

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 18, 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 Planner Quarles to take roll call.

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

Absent at roll call was Commissioner: Elg (with prior notice)

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 Cameron, to approve the November 18, 2024 agenda, as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the November 4, 2024 Planning Commission Meeting Minutes

b.) ~~Approval of Report and Recommendation of Approval for Zoning Text Amendments for Cannabis Business Regulations~~ (moved to 5.a. for separate discussion)

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

Commissioner Severson made note of some corrections in the meeting minutes where Commissioner Elg was referred to as a Councilmember instead of Commissioner.

Chair Stockton stated that she would like to pull item b. for further discussion.

Chair Stockton asked for a motion to approve item a. of the Consent Agenda with the corrections noted by Commissioner Severson.

1 Commissioner Schwalbe made a motion, seconded by Commissioner Plantan, to approve item 4.a.
2 of the Consent Agenda with the changes to the minutes as noted to correct the references to
3 Commissioner Elg, and to pull item 4b. for separate discussion.

4
5 The motion carried unanimously.

6
7 **AGENDA ITEM 5. Old Business:**

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9 **a) Approval of Report and Recommendation of Approval for Zoning Text**
10 **Amendments for Cannabis Business Regulations (formerly Consent Agenda item**
11 **4.b.)**

12
13 Chair Stockton stated that the Planning Commission had a very in-depth discussion on this item
14 but after further reflection, she had some additional thoughts that she wanted to share with the
15 Commission. She highlighted the four things that she wanted to bring to the Commission's
16 attention, starting with ensuring the City Council is aware there is a private school bus stop on the
17 west side of the Colonial Square location not covered by the current buffer zone. Secondly, she
18 suggested that the City establish criteria for changing the buffer. Thirdly, she stated that if the
19 buffer zones were significantly altered in the future she wanted to request that City Council
20 consider having the Planning Commission review the amended buffer zones and land use impacts.
21 Lastly, she asked that Planning Commission be formally advised in the future when City Council
22 workshops are held so the Commissioners could potentially sit in and listen in order to be able to
23 hear Council's thinking for these type of larger, complex items. She asked if anyone on the
24 Commission had any thoughts of the four additional items she had raised.

25
26 Commissioner Severson asked for clarification on where the bus stop referenced by Chair Stockton
27 was actually located.

28
29 Chair Stockton explained that there was a public bus stop to the north on the same side of the street
30 as Colonial Square on County Road 101, and that the private school bus stop shifts position a bit
31 depending on snow plowing but is primarily near the Juut salon and the bagel shop.

32
33 Commissioner Severson asked if this private bus stop was located in Colonial Square, and noted
34 that she knew that there was a bus stop for the Wayzata public school systems in the apartment
35 building located north of there.

36
37 Chair Stockton clarified that the private school bus stop is located within the parking lot of Colonial
38 Square. She explained that she just wanted the Council to be aware of the potential impact of their
39 decisions in case they were not aware of this bus stop.

40
41 Planning Consultant Zweber stated that he had discussed this a bit with City Attorney Schelzel and
42 noted that they believed that there was some merit to looking at things associated with schools,
43 like bus stops, but want to ensure that they look at all similar uses equally. He explained that they
44 would not just want to parse out the private school bus stops without looking also at the public
45 school bus stops.

1 Chair Stockton stated that she agreed with that observation, and explained that she was just
2 speaking from her knowledge of that bus stop. She asked if school proximity was a criteria, and
3 reiterated that she wanted to include a finding that recommended to the Council that they establish
4 criteria for why the buffer is there and what would be a trigger for looking at a change.

5
6 Commissioner Schwalbe asked if Chair Stockton was referring to the future or the present.

7
8 Chair Stockton explained that she was referring to both in the sense that it was challenging to make
9 land use recommendations related to allowed locations of cannabis businesses when there is a
10 variable that could change, and they do not know when or why.

11
12 City Attorney Schelzel stated that he felt a good way to put it was to think about the buffer zones
13 as a significant variable that is the basis of the Commission's findings and recommendation from
14 its last meeting. He noted that staff had discussed this a bit and explained that the language in the
15 findings of the draft Planning Commission report talk about that in a few places. He stated that
16 they could make a modification to the draft report that would replace the concept of 'reasonable'
17 buffer with the actual buffers that had been presented to the Commission at the last meeting, so
18 that Council can see that the Commission's recommendations were based on the staff-developed
19 buffers that were in turn based on the direction from the City Council at one of its workshop
20 meetings. He explained that he understood that this point was just part of the point that Chair
21 Stockton was trying to make, but noted that he felt this would alert the Council.

22
23 Commissioner Cameron asked about the buffer zones and if, at the State level, there was any
24 requirement for any buffer zones.

25
26 City Attorney Schelzel stated that there was no requirement for buffer zones from the State but
27 that cities could impose buffer zones within the limits of the State statute.

28
29 Commissioner Cameron asked if that meant that cannabis businesses could literally be located
30 right next to a church or a preschool.

31
32 City Attorney Schelzel stated that was correct, and explained that the State statute allows local
33 units of government to decide and establish those buffer zones that made sense in their community
34 in specific places like schools, residential treatment facilities, and areas of public parks where
35 children may gather. He noted that there is also general language in the statute about reasonable
36 restrictions on time, manner, and place, that in his opinion, would allow the City to look at creating
37 buffers around, for example, bus stops regularly used by school children. He noted that could
38 equate to a lot of places so the City would have to be careful not to make it impossible for a
39 cannabis business to locate in the City. He stated that as the Commission was told at the last
40 meeting, staff are trying to strike a balance so that at least one cannabis retailer could locate in the
41 City as required by the State statute, but also incorporate some reasonable restrictions on time,
42 manner and place.

43
44 Commissioner Cameron noted that the City had not yet done that, which he felt may have been
45 Chair Stockton's point. He stated that he thinks the Commission's recommendation was for this
46 to be C-2, C-3, and C-3A, but if it goes forward just like that and nothing else changes, then one

1 of these businesses could go anywhere within those areas, because the Council had not set any
2 buffer areas yet.

3
4 City Attorney Schelzel stated that was correct and clarified that his earlier point was to say that
5 the findings of the draft Planning Commission report are specific in saying that the Commission's
6 recommendation is predicated on the fact that there would be buffer zones. But until those are
7 established, those businesses could locate anywhere within the specified zoning areas that allow
8 them.

9
10 Chair Stockton stated that she would like to know the goal of the buffer zones in order to ensure
11 that there is a common understanding as to why they exist, for example, safety.

12
13 City Attorney Schelzel noted that the State statute allows cities to adopt reasonable restrictions on
14 the time, manner, and place of the operation of a cannabis business, including buffers specified in
15 the statute. He stated that there are no specific criteria that cities need to apply when adopting the
16 buffers, but they should have a reasonable basis and explained that the buffer zones developed by
17 staff with the Council's direction were essentially at the maximum allowed under the State statute,
18 with a caveat on how they are measured.

19
20 Commissioner Severson asked if the City could apply a time restriction for hours of operation.

21
22 City Attorney Schelzel explained that it could be part of the regulations, but that would be
23 something that the Council would look at.

24
25 Planning Consultant Zweber noted that the State statute outlines the hours that the business must
26 be closed and within the hours that remain, they give the City a bit of a buffer but noted that the
27 State had provided a set of hours that the community must allow the business to be open.

28
29 Chair Stockton stated that she assumed that had been discussed at the workshop meeting and felt
30 it was an example of why the Commission would have been able to make their recommendations
31 with more certainty if they had learned what had been under consideration. She explained that the
32 decision becomes more challenging when these types of parameters are unknown by the
33 Commission when it comes to land use. She gave the example of the bus stop issue and noted that
34 for the private schools, there are only 1 or 2 pick-up points throughout the City which she felt was
35 worth noting. She asked the Commission what they felt about her idea to ask the Council to
36 consider that, if the buffer zones do change significantly, they have it come before the Planning
37 Commission.

38
39 Planning Consultant Zweber stated that his understanding was that Chair Stockton's fourth point
40 on notification was that it was not necessarily cannabis-specific in nature. He noted that because
41 it was not specific to cannabis, he was not sure if would be appropriate for it to be in this cannabis
42 report and recommendation. He noted that he had spoken with City Manager Dahl about this and
43 shared some of their ideas.

44
45 Chair Stockton stated that she agreed that her comment was probably not cannabis-specific, but
46 the degree to which cannabis has a lot of unknowns that fall under policy brought this to her

1 attention. She stated that she did not want to request attendance at every Council workshop, but
2 felt that this particular topic and discussion at the workshop would have been a good one for the
3 Commission to attend.

4
5 Commissioner Schwalbe asked if Chair Stockton was suggesting that in addition to the buffer
6 zones that the Commission had already recommended that there also be some mini buffers where
7 the bus stops are located.

8
9 Chair Stockton stated that she was not making that type of suggestion, but she wanted to highlight
10 it as a supportive findings that wouldn't be lost within all of the notes, that would touch on whether
11 or not the buffers should include the bus stops or not and how that would impact the overall
12 recommendation.

13
14 Commissioner Plantan asked if the Commission could make a recommendation of approval with
15 the findings that they would have to have included or mentioned to the Council, for example, the
16 consideration of bus stops.

17
18 Chair Stockton gave an additional explanation of criteria that she would like to see and noted that
19 if there is a variable, she would also like to know what would be the basis for changing the variable.

20
21 City Attorney Schelzel stated that he believes it would be the same criteria under which the Council
22 would adopt those buffers in the first place. He explained that the direction the Council had given
23 to staff was to take advantage of the full extent to which a City can adopt those buffers under the
24 State statute.

25
26 Chair Stockton explained that the reason she was getting hung up on the criteria is because she
27 didn't understand all of the criteria, but noted that it sounded like some of those things were already
28 there that go back to the workshop discussion. She noted that she would also like to see the
29 Commission include in their motion a request to see if there is a significant change in the buffers.

30
31 Commissioner Severson asked if Chair Stockton was asking that the Council, in that situation,
32 bring it back to the Commission.

33
34 Chair Stockton gave what she described an extreme example, where there were no buffers and
35 instead of it just being approved, it would come back to the Commission to look at appropriate
36 land uses. She noted that this would just be a request for the Council.

37
38 City Attorney Schelzel stated that the suggested changes that were reflected on the screen before
39 the Commissioners will get them halfway there because it makes it clear to Council that the
40 Commission's recommendations are based on the buffer zones that had been presented by staff at
41 the last Commission meeting. He noted that the Commission could also add a finding at the end
42 that says, should Council adopt buffer zones that are significantly different than what was
43 presented, the Commission would request that they revisit that issue.

44
45 Chair Stockton confirmed that was what she was trying to say.
46

Chair Stockton asked for a motion. Commissioner Cameron made a motion, Commissioner Severson seconded, recommending approval of Report and Recommendation of Approval for Zoning Text Amendments for Cannabis Business Regulations, with the addition of item h - a consideration of the bus stops as they are today as well as how they may change, and the addition of item i - if there are significant changes to the buffers that, if it affects land use, that the Council consider bringing it back before the Commission. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a) Review of Development Activities

Planning Consultant Zweber stated that the former Wells Fargo site has had the old building pretty much demolished in preparation for the new apartment building. He stated that the City has approved the development agreement for Westway Condominiums but are still in process on their building permit. He stated that the City was also currently negotiating the development agreement for Moments of Wayzata.

Planner Quarles stated that regarding the R-3A study, there was currently a survey out to the community. She noted that they have already gotten around 50 responses and encouraged additional responses. She stated that the responses will be summarized at the December 16, 2024 Commission meeting along with code changes.

b) Planning Commission Meeting Schedule

Planner Quarles stated that she would have the 2025 meeting calendar attached to the packet for the next meeting.

Planning Consultant Zweber stated that the December 2, 2024, Commission meeting has been canceled, so their next meeting will be on December 16, 2024.

AGENDA ITEM 7. Adjournment.

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

Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to adjourn the Planning Commission meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 7:10 p.m.

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