

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, November 18, 2024

6:30 PM

HYBRID MEETING INFORMATION

Click here to join Zoom Meeting

Meeting ID: 822 3921 5695 Passcode: 002818

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).

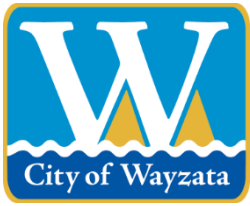
1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting Minutes of November 4, 2024
 - b. Approval of Report and Recommendation of Approval for Zoning Text Amendments for Cannabis Business Regulations
5. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
6. **Adjournment**
7. **Workshop**

Upcoming Meetings:

City Council - December 3, 2024

Planning Commission - December 2, 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: November 18, 2024	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of November 4, 2024	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Eric Zweber, Planning Consultant	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the meeting minutes of November 4, 2024.

ATTACHMENTS:

1. Planning Commission Meeting Minutes of November 4, 2024

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 4, 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 Planning Consultant Zweber to take roll call.

Present at roll call were Commissioners: Plantan, Stockton, Schwalbe, Cameron, Severson, and Elg. Planning Consultant Eric Zweber, Assistant Planner Valerie Quarles, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

Chair Stockton noted a proposed change to the agenda to add an update from City Manager Dahl, and asked for a motion to approve the agenda as amended with that change.

Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to approve the November 4, 2024 agenda, as amended. The motion carried unanimously.

AGENDA ITEM 4. Update from City Manager Dahl

City Manager Dahl updated the Commission on City activities, goals, and initiatives. He expressed his appreciation for the Planning Commissioners, and encouraged them to attend the City's Volunteer Appreciation Dinner on November 7, 2024.

Chair Stockton thanked Mr. Dahl for coming to the meeting and acknowledging the Commission's time and efforts on behalf of the City.

Commissioner Elg stated that he was shocked to hear that the City was considering having a municipal cannabis dispensary, and asked if there were other communities considering this same action.

Mr. Dahl explained that it would be a different business for the City get into. He noted that Minnesota was the only state that was allowing cities to have a municipal cannabis dispensary, so he did not have any examples from other parts of the country. He stated that he knew that there are about 20-30 other communities in Minnesota that are considering this option. He noted that a

1 decision has not been made by the City of Wayzata because Council is still looking closely at the
2 options in this area.

3
4 Chair Stockton asked if there could be a comparison to the City's distribution of alcohol.

5
6 Mr. Dahl stated that was part of the rationale behind exploring this concept because the Council
7 felt it may be possible that the City could have a better handle on how and where cannabis is sold,
8 and who was buying it if the City were to have a municipal dispensary.

9
10 **AGENDA ITEM 5. Consent Agenda**

11
12 **a.) Approval of the October 21, 2024 Planning Commission Regular Meeting and**
13 **Workshop Meeting Minutes**

14
15 Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to
16 pull an item for further discussion.

17
18 Hearing no such request, Chair Stockton asked for a motion to approve the Consent Agenda as
19 presented.

20
21 Commissioner Elg made a motion, seconded by Commissioner Severson, to approve the Consent
22 Agenda as presented. The motion carried unanimously.

23
24 **AGENDA ITEM 6. Public Hearing Items**

25
26 **a) Consider Zoning Text Amendments for Cannabis Business Regulations**

27
28 Planning Consultant Zweber noted that tonight's discussion would be related to retail businesses,
29 and not specifically municipal-owned cannabis businesses. He explained that the State requires
30 that the City allow at least one non-municipal cannabis retailer in the City, and shared details
31 regarding the background of this topic, allowing cannabis retail in certain zoning districts, setting
32 maximum buffer distances, and the proposed allowed cannabis retail areas in the City.

33
34 Chair Stockton asked about the establishment of buffer zones, and if the City had a recommended
35 approach to buffers or if it was discretionary.

36
37 Planning Consultant Zweber stated that the discretion is that the City could go with smaller buffers
38 than what has been presented by staff, but could not go with larger buffers. He noted that the other
39 area where the City has a bit of latitude is where the buffer is measured from, for example, the
40 building or the property line.

41
42 Commissioner Cameron asked if there were minimum buffers or if it could be zero.

43
44 Planning Consultant Zweber answered that it could be zero.

1 City Attorney Schelzel asked if the maps that Planning Consultant Zweber was showing as part of
2 his presentation were depicting the maximum buffers permitted, or if they were depicting the lesser
3 amounts that staff was recommending.

4
5 Planning Consultant Zweber explained that the amounts shown on the maps are the maximum that
6 would be allowed by the State. He noted that the only flexibility that has been used is that staff is
7 measuring the buffer from the treatment facility from the footprint of the building instead of the
8 property line.

9
10 Commissioner Severson asked if these buffers would have an impact on anything else, such as
11 liquor licenses, or if it was only related to those specified by the Office of Cannabis Management.

12
13 Planning Consultant Zweber stated that the only thing that they haven't implemented as part of the
14 recommended buffers for the City is a buffer from another cannabis retail business. He noted that
15 since the City's population is below 12,500 people, they only have to allow one cannabis business.
16 He stated that if the City came back in the future and wanted to add a municipal cannabis retail
17 business, they could take a look at whether they wanted to add a buffer from another cannabis
18 retail business, but he reiterated that staff was not currently proposing that action.

19
20 Commissioner Cameron noted that he thought that Planning Consultant Zweber had stated earlier
21 that the State required the City to allow at least one non-municipal cannabis retail business.

22
23 Planning Consultant Zweber stated that was correct and reiterated that the State required the City
24 to allow at least one non-municipal cannabis retailer. He noted that there was a possibility that if
25 there were a certain number of cannabis retail businesses within Hennepin County, that would be
26 equal to or greater than one per 12,500 people, then the City would not have to allow a cannabis
27 retailer. He stated that the issue is that the City is starting out with this rule, but there are no
28 licenses anywhere, so if someone comes in on day one, the City needs to have regulations in place
29 to allow for the cannabis retailer.

30
31 Commissioner Severson asked if they should include this information in the ordinance, and also a
32 buffer zone from another establishment if the City decided to move forward with a municipal
33 dispensary.

34
35 Planning Consultant Zweber explained that there are differences between the regulations in the
36 zoning ordinance and the business regulation elsewhere in City Code, and noted that they were not
37 zoning issues. He stated that there are some benefits in not having all regulations within the zoning
38 ordinance, and stressed the importance of sticking with zoning issues in the zoning ordinance. He
39 explained that even the buffers themselves would not be included in the zoning ordinance.

40
41 City Attorney Schelzel stated that he agreed that this was a good distinction for the Commission
42 to keep in mind because even though this involves many issues, the Commission was just looking
43 at the land use piece.

44
45 Commissioner Schwalbe asked if there was some form of cannabis that was sold at The Muni.
46

1 Planning Consultant Zweber stated that there was, and noted that he had more information on that
2 in his upcoming slides.

3
4 Commissioner Plantan referenced the Big Woods area where a treatment facility was located, and
5 asked if that was considered part of the parks and trails buffer.

6
7 Planning Consultant Zweber stated that The Retreat was privately owned, but the Big Woods areas
8 are to the north and the south of it. He noted that after reviewing possible buffers, the City Council
9 determined that Heritage Park and Big Woods would not be included in the buffer zones because
10 they do not have park amenities aimed at youth. He further explained that the residential treatment
11 center would have a buffer.

12
13 Commissioner Plantan asked if there was a reason why the City wouldn't treat this like their other
14 parks even though there wasn't a physical amenity for children. She noted that they do encourage
15 activities there, such as maple syrup tree tapping. She asked what the buffer zone might look like
16 if they didn't do it from the footprint of the treatment facility, but the property that is a park and
17 amenity for families.

18
19 Planning Consultant Zweber stated that that buffer would go into Colonial Square a bit, but
20 wouldn't change too much. He stated that Heritage Park would eliminate both of the C-3 on the
21 west and east of Central Avenue, but even with Big Woods, it would still allow the dentist,
22 McDonalds, BP, and the businesses to the east of Gleason. He reiterated that tonight, the Planning
23 Commission would not be making a recommendation on the buffers, and would just be looking to
24 make a recommendation on the zoning districts.

25
26 Commissioner Plantan asked for a definition of the C-3A district and why it was established.

27
28 Planning Consultant Zweber stated that there are currently no properties zoned C-3A, but the City
29 had adopted the district when they did some zoning updates in 2022 in anticipation of the Wayzata
30 Blvd. Corridor Study.

31
32 Planning Consultant Zweber continued with his presentation and reviewed the other cannabis
33 businesses recognized under state law, such as cultivation, manufacturer, wholesale,
34 transportation, delivery, and edible cannabinoid product retail. He explained that the edible
35 cannabinoid products are the existing products in the City that Commissioner Schwalbe had asked
36 about, and noted that those businesses were allowed to sell low-potency hemp products that fall
37 under the edible cannabinoid product regulations. He stated that with the new law, these
38 businesses would now be licensed under the Office of Cannabis Management, but staff was
39 recommending that in the C-3 and C-3A districts that cannabis manufacturers would be required
40 to apply for a conditional use permit under those zoning districts and regulations. He stated that
41 the edible cannabinoids are already regulated under Chapter 722 in the City Code and staff was
42 not proposing any changes to that chapter which means their existing rules for edible cannabinoid
43 products would stay in place. He noted that the City did not allow agriculture, wholesaling, or
44 transportation under the current zoning ordinance, and staff was not proposing that those be added,
45 which would essentially prohibit those types of businesses in the City. He noted that cannabis
46 transportation and cannabis delivery would be the offices that support the transportation or delivery

1 of cannabis. He stated that there was no regulation that the City could do to prevent a cannabis
2 transportation business from sending their vehicle into, and moving throughout, the City or
3 stopping at a cannabis business within the City. He explained that this would just not allow those
4 businesses to be headquartered within the City.

5
6 Chair Stockton asked whether the City could really only have hemp manufacturing.

7
8 Planning Consultant Zweber stated that manufacturing is allowed as a conditional use within the
9 C-3 and C-3A, so somebody could come in and ask for a CUP for manufacturing.

10
11 Chair Stockton stated that the proposed amendments meant that hemp and cannabis manufacturing
12 businesses were possibilities, but cultivation, wholesale, and transportation or delivery
13 headquartered in the City would not be possible. She asked if the retail layout would include a
14 business model where someone could purchase and consume the product on site, similar to a coffee
15 shop.

16
17 Planning Consultant Zweber stated that there are regulations for that, and noted that you can go
18 down to The Muni and buy a low-potency cannabinoid drink and it could be consumed there.

19
20 Chair Stockton noted that meant that conceptually it may not just be a store format and could also
21 potentially be an eatery.

22
23 Planning Consultant Zweber stated that was possible, but noted that the City would be able to have
24 regulations for that business, such as a restaurant or coffee shop, and they would have to meet
25 those regulations, in addition to their retail cannabis business.

26
27 Chair Stockton asked how it would work for a coffee shop to sell cannabis products.

28
29 Planning Consultant Zweber reiterated that in that instance there would be other regulations that
30 would have to be met, and reminded the Commission that there could only be one cannabis
31 business allowed in the City under the draft ordinance. He noted that it was possible that, in the
32 future, the City may choose to allow a municipal dispensary as well.

33
34 Commissioner Schwalbe noted that The Muni was located outside of where the privately held
35 cannabis businesses would be allowed.

36
37 Planning Consultant Zweber confirmed that was correct and was being discussed with the City
38 Council.

39
40 Commissioner Cameron stated that the City also has to abide by the land use regulations, so, if this
41 is approved and these businesses are only allowed in C-2, C-3, and C-3A, but in the future the City
42 wanted to open its own dispensary, he asked if that meant that the City would also have to open it
43 in one of those zoning districts.

44
45 Planning Consultant Zweber stated that if this is adopted, those would be the regulations for the
46 City. He stated that if the City amended the regulations to add a municipal dispensary, they could

1 choose to look at the buffer maps or ask the Commission to consider changing the zoning district
2 so that it is allowed. He stated that Commissioner Cameron was correct that a municipal cannabis
3 retailer would have to follow the regulations that are adopted by the City.

4
5 Commissioner Schwalbe asked if they would have to even though there was already an exception
6 to the rule with The Muni.

7
8 Planning Consultant Zweber clarified that the City did not have an exception for the Muni, because
9 the edible cannabinoids sold there are a separate type of business that is currently regulated by the
10 City Code. He stated that the City has an edible cannabinoid business but does not currently have
11 a municipal cannabis dispensary retail business.

12
13 Commissioner Schwalbe asked if the biggest difference was just that one was edible and the other
14 could be consumed in alternate ways.

15
16 Planning Consultant Zweber stated that was not the only difference, and explained that it had to
17 do with its potency as well. He noted that edible cannabinoids are considered low potency, and
18 cannabis retail businesses could have much higher potency products.

19
20 Commissioner Severson asked if the City would be able to come back and ask for a variance or if
21 the City Code would have to be changed.

22
23 Planning Consultant Zweber stated the Code would need to change in that State statute says that
24 you cannot get a 'use' variance.

25
26 Chair Stockton stated that to her, she didn't think they were really looking at whether there would
27 be any safety issues because that has already been covered by the zones.

28
29 Planning Consultant Zweber reviewed City Council discussions and the proposed zoning districts
30 where cannabis retail businesses would be allowed, and the maximum buffer areas that were
31 allowed. He reminded the Commission that the State Statute was silent on where the measurement
32 would begin for buffer zones, such as the property line or the building.

33
34 Commissioner Elg asked if Planning Consultant Zweber was saying that the City Council felt it
35 would be in the City's best interest to adopt the maximum buffer distance permitted by State
36 Statute. He explained that he wanted to clarify this because he questioned why these were the
37 numbers being presented to the Commission, and if it was because it was the maximum distance
38 allowed by the State or if it was what the Council wanted to see.

39
40 Planning Consultant Zweber stated that there was no consensus of the Council, but the majority
41 felt that this part of the corridor on Wayzata Boulevard made sense for cannabis retail businesses
42 with a reasonable buffer from The Retreat. He stated that Council's direction to staff was to try
43 to come up with a reasonable buffer from The Retreat that would still allow multiple locations
44 along Wayzata Boulevard, but reiterated that under the draft ordinance currently being considered,
45 only one cannabis business would be allowed in the City.

1 Commissioner Elg stated that the City could also establish smaller buffer areas.

2
3 Planning Consultant Zweber confirmed that the City could establish smaller buffer zones but stated
4 that decision would be a decision of the City Council, not the Planning Commission.

5
6 Commissioner Cameron stated that within the proposed ordinance it amends the City's zoning
7 ordinance to include a "retail sales-cannabis" definition and asked about the last six words in the
8 statement that say, 'and lower potency hemp edible retailers'. He asked if that would cause The
9 Muni and the vape shop and places that are currently governed by Chapter 722 of the City code to
10 be non-compliant and have to cease operations.

11
12 Planning Consultant Zweber explained that it would not cause them to be non-compliant and was
13 stating that this could be co-located with an existing business that deals with medical marijuana or
14 low-potency hemp retailers. He clarified that this basically said that if they have one of those other
15 businesses that are licensed by the State Office of Cannabis Management, this could be on top of
16 that licensing; but noted that it may not line up with the zoning districts and the buffer map that
17 the City establishes.

18
19 Commissioner Plantan stated that cannabis was still illegal at the federal level and was a cash-only
20 business. She asked if this was only after it was regulated at a Federal level or if it would remain
21 a cash-only business.

22
23 Planning Consultant Zweber stated that was outside of his area of expertise ,and noted that he only
24 knows what the State rules are and how they would apply in the City.

25
26 City Attorney Schelzel stated that Commissioner Plantan's question has been a frequently
27 discussed topic of conversation as the new State law is being implemented. He stated that much of
28 what the City was doing with the proposed Ordinance was what the State required because of the
29 new State law, and noted that the Office of Cannabis Management was in the process of making
30 rules so businesses and cities have more guidance. He explained that City staff was trying to be
31 ready when the current cannabis moratorium is lifted in in the City in January of 2025, and have
32 regulations in place so that if someone comes with a license from the State, the City can tell them
33 where they can and cannot locate their business.

34
35 Planner Quarles clarified that the buffers were not being set up with the idea of returning and
36 revising them later.

37
38 City Attorney Schelzel stated that a possible municipal dispensary did not need to be located where
39 the current Muni was situated.

40
41 Commissioner Severson stated that there were two public comments that were submitted on this
42 item. She explained that she wanted to make it clear, for the record, that the City did not have an
43 option to prohibit cannabis retail businesses in the City.

1 Planning Consultant Zweber stated that the City does not have such an option, but does have a
2 hope, that there will be enough businesses in enough of the other communities in Hennepin County
3 that when somebody applies in Wayzata the County they can tell them it is already full.
4

5 Commissioner Severson asked if the stance of the City was really that they do not want to have
6 cannabis retail businesses.
7

8 Planning Consultant Zweber explained that there were a number of options in the model ordinance
9 of the language to pick from, and what the Council had chosen was to add the statement if the
10 County has enough to fulfill the requirement of 1 business per 12,500 persons, then the City would
11 no longer have to issue any registration.
12

13 Commissioner Severson asked who would make that decision and at what point it would be made.
14

15 City Attorney Schelzel stated that that decision would be made by City Council and that it was
16 something that the City was currently studying and is in process. He stated that the City Council
17 has not made any decisions yet, but reiterated that the City needed to pursue these regulations
18 because that is what will be required, unless or until, the County meets that threshold referenced
19 by Planning Consultant Zweber. He stated that the City wants to be prepared for that contingency
20 where at least 1 retailer would need to be able to locate here and determine where that retailer
21 should go. He reiterated that the decision for the Planning Commission this evening was to make
22 a recommendation on where a non-municipal cannabis retail business should go in the City.
23

24 There being no further questions for Staff, Chair Stockton opened the public hearing on the
25 application at 7:43 pm.
26

27 Adam Hoffman stated that he grew up in the City and explained that he and his brother own Sweet
28 Leaves, which is an edible cannabinoid dispensary in the North Loop of Minneapolis. He asked
29 about the possible buffer zone between a non-municipal dispensary and a municipal dispensary,
30 and what the City could put in place.
31

32 Planner Quarles stated that she would have to look at what the City could put in place, but noted
33 that they were not proposing having a buffer between cannabis businesses right now.
34

35 Mr. Hoffman stated that he asked because City Manager Dahl had made a statement about the
36 intent to upkeep and maintain the City aesthetic and feel. He stated that what he was thinking
37 when looking at the zoning requirements is if the City opened a municipal dispensary by picking
38 the correct zoning position, it could potentially push out additional non-municipal dispensaries
39 which the City would then have more control in maintaining how the product is distributed and
40 how the City can maintain the feel and flow of product.
41

42 Planning Consultant Zweber clarified that a public hearing was typically not an open discussion
43 between staff and the person speaking at the public hearing. He stated that Mr. Hoffman should
44 be addressing the Planning Commission, and then staff would take down the questions and address
45 them following the public hearing.
46

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

3
4 There being no one else wishing to comment on the application, Chair Stockton closed the public
5 hearing at 7:46 pm.

6
7 Chair Stockton asked for the Commission to share their thoughts and feedback on the application.

8
9 Planning Consultant Zweber noted that regarding the last question raised by Mr. Hoffman, the City
10 Council has only looked at allowing 1 retail non-municipal cannabis business in the City, so they
11 were not looking at buffers between retailers. He noted that they were just looking at where 'a'
12 business can locate, and were not looking at where the next business after that one could locate.

13
14 Chair Stockton asked if the Council had already voted on the buffers that were being presented
15 tonight.

16
17 City Attorney Schelzel stated that the buffers that were presented by staff are the best attempt, at
18 this point, to create what Council has indicated that they were interested in, which was pushing the
19 buffers out close to the maximum, but also allowing enough possible locations along Wayzata
20 Boulevard for businesses to locate.

21
22 Chair Stockton asked if it was in the Commission's purview to discuss the buffer zones.

23
24 City Attorney Schelzel stated that it wasn't part of the proposed Zoning Ordinance amendment but
25 if the Commission had strong feelings about them one way or the other, the Council would most
26 likely want to hear that. He noted that it could simply be a comment reflected within the minutes
27 of the meeting or it could be incorporated into the report and recommendation.

28
29 Councilmember Elg stated that it sounds like the proposed ordinance language was somewhat of
30 a template from the State.

31
32 Planning Consultant Zweber stated that the scope of the ordinance was limited to what the State
33 has given the City authority over.

34
35 Councilmember Elg stated that he felt this proposed ordinance gave the City a great starting point
36 and did not know why they would change it. He noted that he was willing to accept the buffer
37 zones as presented, but wanted to express that, personally, he felt they were too limiting.

38
39 City Attorney Schelzel stated that the buffers are what the State allowed, and they were not what
40 the City was required to adopt, and noted that that they could be smaller.

41
42 Commissioner Cameron stated that what the Planning Commission was here to discuss was where
43 the City can put these businesses, and asked what would happen if they were more prescriptive
44 and said only C-2 which would essentially force it to be located within the Village Center, rather
45 than along Wayzata Boulevard.

1 Planning Consultant Zweber stated that the Commission gets to pick what zoning districts it can
2 go in, and clarified that it would be Colonial Square which is located at the northeast corner of
3 Central Avenue and Wayzata Boulevard. He explained that with the buffer that is proposed for
4 The Retreat, it would not even be the entire Colonial Square. He noted that with Commissioner
5 Cameron's suggestion, there would also be a single landlord that would have all the control over
6 any cannabis retail business' location, but reiterated that it was within the Commission's authority
7 to choose what zoning district it could be located in and make that recommendation to Council.
8

9 Commissioner Elg noted that the Council may not accept that recommendation.
10

11 City Attorney Schelzel stated that the Commission will make a recommendation to the Council
12 about what zones they felt a cannabis retail business should be permitted in. He stated that if the
13 Commission was going to recommend Commissioner Cameron's suggestion it would be good for
14 staff to hear some of their rationale so it could be included in the report and recommendation.
15

16 Commissioner Schwalbe stated that it seems as though the City staff and the City Council have
17 gone to great lengths to think this through and figure out what would be workable for the City and
18 she did not want to second guess them. She explained that she would support the recommendation
19 of allowing this in C-2, C-3, and C-3A especially because there will be large buffers.
20

21 Commissioner Elg stated that he agreed with Commissioner Schwalbe.
22

23 Commissioner Plantan stated that she agreed that there had been a lot of thought put into this
24 recommendation and can see the logic behind it. She stated that she did have concerns about the
25 location of the treatment facility and the potential for a cannabis retailer to locate so close to them,
26 but noted that she could reluctantly agree to what has been presented by staff.
27

28 Commissioner Severson stated that she did not know anyone who actually wanted a cannabis
29 dispensary in the City. She stated that she felt the City should figure out where they want it and
30 then fit it into that space. She noted that she also felt that Colonial Square would probably be a
31 good place for it but also didn't love that it could be across the street from the treatment facility.
32 She stated that she would maybe say C-2 and remove the buffer altogether and open up all of
33 Colonial Square.
34

35 Planning Consultant Zweber noted that the other property in the City that was zoned C-2 was the
36 Village Shoppes on Lake Street, but with the buffers down there for other uses, that would be
37 eliminated.
38

39 Commissioner Elg stated that would be one way of keeping it out because it would be one landlord,
40 so they could make the rent so high that it would never happen, but that would not be business-
41 friendly.
42

43 Commissioner Severson clarified that was not what she wanted to do and explained that she wanted
44 to work within the spirit of what the State was requiring from the City; but she would like to limit
45 this to where the City actually wanted it to be and that the residents would find palatable and
46 balance that with the State requirements.

1
2 Chair Stockton stated that she felt it was clear that a lot of work has gone into this proposal.

3
4 Commissioner Severson asked if a landlord could say no to this type of business.

5
6 Planning Consultant Zweber stated that creating an ordinance when the City believes the result is
7 that no businesses could come in, would not pass muster.

8
9 Commissioner Severson clarified that she was not advocating for that and was just wondering if
10 the City had passed this ordinance, if a landlord would have the ultimate authority to say yes or
11 no.

12
13 City Attorney Schelzel stated that the City wants to follow State law, so the Commission needs to
14 make sure that the recommended ordinance is compliant with the policy decision made by the
15 State legislature to legalize cannabis businesses and require the City to allow at least one business.
16 He stated that they could get into trouble if they said you can locate in one specific property in the
17 City where they know the landlord would never rent to them. He clarified that the City does not
18 know what a landlord would or would not do. He suggested that the Commission focus less on that
19 point and think about whether they were within the intent of State law which requires the City to
20 allow at least one cannabis retailer in the City.

21
22 Commissioner Severson stated that based on the work that had already been put in, she felt what
23 was being proposed was good, reasonable, fair, and within the spirit of the law.

24
25 Commissioner Cameron referenced the requirement for 1:12,500 residents, and noted that would
26 mean that there would be about 100 businesses in the County and asked what would happen when
27 that number is reached.

28
29 City Attorney Schelzel stated that under the language of the State Statute, the City would not be
30 required to register any cannabis businesses at that point.

31
32 Commissioner Cameron clarified that the City Council would be the ones that actually set the
33 buffer areas and believes that what has been presented is where the Council was leaning. He asked
34 if decreasing the buffer areas would bring in any other C-2, C-3, or C-3A parcels that they hadn't
35 discussed.

36
37 City Attorney Schelzel stated that it would, and noted that the City of Minneapolis recently made
38 the decision that they would not adopt any buffers. He reiterated that this would be a decision for
39 the Council to make, but did not believe that was their intent.

40
41 Planning Consultant Zweber highlighted other properties that are zoned C-2 or C-3 that were
42 currently located within a buffer area.

43
44 Chair Stockton asked about the process for changing a buffer area.

1 City Attorney Schelzel stated that it would be easier to change the buffers than the zoning
2 ordinance designations because the former was just a change to the City Code that the Council
3 could do without a Planning Commission recommendation and public hearing. He stated that it
4 was unlikely that Council would play around with the buffer zones after they are established, and
5 felt that it was more likely that they would set and left in place.

6
7 There being no further discussion, Chair Stockton asked for a motion on the application.
8

9 Commissioner Elg made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare
10 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
11 recommendation of approval for the proposed ordinance prepared by staff that would amend the
12 Wayzata Zoning Ordinance (Park IX of City Code) to regulate locations of Cannabis Business
13 Regulations, for review and adoption at the next Planning Commission meeting.
14

15 The motion carried unanimously.
16

17 **AGENDA ITEM 7. Other Items:**
18

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

21 Planning Consultant Zweber gave an overview of the development activity at 910 Wayzata
22 Boulevard and development agreements for 201 Lake Street/Westway Condos and Moments of
23 Wayzata.
24

25 Planner Quarles stated that staff was putting together a community survey related to the R-3A
26 district and will also have a community meeting on the topic sometime in November.
27

28 **b) Planning Commission Meeting Schedule**
29

30 Planning Consultant Zweber stated that on November 18, 2024, they would be bringing back the
31 report and recommendation related to the cannabis business regulations. He noted that they may
32 be cancelling the December 2, 2024, Planning Commission meeting, but will plan to hold the
33 December 16, 2024 meeting.
34

35 **AGENDA ITEM 8. Adjournment.**
36

37 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.
38

39 Commissioner Plantan made a motion, seconded by Commissioner Cameron, to adjourn the
40 Planning Commission meeting.
41

42 The motion carried unanimously.
43

44 The Planning Commission meeting was adjourned at 8:16 p.m.
45

46 Respectfully submitted,

1 Kayla Atkins Rokosz
2 *TimeSaver Off Site Secretarial, Inc.*
3

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: November 18, 2024	AGENDA ITEM: 4.b
TITLE: Approval of Report and Recommendation of Approval for Zoning Text Amendments for Cannabis Business Regulations	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Eric Zweber, Planning Consultant	
60 DAY DEADLINE: N/A (City-initiated Text Amendment)	

BACKGROUND:

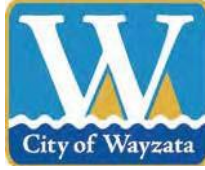
The Planning Commission reviewed proposed changes to Chapter 937 of City Code at their November 4 meeting, including allowed types of cannabis businesses and proposed zoning districts. The Planning Commission recommended approval of the attached code changes by a vote of 6-0. The attached Report and Recommendation of Approval reflects the Commission's findings. Next, the City Council will take final action on the changes through a first and second reading of the ordinance.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. PC Report - Zoning Ordinance Amendments on Cannabis Retail Uses



WAYZATA PLANNING COMMISSION

November 18, 2024

REPORT AND RECOMMENDATION OF APPROVAL OF ZONING ORDINANCE AMENDMENT TO REGULATE LOCATIONS OF CANNABIS BUSINESSES

SUMMARY OF RECOMMENDATION

Approval* of Zoning Ordinance Amendment to Regulate Locations of Cannabis Businesses

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Amendment to Regulate Locations of Cannabis Businesses. After holding a City Council workshop on October 8, 2024 on the topic of local control of retail sales of cannabis that are legal under state law ("Cannabis Retail Sales"), Council directed staff to prepare a draft ordinance for consideration that would regulate permitted locations of Cannabis Retail Sales in the City. A draft amendment to the Zoning Ordinance has been prepared by City Staff with regulations that staff believes are in line with the direction of City Council, a copy of which is attached to this Report as Attachment A (the "Zoning Ordinance Amendment").
- 1.2 Notice and Public Hearing. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Sun Sailor* on October 24, 2024 and on the City's website. The public hearing on the Zoning Ordinance Amendment was held at the November 4, 2024 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 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.

Section 3. FINDINGS OF FACT

Based on the materials submitted by City Staff, the Staff report, 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 Ordinance Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendment would be consistent with state law regarding local control of retail sales of cannabis that are legal under state law ("Cannabis Retail Sales"), and provide for possible locations of such businesses in areas that would not have an adverse effect on properties in the City, and on the health, safety and welfare of the City overall. The Zoning Ordinance Amendment meets the applicable standards for a zoning ordinance amendment in that:
 - A. The permitted locations of Cannabis Retail Sales as proposed in the Zoning Ordinance Amendment does not contravene the specific policies and provisions of the official City Comprehensive Plan.

- B. The permitted locations of Cannabis Retail Sales as proposed in the Zoning Ordinance Amendment would be compatible with the uses of commercial lots of the City, provided reasonable buffer zones are established in City Code.
- C. The permitted locations of Cannabis Retail Sales as proposed in the Zoning Ordinance Amendment would be required to conform with all performance standards contained in the Zoning Ordinance.
- D. The permitted locations of Cannabis Retail Sales as proposed in the Zoning Ordinance Amendment would not have a negative effect on the areas in which it is proposed, provided all applicable Cannabis Retail Sales regulations are followed and reasonable buffer zones are established in City Code.
- E. The impact of the Zoning Ordinance Amendment upon property values in the area in which it is proposed is unknown.
- F. No significant additional traffic generation is anticipated as a result of the Zoning Ordinance Amendment in relation to capabilities of streets serving the properties eligible for Cannabis Retail Sales.
- G. The impact of permitted Cannabis Retail Sales as allowed in the Zoning Ordinance Amendment upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity would be negligible, provided reasonable buffer zones are established in City Code.

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 Zoning Ordinance Amendment.

Adopted by the Wayzata Planning Commission this 18th day of November 2024.

Attachments:

Attachment A: Zoning Ordinance Amendment

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE WAYZATA ZONING ORDINANCE
(PART IX OF CITY CODE)
TO REGULATE LOCATIONS OF CANNABIS BUSINESSES**

WHEREAS, City staff, working with the City Council and Planning Commission, has drafted certain amendments to the Zoning Ordinance to regulate the locations of permitted cannabis businesses in the City (the “Zoning Ordinance Amendments”);

WHEREAS, the Planning Commission reviewed the Zoning Ordinance Amendments, and recommended their approval and adoption as detailed in the Report and Recommendation of the Planning Commission, dated November 16, 2024; and

WHEREAS, City Council concurs with and hereby adopts the findings and recommendation of the Report and Recommendation of the Planning Commission on the Zoning Ordinance Amendments.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Section 902.02. Section 902.02 (Definitions) of the Wayzata Zoning Ordinance is hereby amended to include the following new definition:

“Retail Sales, Cannabis” A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

Section 2. Amendment to Section 937.02. Section 937.02 of the Wayzata Zoning Ordinance (Use Table) is hereby amended to include the following new Commercial District Use:

Commercial Districts Uses									
	C-1A	C-1	C-1B	C-2	C-3	C-3A	C-4A	C-4	C-4B
<u>Retail Sales, Cannabis</u>				<u>P</u>	<u>P</u>	<u>P</u>			

Section 3. Amendment to Section 937.03. Section 937.03 of the Wayzata Zoning Ordinance (Permitted Uses with Restrictions) is hereby amended to include the following new subsection C (with current subsection C redesignated as subsection D):

C. Retail sales, cannabis.

1. The use must comply with the standards of Chapter 525 of City Code and all other applicable provisions of this Ordinance and state law.

Section 4. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: November 18, 2024	AGENDA ITEM: 5.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Eric Zweber, Planning Consultant	
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, December 3. The next Planning Commission meeting is scheduled for Monday, December 2.

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
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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
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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
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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
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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
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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
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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
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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