Wayzata Planning Commission

Meeting Agenda

Monday, December 18, 2017

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

7:00 p.m. **1. Call to Order & Roll Call**

2. Approval of Agenda

3. Consent Agenda

a. Approval of November 20, 2017 Planning Commission Minutes

b. Adoption of Report and Recommendation of Approval of front and side yard setback variances for detached garage at 126 Circle A Dr S

4. Old Business Items

a. None

5. Public Hearing Items

a. Continued public hearing and Consideration of Report and Recommendation of Approval of setback variances for a building addition at 908 Shady La E

6. Other Items:

a. Consider Approval of Resolution regarding modification to the redevelopment plan for the Central Area Redevelopment District (CARD) and a Tax Increment Financing (TIF) Plan for TIF District No. 6

b. Review of development activities

c. Next meeting is January 9, 2018

7. Adjournment

NOTES: [1] Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

WAYZATA PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 20, 2017

<u>AGENDA ITEM 1.</u> Call to Order and Roll Call

Chair Iverson called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Flannigan, Iverson, Murray, and Buchanan. Absent and Excused: Young and Gonzalez. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

<u>AGENDA ITEM 2.</u> Approval of Agenda

Commissioner Buchanan made a motion, Seconded by Commissioner Flannigan, to approve the November 20, 2017 meeting agenda as presented. The motion carried unanimously.

<u>AGENDA ITEM 3.</u> Consent Agenda

- **a.) Approval of September 18, 2017 Planning Commission Minutes**
- **b.) Approval of October 30, 2017 Planning Commission Minutes**
- **c.) Adoption of Report and Recommendation of Denial of PUD Amendment for Walgreens at 1055 Wayzata Blvd E**
- **d.) Adoption of Report and Recommendation of Approval of Preliminary and Final Plan Subdivision for Harrington Gates at 309 and 341 Ramsey Road**
- e.) **Adoption of Report and Recommendation of Approval of Rezoning and PUD Concept Plan and Denial of Variance and Shoreland Impact Plan/Conditional Use Permit for 253 Condominiums at 253 Lake St E**

Chair Iverson read the items on the Consent Agenda and asked if Commissioners wished to remove any items for further discussion. There being no such requests, Chair Iverson asked for a motion to approve the Consent Agenda as presented.

Commissioner Buchanan made a motion, Seconded by Commissioner Flannigan, to approve the Consent Agenda as presented. The motion carried unanimously.

<u>AGENDA ITEM 4.</u> Old Business Items:

- **a.) None.**

<u>AGENDA ITEM 5.</u> Public Hearing Items:

a.) Whittington Garage – 126 Circle A Dr S

i. Variances

Director of Planning and Building Thomson stated the property owners, Michael and Julie Whittington, have submitted a development application to construct a garage on the property at 126 Circle A Drive S. The applicant is proposing to tear down the existing detached garage and construct a new detached garage in the same general location. The development application requests approval of a front yard and side yard setback variances for the garage. After reviewing the plans submitted, City staff requested additional information from the applicant. Mr. Thomson noted that the applicant is still working on providing the additional information requested. Staff recommends the Planning Commission open the public hearing on the application, allow public comment, and continue the public hearing until the December 4, 2017 Planning Commission meeting.

Chair Iverson opened the public hearing at 7:10 p.m.

There being no one wishing to address the Planning Commission on the Application, Chair Iverson asked for a motion to continue the public hearing until the next meeting of the Planning Commission.

Commissioner Buchanan made a motion, Seconded by Commission Murray, to continue the public hearing and consideration on the application for Whittington Garage at 126 Circle A Drive S to the next Planning Commission meeting. The motion carried unanimously.

b.) Indian Mound Guest/Carriage House – 392 Ferndale Rd S

i. Conditional Use Permit

Director of Planning and Building Thomson stated the applicant, TEA2 Architects, and the property owner, Indian Mound, LLC, have submitted a development application to construct a guest house on the property at 392 Ferndale Rd S. As part of the submitted development application, the applicant is requesting approval of a Conditional Use Permit. Within the R-1A zoning district, a guest, carriage, or caretaker's house is a conditional use. In August, 2013, the City Council approved multiple items associated with development of the subject property. The 2013 approvals included: 1) preliminary and final plat to combine two lots into one lot, 2) conditional use permits for the building height of the principle structure, and 3) a conditional use permit for a guest/carriage house. Due to the location of the previous house on the lot, which was not removed until after the new house was completed, the approved guest/carriage house has not been constructed. City Code Section 801.04.6.A states that unless the City Council specifically approves a different time, a conditional use permit shall become null and void 12-months after the date of approval, unless the property owner or applicant has substantially started the construction of any building requested as part of the conditional use permit. Mr. Thomson noted that the current proposed site plan is generally the same as the previous conditional use permit approved by the City, but the guest house design has changed. The proposed guest/carriage house meets all zoning requirements, including R-1A setbacks, height, lot coverage, and impervious surface coverage, and all shoreland district requirements. Because the current application is generally the same as the development that had been previously approved, staff has included with the packet materials a draft Planning Commission Report and Recommendation for approval, with findings based on the previous approval.

Chair Iverson opened the public hearing at 7:16 p.m.

There being no one wishing to address the Planning Commission on the Application, Chair Iverson closed the public hearing at 7:17 p.m.

Commissioner Flannigan stated the previously approved building worked more with the architecture that currently exists on the property than the new proposed building. He asked for clarification on what is meant by the building materials, color and structure design must be compatible with the existing building. He would like to know what is driving this change.

Applicant's representative, Mr. Charlie Witzke, TEA2 Architects, 2724 W 43rd Street, stated the new carriage house is using the same stone and windows as the existing structure. They will not be using the stucco and there are no gables on the carriage house. The intent is to have the carriage house maintain a low profile. The Applicant wanted something that would not mimic the existing house but still utilize the same materials and palette.

There being no further questions or discussion, Chair Iverson asked for a motion on the Application.

Commissioner Flannigan made a motion, Seconded by Commissioner Murray, to adopt the draft Planning Commission Report and Recommendation as presented, recommending approval of the Conditional Use Permit for a carriage house at 392 Ferndale Road S, subject to the conditions outlined in the Report. The motion carried unanimously.

c.) Schmidt Guest/Carriage House – 372 Ferndale Rd S

i. Conditional Use Permit

Director of Planning and Building Thomson stated the applicant, Denali Homes, and the property owners, Perry and Anne Schmidt, have submitted a development application to add guest quarters to the detached garage that is currently under construction at 372 Ferndale Rd S. The applicant is proposing to construct the guest quarters within the upper level of the detached garage. As part of the submitted development application, the applicant is requesting approval of a Conditional Use Permit within the R-1A zoning district for a guest, carriage, or caretaker's house. In September, the City issued a building permit for construction of a detached garage on the property. The proposed detached garage meets all zoning requirements, including R-1A setbacks, height, and impervious surface coverage, and all shoreland district requirements. The plans approved with the building permit include a two-stall garage on the first floor and unfinished storage area on the second floor. The applicant has submitted a development application to finish the second floor of the detached garage as a guest/caretakers quarters, which would require a CUP. The second floor quarters would be accessed by an internal staircase from the first floor.

Applicant's representative, Mr. David Bieker, Denali Homes, 18352 Minnetonka Blvd, stated the carriage house is designed to match the existing home in building materials, colors, and design.

Chair Iverson opened the public hearing at 7:25 p.m.

The being no one wishing to address the Planning Commission on the Application, Chair Iverson closed the public hearing at 7:26 p.m.

There being no further questions or discussion, Chair Iverson asked for a motion on the Application.

Commissioner Murray made a motion, Seconded by Commissioner Flannigan, to adopt the draft Planning Commission Report and Recommendation as presented, recommending approval of the Conditional Use Permit for a carriage house at 372 Ferndale Road S, subject to the conditions outlined in the Report. The motion carried unanimously.

d.) Verizon Wireless – 1000 Superior Blvd

i. Conditional Use Permit

Director of Planning and Building Thomson stated the applicant, Verizon Wireless, has submitted a development application for a conditional use permit at 1000 Superior Blvd. The proposed CUP is to allow a new telecommunications facility for cellular antennas and associated equipment including the installation of a proposed shelter at grade and rooftop construction as follows: 1) antenna concealment, 2) antenna mounts, 3) antennas, and 4) antenna equipment. The proposed CUP would include the routing of cables, electrical service, and fiber service from their origins along the south side of Wayzata Blvd to their respected locations to improve communications service in the area. The Applicant is proposing to construct a new 6-foot by 6-foot equipment enclosure at grade on the south side of the building, and to construct 2 rooftop antenna concealments that are 10-feet in height. The proposed CUP would not include any changes to the design, size, or footprint of the existing building, beyond the addition of cable routing covers affixed to the exterior. Mr. Thomson noted that City Ordinance Section 801.31.4.A requires that Telecommunications Facilities not located on a Telecommunications Tower allowed under Section 801.31.4.B(1) obtain a Conditional Use Permit for the Telecommunications Facility and comply with the other relevant provisions of the City's Telecommunications Ordinance. The property is zoned C-1 and building is located within 300 feet of Wayzata Blvd E. Antennas would be constructed behind a screening wall and penthouse addition to match the existing building exterior. The proposed antennas height would be 10-feet above the roof deck of the building. The proposed antennas do not project out from the side of the building. The ground building would be located inside of the trash/dumpster area.

Commissioner Flannigan noted that the ground enclosure would still be visible because the fencing and walls surrounding the dumpsters were not tall enough to hide the proposed enclosure. He asked if this would meet the Ordinance's requirement of being screened.

Mr. Thomson stated that the Ordinance stated the structure must be screened. It does not specify the entire facility must be screened.

Commissioner Murray asked if the enclosure would have to be locked.

Mr. Thomson clarified the dumpster enclosure would not have to be locked, but he thought the carrier would lock the cabinet that housed the equipment.

Chair Iverson asked how close the nearest resident would be.

Mr. Thomson stated there is an apartment building to the south and west of the proposed location, and the closest single-family home would be located on Huntington within 100-feet of the property and 200-feet to the building on the property.

Applicant's representative, Ms. Amy Dresch, Jacobs Telecommunications, 10331 Balsam Lane, Eden Prairie, provided background on the previous Verizon facility that had been located at the Anchor Bank site. She said they had tried to work with Walgreens when the Anchor Bank property was redeveloped but had been unable to work it out. She noted that currently Verizon has a gap in coverage in the middle of the City's commercial district. They have looked at other developments and properties to locate the proposed equipment but due to regulations and restrictions, these sites would not meet their needs. She stated they could provide additional screening around the dumpsters. She said that Verizon will also be relocating to the City's new telecommunications tower, and this facility that is the subject of the Application would be in addition to that. She stated one of the areas that Verizon has a coverage gap is in the new development area. This has presented safety concerns because people were not able to use their devices in this area and many people no longer have landlines to reach emergency assistance.

Commissioner Buchanan asked what other options were available for the stealth design of the project.

Ms. Dresch stated in order to surround the panels and not block the radio frequency, they must use special materials. They are proposing to emboss this material to match the existing building so that it will not be noticeable. They could remove the window look and make it solid if the City preferred that.

Chair Iverson asked if it would be possible to located the equipment on the side of the building rather than the top.

Ms. Dresch stated this particular building has windows all the way around the building and antennas mounted on the side of the building would block some of these windows and the area has several trees, and they need to be above these in order to meet the coverage needs.

Chair Iverson asked if the applicant had talked with Colonial Square about possibility locating there. She would like to see if there are options that are not close to residential areas.

Mr. Dresch stated the only way to make the shopping center facility work would be to build a tower. They did not talk with the shopping center directly because of this.

Commissioner Flannigan asked how the equipment and structure would be accessed.

Ms. Dresch stated they would utilize the existing parking lot and driveway. The enclosure would be located behind the gate, and it would also be locked and have an alarm. They would have a technician visit the site about three times a month to check the equipment, and they have an agreement with the property owner that maintenance would be done during regular business hours unless there is an emergency. The access to the rooftop equipment is through the building. They would only need to bring in large trucks to access the rooftop if one of the antennas were to go bad. The antennas would be approximately 4 feet taller than the HVAC on the top of the building.

Chair Iverson asked if it would make sense to move the antennas more forward on the building away from the residential areas.

Mr. Thomson stated the ground equipment must be in the back of the property but not the antennas.

Chair Iverson opened the public hearing at 7:58 p.m.

Ms. Virginia Lord, 143 Huntington Ave S, stated she had wanted to live in Wayzata because it is a safe community and now doubts this. The second level of her home is eye level with the rooftop of the building where the antennas are proposed, and they would be too close to a tower that may present a health risk. She explained the precautionary principle that the introduction of a new product or process whose ultimate effects are disputed or unknown, should be resisted and not allowed. The principle implies that there is a social responsibility to protect the public from exposure to harm when an activity raises threats of harm to the environment or human health. Precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. She said, therefore, that the Wayzata Planning Commission has the obligation to protect the citizens from this type of potential harm caused by the proposed cellular towers, which are three doors down from her house. As a realtor, she noted she often sees potential homebuyers looking for homes that are not by cellular towers or high voltage wires. If the City allows the Verizon antennas then the homes nearby would be included in a category of homes that many buyers would not want. She asked the Commission to allow the precautionary principle to guide their decision.

Mr. Peter Fischer, 141 Huntington Avenue S, asked about the noise level, and if there would be a generator included with the ground equipment.

Ms. Brenda Kaufman, 131 Huntington Avenue, stated she is opposed to the cell phone towers. The neighborhood does not need any additional eyesores or noise encroaching. The Edina Realty building towers over her home, and there are lights on in the building all the time. The building has been an invasion of privacy, and she has had two windows removed from her home to maintain some privacy. The lights from the parking ramp in the building are so bright that it does not get dark in her home. She can see the area where the ground equipment would be, and it would not be screened from her view. She is concerned about the truck traffic. She currently has to deal with the garbage truck that comes on the property between 3 and 3:30 a.m. She stated the equipment had been located at the Anchor Bank facility prior to their being homes in that area. Allowing these towers to be built on the Edina Realty property would devalue her property. She asked if the towers could be built closer to the areas that are experiencing the coverage problems. If the problem is in the commercial areas, then it should be kept out of the residential areas. She expressed concerns about health, and the effects a cell tower would have on her body.

Mr. Gordy Straka, 130 Huntington Avenue S, provided background on the property at 1000 Superior, including the land use items that had been approved by the City, and highlighted the items that the developer and property owner did not follow through with and the current Ordinances that the property does not meet. He does not support granting a CUP to a property that has already been granted several variances and would open the door to further problems. Installing these towers would be industrial encroachment to the neighborhood. He would like to see the CUP denied.

Ms. Diane Straka, 130 Huntington Avenue S, stated the parking lot is always full, and that there had been an agreement with the gas station to use some of their parking. The gas station has closed this off, and now these cars are parking other places in the area. She stated this was something the City should consider when allowing businesses to share parking.

Ms. Kaufman stated she has Verizon as a cell carrier, and she does not have problems with her service.

There being no one else wishing to address the Planning Commission on the Application, Chair Iverson closed the public hearing at 7:25 p.m.

Chair Iverson noted that a couple of letters on the Application had been received by the City, and read them for the record:

> Mr. Bill Berneking, 188 South Circle Drive S wrote:
> "Dear Planning Commission Members, I agreed with my neighbors. The City should not allow cell phone antennas on the 1000 Superior Blvd Building."

> Mr. Dan Gustafson, 1042 E Circle Dr wrote:
> "Elisha and I wanted to echo the concerns of our neighbors regarding the proposed new cell phone tower at 1000 Superior Blvd. These kinds of installations can have a significant impact on a residential neighborhood and onsite equipment needs and access seems to grow over time. At the same time, clearly more cell phone coverage is necessary in downtown Wayzata, both now and in the future. What is the expected time frame for the micro site technology deployment from major carriers and what equipment will be necessary now and in the future for said micro sites? Can a macro or micro installation occur on top of the Folkestone building instead? Wasn't another cell tower approved on top of the Copeland Buhl building and could this site be located at this location? Can any limits be imposed on the number and time of service visits, volume of equipment, etc on this location? Please exercise caution and utilize your best judgment in your decision making process on this agenda item. It would be highly undesirable to repeat the Water Tower site circumstances."

Chair Iverson stated the number of trucks at the water tower telecommunications location was extensive. She expressed concerns that the amount of maintenance stated by the applicant is not what occurs in reality.

Commissioner Flannigan stated that it is clear it was an unfortunate situation when the building was built on the property. The building is now a determent to the residents in this neighborhood. He asked if the Commission could build in restrictions to this particular application that would address some of the current concerns with the property, specifically associated with landscaping and times that lights are on.

Mr. Thomson stated that as part of a Conditional Use Permit, there could be conditions imposed for the application, which would include those items related to the telecommunications operation. Any violation of the conditions set in a CUP would allow the City to review the CUP and if there are continued violations the City could revoke the CUP. The property owner is a co-applicant and the City could include items for the operations requirements from the City's ordinances for the property owner to comply with as a condition of approval. The challenge would be if the City were to add additional operational requirements for the office building that are not in the City's ordinances.

City Attorney Schelzel added that any conditions to approval of the CUP requested should be reasonable and related to the CUP application.

Commissioner Flannigan stated he would not support this application based on his earlier comments.

Commissioner Murray stated the current CUP application does not have to do with the garbage trucks, the landscaping, the lighting, or any other problems the neighborhood has expressed with the office building. Without considering these items, he would be inclined to support the project but because there are other problems with this facility, he would not want to support and reward the co-applicant for being a bad neighbor.

Commissioner Buchanan stated the application before the Commission is for cell phone antennas for Verizon, but what was heard during the public hearing was complaints about the building and the property owner being a bad neighbor, and being disruptive and not honoring their original commitments. These things are hard to separate from the application. He stated he does not have a problem with the cell towers themselves, but it is difficult to ignore the concerns and objections from the neighborhood.

Chair Iverson agreed that this might not be the best location for a telecommunications facility due to the proximity to the neighborhood and the potential impact to their property values. She would like to see other locations explored, including the Presbyterian Homes area.

Commissioner Murray stated he struggles with the comments citing health concerns because the City's telecommunications tower is located near a playground, and they are suggesting looking at locating these towers in other high density areas. He stated the Commission could not deny the application based on the current occupants being bad neighbors. They could deny the application based on the design or the location is not the best.

Commissioner Buchanan stated they do not know the health risks of the cell towers, and the application is separate from the problem of being bad neighbors.

City Attorney Schelzel stated the Commission should look at the application presented, and the criteria for granting or denying a Telecommunications CUP. If there are other property compliance issues the City needs to look at with the property owner, the Commission can direct staff to look into these issues and bring back more information. He added that would advise against citing health concerns as a basis for denial.

Chair Iverson stated that based on the applicable criteria, the proposed towers do not meet the stealth design requirement because they are large and imposing. She would like to see something more unique. The application also does not meet the security and fencing requirements. The accessory equipment does not blend into the environment well.

Commissioner Flannigan stated the proposed use would impact the property values of the surrounding properties including the residential area.

Commissioner Buchanan stated the application itself meets the criteria. He does not like the rooftop design, and the screening could be improved. An improvement for the rooftop design could be asked for. He stated that the Commission is confusing the neighbors' complaints with the building, with the application before the Commission. The problems with the building should be addressed separately.

Commissioner Flannigan stated it is intrusive on the neighborhood, and this is the extra thing that would be imposed on the neighborhood. The proximity to the residential area would have an affect on the property values and the neighborhood. There are better solutions, and he would encourage the applicant to look for one.

Commission Murray asked if the towers would be less intrusive if they were pushed to the front of the building and the screening were improved.

Ms. Dresch stated there is no generator for this site, and the only noise would be from a small AC unit and there are no lights as part of the application. They would work with the City to meet the screening requirements for the neighborhood.

Applicant's representative, Mr. Jarrod Andrews, Jabobs Engineering, 7300 Metro Blvd #400, Minneapolis, stated there were new questions and concerns that have been brought up at the public hearing, and that they would be able to address them better if the application were continued to the next meeting.

City Attorney Schelzel stated the applicant has expressed a willingness to address the new concerns that have been brought up by the Commission and the public hearing. Thus, it would be appropriate for the Commission to continue the item to the next meeting to allow the applicant to take these items under advisement, potentially revise their plans, and bring forward new information and responses to the questions and concerns raised.

Commissioner Murray made a motion, Seconded by Commission Buchanan, to continue the discussions and consideration of the CUP application for Verizon Wireless cell towers at 1000 Superior Blvd, and request the applicant provide additional information regarding additional justification for this location, alternate locations on the rooftop, different screening options for the rooftop and ground equipment, more vantage points for neighbors to understand the impacts, and additional stealth designs. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated the City Council is scheduled to interview candidates for the Planning Commission on November 21. The next Planning Commission agenda will include the Verizon application, the Circle A application, and four new development applications.

b.) Next Meeting is December 4, 2017

Director of Planning and Building Thomson noted that the next regular meeting of the Planning Commission is scheduled for December 4, 2017.

AGENDA ITEM 7. Adjournment.

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

Commissioner Flannigan made a motion, seconded by Commissioner Murray, to adjourn the meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: December 18, 2017	**AGENDA ITEM:** 3b
TITLE: Adoption of Planning Commission Report and Recommendation of Approval of front and side yard setback variances for detached garage at 126 Circle A Dr S	
PROJECT NAME: Whittington Garage	
ADDRESS: 126 Circle A Dr S	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The property owners, Michael & Julie Whittington, have submitted a development application to construct a garage on the property at 126 Circle A Dr S. The applicant is proposing to tear down the existing detached garage and construct a new detached garage in the same general location. The development application requests approval of a front yard and side yard setback variance for the garage.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meetings on November 20th and December 4th. After discussing the application, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a report and recommendation of approval of the development application for adoption at the next Planning Commission meeting.

PLANNING COMMISSION ACTION:

City Staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application. The Report and Recommendation reflects the vote of 5-0, and includes the findings discussed by the Planning Commission, from the December 4th meeting.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation

WAYZATA PLANNING COMMISSION

December 18, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF FRONT AND SIDE YARD SETBACK VARIANCES FOR DETACHED GARAGE AT 126 CIRCLE A DRIVE SOUTH

SUMMARY OF RECOMMENDATION

- Approval* of Front and Side Yard Setback Variances

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Michael & Julie Whittington (together, the "Owner" or "Applicant") have submitted a development application for variances (the "Application") to construct a detached garage on the property at 126 Circle A Drive S (the "Property"). The Applicant is proposing to tear down the existing detached garage and construct a new detached garage in the same general location. The Application requests approval of a front yard and a side yard setback variance for the garage.

1.2 Application Request. As part of the Application, the Applicant is requesting approval of the following variances as depicted on the plans attached as Attachment A (collectively, the "Variances"):

A. A variance from the required twenty (20) foot front yard setback for an accessory building in the R-3A District (Section 801.55.6.B.2) to a 8.3 foot setback.

B. A variance from the required five (5) foot side yard setback for an accessory building in the R-3A District (Section 801.55.6.B.2) to a 0.1 foot setback.

1.3 Property. The property identification number and owner of the Property are:

126 Circle A Dr S	06-117-22-41-0030	Michael Whittington and Julie Nelson

1.4 Land Use Designations. The Property falls within the following land use districts:

Zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	None

1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on November 9, 2017 and notices were mail to all properties within 350 feet of the Property on the same date. At the November 20, 2017 Planning Commission meeting, the Planning Commission opened the public hearing on the Application and continued the hearing to the December 4th meeting to allow the Applicant more time to submit additional information related to the Application. The public hearing was resumed and concluded at the December 4, 2017 Planning Commission meeting.

1.6 Planning Commission Action. After the conclusion of the public hearing on the Application at the December 4, 2017 meeting, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a draft *Planning Commission Report and Recommendation* recommending approval of the Application.

Section 2. STANDARDS

2.1 Front Yard Setback. The Front Yard Setback for an accessory structure within the R-3A District is twenty (20) feet. Section 801.55.6.B.2.

2.2 Side Yard Setback. The Side Yard Setback for an accessory structure within the R-3A District is five (5) feet. Section 801.55.6.B.2.

2.3 Zoning Ordinance Variance Standards. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

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 for the variance establishes that there are practical difficulties in complying with this 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. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

F. The City Council shall not permit as a variance any use that is not allowed under this 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.

G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

H. 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 reports, public comment presented at the hearing, and Wayzata’s Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Variances:

3.1 Variances.

A. The Variances requested in the Application do not change the current single family residential use or the general footprint of the current detached garage that has long existed on the Property. The Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.

B. The Variances are to address the practical difficulty with the Property, which are the width of the lot, the sloping topography of the front yard, and the location of the existing house on the lot.

C. The Variances requested are reasonable, due to circumstances unique to the Property, which are the width of the lot, the sloping topography of the front yard, and the location of the existing house on the lot. If granted, the Variances would not alter the essential character of the locality in that the general footprint and size of the building would be similar to the existing detached garage which would be removed, no significant trees would be removed, and the existing driveway access will remain the same.

D. The practical difficulties necessitating the Variances are not solely economic in nature. The width of the lot, the sloping topography of the frot yard, and the location of the existing house on the lot are significant factors in the practical difficulty of meeting the Ordinance requirements.

E. The proposed uses for the Property, a detached garage, are permitted accessory uses within the R-3A District.

F. The conditions for granting approval of the Variances are listed below in Section 4 of this Resolution.

G. The Applicant has provided the reasons that the Variances are justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structures and buildings 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 Variances as requested in the Application, subject to all of the following conditions:

A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.

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

Adopted by the Wayzata Planning Commission this 18th day of December 2017.

Voting For Approval Recommendation: Buchanan, Douglas, Flannigan, Iverson, Young
Voting Against Approval Recommendation: None
Abstaining: None
Absent: Gonzalez, Murray

Attachment A
(Plans depicting the Variances)

Linetype & Symbol Legend

- FIBER OPTIC
- GASMAIN
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- OVERHEAD UTILITIES
- TELEPHONE LINE
- ELECTRIC LINE
- CABLE LINE
- GUARDRAIL
- WOODEN FENCELINE
- CHAINLINK FENCELINE
- BARBED WIRE FENCE
- BLOCK RET WALL
- WATER MANHOLE
- WATER VALVE
- SET IRON MONUMENT
- UTILITY MANHOLE
- SANITARY MANHOLE
- STORM MANHOLE
- TELEPHONE BOX
- TELEPHONE MANHOLE
- ELECTRIC TRANSFORMER
- TRAFFIC SIGNAL
- TRAFFIC LIGHT
- CABLE TV BOX
- ELECTRICAL METER
- GAS METER
- WATER METER
- FOUND IRON MONUMENT
- POWER POLE
- AIR CONDITIONER
- BOLLARD
- SOIL BORING
- CATCH BASIN
- CB BEEHIVE
- CLEAN OUT
- ELECTRIC BOX
- ELECTRIC MANHOLE
- FLAG POLE
- FLARED END SECTION
- GAS VALVE
- HANDICAP SYMBOL
- HANDHOLE
- HYDRANT
- CAST IRON MONUMENT

DESCRIPTION OF PROPERTY SURVEYED

The Northwesterly 79 feet of the Southeasterly 84 feet front and rear of that part of Block 46, Minnetonka Arlington Heights, according to the recorded plat thereof, Hennepin County, Minnesota, lying west of a line Parallel with the east line of said Block 46 and which lies 150 southwesterly measured along the southeasterly line of said Block 46 from the southeast corner thereof.

Together with:

That part of Lot 8 and Lot A, Block 46, "Minnetonka Arlington Heights" of plat marked Exhibit A in Book 86 of Miscellaneous Records, page 588 described which lies westerly of the easterly 150 feet of said Lot A and which lies northerly of the following described line: Commencing at a point in the Southerly line of Lot A, Block 46, 150 feet Southwesterly from the Southeasterly corner of Said Lot A; thence Northerly parallel with the East line of said Lot A, 5 feet to the point of beginning of the line to be described; thence Southwesterly parallel with the Southerly line of said Lot A and the Southerly line of Lot 8, Block 46 to the Westerly line of said Lot 8 and said line there terminating.

PID: 06-117-22-41-0030
Municipality: WAYZATA

General Notes

1. Bearings are based on the Hennepin County Coordinate System.

2. Site Address: 126 Circle A Drive South, Wayzata, MN

3. The Gross land area is 17,128 +/- square feet or 0.393 +/- acres.

4. Elevations are based on the top nut of the hydrant located in the southeast quadrant of Superior and Circle A Drive having an elevation of 944.24 feet (city Datum)

5. We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

6. This survey was prepared without the benefit of a Title Commitment. The legal description was obtained from County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance document recording ownership.

7. This survey was prepared to show the location of a proposed garage per a plan prepared by Autumn Design of Minnesota, dated 7-10-17.

MINNESOTA CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 20th day of September, 2017.

Rory L. Synstelien Minnesota License No. 44565
roryrls@gmail.com

Hard Cover Calculations

Existing Areas:	House =	1209 Sq. Ft.
	Sidewalk/Patio =	651 Sq. Ft.
	Garage =	531 Sq. Ft.
		2,391 Sq. Ft.

Existing Ratio = 14%

Proposed Areas:	House =	1209 Sq. Ft.
	Sidewalk/Patio =	651 Sq. Ft.
	Garage =	708 Sq. Ft.
		2,568 Sq. Ft.

Proposed Ratio = 15%

N

10 5 0 5 10 20
SCALE IN FEET

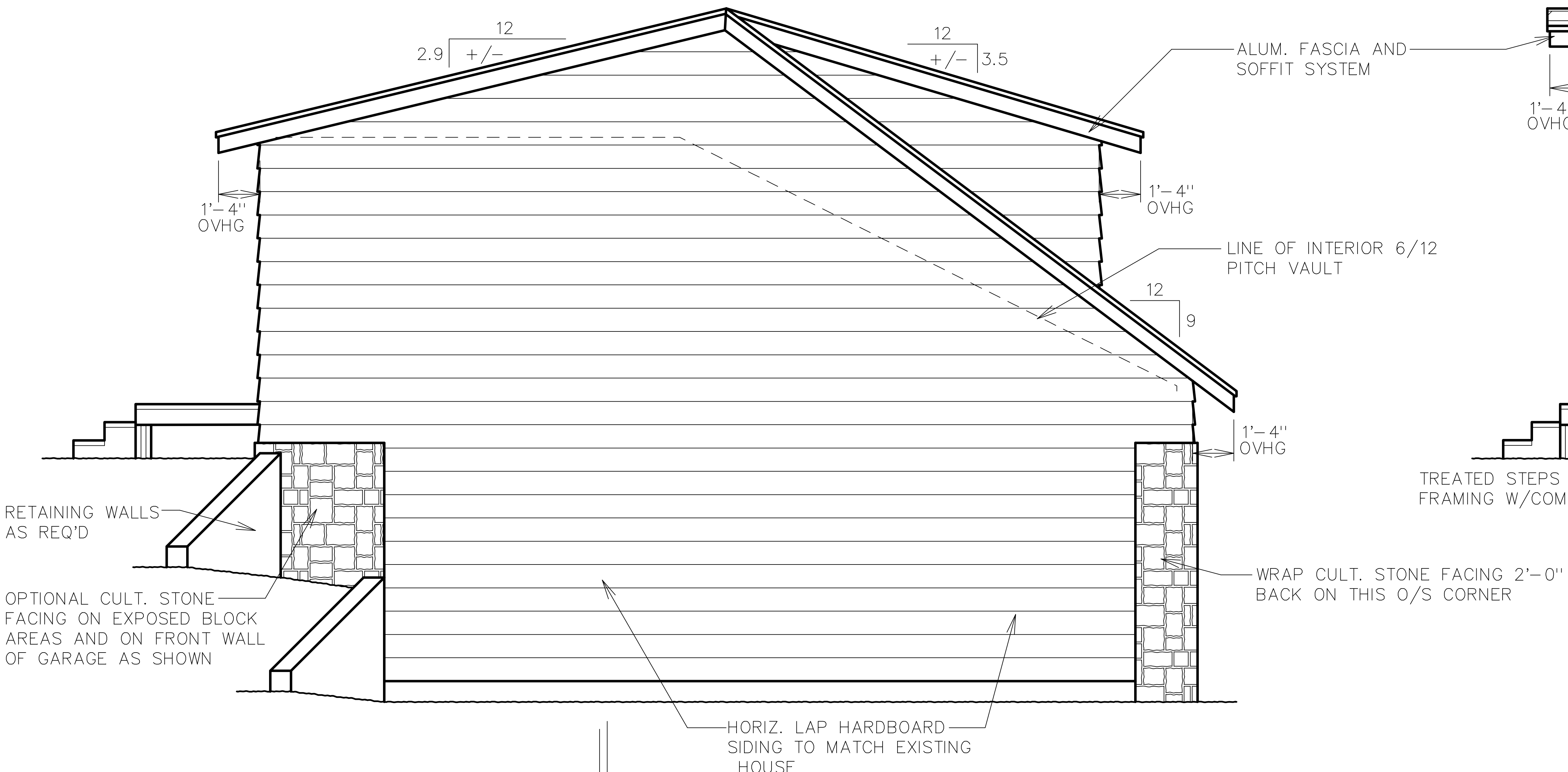
Lot Certificate

126 Circle A Drive South

Prepared By:
Rory L. Synstelien, PLS
132 Circle A Drive South
Wayzata, MN 55391
P: 612-802-3222 E: roryrls@gmail.com

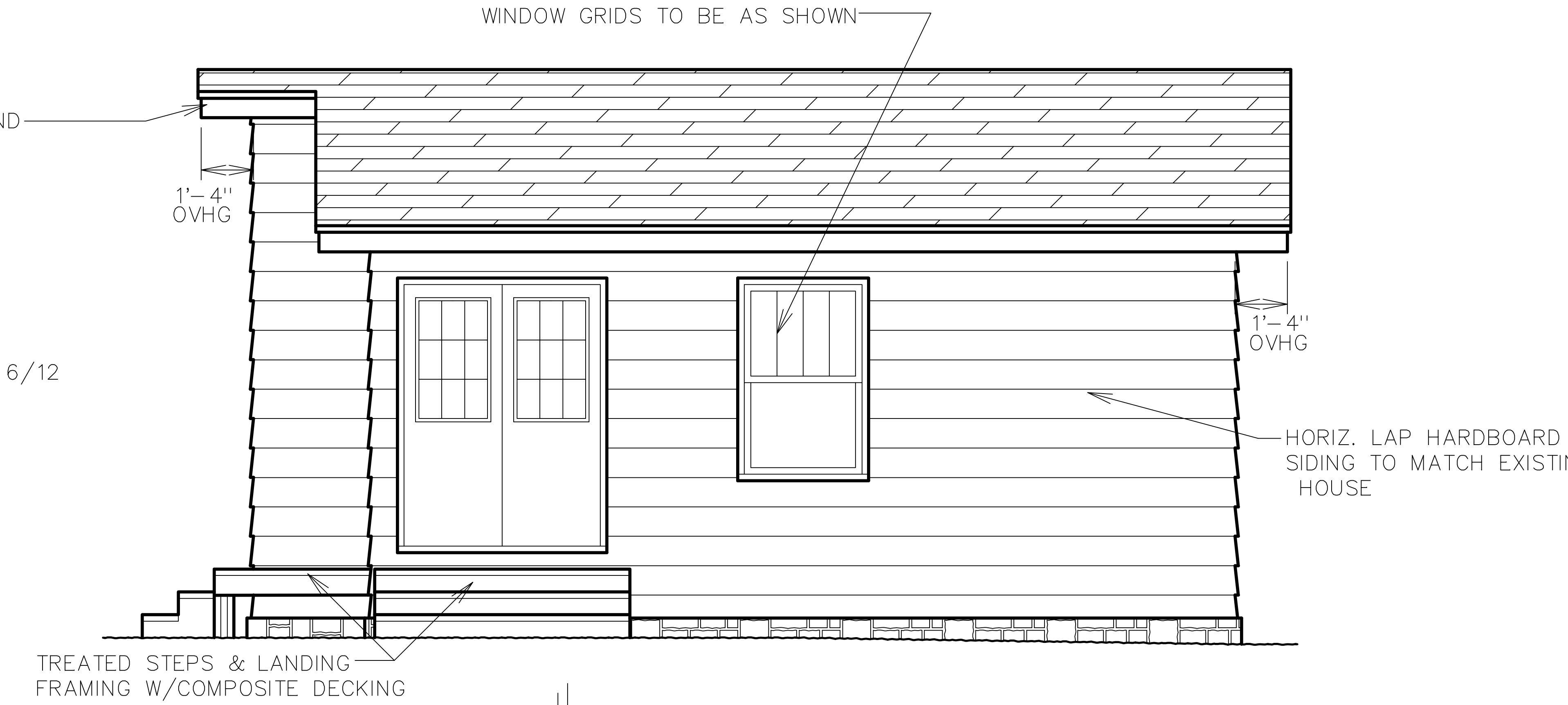
Revision

Project No.
Drawn by
Checked by
Book/Page
Date:
Client:



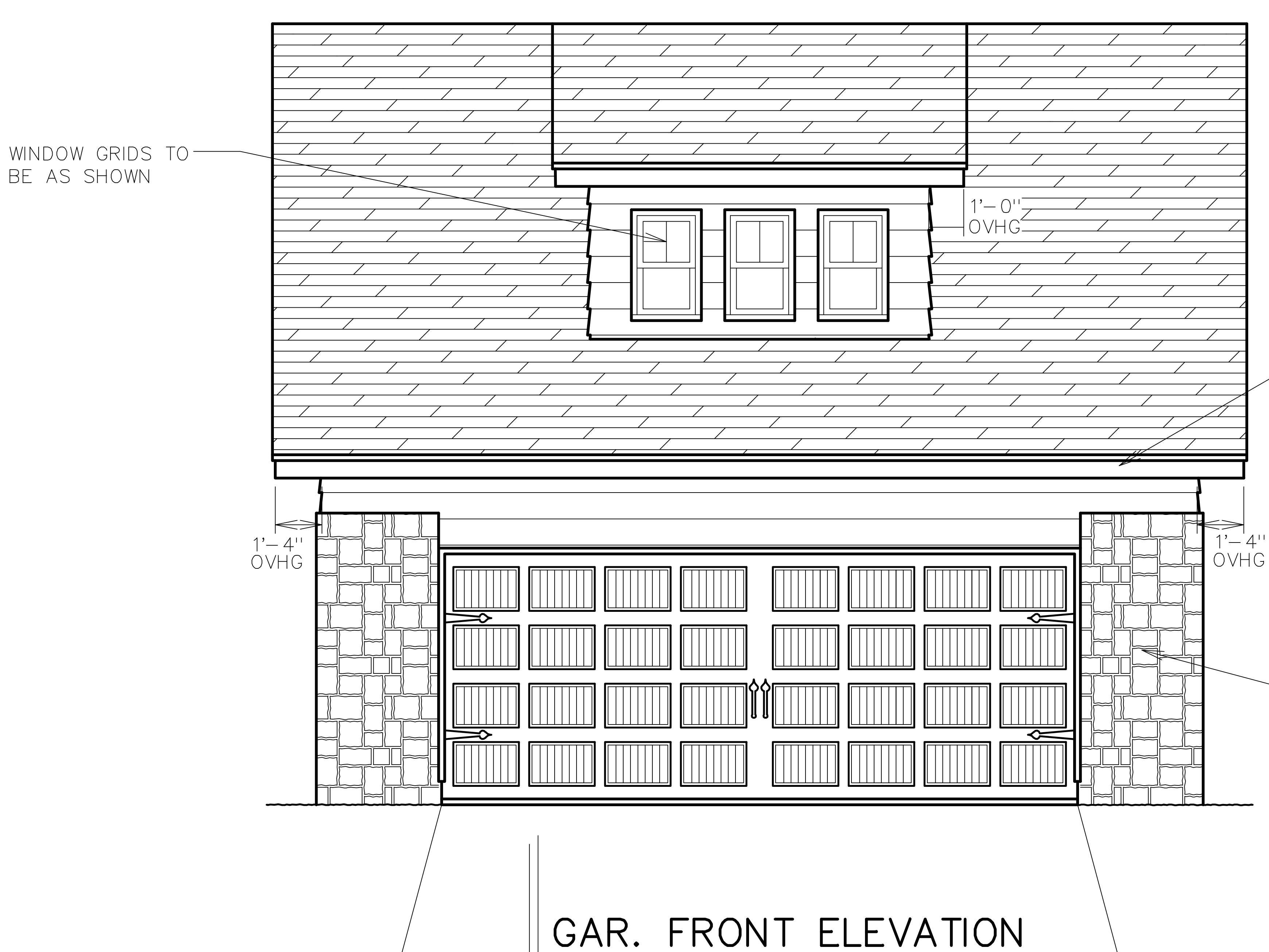
LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



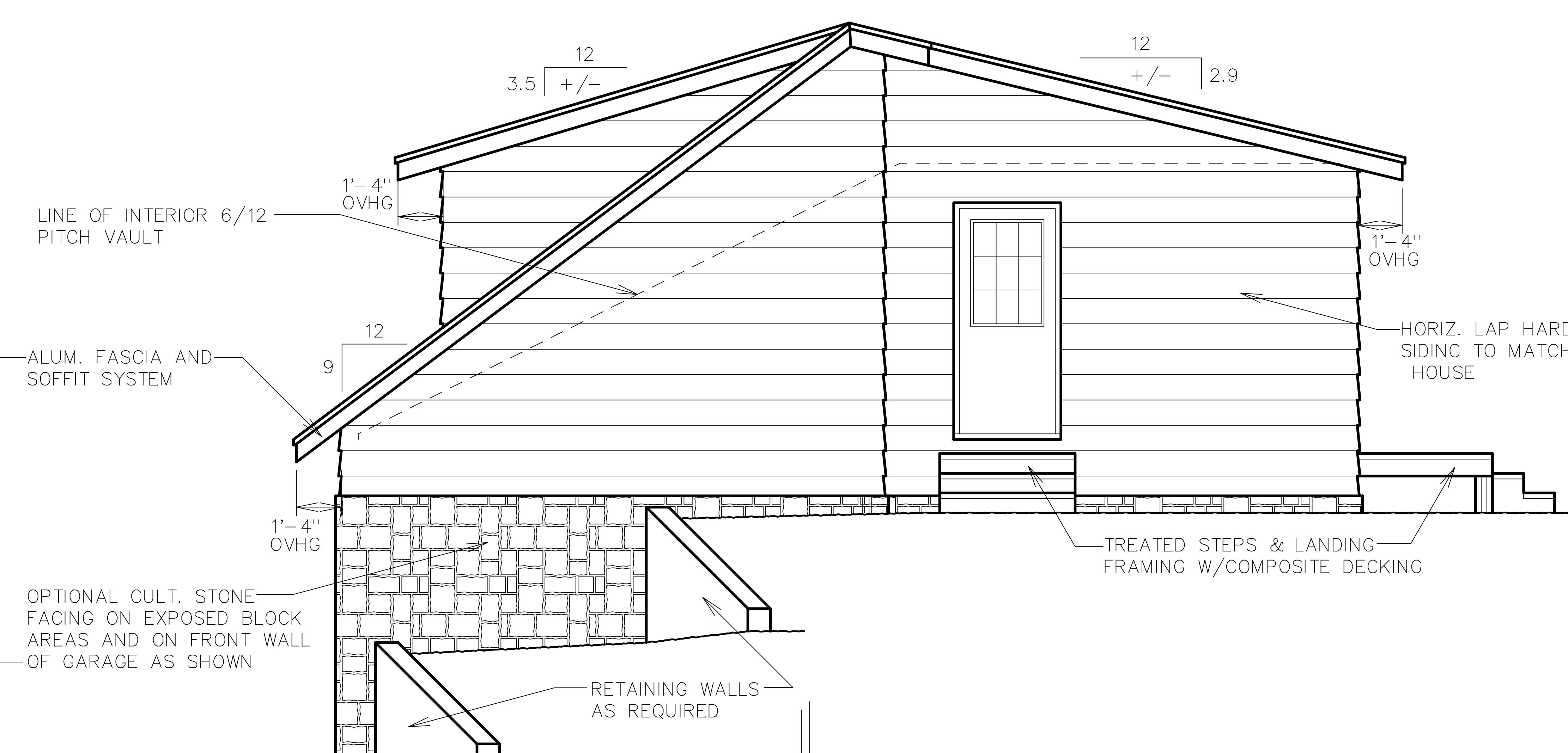
REAR ELEVATION

SCALE: 1/4"=1'-0"



GAR. FRONT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

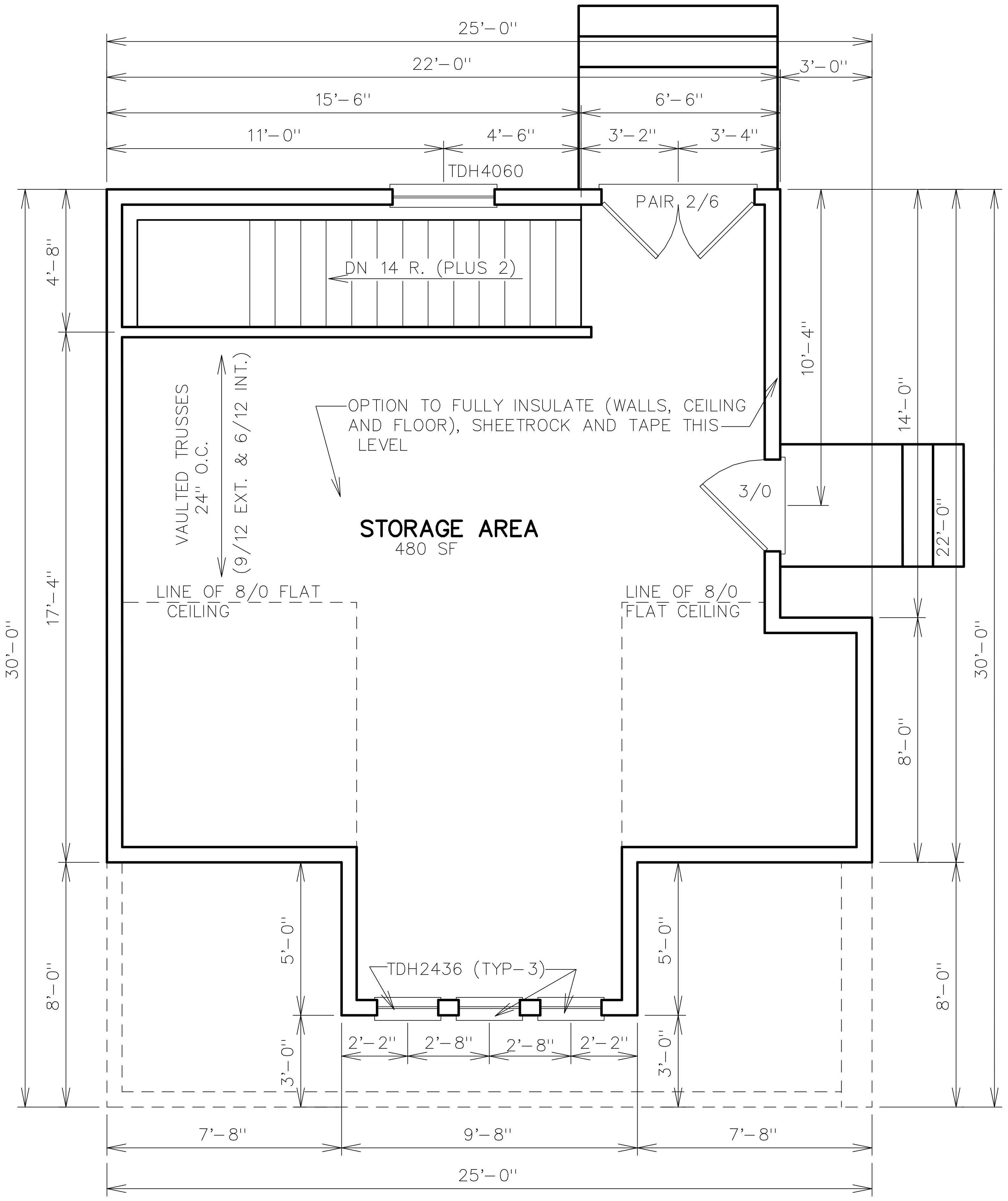
DRN	TYPE	DATE
SB	PRLM	12 /19 /16
SB	FINAL	11 /27 /17
SB	REV.	07 /03 /17
SB	REV.	09 /14 /17

LEE LYN CONSTRUCTION

MIKE & JULIE

AUTUMN DESIGN
of Minnesota, Inc.
(952) 873-4311

INDEX NO. 131R-1



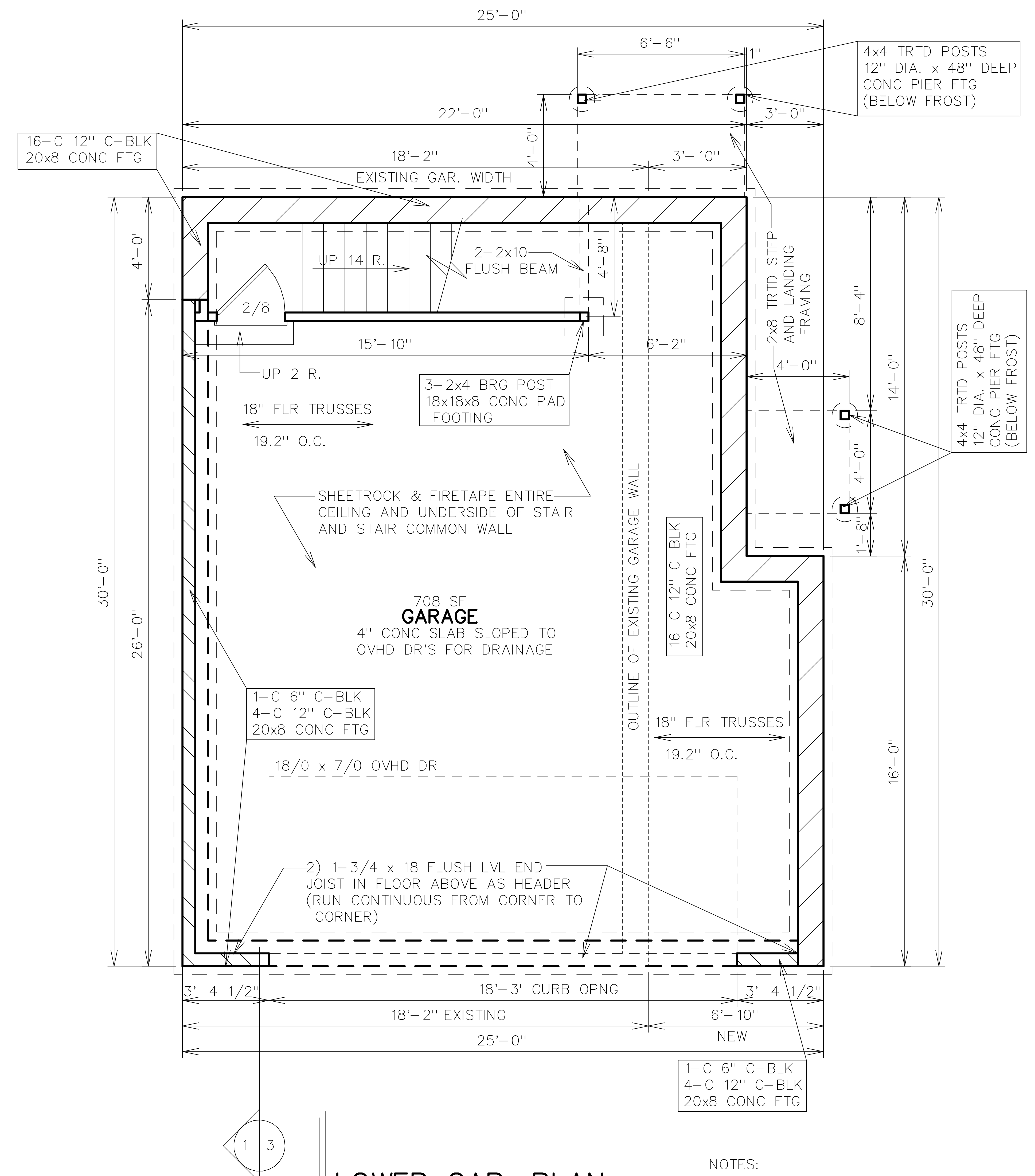
NOTES:

8'-1 1/8" ROUGH CEILING HEIGHT ON UPPER STORAGE AREA

WINDOWS LISTED ARE THERMO-TECH DOUBLE-HUNG STYLE UNITS

UPPER GAR. STO. PLAN

SCALE: 1/4"=1'-0"



LOWER GAR. PLAN

SCALE: 1/4"=1'-0"

NOTES:

ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS; VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS

ALL LVL BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION

NOTES:

DEMO EXISTING GARAGE (VERIFY IF EXISTING FOOTINGS ARE TO REMAIN AND ANY EXISTING BLOCKWORK BELOW GRADE)

APPROX. 8'-2" ROUGH CEILING HEIGHT IN GARAGE

ALL FOOTINGS TO BE BELOW FROST AND CONTINUOUS

ANCHOR BOLTS or STRAPS SPACED PER MAN'F SPECIFICATIONS

FULL-SZE CONC BLOCK FOUNDATION WALLS

DRN	TYPE	DATE
SB	PRLM	12 /19 /16
SB	FINAL	11 /27 /17
SB	REV.	07 /03 /17
SB	REV.	09 /14 /17

LEE LYN CONSTRUCTION

MIKE & JULIE

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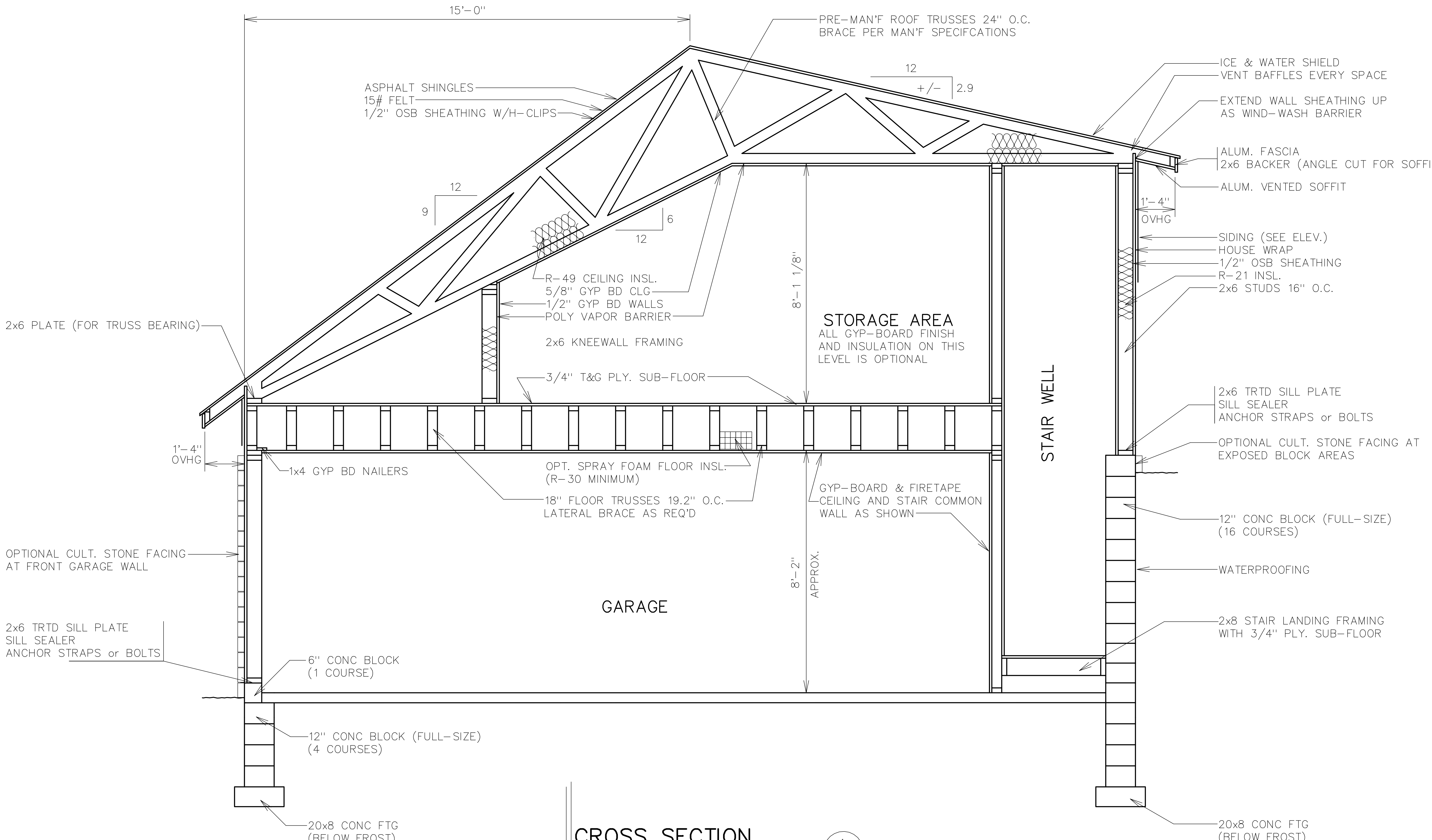
PAGE 2 of 3

INDEX NO. 131R-1



CROSS SECTION

1/3

SCALE: 3/8"=1'-0"

NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES, NOR ARE WE RESPONSIBLE FOR ANY INCURRED COSTS RESULTING DIRECTLY FROM THESE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RE-SERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRLM	12 /19 /16
SB	FINAL	11 /27 /17
SB	REV.	07 /03 /17
SB	REV.	09 /14 /17

LEE LYN CONSTRUCTION

MIKE & JULIE

AUTUMN DESIGN
of Minnesota, Inc.
(952) 873-4311

PAGE 3 of 3

INDEX NO. 131R-1

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: December 18, 2017	**AGENDA ITEM:** 5a
TITLE: Continued Public Hearing and Consideration of Report and Recommendation of Approval of setback variances for a building addition at 908 Shady La E	
PROJECT NAME: Otten Addition	
ADDRESS: 908 Shady La E	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The property owner, Clifford Otten, has submitted a development application to construct an addition to the existing house at 908 Shady La E. The applicant is proposing to remove the existing deck and construct an enclosed porch in the same general location. The development application requests approval of side yard and lake shore setback variances. Since the December 4th Commission meeting, the applicant has amended the development application to also include the lake shore setback variance.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on December 4th. The Planning Commission continued the public hearing to December 18th to provide the applicant time to amend the development application to include a lake shore setback variance. After discussing the application, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a report and recommendation of approval of the development application, for consideration at the next Planning Commission meeting.

PLANNING COMMISSION ACTION:

The Planning Commission should continue the public hearing at the December 18th meeting. City staff has drafted the attached Planning Commission Report and Recommendation, which recommends approval of the development application as amended by the applicant.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation

WAYZATA PLANNING COMMISSION

December 18, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF SETBACK VARIANCES FOR A BUILDING ADDITION AT 908 SHADY LANE E

SUMMARY OF RECOMMENDATION

- Approval* of Side Yard and Lake Shore Setback Variances

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. The property owner, Clifford Otten, Trustee (the "Owner" or "Applicant") has submitted a development application for variances (the "Application") to construct an addition to the existing house at 908 Shady Lane E (the "Property"). The applicant is proposing to remove the existing deck and construct an enclosed porch in the same general location. The Application, as amended, requests approval of a side yard and lake shore setback variance.

1.2 Application Request. As part of the Application, the Applicant is requesting approval of the following variances as depicted on the plans attached as Attachment A (collectively, the "Variances"):

A. A variance from the required fifteen (15) foot side yard setback for a principal structure in the R-2A District (Section 801.53.6.B.1) to a 10.3 foot setback.

B. A variance from the required lake shore setback of a line drawn between the two closest riparian principal structures on either side of a proposed building site in the S/Shoreland Overlay District (Section 801.91.9.D.2.b).

1.3 Property. The property identification number and owner of the Property are:

908 Shady Lane E	06-117-22-43-0001	Clifford L Otten Trustee

1.4 Land Use Designations. The Property falls within the following land use districts:

Zoning:	R-2A/Single Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	S/Shoreland

1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on November 23, 2017 and notices were mail to all properties within 350 feet of the Property on the same date. At the December 4th Planning Commission meeting, the Planning Commission opened the public hearing on the Application and continued the hearing to the December 18th meeting to consider the amended application for the lake shore setback variance.

1.6 Planning Commission Action. After the conclusion of the public hearing on the Application at the December 4, 2017 meeting, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a draft *Planning Commission Report and Recommendation* recommending approval of the Application.

Section 2. STANDARDS

2.1 Side Yard Setback. The side yard setback for a principal structure within the R-2A District is fifteen (15) feet. Section 801.53.6.B.1.

2.2 Shoreland Setback. The lake shore setback for a principal structure or building addition within the Shoreland District is a line which is drawn between the two closest riparian principal structures on either side of a proposed building site. Section 801.91.9.D.2b.

2.3 Zoning Ordinance Variance Standards. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

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 for the variance establishes that there are practical difficulties in complying with this 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. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

F. The City Council shall not permit as a variance any use that is not allowed under this 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.

G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

H. 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.

2.4 Lake Shore Setback Variance Standards. Section 801.91.9.D.2.b states that the required setback distance may be reduced by variance if the following conditions are met:

A. The minimum setback from the ordinary high water mark is at least seventy-five feet.

B. The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.

C. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this

Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots.

D. A shoreland impact plan is submitted and approved as required and set forth in Section 801.91.19 of this Ordinance.

E. The conditions of Section 801.05 and Section 801.91.20 of this Ordinance are considered and satisfactorily met.

2.5 Shoreland District Variances. Section 801.91.20 states variances may be granted by the City Council in accordance with Section 801.05 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.

B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.

C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.

D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.

E. Shall constitute a hardship as defined in Section 801.05 of this Ordinance.

F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.

Section 3. FINDINGS

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

3.1 Variances.

A. The Variances requested in the Application do not change the current single family residential use or the general footprint of the current principal structure that has long existed on the Property. The Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.

B. The Variances are to address the practical difficulties with the Property, which include the location of the existing house and the non-conforming side yard and lake shore setbacks of the existing principal structure.

C. The Variances requested are reasonable, due to circumstances unique to the Property, which include the location of the existing house and the non-conforming side yard setback of the existing principal structure. If granted, the Variances would not alter the essential character of the locality in that the general footprint and size of the principal structure would not change, no significant trees would be lost, no views of the lake would be impacted, and the existing setbacks will remain similar.

D. The practical difficulties necessitating the Variances are not economic in nature. The existing house location and non-conforming side yard and lake shore setbacks on the Property and its relation to the lake are significant factors in the practical difficulties of meeting the Ordinance requirements.

E. The proposed use for the Property would not change and is permitted within the R-2A District.

F. The conditions for granting approval of the Variances are listed below in Section 4 of this Resolution.

G. The Applicant has provided the reasons that the Variances are justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structures and buildings on the Property.

3.2 Lake Shore Setback Variance.

A. The building addition would be more than 75 feet from the ordinary high water mark of the lake.

B. The building addition would not adversely impact view of the shoreline or lake for adjacent principal structures because the building addition would be located further from the lake than the existing principal structure on the Property.

C. The reduction of setback requirements is based upon a circumstances unique to the Property, which include the location of the existing house and the non-conforming side yard setback of the existing principal structure. The Variances would not set a precedent which is contrary to the intent of the Zoning Ordinance.

D. Section 801.91.19.B.2 provides an exception for development of permitted principal uses contained within the zoning districts. The single-family residential use is a permitted use in the R-2A district. Therefore, it is exempt from the shoreland impact plan requirements of the Ordinance.

E. The conditions of Section 801.05 and Section 801.91.20 of the Zoning Ordinance are satisfactorily met as stated in Sections 3.1 and 3.3 of this Report.

3.3 Shoreland District Variance.

A. The Variances do not result in the placement of an artificial obstruction which restricts the passage of storm and flood water as the building addition would be located outside of the floodplain for Lake Minnetonka.

B. The Variances requested in the Application do not change the current single family residential use, which is compatible with the surrounding land uses which are also single-family homes.

C. The Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan. The Variances would not increase or cause danger to life or property.

D. The Variances are consistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.

E. The conditions of Section 801.05 of the Zoning Ordinance are satisfactorily met as stated in Section 3.1 of this Report.

F. Section 801.91.19.B.2 provides an exception for development of permitted principal uses contained within the zoning districts. The single-family residential use is a permitted use in the R-2A district. Therefore, it is exempt from the shoreland impact plan requirements of the Ordinance. The conditions for granting approval of the Variances are listed below in Section 4 of this Resolution.

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 Variances as requested in the Application, subject to all of the following conditions:

A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.

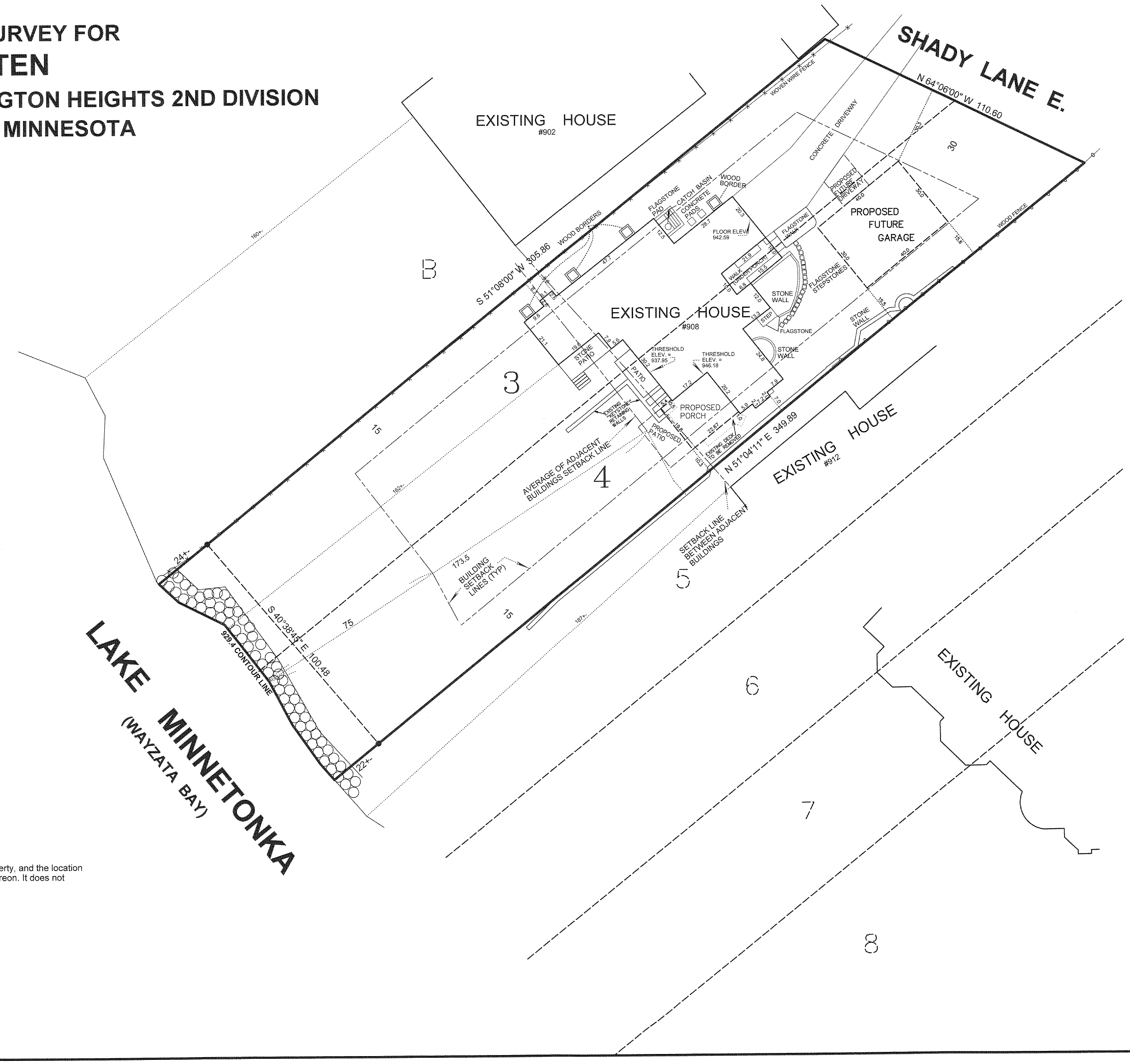
B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 18th day of December 2017.

Voting In Favor:
Voting Against:
Abstaining:
Absent:

Attachment A
(Plans depicting the Variances)

CERTIFICATE OF SURVEY FOR
CLIFF OTTEN
OF LOTS 3 & 4, MINNETONKA ARLINGTON HEIGHTS 2ND DIVISION
HENNEPIN COUNTY, MINNESOTA



HARDCOVER CALCULATIONS :

LOT AREA = 34,778 Sq. ft.

EXISTING :

HOUSE AND PORCH = 4333 sf
DECK = 450 sf
REAR PATIO = 140 sf
KEYSTONE WALL = 105 sf
DRIVEWAY = 1386 sf
FRONT STEP = 29 sf
FRONT FLAGSTONE WALK = 123 sf
STEPSTONES = 43 sf
FLAGSTONE = 145 sf
CONCRETE PADS = 16 sf
STONE PATIO & STEPS = 181 sf
FLAGSTONE WALL = 74 sf
STONE WALLS = 138 sf
WOOD BORDERS = 28 SF

TOTAL EXISTING = 7191 sf = 20.68%

PROPOSED :

REMOVE DECK = −450 sf
REMOVE FLAGSTONE = −75 sf
PROPOSED PORCH = +439 sf
PROPOSED PATIO = +217 sf
PROPOSED FUTURE GARAGE = +1200 sf
PROPOSED FUTURE DRIVEWAY = +172 sf

NET GAIN = +1503 sf

1503 + 7191 = 8694 sf = 25.0%

LEGAL DESCRIPTION OF PREMISES:
Lots 3 and 4, Minnetonka Arlington Heights 2nd Division

This survey shows the boundaries of the above described property, and the location of an existing house, drive, and all other visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

● : Iron marker found
Bearings shown are based upon an assumed datum

0 20 40 80
SCALE IN FEET

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

DATE 4-02-09
SCALE 1"=20'
JOB NO. 17-409

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

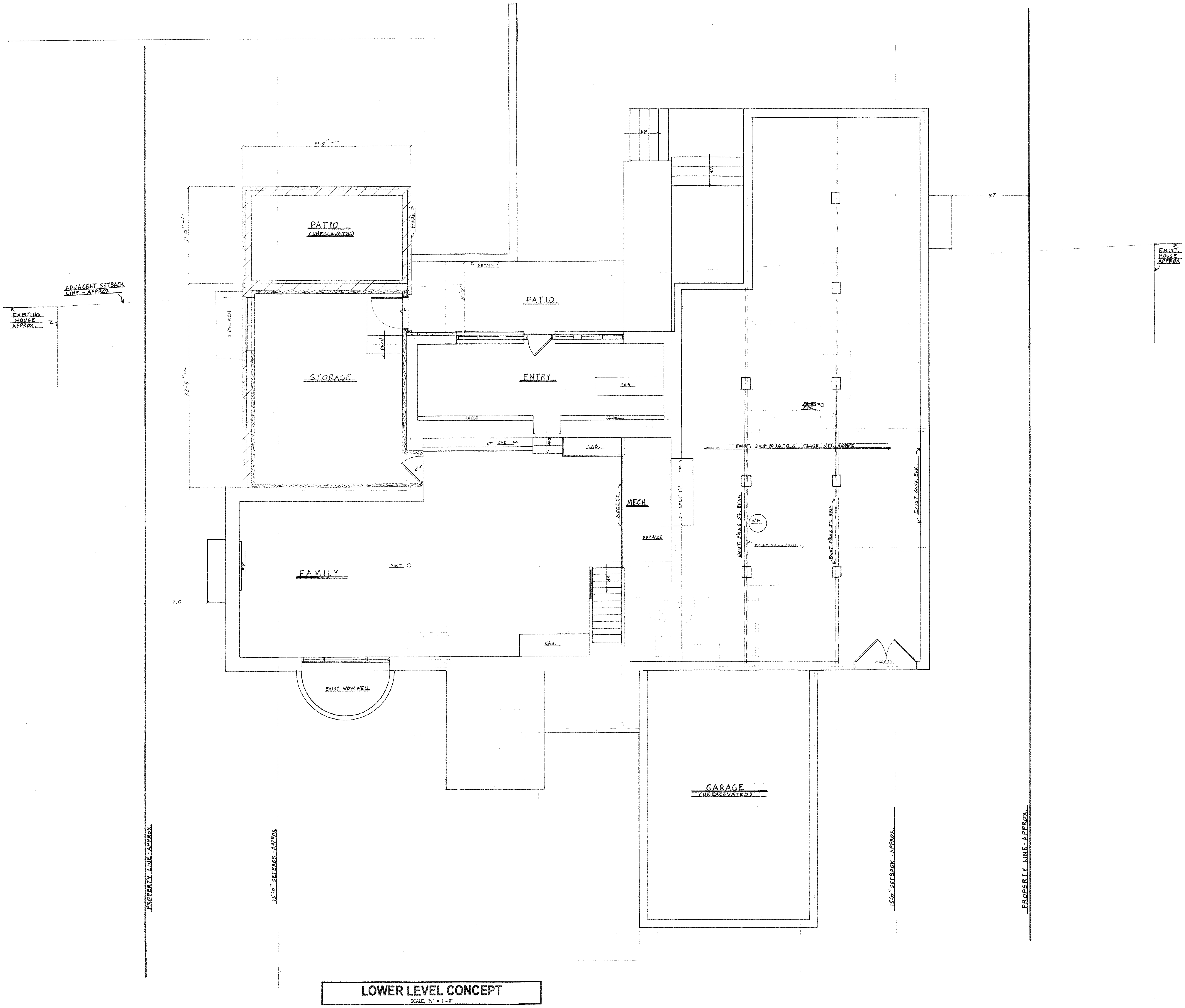
DATE 10-31-17 MINN. LICENSE NUMBER 12755

DESIGNED
DRAWN P.T.
CHECKED

REVISIONS

DATE	REMARKS
10-31-17	HARDCOVER UPDATED, PROPOSED PORCH AND PATIO ADDED

17-409

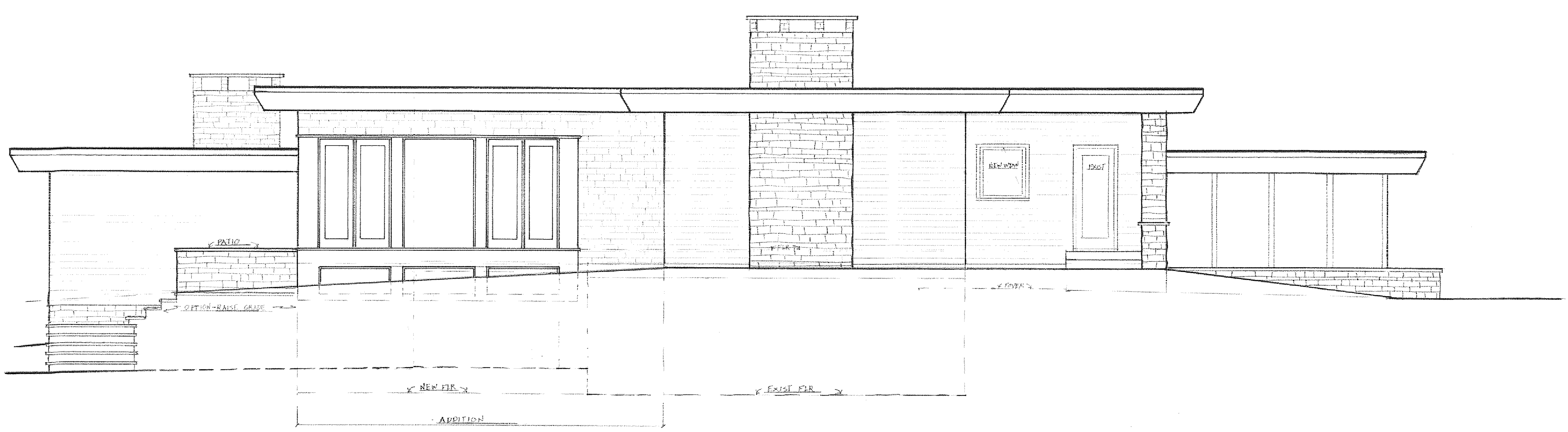


LOWER LEVEL CONCEPT

SCALE: 1/4" = 1'-0"

OTTEN RESIDENCE	DATE: 07/20/17
908 SHADY LN E, WAYZATA, MN 55391	08/04/17
TURNING LEAF DESIGN CO. (763)464-0994	
1200 KINGSVIEW LANE NORTH, PLYMOUTH, MN 55447	

LAKE FRONT ELEVATION
SCALE: ¼" = 1'-0"



SOUTHEAST ELEVATION
SCALE: ¼" = 1'-0"

CONCEPT DESIGN
SCALE: ¼" = 1'-0"

OTTEN RESIDENCE	DATE: 07/20/17
908 SHADY LN E, WAYZATA, MN 55391	
TURNING LEAF DESIGN CO. (763)464-0994	
1200 KINGSVIEW LANE NORTH, PLYMOUTH, MN 55447	

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: December 18, 2017	**AGENDA ITEM:** 6a
TITLE: Consider Approval of Resolution regarding redevelopment plan for Central Area Redevelopment District (CARD) and Tax Increment Financing (TIF) Plan for TIF District No. 6	
PROJECT NAME: N/A	
ADDRESS: N/A	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:
Over the past year, the City has been discussing redevelopment of properties along Lake Street, west of Manitoba Avenue. Several property owners in the area are interested in redeveloping their properties with uses consistent with the City's Zoning Ordinance and Comprehensive Plan. To date, the City has approved the Meyer Place and Wayzata Blu developments, and is currently reviewing a development application for redevelopment of the 253 Lake S E property by Continental Property Group. In addition, the City recently received a PUD application from the owner of the 235 Lake St E property, Pat Hughes, and additional development applications for the northeast corner of Lake St E and Barry Ave S and for properties at 304-318 Barry Ave S are expected in the next several months.

On September 5th, the City Council, Planning Commission, and Housing and Redevelopment Authority (HRA) held a joint workshop to discuss the redevelopment plans. The goal of the workshop was to review and discuss (1) the individual development projects, and (2) a tax increment financing (TIF) district to support the projects. The TIF district would provide for reimbursement of certain private and public development costs in order to help facilitate the elimination of blight in the area, provide for increased off-street public parking, and also to help fund future street, streetscape, and utility improvements.

On December 5th, the City's HRA adopted the TIF Plan for the proposed TIF District, and the City Council will be holding a public hearing and considering the establishment of the TIF District at its meeting on December 19th.

As part of the establishment of the TIF District, the Planning Commission must review the TIF Plan to ensure that it is consistent with the City's Comprehensive Plan. Attached for the Planning Commission's review and consideration is the TIF Plan adopted by the HRA, and a draft Resolution which finds that the TIF Plan is consistent with the City's Comprehensive Plan.

PLANNING COMMISSION ACTION:
The Planning Commission should review the TIF Plan for consistency with the City's Comprehensive Plan, and adopt the draft Resolution.

ATTACHMENTS:
1. TIF Plan
2. Draft Resolution 01-2017

As of December 11, 2017
Draft for Planning Commission

Modification to the Redevelopment Plan for the Central Area Redevelopment District

and the

Modification to the Tax Increment Financing Plans for the Tax Increment Financing Districts within the Central Area Redevelopment District

and the

Tax Increment Financing Plan for the establishment of Tax Increment Financing District No. 6 - Downtown West (a redevelopment district)

within

the Central Area Redevelopment District

Wayzata Housing and Redevelopment Authority
City of Wayzata
Hennepin County
State of Minnesota

Public Hearing: December 19, 2017
Adopted:

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Table of Contents
(for reference purposes only)

Section 1 - Modification to the Redevelopment Plan for the Central Area Redevelopment District

Foreword

The following text represents a Modification to the Redevelopment Plan for the Central Area Redevelopment District. This modification represents a continuation of the goals and objectives set forth in the Redevelopment Plan for the Central Area Redevelopment District. Generally, the substantive changes include the establishment of Tax Increment Financing District No. 6 - Downtown West.

For further information, a review of the Redevelopment Plan for the Central Area Redevelopment District is recommended. It is available from the City Manager at the City of Wayzata. Other relevant information is contained in the Tax Increment Financing Plans for the Tax Increment Financing Districts located within the Central Area Redevelopment District.

Boundaries of the Central Area Redevelopment District

The boundaries of the Central Area Redevelopment District are being expanded to include parcel number 06-117-22-23-0034.

Section 2 - Modification to the Tax Increment Financing Plans for the for Tax Increment Financing Districts within the Central Area Redevelopment District

Subsection 2-1 Background

The purpose of the modification to the Tax Increment Financing Plans for the Tax Increment Financing District within the Central Area Redevelopment District is to provide for the enlargement of the Central Area Redevelopment District to include parcel number 06-117-22-23-0034.

Subsection 2-2 Modification

The HRA and City are hereby modifying the Tax Increment Financing Plans for the following Tax Increment Financing District to reflect the expansion of the boundaries of the Central Area Redevelopment District:

- Tax Increment Financing District No. 3
- Replacement Redevelopment Tax Increment Financing District No. 5

(Collectively, the "TIF Districts").

The following sentence is to be inserted into the Tax Increment Financing Plan for each of the TIF Districts:

The boundaries of the Central Area Redevelopment District are being expanded to include parcel number 06-117-22-23-0034.

Section 3 - Tax Increment Financing Plan for Tax Increment Financing District No. 6 - Downtown West

Subsection 3-1 Foreword

The Wayzata Housing and Redevelopment Authority (the "HRA"), the City of Wayzata (the "City"), staff and consultants have prepared the following information to expedite the establishment of Tax Increment Financing District No. 6 - Downtown West (the "District"), a redevelopment tax increment financing district, located in the Central Area Redevelopment District.

Subsection 3-2 Statutory Authority

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the HRA and City have certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.001 to 469.047*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1794*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project.

This section contains the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Redevelopment Plan for the Central Area Redevelopment District.

Subsection 3-3 Statement of Objectives

The District currently consists of 24 parcels of land and adjacent and internal rights-of-way. The District is being created to facilitate the construction of approximately 71 condos, 53,690 square feet of office space, 10,603 square feet of retail space, and a public lot/ramp in the City. Please see Appendix A for further District information. The HRA has not entered into an agreement(s) or designated a developer(s) at the time of preparation of this TIF Plan, but development is likely to occur in 2018. This TIF Plan is expected to achieve many of the objectives outlined in the Redevelopment Plan for the Central Area Redevelopment District.

The activities contemplated in the Modification to the Redevelopment Plan and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of the Central Area Redevelopment District and the District.

Subsection 3-4 Redevelopment Plan Overview

1. Property to be Acquired - Selected property located within the District may be acquired by the HRA or City and is further described in this TIF Plan.

2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.

3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the HRA or City may sell to a developer selected properties that it may acquire within the District or may lease land or facilities to a developer.

4. The HRA or City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.

Subsection 3-5 Description of Property in the District and Property To Be Acquired

The District encompasses all property and adjacent rights-of-way and abutting roadways identified by the parcels listed in Appendix C of this TIF Plan. Please also see the map in Appendix B for further information on the location of the District.

The HRA or City may acquire any parcel within the District including interior and adjacent street rights of way. Any properties identified for acquisition will be acquired by the HRA or City only in order to accomplish one or more of the following: storm sewer improvements; provide land for needed public streets, utilities and facilities; carry out land acquisition, site improvements, clearance and/or development to accomplish the uses and objectives set forth in this plan. The HRA or City may acquire property by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of this TIF Plan. Such acquisitions will be undertaken only when there is assurance of funding to finance the acquisition and related costs.

Subsection 3-6 Classification of the District

The HRA and City, in determining the need to create a tax increment financing district in accordance with *M.S., Sections 469.174 to 469.1794*, as amended, inclusive, find that the District, to be established, is a redevelopment district pursuant to *M.S., Section 469.174, Subd. 10(a)(1)* as defined below:

(a) "Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one or more of the following conditions, reasonably distributed throughout the district, exists:

(1) parcels consisting of 70 percent of the area in the district are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;

(2) The property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities or excessive or vacated railroad rights-of-way;

(3) tank facilities, or property whose immediately previous use was for tank facilities, as defined in Section 115C, Subd. 15, if the tank facility:

(i) have or had a capacity of more than one million gallons;
(ii) are located adjacent to rail facilities; or
(iii) have been removed, or are unused, underused, inappropriately used or infrequently used; or

(4) a qualifying disaster area, as defined in Subd. 10b.

(b) For purposes of this subdivision, "structurally substandard" shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance.

(c) A building is not structurally substandard if it is in compliance with the building code applicable

to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence on the basis of reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs or other similar reliable evidence. The municipality may not make such a determination without an interior inspection of the property, but need not have an independent, expert appraisal prepared of the cost of repair and rehabilitation of the building. An interior inspection of the property is not required, if the municipality finds that (1) the municipality or authority is unable to gain access to the property after using its best efforts to obtain permission from the party that owns or controls the property; and (2) the evidence otherwise supports a reasonable conclusion that the building is structurally substandard.

(d) A parcel is deemed to be occupied by a structurally substandard building for purposes of the finding under paragraph (a) or by the improvement described in paragraph (e) if all of the following conditions are met:

(1) the parcel was occupied by a substandard building or met the requirements of paragraph (e), as the case may be, within three years of the filing of the request for certification of the parcel as part of the district with the county auditor;

(2) the substandard building or the improvements described in paragraph (e) were demolished or removed by the authority or the demolition or removal was financed by the authority or was done by a developer under a development agreement with the authority;

(3) the authority found by resolution before the demolition or removal that the parcel was occupied by a structurally substandard building or met the requirement of paragraph (e) and that after demolition and clearance the authority intended to include the parcel within a district; and

(4) upon filing the request for certification of the tax capacity of the parcel as part of a district, the authority notifies the county auditor that the original tax capacity of the parcel must be adjusted as provided by § 469.177, subdivision 1, paragraph (f).

(e) For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures unless 15 percent of the area of the parcel contains buildings, streets, utilities, paved or gravel parking lots or other similar structures.

(f) For districts consisting of two or more noncontiguous areas, each area must qualify as a redevelopment district under paragraph (a) to be included in the district, and the entire area of the district must satisfy paragraph (a).

In meeting the statutory criteria the HRA and City rely on the following facts and findings:

- The District is a redevelopment district consisting of 24 parcels.
- An inventory shows that parcels consisting of more than 70 percent of the area in the District are occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures.
- An inspection of the buildings located within the District finds that more than 50 percent of the buildings are structurally substandard as defined in the TIF Act. (See Appendix F).

Pursuant to *M.S., Section 469.176, Subd. 7*, the District does not contain any parcel or part of a parcel that qualified under the provisions of *M.S., Sections 273.111, 273.112, or 273.114* or *Chapter 473H* for taxes payable in any of the five calendar years before the filing of the request for certification of the District.

Subsection 3-7 Duration and First Year of Tax Increment of the District

Pursuant to *M.S., Section 469.175, Subd. 1, and Section 469.176, Subd. 1*, the duration and first year of tax increment of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the HRA or City (a total of 26 years of tax increment). The HRA or City elects to receive the first tax increment in 2020, which is no later than four years following the year of approval of the District. Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2045, or when the TIF Plan is satisfied. The HRA or City reserves the right to decertify the District prior to the legally required date.

Subsection 3-8 Original Tax Capacity, Tax Rate and Estimated Captured Net Tax Capacity Value/Increment and Notification of Prior Planned Improvements

Pursuant to *M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2017 for taxes payable 2018.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2020) the amount by which the original value has increased or decreased as a result of:

1. Change in tax exempt status of property;
2. Reduction or enlargement of the geographic boundaries of the district;
3. Change due to adjustments, negotiated or court-ordered abatements;
4. Change in the use of the property and classification;
5. Change in state law governing class rates; or
6. Change in previously issued building permits.

In any year in which the current Net Tax Capacity (NTC) value of the District declines below the ONTC, no value will be captured and no tax increment will be payable to the HRA or City.

The original local tax rate for the District will be the local tax rate for taxes payable 2018, assuming the request for certification is made before June 30, 2018. The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within the Central Area Redevelopment District, upon completion of the projects within the District, will annually approximate tax increment revenues as shown in the table below. The HRA and City request 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures, beginning in the tax year payable 2020. The Project Tax Capacity (PTC) listed is an estimate of values when the projects within the District are completed.

Project Estimated Tax Capacity upon Completion (PTC)	**$3,256,251**	
Original Estimated Net Tax Capacity (ONTC)	**$699,720**	
Fiscal Disparities Contribution	**$374,620**	
Estimated Captured Tax Capacity (CTC)	**$2,181,911**	
Original Local Tax Rate	**1.04786**	Pay 2017
Estimated Annual Tax Increment (CTC x Local Tax Rate)	**$2,286,337**	
Percent Retained by the HRA	**100%**	

Tax capacity includes a 3% inflation factor for the duration of the District. The tax capacity included in this chart is the estimated tax capacity of the District in year 25. The tax capacity of the District in year one is estimated to be $1,074,625.

Pursuant to *M.S., Section 469.177, Subd. 4*, the HRA shall, after a due and diligent search, accompany its request for certification to the County Auditor or its notice of the District enlargement pursuant to *M.S., Section 469.175, Subd. 4*, with a listing of all properties within the District or area of enlargement for which building permits have been issued during the eighteen (18) months immediately preceding approval of the TIF Plan by the municipality pursuant to *M.S., Section 469.175, Subd. 3.* The County Auditor shall increase the original net tax capacity of the District by the net tax capacity of improvements for which a building permit was issued.

The City has reviewed the area to be included in the District and found some parcels for which building permits have been issued in the past 18 months, but none that should increase the original tax capacity. A full list of the building permits issued is on file with the City.

Subsection 3-9 Sources of Revenue/Bonds to be Issued

The costs outlined in the Uses of Funds will be financed primarily through the annual collection of tax increments. The HRA or City reserves the right to incur bonds or other indebtedness as a result of the TIF Plan. As presently proposed, the projects within the District will be financed by a pay-as-you-go note to various developers, possible bond issue for any public improvements, including but not limited to new public parking lot/ramp, interfund loan and/or transfer. Any refunding amounts will be deemed a budgeted cost without a formal TIF Plan Modification. This provision does not obligate the HRA or City to incur debt. The HRA or City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City.

The total estimated tax increment revenues for the District are shown in the table below:

SOURCES OF FUNDS	TOTAL
Tax Increment	$37,253,844
Interest	$3,725,384
TOTAL	**$40,979,228**

The HRA or City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of $27,953,919. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

Subsection 3-10 Uses of Funds

Currently under consideration for the District is a proposal to facilitate the construction of approximately 71 condos, 53,690 square feet of office space, 10,603 square feet of retail space, and a parking ramp/lot in the City. The HRA and City have determined that it will be necessary to provide assistance to the project(s) for certain District costs, as described. The HRA has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

USES OF TAX INCREMENT FUNDS	TOTAL
Land/Building Acquisition	$8,000,000
Site Improvements/Preparation	$5,000,000
Utilities	$4,000,000
Other Qualifying Improvements	$7,228,535
Administrative Costs (up to 10%)	$3,725,384
PROJECT COST TOTAL	$27,953,919
Interest	$13,025,309
PROJECT AND INTEREST COSTS TOTAL	**$40,979,228**

The total project cost, including financing costs (interest) listed in the table above does not exceed the total projected tax increments for the District as shown in Subsection 2-9.

Estimated costs associated with the District are subject to change among categories without a modification to this TIF Plan. The cost of all activities to be considered for tax increment financing will not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. Pursuant to *M.S., Section 469.1763, Subd. 2*, no more than 25 percent of the tax increment paid by property within the District will be spent on activities related to development or redevelopment outside of the District but within the boundaries of the Central Area Redevelopment District, (including administrative costs, which are considered to be spent outside of the District) subject to the limitations as described in this TIF Plan.

Subsection 3-11 Fiscal Disparities Election

Pursuant to *M.S., Section 469.177, Subd. 3*, the HRA or City may elect one of two methods to calculate fiscal disparities. If the calculations pursuant to *M.S., Section 469.177, Subd. 3, clause b*, (within the District) are followed, the following method of computation shall apply:

(1) The original net tax capacity shall be determined before the application of the fiscal disparity provisions of Chapter 276A or 473F. The current net tax capacity shall exclude any fiscal

disparity commercial-industrial net tax capacity increase between the original year and the current year multiplied by the fiscal disparity ratio determined pursuant to M.S., Section 276A.06, subdivision 7 or M.S., Section 473F.08, subdivision 6. Where the original net tax capacity is equal to or greater than the current net tax capacity, there is no captured tax capacity and no tax increment determination. Where the original tax capacity is less than the current tax capacity, the difference between the original net tax capacity and the current net tax capacity is the captured net tax capacity. This amount less any portion thereof which the authority has designated, in its tax increment financing plan, to share with the local taxing districts is the retained captured net tax capacity of the authority.

(2) The county auditor shall exclude the retained captured net tax capacity of the authority from the net tax capacity of the local taxing districts in determining local taxing district tax rates. The local tax rates so determined are to be extended against the retained captured net tax capacity of the authority as well as the net tax capacity of the local taxing districts. The tax generated by the extension of the less of (A) the local taxing district tax rates or (B) the original local tax rate to the retained captured net tax capacity of the authority is the tax increment of the authority.

The HRA will choose to calculate fiscal disparities by clause b.

According to *M.S., Section 469.177, Subd. 3:*

(c) The method of computation of tax increment applied to a district pursuant to paragraph (a) or (b) shall remain the same for the duration of the district, except that the governing body may elect to change its election from the method of computation in paragraph (a) to the method in paragraph (b).

Subsection 3-12 Business Subsidies

Pursuant to *M.S., Section 116J.993, Subd. 3*, the following forms of financial assistance are not considered a business subsidy:

(1) A business subsidy of less than $150,000;
(2) Assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;
(3) Public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;
(4) Redevelopment property polluted by contaminants as defined in *M.S., Section 116J.552, Subd. 3;*
(5) Assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance provided for designated historic preservation districts, provided that the assistance is equal to or less than 50% of the total cost;
(6) Assistance to provide job readiness and training services if the sole purpose of the assistance is to provide those services;
(7) Assistance for housing;
(8) Assistance for pollution control or abatement, including assistance for a tax increment financing hazardous substance subdistrict as defined under *M.S., Section 469.174, Subd. 23*;
(9) Assistance for energy conservation;
(10) Tax reductions resulting from conformity with federal tax law;
(11) Workers' compensation and unemployment compensation;
(12) Benefits derived from regulation;

(13) Indirect benefits derived from assistance to educational institutions;
(14) Funds from bonds allocated under chapter 474A, bonds issued to refund outstanding bonds, and bonds issued for the benefit of an organization described in section 501 (c) (3) of the Internal Revenue Code of 1986, as amended through December 31, 1999;
(15) Assistance for a collaboration between a Minnesota higher education institution and a business;
(16) Assistance for a tax increment financing soils condition district as defined under *M.S., Section 469.174, Subd. 19*;
(17) Redevelopment when the recipient's investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current year's estimated market value;
(18) General changes in tax increment financing law and other general tax law changes of a principally technical nature;
(19) Federal assistance until the assistance has been repaid to, and reinvested by, the state or local government agency;
(20) Funds from dock and wharf bonds issued by a seaway port authority;
(21) Business loans and loan guarantees of $150,000 or less;
(22) Federal loan funds provided through the United States Department of Commerce, Economic Development Administration; and
(23) Property tax abatements granted under *M.S., Section 469.1813* to property that is subject to valuation under Minnesota Rules, chapter 8100.

The HRA will comply with *M.S., Sections 116J.993 to 116J.995* to the extent the tax increment assistance under this TIF Plan does not fall under any of the above exemptions.

Subsection 3-13 County Road Costs

Pursuant to *M.S., Section 469.175, Subd. 1a*, the county board may require the HRA or City to pay for all or part of the cost of county road improvements if the proposed development to be assisted by tax increment will, in the judgment of the county, substantially increase the use of county roads requiring construction of road improvements or other road costs and if the road improvements are not scheduled within the next five years under a capital improvement plan or within five years under another county plan.

If the county elects to use increments to improve county roads, it must notify the HRA or City within forty-five days of receipt of this TIF Plan. In the opinion of the HRA and City and consultants, the proposed development outlined in this TIF Plan will have little or no impact upon county roads, therefore the TIF Plan was not forwarded to the county 45 days prior to the public hearing. The HRA and City are aware that the county could claim that tax increment should be used for county roads, even after the public hearing.

Subsection 3-14 Estimated Impact on Other Taxing Jurisdictions

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan would occur without the creation of the District. However, the HRA or City has determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is $0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

IMPACT ON TAX BASE

	2016/Pay 2017 Total Net Tax Capacity	Estimated Captured Tax Capacity (CTC) Upon Completion	Percent of CTC to Entity Total
Hennepin County	1,573,060,731	2,181,911	**0.1387%**
City of Wayzata	18,677,217	2,181,911	**11.6822%**
Wayzata Public ISD No. 284	131,023,960	2,181,911	**1.6653%**

IMPACT ON TAX RATES

	Pay 2017 Extension Rates	Percent of Total	CTC	Potential Taxes
Hennepin County	0.440870	42.07%	2,181,911	**961,939**
City of Wayzata	0.233520	22.29%	2,181,911	**509,520**
Wayzata Public ISD No. 284	0.262900	25.09%	2,181,911	**573,624**
Other	0.110570	10.55%	2,181,911	**241,254**
Total	1.047860	100.00%		**2,286,337**

The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the actual Pay 2017 rate. The total net capacity for the entities listed above are based on actual Pay 2017 figures. The District will be certified under the actual Pay 2018 rates, which were unavailable at the time this TIF Plan was prepared.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

(1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is $37,253,844;

(2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is not expected. The City police department does track all calls for service including property-type calls and crimes. With any addition of new residents or businesses, police calls for service will be increased. New developments add an increase in traffic, and additional overall demands to the call load. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment.

The probable impact of the District on fire protection is not expected to be significant. Typically new buildings generate few calls, if any, and are of superior construction. The existing buildings, which will be eliminated by the new development, have public safety concerns that include several unprotected old buildings with issues such as access, hydrant locations, and converted structures.

The impact of the District on public infrastructure is expected to be minimal. The development is not expected to significantly impact any traffic movements in the area. The current infrastructure for sanitary sewer, storm sewer and water will be able to handle the additional volume generated from the proposed development. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, and sidewalks. The development in the District is expected to contribute approximately $468,000 to sanitary sewer (SAC) and water (WAC) connection fees.

The probable impact of any District general obligation tax increment bonds on the ability to issue debt for general fund purposes is expected to be minimal.

(3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is $9,346,989;

(4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is $15,672,692;

(5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

No requests for additional information from the county or school district regarding the proposed development for the District have been received.

Subsection 3-15 Supporting Documentation

Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7* the TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District. Following is a list of reports and studies on file at the City that support the HRA and City's findings:

- The Lake Effect Project Plans
- Wayzata Downtown Parking Project

Subsection 3-16 Definition of Tax Increment Revenues

Pursuant to *M.S., Section 469.174, Subd. 25*, tax increment revenues derived from a tax increment financing district include all of the following potential revenue sources:

1. Taxes paid by the captured net tax capacity, but excluding any excess taxes, as computed under *M.S., Section 469.177*;
2. The proceeds from the sale or lease of property, tangible or intangible, to the extent the property was purchased by the authority with tax increments;
3. Principal and interest received on loans or other advances made by the authority with tax increments;
4. Interest or other investment earnings on or from tax increments;
5. Repayments or return of tax increments made to the Authority under agreements for districts for which the request for certification was made after August 1, 1993; and
6. The market value homestead credit paid to the Authority under *M.S., Section 273.1384*.

Subsection 3-17 Modifications to the District

In accordance with *M.S., Section 469.175, Subd. 4*, any:

1. Reduction or enlargement of the geographic area of the District, if the reduction does not meet the requirements of *M.S., Section 469.175, Subd. 4(e)*;
2. Increase in amount of bonded indebtedness to be incurred;
3. A determination to capitalize interest on debt if that determination was not a part of the original TIF Plan;
4. Increase in the portion of the captured net tax capacity to be retained by the HRA or City;
5. Increase in the estimate of the cost of the District, including administrative expenses, that will be paid or financed with tax increment from the District; or
6. Designation of additional property to be acquired by the HRA or City,

shall be approved upon the notice and after the discussion, public hearing and findings required for approval of the original TIF Plan.

Pursuant to *M.S. Section 469.175 Subd. 4(f)*, the geographic area of the District may be reduced, but shall not be enlarged after five years following the date of certification of the original net tax capacity by the county auditor. If a redevelopment district is enlarged, the reasons and supporting facts for the determination that the addition to the district meets the criteria of *M.S., Section 469.174, Subd. 10*, must be documented in writing and retained. The requirements of this paragraph do not apply if (1) the only modification is elimination of parcel(s) from the District and (2)(A) the current net tax capacity of the parcel(s) eliminated from the District equals or exceeds the net tax capacity of those parcel(s) in the District's original net tax capacity or (B) the HRA agrees that, notwithstanding *M.S., Section 469.177, Subd. 1*, the original net tax capacity will be reduced by no more than the current net tax capacity of the parcel(s) eliminated from the District.

The HRA or City must notify the County Auditor of any modification to the District. Modifications to the District in the form of a budget modification or an expansion of the boundaries will be recorded in the TIF Plan.

Subsection 3-18 Administrative Expenses

In accordance with *M.S., Section 469.174, Subd. 14,* administrative expenses means all expenditures of the HRA or City, *other than*:

1. Amounts paid for the purchase of land;
2. Amounts paid to contractors or others providing materials and services, including architectural and engineering services, directly connected with the physical development of the real property in the District;
3. Relocation benefits paid to or services provided for persons residing or businesses located in the District;
4. Amounts used to pay principal or interest on, fund a reserve for, or sell at a discount bonds issued pursuant to *M.S., Section 469.178*; or
5. Amounts used to pay other financial obligations to the extent those obligations were used to finance costs described in clauses (1) to (3).

For districts for which the request for certification were made before August 1, 1979, or after June 30, 1982, and before August 1, 2001, administrative expenses also include amounts paid for services provided by bond counsel, fiscal consultants, and planning or economic development consultants. Pursuant to *M.S., Section 469.176, Subd. 3*, tax increment may be used to pay any **authorized and documented** administrative expenses for the District up to but not to exceed 10 percent of the total estimated tax increment expenditures authorized by the TIF Plan or the total tax increments, as defined by *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

For districts for which certification was requested after July 31, 2001, no tax increment may be used to pay any administrative expenses for District costs which exceed ten percent of total estimated tax increment expenditures authorized by the TIF Plan or the total tax increments, as defined in *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

Pursuant to *M.S., Section 469.176, Subd. 4h*, tax increments may be used to pay for the County's actual administrative expenses incurred in connection with the District and are not subject to the percentage limits of *M.S., Section 469.176, Subd. 3*. The county may require payment of those expenses by February 15 of the year following the year the expenses were incurred.

Pursuant to *M.S., Section 469. 177, Subd. 11*, the County Treasurer shall deduct an amount (currently .36 percent) of any increment distributed to the HRA or City and the County Treasurer shall pay the amount deducted to the State Commissioner of Management and Budget for deposit in the state general fund to be appropriated to the State Auditor for the cost of financial reporting of tax increment financing information and the cost of examining and auditing authorities' use of tax increment financing. This amount may be adjusted annually by the Commissioner of Revenue.

Subsection 3-19 Limitation of Increment

The tax increment pledged to the payment of bonds and interest thereon may be discharged and the District may be terminated if sufficient funds have been irrevocably deposited in the debt service fund or other escrow account held in trust for all outstanding bonds to provide for the payment of the bonds at maturity or redemption date.

Pursuant to *M.S., Section 469.176, Subd. 6*:

> *if, after four years from the date of certification of the original net tax capacity of the tax increment financing district pursuant to M.S., Section 469.177, no demolition, rehabilitation or renovation of property or other site preparation, including qualified improvement of a street adjacent to a parcel but not installation of utility service including sewer or water systems, has been commenced on a parcel located within a tax increment financing district by the authority or by the owner of the parcel in accordance with the tax increment financing plan, no additional tax increment may be taken from that parcel, and the original net tax capacity of that parcel shall be excluded from the original net tax capacity of the tax increment financing district. If the authority or the owner of the parcel subsequently commences demolition, rehabilitation or renovation or other site preparation on that parcel including qualified improvement of a street adjacent to that parcel, in accordance with the tax increment financing plan, the authority shall certify to the county auditor that the activity has commenced and the county auditor shall certify the net tax capacity thereof as most recently certified by the commissioner of revenue and add it to the original net tax capacity of the tax increment financing district. The county auditor must enforce the provisions of this subdivision. The authority must submit to the county auditor evidence that the required activity has taken place for each parcel in the district. The evidence for a parcel must be submitted by February 1 of the fifth year following the year in which the parcel was certified*

as included in the district. For purposes of this subdivision, qualified improvements of a street are limited to (1) construction or opening of a new street, (2) relocation of a street, and (3) substantial reconstruction or rebuilding of an existing street.

The HRA or City or a property owner must improve parcels within the District by approximately December 2021 and report such actions to the County Auditor.

Subsection 3-20 Use of Tax Increment

The HRA or City hereby determines that it will use 100 percent of the captured net tax capacity of taxable property located in the District for the following purposes:

1. To pay the principal of and interest on bonds issued to finance a project;
2. To finance, or otherwise pay public redevelopment costs of the the Central Area Redevelopment District pursuant to *M.S., Sections 469.001 to 469.047*;
3. To pay for project costs as identified in the budget set forth in the TIF Plan;
4. To finance, or otherwise pay for other purposes as provided in *M.S., Section 469.176, Subd. 4*;
5. To pay principal and interest on any loans, advances or other payments made to or on behalf of the HRA or City or for the benefit of the Central Area Redevelopment District by a developer;
6. To finance or otherwise pay premiums and other costs for insurance or other security guaranteeing the payment when due of principal of and interest on bonds pursuant to the TIF Plan or pursuant to *M.S., Chapter 462C. M.S., Sections 469.152 through 469.165*, and/or *M.S., Sections 469.178*; and
7. To accumulate or maintain a reserve securing the payment when due of the principal and interest on the tax increment bonds or bonds issued pursuant to *M.S., Chapter 462C, M.S., Sections 469.152 through 469.165*, and/or *M.S., Sections 469.178*.

These revenues shall not be used to circumvent any levy limitations applicable to the City nor for other purposes prohibited by *M.S., Section 469.176, Subd. 4.*

Tax increments generated in the District will be paid by Hennepin County to the HRA for the Tax Increment Fund of said District. The HRA or City will pay to the developer(s) annually an amount not to exceed an amount as specified in a developer's agreement to reimburse the costs of land acquisition, public improvements, demolition and relocation, site preparation, and administration. Remaining increment funds will be used for HRA or City administration (up to 10 percent) and for the costs of public improvement activities outside the District.

Subsection 3-21 Excess Increments

Excess increments, as defined in *M.S., Section 469.176, Subd. 2*, shall be used only to do one or more of the following:

1. Prepay any outstanding bonds;
2. Discharge the pledge of tax increment for any outstanding bonds;
3. Pay into an escrow account dedicated to the payment of any outstanding bonds; or
4. Return the excess to the County Auditor for redistribution to the respective taxing jurisdictions in proportion to their local tax rates.

The HRA or City must spend or return the excess increments under paragraph (c) within nine months after the end of the year. In addition, the HRA or City may, subject to the limitations set forth herein, choose to modify the TIF Plan in order to finance additional public costs in the Central Area Redevelopment District or the District.

Subsection 3-22 Requirements for Agreements with the Developer

The HRA or City will review any proposal for private development to determine its conformance with the Redevelopment Plan and with applicable municipal ordinances and codes. To facilitate this effort, the following documents may be requested for review and approval: site plan, construction, mechanical, and electrical system drawings, landscaping plan, grading and storm drainage plan, signage system plan, and any other drawings or narrative deemed necessary by the HRA or City to demonstrate the conformance of the development with City plans and ordinances. The HRA or City may also use the Agreements to address other issues related to the development.

Pursuant to *M.S., Section 469.176, Subd. 5*, no more than 25 percent, by acreage, of the property to be acquired in the District as set forth in the TIF Plan shall at any time be owned by the HRA or City as a result of acquisition with the proceeds of bonds issued pursuant to *M.S., Section 469.178* to which tax increments from property acquired is pledged, unless prior to acquisition in excess of 25 percent of the acreage, the HRA or City concluded an agreement for the development or redevelopment of the property acquired and which provides recourse for the HRA or City should the development or redevelopment not be completed.

Subsection 3-23 Assessment Agreements

Pursuant to *M.S., Section 469.177, Subd. 8*, the HRA or City may enter into a written assessment agreement in recordable form with the developer of property within the District which establishes a minimum market value of the land and completed improvements for the duration of the District. The assessment agreement shall be presented to the County Assessor who shall review the plans and specifications for the improvements to be constructed, review the market value previously assigned to the land upon which the improvements are to be constructed and, so long as the minimum market value contained in the assessment agreement appears, in the judgment of the assessor, to be a reasonable estimate, the County Assessor shall also certify the minimum market value agreement.

Subsection 3-24 Administration of the District

Administration of the District will be handled by the City Manager.

Subsection 3-25 Annual Disclosure Requirements

Pursuant to *M.S., Section 469.175, Subds. 5, 6, and 6b* the HRA or City must undertake financial reporting for all tax increment financing districts to the Office of the State Auditor, County Board and County Auditor on or before August 1 of each year. *M.S., Section 469.175, Subd. 5* also provides that an annual statement shall be published in a newspaper of general circulation in the City on or before August 15.

If the City fails to make a disclosure or submit a report containing the information required by *M.S., Section 469.175 Subd. 5 and Subd. 6,* the Office of the State Auditor will direct the County Auditor to withhold the distribution of tax increment from the District.

Subsection 3-26 Reasonable Expectations

As required by the TIF Act, in establishing the District, the determination has been made that the anticipated development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the TIF Plan In making said determination, reliance has been placed upon written representation made by the developer to such effects and upon HRA and City staff awareness of the feasibility of developing the project site(s) within the District. A comparative analysis of estimated market values both with and without establishment of the District and the use of tax increments has been performed as described above. Such analysis is included with the cashflow in Appendix D, and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the District and the use of tax increments.

Subsection 3-27 Other Limitations on the Use of Tax Increment

1. General Limitations. All revenue derived from tax increment shall be used in accordance with the TIF Plan. The revenues shall be used to finance, or otherwise pay public redevelopment costs of the the Central Area Redevelopment District pursuant to *M.S., Sections 469.001 to 469.047*. Tax increments may not be used to circumvent existing levy limit law. No tax increment may be used for the acquisition, construction, renovation, operation, or maintenance of a building to be used primarily and regularly for conducting the business of a municipality, county, school district, or any other local unit of government or the state or federal government. This provision does not prohibit the use of revenues derived from tax increments for the construction or renovation of a parking structure.

2. Pooling Limitations. At least 75 percent of tax increments from the District must be expended on activities in the District or to pay bonds, to the extent that the proceeds of the bonds were used to finance activities within said district or to pay, or secure payment of, debt service on credit enhanced bonds. Not more than 25 percent of said tax increments may be expended, through a development fund or otherwise, on activities outside of the District except to pay, or secure payment of, debt service on credit enhanced bonds. For purposes of applying this restriction, all administrative expenses must be treated as if they were solely for activities outside of the District.

3. Five Year Limitation on Commitment of Tax Increments. Tax increments derived from the District shall be deemed to have satisfied the 75 percent test set forth in paragraph (2) above only if the five year rule set forth in *M.S., Section 469.1763, Subd. 3*, has been satisfied; and beginning with the sixth year following certification of the District, 75 percent of said tax increments that remain after expenditures permitted under said five year rule must be used only to pay previously committed expenditures or credit enhanced bonds as more fully set forth in *M.S., Section 469.1763, Subd. 5*.

4. Redevelopment District. At least 90 percent of the revenues derived from tax increment from a redevelopment district must be used to finance the cost of correcting conditions that allow designation of redevelopment and renewal and renovation districts under *M.S., Section 469.176 Subd. 4j*. These costs include, but are not limited to, acquiring properties containing structurally substandard buildings or improvements or hazardous substances, pollution, or contaminants, acquiring adjacent parcels necessary to provide a site of sufficient size to permit development, demolition and rehabilitation of structures, clearing of the land, the removal of hazardous substances or remediation necessary for development of the land, and installation of utilities, roads, sidewalks, and parking facilities for the site. The allocated administrative expenses of the HRA or City, including the cost of preparation of the development action response plan, may be included in the qualifying costs.

Subsection 3-28 Summary

The Wayzata Housing and Redevelopment Authority is establishing the District to preserve and enhance the tax base, redevelop substandard areas, and provide employment opportunities in the City. The TIF Plan for the District was prepared by Ehlers & Associates, Inc., 3060 Centre Pointe Drive, Roseville, Minnesota 55113, telephone (651) 697-8500.

Appendix A

Project Description

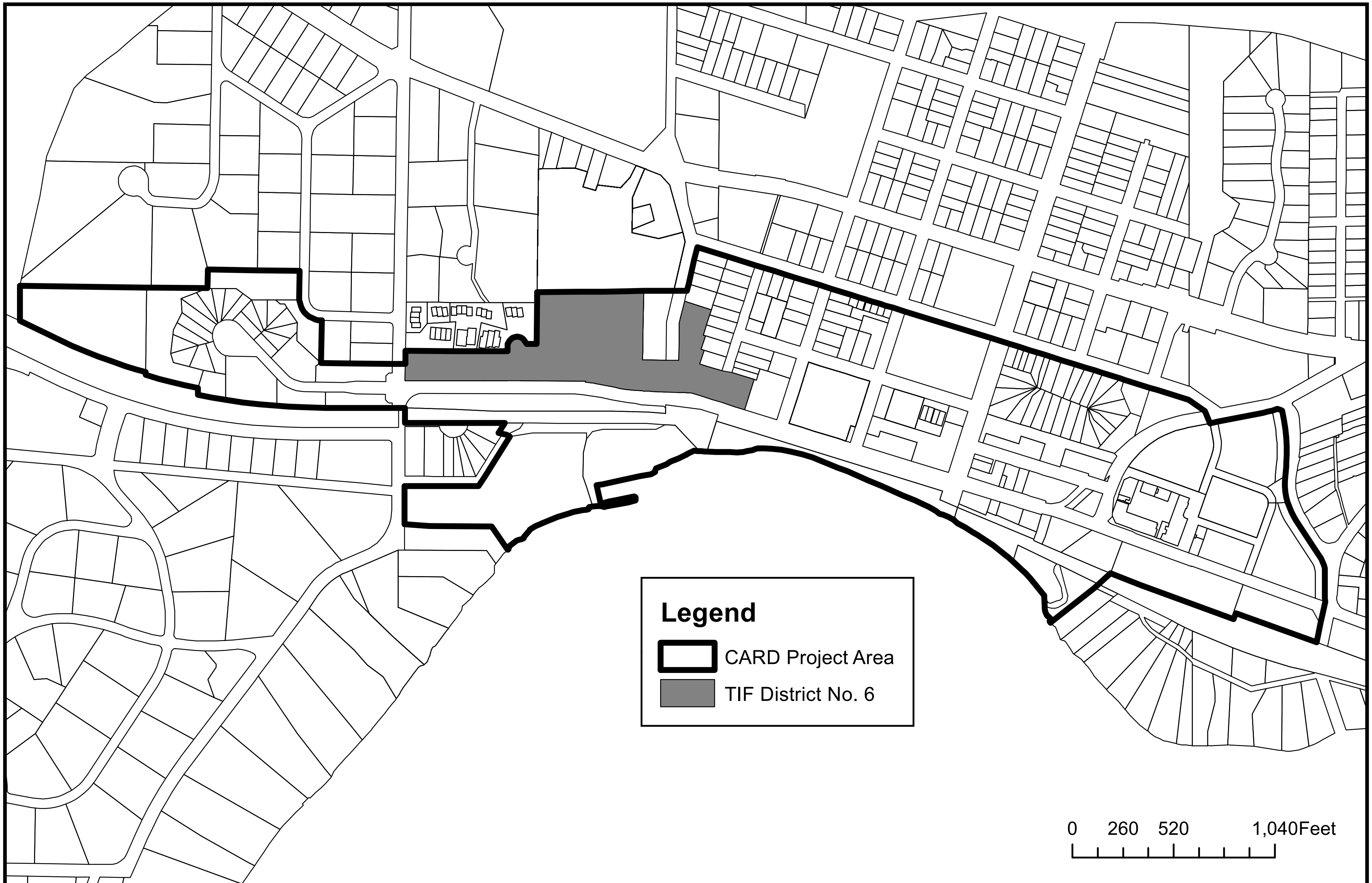
The District currently consists of 24 parcels of land and adjacent and internal rights-of-way. The District is being created to facilitate the construction of approximately 71 condos, 53,690 square feet of office space, 10,603 square feet of retail space, a public lot/ramp and road and streetscape improvements along Lake Street within the City. Currently, Wayzata Blu has received City planning approvals for the construction of 18 condos and approximately 3,500 sq/ft of retail located on four (4) parcels along Lake Street. Construction is expected to commence sometime in 2018. The developer has not requested, nor is the HRA providing assistance to this project. In addition, Homestead Properties has received approval for the development of 22 condos on the former Meyers Dairy site located at 105 Lake Street East. Construction is expected to commence sometime in 2018. The developer has not requested, nor is the HRA providing assistance to this project.

Hoyt properties has submitted an application for TIF assistance to redevelop property they own located at 253 Lake Street East into 16 condominiums. The developer intends to donate a large portion of the site to the City to construct the needed parking for this area of the downtown. The HRA has not entered into a contract with the developer and any assistance provided would be on a pay-as-you-go basis. The City is aware of two (2) other developers that have inquired about assistance to redevelop their properties into office and or housing uses but have not formally submitted anything to the City at this time.

The City intends to utilize TIF for purposes of paying for public improvements, including but not limited to, a new City parking lot/ramp, road, streetscape and utility improvements.

Appendix B

Map of the Central Area Redevelopment District and the District



CARD Project Area / District No. 6

This map is for planning purposes ONLY. This is NOT a legally recorded map. It represents a compilation of information from various sources.

Source:
City of Wayzata

Prepared By:
City of Wayzata

Appendix C

Description of Property to be Included in the District

The District encompasses all property and adjacent rights-of-way and abutting roadways identified by the parcels listed below.

Parcel Numbers	Address	Owner
0611722230010	235 Lake St. E	Melvin’s 235 LLC
0611722230007	235 Lake St. E	Melvin’s 235 LLC
0611722320003	235 Lake St. E	Melvin’s 235 LLC
0611722230014	239 Lake St. E	Melvin’s 235 LLC
0611722230013	253 Lake St. E	Berry and Co Inc.
0611722320005	275 Lake St. E	Theodore T Asao Etal Trs
0611722320004	339 Barry Ave S	Theodore T Asao Etal Trs
0611722320006	269 Lake St. E	Theodore T Asao Etal Trs
0611722230005	259 Lake St E	Flagship Financial Group Inc
0611722230034	105 Lake St. E	Meyer Properties
0611722230030	143 Lake St. E	Wayzata Bay Car Wash Inc.
0611722320030	153 Lake St. E	Rednasor LLC
0611722320031	155 Lake St. E	155 Lake Street R/E LLC
0611722230364	201 Lake St. E	Westway LLC
0611722310006	305 Lake St. E	Five Swans Inc.
0611722310005	309 Lake St. E	Five Swans
0611722310004	309 Lake St. E	Five Swans Inc.
0611722240012	328 Barry Ave S	328 Barry Avenue, LLC
0611722240088	318 Barry Ave S	Wayzata Bay Condominiums LLC
0611722240008	312 Barry Ave S	Wayzata Bay Condominiums LLC
0611722240007	304 Barry Ave S	Wayzata Bay Condominiums LLC
0611722310094	315 Lake St. E	Jeffway LLC
0611722310103	401 Lake St. E	401 Lake Spydernet LLC
0611722310014	407 Lake St. E	Masonic Temple Assn

Appendix D

Estimated Cash Flow for the District

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West Lake Street Redevelopment - No Inflation

City of Wayzata

71 Condos, 53,690 Sq/Ft Office and 10,603 Sq/Ft of Retail

ASSUMPTIONS AND RATES

DistrictType:	**Redevelopment**	
District Name/Number:		
County District #:		
First Year Construction or Inflation on Value	**2018**	
Existing District - Specify No. Years Remaining		
Inflation Rate - Every Year:	**3.00%**	
Interest Rate:	**3.00%**	
Present Value Date:	**1-Aug-18**	
First Period Ending	1-Feb-19	
Tax Year District was Certified:	**Pay 2018**	
Cashflow Assumes First Tax Increment For Development:	2020	
Years of Tax Increment	26	
Assumes Last Year of Tax Increment	2045	
Fiscal Disparities Election [Outside (A), Inside (B), or NA]	**Inside(B)**	
Incremental or Total Fiscal Disparities	**Incremental**	
Fiscal Disparities Contribution Ratio	33.9214%	Pay 2017
Fiscal Disparities Metro-Wide Tax Rate	150.0490%	Pay 2017
Maximum/Frozen Local Tax Rate:	104.786%	Pay 2017
Current Local Tax Rate: (Use lesser of Current or Max.)	104.786%	Pay 2017
State-wide Tax Rate (Comm./Ind. only used for total taxes)	45.8020%	Pay 2017
Market Value Tax Rate (Used for total taxes)	0.20865%	Pay 2017

Tax Rates

Exempt Class Rate (Exempt)			0.00%
Commercial Industrial Preferred Class Rate (C/I Pref.)			
	First	$150,000	1.50%
	Over	$150,000	2.00%
Commercial Industrial Class Rate (C/I)			2.00%
Rental Housing Class Rate (Rental)			1.25%
Affordable Rental Housing Class Rate (Aff. Rental)			
	First	$115,000	0.75%
	Over	$115,000	0.25%
Non-Homestead Residential (Non-H Res. 1 Unit)			
	First	$500,000	1.00%
	Over	$500,000	1.25%
Homestead Residential Class Rate (Hmstd. Res.)			
	First	$500,000	1.00%
	Over	$500,000	1.25%
Agricultural Non-Homestead			1.00%

BASE VALUE INFORMATION (Original Tax Capacity)

Map #	PID	Owner	Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.	Area/ Phase
G	0611722230010	Hughes	235 Lake St. E.	173,000	0	173,000	100%	173,000	Pay 2018	C/I	3,460	C/I	3,460	1
H	0611722230007	Hughes	235 Lake St. E.	536,000	0	536,000	100%	536,000	Pay 2018	C/I	10,720	C/I Pref.	9,970	1
I	0611722320003	Hughes	235 Lake St. E.	295,000	1,000	296,000	100%	296,000	Pay 2018	C/I Pref.	5,170	C/I Pref.	5,170	1
J	0611722230014	Hughes	239 Lake St. E.	953,000	0	953,000	100%	953,000	Pay 2018	C/I	19,060	C/I Pref.	18,310	1
K	0611722230013	Hoyt	253 Lake St. E.	2,417,000	1,000	2,418,000	100%	2,418,000	Pay 2018	C/I Pref.	47,610	Hmstd. Res.	28,975	2
N	0611722320005	Wayzata Blu	275 Lake St. E	300,000	104,000	404,000	100%	404,000	Pay 2018	C/I Pref.	7,330	Hmstd. Res.	4,040	3
O	0611722320004	Wayzata Blu	339 Barry Ave S	489,000	106,000	595,000	100%	595,000	Pay 2018	C/I	11,900	Hmstd. Res.	6,188	3
M	0611722320006	Wayzata Blu	269 Lake St. E	350,000	1,000	351,000	100%	351,000	Pay 2018	C/I	7,020	Hmstd. Res.	3,510	3
L	0611722230005	Wayzata Blu	259 Lake St. E	1,594,000	1,000	1,595,000	100%	1,595,000	Pay 2018	C/I Pref.	31,150	Hmstd. Res.	18,688	3
A	0611722230034	Meyers Dairy	105 Lake St. E	2,362,000	52,000	2,414,000	100%	2,414,000	Pay 2018	Rental	30,175	Hmstd. Res.	28,925	4
B	0611722230030	Car Wash	143 Lake St. E	1,145,000	1,000	1,146,000	100%	1,146,000	Pay 2018	C/I Pref.	22,170	C/I Pref.	22,170	No Dev
C	0611722320030	Office	153 Lake St. E	512,000	864,000	1,376,000	100%	1,376,000	Pay 2018	C/I Pref.	26,770	C/I Pref.	26,770	No Dev
D	0611722320031	Office	155 Lake Ste E	587,000	893,000	1,480,000	100%	1,480,000	Pay 2018	C/I Pref.	28,850	C/I Pref.	28,850	No Dev
E	ROW	City	Edgewood Ct.	0	0	0	100%	0	Pay 2018	Exempt	-	Exempt	-	No Dev
F	0611722230364	Lowel Zitloff/Office	201 Lake St. E	5,100,000	2,208,000	7,308,000	100%	7,308,000	Pay 2018	C/I Pref.	145,410	C/I Pref.	145,410	No Dev
P	ROW	City	Barry Ave S	0	0	0	100%	0	Pay 2018	Exempt	-	Exempt	-	No Dev
Q	0611722310006	Five Swans	305 Lake St. E	148,000	1,000	149,000	100%	149,000	Pay 2018	C/I	2,980	C/I	2,980	5
R	0611722310005	Five Swans	309 lake St. E	937,000	1,000	938,000	100%	938,000	Pay 2018	C/I Pref.	18,010	C/I Pref.	18,010	5
S	0611722310004	Five Swans	309 lake St. E	47,000	0	47,000	100%	47,000	Pay 2018	C/I	940	C/I Pref.	705	5
T	0611722240012	Nolan Prop/Office	328 Barry Ave S	546,000	3,374,000	3,920,000	100%	3,920,000	Pay 2018	C/I Pref.	77,650	C/I Pref.	77,650	No Dev
U	0611722240088	Wayzat Bay Condos	318 Barry Ave S	427,000	0	427,000	100%	427,000	Pay 2018	Rental	5,338	Hmstd. Res.	4,270	6
V	0611722240008	Wayzat Bay Condos	312 Barry Ave S	320,000	0	320,000	100%	320,000	Pay 2018	Rental	4,000	Hmstd. Res.	3,200	6
W	0611722240007	Wayzat Bay Condos	304 Barry Ave S	432,000	0	432,000	100%	432,000	Pay 2018	Rental	5,400	Hmstd. Res.	4,320	6
X	0611722310094	5 Swans/Merrill L	315 Lake St. E	1,810,000	8,101,000	9,911,000	100%	9,911,000	Pay 2018	C/I Pref.	197,470	C/I Pref.	197,470	No Dev
Y	ROW	City	Manitoba Ave S	0	0	0	100%	0	Pay 2018	Exempt	-	Exempt	-	No Dev
Z	0611722310103	Office	401 Lake St. E	1,083,000	287,000	1,370,000	100%	1,370,000	Pay 2018	C/I Pref.	26,650	C/I Pref.	26,650	No Dev
AA	0611722310014	Masonic Temple	407 Lake St. E	449,000	290,000	739,000	100%	739,000	Pay 2018	C/I Pref.	14,030	C/I Pref.	14,030	No Dev
				23,012,000	16,286,000	39,298,000		**39,298,000**			**749,263**		**699,720**	

Note:

1. Base values are for pay 2018 based upon review of County website on 9-6-17.

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West Lake Street Redevelopment - No Inflation

City of Wayzata

71 Condos, 53,690 Sq/Ft Office and 10,603 Sq/Ft of Retail

PROJECT INFORMATION (Project Tax Capacity)

Area/Phase	New Use	Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity	Project Tax Capacity/Unit	Percentage Completed 2018	Percentage Completed 2019	Percentage Completed 2020	Percentage Completed 2021	First Year Full Taxes Payable
G,H,I,J (Hughes)	Office	225	225	30,000	6,750,000	C/I Pref.	134,250	4	0%	100%	100%	100%	2021
K (Hoyt)	Condos	950,000	950,000	16	15,200,000	Hmstd. Res.	170,000	10,625	100%	100%	100%	100%	2020
N,M,L,O (Wayz Blu)	Condos	950,000	950,000	18	17,100,000	Hmstd. Res.	191,250	10,625	100%	100%	100%	100%	2020
N,M,L,O (Wayz Blu)	Retail	225	225	3,500	787,500	C/I Pref.	15,000	4	100%	100%	100%	100%	2020
A (Meyers Dairy)	Condos	950,000	950,000	22	20,900,000	Hmstd. Res.	233,750	10,625	0%	0%	100%	100%	2022
Q (Five Swans)	Retail	225	225	7,103	1,598,175	C/I Pref.	31,214	4	0%	0%	100%	100%	2022
R, S (Five Swans)	Office	225	225	23,690	5,330,250	C/I	106,605	5	0%	0%	100%	100%	2022
U,V,W (W. Bay Condo)	Condos	950,000	950,000	15	14,250,000	Hmstd. Res.	159,375	10,625	100%	100%	100%	100%	2020
B (Existing)	Car Wash	1,146,000	1,146,000	1	1,146,000	C/I Pref.	22,170	22,170	100%	100%	100%	100%	2020
C (Existing)	Office	1,376,000	1,376,000	1	1,376,000	C/I Pref.	26,770	26,770	100%	100%	100%	100%	2020
D (Existing)	Office	1,480,000	1,480,000	1	1,480,000	C/I Pref.	28,850	28,850	100%	100%	100%	100%	2020
F (Existing)	Lowel Zitloff/Office	7,308,000	7,308,000	1	7,308,000	C/I Pref.	145,410	145,410	100%	100%	100%	100%	2020
T (Existing)	Nolan Prop/Office	3,920,000	3,920,000	1	3,920,000	C/I Pref.	77,650	77,650	100%	100%	100%	100%	2020
X (Existing)	5 Swans/Merrill L	9,911,000	9,911,000	1	9,911,000	C/I Pref.	197,470	197,470	100%	100%	100%	100%	2020
Z (Existing)	Office	1,370,000	1,370,000	1	1,370,000	C/I Pref.	26,650	26,650	100%	100%	100%	100%	2020
AA (Existing)	Masonic Temple	739,000	739,000	1	739,000	C/I Pref.	14,030	14,030	100%	100%	100%	100%	2020
TOTAL					**109,165,925**		**1,580,444**						
Subtotal Residential				**71**	**67,450,000**		**754,375**						
Subtotal Commercial/Ind.				**64,301**	**41,715,925**		**826,069**						

Note:

1. Market values are based upon estimates.

TAX CALCULATIONS

New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Office	**134,250**	**45,539**	**88,711**	**92,956**	**68,332**	**61,489**	**14,084**	**236,861**	**7.90**
Condos	**170,000**	**0**	**170,000**	**178,136**	**0**	**0**	**31,715**	**209,851**	**13,115.69**
Condos	**191,250**	**0**	**191,250**	**200,403**	**0**	**0**	**35,679**	**236,082**	**13,115.69**
Retail	**15,000**	**5,088**	**9,912**	**10,386**	**7,635**	**6,870**	**1,643**	**26,534**	**7.58**
Condos	**233,750**	**0**	**233,750**	**244,937**	**0**	**0**	**43,608**	**288,545**	**13,115.69**
Retail	**31,214**	**10,588**	**20,625**	**21,613**	**15,887**	**14,296**	**3,335**	**55,131**	**7.76**
Office	**106,605**	**36,162**	**70,443**	**73,814**	**54,261**	**48,827**	**11,122**	**188,024**	**7.94**
Condos	**159,375**	**0**	**159,375**	**167,003**	**0**	**0**	**29,733**	**196,735**	**13,115.69**
Car Wash	**22,170**	**7,520**	**14,650**	**15,351**	**11,284**	**10,154**	**2,391**	**39,180**	**39,180.44**
Office	**26,770**	**9,081**	**17,689**	**18,536**	**13,626**	**12,261**	**2,871**	**47,294**	**47,293.66**
Office	**28,850**	**9,786**	**19,064**	**19,976**	**14,684**	**13,214**	**3,088**	**50,962**	**50,962.24**
Lowel Zitloff/Office	**145,410**	**49,325**	**96,085**	**100,684**	**74,012**	**66,601**	**15,248**	**256,544**	**256,544.18**
Nolan Prop/Office	**77,650**	**26,340**	**51,310**	**53,766**	**39,523**	**35,565**	**8,179**	**137,033**	**137,032.92**
5 Swans/Merrill L	**197,470**	**66,985**	**130,485**	**136,730**	**100,510**	**90,445**	**20,679**	**348,365**	**348,364.66**
Office	**26,650**	**9,040**	**17,610**	**18,453**	**13,565**	**12,206**	**2,859**	**47,082**	**47,082.01**
Masonic Temple	**14,030**	**4,759**	**9,271**	**9,715**	**7,141**	**6,426**	**1,542**	**24,824**	**24,823.56**
TOTAL	**1,580,444**	**280,214**	**1,300,229**	**1,362,458**	**420,458**	**378,356**	**227,775**	**2,389,047**	

Note:

1. Taxes and tax increment will vary significantly from year to year depending upon values, rates, state law, fiscal disparities and other factors which cannot be predicted.

WHAT IS EXCLUDED FROM TIF?

Total Property Taxes	**2,389,047**
less State-wide Taxes	**(378,356)**
less Fiscal Disp. Adj.	**(420,458)**
less Market Value Taxes	**(227,775)**
less Base Value Taxes	**(520,791)**
Annual Gross TIF	**841,668**

EHLERS
LEADERS IN PUBLIC FINANCE

West Lake Street Redevelopment - No Inflation
City of Wayzata
71 Condos, 53,690 Sq/Ft Office and 10,603 Sq/Ft of Retail

TAX INCREMENT CASH FLOW

% of OTC	Project Tax Capacity	Original Tax Capacity	Fiscal Disparities Incremental	Captured Tax Capacity	Local Tax Rate	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	Admin. at 10%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
							-	-	-	-				02/01/19
							-	-	-	-				08/01/19
							-	-	-	-				02/01/20
100%	1,074,625	(699,720)	-	374,905	104.786%	392,848	196,424	(707)	(19,572)	176,145	165,961	0.5	2020	08/01/20
							196,424	(707)	(19,572)	176,145	329,470	1	2020	02/01/21
100%	1,241,114	(699,720)	(36,386)	505,008	104.786%	529,178	264,589	(953)	(26,364)	237,273	546,466	1.5	2021	08/01/21
							264,589	(953)	(26,364)	237,273	760,255	2	2021	02/01/22
100%	1,649,916	(699,720)	(90,309)	859,887	104.786%	901,041	450,521	(1,622)	(44,890)	404,009	1,118,898	2.5	2022	08/01/22
							450,521	(1,622)	(44,890)	404,009	1,472,241	3	2022	02/01/23
100%	1,699,413	(699,720)	(99,100)	900,594	104.786%	943,696	471,848	(1,699)	(47,015)	423,134	1,836,842	3.5	2023	08/01/23
							471,848	(1,699)	(47,015)	423,134	2,196,055	4	2023	02/01/24
100%	1,750,396	(699,720)	(107,631)	943,045	104.786%	988,179	494,089	(1,779)	(49,231)	443,080	2,566,641	4.5	2024	08/01/24
							494,089	(1,779)	(49,231)	443,080	2,931,751	5	2024	02/01/25
100%	1,802,907	(699,720)	(116,941)	986,246	104.786%	1,033,448	516,724	(1,860)	(51,486)	463,377	3,307,943	5.5	2025	08/01/25
							516,724	(1,860)	(51,486)	463,377	3,678,576	6	2025	02/01/26
100%	1,856,995	(699,720)	(126,531)	1,030,744	104.786%	1,080,075	540,038	(1,944)	(53,809)	484,284	4,060,207	6.5	2026	08/01/26
							540,038	(1,944)	(53,809)	484,284	4,436,198	7	2026	02/01/27
100%	1,912,704	(699,720)	(136,408)	1,076,576	104.786%	1,128,101	564,051	(2,031)	(56,202)	505,818	4,823,104	7.5	2027	08/01/27
							564,051	(2,031)	(56,202)	505,818	5,204,293	8	2027	02/01/28
100%	1,970,086	(699,720)	(146,582)	1,123,784	104.786%	1,177,568	588,784	(2,120)	(58,666)	527,998	5,596,316	8.5	2028	08/01/28
							588,784	(2,120)	(58,666)	527,998	5,982,545	9	2028	02/01/29
100%	2,029,188	(699,720)	(157,061)	1,172,407	104.786%	1,228,519	614,259	(2,211)	(61,205)	550,843	6,379,531	9.5	2029	08/01/29
							614,259	(2,211)	(61,205)	550,843	6,770,650	10	2029	02/01/30
100%	2,090,064	(699,720)	(167,854)	1,222,490	104.786%	1,280,998	640,499	(2,306)	(63,819)	574,374	7,172,450	10.5	2030	08/01/30
							640,499	(2,306)	(63,819)	574,374	7,568,312	11	2030	02/01/31
100%	2,152,766	(699,720)	(178,971)	1,274,074	104.786%	1,335,052	667,526	(2,403)	(66,512)	598,610	7,974,780	11.5	2031	08/01/31
							667,526	(2,403)	(66,512)	598,610	8,375,242	12	2031	02/01/32
100%	2,217,349	(699,720)	(190,422)	1,327,207	104.786%	1,390,727	695,363	(2,503)	(69,286)	623,574	8,786,239	12.5	2032	08/01/32
							695,363	(2,503)	(69,286)	623,574	9,191,163	13	2032	02/01/33
100%	2,283,869	(699,720)	(202,216)	1,381,933	104.786%	1,448,072	724,036	(2,607)	(72,143)	649,287	9,606,552	13.5	2033	08/01/33
							724,036	(2,607)	(72,143)	649,287	10,015,803	14	2033	02/01/34
100%	2,352,385	(699,720)	(214,364)	1,438,301	104.786%	1,507,138	753,569	(2,713)	(75,086)	675,771	10,435,451	14.5	2034	08/01/34
							753,569	(2,713)	(75,086)	675,771	10,848,899	15	2034	02/01/35
100%	2,422,957	(699,720)	(226,876)	1,496,360	104.786%	1,567,976	783,988	(2,822)	(78,117)	703,049	11,272,678	15.5	2035	08/01/35
							783,988	(2,822)	(78,117)	703,049	11,690,195	16	2035	02/01/36
100%	2,495,645	(699,720)	(239,764)	1,556,161	104.786%	1,630,639	815,320	(2,935)	(81,238)	731,146	12,117,981	16.5	2036	08/01/36
							815,320	(2,935)	(81,238)	731,146	12,539,446	17	2036	02/01/37
100%	2,570,515	(699,720)	(253,039)	1,617,756	104.786%	1,695,182	847,591	(3,051)	(84,454)	760,086	12,971,117	17.5	2037	08/01/37
							847,591	(3,051)	(84,454)	760,086	13,396,408	18	2037	02/01/38
100%	2,647,630	(699,720)	(266,711)	1,681,199	104.786%	1,761,661	880,831	(3,171)	(87,766)	789,894	13,831,847	18.5	2038	08/01/38
							880,831	(3,171)	(87,766)	789,894	14,260,851	19	2038	02/01/39
100%	2,727,059	(699,720)	(280,794)	1,746,545	104.786%	1,830,135	915,067	(3,294)	(91,177)	820,596	14,699,943	19.5	2039	08/01/39
							915,067	(3,294)	(91,177)	820,596	15,132,546	20	2039	02/01/40
100%	2,808,871	(699,720)	(295,299)	1,813,852	104.786%	1,900,663	950,331	(3,421)	(94,691)	852,219	15,575,180	20.5	2040	08/01/40
							950,331	(3,421)	(94,691)	852,219	16,011,274	21	2040	02/01/41
100%	2,893,137	(699,720)	(310,240)	1,883,177	104.786%	1,973,306	986,653	(3,552)	(98,310)	884,791	16,457,343	21.5	2041	08/01/41
							986,653	(3,552)	(98,310)	884,791	16,896,821	22	2041	02/01/42
100%	2,979,931	(699,720)	(325,628)	1,954,583	104.786%	2,048,129	1,024,065	(3,687)	(102,038)	918,340	17,346,221	22.5	2042	08/01/42
							1,024,065	(3,687)	(102,038)	918,340	17,788,980	23	2042	02/01/43
100%	3,069,329	(699,720)	(341,479)	2,028,130	104.786%	2,125,197	1,062,598	(3,825)	(105,877)	952,896	18,241,610	23.5	2043	08/01/43
							1,062,598	(3,825)	(105,877)	952,896	18,687,551	24	2043	02/01/44
100%	3,161,409	(699,720)	(357,805)	2,103,884	104.786%	2,204,576	1,102,288	(3,968)	(109,832)	988,488	19,143,312	24.5	2044	08/01/44
							1,102,288	(3,968)	(109,832)	988,488	19,592,338	25	2044	02/01/45
100%	3,256,251	(699,720)	(374,620)	2,181,911	104.786%	2,286,337	1,143,169	(4,115)	(113,905)	1,025,148	20,051,135	25.5	2045	08/01/45
							1,143,169	(4,115)	(113,905)	1,025,148	20,503,151	26	2045	02/01/46
Total							**37,388,443**	**(134,598)**	**(3,725,384)**	**33,528,460**				
	Present Value From 08/01/2018			**Present Value Rate**	**3.00%**		**22,863,588**	**(82,309)**	**(2,278,128)**	**20,503,151**				

Appendix E

Minnesota Business Assistance Form
(Minnesota Department of Employment and Economic Development)

A Minnesota Business Assistance Form (MBAF) should be used to report and/or update each calendar year's activity by April 1 of the following year.

Please see the Minnesota Department of Employment and Economic Development (DEED) website at http://www.deed.state.mn.us/Community/subsidies/MBAFForm.htm for information and forms.

Appendix F

Redevelopment Qualifications for the District

To be added to prior to the public hearing

Appendix G

Findings Including But/For Qualifications

To be added to prior to the public hearing

But-For Analysis	
Current Market Value	39,298,000
New Market Value - Estimate	109,165,925
Difference	69,867,925
Present Value of Tax Increment	22,863,588
Difference	47,004,337
Value Likely to Occur Without TIF is Less Than:	**47,004,337**

PLANNING COMMISSION
CITY OF WAYZATA, MINNESOTA

RESOLUTION NO. 01-2017

RESOLUTION OF THE CITY OF WAYZATA PLANNING COMMISSION FINDING THAT A MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE CENTRAL AREA REDEVELOPMENT DISTRICT AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 6 - DOWNTOWN WEST CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.

WHEREAS, the Wayzata Housing and Redevelopment Authority (the "HRA") and the City of Wayzata (the "City") have proposed to adopt a Modification to the Redevelopment Plan for the Central Area Redevelopment District (the "Redevelopment Plan Modification") and a Tax Increment Financing Plan for Tax Increment Financing District No. 6 - Downtown West (the "TIF Plan") therefor (the Redevelopment Plan Modification and the TIF Plan are referred to collectively herein as the "Plans") and have submitted the Plans to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

WHEREAS, the Commission has reviewed the Plans to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Plans conform to the general plans for the development and redevelopment of the City as a whole.

Adopted by the Wayzata Planning Commission this 18th day of December 2017.

____
Cathy Iverson, Chair

ACTION ON THIS RESOLUTION:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.