WAYZATA PLANNING COMMISSION
MEETING MINUTES
December 19, 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, Murray, Flannigan and Gnos. Absent: Commissioner Iverson. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, Seconded by Commissioner Gonzalez, to approve the December 19, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of December 5, 2016 Planning Commission Minutes

Commissioner Gonzalez made a motion, Seconded by Commissioner Murray, to approve the December 5, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Blue Water Theatre Company – 605 Rice St E

i. Conditional Use Permit

Director of Planning and Building Thomson stated the applicant, Blue Water Theatre Company, and the property owner, Unitarian Universalist Church of Minnetonka (UUCM), have submitted a development application to change the use of the existing church building at 605 Rice Street East. Blue Water, a non-profit youth theater organization, has an agreement with the church to purchase the property. Blue Water would occupy the building and use the existing building as a community theater. The proposal requires a Conditional Use Permit (CUP). The property is zoned institutional, which is a district for uses and facilities devoted to serving the public.

Permitted uses within the institutional zoning district include schools, religious institutions, and publicly-owned civic or cultural buildings. A non-profit community theater does not fall under the definition of these permitted uses. One of the conditional uses in the institutional zoning district is uses that are of the same general character as other permitted, accessory, or conditional uses specifically listed in the Zoning Ordinance for the institutional zoning district. Staff believes that a non-profit community theater is similar to several permitted uses.

Mr. Thomson stated that the City's parking ordinance states that when there is a change in use, tenancy, or occupancy of a building which requires additional parking spaces, the minimum parking requirements established in the parking ordinance must be met. The City's parking requirement for a church and a theatre are the same. Since the applicant is not proposing to increase the seating capacity of the current sanctuary, the proposed change is use does not require additional parking. The applicant has provided detailed information on hours of operation and the schedule for performances which would draw larger crowds and increase parking demands. The applicant has stated that the parking demands could be accommodated with existing on-street parking and by working with the adjacent St. Bart's church and the City to use their respective parking lots in the evenings when they are generally available. Parking is a consideration for the requested CUP but a parking variance is not required.

Mr. Charlie Leonard, Founder of Blue Water Theatre Company, 1900 Shenandoah Court, Plymouth, and Applicant's representative, provided background on Blue Water Theatre Company, their productions, and the locations they have worked out of in Wayzata. The company's goal is to have a permanent location in Wayzata to operate out of. He reviewed the proposed uses for the building including rehearsals and public shows. The facility currently seats approximately 100 people and the larger performances they have would be in larger rented facilities off site. He reviewed the parking needs and noted there are over 100 on-street parking within a block of the facility. They have also talked to St. Bart's about using their parking if needed. There is not a lot of day-to-day parking needs because most of it is pick up and drop off.

Commissioner Gonzalez stated concerns that usually come up with similar applications are noise and lighting. Having activity until 11:00 pm on a weeknight may be too intrusive to an adjacent residential property. She recommended the Commission propose a condition of approval that would set reasonable hours of operation for weekdays and weekends. She asked how much of the building interior would be changed.

Mr. Leonard stated that the goal would be to preserve as much of the interior as possible. They would be doing some painting, installing theater lighting, and extending the alter area for a stage.

Commissioner Flannigan asked how the drop off traffic pattern would work. He stated this would be a bigger issue than parking because the parking will work itself out.

Mr. Leonard stated it would be similar to the pattern that is used by St. Bart's.

Mr. Thomson stated staff had discussed traffic and pickup/drop off patterns with the applicant, Public Works and City Engineer Kelly. The Police and Fire Departments are interested in posting one side of Walker as "no parking" because there are areas where parking is allowed on

both sides, and this reduces the road width to one lane. Public Works will be working on this change in conjunction with the application. This will allow Walker to be less congested for pickup and drop off. Staff can work with the applicant about the parking flow. He stated the Commission could recommend a condition of approval that the applicant maintain ongoing communication with the City in regards to scheduled events so if there are conflicts with other activities in the area, these can be identified early.

Mr. Leonard stated when they have performances, they sell the tickets prior to the show and would then have the ability to let those people know the day of the show where parking would be available.

Vice Chair Gruber asked if there had been any consideration for how maintenance of the existing historic building will be funded.

Mr. Leonard stated they have built this into their financial plan because this is an old building.

Commissioner Gonzalez asked if this particular application would require to payment for additional parking in the City's Mill Street parking ramp that is under construction.

Mr. Thomson stated the Fee In Lieu of Parking Policy is applicable to development applications that do not meet the parking requirements for the development proposed. The policy does not apply to this application because there is no additional parking required, and this property is outside of the district that the Fee In Lieu of Parking Policy applies to.

Vice Chair Gruber opened the public hearing at 7:30 p.m.

Ms. Kim Anderson, 335 Broadway Avenue N, Wayzata, stated she was there as the current Chair of the Heritage Preservation Board and the board supports this project because it would preserve this architecturally and historically significant building for Wayzata.

Ms. Sue Sorentino, 525 Queensland Land, Plymouth, stated she was part of the Historical Society and supports the proposed project because they would be preserving a historically significant building.

Mr. Tom Vanderheyden, 534 Wayzata Boulevard E, Wayzata, stated his property is adjacent to the subject property, and he liked that the building would be maintained in its current form. He stated all of the traffic in this area goes from Wayzata Boulevard to Walker, and people stop half way to let people out for the church. He expressed concerns about safety of this traffic drop off/pick up pattern and noise. He would also question the parking requirements of the proposed use, because of the frequency of use would be changing.

Commissioner Flannigan stated the flow of traffic should be looked at by the City Council. He asked what the effect of the noise from the church would have on his residence.

Mr. Vanderheyden stated you can hear church services through the windows but the material issue with the proposed use would be the traffic flow.

Ms. Betsy Schill, 815 Alvarado Lane N, Plymouth, stated she was on the Board of Blue Water Theater and would like to continue discussing the traffic flow and parking with Mr. Vanderheyden. They would make the traffic flow very clear to their group.

Commissioner Gonzalez asked what would be a reasonable limitation to the hours of operation.

Ms. Schell stated currently the last pickup from rehearsals is typically 9:30 p.m.

Mr. Leonard stated that for a typical performance night, the show would end between 10 and 10:30 p.m. so they would probably be gone from the premises by 11 p.m. Based on their 2016 schedule they would have done 8 of their 12 productions at this facility, or about 22 performances total. They are looking at adding a shutter type system to the stained-glass windows to protect them. This would reduce the amount of noise that is heard outside of the building as well.

Commissioner Gonzalez asked if outside lighting would be increased.

Mr. Leonard stated they did not have plans to change the outside lighting.

Vice Chair Gruber closed the public hearing at 7:47 p.m.

Commissioner Flannigan stated that this is a natural opportunity for this space. The concerns that the City Council would need to consider are the flow of traffic and the burden on the nearby residences, but this is not a hindrance to moving this project forward. This will make Blue Water more a part of the community.

Commissioner Gnos stated this is a great opportunity and organization for this space. The traffic flow would be a concern, and this should be discussed by the City Council. He would support the project.

Commissioner Murray stated this is a great opportunity from a preservation standpoint and community standpoint. This would bring the small town feel to the area.

Commissioner Young stated this project would add to the community. He would support the project. He recommended adding a condition of approval that would require the applicant to work with the City to develop a traffic flow plan that would be tied to the CUP. The hour limitation to 11-12 p.m. would be appropriate. He asked if the City's Ordinances provided any sound or noise guidelines.

Mr. Thomson stated the Zoning Ordinance does have a provision on noise, and the City uses the MPCA standards for maximum decibel levels. The challenge with sound is that it can be difficult to model and measure. The City could add a condition to approval that if there are problems with the sound, then there can be testing required to measure the sound and if it is outside of the noise standards, then mitigation methods would need to undertaken by the applicant. .

City Attorney Schelzel stated the agreement between the applicant and the City to work together to coordinate events could also include working together on the traffic flow and addressing any noise concerns that may be brought forward. This agreement would be similar to a development agreement.

Commissioner Gonzalez stated this is a great project that will bring young people to the community. Limiting the hours of operation would address the concerns of noise.

Vice Chair Gruber stated she would also support the project, and the safety concerns with traffic flow and noise can be addressed. She was pleased to see the applicant planned to preserve the existing historical building.

Commissioner Young stated based on the hours of rehearsals and performances he would recommend 11 p.m. as the latest time they could be in operation.

Commissioner Murray asked if 11 p.m. would be the latest time for amplified noise or for anyone to be on the premises.

Commissioner Gonzalez stated the City Council included hours of operation for exterior lighting for the new UUCM building.

Commissioner Flannigan recommended a production with amplified sound could not go past an established time.

Mr. Leonard stated he would recommend 11:00 p.m. to be on the safe side but in reality, this would be between 10 and 10:30 p.m.

Commissioner Murray asked if the noise levels could be reviewed again in six months.

City Attorney Schelzel stated the conditions have to be reasonable and simple conditions and parameters would be easier to administer.

Mr. Leonard stated that their clientele is children, so there would not be a lot of activity after performances due to curfews.

Commissioner Gonzalez suggested no amplified sound after 11 p.m.

Vice Chair Gruber stated staff and the City Council could determine how they would like this to read.

Commissioner Flannigan recommended no production or amplified sound after 11 p.m.

Commissioner Young suggested directing staff to move forward with drafting a report and recommendation for approval, contingent on a site management plan that addresses traffic flow, hours of operation, and noise abatement measures as needed.

Commissioner Gonzalez stated the Commission's job is to review and make recommendations on projects based on the City's Ordinances and recommend reasonable conditions. She suggested a condition that the applicant would work with staff to come up with an event management plan that would address the traffic flow for pickup and drop off. The Commission should be able to recommend hours of operation. City Attorney Schelzel had recommended that the applicant also have a parking agreement with St Bart's.

Commissioner Young made a motion to direct staff to prepare a Planning Commission Report and Recommendation for review and adoption at the next Planning Commission meeting that would recommend approval of the Blue Water Theatre Company Conditional Use Permit for 605 Rice Street E, with the condition that the applicant work with City staff to develop a site event management plan that addresses issues such as traffic flow and parking, a condition of no productions and amplified sound later than 11 p.m., and a condition of addressing noise abatement measures as needed after operations have begun.

Commissioner Gonzalez stated the City Ordinance for noise and noise abatement is already in place, and if there are complaints then the Ordinance would be in effect. This should not be a condition of approval.

Commissioner Young stated he would like staff to review the Ordinance and ensure that it would address the concerns brought forward.

Mr. Thomson stated staff will provide specific language that addresses the concerns brought up.

Commissioner Young made a renewed motion, Seconded by Commissioner Flannigan, to direct staff to prepare a draft Planning Commission Report and Recommendation for review and adoption at the next Planning Commission meeting that would recommend approval of the Blue Water Theatre Company Conditional Use Permit for 605 Rice Street E, that includes a site event management plan that addresses traffic flow and parking, and adding a condition of no productions and amplified sound later than 11 p.m. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) 2017 Planning Commission Work Plan

Director of Planning and Building Thomson stated the Planning Commission held a workshop in November to discuss goals, opportunities, and priorities for 2017. He presented and reviewed a 2017 work plan recommended by staff based on the workshop discussion.

Vice Chair Gruber stated she would like to see subdivision regulations spelled out clearly as a bullet item under review, and have the Commission make recommendations to the City Council on amendments to the City's zoning and subdivision regulations.

Commissioner Flannigan stated he would like to see clarification on the process for adopting reports and recommendations where the Commission has already had discussions and a vote on what to recommend on a project, and it should not have a different vote at the next meeting when the Report and Recommendation is adopted because there are Commissioners absent. He would also like to see periodic discussions with the City Council about the work of the Planning Commission.

Commissioner Gonzalez stated the Planning Commission used to have regular workshops with the City Council, and she would like the Commission to be included in workshops the City Council has regarding development applications in the City. She would also like to have the Planning Commission define what would be the front of a property for subdivisions and PUDs when there is a main road and a private street. She would also like to see the Commission address the amount of development that can occur on parcels that are steep.

Mr. Thomson stated there were other items discussed at the workshop, but these may have larger policy questions that the City Council would need to be involved in.

b.) Review of Development Activities

Director of Planning and Building Thomson stated the next Planning Commission agenda is scheduled to include review and adoption of the report and recommendation for Blue Water Theatre. The City Council meeting on December 20th is scheduled to include review of the proposed Meyer Dairy project and the proposed subdivision on Holdridge Road.

Commissioner Flannigan thanked Commission Gnos for his service on the Planning Commission, as this would be his last meeting.

c.) Next Meeting is January 4, 2017

AGENDA ITEM 7. Adjournment.

Commissioner Flannigan made a motion, seconded by Commissioner Gonzalez, to adjourn the meeting of the Planning Commission. The motion carried unanimously.

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

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.