

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
OCTOBER 30, 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, Flannigan, Gonzalez, Iverson, and Buchanan.
Absent: Murray. 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 Gonzalez, to approve the October 30, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) None

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Walgreens – 1055 Wayzata Blvd E
i. PUD Amendment

Director of Planning and Building Thomson stated that on January 21, 2014, the City Council approved a Planned Unit Development (PUD) for property at the intersection of Central Ave and Wayzata Blvd that included a Walgreens store at 1055 Wayzata Blvd E. The PUD includes restrictions on the hours of operation of the store, and restrictions on delivery hours. Walgreens is requesting an amendment to the PUD to allow additional evening store hours between Thanksgiving and Christmas, and the ability to have early deliveries one day a week during the entire year. The proposed PUD Amendment would allow the store to open for business until 12 midnight from November 24 through and including December 25, and allow deliveries to the store as early as 5 a.m. one day a week at all times during the year. The proposed changes would not include any changes to the design, size, footprint, or height of the existing Walgreens building.

1 Commissioner Buchanan asked Mr. Thomson if the request for the expanded hours would be for
2 these dates every year going forward.

3
4 Mr. Thomson stated that the request would be for the same period every year going forward.

5
6 Commissioner Flannigan asked Mr. Thomson what concerns the Council had when the original
7 hours were established for Walgreens in the PUD.

8
9 Mr. Thomson stated the hours of operation reflected the standards for conditional use permits for
10 drive-through windows, and that the PUD condition for Walgreens was intended to reduce
11 negative impacts to surrounding areas, in particular the single-family homes that are in close
12 proximity to the property.

13
14 Commissioner Gonzalez stated there is a home close to the west side of the site.

15
16 Commissioner Flannigan asked and Mr. Thomson clarified that deliveries were made on the west
17 side of the building. Commissioner Flannigan noted that he would like to ask the applicant why
18 5:00 a.m. deliveries are needed once a week.

19
20 Chair Iverson opened the public hearing at 7:09 p.m.

21
22 Mr. Robert Reinhardt, Representative for Walgreens, 412 Wayzata Blvd, stated the Wayzata
23 Walgreens is one of the highest volume stores in their district. Walgreens tries not to interfere
24 with customer service and when they receive deliveries during store hours, the entire back of the
25 store and the entrance to Wayzata Blvd are blocked. The current delivery time also means that
26 employees are putting stock away during peak business hours and not assisting customers. He
27 noted that customers had requested last holiday season to have the hours extended during that
28 time of year.

29
30 Commissioner Flannigan asked Mr. Reinhart what had changed from the time the PUD had been
31 approved to the present that made the permitted hours of operation no longer effective.

32
33 Mr. Reinhardt stated the stores business has increased significantly since opening in 2014. He
34 explained that the deliveries they receive are dependent on the business and the holidays that
35 occur. Currently they receive the warehouse shipment on Friday. This will be changing to
36 Saturday soon, and then eventually to Tuesday.

37
38 Commissioner Gonzalez noted that Item 8 on page 20 of the Staff Report, excerpting the PUD
39 conditions, states that garbage and dumpsters must be located within the interior of the
40 Walgreens and Anchor Bank structures or be sufficiently screened from adjacent residential
41 properties. She pointed out that the Walgreens currently has garbage cans flanking the entrance.
42 The design standards also require planters or flower boxes at the entrance. She asked if
43 Walgreens would comply with all of the requirements if the City approves the PUD amendment.

44
45 Mr. Reinhardt stated the garbage cans would not work inside the building because these are used
46 in an attempt to keep the parking lot clean.

1
2 Commissioner Gonzalez suggested screening these and providing planters to comply with the
3 requirements.

4
5 Mr. Reinhardt stated this would be brought to the property managers attention.

6
7 Chair Iverson asked if the drive-through window would be open until midnight if the holiday
8 hours were approved.

9
10 Mr. Reinhardt stated the pharmacy operates from 8:00 a.m. to 8:00 p.m. so the drive-thru would
11 not be operating after 8:00 p.m.

12
13 Mr. Patrick Joyce, 145 Wooddale, encouraged the Planning Commission to recommend denial of
14 the PUD amendment because the conditions related to permitted hours of operation were
15 established prior to Walgreens opening, and the additional hours of operation will not
16 significantly impact Walgreens' profit. The neighborhood agreed to these conditions and the
17 neighborhood is adversely affected now by the traffic and noise from the site. Extending the
18 hours and allowing earlier deliveries would further impact the neighborhood. Walgreens knew
19 that there were conditions on the deliveries. Allowing earlier deliveries would also present a
20 safety issue because there is pedestrian traffic in this area as well.

21
22 Mr. Gordy Straka, 130 Huntington Avenue, stated there are several dumpsters that are near his
23 home and the pickups are all during the early morning hours. This is something that residents
24 should be aware of and watch. Also, the residents do have the noise of the truck backing up and
25 the headlights from the semi-trucks shining into the neighborhood. He asked the Commission to
26 consider these factors when reviewing the PUD amendment.

27
28 Mr. Jace McLean, 141 Wooddale, urged the Commission to recommend denial of the PUD
29 amendment. The residents do have noise from the Walgreens property that they have to deal
30 with, and adding additional hours of operation would increase the impact on the neighborhood.

31
32 There being no other members of the public wishing to speak on the Application, Chair Iverson
33 closed the public hearing at 7:24 p.m.

34
35 Chair Iverson asked for comments from the Commissioners.

36
37 Commissioner Buchanan stated the early morning delivery would be a problem, and he would
38 not support that part of the request, but he would support the increased hours during the holiday
39 season.

40
41 Commissioner Young stated he agreed with Commissioner Buchanan.

42
43 Commissioner Gonzalez stated she would not support the PUD amendment for earlier and later
44 hours because people go to work and children are attending school and have the right to sleep.
45 Walgreens chose to locate their business close to an existing neighborhood knowing all of the
46 restrictions that would be imposed. She pointed out that the applicant has not met all of the

1 existing operational requirements of the PUD. She stated a 7:00 a.m. delivery once a week could
2 make sense but not 5:00 a.m.

3
4 Commissioner Flannigan stated the condition on hours for initial PUD was reasonable, and there
5 is not a hardship for the applicant in meeting this conditions of approval. He would support a
6 recommendation of denial on both requests.

7
8 Chair Iverson stated there had been long hours of discussion on the hours of operation for
9 Walgreens when the existing PUD was approved, and she would recommend denial of the PUD
10 amendment because of the impact to the neighborhood. She noted that there are drugstores near
11 Wayzata that are open later hours, so the community would still have late access during the
12 holidays.

13
14 Commissioner Young made a motion, seconded by Commissioner Buchanan, to direct staff to
15 prepare a draft Planning Commission Report and Recommendation recommending approval of
16 the PUD amendment as requested. The motion failed 0 ayes and 5 nays (Buchanan, Young,
17 Gonzalez, Iverson, Flannigan)

18
19 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to direct staff to
20 prepare a draft Planning Commission Report and Recommendation, with appropriate findings of
21 fact based on the preceding discussion, recommending denial of the PUD amendment. The
22 motion carried 5 ayes and 0 nays.

23
24 **b.) Harrington Gates – 309 and 341 Ramsey Rd**

25 **i. Preliminary and Final Plat Subdivision, Variances**

26
27 Director of Planning and Building Thomson stated the applicants, Kent and Amanda Adams, have
28 submitted a development application to adjust the property line between the two properties at 309
29 and 341 Ramsey Road and build a garage expansion. At the time the application was submitted
30 to the City, John Fauth was the owner of 341 Ramsey Rd, but this property is now owned by an
31 LLC controlled by the Adams. In addition to a property line adjustment, the applicant is proposing
32 to add a garage addition to the existing house at 341 Ramsey Road, which would not meet the rear
33 yard setback requirement. Thus, the development application requests approval of a setback
34 variance, and preliminary and final plat with variances for the property line adjustment and
35 substandard lot size. The concurrent preliminary and final plat subdivision proposal is to subdivide
36 the two existing lots along a new line. The proposed garage addition would be set back 14.2 feet
37 from the rear property line, which does not meet the 50-foot setback requirement for the R-1A
38 zoning district. The three variances that are requested as part of the subdivision are for the lot
39 width of 309 Ramsey Road, and the lot area and lot width of 341 Ramsey Road.

40
41 Commissioner Buchanan asked and Mr. Thomson confirmed that there were several surrounding
42 properties in this zoning district are non-conforming due to lot area.

43
44 Chair Iverson invited the Applicant to speak about the Application. Ms. Amanda Adams, 309
45 Ramsey Road, stated the home they live in on the property was built in 1905. The property was
46 subdivided in 1949 to create the 341 Ramsey Rd property. The driveway for 309 Ramsey Road is

1 the turnaround for Harrington Road. She explained that the property at 341 Ramsey Road has
2 been on the market for the last 6 years and has not sold due to the lot configuration and the small
3 garage on the existing property. They purchased the property in order to try and reconfigure the
4 road to stop at the carriage house, which is where it legally stops. They would then like to redirect
5 the driveway for 309 Ramsey so that they do not have traffic turning around on their property, in
6 front of their home all day and night.

7
8 Commissioner Gonzalez asked if there would be any trees cut down when the new garage was
9 built.

10
11 Ms. Adams stated they planned to remove the tennis court to lessen the hard cover, and the garage
12 would be built on an existing driveway. She noted that they would also eliminate another section
13 of hard cover. There are no trees in this area, so they would not be removing any trees as part of
14 the proposed work.

15
16 Chair Iverson opened the public hearing at 7:49 p.m.

17
18 There being no one wishing to speak on the Application, Chair Iverson closed the public hearing
19 at 7:50 p.m.

20
21 Chair Iverson asked for comments from the Commissioners.

22
23 Commissioner Flannigan stated the existing condition with driveway being used as a turnaround
24 for traffic is a hardship, and he does not have concerns with the garage addition because it would
25 make the property more marketable. The removal of the hardcover of the tennis court is an added
26 benefit.

27
28 Commissioner Gonzalez stated she agreed with the traffic being a hardship for the property
29 owners. She stated the practical difficulties for these sites were created when the City changed the
30 zoning requirements which the them non-conforming property. She would support a
31 recommendation of approval for the subdivision and variances. She would also support the
32 variance for the garage addition because it is keeping within the character of the neighborhood and
33 the current property.

34
35 Commissioner Young stated he would support a recommendation of approval.

36
37 Commission Buchanan stated he would also support a recommendation of approval.

38
39 Chair Iverson stated she would support approval of the application, and noted that there are several
40 non-conforming properties in this area.

41
42 Commissioner Gonzalez made a motion, seconded by Commissioner Buchanan, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation, with appropriate findings
44 based on the preceding discussion, to recommend approval of the concurrent preliminary and final
45 plat subdivision with variances, and recommend approval of the rear yard setback variance for the
46 addition to the garage. The motion carried unanimously.

Commissioner Flannigan asked what the City would need to do to mark the street so that people were aware that it was a dead end.

Mr. Thomson stated he would review this with Public Works.

c.) 253 Condominiums – 253 Lake St E

i. Rezoning, PUD Concept Plan, Variance, Shoreland Impact Plan/Conditional Use Permit

Director of Planning and Building Thomson stated the applicant, Weber Architects & Planners, and the property owner, Continental Property Group, have submitted a development application to redevelop the property at 253 Lake Street East. He noted that on September 5th, the City Council, Planning Commission, and HRA held a joint workshop to discuss redevelopment plans in the area of the proposed development along Lake Street, west of Manitoba Avenue. The goal of the workshop was to discuss the individual development projects, potential tax increment financing (TIF) and next steps. The subject property is one of the individual development sites in the redevelopment area, and the proposed PUD concept plans are similar to what was presented by the property owner at the workshop meeting. Mr. Thomson explained that the development application contemplates demolition of the existing commercial building and accessory buildings and construction of a new 3-story residential building. The lower level would include 32 enclosed parking stalls and would be partially located above grade. The three stories above the lower level would include a total of 16 residential condominiums. The entrance to the lower level parking garage would be located on the back of the building, and access would be provided from Barry Avenue via an easement from the adjacent Wayzata Blu development. As a consideration of the PUD, the applicant is willing to donate the land behind the proposed building to the City for public parking and parking access. This is consistent with the City's approval of the Wayzata Blu project, which includes a condition requiring an easement to the City for possible public parking on the back of the property to provide additional public parking in the area. With respect to the proposed height of the building, Mr. Thomson noted that under the Zoning Ordinance, building height is measured from the average grade along the building footprint to the top of the flat roof. The proposed building would be 3-stories with an overall height of 40-feet. The proposed building also includes a basement level for underground parking, which would extend 6-feet above grade. The zoning ordinance states that a basement level can extend up to 6-feet above grade before it is considered an additional story. Thus, the proposed building is considered 3-stories with a basement level. Mr. Thomson noted that the Comp Plan states that within the Central Business District, commercial buildings on Lake Street and west of Barry Ave. are encouraged but not required to have a first-floor retail use.

Commissioner Gonzalez noted that page 9 of the Staff Report states that the "transparency requirements under the Lake Street District of the Design Standards remain in effect." She asked Mr. Thomson how this would work with residential uses.

Mr. Thomson stated the transparency requirement applicable to the proposed project is 50% on the first floor. As part of the design review during a later stage of the review process, the City would be looking for compliance with this requirement.

1
2 Commissioner Flannigan asked Mr. Thomson if the City Engineer had reviewed the number of
3 cars coming off of Barry Avenue, and if he had any concerns.
4

5 Mr. Thomson stated the City's objective, as part of the proposed redevelopment, would be to have
6 an access from Barry Ave and from Lake Street.
7

8 Commissioner Gonzalez asked Mr. Thomson what measures would be taken to protect the
9 wetlands on the property.
10

11 Mr. Thomson noted that the wetlands have been delineated, and stated that the building itself is
12 setback significantly from the wetlands and would meet all of the City's wetland setback
13 requirements. As part of the project the City would require storm water management for the
14 impervious surface.
15

16 Commissioner Gonzalez asked Mr. Thomson if the City's services would be able to accommodate
17 the addition of so many residential units in the area.
18

19 Mr. Thomson stated the City would review the more detailed plan when it is available, but at this
20 stage the City believes that it should be able to accommodate these additional units based on the
21 City's Comp Plan.
22

23 Commissioner Gonzalez asked Mr. Thomson if there would be any equipment on the roof.
24

25 Mr. Thomson stated that the applicant has not indicated at this stage where the mechanical
26 equipment would be located.
27

28 Chair Iverson invited the Applicant to speak about the Application. Mr. Neil Weber, representing
29 the Applicant, stated this property has a long history of being difficult to develop. He noted that
30 there are three different properties along this part of Lake Street that are being developed, and the
31 City would like to see these all come together to create a unified redevelopment area. He stated
32 they would not have retail in the project because it was not feasible. The proposed building would
33 have less mass than the adjacent Wayzata Blu project, and all three floors would be stepped back
34 from the front property line to reduce the mass. The only thing they would have on the roof would
35 be a 5-foot elevator structure.
36

37 Commissioner Gonzalez asked Mr. Weber how the transparency requirement would work.
38

39 Mr. Weber stated they would work to meet this requirement. He noted that the site had a water
40 table and soil problem that makes the underground parking difficult, so this is why they are not
41 able to go lower with this level of the building. He stated that there are other buildings on Lake
42 Street that are 40-feet in height, and their project only has 90-feet along Lake Street and is stepped
43 back to reduce the mass along Lake Street. He stated difficulties with this property are the
44 narrowness along Lake Street, the water table, and the poor soil conditions.
45

1 Commissioner Flannigan asked Mr. Weber if there had been consideration of including a walkway
2 between the proposed project and Wayzata Blu.

3
4 Mr. Weber stated a walkway already existed there.

5
6 Chair Iverson asked Mr. Weber what the rationale was for have having zero setback on the east
7 side of the building.

8
9 Mr. Weber stated the building would be zero for the parking level but the first floor would step
10 back 10-feet.

11
12 Chair Iverson asked Mr. Weber if there was concern that a wind tunnel would be created that
13 would catch debris and snow.

14
15 Mr. Weber stated they had not looked at this, but they are currently only looking for concept
16 approval and not architectural or design approval. Once they have concept approval then they will
17 bring back more detailed information regarding the architecture and design of the building.

18
19 Chair Iverson opened the public hearing at 8:31 p.m.

20
21 Mr. Lowell Zitzloff, owner of property on Barry Avenue to the northwest of the proposed project,
22 expressed concerns about the ingress and egress of the project. He explained that the alley was
23 originally for three oil trucks to access the property. Approval would mean 200-300 vehicles
24 coming off Barry Avenue. He stated that they would need to have an ingress and egress off of
25 Lake Street. He noted he has projects that are located on the corner of Lake Street and Barry, and
26 he has 2-levels of underground parking. He stated that he has had to deal with the water problems
27 in the area, and that you cannot bring this many vehicles off of Barry Avenue without causing
28 problems.

29
30 Mr. Darren Knight, 319 Barry Avenue, attorney for Mr. Zitzloff, expressed concerns about the
31 number of cars going in and out on Barry Avenue without having access to Lake Street. The Lake
32 Street access is dependent on the next development.

33
34 Mr. Zitzloff stated he would be looking to pursuing an office/retail project on Lake Street and
35 Barry starting in the spring.

36
37 Ms. Peggy Douglas, 133 Edgewood Court, stated Wayzata Blu and Meyer Brothers were able to
38 work with the water table issues in the area and meet the 35-foot height requirement for their
39 projects. She expressed concerns about the traffic and cars in the area. She asked if they could
40 move the pocket park and public parking to make more green space.

41
42 There being no other members of the public wishing to speak on the Application, Chair Iverson
43 closed the public hearing at 8:38 p.m.

44
45 Chair Iverson asked for comments from the Commissioners.

46

1 Commissioner Gonzalez stated when Wayzata Blu was presented to the Commission, they were
2 informed that the access had a private easement and the City had no control over it. She asked Mr.
3 Thomson if this was correct.

4
5 Mr. Thomson stated as part of the Wayzata Blu project, there will be a full 24-foot wide access
6 drive located entirely on the Wayzata Blu property. As part of the Wayzata Blu project, the City
7 required a public easement over the back of the property for future public parking. There is a
8 private easement between Wayzata Blu and the Zitzloff property for access. It is the City's current
9 objective that as part of the overall redevelopment of this area, there will be full access from both
10 Lake Street and Barry Avenue. Since the proposed project does not provide vehicle access from
11 Lake Street, the access will need to be provided as part of the adjacent 235 Lake St redevelopment.
12 City staff would have concerns about traffic if there is only access from Barry Avenue for the
13 overall redevelopment area.

14
15 Commissioner Flannigan asked Mr. Thomson if there were any buildings along Lake Street that
16 were taller than 35-feet.

17
18 Mr. Thomson stated he would look into this further for the Commission, but that there are buildings
19 in the downtown area that are taller than 35-feet.

20
21 Commissioner Gonzalez stated there have not been any projects with buildings over 35 feet
22 approved since the height standard in the Zoning Ordinance was rewritten.

23
24 Commissioner Flannigan asked Mr. Thomson if the City had documentation regarding the
25 problems with the water table and soil conditions for this property that makes it difficult to go
26 down further with the lower level parking.

27
28 Mr. Thomson stated the applicant provided a geotechnical report which confirms what the
29 applicant has stated regarding the poor soil conditions.

30
31 Commissioner Buchanan stated he would support the rezoning request and the PUD concept plan,
32 but he is not sure about the height request at this time.

33
34 Commissioner Young agreed.

35
36 Commissioner Gonzalez stated changing this zoning to a PUD does make sense and is consistent
37 with the other projects in the area. She stated she does have a problem with the height variance
38 because the City has been very clear on this height requirement and other developments have been
39 able to meet this requirement.

40
41 Commissioner Flannigan stated he appreciated the developers coming together in this area. He
42 would like to see the Council, the Planning Commission and the landowner's work together to
43 bring these projects forward in a manner that makes sense. He has concerns about approving a
44 project without including a condition for the second access. He would support this concept.

45

1 Chair Iverson stated the egress and the ingress would be worked out during the next phase of
2 review, and she expressed concerns about the height of the project.

3
4 Commissioner Gonzalez made a motion, seconded by Commissioner Buchanan, to direct staff to
5 prepare a draft Planning Commission Report and Recommendation, with appropriate findings
6 based on the preceding discussion, recommending approval of the requested rezoning from C-4A
7 to PUD/Planned Unit Development and the PUD concept plan of development, and recommending
8 denial of the requested variance from the maximum building height standard and the Shoreland
9 Impact Plan/Conditional Use Permit for the building height for 253 Lake Street E. The motion
10 carried unanimously.

11
12 Chair Iverson recessed the meeting at 8:55 p.m.

13
14 Chair Iverson reconvened the meeting at 8:59 p.m.

15
16
17 **AGENDA ITEM 6. Other Items:**

18
19 **a.) Review of Development Activities**

20
21 Director of Planning and Building Thomson stated the City's annual volunteer appreciation
22 dinner is on November 16th. The City is continuing the visioning process for Wayzata 2040, and
23 there will be multiple workshop meetings held with the community and stakeholders over the
24 next month. The City is also accepting applications for vacancies on the City boards and
25 commissions. He noted that there are three open positions on the Planning Commission starting
26 January 1, 2018, and applications are due by 4:30 p.m. on October 31st.

27
28 **b.) Next Meeting**

29
30 Director of Planning and Building Thomson noted that the next regular meeting of the Planning
31 Commission is scheduled for November 20, 2017.

32
33 **AGENDA ITEM 7. Adjournment.**

34
35 There being no further business to discuss, Chair Iverson asked for a motion to adjourn.
36 Commissioner Buchanan made a motion, seconded by Commissioner Young, to adjourn the
37 meeting of the Planning Commission. The motion carried unanimously.

38
39 The Planning Commission meeting was adjourned at 9:03 p.m.

40
41 Respectfully submitted,

42
43 Tina Borg
44 *TimeSaver Off Site Secretarial, Inc.*