WAYZATA PLANNING COMMISSION
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Monday, May 15, 2023
6:30 PM

HYBRID MEETING INFORMATION

Click here to join Zoom Meeting
Meeting ID: 881 7178 5925 Passcode: 481476
Members of the public may attend this Planning Commission meeting in person, or watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at 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, 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 May 1, 2023
   b. Approval of Planning Commission Report and Recommendation of Denial for Development Applicaton at 200 Lake Street East
5. **Public Hearing Items**
6. **Other Items**
   a. Review of Development Activities
   b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:
City Council - May 16, 2023
Planning Commission - June 5, 2023

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

MEETING DATE: May 15, 2023	**AGENDA ITEM:** 4.a
TITLE: Approval of Meeting Minutes of May 1, 2023	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:
N/A

ACTION REQUESTED:
Staff recommends approval of the regular meeting minutes of May 1, 2023.

ATTACHMENTS:
1. Planning Commission Meeting Minutes of May 1, 2023

WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 1, 2023

AGENDA ITEM 1. Call to Order

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

Chair Stockton read a prepared statement outlining multiple options for joining remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

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

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

AGENDA ITEM 3. Approval of Agenda

Chair Stockton asked for a motion to approve the agenda for the meeting.

Commissioner Merriam made a motion, seconded by Commissioner Severson, to approve the May 1, 2023 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the April 17, 2023 Planning Commission Meeting Minutes
b.) Approval of Planning Commission Report and Recommendation of Approval for Design Deviations for Rooftop Mechanical Equipment at 900 Wayzata Blvd E
c.) Approval of Planning Commission Report and Recommendation of Approval for Zoning Text Amendments to Chapter 936 – Tree Preservation Ordinance and Chapter 918 – Fencing/Screening
d.) Approval of Planning Commission Report and Recommendation of Approval for Conditional Use Permits for Municipal Solar at 600 Rice Street East and 747 Mill Street East

Chair Stockton 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 Stockton asked for a motion to approve the Consent Agenda as presented.

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

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AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East

Community Development Director Goellner stated that the property owner of 200 Lake Street East, Lake West Development, LLC, has submitted a development application for a Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East. She reviewed the zoning map, the Comprehensive Land Use map, and existing conditions for the property, and gave a summary of the application.

Planning Consultant Zweber gave an overview of the proposed site plan details, renderings, elevations, density, open space, the refurbishment of east Mini-Park, west green space, building height, mezzanines, parking, loading/deliveries, design deviations, massing breaks, tree preservation, and comments from the City Engineer. He reviewed the various requests submitted with the application and what questions the Commission should consider as part of their review. He summarized the public review process, gave an overview of the concerns raised by the public, and noted that there were 23 people who attended the neighborhood meeting.

At the conclusion of Planning Consultant Zweber's presentation, Chair Stockton asked if the Commission had any questions for Staff.

Commissioner Merriam asked about the open space calculations, and asked if 30% of the development is to be open space in perpetuity.

Planning Consultant Zweber confirmed that this was correct.

Commissioner Merriam stated that the presentation showed the open space at grade, and noted that it appears as though some of those spaces are duplicated on the upper level.

Planning Consultant Zweber stated that was correct, and explained that it is possible that a person could be standing on the lower level space and the upper level space at the same time.

Commissioner Merriam asked how staff had done the calculation, and whether they added all the open spaces together and then divided it by the size of the land.

Planning Consultant Zweber stated that for residences, 500 sq. ft. per residence is needed which would equate to 15,000 sq. ft., and noted that they are providing about 24,000 sq. ft. He clarified that they take the amount of open space and divide it by the number of units.

Commissioner Merriam stated that the way this was calculated did not make sense to her because it is on different levels.

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Planning Consultant Zweber explained that when they are looking at the space, they look at all the spaces available whether it is on the ground or an upper level.

Commissioner Schwalbe asked what the actual percentage would be of open space.

Planning Consultant Zweber stated that as referenced on page 60 of the packet, the 45,516 sq. ft. equates to about 45-46%. He stated that including the balconies it is 50,539 sq. ft. which is 51.07% of the site.

Commissioner Merriam asked about the retail parking chart from the presentation.

Planning Consultant Zweber explained that the chart represents the use of the code for these specific proposed uses and gave an overview of the information.

Commissioner Merriam asked if they converted everything to retail whether they would still have enough parking.

Planning Consultant Zweber stated that if they converted all the office to retail, they would be short by 9 spaces, but if they converted some of the office to retail, the joint parking would generate 142 or less. If any of the office was converted to restaurants it would require them to increase the parking five-fold.

Commissioner Merriam asked if there was any change that would depend on the type of retail, and she gave the example of a small fitness facility.

Planning Consultant Zweber stated that was not allowed in the joint parking facilities provision, but there is language about lists of uses that are predominantly day or predominantly evening. He explained that there are different parking standards for things like a salon versus fitness or retail.

Commissioner Schwalbe asked if her understanding was correct that if approved, the residents of this building would not have designated parking spots.

Planning Consultant Zweber stated that was correct, and explained that the parking analysis they did through a consultant when this code was adopted showed that about 60% of the peak residential demand occurs during the day.

Chair Stockton asked if the building owner could restrict the parking to only for businesses in the building.

Planning Consultant Zweber explained that the code requires the landlord to describe or show how they accommodate the parking demand for these uses during the weekdays, and explained that things like signage or certain limitations would need to be a condition of approval. He noted that because this is a CUP, it is possible to put in conditions that would prohibit others that are not using this building from using that parking area.

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Commissioner Schwalbe stated that this is a long underground parking area that runs under the entire building, and asked if it would be possible that residents would not be able to park anywhere near their own unit.

Planning Consultant Zweber stated that was a plausible scenario and to make this joint facility work, a resident cannot have a reserved stall.

Commissioner Schwalbe confirmed with Planning Consultant Zweber that there is no surface parking.

Commissioner Sorensen asked if Planning Consultant Zweber felt that people parking here and walking across the street would be able to be controlled by signage.

Planning Consultant Zweber noted that there is a door that encloses this parking structure but there will be other vehicles like garbage trucks, Amazon deliveries, or tenants that come to the offices. He noted that this is controlled but did not think they could have everyone have a special key fob in order to access the parking area.

Commissioner Sorensen asked if a coffee shop would be considered a restaurant in terms of parking requirements.

Planning Consultant Zweber confirmed that a coffee shop was considered a restaurant in that scenario.

Commissioner Sorensen asked how the City could eventually incorporate some type of coffee shop or restaurant retail space in the proposed building.

Planning Consultant Zweber stated that there is probably a way to do a mix of office and retail with the requested CUP and number of parking stalls. To incorporate a restaurant, it appears as though they would need to come in and request an amendment to this CUP and show how they could meet the parking requirements. He noted that he believed the public parking lot across the street was accounted for through other fee in lieu of parking arrangements (FILOPs).

Community Development Director Goellner confirmed that at this point they have pretty much reached the limit for the public parking lot behind Ventana. She stated that another option in this scenario would be for the applicant to eventually apply for a variance from the City's parking requirement for coffee shops or restaurants, but a practical difficulty would need to be shown.

Commissioner Sorensen asked to see a rendering of lower level of Core A1, and asked about situations where there is loading and unloading and how that would work with large trucks.

Planning Consultant Zweber stated that trucks will have to back-in during one of the two directions on Lake Street. He noted that Amazon type deliveries would come into the parking structure and circle back around to exit facing forward.

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Commissioner Schwalbe stated that this is proposed about another 40,000 sq. ft. of commercial space and asked how much sq. ft. of commercial space is currently vacant in downtown Wayzata, including places like the Promenade.

Community Development Director Goellner stated that there are a few individual vacancies along Lake Street, including 201 Lake Street and the former Caribou Coffee. She noted that the Promenade area has a vacancy that is hovering around 40%. She noted that the Promenade vacancy has a single space that is 25,000 sq. ft. which is the majority of the vacancy, and explained that the others are more internal to the site and range from 1,000 to 7,000 sq. ft. She stated that, in general, she would say the space on Lake Street has been mostly leased.

Commissioner Schwalbe asked if, from the City's point of view, the City was looking for more commercial space in downtown.

Community Development Director explained that the Comprehensive Plan is looking for commercial space on the ground floor in the Central Business District. She stated that she believed it was a resilient choice for the City to have multiple smaller spaces available to multiple tenants so they can come and go as the market changes. She explained that she knows that both office and commercial users are looking for a Lake Street address, so that would be helpful in this proposal.

Chair Stockton stated that she believed that there was a current dispute between Anthropologie and the landlord related to rent, and questioned whether that was a situation that spoke to the outlook for retail.

Community Development Director Goellner stated that she could not speak to that specific situation and explained that it was a dispute between two private parties. She stated that Anthropologie is the anchor tenant in that location and an important piece of the Promenade's visibility.

Commissioner Douglas stated that the presentation mentioned the average grade plane, and asked if Core A1 with the dome conformed to the height standard.

Planning Consultant Zweber stated that for that example they would meet the height standard, as it is measured to half of the peak of the dome.

Commissioner Douglas asked who would follow up on the suggestions presented by the Three Rivers Park District (TRPD).

Planning Consultant Zweber explained that if this moved forward, staff would include the TRPD comments in the development agreement and then review them when they come in for a building permit.

Commissioner Douglas asked about the ramp entrance and how it would line up with the current east parking lot entrance.

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Planning Consultant Zweber referenced page 105 of the packet and explained that it comes in at about the property line of Ventana and Wayzata Boulevard.

Commissioner Douglas asked about the open space and noted that it appears that the driveway is coming through the park.

Planning Consultant Zweber stated that the area between the drive and the building wall meets the definition of open space. He stated that the planned sitting areas are all located east of the drive access.

Commissioner Merriam asked about the parking garage entrance in comparison to the buildings across the street.

Planning Consultant Zweber stated that page 105 shows the property lines on the north side of Lake Street.

Commissioner Sorensen asked about the elevation of the water table.

Planning Consultant Zweber stated that he would have to check those details. He explained that what in the previous application for the site they had mechanical parking structures in the underground parking that lowered cars. He stated that it was the lowering of the cars that interfered with the water table.

Commissioner Sorensen asked about impervious surface, and stated that the lot coverage implies that it is less than 75% and the impervious surface calculation is around 84.5% which is over 75%, and asked if that could be mitigated in some way.

Planning Consultant Zweber stated that there are multiple standards, and one is the shore impact plan that requires them to show how they address the stormwater. He stated that the City Engineer did review this information and found it was a sufficient stormwater system for the proposed 84.5%. Planning Consultant Zweber noted that is just one of the standards and that this is still within the view of Lake Minnetonka, and addressing the appearance of the building is the third standard. He reiterated that addressing the stormwater impacts is just one of three standards that need to be met.

Commissioner Sorensen stated that the referenced landlord controlled open space he believed applied to the plaza areas, and asked how the Commission should think about 'landlord controlled open space'.

Planning Consultant Zweber stated that within the Shoreland PUD/CUP that can be addressed through the development agreement. He stated that it may be best to ask the applicant for more specifics that address that question.

Commissioner Severson asked about the conditional use permit for multi-family residential on the ground level, and whether other buildings across Lake Street that have that use.

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Planning Consultant Zweber explained that the Wayzata Blu, Ventana, and Meyer Place properties are all zoned PUD. He explained that the requirement that staff is talking about is that in the C-4A District, ground level multi-family is a conditional use.

Commissioner Severson stated that this is currently a PUD, and asked if they were to redevelop would they be able to use the same PUD or if they would have to come back for a new PUD.

Planning Consultant Zweber explained that the current PUD was very specific for the office and bank use. He stated that they are proposing to demolish the existing building, which means that they would not be able to use the existing PUD for new development.

There being no further questions for staff from the Commission, Chair Stockton invited the applicant to address the Commission.

Kelsey Thompson, Lake West Development, 14525 Highway 7, Minnetonka, gave an overview of their most recent iteration of plan for this parcel. She stated that their plan is conforming and compliant, and noted that she feels it will be able to bring life to the property and make it feel more walkable and pedestrian friendly. She stated that she feels it also ties in nicely with the Panoway project. She introduced David Nims, from Hobbs and Black, the applicant's architect for the project.

David Nims, Hobbs and Black Architects, Ann Arbor, Michigan, gave an overview of the City's guiding principles and the 2040 Vision for the City. He reviewed points on environmental sustainability, walkability and pedestrian friendliness, connectedness, vibrant City spaces, housing diversity, ease of access to plaza spaces, open space comparisons, and massing breaks. He played a brief video that gave an overview of the proposed plans and outlined the views of the lake.

Rob Hull, JMAD Design, Minneapolis, additional applicant architect for the project, explained that they were brought into the project and tasked with creating a building that has a lot of charm and would fit into the fabric of the City. He noted that he felt a big part of achieving that task was the rotunda element that invites people towards the building and to progress down the street. He stated that another element that they brought was the variations in the building façade which has accented entries that really welcome people into the building. He explained that a key focus of their design was to be neighborhood friendly, pedestrian friendly, and create walkable spaces. He noted that they also included balcony spaces in order to bring people inside the building to the outside. He reviewed the massing break locations and explained that they were open to the public and provide 180 degree views of the lake at the ends of the plaza areas and would all be fully accessible spaces. He showed a rendering of what the building will look like from the water and assured the Commission that they had not just focused on the Lake Street side of the building.

Commissioner Douglas stated that in the neighborhood meeting they addressed one of her concerns with the last application regarding the dark side of the street in the winter. She asked if it was true that they were planning to have heated sidewalks as they mentioned in the meeting.

Mr. Nims stated that they have explored heated sidewalks and a snow melt system, but they have not designed for them yet because they have not taken the project to that level of engineering. He

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stated that he believed that there would have to be some sort of unique development agreement in order to allow piping from the building to run out beyond the property line and into the public right-of-way under the sidewalks. He stated that he believed that Lake West was open to furthering discussions on this topic if the City finds that desirable.

Commissioner Douglas stated that it is very nice near the Promenade for people to be able to walk all winter long and not have to worry about icy sidewalks. She expressed appreciation for the changes that have been made to the architecture, and noted that she believes it is a huge improvement from what was previously presented. She asked about the relationship to the railroad in the development.

Sam Diehl, Attorney for the applicant, stated that he believes the development has been designed with some of the physical features of the railroad in mind, but they have their own entitlements.

Commissioner Douglas stated that construction equipment takes up a lot of room, and they are not allowed onto the railroad right-of-way.

Mr. Diehl stated that was also his understanding and explained that he thinks that can all be accounted for given the separation between the railroad right-of-way and the property lines.

Commissioner Douglas asked what would happen if this was approved by the City and then they found out there would be issues with the railroad.

Mr. Diehl stated that if there were issues, they would address them, but noted that he does not anticipate that there will be issues.

Commissioner Douglas asked if there would be pilings for the construction.

Mr. Nims stated that when they go to begin construction, they will engage a construction manager who will come up with several solutions on how it will be best to go about constructing the edge that fronts along the railroad right-of-way. He stated that one of those solutions could be pilings, and noted that he expects that there will be many conversations with the railroad in order to determine what they want.

Commissioner Sorensen asked if they had already had discussions with the railroad about this project.

Mr. Diehl explained that it is difficult to get in touch with the railroad, but they have reached out to them and will ensure that they will not create problems with the railroad.

Chair Stockton stated that there has been a lot of time spent talking about parking and trucks. She asked the developer to share more about the intent of how move-ins, move-outs, and furniture deliveries would be handled, as well as possible interference with Lake Street.

Mr. Nims stated that they can work on developing an actual plan that goes within the development agreement itself. He stated that it will really just be about scheduling, and ensuring that the larger

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vehicles that may need to back in or out would not be coming at peak times which would have to coordinated with the tenants. He stated that he assumed that there would be a property manager that would be scheduling this on behalf of the tenants.

Mr. Diehl noted that there are two loading areas, but only one is required. He explained that the additional loading area was added in anticipation of ensuring that there is room for Amazon deliveries and turnaround space.

Chair Stockton asked if this space would also be used for daily mail delivery.

Mr. Nims noted that it could be, but clarified that they had not yet talked about daily mail delivery.

Commissioner Elg asked about signage for the businesses and offices.

Mr. Hull stated that they accounted for signage over the entrances to the various business entries. He stated that the businesses would be denoted with a covered awning, and explained that the plan would be to incorporate signage into the awnings.

Commissioner Schwalbe gave examples of coffee shops or retail shops and asked how receptive people will find that use if they have to go into underground parking in order to get there. She agreed that the City needed a coffee shop but explained that she has a hard time picturing someone going down in the parking area beneath the building to get a cup of coffee on their way to work. She stated that she was a bit concerned that there are no plans for outside surface parking.

Mr. Nims stated that they took their cues on the parking from the guidance within the Comprehensive Plan about locating it behind or under the building and out of the way. He stated that they also tried to keep as much open and active spaces for people to use at the grade and sidewalk level.

Commissioner Schwalbe asked if the developer saw any issues with the types of companies that may want to be located in these buildings based on the parking.

Mr. Nims stated that they believe the parking will provide a benefit when there is inclement weather during the winter months. He stated that from other projects they are working on in dense downtown areas, some that are also near a railroad track, the underground parking is much sought after. He noted that he had not personally seen any issues with it in other developments.

Jim McNeil, JMAD Architects, explained that St. Louis Park has a great example of a project with underground parking which is a very successful establishment.

Mr. Diehl noted that there is on-street parking in the area.

Commissioner Schwalbe stated that there is a fair amount of public open space which she likes, and asked if there would be public restrooms available.

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Mr. Nims stated that they do not currently have public restrooms in their plans, but it could be considered and included in a development agreement.

Mr. Diehl noted that some of the tenant uses, such as restaurants, may have public restroom facilities also.

Commissioner Merriam stated that within the packet it mentioned office service and the parking studies were done in accordance with those plans. However, now they are talking about retail and restaurant which may be desirable, but noted that if she looks at the parking plan, she did not think it was possible.

Mr. Diehl stated that the City's parking standards will apply regardless of the approval. He stated that there are a number of different ways to solve problems as they come up and get additional information through another parking or traffic study. He explained that the project would have to comply with the code and cannot bundle up a number of uses that are not sufficient parking to support.

Commissioner Merriam asked what 'landlord controlled open space' meant.

Mr. Diehl explained that it was not for a particular tenant, and the landlord would be responsible for upkeep and it would be accessible and open to the public.

Commissioner Merriam asked if they would be open to the public in perpetuity.

Mr. Diehl stated that was his understanding, and noted that the main areas he was talking about were the plazas. He explained that some of these areas may be used by the tenants, but they would be designed to interact with the public coming up the sidewalk.

Commissioner Merriam asked if he ever saw a scenario where those areas would be closed off to the public.

Mr. Diehl stated that he did not see a time when these areas would be closed off to the public.

Chair Stockton asked if there was a possibility to extend the parking garage on the west end beyond and underneath the garden plantings.

Mr. Nims stated that he believes that would add to their impervious surface area and does not think they can have structure underneath the ground. He noted that they were also getting close to their limitations for the robust stormwater management system.

Commissioner Severson asked what type of commercial development would be going into these buildings.

Mr. Nims stated that right now they are envisioning professional and service offices, but explained that all of the uses still need to be explored and fleshed out and they work on the general plan for the mass and scale of this project.

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Commissioner Severson asked if there were already entities that were interested in the building.

Curt Fretham, with applicant Lake West Development, stated that they have had a number of inquiries including medical, financial institutions, and a lot of restaurants. He explained that they had turned the restaurants away because of the parking situation. He stated that they are primarily seeing it as an office type use that will have really great lake views.

Commissioner Merriam referenced the landscape plans that also show the footprint of the building as well as the existing building. She stated that it looks like the existing building is probably about the same size as 1.5 of the cores.

Mr. Nims stated that he felt that was generally correct and believes it was somewhere in the realm of 250-260 feet long.

Commissioner Merriam asked about the proposed setbacks and explained that she was thinking about the pedestrian experience.

Mr. Nims stated that the setbacks wander and vary based on the site. He stated that they have incorporated building recesses in addition to the massing breaks according to the City's guidelines in order to combat the point Commissioner Merriam was trying to make about walking nearby. He stated that there are ways all along that people can sort of meander up and around the building which he feels will curb the feeling of walking next to a wall.

Commissioner Merriam stated that she would applaud the architecture because it looks really nice. She stated that the loading zone is on the very east end of the parking garage and shared the concerns expressed with semi-trucks having to back on or off Lake Street.

Mr. Nims stated that it is a pretty shallow pitch on the incline/decline of less than 5%, which means it is a walkable slope without handrail restrictions. He stated that they could take a look at making the door wider so there was less of a maneuver necessary.

Commissioner Merriam asked if they had given any additional thought to putting in an additional entrance to the parking garage.

Mr. Nims explained that in previous proposals they looked at multiple entries from both sides but that really diminishes the ability to have the cores and the use, and made it difficult to meet the minimum density standards for the residential units. He stated that the topography on the west is very severe so the ramps would have to become very steep.

Commissioner Merriam noted that the thought was that could help eliminate the need to have a truck back up onto Lake Street.

Chair Stockton asked if there may be a way to guarantee that backing up onto Lake Street does not happen with perhaps having a turnabout area within the structure, or a way to create a permeable and not often used backup area into where they currently have a garden on the east side.

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Mr. Nims stated that he could see that being a very good possibility, but they would need to take a look at the topography that exists as it comes up to the railroad track.

Mr. Diehl indicated that they do not expect there to be a significant amount of truck traffic on the site, and explained that they expect the more common use to be Amazon deliveries.

Commissioner Severson asked for a description of the parking experience that someone would have if they came to this site if she lives there.

Mr. Nims explained that there is a core that runs from the garage level into each individual core which can be fobbed for security. He stated that the elevators can also be fobbed for security so nobody that is not supposed to have access to the second floor will be able to do that. He stated that they have not yet developed the project to that depth, but reiterated that they should be able to secure the various areas via key fobs.

Commissioner Severson asked what the experience would be for a visitor.

Mr. Nims stated that they had not created the sequencing for the security measures, but noted that the guidelines direct them to obscure the parking and access as much as possible which is what is driving the element of having a door there.

Commissioner Severson asked if each individual core of the building would be mixed use.

Mr. Nims stated that there is only 1 building, but explained that cores 5 and 6 have mixes on the same level, but the rest of the cores are divided vertically from first level to second level.

Commissioner Sorensen asked if he heard correctly that the garage would not be heated.

Mr. Nims stated that they have not discussed supplying heat into that space, but noted that if that was a goal for the owner, they can certainly have that be conditioned. He noted that they will have mechanical systems to remove the exhaust, but noted that they had not yet developed those plan details.

Commissioner Sorensen stated that the site slopes from one end to the other about 12 or 13 feet and their approach is to keep the parking level flat from east to west. He asked if they had considered sloping the parking level.

Mr. Nims stated that they are staying above the ordinary high water level (OHWL) by several feet which is recommended. He stated that the elevations of the building are really determined by the sidewalk grades so the parking may not have a ton of impact on that.

There being no further questions from the Commission for the applicant, Chair Stockton recessed the meeting at 8:30 p.m. for a brief break, and reconvened the meeting at 8:37. She noted that staff had asked to make some points of clarification before moving into the Public Hearing.

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Community Development Director Goellner noted that staff wanted to comment on the loading area and the easement on the property.

Planning Consultant Zweber stated that there was a statement made about loading, and explained that he wanted to clarify what was required. He stated that there are two different proposed uses, and each use requires a loading area. He explained that the code only requires that half of the loading areas be 50 feet deep. He stated that there is currently a mini park easement located on the eastern portion of the property, and that essentially abuts the east curb line of the access point. He stated that the discussion about creating some sort of turnaround in this area would not be compliant with the mini park easement.

There being no questions from the Commission for the applicant or staff, Chair Stockton opened the public hearing on the application at 8:41 pm.

Kendra Lindahl, Landform Professional Services, 105 South Fifth Avenue, Suite 513, Minneapolis, stated that she had submitted a letter earlier in the day on behalf of her clients who are in opposition to this proposal because it fails to meet the standards in the Comprehensive Plan, the ordinances, and the City's design guidelines. She stated that she feels they have made some progress in terms of architecture, with this 5th attempt, but there are still so many questions that have been raised at previous meetings that have not been addressed. She stated that she feels the attitude of the applicant seems to indicate that they hadn't thought about or had enough time to think about those questions. She stated that this proposal has more buildings than the last iteration because they can pretend that it is just one building, but to the average person on the street it is 6 buildings. She stated that from a neighbor perspective, this is a taller building and the top of the roof line is taller than the top of the roof line on the previous building. She noted that she understands that legally it complies but noted that from a public perspective, it will still be a taller building. She stated that there was language used in the application of February 10, 2023 that they have unilaterally terminated the PUD and noted that is not something that a landowner can do. She stated that a number of concerns outlined in her letter were also raised by the Commission. She stated that this proposal has a number of issues that fall short of the City's vision and standards and at its core just does not fit on this site. She stated that there are some good aspects to this project, but it feels like it is death by a thousand cuts. She explained that they were asking the Commission to recommend denial of this request.

Bill Gleist, 215 Barry Avenue S, stated that he thinks this project looks pretty good. He stated that he was impressed with the depth of questions from the Commission. He explained that he is in favor of this and believes it is a good project for this location.

Daniel Anderson, 3540 Montgomery Avenue, Deephaven, stated that he has seen this concept a few times. He stated that he is a little miffed when people come up and say something like 'death by a thousand cuts' because there is not one building in the community that has been designed exactly to City guidelines. He stated that as a design concept architect, he travels a lot and what he sees with this design with the separation of buildings are things you do not see in this community. He stated that he thinks the architecture speaks for itself, and the pedestrian 'alleyways' create a desire to want to be in those spaces. He stated that what was built to the east is beautiful, but feels there is a reason that they are at 40% vacancy and that is because you cannot

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see the business spaces. He stated that he feels this proposal is for something that is visible and will draw people. He stated that the City needs to find a way to draw and spread out the pedestrians to encompass the whole downtown area. He reiterated that he really feels this pedestrian level will draw people down and get them beyond the Boatworks facility. He explained that he felt the proposed design was amazing and noted that he loved the different heights and peaks.

Chris Plantan, 196 Lakeview Lane, commended the developer for looking at the architecture and coming back with something that has a bit of variation, but explained that as a homeowner in the neighborhood, she was very concerned about the parking. She noted that she did not think it could be overcome with the plan that they currently have. She stated that she does not think it is a hardship of the site, but rather a hardship of the project. She stated that she lives in the area and also is a tenant in the area for her business, and parking is terribly difficult in both areas. She stated that she does not think the parking will work with the plan that has been presented, and will spill into the residential areas which will make it less charming and less residential. She stated that she felt great improvements had been made, but would like to see more done on the parking.

Darrin Rosha, Rosha Legal Group, explained that he was here representing Bruce Lee, owner of Wayzata Bay Car Wash at 143 Lake Street East. He noted that he wanted to identify a few key points coming from the perspective of a business owner. He stated that there is lost revenue from the lost business over the last years from the lack of development that should be considered. He explained that this development will bring more people to that end of downtown and would be beneficial to all of the businesses along this corridor. He stated that the businesses on this end of Lake Street rely on the work of the Council and Planning Commission to find opportunities exactly like this in seeking opportunities to improve the quality of life in the City. He noted that the community has had to move forward and find ways to make things work. He stated that from Mr. Lee's perspective, this is a very good proposal. He stated that while he was reviewing this matter, his business partner, who is also his wife, told him how attractive it was and felt the eastern rotunda was a landmark in and of itself. He stated that he feels this proposal is attractive, well lit, would improve safety, and would be a substantial step forward for the City. He stated that they are hopeful that there will be advancement in the development in the near future.

Ken Willcox, 178 Westwood Lane, commended the Planning Commission for digging into these types of projects for the City. He stated that he was pleased to see some of the changes in architecture that have been proposed, and explained that he felt it was friendly and charming. He stated that at the neighborhood meeting, one of the points he made to the developer was that they have a problem because they are building out an open space and the citizens are used to having that open space. He stated that the only reason the City has the authority to do anything with ordinances is because the State gives them the power to do in order to protect the health, safety, and welfare of the City. He stated that any deliberations that are done have to be anchored in those things. He noted that the underlying zoning is not always the most favorable for a property, and referenced the old Locust Hills project that had underlying zoning for 1 acre lots with swimming pools. He stated that through a PUD, they were able to cluster the homes and save a lot of the public open space, including the woods. He stated that in this case, going back to the underlying zoning opens up all kinds of flexibility that allows them to cover that entire open space with a building. He stated that he thinks that a PUD is the way to go, and suggested that they pull 1 or 2 of their buildings/cores out in order to preserve more open space. He stated that anytime you have

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this many issues, whether it is parking, deliveries, how office/retail is handled, it suggests that there is too much going on in this property. He stated that he believes there is too much going on and that the developer should go back to the drawing board and try another PUD. He noted that he thinks they are learning what the City wants and expects, and believes that they will be able to get there but leave some open space. He noted that he was also worried about the proximity of the railroad. He stated that he felt the railroad constituted a safety concern for the City, and did not believe that the obliteration of open space was good for the welfare of the citizens.

Director Goellner stated there were no people that called into the meeting that have asked to speak at the public hearing.

There being no one else wishing to comment on the application, Chair Stockton closed the public hearing at 8:59 pm.

Chair Stockton asked the Commission to share their questions and feedback on the application.

Commissioner Schwalbe asked staff about the change in zoning, and asked what difference or advantages there would be going from a PUD to C-4A zoning district.

Community Development Director Goellner stated that her understanding was that the applicant was interested in a route that did not include a PUD concept plan and general plan, so they have requested to rezone the property to C-4A. She noted that she cannot speak to the applicant's specific reasons. She noted that, in general, the City sees rezoning requests for a number of different reasons, and they need to look at all the different required findings in order to support a rezoning. She noted that it is important for the Commission to understand that PUDs have different criteria for approval, that are not the same list of questions that staff are highlighting for C-4A. She explained that this applicant, at this stage, is not interested in the PUD route, and would like the property to be rezoned to C-4A.

Chair Stockton asked if the Commission had any thoughts on the finding questions staff asked them to consider with this rezoning request.

Commissioner Schwalbe explained that her biggest concern was the third question on the list about whether the rezoning conforms with all the performance standards such as parking, loading, and noise. She stated that this is a beautiful building that she assumes will have expensive places to live, and she believes that each unit deserves to have two parking spots. She stated that she thinks that they need to find a way for there to be more parking. She noted that she liked what Mr. Willcox suggested about having one less core building because that would allow there to be more available parking, especially if they end up with something like a restaurant in the area. She reiterated that the parking is an issue for her.

Commissioner Sorensen stated that this is a hugely significant project for the City with a lot that is almost a quarter-mile long, and deserves a fair and diligent analysis. He stated that for the rezoning request, his initial thoughts were that it was C-4A prior to the PUD for the existing building. He stated that he does like some of the criteria that is associated with C-4A, so his initial thoughts are that conceptually it makes sense. He stated that in looking at the criteria applicable

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to the rezoning request, if the Commission looks at some of the other requests and rationale for how they think about those, they may fall in the criteria of the rezoning request as well. So, the commission may want to talk those points over prior to making a decision on the overall application.

Commissioner Douglas stated that she agreed with Commissioner Sorensen on that particular point. She explained that her main concern was also the third item of the rezoning criteria related to conforming to performance standards. She stated that when she first saw this proposal she thought C-4A would be great because that zoning supports what the City has been trying to achieve in that area of the City for a long time. However, she stated that she thinks the future use of the building will be limited because of the parking issue. She stated that she loves the new architectural design and the walkability, but she feels it all comes back to the parking and loading.

Chair Stockton stated that she initially reacted the same way to the idea of C-4A, but she also has concerns about parking and would agree that there appears to be a correlation with the number of blocks and how that impacts parking. She stated that she would echo the concerns that have been raised about parking because if parking doesn't work for the existing building, then they will really be in a pinch if they ever want to change any of the operations or functions of the retail. She noted that she had not thought about the needs for guest parking for the residents.

Commissioner Merriam stated that for the rezoning request, she looks at it a bit differently ,and feels it would be dangerous to rezone the property to C-4A without having a project that the City is in favor of. She stated that she agrees that the performance standards are a key issue, and that there is not enough parking and it will not create a good situation for the residents who live there. She stated that she likes the architecture, feels it is beautiful, and would bring vibrancy to that end of town, but it is very long with repeating elements. She explained that she was feeling a bit conflicted, and noted that if they could just reduce the amount of building there, it would reduce the parking needs which would solve a lot of issues. She noted that she would not recommend rezoning from PUD to C-4A unless a few of these changes came along so it was tweaked to fit the area better.

Chair Stockton asked what she meant by 'reduce the building'.

Commissioner Merriam explained that she meant if they took away one or two cores from the building plans.

Commissioner Severson stated that in terms of aesthetics, she felt the proposal was beautiful and commended the developers for putting something together that really fits into the community. She referenced the rotunda, the charm of the dormers, and the lightness of the materials, but noted that she would echo some of the concerns that have been brought up already. She noted that she would agree that zoning of C-4A probably makes sense for this property, but perhaps not under this project. She stated that if they had proposed a compliant C-4A project she would feel more comfortable moving ahead, but with so many things that need to be permitted and approved outside of the standards, she struggles with that request. She specifically expressed concerns with the parking, and would agree with statements made by other Commissioners that if they are paying this much money for this unit, she would like to have her own dedicated parking spot. She also

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noted that she is concerned about safety, and that the parking facility would be open to anyone and any time. She stated she thinks there needs to be a bit more thought put into the residents and their safety, how people will get into the buildings, and how they will use the parking garage. She stated that there are a lot of core buildings on the property, and would echo the same concern that it is highly dense. She stated that she agrees with the comment made earlier that the residents have gotten used to a very open space in this location, whether that is right or not.

Commissioner Elg stated that he agrees with everything that has already been said, and also feels this is a very attractive development. He stated that he is less concerned about the density than many of the other Commissioners. He stated that the massing breaks, to him, seem sufficient and the views are very nice. He noted that the vacant space on the property is not particularly attractive as it is right now, so this would be a nice replacement for that. He stated that he cannot speak to a hypothetical situation and what buyers may or may not want, but he is concerned about parking and believes it may impact the sale or leasing of the spaces. He stated that parking is his major concern because it is not very flexible and does not provide for future growth and salability.

Chair Stockton expressed additional concerns related to different parking scenarios and the flexibility to incorporate retail and/or restaurant use in the future, which she thinks is a problem. She stated that this is a beautiful proposed building, but it appears as though the Commission is struggling with the idea of rezoning the property.

Commissioner Sorensen stated that he thinks it would be appropriate to acknowledge a lot of the positive things that the developer has done since its initial application for the property. He stated that it is clear that there has been a lot of communications with the City staff. He stated that he agrees with all the positive comments that have been made regarding the architecture. He stated that he appreciated the residential feel and the overall tone and character of the proposal. He stated that he liked the concept of all the parking below grade, and that they met the density requirements. He stated that he feels the rotunda in the corner was an exceptionally good idea that softens the whole corner and could become a very well-known piece of architecture in the City. He stated that there is a whole lot about this proposal that is very positive. He stated that he would agree that the parking situation is an issue. He stated that he also feels like there needs to be a better solution that backing up trucks onto Lake Street, even if it doesn't happen very often.

Commissioner Douglas suggested that the Commission continue discussion on other items because she thinks they may be easier to deal with and then the Commission can come back to this point.

Chair Stockton suggested the discussion move onto CUP for joint use of a parking facility, and noted that their comments had already covered this item pretty comprehensively. She moved the discussion onto the request for a CUP for multi-family residential on the ground level.

Commissioner Douglas shared that her only concern on that item was whether they would be sellable. She asked if someone would want to buy a unit on the back that faces the railroad. She stated that she understands it is up to the developer whether they want to do that, but that is her only question on this item.

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Commissioner Elg stated that was also his only question, and noted that he sees no reason not to allow ground floor residential if the developer thinks it is viable and that they can be sold.

Commissioner Severson stated that she thinks they may be more private than the ground floor residential that is across the street on Lake Street, so she also does not have a problem with it.

Commissioner Sorensen stated that he also did not have a problem with this request. He noted that he also had questions about the marketability of these, but believes that is a private sector issue.

Chair Stockton stated that she thinks it is nice to have ground floor residential, and noted that it feels accessible from the street. She stated that she thinks the residential aspect of their proposal is appropriate and private. She moved the discussion onto the Shoreland residential PUD/CUP request.

Commissioner Douglas explained that the only question she had out of this whole section was regarding the negative effect on the health, safety, and welfare of residents. She stated that Mr. Willcox addressed this with the thought of there perhaps being too many cores, but noted that she would not deny it just based on that concern.

Chair Stockton stated that the thought about too many cores also came up with the parking issue.

Commissioner Elg noted that he has no issues with the Shoreland residential PUD/CUP request.

Chair Stockton moved the discussion onto the Shoreland Impact Plan CUP for impervious surfaces over 75%.

Commissioner Merriam stated that they are required to take care of the stormwater run-off.

Commissioner Sorensen stated that it appears as though they have met the requirements for the Shoreland Impact Plan CUP for impervious surfaces over 75%.

Chair Stockton moved the discussion onto significant massing break design standard deviation. She noted that she believes that the developer paid a lot of attention to this detail and thinks it is an improvement to actually have a view of the lake and be able to bring pedestrians to that level. She noted that she had served on the Design Standards Committee and appreciated the massing breaks and setbacks and detail within the design.

Commissioner Merriam stated that as long as they keep the plaza areas open to the public, she thinks that would answer the questions raised around this issue.

Chair Stockton agreed that the City would need assurance that it would be publicly accessible. She stated that she liked that they had thought through putting in an elevator for access. She noted that she walks by this property every day and can easily envision enjoying the lake views.

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Commissioner Sorensen stated that he was comfortable with this deviation but noted that they may want to pay more attention to the middle third and put in more massing breaks or to the lake views in that area.

Chair Stockton moved the discussion on to the parking structure deviation.

Commissioner Merriam stated that she was not sure she understood this item.

Planning Consultant Zweber explained that there were two parts to this deviation request. He stated that under the design standards, there needs to be a commercial use 30 feet in depth along the sidewalk and at the ground the parking structure needs to be 40 feet from the Lake Street right-of-way. He reviewed the renderings that show the entrance to the garage. He explained that every other core, along with the west third of this core, has commercial use on the ground level. He stated that there is no ground level when they look at this façade because it is a two-story parking structure with 12 feet of commercial space in front of it.

Chair Stockton stated that she believes part of that is because the land kind of curves so there is less depth to the lot in this location.

Planning Consultant Zweber stated that is one of the issues, but also raises the question of whether there is too much here because all of the other 5 cores comply.

Chair Stockton stated that having the parking being 40 feet from Lake Street is highly improbable.

Planning Consultant Zweber stated that there are two standards with 30 feet of commercial uses in front of the parking structure and the parking structure needs to be 40 feet from Lake Street so both factors need to be considered. He stated that they may determine that 40 feet from Lake Street is a undue burden in this situation but then what happens with the activity on the sidewalk on Lake Street that is lacking that 30 feet of depth of commercial use.

Commissioner Sorensen stated that it lacks the 30 foot depth but there are entrances in the commercial spaces at street level all the way down through that core.

Planning Consultant Zweber explained that a design standard deviation is different than a variance. He stated that this deviation request is for 12 feet 11 inches rather than 30 feet.

Commissioner Sorensen stated that he did not know how they could get around this other than to have the loading dock go deeper underneath.

Planning Consultant Zweber noted that there could also be less intensity on the site and explained that this only exists in the eastern 2/3 of core A1. He reviewed the setbacks from the property line, as proposed. He reiterated that at this point, there is no ‘ground level’ because it is a two-story parking structure.

Commissioner Elg asked staff to answer questions 2 and 3 for the deviation request.

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Planning Consultant Zweber asked if he was asking for staff's opinion on those questions.

Commissioner Elg stated that he feels they are both either 'yes' or 'no' questions.

Planning Consultant Zweber stated that it is not 80% retail on the ground floor, but by granting this deviation the question becomes whether they are providing greater conformity with the other standards. He reviewed the additional questions regarding alleviating undue burden on the property and whether this deviation would have a positive effect on the area.

City Attorney Schelzel stated that for design standard deviation considerations, the Commission should be thinking about it a balancing test, and explained that the applicant does not have to meet every one of these criteria. He explained that the Commission should look at the negative effect of a deviation and determine if it is outweighed by one or more of the positive factors listed in the standards. He noted that the Commission can take a look at how serious the deviation is, what kind of negative effects there are, if any, from the deviation, and if those negatives are outweighed by the positives.

Commissioner Douglas stated that she was glad to hear this explanation from City Attorney Schelzel because she thinks this is the most attractive building of the 6 cores.

Chair Stockton stated that she also feels the same way, and feels this particular core is unique and adds something different to the whole look of the building and also does everything the building design said it was meant to do, such as bring you in. She noted that she believes keeping the cars underground is ideal.

Commissioner Merriam asked about the staff report question that asked if the ground floor façade occupied by at least 80% retail, and asked if staff had included office in the retail calculation.

Planning Consultant Zweber stated that staff has discussed this and thinks that this is inconsistent with the City's other language about usage in downtown. He stated that this should probably read like C-4A, so it would be retail or service commercial. Service commercial is currently not included. He stated that granting this deviation would resolve that and would allow it to be service commercial instead of retail. He reiterated that this item of the design standards was inconsistent with the other downtown language for C-4A.

Commissioner Merriam stated that she has concerns about the parking structure overall and semi-trucks getting in there. She stated that the parking structure is a huge part of this project, and it has to work in order for this project to work.

Chair Stockton agreed that it was interrelated, and noted that she thinks if the Commission felt better about the parking, in general, the deviation probably would not be a problem.

Commissioner Merriam stated that she thinks they do need to solve the parking issue.

Chair Stockton clarified that she felt the Commission was saying that they did not mind the deviation, but there was concern about the parking itself.

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Community Development Director Goellner suggested that the Commission return to their discussion on the rezoning request.

Chair Stockton noted that the Commission had mentioned several concerns with the rezoning request. She noted that she is happy with the height, look, and style of the proposed building. She asked for guidance from staff on how they could craft a motion where they felt somethings, as proposed, are good and others were not.

Community Development Director Goellner stated that she should recognize that without approval of rezoning and the CUP for joint use of parking, it would not allow the developer to move forward with the project.

City Attorney Schelzel stated that he would agree, but because the Commission advises the Council on a decision on the entire application, he thinks that the report and recommendation can reflect a lot of the positive things that have been shared among the Commission, even if the ultimate recommendation is to deny the application because they failed to meeting things like parking. He stated that he believes that the Commission could direct staff to prepare a report that would be nuanced in this regard.

Commissioner Merriam stated that beside the fact that this does not provide adequate parking for scope of the project, she also feels like there are too many buildings from an aesthetic point of view. She stated that for the pedestrian experience, it would be nice to have more open spaces in addition to the proposed plaza. She explained that the existing building is about 1.5 size of these cores and now to have 6 of those all along this stretch will make it feel like a canyon. She reiterated the earlier suggestion of removing 1 or 2 of the cores and clarified that it is more than must the parking situation.

Commissioner Sorensen noted that one way to deal with the parking issue would be with quantity of the building structure. He stated that if they kept the parking the same, but reduced the structure, there would be more capacity for parking.

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

Commissioner Stockton made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of denial for rezoning the property from PUD to C-4A, based on criteria 2, 3, and 4; and CUP for joint use of a parking facility, basesd on criteria 1 and 2; for review and adoption at the next Planning Commission meeting; and findings of approval for all of the other requests with a recommended condition on the massing break deviation request that all the plaza spaces remain open to the public with elevator access provided, where applicable.

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

AGENDA ITEM 6. Other Items:

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a) Review of Development Activities

b) Planning Commission Meeting Schedules

Community Development Director Goellner noted that the next meeting will be May 15, 2023. She noted that there will not be a meeting on July 3, 2023.

AGENDA ITEM 7. Adjournment.

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

Commissioner Severson made a motion, seconded by Commissioner Stockton 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 10:00 p.m.

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

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 15, 2023	**AGENDA ITEM:** 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Denial for Development Applicaton at 200 Lake Street East	
PREPARED BY: Eric Zweber, Planning Consultant, Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: May 6, 2023	

BACKGROUND:

The Planning Commission considered (i) a rezoning of the property from PUD to the C-4A zoning district, (ii) a conditional use permit (CUP) for the joint use of a parking facility by more than one permitted use, (iii) a CUP to allow for multiple family dwelling units on the first floor, (iv) a shoreland residential planned unit development conditional use permit (PUD/CUP) for more than five (5) dwelling units on a single lot, (v)a shoreland impact plan/conditional use permit (SIP/CUP) to exceed 75% impervious surface in the Shoreland Overlay District, and (vi) design review at 200 Lake Street at their May 1 meeting and recommended denial of the application requests (7-0), directing staff to prepare a draft Report and Recommendation of Approval.

The applicant and property owner, Lake West Development, LLC, has submitted a Development Application for the property at 200 Lake Street East. This property is the site of the former TCF headquarters. The applicant is proposing to remove the existing vacant office building and construct a new mixed-use building with 178,045 gross square feet of space. The proposed building would include underground parking, first floor office space and 30 condominium units located on the first and second floors. The building would have one underground parking garage with six separate vertical cores above ground, which allows the singular building to appear as six separate buildings. Each core would be separated by a plaza.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Draft PC Report and Recommendation - 200 Lake St

WAYZATA PLANNING COMMISSION

May 15, 2023

REPORT AND RECOMMENDATION OF DENIAL OF REZONING, CUPS FOR JOINT PARKING AND FIRST FLOOR MULTIPLE FAMILY DWELLINGS, SHORELAND PUD/CUP AND SIP/CUP, AND PROJECT DESIGN AT 200 LAKE ST E

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SUMMARY OF RECOMMENDATION

1. Denial of Zoning Ordinance Amendment (Rezoning) from PUD District to C-4A
2. Denial of Conditional Use Permit (CUP) for Joint Facilities Parking
3. Approval* of Conditional Use Permit (CUP) for First Floor Multiple Family Dwellings
4. Approval* of Shoreland Planned Unit Development Conditional Use Permit (PUD/CUP)
5. Approval* of Shoreland Impact Plan/Conditional Use Permit (SIP/CUP)
6. Approval* of Design of Project, including Massing Break Deviation and Parking Structure Deviation

** approvals would be contingent on approval of Rezoning and Joint Facilities Parking CUP*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Lake West Development, LLC (the "Applicant") has submitted a development application (the "Application") for the property at 200 Lake Street East (legally described on Attachment A, the "Property") requesting multiple approvals for a redevelopment project (the "Project") that would remove the existing vacant office building (formerly the TCF headquarters) and construct a new mixed-use building with 178,045 gross square feet of space. The proposed building would include underground parking, first floor office space and 30 condominium units located on the first and second floors. The building would have one underground parking

garage with six separate vertical cores above ground, making the single building appear as six separate buildings. Each core would be separated by an open plaza accessible to the public.

1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:

A. Zoning Ordinance (Map) Amendment / Rezoning from PUD to C-4A District (the "C-4A Rezoning"): An amendment to the Zoning Ordinance (Map) under Chapter 903 to rezone the Property from PUD Planned Unit Development District to C-4A Limited Central Business District.

B. Conditional Use Permit for Joint Parking Facilities (the "Joint Facilities Parking CUP"): A CUP under Chapter 904 and Section 920.09 for joint use of the 142 stall parking facility of the Project by a mixture of uses.

C. Conditional Use Permit for First Floor Multiple Family Dwellings (the "First Floor Multiple Family Dwellings CUP"): A CUP under Chapter 904 and Section 937.04.A for multiple family dwellings on the first floor.

D. Shoreland Residential Planned Unit Development Conditional Use Permit (the "Shoreland PUD/CUP"): A Shoreland PUD/CUP under Sections 933.02, 933.03 and 991.17 for 30 residential condominium units in the Shoreland Overlay District.

E. Shoreland Impact Plan Conditional Use Permit (the "Shoreland SIP/CUP"): A SIP /CUP under Section 991.11A(1)b for impervious surface coverage of 84.5%%within the Shoreland Overlay District.

F. Design Review (the "Project Design with Massing Break and Parking Structure Deviations"): Project design and site plan under Chapter 909, which requires two design deviations under Section 909.29:
   a) Significant massing break that does not provide views from the public sidewalk as required under Section 909.07.A.2 (the "Massing Break Deviation").
   b) The east half of Core A-1 is a parking structure that does not have an office use with a depth of 30 feet as required under Section 909.21.B.3 (the "Parking Structure Deviation").

1.3 Property. The Property is located on the south side of Lake Street East between Ferndale Road South and Barry Avenue South. The street address, property identification number and owner of the Property are:

200 Lake Street East	06-117-22-32-0029	Lake West Development, LLC

1.4 Land Use. The Property is zoned PUD Planned Unit Development 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 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on April 20, 2023. A copy of the notice was mailed to all property owners located with 750 feet of the Property on April 20, 2023. The public hearing on the Application was held at the May 1, 2023 Planning Commission meeting.

Section 2. STANDARDS

2.1 Zoning Map Amendment / Rezoning. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

B. The proposed use's conformity with present and future land uses of the area.

C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).

D. The proposed use's effect on the area in which it is proposed.

E. The proposed use's impact upon property value in the area in which it is proposed.

F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.

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

2.2 Conditional Use Permits for Joint Use of Parking Facilities.

A. Under Sec. 920.09.A, the City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit under the process and criteria of Ch. 904 for one or more uses to provide the required off-street parking facilities by joint use of one or more

sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately.

B. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the conditions listed in Sec. 920.09.A related to the Land Use Table listed therein are found to exist, as well as the following additional criteria for Joint Parking:

1. Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.

2. Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

3. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

C. The general standard for conditional use permits (CUPs) under Section 904.02.F is that the Planning Commission and City Council consider the possible adverse effects of a proposed conditional use. Their judgment is to 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.

2.3 Conditional Use Permit for First Floor Multiple Family Dwellings. Under Sec. 937.02, multiple family dwellings on the first floor of a building are a conditional use in the C-4A District. A conditional use permit is approved under the procedures and standards set forth in Ch. 904, which are noted above in this Report, and multiple family dwelling conditional uses must also comply with the following requirements of Sec. 937.04:

A. The residential units do not front or border Lake Street.

B. The development does not conflict with existing or potential future commercial uses and activities.

C. The density meets the standards of the R-5 District.

D. Adequate open space and recreational space is provided on site for the benefit of the occupants.

2.4 Residential Planned Unit Development/CUPs. Under Sec. 991.17 of the Shoreland Ordinance, all lots developed with five or more dwelling units require approval of a planned unit development conditional use in compliance with the Shoreland Ordinance, including the criteria of Sec. 933.02, 933.03 and 991.17 of the PUD and Shoreland Ordinances, which include:

A. Residential planned unit development shall be processed as a conditional use in accordance with Chapter 933 of the Zoning Ordinance.

B. Application for a residential planned unit development shall follow the guidelines in Chapter 933 of the Zoning Ordinance.

C. Site "Suitable Area" Evaluation. Proposed residential planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 991.17.D, E, and F of the Zoning Ordinance.
1. The development parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.
2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land before the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

D. PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

E. PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 991.18.G of the Zoning Ordinance.

F. Maintenance and Design Criteria.
   1. Before final approval of a residential planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
   2. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections.
      a) Commercial use prohibited (for residential PUDs); and
      b) Vegetation and topographic alterations other than routine maintenance prohibited; and
      c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
      d) Uncontrolled beaching of watercraft prohibited.
   3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners association with the following features.
      a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
      b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
      c) Assessments shall be adjustable to accommodate changing conditions; and
      d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

G. Open Space Requirements. Residential planned unit developments shall contain open space meeting the following criteria.
   1. At least 30 percent of the total development area shall be preserved as open space;

2. Dwelling units or sites, land covered by road surfaces, parking areas, or structures are developed areas and shall not be included in the computation of minimum open space;
3. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
4. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equal effective and permanent means.

H. Erosion Control and Stormwater Management. Erosion control and stormwater management plans shall be developed and the residential planned unit development shall.
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

I. Centralization and Design of Facilities. Centralization and design of facilities and structures shall be done according to the following standards:
1. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Section 991.17.F of this Ordinance for developments with density increases;
2. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided;
3. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.

2.5 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface.

A. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area without a Shoreland impact plan. Impervious surface coverage may be allowed to exceed 75% of the total lot area through a conditional use permit when the following stipulations are met:

1. All structures and practices are in place for the treatment of stormwater runoff.
2. A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 991.19.A of the Zoning Ordinance, subject to the conditions listed in Section 991.19.C of the Zoning Ordinance.

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. The process and general CUP criteria of Section 904.02.F is listed above in this Report.

D. SIP/CUP Conditions**.** All conditional use permits for consideration under Section 991 shall be 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 microsilt 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.

2.6 Design Review. All new building construction in the City that has a nonresidential and/or multifamily component must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the May 1, 2023 Staff Report on the Application. Significant deviations from the Design Standards (as defined in Sec. 909.29) may be permitted if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.

B. The extent to which the deviation permits greater conformity with other Standards, the Guidance of the Design Standards, policies behind the Standards, or with other Zoning Ordinance standards.

C. The positive effect of the project on the area in which the project is proposed.

D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.

E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.

F. A national, state or local historic designation.

G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

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 C-4A Rezoning. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the C-4A Rezoning and the Project as currently proposed would have adverse effects. Specifically, the Planning Commission finds that:

A. While a rezoning to C-4A itself does not contravene any policies and provisions of the official City Comprehensive Plan and the Project would advance some of the Comprehensive Plan's goals, including walkable and pedestrian friendly environment; nodes of greater housing diversity; attractive, high quality living and working environments; and an overall aesthetic that better captures small town charm than previous iterations of proposals for the Property, the proposed uses associated with the Project would not fully meet the standards of the Comprehensive Plan in terms of overall size, scale and density of the Project, which is not supported by the size, shape and location of the Property, or the proposed parking plan, as noted elsewhere in this Report.

B. The proposed mixture of office and residential uses associated with the Project could conform with the present and future land uses within the City provided that the office businesses are service commercial. However, the proposed uses raise significant concerns about parking and loading configurations on the Property, as noted elsewhere in this Report.

C. The proposed uses associated with the Project would not conform with all performance standards contained in the Zoning Ordinance, in particular those related to parking, safe traffic flows, deliveries and loading. The Planning Commission has specific concerns about (i) the lack of designated and adequate parking for the residents and their guests, office staff and facilities personnel, visitors and customers using the building under the shared parking facilities plan; (ii) lack of clear and adequate areas for deliveries and loading and unloading; and (iii) sufficient parking for the building and the allowed uses beyond offices in the C-4A District long term, over the life of the building as the mixture of the uses change.

D. The parking issues noted above that are associated with the proposed uses of the Project would have a negative effect on the area in which it is proposed, impacting traffic circulation, safety and parking in that area of downtown.

E. The proposed uses associated with the Project would not have any known negative effect on property values in the City.

F. Traffic generation by the uses associated with the Project in relation to capabilities of streets serving the Property would not be sufficiently well-managed and create issues, as noted above in this Report.

G. The proposed uses associated with the Project would negatively impact existing public streets, including traffic flow along Lake Street, due to the issues associated with the proposed parking and loading plan, as noted above in this Report.

3.2 Joint Facilities Parking CUP.

A. The Project consists of one or more uses, and seeks to provide the required off-street parking facilities by joint use of a single underground parking facility on the site where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately.

B. The Planning Commission finds that the parking requirements for the Project's uses discussed at the Planning Commission meeting and Public Hearing would not meet the parking demand listed under the Land Use Table in Sec. 920.09. With respect to the additional criteria for Joint Parking, the Commission finds:

1. Proximity. The Project utilizes an 800-foot-long off-street parking facility without dedicated parking stalls for the condominium residential units, some of which are located more than 300 feet from the residential uses.

2. Conflict in Hours. The Applicant has not shown that there is no substantial conflict in the principal operating hours of the or uses for which joint use of off-street parking facilities is proposed.

3. Written Consent and Agreement. If a CUP were to be approved, the legally binding instrument required by Sec. 920.09 should include provisions that address issues related signage and designated parking areas.

C. The Planning Commission has considered the possible adverse effects of the Joint Facilities Parking CUP and finds that there would be the following adverse effects:

1. The parking plan associated with the Joint Facilities Parking CUP would not be fully compatible with present uses of the area, including traffic flow, deliveries, maintenance, and available street and surface parking for visitors and guests, as well as future uses of the area, which would include a mixture of more intensive uses and accompanying higher parking demand in the C-4A District.

2. The parking plan associated with the Joint Facilities Parking CUP would not adequately address all applicable performance standards for the shared parking and loading for residents, workers, guests, deliveries, emergency vehicles and maintenance.

3. The uses discussed by the applicant at the Planning Commission meeting and the Public Hearing would likely exceed the parking demand generated within the Land Use Table in Sec. 920.09.

4. The proposed use would have a negative effect on the area in which it is proposed, as noted in Section 3.2 of this Report.

4. Traffic generated by the proposed use would overburden and negatively affect the capabilities of streets serving the property, as noted in Section 3.2 of this Report.

5. The proposed use's impact upon public streets would be negative, as noted in Section 3.2 of this Report.

3.3 Conditional Use Permit for First Floor Multiple Family Dwellings. The Planning Commission has considered the possible adverse effects of the First Floor Multiple Family Dwellings CUP under the standards for CUPs under Section 904.02.F and finds that there would not be significant adverse effects, except to the extent that first floor multifamily dwellings are related to the adverse effects noted in Sections 3.1 and 3.2 of this Report. With respect to the requirements of Sec. 937.04, the Planning Commission finds:

A. The residential units of the Project would not front or border Lake Street.

B. The Project would not conflict with existing or potential future commercial uses and activities.

C. The density of the Project would meet the standards of the R-5 District.

D. Adequate open space and recreational space would be provided on site for the benefit of the occupants.

3.4 Shoreland PUD/CUP. The Project falls within the Shoreland Overlay District, and would need a Shoreland PUD/CUP because it will include more than five dwelling units. Although the Project would generally meet the standards required provided that the open space is guarantee to provide access to the public for such request, without the approval of the requested C-4A rezoning and a compliant parking plan for permitted and approved uses, the Shoreland PUD/CUP would not be needed and could not be granted as it would conflict with the current PUD District standards applicable to the Property. With respect to the additional criteria for the Shoreland PUD/CUP, the Commission finds:

A. The residential units do not have a negative effect upon the health, safety and welfare of residents of the community and the surrounding area.

B. The residential units are consistent with the Comprehensive Plan.

C. At least 30% of the development is landlord controlled open space.

D. There is no density variation for the residential units.

E. The proposed building does not request a building height deviation.

F. The open space will be preserved for the public in perpetuity.

3.5 Shoreland CIP/CUP. The Project falls within the Shoreland Overlay District, and would need a Shoreland CIP/CUP because the impervious surface coverage of the Project would exceed 75% of the total lot area. Although the Project would generally meet the standards required for such request, without the approval of the requested C-4A rezoning and a compliant parking plan for permitted and approved uses, the Shoreland PUD/CUP would not be needed and could not be granted as it would conflict with the current PUD District standards applicable to the Property.

3.6 Design Review. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the May 1, 2023 Staff Report on the Application. As noted in that Report, the proposed design of the Project meets all of the Design Standards except those for which deviations are requested. Overall, the design of the Project is well-considered and high quality, and aesthetically appropriate for the downtown area and proposed mixed uses.

A. Massing Break Deviation. The Commission finds that there would be little, if any, negative impacts of the Massing Break Deviation in that there is presently no view of the Lake from that vantage point. To the extent there are any negative impacts of the Massing Break Deviation, those impacts are outweighed by the extent to which the deviation permits greater conformity with other Standards, the Guidance of the Design Standards, and policies behind the Standards in that it will allow for greater public access to views of the Lake.

B. Parking Structure Deviation. The Commission finds that there would be little, if any, negative impacts of the Parking Structure Deviation in that it comprises a small part of the building at the entrance to the parking facility, and allows for attractive architectural features of the design. To the extent there are any negative impacts of the Parking Structure Deviations, those impacts are outweighed by the extent to which the deviation permits greater conformity with other Standards, the Guidance of the Design Standards, and policies behind the Standards including that it will screen the entrance to the parking facilities of the building and allow for attractive architectural details.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends **DENIAL** of the (i) C-4A Rezoning; and (ii) Joint Facilities Parking CUP, and **APPROVAL** of the (iii) First Floor Multiple Family Dwellings CUP; (iv) Shoreland PUD/CUP; (v) Shoreland SIP/CUP; and (vi) Project Design with Massing Break and Parking Structure Deviations, with the express qualification that without approval of the C-4A

Rezoning and Joint Facilities Parking CUP (or other compliant parking plan), approval of the other requests in the Application should and could not be granted. Further conditions of approvals should include:

A. The plazas created by the massing breaks as shown in the plans must be open to the public, and there must be elevator access to the eastern massing break between core A1 and A2 of the building.

B. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.

C. Stormwater Facilities, Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.

D. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution, and the requirements of the Zoning and Subdivision Ordinances, including parkland dedication.

E. 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 15th day of May 2023.

Attachments:
Attachment A: Legal Description of Property

DRAFT

Attachment A
Information and Legal Description of Property

Lot 1, Block 1, Pinehurst First Addition, according to the plat of survey thereof, Hennepin County, Minnesota.

PID No. 06-117-22-32-0029

DRAFT

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 15, 2023	**AGENDA ITEM:** 6.a
TITLE: Review of Development Activities	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

A verbal update will be provided at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: May 15, 2023	**AGENDA ITEM:** 6.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is on Monday, June 5, 2023. The 2023 City Meeting Calendar and Liaison Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

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

City of Wayzata
2023 Meeting Calendar

January 2023

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
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29	30	31				

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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Revised
9/21/2022

- 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

2023 Planning Commission Assignments at Council Meetings

	Meeting Date	Commission Representative
Tuesday	January 10	Peggy Douglas
Tuesday	January 24	Adam Elg
Tuesday	February 7	Laura Merriam
Tuesday	February 21	Bonnie Schwalbe
Tuesday	March 7	Jennifer Severson
Tuesday	March 21	Ken Sorensen
Tuesday	April 4	Larissa Stockton
Tuesday	April 18	Peggy Douglas
Tuesday	May 2	Adam Elg
Tuesday	May 16	Laura Merriam
Tuesday	June 6	Bonnie Schwalbe
Tuesday	June 20	Jennifer Severson
N/A	**No meeting July 4th week**	
Tuesday	July 18	Ken Sorensen
Tuesday	August 8	Larissa Stockton
Tuesday	August 22	Peggy Douglas
Tuesday	September 5	Adam Elg
Tuesday	September 19	Laura Merriam
Tuesday	October 13	Bonnie Schwalbe
Tuesday	October 17	Jennifer Severson
Tuesday	November 7	Ken Sorensen
Tuesday	November 21	Larissa Stockton
Tuesday	December 5	Peggy Douglas
Tuesday	December 19	Adam Elg