

WAYZATA PLANNING COMMISSION
Meeting Agenda
HYBRID MEETING INFORMATION

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Meeting ID: 838 1310 9813 Passcode: 285253

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).

Monday, November 20, 2023
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting Minutes of November 6, 2023
 - b. Approval of Planning Commission Report and Recommendation of Approval for PUD Amendment and Shoreland Residential PUD/CUP at 825 Mill St E
5. **Public Hearing Items**
 - a. Consider Application for Fence Variances at 728 Wayzata Blvd E
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:
City Council - December 5, 2023
Planning Commission - December 4, 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: November 20, 2023	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of November 6, 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 November 6, 2023.

ATTACHMENTS:

1. Planning Commission Meeting Minutes of November 6, 2023

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 6, 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, Merriam, Stockton, Sorensen, Schwalbe, Severson, and Elg. Community Development Director Emily Goellner, 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 Schwalbe made a motion, seconded by Commissioner Merriam to approve the November 6, 2023 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the October 2, 2023 Planning Commission Meeting Minutes
- b.) Approval of Planning Commission Report and Recommendation of Approval for Rear Yard Setback and Impervious Surface Variances at 223 Gleason Lake Road

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

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

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

AGENDA ITEM 5. Public Hearing Items

- a) Consider Application for PUD Amendment and Shoreland Residential PUD/CUP at 825 Mill Street E

1
2 Assistant Planner, Valerie Quarles, reviewed the application for Mill Street Flats located at 825
3 Mill Street E, the surrounding zoning and land uses, existing conditions, project area dimensions,
4 the entitlement history of this property, leasing map of the area, and current floor plan. She
5 explained that the proposal is to turn the current space into 12, loft-style residential units for people
6 over 55 years old, with an interior common/amenity space.

7
8 Commissioner Merriam asked for clarification regarding the size designations for the units.

9
10 Assistant Planner Quarles continued the review of the proposed floor plans for the units and how
11 they can be accessed. She reviewed the amenity spaces and the proposed exterior renderings. She
12 explained how they had considered the density, intensity, and overall impact of converting a
13 former grocery store space into residential space. She reviewed the notification process and noted
14 that they have not received any public comment on this proposal. She explained that the
15 Engineering Department had no comments on this proposal and noted that it would be less use of
16 the City's utilities than something like a grocery store would be. She reviewed the primary
17 questions for the Commission to consider with this proposal.

18
19 Chair Stockton asked if the Commission had any questions for staff.

20
21 Commissioner Schwalbe asked if these units would be rentals or have owners.

22
23 Planner Quarles stated that they are proposed to be rental units.

24
25 Commissioner Sorensen asked about current vacancy rates in this PUD as well as in the downtown
26 area, in general.

27
28 Planner Quarles stated that she had checked in with Becky Pierson to try to get that data, however,
29 the Chamber nor the City has it. She noted that the best way to gather that information appears to
30 start by reviewing the store fronts to see which are empty. She stated that for the most part, Lake
31 Street is doing pretty well but that is not the same story at the Promenade where she understands
32 the vacancy rate is around 40%.

33
34 Someone from the audience spoke up and stated that it is closer to 60%.

35
36 Planner Quarles suggested that they present this information later from the microphone. She stated
37 that there are much higher vacancy rates at the Promenade as compared to other areas in the city,
38 and in comparison with other malls.

39
40 Commissioner Merriam asked if the breakdown for the designation between commercial and
41 residential being 60% for commercial and 40% for residential was for the entire district or just in
42 this block. She asked how this proposed change would affect those designations.

43
44 Planner Quarles stated that staff had been thinking about that breakdown in the context of the
45 whole district because this whole development exists under one set of approvals, so it is a bit easier
46 to think of it as a unit. She stated that determining whether this proposal would tip the scale in

1 favor of one type of use or the other is tough to quantify because of how they measure each one.
2 She stated that there are a lot of units in this development and adding 12 more will not make it a
3 lot more residential than it already is, but agreed that losing about 35,000 sq. ft. of commercial
4 space would be a big difference in the commercial component of the development.

5
6 Commissioner Merriam confirmed that they were looking at the entire 5 block area and asked if
7 the hotel was considered all commercial because of its use.

8
9 Planner Quarles explained that they would consider the rooms within the hotel to be commercial
10 space.

11
12 Commissioner Douglas stated that she wanted to talk about vacancies and noted that when she was
13 at the Chamber, one time she had to call all the major property owners because that was the only
14 way she could get a true picture of that information. She stated that as she drives down Lake
15 Street, she can also see empty office spaces and noted that she thinks the City needs to look at the
16 big picture and not just focus on the retail spaces.

17
18 Planner Quarles noted that Mr. Zitzloff had moved his offices to the other building in anticipation
19 of taking the building down for redevelopment, which is why some of that is vacant at this point.

20
21 Commissioner Douglas stated that the new building also appears to be quite empty and as though
22 there are people only in there about once a week. She reiterated that she feels the City needs to
23 look at the big picture because there may be other vacancies that aren't as visual as an empty retail
24 space.

25
26 Commissioner Merriam asked if other retail stores in the area were notified of this proposal and
27 the public hearing.

28
29 Planner Quarles explained that when the City does their notification process, they notice property
30 owners as well as residents who rent but do not have a separate process to reach out to commercial
31 tenants, so those notifications would have been up to the property owners/applicant.

32
33 Commissioner Merriam explained that she felt that the other retail stores in the area may be
34 concerned about this proposed change.

35
36 Commissioner Severson stated that it appears that there were a few other tenants coming in, such
37 as for a gym. She asked if this was something that would be subdivided if someone came in and
38 only wanted half of the rental space.

39
40 Planner Quarles stated that the applicant can answer this question more thoroughly, but believes
41 that when they were marketing the space, it was shown as divisible.

42
43 Commissioner Severson asked if the applicant currently owned the property.

44
45 Planner Quarles stated that the applicant does own the property.
46

1 Commissioner Schwalbe asked if the comment shared earlier was that the vacancy rate in the
2 Promenade was about 60%.

3
4 Planner Quarles explained that the applicant, from the audience, appeared to have stated that the
5 vacancy rate was currently at around 60%.

6
7 Commissioner Schwalbe asked if that reflected vacancies for businesses or for living spaces.

8
9 Planner Quarles stated that she believes that number reflects vacancies for the commercial spaces
10 because her understanding was that the residential areas are doing pretty well.

11
12 Chair Stockton invited the applicant to address the Commission.

13
14 Lisa Albain, Senior Development Manager, Presbyterian Homes and Services, introduced Chris
15 Palkowitsch, BKV Architects. She shared some background and project information and noted
16 that portion have been vacant since Lunds/Byerly's vacated the property in 2017, despite their
17 efforts to lease this space. She explained that the vacancy rates of the retail space since 2013 has
18 fluctuated between 30-60% and noted that they are currently at 63% occupancy which is better
19 than it has been. She stated that this vacant space has impacted their ministry and explained that
20 they are looking to increase the vitality in this area and activate Mill Street to be a more lively,
21 vibrant experience. She explained that they are proposing 12 luxury apartments that will meet the
22 current independent living demand. She noted that Folkestone independent living is currently at a
23 99.1% occupancy rate with about 125 people on the waiting list. She stated that if this conversion
24 is approved, the occupancy for the retail space overall would move to 81%. She shared details of
25 the unit sizes and the amenity spaces. She stated that this plan would eliminate 30,000 square feet
26 of vacant retail space that they have been working to lease for the last 6 years. She stated that they
27 feel that the renderings show what she feels will provide a wonderful refresh of the exterior of the
28 building as well. She noted that if this is approved they would still be providing 87,000 square
29 feet of retail space.

30
31 Chris Palkowitsch, BKV Architects, shared additional details about the plans for the exterior and
32 the interior vision for their proposed project. He noted that the units are planned to be more loft
33 style and have an industrial feel. He reviewed some of their plans to bring the outdoors inside for
34 the amenity area that does not have natural lighting. He stated that they tried to keep in mind the
35 Comprehensive Plan goals of having something that is walkable and pedestrian friendly and noted
36 that they tried to create something with charm that would add multi-generational space. He
37 reviewed some of the plans for materials that they are planning to use.

38
39 Chair Stockton asked about the mezzanine level and if they would be accessible from the hallway
40 as well.

41
42 Mr. Palkowitsch stated that the first floor level is accessible from the hall for all the units, but the
43 mezzanine level is not.

44
45 Commissioner Douglas asked if the units on Mill Street go up to the entrance to the garage.
46

1 Mr. Palkowitsch stated that they are very close to the garage. He explained that there is a corridor
2 that gives an accessible entry at that point, so there is a bit of relief from the garage entry.

3
4 Commissioner Douglas referenced diagram #11 which depicted a terrace and asked if that was in
5 somebody's unit.

6
7 Mr. Palkowitsch confirmed that would be in someone's unit and would be their private terrace.

8
9 Commissioner Merriam asked if there would be an elevator so people would not have to use the
10 steps on the exterior.

11
12 Mr. Palkowitsch stated that they were not currently planning for an elevator to take people up to
13 the mezzanine level of the units.

14
15 Commissioner Merriam asked if they would be handicapped accessible.

16
17 Mr. Palkowitsch explained that per the Minnesota Building Code they are allowed to have this
18 style of unit as long as they are providing certain other aspects, such as a first floor bedroom. He
19 stated that if they provide those things, they do not need to provide full accessibility to all the
20 locations.

21
22 Commissioner Severson stated that her understanding is that the units themselves would be
23 accessible but not the upstairs, loft, area of the units.

24
25 Mr. Palkowitsch explained that to enter the apartment you can either come in from the street,
26 through the garage, or via the entrance on Mill Street.

27
28 Commissioner Merriam referenced the planned amenities of the garden bar and noted that she was
29 not sure what the pictures were supposed to indicate because a few of them clearly show natural
30 lighting, which this space will not have.

31
32 Mr. Palkowitsch explained that the pictures were intended to just give an essence of the idea for
33 the space and clarified that the details had not been fully flushed out yet.

34
35 Chair Stockton noted that, in theory, they could have grow lamps in that space for the plants.

36
37 Commissioner Schwalbe asked about the units on Superior Boulevard specifically relating to their
38 privacy and setback from the sidewalk.

39
40 Mr. Palkowitsch stated that there very little and noted that they believe those could have the roll-
41 up shades. He explained that this is the existing condition and they were not proposing that any
42 landscaping be added as a buffer.

43
44 Commissioner Schwalbe asked if they would be closer to the sidewalk than Wayzata Blu.

1 Mr. Palkowitsch stated that he was not familiar enough with that particular building to be able to
2 answer her question.

3
4 Planner Quarles stated that she believed the Wayzata Blu building was right on the sidewalk, but
5 she was not sure if there were units right at the front.

6
7 Commissioner Schwalbe stated that for many of the units at Wayzata Blu it is a porch and screened
8 in area that is right on the sidewalk.

9
10 Mr. Palkowitsch stated that the building units will have windows that are right up to the sidewalk
11 through this area. He stated that the sidewalks are gracious in this area, so it may be possible to
12 modify them in order to provide a bit of landscape buffer.

13
14 Commissioner Douglas asked what he meant by referring to the sidewalks as ‘gracious’.

15
16 Mr. Palkowitsch stated that it is wider than 5 feet and noted that at some points there are boulevard
17 trees and green space for those, so it varies between 12 feet and 8 feet wide in some areas.

18
19 Commissioner Elg asked how they had arrived at this number of units and noted their large size.
20 He stated that he was not sure that adding an additional 22 people was something that would
21 provide activation for the area, as it had been described by the applicant. He asked why they had
22 not chosen to create a larger number of smaller units. He stated that he would agree the proposed
23 design changes would be activating, but did not feel 22 additional occupants would be.

24
25 Ms. Albain explained that they are proposing 12 units and explained that they were proposing to
26 have these larger units was because of the feedback they received from both the City and their own
27 company related to where they have seen the most demand for this type of larger unit.

28
29 Chair Stockton noted that she appreciated the statistic that was shared about providing 81%
30 occupied retail space as well as the style and vibrancy that this new palette would bring, but could
31 not help but think that these spaces would be really nice boutiques. She asked if they had
32 considered looking at this space for boutique use before they moved onto the residential area.

33
34 Ms. Albain stated that the vacancy rate for the retail spaces has been 30-60% since they opened
35 Folkestone. She stated that they have been very intentional about trying to lease this space for the
36 last 6 years. She explained that they had tried very hard to get Red Cow to move into this space
37 but they did not want to be there because there wasn’t visibility or foot traffic and accessibility.
38 She stated that this space was just not conducive for the restaurant that they were envisioning. She
39 stated that she thinks the same statements could be made for a boutique space and reiterated that
40 it has been very difficult for them to get any interested parties in coming to this space.

41
42 Chair Stockton noted that it seems as though the Superior connection is a transporting street to
43 upper and lower Wayzata, but noted that there is a project across the way that will have some
44 residences which would add shoppers. She stated that with the Muni being in this location it
45 provides a natural stopping point on the south side of the building and asked if their proposal for
46 amenities would still work if the south side of the building were to focus more on retail space.

1
2 Ms. Albain reiterated that they have tried for the last 6 years since Byerly's vacated and they have
3 not been successful. She stated that in order for them to make this work financially and be able
4 to convert this space and add amenities it will take quite a bit of money and just converting a
5 portion would not work.

6
7 Commissioner Merriam asked why they hadn't made the conversions to make the space more
8 workable as retail space. She asked if they had negotiated on lease prices or considered decreasing
9 what they were charging for this space. She stated that she thinks it is a great location for retail
10 because of the walkability and the connection to other areas of retail and lots of new residential
11 units in the area. She stated that when this project was approved back in 2007, the retail aspect of
12 it was really important.

13
14 Ms. Albain explained that in good faith, Presbyterian Homes built that space and for the last 6
15 years they have really struggled with this amount of retail space. She stated that they serve seniors
16 and are a non-profit organization and to have a 30-60% vacancy rate for the life of the project is
17 substantial. She stated that they are looking for the opportunity to be able to expand their ministry
18 and reach a population of people that they are not currently serving who would support the retail
19 on Lake Street and in the rest of the Promenade. She noted that the reality is that they have been
20 trying for 10 years to get the Promenade full.

21
22 Commissioner Sorensen stated that he thinks a lot of people may be wondering how hard they
23 have tried to fill this space and asked Ms. Albain to share some of the proactive measures they had
24 taken to help people understand.

25
26 Ms. Albain stated that they had worked with the same commercial broker for the last 10 years but
27 had recently made a change and now have a new property manager who is working to create more
28 activation in the area. She stated that for one of the potential users that they had entered into an
29 agreement with, they invested a substantial amount of money for tenant improvement allowances,
30 and then they ended up walking away from that space. She stated that they offer a generous tenant
31 improvement amount for tenants coming into the space. She stated that their broker is constantly
32 networking and trying to create visibility and interest, but it has been very difficult.

33
34 Commissioner Elg stated that there are 35,000 sq. ft. and asked if they are looking to lease out that
35 amount or if the message was that they would help built to suit. He noted that if units 4, 5, 6, and
36 7 were already built as potential retail spaces, that would look more desirable to a prospect wanting
37 to open retail than figuring out how to carve out a piece of 35,000 sq. ft. He asked if they have
38 positioned this space with potential prospects and if it was being marketed for one tenant to take
39 up the complete space.

40
41 Ms. Albain stated that they have been interested in building to suit and noted that the last potential
42 tenant was only interested in 6,000 sq. ft.. She stated that despite working with them, it ultimately
43 did not work out. She clarified that the space itself had always been marketed as being divisible
44 and never as all or nothing. She shared examples of businesses who looked at the space and then
45 decided to move closer to Lake Street because of the visibility.

1 Commissioner Merriam asked about the spaces along Superior and if that could be converted to
2 retail space.

3
4 Ms. Albain stated that it could be converted into retail space, but she would say that nobody wants
5 to go there. She stated that there has been no interest in the Superior portion of the building because
6 there is nowhere to park along that side which makes for more difficult access.

7
8 Commissioner Douglas stated that she has been involved in this project since 2006 and has been
9 involved in about 30 of the various planning meetings. She noted that this development was
10 okayed because they thought it would replace the retail in Wayzata. She stated that when Lunds
11 opened she thought it was a huge mistake because nobody was living there yet. She stated that
12 people, 10 years later were saying things like they didn't know where to park in the development
13 and it is all indoor parking, however, people didn't know where the garages were. She stated that
14 she thinks there are a lot of factors that have affected this development, for example, when it finally
15 got going, on-line shopping became more popular. She stated that people also want to be on Lake
16 Street which she knows because she used to serve as the Director of the Chamber of Commerce.
17 She stated that visibility is very important and noted that the City had changed some of the allowed
18 uses in 2020 which has helped a little but it is mostly office and residential. She stated that this
19 creates a dilemma and agreed that it would be a big thing to change the PUD.

20
21 Commissioner Elg agreed that visibility is important and noted that retail is a risky business.

22
23 Commissioner Douglas clarified that she knows what Ms. Albain is talking about when she shares
24 what they have gone through because she has been close to the inside throughout the process.

25
26 Commissioner Severson asked where these residential units would park.

27
28 Ms. Albain stated that there are 72 public parking spaces that were required for the grocery space
29 and 24 stalls would be for residents.

30
31 Commissioner Severson asked if the internal space would be just for use by the residents.

32
33 Ms. Albain stated that it would just be for residents and not open to the public. She noted that
34 because it would be part of Folkestone, so residents from there will be able to come participate in
35 those amenities as well as those on the main campus.

36
37 Commissioner Douglas asked if Presbyterian Homes would be managing this property.

38
39 Ms. Albain confirmed that Presbyterian Homes would be managing it.

40
41 Commissioner Elg asked to see the slide that would show the remaining unoccupied retail spaces
42 if this proposal were approved.

43
44 Ms. Albain noted that was an old plan and did not contain current information.

1 Commissioner Schwalbe asked if they had had experience in the past with people's reluctance to
2 lease a spot that is right on a sidewalk like that and explained that she worries about the privacy
3 issue. She suggested that they do something to indent where the windows start for the actual unit.
4

5 Ms. Albain referenced the Marvella project in St. Paul and noted that phase 2 of that project will
6 be very similar to what is proposed here in Wayzata. She stated that it is more like a walk-up like
7 you would see on the east coast and noted that people like to have that access.
8

9 Commissioner Schwalbe asked if the units on Superior would be walk-ups.
10

11 Ms. Albain stated that they are the same as what they have on the south side on Mill Street with
12 individual entries. She stated that they could study this a bit more and see if there may be a way
13 to provide a landscape buffer where some of the existing concrete is in order to create some
14 separation. She reminded the Commission that the current drawings were concept drawings which
15 are very preliminary in nature.
16

17 Commissioner Merriam asked if this proposal had been discussed with some of the existing
18 tenants.
19

20 Ms. Albain stated that the company that is managing this development is aware of the plans but
21 was not sure if they had reached out to the tenants or not.
22

23 Commissioner Merriam expressed fear that this decision may trickle down and give other retailers
24 a reason to say that they cannot make it either.
25

26 Ms. Albain stated that she believes Presbyterian Homes would still be the largest provider of retail
27 space in the City.
28

29 There being no additional questions from the Commission for the applicant, Chair Stockton opened
30 the public hearing on the application at 7:45 pm.
31

32 Bob Ambrose, 825 Lake Street E, #414, noted that he had served on the City Council for 16 years
33 which he finished in 2004 and also served on the Planning Commission as Chair for 4 years. He
34 stated that he had just met the applicant tonight and wanted to be clear that he was not here because
35 they had asked him to come. He explained that he was here because he is a relatively new resident
36 of Folkestone in the south terrace building and lives directly above Benedict's. He stated that back
37 when he was on the Planning Commission and the City Council was when the focus on street level
38 retail began to be emphasized. He stated that he thinks this has really been an important policy
39 that has helped the City become more pedestrian oriented and has helped businesses along Lake
40 Street, however, he was here to urge the Commission to support this proposal. He noted that this
41 is one place where, despite the major efforts to find a tenant for this space, it has been unsuccessful
42 and he does not see any prospects waiting in the wings. He stated that when he comes down
43 Superior, he sees what is essentially a blank wall and if there were units who had windows or doors
44 right at this level it would show people that this is a residence which would increase the likelihood
45 of people strolling past to increase the pedestrian traffic. He stated that it is even less inviting right
46 now with construction activities, but reiterated that he thinks this is a good solution to a situation

1 that is causing stress financially but also in how this portion of the City is viewed. He stated that
2 he remembers when the Bay Center was there and he was anxious to get rid of it at almost any cost
3 because of its condition. He stated that what is there now is so much better than that, even if it
4 isn't perfect. He stated that if this is approved, he would suggest adding an additional amenity for
5 electrical vehicle charging stations in the public lot area. He stated that he thinks this is an occasion
6 when the Planning Commission can use the flexibility that is available to them with a PUD
7 amendment to try something that will be better than 6 more years of searching for a tenant.

8
9 Community Director Goellner stated there were no people that called in to the meeting that have
10 asked to speak at the public hearing.

11
12 There being no additional comments on the application, Chair Stockton closed the public hearing
13 at 7:52 pm.

14
15 Chair Stockton asked the Commission to share their questions and feedback on the application.

16
17 Commissioner Severson asked if Folkestone owned the whole Promenade property and if they
18 were the original developers.

19
20 Community Development Director Goellner stated that Folkestone did own the entire Promenade
21 property and were also the original developers.

22
23 Commissioner Severson asked if the original concept was for retail.

24
25 Community Development Director Goellner stated that her understanding is that there were a
26 number of community meetings over a series of years that led to the summary in the staff report
27 of the total square footage of retail that was required for the property, which was over 100,000 sq.
28 ft. She noted that at the time there was a lot of discussion about the desire to keep the retail base
29 that had existed in the old shopping center with the hope that it would create more draw to the area
30 for bars and restaurants.

31
32 Commissioner Severson asked what conversion of this space would do to the overall mix between
33 retail and residential for the project.

34
35 Community Development Director Goellner stated that she thinks it would make a fairly
36 significant impact to the amount of square footage devoted to retail, but noted that the unit count
37 would not dramatically change.

38
39 Chair Stockton stated that there was a 10 year anniversary that took place recently but asked if the
40 building had been operational for 13 years.

41
42 Ms. Albain stated that the master development was opened in phases, so the residential portion
43 was what had the 10 year anniversary.

44
45 Commissioner Douglas asked if Regatta and the hotel was owned by Presbyterian Homes.

1 Ms. Albain stated that they were not.

2
3 Chair Stockton asked if within the 10 years they had come back to make improvements in order to
4 have the building be more accessible from the exterior on the Superior side.

5
6 Ms. Albain stated that the only changes that were made to the space was when the Well Way was
7 going in and they were considering putting in a swimming pool in the loading dock area, so they
8 filled it with concrete.

9
10 Commissioner Sorensen stated that this proposal says that it would take away about 35,000 sq. ft.
11 of retail space but noted that he believed about 10,000 sq. ft. of that space was actually loading
12 dock space.

13
14 Ms. Albain stated that she believes the loading dock space was about 12,000 sq. ft.

15
16 Commissioner Sorensen noted to him that meant that it would really only be taking away around
17 25,000 sq. ft.

18
19 Chair Stockton stated that this would make a strategic decision for the City that would change the
20 idea around this area that would essentially be permanent.

21
22 Commissioner Elg stated that just because retail is desired does not mean it is necessarily the right
23 thing in a particular space. He stated that he feels it is evident by the number of apartment buildings
24 that are being built that there is a demand for living spaces. He stated that it is not uncommon for
25 retail space to remain empty because retail is a risky business and they rely heavily on visibility.
26 He stated that thinks this is the wrong space for retail use and feels this proposal is a good one for
27 the property. He stated that creating retail space along Superior would almost require access from
28 the interior because the exterior entrances would be so high up and people would have to climb
29 stairs to gain access. He stated that there would also be challenges with visibility for retail.

30
31 Commissioner Schwalbe stated that she agreed also feels that this is a good project for this location.
32 She stated that she was happy this came forward because it has been sitting there for a long time
33 and believes something should be done with it. She stated that she loved the renderings with the
34 addition of cream and white materials and feels it will be a nice, bright, boost for the building. She
35 stated that she does worry a bit about the closeness to the sidewalk for some of the units on Superior
36 and encouraged them to take a look at ways that they can alleviate some of those issues but
37 explained that she was in favor of their proposal.

38
39 Chair Stockton noted that Commissioner Elg had made a comment earlier in the discussion that
40 22 people would not 'activate' the area. She stated that aesthetically, her reaction to this proposal,
41 was very positive. She stated that she wanted to play a bit of the devil's advocate in this situation
42 and ask how this impacts the City in the long term. She stated that she was feeling sort of the same
43 thing that Commissioner Elg had touched on earlier that Superior is sort of a pass through, transient
44 area, but right now there isn't anything to look at. She stated that with this proposal, there would
45 be some thing to look at and can picture it looking livable.

1 Commissioner Merriam stated that Presbyterian Homes was not in the retail business and were in
2 the business of senior housing, which they do really well. She stated that she keeps going back to
3 when this project was approved, it was because people were coming in pleading for more retail.
4 She stated that she agreed with the comments that along that stretch there would be ways to make
5 it more appealing for retail, but Presbyterian Homes is not in the retail business and suggested that
6 perhaps they could use some assistance in order to help them. She stated that once this space is
7 converted to residential housing, it will not ever be retail again and noted that the retail market,
8 like every market, comes and goes. She stated that they do not know if the retail market will ever
9 come back or not. She explained that she feels that this could be retail or restaurant and noted that
10 she has a difficult time with a PUD amendment that would allow for residential. She stated that
11 three years ago the City revisited converting spaces to different uses, except along Superior and
12 Lake Street. She reiterated that she was very hesitant to recommend approval of this request.
13

14 Commissioner Severson stated that she feels the same hesitancy as Commissioner Merriam
15 because once this is changed to residential it will not come back. She stated that Folkestone wanted
16 this to be retail in their original plans, so she was struggling giving it up.
17

18 Commissioner Elg stated that he did not believe Folkestone had an opinion on whether it should
19 be retail space or not and believes that direction came from the City.
20

21 Commissioner Severson stated that if it came from the City, she feels as though it is part of her job
22 to uphold that expectation. She stated that she was not convinced right now that this needs to be
23 residential.
24

25 Commissioner Douglas referenced a statement made on page 18 of the packet that discussed land
26 use context. She stated that after 17 years, she thinks they are at the 'redevelopment challenges'
27 stage. She reiterated that she was involved with the Chamber for many years and has lived in the
28 area for 50 years so she has seen a lot of change. She stated that they brought in a retail consultant
29 to look at the community when this all came forward and he talked about critical mass and how
30 when there is a shopping area, people travel continuously and when there is a break, they stop,
31 which she has seen be a true statement. She stated that she thinks it is clear that times have
32 changed, but agreed that this is a hard change to think about making in the City. She stated that
33 Chair Stockton had made a statement that the renderings look like they could be little boutiques
34 and suggested that if the housing market crashes in 10 years, they could be made into boutique
35 spaces. She stated that the trouble filling these retail spaces started long before Covid. She noted
36 that even though Presbyterian Homes is in the housing business, they had hired a retail consultant
37 to handle this, so an amateur is not running this show.
38

39 Chair Stockton noted that they had the same consultant for 10 years which is a long time to have
40 someone in a position when they were not being successful.
41

42 Commissioner Douglas stated that she just spoke with the City Manager of Maple Grove who used
43 to be the City's manager and found out that they are having the same issues with their shopping
44 centers, which shows her that it is a changing economy. She stated that she feels they need to take
45 a look at the big picture and noted that things are changing for office use as well because people
46 are working from home more frequently.

1
2 Commissioner Elg referenced Calhoun Square which is essentially empty. He reiterated that just
3 because you 'want' retail does not mean it will come.
4

5 Commissioner Sorensen referenced the example of the West End.
6

7 Commissioner Douglas stated that she feels she is a very realistic person and noted that, for a time,
8 there were a lot of little boutiques along Lake Street, that were all owned by women whose
9 husbands had good jobs. She stated that the property values in the City are high, so the rents are
10 high, because the landlords have to pay the taxes. She explained that her view is that she feels it
11 is time to make this change. She stated that the City wants this to be a successful development
12 and believes that people are sick of looking at the empty buildings, which is also a negative thing
13 for the community. She stated that she strongly supports this proposal and noted that the former
14 mayor had made this suggestion a few years ago that the perfect thing for this building would be
15 loft apartments.
16

17 Commissioner Elg noted that if the condos were for sale, he would be in line to get one.
18

19 Chair Stockton agreed that they definitely look desirable, but her point is that she wishes that it
20 had a shot to look like what is being proposed, but for retail boutiques. She stated that she would
21 have liked to have the opportunity to feel this possibility out before entertaining the idea of
22 changing it to retail use, but noted that she felt the dialogue that the Commission has been having
23 was a good thing.
24

25 Commissioner Merriam stated that this development has been a success and has brought in a lot
26 of money for the City, but in this stretch, she does not think it is going to look any different whether
27 there are residents or vacancies. She stated that she does feel it would look different if there were
28 some vitality with retail shops or cafes.
29

30 Chair Stockton expressed concern that if this is lost where the other opportunities for this may be
31 in the area. She stated that this is a decision for the City's future, which includes a lot of unknowns
32 and feels, to a certain extent, the past is the past, and they need to really take a look at what they
33 feel is the intended best use for this property.
34

35 Commissioner Sorensen stated that he felt the comments shared by Mr. Ambrose were eloquent
36 especially when he talked about sometimes having to agonize over various decisions that the City
37 needs to make. He noted that originally he was not very enthused about taking away retail space,
38 however, he feels it is very hard to ignore the history in this situation. He explained that they have
39 gone 10 years with multiple attempts to fill this space and there have always been high vacancy
40 rates in the area which are not improving. He stated that if they only take about 25,000 sq. ft. that
41 would be built out, because the rest is the loading dock space, that is less than 20% of the original
42 retail space. He stated that he also felt the decrease in density and intensity that comes with this
43 proposal would be a good thing. He stated that he considers this a tweak to the plan because it is
44 still a multi-use facility, but they are making changes based on the market conditions. He stated
45 that he had made a comment earlier today that was also mentioned by Commissioner Elg that you
46 can wish something were active retail but that is just a wish. He asked how long the City should

1 wait and noted that it had already been 10 years. He stated that he feels what is being proposed is
2 an appropriate change to make for this space and he would support it. He explained that his support
3 would be a bit reluctant, but noted that he believed it was the right thing to do. He stated that it is
4 not just this space that has a vacancy issue and encouraged the Commission to take a look at the
5 bigger picture of where they are.

6
7 Commissioner Elg stated that the Commission had discussed two projects on the opposite end of
8 Lake Street that they wanted retail on the first floor with hope for a coffee shop. He stated he fears
9 that they will get their way on that point and then there will be empty retail space down there. He
10 stated that retail is tough and is expensive in the City and noted that it is possible to over build
11 retail spaces and reiterated his earlier statement that just because you build it does not mean they
12 will come.

13
14 Commissioner Douglas noted that when they were looking at redeveloping the Bay Center they
15 had a study done of the customer area from the surrounding suburbs, but noted that since that time
16 there has been a lot of retail that has been built in the area. She stated that she feels the retail
17 nature has changed as well.

18
19 Commissioner Severson stated that she was concerned that converting this will turn the entire
20 Promenade into residential space. She stated that the Promenade is a pretty prominent space and
21 noted that she thinks she may be more open to converting some of the interior spaces to residential
22 uses because this proposal takes away a big corner that could be used for retail use, such as a
23 restaurant.

24
25 Chair Stockton stated that she would echo that concern, especially for the corner unit. She noted
26 that she feels as though people will be walking past Hunter Douglas blinds the entire way up to
27 upper Wayzata and the goal was to connect this with lower Wayzata. She stated that she hears
28 what is being said about the history of this property, but she is also thinking about the future and
29 does have concerns with this proposal.

30
31 There being no further discussion, Chair Stockton asked for a motion on the application.

32
33 Commissioner Douglas made a motion, seconded by Commissioner Elg, to direct staff to prepare
34 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
35 recommendation of approval for the PUD Amendment and Shoreland Residential PUD/CUP at
36 825 Mill Street E for review and adoption at the next Planning Commission meeting.

37
38 Chair Stockton noted that she hoped the applicant has appreciated the thought the Commission has
39 put into their request and hopes that they understand why this is a complex decision.

40
41 Community Development Director Goellner conducted a roll call vote. Upon the vote, the motion
42 carried 4 ayes, 3 nays (Stockton, Merriam, Severson).

43
44 **AGENDA ITEM 6. Other Items:**

45
46 **a) Review of Development Activities**

1
2 **b) Planning Commission Meeting Schedule**
3

4 Community Development Director Goellner stated that the next meeting will be November 20,
5 2023 and noted that they will have the item just discussed as part of the Consent Agenda, as well
6 as a public hearing for a variance request for a fence at 728 Wayzata Boulevard. She noted that
7 she was unsure if there will be any December meetings because of the lack of applications.
8

9 **AGENDA ITEM 7. Adjournment.**
10

11 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.
12

13 Commissioner Douglas made a motion, seconded by Commissioner Merriam to adjourn the
14 Planning Commission meeting. The motion carried unanimously.
15

16 The Planning Commission meeting was adjourned at 8:32 p.m.
17

18 Respectfully submitted,
19 Kayla Atkins Rokosz
20 *TimeSaver Off Site Secretarial, Inc.*
21



City of Wayzata Planning Commission Agenda Report

MEETING DATE: November 20, 2023	AGENDA ITEM: 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Approval for PUD Amendment and Shoreland Residential PUD/CUP at 825 Mill St E	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: February 7, 2024 (extended to 120 days)	

BACKGROUND:

Owner Wayzata Bay Superior Retail has submitted a development application to convert the former Lunds and Byerly's space at 825 Mill St to 12 residential apartments. The development project includes requests for a Planned Unit Development Amendment to allow for residential use instead of commercial use, and a Shoreland Residential Conditional Use Permit to allow for increase in overall density in the Shoreland Overlay District. No public comments have been received as of November 14.

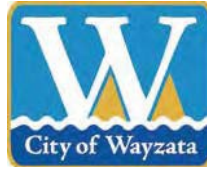
The Planning Commission reviewed the application at their November 6 meeting and recommended approval of the application by a vote of 4-3. They discussed the history of efforts to lease the space, the effects of losing commercial space at the Promenade, the livability of the units, and the future of the physical retail market.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Planning Commission Report and Recommendation of Approval for 825 Mill St E
2. Promenade Proposed Land Use Map



WAYZATA PLANNING COMMISSION

November 20, 2023

REPORT AND RECOMMENDATION OF APPROVAL OF PUD AMENDMENT AND SHORELAND RESIDENTIAL PUD/CUP AT 825 MILL ST

SUMMARY OF RECOMMENDATION

1. **Approval*** of PUD Amendment (Amending Zoning District and PUD Plan)
2. **Approval*** of Shoreland Residential PUD/CUP

* with certain revisions and conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. The applicant, Presbyterian Homes and Services (PHS), (the "Applicant") has submitted an application for approval of an amendment to the Promenade of Wayzata Planned Unit Development (PUD) Plan and associated PUD Zoning District for the property at 825 Mill Street East that encompasses the area described on Attachment B (the "Property"). The Property is part of the Promenade PUD District (the "PUD" and the "PUD District"). The Applicant is seeking approvals that will expand the permitted uses for the Property to include multi-family residential, allowing for the conversion of existing space on the first story and the mezzanine level of the building on the Property from commercial space to residential spaces (the "Project").
- 1.2 Original PUD. The Property is part of a larger collection of properties that comprise the PUD District that was originally approved by the City in 2008. The PUD removed the then existing shopping area (Wayzata Bay Center) and created a new mixed use development that specified the following permitted uses:
 - A. 130,000 square feet of retail use
 - B. 255 senior housing units
 - C. 155 conventional housing units (condominiums or apartments)

- D. 25,070 square feet of office use
- E. 80-100 room limited service hotel

1.3 Current PUD. An amendment to the PUD was approved in 2020 that expanded the permitted uses within the PUD as follows:

- A. Permitted Uses: Subject to applicable provisions of the Zoning Ordinance, and in addition to the uses permitted in the Existing PUD, any permitted use in the C-4 District under Zoning Ordinance No. 978.02 is also a permitted use within the PUD District (other than adult uses, theaters, and pawn shops), provided such use (i) is located on the ground floor of a building; and (ii) does not exceed 6,000 square feet in size for any single tenant or commercial use.
- B. Conditional Uses: Subject to applicable provisions of the Zoning Ordinance, the following are conditional uses within the PUD District provided (i) they are located on the ground floor of a building; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance:
 - 1. Any single tenant permitted use that exceeds 6,000 square feet in size
 - 2. Multi-family Residential on the East Block, as shown in the PUD District Map
 - 3. Childcare
 - 4. Micro-Production Facilities as regulated under the standards of the C-4A District
 - 5. Drive-in facilities for banks or savings and loan associations
 - 6. Fitness Establishments
 - 7. Theaters, excluding drive-ins
 - 8. Residential on the ground floor of the East Block fronting Lake Street
 - 9. Any other use that the City Council finds is compatible with the other current uses in the PUD District
- C. Lake St. and Superior Blvd. Uses Limited to Retail and Restaurant. The area of the ground floor of a building that fronts Lake Street or Superior Boulevard, as shown on the PUD District Map, are limited to retail and restaurant uses, and other uses (i) that the City Council finds support a high level of pedestrian activity and are compatible; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance.

1.4 Application Requests. The current Application includes requests for approval of the following:

- A. PUD Amendment: A PUD amendment under Section 933.09 to expand the permitted uses for the Property to include multi-family residential, allowing for the conversion of the existing space on the first story and the mezzanine level of the building on the Property from commercial space to residential spaces (the “PUD Amendment”).
- B. Shoreland Residential Planned Unit Development Conditional Use Permit: A Shoreland PUD/CUP under Sections 933.02, 933.03 and 991.17 for 12 new residential condominium units within the Shoreland District (the “Shoreland PUD/CUP”).
- 1.5 Property. The address, lot numbers, property identification numbers, and owners of the ground level Property in the PUD are identified and depicted on Attachment B.
- 1.6 Land Use Designations. The Property is zoned and guided as follows:
- | | |
|------------|-------------------------------|
| Zoning: | PUD/ Planned Unit Development |
| Comp Plan: | Downtown Mixed Use District |
- 1.7 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on October 26, 2023 and mailed to all property owners located within 500 feet of the Property on October 25, 2023. The public hearing on the Application was held at the November 6, 2023 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning District Amendment. Because the PUD Amendment would change the uses permitted in the PUD District, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment to the PUD Zoning District. Its 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 PUD Plan Amendment.

- A. Process. Section 933.09 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.
- B. Intent and Purpose of PUDs. Section 933 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 - 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 - 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. More convenience in location and design of development and service facilities.
 - 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 - 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
8. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.

C. General Standards. Section 933.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. Because the PUD Amendment is limited to changes in uses within the PUD, many of the applicable criteria for evaluating a PUD Concept Plan do not apply, and thus the criteria listed here go to the proposed changes in types, mixtures and ratios of uses:

1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
2. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
3. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.

2.3 Shoreland PUD/CUP. 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 (PUD/CUP) 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. Density Increase Multipliers.
 - 1. Increases to the dwelling unit or dwelling site base densities previously determined shall be allowed if the dimensional standards in Section 991.08 of this Ordinance are met or exceeded and the design criteria in Section 991.17.G of this Ordinance are satisfied. The allowable density increases in item 2 below shall only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

2. Allowable dwelling unit or dwelling site density increases for planned unit development.

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (Percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

G. 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.

H. 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.
- I. 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.
- J. 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.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, 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 Zoning District Amendment. The proposed residential use associated with the PUD Amendment (the “Proposed Uses”) would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:
 - A. The Proposed Uses are consistent with the Comprehensive Plan land use designation for the Property, and meet the policies of the Comp Plan in that the area has been guided for a mixture of commercial and residential uses. Though the Project involves a conversion from commercial to residential, the larger PUD would continue to see a mixture of commercial and residential uses. The Project would promote walkability with the renovated street level residential design, and help activate an area of the PUD that has struggled to attract and maintain commercial uses for several years. The Project would also add to the diversity of housing stock in the City by providing housing options for younger active seniors within the larger Folkestone community.
 - B. The Proposed Uses are consistent with current and future land uses in the area, which includes a mixture of commercial, residential, and institutional uses in the downtown business district.
 - C. The Proposed Uses would meet the performance standards outlined in the Zoning Ordinance.
 - D. The Proposed Uses would not adversely impact surrounding properties.
 - E. The Proposed Uses would not negatively impact property values in the area.
 - F. The existing and improved facilities can meet the traffic demand of the Proposed Uses.
 - G. The Proposed Uses would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City’s service capacity.

3.2 PUD Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the “Amended PUD”) conforms with the overall intent and purpose of a PUD as outlined in Chapter 933 of the Zoning Ordinance.
- B. Intent and Purpose of PUDs. The Amended PUD would continue to encourage the following, as noted in the findings for approval of the existing PUD and elsewhere in this Report with respect to the PUD Amendment:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and uses.
 2. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan.
 3. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.
- C. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 933.2.A and in Section 2.1 of this Report, which would continue to be met as with the existing PUD. The PUD Amendment will mainly allow for residential uses that are consistent with the Comprehensive Plan, the realities of the current leasing market, and the City’s continued goal of a vibrant, downtown mixed use PUD that promotes walkability and diverse housing options. The PUD Amendment would not include any other significant changes (except as noted in the Report and associated requests in the Application) to the previously approved and existing PUD.

3.3 Shoreland PUD/CUP. The Project falls within the Shoreland Overlay District, and requires a Shoreland PUD/CUP because it will include more than five dwelling units. With respect to the criteria for the Shoreland PUD/CUP, the Commission finds:

- A. The residential units would 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. The proposed change in density is allowable under 991.17.C.

- E. The proposed building does not request a building height deviation.
- F. The open space on the Superior Block will be preserved for the residents of the Project.
- G. The residential density does not exceed the maximum density allowed in the fifth density evaluation tier.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of (i) the PUD Amendment and associated PUD Zoning District Amendment, and (ii) the Shoreland PUD/CUP, subject to the following conditions:

- A. The Applicant must enter into an amendment to the existing PUD Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of City Council approval, and maintains all conditions of previous approvals for the existing PUD that are not superseded by the approvals of the Zoning District and PUD Amendment.
- B. 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 20th day of November 2023.

Attachments:

Attachment A: PUD Amendment

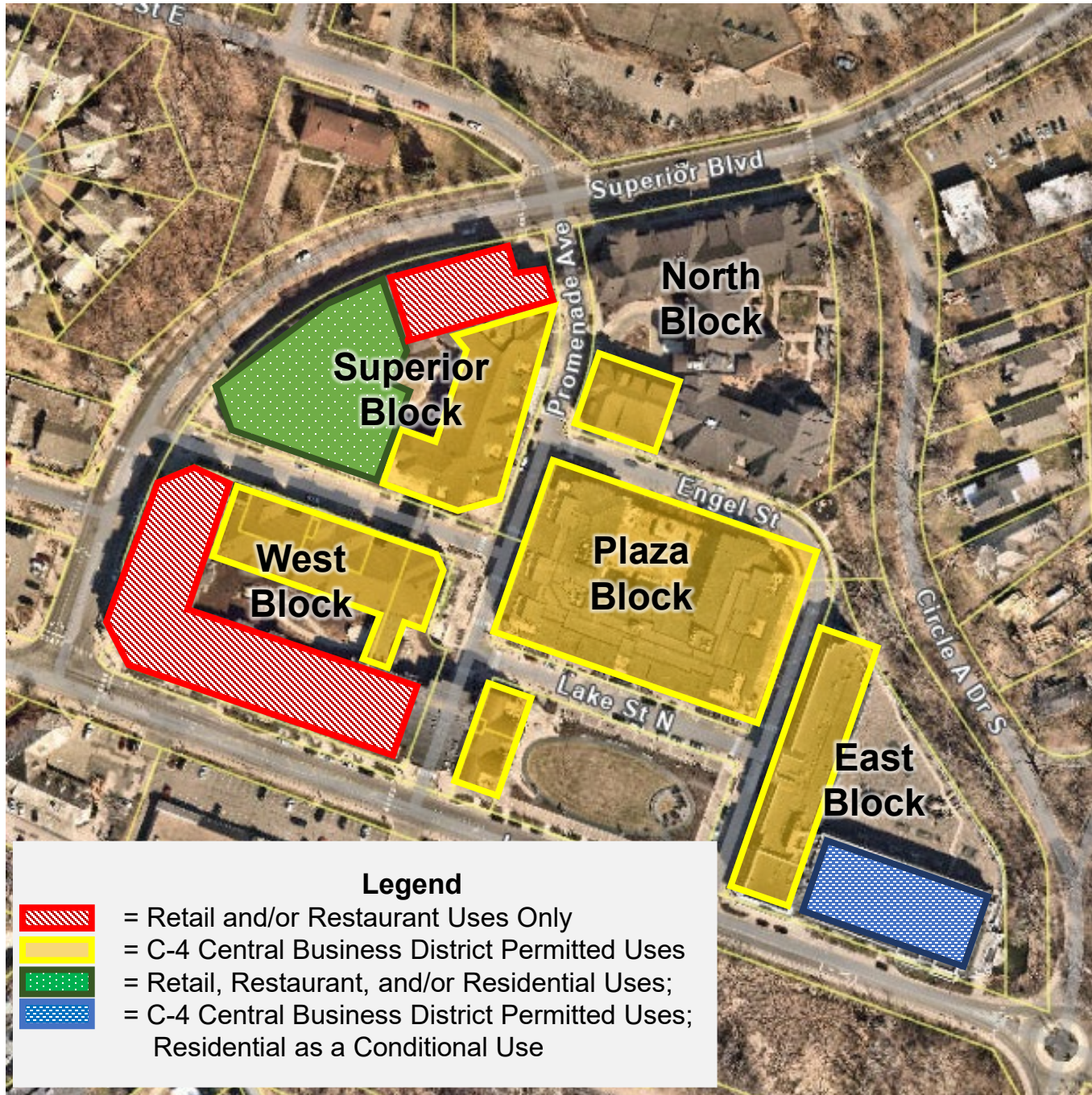
Attachment A:
PUD Amendment

1. Permitted Uses: Subject to applicable provisions of the Zoning Ordinance, and in addition to the uses permitted in the existing PUD, multi-family residential use in shall be a permitted use on the Property.

DRAFT

Promenade Permitted Land Uses Ground Level

Proposed November 2023



updated 11/16/2023



City of Wayzata Planning Commission Agenda Report

MEETING DATE: November 20, 2023	AGENDA ITEM: 5.a
TITLE: Consider Application for Fence Variances at 728 Wayzata Blvd E	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: February 24, 2024 (extended to 120 days)	

BACKGROUND:

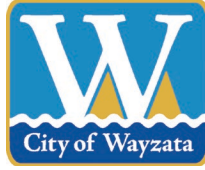
Lacey Bickel, representing owner Stuart Bickel, has submitted a variance application to retain an unpermitted fence constructed at 728 Wayzata Blvd in 2022. The fence is taller and more solid than what is allowed in the front and side yards of residential properties. No public comments have been received as of November 14.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the variances requested in the application, for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. 728 Wayzata Blvd E - Staff Report
2. 728 Wayzata Blvd E - Narrative
3. 728 Wayzata Blvd E - Survey
4. 728 Wayzata Blvd E - Supporting Documents



**Staff Report
Wayzata Planning Commission
November 20, 2023**

Project Name: 728 Wayzata Blvd E Fence
Approval Request: Variances (2) – Front Yard Fence, Side Yard Fence
Applicant: Lacey Bickel
Addresses of Request: 728 Wayzata Blvd E
Prepared by: Valerie Quarles, Assistant Planner
“120 Day” Decision Deadline: February 24, 2024

Development Application Introduction

Applicant Lacey Bickel, representing property owner Stuart Bickel, has submitted a development application requesting front and side yard fence variances to enable an existing unpermitted fence to remain at 728 Wayzata Blvd E.

The property identification number and owner of the property are as follows:

Address	PID	Owner
728 Wayzata Blvd E	06-117-22-13-0044	Stuart Bickel

The current zoning and comprehensive plan land use designation for the property are as follows:

Current Zoning:	R-3A Single and Two Family Residential District
Comprehensive Plan Designation:	Central Core Residential
Overlay Districts:	N/A
Design District:	N/A

Project Location

The property is located on the southwest corner of the intersection of Wayzata Blvd E and Chicago Ave S.

Map 1: Project Location



Source: Hennepin County

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- A. Variance – Front Yard Fence Height and Opacity (§918.01.E.2): The applicant is requesting a variance of 2 feet over the maximum height of 4 feet and a 25% increase in opacity over the allowed 75% maximum.
- B. Variance – Side Yard Fence Height and Opacity (§918.01.E.3): The applicant is requesting to retain a 6 foot tall, 100% solid fence instead of a 6 foot tall, 75% solid fence or 4 foot tall, 100% solid fence.

Public Hearing Notice

Notice of the public hearing on the application was published in the *Sun Sailor* on November 9, 2023. The public hearing notice was also mailed to all property owners and residents who rent located within 500 feet of the subject property on November 7, 2023.

Neighborhood Notification

The applicant mailed a letter with additional details about the application to residents within 500 feet of the subject property on November 10, 2023.

Public Comments

As of November 15, no public comments have been received.

Existing Conditions and Proposal

The existing developed lot is a corner lot that fronts Wayzata Blvd E and Chicago Ave S and is 10,463 square feet (0.24 acres) in area. The existing home was built in 1925. A detached two-car garage sits on the southeast corner of the property. The garage is legally nonconforming to today's setback standards. The driveway/garage entrance and an adjacent paved area are located in the public right of way of Chicago Ave S.

The property owner constructed a 6-foot tall, solid wood fence on all sides of the property in 2022 without seeking a fence permit. Because fences must be constructed with a permit and follow the regulations for height and opacity in Chapter 918 of the zoning code, City staff began the code enforcement process as a result. After staff were able to contact the property owner through this process, the property owner opted to seek an entitlement for the non-compliant fence rather than bring the fence into compliance. The property owner has also noted that, if approved, they will add landscaping atop the retaining wall on the north and east sides of the property. The landscaping is not proposed to encroach on the right of way.

Zoning District and Land Use Designation

The site is zoned R-3A, Single and Two Family Residential District. The R-1 District is intended to provide a district for high density single family dwelling units in older neighborhoods, and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses. The 2040 Comprehensive Plan land use designation for the site is Central Core Residential.

Analysis of Application

In the adjacent diagram, the front yard is shown in red, the side yards in yellow, and the rear yard in green.

Variance – Front Yard Fence (§918.01.E.2)

Residential fences in the front yard, defined as the area between the front of the home and the street, are limited to 4 feet in height and may be no more than 75% solid. Because this is a corner lot, the areas of the property between the home and both streets are

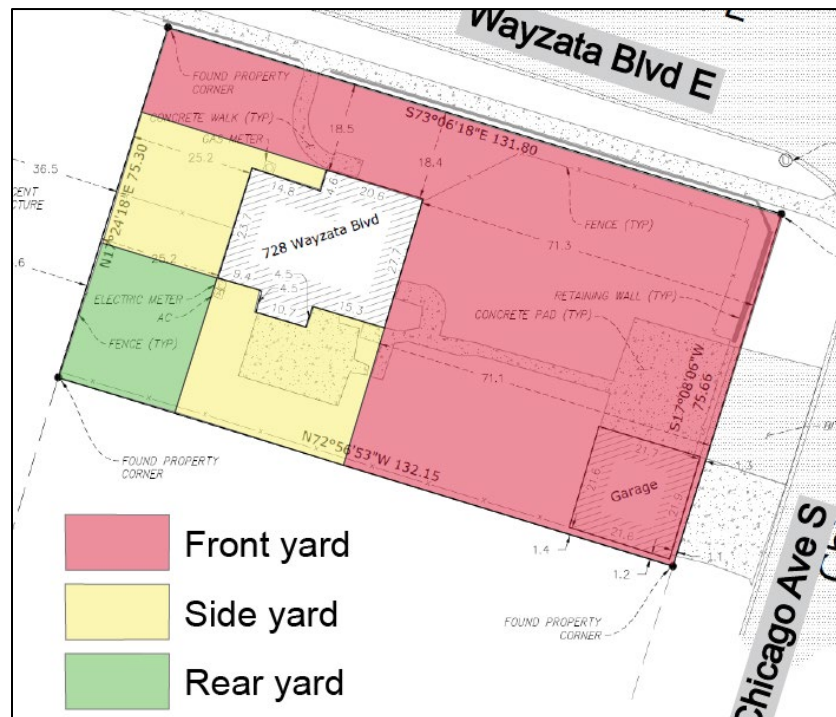


Figure 1: 728 Wayzata Blvd E Yards

considered front yards. The existing fence is 2 feet taller and 25% more solid than allowed.

Front Yard Fence	City Code Requirement	Current/Proposed
Fence Height Limit	4 feet	6 feet
Fence Opacity Limit	75% solid	100% solid

Variance – Side Yard Fence (§918.01.E.3)

Residential fences in the side yard, defined as the area between the front wall of the home, the rear wall of the home, and the property line, may be either one of two options:

1. 4 feet tall and 100% solid; or
2. 6 feet tall and 75% solid

The existing fence is either too tall or too solid, depending on the option chosen. The fence may not be both 6 feet tall and completely solid in the side yard.

Side Yard Fence	City Code Option (1)	City Code Option (2)	Current/Proposed
Fence Height Limit	Up to 4 feet	Up to 6 feet	6 feet
Fence Opacity Limit	Up to 100% solid	Up to 75% solid	100% solid

The applicant has noted practical difficulties that led to their construction of the fence, including their status as a corner lot, high pedestrian and vehicle traffic on Wayzata Boulevard, high activity at an adjacent office building and the safety and privacy concerns associated with those conditions.

Department Comments

Engineering Department:

- The Engineering Department has no comments on the application.

Standards of Planning Commission Review of Application Requests

Primary Questions to Consider:

1. Is the proposal consistent with the Comprehensive Plan?
2. Is each variance reasonable?
3. Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
4. Would either variance alter the essential character of the locality?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

Attachments

1. Current Survey/Site Plan
2. Fence and Landscaping Details
3. Narrative

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. Staff has highlighted in **bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan – Residential Goals

- **Maintain and enhance the character, diversity, and livability of all residential neighborhoods.**

Variance Standards – City Code Chapter 905

The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where strict enforcement of the provisions of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when the variances are harmony with the general purposes and intent of this Ordinance, and the variances are consistent with the Comprehensive Plan.

Criteria for Granting. Conditions governing considerations of variance requests.

1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance; and
 - b) Consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a) **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) **The variance, if granted, will not alter the essential character of the locality.**
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Stuart & Lacey Bickel
728 Wayzata Blvd E
Wayzata, MN 55391

September 28, 2023

City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Dear Members of City Council:

We are writing to seek two fence Variances to maintain the existing fence on the property of our single-family home, located at 728 Wayzata Boulevard East in Wayzata.

We are aware of the current Ordinance regarding fence height and solid matter standards. We respectfully request these two Variances to allow the existing fence on the property to remain at six feet in height and completely solid matter due to practical difficulties in complying with this Ordinance. These practical difficulties are due to circumstances unique to the property and relate to the geometry and the location of the lot.

The geometry of the lot, regarding where structures are located on the land in combination with being a corner lot, creates a unique layout resulting in grey area as to what portions of the lot should be considered front-, rear- and side-yard in relation to the primary structure's building line. The house is located towards the west side of the parcel facing Wazyata Boulevard, while the detached garage is located on the east side of the parcel facing Chicago Avenue. The majority of the yard is located to the east side of the house, which by current Ordinance would likely be considered a side yard as opposed to a backyard, however given the layout and square footage it is the most utilized outdoor area of the lot.

The lot is located on the corner of Wayzata Boulevard and Chicago Avenue. The block of Wayzata Boulevard that our property is located on sees an average of 6,745 vehicles per day (MNDOT), has a bus stop and has a sidewalk with high foot traffic. The portion of the lot that is on Chicago Avenue directly faces a three-story office building with high employee activity and traffic Monday through Friday. Due to the high vehicle and foot traffic surrounding our property on a daily basis, safety and privacy is of concern for not only us, but our future children. The current height and opacity of the existing fence has created a solution for these items.

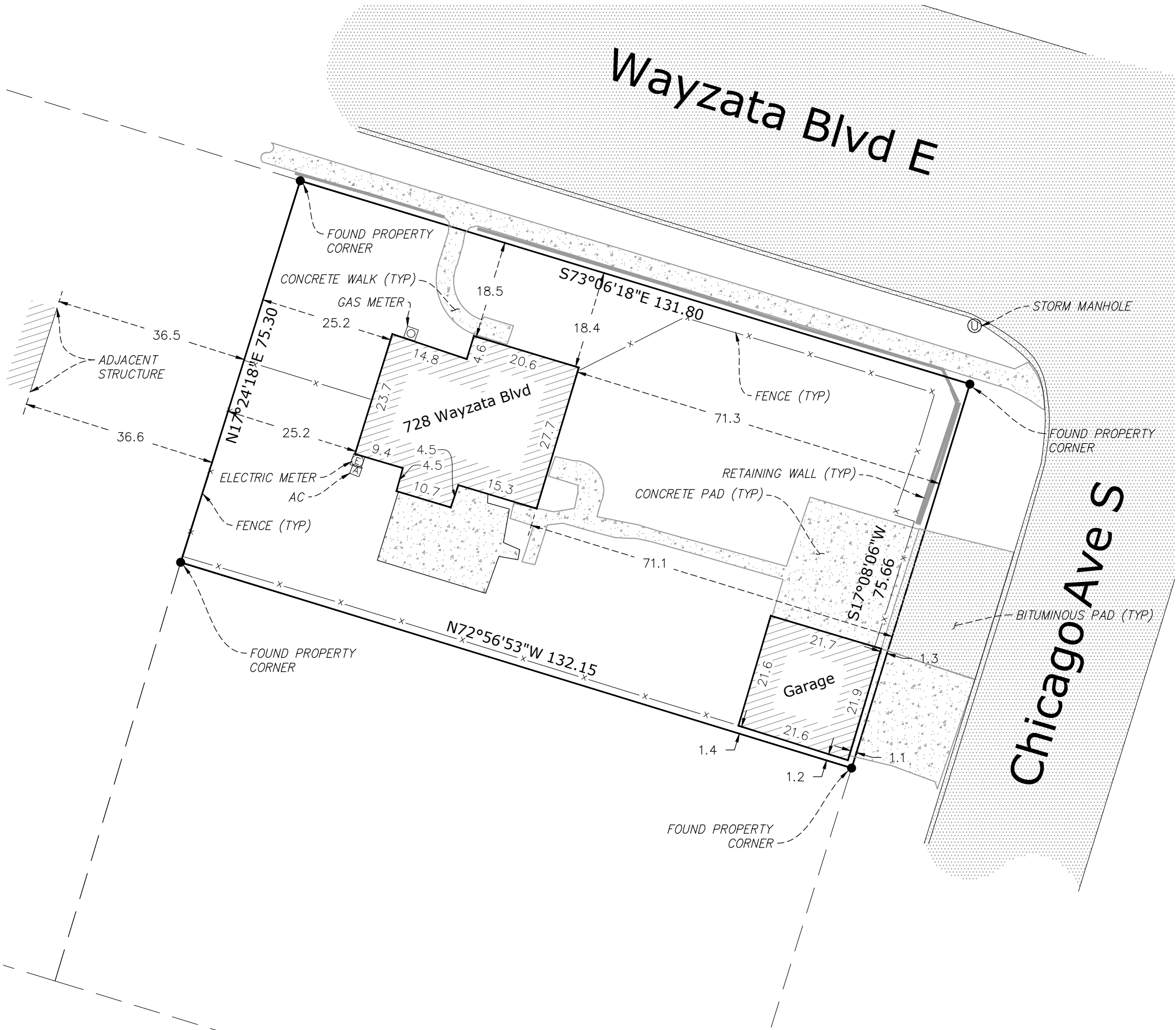
We chose to live in Wayzata for many reasons, but most of all to raise a family. We fell in love with this particular home and its charm. Built in 1925, we feel it's a part of Wayzata's history and are working to update the home to increase functionality, while still maintaining its original character. We are proud to live in Wayzata and it is important to us to update the property in a way that not only benefits our own family but benefits our neighbors as well by adding to the overall aesthetic of the neighborhood in a positive way. I've included our landscaping plan for the exterior of the fence line with rough mockups to help share our vision. If the requested variances are granted, we will be moving forward with landscaping next Spring.

Thank you for your time and consideration.

Sincerely,

Stuart & Lacey Bickel

20230731 728 WayzataB SkySURV-728 WayzataB.dwg

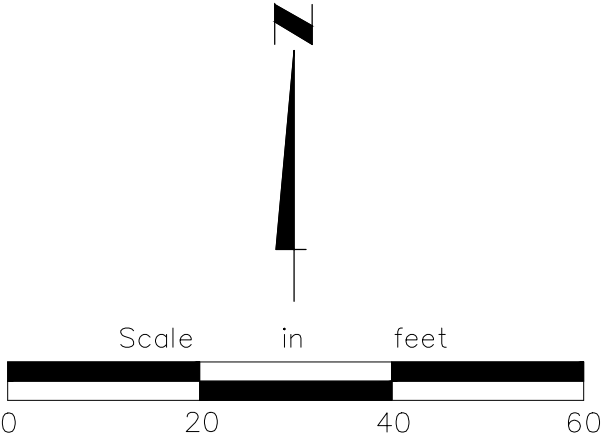


DESCRIPTION OF PROPERTY SURVEYED

The northerly 1/2 of Lots 7 and 8, Block 11 of Wayzata "Revised" except highway, Hennepin County, Minn.

Survey Notes

1. Bearings are based on the Hennepin County Coordinate System.
2. Client Name: Lacey O'Connor
3. Site Address: 728 Wayzata Blvd E Wayzata, 55391
4. This survey is based on the legal description as provided by the Client
5. This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
6. Do not reconstruct property lines from building ties



MINNESOTA LAND SURVEYOR CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 2nd day of August, 2023.

Kelly D Ness Minnesota License No. 45847

Linetype & Symbol Legend

- FOUND IRON MONUMENT
- SET IRON MONUMENT



5775 Wayzata Blvd #700
St Louis Park, MN 55416
info@skysurv.us

Certificate of
Survey

Revision
X
X
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Project No.
Drawn by AJM
Checked by KDN
Book/Page X

728 WAYZATA BLVD E

FENCE VARIANCE APPLICATION

SUPPORTING INFORMATION

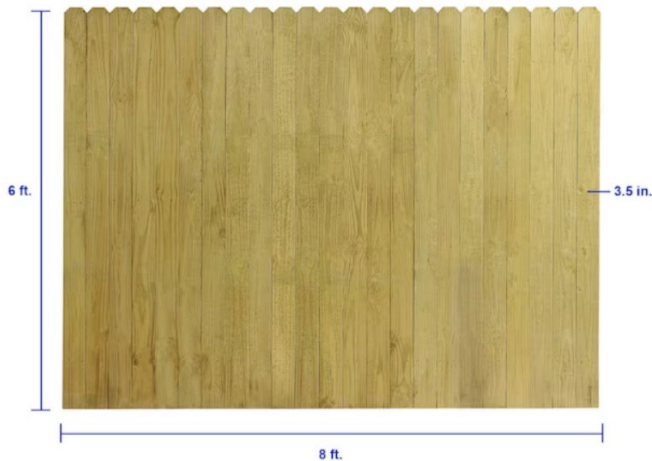
FENCE DESCRIPTION

Fence Location on Property

See Survey (included in file) – File Name: *Survey_728 Wayzata Blvd E.pdf*

Materials

Severe Weather 6-ft x 8-ft Pressure Treated Southern Yellow Pine Dog Ear Privacy Spaced Picket Fence Panel



Stained with: BEHR PREMIUM - #T-129 Chocolate Transparent Waterproofing Exterior Wood Finish



PROPERTY LANDSCAPING MOCKUPS

Planned Landscaping – if Variance is granted, landscaping will begin in Spring 2024.



LANDSCAPING PLAN

Inspiration photos to show similar plants and look and feel of planned landscaping.

Plants & Materials

- Sod
- Brown Mulch
- Arborvitae Trees – mid-size; similar height to fence (meant to blend fence aesthetic, not to increase height)
- Ornamental Grasses
- Hydrangea Plants





City of Wayzata Planning Commission Agenda Report

MEETING DATE: November 20, 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 2023 City Meeting Calendar and Liaison Schedule are attached. The next Planning Commission meeting is scheduled for December 4, 2023. The 2024 City Meeting Calendar is also attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2023 Wayzata City Calendar
2. 2023 Planning Commission Liaison Schedule
3. 2024 Wayzata City Calendar

City of Wayzata 2023 Meeting Calendar



January 2023						
S	M	T	W	Th	F	S
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February 2023						
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August 2023						
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November 2023						
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- 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 - 6:30 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

Revised
7/13/2023

2023 Planning Commission Assignments at Council Meetings

Updated 7/26/2023

	<u>Meeting Date</u>	<u>Commission Representative</u>
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 10	Bonnie Schwalbe
Tuesday	October 24	Jennifer Severson
N/A	No meeting November 7	
Tuesday	November 21	Ken Sorensen
Tuesday	December 5	Larissa Stockton
Tuesday	December 19	Peggy Douglas

City of Wayzata 2024 Meeting Calendar



January 2024						
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November 2024						
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- Energy & Environment 5:00 PM
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- Parks & Trails Board - 6:00 PM
- 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

2024 Election Dates

February 27—Precinct Caucus
March 5—Presidential Nomination Primary
April 30—Special Primary Election (Hennepin Co Commissioner)
May 14, 2024—Special Election (Hennepin Co Commissioner)
August 13—State General Primary Election
November 5—State General Election

Revised
10/24/2023