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2 **AGENDA ITEM 5. Public Hearing Items**
3

4 **a) Consider Development Application for Rezoning, CUPs for Parking and First**
5 **Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design**
6 **Review at 200 Lake Street East**
7

8 Community Development Director Goellner stated that the property owner of 200 Lake Street
9 East, Lake West Development, LLC, has submitted a development application for a Rezoning,
10 CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP,
11 and Design Review at 200 Lake Street East. She reviewed the zoning map, the Comprehensive
12 Land Use map, and existing conditions for the property, and gave a summary of the application.
13

14 Planning Consultant Zweber gave an overview of the proposed site plan details, renderings,
15 elevations, density, open space, the refurbishment of east Mini-Park, west green space, building
16 height, mezzanines, parking, loading/deliveries, design deviations, massing breaks, tree
17 preservation, and comments from the City Engineer. He reviewed the various requests submitted
18 with the application and what questions the Commission should consider as part of their review.
19 He summarized the public review process, gave an overview of the concerns raised by the public,
20 and noted that there were 23 people who attended the neighborhood meeting.
21

22 At the conclusion of Planning Consultant Zweber's presentation, Chair Stockton asked if the
23 Commission had any questions for Staff.
24

25 Commissioner Merriam asked about the open space calculations, and asked if 30% of the
26 development is to be open space in perpetuity.
27

28 Planning Consultant Zweber confirmed that this was correct.
29

30 Commissioner Merriam stated that the presentation showed the open space at grade, and noted that
31 it appears as though some of those spaces are duplicated on the upper level.
32

33 Planning Consultant Zweber stated that was correct, and explained that it is possible that a person
34 could be standing on the lower level space and the upper level space at the same time.
35

36 Commissioner Merriam asked how staff had done the calculation, and whether they added all the
37 open spaces together and then divided it by the size of the land.
38

39 Planning Consultant Zweber stated that for residences, 500 sq. ft. per residence is needed which
40 would equate to 15,000 sq. ft., and noted that they are providing about 24,000 sq. ft. He clarified
41 that they take the amount of open space and divide it by the number of units.
42

43 Commissioner Merriam stated that the way this was calculated did not make sense to her because
44 it is on different levels.
45

1 Planning Consultant Zweber explained that when they are looking at the space, they look at all the
2 spaces available whether it is on the ground or an upper level.

3
4 Commissioner Schwalbe asked what the actual percentage would be of open space.

5
6 Planning Consultant Zweber stated that as referenced on page 60 of the packet, the 45,516 sq. ft.
7 equates to about 45-46%. He stated that including the balconies it is 50,539 sq. ft. which is 51.07%
8 of the site.

9
10 Commissioner Merriam asked about the retail parking chart from the presentation.

11
12 Planning Consultant Zweber explained that the chart represents the use of the code for these
13 specific proposed uses and gave an overview of the information.

14
15 Commissioner Merriam asked if they converted everything to retail whether they would still have
16 enough parking.

17
18 Planning Consultant Zweber stated that if they converted all the office to retail, they would be
19 short by 9 spaces, but if they converted some of the office to retail, the joint parking would generate
20 142 or less. If any of the office was converted to restaurants it would require them to increase the
21 parking five-fold.

22
23 Commissioner Merriam asked if there was any change that would depend on the type of retail, and
24 she gave the example of a small fitness facility.

25
26 Planning Consultant Zweber stated that was not allowed in the joint parking facilities provision,
27 but there is language about lists of uses that are predominantly day or predominantly evening. He
28 explained that there are different parking standards for things like a salon versus fitness or retail.

29
30 Commissioner Schwalbe asked if her understanding was correct that if approved, the residents of
31 this building would not have designated parking spots.

32
33 Planning Consultant Zweber stated that was correct, and explained that the parking analysis they
34 did through a consultant when this code was adopted showed that about 60% of the peak residential
35 demand occurs during the day.

36
37 Chair Stockton asked if the building owner could restrict the parking to only for businesses in the
38 building.

39
40 Planning Consultant Zweber explained that the code requires the landlord to describe or show how
41 they accommodate the parking demand for these uses during the weekdays, and explained that
42 things like signage or certain limitations would need to be a condition of approval. He noted that
43 because this is a CUP, it is possible to put in conditions that would prohibit others that are not
44 using this building from using that parking area.

45

1 Commissioner Schwalbe stated that this is a long underground parking area that runs under the
2 entire building, and asked if it would be possible that residents would not be able to park anywhere
3 near their own unit.

4
5 Planning Consultant Zweber stated that was a plausible scenario and to make this joint facility
6 work, a resident cannot have a reserved stall.

7
8 Commissioner Schwalbe confirmed with Planning Consultant Zweber that there is no surface
9 parking.

10
11 Commissioner Sorensen asked if Planning Consultant Zweber felt that people parking here and
12 walking across the street would be able to be controlled by signage.

13
14 Planning Consultant Zweber noted that there is a door that encloses this parking structure but there
15 will be other vehicles like garbage trucks, Amazon deliveries, or tenants that come to the offices.
16 He noted that this is controlled but did not think they could have everyone have a special key fob
17 in order to access the parking area.

18
19 Commissioner Sorensen asked if a coffee shop would be considered a restaurant in terms of
20 parking requirements.

21
22 Planning Consultant Zweber confirmed that a coffee shop was considered a restaurant in that
23 scenario.

24
25 Commissioner Sorensen asked how the City could eventually incorporate some type of coffee shop
26 or restaurant retail space in the proposed building.

27
28 Planning Consultant Zweber stated that there is probably a way to do a mix of office and retail
29 with the requested CUP and number of parking stalls. To incorporate a restaurant, it appears as
30 though they would need to come in and request an amendment to this CUP and show how they
31 could meet the parking requirements. He noted that he believed the public parking lot across the
32 street was accounted for through other fee in lieu of parking arrangements (FILOPs).

33
34 Community Development Director Goellner confirmed that at this point they have pretty much
35 reached the limit for the public parking lot behind Ventana. She stated that another option in this
36 scenario would be for the applicant to eventually apply for a variance from the City's parking
37 requirement for coffee shops or restaurants, but a practical difficulty would need to be shown.

38
39 Commissioner Sorensen asked to see a rendering of lower level of Core A1, and asked about
40 situations where there is loading and unloading and how that would work with large trucks.

41
42 Planning Consultant Zweber stated that trucks will have to back-in during one of the two directions
43 on Lake Street. He noted that Amazon type deliveries would come into the parking structure and
44 circle back around to exit facing forward.

45

1 Commissioner Schwalbe stated that this is proposed about another 40,000 sq. ft. of commercial
2 space and asked how much sq. ft. of commercial space is currently vacant in downtown Wayzata,
3 including places like the Promenade.
4

5 Community Development Director Goellner stated that there are a few individual vacancies along
6 Lake Street, including 201 Lake Street and the former Caribou Coffee. She noted that the
7 Promenade area has a vacancy that is hovering around 40%. She noted that the Promenade
8 vacancy has a single space that is 25,000 sq. ft. which is the majority of the vacancy, and explained
9 that the others are more internal to the site and range from 1,000 to 7,000 sq. ft. She stated that,
10 in general, she would say the space on Lake Street has been mostly leased.
11

12 Commissioner Schwalbe asked if, from the City's point of view, the City was looking for more
13 commercial space in downtown.
14

15 Community Development Director explained that the Comprehensive Plan is looking for
16 commercial space on the ground floor in the Central Business District. She stated that she believed
17 it was a resilient choice for the City to have multiple smaller spaces available to multiple tenants
18 so they can come and go as the market changes. She explained that she knows that both office and
19 commercial users are looking for a Lake Street address, so that would be helpful in this proposal.
20

21 Chair Stockton stated that she believed that there was a current dispute between Anthropologie
22 and the landlord related to rent, and questioned whether that was a situation that spoke to the
23 outlook for retail.
24

25 Community Development Director Goellner stated that she could not speak to that specific
26 situation and explained that it was a dispute between two private parties. She stated that
27 Anthropologie is the anchor tenant in that location and an important piece of the Promenade's
28 visibility.
29

30 Commissioner Douglas stated that the presentation mentioned the average grade plane, and asked
31 if Core A1 with the dome conformed to the height standard.
32

33 Planning Consultant Zweber stated that for that example they would meet the height standard, as
34 it is measured to half of the peak of the dome.
35

36 Commissioner Douglas asked who would follow up on the suggestions presented by the Three
37 Rivers Park District (TRPD).
38

39 Planning Consultant Zweber explained that if this moved forward, staff would include the TRPD
40 comments in the development agreement and then review them when they come in for a building
41 permit.
42

43 Commissioner Douglas asked about the ramp entrance and how it would line up with the current
44 east parking lot entrance.
45

1 Planning Consultant Zweber referenced page 105 of the packet and explained that it comes in at
2 about the property line of Ventana and Wayzata Boulevard.

3
4 Commissioner Douglas asked about the open space and noted that it appears that the driveway is
5 coming through the park.

6
7 Planning Consultant Zweber stated that the area between the drive and the building wall meets the
8 definition of open space. He stated that the planned sitting areas are all located east of the drive
9 access.

10
11 Commissioner Merriam asked about the parking garage entrance in comparison to the buildings
12 across the street.

13
14 Planning Consultant Zweber stated that page 105 shows the property lines on the north side of
15 Lake Street.

16
17 Commissioner Sorensen asked about the elevation of the water table.

18
19 Planning Consultant Zweber stated that he would have to check those details. He explained that
20 what in the previous application for the site they had mechanical parking structures in the
21 underground parking that lowered cars. He stated that it was the lowering of the cars that interfered
22 with the water table.

23
24 Commissioner Sorensen asked about impervious surface, and stated that the lot coverage implies
25 that it is less than 75% and the impervious surface calculation is around 84.5% which is over 75%,
26 and asked if that could be mitigated in some way.

27
28 Planning Consultant Zweber stated that there are multiple standards, and one is the shore impact
29 plan that requires them to show how they address the stormwater. He stated that the City Engineer
30 did review this information and found it was a sufficient stormwater system for the proposed
31 84.5%. Planning Consultant Zweber noted that is just one of the standards and that this is still
32 within the view of Lake Minnetonka, and addressing the appearance of the building is the third
33 standard. He reiterated that addressing the stormwater impacts is just one of three standards that
34 need to be met.

35
36 Commissioner Sorensen stated that the referenced landlord controlled open space he believed
37 applied to the plaza areas, and asked how the Commission should think about 'landlord controlled
38 open space'.

39
40 Planning Consultant Zweber stated that within the Shoreland PUD/CUP that can be addressed
41 through the development agreement. He stated that it may be best to ask the applicant for more
42 specifics that address that question.

43
44 Commissioner Severson asked about the conditional use permit for multi-family residential on the
45 ground level, and whether other buildings across Lake Street that have that use.

46

1 Planning Consultant Zweber explained that the Wayzata Blu, Ventana, and Meyer Place properties
2 are all zoned PUD. He explained that the requirement that staff is talking about is that in the C-
3 4A District, ground level multi-family is a conditional use.

4
5 Commissioner Severson stated that this is currently a PUD, and asked if they were to redevelop
6 would they be able to use the same PUD or if they would have to come back for a new PUD.

7
8 Planning Consultant Zweber explained that the current PUD was very specific for the office and
9 bank use. He stated that they are proposing to demolish the existing building, which means that
10 they would not be able to use the existing PUD for new development.

11
12 There being no further questions for staff from the Commission, Chair Stockton invited the
13 applicant to address the Commission.

14
15 Kelsey Thompson, Lake West Development, 14525 Highway 7, Minnetonka, gave an overview of
16 their most recent iteration of plan for this parcel. She stated that their plan is conforming and
17 compliant, and noted that she feels it will be able to bring life to the property and make it feel more
18 walkable and pedestrian friendly. She stated that she feels it also ties in nicely with the Panoway
19 project. She introduced David Nims, from Hobbs and Black, the applicant's architect for the
20 project.

21
22 David Nims, Hobbs and Black Architects, Ann Arbor, Michigan, gave an overview of the City's
23 guiding principles and the 2040 Vision for the City. He reviewed points on environmental
24 sustainability, walkability and pedestrian friendliness, connectedness, vibrant City spaces, housing
25 diversity, ease of access to plaza spaces, open space comparisons, and massing breaks. He played
26 a brief video that gave an overview of the proposed plans and outlined the views of the lake.

27
28 Rob Hull, JMAD Design, Minneapolis, additional applicant architect for the project, explained
29 that they were brought into the project and tasked with creating a building that has a lot of charm
30 and would fit into the fabric of the City. He noted that he felt a big part of achieving that task was
31 the rotunda element that invites people towards the building and to progress down the street. He
32 stated that another element that they brought was the variations in the building façade which has
33 accented entries that really welcome people into the building. He explained that a key focus of
34 their design was to be neighborhood friendly, pedestrian friendly, and create walkable spaces. He
35 noted that they also included balcony spaces in order to bring people inside the building to the
36 outside. He reviewed the massing break locations and explained that they were open to the public
37 and provide 180 degree views of the lake at the ends of the plaza areas and would all be fully
38 accessible spaces. He showed a rendering of what the building will look like from the water and
39 assured the Commission that they had not just focused on the Lake Street side of the building.

40
41 Commissioner Douglas stated that in the neighborhood meeting they addressed one of her concerns
42 with the last application regarding the dark side of the street in the winter. She asked if it was true
43 that they were planning to have heated sidewalks as they mentioned in the meeting.

44
45 Mr. Nims stated that they have explored heated sidewalks and a snow melt system, but they have
46 not designed for them yet because they have not taken the project to that level of engineering. He

1 stated that he believed that there would have to be some sort of unique development agreement in
2 order to allow piping from the building to run out beyond the property line and into the public
3 right-of-way under the sidewalks. He stated that he believed that Lake West was open to furthering
4 discussions on this topic if the City finds that desirable.

5
6 Commissioner Douglas stated that it is very nice near the Promenade for people to be able to walk
7 all winter long and not have to worry about icy sidewalks. She expressed appreciation for the
8 changes that have been made to the architecture, and noted that she believes it is a huge
9 improvement from what was previously presented. She asked about the relationship to the railroad
10 in the development.

11
12 Sam Diehl, Attorney for the applicant, stated that he believes the development has been designed
13 with some of the physical features of the railroad in mind, but they have their own entitlements.

14
15 Commissioner Douglas stated that construction equipment takes up a lot of room, and they are not
16 allowed onto the railroad right-of-way.

17
18 Mr. Diehl stated that was also his understanding and explained that he thinks that can all be
19 accounted for given the separation between the railroad right-of-way and the property lines.

20
21 Commissioner Douglas asked what would happen if this was approved by the City and then they
22 found out there would be issues with the railroad.

23
24 Mr. Diehl stated that if there were issues, they would address them, but noted that he does not
25 anticipate that there will be issues.

26
27 Commissioner Douglas asked if there would be pilings for the construction.

28
29 Mr. Nims stated that when they go to begin construction, they will engage a construction manager
30 who will come up with several solutions on how it will be best to go about constructing the edge
31 that fronts along the railroad right-of-way. He stated that one of those solutions could be pilings,
32 and noted that he expects that there will be many conversations with the railroad in order to
33 determine what they want.

34
35 Commissioner Sorensen asked if they had already had discussions with the railroad about this
36 project.

37
38 Mr. Diehl explained that it is difficult to get in touch with the railroad, but they have reached out
39 to them and will ensure that they will not create problems with the railroad.

40
41 Chair Stockton stated that there has been a lot of time spent talking about parking and trucks. She
42 asked the developer to share more about the intent of how move-ins, move-outs, and furniture
43 deliveries would be handled, as well as possible interference with Lake Street.

44
45 Mr. Nims stated that they can work on developing an actual plan that goes within the development
46 agreement itself. He stated that it will really just be about scheduling, and ensuring that the larger

1 vehicles that may need to back in or out would not be coming at peak times which would have to
2 coordinated with the tenants. He stated that he assumed that there would be a property manager
3 that would be scheduling this on behalf of the tenants.
4

5 Mr. Diehl noted that there are two loading areas, but only one is required. He explained that the
6 additional loading area was added in anticipation of ensuring that there is room for Amazon
7 deliveries and turnaround space.
8

9 Chair Stockton asked if this space would also be used for daily mail delivery.
10

11 Mr. Nims noted that it could be, but clarified that they had not yet talked about daily mail delivery.
12

13 Commissioner Elg asked about signage for the businesses and offices.
14

15 Mr. Hull stated that they accounted for signage over the entrances to the various business entries.
16 He stated that the businesses would be denoted with a covered awning, and explained that the plan
17 would be to incorporate signage into the awnings.
18

19 Commissioner Schwalbe gave examples of coffee shops or retail shops and asked how receptive
20 people will find that use if they have to go into underground parking in order to get there. She
21 agreed that the City needed a coffee shop but explained that she has a hard time picturing someone
22 going down in the parking area beneath the building to get a cup of coffee on their way to work.
23 She stated that she was a bit concerned that there are no plans for outside surface parking.
24

25 Mr. Nims stated that they took their cues on the parking from the guidance within the
26 Comprehensive Plan about locating it behind or under the building and out of the way. He stated
27 that they also tried to keep as much open and active spaces for people to use at the grade and
28 sidewalk level.
29

30 Commissioner Schwalbe asked if the developer saw any issues with the types of companies that
31 may want to be located in these buildings based on the parking.
32

33 Mr. Nims stated that they believe the parking will provide a benefit when there is inclement
34 weather during the winter months. He stated that from other projects they are working on in dense
35 downtown areas, some that are also near a railroad track, the underground parking is much sought
36 after. He noted that he had not personally seen any issues with it in other developments.
37

38 Jim McNeil, JMAD Architects, explained that St. Louis Park has a great example of a project with
39 underground parking which is a very successful establishment.
40

41 Mr. Diehl noted that there is on-street parking in the area.
42

43 Commissioner Schwalbe stated that there is a fair amount of public open space which she likes,
44 and asked if there would be public restrooms available.
45

1 Mr. Nims stated that they do not currently have public restrooms in their plans, but it could be
2 considered and included in a development agreement.

3
4 Mr. Diehl noted that some of the tenant uses, such as restaurants, may have public restroom
5 facilities also.

6
7 Commissioner Merriam stated that within the packet it mentioned office service and the parking
8 studies were done in accordance with those plans. However, now they are talking about retail and
9 restaurant which may be desirable, but noted that if she looks at the parking plan, she did not think
10 it was possible.

11
12 Mr. Diehl stated that the City's parking standards will apply regardless of the approval. He stated
13 that there are a number of different ways to solve problems as they come up and get additional
14 information through another parking or traffic study. He explained that the project would have to
15 comply with the code and cannot bundle up a number of uses that are not sufficient parking to
16 support.

17
18 Commissioner Merriam asked what 'landlord controlled open space' meant.

19
20 Mr. Diehl explained that it was not for a particular tenant, and the landlord would be responsible
21 for upkeep and it would be accessible and open to the public.

22
23 Commissioner Merriam asked if they would be open to the public in perpetuity.

24
25 Mr. Diehl stated that was his understanding, and noted that the main areas he was talking about
26 were the plazas. He explained that some of these areas may be used by the tenants, but they would
27 be designed to interact with the public coming up the sidewalk.

28
29 Commissioner Merriam asked if he ever saw a scenario where those areas would be closed off to
30 the public.

31
32 Mr. Diehl stated that he did not see a time when these areas would be closed off to the public.

33
34 Chair Stockton asked if there was a possibility to extend the parking garage on the west end beyond
35 and underneath the garden plantings.

36
37 Mr. Nims stated that he believes that would add to their impervious surface area and does not think
38 they can have structure underneath the ground. He noted that they were also getting close to their
39 limitations for the robust stormwater management system.

40
41 Commissioner Severson asked what type of commercial development would be going into these
42 buildings.

43
44 Mr. Nims stated that right now they are envisioning professional and service offices, but explained
45 that all of the uses still need to be explored and fleshed out and they work on the general plan for
46 the mass and scale of this project.

1
2 Commissioner Severson asked if there were already entities that were interested in the building.

3
4 Curt Fretham, with applicant Lake West Development, stated that they have had a number of
5 inquiries including medical, financial institutions, and a lot of restaurants. He explained that they
6 had turned the restaurants away because of the parking situation. He stated that they are primarily
7 seeing it as an office type use that will have really great lake views.

8
9 Commissioner Merriam referenced the landscape plans that also show the footprint of the building
10 as well as the existing building. She stated that it looks like the existing building is probably about
11 the same size as 1.5 of the cores.

12
13 Mr. Nims stated that he felt that was generally correct and believes it was somewhere in the realm
14 of 250-260 feet long.

15
16 Commissioner Merriam asked about the proposed setbacks and explained that she was thinking
17 about the pedestrian experience.

18
19 Mr. Nims stated that the setbacks wander and vary based on the site. He stated that they have
20 incorporated building recesses in addition to the massing breaks according to the City's guidelines
21 in order to combat the point Commissioner Merriam was trying to make about walking nearby.
22 He stated that there are ways all along that people can sort of meander up and around the building
23 which he feels will curb the feeling of walking next to a wall.

24
25 Commissioner Merriam stated that she would applaud the architecture because it looks really nice.
26 She stated that the loading zone is on the very east end of the parking garage and shared the
27 concerns expressed with semi-trucks having to back on or off Lake Street.

28
29 Mr. Nims stated that it is a pretty shallow pitch on the incline/decline of less than 5%, which means
30 it is a walkable slope without handrail restrictions. He stated that they could take a look at making
31 the door wider so there was less of a maneuver necessary.

32
33 Commissioner Merriam asked if they had given any additional thought to putting in an additional
34 entrance to the parking garage.

35
36 Mr. Nims explained that in previous proposals they looked at multiple entries from both sides but
37 that really diminishes the ability to have the cores and the use, and made it difficult to meet the
38 minimum density standards for the residential units. He stated that the topography on the west is
39 very severe so the ramps would have to become very steep.

40
41 Commissioner Merriam noted that the thought was that could help eliminate the need to have a
42 truck back up onto Lake Street.

43
44 Chair Stockton asked if there may be a way to guarantee that backing up onto Lake Street does not
45 happen with perhaps having a turnabout area within the structure, or a way to create a permeable
46 and not often used backup area into where they currently have a garden on the east side.

1
2 Mr. Nims stated that he could see that being a very good possibility, but they would need to take
3 a look at the topography that exists as it comes up to the railroad track.

4
5 Mr. Diehl indicated that they do not expect there to be a significant amount of truck traffic on the
6 site, and explained that they expect the more common use to be Amazon deliveries.

7
8 Commissioner Severson asked for a description of the parking experience that someone would
9 have if they came to this site if she lives there.

10
11 Mr. Nims explained that there is a core that runs from the garage level into each individual core
12 which can be fobbed for security. He stated that the elevators can also be fobbed for security so
13 nobody that is not supposed to have access to the second floor will be able to do that. He stated
14 that they have not yet developed the project to that depth, but reiterated that they should be able to
15 secure the various areas via key fobs.

16
17 Commissioner Severson asked what the experience would be for a visitor.

18
19 Mr. Nims stated that they had not created the sequencing for the security measures, but noted that
20 the guidelines direct them to obscure the parking and access as much as possible which is what is
21 driving the element of having a door there.

22
23 Commissioner Severson asked if each individual core of the building would be mixed use.

24
25 Mr. Nims stated that there is only 1 building, but explained that cores 5 and 6 have mixes on the
26 same level, but the rest of the cores are divided vertically from first level to second level.

27
28 Commissioner Sorensen asked if he heard correctly that the garage would not be heated.

29
30 Mr. Nims stated that they have not discussed supplying heat into that space, but noted that if that
31 was a goal for the owner, they can certainly have that be conditioned. He noted that they will have
32 mechanical systems to remove the exhaust, but noted that they had not yet developed those plan
33 details.

34
35 Commissioner Sorensen stated that the site slopes from one end to the other about 12 or 13 feet
36 and their approach is to keep the parking level flat from east to west. He asked if they had
37 considered sloping the parking level.

38
39 Mr. Nims stated that they are staying above the ordinary high water level (OHWL) by several feet
40 which is recommended. He stated that the elevations of the building are really determined by the
41 sidewalk grades so the parking may not have a ton of impact on that.

42
43 There being no further questions from the Commission for the applicant, Chair Stockton recessed
44 the meeting at 8:30 p.m. for a brief break, and reconvened the meeting at 8:37. She noted that staff
45 had asked to make some points of clarification before moving into the Public Hearing.

46

1 Community Development Director Goellner noted that staff wanted to comment on the loading
2 area and the easement on the property.

3
4 Planning Consultant Zweber stated that there was a statement made about loading, and explained
5 that he wanted to clarify what was required. He stated that there are two different proposed uses,
6 and each use requires a loading area. He explained that the code only requires that half of the
7 loading areas be 50 feet deep. He stated that there is currently a mini park easement located on
8 the eastern portion of the property, and that essentially abuts the east curb line of the access point.
9 He stated that the discussion about creating some sort of turnaround in this area would not be
10 compliant with the mini park easement.

11
12 There being no questions from the Commission for the applicant or staff, Chair Stockton opened
13 the public hearing on the application at 8:41 pm.

14
15 Kendra Lindahl, Landform Professional Services, 105 South Fifth Avenue, Suite 513,
16 Minneapolis, stated that she had submitted a letter earlier in the day on behalf of her clients who
17 are in opposition to this proposal because it fails to meet the standards in the Comprehensive Plan,
18 the ordinances, and the City's design guidelines. She stated that she feels they have made some
19 progress in terms of architecture, with this 5th attempt, but there are still so many questions that
20 have been raised at previous meetings that have not been addressed. She stated that she feels the
21 attitude of the applicant seems to indicate that they hadn't thought about or had enough time to
22 think about those questions. She stated that this proposal has more buildings than the last iteration
23 because they can pretend that it is just one building, but to the average person on the street it is 6
24 buildings. She stated that from a neighbor perspective, this is a taller building and the top of the
25 roof line is taller than the top of the roof line on the previous building. She noted that she
26 understands that legally it complies but noted that from a public perspective, it will still be a taller
27 building. She stated that there was language used in the application of February 10, 2023 that they
28 have unilaterally terminated the PUD and noted that is not something that a landowner can do.
29 She stated that a number of concerns outlined in her letter were also raised by the Commission.
30 She stated that this proposal has a number of issues that fall short of the City's vision and standards
31 and at its core just does not fit on this site. She stated that there are some good aspects to this
32 project, but it feels like it is death by a thousand cuts. She explained that they were asking the
33 Commission to recommend denial of this request.

34
35 Bill Gleist, 215 Barry Avenue S, stated that he thinks this project looks pretty good. He stated that
36 he was impressed with the depth of questions from the Commission. He explained that he is in
37 favor of this and believes it is a good project for this location.

38
39 Daniel Anderson, 3540 Montgomery Avenue, Deephaven, stated that he has seen this concept a
40 few times. He stated that he is a little miffed when people come up and say something like 'death
41 by a thousand cuts' because there is not one building in the community that has been designed
42 exactly to City guidelines. He stated that as a design concept architect, he travels a lot and what
43 he sees with this design with the separation of buildings are things you do not see in this
44 community. He stated that he thinks the architecture speaks for itself, and the pedestrian
45 'alleyways' create a desire to want to be in those spaces. He stated that what was built to the east
46 is beautiful, but feels there is a reason that they are at 40% vacancy and that is because you cannot

1 see the business spaces. He stated that he feels this proposal is for something that is visible and
2 will draw people. He stated that the City needs to find a way to draw and spread out the pedestrians
3 to encompass the whole downtown area. He reiterated that he really feels this pedestrian level will
4 draw people down and get them beyond the Boatworks facility. He explained that he felt the
5 proposed design was amazing and noted that he loved the different heights and peaks.
6

7 Chris Plantan, 196 Lakeview Lane, commended the developer for looking at the architecture and
8 coming back with something that has a bit of variation, but explained that as a homeowner in the
9 neighborhood, she was very concerned about the parking. She noted that she did not think it could
10 be overcome with the plan that they currently have. She stated that she does not think it is a
11 hardship of the site, but rather a hardship of the project. She stated that she lives in the area and
12 also is a tenant in the area for her business, and parking is terribly difficult in both areas. She
13 stated that she does not think the parking will work with the plan that has been presented, and will
14 spill into the residential areas which will make it less charming and less residential. She stated
15 that she felt great improvements had been made, but would like to see more done on the parking.
16

17 Darrin Rosha, Rosha Legal Group, explained that he was here representing Bruce Lee, owner of
18 Wayzata Bay Car Wash at 143 Lake Street East. He noted that he wanted to identify a few key
19 points coming from the perspective of a business owner. He stated that there is lost revenue from
20 the lost business over the last years from the lack of development that should be considered. He
21 explained that this development will bring more people to that end of downtown and would be
22 beneficial to all of the businesses along this corridor. He stated that the businesses on this end of
23 Lake Street rely on the work of the Council and Planning Commission to find opportunities exactly
24 like this in seeking opportunities to improve the quality of life in the City. He noted that the
25 community has had to move forward and find ways to make things work. He stated that from Mr.
26 Lee's perspective, this is a very good proposal. He stated that while he was reviewing this matter,
27 his business partner, who is also his wife, told him how attractive it was and felt the eastern rotunda
28 was a landmark in and of itself. He stated that he feels this proposal is attractive, well lit, would
29 improve safety, and would be a substantial step forward for the City. He stated that they are
30 hopeful that there will be advancement in the development in the near future.
31

32 Ken Willcox, 178 Westwood Lane, commended the Planning Commission for digging into these
33 types of projects for the City. He stated that he was pleased to see some of the changes in
34 architecture that have been proposed, and explained that he felt it was friendly and charming. He
35 stated that at the neighborhood meeting, one of the points he made to the developer was that they
36 have a problem because they are building out an open space and the citizens are used to having
37 that open space. He stated that the only reason the City has the authority to do anything with
38 ordinances is because the State gives them the power to do in order to protect the health, safety,
39 and welfare of the City. He stated that any deliberations that are done have to be anchored in those
40 things. He noted that the underlying zoning is not always the most favorable for a property, and
41 referenced the old Locust Hills project that had underlying zoning for 1 acre lots with swimming
42 pools. He stated that through a PUD, they were able to cluster the homes and save a lot of the
43 public open space, including the woods. He stated that in this case, going back to the underlying
44 zoning opens up all kinds of flexibility that allows them to cover that entire open space with a
45 building. He stated that he thinks that a PUD is the way to go, and suggested that they pull 1 or 2
46 of their buildings/cores out in order to preserve more open space. He stated that anytime you have

1 this many issues, whether it is parking, deliveries, how office/retail is handled, it suggests that
2 there is too much going on in this property. He stated that he believes there is too much going on
3 and that the developer should go back to the drawing board and try another PUD. He noted that he
4 thinks they are learning what the City wants and expects, and believes that they will be able to get
5 there but leave some open space. He noted that he was also worried about the proximity of the
6 railroad. He stated that he felt the railroad constituted a safety concern for the City, and did not
7 believe that the obliteration of open space was good for the welfare of the citizens.

8
9 Director Goellner stated there were no people that called into the meeting that have asked to speak
10 at the public hearing.

11
12 There being no one else wishing to comment on the application, Chair Stockton closed the public
13 hearing at 8:59 pm.

14
15 Chair Stockton asked the Commission to share their questions and feedback on the application.

16
17 Commissioner Schwalbe asked staff about the change in zoning, and asked what difference or
18 advantages there would be going from a PUD to C-4A zoning district.

19
20 Community Development Director Goellner stated that her understanding was that the applicant
21 was interested in a route that did not include a PUD concept plan and general plan, so they have
22 requested to rezone the property to C-4A. She noted that she cannot speak to the applicant's
23 specific reasons. She noted that, in general, the City sees rezoning requests for a number of
24 different reasons, and they need to look at all the different required findings in order to support a
25 rezoning. She noted that it is important for the Commission to understand that PUDs have different
26 criteria for approval, that are not the same list of questions that staff are highlighting for C-4A.
27 She explained that this applicant, at this stage, is not interested in the PUD route, and would like
28 the property to be rezoned to C-4A.

29
30 Chair Stockton asked if the Commission had any thoughts on the finding questions staff asked
31 them to consider with this rezoning request.

32
33 Commissioner Schwalbe explained that her biggest concern was the third question on the list about
34 whether the rezoning conforms with all the performance standards such as parking, loading, and
35 noise. She stated that this is a beautiful building that she assumes will have expensive places to
36 live, and she believes that each unit deserves to have two parking spots. She stated that she thinks
37 that they need to find a way for there to be more parking. She noted that she liked what Mr.
38 Willcox suggested about having one less core building because that would allow there to be more
39 available parking, especially if they end up with something like a restaurant in the area. She
40 reiterated that the parking is an issue for her.

41
42 Commissioner Sorensen stated that this is a hugely significant project for the City with a lot that
43 is almost a quarter-mile long, and deserves a fair and diligent analysis. He stated that for the
44 rezoning request, his initial thoughts were that it was C-4A prior to the PUD for the existing
45 building. He stated that he does like some of the criteria that is associated with C-4A, so his initial
46 thoughts are that conceptually it makes sense. He stated that in looking at the criteria applicable

1 to the rezoning request, if the Commission looks at some of the other requests and rationale for
2 how they think about those, they may fall in the criteria of the rezoning request as well. So, the
3 commission may want to talk those points over prior to making a decision on the overall
4 application.

5
6 Commissioner Douglas stated that she agreed with Commissioner Sorensen on that particular
7 point. She explained that her main concern was also the third item of the rezoning criteria related
8 to conforming to performance standards. She stated that when she first saw this proposal she
9 thought C-4A would be great because that zoning supports what the City has been trying to achieve
10 in that area of the City for a long time. However, she stated that she thinks the future use of the
11 building will be limited because of the parking issue. She stated that she loves the new
12 architectural design and the walkability, but she feels it all comes back to the parking and loading.
13

14 Chair Stockton stated that she initially reacted the same way to the idea of C-4A, but she also has
15 concerns about parking and would agree that there appears to be a correlation with the number of
16 blocks and how that impacts parking. She stated that she would echo the concerns that have been
17 raised about parking because if parking doesn't work for the existing building, then they will really
18 be in a pinch if they ever want to change any of the operations or functions of the retail. She noted
19 that she had not thought about the needs for guest parking for the residents.
20

21 Commissioner Merriam stated that for the rezoning request, she looks at it a bit differently ,and
22 feels it would be dangerous to rezone the property to C-4A without having a project that the City
23 is in favor of. She stated that she agrees that the performance standards are a key issue, and that
24 there is not enough parking and it will not create a good situation for the residents who live there.
25 She stated that she likes the architecture, feels it is beautiful, and would bring vibrancy to that end
26 of town, but it is very long with repeating elements. She explained that she was feeling a bit
27 conflicted, and noted that if they could just reduce the amount of building there, it would reduce
28 the parking needs which would solve a lot of issues. She noted that she would not recommend
29 rezoning from PUD to C-4A unless a few of these changes came along so it was tweaked to fit the
30 area better.
31

32 Chair Stockton asked what she meant by 'reduce the building'.
33

34 Commissioner Merriam explained that she meant if they took away one or two cores from the
35 building plans.
36

37 Commissioner Severson stated that in terms of aesthetics, she felt the proposal was beautiful and
38 commended the developers for putting something together that really fits into the community.
39 She referenced the rotunda, the charm of the dormers, and the lightness of the materials, but noted
40 that she would echo some of the concerns that have been brought up already. She noted that she
41 would agree that zoning of C-4A probably makes sense for this property, but perhaps not under
42 this project. She stated that if they had proposed a compliant C-4A project she would feel more
43 comfortable moving ahead, but with so many things that need to be permitted and approved outside
44 of the standards, she struggles with that request. She specifically expressed concerns with the
45 parking, and would agree with statements made by other Commissioners that if they are paying
46 this much money for this unit, she would like to have her own dedicated parking spot. She also

1 noted that she is concerned about safety, and that the parking facility would be open to anyone and
2 any time. She stated she thinks there needs to be a bit more thought put into the residents and their
3 safety, how people will get into the buildings, and how they will use the parking garage. She stated
4 that there are a lot of core buildings on the property, and would echo the same concern that it is
5 highly dense. She stated that she agrees with the comment made earlier that the residents have
6 gotten used to a very open space in this location, whether that is right or not.

7
8 Commissioner Elg stated that he agrees with everything that has already been said, and also feels
9 this is a very attractive development. He stated that he is less concerned about the density than
10 many of the other Commissioners. He stated that the massing breaks, to him, seem sufficient and
11 the views are very nice. He noted that the vacant space on the property is not particularly attractive
12 as it is right now, so this would be a nice replacement for that. He stated that he cannot speak to a
13 hypothetical situation and what buyers may or may not want, but he is concerned about parking
14 and believes it may impact the sale or leasing of the spaces. He stated that parking is his major
15 concern because it is not very flexible and does not provide for future growth and salability.

16
17 Chair Stockton expressed additional concerns related to different parking scenarios and the
18 flexibility to incorporate retail and/or restaurant use in the future, which she thinks is a problem.
19 She stated that this is a beautiful proposed building, but it appears as though the Commission is
20 struggling with the idea of rezoning the property.

21
22 Commissioner Sorensen stated that he thinks it would be appropriate to acknowledge a lot of the
23 positive things that the developer has done since its initial application for the property. He stated
24 that it is clear that there has been a lot of communications with the City staff. He stated that he
25 agrees with all the positive comments that have been made regarding the architecture. He stated
26 that he appreciated the residential feel and the overall tone and character of the proposal. He stated
27 that he liked the concept of all the parking below grade, and that they met the density requirements.
28 He stated that he feels the rotunda in the corner was an exceptionally good idea that softens the
29 whole corner and could become a very well-known piece of architecture in the City. He stated
30 that there is a whole lot about this proposal that is very positive. He stated that he would agree
31 that the parking situation is an issue. He stated that he also feels like there needs to be a better
32 solution that backing up trucks onto Lake Street, even if it doesn't happen very often.

33
34 Commissioner Douglas suggested that the Commission continue discussion on other items because
35 she thinks they may be easier to deal with and then the Commission can come back to this point.

36
37 Chair Stockton suggested the discussion move onto CUP for joint use of a parking facility, and
38 noted that their comments had already covered this item pretty comprehensively. She moved the
39 discussion onto the request for a CUP for multi-family residential on the ground level.

40
41 Commissioner Douglas shared that her only concern on that item was whether they would be
42 sellable. She asked if someone would want to buy a unit on the back that faces the railroad. She
43 stated that she understands it is up to the developer whether they want to do that, but that is her
44 only question on this item.

45

1 Commissioner Elg stated that was also his only question, and noted that he sees no reason not to
2 allow ground floor residential if the developer thinks it is viable and that they can be sold.

3
4 Commissioner Severson stated that she thinks they may be more private than the ground floor
5 residential that is across the street on Lake Street, so she also does not have a problem with it.

6
7 Commissioner Sorensen stated that he also did not have a problem with this request. He noted that
8 he also had questions about the marketability of these, but believes that is a private sector issue.

9
10 Chair Stockton stated that she thinks it is nice to have ground floor residential, and noted that it
11 feels accessible from the street. She stated that she thinks the residential aspect of their proposal
12 is appropriate and private. She moved the discussion onto the Shoreland residential PUD/CUP
13 request.

14
15 Commissioner Douglas explained that the only question she had out of this whole section was
16 regarding the negative effect on the health, safety, and welfare of residents. She stated that Mr.
17 Willcox addressed this with the thought of there perhaps being too many cores, but noted that she
18 would not deny it just based on that concern.

19
20 Chair Stockton stated that the thought about too many cores also came up with the parking issue.

21
22 Commissioner Elg noted that he has no issues with the Shoreland residential PUD/CUP request.

23
24 Chair Stockton moved the discussion onto the Shoreland Impact Plan CUP for impervious surfaces
25 over 75%.

26
27 Commissioner Merriam stated that they are required to take care of the stormwater run-off.

28
29 Commissioner Sorensen stated that it appears as though they have met the requirements for the
30 Shoreland Impact Plan CUP for impervious surfaces over 75%.

31
32 Chair Stockton moved the discussion onto significant massing break design standard deviation.
33 She noted that she believes that the developer paid a lot of attention to this detail and thinks it is
34 an improvement to actually have a view of the lake and be able to bring pedestrians to that level.
35 She noted that she had served on the Design Standards Committee and appreciated the massing
36 breaks and setbacks and detail within the design.

37
38 Commissioner Merriam stated that as long as they keep the plaza areas open to the public, she
39 thinks that would answer the questions raised around this issue.

40
41 Chair Stockton agreed that the City would need assurance that it would be publicly accessible.
42 She stated that she liked that they had thought through putting in an elevator for access. She noted
43 that she walks by this property every day and can easily envision enjoying the lake views.

44

1 Commissioner Sorensen stated that he was comfortable with this deviation but noted that they may
2 want to pay more attention to the middle third and put in more massing breaks or to the lake views
3 in that area.

4
5 Chair Stockton moved the discussion on to the parking structure deviation.

6
7 Commissioner Merriam stated that she was not sure she understood this item.

8
9 Planning Consultant Zweber explained that there were two parts to this deviation request. He
10 stated that under the design standards, there needs to be a commercial use 30 feet in depth along
11 the sidewalk and at the ground the parking structure needs to be 40 feet from the Lake Street right-
12 of-way. He reviewed the renderings that show the entrance to the garage. He explained that every
13 other core, along with the west third of this core, has commercial use on the ground level. He stated
14 that there is no ground level when they look at this façade because it is a two-story parking structure
15 with 12 feet of commercial space in front of it.

16
17 Chair Stockton stated that she believes part of that is because the land kind of curves so there is
18 less depth to the lot in this location.

19
20 Planning Consultant Zweber stated that is one of the issues, but also raises the question of whether
21 there is too much here because all of the other 5 cores comply.

22
23 Chair Stockton stated that having the parking being 40 feet from Lake Street is highly improbable.

24
25 Planning Consultant Zweber stated that there are two standards with 30 feet of commercial uses in
26 front of the parking structure and the parking structure needs to be 40 feet from Lake Street so
27 both factors need to be considered. He stated that they may determine that 40 feet from Lake
28 Street is a undue burden in this situation but then what happens with the activity on the sidewalk
29 on Lake Street that is lacking that 30 feet of depth of commercial use.

30
31 Commissioner Sorensen stated that it lacks the 30 foot depth but there are entrances in the
32 commercial spaces at street level all the way down through that core.

33
34 Planning Consultant Zweber explained that a design standard deviation is different than a variance.
35 He stated that this deviation request is for 12 feet 11 inches rather than 30 feet.

36
37 Commissioner Sorensen stated that he did not know how they could get around this other than to
38 have the loading dock go deeper underneath.

39
40 Planning Consultant Zweber noted that there could also be less intensity on the site and explained
41 that this only exists in the eastern 2/3 of core A1. He reviewed the setbacks from the property
42 line, as proposed. He reiterated that at this point, there is no 'ground level' because it is a two-
43 story parking structure.

44
45 Commissioner Elg asked staff to answer questions 2 and 3 for the deviation request.

46

1 Planning Consultant Zweber asked if he was asking for staff's opinion on those questions.

2
3 Commissioner Elg stated that he feels they are both either 'yes' or 'no' questions.

4
5 Planning Consultant Zweber stated that it is not 80% retail on the ground floor, but by granting
6 this deviation the question becomes whether they are providing greater conformity with the other
7 standards. He reviewed the additional questions regarding alleviating undue burden on the
8 property and whether this deviation would have a positive effect on the area.

9
10 City Attorney Schelzel stated that for design standard deviation considerations, the Commission
11 should be thinking about it a balancing test, and explained that the applicant does not have to meet
12 every one of these criteria. He explained that the Commission should look at the negative effect
13 of a deviation and determine if it is outweighed by one or more of the positive factors listed in the
14 standards. He noted that the Commission can take a look at how serious the deviation is, what
15 kind of negative effects there are, if any, from the deviation, and if those negatives are outweighed
16 by the positives.

17
18 Commissioner Douglas stated that she was glad to hear this explanation from City Attorney
19 Schelzel because she thinks this is the most attractive building of the 6 cores.

20
21 Chair Stockton stated that she also feels the same way, and feels this particular core is unique and
22 adds something different to the whole look of the building and also does everything the building
23 design said it was meant to do, such as bring you in. She noted that she believes keeping the cars
24 underground is ideal.

25
26 Commissioner Merriam asked about the staff report question that asked if the ground floor façade
27 occupied by at least 80% retail, and asked if staff had included office in the retail calculation.

28
29 Planning Consultant Zweber stated that staff has discussed this and thinks that this is inconsistent
30 with the City's other language about usage in downtown. He stated that this should probably read
31 like C-4A, so it would be retail or service commercial. Service commercial is currently not
32 included. He stated that granting this deviation would resolve that and would allow it to be service
33 commercial instead of retail. He reiterated that this item of the design standards was inconsistent
34 with the other downtown language for C-4A.

35
36 Commissioner Merriam stated that she has concerns about the parking structure overall and semi-
37 trucks getting in there. She stated that the parking structure is a huge part of this project, and it
38 has to work in order for this project to work.

39
40 Chair Stockton agreed that it was interrelated, and noted that she thinks if the Commission felt
41 better about the parking, in general, the deviation probably would not be a problem.

42
43 Commissioner Merriam stated that she thinks they do need to solve the parking issue.

44
45 Chair Stockton clarified that she felt the Commission was saying that they did not mind the
46 deviation, but there was concern about the parking itself.

1
2 Community Development Director Goellner suggested that the Commission return to their
3 discussion on the rezoning request.

4
5 Chair Stockton noted that the Commission had mentioned several concerns with the rezoning
6 request. She noted that she is happy with the height, look, and style of the proposed building. She
7 asked for guidance from staff on how they could craft a motion where they felt somethings, as
8 proposed, are good and others were not.

9
10 Community Development Director Goellner stated that she should recognize that without approval
11 of rezoning and the CUP for joint use of parking, it would not allow the developer to move forward
12 with the project.

13
14 City Attorney Schelzel stated that he would agree, but because the Commission advises the
15 Council on a decision on the entire application, he thinks that the report and recommendation can
16 reflect a lot of the positive things that have been shared among the Commission, even if the
17 ultimate recommendation is to deny the application because they failed to meeting things like
18 parking. He stated that he believes that the Commission could direct staff to prepare a report that
19 would be nuanced in this regard.

20
21 Commissioner Merriam stated that beside the fact that this does not provide adequate parking for
22 scope of the project, she also feels like there are too many buildings from an aesthetic point of
23 view. She stated that for the pedestrian experience, it would be nice to have more open spaces in
24 addition to the proposed plaza. She explained that the existing building is about 1.5 size of these
25 cores and now to have 6 of those all along this stretch will make it feel like a canyon. She reiterated
26 the earlier suggestion of removing 1 or 2 of the cores and clarified that it is more than must the
27 parking situation.

28
29 Commissioner Sorensen noted that one way to deal with the parking issue would be with quantity
30 of the building structure. He stated that if they kept the parking the same, but reduced the structure,
31 there would be more capacity for parking.

32
33 There being no further discussion, Chair Stockton asked for a motion on the application.

34
35 Commissioner Stockton made a motion, seconded by Commissioner Schwalbe, to direct staff to
36 prepare a draft Planning Commission Report and Recommendation with appropriate findings
37 reflecting a recommendation of denial for rezoning the property from PUD to C-4A, based on
38 criteria 2, 3, and 4; and CUP for joint use of a parking facility, based on criteria 1 and 2; for
39 review and adoption at the next Planning Commission meeting; and findings of approval for all of
40 the other requests with a recommended condition on the massing break deviation request that all
41 the plaza spaces remain open to the public with elevator access provided, where applicable.

42
43 Community Development Director Goellner completed a roll call vote on the motion. The motion
44 carried unanimously.

45
46 **AGENDA ITEM 6. Other Items:**

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a) Review of Development Activities

b) Planning Commission Meeting Schedules

Community Development Director Goellner noted that the next meeting will be May 15, 2023. She noted that there will not be a meeting on July 3, 2023.

AGENDA ITEM 7. Adjournment.

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

Commissioner Severson made a motion, seconded by Commissioner Stockton to adjourn the Planning Commission meeting.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

The Planning Commission meeting was adjourned at 10:00 p.m.

Respectfully submitted,
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.