

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 16, 2013**

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

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

Present at roll call were Commissioners: Cooper, Crowder, Gonzalez, Iverson, Pearson, Ramy Jr., and Vanderheyden. Absent and excused: None. City Planner Gadow, City Attorney Schelzel, and Mayor Willcox were also present.

Commissioner Vanderheyden stated on Page 10, Line 40-41, the comment is attributed to him; however, he does recall making it and asked staff to verify attribution.

Commissioner Vanderheyden made a motion, seconded by Commissioner Cooper, to approve the August 19, 2013, meeting minutes as amended above. The motion passed 7/0.

AGENDA ITEM 2. Regular Agenda Public Hearing Item.

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

City Planner Gadow reviewed the consideration by the Planning Commission at its August 5, 2013, meeting, relating to the development application from Anchor Bank and the Leo and Algena Lund Partnership for a multipart Planned Unit Development (PUD) and Subdivision application for a new Anchor Bank, Walgreens, and three single-family residential lot development. After holding the public hearing and discussion of the application's components, the Planning Commission opted to ask the applicant for additional information and continued consideration to a future meeting pending receipt of that additional information. City Planner Gadow stated since the August 5, 2013, meeting, staff has been working with the applicant to obtain that information, which is available for consideration at tonight's meeting.

City Planner Gadow stated the additional information requested included: an additional traffic analysis by SRF Consulting (the City's traffic consultant); traffic accident data for the Wayzata Boulevard and Central Avenue intersection; analysis of noise levels of the two proposed drive-thru speaker systems; revised plans of the parking lot light fixtures that will be downlit in design to shield the light source; information on when the parking lot lights will be functioning during the evening; lighting signage with LED that could be controlled from within the store and

1 dimmed, if necessary; additional dimensional detail on the proposed wall and monument signage
2 for Anchor Bank; sign area summary chart for the proposed Walgreens building; hours of
3 operation and deliveries; summary of work by Steiner & Koppelman who will be the builder of
4 the three single-family homes on the northern portion of the development; updated Landscape
5 Plan adding trees and shrubs to the project as well as additional plantings on the south façade
6 and more coniferous trees to screen the north edge of the commercial property and drive islands;
7 colorized construction phasing plans for the building; and, alternative design for the Walgreens
8 building.

9
10 City Planner Gadow presented the additional information provided by the applicant. He
11 displayed and described the updated plan sets, noting the area of increased landscaping, phased
12 demolition plan, modified exterior elevations of the Walgreens building incorporating three
13 different roof elements to bring down the scale and give the appearance of separate buildings,
14 overhead perspective views of the subject site, down lit parking lot fixtures, and a alternate
15 exterior elevation with one color of brick and simplified roof elements.

16
17 City Planner Gadow stated written correspondence was received from a resident concerned with
18 the impact to the neighborhood caused by the closure of Elm Lane and option to provide a
19 secondary exit point so all of the traffic is not funneled onto Benton Avenue.

20
21 Commissioner Iverson asked whether the existing mature trees will be kept on the south side of
22 the proposed Walgreen's building.

23
24 John Kohler, architect with Semper Development representing the applicant, stated they would
25 like to but the retaining wall will be removed and the floor elevation dropped about two feet so
26 those trees may not be able to handle that construction.

27
28 Commissioner Iverson asked if they will take protective measures to protect the roots of the
29 trees. Mr. Kohler stated they can look at that but it may necessitate keeping the retaining wall.
30 Commissioner Iverson asked their civil engineer to look at that option. Mr. Kohler stated they
31 want a more gentle slope so it can be maintained but it will be looked at.

32
33 Commissioner Iverson noted the landscaping plan does not specify the species of tree, height, or
34 width. Mr. Kohler stated that information is included. Commissioner Iverson stated she had a
35 difficult time reading the small print on the plans and may have missed it. Chair Gonzalez stated
36 the CD ROM included the plans and ability to see it in larger print.

37
38 Commissioner Iverson referenced the lighting plan and asked how many light poles there will be.
39 Mr. Kohler stated they will use LED lights and Page C100 of the Site Plan clearly identifies
40 there will be 17 lights in addition to wall packs.

41
42 Commissioner Iverson stated in looking at the direction of the light stream, there may be impact
43 to the neighbors in the area of the garbage. Mr. Kohler stated it is at one-tenth of a light candle
44 in that area, which is not very bright. He stated the lights are only 16 feet high but if requested
45 they can screen the light source to further shade the light.

46

1 Commissioner Iverson stated he could not attend the August 5, 2013, meeting but was interested
2 in the traffic concerns.

3
4 Chair Gonzalez stated at the last meeting they talked about enhancing the plantings on the west
5 side of the property line (next to the existing driveway), where the lower tree branches are gone,
6 to fill the lower area with bushes to cushion noise but she did not see that issue addressed in the
7 new plans. Mr. Kohler stated they added coniferous trees and can add coniferous bushes to
8 increase buffering; however, they will be located behind the fence.

9
10 Chair Gonzalez asked how many signs are needed, noting the City frowns upon franchise
11 architecture but the application proposes a monument sign, wall signs, pharmacy signs, plus the
12 "W" sign. Mr. Kohler stated from Walgreen's standpoint, they want a wall sign for each street
13 front and a monument sign with reader board and this is a PUD so the "W's" can be modified.
14 However, they like it because it is their image. Chair Gonzalez stated she is concerned about
15 having so many lit signs that may interfere with the neighborhood.

16
17 Commissioner Iverson stated she noticed that other Walgreen's locations also have outside
18 equipment such as propane tanks and Red Box. Mr. Kohler stated he is not in control of that and
19 cannot speak for the Manager, but the City has discretion on what is located outside the store.
20 He stated Red Box is used by many these days and is expected but perhaps it can be located
21 within the store. Commissioner Iverson stated she would like that discussed in detail.

22
23 Commissioner Crowder stated in the SRF memorandum concerning the traffic study, it indicates
24 that currently the Anchor Bank has daily trips of 334 and with this project, if approved, it would
25 have a total trips of 1,683 minus the 334 trips from Anchor Bank or a total of 1,349 new trips per
26 day. And, 48% of the trips will be pass-by trips. City Planner Gadow stated that is correct.

27
28 Mr. Kohler stated pass-by trips are vehicles that are already driving past that pull in, stop, and
29 then continue. City Planner Gadow stated that is different from someone coming to Walgreen's
30 or Anchor Bank as a destination.

31
32 Commissioner Crowder stated if that daily trip number is accurate, it will create more traffic
33 congestion and backups as people are turning in or out of the site. City Planner Gadow stated
34 that is correct once the vehicles are on the site.

35
36 Commissioner Crowder stated it is just over double the current level or four times the current
37 level. City Planner Gadow stated it depends on assumptions you make and how you consider
38 destination traffic and pass-by traffic.

39
40 Mr. Kohler stated that is the reason for a plan modification to dedicate, with the plat, an
41 additional 15 feet along Highway 101/Central to provide an additional lane. He noted the SRF
42 report indicates that additional lane substantially changes the stacking calculation. Mr. Kohler
43 stated the buildings will be moved over slightly to accommodate a 15-foot dedication to
44 Hennepin County for additional space at that intersection so it will operate at a better level.

45

1 Commissioner Iverson stated that still does not address vehicles turning across traffic. Mr.
2 Kohler stated it will shorten stacking. Commissioner Iverson stated vehicles turning are still at
3 the mercy of another lane of traffic to allow your vehicle to cross to make the turn. She relayed a
4 recent incident that resulted in her having to slam on her brakes when a truck pulled out
5 unexpectedly in front of her vehicle.
6

7 Commissioner Vanderheyden thanked staff and the applicant for providing this additional
8 information. He stated the traffic study data presented, which is based upon a set of accepted
9 standards and intersection ratings A through F, indicates that even after the project, the
10 intersections will perform at a standard that is the same or better than exists today.
11 Commissioner Vanderheyden stated he remains concerned with the intersection of Benton
12 Avenue but does not think that concern is related to this project. He stated that is a larger policy
13 issue than related to the specific request before the Planning Commission, in his opinion. He
14 stated the SRF report noted that going from a single southbound lane on Highway 101 turning
15 east to a dual lane will materially reduce the stacking and impact the ability to turn south or
16 north more safely with a shorter wait time. He stated he candidly viewed it as reasonable with
17 the caveat of fixing the Benton Avenue intersection that while somewhat unrelated to this
18 project, it is clearly a trigger for it.
19

20 Mr. Kohler stated they discussed Benton Avenue and could make the pass-through point (bollard
21 area) a one-way exit only. The concern he expects is whether people will abide by that. Mr.
22 Kohler noted the neighborhood made a strong comment that they do not want cut-through traffic
23 or head lights going along the back but it is an option.
24

25 Chair Gonzalez stated input from the City Engineer would be needed and to allow a private
26 property as a pass through site for public use and would be treading on ground that is not the
27 Planning Commission's domain. She noted it would also raise issues of liability if used by the
28 public. Chair Gonzalez stated she is not comfortable considering driving across private property
29 to gain access to a highway. Mr. Kohler stated easements would need to be in place but the
30 concern was heard about the exiting move at Benton Avenue. He stated that is not their making
31 but they wanted to offer a possibility to improve that situation in any way they can.
32

33 Chair Gonzalez asked for guidance on how this can be handled. City Planner Gadow asked if
34 the Planning Commission wants staff to further vet that option with the City Attorney to
35 determine whether it would address concerns that have been raised. Attorney Schelzel stated an
36 easement would be needed and staff would have to thoroughly vet the issues including liability.
37

38 Commissioner Vanderheyden stated he appreciates the offer and at the last meeting he raised that
39 option as a possibility but in hindsight, thinks it does not fix the problem at Benton Avenue as it
40 gives the same people the same exit options they would have had. Commissioner Vanderheyden
41 stated it is a push, in his opinion, to drop Elm Lane and swap it for a new entrance in terms of
42 ease of exit.
43

44 Chair Gonzalez asked Commissioners if there was support to hold up this application and ask
45 staff to research the option to allow the Benton Avenue neighbors to have the ability to exit
46 using the fire lane.

1
2 Commissioner Ramy asked how it would be controlled. Mr. Kohler stated it would have to be
3 through signage, but his concern is whether people will abide by it. He stated adjacent neighbors
4 stated quite strongly they do not want the crossover.

5
6 Commissioner Iverson stated the larger issue is that the City traffic study model was updated in
7 2005 but the City has never looked at a resolution for traffic in this area and she does not know
8 whether what they are proposing will fix the problem long term. Another concern is the increase
9 level of traffic generated from the Bay Center project estimated at 6,500 additional daily trips.

10
11 A majority of Planning Commissioners indicated the option to use the fire lane will not affect
12 their vote.

13
14 Chair Gonzalez reopened the public hearing at 7:40 p.m.

15
16 Barry Petit, 420 Peavey Lane, stated it looks like there has been a dramatic transformation from
17 the earlier proposal. City Planner Gadow stated the information on the City's website included
18 the August 5 meeting information (Design Option #1) as well as a second set of design plans
19 (Design Option #2) that was presented at tonight's meeting. The applicant has also submitted an
20 additional option (Design Option #3); however, not yet completed plan sets for that option.

21
22 Mr. Petit asked if the Planning Commission knows what they are looking at now. Chair
23 Gonzalez stated they have seen the second set of plans as well as the added option that will be
24 discussed later in the meeting.

25
26 Mr. Petit stated the earlier plan set was more thorough than received with the second set of plans
27 so he wants to assure the Planning Commission is clear in what they are considering. Chair
28 Gonzalez stated if the Planning Commission supports the proposed design depicted in the second
29 set of plans, the applicant will be required to submit additional information.

30
31 City Planner Gadow stated comments can be made on the original plan set, the second plan set,
32 and/or the additional option.

33
34 Mr. Petit stated the curiosity for him was constructing a single building that appeared to be a
35 series of building and his concern is whether it is a legitimate and honest piece of competent
36 architecture. Mr. Petit stated the design depicted four towers and windows that may not be real
37 windows but decoration. His concern is relative to the kinds of things the City is trying to think
38 about for a small town character. He asked if this is the right solution, or is it expressing a
39 "cartoon, Hollywoodesque façade" rather than a simple honest piece of architecture. Mr. Petit
40 stated it may not be relevant since it is not on the table right now but he wanted to offer that
41 because it has its complications. He stated the plan shows 19 different materials on two
42 buildings, which presents an unwarranted level of complication in what the City is trying to
43 achieve in terms of regionalism.

44
45 Mary Bader, 117 Peavey Lane, stated this is an intersection that all of us go past almost every
46 day so all have an interest in this, not just the neighborhood. She stated she had not thought

1 about the comments made by Mr. Petit, but found them to be good comments. Ms. Bader stated
2 her concern is that this would be a busy retail operation at a corner where it is not zoned for a
3 retail operation. She stated the Bank PUD was rather strict in wanting to keep that at a certain
4 level of activity since it is adjacent to a fine residential neighborhood. Ms. Bader stated the
5 current site with the Bank is not offensive and is quieter but this will be something different with
6 a very busy drug store. She stated she would welcome Walgreens to town but this is not a good
7 place for any retail operation. Ms. Bader stated she is also concerned with the red lighting that is
8 implicit with a Walgreens since the red Edina Realty sign is on the other side of the street, and it
9 will effect residents down the hill and not just the Benton Avenue neighborhood. She found this
10 would not be a good transition or what was envisioned by the Comprehensive Plan or when the
11 original PUD was granted. Ms. Bader stated another issue is the high level of traffic generated
12 by a successful Walgreens and that the intersection cannot handle it. She stated she is concerned
13 with the closing of Elm Lane, which is an outlet for this neighborhood, and she cannot envision
14 making a left turn out of Benton Avenue with how busy Wayzata Boulevard already is. Ms.
15 Bader urged the Planning Commission to not recommend this project to the City Council.

16
17 Gary Knight, 146 Benton Avenue, stated getting out of Benton Avenue is very difficult and he
18 disagrees with the comments by Ms. Bader because if traffic is already stacked on Elm Street,
19 you have to turn right, leave the neighborhood, and make a circle. He stated that is his concern
20 with the traffic.

21
22 Pat Broyles, 212 Benton Avenue, stated she is concerned about having Elm Lane closed because
23 she always takes a left out of Elm Lane when wanting to travel north to be able to go east
24 because it is a "mission impossible" to take a left out of Benton Avenue. She stated if traffic
25 increases, and Elm Lane is not closed, she could take a right, then left at the light on Wayzata
26 Boulevard, to get to 394. But, closing Elm Lane would be detrimental. Ms. Broyles stated
27 another project is being considered with an additional five houses resulting in even more traffic
28 trying to get out of Benton Avenue. She reviewed and then provided staff with written
29 information from an appraiser indicating property values will be lowered on properties
30 overlooking a commercial property as the number of buyers willing to purchase a home
31 overlooking a commercial property is smaller. Ms. Broyles asked staff to provide copies for the
32 Planning Commission and City Council. She stated she would not like to see a Walgreens at this
33 site, noting it is requesting to be open from 8 a.m. to midnight, and she would not like to see Elm
34 Lane closed.

35
36 Becca Lundburg, 119 Benton Avenue, asked whether the Planning Commission had received
37 information on reconfiguring Superior Avenue and Wayzata Boulevard post Presbyterian Homes
38 construction. Chair Gonzalez stated they have not. City Planner Gadow stated it is still under
39 discussion and design.

40
41 Ms. Lundburg asked the Planning Commission to take that redesign into consideration. She
42 stated she lives at the first house on the south side of Benton Avenue and since Presbyterian
43 Homes has been under construction, she has noticed an appreciable increase in the level of traffic
44 with east bound Wayzata Boulevard traffic backing up almost to Broadway. Ms. Lundburg
45 asked the Planning Commission to consider how to assure the neighborhood has good access to
46 Benton Avenue and the future project of Superior Avenue at Wayzata Boulevard.

1
2 Jim Richter, 152 Benton Avenue, stated his house backs up to Wooddale. He stated he favors
3 closing Elm Lane because it would provide a better buffer for the neighborhood and eliminate
4 cross traffic flow.

5
6 Anna Boeder, 123 Benton Avenue, stated at the last meeting they talked about the phasing of the
7 development and when the plat would be drawn up. She stated it is important to the
8 neighborhood that the homes are built in conjunction with the project to assure they are
9 constructed. Chair Gonzalez stated that will be addressed by the Planning Commission when it
10 discusses the project.

11
12 Ms. Boeder stated her endorsement for the project because it will be a huge improvement for the
13 neighborhood; however, she is concerned with traffic flow in and out of the neighborhood. She
14 stated she thinks Elm Lane as it is today is not safe to travel so she prefers to have it closed to
15 incoming/outgoing traffic. Ms. Boeder stated she lives two houses in off Wayzata Boulevard but
16 prefers to have one entrance and exit point.

17
18 Lisa Jarosh, 141 Benton Avenue, stated she wants Elm Lane closed because she finds it is easier
19 to get back on their street by coming up Highway 101 and turning onto Elm Lane because people
20 do not expect you to turn right after the light. *(Note: Ms. Jarosh corrected this comment later in*
21 *the meeting.)*

22
23 Joann Birkholz, 140 Benton Avenue, stated at the last meeting she shared her thoughts on this
24 project, especially backing up to the new site of the Walgreens parking lot. She asked the
25 Planning Commission to continue addressing potential light pollution and stated she would
26 encourage additional screens around the lights as mentioned by Mr. Kohler. She asked that the
27 trash dumpsters be stored indoors as there is a lot of disruption in that area. Ms. Birkholz asked
28 if there will be a dedicated walkway for Benton Avenue neighbors to be able to walk across the
29 site to access Lunds and Colonial Square. With the adjustment in elevation, she wanted to make
30 sure the issues of drainage are addressed to assure it is appropriately handled and directed away
31 from the neighborhood. Ms. Birkholz asked that there be a plan for maintaining and improving
32 the shrubs/trees that will be planted. She stated the midnight closing for Walgreens is late for
33 being in a residential neighborhood, noting the lights will then not go off until after midnight as
34 they will stay on for about one-half an hour after closing. She agreed with the timeframe for
35 building the homes to assure they are constructed. Ms. Birkholz stated she wants to be sure there
36 is adequate space for snow storage because currently it is pushed from the curve and into her
37 driveway. She agreed that the Benton Avenue and Wayzata Boulevard intersection is
38 challenging but what is more challenging is traffic speeding around the corner and asked if the
39 City can consider having a "No Turn on Red" or to temporarily stop traffic during the
40 interchange and especially for pedestrians. She noted the green box is placed in a way that
41 makes it hazardous for pedestrians to cross even at the signal light. Mr. Birkholz stated her
42 husband would like the City to consider signage recognizing the Benton and Byrondale
43 neighborhoods at the park on the corner.

44
45 Sandy Maclean, 224 Benton Avenue, stated this discussion has been going on for two years and
46 the Bank has been wonderful in working with the neighborhood and everything you see has been

1 neighborhood driven. Ms. Maclean stated there is a lot of neighborhood support for this project
2 but the timing for construction of the residential homes has always been of concern for the
3 neighborhood and the Bank provided a good solution because it may open the opportunity for the
4 property to the north to also go to single family. She agreed that traffic is an issue getting out
5 of Benton Avenue; however, it does not matter if the traffic is coming out of the Bank or Elm
6 Lane, you still have to make a left turn across all of the lanes. Ms. Maclean stated relatively
7 speaking, traffic will increase but not to the degree when Presbyterian Homes goes in and that
8 has to be dealt with. She stated overall, as a neighborhood, she has been very pleased with the
9 way the process has gone and the majority would endorse this project going forward.

10
11 Lisa Jarosh, 141 Benton Avenue, corrected her earlier comment and stated she wants Elm Lane
12 to remain open.

13
14 There being no comment, Chair Gonzalez closed the public hearing at 8:08 p.m.

15
16 Chair Gonzalez asked the Planning Commission to first address the amendment to the PUD.

17
18 Commissioner Vanderheyden stated he is okay with the amendment to the PUD but needs to
19 address store hours as a tactic. Commissioner Pearson stated he is in favor of the PUD.
20 Commissioner Cooper stated she is in favor of the PUD with conditions. Commissioner Iverson
21 stated she wants to honor the original PUD and statement that the Bank had to control
22 development of that property. Commissioner Ramy stated he is not necessarily in support of the
23 PUD. Commissioner Crowder stated he is against the PUD.

24
25 Chair Gonzalez asked what conditions the Planning Commission would like to see attached.

26
27 Commissioner Vanderheyden supported a condition on hours of operation, noting the applicant
28 is asking for 6 a.m. to midnight. He stated a 10 p.m. closing is the maximum he would support.

29
30 Commissioner Pearson stated a lot of people go to work very early and 6 a.m. is not an
31 unreasonable time to open but he would be more concerned with the closing time.

32
33 Commissioner Cooper agreed and stated 6 a.m. is fine but it should be closed at 10 p.m.

34
35 Commissioner Iverson stated there are broader issues to hone in on before hours of operation so
36 she has no comment on that.

37
38 Commissioner Ramy stated opening at 6 a.m. on weekdays would be fine with him but it would
39 not be necessary on the weekend and closing at midnight would be unreasonable for him.

40
41 Commissioner Crowder agreed.

42
43 Chair Gonzalez stated many businesses have different hours throughout the week. She felt it
44 would be reasonable to request a business to close earlier so neighbors can enjoy peace and quiet
45 several days a week. She asked the Planning Commission to address project design and which
46 design they supported.

1
2 Commissioner Iverson stated she cannot answer that question because she has not seen real
3 detail of what is being proposed or enough time for study to be able to make a recommendation.
4

5 City Planner Gadow presented Design Option #2 that was received last week and included in the
6 meeting packet and Design Option #3 that was provided today.
7

8 Commissioner Iverson stated there are no elevations for Design Option #3.
9

10 City Planner Gadow stated he received an additional photo from a neighbor that was provided to
11 the applicant so in reaction to that photo, the applicant submitted a building redesign (Design
12 Option #3).
13

14 Commissioner Vanderheyden asked if the rest of the conversation becomes irrelevant if the
15 Planning Commission does not pass the PUD. City Planner Gadow stated the Planning
16 Commission should provide a recommendation to the City Council on all of the application
17 components.
18

19 Commissioner Vanderheyden stated he prefers Design Option #3 to the other two design options.
20

21 Commissioner Pearson stated he is comfortable with Design Option #2 and is having a hard time
22 developing an opinion on Design Option #3 but does not like it as much as Design Option #2.
23

24 Commissioner Cooper stated she likes Design Option #3 better and would be in favor of seeing
25 plans for that option.
26

27 Commissioner Iverson stated she does not have enough information as to details aesthetically,
28 what happens with windows on the second floor, or building materials so she cannot make an
29 educated recommendation.
30

31 City Planner Gadow displayed Design Options #2 and #3, noting Design Option #3 uses more
32 uniform building materials and roof type.
33

34 Commissioner Ramy stated he was more in favor of Design Option #3; however, the scale seems
35 to be superimposed on the intersection giving it the appearance of a medieval fortified city on a
36 hill.
37

38 Commissioner Crowder stated no matter the color of the dress, when put on a toad it is still a
39 toad. He stated he finds this to be franchise architecture and if you put all three proposals in
40 front of people and said it was a Walgreen's, all would agree it is. He stated if there is a
41 Walgreens in this area of Wayzata, he wants it to be unique and compatible with the image we
42 have of the City and that people will be surprised that it is a Walgreens. Commissioner Crowder
43 stated he has seen the Walgreens in St. Louis 50 times.
44

1 Commissioner Iverson stated it has not been brought up to ask if this is even the right location,
2 noting there is tons of vacant space at Presbyterian Homes. She stated she struggles with
3 whether this is the right location for a Walgreens.

4
5 Chair Gonzalez asked the Planning Commission to address design review and asked staff for
6 guidance on timing to assure the residential lots will be single-family homes even if this
7 developer is not able to sell very expensive homes on the site. City Planner Gadow stated what
8 is being proposed as three lots are zoned R-3a and guided in the Comprehensive Plan for single-
9 family residential. But, to give an additional level of comfort, a condition could be placed
10 requiring a deed restriction on these three lots so the properties have to remain single family and
11 cannot be used for commercial.

12
13 Chair Gonzalez stated a zoning of R-3a would also allow multi family. City Planner Gadow
14 stated that could only occur if the lot are 18,000 square feet or greater and upon review and
15 approval of a CUP by the Planning Commission and City Council.

16
17 Commissioner Crowder stated a deed restriction does not mean that the single-family homes get
18 built but means the only thing that could be built is private homes. He stated it could occur that
19 the Bank and Walgreens are built and then the City is told they cannot find builders/buyers for
20 residential homes and they return with a request for something else. Commissioner Crowder
21 stated there is no guarantee unless it is required that the houses are constructed first.

22
23 Commissioner Vanderheyden suggested that in Phase 4, Walgreens development, that Walgreens
24 does not open until a certificate of occupancy is issued on the first home constructed on one of
25 the three lots. That would be a must have in this deal that binds those properties to the action
26 intended and not to a deed restriction that could be undone at some future date.

27
28 Chair Gonzalez asked how legally the City can hold up a business from opening subject to a
29 condition that depends on a third party.

30
31 City Attorney Schelzel stated the City has several mechanisms to address all the concerns talked
32 about. He stated at the highest level, it is what the Comprehensive Plan directs on the land and if
33 it guides towards residential, that is what has to go in until the Comprehensive Plan is changed.
34 The next level is the Zoning Ordinance. This property is partly zoned for a particular PUD and
35 another part for R-3a, which is residential. He explained the Comprehensive Plan and Zoning
36 Ordinance would have to change for the property to be developed into something that is not
37 residential. The deed restriction would be another layer of protection to stop those properties
38 from becoming something that is not residential. But, as it has been pointed out, to assure new
39 residences are constructed you would need agreement with the landowner and developer. A tool
40 the City has is a development agreement that is often used with PUDs or projects of this size.
41 City Attorney Schelzel stated this project involves a PUD and another piece of property so the
42 development agreement can cover the entire project being proposed and will lay out the stages of
43 development, time tables, and what has to happen before other things can happen. He stated a
44 condition can be placed to require a development agreement that covers those particular pieces.

1 Chair Gonzalez asked if the PUD will need to extend into the residential area. City Attorney
2 Schelzel stated not necessarily, as PUD is a zoning piece and from a planning perspective the
3 Planning Commission would not want to do that since there is not a request for rezoning of that
4 piece.

5
6 City Planner Gadow stated the development agreement would cover both the commercial
7 property zoned PUD and the three residential lots currently zoned R-3a.

8
9 Commissioner Iverson asked if development agreements have been amended before. City
10 Attorney Schelzel answered in the affirmative and explained the City has made amendments to
11 development agreements over time but that would be done by the consent of a future City
12 Council.

13
14 Chair Gonzalez stated at the last meeting the applicant was under the impression that the Zoning
15 Code would not allow building of the homes before the platting. City Planner Gadow stated the
16 PUD has to be amended to allow two commercial structures on one lot.

17
18 Mr. Kohler stated in the City's ordinance you need to have the home design approved prior to
19 platting individual lots. He stated Dave MacPherson of Steiner & Koppelman, Inc., the architect
20 of the homes is in attendance tonight to hear the Planning Commissioner's comments on the
21 design of the homes.

22
23 City Planner Gadow stated the platting occurs in phases: concurrent preliminary and final plat
24 for the commercial piece; preliminary plat to set the boundaries of the three single-family homes;
25 and, final plat to approve the three single-family homes with review and commentary on the
26 single-family home design. Since the homes are not yet designed, the Planning Commission can
27 consider a condition requiring the applicant or future owner to have the home plans reviewed
28 prior to issuance of a building permit for those three lots.

29
30 Chair Gonzalez asked for comment on vacation of the street.

31
32 Commissioner Crowder stated if the project is approved, he has no problem with the street being
33 vacated.

34
35 Commissioner Ramy stated he agreed with that comment.

36
37 Commissioner Iverson stated it is hard because the Planning Commission has heard from both
38 sides tonight.

39
40 Commissioner Cooper stated if the project goes forward, she does not have a problem with
41 closing the street.

42
43 Commissioner Pearson stated he is a little concerned there is not a broader strategic plan for
44 traffic generally. He stated he cannot answer that one question outside the context of a broader
45 plan.

46

1 Commissioner Vanderheyden stated he favors vacating the street presuming the City will take
2 some action on Benton Avenue to take the pressure off it strategically.

3
4 Chair Gonzalez stated most Planning Commissioners have indicated they favor Design Option
5 #3 so the application will have to come back.

6
7 City Planner Gadow stated if the Planning Commission wants more detail on Design Option #3 it
8 can be requested. In parallel, if the Planning Commission is ready to direct staff to prepare a
9 Planning Commission Report and Recommendation, it and the information on Design Option #3
10 can both be reviewed at the next meeting. In order to do that, a motion would be needed to
11 direct staff to write that Report, any conditions associated with that report, recommendation for
12 approval or denial, and findings associated with the recommendation. City Planner Gadow
13 stated the majority of items are the same between Design Option #2 and Design Option #3 in
14 terms of percentage of materials but there is a change out in materials to simplify them and a
15 change in the roof design.

16
17 Chair Gonzalez referenced the design review standards and noted the south façade facing
18 Wayzata Boulevard has 50.7% glass but the Code requires transparent glass and if there will be
19 posters in the windows, the required 50% transparency would be lost. City Planner Gadow
20 stated the Code does not make a distinction between transparent glass and transparent glass with
21 something affixed to it. The Code allows no more than 50% of the window to have signage so
22 the south façade facing Wayzata Boulevard complies with the design standards. He stated at the
23 last meeting, the Planning Commission discussed limiting the amount of signage that can be
24 affixed to the windows and that condition can be considered as part of a recommendation.

25
26 Commissioner Cooper stated she would favor having no posters in the windows, but does not
27 know how reasonable that would be.

28
29 Commissioner Crowder stated when the Planning Commission was talking about the design, the
30 majority of Commissioners liked Design Option #3 better than Design Option #2 but he does not
31 know if the majority meant they would recommend approval of it. He asked how you can do a
32 design review in this case.

33
34 Chair Gonzalez stated City Planner Gadow has asked the Planning Commission to indicate what
35 should not apply so that will have to be left to a future review.

36
37 City Planner Gadow stated the Planning Commission has several options. If there is support for
38 the applicant to move forward with Design Option #2, the Planning Commission can complete a
39 design critique and make findings on that design option. However, if the Planning Commission
40 is interested in more detail on Design Option #3, it would hold off on that design review until
41 additional information has been provided by the applicant. Separate from that is the discussion
42 on the Anchor Bank building, which has not changed much since the August 5, 2013, meeting.

43
44 Chair Gonzalez referenced Page 6 indicating Anchor Bank has more metal than allowed by the
45 Ordinance and asked if the Planning Commission is comfortable recommending a deviation to
46 allow additional metal on the Bank.

1
2 Commissioner Ramy stated he took pictures of the Anchor Bank in St. Paul that has similar
3 design elements and unless you knocked on the material, you would not know it is made of
4 metal. It appears to be a painted surface like a wall.

5
6 Commissioner Vanderheyden stated he has no concerns with that deviation. Commissioner
7 Pearson stated on that lone issue, the deviation is okay with him. Chair Gonzalez stated she is
8 also comfortable with that deviation. No other Commissioners voiced an objection to
9 recommending the deviation.

10
11 Chair Gonzalez asked whether both sites have to have bicycle racks and benches required under
12 the design standards. City Planner Gadow stated if there are more than 20 parking spaces, four
13 bike parking spaces are required. He stated the applicant may be willing to provide a bicycle
14 rack and benches for both sites. Commissioner Vanderheyden stated the document indicates it
15 does exist in both.

16
17 Chair Gonzalez offered a condition that every tree planted should be at least three-inch caliper as
18 required in the Design Standards, not two-inch caliper as proposed in the submission.

19
20 Commissioner Iverson supported a condition to require them to do everything possible to save
21 all trees on the south side, including brining in a civil engineer to assist.

22
23 Chair Gonzalez stated another condition she would like to see attached is no outside storage or
24 dispensers.

25
26 Commissioner Ramy stated Commissioner Iverson made that observation and he thinks outside
27 storage would clutter the area and further distract from the aesthetics.

28
29 Commissioner Iverson asked how the Planning Commission discusses the larger issues such as
30 traffic and what the Comprehensive Plan states. She stated it is hard for her to make a decision
31 on this when she thinks there are bigger issues that are not addressed.

32
33 Chair Gonzalez stated the Comprehensive Plan was discussed for a considerable amount of time
34 at the previous meeting including extensive citations on what is and is not required. She stated
35 the Planning Commission is faced with a site that no longer meets the needs of the landowner so
36 they are proposing a different use and the Comprehensive Plan tells us we need to enforce and
37 enhance residential neighborhoods, as discussed at the previous meeting.

38
39 Commissioner Iverson stated in the Comprehensive Plan, Chapter 3, Pages 3-6 specifically talks
40 about over building and the Planning Commission did not get into a lot of dialog. Chair
41 Gonzalez stated the Planning Commission will talk about that but is talking about a few
42 conditions now. She stated that will be talked about when it comes back.

43
44 City Planner Gadow asked Commissioner Iverson what is the concern. Commissioner Iverson
45 stated she hears the comment about "will you recommend approval" but at this point, she does
46 not think there is enough information to make a recommendation for approval or denial. She

1 stated the traffic study needs to be looked at more and the Planning Commission has not
2 discussed it tonight. Commissioner Iverson stated no one has voiced opinion or held a dialogue.

3
4 Chair Gonzalez stated the concerns about traffic will be discussed but the Planning Commission
5 has to remember there is only so much it can control because there is a County road and City
6 road and the issues that need to be resolved are beyond the control of the Planning Commission.

7
8 Commissioner Ramy asked if County approval is needed to get the additional turn lane. City
9 Planner Gadow stated the County would have to be a participant.

10
11 Commissioner Iverson stated the City has been addressing the traffic issue since 2005, as stated
12 in the traffic report. City Planner Gadow stated that was part of the Bay Center project, not a
13 traffic study for the entire City. Commissioner Iverson asked if the City has found resolution for
14 the findings made in 2005. City Planner Gadow stated he would have to review what those
15 findings were.

16
17 Chair Gonzalez stated there is a project to reconfigure the intersection of Superior Boulevard,
18 Wayzata Boulevard and Central. City Planner Gadow stated as part of the Bay Center Project
19 approval, there is preliminary discussion of redesigning the Superior Boulevard and Wayzata
20 Boulevard intersection to make easier ingress/egress for the Benton Avenue neighborhood and
21 adjacent areas. That has not yet been finalized and will not be constructed until the Bay Center
22 is fully built out.

23
24 Commissioner Iverson stated this is a big development for a very little City that will impact
25 streets and there is a proposed plan but the Planning Commission has not seen it. She asked how
26 she can make an intelligent recommendation on a project that will impact roads when she does
27 not know what the resolution is.

28
29 Commissioner Cooper stated in 2004, the Providence Academy application was denied primarily
30 because of traffic issues. Commissioner Vanderheyden stated it was before 2004.
31 Commissioner Crowder stated that is not why the Providence Academy application was not
32 approved. It was because the land was not big enough to deal with the school they wanted to
33 build (K-12).

34
35 Commissioner Cooper stated traffic was a consideration with that application and a traffic study
36 was conducted. She stated since then, traffic has increased a lot. She stated she lives west on
37 Wayzata Boulevard and traffic is backed up almost to Broadway. With Presbyterian Homes
38 coming in, she felt the County and City should look at what it is going to do with that
39 intersection because traffic will continue to get worse. Commissioner Cooper stated the
40 proposed development will congest traffic.

41
42 Commissioner Pearson stated he has no further comment.

43
44 Commissioner Vanderheyden stated the SRF traffic study conducted for this project was fairly
45 comprehensive. He agreed with comments made of general concern, but he is not a traffic
46 expert. He stated the City hired one, who rendered an opinion that these intersections will still

1 operate at an acceptable level of performance. Commissioner Vanderheyden stated he is not
2 well equipped to question an expert's opinion, an expert who was hired at the request of this
3 Commission that is now questioning the result.

4
5 Commissioner Crowder stated he questions the opinion because he sees things in the traffic
6 report that say, using the ITE Trip Generation Manual, 9th Edition, there will be 1,000 trips in
7 and out of the current Bank configuration. But, in reality, it was 335. Using that manual, it was
8 300% off but the *Manual* was still used to determine what the pass-by trips will be. He asked
9 why he would assume the number estimated for pass-by trips is accurate when they are 300% off
10 using that *Manual* on another part. Commissioner Crowder stated here is not someone here to
11 ask that question.

12
13 Commissioner Vanderheyden stated he respects that opinion and if you look at the shopping
14 center data submitted for the Presbyterian Homes development, which was 70-80% of total
15 traffic volume, it assumes shopping center density yet the second tenant is not a retail operation.
16 He stated he respects the view and that you can be off by 300% but is offering a counter that it is
17 equally unlikely we will see the volume of traffic that we think will come from the Presbyterian
18 Center as is conjectured in that report. He stated his only point is that he has no better level of
19 expertise than what we hired to render and if we do have a better level of expertise, let's go get
20 it.

21
22 Commissioner Iverson stated Attachment B talks about the 2018-year build conditions and states
23 we will experience heavy to significant delays during the morning and afternoon peak hour. It
24 also says motorists approaching Benton Avenue will expect to experience heavy delays during
25 morning and afternoon peak hours. She stated there is verbiage that they do not see it as being
26 okay but are concerned with heavy delays and heavy traffic.

27
28 Commissioner Vanderheyden stated he was trying to draw a causal line between this
29 development and that outcome. He stated he thinks all have valid concerns about traffic and his
30 narrow question is the overall impact of the traffic situation as it relates to this project.

31
32 Chair Gonzalez stated there is a traffic problem and the City Council and County need to come
33 up with creative solutions. She stated this project will create a little more traffic but not so
34 dramatic it justifies stopping the whole thing. She stated that is a policy question for the City
35 Council. Chair Gonzalez asked if there is such a high level of concern with the traffic that those
36 Commissioners would recommend denial.

37
38 Commissioner Iverson stated that is a potential.

39
40 Commissioner Ramy stated with the "straw that breaks backs," that would be one of them.

41
42 Commissioner Crowder stated it is a contributing thing, but not the main thing.

43
44 Commissioner Cooper agreed it is a contributing thing but for her it does not break it.

45

1 Commissioner Pearson stated he generally supports the project but is troubled and not convinced
2 by the traffic information. He stated he does not see how this will not make what is already a
3 bad situation worse and it seems to him we should work on fixing that as part of this.

4
5 Chair Gonzalez stated it may contribute and maybe the Planning Commission should recommend
6 a right turn only or some measure that can be implemented. However, she felt that should be left
7 to the City Engineer or City Council working with the County. Chair Gonzalez stated once the
8 new driveway is into this commercial development, it will line up with the shopping center
9 across the street so traffic may dart across the highway. She stated the City may want to look at
10 barriers to restrict left turn movements to reduce the number of accidents.

11
12 City Planner Gadow stated the County has indicated it wants the Colonial Square drive to align
13 with this new drive.

14
15 Chair Gonzalez stated the Planning Commission's comments will make the City Council aware
16 of the concerns that need to be looked into. She asked if the Planning Commission supports
17 asking the applicant to submit additional information.

18
19 Commissioner Vanderheyden stated he would support asking the applicant to submit additional
20 information on Design Option #3.

21
22 Commissioner Pearson stated he would not object to requesting additional information but from
23 what he has seen so far, he generally favors Design Option #2 because he has not seen enough
24 information about Design Option #3.

25
26 Commissioner Cooper stated she supports reviewing additional information on Design Option
27 #3.

28
29 Commissioner Iverson stated she is in favor but also further investigating the option raised by
30 Commissioner Crowder to challenge the architect further to come up with a design that is not as
31 common.

32
33 Commissioner Ramy stated they seemed to listen at the previous meeting and came up with a
34 design that closed the gap in the decision to recommend approval; however, he remains
35 concerned with how it reconciles with the Comprehensive Plan. He stated he is willing to
36 review any additional information that comes forward.

37
38 City Planner Gadow stated to continue review of the project he would suggest the Planning
39 Commission request additional detail on Design Option #3 and staff would prepare a design
40 critique on that option for consideration at the next meeting. He stated in parallel, the Planning
41 Commission could direct staff to also prepare a Report and Recommendation so it can be
42 finalized at the next meeting.

43
44 Commissioner Pearson supported making a definitive decision at the next meeting so it does not
45 go to a fourth meeting.

46

1 Commissioner Vanderheyden stated if the Planning Commission requests staff to prepare a
2 Report and Recommendation with a condition of store hours, can the Report and
3 Recommendation be modified with further conditions at the next meeting. City Planner Gadow
4 answered in the affirmative and stated it would be a draft Report and Recommendation for
5 review and modification at the next meeting.
6

7 Chair Gonzalez asked about the timing of City Council consideration and the 60-Day Rule. City
8 Planner Gadow stated the next Planning Commission meeting is not until October 7. If the
9 Planning Commission makes a recommendation on October 7, the City Council would begin
10 review on October 15, 2013. He stated staff sent an extension letter to the applicant last week so
11 the review "clock" has been extended to November 12, 2013.
12

13 Commissioner Vanderheyden made a motion to direct staff to prepare a Report and
14 Recommendation of approval for the revised development application from Anchor Bank and the
15 Leo and Algna Lund Partnership for an amendment to the PUD, concurrent preliminary and
16 final plats, site plan review, street vacation request, drive-thru CUP, and request the applicant
17 submit a more detailed set of drawings for Design Option #3 for project design review at the
18 October 7, 2013, meeting, subject to the following conditions:
19

- 20 1. Walgreens shall not open until a Certificate of Occupancy is issued on the first house
21 constructed on one of the three residential lots
- 22 2. Deed restriction with the land and development agreement condition so the three new lots
23 will be restricted to single-family homes
24

25 Commissioner Crowder supported staff also drafting a Report and Recommendation for denial as
26 three Commissioners had indicated during a straw poll that they did not support the application.
27

28 Chair Gonzalez stated she has not yet made a decision. Her initial reaction was that it did not
29 meet the requirements of the Comprehensive Plan and not in the spirit of the original PUD.
30 However, things have changed and if the Planning Commission can have a project that will make
31 sure the residential lots remain residential and homes are constructed, she is more willing to
32 support an amendment to the PUD and vacation of the street subject to reasonable conditions.
33 She stated this is a difficult decision because there is a lot of empty office and retail space in
34 Wayzata. Chair Gonzalez stated she would like to know if there is a way to amend the CUP so
35 there cannot be a further expansion of retail in the event the Bank is not successful and vacates
36 that building. She wants to assure that building does not become a retail use.
37

38 City Attorney Schelzel stated the PUD would restrict the use so if the Bank went away and a
39 new application came forward that did not include a bank, it would require an amendment to the
40 PUD. He stated the City holds a lot of discretion with the PUD process and recommended it be
41 left to the PUD.
42

43 Commissioner Iverson stated the Planning Commission is considering doing exactly what the
44 original PUD wanted to restrict, adding further retail and development. She stated this was set
45 up years ago.
46

1 Chair Gonzalez stated that was 20 years ago and times have changed.

2
3 Commissioner Crowder stated what has changed is that the property owner is not making the
4 money they were making so they want it changed to retail to make more money. He stated it
5 may be that what is best for the City has not changed and to not have retail on that corner is still
6 viable.

7
8 Chair Gonzalez stated that is how she felt until now and to assure, if approved, that the
9 residential lots become homes and the existing neighborhood is protected.

10
11 Commissioner Iverson stated that can occur with any redevelopment that comes forward. She
12 stated Presbyterian Homes has over 100,000 square feet of empty retail and she does not want to
13 see it become vacant for years and years. If the demographics for Presbyterian Homes are more
14 in line for a Walgreens down there, she felt their argument for why they did not want to put it in
15 that location was not a strong argument. She stated her concern is the City will have a lot of
16 empty retail.

17
18 Chair Gonzalez stated the Planning Commission needs more discussion on the Comprehensive
19 Plan. City Planner Gadow stated there is a motion on the floor that has not yet been seconded
20 and needs to be dealt with first.

21
22 Commissioner Pearson seconded the motion.

23
24 Commissioner Vanderheyden added the following condition:

25
26 3. Walgreens store hours of 6 a.m. to 10 p.m. and delivery time from 8 a.m. to 8 p.m.

27
28 Chair Gonzalez stated she would support store hours of 6 a.m. to 8 p.m. at some point during the
29 week. She stated she felt 10 p.m. was too late since the lights will not go off for another half
30 hour.

31
32 Commissioner Pearson stated some people get home from work later and he does not think a
33 close at 10 p.m. is unreasonable.

34
35 Commissioner Cooper stated she agrees and noted the Walgreens in the strip center will go away
36 and the Lund's pharmacy does not stay open until 10 p.m. She stated she has had situations
37 where she needed to get a prescription but could not because it was too late. Commissioner
38 Cooper stated she thinks hours of 6 a.m. to 10 p.m. across the week are reasonable.

39
40 Chair Gonzalez stated she will then withdraw her comment. She supported a requirement for
41 dimmers on light fixtures closest to the neighborhood. City Planner Gadow stated the applicant
42 has indicated they can adjust lighting for the signage from inside the store and add screening of
43 the light fixtures.

44
45 Chair Gonzalez offered a friendly amendment to add a condition to require additional screening
46 on parking lot light fixtures to prevent broadcast into the residential neighborhood.

Commissioner Iverson stated the applicant has not submitted a full signage plan and that is a required document for most communities in which she works. City Planner Gadow stated the submittals include signage plans for both buildings in images as well as charts. Commissioner Iverson stated the signage package should be a separate document so the size and scale of the signs can be seen.

Todd Mohegan, Mohegan Hanson Architectural Group representing Anchor Bank, stated all of the signs are shown on the plans as required by the City.

Chair Gonzalez requested a condition that the signage contain the ability to dim the lights, as required of TCF Bank.

Commissioner Iverson asked if the proposed LED light are capable of diming. Mr. Mohegan stated as shown on the drawings, the signage lights are dimmable.

Commissioners Vanderheyden and Pearson accepted the friendly amendments for added conditions.

The motion passed 4 (Cooper, Gonzalez, Pearson, Vanderheyden) / 3 (Crowder, Iverson, Ramy).

City Planner Gadow stated for the next meeting, staff will prepare a draft Report and Recommendation and ask the applicant to submit further detail on Design Option #3.

AGENDA ITEM 3. Other Items.

a. Review of Development Activities

City Planner Gadow stated at the next meeting, the Planning Commission will continue review of the Anchor Bank/Walgreens application. At the second meeting in October, the Telecommunication Ordinance will be discussed.

b. Other Items

Commissioner Iverson stated the City Council approved the 935 Wayzata Boulevard project and continued consideration of the Sunset application pending review of the CUP and parking implications for the outdoor bar.

AGENDA ITEM 4. Adjournment.

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

The meeting was adjourned at 9:24 p.m.

Respectfully submitted,

Carla Wirth

1 *TimeSaver Off Site Secretarial, Inc.*