

1 Commissioner Gonzalez suggested adding a condition of approval that the Environmental
2 Review be submitted to the City Council, if the application moves forward. She stated Section
3 801.09.3.1.b of the Design review discusses sitting areas and gathering areas, and/or landscape
4 courtyard. It looks like this should be at street level but the applicant is proposing to have this in
5 the back of the building below street level. She stated it does make sense if it is facing a
6 freeway. She asked if the Commission would need to recommend or approve a deviation from
7 this design standard.

8
9 Mr. Thomson stated the intention of this section is for the applicant to provide outdoor space and
10 they have met this through the proposal and the City also recognizes that this property is unique
11 in that there is a sidewalk but not a streetscape area. Mr. Thomson stated that the streetscape
12 elements would not meet the character of the neighborhood because it is a residential area.

13
14 It was the consensus of the Commission to accept the location of the outdoor space on the back
15 side of the proposed building.

16
17 Commissioner Gonzalez stated the applicant had referenced a light colored roof but the design
18 standards require a dark color for the roof. She asked if the Commission would need to approve
19 this deviation. Mr. Thomson stated that if the flat roof includes a light colored membrane, a
20 deviation from the Design Standards would be required. Mr. Thomson asked that the applicant
21 clarify what the roof color would be.

22
23 Commissioner Flannigan asked if the proposed R-1 zoning for Parcel B is the only option the
24 Commission can consider.

25
26 Mr. Thomson stated the R-1 is requested because the residential properties around the parcel are
27 currently zoned R-1. There are other zoning districts in the Zoning Ordinance in which the
28 property would comply with the requirements but that would raise the issue of “spot zoning”,
29 given there are no other surrounding properties with those designations, and this is something the
30 City should avoid.

31
32 Commissioner Flannigan asked if there would be a lighted sign on Wayzata Boulevard. He
33 asked if this would comply with the City’s ordinances for signage.

34
35 Mr. Thomson stated they are allowed to have a freestanding sign, but he would review the
36 Ordinances to verify that the proposed illumination type used in the lighted sign would be
37 allowed.

38
39 Commissioner Gonzalez stated the Lighting Ordinance does not allow backlit signs.

40
41 Chair Iverson asked Staff to review this.

42
43 Commissioner Flannigan asked why the percentage of glass was not included in the reports as a
44 design deviation from 801.09.84, which states no less than 35% of ground level façade shall be
45 transparent glass.

46

1 Mr. Thomson stated this requirement would apply if the ground level was retail or service use,
2 but he would check into this and verify it.

3
4 Mr. Wynne Yelland, 5214 Hampshire Drive, Minneapolis, from Locus Architects, for the
5 Applicant, stated there had been four (4) plans presented in 2012 that represented different
6 possibilities based on the outlots that were acquired and Scenario B of those plans most closely
7 matches the project proposed. He stated the parking lot has been reconfigured due to the
8 topography and drainage on the property and to save some of the trees. He explained they did
9 not connect the two (2) parking lots due to erosion concerns, how close it would be to the
10 wetlands and the number of trees that would need to be removed. He stated they were proposing
11 to remove 154 caliper inches of Heritage Trees, as defined in the City's proposed new Tree
12 Preservation Ordinance, not the 94 caliper inches listed in the report. They would provide an
13 updated report to the City.

14
15 Commissioner Gonzalez stated that she appreciated the developer making adjustments in the
16 building and parking lot in order to preserve trees. She asked if the Applicant had a plan for
17 replacement trees.

18
19 Mr. Yelland stated there is a landscape plan included, and they would be amending some of the
20 trees they would be using based on the comments from the City's Forester. He stated there may
21 not be enough land on this parcel to plant all of the required replacement trees. They have talked
22 with the City, and it will be at the City's discretion to plant the remaining trees within City
23 limits.

24
25 Commissioner Gonzalez stated she appreciated the Applicant's willingness to comply with the
26 City's proposed Tree Preservation Ordinance even though it has not been adopted yet. She
27 stated she would like to ensure Mr. Jordan, the City Forester,'s questions and concerns are
28 addressed by the Applicant. She asked what color the roof of the building would be.

29
30 Mr. Yelland stated they are proposing a white roof because the Applicant is committed to
31 sustainable topics. He explained that in most commercial buildings, more energy is used cooling
32 than heating, and this particular roof would not be visible by residents, so they decided to go
33 with a white roof.

34
35 Commissioner Gonzalez stated if the Commission approves of the white roof, they would have
36 to make that deviation from the Design Standard part of the recommendation.

37
38 Commissioner Flannigan asked why the Applicant chose to use metal on the exterior of the
39 building.

40
41 Mr. Yelland stated during rush hour, the noise level is 80 decibels to 90 decibels and the best
42 way to reduce this noise was to eliminate glazing, create some dense mass and/or differing levels
43 of density in the wall cavity. He stated that the Design Standards for exterior materials that
44 specify stone and brick are primarily materials targeted at cavity wall construction. He explained
45 that cavity walls would not meet the needs of the church to block the noise. Precast wall panels
46 were the best thing they could find. He stated they knew this would not meet the Design

1 Standards, so they opted to clad this with the metal siding to comply with the Design Standard
2 intent.

3
4 Chair Iverson asked if they had looked at sound proofing insulation behind the brick. She stated
5 that there are products that should be explored further that would work with brick walls.

6
7 Mr. Yelland stated they had not been able to find a wall assembly that would meet the
8 performance of the precast wall. They need this density in order to reflect the sound away from
9 the building and reduce the noise for services such as funerals.

10
11 Commissioner Flannigan asked if the Applicant had looked at how the metal exterior would
12 reflect the noise from the highway to surrounding properties.

13
14 Mr. Yelland stated there is some residual effect but the amount of “soft” materials on the
15 property would be enough to reduce this effect, so there would be no additional impact on
16 surrounding properties.

17
18 Commissioner Gonzalez asked how much fill would be brought onto the site.

19
20 Mr. Yelland stated the intention would be to maintain a balance and not have to remove fill or
21 bring additional fill to the site. They are still working on this and would be able to provide the
22 exact information to the Commission.

23
24 Commissioner Gonzalez asked what the accent materials would be used.

25
26 Mr. Yelland stated there would be wood or fiber cement accents materials.

27
28 Chair Iverson asked if the Applicant would be providing a detailed plan on what steps they
29 would be taking to preserve the large trees on the property during construction.

30
31 Mr. Yelland stated the Applicant’s Civil Engineer would be providing a Tree Preservation Plan
32 and Oak Wilt Prevention Plan with the construction documents.

33
34 Commissioner Gonzalez asked if the Applicant had an alternate plan for the parking lot in case
35 the wetlands delineation changed.

36
37 Mr. Yelland stated they did have an alternate plan that would result in six (6) less spots than
38 what they are proposing.

39
40 Chair Iverson opened the public hearing at 8:00 p.m.

41
42 Mr. Russell Crowder, 1505 Holdrige Circle, Wayzata, stated this project will have an adverse
43 effect on the neighborhood and the Commission has an obligation to be looking at minimizing
44 this effect. He asked if the Applicant had finalized the purchase of Parcel B.

45
46 City Attorney Schelzel stated the Applicant does own Parcel B.

1
2 Mr. Crowder asked if the Applicant was able to develop the property with a residential
3 component, or if this was part of the Settlement Agreement.
4

5 Chair Iverson stated the Applicant currently can develop this parcel as long as the uses on it are
6 consistent with the types of uses associated with a church. If this changes and the parcel is
7 rezoned, then it would become part of the R-1 District and it would have to meet the
8 requirements of that district.
9

10 Mr. Crowder asked if the hill was included in Parcel B because the construction of a home would
11 remove part of this hill and reduce the amount of buffer the neighborhood has from the highway.
12

13 Chair Iverson stated that if it changed to residential, a condition of that approval could be that the
14 future owner of Parcel B would have to come to the Planning Commission with their plan and
15 the Commission could review the impacts to the trees and neighborhood at that time.
16

17 Mr. Crowder stated the Church would be buffering itself from the highway noise but he
18 expressed concerns that the neighborhood would experience more noise due to the amount of
19 trees being removed. The Applicant has not done any studies on the noise impacts. If the noise
20 increases and the highway is more visible to the neighborhood, then the property values will
21 decrease. He wants to know that there will not be adverse noise effects to the neighborhood. He
22 suggested the Applicant build a screen along the south side of the property line to reduce the
23 noise in the neighborhood. He wants the Planning Commission ensure that a meaningful screen
24 is put in because it is owed to the neighborhood. He asked if the parking lot lighting would be
25 on every night. He pointed out a white Church would stand out along the frontage road and the
26 City has worked to make developments blend in with the neighborhoods.
27

28 Mr. Kent Howe, 1600 Holdridge Lane, Wayzata, stated he does like the idea of having a home
29 on Parcel B because this ensures it would not be parking. Parking would be more intrusive on
30 the neighborhood. He would like to see the City do additional staking to show where the
31 property lines would be, and he would like to ensure that people cannot get from the parking lot
32 or the Church to Holdridge Lane.
33

34 Ms. Rachel Brednoy, 16313 Holdridge Road W., Wayzata, stated she does not think the white
35 metal siding should be approved because it is an inappropriate siding for the neighborhood. The
36 Church has windows so they would not be getting the silence they are using as a reason for the
37 metal siding. The building in the current proposal encroaches into the neighborhood more than
38 under the previously approved plan. Unless there is a wall between the proposed parking lot and
39 the neighborhood, there will be lights shining into the neighborhood and this is a health problem.
40 She stated the Church had sued the City in order to remove the R-1 District zoning from the
41 property and now they want to have it changed back to R-1. No one will want to purchase this
42 property, and it will remain a vacant lot. There is a significant amount of trees being removed
43 and this affects the health of the community. There is no sound barrier between where the
44 Church will be built and Highway 12. The current proposal is more intrusive into the
45 neighborhood. She wants the Commission to find out exactly what affects the changes in
46 topography will cause.

1
2 Commissioner Flannigan asked Ms. Brednoy is she would prefer to change the zoning of Parcel
3 B to R-1 for potential residential development or leave it as it is currently for potential parking
4 lot expansion by the Church.

5
6 Ms. Brednoy stated she would prefer areas for parking lots that have the fewest amount of trees
7 to be removed. She does not think anyone would put a house on Parcel B.

8
9 Mr. Morgan Truscott, 16400 Holdridge Road W, Wayzata, stated he would like the applicant to
10 ensure the white roof could not be seen by the neighbors because he believes he would see it
11 from the second story of his home. He also expressed concerns about the metal siding increasing
12 the amount of noise because there would also be a significant amount of trees removed. He
13 asked the Applicant provide the Commission with the exact amount of fill that would be brought
14 to the site. He expressed concerns with the white exterior of the building because this does not
15 meet the Design Standards for the City. He asked what the elevation for Parcel B would be
16 because he does not think a parking lot would work in this area.

17
18 Mr. Mike Travanty, 16218 Holdridge Road W, Wayzata, expressed concerns about the
19 subdivision of the property that would result in a non-conforming lot for the neighborhood, the
20 removal of trees and disturbance of the wetlands, the lighting from the parking lot, and the size
21 of the proposed development compared to the size of the parcel. He presented a letter to the
22 Commission to consider that outlined his concerns and asked that it be made part of the record.

23
24 Mr. Truscott asked how the traffic on the frontage road would be handled.

25
26 Chair Iverson stated part of the request from Hennepin County would be to understand what the
27 increased traffic volume would be. The Applicant will be asked to provide this information.

28
29 Mr. Truscott stated he would like to see a stop sign added on this frontage road.

30
31 Chair Iverson closed the public hearing at 8:27 p.m.

32
33 Commissioner Gonzalez asked what building materials had been proposed in 2012.

34
35 Mr. Thomson stated there had not been a building design submitted in 2012, as that was
36 designated as part of the review for this phase of the project under the Settlement Agreement.
37 He stated the Applicant is requesting a deviation for 801.09.6.2.B because they are proposing a
38 white colored roof rather than a dark color.

39
40 Commissioner Gonzalez asked how visible the roof would be to neighboring homes.

41
42 Chair Iverson asked if the Applicant could perform a study while the leaves are off the trees.

43
44 Mr. Thomson stated the Applicant could look at the elevation of the roof compared to the
45 elevation of the surrounding homes to determine if the roof would be visible.

46

1 Chair Iverson suggested the elevation information for the surrounding homes, compared to the
2 elevation of the proposed roof, and additional details on the roof design including parapets, be
3 requested from the Applicant.

4
5 Mr. Thomson stated the Applicant is requesting a deviation from 801.09.11.1.A because the
6 primary surfaces of the building are proposed to be a pre-finished metal panel and a concrete
7 base along the lower level exterior elevation. He stated Staff would also look at the glass
8 requirement because this may apply.

9
10 Commissioner Flannigan clarified a reason the Applicant is asking for this deviation is because
11 of the undue burden of dealing with the noise from Highway 394. He asked if this would be
12 considered an undue burden, where the Applicant was aware of the highway prior to purchasing
13 the property.

14
15 City Attorney Schelzel stated whenever there is a request for deviation from the Design
16 Standards, the Commission must decide if the negative impacts of that deviation are outweighed
17 by one or more of the factors listed in Section 9, Part 21.1 of the Design Standards. In this case,
18 if the undue burden articulated by the Applicant does outweigh any negative impacts of the
19 exterior materials proposed.

20
21 Commissioner Flannigan stated the negative impacts presented by the materials for the project
22 would include visual, nonconforming to the neighborhood, potential noise reflection, and the
23 color choices.

24
25 Chair Iverson stated the City has design standards, and the Commission should encourage
26 Applicants to work with these standards. There will a negative visual impact to the
27 neighborhood if the proposed materials are used.

28
29 Commissioner Gonzalez stated the metal siding presented would not be appropriate. If it would
30 be masked in some way, such as a more appropriate color to keep the building from standing out,
31 it may be something the Commission could consider. She stated one of the conditions of
32 approval in 2012 had involved screening with berms, trees, and other plantings to protect the
33 neighborhood. She stated the City's Code for lighting requires downcast lighting, and
34 information on how this lighting would be screened from the neighborhoods. She stated the
35 Applicant would need to submit a lighting plan including information on hours of operation. She
36 stated the City's Ordinance does not allow backlit signs, and the Applicant is proposing a backlit
37 sign.

38
39 Commissioner Flannigan asked Mr. Thomson if the proposed signage on the front of the
40 building, which includes the name and logo of the church, are within the City's size requirements
41 for this type of building.

42
43 Mr. Thomson stated the proposed signage meet the size restrictions in the Sign Ordinance, and
44 Staff would verify the lighting information. He stated the Applicant had provided a photometric
45 plan for the Commission to review. The Applicant also provided information on the fixtures

1 they would use. He does not know at this time the hours of operation for the facility or for the
2 lighting.

3
4 Chair Iverson asked if there would be any landscape lighting.

5
6 Mr. Thomson stated there is no exterior lighting shown on the building. Staff would review this
7 with the Applicant.

8
9 Commissioner Flannigan expressed concerns that the proposed building did not meet the Design
10 Standards because the amount of glass at the street level is not a minimum of 35%.

11
12 Commissioner Gonzalez stated this requirement does not apply to all Districts.

13
14 Mr. Thomson clarified the glazing requirement only applies in the three (3) Design Districts and
15 this project is not located in any of these Districts. Accordingly, there is no glazing minimum
16 requirement for this project.

17
18 Chair Iverson expressed concerns about headlights reflecting into the neighborhood yards and
19 homes. She suggested requiring a solid buffer around the parking lot that would protect the
20 neighborhood from this lighting. She asked if it would be reasonable to the Commission to ask
21 the Applicant for a sound study.

22
23 City Attorney Schelzel stated there is no requirement under City Code that the Applicant provide
24 a sound study, but that this is something that can be discussed with the Applicant.

25
26 Commissioner Gnos stated there was room for improvement on the number of trees being
27 removed, the lighting, and the color of the building being proposed.

28
29 Commissioner Murphy stated the colors and materials used for the building are not conforming,
30 and he would like to see this addressed by the Applicant.

31
32 Chair Iverson requested the Applicant provide a Tree Preservation Plan, including how the
33 remaining trees would be protected during construction. She suggested the Applicant consider
34 adding additional trees to the property.

35
36 Mr. Yelland clarified they would be removing 194 caliper inches of heritage trees, or 65 trees
37 total. They are planting as many replacement trees as they can on the property, but the City
38 Forester would make the determination on how many can be replanted on the property.

39
40 Mr. Thomson stated the City's proposed Tree Preservation Ordinance does require the excess
41 trees to be planted on City property.

42
43 Commissioner Gonzalez stated the screening of the property from the neighborhoods was an
44 important condition in 2012 and is still in effect.

45

1 Chair Iverson stated she felt the consensus of the Commission was to request the Applicant to
2 bring back a design that is more in line with the City's Design Standards for exterior materials
3 and color.

4
5 Mr. Thomson clarified for the Design Review and Site Plan Amendment portion of the
6 Application, the Commission is requesting Staff and the Applicant to review the Phase 1
7 Environmental Review done on the Property; review the proposed signage for compliance with
8 the Ordinances; review the trees on the Landscape Plan for salt tolerance; review the grading
9 balance and how much fill would be removed or brought to the site; clarify the hours of
10 operation for the exterior lighting; review the parking lot setback requirements; reconsider the
11 color and material of the roof and siding; review traffic dynamics, including the possible addition
12 of stop signs or traffic lights; review the Tree Preservation Plan, including how the remaining
13 trees would be protected; and consider screening from the residential neighborhood, including
14 headlights.

15
16 Chair Iverson requested review of the wetlands in 2008 compared to now, and verification of the
17 delineation for the parking spaces.

18
19 City Attorney Schelzel clarified the Commission would like staff to prepare a draft Planning
20 Commission Report recommending denial of the requested deviations in the Design Standards
21 based on the discussion this evening.

22
23 Commissioner Gonzalez stated the roof color deviation would be acceptable to her if it is not
24 visible from the neighboring properties, but the materials and color of the siding does not fit with
25 the neighborhood or the Design Standards.

26
27 Chair Iverson stated she would want to know how the white roof would fit with the rest of the
28 building design prior to approving it, even if it is not visible for the neighboring properties.

29
30 Mr. Thomson clarified the Commission was moving towards recommending denial on the
31 requested deviations from the Standards, but approving the rest of the proposed design of the
32 building under the Design Standards.

33
34 Mr. Thomson stated prior the Application moving forward there will have to be a land use
35 designation for the Comprehensive Plan.

36
37 Commissioner Flannigan asked why the Church did not want to zone Parcel B as institutional
38 with the rest of the property.

39
40 Mr. Doug Johnson, representative for UUCM, stated there is a large elevation change between
41 the top of the street and the proposed parking lot at the bottom of the street. The parcel
42 subdivision the Church would like to have rezoned to R-1 does not have value to the Church, and
43 it made more sense to sell it as residential than to keep it as a vacant lot.

44

1 Commissioner Gonzalez clarified the proposed new residential parcel could potentially meet the
2 width requirement for the R-1 District if the subdivision were reconfigured but it would not be
3 able to meet the depth requirement.

4
5 Mr. Thomson stated the Parcel does meet the lot width requirement for the R-1 District but it
6 does not meet the lot depth or lot area requirements. If the property line were to remain as it is
7 currently the lot would meet the area requirements but not the depth requirements. There are
8 other lots in this neighborhood that do not meet the size requirements for the R-1 District.

9
10 Mr. Johnson stated there were about 14 parcels of the 40 in the neighborhood that would be
11 considered nonconforming.

12
13 Chair Iverson stated the Commission can add a condition of approval that the future property
14 owner must present building plans to the City for approval prior to construction.

15
16 Commissioner Gonzalez stated after review of the Preliminary Plat criteria, she does not believe
17 it would be in the best interest of the City to rezone Parcel B to the R-1 District because it would
18 take extensive grading, tree removal and topography change to build on this property. It is
19 currently a buffer for the neighborhood from the highway. The proposed lot size does not match
20 the majority of the neighborhood, and the City should not create nonconforming lots. She would
21 not recommend approval of the preliminary plat as presented.

22
23 Commissioner Gnos agreed the City should not create nonconforming parcels.

24
25 Commissioner Flannigan stated it appeared the majority of the neighborhood would like to see
26 the lot remain as it is currently.

27
28 Commissioner Gonzalez stated she would support changing the Comprehensive Plan to
29 designate both parcels as Institutional and rezone Parcel B to Institutional.

30
31 Chair Iverson stated she would recommend denial for designating Parcel B as R-1 Residential.

32
33 Commissioner Gonzalez stated the variances requested do not meet the requirements of the
34 Variance Ordinance, Section 801.05.1.c.

35
36 Commission Gonzalez made a motion, Seconded by Commissioner Flannigan to direct Staff to
37 prepare a draft Report and Recommendation for the Planning Commission's consideration at its
38 next meeting of:

- 39 • Approval of the design requested except denial for the Design Standards Deviations
- 40 requested for the roof and exterior material and color;
- 41 • Approval of the Subdivision to combine the parcels;
- 42 • Denial of the Subdivision to create a new residential lot,
- 43 • Approval of the PUD Amendment for the Revised Site Plan Subject to the additional
- 44 information requested and conditions discussed
- 45 • Approval of the Comprehensive Plan Amendment to designate the non-designated
- 46 parcel to Institutional

- 1 • Denial of the Comprehensive Plan Amendment to designate the eastern portion of this
- 2 parcel Residential
- 3 • Approval of the Rezoning to PUD for the entire parcel
- 4 • Denial of Rezoning the eastern portion of the parcel to R-1 Residential
- 5 • Denial of the R-1 Lot Variance Standards

6 The motion carried unanimously.

7

8 **b.) Amendment to the City of Wayzata Zoning Ordinance related to Off-Street**

9 **Parking and Loading (City Code Section 801.20)**

10

11 Director of Planning and Building Thomson reviewed the revised draft Ordinance Chapter 801

12 including the changes recommended by the Planning Commission at the March 10, 2016 meeting

13 and additional changes and reorganization recommended by Staff for Sections 801.20.E.12,

14 801.20.3.B, 801.20.7, 801.20.9.D, 801.20.10.C, 801.20.11.A.2, 801.20.11.B, 801.20.13.A and

15 801.20.13.B.

16

17 Commissioner Gonzalez stated the Design Standards do not allow a fence higher than 4-feet.

18 She recommended adding language to the Landscape Section that limits the height for a wall or

19 fence used for screening the front property line of a parking lot to a maximum of 4-feet in height.

20

21 Chair Iverson opened the public hearing at 9:41 p.m.

22

23 Mr. Dan Gustafson, 1040 Circle Drive, Wayzata, stated the language for Section 801.20.4 had

24 been deleted but he would like to ensure that the intent is clear in the City's Nonconforming

25 Ordinance.

26

27 Chair Iverson closed the public hearing at 9:44 p.m.

28

29 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray to Adopt and

30 Approve the Report and Recommendation on an Ordinance Amending Section 20 (Parking) of

31 the Wayzata Zoning Ordinance (Chapter 801) Relating to Off-Street Parking and Loading as

32 presented, with the recommended change for screening landscaping and including Attachment D

33 in the Packet as Attachment A of the Report. The motion carried unanimously.

34

35 **AGENDA ITEM 4. Regular Agenda Old Business Items:**

- 36
- 37 **a.) None.**
- 38
- 39

40 **AGENDA ITEM 5. Other Items:**

- 41
- 42 **a.) Review of Development Activities**
- 43

44 Director of Planning and Building Thomson stated in April, the City Council would be reviewing

45 the Mill Street Ramp predesign, holding a public forum on The Lake Effect and considering the

1 adoption of the new parking ordinance recommended by the Commission. The Heritage
2 Preservation Board would be meeting April 12.

3
4 **b.) Other Items**

5
6 City Attorney Schelzel stated the last City Council meeting did not have any new business, just a
7 consent agenda.

8
9 **AGENDA ITEM 4. Adjournment.**

10
11 Commissioner Murray made a motion, seconded by Commissioner Gnos, to adjourn the meeting.
12 The motion passed unanimously.

13
14 The meeting was adjourned at 9:51 p.m.

15
16 Respectfully submitted,

17 Tina Borg

18 *TimeSaver Off Site Secretarial, Inc.*