 2022 |    |    |    |    |    |    |
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| December 2022 |    |    |    |    |    |    |
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| 25            | 26 | 27 | 28 | 29 | 30 | 31 |

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed  
City Offices Closed

Precinct Caucuses - Feb 1, 2022

Primary Election - August 9, 2022

General Election - November 8, 2022

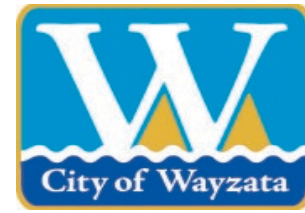
Revised  
9/29/2021

## 2022 Planning Commission Assignments at Council Meetings

|                  | <u>Meeting Date</u> | <u>Commission Representative</u> |
|------------------|---------------------|----------------------------------|
| Tuesday          | January 4, 2022     | Ken Sorensen                     |
| Tuesday          | January 18, 2022    | Peggy Douglas                    |
| Tuesday          | February 8, 2022    | Laura Merriam                    |
| Tuesday          | February 22, 2022   | Jeffrey Parkhill                 |
| Tuesday          | March 8, 2022       | Bonnie Schwalbe                  |
| Tuesday          | March 22, 2022      | Jennifer Severson                |
| Tuesday          | April 5, 2022       | Larissa Stockton                 |
| Tuesday          | April 19, 2022      | Ken Sorensen                     |
| Tuesday          | May 3, 2022         | Peggy Douglas                    |
| Tuesday          | May 17, 2022        | Laura Merriam                    |
| Tuesday          | June 7, 2022        | Jeffrey Parkhill                 |
| Tuesday          | June 21, 2022       | Bonnie Schwalbe                  |
| Tuesday          | July 5, 2022        | Jennifer Severson                |
| Tuesday          | July 19, 2022       | Larissa Stockton                 |
| <b>Wednesday</b> | August 3, 2022      | Ken Sorensen                     |
| Tuesday          | August 16, 2022     | Peggy Douglas                    |
| Tuesday          | September 6, 2022   | Laura Merriam                    |
| Tuesday          | September 20, 2022  | Jeffrey Parkhill                 |
| Tuesday          | October 4, 2022     | Bonnie Schwalbe                  |
| Tuesday          | October 18, 2022    | Jennifer Severson                |
| Tuesday          | November 1, 2022    | Larissa Stockton                 |
| Tuesday          | November 15, 2022   | Ken Sorensen                     |
| Tuesday          | December 6, 2022    | Peggy Douglas                    |
| Tuesday          | December 20, 2022   | Laura Merriam                    |

| January 2023 |    |    |    |    |    |    |
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| February 2023 |    |    |    |    |    |    |
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| March 2023 |    |    |    |    |    |    |
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| April 2023 |    |    |    |    |    |    |
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| May 2023 |    |    |    |    |    |    |
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| June 2023 |    |    |    |    |    |    |
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| July 2023 |    |    |    |    |    |    |
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| August 2023 |    |    |    |    |    |    |
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| September 2023 |    |    |    |    |    |    |
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| October 2023 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|
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| November 2023 |    |    |    |    |    |    |
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| December 2023 |    |    |    |    |    |    |
|---------------|----|----|----|----|----|----|
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| 31            |    |    |    |    |    |    |

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
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- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed  
City Offices Closed

Precinct **Caucuses - Feb 1, 2023**

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Revised  
9/13/2022



## City of Wayzata Planning Commission Agenda Report

|                                                                    |                         |
|--------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> November 7, 2022                              | <b>AGENDA ITEM:</b> 7.a |
| <b>TITLE:</b> Solar Ordinance Discussion                           |                         |
| <b>PREPARED BY:</b> Nick Kieser, Parks Planner                     |                         |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director |                         |
| <b>60 DAY DEADLINE:</b> N/A                                        |                         |

### **BACKGROUND:**

In a workshop format, staff will review the attached staff report about a new Solar Ordinance and draft Sustainability Policy with the Planning Commission. After additional feedback is gathered from the Commission, staff will choose to conduct either another workshop or prepare materials for a public hearing to adopt a Solar Ordinance.

### **ACTION REQUESTED:**

Workshop Discussion Item Only

### **ATTACHMENTS:**

1. Staff Report - November 7 Workshop
2. Draft Sustainability Policy - November 7 Workshop



**Staff Report**  
**Wayzata Planning Commission Workshop**  
**November 7, 2022**

|                              |                                 |
|------------------------------|---------------------------------|
| <b>Project Name:</b>         | Solar Ordinance                 |
| <b>Addresses of Request:</b> | Citywide                        |
| <b>Anticipated Request:</b>  | Zoning Ordinance Text Amendment |
| <b>Applicant:</b>            | City of Wayzata                 |
| <b>Prepared by:</b>          | Nick Kieser, Parks Planner      |

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## **Background**

Staff is currently working on new Code language that will regulate the development of solar installations within Wayzata. Discussion of the new language started with the Zoning Task Force, but since there are differing opinions on this topic, staff would like to discuss the Solar Ordinance in a workshop setting. The addition of a Solar Ordinance came out of the implementation of the [Wayzata Energy Action Plan](#) and discussion with the Energy and Environment Committee (E&E).

The E&E Committee provided the following comments on a proposed Solar Ordinance:

- Allow solar installations on every property in Wayzata (rooftop and ground-mounted)
- Do not require a Conditional Use Permit for any installation
- Allow solar on accessory structures and building integrated systems
- Do not require parapet walls or other screening measures for rooftop solar

Overall, the Committee wanted additional flexibility on where solar can be allowed and to minimize the restrictions to install solar panels. More restrictions on solar installations would reduce the amount of solar installations in the city which would conflict with the goals of the Committee and stated in the Wayzata Energy Action Plan.

In Wayzata's Energy Vision it states that, "*We (the City) will lead by example to reduce our energy use through conservation and increase access to renewable energy sources for all residents, businesses, and institutions*". With this Vision in mind, the Committee focused on the positive environmental and educational impacts that solar can provide the community rather than the aesthetics.

## Municipal Solar

The City of Wayzata is also pursuing a rooftop solar installation on City Hall, Fire Station, Library, Public Works Building, and Muni/Liquor Store. The City Council has preliminary approved a direct purchase option for solar panels on these facilities that would be planned to be installed in 2023.

## Survey

In April 2022, a solar survey was put out to the community to determine interest in solar installations. A total of 38 responses were received with 71% noting their interest in adding solar panels to their home and/or business. The majority of responses stated the rooftop solar use is appropriate on every kind of property in Wayzata and 87% support solar installations on city-owned facilities.

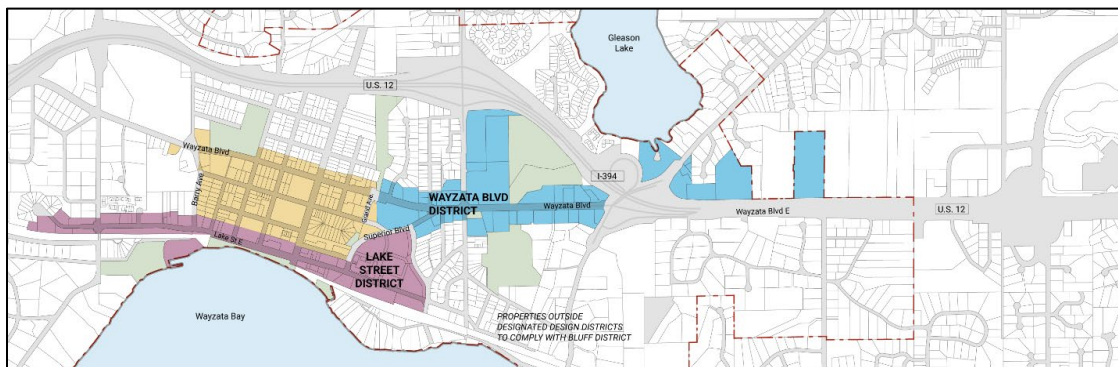
## SolSmart Review

SolSmart reviewed Wayzata's current Code to determine the needed amendments to support solar installations in the city. A summary of that review is listed below:

- Do not require a Design Review for solar installations. Do not restrict solar based on aesthetics.
- Do not incorporate a screening requirement for rooftop solar.
- Do not have a height requirement.
- Incorporate additional code definitions for solar related items.
- Allow rooftop solar and ground-mounted solar as by-right accessory uses.

## Zoning

The Task Force had differing opinions on these main topic items. The major discussion revolved around allowing solar installations on Lake Street and in the Bluff District areas. The concerns for these areas were around the aesthetics of the solar panels and the potential loss of views from rooftop installations. An incremental approach was preferred by the Task Force by allowing solar on Wayzata Blvd, allow installations in the Bluff District but with restrictions (via CUP), and not allowing the installations on Lake Street.



Wayzata Design Districts (orange = Bluff District)

## Examples of Solar Installation Locations in Wayzata

- 2030 Wayzata Blvd E (Commercial, 2021)
- 133 Birch Ln W (2021)
- 144 Edgewood Ave S (2021, plus ground-mounted)
- 475 Highcroft Rd (2020)
- 175 Westwood Ln S (2020)
- 450 Peavey Ln (2019, ground-mounted)
- 484 Highcroft Rd (2018)
- 709 Wayzata Blvd (2017)
- 230/232 Chicago Ave N (2016)
- 15815 Holdridge Rd E (2016)
- 908 Shady Ln E (2015)

## Types of Solar Installations

- Rooftop solar
  - Flat roof and sloped roofs



Proposed City Rooftop Solar Installation



## Ground-mounted solar



### Carport solar



### Building-integrated solar (shingles, awnings, etc.)

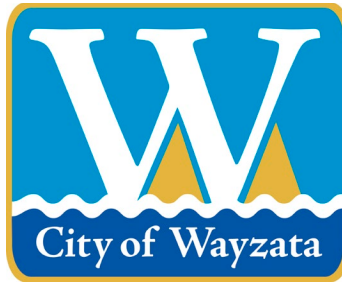




### Discussion Items

Since this would be a new Ordinance, staff wants the Commission to discuss the idea of solar installations at a high level by discussing the questions below. This will help staff to continue drafting an Ordinance for the Commission to review and to determine if any additional information would help the Commission during their review and discussions.

1. Where should solar be allowed?
  - a. Lake St, Wayzata Blvd, Institutional, Multi-Family, Single-Family Homes, Estate Districts, etc.
2. What type of solar should be allowed in those locations?
3. Should there be screening requirements for rooftop, ground-mounted, etc.?  
(parapet walls, arborvitae, fencing, etc.)
4. Should there be a height requirement for rooftop and ground-mounted solar?
5. Should there be setback requirements for ground-mounted solar?
6. What are the main reasons for the decisions? Environmental, aesthetics, views, cost-savings, etc.



**City Council**  
Mayor Johanna Mouton  
Jeff Buchanan  
Cathy Iverson  
Molly MacDonald  
Alex Plechash

**City Manager**  
Jeffrey Dahl

## **City of Wayzata Draft Sustainability Policy November 7, 2022**

The City of Wayzata Sustainability Policy was created to allow a residential density bonus in the R-5 Average Density Multiple Residential District and to create a framework for evaluation of sustainability benefits in Planned Unit Development applications.

### Purpose:

Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of energy and resource use, the provisions of this Policy are intended to promote sustainable developments that reduce the impact of the built environment in the City of Wayzata.

### Wayzata 2040 Comprehensive Plan Vision Statement:

*Wayzata is a forward -thinking lakeside community that is socially connected, charming, walkable, and pedestrian friendly. A multi -generational community with healthy, engaged, and active residents. A community that is in the forefront of sustainability, with a healthy environment, vibrant parks and enticing City spaces. It is a proud steward of its premier natural asset; Lake Minnetonka.*

### Wayzata 2040 Comprehensive Plan Vision Actions/Ideas:

- Favor developments that commit to building LEED certified buildings (Leadership in Energy and Environmental Design)
- Rewrite city codes to ensure they are in line with City's sustainability objectives
- Update City Building Codes that promote energy efficiency
- Improve solar and other green energy residential permitting process
- Encourage new buildings to be at the forefront of sustainability principles, including being LEED certified
- Favor developments that rely on green sources of energy
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In response to the 2040 Vision Statement and the corresponding Vision Actions, Environmental Sustainability was created as one of the eight guiding principles listed in the Wayzata 2040 Comprehensive Plan. This guiding principle states, "the encouragement of the use of green sources of energy in large developments was highlighted by stakeholders as a key step in achieving a more sustainable Wayzata."

Process and Minimum Requirements:

For projects in the R-5 zoning district that are pursuing the density bonus under §959.07.B must have one of the following:

- A project that receives a LEED certification, SB 2030 energy standard, or equivalent within three (3) years of receiving its initial certificate of occupancy; or
- A project that incorporates a renewable energy system that offsets as much energy usage as reasonably possible given physical restraints of the building/site and based on an engineering feasibility report at the time of design and submittal of a development application.

The green building equivalent and the renewable energy system must be approved by the Community Development Director. An equivalent green building certification will be based upon an engineer's report demonstrating green building equivalency provided by the applicant.

For a density allowance to be applied, the applicant must enter into an agreement with the City that states that the proposed project will meet the agreed upon green building certification requirements or the renewable energy requirement. The City can also require a report prior to the issuance of a building permit that demonstrates how the building would meet the certification or renewable energy requirements.

After the project is complete, the City will require a completion report or certification that demonstrates how the project meets the necessary requirements noted in the agreement. The report should be based on building audit results and/or an engineer's report.

Density Bonus:

For projects that meet the requirements listed in the Sustainability Policy the applicant can subtract 300 square feet per unit for all dwelling units.

Planned Unit Developments:

An application for a Planned Unit Development (PUD) may use this Policy to guide the evaluation of any proposed renewable energy system or intended energy certification that is meant to serve as an innovative and creative design option for the PUD.

Penalty:

If the project does not attain LEED certification, SB 2030, or equivalent within three (3) years of receiving its initial certificate of occupancy or does not show proof of a working renewable energy system, then the developer shall be required to conduct a building audit. The applicant would then be required to implement any needed projects to meet the agreed upon green building component as noted in the agreement. The City shall have the authority to revoke the certificate of occupancy for the building if these requirements are not met.