

1 **WAYZATA PLANNING COMMISSION**
2 **MEETING MINUTES**
3 **March 4, 2019**

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6 **AGENDA ITEM 1. Call to Order**

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

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10 **AGENDA ITEM 2. Roll Call**

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12 Present at roll call were Commissioners: Douglas, Plantan, Iverson, Merriam, Bashioum,
13 Flannigan, and Parkhill. Absent: None. Director of Planning and Building Jeff Thomson and
14 City Attorney David Schelzel were also present.

15
16
17 **AGENDA ITEM 3. Approval of Agenda**

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19 Chair Flannigan asked for a motion to approve the agenda for the meeting.

20
21 Commissioner Douglas made a motion, seconded by Commissioner Plantan, to approve the March
22 4, 2019 meeting agenda as presented. The motion carried unanimously.

23
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25 **AGENDA ITEM 4. Consent Agenda**

- 26
27 **a.) Approval of February 20, 2019 Meeting Minutes**
28 **b.) Adoption of Report and Recommendation of Denial of a Variance at 143 and 151**
29 **Westwood Lane South**

30
31 Chair Flannigan read the items on the consent agenda and asked if any Commissioner wished to
32 pull an item for further discussion. Hearing no such request, he asked for a motion to approve the
33 Consent Agenda as presented.

34
35 Commissioner Douglas made a motion, seconded by Commissioner Bashioum, to approve the
36 Consent Agenda as presented. The motion carried unanimously.

37
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39 **AGENDA ITEM 5. Old Business Items:**

- 40
41 **a. Consider Development Application for Chase Bank at 1022 Wayzata Blvd**
42 **East**

43
44 Director of Planning and Building Jeff Thomson stated the applicant, Core States Group, and the
45 property owner, Monaco Fuel, LLC, have submitted a development application to construct a one-
46 story retail bank on the property at 1022 Wayzata Blvd East. The proposal includes demolition of

1 the existing building, a parking lot, and other site improvements, including a new 3,500 square
2 foot, single-story commercial building. The Planning Commission held a public hearing on the
3 development application on February 20, 2019. After its review, the Planning Commission tabled
4 the application until the next meeting and asked the applicant to consider the following comments
5 and issues discussed by the Planning Commission: ATM location and canopy structure setback,
6 additional screening and buffering including fencing and landscaping, illuminated signage
7 oriented towards the residential neighborhood, and site lighting. Mr. Thomson reported that
8 subsequent to the February 20, 2019, the applicant has amended its application with revised plans
9 which include relocating the ATMs structure to connect with the east side of the building. The
10 revised location of the ATM structure complies will all city setback requirements, and the
11 originally requested setback variance is no longer required or part of the application. The landscape
12 plan now includes a row of arborvitae for additional screening to the south of the fence, as well
13 as plantings to soften the overall landscape. The applicant has also provided an updated lighting
14 plan for the parking lot that indicate illumination levels will be zero foot-candles at the southern
15 border of the property. A cross section drawing was also provided that shows the elevation of the
16 site and how it relates to the residential properties. The current and amended development
17 application is for approval of project design, with a single design standard deviation for façade
18 transparency along Wayzata Blvd.

19
20 Chair Flannigan asked the Commission if there were any questions for staff related to the
21 application.

22
23 Commissioner Douglas asked if the cross section drawing depicted a man at street level.

24
25 Director Thomson stated that part of the drawing was at ground level.

26
27 Commissioner Bashioum asked about the material used for the new canopy.

28
29 Director Thomson stated that the plans indicate that they will be using metal for the canopy.

30
31 Chair Flannigan asked for more information relating to the front façade and its percentage of
32 transparent glass.

33
34 Director Thomson stated that the Design Standards' requirement is that 50% of the glass on the
35 ground floor needs to be transparent glass. The current plans show 28% transparent glass on the
36 ground level.

37
38 Commissioner Parkhill asked what was behind the spandrel glass on the front of the building.

39
40 Director Thomson indicated that the area behind the spandrel glass would be for the interior
41 restrooms.

42
43 Chair Flannigan asked the Commission for their thoughts regarding the current application.

44

1 Commissioner Plantan stated that she is in favor of recommending a deviation from the design
2 standard for façade transparency. She explained that the building is using spandrel glass instead of
3 a solid surface.

4
5 Commissioner Merriam asked about the illuminated sign on the south side of the building. She
6 added that the Comprehensive plan states that the City is to develop and enforce ordinances to
7 eliminate the visual pollution created by signs and franchise architecture. She stated that the
8 illuminated signage on the southern side of the building faces residential properties and should be
9 considered visual pollution.

10
11 Chair Flannigan asked if there was a condition that could be added to any approval related to the
12 sign.

13
14 Director Thomson stated that a condition regarding illumination of the sign could be tied to any
15 approval, as the specific City design standard relates to illuminated signs being compatible with
16 the location.

17
18 Commissioner Iverson stated that she continues to have concerns with the light pollution and its
19 impact not only on the residential neighborhood to the south but also the residents off of Central
20 Ave. She stated that there is often a difference between what is on paper and what is reality. She
21 asked if there were alternatives to the 19-foot light poles that the applicant could consider. She
22 also asked if the applicant would consider an eight-foot fence versus a six-foot fence to aid in the
23 shielding of light for the neighborhood. She asked the City Council to have discussions relating
24 to the concerns raised because she feels the neighbors are going to be directly impacted and she
25 would like to see them protected.

26
27 Commissioner Douglas asked if the fence would block the sign on the south of the building.

28
29 Director Thomson responded that he did not believe that the fence would block the view of the
30 building.

31
32 Commissioner Iverson stated that the cross-section view of the elevation does not accurately
33 demonstrate the impact of the light poles and illuminated signage to the neighborhood. She added
34 that the property used for the study is located directly to the south of the site, and has a much lower
35 elevation than its neighbors, and specifically to the homes on Central Avenue.

36
37 Commissioner Merriam asked for clarification as to the meaning of zero foot-candle illumination
38 at the property.

39
40 Director Thomson responded that there are two standards used in the City's lighting code, with
41 one relating to the fixture itself and the other relating to illumination at ground level. He added
42 that if a light source was illuminating a parking lot, that light would be visible from adjacent
43 properties. To measure the impact of lighting, Wayzata, like other cities, measures the illumination
44 at ground level at the property line to determine ambient light. This application has illumination at
45 the southern property line of zero foot-candles.

46

1 There being no further questions for staff, Chair Flannigan asked for a motion on the application
2 for design approval, including the design deviation.

3
4 Commissioner Parkhill made a motion, seconded by Commissioner Plantan, to direct staff to
5 prepare a draft Planning Commission Report and Recommendation, with appropriate findings
6 reflecting a recommendation of approval of the project design and the requested deviation for
7 Chase Bank at 1022 Wayzata Boulevard East for review and adoption at the next Planning
8 Commission Meeting.

9
10 Chair Flannigan asked if any Commissioner wished to discuss the motion.

11
12 Commissioner Iverson stated that she will be voting against the motion and would be
13 recommending denial on the application. She added that she has no concerns with the percentage
14 of transparent glass on the front façade, but she continues to have concerns related to the lighting.

15
16 Commissioner Douglas stated that she does not think that the illuminated sign on the south side of
17 the building is compatible with the location.

18
19 Commissioner Merriam agreed that the sign is not compatible with the location and she would like
20 to see that added as a condition. She also questioned whether the screening along the residential
21 property line was enough to properly screen the neighborhood from the illuminated sign as well
22 as the parking lot light poles.

23
24 Chair Flannigan asked staff if the Commission had an ability to ask the applicant to readdress the
25 lighting of the building signage and the general parking lighting.

26
27 Director Thomson stated that City Code Sec. 918.03 requires screening that should consist of either
28 a fence or a green belt planting strip with sufficient width and density to provide an effective visual
29 screen to a minimum of six feet. He added that the ordinance requires parking lots to be lit. The
30 higher the poles, the further light is cast. If the height of the light poles is reduced, then the number
31 of light poles would increase so the parking lot is appropriately illuminated for the safety of the
32 patrons.

33
34 Commissioner Iverson asked for a visual of all of the residential properties in the area and not just
35 those on Huntington.

36
37 Director Thomson displayed an aerial view of the location. He pointed out the southern property
38 line and the screening plans. He stated that the south east corner of the lot does not have a specific
39 plan for screening.

40
41 Commissioner Iverson stated that the corner to the east of the fence was a concern.

42
43 Commissioner Bashioum stated that she is having difficulty with the application. She
44 acknowledged that the illumination of the light poles at the property line is zero, but she questioned
45 what it would be on at neighbor's deck height. She questioned if a six-foot tall fence would be

1 adequate to block lighting or if it needed to be taller. She stated that she understands that the plans
2 meet code, but she questioned if they would truly be effective.

3
4 Chair Flannigan asked what the code specified for fencing height.

5
6 Commissioner Iverson asked if they could potentially allow a variance for a higher fence.

7
8 Director Thomson stated that if the fence did not meet the ordinance standards, the applicant would
9 need to apply for a variance and a separate process would follow. He further added that the
10 ordinance states that a maximum fence height of six-feet for fencing is allowed, but to increase the
11 fence height to eight-feet would require a conditional use permit.

12
13 Chair Flannigan stated that it isn't clear that a higher fence would resolve the ambient lighting
14 concerns raised by the Commission.

15
16 Commissioner Parkhill asked for clarification regarding the statement Commissioner Merriam
17 read regarding franchise lighting. He asked where the statement came from and if it could be re-
18 read.

19
20 Commissioner Merriam answered that the statement was from the Comprehensive Plan which
21 stated that the City needs to develop and enforce ordinances to eliminate the visual pollution
22 created by lighting and franchise architecture. She again stated that even though it appears the
23 screening ordinance is met through green landscaping and fencing, she questioned if it is adequate.

24
25 Chair Flannigan stated that he continues to have concerns regarding the sign illumination on the
26 building side facing the neighborhood. He shared that he is close to a baseball field and that he
27 enjoys the lighting ambiance provided to his home. He added that the applicant has demonstrated
28 a willingness to address the concerns raised by the Commission, and he would like to see if they
29 would work a little more to address the lighting concerns. He stated that the project proposed in
30 the application is a good fit for the property, and he would like to see an approach that would move
31 the application forward one way or another.

32
33 Commissioner Merriam stated that a ballfield has lighting on a timer that limits it, the proposed
34 lighting would be on all night.

35
36 Commissioner Iverson stated that the Mayor is in the audience at the Planning Commission
37 meeting, and she encouraged the City Council to consider the discussion of the Commission and
38 to keep the residents in mind.

39
40 Commissioner Merriam asked if the Commission could ask for something in return for granting a
41 deviation from the design standards.

42
43 City Attorney, David Schelzel, stated that Commission is going to be making a recommendation
44 to the City Council. He added that the Council would appreciate the Commission articulating any
45 conditions that the Commission believes should be considered with respect to screening and
46 lighting. He stated that in regard to screening in the current plan, the applicant has done almost

1 everything that they can do under the standards of the code, with the exception of the sides of the
2 back fence. Additions to the fence height that were discussed by the Commission would require a
3 new conditional use permit request, as mentioned by staff. He further added that the Commission
4 could add conditions to its recommendation related to the signage lighting.
5

6 Commissioner Parkhill stated that he would like to see a condition of approval related to lighting
7 of the Chase sign on the south side of the building.
8

9 Commissioner Plantan asked if they could also add the recommendation for the City Council to
10 consider having the fence be built to eight-feet in height with the granting of a conditional use
11 permit.
12

13 City Attorney Schelzel stated that there was a motion made and seconded. He explained that the
14 Chair could allow those that made the motion to add an amendment to the motion to include
15 conditions. Adding conditions on the sign illumination could be reasonably related to the design
16 standards. He explained that the Commission could make a recommendation for a height increase
17 of the fence, but the necessary CUP or variance request for that would need to come from the
18 applicant, and it would require the applicant to submit a new application.
19

20 Commissioner Bashioum asked if they could add conditions for the trees to be a minimum of six-
21 foot in height. She explained that this height would add screening.
22

23 Director Thomson explained that the height of the proposed landscaping is currently at the
24 minimum required by the City Code. He stated that there was no maximum height restriction in
25 the code.
26

27 Commissioner Bashioum stated that if the Commission would encourage the applicant to plant
28 taller trees, the neighborhood would be better screened.
29

30 Commissioner Merriam stated that she would like to see the two light posts at the southern end of
31 the parking lot lowered by at least five feet, and if that means they have to add a light post that is
32 acceptable.
33

34 City Attorney Schelzel explained that the Commission could include conditions in its
35 recommendation and/or comments to any recommended approval. He stated that because the
36 proposed parking lighting is code compliant, the Commission could add a comment to the approval
37 recommending the height change of the southern light posts. He reiterated that the applicant has
38 demonstrated a willingness to meet the concerns of the Commission and the neighbors, therefore
39 it may be worth noting.
40

41 Commissioner Parkhill made a motion to amend the previous motion to add a condition to the
42 recommendation in the previous motion to limit the illumination of the south facing sign from late
43 morning until 10:00 p.m., and add a request to the Applicant of increasing the tree height on the
44 southern property line from the minimum required up to eight or ten feet and lowering the light
45 posts height by five feet.
46

1 Commissioner Iverson stated that she would like to have the southern sign completely eliminated
2 because it faces a neighborhood.

3
4 Commissioner Bashoium seconded the motion on the amendment.

5
6 Chair Flannigan asked Commissioner Parkhill if he wanted to move forward with his motion or if
7 he was willing to address Commissioner Iverson's concerns within his amendment.

8
9 Commissioner Parkhill stated that he would amend his amendment to eliminate the south facing
10 sign.

11
12 Commissioner Plantan seconded the motion.

13
14 Director Thomson stated that conditions recommended by the Planning Commission need to be
15 tied to criteria within the ordinance. He believes that the illumination of the sign can be tied to a
16 specific standard within the Code, but he does not think that eliminating the sign altogether has
17 that same support.

18
19 Commissioner Parkhill stated that the Comprehensive Plan states "eliminating visual pollution".
20 He asked if the sign itself could be considered visual pollution.

21
22 City Attorney Schelzel replied that the Comprehensive Plan guides the City in developing its
23 ordinances, and the ordinances are the tools that the City uses to meet the goals of the
24 Comprehensive Plan. In this case, he recommended that the Commission focus on the lighting
25 and sign standards in the ordinance itself, and determine if the proposed illuminated sign meets
26 those standards and is compatible with the location. He added that staff is comfortable with a
27 finding that the sign's illumination at certain hours will negatively impact the location, and thus
28 should be limited to certain hours. Staff sees less of a legal basis to completely eliminate the sign.

29
30 Commissioner Merriam asked for clarification if the sign was illuminated, or if there would be
31 light is directed at the sign to illuminate it.

32
33 Director Thomson answered that the sign is internally illuminated.

34
35 Commissioner Merriam stated that the design review states that fixtures should be small, shielded,
36 and directed towards the sign to minimize glare.

37
38 Director Thomson responded that the ordinance states that illumination of a sign to highlight
39 architectural details is permitted and that the fixtures shall be small, shielded, and directed towards
40 the sign. He added that there are separate design standards that address the types of signs that are
41 allowed, and these include both internally and externally illuminated wall signs.

42
43 Chair Flannigan asked for a new motion that addresses the discussion.

44
45 City Attorney Schelzel recommended that the previous motion be withdrawn and a new, restated
46 motion made.

1
2 Commissioner Parkhill withdrew his previous motion and made a new motion, seconded by
3 Commissioner Merriam, to direct staff to prepare a draft Planning Commission Report and
4 Recommendation, with appropriate findings, reflecting a recommendation of approval of the
5 project design and the requested design deviation for the façade transparency on the front of the
6 building for Chase Bank at 1022 Wayzata Blvd East, for review and adoption at the next Planning
7 Commission meeting, with the conditions that the south facing sign not be illuminated between
8 the hours of 10p.m. and 8a.m., and with a request that Chase consider lowering the southern light
9 posts and planting 10 foot high trees at the fence line. The motion carried 6 ayes and 1 nay
10 (Iverson).

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12
13 **AGENDA ITEM 6. Public Hearing Items:**

- 14
15 **i. None**
16

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18 **AGENDA ITEM 7. Other Items:**

19
20 **a.) Review of Development Activities**
21

22 Director of Planning and Building Jeff Thomson stated that there are no current development
23 applications scheduled for Planning Commission review, but there are more coming. The City
24 Council will be considering the 231 Manitoba conditional use permit for a duplex, and the
25 conditional use permit for Penny's Coffee at the March 5th Council meeting. The Chase bank
26 Report and Recommendation will be on the Consent agenda at the next Planning Commission
27 meeting on March 18, 2019.
28

29
30 **AGENDA ITEM 8. Adjournment.**

31
32 There being no further business on the agenda, Chair Flannigan asked for a motion to adjourn.
33

34 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to adjourn the
35 Planning Commission meeting. The motion carried unanimously.
36

37 The Planning Commission meeting was adjourned at 7:30 p.m.
38

39 Respectfully submitted,

40 Jenny Groess

41 *TimeSaver Off Site Secretarial, Inc.*