

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
February 19, 2020**

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AGENDA ITEM 1. Call to Order

Chair Plantan called the meeting to order at 6:30 p.m.

AGENDA ITEM 2. Roll Call

Present at roll call were Commissioners: Plantan, Douglas, Merriam, Parkhill, and Bashioum.
Absent: Flannigan and Iverson. Community Development Director Emily Goellner and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

Chair Plantan reviewed the meeting agenda and asked if Commissioners had any updates or proposed revisions to the agenda.

Hearing none, Chair Plantan asked to add a new agenda item 6f on census update.

Hearing no objections, Chair Plantan asked for a motion to approve the agenda for the meeting, as amended.

Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the February 19, 2020 agenda with the addition of proposed new item 6f on the census. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the February 3, 2020 Planning Commission Meeting Minutes
- b.) Report and Recommendation of Approval of Design for a Detached Garage at 214/216 Minnetonka Avenue South

Chair Plantan read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Hearing no such request, Chair Plantan asked for a motion to approve the Consent Agenda as presented.

Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to approve the Consent Agenda as presented. The motion carried 4 ayes and 1 abstain (Merriam).

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3 **AGENDA ITEM 5. Public Hearing Items:**
4

5 **a.) Development Application for Approval of a Conditional Use Permit for Fee-in-**
6 **Lieu of Parking (FILOP) and a Combined Preliminary and Final Plat for**
7 **Melvin's 235 at 235 and 239 Lake Street East**
8

9 Community Development Director, Emily Goellner, stated that the property owner, Melvin's 235,
10 LLC (Patrick Hughes), represented by Mike Nordstrom of Excelsior Group, LLC, has submitted
11 a Development Application requesting approval of a Conditional Use Permit (CUP) under the City
12 of Wayzata Fee-in-Lieu of Parking (FILOP) Policy. The application also requests approval of a
13 combined Preliminary and Final Plat to establish new property lines at 235 and 239 Lake St E that
14 are consistent with the approved PUD General Plan. The three-story office building proposed by
15 Melvin's 235, LLC received zoning approvals from City Council in October 2018. It included
16 approval of the Planned Unit Development (PUD) General Plan, Project Design with a Deviation
17 for Exterior Building Materials, Variance for Building Height, Shoreland Impact Plan/Conditional
18 Use Permit for Building Height, and Rezoning to the PUD District.
19

20 Director Goellner noted that the previous zoning approvals were made subject to several
21 conditions, three of which relate to the requests in the current development application. The
22 approved plan set and approval documents were provided to the Commission for reference.
23 Because these approvals have already been obtained, the review by the Planning Commission and
24 City Council for this current development application is focused on the material and criteria
25 relevant to the FILOP CUP and the Preliminary Plat, not the material and criteria relevant to the
26 PUD General Plan, Height Variance, Shoreland CUP for Height, Rezoning, or Design Review.
27 Director Goellner further noted that the City Council also approved an extension of the approvals
28 until October 2, 2020.
29

30 Director Goellner reviewed the parking standards of City Code that are applicable to the project.
31 For an office development, the Code requires a minimum of 3 spaces for each 1,000 square foot
32 of floor area. The proposed building consists of 37,470 sq. ft. of gross floor area (subtracting the
33 underground parking level). When calculating the requirement, the Code includes a provision to
34 remove 10% of the gross floor area from the calculation to account for the unusable square footage
35 in a building. For this project, this reduces the square footage to 33,723 sq. ft, and thus the building
36 requires 102 parking spaces. The building includes 29 enclosed parking spaces within the
37 underground garage. The application is requesting to pay a fee-in-lieu of parking to make up for
38 the balance of 73 spaces required by the Zoning Ordinance.
39

40 Director Goellner noted that these 73 parking spaces could be adequately supplied in the planned
41 City-owned public parking facility to the rear (north) of the building. This option was
42 contemplated as part of the PUD General Plan approval process. The design of the parking facility
43 is anticipated to be finalized by the City at a future date, with the intention of constructing the
44 facility in the same time frame as the construction of the proposed project. In accordance with
45 City Code, a Development Agreement would be required which would memorialize the exact

1 dollar amount owed and payment schedule under the FILOP policy. This would be drafted by
2 staff for review by the City Council only if and after a FILOP CUP is approved by the City Council.
3

4 Director Goellner explained the subdivision request in the Application, highlighting that the
5 Applicant is proposing to reconfigure the four existing lots into three lots. The Preliminary and
6 Final Plat has been reviewed against the criteria outlined in the City Subdivision Code. The four
7 existing lots total 56,881 sq. ft. in size. In accordance with the approved PUD General Plan, the
8 applicant intends to utilize proposed Lot 1 for the office building and donate Lot 2 and Lot 3 to
9 the City of Wayzata for driveway and public parking facility use. Additional land located on Lake
10 Street would be conveyed to the City of Wayzata as well. Director Goellner noted that Staff is
11 working with the applicant to prepare a variety of necessary easements for the project related to
12 the proposed driveways and walkways on the site. The City Engineer/Public Works Director has
13 reviewed the Preliminary Plat and stated he has no concerns at this time. Hennepin County staff
14 has provided comments that have been incorporated into the Preliminary Plat.
15

16 At the conclusion of Director Goellner's presentation, Commissioner Douglas asked if the Zitzloff
17 and Boatworks properties require any parking spaces from the City's anticipated public parking
18 facility.
19

20 Director Goellner stated that the Zitzloff property is self-parked and does not anticipate a need to
21 access the City parking facility. The public parking facility would include land donated by the
22 Wayzata Blu project, some of which is currently used by Boatworks for excess parking. She noted
23 that this use was particularly for valet parking in the evenings and on weekends. She stated that
24 the office uses on the applicant's site would primarily use the parking spaces in the public parking
25 facility from 7 am to 6 pm on weekdays.
26

27 Commissioner Parkhill asked if the anticipated City parking facility would be a surface lot or
28 covered structure.
29

30 Director Goellner responded that the current plan is for a surface lot only, but that conversations
31 will occur with the City Council regarding the potential for a future two-story parking ramp.
32

33 Commissioner Douglas stated that the Commission had received a letter from a community
34 member, and she wanted to know if the comments were relevant to the discussion on the current
35 application.
36

37 Director Goellner responded that she understood that the community member wanted to provide
38 public comment and questions to be addressed during the overall project approval process. She
39 added that the comments aren't relevant to the criteria for the current application, but that is always
40 good to receive those comments as applications are considered. She stated that the comments
41 and/or questions will be addressed during different phases of the project approval and
42 implementation process.
43

44 There being no further question from the Commission for Staff, Chair Plantan invited the
45 Applicant to address the Commission on the application.
46

1 Applicant's principal, Patrick Hughes, 235 Lake Street East, stated their appreciation for the
2 Commission taking the time to hear about the application. He added that the this stage of the plan
3 took a year longer than expected, but that it is essentially the same plan from 2018 with the addition
4 of the land donation to the City that Director Goellner had outlined. He stated that the current plan
5 is a creative and thoughtful way to provide parking for different uses. He believes that proposed
6 parking plan will be a great asset for the City. He expressed a confidence in the team that he has
7 to move forward with the project. He added that they have acquired a tenant for the project, are
8 hoping to break ground in the spring, and be open for tenants in the fall of 2021.

9
10 There being no questions from the Commission for the applicant, Chair Plantan opened the public
11 hearing on the application at 6:55 p.m.

12
13 Attorney, Darren Knight, 319 Barry Ave, stated that he works with Lowell Zitzloff and that he
14 was the author of the letter that the Commission referenced earlier in the meeting. He stated that
15 his client, Mr. Zitzloff, owns the property to the west of the applicant's property. He said they
16 would like to express encouragement that all development applications for surrounding properties
17 receive similar and consistent enforcement of the rules. Specific concerns were described in the
18 his letter received by the Commission. He highlighted specific concerns regarding the noise
19 produced by the HVAC chiller shown in the plans, and allowed heights of proposed developments.
20 He pointed out an area of Barry Ave that likely needs a traffic study completed. He stated that the
21 development of the surrounding areas will worsen an already difficult area to navigate.

22
23 Resident, Jeff Zitzloff, 315 Lake St E, stated that his father is most concerned with the HVAC
24 chiller that Mr. Knight described. He asked if all of the donated land for the parking structure had
25 been secured. He did not ask for a response.

26
27 There being no one else wishing to comment on the application, Chair Plantan closed the public
28 hearing at 7:00 p.m.

29
30 Chair Plantan asked for the Commission to share their questions and feedback on the application.

31
32 Commissioner Parkhill asked if the City had secured the donated land that would be developed to
33 create the parking area that will contain the required parking spaces for the current application.

34
35 Director Goellner stated that each of the donation agreements for the land for the public parking
36 area are being executed in connection with the development agreements.

37
38 Commissioner Parkhill asked for the width of the road behind Wayzata Blu and questioned if there
39 were concerns regarding the construction of a two-way access drive at the location.

40
41 Director Goellner acknowledged the comment expressed by Mr. Knight and noted that the City
42 would look at the possible impact development would have on Barry Ave.

43
44 Commissioner Parkhill stated that he had no concern regarding the application other than what has
45 been raised.

46

1 Commissioner Bashoum asked for assurance that the concern raised regarding the HVAC chiller
2 would be addressed.

3
4 Director Goellner stated that the building plans will be reviewed at the permitting stage to assure
5 that everything is within the guidelines and standards of the City Code.

6
7 Commissioner Merriam asked for more information regarding the wetland delineation for the area
8 of the parking facility.

9
10 Director Goellner stated that more information will be available when the final design of the
11 parking facility is determined. She noted that she had spoke with the City Engineer, Mike Kelly,
12 and was told that the site was approved for a wetland delineation and that the Watershed District
13 has not yet approved a mitigation plan, but they are working on it. She explained that the parking
14 facility presented in the current application only provides the general number of parking spaces
15 available and not the specific design of the parking area. The specific design will need Council
16 approval.

17
18 Commissioner Merriam restated concerns regarding the road use and traffic patterns. She added
19 that it appeared that travel on Barry Ave. may become cumbersome.

20
21 Director Goellner stated that the traffic patterns will be reviewed.

22
23 Commissioner Douglas stated that the City has a lot of work ahead of them with the anticipated
24 parking facility but she does not have concern with the traffic. She stated that she is comfortable
25 with the project and approvals requested.

26
27 Chair Plantan stated that she is also in favor of the requested CUP for the FILOP. She stated that
28 the project enhances the functionality of the Central Business District, it relates to the Comp Plan,
29 and it does not adversely affect the area.

30
31 There being no further discussion, Chair Plantan asked for a motion on the application.

32
33 Commissioner Parkhill made a motion, seconded by Commissioner Merriam, to direct staff to
34 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
35 reflecting a recommendation of approval of the Preliminary and Final Plat to establish new
36 property lines at 235 and 239 Lake Street, consistent with the approved PUD, and approval of a
37 Conditional Use Permit for Fee-in-Lieu of Parking (FILOP), for review and adoption at the next
38 Planning Commission meeting. The motion carried unanimously.

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41 **AGENDA ITEM 6. Other Items:**

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43 **a.) Review of Development Activities**

44
45 Community Development Director stated that the next meeting would of the Planning Commission
46 is scheduled for March 4, and they anticipate that the Boatworks application will be on the agenda

1 for review. This information will also be available on the website. She noted that the new
2 application is anticipated to be similar to previous applications, but with a reduced building height
3 of 49 feet and some other related changes to the layout and design. The PUD standard for building
4 height is 35 feet maximum, so it is anticipated that a height variance will be requested. She
5 encouraged the public to review the plans and reach out if they have questions prior to the public
6 hearing. She stated that the Commission will likely also have a home addition application to
7 review at the next meeting.

8
9 **b.) February 4, 2020 City Council Report**

10
11 Commissioner Douglas provided a report on the February 4 City Council meeting, and shared that
12 there was an annual update provided by the Hennepin County Sherriff office. They reported that
13 they aid Wayzata 200 hours a year with investigation and other items. Of the 11,000 hours of
14 water patrol, 9,000 of the hours are conducted on Lake Minnetonka. A new police technician was
15 introduced, and a new officer was sworn in. There were a few announcements provided. They
16 approved two of the projects that the Commission

17
18 **c.) February 18, 2020 City Council Report**

19
20 City Attorney, David Schelzel provided a report on the February 18 City Council meeting for an
21 absent commissioner, and shared that there was a recognition of the Heritage Preservation Board
22 Chair. The 908 Shady Lane East Garage was approved. The second reading of the ordinance for
23 the rezoning of the Walker Townhomes was completed. Council considered Mediacom's quarterly
24 customer service report, and heard from a Mediacom representative. They also discussed the
25 upcoming census.

26
27 **d.) Planning Commissioner Liaison for the March 10 City Council Meeting**

28
29 Chair Plantan noted that Commissioner Iverson will provide a report at the next Planning
30 Commission meeting.

31
32 **e.) 2020 Planning Commission Meeting Calendar**

33
34 Director Goellner stated that the next meeting of the Planning Commission is scheduled for a
35 Wednesday due to the Primary Election. The meeting will be on Wednesday, March 4, 2020.

36
37 **f.) 2020 Census**

38
39 Director Goellner shared information regarding the completion of the 2020 Census and the positive
40 implications of a full count for the City of Wayzata. She noted that a Complete Count committee
41 had been formed to make people aware of the 2020 Census. They have created a website, prepared
42 an informational video, and will begin to reach out to different residents and property owners to
43 increase participation.

44
45 Commissioner Douglas stated that she is on the Complete Count committee and they are setting
46 up an informational booth at the Public library.

1
2 Mr. Schelzel asked if residents should be looking for a mailing.

3
4 Director Goellner stated that residents can participate in the census either online, or by completing
5 a paper form that comes in the mail. She added that the paper form should take less than a minute
6 to complete.

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9 **AGENDA ITEM 8. Adjournment.**

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11 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

12
13 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to adjourn the
14 Planning Commission meeting. The motion carried unanimously.

15
16 The Planning Commission meeting was adjourned by Chair Plantan at 7:21 p.m.

17
18 Respectfully submitted,
19 Jenny Groess
20 *TimeSaver Off Site Secretarial, Inc.*