

1 proposed water filtration. There are a number of requirements for phosphorus treatment and
2 suspended solids, and the three treatment options in the proposal are effective and meet the
3 City's requirements.

4
5 Chair Iverson asked if the City Engineer had discussed lawn chemicals going into the lake due to
6 the slope.

7
8 Mr. Thomson explained the storm water treatment is meant to treat the runoff from the hard
9 surfaces on the property. The requirement is not to capture the lawn runoff.

10
11 Applicant's representative, Mr. Kevin Gardner, Pierce Pini and Associates, 9298 Central Ave.,
12 Blaine, stated they had worked with Keenan and Sveiven on the storm water management. The
13 intent of the proposed system is to treat storm water throughout the site and target all the
14 different drainage areas on the site.

15
16 Commissioner Flannigan asked if this was the most that could be done for the site.

17
18 Mr. Gardner stated the systems proposed meet the City's requirements and if the impervious
19 surface were reduced, there would be no storm water management on the site. The proposed
20 systems are better for the property and the lake than having nothing.

21
22 Chair Iverson opened the public hearing at 7:15 p.m.

23
24 There being no one wishing to make comments on this application, Chair Iverson closed the
25 public hearing at 7:16 p.m.

26
27 Commissioner Gruber stated the storm water management proposal was good but the issue is the
28 applicant has asked for a variance because they decided to change the driveway. The standard
29 for granting a variance is practical difficulties, and the applicant is not present to address the
30 practical difficulties requiring this change in plans. The applicant has not met the test of
31 variance requirements for the plight of the landowners due to circumstances unique to the
32 property and not created by the landowner.

33
34 Commissioner Young stated he would support the application.

35
36 Commissioner Flannigan stated he understands Commissioner Gruber's point, but the proposal
37 on storm water management would be more favorable for the City and the lake. They would not
38 have to do this storm water management if they continue with the approved site plan.

39
40 Commissioner Murray stated he agreed with Commissioner Gruber. He asked if the variance
41 approval could be contingent of the installation of the storm water management proposed in the
42 application.

43
44 Mr. Thomson stated the Planning Commission could add a condition of approval that the storm
45 water management facilities be installed as proposed.

46

1 Chair Iverson stated the practical difficulties have not been proven but she expressed concerns
2 that if the impervious surface is reduced to 20% the amount of runoff to the lake would be
3 increased. By granting the variance, the City would be helping to protect the lake.
4

5 Mr. Thomson stated there is flexibility in the Shoreland Overlay District but the Zoning District
6 is more restrictive in this circumstance.
7

8 Commissioner Young made a motion, Seconded by Commissioner Murray to direct Staff to
9 prepare a draft Planning Commission Report and Recommendation to be presented to the City
10 Council, recommending approval of the variance for impervious surface coverage at 426
11 Ferndale Road S. with the condition that the storm water management systems are installed as
12 outlined in the proposal. The motion carried 4 ayes – 1 nay (Gruber)
13

14 **b.) Threlkeld – 353 Park St E**

15 **i. Impervious surface variance**
16

17 Commissioner Flannigan stated the applicant is one of his neighbors, and he had talked with the
18 City Attorney about a potential conflict. The City Attorney stated there would be no conflict of
19 interest for him to participate in the discussions regarding this application merely because he was
20 a neighbor.
21

22 Mr. Thomson stated the property owner, Celia Threlkeld, is proposing to demolish the existing
23 detached garage on the property at 353 Park St E., and construct a new detached garage on the
24 back of the property. The applicant is requesting approval for an impervious surface variance.
25 The R-3A zoning district establishes a maximum impervious surface coverage of 35%. The
26 property is currently a non-conforming property with an impervious surface coverage of 37%.
27 The applicant is proposing to add a detached garage and driveway which would provide 41.9%
28 of impervious coverage on the lot. The garage does meet the City's accessory structure
29 requirements for size. The applicant had submitted an alternative plan which shows the same
30 size three car garage could be constructed on the front of the property to meet the setback
31 requirements, but would significantly reduce the size of the driveway. The alternative plan
32 would meet the 35% maximum impervious surface requirement. However, the applicant had
33 indicated that she does not prefer the alternative plan as it would locate the garage between the
34 street and the house.
35

36 Commissioner Flannigan asked what material would be used for the driveway.
37

38 Mr. Thomson stated it would be asphalt.
39

40 Ms. Celia Threlkeld, 353 Park St. E., provided background on the project and the improvements
41 they have done on the property. She pointed out that the property is currently nonconforming,
42 and they could maintain the 37% impervious surface coverage. They have two cars that are
43 currently parked on the street and for safety reasons they would like to see these moved to a
44 longer driveway on the property.
45

1 Mr. Tom Threlkeld stated the traffic from the school and snow removal are concerns for them
2 with the cars parked on the street. Having the garage behind the home would also keep with the
3 character of the neighborhood.

4
5 Ms. Threlkeld pointed out that the surrounding properties had enough coverage that the proposed
6 garage would not impede their views.

7
8 Commissioner Flannigan asked about the water runoff from the property to the east.

9
10 Mr. Threlkeld stated most of the water runs from the house through their yard and into the house
11 to the west of them. There is a drain in the street one door down. She pointed out that there is a
12 heritage silver maple in the front yard that they would like to preserve, and this would be
13 removed with an alternative plan.

14
15 Chair Iverson asked if the applicant had considered alternate materials for the driveway to reduce
16 the amount of impervious surface coverage.

17
18 Ms. Threlkeld stated there is no credit in the Ordinance for pervious surface. She stated they had
19 looked at a patchwork system with a grid pattern with grass growing between the grids, but they
20 did not like this option.

21
22 Chair Iverson stated there is no credit but a different material or greener option would help with
23 the runoff.

24
25 Commissioner Flannigan asked the applicant if they would be willing to look at alternative
26 materials provided the cost is not prohibitive.

27
28 Ms. Threlkeld stated they had looked at pervious pavers but the City does not allow for a credit
29 for this type of material. They would look at other material options.

30
31 Chair Iverson opened the public hearing at 7:39 p.m.

32
33 There being no one wishing to make comments on this application, Chair Iverson closed the
34 public hearing at 7:40 p.m.

35
36 Commissioner Gruber stated she would support this application because the practical difficulties
37 have been established, including that the alternative design would not be in character with the
38 neighborhood, safety concerns, and that this design would not result in the removal of a large
39 heritage tree in the front yard.

40
41 Commissioner Young stated he would support this application.

42
43 Commissioner Murray asked if the parking structure size met the City's requirements.

44
45 Mr. Thomson stated the garage does meet the City's garage size requirements.

46

1 Commissioner Flannigan stated the road does present safety concerns, and there are practical
2 difficulties. He would support this application.

3
4 Chair Iverson stated she would support this application.

5
6 Commissioner Murray made a motion, Seconded by Commissioner Young, to direct staff to
7 prepare a Planning Commission Report and Recommendation to be presented to the City
8 Council, recommending approval of the variance for impervious surface coverage at 353 Park St.
9 E., to include the findings that the proposal would reduce safety concerns, is in keeping with the
10 character of the neighborhood, and would preserve a heritage tree in the front of the property.
11 The motion carried unanimously.

12
13 **c.) Beacon Five – 529 Indian Mound E**

14 **i. Rezoning, PUD Concept Plan, height variance, and Shoreland Impact**
15 **Plan/Conditional Use Permit**

16
17 Commissioner Flannigan recused himself from discussion on this application due to a conflict of
18 interest.

19
20 Mr. Thomson stated the applicant, Ron Clark Construction, has submitted a development
21 application to develop the property located at 529 Indian Mound E. The project includes the
22 construction of a three story mixed use building consisting of five residential condominiums, 600
23 square-feet of office space, and 11 underground parking stalls. He explained the applicant was
24 requesting a rezoning from C-1 to PUD/Planned Unit Development, a PUD Concept Plan of
25 Development review, a variance from the maximum building height requirement, and a
26 Shoreland Impact Plan/Conditional Use Permit for the building height. He stated the maximum
27 building height in the PUD zoning district is 35-feet and 3-stories, whichever is less. The
28 proposed building would be 3-stories in height, but would be 38.9-feet in height and this required
29 a variance. He reviewed the Planned Unit Development process, the Comprehensive Plan, the
30 applicable code provisions, and the standards for a PUD and variance. He explained a PUD
31 Concept versus General Plan, and the steps that need to be followed for these.

32
33 Commissioner Young asked if the office component had a separate exterior entrance.

34
35 Mr. Thomson stated the office entrance would have a separate entrance off the street from the
36 residential area.

37
38 Applicant's representative, Mr. Tim Whitten, Whitten Associates Architects, 4159 Heatherton
39 Place, Minnetonka, stated the main issue with the proposal is the height of the proposed building,
40 and he reviewed why they are proposing this building height. He explained they were using
41 elevated parapets in key locations to give the building more interest. The building is proposed to
42 be 37-feet. The shape of the property does present problems to work with because it is narrow,
43 at 46-feet. The access to the underground parking can only be located in the front of the
44 building, and they are not able to have more than a 10% grade to the street according to City
45 Ordinance. The topography of the site also provides challenges because of the elevation
46 increase.

1
2 Commissioner Young asked if the addition of the Office space was something the owner wanted.

3
4 Mr. Whitten stated through the workshop it had been indicated that the City Council would
5 prefer an office component. The owner would prefer to use this space to provide a common
6 space or additional amenity to the residence.

7
8 Commissioner Gruber inquired about the price point for the five units.

9
10 Mr. Whitten stated the units would average 2150 square-feet and be priced just under \$500 per
11 square-foot.

12
13 Chair Iverson opened the public hearing at 8:05 p.m.

14
15 Mr. Robert Johnson, 560 Indian Mound St., Wayzata, stated asked if the parking would be
16 adequate because there was a parking shortage in Wayzata. He asked if there was an estimate on
17 the number of employees and tenants, and how many parking stalls this would require.

18
19 Mr. Whitten stated there are 5 units, and they are expecting that these would be occupied by
20 singles or couples with no children. The proposed office is small, so there would probably only
21 be one employee. Each unit has two enclosed parking stalls and there is one for the office, for a
22 total of 11 underground parking stalls. There is off street parking in front of the building that
23 would be available to residents as well. He noted that they met with the Wayzata Place
24 Association and presented their proposal.

25
26 Chair Iverson closed the public hearing at 8:09 p.m.

27
28 Commissioner Young stated this was a good plan for this property. The project would make
29 sense as a PUD based on the difficulties with the property, including the grading on the site and
30 the water table. The building is sitting higher to accommodate underground parking for the
31 facility. The office component may not be needed, and this could be incorporated into the main
32 entrance for the building. He stated he would support the architecture of the building.

33
34 Commissioner Gruber stated the property is difficult to develop, and she would support the
35 height variance in order to provide the elevation parapet that enhances the look of the building.
36 She does not have concerns about the office component, and she would support what the City
37 Council requested for the property.

38
39 Commissioner Murray stated he would like the property to exclude the office space but if this is
40 something the City Council has requested, then he would support it.

41
42 Chair Iverson stated the design and height of the building work for the property. The City
43 Council would need to discuss if the office component is needed, or if this space could be
44 utilized for a common space for the residents.

45

1 Commissioner Young asked if there was a way for the Planning Commission to recommend the
2 City Council review the project with flexibility on the office component.

3
4 Mr. Thomson stated the Staff Report and minutes would reflect the Commission's comments on
5 the office space. He explained the office component had been brought up during the City
6 Council workshop because the property is designated as a mixed use, and a 100% residential
7 building would not be consistent with the guidance of the Comprehensive Plan.

8
9 Chair Iverson asked if the property could have a retail component rather than office.

10
11 Mr. Thomson stated the space could be office or service commercial.

12
13 Commissioner Gruber stated the PUD General Standards state the PUD project must provide
14 common private or public open space, and facilities sufficient enough to meet minimum
15 requirements established by the Comprehensive Plan, and contain provisions to assure the
16 continued operation and maintenance of this. She stated the proposed project does not include
17 any common space.

18
19 Mr. Whitten stated they do have common private common space within the facility.

20
21 Commissioner Young made a motion, Seconded by Commissioner Murray to direct Staff to
22 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
23 reflecting a recommendation of approval on the application for review and adoption at the next
24 Planning Commission meeting. The motion carried unanimously.

25
26
27 **AGENDA ITEM 5. Old Business Items:**

28
29 **a.) Meyer Place on Ferndale – 105 Lake St E**

30 **i. Rezoning, Concurrent PUD Concept and General Plan of Development,**
31 **Design Review, Variance, and Shoreland Impact Plan/Conditional Use**
32 **Permit**
33

34 Mr. Thomson stated the applicant, Homestead Partners, and the property owner, Meyer
35 Properties have submitted a development application to redevelop the Meyer Brothers Dairy site
36 105 Lake St. E. The development application includes demolition of the existing vacant
37 commercial building and construction of a 3-story building with a rooftop penthouse for a
38 rooftop terrace. The building would include 23 residential condominium units and 59 enclosed
39 parking spaces. The applicant is requesting rezoning from C-4A to PUD/Planned Unit
40 Development, concurrent PUD concept and General Plan of Development review, Design
41 review, Variance from the maximum building height requirement, Shoreland Impact
42 Plan/Conditional Use Permit for the building height, and Conditional Use Permit for the
43 penthouse structure. He reviewed the revisions in the application since the May 2, 2016
44 Planning Commission meeting. He reviewed the analysis of the application including the
45 Comprehensive Plan, zoning, building height, design review, parking, and site access and
46 circulation. He stated the unoccupied penthouse terrace and penthouse area of the building

1 would not be considered a story because it is mechanical, staircases, storage, and elevator space
2 and is not occupied.

3
4 Chair Iverson asked if the elevator and rooftop penthouse would be needed if there was not a
5 rooftop terrace.

6
7 Mr. Thomson stated the elevator would still be needed to reach the second and third floors but it
8 would not need to go to the roof and thus extend 5-feet over the top of the rooftop penthouse
9 structure. The rooftop terrace is driving the elements on the fourth floor. He reviewed the
10 design deviations the applicant was requesting, the Civil Engineering plans, the grading plan, and
11 the landscaping plan.

12
13 Applicant's representative, Mr. Rick Packer, Homestead Partners, 525 15th Ave. S., Hopkins,
14 stated they had redone the design based on Commission comments during the May 2 meeting.
15 The proposal does meet a majority of the City's Ordinances and addresses many of the concerns
16 brought up by the Commission and residents. They did increase parking and met all the
17 infiltration, impervious surface, and lot coverage requirements. He explained they are completing
18 screening the mechanical equipment.

19
20 Commissioner Murray asked what consideration there had been for the location of the stairs and
21 elevators for the rooftop access to reduce the amount of structure above.

22
23 Mr. Whitten stated the stairway locations are dictated by code, and the elevator is centrally
24 located for the residents of the building. The rooftop terrace requires two exits and the elevator
25 is required to meet ADA requirements. He explained the mechanical equipment they are
26 requesting to house on the top floor is the air conditioning units for the third floor units.

27
28 Commissioner Flannigan asked what was driving the need for a rooftop deck.

29
30 Mr. Whitten stated the rooftop terrace was something that residents were interested in having,
31 and the Design Standards encourage outdoor space.

32
33 Commissioner Flannigan asked if residents would be impacted by the sound from the mechanical
34 systems on the roof and if geothermal had been considered.

35
36 Mr. Whitten stated there would be more noise impact if the system were on the ground level. He
37 stated they had considered geothermal but it had been determined this would not work for this
38 particular property.

39
40 Commissioner Gruber asked if the additional 11 underground parking stalls were intended for
41 guests.

42
43 Mr. Whitten explained the intention was for the residents of this project to impact the
44 neighboring community as little as possible, and they have found in projects this size two
45 parking stalls per unit is not enough. This will allow residents to use additional underground
46 parking so they are not using the streets. He clarified the Design Standards state a slanted roof

1 should be dark in color but if the Commission wants a flat dark roof, they will make that change.
2 He explained the building would be stepped back almost completely across Lake Street and
3 where it is not stepped back is to create more of a presence on the corner. The building also
4 steps back along Ferndale along the second floor and this makes the design more appealing for
5 the building flow and streetscape.

6
7 Commissioner Young stated this project was better than the four story project previously
8 proposed. He does not have concerns about the design variations being requested, but he does
9 have concerns about the height variance request. The request is for 4/10 of a foot but there is
10 also the penthouse structure that is 11-feet over the 40-feet that is allowed. It is setback, but it is
11 height and mass that will be part of this building. He stated the rooftop terrace allows for the
12 third floor to be all condominiums and this is an economic driver.

13
14 Commissioner Gruber expressed concerns about the height and the density of the property. 23
15 units in this area is massive.

16
17 Commissioner Murray stated this proposal is better than the previous submission but he has
18 concerns about the extra height being requested to accommodate a rooftop terrace. From an
19 amenities standpoint, the rooftop terrace would be a great feature.

20
21 Commissioner Flannigan stated the look of the design appears to be too blocky and too big for
22 this corner. He would support approval of the rooftop terrace and rooftop mechanical with
23 proper screening. He would also support the narrower sidewalk along Ferndale, but he does
24 question how similar this project would be to the structure on the other side of town. He stated
25 the rear of the building does not provide a good view for residents.

26
27 Chair Iverson stated there had been a comment at the public hearing that the City only has one
28 chance to make this a great project for the City, and the proposal is out of proportion to the other
29 buildings in the area. The scale and the mass of this project are too large for this area, and the
30 design is not innovative enough. She would like to see something that has more of a lake feel.
31 The proposal does not fit the character of the neighborhood. There are options that could be
32 softer for this area. She would challenge the applicants to look at the project and be more
33 innovative. The back of the building is institutional looking, and this is not a good view for the
34 residents in the back. She would like to see more charm, and Wayzata charm brought back. She
35 would not recommend approval of the project at this time because there are too many deviations
36 from code, and the proposed penthouse looks and feels like a fourth floor.

37
38 Commissioner Flannigan stated removing retail from this property does cut off the retail
39 potential for this area. If there is no retail in this development, then the next project will ask to
40 have retail removed as well.

41
42 Commissioner Young stated this area is a mixed use, and removing the spirit of the zoning
43 would have lasting impacts. This is a prominent corner, and they should look more at the
44 development to create an anchor for the City.

45
46 Commissioner Flannigan stated removing the retail impacts the City's tax base long term.

1
2 Mr. Thomson clarified that the Commission would like to see something in a PUD proposal that
3 meets more of the goals and objectives of the land use district.
4

5 Chair Iverson stated at the previous meeting, the Commission and public had expressed concerns
6 about size, mass, and scale, and they are discussing those same things with this proposal. She
7 asked if the City would want to schedule another workshop on this application.
8

9 Commissioner Young stated there is not support for this proposal. The applicant has taken the
10 Commission's input when they reduced the height of the building, and they are working in good
11 faith with the City. The PUD process and standards should allow the City to ask for a better
12 proposal, and he would like to see the City continue to work with the applicant to get a good
13 project.
14

15 Commissioner Young made a motion, seconded by Commissioner Gruber to direct Staff to
16 prepare a draft Planning Commission Report and Recommendation with appropriate findings as
17 outlined by the Commission, recommending denial of the Rezoning, Concurrent PUD Concept
18 and General Plan of Development, Design Review, Variance, and Shoreland Impact
19 Plan/Conditional Use Permit for Meyer Place on Ferndale located at 105 Lake St E. for review
20 and adoption at the next Planning Commission meeting. The motion carried unanimously.
21
22

23 **AGENDA ITEM 6. Other Items:**
24

25 **a.) Review of Development Activities**
26

27 Mr. Thomson stated on June 7th the City Council is scheduled to have a workshop that would
28 include an update on the Mill Street Ramp Project, and at their regular meeting they are
29 scheduled to review the new home on 181 Huntington.
30

31 **b.) Other Items**
32

33 Mr. Thomson provided an update on from the last City Council meeting, including the Unitarian
34 Church project and their discussions for the Tree Ordinance. The Tree Ordinance is scheduled
35 for another City Council meeting in July.
36
37

38 **AGENDA ITEM 8. Adjournment.**
39

40 Commissioner Flannigan made a motion, seconded by Commissioner Young to adjourn the
41 Planning Commission. The motion carried unanimously.
42

43 The Planning Commission meeting was adjourned at 9:24 p.m.
44

45 Respectfully submitted,
46 Tina Borg

1 *TimeSaver Off Site Secretarial, Inc.*