

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 20, 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: Flannigan, Iverson, Murray, and Buchanan. Absent and Excused: Young and Gonzalez. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Buchanan made a motion, Seconded by Commissioner Flannigan, to approve the November 20, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of September 18, 2017 Planning Commission Minutes
- b.) Approval of October 30, 2017 Planning Commission Minutes
- c.) Adoption of Report and Recommendation of Denial of PUD Amendment for Walgreens at 1055 Wayzata Blvd E
- d.) Adoption of Report and Recommendation of Approval of Preliminary and Final Plan Subdivision for Harrington Gates at 309 and 341 Ramsey Road
- e.) Adoption of Report and Recommendation of Approval of Rezoning and PUD Concept Plan and Denial of Variance and Shoreland Impact Plan/Conditional Use Permit for 253 Condominiums at 253 Lake St E

Chair Iverson read the items on the Consent Agenda and asked if Commissioners wished to remove any items for further discussion. There being no such requests, Chair Iverson asked for a motion to approve the Consent Agenda as presented.

Commissioner Buchanan made a motion, Seconded by Commissioner Flannigan, to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

- a.) None.

AGENDA ITEM 5. Public Hearing Items:

1
2 **a.) Whittington Garage – 126 Circle A Dr S**
3 **i. Variances**
4

5 Director of Planning and Building Thomson stated the property owners, Michael and Julie
6 Whittington, have submitted a development application to construct a garage on the property at
7 126 Circle A Drive S. The applicant is proposing to tear down the existing detached garage and
8 construct a new detached garage in the same general location. The development application
9 requests approval of a front yard and side yard setback variances for the garage. After reviewing
10 the plans submitted, City staff requested additional information from the applicant. Mr. Thomson
11 noted that the applicant is still working on providing the additional information requested. Staff
12 recommends the Planning Commission open the public hearing on the application, allow public
13 comment, and continue the public hearing until the December 4, 2017 Planning Commission
14 meeting.
15

16 Chair Iverson opened the public hearing at 7:10 p.m.
17

18 There being no one wishing to address the Planning Commission on the Application, Chair Iverson
19 asked for a motion to continue the public hearing until the next meeting of the Planning
20 Commission.
21

22 Commissioner Buchanan made a motion, Seconded by Commission Murray, to continue the public
23 hearing and consideration on the application for Whittington Garage at 126 Circle A Drive S to
24 the next Planning Commission meeting. The motion carried unanimously.
25

26 **b.) Indian Mound Guest/Carriage House – 392 Ferndale Rd S**
27 **i. Conditional Use Permit**
28

29 Director of Planning and Building Thomson stated the applicant, TEA2 Architects, and the
30 property owner, Indian Mound, LLC, have submitted a development application to construct a
31 guest house on the property at 392 Ferndale Rd S. As part of the submitted development
32 application, the applicant is requesting approval of a Conditional Use Permit. Within the R-1A
33 zoning district, a guest, carriage, or caretaker's house is a conditional use. In August, 2013, the
34 City Council approved multiple items associated with development of the subject property. The
35 2013 approvals included: 1) preliminary and final plat to combine two lots into one lot, 2)
36 conditional use permits for the building height of the principle structure, and 3) a conditional use
37 permit for a guest/carriage house. Due to the location of the previous house on the lot, which was
38 not removed until after the new house was completed, the approved guest/carriage house has not
39 been constructed. City Code Section 801.04.6.A states that unless the City Council specifically
40 approves a different time, a conditional use permit shall become null and void 12-months after the
41 date of approval, unless the property owner or applicant has substantially started the construction
42 of any building requested as part of the conditional use permit. Mr. Thomson noted that the current
43 proposed site plan is generally the same as the previous conditional use permit approved by the
44 City, but the guest house design has changed. The proposed guest/carriage house meets all zoning
45 requirements, including R-1A setbacks, height, lot coverage, and impervious surface coverage,
46 and all shoreland district requirements. Because the current application is generally the same as

1 the development that had been previously approved, staff has included with the packet materials a
2 draft Planning Commission Report and Recommendation for approval, with findings based on the
3 previous approval.

4
5 Chair Iverson opened the public hearing at 7:16 p.m.

6
7 There being no one wishing to address the Planning Commission on the Application, Chair Iverson
8 closed the public hearing at 7:17 p.m.

9
10 Commissioner Flannigan stated the previously approved building worked more with the
11 architecture that currently exists on the property than the new proposed building. He asked for
12 clarification on what is meant by the building materials, color and structure design must be
13 compatible with the existing building. He would like to know what is driving this change.

14
15 Applicant's representative, Mr. Charlie Witzke, TEA2 Architects, 2724 W 43rd Street, stated the
16 new carriage house is using the same stone and windows as the existing structure. They will not
17 be using the stucco and there are no gables on the carriage house. The intent is to have the carriage
18 house maintain a low profile. The Applicant wanted something that would not mimic the existing
19 house but still utilize the same materials and palette.

20
21 There being no further questions or discussion, Chair Iverson asked for a motion on the
22 Application.

23
24 Commissioner Flannigan made a motion, Seconded by Commissioner Murray, to adopt the draft
25 Planning Commission Report and Recommendation as presented, recommending approval of the
26 Conditional Use Permit for a carriage house at 392 Ferndale Road S, subject to the conditions
27 outlined in the Report. The motion carried unanimously.

28
29 **c.) Schmidt Guest/Carriage House – 372 Ferndale Rd S**

30 **i. Conditional Use Permit**

31
32 Director of Planning and Building Thomson stated the applicant, Denali Homes, and the property
33 owners, Perry and Anne Schmidt, have submitted a development application to add guest quarters
34 to the detached garage that is currently under construction at 372 Ferndale Rd S. The applicant is
35 proposing to construct the guest quarters within the upper level of the detached garage. As part of
36 the submitted development application, the applicant is requesting approval of a Conditional Use
37 Permit within the R-1A zoning district for a guest, carriage, or caretaker's house. In September,
38 the City issued a building permit for construction of a detached garage on the property. The
39 proposed detached garage meets all zoning requirements, including R-1A setbacks, height, and
40 impervious surface coverage, and all shoreland district requirements. The plans approved with the
41 building permit include a two-stall garage on the first floor and unfinished storage area on the
42 second floor. The applicant has submitted a development application to finish the second floor of
43 the detached garage as a guest/caretakers quarters, which would require a CUP. The second floor
44 quarters would be accessed by an internal staircase from the first floor.

1 Applicant's representative, Mr. David Bieker, Denali Homes, 18352 Minnetonka Blvd, stated the
2 carriage house is designed to match the existing home in building materials, colors, and design.

3
4 Chair Iverson opened the public hearing at 7:25 p.m.

5
6 The being no one wishing to address the Planning Commission on the Application, Chair Iverson
7 closed the public hearing at 7:26 p.m.

8
9 There being no further questions or discussion, Chair Iverson asked for a motion on the
10 Application.

11
12 Commissioner Murray made a motion, Seconded by Commissioner Flannigan, to adopt the draft
13 Planning Commission Report and Recommendation as presented, recommending approval of the
14 Conditional Use Permit for a carriage house at 372 Ferndale Road S, subject to the conditions
15 outlined in the Report. The motion carried unanimously.

16
17 **d.) Verizon Wireless – 1000 Superior Blvd**

18 **i. Conditional Use Permit**

19
20 Director of Planning and Building Thomson stated the applicant, Verizon Wireless, has submitted
21 a development application for a conditional use permit at 1000 Superior Blvd. The proposed CUP
22 is to allow a new telecommunications facility for cellular antennas and associated equipment
23 including the installation of a proposed shelter at grade and rooftop construction as follows: 1)
24 antenna concealment, 2) antenna mounts, 3) antennas, and 4) antenna equipment. The proposed
25 CUP would include the routing of cables, electrical service, and fiber service from their origins
26 along the south side of Wayzata Blvd to their respected locations to improve communications
27 service in the area. The Applicant is proposing to construct a new 6-foot by 6-foot equipment
28 enclosure at grade on the south side of the building, and to construct 2 rooftop antenna
29 concealments that are 10-feet in height. The proposed CUP would not include any changes to the
30 design, size, or footprint of the existing building, beyond the addition of cable routing covers
31 affixed to the exterior. Mr. Thomson noted that City Ordinance Section 801.31.4.A requires that
32 Telecommunications Facilities not located on a Telecommunications Tower allowed under Section
33 801.31.4.B(1) obtain a Conditional Use Permit for the Telecommunications Facility and comply
34 with the other relevant provisions of the City's Telecommunications Ordinance. The property is
35 zoned C-1 and building is located within 300 feet of Wayzata Blvd E. Antennas would be
36 constructed behind a screening wall and penthouse addition to match the existing building exterior.
37 The proposed antennas height would be 10-feet above the roof deck of the building. The proposed
38 antennas do not project out from the side of the building. The ground building would be located
39 inside of the trash/dumpster area.

40
41 Commissioner Flannigan noted that the ground enclosure would still be visible because the fencing
42 and walls surrounding the dumpsters were not tall enough to hide the proposed enclosure. He
43 asked if this would meet the Ordinance's requirement of being screened.

44
45 Mr. Thomson stated that the Ordinance stated the structure must be screened. It does not specify
46 the entire facility must be screened.

1
2 Commissioner Murray asked if the enclosure would have to be locked.

3
4 Mr. Thomson clarified the dumpster enclosure would not have to be locked, but he thought the
5 carrier would lock the cabinet that housed the equipment.

6
7 Chair Iverson asked how close the nearest resident would be.

8
9 Mr. Thomson stated there is an apartment building to the south and west of the proposed location,
10 and the closest single-family home would be located on Huntington within 100-feet of the property
11 and 200-feet to the building on the property.

12
13 Applicant's representative, Ms. Amy Dresch, Jacobs Telecommunications, 10331 Balsam Lane,
14 Eden Prairie, provided background on the previous Verizon facility that had been located at the
15 Anchor Bank site. She said they had tried to work with Walgreens when the Anchor Bank property
16 was redeveloped but had been unable to work it out. She noted that currently Verizon has a gap
17 in coverage in the middle of the City's commercial district. They have looked at other
18 developments and properties to locate the proposed equipment but due to regulations and
19 restrictions, these sites would not meet their needs. She stated they could provide additional
20 screening around the dumpsters. She said that Verizon will also be relocating to the City's new
21 telecommunications tower, and this facility that is the subject of the Application would be in
22 addition to that. She stated one of the areas that Verizon has a coverage gap is in the new
23 development area. This has presented safety concerns because people were not able to use their
24 devices in this area and many people no longer have landlines to reach emergency assistance.

25
26 Commissioner Buchanan asked what other options were available for the stealth design of the
27 project.

28
29 Ms. Dresch stated in order to surround the panels and not block the radio frequency, they must use
30 special materials. They are proposing to emboss this material to match the existing building so
31 that it will not be noticeable. They could remove the window look and make it solid if the City
32 preferred that.

33
34 Chair Iverson asked if it would be possible to located the equipment on the side of the building
35 rather than the top.

36
37 Ms. Dresch stated this particular building has windows all the way around the building and
38 antennas mounted on the side of the building would block some of these windows and the area has
39 several trees, and they need to be above these in order to meet the coverage needs.

40
41 Chair Iverson asked if the applicant had talked with Colonial Square about possibility locating
42 there. She would like to see if there are options that are not close to residential areas.

43
44 Mr. Dresch stated the only way to make the shopping center facility work would be to build a
45 tower. They did not talk with the shopping center directly because of this.

46

1 Commissioner Flannigan asked how the equipment and structure would be accessed.

2
3 Ms. Dresch stated they would utilize the existing parking lot and driveway. The enclosure would
4 be located behind the gate, and it would also be locked and have an alarm. They would have a
5 technician visit the site about three times a month to check the equipment, and they have an
6 agreement with the property owner that maintenance would be done during regular business hours
7 unless there is an emergency. The access to the rooftop equipment is through the building. They
8 would only need to bring in large trucks to access the rooftop if one of the antennas were to go
9 bad. The antennas would be approximately 4 feet taller than the HVAC on the top of the building.

10
11 Chair Iverson asked if it would make sense to move the antennas more forward on the building
12 away from the residential areas.

13
14 Mr. Thomson stated the ground equipment must be in the back of the property but not the antennas.

15
16 Chair Iverson opened the public hearing at 7:58 p.m.

17
18 Ms. Virginia Lord, 143 Huntington Ave S, stated she had wanted to live in Wayzata because it is
19 a safe community and now doubts this. The second level of her home is eye level with the rooftop
20 of the building where the antennas are proposed, and they would be too close to a tower that may
21 present a health risk. She explained the precautionary principle that the introduction of a new
22 product or process whose ultimate effects are disputed or unknown, should be resisted and not
23 allowed. The principle implies that there is a social responsibility to protect the public from
24 exposure to harm when an activity raises threats of harm to the environment or human health.
25 Precautionary measures should be taken even if some cause and effect relationships are not fully
26 established scientifically. She said, therefore, that the Wayzata Planning Commission has the
27 obligation to protect the citizens from this type of potential harm caused by the proposed cellular
28 towers, which are three doors down from her house. As a realtor, she noted she often sees potential
29 homebuyers looking for homes that are not by cellular towers or high voltage wires. If the City
30 allows the Verizon antennas then the homes nearby would be included in a category of homes that
31 many buyers would not want. She asked the Commission to allow the precautionary principle to
32 guide their decision.

33
34 Mr. Peter Fischer, 141 Huntington Avenue S, asked about the noise level, and if there would be a
35 generator included with the ground equipment.

36
37 Ms. Brenda Kaufman, 131 Huntington Avenue, stated she is opposed to the cell phone towers.
38 The neighborhood does not need any additional eyesores or noise encroaching. The Edina Realty
39 building towers over her home, and there are lights on in the building all the time. The building
40 has been an invasion of privacy, and she has had two windows removed from her home to maintain
41 some privacy. The lights from the parking ramp in the building are so bright that it does not get
42 dark in her home. She can see the area where the ground equipment would be, and it would not
43 be screened from her view. She is concerned about the truck traffic. She currently has to deal
44 with the garbage truck that comes on the property between 3 and 3:30 a.m. She stated the
45 equipment had been located at the Anchor Bank facility prior to their being homes in that area.
46 Allowing these towers to be built on the Edina Realty property would devalue her property. She

1 asked if the towers could be built closer to the areas that are experiencing the coverage problems.
2 If the problem is in the commercial areas, then it should be kept out of the residential areas. She
3 expressed concerns about health, and the effects a cell tower would have on her body.
4

5 Mr. Gordy Straka, 130 Huntington Avenue S, provided background on the property at 1000
6 Superior, including the land use items that had been approved by the City, and highlighted the
7 items that the developer and property owner did not follow through with and the current
8 Ordinances that the property does not meet. He does not support granting a CUP to a property that
9 has already been granted several variances and would open the door to further problems. Installing
10 these towers would be industrial encroachment to the neighborhood. He would like to see the CUP
11 denied.
12

13 Ms. Diane Straka, 130 Huntington Avenue S, stated the parking lot is always full, and that there
14 had been an agreement with the gas station to use some of their parking. The gas station has closed
15 this off, and now these cars are parking other places in the area. She stated this was something the
16 City should consider when allowing businesses to share parking.
17

18 Ms. Kaufman stated she has Verizon as a cell carrier, and she does not have problems with her
19 service.
20

21 There being no one else wishing to address the Planning Commission on the Application, Chair
22 Iverson closed the public hearing at 7:25 p.m.
23

24 Chair Iverson noted that a couple of letters on the Application had been received by the City, and
25 read them for the record:

26 Mr. Bill Berneking, 188 South Circle Drive S wrote:

27 "Dear Planning Commission Members, I agreed with my neighbors. The City should not
28 allow cell phone antennas on the 1000 Superior Blvd Building."
29

30 Mr. Dan Gustafson, 1042 E Circle Dr wrote:

31 "Elisha and I wanted to echo the concerns of our neighbors regarding the proposed new
32 cell phone tower at 1000 Superior Blvd. These kinds of installations can have a significant
33 impact on a residential neighborhood and onsite equipment needs and access seems to
34 grow over time. At the same time, clearly more cell phone coverage is necessary in
35 downtown Wayzata, both now and in the future. What is the expected time frame for the
36 micro site technology deployment from major carriers and what equipment will be
37 necessary now and in the future for said micro sites? Can a macro or micro installation
38 occur on top of the Folkestone building instead? Wasn't another cell tower approved on
39 top of the Copeland Buhl building and could this site be located at this location? Can any
40 limits be imposed on the number and time of service visits, volume of equipment, etc on
41 this location? Please exercise caution and utilize your best judgment in your decision
42 making process on this agenda item. It would be highly undesirable to repeat the Water
43 Tower site circumstances."
44

1 Chair Iverson stated the number of trucks at the water tower telecommunications location was
2 extensive. She expressed concerns that the amount of maintenance stated by the applicant is not
3 what occurs in reality.

4
5 Commissioner Flannigan stated that it is clear it was an unfortunate situation when the building
6 was built on the property. The building is now a deterrent to the residents in this neighborhood.
7 He asked if the Commission could build in restrictions to this particular application that would
8 address some of the current concerns with the property, specifically associated with landscaping
9 and times that lights are on.

10
11 Mr. Thomson stated that as part of a Conditional Use Permit, there could be conditions imposed
12 for the application, which would include those items related to the telecommunications operation.
13 Any violation of the conditions set in a CUP would allow the City to review the CUP and if there
14 are continued violations the City could revoke the CUP. The property owner is a co-applicant and
15 the City could include items for the operations requirements from the City's ordinances for the
16 property owner to comply with as a condition of approval. The challenge would be if the City
17 were to add additional operational requirements for the office building that are not in the City's
18 ordinances.

19
20 City Attorney Schelzel added that any conditions to approval of the CUP requested should be
21 reasonable and related to the CUP application.

22
23 Commissioner Flannigan stated he would not support this application based on his earlier
24 comments.

25
26 Commissioner Murray stated the current CUP application does not have to do with the garbage
27 trucks, the landscaping, the lighting, or any other problems the neighborhood has expressed with
28 the office building. Without considering these items, he would be inclined to support the project
29 but because there are other problems with this facility, he would not want to support and reward
30 the co-applicant for being a bad neighbor.

31
32 Commissioner Buchanan stated the application before the Commission is for cell phone antennas
33 for Verizon, but what was heard during the public hearing was complaints about the building and
34 the property owner being a bad neighbor, and being disruptive and not honoring their original
35 commitments. These things are hard to separate from the application. He stated he does not have
36 a problem with the cell towers themselves, but it is difficult to ignore the concerns and objections
37 from the neighborhood.

38
39 Chair Iverson agreed that this might not be the best location for a telecommunications facility due
40 to the proximity to the neighborhood and the potential impact to their property values. She would
41 like to see other locations explored, including the Presbyterian Homes area.

42
43 Commissioner Murray stated he struggles with the comments citing health concerns because the
44 City's telecommunications tower is located near a playground, and they are suggesting looking at
45 locating these towers in other high density areas. He stated the Commission could not deny the

1 application based on the current occupants being bad neighbors. They could deny the application
2 based on the design or the location is not the best.

3
4 Commissioner Buchanan stated they do not know the health risks of the cell towers, and the
5 application is separate from the problem of being bad neighbors.

6
7 City Attorney Schelzel stated the Commission should look at the application presented, and the
8 criteria for granting or denying a Telecommunications CUP. If there are other property compliance
9 issues the City needs to look at with the property owner, the Commission can direct staff to look
10 into these issues and bring back more information. He added that would advise against citing
11 health concerns as a basis for denial.

12
13 Chair Iverson stated that based on the applicable criteria, the proposed towers do not meet the
14 stealth design requirement because they are large and imposing. She would like to see something
15 more unique. The application also does not meet the security and fencing requirements. The
16 accessory equipment does not blend into the environment well.

17
18 Commissioner Flannigan stated the proposed use would impact the property values of the
19 surrounding properties including the residential area.

20
21 Commissioner Buchanan stated the application itself meets the criteria. He does not like the
22 rooftop design, and the screening could be improved. An improvement for the rooftop design
23 could be asked for. He stated that the Commission is confusing the neighbors' complaints with
24 the building, with the application before the Commission. The problems with the building should
25 be addressed separately.

26
27 Commissioner Flannigan stated it is intrusive on the neighborhood, and this is the extra thing that
28 would be imposed on the neighborhood. The proximity to the residential area would have an affect
29 on the property values and the neighborhood. There are better solutions, and he would encourage
30 the applicant to look for one.

31
32 Commission Murray asked if the towers would be less intrusive if they were pushed to the front
33 of the building and the screening were improved.

34
35 Ms. Dresch stated there is no generator for this site, and the only noise would be from a small AC
36 unit and there are no lights as part of the application. They would work with the City to meet the
37 screening requirements for the neighborhood.

38
39 Applicant's representative, Mr. Jarrod Andrews, Jabobs Engineering, 7300 Metro Blvd #400,
40 Minneapolis, stated there were new questions and concerns that have been brought up at the public
41 hearing, and that they would be able to address them better if the application were continued to the
42 next meeting.

43
44 City Attorney Schelzel stated the applicant has expressed a willingness to address the new
45 concerns that have been brought up by the Commission and the public hearing. Thus, it would be
46 appropriate for the Commission to continue the item to the next meeting to allow the applicant to

1 take these items under advisement, potentially revise their plans, and bring forward new
2 information and responses to the questions and concerns raised.

3
4 Commissioner Murray made a motion, Seconded by Commission Buchanan, to continue the
5 discussions and consideration of the CUP application for Verizon Wireless cell towers at 1000
6 Superior Blvd, and request the applicant provide additional information regarding additional
7 justification for this location, alternate locations on the rooftop, different screening options for the
8 rooftop and ground equipment, more vantage points for neighbors to understand the impacts, and
9 additional stealth designs. The motion carried unanimously.

10
11
12 **AGENDA ITEM 6. Other Items:**

13
14 **a.) Review of Development Activities**

15
16 Director of Planning and Building Thomson stated the City Council is scheduled to interview
17 candidates for the Planning Commission on November 21. The next Planning Commission agenda
18 will include the Verizon application, the Circle A application, and four new development
19 applications.

20
21 **b.) Next Meeting is December 4, 2017**

22 Director of Planning and Building Thomson noted that the next regular meeting of the Planning
23 Commission is scheduled for December 4, 2017.

24
25
26 **AGENDA ITEM 7. Adjournment.**

27
28 There being no further business on the agenda, Chair Iverson asked for a motion to adjourn.

29
30 Commissioner Flannigan made a motion, seconded by Commissioner Murray, to adjourn the
31 meeting. The motion carried unanimously.

32
33 The Planning Commission meeting was adjourned at 9:03 p.m.

34
35 Respectfully submitted,

36
37 Tina Borg
38 *TimeSaver Off Site Secretarial, Inc.*