

**WAYZATA PLANNING COMMISSION
WORKSHOP MEETING MINUTES
February 2, 2015**

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

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

Present at roll call were Commissioners: Gonzalez, Ramy, Vanderheyden, Iverson, Gruber, Young, and Gnos (arrived at 7:20 p.m.). Director of Planning and Building Gadow and City Attorney David Schelzel were also present.

Chair Vanderheyden stated the minutes to be reviewed are from the January 26, 2015 meeting.

Commissioner Gruber suggested referring to Director of Planning and Building Gadow as Mr. Gadow in the minutes. On page 11, line 35, there is a missing verb that should be inserted.

Chair Vanderheyden stated Commissioner Gonzalez had sent in several corrections. On page 9, line 29, he stated his point had been in other areas of town there would be a different discussion.

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the January 26, 2015 meeting minutes as amended. The motion carried unanimously.

AGENDA ITEM 2. Workshop Agenda Items:

a. Introduction to Downtown Parking Project – LSA Design

Mr. Gadow stated LSA Design would provide the Planning Commission with background information regarding the downtown parking improvements project and the Planning Commission's role in the project.

Ms. Jo Ann Olsen, LSA Design, reviewed the initial parking study and the need to focus on the downtown/Central Business District. LSA Design's scope of work is broken down to six separate projects: Plan of Finance, Parking District; Ordinance and Management Tools, Pilot Projects to Address Current Parking Issues, Options for Renovation of Carisch Ramp, New Mill Street Parking Ramp, and Wayfinding and Real Time Signage. They would need to have City Council approval prior to moving forward with projects 5 and 6 and this would be after the City Council has reviewed the findings for the first four projects.

Commissioner Iverson asked how long it would be for the pilot projects.

Ms. Olsen stated this has not been determined and they are currently working on this. Pilot project ideas include valet parking and remote employee parking but these pilot projects have not been defined yet.

1 Chair Vanderheyden clarified the 30-year agreement with the Carisch Ramp was due on 2017.

2
3 Mr. Gadow stated he would expect this to be extended if the City is able to come to an
4 agreement with Mr. Carisch for renovations and private parking.

5
6 Commissioner Ramy asked if Mill Street would be the only place for consideration for a parking
7 ramp.

8
9 Ms. Olsen stated another option would be under City Hall or adding parking stalls to the Carisch
10 Ramp but nothing further west.

11
12 Commissioner Gonzalez asked if it was feasible to build under City Hall.

13
14 Ms. Olsen stated it would be costly but they have not done any additional analysis to determine
15 if it would be feasible.

16
17 Commissioner Iverson asked there had been any discussion with the Yacht Club.

18
19 Ms. Olsen stated they are just getting started and have not talked to the Yacht Club at this time.
20 The Yacht Club is part of Phase II. She clarified the discussion at this time would be focused on
21 the Parking District, Ordinance and Management. These steps include review of the City's
22 parking regulations, recent parking study, case studies, and initiate public outreach, define
23 Parking District boundaries and principles, and draft revisions to parking regulations, shared
24 parking standards and management tools. This is expected to be a 12-week process and is
25 proposed to be completed by mid-March.

26
27 Commissioner Gruber asked what would be considered shared parking.

28
29 Ms. Olsen explained cities are applying calculations for shared parking usages and is based on
30 the times and actual usages to determine a maximum number of spaces needed. As the uses
31 change this table can be used to make sure the number of stalls is still appropriate.

32
33 Commissioner Gonzalez stated she would like to have a reasonable formula for the Ordinance to
34 use for calculating parking stall requirements because the formula currently used required too
35 much parking.

36
37 Ms. Olsen defined the boundaries for Parking Districts Phase I and Phase II.

38
39 Commissioner Iverson asked if walkability was changed because of the Presbyterian Homes
40 project.

41
42 Mr. Gadow stated retail studies have shown that people do not typically walk more than 500-feet
43 from their car to their retail destination and the boundaries for Phase I would provide parking a
44 reasonable distance from retail spaces. The deficits in the study are more deficits of proximity
45 than an overall deficit.

46 Ms. Olsen explained Phase II would have more walkability concerns so more mobility features
47 would need to be looked at such as a trolley.

1
2 Commissioner Gonzalez asked if diagonal parking along Lake Street had been considered.
3

4 Ms. Olsen stated they have not gotten this detailed. This had been brought up at the Chamber
5 meeting and could be looked at in more detail as the project moves forward. She explained
6 potential alternatives being considered at this time include revised parking standards, adopting
7 shared parking standards, maintaining free parking, encouraging turnover at prime customer
8 spaces, valet parking, regulating employee parking, and promoting car sharing, biking, walking
9 or transit/circulator.
10

11 Commissioner Gonzalez stated it was her understanding that people did not like to go downtown
12 Minneapolis because they have to pay for parking so she does not think that having metered
13 parking would work in Wayzata.
14

15 Ms. Olsen reviewed the schedule for the projects. She stated the timetable was established based
16 on the overall assumption that the end game would be construction of a ramp and they would
17 like to look at this for the coming construction season.
18

19 Commissioner Ramy asked where the overall assumption was coming from because there were
20 many things that should be discussed before the City decides to build another parking ramp.
21 These alternatives should be tested and reviewed for a period of time before the City builds a
22 ramp on one of the oldest, most historic streets in the City.
23

24 Mr. Gadow stated the City would like to have some pilot programs operating for the upcoming
25 summer season.
26

27 Commissioner Gruber agreed that the City should look at all their options prior to building a
28 ramp. There have been a number of ideas brought up that have not been discussed or tested.
29

30 Commissioner Iverson asked if the Wells Fargo location had been discussed because this facility
31 is expected to be vacant in the future.
32

33 Commissioner Iverson asked if additional stories could be added to the Carisch Ramp.
34

35 Ms. Olsen stated structurally another story could be added but this Ramp is not very connected.
36

37 Commissioner Iverson asked if the pilot programs included looking at having the City purchase
38 additional property.
39

40 Ms. Olsen stated the City would want to consider looking at other options to determine how far
41 they need to go and if there is a need to purchase additional property.
42

43 Commissioner Gonzalez asked if LSA had looked at formulas used by other cities to determine
44 parking requirements.
45

1 Ms. Olsen stated they had looked at some and the formula used by Wayzata is typical but as
2 cities are redoing their Ordinances, they are reducing the requirement. She stated she would do
3 more case studies in this area for the City.

4
5 Commissioner Ramy asked how many net gain spaces is they City hoping to get with the
6 construction of a ramp.

7
8 Ms. Olsen stated approximately 200-300 stalls but this would be tight with the height
9 restrictions. She clarified the calculations that would be used at this time include the current
10 conditions and land uses and proposed development.

11
12 Commissioner Young stated one problem with the phases that are defined is that outside of
13 Phase I there are several areas that have season spikes that should be considered as well. The
14 City should not build something that adds capacity for one area that could potentially not address
15 deficits in locations that are part of Phase II. He would like to see the City look at a total
16 solution.

17
18 Mr. Gadow stated the Planning Commission would review the parking again in March and LSA
19 would bring forward additional information.

20
21 Ms. Olsen stated she would prepare a report that looks at Phase I and Phase II parking and
22 determines what the deficits may be and provide some case study information for the
23 Commission to review and what impacts some alternatives may have.

24
25 Chair Vanderheyden asked for additional information regarding valet parking, what other cities
26 have done and what impacts this would have.

27
28 Commissioner Ramy stated moving the employee parking to a central location would open up
29 parking spaces in the needed areas as well.

30
31 Commissioner Gonzalez stated one of the things that had been discussed by the City was
32 removing the lot between the Cove and the Depot to extend the park. She asked if this would be
33 something that LSA Design could look into the effects this would have.

34
35 Commissioner Iverson suggested talking to the owner of the “pink building” to see if they would
36 be interested in providing parking for a fee. She asked if there would be a public hearing before
37 a parking ramp would be built.

38
39 City Attorney Schelzel stated the Planning Commission would hold a public hearing for any
40 Zoning or Ordinance changes and this would be an opportunity for the Commission to provide
41 input.

42
43 **b. Planning Commission Training with the City Attorney**

44
45 Mr. Gadow stated this training is to provide Planning Commissioners with training on what the
46 Commission deals with in terms of Zoning and land use and the legal role.

47

1 City Attorney Schelzel provided an overview of the roles and duties of the Planning
2 Commission, the standards the Commission applies, communication among Planning
3 Commissioners, and review of land uses. He explained the Open Meeting Law and what would
4 be considered a violation of the Open Meeting Law.

5
6 Commissioner Iverson asked what would happen if the Open Meeting Law were violated.

7
8 City Attorney Schelzel stated the City could be sued and there may be a penalty involved. He
9 reviewed the Quasi-Judicial Standard, which is the need for objectivity and fairness as a
10 Commissioner and the importance of the Commission to provide objectivity and fairness when
11 reviewing applications. The City can face serious consequences if the applicant does not receive
12 fair process.

13
14 Commissioner Gonzalez asked what the stance would be on Commissioners meeting with an
15 applicant.

16
17 City Attorney Schelzel stated as long as a Commission is clear going into a meeting that this is to
18 listen to what they have to say only but you cannot advise them. The Planning Commission
19 needs to apply the standards established for applications. It is within the purview of the
20 Commission to ask an applicant to revise portions of their application, particularly if there are
21 items that the Commission does not feel meet the spirit or letter of the Ordinances. It is also
22 reasonable to place conditions on an application that go to meeting the standards and criteria.

23
24 Commissioner Iverson asked what the level of importance would be for guiding documents.

25
26 City Attorney Schelzel stated the Comprehensive Plan and the City Ordinances would be a
27 simplification of what guides the Planning Commission. The Comprehensive Plan is like the
28 constitution of Planning for the City. The Zoning and Sub-Division Ordinances are meant to
29 implement general policies of the Comprehensive Plan. The City of Wayzata has a Charter that
30 they follow.

31
32 Mr. Gadow stated there would not be a lot of work done by the Planning Commission that would
33 pertain to the Charter and if there is then Staff will note this for the Planning Commission.

34
35 City Attorney Schelzel discussed the statutory authority, from the Municipal Planning Act, for
36 the Zoning Ordinance, the Sub=division Ordinance and the Comprehensive Plan. He explained
37 the Planning Commission is an advisory committee and does not make a decision regarding an
38 application but rather makes recommendations for the City Council for action.

39
40 Mr. Gadow explained the Staff Reports are designed to be as objective and impartial as possible.
41 If, after reviewing an application, the Planning Commission feels the Staff Report contains
42 enough information to make a recommendation then this document would be used as a basis for
43 this recommendation. The Planning Commission could also ask Staff to prepare the findings and
44 recommendation to be adopted at the next Planning Commission meeting. Regardless of the
45 Planning Commission's recommendation, the City Council would receive a copy of the minutes
46 for the appropriate meeting to know what was discussed regarding a particular application.

47

1 City Attorney Schelzel reviewed the different land use concepts that the Planning Commission
2 would deal with including zoning amendments and variances. He explained that variances are
3 deviations that are permitted under the Zoning Ordinance and can be granted if the variance
4 standards are met and he reviewed these standards and criteria. He clarified that a variance
5 could not be granted for a land use change.

6
7 Commissioner Gonzalez asked if it was appropriate for the City to request concessions with a
8 PUD request.

9
10 City Attorney Schelzel stated a PUD request would be considered quasi-judicial and an applicant
11 is not entitled to an approval of the request.

12
13 Commissioner Iverson asked how the City would be protected when determining what would be
14 considered a reasonable use with a variance request.

15
16 City Attorney Schelzel suggested tying this to something objective. The Planning Commission
17 needs to make recommendation to the City Council on what is reasonable in Wayzata.

18
19 Mr. Gadow explained that if the City has a large number of similar variance requests then the
20 City may want to look at the code to determine if changes are needed.

21
22 Commissioner Young asked what kind of precedent is set if a “reasonable” variance is granted.

23
24 City Attorney Schelzel stated the City should not worry about setting a precedent and make sure
25 the findings are correct and address the particulars of the application being presented. He
26 continued and explained a Conditional Use Permit (CUP) would be an authorized violation or
27 permitted exception of the Zoning Ordinance. IF the criteria are met then a permit can be issued
28 and this permit would go with the land. A Planned Unit Development (PUD) would be for a
29 mixture of uses that may want to incorporate some kind of innovation in the design and by nature
30 these do not comply with the current zoning and these can be approved as long as they meet the
31 criteria set for a PUD. With a PUD, the developer has flexibility and the City has control. He
32 explained a PUD/CUP would still have the underlying zoning in place. He stated the Design
33 Standards are part of the Zoning Ordinance and are zoning requirements. Most of these can be
34 deviated from is the City approves it and this would not be considered a variance. He clarified
35 sub-divisions and the role of the Planning Commission in approving sub-divisions and the
36 criteria that should be met by an application and these are considered quasi-judicial. If the
37 criteria are met then the City has to approve the application. He explained the role of the
38 Planning Commission in approving the Comprehensive Plan and how to apply this with
39 applications. The Comprehensive Plan guides the Zoning Ordinance.

40
41 Chair Vanderheyden asked what the procedural process would be to recuse yourself from voting
42 on an application.

43
44 Mr. Gadow stated if a Commissioner would benefit financially from the application being
45 approved or a relation to the applicant then that Commissioner should recuse themselves from
46 voting on that application.

47

1 City Attorney Schelzel stated there is a code of ethics and if there is a conflict of interest then the
2 Commissioner should let the Chair know before discussion on the application starts. The
3 Commissioner should leave the room for discussions on that application and return after a
4 decision has been made.

5
6 **AGENDA ITEM 3. Other Items:**

7
8 **a. Review of Development Activities**

9
10 Mr. Gadow stated the next meeting, February 23, would be a review of the application for 637
11 Harmony Circle. The applicant has put together two story-and-a-half home designs for the site.
12 The sub-division for 151 Westwood Lane had been denied by the City Council and based on the
13 feedback the applicant has submitted a 2 lot sub-division and this will be at a March Planning
14 Commission for consideration. The lot combination for 227 Walker/529 Park Street and the
15 applicant has stated they would like to do a small addition to the rear of the house and this would
16 meet all the setbacks and there would not be any variances.

17
18 Commissioner Iverson asked when the Pillar Home project would come to the Planning
19 Commission.

20
21 Mr. Gadow stated this could be ready by mid-March. Also for mid-March would be the Bay
22 Center Development for the east block design modifications.

23
24 **b. Other Items**

25
26 There was no other business.

27
28 **AGENDA ITEM 4. Adjournment.**

29
30 There being no further business, Commissioner Ramy made a motion, seconded by
31 Commissioner Gnos, to adjourn the meeting. The motion passed unanimously.

32
33 The meeting was adjourned at 9:23 p.m.

34
35 Respectfully submitted,

36
37 Tina Borg
38 *TimeSaver Off Site Secretarial, Inc.*