WAYZATA PLANNING COMMISSION
APPROVED MEETING MINUTES
JUNE 5, 2017

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, Seconded by Commissioner Gruber, to approve the June 5, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) May 1, 2017 Planning Commission Meeting

Commissioner Gruber made a motion, Seconded by Commissioner Young, to approve the May 1, 2017 Planning Commission Meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) None

AGENDA ITEM 5. Old Business Items:

a.) Adopt Report and Recommendation for Nolan Properties – 1330 Wayzata Blvd E

i. Design review, Conditional Use Permits, Variances

Director of Planning and Building Thomson stated the applicant, Nolan Properties Group, LLC, has submitted a development agreement for the property at 1330 Wayzata Blvd E. The proposal includes demolition of the existing building, parking lot, and other site improvements. The new development would consist of a 4500 square-foot commercial building and 47 on-site parking stalls. In addition, a new 9-foot public sidewalk would be constructed adjacent to Wayzata Blvd. As part of the submitted development application, the applicant is requesting approval of the design with deviations, Conditional use Permit (CUP) for drive-in facilities, CUP for restaurant,

CUP for convenience food restaurant, variance from the minimum parking lot setback requirement, variance from the minimum landscaping area requirements, and variance from the minimum parking stall requirements. The Planning Commission reviewed the development application and held a public hearing at its meeting on May 15, 2017. After discussing the application, the Planning Commission directed staff to prepare a draft Planning Commission Report and Recommendation for approval of the development application subject to several conditions of approval. He stated the applicant requested that the set hours of operation noted in Item 4.1.G.2 of the Report be changed from 11:00 a.m. to 10:30 a.m. He stated that the applicant does not know what tenants would be in the space, and could not specify the hours of operation for closing. The Planning Commission could choose to remove this condition at this time or recommend another time and if there is a need to change it, the applicant can request a CUP amendment.

Commissioner Buchanan asked why the Commission would restrict the hours of operation at this particular location when they are not restricted for the businesses across the street at the Punch/Chipotle location.

Mr. Thomson stated Punch and Chipotle are not adjacent to single family residential uses. The McDonalds property is most similar to this application, and there are no restrictions for hours of operation. While there is not a requirement that the hours of operation be restricted for this application, the language is meant to address the criteria of the CUP and the parking stall variance.

Commissioner Gonzalez expressed concerns about the significant trees that would be removed as part of this development, and how the commercial use would be buffered from the residential area to the south.

Commissioner Buchanan stated there is quite a bit of land and tree cover that currently acts as a buffer. The resident that spoke at the public hearing had expressed concerns with a different property.

Commissioner Young stated there would also be a significant re-grading of the property that would elevate the downward focused lighting.

Commissioner Gonzalez asked if the Commission should require additional landscaping along the south property line.

Commissioner Buchanan asked if McDonalds had additional screening along this property line and noted that the home that they are screening from is quite a distance from the property line.

Chair Iverson stated the McDonalds does not have additional screening along the south property line. She stated the neighbors are impacted during the winter.

Applicant's representative, Mr. John Nolan, 328 Barry Ave, Wayzata, stated they would be willing to switch the types of trees they are planting to arborvitae. He stated they would have a challenge planting trees along this property line because they are raising the grade of the property in this area, so the headlights would point down.

Mr. Thomson stated this part of the property would be a restrictive area for significant plantings. He suggested a short wall or fence as an alternative to address any screening needs.

Mr. Nolan stated a short fence would block headlights but may not block ambient light. He noted that trees will not block this light either.

After discussion, it was the consensus of the Commission to not include a requirement for a fence or additional screening, noting that the City Council can review the discussion at their meeting.

Commissioner Young stated he would recommend striking from the Report the hours of operation in Sec. 4.1.G.2. He sated he would also recommend changing the language in Sec. 4.1.G.1 from "The coffee shop may not serve foods generally associated with lunch or dinner." to "The coffee shop must not serve foods generally not associated with breakfast."

Commissioner Gruber agreed with Commissioner Young.

Commissioner Gonzalez stated Sec. 4.1.G may not be needed. Once the applicant has a tenant, then they could submit a parking plan.

Mr. Thomson stated the parking requirements are specific to uses, not tenants, and the intent of this proposed condition of approval is to have different peak parking hours if the tenants are a coffee shop and restaurant.

Commissioner Young expressed concerns that the language would restrict places such as Starbucks or Caribou that offer lunch sandwiches, but are not necessarily lunch destinations.

Mr. Thomson suggested including "ancillary foods" along with breakfast foods in the condition.

Commissioner Gruber stated most coffee shops are open past 8:00 p.m. so it does not seem reasonable to restrict them to just breakfast foods.

Commissioner Murray asked if there was similar language included in the approvals for Punch and Chipotle, and how many stalls they have at that location.

Mr. Thomson stated the development approval for the Punch/Chipotle uses does not include these types of restrictions, and it has a lower parking ratio than the proposed application.

Commissioner Buchanan stated 47 parking stalls should be adequate for whatever tenants are in the proposed building.

Commissioner Murray asked if the City considered the parking and traffic at the Punch/Chipotle site to be a problem.

Mr. Thomson stated Punch and Chipotle are at full capacity for their parking spaces on a regular basis, which tends to indicate that they do not have enough parking.

Commissioner Young stated 47 stalls is adequate, and he would consider striking the language from the conditions of approval in the draft Report.

Commissioner Buchanan stated prospective tenants would be considering the parking and if it would address their particular needs.

Commissioner Gonzalez stated the property also has the opportunity to work with adjacent properties for additional parking if there is a need in the future.

City Attorney Schelzel stated that part of the reason given by the Applicant for the variance approval was that there would be off set parking demands for each tenant, because they had different peak hours of operation. If language proposed in the Report is not required as part of the conditions, there still needs to be adequate findings that support granting the parking stall variance, such as the narrowness of the lot.

Mr. Thomson stated this Conditional Use Permit would go with the property, and would be in effect for any tenant changes that occur in this development.

Commissioner Gonzalez asked how the City would enforce this condition on food served and hours of operation.

City Attorney Schelzel stated the intent when drafting conditions is to be as clear as possible for everyone, including the City and future tenants. However, this particular condition is more vague and recognizes that there will be some gray area. The City would not be monitoring the menu items of these locations to ensure there was no overlap, but rather have the ability to enforce this condition in cases where there is clear noncompliance that is causing a problematic overlapping in parking demands.

Commissioner Gonzalez stated if the limiting factor is the number of parking stalls available, then this will determine the use of the property. She does not believe the City should include the conditional language in Sec. 4.1.G.1 and 4.1.G.2 of the Report.

Commissioner Young stated the parking stall variance would still restrict the potential tenants to a coffee shop and restaurant/convenience food restaurant, which meets the intent of the additional conditions.

Commissioner Young made a motion, Seconded by Commissioner Gruber, to recommend approval of the Planning Commission Report and Recommendation, recommending approval of the Project Design, Conditional Use Permits, and Variances for a New Commercial development at 1330 Wayzata Blvd. E and striking the conditional Sections 4.1.G.1, 4.1.G.2, 3.2.D.5, 3.3.D, and 3.4.K.5. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated he had provided information to the Commissioners about the Sensible Land Use Coalition's next meeting, which will be discussing PUDs. Government Training Services is also offering classes, and he will forward this information to the Commissioners. He stated there were a number of changes that came out of the Legislative session that would impact the City. Staff will review these changes and bring any items forward to the Planning Commission that need to be reviewed. The City did receive legislative approval for the requested amendment to the City's Widsted TIF District. He noted that the City did interview for the Building Official position, but had not found a person with the right fit for this position. The City will postpone recruiting for this position until a recruitment strategy can be developed and hire a consultant to fill the position in the interim.

b.) Next Meeting is Scheduled for June 19, 2017

Director of Planning and Building Thomson stated the agenda for the next meeting is set to include a variance application for the Holiday Station Store to add a wall sign, and an application from T-Mobile for a new telecommunications facility at 800 Wayzata Blvd property. There are four additional applications that would be coming to the Planning Commission in the near future. He stated the City Council is scheduled to review the Tree Ordinance Amendments again at their next meeting.

c.) July 3, 2017 meeting rescheduled to June 26, 2017

AGENDA ITEM 7. Adjournment.

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

The Planning Commission meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.