

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JANUARY 4, 2023**

AGENDA ITEM 1. Workshop

- a. Planning Commission Annual Training**
- b. Code of Conduct Review**

AGENDA ITEM 2. Call to Order

Vice-Chair Stockton called the meeting to order at 6:30 p.m. and read a prepared statement regarding public participation.

AGENDA ITEM 3. Roll Call

Vice-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, Parks Planner Nick Kieser, and City Attorney David Schelzel were also present.

AGENDA ITEM 4. Approval of Agenda

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

Commissioner Schwalbe made a motion, seconded by Commissioner Severson to approve the January 4, 2023 agenda as presented. The motion carried unanimously.

AGENDA ITEM 5. Consent Agenda

- a.) Approval of the December 5, 2022 Planning Commission Meeting Minutes**
- b.) Approval of Planning Commission Report and Recommendation of Approval for the Variance at 247 Central Avenue South**
- c.) Approval of Planning Commission Report and Recommendation of Approval for Variance at 507 Rice Street East**

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

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

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

AGENDA ITEM 6. Public Hearing Items

a) Consider Zoning Text Amendments to Chapter 902, 909, and 938 for Solar Energy Systems

Parks Planner, Nick Kieser, gave an overview of the input and discussion related to the proposed text amendments to the Solar Energy Systems ordinance. He noted that the City had recently approved the installation of municipal rooftop solar at locations throughout the City. He reviewed the different types of solar installations that are available and the proposed language for the text amendments and draft Sustainability Policy. Staff recommends approval of the proposed text amendments.

Vice-Chair Stockton asked if the Commission had any questions for Staff.

Commissioner Douglas asked about the proposed language for residential density.

Community Development Director Goellner explained that what that language is trying to do is, on average, more units with less square footage. She stated that the density bonuses that the City provides in R-5 are Zoning Code updates that were made recently and already adopted. She stated that this density bonus was built into R-5 and what was said at the time was that it would be based on a sustainability policy, that has yet to be created. She explained that staff is currently writing the Sustainability Policy and would like to get input from the Commission on whether they think this is a good way to try to formalize what they mean when they say ‘sustainable building’.

Commissioner Schwalbe asked if the point was to encourage developers to include solar energy by allowing them a bonus for doing it.

Parks Planner Kieser clarified that if the developer was going above and beyond the normal requirements in regards to sustainable development, then the City can give them a little incentive.

Commissioner Schwalbe noted that the initial thought appears to be that solar will not be allowed along Lake Street and asked about the process, in the future, to change this and allow solar in that area.

Parks Planner Kieser stated that they would follow a similar process to what was being done right now which would essentially require a zoning text amendment.

Commissioner Merriam asked if her understanding was correct that solar was allowed with a CUP, but with this text amendment, it would not be allowed at all in the Lake Street District.

Parks Kieser explained that in the past, the City has regulated solar through the Design Standards. He noted that the Design Standards only come into play with new development or a larger site remodel. He stated that currently, if the Design Standards do not apply to the project and they come in with a permit for solar, the City would allow solar on the property.

Commissioner Douglas asked about setbacks for the panels in the rear and side yard.

1 Parks Kieser explained that the setbacks depend on the zoning district, but it really just needs to
2 be behind the rear line of the principle building to be in the rear yard.

3
4 Vice-Chair Stockton asked about lakeside properties and suggested that perhaps there should be a
5 reversal for lakeside properties of the front and rear yard.

6
7 Commissioner Sorensen stated that the only issue that he feels warrants some conversation is the
8 15 foot vertical height of the units. He stated that he thinks that size may cause the neighbor to
9 think it is unsightly and objectionable. He suggested that the City lower this height without causing
10 any issues and if people wanted to go higher than they could ask for a variance. He suggested that
11 there also be a separate height for carports and grounded mounted systems.

12
13 Parks Planner Kieser stated that was kind of where staff got to the 15 feet measurement because
14 normal ground mounted systems are usually a bit less than 10 feet tall, but carport systems are a
15 bit taller.

16
17 Commissioner Merriam asked about the language related to pervious and impervious surface and
18 noted that it seems like if people put in a solar panel with dirt underneath, they can put up panels
19 over their whole lot because it would not be counted as impervious surface.

20
21 Parks Planner Kieser explained that what would really limit the size of these systems is that they
22 count towards lot coverage, no matter what.

23
24 Commissioner Severson stated that based on a quick Google search, it appears as though most
25 ground mounted systems are in the 5-10 feet range for height and asked if that was what staff felt
26 would typically be seen.

27
28 Parks Planner Kieser confirmed that a residential ground mounted system would typically be up
29 to 10 feet tall.

30
31 Commissioner Severson stated that she thinks the City should split out a traditional ground
32 mounted solar system from something like a carport. She asked when the City would revisit the
33 issue raised by Commissioner Schwalbe about allowing solar in the Lake Street District. She noted
34 that she has the feeling that the City should incorporate something that triggers them to come back
35 and reevaluate the situation.

36
37 Parks Planner Kieser stated that staff tries to take a look at zoning code as frequently as they can
38 and noted that the trigger may end up being when there are enough inquiries about adding solar on
39 Lake Street developments or structures or along with a new zoning study or a Comprehensive Plan
40 review which is looked at every 10 years.

41
42 Vice-Chair Stockton suggested that perhaps there be a time period, such as two years, for this to
43 be reviewed as it relates to solar panels on Lake Street.

44
45 Commissioner Schwalbe asked if anyone on Lake Street had asked about solar.

46

1 Community Development Director Goellner noted that one of the past proposals for 200 Lake
2 Street had some solar panels in the first iteration included on the plans.

3
4 Commissioner Schwalbe stated that her understanding of this language is that solar would not be
5 allowed on Lake Street and asked if they could ask for a variance or if there was some other process
6 where they could include solar panels if they chose to.

7
8 Community Development Director Goellner explained that the City does not like to process
9 variances for an allowed use and are meant to be for a number or dimensional standard that cannot
10 be met.

11
12 City Attorney Schelzel that that use variances are an oxymoron and are for things such as
13 dimensions, heights, and setbacks. He stated that this kind of request on Lake Street may lead to
14 a larger discussion about revisiting it for the entire district which would then be a text amendment
15 and would raise larger policy questions for the City to consider.

16
17 Commissioner Douglas stated that she was part of many task force meetings and she believes one
18 of the concerns was that if this was opened up on Lake Street that may open the door to other
19 things on rooftops, such as heating units. She asked if there would be any requirements for
20 screening on a ground unit.

21
22 Parks Planner Kieser explained that at this point there would not be any screening requirements
23 for a ground unit.

24
25 Vice-Chair Stockton stated that she would think this is something that should be considered for
26 properties along the lake.

27
28 Community Development Director Goellner stated that a question to consider on whether or not
29 to screen ground mounted systems is to compare it to the visual impact of an accessory structure.

30
31 Commissioner Merriam asked if there would be any way to put language in for someone to be able
32 to request solar panels on Lake Street as a CUP.

33
34 Community Development Director Goellner explained that staff feels that CUPs could lead to a
35 generally scattered pattern of where solar is allowed on Lake Street and that it puts more pressure
36 on the City government to make a decision with each application and also adds a lot of process for
37 the applicant. She noted that she has concerns about CUPs for something that is essentially
38 mechanical equipment rather than the use of the land. She stated that typically a CUP is for
39 something such as a really intense commercial use within a commercial district that the City wants
40 to oversee and have a public process for. She stated that she feels solar panels are pretty straight
41 forward, so the conditions that a City government may add in the future may not be the best to be
42 applied and explained that she would prefer something that is more standard and predictable.

43
44 Commissioner Elg stated that he is getting the impression that some of the task forces concerns
45 about solar panels along Lake Street related to aesthetics were less about what people would see
46 when they were walking up and down the street and more about what people living above the

1 rooftops would see. He stated that he understands that concern, but technology is improving and
2 generally more attractive than HVAC systems. He stated that he believes that as more
3 development occurs on Lake Street, there will be more requests for solar panels so he has a concern
4 about putting a barrier in place right now. He stated that, to him, it seems like the Lake Street
5 District would be the ideal location to allow solar panels and noted that he did not want to see a
6 barrier put in place.

7
8 Commissioner Severson stated that if the City adds a lot of screening requirements, it may take
9 away from the use of the panel because it may block the sun and become less useful, so she did
10 not want to put those kinds of barriers in place for homeowners either.

11
12 Vice-Chair Stockton asked about the possibility of requiring the screening to be no higher than the
13 panel.

14
15 Commissioner Sorensen stated that this has been churned over pretty thoroughly by the Zoning
16 Task Force and other Committees. He stated that he is generally supportive of the proposed text
17 amendment and thinks that it is also supportive of the City's energy vision and the Comprehensive
18 Plan. He stated that he thinks that the only issue that may need to be addressed is how they deal
19 with the height issue of the ground mounted systems.

20
21 City Attorney Schelzel suggested that the Commission open the public hearing.

22
23 There being no additional questions from the Commission, Vice-Chair Stockton opened the public
24 hearing on the application at 7:26 pm.

25
26 Community Development Director Goellner stated there were no people that called in to the
27 meeting that have asked to speak at the public hearing.

28
29 There being no one wishing to comment on the application, Vice-Chair Stockton closed the public
30 hearing at 7:26 pm.

31
32 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
33 application.

34
35 Commissioner Merriam asked about the language on page 48 that talks about reflectors and the
36 glare. She stated that she has had issues with glare at her home at times and explained that it can
37 be rather annoying and asked if this issue had been thoroughly discussed.

38
39 Parks Planner Kieser explained that the reflectors are different than the panels themselves and
40 noted that some systems have a type of mirror that would be located at a different angle that would
41 reflect the light onto the panels. He noted that the proposed language is standard language that
42 other communities have used.

43
44 Commissioner Schwalbe stated that she does not have any objections to having solar panels on
45 Lake Street, but feels the proposed text amendments are a huge step forward for the City and

1 believes that the Commission should take that step. She noted that when the time comes for
2 allowing solar panels along Lake Street, she would probably be in favor of that as well.

3
4 Commissioner Douglas stated that she believes that people either install solar because of the
5 environment or they want to save money and it can take many years before the costs are recouped.
6 She stated that Minnesota energy prices are quite reasonable, but if those prices start rising, she
7 thinks the City may start seeing more requests.

8
9 Commissioner Merriam stated that she would also recommend approval of these text amendments
10 and noted that she likes that the City is moving forward with this because the City is taking the
11 lead on sustainability goals and objectives.

12
13 Commissioner Severson stated that she supports this proposed text amendments and stated that
14 she would not have any 'heartburn' about adding solar panels on Lake Street at some point in the
15 future. She stated that she would just like to see the differentiation between a ground mounted and
16 a carport height and noted that she did not want the City to request excessive screening.

17
18 Commissioner Elg thanked the Zoning Task Force and the other Committees for the work they
19 have put into this recommendation. He stated that he has no objection to having solar panels on
20 Lake Street, but can also support the proposed amendments as they are presented. He stated that
21 he does hope the City Council will have some conversation about allowing this usage on Lake
22 Street.

23
24 Vice-Chair Stockton stated that she has been involved in this on the Zoning Task Force as well as
25 the Planning Commission and explained that it has really been about marrying multiple
26 perspectives in a palatable way. She stated that she thinks the City has done a wonderful job of
27 collecting the different viewpoints and she is excited about the proposals that are before the
28 Commission. She explained that she thinks making these changes will help make the City forward
29 thinking. She gave a general overview of the items that she believed had been raised by the
30 Commission for possible language revisions.

31
32 Community Development Director Goellner noted a typographical error that will also need to be
33 changed.

34
35 Parks Planner Kieser stated that he believes what he has heard from the Commission was
36 consensus that carport solar can stay at 15 feet in height, but the ground mounted, purely solar,
37 should be a maximum of 10 feet in height.

38
39 Vice-Chair Stockton asked what the Commission felt about screening being a requirement for
40 lakeside properties.

41
42 Commissioner Merriam stated that she felt that could be addressed with lot coverage requirements
43 and did not think it would be a huge eyesore.

44
45 Following discussion, the Commission determined that they did not need to get into that level of
46 detail for lakeside properties.

1
2 There being no further discussion, Vice-Chair Stockton asked for a motion on the application.
3

4 Commissioner Sorensen made a motion, seconded by Commissioner Schwalbe, to direct staff to
5 prepare a draft Planning Commission Report and Recommendation with appropriate findings
6 reflecting a recommendation of approval of the zoning text amendments for the proposed changes
7 to Chapter 938, Chapter 909, and Chapter 902 for the new Solar Ordinance with the condition that
8 ground mounted systems be a maximum height of 10 feet and carports a maximum height of 15
9 feet, and the change to the typographical error mentioned by Community Development Director
10 Goellner related to the height for flat roofs of 2 feet rather than 3 feet, for review and adoption at
11 the next Planning Commission meeting.
12

13 The motion carried unanimously.
14

15 **AGENDA ITEM 7. Other Items:**
16

17 **a) Welcome new Commissioner Adam Elg**
18

19 Commissioner Elg introduced himself and shared details of his education and experience prior to
20 joining the Planning Commission.
21

22 **b) Election of Officers**
23

24 Community Development Director Goellner noted that there has been a nomination for Larissa
25 Stockton to serve as Chair and Ken Sorensen to serve as Vice-Chair but noted that the Commission
26 may add additional nominations if they like.
27

28 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to appoint Larissa
29 Stockton to serve as Chair and Ken Sorensen to serve as Vice-Chair of the Planning Commission.
30

31 The motion carried unanimously.
32

33 **c) Review of Development Activities**
34

35 **d) Planning Commission Meeting Schedule**
36

37 Community Development Director Goellner stated that the next meeting will be January 23, 2023
38 and there are two public hearings scheduled that evening. She explained that the first will be for
39 a subdivision at 1030 Lake Street East and the other is for Cantissimo Senior Living for a 40 unit
40 assisted living facility on Wayzata Boulevard. She noted that the plans for these items will be
41 available on the City website. She stated that in February there will also be public hearings for the
42 Wayzata Country Club and a few other zoning text amendments.
43

44 Commissioner Schwalbe asked if a Montessori school would be moving into the Blake property.
45

1 Community Development Director Goellner stated that anecdotally she had also heard about this
2 possibility, but had not viewed any of the official documents, so cannot say that it is happening.

3
4 Commissioner Schwalbe asked if there was any update on the Meridian Manor application.

5
6 Community Development Director Goellner stated that they received an extension of the zoning
7 approval from the City Council in October. She stated that they believe by May of 2023 they will
8 be ready to apply for a building permit and noted that they are working on State licensing
9 requirements for an assisted living facility as well as a development agreement with the City.

10
11 Commissioner Schwalbe noted that she has heard that someone has purchase the TCF building
12 and asked if that was true.

13
14 Community Development Director Goellner stated that the building has been purchased by Lake
15 West Development and noted that this is the same applicant that the Planning Commission has
16 interacted with in the past. She stated that they have submitted an application, but it was still under
17 review by staff.

18
19 **AGENDA ITEM 8. Adjournment.**

20
21 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

22
23 Commissioner Schwalbe made a motion, seconded by Commissioner Severson to adjourn the
24 Planning Commission meeting.

25
26 The motion carried unanimously.

27
28 The Planning Commission meeting was adjourned at 7:53 p.m.

29
30 Respectfully submitted,

31 Kayla Atkins Rokosz

32 *TimeSaver Off Site Secretarial, Inc.*