

1 **WAYZATA PLANNING COMMISSION**
2 **MEETING MINUTES**
3 **MARCH 21, 2022**

4
5 **AGENDA ITEM 1. Call to Order**

6
7 Vice-Chair Stockton called the meeting to order at 6:30 p.m.

8
9 Vice-Chair Stockton read a prepared statement regarding the hybrid meeting format, including
10 information on attending in person, viewing online, and providing public comments.

11
12 **AGENDA ITEM 2. Roll Call**

13
14 Vice-Chair Stockton asked Community Development Director Goellner to take roll call.

15
16 Present at roll call were Commissioners: Merriam, Stockton, Sorensen, Schwalbe, and Severson.
17 Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant
18 Planner Valerie Quarles, and City Attorney David Schelzel were also present.

19
20 **AGENDA ITEM 3. Approval of Agenda**

21
22 Vice-Chair Stockton asked for a motion to approve the agenda for the meeting.

23
24 Commissioner Schwalbe made a motion, seconded by Commissioner Severson, to approve the
25 March 21, 2022 agenda as presented.

26
27 The motion carried unanimously.

28
29 **AGENDA ITEM 4. Consent Agenda**

- 30
31 **a.) Approval of the February 28, 2022 Planning Commission Meeting Minutes**
32 **b.) Approval of the March 7, 2022 Planning Commission Meeting Minutes**

33
34 Vice-Chair Stockton read the items on the consent agenda and asked if any Commissioner wished
35 to pull an item for further discussion.

36
37 Commissioner Merriam asked for a change to be made to the March 7, 2022 minutes on page 34
38 of the packet, to change her statement to, "...didn't think it needed to be higher than 10,000 square
39 feet."

40
41 Hearing no further changes, Vice-Chair Stockton asked for a motion to approve the Consent
42 Agenda as amended by Commissioner Merriam.

43
44 Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to approve the
45 Consent Agenda as amended.

46

1 The motion carried unanimously.

2
3 **AGENDA ITEM 5. Public Hearing Items**

4
5 **a) Planned Unit Development Concept Plan at 150 Broadway Avenue South**

6
7 Assistant Planner, Valerie Quarles, reviewed a proposed concept plan for 150 Broadway Avenue
8 South, known as the site of the Sathre-Bergquist building. She reviewed the surrounding
9 neighborhood zoning and land uses, the existing conditions and site history. She gave an overview
10 of the proposed project to construct a new building with five residential, for-sale units, one ground
11 floor guest suite, and one ground floor commercial office space within a 3-story building with
12 underground parking and balconies on the second and third floors on the Broadway Avenue side.
13 The applicant has requested approval of a PUD concept plan which would allow flexibility from
14 the C-1 zoning standards. She reviewed the floor plan for the first floor that would include a living
15 space, guest suite, and office space. She gave an overview of the renderings for the structure and
16 the proposed building materials. She reviewed the zoning requirements related to building height,
17 setbacks, lot area, lot coverage, impervious surface, parking, and density. She stated that the
18 applicant is proposing a single access off of Broadway Avenue, and noted that the current building
19 has two accesses. She noted that the applicant has also included information about their tree
20 removal plan, but noted that there are only two trees on the site. She explained that both trees
21 would be removed but the developer has plans to replace them. She explained that a neighborhood
22 meeting was held on February 24, 2022 where the primary concerns expressed related to building
23 size, lot coverage, and the impact on the current commercial street parking in the area. She noted
24 that there was also one public comment submitted in advance that was included in the packet that
25 raised concerns about the basis for a PUD, the Rice Street setback, and the neighborhood impacts.

26
27 At the conclusion of the staff presentation, Vice-Chair Stockton invited the Applicant to address
28 the Commission.

29
30 Brian Benson, principal of Applicant Langdon View, LLC, gave a brief project summary, and
31 noted that the proposed building is a nearly identical building to that allowed under the current
32 zoning. He stated that while it meets current code and setbacks, they are asking for a third floor
33 design deviation for decreased setback to accommodate the more narrow site. He stated that it was
34 noted by Assistant Planner Quarles that their balconies exceeded the applicable setback in the
35 zoning code by one foot, which he said can easily be adjusted and fixed. He stated that they feel
36 this proposal is a more suitable use for the City, and reviewed what they see as benefits to their
37 proposal on items such as reducing street parking, lowering daily traffic, an increased setback off
38 of Rice Street, and more green space with less parking lot pavement.

39
40 Tim Whitten, Whitten Architects, Applicant's architect for the proposal, gave an overview of
41 recent projects they have been involved with in the City. He explained that this project
42 incorporates the City's design standards with the exception of the third floor setback deviation
43 request. He noted that they feel their proposed design blends well with the surrounding structures,
44 and noted that in addition to following the City's design standards, they also took into account the
45 City's visual preference survey. He stated that the site is narrow, and taking a 12 foot setback all
46 the way across the third story would be awkward. He noted that they believe they understand the

1 intent of the third floor setback and their building does not overpower the sidewalk and the street
2 visually or physically. He explained that their proposed building is 40 feet from the street and 21
3 feet from the sidewalk. He stated that he believes that if the City would allow for a little bit of
4 flexibility, they will be able to create something that can be extraordinary.

5
6 Vice-Chair Stockton asked if the Commission had any questions for Staff or the applicant.

7
8 Commissioner Merriam asked about the purpose of the guest suite on the first floor.

9
10 Mr. Benson stated that it would be available for the residents, and noted that there is a similar guest
11 suite at Garrison Landings which has been very popular with the owners when they have out of
12 town guests.

13
14 Commissioner Merriam noted that there are elevator shafts from the underground parking, and
15 asked about plans for roof overruns related to the elevator.

16
17 Mr. Whitten stated that should have been shown on the plans, and explained that they have the
18 opportunity to have overruns that are 5 or 6 foot higher than the top floor to be able to handle the
19 elevator shafts, but noted that they have not yet selected their elevator.

20
21 Commissioner Merriam asked if they had planned to have rooftop mechanicals, because nothing
22 was shown.

23
24 Mr. Whitten explained that per code and design standards, they could not have any rooftop
25 mechanicals, but will have minor things like exhaust piping.

26
27 Commissioner Schwalbe asked if the office space would be used for the residents or leased out.

28
29 Mr. Benson noted that he has already had two parties express interest in this office space, one was
30 a potential residential buyer that was interested in setting up their money management business in
31 this location, and the other was a builder interested in having a showroom/meeting room. He stated
32 that his plans would be to lease it or sell it as an office shell.

33
34 Commissioner Schwalbe asked if the five residences would have an HOA.

35
36 Mr. Benson stated that there would be an HOA, and noted that the office would not have access to
37 the exercise room, but would have access to the bathroom; so he did not think they would be part
38 of the HOA.

39
40 Commissioner Sorensen asked about the building materials and their compatibility with the
41 surrounding area. He stated that the buildings surrounding this site are pretty consistently old brick
42 type architecture.

43
44 Mr. Whitten explained that there is a recess at the main entrance of the building that is planned to
45 separate the building by using colors and massing. He stated that for the top floor, they wanted it
46 to look like it had its own identity and brings down the scale of the building. He noted that the

1 outdoor terraces are light in color so the area doesn't get overheated. He stated that he felt an all-
2 brick building would look very massive, but that there are some things they could do, such as
3 switching out the charcoal panels for charcoal brick that could be added to the design.
4

5 Commissioner Schwalbe asked about the two entrances.
6

7 Mr. Whitten explained that the center entrance is for access to the common area for the
8 condominiums, and the other is for the office space.
9

10 Commissioner Schwalbe asked about the square footage of the outdoor terrace spaces.
11

12 Mr. Whitten stated that they are about 10 feet by 20 feet.
13

14 Commissioner Schwalbe asked what impact there may be on parking if the office space is used for
15 bringing in customers to, for example, look at building plans.
16

17 Mr. Benson stated that there is a builder's satellite office at Garrison Landings, but noted that it is
18 never that busy where occasional meetings are held. He stated that he could see this space being
19 a really good spot for a Wayzata builder, something that would occasionally have clients coming
20 to the space, and he would not see this space being a very active office with people coming and
21 going.
22

23 Commissioner Merriam asked about the distance between the east wall of the building and the
24 home next door.
25

26 Mr. Benson stated that he believes that it will be the same as the current building, and noted that
27 it does match the code.
28

29 Commissioner Merriam asked what the distance is between the property line and the house next
30 door to the east.
31

32 Mr. Benson stated that he believes it is 10 feet so there would be 20 feet between the two buildings,
33 and reiterated that their proposal matches the code.
34

35 Commissioner Merriam stated that she believed that the PUD code stated that you add the two
36 buildings heights together, divide that in half, and that is the distance it should be from the adjacent
37 buildings. She asked staff if her interpretation of this was correct.
38

39 Assistant Planner Quarles explained that staff's interpretation of that Code provision was that it
40 applied to multiple buildings within a PUD.
41

42 Commissioner Merriam noted that she had wondered about that, but noted that she did not feel
43 that was how it read because it says adjacent building, and does not say within the PUD. She
44 asked if the developer had perspective views for the east elevation because that had not been
45 included in the packet.
46

1 Mr. Whitten noted that they can get a perspective from any angle but had only chosen to include
2 the two most visible perspectives.

3
4 Vice-Chair Stockton asked what percentage of the ground floor would be dedicated to commercial
5 use.

6
7 Mr. Benson explained that there is 330 square feet of office, plus a bathroom, which is a little less
8 than 10%.

9
10 There being no further questions from the Commission for the applicant or staff, Vice-Chair
11 Stockton opened the public hearing on the application at 7:12 pm.

12
13 Bill Cooley, 715 Rice Street East, explained that his home is immediately east of the subject
14 property. He stated that the building being proposed is 14,791 square feet on three floors plus
15 underground parking with 97.8% housing and 2.2% of office space. He stated that in order to
16 qualify for a PUD, it must be mixed use, and he feels this is a misuse of the PUD ordinance, and
17 is just an attempt to use the PUD to change the zoning from Commercial to Residential. He stated
18 that a PUD is not intended as a means to avoid applicable planning and zoning principals. He
19 stated that in addition to this, he feels there are several other valid reasons that this project should
20 be voted down by the City. He referenced Ordinance 975.02 and noted that this project does not
21 conform to the neighborhood based on setbacks. He stated that he feels the project fails to meet
22 the requirements of the City PUD ordinance 933.02A, 13(c) which states that no building within
23 the project shall be nearer to another building than one-half the sum of the building heights of the
24 two buildings, and noted that it does not state another building within the project. He stated that
25 in order to meet this ordinance, the building will need to be moved 12 feet 6 inches to the west.
26 He reiterated that he feels the City should turn down this project or make them amend their
27 proposal. He noted that his home is for sale and had a buyer that rescinded their offer because of
28 the 'monster' going in next door, which has caused a great economic hardship for he and his wife.

29
30 Brian Huntington, attorney with Larkin Hoffman, stated that the Commission should have received
31 a letter from his office regarding this project. He stated that he is here on behalf of Mr. Cooley
32 and stated that it is clear that the principal use of this proposal is for residential use. He noted that
33 he would disagree with the staff report when they say there is no density standard in the C-1 zoning
34 district because the City Code says that when the principal use is residential, it is subject to the
35 density standards of the R-3 district. He stated that this proposal is for a multi-family building,
36 but the developer cannot meet the requirements of the zoning and is attempting to use the PUD to
37 get around that requirement. He stated that this is the first time in his career where he has seen a
38 PUD for an individual building, on an individual parcel. He stated that the purpose for a PUD and
39 the intent from the City Code is for a community of buildings which share common features and
40 differences from local zoning. He stated that this is a request for spot zoning which is illegal in
41 Minnesota. He stated as Mr. Cooley has already pointed out, this project is already having a
42 deleterious affect on him, and noted that he would also point out that the third story will cast that
43 residence in a perpetual shadow. He stated that he feels the Planning Commission has a complete
44 and unfettered right to deny this application because the Code is very clear that the developer never
45 had entitlement for a PUD. He stated that they are respectfully requesting that the Commission
46 deny this proposal.

1
2 James. R. Dorsey, 729 Rice Street, stated that his comments are essentially neutral because they
3 are not necessarily in 'love' with what is currently on the subject property, but were subject to a
4 lot of parking issues along Rice Street. He stated that between what would be allowed under the
5 existing zoning ordinance and the proposed project, he and his wife would prefer the proposed
6 PUD project. He stated that he can understand Mr. Cooley's objection because the building will
7 be a wall along his property and noted that even if it was developed as zoned, he believes there
8 would still be a wall along his property.

9
10 Director Goellner stated there were no people that called in to the meeting that have asked to speak
11 at the public hearing.

12
13 There being no additional persons wishing to provide public comment on the application, Vice-
14 Chair Stockton closed the public hearing at 7:21 pm.

15
16 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
17 application.

18
19 Commissioner Schwalbe asked about the comments made that this is an attempt at 'spot zoning'
20 and asked for staff's opinion. She stated that it does appear that putting in one small office in the
21 building in order to be a PUD is a bit of a stretch.

22
23 Community Development Director Goellner referenced a slide within the presentation, and noted
24 that she would like the Commission to focus on whether this PUD meets the criteria for a Planned
25 Unit Development, including whether this PUD is calling for a higher standard of site and building
26 design than would be seen in the current zoning, and if they feel this PUD is intended as a means
27 to vary from the applicable zoning.

28
29 Vice-Chair Stockton asked whether the design standards, with regard to the setback, was limited
30 to Lake Street only.

31
32 Community Development Director Goellner explained that her understanding is that requirement
33 is for the Bluff District and Lake District, but would need to double check if it was required for
34 the Wayzata Boulevard District as well.

35
36 Assistant Planner Quarles noted that they are technically not considering the design deviation
37 tonight because that is noted as a future PUD General Plan request, and the Commission is just
38 being asked to consider the concept level plan.

39
40 Commissioner Sorensen asked if this proposal had all commercial on the first floor whether it
41 would comply with the C-1 zoning and whether this hearing would be necessary.

42
43 Assistant Planner Quarles stated that if the first floor was all commercial, then a public hearing
44 would not be necessary because it would comply with C-1 zoning.

45

1 Commissioner Severson noted that the applicant had mentioned that they could have just applied
2 for a building permit, and asked staff to confirm that this was what they were referring to in that
3 they could have made it all commercial on the first floor, and none of this application would have
4 been necessary.

5
6 Community Development Director Goellner stated that this was correct, and noted that typically
7 when there is an applicant that really struggles to meet zoning restrictions, that is why a PUD
8 comes forward. She stated that it is rare to see an applicant say that they can meet the code
9 requirements with adjustments that would not be major to the building footprint.

10
11 Commissioner Severson asked if the existing building was currently all commercial use, or if it
12 included some residential.

13
14 Community Development Director Goellner stated that there is currently no residential use on the
15 site, and it is fully commercial.

16
17 Commissioner Merriam asked for staff's thoughts on the PUD setback language issue she had
18 mentioned earlier.

19
20 Community Development Director Goellner stated that in the discussion earlier, staff was referring
21 to Chapter 933 Section 2.13 which is about different requirements for setbacks. She stated that
22 there is a note within that saying no building within the project shall be nearer to another building
23 than one-half the sum of the building heights of the two buildings. She stated that in the time she
24 has been with the City, they have always interpreted that provision to mean buildings 'within' the
25 PUD. She stated that there are setback requirements within a zoning district to manage setbacks
26 within properties that are adjacent. She stated that it can be difficult for the city to verify the height
27 of neighboring buildings in a systematic and consistent way because they would typically obtain
28 that information from property owner/architect. She reiterated that staff has always interpreted
29 this language to mean it applies to buildings within the project, and it has not been their practice
30 to measure the setback of buildings on the neighboring properties.

31
32 Commissioner Merriam stated that she is having a difficult time with this proposal because she
33 believes residential use is more appropriate for that location than commercial. She noted it would
34 reduce the amount of parking and the traffic, and would be more complimentary to the setting, but
35 she is having a difficult time with the setback issue. She stated that it is unfortunate that the zoning
36 in C-1 is written the way it is in this location. She stated that she thinks there should be a greater
37 setback off of Rice Street so it is more in line with the houses to the east. She stated that she would
38 like there to be more of a setback on the third floor from Rice Street if this moves forward, and
39 would also like to ask for an increased setback off of Rice Street so it is more in line with the
40 homes.

41
42 Community Development Director Goellner explained that she had not worked through the exact
43 scenario where the City has requested larger setbacks in a PUD, and would like to verify that
44 within City Code.

45

1 Vice-Chair Stockton stated that there is no impervious surface requirement for the project because
2 of how this is zoned, which she feels is odd. She asked under what zoning there would be an
3 impervious surface requirement, and it would be for this lot.
4

5 Assistant Planner Quarles stated that PUD District specifically does not set an impervious surface
6 limit nor does C-1. She stated that in the staff report, she had included R-5 standard as a
7 comparison, which typically has an impervious surface limit of 35%. She stated that would not
8 technically be applicable to this project because of the office, but explained that she had included
9 it for comparison purposes.
10

11 Vice-Chair Stockton stated that she feels the project needs to decide if it is residential or if it is
12 complying, because of the various impositions it makes on the City Code in ways that feel
13 detrimental to residents or the City's intent.
14

15 Commissioner Schwalbe stated that she feels there is a lot to like about this project because she
16 likes how it looks. She stated that the setbacks didn't bother her too much but could see if you
17 were on Rice Street, you may want it moved over a bit. She stated that she likes the architecture
18 and noted that she feels like it looks like it belongs there. She stated that she is concerned about
19 the first floor office space just being something that got put there so the PUD would work.
20

21 Mr. Benson stated that Commissioner Merriam brought up the setback along Rice Street and after
22 speaking with his architect, and as a potential condition, they would be open to exploring pushing
23 the building further north in order to get it further away from Rice Street. He stated that they can
24 also add more office space on the first floor if the City would like, but his goal was to have more
25 green space on the site, and noted that more office space would require more parking. He reiterated
26 that they feel having this parcel as a PUD would be of benefit to the City over its current zoning.
27

28 Vice-Chair Stockton asked if they would also be open to changing the setback on the third floor
29 from Rice Street as mentioned.
30

31 Mr. Benson stated that they can look at it, but asked for consideration of the recess in the front of
32 the building.
33

34 Commissioner Sorensen stated that many of his thoughts are similar to Commissioner Merriam's.
35 He stated that he thinks this is a very thoughtful application and feels the proposal for a more
36 residential nature to the building and how it deals with parking, is an improvement over the C-1
37 requirements. He stated that as they look at the criteria of a PUD, the two things that, to him, are
38 a bit concerning are first, the architectural nature of the building and how it fits in with the
39 surrounding neighborhood. He noted he understands that is subjective, but he would encourage a
40 bit more thought and compatibility with the surrounding neighbors. He stated that the other issue
41 he sees is the setback from Rice Street. He stated that if the applicant was willing to push the
42 building north and increase that distance off of Rice Street, it would be much more appealing. He
43 reiterated that generally they have done a lot of things well with their proposal.
44

45 Commissioner Severson stated that she would echo what has already been said. She stated that it
46 is a nice design and she likes a lot of it, but has similar concerns to what has been raised already.

1 She stated that if this will be mostly residential, she does not feel it really fits in with the other
2 residential properties, primarily along Rice Street. She explained that she was inclined to ask the
3 applicant to come back and make some of the adjustments that have been talked about, and see if
4 those will meet more of what the Commission is thinking.

5
6 Commissioner Merriam reiterated that she would like to see more of a setback along Rice Street,
7 as well as the third level setback. She stated that she would also like to ensure that the east side of
8 the building looks appealing for the neighbors. She stated that she feels having the PUD in order
9 to have residential rather than commercial makes sense.

10
11 Vice-Chair Stockton stated that she feels the project, architecturally, is a nice looking building and
12 does consider the elements of the design standards. She stated that her concern is the same as the
13 rest of the Commission about the setback and impervious areas. She noted that she thinks moving
14 the building, may potentially be part of the solution.

15
16 Mr. Benson confirmed that they are open to a PUD with conditions, including a larger setback off
17 of Rice Street, more in line with the adjacent residential homes to the east. He stated that they
18 may be able to bring the entrance onto Rice Street, like the homes, and could look at the third floor
19 on the Rice Street side to see if it would be pushed back a bit. He reiterated that if the City wants
20 more commercial on the main level, they could also consider that as well. He stated that they would
21 appreciate sticking with the Broadway side third floor elevation, as proposed. He stated that he
22 could modify the building and construct it according to the code, but explained that he would much
23 rather do the project that is being proposed.

24
25 Community Development Director Goellner reviewed the options available to the Commission in
26 making a recommendation on the Application, including approving the PUD with conditions
27 related to the front yard setback along Rice Street, entrance off of Rice Street, and more
28 commercial space. She explained that approval recommendation could be given with conditions,
29 but noted that there is a tipping point where the conditions ultimately show you a very different
30 site plan than what is currently seen. She explained that sometimes recommended changes are so
31 small that everyone can just imagine them, however sometimes they are more significant than that.
32 She stated that she is starting to see some gray areas in some of the possible conditions, for
33 example, the front yard setback since the R-3 setback is 20 feet, but many of the homes exceed
34 that, so having the setback be more 'in line' with the homes on Rice Street is a bit unclear. She
35 stated that the amount of commercial space is also a gray area because she is not sure that the
36 Commission can envision that without seeing a new site plan. She stated that when that is the
37 case, she would recommend a denial recommendation so the applicant can return with a new
38 application after a new neighborhood meeting, hold a new public hearing all with the new site
39 plans.

40
41 City Attorney Schelzel stated that this is a PUD application, which is a two stage approval process,
42 and noted that this is at the first concept plan stage. He explained that if the Commission
43 recommended approval with conditions, the applicants will have to come back with a more fleshed
44 out plan at the general plan stage. He also noted that there is nothing binding about approval of a
45 PUD concept plan, but noted that Community Development Director Goellner's point is well

1 taken, that if the conditions are so significant that a new plan is needed, then it is easier for all
2 concerned to recommend denial.

3
4 Commissioner Merriam asked if the other Commissioners were thinking that there needed to be a
5 larger percentage of office space, and asked why the City would want to see more office space in
6 this building. She stated that in her mind, that would just create more traffic, and she wasn't sure
7 that was what the City really wanted.

8
9 Commissioner Severson stated that this parcel is zoned C-1, but agrees that it would create more
10 traffic. She explained that she is wrestling with this because if it is zoned C-1, it should have more
11 commercial space, but acknowledged that will create more traffic, more parking, and less green
12 space.

13
14 Commissioner Merriam noted that this is where she feels the PUD comes into this, because it gives
15 them more flexibility to not have all the office space. She stated that she thinks it would be
16 acceptable to not add any additional office space to the project.

17
18 Vice-Chair Stockton stated that if it has the entrance off of Rice Street, it would also be more
19 consistent with the residential access points.

20
21 Commissioner Schwalbe asked about the separate application that Community Development
22 Director Goellner had mentioned that could come forward in the future.

23
24 Community Development Director Goellner stated that it could be a more detailed version of what
25 they are seeing today, or it could be a completely different application. She stated that this property
26 is zoned for Mixed Use, and is zoned for commercial use on the first floor in the long-term with
27 residential above. She stated that she believes the origin of this zoning is that Broadway is meant
28 to have a commercial look and feel south of Wayzata Boulevard to support the commerce that
29 exists on Lake Street and Wayzata Boulevard.

30
31 Commissioner Schwalbe asked if 330 square feet of office space on the first floor met the City's
32 requirements.

33
34 Community Development Director Goellner stated that it did not meet the current zoning because
35 the City requires commercial on the entire ground floor, with residential above.

36
37 Commissioner Sorensen stated that it appears as though the conditions that have been discussed
38 are relatively minor, but agrees that they may be a bit vague. He stated that the applicant seems
39 willing to compromise on some of the issues that have been raised. He stated that he is not
40 uncomfortable with the amount of commercial space for this building, and thinks the setbacks
41 along Broadway are better than they are now, rather than making them all 10 feet.

42
43 Mr. Whitten stated that they did a sketch of how the building could shift back from the setback on
44 Rice Street, but had not submitted it. He noted that they have that sketch with them if that would
45 help the Commission understand what that would look like.

46

1 Vice-Chair Stockton thanked Mr. Whitten for offering, but explained that the material needed to
2 be submitted prior to the meeting.

3
4 Commissioner Sorensen stated that he thinks they are very close, and does not want the
5 Commission to ‘throw away the baby along with the bath water’.

6
7 Vice-Chair Stockton stated that overall, she feels the proposal has a lot of positives but lacks some
8 clarity.

9
10 There being no further discussion, Vice-Chair Stockton asked for a motion on the application.

11
12 Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to direct staff to
13 prepare a draft Planning Commission Report and Recommendation with appropriate findings
14 reflecting a recommendation of denial of the Planned Unit Development Concept Plan at 150
15 Broadway Avenue South for review and adoption at the next Planning Commission meeting.

16
17 Director Goellner completed a roll call vote on the motion. The motion carried 4-1 (Merriam
18 opposed).

19
20 Commissioner Merriam stated that she voted in opposition to the motion because she sees
21 residential as more appropriate in that location, and because the building could be exactly the same
22 and not require any approvals, and she does not think that is what the neighbors are looking for
23 either.

24 25 **b) Development Application for 1022 Wayzata Boulevard East**

26
27 Consultant Planner Eric Zweber introduced the application for 1022 Wayzata Boulevard East, that
28 would involve demolishing the existing building and constructing a new two tenant commercial
29 building to be occupied by Caribou Cabin and Urban Wok. He stated that the applicant is
30 requesting a lot combination, a Comprehensive Plan amendment, a zoning map amendment, and
31 a Conditional Use Permit for the project. He reviewed the surrounding neighborhood zoning, and
32 noted that this request involves two parcels, one of which is zoned C-3 and the other R-3A. He
33 reviewed the land use guidance from the Comprehensive Plan, and noted that one of the parcels is
34 guided for Mixed Use Commercial-Residential and the other Central Core Residential. He
35 reviewed an aerial photo of the lots with the existing structure and the failing retaining wall, and
36 reviewed the existing conditions on the two parcels. He stated that the southern parcel is
37 considered a non-conforming lot because of its size. He reviewed the proposed site plan and
38 building renderings, and explained that the proposed project would be accessed from the
39 Huntington Avenue right-of-way. He gave details surrounding the lot combination and explained
40 that both parcels are under common ownership. He noted that a combination would eliminate the
41 non-conforming southern parcel and would meet the standards of the C-3 district. He reviewed
42 the details surrounding the Comprehensive Plan amendment and goals, the zoning map
43 amendment, parking plan, access and circulation plans, drive-thru stacking plans, and the potential
44 noise from noise and operation. He gave an overview of the design, landscape, fencing, and tree
45 preservation plans, and noted that no deviations have been requested. He noted that the applicant
46 is planning on installing a new retaining wall to replace the failing retaining wall that is on the

1 southern parcel. He noted that there was a neighborhood meeting held on March 3, 2022 with 10
2 neighbors in attendance. He explained that there were also two letters included in the packet, as
3 well as two others that were provided to the Commission today, and gave a brief overview of some
4 of the concerns and questions raised by residents in those letters and at the meeting. He reviewed
5 the key questions for the Commission to consider in reviewing this application.

6
7 At the conclusion of Mr. Zweber's presentation, Vice-Chair Stockton asked if the Commission
8 had any questions for Staff.

9
10 Commissioner Schwalbe asked if the applicant was the current owner of the southern parcel.

11
12 Planning Consultant Zweber confirmed that the applicant currently owns both parcels that are part
13 of the application.

14
15 Commissioner Schwalbe stated that there is a wooden fence that is currently in place on the
16 southern lot, and asked if that would be replaced as well as a stone fence installed.

17
18 Planning Consultant Zweber explained that it was actually a retaining wall, and the failing wall
19 would be replaced with a stone retaining wall and then a 6 foot opaque fence would be installed
20 on top of the wall.

21
22 Commissioner Schwalbe asked how far this will go.

23
24 Planning Consultant Zweber stated that the distance between the nearby driveway and the retaining
25 wall may be less than 20 feet because according to the survey provided by the applicant, the
26 driveway to the south encroaches on the southern parcel. He stated that it is about 20 feet from
27 the retaining wall to the property line of the house to the south.

28
29 Commissioner Merriam asked about Lot 2 and its history. She stated that both parcels are owned
30 by the same entity but are two completely different zoning designations, and asked how that came
31 about.

32
33 Planning Consultant Zweber gave a brief overview of the history of the area and the conditions in
34 the area.

35
36 Commissioner Merriam stated that the southern parcel seems to provide a nice buffer between the
37 commercial property and the residential property. She asked if the parcel would remain in its
38 current state because it is unbuildable, if the City did not allow the lot combination.

39
40 Planning Consultant Zweber stated that the City Code does not call that lot 'unbuildable' because
41 it is a lot of record, so it is possible the City would receive a request to develop that property with
42 its current Comprehensive Plan land guidance and zoning in the future.

43
44 Commissioner Severson stated that it appears as though you cannot take a left hand turn out of this
45 property, and asked what would happen if people are leaving and want to go west on Wayzata
46 Boulevard.

1
2 Planning Consultant Zweber stated that the traffic pattern would be the same as it is today.

3
4 Commissioner Severson stated that she thought you could take a left out of there when it was a gas
5 station, and noted that traffic from an Urban Wok and Caribou will be more traffic than they have
6 seen since the new road was constructed. She asked if there were any concerns about U-turns at
7 Wayzata Boulevard and 101, or if the dry cleaner had concerns about traffic.

8
9 Planning Consultant Zweber stated that the applicant has provided a traffic study that shows the
10 traffic that would be generated, and it is all considered 'passing'. He stated that the City Engineer
11 and traffic consultant have reviewed the study, and agreed with the conclusion that all the access
12 movements would continue to 'pass'.

13
14 Commissioner Severson asked if there had been complaints from neighbors around parking or
15 traffic issues for other areas in the City where commercial abuts residential, such as near Walgreens
16 or McDonalds.

17
18 Planning Consultant Zweber stated that the City has heard some concerns and at the time of
19 approval of that project, the applicant tried to mitigate those concerns with design features. He
20 stated that similar to tonight's request, staff is asking the Commission to determine if the applicant
21 has provided the appropriate design and mitigation because it is located adjacent to a residential
22 neighborhood.

23
24 Vice-Chair Stockton stated that walkability and connectivity are primary goals of the City, and
25 asked to what extent pedestrian 'traffic' had been considered in this very dense area.

26
27 Planning Consultant Zweber noted that the applicant will remove the existing 5 foot sidewalk and
28 install a 7 foot sidewalk. He also noted the applicant has included a bike rack in their plans, and
29 that there will be sidewalks on three sides of the proposed building. He stated that there is currently
30 a staircase between the cul-de-sac for Huntington Avenue to the south and the Huntington Avenue
31 right-of-way, which provides a pedestrian connection. He stated that the vehicular traffic on
32 Huntington Avenue has been separated, but the pedestrian connection is still maintained through
33 the staircase.

34
35 Community Development Director Goellner noted that walkability is important to the City's vision
36 for Wayzata Boulevard and the City at large. She stated that was one of the first discussions staff
37 had with the applicant when they mentioned having a coffee business that is solely for vehicle
38 traffic, due to the fact that serving people in vehicles does not necessarily seem consistent with a
39 walkable type business. She stated that there will be a pedestrian pick-up window offered with
40 this business on the back side of the building.

41
42 There being no further questions for staff, Vice-Chair Stockton invited the applicant to address the
43 commission.

44
45 Applicant's representative, Farhad Akim, 1022 Wayzata Boulevard, explained that he is one of the
46 owners of this property. He noted that when they bought the two properties they had noticed the

1 two different zonings, and had originally thought about attempting to put a residence on the
2 southern parcel. He stated that since he lives in the neighborhood, they had also thought about
3 putting in condominiums, but after speaking with the neighbors they changed their plans. He
4 stated that they found out about the medical building going in nearby and changed their plans to
5 an office building, which then created concerns about it being intrusive. He stated that when they
6 went back to the drawing board this time, they came up with the concept in front of the
7 Commission tonight with Caribou and Urban Wok.

8
9 Applicant's designer, Corey Englund, Reprise Design, reviewed some of the technical aspects of
10 their design. He stated that the Caribou Cabin is a unique concept, and noted that while it is
11 considered a drive-thru only concept, it does have a walk-up window that will be in the shared
12 corridor between the tenants. He stated that the concept is focused on speed and fast service, so
13 the menu is limited to the quick serve type items. He explained that the turn around time for this
14 concept is one minute faster than a traditional drive-thru operation. He stated that he believes their
15 stacking plans are more than sufficient, and feels that the traffic study supports this conclusion.
16 He noted that Caribou's peak hours will be in the morning and Urban Wok's will be opposite, with
17 the peak hours at dinner time, so the traffic demands will not be overlapping. He noted that Urban
18 Wok focuses on fresh ingredients that are delivered daily, which means they utilize small vans,
19 called Pronto service, for their deliveries. He reviewed some of their traffic impact information
20 and noted that their proposal will obviously create more traffic than an empty, abandoned building,
21 but the number of daily trips between their proposal and an operating gas station will be
22 considerably less. He showed a picture of the proposed Trex fencing, and explained that it is has
23 a shiplap style that will eliminate the possibility of headlights shining through the fence and will
24 also substantially mitigate the noise from the cars. He stated that because of the grade in the area,
25 people will not be able to see the drive-thru operations from their homes.

26
27 Commissioner Sorensen asked how long the current property owners have owned these parcels.

28
29 Mr. Akim stated that they have owned them for a little over two years.

30
31 Applicant's potential tenant representative, Paul Guidera, of Caribou Coffee, stated that he
32 currently lives in Plymouth, but lived in Wayzata for 20 years and considers it his hometown. He
33 stated that this would be the third Caribou location in the City, and views it as very complimentary
34 to the other two locations with the benefit of the first Caribou with a drive-thru. He noted that they
35 had opened their first Cabin business in December of 2019 and since then have opened 30 more.
36 He explained that their average drive through time is 2 minutes and 20 seconds, which is the
37 equivalent of two cars going through this drive-thru in the time one car goes through a traditional
38 drive-thru. He stated that the walk-up window provides service to the order ahead customers,
39 which is about 25% of their business in the cabin locations. He explained that generally about
40 45% of their business occurs between 5:00 a.m. and 9:00 a.m. which he feels is very
41 complimentary with the Urban Wok concept, but the trend has moved towards more iced beverages
42 which has helped them increase their business in the afternoons, so there may be a bit of overlap
43 with Urban Wok because of that trend.

44
45 Commissioner Severson asked about the time to serve the walk-up traffic customers, as well as
46 signage for them to know where to come.

1
2 Mr. Guidera stated that with the cabins, the drive-thru and walk-up windows are on opposite sides
3 of the building and the way this building happens to layout means the walk-up window is in the
4 back. He stated that this is unique, so they will have to figure out what that means for signage.
5 He stated that service times for walk-ups are generally fast, however one of the issues they have
6 run into with order ahead customers is they do not have a way to determine when they will arrive.
7 He stated that for most walk-up customers the service will be in the 2-2.5 minutes time frame.
8

9 There being no additional questions from the Commission for the applicant, Vice-Chair Stockton
10 opened the public hearing on the application at 8:55 pm.
11

12 Glen Schumann, attorney, Moss and Barnett, stated that he was here on behalf of Radiation
13 Protection Products, Inc. who owns the building to the immediate west of this parcel. He suggested
14 that this is a unique property, and noted that he had submitted a letter to the City today that had an
15 attached drawing, and asked that they reference that while he shares some information. He stated
16 that Huntington Avenue has been converted to space that is largely used by his client because it
17 has parking spaces and driving patterns within it. He noted that his client has been paying for the
18 maintenance of this area and through an agreement with the City, it has been developed into a
19 parking area. He reviewed the current and future traffic patterns and parking in this area. He noted
20 that the peak times for Caribou will overlap with the peak times of their tenant, Edina Realty, and
21 feels it will be difficult for pedestrians and vehicles to cross this area safely during peak times. He
22 stated that this area is very tight, and noted that he feels the R-1 parcel does not add anything
23 because there is a steep slope and it is substandard. He stated that they have concerns about
24 deliveries, and are not sure if Caribou and Urban Wok have control over the vehicles used for
25 vendor deliveries. He stated that they feel there are a combination of factors that will change the
26 safety and use of his client's parcel by running this much traffic in this many different directions
27 through the same portal. He stated that this is not the only possible use for this property, and there
28 are a lot of things required in order to make it work, including revision of the Comprehensive Plan,
29 zoning, lot combination, and a CUP. He stated that all of the vehicles will be pushed to the
30 periphery of this property, and right next to the adjacent properties. He stated that there are other
31 uses that would immediately conform to the zoning and plans, and would ask that the Commission
32 recommend denial of the application in order for there to be a more appropriate fit for this site.
33

34 Gordy Straka, 130 Huntington Avenue, distributed a hand out to the Commission and explained
35 that that he would like to point out a few things that were presented to the Commission that he
36 feels were incorrect. He stated that Huntington Avenue was not always a cul-de-sac, and gave an
37 overview of the history of the towing business at the former gas station. He stated that the
38 neighborhood worked for about two years and finally got the City Council to agree to close off
39 Huntington Avenue. He stated that the neighborhood was assessed for putting the cul-de-sac and
40 new fire hydrant in. He stated that when the building that Edina Realty is located in was built,
41 they wanted the whole cul-de-sac moved to the south because they wanted more room and the City
42 said no. He stated that they also said when they were building the cul-de-sac, that the neighborhood
43 wanted a stairway which did happen and is still there. The 35 feet wide residential property was
44 originally part of his property before he lived there and believes it was taken off around 1948 when
45 the Pickett family lived there. He explained that property was deeded off at that time to the dry
46 cleaners because he was planning on bringing a driveway in from Huntington. He noted that he

1 used to work at the gas station and noted that there used to be a tuck under garage at the gas station
2 before it was filled in. He noted that he has lived in his home for 52 years and the southern parcel
3 has been residential the entire time which is how they want it to be kept because it is a buffer
4 between them and a commercial property. He stated that they are completely against the lot
5 combination and a zoning change. He stated that he would also like object to a CUP for a drive-
6 thru.

7
8 Vice-Chair Stockton reminded Mr. Straka that they were trying to keep comments to around three
9 minutes, and asked him to wrap up his comments.

10
11 Mr. Straka presented Vice-Chair Stockton with a note from another neighbor, and Community
12 Development Director Goellner suggested that the best thing may be for staff to scan the note and
13 include it in the public record.

14
15 Mr. Straka stated that, Mr. Akim, the property owner, has a Wayzata mailing address, but does
16 not live in Wayzata, and he asked the Commission to listen to the concerns of the people who
17 actually live in the City regarding noise and the drive-thru speaker. He stated that the note he
18 passed along was from Marty Johnson at 117 Central who was at the meeting earlier but had to
19 leave.

20
21 Tom Kraus, 137 Huntington Avenue, noted that one of the goals in the Comprehensive Plan that
22 was mentioned by Planning Consultant Zweber was to protect property values through consistent
23 relationships of land use and the need to enforce transitional uses or buffers between incompatible
24 uses. He urged the Commission to consider the impact on the neighborhood because the drive-
25 thru will be between 50-100 feet from a number of people's backyards and with the menu board
26 and microphone, he assumes that at 5:00 a.m. everyone that lives there will know and hear every
27 order that comes through. He noted that he had sent in a Power Point presentation with a few
28 pictures for the Commission to consider. He stated that the applicant seems very proud of the fact
29 that they can stack 17 cars in the drive-thru even though it is 50 feet from someone's home. He
30 stated that the neighbors are not very excited about this beginning at 5:00 or 6:00 a.m., and noted
31 that they are also concerned about the potential smells from cooking at the Urban Wok. He urged
32 the Commission to protect the adjoining neighborhood from traffic, pollution, drive-up customer
33 noise, light pollution from parking lot lights, and to keep the residential buffer. He stated that he
34 agreed with the statement made by one of the other neighbors tonight that there are better uses for
35 this land and would ask that the Commission recommend denial of this application.

36
37 Nancy Sloan, 144 Huntington Avenue S, stated that she feels this proposal will cause an adverse
38 impact on their lovely neighborhood because of the noise of the cars idling, radios, noise of the
39 speaker, and the lights. She stated that she is a Caribou fan, but she can already walk to the one at
40 Lund's or the one Downtown. She stated that discussing walkability on the Huntington right-of-
41 way does not make sense because it is a parking lot and is not a safe place to be walking. She
42 explained that her biggest concern is the volume of traffic that will be increased and noted that in
43 the morning there are school buses out there stopping traffic and now there will be 17 or more cars
44 coming through the drive-thru which will just increase the traffic and potential safety issues. She
45 stated that she is concerned for the kids standing there, that you can only make a right turn to get
46 out of there, and feels this tiny lot will just create a traffic nightmare. She stated that she thinks

1 the residential buffer absolutely needs to be preserved. She stated that when the gas station was
2 in operation, there may have been eight cars at a time there and this proposal talks about 17 cars
3 plus the parking spots. She stated that she would question the slide that was presented that stated
4 that the traffic would be improved from what it was with the gas station. She stated that there has
5 to be another business that doesn't include a drive-thru, and noted that she thinks that a drive-thru
6 is the worst concept that could be put in this spot and does not want to bring more traffic into an
7 already congested area.

8
9 Teresa Fisher, 127 Central Avenue S, stated that the slope is more substantial than can be seen in
10 any of the renderings. She stated that the wall that was put up a short time ago does nothing to
11 block her residential experience from the commercial area, and that is with a quiet building that
12 has had nothing going on since about 2008. She stated that she empathizes with the property
13 owners and wants them to be able to develop their property, but asked them to see this from her
14 side of the fence. She stated that they did not come to her door and see her back deck and her view
15 of the Edina Realty lights, which are already annoying and intrusive and make it look like she lives
16 in a commercial zone. She stated that she cannot imagine having lights coming through her
17 backyard at all hours of the morning, especially because she is not a morning person. She asked
18 the applicant and the Commission to imagine car lights going through their backyards for hours
19 every day, and understand the impact that would have on the neighborhood and consider doing
20 something else.

21
22 Bruno Silikowski, 173 Huntington Avenue, stated that he is against this proposal, but is not against
23 repurposing the site because he thinks that makes a lot of sense. He noted that he and his wife did
24 some research along with some of the neighbors and found that the Council, last year, reconfirmed
25 that the 4,000 square feet of land should remain as residential. He stated that this makes sense
26 because it is a buffer from the commercial side. He stated that where he lives, the street comes up
27 so from his front step, he is literally looking at the cars on Wayzata Boulevard. He stated that he
28 understands the applicants are trying to protect the neighbors from light pollution, but he feels they
29 will see everything and doesn't feel the fence will do anything. He stated that one thing that
30 nobody has talked about yet is carbon monoxide which is heavier than air. He stated that many of
31 the neighbors in the area will be the recipient of all that carbon monoxide dropping down from
32 cars idling waiting in the drive-thru lane. He stated that traffic congestion has been talked about
33 quite a bit and noted that he realizes the City has tried to improve that intersection, but it is slowed
34 there more than it was before and this project will not help. He stated that the biggest thing in his
35 mind is the unfairness of the property value impact for those who live very close by when they try
36 to sell their property. He stated that having said all of this, he wants to make it clear that he wishes
37 the applicants well, and hopes they find a way to repurpose the lot to something more appropriate
38 and less impactful to the neighborhood. He stated that perhaps it is something as simple as moving
39 forward with Urban Wok but not the Caribou Coffee shop.

40
41 Bob Fisher, 127 Central Avenue S, stated that their home faces east toward the senior apartment
42 building, and explained that the traffic gets stuck on the hill all winter long. He stated that because
43 there is only one way people are supposed to get into this lot, he thinks people will be cutting
44 through, come north on Central Avenue and then turning left by the dry cleaners. He stated that
45 he also knows that there will be a lot of people that have not had their caffeine waiting in line, and
46 expects horns honking if things don't move as quickly as they would like, which is another noise

1 pollution issue that the neighbors will have to put up with. He stated that he would also like to see
2 something happen on this property, but does not think this proposal is a wise and proper use for
3 the land. He stated that he feels this use would also decrease property values in his area and
4 reiterated that he would like to see something else happen in this location.

5
6 Charles Gustafson, 109 Central Avenue S, stated that his backyard is very near this project and the
7 menu board and audio speaker will basically be in his backyard on his patio. He stated that he can
8 see above the fence, and with his two story house will be looking down into that property and
9 lights will be shining into their bedrooms. He stated that the truck that comes through to pick up
10 the garbage wakes them up at 6:00 a.m., but if a business is opening at 5:00 a.m. and there are
11 vehicles including motorcycles and big trucks or anybody playing music coming through, they
12 will also hear them because they will be within 50 feet of their deck. He stated that they are very
13 concerned about the noise. He explained that the retaining wall was built about three or Four years
14 ago and did not follow code and fell down shortly after there was a rainfall. He noted that they
15 had rebuilt it the following year but about two weeks later, it fell down again. He stated that he
16 would like to see an engineering study to be done in the area if they consider any kind of retaining
17 wall. He stated that regardless of what is done on this parcel, he would like to see something done
18 about the retaining wall, and noted that water mitigation is another issue that concerns him. He
19 explained that what is currently happening is washing his property away and noted that he feels
20 there may be some serious environmental pollution control issues with the run off from the oil and
21 past gas station use. He stated that he is a huge fan of Caribou Coffee, but as mentioned earlier,
22 they can already walk to the nearby Caribou locations. He stated that he thinks there could be some
23 other use for this parcel that is less invasive for the neighborhood. He suggested that they consider
24 something more like a park that would be socially available for people to stop and gather.

25
26 Dexter Andrews, 161 Huntington Avenue, stated that he has been in this neighborhood for 43 years
27 and feels it is a gem. He stated that it is one of the few that is left, and noted that his home is 115
28 years old. He stated that he feels this area needs to be preserved, and that they shouldn't encroach
29 more on the properties. He stated that he has liked one thing that has happened with the pandemic
30 because people are getting out and walking around more. He stated that there has been a lot of
31 foot traffic on Huntington with dogs and kids, and he worries what would happen if it gets crowded
32 from this proposal.

33
34 Greg Boeder, 123 Benton Avenue, stated that he can see the gas station from his driveway and has
35 been looking at that eyesore for 26 years. He stated that anything to get rid of the gas station would
36 be great. He stated that he understands that there are concerns about more traffic and lights, but
37 he feels that is what Wayzata is. He stated that he lives next to the Legion, and he gets noise
38 sometimes at 2:00 a.m. He stated he loves the City and doesn't buy into the concern that one more
39 place is going to add more lights, traffic and noise, because there is already traffic all the time, and
40 did not think one additional place is would make a difference. He reiterated that he supports doing
41 something to this lot in order to make it not an eyesore that gives people a stopping point between
42 Lund's and Downtown. He stated that he is agnostic about the issue of the drive-thru, but does
43 support the project.

44
45 Community Director Goellner stated there was one person that called in to the meeting that has
46 asked to speak at the public hearing.

1
2 Steve Storrie, 138 Huntington Avenue S, stated that he is out of town for business and expressed
3 his appreciation that technology has allowed him to participate. He stated that he has lived in this
4 location since 2014, and feels it is a wonderful neighborhood with wonderful neighbors. He stated
5 that he would like to see a perspective from 130 Huntington Avenue which is the parcel just south
6 of the subject property. He stated that he feels the difference in elevations makes this project
7 problematic. He stated that his house has a similar design with a walk out basement, 3-stories with
8 a screened in porch on the second story and they would look down on the vehicles from there. He
9 stated that the statement made that they would not be able to see the drive-thru is not accurate. He
10 invited the Commission members to come to his home and take a look at what their view is from
11 their house. He stated that he agrees that there are better uses for this property and feels everyone
12 would agree that they would like to see something happen. He noted that the plans for a zipper
13 merge are not going to go well with 17 non-caffeinated people before they can place their order
14 for coffee. He stated that he thinks the right business could fit on the commercially zoned lot just
15 fine, and noted that this proposal seems like a stretch and will add more congestion and chaos to
16 an already busy area. He asked the Commission to consider the neighbors due south of the
17 mountain and think of their future property values if this were to move forward, as proposed.
18

19 There being no one wishing to provide additional public comments on the application, Vice-Chair
20 Stockton closed the public hearing at 9:37pm.
21

22 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
23 application.
24

25 Commissioner Schwalbe asked if the comment made by one of the residents was accurate that the
26 Council, one year ago, made a determination that they wanted the southern parcel to remain as
27 residential.
28

29 Community Development Director Goellner explained that was related to how the property was
30 qualifying for its taxing classification. She stated that there was an error made on a zoning map
31 that showed the property as commercial. She stated that the City Assessor took that information
32 and thought the property had been rezoned as commercial, and so assessed it as commercial. The
33 error was caught and brought to the Council's attention so it could be corrected back to a residential
34 parcel. She stated that it is guided and zoned for residential use and is taxed that way. She stated
35 that the Council was just acknowledging that was an error made on a map at some point which
36 was corrected. She stated that it was not really a statement about how to develop the lot and was
37 just about its tax classification at the time.
38

39 Commissioner Schwalbe stated that she has spent a lot of time looking at the picture of the gas
40 station, and noted that it appears as though there is a car wash to one side and a repair area to the
41 other, which had to have been very noisy when they were in operation. She stated that she has
42 been in a lot of coffee car lines, and they have always been very quiet and respectful and has not
43 heard a lot of loud noise. She stated that she doesn't think the noise thing will be a big issue and
44 noted that many times she, in her car, has trouble hearing the person speaking to her through the
45 drive-thru so she questioned how far that sound could really travel.
46

1 Commissioner Sorensen stated that he is glad to see so many from the community engaged and
2 sharing their concerns about this situation. He stated that most of the concerns are centered around
3 the drive-thru nature of this proposal, and the effect on the neighborhood. He stated that the
4 Commission's job is to look at the criteria, and review the details of the proposal for consideration.
5 He stated that he would agree that the performance standards discussed, including traffic, is an
6 issue that will have a detrimental effect on the neighborhood. He stated that he thinks noise will
7 likely also be an issue. He stated that the proposed fence is composite and is not designed as a
8 sound barrier fence, and the neighbors above that elevation will definitely hear some noise. He
9 stated that the proposed plans indicated that trees would not be removed, but noted that some of
10 the trees are extremely close to the retaining wall and feels that will be very challenging when the
11 new wall is built. He stated that the bigger issue may be that by combining these lots there is now
12 a situation where the drive-thru is even closer to the Huntington property than if the lots were not
13 combined. He stated that, to him, it feels like there are too many issues and concerns to ignore.
14

15 Commissioner Severson asked if the current existing fence would be moved further back.
16

17 Planning Consultant Zweber referenced page 110 of the packet which shows the existing
18 condition, and agreed that it was generally how Commissioner Sorensen described it. He stated
19 that the curb line of the existing parking area is on the property line and the surface of where the
20 cars could go is on the northern parcel. He stated that the proposed drive-thru lane would straddle
21 the property line, and some cars could then come onto the southern parcel if they were combined,
22 so the surface area is expanding.
23

24 Community Development Director Goellner clarified that the rear yard setback for the commercial
25 property is 50 feet, so combining the parcel just allows the setback to be 50 feet but would be
26 further south.
27

28 Vice-Chair Stockton explained that when she thinks about the Comprehensive Plan and better
29 connections between the residential neighborhoods, she thinks about it for driving and with foot
30 traffic. She stated that this location is in between two traffic lights, is on a one-way street, with a
31 bus stop and is the main thoroughfare, so using plain logic, it would seem that turning into this
32 parking lot at whatever pace, would add congestion to the road and form a stopping area right in
33 the middle of town. She stated that she does not think the drive-thru aspect lends itself to
34 connectivity from a foot traffic point of view, because she thinks the goal is to connect the upper
35 part of the City to the lower part. She stated that she also did not find walking in front of the drive-
36 thru very safe at the Starbucks and while this is different, it is also a very focused part of town.
37 She does not see this helping the City achieve that goal, and sees it more like a cork right in the
38 middle of the town. She stated that the proposal is for a lot to happen with the restaurant and drive-
39 thru in a high impact area, and she would be concerned for both pedestrians and drivers with this
40 proposal. She stated that she was almost in a head on collision with a truck going the wrong way
41 on Superior Boulevard, so she knows that intersection is already a bit confusing.
42

43 Commissioner Merriam stated that once this lot is combined, it is forever one lot with its own
44 zoning as commercial and then the buffer would be lost. She asked if there would be a way to do
45 the lot combination but still provide that lot as a buffer area and not have it be used for the project.
46 She stated that a big concern is that the drive-thru lane would go onto that parcel. She stated that

1 it seems like it could really create issues related to drainage, and just brings it closer to the
2 neighborhood and creates the noise nuisance that has been discussed. She stated that she agrees
3 with Commissioner Schwalbe that drive-thru coffee lanes are not generally all that loud, but they
4 could be. She reiterated her question on whether that lot could still be used as a buffer if they were
5 combined.

6
7 Community Development Director Goellner explained that the way that would typically happen
8 would be with an easement that would be at the applicant's discretion and accepted by the City as
9 part of the platting process. She clarified that there could be a no-build easement on the southern
10 portion, but that would be something they would need to discuss with the applicant.

11
12 Commissioner Schwalbe stated that when she first saw this proposal, she thought the neighbors
13 were going to love it because they could just walk up every morning and get a cup of coffee. She
14 stated that she is a bit surprised, but they are a cohesive group and seem to be totally in agreement
15 about the negative effect this proposal could have on their neighborhood. She stated that she is
16 bothered by traffic coming in on the Huntington area, and agreed it does seem tight. She stated
17 that she does have concerns, but would like to see the owner have another go at it and perhaps
18 come up with another idea that would address some of the concerns raised by the neighbors and
19 she could support.

20
21 Commissioner Severson explained that for her, there are two separate issues to consider. She
22 explained that she is more in favor of the request to combine the parcels, because having a piece
23 of property means that you should be able to do something with it. She stated that if this is an
24 unbuildable parcel from a residential standpoint, the question is how can it be made useable for
25 the property owner. She stated that she does have concerns about what the property owner is
26 proposing for this parcel. She stated that she shares Vice-Chair Stockton's concern about
27 pedestrian safety, and noted that you cannot walk any farther easy because there is no sidewalk to
28 get you across Central Avenue. She gave the example that if you wanted to take your coffee down
29 to Heritage Park, there is not a great way to do that. She stated that she also has concerns about
30 the traffic, and imagines that the traffic will go through the parking lot in front of the dry cleaners.
31 She stated that their proposal, at first blush, sounded like a great idea until you start digging into
32 more of the details, because there are concerns for walkability and traffic. She reiterated that she
33 does not dislike the idea of combining the two pieces of property and giving the owner the ability
34 to fully develop it, but does not feel this is the proper concept.

35
36 Commissioner Merriam reviewed the criteria that should be considered with this request and noted
37 that for her, looking at it from those perspectives, she would not be in support of this application.

38
39 Commissioner Schwalbe stated that she would agree that the lots should be combined in order for
40 the property owner to come up with a suitable, agreeable project that can be built.

41
42 Commissioner Sorensen stated that southern lot has existed as a buffer for a long time, and he feels
43 combining them would have a potential adverse effect on the neighborhood. He stated that he
44 thinks the concept of this project is great but if they went farther east on Wayzata Boulevard near
45 Bushaway Road, they would avoid many of the drive-thru issues. He stated that he thinks the

1 concerns being raised have nothing to do with the concept because he thinks that is attractive but
2 in this location, is a challenge.

3
4 Vice-Chair Stockton stated that she would agree that this is an attractive concept, but the location
5 and the challenges associated with that seem to outweigh the benefits.

6
7 Commissioner Merriam stated that she also feels it is an attractive concept.

8
9 There being no further discussion, Vice-Chair Stockton asked for a motion on the application.

10
11 Commissioner Sorensen made a motion, seconded by Commissioner Severson, to direct staff to
12 prepare a draft Planning Commission Report and Recommendation with appropriate findings
13 reflecting a recommendation of denial of the Development Application for 1022 Wayzata
14 Boulevard East application for review and adoption at the next Planning Commission meeting.

15
16 Community Development Director Goellner completed a roll call vote on the motion. The motion
17 carried unanimously.

18
19 Vice-Chair Stockton recessed the meeting at 10:03 p.m. and reconvened at 10:08 p.m.

20
21 **c) Consider Zoning Ordinance Text Amendments to Definitions, Single-Family**
22 **Detached Uses, Off-Street Parking Restrictions and Shoreland Overlay District**
23 **Sections**

24
25 Planning Consultant Zweber stated that this application is separate and distinct from the residential
26 and commercial zoning text amendments that the Commission has been discussing over the last
27 few months. He stated that these amendments are things that staff has identified in the code that
28 are either not compliant with state statutes, or puts limitations on the way people use their property
29 that they did not believe was the intent of the code. He reviewed the proposed amendments to
30 Chapters 902, 917, 920, and 991 and answered questions from Commission. He stated that the key
31 question for the Commission to consider is whether the amendments are consistent with the
32 Comprehensive Plan. He noted that because staff would like to move this process along, it has
33 prepared a draft Report and Recommendation with appropriate findings, and a draft Amending
34 Ordinance, if the Commission is comfortable approving it to send to the Council at their next
35 meeting.

36
37 Commissioner Schwalbe stated that she is a bit concerned with the language on what you can park
38 in your garage. She gave the example of having a Mary Kay car or a catering van.

39
40 Planning Consultant Zweber noted that the Mary Kay car could be parked in the driveway or the
41 garage, and for the catering van, it would come down to its size and if it would be big enough that
42 the state would require it to be licensed as a commercial vehicle.

43
44 Community Development Director Goellner noted that they would also respond on a complaint
45 basis and would look at the impact in each case.

46

1 City Attorney Schelzel clarified that the only thing that would change in the definition of garage
2 under the proposed amendments has to do with how garages are used. He stated that the language
3 changes address the fact people may store other things in their garage besides vehicles, and the
4 amendments have changed the references to just passenger vehicles of a certain weight, and
5 recognize that a garage is also for storage for the families that have the garage, and their vehicles.
6

7 Commissioner Merriam asked about a situation where people would put junk in their garage and
8 not close the door.
9

10 Community Development Director Goellner stated that it would be unlikely that the City would
11 do something in that situation.
12

13 City Attorney Schelzel stated that it would depend on what it was and if it started to become a
14 nuisance or a public health issue, then the City may be able to do something, but in general, they
15 would not.
16

17 There being no additional questions from the Commission for the applicant, Vice-Chair Stockton
18 opened the public hearing on the application at 10:27 pm.
19

20 Community Development Director Goellner stated there were no people that called in to the
21 meeting, nor was there any member of the public present in the chambers to speak at the public
22 hearing.
23

24 There being no one wishing to comment on the application, Vice-Chair Stockton closed the public
25 hearing at 10:28 pm.
26

27 Hearing that the Commissioners did not have any further questions or discussion, Vice-Chair
28 Stockton asked for a motion on the application.
29

30 Commissioner Merriam made a motion, seconded by Commissioner Schwalbe, to adopt the draft
31 Planning Commission Report and Recommendation with appropriate findings reflecting a
32 recommending approval of the Zoning Ordinance Text Amendments to Definitions, Single-Family
33 Detached Uses, Off-Street Parking Restrictions, and Shoreland Overlay District Sections.
34

35 The motion carried unanimously.
36

37 **AGENDA ITEM 6. Other Items:**
38

39 **a) Review of Development Activities**
40

41 Community Development Director Goellner stated that at the April 4, 2022 meeting a public
42 hearing is scheduled for a project at 301 Peavey Lane, the redevelopment proposal for Blake
43 School. She noted that the plans for this proposal are on the City website if anyone would like to
44 view them prior to the public hearing.
45

46 **b) Planning Commission Meeting Schedule**

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AGENDA ITEM 7. Adjournment.

There being no further business on the agenda, Vice-Chair Stockton asked for a motion to adjourn.

Commissioner Stockton made a motion, seconded by Commissioner Severson, to adjourn the Planning Commission meeting.

The motion carried unanimously.

The Planning Commission meeting was adjourned at 10:31 p.m.

Respectfully submitted,
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.