

1 **WAYZATA PLANNING COMMISSION**
2 **MEETING MINUTES**
3 **AUGUST 2, 2021**

4
5 **AGENDA ITEM 1. Call to Order**

6
7 Vice-Chair Parkhill called the meeting to order at 6:30 p.m.

8
9 Vice-Chair Parkhill read the following prepared statement:

10 Due to expiration of the State of Emergency on July 1 by Gov. Tim Walz, the City is now, in
11 compliance with the Open Meeting Law, resuming in-person public meetings effective with the
12 July 7 Planning Commission meeting. The public will be allowed to participate in the meetings in-
13 person or via the audio and video conferencing platform, Zoom. Members of the public may watch
14 and listen to the meeting by logging into Zoom, or by calling 312-626-6799 on a phone, and
15 entering Zoom Meeting ID 952 30475961 and Passcode 677955. The meeting will also be shown
16 on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/WCTV. The City
17 encourages comments or questions about items on the agenda and, when possible, requests that
18 you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-
19 404-5313, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public
20 Comment).The meeting will be shown on Channel 8, WCTV, and streamed on the City's website
21 at www.wayzata.org/wctv.

22
23 **AGENDA ITEM 2. Roll Call**

24
25 Vice-Chair Parkhill asked Director Goellner to take roll call.

26
27 Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Stockton, and Sorenson.
28 Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant
29 Planner Nick Kieser, and City Attorney David Schelzel were also present.

30
31 **AGENDA ITEM 3. Approval of Agenda**

32
33 Vice-Chair Parkhill asked for a motion to approve the agenda for the meeting.

34
35 Commissioner Douglas made a motion, seconded by Commissioner Stockton, to approve the
36 August 2, 2021 agenda as presented.

37
38 The motion carried unanimously.

39
40 **AGENDA ITEM 4. Consent Agenda**

41
42 **a.) Approval of the July 7, 2021 Planning Commission Meeting Minutes**

43
44 Vice-Chair Parkhill read the items on the consent agenda and asked if any Commissioner wished
45 to pull an item for further discussion.

46

1 Hearing no such request, Vice-Chair Parkhill asked for a motion to approve the Consent Agenda
2 as presented.

3
4 Commissioner Sorensen made a motion, seconded by Commissioner Douglas, to approve the
5 Consent Agenda as presented. The motion carried unanimously.

6
7 **AGENDA ITEM 5. Public Hearing Items**

8
9 **a) Development Application for Planned Unit Development Amendment and Design**
10 **Deviations for Moments of Wayzata at 163 Wayzata Blvd W**

11
12 Community Development Director Goellner gave an overview of the request for a Planned Unit
13 Development Amendment and Design Deviations for Moments of Wayzata at 163 Wayzata
14 Boulevard West.

15
16 Planning Consultant Eric Zweber reviewed some background of the facility, details of the
17 proposed project, the existing site compared to the site plan, floor plans, parking, and specifics of
18 the design deviations they are requesting. He reviewed the plan for tree removal, landscaping
19 plans, staffing, additional services, delivery schedules, and overall engineering comments.

20
21 Community Development Director Goellner explained that a neighborhood meeting was held on
22 July 8, 2021 where five community members attended to discuss their concerns. She noted that
23 the City also received several public comments that have been included in the meeting packets for
24 Commission consideration.

25
26 Commissioner Douglas asked about the 1.5 spaces per unit and noted that, in her knowledge,
27 nobody in memory care drives and asked if that calculation was to accommodate the visitors.

28
29 Community Development Director Goellner stated the parking ratio primarily accommodates the
30 employees as well as some visitor parking.

31
32 At the conclusion of staff's presentation, Vice-Chair Parkhill asked the Commissioners if they had
33 any questions for staff.

34
35 Commissioner Douglas asked about the design standard deviation for the façade. She stated that
36 there is a main building and then a step back for a few wings, and then there is another step back
37 and asked if that would qualify as a break in the façade.

38
39 Community Development Director Goellner stated that her understanding is that it does not quite
40 meet the standard as the amount of massing break is less than what is needed.

41
42 Planning Consultant Zweber confirmed that the new Design Standards state that there needs to be
43 a 25 foot break for every 150 feet of elevation. He stated that they are doing renovations to the
44 existing building, but are not doing significant modifications, so installing the 25 foot break would
45 be a significant change to the infrastructure of the existing building, which is the reason the
46 deviation is being requested.

1
2 Commissioner Merriam asked if they would need the design deviation if they were not doing the
3 addition.

4
5 Planning Consultant Zweber stated that the Design Standards are fairly new. He noted that he had
6 attended the Zoning Task Force meetings and does not recall that item coming up for discussion.
7 He stated that he does not think the Standards have a provision for how to treat a remodel that
8 crosses into the realm of needing a design review compared to a new building.

9
10 City Attorney Schelzel stated that if nothing were changing in the building, it could continue to
11 exist and as a legal, non-conforming use even if it didn't meet current design standards, and they
12 would not be forced to change that if they were not touching the façade. He noted that he believes
13 there was a similar situation with the Lexus dealership where there were some continuing non-
14 conformities on the site and the City only required the new things to comply with the Design
15 Standards.

16
17 Commissioner Merriam asked if the east entrance would have travel in both directions.

18
19 Planning Consultant Zweber stated that it is a double lane but are both ingress, and there will be
20 no exiting lane.

21
22 Commissioner Merriam asked about diagrams A203 and A204 in the materials which showed the
23 layouts of the addition. She stated that the print is so small that she cannot read what the rooms
24 are on the first and second level, and asked for a description.

25
26 Planning Consultant Zweber gave an overview of the room descriptions and layout of the addition.

27
28 Vice-Chair Parkhill stated that it appears that about 15% of the addition will be office spaces with
29 an average staff presence of 3-4 individuals. He stated that he also assumes that stucco on the
30 exterior of the building is allowed up to a certain percentage.

31
32 Planning Consultant Zweber explained that stucco is only allowed as an accent material on the
33 façade facing the right-of-way. He stated that he believes stucco is allowed on the other facades
34 as long as it is less than 50%.

35
36 Vice-Chair Parkhill stated that the exterior of trash enclosure looks like they are trying to replicate
37 windows, and asked if that was accurate.

38
39 Planning Consultant Zweber stated that they are not actual windows, but agreed that they are trying
40 to replicate and give the appearance of windows.

41
42 Vice-Chair Parkhill stated that he had a somewhat opened-ended question related to the
43 Comprehensive Plan, which talks about high density residential for this area, and asked what
44 aspects would be positive or negative under the Comp Plan for Moments of Wayzata's proposal.

45

1 Community Development Director Goellner stated that the property allows for high density
2 residential. She noted that the property is not surrounded by any other high density residential
3 parcels and was guided that way in the Comp Plan because of its existing use. She reviewed the
4 guided land use for the surrounding properties, which included residential and institutional.

5
6 Commissioner Douglas asked where the mechanicals would be located on the roof because the
7 roof is slanted.

8
9 Planning Consultant Zweber showed a picture of the existing structure and the renderings that
10 show that they are planning to screen the existing rooftop mechanicals and that there are no new
11 rooftop mechanicals.

12
13 Commissioner Douglas explained that she visited the property yesterday, and asked about the
14 mechanicals that are located behind the white fence.

15
16
17 Community Development Director Goellner suggested that the applicant could clarify that
18 information for the Commission.

19
20 Commissioner Merriam stated that when the existing PUD was requested in 1993, it was zoned R-
21 2 at that time. She asked if it was now considered R-4 or R-5 because of its existing use.

22
23 Community Development Director Goellner explained that it is and will remain zoned PUD,
24 meaning that it is limited to exactly what the Planned Unit Development plan and agreement says,
25 so it is not really an equivalent to and R-4 or R-5.

26
27 Commissioner Merriam stated that it is guided as high density residential and asked for
28 clarification that it would be somewhere in the R-4 to R-5 density range.

29
30 Community Development Director Goellner stated that this was correct and would generally be
31 the equivalent to those zones, but this property is zoned as PUD.

32
33 There being no further questions for staff, Vice-Chair Parkhill invited the Applicant to address the
34 Commission.

35
36 Elizabeth Wright, 13564 Westnesse Road, Minnetonka, principal of the Applicant, thanked the
37 City for giving them the opportunity to present this project again. She stated that she believes that
38 they have been able to address the majority of the concerns that were brought by the neighbors
39 since the last time. She gave a brief overview of what the Moments of Wayzata is, how they serve
40 the dementia community, and how her family has been touched by dementia. She explained how
41 their business model differs from most because it is based on love, empathy, and care of these
42 vulnerable adults and their family members. She stated that they appreciated meeting with the
43 neighbors and having the opportunity to seek some improvement in the plan. She stated that one
44 thing that was not included in the packet was a spreadsheet that they put together that shows the
45 original design and what changes they have made in the interim. She stated that she really feels
46 like they have made the changes that were possible and met the neighbors where they wanted, for

1 example, to save some of the trees. She explained that the porte cochere is an important part of
2 their community and is a life safety thing. She stated that if there are residents getting in and out
3 of a car, they want to make sure that they are not stepping on ice or wet pavement and slipping and
4 falling and will be protected from the elements. She stated that they have shrunk the size of the
5 porte cochere from 24.7 feet to 15.8 feet but it will still accommodate North Memorial ambulance
6 services and the local fire marshal and has also been reduced down to one lane. She stated that the
7 renovations are necessary because there is mold and moisture underneath the siding. She stated
8 that she thinks the exterior will help bring the residential feel with stone and stucco and noted that
9 they understand that they cannot have the stucco on the front of the building. She stated that
10 headlights were one of the concerns raised at the last meeting and explained that she believes that
11 they have addressed those concerns in multiple ways, such as the addition of trees for screening
12 and a retaining wall that will also help block the headlights. She stated that they feel the adult
13 daycare is a need in the community. She shared examples of the situations where a caregiver may
14 need some respite in order to run to the grocery store when they cannot leave their loved one with
15 dementia at home. She stated that they did take into consideration the request to reduce the size
16 and scope of what they are calling the carriage house. She explained that they have lowered the
17 height of the building and moved the mechanicals from the upper level and added them to the
18 basement. She explained that their staff is very important to them because if they don't feel love,
19 they cannot share love with the residents. She stated that part of their staff retention is to have an
20 employee fitness room, a massage room for staff, and even a mother's room for mother's who may
21 need to go pump breast milk.

22
23 Matt Pavek, Civil Site Group, 224 Oak Wood Road, Hopkins, civil engineer for the Applicant's
24 team, gave an overview of the landscaping plan and noted that it has been upgraded since the
25 previous submittal and includes additional trees, as well as moving some trees in order to save
26 them. He stated that they have moved the parking lot back, which saved some additional trees
27 along the street. He stated that, overall, the landscaping is incredibly robust as compared to a
28 typical building such as this.

29
30 Commissioner Douglas stated that there were three green-ribboned trees on the site when she
31 visited it, and confirmed that the parking would be north of that location. She asked if the yellow-
32 ribboned trees were the ones that would be moved to a different location on the site.

33
34 Bert Elmer, 105 Pineview Lane N, Plymouth, architect for the Applicant's team, explained the
35 color coding for the tree tags are: red – removed; yellow – moved; and green – stay and confirmed
36 that the parking lot will be going north from those buildings.

37
38 Steve Oliver, Mohagen Hansen Architects, 1000 Twelve Oaks Center Drive, Applicant's architect,
39 noted that Commissioner Douglas had asked a question about the equipment that is in the yard and
40 explained that the existing equipment includes a generator, a chiller, and the electrical transformer
41 and related components. He explained that those are all elements that will be slid directly west
42 and will be contained within the screened area along with the trash collection.

43
44 Amit Sela, 4100 Excelsior Blvd, St. Louis Park, spouse of applicant, stated that he will be in charge
45 of the construction for this project. He stated that when the building was purchased, they found
46 there was mold in the rooms which would be dangerous in a living situation. He stated that they

1 are renovating the interior and are changing the entire HVAC system to have five air exchanges
2 an hour which will create a really healthy environment for the people who reside there. He stated
3 that they will also change the electrical, and the plumbing and the cosmetics of the site. He stated
4 that they will tear off all of the siding since they discovered mold. He described the various
5 activities they would do to treat for the mold and to bring the entire building up to code. He noted
6 that the retaining wall that was mentioned earlier is not just a regular retaining wall and has
7 beautiful stained blocks with arbor vitae in front of it to shield the building from the neighbors.
8 He stated that when this is completed, it will be a state of the art, brand new place with security.
9 He stated that when his wife finished the Moments of Lakeville, she was told by the people who
10 funded this project, that it was "one of the best places in the country". He stated that this is exactly
11 what they would like to bring to Wayzata, a beautiful, safe, great building, that will be a
12 complement to the neighborhood and be able to serve the needs of the residents and their families.
13

14 Ms. Wright stated that after reviewing the report from staff, they concur with everything that was
15 included. She thanked staff for their work and assistance in helping them with this project.
16

17 Vice-Chair Parkhill asked if the Commission had any questions for Staff or the applicant.
18

19 Commissioner Merriam asked about the trees that will be taken down and what they will be
20 replaced with.
21

22 Mr. Pavick explained that he is the Applicant's project engineer and does not have all the detail
23 that the landscape architect would have, but noted that it has been included in the packet.
24

25 Mr. Wright stated that all of the trees that will be planted there will be 10-12 feet tall and are
26 evergreens. He stated that all of the additional 100+ trees will be a minimum of 10 feet tall. He
27 stated that for the existing large trees, they will bring in a large excavator and have consulted with
28 a specialty tree company to find a way to preserve and move those trees to an appropriate place
29 elsewhere on the lot.
30

31 Commissioner Merriam asked if those trees were more shade or deciduous type trees.
32

33 Mr. Elmer stated that they are leaning more towards maple. He stated that many of the spruce
34 trees have been getting stressed and are more diseased. He stated that they are trying to keep this
35 in mind and bring trees in that will be appropriate for scale and are large product.
36

37 Commissioner Merriam stated that it appears that the entrance wraps closely around the heritage
38 tree at the east entrance and expressed concern for its roots.
39

40 Mr. Elmer stated that they will define the drop edge of that tree and use that to guide the actual
41 area so the roots will not be effective. He stated that they will barricade it off during construction
42 so there is not root compression where its vitality would be lost.
43

44 Commissioner Stockton asked if the photo of the retaining wall at their Lakeville location was
45 similar to what was being proposed in this location.
46

1 Mr. Wright stated that they sent pictures of two walls and the wall that they are proposing in front
2 will be on the berm and they have MnDOT blocks, which are concrete blocks that are stained. He
3 stated that they are beautiful, decorative blocks and noted that they will not be putting the rails
4 along the wall like they are in Lakeville. He stated that in front of the wall there will be arbor vitae
5 and vines growing on the wall and will shield the neighborhood from having lights.
6

7 Mr. Elmer explained that the reason for the railing in Lakeville was for fall protection but they do
8 not have that issue in Wayzata.
9

10 Commissioner Sorensen asked where the retaining wall would be located within the site plan. He
11 asked if the walls have been added since the last presentation.
12

13 Ms. Wright confirmed that they have been added.
14

15 Mr. Wright explained that this wall was not in the original design, but added after they met with
16 the neighbors who expressed one of their biggest issues was concern for the headlights shining
17 into their homes. He stated that the wall will be woven between the existing trees.
18

19 There being no additional questions from the Commission for the applicant, Vice-Chair Parkhill
20 opened the public hearing on the application at 7:39 pm.
21

22 David Kirkland, 176 Babcock Lane, stated that he has been a resident of the Highlands
23 neighborhood for 16 years. He stated that he has submitted a detailed comment letter listing many
24 of the neighborhood concerns that have not been adequately addressed by the applicant. He stated
25 that, to him, the most disturbing aspect of the Moments of Wayzata plan is the proposed destruction
26 of 59 significant hardwood shade trees and removal of the perennial gardens in the front eastern
27 side of the property. He stated that they are desirous of keeping the residential 'feeling' that is
28 hard to describe. He shared examples of areas throughout the City of the environmental tapestry
29 that illustrate the Wayzata residential feeling. He stated that in his opinion, the most important
30 thread of this natural fabric are the large, mature, hardwood trees. He shared that at the tree
31 preservation meeting the people there listed many of the benefits the trees provide such as shade,
32 natural air conditioning, erosion control, filtering water, cleaning air, habitat for wildlife, noise
33 reduction, and their beauty. He stated that it is the Commission's responsibility, as residents, to
34 protect, preserve and enhance through well-planned, thoughtful development. Homeowners rely
35 heavily on the Planning Commission and the City Council to lead that effort. He stated that for
36 this application, it means staying within the existing 75,000 square foot building, as well saving
37 the mature trees and the perennial gardens. He stated that he is convinced that by using a skilled
38 land planner and landscape designer implementing the high standards of site and building design
39 they can preserve and enhance the desirable site characteristics and natural topography that are
40 required in a PUD zone. He stated that if it is leavened with a cup of heart, Moments of Wayzata
41 will be able to transform the existing conditions into a memory care facility that fits in with the
42 neighborhood, be something the community needs and something they would welcome on this
43 property. He stated that the Moments plans that has been presented shows little respect or
44 consideration for the neighbors, the community, or the natural environment. He encouraged the
45 Planning Commission to deny the request for approval and instruct the applicant to focus their

1 efforts on renovation and enhancing the existing conditions. He stated that he would highly
2 recommend the applicant tour The Retreat just off Wayzata Boulevard, east of Colonial Square.

3
4 Daniel Drotning, 120 Westwood Lane, stated that he has lived at this location for 36 years and is
5 directly across the street from the proposed new addition. He stated that they are not against
6 Moments or against them helping people. He stated that they welcome them and concur with all
7 of the things they are going to try to do, but what he and his neighbors want is for them to just do
8 it inside the existing building. He stated that if they have to build more in order for their business
9 model to work, that is not good business. He stated that everything that they want to do that
10 negatively impacts the neighborhood is all because of the addition. He asked why they could not
11 utilize the garage area for additional parking since they are planning on taking those down
12 eventually. He stated that they would not have to create additional parking in the front that would
13 require taking down trees and the garden area. He stated that the neighbors spent time last weekend
14 circulating a petition throughout the neighborhood that now has 43 signatures. He read aloud the
15 petition language: "As residents of the Highland neighborhood, our concerns remain the following:
16 Meridian Manor was built and operated as a residential facility for senior care, the building
17 structure, materials and landscaping were designed to reflect residential and the facility fits the
18 neighborhood. Moments of Wayzata proposes to alter the fundamental nature of the facility by
19 introducing corporate offices, adult day care. The proposed addition of almost 14,000 square feet
20 to the property and the removal of 59 trees and expanding the parking lot in front of the building
21 significantly alters the residential feel of the institution which is not a fit for the Highlands." He
22 stated that all the negatives that are moving to the front lawn are being driven by the addition. He
23 said they already have 75,000 square feet and noted that the neighborhood feels that addition is
24 not needed.

25
26 There being no additional public comment on the application, Vice-Chair Parkhill closed the
27 public hearing at 7:50 pm.

28
29 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
30 application.

31
32 An individual from the audience asked to have the opportunity to speak.

33
34 Vice-Chair Parkhill gave him permission.

35
36 Joe Vanloy, 136 Birch Lane West, stated that he applauds the applicant for what they are trying to
37 do and agrees that it is a need. He stated that he can also understand the view of the neighborhood
38 and what the addition would do. He stated that the original building does not meet the massing
39 requirements, and asked if there had been consideration given to not just completing any addition,
40 and also to grandfather it in for not meeting the massing requirements.

41
42 Commissioner Sorensen stated that Mr. Drotning hit the nail on the head for him because it seems
43 that since 1994, this facility has been accepted in the neighborhood and has a residential feel and
44 look. He stated that this proposal will have a higher use with the daycare and the office space,
45 which he believes is the heart of the issue. He stated that the design deviations that are being
46 requested, to him, seem relatively minor. He stated that regarding the no mass break-up deviation,

1 this is dealing with an existing building and it appears as though the addition has consistent
2 architecture with the existing building. He stated that he thinks the applicant and her team have
3 clearly been responsive as best as they can to the issues that have been brought up. He stated that
4 he thinks the question is, with this addition, can they continue to be a good neighbor. He stated
5 that he believes this use would be a very valuable asset to the City, and feels the deviation requests
6 are minor but necessary if the addition is put in. He stated that he has an opinion and belief that
7 this is an important asset for the community with an operator that the City can feel good about, so
8 he would be inclined to recommend approval of this request.

9
10 Commissioner Douglas stated that she comes at this proposal with mixed feelings. She stated that
11 she went through the gut-wrenching process with two close friends of finding memory care for
12 their husbands, one lived in Cape Coral and one lived in Wayzata. She stated that there was
13 nothing out there locally, and it was a real eye opener for her. She stated that she knows there is a
14 tremendous need for this type of facility. She stated that she likes Ms. Wright's philosophy, and
15 it is definitely different than what Meridian Manor was. She reminded the Commission that she
16 previously worked at Meridian Manor as the Assistant Manager and Marketing Director for three
17 years. She stated that she knows many of the neighbors and understands where they are coming
18 from with their concerns. She stated that she spent a lot of time on the property yesterday, and the
19 addition seems to be driving what is before the Commission. She stated that she appreciates what
20 the applicant has done in the latest proposal in an effort to accommodate the neighborhood
21 concerns. She stated that she is glad that they are planning to keep some of the trees because they
22 are beautiful. She stated that one of her main concerns was that Meridian Manor did fit in with
23 the residential feel with its red brick, but then she looked across the street and many of the homes
24 have changed since it was put in, and the neighborhood now includes new, more modern homes.
25 She stated that it looks like they are planning to keep a few of the screened porches and the
26 landscaping looks good. She stated that she has given this a lot of study and thought, and found
27 that there are things that add to the appeal of the structure and she is also leaning towards
28 recommending approval.

29
30 Commissioner Merriam stated that she can clearly see how it makes sense to convert Meridian
31 Manor into a memory care facility. She stated that she also likes the idea of adding an adult
32 daycare; however, in listening to the neighbors, she is having a difficult time with the size of the
33 expansion. She stated that she thinks there is a lot of excess space that is not needed and feels that
34 the garbage enclosure is unsightly. She stated that she would prefer to see the garbage enclosure
35 and mechanicals in the rear of the building, and not to add additional parking on the east side where
36 there is currently a perennial garden. She stated that if the size of the addition was reduced, there
37 could be additional parking on the west side and the enclosures for mechanicals and garbage
38 moved to the rear. She noted that when this went through in 1994, the property was zoned R-2,
39 medium density residential and was a farm house. She stated that Meridian Manor was large, but
40 they were good neighbors. She stated that to add to the space and take down trees, and many of
41 the plans, would be detrimental to the neighbors, and she would like to see the design revised. She
42 stated that she is fine with the porte cochere and some of the requested design deviations, but
43 cannot recommend approval of the overall design as presented.

44
45 Commissioner Stockton stated that she thinks the improvements to the plans from the previous
46 proposal, such as the porte cochere and the façade, are excellent. She noted that there has been a

1 lot of discussion surrounding how to shield some of the unfortunate aspects of the plan, such as
2 the rubbish enclosure, where the facilities are blocked, and the headlights. She stated that it is
3 unfortunate that the City cannot see in the plans presented how those things will actually be
4 shielded by the retaining wall. She noted that may dramatically change the rendering because it
5 focuses on a building that does not show any greenery, which can make it difficult to get an
6 appreciation for the changes that have been verbalized. She stated that what she heard described
7 by the applicant sounded appealing, but she cannot ascertain whether or not the wall that has been
8 described will be complementary to the design. She stated that she thinks the use of the facility is
9 excellent, needed, and appropriate. She stated that it is difficult to go back to a farmhouse memory
10 because that is so drastically different from where things are today. She stated it should be noted
11 that the addition is being added in depth rather than breadth and is moving backwards; so, the
12 façade will not necessarily have the full impact of the additional 13,000 square feet. She stated
13 that the concept of having staff that is cared for as well as the residents of the facility, is ideal in a
14 facility that is basically surrounding human care. She noted that she would highly recommend a
15 detailed plan supplement that is from eye level. She stated that this is a difficult situation, as it
16 always is when expansion and growth are being talked about.

17
18 Community Development Director Goellner displayed a rendering that showed more details of the
19 proposed landscaping.

20
21 Commissioner Stockton stated that this rendering was much more appealing to look at than the
22 rendering that just showed the building. She stated that the primary concern seems to be from
23 what the residents are seeing, and she feels some of these plantings are pretty significant. She
24 stated that she is leaning towards approval, with a recommendation for some further pictorial
25 representations so the community can become more comfortable with what is happening at the
26 façade. She stated that she was a member of the Design Standards Committee, and she agrees with
27 the comments that as the existing building stands, it would not make sense for the building façade
28 to have a full break in it.

29
30 Community Development Director Goellner showed another rendering of the view of the proposal
31 from the street.

32
33 Commissioner Stockton stated that she likes how the traffic pattern is controlled, and coming in
34 one end and out the other. She stated that she thinks the thought behind the shielding for headlights
35 was considerate. She stated that she thinks the project is an improvement to the community and
36 thinks it is a reasonable use of the land as well as a necessary and needed facility. She stated that
37 she also does not like the trash enclosure in the front, but likes that there has been considerable
38 effort put into shielding it.

39
40 Vice-Chair Parkhill stated that he goes back to the recently adopted Comprehensive Plan, which
41 talks about density and public benefit. He stated that he has to lean on the fact that he really thinks
42 this is of strong public benefit to our community as it grows and expands. He stated that he has
43 mixed emotions related to the residents of the neighborhood's concerns, but does believe the
44 applicant has made significant accommodations. He stated that the 13,000 square feet of office
45 space is really half of that visually, because half of it is underground which makes it about the size

1 of a decent sized home. He stated that it also kind of looks like a home to him as well, and he is
2 inclined to recommend approval of the application.

3
4 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.

5
6 Commissioner Sorensen made a motion, seconded by Commissioner Stockton, to direct staff to
7 prepare a draft Planning Commission Report and Recommendation with appropriate findings,
8 reflecting a recommendation of approval of the requested PUD amendment and design deviations
9 for Moments of Wayzata at 163 Wayzata Boulevard W for review and adoption at the next
10 Planning Commission meeting.

11
12 Community Development Director Goellner completed a roll call vote on the motion.
13 Commissioners Douglas, Parkhill, Stockton, and Sorensen voted aye. Commissioner Merriam
14 voted nay.

15
16 The motion carried 4-1.

17
18 Commissioner Douglas asked that additional trees be planted near the trash enclosure.

19
20 Commissioner Sorensen asked that the trash enclosure be moved further back from its proposed
21 location.

22
23 Vice-Chair Parkhill recessed the meeting at 8:10 p.m. for a break, and reconvened the meeting at
24 8:19 p.m.

25
26 **b) Consider Development Application for Planned Unit Development Concept Plan**
27 **for 200 Lake Street East**

28
29 Community Development Director Goellner gave an overview of the Development Application
30 for a PUD Concept Plan for 200 Lake Street East.

31
32 Planning Consultant Eric Zweber showed renderings of the proposed site plan that outlined the
33 east core of Building A, the west core of Building A, Building B, East Park, West Park, and East
34 and West Plaza areas. He gave details of the number of units in each core/building, overall density,
35 the open space areas, refurbishing of the existing park areas. He explained the two requests for
36 deviations from the Design Standards and the expected future application requests if this Concept
37 Plan is approved. He explained that there was a neighborhood meeting held on June 30, 2021 with
38 43 people in attendance who shared concerns about parking, building materials, light trespass, and
39 devaluation of surrounding properties.

40
41 Community Development Director Goellner noted that the City also received 7 written comments
42 that shared concerns about density, traffic impacts, lack of small town feel, massing/scaling,
43 proximity to train, demolition of the existing building, and building height. She explained that all
44 comments were in opposition of the application.
45

1 At the conclusion of Staff's presentation, Vice-Chair Parkhill asked if the Commission had any
2 questions for Staff.

3
4 Commissioner Douglas asked about the photo on page 136 of the packet that shows, in the west
5 entrance, the driveway curving under the west plaza. She asked if there was not an entrance into
6 Building B for underground parking.

7
8 Planning Consultant Zweber stated that Building A has a parking level, and then a commercial
9 level, and then two residential levels. Building B has the lowest level as the parking level, and
10 then two residential levels.

11
12 Commissioner Douglas asked if there was a sidewalk in addition to the bike trail when you look
13 down the project at the sidewalk where the grass ends to the east.

14
15 Planning Consultant Zweber stated that the grading plans will show it, but the answer is yes. He
16 gave a description of the sidewalk location and noted that it is different than the bike trail, but does
17 not have as much separation as in other parts.

18
19 Commissioner Douglas stated that she was under the impression that there needed to be 6 feet,
20 plus another 6 feet of landscaping to equal the 12 foot requirement along Lake Street.

21
22 Community Development Director Goellner noted that page 143 of the packet shows details about
23 the sidewalk width which is about 16 feet.

24
25 Commissioner Douglas stated that is hard to see from the plans and asked because walkability is
26 a major concern on Lake Street, and she wants to make sure that is taken into consideration.

27
28 Planning Consultant Zweber reviewed the site plan that shows the width of the curb to their
29 building, and noted that if this moves forward they will get a lot more detail.

30
31 Commissioner Douglas asked if this was approved if one of the conditions be that it would meet
32 the sidewalk requirement.

33
34 Planning Consultant Zweber stated that they are not requesting a variation or deviation from that
35 requirement, so it would be expected for them to demonstrate that they are complying with the
36 requirement through more detailed plans.

37
38 Commissioner Douglas stated that she lives on Edgewood Court and coming out onto Lake Street
39 at that point is almost impossible and is very dangerous because you have to have the front end of
40 the car out into traffic in order to turn left. She stated that there has also been talk that the Burnett
41 building will be torn down and redeveloped, so this is a vital corner. If a traffic study was to be
42 ordered, she asked when it would be done and if the results would be reflected in the process for
43 this application.

44
45 Community Development Director Goellner stated that it would be appropriate to begin the traffic
46 study as soon as possible. She stated that the City Engineer notified her last week that it seems

1 appropriate given the impacts to the site and thinks the City can work with the applicant on moving
2 that forward as quickly as possible. She noted it would definitely affect the Commission's view
3 of the PUD Concept Plan. She stated that she thinks the City would still need to work within the
4 60 day rule in its review of this application, but try to get as much data as possible to keep moving
5 forward with the PUD Concept Plan decision.
6

7 Commissioner Stockton asked if the City knew what the percentage of business or restaurant use
8 is of the total building area, and if it includes a gym facility within the building. She asked if, for
9 a PUD, whether there was a different standard for impervious surface.
10

11 Assistant Planner Kieser stated that for impervious surface, the main thing to keep in mind is that
12 this is in the Shoreland Overlay District, so up to 75% impervious surface is permitted. If the
13 applicant requests more than 75% impervious surface, a CUP/Shoreland Impact Plan is required.
14 He stated that this usually comes with the PUD general plan stage, which is what the applicant is
15 proposing to do in this case since the plans show about 80% impervious surface coverage.
16

17 Planning Consultant Zweber stated that for commercial uses, the west core there would be a gross
18 leasable area of about 27,000 square feet of space, in addition to the event space. He stated that
19 in the east core, there is about 2,600 square feet, for a total between both spaces of about 30,000
20 square feet of commercial space. He explained that on the third level of the west core there is an
21 amenity space planned that would include a fitness space and also a deck for an outdoor space with
22 a pool.
23

24 Commissioner Merriam asked where the restaurant space was being proposed.
25

26 Planning Consultant Zweber stated that had not yet been determined, but most likely in either the
27 west end of the east core, the east end of the west core, or the west end of the west core. He
28 explained that it could also be along the rest of the commercial space in the west core, and they
29 are requesting that the boardwalk area behind the west core be private to able to provide outdoor
30 space adjacent to those units. He noted that they have included restaurant space in their parking
31 calculations but have not specifically identified where it will be located at this time.
32

33 Commissioner Merriam asked if there was any parking along Lake Street in front of the proposal,
34 or if it was just road. She stated that valet parking was mentioned in the staff report, and is curious
35 where that would be located.
36

37 Planning Consultant Zweber explained that on the parking level there would be tandem stalls, and
38 the way it is proposed is that the areas on the south of this parking level that are not used as a
39 tandem stalls, would be the spaces used by the residential tenants above. The tandem stalls would
40 be available for commercial/office/restaurant users, and the valet would be parking those stalls.
41 He stated that staff would also like to know where the valet station will be located.
42

43 Commissioner Merriam stated that the valet station could be located in the garage or the entrance,
44 but noted that she feels that could potentially cause a back-up out into the street.
45

1 Planning Consultant Zweber stated that is definitely an issue that staff would like to discuss further
2 because there are eight potential entrances that people would be attracted to, so this is staff's
3 question as well.

4
5 Commissioner Merriam asked Staff to confirm that there are only two entrances into the parking
6 garage in the proposed plans.

7
8 Community Development Director Goellner stated yes, and that there is no parking on the south
9 side of Lake Street for the majority of this parcel, but a few unrestricted parking spaces on the
10 north side, but that is under ten spaces overall.

11
12 Planning Consultant Zweber explained that the proposed 164 stalls that are proposed are all either
13 on the first level of Building B or the underground level beneath the east or west core.

14
15 Community Development Director Goellner stated that the function of the valet is very important
16 to the functioning of the underground lot.

17
18 Commissioner Douglas asked where something like the UPS truck, plumbers, electricians, and
19 other various service trucks would stop. She asked if that meant the parking area was not secure
20 for residents.

21
22 Planning Consultant Zweber noted that this is something that has been discussed with the
23 applicant, and thinks it is something that Staff and the Commission will need additional
24 information about. He stated that part of the reason why they are providing 164 stalls when only
25 158 are required, is because they know there will be services, food pick up and other uses needing
26 parking, so they identified some additional stalls. He stated that if this moves onto the general
27 development plan, they would flesh those details out. He stated that they have given it a concept
28 level consideration, but additional work will need to be done to provide those details.

29
30 There being no further questions of staff, Vice-chair Parkhill invited the Applicant to address the
31 Commission.

32
33 Curt Fretham, Lake West Development, 14525 Highway 7, Minnetonka, stated that they learned a
34 lot from their previous proposal for the site last year. He stated that they took good notes on what
35 the Planning Commission had to say at the time. He stated that they were a bit delayed in coming
36 back before the City with a new proposal largely due to the changes in the City's design standards.
37 He stated that they heard that the Commission wanted the proposal to reduce the mass, increase
38 the density to meet the Comprehensive Plan guidance, increase open space, incorporate small town
39 character and charm, and provide a higher standard of building site plan. He introduced Wayne
40 Chubb, from Hobbs and Black, their architect and his in-house planner, Steve Eggert.

41
42 Wayne Chubb, Hobbs and Black, 100 North State Street, Andover, MI, stated that this project has
43 a lot of pieces. He stated that staff has done an amazing job going through their plans, but noted
44 that he wanted to run through a few points before the Commission asked questions. He stated that
45 the reason for the massing breaks every 25 feet was in order for the public to view the lake from
46 the sidewalk as well as future access to the lake. He stated that they put together their proposal

1 after taking into consideration the limitations of the railroad tracks and the grading. He stated that
2 their open space is almost 47% of the area of the site. He reviewed an aerial rendering of the site
3 plan and explained how they attempted to articulate the architecture within the 80 foot depth while
4 still addressing the previous comments made by the Commission. He reviewed various rendering
5 views of the property and some of the features that they are hopeful can become community
6 amenities and of public benefit. He stated that they are very excited about the planned plaza pieces
7 and will be a benefit to the community as well as the residents.
8

9 Steven Eggert, Lake West Development, stated that he wanted to answer some of the questions
10 that Mr. Chubb had not yet answered. He referred the Commission to page 143 of the packet and
11 shared details of the entrances and access points. He stated that there was a question about the
12 width of the sidewalk and noted that also on page 143 is shows the width is 16 feet, 6 inches.
13 There was a question about the percentage of restaurant spaces and noted that they would like to
14 put in potential concessions on the west side of the core, and referred them to page 174 of the
15 packet and noted that the number of approximately 30,000 square feet mentioned by Planning
16 Consultant Zweber was correct. He stated that there was a question about parking on the north
17 side of Lake Street and the deliveries. He stated that they do not yet have that dialed in, but
18 suggested that the Commission may be familiar with the CoV drop offs just outside of the area and
19 explained that those would easily fit within the garage. He stated that they are currently in
20 discussions about potential parking devices that would allow a mechanical device to control the
21 parking. He stated that they are also considering solutions that would not require a valet.
22

23 Vice-Chair Parkhill asked what happened to the west park because he thought that was already an
24 easement and when Planning Consultant Zweber was reviewing it, it looked like it could be closed
25 down at times.
26

27 Mr. Fretham stated that he thinks there may have been some miscommunication but their intention
28 is for it to be a public park, and the east park was expanded in order to open up the view gap for
29 the property owners at Wayzata Blu.
30

31 Vice-Chair Parkhill asked if that would be closed on special occasions.
32

33 Mr. Fretham stated that he was not sure if it would be closed, but they may provide concessions
34 or special events. He stated that they have not yet fully gone through those plans yet.
35

36 Vice-Chair Parkhill asked if other than the blue areas on the plans, the remainder was basically a
37 mini-Panoway that people could come onto whenever they like.
38

39 Mr. Fretham stated that would be correct for most of the time. He stated that they are envisioning
40 occasional special events and planning for it to be finished at a higher level than a typical park
41 would, with the hope of providing a mechanism to generate income in order to help maintain it to
42 that high standard.
43

44 Commissioner Douglas asked if the City requires trees every 26 feet along Lake Street.
45

1 Planning Consultant Zweber stated that was correct, and noted that was not something that was
2 reviewed at the concept level, but would be later in the process. He stated that the applicant has
3 stated that they are not requesting a deviation from the landscaping standards.
4

5 Commissioner Douglas asked if the people responsible for the Three Rivers Park District trail have
6 been consulted regarding combining the sidewalk and having them adjacent to one another, or if
7 that was also something that will take place after the concept plan.
8

9 Community Development Director Goellner stated that at this stage, they have not yet consulted
10 with them, but would in the next stage.
11

12 There being no additional questions from the Commission for the applicant, Vice-Chair Parkhill
13 opened the public hearing on the application at 9:17 pm.
14

15 Assistant Planner Kieser noted that there had been one public comment submitted via Zoom, from
16 Cindy Lecy, 220 Barry Avenue, who asked: Will the bike path and sidewalk be open during
17 construction? How long will construction take? What type of sight lines will there be for cars
18 exiting the parking garages onto the sidewalks? Where will all the construction workers park
19 during the building process? I am very tired of them taking up all the on-street parking.
20

21 Kendra Lindahl, Landform Professional Services, 105 S. 5th Street, Minneapolis, stated that she is
22 here representing her clients, Brian and Sherry Heeb, 275 Lake Street. She stated that she would
23 ask the Planning Commission to recommend denial of the PUD concept plan being presented. She
24 stated that she believes that it offers some improvements over the previous iterations, but it still
25 does not comply with the Comprehensive Plan and the design guidelines. She stated that the letter
26 she submitted in advance of the meeting was included in the packet. She noticed that within the
27 packet, there was a new plan set and they had reviewed the July 9, 2021 plan set. She noted that
28 after reading staff's very thorough staff report, there are a few additional points that she would like
29 to highlight for Commission consideration. She said first that railroad safety is a real issue, as she
30 discussed in detail within her report. It is a health, safety, and public welfare issue and has not
31 been talked about much this evening. She stated that there are documented incidents with the train
32 here in the City. In 1989, the City felt it was an important issue on this site and required a
33 pedestrian tunnel easement, but she noted that that has been absent from this plan and should be
34 included. For the mixed of uses/densities, she said that the staff report indicates that it is 28.5%
35 commercial with the remainder residential, but the Comprehensive Plan says that the Central
36 Business District should be 60% commercial and 40% residential. She stated that she is not clear
37 why this proposal would not require a Comprehensive Plan amendment. She noted that Building
38 B of the proposal has no commercial space, and the Comprehensive Plan says that the first floor
39 should be commercial with residential above and feels that this is a PUD deviation that is not being
40 addressed in the plans. She said that in Building B, there are 4 extra parking spaces, but they are
41 not part of the valet area, and explained that she is not really sure how they would be used by a
42 commercial user or someone who did not live in the building. She said that parking is a real issue,
43 and that she is very concerned about the open space calculation because she does not think it is
44 true open space. She stated that it will be beautiful for the tenants and the customers that go to the
45 commercial space, but with the raised level and the hidden board walk behind the building next to
46 the railroad tracks, it does not feel like it is open to the general public in a truly accessible way.

1 She explained that she appreciates the attempt to provide the view shed, but it is not meeting the
2 letter of the law or the guidelines. She stated that they are asking for PUD flexibility from the
3 massing and the step backs, and they believe that there are a lot of issues that are significant and
4 can affect the design. She stated that they still do not think this is the right project on this site, the
5 applicant has not shown compliance with the PUD standards, do not believe it is consistent with
6 the Comprehensive Plan laid out, and do not believe it addresses the very real health, safety and
7 public welfare issues related to the railroad. She reiterated that they are urging the Commission to
8 recommend denial of the request.

9
10 Kathy Doerr, 112 Edgewood Court, asked about the access to the so called parking for tradespeople
11 and the commercial spaces. She stated that she understands the numbers are officially there but
12 would like to know how they would get in there. She stated that she would also question the
13 proposed success of the commercial spaces, and asked if the City even needs more. She stated
14 that given the enormous massing changes that are proposed, she questions why the City would
15 also allow setback requirement changes. If there is a public/private space usage, she would ask if
16 there is a precedent for that or a model. She asked how often the public space can be usurped by
17 private uses, and whether it would really be a park if its purpose is to raise revenue. She asked if
18 there is a public safety issue by not having a wide separation of bikes, pedestrians, and the narrow
19 roadway. She asked whose budget would maintain the no 'so called' parks and if the plan was in
20 keeping with already set City codes.

21
22 Barry Pettit, stated that he is also here representing Brian and Sherry Heeb, and asked about the
23 notion of 'charming' as reflected in the language of the Comprehensive Plan. He stated that there
24 were dozens of people involved in working on the Comprehensive Plan, and the core that came
25 out of it was a vision statement that says the challenge of the City is to make charm as utmost of a
26 priority not only in new developments, but in every aspect of the City's life cycle. He reiterated
27 that the core idea is 'charming, charming, charming'. He stated that there seems to be a notable
28 chasm between this proposal and the community's approved vision requiring charm to be the
29 design driver for everything. He presented various pictures of facades that may help bring to mind
30 charm. He noted that charm typically makes you think of little buildings, but those no longer
31 happen because that is not how the economics of construction works. He showed pictures of what
32 other neighboring cities have done to retain the charm, and showed various images of what would
33 be considered a charming street level experience. He showed images that compared two buildings
34 with identical functions and how different they can look based on design. He stated that, at the
35 very least, the TCF building should have provided a theme for this proposal. He referenced the
36 train wreck that occurred in Wayzata, and stated that life safety cannot be ignored. He stated that
37 charming does not scream for attention and is comfortable with being recessive and blending. He
38 stated that they believe the proposal has missed the intent that has been voiced by hundreds of
39 Wayzata citizens that participated in the visioning workshop who made "charming" their key
40 design objective for all future designs in the City.

41
42 Brian and Sherry Heeb, 275 Lake Street East introduced themselves. Ms. Heeb stated that one
43 thing she really feels is that she is not sure why they are unable to keep the TCF building, because
44 it is a historic landmark and is beautiful. She stated that she feels that once the massive density of
45 this new building is there, it will be there forever and sunlight will be lost and will bring traffic,
46 parking, and walkability problems. She stated that they oppose this proposal. She noted that they

1 have family and grandchildren there playing at the beach, and would love to have safety in the
2 neighborhood, and feels the proximity of the railroad tracks is a very big problem.

3
4 Robert Meller, 1800 Major Drive, Golden Valley, stated that he represents the Heebes as well as
5 other owners in the City. He stated that he would like to address the pedestrian and tunnel
6 easement which he thinks is perhaps the most important thing that should be looked at this evening.
7 He explained that in the 1989 PUD, there was a requirement for a pedestrian and tunnel easement
8 which at the time was a blanket easement. He quoted from the development agreement of record
9 that says the pedestrian easement ‘shall’ be provided and is mandatory. He stated that in 1997, in
10 order to make the title marketable, the parties agreed and executed an agreement redefining the
11 easement to 8 feet in width, and this is specifically located in the middle of three utility easements
12 which are on the plat. The middle utility easement is immediately to the west of the TCF structure,
13 and the applicant has completely ignored that easement. He stated that the easement is not simply
14 a recreational easement for families to get down to the beach in the summer but is a critical safety
15 easement, which was recognized and reflected the minutes from the time. He state that this
16 applicant has not even mentioned the easement even though it is of record and binding. His
17 concern is that if it is continued to be ignored, and if the proposed development is built over the
18 easement, another developer could say that the City has forever waived its rights because they
19 cannot reasonably expect them to remove a multi-million dollar building from an easement. He
20 stated that, at minimum, before anything happens, he thinks that the City Attorney should be tasked
21 with reviewing the easement and perhaps meeting with Burlington Northern.

22
23 Brad Hoyt, 326 Ferndale Road W, stated that he is developing at the Ventana project and besides
24 all the potential legal and planning obstacles already being discussed, his building would be
25 devastated in terms of the loss of everyone’s views of the lake by this development. He stated that
26 Pat Hughes’ development along with a portion of Wayzata Blu would also have that problem. He
27 stated that he thinks ‘ambience’ is a key word with regard to this development, and stated that it
28 will be a canyon, which he does not think the design guidelines are all about. He stated that
29 between Ventana, Pat Hughes, and Wayzata Blu projects across the street, they have invested
30 nearly \$80 million in reliance on the City’s adherence to the integrity of its design guidelines along
31 with the familiarity, feel, and walkability of the neighborhood. He stated that he was just getting
32 to like the Panoway, and he feels this proposal would destroy it. He stated that he is opposed to
33 this proposal and agrees with Miss Lindahl’s analysis that this project requires rezoning and a
34 Comprehensive Plan amendment.

35
36 Assistant Planner Kieser noted that he had one more comment submitted via Zoom. He stated that
37 it is from Kristiane Teeple, 275 Lake Street East, Unit #209, who stated: The developer said they
38 took into account Wayzata Blu views with east park. Based on the current staking of the lot, it
39 will completely obstruct my view of the lake. They did not take into account all views from
40 Wayzata Blu.

41
42 There being no additional public comment on the application, Vice-Chair Parkhill closed the
43 public hearing at 9:40 pm.

44
45 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
46 application.

1
2 Commissioner Stockton stated that the first thing that comes to mind for her with the application,
3 is safety. She stated that she doesn't know what to say other than the railroad is there and people
4 are purchasing with the knowledge that the railroad is there. She stated that she does not know
5 how safety is considered but noted that there is a lot of glass on both sides and there has been a
6 derailment in the past. However, the City built Panoway and also has plans to do a boardwalk on
7 the opposite side of the railroad, which essentially brings the same question to mind and she does
8 not see a distinction between Panoway or this project with respect to safety. She stated that she is
9 not familiar with the easement. She noted that she also served on the Design Standards panel and
10 her initial reaction to the open spaces which calculate at 47% according the applicant, was that it
11 was considerate of the lot because this is a very unique piece of land. She stated that she believes
12 the eastern most building is where the math was deducted for how to calculate the setback which
13 was then extended across the remainder of the site. She stated that what she initially sees is that
14 the idea of combining some of the mass to afford larger, more workable spaces is a success of the
15 design commission in that otherwise they would have a continuous mass along. She stated that
16 the majority of the mass sites where the existing TCF building stands and thinks extending the
17 setback across the whole complex makes sense to her. She noted that the buildings directly across
18 the street from the main massing are currently commercial which she likes. She stated that it will
19 be very difficult to add density to the City at the Comprehensive Plan's rate on this site without
20 some of the very complex thought that has gone into this building work. She stated that she thinks
21 there is a lot of transparency in the building with windows which makes it seem less mass. She
22 stated that felt that from a design perspective, she thought it was thoughtful and dealing with views
23 will never be easy. She explained that she comes from a background where reusing existing
24 structures is important and it always raises concerns for her when they are not looking thoughtfully
25 or intimately as to how to reuse an existing building. The information she read was that it would
26 not be financially possible to reuse the existing building. She noted that there would be more
27 parking above ground if the existing building would be used. She stated that she thinks the
28 proposed parking is clever even though the details are not yet understood regarding the tandem
29 and compact car parking would work. This parcel is very challenging and she was impressed with
30 the thought process that went into the complexity of the proposal. She noted that she is unsure if
31 there is a requirement for the applicant to make these spaces public, but it is nice to see the green
32 in there. She explained that she is concerned about safety and traffic flow. She noted that the
33 tunnel would be nice if the City is going to be adding population to help them get to the other side
34 which falls under the easement and noted that she needs further clarity on the easement. She stated
35 that it appears as though there is a 25% use of commercial and the Comprehensive Plan suggests
36 60%, so she thinks there would be deviation, but given the size and nature of this parcel, and there
37 is existing commercial space that is vacant, she wonders if it may be appropriate to reduce the
38 commercial use in this case.

39
40 Commissioner Merriam stated that what has been presented tonight is much better than past
41 proposals for the site. She stated that she likes that the Commission is not just looking at vertical
42 and horizontal lines but some peaked roofs and some interesting architectural details along with
43 plazas and open spaces. She stated that she goes back to the question, 'Is this a more desirable
44 and creative environment than what could be achieved by adhering to the standards today?' She
45 stated that would be the TCF building and noted that when it was proposed, it was also proposed
46 as a PUD and the zoning was C-4A which allows a height of 30 feet or two stories. She explained

1 that when this building was proposed, the height is obviously much more than 30 feet and thinks
2 that it was probably through a lot of negotiation that they were able to get the height because they
3 put in a building that has a lot of character, quality, looks good, and has withstood the test of time.
4 She stated that there is a lot of architectural character to the building and there is a lot of open
5 space on either side. She stated that she does not see the current proposal as something better than
6 what could be achieved. She thinks the tunnel easement should be protected. She has concerns
7 about the proximity to the railroad tracks and because there are still buildings at the end of Lake
8 Street that are still under construction and the City doesn't know the impact those buildings will
9 have on the traffic and infrastructure yet. Parking and traffic are an issue and the parking situation
10 for this proposal seems impractical with the valet, tight spaces, and tandem parking. She stated
11 that she has a lot of concerns and would not feel comfortable recommending approval.

12
13 Commissioner Douglas stated that everyone knows something will be done on this site and is
14 something that is needed. She stated that she believes the applicant has brought forward a better
15 proposal than last time. She stated that there are things she likes about it such as the parks and the
16 public space. She stated that she thinks the design could be a bit more simple. She stated that she
17 served on the Design Standards Task Force and read aloud the intent of the Design Standards from
18 the manual. She stated that she thinks the design that has been presented has a few 'busy' things
19 about it and she feels simple is better. She is very concerned about the traffic situation and there
20 has been a huge change on Lake Street since the change was made to narrow the street. She stated
21 that she was in a car with a friend who ended up going onto the bike trail coming out of the
22 neighborhood and she believes those are things that the City has to figure out. She shared some
23 other examples of issues in the area and believes the traffic study needs to be done quickly. She
24 stated that she is also really concerned about parking and has had people say to her 8 years after
25 the promenade has been open that they do not know where to park when they go to the promenade.
26 She stated that she tells them that there is public parking inside the buildings and people just don't
27 know that. She stated that she cannot imagine how delivery trucks such as Amazon and FedEx
28 will be able to get in this area with this proposal and asked if the plan would be for them to just
29 pull up on Lake Street and quickly run the package in the door. She stated that she knows this is
30 a concept plan and the answer has been to work those things out later, but she thinks it is a lot to
31 figure out before things get to that point. For a PUD, it requires a strong public asset and she does
32 feel the proposed public space meets some of that but she thinks the challenges counteract some
33 of the benefit. She stated that she doesn't think the plans are quite there yet and expressed her
34 concern about the tunnel effect on that street. She asked if she was correct that commercial is
35 required on the first floor east of Barry Avenue, but not to the west.

36
37 Community Development Director Goellner stated that is correct and explained that commercial
38 is not required on the first floor west of Barry which relates to the Comprehensive Plan that the
39 60/40 split of residential/commercial was for the entire district, and not each individual parcel.

40
41 Commissioner Douglas stated that she believes the Three Rivers Park District needs to be
42 consulted on this plan and be aware of the application. She stated that she would like to see
43 something get done but hates to see the beautiful existing TCF building torn down. She stated that
44 she understands the reasoning behind it and just hopes that the City can get to a point where it can
45 get this done.

46

1 Commissioner Sorensen stated that there are a lot of moving parts here. He stated that
2 Commissioner Stockton outlined many of the positive things with this proposal and noted that
3 when he first saw it, he was very impressed. He stated that the applicant has been very responsive
4 to the issues and the feedback they received from the City. He stated that there is a lot about this
5 the applicant should be commended for. He stated that while this is not the major issue for him,
6 he feels like it is just the next one in line with its neutral colors, stone, cast stone, metal panels,
7 composite and wood. One of the comments he has heard frequently from the community is the
8 question about why the City doesn't have more of a look that incorporates the nautical environment
9 or the New England-ish or CoV look. He stated that is not a major issue, but just a comment he
10 wanted to make about the plans. There are, in his mind, a few major issues with the proposal such
11 as the Design Standard deviation of the 450 foot long building in the middle because it does create
12 a bit of a tunnel environment. He stated that as Commissioner Douglas noted, there are still a lot
13 of unknowns with this proposal with questions about traffic, parking, deliveries, and non-public
14 walkways behind the building. He stated that perhaps because this is the concept phase the
15 Commission is supposed to just somehow swallow those things and deal with them later, but it is
16 unsettling to think that the Commission may approve something with those unknowns. He stated
17 that the other thing that has been mentioned that has only had a small amount of comments tonight
18 is the essence of what exists now with the TCF building because it is a charming landmark that
19 supports the small town character and feel. He asked if it would be better off to knock that down
20 and make the most of something like this or would be it better to push for a proposal that would
21 leave the TCF building and build around it in a more respectful way. He stated that if you look 10
22 or 20 years down the road, he wonders if the City would feel better because about keeping the
23 building and working around it rather than tearing it down. He stated that as that issue is evaluated
24 it leads to some of the purpose of the PUD and reviewed some of the questions staff encouraged
25 the Commission to consider. He stated that he would like to have more information before making
26 a decision.

27
28 Commissioner Stockton stated that if something of this nature were to go through a building like
29 this may need to have a porter station where deliveries would all be pointed towards rather than an
30 individual one to each resident. She stated that she doesn't know how the Commission or the City
31 responds to preserving landmarks.

32
33 Vice-Chair Parkhill asked if the TCF building was considered a landmark.

34
35 Community Development Director Goellner stated that it is not formally designated as a landmark;
36 however, there is a compelling argument that Commissioner Stockton has about the reuse of
37 buildings and the environmental impacts that can be had some saving buildings.

38
39 Vice-Chair Parkhill stated that he likes the use of the open space and the longer building does not
40 bother him. He stated that he thinks many strides have been made in the right direction with the
41 new proposal. He stated that the thing that jumps out at him is congestion. He stated that the he
42 does not think it is possible for him to do anything moving forward without information on the
43 safety with the tunnel and the traffic/parking study. He stated that he does not see how they can
44 have commercial and restaurant deliveries along with tradespeople and UPS as well. He stated
45 that he understands that this is the concept plan, but all he can think about are the practical
46 difficulties with it. He stated that he drives down this street every single day and fears that he will

1 have a beer truck forcing him to go around because there is no place for them to make deliveries
2 and feels there needs to be provisions made for that situation. He stated that the applicant has
3 shown incredible creativity here and is good with the design issues, but wonders if the density
4 needs to be decreased a bit to be able to accomplish this practicality thing and ensure that it is only
5 valet parking in the tandem spots. He stated that he appreciates angle views even though they are
6 not perfect for everybody. He worries about the ability to lease that much commercial space, but
7 would love to have a few restaurants and a gym in this location, is possible. He stated that he goes
8 back to the congestion issue and feels like it will be a bottle neck right there and thinks if that could
9 be solved it would be a much better plan. He stated that he also feels like there could be a way to
10 put a bit of 'charming' into the aesthetics.

11
12 Commissioner Merriam asked about the density issue and the targets that the City is looking for
13 in this area. She asked if the calculations were only based on the residential portion or whether it
14 included something for the commercial portions.

15
16 Planning Consultant Zweber explained that there are two different ways to measure density,
17 residential densities are done in a dwelling unit/acre basis and the commercial density is measured
18 on a floor area ratio basis. With a mixed use development, they pro-rate the area so there was
19 about 28% commercial and 72% residential, so they only took 72% of the lot area for the area to
20 calculate the residential density.

21
22 Vice-Chair Parkhill asked if the City knew these numbers yet.

23
24 Planning Consultant Zweber stated that it is on page 120-121 of the packet and reviewed the
25 calculations for the pro-rated lot area.

26
27 Vice-Chair Parkhill stated that he still thinks it is congested.

28
29 Commissioner Sorensen stated that he thinks the entire Commission wants more information in
30 order to make a decision, and asked City Attorney Schelzel if there was a way that could be done.

31
32 City Attorney Schelzel reviewed the options available to the Commission and explained that one
33 of the options is to table action on the application and ask the applicant to come back with more
34 information about the key issues that have been raised by the Commission. He stated that it may
35 not be possible to get a traffic study completed that quickly, but the Commission or the applicant
36 can ask for more time to supplement the application with additional information. He stated that
37 the other option is to take action on the concept plan and if it is recommended for approval it could
38 be conditioned upon getting this information between now and the general plan stage. He stated
39 that if the Commissions feels that they don't have enough information now to make a
40 recommendation on the concept plan, then the first option may make sense.

41
42 Community Development Director Goellner stated that if the Commission chooses to table action,
43 the best practice is to table to a specific meeting so there is clarity around the public process and
44 also provides the best transparency. She stated that tabling does not offer the best transparency
45 because technically the public hearing has already happened for this application, so additional
46 information that is brought forward would require members of the public to be following this

1 process closely on their own. She stated she is not sure when a traffic study could be completed.
2 The 60 day deadline for City action on the application can be extended to 120 days, which means
3 extending to the month of November for the Council to make a decision. She stated that based on
4 the nature of some of the comments brought up by the Commission, if the applicant works through
5 those, she would suspect that the concept plan would be changed enough that the Commission
6 would want to see new plan drawings. She stated that it can be difficult to incorporate new plan
7 drawings into the process without submitting a new application. She stated that this was the
8 practice that with the application for The Boatworks and Moments of Wayzata projects followed,
9 which offered transparency for the public.

10
11 Commissioner Merriam stated that one of her biggest concerns is the impact of the buildings in
12 the area that are already under construction with regard to traffic, parking, and congestion. She
13 stated that the City will not be able to know this information until the buildings are complete. She
14 stated that she thinks enough things have been brought up, that she would recommend a motion to
15 recommend denial.

16
17 Commissioner Douglas stated that she would agree, but asked what had happened when the
18 Commission recently recommended denial of the Moments of Wayzata after their first proposal.

19
20 Community Development Director Goellner stated that after the Commission recommended
21 denial, the applicant chose to withdraw the application and submit a new, revised application. She
22 stated that if the Commission recommends denial in this case, the applicant could still choose to
23 move onto the City Council and wouldn't have to withdraw the application.

24
25 Commissioner Douglas stated that she likes the concept of denial and then the applicant has the
26 choice of pulling the application and coming back to answer some of the questions or move onto
27 the Council.

28
29 City Attorney Schelzel gave an overview of the two step process with concept and general plan,
30 and the options open to the Commission for taking action on the application.

31
32 Commissioner Douglas stated that she thinks of this as the third biggest project in the City behind
33 the Bay Center and The Boatworks and feels the City has to get it right.

34
35 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.

36
37 Commissioner Merriam made a motion to direct staff to prepare a draft Planning Commission
38 Report and Recommendation with appropriate findings reflecting a recommendation of denial for
39 a PUD Concept Plan at 200 Lake Street East for review and adoption at the next Planning
40 Commission meeting.

41
42 Vice-Chair Parkhill suggested a friendly amendment to the motion to address the easement issue
43 and conduct a study to determine if it is necessary, and a traffic study that takes in account the
44 Melvin's 235 and Ventana information.

45

1 City Attorney Schelzel stated that if the motion is to deny the request, he does not think those
2 studies would be needed in connection with the application. He stated that he thinks the record
3 reflects that the Commission needs more information on those things, and noted that he can add
4 that to the draft report.

5
6 Vice-Chair Parkhill withdrew his friendly amendment.

7
8 Community Development Director Goellner asked if Commissioner Merriam's motion included
9 denial of the design deviation requests as well.

10
11 Commissioner Merriam stated that her motion was intended to include all three requests from the
12 applicant.

13
14 Commissioner Douglas seconded the motion.

15
16 Community Development Director Goellner completed a roll call vote on the motion. The motion
17 carried unanimously.

18
19 City Attorney Schelzel noted that the draft report and recommendation will be on the Consent
20 Agenda at the next Planning Commission meeting.

21
22 **c) Consider Development Application for Development Application for Fee in Lieu**
23 **of Parking (FILOP) Conditional Use Permit (CUP) for Ventana Apartments at**
24 **253 Lake Street East**

25
26 Community Development Director Goellner gave an overview of the request for a CUP under the
27 City's FILOP policy for the Ventana Apartments.

28
29 Vice-Chair Parkhill asked if the Commission had any questions for Staff.

30
31 Vice-Chair Parkhill asked what the fee is for FILOP.

32
33 Community Development Director Goellner stated that it is determined by the City Council
34 through an official policy and the adopted policy is \$10,000/parking stall.

35
36 Vice-Chair Parkhill asked if there were any concessions made for 50 stalls that were approved.

37
38 Community Development Director Goellner explained that 50 was the original amount required
39 and no concessions were made during the entitlement process.

40
41 Commissioner Douglas asked how many one-bedroom units were in the building.

42
43 Mr. Hoyt answered that there will be nine one-bedroom units.

44
45 Commissioner Stockton asked to what extent non-compact cars are allowed to park in compact car
46 spaces and whether it was penalized in any way.

1
2 Planning Consultant Zweber stated that a typical stall is 9 x 18 and a compact stall is 8.5 x 16.
3
4 City Attorney Schelzel asked if Commissioner's Stockton's question was about enforcement.
5
6 Commissioner Stockton stated that out of practicality, if the City is allowing parking spaces to be
7 compact, which is what has been seen on the last two developments, she would like to know if
8 people would be able to use them if they had a large car.
9
10 City Attorney Schelzel stated that unless a development agreement specified otherwise, the City
11 likely would not get into enforcing parking rules in a private development, but also doesn't know
12 if the City does that in any of the public parking areas. He stated that he doubts that they issue
13 citations for that, but staff can look into that and get back to the Commission.
14
15 There being no questions from the Commission for the applicant, Vice-Chair Parkhill opened the
16 public hearing on the application at 10:33 pm.
17
18 There being no one wishing to comment on the application, Vice-Chair Parkhill closed the public
19 hearing at 10:34 pm.
20
21 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
22 application.
23
24 Commissioner Merriam confirmed that for a 25 unit apartment building the City requires two
25 spaces per unit and the way they are given out is up to the management of the building. She asked
26 if she understood that nine of the units were be occupied by individuals and the rest would require
27 two cars. She asked where guest parking would be accommodated in the building.
28
29 Community Development Director Goellner stated that visitor parking is informally provided
30 within the parking ramp.
31
32 Commissioner Merriam stated that this is the second request the City has had for FILOP and
33 questions whether the City will get more of those and asked if there was a point when the City
34 would have to draw a line.
35
36 Community Development Director Goellner stated that the will definitely a point where the City
37 will have to draw a line, but in their analysis at this point, there is still capacity for these three
38 spaces.
39
40 Commissioner Merriam stated that she just does not want to keep seeing this kind of request and
41 isn't sure she knows how she wants to react to this request tonight.
42
43 Planning Consultant Zweber asked Community Development Director Goellner if the Council
44 voted to put in the foundation that could allow for a second level to be constructed in the future.
45

1 Community Development Director Goellner explained that the Council did not choose to install
2 the foundation that would allow for a potential second floor because of cost and environmental
3 implications, so this lot is planned as a 153 space lot. She stated that the City just conducted
4 parking counts last month and is in the process of updating the parking study for the Council to
5 review.

6
7 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.

8
9 Commissioner Sorensen made a motion, seconded by Commissioner Stockton, to direct staff to
10 prepare a draft Planning Commission Report and Recommendation with appropriate findings
11 reflecting a recommendation of approval of the CUP permit for the requested additional parking
12 under the FILOP policy for property at 253 Lake Street East for review and adoption at the next
13 Planning Commission meeting, subject to the established fee being paid prior to issuance of a
14 Certificate of Occupancy and execution of a Parking Agreement prior to a Certificate of
15 Occupancy being granted.

16
17 Community Development Director Goellner completed a roll call vote on the motion. The motion
18 carried unanimously.

19
20 Vice-Chair Parkhill noted that this item will be on the Consent Agenda at the next meeting.

21
22 **AGENDA ITEM 6. Other Items:**

23
24 **a) Review of Development Activities**

25
26 Community Development Director Goellner reviewed the three agenda items scheduled for the
27 August 16, 2021 Planning Commission in addition to discussion of a proposed ordinance change
28 to allow chickens on the City's largest residential lots.

29
30 **b) Update on Appointment of Vacant Commission Seats and Upcoming Election of**
31 **Officers**

32
33 Community Development Director Goellner noted that there are two vacant Commission seats,
34 and there have been six applications received and interviews are being conducted later this week.
35 The Council is hoping to make appointments to those two seats at their August 10, 2021 meeting.
36 She stated that she would recommend the Commission consider holding elections for chair and
37 vice-chair in September.

38
39 **c) Planning Commission Meeting Schedule**

40
41 **AGENDA ITEM 7. Adjournment.**

42
43 There being no further business on the agenda, Vice-Chair Parkhill asked for a motion to adjourn.

44
45 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to adjourn the
46 Planning Commission meeting. The motion carried unanimously.

1
2 The Planning Commission meeting was adjourned at 11:12 p.m.
3
4 Respectfully submitted,
5 Kayla Atkins Rokosz
6 *TimeSaver Off Site Secretarial, Inc.*