

1 **WAYZATA PLANNING COMMISSION**
2 **MEETING MINUTES**
3 **AUGUST 16, 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 a prepared statement related to the resumption of in-person public
10 meetings.

11
12 **AGENDA ITEM 2. Roll Call**

13
14 Vice Chair Parkhill asked Director Goellner to take roll call.

15
16 Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Schwalbe, Severson,
17 Stockton, and Sorensen. Community Development Director Emily Goellner, Planning Consultant
18 Eric Zweber, Parks Planner Nick Kieser, and City Attorney David Schelzel were also present.

19
20 **AGENDA ITEM 3. Approval of Agenda**

21
22 Vice Chair Parkhill asked for a motion to approve the agenda for the meeting, moving up Item 6.
23 to follow Item 3.

24
25 Commissioner Douglas made a motion, seconded by Commissioner Stockton, to approve the
26 August 16, 2021 agenda as amended. The motion carried unanimously.

27
28 **AGENDA ITEM 6. Other Items:**

29
30 **a) Welcome Commissioner Schwalbe and Commissioner Severson**

31
32 Newly appointed commissioners Schwalbe and Severson introduced themselves and shared that
33 they were excited to join the Planning Commission.

34
35
36 **AGENDA ITEM 4. Consent Agenda**

37
38 **a.) Approval of the Draft Meeting Minutes of August 2, 2021**

39 **b.) Acknowledgement of Receipt of Application Withdrawal Letter for Planned Unit**
40 **Development Concept Plan at 200 Lake Street East**

41 **c.) Approval of Planning Commission Report and Recommendation of Approval for**
42 **Planned Unit Development Amendment and Design Deviations at Moments of**
43 **Wayzata at 163 Wayzata Boulevard West**

44 **d.) Approval of Planning Commission Report and Recommendation of Approval for**
45 **Fee in Lieu of Parking Conditional Use Permit for Ventana Apartments at 253**
46 **Lake Street East**

1
2 Vice Chair Parkhill read the items on the consent agenda and asked if any Commissioner wished
3 to pull an item for further discussion.

4
5 Commissioner Douglas commented on Item 4.c., and said she would like it if only Moments staff
6 could use the offices in the addition, and noted that the owner had promised to add more
7 landscaping around the garbage enclosure. She wondered about changing the entrance to two lanes
8 to reduce the impact on the large tree.

9
10 Vice Chair Parkhill asked for a motion to approve the Consent Agenda as presented in the agenda
11 packet.

12
13 Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to approve the
14 Consent Agenda as presented. The motion carried unanimously.

15
16 **AGENDA ITEM 5. Public Hearing Items**

17
18 **a) Consider Development Application for Conditional Use Permit for Good Clinic at**
19 **803 Lake Street East**

20
21 Planning Consultant Zweber gave an overview of the Applicant's request for a Conditional Use
22 Permit (CUP) for a primary care wellness clinic on property within the Promenade Planned Unit
23 Development (PUD) District where only restaurant and retail are permitted uses. He discussed
24 surrounding neighborhood zoning, background information on the Promenade PUD, the
25 conditional and permitted uses within the PUD, lease floor plan, parking specifications, the
26 Applicant's request, questions for the Commission's consideration, and action steps.

27
28 At the conclusion of Planning Consultant Zweber's presentation, Vice Chair Parkhill asked if the
29 Commission had any questions for Staff.

30
31 Commissioner Merriam asked if Benedict's Restaurant would require a larger portion of the
32 parking during the same time period as the proposed use, given its daytime menu and hours.
33 Planning Consultant Zweber answered that the a joint parking plan was for any type of restaurant.

34
35 Vice Chair Parkhill asked what was in the two spaces within the PUD previously. Community
36 Development Director Goellner stated that it was a retail shop and a juice shop.

37
38 There being no further questions for staff, Vice Chair Parkhill invited the Applicant to address the
39 Commission.

40
41 Kimberly Yung, representative of The Good Clinic, talked about The Good Clinic and their
42 approach to wellness and care, the current proposal, associated retail, and anticipated other clinic
43 locations.

44
45 Vice Chair Parkhill asked if the Commission had any questions for Staff or the applicant.
46

1 Commissioner Stockton asked if the clinic would dispense prescription medications. Ms. Yung
2 said yes, the clinic would have an instant medication machine.

3
4 Michael Howe, CEO of the Applicant, said the machine was a very small formulary that contained
5 common generic medications, but no controlled substances.

6
7 Commissioner Schwalbe asked who they expected to be the primary users of the clinic. Mr. Howe
8 said acceptance was highest from young professionals and young families, all the way through
9 empty nesters. He added there was a significant educational component to their business, and that
10 they would hold classes and run events. Commissioner Schwalbe asked if there was an on-site
11 laboratory. Ms. Yung said there would be, but they would also use LabCorp.

12
13 Commissioner Severson asked if it was also a walk-in clinic. Ms. Yung said they were not a
14 Minute Clinic, but they would accept walk-ins. Commissioner Severson asked if well and sick
15 patients would be separated. Mr. Howe explained that they had the technology for virtual visits
16 and online check-in procedures. He explained that the plan was to have no more than one to two
17 clients in the reception area.

18
19 Commissioner Sorensen asked how much of their business model was retail. Mr. Howe answered
20 retail ran between 30-40% of their overall revenue.

21
22 Commissioner Schwalbe asked if the providers at the clinic had hospital privileges. Ms. Yung
23 said they do not, and they would utilize a hospitalist. Mr. Howe said it was driven by the payer.
24 Each client would be able to identify where they would like to be referred.

25
26 Commissioner Merriam said Lake Street was a very high visibility location. She asked why they
27 could not be located in an area of the PUD where medical clinics were permitted. Mr. Howe
28 answered they had found that their clients preferred more visible locations. Commissioner
29 Merriam asked if they accepted medical insurance. Mr. Howe said yes, they accepted all major
30 payers in Minnesota.

31
32 Commissioner Stockton asked if there would be any waste management practices the business
33 would need to participate in. Ms. Yung said the clinic would have biohazard waste which would
34 be handled by vendors.

35
36 Commissioner Merriam asked if the current shops in the proposed location were ending their
37 leases. Mr. Howe answered according to the broker, both businesses were leaving at the
38 conclusion of their leases.

39
40 Vice Chair Parkhill asked about their average patients per day. Ms. Yung said they do quality of
41 time over quantity of patients. She said the clinic's providers saw an average of 20 patients per
42 day.

43
44 Commissioner Severson asked about the number of people who would attend the community
45 events. Mr. Howe said three to six for something like a diabetes clinic, and 10-15 for something
46 like a healthy cooking class.

1
2 There being no additional questions from the Commission for the applicant, Vice Chair Parkhill
3 opened the public hearing on the application at 7:10 pm.

4
5 Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have
6 asked to speak at the public hearing.

7
8 There being no one wishing to comment on the application in person or via Zoom, Vice Chair
9 Parkhill closed the public hearing at 7:11 pm.

10
11 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
12 application.

13
14 Commissioner Douglas said she read the article in the Star Tribune about The Good Clinic. She
15 thought it was nice that it would bring some traffic to the Promenade. She said the wellness aspect
16 would fit nicely in the area.

17
18 Commissioner Sorensen liked the use of the space and the wellness approach. He said he thought
19 it would fit Wayzata well.

20
21 Commissioner Merriam said she was having a difficult time with the proposal. She said the area
22 of the PUD was supposed to be only retail and restaurants originally. In October 2020, more uses
23 were added with the stipulation that Lake Street frontage would still be retail and restaurant. She
24 wanted to see the space reserved for true retail or a restaurant.

25
26 Commissioner Stockton said she thought the business would serve the community well, and that
27 it was market driven. However, she agreed with Commissioner Merriam and preferred to see retail
28 and restaurants in this space.

29
30 Commissioner Severson said she liked the idea of the wellness space and the community aspect
31 like group classes. She thought people might go for a visit and then stay in town to dine at a
32 restaurant.

33
34 Commissioner Schwalbe said her only reservation was that the clinic was a fairly new concept,
35 but she thought it was a good idea for the community.

36
37 Vice Chair Parkhill said he liked the plan. He said several true retails had failed in this space, and
38 he thought this was an appropriate exception.

39
40 There being no further discussion, Vice Chair Parkhill asked for a motion on the application.

41
42 Commissioner Douglas made a motion, seconded by Commissioner Severson, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation with appropriate findings
44 reflecting a recommendation of approval for Conditional Use Permit for a primary care wellness
45 clinic on property that is specifically permitted for only restaurant and retail uses within the
46 Promenade Planned Unit Development (PUD) District at 803 Lake Street East for review and

1 adoption at the next Planning Commission meeting. Director Goellner completed a roll call vote
2 on the motion. The motion carried 6 ayes, 1 nay (Merriam).
3
4

5 **b) Consider Development Application for Shoreland Setback Variance and Chimney**
6 **Height Conditional Use Permit for Single Family Residence at 611 Bushaway**
7 **Road**
8

9 Planning Consultant Zweber gave an overview of the Applicant's request for a Shoreland Setback
10 Variance and chimney height Conditional Use Permit for two chimneys to allow for the
11 construction of a new single-family residence at 611 Bushaway Road. He discussed the
12 surrounding neighborhood zoning, existing site plan and setback, proposed site plan, lakeshore
13 setback requirements, proposed chimney height and applicable standard, the Applicant's requests
14 and questions for the Commission to consider and action steps.
15

16 At the conclusion of Planning Consultant Zweber's presentation, Vice Chair Parkhill asked if the
17 Commission had any questions for Staff.
18

19 Commissioner Stockton asked about the red dashed line on the map in the presentation. Planning
20 Consultant Zweber explained the line was the straight line drawn between the two closest riparian
21 principal structures which was the applicable setback.
22

23 Commissioner Schwalbe said this was directly across from Carpenter's Point, and asked if there
24 was any concern from that area. Director Goellner said she had not heard any concerns from the
25 current Carpenter's Point area.
26

27 There being no further questions for Staff, Vice Chair Parkhill invited the Applicant to address the
28 Commission.
29

30 Dan Demeules, Murphy & Co., architect for the Applicant, said the home would be a traditional
31 shingle style home. He noted that the home would be pulled back slightly from the water compared
32 to the location of the current home, but that they sought to mainly use the existing footprint. He
33 said maintaining the footprint would preserve the current topography and a lot of the mature trees.
34 Mr. Demeules discussed the reasoning for the proposed chimney heights.
35

36 Vice Chair Parkhill asked if the Commission had any questions for Staff or the Applicant
37

38 Commissioner Douglas asked about the location of the fourth chimney. Mr. Demeules said it was
39 on the southside on the four-season porch.
40

41 Commissioner Severson asked about the height of the current home. Mr. Demeules said he was
42 not sure. Commissioner Severson asked about the landscape changes. Planning Consultant
43 Zweber displayed page 103 of the Commission's packet with a summary of tree removal plan. Mr.
44 Demeules said the goal was to keep the mature trees along the water and Bushaway Road.
45

1 There being no additional questions from the Commission for the Applicant, Vice Chair Parkhill
2 opened the public hearing on the application at 7:37 pm.

3
4 Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have
5 asked to speak at the public hearing.

6
7 Peter Pflaum, 630 Bushaway Road, said he had known the Whitings since they purchased the
8 property next door, and that he was supportive of the proposal.

9
10 Mark Morris, 620 Bushaway Road, stated that he was also in favor of the proposal.

11
12 There being no one else wishing to comment on the application in person or via Zoom, Vice Chair
13 Parkhill closed the public hearing at 7:39 pm.

14
15 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
16 application.

17
18 Commissioner Sorenson said he lived pretty close to the area and drove through today. He thought
19 it was a very private, mature, and wooded lot. He liked that there had been consideration in the
20 proposal for minimal disturbance to the topography and trees, and said he did not think it would
21 alter the character of the neighborhood. As far as the chimneys, he thought they gave proportion
22 to the elevation of the home.

23
24 Commissioner Douglas agreed. She said she was okay with the proposed setback because moving
25 the home further back on the lot would cause loss of trees. She thought it was a beautiful home
26 and great addition.

27
28 Commissioner Merriam agreed. She said the chimneys had no detrimental impact and were in
29 keeping with the character of the home.

30
31 Commissioner Stockton agreed and was supportive.

32
33 Commissioner Schwalbe agreed and was supportive.

34
35 Commissioner Severson made no additional comments.

36
37 Vice Chair Parkhill made no additional comments.

38
39 There being no further discussion, Vice Chair Parkhill asked for a motion on the application.

40
41 Commissioner Sorenson made a motion, seconded by Commissioner Merriam, to direct staff to
42 prepare a draft Planning Commission Report and Recommendation with appropriate findings
43 reflecting a recommendation of approval for a Shoreland Setback Variance and chimney height
44 Conditional Use Permit for two chimneys to allow for the construction of a single-family residence
45 at 611 Bushaway Road for review and adoption at the next Planning Commission meeting.
46 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

1
2 **c) Consider Zoning Ordinance Amendment Allowing the Keeping of Chickens**
3

4 Community Development Director Goellner gave an overview of the proposed draft ordinance
5 prepared by Staff at City Council's request that would allow the keeping of chickens on larger lots
6 in Wayzata in the R-1, R-1A zoning districts, and any PUD zoned single-family home that is over
7 40,000 sq. ft. in area.
8

9 Parks Planner Kieser discussed the proposed properties that would be eligible to keep chickens,
10 proposed requirements and regulations, and action steps for the Commission.
11

12 Vice Chair Parkhill asked if the Commission had any questions for Staff.
13

14 Commissioner Merriam asked if chicken coops would be allowed in front yards. Planner Kieser
15 said no, accessory structures were not allowed in front yards under the Zoning Ordinance.
16 Commissioner Merriam asked about the height limits. Planner Kieser said it would fall under
17 accessory structure standards which was a 25 foot limit. He said staff could go back and add a
18 condition that chicken coops have a lower height limitation than that. Commissioner Merriam
19 asked if there would be a cost for the permit. Planner Kieser said yes, other communities averaged
20 a \$75 fee for an initial permit and \$25 for renewals. He said the City would do something similar.
21 Commissioner Merriam asked about Chapter 930.01 A.4. in the City's Code that referred to
22 institutional docent programs. Planner Kieser said that provision has been in the Code for a while.
23 He was unsure of the history, but imagined it was for research purposes.
24

25 Commissioner Douglas asked if an inspection would be required for annual renewal. Planner
26 Kieser said that detail was still to be worked out. It would depend on how many permits there
27 were. Commissioner Douglas asked what would happen if chickens were let out. Planner Kieser
28 said staff would talk to the permit holder. If it continued to happen, the permit could be revoked.
29

30 Commissioner Merriam said it was typical for people to let the chickens out for exercise. Planner
31 Kieser said the ordinance as drafted required the animals to stay within the coop or a run.
32

33 Commissioner Schwalbe asked how many permits were expected. Planner Kieser said he had
34 received two to three requests over the past two years, but there could be more if it was allowed.
35

36 Commissioner Severson asked if there was anything to consider regarding garbage or waste.
37 Planner Kieser said there was an all-encompassing statement in the proposed ordinance that the
38 coop needed to be kept in a clean and healthy state.
39

40 Commissioner Severson asked if permit holders could sell eggs. Planner Kieser said the language
41 in the ordinance and goal was to have that not happen.
42

43 Vice Chair Parkhill asked about the no butchering statement in the proposed ordinance. Planner
44 Kieser said the intention was that permit holders could use the chickens just for eggs.
45

1 There being no additional questions from the Commission for Staff, Vice Chair Parkhill opened
2 the public hearing on the application at 7:59 pm.

3
4 Planner Kieser stated there were no people that called in to the meeting that have asked to speak
5 at the public hearing.

6
7 There being no one wishing to comment on the application in person or via Zoom, Vice Chair
8 Parkhill closed the public hearing at 7:59 pm.

9
10 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
11 application.

12
13 Commissioner Sorensen reiterated that there had only been a couple of requests for keeping of
14 chickens. Planner Kieser clarified that those were the only requests he had received, but he could
15 not speak for others.

16
17 Commissioner Douglas asked what was driving the Council to request this proposed ordinance.
18 Planner Kieser said some of the Council members had discussions with residents who did want to
19 keep chickens. He said this draft ordinance was created through the process of a Council workshop
20 and direction.

21
22 Commissioner Schwalbe asked if the City would advertise the new permits or just have this ready
23 if a resident asked. Planner Kieser said the permits would be handled administratively. Director
24 Goellner explained the process would be the same if driven by a resident's request. Staff would
25 prefer to have a method and fair process for everyone where permits could be issued after review,
26 and could also revoked if needed.

27
28 Commissioner Douglas asked if residents could ask for a variance if they fell short of the property
29 requirements. Director Goellner said the suggested process would be to request to have the
30 ordinance changed to allow for smaller properties. Then the City could analyze whether all similar
31 sized properties should be allowed.

32
33 Commissioner Stockton was generally in favor. She noted that she had some hesitation about the
34 inconvenience to neighbors, but thought there were ample measures in place to address concerns.

35
36 Commissioner Merriam was also supportive. She thought the proposed ordinance was pretty
37 restrictive and covered potential issues.

38
39 Commissioner Sorensen agreed and thought the City needed something like this.

40
41 Commissioner Douglas shared a concern that residents who lived in these districts were not aware
42 and had not had a chance to provide input.

43
44 Commissioner Severson said personally, she was delighted. She would have chickens, but her
45 property was not big enough. She was in favor of gathering more community input to make sure
46 it was done right.

1
2 Commissioner Schwalbe also had concerns about changing a City code that was not well
3 publicized.

4
5 Commissioner Merriam asked if the proposal had been noted in the Wayzata Portal. Director
6 Goellner said it was in the Wayzata Weekly E-newsletter.

7
8 Vice Chair Parkhill said he did not have a problem giving it a try, but he was unsure of who wanted
9 it. He asked if the Council was required to hold a Public Hearing. Director Goellner said they
10 were not; the Council was required to have two readings of the ordinance before it became
11 effective. Vice Chair Parkhill said he did not think it was a bad thing and was supportive. City
12 Attorney Schelzel noted that the legally-required Public Hearing was held by the Commission
13 tonight; however, the Council typically allowed additional public comment at their meetings. He
14 recommended adding a note could be added to the Commission's recommendation to try to
15 publicize this proposal more.

16
17 Commissioner Douglas said the City sent out letters to residents within a certain area of projects.
18 She felt like people needed to know.

19
20 Vice Chair Parkhill asked if the Planning Commission could table this item, publicize this more,
21 and hold another public hearing. City Attorney Schelzel said, from a legal perspective, the required
22 public hearing had been opened and closed. Director Goellner said direct mailing was quite
23 expensive. The general feedback she had heard from the Commission were questions about
24 smaller lots in the future, adequate enforcement and revocation, institutional docent clause, height
25 requirement, and waste removal. She said staff could recommend updated language and get the
26 word out more. Vice Chair Parkhill asked about the best way for residents to submit feedback.
27 Director Goellner said letters or comments through the general feedback form on the City's
28 website. City Attorney Schelzel suggested that the Commission could either table the item to make
29 the suggested changes to the draft ordinance and taking public comment at the next meeting; or
30 move the item on to the Council with the recommendations on potential changes and additional
31 public input. Director Goellner agreed. She recommended bringing it forward to the Council with
32 the Commission's input. She said the Planning Commission was focused on actual code language
33 and impacts from a zoning perspective, where the Council was focused on a matter of policy.

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

36
37 Commissioner Stockton made a motion, seconded by Commissioner Douglas, to direct staff to
38 prepare a draft Planning Commission Report and Recommendation with appropriate findings
39 reflecting a recommendation of approval for a draft ordinance that allows the keeping of chickens
40 on larger lots in Wayzata in the R-1, R-1A zoning districts, and any PUD zoned single-family
41 home that is over 40,000 sq. ft. in area, with a recommendation to solicit more community
42 feedback, for review and adoption at the next Planning Commission meeting. Director Goellner
43 completed a roll call vote on the motion. The motion carried unanimously.

44

1 **d) Continue Public Hearing for Development Application for Planned Unit**
2 **Development (PUD) Amendment for Rice Street Townhomes at 520, 524, 530, and**
3 **534 Rice Street**

4
5 Community Development Director Goellner explained the applicant has requested to postpone the
6 review of the development application that was submitted to the City to allow time to make a slight
7 modification to their proposal. She said the Planning Commission should open the public hearing
8 that had been noticed, provide an opportunity for any public comment and then continue the public
9 hearing to the September 1, 2021 Planning Commission meeting.

10
11 City Attorney Schelzel recommended that the Vice Chair ask for a motion to continue the public
12 hearing after he opened the hearing and gave the public opportunity to comment.

13
14 Vice Chair Parkhill opened the public hearing on the application at 8:21 pm.

15
16 Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have
17 asked to speak at the public hearing.

18
19 There being no further discussion, Vice Chair Parkhill asked for a motion to continue the public
20 hearing.

21
22 Commissioner Douglas made a motion, seconded by Commissioner Sorensen, to continue the
23 public hearing to the September 1, 2021 Planning Commission meeting. The motion carried
24 unanimously.

25
26 **AGENDA ITEM 6. (Continued) Other Items:**

27
28 **~~a) Welcome Commissioner Schwalbe and Commissioner Severson~~**

29
30 This item was considered after Item 3.

31
32 **b) Review of Development Activities**

33
34 Director Goellner provided a brief update on upcoming development activity in the City.

35
36 **c) Planning Commission Meeting Schedule**

37
38 Director Goellner noted the next Planning Commission meeting was Wednesday, September 1,
39 2021.

40
41 Vice Chair Parkhill asked if it was appropriate for more than three Commissioners to attend a City
42 Council meeting. City Attorney Schelzel said there was no concern if the Commissioners were
43 present to observe.

44
45 Commissioner Merriam asked when the second September meeting was. Director Goellner
46 answered Monday, September 20, 2021.

1
2 Commissioner Sorensen said he would not be present at the September 20th meeting, and he was
3 designated as the Council representative. Director Goellner recommended that he swap meetings
4 with another Commissioner.

5
6 **d) Planning Commissioner Liaison from the August 24, 2021 City Council Meeting**

7
8 It was noted that Commissioner Douglas will be present at the August 24, 2021 City Council
9 meeting.

10
11 **AGENDA ITEM 7. Adjournment.**

12
13 There being no further business on the agenda, Vice Chair Parkhill asked for a motion to adjourn.

14
15 Commissioner Merriam made a motion, seconded by Commissioner Sorensen to adjourn the
16 Planning Commission meeting. Upon a vote, the motion carried unanimously.

17
18 The Planning Commission meeting was adjourned at 8:28 p.m.

19
20 Respectfully submitted,

21 Sarah Peterson

22 *TimeSaver Off Site Secretarial, Inc.*