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**WAYZATA CITY COUNCIL
MEETING MINUTES
April 19, 2022**

AGENDA ITEM 1. Call to Order.

Mayor Mouton called the meeting to order at 7:00 p.m. Mayor Mouton shared the multiple options for joining remotely and submitting comments or questions.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Mouton, Buchanan, Iverson, MacDonald, and Plechash. Also present: City Manager Dahl, Community Development Director Goellner, Director of Public Works/City Engineer Kelly, Planner Zweber, and City Attorney Schelzel.

Mayor Mouton noted that prior to the meeting, the City Council had conducted the Local Board of Appeal and Equalization meeting, and that the meeting will be reconvened on May 3, 2022 at 4:30 p.m.

AGENDA ITEM 4. Approve Agenda.

Mr. Buchanan made a motion, seconded by Ms. MacDonald, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Introduction of Wayzata High School Compass Students

Mr. Dahl introduced Max McCollins and Erin Sitrin who were part of the Compass program for Seniors at Wayzata High School. Only Ms. Sitrin was able to be present. Mr. Dahl shared that Ms. Citron was interested in government, and the Compass program got her out in the field.

Ms. Sitrin thanked the Council for having her.

Mr. Plechash asked what college she planned to attend. Ms. Sitrin said University of Wisconsin-Madison.

Mayor Mouton was pleased to have her and wished her best of luck.

Ms. Iverson said Mr. McCollins had played hockey with her son for six years and she wished he could have been in attendance.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mayor Mouton read the items on the consent agenda and asked if any Council member wished to pull an item for further discussion.

Ms. Iverson, referencing the building activity report of Item 7.d., asked why there was a decrease in inspections from 2021 to 2022. She said she would also like to see a list of whether there was a resolution of issues. She, referencing the zoning ordinance amendment of Item 7.h., asked why all of the detail was removed from Section 4. 991.20

1 of the ordinance on variances. She added that staff could get back to her on those items.
 2 Mr. Schelzel noted that on the Zoning Ordinance, the basic idea was to create one variance
 3 standard for the entire Zoning Ordinance to make it easier to follow and apply.

4 Mr. Plechash, referencing Item 7.g. on municipal fees, said a fee for water was
 5 being added to the permit fees. He wondered if contractors used more than \$150 in water
 6 and whether the City should track it.

7 There being no further questions or discussion, Mayor Mouton asked for a motion
 8 to approve the Consent Agenda as presented. Mr. Buchanan made a motion, seconded by
 9 Mr. Plechash, to approve all of the consent agenda as presented:

- 10 a. Approval of Check Register
- 11 b. Approval of Municipal Licenses
- 12 c. Receipt of Police Activity Report
- 13 d. Receipt of Building Activity Report
- 14 e. Adoption of Resolution 13-2022 Electing the Standard Allowance Available Under
 15 the Revenue Loss Provision of the Coronavirus Local Fiscal Recovery Fund
 16 Established Under the American Rescue Plan Act
- 17 f. Adoption of Resolution 18-2022 Approving Funding and Reimbursement Terms
 18 with the State of Minnesota Department of Employment and Economic
 19 Development for \$4 Million Bonding Award for Panoway on Wayzata Bay
- 20 g. Adoption of Resolution 14-2022 Amending Municipal Fees
- 21 h. Approval of Second Reading and Adoption of Ordinance No. 810 Amending
 22 Definitions, Single-Family Detached Uses, Off-Street Parking Restrictions and
 23 Shoreland Overlay District Sections

24 The motion carried 5/0.

25
 26 **AGENDA ITEM 8. Public Hearings.**

- 27 a. **Consider Applications for the Grant of a Cable Franchise to Operate a Cable**
 28 **System with Cable Services in the City of Wayzata, and Consider Adoption of**
 29 **Resolution 15-2022 Confirming the Compliance and Qualifications of Comcast**
 30 **for a Cable Franchise**

31 Mr. Dahl introduced the City's cable franchise counsel, Brian Grogan of Moss & Barnett.

32 Mr. Grogan presented the background, process, and timeline of granting a cable
 33 franchise; and the legal, technical, and financial qualifications of Comcast as a potential
 34 franchisee.

35 Ms. Iverson asked about Comcast's customer satisfaction rates. Mr. Grogan said
 36 he did not have any specific statistics with him, but could provide that information at a later
 37 time.

38 Mayor Mouton asked when Comcast anticipated providing service. Mr. Grogan
 39 answered typically when a company completed construction in a portion of the City, it
 40 would go ahead and light up that portion and begin offering service. Mayor Mouton asked
 41 if services would be provided to the entire City. Mr. Grogan said yes. Mayor Mouton
 42 asked if the financial terms would be fleshed out during the process. Mr. Grogan said yes,
 43 and it was typical of an organization of this size to keep separate financials. If everything
 44 went the wrong direction during a build out, the City would have the necessary security to
 45 restore things, such as a street, to its previous state.

1 There being no further questions for counsel or staff, Mayor Mouton opened the
2 public hearing at 7:28 p.m.

3 Bill Gleason, 215 Barry Avenue S #215, supported Comcast coming in. He said
4 the residents were currently held hostage to one company and thought the competition
5 would be a good thing.

6 There being no one else wishing to provide further public comment, Mayor Mouton
7 closed the public hearing at 7:30 p.m.

8 There being no further Council discussion, Mayor Mouton asked for a motion on
9 the draft resolution. Mr. Plechash made a motion, seconded by Ms. MacDonald, to Adopt
10 Resolution No. 15-2022 Confirming the Compliance and Qualifications of Comcast for a
11 Cable Franchise. The motion carried 5/0.

12
13 **AGENDA ITEM 9. New Business.**

14 **a. Consider Adoption of Resolution 10-2022 Approving or Denying a Driveway**
15 **Setback Variance at 445 Bovey Road**

16 Ms. Goellner presented the development application from 688 Bryant LLC requesting
17 approval of a variance from the driveway setback requirement of 10 feet from the side yard
18 within the R-1A District to allow for the construction of a driveway located at 445 Bovey
19 Road. She discussed the proposal, the Planning Commission's findings and
20 recommendation of approval, the City Council's review and motions at the meeting on
21 March 22, 2022, the summary of possible alternative denial findings, and next steps.

22 Mayor Mouton asked if the Council had questions of staff.

23 Mr. Buchanan clarified that the applicant did not need a variance to construct a
24 driveway, but by asking for one they were eliminating the need to remove additional trees
25 and utilities. He asked staff to share further detail about the utilities.

26 Mr. Kelly said there was a sanitary sewer force main lift station located on the
27 southwest corner of the lot which flowed east and up to Bovey Road. The proposed
28 driveway crossed the force main utility, and the bend was located in the southeast corner
29 of the lot.

30 Mr. Buchanan asked if the driveway would impact the utility if the applicant did
31 not obtain the variance.

32 Mr. Kelly said potentially. He thought the retaining walls would create a problem
33 accessing the utility.

34 There being no further questions for staff, Mayor Mouton invited the applicant to
35 speak.

36 Applicant's representative, Timothy Lovett, Coldwell Banker Realty, said he
37 appreciated the opportunity to speak. He said the small red area depicted in the map for
38 the variance was the result of a great deal of study, survey, and feedback. He said it was
39 true that a variance was not needed for a driveway, but this spot was chosen as the most
40 ecologically conservative approach. He talked about the character of the neighborhood.

41 Mayor Mouton asked Mr. Lovett to explain who the applicants were.

42 Mr. Lovett explained that Janey Baker owned the property and put the lot on the
43 market, and she along with 688 Bryan LLC, were co-applicants.

44 Ms. Goellner said it was typical to have an LLC as the applicant but the property
45 owner's signature was needed on the application as well, which the City did have in this
46 case.

1 Mayor Mouton invited the Council to weigh in.

2 Mr. Plechash said he was very familiar with the property. He thought it was
3 buildable, but not accessible. He said an easement from the north would be a lot simpler,
4 but without that, he did think this was the best option.

5 Ms. MacDonald said she agreed with Council Member's Plechash comments.

6 Mr. Buchanan said he was in agreement with the Planning Commission's findings.
7 He thought the variance was a reasonable request.

8 Ms. Iverson said she recommended denial at the March 22nd Council meeting due
9 to the height and scale of the retaining wall, but she understood this request was for the
10 location of the driveway. She thought relocating the utility could be an issue. She still
11 preferred the applicant work with the neighbors, but was supportive of the request.

12 Mayor Mouton said she still had reservations. She was concerned about the amount
13 of fill removed, and did not think a wall of that length and height was conducive to the
14 area. She was also concerned that this was the first of many complications for the
15 development of the property. She was not supportive.

16 There being no further discussion, Mayor Mouton asked for a motion on the draft
17 resolution. Mr. Plechash made a motion, seconded by Mr. Buchanan, to Adopt Resolution
18 No. 10-2022 Approving the Driveway Setback Variance at 445 Bovey Road.

19 Ms. Iverson asked if the applicant came forward with additional variances, could
20 they move forward and build without a complete application.

21 Ms. Goellner said if a new owner needed a variance to build, it would come forward
22 as an application and go through the public hearing process. She said from the initial study,
23 the site seemed buildable without variances.

24 Ms. Iverson asked if they could build the driveway without plans for the home.

25 Mr. Kelly said they could pull a grading permit, driveway permit, and retaining
26 wall building permit to construct the driveway.

27 Mr. Dahl recommended a roll call vote.

28 Upon roll call vote, the motion carried 4/1 (Mouton, nay).

29

30 **b. Consider Adoption of Resolution 16-2022 Denying a Planned Unit**
31 **Development Concept Plan at 200 Lake Street East**

32 Ms. Goellner presented the development application from Lake West Development, LLC
33 for a Planned Unit Development Concept Plan for the property owned by Huntington
34 Nation Bank at 200 Lake Street East. She discussed zoning, site history, existing
35 conditions, previous applications, open spaces, impervious surfaces, additional approvals
36 required, west and east parking, the public review process and comments, the Planning
37 Commission's findings of fact and recommendation of denial, and next steps.

38 Mayor Mouton asked if the Council had questions of staff.

39 Mr. Plechash asked if there was anything about the application that would not meet
40 the C4A standard. Ms. Goellner said she would need to do a more thorough review, but at
41 first glance, the height of the buildings would be a big issue.

42 There being no further questions for staff, Mayor Mouton invited the applicant to
43 speak.

44 Applicant's representative, Curt Fretham, Lake West Development, LLC, first
45 talked about the misunderstandings he believed had occurred at the Planning Commission
46 meeting that resulted in the denial recommendation, including misunderstandings on the

1 number of parking stalls, sidewalk removal, handicap access, and the traffic study. He
2 explained his understanding on those items and asked Ms. Goellner to confirm those were
3 true.

4 Ms. Goellner said she was not prepared to confirm those at this time.

5 Mr. Fretham said those items were provided in plenty of time for staff to review.
6 He requested that Council table action to allow time for these issues to be examined.

7 Mayor Mouton stated the Council had had plenty of information to consider the
8 application.

9 Mr. Fretham proceeded to talk about his company and their principles. He then
10 presented new drawings of the proposal.

11 Mayor Mouton asked if the Council was supposed to consider the new drawings.

12 Mr. Fretham said it was an alternative to their proposal after attempting to listen to
13 the community about its concerns.

14 Mayor Mouton said the Council could not consider alternatives that were not a part
15 of the application, and had not been presented to the Planning Commission.

16 Mr. Fretham said the alternative had been submitted last week, and staff had time
17 to review.

18 Mr. Dahl clarified that it was submitted late last week, and staff had not had time
19 to review, and it was not included in the Council's packet.

20 Mr. Fretham said he would pass on the alternative and move forward. He talked
21 about reasonableness and compared similar Planned Unit Development's lot coverage,
22 floor area ratio, intensity, tunnel effect, and open space.

23 Mayor Mouton asked if staff was prepared to discuss the errors alleged by the
24 applicant.

25 Mr. Zweber referenced pages 209 and 212 of the packet for the sidewalk removal
26 information. He said the sidewalk was shrinking from 20 to 17 feet under the proposal.
27 He referenced page 185 of the packet for parking. He said only 84 of the stalls proposed
28 were standard. He referenced page 164 of the packet for handicap accessibility. He said
29 there 15 steps to get to the public open space. He noted that he did agree that the traffic
30 study showed that the proposal met the standards for a development like this.

31 Mayor Mouton asked if the applicant would like to respond.

32 Mr. Fretham said he heard a Planning Commissioner ask if the sidewalk was being
33 removed, and staff had responded yes.

34 Applicant's architect, David Nims, Hobbs+Black Architects, explained that the
35 sidewalks would be removed for construction. They would then be reconstructed to meet
36 the standard six-foot width with a two-foot grass buffer strip, and a reduction in the width
37 of the bike path from ten to eight feet. He noted they had a letter from Three Rivers Park
38 confirming that eight feet was acceptable.

39 Mr. Fretham said there was a slide in staff materials that said they had 100 less
40 stalls that what they have.

41 Ms. Goellner said the findings of the Planning Commission Report listed the
42 number of mechanized parking, not overall parking.

43 Mr. Nims said they would be compliant if they removed the mechanized parking
44 and went to all standard parking. However, it would decrease the 96 stalls that would be
45 available.

1 At the conclusion of the Applicant's remarks, Mayor Mouton open it up for public
2 comments, and reminded those who wished to speak that they were limited to three
3 minutes.

4 Darrin Rosha, attorney for Wayzata Bay Car Wash, said the development was
5 important for the businesses on this end of Lake Street. He said the Council had a tough
6 job, but asked them to act on this for the silent people.

7 Tony Navarro, 5201 Eden Avenue #300, Edina, said he was in favor of the project
8 for a number of reasons. He encouraged the Council to reconsider the changes the applicant
9 had made.

10 Luke Shimp, representative of Red Cow restaurant, said he was in favor both as a
11 resident and also because he would like to bring Red Cow to Wayzata. He thought it
12 extended the youthfulness and vibrancy changes that Wayzata had been going through.

13 Robert Meller, 1800 Major Drive, Golden Valley, attorney for neighbors of the
14 proposed project, talked about public safety and the railroad, and presented documents to
15 Council. He said the Planned Unit Development standards required the Council to make a
16 finding on safety.

17 Bill Gleason, 215 Barry Avenue S #215, said he was also a land developer. He said
18 if a project met height requirements, then neighboring views were not protected. He
19 thought the project was viable and should not be stopped because people did not want it.

20 Lindsay Bashioum, 461 Peavey Lane, said she had been a Planning Commissioner
21 during the first two applications for this property. She remembered the parking study was
22 a concern because the study was old. She wondered why the developer was not listening
23 to some of the strong reasons why the project fell short of meeting critical zoning and
24 comprehensive criteria. She said the density was overwhelming for this piece of land. She
25 suggested the current owners of the TCF building donate the land on either side of the
26 building.

27 Daniel Andersen, 3540 Montgomery Avenue, shared a petition that he received in
28 the mail. He said the height that was proposed was lower than what was there currently.
29 He thought the design was perfect based on his 32 years of service in the industry. He said
30 the City had done a great job on Lake Street and thought this was a great bookend to all of
31 that.

32 Sven Gustafson, 153 Lake Street E, said he had been through the TCF building and
33 agreed that the building could not be reused. He said he supported the project and loved
34 the new design.

35 Mike Palm, 121 Grove Lane E, said he lived directly across from the property, but
36 was a renter. He said the staff report said notices were sent out to all residents and renters,
37 but noted he had not received any notices. He asked if renters had the right to speak, and
38 to sign a petition. He said the petition that was handed out had over 1,600 signatures, but
39 he doubted that they were all residents. He thought it was wrong if the petition affected
40 the Planning Commission's or the City Council's vote.

41 Mayor Mouton noted the City did encourage participation from anyone within or
42 outside of the community who had an interest, including owners, renters, and visitors.

43 There being no further public comment, Mr. Dahl asked if Ms. Goellner could
44 address some of the notification process questions.

1 Ms. Goellner explained that the State statute required that property owners within
2 500 feet be notified of public hearings on development applications. The Council and staff
3 had agreed to try to notify renters as much as possible with the data that it had.

4 Mayor Mouton noted the pamphlet and website that were mentioned during the
5 public comment was not from the City. It was a group of citizens and they were free to do
6 so. She applauded them for listing their names. She said it was one piece of information
7 for the Council to consider, and it did not tip the scale either way. She encouraged all
8 people to have a voice.

9 Mayor Mouton said a few questions had come up for her during review. She asked
10 about public space verses open space in the proposal.

11 Ms. Goellner displayed an exhibit from the applicant. She said they had discussed
12 how much public access was expected. She recommended the City require and access
13 easement for use.

14 Mayor Mouton asked about impervious surface.

15 Ms. Goellner said impervious surface over 75% of a lot required a Conditional Use
16 Permit.

17 Mayor Mouton asked if there was a lot coverage calculation.

18 Mr. Zweber said lot coverage was 45.8% as proposed.

19 Ms. Iverson asked about the private boardwalk area on the developer's plans. She
20 asked if it was in the middle of what was considered a public benefit area.

21 Mr. Zweber said it was about the location of where the open space of the TCF
22 building ended.

23 Ms. Iverson said she was having a hard time determining the public benefit of that.

24 Ms. MacDonald asked if the trail on the west end would be two separate trails.

25 Mr. Zweber said the applicant had made a modification since the Planning
26 Commission meeting, but in the Council's packet it was one.

27 Ms. MacDonald asked if there was any environmental benefit to the parking
28 system.

29 Mr. Zweber talked about the stormwater management plan.

30 Mayor Mouton referenced an email from John Sexter sent on February 7, 2022 that
31 claimed she had a vested interest in the project. She said she did not have a vested interest
32 in the project and asked Mr. Sexter to clarify his comment.

33 Ms. Iverson referenced a Neighborhood Meeting Sign in Sheet dated January 5,
34 2022. She said she did attend a community meeting, but someone forged her signature
35 twice on the sign in sheet.

36 Mayor Mouton said this was a big project in a small town, but at the end of the day
37 what was important was the record and the facts. She said Council's work was important
38 and the City Council did it willingly. She noted the Council made \$4,000 and \$6,000
39 annually respectively and they all had full time jobs. She said the community should
40 understand that they are dealing with people who donate their time and who are bound by
41 ethics, standards, and oaths. She said calling into question their integrity was not
42 acceptable. She said she was also disappointed in how the meeting started and the tone
43 that was taken. She said the Council would deliberate the merits of the recommendation
44 from the Planning Commission, and would not consider the revised drawings submitted
45 last week that were not a part of the application.

1 Ms. Iverson thanked everyone who was present. She said it had been a long
2 process. She said she was in agreement with the findings and recommendation of the
3 Planning Commission. She also talked about the question of public benefit, delivery
4 trucks, the traffic study, and the petition. She recommended denial.

5 Mr. Buchanan thanked the community for participating in the process. He also
6 thanked the applicant. He said it was a tricky parcel, but supported the Planning
7 Commission's findings and recommendation. He said he had concerns about safety. He
8 said Wayzata was a walkable, bikeable community, and he did not want to see that limited.

9 Ms. MacDonald also thanked the community, the applicant, and the Planning
10 Commission. She supported the Planning Commission's findings and recommendation of
11 denial.

12 Mr. Plechash said he read the entire packet and noted the misunderstandings. He
13 found Planning Commissioner Shelby's comments about retail valid. He thought the
14 overall concept met the Planned Unit Development requirements. The existing building
15 was not historic, but possibly iconic. He talked about lake views, height, and mass and
16 scale. He thought the proposed development would improve the property. He discussed
17 reasons to deny including public opposition, increased traffic, and tunnel effect created by
18 the design of the new buildings. He wanted to see the location developed, but said the
19 Planning Commission raised legitimate points. He said he supported their recommendation
20 to deny.

21 Mr. Fretham asked to speak. Mayor Mouton agreed. He said he offered the plaza
22 as a public park, but the City did not want the burden of caring for it. He said he could not
23 make 32 residents pay for it. However, he was open to working through a solution. He
24 asked the Council to allow them to go back to the Planning Commission.

25 Mayor Mouton asked if that would be an option.

26 Mr. Dahl said it would be inconsistent with the City's general process.

27 Mr. Schelzel said generally the City would ask the applicant to go back to the
28 Planning Commission with a new application if the applicant wanted to make substantial
29 modifications to its proposal. He recommended the Council take action on the resolution
30 before them tonight, but under the Planned Unit Development ordinance the Council did
31 have the option to send the application back to the Planning Commission for further review.
32 He said the applicant was also free to withdraw the application and submit a new one.

33 Mr. Buchanan thought the Council did something similar with Meridian Manor.

34 Mr. Dahl said it did, but the circumstances were slightly different.

35 Mr. Plechash said if it came back with a perfectly charming design and a public
36 plaza, it still would not pass.

37 Ms. Iverson agreed.

38 Ms. MacDonald said she thought they should consider the resolution before them.

39 Mayor Mouton asked for a motion on the draft resolution. Mr. Plechash made a
40 motion, seconded by Ms. MacDonald, to Adopt Resolution No. 16-2022 Denying a PUD
41 Concept Plan at 200 Lake Street East. The motion carried 5/0.

42
43 Mayor Mouton recessed the meeting at 10:10 p.m.

44
45 Mayor Mouton reconvened the meeting at 10:25 p.m.

46

1 **c. Consider Adoption of Resolution 17-2022 Denying a Lot Combination,**
2 **Comprehensive Plan Amendment, Zoning Map Amendment, and Conditional**
3 **Use Permit at 1022 Wayzata Boulevard East**

4 Ms. Goellner presented the development application from Reprise Design requesting
5 approval of a lot combination of two parcels through a preliminary and final plat, a
6 Comprehensive Plan Amendment, a Zoning Map Amendment, and a Conditional Use
7 Permit for a project that would include the demolition of the existing building and
8 construction of a two-tenant retail building with one drive-through, located at 1022
9 Wayzata Boulevard. She discussed the surrounding neighborhood zoning and land use,
10 aerial view, existing conditions, drive-through stacking, neighborhood meeting, lot
11 combination, site plan, Comprehensive Plan Amendment, standards for application
12 requests, the Planning Commission's findings, and next steps.

13 Mayor Mouton invited the applicant to speak after confirming the Council did not
14 have any questions for staff.

15 Farhad Akim, applicant's representative, said he had developed a lot of gas stations.
16 He said this might be the first property that was not developable as a gas station. Their
17 proposal had no design deviations from any of the City's requirements. He talked about
18 some of the difficulties of the property and project. He thought the emotions of the
19 neighbors had overwhelmed the issue and was willing to sell the residential property to the
20 City if the neighbors wanted to keep it as a buffer.

21 Mayor Mouton said this was a landlocked parcel that was zoned residential. She
22 asked if the Council had considered a lot combination in the past.

23 Ms. Goellner said yes.

24 Mayor Mouton asked about the pros and cons to combining or not combining.

25 Ms. Goellner said combining the lots eliminated a non-conforming, unbuildable
26 parcel and brought it back onto the tax roles in a more meaningful way. If it was kept as
27 is, the setback became 80 feet.

28 Mr. Akim commented that he had reached out to the neighbors to find out what
29 they wanted.

30 Mayor Mouton asked how many cars were anticipated stacking in the drive through.

31 Mr. Zweber said the traffic study indicated that up to 17 cars could fit before it
32 spilled over into the access and circulation of the parking lot.

33 Mayor Mouton asked about the location of the walk-up window.

34 Mr. Zweber showed on the drawings and explained the location.

35 Mr. Akim further explained the accessibility from both sides of the building.

36 Paul Guidera, Director of Real Estate at Caribou Coffee, said he was a native of
37 Wayzata and talked about pedestrian access.

38 Mayor Mouton asked about complaints and issues with various municipalities he
39 had worked with.

40 Mr. Guidera said he was ahead in the planning process of stores instead of after, so
41 he was not sure. He commented that Caribou had an average wait time of 180 seconds
42 while traditional stores were closer to 400 seconds.

43 Mayor Mouton asked about vehicles that needed to go west.

44 Mr. Guidera said they would either do a U-turn at Highway 101 or go through the
45 dry cleaners and make a left turn at the stop light.

1 Mr. Kelly said a third option that people would use was to go through the
2 neighborhood.

3 Ms. Iverson said there was already significant pass-through traffic on Central
4 Avenue.

5 Mr. Akim said if it was a yoga studio or an office which would not need approval,
6 then there would be groups exiting at the same time doing those same things. He thought
7 this was best case scenario because one car exited at a time.

8 There being no further questions of the applicant, Mayor Mouton invited attendees
9 who wished to address the Council to speak.

10 Mark Thieroff, Siegel Brill PA, said he represented the owner of the property
11 located at 1000 Superior Boulevard. He expressed concern with the operation of
12 Huntington Avenue. He said safety and congestion were big concerns for his client. He
13 discussed loading, garbage trucks, and stacking issues he saw with the proposal.

14 Nancy Sloan, 144 Huntington Avenue S, expressed concern about traffic, safety,
15 U-turns, and noise. She said it was a terrible lot for the proposed uses, and did not lend
16 itself to a drive through.

17 Gordy Straka, 130 Huntington Avenue S, said the lots should not be combined. The
18 neighbors wanted to keep the residential lot as a buffer zone. He thought the commercial
19 lot was too small for a drive through and if something was built there it should meet City
20 Code.

21 Diana Silikowski, 173 Huntington Avenue S, supported keeping the southern parcel
22 zoned residential. She said the zoning was a known commodity when the owner purchased
23 the property.

24 Charles Gustafson, 109 Central Avenue S Apartment 1, said his deck would be eye
25 level with the proposed drive through. He suggested a unique business with low volume,
26 but high return.

27 There being no further public comment, Mayor Mouton invited the Council to
28 weigh in.

29 Ms. MacDonald said she had issues with the proposal in regard to the drive through.
30 She also thought there were flaws in the traffic study. She shared that she owned a business
31 next to a coffee shop and the traffic associated with it negatively affected her business.

32 Mr. Plechash appreciated the Planning Commission's work and though they were
33 spot on in their report. He suggested that the neighbors buy the lot if they wished to keep
34 it as a buffer. The property owner had a right to do something with it. However, he was
35 not supportive of the proposal.

36 Ms. Iverson thought the residents had legitimate concerns. She encouraged the
37 applicant to keep trying.

38 Mr. Buchanan thought there was validity to the lot combination and agreed with
39 Council Member Plechash. He thought it made sense to change the zoning to C3. He said
40 there were problems with the drive through. He thought only being able to turn east was a
41 big issue and was also concerned with pedestrian safety.

42 Mayor Mouton agreed that the lot combination made sense. She also said the
43 concept was not bad, but that corner was difficult at the best of times. She agreed with the
44 applicant that businesses make noise, but speakers, lighting, etc. could all be tweaked. Her
45 main concern was traffic movement and she was not in favor of the Conditional Use Permit.

1 Mayor Mouton asked for a motion on the draft resolution. Mr. Buchanan made a
2 motion, seconded by Ms. MacDonald, to Adopt Resolution No. 17-2022 Denying a Lot
3 Combination, Comprehensive Plan Amendment, Zoning Map Amendment, and
4 Conditional Use Permit at 1022 Wayzata Boulevard East. The motion carried 5/0.

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6 **AGENDA ITEM 10. City Manager's Report and Discussion Items.**

7 None.

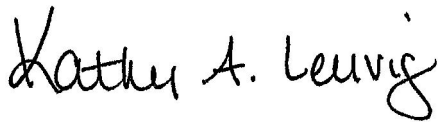
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9 **AGENDA ITEM 11. Public Forum Continued (if necessary).**

10 There were no comments.

11
12 **AGENDA ITEM 12. Adjournment.**

13 There being no further business, Mayor Mouton asked for a motion to adjourn. Mr.
14 Plechash made a motion, seconded by Mr. Buchanan to adjourn. Mayor Mouton adjourned
15 the meeting at 11:40 p.m.

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17 Respectfully submitted,

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21 Kathy Leervig
22 City Clerk

23
24 Drafted by Sarah Peterson
25 *TimeSaver Off Site Secretarial, Inc.*