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**WAYZATA CITY COUNCIL  
MEETING MINUTES  
July 5, 2016**

**AGENDA ITEM 1. Call to Order and Roll Call.**

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Dahl, City Attorney Schelzel, and Director of Planning and Building Thomson.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed Boatworks parking lot alterations and next steps for the Lake Effect Strategic Plan.

**AGENDA ITEM 2. Approve Agenda.**

Mr. Tyacke made a motion, seconded by Mrs. Anderson, to approve the agenda. The motion carried 5/0.

**AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).**

**a. Tour de Tonka Bike Ride Presentation**

Tim Litfin, Tour de Tonka Director, gave a brief presentation and announced Tour de Tonka will be on Saturday, August 6, 2016.

**AGENDA ITEM 4. New Agenda Items.**

Mrs. Anderson requested reconfiguration of the roundabout be added for future discussion. City Manager Dahl responded staff will still need feedback from the Council, but the topic of the roundabout was programmed for next year and ties in with the completion of The Landing. Staff will provide an update at the next Council meeting.

Mrs. Anderson requested an update from Director of Public Service Dudinsky regarding the policy as to which neighborhoods and public rights-of-way receive weed control. Mr. Dahl stated he will provide a report to Mrs. Anderson regarding the policy on this topic.

Mr. Willcox requested staff provide a presentation in Workshop on the technology available with parking meters. The Council agreed.

**AGENDA ITEM 5. Consent Agenda.**

Mr. Willcox stated Dan Gustafson requested item No. 5(f) be removed.

Mrs. Anderson referred to item 5(f) and page No. 49 in the meeting packet and stated the word “consider” causes some discrepancy in the language associated with the Consent Agenda. City Manager Dahl clarified the Council would be considering the staff recommendation of approval of the installation of speed humps in the East Neighborhood. City Attorney Schelzel suggested amending item No. 5(f) by changing the word “Consider” to “Approval”.

Mrs. McCarthy stated she is willing to pull the item No. 5(f) from the Consent Agenda, but requested it be made part of the next Council meeting agenda so that others in the community could take part in the discussion.

Mr. Tyacke stated he opposes removing the item from the Consent Agenda because it was already part of a Public Forum at a previous meeting and the Council already authorized the speed humps as recommended by staff at a previous meeting. Mr. Dahl stated it was also discussed at a workshop and no action was taken.

Dan Gustafson, 1040 East Circle Drive, stated no decision on the implementation of speed humps should be made by the Council without referencing the speed hump policy that was supposed to be included in the packet for the last meeting and this meeting, but was not. His request was to pull it from Consent and table it for further discussion.

1 At the request of Mr. Willcox, by show of hands, 4/1 (Mullin), the majority of the  
 2 Council voted keep item No. 5(f) as part of the Consent Agenda.

3 Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to approve the amended  
 4 consent agenda, changing the word “Consider” to “Approval of” in item No. 5(f):

- 5 a. Approval of City Council Workshop Meeting Minutes of June 7 and 14, 2016, and City  
 6 Council Regular Meeting Minutes of June 7, 2016, and City Council Special Meeting  
 7 Minutes of June 14, 2016
- 8 b. Approval of Check Register
- 9 c. Municipal licenses which received administrative approval (informational only)
- 10 d. Approval of Municipal Licenses
- 11 e. Approval of Resolution No. 24-2016 Appointing Election Judges for the 2016 Elections
- 12 f. ~~Consider~~ Approval of Implementation of Speed Humps in East Neighborhood
- 13 g. Approval of Commercial Assessing Contract with Hennepin County
- 14 h. Approval of Resolution No. 20-2016 Authorizing Participation in a MCES Grant  
 15 Program for the Mitigation of Inflow and Infiltration in the Public Sanitary Sewer System
- 16 i. Approval of Preliminary Plans for a New Home at 155 Wooddale Avenue
- 17 j. Approval of ISD #284 Community Room and Cable Studio Use Agreement

18 The motion carried 5/0.

19  
 20 **AGENDA ITEM 6. New Business.**

21 **a. Consider Schematic Design of Mill Street Parking Ramp**

22 Mr. Dahl reported on the background surrounding the Schematic Design of the Mill Street  
 23 Parking Ramp.

24 Victor Pechaty, HGA, provided a process summary of the cladding and roof options for  
 25 the Mill Street Parking Ramp. The current design is a grade plus one structure which potentially  
 26 provides 396 parking stalls for cars plus 10 spots for motorcycles.

27 Mr. Pechaty reported on three possible design options and provided the following cost  
 28 estimate comparison summary:

	Option A Base Ramp (no roof)	Option B Base Ramp + Partial Roof	Option C Base Ramp + Full Roof
Construction Cost (includes 4% Design Contingency)	\$7,850,000	\$8,290,000	\$8,660,000
Construction Contingency (8%)	\$630,000	\$660,000	\$690,000
Owner Cost	\$880,000	\$940,000	\$940,000
Total Project Cost	\$9,360,000	\$9,890,000	\$10,290,000

29 Mr. Tyacke asked if building material samples would be available to look at. Mr. Pechaty  
 30 stated they will be available in the design phase for approval.

31 Mrs. Anderson asked if the design components over the walkways that were in previous  
 32 designs are still included. Mr. Pechaty responded they had been removed for budgetary reasons.

33 Mr. Willcox stated the partial roof looks strange and asked what benefit it provides. Mr.  
 34 Dahl stated he requested the partial roof option as a compromise for budgetary reasons. The need  
 35 for the roof was for the view from the homes above the ramp and the area of the partial roof is  
 36 where there is significant impact of their view.

37 Mrs. McCarthy referred to page 178, and asked how tall a tree has to be to block the view  
 38 of the ramp similar to what a roof on the ramp would provide. She expressed concern with going  
 39 above the agreed upon height. Mr. Pechaty stated they met with landscape architects and

1 determined the trees have to be approximately 15 feet tall. There would be a blend of conifers and  
2 deciduous trees that would remain in the height of 10 to 20 feet tall for screening the view of the  
3 parking ramp while not impeding on lake views. It is assumed the landscaping would not extend  
4 above the 975 feet height, but it was not considered if that would be in violation of the covenant.

5 Mr. Willcox asked about lighting and visibility on the lower level of the ramp. Mr.  
6 Pechaty stated the lighting industry guidelines would be met with LED lighting, which is a little  
7 brighter.

8 Scott Froemming, Walker Parking Consultants, stated the structure has a very open  
9 feeling, it will be a well-lit, and people will feel safe.

10 Mr. Pechaty stated there is an allowance in the owner's cost for the addition of security  
11 cameras.

12 Mrs. Anderson asked if a roof would be a barrier to noise and pollution. Mr. Pechaty  
13 stated it would be a barrier to noise. Mr. Froemming stated that because it is an open parking  
14 structure, it self-ventilates and there is no required ventilation system.

15 Mrs. Anderson asked about paint that could lighten the inside of the ramp. Scott stated  
16 there are paint colors that do enhance facial recognition and increase the perception of safety.

17 Mr. Dahl stated the Steering Committee discussed the roof options and this is the best  
18 option. The financial feasibility study showed that the City, utilizing TIF financing from the  
19 Promenade TIF District, would be able to finance approximately \$7,682,750. In addition, cash on  
20 hand through transfers, CIP and existing TIF districts available for the ramp is estimated at  
21 \$1,680,000 for a total maximum project cost of \$9,362,750. There is an additional \$200,000  
22 contingency money in this year's budget for the ramp as well as up to \$500,000 in end of the year  
23 fund transfers.

24 Chris Morrison, Steering Committee member, stated they worked collaboratively to come  
25 up with a solution. Their goal was to find a design that was appropriate for the City of Wayzata.  
26 They also considered the climate and the benefit of parking under a roof. She urged the Council  
27 to consider building a ramp with the full roof and stated this is a chance to enhance Wayzata.

28 Mr. Pechaty stated if Council chose to carry a roof design forward as an alternate for  
29 bidding, it is based on an estimate. When HGA was working on the service contract with the City,  
30 it included pre-established provisions for their scope of services and fee for three different roof  
31 options that the City requested: the trellis, the green roof, and the photo voltaic options. Because  
32 the ballasted membrane roof is designed to receive the weight, structure, and water proofing of a  
33 green roof in the future, the City could invoke that contract option to have HGA draw it fully to  
34 bid day and it is documented as an add alternate. Bidders are instructed to isolate a bid and as the  
35 Council reviews bids, a decision can be made at that time.

36 Mr. Mullin asked what the fee is for design changes if the City includes an add-on in the  
37 bid package. Mr. Pechaty stated the fee to change the design is \$115,000.

38 Mr. Tyacke asked how many add-on alternatives can be included in the bid package. Mr.  
39 Pechaty responded it can include a number of alternatives, but can affect the scope and fee of the  
40 design team because each option has to be fully documented all the way through to construction.

41 Mrs. Anderson asked if in the 4% design contingency covered the \$115,000 fee. Mr.  
42 Pechaty stated it is included in the owner cost column, roughly at \$120,000. The design  
43 contingency relates to actual construction that may not have been accounted for.

44 Mr. Willcox asked if the ramp was built without a roof, could the City add one in the  
45 future. Mr. Pechaty stated during the design phase, changes would be made to accommodate a  
46 roof in the future, without a substantial change in cost for the structure.

47 Mr. Tyacke stated the grade plus one level ramp is less massive, recedes well into the  
48 hill, and still accommodates close to the number of spaces needed. He is hesitant to commit to  
49 something that is beyond what the budget limit is. Initially, he liked the solar roof option, but that  
50 did not work out as well as anticipated. The Carisch Ramp does not have a roof and he would like  
51 this ramp to be comparable. Due to the budget limitations, he supports Option A, unless the

1 Widsten area would like to pay for a roof option since they are the primary beneficiaries. He is  
2 not opposed to have an add-on alternative in the bid to see how prices come in.

3 Mrs. McCarthy thanked the Steering Committee for their work. The goal of this ramp  
4 was to have a design that would stand the test of time and be visually pleasing from all angles.  
5 She expressed concern with Option A as it does not meet the public's demand and the proposed  
6 vegetation would either violate existing covenants or not get to the height needed to achieve the  
7 intended objective. She supports Option C with a full roof.

8 Mr. Mullin stated the objective was to gain parking that will be sufficient for several  
9 decades. He sees value in having a roof, but also sees the tradeoffs made to other significant  
10 beneficial things to the community that have been traded off: centralized garbage and  
11 beautification at the street level. The functionality of having a grade plus one ramp is also a  
12 tradeoff that will provide unintended consequences with only one way to get to the second level.  
13 He does not support a roof on the ramp, but is willing to invest in the bid option to explore a roof  
14 option. The roof benefits a small number of residents and it is important to stay within the budget.

15 Mrs. McCarthy stated her concern is that even if they decide to have bids for the roof  
16 option, the numbers will always be too high and it will not get done. Mr. Mullin stated there are a  
17 certain amount of TIF dollars available and the budget has come a long way, but he does not  
18 support an additional million dollars for a roof add-on. If a bid comes in close to \$9,400,000, he  
19 could support it.

20 Mrs. Anderson asked about the operation and maintenance costs of the ramp. Mr. Dahl  
21 responded the Steering Committee made sure that the design and materials of the ramp had the  
22 least amount of impact for the Public Works staff. The Mobility District, if approved, was only  
23 designed to cover a half of the operating costs, and the additional cost is not in the operating  
24 budget. Mr. Froemming stated maintenance costs generally run \$60 to \$100 per stall per year,  
25 roughly \$30,000 annually.

26 Mrs. Anderson stated the Mobility District is not a guarantee to cover half the costs. She  
27 expressed concern with the cost of operating and maintaining the ramp, the Lake Effect project,  
28 and other projects. The City has some unstable incomes that may not be around forever. She has  
29 not been a proponent of this ramp because of the limits with the location. This side of community  
30 has a surplus of parking spaces and in the west end of town, there is a deficit of spaces with  
31 people looking to build a ramp in that area too. It may be best to wait a year to get the money  
32 needed to build the right kind of ramp. There is also an offer from another developer for this area  
33 that may allow the City to not be responsible for parking, but that offer will not be reviewed until  
34 August. She is not comfortable spending the money until it can be done right with a full roof and  
35 supports waiting until the City has the money needed. She thanked the Steering Committee and  
36 staff for all their work.

37 Mr. Willcox stated a ramp is needed on Mill Street. The budget allows for a base ramp.  
38 The financing needs to move forward with four of the five members of the Council supporting it.  
39 He supports Option A and waiting to see how bids come in to see if a roof could also be included.

40 Mrs. McCarthy stated funding is ironed out for up to \$9,300,000, but there is a  
41 \$1,000,000 gap around the roof. She asked how any other project in town would be funded that  
42 needed to get done. Mr. Dahl stated it would depend on the project and department it is part of. A  
43 special services district could be set up, but that also depends on a lot of different things. He does  
44 not think the roof can be funded differently.

45 Mrs. McCarthy asked if there was another funding mechanism that has not been explored  
46 and asked for explanation on the general levy. Mr. Dahl stated they have explored the options  
47 available. If the City is not able to cover annual debt, they would have to leverage general bonds.  
48 This would mean the general tax payers pay the remaining portion of the balance of the bond  
49 payment.

50 Mrs. McCarthy stated paying for parking is another option in funding for the ramp to help  
51 make up the difference. She does not think that every option has been discussed to fund the roof.

1 Mr. Mullin stated he is not ruling out any creative ways for funding once there is a final  
2 number. He suggested they could pencil out a large CIP project and push the project out three to  
3 five years. If the final number is reasonable and there are thoughtful approaches to bring forth  
4 money to accomplish the goal, he will support it. It may include a partial assessment for the  
5 project.

6 Mrs. Anderson asked what the cost savings would be if it was not constructed in the  
7 winter and how much faster could it get done. Mr. Pechaty stated the winter construction costs are  
8 built into the cost estimate, but are far less than \$500,000. If there would be a cost savings for not  
9 constructing in the winter, there would be a corresponding cost increase for rise in construction  
10 costs by waiting until summer. Mr. Tyacke commented he remembered the savings to be about  
11 \$100,000.

12 Mr. Willcox stated in order for this to move forward, they have to figure out whether or  
13 not a roof is affordable and if there are ways to fund it.

14 Mr. Tyacke stated he is not willing to vote to raise taxes in order to get a roof on the  
15 ramp. Mr. Mullin agreed, but stated there may be other options available.

16 Mrs. McCarthy inquired what a tax increase would cost a property owner to cover this  
17 gap, and suggested Ehlers run the numbers for the Council. Mrs. Anderson stated she would also  
18 like to see the numbers if the City were to wait one year.

19 Mr. Tyacke made a motion, seconded by Mr. Mullin, to accept the Schematic Design of  
20 the Mill Street Parking Ramp and to direct staff to move forward with a bid for the base ramp  
21 with an add-on alternative for a full roof. The motion carried 5/0.

22  
23 **b. Consider Resolution No. 21-2016 Denying Holdridge Homes Subdivision and PUD**  
24 **Approval-1407 Holdridge Terrace**

25 Director of Planning and Building Thomson reported the applicant is requesting rezoning from R-  
26 2 to PUD/Planned Unit Development, PUD Concept Plan and General Plan of Development  
27 approval, and preliminary plat review to subdivide the properties at 1407 Holdridge Terrace and  
28 an unaddressed parcel on Holdridge Terrace for a six lot single-family residential development.

29 At the request of Council, Mr. Thomson explained the PUD district has its own set of  
30 zoning standards that are different than R-2 zoning standards. An applicant can request PUD  
31 rezoning to allow for more flexible development standards. A variance is when rezoning is not  
32 requested, but the applicant is looking for an exception to a requirement within the existing  
33 zoning district.

34 Mr. Thomson reported the Planning Commission voted 5-0 to recommend denial of these  
35 requests for the following reasons: 1) The applicant had not demonstrated that the project would  
36 meet the intent of the PUD ordinance; 2) The PUD does not provide benefits to the R-2  
37 development plan; and, 3) Concerns about density, tree removal, and reduced setbacks from the  
38 south frontage road.

39 Mr. Tyacke asked if the dedication of parkland space impacted the wetland area. Mr.  
40 Thomson stated it would be in the wetland buffer, but not in the wetland itself.

41 Mr. Thomson clarified what periphery setbacks are. The PUD ordinance states there are  
42 setback requirements along the exterior perimeter of the PUD. But there are no specific setbacks  
43 internal to the PUD itself. The exterior perimeter setbacks for a PUD are the same as the current  
44 zoning of the property. There was discussion about the setbacks from Wayzata Boulevard, and  
45 the R-2 requirement of 25 feet would apply to the PUD. This plan would need a variance from  
46 that PUD setback requirement.

47 Curt Frethem, Lake West Development, 14525 Highway 7, commented they met with the  
48 Council on this plan about a year ago and talked about what was an appropriate use for this site.  
49 They agreed that something other than an R-2 would be appropriate, but the 12 units that were  
50 proposed were denser than what the Council would like to see. They are now proposing a six lot  
51 plan.

1 Reed Schultz, Land Form Professional Services, 105 South Fifth Avenue, Minneapolis,  
2 reported on the project history and background, development options, proposed development, site  
3 amenities, site plan details, PUD goals, and an alternative site plan. The proposed development  
4 will include six single-family lots, lots that exceed the minimum 15,000 square feet of lot area,  
5 and a creative design that allows for natural resource preservation and enhanced architectural  
6 design. They will be honoring the front yard setback and would not need a variance.

7 Theresa Santima, Santima Design, commented each of the homes will be custom homes  
8 with high quality construction and the homeowners would be able to design to their needs. She  
9 provided drawings of the street scape, the buffering from Highway 394, and conceptual drawings  
10 of what the homes may look like.

11 Mr. Schultz reported with PUD zoning, they are able to cluster the development to  
12 maximize the views, to reduce the overall land costs, to enhance the overall architecture, and help  
13 mitigate the traffic noise from Highway 394 by angling the homes on the lots.

14 Mr. Tyacke asked if the developer currently owns Lot 1 and if they would consider  
15 keeping Lot 2 and making a conservation easement on it to maintain the tree coverage needed.  
16 Mr. Schultz responded they do not own Lot 1. Under an R-3, they would still do the same six lots.  
17 Mr. Frethem stated the house plan for Lot 2 did preserve a lot of the trees, but it would be asking  
18 a lot to preserve it in its entirety.

19 Mrs. Anderson asked where the lift station is on the property. Mr. Schelzel stated there is  
20 a lift station on the property and as part of an easement on that would be preserved. The lift  
21 station is in front of proposed house three.

22 Mrs. McCarthy asked about the front yard setback and the dedication of the park land.  
23 Mr. Thomson stated the plans the Planning Commission reviewed include the 15-foot setback  
24 from the property line. The applicant presented alternative plans earlier in the meeting, but staff  
25 has not had the opportunity to review them. The dedication of the park land was proposed by the  
26 applicant, but has not been discussed by staff. There is no public access as it does not connect to  
27 any trails. This was created in response to standards in the PUD ordinance about private  
28 recreational space.

29 Mr. Mullin asked about the timing of the application. Mr. Thomson advised it expires  
30 tomorrow, July 6. If the Council does not take action on it tonight, the applicant would need to  
31 grant a waiver to the deadline.

32 Mr. Tyacke commented if it is zoned R-2, they can build five houses, and they are  
33 proposing to build six with the PUD request. He would like to see Lot 2 left alone in a  
34 conservation easement. He does see a benefit to clustering six homes instead of selling each of  
35 them off individually.

36 Mrs. Anderson commented she thinks the request for a PUD is to get around things.  
37 When going from a ten-foot side yard setback to five, it becomes too clustered. She supports the  
38 R-2 zoning and building five houses instead of six, and the market will dictate the need for nice  
39 homes in that area of Wayzata.

40 Mr. Mullin asked what the price point target is for the homes. Mr. Frethem stated the  
41 homes will be in the \$600,000 to \$700,000 price point. By allowing them to build more homes, it  
42 will drive the price of the land down. They need this, along with a few nice amenities in order to  
43 be able to sell right along Highway 394.

44 Mr. Mullin commented there is a practical and reasonable difficulty with the frontage  
45 road of the freeway. The applicant has shown some good will to be less dense and what is  
46 practical and reasonable to sell. He asked the applicant if there is any way they could work with  
47 staff on Lot 2 to soften the impact into the neighborhood to the north.

48 Mrs. McCarthy commented she is not okay with a five-foot setback as it is still too dense.  
49 She appreciates the creative spin, but they need to make it work within the confines in which the  
50 land was purchased.

1 Mr. Willcox commented he appreciates the design work. He does not support the density  
2 and the PUD request is an attempt to avoid the zoning regulations. The Subdivision Ordinance is  
3 demanding of what is being built and how it fits in with the adjacent neighborhood. The dense  
4 clustering of homes is in violation of the Comprehensive Plan.

5 Mrs. Anderson made a motion, seconded by Mrs. McCarthy to adopt Resolution No. 21-  
6 2016 Denying PUD, Rezoning, and Preliminary Plat at 1407 Holdridge Terrace and Unaddressed  
7 Parcel.

8 Mr. Tyacke asked if they are bound to the R-2 zoning with the adoption of this resolution.  
9 Mr. Schelzel stated they could come back with another request to rezone it to something else.  
10 There are restrictions with zoning and coming back with the same application.

11 The motion carried 5/0.

12  
13 The Council recessed at 9:58 p.m. and reconvened at 10:06 p.m.

14  
15 City Manager Dahl announced Councilmember Mullin had to leave the meeting.

16  
17 **c. Consider Resolution No. 22-2016 Approving Beacon Five Development Project at**  
18 **529 Indian Mound East**

19 Director of Planning and Building Thomson reported the applicant, Ron Clark Construction, has  
20 submitted a development application to develop the property located at 529 Indian Mount East.  
21 The project includes the construction of a three story mixed use building consisting of five  
22 residential condominiums, 600 square feet of office space, and 11 underground parking spaces.

23 Mr. Thomson reported the applicant is requesting approval of the following: 1) Rezoning  
24 from C-1 to PUD; 2) PUD Concept Plan of Development; 3) Variance from maximum height  
25 requirement from 35 feet to 38.9 feet; and, 4) Shoreland Impact Plan/CUP for building height.  
26 The Planning Commission recommended approval of this application.

27 Mr. Tyacke referred to the rezoning chart in Mr. Thomson's presentation. He asked about  
28 C-1 zoning and density. Mr. Thomson stated density is not applicable because it tends to be a  
29 residential measurement and the C-1 zoning is primarily a commercial district. The Floor Area  
30 Ratio in C-1 is a maximum 2.0 and this application is at 1.4.

31 Mrs. McCarthy asked if this project was in the Shoreland Overlay District and noted the  
32 proposed impervious surface is 60%. Mr. Thomson stated the maximum is 25%, but is allowed to  
33 go up to 75% if the application meets the City's stormwater management requirements.

34 Mrs. McCarthy referred to page 308 and asked about the pond. Mr. Thomson stated it  
35 shows the preliminary utility plan, but the detail around the pond will come later with the general  
36 design.

37 Mr. Willcox asked about the difference in design standards for upper story setbacks on  
38 and off Lake Street and if this met those requirements. Mr. Thomson stated the requirements are  
39 the same on and off Lake Street. The third story always has to be recessed back from the second  
40 story and the second floor only has to be recessed back if it meets a certain width.

41 Tim Whitten, Whitten Associates, 4159 Heatherton Place, Minnetonka, referred to page  
42 305. He stated the height of the roof is at 36.9 and they are looking for two additional feet to give  
43 interest to the architecture. The site slopes up 12 feet and creates a condition specific to the site  
44 and does not allow them to lower the building any further. The site is 66 feet wide with ten-foot  
45 setbacks on either side, allowing the building to be 46 feet wide. The only way to enter the  
46 building is off Indian Mound Street and they also need to meet the requirement of two handicap  
47 accessible spots.

48 Mrs. Anderson asked if it was possible to move the parapets down to make them flush  
49 with the top of the building in order to meet the height requirement. Mr. Whitten responded they  
50 could lower the parapet, but they are looking for more architectural interest.

1 The Council agreed that based on the limitations of the lot, there are practical difficulties  
2 and it supports moving the application forward. The Council encouraged the applicant to find  
3 ways to meet the height requirement.

4 Mr. Willcox commented this property is designated as mixed use/commercial through the  
5 Comprehensive Plan, but should be mixed use/residential.

6 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adopt Resolution No. 22-  
7 2016 Approving PUD, Rezoning, Height Variance, and Shoreland Impact Plan for 529 Indian  
8 Mound East, with an added condition that the applicant will make every effort to reduce the  
9 height by two feet to meet the height requirement. The motion carried 4/0.

10  
11 **d. Consider Resolution No. 23-2016 Denying Meyer Place on Ferndale Redevelopment**  
12 **Project-105 Lake Street East**

13 Director of Planning and Building Thomson reported the applicant, Homestead Partners, and the  
14 property owner, Meyer Properties, have submitted a developmental application to redevelop the  
15 Meyer Brothers Dairy site at 105 Lake Street East. It includes demolition of the existing vacant  
16 commercial building and construction of a three-story building with a rooftop penthouse for a  
17 rooftop terrace. The building would include 23 residential condominium units and 59 enclosed  
18 parking spaces.

19 Mr. Thomson reported the applicant is requesting approval of the following: 1) Rezoning  
20 from C-4A to PUD/Planned Unit Development; 2) Concurrent PUD Concept and General Plan  
21 Development review; 3) Conditional Use Permit for the penthouse height from 40 feet to 48 feet;  
22 and, 4) Design Review.

23 Mr. Thomson reported when this was before the Planning Commission it also included a  
24 height variance and shoreland impact plan, but those have been removed from the application.  
25 The following revisions have been made to the plan since the Planning Commission review: 1)  
26 Reduced the height of the building from 35.4 feet to 35 feet (the building meets PUD height  
27 requirement, except for the “penthouse”); 2) Reduced the overall size and height of “penthouse”  
28 structure (height reduced from 51.4 feet to 48 feet); 3) Reduced the depth of the building by 5  
29 feet; 4) Modifications to building materials; and, 5) Added additional boulevard trees along Lake  
30 Street. The number of condominium units remains the same at 23 units.

31 Mrs. McCarthy asked for clarification on the requested sidewalk deviation. Mr. Thomson  
32 stated the sidewalk requirements are 10 or 12 feet in width along Lake Street, and this design  
33 meets that requirement. The deviation is for the sidewalk to be only six feet wide along Ferndale  
34 Road.

35 Mr. Thomson reported the Planning Commission supports the PUD, but expressed  
36 concern about the design of the building, and the height and density of the project. There was  
37 additional discussion on including retail and commercial uses on the first floor. They voted 5-0 to  
38 recommend denial of the application and also recommended denial of the height variance and  
39 shoreland impact plan, which are no longer required.

40 At the request of the Council, Mr. Thomson highlighted the items that are a deviation  
41 from the design plan. These include: 1) Building recessions between levels; 2) Ground level  
42 expressions to distinguish between ground floor and upper floors; 3) Ferndale sidewalk width; 4)  
43 Mechanical equipment located on the roof; and, 5) Roof color. Additionally, the height of the  
44 building and the retail commercial uses are deviations from the current zoning.

45 Mr. Thomson commented there is language in the Comprehensive Plan that states retail  
46 uses on Lake Street west of Barry Avenue are encouraged, but not required. City Attorney  
47 Schelzel stated the Comprehensive Plan does allow for the uses contemplated in this PUD and the  
48 application does not need a Comprehensive Plan amendment.

49 Mr. Tyacke asked if there was a density requirement for the current zoning. Mr. Thomson  
50 stated the building mass is regulated by Floor Area ratio, not by units per acre. The PUD  
51 standards dictate the number of units allowed.

1 Mr. Willcox asked for the difference between a C-1 building and a C-4A building. Mr.  
2 Thomson stated the C-1 district are properties not located on Lake Street. They have a maximum  
3 height of three stories/35 feet and only allow commercial on the first floor and residential on the  
4 second and third floors. There are two C-4 districts: one for the east side of Lake Street and one  
5 for the west side of Lake Street.

6 Mrs. Anderson commented on the building recession requirements on Lake Street. Mr.  
7 Thomson stated the place where the building is not set back is on Ferndale. The Lake Street  
8 frontage is at a zero-foot setback, and the majority of that third floor is set back.

9 Mrs. Anderson stated the building façade of livable space is not right on the property line  
10 and is recessed five feet back. The second floor is recessed from the property line, but not from  
11 the building story itself.

12 Mr. Tyacke commented the PUD ordinance stated the applicant must own the property  
13 and this property being leased. City Attorney Schelzel commented it is a requirement so the  
14 owner of the property should be a co-applicant on the application. Mr. Thomson confirmed the  
15 owner signed the application as the property owner.

16 Mr. Schelzel commented on the differences between C-4 and C-4A. Both are meant to  
17 emphasize downtown commercial, but C-4A has a residential component.

18 Mr. Rick Packer, Homestead Partners, 525 15<sup>th</sup> Avenue South, Hopkins, stated they have  
19 tried to eliminate every variance and issue that has been addressed. They are trying to design  
20 what the Council is looking for on the site and welcome feedback.

21 Tim Whitten, Whitten Associates, 4159 Heatherton Place, Minnetonka, commented on  
22 the site plan. Building recesses have been added along the planters and the addition of park  
23 benches. The roof is a membrane roof, lighter in color, and flat so it cannot be seen. The sidewalk  
24 along Ferndale can be made to 12 feet, but it will take away green space. The tree spacing will be  
25 26 feet on center, as stated in the City ordinance. They are requesting the top floor air  
26 conditioning condensers be on the roof and all the others will be put at grade. More stone was  
27 added with different uses of color in the design. The rooftop patio needs to be supported by the  
28 elevator and two stair exits, and the height was dropped by three feet. Townhome unit No. 205  
29 behind the proposed building will be the only one that has a chance of seeing the air conditioning  
30 unit as proposed. The building along Lake Street is stepped back along the entire third floor  
31 except for near the main entrance. Along Ferndale, the entire footprint of the building is set back  
32 from the property line. There will be stone, brick and stucco used on the building, but they are  
33 flexible with what is done on the exterior.

34 Mr. Tyacke asked what research was done in regard to having retail in the building. Mr.  
35 Packer stated that research was provided earlier in the process. Realtors looked at the site and  
36 thought it was an area that had too much retail. Additionally, neighborhood feedback also showed  
37 there was enough retail in the area and they wanted to see a purely residential project.

38 Mr. Willcox asked about the height of the elevator shaft. Mr. Thomson stated the  
39 building is at 35 feet and the zoning ordinance allows the rooftop structures to extend an  
40 additional five feet. The applicant is requesting the height be extended from 40 feet to 48 feet.

41 Mr. Tyacke asked if there is an elevator shaft that could work within the five-foot  
42 allowance. Mr. Packer stated he thought with the CUP and the rooftop terrace that these type of  
43 structures were allowed and they were not exceeding any heights. Without the CUP, they would  
44 not be able to meet the five-foot allowance.

45 Mr. Willcox commented it is doable to have the mechanicals inside the building.

46 Mrs. Anderson commented on the deviations relating to design and height. The applicant  
47 is meeting the building height except for the elevator shaft. The rooftop terrace provides a  
48 wonderful amenity for the residents, it is encouraged, and is a positive trade off. The building  
49 recession has come a long way, and the applicant is listening to suggestions and working towards  
50 a positive solution. She is concerned about the noise of the mechanical units if they are on the  
51 ground level and would like to find a better solution for that. There is a lot of expression with the

1 building vertically. The Ferndale sidewalk is needed and the proposed six-foot sidewalk with  
2 greenspace is good. The roof color cannot be visibly seen, but she is concerned about reflection  
3 with the light color. She would like to see a different style and design in the community and does  
4 not like the stucco and rust color. She supports retail, but is flexible. She thanked the applicant for  
5 listening to the suggestions and the community is looking forward to the project.

6 Mr. Tyacke stated he is impressed with the building, but has some issues with the exterior  
7 with the building. He does not want it to look like another Presbyterian Homes.

8 Mrs. McCarthy stated her feedback has always been to stay true to the height allowed and  
9 have some form of retail. This is an integral part of the community, and this does not have the  
10 vibrancy that is needed. She does not support this project.

11 Mr. Willcox stated the current design is much better than previous design, but height is  
12 still an issue. The PUD is being requested to get around height issues. The C-4A is for a two  
13 story, 30 foot building, and it is more appropriate for this site. The proposed building is still too  
14 big and he is not in favor of the project.

15 Mrs. McCarthy made a motion, seconded by Mr. Willcox, to adopt Resolution No. 23-  
16 2016 denying Meyer Place on Ferndale Redevelopment Project-105 Lake Street. The motion  
17 failed 2/2 (Tyacke and Anderson).

18 Mrs. Anderson made a motion, seconded by Mr. Tyacke, to table Resolution No. 23-2016  
19 Denying Meyer Place on Ferndale Redevelopment Project-105 Lake Street until the next Council  
20 meeting.

21 Mrs. Anderson stated it is up to the applicant if they choose to come back with some  
22 revisions that may get more support from the Council.

23 Mr. Schelzel stated if the majority of Council wishes to adopt a resolution that would  
24 approve the project at the next meeting, staff needs to be ready with that resolution or get an  
25 extension from the applicant.

26 Mr. Tyacke asked for clarification on the CUP. Mr. Thomson stated it is for the staircase  
27 and elevator elements on the roof itself, not for the mechanical equipment. The mechanical  
28 equipment is a deviation from the design standard that prohibits the equipment from being on the  
29 roof.

30 The motion carried 3/1 (McCarthy).

31  
32 **e. First Reading of Ordinance #757 Tree Preservation Ordinance**

33 Director of Planning and Building Thomson reported the proposed ordinance amendment  
34 includes two separate sections of the City Code. The maintenance and removal of trees chapter  
35 (Chapter 710) addresses maintenance and removal of trees throughout the community and applies  
36 to tree removal on existing properties where no construction, development, or redevelopment is  
37 occurring. It also includes the tree pathogen control program and abatement procedures. The tree  
38 preservation chapter (Chapter 801 Section 36) would be a new section to the zoning ordinance,  
39 and addressed the preservation of trees during development, such as construction, subdivision, or  
40 redevelopment.

41 Mr. Thomson reported on the changes made to the ordinances. The previous ordinance  
42 distinguished between Developers and Property Owners. Instead of the Developers category, the  
43 new categories are Subdivision, Public Infrastructure, or Construction of a single-family home on  
44 a vacant lot. City Council will review Subdivisions and Public Infrastructure while City staff will  
45 review construction of a single-family home on a vacant lot, unless it is part of a subdivision.  
46 Instead of the Property Owners category, the new categories are Grading Permit, Design Review,  
47 and expansions or additions to existing single-family homes. The City Council will review the  
48 Design Review and City staff will review grading permits, and expansions to existing single-  
49 family homes.

50 Mr. Thomson reported on the parts of the ordinance the Council requested staff look at.  
51 This included changes to the Acceptable Tree Replacement Species, expanding the definition

1 relating to public infrastructure projects, expanding the definition of tree removal, additional  
2 language around penalties, and clarification around tree removal permits.

3 Mr. Tyacke asked about the language on page 465. Mr. Thomson stated if the City  
4 Forester makes a determination that a tree is structurally unsound, the City is not liable for the  
5 decision by the property owner whether or not to remove it. Mr. Schelzel stated it was added to  
6 protect the City from a liability claim.

7 After discussion concerning the City Forester qualifications, Mr. Schelzel summarized  
8 the following amendments to the ordinance: 1) Section 801.36 2(A) under City Forester, it  
9 should read, "means that person appointed as City Forester as determined in Section  
10 710.02(b)..."; and 2) In Section 710.02(b), it should read, "The qualifications of the Forester shall  
11 be, as a minimum, those qualifications prescribed for certified arborists by the International  
12 Society of Arboriculture, or such other appropriate qualifications as determined by the City  
13 Manager."

14 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt the First Reading of  
15 Ordinance No. 757 as amended. The motion carried 4/0.

16  
17 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

18 **a. Storm Update**

19 City Manager Dahl commented there are many people without power and trees down in Wayzata.  
20 There have been no injuries and City staff will work through the night to keep the lift stations  
21 powered.

22  
23 **b. Miscellaneous**

24 City Manager Dahl advised Hennepin County will be closing Highway 101 at Central on July 5-  
25 6. It will be an all-way stop and one lane each way.

26  
27 Mayor Willcox announced the Fourth of July Flying Pancake Breakfast was a success and the  
28 family who heads it up each year is looking to hand the event off.

29  
30 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

31 There were no comments.

32  
33 **AGENDA ITEM 9. Adjournment.**

34 Mrs. McCarthy made a motion, seconded by Mrs. Anderson to adjourn. There being no further  
35 business, Mayor Willcox adjourned the meeting at 12:02 a.m.

36  
37 Respectfully submitted,

38  
39 *Becky Malone 07-19-2016*

40  
41 Becky Malone  
42 Deputy City Clerk

43  
44 Drafted by Shannon Schmidt  
45 *TimeSaver Off Site Secretarial, Inc.*