WAYZATA PLANNING COMMISSION
MEETING MINUTES
APRIL 3, 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 Planning Consultant Zweber to take roll call.

Present at roll call were Commissioners: Douglas, Merriam, Stockton, Sorensen, Schwalbe, Elg, and Severson. Planning Consultant Eric Zweber, Assistant Planner Valerie Quarles, 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 Douglas made a motion, seconded by Commissioner Schwalbe to approve the April 3, 2023 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the Planning Commission Meeting Minutes and Workshop Minutes of March 6, 2023

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

Commissioner Severson noted that the workshop summary from March 6, 2023 indicates that she was present, however, she was not in attendance.

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

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

AGENDA ITEM 5. Public Hearing Items

a) Consideration of Zoning Text Amendment – Definitions and Performance Requirements

Assistant Planner, Valerie Quarles, explained that they were experiencing some technical difficulties with getting the presentation to show up on the Commission's screens, but noted that the presentation very closely follows the information included in the staff report. She gave an overview of the proposed zoning text amendments for Chapters 902, 916, 917, 919, and 920. She acknowledged the work that has been put in by the Zoning Task Force on these proposed amendments. She reviewed the basis for the proposed changes, new definitions, and the differences between Conditional Use Permits and Variances, and explained the proposed changes chapter by chapter.

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

Commissioner Douglas asked about spires and minarets and if they were limited to churches.

Assistant Planner Quarles stated that it would not be limited to just churches and could be on other buildings. She noted that 'church' has been crossed out in the section she is referring to.

Commissioner Douglas referenced page 51 of the packet regarding Section 917.01.A and read aloud the proposed language and asked why it would be allowed in R-1A and R-1.

Planning Consultant Zweber explained that typically R-1A and R-1 lots have shoreland along Lake Minnetonka and the City's definition is that the front of the house faces the street, so when you place structures closer to the lake, you end up with a very large front yard.

Commissioner Douglas referenced Section 917.01 D and read aloud the proposed language and asked if it meant that they could have more than one detached garage on the property.

Assistant Planner Quarles stated that they can and explained that there were a few factors at play. She noted that overall R-1A and R-1 lots tend to be extremely large where the impact of having more than one structure may be less and explained that the goal was not to take away existing rights. She stated that this was something that was already in the code.

Planning Consultant Zweber stated that was why staff was proposing to strike out B, and explained that the lot coverage still applies and is a factor that affects the size and number of buildings.

Commissioner Douglas referenced Section 917.03 and read aloud the proposed language. She asked if that meant that if someone had a one-story house with 3,000 square feet, there could be 1,500 square feet of accessory buildings.

Planner Quarles stated that the purpose of upping it from 30% to 50% was to let lot coverage and impervious surface do more of the heavy lifting. She stated that it is more likely that you will hit lot coverage and impervious surface limitations before you hit a requirement that had to do with the floor area of the home.

Planning Consultant Zweber explained that the City is getting more requests for smaller homes than in the past. He gave the example of a single-family one-bedroom home and the issues that

would arise if they were only allowed to have a garage that was 30% of the size of the home because that would not even be the size of a typical two-car garage.

Commissioner Douglas explained that she was thinking of the larger 2 acre lots.

Commissioner Merriam stated that she had noticed this one too, but the explanation from staff makes sense.

Commissioner Sorensen stated that his gut had sort of told him that 50% is a lot.

Commissioner Douglas asked if the percentage could be based on zoning.

Planning Consultant Zweber stated that it could be based on zoning and explained that they had some discussion about whether this section should be separate from 917.01. He stated that their reason for keeping it separate was that 917.03 applies to any zoning district. He stated that they could 'unstrike' except cases of single-family and take a look at 917.01 and make sure that it is addressed in the proper zoning district.

Commissioner Douglas explained that she was thinking more of a single-family home.

Planning Consultant Zweber questioned whether Commissioner Douglas was implying that she would be fine with one large accessory building rather than multiple smaller accessory buildings.

Commissioner Douglas stated that she would not and explained that it was the total of the accessory buildings. She stated that she struggles with this one and would like it reflected in the record when Council reviews this. She referenced page 60 of the packet, Chapter 919, Section D, and asked why they were recommending the sentence 'it will not cause considerable depreciation' be struck.

Commissioner Merriam noted that there was another area somewhere in the document that talked about that or 'blighting' the property.

Commissioner Douglas asked if the design standards and lot coverage dictate that it will not cause a blight or depreciation.

Planning Consultant Zweber stated that for this particular example, part of is the rationale is what happens before in the development process and when it is applied. He stated that this section is about receiving a building permit which is done administratively. He stated that depreciation is an item that is often raised by neighbors when there is a public hearing process for a CUP. He stated that at this point in the development process, this would be a permitted use or an approved conditional use because there is no neighborhood review of a building permit. He reiterated that a large part of this is that building permits are handled administratively. He stated that if depreciation was removed somewhere else, it may have been because there is a CUP process that has property values as one of the criteria, so it would be redundant.

Commissioner Merriam referenced page 31 of the packet, definition of health clubs and read aloud the language. She asked if they could say 'which may include' rather than 'such as'.

Planner Quarles stated that she can check and make sure the language is consistent because she knows that 'which may include' was used in other sections.

Commissioner Merriam asked about the parking requirement and stated that she thinks of someplace like CorePower Yoga because they cram people in and the parking lots are overflowing. She stated that she is not sure that the parking standard needs to be that different between a health club and a personal fitness club.

Planner Quarles stated that her only question would be whether Commissioner Merriam had indicated that her example had multiple studios.

Commissioner Merriam stated that she believed that there were 2 or 3 studios where they have yoga classes. She stated that she feels that this is something the City needs to be cautious of because it is not just necessarily something like a Steele Fitness where there are a few people in there working out on machines and may actually be a place that is attracting a lot of people with classes.

Planner Quarles asked if the issue for the Commission would be the 3,000 square foot cutoff or the use within the space.

Commissioner Merriam stated that the City was giving definitions and then giving a parking requirement based on that definition. She stated that she feels that they perhaps should not be that different.

Planning Consultant Zweber stated that he understood Commissioner Merriam's point. He noted that there is a Lifetime Fitness near his office and they have multiple classes going on at the same time. He explained that they have a parking ramp and it is still completely full. He reiterated that he understands her point in asking the question of whether there should be one parking requirement that is 1/3 of the other parking requirement. He noted that he feels there may be some merit in re-evaluating this point.

Commissioner Merriam referenced page 21, there are two Animal Clinics, and asked if they can just get rid of 'animal clinic'.

Planner Quarles stated that she believed the difference there is actually a quirk of the use table. She stated that whether a clinic offers kenneling or not is different for the different zoning districts so there is a definition for each.

Planning Consultant Zweber explained that they did not find the parking demand to be that different between the two, but that it was two different uses.

Commissioner Merriam clarified that she was confused as to why animal clinic was listed in both definitions.

Planning Consultant Zweber explained that they wanted animal clinic as one that would be able to be a clinic that does not provide grooming or day care as compared to animal clinic, hospital or

kennel. He stated that they could provide the same services but now they are expected to also board animals, day care, and/or grooming in addition to the other services. He stated that there are two different definitions in order to make that distinction.

Commissioner Merriam reiterated that she did not understand how the same words can have two different definitions and believed that a choice should be made.

City Attorney Schelzel stated that staff can take a look at that situation and language.

Commissioner Merriam asked if an average grade plane could be created by using fill.

Planner Quarles stated that there are limitations on how much they can alter the base on which the building sits. She stated that there is a provision in the code that says if an applicant fills a certain amount across the lot they need Council approval. She explained that there is also another provision that says you cannot raise the base of your building by adding too much fill.

Planning Consultant Zweber stated that the existing definition would allow someone to raise their average grade plane by using fill. He stated that he believed that the new proposed definition clarifies that it is the lowest point between the building foundation and the 6-foot mark. He stated that he feels the proposed definition is meant to close a loophole that staff doesn't think was ever intended.

Commissioner Schwalbe asked how the change in parking requirements could potentially affect the current businesses in the City or if this change was designed primarily for future businesses.

Planner Quarles explained that it is primarily meant for future businesses. She noted that whenever the City makes changes to the zoning code, if a business was compliant under the previous code, the City does not ask them to come and make a change. She stated that if someone were to propose a substantial change to their property then the City would look at the new code.

Planning Consultant Zweber noted that staff had taken a look at 9 restaurants and for 7 of those it was basically a 5% difference either way. He stated that the other 2, Caribou Coffee and My Burger, would require more parking with this new language, and that both of those have small kitchen spaces.

Commissioner Elg stated that staff explained it as when there was a change in use it would trigger the new requirements. He gave the example of a restaurant doubling the size of their bar and making a floor plan change within the building.

Planner Quarles stated that typically when they talk about uses that have a 'legacy' from the previous code they are typically looking at what the protections are under the State law in non-conformities. She stated that her initial thought is that it would only be important if the footprint was to change for a current restaurant. She noted that it may turn out to be more of a policy decision for the City to decide whether they wanted to recalculate those requirements. She stated that the City would not necessarily know that a business was making changes unless they pulled a building permit, but explained that she could look into this specific question to find the best answer.

Commissioner Merriam stated that she has a few questions on things that were already included within the code, but when she was reviewing this they caught her eye. She referenced page 24 related to the definition of clear cutting and asked if it had changed when the City changed the tree ordinance.

Planning Consultant Zweber stated that he knows clear cutting was included in 2015 when the City first adopted the Tree Preservation Ordinance. He stated that he would have to go back and check the numerous amendments to these regulations that have been tweaked to check on that.

Planner Quarles stated that the Tree Preservation Ordinance was recently examined and included the definition of clear cutting. She noted that she will double check that the City's base code is perfectly correct and stated that it was possible that they missed updating the definition of clear cutting.

Commissioner Merriam stated that the definition of 'fence' includes a continuous row of plantings or a hedge. She asked whether this should be removed from the language.

Planner Quarles stated that was a fair question and explained that she was the main administrator of the fence code. She noted that there was a lot to unpack with that code and staff are planning to look at it as part of the zoning study that will happen later this year.

Commissioner Merriam noted that she had also seen the word 'hardship' included which she believed should be changed to 'practical difficulty'.

There being no additional questions from the Commission for staff, Chair Stockton opened the public hearing on the application at 8:06 pm.

Planner Quarles stated there were no people that called in to the meeting that have asked to speak at the public hearing.

There being no one wishing to comment on the application, Chair Stockton closed the public hearing at 8:06 pm.

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

Chair Stockton stated that she liked that staff has gone through and run example scenarios with parking for existing businesses.

Commissioner Sorensen stated that he would concur with some of the comments shared by the other Commissioners regarding the accessory building size and the change to 50% of the gross principal building area versus 30%. He stated that he feels that sticking with 30% would make a bit more sense and thinks that if there is any question about it, erring on the side of caution would be the better approach.

Commissioner Elg asked if a 'scale' system may work in that situation and gave the example of the scale increasing as the lot size grew. He stated that 50% on a 0.5 acre lot is a lot is very different than 50% on a 2 acre lot.

Chair Stockton stated that she thinks it is hard to imagine the visual impact.

Planner Quarles stated that one of the things to keep in mind is that there are two different standards that they are proposing tying different percentages to and noted that when it comes to the size of the lot, no matter how big the house is, they are looking at lot coverage. She stated that once they get up to the largest lots, they start getting into the 10% range of lot coverage. She stated that this particular provision in 917.03 is the only one that is tied to home size.

Commissioner Severson asked what would be another typical accessory structure, besides a garage that would come to play in this situation.

Planner Quarles stated that people in the City often get creative with what these types of structures might be and gave examples of a home office, shed, or a sauna.

Chair Stockton confirmed that these structures would be for the primary use of the property owner.

Planner Quarles stated that this was correct and are accessory to what is being done on the property, which is generally living there.

Commissioner Severson asked if the difference between an accessory structure and an ADU is that they are being lived in.

Planner Quarles explained that the standards are more relaxed if you are not living in it.

Commissioner Merriam referenced page 56 of the packet for 919.04 and the things that were not considered encroachments on yard setbacks. She stated that the word 'uncovered' was removed from porches which implies that a porch could encroach in the setback whether it is covered or not. She stated that as a neighbor she is not sure that she would want someone else's porch closer to yard.

Planner Quarles stated that is a great catch and noted that she agreed and staff can remove the strike of the word 'uncovered'.

Planning Consultant Zweber stated that he feels staff was clumsy in what they intended. He explained that they have moved 'uncovered' in front of all the items. He stated that they never intended for covered porches to qualify in this situation. He reiterated that this was a good catch and they will need to rework that language to make sure that it applies to all of those features and reiterated that it was not their intent to now allow covered porches to qualify for this exception.

Commissioner Sorensen asked if the code was saying that people can build an uncovered deck or porch and encroach on the setback as long as they are 5 feet from the property line.

Planner Quarles stated that it is saying that you can encroach 5 feet into the setback of the front yard and on any other side of the home you can get within 5 feet of the property line. She shared a recent example of this type of situation for the property located at 247 Central Avenue.

Commissioner Merriam stated that situation was just putting something closer to the road, which was less of a concern to her.

Planner Quarles stated that she believes the idea is they should just allow a limited encroachment into the front yard.

Commissioner Sorensen stated that for the side yard there is a 10-foot setback he asked if he was understanding correctly that they could build a deck or porch up to 5 feet from the property line which means the neighbor could also do the same which means the decks would just be 10 feet apart.

Planner Quarles stated that was accurate.

Commissioner Sorensen asked if staff and the Commission thought that was a good idea.

Planner Quarles stated that may a situation where it is up to the choice of the individual neighbor.

Planning Consultant Zweber clarified that this has been allowed for decades.

Commissioner Sorensen stated that he did not feel that was a good idea.

Commissioner Elg noted that he would agree with Planner Quarles that in this situation it would be up to the individual homeowners.

Commissioner Merriam asked about the definition of lodging found on page 32. She asked what ‘more or less’ temporary actually meant.

Planner Quarles explained that some of the more general definitions were pulled from a standard practice of what zoning definitions generally say. She stated that she does not know about the ‘more or less’ specificity but believes the idea was to provide some flexibility as to what temporary means.

Planning Consultant Zweber stated that he would have no issue with removal of those three words.

Commissioner Merriam referenced page 32 for lot base which refers to subdividing lots and seems to relate to two-family dwellings and asked about the definition.

Planning Consultant Zweber explained that this is because they had removed quadraminium and manor homes from all sections of the code.

Commissioner Merriam asked if that was implying that it would only pertain in a situation where a lot was being subdivided into a two-family home.

Planning Consultant Zweber stated that this was correct because townhomes and multi-family have different standards. He stated that two-family dwellings are commonly owned by separate people and the City does not get into tenure, meaning whether something is owner-occupied or rental.

Commissioner Merriam referenced page 37 and read aloud the language related to satellite dishes. She stated that technology is always changing and wanted to make sure that the City's definition covers the latest technology.

Planner Quarles stated that she can double check and see if there have been any updates in how satellite dishes are discussed.

Commissioner Merriam referenced page 58 and read aloud language related to usable open space. She asked why the City is reducing the amount of useable open space down to 250 square feet.

Planner Quarles stated that one of the things the City has run into with this standard is that it is fairly unrealistic to ask for 500 sq. ft. of open space per unit. She stated that she believed the majority of the multi-family spaces in the City do not comply with this requirement. She stated that the older style buildings generally have an apartment building and then a big, grassy, green area around the building. She stated that this is not necessarily the style of construction that is now seen and not the kind that the remaining developable lots allow for. She stated that the idea was to bring it down to a number that was more enforceable per unit.

Planning Consultant Zweber explained that this included a discussion with Van Meter Williams Pollack who helped the City with the Design Standards. He stated that with their experience doing residential development, the City had asked about what they commonly provide for open space. He referenced 909.15 and read aloud the language included. He stated that their reasons for dropping it from 500 to 250 sq. ft. was for consistency with the Design Guidelines.

Commissioner Merriam asked why exceptions were made for elderly housing, memory care, and assisted living.

Planning Consultant Zweber explained that many times that space is provided inside the facility. He briefly checked the ordinance language.

Commissioner Merriam stated that she thought open space was defined as being outside.

Planner Quarles stated that the way it is described within the code is as a required ground area or terrace area on a lot which is graded, developed, and landscaped which tells her that it is outside. She stated that it also says that such areas shall be grassed and landscaped and covered only for recreational purpose which also generally points towards outside.

Commissioner Merriam asked if there was anything in the code that had these requirements for the inside of a senior living facility.

Planner Quarles explained that one of the things the City may be relying on is that there are many more regulations at play than just the City's for that type of facility. She noted that she did not know what the State requirements were surrounding common spaces but stated that it is the State's role to mandate this type of item and not the City's.

Commissioner Douglas asked if there was a 12-unit multi-family dwelling if that meant that they would have to have 6,000 square feet of outdoor open space.

Planner Quarles stated that was correct and noted that this is an example of how quickly 500 sq. ft. per unit could add up. She stated that one of the things that they have included in their Design Standards is to provide this type of common area and would imagine that some of the downtown spaces would be looking to provide that kind of space higher in the building.

Planner Quarles gave a summary of the items that she felt there was consensus by the Commission based on the discussion tonight and things that staff will check into more closely.

Commissioner Schwalbe stated that she is continually amazed at how much minute work goes into preparation of the staff reports in this kind of situation and commended staff for their work.

Commissioner Sorensen stated that he agreed and also felt that it would be appropriate to acknowledge all the hard work that went into these proposed changes. He stated that he has a lot of confidence that staff is working to provide ostensible clarity, usability, and consistency with the zoning code. He encouraged the City Council to listen to the commentary that was raised during this meeting because he thinks there were important issues that were brought up that are worthy of further thought and conversation.

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

Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval for the proposed Zoning Ordinance Text Amendment for review and adoption at the next Planning Commission meeting, with the changes as discussed and outlined by Planner Quarles. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a) Review of Development Activities

Planner Quarles gave a brief overview of the recent development activities. She noted that there are 3 applications slated for the next meeting, Wells Fargo, and two CUPs for solar on City buildings. She noted that the application for the TCF building at 200 Lake Street East has been deemed complete and will most likely be on the Planning Commission schedule in May.

b) Planning Commission Meeting Schedule

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 Schwalbe to adjourn the Planning Commission meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:12 p.m.

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