

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, August 19, 2024

6:30 PM

HYBRID MEETING INFORMATION

Click here to join Zoom Meeting

Meeting ID: 859 2987 6882 Passcode: 333392

Members of the public may attend this Planning Commission meeting in person, or watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.



Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting Minutes of August 5, 2024
 - b. Approval of Planning Commission Report and Recommendation of Approval of Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Use Permit, Variance to the West Side Yard Setback, and Design Deviations for an Elderly Care Facility (Moments of Wayzata) at 163 Wayzata Boulevard West
 - c. Approval of Planning Commission Report and Recommendation of Approval of Amendments to Conditional Use Permits for Eloise Restaurant Parking at 332 Broadway Avenue South
5. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
6. **Adjournment**

Upcoming Meetings:

City Council - August 20, 2024

Planning Commission - September 9, 2024

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: August 19, 2024	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of August 5, 2024	
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 August 5, 2024.

ATTACHMENTS:

1. Draft Planning Commission Meeting Minutes - August 5, 2024

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 5, 2024**

AGENDA ITEM 1. Call to Order

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

Chair Stockton read a prepared statement that outlined 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: Stockton, Schwalbe, Severson, Elg, and Cameron. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant Planner Valerie Quarles, and City Attorney David Schelzel were also present.

Absent at roll call were Commissioners: Sorensen and Plantan

Community Development Director Goellner introduced new Commissioner Blake Cameron.

Commissioner Cameron shared a bit of information on his history in the City and his past experience serving on the Parks and Trails Board.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to approve the August 5, 2024 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the July 8, 2024 Planning Commission Meeting Minutes**
- b.) Approval of Planning Commission Report and Recommendation of Approval for Development Application at 1903-1907 Wayzata Boulevard East**

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

Hearing no such request, Chair Stockton asked for a motion to approve the Consent Agenda as presented.

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

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Use Permit, Variance to the West Side Yard Setback, and Design Deviations for an Elderly Care Facility (Moments of Wayzata) at 163 Wayzata Boulevard West

Community Development Director Goellner reviewed details of the application by Moments of Wayzata that includes a Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Use Permit, Variance to the West Side Yard Setback, and Design Deviations.

Planning Consultant Zweber reviewed the past PUD amendment requests by the applicant that had been approved by the City for the property but explained that the MN Health Department had not approved the building being used for a memory care facility. He explained that in February, the applicant had submitted a proposal for a completely new building and gave an overview of their current proposed plans and requests.

Community Development Director Goellner noted that the notification regarding the request for a Comprehensive Plan amendment was sent to Orono and Plymouth, and explained that the City had not received any specific comments or concerns from them. She outlined the notification process and that a neighborhood meeting on the application was held by the applicant on June 27, 2024. She stated that 8 people attended the neighborhood meeting and gave a brief review of the topics raised during the meeting. She stated that the City had received one public comment which had been forwarded to the Planning Commissioners earlier in the day. She reviewed comments from the City Engineer and the City Forester regarding the application.

At the conclusion of staff's presentation, Chair Stockton asked if the Commission had any questions for staff.

Commissioner Severson stated that she remembered that the last time staff had asked the Commission to address certain questions first, and asked if that was applicable to the new application as well.

Community Development Director Goellner suggested that it would be best for the Commission to address the requests for the Comprehensive Plan and Zoning Map amendments first.

Commissioner Schwalbe asked about the plans to not have a second exterior door, and if there would be a reason that not having one would be hazardous.

Community Development Director Goellner explained that this request would be considered a design standard deviation. She stated that the reason the design standards require a second exterior entry was to make the building more walkable.

1 Planning Consultant Zweber reviewed the renderings found on page 74 of the packet, and outlined
2 how the plans had changed since the initial submittal.

3
4 Chair Stockton asked if the second door was a function priority related to fire safety.

5
6 Planning Consultant Zweber referenced page 80 of the packet which showed a closer view of the
7 front entrance, and outlined what the second doorway would look like.

8
9 Community Development Director Goellner stated that the applicant has indicated that their
10 proposal related to doors complies with building code, but noted that it would still be reviewed by
11 the building official before it could be permitted. She explained that this was really just a zoning
12 request at this point, for aesthetic purposes.

13
14 Chair Stockton stated that she believed the Commission had also discussed this during the last
15 review and asked if staff felt that this situation was similar to the roof, where non-compliance
16 would be a benefit to both function and aesthetics.

17
18 Planning Consultant Zweber noted that the question is whether having a shorter roof would
19 improve the appearance.

20
21 Commissioner Cameron stated that one of the variance requests was related to parking, and asked
22 how many of the proposed parking stalls were proposed to be in the front versus the rear.

23
24 Planning Consultant Zweber stated that he could look up that information for the Commission in
25 a bit, but explained that they were requesting a variance from the side yard setback on the west
26 side and that would need to follow the variance standards in the State statute. He noted that
27 departures from the design standards do not require a variance, because they are considered a
28 deviation and not a variance.

29
30 Commissioner Severson stated that the renderings appear to indicate that there would be 13
31 parking stalls in the front.

32
33 Planning Consultant Zweber explained that there are 7 parking stalls on the far west side, 25 west
34 of the door, and another 10 east of the door for a total of 42 that would be in front of the building.

35
36 Commissioner Elg asked for a reminder on how the required number of parking spaces was
37 established because, to him, it felt excessive, because the residents would not be car owners.

38
39 Planning Consultant Zweber explained that the parking requirement is 1 space per 1.5 units.

40
41 Commissioner Elg asked if that standard should apply to this type of institutional development.

42
43 Planning Consultant Zweber cautioned that this property was kind of an island by itself because
44 there is no public parking on Wayzata Boulevard. He clarified that a 1 to 1.5 ratio is the code
45 requirement.

1 Commissioner Elg noted that if he had been the applicant, he would have had a parking study done
2 over the last 6 months and reiterated his point that the residents of these buildings will not own a
3 vehicle.

4
5 Planning Consultant Zweber noted that at the previous public hearing the applicant had stated that
6 they were looking to invite community members to come to the facility.

7
8 Chair Stockton asked about parking for staff, and if that would be in the rear.

9
10 Planning Consultant Zweber confirmed that the staff entrance was in the back, and noted that the
11 applicant had indicated that would also be where staff would park.

12
13 Chair Stockton asked if the front parking was intended for the guests.

14
15 Planning Consultant Zweber stated that it would be for guest parking but also for other services
16 that may come to the facility that would not necessarily be an employee of the facility.

17
18 Chair Stockton explained that she was trying to assess the level of activity in the front parking area
19 versus the back parking area.

20
21 Community Development Director Goellner stated that there was not a maximum parking
22 restriction within the City, and suggested that the applicant address the Commission questions
23 related to parking.

24
25 Commissioner Schwalbe asked if the footprint of this building had changed from the footprint of
26 the previous proposal.

27
28 Planning Consultant Zweber stated that the footprint had changed, but the change was almost
29 exclusively on the south façade in order to accommodate 7 building recesses.

30
31 Chair Stockton asked about the grading change, and whether the building was oriented a different
32 way if that would result in a significant change in the grading deviation being proposed.

33
34 Planning Consultant Zweber stated that he did not know, and explained that the building height
35 was due to the average grade around the building. So, if they went to the north there would be
36 grade change difference, which could affect height calculations. He noted that there would still be
37 parking, and the applicant would most likely still want a flat area for the outdoor recreation space.
38 He stated that he does not have any reason to believe that the average grade would significantly
39 decrease by changing the orientation of the building.

40
41 There being no further questions for staff, Chair Stockton invited the applicant to address the
42 Commission.

43
44 Jeff Schuler, representing applicant Moments of Wayzata, and Elizabeth Wright, owner,
45 introduced themselves.

1 Mr. Schuler stated that they had planned to show a short video that would give a tour of their
2 Lakeville facility, but had been informed that would not be possible tonight due to technical
3 difficulties.
4

5 Ms. Wright explained that the Moments of Lakeville lends itself to a beautiful, almost impossible
6 setting which is similar to this property. She stated that one of the reasons that they had put
7 together the video is because she wanted to show the interior of their building in order to explain
8 to the Commission why they need a linear building for their residents with dementia. She stated
9 that they believe that their residents should have freedom of movement and one of the ways to do
10 that is to allow them to wander around. She explained that they do not have 'dead ends' at the end
11 of hallways, and instead have a vignette or a purpose. She stated that at the building in Lakeville,
12 on one end they have a little General Store and at another end of the hallway they have a little
13 library. She explained that every part of the building has a purpose, and having a linear building
14 that is basically a walking track inside is something that is important to them as well as the residents
15 because people with dementia wander. She stated that they can also tend to have anxiety and a
16 need to constantly be in motion, and this is a way to provide safe movement opportunities for them.
17 She stated that they had also wanted to show the Commission the exterior of the building in
18 Lakeville, and the beautiful landscaping that they had done.
19

20 Mr. Schuler stated that through multiple neighborhood meetings and from the Planning
21 Commission, they heard that this building needed to fade in and essentially bleed into the
22 neighborhood and surroundings a bit more. He stated that they also heard feedback on the
23 importance of breaking up the building through materials, colors, and breaks in the massing which
24 is what they have done. He reviewed their plans to change from a white building to one that is
25 earth-toned, natural, and has darker façade that they feel matches the nature and will blend in more
26 with the surrounding area. He stated that he feels that they have incorporated many improvements
27 since the last application, and he reviewed the tree preservation and new vegetation that is planned
28 on the site. He noted that they have put a lot of effort into maintaining the trees along Wayzata
29 Boulevard in order to help preserve the older, ingrained feeling of the area, but will also help screen
30 the building and the activity from the neighbors. He stated that by keeping the building further
31 away from Wayzata Boulevard, they will be able to stay away from excavating around the trees.
32 He pointed out the row of arbor vitae that will serve as a natural, but functional wall. He noted
33 that their proposed parking is very similar to the last iteration of their plans, but that they have also
34 added a retaining wall on the south side of the property, and explained that all that will be seen
35 from Wayzata Boulevard would be a gentle hill. He explained that all of their lighting is about as
36 low as they can go while still safely providing lighting. He noted that all the fixtures are dark sky
37 and will have minimum light pollution impact. He stated for the side yard variance request, right
38 now, the existing building is 10 feet off of the existing property line and gives the look of a nearly
39 solid building. He explained that they were proposing to improve the situation from a 10 foot
40 setback to a 30 foot setback. He noted that many of their requests are the result of the unique shape
41 of the property as a triangle and the existing grade change. He explained that within the City's
42 design standards, there is a requirement that each residential unit that is within 4 feet of the grade
43 plane have an exterior door, and explained the reasons why they felt that having an individual
44 exterior door in the units would be very detrimental to the residents of the building.
45

1 Ms. Wright stated that she felt that they have shown that they have listened to the City and the
2 neighbors throughout this entire process, and have tried their best to meet their various desires, but
3 also make sure that their business is the best it can be for their residents. She stated that related to
4 the parking questions, they do have outside vendors that come in, such as hospice, medical
5 professionals, and entertainers. She noted that she really wants them to really be part of the
6 community, and felt that seeing families having fun inside the building with their loved ones, it is
7 truly heart-warming. She noted that Moments has been named as one of four memory care
8 operators to watch in the entire nation, and stated that she wanted to make sure that they continue
9 down this path as leaders and set the bar for others.

10
11 Commissioner Severson asked more about the doors, and about State requirements and licensing.

12
13 Mr. Schuler stated that the building, as designed, meets all of the building and safety codes for
14 required egress. He stated that the exterior door requirement within the design standards is just a
15 Wayzata aesthetic standard, and that would only apply to the south side of the building.

16
17 Commissioner Schwalbe asked if they were expecting a different type of resident than Meridian
18 Manor had.

19
20 Ms. Wright stated that she believes that Meridian Manor had 10 dementia specific little apartments
21 in the basement in the far northeast corner hidden behind a locked door. She stated that Moments
22 will have a significantly different clientele because they are about memory care, and offer what is
23 considered an enhanced assisted living.

24
25 Chair Stockton asked about the level of activity in the parking areas and how they may be able to
26 manage some of the noisier activities towards the back.

27
28 Ms. Wright stated that their variance request will allow them to have deliveries from vendors like
29 U.S. Foods, garage collection, Medline, Hillyard, and others that have large trucks to be able to
30 make the deliveries in the back which will help eliminate much of the louder noises.

31
32 Mr. Schuler explained that the front parking would primarily be for visitors who would typically
33 not be there before 8:00 a.m. and would usually be gone by 8:00 or 9:00 p.m., which means that
34 in the dark hours there would be very little activity in the front parking lot.

35
36 Ms. Wright stated that they had also eliminate 6 parking spots that faced out onto Wayzata
37 Boulevard which are currently there. She noted that they are planning on an immense amount of
38 arbor vitae to screen the property, which is something that they have heard from the neighbors is
39 important.

40
41 Amit Sela, Ms. Wright's husband, explained that he helped her build their Lakeville facility. He
42 stated that both his wife and Mr. Schuler were extraordinarily modest and wonderful human beings
43 and explained that he wanted to tell the Commission a short story.

44
45 Chair Stockton asked him to make the story very short.

1 Mr. Sela stated that there are almost 2,000 feet of outside patio space at the Lakeville site, and 2
2 cabanas for families to come and be with their loved ones out of the dining room during 3 seasons,
3 and also have places for kids to play and opportunities for shorter term day care services. He stated
4 that this was something that nobody else in the State has ever taken the time and money to put
5 together. He stated that there were almost 500 trees that were planted on one of the most difficult
6 sites on 35W and 46th, and feels that they have exceeded the expectations of the community. He
7 stated that his wife and Mr. Schuler work very hard with the community to design a building where
8 people would be honored to be, because they spent the money, time and energy to do the right
9 thing, and to create an environment where people and families who suffer from this disease want
10 to have.

11
12 There being no additional questions from the Commission for the applicant, Chair Stockton opened
13 the public hearing on the application at 7:39 pm.
14

15 Beth Flynn-Ferry, 154 Babcock Lane, stated that she lives across from the development and noted
16 that she had attended all the meetings that the developer has had through this process. She stated
17 that she is supportive of the changes, and felt that the applicant had really listened to their concerns.
18 She asked staff to explain the difference in zoning designation to institutional from a PUD.
19

20 Community Development Director Goellner stated there were no people who called into the
21 meeting that have asked to speak at the public hearing.
22

23 There being no one else wishing to comment on the application, Chair Stockton closed the public
24 hearing at 7:41 pm.
25

26 Chair Stockton asked for the Commission to share their questions and feedback on the application.
27

28 Community Development Director Goellner offered to answer the question raised by Ms. Flynn-
29 Ferry during the public hearing. She stated that the difference between the current zoning of PUD
30 and the proposed institutional designation is that at its core, the PUD requires a specific contract
31 for a planned development and can only be changed with review from the Planning Commission
32 and approval of City Council. She stated that it is usually for a specific, phased development, and
33 explained that Meridian Manor had a very specific plan and contract. She explained that the
34 current proposal is to build a project on an institutional parcel, which are parcels that do not tend
35 to redevelop very quickly, such as hospitals, schools, or religious assembly locations. She stated
36 that if they were compliant with the City's institutional district, it wouldn't necessarily require
37 changes to the development agreement if they wanted to make change over time, and would likely
38 simply be allowed through a building permit.
39

40 Planning Consultant Zweber stated that the work the City has done over the last 5 years or so was
41 to improve the zoning code in order to allow for uses instead of using the PUD. He explained that
42 when Meridian Manor was created, the City did not have the design guidelines like it does today.
43 He noted that in 2022, they did a series of updates to the City code that were predominantly to
44 implement the City's Comprehensive Plan, but much of it was also updating old code.
45

1 Commissioner Schwalbe stated that it sounds like the institutional designation would be the correct
2 way to go for this situation. She stated what she particularly likes about their design is when they
3 were describing the linear idea so anybody can find their way home which she thinks is a brilliant
4 idea. She noted that she has several relatives who live in nursing homes, and they frequently get
5 lost because there are shoot outs that go to various areas throughout the building. She stated that
6 she really likes the whole project and just has one thing that she does not like, which is the darker
7 color palette for the building. She stated that she liked the lighter palette that they had proposed
8 with the previous plans better than what their current proposal is. She noted that she felt that they
9 had the perfect opportunity with their 3 separate areas to be able to do something more creative.
10 She explained that she was fine with the architecture they were proposing, but would like the color
11 palette to be changed in order to make it look more inviting and happier and not just brown, on
12 brown, on brown.

13
14 Chair Stockton asked that the Commission's discussion stay within the zoning designation and
15 then discuss the various design deviations that were being requested. She stated that the last time
16 this project was discussed, the Commission came to the conclusion that they were comfortable
17 with the change to institutional because of its purpose. She noted that if they were still comfortable
18 with that she would suggest that they move the discussion onto the CUP.

19
20 There was general consensus of the Commission that they were in support of the institutional
21 designation for this property.

22
23 City Attorney Schelzel stated that he wanted to clarify for the record that there are two requests
24 that are related zoning, one being the change to the Comprehensive Plan that would then allow for
25 the change in zoning from PUD to Institutional.

26
27 Commissioner Severson stated that, similar to what she thought last time, she felt it made sense to
28 have the parking in the front which also gives residents space in the back. She noted that this
29 would be the same as what Meridian Manor had.

30
31 Commissioner Cameron stated that he felt it highlighted an interesting conundrum where the City
32 is saying that they have to have a recreation area in the rear and parking in the rear at the same
33 time.

34
35 Chair Stockton moved the discussion onto the side yard setback request.

36
37 Commissioner Elg stated that he believes that the setback is where the driveway is that goes to the
38 back parking lot and currently, a building is there that they called the garage and east of that were
39 some utilities behind a wall. He stated that, to him, it seems that the space from Highway 12 to
40 the building would actually become more open. He noted that he believes that the existing garage
41 is as close or possibly closer to the property line than the proposed driveway. He stated that he
42 would support allowing this variance, and felt that the look alone would be an improvement.

43
44 Commissioner Severson asked if the current building matched the code if it were to be considered
45 institutional, for example, the garage referenced by Commissioner Elg.

1 Planning Consultant Zweber stated that the accessory garage would have been out of compliance
2 and a non-conforming structure. He explained that he was not as familiar with how the mechanical
3 utilities were connected with the building. He noted that the west wall of the Meridian Manor
4 building itself would have complied with the 50-foot setback, but the utilities and the garage would
5 have been non-compliant.

6
7 Community Development Director Goellner stated that she had one other note from the previous
8 discussion, and explained that the Commission was thinking about a finding on how the applicant
9 had requested a linear-shaped building on a triangular-shaped lot, which led to this design choice.

10
11 Commissioner Elg stated that he thinks the property shape and the grade provide challenges to the
12 project, and felt that the applicant had done a good job of dealing with the widest part of the triangle
13 in order to properly place the building in order to fit their needs.

14
15 Chair Stockton moved the discussion onto the design deviation requests. She noted that the more
16 the Commission has seen for this project, she thinks they have been able to have a better
17 understanding of what it takes to run this type of facility, and that the form and function balance
18 needs to be looked at in great detail. She stated that when she was discussing this with staff, she
19 shared that she felt the door and roof deviations both seemed to be a benefit for both the City and
20 the applicant.

21
22 Commissioner Elg stated that he felt that because the second level was solid glass and almost
23 skyway like, it created an openness in the massing breaks. He stated that if the recesses were a bit
24 deeper it could feel like three separate buildings.

25
26 Chair Stockton stated that she liked how it pulled it away from the street in its design, and was
27 fading away, which she would also say is a benefit.

28
29 Commissioner Severson stated that she likes the changes that have been made, and thinks the
30 building looks nice. She explained that she actually liked the void, and likes how the roof line is
31 flat which helps it recess back in. She noted that she also liked the change that had been made to
32 the porte-cochere with the sunroom because in the previous version, it felt heavy and intense. She
33 stated that she did not have any problems with the proposed parking, and commended the applicant
34 for listening to the concerns shared by the City and the neighbors. She stated that she did not love
35 the idea of a variance on the setback because this is a brand-new building, but she also understood
36 the constraints of the property.

37
38 Chair Stockton stated that she felt it was very clear that the applicant had been listening to the
39 feedback they have gotten. She noted that she was hopeful that their discussion tonight about the
40 various conundrums are able to help residents understand the project better. She stated that it was
41 unfortunate that they did not have a picture with the trees in front.

42
43 Community Development Director Goellner stated that the Commission could recommend that
44 those images be included for the Council meeting.

1 Chair Stockton stated that she had not seen any fixtures that depict what the lighting will look like,
2 so they can't get an idea of how they will look aesthetically. She referenced the recent adjustment
3 that had been made to the car wash lighting, and asked what staff understood about the lighting in
4 this situation.

5
6 Planning Consultant Zweber described where the lights would be located for the front parking lot
7 and the building itself.

8
9 There being no further discussion, Chair Stockton asked for a motion on the application.

10
11 Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to direct staff to
12 prepare a draft Planning Commission Report and Recommendation with appropriate findings and
13 conditions, as discussed, reflecting a recommendation of approval for Comprehensive Plan
14 Amendment, Zoning Map Amendment, Conditional Use Permit, Variance to the West Side Yard
15 Setback, and Design Deviations for an Elderly Care Facility (Moments of Wayzata) at 163
16 Wayzata Boulevard West, for review and adoption at the next Planning Commission meeting.
17 The motion carried unanimously.

18
19 Chair Stockton recessed the meeting at 8:09 p.m. and reconvened at 8:16 p.m.

20
21 **b) Consider Development Application for Amendments to Conditional Use Permits**
22 **for Eloise Restaurant Parking at 332 Broadway Avenue South**

23
24 Assistant Planner, Valerie Quarles, reviewed the request for parking entitlement amendments for
25 Eloise Restaurant, a new restaurant planned for the City this fall at 332 Broadway Avenue South.
26 She reviewed the project location, zoning and land use, site history, and off-site joint use of
27 parking. She explained that the proposal was to allow Eloise to open before 6:00 p.m. on weekdays,
28 which means they would need to amend the existing CUPs for off-site joint use of parking and
29 fee-in-lieu of parking.

30
31 At the conclusion of Assistant Planner Quarles' presentation, Chair Stockton asked if the
32 Commission had any questions for staff.

33
34 Commissioner Severson asked for clarification surrounding the two different CUPs.

35
36 Assistant Planner Quarles explained that not all off-site joint use of parking arrangements are in
37 public parking and many of them are in private parking lots, which do not require any fee-in-lieu
38 of parking because it is private. She noted that the fee-in-lieu of parking kicks in because they are
39 proposing to use additional public parking, so they have to pay for the impact on that parking.

40
41 Commissioner Severson asked if Grocer's Table and Eloise would be sharing their spaces.

42
43 Assistant Planner Quarles stated that she felt the best way to think about it is that Grocer's Table
44 spaces were already taken care of under the existing CUP and so they are just entitling the extra
45 spaces for Eloise.

1 Commissioner Severson asked where the two different CUPs were coming from.

2
3 Assistant Planner Quarles stated that the existing PUD has both CUPs, so they are existing
4 entitlements and this action just changes the number of parking spaces in those CUPs.

5
6 Commissioner Schwalbe stated that she was a bit confused, and asked what Eloise was actually
7 asking for and asked about the comment staff had made about them opening earlier, and asked
8 what that had to do with the CUP.

9
10 Assistant Planner Quarles explained that the existing CUP has a number that essentially says that
11 this is the most parking that this building requires, which is 92 spaces and it is during the day, on
12 weekdays. She stated that the change here is that they are changing one of their retail spaces to a
13 restaurant, which requires more parking during that time than a retail space would. She noted that
14 staff had done the math and figured out how much additional parking would be needed during that
15 specific time which is what the CUP amendments are for.

16
17 Commissioner Schwalbe asked how much the fee-in-lieu of parking fee would be in this scenario.

18
19 Assistant Planner Quarles stated that with the 2024 numbers, it would be \$100,000 total for the 10
20 spaces.

21
22 Commissioner Schwalbe stated that meant that they needed to pay \$100,000 in order to open an
23 hour early.

24
25 Community Development Director Goellner stated that conversation will primarily happen at the
26 City Council level about how that payment is applied to the property. She stated that the
27 Commission should focus on whether there is impact to the surrounding area and whether they
28 find that there is sufficient parking capacity for the proposed use in this location.

29
30 City Attorney Schelzel stated that the Planning Commission's role is to make a recommendation
31 to the City Council about these two requests to amend the existing CUPs. He explained that it was
32 really being driven by the desire to change one of the existing uses, which requires more parking
33 spaces.

34
35 Commissioner Cameron asked if he was understanding correctly that the parking spots go to the
36 property itself, and not the actual lessor of the property, Eloise.

37
38 City Attorney Schelzel stated that was correct in one sense, and explained that these were not
39 designated spaces, and they would essentially be getting an entitlement to be able to utilize parking
40 in the public lot for the new use. He stated that it will run with the property but not necessarily
41 this particular tenant, which is why it is a CUP tied to the property rather than something tied to
42 the lease.

43
44 Commissioner Severson asked what would happen in 5 years, if the City tears down the parking
45 ramp and the parking isn't available.

1 Community Development Director Goellner stated that the ramp was built in 2015, so she would
2 not foresee any kind of demolition of the structure for many decades. She stated that there is a
3 capital plan for the downtown improvement area, so there will be a plan for the end of life of the
4 structure and noted that it would likely be rebuilt in the same location, but may add additional
5 capacity.

6
7 Commissioner Severson asked if it would change the fact that the City had already entitled them
8 to having parking outside of their building or property.

9
10 City Attorney Schelzel stated that he thinks the City's position in that situation would be that they
11 could continue to operate the restaurant with those parking entitlements even if the City ramp went
12 away temporarily. He noted that downtown parking is critical to the City, so this is something that
13 would be addressed on a more global scale and if there was a major change to the ramp, the City
14 would be looking for other parking solutions, but the property owner would not have to shut down
15 the restaurant.

16
17 Chair Stockton asked if the parking calculations were showing that they needed 10 more spots than
18 Lululemon did.

19
20 Assistant Planner Quarles confirmed that they were saying that they needed 10 more spots than
21 Lululemon, at that time.

22
23 Commissioner Severson noted that if Eloise wanted to open at 6:00 p.m., they wouldn't need to
24 do this.

25
26 Assistant Planner Quarles stated that was correct.

27
28 There being no further questions for staff, Chair Stockton invited the applicant to address the
29 Commission.

30
31 Applicant's representative, Jimmy Beltz, 430 Peavey Road, explained that they own Beltz
32 Enterprises which owns 701 Lake Street and 332 Broadway Avenue S. He stated that staff had
33 already laid out most of the details, and explained that this CUP amendment is primarily for the
34 additional hour in order for the restaurant to be able to open at 5:00 p.m. He stated that they think
35 Eloise will be a great addition to the downtown area, and noted that the addition of the ramp offered
36 a huge improvement for the parking situation in the area because it added a lot of capacity.

37
38 There being no questions from the Commission for the applicant, Chair Stockton opened the public
39 hearing on the application at 8:38 pm.

40
41 Community Development Director Goellner stated there were no people that called into the
42 meeting that have asked to speak at the public hearing.

43
44 There being no one wishing to comment on the application, Chair Stockton closed the public
45 hearing at 8:38 pm.

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

2
3 Commissioner Elg stated that he felt this was consistent with the Comprehensive Plan and will
4 also be an enhancement to the downtown. He noted that staff has illustrated that there is capacity
5 for the extra spaces and will comply with the fee-in-lieu of parking policy, so he was in favor of
6 recommending approval.

7
8 Commissioner Severson stated that she was happy to have more locally-owned restaurants, and
9 also supports this action.

10
11 There being no further discussion, Chair Stockton asked for a motion on the application.

12
13 Commissioner Schwalbe made a motion, seconded by Commissioner Elg, to direct staff to prepare
14 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
15 recommendation of approval of the Amendments to Conditional Use Permits for Eloise Restaurant
16 Parking at 332 Broadway Avenue South for review and adoption at the next Planning Commission
17 meeting. The motion carried unanimously.

18
19 **AGENDA ITEM 6. Other Items:**

20
21 **a) Review of Development Activities**

22
23 **b) Planning Commission Meeting Schedule**

24
25 Community Development Director Goellner stated that she has accepted a new position at the City
26 of Golden Valley, and her last meeting with the Commission will be on August 19, 2024. She
27 noted that they will only have a Consent Agenda for that meeting, so it will be a short, but important
28 meeting. She stated that she was anticipating cancelling the September 9, 2024 meeting in order
29 to give staff a bit more transition time following her departure.

30
31 Chair Stockton stated that she was sad to see Community Development Director Goellner leave
32 and would miss her support.

33
34 **AGENDA ITEM 7. Adjournment.**

35
36 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

37
38 Commissioner Severson made a motion, seconded by Commissioner Elg, to adjourn the Planning
39 Commission meeting. The motion carried unanimously.

40
41 The Planning Commission meeting was adjourned at 8:44 p.m.

42
43 Respectfully submitted,
44 Kayla Atkins Rokosz
45 *TimeSaver Off Site Secretarial, Inc.*
46



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 19, 2024	AGENDA ITEM: 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Approval of Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Use Permit, Variance to the West Side Yard Setback, and Design Deviations for an Elderly Care Facility (Moments of Wayzata) at 163 Wayzata Boulevard West	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: August 13, 2024 (extended to 120 days - October 12, 2024)	

BACKGROUND:

Jeff Schuler, on behalf of TMSC of Wayzata LLC, has submitted a development application requesting approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Use Permit for an Elderly Care Facility, Variance to Side Yard Setback, and Design Deviations for the replacement of an existing building with a new memory care facility (called Moments of Wayzata) located at 163 Wayzata Blvd W.

The Planning Commission considered the application at their August 5, 2024 meeting and recommended approval of the application by a vote of 5-0. They cited the changes made to the application from their February 2024 submittal including:

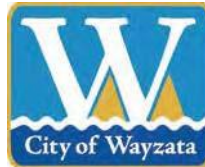
- Recessing the sunroof above the porte-cochere;
- Changes in the roof line;
- Additional building recesses; and
- The parking in front of the building is similar to how Meridian Manor provided parking, but it will be better screened.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. 163 Wayzata Blvd E - Draft PC Report and Recommendation



WAYZATA PLANNING COMMISSION

August 19, 2024

REPORT AND RECOMMENDATION OF APPROVAL OF COMP PLAN AMENDMENT, REZONING, CUP, SETBACK VARIANCE AND DESIGN DEVIATIONS FOR ELDERLY CARE FACILITY (MOMENTS OF WAYZATA) AT 163 WAYZATA BOULEVARD WEST

SUMMARY OF RECOMMENDATION

1. **Approval*** of Comprehensive Plan Amendment
2. **Approval*** of Zoning Ordinance Map Amendment/Rezoning
3. **Approval*** of CUP for Elderly Care Facility
4. **Approval*** of Variance to Side Yard Setback
5. **Approval*** of Design Standards Deviations

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** TMSC of Wayzata LLC (“Applicant” and “Property Owner”) has submitted a development application requesting approval of a (i) Comprehensive Plan Amendment, (ii) Zoning Map Amendment, (iii) Conditional Use Permit, (iv) Variance to Side Yard Setback, and (v) Design Deviations for a new memory care facility (the “Project”) on the property located at 163 Wayzata Boulevard West (the “Property”).
- 1.2 **Application Requests.** The Application includes the following approval requests:
 - A. **Comprehensive Plan Amendment:** A Comprehensive Plan Amendment to change the land use designation of the Property in the Comp Plan’s 2040 Land Use Plan Map from High Density Residential to Institutional/Public (the “Comp Plan Amendment”).
 - B. **Zoning Map Amendment:** A Zoning Ordinance amendment under Sec. 903.02.F to change the zoning of the Property from Planned Unit

Development (PUD) to the Institutional Zoning District (the “Zoning Map Amendment”).

- C. Conditional Use Permit: A Conditional Use Permit under Sec. 937.02.C to use the Property as an Elderly Care Facility in the Institutional zoning district (the “CUP for Elderly Care Facility”).
- D. Setback Variance: A Variance under Sec. 970.06.B.5 for a setback on the western side of the Property that is 20 feet less than the required side yard setback of 50 feet in the Institutional Zoning District, to a setback of 30 feet (the “Variance to Side Yard Setback”).
- E. Design Standard Deviations: The following deviations under Sec. 909.29 from the Design Standards of the Zoning Ordinance (collectively, the “Design Deviations”):
 - 1. Parking Location (Sec. 909.05.D.2): A deviation for Large-Scale Sites to allow parking in front of the building.
 - 2. Parking Location (Sec. 909.19.A): A deviation to allow parking in front of the building.
 - 3. Massing Break (Sec. 909.07.A.1): A deviation for a massing break that does not extend through the entire depth of the building.
 - 4. Unit Entries (Sec. 909.13.D.2): A deviation for no secondary exterior entry to ground-level units.
 - 5. Screening of Sheet Roofing (Sec. 909.14.M.3): A deviation of 24 inches off the required parapet height of 36 inches to conceal sheet roofing materials, to a total proposed parapet height of 12 inches.

- 1.3 Property. The street address, property identification number and owner of the Property are:

Address	PID	Owner
163 Wayzata Blvd W	01-117-23-11-0002	TMSC of Wayzata LLC

The legal description of the Property is attached to this Report as Attachment A.

- 1.4 Land Use. The Property falls within the following land use districts:

Comp Plan Designation:	High Density Residential – 12 to 40 units/acre
Current Zoning:	PUD/Planned Unit Development (1993)

Previous Zoning:	R-2/Medium Density Single Family Residential
Overlay Districts:	None
Design District:	Bluff District

- 1.5 Neighborhood Meeting; Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on July 25, 2024. A copy of the notice was mailed to all property owners located with 500 feet of the Property on July 24, 2024. A neighborhood meeting was held to discuss the Application on June 27, 2024. The public hearing on the Application was held at the August 5, 2024 Planning Commission meeting.

Section 2. STANDARDS

2.1 Comprehensive Plan Amendment.

- A. Amending the Comprehensive Plan. The Planning Commission may recommend to City Council amendments to City's Comprehensive Plan, and City Council may propose amendments to the Planning Commission for review. Before adopting an amendment, the Planning Commission must hold at least one public hearing on the proposed amendment. A proposed amendment may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation. A resolution to amend the Comprehensive Plan must be approved by a two-thirds vote of all of the members of City Council. Minn. Stat. Sec. 462.355, subd. 2 and 3. Comprehensive Plan amendments must be submitted to the Metropolitan Council for review of their compatibility and conformity with the Met Council's regional system plans. Minn. Stat. Ch. 473.
- B. Comprehensive Plan Goals and Policies. The Comprehensive Plan has general and specific statements related to neighborhoods, residential, commercial, and institutional land uses in the City. A listing of the vision, principles, and goals of the City's 2040 Comprehensive Plan that are relevant to the Comp Plan Amendment requested include:
1. The objective of the Institutional/Public land use category is to maintain all institutional facilities in a manner that efficiently serves all residents of the community, from both a cost and access perspective (Comprehensive Plan p. 3-8).
 2. Development in this district is guided to a maximum Floor Area Ratio (FAR) of 1.0, when all other dimensional standards of the appropriate zoning district can be met (Comprehensive Plan p. 3-14).

3. The comprehensive plan identifies multiple key drivers shaping the future of Wayzata including providing infrastructure for an aging demographic, an increasing quantity of aging population, and loss of younger population/generation (Comprehensive Plan p. 1-4).
4. Having a multi-generational community is identified as a quality of the preferred future of Wayzata. A multi-generational community necessarily implies diverse housing, transportation availability, and safe walkable and bikeable environments (Comprehensive Plan p. 1-7).
5. One housing goal identified in the comprehensive plan is to develop city programs and policies which encourage and require high quality design and maintenance of all housing units within the community (Comprehensive Plan p. 4-9).
6. An associated policy is to provide a range of housing options throughout the community that welcome a range of individuals, including senior housing and life cycle housing options (Comprehensive Plan p. 4-9).

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

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

2.3 Conditional Use Permit for Elderly Care Facility. Hospitals, residential care facilities, extended care facilities, rest homes and other elderly care facilities are conditional uses in the Institutional District. Sec. 937.02.C. The general standard for conditional use permits (CUPs) under Section 904.02.F is that the Planning Commission and City Council consider the possible adverse effects of a proposed conditional use. Their judgment is to be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

In addition to the general CUP standard above, the following specific standards apply to Conditional Use Permits for Elderly Care Facilities:

1. Interior side yards are screened.
2. Only the rear yard is used for play or recreational areas. Said area must be fenced and controlled and screened in compliance with Chapter 918 of the Zoning Ordinance.
3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
4. All signing and informational or visual communication devices are in compliance with Chapter 927 of the Zoning Ordinance.

2.4 Variance to Side Yard Setback. Section 905.01.C provides the criteria for reviewing a variance from the standards of the Zoning Ordinance. These criteria are:

- A. Variances shall only be permitted when they are:

- (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. 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.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
 - F. 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.
 - G. 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.
 - H. 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.
- 2.5 Design Standards Deviations. Significant deviations from the Design Standards may be permitted under Section 909.29 (with the exception of Sec. 909.10 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:
- A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.

- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
- C. The positive effect of the project on the area in which the project is proposed.
- D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
- E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
- F. A national, state or local historic designation.
- G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, and Comprehensive Plan, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Comprehensive Plan Amendment.

- A. With respect to the vision, principles, and goals of the City's 2040 Comprehensive Plan that are relevant to the Comp Plan Amendment, the Planning Commission finds as follows:
 - 1. The Comp Plan Amendment and the Project proposed would further the Comprehensive Plan goal of providing additional facilities for an aging demographic.
 - 2. The Comp Plan Amendment and the Project proposed would further the Comprehensive Plan goal of creating more of a multi-generational community by adding diverse housing.
 - 3. The Comp Plan Amendment and the Project proposed would further the Comprehensive Plan goal of programs and policies which encourage and require high quality design and maintenance of all housing units within the community.
 - 4. The Comp Plan Amendment and the Project proposed would further the Comprehensive Plan policy to provide a range of housing options throughout the community that welcome a range of individuals, including senior housing and life cycle housing options.

3.2 Zoning Map Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the Zoning Map Amendment would not have any adverse effects that would not be appropriately managed or outweighed by the overall positive effects of the Project as noted elsewhere in this Report. The Zoning Map Amendment meets the applicable standards in that:

- A. The Zoning Map Amendment does not contravene any policies and provisions of the official City Comprehensive Plan, and would instead better implement them as noted elsewhere in this Report. The Zoning Map Amendment would bring the zoning of the Property into compliance with the proposed Comp Plan Amendment.
- B. The Zoning Map Amendment would conform with the present and future land uses within the City.
- C. The Zoning Map Amendment would conform with all performance standards contained in the Zoning Ordinance, except those for which variances and deviations have been requested and/or granted in other approvals for the Project.
- D. The Zoning Map Amendment would not have a negative effect on any areas of the City, and instead enhance and reactivate the Property and improve the conditions of the Property which are no longer compliant with state standards for an elderly care facility.
- E. The Zoning Map Amendment would not have any known negative effect on property values in the City.
- F. Traffic generation by the institutional use associated with the Project would be manageable in relation to capabilities of streets serving the Property.
- G. The Zoning Map Amendment would not negatively impact existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Conditional Use Permit for Elderly Care Facility. The provisions of 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. General CUP Criteria.

- 1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan, as amended under the Application.

2. The Project and associated use is compatible with present and future uses of the area, which include other institutional and residential uses adjacent to minor and major arterial roadways.
3. The Project and associated use conforms with all performance standards contained in the Zoning Ordinance, except those for which variances and deviations have been requested and/or granted in other approvals for the Project.
4. The Project and associated use will not have a negative effect upon the surrounding area.
5. The Project and associated use is not likely to have a negative impact upon surrounding property values.
6. The Project and associated use will not increase traffic above capacity.
7. The Project and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

B. Elderly Care Facilities. In addition to the above, the Commission makes the following additional findings with respect to the CUP for Elderly Care Facility:

1. Interior side yards of the Project will be screened.
2. Only the rear yard will be used for play or recreational areas. Said area will be fenced and controlled and screened in compliance with Chapter 918 of the Zoning Ordinance.
3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
4. All signing and informational or visual communication devices will be in compliance with Chapter 927 of the Zoning Ordinance.

3.4 Variance to Side Yard Setback. The Variance to Side Yard Setback requested in the Application meets all of the standards for granting a variance under the Zoning Ordinance based on the following findings:

- A. The Variance to Side Yard Setback is in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed institutional use, design and construction; and is consistent with the Comprehensive Plan and Comp Plan Amendment as noted elsewhere in this Report.
- B. The Applicant has established that there are practical difficulties in complying with all the applicable setback standards, in that:

1. The Applicant's proposal for the Property is reasonable in that it is consistent with the Comp Plan and most recent use, but the optimal design for an Elderly Care Facility for memory care would require certain standards not permitted in the Zoning District;
 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks to use the location and topography and shape of the site in a way that is consistent with and in furtherance of the Comp Plan, as noted elsewhere in this Report; and
 3. The Variance to Side Yard Setback, if granted, will not alter the essential character of the locality in that the uses and buildings would be substantially similar current uses, and the appearance of the side yard affected would be improved over current conditions.
- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the topography and features of the site, and the nature of the memory care facility design of the Project.
- D. The Variance to Side Yard Setback is not a use variance.
- E. The Application submitted by the Applicant set forth reasons that the Variance to Side Yard Setback is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.
- 3.5 Design Deviations. The Commission finds that there would be little, if any, negative impacts of the Design Deviations, in that the proposed overall design of the Project is well-considered and high quality, and the requested Deviations are reasonable in light of the overall design for a memory care facility in the larger neighborhood setting. To the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:
- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted elsewhere in this Report.
 - B. The extent to which the Design Deviations would alleviate of an undue burden, taking into account the necessary design and security considerations for a memory care facility.
 - C. The positive effect of the Project on the area in which the Project is proposed.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) Comp Plan

Amendment, (ii) Zoning Map Amendment, (iii) CUP for Elderly Care Facility, (iv) Variance to Side Yard Setback, and (v) Design Deviations, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction of the Project, as well as all right of way and other permits for its operation, and follow all laws and regulations applicable to the Project, including building codes, land use regulations, and City Code and policies applicable to days and times of work, construction management, and use of the Property.
- B. The Applicant must build and complete the Project in conformance, in all material respects, with the plans, narrative and other information depicted in the Application.
- C. Stormwater Facilities, Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution, terms for public and private improvements, and the requirements of the Zoning Ordinance and this Resolution.
- E. The Applicant must coordinate with Xcel Energy on the installation of the sidewalk on the north side of Wayzata Boulevard. Any costs associated with relocating or modifying the existing electrical infrastructure is the sole responsibility of the Applicant.
- F. 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 19th day of August 2024.

Attachments:

Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property

Address	PID	Owner	Abstract or Torrens?
163 Wayzata Blvd W Wayzata, MN 55391	0111723110002	TMSC of Wayzata, LLC	Both
			Certificate No.
			1520074
Legal Description			
<u>Parcel 1:</u> That part of the West 150 feet of Lot 58, Auditor’s Subdivision No. 184, Hennepin County, Minnesota, lying Southeasterly of the Southeasterly right of way line of State Highway No. 12 as shown by that certain Final Certificate filed June 8, 1973, as Document No. 1073214 in favor of the State of Minnesota. Hennepin County, Minnesota Torrens Property – Certificate of Title No. 1520074 <u>Parcel 2:</u> That part of Lot 58, Auditor’s Subdivision No. 184 described as follows: Commencing at a point in the North line of Section 1, Township 117 North, Range 23 West, distant 840.00 feet West from the Northeast corner thereof; thence East 488.0 feet; thence Southerly 660.00 feet at an angle of 87 degrees 37 minutes to the right; thence Southwesterly 151.30 feet at an angle of 30 degrees 17 minutes to the right to a point in the Northerly line of Wayzata Boulevard (formerly U.S. Highway no. 12) as now laid out and travelled, distant 448.50 feet Northwesterly from its intersection with the East line of said Section 1; thence Northwesterly along said boulevard line to a point in a line running Southerly from the point of beginning at an angle of 89 degrees 35 minutes to the left from said North line of said Section 1; thence Northerly to the point of beginning. Except that part lying Northwesterly of the Southeasterly right-of-way line of S.T.H. No. 12 as shown by Document No. 4194553. Hennepin County, Minnesota			



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 19, 2024	AGENDA ITEM: 4.c
TITLE: Approval of Planning Commission Report and Recommendation of Approval of Amendments to Conditional Use Permits for Eloise Restaurant Parking at 332 Broadway Avenue South	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: November 9, 2024 (extended to 120 days)	

BACKGROUND:

Owner Beltz Enterprises, LLC, represented by Gary Gabrielson, has submitted a development application requesting two Conditional Use Permit (CUP) Amendments in order to entitle 10 additional weekday, daytime parking spaces for 332 Broadway Ave S. The parking is requested to support a new restaurant, Eloise. The amendments are proposed to the existing Joint Use of Parking and Fee-in-Lieu of Parking CUPs.

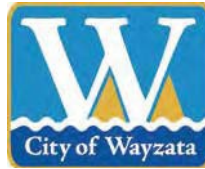
The Planning Commission considered the application at their August 5, 2024 meeting and recommended approval of the application by a vote of 5-0.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Planning Commission Report and Recommendation of Approval for 332 Broadway Ave S



WAYZATA PLANNING COMMISSION

August 19, 2024

REPORT AND RECOMMENDATION OF APPROVAL OF AMENDMENTS TO CUPS FOR OFF-SITE PARKING AND FEE IN LIEU OF PARKING (FILOP) FOR A NEW RESTAURANT AT 332 BROADWAY AVENUE SOUTH

SUMMARY OF RECOMMENDATION

1. **Approval*** of Amendment to CUP for Off-Site Joint Use of Parking
2. **Approval*** of Amendment to FILOP CUP for 10 additional required parking spaces

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

REPORT

Section 1. BACKGROUND

- 1.1 **Project.** The applicant and property owner, Beltz Enterprises, LLC, (the “Applicant”) has submitted a development application (the “Application”) requesting an amendment to an existing Fee-in-Lieu-of-Parking (FILOP) and Joint Use of Parking conditional use permits to support a new restaurant (the “Project”) in the existing building at 332 Broadway Ave S (the “Property”).
- 1.2 **Approvals Requested.** The Application requests approval of the following:
 - A. **Conditional Use Permit (CUP) – Off-Site Joint Use of Parking:** An amendment to the existing conditional use permit issued under Sec. 920.09 to allow parking to be shared with the neighboring Mill Street Municipal Parking Ramp (the “Joint Parking CUP”).
 - B. **Conditional Use Permit (CUP) – Fee-in-Lieu-of-Parking (FILOP):** An amendment to the existing conditional use permit under Sec. 920.12 and the City’s Fee in Lieu of Parking (FILOP) Policy for ten (10) additional parking spaces (the “FILOP CUP”).

- 1.3 Property. The address, property identification numbers and owner of the subject property (the “Property”) are as follows:

Address	PID	Owner
332 Broadway Ave S	06-117-22-42-0111	Beltz Enterprises LLC 447 Peavey Rd Wayzata, MN 55391

The legal description of the Property is attached to this Report as Attachment A.

- 1.4 Land Use Designations. The Property falls within the following land use districts:

Zoning:	Planned Unit Development (PUD)
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District Lake Street Design District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on July 25, 2024. A copy of the notice was mailed to all property owners located within 500 feet of the Property on July 24, 2024. The Applicant also sent a Neighborhood Notification letter summarizing the Project to property owners located within 500 feet of the Property on July 26, 2024. The public hearing on the Application was held at the August 5, 2024 Planning Commission meeting.

Section 2. STANDARDS

An amended conditional use permit (CUP) may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for substantial changes in conditions or expansions of use. Sec. 904.05.

- 2.1 Joint Parking CUP. Under Section 920.09, the City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the following conditions are found to exist:

- A. Minimum. The parking meets the minimum required under the table shown in Section 920.09.

- B. Proximity. The building or use for which an application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
- C. Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- D. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

2.2 FILOP CUP. Any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in the City's FILOP Policy; and (2) a Conditional Use Permit is approved based upon the criteria of the FILOP Policy, which are:

- A. The Project is located within the "Mobility District" as established by City Council.
- B. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
- C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
- D. The requirements of section 904.2.F of the Zoning Ordinance for a conditional use permit, which require City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:
 - 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - 2. The proposed use's compatibility with present and future uses of the area.
 - 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - 4. The proposed use's effect on the area in which it is proposed.

5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Joint Parking CUP.

- A. Minimum. The proposed parking for the Project meets the minimum required under the table shown in Section 920.09.
- B. Proximity. The building and use for which application is being made to utilize the off-street parking facilities would be provided by the Mill Street Municipal Parking Ramp, and is located within 300 feet of such parking facilities.
- C. Conflict in Hours. The Applicant has shown that there is no substantial conflict in the principal operating hours of the uses for which joint use of off-street parking facilities is proposed.

3.2 FILOP CUP.

- A. The Project is located within the "Mobility District" as established by City Council.
- B. The Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District by providing a new restaurant option to the district's vibrant, existing restaurant area, that would enhance the types of dining options available in the district, increase vitality of the streetscape, and encourage walkability.
- C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
- D. The provisions of Section 904.2.F of the Zoning Ordinance have been considered and are all satisfactorily met. The Project (the "Proposed Use")

would not have adverse effects on the surrounding area based upon the following:

1. The Proposed Use is not inconsistent with any policies or provisions of the official City Comprehensive Plan.
2. The Proposed Use is compatible with present and future uses of the area, which include several restaurants of similar capacity and size.
3. The Proposed Use conforms with all relevant performance standards contained in the Zoning Ordinance.
4. The Proposed Use will have a positive effect on the area in which it is proposed as noted in this Report.
5. The Proposed Use will not have a known negative impact upon property values in the area.
6. The Proposed Use will not generate additional traffic beyond what existing streets can handle.
7. The Proposed Use will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Amendments to the existing Joint Parking CUP and FILOP CUP as requested in the Application, subject to the following conditions:
- A. All fee-in-lieu of parking fees required for ten (10) additional parking spaces under the City's FILOP Policy must be paid by the Applicant.
 - B. Amendments to the development agreement with the City that incorporate all of the requirements of the City's FILOP Policy for an additional ten (10) parking spaces and allow for joint use of off-street parking facilities at the City's Mill Street Municipal Parking Ramp, in form and content acceptable to the City Attorney, must be executed by the parties concerned, filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles; and a certified copy of the recorded document must be provided to the City within 60 days after approval by the City.
 - C. The Applicant must secure all necessary building permits for construction of the Project, as well as all right of way and other permits for its operation, and

follow all laws and regulations applicable to the Project, including building codes, land use regulations, and City Code and policies applicable to days and times of work, construction management, and use of the Property.

- D. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.
- E. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 19th day of August 2024.

Attachments:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 19, 2024	AGENDA ITEM: 5.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 2024 City Calendar and City Council Liaison Schedule are attached. The next City Council meeting is scheduled for Tuesday, August 20. The next Planning Commission meeting on September 9 will likely be canceled due to a lack of agenda items.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2024 Wayzata City Calendar
2. 2024 City Council Liaison Schedule - updated July 2024

City of Wayzata 2024 Meeting Calendar



January 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
S	M	T	W	Th	F	S
				1	2	3
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2024						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Charter Commission - 9:00 AM
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 11:30 AM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- 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

2024 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 9	Peggy Douglas
Tuesday	January 23	Adam Elg
Tuesday	February 6	Chris Plantan
Tuesday	February 20	Bonnie Schwalbe
Tuesday	March 12	Jen Severson
Tuesday	March 26	Ken Sorensen
Tuesday	April 9	Larissa Stockton
Tuesday	April 23	Peggy Douglas
Tuesday	May 7	Adam Elg
Tuesday	May 21	Chris Plantan
Tuesday	June 4	Bonnie Schwalbe
Tuesday	June 18	Jen Severson
Tuesday	July 9	Ken Sorensen
Tuesday	July 23	Larissa Stockton
Wednesday	August 7	Blake Cameron
Tuesday	August 20	Adam Elg
Tuesday	September 3	Chris Plantan
Tuesday	September 17	Bonnie Schwalbe
Tuesday	October 8	Jen Severson
Tuesday	October 22	Ken Sorensen
Tuesday	November 12	Larissa Stockton
N/A	No meeting November 26th	
Tuesday	December 3	Blake Cameron
Tuesday	December 17	Adam Elg