



Wayzata Planning Commission Meeting Agenda

Monday, May 21, 2018

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

5:30 p.m. Joint Workshop with City Council

1. Tree Preservation Ordinance

7:00 p.m. Regular Meeting

1. Call to Order & Roll Call

2. Approval of Agenda

3. Consent Agenda

- a. Approval of May 7, 2018 Meeting Minutes

4. Old Business Items

- a. Benedict's Patio – 845 Lake St E
Conditional Use Permit and Variance

5. Public Hearing Items

- a. Benton Harbor – 310 Benton Ave N and 1023 Gardner St E
Preliminary and Final Plat Subdivision
- b. Baja Haus Patio – 830 Lake St E
Conditional Use Permit and Variance

6. Other Items:

- a. May 15th City Council Meeting Report – Commissioner Plantan
- b. Review of Development Activities
- c. Next Meeting is June 4, 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
MAY 7, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

The May 7, 2018 meeting agenda was approved as presented.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of April 16, 2018 Meeting Minutes
- b.) Adoption of Report and Recommendation of Approval of Conditional Use Permit at 433 Bushaway Rd

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

Commissioner Douglas made a motion, seconded by Commissioner Murray to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

- a.) None.

AGENDA ITEM 5. Public Hearing Items:

- a.) Benedict's Patio – 845 Lake St E
 - i. Conditional Use Permit and Variances

Director of Planning and Building Jeff Thomson stated the applicant, Benedict's Morning Heroes, and the property owner, Wayzata Bay West Retail LLC, have submitted a development application to construct and operate an outdoor dining café on the sidewalk adjacent to the

1 restaurant at 845 Lake St E. The development application request approval of a conditional use
2 permit and a variance. The property is zoned PUD district and within that district, outdoor cafes
3 are a conditional use. In addition, the conditional use permit standards for outdoor sidewalk
4 cafes require that the café be at least 500-feet from a residential zoning district if the restaurant
5 has a liquor license. Given the restaurant holds a liquor license, and the proposed sidewalk café
6 would be located with 500-feet of single-family homes on Shady Lane E to the south of the
7 property, a variance would be needed.

8
9 Commissioner Iverson asked whether people would be walking within inches of the proposed
10 tables if they were walking on the sidewalk, and Mr. Thomson stated this was correct.

11
12 Commissioner Douglas asked how wide the sidewalk was.

13
14 Mr. Thomson stated the sidewalk is 12-feet wide.

15
16 Vice Chair Flannigan asked if the conditional use permit would be renewed automatically
17 annually.

18
19 Mr. Thomson explained that a conditional use permit and variance would run with the land and
20 would not be reviewed annually by the City. The City can add a condition that establishes times
21 when the patio would be allowed to be setup. He noted that there is an annual license that staff
22 would approve to ensure they are meeting the ordinance requirements, as well as liquor license
23 and liability insurance requirements, but such requests would not come back to the Planning
24 Commission.

25
26 Commissioner Douglas asked if there were City fees for being on the public sidewalk.

27
28 Mr. Thomson stated the City does not charge a lease rate for being in the public right-of-way, but
29 there is an annual license fee to cover administration costs. He clarified the City is in the process
30 of updating the City's right-of-way management ordinance and as part of this, the City is looking
31 at changing how they regulate outdoor patios. He noted it is a unique approach for a city to
32 regulate an outdoor patio in the public right-of-way as a conditional use. A conditional use
33 permit is typically required for development on private property. The City is looking to put this
34 type of use request into the right-of-way ordinance as an encroachment permit, rather than part of
35 the zoning ordinance. The request presented at this time is being presented as the ordinance is
36 currently written and administered.

37
38 Commissioner Murray asked if the residences within 500-feet of the property were provided
39 notice, and if there were different liability issues for a private company operating within the City
40 right-of-way.

41
42 Mr. Thomson answered that the City's notice requirement is to provide notice to those properties
43 within 350-feet of the property requesting land use approvals, so those residences that are within
44 the 350-500-foot range of this application were not notified of the public hearing. At the time of
45 notification was given for the application, the City had not been aware of the variance
46 requirement. He noted that the City can electively expand the notification area.

1
2 City Attorney Schelzel answered that allowing a private business to operate in the City right-of-
3 way does expose the City to potential liabilities that it would not otherwise be exposed to and
4 because of this, the zoning ordinance requires a hold harmless agreement and proof of insurance
5 as a condition of approval of this kind of CUP.
6

7 Applicant Representative, Ms. Karen Ingram, General Manager for Benedict's Morning Heroes,
8 436 Pondridge Circle, Wayzata, stated the restaurant is open 6:30 am to 3:00 pm. There would
9 not be music playing outside on the patio and hope to allow residents the opportunity to enjoy
10 sitting outdoors.
11

12 Commissioner Douglas asked how large the tables would be.
13

14 Ms. Ingram stated the tables would be approximately 4-feet by 4-feet and 4-feet by 2-feet and
15 these would be tucked in next to the building. The tables would be able to seat 2-4 people. She
16 explained the layout would be different than the rendering submitted with the application.
17

18 Commissioner Douglas asked if Benedict's planned to change their hours of operation.
19

20 Ms. Ingram stated Benedict's was hoping to change their hours on Friday and Saturday to stay
21 open until 6:00 pm but this has not been confirmed.
22

23 Vice Chair Flannigan requested that the Applicant provide an updated rendering of the layout
24 because there are concerns on the amount of walkway that would be available if the requested
25 outdoor sidewalk café was approved.
26

27 Commissioner Iverson asked if a fence or bollards were required for the sidewalk café because
28 there would be liquor involved, and if plantings would be included.
29

30 Ms. Ingram stated there would be 4 planters on each side of the door and stanchions with ropes
31 for the first year. She further stated that they can have an updated rendering to the City on
32 Tuesday.
33

34 Commissioner Iverson stated she would like to see a more complete application because what is
35 presented is incomplete.
36

37 Vice Chair Flannigan opened the public hearing at 7:24 p.m.
38

39 There being no one wishing to speak on the application, Vice Chair Flannigan closed the public
40 hearing at 7:25 p.m.
41

42 Commissioner Plantan stated she would like to see an updated plan with the table layout,
43 plantings and barriers.
44

45 Commissioner Murray asked whether the Commission wanted the distance between the tables
46 clarified, and not the size and shape of the tables or how much chair space the servers have.

1
2 Mr. Thomson explained the applicant has submitted the information to determine if the patio
3 would be functional and meet the City's requirements. If there are further specific requirements
4 and conditions the Commission would want included, these would need to be included in the
5 Commission's report and recommendation to the City Council.
6

7 Commissioner Iverson stated it is important to have a complete plan that outlines everything.
8 She stated concerns that there would be 6-feet beyond the patio for pedestrians to walk on the
9 sidewalk. She stated the proposed number of tables was too high for the space.
10

11 Vice Chair Flannigan stated he agreed that it did not appear there would be enough room on the
12 sidewalk for the outdoor patio and for pedestrians to walk on the sidewalk.
13

14 Commissioner Douglas stated she did not think there would be room on the sidewalk for more
15 than one row of tables.
16

17 Vice Chair Flannigan stated the 12-foot sidewalk in front of the restaurant was built for
18 pedestrian traffic flow, and what is desirable for a pedestrian friendly City. He suggested the
19 applicant bring back a redesign that would tighten the proposed sidewalk café space to bring it
20 closer to the windows and maximize the walking space. He also stated he would like to see this
21 request renewed annually and not an administrative review.
22

23 Mr. Thomson stated staff would work with the applicant to provide the information requested by
24 the Planning Commission. He asked whether the Commission wanted staff to bring back a draft
25 report and recommendation for consideration at the next Planning Commission meeting.
26

27 Vice Chair Flannigan suggested the Commission wait to make a recommendation until the
28 applicant has provided the requested information.
29

30 Commissioner Iverson stated the City has not adequately enforced the outdoor patio
31 requirements and that the City should keep the bollards, planters, and tables from migrating
32 further onto the sidewalk than the application allows.
33

34 There being no further questions for staff or the Applicant, Vice Chair Flannigan asked for a
35 motion on the Application.
36

37 Commissioner Murray made a motion, seconded by Commissioner Plantan, to table and continue
38 the application to the next Planning Commission meeting, and direct staff to work with the
39 applicant to finalize plans that will meet City code, and take into consideration the comments of
40 the Planning Commission. The motion carried unanimously.
41

42
43 **AGENDA ITEM 6. Other Items:**
44

45 **a.) April 17th City Council Meeting Report – Commissioner Iverson**
46

Commissioner Iverson provided a report on the April 17, 2018 City Council meeting. She noted that the Council meeting included approval of the two applications on Ferndale Road.

b.) May 1st City Council Meeting Report – Commissioner Murray

Commissioner Murray provided a report on the May 1, 2018 City Council meeting. He noted that the City Council meeting included a presentation on the Lake Effect, and introduction of a new Project Engineer.

Director of Planning and Building Jeff Thomson stated the agenda also included acceptance of the Lake Effect Environmental Assessment Worksheet.

c.) Review of Development Activities

Director of Planning and Building Jeff Thomson stated there are currently two development applications on the next agenda, including a subdivision at the end of Benton Avenue and an outdoor patio for Baha House. He further noted that there is a joint City Council and Planning Commission workshop scheduled for May 21 at 5:30. There will be a Lake Effect Community Open House on May 17 at 6:00 pm.

Vice Chair Flannigan stated there would also be an Open House discussion on Wayzata Blvd on May 22 from 6:00 p.m. to 8:00 p.m.

d.) Next Meeting is May 21, 2018

- i. 5:30 p.m. – Workshop with City Council**
- ii. 7:00 p.m. – Regular Meeting**

Director of Planning and Building Thomson noted the next regular meeting of the Planning Commission is scheduled for May 21, 2018 at 7:00 p.m., and there would be a joint workshop with the City Council at 5:30 p.m. to discuss the tree ordinance.

AGENDA ITEM 7. Adjournment.

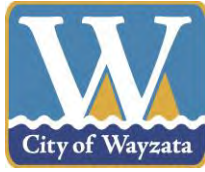
There being no further business on the agenda, Vice Chair Flannigan asked for a motion to adjourn.

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

The Planning Commission meeting was adjourned at 7:47 p.m.

Respectfully submitted,
Tina Borg

TimeSaver Off Site Secretarial, Inc.



**Staff Report
May 21, 2018**

Project Name: Benedict's Patio
Applicant Benedict's Morning Heroes
Addresses of Request: 845 Lake St E
Prepared by: Jeff Thomson, Director of Planning and Building
"60 Day" Deadline: June 3, 2018

Development Application

Introduction

The applicant, Benedict's Morning Heroes, and the property owner, Wayzata Bay West Retail, LLC, have submitted a development application to construct an outdoor dining café on the sidewalk adjacent to the restaurant at 845 Lake St E. The development application requests approval of a conditional use permit and a variance from the distance requirement from residentially-zoned properties.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on May 7, 2018. The Planning Commission expressed concerns about the internal layout of the patio, number of tables, and maintaining pedestrian circulation. The Commission requested that the applicant provide more information about the internal layout of the patio, how the patio would be enclosed, and the amount of space remaining on the sidewalk for pedestrian circulation.

Since the May 7th meeting, the following has occurred:

- The applicant submitted a revised plan for the outdoor patio. The number of tables has been reduced from 20 to 11, and the plans include planters and ropes to enclose the patio and segregate it from the public walkway. There would be a 6-foot pedestrian walkway between the outside of the planters and the edge of the sidewalk, which exceeds the City's 5-foot minimum requirement.
- The City sent notices to properties along Shady Lane E regarding the conditional use permit and variance application since these properties are within the 500-foot separation requirement but outside of the 350-foot public notice area.

- The City received one public comment regarding the application, which is attached.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
845 Lake St E	06-117-22-42-0105	Wayzata Bay West Retail, LLC

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	PUD/Planned Unit Development
Comp plan designation:	Downtown Mixed Use District
Overlay districts:	Shoreland Overlay District

Project Location

The property is in the Promenade of Wayzata development, between Superior Blvd and Promenade Ave:

Map 1: Project Location



Application Requests

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

- Conditional Use Permit: Within the PUD zoning district, outdoor sidewalk cafés are a conditional use.
- Variance: The conditional use permit standards for outdoor sidewalk cafes require that the café be at least 500 feet from a residential zoning district if the

restaurant has a liquor license. The proposed sidewalk café would be located within 500 feet of single-family homes that are located on Shady Lane E to the south of the subject property.

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Promenade of Wayzata	PUD/Planned Unit Development	Downtown Mixed Use District
East	Promenade of Wayzata	PUD/Planned Unit Development	Downtown Mixed Use District
South	Lake St	N/A	N/A
	Village Shoppes	C-2/Shopping Center Business District	Central Business District
West	Superior Blvd	N/A	N/A
	Municipal parking lot	C-2/Shopping Center Business District	Central Business District

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* and mailed to all property owners within 350 feet of the subject property on April 19, 2018.

Analysis of Application

Proposed Plans

Benedict's is proposing to add an outdoor café on the sidewalk next to their restaurant on Lake Street. The outdoor café would be located on the front of the restaurant adjacent to the main entrance. The café would have 11 tables with up to 22 seats. The patio would be open seasonally during regular restaurant hours – Monday through Sunday, 6:30 a.m. to 3:00 p.m.

Conditional Use Permit Standards

The zoning ordinance outlines the following conditional use permit standards for outdoor sidewalk cafes:

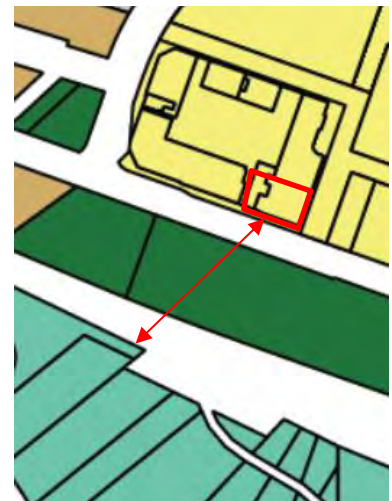
1. Functional Requirements.

- a. Existing and/or proposed principal use shall conform to existing City zoning regulations.

Comment: The principal use as a restaurant is a permitted use in the PUD zoning district, and conforms to the zoning regulations.

- b. Cafe shall be a minimum distance from a R-1A, R-1, R-2, R-3, and R-4 residential zoning district:
 - (1) 200 foot minimum for non-alcoholic cafes.
 - (2) 500 foot minimum for alcoholic establishments.

Comment: Benedict's has a liquor license from the City for the service of alcoholic beverages. The proposed sidewalk café would be approximately 360 feet from the nearest residentially-zoned property, which is located on Shady Lane E behind the Village Shoppes on the opposite side of Lake Street. If the applicant intends to include the sidewalk café as part of the licensed premise for its liquor license, a variance from this conditional use permit standard is needed.



- c. Cafe area shall be limited to the public right-of-way abutting the lot front as defined by this Ordinance.

Comment: The proposed sidewalk café would be located in the public easement abutting the front of the lot.

- d. Cafe area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, etc. Segregation device(s) must not cause destruction to the sidewalk or other elements within the public right-of-way.

Comment: The proposed plans include planters and ropes to enclose the patio and segregate the patio from the pedestrian clear zone.

- e. Minimum clear passage zone for pedestrians at the perimeter of the café shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, treegates, curbs, stairways, trash receptacles, street lights, parking meters, etc.

Comment: The proposed plans include a six foot clear zone on the south side of the sidewalk café to maintain pedestrian access and circulation.

- f. Overstory canopy of tree/umbrellas extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.

Comment: The proposed plans do not include any umbrella structures on the patio.

- g. A minimum of forty-two (42) inches shall be provided within aisles of cafe.

Comment: The proposed plans include a 42-inch aisle within the sidewalk café.

- h. Furniture and enclosed perimeter shall be movable to allow for seasonal changes.

Comment: The furniture would not be permanent and would be movable to allow for removal in the winter.

- i. No storage of furniture on sidewalk shall be allowed between the months of October and April.

Comment: This can be included as a condition of approval.

- j. No outside bar, cooking facility, food preparation or holding area, or wait station shall be established.

Comment: The proposed plans do not include any outdoor bar, cooking facility, food preparation or holding area or wait station.

- k. Any lighting used to illuminate the cafe area shall be so arranged as to reflect the light away from the adjoining property and public streets or alleys, and be in compliance with this Ordinance.

Comment: The proposed plans do not include any additional exterior lighting.

- l. No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the cafe area.

Comment: The proposed plans do not include any amplified sound, but this can be included as a condition of approval.

2. Liability Requirements.

- a. The property owner, restaurant operator and the City shall enter into a hold harmless agreement, as provided by the City, exempting the City from all liability claims associated with the cafe use.

Comment: This can be included as a condition of approval.

- b. Maintenance of public right-of-way, including landscaping, for which the cafe is located upon shall be the property owner's responsibility.

Comment: The location of the outdoor patio is covered by a maintenance agreement that the master associated for the Promenade of Wayzata is responsible for maintaining the sidewalk area.

- c. Security of the cafe area shall be the responsibility of the property owner.

Comment: This can be included as a condition of approval.

- d. Property owner shall pick up litter within one hundred (100) feet of the cafe on a daily basis.

Comment: This can be included as a condition of approval.

- e. A special license for outdoor sidewalk cafe shall be renewed no later than November 1st of each year.

Comment: This can be included as a condition of approval.

3. Aesthetic Requirements.

- a. Furniture shall be washable, constructed of metal, plastic or other weather resistant materials and maintained in a safe and sanitary condition.

Comment: The tables and chairs on the plans would be washable.

- b. Plant material shall be in containers to allow for movement.

Comment: There are several planters proposed along the perimeter of the outdoor patio that would be movable.

- c. Annual/perennial flowers shall be used to enhance streetscape aesthetics.

Comment: There are several planters proposed along the perimeter of the outdoor patio that would contain annual/perennial plantings.

- d. Canopies/umbrellas shall be used for summer sun protection subject to the provisions of this Ordinance.

Comment: The proposed plans do not include any canopies or umbrellas.

- e. One (1) covered trash receptacle matching appearance of other furniture shall be provided for every eight (8) tables.

Comment: There are no trash receptacles shown on the plans.

- f. Design of site furnishings and cafe layout shall be reviewed by the City prior to installation.

Comment: The application includes a plan for the layout of the sidewalk café.

- 4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should consider adoption of the draft *Planning Commission Report and Recommendation*, which recommends approval of the conditional use permit, subject to several conditions.

Attachments

Applicant's Narrative
Revised Plan
Public Comments

Applicable Code Provisions for Review

Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this 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 this 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.

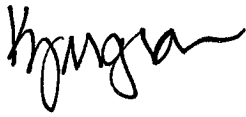
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district 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.

4.2.18

Benedict's Wayzata is requesting to open a sidewalk patio on Lake St. East. Please find our application and layout attached.

We will be operating 7 days per week from 6:30 am to 3:00 pm Monday through through Sunday.

Full service operations for our guests in Wayzata. Operations will remain within city guidelines meeting all regulations.

A handwritten signature in black ink, appearing to read 'K Ingram', with a stylized, flowing script.

Karen Ingram
General Manager
Benedict's Wayzata



10 South Eighth Street
Minneapolis, MN 55402

t 612_339-2257
f 612_349-2930
sheadesign.com

consultant

project title

BENEDICT'S
883 County Rd 16
Wayzata, MN 55391

client

PRESBYTERIAN HOMES
THE PROMENADE OF WAYZATA

seal

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 ARCHITECT UNDER THE LAWS OF THE
STATE OF MINNESOTA.

PRINTED NAME David A. Shea III

SIGNATURE

DATE ISSUED

REG. NO.

12982

SIDEWALK SEATING PERMIT 04/02/2018

no. date issued for

project no.

7506.00

date

04/02/2018

drawn

Author

checked

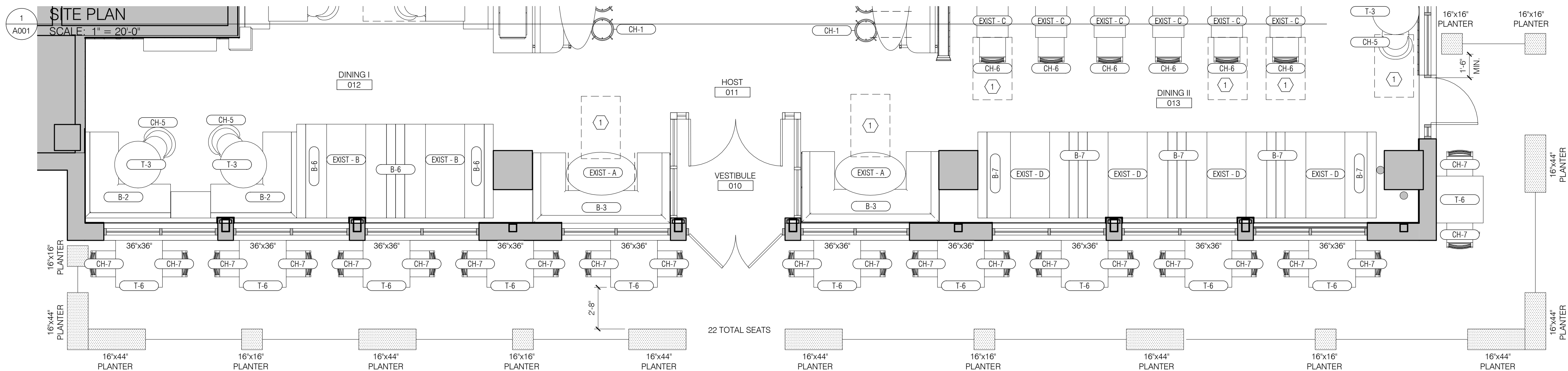
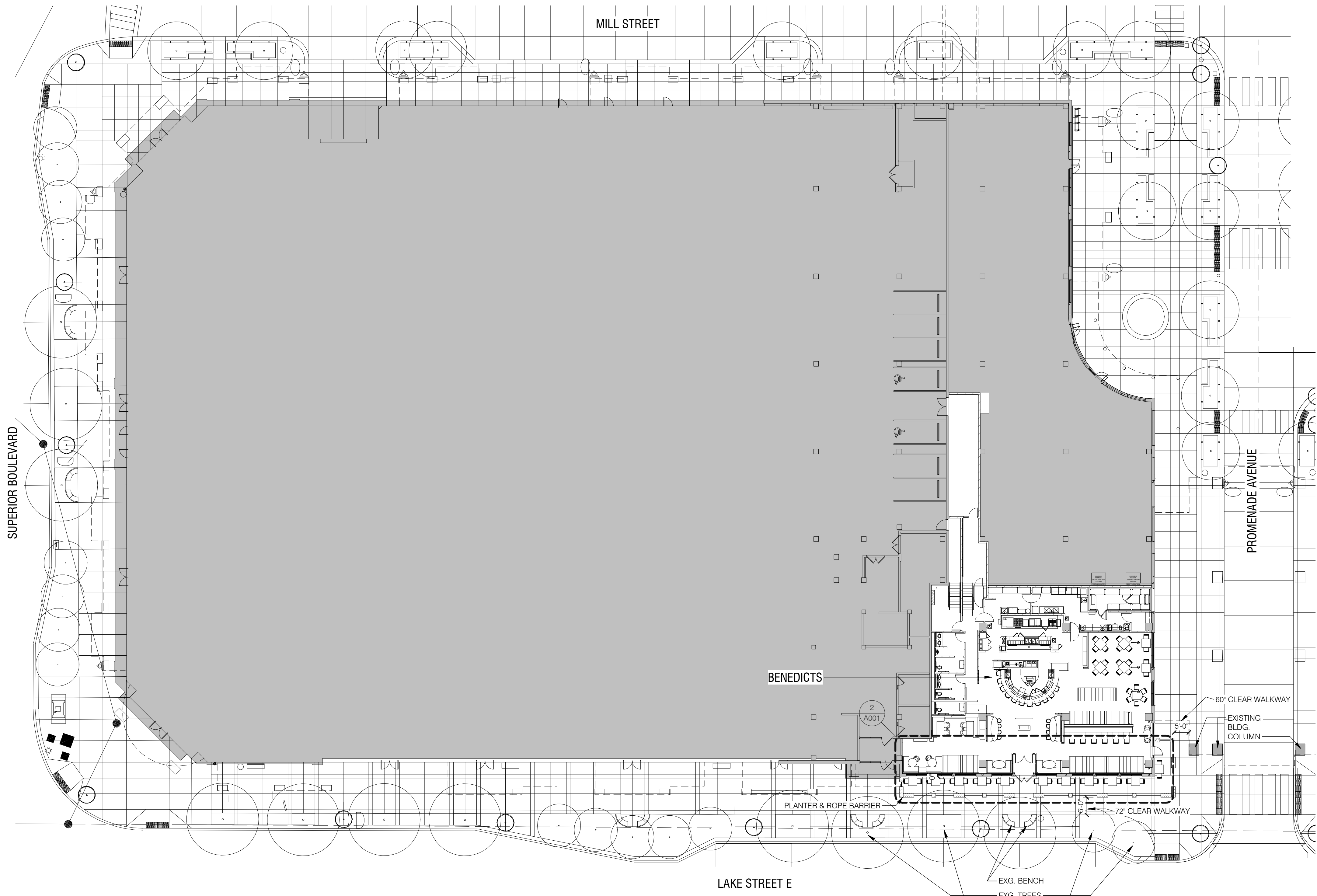
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sheet title

SITE PLAN WITH PATIO

A001

© 2018 shea, inc.



FLOOR PLAN - LEVEL 0.5

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



Mid-America Real Estate - Minnesota
MidAmericaGrp.com
t: 952.563.6600

5353 Wayzata Boulevard, Ste 650
Minneapolis, Minnesota 55416
f: 952.563.6633

ELECTRONIC MAIL

May 15, 2018

Attn: Jeff Thomson
City of Wayzata
600 Rice Street E.
Wayzata, MN 55391

**RE: THE PROMENADE OF WAYZATA / OUTDOOR PATIO
BENEDICT'S, 845 LAKE STREET E., WAYZATA MN 55391**

Dear Jeff:

I am writing on behalf of the Landlord and our Tenant, Benedict's Morning Heroes, to affirm our support for their request for an outdoor patio seating area for their location at The Promenade of Wayzata. This Tenant is in good standing with the Landlord and has been a valuable additional to the retail presence at the development.

To facilitate their continued growth and presence at The Promenade, we feel that it is important to approve their request for additional outdoor seating and patio area. This will enhance sales for the summer and fall season. Due to the nature of downtown Wayzata, the traffic certainly increases in the Summer season and our retailers need to capitalize on this to offset the substantially slower winter months. Many residents in Wayzata, and more specifically The Promenade, spend the winter months down south. We believe the outdoor seating would be of value to customers as well who look to be able to spend the additional time enjoying the outdoors.

Please let me know if you have any questions. Thank you for your time!

Sincerely,

MID-AMERICA REAL ESTATE – MINNESOTA, LLC
As Agent for Owner of Wayzata Bay West Retail, LLC

A handwritten signature in blue ink that reads 'Kristin Bartish'.

Kristin Bartish
Sr. Property Manager

CC: Bill Hagstrom, Landlord
Lease File



**Staff Report
May 21, 2018**

Project Name: Benton Harbor
Applicant Invest Capital Group, LLC
Addresses of Request: 310 Benton Ave N and 1023 Gardner St E
Prepared by: Jeff Thomson, Director of Planning and Building

Development Application

Introduction

The applicant and property owner, Invest Capital Group, LLC, has submitted a development application to subdivide the properties at 310 Benton Ave N and 1023 Gardner St E. The applicant is proposing to subdivide the two existing properties into four single-family residential lots. The existing homes would be demolished and four new homes would be constructed. The development application requests approval of the preliminary plat and final plat.

Property Information

The property identification number and owner of the properties are as follows:

Address	PID	Owner
310 Benton Ave N	06-117-22-11-0005	Invest Capital Group, LLC
1023 Gardner St E	06-117-22-11-0003	Invest Capital Group

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	S/Shoreland Overlay District FP/Floodplain Overlay District W/Wetland Overlay District

Project Location

The properties are located on Gardner St E on the north side of Benton Ave N:

Map 1: Project Location



Application Requests

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

- A. Concurrent Preliminary and Final Plat Subdivision: The proposal requires preliminary and final plat review to subdivide the two existing lots into four lots. (City Code Section 805.14 and 805.15)

Adjacent Land Uses.

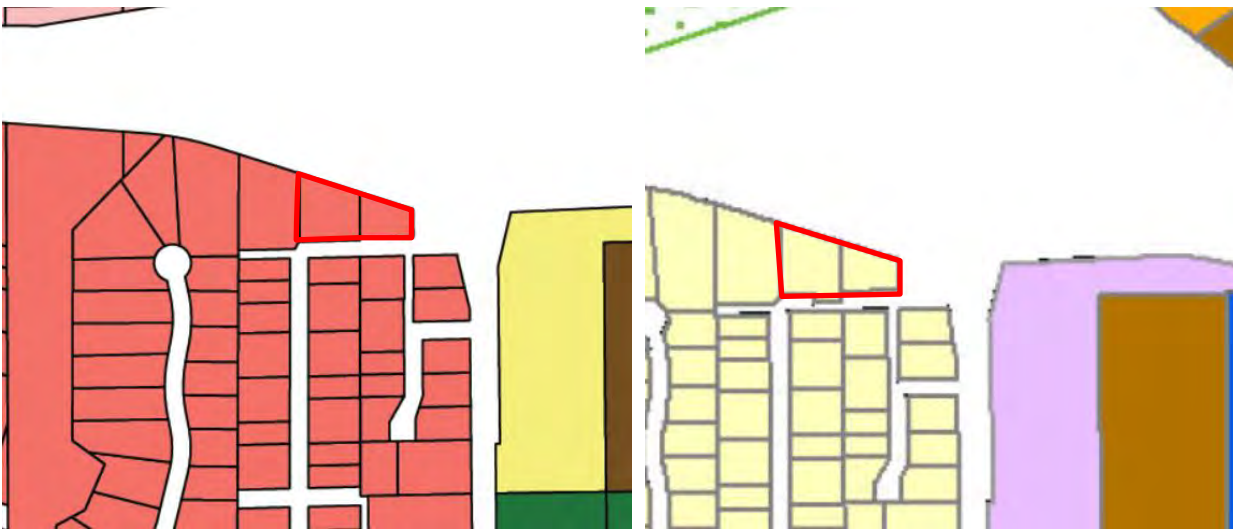
The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Highway 12	N/A	N/A
East	Central Ave/ Co Rd 101	N/A	N/A
South	Gardner St E	N/A	N/A
	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
West	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family

Map 2: Adjacent Land Uses

Zoning

Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on May 3, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on May 2, 2018.

Analysis of Application

Lot Requirements

The following table outlines the R-3A and PUD lot requirements:

	Lot area (sq. ft.)	Lot width	Lot depth
R-3A Standards	9,000 (min.)	60 ft. (min.)	100 ft. (min.)
Lot 1	10,311 sq. ft.	60 ft.	161.8 ft.
Lot 2	9,097 sq. ft.	60 ft.	141.5 ft.
Lot 3	9,036 sq. ft.	70.8 ft.	112.63 ft.
Lot 4	10,729 sq. ft.	115.3 ft.	76.9 ft.*

*existing lot depth

Surrounding Lot Sizes

The following summarizes the lot areas of the R-3A lots located within 350 feet of the subject properties:

Address	Lot area
310 Benton Ave N	25,370 sq. ft.
1023 Gardner St E (subject properties)	14,048 sq. ft.
273 Central Ave N	11,227 sq. ft.

263 Central Ave N	13,015 sq. ft.
1022 Gardner St E	13,794 sq. ft.
264 Benton Ave N	9,681 sq. ft.
309 Benton Ave N	37,327 sq. ft.
265 Benton Ave N	8,020 sq. ft.
259 Benton Ave N	8,293 sq. ft.
249 Benton Ave N	11,095 sq. ft.
254 Benton Ave N	17,676 sq. ft.
239 Benton Ave N	16,645 sq. ft.
240 Benton Ave N	16,640 sq. ft.
239 Byrondale Ave N	16,387 sq. ft.
235 Byrondale Ave N	7,055 sq. ft.
243 Byrondale Ave N	11,479 sq. ft.
294 Glenbrook Rd N	49,058 sq. ft.
297 Glenbrook Rd N	26,698 sq. ft.
282 Glenbrook Rd N	12,506 sq. ft.
274 Glenbrook Rd N	12,128 sq. ft.
250 Glenbrook Rd N	12,592 sq. ft.

Preliminary Plat Requirements:

The applicant has submitted a preliminary plat which shows the proposed lot layout. However, the application does not include several items required by the City's subdivision ordinance, including:

- Grading, drainage and erosion control plan
- Utility plan
- Tree preservation plan

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct the applicant to submit all information required by the City's subdivision ordinance.

Attachments

Preliminary Plat
Final Plat

Applicable Code Provisions for Review

Comprehensive Plan: The City's comprehensive plan includes the following policies for residential land uses:

1. Enhance individual character elements of residential neighborhoods through public improvements and private investment.
2. Protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
3. Protect residential neighborhoods from encroachment or intrusion by incompatible uses or incompatible higher densities.
4. Pursue programs to improve housing condition and maintenance, including implementing a rental housing inspection program.
5. Aggressively eliminate violations of property maintenance, outside storage or accessory building regulations which infringe upon residential neighborhood quality, pose public health and safety problems, or threaten neighboring property values.
6. Provide for continuing review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.
7. Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

Preliminary Plat Criteria (Section 805.14.E): The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

PRELIMINARY PLAT OF BENTON HARBOR

LEGEND:

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- POWER POLE (WITH GUY ANCHOR)
- FIRE HYDRANT
- GATE VALVE
- SIGN
- COMMUNICATIONS PEDESTAL
- CATCH BASIN
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- DECIDUOUS TREE (SIZE IN INCHES)

CONIFEROUS TREE (SIZE IN INCHES)

OVERHEAD UTILITY LINE

STORM SEWER LINE

CHAINLINK FENCE

CONCRETE SURFACE

BITUMINOUS SURFACE

PREPARED FOR:

FRED AND PATRICIA JOHNSON
P.O. BOX 800345
MIAMI, FL 33280

PROPOSED LEGAL DESCRIPTIONS:

LOTS 1-4, BLOCK 1, BENTON HARBOR, HENNEPIN COUNTY, MINNESOTA

EXISTING PARCEL LEGAL DESCRIPTION (PID 06-117-22-11-0003) :

The South 165 feet of Lot Four, Dean's Park Outlots to Wayzata, except the East 175 feet and the South 25 feet thereof, and

The West 25 feet of the East 175 feet of the North 210 feet of the South 235 feet of Lot 4, Dean's Park Outlots to Wayzata.

EXCEPT: All that part of the following described tract:

The South 165 feet of Lot 4, except the East 175 feet and the South 25 feet thereof, Dean's Park Outlots to Wayzata,

which lies northerly of a line run parallel with and distant 115 feet southwesterly of the following described line:

Beginning at a point on the East line of Section 6, Township 117 North, Range 22 West, distant 1175.09 feet South of the northeast corner thereof; thence run northwesterly at an angle of 71°56'02" with said East section line for 400 feet and there terminating.

EXISTING PARCEL LEGAL DESCRIPTION (PID 06-117-22-11-0005) :

That part of the East 1/2 front and rear of Lot 5, "Dean's Park Outlots To Wayzata" described as follows: Commencing at the Southwest corner of said Tract; thence North along the West line of said Tract 330 feet; thence East parallel with the South line of said Lot to the East line of said Lot; thence South along the East line of said Lot to the Southeast corner thereof; thence West along the South line of said Lot to the point of beginning; Which lies Southerly of a line run parallel with and distant 115 feet Southwesterly of the following described line: Beginning at a point on the East line of Section 6, Township 117, Range 22, distant 1175.09 feet South of the Northeast corner thereof; thence run Northwesterly at an angle of 71 degrees 56 minutes 02 seconds with said East Section line for 700 feet and there terminating;

Except that part of the above described Tract which lies Southerly of a line run parallel with and distant 20 feet Northerly of the following described line: Beginning at a point on the East line of said Section 6 distant 1333.11 feet South of the Northeast corner thereof; thence run Westerly at an angle of 89 degrees 06 minutes 30 seconds with said East Section line (when measured from South to West) for 500 feet and there terminating, Hennepin County, Minnesota.

NOTES:

1) ADDRESS OF THE SUBJECT PROPERTY:
310 BENTON AVENUE NORTH, WAYZATA, MN 55391 (P.I.D.: 06-117-22-11-0005)
1023 GARDNER STREET, WAYZATA, MN 55391 (P.I.D.: 06-117-22-11-0003)

2) EXISTING PARCEL AREAS:
P.I.D.: 06-117-22-11-0005: 25,236 SQ. FT.
P.I.D.: 06-117-22-11-0003: 13,967 SQ. FT.

PROPOSED LOT AREAS:
LOT 1, BLOCK 1, BENTON HARBOR: 10,311 SQ. FT.
LOT 2, BLOCK 1, BENTON HARBOR: 9,097 SQ. FT.
LOT 3, BLOCK 1, BENTON HARBOR: 9,036 SQ. FT.
LOT 4, BLOCK 1, BENTON HARBOR: 10,729 SQ. FT.

4) BEARING BASIS IS ASSUMED.

5) DATE OF FIELDWORK: 1-11-2018

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.

SIGNED : Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2017030	ISSUED: 1-22-2018
DRAWN BY: TWWN	REV: 5-14-2018
SCALE: 1" = 20 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
85 WILDHURST ROAD EXCELSIOR, MN 55331
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
WWW.VANNESTESURVEYING.COM

SHEET 1 OF 1

BENTON HARBOR

R.T. DOC. NO. _____

C.R. DOC. NO. _____

Know all persons by these presents: that Invest Capital Group, LLC, a Minnesota limited liability company, fee owners of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of the East half front and rear of Lot 5, "Dean's Park Outlots To Wayzata" described as follows: Commencing at the Southwest corner of said Tract; thence North along the West line of said Tract 330 feet; thence East parallel with the South line of said Lot to the East line of said Lot; thence South along the East line of said Lot to the Southeast corner thereof; thence West along the South line of said Lot to the point of beginning; Which lies Southerly of a line run parallel with and distant 115 feet Southwesterly of the following described line:

Beginning at a point on the East line of Section 6, Township 117, Range 22, distant 1175.09 feet South of the Northeast corner thereof; thence run Northwesterly at an angle of 71 degrees 56 minutes 02 seconds with said East Section line for 700 feet and there terminating;

Except that part of the above described Tract which lies Southerly of a line run parallel with and distant 20 feet Northerly of the following described line: Beginning at a point on the East line of said Section 6 distant 1333.11 feet South of the Northeast corner thereof; thence run Westerly at an angle of 89 degrees 06 minutes 30 seconds with said East Section line (when measured from South to West) for 500 feet and there terminating
(Torrens Property)

and

The South 165 feet of Lot 4, "Dean's Park Outlots" to Wayzata, except the east 175 feet and the South 25 feet thereof, and the West 25 feet of the East 175 feet of the North 210 feet of the South 235 feet of Lot 4, Dean's Park Outlots to Wayzata.

Except: all that part of the following described tract: the South 165 feet of Lot 4, except the East 175 feet and the South 25 feet thereof, Dean's Park Outlots to Wayzata, which lies northerly of a line run parallel and 115 feet southwesterly of the following described line:

Beginning at a point on the East line of Section 6, Township 117 North, Range 22 West, distant 1175.09 feet South of the northeast corner thereof; thence run northwesterly at an angle of 71 degrees 56 minutes 02 seconds with said East section line for 400 feet and there terminating.

(Abstract Property)

Has caused the same to be surveyed and platted as BENTON HARBOR and does hereby dedicate to the public for public use the public way and the easements for drainage and utility purposes as shown on this plat.

In Witness whereof Invest Capital Group, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20_____.

Signed: Invest Capital Group, LLC
by: _____, its _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, _____ of Invest Capital Group, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota Printed Notary Name
My Commission Expires January 31, 20_____

SURVEYORS CERTIFICATE:

I Travis W. Van Neste do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ Day of _____, 20 _____.

Travis W. Van Neste, Licensed Land Surveyor, Minnesota License No. 44109

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20_____, by Travis W. Van Neste, a licensed Land Surveyor.

Notary Public, _____ County, Minnesota Printed Notary Name
My Commission Expires January 31, 20_____

CITY OF WAYZATA, MINNESOTA

This plat of BENTON HARBOR was approved and accepted by the City Council of Wayzata, Minnesota, at a regular meeting thereof held this _____ day of _____, 20_____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subd. 2.

CITY COUNCIL OF WAYZATA, MINNESOTA

By _____, Mayor By _____, Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20_____ and prior years have been paid for land described on this Plat, dated this _____ day of _____, 20_____.

Mark V. Chapin, County Auditor By _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969), this Plat has been approved this _____ day of _____, 20_____.

Chris F. Mavis, County Surveyor By _____

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of BENTON HARBOR was filed in this office this _____ day of _____, 20_____, at _____ o'clock ____M.

Martin McCormick, Registrar of Titles By _____, Deputy

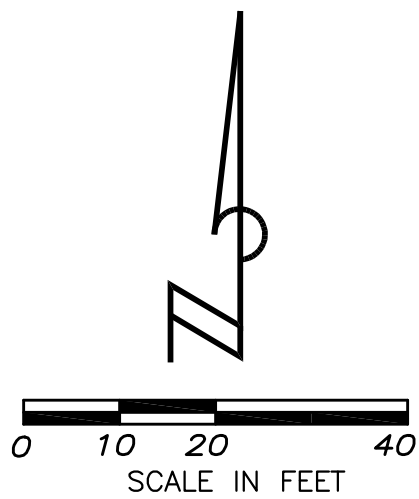
COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of BENTON HARBOR was recorded in this office this _____ day of _____, 20_____, at _____ o'clock ____M.

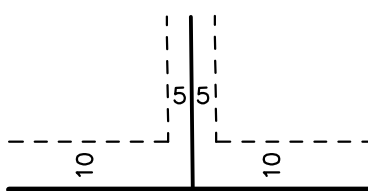
Martin McCormick, County Recorder By _____, Deputy

BENTON HARBOR

R.T. DOC. NO. _____
C.R. DOC. NO. _____



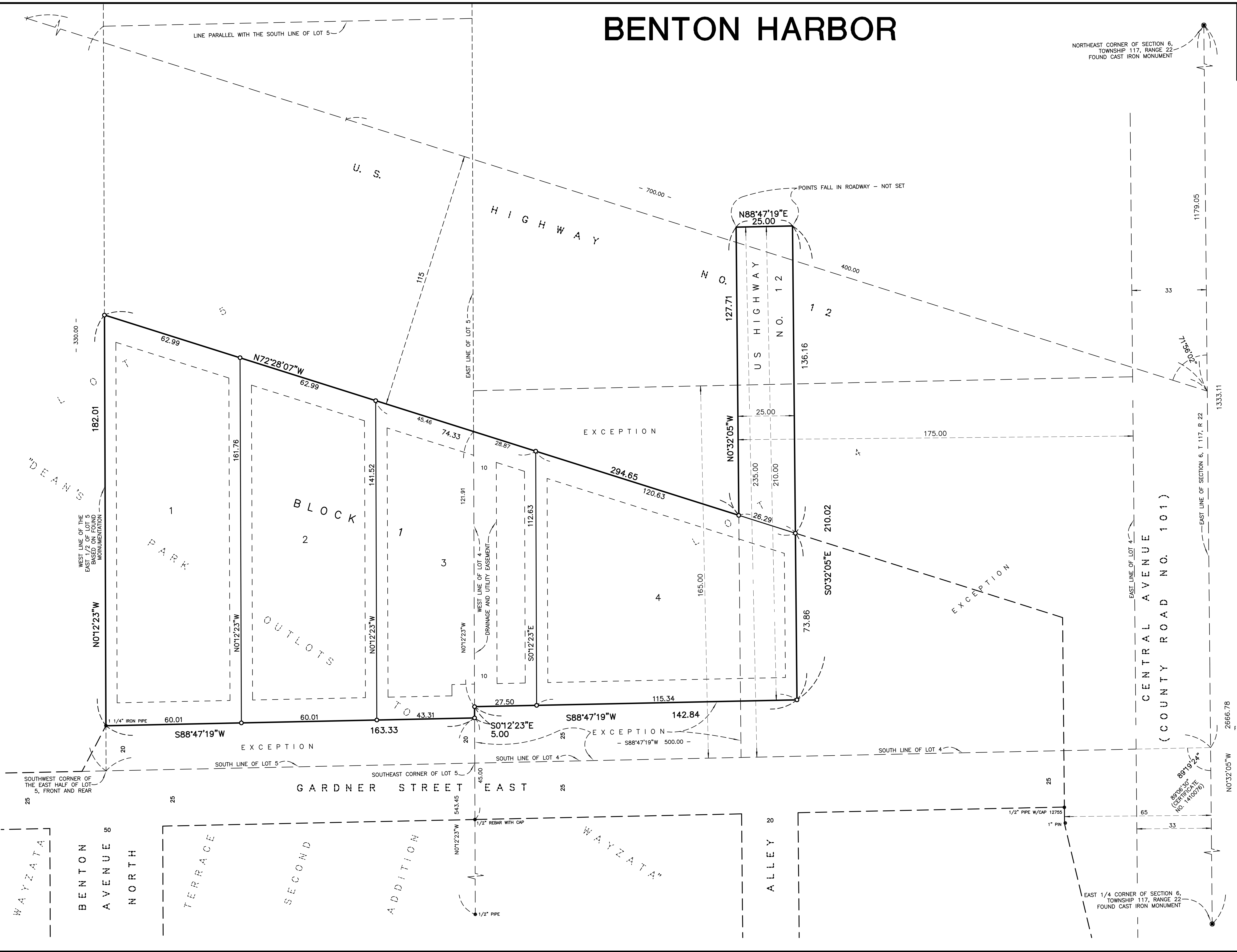
DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:
(NOT TO SCALE)



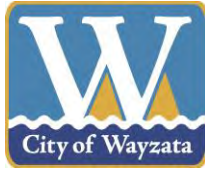
BEING 10 FEET IN WIDTH ADJOINING
RIGHT-OF-WAY LINES AND 5 FEET IN
WIDTH AND ADJOINING LOT LINES EXCEPT
AS NOTED

- DENOTES FOUND IRON MONUMENT
(AS NOTED)
- DENOTES 1/2 INCH REBAR
WITH CAP NO. 44109 SET

FOR THE PURPOSE OF THIS PLAT, THE
WEST LINE OF THE EAST 1/2 OF LOT 5,
"DEAN'S PARK OUTLOTS TO WAYZATA" IS
ASSUMED TO HAVE A BEARING OF
N00°12'23"W.



VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES



**Staff Report
May 21, 2018**

Project Name: Baja Haus Patio
Applicant Baja Haus
Addresses of Request: 830 Lake St E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 6, 2018

Development Application

Introduction

The applicant, Baja Haus, and the property owner, Bar Lazy H Three, LLC, have submitted a development application to construct an outdoor dining patio within the parking lot adjacent to the restaurant at 830 Lake St E. The development application requests approval of a conditional use permit and variance for outdoor sales and service.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
830 Lake St E	06-117-22-42-0044	Bar Lazy H Three, LLC

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	C-2/Shopping Center District
Comp plan designation:	Central Business District
Overlay districts:	Shoreland Overlay District

Project Location

The property is in the Village Shoppes development on Lake Street between Superior Blvd and Circle A Dr:

Map 1: Project Location



Application Requests

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

- A. Conditional Use Permit: Outdoor services or sales as an accessory use are a conditional use in the C-2 zoning district,
- B. Variance: The conditional use permit standards for outdoor services or sales state that the use may not take up parking space that is required by the zoning ordinance. The proposed patio would occupy two stalls that are needed to meet the minimum parking requirement for the shopping center.

Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

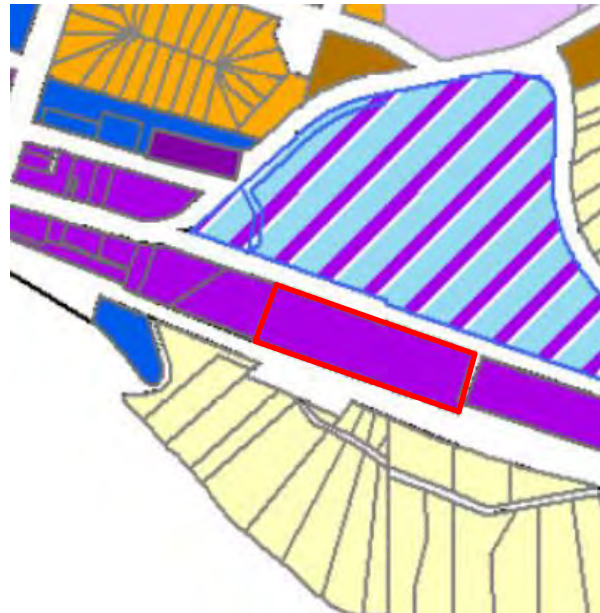
Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Lake St E	N/A	N/A
	Promenade of Wayzata	PUD/Planned Unit Development	Downtown Mixed Use District
East	City-owned open space	C-2/Shopping Center District	Central Business District
South	BNSF Railroad	N/A	N/A
West	Cross Creek Shoppes	C-2/Shopping Center Business District	Central Business District

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* and mailed to all property owners within 350 feet of the subject property on May 3, 2018.

Analysis of Application

Proposed Plans

Baja Haus is proposing to add an outdoor dining patio adjacent to their restaurant which would occupy two parking spaces within the existing parking lot. The applicant has provided renderings of the proposed patio. The patio would consist of a platform base, perogla structure, and a railing along the perimeter of the patio, with one opening from the sidewalk for aces. The proposed patio would be installed seasonally for outdoor use. When not in use, the platform structure, pergola, and tables would be removed, and the parking stalls would be available for parking. The application does not include specific dates or hours of operation.

Parking

The shopping center is approximately 43,200 square feet in size and contains a mix of retail, restaurant, service commercial, and restaurant uses. For a shopping center, the zoning ordinance does not distinguish between the individual tenants or uses in the building. The ordinance requires one parking space for each 150 square feet of floor area of the shopping center. Based on the building size and minimum parking requirement, the property is required to have 259 parking stalls, and there are only 164 on-site parking

stalls provided. Therefore, the property is non-conforming and does not meet the minimum parking requirements.

Conditional Use Permit Standards

The zoning ordinance outlines the following conditional use permit standards for outdoor sales and service:

1. Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.

Comment: The proposed outdoor patio would be approximately 350 sq. ft. in size, which is significantly less than 30 percent of the gross floor area of the building.

2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.

Comment: The proposed outdoor patio would not be visible from any residential zoning district. The closest residential zoning district is located behind the property on Shady Lane E. The proposed patio would be screened from these residential properties by the existing building.

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

Comment: The proposed plans do not show any exterior lighting for the outdoor patio.

4. Areas are asphalt or concrete surfaced.

Comment: The proposed patio would consist of a platform structure constructed over the existing asphalt parking stalls.

5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.

Comment: The proposed outdoor patio would seasonally obstruct parking spaces that are needed to meet the City's minimum parking requirement for the property.

6. Additional parking, pursuant to Section 801.20 of this Ordinance is provided for said space.

Comment: Section 801.20 does not provide a specific requirement for outdoor dining patios. Since the proposed patio would be outdoors and seasonal in use, it would not increase the floor area of the restaurant. Therefore, Section 801.20 does not require additional parking stalls for the outdoor patio.

7. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

Public Comments

The City received an email from an adjacent business regarding the development application, which is attached to this report.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should consider adoption of the draft *Planning Commission Report and Recommendation*, which recommends approval of the conditional use permit, subject to several conditions.

Attachments

Proposed Plans
Public Comments

Applicable Code Provisions for Review

Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

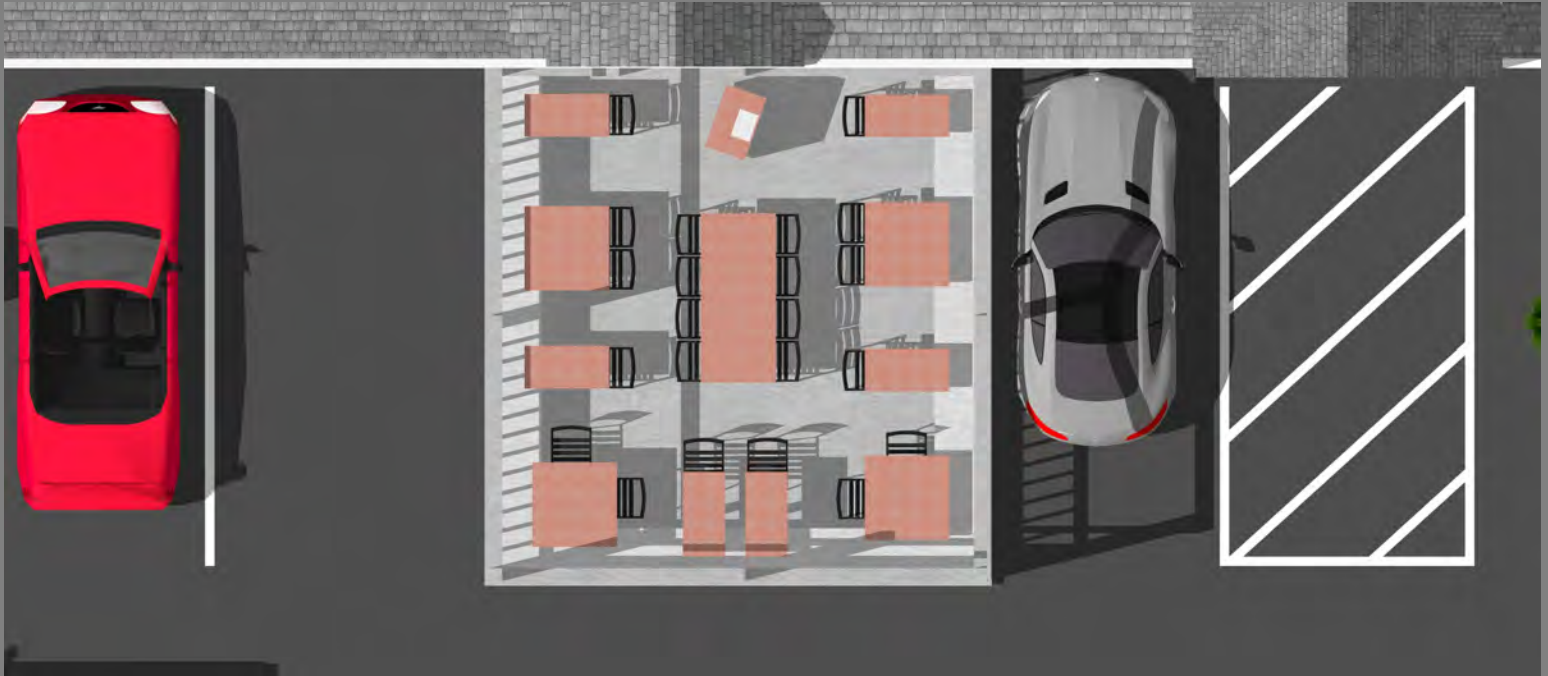
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying 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 this 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.









Jeff Thomson

From: Jim Wessling <jimvillagemeats@aol.com>
Sent: Wednesday, May 9, 2018 5:39 PM
To: Jeff Thomson
Subject: Regarding Baja Haus Outdoor Patio and Superior Blvd Project

May 9, 2018

Regarding Baja Haus Outdoor Patio, Pergola, Parking spaces and liquor sale proposal

Planning Commission City of Wayzata

I am Jim Wessling owner of Village Meats and Deli next door to Baja Haus.

I have been in in this store for 31 years and parking is always been an issue. With new Tenants, Baja Haus and Benedict's Breakfast and Lunch directly across the street, parking is now a nightmare.

My longtime customers have complained about nowhere to park and I know I'm losing customers over the lunch hour, as my Deli numbers are down since Benedict's opened. Most of my lunch crowd are in and out in 5 minutes or so. If there is no parking they leave!

We do not have room for an outdoor patio in our center!

We don't even have enough parking for all the employees in this center. Please consider what this would do to my business and other long time business's in Wayzata.

Item 2:

Superior Blvd reconstruction. I've lost over 100K with all the road construction, and new expansion at my end of Wayzata. ENOUGH!! all the business in the strip mall have felt it, I feel more than any other part of Wayzata. Superior Blvd is the main access of our part of Lake Street.

Thank you for your time

Jim Wessling

Village Meats and Deli