

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Wednesday, January 4, 2023

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

Meeting ID: 840 1120 2248 Passcode: 289341

Members of the public may attend this Planning Commission meeting in person, provided they follow all City policies and protocols related to the pandemic.



Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.**

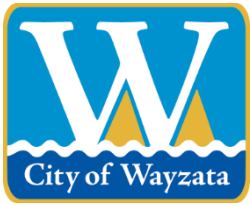
You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Workshop (5:15-6:15 pm)**
 - a. Planning Commission Annual Training
 - b. Code of Conduct Review
2. **Call to Order**
3. **Roll Call**
4. **Approval of Agenda**
5. **Consent Agenda**
 - a. Approval of Meeting Minutes of December 5, 2022
 - b. Approval of Planning Commission Report and Recommendation of Approval for Variance at 247 Central Avenue South
 - c. Approval of Planning Commission Report and Recommendation of Approval for Variance at 507 Rice Street East
6. **Public Hearing Items**
 - a. Consider Zoning Text Amendments to Chapter 902, 909, and 938 for Solar Energy Systems
7. **Other Items**
 - a. Welcome new Commissioner Adam Elg
 - b. Election of Officers
 - c. Review of Development Activities
 - d. Planning Commission Meeting Schedule
8. **Adjournment**

Upcoming Meetings:
City Council - January 10, 2023
Planning Commission - January 23, 2023

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 1.b
TITLE: Code of Conduct Review	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

In 2022, the Council updated its Code of Conduct for public meetings so the expectations of behavior are clear to both the public, staff, and the Council. The last component of that work was to define baseline behavioral guidelines for the Council and all of the appointed officials on the various boards, commission, authorities, and committees to ensure everyone understands what their role and responsibilities are as well as the minimum expectation of behavior among each other, other City officials, staff, and the public. This includes the Planning Commission. The intent of these codes of conduct are to inform and to assist in guiding behavior of public officials. All members of the Planning Commission will be asked to read, acknowledge, and sign off as a part of the on-boarding process. Both the codes of conduct for boards and for the public are included.

ACTION REQUESTED:

Review the attached Code of Conduct. Staff recommends signing the Code of Conduct at the workshop.

ATTACHMENTS:

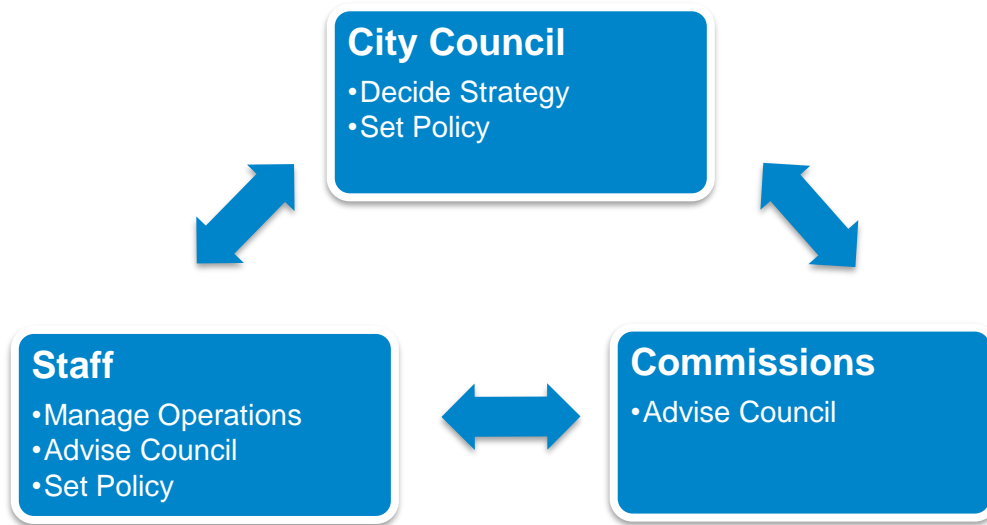
1. Code of Conduct Policy For Boards and Commissions
2. Code of Conduct for the Public at Meetings



Code of Conduct for Boards and Commissions

(Adopted _____, 2022)

This Code of Conduct policy has been adopted by the City Council to both (i) highlight the roles and responsibilities of Council members, City staff, and Boards and Commissions, and (ii) establish respectful behavior guidelines for working with each other, staff, and boards and commissions.



City Council	City Manager & Staff	Boards and Commissions
<ul style="list-style-type: none"> ● Adopts City policies ● Makes policy-level decisions ● Hires & supervise City Manager ● Reviews and Approves <ul style="list-style-type: none"> ○ City Budget, CIPs, and related work plans ○ Ordinances ○ Developments and Land Use applications ○ City's Strategic Plan ○ Other requests/proposals under City Code ● Appoints members of advisory boards and commissions 	<ul style="list-style-type: none"> ● Carries out Council policies and decisions ● Manages City operations and staff ● Provides advice to Council ● Proposes budget and policies ● Delivers City services ● Enforces City codes & policies 	<ul style="list-style-type: none"> ● Advises Council on areas within their purview as established in City Code, Council directive, or Work Plan ● Helps gather and provide community perspective ● Propose Work Plan items and recommended Council action ● Hold hearings as directed by Council and required by City Code

Working with Each Other and the Public

Our expectation is that we, and all those who participate in our proceedings, will be respectful of each other, members of the public, visitors, and City staff.

Members Should <u>Strive To</u>...	Members Should <u>Avoid</u>...
<ul style="list-style-type: none"> ● Treat people with respect, courtesy, and kindness ● Adhere to “Rules of Order” for all Meetings ● Respect and support the Chair’s role in leading meetings and Staff’s supportive and advisory role ● Encourage others to express their opinions and ideas and actively listen to what others have to say ● Consider the ideas of others to improve decisions and outcomes ● Recognize and respect differences ● Prepare in advance for meetings and the items on the agenda ● Focus on the business of the Board and Commission and the items on the agenda ● Consider only factual, impartial, and relevant factors in decisions ● Accept decisions of the majority once made while also respecting the opinions of the minority ● Identifying your role as a Board member if presenting at a public meeting 	<ul style="list-style-type: none"> ● Speaking over or cutting off another person ● Insulting, disparaging ideas, or putting down Staff, other Board members, Applicants, or members of the public ● Belittling, demeaning, or patronizing comments or body language ● Questioning motivations of others ● Speaking for writing for other Board members, the Board as a whole, or the City unless specifically authorized to do so ● Take on topics that are outside of the scope of the board ● Making promises to applicants or community members ● Violence or the threat of violence

Working with Staff

Board and Commission Members pledge to City Staff that they will:

- Respect staff as professionals and valued resources and members of the City’s team and not direct their work
- Support a positive and constructive workplace environment for City employees where staff are encouraged to work to their full potential
- When possible, notify the staff liaison in advance of a Board Meeting of any new information related to an agenda item, as well as anticipated questions and requests to pull agenda items from the consent agenda, so the appropriate staff can compile the information needed
- Acknowledge and understand their role as public officials, and the need for transparency and openness in conducting the City’s business and in communication with each other and with staff

Acknowledgement and Agreement

I have reviewed and understand this Code of Conduct policy. I agree to follow it to the best of my ability.

Name (Please Print)

Signature

Date

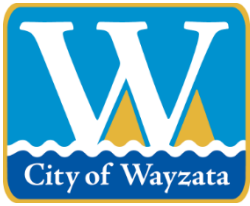


Code of Conduct Policy for the Public at City Meetings
 (Adopted _____, 2022)

This Code of Conduct policy has been adopted by the City Council to establish respectful behavior guidelines for all who attend and participate in public meetings.

Respectful Behavior Guidelines for All Public Meetings <i>Our expectation is that we, and all those who participate in our proceedings, will be respectful of each other, including Council Members, board members and commissioners, other members of the public, applicants, guests, and City staff.</i>	
Persons Participating in Meetings Should Strive To...	Persons Participating in Meetings Should Avoid...
<ul style="list-style-type: none"> ● Treat people with respect, courtesy, and kindness ● Speak in turn and only when recognized by the Mayor or Chair of the meeting ● Adhere to the rules of the Council Chambers or other meeting room, including the safety and health protocols of the City ● Adhere to time limits for speaking (typically 3 minutes) ● Focus comments on the subject matter of the agenda item ● Highlight information that will be relevant and helpful to the deliberation of Council, or the Board or Commission ● Recognize and respect differences of opinions 	<ul style="list-style-type: none"> ● Speaking over or cutting off another person's comments ● Speaking out of turn or shouting from the audience ● Insulting, disparaging comments, or putting down staff, Council members or others in public ● Using or displaying belittling, demeaning, judging or patronizing comments or body language ● Questioning motivations of others, even when there is a difference of opinion ● Violence or the threat of violence, which will not be tolerated ● Distracting or disruptive behavior, including moving around Council Chambers, not adhering to safety or health protocols, cheering/shouting

***Individuals who fail to honor these respectful behavior guidelines may be asked to leave the meeting, and the meeting may be recessed until such time as the individual/s have left the meeting and order has been restored by the Mayor and/or City Manager.**



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 5.a
TITLE: Approval of Meeting Minutes of December 5, 2022	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

See the attached meeting minutes of December 5, 2022.

ACTION REQUESTED:

Staff recommends approval of the attached regular meeting minutes of December 5, 2022.

ATTACHMENTS:

1. Planning Commission Meeting Minutes of December 5, 2022

1
2 **a) Consider Development Application for Front Yard Setback Variance at 247**
3 **Central Avenue South**
4

5 Assistant Planner, Valerie Quarles, stated that the property owner, Olivia Adams had submitted a
6 development application for a Front Yard Setback Variance at 247 Central Avenue South. Planner
7 Quarles reviewed the project location, the zoning and land use in the surrounding neighborhood,
8 existing conditions, and the plan to cover and screen the recently built deck which requires a front
9 yard setback variance. She reviewed the comments given by City Engineering, the neighborhood
10 notification methods, and the questions the Commission should consider as they review this
11 variance request.

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

14
15 Commissioner Douglas asked about the plans for screening the porch and if modifications were
16 made in the future, if they would have to come back before the Commission for approval.

17
18 Planner Quarles stated that they would not need to come back before the Commission and
19 explained that when the City does variances for encroachments, it does not matter either way. She
20 explained that the City would still require this variance even if there were no walls at all because
21 the variance is needed mostly because there is a roof. She clarified that they could enclose it and
22 have it become part of the house, and they would not need to come back before the City for
23 approval because it would not change the request.

24
25 Commissioner Stockton asked if the foundations for the deck were existing.

26
27 Assistant Planner Quarles stated that the foundations exist because the deck was just built within
28 the City's building permit process. She stated that if this variance request is not approved, the
29 house would just have a deck.

30
31 Commissioner Severson asked about what size this lot 'should be' since Assistant Planner Quarles
32 had noted that it was undersized.

33
34 Assistant Planner Quarles explained that this is a tough neighborhood because there is not really a
35 'should be' size as there are so many different sized parcels. She noted that the minimum for R-
36 3A is 9,000 square feet, and stated that the parcel generally meets all the other requirements for
37 things like width and depth.

38
39 Commissioner Sorensen asked about the roof line, and if the intent was still to enclose the space.

40
41 Assistant Planner Quarles stated that was correct and, if approved, there would be a slightly more
42 shallow roof structure that goes over the deck, and that they will not need to make many
43 modifications to the existing roof.

44
45 Commissioner Merriam stated that it appears that the current deck, as built, encroaches into the
46 setback and asked if they needed permission from the City in order to do that. She asked if this

1 process was handled correctly and asked if it should have actually gone through an approval
2 process.

3
4 Assistant Planner Quarles admitted that it may have been an error on her part during the plan
5 review. She explained how she had reviewed the setback and that it was off by 6 inches.

6
7 Chair Parkhill asked about the mailed notifications. He stated that his understanding is that they
8 need to be mailed out ten days prior to the public hearing and with these being mailed out
9 November 28, 2022, that would not have been ten days between that date and today.

10
11 Assistant Planner Quarles explained that due to the Thanksgiving holiday, the City was still
12 coordinating the mailing with the applicant before City Hall was closed. She stated that the mailing
13 did go out late, but the other City notifications and details went out a few days before
14 Thanksgiving.

15
16 Chair Parkhill asked about the legal requirements for the Commission in this situation.

17
18 Assistant Planner Quarles explained that the City's legal requirement is to get notification out ten
19 days in advance, which did happen, but the notification from the applicant went out a few days
20 late. She noted that the notification from the applicant going out ten days in advance is a City
21 policy.

22
23 City Attorney Schelzel stated that he believes Assistant Planner Quarles summarized the
24 notification requirements correctly and noted that he would be concerned if the City was not
25 following the statutory requirements of giving ten days-notice. He explained that there is less of
26 a concern with the City's policy and noted that as far as City staff knows, the neighbors did receive
27 notice of the public hearing from the City and have the opportunity to speak at the public hearing.

28
29 Assistant Planner Quarles reiterated and clarified that the City sent out their notice of this public
30 hearing ten days in advance, but the notification from the applicant to neighbors was sent out a
31 few days late.

32
33 Commissioner Schwalbe asked if the deck had already been constructed.

34
35 Assistant Planner Quarles stated that construction is in progress.

36
37 Commissioner Sorensen asked if there was a time limit on when a variance can be incorporated
38 into their actions.

39
40 Assistant Planner Quarles explained that she believes it is one year.

41
42 There being no further questions for staff, Chair Parkhill invited the Applicant to address the
43 Commission.

44
45 Mandy Adams, 309 Ramsey Road, stated that the applicant is her daughter, Olivia. She explained
46 that this home is one of three little fish houses in the neighborhood. She stated that prior to the

1 addition, the home was just 459 square feet. She noted that because the house is perched up on a
2 hill, there is quite a nice vista which is where the thought came about for having a screened porch
3 instead of just a deck. She explained that her daughter has no desire to live in a larger home and
4 enclosing this space, but noted that she could not speak for any future owners of the property.

5
6 Commissioner Schwalbe asked if Ms. Adams' daughter was currently living in the home.

7
8 Ms. Adams stated that the home is currently not livable so she has not yet moved in.

9
10 Commissioner Merriam asked if, in the future, someone who purchases the property and decides
11 that they want to start over, whether they would be held to the original setback or not.

12
13 Assistant Planner Quarles stated if a new owner decided to tear down and rebuild, they would be
14 held to the original setbacks.

15
16 Community Development Director Goellner stated that this variance request is very specific to the
17 porch and would suggest that the Commission look at it from that point of view because that is the
18 application that is in front of them.

19
20 There being no additional questions from the Commission for the Applicant, Chair Parkhill opened
21 the public hearing on the application at 7:22 p.m.

22
23 Bruce Feik, 1113 LaSalle Street, stated that the note he has is that this porch would encroach by 5
24 feet, not 6 inches and asked for an explanation.

25
26 Chair Parkhill explained that the variance request is for 5.5 feet.

27
28 Commissioner Merriam stated that a deck is allowed to encroach by 5 feet, so the error was that
29 the encroachment measurement was off by 6 inches.

30
31 Mr. Feik stated that the retaining wall that has been built is fairly massive and if you look at
32 screening in the deck with the potential to fully enclose it at a later date, he feels the massing will
33 be quite a bit more than what the photos show. He expressed concern that this is not a 'normal'
34 homeowner because they are developers/builders and his understanding is that this property will
35 be used as a VRBO and not be owner occupied. He stated that the home next door is also a VRBO
36 that is frequently rented. He stated that he may feel differently if this variance was being done for
37 an owner occupied resident. He stated the applicant purchased this house with the knowledge that
38 it was a small lot and explained that he had done a large renovation on his own property a few
39 years ago and was able to stay within all the zoning requirements. He stated that he does not see
40 a reason for the City to allow this request and urged the Commission to vote in favor of denial.

41
42 Steve Niehaus, 310 Wise Avenue, stated that he is in support of approving this variance because
43 the first renovation at 247 was an outstanding renovation that added character, quality, and value
44 to the neighborhood. He stated that as stated by Mr. Feik, it is a VRBO, but is high quality at
45 \$3,600/month that is always rented out and they have never had any issues with the renters. He
46 stated that he assumes that the renters have been well-screened and noted that he had talked to

1 some of them and explained that they have been outstanding individuals. He stated that he is going
2 on the assumption that this second house, and eventually the third house, will be the same. He
3 stated that he felt the proposed plans would just add more character and value to the neighborhood.
4 He stated that a small variance like this is not a big issue when it will add charm, character, and
5 value to the neighborhood, but noted that he would like to make sure the City Council addresses
6 VRBOs in the City. He explained that the three in the area handled by Ms. Adams have had
7 excellent renters due to their screening process, but noted that there are about 4-5 others in the area
8 that do not follow the same screening process and have not had such good renters and issues with
9 upkeep of the properties. He stated that it is fairly obvious that the problem renters have been
10 there for bachelor parties or weddings, and it is obvious that they are to party. He stated that these
11 are all within a few blocks of their neighborhood and does not want one bad apple to ruin the whole
12 thing, and reiterated that this is an issue that the City Council needs to address.
13

14 Applicant's representative Ms. Adams returned and explained that their daughter did not buy the
15 house as a VRBO ,and noted that it is only advertised on Airbnb. She explained that her daughter
16 had lived in that house but is currently in graduate school in California. She stated that the home
17 allows people to come and visit Wayzata in order to see their family, and explained that the renters
18 have mostly been older people. She explained that the current upstairs guest is there for 7 months,
19 and the downstairs guests are there for 5 months. She explained that the downstairs guests were
20 building a home in the City, and the upstairs guest is an older women who is here to spend time
21 with her family. She stated that to her knowledge, there are not as many Airbnb properties as was
22 mentioned by Mr. Niehaus. She clarified that this application does not have anything to do with
23 Airbnb because their daughter, Olivia, grew up in the City and would like to have a home in the
24 City. She explained that while her children are in college or graduate school, they are unable to
25 live in the houses. She stated that many of the homes in the area are rentals, and gave examples
26 of some that have had frequent police visits even though they are renting the homes on a yearly
27 basis. She clarified that she does not own the properties and was just here representing her
28 daughter.
29

30 Commissioner Schwalbe asked if Ms. Adams daughter intended to live in this house.

31 Ms. Adams stated that, at some point, her daughter intends to live in this home.
32
33

34 Commissioner Schwalbe stated that one of the gentlemen mentioned the three homes and asked if
35 Ms. Adams' family owns all three homes.
36

37 Ms. Adams explained that she has three children and those children own these properties
38 separately. She reiterated that she does not own any of these properties. She clarified that she has
39 no ownership in them, nor does she run them or have any say in decisions made for the properties.
40 She stated that the only thing she is involved in is the work for the renovations.
41

42 Assistant Planner Quarles stated there were no people that called in to the meeting that have asked
43 to speak at the public hearing.
44

45 There being no one else wishing to provide public comments on the application, Chair Parkhill
46 closed the public hearing at 7:33 pm.

1
2 Chair Parkhill asked for the Commission to share their questions and feedback on the application.

3
4 Commissioner Douglas stated that this request has turned out to be more complicated than when
5 she studied it and asked if the property owner had to submit the application for the property.

6
7 Assistant Planner Quarles stated that was correct, and confirmed that the property owner did
8 submit the application. She explained that many times with this type of application, the owner
9 will sign off on the development application and have a representative for the application that
10 handles the majority of the speaking on behalf of the applicant.

11
12 Commissioner Douglas asked how in a case like this, the Commission would know the owner's
13 intention would be if they are not here to speak.

14
15 Assistant Planner Quarles explained that the representative was here to represent the applicant and
16 their intention. She reiterated Community Development Director Goellner's reminder that the
17 only thing being considered today is the front yard setback variance for a porch. She explained
18 that at the end of the day, the owners intention does not particularly matter when they are restricted
19 to staying within the bounds of whatever the variance is or isn't.

20
21 Commissioner Stockton asked if it would need to be a 3 foot covered porch in order to comply
22 with the City requirements.

23
24 Assistant Planner Quarles stated that this was correct.

25
26 Commissioner Severson asked if the applicant could come back at another time and ask for a
27 variance, and whether a no now would mean no forever.

28
29 Assistant Planner Quarles stated that if a variance request is denied and they want to come back
30 with a similar request there is a waiting period of one year. She stated that if they apply for a
31 variance that is substantially different then there is no waiting period for that request.

32
33 Commissioner Schwalbe asked if there was any plan in place for the City to take a look at the
34 VRBO and rental issue that was brought up by Mr. Niehaus.

35
36 Assistant Planner Quarles explained that it has been discussed and came up mostly when the Super
37 Bowl was in town. She noted that staff has been waiting for direction from the Council on whether
38 to examine this issue more closely, which has not happened.

39
40 Community Development Director Goellner stated that Council did discuss the topic earlier this
41 year when they took a look at Accessory Dwelling Unit regulations, and they found there were
42 really not enough active listings that were causing a large enough conglomeration of short term
43 rentals to flip a neighborhood from being mostly owner-occupied to short term rentals. She stated
44 that essentially the message from Council was that it had not risen to the point where it needed to
45 be something that the City should regulate. She stated that if there is any resident experiencing
46 problems, she would encourage them to call the police to address the issue.

1
2 Commissioner Sorensen stated that he has not been surprised by the conversation that has taken
3 place along with this application. He stated that he understands keeping the variance request
4 separate from the rental issue may be difficult, but he feels the rental issue may be more of a policy
5 issue. He stated that he feels the Commission should be careful, in general, of approving variances,
6 but in this particular case, he would applaud the applicant because he feels the improvements that
7 have been made in the house have been very positive and have much improved the neighborhood.
8 He stated that this home is elevated from the street and he may feel differently if it were right down
9 at street level, but he feels this is a reasonable request. He stated that the concerns raised about
10 the rentals are valid because in this case there are owners who are carefully screening renters, but
11 that may not always be the case, so he is in favor of encouraging the City Council to discuss this
12 issue in more detail. He reiterated that he does not have a problem with this variance request.
13

14 Commissioner Schwalbe stated that she stopped by the property today and did not know that there
15 was any relationship to the home next door. She stated that she took a look at the other home and
16 thought that they had done a great job remodeling that property. She stated that she is impressed
17 by Ms. Adams being involved in the remodeling and making sure that this is a quality project. She
18 stated that she agreed with the sentiment shared by Commissioner Sorensen about the house being
19 elevated making a difference, because it minimizes the impact of the setback issue. She stated that
20 she does not have an issue with the request and if it ends up looking as good as the one next door,
21 she feels it will be a real asset to the area.
22

23 Commissioner Douglas stated that she agreed with the comments that have already been made and
24 was also glad the City is keeping the smaller homes. She stated that it meets a need and also meets
25 the guidance of the Comprehensive Plan. She agreed with the comments made that there is some
26 charm to what is being done to improve the property and can vote in favor of the variance request.
27 She stated that she lives in a townhome association and they just held their annual meeting. She
28 explained that they discussed the trend of single family home ownership decreasing. She stated
29 that there is a trend of companies buying these properties and renting them out and believes it is
30 something that the City needs to take a closer look at. She explained that her townhome association
31 allows rentals, but noted that the monthly cost is over \$4,000. She stated that the rentals have
32 brought in nice people, but feels that it does not bring with it a feel of community as it would with
33 someone who owns a home. She stated that she would also urge the Council to take a look at this
34 issue more closely. She stated that with the concentration of rental units in this particular
35 neighborhood, she feels some of that community feeling is lost.
36

37 Commissioner Severson stated that she agreed with the comments that have already been made.
38 She explained that she did not love the idea of adding more VRBO properties to the neighborhoods,
39 but understands that is not the issue that the Commission is here to discuss. She noted that one of
40 the speakers at the public hearing brought up a concern about massing, but across the street, there
41 are very large, brand-new homes, so she does not feel that massing is in issue with this request and
42 she likes saving old homes in the City.
43

44 Commissioner Merriam stated that she agreed with a lot of what has already been said. She stated
45 that she feels the renovation will add charming character and allows for a variety of housing
46 options in the City. She stated that this home preserves a small single family home which is what

1 she feels is lacking most in the City. She stated that she would also recommend approval of this
2 request.

3
4 Commissioner Stockton stated that she agreed with everything already shared by the Commission
5 and thinks this is a beautiful project.

6
7 Chair Parkhill stated that he also feels the Commission should be very careful with variances. He
8 stated that he loves the idea of allowing younger people being able to come in and have a small
9 home in the City.

10
11 There being no further discussion, Chair Parkhill asked for a motion on the application.

12
13 Commissioner Stockton made a motion, seconded by Commissioner Douglas, to direct staff to
14 prepare a draft Planning Commission Report and Recommendation with appropriate findings
15 reflecting a recommending approval for the Front Yard Setback variance at 247 Central Avenue
16 South for review and adoption at the next Planning Commission meeting.

17
18 The motion carried unanimously.

19
20 **b) Consider Development Application for Front Yard Setback at 507 Rice Street**
21 **East**

22
23 Assistant Planner Quarles stated that the owner, Kathleen Nash, has submitted a development
24 application for a Front Yard Setback for property located at 507 Rice Street East. She reviewed
25 the project location, the zoning and land use in the surrounding neighborhood, existing conditions,
26 the application for the front yard setback variance. She explained that the applicant would like to
27 create a one-story addition with a basement on the northside of the existing home to expand
28 accessible living space. She gave a brief overview of the Engineering comments and the
29 neighborhood notifications.

30
31 At the conclusion of Assistant Planner Quarles summary, Chair Parkhill asked if the Commission
32 had any questions for Staff.

33
34 Commissioner Schwalbe asked about the species of trees along the west side.

35
36 Assistant Planner Quarles stated that she believed they are yew trees.

37
38 Commissioner Schwalbe noted that she had driven by and felt the trees were a nice divider between
39 the street and this property, and asked if staff felt this addition would impact those trees.

40
41 Assistant Planner Quarles stated that it is not anticipated that this proposed project would impact
42 those trees, but if it does the City would look at replacing them through the tree ordinance. She
43 stated that she cannot guarantee that those trees would be planted in the same spot so if that was
44 something important to the Commission, she would suggest an additional condition to that effect.
45

1 Commissioner Schwalbe reiterated that she felt the trees were a nice buffer, especially if there is
2 an addition to the home.

3
4 Commissioner Stockton stated that the overhang for the new roof is much larger than the existing
5 overhang.

6
7 Assistant Planner Quarles confirmed that the eave is a bit larger.

8
9 Commissioner Stockton asked what the setback requirement was along the west front of the
10 property.

11
12 Assistant Planner Quarles stated that is supposed to be 20 feet.

13
14 Commissioner Stockton asked about the setback for the existing structure without the bay window.

15
16 Assistant Planner Quarles stated that the wall is 11.1 feet from the property line.

17
18 Commissioner Merriam stated that in the project narrative on page 45, it states that if the subject
19 property were 60 feet wide or less, the same setback would be reduced to 10 feet. She asked if
20 there was something in the City's ordinance that says the width of the lot determines how much of
21 a setback you have.

22
23 Assistant Planner Quarles stated that she would have to research that question.

24
25 Commissioner Douglas asked if the side yard wasn't also considered a front yard, what the side
26 yard setback would be.

27
28 Assistant Planner Quarles stated that she believes that is 10 feet.

29
30 Commissioner Sorensen asked if there was a reason why the addition exterior wall was not aligned
31 with the existing exterior wall rather than aligned with the bay window.

32
33 Assistant Planner Quarles stated that would be a question for the applicant. She noted that she had
34 an answer to the earlier question from Commissioner Merriam. She stated that the City has a
35 provision within the R-3A zoning that says that lots fronting two principal streets are considered
36 corner lots and shall have a minimum of a 20 foot setback for both front and side yard which abut
37 a principal street; for corner lots that have less than 60 feet in width, the rear yard setback may be
38 reduced to 10 feet and the inside side yard may be reduced to 5 feet. She stated that because this
39 parcel is over 60 feet, this provision does not apply.

40
41 Chair Parkhill stated that if it looks like there will be a problem with the rain garden and those
42 trees, it appears that there will be plenty of other places where a rain garden could go. He asked
43 if there was a reason the rain garden was on the west side.

44

1 Assistant Planner Quarles stated that it was what the applicant had proposed, so she was not sure.
2 She noted that her guess would be because this was a portion of their yard that was not currently
3 being utilized.

4
5 Chair Parkhill stated that he was not completely sure he knew what a rain garden actually looked
6 like.

7
8 Assistant Planner Quarles explained that typically it is a depression where water will flow into and
9 people usually plant native plantings in them of varying heights and sizes.

10
11 There being no further questions for Staff, Chair Parkhill invited the applicant to address the
12 Commission.

13
14 Applicant and property owner, Kathleen Nash, 507 East Rice Street, introduced her representative,
15 Mr. Yelland.

16
17 Wynne Yelland, 4453 Nicollet Avenue, Minneapolis, architect and representative of the applicant,
18 stated that the rain garden will be a place where stormwater off of the roof will be stored and will
19 percolate into the ground so it doesn't sheet drain off of the lot. He stated that the amount of water
20 they need to mitigate will equate to a 5 foot wide garden that goes down about 1 foot deep and will
21 be the length of the addition. He stated that usually these places are filled with mulch and native
22 grasses and is not intended to be a stormwater pond where water just sits there. He stated that
23 plans are to maintain the 'green wall' on the west side of the property, but if any are damaged or
24 lost during construction, they will be happy to replace them. He explained that the reason for
25 aligning the addition with the bay window rather than the existing structure was because there is a
26 kitchen window that the homeowners were hoping to stay away from as much as possible. He
27 stated that the plan is for the homeowners to live in place during the construction. He explained
28 that the idea behind the addition was that if the homeowners ever got to the point where they could
29 not get up and down the stairs, that they would be able to live in the addition and could age in
30 place. He stated that he felt the provision about the setbacks being decreased for properties less
31 than 60 feet wide was relevant even though they are above 60 feet in width. He stated that the
32 addition and the rain garden are completely outside of the Shoreland District even though the lot
33 is within that zone. He noted that the homeowners have lived there for almost 30 years and are
34 anticipating living there another 30 years. He stated that they intend to maintain the green wall,
35 keep the architectural character and style consistent with the upper floor, and maintain nice
36 landscaping as they have done in the past.

37
38 Commissioner Douglas stated that she did not see a closet in the addition, and asked if it was a
39 requirement if it was to be a bedroom in the future.

40
41 Mr. Yelland stated that if this space was converted into a bedroom, the thought was that either the
42 middle section opposite the bathroom or the space opposite the entry door could be converted into
43 a closet.

44
45 There being no additional questions from the Commission for the applicant, Chair Parkhill opened
46 the public hearing on the application at 8:07 pm.

1
2 Mandy Adams, 309 Ramsey Road, stated that she was in favor of this request and noted that she
3 felt that this was one of the most charming homes in the City. She stated she would like to see the
4 City allow whatever they can in order to save the home with reasonable modifications.

5
6 Assistant Planner Quarles stated there were no people that called in to the meeting that have asked
7 to speak at the public hearing.

8
9 There being no one else wishing to provide public comments on the application, Chair Parkhill
10 closed the public hearing at 8:09 pm.

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

13
14 Commissioner Severson asked if the Commission was supposed to focus on the wall line and not
15 the roof line.

16
17 Assistant Planner Quarles explained that typically when the Commission is looking at variances
18 they are looking at the footprint of the addition. She stated that within the Code they have built in
19 a bit of an allowance for things like eaves.

20
21 Commissioner Severson stated that this is another example of a home that is over 100 years old
22 and the homeowners want to be able to stay in the home, but noted that she was struggling a bit
23 with the massing on the Minnetonka side, and was a bit torn on her decision.

24
25 Commissioner Merriam stated that she is also a bit torn. She noted that she knows this home very
26 well because she used to live next door. She stated that she believed the City should allow them
27 to preserve this home and alter it so they can stay there long term, but she is having a hard time
28 with the alignment of the west wall. She stated that she somewhat understood the explanation
29 related to the kitchen window, but would like more information on that.

30
31 Mr. Yelland noted that either alignment would require a variance request. He stated that they had
32 discussed this situation at length and also looked at it from the perspective of the neighbor across
33 the street and how far it would be from their house. He stated that they also felt that mitigating
34 the issue for people who were on the sidewalks was an appropriate way to handle this. He noted
35 that they had also chosen to go down with a floor rather than do a two-story addition. He stated
36 that taking into consideration all the details that were discussed, they settled on this location as the
37 best location. He noted that when they were making their plans, they went to the site with
38 cardboard to try to determine sight lines and felt that this location would be the best to allow for
39 the existing kitchen window.

40
41 Ms. Nash stated that another factor that they considered was inside their home in the way their
42 dining rooms aligns with what they have planned.

43
44 Commissioner Stockton asked about impervious surface if the addition was setback to the existing
45 foundation wall rather than the bay window. She stated that she is also torn on the same issue that
46 has been raised.

1
2 Commissioner Douglas stated that she loves this old home and has been inside many times. She
3 stated that there are two artistic people who live there and feels that whatever they do it will be
4 very attractive. She stated that because she has been inside she can understand why the
5 homeowners want the entrance from the dining room into the new addition. She stated that she
6 feels strongly that the hedge needs to be kept for a buffer and loves that that this will allow the
7 homeowners to stay in the home. She noted that the home has an old, steep, narrow staircase and
8 there is not a bathroom on the main floor so she is in favor of allowing this variance.

9
10 Commissioner Sorensen stated that he generally concurs with the statements already made. He
11 stated that he would be okay if the Commission recommended approval, as presented, but would
12 be a bit more encouraged to support it if the wall were moved back in alignment with the existing
13 structure. He reiterated that he would support this, as presented, or with the wall moved to align
14 with the structure.

15
16 Commissioner Schwalbe stated that she feels this is a very charming looking house. She stated
17 that the Minnetonka Avenue side feels more like a side yard than a front yard and did not feel an
18 encroachment when she drove by and reiterated that she felt the trees made all the difference. She
19 stated that she feels it would change everything if they were gone and stated that she feels they
20 need to stay put. She stated that how this is proposed does not bother her and she would support
21 the variance, as requested.

22
23 Chair Parkhill stated that it is a beautiful house with a lot of character, and he is thrilled that they
24 are making plans to be able to age in place. He stated that he is also glad that they are able to keep
25 100 year old homes in the community and not be torn down. He stated that he also wishes that it
26 was moved 3 feet to the east because it seems aesthetically a bit off and also seems to be an
27 additional 'ask' for the City because it doesn't line up with the house. He stated that he was glad
28 that the City Council would receive the minutes in order to read through their comments and
29 concerns prior to making a final decision.

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

32
33 Commissioner Douglas made a motion, seconded by Commissioner Schwalbe, to direct staff to
34 prepare a draft Planning Commission Report and Recommendation with appropriate findings
35 reflecting a recommendation of approval for the Front Yard Setback Variance request at 507 Rice
36 Street East for review and adoption at the next Planning Commission meeting.

37
38 The motion carried unanimously.

39
40 **AGENDA ITEM 6. New Business Items**

- 41
42 a) **Consider Approval of Resolution Regarding Modification to the Redevelopment Plan**
43 **for the Central Area Redevelopment District and Modifications to the TIF Plans for**
44 **TIF Districts 3, 5, and 6**
45

1 Community Development Director Goellner gave an overview of the history of the Central Area
2 Redevelopment District and explained the proposed resolution to modify the Central Area
3 Redevelopment District and make modifications to TIF Districts 3, 5, and 6. She explained that
4 this action just expands the CARD area to be City-wide so the TIF dollars can be spent in other
5 areas of the City beyond the boundary that was established in 1977.

6
7 Commissioner Douglas noted that it appears as though there has been an expansion over time in
8 how TIF funds are allowed to be used.

9
10 Community Development Director Goellner stated that was true but she did not know the history
11 of when legislation was changed. She stated that this is authorized through State legislation, but
12 knows that it differs from state to state. She noted that, in general, TIF is used for redeveloping
13 areas that are considered blighted, to clean up pollution, build housing for low and moderate
14 income families, finance public infrastructure, and in some cases, generate economic development
15 activities.

16
17 Commissioner Sorensen asked if this modification expands the TIF district to the entire City.

18
19 Community Development Director Goellner explained that she would word it a bit different and
20 say that it expands the CARD project area and noted that the TIF districts must be located within
21 the project area.

22
23 City Attorney Schelzel further clarified that the dollars generated within the TIF districts will now
24 be able to be used all over the City rather than just the smaller original CARD area.

25
26 The Commission asked questions about potential projects that could apply for TIF funds, such as
27 the sidewalk along Ferndale and the Blake School property.

28
29 Community Development Director Goellner stated that the current priority is on building out
30 existing sidewalk gaps but had not heard the Council talk about other projects that have risen to
31 the level as the Ferndale sidewalks. She stated that staff can pull additional information on TIF
32 funding and share that with the Commission.

33
34 Commissioner Schwalbe asked where the TIF money comes from in District 5.

35
36 Community Development Director Goellner stated that comes from the Promenade development.

37
38 Commissioner Stockton asked if staff saw any reason why the Commission should not approve
39 this resolution.

40
41 Community Development Director Goellner noted that she could not see any reason why the City
42 should not take this action.

43
44 There being no further discussion, Chair Parkhill asked for a motion on the application.

45

1 Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to adopt Resolution
2 01-2022 Modifying the Tax Increment Financing Plans for Tax Increment Financing Districts Nos.
3 3, 4, and 6, within the Central Area Redevelopment District Conform to the General Plans for the
4 Development and Redevelopment of the City.

5
6 The motion carried unanimously.

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

9
10 **a) Review of Development Activities**

11
12 Community Development Director Goellner explained that staff was in the process of reviewing
13 several applications that were not yet deemed complete.

14
15 **b) Planning Commission Meeting Schedule**

16
17 Community Development Director Goellner stated that the next Planning Commission meeting
18 will be Wednesday, January 4, 2023. She stated that staff is hoping to hold 1 or 2 public hearings,
19 including one on the Solar Ordinance and a subdivision request for 1030 Lake Street. She noted
20 that the meeting schedule for the month of January is a bit odd due to the holidays, with the second
21 meeting scheduled for January 23, 2023.

22
23 Commissioner Schwalbe asked if there was anything upcoming regarding property on Peavey
24 Pond.

25
26 Community Development Director Goellner stated that the property at 565 Ferndale Avenue is
27 one of the incomplete applications.

28
29 Commissioner Douglas expressed her appreciation to Chair Parkhill for his years of service on the
30 Planning Commission and wished him well in his move to serve on the City Council.

31
32 There was a round of applause for Chair Parkhill.

33
34 **AGENDA ITEM 8. Adjournment.**

35
36 There being no further business on the agenda, Chair Parkhill asked for a motion to adjourn.

37
38 Commissioner Severson made a motion, seconded by Commissioner Douglas, to adjourn the
39 Planning Commission meeting.

40
41 The motion carried unanimously.

42
43 The Planning Commission meeting was adjourned at 8:40 p.m.

44
45 Respectfully submitted,
46 Kayla Atkins Rokosz

1 *TimeSaver Off Site Secretarial, Inc.*
2

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**City of Wayzata
Planning Commission
Agenda Report**

MEETING DATE: January 4, 2023	AGENDA ITEM: 5.b
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Variance at 247 Central Avenue South	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: March 10, 2023 (extended to 120 days)	

BACKGROUND:

The property owner at 247 Central Ave S is proposing to partially enclose a recently built deck on the front of their home to create a covered porch. The current deck extends 5.5 feet into the front yard setback of 20 feet. While the deck is permitted to encroach upon the front yard setback up to 5 feet, a roofed structure is not permitted to encroach without a variance. Therefore, adding a roof to the deck requires a setback variance.

A public hearing was conducted at the December 5, 2022 Planning Commission meeting. The Commission recommended by a vote of 7-0 that staff prepare a Report and Recommendation of Approval for review at the next Planning Commission meeting.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Planning Commission Report and Recommendation

WAYZATA PLANNING COMMISSION

January 4, 2023

**REPORT AND RECOMMENDATION OF APPROVAL
OF FRONT YARD SETBACK VARIANCE
AT 247 CENTRAL AVENUE SOUTH**

SUMMARY OF RECOMMENDATION

Approval* of Variance from Front Yard Setback

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. The applicant and Property owner, Olivia Adams, (the “Applicant”) has submitted a development application (the “Application”) requesting a 5.5 foot variance from the applicable front yard setback to enable a covered porch to be added to the existing home on the property at 247 Central Avenue South (the “Property”).

1.2 Application Request. The Applicant is requesting approval of a variance of five and a half (5.5) feet from the twenty (20) foot front yard setback requirement of Section 955.06.B.A of the Zoning Ordinance to allow a covered porch fourteen and a half (14.5) feet from the east (front) property line (the “Front Yard Setback Variance”).

1.3 Property. The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

247 Central Ave S	06-117-22-41-0039	Olivia A Adams
-------------------	-------------------	----------------

1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-3A / Single and Two Family Residential District
Comp Plan:	Central Core Residential
Overlay District:	N/A

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022 and mailed to all property owners and renters located within 500 feet of the Property on November 22, 2022. The public hearing on the Application was held at the December 6, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Front Yard Setback Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff report, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Setback Variance. The Front Yard Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Front Yard Setback Variance:
- A. The Front Yard Setback Variance requested is reasonable, due to circumstances related to the unique conditions of the Property noted below; the size, topography and orientation of the lot relative to adjacent lots; and a desire to improve but maintain the character of the Property.
 - B. The Property's unique topography including steep grade, smaller lot size, and position of the existing home on the lot, all create practical difficulties in complying with the applicable front yard setback.
 - C. If granted, the Front Yard Setback Variance would not alter the essential character of the locality that includes two other similar properties with smaller historic, single family homes, and a variety of larger single family residences in the neighborhood. The Front Yard Setback Variance would only allow for covering a deck that already exists on the Property and a covered porch would add unique architectural character to the home and neighborhood.
 - D. The practical difficulties necessitating the Front Yard Setback Variance are not solely economic in nature. The unique conditions of the Property noted above, and a desire to maintain the smaller home on the Property, are all significant factors in the practical difficulty of meeting the ordinance requirements.
 - E. The proposed uses of the Property are permitted within the R-3A District.
 - F. The Applicant has provided the reasons that the Front Yard Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and building on the Property.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Front Yard Setback Variance, subject to the following conditions:
- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code

and policies applicable to days and times of work, and construction management.

- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

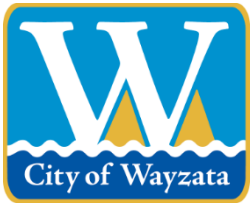
Adopted by the Wayzata Planning Commission this 4th day of January 2023.

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Attachment A
Legal Description of Property

Address	247 Central Ave S., Wayzata, MN 55391
PID	0611722410039
Legal Description	Lot 2, Block 54, Minnetonka Arlington Heights
Abstract or Torrens?	Abstract
Certificate No.	N/A

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 5.c
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Variance at 507 Rice Street East	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: March 8, 2023 (extended to 120 days)	

BACKGROUND:

Property owner Kathleen Nash, with design firm Locus Architecture, has submitted an application to build an addition onto an existing home at 507 Rice Street East, which requires a front yard setback variance. The current home sits within the front yard setback on the west side of the property and the proposed addition would also sit within the setback. The property is a corner lot.

A public hearing was conducted at the December 5, 2022 Planning Commission meeting. The Commission recommended by a 7-0 vote that staff prepare a Report and Recommendation of Approval for review at the next Planning Commission meeting.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Planning Commission Report and Recommendation

WAYZATA PLANNING COMMISSION

January 4, 2023

**REPORT AND RECOMMENDATION OF APPROVAL
OF FRONT YARD SETBACK VARIANCE
AT 507 RICE STREET EAST**

SUMMARY OF RECOMMENDATION

Approval* of Variance from Front Yard Setback

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. The applicant and Property owner, Kathleen Nash, (the “Applicant”) has submitted a development application (the “Application”) requesting an 11.2 foot variance from the applicable front yard setback to enable a single-story addition with basement to the existing home at 507 Rice Street (the “Property”).
- 1.2 Application Request. The Applicant is requesting approval of a variance of 11.2 feet from the 20 foot front yard setback requirement of Section 955.06.B.A of the Zoning Ordinance to allow an addition to the existing home 8.8 feet from the front (west) property line (the “Front Yard Setback Variance”).
- 1.3 Property. The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

507 Rice St E	06-117-22-24-0047	Kathleen Nash
---------------	-------------------	---------------

- 1.4 Land Use. The Property is zoned and guided as follows:

Zoning:	R-3A / Single and Two Family Residential District
Comp Plan:	Central Core Residential
Overlay District:	Shoreland Overlay District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on November 24, 2022 and mailed to all property owners and renters located within 500 feet of the Property on November 22, 2022. The public hearing on the Application was held at the December 6, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Front Yard Setback Variance. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff report, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Setback Variance. The Front Yard Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Front Yard Setback Variance:

- A. The Front Yard Setback Variance requested is reasonable, due to circumstances related to the unique conditions of the Property noted below; the size and orientation of the lot as a corner lot; and a desire to improve but maintain the character of the Property.
- B. The Property's size, orientation to Rice Street rather than Minnetonka Avenue, and its position as a corner lot all create practical difficulties in complying with the applicable front yard setback.
- C. If granted Front Yard Setback Variance would not alter the essential character of the locality that includes similar properties with smaller historic, single family homes. The Front Yard Setback Variance would allow for maintaining a single family historic home with additional first floor accessibility in one of the City's oldest neighborhoods.
- D. The practical difficulties necessitating the Front Yard Setback Variance are not solely economic in nature. The unique conditions of the Property noted above, and a desire to maintain the smaller, historic home on the Property, are all significant factors in the practical difficulty of meeting the ordinance requirements.
- E. The proposed uses of the Property are permitted within the R-3A District.
- F. The Applicant has provided the reasons that the Front Yard Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and building on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Front Yard Setback Variance, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes, tree preservation and land use regulations, and City Code and policies applicable to days and times of work, and construction management.

- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 4th day of January 2023.

DRAFT

Attachment A
Legal Description of Property

Address	507 Rice Street E, Wayzata, MN 55391
PID	0611722240047
Legal Description	Lot 6, Block 13, Wayzata.
Abstract or Torrens?	Abstract
Certificate No.	N/A

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City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 6.a
TITLE: Consider Zoning Text Amendments to Chapter 902, 909, and 938 for Solar Energy Systems	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The Wayzata Planning Commission will hold a public hearing to consider a Zoning Ordinance Text Amendment that creates a new Chapter in the Wayzata City Code – Chapter 938 Solar Energy Systems. The proposed Solar Ordinance would regulate all solar energy system installations in the city. Currently, there are no specific regulations for solar energy systems in the City Code. The public hearing will also consider Zoning Ordinance Amendments to Chapter 902 – Rules and Regulations, and Chapter 909 – Design Standards to provide additional clarification and consistency.

The goal of the new Ordinance is to provide clarity regarding the installation of solar energy systems for residents and applicants while ensuring the systems fit the goals and character of the Wayzata community. This new Ordinance was a part of the multi-year Zoning Study and the work of the Energy and Environment Committee.

ACTION REQUESTED:

Consider Zoning Text Amendments to Chapter 902, 909, and 938 for Solar Energy Systems

ATTACHMENTS:

1. Solar Ordinance Staff Memo
2. Draft Chapters 938, 909, and 902
3. Draft Sustainability Policy
4. Zoning Task Force, Energy and Environment Committee, and Planning Commission Minutes



Staff Report
Wayzata Planning Commission Meeting
January 4, 2023

Project Name: Solar Ordinance
Addresses of Request: Citywide
Anticipated Request: Zoning Ordinance Text Amendment
Applicant: City of Wayzata
Prepared by: Nick Kieser, Parks Planner

Background

Staff is currently working on new Code language that will regulate the development of solar installations within Wayzata. The draft Ordinance language is attached to the packet for review. The Zoning Task Force, Energy and Environment Committee, and Planning Commission have discussed the proposed Ordinance with staff and provided comments that were incorporated into the proposed language. The creation of a Solar Ordinance came out of the implementation of the [Wayzata Energy Action Plan](#) and discussion with the Energy and Environment Committee (E&E).

The E&E Committee provided the following comments on a proposed Solar Ordinance:

- Allow solar installations on every property in Wayzata (rooftop and ground-mounted)
- Do not require a Conditional Use Permit for any installation. Limit the need for any public process for approval of solar systems. Create a clear administrative approval process.
- Allow solar on accessory structures and building integrated systems
- Do not require parapet walls or other screening measures for rooftop solar

Overall, the Committee wanted additional flexibility on where solar can be allowed and to minimize the restrictions to install solar panels. More restrictions on solar installations would reduce the amount of solar installations in the city which would conflict with the goals of the Committee and stated in the Wayzata Energy Action Plan.

In Wayzata's Energy Vision it states that, "*We (the City) will lead by example to reduce our energy use through conservation and increase access to renewable energy sources for all residents, businesses, and institutions*". With this Vision in mind, the Committee focused on the positive environmental and educational impacts that solar can provide the community rather than the aesthetics.

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

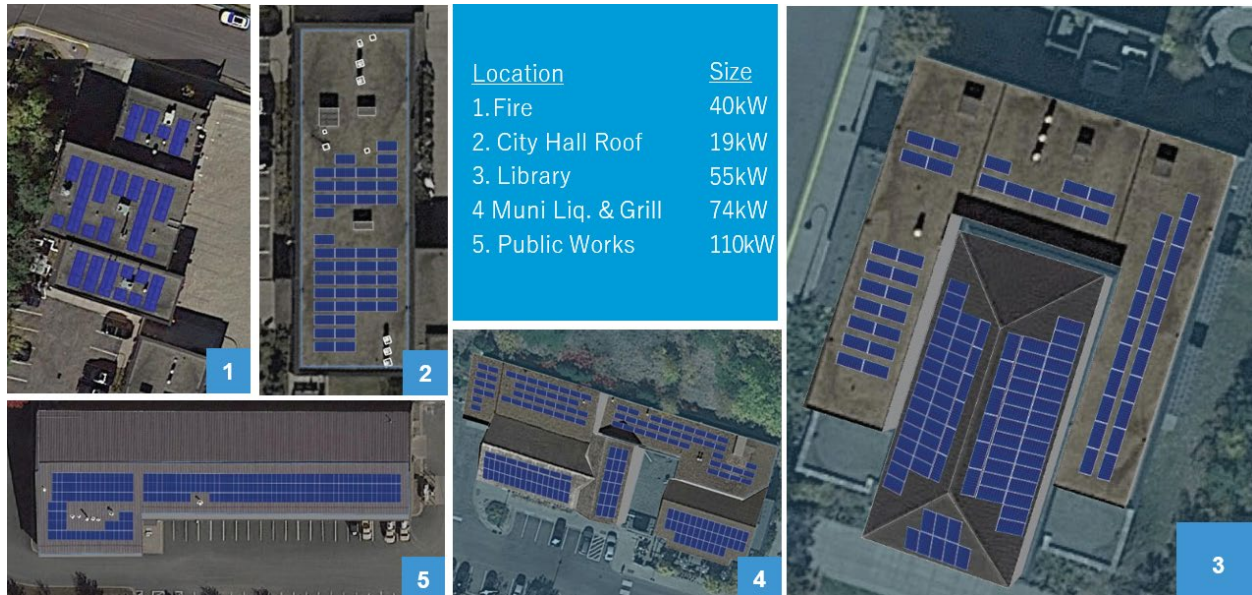
- A. Zoning Text Amendment (§ 938, §909, and §902): Staff proposes amendments to Chapters 938, 909, and 902 to regulate solar energy systems.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on December 22, 2022.

Municipal Solar

The City of Wayzata is also pursuing a rooftop solar installation on City Hall, Fire Station, Library, Public Works Building, and Muni/Liquor Store. The City Council has approved a direct purchase option for solar panels on these facilities that would be planned to be installed in 2023. The proposed Ordinance would require a building permit application submittal for each installation, which would be reviewed administratively at the staff level. A public hearing for a variance or conditional use permit would not be required for the municipal installations under the proposed Solar Ordinance.



Approved solar energy installations for municipal buildings

Survey

In April 2022, a solar survey was conducted to determine community interest in solar installations. Although the response rate was relatively low, a total of 38 responses were received with 71% noting their interest in adding solar panels to their home and/or business. The majority of responses stated that rooftop solar use is appropriate on

every kind of property in Wayzata and 87% support solar installations on city-owned facilities.

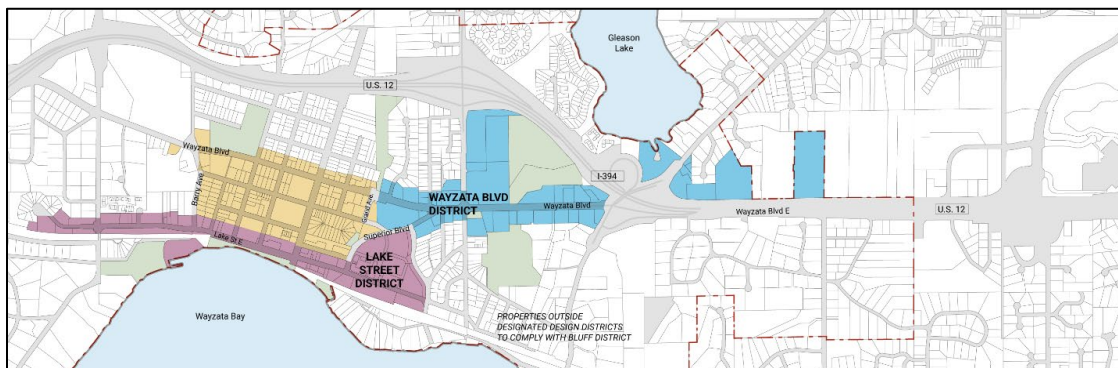
SolSmart Review

SolSmart provides a free service to municipal governments to review municipal code language and recommend necessary amendments to support solar installations in the city:

- Do not restrict solar based on aesthetics
- Do not incorporate a screening requirement for rooftop solar
- Do not have a height requirement
- Incorporate additional code definitions for solar-related items
- Allow rooftop solar and ground-mounted solar as “by-right” accessory uses (no public hearing required)

Zoning Task Force

The Task Force had differing opinions on how solar systems should be regulated. The main discussion revolved around whether to allow solar installations on Lake Street and in the Bluff District areas. The concerns for these areas focused on the aesthetics of the solar panels and the potential loss of views from rooftop installations. Most solar installations will typically be 1-3 feet in height, depending on whether it is installed on pitched or flat roof. An incremental approach was preferred by the Task Force by allowing rooftop solar installations on buildings located on Wayzata Blvd with an administratively-reviewed Building Permit Application, allow installations in the same way in the Bluff District but with restrictions (via CUP), and prohibiting rooftop solar installations on buildings located on Lake Street. The Task Force suggested this incremental approach and suggested that the topic be revisited again in the future.



Wayzata Design Districts (orange = Bluff District)

Planning Commission Workshop

The Planning Commission discussed the Solar Ordinance at the November 7, 2022 workshop. The Commission noted that solar should not be allowed in the Lake Street Design District as also noted by the Zoning Task Force. Once more installations are

incorporated throughout the rest of Wayzata and the technology improves, that could give the Commission more confidence to allow solar along Lake Street. The City has worked hard to keep equipment off the rooftops on Lake Street so the new Solar Ordinance should honor that work. It was noted during the workshop that the rooftop installation on the Muni/Liquor Store would still be permitted because that parcel is located within the Bluff District rather than the Lake Street District.

The Commission noted that accessory structure regulations like setbacks, impervious surface, and lot coverage should be incorporated for ground-mounted systems. Ideally, the new Solar Ordinance would be simple and allow staff to conduct the review instead of creating the need for a public process to permit the systems.

Overall, the new Solar Ordinance should take an incremental approach especially in regards to not allowing solar installations along Lake Street at this time.

Proposed Ordinance

Based on the discussions with the E&E Committee, Zoning Task Force, and Planning Commission, staff has drafted language for the proposed Solar Ordinance. The draft Ordinance is attached for the Commission to review, which includes the following highlights:

- Solar systems are not permitted in the Lake Street Design District
 - Solar systems are permitted in all other areas
- Solar systems can be no more than two (2) feet taller than the rooftop for flat roofs and one (1) foot taller than the rooftop for pitched roofs
- Ground-mounted systems can be no more than fifteen (15) feet in height
 - This is more restrictive than what each Zoning District allows for accessory structure height
- Ground-mounted systems, like other accessory structures, can only be located in the rear yard of the buildings and need to meet setback requirements for the Zoning District they are located in, which ranges from five to fifteen feet
 - Carport systems would be regulated as accessory structures and would need to meet the regulations listed above in addition to the impervious surface and lot coverage requirements of the Zoning District
- Ground-mounted systems shall be calculated towards lot coverage
 - Depending on the surface underneath the system they would also be counted towards the impervious surface calculations
- The design of the solar systems shall blend into the surrounding natural and built environments as much as possible

Examples of Solar Installation Locations in Wayzata

The solar systems listed below were installed within the last 7-8 years and were regulated as mechanical equipment. These installations went through the building permitting process to be approved.

- 2030 Wayzata Blvd E (Commercial, 2021)
- 133 Birch Ln W (2021)
- 144 Edgewood Ave S (2021, plus ground-mounted)
- 475 Highcroft Rd (2020)
- 175 Westwood Ln S (2020)
- 450 Peavey Ln (2019, ground-mounted)
- 484 Highcroft Rd (2018)
- 709 Wayzata Blvd (2017)
- 230/232 Chicago Ave N (2016)
- 15815 Holdridge Rd E (2016)
- 908 Shady Ln E (2015)

Types of Solar Installations

- Rooftop solar
 - Flat roof and sloped roofs



The proposed City Hall rooftop solar installation would be located on a flat roof, extending approximately 14 inches in height. The proposed Muni/Liquor Store rooftop solar installation would be located on a pitched roof, essentially flush with the pitched roof.

Ground-mounted solar



Carport solar



Building-integrated solar (shingles, awnings, etc.)





Sustainability Policy

The draft Sustainability Policy is attached to the agenda packet for the Planning Commission to review. Since the Policy is not a Zoning Text Amendment, a public hearing is not required and does not require a formal Report and Recommendation from the Commission. The City Council will review and potentially adopt the Policy, but staff will include any comments and discussion that the Commission have on the Policy.

The Sustainability Policy allows for increased residential density in the R-5 Zoning District if the application meets the sustainability requirements listed in the Policy. Additionally, this Policy creates a sustainability evaluation framework for Planned Unit Developments (PUDs). The goal is to promote sustainable development throughout the city to align with Wayzata’s vision and 2040 Comp Plan actions/ideas.

A density bonus would be given to R-5 zoned properties if the development has a sustainable building certification or if the development has a renewable energy component. A PUD can use these same requirements to show innovative and creative design as a part of the PUD application.

Staff Recommendation

Staff recommends approval of the Zoning Text Amendments for the proposed changes to Chapter 938, 909, and 902 for the new Solar Ordinance. Staff finds that the new Solar Ordinance will help to regulate solar installations consistently and inform applicants about the requirements for their project. There is a public benefit of solar systems for the community. The City is pursuing several solar projects on public buildings that will showcase the benefits of these systems.

Discussion Questions

1. Should solar energy systems be prohibited in the Lake Street Design District?
2. Is the Commission comfortable with the proposed requirements (setbacks, height, lot coverage, etc.) for solar systems?
3. Do the proposed text amendments align with the vision and goals of the City's 2040 Comprehensive Plan?

4. Do the proposed changes conform to the present and future land uses of the area?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission can should direct staff to prepare a draft *Planning Commission Report and Recommendation for review and adoption at the next Planning Commission meeting.*

Attachments

- Draft Solar Ordinance - Chapter 938
- Draft Revisions to Chapter 902 – Rules and Regulations
- Draft Revisions to Chapter 909 – Design Standards
- Planning Commission Workshop Meeting Minutes of November 7, 2022
- Zoning Task Force Meeting Minutes February 28, April 25, May 23, and July 25, 2022
- Energy and Environment Committee Meeting Minutes November 7, 2022
- Draft City of Wayzata Sustainability Policy

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan

Guiding Principles of the Comprehensive Plan

Charming

- **Fostering charm in a community known for its small-town character requires intentionality and purpose.** A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way. City residents want to connect to the City’s shared spaces. City spaces can be plain, or they can be charming – it is just a question of thoughtfulness. Visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia. Wayzata – by nature, as it is located on the shore of Lake Minnetonka – evokes these feelings. **The challenge for the City is to make charm an utmost priority not only in new developments but in every aspect of the City’s lifecycle.** Placing emphasis on the arts, for example, is something that allows passers-by and visitors to slow down and enjoy the City. Development should be small and intimate, creating room for “randomness.”

Environmental Sustainability

- As a prosperous and renowned destination suburb, **Wayzata has an opportunity to take the lead on sustainability goals and objectives.** In the Vision Survey, 68 percent of respondents believe that Wayzata should ‘Aggressively pursue new sustainability actions and focus.’ The health of Lake Minnetonka’s ecosystem, a City free of visual and noise pollution, and **a City that cares about fostering a healthy, vibrant, and sustainable environment should be Wayzata’s priorities.** **A process to streamline the permitting application of green energy sources such as residential solar systems and the encouragement of the use of green sources of energy in large developments was highlighted by stakeholders as a key step in achieving a more sustainable Wayzata.** Wayzata could also reduce the number of City landscapes that have high consumption of water and instead opt for more sustainable options. The establishment and operation of a City of Wayzata commission on energy and environment creates an opportunity for Wayzata to determine its sustainability goals and take steps to achieve them. Stakeholders agreed on a balanced but progressive agenda in Wayzata’s sustainability efforts

Zoning Text Amendment (§903)

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.**
- 2. The proposed use's conformity with present and future land uses of the area.**
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

PROPOSED NEW CHAPTER 938 - SOLAR ENERGY SYSTEMS

938.01 - Purpose

The purpose of this Chapter is to provide a regulatory framework for the construction and installation of solar energy systems in Wayzata, subject to reasonable restrictions, for preserving the public health, safety, and welfare, and for maintaining the character of Wayzata.

938.02 - Applicability

1. Lake Street Design District (as defined in Chapter 909). Solar systems are prohibited within the Lake Street Design District.
2. Areas outside the Lake Street District. Solar systems are permitted outside of the Lake Street Design District provided they comply with the provisions of this Chapter.
3. Community solar gardens are not permitted anywhere in the City.

938.03 - General Regulations

- A. Height – The maximum height of a solar energy system shall be calculated using the highest point for which the solar panels are oriented.
 1. Pitched Roofs. Systems mounted on pitched roofs that are visible from the nearest edge of the right-of-way, other than an alley, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than one (1) foot above the roof.
 2. Flat Roofs. Solar panels attached to a flat roof shall not exceed the maximum permitted zoning district height or variance approved height of the structure type by more than three (3) feet from the rooftop.
 3. Ground-Mounted. Ground-mounted solar systems shall not exceed fifteen (15) feet in any zoning district.
- B. Setbacks
 1. Ground-Mounted. Ground-mounted solar systems must meet the applicable zoning district accessory structure setback requirements. Ground-mounted solar systems may only be placed in the rear yard.
- C. Impervious Surface/Lot Coverage.
 1. All ground-mounted solar energy systems will not be calculated towards the impervious surface if there is a pervious surface underneath the structure.
 2. The ground-mounted solar energy system shall be calculated towards the total lot coverage calculations.
 3. The ground-mounted solar systems shall not exceed the maximum impervious surface and lot coverage calculations in the applicable zoning district. The impervious surface and lot coverage shall be calculated at the minimum design tilt.
- D. Design. The design of the solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, and favorable placement that will blend the facility into the natural setting and built environment.

- E. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

938.04 - Performance Standards.

- A. Coverage. Roof mounted solar energy systems, excluding building-integrated systems, shall allow for roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted, as stated in the Building Code.
- B. Utility connection. All grid integrated solar systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility. Off grid systems are exempt from this requirement.
- C. Abandonment. If a solar energy system remains nonfunctional or inoperative for more than a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance as stated in Chapter 916 and Chapter 720. The owner shall remove the abandoned system at their expense. Removal shall include all components of the solar system, including related transmission equipment upon notice from the City.
- D. Permit. No construction or installation of a solar energy system is allowed without first obtaining a permit in accordance with the Building Code.

938.05 - Exemptions

The following types of solar energy systems are exempt from the General Regulations and Performance Standards of this Chapter.

1. Passive solar energy system and building-integrated solar energy systems. These systems shall be regulated as any other building element.
2. Solar collector less than one square foot in area and generally used for garden decoration, exterior accent lighting for residential homes, lawns, and flagpoles.
3. Accessory solar systems installed by a government agency on light poles, signs, transit shelters or within public right-of-way.

PROPOSED AMENDMENTS TO CHAPTER 909 DESIGN STANDARDS

909.10 Rooftop Equipment Location and Screening.

A. Lake Street and Bluff Districts.

1. No mechanical equipment shall be located on the roof deck. All mechanical equipment must be located either (i) in the building interior; or (ii) on grade, at the side or rear yard, and concealed from view.

B. Wayzata Blvd District.

1. Mechanical equipment items less than three feet in height and nine square feet in area may be located on the roof surface, provided: (i) the total roof area covered by such equipment is less than 25 percent of roof area; and (ii) the equipment is fully concealed by 42-inch parapets or compatible architectural elements.
2. All other mechanical equipment items must be located either (i) in the building interior; or (ii) on grade, at the side or rear yard, and concealed from view.

C. All Districts.

1. Any mechanical equipment required by these Standards to be located on grade shall be fully concealed using materials complimenting the proposed building design.
- ~~2. Where allowed by the City Code, solar photovoltaic (PV) panels installed on flat roofs shall be installed on racks not exceeding two feet in height and surrounded by parapets at least three feet in height.~~
- ~~3. Where allowed by the City Code, solar photovoltaic (PV) panels installed on decorative trellises or arbors shall be recessed at least 12 inches from the edge of the structure.~~

(Ord.806[6-1-2021])

PROPOSED AMENDMENTS TO CHAPTER 902 RULES AND REGULATIONS

902.02 Definitions.

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

~~**Solar Energy Ordinance Related "Solar Energy System."** Any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.~~

~~**A. Building-integrated Solar Energy Systems** – A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.~~

~~**B. Community Solar Garden** – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.~~

~~**C. Ground-mount** – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.~~

~~**D. Off-grid Solar Energy System** – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.~~

~~**E. Passive Solar Energy System** – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.~~

~~**F. Renewable Energy Easement, Solar Energy Easement** – An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn. Stat. 500.30 Subd. 3 or successor statute.~~

~~**G. Roof-mount** – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.~~

~~**H. Roof Pitch** – The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.~~

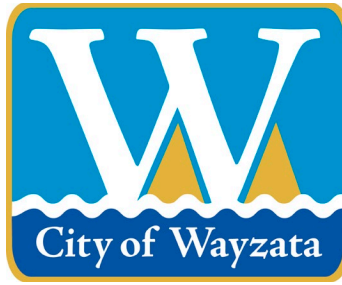
~~**I. Solar Access** – Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.~~

~~**J. Solar Carport** – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.~~

~~**K. Solar Collector** – The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.~~

L. **Solar Energy** – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

A-M. **Solar Energy System or Solar System** – A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.



City Council
Mayor Johanna Mouton
Jeff Buchanan
Cathy Iverson
Molly MacDonald
Alex Plechash

City Manager
Jeffrey Dahl

City of Wayzata Draft Sustainability Policy November 7, 2022

The City of Wayzata Sustainability Policy was created to allow a residential density bonus in the R-5 Average Density Multiple Residential District and to create a framework for evaluation of sustainability benefits in Planned Unit Development applications.

Purpose:

Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of energy and resource use, the provisions of this Policy are intended to promote sustainable developments that reduce the impact of the built environment in the City of Wayzata.

Wayzata 2040 Comprehensive Plan Vision Statement:

Wayzata is a forward -thinking lakeside community that is socially connected, charming, walkable, and pedestrian friendly. A multi -generational community with healthy, engaged, and active residents. A community that is in the forefront of sustainability, with a healthy environment, vibrant parks and enticing City spaces. It is a proud steward of its premier natural asset; Lake Minnetonka.

Wayzata 2040 Comprehensive Plan Vision Actions/Ideas:

- Favor developments that commit to building LEED certified buildings (Leadership in Energy and Environmental Design)
- Rewrite city codes to ensure they are in line with City's sustainability objectives
- Update City Building Codes that promote energy efficiency
- Improve solar and other green energy residential permitting process
- Encourage new buildings to be at the forefront of sustainability principles, including being LEED certified
- Favor developments that rely on green sources of energy
-

In response to the 2040 Vision Statement and the corresponding Vision Actions, Environmental Sustainability was created as one of the eight guiding principles listed in the Wayzata 2040 Comprehensive Plan. This guiding principle states, "the encouragement of the use of green sources of energy in large developments was highlighted by stakeholders as a key step in achieving a more sustainable Wayzata."

Process and Minimum Requirements:

For projects in the R-5 zoning district that are pursuing the density bonus under §959.07.B must have one of the following:

- A project that receives a LEED certification, SB 2030 energy standard, or equivalent within three (3) years of receiving its initial certificate of occupancy; or
- A project that incorporates a renewable energy system that offsets as much energy usage as reasonably possible given physical restraints of the building/site and based on an engineering feasibility report at the time of design and submittal of a development application.

The green building equivalent and the renewable energy system must be approved by the Community Development Director. An equivalent green building certification will be based upon an engineer's report demonstrating green building equivalency provided by the applicant.

For a density allowance to be applied, the applicant must enter into an agreement with the City that states that the proposed project will meet the agreed upon green building certification requirements or the renewable energy requirement. The City can also require a report prior to the issuance of a building permit that demonstrates how the building would meet the certification or renewable energy requirements.

After the project is complete, the City will require a completion report or certification that demonstrates how the project meets the necessary requirements noted in the agreement. The report should be based on building audit results and/or an engineer's report.

Density Bonus:

For projects that meet the requirements listed in the Sustainability Policy the applicant can subtract 300 square feet per unit for all dwelling units.

Planned Unit Developments:

An application for a Planned Unit Development (PUD) may use this Policy to guide the evaluation of any proposed renewable energy system or intended energy certification that is meant to serve as an innovative and creative design option for the PUD.

Penalty:

If the project does not attain LEED certification, SB 2030, or equivalent within three (3) years of receiving its initial certificate of occupancy or does not show proof of a working renewable energy system, then the developer shall be required to conduct a building audit. The applicant would then be required to implement any needed projects to meet the agreed upon green building component as noted in the agreement. The City shall have the authority to revoke the certificate of occupancy for the building if these requirements are not met.

WAYZATA ZONING STUDY TASK FORCE

Meeting Minutes

February 28, 2022

Present: Task Force Members Ambrose, Buchanan, Chermak, Douglas, Howell, Parkhill, Plechash, Stockton, Ward Lake, Community Development Director Emily Goellner, Parks Planner Nick Kieser, Assistant Planner Valerie Quarles

The meeting was called to order at 4:30 p.m.

1. Meeting Minutes

Director Goellner asked for a motion to approve the meeting minutes from November 22, 2021.

Buchanan moved, Ambrose seconded.

2. Parks Rezoning

Planner Kieser introduced the Parks Rezoning.

Howell confirmed that staff understood the conservation easement at the Big Woods. Kieser confirmed that they did. Ambrose seconded the question and added more details about the parcel's history. The group discussed the extent of the conservation easement and whether the city's owns of nearby parcels.

Ambrose asked about the City lift station at the Minnetonka border on Wayzata Boulevard and whether that would be zoned parks. Planner Kieser confirmed that the lift station is under an easement and not subject to the rezoning.

Planner Kieser continued the presentation. Howell asked if one could put a 30-foot structure at Shaver Park. Kieser confirmed that the current height limit is actually higher. Howell asked if the group was okay with that. Douglas seconded the issue and asked about additional restrictions like hours. Kieser clarified that major parks developments still go through PC and CC as it's City-owned land and brought up the Wayzata Beach playground process as an example. Chair Parkhill proposed setting the limit at one story and needing a variance for anything larger. The group agreed as a method of determining compelling need for taller structures.

Planner Kieser continued the presentation. Director Goellner asked if staff had received comments. Planner Kieser answered that he had gotten a few phone calls clarifying the proposed action.

Stockton asked if it worth distinguishing between parks and open space in order to preserve spaces that have nothing built upon them. Planner Kieser brought up the Nature Center as an example of a space that could be complicated by that proposal. Goellner brought up that individual documents for each park detailing future plans could be helpful in bringing people confidence, and mentioned that other cities separated active and passive recreation oriented parks in their planning. Buchanan clarified that most open spaces in Wayzata that are city-owned and not parks are wetlands and unbuildable. Douglas suggested adding wetlands to the Parks and Open Space language. Stockton brought up the Nature Center again as a place where things can change greatly and where guidance should be public. Buchanan

liked the detail sheets and active/passive description. Goellner mentioned the Parks and Trails Board meeting tomorrow as a place to discuss these items.

3. Solar

Planner Kieser introduced the SolSmart program. Director Goellner and Buchanan commented that the Design Standards discussion avoided solar in order to save it for the zoning code changes. Stockton remembered that there was concern over aesthetics and accounting for changing and evolving technologies. Kieser brought up that not allowing rooftop equipment on Lake Street was all about aesthetics. Nolan remembered that the previous discussion around solar ended with “it would open a can of worms”, and made the point that this will bring up a lot of controversy and may not be worth the actual power it produces. Buchanan said that nobody is considering that solar should go in the Bluff or Lake Street districts, just that the solar issue belongs here in code and not in the Design Standards, and that we can encourage it in some places and discourage it in others. Douglas commented that we just don’t know that much about the technology and that it doesn’t belong in Lake/Bluff and that the City should be the first to explore it on their facilities. Kieser clarified that this is the beginning of the conversation... and that City Hall is in the bluff district. KC (actual KC) made a statement that the top of the Bluff district is not the same as the bottom in terms of visibility and should be evaluated differently. He also brought up that the payback period for panels is coming down to periods as short as five years, as well as that places like the Sathre-Bergquist building and St Bart’s are not the same as Lake Street. Ambrose suggested that the public works building would be a good place for the City to start with panels.

Planner Kieser continued the presentation. Plechash asked a clarifying question about solar panel height limits and Planner Kieser clarified that it was absolute height from the rooftop regardless of angle. Kieser continued. Ambrose asked a question about content on page 19 of the packet: that the City may want to allow ground-mount solar to encroach into the setback in order to get the best sunlight. Kieser stated that SolSmart will always encourage solar as much as possible but that it was up to the group to tailor those recommendations for Wayzata. Stockton brought up the idea that for the Bluff District there could be a height above lake level where solar is allowed. Kieser thought that staff could get creative, but to keep in mind that every property is different. Director Goellner also added that properties should be evaluated in theory instead of how they are currently due to future redevelopment. Douglas asked if in the bluff district limiting solar to flat roofs could make it more palatable. KC seconded that and noted that a blanket ban on the bluff district would not encourage much solar in Wayzata. Douglas brought up her townhouse as an example. Nolan stated that they have some experience with installing solar and says he understands how delicate the area is and that there can be unintended consequences. Director Goellner brought up bringing on Van Meter again and Buchanan seconded the idea. Parkhill asked if there was a desire for solar in Wayzata and brought up the impact of rare minerals in panels. Buchanan answered by saying that this is about anticipating desire. Douglas seconded that she would like to have something in place because the Planning Commission had already run into this issue.

4. Tree Preservation Ordinance

Planner Kieser updated the group on the Tree Preservation Ordinance. Howell asked about current enforcement and Kieser explained. Howell asked whether trees could be removed at will without an accompanying permit. Staff clarified that a Tree Removal Permit would cover that loophole, but that additional staff resources were up for consideration as part of that discussion, and that the current

penalty for certain action was a civil fine. Plechash asked if there was a certain size of tree that would require a permit and Kieser clarified that it would line up with the current definition of significant trees. Plechash asked how much the City Forester would cost. Kieser answered that this would increase the budget, and that it would be ideal to train a current staffer and then add another public works employee to fill the space. Director Goellner said that the permit cost won't cover wages for this person and that further discussion would take place at a Council workshop.

5. Adjournment

The meeting was adjourned at 6:01.

WAYZATA ZONING STUDY TASK FORCE

Meeting Minutes

April 25, 2022

The meeting was called to order at 4:30 p.m.

Present: Zoning Task Force Members Douglas, Ambrose, Stockton, Candell, Nolan, Howell, Councilmember Buchanan, Community Development Director Goellner, Parks Planner Kieser, Assistant Planner Quarles, Consultant Andrew Faulkner.

1. Meeting Minutes

The meeting minutes were approved unanimously.

2. Solar Energy

Parks Planner Kieser presented on the background for potential solar regulations in Wayzata. Councilmember Buchanan asked about how the design standards and the zoning code would regulate solar in different ways. Task Force Member Howell discussed the survey results presented and how the respondents may not be a representative sample of the population. She stated that she isn't sure everyone has truly considered the impact of solar. She wanted to see input from parts of the country with solar regulations that have topography to contend with. Commissioner Stockton said that the survey data needed to have a broader reach in order to be representative.

Parks Planner Kieser presented the results of the SolSmart evaluation of Wayzata's current zoning code and its suitability for solar regulation. The group discussed existing solar installations in Wayzata, including rooftop and ground-mounted solar. Task Force Member Nolan asked what "baby steps" or a phased approach would look like in terms of solar regulation. Commissioner Douglas added that a phased approach could be based on location. The group considered a location table for this purpose.

Task Force Member Howell asserted that impact on the surrounding neighbors should be the top concern of solar regulation. Task Force Member Candell responded that rooftop solar panels were not an eyesore, as a few members had described them. Commissioner Stockton highlighted the difference between solar that is integrated into new construction and solar that is added to an existing building. She said that the City should be paced in order to account for new technology.

Director Goellner asked if the existing table showing solar types for each zoning district could be more incremental. The group discussed the merits of conditional use solar and whether that was an unnecessarily burdensome level of regulation. Task Force Member Candell asked if the group could see a demonstration of solar to make sure everyone was at the same level of education on the topic. Task Force Member Nolan stated that if considering an incremental approach, mechanical equipment on the roofs in the Bluff and Lake Street design districts were a big discussion and thus should necessitate careful implementation.

Director Goellner asked for the group's thoughts on scaling back in some areas of town and considering conditional use permits for some locations. Commissioner Ambrose drew on his background at Great

River Energy and brought up the idea of a community solar garden, as well as agreeing with integrating solar into new buildings and moving slowly on regulations. The group discussed a home in the Holdridge neighborhood with solar.

The group returned to the CUP process as a means of regulation. Councilmember Buchanan stated that CUPs made sense in the Bluff and Lake Street districts but would be too onerous for homeowners. After Commissioner Ambrose shared an anecdote, Consultant Faulkner briefly discussed how solar can and cannot be regulated in other states. Councilmember Buchanan and Commissioner Douglas agreed that the City still needs to be proactive with solar regulations and that the point of creating them was not to discourage people from installing solar.

Director Goellner suggested that a set of visual standards could be set for solar and that homeowners would only need to apply for a variance if they deviated from the standards. Part of the group repeated that Lake Street should be the last place for solar, that opportunities should be geared more toward commercial buildings than homeowners, and that ground mounted solar should be allowed later in a phased approach. Staff discussed how ground mounted solar is currently regulated in Wayzata as an accessory structure.

The group discussed additional local examples of solar. Director Goellner brought up the right to light as something that should be kept in mind. The group then reviewed their previous points and added that neighbor approval should not be a condition of solar installations. Part of the group agreed that homes and roofs should be the first thing regulated. Director Goellner ended the discussion by mentioning a Solar Overlay District as an option for location-based regulation.

4. Adjournment

Director Goellner talked through the schedule for the next couple months: one more Task Force meeting in May and then a break for the summer.

The meeting was adjourned at 6:00 p.m.

WAYZATA ZONING STUDY TASK FORCE

Meeting Minutes

May 23, 2022

The meeting was called to order at 4:30 p.m.

Present: Zoning Task Force Members Douglas, Nolan, Parkhill, Howell, Ambrose, Candell, Stockton, Council Member Buchanan, Council Member Plechash, Parks Planner Kieser, Assistant Planner Quarles, Mark Isaacson and Hal Kimball from Blue Horizon Energy

1. Meeting Minutes

Task Force Member Nolan requested a change to the bottom of the fourth paragraph of the solar discussion: that instead of the Lake Street area being the last to allow solar, that that area requires careful implementation. The meeting minutes with the suggested change were approved unanimously. An agenda change to show that there would be no June Task Force meeting was also noted.

2. Solar Energy Ordinance

Planner Kieser began his presentation. Councilmember Buchanan brought up the notion of solar panels being more or less visible from certain angles. The group discussed examples of this in Wayzata. Commissioner Douglas suggested screening as a solution to unsightly angles.

A member of the task force asked how access for emergency services, like the fire department, is typically regulated. Staff answered that the building code covers that issue. Task Force Member Howell brought up the idea of keeping at the forefront property owners that would be near to potential solar installations. Councilmember Plechash warned the group to be careful about the issues that could create given the individual rights of property owners regarding their own space.

Commissioner Douglas suggested setbacks for ground mounted solar as a solution. Task Force Member Nolan seconded property rights needed to be considered within reason, and that a more productive way to continue the discussion of one owner's impact on another through solar would be to treat ground mounted solar and integrated solar as separate issues.

Planner Kieser noted that separating ground mounted and integrated solar was already the proposed condition – that ground mounted solar was only allowed on larger lots, that there would be setback requirements for ground mounted and rear yard equipment, and that a CUP would be required for side yard solar.

Task Force Member Nolan asked how the current code protects neighbors from the adverse impacts of solar. Planner Kieser answered that the regulations for ground mounted solar being proposed are actually more restrictive than the current rules. Councilmember Plechash agreed that ground mounted and rooftop solar are completely different., and that restricting ground mounted more makes sense, since the impact of accessory solar is different than other accessory structures like sheds. Shielding the view of ground solar installations would be sufficient. Planner Kieser noted that shade should be kept in mind when talking about screening.

Commissioner Douglas asked about a parapet requirement for flat roofed, single family homes. Commissioner Ambrose have local examples of solar on homes without parapets that were tough to see. Councilmember Plechash noted that he was in favor of parapets for flat roofs.

Councilmember Buchanan stated that he was concerned the group was not addressing the future of solar, that we're just looking backwards. He said that we shouldn't discourage solar and that this felt like a fear-based discussion. Task Force Member Nolan responded that it was about common sense, and that it was provocative to use the word fear. The group discussed.

Commissioner Stockton stated that technology is changing rapidly and that while the city should be progressive on solar, keeping an eye on case studies would be important.

Mark Isaacson and Hal Kimball from Blue Horizon Energy presented. They showed examples and talked about their process through the lens of the existing conversation. They talked about the construction of their panel systems in the commercial space, emphasizing low-slope systems on flat roofs. The group discussed some technical aspects of solar installation, maintenance, and resiliency.

Commissioner Parkhill and the Blue Horizon representatives briefly discussed the economics of solar.

Councilmember Plechash centered the group on the idea that the regulations being discussed were about aesthetics, and that he agreed with what was being presented, but wanted to ensure that ground mounted solar would be treated differently. Task Force Member Nolan asked about how solar panels would fit into existing mechanical equipment regulations in the Lake Street and Bluff Design Districts. Parks Planner Kieser reviewed. The group discussed the visual impact of solar in these districts. Phased implementation was a significant theme.

The group discussed residential solar and generally felt more comfortable with larger properties over smaller ones.

Task Force Member Candell stated (summarized): Of course aesthetics are personal. Holdridge Road East property on the screen is near me and I feel it's very thoughtful. Well integrated into the design. Appreciate someone benefitting the environment. I think people will be interested in preserving home value, what they think is right, and there are a lot of aesthetic things we have to learn to tolerate around us. As long as something abides by code, we have to live with it. Solar installation across the street is just great. I think there are a lot of people like me who don't see solar installations as unattractive or odd. I hope as time passes there will be more that are seamlessly integrated into design. They may fade into the background even more.

Commissioner Stockton noted that the group talked at the previous meeting about the difference between new build solar and solar applied to existing homes.

Commissioner Douglas stated that in the Bluff and Lake Street Design Districts, the design standards should be followed. She stated that in other places in the city she would be comfortable with restricting ground mounted solar – not banning it, but having a process where an applicant would come in front of the Planning Commission and City Council. The group agreed that following the design standards for mechanical equipment in the Bluff and Lake Street design districts made sense. Potential exceptions could be buildings at the tops of those districts that don't have visible roofs, like City Hall and St. Bart's.

Task Force Member Nolan stated that his issue was with anything that would disrupt the view in those districts.

The group came to the conclusion that solar would be allowed in the Bluff district through a conditional use permit only. They also agreed that a CUP for ground mounted solar would be appropriate.

3. Adjournment

The meeting adjourned at 6:00.

WAYZATA ZONING STUDY TASK FORCE

Meeting Minutes

July 25, 2022

Present: Task Force Members Nolan, Fox, Stockton, Douglas, Ambrose, Howell; Councilmembers Buchanan and Plechash, Community Development Director Goellner, Parks Planner Kieser, Assistant Planner Quarles

1. Meeting Minutes

Minutes were approved unanimously.

2. Solar Ordinance

Planner Kieser began to talk through changes proposed to the Solar Ordinance discussed at the previous meeting. Member Nolan asked the group how the proposed code navigates the issue of adverse impact of solar while encouraging its use. Councilmember Buchanan asked what adverse impacts Member Nolan was envisioning, and was answered with array height blocking lake views on the bluff. Councilmember Buchanan and Commissioner Douglas noted that the maximum height of arrays was actually extremely low (14 inches). The group debated the perceived impact of solar. The group then reviewed how Conditional Use Permits work in the public process and whether this amount of review was sufficient to catch any negative impacts. Glare was raised as a specific issue, but Planner Kieser noted that Blue Horizons had stated that the actual glare from panels was typically low. Commissioner Ambrose, and Member Howell raised a positive example from Wayzata.

Commissioner Douglas stated her confidence in the next steps of the code review process with the Planning Commission and City Council and Councilmember Plechash agreed. Small language clarifications were proposed. The group talked through whether the proposed CUP standards were tough to interpret consistently and whether some of those criteria should remain on the administrative level. Councilmember Plechash suggested removing CUP condition #4. Commissioner Douglas agreed and noted that the process could become more administrative over time.

Commissioner Fox seconded that this was a starting point and that he was satisfied with the process outlined to catch future issues. He brought up the concern of the southern Widsten townhomes looking out over future solar panels. Commissioner Stockton stated that all the adverse impacts of solar listed in the ordinance should be consolidated into one section. She also noted that solar panel disposal should stay on the radar for the future.

Commissioner Douglas asked whether the language would go to the Energy and Environment Committee. Staff answered yes. Councilmember Buchanan stated that not allowing solar on Lake Street buildings felt restrictive and that he would like to see the CUP process used. Member Nolan stated that eliminating solar on the most important street in the City would not be a significant loss. Commissioner Ambrose stated that he could see something on Lake Street happening through the CUP process, especially with a 14-inch height. Member Howell stated that, as a personal opinion, she doesn't see Widsten residents being happy with Lake Street solar. Commissioner Stockton said that she thought the

group had discussed at the last meeting that Lake Street would be last, and that other areas would be first. Councilmember Plechash agreed that there was a good argument for the CUP process on Lake Street, but that Lake Street should stay a little slower. Commissioner Douglas agreed.

Planner Kieser reviewed the plan for ground mounted solar being allowed through a CUP on large lots. Member Howell renewed her disagreement. Councilmember Plechash also disagreed with the proposal. Staff and the group discussed proposed limitations on ground mounted solar and whether it should be eliminated completely.

The group voted as follows to approve the solar ordinance, with conditions discussed, with removal of ground mounted solar from the conditional uses on all parcels:

Yes: Nolan, Stockton, Douglas, Howell, Plechash

No: Ambrose, Buchanan, Fox (Commissioner Ambrose later noted that his vote was for the solar ordinance, but against removing ground mounted solar.)

Member Nolan made a broad statement about solar power along with his vote.

The motion passed 5-3.

Commissioner Stockton stated that equity was a strong component of solar accessibility and that a solar field would be something she would support as a City-wide energy source, as not all residents can create solar installations. Commissioner Ambrose seconded community-based renewable energy as a positive proposal.

3. Tree Preservation Ordinance

Director Goellner noted that she hoped the group would come to a vote on the proposed tree ordinance language in about 15 minutes, since the solar discussion had gone long. Parks Planner Kieser talked through the proposed code language.

Commissioner Ambrose commented that the scenario in which someone cut their own trees ahead of a permit in order to avoid the ordinance had been mitigated by the proposed language. Staff noted that no permits were needed to remove buckthorn.

Councilmember Plechash also commented on the two-year rule and asked when the that look-back window would be triggered. Planner Kieser explained that the tree removal permit and building permit processes would trigger that and that past tree removals would be factored into replacement calculations on a rolling basis. Councilmember Plechash asked whether that would be too much of a burden and Planner Kieser answered that it would not, and answered Commissioner Douglas' question about whether that would apply to developments in front of the Planning Commission as well (yes). Commissioner Stockton asked a clarifying question about the new language applying to tree removals in the past two years, from now. Planner Kieser answered that that data would be incomplete for the next two years.

The group agreed that it was time for the language to move forward.

Councilmember Plechash asked if the misdemeanor consequence was okay with the City Attorney. Staff answered that it was and had precedent, and that he would continue to review all of the language.

Commissioner Ambrose moved to approved the ordinance and Councilmember Plechash seconded. The group unanimously approved.

4. Introduction to Planned Unit Developments

Assistant Planner Quarles presented on the history of PUDs and their usage in Wayzata. Director Goellner added context around Wayzata's history with PUDs and administrative challenges over time. The group agreed that understanding the reasoning behind past PUDs would be paramount to future work. Director Goellner talked about the characteristics staff would like to see in the selected consultant for this work. Members interested in the sub-committee to select the consultant included Howell.

5. Adjournment

The meeting adjourned at 5:56 p.m.

1 Parks Planner Kieser stated that they do engineering work to ensure that the load will be
2 acceptable. He noted that with the systems planned for the City facilities, they will be easy to
3 move them when the roofs need to be replaced and can easily be put back into place.
4

5 City Attorney Schelzel asked what permit would be involved currently if a homeowner wanted to
6 install solar panels.
7

8 Parks Planner Kieser stated that they would just need a building permit in order to install a solar
9 panel and noted that they may also need an electrical permit through the State.
10

11 Community Development Director Goellner reviewed the way the City of Golden Valley had
12 processed the solar installation permits for single family homes and explained that they did not
13 have a lot of commercial installations.
14

15 Chair Parkhill noted that he felt that Lake Street was a bit ‘sacred’ and that integrated solar may
16 be a good fit for that area. He stated that the City has spent so much time protecting the rooftops
17 of Lake Street and the Bluff District, that he wants to make sure that they are careful about the
18 possibility of being too open in allowing a bunch of items to go on the roofs. He stated that he
19 sees Wayzata Boulevard as being able to be much more open to those uses and could serve as more
20 of an experimental area.
21

22 Commissioner Stockton noted that if the City puts solar on The Muni, that may seem to be
23 conflicting with the regulations.
24

25 The Commission discussed the differences in solar installation between new and existing
26 buildings.
27

28 Community Development Director Goellner noted that, in her opinion, solar panels can be treated
29 differently than other mechanicals because there is public benefit.
30

31 The Commission discussed having an overall City-wide solar ordinance, but treating different
32 areas of the City in different ways when it comes to what type of equipment would be allowed.
33 The Commission discussed ways to provide some guidelines initially and to allow for some
34 possible deviations rather than just allowing everything and then having to reel it back in.
35

36 Commissioner Stockton noted that anything the City says ‘no’ to right now would not mean that
37 the answer will be ‘no’ forever.
38

39 Commissioner Schwalbe stated that she liked the idea of having a slow roll out and letting other
40 districts go before the Lake and Bluff Districts.
41

42 Community Development Director Goellner explained that her goal is to find a way to create solar
43 regulations that allows its use around the City in a way that would not be a surprise to anyone and
44 in a way that everyone can understand what is allowed. She stated that she did not want to have
45 every solar panel project in front of the Commission or the Council.
46

1 The Commission discussed the dichotomy that may exist between the City attempting to become
2 more environmentally efficient and the idea of charm.

3
4 Commissioner Stockton stated that she would like to see the City afford the Lake Street District a
5 bit more time before implementing this ordinance because she feels that this technology may
6 advance rapidly and, for example, create much smaller and less obtrusive equipment.

7
8 Chair Parkhill stated that he agrees with the idea of protecting Lake Street, but feels that the City
9 needs places where they can try solar.

10
11 Commissioner Stockton suggested that rather than saying no to solar on Lake Street the message
12 be that it is just delayed, so there is an understanding that the City is open minded to it but it just
13 being thoughtful in how it proceeds.

14
15 The Commission discussed the plans for solar installation on The Muni, projected cost savings,
16 and the impact for this specific building. They discussed the opinions of the Task Force and the
17 Energy and Environment Committee which differed from each other in some aspects.

18
19 Commissioner Schwalbe suggested that as projects start becoming a reality that, the City start
20 including the message within its communications in order to build it up and let people know that
21 solar is coming and the City is excited about it.

22
23 Community Development Director Goellner noted that this discussion has not been brought before
24 the Council because they wanted to get a sense from the Commission on which direction to go.
25 She stated that she is sensing that there is a bit of a mixture of opinion from the Commission about
26 the perception on the visual impact the panels could have. She stated that staff would like to be
27 able to create something that is straight forward and they can just issue permits without a drawn
28 out public review process, even for properties along Lake Street.

29
30 City Attorney Schelzel stated that he believes staff wants to see a process that is really clear and
31 efficient. He stated that he thinks that there can still be rules created within the ordinance so staff
32 knows how to administer them and noted that they could be based on aesthetics and performance
33 standards. He stated that the more staff can decide based on the criteria that has been approved by
34 the Council, the easier it will be for everyone.

35
36 Commissioner Stockton reiterated her suggested that the Lake Street area have a different process,
37 for the time being, and that it would include a public process, but did not think that was necessary
38 for other areas of the City.

39
40 Commissioner Sorensen stated that he was thinking along those same lines and also wants the City
41 to consider what kinds of guidelines could be placed around ground mounted solar in the
42 residential areas, such as setbacks.

43
44 City Attorney Schelzel asked if the idea was to prohibit the ground mounted installations, allowed
45 with a CUP, or be allowed while meeting certain staff verified criteria.

46

1 Parks Planner Kieser stated that right now, accessory structures can only be located in the rear yard
2 of the buildings and need to meet setbacks.

3
4 Chair Parkhill stated that he thinks those rules make sense and feels the City could just leave it that
5 way because then they can have some control if someone wants to move it closer to their neighbor.

6
7 Commissioner Schwalbe stated that it appears as though the biggest point of potential
8 disagreement on the Commission was whether to delay allowing solar along Lake Street. She
9 stated that setting that issue aside, she thinks the City could go ahead and move forward with the
10 recommendations from the Energy and Environment Committee. She stated that they would put
11 in what Parks Planner Kieser explained about what they are currently doing for the accessory
12 structures and then just defer the use on Lake Street.

13
14 Commissioner Stockton noted that the Energy and Environment Committee had recommended
15 allowing solar installations on every property in the City with either rooftop or ground mounted
16 equipment, which she did not think was what the Commission was supporting.

17
18 Commissioner Schwalbe clarified that she was looking at the SolSmart review information and
19 not the Energy and Environment Committee recommendations.

20
21 Parks Planner Kieser explained that SolSmart is an organization that reviews City code and goes
22 through this process with the City in making these types of amendments. He stated that they are
23 an organization that is promoting renewable energy such as solar and their goals it to try to find
24 ways for cities to make it less restrictive and more efficient. He noted that SolSmart had already
25 reviewed the City's code and gave an overview of their findings as outlined in the staff report.

26
27 The Commission discussed the recommendations from the Energy and Environment Committee,
28 a possible public process, and the possibility of allowing integrated solar along Lake Street.

29
30 Community Development Director Goellner expressed concern about what value having a public
31 process would add to the discussion. She stated that it will end up putting pressure on the
32 Commission and the Council to just say yes or no and reiterated that she would prefer that there
33 just be a yes or no decision that can be made that the staff level. She stated that she has not heard
34 a clear message on whether the Commission would like to prohibit solar along Lake Street or not.

35
36 The Commission expressed the general opinion that they want to be fairly cautious in how Lake
37 Street is treated with regard to solar.

38
39 Community Development Director Goellner stated that staff will work on an ordinance that allows
40 solar, by right with some numerical standards with a prohibition on the Lake Street area. She
41 stated that following the public process, the ultimate decision can be left up to the Council about
42 whether there should be a prohibition along Lake Street.

43
44 Commissioner Stockton stated that rather than using the word 'prohibition' she would prefer to
45 use the word 'delay'.

46

1 City Attorney Schelzel noted that the City will probably not use either of those words and it would
2 be something like ‘permitted’ instead.

3
4 Commissioner Sorensen suggested that staff utilize more visuals at the public hearing to help
5 people really understand this.

6
7 **AGENDA ITEM 7. Adjournment.**

8
9 There being no further business on the agenda, the meeting was adjourned by general consent at
10 8:00 p.m.

11
12 Respectfully submitted,
13 Kayla Atkins Rokosz
14 *TimeSaver Off Site Secretarial, Inc.*

15



ENERGY AND ENVIRONMENT COMMITTEE

Meeting Minutes

Thursday, July 26, 2022

5:00 – 6:30 PM

1. Roll Call

Committee attendees included: Polly Andersen, Dr. Edmund Chute, Lauren Lindelof, KC Chermak, and Amy Steiner.

Wayzata city staff member: Nick Kieser, Parks Planner

Councilmember: Councilmember, Jeff Buchanan

2. Approve Agenda

Motion to approve agenda as shown, first by Chermak and seconded by Steiner. Motion passed 5-0.

3. Approve April 26, 2022 Minutes

Motion to approve draft minutes as shown, first by Andersen and seconded by Lindelof. Motion passed 5-0.

4. Municipal Solar Update

Staff, Councilmember Buchanan, and Chair Andersen gave an update on the July 19 Council workshop discussion. In response to the workshop discussion, Blue Horizon will work on updating the financial models to have them more detailed and staff will work on the different options for a direct purchase model. The proposal is planned to go to the August 16 City Council meeting for a final vote. The Committee is recommended to join the Council meeting and one Committee meeting member could give a presentation to the Council to give the Committee's perspective.

For the next Council meeting, the Committee discussed bringing forward the sustainability benefits of solar and put a lot of focus on that topic. Also bring up the 2040 Comp Plan survey results to show sustainability is an important topic for Wayzata. Committee members will meet before the Council meeting to go over any talking points that should be brought up.

5. Update Residential Strategy

The Home Energy Squad visits are now at the 50% buydown for residents that want to complete a home energy squad visit. Staff showed the Center for Energy and Environment Intercity Challenge that shows

the number of visits in 2022 and the per capita visits in Wayzata. Wayzata is doing well in the per capita visits, but there is a low number in the total number of visits. The Committee discussed completing a more significant push for promoting the buydown in the fall.

6. Update on Business Energy Savings Campaign

The Committee discussed the business audits that were completed and the next steps for the businesses. The Committee can make window clings that can be put in the windows of the businesses that complete a project that was associated with the audit. The Committee will continue to engage the business community to review the audits and complete the projects. Energy Smart could send out a reminder or the audit again to the businesses to see if they will complete any projects.

7. Update on Municipal Strategy

Staff gave an update on the EV fleet study. The study will be completed in August and a report will most likely go to the Council at a September meeting.

The second update is that the LED lighting funds was preliminarily approved for 2023 to change over the City Hall and Public Works lights to LED.

8. Faith Organization Strategy

Chair Anderson stated that she will reach out to St. Barts to start the outreach to the faith communities. The Committee will continue to look into specific contacts for the faith organizations. Another major organization that would be a good partner would be the Wayzata Community Church. The Committee will determine if there is a good contact with the Church community.

9. Fall Energy Workshop

Thursday, October 6 at 5:00pm. Staff and the Committee will reach out to Blue Horizon to see if they would want to speak at the workshop. Deirdre Coleman from Center for Energy and Environment will be at the meeting as well to give information about specific Xcel programs and the 50% Home Energy Squad buydowns.

10. Multi-Family Organics Discussion

Staff stated that there are grant funds from Hennepin County for multi-family outreach and education.

The Committee noted that there is not a big push for a central organics location for multi-family. One idea is to target the larger multi-family buildings to create the most significant positive changes. Staff will need to do some research on how the current organics and recycling works in multi-family buildings. Staff will also put together a list of more clear options that we can use the grant funding for.

11. Solar Ordinance District

Staff and Councilmember Buchanan gave an update on the proposed solar ordinance and the discussion of the ordinance with the Zoning Task Force. The discussion with the Task Force was around aesthetics, height, etc. and the vote was 5 to 3 to pass the ordinance along to the Planning Commission.

The Committee discussed that the ordinance is wrong for the City of Wayzata and holds back progress in sustainability. The list below notes the proposed changes that the Committee would like to see in the solar ordinance:

- Allow solar on Lake Street via Conditional Use Permit (CUP)
- Allow ground-mounted solar via CUP
- Allow rooftop solar in the mixed-family, central business district, and other commercial districts
- Allow solar on accessory structures
- Allow solar on building integrated systems
- Remove the parapet wall requirements due to cost and to encourage solar
- Limit the number of CUP due to costs and application time
- Regulate solar shingles in a separate provision

The Energy Action Plan calls out for more solar in the City and this ordinance will inhibit that growth.

Motion to approve the proposed list of changes to the draft solar ordinance to go to the Planning Commission. First by Chermak and seconded by Steiner. Motion passed 5-0.

12. Xcel Energy Community Dashboard

The Committee noted that the following agenda items can be discussed at the next Committee meeting to allow more discussion and time for review.

13. Recycling Building Materials

14. Sustainability Policy

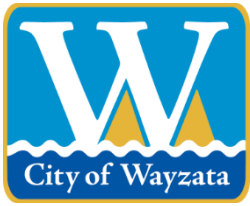
Staff noted briefly that a Sustainability Policy is going to be created for the R-5 Zoning District to allow for density bonuses.

15. Additional Updates on Energy Action Plan

16. Next Meeting – August 23, 2022

17. Adjournment

Meeting adjourned at 6:40 pm.



**City of Wayzata
Planning Commission
Agenda Report**

MEETING DATE: January 4, 2023	AGENDA ITEM: 7.a
TITLE: Welcome new Commissioner Adam Elg	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE:	

BACKGROUND:

Adam Elg was appointed to the Planning Commission by the City Council in December 2022. His term began on January 1, 2023. Commissioner Elg will be asked to introduce himself at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 7.b
TITLE: Election of Officers	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

Every calendar year, in accordance with Commission bylaws, an election of officers is held. Commissioners are asked to make nominations for the Chair and Vice Chair positions. Descriptions of each position are attached.

Nominations Received as of December 29, 2022:

Chair: Larissa Stockton (Vice Chair in 2022)

Vice Chair: Ken Sorensen

At the meeting, staff will ask for any other nominations. Any Commissioner may then make a motion to elect a Chair and Vice Chair. Staff will be available for any questions.

ACTION REQUESTED:

Staff recommends that a Commissioner may make a motion to elect a Chair and Vice Chair for the 2022 calendar year.

ATTACHMENTS:

1. Wayzata Planning Commission Elected Leadership Position Descriptions



Wayzata Planning Commission
Descriptions of Elected Leadership Positions
2022 Election Scheduled for January 4, 2022

Chair

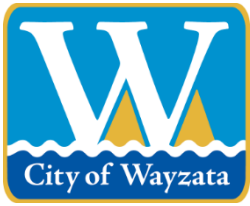
Position Duties:

- **Lead Meetings.** Though still a commissioner, the primary role of the Chair at meetings is to lead the commission through the agenda, following rules of procedure, allowing everyone to speak, facilitating discussion, maintaining decorum, and ensuring the commission fulfills its role and makes decisions.
- **Follow and Maintain Rules of Order.** Meetings should generally follow Robert's Rules. This includes:
 - Opening and closing the meeting
 - Adopting and following the agenda
 - Introducing each agenda item and leading discussion
 - Observe rules of public hearings
 - Leading Commission through action on items
 - Consulting City Attorney on procedural and legal questions
- **Rely on Staff for Information on Application, Procedure, Legal Issues**
 - If there are any anticipated issues or questions with an agenda item, check in with the Community Development Director or the planner who drafted the staff report ahead of the meeting
 - Though the public and applicant may provide helpful information, check with staff and confirm facts, ask questions, etc.
 - Encourage Commissioners to send questions to staff ahead of the meeting so that the most thorough answers can be prepared
- **Model and Manage Decorum**
 - Allowing all Commissioners, applicants, and members of the public to speak and finish their thoughts while still being mindful of the general time limits
 - Facilitate participation by all members and discourage interruptions, arguments, and rude or counterproductive behavior
- **Focus Discussion on Applicable Facts and Rules**
 - Assist the Commission in focusing on the land use requests being made in its discussion and decision, and matters reasonably related to those requests.
 - Bring the commission back to the subject at hand when the commission, applicants, public stray from the topic.
 - Be sure the commission discusses the applicable rules and standards for the application that are outlined in the staff report. These are generally provisions of the Zoning Ordinance (inc. Design Standards), Subdivision Ordinance, and/or Comp Plan excerpts.
- **Serve as Liaison or Manage Liaisons to the Heritage Preservation Board (HPB)**
 - The Planning Commission Liaison to the HPB attends the four scheduled meetings of HPB in the calendar year. If the Chair is unable to attend, the Chair may appointment one or several Commissioners to attend and report back to the Commission at a regular meeting.

Vice Chair

Position Duties:

- **Serve as Chair in Chair's Absence.** If the Chair is unable to attend a meeting, the Vice Chair will fill the role of Chair before and during the meeting. Please refer to the position description for the Chair for details.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 4, 2023	AGENDA ITEM: 7.c
TITLE: Review of Development Activities	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

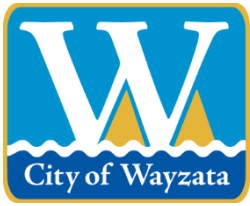
A verbal update will be provided at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



**City of Wayzata
Planning Commission
Agenda Report**

MEETING DATE: January 4, 2023	AGENDA ITEM: 7.d
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

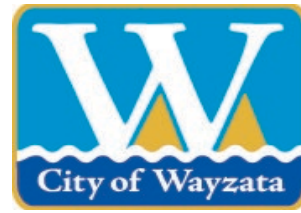
The next Planning Commission meeting is on Monday, January 23, 2023. The 2023 City Meeting Calendar and Liaison Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2023 Wayzata City Calendar
2. 2023 Planning Commission Liaison Schedule



January 2023						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2023						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2023						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June 2023						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 2023						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2023						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed
City Offices Closed

Precinct Caucuses - Feb 1, 2023

Revised
9/13/2022

2023 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 10	Peggy Douglas
Tuesday	January 24	Adam Elg
Tuesday	February 7	Laura Merriam
Tuesday	February 21	Bonnie Schwalbe
Tuesday	March 7	Jennifer Severson
Tuesday	March 21	Ken Sorensen
Tuesday	April 4	Larissa Stockton
Tuesday	April 18	Peggy Douglas
Tuesday	May 2	Adam Elg
Tuesday	May 16	Laura Merriam
Tuesday	June 6	Bonnie Schwalbe
Tuesday	June 20	Jennifer Severson
N/A	No meeting July 4th week	
Tuesday	July 18	Ken Sorensen
Tuesday	August 8	Larissa Stockton
Tuesday	August 22	Peggy Douglas
Tuesday	September 5	Adam Elg
Tuesday	September 19	Laura Merriam
Tuesday	October 13	Bonnie Schwalbe
Tuesday	October 17	Jennifer Severson
Tuesday	November 7	Ken Sorensen
Tuesday	November 21	Larissa Stockton
Tuesday	December 5	Peggy Douglas
Tuesday	December 19	Adam Elg