

# Wayzata Planning Commission

## Meeting Agenda

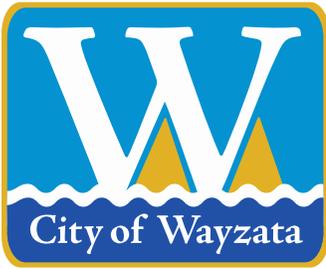
Wednesday, January 4, 2017

Community Room,  
600 Rice Street East,  
Wayzata, Minnesota

- 7:00 p.m.**
- 1. Call to Order & Roll Call**
  - 2. Approval of Agenda**
  - 3. Approval of Minutes**
    - a. None
  - 4. Old Business Items:**
    - a. Blue Water Theatre Company – 605 Rice St E
      - Conditional Use Permit
  - 5. Public Hearing Items:**
    - a. None
  - 6. Other Items:**
    - a. Review of Development Activities
    - b. Next Meeting is January 18, 2017
  - 7. Adjournment**

NOTES:

- <sup>1</sup> Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



**City of Wayzata**  
600 Rice Street  
Wayzata, MN 55391-1734

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**Mayor:**  
Ken Willcox

**City Council:**  
Dan Koch  
Johanna McCarthy  
Alex Plechash  
Steven Tyacke

**City Manager:**  
Jeffrey Dahl

Date: December 29, 2016  
To: Planning Commission  
From: Jeff Thomson, Director of Planning and Building  
Subject: Blue Water Theatre Company

### **Application Information**

The applicant, Blue Water Theatre Company, and the property owner, Unitarian Universalist Church of Minnetonka (UUCM), have submitted a development application to change the use of the existing church building at 605 Rice St E. Blue Water, a non-profit youth theater organization, has an agreement with the church to purchase the property. Blue Water would occupy the building and use the existing building as a community theater. The proposal requires a conditional use permit.

### **Planning Commission Review**

The Planning Commission reviewed the development application and held a public hearing at its meeting on December 19, 2016. After discussing the application, the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation for approval of the development application.

### **On-Street Parking and Drop-Off/Pick-Up**

The Planning Commission requested additional information regarding how the traffic pattern for pick-up and drop-off would be managed, and how on-street parking would be regulated to mitigate adverse impacts on surrounding properties and on the surrounding public streets. City staff has met with the applicant to discuss pick-up and drop-off. The applicant has stated that they would use the side door entrance along Walker Avenue as the main entrance to the building, and would therefore prefer to have the pick-up and drop-off area along the east side of Walker Avenue.

City staff (including public works, police, and fire) has reviewed the existing on-street parking regulations and the proposed use. Staff is recommending that the east side of Walker Avenue from Wayzata Blvd to Rice Street be posted for no parking. Currently, only the south half of Walker along the east side is posted for no parking. This would allow for on-street parking only along the west side of Walker Avenue, and would maintain two driving lanes for through traffic. Staff thinks that the pick-up and drop-off can then occur on the east side of the Walker Avenue, adjacent to the property, while minimizing impacts to traffic and access on Walker. This would be addressed by the Council considering the additional no parking area along Walker, and an event management plan provided by the applicant that would be reviewed annually by the City.

**Action Steps**

Adopt the draft Planning Commission Report and Recommendation which recommends approval of the conditional use permit for Blue Water Theatre Company at 605 Rice Street E, subject to the conditions noted in the Report.

**Attachments**

- Draft Planning Commission Report and Recommendation



## WAYZATA PLANNING COMMISSION

January 4, 2017

### REPORT AND RECOMMENDATION OF APPROVAL OF CONDITIONAL USE PERMIT FOR COMMUNITY YOUTH THEATER AT 605 RICE STREET EAST

DRAFT

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#### SUMMARY OF RECOMMENDATION

Approval\* of Conditional Use Permit for Community Youth Theater

*\* subject to certain conditions noted in Section 4 of this Report*

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#### REPORT AND RECOMMENDATION

##### **Section 1. BACKGROUND**

- 1.1 Project. Blue Water Theatre Company (“Blue Water”) and the Unitarian Universalist Church of Minnetonka (“UUCM”) (collectively, the “Applicant”) have submitted a development application (the “Application”) to allow for a change in the use of the existing church building at 605 Rice Street East (the “Property”) from a church to a community youth theater. Blue Water is a local, non-profit youth theater organization, which has entered into an agreement to purchase the Property from UUCM. Blue Water proposes occupying the building and using it as a community theater training and performance center. The proposal requires a conditional use permit (“CUP”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following item:
- A. A CUP authorizing use of the Property for a non-profit community theater rehearsal, meeting and performance space, and the offices of the theater organization (the “CUP” or “Conditional Use”).
- 1.3 Property. The street address, property identification number and owner of the Property are:

605 Rice Street E	06-117-22-24-0040	Unitarian Universalist
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		Church of Minnetonka
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- 1.4 Land Use. The Property is currently zoned Institutional and encompasses 10,965 square feet.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on December 8, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on December 9, 2016. The public hearing was held at the Planning Commission meeting on December 19, 2016.

**Section 2. STANDARDS**

2.1 Conditional Use in INS Institutional District. In addition to conditional uses listed in Section 70 of the Zoning Ordinance, other uses of the same general character as those permitted, accessory, or conditional uses listed in the INS Institutional District listed may be allowed as conditional uses. Section 801.70.5.M.

2.2 Conditional Use Permit (CUP).

Conditional Use Permits are regulated by Section 801.04.2.F, which requires the City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use’s compatibility with present and future uses of the area.
- C. The proposed use’s conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The propose use’s effect on the area in which it is proposed.
- E. The proposed use’s impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use’s impact upon existing public services and facilities including parks, schools, streets and utilities, and the City’s service capacity.

**Section 3. FINDINGS**

Based on the Application materials, staff reports, public comment presented at the hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the CUP application:

- 3.1 Conditional Use in INS Institutional District. The Conditional Use proposed in the Application is of the same general character as other permitted, accessory, or conditional uses in the INS Institutional Zoning District, in that the use of the property by the owners and the public for theater rehearsals, meetings and performances will be similar to the uses by the existing permitted use as a church.
- 3.2 CUP. The proposed Conditional Use will have a positive effect on the area and the community by maintaining a historic property and building that is important to Wayzata's history and small town character. It will help promote vitality in the core of the City and involve youth and families. The possible adverse effects of the proposed Conditional Use will be no greater than the other permitted and conditional uses in the INS District and will be addressed in part through the recommended conditions placed on approval. With respect to the specific factors of Section 801.04.2.F:
  - A. The proposed Conditional Use is consistent with the specific policies and provisions of the official City Comprehensive Plan.
  - B. The proposed Conditional Use is compatible with present and future uses of the area.
  - C. The proposed Conditional Use conforms with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
  - D. The proposed Conditional Use will have a positive effect on the area in which it is proposed.
  - E. The proposed Conditional Use is not likely to negatively impact property values in the area in which it is developed.
  - F. Traffic generated by the proposed Conditional Use in relation to capabilities of streets serving the property is a concern, and should be addressed by conditions of approval and other efforts by the City to increase traffic flow and safety in the area, including pedestrians and drop off areas.
  - G. The proposed Conditional Use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity will be consistent with existing permitted uses.

## Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Application (Attachment A), subject to the following conditions:
- A. Use of the Property shall be strictly limited to a non-profit youth community theater company as outlined in the Application.
  - B. The Applicant must enter into an encroachment agreement with the City for the existing site improvements that are located within the City's right-of-way, including the stone retaining walls, concrete stairway, and monument sign. The agreement must include that the Applicant is responsible for the maintenance of the existing encroachments.
  - C. The Applicant must submit a proposed "event management plan" for review by City staff and approval by the City Council. The event management plan must set forth the Applicant's hours of operation, performance scheduling procedures, the proposed days and times for performances, the number of annual performances, a process for coordination by the Applicant with the City and St. Bartholomew's Church for use of the City Hall and Church parking lots, and management of parking and traffic flow. The event management plan will be subject to annual review and approval by the City. The event management plan must restrict the hours of operation for theatre productions or any amplified sound to no later than 11:00 p.m.
  - D. The Conditional Use is subject to the Applicant's occupation of the existing building only and will not be permitted in any new building constructed on the Property or any substantially altered or improved version of the existing building without Applicant's submission of a new CUP application.
  - E. The number of seats in the performance space shall be limited 100.
  - F. At the City's direction, the Applicant shall, at its expense, conduct a noise study, in compliance with MPCA requirements. If such a noise study concludes that any aspect of the Conditional Use does not comply with the City's noise ordinance, the Applicant shall be solely responsible for any mitigation or other remedies (and associated costs) that would be required to bring the Applicant into compliance with the noise ordinance.
  - G. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Conditional Use.
  - H. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 4th day of January 2017.

Voting In Favor:

Voting Against:

Abstaining:

Absent:

DRAFT

Attachment A

Applicant Submittals

DRAFT

**Blue Water Theatre Company/UUCM**  
**City of Wayzata Development Application**  
**21 November 2016**

**ABOUT BLUE WATER THEATRE COMPANY:**

Blue Water Theatre Company (BWTC) is a youth theatre organization that was founded in 2007. Our mission is to create a theatre community for young people through meaningful and transformative experiences. BWTC is organized exclusively for artistic and education purposes. We reach our goals by promoting an environment where young people can develop into healthy, caring, and responsible adults.

BWTC's programming is centered around four "mainstage" musical theatre productions annually, involving approximately 50 teenage actors in each show. In addition, six to ten additional smaller productions are done each year, involving cast sizes ranging from a small handful up to about 40 kids. We work primarily with actors in middle school and high school (grades 6 through 12), but over the past couple of years we have expanded our programming to include actors as young as 3<sup>rd</sup> grade and as old as college students. Our actors come from all over the Twin Cities metro area. In a typical mainstage musical, over 15 different schools are often represented by at least one actor. In 2016, we worked with over 175 different kids on various productions, most of them multiple times throughout the year.

A very important aspect of BWTC is the community that our actors have with one another. We believe strongly in the young people we serve, and work daily to maintain an environment based on empowerment, cooperation, artistic & personal success, and joy.

BWTC has called Wayzata our home for most of the nearly ten years we have been in existence. After renting space (by the hour) from local schools and churches for our first two years, we moved into an empty storefront in the Wayzata Bay Center in 2009 prior to its redevelopment. We remained there until 2011, when we took up residence in our current rehearsal studio in the lower level of the Wayzata Home Center, where we have been ever since.

We have always been very proud to make our home in Wayzata, and we are eager for this opportunity to have the UUCM building as our permanent, "forever" home. We are excited to be a significant part of the community for generations to come.

BWTC is a registered 501(c)(3) nonprofit organization, as recognized by the state of Minnesota.

**PROPERTY USAGE:**

We are beyond excited about what potential ownership of the UUCM property means for the future of our organization – and for what it will mean as a cultural institution serving the entire Wayzata Community. We feel that this is an enormously magical opportunity for everybody.

Because BWTC works with young people (who are in school during the day), our business is usually conducted on nights and weekends. Currently our productions rehearse from 5:00-9:30 on Mondays, Tuesdays, and Thursday evenings, and from 9:00-4:00 on Saturdays. Outside of those hours, daily usage of the property is generally limited to our staff and parent volunteers, which is usually just a couple of people on site at any given time. We are generally “dark” on Wednesday nights, because most of the young people we work with have religious commitments on those evenings.

Of course, our desire is to use the UUCM as an actual “home” for many of our performances, and not “just” as a rehearsal facility. Currently, while we rehearse in our Wayzata studio, we have to rent out school or professional theatres in which to actually perform. The opportunity to have a performance space of our own is incredibly exciting. Of course, the UUCM is not large enough to house public performances of our four “mainstage” productions (those with cast sizes of 50 kids), but we do see it working beautifully as a theatre space that is perfect for our smaller productions.

In 2016, those smaller productions would have included two elementary school musicals, two student-directed plays, one middle school musical, and one college musical. In all, those six productions had a total of 22 public performances out of the 365 day calendar year. When we do public performances, we generally run our shows for one weekend – with performances taking place on Thursday, Friday, and Saturday evenings – and occasionally a final matinee performance on a Sunday afternoon.

#### **COMPATIBILITY WITH SURROUNDING LAND USE:**

We believe that there is no question this project is extremely compatible with surrounding land use – especially with City Hall and the Library being right across the street. We think that turning the UUCM into a theatre adds a huge cultural piece to the block that only strengthens that part of town, and (although the facility would not be owned by the city) fits in very well with the spirit of the civic institutions already in that area.

#### **EVENTS:**

The majority of our building usage (85% of the year) is expected to be for daily rehearsals and organizational administrative business.

The number of public performances (as mentioned above) will vary, but 2016 would have seen only 22 throughout the entire calendar year. We anticipate, obviously, an increase in that number, but do not expect that to ever go over about 40-50 times per year (about 15% of the year).

#### **HOURS OF OPERATION:**

As mentioned earlier, because we work with kids, we primarily operate on Monday, Tuesday, and Thursday evenings – and all day on Saturdays. Our studio is generally “open” in the evenings from 5:00-9:30pm, and on Saturdays from 9:00-4:00. Other projects happen at other times, but that is our typical “regular” schedule.

#### **PERFORMANCE SCHEDULE:**

When we do public performances, they currently generally happen with a show running on the following schedule for one weekend:

- Thursday at 7:00

- Friday at 7:00
- Saturday at 7:00
- Sunday at 2:00

Of course, we have the ability to adjust as needed. For example, many theatres start performances at 7:30 or 8:00 in the evening. So if we are aware of overlapping events either between BWTC and City Hall or BWTC and St. Bart's, we could adjust as needed to alleviate parking concerns.

### **PARKING MANAGEMENT:**

For our general daily use (rehearsals, administrative work, etc), we do not expect parking to be an issue at all. Most of the kids we work with do not drive on their own. For example, the show we are working on right now (cast of 53) only has three actors old enough to drive. That, plus the BWTC staff, means that a typical rehearsal may only require about six or eight cars to be parked. That's pretty typical. It's a lot of drop-off and pick-up by parents - much like the surrounding neighbors are already used to from St. Bart's School.

I think the biggest concern (understandably) that the city and the immediate neighbors to the building would have is with regards to parking when we have a public performance. While there is certainly an important discussion to be had about this, it's probably helpful for us to lay out a couple of thoughts and assumptions we have on that issue right now:

- The major parking needs (for any public performances) would similar in size and scope to what the UUCM currently needs for their Sunday morning services. If we have 100 guests showing up to watch a show, that is essentially the same as the UUCM having 100 guests show up to attend a church service.
- Church services happen 52 times a year (on Sunday mornings). As mentioned above, in 2016 we had 22 public performances that could have happened in the building. Even if we were to double our number of public performances, we would still fall short of the current UUCM in terms of the number of times per year that significant parking needs would happen. It's also useful to note that the times that UUCM needs significant parking (Sunday mornings) is also the same time that nearby St. Bart's needs significant parking - which creates a logjam in the area on Sunday mornings. We never have events on Sunday mornings, so we would actually be contributing to a relaxation of those demands at that time.
- Our parking needs for public performances would generally be on Thursday, Friday, and Saturday nights - and occasionally Sunday afternoons. Those are in the off-hours for local businesses, and we expect our guests will be able to avail themselves of the surrounding street parking, the city hall/library lot, and the parking ramp behind Caribou (1.5 blocks away). We have reached out to St. Bart's about making an agreement with them to use some of their parking during their off-hours. Again, because of the time of day when our events happen, we know that those areas are not in high demand already. Obviously, though, a more formal conversation about this has to happen.

### **BUILDING IMPROVEMENTS/CHANGES:**

We are extremely attracted to the UUCM building as a historical structure. We have a strong desire to make as few physical changes to the building as necessary, and likely only those that are required to meet any updated codes and requirements that the current tenants may have been "grandfathered" into. The "conversion" from a church to a theatre is mostly about the installation

of theatre equipment (stage lighting, draperies, sound equipment, etc), but does not involve a structural change to the building. Fortunately, a theatre's needs are actually very similar to a church's needs in the way the building performs and operates.

We have had long conversations about our desire to celebrate the building's historical status, and care for it as an important structure for the entire town. It's a landmark that deserves attention and love, and we are excited to hopefully make it our home.

**FINAL NOTES:**

Having never done anything like this before, we do know that this application is the first step in a process that is going to have multiple steps. We are really excited about this opportunity, and we are very excited about what our organization can bring to downtown Wayzata. We are eager to engage city officials, neighbors & residents, the business community in town, and especially the families in Wayzata about who we are and what we do. This is going to be a magical project for everybody.

Please do not hesitate to contact me and the BWTC board of directors to continue this conversation!

Charlie Leonard  
Executive & Artistic Director  
Blue Water Theatre Company  
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charlie.leonard@bluewatertheatre.com