WAYZATA PLANNING COMMISSION
MEETING MINUTES
JULY 18, 2016

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Flannigan and Gnos. Absent and excused: Commissioners Iverson and Murray. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan to approve the July 18, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of June 20, 2016 Planning Commission Minutes

Commissioner Gonzalez made a motion, seconded by Commission Gnos to approve the June 20, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Frenchwood Third Addition – 250 and 270 Bushaway Rd

i. Preliminary and Final Plat Subdivision with Variances

Director of Planning and Building Thomson stated the applicant, Zev and Kristi Oman and Robert Bolling, has submitted a development application to subdivide the properties at 250 and 270 Bushaway Rd. The applicant is proposing to subdivide the two (2) existing lots into four (4) single-family residential lots. The two (2) existing homes would remain and two (2) new homes would be constructed. As part of the submitted development application, the applicant is requesting approval of a concurrent preliminary and final plat subdivision, lot width variances, and a variance from the subdivision ordinance to allow use of a private street. The Planning Commission reviewed the development application and held a public hearing at its meeting on July 6, 2016. At the meeting, the Commission asked the applicant to amend the application based on the private street requirements of the Subdivision Ordinance, and submit a written statement on the rationale for the requested variances. The Planning Commission also directed staff to prepare a draft Report and Recommendation recommending approval of the application for review at its next meeting. Mr. Thomson reported that the applicant has amended the

application to request a variance from the private street prohibition of the Subdivision Ordinance, and has submitted a letter detailing the reasons for the variance request. He explained the public hearing at tonight's meeting would be for the variance request to allow use of a private roadway, and that the public hearing held at the last meeting covered the other requests of the application. He reviewed the proposed conditions of an approval recommendation for the development. He stated that Tree Preservation Plans must be prepared for each of the new homes and submitted to the City for review as required by the City's pending new tree preservation ordinance.

Commissioner Gonzalez asked if the tree preservation ordinance would be part of the Zoning Ordinance.

Mr. Thomson stated the portion of the tree preservation ordinance that pertains to subdivisions is included in the Zoning Ordinance.

Commissioner Gruber opened the public hearing at 7:09 p.m.

There being no one wishing to address the Planning Commission, Commissioner Gruber closed the public hearing at 7:10 p.m.

Commissioner Flannigan asked for background on the existing private street.

Mr. Thomson stated the private street serves the two (2) existing homes on Bushaway Rd and all of the Enchanted Woods development. He was unable to give details on the specific approvals that were granted at the time of the Enchanted Woods development.

Commissioner Gonzalez stated the variance was approved for the private street because the City was able to save hundreds of trees and the Fire Marshal's concerns had been addressed by widening the road slightly. The Enchanted Woods project was approved as a PUD, and the private street was approved as part of the PUD. She explained that the access to Bushaway Road had been cutoff as well.

City Attorney Schelzel stated that at the last Planning Commission meeting, the applicant had stated the recent construction on County Road 101 had effectively blocked access to the property.

Mr. Peter Benincasa, applicant's representative, Executive Real Estate Professionals, 8749 Helswig Trail, Brooklynn Park, clarified the Carriage House is part of the property and for 50-years there was a road that came up to the driveways. There was a house built adjacent to the road that came in and when they put in their driveway there was no easement put in. It came close, so they moved it over and closed off the road, and the County went with it and closed off the access from County Road 101 during the recent construction on the road.

Commissioner Young stated he would abstain from the final vote on the recommendation because he had not been present at the first meeting regarding the application.

Commissioner Gonzalez clarified she would support the variances requested because they would save several trees.

Commissioner Gonzalez made a motion, seconded by Commissioner Gnos to adopt the Report and Recommendation, as presented, recommending approval of the Preliminary and Final Plat, Lot Width Variances, and Private Street Variance at 250 and 270 Bushaway Road with the conditions of approval in the Report. The motion carried 4-ayes; 1 abstain (Young).

b.) Broadway Place – 326 and 332 Broadway Ave S

i. **Rezoning, Concurrent PUD Concept and General Plan of Development, Design Review, Variances, Shoreland Impact Plan/Conditional Use Permit, and Preliminary and Final Plat Subdivision**

Director of Planning and Building Thomson stated the applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, had submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Avenue S. The development application includes demolition of the two (2) existing buildings and construction of a three story mixed use building, which would consist of retail uses on the ground level and office uses on the upper two levels. The property is currently zoned C-4B, and the applicant is requesting a rezoning to a PUD and concurrent review of both a Concept Plan and General Plan. The maximum building height in the PUD rezoning district is 35-feet and 3-stories, whichever is less. The proposed building would be 3-stories but 38-feet in height, which requires a variance. In addition to the PUD zoning district, the Shoreland Overlay district also includes a maximum height requirement of 35-feet. The Shoreland Ordinance states that building heights over 35-feet may be allowed through approval of a Shoreland Impact Plan/Conditional use Permit. The Shoreland Overlay district also establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a Shoreland Impact Plan/Conditional Use Permit. The proposed plan would have an impervious surface coverage of approximately 96%. The applicant's proposal to combine the two (2) lots into one (1) also requires subdivision review and approval. Mr. Thomson reviewed the Design Standards deviations outlined in the Design Critique based on architectural plans in the application dated 6/17/16 and Civil Plans dated 6/16/16. Mr. Thomson reviewed the deviations from the Design Standards, including the upper story setbacks of the second and third floor, exterior building materials, and sidewalk and streetscape improvements. In addition, the sidewalk materials should be changed to be exposed aggregate with concrete bands. Mr. Thomson noted that the project requires 52 parking stalls. He further explained that the City Council has directed staff to initiate the Mobility District concurrently with the City's Mill Street parking ramp project. The Mobility District would allow property owners to utilize excess parking in the parking ramp to meet parking requirements for changes in use and redevelopment of their property. The property owner would pay the City annually for the number of parking stalls in the ramp that were required by the property uses. Mr. Thomson noted that the Mill Street parking ramp project is still going through the City Council review and approval process. If the City approves this project, there may be an opportunity to coordinate the work on the applicant's project with the Mill Street Ramp construction to minimize the impacts on the neighborhood.

Commissioner Gruber clarified the Mobility District had not been approved by the City Council yet.

Mr. Thomson stated this was correct and it was part of the Mill Street ramp project. It would take several months to work through the process of establishing this district.

Commissioner Gonzalez asked if the applicant could work with owners of the Carisch Ramp to provide parking.

Mr. Thomson stated there is a public easement over the Carisch Ramp but this expires in 2017. He was unaware of any conversations between the applicant and the owner of the Carisch ramp. The project has been moving forward based on the Mill Street parking ramp option.

Commissioner Gonzalez stated the south elevation would be a solid wall and the building on the corner has a balcony with some windows. She expressed concerns that the project would be built on the property line and this would block in the owner of that property.

Commissioner Flannigan asked why the 12-foot sidewalk was required.

Mr. Thomson stated the City's Engineering Guidelines call for the material requirements and the Design Standards establish the required widths of the sidewalks. The 12-foot sidewalk does allow for the planting of trees.

Commissioner Gonzalez asked if a 5-foot wide sidewalk complied with the ADA requirements.

Mr. Thomson stated staff would verify this.

Commissioner Young asked what the height was of the surrounding buildings.

Mr. Thomson stated he did not have this information at this time and they would request it.

Applicant's architect and representative, Mr. David Shea, 10 South 8th Street, Minneapolis, stated Mr. Beltz owns the property at 701 and he is going to continue that synergy into this property. They would like to see the smaller sidewalks, to be more inviting to pedestrian traffic and continue the walk ability of Wayzata from Lake Street to Broadway and onto Mill Street. He explained the architectural elements and the design elements that they were using in the building. The balconies form a canopy for the entrances and provide an access to outdoors for the office spaces. He stated the outdoor patio on the third floor would provide a unique option for the office spaces. They are matching the floor-to-floor heights of the 701 building. He stated they are taking the neighboring building into consideration along the north side. He explained the construction process that would be used to ensure the construction would not encroach on the neighboring building.

Commissioner Gonzalez stated there was equipment on the site currently doing borings between he existing buildings. She asked what the purpose was for this.

Mr. Shea stated these were soil borings to determine what type of soil was there because they will be putting in footings, foundations and grade beams.

Commissioner Gonzalez stated there are boulevard trees. She asked if these would be preserved.

Mr. Shea stated they would make every effort to save these trees. They would provide additional information in the landscape plan.

Commissioner Gonzalez asked to see samples of the building materials.

Mr. Shea provided samples of some of the materials and stated that they would have a full board for the materials during the next meeting. He explained that they did not have a sample of the metal material at this time. The metal is an architectural material that can be formed to create the molding appearance on the outside of the building.

Commissioner Gonzalez asked what the practical difficulties were that would justify the Commission granting a building height variance.

Mr. Shea stated they are providing a reasonable height for a ground level retail space. If the ceilings are too low, it would not meet the requirements for retail space. They are also using the fascia to hide any elements that are on the roof.

Commissioner Gonzalez stated the application does not state there would be equipment on the roof.

Mr. Shea clarified they were going to use the fascia to hide recesses and water storage elements on the roof.

Commissioner Gruber asked Mr. Shea to describe the storm water management.

Commissioner Flannigan asked why Mr. Shea thought a 5-foot sidewalk was more walkable than a wider sidewalk.

Mr. Shea stated the felt that narrower sidewalks that opened to larger green space areas were more appealing. He can make the sidewalks larger but he would like to keep green areas along the building. The best thing for a livable city is to have green in it.

Applicant's civil engineer, Mr. Kenny Horns, with HGA, 420 N 5th St., Minneapolis, stated they had met with City Engineer Mike Kelly. Based on the footprint of the building and the size of the lot, there is a limit to the stormwater management practices that can be used. They are managing runoff from a rooftop only and not a parking lot. Runoff from rooftops typically has less pollutants and sediments than a parking lot. To manage the runoff, they are required to match to peak discharge rate for the 2, 10, and 100-year design storm events. This will be achieved through temporary storage of runoff on the roof. The roof would still drain within a 24-hour period. The hydrodynamic separator would address the sediment in the runoff. This

equipment would be located in the alley. The applicant would work with the City to reach an agreement to locate this equipment in the alley right of way. He stated the challenge with the building is there are multiple entrances around the perimeter on Mill Street and Broadway. One of the design goals is to have all of the entrances at the same one floor elevation. There is a 3-foot difference in elevation on the street grades. Having all of the entrances at the same level is a challenge for grading. The 5-foot sidewalk meets accessibility requirements in terms of being less than a 5% slope and 2% cross slope. Along Mill Street there is a 4-foot area between the proposed sidewalk and the building and a 4-foot area from the sidewalk to the curb. If the sidewalk is widened there would be a steeper cross slope and this would not comply with being an accessible walk.

Commissioner Young asked if there were concerns about the amount of office space that was being proposed. Other developments that have come before the Commission are moving away from office space.

Mr. Shea stated the first floor retail makes sense given the location. There are very few small office spaces available, and they are offering a special office space with the amenities.

Commissioner Gruber opened the public hearing at 8:18 p.m.

Ms. Stacy Carisch, representing the Marquee Building on the 600 Block, asked what the Mobility District was.

Commissioner Gruber stated the Mobility District has not been created yet but it is a concept the City is working with and looking at to address the parking issues in the downtown area.

Mr. Thomson stated there is a public process the City would go through to create the Mobility District. It would be set up as a special service district. This would allow for the use of the Mill Street Ramp for businesses to meet their parking requirements, and it would create some services for the properties within the district, such as a public valet.

Ms. Carisch expressed concerns about parking. She stated parking would be very difficult if both the proposed project and the Mill Street Ramp are constructed together. The City needs to assist with policing the parking at the Carisch Ramp. Some things to consider are the how close the project would be to the road.

Commissioner Gruber closed the public hearing at 8:25 p.m.

Commissioner Gonzalez stated a PUD is not a tool to go around the Zoning Ordinance, and it needs to make sense for the City and the applicant. She would not support the 38-feet height variance. If the 35-foot height restriction is not meeting the needs of the community, then it should be reviewed and rewritten, rather than granting variances. If granted the zoning change to a PUD the applicant is gaining a floor so they should be able to comply with the height requirements. The surrounding buildings are at 38-feet, but they were all constructed prior to the current Zoning Ordinance going into effect.

Commissioner Flannigan stated having a 2-story building in this location would look out of place because the surrounding buildings are 3-stories; so rezoning from C-4B to PUD would make sense.

Commissioner Gonzalez stated she would be willing to recommend a PUD for this project; however, she is not sure that the height variance is justified.

Commissioner Gruber inquired whether the Commissioners would generally support the rezoning request from C-4B to PUD because it would fit with the neighboring buildings.

Commissioner Young stated with the information provided and the height of the surrounding buildings, he would support the 38-foot height variance. This would be keeping with the aesthetics of the neighborhood.

Commissioner Gonzalez asked what the practical difficulties would be for not being able to meet the requirements of the ordinance. The project does not meet the requirements of the Variance Ordinance.

Commissioner Young stated the totality of what is being proposed is fair, and it would be a positive addition to the area.

Commissioner Gnos stated he would support the height variance because it would be in keeping with the character of the neighborhood.

Commissioner Flannigan asked what the grading was for the property.

Mr. Horns stated from the north side of the property to the east there is a 3-foot grade difference.

Commissioner Flannigan stated the applicant is trying to keep one level of entry around the building and to accomplish this they may have a standard point in the building that requires them to get to 38-feet. There is a standard that is required for retail space on the corner of Broadway and Lake Street. If the City requires retail on the first level, then they need to give the developer the ability to attain that standard.

Mr. Thomson stated the materials presented did not include a written statement on the practical difficulties, but they were stated during the meeting.

City Attorney Schelzel suggested the Commission request this information in writing from the applicant for the next meeting.

Commissioner Gruber asked if the design standards allow metal for the exterior.

Mr. Thomson stated the Design Standards pertain to the non-glass portions of the building, and metal is restricted to no more than 10% of those areas.

Commissioner Gonzalez stated it would be difficult to recommend a deviation on the materials for the use of the metal because they do not have a sample of what the applicant would be using.

Mr. Shea stated they are using molded/cast alternative material. It is not large flat panels of metal.

Commissioner Gonzalez asked what color the roof would be. If they are not doing a dark roof they would need to make a case for this and request a deviation.

Mr. Shea stated they could go with either a white or dark roof. If they decide to use a white roof they will make a case for this.

Commissioner Gonzalez asked how the entrances would be landscaped. She explained the requirements in the Design Standards including the requirement for a bench and bicycle parking.

Mr. Shea stated they are in favor of greening up an urban environment and would work with the Design Standards. He explained they were requesting narrower sidewalks in order to comply with accessibility requirements. A wider sidewalk would increase the slope. If the sidewalks are narrow, then they can also include the landscaping the Commission has requested.

Commissioner Gonzalez cautioned Mr. Shea to work with City staff regarding the materials they would be using for the sidewalk.

Commissioner Flannigan expressed concerns about the width of the sidewalk. He asked the applicant to provide renderings that more closely represent what the area would look like.

Commissioner Gonzalez stated the Commission would like feedback from the City Engineer regarding the impervious surface request and if the storm water management plan would meet the requirements.

Applicant's representative, Dave Link, 2399 Wayzata Boulevard, Wayzata, stated Mr. Kelly reviewed the storm water management and classified it as a best in class practice.

Commissioner Flannigan asked about the building setbacks.

Mr. Thomson stated the C-4B does not have setback requirements so the project does comply. He suggested the Commission add a condition of approval the applicant work with the City for an encroachment agreement to allow the storm water management system to be in the City alley.

Commissioner Gonzalez asked what plans had been made in regards to trash bins.

Mr. Link stated the garbage would be housed in the 701 building and consolidated between the two.

Mr. Thomson stated the design standards require the second floor to be setback 6-feet and they are showing 3-feet and the third floor should be recessed and the applicant is showing it the same as the second floor. These would require a deviation.

Commissioner Flannigan asked if the applicant would need to provide an explanation why the deviation was required.

Commissioner Young stated the intent of the setbacks for the second and third floor was to avoid large walls, and the applicant is breaking up these walls with design features, including windows and patios.

City Attorney Schelzel stated the aspects of the project that do not meet the Zoning Ordinance's design standards require deviations, not variances, so they are not subject to the same strict legal standards as a variance request. The applicant is not required to provide a narrative in the application about the reasons the deviation is justified under the criteria for a variance. The deviation must be based on one or more findings that justify the deviation, including the positive effect of the project in the area it's proposed. The Commission has heard from the applicant on the positive impacts the design would have on the surrounding area.

Vice Chair Gruber asked what additional information the Commission would like to see.

Commissioner Gonzalez stated they would need to bring a sample of the metal they are proposing to use and the missing information for the design standards.

Mr. Thomson summarized the Commission's discussion that staff should work with the applicant on the design standards issues discussed by the Commission. He noted the Commission requests a narrative from the applicant be added to the application outlining the practical difficulties justifying approval of the height variance. Staff will discuss sidewalk widths and the roofing material with the applicant.

Commissioner Young made a motion, seconded by Commissioner Gnos to direct staff to prepare a draft Report and Recommendation recommending approval of the rezoning from C-4B to PUD/Planned Unit Development, Concurrent PUD Concept and General Plan of Development Review, Design, Variance from the maximum building height requirement, Shoreland Impact Plan/Conditional Use Permit for the building height, Shoreland Impact Plan/Conditional Use Permit for impervious surface, and Preliminary and Final Plat Subdivision to combine lots at 326 and 332 Broadway Ave S, subject to the conditions of approval outlined in the Commission's discussions, and requesting that the applicant provide the additional information requested by the Commission. The motion carried 4 ayes; 1 nay (Gonzalez)

Commissioner Gonzalez stated the reason she would not support the motion and direction on the recommendation was that project as proposed and the application as presented was not complete. She did not have enough information to recommend approval of the variance because there was no narrative in the application.

AGENDA ITEM 5. Other Items:

a.) Review of Development Activities

Mr. Thomson stated the City Council is scheduled to have the second reading of the Tree Ordinance on its agenda for the July 19 Council meeting. The City Council is also scheduled to review the 141 Wooddale project, the Meyer Place on Ferndale project, and the 320 and 346 Ferndale Road lot combination at that meeting. He stated the applicant for the Gardner Place subdivision will be reviewing the comments of the Commission and determining how they would like to move forward. The agenda for the next Planning Commission meeting is scheduled to include Zoning Ordinance amendments related to the proposed Mill Street parking ramp, and Zoning Ordinance amendments related to changes made during the last legislative session regarding temporary health care housing.

AGENDA ITEM 6. Adjournment.

Commissioner Young made a motion, seconded by Commissioner Gonzalez to adjourn the meeting. The motion carried unanimously.

The July 18, 2016 Planning Commission meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.