



Wayzata Planning Commission

Meeting Agenda

Monday, June 18, 2018, 7:00 p.m.

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

1. **Call to Order & Roll Call**
2. **Approval of Agenda**
3. **Consent Agenda**
 - a. Approval of June 4, 2018 Meeting Minutes
4. **Old Business Items**
 - a. None
5. **Public Hearing Items**
 - a. Benton Harbor – 310 Benton Ave N and 1023 Gardner St E
Preliminary and Final Plat Subdivision
 - b. Right of Way Ordinance
 - c. Albers Addition – 224 Broadway Ave N
Variance
 - d. Broadway Place – 326 and 332 Broadway Ave S
PUD Amendment, Design Review
 - e. Wayzata Bay Car Wash – 143 Lake St E
Interim Use Permit, Shoreland Impact Plan/Conditional Use Permit
6. **Other Items:**
 - a. Review of Development Activities
 - b. Next Meeting is July 16, 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
June 4, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

Chair Buchanan asked for a motion to approve the agenda for the meeting.

Commissioner Douglas made a motion, seconded by Commissioner Plantan, to approve the June 4, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

- a.) Approval of May 21, 2018 Meeting Minutes
- b.) Adoption of Report and Recommendation of Approval of Conditional Use Permit and Variance for Benedict's at 845 Lake St E
- c.) Adoption of Report and Recommendation of Denial of Conditional Use Permit and Variance for Baja Haus at 830 Lake Street E

Chair Buchanan read the items on the Consent Agenda and asked if any Commissioner wished to remove an item for further discussion.

Hearing no requests, Chair Buchanan asked for a motion to approve the Consent Agenda, as presented.

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

AGENDA ITEM 4. Old Business Items:

- a.) None.

1 **AGENDA ITEM 5. Public Hearing Items:**

2
3 **a.) Right-of-way Ordinance**

4
5 Director of Planning and Building Jeff Thomson stated during the 2017 state legislative session,
6 the legislature enacted a new law relating to Minnesota's Telecommunication Right-of-Way users
7 to clarify the rules applicable to all wireless service providers and to treat them similar to other
8 telecommunication service providers under State law. The new law creates a separate streamlined
9 permitting system for placement of small wireless facilities on City-owned structures in right-of-
10 ways. In order to be consistent with the changes in State law, the City needs to amend its Right-
11 of-Way Ordinance. The City Attorney has drafted an amendments to the City Code that
12 incorporates the changes made by the State law for small wireless facilities in the City's right-of-
13 way. City staff has also taken the opportunity to review all of the parts of the City Ordinance that
14 address uses in the right of way, and consider other if there are other changes that would be helpful.
15 Changes being considered include combining these various parts of City Code into one
16 comprehensive Right-of-Way chapter of City Code, and making other changes based of staff's
17 experience with administering the current ordinance and recent applications, including sidewalk
18 cafes, trees and landscaping, encroachments, and vacations of Right-of-Way. Mr. Thomson noted
19 that the City currently regulates outdoor dining patios located on the public sidewalk in the Zoning
20 Ordinance through the conditional use permit process. City staff thinks that dining patios located
21 on City right-of-way are best regulated through the Right-of-Way Ordinance.
22

23 Attorney Allison Lewis presented an overview of the legislation passed by the Minnesota
24 legislature in 2017 relating to small wireless facilities located in the public right-of-way. The
25 changes were based on the fact that the State has an interest in ensuring that the use and regulations
26 of public right-of-way be carried on in a fair, efficient, competitively neutral and substantially
27 uniform manner. The new law gives telecommunications right-of-way users the right to deploy
28 "small wireless facilities" in the right-of-way and to use the right-of-way to deliver wireless
29 services. One of the primary goals of the new State law is to make utility poles in the right-of-way
30 available for installation of wireless facilities. Cities may determine whether a utility pole can
31 support small wireless facilities, and may deny a permit based on health, safety and welfare
32 concerns. In order to be authorized, any new utility pole cannot exceed 50-feet in height or 10-feet
33 above any existing pole that is being replaced unless authorized by the city. The ability of a city
34 to restrict or prohibit placement of small wireless facilities in the right-of-way in certain zoning
35 districts is limited, and cities may only require wireless providers to obtain a CUP for small
36 wireless facilities located in right-of-ways within residential or historic districts. The amount of
37 rent that a city may charge is limited to \$150 annually plus \$25 for maintenance for each site. The
38 proposed new ordinance would replace the current version and ensure compliance with state law
39 with respect to small wireless facilities. The proposed ordinance covers all aspects of right-of-
40 way management and creates several different right-of-way permits for different categories of
41 uses, including obstruction and encroachments, excavations, small wireless, small wireless
42 conditional use permits, outdoor sidewalk cafes, and landscaping. Under the new ordinance, the
43 City will give notice to the owners of properties abutting the area to be vacated and owners of
44 properties located within 350-feet of the area to be vacated.
45

1 Commissioner Iverson asked if the City's utilities poles would support telecommunication
2 facilities.

3
4 Mr. Thomson stated the City's utility pole would support these small wireless facilities.

5
6 City Attorney Schelzel clarified the new ordinance would require a CUP for only those requests
7 for small wireless facilities located in residential districts.

8
9 Commissioner Plantan asked who was responsible for the routine maintenance of these small
10 wireless facilities.

11
12 Mr. Schelzel explained the new ordinance would require telecommunications companies to sign
13 an agreement with the City that would cover items such as maintenance.

14
15 Commissioner Iverson asked if carriers would share poles.

16
17 Ms. Lewis stated carriers could share poles, but the City can also establish spacing requirements.

18
19 Commissioner Murray asked if there are any restrictions to aesthetics imposed by the new State
20 law.

21
22 Ms. Lewis stated there was nothing in the draft ordinance or referenced in State law that related to
23 aesthetics, per se. The City could adopt something pertaining to aesthetics as long as it is not
24 burdensome or overly costly to the vendors.

25
26 Mr. Schelzel stated staff could look at adding language to the ordinance about aesthetics, as well
27 as the co-location agreements.

28
29 Commissioner Iverson asked if streets or sidewalks would be shutdown while these sites were
30 installed.

31
32 Ms. Lewis stated this could also be addressed in the co-location agreement.

33
34 Mr. Thomson reviewed the other amendments to the right of way ordinance the City is proposing
35 related to sidewalk cafes. The City currently regulates sidewalk cafes through the conditional use
36 permit process in the zoning ordinance. The right of way ordinance would be better means of
37 regulating sidewalk cafes because it would allow the City to review cafes annually, and the right
38 of way ordinance would not grant a land entitlement to property owners to use the right of way.
39 The draft right of way ordinance would generally keep the same standards for sidewalk cafes in
40 the right of way as the present ordinance. However, he requested the Commission consider
41 removing the minimum 42-inch aisle requirement for service and access, and change it to a
42 requirement that service and access be located internal to the café, and not from pedestrian clear
43 zone. He also suggested the Commission consider allowing small wait stations in the sidewalk
44 café, and removing the requirement of a specific number of trash receptacles to make the standard
45 more flexible. He stated the City does not have regulations pertaining to outdoor patios on private
46 property. He recommended separate conditional use permit standards that would allow the City

1 to draft specific standards for outdoor dining areas located on private property, and not within the
2 City's right of way.

3
4 Commissioner Iverson asked if there was a way to require customers waiting to be seated to wait
5 inside, versus waiting outside on the sidewalk. She referenced the number of people waiting at
6 Benedicts to get a seat, and that it had been difficult for others to use the sidewalk.

7
8 Mr. Schelzel stated although Benedict's was granted a CUP, if there are safety hazards created by
9 the use that violate any City standards or the agreement, then the City can address these issues
10 with them.

11
12 After further discussion, it was the consensus of the Commission that staff should draft standards
13 for outdoor patios on private property for the Commission to review.

14
15 Commissioner Douglas asked if the 42-inch aisle for service and access pertained to those outdoor
16 patios that do not do service, such as Caribou Coffee.

17
18 Mr. Thomson stated Caribou is not required to have an enclosure because they do not have a liquor
19 license, and the 42-inch aisle only pertains to those outdoor patios that require an enclosure. As
20 part of the permitting process, the size and location of patios must be provided.

21
22 Commissioner Douglas asked if the City could require a specific type of trash receptacle.

23
24 Mr. Thomson stated the Ordinance language reads: one covered trash receptacle matching the
25 appearance of other furniture shall be provided for every eight tables.

26
27 Mr. Schelzel stated if the patio is in the City right-of-way, the City could decide to install uniform
28 trash receptacles in the right-of-way to help applicants meet their requirements.

29
30 Mr. Thomson stated the draft Right-of-Way ordinance would also require a permit to plant, trim
31 or otherwise impact any tree or other planting in the right-of-way. He stated encroachments would
32 be further defined in the new ordinance to include awnings, private improvements, structures, and
33 would prohibit buildings and portions of buildings in the right-of-way.

34
35 Mr. Thomson advised the Planning Commission to open the public hearing on the draft Right-of-
36 Way Ordinance amendments but continue the public hearing to June 19, 2018, to consider the
37 balance of the draft amendments to the Zoning Ordinance which would incorporate the changes to
38 the Right-of-Way Ordinance.

39
40 Chair Buchanan opened the public hearing at 7:46 p.m.

41
42 There being no one wishing to address the Commission, Chair Buchanan continued the public
43 hearing to the June 19 Planning Commission meeting.

44
45
46 **AGENDA ITEM 6. Other Items:**

1
2 **a.) Review of Development Activities**
3

4 Director of Planning and Building Jeff Thomson stated there would be three new applications on
5 the June 19 Planning Commission agenda: a PUD amendment request for Broadway Place, a
6 variance request for 224 Broadway Ave N, and an application from Wayzata Bay Car Wash.
7

8 **b.) Rescheduling July 2nd Planning Commission Meeting**
9

10 Mr. Thomson proposed that in light of the July 4th holiday, the July 2nd Planning Commission
11 Meeting be rescheduled to July 30, 2018.
12

13 After brief discussion, Commissioner Murray made a motion, Seconded by Commissioner Iverson
14 to reschedule the July 2, 2018 Planning Commission meeting to July 30, 2018. The motion carried
15 unanimously.
16

17 **c.) Next Meeting is June 18, 2018**
18

19 Mr. Thomson noted the next meeting of the Planning Commission is scheduled for June 18, 2018.
20

21 **d.) Other Discussion**
22

23 Chair Buchannan asked if the Commissioners had any other items to discuss.
24

25 Commissioner Iverson stated Walgreen's landscaping is not looking good. She asked if the City
26 had any say on the quality and care of their plantings.
27

28 Mr. Thomson stated staff would review this and follow up with them.
29

30 Commissioner Iverson stated as part of the development application, Walgreen's had been required
31 to have planters at the front entrance and they only have trashcans. She asked that staff also look
32 into this.
33

34
35 **AGENDA ITEM 7. Adjournment.**
36

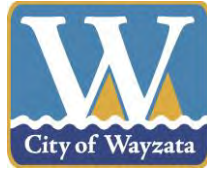
37 There being no further discussion or business on the agenda, Chair Buchannan asked for a motion
38 to adjourn.
39

40 Commissioner Iverson made a motion, seconded by Commissioner Plantan, to adjourn the
41 Planning Commission meeting. The motion carried unanimously.
42

43 The Planning Commission meeting was adjourned at 7:53 p.m.
44

45 Respectfully submitted,
46 Tina Borg

DRAFT



**Staff Report
June 18, 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
“60 Day” Deadline: July 20, 2018

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.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on May 21, 2018. At the meeting, the Planning Commission continued the public hearing and directed the applicant to submit all information required by the City’s subdivision ordinance. The Planning Commission noted that the subdivision application did not include a preliminary grading, drainage, and erosion control plan, tree preservation plan, and utility plan.

Since the May 21st meeting, the applicant submitted a proposed grading and tree preservation plan for the subdivision. The proposed grading plan includes a significant amount of fill within the floodplain of the property. The City does not have jurisdiction overall floodplain alteration applications. Alterations to the floodplain are reviewed and approved by the Minnehaha Creek Watershed District (MCWD). Since the proposed house pads shown on the grading plan would result in alterations to the floodplain, City staff has told the applicant that the floodplain alteration would need to be approved by the MCWD before the City can consider the subdivision application.

Since the 120 day review period for the application expires on July 20th, and the applicant has not provided the City with a waiver of the review period, the City must take action by

July 20th. In order to be reviewed by the City Council on July 17th, the Planning Commission must adopt a Report and Recommendation at its July 16th meeting. Therefore, City staff recommends that the Planning Commission direct staff to prepare a draft Report and Recommendation for review at its July 16th meeting.

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.

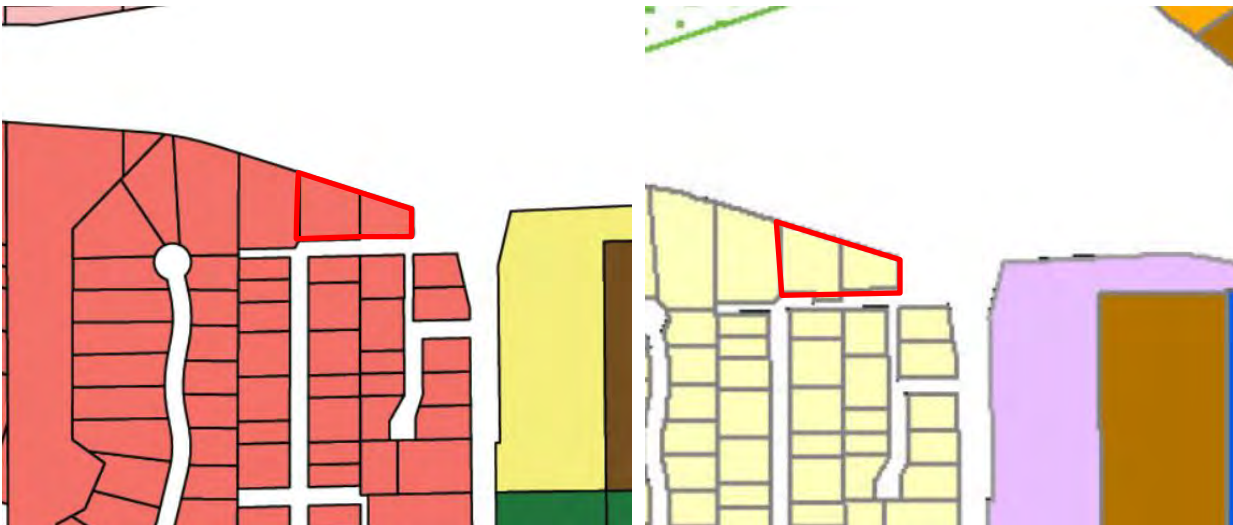
The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

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 and June 8, 2018.

Analysis of Application

Lot Requirements

The following table outlines the R-3A 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	14,048 sq. ft.
(subject properties)	
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.

Action Steps

After considering the items outlined in this report and the continued public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Preliminary Plat

Proposed Grading and Tree Preservation Plan

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.

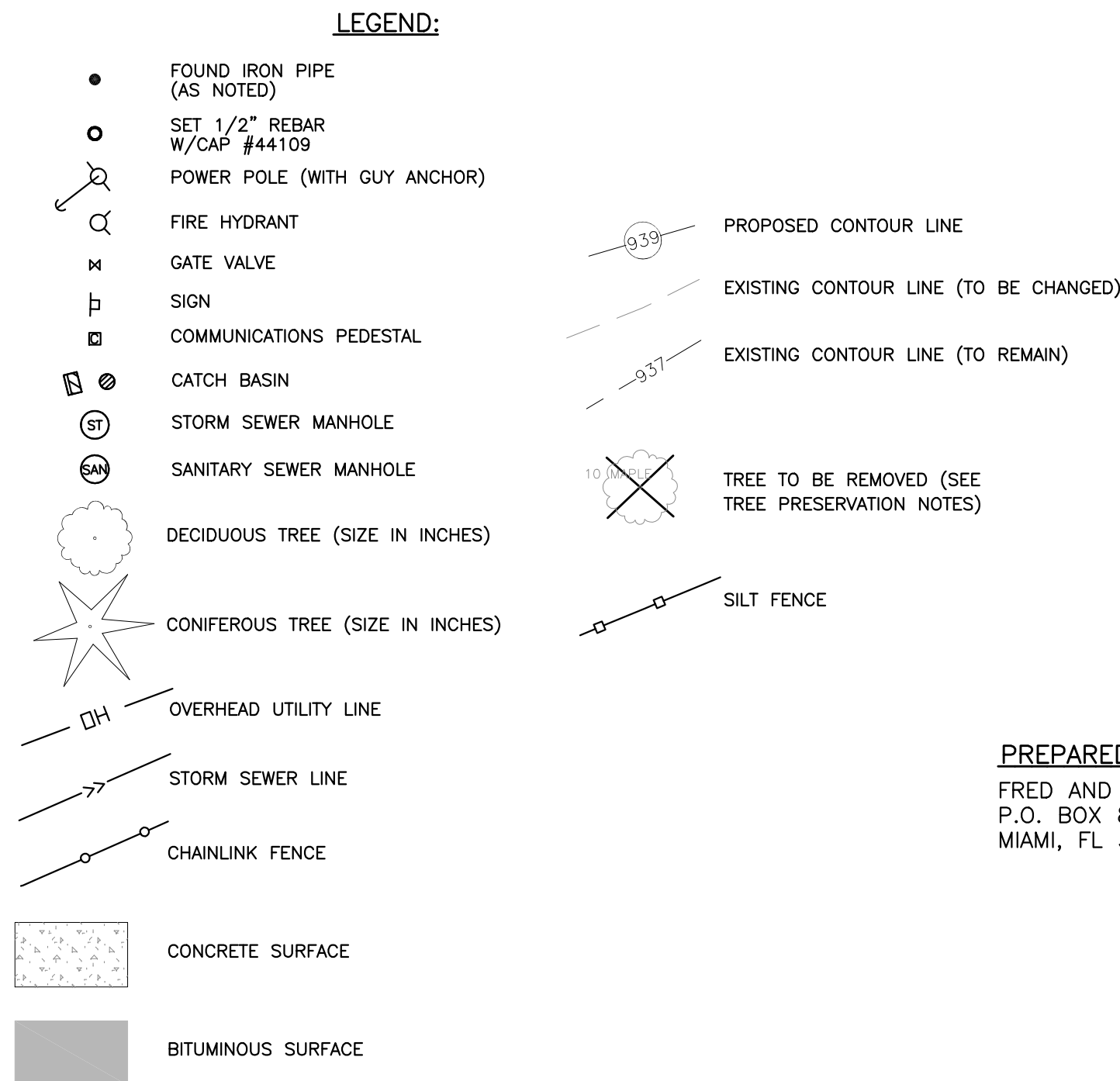
SIGNED : Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

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

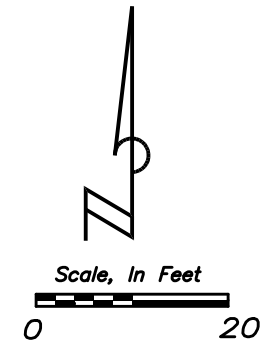
SHEET 1 OF 1

PRELIMINARY PLAT OF BENTON HARBOR
SHOWING PROPOSED GRADING AND TREE PRESERVATION



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

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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

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.

PROPOSED LEGAL DESCRIPTIONS:

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

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.

GENERAL 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

HARDCOVER CALCULATIONS:

LOT 1:		LOT 3:	
HOUSE	1,796 SQ. FT.	HOUSE	1,797 SQ. FT.
GARAGE	528 SQ. FT.	GARAGE	528 SQ. FT.
PORCH	103 SQ. FT.	PORCH	60 SQ. FT.
DRIVEWAY	440 SQ. FT.	DRIVEWAY	440 SQ. FT.
TOTAL:	2,867 OR 27.8%	TOTAL:	2,825 OR 31.2%

LOT 2:		LOT 4:	
HOUSE	1,796 SQ. FT.	HOUSE	1,800 SQ. FT.
GARAGE	528 SQ. FT.	GARAGE	528 SQ. FT.
PORCH	103 SQ. FT.	PORCH	64 SQ. FT.
DRIVEWAY	440 SQ. FT.	DRIVEWAY	440 SQ. FT.
TOTAL:	2,867 OR 31.5%	TOTAL:	2,832 OR 26.4%

TREE PRESERVATION NOTES:

76 TOTAL CALIPER INCHES OF SIGNIFICANT TREES
76 X .25 = 19 TOTAL CALIPER INCHES REMOVAL ALLOWED
18+10+12 = 40 TOTAL CALIPER INCHES PROPOSED FOR REMOVAL
40-19= 21 CALIPER INCHES OF NEW TREES NEEDED - PLACEMENT TO BE DETERMINED

REMAINING TREES TO BE PROTECTED BEHIND SILT FENCE / TREE PROTECTION FENCE AS SHOWN ON MAP

EROSION PROTECTION:

1) SILT FENCE TO BE PLACED ON SITE PERIMETER AS SHOWN ON MAP.
2) ADDITIONAL SILT FENCE TO BE PLACED ON INDIVIDUAL LOT LINES IF DEVELOPED SEPARATELY.
3) CONTRACTOR TO PROVIDE ROCK CONSTRUCTION ENTRANCES AT PROPOSED DRIVEWAYS.
4) ALL WORK WITHIN THE FLOODPLAIN SHALL REQUIRE MINNEHAHA CREEK WATERSHED DISTRICT APPROVAL / PERMITTING AND IS SUBJECT TO WAYZATA CITE CODE 801.93.11 (FLOODPLAIN REGULATION).

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

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

JOB # 2017030	ISSUED: 6-1-2018	
DRAWN BY: TWWN	REV:	
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

VNS

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

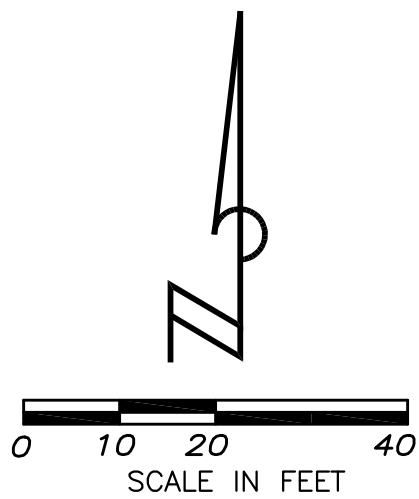
COUNTY RECORDER, Hennepin County, Minnesota

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

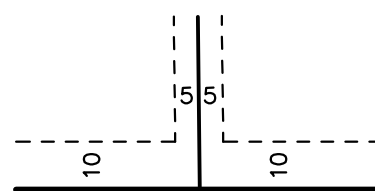
Martin McCormick, County Recorder By _____, Deputy

BENTON HARBOR

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



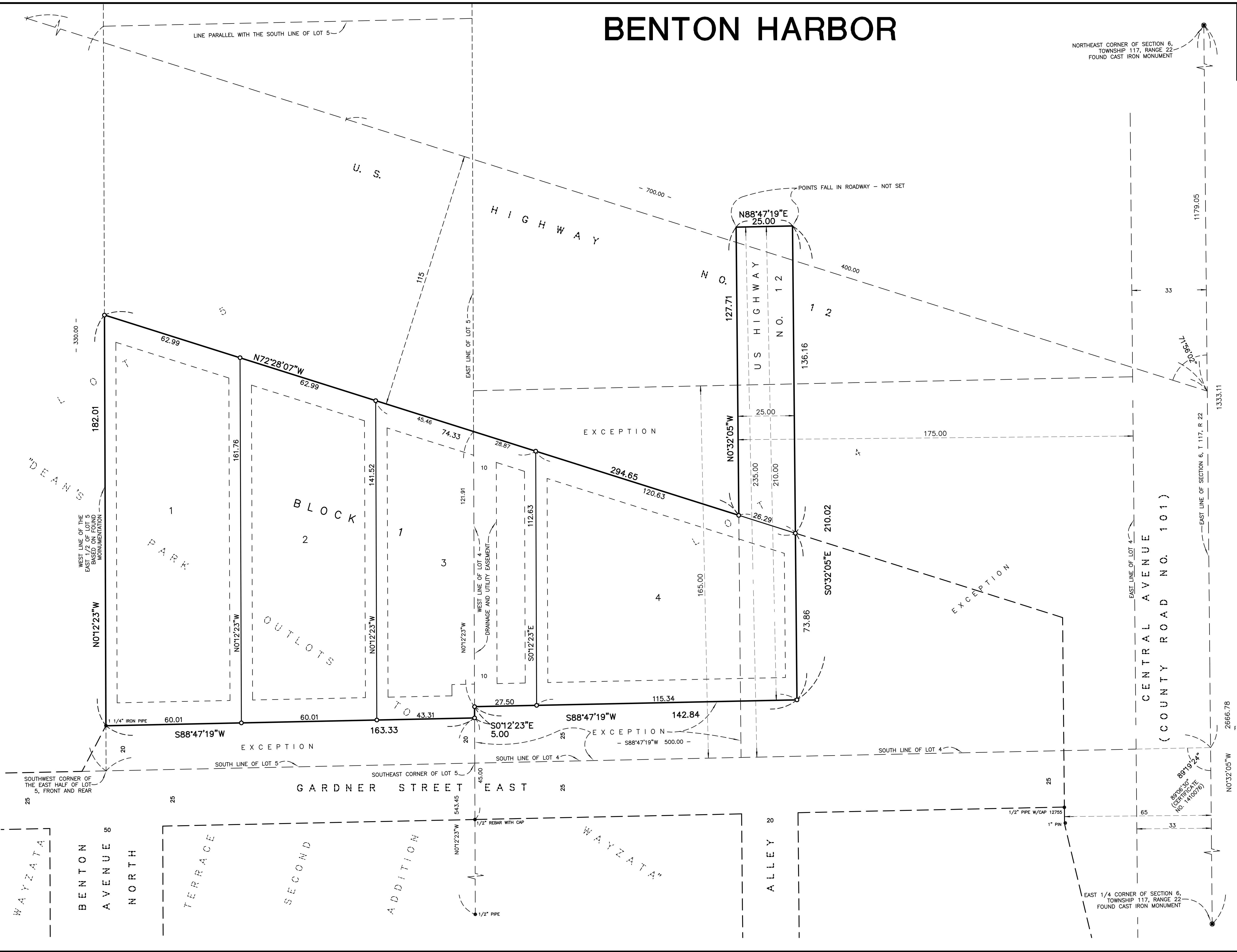
DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:
(NOT TO SCALE)

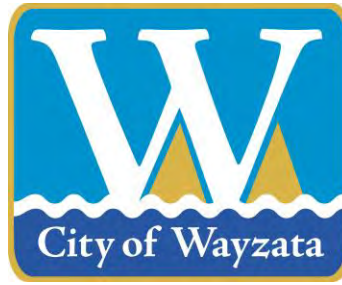


BEING 10 FEET IN WIDTH ADJOINING
RIGHT-OF-WAY LINES AND 5 FEET IN
WIDTH AND ADJOINING LOT LINES EXCEPT
AS NOTED

- 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.





City Council
Mayor Ken Willcox
Dan Koch
Johanna McCarthy
Alex Plechash
Steven Tyacke

City Manager
Jeffrey Dahl

Date: June 15, 2018

To: Planning Commission

From: Jeff Thomson, Director of Planning and Building

Subject: Right of Way Management Ordinance

Introduction

During the 2017 legislative session, the State enacted a new law amending Minnesota's Telecommunications Right of Way User Law to clarify whether wireless providers are treated the same as other telecommunications right of way uses under State law. The law creates a separate streamlined permitting system for placement of small wireless facilities on city-owned structures in rights of way. In order to be consistent with the change in State law, the City needs to amend its Right of Way ordinance.

Proposed Ordinance Amendment

The City Attorney has drafted an amendment to the City Code that incorporates the changes for small wireless facilities located in the City's right of way. There are several other items related to the management of the City's right of way that staff has identified for incorporation into the ordinance amendment. These additional items are based on staff's experience with administering the current ordinance and recent applications:

- Sidewalk Cafes: The City currently regulates outdoor dining patios located on the public sidewalk via the zoning ordinance through the conditional use permit process. City staff thinks that dining patios located on City right of way are best regulated through the right of way ordinance. If regulated through the right of way ordinance, the use can be reviewed and approved annually, rather than granting a land entitlement through approval of a conditional use permit.
- Trees and Landscaping: With the 2015 amendment to the tree ordinance, a permit is no longer required to remove trees on private property. However, the City has the ability to regulate removal and planting of trees and other landscaping located in the City's right of way through issuance of a right of way permit
- Encroachments: The City Code currently regulates encroachments of structures into the right of way. However, the current regulations do not cover

all types of improvements and structures located in the City's right of way, including irrigation systems, walkways, stairs, retaining walls, driveway monuments, and fences.

- Vacation of Right of Way: The City Charter outlines the requirements for vacation of highway, streets and alleys within the City. The Charter also states that, "such vacations may be made only after notice and hearing of affected property owners and upon such further terms and by such procedure as the Council may, by ordinance, prescribe." The City Code does not currently outline the procedure for processing vacation requests.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the draft ordinance amendment at its meeting on June 4, 2018.

- Small Wireless Facility Standards – An additional standard has been added that states that all reasonable methods of screening aboveground wireless facilities must be used. In addition, the facility must be painted a color to match the utility pole and no visible text or graphics would be allowed.
- Encroachments – A new section has been added for encroachments into the City's right of way. There would be three types of encroachments allowed: (1) awnings above doors and windows; (2) private improvements such as landscape features, driveways, walkways, irrigation systems, and pet containment systems; and (3) structures such as retaining walls, fences, staircases, driveway entrance monuments, signs, and landscape walls. All other types of encroachments, including buildings, would be prohibited.
- Sidewalk Cafes – The standards for sidewalk cafes within the City's right of way have been updated based on the Planning Commission's discussion. The minimum distance from residentially-zoned properties has been retained, but additional language has been added to allow the City Council to allow for a reduced distance if acceptable to the City. The strict standard for internal service and access aisles has been revised. Lastly, wait stations would be allowed within the enclosed patio area and the standard related to trash receptacles has been updated.
- Outdoor Dining Patios – The Planning Commission provided direction that the Zoning Ordinance should be updated to expand how outdoor dining patios are regulated on private property. Since this is outside the scope of the current right of way management ordinance update, this will be brought back as a future agenda item.

Action Steps

The Planning Commission should: (1) continue the public hearing on the draft Right of Way Management and Zoning Ordinance amendment; (2) direct City Staff to prepare a draft Report and Recommendation on the ordinance amendment for review and adoption at the next Planning Commission meeting.

Attachments

Draft Right of Way Management Ordinance

Draft Right of Way Management Ordinance (red-lined changes since June 4th)

Draft Zoning Ordinance Amendment

CITY OF WAYZATA

ORDINANCE NO. 781

AN ORDINANCE TO ADMINISTER AND REGULATE THE PUBLIC RIGHT-OF-WAY

THE CITY OF WAYZATA ORDAINS:

Section 32 of Chapter 801 of the Wayzata City Code of Ordinances (Public Property / Rights-of-Way) and Chapters 306, 307, 308 and 315 of the Wayzata City Code (Right-of-Way Encroachment) are hereby repealed in their entirety, and are replaced by the following new Chapter 315 of City Code:

CHAPTER 315

RIGHT-OF-WAY MANAGEMENT

315.01 Election to Manage the Public Rights of Way. In accordance with the authority granted to the City under state and federal statutory, administrative, and common law, the City hereby elects, pursuant to this Chapter, to manage rights of way within its jurisdiction.

315.02 Definitions. The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7810.0100, subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this Chapter as if set out in full.

315.03 Prohibition; Permit Requirement.

- A. **Permit Required.** Except as otherwise provided in this Code, no person may obstruct, encroach upon, encumber, interfere with, or excavate any right of way or install or place facilities in the right of way without first having obtained the appropriate permit from the City.
 - 1. **Excavation Permit.** An excavation permit is required to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities or any other encroachment described therein, to the extent and for the duration specified therein.
 - 2. **Obstruction Permit.** An obstruction permit is required to hinder free and open passage over the specified portion of right of way by placing equipment, obstacles or any other encroachment

described therein on the right of way, to the extent and for the duration specified therein. An Obstruction Permit is not required if a person already possesses a valid Excavation Permit for the same project or the obstruction is permitted under an Encroachment Permit issued pursuant to this Chapter.

3. Small Wireless Facility Permit. A small wireless facility permit is required to place a new wireless support structure (collocate) in the right-of-way managed, with the exception that a permit is not required for the installation, placement, maintenance, operation, or replacement of micro wireless facilities suspended on cables strung between existing utility poles in compliance with national safety codes.
4. Small Wireless Conditional Use Permit. In addition to the provisions of this Chapter, a conditional use permit issued pursuant to Chapter 801 of this Code is required to install a new wireless support structure in a right-of-way where the underlying district is zoned as R-1, R-1A, R-2, R-2A, R-3, R-3A or any other single-family residential use or historic district established by federal or state law or City ordinance.
5. Encroachment Permit. An encroachment permit is required to construct and maintain the following structures and private improvements in the right of way.
 - a) "Awnings", meaning awnings attached to the entryways or windows of buildings adjacent to the right of way.
 - b) "Private Improvements", meaning permanent landscaping features, driveways, walkways, irrigation systems, pet containment systems, or other similar improvements constructed and maintained by owners of property adjacent to the applicable right of way.
 - c) "Structures", meaning walls, fences, steps, staircases, driveway entrance monuments, signs, landscape walls, or other similar structures constructed and maintained by owners of property adjacent to the applicable right of way.

All other structures and private improvements not identified in Sections 315.03 Subd. A.5.a. through d, including but not limited to buildings or portions thereof, roof overhangs, building cantilevers and similar wall projections, shall not encroach into or upon the right of way.

6. Outdoor Sidewalk Café Permit. An outdoor sidewalk café permit is required to operate an outdoor sidewalk café in the right-of-way where the underlying zoning district allows an outdoor sidewalk café as a permitted accessory use.
7. Landscaping Permit. A right of way landscaping permit is required to plant, trim, replace or otherwise impact any tree or other plantings in the right of way as described in such permit and to hinder free and open passage over the specified portion of the right of way by placing trees or any other plantings described therein.

B. **Exceptions.** The following are exceptions to the permit requirements of this Chapter:

1. Any activities undertaken by the City;
2. The displacement of snow and ice by snow and ice removal operations of the City, County or State;
3. The displacement of snow and ice from privately owned property, provided that such snow and ice are deposited only upon boulevards which are adjacent to and not separated by the traveled portion of the street from the private property from which the snow or ice is removed;
4. Vehicles lawfully parked on streets;
5. Trees and other plantings made by the City, provided that such plantings are approved by the City Forester;
6. Trees and other plantings on private property which overhang the traveled portion of streets or sidewalks, provided that no portion of such tree or planting is less than 16 feet above the traveled portion of the street or less than 8 feet above the sidewalk, provided such does interfere with the use of the right of way, or present a health or safety issue, in the judgment of the Director of Public Works;
7. Privately owned bus stop benches and street furnishings and publicly owned bus stop shelters placed on streets, sidewalks and boulevards, subject to the written approval of the Director of Public Works as to location;
8. Newspaper vending machines and U.S. Postal Service drop boxes placed on sidewalks and boulevards, subject to the written approval of the Director of Public Works as to location;

9. Mailboxes subject to U.S. Postal Service standards, provided that mailboxes which are integral to a structure must be approved in writing by the Director of Public Works;
 10. Wires or cables installed by a public utility
- C. **Permit Extensions.** No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.
- D. **Delay Penalty.** In accordance with Minnesota Rule 7819.1000, subp. 3 and notwithstanding any other part of this Chapter, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.
- E. **Permit Display.** Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

315.04 **Permit Applications.** An application for a permit issued under this Chapter shall be complete only upon meeting all of the following requirements:

- A. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed location in the right of way, and the following information:
1. Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
 2. The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of Application.
 3. A certificate of insurance or self-insurance:
 - a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance

acceptable to the City.

- b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the:
 - 1) Use and occupancy of the right of way by the permittee, its officers, agents, employees, and permittees, and
 - 2) Placement and use of facilities and equipment in the right of way by the permittee, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
 - c) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
 - d) Requiring that the City be notified thirty (30) days in advance of cancelation of the policy or material modification of a coverage term;
 - e) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.
- 4. A copy of the actual insurance policies.
 - 5. If the applicant is a corporation, a copy of the certificate required to be filed under Minnesota Statutes Section 300.06 as recorded and certified to by the Secretary of State.
 - 6. If applicable, a copy of the order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the applicant is lawfully required to have such certificate from said commission or other state or federal agency.

- B. A Small Wireless Facility Permit applicant may file a consolidated Small Wireless Permit Application to collocate up to 15 small wireless facilities provided that all the small wireless facilities in the application:

1. are located within a two-mile radius;
 2. consist of substantially similar equipment; and are to be placed on similar types of wireless support structures.
- C. Payment of money due the City for:
1. permit fees, estimated restoration costs and other management costs;
 2. any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;
 3. franchise fees, or other charges, if applicable;
 4. inspection fees, if applicable and if not included in the permit fee.

315.05 Review and Issuance of Permit; Conditions.

A. **Application Review and Permit Issuance.**

1. Applications for Excavation Permits, Obstruction Permits, Small Wireless Facility Permits, Encroachment Permits for Awnings and Private Improvements, and Landscaping Permits shall be reviewed by the Director of Public Works. If the Director of Public Works determines that the applicant has satisfied the requirements of this Chapter, the City shall issue a permit. Denial of any application by the Public Works Director may be appealed by the applicant to the City Council within thirty (30) days of the date of denial.
2. Applications for Small Wireless Conditional Use Permits, Encroachment Permits for Structures, and Outdoor Sidewalk Cafe Permits shall require the review and approval of the City Council.

B. **Permit Conditions Generally.** The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes Section 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minnesota Rules, Chapter 7560.

C. **Additional Excavation Permit Conditions.** In addition to the conditions

for permits generally in Section 315.05.B, the excavation of any street or public right of way shall be subject to the following conditions:

1. **General Regulations.** Street openings shall be made in a manner which will cause the least inconvenience to the general public. Provision shall be made for the safe passage of water along the gutters of any such street, and at least one-half of the traveled portion of any such street shall be left open and in good condition for the safe passage of vehicles. All open excavations shall be guarded with substantial barriers and shall be marked with bright flags during the daytime and with flashing lights at night. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent their freezing. All excavations shall be refilled as soon as possible after the work is completed, and the surface of any excavation shall be replaced in as good condition as before the excavation, to the satisfaction of the City Engineer. Any person or firm failing to comply with these regulations within twenty-four hours after notice from the City of such failure shall be liable for the full cost incurred by the City in remedying the failure, which cost shall become an obligation of the surety bond required herein.
2. **Trenchless Excavation.** As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter. 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating as determined by the City.
3. **Surety Bond.** All applicants for an Excavation Permit, except for locally bonded plumbers or public utility companies, shall provide a security in the form of a bond, letter of credit or cash to insure that the holder will perform all work in connection with any such excavation in accordance with the ordinances and regulations applicable thereto, that the holder will indemnify and hold the City harmless from any and all damage or liability to others caused in the performance of such work, and that the holder will pay any and all costs either directly or indirectly suffered by the City due to failure of the holder to observe all ordinances and regulations applicable to such work or due to holder's negligence in the performance of such work.

D. **Additional Small Wireless Facility Permit Conditions.** In addition to the conditions for permits generally in Section 315.05.B, the erection or installation of a wireless support structure, or the collocation of a small wireless facility, in the right of way shall be subject to the following

conditions:

1. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
2. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the City's written authorization, and further provided that an applicant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
3. No wireless facility may extend more than 10 feet above its wireless support structure.
4. Where an applicant proposes to install a new wireless support structure in the right-of-way, the City may impose separation requirements between such support structures and any existing wireless support structure or other facilities in and around the right-of-way.
5. The applicant shall employ all reasonable methods of screening for all aboveground wireless facilities, including the use of stealth or camouflaged design to appropriately mask such facility. All small wireless facilities to be collocated on wireless support structures in and around the right-of-way shall be painted or repainted to precisely match the support structure or utility pole, the overall color scheme of which is subject to the City's discretion and approval. No visible text or printing shall be allowed on wireless facilities.
6. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose additional reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
7. Where an applicant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
8. The execution of a Small Wireless Facility Collocation Agreement that incorporates any additional terms and conditions mutually agreed upon by the City and the applicant. A small wireless facility

collocation agreement is considered public data not on individuals and is accessible to the public under Minnesota Statutes Section 13.03. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the City and applicant.

E. **Additional Conditions for Encroachment Permits.** In addition to the conditions for permits generally in Section 315.05.B, the following additional conditions shall apply to encroachment permits:

1. Awnings. The issuance of an encroachment permit for Awnings must comply with the following conditions:
 - a) The edge of the Awning must be set back a minimum of three (3) feet from the curb.
 - b) The Awning must have a minimum height of eight (8) feet measured from the sidewalk grade to the base of the structural support.
 - c) The Awning must have a minimum height of seven (7) feet measured from the sidewalk grade to the lowest part of the awning.
 - d) The property owner must agree to the following additional conditions:
 - 1) The property owner shall be responsible for the installation and maintenance of the Awning.
 - 2) The City will assume no responsibility for the Awning; the property owner shall be responsible for any and all damage to or caused by the Awning located in the right of way.
 - 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.

2. Private Improvements. The issuance of an encroachment permit for Private Improvements must comply with the following conditions:
 - a) The determination by the Director of Public Works that the encroachment by the Private Improvement(s) will not adversely impact the City's current or future use of the right of way, which determination will be based on the following factors:
 - 1) The impact the Private Improvement will have on snow plowing and snow storage;
 - 2) The impact the Private Improvement will have on public safety, including traffic operations and pedestrian safety;
 - 3) The impact of the Private Improvement will have on public land and public utilities.
 - b) The property owner must agree to the following additional conditions:
 - 1) The property owner shall be responsible for the installation and maintenance of the Private Improvement.
 - 2) The City will assume no responsibility for the Private Improvement; the property owner shall be responsible for any and all damage to or caused by the Private Improvement.
 - 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.
3. Structures. The issuance of an encroachment permit for Structures shall be subject to the following conditions:

- a) The City Council must find that the encroaching Structure meets all of the following conditions:
 - 1) The Structure will not adversely impact the City's current or future use of the right of way.
 - 2) There are exceptional circumstances or conditions applying to the encroachment in question, which circumstances or conditions do not apply generally to other Structures or property within the City.
 - 3) Under the circumstances of the particular situation, the encroachment will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
- b) The property owner must agree to the following additional conditions:
 - 1) The property owner must enter into a written agreement with the City setting forth the conditions of approval and the maintenance obligations for the encroaching Structure. The agreement must include a clause under which the property owner agrees to hold the City harmless from all liability, losses or injuries directly or indirectly resulting from the encroaching Structure.
 - 2) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the City Council's determination, in its absolute discretion, that the revocation is in the City's best interest.

F. **Additional Outdoor Sidewalk Café Conditions.** In addition to the conditions for permits generally in Section 315.05.B, the placement and operation of an outdoor sidewalk café in the right of way, shall be subject to the following conditions:

- 1. Functional Requirements.

- a) Existing and/or proposed principal use shall conform to existing City zoning regulations.
- b) Cafe shall be a minimum distance from a R-1, R-1A, R-2, R-2A, R-3, R-3A, and R-4 residential zoning district, unless the City Council determines that a lesser distance is acceptable that ensures the outdoor sidewalk cafe would not adversely impact the residential properties:
 - 1) 200 foot minimum for non-alcoholic cafes.
 - 2) 500 foot minimum for alcoholic establishments.
- c) Cafe area shall be limited to the public right-of-way abutting the lot front as defined by the Zoning Ordinance.
- 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.
- 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.
- 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.
- g) All service aisles and walkways must be located within the enclosed area of the cafe. Service aisles must not occur from the minimum clear passage zone for pedestrians.
- h) Furniture and enclosed perimeter shall be movable to allow for seasonal changes.
- i) No storage of furniture on sidewalk shall be allowed between the months of October and April.
- j) No outside bar, cooking facility, food preparation, or holding area shall be located within the right of way.

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

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.
- b) Maintenance of public right-of-way, including landscaping, for which the cafe is located upon shall be the property owner's responsibility.
- c) Security of the cafe area shall be the responsibility of the property owner.
- d) Property owner shall pick up litter within one hundred (100) feet of the cafe on a daily basis.

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.
- b) Plant material shall be in containers to allow for movement.
- c) Annual/perennial flowers shall be used to enhance streetscape aesthetics.
- d) Canopies/umbrellas shall be used for summer sun protection subject to the provisions of the Zoning Ordinance.
- e) Trash receptacles matching the appearance and color scheme of other furniture shall be provided.
- f) Design of site furnishings and cafe layout shall be reviewed prior to installation by the City subject to the above provisions.

4. An Outdoor Sidewalk Cafe Permit approved by the City Council expires one year from the date of the Council approval. The applicant must submit an application annually for renewal of the Outdoor Sidewalk Cafe Permit.

G. Payment of Rent.

1. For collocations of small wireless facilities, the City can, either in its permit or in a standard collocation agreement, require annual rental payments for the small wireless collocations of up to:
 - a) \$150 per year for rent to collocate on the City structure.
 - b) \$25 per year for maintenance associated with the collocation.
 - c) A monthly fee for electrical service as follows:
 - 1) \$73 per radio node less than or equal to 100 maximum watts;
 - 2) \$182 per radio node over 100 maximum watts; or
 - 3) The actual cost of electricity if the actual cost exceeds the foregoing
2. For collocations or placements, other than of small wireless facilities, the City can charge a mutually agreed upon rent reached between the City and the applicant.

315.06 Timeline for Action on Permit Applications.

- A. **Denial in General.** The City may deny a permit for failure to meet the requirements and conditions of this Chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.
- B. **Procedure for Denial on Permits other than Small Wireless Facilities Permits.** The denial of a permit must be made in writing and must document the basis for the denial. The City must notify the applicant or right-of-way user in writing within three business days of the decision to deny a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the City and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City

must approve or deny a resubmitted application within 30 days after such application has been received by the City and deemed complete.

- C. **Procedure for Denial on Small Wireless Facilities Permits.** The City shall approve or deny a small wireless facility permit application within 60 days after receiving a complete application, including when the proposed collocation is on a support structure that already qualifies as an existing wireless tower or base station under Section 6409(a), codified at 47 U.S.C. 1455(a). The small wireless facility permit, and any associated building permit application, shall be deemed approved if the City fails to approve or deny a complete application within the 60-day review period established in this section.
- D. **Tolling of Deadline on Small Wireless Facility Permit.** The deadline for action on a small wireless facility permit application may be tolled if:
 - 1. The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days and shall inform the affected applicant in writing of such extension.
 - 2. The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have ten days to notify the applicant in writing of any still-missing information.
 - 3. The City and a small wireless facility applicant agree in writing to toll the review period.

315.07 Permit Fees.

- A. **Excavation Permit Fee.** The City shall establish an excavation permit fee in an amount sufficient to recover the following costs:
 - 1. the City management costs;
 - 2. degradation costs, if applicable.
- B. **Obstruction and other Permit Fees.** The City shall establish an obstruction and other permit fees in an amount sufficient to recover the City management costs.
- C. **Small Wireless Facility Permit Fee.** The City shall impose a one-time

small wireless facility permit fee at the time of approval of the collocation application in an amount sufficient to recover:

1. management costs;
2. restoration costs or degradation fee, if applicable;
3. inspection fees, if applicable;
4. city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

The City will not impose a small wireless facility permit fee for any of the following activities:

1. routine maintenance of a small wireless facility;
2. replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or
3. installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes.

- D. **Payment of Permit Fees.** No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within thirty (30) days of billing.
- E. **Non-Refundable.** Permit fees that were paid for a permit that the City has revoked for a breach as stated in Section 315.14 are not refundable.
- F. **Application to Franchises.** For right-of-way users subject to a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise, unless otherwise agreed to in the franchise.
- G. **Rules.** All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.1000, when applicable.

315.08 Right-of-Way Patching and Restoration.

- A. **Timing.** The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be

completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable.

- B. **Patch and Restoration.** Permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
1. City Restoration. If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.
 2. Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.
 3. Degradation Fee In lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.
- C. **Standards.** The permittee shall perform patching and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rule 7819.1100
- D. **Duty to correct defects.** The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee, upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five (5) calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.
- E. **Failure to Restore.** If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If

permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

315.09 Permit Limitations.

- A. **Limitation on Area.** A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area:
 - 1. Submit an application for a permit extension and pay any additional fees required thereby; and
 - 2. be granted a new permit or permit extension.
- B. **Obstruction from Small Wireless Facility Work.** City will not require an additional small wireless facility permit fee or require a new collocation agreement for routine maintenance of a small wireless facility, for replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or for installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes. The City may require advance notification, however, of these activities if the work will obstruct the public right-of-way.
- C. **Limitation on Dates.** A right-of-way permit is valid only for the dates specified in the permit. For a Small Wireless Facility Permit, the term of the permit is equal to the length of time that the small wireless facility is in use, unless the permit is revoked under this section. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

315.10 Installation Requirements. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100, when applicable, and other local requirements, when applicable, and in so far as they are not inconsistent with the Minnesota Statutes Sections 237.162 and 237.163.

315.11 Inspection.

- A. **Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.
- B. **Site Inspection.** Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- C. **Authority of City.**
 - 1. At the time of inspection, the City may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well-being of the public.
 - 2. The City may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City that the violation has been corrected. If such proof has not been presented within the required time, the City may revoke the permit pursuant to Sec. 1.215

315.12 Work Done Without a Permit.

- A. **Emergency Situations.** Each person with facilities in the right-of-way shall immediately notify the City of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.
- B. **Non-Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay

double the normal fee for said permit, pay double all the other fees required by this Code, deposit with the City the fees necessary to correct any damage to the right-of-way and comply with all the requirements of this Chapter.

315.13 Supplementary Notification. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the City of the accurate information as soon as this information is known.

315.14 Revocation of Permit.

- A. **Substantial Breach.** The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
1. The violation of any material provision of the right-of-way permit;
 2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 3. Any material misrepresentation of fact in the application for a right-of-way permit;
 4. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or
 5. The failure to correct, in a timely manner, work that does not conform to a condition of the permit
- B. **Written Notice of Breach.** If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit.
- C. **Procedural Requirements.** If the City decides to revoke the permit, the revocation must be made in writing and must document the basis for the revocation. The City must notify the right-of-way user in writing within three business days of the decision to revoke a permit.

- D. **Reimbursement of City Costs.** If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

315.15 Mapping Data.

- A. **Information Required.** If allowed by statute, each permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100.
- B. **Service Laterals.** Permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the City reasonably requires it. Permittees or their subcontractors shall submit to the City evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for:
1. payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and
 2. City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The City shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

315.16 Location of Facilities.

- A. **Placement.** Placement, location, and relocation of facilities must comply with the Minnesota Statutes Sections 237.162 and 237.163, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.
- B. **Corridors.** The City may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or

other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

- C. **Limitation of Space.** Subject to Minnesota Statutes Section 237.163, to protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City shall have the power to deny permits and the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

315.17 Damage to Other Facilities. When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the City shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the City's response to an emergency occasioned by that owner's facilities.

315.18 Right-of-Way Vacation. Vacation of any portion of a City street, highway and alley in the City shall be governed by City Charter and the notice and hearing requirements of Minnesota statutes for vacation of rights-of-way generally. At a minimum, notice of any proposed vacation shall be given to all owners of property (i) abutting the area to be vacated, and (ii) within 350 feet of the area to be vacated. If the City vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rule 7819.3200.

315.19 Indemnification and Liability. By applying for and accepting a permit under this Chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

315.20 Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the City waives this requirement.

315.21 Appeal. A right-of-way user that: (1) has been denied a permit; (2) has had permit revoked; or (3) believes that the fees imposed are invalid may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee

imposition will be writing and supported by written findings establishing the reasonableness of the decision.

315.22 Reservation of Regulatory and Police Powers. A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

315.23 Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2018.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

CITY OF WAYZATA

HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 781

**AN ORDINANCE TO ADMINISTER AND REGULATE
THE PUBLIC RIGHT-OF-WAY**

THE CITY OF WAYZATA ORDAINS:

Section 32 of Chapter 801 of the Wayzata City Code of Ordinances (Public Property / Rights-of-Way) and ~~Chapter~~Chapters 306, 307, 308 and 315 of the Wayzata City Code (Right-of-Way Encroachment) are hereby repealed in their entirety, and are replaced by the following new Chapter 315 of City Code:

CHAPTER 315

RIGHT-OF-WAY MANAGEMENT

315.01 **Election to Manage the Public Rights of Way.** In accordance with the authority granted to the City under state and federal statutory, administrative, and common law, the City hereby elects, pursuant to this Chapter, to manage rights of way within its jurisdiction.

315.02- **Definitions.** The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7810.0100, subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this Chapter as if set out in full.

315.03- **Prohibition; Permit Requirement.**

- A. **Permit Required.** Except as otherwise provided in this Code, no person may obstruct, encroach upon, encumber, interfere with, or excavate any right of way or install or place facilities in the right of way without first having obtained the appropriate permit from the City.
1. Excavation Permit. An excavation permit is required to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities or any other encroachment described therein, to the extent and for the duration specified therein.
 2. Obstruction Permit. An obstruction permit is required to hinder free

and open passage over the specified portion of right of way by placing equipment, obstacles or any other encroachment described therein on the right of way, to the extent and for the duration specified therein. An ~~obstruction permit~~ Obstruction Permit is not required if a person already possesses a valid ~~excavation permit~~ Excavation Permit for the same project or the obstruction is permitted under an Encroachment Permit issued pursuant to this Chapter.

3. Small Wireless Facility Permit. A small wireless facility permit is required to place a new wireless support structure (collocate) in the right-of-way managed, with the exception that a permit is not required for the installation, placement, maintenance, operation, or replacement of micro wireless facilities suspended on cables strung between existing utility poles in compliance with national safety codes.
4. Small Wireless ~~Special or~~ Conditional ~~Land~~ Use Permit. A ~~In~~ addition to the provisions of this Chapter, a conditional ~~land~~ use permit issued pursuant to Chapter 801 of this Code is required to install a new wireless support structure in a right-of-way where the underlying district is zoned ~~for~~ as R-1, R-1A, R-2, R-2A, R-3, R-3A or any other single-family residential use or ~~is in a~~ historic district established by federal or state law or ~~city~~ City ordinance.

5. Encroachment Permit. An encroachment permit is required to construct and maintain the following structures and private improvements in the right of way.

- a) "Awnings", meaning awnings attached to the entryways or windows of buildings adjacent to the right of way.
- b) "Private Improvements", meaning permanent landscaping features, driveways, walkways, irrigation systems, pet containment systems, or other similar improvements constructed and maintained by owners of property adjacent to the applicable right of way.
- c) "Structures", meaning walls, fences, steps, staircases, driveway entrance monuments, signs, landscape walls, or other similar structures constructed and maintained by owners of property adjacent to the applicable right of way.

All other structures and private improvements not identified in Sections 315.03 Subd. A.5.a. through d, including but not limited to buildings or portions thereof, roof overhangs, building cantilevers

and similar wall projections, shall not encroach into or upon the right of way.

6. Outdoor Sidewalk Café Permit. An outdoor sidewalk café permit is required to operate an outdoor sidewalk café in the right-of-way where the underlying zoning district allows an outdoor sidewalk café as a permitted accessory use.
67. Landscaping Permit. A right of way landscaping permit is required to plant, trim, replace or otherwise impact any tree or other plantings in the right of way as described in such permit and to hinder free and open passage over the specified portion of the right of way by placing trees or any other plantings described therein.
- B. **Exceptions.** The following are exceptions to the permit requirements of this Chapter:
1. Any activities undertaken by the City;
 2. The displacement of snow and ice by snow and ice removal operations of the City, County or State;
 3. The displacement of snow and ice from privately owned property, provided that such snow and ice are deposited only upon boulevards which are adjacent to and not separated by the traveled portion of the street from the private property from which the snow or ice is removed;
 4. Vehicles lawfully parked on streets;
 5. Trees and other plantings made by the City, provided that such plantings are approved by the City Forester;
 6. Trees and other plantings on private property which ~~overhand~~overhang the traveled portion of streets or sidewalks, provided that no portion of such tree or planting is less than 16 feet above the traveled portion of the street or less than 8 feet above the sidewalk, provided such does interfere with the use of the right of way, or present a health or safety issue, in the judgment of the ~~City Engineer~~Director of Public Works;
 7. Privately owned bus stop benches and street furnishings and publicly owned bus stop shelters placed on streets, sidewalks and boulevards, subject to the written approval of the ~~City Engineer~~Director of Public Works as to location;

8. Newspaper vending machines and U.S. Postal Service drop boxes placed on sidewalks and boulevards, subject to the written approval of the ~~City Engineer~~Director of Public Works as to location;
 9. Mailboxes subject to U.S. Postal Service standards, provided that mailboxes which are integral to a structure must be approved in writing by the ~~City Engineer~~Director of Public Works;
 10. Wires or cables installed by a public utility
- C. **Permit Extensions.** No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.
- D. **Delay Penalty.** In accordance with Minnesota Rule 7819.1000, subp. 3 and notwithstanding any other part of this Chapter, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.
- E. **Permit Display.** Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

315.04. **Permit Applications.** An application for a permit issued under this Chapter shall be complete only upon meeting all of the following requirements:

- A. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed location in the right of way, and the following information:
1. Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
 2. The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of Application.

3. A certificate of insurance or self-insurance:
 - a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the City.
 - b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the:
 - 1) Use and occupancy of the right of way by the permittee, its officers, agents, employees, and permittees, and
 - 2) Placement and use of facilities and equipment in the right of way by the permittee, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
 - c) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
 - d) Requiring that the City be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
 - e) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.
4. A copy of the actual insurance policies.
5. If the applicant is a corporation, a copy of the certificate required to be filed under Minnesota Statutes Section 300.06 as recorded and certified to by the Secretary of State.
6. If applicable, a copy of the order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the applicant is lawfully required to

have such certificate from said commission or other state or federal agency.

- B. A Small Wireless Facility Permit applicant may file a consolidated Small Wireless Permit Application to collocate up to 15 small wireless facilities provided that all the small wireless facilities in the application:
 - 1. are located within a two-mile radius;
 - 2. consist of substantially similar equipment; and are to be placed on similar types of wireless support structures.
- C. Payment of money due the City for:
 - 1. permit fees, estimated restoration costs and other management costs;
 - 2. any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;
 - 3. franchise fees, or other charges, if applicable;
 - 4. inspection fees, if applicable and if not included in the permit fee.

315.05- Review and Issuance of Permit; Conditions.

- A. **Application Review and Permit Issuance.** ~~All applications~~
 - 1. Applications for permits under this Chapter Excavation Permits, Obstruction Permits, Small Wireless Facility Permits, Encroachment Permits for Awnings and Private Improvements, and Landscaping Permits shall be reviewed by the Director of Public Works. If the Director of Public Works determines that the applicant has satisfied the requirements of this Chapter, the City shall issue a permit. Denial of any application by the Public Works Director may be appealed by the applicant to the City Council within thirty (30) days of the date of denial.
 - 2. Applications for Small Wireless Conditional Use Permits, Encroachment Permits for Structures, and Outdoor Sidewalk Cafe Permits shall require the review and approval of the City Council.
- B. **Permit Conditions Generally.** The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when

necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes Section 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minnesota Rules, Chapter 7560.

C. **Additional ~~Small Wireless Facility~~ Excavation Permit Conditions.** In addition to the conditions for permits generally in ~~See Section~~ 315.05.B, the excavation of any street or public right of way shall be subject to the following conditions:

1. General Regulations. Street openings shall be made in a manner which will cause the least inconvenience to the general public. Provision shall be made for the safe passage of water along the gutters of any such street, and at least one-half of the traveled portion of any such street shall be left open and in good condition for the safe passage of vehicles. All open excavations shall be guarded with substantial barriers and shall be marked with bright flags during the daytime and with flashing lights at night. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent their freezing. All excavations shall be refilled as soon as possible after the work is completed, and the surface of any excavation shall be replaced in as good condition as before the excavation, to the satisfaction of the City Engineer. Any person or firm failing to comply with these regulations within twenty-four hours after notice from the City of such failure shall be liable for the full cost incurred by the City in remedying the failure, which cost shall become an obligation of the surety bond required herein.
2. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter. 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating as determined by the City.
3. Surety Bond. All applicants for an Excavation Permit, except for locally bonded plumbers or public utility companies, shall provide a security in the form of a bond, letter of credit or cash to insure that the holder will perform all work in connection with any such excavation in accordance with the ordinances and regulations applicable thereto, that the holder will indemnify and hold the City harmless from any and all damage or liability to others caused in the performance of such work, and that the holder will pay any and all costs either directly or indirectly suffered by the City due to

failure of the holder to observe all ordinances and regulations applicable to such work or due to holder's negligence in the performance of such work.

D. Additional Small Wireless Facility Permit Conditions. In addition to the conditions for permits generally in Section 315.05.B, the erection or installation of a wireless support structure, or the collocation of a small wireless facility, in the right of way shall be subject to the following conditions:

1. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
2. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the City's written authorization, and further provided that an applicant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
3. No wireless facility may extend more than 10 feet above its wireless support structure.
4. Where an applicant proposes to install a new wireless support structure in the right-of-way, the City may impose separation requirements between such support structures and any existing wireless support structure or other facilities in and around the right-of-way.

5. The applicant shall employ all reasonable methods of screening for all aboveground wireless facilities, including the use of stealth or camouflaged design to appropriately mask such facility. All small wireless facilities to be collocated on wireless support structures in and around the right-of-way shall be painted or repainted to precisely match the support structure or utility pole, the overall color scheme of which is subject to the City's discretion and approval. No visible text or printing shall be allowed on wireless facilities.

6. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose additional reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.

67. Where an applicant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
78. The execution of a Small Wireless Facility Collocation Agreement that incorporates any additional terms and conditions mutually agreed upon by the City and the applicant. A small wireless facility collocation agreement is considered public data not on individuals and is accessible to the public under Minnesota Statutes Section 13.03. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the City and applicant.

C-E. Additional Conditions for Encroachment Permits. In addition to the conditions for permits generally in Section 315.05.B, the following additional conditions shall apply to encroachment permits:

1. Awnings. The issuance of an encroachment permit for Awnings must comply with the following conditions:
 - a) The edge of the Awning must be set back a minimum of three (3) feet from the curb.
 - b) The Awning must have a minimum height of eight (8) feet measured from the sidewalk grade to the base of the structural support.
 - c) The Awning must have a minimum height of seven (7) feet measured from the sidewalk grade to the lowest part of the awning.
 - d) The property owner must agree to the following additional conditions:
 - 1) The property owner shall be responsible for the installation and maintenance of the Awning.
 - 2) The City will assume no responsibility for the Awning; the property owner shall be responsible for any and all damage to or caused by the Awning located in the right of way.
 - 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such

revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.

2. Private Improvements. The issuance of an encroachment permit for Private Improvements must comply with the following conditions:

a) The determination by the Director of Public Works that the encroachment by the Private Improvement(s) will not adversely impact the City's current or future use of the right of way, which determination will be based on the following factors:

- 1) The impact the Private Improvement will have on snow plowing and snow storage;
- 2) The impact the Private Improvement will have on public safety, including traffic operations and pedestrian safety;
- 3) The impact of the Private Improvement will have on public land and public utilities.

b) The property owner must agree to the following additional conditions:

- 1) The property owner shall be responsible for the installation and maintenance of the Private Improvement.
- 2) The City will assume no responsibility for the Private Improvement; the property owner shall be responsible for any and all damage to or caused by the Private Improvement.
- 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area.

The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.

3. Structures. The issuance of an encroachment permit for Structures shall be subject to the following conditions:

a) The City Council must find that the encroaching Structure meets all of the following conditions:

- 1) The Structure will not adversely impact the City's current or future use of the right of way.
- 2) There are exceptional circumstances or conditions applying to the encroachment in question, which circumstances or conditions do not apply generally to other Structures or property within the City.
- 3) Under the circumstances of the particular situation, the encroachment will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.

b) The property owner must agree to the following additional conditions:

- 1) The property owner must enter into a written agreement with the City setting forth the conditions of approval and the maintenance obligations for the encroaching Structure. The agreement must include a clause under which the property owner agrees to hold the City harmless from all liability, losses or injuries directly or indirectly resulting from the encroaching Structure.
- 2) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the City Council's determination, in its absolute discretion, that the revocation is in the City's best interest.

E. **Additional Outdoor Sidewalk Café Conditions.** In addition to the conditions for permits generally in ~~See Section~~ 315.05.~~bB~~, the placement and operation of an outdoor sidewalk café in the right of way, shall be subject to the following conditions:

1. Functional Requirements.

- a) Existing and/or proposed principal use shall conform to existing City zoning regulations.
- b) Café shall be a minimum distance from a R-~~1~~, R-1A, R-~~1~~, R-2, R-~~2A~~, R-3, R-~~3A~~, and R-4 residential zoning district, unless the City Council determines that a lesser distance is acceptable that ensures the outdoor sidewalk cafe would not adversely impact the residential properties:
 - 1) 200 foot minimum for non-alcoholic cafes.
 - 2) 500 foot minimum for alcoholic establishments.
- c) Café area shall be limited to the public right-of-way abutting the lot front as defined by the Zoning Ordinance.
- d) Café 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.
- 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.
- 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.
- ~~g) A minimum of forty-two (42) inches shall be provided within aisles of cafe.~~
- g) All service aisles and walkways must be located within the enclosed area of the cafe. Service aisles must not occur from the minimum clear passage zone for pedestrians.

- h) Furniture and enclosed perimeter shall be movable to allow for seasonal changes.
- i) No storage of furniture on sidewalk shall be allowed between the months of October and April.
- j) No outside bar, cooking facility, food preparation, or holding area, ~~or wait station~~ shall be ~~established~~located within the right of way.
- 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 the Zoning Ordinance.
- l) No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the cafe area.

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.
- b) Maintenance of public right-of-way, including landscaping, for which the cafe is located upon shall be the property owner's responsibility.
- c) Security of the cafe area shall be the responsibility of the property owner.
- d) Property owner shall pick up litter within one hundred (100) feet of the cafe on a daily basis.

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.
- b) Plant material shall be in containers to allow for movement.
- c) Annual/perennial flowers shall be used to enhance

streetscape aesthetics.

- d) Canopies/umbrellas shall be used for summer sun protection subject to the provisions of the Zoning Ordinance.
- e) ~~One (1) covered trash receptacle~~ Trash receptacles matching the appearance and color scheme of other furniture shall be provided ~~for every eight (8) tables~~.
- f) Design of site furnishings and cafe layout shall be reviewed prior to installation by the City subject to the above provisions.

~~D4.~~ An Outdoor Sidewalk Cafe Permit approved by the City Council expires one year from the date of the Council approval. The applicant must submit an application annually for renewal of the Outdoor Sidewalk Cafe Permit.

G. **Payment of Rent.**

- 1. For collocations of small wireless facilities, the City can, either in its permit or in a standard collocation agreement, require annual rental payments for the small wireless collocations of up to:
 - a) \$150 per year for rent to collocate on the City structure.
 - b) \$25 per year for maintenance associated with the collocation.
 - c) A monthly fee for electrical service as follows:
 - 1) \$73 per radio node less than or equal to 100 maximum watts;
 - 2) \$182 per radio node over 100 maximum watts; or
 - 3) The actual cost of electricity if the actual cost exceeds the foregoing
- 2. For collocations or placements, other than of small wireless facilities, the City can charge a mutually agreed upon rent reached between the City and the applicant.

~~E. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all~~

~~requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating as determined by the City.~~

315.06- Timeline for Action on Permit Applications.

- A. **Denial in General.** The City may deny a permit for failure to meet the requirements and conditions of this Chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.
- B. **Procedure for Denial on Permits other than Small Wireless Facilities Permits.** The denial of a permit must be made in writing and must document the basis for the denial. The City must notify the applicant or right-of-way user in writing within three business days of the decision to deny a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the City and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City must approve or deny a resubmitted application within 30 days after such application has been received by the City and deemed complete.
- C. **Procedure for Denial on Small Wireless Facilities Permits.** The City shall approve or deny a small wireless facility permit application within 60 days after receiving a complete application, unless including when the proposed collocation is on a support structure that already qualifies as an existing wireless tower or base station under Section 6409(a), codified at 47 U.S.C. 1455(a), which, in those instances, the City shall approve or deny the small wireless facility permit within 60 days after receiving a complete application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the City fails to approve or deny a complete application within the 60-day review ~~periods~~period established in this section.
- D. **Tolling of Deadline on Small Wireless Facility Permit.** The deadline for action on a small wireless facility permit application may be tolled if:
 - 1. The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days and shall inform the affected applicant in writing of such extension.
 - 2. The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the

applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have ten days to notify the applicant in writing of any still-missing information.

3. The City and a small wireless facility applicant agree in writing to toll the review period.

315.07- Permit Fees.

- A. **Excavation Permit Fee.** The City shall establish an excavation permit fee in an amount sufficient to recover the following costs:
 1. the City management costs;
 2. degradation costs, if applicable.
- B. **Obstruction and other Permit Fees.** The City shall establish an obstruction and other permit fees in an amount sufficient to recover the City management costs.
- C. **Small Wireless Facility Permit Fee.** The City shall impose a one-time small wireless facility permit fee at the time of approval of the collocation application in an amount sufficient to recover:
 1. management costs;
 2. restoration costs or degradation fee, if applicable;
 3. inspection fees, if applicable;
 4. city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

The City will not impose a small wireless facility permit fee for any of the following activities:

1. routine maintenance of a small wireless facility;
2. replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or
3. installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety

codes.

- D. **Payment of Permit Fees.** No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within thirty (30) days of billing.
- E. **Non-Refundable.** Permit fees that were paid for a permit that the City has revoked for a breach as stated in Section 315.14 are not refundable.
- F. **Application to Franchises.** For right-of-way users subject to a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise, unless otherwise agreed to in the franchise.
- G. **Rules.** All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.1000, when applicable.

315.08- Right-of-Way Patching and Restoration.

- A. **Timing.** The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable.
- B. **Patch and Restoration.** Permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
 - 1. **City Restoration.** If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.
 - 2. **Permittee Restoration.** If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.
 - 3. **Degradation Fee In lieu of Restoration.** In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for

patching and the degradation fee shall not include the cost to accomplish these responsibilities.

- C. **Standards.** The permittee shall perform patching and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rule 7819.1100
- D. **Duty to correct defects.** The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee, upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five (5) calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.
- E. **Failure to Restore.** If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

315.09. Permit Limitations.

- A. **Limitation on Area.** A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area:
 - 1. Submit an application for a permit extension and pay any additional fees required thereby; and
 - 2. be granted a new permit or permit extension.
- B. **Obstruction from Small Wireless Facility Work.** City will not require an additional small wireless facility permit fee or require a new collocation agreement for routine maintenance of a small wireless facility, for replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or for installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes. The City may require

advance notification, however, of these activities if the work will obstruct the public right-of-way.

- C. **Limitation on Dates.** A right-of-way permit is valid only for the dates specified in the permit. For a Small Wireless Facility Permit, the term of the permit is equal to the length of time that the small wireless facility is in use, unless the permit is revoked under this section. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

315.10. **Installation Requirements.** The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100, when applicable, and other local requirements, when applicable, and in so far as they are not inconsistent with the Minnesota Statutes Sections 237.162 and 237.163.

315.11. **Inspection.**

- A. **Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.
- B. **Site Inspection.** Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- C. **Authority of City.**
1. At the time of inspection, the City may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well-being of the public.
 2. The City may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City that the violation has been corrected. If such proof has not been presented within the required time, the City may revoke the permit pursuant to Sec. 1.215

315.12- Work Done Without a ~~permit~~Permit.

- A. **Emergency Situations.** Each person with facilities in the right-of-way shall immediately notify the City of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

- B. **Non-Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this Code, deposit with the City the fees necessary to correct any damage to the right-of-way and comply with all the requirements of this Chapter.

315.13- Supplementary Notification. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the City of the accurate information as soon as this information is known.

315.14- Revocation of Permit.

- A. **Substantial Breach.** The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
1. The violation of any material provision of the right-of-way permit;
 2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 3. Any material misrepresentation of fact in the application for a right-of-way permit;

4. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or
 5. The failure to correct, in a timely manner, work that does not conform to a condition of the permit
- B. **Written Notice of Breach.** If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit.
- C. **Procedural Requirements.** If the City decides to revoke the permit, the revocation must be made in writing and must document the basis for the revocation. The City must notify the right-of-way user in writing within three business days of the decision to revoke a permit.
- D. **Reimbursement of City Costs.** If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

315.15- Mapping Data.

- A. **Information Required.** If allowed by statute, each permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100.
- B. **Service Laterals.** Permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the City reasonably requires it. Permittees or their subcontractors shall submit to the City evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for:
1. payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and
 2. City approval of performance under development agreements, or

other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The City shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

315.16- Location of Facilities.

- A. **Placement.** Placement, location, and relocation of facilities must comply with the Minnesota Statutes Sections 237.162 and 237.163, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.
- B. **Corridors.** The City may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.
- C. **Limitation of Space.** Subject to Minnesota Statutes Section 237.163, to protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City shall have the power to deny permits and the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

315.17- Damage to Other Facilities. When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the City shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the City's response to an emergency occasioned by that owner's facilities.

315.18- Right-of-Way Vacation. Vacation of any portion of a City street, highway and alley in the City shall be governed by City Charter and the notice and hearing requirements of Minnesota statutes for vacation of rights-of-way generally. At a

minimum, notice of any proposed vacation shall be given to all owners of property (i) abutting the area to be vacated, and (ii) within 350 feet of the area to be vacated. If the City vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rule 7819.3200.

315.19- Indemnification and Liability. By applying for and accepting a permit under this Chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

315.20- Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the City waives this requirement.

315.21- Appeal. A right-of-way user that: (1) has been denied a permit; (2) has had permit revoked; or (3) believes that the fees imposed are invalid may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

315.22- Reservation of Regulatory and Police Powers. A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

315.23- Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2018.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT

CITY OF WAYZATA

ORDINANCE NO. 782

AN ORDINANCE AMENDING WAYZATA CITY CODE
CHAPTER 801 (ZONING ORDINANCE) PERTAINING TO USE AND MANAGEMENT
OF CITY RIGHT OF WAY

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Telecommunications Ordinance. Section 31 of Chapter 801 of the Wayzata City Code (Commercial Telecommunications Facilities and Residential Accessory Communication Devices) is hereby amended as follows (~~struck~~ text deleted, underlined text added):

- A. Section 801.31.2 is amended to add following definition as subpart “L” and subsequent definitions this section shall be relabeled as subparts “M” through “Q”.

L. **“Small Wireless Facility”** means:

(1) a wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than 6 cubic feet; and

(ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) a “**Micro Wireless Facility**” defined as a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

- B. Section 801.31.2.N shall be amended to read in its entirety as follows:

N. **“Telecommunications Facilities”** means any facility or location maintained by a commercial enterprise where a Small Wireless Facility, Telecommunications Equipment or a Telecommunications Tower is located.

C. Section 801.31.4.B shall be amended to read in its entirety as follows:

Conditional Use Permit.

Telecommunications Facilities, except for Small Wireless Facilities, which are subject to Section 315 of this Code, may not be located on any locations other than those that are designated in Section 801.31.4.A unless the Applicant first obtains a Conditional Use Permit for the Telecommunications Facility. The Telecommunications Facility must comply with the provisions of this section, and the provisions of Section 801.04.2.F of this Ordinance:

1. Telecommunications Towers shall be located only on the following parcels owned and/or controlled by the City of Wayzata:

<u>Property Name</u>	<u>Property Identification Number</u>
City of Wayzata Public Works Facility	01-117-23-22-0004
Wayzata West Middle School	06-117-22-22-0008

- a. The Telecommunications Tower and Antenna, including attachments other than lighting rods, shall not exceed 150 feet in height, measured from grade. The City Council may, but shall not be required to, increase the height up to 190 feet if the Council finds the increase in height would not have a significant visual impact, would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The City Council may waive this height limitation for a Telecommunications Tower and/or Antenna if used wholly or partially for essential public services, such as public safety.
 - b. The Telecommunications Tower shall use as many Stealth Design techniques as reasonably possible and include non-proprietary information on stealth design technology. Economic considerations or hardships shall not be the sole justification for failing to provide Stealth Design techniques.
2. Telecommunications Facilities or Equipment meeting the definition of “Small Wireless Facility” may be attached to an existing Public Utility Structure or otherwise installed within a right of way in accordance with Chapter 315 of this Code. Telecommunications Facilities or Equipment not meeting the definition of a “Small Wireless Facility” may

be attached to an existing Public Utility Structure within a right of way according to the following standards:

- a. The Antenna shall not extend more than fifteen (15) feet above the top of the existing Public Utility Structure.
- b. The Antenna shall be no larger than three (3) cubic feet and has no individual surface larger than four (4) feet.
- c. The Antenna shall not extend outward from the utility structure by more than three (3) feet.
- d. There shall be no ground mounted equipment as long as the existing Public Utility Structure is available for the mounting of such equipment.

Section 2. Amendments to Outdoor Sidewalk Café Provisions of Zoning Ordinance. Sections 78, 79 and 80 of Chapter 801 of the Wayzata City Code (C-4 Central Business District; C-4A Limited Central Business District; C-4B Central Business District) are hereby amended as follows (~~struck text deleted~~, underlined text added):

- A.** Subparts 4 (“Accessory Uses”) of Sections 801.76, 801.77, 801.78, 801.79 and 801.80 shall be amended to include the following new “accessory use”:

Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.

- B.** Subparts 5.H (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.78, Subparts 5.I (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.79, and Subparts 5.H (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.80 shall be deleted in their entirety and subsequent subparts renumbered accordingly.

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2018.

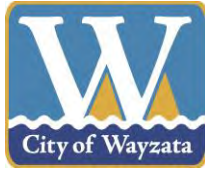
Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT



**Staff Report
June 18, 2018**

Project Name: Albers Addition
Addresses of Request: 224 Broadway Ave N
Prepared by: Olivia Dorow Hovland, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 17, 2018

Development Application

Introduction

The applicant and property owner, Steve Albers, has submitted a development application for the property at 224 Broadway Ave. N. The applicant is proposing to construct a two-story, 646 sf. addition to the existing single-family home. The development application requests approval of a variance for side yard setback from the northern property line.

Application Requests

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

- Side Yard Setback Variance: The required side yard setback is 10 feet. The proposed addition is located at a 3.3-foot setback.

Property Information

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

Address	PID	Owner
224 Broadway Ave. N.	06-117-22-13-0090	Steven M Albers

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 Residential
Overlay districts:	None

Project Location

The property is on the east side of Broadway Ave. N., between Park St E and Gardner St E:

Map 1: Project Location



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	Single-Family Residential	R-3A Single and Two Family Residential District	Low-Density Single Family Residential
East	Single-Family Residential	R-3A Single and Two Family Residential District	Low-Density Single Family Residential
South	Single-Family Residential	R-3A Single and Two Family Residential District	Low-Density Single Family Residential
West	Single-Family Residential	R-3A Single and Two Family Residential District	Low-Density Single Family Residential

Public Hearing Notice

A public hearing notice was published in the *Wayzata Sun Sailor* on June 7, 2018 and was mailed to all property owners located within 350 feet of the subject property on May June 6, 2018.

Background Information

The property is currently 48.99% impervious surfaces with 19.4% lot coverage. With the proposed addition, the property will be 48.30% impervious surfaces and 22.5% lot coverage. Impervious surfaces will net decrease, and lot coverage will remain under the 30% limit for the R-3A zoning district.

Analysis of Application

Proposed Overview

The property owner is requesting a variance for a two-story, 646 sq. ft. addition to the existing single family home. The proposed addition would be constructed at the rear of the house, in place of an existing patio. The addition would include a family room, bathrooms, and master suite. The property also contains a driveway running along the southern property line and a garage in the rear of the home. The northern wall of the addition would be parallel with the existing northern wall of the home. The existing home is at a 3.3-foot setback from the northern property line. The addition would also be at a 3.3-foot setback. The property is 50 feet wide and 8,262 sf in size.

Variance

Section 801.55.6 of the Zoning Ordinance stipulates that side yard setbacks for a principal structure in the R-3A zoning district be 10 feet.

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Low-Density Single Family Residential. The Comprehensive Plan describes this land use category:

Low density single family development represents the single family detached homes in neighborhoods within and in close proximity to the historic community core. Density ranges from 1 to 4 homes per acre.

Zoning

The following table outlines the zoning standards for the Single and Two Family Residential District:

	R-3A Zoning District	Proposed
Height (max.)	Two stories, 32 feet, whichever is lesser	2 stories, 25' 1.25"

Building setbacks (min.)		
Front	20 ft.	29.4 ft.
Side	10 ft.	3.3 ft.
Rear	20 ft.	~60 ft.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Applicant's Narrative

Survey

Proposed Plans

Applicable Code Provisions for Review

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Low-Density Single Family Residential. The Comprehensive Plan outlines the following policies for residential districts:

- Enhance individual character elements of residential neighborhoods through public improvements and private investment.
- Protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
- Protect residential neighborhoods from encroachment or intrusion by incompatible uses or incompatible higher densities.
- Pursue programs to improve housing condition and maintenance, including implementing a rental housing inspection program.
- 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.
- Provide for continuing review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.
- 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.
- Ensure that all new housing, including rental housing and housing for persons of low and moderate income, adheres to high standards of planning, design, and construction.
- Remain near the Metropolitan Council affordable rental and life-cycle benchmarks, given limited opportunities and market conditions, as long as the efforts are consistent with the City's Comprehensive Plan.
- Encourage and promote a balanced housing supply.
- Promote programs which provide financial assistance for low and moderate income households and others for home repairs, improvements, and energy conservation.
- Encourage rehabilitation or replacement of housing units identified as substandard, whenever possible.
- Investigate the concept of smaller sized low density single family lot sizes.

Variances: City Code Section 801.05.1.C outlines the conditions governing considerations of variance requests:

1. 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.

-
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 3. "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.
 4. 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.
 5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
 6. 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.
 7. 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.
 8. 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.

Setbacks: City Code Section 801.55.6.B.1.b. States that the side yard setback in the R-3A zoning district is 10 feet.

STEVE M. ALBERS

224 Broadway Ave N, Wayzata, MN 55391 | (763) 229-9067 | Steve@SteveAlbers.com

Date

Jeff Thomson
Director of Planning and Building
C/O City of Wayzata & Planning Commission
600 Rice St E.
Wayzata, MN55391

Dear Jeff Thomson:

The purpose of this letter is to describe my reasonable request for variance and to highlight the conditions governing consideration for a variance.

My home rests on a lot 50ft wide. The northern wall is a little more than 3ft south of the northern property line. I would like to build an addition to the rear of the home, much like you've seen on the floor plans for newly constructed homes within my neighborhood. Although the addition would be much smaller than the aforementioned, it would align with the northern wall of my home. As this is within the 10ft setback, I am requesting consideration for a variance.

We're all aware of the numerous homes that are being torn down within our neighborhood and replaced by larger newer homes. Many of the facades on these larger homes try to maintain the character of homes like mine while extending the back of the home to include a second story. Examples of these floor plans can be found throughout the neighborhood. Conveniently, your sight visit need only look at the adjoining property to my north, as well as, that which adjoins to the north of it. 230 Broadway Ave North & 238 Broadway Ave North. This is why I believe, the variance, if granted, will not alter the essential character of the locality. In fact, I believe improving my existing home will help maintain the character of our locality.

There are a couple of practical difficulties I am faced with. The first is the size of my lot. The lot is smaller than most other lots in the neighborhood. This unique characteristic is limiting. Perhaps, it is why the original structure rests so near the northern lot line. The second challenge is the location of the existing garage and driveway. If I were to build within the setbacks, my garage would not be accessible.

Finally, I believe my request is within the spirit of the broader objectives of the Comprehensive Plan and supports many of the city's goals to preserve the existing feel of our neighborhoods, affordability, and attracting younger families.

Thank you for your sharing your time with me. I truly appreciate your consideration and I welcome your questions and thoughts.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a vertical line and a small loop.

Steve M. Albers
Enclosure

I. Broad Objectives of the Comprehensive Plan

In addition to Wayzata's Vision Statement, the Task Force developed 10 broader objectives to guide the preparation of the Comprehensive Plan.

1. Preserve and enhance Wayzata's "small town" character

- Scale, walkability, land use patterns, street and boulevard character

2. Strong residential neighborhoods

- Reinforce and enhance residential neighborhoods

3. A vibrant and healthy business climate

- *- A strong downtown is key to the economic and social base of the community*
- *- Preserve and enhance the business structure for primary retail/commercial areas*

4. Family orientation

- Built the physical environment to allow for the development cultural and social activities that provide the opportunity for social engagement

5. Community heritage

- *- Built community form; redevelopment of significant properties; small town roots*
- *- Preservation of historic or significant properties*

6. Maintain and enhance the diversity of housing options

- *- Continue to recognize housing diversity is a community asset*
- *- Address the need and opportunities for life cycle housing*

7. A connected community

- Build physical and psychological connections between all residential neighborhoods, business areas, and links to other recreational amenities

8. Protection of amenities

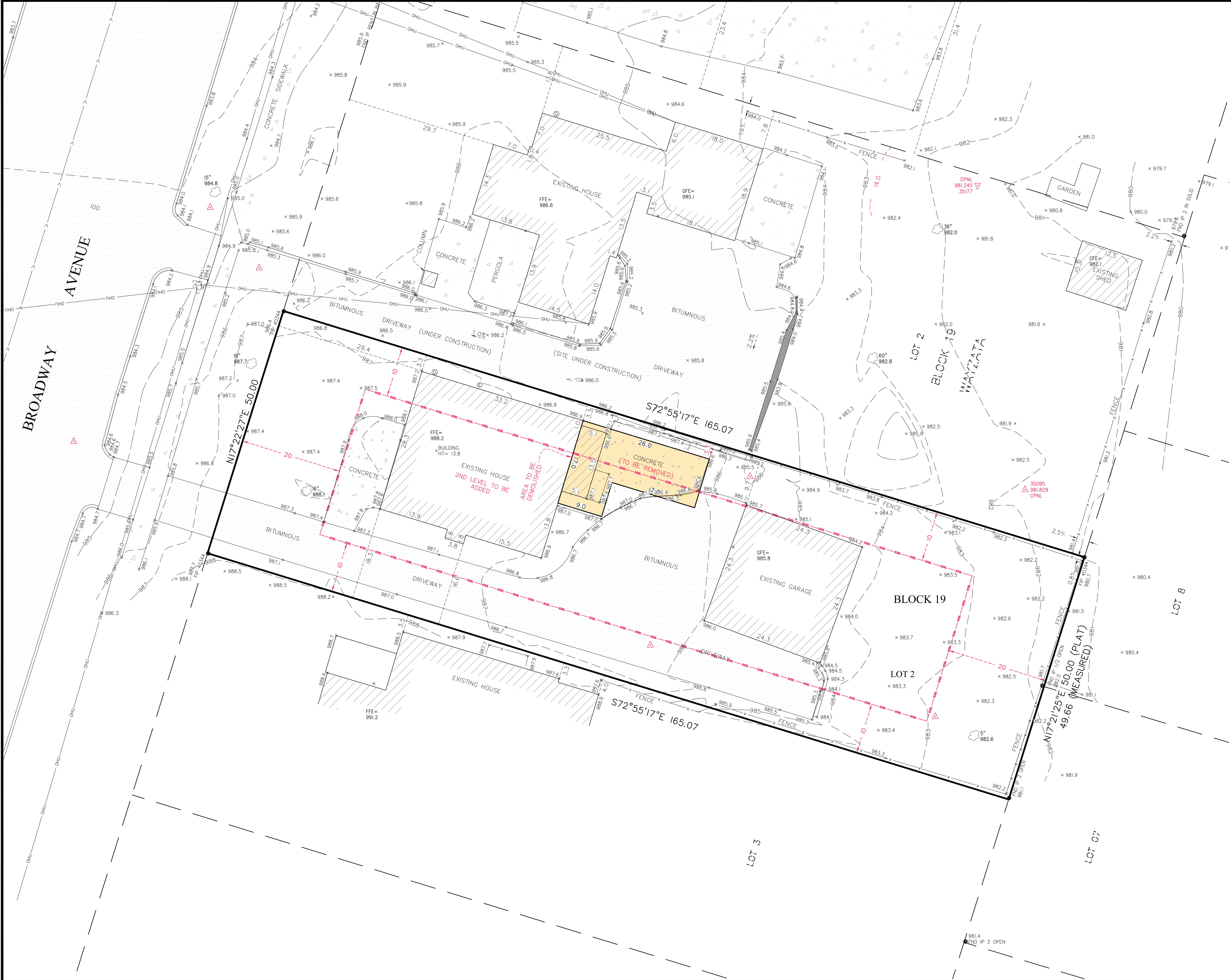
- *- Preserve and protect significant natural resource areas*
- *- Promote access to community park and open space resources*

9. Strengthen and reinforce community gateways

- Provide announcement and a sense of place to areas of the community at key entry points through architectural, landscape and urban design elements

10. Sustainability

- As addressed in: policy decisions, legislative actions, administrative actions, and project implementation



DESCRIPTION OF PROPERTY SURVEYED

Lot 2, Block 19, WAYZATA REVISED, according to the recorded plat thereof, Hennepin County, Minnesota.

- 1) **Site Address:** 224 Broadway Avenue North, Wayzata, Minnesota 55391
- 2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0307F, effective date of November 4th, 2016.
- 3) **Parcel Area Information:** Gross Area: 8,253 s.f. ~ 0.189 acres
- 4) **Benchmark:** Elevations are based on top nut of hydrant at the Southeast corner of Broadway Avenue and Gardner Street which has an elevation of: 984.773 feet (NAVD88).
- 5) **Zoning Information:** The current Zoning for the subject property is R-3A (Single and Two Family Residential District) per the City of Wayzata's zoning map dated April 28th, 2015. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of December 11th, 2017 and are as follows:

Principal Structure Setbacks - Street(s): 20 feet (Broadway Avenue)
Side: 10 feet
Rear: 20 feet
Height: 32 feet
Hardcover: 35 percent of lot area

Accessory Structure Setbacks - Front: 20 feet
Side: 5 feet
Rear: 5 feet

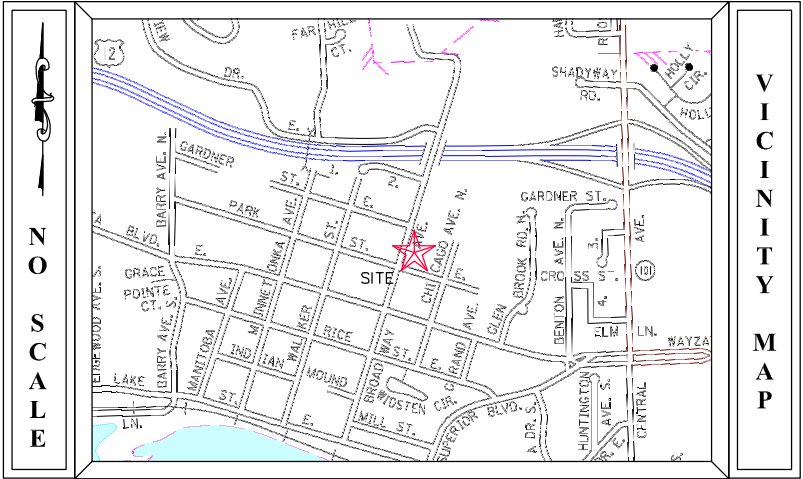
Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- 6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

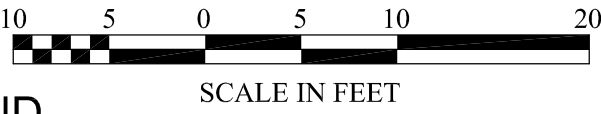
Existing Elevations
Garage Floor = 985.8
First Floor = 988.2

Existing Hardcover
Lot Area = 8,253 S.F.
House Area = 1,015 S.F.
Driveway Area = 1,936 S.F.
Garage Area = 590 S.F.
Concrete Area = 502 S.F.
Total Area = 4,043 S.F.
Coverage = 48.99%

Proposed Hardcover
Lot Area = 8,253 S.F.
House Area = 1,015 S.F.
House Area to be Demolished = -69 S.F.
Addition Area = 323 S.F.
Driveway Area = 1,936 S.F.
Driveway Area to be Removed = -12 S.F.
Garage Area = 590 S.F.
Concrete Area = 502 S.F.
Concrete Area to be Removed = -299 S.F.
Total Area = 3,986 S.F.
Coverage = 48.30%



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

- CAST IRON MONUMENT

▣ CATCH BASIN

△ FLARED END SECTION

⌵ GATE VALVE

⋈ GUY WIRE

⊙ HYDRANT

○ SURVEY MONUMENT SET

● SURVEY MONUMENT FOUND

△ SURVEY CONTROL POINT

⊙ LIGHT POLE

⊙ POWER POLE

⊙ SANITARY MANHOLE

⊙ SANITARY CLEANOUT

⊙ SIGN

⊙ GROUND ELEVATION

⊙ STORM DRAIN

⊙ STORM MANHOLE

⊙ YARD LIGHT

⊙ A/C UNIT

⊙ WELL
- WOE WALKOUT ELEVATION

FFE FIRST FLOOR ELEVATION

GFE GARAGE FLOOR ELEVATION

TOF TOP OF FOUNDATION ELEV.

LOE LOWEST OPENING ELEV.

⊙ CABLE TV PEDESTAL

⊙ ELECTRIC TRANSFORMER

⊙ ELECTRIC MANHOLE

⊙ ELECTRIC METER

⊙ GAS METER

⊙ GAS VALVE

⊙ HAND HOLE

⊙ SOIL BORING

⊙ TREE CONIFEROUS

⊙ TREE DECIDUOUS

⊙ TELEPHONE MANHOLE

⊙ TELEPHONE PEDESTAL

⊙ TRAFFIC SIGNAL

⊙ UTILITY MANHOLE

⊙ UTILITY PEDESTAL
- BITUMINOUS

BUILDING SETBACK LINE

CABLE TV

CONCRETE CURB

CONCRETE

CONTOUR EXISTING

CONTOUR PROPOSED

GUARD RAIL

DT DRAIN TILE

ELECTRIC UNDERGROUND

FIBER OPTIC UNDERGROUND

GAS UNDERGROUND

OVERHEAD UTILITY

RAILROAD TRACKS

SANITARY SEWER

STORM SEWER

TELEPHONE UNDERGROUND

UTILITY UNDERGROUND

WATERMAIN

FIELD CREW	NO.	BY	DATE	REVISION
JS	1	EMW	5/17/2018	PROPOSED CONDITIONS
DRAWN				
EMW				
CHECKED				
DBP				
DATE				
3-15-18				

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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.
Sated this 20th day of March, 2018.

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE 22-SEC.06
Hennepin County
**WAYZATA,
MINNESOTA**

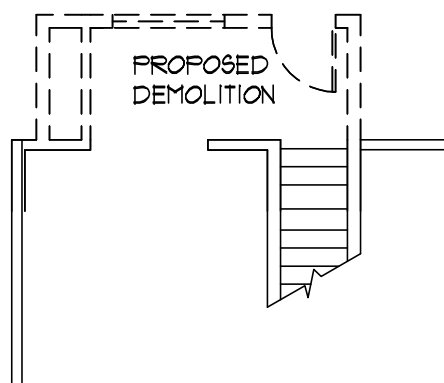
CERTIFICATE OF SURVEY

PREPARED FOR:
STEVE ALBERS

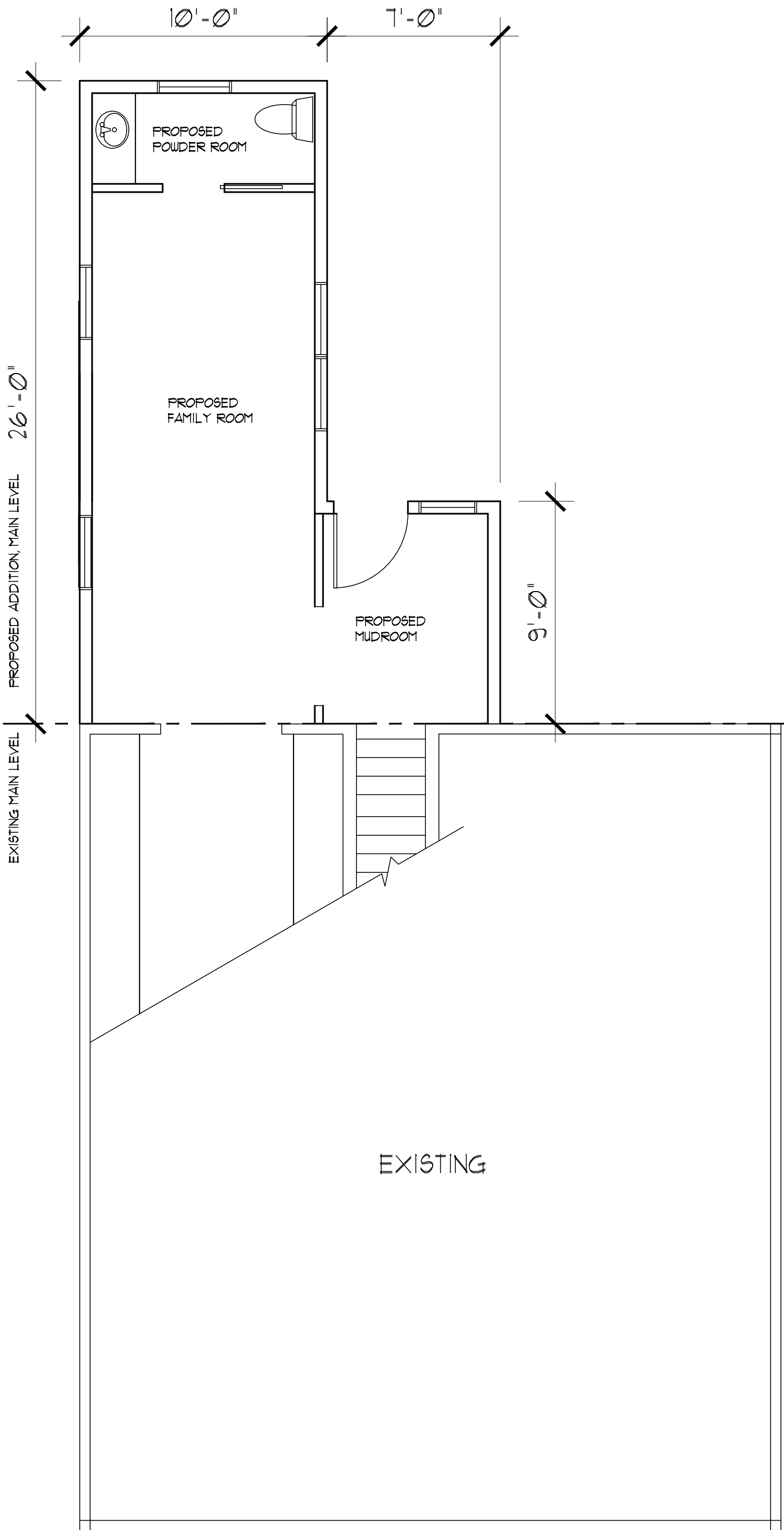
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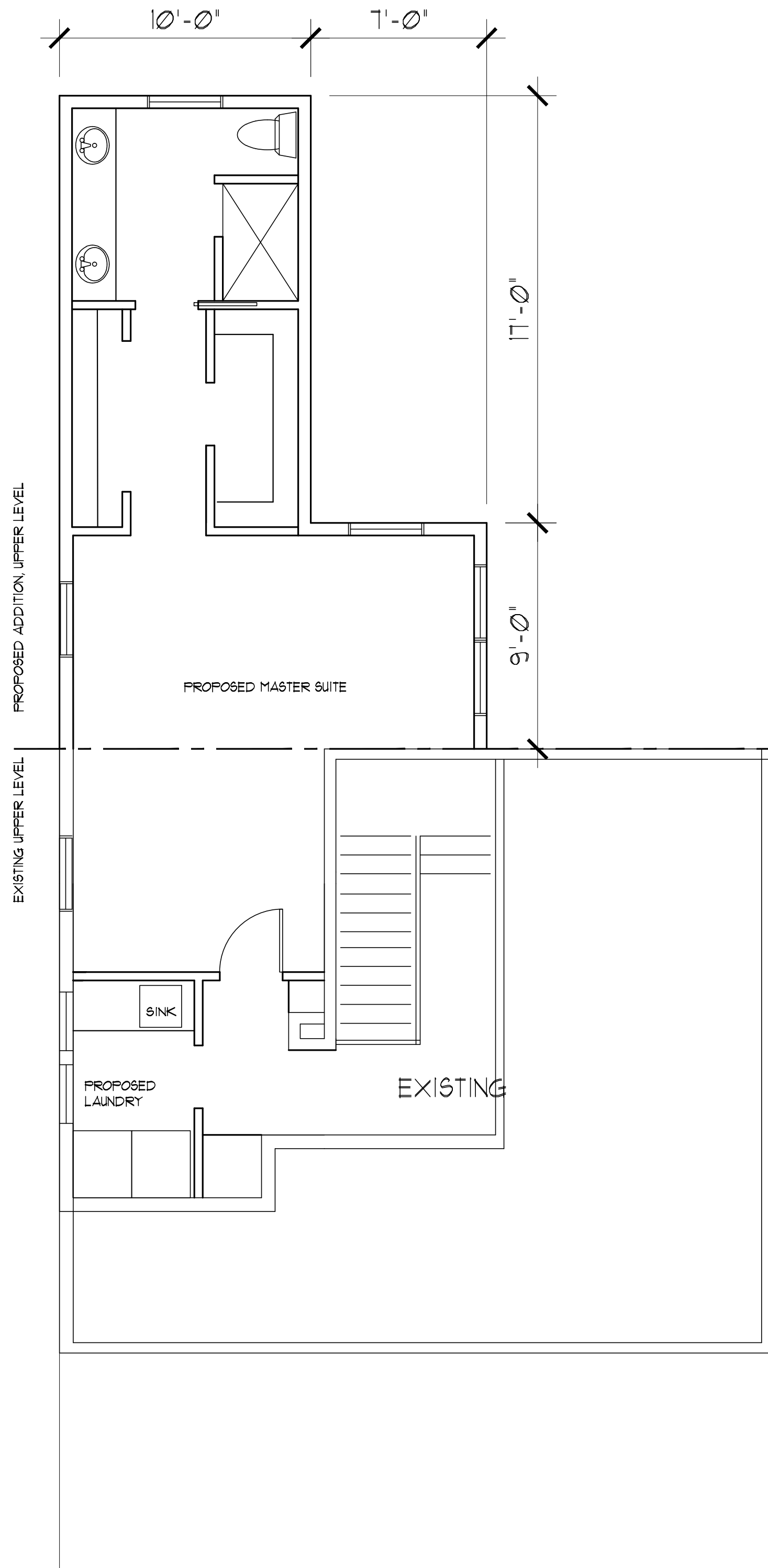
1



1 Proposed Demolition Plan
SCALE: 1/8" = 1'-0"



2 Albers Proposed Addition, Main Level
SCALE: 1/4" = 1'-0"



3 Albers Proposed Addition, Upper Level
SCALE: 1/4" = 1'-0"

LOUISE BURTON DESIGN & DRAFT
612-823-5726
louiseburtondesigndraft@gmail.com

ALBERS RESIDENCE ADDITION

224 BROADWAY AVENUE NORTH, WAYZATA, MN

FLOOR PLANS

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DESCRIPTION

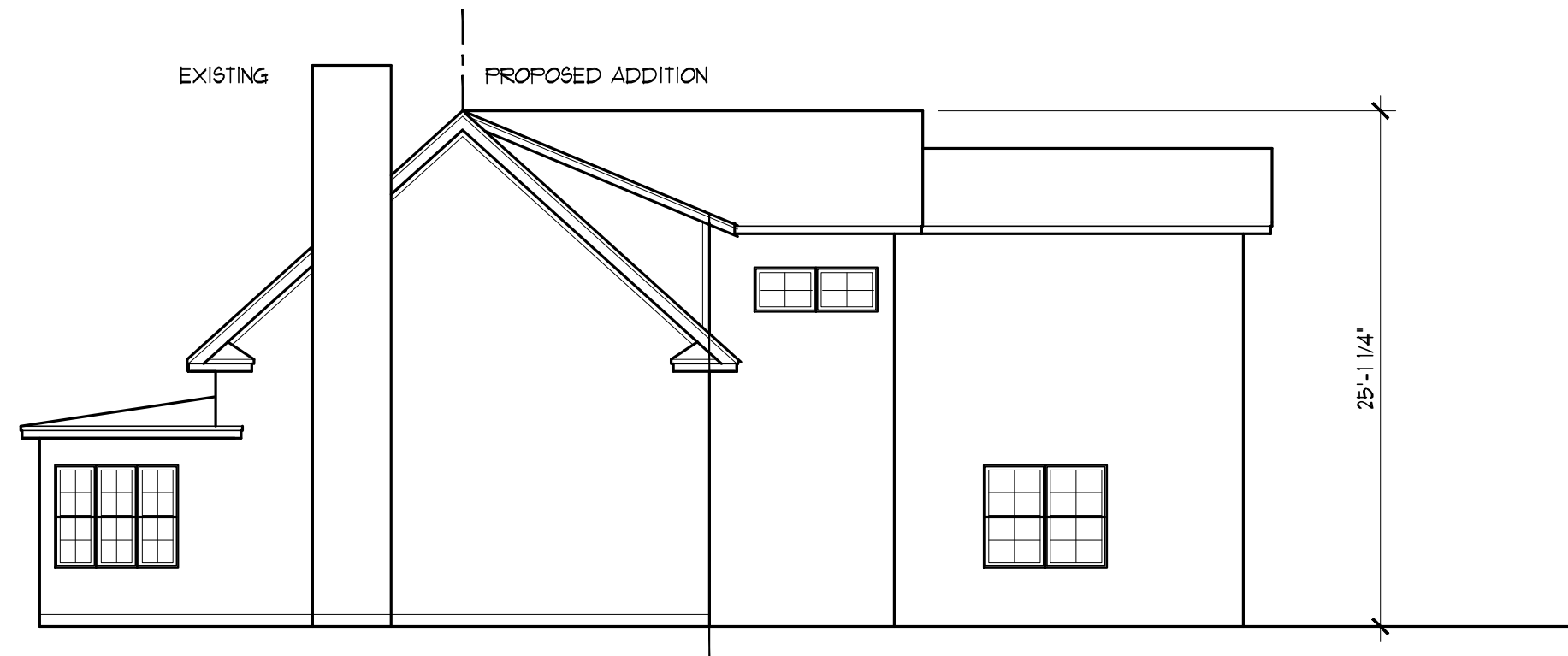
1 Schematic Design 5-10-18

DRAWN BY lb
DATE ISSUED xxxx
SCALE VARIES
JOB NO. AL1101
SHEET

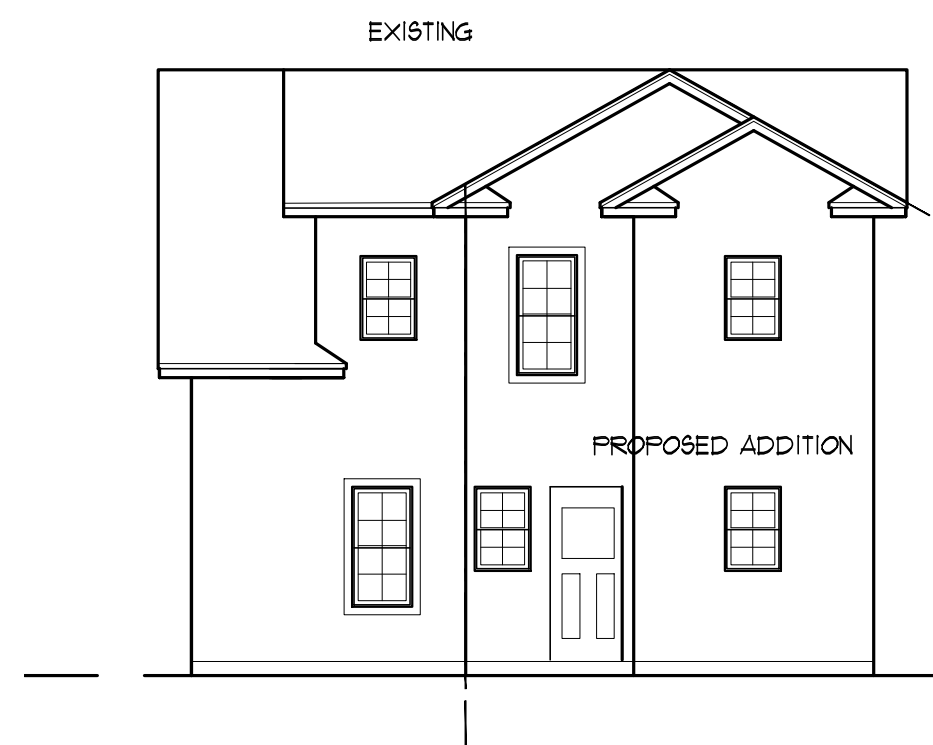
A1



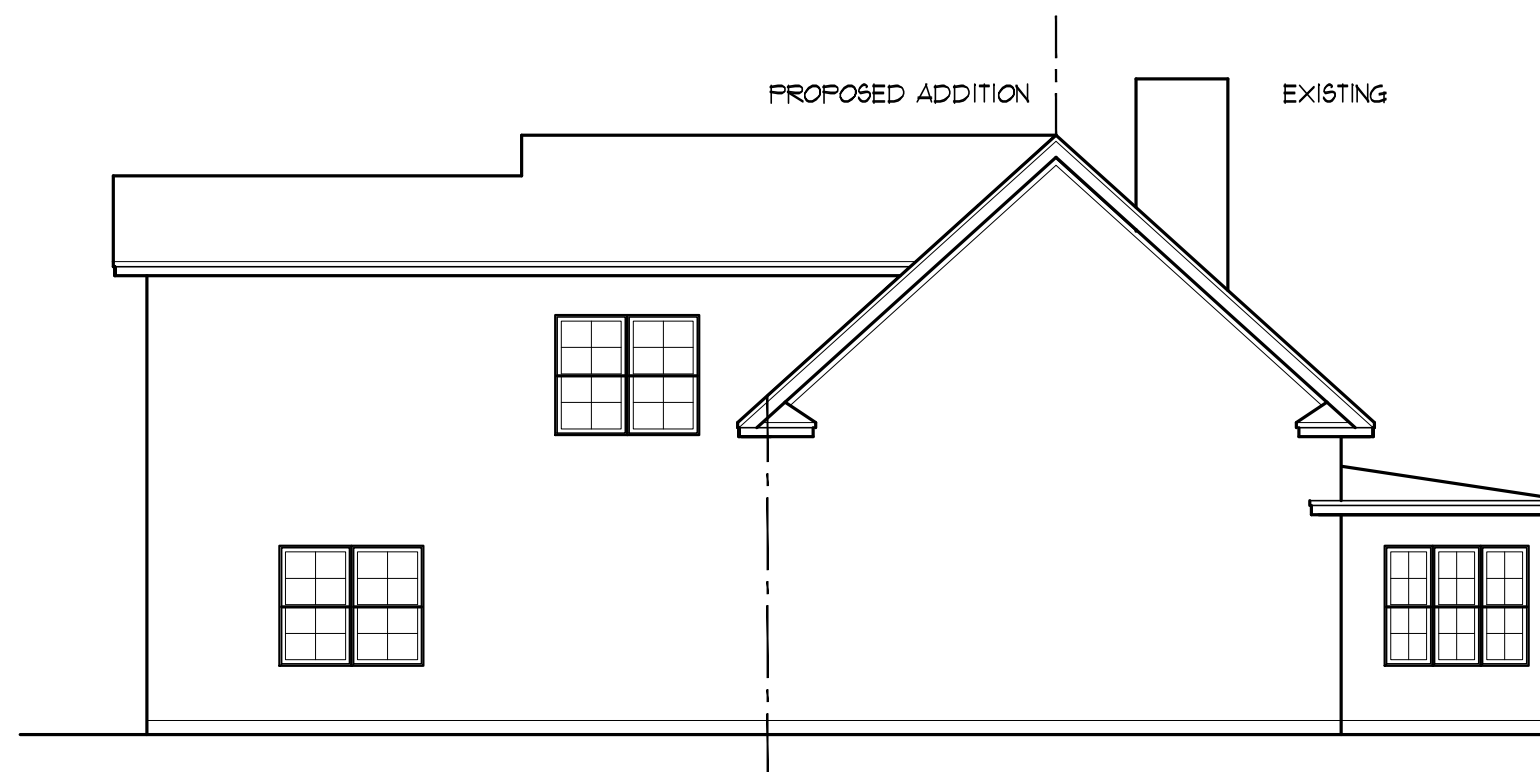
1 Front Elevation - No Change
A2 SCALE: 1/8" = 1'-0"



2 South Elevation
A2 SCALE: 1/8" = 1'-0"



3 Back Elevation
A2 SCALE: 1/8" = 1'-0"



2 South Elevation
A2 SCALE: 1/8" = 1'-0"



LOUISE BURTON DESIGN & DRAFT
612-823-5726
louiseburtondesigndraft@gmail.com

ALBERS RESIDENCE ADDITION

224 BROADWAY AVENUE NORTH, WAYZATA, MN

ELEVATIONS

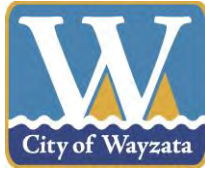
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DESCRIPTION

1 Schematic Design 5-10-18

DRAWN BY lb
DATE ISSUED xxxx
SCALE VARIES
JOB NO. A:1101
SHEET

A2



**Staff Report
June 18, 2018**

Project Name: Broadway Place
Addresses: 326 and 332 Broadway Ave S
Prepared by: Erin Perdu, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 13, 2018

Development Application

Introduction

The applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, have submitted a development application to modify the previously approved redevelopment of the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S. The proposed modifications include connecting the previously approved three story mixed use building to the existing building on the site.

The proposed addition will require vacating the public alley located between the buildings. The applicant will request the alley vacation from the City Council; no action for the alley vacation is required from the Planning Commission.

Property Information

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

Address	PID	Owner
326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

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

Current zoning:	PUD/Planned Unit Development District
Comp plan designation:	Central Business District
Total site area:	7,518 square feet (0.17 acres)

Project Location

The property is located on the southeast corner of the Broadway Ave/Mill Street E intersection.

Map 1: Project Location



Application Requests

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

- A. Amendment to PUD/Planned Unit Development: The applicant is requesting an amendment to the previously approved to PUD to allow the connection of the two buildings.
- B. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.

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	Mill Street municipal parking lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District

South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on June 7, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on June 6, 2018.

Analysis of Application

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The objective of the Central Business District land use category is to promote a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination.

Zoning

The Property is currently zoned PUD/Planned Unit Development District and is in the shoreland overlay district. The following table outlines the zoning standards for the PUD, and shoreland overlay districts:

	PUD Zoning	Shoreland Overlay District	Proposed Amended PUD
Height	3 stories and 35 feet, whichever is less	35 feet	38 feet*
Floor Area Ratio	No maximum	N/A	2.93 (approx.)
Impervious Surface	No maximum	25% 75% with stormwater management 100% with shoreland impact plan/CUP	96%** (approx.)
Setbacks	Same as imposed by zoning district	N/A	The proposed building would be set back 0 feet from all property lines.

*Variance obtained with original PUD

**Shoreland impact plan/conditional use permit obtained with original PUD

The PUD zoning district states that uses within the building must be consistent with the Comprehensive Plan land use designation. The proposed building would consist of retail

uses on the ground level and office uses on the upper two levels, which would comply with the Central Business District land use designation in the Comprehensive Plan.

The PUD zoning district is an ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. The PUD zoning district allows modifications of the strict standards for projects that meet a specific purpose, as outlined in “Applicable Code Provisions” section of this report. In addition, the PUD zoning district establishes general standards for a PUD, which are also outlined below.

Proposed Addition

The proposed addition would be three stories and uses would continue the proposed uses of the original design of the building: first floor retail and service commercial and office uses on the upper two floors. The new total building size is approximately 22,000 square feet, up from the original 20,000 square feet.

As with the original proposal, the ground floor space could include single or multiple tenants, and each ground level tenant space would have an individual entrance from Broadway Avenue or Mill Street. The upper level office would be accessed by an entrance from Mill Street on the northeast corner of the building. The back of the building includes a common corridor, elevator, staircases, and common restrooms. Service and deliveries could be provided from both Mill Street and from the alley on the back of the property. Trash and recycling services for the building would be accommodated by the trash area within the existing 701 Lake Street East building.

Design Review

The project is subject to the design standards for the Lake Street design district. A design review critique of the proposal is included as Attachment B. The following summarizes the items that do not meet the design standards, and would require a deviation from the standards:

- Building recession: The design standards require that the second story be recessed for 25% of the length of the building. The second story along Broadway Avenue was originally proposed to be recessed at 3 feet for 40% of the length of the building and the second story along Mill Street is recessed for 30% of the length of the building. However, the revised second story is now recessed only at the northwest corner.

Action Steps

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Proposed Plans

Design Review Critique

Applicable Code Provisions for Review

Comprehensive Plan

The Comprehensive Plan includes the follow “1st Tier” priorities for the Central Business District:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.
- Update development standards continually to assure the highest development quality possible for the Central Business District.
- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD.
- Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.
- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.
- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.
- Consider complementing abutting edges, both residential and retail/commercial.
- Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
- Consider ways to assist with redevelopment when properties become a liability to the community.

- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
- 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.

In addition, the Comprehensive Plan includes the following “2nd Tier” priorities:

- Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
- Adjust City’s Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for all new construction to avoid shading the north side of Lake Street.
- Continue to evaluate ways to encourage a variety of housing options for upper-story housing.
- Consider 3rd story’ uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Purpose of PUDs: Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

PUD General Standards. Section 801.33.2.A sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
- D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
- E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
- F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
- G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
- H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
- I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.

- J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
- K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.

Concurrent PUD Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof.

Design Standards City Code Section 801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the “Design Standards” or the “Standards”. The purpose of the Design Standards is to shape the City’s physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:

- A. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
- B. To assist the City in reviewing development proposals;
- C. To improve the City’s public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.

With the exception of Section 7 of the Design Standards, a deviation from any section of the Design Standards shall require a finding by the City Council (after considering the Planning Commission’s recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City’s Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.

3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.



701 Building Addition Wayzata Development



JIM BELTZ
May 18, 2018

701 Building Addition



701 Building Addition



701 Building Addition - Before & After



Mill Street Existing



Mill Street Proposed

701 Building Addition - Before & After



Broadway Existing



Broadway Proposed

1
PRES1

FIRST FLOOR PLAN

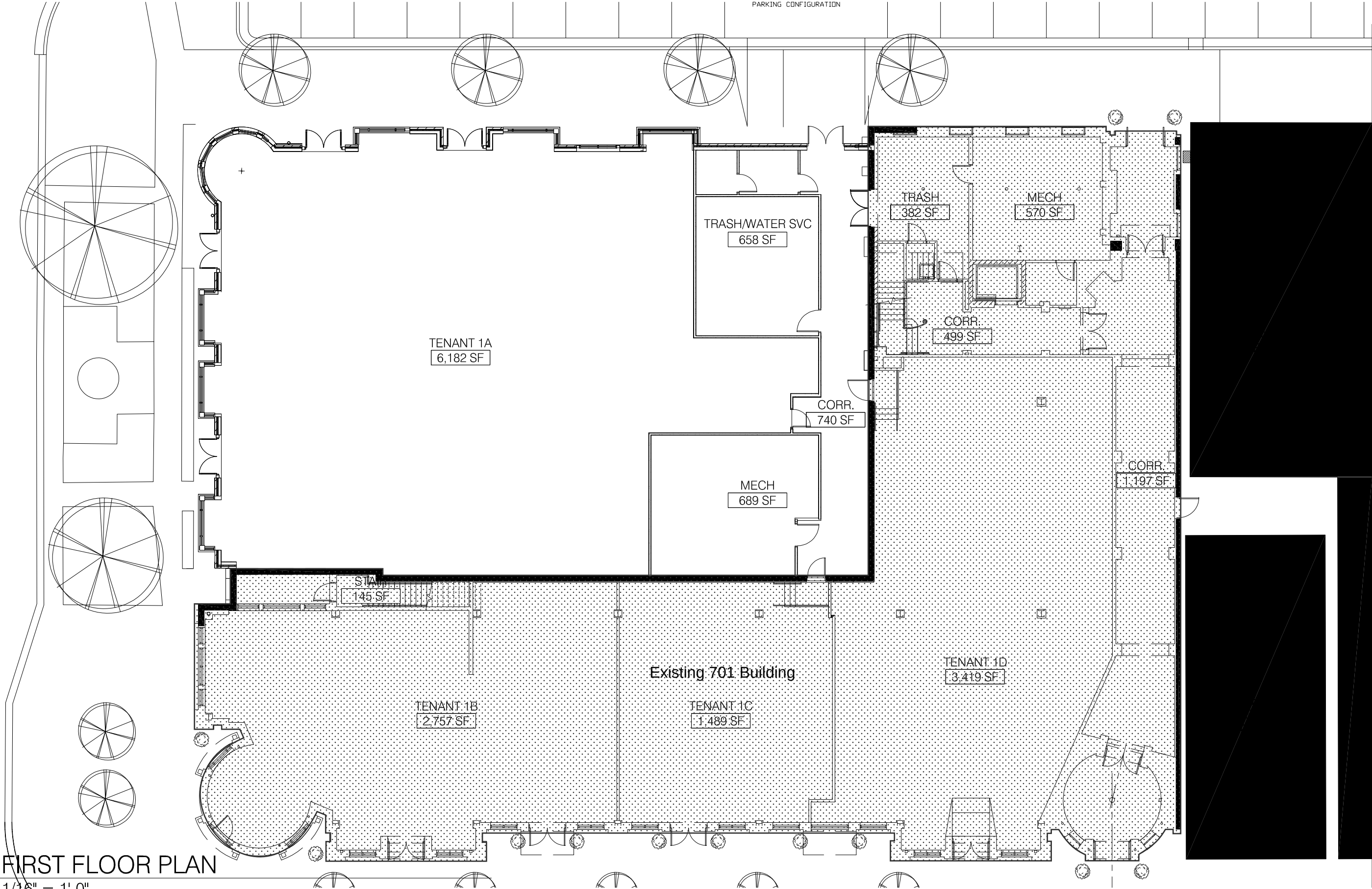
1/16" = 1'-0"

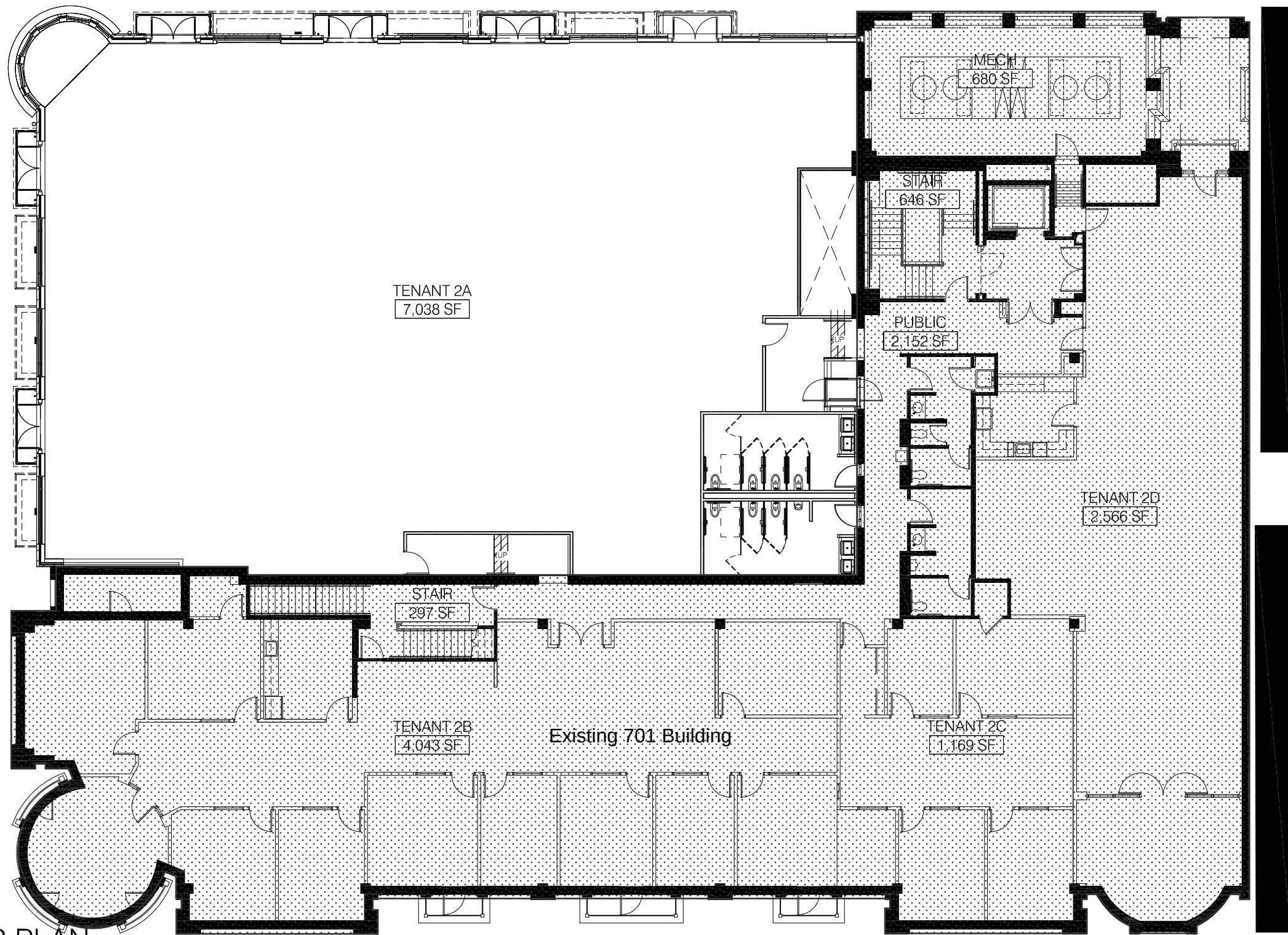


10 South Eighth Street
Minneapolis MN 55402
t 612_339_2257
sheadesign.com

701 BUILDING / BROADWAY PLACE ADDITION

7241.04





1
PRES2

SECOND FLOOR PLAN

1/16" = 1'-0"



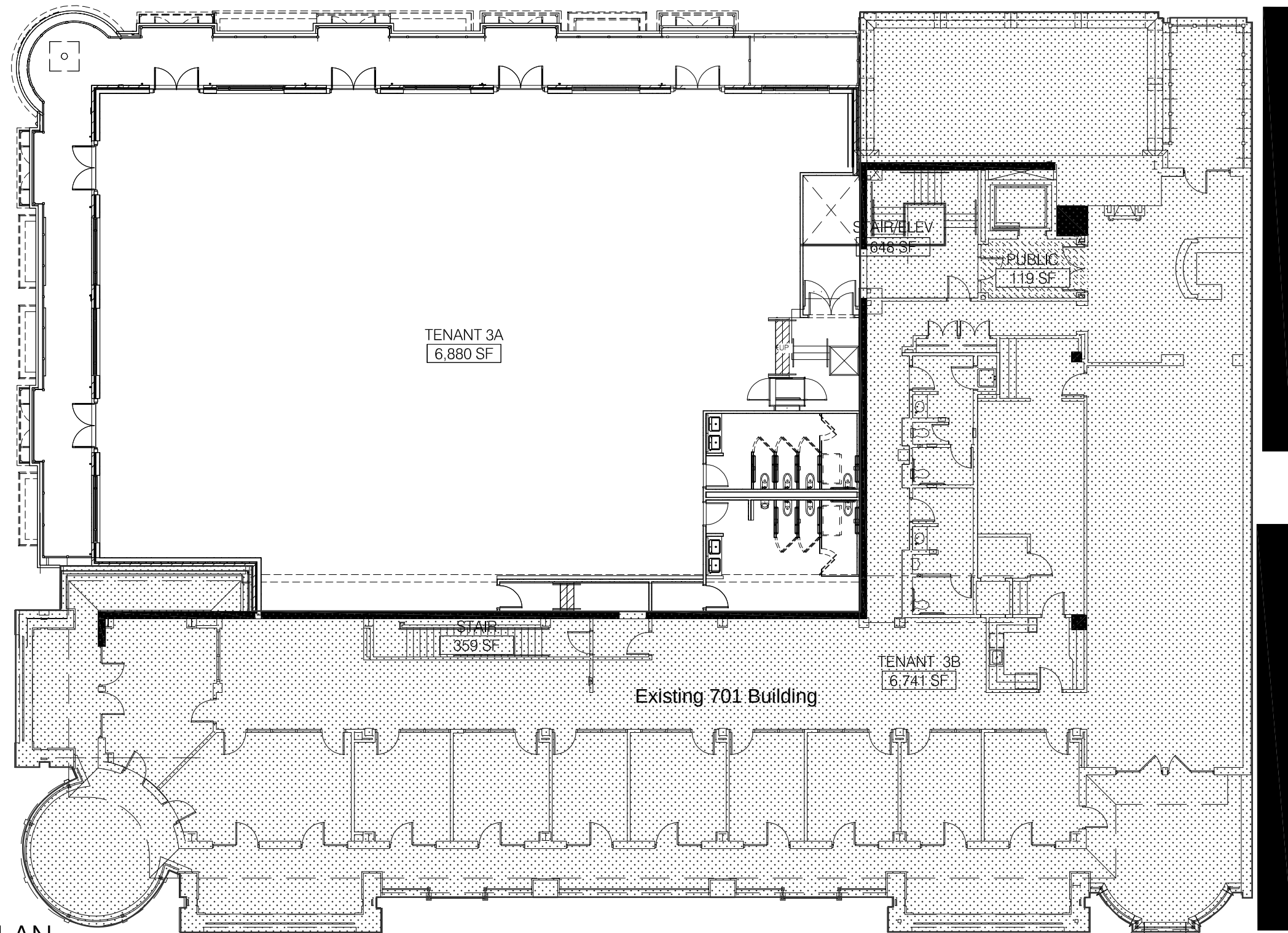
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701 BUILDING / BROADWAY PLACE ADDITION

7241.04

May 17, 2018

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1
PRES3

THIRD FLOOR PLAN

1/16" = 1'-0"



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t 612_339_2257
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701 BUILDING / BROADWAY PLACE ADDITION

7241.04

May 17, 2018

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2
PRES1
EXTERIOR ELEVATION WEST
SCALE: 1/4" = 1'-0"



1
PRES1
EXTERIOR ELEVATION NORTH
SCALE: 1/4" = 1'-0"

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

The Design Review Critique is based on the following plans submitted by the applicant:

1. Architectural Renderings prepared by Jim Beltz and dated May 18, 2018
2. Site Layout Plan prepared by hgA and dated May 18, 2018
3. Floor Plans prepared by Shea and dated May 17, 2018
4. Exterior Elevations prepared by Shea and dated May 18, 2018

	Comments	Compliance
Building Recesses		
<u>801.09.3.1.A – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level	The proposed building addition does not include any recesses or pilasters on the new portion of the façade facing Broadway. The existing façade does include recessed doors and windows to create dimension.	Yes
<u>801.09.3.1.B</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	An outdoor seating area is not proposed for the addition.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Building Width		
<u>801.09.4.1 All Districts – New Buildings</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements	The proposed building addition does not include variation in building setbacks, however the previously approved building does include a variety of window bay and door setbacks.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Upper Story Setbacks		
<u>801.09.5.1.A – All Districts – New Buildings</u> Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6) feet to the 2 nd story façade. The 3 rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story façade.	The building addition includes a 3 rd story step-back at the northwest corner of the building that was not included in the original design. The 3 rd story is recessed 10 feet.	Yes
<u>801.09.5.1.B – All Districts – New Buildings</u> The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	Changed from the original design, the 2 nd story is no longer recessed at all, except for the northwest corner.	Deviation Requested
<u>801.09.5.1.C – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The proposed building would comply with the maximum height requirement of the PUD zoning district. The building addition would not significantly impact wintertime sun orientation, solar access, or views from neighboring properties.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Roof Design		
<u>801.09.6.1 – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	The proposed building does not include any green roofs.	Not Applicable
<u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. <u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	No information provided on roof materials of addition.	Unknown
Screening of Rooftop Equipment		
<u>801.09.7.1 – Lake Street District</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.	The new addition does not include rooftop mechanicals, although a deviation from the design standards was approved for the original design for screened rooftop mechanical equipment.	Not applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Facade Transparency		
<u>801.09.8.1 – Lake Street District</u> No less than fifty percent (50%) of the ground level façade of any building fronting Lake Street shall be transparent glass. No less than twenty-five percent (25%) of the ground level side and rear façade facing a public right of way, parking area or open space shall be transparent glass.	The building addition does not front Lake Street, and does not include any transparency. However, appropriate percentages of the rest of the public-facing facades are transparent glass.	Yes
Ground Level Expression		
<u>801.09.9.1 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Not applicable
Entries		
<u>801.09.10.1 – All Districts</u> The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Not applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Building Materials and Quality		
<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The proposed addition will be brick, of the same type as the rest of the building.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.D – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.		The plans provided do not specify details to indicate whether or not the brick would meet these requirements, although no corners would be present on this addition.	Yes
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence		The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.		The building addition does not include any exterior stone material.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Yes
<u>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		The proposed building addition does not include any awnings.	Not Applicable
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.		The building addition does not include any balconies.	Not Applicable
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects		No glass is included in the proposed addition	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.L – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.		The proposed addition does not include a new entry.	Not Applicable
		Comments	Compliance
Franchise Architecture			
<u>801.09.12.1 – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801. 09.18 by the Planning Commission at the time of Design Standards Review application		The proposed building would not be franchise architecture.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Walkways		
<u>801.09.13.1 – Lake Street District</u> A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages. B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward. C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench. D. All sidewalk surfaces	A design standard deviation was granted for the original building addition for a 5-8.6' sidewalk along Broadway Avenue.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Landscaping		
<u>801.09.14.1 – All Districts</u>		
A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.	There is no proposed change to landscaping on the site as a result of the proposed addition. The proposed plans do not include any changes to the existing streetscaping along Lake Street.	Not Applicable
B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.		
C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.		
D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.14.2 – Lake Street District</u> A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.	The proposed plans do not include any changes to the existing streetscaping along Lake Street.	Not Applicable
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Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Parking Lot Landscaping		
<u>801.09.15.1 – All Districts</u> A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable
Surface Parking		
<u>801.09.16.1 – All Districts</u> A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
<u>801.09.16.2 – All Districts – Bicycle Parking</u> Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable
Parking Structures		
<u>801.09.17.1 – All Districts</u> Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.	There is no parking structure associated with the project.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Signs		
<u>801.09.18.1 – All Districts</u>		
A. Compatibility		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.		
2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.		
3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.		
4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.	There are no proposed changes to the signage on the property with this addition.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

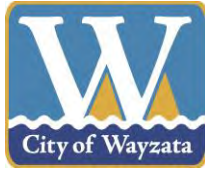
<u>801.09-18.2 – Permitted Signs – Lake Street District</u> A. Lake Street District. Only the following types of signs are permitted in the Lake Street District: 1. Awning, canopy or marquee signs 2. Wall signs 3. Monument or ground signs 4. Projecting signs 5. Window signs (small accent signs) 6. Roof signs if located on pitched-roof buildings, below the peak of the roof	There are no proposed changes to the signage on the property with this addition.	Not Applicable
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	Comments	Compliance
Parking Lot and Building Lighting		
<u>801.09.19.1 – All Districts</u> A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.	The proposed plans do not include any changes to the existing parking lot on the property. The building addition does not include any lighting.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018



**Staff Report
June 18, 2018**

Project Name: Wayzata Bay Car Wash Addition
Addresses of Request: 143 Lake St E
Prepared by: Erin Perdu, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 13, 2018

Development Application

Introduction

The applicants and property owners, Bruce and Colleen Lea, have submitted a development application for the property at 143 Lake St E. The applicant is proposing to construct an approximately 762 sf. addition to the existing car wash. The development application requests approval of an interim use permit and a conditional use permit for a shoreland impact plan.

Application Requests

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

- Interim Use Permit: Existing car washes are an interim use in the C-4A Limited Central Business District. (Section 801.79.3.A) Interim use permits are subject to Section 801.34 of the Zoning Ordinance, which states that new interim use permits shall be processed according to the standards and procedures for a conditional use permit, as established in Section 801.04.
- CUP/Shoreland Impact Plan: The site will exceed 75% hard cover and is located within the Shoreland overlay district.

Property Information

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

Address	PID	Owner
143 Lake St. E.	06-117-22-23-0030	Wayzata Bay Car Wash Inc.

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

Current zoning:	C4-A Limited Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland District

Project Location

The property is on the north side of Lake Street E, between Ferndale Rd S and Edgewood Ct:

Map 1: Project Location



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	Ferndale Ridge Condominiums	PUD/Planned Unit Development	Medium Density Multi-Family Residential
East	Office	C4-A Limited Central Business District	Mixed Use Commercial
South	Dakota Rail Trail and parking lot	PUD/Planned Unit Development	Mixed Use Commercial
West	Meyer Place at Ferndale	PUD/Planned Unit Development	Mixed Use Commercial

Public Hearing Notice

A public hearing notice was published in the Wayzata Sun Sailor on June 7, 2018, and mailed to all property owners located within 350 feet of the subject property on June 6, 2018.

Background Information

The Wayzata Bay Car Wash has been in business since 1962 and is requesting an Interim Use Permit for a building expansion that would house allow more area for equipment. The property is 19,085 square feet and contains a 3,017 square foot existing car wash building. The property also contains a fuel shack, four fuel pump islands and a trash enclosure.

Analysis of Application

Proposed Overview

The application includes an approximately 762 square foot addition to the west side of the building which would house more equipment. No additional car wash bays would be added. The addition would bring the wall of the car wash to within 2 3/8 inches of the west property line.

Interim Use Permit (IUP)

Section 801.79.3 of the City Code allows for existing car wash operations in the C-4A districts as an Interim Use. Section 801.34 states that new interim uses shall be processed according to the standards and procedures for a conditional use permit. An interim use permit for new uses shall comply with the following:

- Conforms to all zoning regulations as otherwise applicable.
- The date or event that will terminate the use can be identified with certainty.
- The existence of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- Shall maintain harmony and compatibility with surrounding uses and with the architectural character and design standards of existing uses and development.
- Conforms with all performance standards contained in the Zoning Ordinances (i.e., parking, loading, noise, etc.).
- Shall have no detrimental effect upon the property values or the general health, safety, and welfare of the surrounding uses and property owners.
- Traffic generated by the use does not overburden or exceed the capabilities of streets and other public services and facilities, including parks, schools, streets and utilities serving the area.

Conditional Use Permit/Shoreland Impact Plan

Section 801.91.11 of the Zoning Ordinance stipulates that impervious coverage may be allowed to exceed 75 percent of the total lot area when structures and practices are in

place for the treatment of stormwater runoff and a shoreland impact plan/conditional use permit is approved.

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The Comprehensive Plan includes the following discussion for the Central Business District:

The Central Business District (CBD) includes the main thoroughfare of Lake Street and is generally referred to as downtown. The CBD continues to evolve into a diverse environment of retail stores, offices, restaurants, and residential land uses. This diversity is seen as healthy in that it attracts a wide variety of people into the downtown area at all times of the day. This diversity along with its proximity to Lake Minnetonka, make the CBD a destination place in the region.

Zoning

The following table outlines the zoning standards for the Limited Central Business zoning district:

	C4-A Zoning District	Proposed
Height (max.)	2 stories and 30 ft., whichever is less	1 stories and 10 ft.
Building setbacks (min.)		
Front (south)	0 ft.	400+ ft.
Side (east)	0 ft.	149 ft.
Side (west)	0 ft.	107 ft.
Rear (north)	0 ft.*	5 ¼"

*A 40' setback is required from the northernmost portion of the property line based on the adjacent required residential setback. This 0 ft. setback is provided from the portion of the property that jogs westward to accommodate the addition and is *not* adjacent to the residential district that requires the 40 ft. setback.

Parking

The site currently has no off-street parking stalls other than stacking spaces for the car wash. Automatic drive-through car washes are required to have two parking spaces for each bay plus five stacking spaces for each bay. On this site, that would equal two parking spaces and five stacking spaces.

Tree Preservation

The applicant has submitted a survey indicating one significant tree on the site that would not be removed for the building expansion project. However, aerial photography shows a row of coniferous trees along the west side of the car wash that are not shown on the

survey (see figure on page 5). It is not clear if these trees would be impacted by the project, or if they are significant.

Impervious Surface Coverage

Provisions of the Shoreland Overlay district stipulate that impervious coverage may be allowed to exceed 75 percent of the total lot area when structures and practices are in place for the treatment of stormwater runoff and a shoreland impact plan/conditional use permit is approved. These measures may include appurtenances such as sediment basins; installation of debris guards and microsilts basins on stormwater inlets, oil skimming devices, etc.

This site is an existing car wash, which was at more than 75 percent impervious coverage before the proposed addition.



Source: Bing Maps

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Proposed Plans

Applicable Code Provisions for Review

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The objective of the Central Business District land use category is to promote a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. The Comprehensive Plan includes the follow “1st Tier” priorities for the Central Business District:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.
- Update development standards continually to assure the highest development quality possible for the Central Business District.
- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD.
- Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.
- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.
- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.
- Consider complementing abutting edges, both residential and retail/commercial.
- Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
- Consider ways to assist with redevelopment when properties become a liability to the community.

- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
- 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.

In addition, the Comprehensive Plan includes the following “2nd Tier” priorities:

- Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
- Adjust City’s Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for all new construction to avoid shading the north side of Lake Street.
- Continue to evaluate ways to encourage a variety of housing options for upper-story housing.
- Consider 3rd story’ uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

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.

Impervious Surface Coverage: City Code Section 801.91.11.A.1.b. States that impervious coverage may be allowed to exceed seventy-five (75) percent of the total lot area when the following stipulations are met:

- (1) All structures and practices are in place for the treatment of storm water runoff.
- (2) A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 801.91.19.A of this Ordinance, subject to the conditions listed in Section 801.91.19.C of this Ordinance.

Shoreland Impact Plan/Conditional Use Permit: Section 801.91.19.A states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Section 801.91.19.C states that all conditional use permits for consideration under the Shoreland District shall be subject to the following stipulations:

1. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
2. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the

- soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
 5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
 6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
 7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
 8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
 11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

BRUCE LEA
900 E WAYZATA BLVD
WAYZATA, MN 55391

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

18112.0BLE

APRIL 13, 2018

CONSTRUCTION DOCUMENTS

PROJECT GENERAL NOTES

ARCHITECTURAL

1. GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, (AIA DOCUMENT A201, CURRENT EDITION) IN ITS ENTIRETY, ARE PART OF THESE DOCUMENTS. ADDITIONAL NOTES WITHIN THESE DOCUMENTS ARE NOT MEANT TO OVERRIDE ANY PART OF A201. CONTACT ARCHITECT FOR A COPY OF A201, IF REQUIRED.
 2. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED PROJECT. UNLESS OTHERWISE INDICATED, THEY DO NOT INDICATE THE MEANS OR METHOD OF CONSTRUCTION.
 3. THE CONTRACTOR SHALL OBTAIN SUFFICIENT LIABILITY INSURANCE TO COVER WORKMAN'S COMPENSATION, GENERAL LIABILITY AND CONTRACTUAL LIABILITY. A COPY SHALL BE FILED WITH THE OWNER.
 4. THE CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS AS REQUIRED BY THE CONSTRUCTION DOCUMENTS AND IN FULL ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
 5. THE CONTRACTOR WILL MAINTAIN BUILDER'S RISK INSURANCE ON THE FORM KNOWN AS "ALL RISK" OR "MULTIPLE PERIL". THE CONTRACTOR, ALL SUBCONTRACTORS, ARCHITECTS AND ENGINEERS SHALL BE INCLUDED IN EACH CAPACITY AS INSURED JOINTLY WITH THE OWNER IN ALL POLICIES.
 6. THE CONTRACTOR SHALL SECURE ALL EXISTING DIMENSIONS AND FIELD CONDITIONS PRIOR TO ANY DEMOLITION, FABRICATION, CONSTRUCTION OR INSTALLATION & NOTIFY ARCHITECT IF CONDITIONS, MATERIALS, SIZES AND DIMENSIONS ARE DIFFERENT FROM THOSE SHOWN.
 7. CROSS REFERENCE ALL DIMENSIONS AND DETAILS WITH STRUCTURAL, CIVIL, MECHANICAL, AND ELECTRICAL DRAWINGS BEFORE COMMENCING ANY FABRICATION AND/OR CONSTRUCTION.
 8. CONTRACTORS SHALL INSTALL ALL MANUFACTURED ITEMS, MATERIALS AND EQUIPMENT IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED SPECIFICATIONS, EXCEPT WHERE THE SPECIFICATIONS HEREIN, ARE MORE STRINGENT, AND SHALL BE COMPLIED WITH.
 9. MATERIALS WHICH ARE SHOWN ON THE DRAWINGS AND WHICH MAY NOT BE SPECIFICALLY DETAILED IN THE SPECIFICATIONS OR DRAWINGS, SHALL BE FURNISHED BY THE CONTRACTOR AND SHALL BE SUITABLE FOR THE INTENDED USE. MATERIALS SHALL BE IN HARMONY WITH ADJACENT MATERIALS, AND SHALL BE SUBJECT TO REVIEW FOR CONFORMANCE WITH THE INTENT OF THE CONTRACT DOCUMENTS. WHERE INSTALLATION TECHNIQUES ARE NOT SPECIFIED, THEY SHALL BE IN ACCORDANCE WITH MANUFACTURER'S CURRENT INSTRUCTION AND INDUSTRY STANDARDS.
 10. SHOP DRAWINGS PREPARED BY SUPPLIERS, SUBCONTRACTORS, ETC. SHALL BE REVIEWED, COORDINATED AND SIGNED AND STAMPED BY GENERAL CONTRACTOR PRIOR TO SUBMITTING TO THE ARCHITECT/ENGINEER.
 11. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS, LICENSES AND CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH THE ABOVE REFERENCED PROJECT.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE TO PREPARE ALL SURFACES FOR PROPER INSTALLATION OF FINISHES. THIS IS TO INCLUDE, BUT IS NOT LIMITED TO: PATCHING, SANDING, FLOORING, PRIMING, SEALING, SKIM COATING, ETC.
 13. THE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM WASTE MATERIAL OR RUBBISH CAUSED BY THE WORK.
 14. THE CONTRACTOR SHALL MINIMIZE ANY DAMAGE TO EXISTING CONSTRUCTION AND AREAS ON THE SITE OUTSIDE OF THE CONSTRUCTION LIMITS. CONTRACTOR TO CONSTRUCT TEMPORARY WALLS AND BARRIERS AS REQUIRED TO CONTAIN DUST AND DEBRIS AND TO PROVIDE SAFE PUBLIC ACCESS AND PASSAGE.
 15. THE GENERAL CONTRACTOR SHALL LOCATE ALL NEW MECHANICAL UNITS OR RELOCATE ANY EXISTING UNITS OR ITEMS THAT CONFLICT WITH NEW OR EXISTING FRAMING AND FULL HEIGHT WALLS. THIS INCLUDES ACCESS FOR ALL CONTROLS, FILTERS, ETC. THIS WORK MUST BE COORDINATED AND VERIFIED PRIOR TO BIDDING.
 16. THE GENERAL CONTRACTOR SHALL COORDINATE AND VERIFY WITH THE RESPECTIVE TRADES THE SIZES AND LOCATIONS OF MECHANICAL AND/OR ELECTRICAL PENETRATIONS, LOCATIONS OF FIRE TREATED BACKING/BLOCKING REQUIRED FOR MOUNTING ELECTRICAL AND/OR MECHANICAL EQUIPMENT, AS WELL AS CUTTING AND PATCHING FOR WORK REQUIRED BY MECHANICAL/ELECTRICAL.
 17. WHEN WORK IS COMPLETED IN AN AREA, THOROUGHLY CLEAN THE SPACES, ITEMS & SURFACES OF SOIL, WASTE MATERIAL, SMUDGES, SPATTERS, MISAPPLIED MATERIAL, SPOTS, STAINS, AND THE LIKE, WITHOUT DAMAGING THE MATERIALS AND SURFACES INVOLVED.
 18. PROVIDE SEMI RECESSED FIRE EXTINGUISHERS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES UNLESS NOTED OTHERWISE.
 19. ALL DOORS, FRAMES, HARDWARE, LIGHTING AND CEILING MATERIALS ARE TO FOLLOW BUILDING STANDARDS UNLESS OTHERWISE NOTED.
 20. PROVIDE FIRE TREATED BLOCKING IN WALLS AS REQUIRED FOR INSTALLATION OF MILLWORK, FURNITURE AND ACCESSORIES.
 21. THE GENERAL CONTRACTOR IS TO VERIFY BUILDING STANDARDS WITH BUILDING MANAGER. ALL HARDWARE SETS AND KEYING TO BE COORDINATED WITH BUILDING MANAGERS.
 22. ALL INTERIOR GLASS MUST COMPLY W/ APPLICABLE CODES FOR DESIGN LOADS & SAFETY GLAZING.
 23. ALL MATERIALS USED IN PLENUM AREAS MUST BE NON-COMBUSTIBLE AND / OR LISTED FOR PLENUM USE AS DEFINED BY THE STATE & LOCAL CODES. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO ADHERE TO THESE REQUIREMENTS.
 24. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE TO FIRE CAULK ALL NEW AND EXISTING PENETRATIONS WITHIN WALL PARTITIONS, ABOVE THE CEILING, AS INDICATED BY THE APPLICABLE CODES.
 25. DEFERRED SUBMITTALS: DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OF RECORD AND WILL BE REVIEWED FOR GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. SUBMITTALS FOUND TO BE IN CONFORMANCE WITH THE DESIGN INTENT WILL BE STAMPED AS REVIEWED AND FORWARDED TO THE AUTHORITY HAVING JURISDICTION IN KEEPING WITH AN CODE SECTION 1300.01.3 SUBSECTION 9B. SUBMITTALS NOT FOUND IN CONFORMANCE WITH THE DESIGN INTENT WILL BE RETURNED TO THE CONTRACTOR FOR REVISION AND RESUBMITTAL. REVISED DOCUMENTATION WILL BE REVIEWED BY THE ARCHITECT OF RECORD PRIOR TO ACCEPTANCE AND SUBMISSION TO THE AUTHORITY HAVING JURISDICTION.
- DEFERRED SUBMITTALS INCLUDE THE FOLLOWING:
- A. MECHANICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - B. PLUMBING DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - C. ELECTRICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - D. FIRE SUPPRESSION DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - E. STRUCTURAL STEEL
 - F. STEEL JOIST AND DECKING

PROJECT GENERAL NOTES CONTINUED

FINISHES

1. THE CONTRACTOR SHALL PATCH AND REPAIR ANY AND ALL FLOORS, WALLS, CEILINGS, ETC. IN A WORKMANSHIP-LIKE MANNER TO MATCH THE SURROUNDING SURFACE AREAS. SURFACES OR MATERIALS DAMAGED BY DEMOLITION OR CONSTRUCTION SHALL BE REPAIRED, RESTORED AND REFINISHED TO MATCH THE EXISTING, UNLESS NOTED OR SPECIFIED OTHERWISE. IN ADDITION THOSE EXISTING SURFACES OR MATERIALS (SERVING AS SUBSTRATE FOR NEW MATERIALS OR FINISHES) WHICH HAVE BEEN DAMAGED FROM ANY CAUSE, SHALL BE REPAIRED, RESTORED, PROPERLY PREPARED AND CLEANED TO RECEIVE THE NEW MATERIALS AND FINISH WORK. ALL NEW MATERIALS & FINISH WORK TO BE FREE FROM FLAWS & DEFECTS.
 2. PATCH AND REPAIR EXISTING FLOOR SLAB AS REQUIRED FOR A SMOOTH AND LEVEL SURFACE FREE OF DEFECTS. FILL ALL CRACKS AND HOLES AND LEVEL DEPRESSIONS WITH MATERIALS COMPATIBLE WITH THE FLOOR AND SLAB AS RECOMMENDED BY THE FLOORING MANUFACTURER.
 3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING LEAD TIMES OF ALL MATERIALS SUCH THAT MATERIALS ARE ON SITE WHEN REQUIRED FOR INSTALLATION.
 4. ALL PREPARATION, STORING, INSTALLATION AND CLEANUP OF FINISHES TO CONFORM TO MANUFACTURER'S SPECIFICATIONS.
 5. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR TESTING THE CONCRETE SUBFLOOR FOR MOISTURE PRIOR TO FLOORING INSTALLATION. THE FLOORING SUBCONTRACTOR IS RESPONSIBLE FOR APPROVING MOISTURE TEST RESULTS AND INSTALLING FLOORING PER MANUFACTURER'S SPECIFICATIONS.
- MECHANICAL**
1. THE MECHANICAL CONTRACTOR IS TO DESIGN ALL MECHANICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. MECHANICAL DOCUMENTS ARE TO BE PROVIDED BY THE MECHANICAL CONTRACTOR AND SIGNED BY A PROFESSIONAL ENGINEER AS REQUIRED BY CODE. THE MECHANICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED ARCHITECTURAL CONSTRUCTION DOCUMENTS. THE DESIGN IS TO BE REVIEWED BY THE TENANT PRIOR TO IMPLEMENTATION.
 2. THE MECHANICAL CONTRACTOR IS RESPONSIBLE TO PROVIDE ALL NECESSARY MECHANICAL EQUIPMENT AND CONTRACTORS TO COMPLETE THE JOB. THE MECHANICAL CONTRACTOR IS TO COORDINATE W/ THE ELECTRICAL CONTRACTOR ALL THE NECESSARY WIRING TO COMPLETE THE JOB. THE WIRING IS TO BE COMPLETED BY THE ELECTRICAL CONTRACTOR.
 3. PROVIDE WHITE SEMI RECESSED SPRINKLER HEADS W/ WHITE TRIM RING @ ALL ACT. CEILING AND FULLY RECESSED SPRINKLER HEADS W/ WHITE ESCUTCHEON PLATES @ ALL GFY. CEILING AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
 4. VERIFY LOCATION AND SIZES OF ALL OPENINGS WITH GENERAL CONTRACTOR PRIOR TO COMMENCING WORK. THE GENERAL CONTRACTOR IS RESPONSIBLE TO CUT & PATCH OR ADD STRUCTURAL REINFORCING AS REQ'D FOR THE INSTALLATION OF MECHANICAL ROOFTOP EQUIPMENT.
 5. ALL SINKS SHALL HAVE HOT AND COLD WATER WITH BELOW COUNTER PIPE INSULATION WRAP ON EXPOSED PIPING PER ADA GUIDELINES.
 6. PROVIDE AND INSTALL AN APPROPRIATE SIZED WATER HEATER AS REQUIRED.
 7. THE PLUMBING CONTRACTOR MUST PROVIDE A CLEAN-OUT PLAN FOR REVIEW AND APPROVAL BY THE ARCHITECT BEFORE PLUMBING LINES ARE INSTALLED.

ELECTRICAL

1. THE ELECTRICAL CONTRACTOR IS TO DESIGN ALL ELECTRICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. THE ELECTRICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED ARCHITECTURAL CONSTRUCTION DOCUMENTS. THE ELECTRICAL DESIGN IS TO BE REVIEWED BY THE ARCHITECT OF RECORD AND TENANT PRIOR TO IMPLEMENTATION.
2. THE ELECTRICAL CONTRACTOR IS TO COORDINATE THE INSTALLATION OF ALL MECHANICAL EQUIPMENT AND TO PROVIDE DISCONNECT AND POWER WIRING FOR ALL MECHANICAL EQUIPMENT.
3. THE ELECTRICAL CONTRACTOR IS TO PROVIDE EXIT AND EMERGENCY LIGHTS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
4. THE ELECTRICAL CONTRACTOR IS TO PROVIDE SMOKE DETECTION AND ALARM DEVICES AND WIRING OF THE SPACE AS REQUIRED BY APPLICABLE CODES AND ORDINANCES FOR THE INTERIOR BUILD-OUT SPACE.
5. THE ELECTRICAL CONTRACTOR SHALL INSTALL JUNCTION BOXES W/ PULL STRING FOR ALL VOICE / DATA AND PHONE LOCATIONS. THE TENANT IS TO COORDINATE & PROVIDE ALL LOW VOLTAGE CABLING AND COVER PLATES AS REQUIRED.
6. NEW ELECTRICAL OUTLETS ARE SHOWN AT APPROXIMATE LOCATIONS. NO OUTLETS ARE TO BE BACK TO BACK.
7. ALL UNDER CABINET LIGHTING IS TO BE CONTROLLED BY A WALL SWITCH.
8. THE REFLECTED CEILING PLAN IS FOR REFERENCE ONLY REGARDING LOCATION, QUANTITIES, AND TYPES OF LIGHT FIXTURES. THE REFLECTED CEILING PLAN REFERENCES LIGHT FIXTURES, HOWEVER THE ELECTRICAL CONTRACTOR IS RESPONSIBLE TO VERIFY THE FIXTURES, APPROPRIATE FOOTCANDLES AND VOLTAGE REQUIREMENTS OF ALL SPECIFIED LIGHT FIXTURES IN ASSOCIATION W/ THE SPECIFIC SITE CONDITIONS AND PROVIDE SHOP DRAWINGS FOR REVIEW & APPROVAL PRIOR TO THE ORDERING OR INSTALLATION OF ANY FIXTURES.

CERTIFICATION

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.

TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

CLIENT APPROVAL

AS A REPRESENTATIVE OF

I ACCEPT AND APPROVE THE INFORMATION PRESENTED IN THIS DRAWING SET AS A REPRESENTATION OF OUR DESIGN INTENT. SHOULD OWNER INITIATE CHANGES THAT RESULT IN REVISIONS AND/OR MODIFICATIONS ADDITIONAL DESIGN SERVICE FEES WILL BE CHARGED.

TITLE:

APPLICABLE CODES

INTERNATIONAL BUILDING CODE (IBC)	2012
AMENDMENTS IN MSBC: CHAPTER 1300	2015
AMENDMENTS IN MSBC: CHAPTER 1341	2015
AMENDMENTS IN MSBC: CHAPTER 1307	2015
INTERNATIONAL FIRE CODE (IFC)	2012
INTERNATIONAL MECHANICAL AND FUEL GAS CODE	2012
AMENDMENTS IN MSBC: CHAPTER 1346	2015
STATE BUILDING CODE (MSBC)	2015
MN PLUMBING CODE	2015
MN ENERGY CODE	2015
ASHRAE 90.1-2010 COMPLIANCE PATH	
NATIONAL ELECTRICAL CODE	2011
MN STATE FIRE CODE	2015

OCCUPANCY REQUIREMENTS

FIRE SPRINKLER PROTECTION:	NON-SPRINKLED
TYPE OF CONSTRUCTION:	V-B
BUILDING OCCUPANCY:	B
FIRE RESISTIVE CONSTRUCTION:	
CONSTRUCTION REQUIREMENTS:	
EXTERIOR BEARING WALLS	0
INTERIOR BEARING WALLS	0
EXTERIOR NON-BEARING WALLS	0
STRUCTURAL FRAME	0
PARTITIONS - PERMANENT	0
SHAFT ENCLOSURES	0
FLOOR- CEILINGS/FLOORS	0
ROOFS- CEILING/ROOFS	0
EXTERIOR DOORS & WINDOWS	COMB. ALLOWED
	N.A.

CODE REVIEW

BUILDING USE	TYPE	SQ. FEET	OCC. FACTOR	OCC. LOAD	2 EXITS REQ'D
CAR WASH (EXISTING)	B	2,986	100	29.86	NO
CAR WASH (NEW)	B	794	100	7.94	NO
TOTAL		3,780		37.80	NO

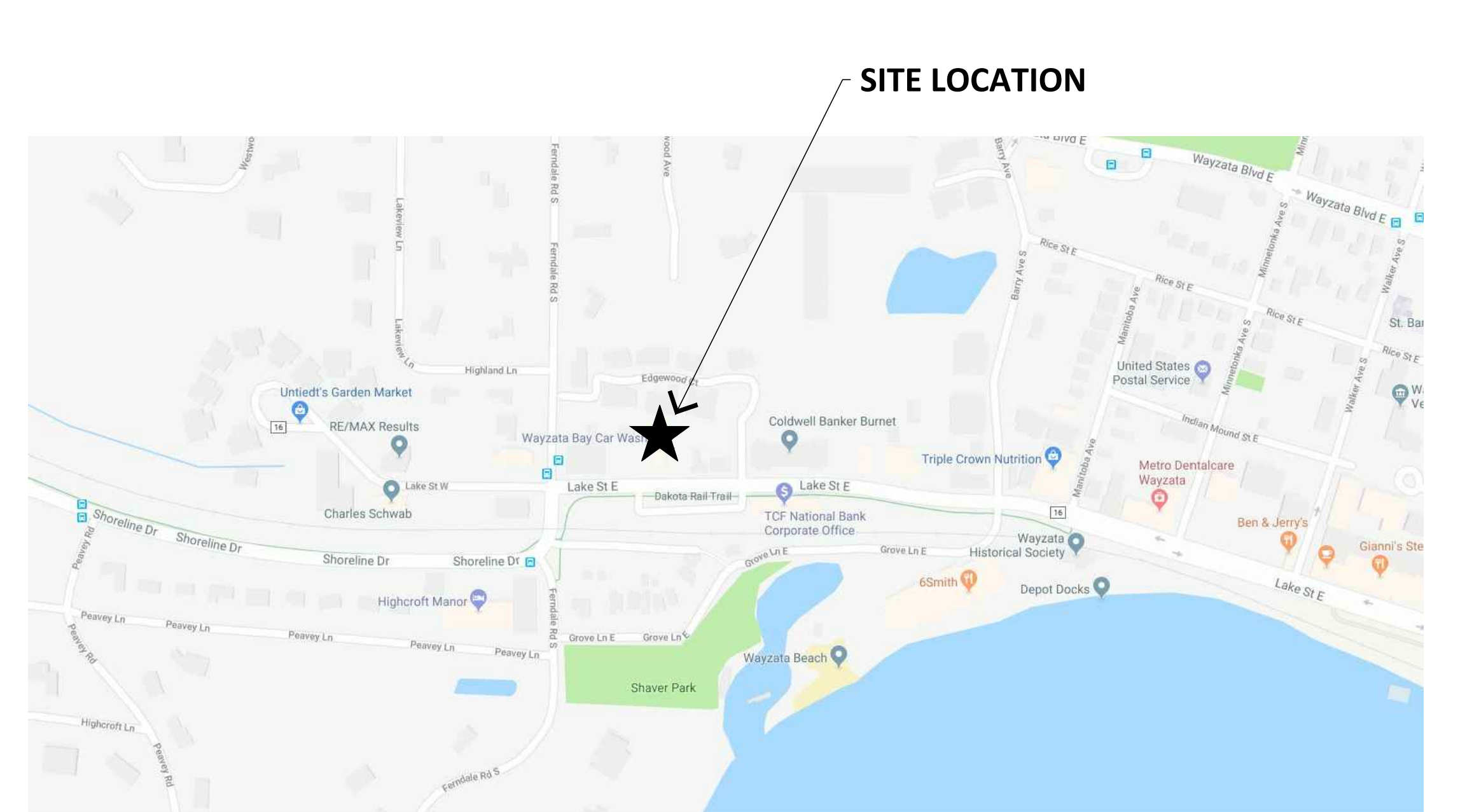
1. COMMON PATH OF TRAVEL IS 0'-0" LONG

NOTE: SQUARE FOOTAGES FOR BUILDING PERMIT ONLY

SHEET INDEX

[illegible]

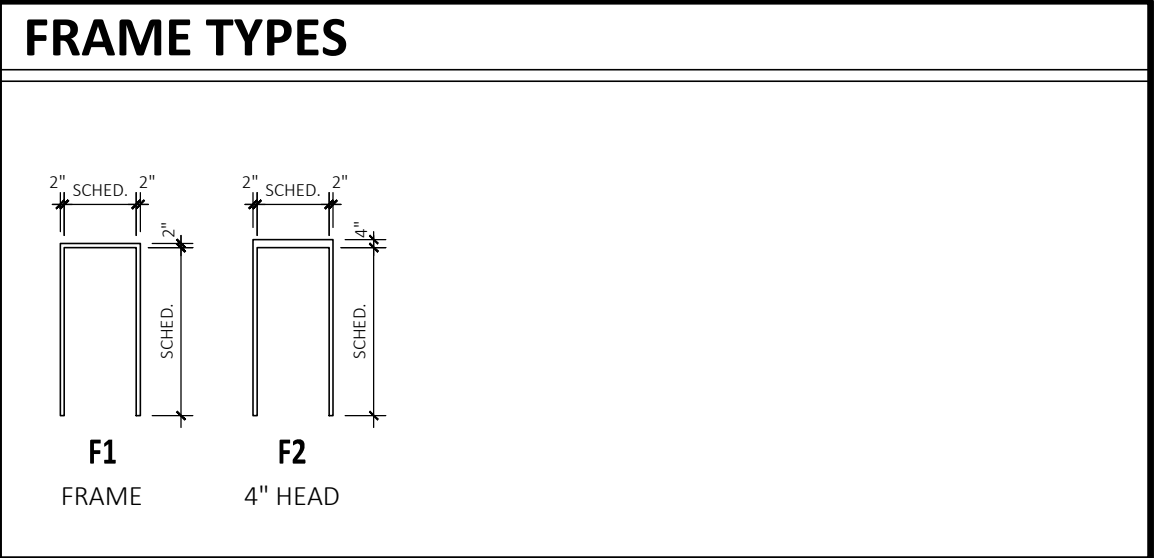
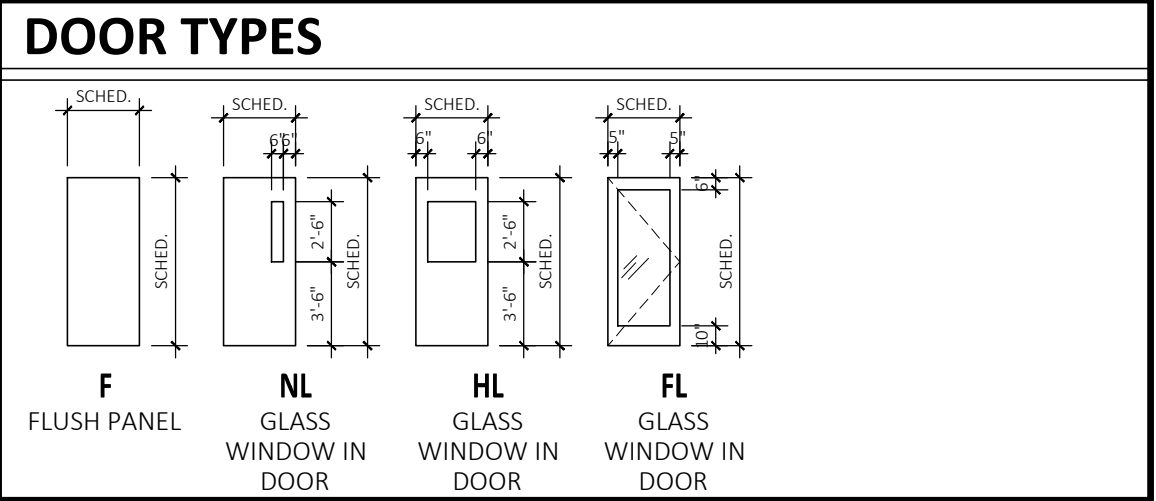
AREA MAP



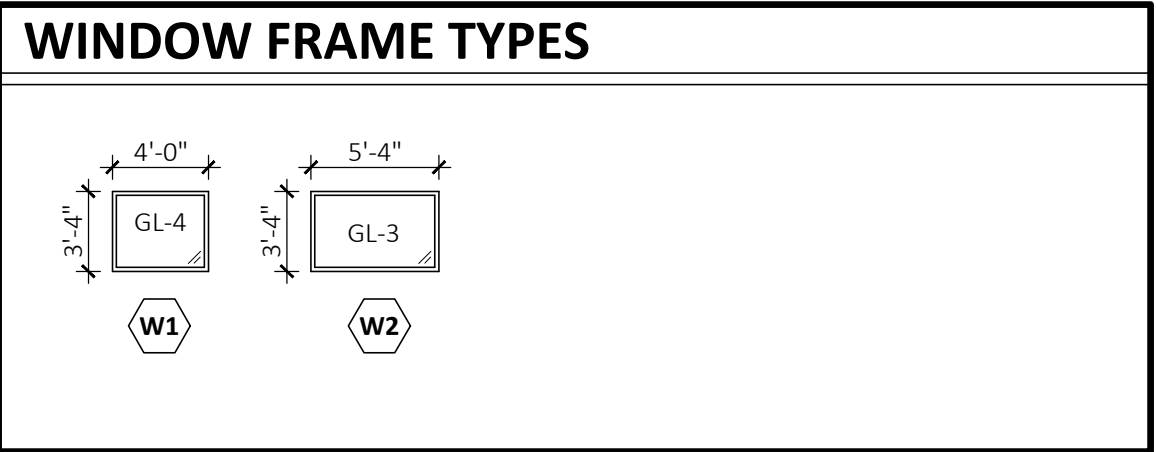
K:\Jobs\wayzata car wash\2018 Expansion_18112\05_Dwg\Wayzata Bay Car Wash\sheets\18112.0BLE-A001 GENERAL NOTES, DOOR SCHEDULES, MISC..dwg

DOOR AND FRAME SCHEDULE													
DOOR NUMBER	DOOR						FRAME		HARD- WARE	GLASS	FIRE	NOTES	
	SIZE			TYPE	MATL	FINISH							
	WD	HGT	THK				TYPE	MATL					FINISH
106A	3'-0"	7'-0"	1 3/4"	HL	AL	ANOD	F1	AL	3	GL-3	N/A	-	
106B	2'-10"	7'-0"	1 3/4"	FL	AL	ANOD	F1	AL	3	GL-2	N/A	-	
107A	3'-0"	7'-0"	1 3/4"	FL	AL	ANOD	F1	AL	3	GL-1	N/A	-	
110A	3'-4"	7'-0"	1 3/4"	HL	AL	ANOD	F1	AL	3	GL-3	N/A	-	

DOOR/OPENING LEGEND			
MATERIAL	FINISH		GLASS
AL	ALUMINUM DOOR	ANOD	ANODIZED
GL	GLASS DOOR	PTD	PAINT
HM	HOLLOW METAL	WVS	WOOD VENEER, STAINED
IM	INSULATED METAL		
SC	SOLID CORE WOOD		



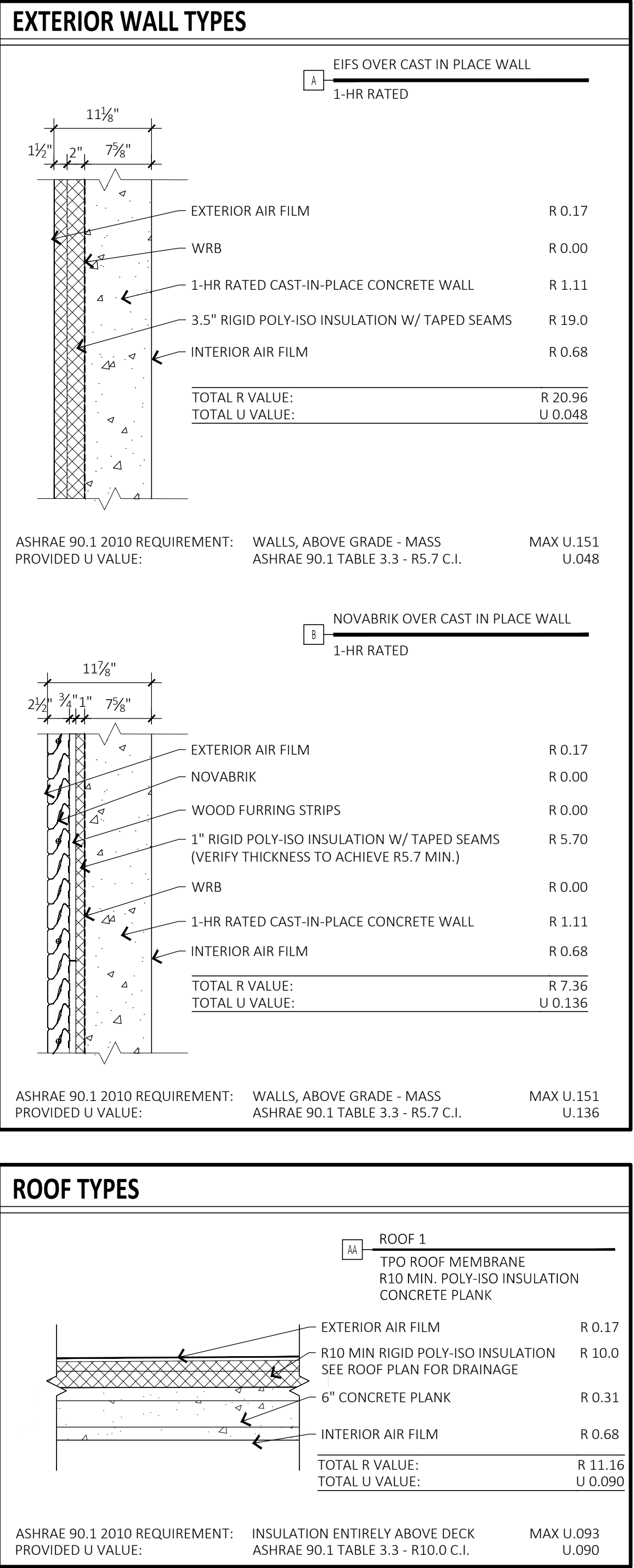
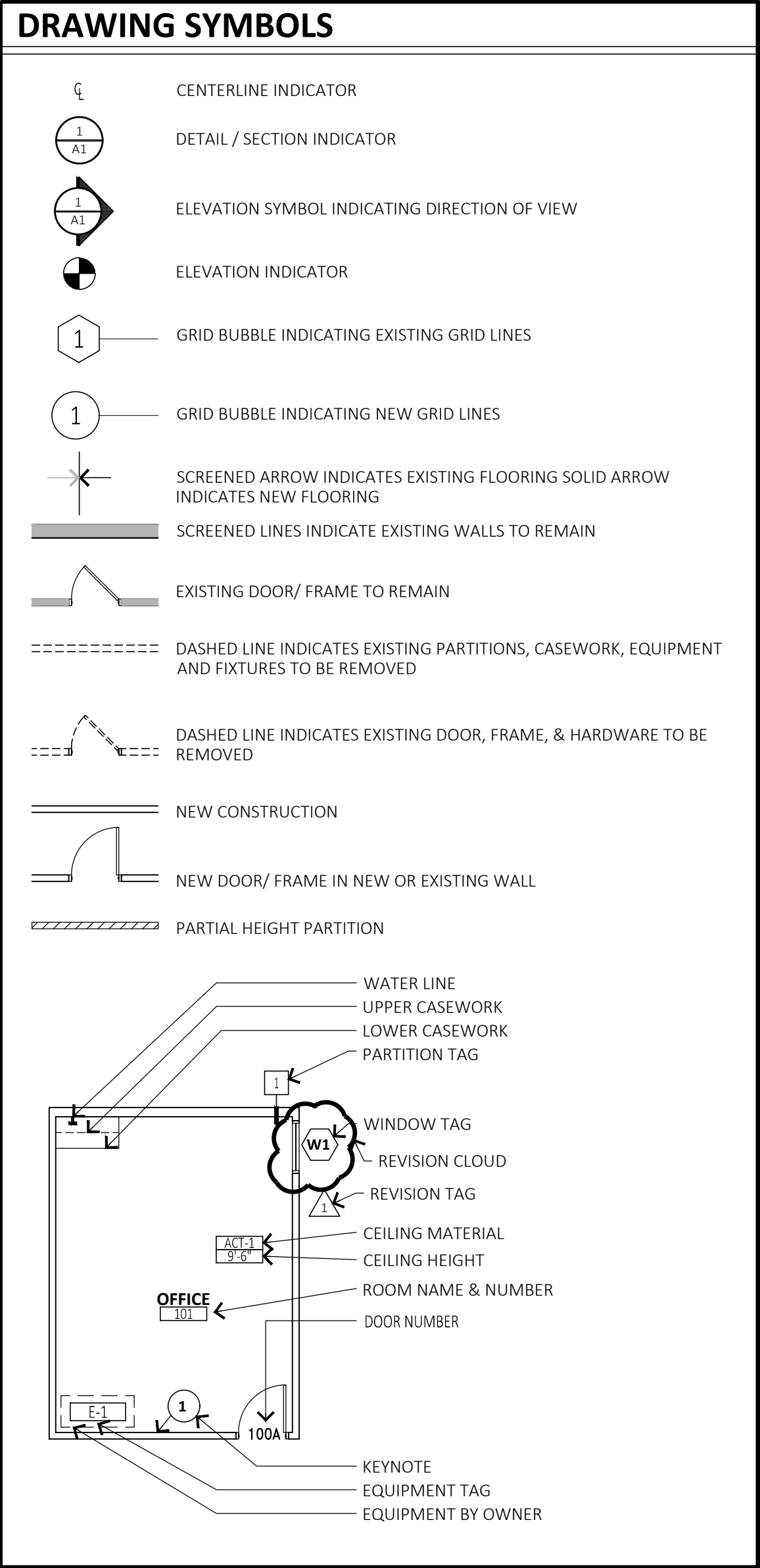
- DOOR / OPENING NOTES**
- REPAIR EXISTING CONSTRUCTION AS REQUIRED FOLLOWING DEMO OF AND INSTALLATION OF NEW DOOR AND FRAME.
 - PROVIDE INTERNAL TOP STILE BLOCKING TO RECEIVE SURFACE APPLIED MAGNETIC DOOR HOLDER
 - PAINT EXISTING DOOR FRAMES, COLOR AS SELECTED BY ARCHITECT, EXISTING DOOR AND LEVER HARDWARE TO REMAIN
 - ALL DOOR HARDWARE SHALL BE COMMERCIAL GRADE. LEVER HANDLE HARDWARE LOCK SETS AND LATCH SETS ARE INDICATED ON PLANS. A COMPLETE KEYING TO BE KEyed ALIKE SHALL ALSO BE PROVIDED.
 - DOORS TO CONFORM WITH APPLICABLE CODES.
 - CONTRACTOR TO INCLUDE DOCUMENTATION FOR UL 10C OR OTHER IBC APPROVED TESTING AGENCY STATING DOORS HAVE PASSED IBC SECTION 715.
 - PROVIDE CATEGORY "A" INTUMESCENT FIRE AND SMOKE MATERIAL FOR FIRE RATED OPENINGS AS REQUIRED BY DOOR AND FRAME MANUFACTURER TO COMPLY WITH UL 10C.
 - ALL ALUMINIUM DOORS AND WINDOWS TO RECEIVE AN EXTERIOR GRADE, CLASS I, DARK BRONZE ANODIZED FINISH.
 - CONTRACTOR TO VERIFY ALL SIZES OF EXISTING OPENINGS BEFORE FABRICATION.



GLASS SPECIFICATION	
ALL GLASS TO BE GL-1 UNLESS NOTED OTHERWISE.	
GL-1:	1" INSULATED GUARDIAN SUGUARD SN68 ON GRAY.
GL-2:	1/4" CLEAR GLASS
GL-3:	3/4" ONE-WAY VISION GLASS (SEE FROM EXPANSION INTO CAR WASH)
GL-4:	1" INSULATED ONE-WAY VISION GLASS (SEE OUTSIDE FROM EXPANSION)
ALL INSULATED GLASS TO HAVE MINIMUM SPECIFICATIONS AS FOLLOWS:	
U-VALUE = .55	
SHGC = .4	

HARDWARE SPECIFICATION		
HOLLOW METAL DOORS AND FRAMES A. FLUSH HOLLOW METAL DOORS SHALL BE STEELCRAFT'S L SERIES: 16 GA. GALVANIZE AT EXTERIOR, 18 GA. CRS AT INTERIOR. B. WELDED HOLLOW METAL FRAME SHALL BE STEELCRAFT'S F SERIES: 14GA. GALVANIZE AT EXTERIOR, 16 GA. CRS AT INTERIOR. C. KNOCK DOWN DRY WALL FRAME SHALL BE STEELCRAFT'S DW SERIES: 16 GA. CRS D. ALL PRODUCTS MUST CONFORM TO UL10C E. EQUAL PRODUCTS FROM CECO, AND CURRIES ARE ACCEPTABLE		
ACCEPTABLE MANUFACTURERS (ALL PRODUCTS MUST CONFORM TO UL10C) PRODUCTS A. BALL BEARING BUTT HINGES/PIVOTS B. FLUSH BOLTS C. EXIT DEVICES D. LOCKS AND LATCHES E. CLOSERS F. OVERHEAD STOPS G. WALL STOPS H. THRESHOLDS, SWEEPS, WEATHERSTRIP, GASKETS		
SPECIFIED HAGER VON DUPRIN 99 SERIES #17 LEVER SCHLAGE AL SERIES NEPTUNE D SERIES SPARTA L SERIES 17A LCN 4000 / 1260 / 1460 GLYNN-JOHNSON IVES JOHNSON 900S OVERHEAD STOP. NATIONAL GUARD PRODUCTS PEMKO, REESE, ZERO		
ACCEPTABLE IVES, MCKINNEY DOOR CONTROLS PRECISION 2000 SERIES SARGENT 7 LINE 10 LINE 8200 NO SUBSTITUTIONS RIXSON HAGER, BURNS JOHNSON 900S OVERHEAD STOP. PEMKO, REESE, ZERO		
BUTT HINGES A. FURNISH THE FOLLOWING HINGE QUANTITIES FOR EACH DOOR LEAF. 1. 3 HINGES FOR DOORS UP TO 7' - 6" 2. 1 ADDITIONAL HINGE FOR EVERY 30" ON DOORS OVER 7' - 6". B. WEIGHT AND TYPE: 1. STANDARD WEIGHT: PLAIN BEARING HINGE 5PB1 FOR INTERIOR OPENINGS THROUGH 36 INCHES WIDE WITHOUT A DOOR CLOSER. 2. STANDARD WEIGHT: BALL BEARING HINGE5BB1 FOR INTERIOR OPENING OVER 36 THROUGH 40 INCHES WIDE WITHOUT A DOOR CLOSER, AND FOR INTERIOR OPENINGS THROUGH 40 INCHES WIDE WITH A DOOR CLOSER. 3. HEAVYWEIGHT: FOUR BALL BEARING HINGE 5BB1HW FOR ALL INTERIOR OPENINGS OVER 40 INCHES WIDE, AND FOR ALL VESTIBULE DOORS. 4. HEAVYWEIGHT: FOUR BALL BEARING HINGE 5BB1HW SS FOR ALL EXTERIOR OPENINGS. 5. BUTTS FOR ALL LOCKABLE DOORS OPENING OUTWARD SHALL HAVE NON-REMOVABLE PIN (NRP). C. SIZE: 1-3/4" DOORS 4-1/2" X 4-1/2"		
FINISHES AND BASE MATERIALS HARDWARE ITEM 1. BUTT HINGES EXTERIOR INTERIOR 2. CONTINUOUS HINGES 3. FLUSH BOLTS 4. EXIT DEVICES 5. LOCKS AND LATCHES 6. PULLS AND PUSH PLATES/BARS 7. COORDINATORS 8. CLOSERS 9. PROTECTIVE PLATES 10. OVERHEAD STOPS 11. WALL STOPS AND HOLDERS 12. THRESHOLDS 13. WEATHER-STRIP, SWEEPS DRIP CAPS 14. MAGNETIC HOLDERS 15. MISCELLANEOUS		
FINISH AND BASE MATERIAL US32D (8HMA#630) US26D (626 OR 652) US32D (630) US26D (626) US26D WITH US32D TOUCHPAD US32D (626) US32D (630) PRIME PAINTED OR MILL ALUM. (600) POWDER COAT ALUMINUM (689) US32D (630) US32D (630) US26D OR US32D (626 OR 630) MILL ALUMINUM (628) ALUMINUM ANODIZED US32D (603) US26D ON BRASS OR BRONZE (626)		
SCHEDULE FORMAT SHALL BE CONSISTENT WITH RECOMMENDATIONS FOR A VERTICAL FORMAT AS SET FORTH IN THE DOOR & HARDWARE INSTITUTE'S (DHI) PUBLICATION "SEQUENCE AND FORMAT FOR THE HARDWARE SCHEDULE". HARDWARE SETS SHALL BE CONSOLIDATED TO GROUP MULTIPLE DOOR OPENINGS WHICH SHARE SIMILAR HARDWARE REQUIREMENTS. SCHEDULE SHALL INCLUDE THE FOLLOWING INFORMATION: DOOR NUMBER, LOCATION, SIZE, HANDING, AND RATING. DOOR AND FRAME MATERIAL, HANDING. DEGREE OF SWING. MANUFACTURER PRODUCT NAME AND CATALOG NUMBER FUNCTION, TYPE AND STYLE SIZE AND FINISH OF EACH ITEM MOUNTING HEIGHTS EXPLANATION OF ABBREVIATIONS, SYMBOLS, ETC. NUMERICAL DOOR INDEX, INDICATING THE HARDWARE SET/ GROUP NUMBER FOR EACH DOOR.		

HARDWARE GROUPS		
HARDWARE GROUP 1 ALL HARDWARE BY DOOR SUPPLIER		
HARDWARE GROUP 2 (USE WITH GROUPS 3,4,6,7,8) 1 EA MORTISE/RIM CYLINDER AS REQUIRED PER DOOR BALANCE OF HARDWARE BY DOOR SUPPLIER		
HARDWARE GROUP 3 (BY ALUMINUM SUB-CONTRACTOR) (EXTERIOR SINGLE ALUMINUM ENTRANCE/EXIT) HINGES AS REQUIRED OR HEAVY DUTY PIVOT SETS 1 EA DEAD LATCH 4900 ADAMS RITE 1 EA LEVER TRIM 4560 ADAMS RITE 1 EA CYLINDER 4040XP CUSH LCN 1 EA CLOSER/STOP 8655 ZER 1 EA THRESHOLD 8192 ZER 1 EA SWEEP 8192 ZER 1 SET WEATHERSTRIP 1 SET PUSH PULL BAR A) 9190 - OIVES B) MANUFACTURER'S STANDARD		
HARDWARE GROUP 4 (BY ALUMINUM SUB-CONTRACTOR) (EXTERIOR ALUMINUM ENTRANCE/ NON-EXIT ONLY) HINGES AS REQUIRED OR HEAVY DUTY PIVOT SETS 1 EA DEAD LOCK MS1850S ADAMS RITE 1 EA LEVER TRIM 4550 ADAMS RITE 1 EA CYLINDER 4040XP CUSH LCN 1 EA CLOSER/STOP 8655 ZER 1 EA THRESHOLD 8192 ZER 1 EA SWEEP 8192 ZER 1 SET WEATHERSTRIP 1 SET PUSH PULL BAR A) 9190-OIVES B) MANUFACTURER'S STANDARD		
HARDWARE GROUP 5 (BY ALUMINUM SUB-CONTRACTOR) (INTERIOR VESTIBULE ALUMINUM ENTRANCE) HINGES AS REQUIRED OR HEAVY DUTY PIVOT SETS 1 EA CLOSER/STOP 4040XP CUSH LCN 1 SET PUSH PULL BAR A) 9190-OIVES B) MANUFACTURER'S STANDARD		
HARDWARE GROUP 6 (BY ALUMINUM SUB-CONTRACTOR) (EXTERIOR SINGLE ALUMINUM ENTRANCE/EXIT WITH PANIC) HINGES AS REQUIRED OR HEAVY DUTY PIVOT SETS 1 EA CLOSER/STOP 4040XP CUSH LCN 1 EA THRESHOLD 8655 ZER 1 EA SWEEP 8192 ZER 1 SET WEATHERSTRIP 1 EA CYLINDER 1 EA EXIT DEVICE A) 33A-NL L/PULL VON DUPRIN B) 33A-EO (EXIT ONLY) VON DUPRIN 1 EA PULL 8190-0 (USE WITH NL DEVICE) IVES		



WAYZATA BAY CAR WASH
NEW CONSTRUCTION

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

1000 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
Tel 952.426.7400
Fax 952.426.7440

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.

TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

NO. DESCRIPTION DATE
CONSTRUCTION DOCUMENTS 05.07.2018

PROJECT NUMBER: 18112.0BLE

DRAWN BY: -

CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

COMPUTER DIRECTORY: K:/JOBS/Wayzata Car Wash

GENERAL NOTES, DOOR SCHEDULES, MISC.

CONSTRUCTION DOCUMENTS

A001

The "General Conditions of the Contract," regarding the execution of the construction documents are to reference AIA Document A201, current edition, published in standard form by the American Institute of Architects and shall be part of the contract. The Contractor shall furnish and install all items which are obviously and reasonably necessary to complete the installation. The Contractor shall take out permits, procure certificates and pay off fees connected therewith, bidders shall visit the site and familiarize themselves with the conditions surrounding the work.

SECTION 01010- SUMMARY OF WORK
The Project involves the new construction of XXXXXXXXXX
The Owner for the Project is: XXXXXXXXXX

The Owner will engage a General Contractor as prime Contractor for the Project. Landscaping, site retaining walls and irrigation will be part of contract. All other contracts, including mechanical and electrical work will be subcontract under the General Contract. The General Contractor will be hereinafter be referred to as the Contractor.

SECTION 01025- MEASUREMENT AND PAYMENT
The application for payment shall be based on the approved Schedule of Values.

Make formal submittal of request for payment, by the end of the last working calendar day of the month, by filling in the agreed date on AIA Document G702, "Application and Certificate for Payment", including continuation sheet(s) and applicable lien waivers. Sign and notarize the Application and Certificate for payment and lien waivers. Submit the original of the Application and Certificate for Payment and lien waivers, plus three identical copies of the Application and Certificate for Payment to the Architect.

No changes in the Work may proceed unless a Change Order is signed by both the Architect and the Owner. Changes in the Work may be initiated by either the Architect, Owner or the Contractor. Upon initiation of a proposed change the Architect will prepare and issue a "Proposal Request" The Contractor's disagreement with the Change Order shall not in any way relieve the Contractor of his responsibility to proceed with the change as ordered and to seek settlement of the dispute under pertinent provisions of the Contract Documents.

SECTION 01045- CUTTING AND PATCHING
This section establishes general requirements pertaining to cutting, fitting, and patching of the Work.

Prior to cutting or excavating which affects structural safety, submit written request to the Architect for permission to proceed with cutting and excavating. For replacement of items removed, use materials complying with pertinent Sections of these Specifications. Inspect existing conditions, including elements subject to movement or damage during cutting, excavating, patching and backfilling; and after uncovering the work, inspect conditions affecting installation of new work. If conditions are not as anticipated, immediately notify the Architect and secure needed directions and do not proceed until unsatisfactory conditions are corrected. Provide required protection including, but not necessarily limited to, shoring, bracing, support to maintain structural integrity of the Work, and dust and weather protection. Perform work in a manner which will prevent damage to other portions of the Work and provide proper surfaces to receive installation of repair and new work. Perform fitting and adjusting of products to provide finished installation complying with the specified tolerances and finishes.

SECTION 01050- FIELD ENGINEERING
Work included: Provide such field engineering services as are required for proper completion of the Work, including, but not necessarily limited to: establishing and maintaining lines and levels; structural design of shores, forms, and similar items provided by the Contractor as part of his means and methods of construction.

In addition to procedures directed by the Contract for proper performance of the Contractor's responsibilities: Locate and protect control points before starting work on the site. Preserve permanent reference points during progress of the Work.

SECTION 01300- SUBMITTALS
Submit a minimum of six copies of shop drawings, catalog cuts, brochures and similar items to be reviewed by Architect. Shop drawings transmitted without General Contractor review will be returned unsubmitted. Digital submittals preferred.

SECTION 01400- QUALITY CONTROL
This section includes all labor, materials and equipment necessary to complete all testing work in this section and/or elsewhere in the Contract Documents.

The testing agency, paid for and employed by The Owner shall be an independent testing agency, laboratory, and/or consultant, acceptable to the Owner and the Engineer, with the professional qualifications and equipment to perform the specified tests and to evaluate and report the results. Testing, when required, will be in accordance with all pertinent codes and regulations, and with selected standards of the American Society for Testing and Materials.

SECTION 01500- TEMPORARY FACILITIES AND CONTROLS
Temporary Work: Provide necessary temporary piping and water supply and, upon completion of the work, remove such temporary facilities. Provide and pay for water used in construction.

Temporary heat and ventilation: Provide and maintain heat and ventilation necessary for proper conduct of operations needed in the work. Provide and pay for fuel for heating used in construction. Upon completion of the work, remove such temporary facilities. Do not use permanent air handling system for temporary heat and ventilation in construction areas or during construction activities causing airborne dust and contamination.

Temporary lighting and power: Provide necessary temporary wiring and, upon completion of the work, remove such temporary facility. Provide area distribution boxes so located that the individual trades may furnish and use 100 ft. maximum length extension cords to obtain power and lighting at points where needed for work, inspection, and safety.

Temporary telephone: Make necessary arrangements and pay costs for installation and operation of telephone service and Internet service to the Contractor's office at the site.

Temporary sanitary facilities: Provide and maintain temporary chemical toilet sanitary facilities in the quantity required for use by all personnel. Maintain in a sanitary condition at all times. Do not use permanent toilets for temporary sanitary facilities.

Contractor's facilities: Provide a field office area and sheds adequate in size and accommodation for Contractor's offices, supply and storage. Within the Contractor's facilities, provide enclosed space adequate for holding project meetings. Furnish with tables, chairs and utilities.

Provide and maintain for the duration of construction all scaffolds, tarpaulins, canopies, warning signs, steps, platforms, bridges, and other temporary construction necessary for proper completion of the work in compliance with pertinent safety and other regulations. Provide and maintain for the duration of construction temporary fencing and barricades as required to protect the work, the workmen and the public from injury.

The Contractor and each subcontractor shall be responsible for fire protection during construction operations. Follow NFPA Standard 241, Building Construction Operation, omitting requirements for fire watchmen. Provide temporary UL approved fire extinguishers.

Provide, erect and maintain a project identification sign of wood frame and exterior grade plywood construction, painted, with exhibit lettering by professional sign painter. List name of project, Tenant, developer, general contractor, and architect. No other signs or advertising will be allowed except as may be approved by the Owner.

SECTION 01600- MATERIAL AND EQUIPMENT
Products include material, equipment and systems. Comply with Specifications and referenced standards as minimum requirements. Components required to be supplied in quantity within a Specification section shall be the same and shall be interchangeable.

Transport products by methods to avoid product damage; deliver in undamaged condition in manufacturer's unopened containers or packaging, dry. Provide equipment and personnel to handle products by methods to prevent soiling or damage. Promptly inspect shipments to assure that products comply with requirements, quantities are correct, and products are undamaged.

Store products in accordance with manufacturer's instructions, with seals and labels intact and legible. Store sensitive products in weather-tight enclosures; maintain within temperature and humidity ranges required by manufacturer's instructions and as specified in the Specification sections. For exterior storage of fabricated products, place on sloped supports above ground. Cover products subject to deterioration with impervious sheet covering and provide ventilation to avoid ground condensation. Store loose granular materials on solid surface in a well-drained area and prevent mixing with foreign matter. Arrange storage to provide access for inspection. Periodically inspect to assure products are undamaged and are maintained under required conditions.

Approval for substitution of materials: Only those products specified herein or approved according to the procedure described hereafter shall be allowed for use in construction of this project. It is the intent not to eliminate properly qualified bidders from competition but to confine the bidding to a level of quality as determined by the Architect. Document each request with complete data substantiating compliance of proposed substitution with Contract Documents. Request constitutes a representation that the Contractor: Has investigated proposed product and determined that it meets or exceeds, in all respects, the quality and standards of the specified product, will provide same

warranty for substitution as for specified product, will coordinate installation and make other changes which may be required for work to be complete in all respects, and waives claims for additional costs which may subsequently become apparent.

SECTION 01700- CONTRACT CLOSEOUT
Provide an orderly and efficient transfer of the completed work to the Owner. Prior to requesting inspection by the Architect, use adequate means to assure that the work is completed in accordance with the specified requirements and is ready for the requested inspection. Substantial completion: Prepare and submit the list required by the first sentence of Paragraph 9.8.2 of the AIA General Conditions.

When the Architect concurs that the work is substantially complete: The Architect will prepare a "Certificate of Substantial Completion" on AIA form G704, accompanied by the Contractor's list of items to be completed or corrected, as verified by the Architect.

SECTION 01710- CLEANING
Throughout the construction period, maintain the buildings and site in a standard of cleanliness as described in this section.

Conduct daily inspection, and more often if necessary, to verify that requirements for cleanliness are being met. In addition to the standards described in this Section, comply with pertinent requirements of governmental agencies having jurisdiction. Use only the cleaning materials and equipment which are compatible with the surface being cleaned, as recommended by the manufacturer of the material. Keep the premises free from accumulation of scrap, waste materials, debris, and other items at all times, and remove from the building all waste materials and debris daily, and deposit all waste materials and debris in the dumpsters provided by the General Contractor.

Schedule final cleaning as approved by the Architect to enable the Owner to accept a completely cleaned project. "At conclusion of construction and immediately prior to transferring occupancy to Owner, have all ductwork cleaned and have all HVAC filters replaced.

SECTION 01720- PROJECT RECORD DOCUMENTS
Throughout the progress of the work, maintain an accurate record of changes in the Contract Documents.

Delegate the responsibility for maintenance of Project Record Documents to one person on the Contractor's staff as approved by the Architect. Thoroughly coordinate changes within the Project Record Documents, making adequate and proper entries on each page of the Specifications and each sheet of Drawings and other Documents where such entry is required to show the change properly.

Immediately upon receipt of the job set, identify each of the Documents with the title, "PROJECT RECORD DOCUMENTS." Maintain the Project Record Documents at the Project Site.

SECTION 02220- EXCAVATION, BACKFILLING & COMPACTING
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. Provide all labor, materials and equipment necessary to complete all excavating, backfilling, compacting and finish grading work shown on the drawings and specified herein for the building structure and site. Perform excavating, backfilling, and compacting in compliance with applicable requirements of governing authorities having jurisdiction and/or conformation with Geotechnical Report.

General Contractor to employ the services of an independent soils Engineer to inspect and approve soil after excavations for foundations are complete and to perform compaction tests. Submit reports of tests, inspections, and approvals by the soils Engineer.

Backfill and fill: Clean, granular fill. Granular material obtained from the site which is free of organic materials, debris, and excessive silt approved for use by the soils Engineer may be used. Examine the areas and conditions under which building excavation and fill is to be performed and notify the Architect in writing of conditions detrimental to the proper and timely completion of the work. Do not proceed with the work until unsatisfactory conditions have been corrected in an acceptable manner. Compact each layer to the required percentage of maximum density of each area of classification.

SECTION 02611- WATERMAIN
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. City Engineers Association of Minnesota Standard Specifications.

SECTION 02621- SANITARY SEWER
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. City Engineers Association of Minnesota Standard Specifications.

SECTION 03100- CONCRETE FORMWORK
This sections includes all labor, materials and equipment necessary to complete cast-in-place concrete formwork specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply. All work to conform with: American Concrete Institute (ACI), Recommended Practices for Concrete Formwork, ACI 347.

Construct forms complying with ACI 347, to the exact sizes, shapes, lines and dimensions shown, and as required to obtain accurate alignment, location, grades, level and plumb work for finished structures.

The Contractor shall be responsible for the design, engineering and construction of the formwork.

SECTION 03200- CONCRETE REINFORCEMENT
This sections includes all labor, materials and equipment necessary to complete cast-in-place concrete formwork specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Work to conform with: American Concrete Institute (ACI): ACI 318-77, Building Code Requirements for Reinforcing Steel, and ACI 315-65, Manual of Standard Practice for Detailing Reinforced Concrete Structures: American Welding Society (AWS): AWS D12.1, Recommended Practices for Welding Reinforcing Steel, Metal Inserts and Connections in Reinforced Concrete Construction: Concrete Reinforcing Steel Institute: Manual of Standard Practice. Verify materials with structural drawings. Fabricate reinforcing bars to conform to required shapes and dimensions, with fabrication tolerances complying with CRSI Manual of Standard Practice.

-Reinforcing bars: ASTM A615/ A615M, Grade 60, deformed -Reinforcing bars, welded: ASTM A706, Grade 60 deformed -Plain steel wire: ASTM A82, as drawn. -Plain steel wire: ASTM A82, galvanized. -Plain steel welded wire fabric: ASTM A185, fabricated from as-drawn steel wire into flat sheets. -Galvanized plain-steel welded wire fabric: ASTM A185, fabricated from galvanized steel wire into flat sheets.

Submit reinforcement shop drawings: details of fabrication and bending.

SECTION 03300- CAST-IN-PLACE CONCRETE
This section includes all labor, materials and equipment necessary to complete all cast-in-place concrete work shown on the drawings and specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Codes and standards: Comply with the provisions of the following codes, specifications and standards unless otherwise specified herein: ACI 301, Specifications for Structural Concrete for Buildings: ACI 318, Building Code Requirements for Reinforced Concrete: ACI 304, Recommended Practice for Measuring, Mixing, Transporting and Placing Concrete. Where provisions of the above codes and standards are in conflict with the building code in force for this project, the building code shall govern. Engage an independent testing laboratory to perform material evaluation tests and to design concrete mixes.

-Portland cement: ASTM C150, Type 1. Use only one brand and manufacturer of cement for exposed concrete throughout project, unless otherwise acceptable to Architect. -Aggregates: ASTM C33, as follows: Coarse aggregate: Footings: 1-1/2 inches maximum. Slabs, columns and walls: 3/4 inches maximum. Masonry fill: 3/8 inches. Fine aggregate: Clean, hard, natural sand. For exterior exposed surfaces, do not use fine or coarse aggregates containing spalling-causing deleterious substances. Provide aggregates from a single source for exposed concrete. Exposed aggregate sidewalk aggregate: Washed, rounded river gravel, 5/8" to 3/4" diameter, variable colors to approximate building stone color.

-Water: Drinkable, clean, free from injurious amounts of oil, acids, alkalis, or organic materials ASTM C94
-Water-reducing, set controlling admixtures: ASTM C494, Type A, and not containing more than 0.1% chloride ions
-Liquid membrane curing: ASTM C309, Type 1, clear, acrylic based.
-Sheet curing materials: ASTM C171, polyethylene film or waterproof paper.
-Expansion joints: Asphalt impregnated fiberboard, ASTM D1751.
-Vapor barrier: 15 mil reinforced: Stego Wrap, Perminator or equal.

All concrete shall be ready-mix concrete, mixed and delivered in accordance with ASTM C94, Standard Specifications for Ready-Mix Concrete and as specified herein. Protect exposed surfaces of concrete from premature drying and excessive temperature changes. Prepare field test cylinders in accordance with ASTM C31 and ASTM C172 for laboratory compression testing of job concrete.

Refer to Structural notes for concrete strengths. Submit Design mixes for each concrete mix. Mix designs shall be prepared and certified by a professional engineer.

SECTION 04100- MORTAR
Mortar as specified herein as shown on the Drawings, and as needed for a complete and proper installation.

Conform to the ASTM Standard Specifications for Mortars.
-Masonry cement: ASTM C91-75, Type II.
-Portland cement: ASTM C150-77, Type I. -Hydrated lime: ASTM C207-76, Type S
-Special Hydrated.
-Sand: ASTM C144-76
-Water: Clean and potable from domestic supply.

Proportioning: Conform to the requirements of the Proportion Specifications of ASTM C270-73: Engage an independent testing agency to test masonry mortar specimens for water retentivity and 28 day compressive strength in accordance with ASTM C270.

Refer to Structural notes for masonry strength.

SECTION 04200- UNIT MASONRY
Unit masonry work shown on the drawings and specified herein, including all labor, materials, and equipment necessary. Comply with the applicable requirements of governing authorities and codes for the types of masonry construction shown.

-Hollow load-bearing concrete block: ASTM C90, Grade N-1; sizes and shapes as shown on the drawings.
-Solid load-bearing concrete block: ASTM C145, Grade N-1; sizes and shapes as shown on the drawings.
-Face Brick: conforming to ASTM C-216, Type FBX, grade SW.
-Continuous wire reinforcing: Truss type, 9 gage, fabricated from mill galvanized wire, width as required.
-Anchor bolts: Provide as required and shown on the Drawings.-Anchor bolts: ASTM A307. -Shop primer: SSPC Paint 13-64, Gray color.
-Brick ties: Rectangular adjustable wall ties made of 3/16" galvanized wire with maximum 1-1/2" adjustment and size and length as required. 16" O.C. vertically and 24" O.C. horizontally.
-Brick flashing: Vinyl sheet (polyvinyl chloride), 20 mil thick. Manufacturer's recommended adhesive for directed installation.

Refer to Structural notes for masonry strength.

SECTION 05100- STRUCTURAL METAL FRAMING
This section includes all labor, materials and equipment necessary to complete all structural metal framing work shown on the drawings and specified herein. Verify data with structural drawings (typical). Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Comply with the specifications and detailing practices outlined in the AISC Manual of Steel Construction, latest edition and supplements for fabrication and erection. Comply with AISC Specifications for Structural Joints Using ASTM 325 or A490 Bolts for all bolted connections. Comply with AWS Code for procedures, appearance and quality of welds and for methods used in correcting welding work. Comply with the AISC Specifications and Code of Standard Practice, General Structural Notes on the Structural Drawings.

-Wide Flange Beams: A992; Fy= 50,000 psi -Angles and plates: ASTM A-36; Fy = 36,000 psi.
-Structural steel tubing: ASTM A500, Grade B; Fy = 46,000 psi. -Structural steel pipe: ASTM A53, Type E, Grade B; Fy = 35,000 psi.
-High strength structural bolts: ASTM A325 N. Minimum bolt diameter shall be 3/4 inches.
-Anchor bolts: ASTM A307.
-Shop primer: SSPC Paint 13-64, Gray color.
-Welding electrodes: AWS Specifications, Serial Designation E-70.

Structural Drawings and as herein specified. Maintain work in a safe and stable condition during erection. Owner to employ the services of an independent testing agency to visually inspect all field welds and randomly test a minimum of 10% of the high-strength bolt connections.

Submit shop drawings which include details of cuts, dimensions, splices, camber, holes, and other pertinent data. Include embedment drawings.

SECTION 05400- COLD-FORMED METAL FRAMING
This section includes all labor, materials and equipment necessary to complete all structural metal framing work shown on the drawings and specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Comply with ASTM A611- Steel, Cold-Rolled Sheet, Carbon, Structural, AWSI Specifications Guide for Cold Formed Steel Structural Members, AWS D1.1 Structural Welding Code.

Size components to withstand design loads as required by code. Fabricate assemblies of framed sections of sizes and profiles required; with framing members fitted, reinforced, and braced to design requirements.

Provide shop drawings showing layout, spacings, sizes, thicknesses and types of cold-formed metal framing; fabrication; and fastening and anchorage details, including metal fasteners. See Structural Notes for additional information.

SECTION 05500- METAL FABRICATION
Work included: This section includes all labor, materials and equipment necessary to complete all miscellaneous metal fabrication work shown on the drawings and specified herein. Types of work in this Section include metal fabrications for: Rough hardware, Loose steel lintels, Railings and stairs, Steel bollards, Elevator pit ladder and elevator door sills, Miscellaneous steel, grates, framing supports, ornamental metals, and other items indicated on the drawings and not specified under other Sections of these Specifications. Verify data with structural drawings (typical).

Comply with the following standards as pertinent:.-
-Steel plates, shapes, and bars: ASTM A36.
-Steel plates to be bent or cold-formed: ASTM A283, Grade C. -Steel tubing (hot-formed, welded, or seamless): ASTM A501.
-Steel bars and bar-size shapes: ASTM A306, Grade 65, or ASTM A36. -Cold-finished steel bars: ASTM A108.
-Cold-rolled carbon steel sheets: ASTM A336.
-Galvanized carbon steel sheets: ASTM A526, with G90 zinc coating in accordance with ASTM A525.
-Stainless steel sheets: AISI type 302 or 304, 24 gage, with number 4 finish.
-Gray iron castings: ASTM A48, Class 10.
-Malleable iron castings: ASTM A47.
-Steel pipe: ASTM A53, Grade A, Schedule 40, black finish unless galvanizing is indicated.
-Threaded or wedge type galvanized ferrous castings of malleable iron complying with ASTM A27.
-Provide required bolts, shims, and washers, hot-dip galvanized in accordance with ASTM A153.
-Aluminum- ASTM B221, ASTM B209. All fasteners at aluminum to be 300 series non-magnetic stainless steel, ASTM A307

Examine the areas and conditions under which work of this Section will be performed. Correct conditions detrimental to timely and proper completion of the work. Do not proceed until unsatisfactory conditions are corrected. Coordinate as required with other trades, to assure a proper and adequate provisions in the work of those trades for interface with the work of this section.

Submit shop drawings showing fabrication and installation details for metal fabrications. Include plans, elevations, sections, and details of metal fabrications and their connections.

SECTION 06100- ROUGH CARPENTRY
This section includes all labor, materials and equipment necessary to complete all rough carpentry work shown on the drawings and specified herein, identify all lumber and plywood by grade stamp by an agency certified by the Board of Review of the American Lumber Standards Committee.

Keep materials under cover and dry. Protect against exposure to weather and contact with damp or wet surfaces. Coordinate location of furring and nailers, blocking, grounds, and similar supports to allow attachment of other work.

Conform to U.S. Product Standard PS20-70 for Lumber. Conform to applicable requirements of U.S. Product Standard PS 1-74, for softwood/plywood construction. Provide dressed, kiln dried lumber, S4S, with 19 percent maximum moisture content at time of dressing and shipment for sizes 2" or less in nominal thickness unless otherwise indicated.

Where lumber or plywood is indicated as treated on the Drawings or is specified herein to be treated, comply with applicable requirements of AWWA Standards C2 for lumber and C9 for plywood, and of AWWP Standards listed below. Mark each treated item with AWWP Quality Mark Requirements.

Where fire-retardant treated wood ("FRTW") is indicated, pressure impregnated lumber and plywood with fire-retardant chemicals to comply with AWWA C20 and C27, respectively, for treatment type

indicated below; identify "FRTW" lumber with appropriate classification marking of Underwriters Laboratories, Inc., U.S. Testing. Timber Products Inspection or other testing and inspecting agency acceptable to authorities having jurisdiction.

SECTION 06200- FINISH CARPENTRY
This section includes all labor, materials and equipment necessary to complete all finish carpentry work shown on the drawings and specified herein.

Conform to Architectural Woodwork Institute (AWI) applicable requirements in AWI Quality Standards and Guidelines for custom woodwork. Conform to applicable requirements in National Electrical Manufacturer's Association (NEMA) Publication LD3, High Pressure Decorative Laminates for plastic laminate fabrication. Installer shall advise Contractor of temperature and humidity requirements for finish carpentry installation areas. Do not install finish carpentry until required temperature and relative humidity conditions have been stabilized and will be maintained in installation areas.

Softwood for paint finish and concealed locations: Ponderosa Pine, Sugar Pine, or Northern White Pine. AWI Construction Manual for woodwork. Laminate shall comply with National Electric Manufacturers Association (NEMA) publication LD3. See Drawings for Specifications.

Install items in strict accordance with the drawings, and recommended methods of the manufacturer as approved by the Architect, anchoring firmly into position at prescribed locations, straight, plumb and level.

SECTION 07200- INSULATION
Work included: This section includes all labor, materials and equipment necessary to complete all work shown on the drawings and specified herein. Comply with fire-resistance and flammability ratings as shown and specified; and comply with code interpretations by governing authorities. All insulation will comply with ASTM E84. Do not allow insulation materials to become wet, soiled or covered with ice or snow. Comply with manufacturer's recommendations for handling, storage and protection before and during installation. Comply with manufacturer's instructions for the particular conditions of installation in each case.
-Install insulation as noted on drawings:
-Perimeter insulation below grade in contact with earth: Closed cell extruded polystyrene foam, .185K value, meeting Fed. Spec. HH-I-52, Type II, Class B, thickness as shown on drawings.
-Mineral fiber blanket insulation: Unfaced glass or other inorganic fibers and resinous binders formed into flexible blankets, complying with ASTM C 665, thickness as shown on the drawings.
-Acoustical insulation: Unfaced fiberglass blankets, complying with ASTM C 665.
-Safing insulation: USF Thermafiber safing insulation as required to prevent passage of fire between systems.
-Adhesives: Mastic No. 11 (Dow Chemical) or Scotch Construction Adhesive (3M Company).
-Vapor barriers: 6 mil polyethylene sheeting. Unless noted otherwise
-Exposed conditions in ceiling plenums: Foil faced closed cell extruded polystyrene foam.
-Building envelope insulation to be labeled with R value
-Attics and Mechanical rooms to have insulation protected where adjacent to Attic or equipment areas.
-The continuous air barrier to be wrapped, sealed, caulked, gasketed and/or taped in an approved manner.
-All sources of air leakage in the building thermal envelope area sealed, caulked, gasketed, weather stripped or wrapped with moisture vapor-permeable wrapping material to minimize air leakage.

SECTION 07240- EXTERIOR INSULATION AND FINISH SYSTEM CLASS PB (EIFS)
Work included: This section includes all labor, materials and equipment necessary to complete all work shown on the drawings and specified herein. Provide and install Exterior Insulation and Finish System (EIFS) Class PB consisting of Backstop (an air/weather barrier), an adhesive, insulation board, base coat with reinforcing mesh, and finish. Performance requirements: ASTM E 283, ASTM D 968, Absorption - Freeze- Thaw: 60 cycles, ASTM G 23, Mildew Resistance: Mil Std. 810B, ASTM D 2247, ASTM B 117, ASTM E 831, ASTM E 96, ASTM C 297, ASTM E 330, EIMA Standard 101.86, ASTM E 84, ASTM E 108 Modified, ASTM E 119.
Contractor shall be experienced and competent in the installation of exterior insulation and finish systems. Materials shall be delivered to the job site in the original, unopened packages with labels intact. Contractor shall warrant it's workmanship. The system shall be installed in accordance w/ manufacturers instructions. Protect materials from inclement weather until they are dry. Provide a (7) year written warranty. The applicator shall warrant it's workmanship. The system shall be installed in accordance w/ manufacturers instructions. See product specifications for color and texture.

SECTION 07530- ELASTOMERIC MEMBRANE ROOFING
Work included: This section includes Elastomeric Sheet Membrane Conventional Roofing System with insulation, roof membrane to be fully adhered, indicate interface with adjacent construction and tapered insulation setting plan on shop drawings. Perform Work in accordance with NRCA Roofing and Waterproofing Manual and manufacturer's recommendations and details. Perform Work in accordance with UL 790 (Underwriters Laboratories Inc.) Class A Fire Hazard Classification. Do not install membrane during inclement weather or when air temperature may fall below 40 degrees F. Provide ten year manufacturer's warranty including no leakage limit (NDL) coverage of materials and installation resulting from failure to resist penetration of moisture. Seaming materials: As recommended by membrane manufacturer. Provide all accessories as recommended by membrane manufacturer. Provide walk surface on protective mat to and around mechanical equipment requiring regular maintenance. Confirm locations with mechanical contractor.

SECTION 07600- FLASHING AND SHEET METAL
This section includes all labor, materials and equipment necessary to complete all flashing and sheet metal work shown on the drawings and specified herein. Coordinate work of this section with interfacing and adjoining work for proper sequencing of each installation. Ensure best possible weather resistance and durability of work and protection of materials and finishes. Provide other materials, not specifically described but required for a complete and proper installation, as selected by the Contractor subject to approval of the Architect.

-Prefinished: Color as selected by the Architect. Profiles and thickness as shown on the drawings.
-Solder: For use with steel or copper, provide 50/50 tin/lead solder (ASTM B32) with rosin flux.
-Fasteners: Same metal as flashing/sheet metal or, other non-corrosive metal as recommended by sheet manufacturer. Match finish of exposed heads with material being fastened.
-Metal accessories: Provide steel metal clips, straps, anchoring devices and similar accessory units as required for installation of work matching or compatible with material being installed, noncorrosive, size and gage required for performance.
-Bituminous Paint: Asphalt emulsion, ASTM D1187, Type A.
-Sealant: One-part butyl rubber sealant, FS TT-S-001657, Type I.

SECTION 07900- JOINT SEALERS
This section includes all labor, materials and equipment necessary to complete all joint sealer work shown on the drawings and specified herein.

Provide joint sealers at locations where dissimilar materials meet on the exterior and other locations where liquid infiltration or sanitary requirements apply or as required by product manufacturers or by industry standards. Provide joint sealers, joint fillers and other related materials that are compatible with one another and with joint substrates under conditions of service and application, as demonstrated by testing and field experience. Provide color of exposed joint sealers indicated or, if not otherwise indicated, as selected by Architect from manufacturer's full range of available colors. Note: not custom color.

Provide sealant backings of materials and type which are non-staining; are compatible with joint substrates, sealants, primers and other joint fillers; and are approved for applications indicated by sealant manufacturer based on field experience and laboratory testing.

SECTION 08520- ALUMINUM WINDOWS AND ENTRANCES
This section includes all labor, materials and equipment necessary to complete all aluminum window work shown on the drawings and specified therein.

-See drawings for window system specifications.
Verify wall openings and adjoining air and vapor seal materials are ready to receive work of this Section. Install window frames, glass and glazing in accordance with manufacturer's instructions.

-Windows to be rated in accordance with NFRC
-Factory built fenestration and doors to be labeled as meeting Air Leakage Requirements
-Fenestration products are to be certified as to performance labels or certificates provided

SECTION 08700- FINISH HARDWARE
This section includes finish hardware for doors as specified and as listed in "Hardware Groups" and required by actual conditions. See drawings for manufacturer, finishes and groups. Include screws, special screws, bolts, special bolts, expansion shields, and other devices for proper application of hardware. Provide items, articles, materials, operations and methods listed, mentioned or scheduled herein or on drawings, in quantities as required to complete project. Provide hardware that functions properly. Prior to furnishing hardware, advise Architect of items that will not operate properly, are improper for conditions, or will not remain permanently anchored.
- Hardware Schedule: Submit hardware schedule for purpose of preliminary review and acceptance. Hardware schedule shall clearly indicate manufacturer of each item proposed. List shall contain hardware item, base metal, finish, and type number. Provide samples if requested. Digital submittals preferred.

SECTION 08800- GLAZING
This section includes all labor, materials and equipment necessary to complete all glazing work shown on the drawings and specified herein. Comply with recommendations of Flat Glass Marketing Association (FGMA) Glazing Manual and Sealant Manual except where more stringent requirements are indicated.
-Where safety glass is indicated or required by authorities having jurisdiction, provide type of products indicated which comply with ANSI Z97.1 and testing requirements of 16 CFR Part 1201 for category II materials.
-Provide primary glass which complies with ASTM C 1036 requirements, including those indicated by reference to type, class, quality, and, if applicable, form, finish, mesh and pattern.
-Provide heat-treated glass which complies with ASTM C 1048 requirements, including those indicated by reference to kind, condition, type, quality, class, and if applicable, form finish and pattern.

Comply with combined printed recommendations of glass manufacturers, of manufacturers of sealants, gaskets and other glazing materials, except where more stringent requirements are indicated, including those of referenced glazing standards. Remove and replace glass which is broken, chipped, cracked, abraded or damaged in other ways during construction period, including natural causes, accidents and vandalism.

SECTION 09250- GYPSUM BOARD
This section includes all labor, materials and equipment necessary to complete all gypsum board work shown on the drawings and specified herein. Comply with applicable requirements of G-216, Application and Finishing of Gypsum Board by the Gypsum Association, except where more detailed or more stringent requirements are indicated including manufacturer's recommendations.

Gypsum wallboard: Regular type with tapered long edges, ASTM C36: Densguard, Interior Guard board base for ceramic tile. Use water-resistant joint compound and treat joints and fasteners to comply with directions of water-resistant joint compound manufacturer. Fire-resistance ratings: Where gypsum drywall systems with fire-resistance ratings are indicated, provide materials and installations which are identical with those of applicable assemblies tested per ASTM E 119 by fire testing laboratory acceptable to authorities having jurisdiction.

SECTION 09260- GLASS MAT GYPSUM SHEATHING (DENSGLASS GOLD)

SECTION 09900- PAINTING
This Section includes all labor, materials, and equipment necessary to complete all painting work shown on the drawings and specified herein including interior and exterior exposed items and surfaces except as otherwise indicated. "Paint" as used herein means all coating systems, materials, including primers, emulsions, enamels, stains, sealers and fillers, and other applied materials, whether used as prime, intermediate or finish coats. Paint all exposed surfaces whether or not colors as designated in "Schedules", except where the natural finish of the material is specifically noted as a surface not to be painted. Where items or surfaces are not specifically mentioned, paint these the same as adjacent similar materials or areas. Do not paint over any code-required labels, adhesives, or other markings.
-The continuous air barrier to be wrapped, sealed, caulked, gasketed and/or taped in an approved manner.
-All sources of air leakage in the building thermal envelope area sealed, caulked, gasketed, weather stripped or wrapped with moisture vapor-permeable wrapping material to minimize air leakage.

WHERE PROPOSED SYSTEM OR PRODUCTS ARE DIFFERENT MANUFACTURER THAN THE SPECIFIED SYSTEMS OR PRODUCTS, ATTACH TECHNICAL PRODUCT DATA DEMONSTRATING EQUIVALENCE OF EACH PROPOSED PRODUCT. IDENTIFY THE SPECIFIED PRODUCT BEING COMPARED ON EACH PROPOSED PRODUCT DATA SHEET.

Thoroughly examine surfaces scheduled to be painted prior to commencement of work. Report in writing to Architect any condition that may potentially affect proper application. Do not commence until such defects have been corrected. Correct defects and deficiencies in surfaces which may adversely affect work of this Section. Prepare all previously painted surfaces for painting by methods recommended by the paint manufacturer or by standard trade practices. It is intended that refinished existing work be of same quality as new work.

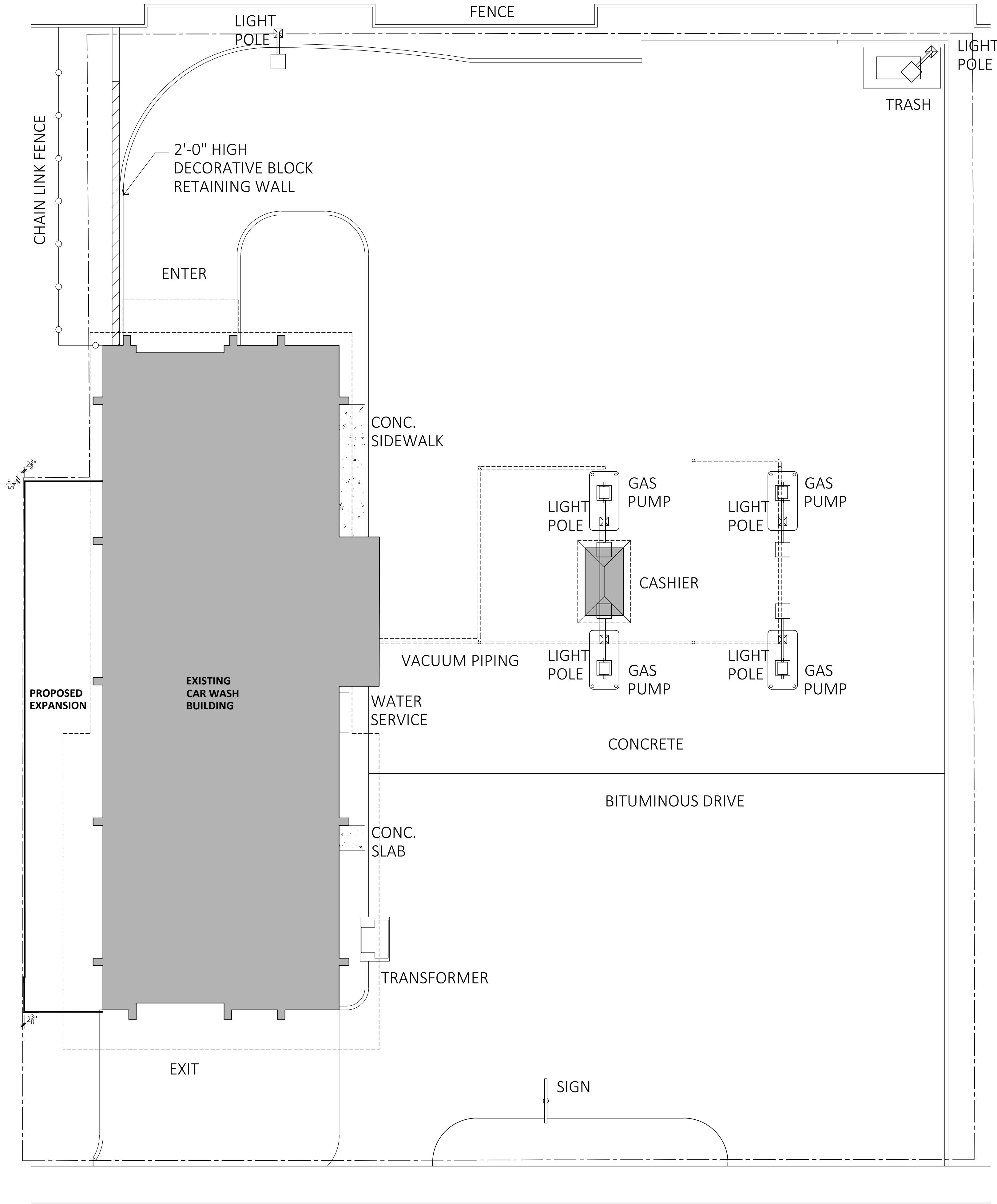
SECTION 10200- LOUVERS AND VENTS
This section includes all labor, materials and equipment necessary to complete all louvers and vent work shown on the drawings and specified herein. Field measure prior to preparation of shop drawings and fabrication to ensure proper fitting of work. Install in accordance with manufacturers recommendations in a neat, plumb, level and rigid manner.

SECTION 10430- EXTERIOR SIGNS
This section includes all labor, materials and equipment necessary to complete all exterior sign work shown on the drawings and specified herein.

Aluminum sheet: Alloy and temper recommended type of use and finish indicated, and with the strength and durability properties specified in ASTM B209 for 5005-H115. Handicap parking signs: Painted aluminum sheet on steel posts as detailed on the drawings complying with the requirements of the Minnesota State Handicap Code, blue color. Locate sign units and accessories where shown or scheduled, using mounting methods of the type described and in compliance with the manufacturers instructions.

Provide individually internally lit exterior signs per drawings. Tenant to provide Contractor with original artwork for sign manufacturer.</

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WAYZATA BAY CAR
WASH
NEW CONSTRUCTION

WAYZATA BAY CAR
WASH
143 LAKE STREET
WAYZATA, MN 55391

ARCHITECT

MH
MOHAGEN HANSEN
Architecture Interiors

1000 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
Tel 952.426.7400
Fax 952.426.7440

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.

TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

THE ARCHITECT SHALL BE DEEMED THE
AUTHORS AND OWNERS OF THEIR RESPECTIVE
INSTRUMENTS OF SERVICE AND SHALL RETAIN
ALL COMMON LAW, STATUTORY AND OTHER
RESERVED RIGHTS, INCLUDING COPYRIGHTS OF
THE ATTACHED DOCUMENTS.

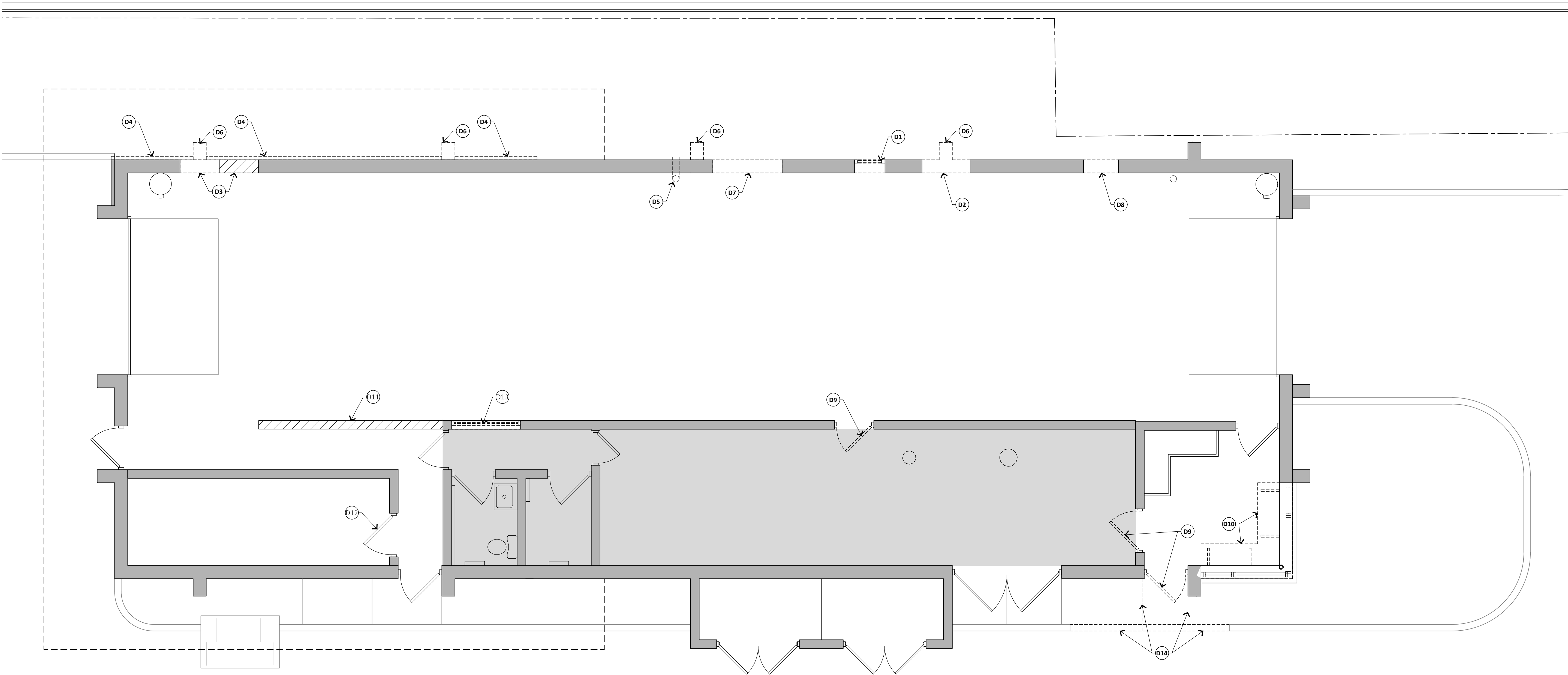
NO.	DESCRIPTION	DATE
1	CONSTRUCTION DOCUMENTS	05.07.2018

PROJECT NUMBER: 18112.0BLE
DRAWN BY: -
CHECKED BY: T. MOHAGEN
DATE: 05/07/2018
COMPUTER DIRECTORY:
K:/JOBS/Wayzata Car Wash

ARCHITECTURAL
SITE PLAN

CONSTRUCTION DOCUMENTS

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1
A100 **DEMOLITION PLAN**
1/4" = 1'-0"

- GENERAL DEMOLITION NOTES**
- REMOVE ALL EXISTING FINISHES THAT CONFLICT WITH FINISHES INDICATED ON THE FINISH PLAN(S). PREPARE SURFACES AS REQUIRED FOR NEW MATERIALS.
 - REMOVE EXISTING WALLS, PARTITIONS, DOORS, FRAMES, MILLWORK, FIXTURES, ETC. SHOWN ON THE PLAN WITH DASHED LINES. TURN ALL SALVAGEABLE ITEMS OVER TO THE OWNER. SAVE AND STORE ITEMS INDICATED ON DRAWINGS FOR LATER INSTALLATION IN NEW CONSTRUCTION.
 - REMOVE ALL OR ANY GENERAL, MECHANICAL, AND ELECTRICAL MATERIALS NOT NECESSARILY SHOWN, BUT REQUIRED TO BE REMOVED TO COMPLETE THE WORK. TURN ALL SALVAGEABLE ITEMS OVER TO THE OWNER.
 - REMOVE ALL OR ANY GENERAL ELECTRICAL AND MECHANICAL OUTLETS AS REQUIRED. PATCH EXISTING WALL.
 - IT IS UNDERSTOOD THAT THE EXISTING BUILDING MAY CONTAIN ASBESTOS OR PRODUCTS CONTAINING ASBESTOS, A SUBSTANCE KNOWN TO PRESENT HEALTH HAZARDS. THE CLIENT ACKNOWLEDGES THAT THE DESIGN PROFESSIONAL'S SCOPE OF SERVICES FOR THIS PROJECT DOES NOT INCLUDE ANY SERVICES RELATED IN ANY WAY TO ASBESTOS. SHOULD THE DESIGN PROFESSIONAL OR ANY OTHER PARTY ENCOUNTER SUCH MATERIALS ON THE JOB SITE, OR SHOULD IT IN ANY WAY BECOME KNOWN THAT SUCH MATERIALS ARE PRESENT OR MAY BE PRESENT ON THE JOB SITE, OR ANY ADJACENT AREAS, WHICH MAY AFFECT THE DESIGN PROFESSIONAL'S SERVICES. THE DESIGN PROFESSIONAL MAY, AT HIS OR HER OPTION, AND WITHOUT LIABILITY FOR CONSEQUENTIAL OR ANY OTHER DAMAGES, SUSPEND PERFORMANCE OF SERVICES ON THE PROJECT UNTIL THE CLIENT RETAINS A QUALIFIED SPECIALIST CONTRACTOR TO ABATE. ENCAPSULATE AND/OR REMOVE THE ASBESTOS OR ASBESTOS-CONTAINING MATERIALS AND WARRANT THAT THE JOB SITE IS IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THE CLIENT AGREES TO WAIVE ALL CLAIMS AGAINST THE DESIGN PROFESSIONAL AND HIS OR HER OFFICERS, DIRECTORS, EMPLOYEES AND SUBCONSULTANTS ARISING FROM OR IN ANY WAY CONNECTED WITH THE EXISTENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS ON OR ABOUT THE SITE.
 - THE CLIENT FURTHER AGREES, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY AND HOLD HARMLESS THE DESIGN PROFESSIONAL FOR ANY AND ALL DAMAGES, LIABILITIES OR COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND DEFENSE COSTS, ARISING IN ANY WAY FROM THE EXISTENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS ON OR ABOUT THE SITE, EXCEPT FOR THOSE DAMAGES, LIABILITIES OR COSTS ATTRIBUTABLE TO THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE DESIGN PROFESSIONAL. DESIGN PROFESSIONAL SHALL NOT BE RESPONSIBLE IN ANY WAY FOR ANY SAFETY PRECAUTIONS, INCLUDING MEASURES FOR THE PROTECTION OF THE CONTRACTOR OR ANY SUBCONTRACTOR NOR FOR THE PROTECTION OF THE PUBLIC. SUCH RESPONSIBILITY FOR SAFETY PRECAUTIONS IS AND SHALL REMAIN THAT OF THE CLIENT AND THE CONTRACTOR.
 - THE CONTRACTOR MUST MAINTAIN NEGATIVE AIR FROM THE CONSTRUCTION ENTRANCE INTO THE CONSTRUCTION WORK SITE. THIS AIR FLOW MUST BE MAINTAINED THROUGH THE DURATION OF THE PROJECT.
 - THE CONTRACTOR WILL BE REQUIRED TO SAW CUT THE EXISTING CONCRETE SLAB & REMOVE THE EXISTING CONCRETE SLAB FOR INSTALLATION OF THE NEW PLUMBING PER THE MECHANICAL DRAWINGS. FOLLOWING INSTALLATION OF PLUMBING THE CONTRACTOR WILL REPAIR THE CONCRETE SLAB TO MATCH & BE LEVEL WITH THE EXISTING CONCRETE.

- KEY NOTES**
- D1 REMOVE EXISTING LOUVER
 - D2 DEMO BLOCK WALL TO ALLOW FOR INSTALLATION OF NEW DOOR
 - D3 DEMO BLOCK WALL TO ALLOW FOR NEW OPENINGS; PARTIAL HALF WALL TO REMAIN. SEE INTERIOR ELEVATION
 - D4 REMOVE EXISTING NOVABRIK VENEER, SALVAGE FOR RE-INSTALLATION ON EXPANSION. SEE EXTERIOR ELEVATIONS
 - D5 RE-ROUTE ROOF DRAIN AND SCUPPER TO DRAIN ON ROOF OF NEW EXPANSION.
 - D6 REMOVE EXTERIOR CMU STUB WALLS.
 - D7 DEMO WALL AS REQ'D TO ALLOW FOR INSTALLATION OF NEW WINDOW.
 - D8 DEMO WALL AS REQ'D TO ALLOW FOR INSTALLATION OF NEW LOUVER.
 - D9 REMOVE EXISTING DOOR AND FRAME.
 - D10 REMOVE EXISTING WOOD BENCH AND SUPPORTS.
 - D11 REMOVE EXISTING CAP FROM HALF WALL.
 - D12 REMOVE EXISTING DOOR AND FRAME, SALVAGE DOOR FOR REINSTALL ON NEW FRAME.
 - D13 REMOVE EXISTING WINDOW.
 - D14 DEMO EXISTING CURB AND SIDEWALK FOR INSTALLATION OF NEW ADA CURB.

**WAYZATA BAY CAR WASH
NEW CONSTRUCTION**

**WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391**

ARCHITECT
MH
MOHAGEN HANSEN
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Wayzata MN 55391
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Fax 952.426.7440

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TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

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NO. DESCRIPTION DATE
CONSTRUCTION DOCUMENTS 05.07.2018

PROJECT NUMBER: 18112.0BLE

DRAWN BY: N. MISSING

CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

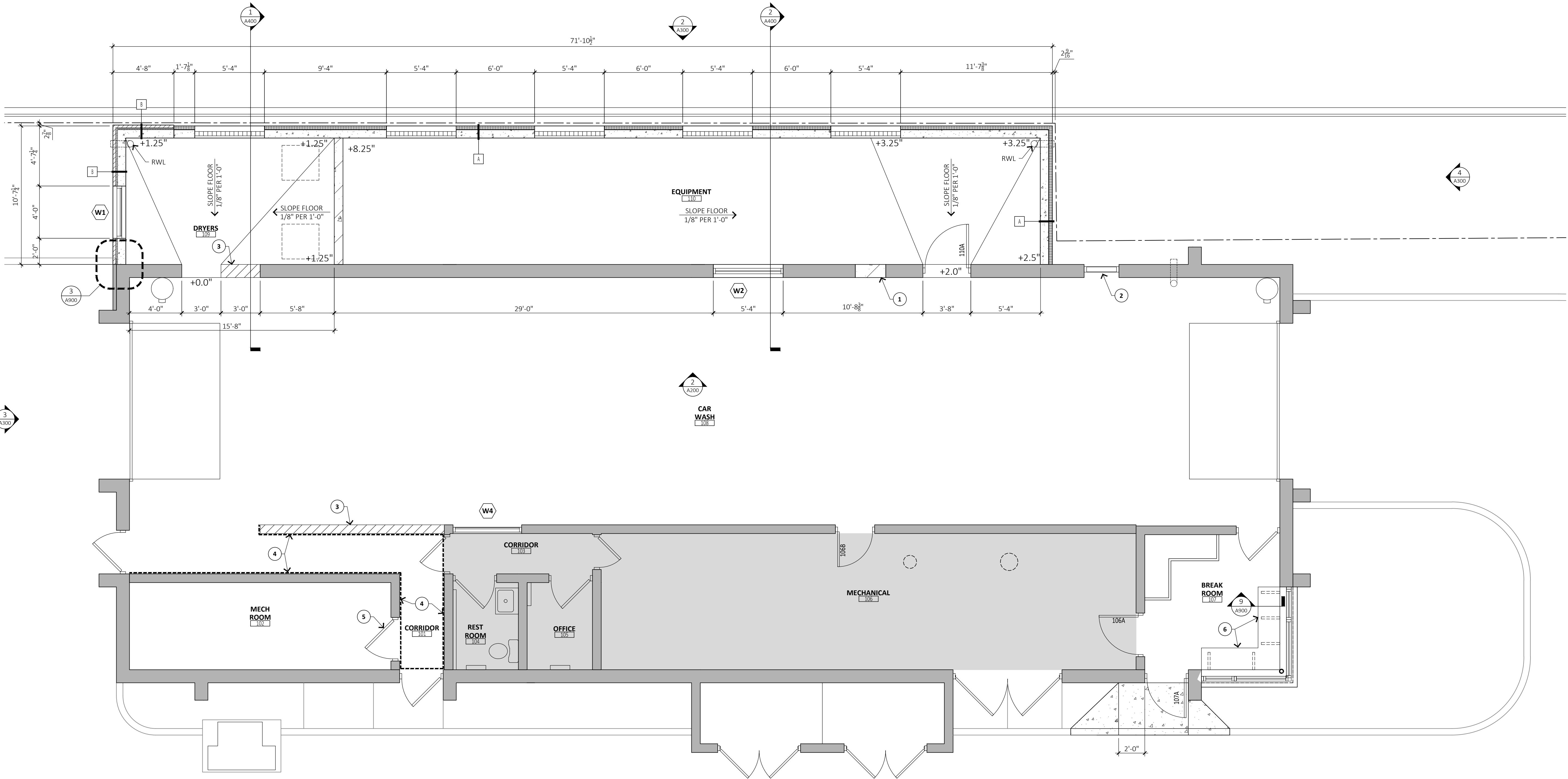
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DEMOLITION PLAN

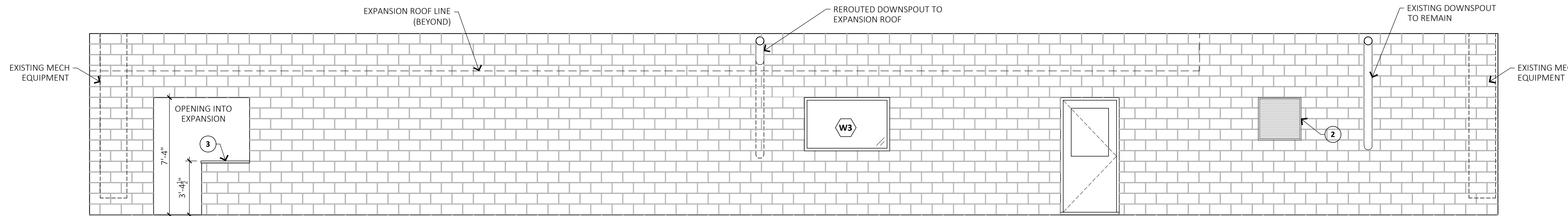
CONSTRUCTION DOCUMENTS

A100

K:\Jobs\wayzata car wash\1812\05_Expansion_1812\05_Dwg\Wayzata Bay Car Wash\sheet\1812.0BL E-A200 FLOOR PLAN.dwg



1
A200 **FLOOR PLAN**
1/4" = 1'-0"



2
A200 **INTERIOR ELEVATION**
1/4" = 1'-0"

GENERAL PROJECT NOTES

- OWNER FURNISHED EQUIPMENT SUPPLIERS ARE TO COORDINATE FINAL LOCATION OF EQUIPMENT AND INSTALLATION WITH THE OWNER.
- ELECTRICAL CONTRACTOR & CABLE CONTRACTOR ARE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED TO WALLS, FINISHES, CEILINGS ETC. IN THE COURSE OF THEIR CONSTRUCTION. IF CONTRACTORS BEGIN WORK IN AN AREA WITH EXISTING DAMAGE THEY ARE TO IMMEDIATELY NOTIFY THE OWNER OR ASSUME RESPONSIBILITY OF SUCH DAMAGE.
- SHADING INDICATES AREA THAT IS NOT INCLUDED IN THE SCOPE OF WORK

KEY NOTES

- INFILL OPENING MATERIAL & FINISH TO MATCH ADJACENT MATERIAL (CONC BLK)
- NEW 32"x32" FIRE-RATED MAKE-UP AIR LOUVER W/ FUSIBLE LINK.
- INSTALL NEW SOLID SURFACE WALL CAP ON HALF-WALL W/ 2" LIP. PROVIDE MOISTURE RESISTANT PLYWOOD FOR SUBSTRATE.
- INSTALL 12"x12" WALL TILE, FULL HEIGHT OF WALLS, ON WALLS INDICATED WITH DASHED LINE. WALL SURFACE IS PAINTED CONCRETE BLOCK.
- INSTALL NEW DOOR FRAME IN OPENING, REINSTALL SALVAGED DOOR.
- NEW SOLID SURFACE BENCH W/ STAINLESS STEEL SUPPORTS.

**WAYZATA BAY CAR WASH
NEW CONSTRUCTION**

**WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391**

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CONSTRUCTION DOCUMENTS 05.07.2018

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DRAWN BY: -

CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

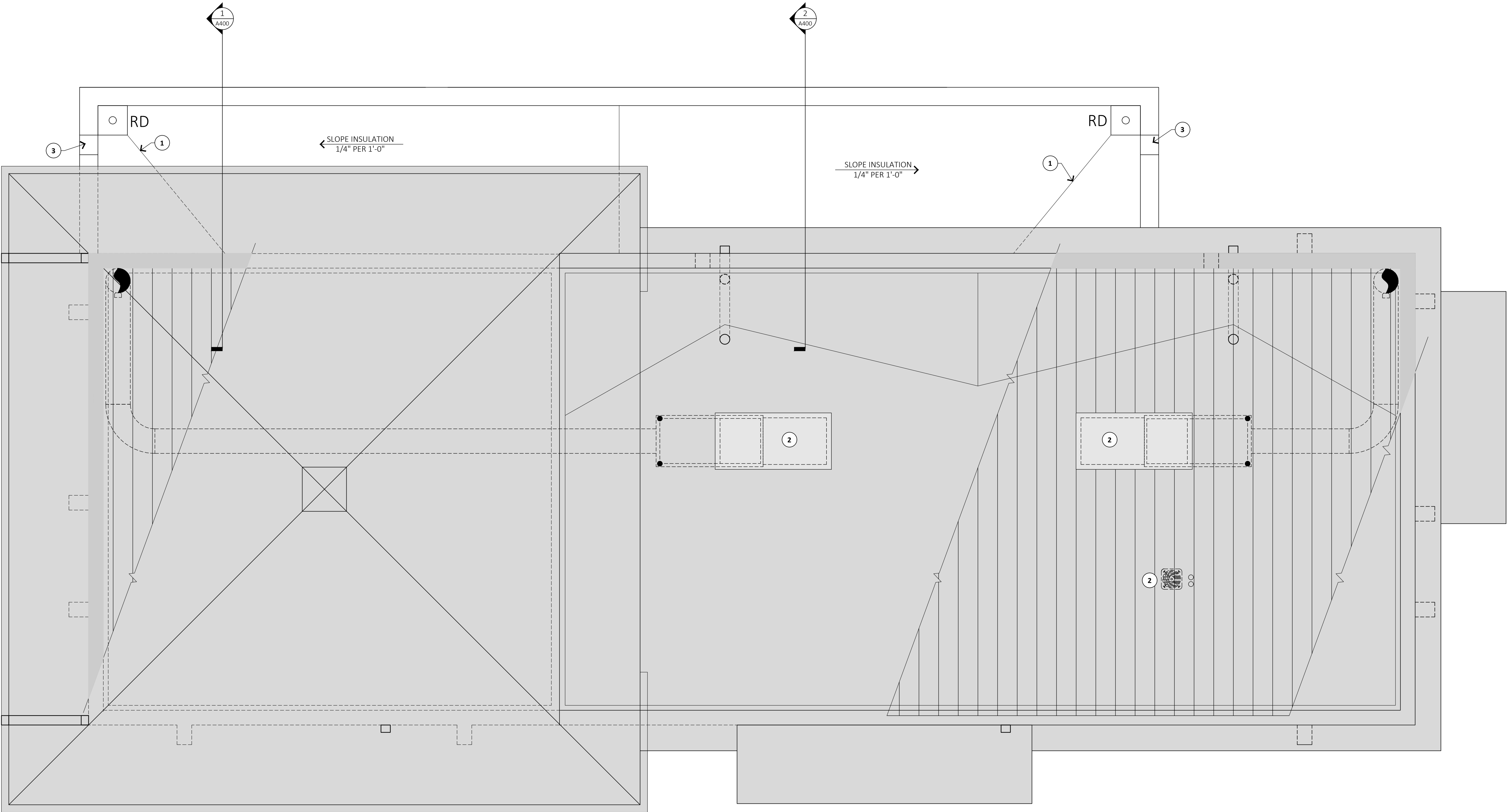
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FLOOR PLAN

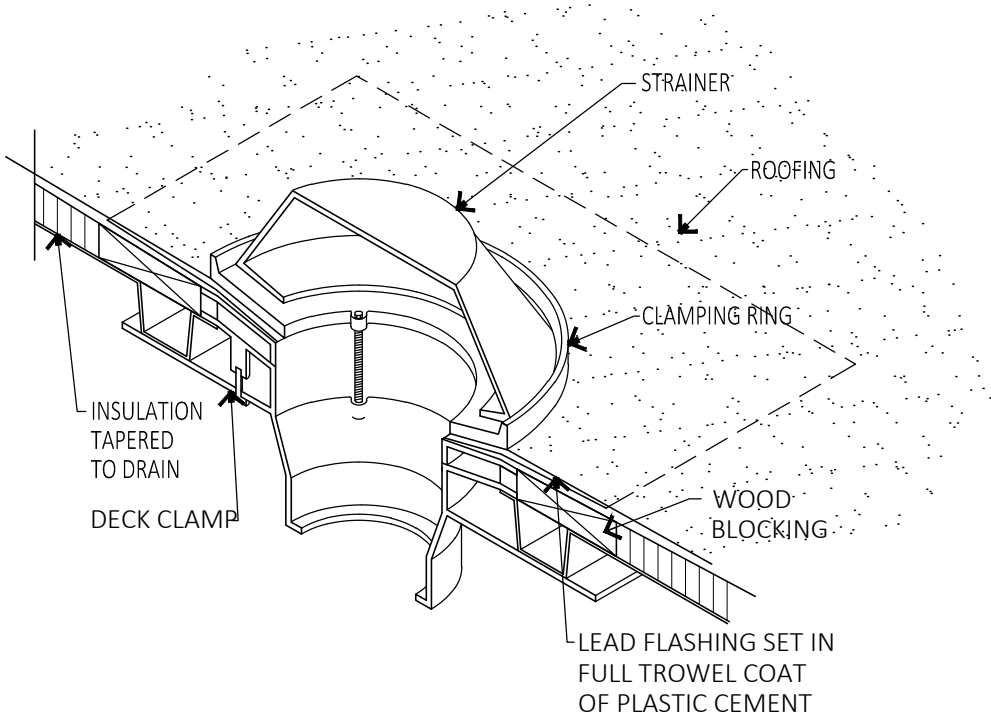
CONSTRUCTION DOCUMENTS

A200

K:\jobs\wayzata car wash\2018 Expansion_18112\05_Dwg\Wayzata Bay Car Wash\sheet\18112.OBL.E-A210 ROOF PLAN.dwg



1
A210 **ROOF PLAN**
1/4" = 1'-0"



2
A210 **ROOF DRAIN DETAIL**
1 1/2" = 1'-0"

ROOF NOTES

1.  SHADING INDICATES EXISTING ROOF SYSTEM TO REMAIN IN PLACE UNLESS INDICATED OTHERWISE.
2. NEW ROOFING ON ADDITION TO BE FULLY ADHERED TPO WITH R-10 MINIMUM (PER ASHRAE 90.1-2010) - SEE ROOF TYPE AA ON SHEET A001.

KEY NOTES

1. $\frac{1}{4}$ " PER FOOT CRICKET.
2. EXISTING ROOFTOP EQUIPMENT TO REMAIN, TYPICAL.
3. OVERFLOW SCUPPER.

**WAYZATA BAY CAR WASH
NEW CONSTRUCTION**

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	CONSTRUCTION DOCUMENTS	05.07.2018

PROJECT NUMBER: 18112.OBL.E

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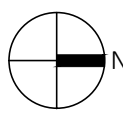
CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

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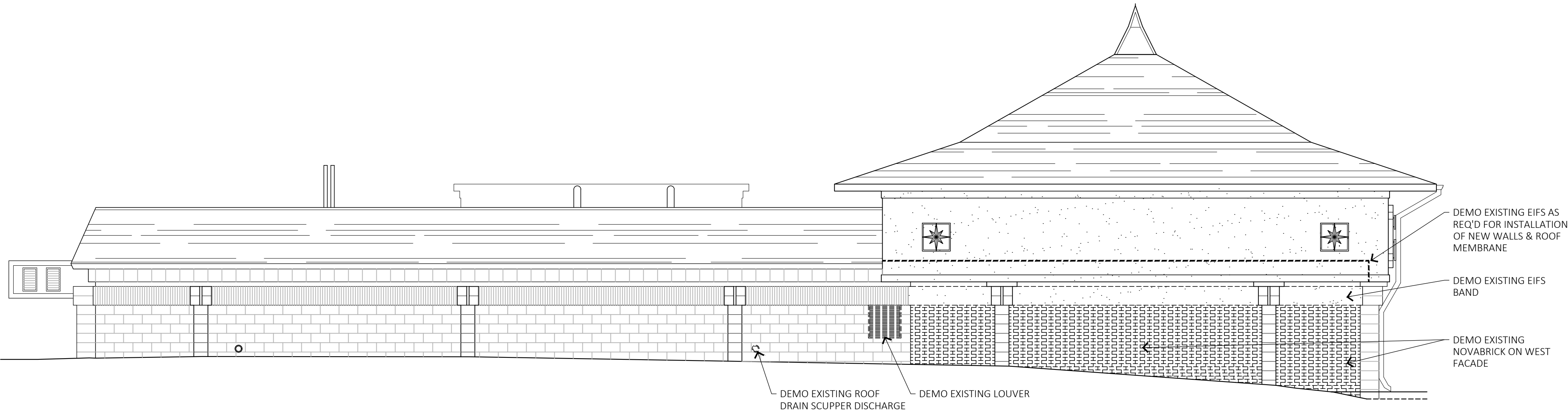
ROOF PLAN

CONSTRUCTION DOCUMENTS

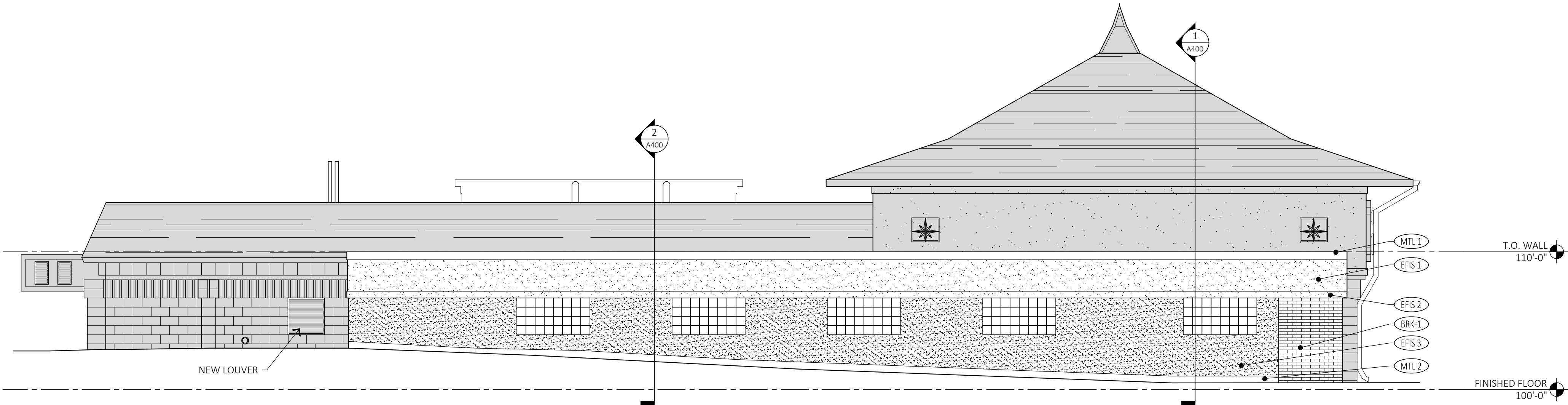


A210

K:\jobs\wayzata car wash\2018 Expansion_1812\05_Dwg\Wayzata Bay Car Wash\sheet\18112-A300 EXISTING ELEVATIONS.dwg



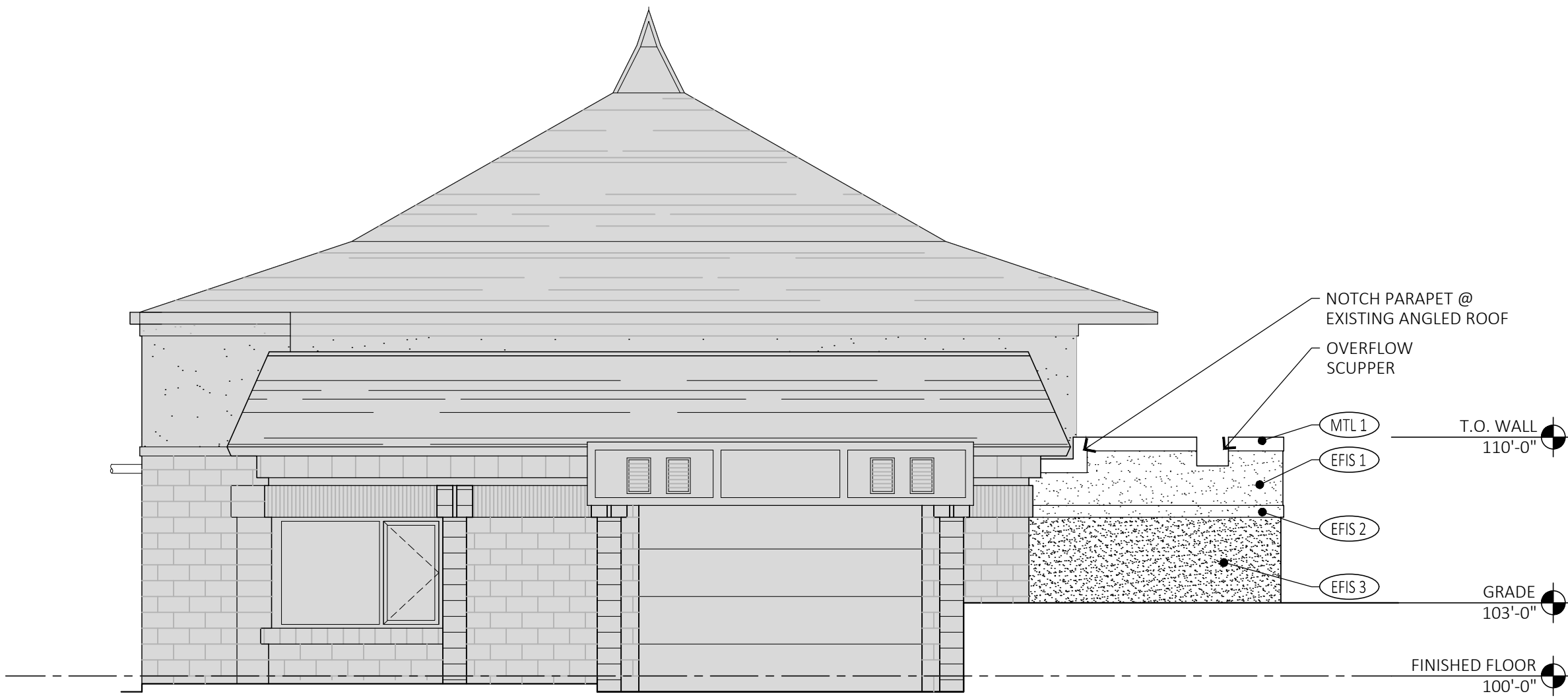
1
A300
EXISTING WEST ELEVATION
3/16" = 1'-0"



2
A300
PROPOSED WEST ELEVATION
3/16" = 1'-0"



3
A300
PROPOSED SOUTH ELEVATION
3/16" = 1'-0"



4
A300
PROPOSED NORTH ELEVATION
3/16" = 1'-0"

EXTERIOR MATERIALS

- MTL-1 .040" FLASHING MATERIAL, FASCIA, SOFFITS, & GUTTERS; UNI-CLAD OR EQUAL; PREFINISHED COLOR: WHITE
- MTL-2 .040" FLASHING MATERIAL, FASCIA, SOFFITS, & GUTTERS; UNI-CLAD OR EQUAL; PREFINISHED COLOR: COLOR TO MATCH EXISTING NOVABRIK VENEER
- EIFS-1 EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: #365 IRISH COFFEE, TEXTURE: SANDPEBBLE
- EIFS-2 EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: BENJAMIN MOORE (INTERIOR READY MIX) CAMEO WHITE / DRYVIT SPECIAL COLOR: SPT 181-79-01, TEXTURE: SANDPEBBLE
- EIFS-3 EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: TO MATCH EXISTING NOVABRIK VENEER, TEXTURE: SANDPEBBLE
- BRK-1 BRICK-1; SALVAGED EXISTING NOVABRIK - MORTARLESS INTERLOCKING BRICK; NOVA BRIK; COLOR: WALNUT

WAYZATA BAY CAR WASH NEW CONSTRUCTION

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

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NO.	DESCRIPTION	DATE
1	CONSTRUCTION DOCUMENTS	05.07.2018

PROJECT NUMBER: 18112.0BLE
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CHECKED BY: T. MOHAGEN
DATE: 05/07/2018

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EXTERIOR ELEVATIONS

CONSTRUCTION DOCUMENTS

A300

**WAYZATA BAY CAR
WASH
143 LAKE STREET
WAYZATA, MN 55391**



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[illegible]

PROJECT NUMBER: 18112.0BLE

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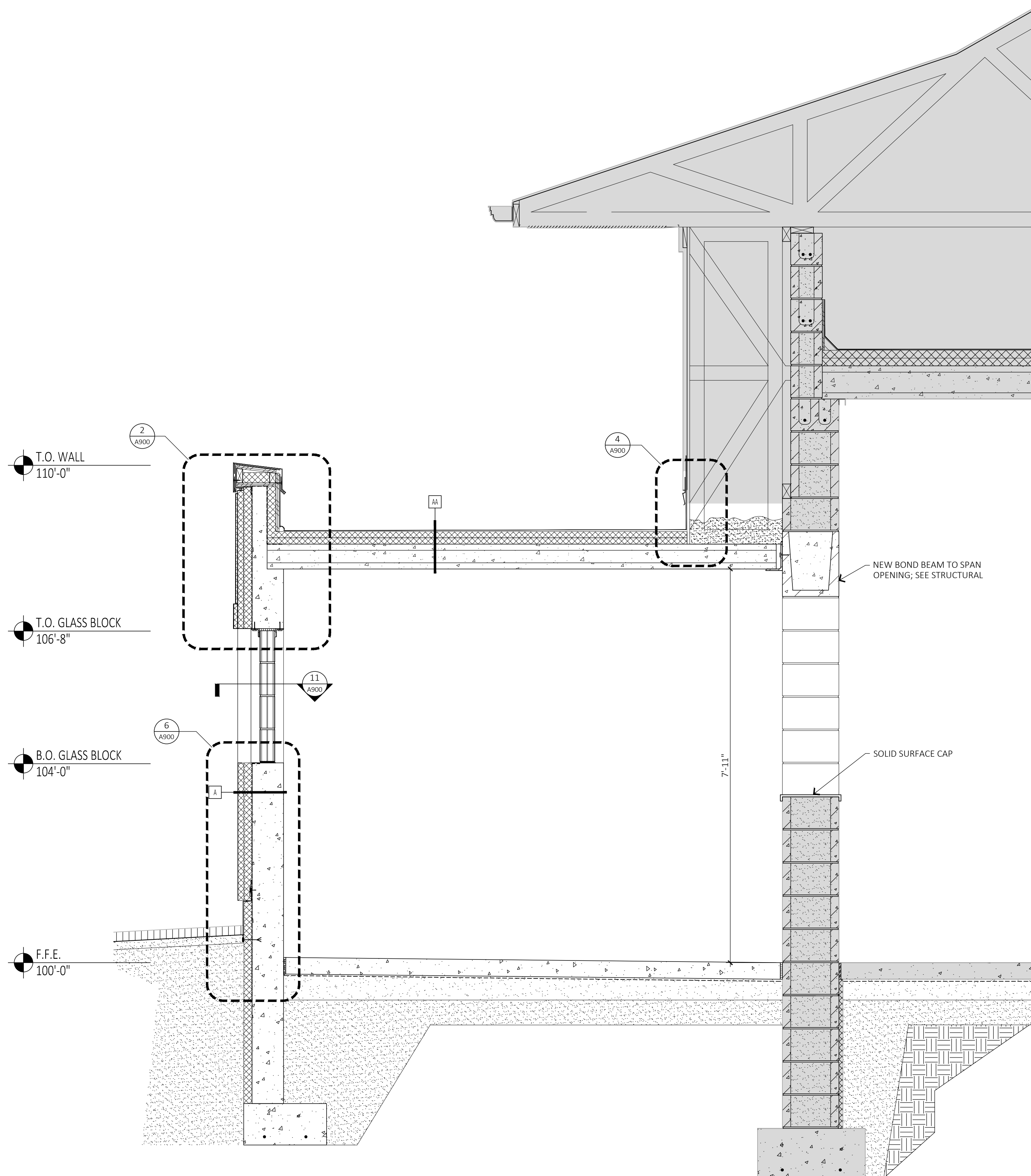
CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

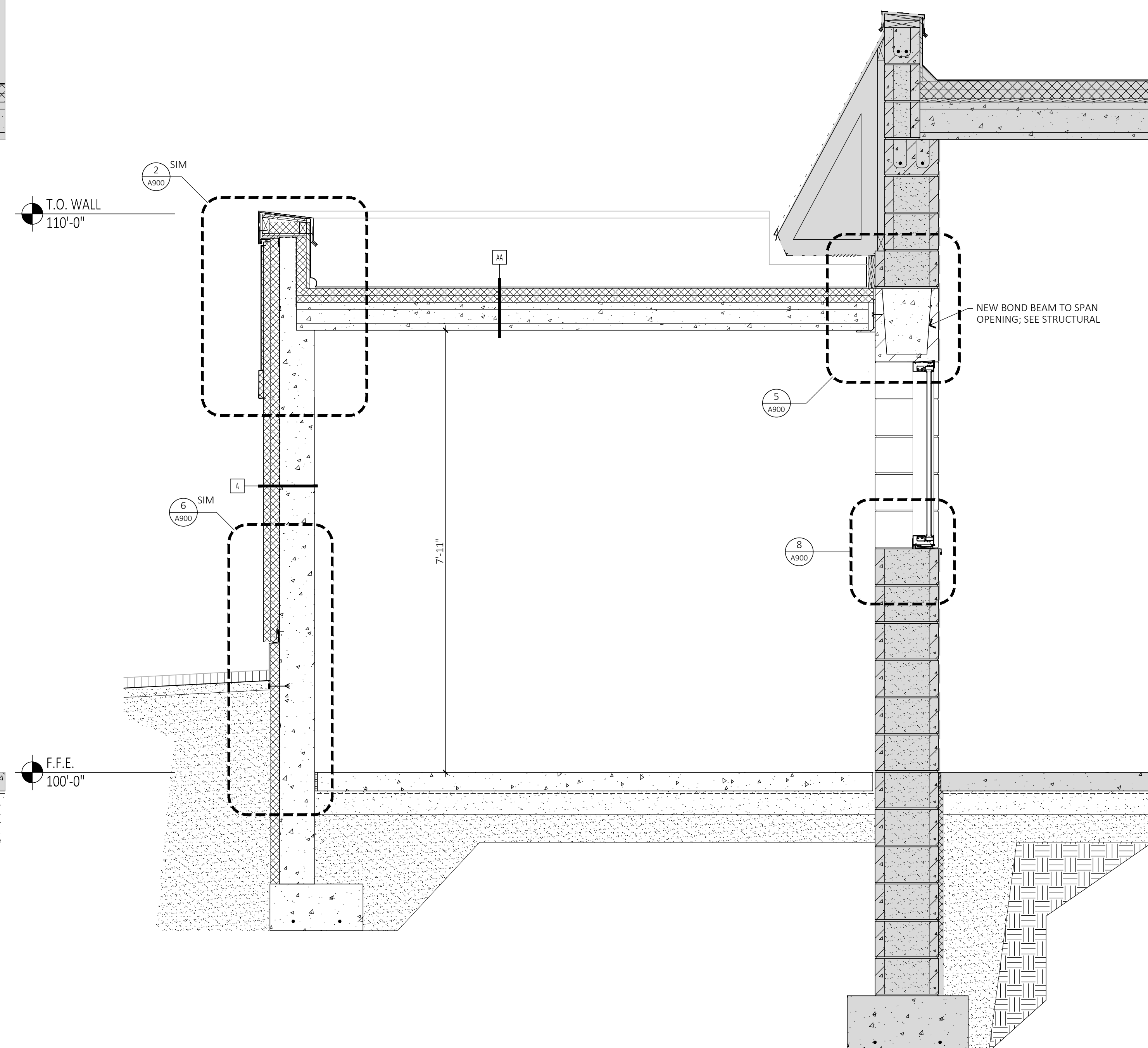
COMPUTER DIRECTORY:
K:/JOBS/Wayzata Car Wash

BUILDING
SECTIONS

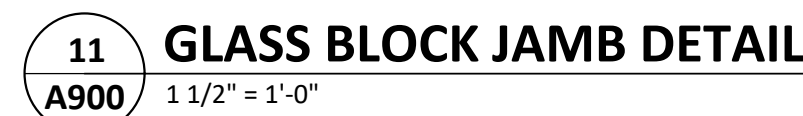
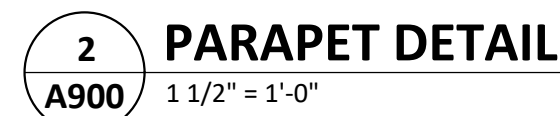
CONSTRUCTION DOCUMENT



1 BUILDING SECTION @ HIGH ROOF
A400 $3/4" = 1'-0"$

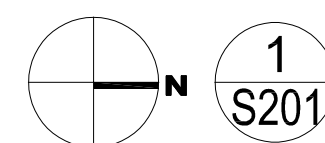


2 BUILDING SECTION @ LOW ROOF
A400 $3/4" = 1'-0"$



CONSTRUCTION DOCUMENT





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

ROOF FRAMING PLAN NOTES:

1. VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
2. ROOF STRUCTURE IS NOT DESIGNED FOR MECHANICAL EQUIPMENT LOADS. CONTACT A LICENSED PROFESSIONAL ENGINEER FOR REVIEW PRIOR TO PLACING ANY EQUIPMENT ON ROOF.
3. PRECAST PLANK ROOF SUPER-IMPOSED DESIGN LOADS ARE AS FOLLOWS:
 - A. DEAD LOAD= 10 PSF (+ PLANK)
 - B. SNOW LOAD= 35 PSF
 - C. ADDITIONAL SNOW LOAD AS SHOWN ON PLAN THIS: 
4.  ON PLAN DENOTES LINTEL. SEE LINTEL SCHEDULE ON THIS SHEET.

ROOF FRAMING KEYNOTES:

- A PROVIDE (2) CONT #4 BARS ABOVE WALL OPENING, SEE GENERAL NOTES FOR REQUIRED LAP LENGTH EACH SIDE OF OPENING. PROVIDE EXTRA VERTICAL REINFORCING AT EACH SIDE OF OPENING AND DIAGONAL BARS AT OPENING CORNERS PER GENERAL NOTES.

LINTEL SCHEDULE			
MARK	REFERENCE	MEMBER	REMARKS
(L1)	7/S301	16"H x WALL WIDTH BOND BM W/ (2) #5 BOT	

LINTEL SCHEDULE NOTES:

1. SEE GENERAL MASONRY NOTES ON SHEET S001 AND FOUNDATION PLAN FOR REINFORCING NOT LISTED IN LINTEL SCHEDULE.
2. SEE GENERAL MASONRY NOTES ON SHEET S001 FOR ALL OTHER OPENINGS NOT LISTED IN LINTEL SCHEDULE.
3. VERIFY ALL SPANS OF OPENINGS AND WALL THICKNESSES WITH ARCH DRAWINGS. NOTIFY ARCHITECT/ENGINEER OF DEVIATIONS PRIOR TO FABRICATION AND ERECTION.

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

ARCHITECT

MH

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SS^{SA} STRUCTURAL
SS^{VA} SOLUTIONS, P.A.
 5279 Kyler Avenue NE Albertville, MN 55301
 Phone: 763.425.9980 Fax: 763.425.9958
 Email: isspa@isseng.com Web: www.isseng.com

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ROBERT HUTCHINSON, P.E.

REGISTRATION NUMBER: 26828

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[illegible]

PROJECT NUMBER: **85218**

DRAWN BY: DB

CHECKED BY: R. HUTCHINSON

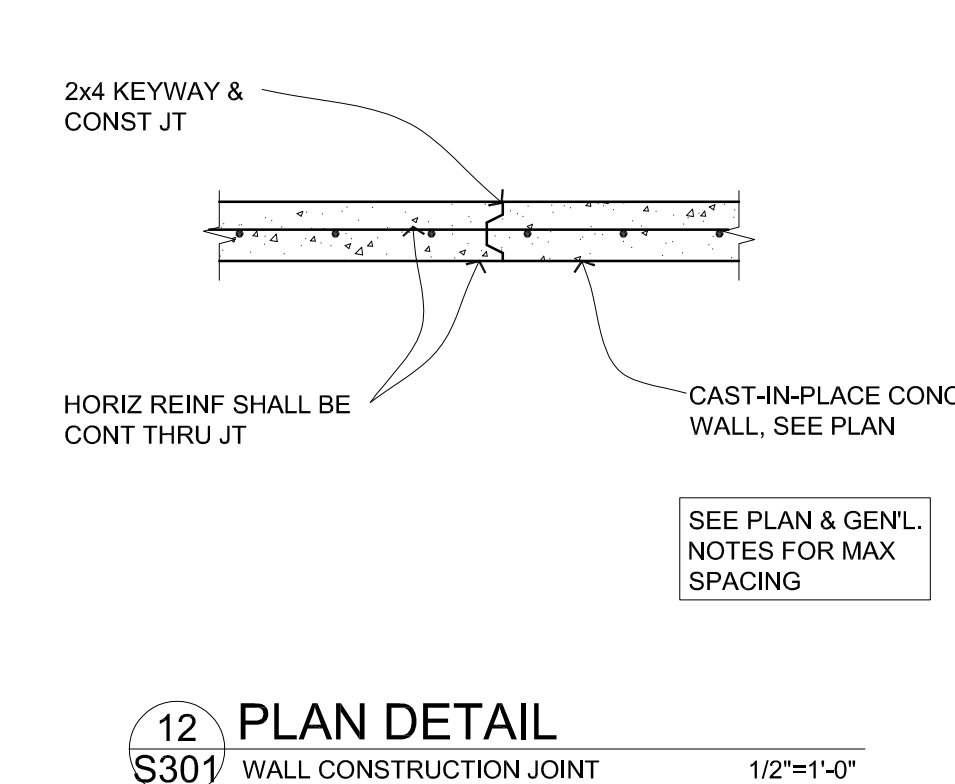
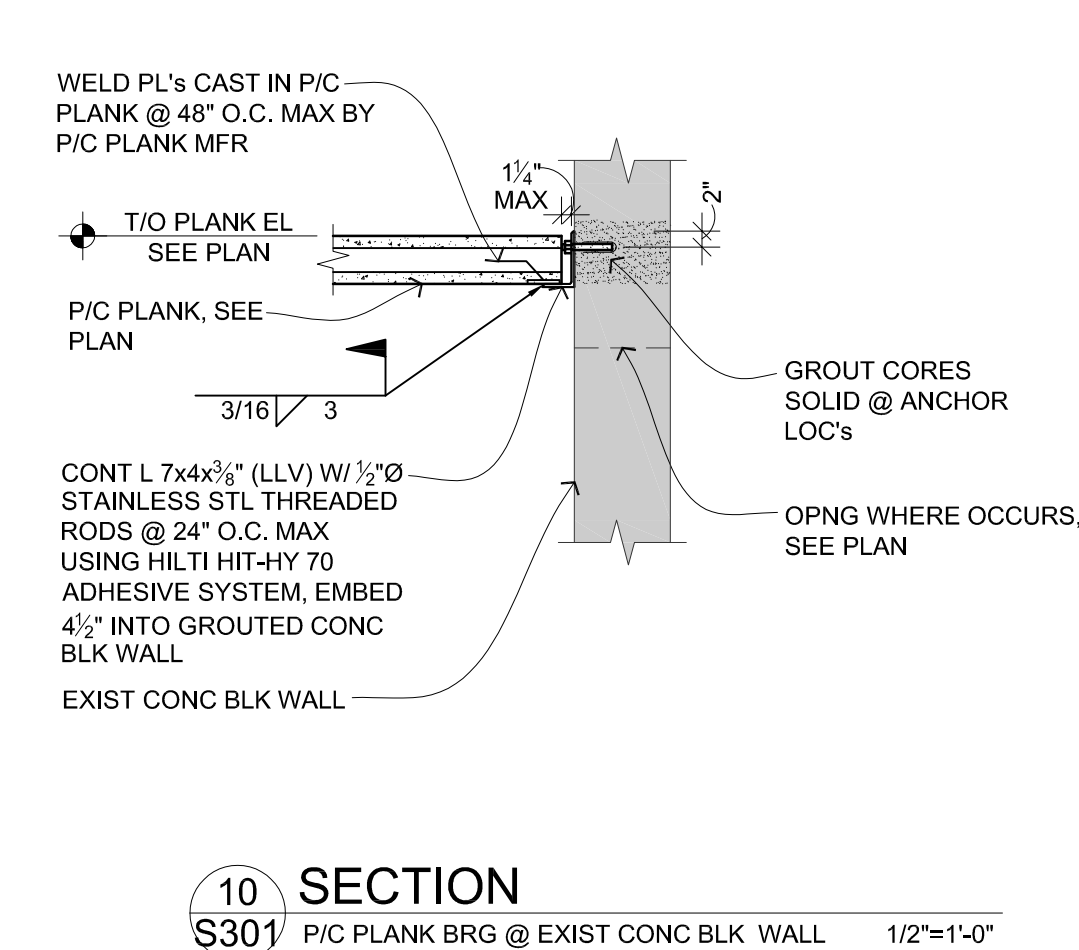
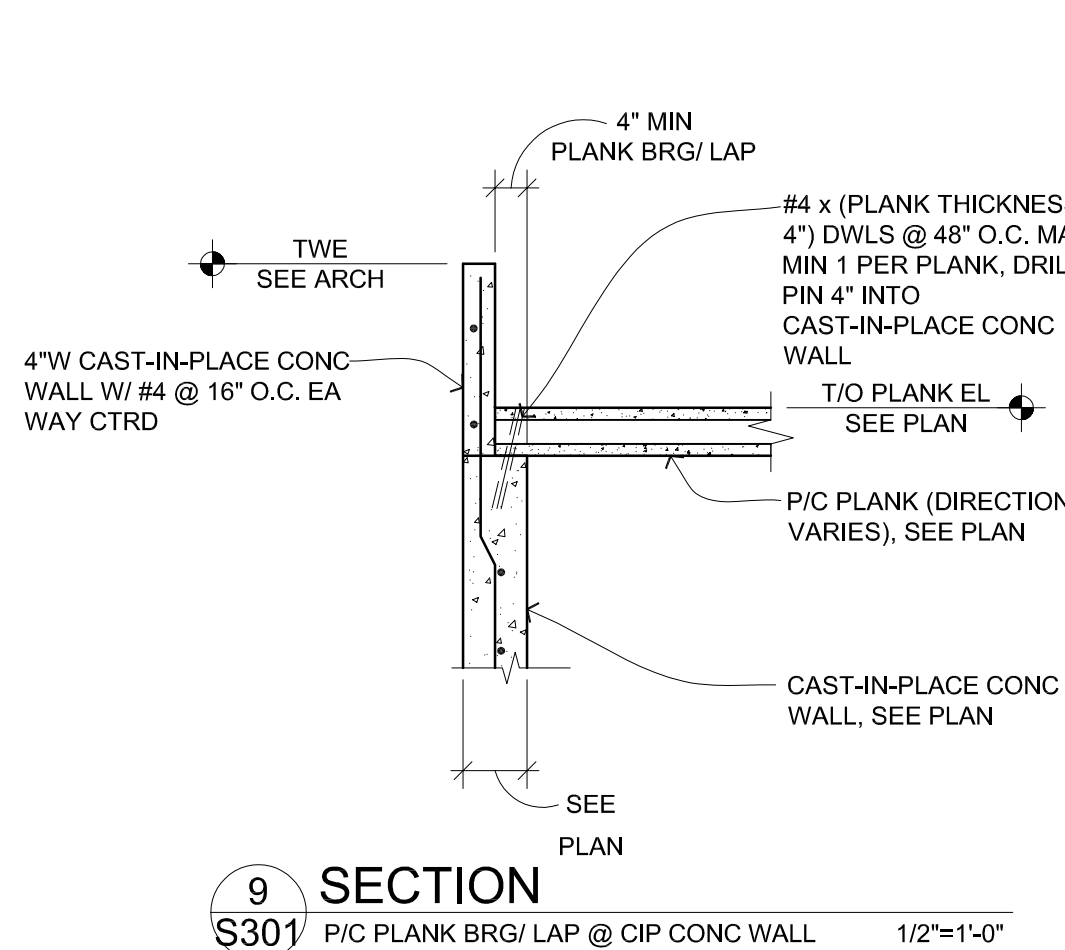
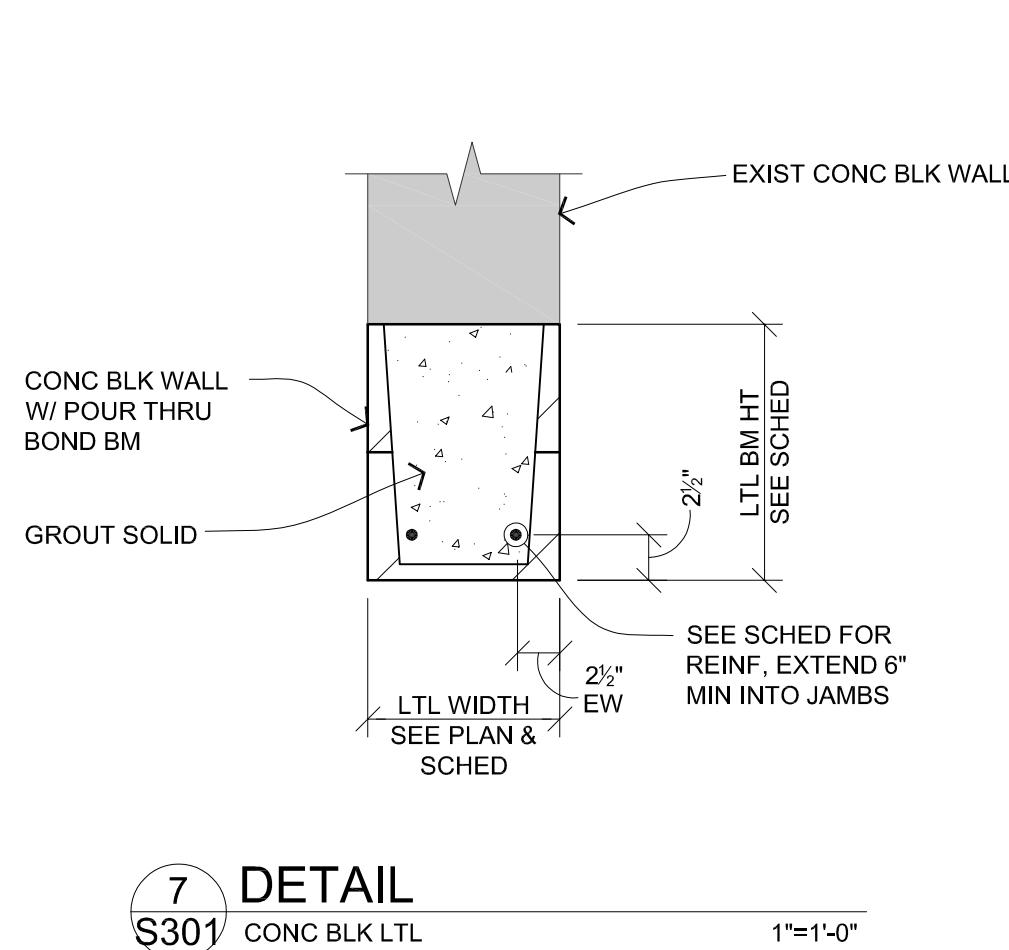
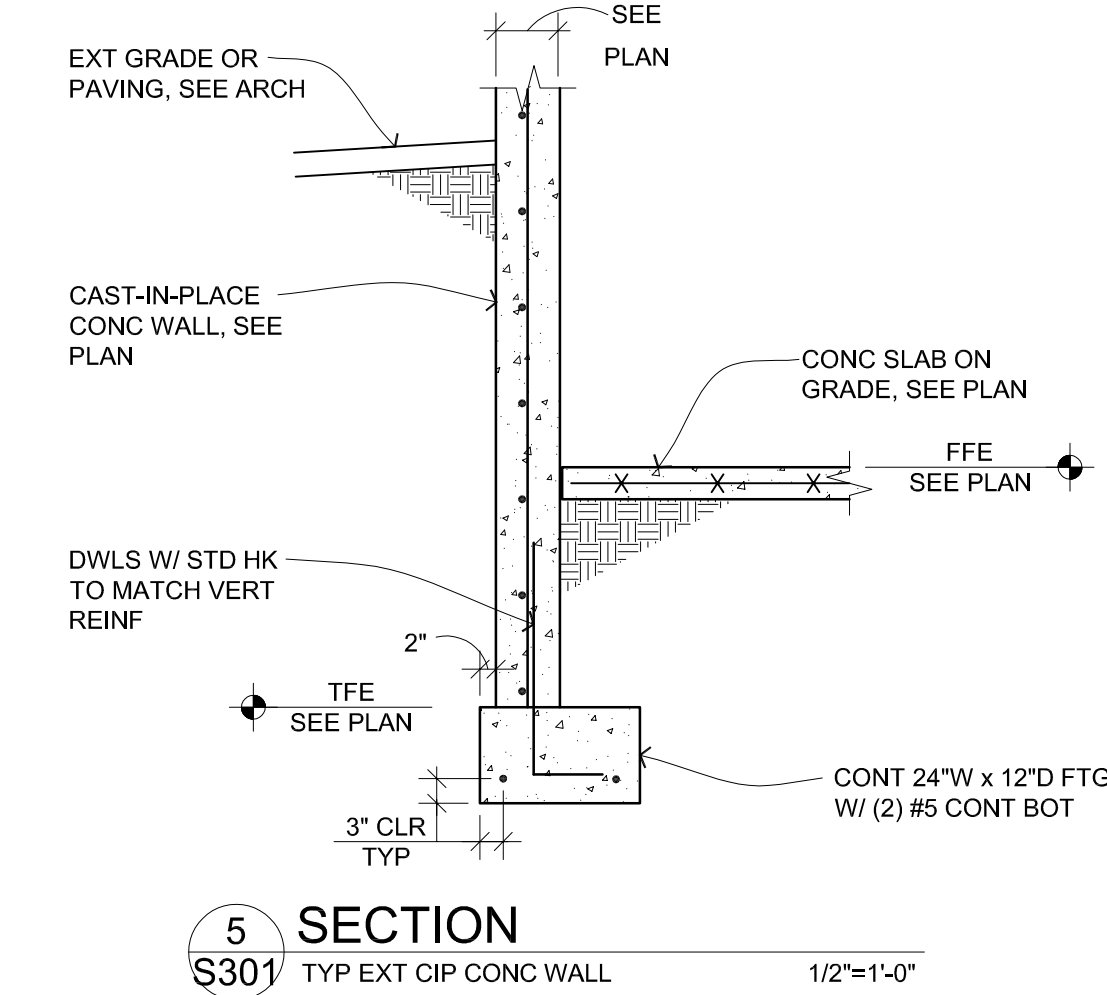
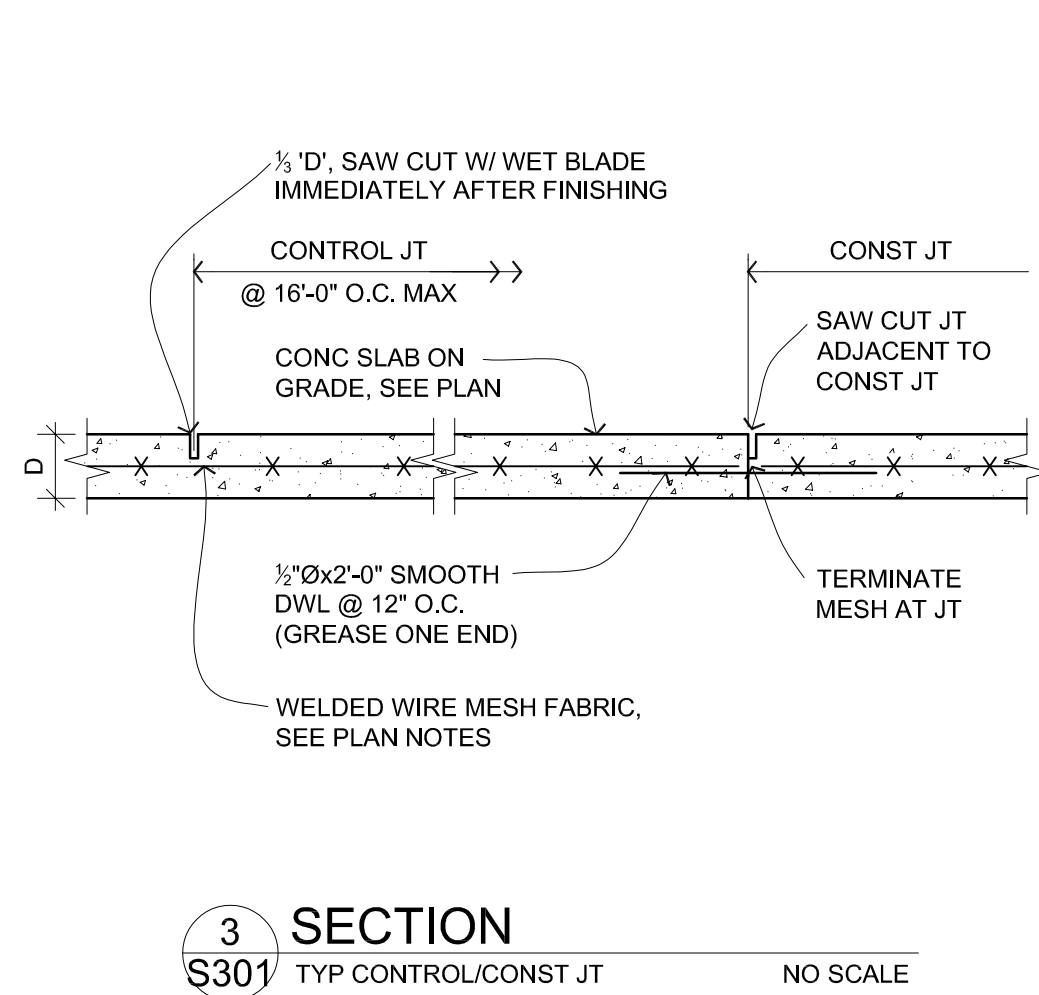
DATE: 05-07-2018

COMPUTER DIRECTORY:

PARTIAL ROOF FRAMING PLAN

CONSTRUCTION DOCUMENTS

S201



WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

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[illegible]

PROJECT NUMBER:	85218
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CHECKED BY:	R. HUTCHINSON
DATE:	05-07-2018
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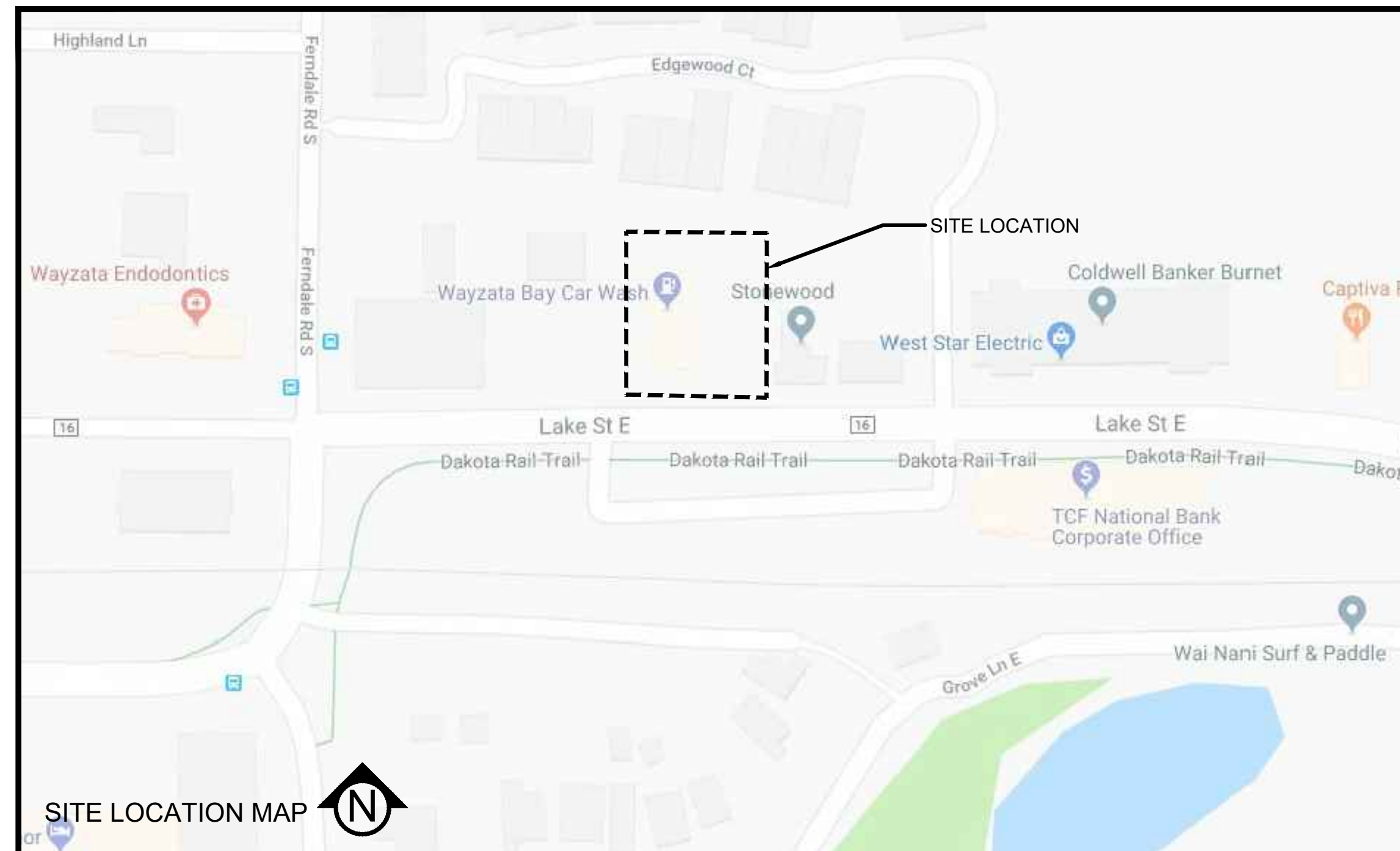
SECTIONS AND DETAILS

CONSTRUCTION DOCUMENTS

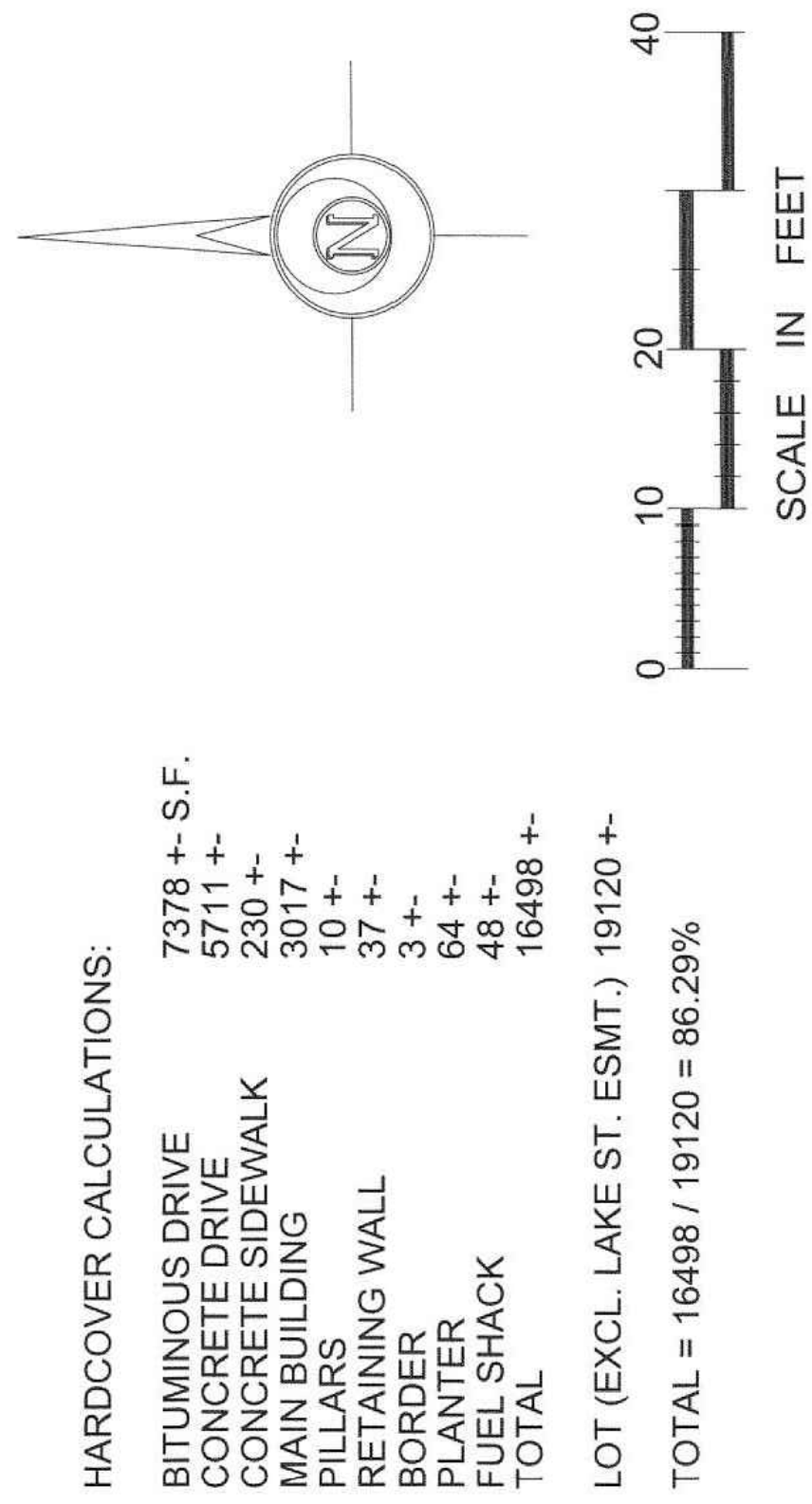
S301

WAYZATA, MINNESOTA

ISSUED FOR: CITY SUBMITTAL

[illegible]

**BOUNDARY AND TOPOGRAPHIC SURVEY FOR
WAYZATA BAY CAR WASH
IN TRACT A RLS NO. 1244
HENNEPIN COUNTY, MINNESOTA**



LEGAL DESCRIPTION OF PREMESIS:

Tract A RLS NO. 1244 and the easterly half of the alley vacated by Doc.
No. A10324530.

- : Denotes found iron marker
- : Denotes set iron marker
- : Denotes existing contour line
- 949 : Denotes existing spot elevation (949.0)

This survey intends to show the boundaries of the above described property, existing buildings, topography, and visible utilities thereon. It does not purport to show any other encroachments or improvements.

Bearings are based upon an assumed datum.

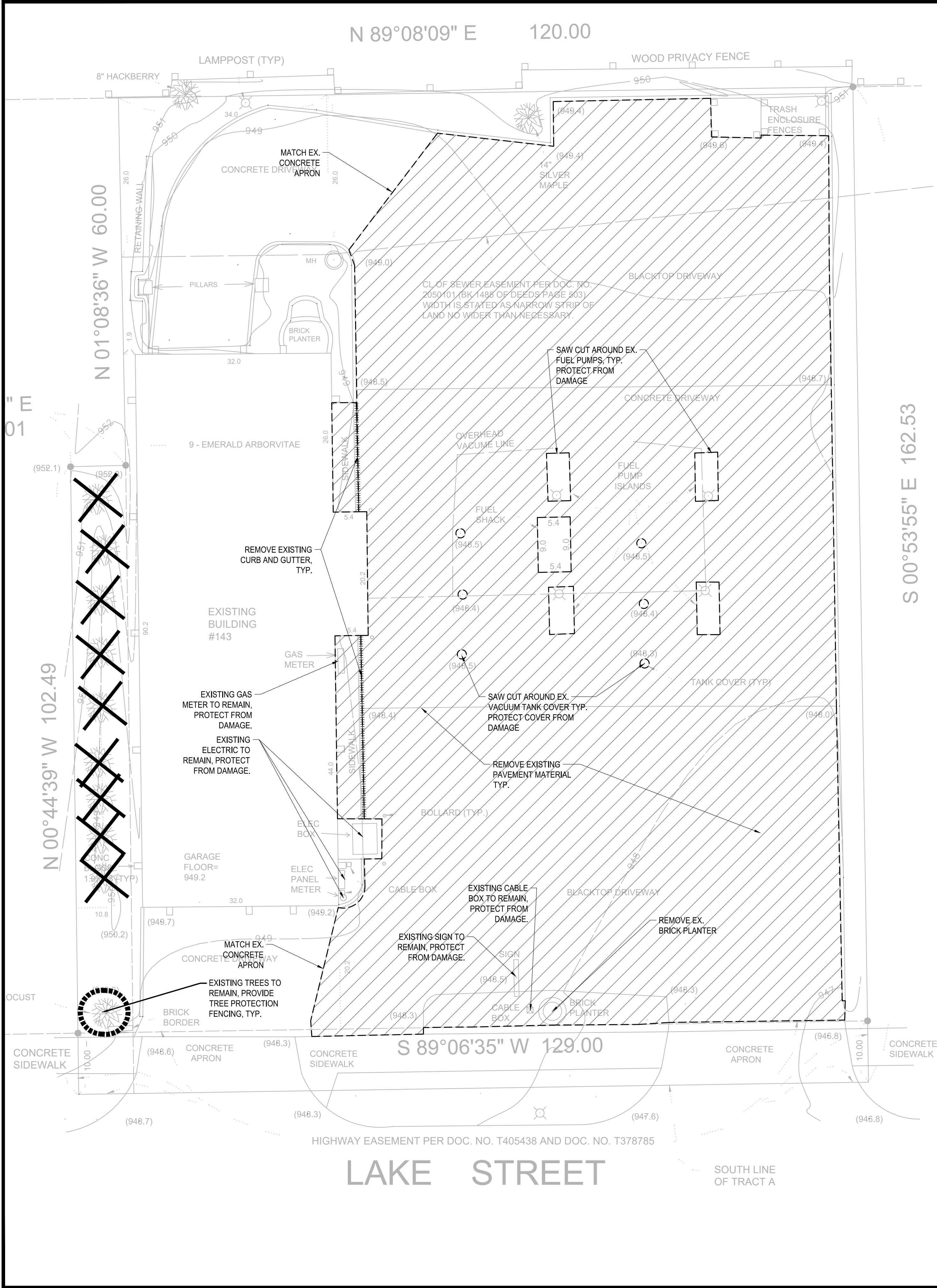
[illegible]

SITE SURVEY

C0.1

DESIGNED	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 Land Surveyor under the laws of the State of Minnesota. <i>Mark D. Gronberg</i>		DATE 4-3-18 SCALE 1"=10' ASS'NO. 18-091		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 N. WILLOW DRIVE LONG LAKE, MN 55366 PHONE: 952-473-4141 FAX: 952-473-4435
DRAWN					
CHECKED					

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



- REMOVAL NOTES:
- SEE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PLAN FOR CONSTRUCTION STORM WATER MANAGEMENT PLAN.
 - REMOVAL OF MATERIALS NOTED ON THE DRAWINGS SHALL BE IN ACCORDANCE WITH MNDOT, STATE AND LOCAL REGULATIONS.
 - REMOVAL OF PRIVATE UTILITIES SHALL BE COORDINATED WITH UTILITY OWNER PRIOR TO CONSTRUCTION ACTIVITIES.
 - EXISTING PAVEMENTS SHALL BE SAWCUT IN LOCATIONS AS SHOWN ON THE DRAWINGS OR THE NEAREST JOINT FOR PROPOSED PAVEMENT CONNECTIONS.
 - REMOVED MATERIALS SHALL BE DISPOSED OF TO A LEGAL OFF-SITE LOCATION AND IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
 - ABANDON, REMOVAL, CONNECTION, AND PROTECTION NOTES SHOWN ON THE DRAWINGS ARE APPROXIMATE. COORDINATE WITH PROPOSED PLANS.
 - EXISTING ON-SITE FEATURES NOT NOTED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT.
 - PROPERTY LINES SHALL BE CONSIDERED GENERAL CONSTRUCTION LIMITS UNLESS OTHERWISE NOTED ON THE DRAWINGS. WORK WITHIN THE GENERAL CONSTRUCTION LIMITS SHALL INCLUDE STAGING, DEMOLITION AND CLEAN-UP OPERATIONS AS WELL AS CONSTRUCTION SHOWN ON THE DRAWINGS.
 - MINOR WORK OUTSIDE OF THE GENERAL CONSTRUCTION LIMITS SHALL BE ALLOWED AS SHOWN ON THE PLAN AND PER CITY REQUIREMENTS.
 - DAMAGE BEYOND THE PROPERTY LIMITS CAUSED BY CONSTRUCTION ACTIVITY SHALL BE REPAIRED IN A MANNER APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
 - PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON THE DRAWINGS AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
 - SITE SECURITY MAY BE NECESSARY AND PROVIDED IN A MANNER TO PROHIBIT VANDALISM, AND THEFT, DURING AND AFTER NORMAL WORK HOURS, THROUGHOUT THE DURATION OF THE CONTRACT. SECURITY MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
 - VEHICULAR ACCESS TO THE SITE SHALL BE MAINTAINED FOR DELIVERY AND INSPECTION ACCESS DURING NORMAL OPERATING HOURS. AT NO POINT THROUGHOUT THE DURATION OF THE CONTRACT SHALL CIRCULATION OF ADJACENT STREETS BE BLOCKED WITHOUT APPROVAL BY THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
 - ALL TRAFFIC CONTROLS SHALL BE PROVIDED AND ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL REMAIN OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
 - SHORING FOR BUILDING EXCAVATION MAY BE USED AT THE DISCRETION OF THE CONTRACTOR AND AS APPROVED BY THE OWNERS REPRESENTATIVE AND THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
 - STAGING, DEMOLITION, AND CLEAN-UP AREAS SHALL BE WITHIN THE PROPERTY LIMITS AS SHOWN ON THE DRAWINGS AND MAINTAINED IN A MANNER AS REQUIRED BY THE CITY.

CITY OF WAYZATA REMOVAL NOTES:

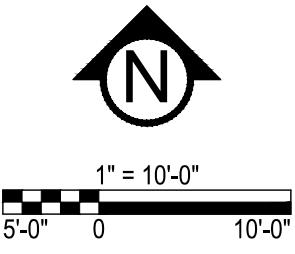
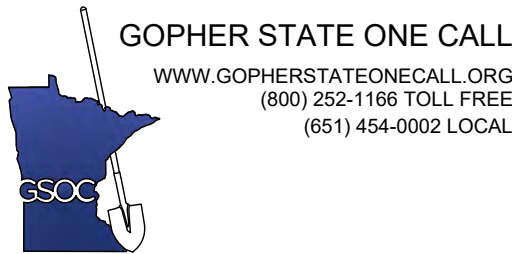
- RESERVED FOR CITY SPECIFIC REMOVAL NOTES.

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.5

REMOVALS LEGEND:

- EX. 1' CONTOUR ELEVATION INTERVAL
- REMOVAL OF PAVEMENT AND ALL BASE MATERIAL, INCLUDING BIT., CONC., AND GRAVEL PVMTS.
- REMOVAL OF STRUCTURE INCLUDING ALL FOOTINGS AND FOUNDATIONS.
- REMOVE CURB AND GUTTER, IF IN RIGHT-OF-WAY, COORDINATE WITH LOCAL GOVERNING UNIT.
- TREE REMOVAL - INCLUDING ROOTS AND STUMPS



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PROJECT
WAYZATA BAY CAR WASH
142 LAKE STREET EAST, WAYZATA, MN, 55391
WELLS FARGO HOME MORTGAGE
900 E WAYZATA BOULEVARD, WAYZATA, MN, 55391

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 UNDER THE LAWS OF THE STATE OF MINNESOTA.
Matthew R. Pavak
DATE 05/29/18 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY
DATE DESCRIPTION
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REMOVALS PLAN
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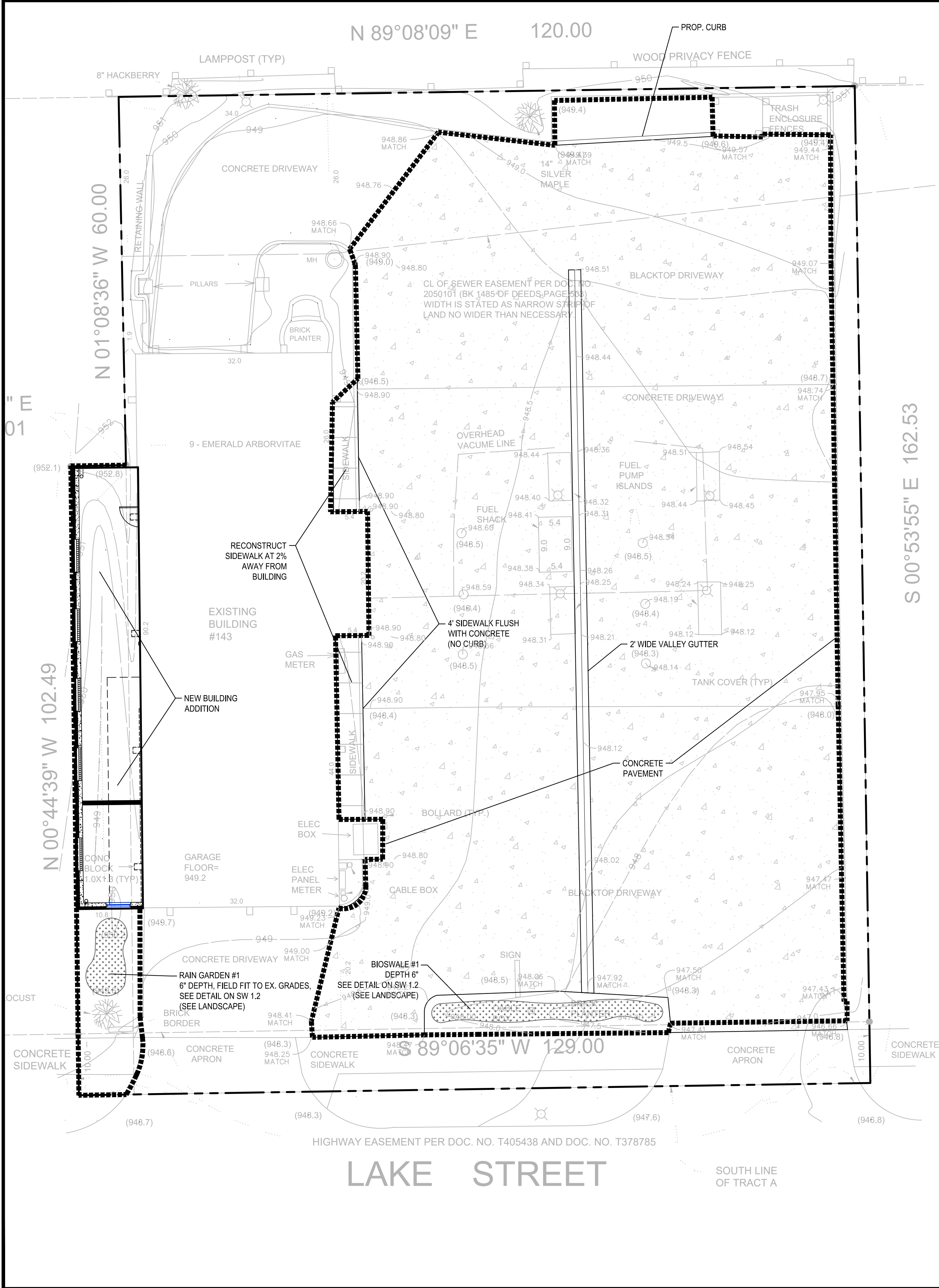


1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

1. RESERVED FOR CITY SPECIFIC NOTES.

	EXISTING CONDITION		PROPOSED CONDITION	
BUILDING COVERAGE	3,007 SF	14.7%	3,755 SF	18.4%
ALL PAVEMENTS	14,425 SF	70.7%	14,249 SF	69.8%
ALL NON-PAVEMENTS	2,972 SF	14.6%	2,400 SF	11.8%
TOTAL SITE AREA	20,404 SF	100.0%	20,404 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	17,432 SF	85.4%		
PROPOSED CONDITION	18,004 SF	88.2%		
DIFFERENCE (EX. VS PROP.)	572 SF	2.8%		

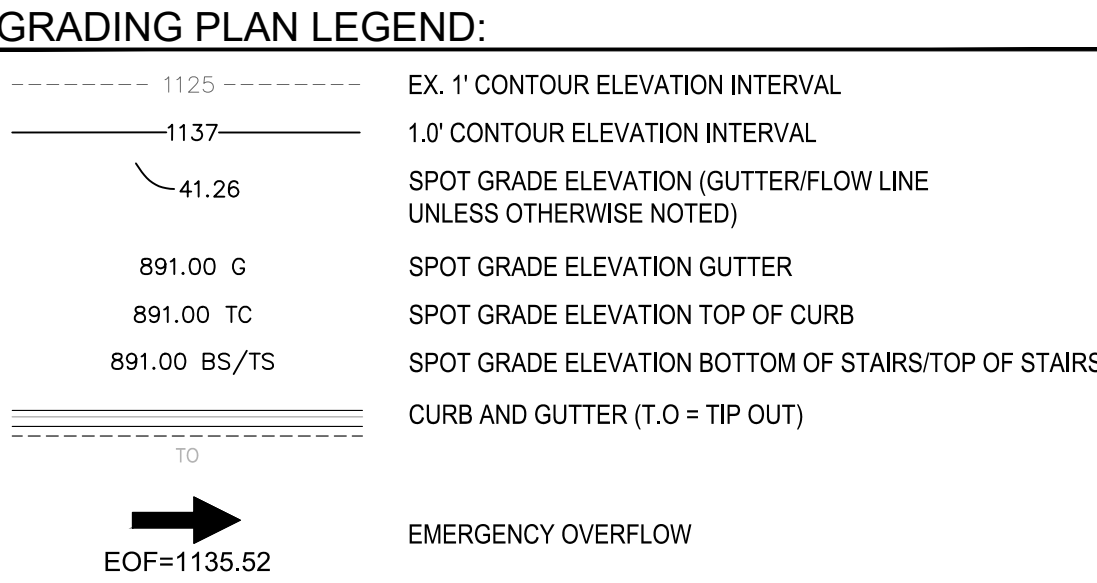
SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.
 HC = ACCESSIBLE SIGN
 NP = NO PARKING FIRE LANE
 ST = STOP
 CP = COMPACT CAR PARKING ONLY



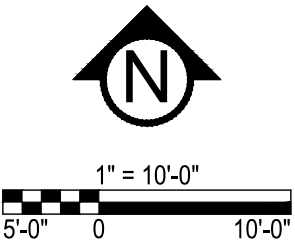
EROSION CONTROL NOTES:
SEE SWPPP ON SHEETS SW1.0-SW1.5

CITY OF WAYZATA GRADING NOTES:
1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

- GENERAL GRADING NOTES:
- SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
 - THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
 - GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
 - PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
 - GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
 - PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
 - PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
 - IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
 - EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
 - FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
 - PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
 - TOLERANCES
 - THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
 - THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
 - TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
 - MAINTENANCE
 - THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
 - CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDDED AND MULCHED.
 - WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.



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PROJECT
WAYZATA BAY CAR WASH
142 LAKE STREET EAST, WAYZATA, MN, 55391
WELLS FARGO HOME MORTGAGE
900 E WAYZATA BOULEVARD, WAYZATA, MN, 55391

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Matthew R. Pavlek
DATE 05/29/18 LICENSE NO. 44263

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5.29.2018 CUP Submittal

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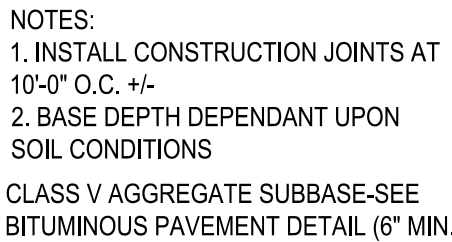
GRADING PLAN

C3.0
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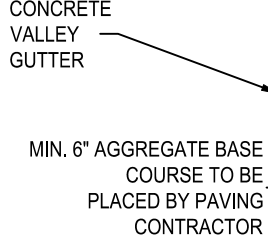
6" CONCRETE AS SPECIFIED

6" CLASS 5 AGGREGATE BASE (MNDOT 3138)

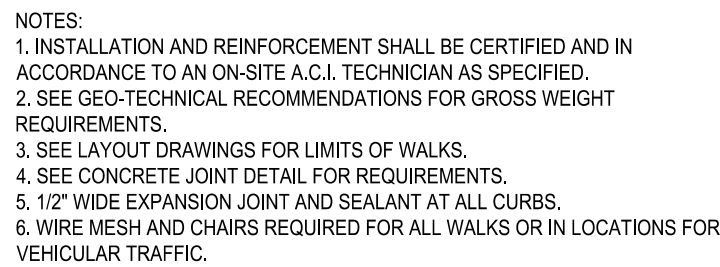
COMPACTED SUBGRADE (100% OF STANDARD PROCTOR MAXIMUM DRY DENSITY)

COM
NTS

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NTS



NTS

PROJECT

142 LAKE STREET EAST, WAYSATA, MN, 55391

WELLS FARGO HOME MORTGAGE

900 E WAYZATA BOULEVARD, WAYZATA, MN, 55391


Matthew R. Pavek
DATE 05/29/18 LICENSE NO. 44263

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PROJECT NO.: 18179

CIVIL DETAILS

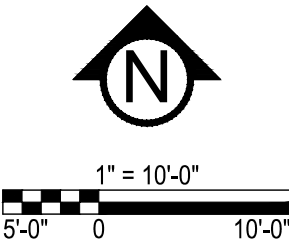
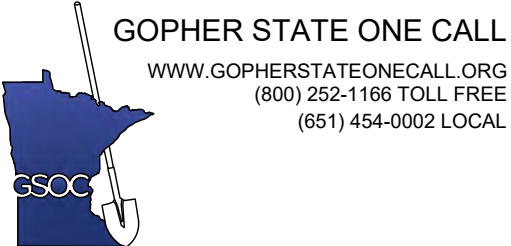
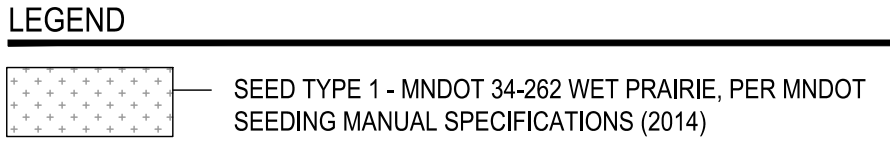
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SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
EVERGREEN TREES						
EA	9	EMERALD ARBORVITAE	Thuja Occidentalis	6' ht.	B&B	STRAIGHT LEADER, FULL FORM

LANDSCAPE NOTES:

1. WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF SHREDDED CYPRESS MULCH.
2. ALL TREES SHALL BE MULCHED WITH SHREDDED CYPRESS MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2" FROM TREE TRUNK.
3. IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
4. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
5. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
6. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
7. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
9. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
10. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
11. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
12. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
13. PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
14. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.





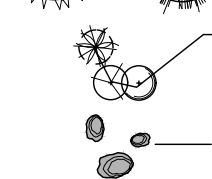
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1. ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
3. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND/ABOVE GROUND FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY DAMAGE TO UNDERGROUND/ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
4. SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
5. CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
6. IRRIGATION WATER LINE CONNECTION SIZE IS 1-1/2" AT BUILDING. VERIFY WITH MECHANICAL PLANS. COVERAGE.
7. ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
8. ALL LATERAL LINES SHALL BE 12" BELOW FINISHED GRADE.
9. ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.
10. CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.
11. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "ELED" TO 2'-0" ABOVE FINISHED GRADE AND CAPPED.
12. FABRICATE ALL PIPE TO MANUFACTURE'S SPECIFICATIONS WITH CLEAN AND SQUARE CUT JOINTS. USE QUALITY GRADE PRIMER AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
13. BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS.
14. ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
15. GROUP VALVE BOXES TOGETHER FOR EASE WHEN SERVICE IS REQUIRED. LOCATE IN PLANT BED AREAS WHENEVER POSSIBLE.
16. IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON-SITE WITH OWNER'S REPRESENTATIVE.
17. CONTROL WIRES: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE. RUN UNDER MAIN LINE. USE MOISTURE-PROOF SPLICES AND SPLICE ONLY AT VALVES OR PULL BOXES. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURTHEST VALVE FROM CONTROLLER. LABEL OR COLOR CODE ALL WIRES.
18. AVOID OVER SPRAY ON BUILDINGS, PAVEMENT, WALLS AND ROADWAYS BY INDIVIDUALLY ADJUSTING RADIUS OR ARC ON SPRINKLER HEADS AND FLOW CONTROL ON AUTOMATIC VALVE.
19. ADJUST PRESSURE REGULATING VALVES FOR OPTIMUM PRESSURE ON SITE.
20. USE SCREENS ON ALL HEADS.
21. A SET OF AS-BUILT DRAWINGS SHALL BE MAINTAINED ON-SITE AT ALL TIMES IN AN UPDATED CONDITION.
22. ALL PIPE 3" AND OVER SHALL HAVE THRUST BLOCKING AT EACH TURN.
23. ALL AUTOMATIC REMOTE CONTROL VALVES WILL HAVE 3" MINIMUM DEPTH OF 3/4" WASHED GRAVEL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTEND 3' BEYOND PERIMETER OF VALVE BOX.
24. THERE SHALL BE 3" MINIMUM SPACE BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

SEED TYPE 1 - MNDOT 34-262 WET PRAIRIE, PER MNDOT SEEDING MANUAL SPECIFICATIONS (2014)

SHREDDED HARDWOOD MULCH OVER FILTER FABRIC, SAMPLES REQUIRED

SOD



— DECORATIVE BOULDERS, 18"-30" DIA.



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1" = 20'-0"



10'-0" 0 20'-0"

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WAYZATA BAY CAR WASH

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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 LANDSCAPE ARCHITECT UNDER
THE LAWS OF THE STATE OF MINNESOTA.


Patrick J. Sarver
DATE 05/29/18 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

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REVISION SUMMARY

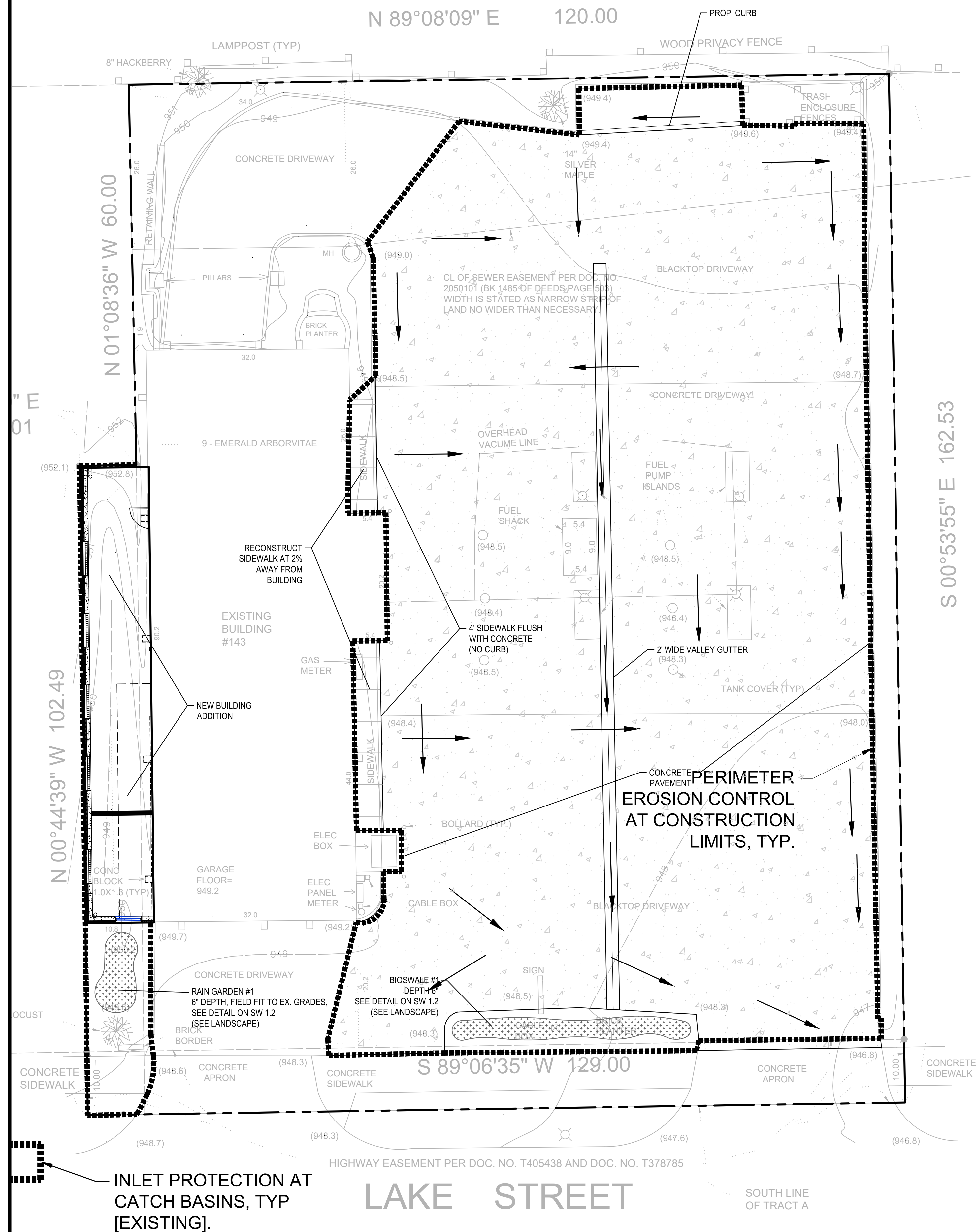
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PROJECT NO.: 18179

LANDSCAPE PLAN
NOTES & DETAILS

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ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

SWPPP NOTES:

1. THIS PROJECT IS LESS THAN ONE ACRE AND WILL NOT REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.

2. SEE SHEETS SW1.0 - SW1.5 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.

3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.

4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF WAYZATA EROSION CONTROL NOTES:

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

CivilSite
GROUP

Civil Engineering • Surveying • Landscape Architecture
4931 W. 35th Street, Suite 200
St. Louis Park, MN 55416
civilsitegroup.com 612-615-0060

WAYZATA BAY CAR WASH

142 LAKE STREET EAST, WAYSATA, MN, 55391

WELLS FARGO HOME MORTGAGE

900 E WAYZATA BOULEVARD, WAYZATA, MN, 55391

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
UNDER THE LAWS OF THE STATE OF
MINNESOTA.

Matthew R. Pavak
DATE 05/29/18 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
5/29/2018	CUP Submittal

9-29-2016 C&R Submittal	
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REVISION SUMMARY

NEWEST COMPANY	
DATE	DESCRIPTION
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PROJECT NO.: 18179

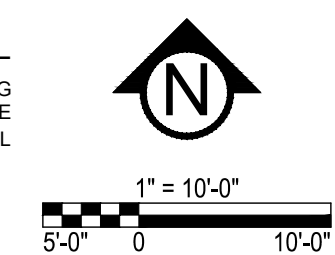
SWPPP - EXISTING
CONDITIONS

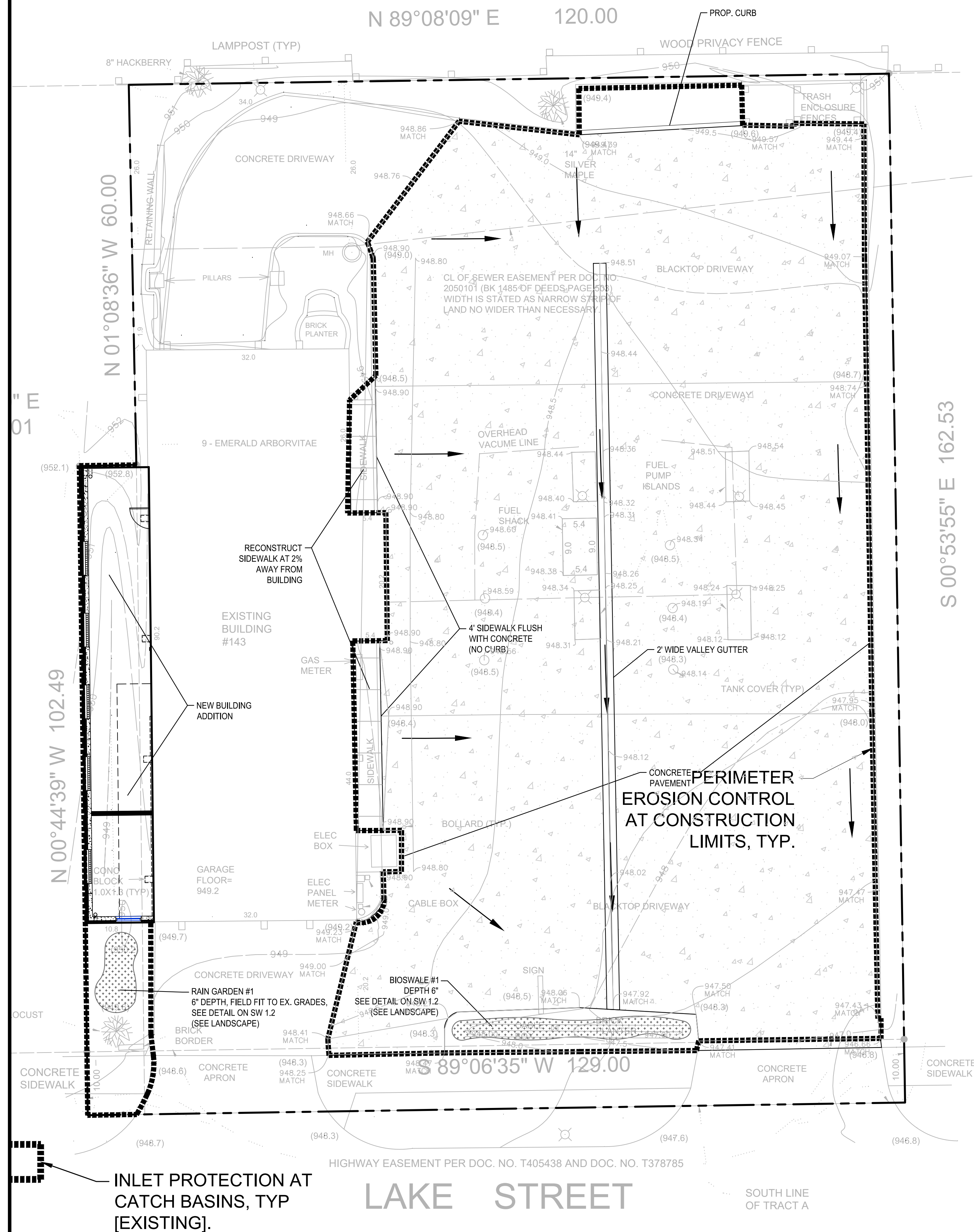
SW1.0

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LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL 1.0' CONTOUR ELEVATION INTERVAL DRAINAGE ARROW
	SILT FENCE / BIOROLL - GRADING LIMIT INLET PROTECTION
	STABILIZED CONSTRUCTION ENTRANCE
	EROSION CONTROL BLANKET





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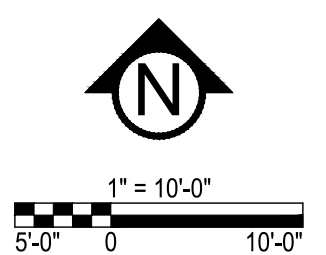
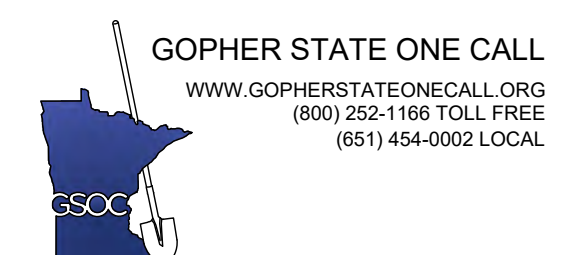
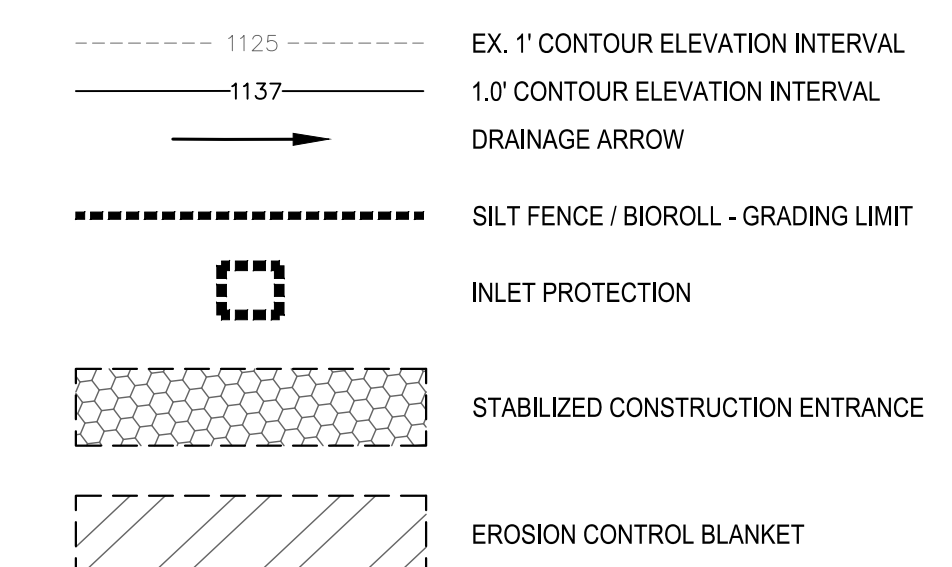
PROJECT NO.: 18179

SWPPP - PROPOSED
CONDITIONS

SW1.1

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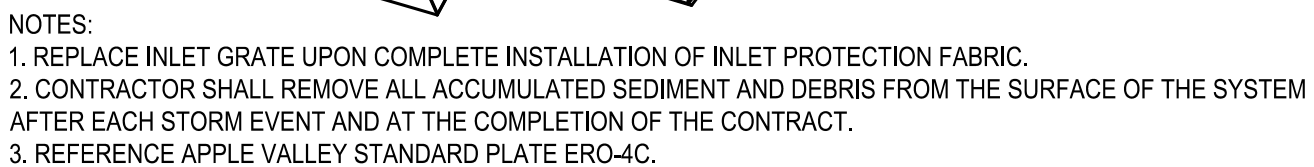
LEGEND:



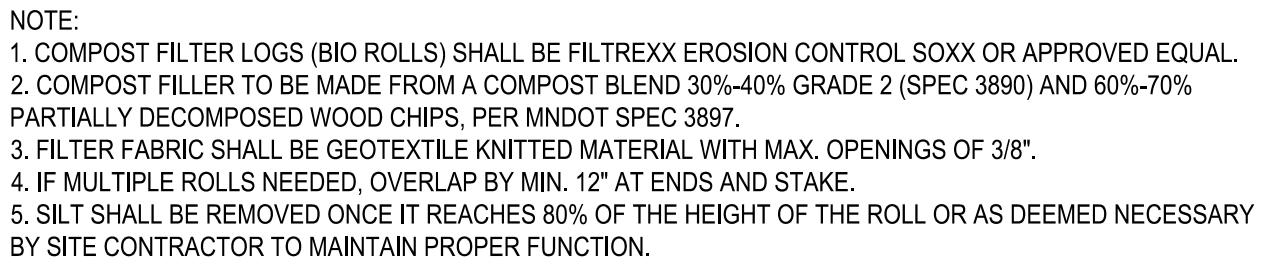


1. INSTALL SILT FENCE AND/OR OTHER APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES.
4. INSTALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, PHONE, FIBER OPTIC, ETC) PRIOR TO SETTING FINAL GRADE OF BIORETENTION DEVICE.
5. ROUGH GRADE THE SITE. IF BIORETENTION AREAS ARE BEING USED AS TEMPORARY SEDIMENT BASINS LEAVE A MINIMUM OF 3 FEET OF COVER OVER THE PRACTICE TO PROTECT THE UNDERLYING SOILS FROM CLOGGING.
6. PERFORM ALL OTHER SITE IMPROVEMENTS.
7. PLANT ALL AREAS AFTER DISTURBANCE.
8. CONSTRUCT BIORETENTION DEVICE UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA.
9. IMPLEMENT TEMPORARY AND PERMANENT EROSION CONTROL PRACTICES.
10. PLANT AND/OR ROCK MULCH BIORETENTION DEVICE.
11. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.

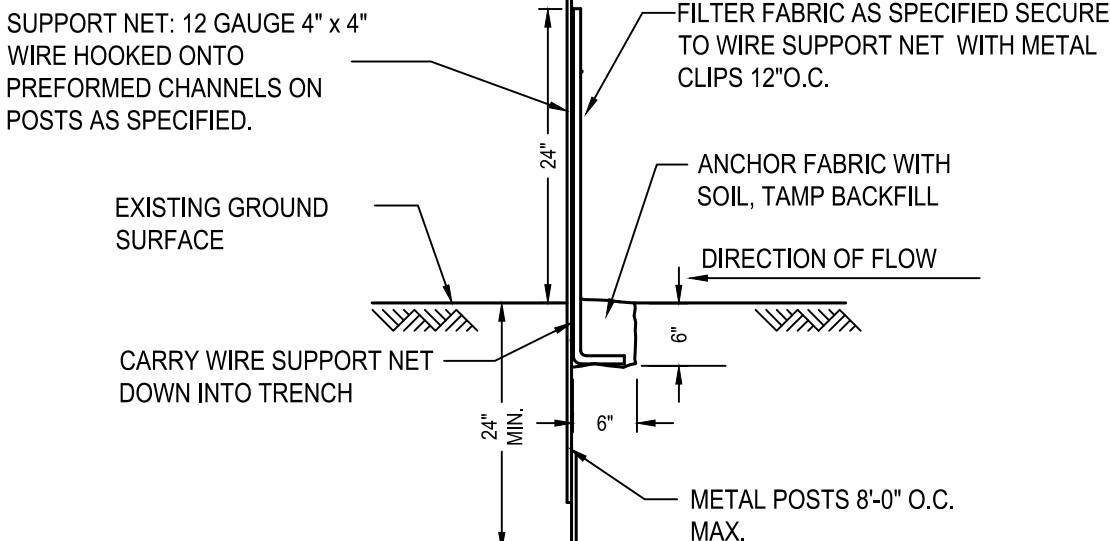
1. IN THE EVENT THAT SEDIMENT IS INTRODUCED INTO THE BMP DURING OR IMMEDIATELY FOLLOWING EXCAVATION, THIS MATERIAL SHALL BE REMOVED FROM THE PRACTICE PRIOR TO CONTINUING CONSTRUCTION.
2. GRADING OF BIORETENTION DEVICES SHALL BE ACCOMPLISHED USING LOW-COMPACTION EARTH-MOVING EQUIPMENT TO PREVENT COMPACTION OF UNDERLYING SOILS.
3. ALL SUB MATERIALS BELOW THE SPECIFIED BIORETENTION DEPTH (ELEVATION) SHALL BE UNDISTURBED, UNLESS OTHERWISE NOTED.
4. CONTRACTOR SHALL VERIFY SOILS BENEATH INFILTRATION BASIN ARE PERMEABLE "SANDY" SOILS TO PROMOTE INFILTRATION. IF SANDY SOILS ARE NOT ENCOUNTERED CONTRACTOR SHALL EXCAVATE DOWN TO SUITABLE SOILS AND BACKFILL WITH SAND.



NTS



NTS



NTS

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ISSUE/SUBMITTAL SUMMARY

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REVISION SUMMARY

DATE	DESCRIPTION
1	1
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PROJECT NO.: 18179

SWPPP - DETAILS

SW1.2

