



1 side and front yard, and a wooden, 50% opaque gate across the driveway in the front yard. The  
2 development application requests approval of a variance for the height of the fence in the front  
3 yard. The application has been amended and modified given the feedback of the Planning  
4 Commission at the January 7, 2019 meeting. The application no longer includes requests for a  
5 variance to use chain link fencing or a conditional use permit for a 100% opaque gate. The front  
6 yard, which is defined as in front of the building line as established by the primary structure on the  
7 lot, fences not exceeding 42 inches in height and consisting of no more than 50% solid matter are  
8 allowed. The applicant has proposed a fence to be located in the front yard that would be 60-  
9 inches in height, which requires a variance. The proposed materials of steel and wood – meet the  
10 ordinance requirement of being no more than 50% solid matter.

11  
12 Chair Flannigan asked the Commission if there were any questions for staff related to the  
13 application.

14  
15 Commissioner Iverson asked if the existing front yard fence is five-foot in height.

16  
17 Director Thomson answered that there is five-foot in height fencing in the front yard of the property  
18 that pre-dates the City ordinance restricting fencing height to 42-inches.

19  
20 Commissioner Plantan asked if the chain-link fence was acceptable material for pool enclosures  
21 and if the proposed gate would meet the requirement for being a non-scalable pool enclosure gate.

22  
23 Director Thomson answered that pool enclosure and gating should not be climbable.

24  
25 Commissioner Bashioum asked for the height of the proposed fence and gate as presented in the  
26 provided slides.

27  
28 Director Thomson answered five-feet.

29  
30 Commissioner Parkhill asked if the height of the gate would be five-feet. He added that the  
31 renderings appear to depict a gate that is taller than the attached fencing.

32  
33 Applicant's representative, Drew Torrence, stated that the rendering provided was created with the  
34 gate being taller than the attached fence and is not an accurate depiction of the height of the  
35 proposed fence and gate. The application is for a fence and a gate, each with a height of five-feet.

36  
37 Commissioner Parkhill asked if the neighbors have been polled for their opinions on the updated  
38 proposal. He further stated that there have not been any letters submitted in support of the changes  
39 or against it.

40  
41 Applicant's representative, Drew Torrence, answered that he is not able to answer the question  
42 and that maybe the homeowners would have more information regarding the neighbor's thoughts  
43 on the updated proposal.

44  
45 Commissioner Iverson asked for the height of the pillars located on either side of the driveway that  
46 will support the proposed gate.

1  
2 Applicant's representative, Drew Torrence, answered that the pillars were constructed for a five-  
3 foot in height gate. He added that they would be cut down to the height of the approved fence.

4  
5 Commissioner Bashioum stated that the previous application brought opposition from a specific  
6 neighbor specifically for the height of the front-yard fence. She asked if the updated proposal was  
7 shared with this neighbor and if the applicants were aware of the neighbor's current position.

8  
9 Applicant's representative, Drew Torrence, answered that he is unable to answer that question and  
10 stated that the homeowners may have more information.

11  
12 Director Thomson clarified that there are two different set of fencing requirements in the City  
13 Code. He stated that the pool fencing requirements are in a separate section of the City Code and  
14 not within the zoning ordinance. The City does not have the ability to grant variances from pool  
15 fencing enclosure standards because they are not within the zoning ordinance.

16  
17 Commissioner Parkhill asked if the proposed gate would meet the pool gate enclosure  
18 requirements.

19  
20 Director Thomson answered that the requirement is that the gate must remain closed.

21  
22 Applicant's representative, Drew Torrence, added that the proposed gate would have sensors that  
23 would allow access to the property and sensors that would close the gate behind the visitor after  
24 entering.

25  
26 Commissioner Merriam stated that there are no other gates in the neighborhood. She asked if gates  
27 are allowed for other property owners in the neighborhood, or if the applicant's property would be  
28 unique in allowing a gate.

29  
30 Director Thomson responded that gates are permitted but must meet the 42-inch height and 50%  
31 opacity requirements for fencing. There is no lot size requirement for consideration of a gate.

32  
33 Chair Flannigan asked the Commission for their thoughts on the application.

34  
35 Commissioner Douglas stated that she appreciates that changes to the proposal and would like to  
36 recommend some landscaping to help soften the gates façade.

37  
38 Commissioner Parkhill stated that due to the burial grounds on the property and the size of the lot,  
39 he does not have issue with the requested scale of the fence or gate.

40  
41 Commissioner Bashioum added that she did not see gates on any of the neighboring properties.  
42 She agreed with Commissioner Douglas' suggestion to add landscaping to soften and/or minimize  
43 its presence.

44  
45 Commissioner Iverson stated that she was undecided. She added that the property having a burial  
46 site does make it unique. She does not think that a five-foot fence is going to restrict trespassers

1 from entering the property. She also added that she was concerned with the precedent a variance  
2 could set in the neighborhood.

3  
4 Commissioner Plantan expressed concerns related to the gate precedent in the neighborhood. She  
5 stated that there are no other gates in the neighborhood. She does not believe that there is a  
6 hardship demonstrated for a variance due to security, the pool, or the dogs. She further added  
7 that she believes that there are ways to fence in the pool without having to go across the front of  
8 the property.

9  
10 Commissioner Merriam agreed with Commissioner Plantan that there are opportunities for the  
11 homeowners to fence in the pool and continue to meet the 42-inch fence height requirement for  
12 the front yard. She stated that although the proposal is for the gate to be set back a fair distance  
13 from the road, it would still exist, and she does not feel that it would fit into the neighborhood.  
14 She commended the author of the drawings, but she explained that there is not enough uniqueness  
15 to the property to warrant a variance.

16  
17 Chair Flannigan agreed that the application is complicated. He did not have issue with the  
18 existence of the gate, and he understands the need for pool enclosure fencing. He mentioned that  
19 there are probably other ways to meet that requirement. He indicated that there are some potential  
20 difficulties that they have identified, and that he would like to see the application move to the City  
21 Council for their consideration.

22  
23 Chair Flannigan asked for a motion on the application.

24  
25 Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to direct staff to  
26 prepare a Planning Commission Report and Recommendation, with appropriate findings reflecting  
27 a recommendation of approval of the Variance at 143 and 151 Westwood Lane for review and  
28 adoption at the next Planning Commission Meeting. The motion failed 3 ayes and 4 nays (Iverson,  
29 Plantan, Merriam, and Bashoum).

30  
31 Chair Flannigan asked for another motion on the application

32  
33 Commissioner Iverson made a motion, seconded by Commissioner Plantan, to direct staff to  
34 prepare a Planning Commission Report and Recommendation, with appropriate findings reflecting  
35 a recommendation of denial of the Variance at 143 and 151 Westwood Lane for review and  
36 adoption at the next Planning Commission Meeting. The motion carried 4 ayes and 3 nays  
37 (Flannigan, Douglas, and Parkhill).

38  
39  
40 **AGENDA ITEM 5. Public Hearing Items:**

41  
42 **a.) Chase Bank – 1022 Wayzata Blvd E**  
43 **i. Design Review and Variance**  
44

45 Director of Planning and Building Jeff Thomson stated the applicant, Core States Group, and the  
46 property owner, Monaco Fuel, LLC, have submitted a development application to construct a one-

1 story retail bank on the property at 1022 Wayzata Blvd E. The proposal includes demolition of  
2 the existing building, parking lot, and other site improvements. The new development would  
3 consist of a 3,500 square-foot, single-story commercial building. The other site improvements  
4 include a 15-stall parking lot and drive-up ATM's of the rear of the site. The development  
5 application requests approval of the project design and a setback variance for an ATM structure.  
6 The site is comprised of two separate parcels, which have different zoning and land use  
7 classifications. The C-3 zoning district requires a minimum rear yard setback of 50 feet from any  
8 rear lot line that abuts a residential zoning district. The proposed canopy structure over the ATMs  
9 on the rear of the property line would be set back 0 feet from the south property line, which is  
10 under common ownership and part of the development site, but zoned R-3A. The proposed plan  
11 includes 15-stall off-street parking. Based on the proposed building size of 3,500 square-feet, the  
12 development is required to have 10 on-site parking stalls. The 15 proposed stalls would meet the  
13 City's ordinance standards. The proposed design includes two entrances, one for pedestrians on  
14 Wayzata Blvd and one from the parking lot located on the south side of the structure. The project  
15 is subject to the design standards for the Wayzata Blvd design district. The proposal meets the  
16 building materials requirements with the use of brick and cast stone. There were three items of  
17 the originally proposed design highlighted in the design critique that did not meet the design  
18 standards, and they relate to lighting, awning material, and percentage of transparent glass. The  
19 design standards require that the ground level façade fronting along Wayzata Blvd must be  
20 comprised of at least 50% transparent glass. The transparent glass of the proposed building design  
21 would be only 28%. The plans have been updated and amended since the design critique to include  
22 heavy canvas awnings, and the blue-toned lighting around the building have been removed from  
23 the plans to meet the design requirements. The plans have also updated and amended to include a  
24 walkway connection from the sidewalk to the front entrance of the building as required by the  
25 design standards. City staff have indicated that the proposed landscape plan may not provide  
26 sufficient trees and landscape material to meet the City's screening requirements. Director  
27 Thomson further noted that the City is planning to update the Superior and Wayzata Blvd  
28 intersection, and this will create a right turn only exit from the property. He reiterated that the  
29 only requested deviation from the design standards in the current and amended application is the  
30 percentage of transparency glass used on the building. He also explained that the proposed setback  
31 of the ATM structure would still require a variance.

32  
33 Chair Flannigan asked if the Commission had questions for Mr. Thomson.

34  
35 Commissioner Douglas asked if access from Huntington would still be available to the property.

36  
37 Director Thomson stated that it would.

38  
39 Chair Flannigan asked for more information regarding the buffer residential lot.

40  
41 Director Thomson stated that there is not a lot of information regarding the creation of this lot, but  
42 that the applicant is the owner of both lots that are part of the application.

43  
44 Chair Flannigan asked for information as to what the residential lot could be used for.

45  
46 Director Thomson replied that because of its size, it could not be used for single-family housing.

1  
2 Commissioner Iverson stated that the construction of the retaining wall on the buffer lot decreased  
3 the healthy/unhealthy vegetation that had created a screen to the adjacent residential properties.

4  
5 Commissioner Merriam asked if it was possible to combine the 30-foot residential lot with the  
6 commercial lot.

7  
8 Director Thomson stated that it could not be combined without changing the zoning designation  
9 to that of the other lot. He added that the ATM's structure would still not comply with the required  
10 50-foot setback if the two parcels were combined. He further added that the lot serves the function  
11 of creating a buffer between the commercial and residential uses in the area.

12  
13 Commissioner Parkhill asked if the residential lot could be sold.

14  
15 Director Thomson explained that it could be sold but that it would remain a non-buildable  
16 residential lot.

17  
18 Chair Flannigan asked if the Commission could tie conditions, such as landscaping or trees, to the  
19 buffer lot as it pertains to the variance.

20  
21 City Attorney Schelzel explained that because the lot was part of the application, reasonable  
22 conditions could be tied to the lot if it related to the variance.

23  
24 Chair Flannigan invited the applicant to address the Commission

25  
26 Applicant's representative, John Jukevich, Senior Project Architect, Core States Group, stated that  
27 there are two teams from his firm assigned to the project. He is head of the building portion, and  
28 there is also a team in charge of the civil aspect of the project, but he will attempt to answer  
29 questions of the Commission.

30  
31 Commissioner Douglas expressed concerns related to the buffer. She explained that she does not  
32 understand the need for four ATM machines. She added that removing the southern two ATM  
33 machines could allow for a fence and tree screen to provide a buffer for the neighborhood. Car  
34 headlights moving through the ATM machine areas could negatively impact the residential area,  
35 and a proper buffer could decrease this.

36  
37 Chair Flannigan agreed with Commissioner Douglas's suggestion regarding the removal of two of  
38 the four ATM machines, and the possible subsequent positive impact on the buffer.

39  
40 Applicant representative, John Jukevich, explained that they are only planning on putting in one  
41 of the ATM lanes with access to two machines with provisions to add the second lane if need  
42 requires.

43  
44 Chair Flannigan asked if they have information specifically for Wayzata that projects a customer  
45 need that would necessitate two lanes of ATM's.

46

1 Applicant representative, John Jukevich, explained that Chase is very common in other areas of  
2 the country, and they are pushing to expand their branches into the Midwest.

3  
4 Chair Flannigan asked if there was significance to the red color depicted in the plans on the front  
5 of the building.

6  
7 Applicant representative, John Jukevich, explained that the red color is brick, and there is no  
8 significance to the color for the company.

9  
10 Commissioner Parkhill asked why a cover was being proposed for over the ATMs. He explained  
11 that there are a number of ATMs in the area without such covering. He stated that the covers may  
12 be visible in the residential area, and he questioned if they were necessary.

13  
14 Applicant representative, John Jukevich, answered that the overhead cover is to protect the ATM  
15 user from the elements. He further explained that it is over the driver side only.

16  
17 Chair Flannigan asked if it could be restructured to make the overhead canopy smaller or tie it into  
18 the building in some way as a cantilever.

19  
20 Applicant representative, John Jukevich, responded that as it is designed, the canopy would require  
21 the pillars as designed.

22  
23 Commissioner Bashium asked if there had been any consideration to add glass under the soffits  
24 to potentially meet the Code requirement for 50% transparent glass on the front façade of the  
25 structure.

26  
27 Applicant representative, John Jukevich, explained that due to structural requirements and other  
28 necessary mechanical needs, glass in the identified area would not be transparent.

29  
30 Commissioner Merriam asked for clarification on the number of ATMs. She also asked if they  
31 were aware of the 50-foot setback requirement when designing the site.

32  
33 Applicant representative, John Jukevich, responded that there will be an ATM within the building,  
34 as well as a night depository. They are planning on one lane for an ATM to be opened with the  
35 bank, and one to be built and opened when need requires. He explained that the design of the  
36 ATMs in the back allow for optimal parking and circulation in the lot.

37  
38 Chair Flannigan asked about the possibility of an alternate location for the ATM.

39  
40 Commissioner Iverson stated that she is most concerned about the ongoing impact to the  
41 neighborhood. She asked if they considered moving the building further back on the lot and  
42 moving the parking to the front of the lot. She acknowledged that a variance would be required to  
43 move the structure back, but she stated that it would be worth consideration.

44

1 Applicant representative, John Jukevich, stated that he would have to refer that question to the  
2 civil team that determined the site plan. He further added that moving the building back from the  
3 street may make the structure look awkward in comparison to the other businesses in the area.  
4

5 Commissioner Iverson replied that in her opinion, many of the other businesses in the area have  
6 wetlands behind them. She reiterated her concern regarding the impact that the traffic from this  
7 business will have on the residential area.  
8

9 Chair Flannigan asked Mr. Thomson if it would be possible for the structure to be moved to the  
10 back of the lot, and parking designed closer to the street.  
11

12 Director Thomson responded that it would most likely require several variances.  
13

14 Commissioner Merriam added that she agrees with Commissioner Parkhill regarding the  
15 unnecessary ATM coverage. She explained that her bank does not have an ATM canopy, and it  
16 adequately meets her needs.  
17

18 Applicant representative, John Jukevich, responded that the visual impact of the ATMs could be  
19 buffered by creating a heartier landscaping plan than what is currently displayed. He also added  
20 that a fence could also be considered, but cautioned the Commission that height requirements could  
21 become an issue.  
22

23 Commissioner Iverson explained that there are many other residential areas that may be impacted  
24 by the proposal, and the Commission must remember that once built, the impact is permanent. She  
25 expressed caution.  
26

27 There being no further questions for the Applicant, Chair Flannigan opened the public hearing on  
28 the application at 7:36 p.m.  
29

30 Brad Hoyt, 326 Ferndale Road W, stated that he is the property owner and is hoping to answer the  
31 questions raised by the Commissioners. He explained that they were directed by the city staff that  
32 moving the building back on the lot was a threshold issue, and there were too many ordinances  
33 and guidelines that would prohibit locating the building on the front of the lot. He cited many  
34 newer buildings in the area that have been built right up to the sidewalk, and he stated that this is  
35 obviously the plan for the area. He stated that if only the area of the first floor is considered in the  
36 calculation for 50% of the building in transparent glass, the building would easily meet the code  
37 requirement. He added that there are other buildings in the area that appear to have not followed  
38 the glass requirement. He also stated that due to the unique nature of the structure being a bank,  
39 there are some additional security and privacy requirements for the business. He was told by the  
40 seller of the property that the small residential lot at the back of the property was designed as a  
41 buffer so that nobody could build on it. When they replaced the rotting retaining walls on that lot,  
42 they had to remove a six-foot fence as well. He thinks that a fence is a good idea, as well as adding  
43 trees such as arborvitae that could grow to create beautiful barriers from the business to the  
44 residential properties. He also thought that there may be room to make the ATM canopy smaller.  
45 He added that this would be the first Chase business in Minnesota and would most likely function



1 as a bank for business in the beginning. He added that the hours of operation are limited for a  
2 bank, and the use would incur far less traffic than the previous gas station.

3  
4 Commissioner Iverson asked why there were four signs on the building. Specifically, she  
5 questioned the sign located on the back of the building facing the residential area.

6  
7 Resident, Gordy Straka, 130 Huntington Ave S, stated that he is familiar to some on the  
8 commission as a long-time resident of the area. He also lives next to the applicant's property. He  
9 reviewed the development application with many of his neighbors, and they agreed that the bank  
10 is a good replacement for the former gas station. He questioned if the building could be moved to  
11 back on the property with the car traffic located in the front and away from the residential property.  
12 He stated that U.S. Bank has a similar design. He noted that the plans do not include a fence or  
13 guard rail. He believes that a fence should be required to screen the light generated from the  
14 business and sound from the road. He would like to see mature plantings, such as arborvitae,  
15 added to the residential side of the fence. He would want this requirement to be on-going and the  
16 plantings replaced as needed. He stated that the drive thru structure would be visible to many  
17 residents. He expressed concerns related to the lighting of the building, parking lot, and signage.  
18 He shared that the new Edina Realty sign projects a red light into his home that has caused him to  
19 remove a window from his property. He is very concerned with the possibility of further light  
20 impact from the new business. He provided a diagram of the parking lot lighting. He stated that  
21 there would be no way of shielding the 20-foot tall LED lights. He also wanted clarification for  
22 the number of ATMs, as well as know if there is an intention for pneumatic tubing system. He  
23 would like to see that the garbage dumpsters are moved as far away from the residential properties.  
24 He stated that the garbage pick-up in that area occurs twice a week at 3 a.m. He provided a history  
25 of the small residential buffer lot. He also added that if a zoning change to the smaller property  
26 was considered, he would show up to display his strong disagreement. He further added that he  
27 toured all of the banks in the town and found that the only one that had a separate ATM was next  
28 to a swamp and not a residential area.

29  
30 Resident, Virginia Lord, 143 Huntington Ave S, stated that the report provided by Mr. Gordy  
31 Straka is very much supported by herself and their neighbors. She is very concerned and is  
32 appreciative of the Commission considering the impact on the neighborhood residents. She  
33 reinforced that, she and her neighbors, are in support of the proposed bank building, but want it  
34 located to the back of the property, similar to U.S Bank's orientation.

35  
36 Resident, Stephen Storrie, 138 Huntington Ave S, stated that he has spoken in depth with Mr.  
37 Straka about the concerns regarding the proposed plans for the property at 1022 Wayzata Blvd E.  
38 He added that he is concerned that the planned parking lot lights will be a direct line to his back-  
39 yard living space. He reiterated that he is in support of the renovation of the site but wanted the  
40 Commission to be aware of the potential impact the proposed plan would have on his home and  
41 how he is able to use it.

42  
43 There being no one else wishing to comment on the application, Chair Flannigan closed the public  
44 hearing at 8:01p.m.

45

1 Chair Flannigan stated that there were a couple of issues related to the proposal that he would like  
2 to discuss, the first being the design of the façade requiring a deviation for less than 50%  
3 transparent glass. He asked if any Commissioner had strong objections related to design deviation  
4 requested for the transparency requirement. Hearing no objections, Chair Flannigan asked the  
5 Commission to talk about the project in general, and specifically items related to the setback  
6 variance.

7  
8 Commissioner Merriam stated that she is open to considering changing the parking to the front of  
9 the building. She added that parking in the back may still be an option, but with changes to the  
10 lighting, the setbacks, and the screening. She does not believe that there needs to be more than  
11 one ATM lane or an awning over the ATMs.

12  
13 Commissioner Plantan asked if there was a way of moving the building in some way to allow the  
14 ATMs to be located on the east side of the building. She also questioned if there was a way to  
15 move some of the surface items such as garbage to the side of the building and away from the rear.  
16 She believes that there definitely needs to be a six to eight-foot fence as well as plantings and  
17 landscaping for screening. She would like to see renderings of these possible changes. She added  
18 that the bank would be a great benefit for the neighborhood.

19  
20 Commissioner Iverson stated that she would like to see some possible different locations of the  
21 building. She added that she would like to see some changes with signage, lighting, garbage  
22 locations, and landscaping options. She would like to see the ATM drive up location changed due  
23 to concerns with safety, noise, and light impacting the neighborhood. She stressed that her primary  
24 concern is preventing a negative impact on the neighborhood.

25  
26 Commissioner Bashoum stated that her concern over the glass coverage pales in comparison to  
27 the other concerns raised at the meeting. She agreed with the other Commissioners and their  
28 concerns regarding lighting, the number of ATMs, the ATM awning, and proper screening of the  
29 property from the residential neighborhood. She would like to see how the architects would  
30 respond to the concerns.

31  
32 Commissioner Parkhill thanked the neighborhood residents and the Chase representatives for  
33 attending the meeting. He added that he is very interested in a Chase bank moving into the City.  
34 He agreed with the concerns raised by the Commissioners. He added that a sightline drawing  
35 would be critical to determine light pollution into the neighborhood. He would like to see less  
36 illuminated signage, no ATM awning, and evening lighting minimized. He agreed that he would  
37 like to see the architect's response to the resident's concerns.

38  
39 Commissioner Douglas stated that the City has worked hard to keep buildings closer to the street  
40 to improve the look of the area. She added that she is not aware of lighting requirements related  
41 to the parking lots or the necessary height of such lights, and she would like to hear more about  
42 that. She does not think that they need more than one ATM lane or one illuminated sign. She  
43 likes the opportunity for the location to change, but she would like to see the applicant address the  
44 concerns and bring it back to the Commission.

45

1 Chair Flannigan stated that he liked that the building is a modest one story that will fit in well on  
2 the street. He added that it is important to put the best possible plan, for all involved, in front of  
3 the City Council. He would like to add upkeep of the residential lot as a condition for the variance.  
4 He gave an appreciation to the applicant for addressing the issues of non-compliance with the  
5 design standards in the originally proposed building that were addressed and removed from the  
6 application.

7  
8 Chair Flannigan asked for a motion to table the application to allow time for the Commission to  
9 hear more information about the site plan and for the applicant to possibly address the concerns  
10 identified by the Commission.

11  
12 Director Thomson stated that they would take the feedback to the applicant and it would be up to  
13 the applicant to determine what revisions it could make. He added that if the ATM canopies are  
14 removed, then the setback variance would no longer be necessary, and the application that will be  
15 brought to the Commission would only be for a design deviation.

16  
17 Commissioner Plantan asked if there were any requirements for the 20-foot light poles.

18  
19 Director Thomson responded that there are standards related to lighting within the design  
20 standards, and this could be addressed in the continuing design review.

21  
22 Chair Flannigan stated that he believes that the applicant will try to be a good neighbor and put  
23 forth an application that will work for the neighborhood, the City, and for the applicant.

24  
25 Commissioner Iverson asked if the applicant was willing to look at changing the orientation of the  
26 building. She added that she understands that if they choose to remove the canopy then they would  
27 no longer need to obtain a variance, but she wanted to know if the applicant would still be willing  
28 to take in consideration the neighborhood residents concerns.

29  
30 Applicant representative, John Jukevich, responded that he has worked with Chase for a long time,  
31 and he believes that they work very hard to be good neighbors. He stated that Chase works very  
32 hard to be woven into the fabric of the community in which they serve. He believes that when the  
33 information and concerns are shared with the civil team and the Chase design team, they will be  
34 able to create a solution that works for all involved. He indicated that they could look at relocation  
35 of ATMs and reorientation of the structure, but he added that this may or may not solve all of the  
36 concerns. He added that they are planning for a 24-hour drop box vestibule that would require  
37 proper lighting. He also stated that the ATMs would require 24-hour lighting as well for safety of  
38 the visitors. If the ATM canopy is removed, then there would need to be a light pole to replace  
39 the lack of canopy lighting. He added that it is possible that shorter light poles may be used. He  
40 can also work with the team to explore sound and light screening options.

41  
42 Director Thomson clarified that a reorientation of the structure would still require a set-back  
43 variance.

44  
45 There being no further questions for staff or the Applicant, Chair Flannigan asked for a motion on  
46 the application.

1  
2 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to table action on the  
3 application to allow the applicant to submit additional information and a revised plan and  
4 application to be considered at the next Planning Commission meeting on March 4, 2019. The  
5 motion carried unanimously.  
6  
7

8 **AGENDA ITEM 6. Other Items:**  
9

10 **a.) February 5<sup>th</sup> City Council Meeting Report – Commissioner Douglas**  
11

12 Commissioner Douglas reported that the City Council had a workshop prior to their meeting to  
13 discuss the cost update and design development for phase one of the Lake Street and Lake Street  
14 Plaza. They were approximately one million over the originally proposed budget, and they went  
15 through design items individually and brought the deficit to around 250,000. They are continuing  
16 to discuss this. The regular meeting was brief. One Council member asked for a workshop on  
17 looking at raising the tobacco age sales to 21. The Council considered the plan for painting the  
18 water tower and discussed the logo. They also discussed creating a construction mitigation plan  
19 and ways to inform residents of the plan.  
20

21 **b.) February 19<sup>th</sup> City Council Meeting Report – Chair Flannigan**  
22

23 Chair Flannigan stated that he was not able to attend the meeting and asked if Director Thomson  
24 could share some information on the City Council meeting. Director Thomson stated that there  
25 was an update on the financing for the Lake Effect project and the trail extension. There was a  
26 huge public forum that took up most of the meeting. There were police, fire and public safety  
27 recognitions and a presentation for the Bill Matthews Memorial Highway signage. A police officer  
28 was sworn in. The City Prosecutor was recognized for his many years of service. A grant  
29 application was approved to provide renovation monies for some group homes located within the  
30 city. A representative from Verizon Wireless discussed their planned screening for the telecom  
31 antennas on top of their site's building. There has been a screen fabrication delay and they will  
32 most likely not be available until April. The Council would like to administer a fine for non-  
33 compliance with the ordinance and continue to monitor the project for compliance.  
34

35 **c.) Review of Development Activities**  
36

37 Director of Planning and Building Jeff Thomson stated they have heard the Beltz Project,  
38 Broadway Place, will be starting construction very soon. There was a for sale sign placed for the  
39 Hughes project, but they continue to want to develop the site and are in the process of identifying  
40 tenants. Mr. Thomson said he will ask some questions to gain information about the steps needed  
41 to address concerns with the landscaping at the Landing. Commissioner Iverson also asked for  
42 Director Thomson to look into a lightpost, and questioned the brightness of it.  
43

44 Commissioner Merriam asked if she could add some comments to an item that was on the consent  
45 agenda. She stated that she was not familiar with the process of the consent agenda and all of the  
46 items being approved as a group. She thought that items would be discussed individually.

1  
2 Chair Flannigan responded that while it was too late for her comments to impact the previous vote,  
3 she could express her comments so that they could be on the record and in the minutes, which will  
4 be shared with the City Council.

5  
6 Commissioner Merriam stated that the Report and Recommendation of Approval of Conditional  
7 Use Permit and Variance for Manitoba Dream at 231 Manitoba Ave S. did not relate all of the  
8 findings in the way that she thought they would be. She added that the findings stated that it had  
9 been a duplex for over 20 years, and that it was actually a duplex for over 50 years. This was a  
10 major factor for the recommendation of approval. She added that the applicant was going to keep  
11 the historic nature of the house, and she felt that this should have been better reflected in the  
12 findings. She explained that she did not want others to think that because there is one duplex in  
13 the neighborhood, other duplexes could be built. She wanted it to be clear that the ordinance does  
14 not allow for that.

15  
16 City Attorney, David Schelzel, responded that the Report and Recommendations included in the  
17 packets for the Consent agenda are drafts. If the Planning Commission determines that any one of  
18 them does not adequately reflect any of the findings the Commission wishes to make, the Report  
19 can be pulled from the Consent agenda and an amendment made. Procedurally, it is not a problem  
20 to pull a Consent agenda item for further discussion, and fairly routine for this to occur. He further  
21 explained that the Commission could also choose to amend the previously adopted Report and  
22 Recommendation now. He added that the Manitoba Dream Report and Recommendation does  
23 have findings related to the historic nature and the use of the building, but that that the language  
24 can be amended.

25  
26 Commissioner Merriam asked if a condition could be added that would not allow the applicant to  
27 vary significantly from the plan put forward.

28  
29 Director Thomson responded that they can add the condition that the project has to be built in  
30 conformance with the plans submitted with the application.

31  
32 City Attorney, David Schelzel, explained the procedure for making an amendment to the Report  
33 and Recommendation. He stated that with the leave of the Chair, a Commissioner could make a  
34 motion with the proposed amendment to the draft Report and Recommendation that was passed  
35 earlier. The motion would then need to be seconded. Discussion could follow this, and then a  
36 vote on the motion could be called.

37  
38 Commissioner Merriam made a motion, seconded by Commissioner Plantan, to amend the draft  
39 Recommendation and Report of Approval of Conditional Use Permit and Variance for Manitoba  
40 Dream at 231 Manitoba Ave S to (i) add a point 8 in Section 2.1B of the Report and  
41 Recommendation that the two-family dwelling has been in existence at the location for over 20  
42 years and prior to the current zoning ordinance; (ii) in Section 3.2B, add the words “the existing  
43 character of the property as a duplex”; (iii) in Section 3.2C the second sentence revise to state:  
44 The existing layout of the Property and a desire to preserve the property as a duplex and its historic  
45 elements are significant factors in the practical difficulties with meeting the zoning ordinance

1 requirements; and (iv) a condition that the project has to be built in conformance with the plans  
2 submitted with the application.

3  
4 The motion carried unanimously.

5  
6 Director Thomson clarified that the condition for the project to be built in conformance with the  
7 plans submitted with the application only applies to the duplex. If the property is demolished, then  
8 the condition would no longer apply.

9  
10 **d.) Next Meeting**

11  
12 Chair Flannigan stated the next Planning Commissioner meeting was scheduled for March 4, 2019  
13 at 6:30 p.m.

14  
15  
16 **AGENDA ITEM 7. Adjournment.**

17  
18 There being no further business on the agenda, Chair Flannigan asked for a motion to adjourn.

19  
20 Commissioner Iverson made a motion, seconded by Commissioner Parkhill, to adjourn the  
21 Planning Commission meeting. The motion carried unanimously.

22  
23 The Planning Commission meeting was adjourned at 8:47 p.m.

24  
25 Respectfully submitted,

26 Jenny Groess

27 *TimeSaver Off Site Secretarial, Inc.*