

WAYZATA CITY COUNCIL MEETING AMENDED AGENDA

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, October 2, 2018

WORKSHOP TOPICS FOR DISCUSSION:

1. Update of Parks and Trails Master Plan (5:00 p.m.)
2. Request from Wayzata Community Sailing Center for support of Hennepin Youth Sports Grant Application (6:30 p.m.)

7:00 PM - CITY COUNCIL MEETING

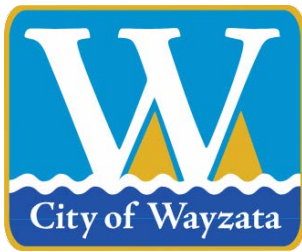
ITEM	DESCRIPTION	PRESENTER	DK	ST	KW	JM	AP	VOTE	PAGE #
1	Call to Order								
2	Pledge of Allegiance								
3	Roll Call								
4	Approve Agenda								
5	Public Forum - 15 Minutes (3 min/person)								
a.	Presentation by Hennepin County Sheriff Rich Stanek								
6	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
7	Consent Agenda								2
a.	Approval of City Council Workshop Meeting Minutes of September 18, 2018 and City Council Regular Meeting Minutes of September 18, 2018								
b.	Approval of Check Register								
c.	Approval of Municipal Licenses								
d.	Consider Approval of Proposal and Authorization of Contract with Stantec and for 2040 Comp Plan Services and Surface Water Management Plan Update								
e.	Approval of Contract for Professional Services with LHB for Blight Study Analysis								
f.	Approval of House Plans at 1406 Holdridge La								
g.	Approval of House Plans at 321 Wise Ave S								
h.	Approval of Second Reading of Ordinance 784 Rezoning the Property at 253 Lake St E								
i.	Approval of Resolution No. 56-2018 Approving an Extension of PUD for Beacon Five at 529 Indian Mound East								
j.	Approval of a Change Order in the Professional Services Contract with AEM for CIP Services								
k.	Approval of 2019 Fire Protection Agreement with City of Woodland								
8	New Business								
a.	Approval of Development and Fee in Lieu of Parking (FILOP) Agreement for Broadway Place at 326 and 332 Broadway Avenue South	Thomson							127
b.	Consider Resolution No. 53-2018 Approving PUD General Plan, Design Review, Variance, and Shoreland Impact Plan/Conditional Use Permit and Ordinance No. 785 for Hughes Redevelopment at 235 and 239 Lake Street East	Thomson							210
c.	Consider Approval of Resolution 55-2018 Approving Preliminary and Final Plat Subdivision for Benton Harbor at 310 Benton Ave N and 1023 Gardner St E	Thomson							286
d.	Approval of Resolution 57-2018 Supporting Minnesota Municipal Beverage Association (MMBA) Legislative Position regarding Off-Sale Liquor	Dahl							319
e.	Discuss Exploration of Lake Street Design Alternatives	Dahl							325
f.	Update on East Neighborhood Traffic Items	Kelly							327
9	City Manager's Report and Discussion Items								
10	Public Forum (as necessary)								
11	Adjournment								

Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - October 16 & November 7, 2018
Planning Commission - October 15 & 29, 2018



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7a
TITLE: Approval of City Council Workshop Meeting Minutes of September 18, 2018 and City Council Regular Meeting Minutes of September 18, 2018	
PROPOSED MOTION: To Approve the City Council Workshop Meeting Minutes of September 18, 2018, and City Council Regular Meeting Minutes of September 18, 2018	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached draft minutes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Draft City Council Workshop Meeting Minutes of September 18, 2018
2. Draft City Council Meeting Minutes of September 18, 2018

WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
September 18, 2018

5:15 p.m. Fire Department Structure and Bylaws

Mayor Willcox called the meetings to order at 5:15 p.m. in the Community Room at Wayzata City Hall. Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Chief Klapprich, Lieutenant John Berns, John Ehret, Fire Service Specialist at the State's Fire Marshal Division, and HR Coordinator Kaufman.

Mr. Dahl discussed the current concerns of the existing structure; provided examples of what other departments are doing; summarized possible changes to the structure; discussed the need for additional resources; and outlined possible next steps/engagement. Chief Klapprich and Lieutenant Berns provided their perspective on the need to make structural changes within the department and reported that the rest of the department appeared to agree that "it was time."

Mr. Ehret provided an update on trends of other departments in the State and applauded the Fire Department in their willingness to move forward with this initiative. He also indicated the League of Minnesota Cities have provided a lot of information as to why fire departments are moving toward appointments versus elections.

Mayor Willcox agreed it is a delicate balance of respecting the rich culture and tradition of the fire department, while at the same time, updating practices and policies to ensure a progressive and sustainable department long in to the future.

Next steps will be to develop proposed practices and policies, in collaboration with all of the members of the Wayzata Fire Department, which will be presented to the Council in 2019.

6:00 p.m. Presentation of Conceptual Plan for the Redevelopment of the Boatworks Building, 294 Grove Lane E

Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Director of Planning and Building Thomson, and Director of Public Works/City Engineer Kelly.

The following commissioners from the planning commission, HRA and Parks and Trails Board were in attendances: Buchanan, Douglas, Flannigan, Iverson, Murray, Plantan, Young, Ambrose, Fox, Petit, Shaver, Wother, Baasen, Borg Babcock, Bader, Cunningham, McWethy, Purdy, Randolph, and Showalter. Developers Rick Born and Steve Bohl along with Project Manager Terry Schneider and Architect David Stahl, were present.

Mayor Willcox introduced this item at 6:00 p.m.

Mr. Born and Mr. Schneider introduced the concept plan for redeveloping the site into a 3.5-story building including mixed use of office, retail and residential. Mr. Born currently owns the building and desires to maintain his consulting business within the site. The Boatworks Building is considered to be one of the prime locations on the lake.

Next steps include engaging other stakeholders in the community to get more feedback. Including the Housing and Redevelopment Authority and the Parks and Trails Board. Also, the City will need to consider approving a "blight study" that would determine if the site would qualify to be a part of Tax Increment Financing (TIF) District #6. If the property is TIF eligible, TIF could be utilized to help pay for significant public improvements in and around the site. Council will be presented with the proposal to move forward at the next meeting on October 2.

1 The workshop meetings were adjourned at 6:55 pm.

2

3 Respectfully submitted,

4

5

6 Kathy Leervig

7 City Clerk

DRAFT

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
September 18, 2018

AGENDA ITEM 1. Call to Order.

Mayor Willcox called the meeting to order at 7:00 p.m.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Koch, McCarthy, Plechash and Tyacke. Also present: City Manager Dahl, Director of Planning and Building Thomson, Public Works Director/City Engineer Kelly, and City Attorney Schelzel.

AGENDA ITEM 4. Approve Agenda.

Mr. Plechash made a motion, seconded by Mr. Tyacke, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 5. Public Forum.

a. Senator David Osmek Presentation

Senator Osmek summarized the end of the legislative session last year. Mr. Willcox thanked Senator Osmek for supporting the City.

Public Works Director/City Engineer Kelly gave an update on signage. Senator Osmek requested Mr. Kelly send him an email on the status of signage and he would speak with MnDOT.

Mr. Koch asked for assistance with MN LARS. Senator Osmek stated this would be on the first agenda.

b. Chamber of Commerce Exceptional Service

Ms. Pearson awarded the Exceptional Service Award to Anita Volkenant with Pleasant View Gardens. Ms. Volkenant thanked her staff.

c. Introduction of Firefighter Hunter Bohl

Fire Chief Klapprich introduced Hunter Bohl as the newest Firefighter to the City.

Mr. Hunter Bohl stated he was honored to be member of the Wayzata Fire Department and looked forward to serving the City.

Fire Chief Klapprich thanked everyone who stopped at the bridge on September 11. He gave an update on the Pancake Breakfast.

d. Introduction of City Clerk Kathy Leervig and Oath of Office

City Manager Dahl introduced Ms. Kathy Leervig in her new position as City Clerk and administered the Oath of Office.

Ms. Leervig stated it was a pleasure to serve the City and she was looking forward to the opportunity and challenge.

e. Other

Ms. Lynn McCarthy updated the Council on volunteers and the outdoor gardening season. She noted they were looking for late summer volunteers to beautify the entrances to the City. She indicated on September 29 they would be working at the end of the ramp of 394 and Highway 12 for the Gateway Project. She stated the Annual Pull It would be on October 13 at 9:00 a.m. meeting at Public Works. She noted the Park and Trails Board was also looking for volunteers to plant tulip

bulbs in the Post Office Park on Minnetonka Avenue on October 20 at 8:30 a.m. She noted anyone who wanted to volunteer or any of the events to email volunteers@wayzata.org.

AGENDA ITEM 6. New Agenda Items.

Mr. Willcox requested a discussion on whether they would like Civitas to take another look at what was proposed for Lake Street as a part of the Lake Effect and look at additional alternatives regarding the bike lane and width of Lake Street. Mr. Tyacke agreed and noted he also had received a lot of comments regarding this. Mr. Dahl indicated he would place this item on the Oct 2nd Council Agenda for the Council to discuss.

AGENDA ITEM 7. Consent Agenda.

Mrs. McCarthy requested Item 7f be pulled from the Consent Agenda.

Mr. Tyacke requested Item 7h be pulled from the Consent Agenda.

Mr. Koch stated with respect to Item 7d he noted there had been a high number of bicycle thefts in front of Caribou. He asked if this was a normal occurrence and believed they should look at ways to address it. Mr. Dahl responded he believed this was an anomaly, but he would talk to the Police Chief to see if there was something more to it.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda as amended:

- a. Approval of City Council Workshop Meeting Minutes of September 4, 2018 and City Council Regular Meeting Minutes of September 4, 2018
- b. Approval of Check Register
- c. Approval of Municipal Licenses
- d. Police Activity Report
- e. Building Activity Report
- f. ~~Approval of Resolution 50-2018 Approving a Conditional Use Permit for a Fence at 217 and 223 Byrondale Avenue North~~
- g. Approval of Resolution 51-2018 Approving a Conditional Use Permit for a Fence at 105 Walker Avenue North
- h. ~~Approval of Professional Services Agreement with Fer Pal Construction USA, LLC for City Watermain Repairs at Ferndale Road and BNSF Railroad~~

The motion carried 5/0.

AGENDA ITEM 8. New Business.

- a. **Consider Resolution No. 52-2018 and Ordinance 784 Approving PUD General Plan and Design Review for Ventana Condos at 253 Lake Street East**

Mr. Thomson reviewed the background for the PUD. He noted the Planning Commission unanimously voted to adopt the report and recommendation of approval of the development application.

Mr. Tyacke requested staff confirm there has been no changes from the Concept Plan to the Final Plan. Mr. Thomson responded that was correct, except for the height reduction.

Mrs. McCarthy asked what the distance between the Wayzata Blue property and this property was, how would they ensure water would not be an issue and would the entrance to the Hughes property be on Lake Street. She stated she was concerned about the entrance being moved from the front to the side with the access to the parking in the back. Mr. Thomson responded he did not know the exact distance, but it was probably ten feet and there would be a walkway connection on the private property. He noted there would be a flat roof and the water would be directed so the adjacent property would not be impacted. He indicated the access to the underground parking garages were all in the back of the building with access on Lake Street and on Barry Avenue behind Wayzata Blue so there would be two ingress and egress along with one sidewalk from that public parking area.

1 Mr. Willcox asked if the building were to change ownership or purpose, was the City
2 hurting themselves by having the entryway on the side. Mr. Thomson believed it would be feasible
3 to add a walkway connection up into the retail spaces if they were every converted.

4 City Attorney Schelzel stated because these were going to be residential higher priced
5 condos there would be a lot of individuals with high investments that would probably put a damper
6 on change.

7 Mr. Plechash stated this made sense to him to be on the side. He asked about the different
8 square footage on the condos for the same units. Mr. Thomson responded he was not sure why
9 there was a difference and he would defer this question to the architect for clarification.

10 Mr. Koch asked what mechanical equipment would be in the closets next to the sidewalk
11 and what kind of noise would be on the sidewalk. Mr. Thomson responded those would be
12 plumbing and fire alarms, along with other systems that did not require vents so there would be no
13 noise coming from them.

14 Neil Weber, Architect, stated the square footages of the units would be changing. He noted
15 some of them had plans drawn and some did not, but they all had plans sketched for marketing. He
16 stated they needed to design the units, so the exterior was set. He noted the most accurate numbers
17 were the numbers on the plan that matched the footprint. He stated they already had potential
18 buyers that wanted additional units, so things would change. He indicated the important thing for
19 the approval was the exterior of the building and the footprint which would not change.

20 Mrs. McCarthy expressed concern about communication of the information with the
21 residents and businesses in the area. Mr. Weber responded it was up to them do to the
22 communication with coordination from staff.

23 Mr. Plechash asked if the residents would have access to their units from the garage and
24 only needed to go outside if they wanted. Mr. Weber responded that was correct and he believed
25 most access would be from the garage.

26 Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 52-2018
27 Approving PUD General Plan and Design Review. The motion carried 5/0.

28 Mr. Tyacke made a motion, seconded by Mr. Plechash, for First Reading of Ordinance No.
29 784 for Ventana Condos at 253 Lake Street East. The motion carried 5/0.

30 **AGENDA ITEM 7. Consent Agenda - continued.**

31 **7f. Consider Resolution 50-2018 Approving a Conditional Use Permit for a Fence at 217** 32 **and 223 Byrondale Avenue North**

33 Mrs. McCarthy asked what the stipulation was with respect to the fencing and with the land
34 dedicated as a path. She was concerned about the gate at the end of the path and cutting off the
35 public access. Mr. Thomson responded as part of the original PUD approval there was a discussion
36 of fences within the development and they were showing on the plans at the time a solid fence
37 along Central Avenue and because that fence was along backyards it was allowed. He noted there
38 was not a specific inclusion for a fence along the back of the properties along Cross Street and
39 Wooddale. He stated they were proposing to add fence along the west side of the development.
40 He outlined what Council had previously approved with respect to the trail and the gate.

41 Mrs. McCarthy inquired about snow removal plan. Mr. Thomson replied the fence had to
42 be at least 5 feet from the edge of the pavement for snow removal.

43 Mr. Koch asked if five feet would be far enough from the street to clear snow without
44 damaging the fence. Mr. Kelley responded it was a challenging area, but they knew there would
45 be development of the properties and it was expected.

46 Mr. Koch asked if there was liability to the City with something like this. Mr. Schelzel
47 responded there generally would not be liability to the City if it was general street maintenance as
48 long as the City was not negligent.

49 Mr. Plechash asked why there is a trail going through the complex where it was located
50 instead of it being on the South end going to Central Avenue. Mr. Thomson replied he believed
51

the original plans originally showed the street as a through street, but when it ended up as a cul-de-sac the trail was proposed as a safer way to get to Benton Avenue instead of walking on Central Avenue.

Mr. Willcox stated he did not like solid fencing, but in some areas, it made sense such as along Central Avenue, but in general he did not like these requests.

Mr. Tyacke made a motion, seconded by Mr. Koch, to Adopt Resolution No. 50-2018 Approving a Conditional Use Permit for a Fence at 217 and 223 Byrondale Avenue North. The motion carried 5/0.

7h. Approval of Professional Services Agreement with Fer-Pal Construction USA, LLC for City Watermain Repairs at Ferndale Road and BNSF Railroad

Mr. Tyacke asked why was this is not competitively bid. Mr. Kelley responded this was for watermain work and the liner that was used in watermain was different than liner used in sanitary sewer. He noted the company they requested the information from specializes in the installation of watermain liners and due to the nature of this watermain and the adjacency under the railroad, they wanted to have someone who had some expertise. He noted this watermain needs to be repaired before the end of the season and this company could get it done in that timeframe.

Mrs. McCarthy asked if the immediacy was the reason the equipment was there already. Mr. Kelley responded that was correct. He stated there were challenges of getting the work completed with the various schedules.

Mrs. McCarthy asked if it was necessary that traffic was not allowed through the area. Mr. Kelley responded it was necessary and he did not want to risk having traffic next to the open areas. He indicated the anticipated timeline was to have this completed by the end of next week, depending on weather.

Mr. Plechash made a motion, seconded by Mr. Tyacke, to Approve the Professional Services Agreement with Fer-Pal Construction USA, LLC for City Watermain Repairs at Ferndale Road and BNSF Railroad. The motion carried 5/0.

AGENDA ITEM 9. City Manager's Report and Discussion Items.

a. Upcoming Events/Announcements

- At the beginning of October Council will help the Muni in bagging at the liquor store and hosting in the bar/grill.
- A Wayzata High School student Aashna Sheeth was now at City Hall two days a week to help with some projects during the school year.

b. Council Member Updates/Announcements

Mr. Koch thanked the Chamber for James J. Hill Days.

AGENDA ITEM 10. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 11. Adjournment.

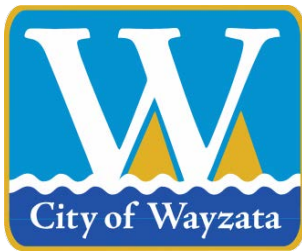
Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further business, Mr. Willcox adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Kathy Leervig
City Clerk

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2 Drafted by Kathy Altman
3 *TimeSaver Off Site Secretarial, Inc.*
4

DRAFT



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for August & September 2018	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached check register for August & September 2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Check Detail Register – August & September 2018

***Check Detail Register©**

September 2018

Check Amt Invoice Comment

10100 Anchor BankPaid Chk# 110630 9/20/2018 **ARTISAN BEER COMPANY**

E 640-47000-253	Beer For Resale	\$210.55	3288474	BEER RESALE
E 640-47000-253	Beer For Resale	\$280.45	3290066	BEER RESALE
Total ARTISAN BEER COMPANY		\$491.00		

Paid Chk# 110631 9/20/2018 **BELLBOY BAR SUPPLY CORP.**

E 640-47000-251	Liquor For Resale	\$365.50	0065712500	LIQ RESALE
E 640-47000-259	Freight	\$7.65	0065712500	FREIGHT
E 640-47000-251	Liquor For Resale	\$320.00	0065777300	LIQ RESALE
E 640-47000-252	Wine For Resale	\$291.84	0065777300	WINE
E 640-47000-259	Freight	\$10.20	0065777300	FREIGHT
E 640-47000-251	Liquor For Resale	\$182.00	0098202900	LIQ RESALE
E 640-47000-259	Freight	\$4.85	0098202900	FREIGHT
Total BELLBOY BAR SUPPLY CORP.		\$1,182.04		

Paid Chk# 110632 9/20/2018 **BERNICK'S WINE**

E 640-47000-253	Beer For Resale	\$368.85	448921	BEER
E 640-47000-254	Soft Drinks/Mix For Resale	\$64.40	450128	MISC.BEV
E 640-47000-253	Beer For Resale	\$536.35	450129	BEER
Total BERNICK'S WINE		\$969.60		

Paid Chk# 110633 9/20/2018 **BOURGET IMPORTS**

E 640-47000-252	Wine For Resale	\$632.00	153809	WINE
E 640-47000-259	Freight	\$6.00	153809	FREIGHT
Total BOURGET IMPORTS		\$638.00		

Paid Chk# 110634 9/20/2018 **BREAKTHRU BEVERAGE**

E 640-47000-251	Liquor For Resale	\$2,639.89	1080850534	LIQUOR
E 640-47000-252	Wine For Resale	\$72.00	1080850534	WINE
E 640-47000-259	Freight	\$26.75	1080850534	FREIGHT
E 640-47000-252	Wine For Resale	\$1,584.00	1080850535	WINE
E 640-47000-259	Freight	\$20.30	1080850535	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$38.95	1080850536	MISC.MIX
E 640-47000-251	Liquor For Resale	\$1,488.23	1080853560	LIQUOR
E 640-47000-259	Freight	\$10.15	1080853560	FREIGHT
E 640-47000-252	Wine For Resale	\$1,091.66	1080853561	WINE
E 640-47000-259	Freight	\$11.72	1080853561	FREIGHT
E 640-48000-252	Wine For Resale	\$960.99	1080853716	WINE
E 640-48000-252	Wine For Resale	\$202.25	1080856390	WINE
Total BREAKTHRU BEVERAGE		\$8,146.89		

Paid Chk# 110635 9/20/2018 **BREAKTHRY BEVERAGE BEER**

E 640-47000-253	Beer For Resale	\$2,627.95	1090905507	BEER
E 640-48000-253	Beer For Resale	\$771.00	1090905555	BEER
E 640-48000-253	Beer For Resale	\$132.50	1090905620	BEER
E 640-48000-253	Beer For Resale	\$132.50	1090905620	BEER
E 640-48000-253	Beer For Resale	\$4,069.00	1090906326	BEER
E 640-48000-253	Beer For Resale	\$1,369.00	1090907061	BEER
E 640-48000-253	Beer For Resale	\$165.00	1090908213	BEER
E 640-47000-253	Beer For Resale	\$4,738.45	109092543	BEER
E 640-48000-253	Beer For Resale	(\$390.00)	2090346177	BEER
E 640-48000-253	Beer For Resale	(\$360.00)	2090346178	BEER
E 640-48000-253	Beer For Resale	(\$805.00)	2090346192	BEER
E 640-48000-253	Beer For Resale	(\$642.00)	2090346200	BEER
Total BREAKTHRY BEVERAGE BEER		\$11,808.40		

Paid Chk# 110636 9/20/2018 **CAPITOL BEVERAGE SALES**

***Check Detail Register©**

September 2018

			Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale		\$2,487.45	2153680	BEER
E 640-47000-253	Beer For Resale		\$3,031.25	2156901	BEER
E 640-48000-253	Beer For Resale		\$1,085.00	2157073	BEER
E 640-48000-253	Beer For Resale		(\$105.00)	2160317	BEER
E 640-48000-253	Beer For Resale		(\$240.00)	358-0751	BEER
E 640-47000-253	Beer For Resale		(\$27.00)	358-0802	BEER
E 640-47000-253	Beer For Resale		(\$289.30)	358-0812	BEER
Total CAPITOL BEVERAGE SALES			\$5,942.40		
Paid Chk#	110637	9/20/2018	CINTAS CORPORATION		
E 640-48500-217	Uniforms		\$80.61	4009430667	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$69.22	4009430667	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$69.12	4009631732	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$17.28	4009631732	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$63.43	4009631732	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$102.06	5011640534	KITCHEN SUPPLIES
Total CINTAS CORPORATION			\$401.72		
Paid Chk#	110638	9/20/2018	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$302.56	3609206616	MISC MIX
Total COCA-COLA			\$302.56		
Paid Chk#	110639	9/20/2018	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals		\$55.91	C5494644	KNIFE EXCHANGE
Total COZZINI BROS., INC.			\$55.91		
Paid Chk#	110640	9/20/2018	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$844.70	1370870	BEER
E 640-48000-253	Beer For Resale		\$670.00	1370871	BEER
E 640-48000-253	Beer For Resale		\$673.00	1370913	BEER
E 640-48000-253	Beer For Resale		\$491.00	1370971	BEER
E 640-47000-253	Beer For Resale		\$1,593.50	186888	BEER
Total DAHLHEIMER DISTRIBUTING CO.			\$4,272.20		
Paid Chk#	110641	9/20/2018	ENKI BREWING COMPANY		
E 640-47000-253	Beer For Resale		\$155.91	9516	BEER
E 640-48000-253	Beer For Resale		\$152.25	9601	BEER
Total ENKI BREWING COMPANY			\$308.16		
Paid Chk#	110642	9/20/2018	GRAPE BEGINNINGS, INC.		
E 640-47000-252	Wine For Resale		\$1,224.00	MN00044744	WINE RESALE
E 640-47000-259	Freight		\$9.00	MN00044744	FREIGHT
Total GRAPE BEGINNINGS, INC.			\$1,233.00		
Paid Chk#	110643	9/20/2018	HOHENSTEINS INC.		
E 640-47000-253	Beer For Resale		\$894.50	986049	BEER RESALE
Total HOHENSTEINS INC.			\$894.50		
Paid Chk#	110644	9/20/2018	JJ TAYLOR DISTRIBUTING OF MN		
E 640-47000-253	Beer For Resale		\$2,607.45	2870460	BEER
E 640-47000-253	Beer For Resale		\$2,117.80	2870487	BEER
E 640-48000-253	Beer For Resale		\$1,059.40	2887123	BEER
E 640-48000-253	Beer For Resale		\$842.10	2887198	BEER
Total JJ TAYLOR DISTRIBUTING OF MN			\$6,626.75		
Paid Chk#	110645	9/20/2018	JOHNSON BROS.-ST.PAUL		
E 640-47000-251	Liquor For Resale		\$533.61	1090227	LIQUOR
E 640-47000-259	Freight		\$6.30	1090227	FREIGHT
E 640-47000-252	Wine For Resale		\$9,767.70	1090228	WINE

***Check Detail Register©**

September 2018

			Check Amt	Invoice	Comment
E 640-47000-259	Freight		\$115.92	1090228	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,561.66	1091436	LIQUOR
E 640-47000-259	Freight		\$15.27	1091436	FREIGHT
E 640-47000-252	Wine For Resale		\$1,481.35	1091437	WINE
E 640-47000-259	Freight		\$27.09	1091437	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,494.00	1094124	LIQUOR
E 640-47000-259	Freight		\$21.42	1094124	FREIGHT
E 640-47000-252	Wine For Resale		\$5,821.20	1094125	WINE
E 640-47000-259	Freight		\$91.98	1094125	FREIGHT
E 640-47000-252	Wine For Resale		\$1,463.15	1096149	WINE
E 640-47000-259	Freight		\$23.94	1096149	FREIGHT
E 640-47000-251	Liquor For Resale		\$642.27	1097534	LIQUOR
E 640-47000-259	Freight		\$5.04	1097534	FREIGHT
E 640-47000-252	Wine For Resale		\$524.60	1097535	WINE
E 640-47000-259	Freight		\$8.82	1097535	FREIGHT
E 640-47000-251	Liquor For Resale		(\$109.85)	697982	LIQUOR
E 640-47000-251	Liquor For Resale		(\$261.25)	699428	LIQUOR
Total JOHNSON BROS.-ST.PAUL			\$24,234.22		
Paid Chk#	110646	9/20/2018	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$334.85	000476746	FOOD
Total KARLSBURGER FOODS, INC.			\$334.85		
Paid Chk#	110647	9/20/2018	LIBATION PROJECT		
E 640-47000-252	Wine For Resale		\$480.00	16778	WINE RESALE
E 640-47000-259	Freight		\$4.50	16778	FREIGHT
E 640-47000-252	Wine For Resale		\$296.00	16967	WINE RESALE
E 640-47000-259	Freight		\$3.00	16967	FREIGHT
Total LIBATION PROJECT			\$783.50		
Paid Chk#	110648	9/20/2018	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$1,647.74	265275	CIGARETTES
Total M.AMUNDSON LLP			\$1,647.74		
Paid Chk#	110649	9/20/2018	MODIST BREWING CO. LLC		
E 640-47000-253	Beer For Resale		\$426.50	11333	BEER
Total MODIST BREWING CO. LLC			\$426.50		
Paid Chk#	110650	9/20/2018	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$176.00	134606	WINE RESALE
E 640-47000-259	Freight		\$1.50	134606	FREIGHT
E 640-47000-252	Wine For Resale		\$973.68	134824	WINE RESALE
E 640-47000-259	Freight		\$13.50	134824	FREIGHT
Total NEW FRANCE WINE COMPANY			\$1,164.68		
Paid Chk#	110651	9/20/2018	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		\$229.95	890110	FOOD
E 640-48500-255	FOODIngredients For Resale		\$446.85	890227	FOOD
E 640-48500-255	FOODIngredients For Resale		\$141.70	890381	FOOD
E 640-48500-255	FOODIngredients For Resale		\$463.55	890621	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$1,282.05		
Paid Chk#	110652	9/20/2018	PAUSTIS & SONS		
E 640-47000-252	Wine For Resale		\$208.00	22264	WINE RESALE
E 640-47000-259	Freight		\$2.25	22264	FREIGHT
E 640-47000-252	Wine For Resale		\$926.00	22401	WINE RESALE
E 640-47000-259	Freight		\$10.00	22401	FREIGHT
E 640-47000-252	Wine For Resale		\$452.50	23110	WINE RESALE

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E 640-47000-259	Freight	\$8.75	23110	FREIGHT
Total PAUSTIS & SONS		\$1,607.50		
Paid Chk# 110653	9/20/2018	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale	\$200.80	19723210	MISC.BEV
Total PEPSI -COLA		\$200.80		
Paid Chk# 110654	9/20/2018	PHILLIPS WINES & SPIRITS		
E 640-47000-251	Liquor For Resale	\$478.90	2413251	LIQUOR
E 640-47000-259	Freight	\$3.78	2413251	FREIGHT
E 640-47000-252	Wine For Resale	\$384.75	2413252	WINE RESALE
E 640-47000-259	Freight	\$6.30	2413252	FREIGHT
E 640-47000-252	Wine For Resale	\$328.00	2416114	WINE RESALE
E 640-47000-259	Freight	\$4.10	2416114	FREIGHT
E 640-47000-251	Liquor For Resale	\$964.25	2417145	LIQUOR
E 640-47000-259	Freight	\$10.29	2417145	FREIGHT
E 640-47000-252	Wine For Resale	\$292.00	2417146	WINE RESALE
E 640-47000-259	Freight	\$6.30	2417146	FREIGHT
E 640-48000-251	Liquor For Resale	\$492.02	2419629	LIQUOR
Total PHILLIPS WINES & SPIRITS		\$2,970.69		
Paid Chk# 110655	9/20/2018	SAVEON		
E 640-47000-340	Advertising	\$3,650.56	2018CI-38091	STORE ADVERTISEMENTS
Total SAVEON		\$3,650.56		
Paid Chk# 110656	9/20/2018	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale	\$79.92	2277927	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$170.59	2279001	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$49.65	2280589	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$109.06	2281589	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$152.30	2284647	ICE
Total SHAMROCK GROUP		\$561.52		
Paid Chk# 110657	9/20/2018	SIGNS NOW		
E 640-47000-210	Operating Supplies (GENERAL)	\$268.81	32670	SUPPLIES
Total SIGNS NOW		\$268.81		
Paid Chk# 110658	9/20/2018	SMALL LOT MN		
E 640-47000-252	Wine For Resale	\$679.92	23506	WINE
E 640-47000-259	Freight	\$8.20	23506	FREIGHT
Total SMALL LOT MN		\$688.12		
Paid Chk# 110659	9/20/2018	SOUTHERN GLAZER'S OF MN		
E 640-47000-251	Liquor For Resale	\$4,992.40	1723746	LIQUOR
E 640-47000-259	Freight	\$32.31	1723746	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$284.08	1723747	MISC.BEV
E 640-47000-252	Wine For Resale	\$966.00	1723748	WINE RESALE
E 640-47000-259	Freight	\$12.80	1723748	FREIGHT
E 640-47000-252	Wine For Resale	\$1,188.00	1726105	WINE RESALE
E 640-47000-259	Freight	\$5.12	1726105	FREIGHT
E 640-47000-259	Freight	\$2.56	1726118	FREIGHT
E 640-47000-252	Wine For Resale	\$952.00	1726119	WINE RESALE
E 640-47000-259	Freight	\$5.12	1726119	FREIGHT
E 640-47000-251	Liquor For Resale	\$5,147.72	1726120	LIQUOR
E 640-47000-259	Freight	\$38.51	1726120	FREIGHT
E 640-47000-252	Wine For Resale	\$3,028.00	1726121	WINE
E 640-47000-259	Freight	\$56.32	1726121	FREIGHT
Total SOUTHERN GLAZER'S OF MN		\$16,710.94		

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Paid Chk#	110660	9/20/2018	STEEL TOE BREWING		
E 640-48000-253	Beer For Resale		\$306.00	23373	BEER
	Total STEEL TOE BREWING		\$306.00		
Paid Chk#	110661	9/20/2018	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv		\$105.00	688238	BEER LINE SERVICE
	Total T.D. ANDERSON INC.		\$105.00		
Paid Chk#	110662	9/20/2018	TOLL GAS & WELDING SUPPLY		
E 640-48000-210	Operating Supplies (GENERAL)		\$233.75	10261398	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$89.77	40087271	SUPPLIES
	Total TOLL GAS & WELDING SUPPLY		\$323.52		
Paid Chk#	110663	9/20/2018	TOWN & COUNTRY TRAILERS		
E 409-43100-540	Equipment		\$5,160.00	SKID TRL	SKID TRAILER
	Total TOWN & COUNTRY TRAILERS		\$5,160.00		
Paid Chk#	110664	9/20/2018	TRI TECH DISPENSING		
E 640-48000-404	Repairs/Maint - Machin/Equip		\$177.50	55629	ICE MACHINE REPAIRS
	Total TRI TECH DISPENSING		\$177.50		
Paid Chk#	110665	9/20/2018	TRIMARK		
E 640-48500-210	Operating Supplies (GENERAL)		\$346.15	99RG9D	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$267.53	99RG9D	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$167.33	99RL4L	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$174.44	99RL4M	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$147.31	99RL4N	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$232.26	99RL4N	BAR SUPPLIES
	Total TRIMARK		\$1,335.02		
Paid Chk#	110666	9/20/2018	TRUE BRANDS		
E 640-47000-254	Soft Drinks/Mix For Resale		\$7.10	354733	MISC MDSE
	Total TRUE BRANDS		\$7.10		
Paid Chk#	110667	9/20/2018	UNITED CLEANING MANAGEMENT		
E 640-48000-409	Maint services & Improv		\$2,595.19	1023119	MONTHLY CLEANING
	Total UNITED CLEANING MANAGEMENT		\$2,595.19		
Paid Chk#	110668	9/20/2018	US FOODS		
E 640-48500-255	FOODIngredients For Resale		\$6,884.82	5190482	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$211.30	5190482	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$139.39	5190482	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$95.85	5190482	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$419.45	5190482	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$242.51	5190482	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$3,727.63	5218165	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$40.76	5218165	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$95.69	5218165	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$140.84	5218165	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$280.54	5218165	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$61.46	5218165	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$3,344.70	5270888	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$147.01	5270888	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$54.13	5270888	BAR SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale		\$128.45	5270888	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$112.68	5270888	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$5,487.84	5317455	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$337.10	5317455	KITCHEN SUPPLIES

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E 640-48000-210	Operating Supplies (GENERAL)		\$86.96	5317455	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$140.84	5317455	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$228.27	5317455	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$260.59	5317455	LIQUOR
E 640-48000-210	Operating Supplies (GENERAL)		\$101.01	5317456	BAR SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$59.69	5318974	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,531.74	5354251	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$110.42	5354251	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$124.79	5354251	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$97.42	5354251	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$163.70	5354251	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$53.43	5354251	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$3,004.09	5401834	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$214.66	5401834	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$36.06	5401834	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$22.47	5401834	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$297.20	5401834	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$84.04	5401834	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$687.57	5414820	FOOD
E 640-48500-255	FOODIngredients For Resale		\$368.92	5436160	FOOD
Total US FOODS			\$31,626.02		
Paid Chk# 110669	9/20/2018	VAN PAPER COMPANY			
E 640-48000-210	Operating Supplies (GENERAL)		\$66.90	474606-00	BAR SUPPLIES
Total VAN PAPER COMPANY			\$66.90		
Paid Chk# 110670	9/20/2018	VINOCOPIA			
E 640-47000-252	Wine For Resale		\$260.00	0214324	WINE RESALE
E 640-47000-259	Freight		\$2.50	0214324	FREIGHT
E 640-47000-251	Liquor For Resale		\$274.03	0214711	LIQUOR
E 640-47000-259	Freight		\$2.50	0214711	FREIGHT
Total VINOCOPIA			\$539.03		
Paid Chk# 110671	9/20/2018	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$1,664.00	81406	WINE RESALE
E 640-47000-259	Freight		\$21.45	81406	FREIGHT
E 640-47000-252	Wine For Resale		\$1,726.66	82244	WINE RESALE
E 640-47000-259	Freight		\$16.50	82244	FREIGHT
Total WINE COMPANY			\$3,428.61		
Paid Chk# 110672	9/20/2018	WINE MERCHANT			
E 640-47000-252	Wine For Resale		\$6,655.24	7197934	WINE
E 640-47000-252	Wine For Resale		\$10,423.23	7198172	WINE
E 640-47000-259	Freight		\$74.77	7198172	FREIGHT
E 640-47000-252	Wine For Resale		\$504.00	7198931	WINE
E 640-47000-259	Freight		\$3.78	7198931	FREIGHT
E 640-48000-252	Wine For Resale		\$654.32	7200363	WINE
E 640-47000-252	Wine For Resale		(\$129.26)	722146	WINE
E 640-48000-252	Wine For Resale		(\$8.10)	722182	WINE
E 640-47000-252	Wine For Resale		(\$378.30)	722276	WINE
Total WINE MERCHANT			\$17,799.68		
Paid Chk# 110673	9/27/2018	ANCOM COMMUNICATIONS, INC.			
E 101-43100-323	Radio Units		\$82.75	35590-00	PW RADIO PARTS
Total ANCOM COMMUNICATIONS, INC.			\$82.75		
Paid Chk# 110674	9/27/2018	AT&T MOBILITY			
E 101-41940-321	Telephone		\$165.31		SERVICE

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Total AT&T MOBILITY			\$165.31		
Paid Chk# 110675	9/27/2018	BARTON SAND & GRAVEL CO.			
E 101-43100-229	Dirt, Sand and gravel		\$268.35	180915	SAND
Total BARTON SAND & GRAVEL CO.			\$268.35		
Paid Chk# 110676	9/27/2018	BERNS, JOHN			
E 101-42200-331	Mileage & Expense Account		\$153.68	REIMB.	FD MEALS
Total BERNS, JOHN			\$153.68		
Paid Chk# 110677	9/27/2018	BERRY COFFEE COMPANY			
E 101-42200-499	Miscellaneous		\$69.89	543595	FD SUPPLIES
Total BERRY COFFEE COMPANY			\$69.89		
Paid Chk# 110678	9/27/2018	BEST & FLANAGAN			
E 101-41500-350	Printing & Publishing		\$675.00	493067	PLANNING COMM.MTGS
G 802-20332	MEYER BROS DEV.		\$272.50	493067	MEYER BROS.ESCROW PROJECT
G 802-20342	326 & 332 BROADWAY PLACE		\$2,681.25	493067	BROADWAY PLACE ESCROW PROJECT
G 802-20344	ENCLAVE AT CROSSDALE		\$180.00	493067	ENCLAVE AT CROSSDALE ESCROW PROJECT
G 802-20365	253 LAKE STREET-HOYT		\$720.00	493067	253 LAKE ESCROW PROJECT
G 802-20374	235 LAKE ST. - HUGHES		\$900.00	493067	235 LAKE ESCROW PROJECT
G 802-20388	623 BUSHAWAY - GREENWAY		\$180.00	493067	623 BUSHAWAY ESCROW PROJECT
G 802-20387	405 BUSHAWAY - TAYLOR		\$180.00	493067	405 BUSHAWAY ESCROW PROJECT
G 802-20389	105 WALKER-VANDERHEYDEN		\$540.00	493067	105 WALKER ESCROW PROJECT
E 101-41500-304	Legal Fees		\$630.00	493067	WAYCLIFFE TOWNHOMES
Total BEST & FLANAGAN			\$6,958.75		
Paid Chk# 110679	9/27/2018	BIFFS, INC.			
E 101-45200-415	Other Equipment Rentals		\$62.50	W693894	PARKS SERVICE
Total BIFFS, INC.			\$62.50		
Paid Chk# 110680	9/27/2018	BOTHAM, BRIAN			
E 101-42200-331	Mileage & Expense Account		\$75.00	REIMB.	FD MTG.MEALS
Total BOTHAM, BRIAN			\$75.00		
Paid Chk# 110681	9/27/2018	CASH - OLD NATIONAL			
E 610-40000-322	Postage		\$12.00		REPLENISH PETTY CASH
E 101-42100-331	Mileage & Expense Account		\$22.00		REPLENISH PETTY CASH
E 101-42100-210	Operating Supplies (GENERAL)		\$11.00		REPLENISH PETTY CASH
E 101-41500-306	Personnel Expense		\$45.00		REPLENISH PETTY CASH
E 101-41100-331	Mileage & Expense Account		\$20.00		REPLENISH PETTY CASH
E 101-41500-499	Miscellaneous		\$4.00		REPLENISH PETTY CASH
E 640-47000-433	Dues, Licensing & Seminars		\$30.00		REPLENISH PETTY CASH
E 101-41500-331	Mileage & Expense Account		\$40.00		REPLENISH PETTY CASH
E 630-40000-331	Mileage & Expense Account		\$41.00		REPLENISH PETTY CASH
E 620-40000-499	Miscellaneous		\$25.00		REPLENISH PETTY CASH
E 101-45200-210	Operating Supplies (GENERAL)		\$33.00		REPLENISH PETTY CASH
Total CASH - OLD NATIONAL			\$283.00		
Paid Chk# 110682	9/27/2018	CEMSTONE PRODUCTS CO.			
E 408-40000-402	Sidewalk Replacement		\$228.00	C1953510	CONCRETE FOR KIOSK
Total CEMSTONE PRODUCTS CO.			\$228.00		
Paid Chk# 110683	9/27/2018	CENTRAL LANDSCAPE			
E 404-40000-227	Plantings		\$819.50	286457	TREES
E 404-40000-227	Plantings		\$563.00	286458	TREES
Total CENTRAL LANDSCAPE			\$1,382.50		
Paid Chk# 110684	9/27/2018	CLASSIC CLEANING COMPANY			

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E 101-41940-409	Maint services & Improv		\$1,513.00	27139	MONTHLY CLEANING
E 101-41940-409	Maint services & Improv		\$564.00	27140	MONTHLY CLEANING
Total	CLASSIC CLEANING COMPANY		\$2,077.00		
Paid Chk# 110685	9/27/2018	COMMERCIAL ASPHALT CO.			
E 430-40000-309	Contractual Services		\$111.80	180915	ASPHALT
Total	COMMERCIAL ASPHALT CO.		\$111.80		
Paid Chk# 110686	9/27/2018	DAVIS, CARLOTTA REESE			
R 610-00000-37110	W/S/Storm Sales		\$28.39	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total	DAVIS, CARLOTTA REESE		\$28.39		
Paid Chk# 110687	9/27/2018	DELTA DENTAL OF MINNESOTA			
G 101-21717	Dental Insurance		\$2,475.95	7413854	DENTAL INS.-OCT.2018
Total	DELTA DENTAL OF MINNESOTA		\$2,475.95		
Paid Chk# 110688	9/27/2018	DIAMOND VOGEL PAINTS			
E 101-43100-226	Sign Repair Materials		\$15.60	802183440	PAINT
Total	DIAMOND VOGEL PAINTS		\$15.60		
Paid Chk# 110689	9/27/2018	DIRECTV			
E 640-48000-415	Other Equipment Rentals		\$321.12	35119837375	SERVICE
Total	DIRECTV		\$321.12		
Paid Chk# 110690	9/27/2018	DORSEY & WHITNEY LLP			
E 305-40000-304	Legal Fees		\$1,447.20	3446600	TIF# 6
Total	DORSEY & WHITNEY LLP		\$1,447.20		
Paid Chk# 110691	9/27/2018	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$589.05	631831	CITY CODE
G 802-20836	305 LAKE ST - ZITZLOFF		\$65.45	633487	305 LAKE ESCROW PROJECT
Total	ECM PUBLISHERS, INC.		\$654.50		
Paid Chk# 110692	9/27/2018	EHLERS			
E 405-40000-304	Legal Fees		\$2,160.00	78104	TIF CONSULTING
G 802-20365	253 LAKE STREET-HOYT		\$1,485.00	78112	HOYT TIF PROJECT
G 802-20379	ZITZLOFF TIF REDEVELOPMENT		\$405.00	78114	ZITZLOFF TIF PROJECT
Total	EHLERS		\$4,050.00		
Paid Chk# 110693	9/27/2018	ELAN-CARDMEMBER SERVICES			
E 101-41500-331	Mileage & Expense Account		\$340.79		MTG.MEALS
E 101-42400-200	Office Supplies (GENERAL)		\$316.13		BLDG.DEPT.FORMS
E 101-41910-433	Dues, Licensing & Seminars		\$345.00		PLANNING CONF.REG.
E 101-41500-499	Miscellaneous		\$87.81		ELECTION MEALS
E 640-47000-497	Credit Card Fees		\$188.55		STORE CC PROCESSING
E 630-40000-433	Dues, Licensing & Seminars		\$29.95		MV DUES
E 640-47000-306	Personnel Expense		\$23.97		STORE EMPL.ADS
E 640-47000-401	Repairs/Maint Buildings		\$674.25		STORE BLDG.LANDSCAPING PLANTS
E 640-48000-210	Operating Supplies (GENERAL)		\$517.57		BAR SUPPLIES
E 640-48000-497	Credit Card Fees		\$50.00		BAR CC PROCESSING
E 640-48000-306	Personnel Expense		\$4.39		BAR EMPL.ADS
E 640-48000-401	Repairs/Maint Buildings		\$227.48		BAR BLDG.LANDSCAPING PLANTS
E 101-49200-212	Motor Fuels		\$135.64		PW FUEL
E 101-43300-331	Mileage & Expense Account		\$16.20		ENG.MTG.MEAL
Total	ELAN-CARDMEMBER SERVICES		\$2,957.73		
Paid Chk# 110694	9/27/2018	EXCEL DOCUMENT MGMT.			
E 101-41500-200	Office Supplies (GENERAL)		\$230.59	44132	BUS.CARDS-LEERVIG, KAUFMAN & WAGNER

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			Check Amt	Invoice	Comment
Total EXCEL DOCUMENT MGMT.			\$230.59		
Paid Chk# 110695	9/27/2018	FIDELITY SECURITY LIFE			
G 101-21722	Vision Insurance		\$86.35	2115501	VISION INS.-OCT.2018
Total FIDELITY SECURITY LIFE			\$86.35		
Paid Chk# 110696	9/27/2018	FIT TEST			
E 101-42200-241	Safety equip/testings		\$598.00	910	FIRE FIGHTER FIT TESTS
Total FIT TEST			\$598.00		
Paid Chk# 110697	9/27/2018	FOREMOST BUSINESS SYSTEMS INC.			
E 640-48000-404	Repairs/Maint - Machin/Equip		\$480.64	62004	PRINTER
E 640-48000-433	Dues, Licensing & Seminars		\$37.50	62420	SUPPORT
otal FOREMOST BUSINESS SYSTEMS INC.			\$518.14		
Paid Chk# 110698	9/27/2018	FORMS & SYSTEMS OF MINNESOTA			
E 101-42100-350	Printing & Publishing		\$118.10	161748	PD CITATIONS
Total FORMS & SYSTEMS OF MINNESOTA			\$118.10		
Paid Chk# 110699	9/27/2018	GARDENING BY MEREDITH			
E 640-48000-409	Maint services & Improv		\$157.50	1802	PLANTING & WEEDING MUNI
Total GARDENING BY MEREDITH			\$157.50		
Paid Chk# 110700	9/27/2018	GRAINGER, INC.			
E 101-45200-241	Safety equip/testings		\$5.69	9750372881	PARTS
Total GRAINGER, INC.			\$5.69		
Paid Chk# 110701	9/27/2018	HEIDER, NICK			
E 630-40000-331	Mileage & Expense Account		\$104.74	REIMB.	CONF.EXPENSE
Total HEIDER, NICK			\$104.74		
Paid Chk# 110702	9/27/2018	HENNEPIN COUNTY ASSESSORS OFFI			
E 101-41550-302	Consultants		\$7,000.00	1000115794	COUNTY ASSESSING SERVICES
otal HENNEPIN COUNTY ASSESSORS OFFI			\$7,000.00		
Paid Chk# 110703	9/27/2018	HENNEPIN COUNTY TAX SERVICES			
E 101-41940-499	Miscellaneous		\$2,520.37	2ND HALF 201	DEPOT PROPERTY TAXES - 2ND HALF 2018
Total HENNEPIN COUNTY TAX SERVICES			\$2,520.37		
Paid Chk# 110704	9/27/2018	INTEGRATED FIRE & SECURITY			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$460.00	74061	FIRE PANEL ALARM REPAIRS
Total INTEGRATED FIRE & SECURITY			\$460.00		
Paid Chk# 110705	9/27/2018	J.H. LARSON COMPANY			
E 101-41940-210	Operating Supplies (GENERAL)		\$130.48	S101820848.0	SUPPLIES
Total J.H. LARSON COMPANY			\$130.48		
Paid Chk# 110706	9/27/2018	JC HEAVY TRUCK SERVICE, INC.			
E 101-43100-404	Repairs/Maint - Machin/Equip		\$935.02	2665	TANDEM TRUCK REPAIRS
Total JC HEAVY TRUCK SERVICE, INC.			\$935.02		
Paid Chk# 110707	9/27/2018	JIMMY'S JOHNNYS			
E 101-45200-415	Other Equipment Rentals		\$470.00	137680	PARKS SERVICE
Total JIMMY'S JOHNNYS			\$470.00		
Paid Chk# 110708	9/27/2018	KD & COMPANY			
E 101-43100-229	Dirt, Sand and gravel		\$195.00	13424	STREET SWEEPING DISPOSAL
Total KD & COMPANY			\$195.00		
Paid Chk# 110709	9/27/2018	LAMBERT, JEFFREY W.			

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			Check Amt	Invoice	Comment
E 101-42120-304	Legal Fees		\$2,668.25	9/24/18	LEGAL SERVICES
	Total LAMBERT, JEFFREY W.		\$2,668.25		
Paid Chk# 110710	9/27/2018	LAW ENFORCEMENT LABOR SERVICES			
G 101-21707	Police union dues		\$490.00	SEPT.2018	PD UNION DUES
	al LAW ENFORCEMENT LABOR SERVICES		\$490.00		
Paid Chk# 110711	9/27/2018	MACQUEEN EQUIPMENT, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$179.07	P15074	PARTS
	Total MACQUEEN EQUIPMENT, INC.		\$179.07		
Paid Chk# 110712	9/27/2018	MADDEN, GALANTER, HANSEN, LLP			
E 640-48000-306	Personnel Expense		\$246.45	9/1/18	LABOR RELATIONS LEGAL
	Total MADDEN, GALANTER, HANSEN, LLP		\$246.45		
Paid Chk# 110713	9/27/2018	MANSFIELD OIL COMPANY			
E 101-49200-212	Motor Fuels		\$1,454.15	20974633	FUEL
E 101-49200-212	Motor Fuels		(\$1,454.15)	20979140	FUEL
E 101-49200-212	Motor Fuels		\$584.20	20979148	FUEL
E 101-49200-212	Motor Fuels		\$796.52	20979149	FUEL
E 101-49200-212	Motor Fuels		\$483.31	20979150	FUEL
	Total MANSFIELD OIL COMPANY		\$1,864.03		
Paid Chk# 110714	9/27/2018	MED COMPASS			
E 101-42200-241	Safety equip/testings		\$1,545.00	34212	FD EXAMS
	Total MED COMPASS		\$1,545.00		
Paid Chk# 110715	9/27/2018	MEDIACOM			
E 101-41940-321	Telephone		\$335.90		SERVICE - CITY HALL
	Total MEDIACOM		\$335.90		
Paid Chk# 110716	9/27/2018	MEDIACOM			
E 101-41940-321	Telephone		\$47.10		SERVICE-DEPOT
	Total MEDIACOM		\$47.10		
Paid Chk# 110717	9/27/2018	MEDIACOM			
E 101-41940-321	Telephone		\$315.90		SERVICE-BEACH HOUSE
	Total MEDIACOM		\$315.90		
Paid Chk# 110718	9/27/2018	MEDIACOM			
E 610-49100-499	Miscellaneous		\$1,620.00		SERVICE-WATER PLANT
	Total MEDIACOM		\$1,620.00		
Paid Chk# 110719	9/27/2018	METROPOLITAN COUNCIL			
E 620-40000-386	Other Utilities		\$44,281.89	0001087046	SEWER SERVICE
	Total METROPOLITAN COUNCIL		\$44,281.89		
Paid Chk# 110720	9/27/2018	MILLER, FRED			
E 235-40000-302	Consultants		\$1,600.00	0180210	WCTV
E 235-40000-302	Consultants		\$300.00	0180210	CANDIDATE FORUM
	Total MILLER, FRED		\$1,900.00		
Paid Chk# 110721	9/27/2018	MINNESOTA EQUIPMENT			
E 101-45200-221	Equipment Parts		\$64.85	P73050	PARTS & SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$51.90	P73050	PARTS & SUPPLIES
	Total MINNESOTA EQUIPMENT		\$116.75		
Paid Chk# 110722	9/27/2018	MINT ROOFING			
E 640-48000-401	Repairs/Maint Buildings		\$183.05	766432	MUNI ROOF LEAK

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E 640-47000-401	Repairs/Maint Buildings	\$183.05	766432	MUNI ROOF LEAK
Total MINT ROOFING		\$366.10		
Paid Chk# 110723	9/27/2018	MN NCPERS LIFE INSURANCE		
G 101-21715	PERA Term Life	\$32.00	10/2018	LIFE INS.
Total MN NCPERS LIFE INSURANCE		\$32.00		
Paid Chk# 110724	9/27/2018	MOOD MEDIA		
E 640-47000-433	Dues, Licensing & Seminars	\$57.28	54239676	OVERHEAD MUSIC
E 640-48000-433	Dues, Licensing & Seminars	\$57.28	54239676	OVERHEAD MUSIC
Total MOOD MEDIA		\$114.56		
Paid Chk# 110725	9/27/2018	MORRIE S MINNETONKA FORD		
E 640-47000-404	Repairs/Maint - Machin/Equip	\$298.00	559723	NEW DELIVERY VEHICLE PARTS
Total MORRIE S MINNETONKA FORD		\$298.00		
Paid Chk# 110726	9/27/2018	NAPA AUTO PARTS-LONG LAKE		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$36.68	3270-416257	PARTS
E 640-47000-404	Repairs/Maint - Machin/Equip	\$25.99	3270-416279	PARTS
Total NAPA AUTO PARTS-LONG LAKE		\$62.67		
Paid Chk# 110727	9/27/2018	NAPA AUTO PARTS-WATERTOWN		
E 101-45200-222	Repair & Maint - Equip	\$230.44	504355	PARTS
Total NAPA AUTO PARTS-WATERTOWN		\$230.44		
Paid Chk# 110728	9/27/2018	NEWMAN TRAFFIC SIGNS		
E 101-43100-226	Sign Repair Materials	\$145.82	TRFINV00519	STREET SIGNS
Total NEWMAN TRAFFIC SIGNS		\$145.82		
Paid Chk# 110729	9/27/2018	NINETWENTYFIVE		
E 101-41100-331	Mileage & Expense Account	\$172.04	001	COUNCIL CONF.
Total NINETWENTYFIVE		\$172.04		
Paid Chk# 110730	9/27/2018	NITRO GREEN		
E 101-45200-316	Weed Control	\$700.00	121080802	WEED CONTROL
Total NITRO GREEN		\$700.00		
Paid Chk# 110731	9/27/2018	NORTHERN TOOL & EQUIPMENT		
E 101-42200-404	Repairs/Maint - Machin/Equip	\$66.60	4061102352	FD REPAIRS
E 101-42200-404	Repairs/Maint - Machin/Equip	\$12.90	4062068361	FD REPAIRS
Total NORTHERN TOOL & EQUIPMENT		\$79.50		
Paid Chk# 110732	9/27/2018	OFFICE DEPOT		
E 101-42100-200	Office Supplies (GENERAL)	\$44.58	199153672001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$92.80	199153672001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$19.79	199154998001	SUPPLIES
E 630-40000-200	Office Supplies (GENERAL)	\$13.80	203164742001	SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)	\$130.38	203164742001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$412.59	203164742001	SUPPLIES
Total OFFICE DEPOT		\$713.94		
Paid Chk# 110733	9/27/2018	OVSHAK, KATHY		
E 101-41500-331	Mileage & Expense Account	\$38.50	3RD QTR.2018 MILEAGE 3RD QTR.2018	
Total OVSHAK, KATHY		\$38.50		
Paid Chk# 110734	9/27/2018	PLUNKETT S PEST CONTROL		
E 640-48000-409	Maint services & Improv	\$120.68	6051123	SERVICE
Total PLUNKETT S PEST CONTROL		\$120.68		

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			Check Amt	Invoice	Comment
Paid Chk#	110735	9/27/2018	POPP TELECOM		
E 640-47000-321	Telephone		\$100.00		
E 640-48000-321	Telephone		\$100.00		
E 101-41940-321	Telephone		\$313.82		
E 610-40000-323	Radio Units		\$91.35		
E 620-40000-323	Radio Units		\$33.31		
E 101-42100-309	Contractual Services		\$31.86		
	Total POPP TELECOM		\$670.34		
Paid Chk#	110736	9/27/2018	PURCHASE POWER		
E 101-49200-322	Postage		\$180.00		POSTAGE METER RENTAL
	Total PURCHASE POWER		\$180.00		
Paid Chk#	110737	9/27/2018	RANDY S SANITATION		
E 650-47500-384	Refuse/Garbage		\$9,255.03		LABOR
E 650-47500-384	Refuse/Garbage		\$24.70		STICKERS
E 650-47500-384	Refuse/Garbage		\$1,365.52		KARTS
E 650-47500-384	Refuse/Garbage		\$1,051.59		DRIVEUP
E 650-47500-386	Other Utilities		\$4,291.42		DISPOSAL
E 101-41940-386	Other Utilities		\$777.59		CH/PW
E 650-47600-309	Contractual Services		\$3,950.46		RECYCLING
E 650-47800-384	Refuse/Garbage		\$6,597.01		ORGANICS
E 650-47800-386	Other Utilities		\$79.00		ORGANICS DISPOSAL
E 640-47000-384	Refuse/Garbage		\$150.00		STORE
E 640-48000-384	Refuse/Garbage		\$565.66		BAR
	Total RANDY S SANITATION		\$28,107.98		
Paid Chk#	110738	9/27/2018	RRH SERVICES		
E 101-42200-210	Operating Supplies (GENERAL)		\$100.00	8/7/18	FD COMPUTER SUPPORT
	Total RRH SERVICES		\$100.00		
Paid Chk#	110739	9/27/2018	SHORT ELLIOTT HENDRICKSON INC.		
E 407-40000-303	Engineering Fees		\$976.87	356513	MONOPOLE TENANT RELOCATION
	Total SHORT ELLIOTT HENDRICKSON INC.		\$976.87		
Paid Chk#	110740	9/27/2018	SOUTHWEST ASSESSING		
E 101-41550-302	Consultants		\$4,227.00	OCT.2018	MONTHLY ASSESSING
E 101-41550-210	Operating Supplies (GENERAL)		\$8.83	OCT.2018	SUPPLIES
	Total SOUTHWEST ASSESSING		\$4,235.83		
Paid Chk#	110741	9/27/2018	SPRINT		
E 101-42100-323	Radio Units		\$136.33	134573312-20	PD SERVICE
	Total SPRINT		\$136.33		
Paid Chk#	110742	9/27/2018	SPRINT		
E 101-42200-323	Radio Units		\$435.62	523093316-20	FD SERVICE
	Total SPRINT		\$435.62		
Paid Chk#	110743	9/27/2018	STANTEC CONSULTING SERVICES		
E 610-49100-302	Consultants		\$522.00	1405526	WELL #4 REHAB
G 802-20386	235 LAKE ST - WETLAND DELIN.		\$235.50	1405527	235 LAKE WETLAND ESCROW PROJECT
E 620-49100-302	Consultants		\$8,640.75	1405528	SEWER COMP.PLAN
E 610-49100-302	Consultants		\$7,014.00	1405529	WATER COMP.PLAN
	Total STANTEC CONSULTING SERVICES		\$16,412.25		
Paid Chk#	110744	9/27/2018	STREICHER S		
E 101-42100-217	Uniforms		\$65.58	I1326035	PD UNIFORMS
E 101-42100-217	Uniforms		\$51.98	I1330326	PD UNIFORMS

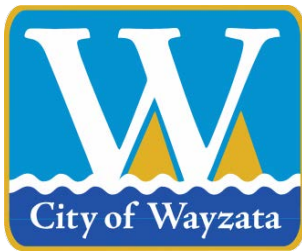
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			Check Amt	Invoice	Comment
Total STREICHER S			\$117.56		
Paid Chk# 110745	9/27/2018	SUBURBAN TIRE WHOLESAL INC.			
E 101-42100-404	Repairs/Maint - Machin/Equip	\$1,816.92	10155808	SQUAD SNOW TIRES	
Total SUBURBAN TIRE WHOLESAL INC.		\$1,816.92			
Paid Chk# 110746	9/27/2018	TIME SAVER			
E 101-41100-302	Consultants	\$353.00	M24120	MTG.MINUTES	
Total TIME SAVER		\$353.00			
Paid Chk# 110747	9/27/2018	TRUAX PATIENT SERVICES			
E 101-42100-499	Miscellaneous	\$450.00	1369	PD SUPPLIES	
Total TRUAX PATIENT SERVICES		\$450.00			
Paid Chk# 110748	9/27/2018	ULTIMATE EVENTS			
R 101-00000-32290	Misc Permits	\$125.00	REFUND	TENT PERMIT REFUND	
Total ULTIMATE EVENTS		\$125.00			
Paid Chk# 110749	9/27/2018	VERIZON WIRELESS			
E 101-42100-323	Radio Units	\$200.07	9814493128	PD SERVICE	
Total VERIZON WIRELESS		\$200.07			
Paid Chk# 110750	9/27/2018	WAYZATA BAY CAR WASH			
E 101-42100-404	Repairs/Maint - Machin/Equip	\$192.30	1399	PD SQUAD MAINT.	
Total WAYZATA BAY CAR WASH		\$192.30			
10100 Anchor Bank		\$313,868.84			

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$40,669.27
235 CABLE TV	\$1,900.00
305 DOWNTOWN TIF DISTRICT 6	\$1,447.20
404 PARK AND TRAIL CIP	\$1,382.50
405 WATER CIP	\$2,160.00
407 CELL TOWER	\$976.87
408 GENERAL CIP	\$228.00
409 EQUIP REVOLVING	\$5,160.00
430 STREET CIP	\$111.80
610 WATER FUND	\$9,287.74
620 SEWER FUND	\$52,980.95
630 MOTOR VEHICLE	\$189.49
640 LIQUOR	\$162,915.59
650 SOLID WASTE	\$26,614.73
802 ESCROW PROJECTS	\$7,844.70
	\$313,868.84



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7c
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as Attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Kathy Leervig, City Clerk	

ACTION REQUESTED:

Staff recommends approval of the Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. List of Municipal Licenses for City Council Approval and Municipal Licenses which Received Administrative Approval (informational only).

10/02/2018

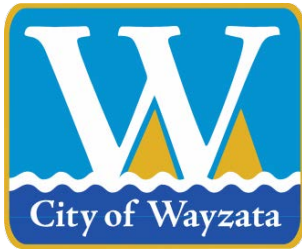
LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

Recommended for approval, pending staff review for completeness of application materials

2018 Food License (Thru December 31, 2018)	
Starbucks Coffee	1330 Wayzata Blvd., Wayzata, MN

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2018 Gas Fitter's License	
West Metro Mechanical, Inc.	Norwood, MN
2018 Tree Removal and Treatment License	
Trees By Forrest	Corcoran, MN
2018 Special Event Food Stand License for the Taste of the Caribbean at The Hotel Landing on 9/30/18	
Ben & Jerry's	Wayzata, MN



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7d
TITLE: Consider Approval of Proposal and Authorization of Contract with Stantec and for 2040 Comp Plan Services and Surface Water Management Plan Update	
PROPOSED MOTION/S: To Approve the Proposal and Authorize Execution of the Contract with Stantec	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

To approve the proposal and authorize work under the City's existing Master Services Agreement with Stantec for 2040 Comprehensive Plan services and preparation of a Surface Water Management Plan update.

FINANCIAL OR BUDGET CONSIDERATION:

The Surface Water Management Plan update and associated Comprehensive Plan services are proposed to be funded through use of the Stormwater Capital Improvement Program (CIP).

BACKGROUND:

Every ten (10) years, the Minnehaha Creek Watershed District (MCWD) is required to update their Comprehensive Plan. Following their plan adoption, each municipality within the MCWD is required to update their City's Surface Water Management Plan. This plan is required to be completed by the end of 2018. Additionally, as part of the City's overall Comprehensive Plan, the Met Council has specific Surface Water elements that are required to be included in the plan.

At the Council meeting on March 20, the City Council authorized proposals related to Water, Sanitary Sewer, Land Use, Housing, and Transportation. The storm water portion of the Comprehensive Plan was mentioned at that meeting as an element that would come forward at a future date. At that time, it was unknown as to the extent of work needed to complete the MCWD's required updates. These requirements have since been clarified.

Upon authorization of this proposal, staff will work with the consultant on completing the required elements for both the City's Comprehensive Plan and Surface Water Management Plan update.

ATTACHMENTS:

1. Stantec 2040 Comp Plan Proposal, dated August 15, 2018
2. Existing Master Service Agreement with Stantec for Professional Services



August 13, 2018
File: 19380****

Attention: Mike Kelly

City Engineer/Interim Director of Public Works
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Reference: City of Wayzata Surface Water Management Plan

Dear Mike,

As we discussed previously, a local Surface Water Management Plan (SWMP) is required by the Met Council along with a Comprehensive Sewer Plan and Water Supply Plan as part of overall comprehensive plan updates this year. A brief summary and reference to the report can be included as the surface water element of the Water Resources chapter of the overall Comprehensive Plan. This letter presents Stantec's proposal for engineering services based on the task list detailed below.

The plan will focus on meeting the latest regulatory requirements – these include requirements of the Met Council, MN Rules 8410, and the Minnehaha Creek Watershed District. The SWMP will also need to be consistent with the City's MS4 Stormwater Pollution Prevention Program (SWPPP). The MCWD has extensive requirements for SWMPs, as laid out in Appendix A of their 2017 Watershed Management Plan and the review checklist that we discussed with Renae Clark of the MCWD. Discussions with the MCWD regarding their requirements are reflected in this scope of services.

SURFACE WATER MANAGEMENT PLAN TASKS

1. PROJECT INITIATION/MANAGEMENT

- a. Hold a kickoff meeting with City staff to discuss the City's needs, refine study goals and expectations, and confirm the work plan for the project.
- b. Schedule a progress meeting. We have budgeted for one progress meeting during the project.

2. DATA COLLECTION

- a. Various data will be needed for the study (electronic data preferred). We have obtained some of this as part of the water and sewer plans we're currently working on. A list of needed data is provided below.
 - i. System mapping, topography, and aerial photography – *we have this information already*
 - ii. Physical system data (storm sewer base mapping, including pipe sizes and invert elevations; pond grading plans; emergency overflow locations and elevations; water quality data)
 - iii. Impaired waters listings and TMDL information – *we will obtain this online, unless you already have available data and/or reports*
 - iv. MS4 program information
 1. Inventory/map of public and private stormwater management facilities, along with maintenance responsibilities



Reference: City of Wayzata Surface Water Management Plan

- 2. Stormwater outfall map
 - 3. Housekeeping practices
 - 4. Public and private BMP maintenance practices and schedules
 - v. Land use planning
 - 1. Latest land use plan – *we have this information already*
 - 2. Development and redevelopment areas within the next 10 years – *we have this information already*
 - 3. Small area plans and other planning studies
 - vi. Other infrastructure plans
 - 1. Water and sanitary sewer – *we are developing this information*
 - 2. Transportation
 - 3. Parks and trails
 - vii. Inventory of City-owned property
 - viii. Stormwater capital improvement plan with schedule (by year), costs, and funding sources
 - ix. Street reconstruction program
 - x. Water resource-related ordinances and design standards
 - xi. Water resource-related agreements
 - xii. Past studies and reports
 - 1. Lake Effect project
 - 2. Drainage and/or water quality studies
 - xiii. Known problem areas – local flooding, eroding ravines, other
 - xiv. MCWD data – *we will obtain this directly from the watershed*
 - 1. Hydrologic/Hydraulic model and mapping
 - 2. Functional classification of wetlands
 - 3. Stream assessments
3. CREATE CITY/MCWD COORDINATION PLAN
- a. Describe the elements of a coordination plan that the City and MCWD can implement at a staff level to achieve the following goals:
 - i. Coordinated, subwatershed-based development planning
 - ii. Facilitate cooperation of other public and private partners
 - iii. Align investments
 - iv. Create a combined set of City, MCWD, and partner goals



Reference: City of Wayzata Surface Water Management Plan

4. PREPARE SURFACE WATER MANAGEMENT PLAN UPDATE

- a. Update SWMP report to be consistent with latest state (MN Rules 8410), Metropolitan Council, and MCWD requirements.
- b. Report sections to include:
 - i. Executive Summary
 - ii. Physical Environment and Land Use
 1. Potential development and redevelopment areas
 2. Small area plans and other planning studies
 - iii. Regulatory Environment
 - iv. Assessment of Problems
 - v. Implementation Program, including:
 1. Proposed surface water system
 2. Official controls and design standards
 3. Management of City-owned property
 - a. Water resource-related issues and opportunities
 - b. Good housekeeping practices
 4. Maintenance responsibilities and schedule for public and private BMPs
 5. Capital improvement program with schedule (by year), costs, and funding sources
 - vi. City/MCWD Coordination Plan
 - vii. Amendment Procedures
 - viii. Technical Appendices
 1. Water Resource-related Ordinances
 2. Water Resource-related Agreements
 3. Current and Projected Land Use Map
 - a. Development and redevelopment areas within the next 10 years
 4. Stormwater System mapping, including drainage areas, conveyance paths, and outfalls
 5. Hydrologic modeling summary (from MCWD data)
 6. National Wetland Inventory mapping
 7. Impaired Waters mapping
 8. Inventory/map of public and private stormwater management facilities
 9. Inventory or map of property owned by the City



Reference: City of Wayzata Surface Water Management Plan

5. SURFACE WATER MANAGEMENT PLAN REPORT DELIVERABLE

- a. Prepare a user-friendly report that can be read by a non-technical audience yet still provides sufficiently detailed technical data for use by the City in stormwater planning.
- b. Include graphics, figures, and maps to clarify items discussed in the report.
- c. Provide draft and final reports as follows:
 - i. First draft for City staff review
 - ii. Second draft for submittal to watersheds and Metropolitan Council
 1. Respond to review comments and update report accordingly
 - iii. Final report for City approval and use
- d. Prepare a separate reproducible summary suitable for public distribution.
- e. Present the results of the report at a City Council or other public meeting, at the City's direction.

COMPENSATION AND SCHEDULE

Stantec proposes to provide the City of Wayzata with professional engineering services required to provide the services described herein regarding the Surface Water Management Plan. Upon receiving authorization to proceed with the project, Stantec will set up a kickoff meeting and commence data collection. Stantec anticipates providing the completed, draft surface water management plan for City review within four months of the authorization to proceed.

Stantec will provide services on an hourly basis and estimates the level of effort required to be \$38,900 in accordance with the above work plan. Reimbursable expenses are included in this proposed figure. Stantec will provide all of the services in the work plan for an amount not to exceed the estimate unless further authorization from you is provided.

This letter represents the understanding between the City and Stantec in respect to the Project and may only be modified in writing signed by both of us and is subject to the current Master Services Agreement between the City of Wayzata and Stantec.

If this letter satisfactorily sets forth the conditions of our Agreement, please sign in the space below and return one copy to our office. We very much appreciate the opportunity to provide these services.

Please contact us if you have any specific questions; either Ken Anderson at 651.604.4826 or Dan Edgerton at 651.604.4820.



August 13, 2018
Mike Kelly
Page 5 of 5

Reference: City of Wayzata Surface Water Management Plan

City of Wayzata

Ken Anderson, PE
Principal

By

Dan Edgerton, PE
Project Manager

Print Name and Title

Date

000623-11000-0
193800597
LTB



Stantec

Stantec Consulting Services Inc.
2335 Highway 36 West
St. Paul MN 55113
Tel: (651) 636-4600
Fax: (651) 636-1311

 **Bonestroo**

October 25, 2011

City of Wayzata
Mike Kelly
299 Wayzata Boulevard W
Wayzata, MN 55391

Reference: Master Services Agreement

Dear Mike:

On September 2, 2011, Bonestroo, Inc. ("**Bonestroo**") joined Stantec Consulting Services Inc., ("**Stantec**") with the result that Bonestroo operations will be carried on through Stantec. Stantec will maintain Bonestroo's present office locations with no interruption in operations or client services. All future projects and operations will be under the Stantec name.

Stantec's vision includes working with the best clients on the best projects and providing the best services. Accordingly, please be assured that the continuity of your current project will be unaffected by this new arrangement. The personnel currently working on your project will not change and, except for the assignment requested herein, no other aspect will be affected.

In this regard, **we request your approval to assign all existing contracts in the name of Bonestroo to Stantec.** Kindly indicate your consent to the request for assignment by returning a duplicate copy of this letter, executed on behalf of City of Wayzata to Ken Anderson.

Sincerely,

BONESTROO, INC.

A handwritten signature in black ink, reading "Michael T. Rautmann".

Michael T. Rautmann
Principal

The undersigned hereby consents to the assignment of the Contract noted above to Stantec Consulting Services Inc. effective September 2, 2011.

City of Wayzata

A handwritten signature in black ink, reading "Ken Anderson".

Signed Agreement
TCB

SCANNED

DOT
8/2/06

June 28, 2006

City of Wayzata
600 Rice St E
Wayzata MN 55391-1734

000623-06000-0

Attn: Mr. Allan Orsen, City Manager

Dear Mr. Orsen,

We very much appreciate your interest in our consulting services. We understand that, from time to time, the City of Wayzata has need for various professional technical services in such disciplines as engineering, land surveying, architecture, landscape architecture, and the environmental sciences. Both the City and our firm desire to set up a process by which our firm may easily be engaged to provide services on an as-needed basis. We therefore offer to enter into an agreement describing the general terms and conditions applying to all projects for which we may provide services to the City. This letter, when signed, will become an Agreement between the City of Wayzata ("City") and Bonestroo, Rosene, Anderlik & Associates, Inc. ("Consultant").

Activation of Consultant's Services

City may contact Consultant by phone, fax, email or letter, requesting Consultant's assistance. Consultant will promptly respond with a "Proposal" in writing by letter, fax or email, outlining:

- Its understanding of the "Project,"
- The Basic Services to be provided,
- Supplemental Services which the City may authorize, and
- Consultant's proposed compensation.

Consultant will not proceed with such services unless and until City confirms its acceptance of Consultant's Proposal in writing by email, fax or signature of Consultant's Proposal. Unless stated otherwise in City's written acceptance, this Agreement will be incorporated by reference into each Proposal accepted by City.

Consultant's Proposal may be signed by Kenneth P. Anderson or David O. Loskota.

Standard Terms and Conditions

The Standard Terms and Conditions attached as Appendix A are incorporated in this Agreement.

Please return a signed copy of this document to Ken Anderson of our firm to activate this Agreement. Thank you again for the opportunity to work with you and the City. If you have any questions, please feel welcome to call Ken at 651-604-4826.

Mr. Allan Orsen
Wayzata, MN

June 28, 2006
Page 2

Sincerely,

BONESTROO, ROSENE, ANDERLIK &
ASSOCIATES, INC.

By 
David O. Loskota, Contracts Officer
Date 6/28/06

ACCEPTED BY CITY:
CITY OF WAYZATA, MN

By 
Andrew Humphrey, Mayor

Date _____

And by 
Allan Orsen, Manager

Date 7-17-06

Appendix A

Standard Terms and Conditions

SECTION 1. CONSULTANT'S SERVICES

Consultant shall act as the City's agent only as provided for within this Agreement.

SECTION 2. THE CITY'S RESPONSIBILITIES

The City shall:

- 1) Provide full information as to its requirements for the Project.
- 2) Furnish to the Consultant, prior to any performance by the Consultant under this Agreement, a copy of any planning, design and construction standards which the City shall require the Consultant to follow in the conduct of its services for the Project.
- 3) Place at Consultant's disposal all available written data in the possession of or readily available to the City and pertinent to the Project, including existing reports, plats, surveys, contour mapping, utility mapping, record plans, wetlands, land-use, and zoning maps, borings and other data useful to the Consultant in the performance of its services.
- 4) Acquire all land, easements, and rights-of-way and provide for land surveys and the preparation of legal descriptions and exhibits, certificates or plats, as may be necessary for the Project.
- 5) Provide access to the Project site and make all provisions for the Consultant to enter upon public and private lands as required by the Consultant to perform its services.
- 6) Examine all studies, reports, sketches, Opinions of Probable Construction Costs, specifications, drawings, proposals and other documents presented by the Consultant and promptly render the City's decisions pertaining to each of such documents.
- 7) Designate a single person to act as the City's Representative with respect to the Consultant's services. Such person shall have complete authority to transmit instructions, receive information, and interpret and define the City's policies and decisions with respect to services covered by this Agreement, subject to City's governing body approval when required by law.
- 8) Give prompt written notice to the Consultant whenever the City observes or otherwise becomes aware of any defect in the Project or any development that affects the scope or timing of the Consultant's services.
- 9) Furnish, or instruct the Consultant to provide at the City's expense, necessary "Supplemental Services" as may be provided for in this Agreement, or other services as they may be required.
- 10) Furnish to the Consultant, as required by the Consultant for performance of its services, information or consultations not covered in the Consultant's Basic Services, such as core borings, probings and subsurface explorations; hydrographic surveys, laboratory tests and

inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; property, boundary, easement, and right-of-way surveys and property descriptions; zoning and deed restrictions.

- 11) Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the work.
- 12) Provide legal review of the contract documents and provide any required accounting and insurance counseling services for the Project.
- 13) Act promptly on all construction Change Orders and provide authorization before Change Orders are issued to the Contractor on a Project.
- 14) If City desires, furnish inspection or monitoring services to verify that Contractor is complying with all laws or regulations and to verify that Contractor is taking all necessary safety precautions to protect persons and property, as the Consultant in this Agreement does not undertake to perform these services.

In performing its services, the Consultant may rely upon the accuracy and completeness of all City-provided information.

SECTION 3. COMPENSATION

3.1. Payment for Reimbursable Expenses

Unless otherwise provided, in addition to consulting fees, the City will pay the Consultant for Reimbursable Expenses on the basis of the Consultant's cost plus 10%. Although not a complete list, examples of Reimbursable Expenses include: the costs of plotting drawings and the reproduction of drawings and specifications; project-specific printing, duplicating, tabs and indexes; testing; mileage; travel and per-diem expenses of the Consultant for out-of-town trips required for the Project; long distance telephone calls and faxes as required to expedite the work; the costs for cellular phone calls/service for Consultant's personnel on a Project; project photographs taken before and during construction; construction stakes; postage and delivery charges; any new taxes, fees or costs imposed on the Consultant's services (such as sales taxes) after the date of this Agreement; and out-of-pocket expenses incurred directly for the Project.

3.2. Objections to Invoices/No Deductions

It is important for the Consultant to be promptly informed of problems. If the City objects to any portion of an invoice, the City shall notify the Consultant in writing within twenty days of the invoice's receipt. The City agrees to pay any undisputed portions of an invoice. No deductions shall be made from the Consultant's compensation on account of penalty, liquidated damages, or other sums withheld from payment to contractors, except as may be determined by mediation, arbitration, litigation or other dispute resolution mechanism to which the Consultant is a party.

3.3 Suspension of Work

If the City fails to make payments when due or otherwise breaches this Agreement, the Consultant may suspend work after providing five days notice to the City. The Consultant will not be liable for any costs or damages resulting from such a suspension of work.

3.4. Progress Payments

The City will make progress payments to the Consultant in proportion to services performed, as reasonably estimated by the Consultant. The Consultant will invoice the City monthly during the progress of the work. The City shall pay each properly documented invoice of the Consultant within 30 days after the City's receipt of such invoice. City may not reserve as retainage any portion of a payment due under this Agreement.

3.5. Interest/Collection Costs

The City agrees to pay the Consultant 1% per month interest on all invoices of the Consultant, with interest beginning to accrue 30 days after the date of the invoice. If the Minnesota Prompt Payment Act (Minn. Stat. Sect. 471.425) requires a higher rate of interest, that rate shall apply. If the City fails to pay Consultant all amounts owing pursuant to the terms of this Agreement, the City agrees to pay all costs of collection, including reasonable attorney's fees, in addition to all other amounts due under this Agreement.

SECTION 4. GENERAL CONSIDERATIONS

4.1. Standard of Care

The Consultant shall exercise the same degree of care, skill and diligence in the performance of its services as is ordinarily exercised by members of the profession under like circumstances. Nothing in this Agreement, or otherwise prepared as a result of the Project, shall modify the foregoing standard of care. The Consultant shall not be required to sign any documents that would result in it having to certify, guarantee or warrant the existence of conditions whose existence the Consultant cannot ascertain.

4.2. Delays

Both the Consultant and the City will put forth reasonable efforts to complete their respective duties in a timely manner. Because the Consultant's performance must be governed by sound professional practices, the Consultant is not responsible for delays occasioned by factors beyond its control or that could not reasonably have been foreseen at the time of preparation of this Agreement.

4.3. Opinions of Costs and Schedules

Since the Consultant has no control over the cost of labor and material or over competitive bidding and market conditions, the Consultant's Opinion of Probable Construction Cost and of Project schedules can only be made on the basis of experience or qualifications as a professional Consultant. The Consultant does not guarantee that proposals, bids, actual Project costs or construction schedules will not vary from Consultant's opinions or estimates. If the City desires greater assurance as to the anticipated Construction Cost of the Project, the City shall employ, or instruct the Consultant to provide as a Supplemental Service, an independent cost estimator.

4.4. Insurance

4.4.1. The Consultant agrees to maintain a professional liability insurance policy for negligent acts, errors or omissions in an amount of at least \$3,000,000 per claim and \$4,000,000 annual aggregate, on a claims-made basis, as long as such insurance is reasonably available under standard policies at rates comparable to those currently in effect. The Consultant will not cancel the insurance until thirty days after providing the City written notice.

4.4.2. The Consultant shall maintain:

- 1)** Statutory workers compensation and employers' liability insurance coverage.
- 2)** Comprehensive general liability and automobile liability insurance coverage in the amount of not less than \$1,000,000 each.

4.4.3. City shall require Contractor to purchase and maintain general liability and other insurance as specified in the contract documents and to cause the Consultant and its consultants to be listed as additional insureds with respect to such liability and other insurance purchased and maintained by Contractor for the Project.

4.5. Use of Instruments of Service

Documents (including Digital Data) prepared by the Consultant, such as drawings, specifications and reports ("Consultant Documents") are instruments of the Consultant's professional services, and not products. The Consultant Documents are prepared for a specific Project and may not be used by the City for other Projects. For health and safety reasons, the City agrees it will not use the Consultant Documents (except for computer hydraulic or hydrologic modeling data) for other purposes or provide them to other persons. If the City violates this provision, it waives any resulting claims against the Consultant, and agrees to defend and indemnify the Consultant from any resulting claim or liability (including reasonable attorneys' fees).

4.6. Digital Data

4.6.1. If included in Basic Services or Supplemental Services and as a convenience to the City, the Consultant will furnish the City with electronic data versions of certain drawings or other written documents ("Digital Data") provided in hard copy form. In the event of any conflict between a hard copy document and the Digital Data, the hard copy document governs. The Digital Data shall be prepared in the current software in use by the Consultant and is not warranted to be compatible with other systems or software.

4.6.2. Any Digital Data submitted by the Consultant to the City is submitted for an acceptance period of 60 days ("Acceptance Period"). Any defects that the City discovers during this period and reports to the Consultant will be corrected by the Consultant at no extra charge. For correction of defects reported to the Consultant after the Acceptance Period, the City shall compensate Consultant on an hourly basis at Consultant's normal billing rates. The City understands that the Digital Data is perishable and the City is responsible for maintaining it.

4.7. Termination, Suspension or Abandonment

4.7.1. The City or the Consultant may terminate or suspend this Agreement for substantial non-performance by the other party, including without limitation the failure to make payments in accordance with this Agreement. The party terminating or suspending this Agreement shall give seven days written notice to the other party.

4.7.2. If the Project or the Consultant's services are suspended for more than 90 days, the Consultant may terminate this Agreement upon seven days written notice to the City. The Consultant shall have no liability on account of a suspension by the City. If a suspended Project is reinstated, an equitable adjustment to the Consultant's compensation may be necessary.

4.7.3. In the event of termination or suspension permitted by this Agreement or abandonment of the Project by the City, the City shall compensate the Consultant for services performed prior to termination, suspension or abandonment and for services directly attributable to the termination, suspension or abandonment itself, together with Reimbursable Expenses. If the City properly terminates Consultant for cause, City may withhold from Consultant's compensation those damages directly attributable to the cause of the termination.

4.8. Dispute Resolution

4.8.1. In an effort to resolve any conflicts that arise out of the services under this Agreement, all disputes between the City and the Consultant arising out of or relating to this Agreement shall be submitted to nonbinding mediation prior to commencing arbitration or litigation. The Mediator's fee shall be shared equally and mediation shall proceed only at a place where arbitration or litigation is proper. Mediation shall not be a condition precedent to arbitration or litigation if a party refuses to make reasonable arrangements for a mediation within 20 days of demand by the other party. If a dispute relates to or is the subject of a lien arising out of the Consultant's services, the Consultant may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or arbitration.

4.8.2. Unless the City and the Consultant mutually agree otherwise, all claims, disputes, and other matters in question arising out of or relating to this Agreement which are not resolved by mediation and where the amount in controversy is less than \$1,000,000, shall be decided by binding arbitration in accordance with the then-most current Construction Industry Rules of the American Arbitration Association. The arbitrators will not have jurisdiction, power or authority to consider any claim or dispute: (a) where the amount in controversy is more than \$1,000,000 (exclusive of interest and costs); (b) when the demand for arbitration is made after the date when a court action would be barred by any applicable statute or period of repose or limitations; or (c) when the claim or dispute is a claim for contribution or indemnity arising out of a claim by a third party who does not consent to joinder in arbitration.

4.8.3. In the event of litigation or arbitration arising from or related to the services provided under this Agreement, the prevailing party is entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees and other related expenses.

4.8.4. If the Consultant or the City intends to assert a claim against the other as a result of a dispute with a third party, the claiming party shall notify the other party as soon as possible, and in any event prior to resolving the dispute with the third party.

4.8.5. So that any claims of the City may be intelligently addressed by the Consultant, the City agrees to make no claim for professional negligence against the Consultant unless the City has first provided the Consultant a written certification signed by an independent design professional licensed in Minnesota and currently practicing in the same discipline. The certification shall specify every act or omission of the Consultant that is a violation of the applicable standard of care and the basis for the certifier's opinion(s). This certificate shall be provided no fewer than 30 days prior to instituting arbitration or suit.

4.8.6. Causes of action between the Consultant and the City relating to acts or failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion of a Project.

4.9. Hazardous Substances

The Consultant's scope of services does not include any services related to hazardous or toxic materials, including asbestos and PCBs. If it becomes known that such materials may be present at or near a Project that may affect the Consultant's services, the Consultant may suspend performance of its services, without liability, and will assist the City to retain appropriate consultants to adequately identify and abate such materials so that Consultant's services may resume. Nothing in this Agreement shall be construed to require the Consultant to: (a) assume the status of a generator, storer, transporter, treater, or disposal facility as those terms appear within the Resource Conservation and Recovery Act, 42 USC 6901 *et seq.*, as amended, or within any state statute governing the generation, treatment, storage and disposal of waste; or (b) arrange for the transportation, treatment, or disposal of hazardous substances, as described in the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601, *et seq.*, as amended. The City agrees to defend, indemnify and hold harmless the Consultant, its employees, subcontractors and agents from all claims, losses, damages liability and costs, including attorney's fees, relating to or arising out of hazardous or toxic materials at or near a Project.

4.10. Governing Law

This Agreement shall be governed by the laws of the State of Minnesota and any dispute or dispute resolution process shall be venued in St. Paul, Minnesota.

4.11. Integration

This is an Integrated Agreement and it supersedes all prior negotiations or agreements between the parties. It shall be modified only by a written document signed by the party sought to be bound. The provisions of this Agreement are severable, and if any provision is found to be unenforceable, the remaining provisions continue to be valid, and the unenforceable provision shall be reformed with a valid provision that comes as near as possible to expressing the intention of the unenforceable provision.

4.12. Assignment and Waiver

Except for the Consultant's use of necessary consultants, the Consultant and the City shall not assign or delegate their respective obligations under this Agreement without the written consent of the other party, which consent shall not be unreasonably withheld. The waiver of any term or condition or breach thereof by either party shall not constitute a waiver of any other term or condition or breach thereof.

4.13. Consultant's Services

In performing professional technical consulting and related services, the Consultant is not engaged in rendering legal, insurance, or accounting services or advice. The City agrees that documents prepared by the Consultant, including reports, bidding materials, and form contracts will be reviewed by the appropriate representative of the City, such as the City's attorney, insurance counselor or other consultants, to the extent that City deems necessary to protect its interests.

4.14. Government Agencies

The Consultant shall not be liable for damages resulting from the actions or inactions of government agencies, including without limitation permit processing, environmental impact reports, dedications, zoning matters, annexations or consolidations, use or conditional use permits, and building permits.

4.15. Monitoring Work

If required by the scope of services, the Consultant will make visits to the Project site at intervals appropriate to the various stages of construction as the Consultant deems necessary in order to observe the progress and quality of construction. The Consultant will not be required to make exhaustive or continuous inspections on the Project site. Based on such visits, the Consultant will determine in general if the construction work is proceeding in accordance with the contract requirements, keep the City informed of the progress of the construction work, and will endeavor to guard the City against defective work. The Consultant will not supervise, direct, control, or have authority over or be responsible for the Contractor's means, methods, techniques, sequences, or procedures of construction, or the safety precautions and programs incident thereto, or for any failure of the Contractor to comply with laws and regulations applicable to the work.

4.16. Americans with Disabilities Act

The Consultant shall use reasonable professional effort and judgment in interpreting and advising the City as to the necessary requirements for the Project to comply with the Americans with Disabilities Act (ADA). The Consultant shall rely on the local building department for interpretations of the

ADA at the time the service is rendered. The Consultant does not warrant or guarantee that the Project will fully comply with interpretations of ADA requirements by regulatory or judicial bodies.

SECTION 5. LIABILITY

Having considered the potential liabilities that exist during the performance of the Consultant's services, the benefits of the Project, the Consultant's fee for its services, and the promises contained in this Agreement, the City and the Consultant agree that risks should be allocated in accordance with this section, to the fullest extent permitted by law.

5.1. Indemnification

The Consultant and the City each agree to defend and indemnify each other from liability for claims, losses, damages or expenses (including reasonable attorney's fees) to the extent they are caused by their negligent acts, errors or omissions relating to this Agreement. In the event the claims, losses, damages or expenses are caused by the joint or concurrent negligence of the Consultant and the City, they shall be borne by each party in proportion to its own negligence.

5.2. Limitation of Liability

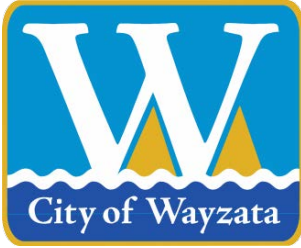
The Consultant's and its employees' aggregate liability to the City for any and all claims, losses or damages arising out of any Project or this Agreement for any cause shall not exceed the insurance proceeds available at the time of settlement or judgment. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

5.3. Consequential Damages

Neither the City nor the Consultant shall be liable to the other for any consequential damages incurred due to the fault of the other or their agents. Consequential damages include, but are not limited to, loss of use and loss of profit.

5.4. Design without Construction-phase Services

If the Consultant's Basic Services under this Agreement do not include Project observation, or review of the Contractor's performance, or any other construction phase services, and that such services will be provided by the City, then the City assumes all responsibility for interpretation of the plans and specifications and for construction observation or review and waives any claims against the Consultant that may be in any way connected thereto.



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7e
TITLE: Approval of Contract for Professional Services with LHB for Blight Study Analysis	
PROPOSED MOTION: To Approve Professional Services Contract with LHB for Blight Study Analysis	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the attached Proposal and Professional Services Contract.

FINANCIAL OR BUDGET CONSIDERATION:

The attached proposal is for \$5,400. While the contract needs to be processed through the City consistent with the City's Tax Increment Financing (TIF) policy, staff will require through an agreement that the fees are 100% reimbursed by the developer.

BACKGROUND:

The group that is exploring redevelopment of the Boatworks site is still gathering information prior to going through the City's development process. One of the major variables would be the use of TIF as a part of the newly created TIF District #6 to help finance any related public improvements. In order for the property to be added on to TIF District #6, it must be qualified as substandard or blighted. Determination of "Substandard" happens through a very thorough inspection and then a complex formula relating to cost of improvements needed to bring the building up to latest building code.

The development group has requested that the City move forward with the analysis. The City utilized LHB previously in conducting blight analysis' for the existing district.

ATTACHMENTS:

1. Draft Proposal and Professional Services Contract between the City of Wayzata and LHB for Blight Study Analysis



**PERFORMANCE
DRIVEN DESIGN.**
LHBcorp.com

September 7, 2018

Jeffrey Dahl
City Manager
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

WAYZATA BOATWORKS TIF ANALYSIS

Dear Jeff,

Thank you for the opportunity to submit a proposal for a Redevelopment TIF analysis in Wayzata, Minnesota. LHB is a full-service architecture, planning and engineering firm with 250 employees in our Minneapolis, Duluth, Cambridge, and Superior, Wisconsin offices.

Our Government studio has extensive experience working with local governments on their planning, design, architectural and engineering needs. Having been personally involved on various city councils and planning commissions, I understand how cities function and the importance of maintaining the support of your appointed and elected officials and community throughout the process.

PREVIOUS EXPERIENCE

LHB has significant experience with a variety of inspection and facility assessment projects, including the analysis of over 200 TIF Districts. Examples include:

- City of Columbia Heights TIF inspection services
- City of St. Paul TIF inspection services
- City of St. Anthony Village, NW Quadrant TIF inspection services
- City of St. Louis Park TIF District inspection services
- City of Mound TIF District “1-2” inspection services
- City of Osseo TIF inspection services
- City of New Richmond, WI TIF inspection services
- Minnesota State Colleges and Universities system facility assessments
- State of Minnesota Facility Assessments
- Property Condition Assessments for the St. Paul Department of Planning and Economic Development (Franklin/Emerald Neighborhood)
- Condition surveys for every DNR facility in the State of Minnesota, 2014

TEAM CREDENTIALS

Michael A. Fischer, AIA, LEED AP - Project Principal/TIF Analyst

Michael has 29 years of experience as project principal, project manager, project designer and project architect on planning, urban design, educational, commercial and governmental projects. He has become an expert on Tax Increment Finance District analysis assisting over 100 cities with strategic planning for TIF Districts. He is an Architectural Principal at LHB and currently leads the Minneapolis office.

Michael completed a two-year Bush Fellowship, studying at MIT and Harvard in 1999, earning Masters degrees in City Planning and Real Estate Development from MIT. He has served on more than 50 committees, boards and community task forces, including a term as a City Council President and as Chair of a Metropolitan Planning Organization. Most recently, he served as Chair of the Edina, Minnesota planning commission and is currently a member of the Edina city council. Michael has also managed and designed several award-winning architectural projects, and was one of four architects in the Country to receive the AIA Young Architects Citation in 1997.

Phil Waugh – Project Manager/TIF Analyst

Philip is a project manager with 13 years of experience in historic preservation, building investigations, material research, and construction methods. He previously worked as a historic preservationist and also served as the preservation specialist at the St. Paul Heritage Preservation Commission. Currently, Phil sits on the Board of Directors for the Preservation Alliance of Minnesota. His current responsibilities include project management of historic preservation projects, performing building condition surveys and analysis, TIF analysis, writing preservation specifications, historic design reviews, writing Historic Preservation Tax Credit applications, preservation planning, and grant writing.

Jonathan Pettigrew, AIA – Inspector

Jonathan Pettigrew has worked in architecture and construction for the last twenty years in Minnesota, California and Washington. His experience includes a variety of commercial and residential project types and scales, from single-family homes to a 300,000 square foot multi-building office complex. He has significant experience in code reviews and building systems inspections and analysis. Jonathan received his Minnesota architect's license in 2004. He brings a strong interest in sustainability and an eye for detail to his work. He enjoys working with clients, consultants and contractors to bring projects together successfully.

Phil Fisher – Inspector

For 35 years, Phil Fisher worked in the field of Building Operations in Minnesota including White Bear Lake Area Schools. At the University of Minnesota, he earned his Bachelor of Science in Industrial Technology. He is a Certified Playground Safety Inspector, Certified Plant Engineer, and is trained in Minnesota Enterprise Real Properties (MERP) Facility Condition Assessment (FCA). His FCA training was recently applied to the Minnesota Department of Natural Resources Facilities Condition Assessment project involving over 2,000 buildings.

SCOPE OF SERVICES

The LHB team members described above will provide the following services and deliverables to the City of Wayzata, MN (the “Client”) based upon the terms and conditions described below.

1. Survey the TIF District to determine if it meets applicable coverage test.

- A. To meet the coverage test, parcels consisting of 70 percent of the area of the district must be “occupied” by buildings, streets, utilities, or paved or gravel parking lots.
- B. A parcel is not considered “occupied” unless at least 15% of its total area contains improvements.

2. Conduct a visual review of building(s) interior and exterior:

- A. Obtain property owner’s consent for inspection.
- B. Document property conditions relative to Minnesota Statutes Section 469.174 Subdivision 10.

3. Estimate building(s) replacement cost:

- A. Replacement cost is the cost of constructing a new structure of the same square footage and type on the site.
- B. A base cost will be calculated by establishing the building class, type and construction quality.
- C. Identify amenities, which increase the value of the building over the standard construction quality level.
- D. Review building permits for each parcel.
- E. The base cost and cost of amenities will be totaled to determine the replacement cost for the property.

4. Evaluate building(s) existing condition:

- A. “Structurally substandard shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance.”

5. Determine Building(s) Code Deficiencies:

- A. Determine technical conditions, which are not in compliance with current building code applicable to new buildings.
- B. Provide opinion of probable cost to correct identified deficiencies.
- C. Compare cost of deficiency corrections to replacement value of building.

6. Prepare and deliver report:

- A. Prepare a written report, within the time scheduled below, that contains the findings and analyses described above, including a narrative analysis of the District describing why the property within the District does or does not meet the criteria as “structurally substandard” as established in Minnesota Statutes Section 469.174, subdivision 10.
- B. Deliver final reports via email PDF.

ASSUMPTIONS

1. LHB will inspect one building on one parcel. We will inspect both the interior and exterior of the building(s) and evaluate the coverage of the parcel(s). The Client will provide the following:
 - A scalable parcel map and/or aerial photo of the area to be inspected, including GIS information with specific parcel data, including parcel area measured in square feet.
 - A list of all parcels affected including name of owner, current known business or resident name and address.
 - Available information regarding the condition of the structures, including past building permit information, and known code violations.

STANDARD OF CARE

LHB shall perform services consistent with the professional skill and care ordinarily provided by other professionals practicing in the same or similar locality under the same or similar circumstances.

Any report prepared by LHB represents a professional opinion based upon information available and arrived at in accordance with generally accepted professional standards. Other than as contained in the report, LHB makes no express or implied warranty.

Short of complete deconstruction to examine every element at every location, no assessment can reveal all conditions which may exist. Additional testing, assessment, or demolition, may uncover conditions which would make it necessary to modify LHB's conclusions or recommendations.

Any report prepared for the purpose described in this Agreement is for the exclusive use by those to whom the report is addressed. LHB will not and cannot be held liable for the unauthorized reliance upon this report by any third party.

COMPENSATION

We propose to work on an hourly basis with the following key staff:

Project Principal, Michael Fischer (TIF analysis)	\$278/hour
Project Manager	\$165/hour
Project Architect/Inspector	\$145/hour
Project Administrator	\$85/hour

We will work and bill for our time based on the hourly rates listed above, but in any event provide all services and deliverables outlined in this letter for an amount not to exceed Five Thousand Four Hundred dollars (\$5,400) including reimbursable expenses for a full report outlining the findings for the proposed TIF District.

Payments are due and payable upon receipt of our invoice. Unpaid balances 60-days after invoice date shall bear interest at the rate of 8% annually.

Failure to make timely payment to LHB is a material breach of this Agreement and may, at LHB's sole discretion, result in a suspension or termination of services.

ADDITIONAL SERVICES

If there is a material change in the circumstances or conditions that affect the scope of work, schedule, allocation of risks or other material terms, LHB shall notify the Client. The Client and LHB shall promptly and in good faith enter into negotiation to address the changed conditions including equitable adjustment to compensation. The fees and costs for any additional services will be based upon LHB's Standard Hourly Rates and Standard Reimbursable Schedule.

SCHEDULE

The final report typically requires 30-45 days to complete from the time we are authorized to start. We can make preliminary conclusions prior to our full report being completed if necessary to allow other consultants and the client to begin their work.

CONSEQUENTIAL DAMAGES

LHB and Client waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement.

LIMIT OF LIABILITY AND INSURANCE

To the maximum extent permitted by law, the Client agrees to limit LHB's liability for the Client's damages to the sum of Fifty Thousand Dollars (\$50,000). This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

LHB, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

- A. *General Liability.* LHB agrees to maintain commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products completed operations, personal injury, advertising injury, and contractually assumed liability. The City shall be endorsed as additional insured.
- B. *Automobile Liability.* If LHB operates a motor vehicle in performing the Services under this Agreement, LHB shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of \$1,000,000 combined single limit.
- C. *Professional (Errors and Omissions) Liability Insurance.* LHB will maintain professional liability insurance for all claims LHB may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to LHB's professional services required under this Agreement. LHB is required to carry the following minimum limits: \$1,000,000 per claim; \$2,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the effective date of this Agreement, and LHB shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by LHB to fulfill this requirement.
- D. *Workers' Compensation.* LHB agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. LHB shall also carry employers liability coverage with minimum limits are as follows:

- \$500,000 – Bodily Injury by Disease per employee

- \$500,000 – Bodily Injury by Disease aggregate
- \$500,000 – Bodily Injury by Accident

Upon request, LHB shall, prior to commencing the services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. With the exception of Professional Liability Insurance, LHB's policies shall be the primary insurance to any other valid and collectible insurance available to the City with respect to any claim arising out of LHB's performance under this Agreement. LHB's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City. LHB agrees to indemnify, and hold-harmless the City and its employees, officials, and agents from and against all claims, actions, damages, losses, and expenses, including reasonable attorney fees, to the extent caused by LHB's negligence.

USE OF LHB'S DOCUMENTS

The documents prepared by LHB are solely for use with respect to this project.

To the extent the documents are transferred or are modified, supplemented or otherwise altered by the Client, subsequent design professional, or any other party, the Client agrees to indemnify, defend and hold LHB harmless for any claims, demands, damages or causes of action arising out of such transfer or modification, supplementation or alteration.

OTHER CONDITIONS

The laws of the State of Minnesota shall govern this Agreement. Any provision of this agreement later held to violate a law or regulation shall be deemed void. All remaining provisions shall continue in force.

The parties recognize that materials prepared by others may be subject to copyright protection and each warrants to the other that any documents provided to the other do not infringe upon the copyright held by another.

Unless the parties mutually agree otherwise, the parties shall endeavor to settle disputes by mediation. A demand for mediation shall be filed, in writing, within a reasonable period of time

after a claim, dispute or other matter in question has arisen.

LHB and the Client, acting through the Client's legal representative, will, to the fullest reasonable extent, cooperate and coordinate efforts in preparing necessary responses to any third party challenges to the inspections. The Client agrees to pay LHB its regular hourly rates for time spent as a result of a third party legal challenge.

This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement.

LHB may not assign this Agreement to any other person unless written consent is obtained from the City.

Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.

In the hiring of employees and contractors to perform work under this Agreement, LHB shall not discriminate against any person by reason of any characteristic or classification protected by state or federal law.

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota. All proceedings related to this Agreement shall be venued in Hennepin County, Minnesota.

All reports, plans, specifications, data, maps, and other documents produced by LHB in the performance of Services under this Agreement shall be the property of the City, including all intellectual property rights therein.

LHB agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13, HIPAA requirements, and all other applicable state or federal rules, regulations, or orders pertaining to privacy or confidentiality. LHB understands that all of the data created, collected, received, stored, used, maintained, or disseminated by LHB in performing those functions that the City would perform is subject to the requirements of Chapter 13, and LHB must comply with those requirements as if it were a government entity. This does not create a duty on the part of LHB to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other Party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

All notices and other communications pursuant to this Agreement must be in writing and must be given by registered or certified mail, postage prepaid, or delivered by hand at the addresses set forth below:

To the City:
Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

To LHB:
701 Washington Avenue North
Suite 200
Minneapolis, MN 55401
Attention: Mike Fischer

under this Agreement if and to the extent that Party's performance is prevented by reason of force majeure. "Force majeure" includes war, an act of terrorism, fire, earthquake, flood, and other circumstances, which are beyond the control and without the fault or negligence of the Party affected and which by the exercise of reasonable diligence the Party affected was unable to prevent.

If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of the Agreement will remain in full force and effect.

This Agreement may be signed in counterparts, each of which shall be deemed an original, and which taken together shall be deemed to be one and the same document.

If the terms and conditions of this Agreement are acceptable, please sign and return a copy to LHB.

CLIENT NAME

By: _____
(Signature)

Its: _____
(Title)

Name: _____
(Printed Name)

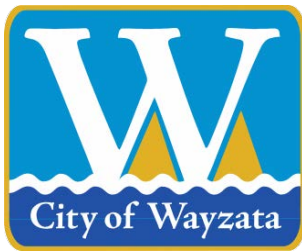
LHB, INC.

By: 
(Signature)

Its: Principal
(Title)

Name: Michael A. Fischer, AIA
(Printed Name)

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City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7f
TITLE: Approval of House Plans at 1406 Holdridge Lane	
PROPOSED MOTION: To Approve the House Plans at 1406 Holdridge Lane	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The City Council should consider approval of the house plans at 1406 Holdridge Lane, based on the finding that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the conditions of Resolution No. 15-2016, as recommended by the Planning Commission.

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City budget.

BACKGROUND:

Application Overview

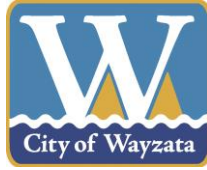
The applicant, Erik Sanborn, has submitted a development application to construct a new house at 1406 Holdridge Lane. The applicant is requesting approval of the house plans as required by the City Council Resolution approving the 2016 Unitarian Universalist Church of Minnetonka project.

Planning Commission Review

The Planning Commission reviewed the house plans at its meeting on September 17, 2018. The Planning Commission discussed tree removal and tree replacement. After discussing the application, the Planning Commission voted five in favor and zero opposed to recommend the City Council approve the house plans.

ATTACHMENTS:

1. September 17, 2018 staff report
2. Proposed plans
3. September 17, 2018 Planning Commission draft meeting minutes



**Staff Report
September 17, 2018**

Project Name: Sanborn Residence
Addresses of Request: 1406 Holdridge La
Prepared by: PeggySue Imihy, Planning Consultant
Review by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: November 29, 2018

Development Application

Introduction

The applicant, Erik Sanborn, has submitted building plans for construction of a new home at 1406 Holdridge Lane. The property is part of the Unitarian Universalist Church of Minnetonka (UUCM) PUD that was approved by the City Council in June 2016. The PUD includes the UUCM building and a single family residential lot to the east. The City Council resolution approving the PUD and subdivision included a condition that:

Prior to submitting a building permit application to the City for construction of a new house on the residential lot, the owner of the lot must submit preliminary house plans for review by the Planning Commission and approval by the City Council for compliance with the applicable standards of the subdivision ordinance.

The applicant has a purchase agreement for the single family residential lot, and has submitted the plans for the home for review and approval by the Planning Commission and City Council.

Project Location.

The property is located at 1406 Holdridge Lane, which is located east of the UUCM development on Wayzata Boulevard E:

Map 1: Project Location



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

Address	PID	Owner
1406 Holdridge Lane	05-117-22-41-0027	Unitarian Universalist Church of Minnetonka

Relevant Property Information

Current zoning:	R-1: Low Density Single Family Residential
Comp plan designation:	One Acre Single Family
Total lot area:	30,419 sq. ft.

Surrounding 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	Wayzata Blvd/Highway 12	N/A	N/A
East	Single-family homes	R-1: Low Density Single Family Residential District	One Acre Single Family

South	Single-family homes	R-1: Low Density Single Family Residential District	One Acre Single Family
West	Unitarian Universalist Church of Minnetonka	PUD	Institutional/ Public

Analysis of Application

Zoning

The following table outlines the zoning requirements for the property per the previously approved resolution for the Unitarian Universalist Church of Minnetonka PUD:

Table 1: Proposed House

	R-1 Requirements	Proposed
Front setback (Wayzata Blvd)	45 ft. (min.)	45 ft.
Front setback (Holdridge Lane)	45 ft. (min.)	45.4 ft.
Side setback (south)	20 ft.	21.6 ft.
Side setback (east)	20 ft.	45.0 ft.
Rear setback (west)	50 ft.	77.0 ft.
Lot coverage	15% (max.)	Undetermined
Impervious surface	25% (max.)	Undetermined
Height	40 ft. (mid-point) 45 ft. (peak)	35.8' 45.1'

House Plans

The plans submitted with the application include detailed elevations and floor plans for the new house. The proposed house would be two levels with a walk-out deck on the back of the home and an unfinished basement. The house would include a three car attached garage with driveway access onto Holdridge Lane. The exterior materials on the front of the house consist of brick. The exterior materials on the other sides of the house are not identified on the plans.

Building Height

The zoning ordinance established two separate maximum height requirements in the R-1 district – 40 feet to the mid-point and 45 feet to the peak. The proposed house meets the 40-foot height requirement, but the ridge of the house exceeds the maximum height by one inch. The final plans will need to be revised to meet the maximum height requirement.

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E)

The City Council condition requiring review and approval of the home design on Lot 1 is based on the ordinance criteria for preliminary plat review pertaining to the proposed house:

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.

Action Steps

After considering the items outlined in this report, the Planning Commission should consider making a motion which approves the preliminary house plans for 1406 Holdridge Lane, based on the finding that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the condition of Resolution No. 15-2016.

Attachments:

Proposed House Plans

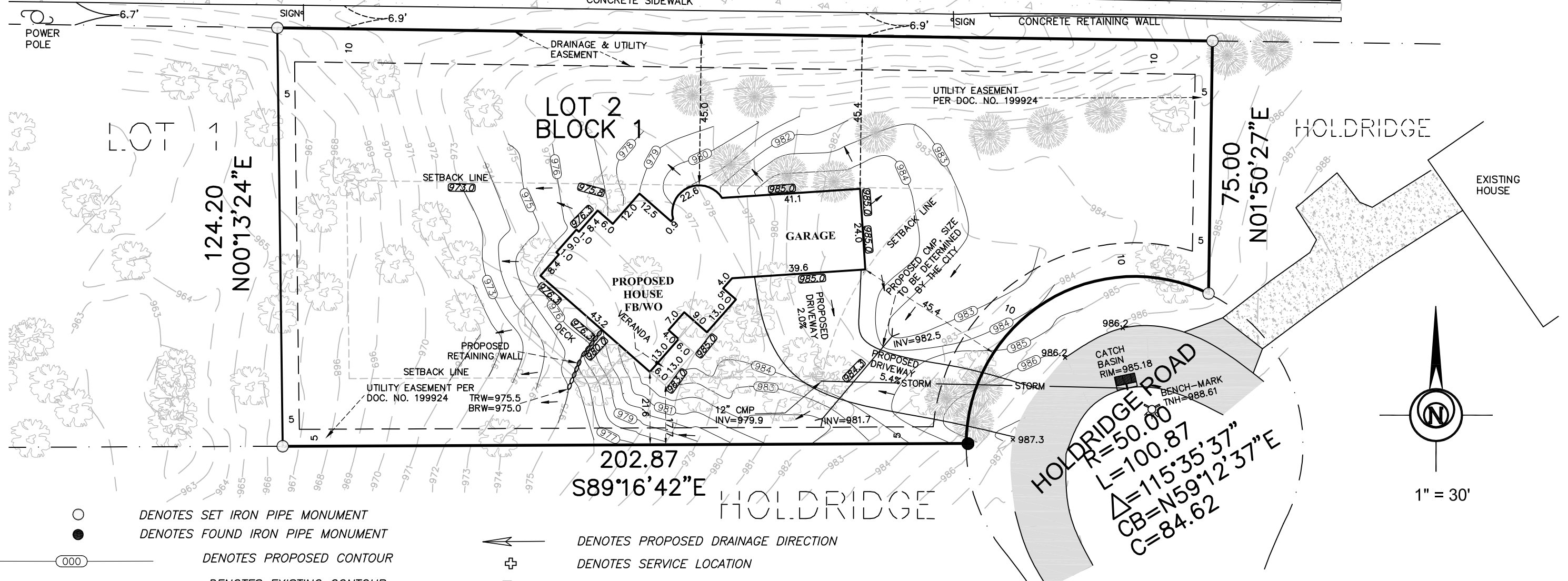
ADDRESS: 1406 HOLDRIDGE LANE

PROPOSED TOP OF WALL ELEV. = 986.0
PROPOSED GARAGE FLOOR ELEV. = 985.0
PROPOSED BASEMENT FLOOR ELEV. = 977.3

CERTIFICATE OF SURVEY

FOR
ERIK SANBORN

277.60 WAYZATA BLVD. E.
S88°14'57"E



○ DENOTES SET IRON PIPE MONUMENT
● DENOTES FOUND IRON PIPE MONUMENT

000 DENOTES PROPOSED CONTOUR

--- 000 --- DENOTES EXISTING CONTOUR

○ DENOTES LEAFY TREE

○ DENOTES EVERGREEN TREE

→ DENOTES PROPOSED DRAINAGE DIRECTION

⊕ DENOTES SERVICE LOCATION

□ DENOTES WOOD HUB

000.0 DENOTES EXISTING ELEVATION

000.0 DENOTES PROPOSED ELEVATION

HE=000.0 DENOTES HUB ELEVATION

■ DENOTES BITUMINOUS SURFACE

■ DENOTES CONCRETE SURFACE

PARCEL AREA = 30,603 SF

PROPERTY DESCRIPTION

LOT 2, BLOCK 1, UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA, CITY OF WAYZATA, HENNEPIN COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY 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.

DATE: 6-27-18

Thomas J. O'Meara

THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167

Bohlen
Surveying & Associates

31432 Foliage Avenue
Northfield, MN 55057
Phone: (507) 645-7768
tomeara@bohlena.com

1682 Cliff Road E.
Burnsville, MN 55337
Phone: (952) 895-9212
Fax: (952) 895-9259

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DECK
COMPOSITE
32'x16'

DINING ROOM
WOOD
12'x15'

FAMILY ROOM
WOOD
18'X24'9"

KITCHEN
WOOD
16'6"X11'

PARLOR
WOOD
2'X12'3"

10' CEILING
FOYER
WOOD

3080 DOOR W/ Sidelights
(2)
COVERED PORCH
CONCRETE

FLEX ROOM
WOOD
17'2"X12'

CLOSET

MUDROOM
TILE

HALL BATH
TILE

3-CAR GARAGE
CONCRETE
23'/19'X35'6"

1

2054 FINISHED SQ.FT.

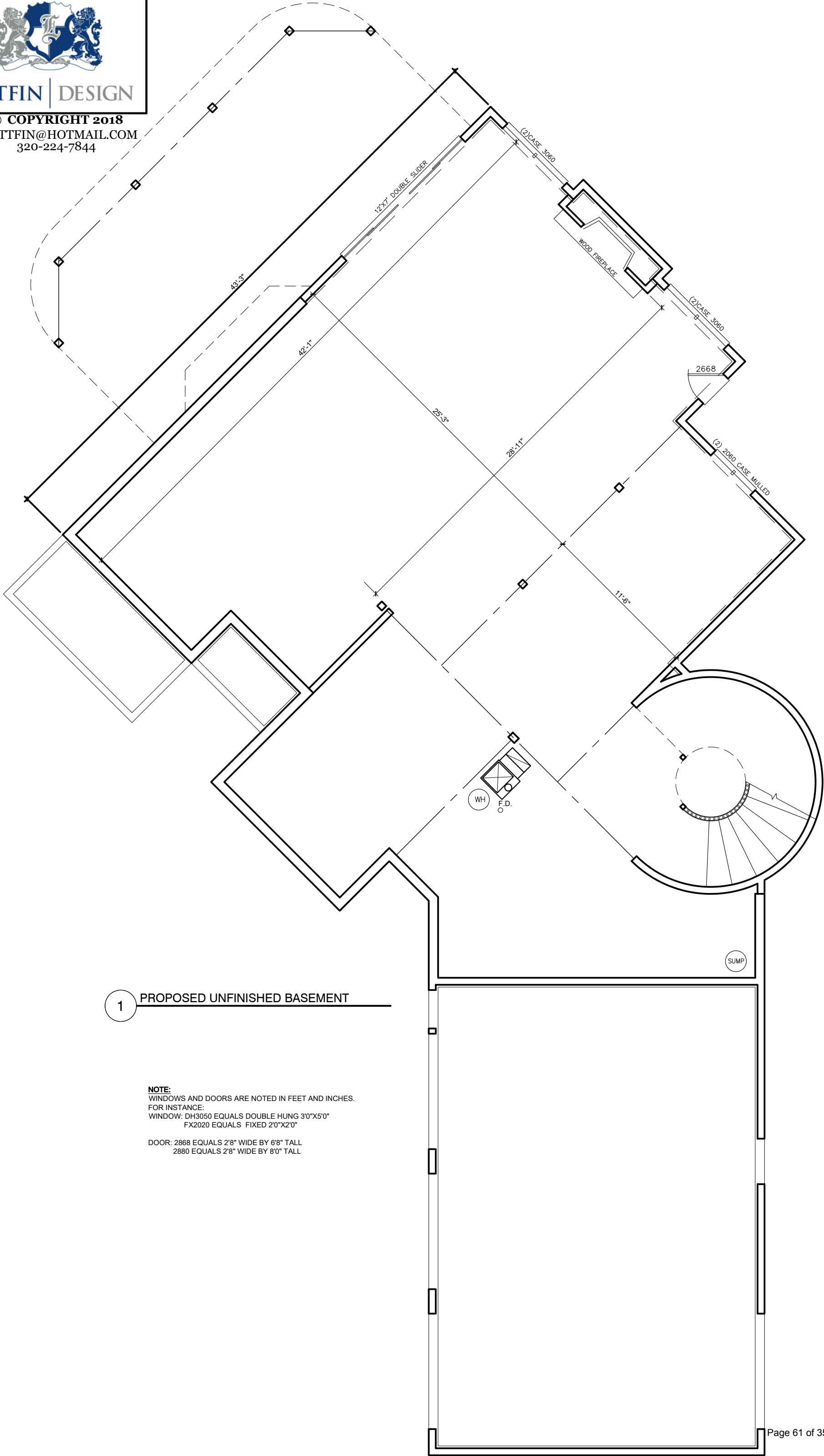
DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL
2880 EQUALS 2'8" WIDE BY 8'0" TALL



DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL
2880 EQUALS 2'8" WIDE BY 8'0" TALL



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320-224-7844



1 PROPOSED UNFINISHED BASEMENT

NOTE:
WINDOWS AND DOORS ARE NOTED IN FEET AND INCHES.
FOR INSTANCE:
WINDOW: DH3050 EQUALS DOUBLE HUNG 3'0"X5'0"
FX2020 EQUALS FIXED 2'0"X2'0"

DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL
2880 EQUALS 2'8" WIDE BY 8'0" TALL

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 17, 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: Douglas, Plantan, Buchanan, Iverson, and Flannigan. Absent and Excused: Murray. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel 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 September 17, 2018 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of September 5, 2018 Meeting Minutes

b.) Adoption of Report and Recommendation of Approval of Preliminary and Final Plat Subdivision for Benton Harbor at 310 Benton Ave N and 1023 Gardener St E

Chair Buchanan read the items on the consent agenda and asked if any Commissioner wanted to pull any item for further discussion. Hearing no such request, he asked for a motion to approve the Consent Agenda as presented.

Commissioner Douglas 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.) Sanborn Residence – 1406 Holdridge La

i. Review of house plans

Director of Planning and Building Thomson explained that the applicant, Erik Sanborn, has submitted building plans for construction of a new home at 1406 Holdridge Lane for review and approval. The property is part of the Unitarian Universalist Church of Minnetonka (UUCM) project that was approved by the City Council in June 2016. The City Council resolution

1 approving the UUCM project included a condition that prior to submitting a building permit
2 application to the City, the owner of the lot must submit preliminary house plans for review by the
3 Planning Commission and approval by the City Council. Mr. Thomson clarified this was not a
4 design review. The plans submitted with the application include detailed elevations and floor plans
5 for the new house. The zoning ordinance established two separate maximum height requirement
6 in the R-1 district: 40-feet to the mid-point and 45-feet to the peak. The proposed house meets the
7 40-foot height requirement, but the ridge of the house exceeds the maximum height by 1.25-inch.
8 Mr. Thomson noted that the final plans will need to be revised to meet the maximum height
9 standard. As part of the building permit process, the lot coverage and impervious surface coverage
10 would be reviewed by staff.

11
12 Commissioner Iverson asked if a tree replacement plan would be included with the permit process.

13
14 Mr. Thomson stated this project would be required to meet the standards of the tree ordinance,
15 including any required tree replacement. He stated the applicant intends to plant a significant
16 number of trees along the back of the property as a barrier to the highway.

17
18 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to recommend the
19 City Council approve the house plans submitted for 1406 Holdridge Lane, based on the finding
20 that the design meets the standards of the City Code Section 805.14.E.8 and 805.14.E.9, and
21 satisfies the condition of Resolution No 15-2016. The motion carried unanimously.

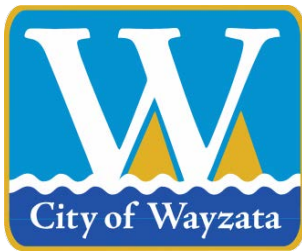
22
23 **b.) Cadogan Residence – 321 Wise Ave S**
24 **i. Review of House Plans**
25

26 Director of Planning and Building Thomson stated the applicant, Detail Homes, Inc, and the
27 property owners, Brett and Allison Cadogan, have submitted a development application to
28 construct a new house at 321 Wise Ave S. The property is part of a three-lot subdivision that was
29 approved by the City Council in December 2008. As a condition of the 2008 approval, the property
30 owners are required to submit plans for review by the Planning Commission and approval by the
31 City Council. The applicant has submitted detailed house plans, including a site plan, building
32 elevations, and floor plans. The proposed house would meet the R-3A zoning requirements. The
33 application materials include a tree inventory of the property. Mr. Thomson noted that there are
34 four trees on the property that meet the minimum size requirements as either significant or heritage
35 trees under the City's tree ordinance. The plans indicate that two significant trees would be
36 removed for construction of the home and associated grading. The one heritage tree on the
37 property would be preserved. Based on the proposed tree removal and the requirements of the tree
38 ordinance, 32-inches of trees would need to be replaced on the site as part of a landscaping plan.

39
40 Commissioner Plantan asked if there was a tree replacement plan available.

41
42 Mr. Thomson stated there was a tree survey that shows the trees that would be removed. As part
43 of the permit process, the replacement requirements and plans would be reviewed.

44
45 Commissioner Iverson asked if the applicant had submitted any landscape plans.
46



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7g
TITLE: Approval of House Plans at 321 Wise Avenue South	
PROPOSED MOTION: To Approve the House Plans at 321 Wise Avenue South	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The City Council should consider approval of the house plans at 321 Wise Avenue South, based on the finding that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the conditions of Resolution No. 50-2008, as recommended by the Planning Commission.

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City budget.

BACKGROUND:

Application Overview

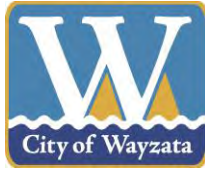
The applicant, Detail Homes, Inc., and the property owners, Brett and Allison Cadogan, have submitted a development application to construct a new house at 321 Wise Avenue South. The applicants are requesting approval of the house plans as required by the City Council Resolution approving the 2008 subdivision of the property.

Planning Commission Review

The Planning Commission reviewed the house plans at its meeting on September 17, 2018. The Planning Commission discussed the tree removal, tree replacement, and construction parking. After discussing the application, the Planning Commission voted five in favor and zero opposed to recommend the City Council approve the house plans.

ATTACHMENTS:

1. September 17, 2018 staff report
2. Proposed plans
3. City Council Resolution approving 2008 subdivision
4. September 17, 2018 Planning Commission draft meeting minutes



**Staff Report
September 17, 2018**

Project Name Cadogan Residence
Applicant Detail Homes, Inc.
Addresses of Request: 321 Wise Ave S
Prepared by: PeggySue Imihy, Planning Consultant
Review by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: October 21, 2018

Development Application

Introduction

The applicant, Detail Homes, Inc., and the property owners, Brett & Allison Cadogan, have submitted a development application to construct a new house at 321 Wise Ave S.

Application Requests

The property is part of a three lot subdivision that was approved by the City Council in December 2008. The subdivision was subsequently filed at Hennepin County, but the lot does not have a single family dwelling. As a condition of the 2008 approval, the property owners are required to submit plan for review and approval by the Planning Commission and City Council, “depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood.” The property owners have purchased the vacant lot for construction of a single family home, and have submitted the plans for review and approval by the Planning Commission and City Council.

Property Information

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

Address	PID	Owner
321 Wise Ave S	06-117-22-41-0075	Brett and Allison Cadogan

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:	None

Project Location

The property is located on the west side of Wise Ave S between Circle Drive E and Central Ave S:

Map 1: Project Location



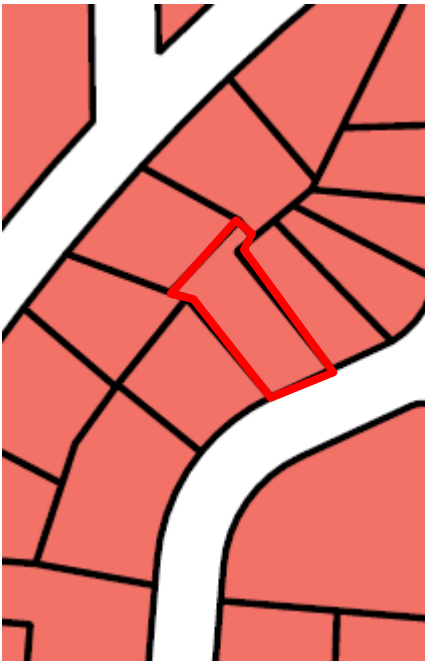
Adjacent Land Uses.

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 homes	R-3A/Single and Two Family Residential District	Low Density Single Family
East	Single family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
South	Wise Ave Single family home	N/A R-3A/Single and Two Family Residential District	N/A 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



Analysis of Application

Proposed Plans

The applicant has submitted detailed house plans, including a site plan, building elevations, and floor plans. The proposed house would be two stories with a tuck-under

garage. The house would include 4,069 gross square feet with a two-stall garage on the lower level. The primary exterior material is stucco with Hardie board lap siding and stone veneer accent materials. The proposed house would meet all of the R-3A zoning requirements.

Zoning

The proposed house meets all of the requirements of the R-3A zoning district:

	R-3A Requirements	Proposed
Front yard setback	20 ft. (min)	27 ft.
Side yard setback	10 ft. (min)	10 ft. (east) 10 ft. (west)
Rear yard setback	20 ft. (min)	60 ft.
Lot coverage	30% (max.)	21.3%
Impervious surface	35% (max.)	30.8%
Building height	32 ft. (max.)	29 ft.
Garage size	750 sq. ft. (max.)	518 sq. ft.

Tree Preservation

The application materials include a tree inventory of the property. There are four (4) trees on the property that meet the minimum size requirements as either significant or heritage trees. The plans indicate that two (2) significant trees would be removed for construction of the home and associated grading. The one heritage tree on the property – a 40 inch oak on the rear of the lot – would be preserved. For construction of a home on a vacant lot, the City's tree preservation ordinance allows for removal of up to 25 percent of the inches of significant trees before mitigation is required. Based on the proposed tree removal, 32 inches of trees would need to be replaced on the site as part of a landscaping plan. The proposed plans do not include a tree replacement plan. The City's tree ordinance encourages tree replacement to occur on the site. If on-site tree replacement is not feasible due to site conditions or constraints, then the City may accept a fee-in-lieu of tree replacement for the required mitigation.

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E)

The City Council condition requiring review and approval of the home design on Lot 2 is based on the ordinance criteria for preliminary plat review, which include the following factor:

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.

Action Steps

After considering the items outlined in this report, the Planning Commission should consider a motion which recommends the City Council approve the house plans for 321 Wise Ave S, based on the finding that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the conditions of Resolution No. 50-2008 approving the Ramsland Knoll subdivision.

Attachments

Proposed Plans

City Council Resolution Approving 2008 Subdivision

LEGAL DESCRIPTION:
Lot 4, Block 1, RAMSLAND KNOLL, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- While we show the building setback lines per the City of Wayzata web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:

●" Denotes iron survey marker, set, unless otherwise noted.

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Wayzata requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.

LEGEND

EXISTING CONTOUR --- 953 ---

EXISTING SPOT ELEVATION x 953.5

PROPOSED CONTOUR --- 953 ---

PROPOSED SPOT ELEVATION 953.5

DRAINAGE ARROW - FLOW ==>

SILT FENCE/BIO ROLL --- SF ---

TREE REMOVAL

EXISTING HARDCOVER		PROPOSED HARDCOVER	
Shed	52 Sq. Ft.	House	1,617 Sq. Ft.
		Patio/Steps/Planter Box	242 Sq. Ft.
		Rear Stoop/Steps	28 Sq. Ft.
		Future Porch	252 Sq. Ft.
		Driveway	585 Sq. Ft.
		Shed	52 Sq. Ft.
TOTAL EXISTING HARDCOVER		TOTAL PROPOSED HARDCOVER	
52 Sq. Ft.		2,776 Sq. Ft.	
AREA OF LOT		9,012 Sq. Ft.	
PERCENTAGE OF HARDCOVER TO LOT		PERCENTAGE OF HARDCOVER TO LOT	
0.01%		30.8%	

DATE	REVISION DESCRIPTION

DRAWING ORIENTATION & SCALE

CLIENT NAME / JOB ADDRESS

WB BUILDERS

321 WISE AVENUE SOUTH
WAYZATA, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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.

Joshua S. Rinke
52716
LICENSE NO.
JUNE 13, 2017
DATE

DATE SURVEYED: JUNE 9, 2017

SURVEYED BY
ADVANCED SURVEYING. & ENG., CO.

DATE DRAFTED: JUNE 13, 2017

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

180622 JR

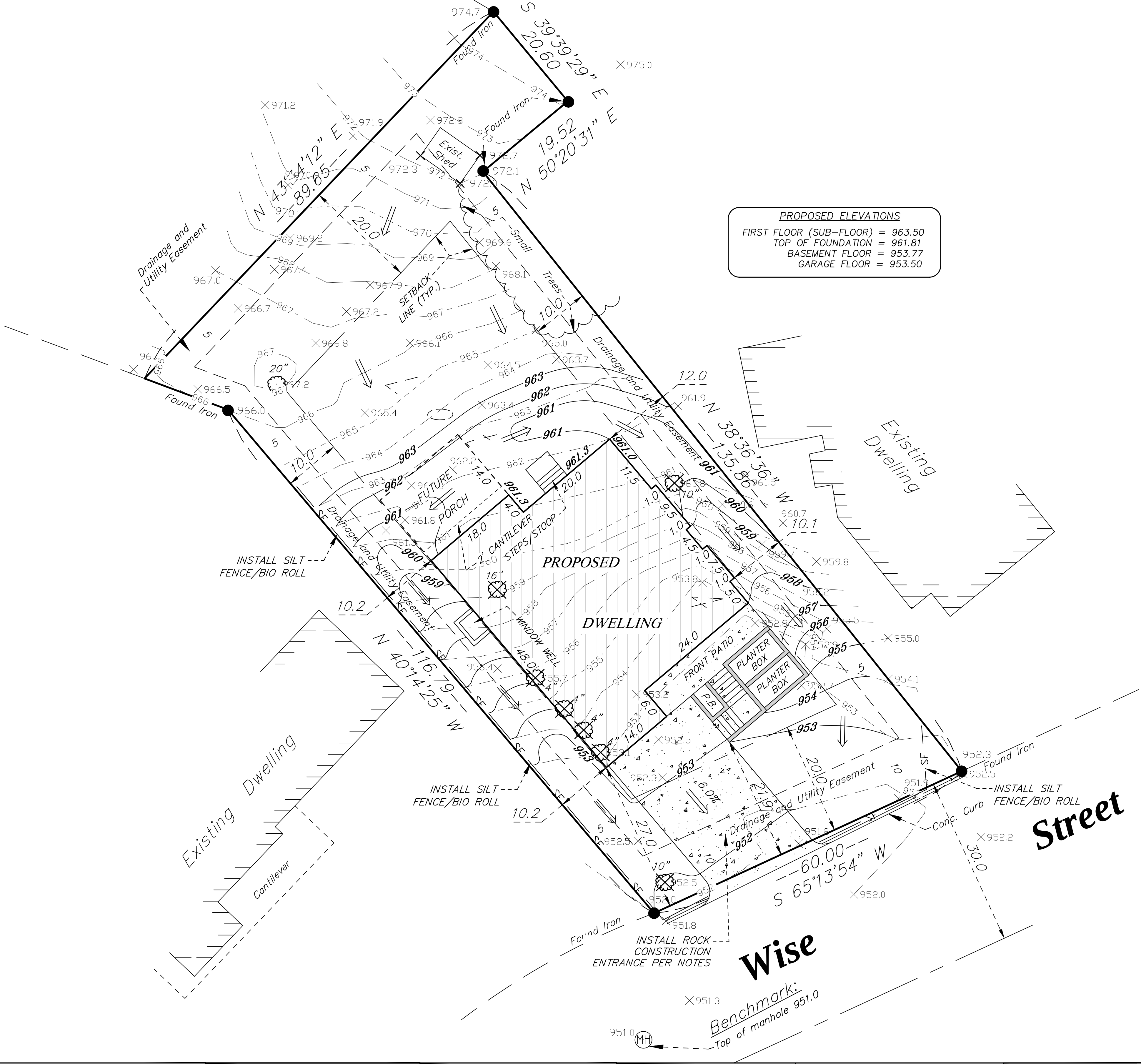
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SHEET NO.

S1

SHEET 1 OF 1

Page 76 of 358





CADOGAN RESIDENCE

321 Wise Ave.
Wayzata, MN

Notes: Dimensions, details and conformation to all local codes are to be verified by owner and contractor prior to the start of construction. The designer of the home is not a licensed structural engineer or architect and will assume no responsibility for items including, but not limited to: construction technique, quality of material, workmanship, code adherence, safety, water proofing, insulation, radon, mold/mildew or other designs, specification or construction issues. It is recommended that a licensed engineer review all plans for structural integrity and verify that the home meets code for extraordinary wind or other natural stresses such as flooding, snowfall or substandard bearing soil. All structural members on the plans should be verified by the manufacturer and their licensed engineering staff. It is also recommended that a licensed contractor be commissioned to construct the home. All door and window sizes are approximate rough openings. Specific manufacturer sizes vary and egress openings should be confirmed prior to construction. The home should be finished and enclosed to meet local code. Sizes of material and products reflect accepted industry standards and in no way indicate a specific manufacturer. All building components to be installed and constructed to selected manufacturer specified installation techniques and in accordance with local building codes. Optional items may be shown on the home, within the landscape/site plan or in the rendering for illustrative purposes only. Consult builder for standard or included features. c David Charlez Designs 2018. Do not replicate with out permission (852)428-8200. David Charlez Design retains rights to all plans and detail shown.



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EM: Dave@DavidCharlezDesigns.com



BUILDER
Detail Homes, Inc.
St. Paul, MN 55015

ISSUE
02.26.2018
RE-ISSUE
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PROJECT
Cadogan Residence
321 Wise Ave.
Wayzata, MN
PROJECT #
DET - Cadogan - CD's -
Rev.4

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GM

DESCRIPTION
Title

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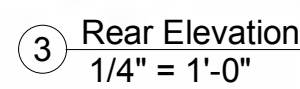
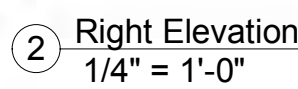
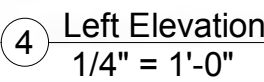
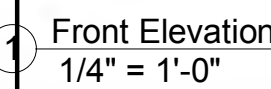
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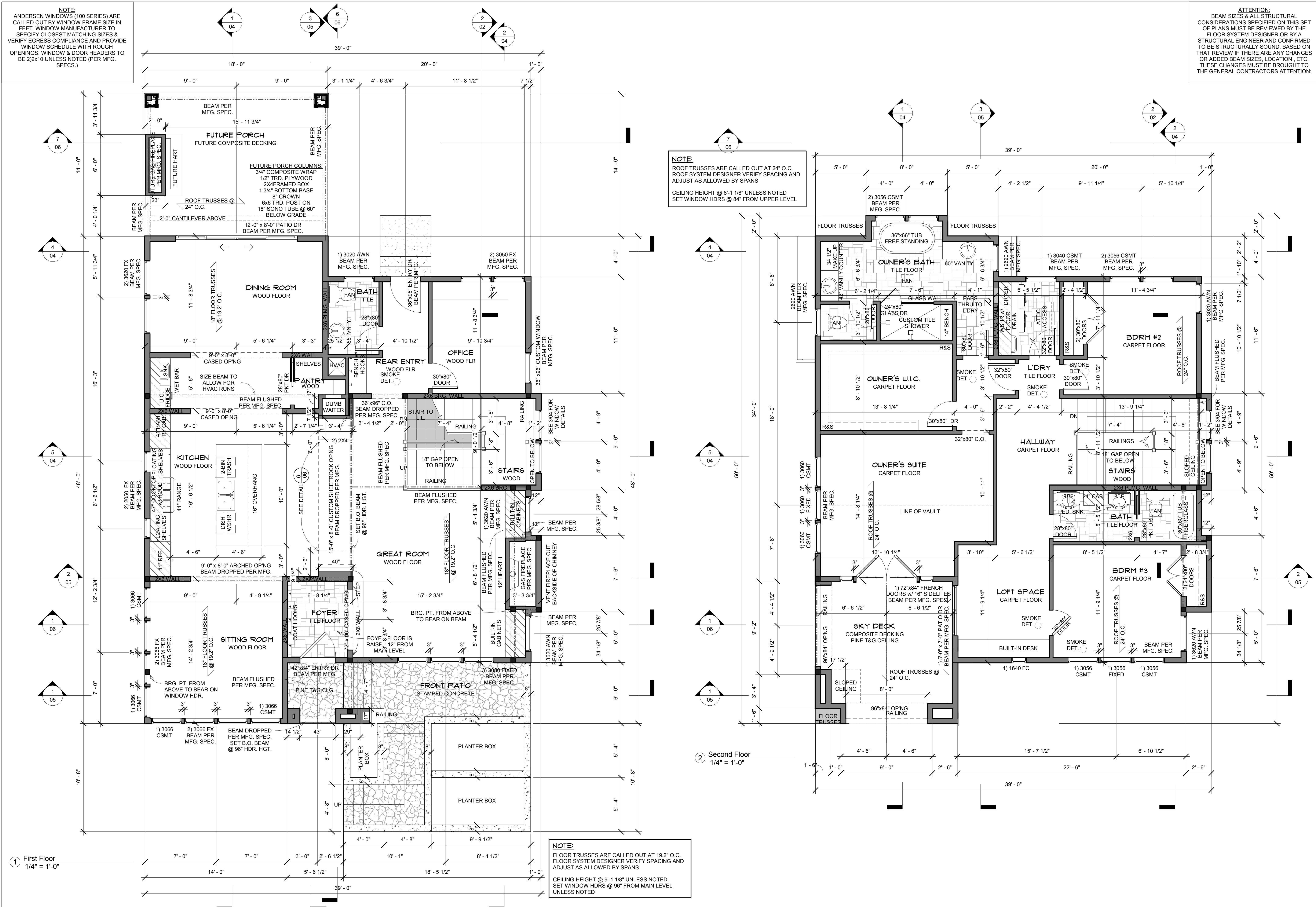
ASPHALT SHINGLES W/
NATURAL SHADOW
ARCHITECTURAL GRADE

- STONE/STUCCO
ATTACHMENT

- DAVID CHARLEZ DESIGNS DOES NOT
ACCEPT ANY RESPONSIBILITY FOR
STUCCO INSTALLATION OR
WATERPROOFING TECHNIQUES.
REFER TO MANUFACTURER AND
INSTALLERS FOR PREFERRED
INSTALLATION METHODS WHICH
WILL DIFFER FROM WHAT IS SHOWN.

Dimensions, details and construction to all local codes are to be verified by owner and contractor prior to the start of construction. The designer of the home is not a licensed structural engineer or architect and shall assume no responsibility for items including, but not limited to: construction technique, quality of material, workmanship, code adherence, safety, radon, mold/moisture or other designs, specification or construction issues. It is recommended that a licensed engineer review all plans for structural integrity and verify that the home meets code for extraordinary wind and other natural stresses such as flooding, snowfall or subsurface bearing soil. All structural members on the plans should be stamped by a professional engineer. It is also recommended that a licensed contractor be commissioned to construct the home. All door and window size are approximate rough openings. Specific structural sizes and weight ratings should be confirmed prior to construction. The home should be finished and enclosed to meet local building codes. Sizes of material, products and equipment used are standard and in no way indicate a specific manufacturer. All building components to be installed or constructed to selected manufacturer specifications and in accordance with local building codes. Optional items are shown in the home, within the landscape design plan or in the rendering for illustrative purposes only. Consult builder for standard or included features. © David Charles Designs 2018. Do not replicate without permission. (954)240-8000. David



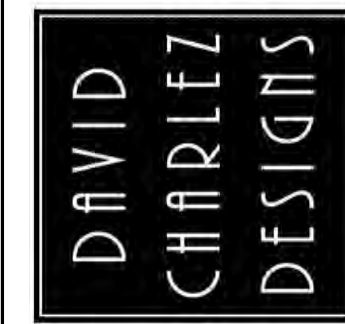


NOTE:
ANDERSEN WINDOWS (100 SERIES) ARE CALLED OUT BY WINDOW FRAME SIZE IN FEET. WINDOW MANUFACTURER TO SPECIFY CLOSEST MATCHING SIZES & VERIFY EGRESS COMPLIANCE AND PROVIDE WINDOW SCHEDULE WITH ROUGH OPENINGS. WINDOW & DOOR HEADERS TO BE 2x12x10 UNLESS NOTED (PER MFG. SPECS.)

ATTENTION:
BEAM SIZES & ALL STRUCTURAL CONSIDERATIONS SPECIFIED ON THIS SET OF PLANS MUST BE REVIEWED BY THE FLOOR SYSTEM DESIGNER OR BY A STRUCTURAL ENGINEER AND CONFIRMED TO BE STRUCTURALLY SOUND. BASED ON THAT REVIEW IF THERE ARE ANY CHANGES OR ADDED BEAM SIZES, LOCATION, ETC. THESE CHANGES MUST BE BROUGHT TO THE GENERAL CONTRACTORS ATTENTION.

NOTE:
ROOF TRUSSES ARE CALLED OUT AT 24" O.C. ROOF SYSTEM DESIGNER VERIFY SPACING AND ADJUST AS ALLOWED BY SPANS
CEILING HEIGHT @ 8'-1 1/8" UNLESS NOTED SET WINDOW HDRS @ 84" FROM UPPER LEVEL

NOTE:
FLOOR TRUSSES ARE CALLED OUT AT 19.2" O.C. FLOOR SYSTEM DESIGNER VERIFY SPACING AND ADJUST AS ALLOWED BY SPANS
CEILING HEIGHT @ 9'-1 1/8" UNLESS NOTED SET WINDOW HDRS @ 96" FROM MAIN LEVEL UNLESS NOTED



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St. Paul, MN 55015

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02.26.2018

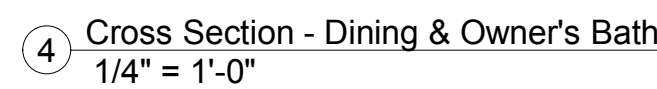
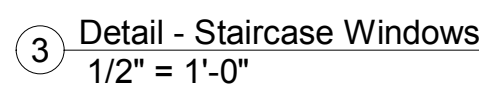
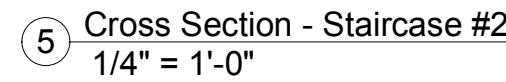
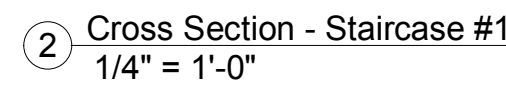
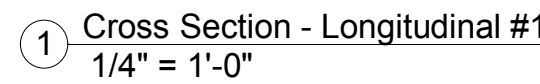
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PROJECT
Cadogan Residence
321 Wise Ave.
Wayzata, MN

PROJECT #
DET - Cadogan - CD's - Rev.4

DRAWN BY
GM

DESCRIPTION
Main & Upper Levels

DAVID
CHARLEZ
DESIGNS

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18476 KENRICK AVE SUITE 202
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EM: Dave@DavidCharlezDesigns.com

DETAIL HOMES



Detail Homes, Inc.
St. Paul, MN 55015

02.26.2018

Cadogan Residence
321 Wise Ave.

02.26.2018

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PROJECT #
Cadogan Residence
321 Wise Ave.
Wayzata, MN

PROJECT #
DET - Cadogan - CD's -

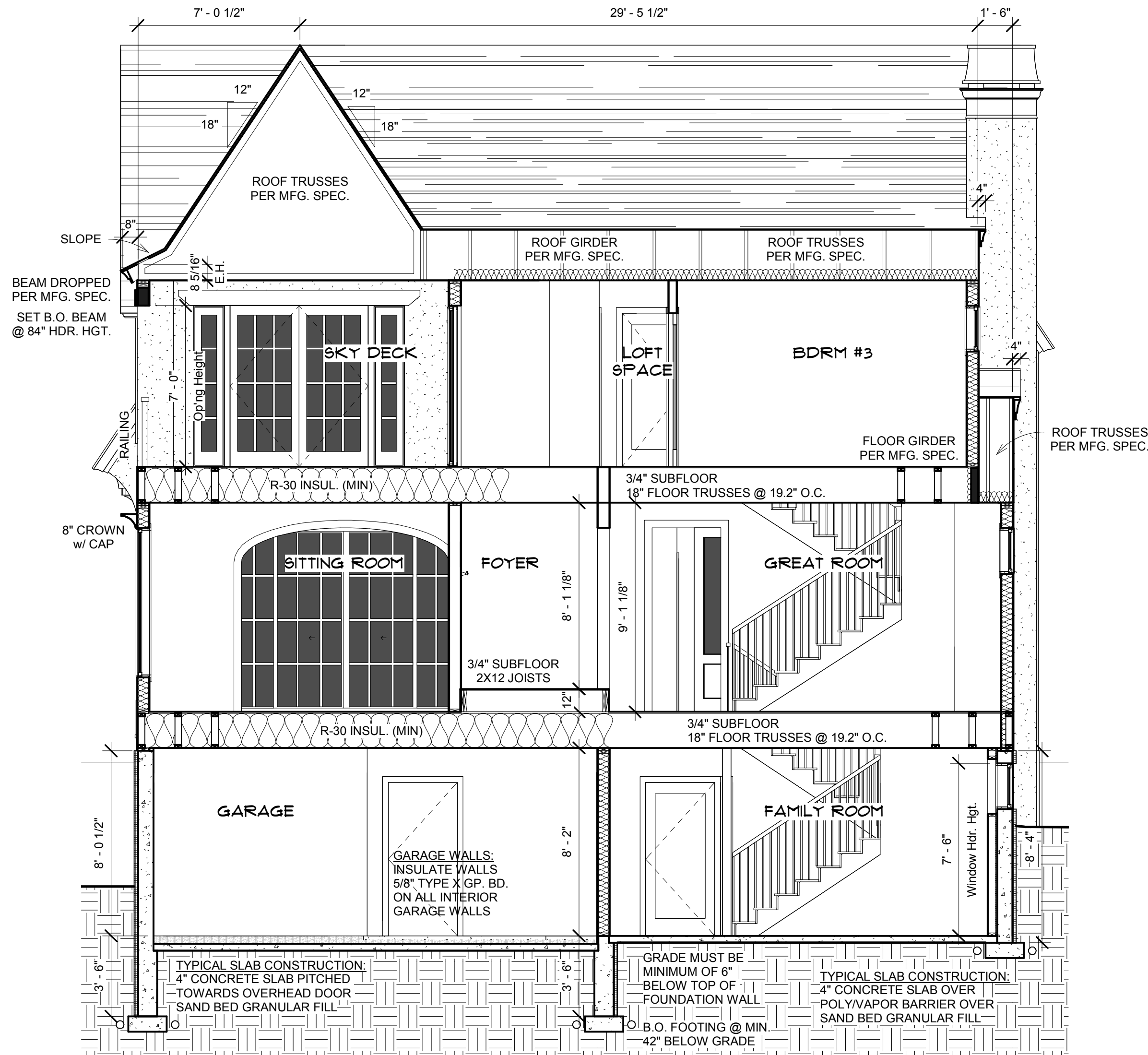
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Cross Sections

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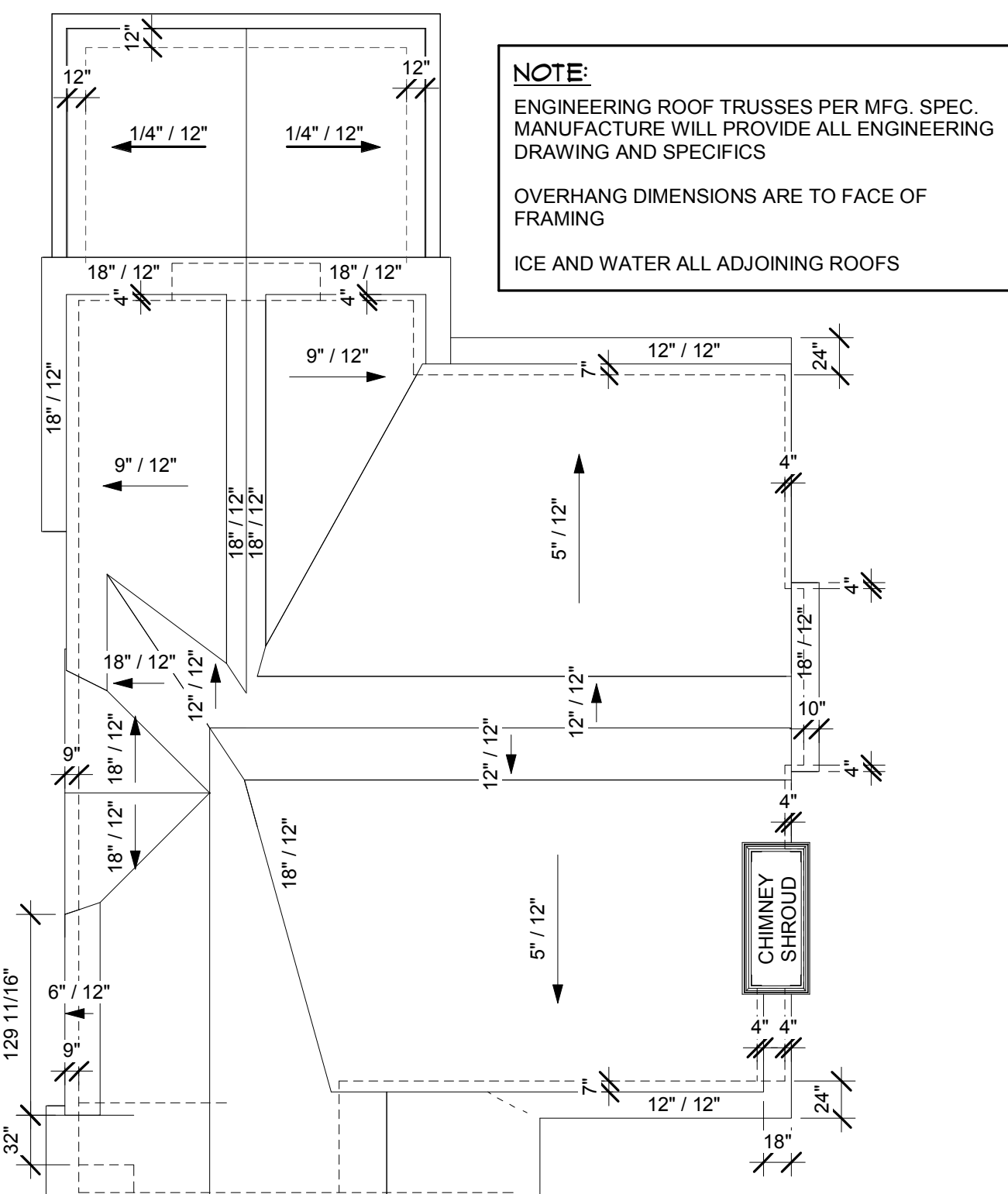
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GENERAL NOTES

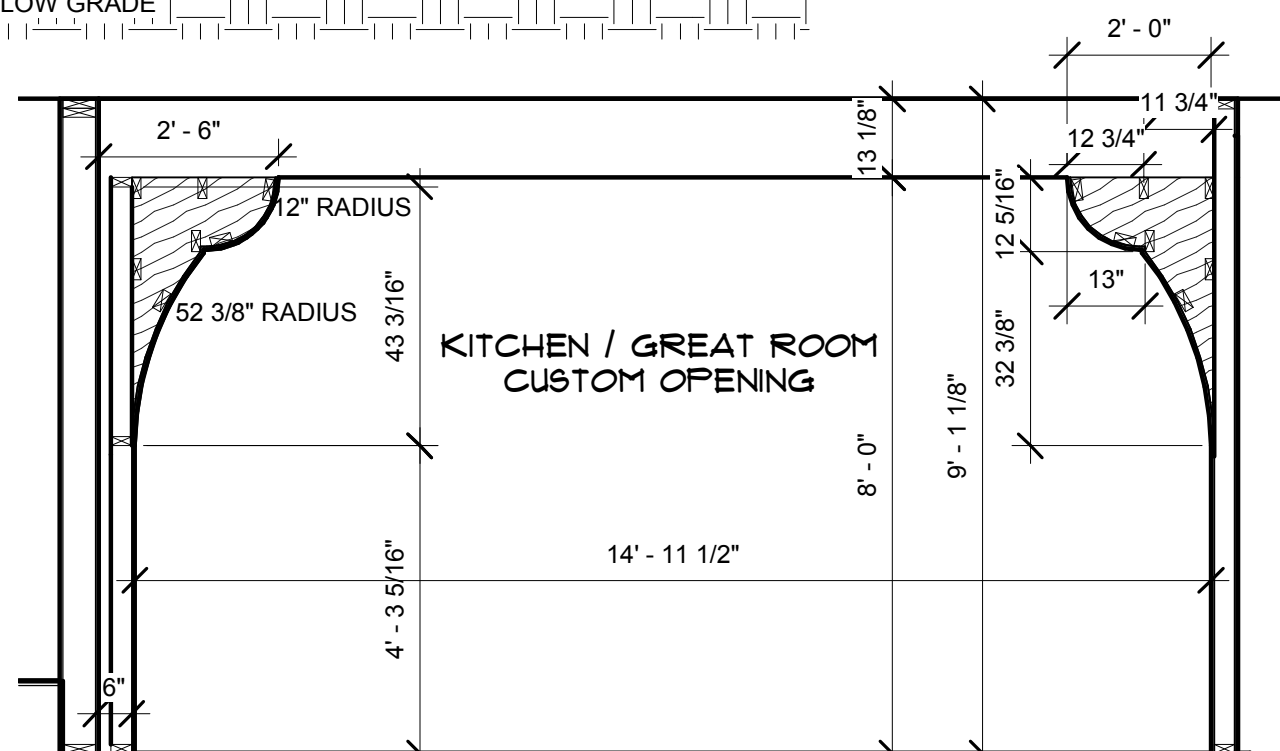
1. ALL EXTERIOR WALLS TO BE CONSTRUCTED OF 2x6 STUDS @ 16" O.C.
2. ALL INTERIOR WALLS TO BE CONSTRUCTED OF 2x4 STUDS @ 16" O.C. (UNLESS OTHERWISE NOTED)
3. WALLS ADJACENT TO GARAGE SPACE SHALL BE 2x6 WITH A 1 HR. FIRE RATING
4. STRUCTURAL WALLS TO HAVE A FIRE RATING OF 1 HR.
5. ALL DIMENSIONS LINES TO BE TO CENTERLINE OF STUDS TO FACE OF STUD
6. PROVIDE ROOF VENTILATION 1 SQ.FT. PER 300 SQ.FT. OF ROOF AREA. 50% AT RIDGE AND 50% AT SOFFIT-MIN
7. ALL INTERIOR DOOR HEAD HEIGHT TO BE VERIFIED BY BUILER UNLESS OTHERWISE NOTED. UNDERCUT MIN 1"
8. ALL STRUCTURAL MEMBERS TO BE VERIFIED BY MANF. AND A STRUCTURAL ENGINEER.
9. ALL WINDOW UNITS ABOVE TUB DECK AND/OR WITHIN 18" OF THE FLOOR AND/OR 24" OF A DOORWAY SHALL BE TEMPERED GLASS
10. PROVIDE AN APPROVED ICE AND WATER ROOFING STARTER EDGE PER CODE OR EQUIVALENT
11. WRAP ALL CANTILEVERS WITH AN APPROVED POLY AND SPRAY FOAM FLOOR
12. SLOPE FINISHED GRADE AWAY FROM THE HOUSE ON ALL SIDES
13. 1/2" AIR SPACE ON EACH SIDE OF MICRO-LAM BEAM & MIN 3" BEARING ON CONCRETE
14. EXTERIOR RAILING TO BE MIN OF 36" HIGH AND BUILT AS TO NOT ALLOW A 4" SPHERE TO PASS THROUGH
15. ALL COMPONENTS TO BE INSTALLED TO MANF. SPEC OR LOCAL CODE
16. ALL WOOD IN DIRECT CONTACT WITH CONCRETE OR MASONRY IS TO BE PRESSURE TREATED OR WOOD SPECIES THAT HAS A NATURAL RESISTANCE TO DECAY
17. PROVIDE A WATER RESISTIVE GYP BOARD AROUND ALL SHOWERS AND TUBS
18. LIGHT OR FAN HOUSING SYSTEM RECESSED THROUGH AN EXTERIOR VAPOR BARRIER SHALL BE OF THE AIR SEALED TYPE OR BE BOXED AND SEALED PER CODE
19. PROVIDE DRAFT STOPS PER UBC 708.3
20. FIRE BLOCK ALL CHASES AT EACH FLOOR-CEILING ASSEMBLY OR AT 10' MAX INTERVALS
21. ALL SMOKE DETECTORS TO BE HARD WIRED WITH BATTERY BACKUP PER CODE
22. MAINTAIN A 6" SEPARATION BETWEEN GRADE AND WOOD
23. CAULK AND FLASH AROUND ALL EXTERIOR OPENINGS
24. PLUMBING PENETRATIONS IN WALL ASSEMBLY SHALL BE FIRE CAULKED WITH LISTED MATERIALS
25. BLOCK PATIO DOORS WITHOUT A DECK
26. SMOKE DETECTORS SHALL BE MIN 16" AWAY FROM WALL AND INSTALL TO MANF. SPEC
27. NO OPENING IN ROOF WITHIN 5' OF PROPERTY LINES
28. 10% OF THE FLOOR AREA IS REQUIRED FOR LIGHT AND VENTILATION IN ALL HABITABLE ROOMS
29. ON EXTERIOR, GRIPPABLE HANDRAILS 34" TO 36" IN HEIGHT FROM THE NOSE OF THE STAIRS
30. COMBUSTION AIR DUCTS 12" OFF THE FLOOR OR RETURN AIR PLENUM WHEN REQUIRED (IMC703)
31. PROVIDE PLUMBING ACCESS AT ALL TUBS EXCEPT WHEN TRAPS & OVERFLOW GLUED
32. PROVIDE 50 cfm OR 20 cfm CONTINUOUS VENTILATION OR OPERABLE WINDOW (ASHRAE 62-2001 6.1)
33. DRYER VENT TO THE EXTERIOR- INSULATE LAST 3 FEET MIN 36" CLEARANCE TO OTHER OPENINGS: (IMC504.4, 401.52 AND 604.1)
34. CERAMIC TILE TO BE APPLIED OVER GREEN BOARD, CEMENT BOARD, WONDER BOARD OR OTHER APPROVED MATERIAL TO A HEIGHT OF 70" ABOVE DRAIN INLET IN SHOWERS. CEMENT BOARD MUST BE USED ON EXTERIOR WALLS UNDERNEATH TILE AND OVER THE VAPOR BARRIER (R307)
35. TRUSS PLANS STAMPED AND APPROVED BY MANF. SHALL BE ON THE JOB SITE. ALTERATIONS TO TRUSSES REQUIRE AN ENGINEER'S APPROVAL
36. RAFTERS SHALL BE FRAMED TO MIN 1" THICK RIDGE BOARD NOT LESS THAN THE DEPTH OF THE CUT END OF THE RAFTERS OR NAILED TO EACH OTHER WITH A GUSSET PLATE A TIE. THE RIDGE BOARD MUST BE SUPPORTED ON END WALL OR MIN 2x4 COLLAR TIES ARE REQUIRED AT MIN 4" O.C.
37. 4-MIL VAPOR BARRIER ON WARM IN WINTER SIDE OF EXTERIOR WALLS AND CEILING. FIRE RETARDANT VAPOR BARRIER MAY BE LEFT UNCOVERED
38. WIND-WASH AT AL EAVES, CORNERS, OVERHANGS, AND BY WINDOWS. SHEATHING INSULATION DAM @ CEILING CHANGES
39. WEATHER-RESISTIVE BARRIER-i.e. BUILDING WRAP TABLE R703.4
40. HOT WATER PIPING LOCATED OUTSIDE OF CONDITIONED SPACE WILL BE INSULATED TO AT LEAST R-3
41. ATTIC ACCESS DOORS FROM CONDITIONED TO UNCONDITIONED SPACES SHALL BE WEATHERED-STRIPPED AND INSULATED.
42. NEW WOOD-BURNING FIREPLACES WILL HAVE TIGHT-FITTING FLUE DAMPERS AND OUTDOOR COMBUSTION AIR.
43. FOR WINDOWS WHERE THE LOWEST PART OF THE WINDOW OPENING IS MORE THAN 6' ABOVE THE GROUND, THE LOWEST PART OF OPENING SHALL BE MIN. OF 36" ABOVE THE FINISHED FLOOR. EXCEPTIONS INCLUDE WINDOWS THAT DO NOT OPEN MORE THAN 4", WINDOWS WITH FALL PROTECTION, AND WINDOWS THAT HAVE OPENING CONTROL DEVICES.
44. DWELLINGS WITH ATTACHED GARAGES OR FUEL FIRED EQUIPMENT MUST BE EQUIPPED WITH CARBON MONOXIDE ALARMS OUTSIDE OF, BUT NO FURTHER THAN 10' FROM , EACH SLEEPING AREA OR BEDROOM.
45. FOOTINGS SHALL HAVE A MIN. COMPRESSIVE STRENGTH OF 5,000 psi.
46. A MIN. 1/2" GYPSUM BOARD MEMBRANE, OR 5/8" WOOD STRUCTURAL PANEL MEMBRANE, SHALL BE PROVIDED ON THE UNDERSIDE OF FLOOR ASSEMBLIES. EXCEPTIONS A. DWELLINGS EQUIPPED WITH SPRINKLER SYSTEM. B. CRAWLSPACES C. PORTIONS OF FLOOR ASSEMBLIES WITH PROPORTIONALLY SMALL AREA. D. FLOOR ASSEMBLIES CONSTRUCTED OF SOLID SAWN LUMBER OR STRUCTURAL COMPOSITE LUMBER WITH MIN. NOMINAL DIMENSIONS OF 2"x10".
47. DECKS SUPPORTED BY ATTACHMENT TO AN EXTERIOR WALL SHALL BE POSITIVELY ANCHORED TO THE PRIMARY STRUCTURE AND DESIGNED FOR BOTH VERTICAL AND LATERAL LOADS.
48. FLASHING WITH A MIN. 3 1/2" VERTICAL ATTACHMENT FLANGE IS REQUIRED AT THE INTERSECTION OF THE FOUNDATION AND RIM JOIST FRAMING WHEN THE EXTERIOR WALL COVERING DOES NOT LAP THE FOUNDATION INSULATION. THE FLASHING MUST EXTEND A MIN. OF 1" BELOW THE FOUNDATION PLATE LINE, AND THE REQUIRED WATER-RESISTIVE BARRIER MUST LAP OVER THE ATTACHMENT FLANGE.
49. BUILDING FRAMING CAVITIES SHALL NOT BE USED AS DUCTS OR PLENUMS



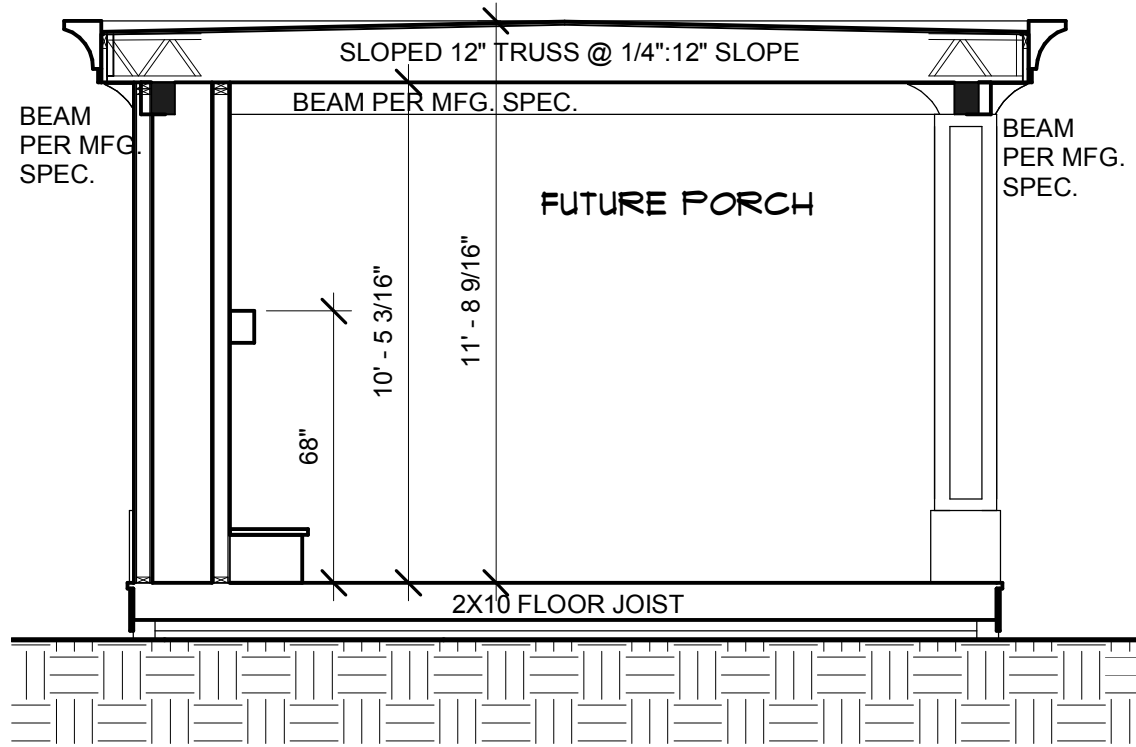
1 Cross Section - Foyer/Great Rm
1/4" = 1'-0"



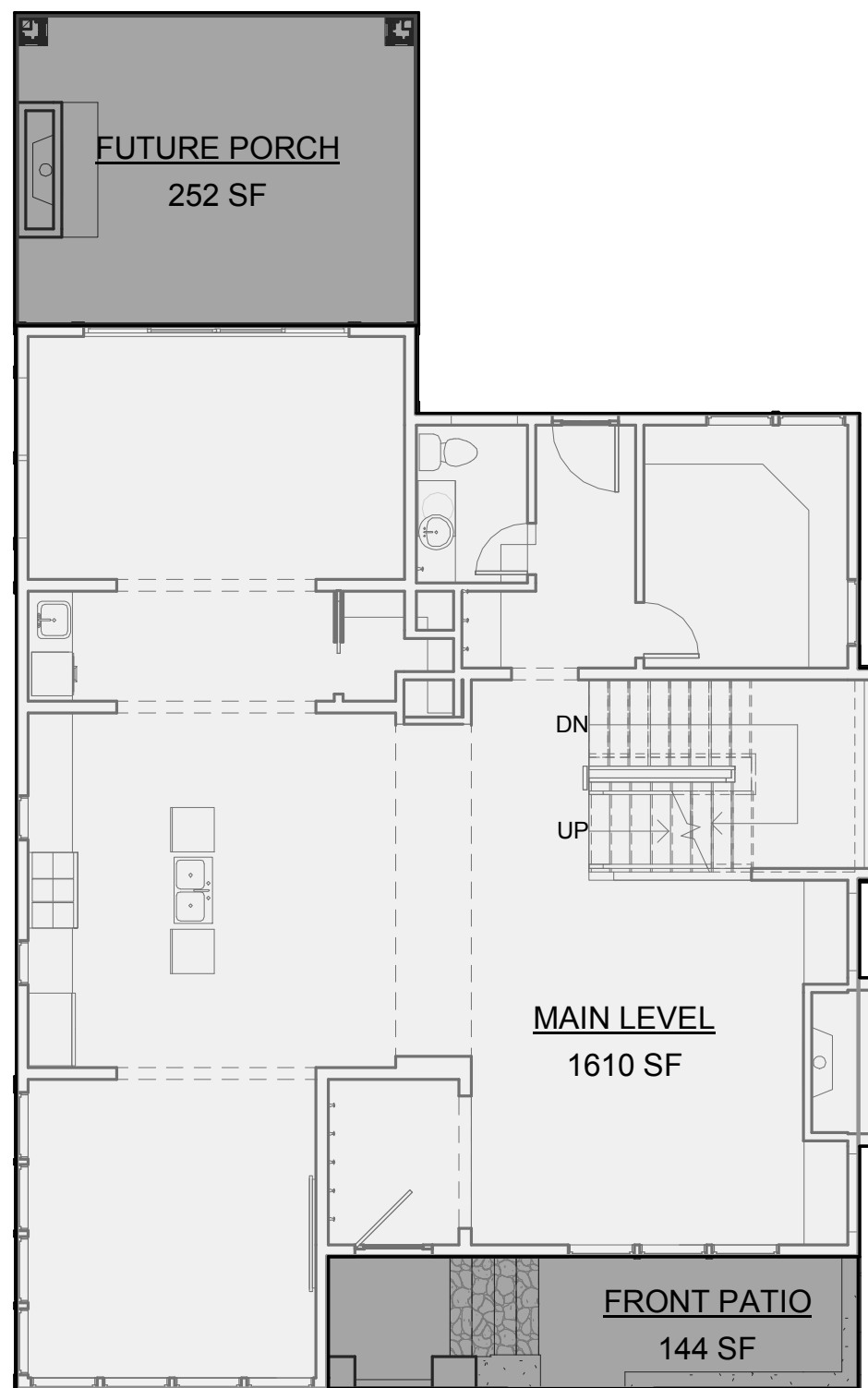
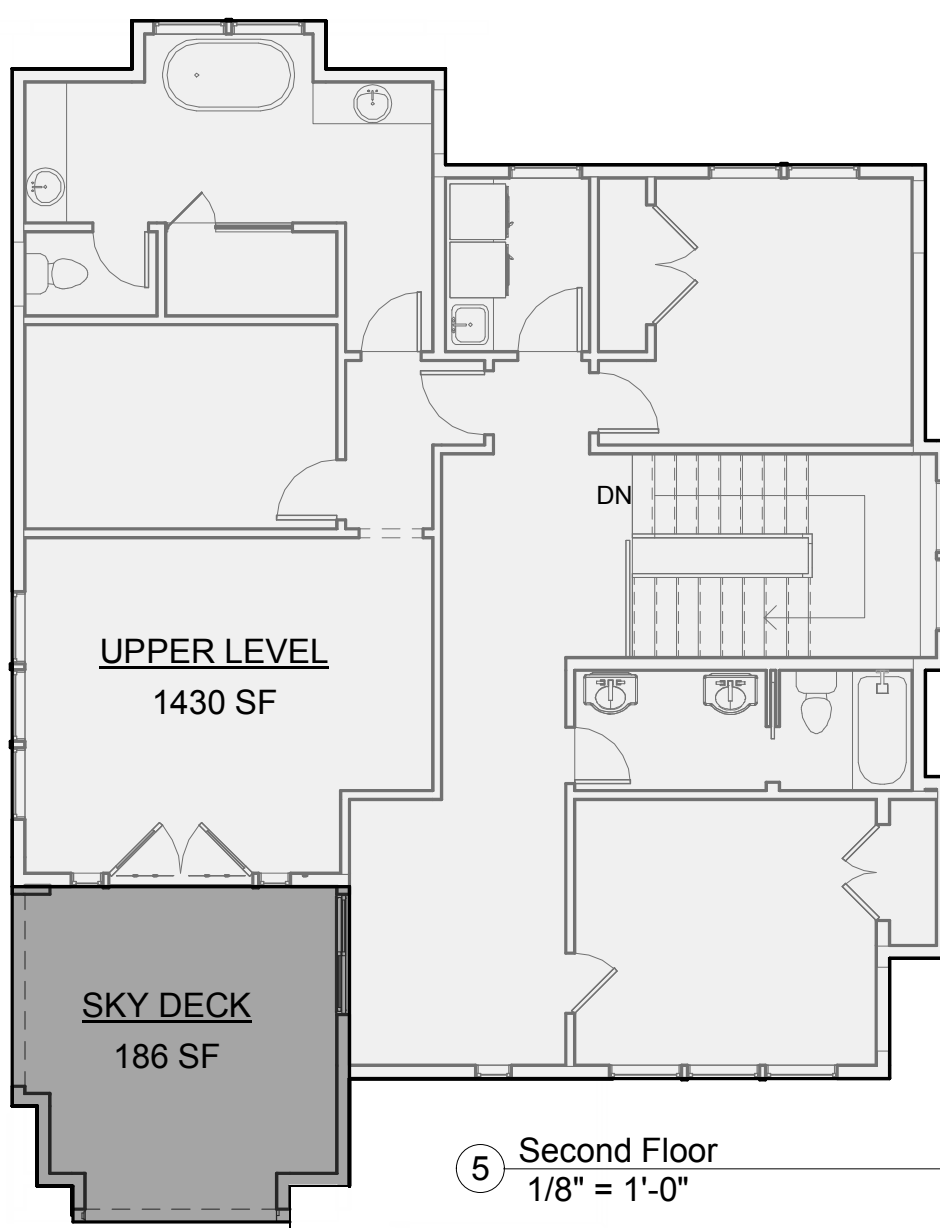
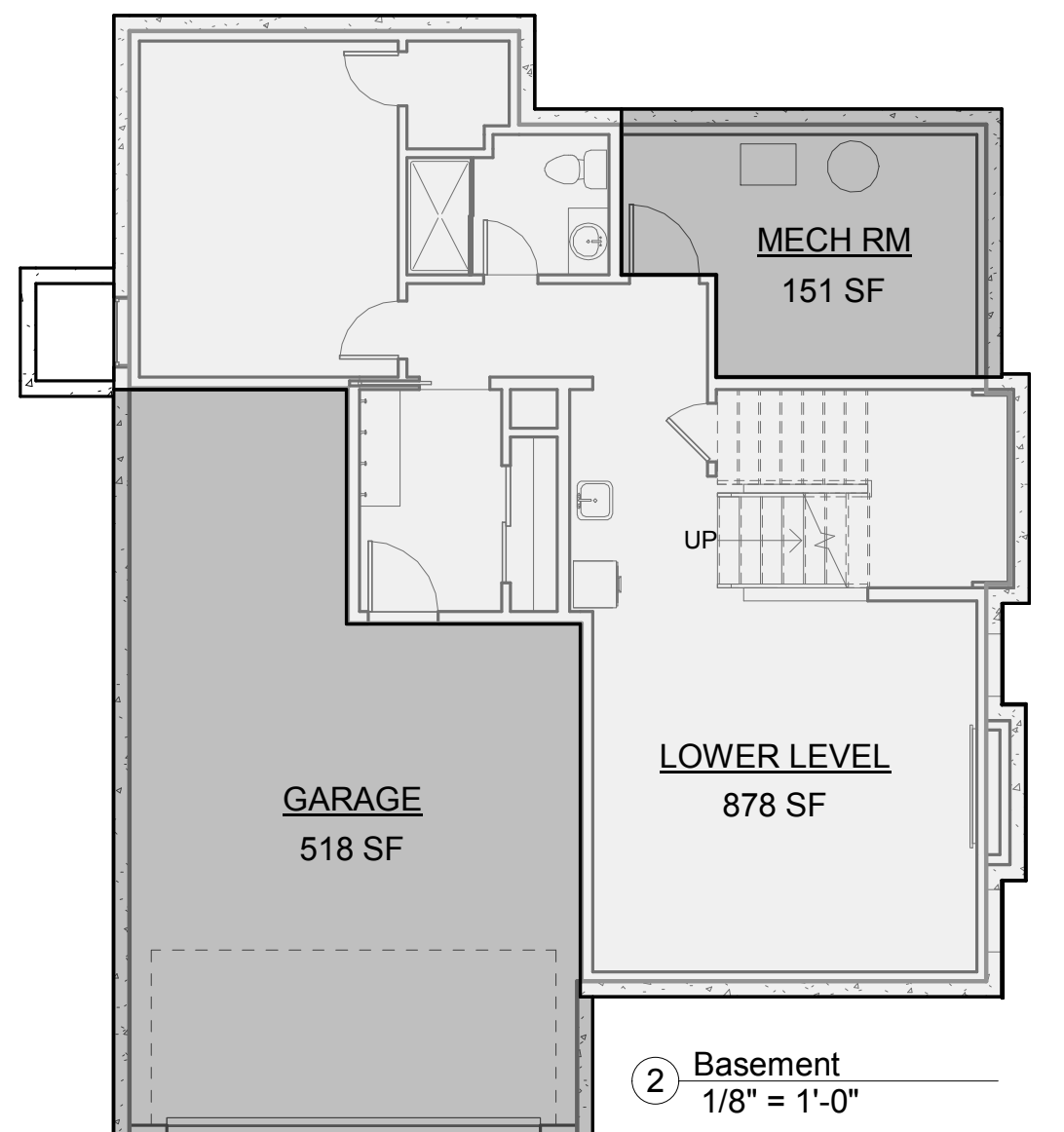
3 Roof Plan
1/8" = 1'-0"



6 Detail - Arch
3/8" = 1'-0"



7 Section - Future Porch
1/4" = 1'-0"



4 First Floor
1/8" = 1'-0"

SQUARE FOOTAGE CALCULATIONS

LOWER LEVEL

878 SQ. FT. LOWER LEVEL
518 SQ. FT. GARAGE
151 SQ. FT. MECHANICAL ROOM

MAIN LEVEL

1610 SQ. FT. MAIN LEVEL
252 SQ. FT. FUTURE PORCH
144 SQ. FT. FRONT PATIO

UPPER LEVEL

1430 SQ. FT. UPPER LEVEL
186 SQ. FT. SKY DECK

FINISHED TOTAL

3918 SQ. FT. FINISHED TOTAL

DAVID
CHARLEZ
DESIGNS

DAVID CHARLEZ DESIGNS

18476 KENRICK AVE SUITE 202
LAKEVILLE, MN 55044
TEL: 952.428.8200
EM: Dave@DavidCharlezDesigns.com

DETAIL HOMES

BUILDER
Detail Homes, Inc.
St. Paul, MN 55015

ISSUE
02.26.2018

RE-ISSUE
5/25/2018 2:30:59 PM

PROJECT
Cadogan Residence
321 Wise Ave.
Wayzata, MN

PROJECT #
DET - Cadogan - CD's -
Rev.4

DRAWN BY
GM

DESCRIPTION
Cross Sections/Sq. Fig.

a

06



CADOGAN RESIDENCE

321 Wise Ave.
Wayzata, MN

Notes: Dimensions, details and conformation to all local codes are to be verified by owner and contractor prior to the start of construction. The designer of the home is not a licensed structural engineer or architect and will assume no responsibility for items including, but not limited to: construction technique, quality of material, workmanship, code adherence, safety, water proofing, insulation, radon, mold/mildew or other designs, specification or construction issues. It is recommended that a licensed engineer review all plans for structural integrity and verify that the home meets code for extraordinary wind or other natural stresses such as flooding, snowfall or substandard bearing soil. It is also recommended that a licensed contractor be commissioned to construct the home. All door and window sizes are approximate rough openings. Specific manufacturer sizes vary and egress openings should be confirmed prior to construction. The home should be finished and enclosed to meet local code. Sizes of material and products reflect accepted industry standards and in no way indicate a specific manufacturer. All building components to be installed and constructed to selected manufacturer specified installation techniques and in accordance with local building codes. Optional items may be shown on the home, within the landscaping/site plan or in the rendering for illustrative purposes only. Consult builder for standard or included features. c David Charlez Designs 2018. Do not replicate with out permission (822428-8220). David Charlez Design retains rights to all plans and detail shown.



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BUILDER
Detail Homes, Inc.
St. Paul, MN 55015

ISSUE
02.26.2018
RE-ISSUE
10/1/2018 2:41:58 PM

PROJECT
Cadogan Residence
321 Wise Ave.
Wayzata, MN
PROJECT #
DET - Cadogan - CD - Rev7
- SM

DRAWN BY
GM

DESCRIPTION
Title

a

00

SQ FT BREAKDOWN

SEE FINAL PAGE FOR SQUARE FOOTAGE CALCULATIONS

TYPICAL EXTERIOR MATERIALS

- ASPHALT SHINGLES w/ NATURAL SHADOW ARCHITECTURAL GRADE
- (A) STUCCO PER ELEVATION
- (B) HARDIE PANEL SMOOTH PER ELEVATION
- (C) STONE VENEER PER ELEVATION
- INSTALL KICK OUT FLASHING & TWO MEMBRANE TAR PAPER BACKING IN ALL STONE AREAS
- CUSTOM 8" STUCCO HEADERS PER ELEVATION
- 5/4" x 8" TRIM w/ 4" CROWN FASICA PER ELEVATION
- COMPOSITE VENTED SOFFITS PER ELEVATION
- HOUSE WRAP AND/OR TAR PAPER IN PROPER FORM ON ENTIRE EXTERIOR

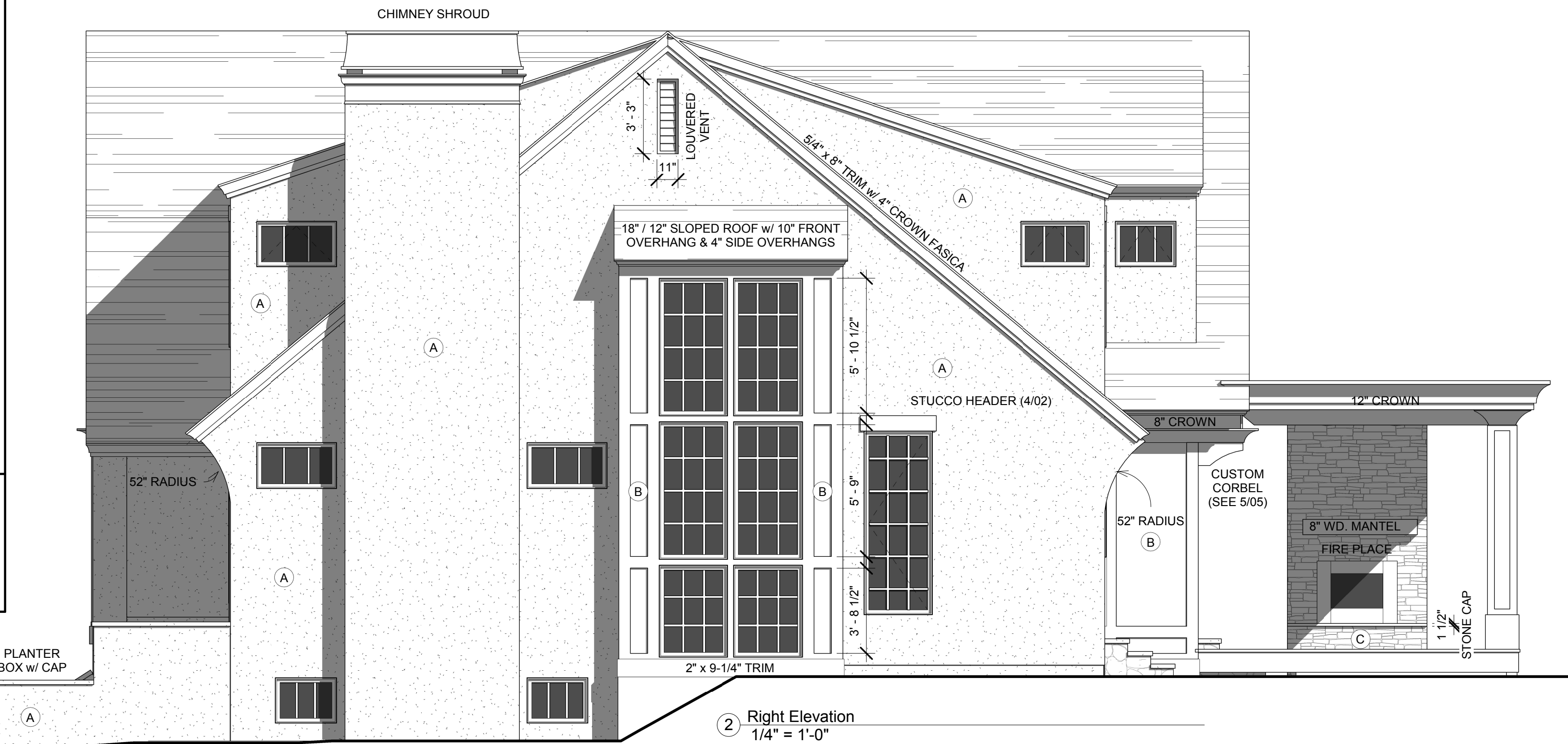
STONE/STUCCO ATTACHMENT

1. VERIFY COMPLIANCE WITH INSPECTOR WHEN PAPER IS COMPLETE IN ONE WINDOW AREA.
2. WEATHER RESISTIVE BARRIERS: INCLUDE 2 LAYERS OF GRADE D PAPER WITH WEATHER RESISTIVE BARRIERS OVER WOOD BASED SHEATHING. 15 OR 15# IS NOT GRADE D PAPER. LAP VERTICAL JOINTS IN PAPER AT LEAST 2 INCHES.
3. EXTERIOR OPENINGS FLASHED: FLASH ALL EXTERIOR OPENINGS. THE NAILING FLANGE ON WINDOWS WILL NOT BE ACCEPTED FOR FLASHING UNLESS THE MANUFACTURERS INSULATION INSTRUCTIONS ARE PROVIDED ON SITE STATING THE FLANGE IS ACCEPTABLE AS FLASHING.
4. WINDOW FLANGES: INSTALL PAPER ON BOTTOM AND SIDES OF WINDOW BEFORE INSTALLING WINDOW. PAPER LOCATED ON TOP OF WINDOW SHALL GO OVER THE WINDOW FLASHING. INSTALL A SECOND LAYER OF PAPER OVER SIDE WINDOW FLANGES.
5. WINDOW OPENINGS: WATERPROOF WINDOW OPENINGS WITH CAULK, TAPE, OR LIKE MATERIAL. ALL OTHER OPENINGS MUST BE WATERPROOFED WITH CAULK, TAPE, OR LIKE MATERIAL.
6. PAPER ENTIRE WALL: BUILDING PAPER MUST BE INSTALLED ON ALL EXTERIOR WALLS INCLUDING WITHIN THE SOFFIT. INSTALL PAPER IN SHINGLE FASHION TO ENSURE PROPER WATER DRAINAGE.
7. FLASHING: AT ALL WALL/ROOF INTERSECTIONS WHERE ROOF LINE DOES NOT EXTEND PAST WALL, KICKOUT FLASHING IS REQUIRED. ALL OTHER OPENINGS MUST BE FLASHED TO ENSURE PROPER WATERPROOFING.
8. WEEP SCREED: PROVIDE A CORROSION RESISTANT WEEP SCREED WITH A MINIMUM VERTICAL ATTACHMENT FLANGE OF 3-1/2" AT OR BELOW THE FOUNDATION PLATE. TO ENSURE TRAPPED WATER HAS PROPER DRAINAGE TO EXTERIOR, SCREED SHALL BE A TYPE THAT ALLOWS FOR DRAINAGE AND MUST BE PLACED A MINIMUM OF 4" ABOVE EARTH OR 2" ABOVE CONCRETE. PLACE WEEP SCREDS JUST BELOW PLATE LINE. IF PAPER HAS BEEN INSTALLED ON FOUNDATION, EXTEND WEEP SCREED ONTO FOUNDATION. ALL STUCCO MUST NOT EXTEND BELOW, BUT MUST COVER, ALL LATH AND PAPER.

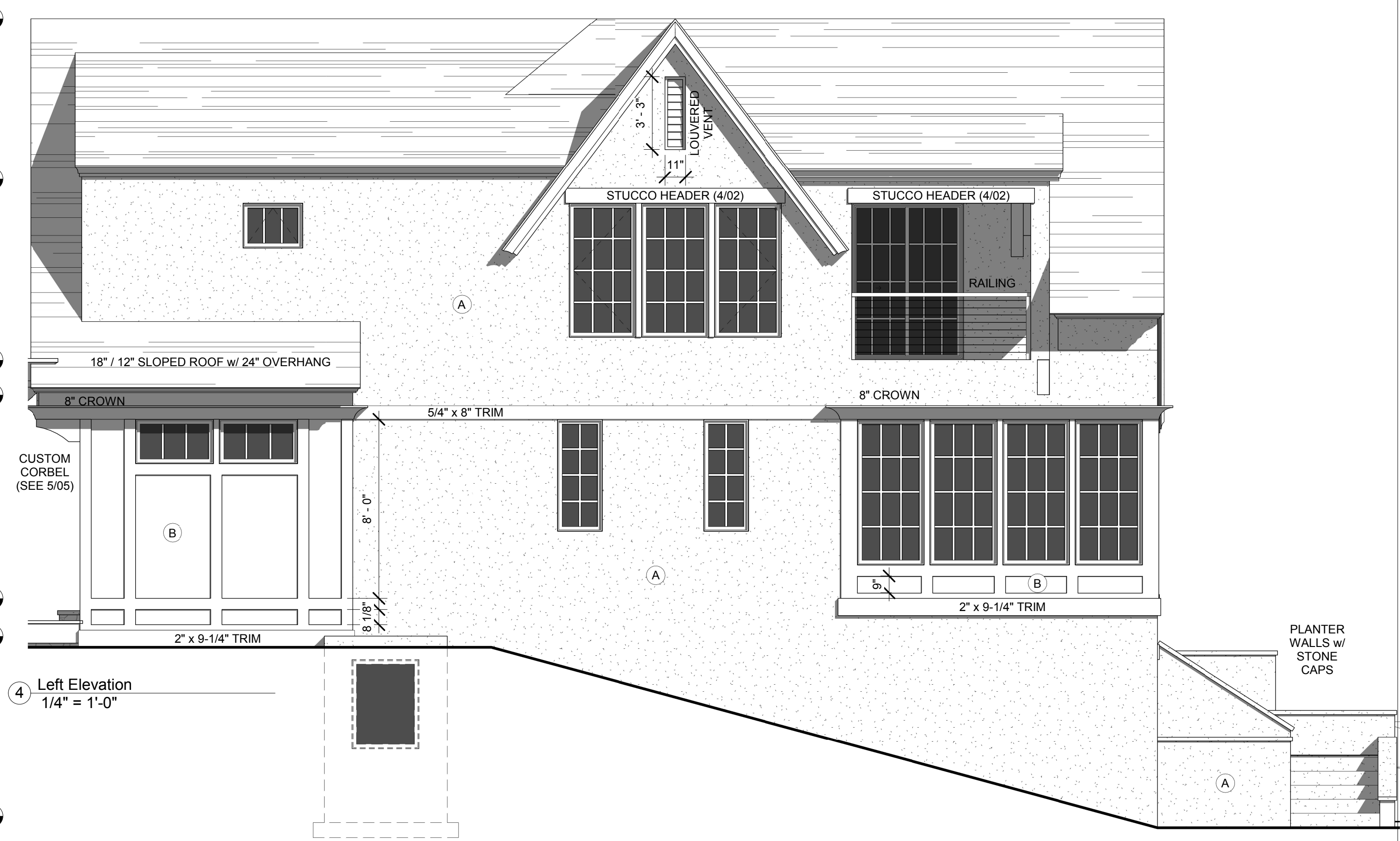
DAVID CHARLEZ DESIGNS DOES NOT ACCEPT ANY RESPONSIBILITY FOR STUCCO INSTALLATION OR WATERPROOFING TECHNIQUES. REFER TO MANUFACTURER AND INSTALLERS FOR PREFERRED INSTALLATION METHODS WHICH WILL DIFFER FROM WHAT IS SHOWN.



1 Front Elevation
1/4" = 1'-0"



2 Right Elevation
1/4" = 1'-0"



4 Left Elevation
1/4" = 1'-0"



3 Rear Elevation
1/4" = 1'-0"

DAVID
CHARLEZ
DESIGNS

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DETAIL HOMES

BUILDER
Detail Homes, Inc.
St. Paul, MN 55015

ISSUE
02.26.2018

RE-ISSUE
10/1/2018 2:42:31 PM

PROJECT
Cadogan Residence
321 Wise Ave.
Wayzata, MN

PROJECT #
DET - Cadogan - CD - Rev7
-SM

DRAWN BY
GM

DESCRIPTION
Elevations

a

01

RESOLUTION NO. 50-2008

RESOLUTION APPROVING, WITH CONDITIONS, PRELIMINARY AND FINAL PLAT SUBDIVISION AT 1052 CIRCLE DRIVE E AND 1066 CIRCLE DRIVE E

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Development Application. Rolf and Janet Skjei, and Steve Cool (collectively, "the Applicant") have submitted a Development Application (the "Application") to subdivide the 1052 Circle Drive E into 3 buildable parcels, with a portion of land from the adjacent 1066 Circle Drive E (the "Subdivision" or the "Preliminary/Final Plat" or the "Project"). The Project would require the removal of the existing structure on the Property and a subdivision of the parcel.

1.2 Legal Description. The property identification numbers and owners of the properties involved in the Application are (collectively, the "Property"):

1052 Circle Drive E	06-117-22-41-0043	Rolf and Janet Skjei
1066 Circle Drive E	06-117-22-41-0048	Steven J Cool

1.3 Land Use. The Property is located within the R-3A, Single and Two Family Residential District, as defined in Section 801.55 of the Wayzata Zoning Ordinance. The Property is guided for Low Density Single Family Residential use in the Wayzata Comprehensive Plan, and located within Planning District 7, as outlined in the Comprehensive Plan. The Property is located within the Shoreland Overlay District, as defined in Section 801.91 of the Wayzata Zoning Ordinance.

1.4 Notice. Notice of a public hearing on the Application was published in the Sun Sailor on October 23, 2008. A copy of the notice was also mailed to all property owners located within 350 feet of the Property on October 23, 2008.

1.5 Planning Commission Action. A public hearing on the Application was held at the Planning Commission's November 3, 2008 meeting at which the Planning Commission voted seven (7) in favor and zero (0) opposed to adopt findings and recommend that the City Council approve the Preliminary/Final Plat requested in the Application.

Section 2. STANDARDS

2.1 Subdivision Approval Required. Chapter 805 of the Wayzata City Code, (the "Subdivision Ordinance") sets forth the procedure and substantive review criteria for applications for a subdivision. A subdivision is defined in the Subdivision Ordinance as (i) the division of land into two or more lots or (ii) the combination of two or more lots. Section 805.08.yy.¹ Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.03.

A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:

1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must 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.

¹ All sections cited in this Report are of the Wayzata Subdivision Ordinance, ch. 805 of City Code, unless otherwise noted.

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 proposed lot layout and building pads shall conform with all relevant performance standards.
10. 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.
11. 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.

2.2 Concurrent Preliminary/Final Plat.

Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.

2.3 Parkland Dedication. Section 805.37 of the Subdivision Ordinance requires that all newly created lots dedicate land, or fees in lieu of land, for public park and

recreation purposes in accordance to the criteria and formula listed in Section 805.37.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Preliminary/Final Plat requested in the Application meet the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

3.1 Preliminary and Final Plat Subdivision.

- A. Goals. The Subdivision is not inconsistent with the goals of the Subdivision Ordinance.
- B. Criteria for Approval.
 - 1. The Subdivision is not inconsistent with the Wayzata Comprehensive Plan.
 - 2. Building pads that result from the Subdivision would not negatively impact any sensitive areas. As a condition of approval, further review and approval of the plans for development within the Subdivision that would impact sensitive areas would be required.
 - 3. Building pads that result from the Subdivision would be selected and located with respect to natural topography to minimize filling or grading. As a condition of approval, further review and approval of the plans for development within the Subdivision that would impact filling and grading would be required.
 - 4. Existing significant trees would be retained where possible on the Property. As a condition of approval, further review and approval of the plans for development within the Subdivision that would impact the existing trees on the Property would be required.
 - 5. The Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas as it would be consistent with the surrounding area.
 - 6. The design of a lot, the potential building pads, and the site layout of the Preliminary/Final Plat responds to and is reflective of the surrounding lots and neighborhood character.

7. The lot size that results from the Subdivision would not be dissimilar from adjacent lots or lots found in the surrounding neighborhood.
 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings for the new lot created by the Subdivision will be similar to the characteristics and quality of existing development in the City and neighborhood. As a condition of approval, further review and approval of the building and architectural plans for development would be required.
 9. The proposed lot layout and building pads of the Subdivision would conform will all relevant performance standards in the R-3A Zoning District.
 10. The Subdivision would not tend to or actually depreciate the values of neighboring properties in the area in which the Subdivision is proposed.
 11. The Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- C. Parkland Dedication. The Applicant shall be required to pay a minimum of two thousand five hundred dollars (\$2,500.00) or ten percent (10%) of the determined land value, whichever is greater, for Parkland Dedication fees, as required under Section 805.37(i)(1) of the Subdivision Ordinance for the creation of a new single-family lot.

Section 4. CITY COUNCIL ACTION

- 4.1 Preliminary and Final Plat Subdivision. Based on the Findings of this Resolution, the request for approval of the Preliminary/Final Plat, as set forth in the Application is **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of this approval):
- A. Park Dedication fees must be paid as required by the Subdivision Ordinance, in an amount of two thousand five hundred dollars (\$2,500.00) per lot or ten percent (10%) of the determined land value, whichever is greater, to be paid at the time of recording of the final plat for the Subdivision.
 - B. That all expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred be fully reimbursed by the Applicants.

- C. The Applicant must apply for and obtain all necessary building permits from the City, prior to commencement of any construction activity on the Property.
- D. Tree Preservation Plans must be prepared for each lot and submitted to the City for review prior to the submission of building permits by either the Applicant or a future owner.
- E. Grading, Drainage, and Erosion Plans must be prepared and submitted to the City for review by the Applicant or a future owner prior to the submission of building permits and be coordinate with the Tree Preservation Plan for each lot.
- F. A Final Plat document shall be submitted to the City Council for review and approval.
- G. The Applicant must record the Final Plat document with the appropriate Hennepin County officials, and provide a recorded copy to the City.
- H. Prior to issuance of building permits, the Applicant or future homeowner shall submit plans for review and approval by the Planning Commission and the City Council depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.

Adopted by the Wayzata City Council this 1st day of December, 2008.

ATTEST:



City Manager Allan Orsen



Mayor Andrew Humphrey

ACTION ON THIS RESOLUTION:

Motion for adoption: Bader

Seconded by: Bangert

Voted in favor of: Amdal, Bader, Bangert, Humphrey, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on December 1, 2008.



Sandy Langley, City Clerk
SEAL

1 approving the UUCM project included a condition that prior to submitting a building permit
2 application to the City, the owner of the lot must submit preliminary house plans for review by the
3 Planning Commission and approval by the City Council. Mr. Thomson clarified this was not a
4 design review. The plans submitted with the application include detailed elevations and floor plans
5 for the new house. The zoning ordinance established two separate maximum height requirement
6 in the R-1 district: 40-feet to the mid-point and 45-feet to the peak. The proposed house meets the
7 40-foot height requirement, but the ridge of the house exceeds the maximum height by 1.25-inch.
8 Mr. Thomson noted that the final plans will need to be revised to meet the maximum height
9 standard. As part of the building permit process, the lot coverage and impervious surface coverage
10 would be reviewed by staff.

11
12 Commissioner Iverson asked if a tree replacement plan would be included with the permit process.

13
14 Mr. Thomson stated this project would be required to meet the standards of the tree ordinance,
15 including any required tree replacement. He stated the applicant intends to plant a significant
16 number of trees along the back of the property as a barrier to the highway.

17
18 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to recommend the
19 City Council approve the house plans submitted for 1406 Holdridge Lane, based on the finding
20 that the design meets the standards of the City Code Section 805.14.E.8 and 805.14.E.9, and
21 satisfies the condition of Resolution No 15-2016. The motion carried unanimously.

22
23 **b.) Cadogan Residence – 321 Wise Ave S**
24 **i. Review of House Plans**
25

26 Director of Planning and Building Thomson stated the applicant, Detail Homes, Inc, and the
27 property owners, Brett and Allison Cadogan, have submitted a development application to
28 construct a new house at 321 Wise Ave S. The property is part of a three-lot subdivision that was
29 approved by the City Council in December 2008. As a condition of the 2008 approval, the property
30 owners are required to submit plans for review by the Planning Commission and approval by the
31 City Council. The applicant has submitted detailed house plans, including a site plan, building
32 elevations, and floor plans. The proposed house would meet the R-3A zoning requirements. The
33 application materials include a tree inventory of the property. Mr. Thomson noted that there are
34 four trees on the property that meet the minimum size requirements as either significant or heritage
35 trees under the City's tree ordinance. The plans indicate that two significant trees would be
36 removed for construction of the home and associated grading. The one heritage tree on the
37 property would be preserved. Based on the proposed tree removal and the requirements of the tree
38 ordinance, 32-inches of trees would need to be replaced on the site as part of a landscaping plan.

39
40 Commissioner Plantan asked if there was a tree replacement plan available.

41
42 Mr. Thomson stated there was a tree survey that shows the trees that would be removed. As part
43 of the permit process, the replacement requirements and plans would be reviewed.

44
45 Commissioner Iverson asked if the applicant had submitted any landscape plans.
46

1 Mr. Thomson stated this would be included as part of the tree mitigation and replacement plan.

2
3 Commissioner Iverson clarified the deck was calculated in the impervious surface calculations.

4
5 Mr. Thomson stated this was correct.

6
7 Commissioner Iverson read language under the scope of work and limitations section of the
8 proposed plans, Item 7. She asked if the applicant has complied with this.

9
10 Mr. Thomson stated this is a general note to the builder stating the elevations were set by the
11 builder not the surveyor.

12
13 Commissioner Iverson asked when construction would start.

14
15 Mr. Thomson stated they would like to start construction early October.

16
17 Commissioner Iverson asked if the Planning Commission could address the parking issues in this
18 neighborhood, given the additional construction and related parking in this neighborhood.

19
20 Mr. Thomson stated that if parking is allowed on both sides of the street and there is a lot of
21 construction in an area, the City can post one side of the street for parking and the other side as no
22 parking to ensure cars are able to get by.

23
24 Commissioner Iverson asked if the construction workers could be asked to park at one of the ramps
25 or other locations.

26
27 Mr. Thomson stated they can ask the builder to look at this but they cannot require it.

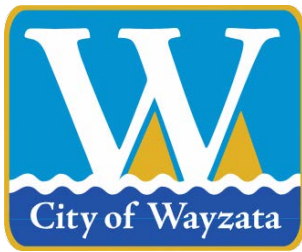
28
29 Commissioner Flannigan stated this application is separate from the others that are in this area,
30 and the Commission has recommended that the City Council review the wider issues involved
31 with the days and hours of construction.

32
33 Commissioner Plantan made a motion, seconded by Commissioner Douglas, to recommend the
34 City Council approve the house plans submitted for 321 Wise Ave S, based on the finding that the
35 design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the
36 conditions of Resolution No 50-2008 approving the Ramsland Knoll subdivision. The motion
37 carried unanimously.

38
39
40 **AGENDA ITEM 5. Public Hearing Items:**

41
42 **a.) None.**

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



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7h
TITLE: Approval of Second Reading of Ordinance No. 784 Rezoning the Property at 253 Lake Street East	
PROPOSED MOTION: To Adopt the Second Reading of Ordinance No. 784	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends that the City Council adopt the second reading of the ordinance.

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City's 2018 general fund budget.

BACKGROUND:

Application Overview

The applicant, Weber Architects & Planners, and the property owner, Ventana, LLC, have submitted a development application to redevelop the property at 253 Lake Street East. The proposal includes demolition of the existing building and construction of a three story building with 16 residential condos with one level of underground parking. The development application requests approval of PUD general plans and design review.

City Council Review

On September 18th, the City Council adopted the resolution approving the PUD general plan and design review, and adopted the first reading of the ordinance rezoning the property. The draft ordinance finalizing the rezoning is attached for the Council's consideration of the second reading. There have been no changes to the draft ordinance since the Council adopted the first reading.

ATTACHMENTS:

1. Draft Ordinance 784

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 784

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 253 LAKE ST E TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolutions 68-2017 and 52-2018 (the “Resolutions”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolutions, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 2nd day of October, 2018.

Ken Willcox
Mayor

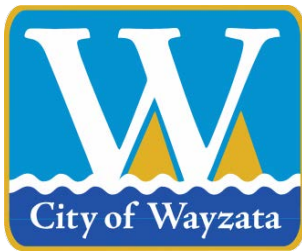
ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on September 18, 2018 and October 2, 2018.

Kathy Leervig City Clerk

SEAL

First Reading: September 18, 2018
Second Reading: October 2, 2018
Publication:



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7i
TITLE: Approval of Resolution No. 56-2018 Approving an Extension of PUD Plans for Beacon Five at 529 Indian Mound East	
PROPOSED MOTION: To Adopt Resolution No. 56-2018	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of a one year extension of the PUD development.

FINANCIAL OR BUDGET CONSIDERATION:

The extension of the development approval does not have any impact on the City budget.

BACKGROUND:

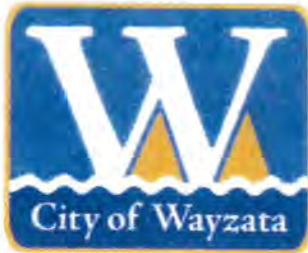
On October 14, 2016, the City Council approved the PUD general plan and project design for the Beacon Five development at 529 Indian Mound East. The development includes construction of a three story mixed use building consisting of five residential condominiums, 600 square feet of office space, and 10 underground parking stalls.

The City's PUD ordinance states that construction of an approved PUD project must begin within 12 months of the City Council approval, but the City Council may approve an extension for the construction prior to the expiration of the 12 month period. An applicant must state the facts of the request, showing a good faith attempt to utilize the permit, and the additional time being requested to begin the proposed construction.

Last year, the City Council approved a one year extension of the PUD until October 3, 2018. R.E.C., Inc. and Ron Clark Construction have submitted an application requesting that the City Council approve an additional one year extension of the development approvals. The application notes that the applicant is not able to begin construction because they are considering combining the property with the adjacent Keller Williams site and potentially making changes to the development plans. Any future changes to the development plans, including a combination with an adjacent site, would require an amendment to the PUD. The PUD extension would simply allow the applicant to construct the approved project if they decide not to pursue the property acquisition.

ATTACHMENTS:

1. Application
2. Approved PUD plans
3. Draft Resolution No. 56-2018
4. Resolution No. 38-2016 approving PUD general plan and design review
5. Resolution No. 27-2017 approving a PUD extension



RECEIVED

SEP - 5 2018

CITY OF WAYZATA

[Handwritten signature]

Development Application

Project Information:

Project Name: Beacon Five Date Filed: PUD Approved 10/4/16

Property Owner: R.E.C., Inc. dba/Ron Clark Construction

Address: 7500 78th Street West

Applicant (if different than owner): 1

Prior Applications to Wayzata under different names: _____

Address (if different than owner): _____

Responsible contact person: Michael R. Roebuck

Telephone: 952-947-3022 Fax: 952-947-3030 E-Mail: mike@ronclark.com

Address of Property Involved: 529 Indian Mound E

Legal Description: _____

Property Identification Number: 06-117-22-24-0067

Tax and assessment status: Current x / Delinquent _____
Amount Delinquent \$ _____

Type of Request:

- ☐ Design Review
- ☐ Conditional Use Permit
- ☐ Variance
- ☐ Subdivision
- ☐ Rezoning
- ☐ Zoning Amendment
- ☐ Comprehensive Plan Amendment
- ☐ Planned Unit Development
- ☒ Other (PUD Extension Request)

¹ The Applicant disclosed is the real principal in interest and is not acting for another party.

Description of Request:

-
- We were in the process of completing our construction plans in preparation for building permit submittal when it came to our attention that there may be a possibility to combine our property with the neighboring property presently leased as Keller Williams Realty. —
 - We are currently still in those discussions with the property owner Chris Hickock and need some additional time to sort out the feasibility of a cooperative or individual effort to combine and develop both properties. —
 - We request an extension of one additional year. —
-

Applicant may attach other letter sized materials.

Additional Information:**Payment of Fees**

The undersigned acknowledges that before this request can be considered, all required information and fees (including all up front escrow deposits) must be paid to the City. If additional fees are required to cover costs incurred by the City, the City Manager has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. Such expenses may include (but are not limited to) personnel costs, fees for consultants, legal assistance and other professionals, recording fees, along with other overhead costs. The amount of escrow is determined by the City of Wayzata fee schedule in effect at the time of the application submittal. A current fee schedule is attached to this application form.

The undersigned also acknowledges that it may be required to file, at his or her expense, appropriate resolutions, agreements or other documents evidencing approval of the application.

The undersigned agrees that the City may withhold the issuance of a building permit until all financial matters are resolved. If need be, the City reserves the right to pass outstanding balances from this application to Hennepin County to be assessed with next year's property taxes for the property involved as indicated on page one of this application and the Property Owner agrees to such assessment.

Complete / Incomplete Applications

Placement of any Application on City agendas is at the discretion of the City, including the time of consideration. An application will not be placed on any agenda until City staff has received the appropriate materials and financial matters are in order. The application approval time commences and an application is considered officially filed when City staff has received and examined the application and determined that the application is complete. The application shall be determined by City staff to be complete or incomplete within fifteen (15) business days following submittal of the application.

When the application is deemed to be "complete" it shall be placed on the agenda of the first possible Planning Commission business meeting subject to the agenda deadline discussed below.

Agenda Deadline

The deadline for submittal of land use applications is the first day of the month preceding the month of Planning Commission review. For example, to be on the Planning Commission agenda for November the complete application would need to be submitted by October 1. **The application is required to be deemed complete by the deadline in order to be scheduled on the agenda.** City staff recommends that the application material be submitted two weeks prior to the application deadline to allow time for City staff to determine if any additional materials are needed before the application can be deemed complete. This also allows a few days for the applicant to gather the additional information required for the submittal. Please note applications submitted outside of regular City Hall hours will not be received until the following business day. For example, applications submitted after 11:00 a.m. on Fridays will be considered submitted on the following Monday. Regular City Offices business hours are as follows. Monday thru Thursday, 7:00 a.m. to 4:30 p.m., Friday 7:00 a.m. to 11:00 a.m. The phone number for City Hall is 952-404-5300.

Notice of Meeting Attendance

In order for the Planning Commission and City Council to consider any application, the applicant or a representative designated in writing before the meeting must be present at the scheduled meeting. If not, the matter will be tabled until the next available agenda.

Accessibility to Property for Site Review

The signature of the Property Owner on this form hereby grants City staff and City officials access on to the subject property for the purpose of conducting a site visit as part of the project review and consents to the review of such records of the Owner, Applicant or otherwise relating to the development as are necessary.

Certified List of Property Owners

The applicant shall provide the City with a certified list from Hennepin County of the names and addresses of the property owners located within at least 350 feet of the subject Property. **Please refer to the City of Wayzata Certified List Handout for details.**

Regular Meeting Schedule

Planning Commission	First Monday of every month at 7:00 PM
City Council	First and Third Tuesday of every month at 7:00 PM

Applicants are advised that additional meetings and/or workshops are scheduled when necessary upon approval of the Planning Commission and are usually held on the third Monday of every month.

Acknowledgment and Signature of Owner and Applicant

I acknowledge that I have read all of the information discussed in the City of Wayzata Development Application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application and agree with all items above.



Property Owner as indicated on page one

9/5/18

Date

Applicant (if different than Owner)

Date

*The applicant shall not change or alter this form in any way.
Alteration is grounds for rejection.*

FOR CITY USE ONLY

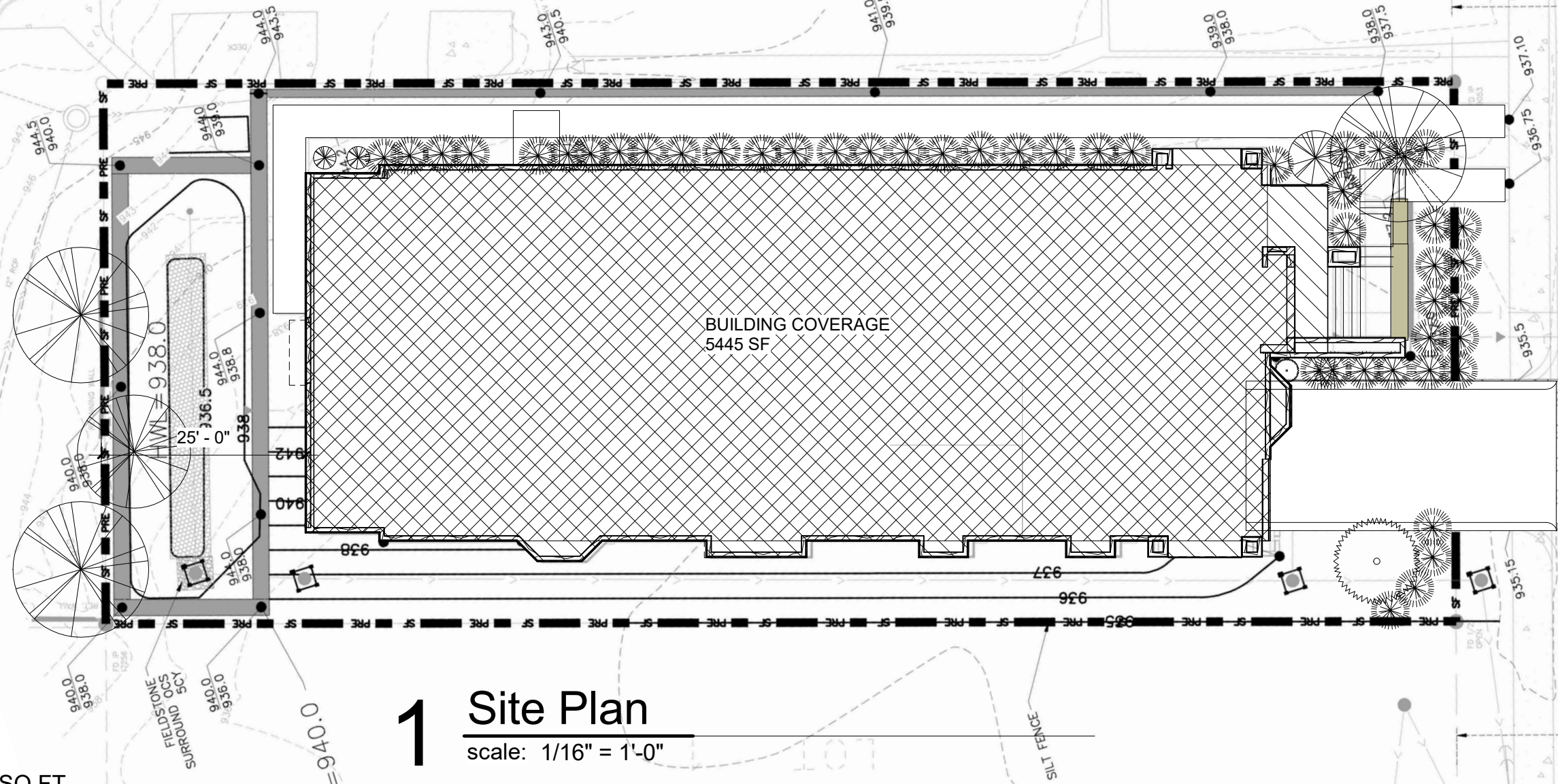
Date of Receipt: _____ Receipt No: _____ Recorded by: _____

Date accepted as complete: _____ Accepted by: _____

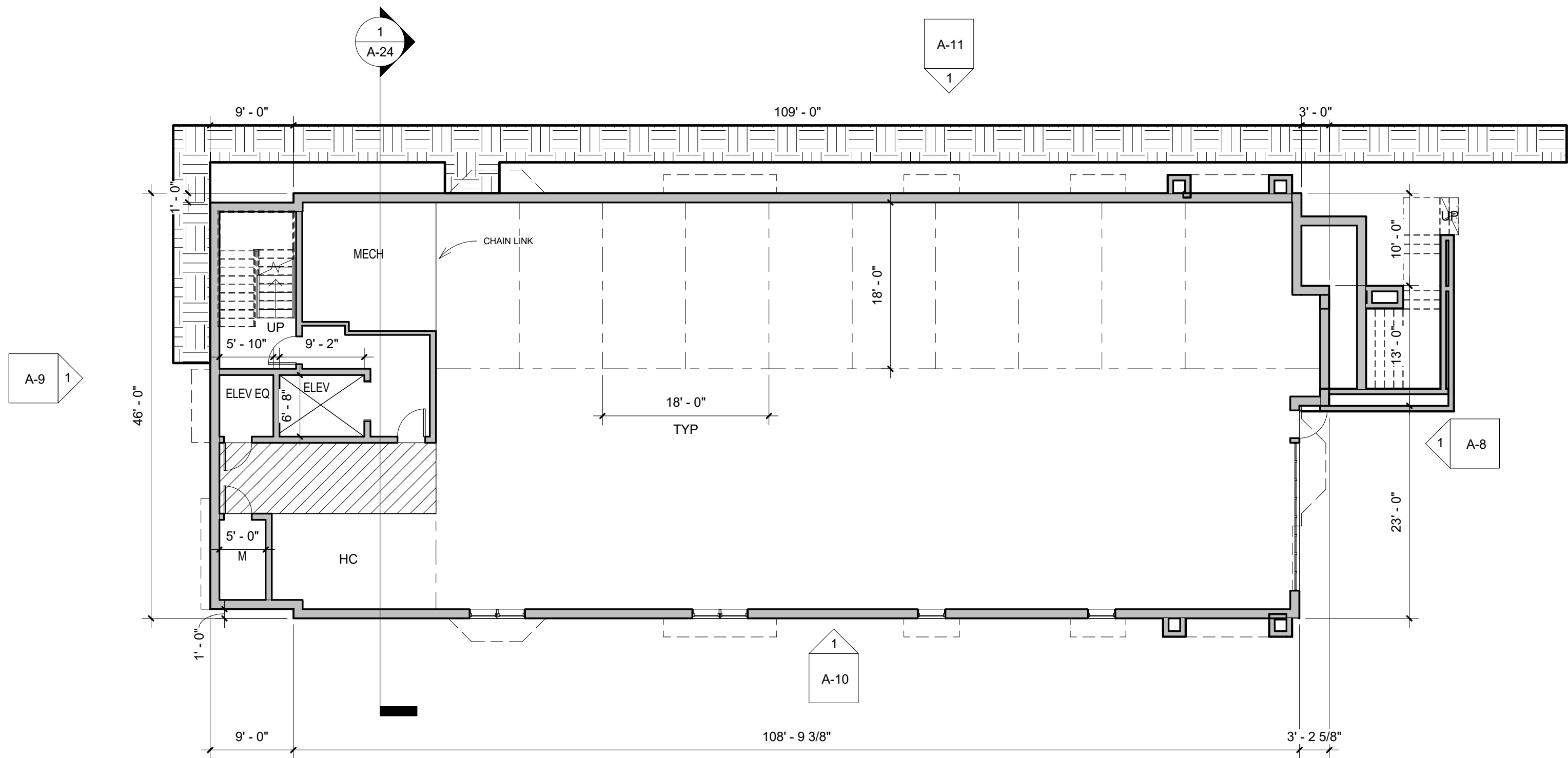
SITE AREA: 10,897 SQ FT
BUILDING AREA: 5,445 SQ FT, 50% SITE COVERAGE
5 DWELLING UNITS
600 SQ FT OFFICE

1 Site Plan

scale: 1/16" = 1'-0"



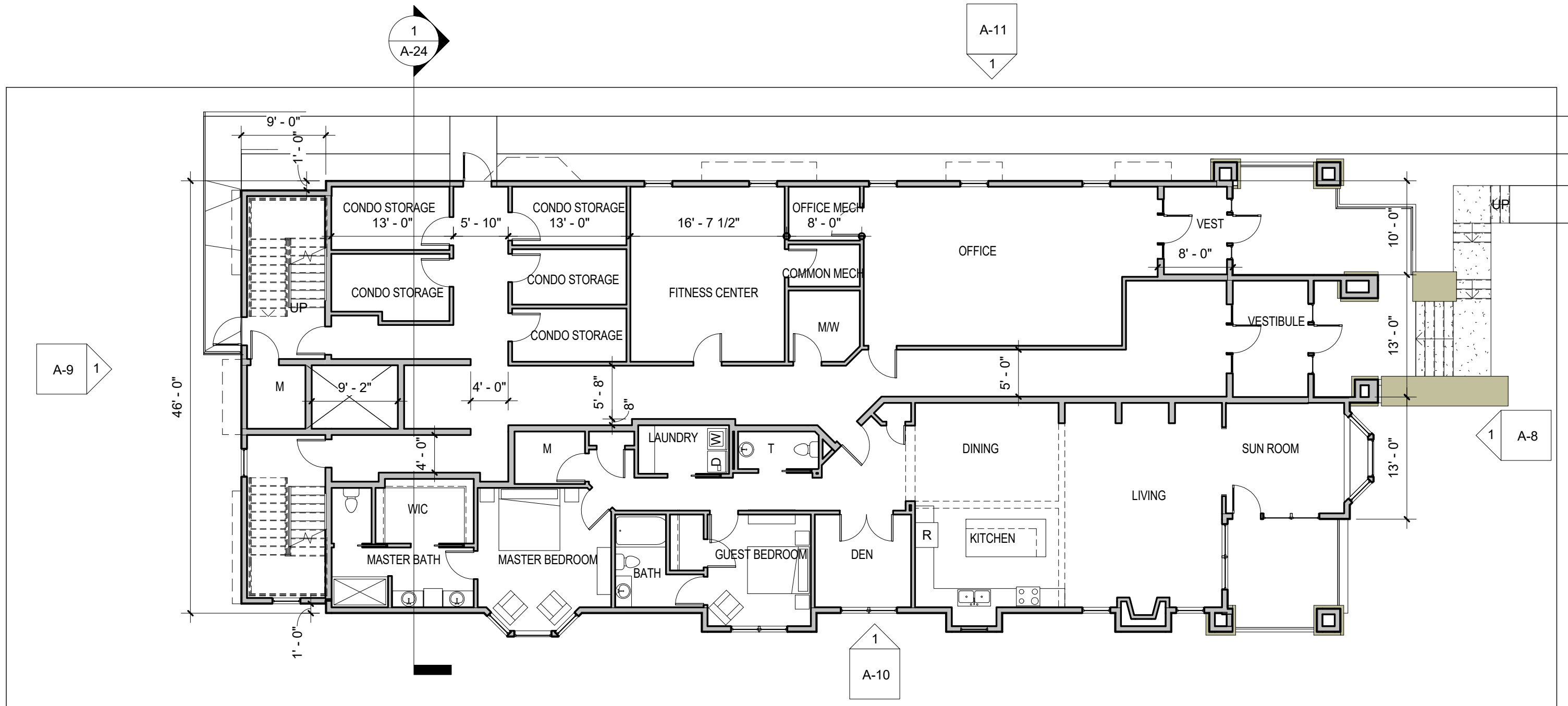
28 JUL 2016



1 LOWER LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

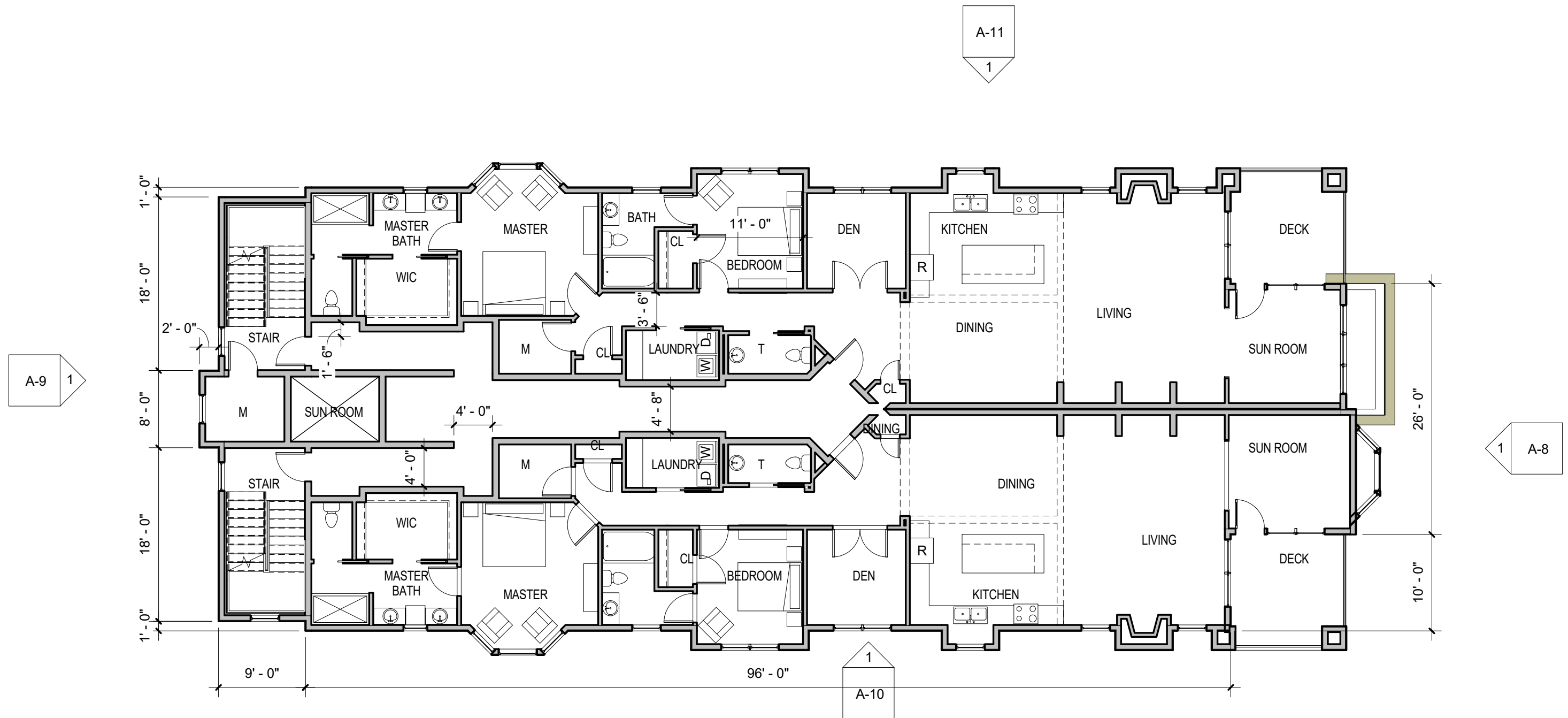
28 JUL 2016



1 FIRST LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

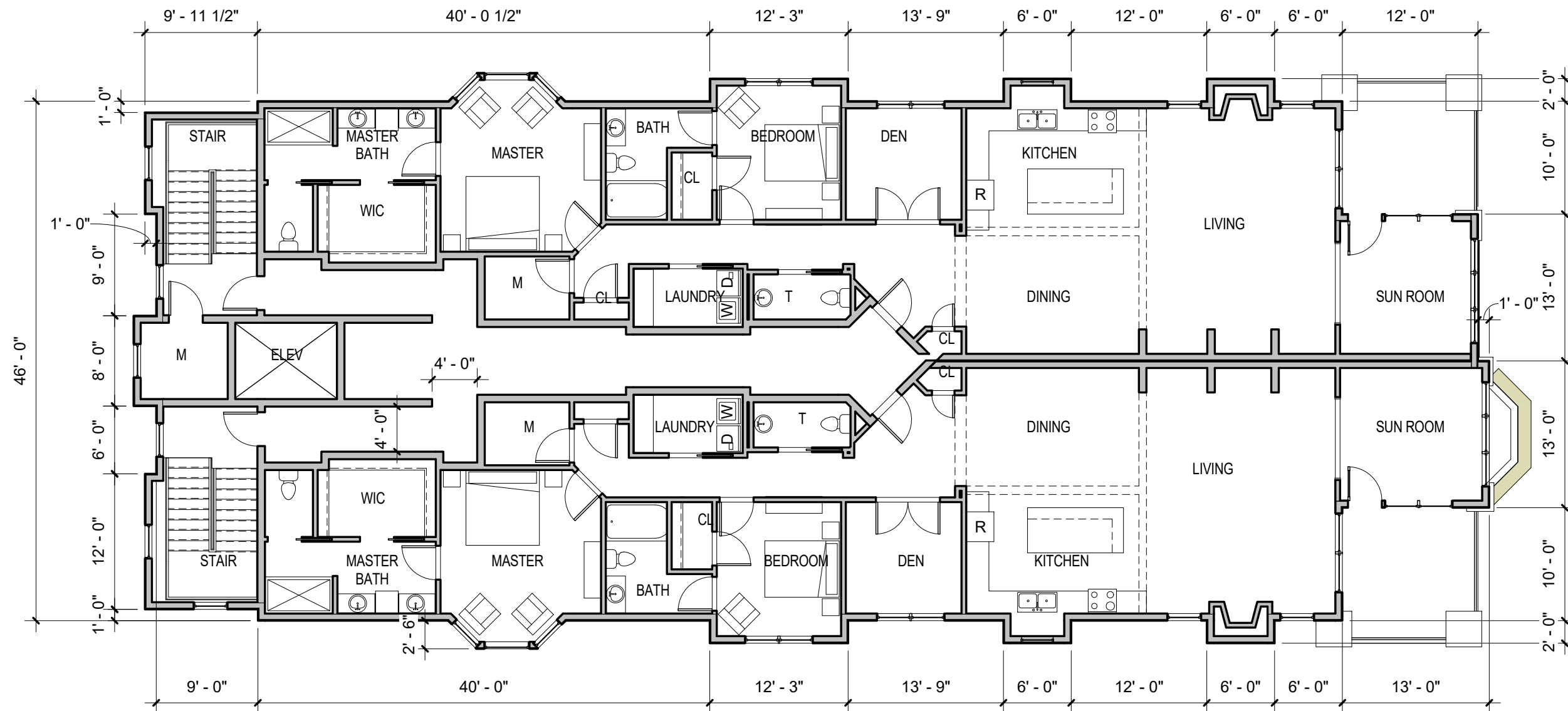
28 JUL 2016



1 SECOND LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

28 JUL 2016



1 THIRD LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

28 JUL 2016



1 **ROOF LEVEL**
scale: 3/32" = 1'-0"

28 JUL 2016

MATERIAL CALCULATIONS	
STUCCO	10%
PRECAST	8%
BRICK	49%
CEMENT BOARD	32%



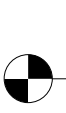
1 NORTH ELEVATION
scale: 1/8" = 1'-0"

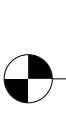
25 AUG 2016

MATERIAL CALCULATIONS	
STUCCO	14%
STONE	16%
PRECAST	8%
BRICK	33%
CEMENT BOARD	28%


 TYP. PARAPET
 37' - 6"


 ROOF LEVEL
 35' - 5"


 THIRD LEVEL
 FLOOR PLAN
 24' - 10 3/4"


 SECOND LEVEL
 FLOOR PLAN
 14' - 3 3/8"


 FIRST LEVEL
 FLOOR PLAN
 3' - 8"


 GARAGE LEVEL
 FLOOR PLAN
 -6' - 4"

2' - 1"
 10' - 6 1/4"
 10' - 7 3/8"
 10' - 7 3/8"
 10' - 0"

1 WEST ELEVATION

scale: 1/8" = 1'-0"

25 AUG 2016

MATERIAL CALCULATIONS

STUCCO	16%
STONE	6%
PRECAST	8%
BRICK	46%
CEMENT BOARD	24%



CITY OF WAYZATA

DRAFT RESOLUTION NO. 56-2018

**RESOLUTION APPROVING AN EXTENSION OF A PUD DEVELOPMENT AT 529
INDIAN MOUND EAST**

WHEREAS, the City Council adopted Resolution No. 38-2016 on October 4, 2016, which approved a PUD General Plan of Development for a PUD development at 529 Indian Mound E; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that physical implementation of any approved PUD project must begin within twelve (12) months following City Council approval of the PUD permit for that project; and

WHEREAS, the City Council adopted Resolution No. 27-2017 on July 18, 2017, which approved a one year extension of the PUD development at 529 Indian Mound E until October 3, 2018; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that failure to initiate project implementation within the appropriate time period automatically shall cancel the PUD permit for a project unless an extension of said permit is approved by the Council prior to the date of cancellation; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that an application for extension of a PUD permit shall be administered in the same manner as outlined in Section 801.04.6.B of the City Code; and

WHEREAS, City Code Section 801.04 Subd. 6.B states that an application to extend the approval shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction.

WHEREAS, R.E.C., Inc. has submitted an application stating that they are not able to begin construction because they are considering combining the property with the adjacent property and potentially making changes to the development plans, and therefore is requesting an additional one year extension of the PUD;

THEREFORE, BE IT RESOLVED, that the Wayzata City Council finds that the applicant has made a good faith attempt to utilize the PUD permit, and approves an additional one year extension of the PUD development approved by City Council Resolution 38-2016, attached as Exhibit A, until October 3, 2019.

Adopted by the Wayzata City Council this 2nd day of October, 2018.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of Resolution No. 56-2018 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 2, 2018.

Kathy Leervig, City Clerk

SEAL

EXHIBIT A

City Council Resolution 38-2016

DRAFT

RESOLUTION NO. 38-2016

RESOLUTION APPROVING PUD GENERAL PLAN OF DEVELOPMENT AND PROJECT DESIGN FOR A PUD DEVELOPMENT AT 529 INDIAN MOUND EAST

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

- 1.1 Project. Ron Clark Construction (the "Applicant") and R.E.C, Inc. (the "Owner") are seeking development approvals for the construction of a three story mixed use building at 529 Indian Mound East (the "Property") consisting of five residential condominiums, 600 square feet of office space, and 10 underground parking spaces (the "Project"). On July 5, 2016, they received approval, pursuant to City Council Resolution 22-2016 (the "Resolution"), of PUD rezoning, PUD concept plan of development, variance from the maximum building height requirement, and a shoreland impact plan/conditional use permit for the building height. The Owner and Applicant are now seeking approval of a PUD General Plan of Development and the design for the Project (the "Application").
- 1.2 Application Requests. The two requests for approval in the Application are for:
- A. General Plan of Development (the "PUD" or "PUD General Plan"): The Project would be built according to an approved PUD General Plan, based upon the previously approved PUD concept plan.
- B. Design (the "Design"): The newly constructed building of the Project is subject to the Design Standards of the Zoning Ordinance. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, attached hereto, that pertain to (i) outdoor seating or gathering areas at street level; (ii) third story recessions; (iii) roof color; and (iv) exterior building materials. (the "Deviations").
- 1.3 Property. The property identification number and owner of the Property involved in the proposed Application are as follows:
- | | | |
|--------------------|-------------------|--------------|
| 529 Indian Mound E | 06-117-22-24-0067 | R.E.C., Inc. |
|--------------------|-------------------|--------------|
- 1.4 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on August 25, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 24, 2016.

- 1.5 Planning Commission Action. The Planning Commission held a public hearing and reviewed the Application at its September 7, 2016 meeting. At its September 19, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and 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:
1. 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.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. 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.)

8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open 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.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as

approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. 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.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Bluff Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding 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.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) PUD General Plan; and (2) Design, requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning Ordinance, based upon the following

findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD General Plan of Development.

A. PUD. The PUD General Plan meets the purpose and intent of the PUD Ordinance.

1. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
2. The PUD includes a mixed use building consisting of residential condominiums and office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
3. The PUD creates a more desirable and creative environment than would be possible under the existing C-1/Office and Limited Commercial District, which does not allow for residential uses on the ground floor. The ground floor residential unit creates a more desirable and creative environment.

B. General Standards. The PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance.

1. Health Safety and Welfare. The Project will have an overall positive effect upon the health, safety and welfare of residents of the community and the surrounding area and conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.
2. Ownership. The Applicant owns all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD is consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD provides the common private open space sufficient to meet the minimum requirements established in the Comprehensive Plan.

6. Operating and Maintenance Requirements. The common private spaces provided within the PUD will be placed under the ownership and control of a Property Owners Association.
7. Staging of Public and Common Open Space. The PUD does not provide for staged development of common private or public open spaces.
8. Density. The PUD would meet the density standards agreed upon by the applicant and City under the approved Concept Plan, which are consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD will be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD will meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. There will be no new roadways associated with the PUD.
12. Landscaping. The proposed detailed landscaping plan for the PUD considers the natural features of the Property, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD meet all applicable standards.
14. Height. The maximum building height of the building in the PUD shall be as approved in the Resolution, which included a height variance and CUP for the height.

3.2 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are 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, as noted in the record.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.

3. The positive effect of the Project on the area in which the Project is proposed.

Section 4. CITY COUNCIL ACTION

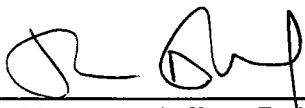
- 4.1 Based on the findings in section 3 of this Resolution, the (1) PUD General Plan; and (2) Design, requested as part of the Application are hereby **APPROVED**, subject to all of the following conditions:
 - A. Those conditions set forth in the City Council Resolution 22-2016 that approved the requests of the Initial Application.
 - B. Prior to the City issuing a building permit for the Project, the Owner must pay a fee-in-lieu of tree replacement for the amount of tree replacement required by City Code Section 801.36.8.A that is not provided on the final landscape plan.
 - C. All expenses of the City of Wayzata associated with the Application, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.
 - D. The Applicant must work with the developer of Garrison Landing to plant more trees along the west side of the Property.

Adopted by the Wayzata City Council this 4th day of October, 2016.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Anderson

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 4, 2016.



Becky Malone, Deputy City Clerk
SEAL

Attachment A

Design Critique dated August 9, 2016 and revised August 26 per Applicant comments

CITY OF WAYZATA

RESOLUTION NO. 27-2017

**RESOLUTION APPROVING AN EXTENSION OF A PUD DEVELOPMENT AT 529
INDIAN MOUND EAST**

WHEREAS, the City Council adopted Resolution No. 38-2016 on October 4, 2016, which approved a PUD General Plan of Development for a PUD development at 529 Indian Mound E; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that physical implementation of any approved PUD project must begin within twelve (12) months following City Council approval of the PUD permit for that project; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that failure to initiate project implementation within the appropriate time period automatically shall cancel the PUD permit for a project unless an extension of said permit is approved by the Council prior to the date of cancellation; and

WHEREAS, City Code Section 801.33 Subd. 10.D states that an application for extension of a PUD permit shall be administered in the same manner as outlined in Section 801.04.6.B of the City Code; and

WHEREAS, City Code Section 801.04 Subd. 6.B states that an application to extend the approval shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction.

WHEREAS, R.E.C., Inc. has submitted an application stating that they are not able to begin construction because of their current workload, and therefore is requesting a one year extension of the PUD;

THEREFORE, BE IT RESOLVED, that the Wayzata City Council approves a one year extension of the PUD development approved by City Council Resolution 38-2016, attached as Exhibit A, until October 3, 2018

Adopted by the Wayzata City Council this 18th day of July, 2017.



Mayor Kenneth Wilcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Plechash

Voted in favor of: Koch, Plechash, Tyacke, Willcox

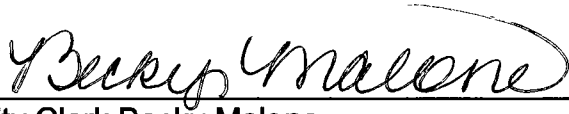
Voted against: None

Abstained: None

Absent: McCarthy

Resolution: Adopted

I hereby certify that the foregoing is a true and correct copy of Resolution No. 27-2017 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 18, 2017.

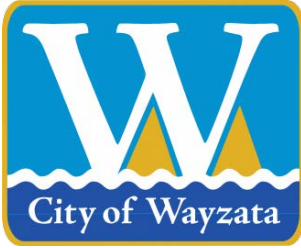


City Clerk Becky Malone

SEAL

EXHIBIT A

City Council Resolution 38-2016



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7j
TITLE: Approval of a Change Order in the Professional Services Contract with AEM for CIP Services	
PROPOSED MOTION: To Approve the Change Order in the Professional Services Contract with Abdo, Eick, and Meyers (AEM) for Capital Improvement Plan (CIP) Consultant Services	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached Change Order in the Professional Services Contract.

FINANCIAL OR BUDGET CONSIDERATION:

The cost of this service will be \$6,000. The cost of this CIP Model conversion was not specifically budgeted, but it is necessary due to technical support being terminated by PFM (the company we originally purchased the CIP Model from). It will be offset by savings on labor due to staff retirements. The cost of the conversion will be expensed throughout the individual CIP funds which will have minimal financial impact within each fund.

BACKGROUND:

The City of Wayzata purchased its current CIP Model from PFM in 2009. The Model has always been cumbersome and not user friendly to operate and maintain; needing a lot of technical support from PFM. One of former Public Services Director Dudinsky's primary roles was to update and maintain the CIP. With Dave's retirement and the loss of support from PFM, we have determined that this CIP Model is no longer a usable tool to aid in the planning of the City's capital projects.

ATTACHMENTS:

1. Change Order for Professional Services from AEM For CIP Services

Change Order Form

City of Wayzata
Jeff Dahl, City Manager
600 Rice St E
Wayzata, Minnesota 55391

Proposed by: Steve McDonald

Change request:

Per request of City of Wayzata (the City) we are expanding the Capital Improvement Plan Maintenance agreement to include the additional services listed below. This change order allows AEM to convert the current CIP that resides in PFM's template into an excel format. We believe this change is necessary because of the difficulty in modifying the macros in the current model. This model isn't supported and any change in the model requires too much advance time to achieve. At this time we agree to expand the contract dated March 29, 2018 to build the model.

Reason for requiring the change order: Creation of efficiencies by the City

Nature of work to be performed: Build the CIP in excel

Contract expanded: \$6,000

Estimated cost of change/ additional work:

The City of Wayzata will be invoiced an additional \$6,000 for the additional services. The terms and conditions of payment will be the same as in the original contract.

Approved:

City of Wayzata
600 Rice St E
Wayzata, Minnesota 55391

Name _____

Title _____

Date _____

Name _____

Title _____

Date _____

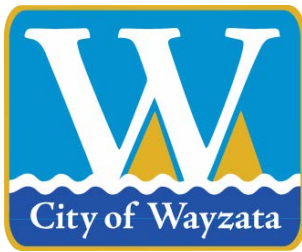
AEM Financial Solutions, LLC
5201 Eden Ave. Suite 250
Edina, Minnesota 55436

Name Steve McDaniel

Title CEO

Date September 21, 2018

* * * * *



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 7k
TITLE: Approval of 2019 Fire Protection Agreement with the City of Woodland	
PROPOSED MOTION: To Approve 2019 Fire Protection Agreement with the City of Woodland	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached 2019 Fire Protection Agreement with the City of Woodland.

FINANCIAL OR BUDGET CONSIDERATION:

The amount of the 2019 Fire Protection Agreement with the City of Woodland will be \$42,446 which is \$8,193 more than their 2018 agreement amount.

BACKGROUND:

The fire protection service agreement is calculated based on the percentage of calls for the previous 3 years. Using that percentage, a calculation of the Fire Department's total budget is done.

ATTACHMENTS:

1. 2019 Fire Protection Agreement with the City of Woodland

FIRE PROTECTION AGREEMENT
CITY OF WOODLAND

THIS AGREEMENT, made and entered into this ____ day of _____, 2018, by and between the CITY OF WAYZATA, a Minnesota municipal corporation, hereinafter referred to as "Wayzata", and the CITY OF WOODLAND, a Minnesota municipal corporation, hereinafter referred to as "WOODLAND":

WITNESSETH:

WHEREAS, Wayzata maintains a volunteer fire department; and

WHEREAS, Woodland does not maintain a fire department and desires to purchase fire protection from Wayzata;

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto agree as follows:

1. Services to be Rendered. During the term of this agreement, Wayzata shall furnish fire fighting services to the City of Woodland such services shall be substantially the same in extent and quality as those rendered by Wayzata within its own corporate limits and shall utilize the equipment and personnel of Wayzata.

2. Term. Wayzata undertakes to provide such services during the period beginning midnight, January 1, 2019 and expiring at one minute before midnight December 31, 2019, unless extended in accordance with the provisions hereof.

3. Compensation. Woodland agrees to pay to Wayzata and Wayzata agrees to accept as payment for services rendered an annual charge based upon the percentage of calls in Woodland for the preceding three-year period, calculated against the Wayzata Fire Department's operating budget for the contract year.

4. Command Responsibility. The Fire Chief of Wayzata or his deputy shall have the sole and exclusive right and responsibility to prescribe the manner and method of giving the alarm for fire within Woodland, and to prescribe the manner and method of responding to calls and rendering the services contemplated. The said Fire Chief or his deputy shall immediately upon arriving at the scene of any alarm or fire emergency have the sole and exclusive responsibility and authority to direct and control any and all firefighting and emergency operations at such scene or scenes, including the direction of police officers at the scene with respect to traffic control, protection of citizens and other incidents of the emergency.

5. Woodland Not Responsible for Expenses. All expenses of maintaining Wayzata's equipment, apparatus, salaries, insurance premium and any and all other items of expenses connected with the services to be performed by Wayzata under this agreement shall be at the sole expense of Wayzata, and the sole amounts payable from Woodland to Wayzata shall be the amount specified above in paragraph 3.

6. Nature of Wayzata's Undertaking. In no event shall this agreement be construed to fix upon Wayzata any responsibility or liability to Woodland or to third parties which are greater or different in kind than the responsibilities and liabilities borne by Woodland if it were providing such services through its own fire department. Without limiting the generality of the foregoing, the Fire Chief of Wayzata or his deputy will have the sole discretion as to the firefighters and equipment that will answer each alarm, provided that protection will be reasonable considering available firefighters and equipment, and it shall not be a violation of this agreement nor shall Wayzata be held responsible to Woodland or to a third party for any loss which may result in the event Wayzata, in the exercise of reasonable judgment, and absent Wayzata's gross negligence, is unable to respond or to respond promptly or to respond with only limited firefighters and equipment, or is delayed in responding to a call by reason of answering a previous call. Woodland agrees that it will indemnify Wayzata for any judgment rendered against Wayzata or sums paid out by it in settlement, payment or defense of any such claims arising from and relating solely to such claims of improper or inadequate response to calls.

7. Extension. This agreement may be extended for successive terms of one year upon the mutual written assent of both parties entered into prior to the expiration of the then current term.

8. Further Undertakings by Wayzata. Wayzata agrees that it will indemnify Woodland for any judgment rendered against Woodland or sums paid out by it in settlement, payment or defense of any claims arising from or relating to personal injury, property damage or death caused by grossly negligent or intentional acts of Wayzata committed in the course of Wayzata's providing fire services to Woodland. Wayzata agrees to maintain insurance covering its possible exposure to liability under this paragraph 8 in amount and types of coverage described in the Appendix to this agreement.

9. Agents and Employees. No voluntary fire fighter, agent, employee or official of Wayzata shall at any time or in any manner be deemed to be a voluntary fire fighter, agent, employee or official of Woodland by reason of the performance of work or the providing of services for or on behalf of, or within the territorial limits of, the City of Woodland.

10. Assignment. This Agreement may not be assigned by either party hereto without the other's prior written consent.

11. Amendment. This Agreement embodies the entire agreement between Woodland and Wayzata with respect to the subject matter hereof, and all prior discussions, negotiations and agreements are merged herein. This Agreement may be amended or modified only by an agreement in writing by the City Councils of both Cities and executed on behalf of both Cities.

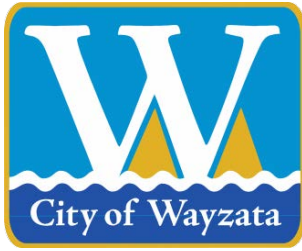
IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CITY OF WOODLAND

ATTEST: _____
City Clerk Mayor

CITY OF WAYZATA

ATTEST: _____
City Manager Mayor



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8a
TITLE: Approval of Development and Fee in Lieu of Parking (FILOP) Agreement for Broadway Place at 326 and 332 Broadway Avenue South	
PROPOSED MOTION: To Approve the Development and FILOP Agreement	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends the City Council approve the development agreement.

FINANCIAL OR BUDGET CONSIDERATION:

The development agreement does not obligate the City to pay for any of the private development costs.

The developer would be responsible for the majority of the costs for the public improvements. The City's cost responsibility would be for the Mill Street sidewalk adjacent to 739 Lake Street (Bellecour), 747 Lake Street (J. McLaughlin), and 755 Lake Street (Wuollet's), since that area is outside of the developer's project area. The City is working with the developer on the final cost estimate for the City's portion, which would be paid from the Downtown Parking Fund.

The developer would also be responsible for paying the FILOP to the City for the project's required number of parking stalls. The agreement allows up to 92 parking stalls, or \$920,000, to be paid to the City over 30 years. The funds would be paid into the City's Downtown Parking Fund.

BACKGROUND:

On July 31, 2018, the City Council approved the Broadway Place redevelopment project at 326 and 332 Broadway Avenue South. The redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail, service commercial, or restaurant uses on the first floor and office uses on the upper two floors.

As a condition of the development approval, the applicant is required to enter into a development agreement with the City for construction of the public improvements. The applicant is also required to enter into an agreement that is consistent with the City's FILOP policy.

The City attorney and City staff have drafted the attached development agreement for the Council's consideration. The development agreement incorporates the public improvements that would be constructed as part of the project, and the terms for the FILOP agreement.

Public Improvements

As part of the development project, the applicant will be constructing several public improvements. The public improvements include: (1) demolition of the existing sidewalk along Broadway Ave and Mill Street adjacent to the development site and the 701 Lake St E property; (2) construction of a sidewalk along Broadway Ave adjacent to the property; (3) construction of a public sidewalk, lighting, and landscaping along the south side of Mill St from Broadway Ave S to 755 Lake Street E/Wuollet's Bakery; and (4) the repair and replacement of any street, drive-aisle, or parking lot within the City's right of way that is impacted by construction.

The sidewalk on the south side of Mill Street was originally planned to be reconstructed by the City as part of the construction of the parking ramp. However, the City did not end up building the sidewalk due to the delay in the Broadway Place project and the future impacts to the sidewalk that would result from construction. The developer has agreed to construct the entire Mill Street sidewalk as part of their project. The developer would be responsible for the cost of the sidewalk, lighting, and landscaping from Broadway Ave to the end of the 701 Lake St E building, and the City would be responsible for the cost of the section adjacent to 739, 747, and 755 Lake St E since these areas would not be impacted by the project.

FILOP Agreement

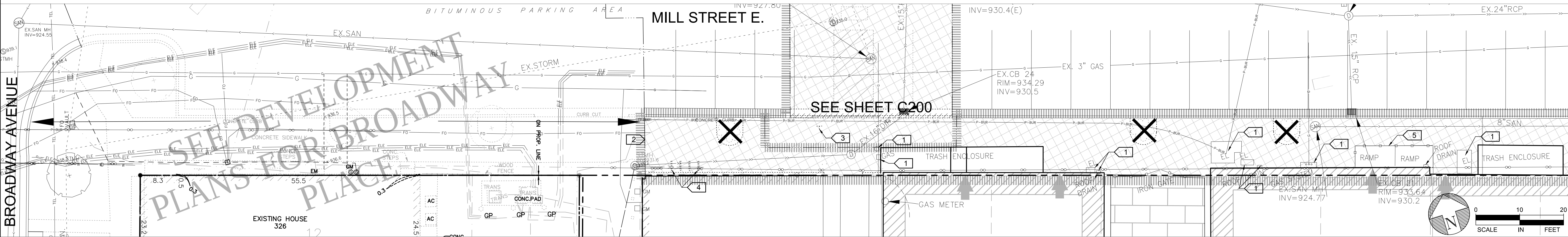
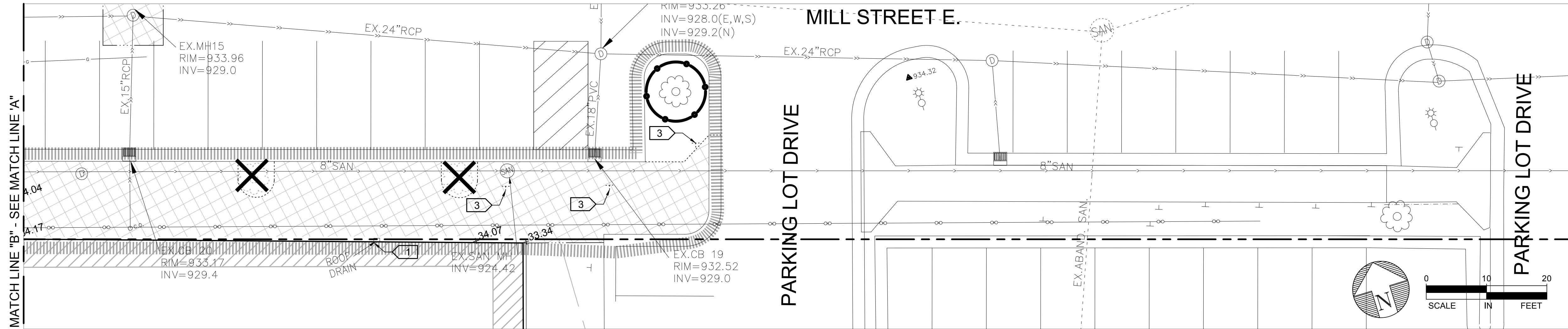
The City Council approved the FILOP Conditional Use Permit to allow up to 92 parking stalls for the proposed project. Based on the FILOP policy, the developer would be responsible for paying for \$10,000 per stall for the number of parking stalls required by the uses in the building according to the City's zoning ordinance. Since the specific tenants have not been identified, the FILOP agreement would calculate the minimum parking requirement at the time the City issues the certificate of occupancy for the building, but not to exceed 92 stalls. Once the number of stalls has been determined, the agreement would not allow for a reduction in the fee, even if there is a change in use that requires less parking. If there is a future change in use that requires additional parking – for example larger restaurant space – the agreement would need to be amended and the applicant would be responsible for the additional parking under the City ordinance and FILOP policy. The final terms of the FILOP agreement are consistent with the City's FILOP policy.

Development Agreement

All of the other conditions and terms of the development agreement are standard requirements for the City's development agreements.

ATTACHMENTS:

1. Revised Plans – Mill St and Broadway Ave sidewalks
2. Draft Development Agreement



DEMOLITION NOTES:

- UTILIZE THE GOPHER STATE ONE CALL SYSTEM @ 1-800-252-1166, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION.
- EXISTING UNDERGROUND UTILITIES ARE SHOWN AT APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES MAY NOT BE SHOWN. PRIOR TO CONSTRUCTION FIELD VERIFY LOCATION OF UTILITIES THAT MAY BE IMPACTED BY CONSTRUCTION.
- PROVIDE TEMPORARY ROCK CONSTRUCTION EXIT AT ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC ENTERS PUBLIC ROADWAY, AND PROTECT STORM SEWER INLETS WITH SILT FENCE OR OTHER EQUIVALENT METHODS UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
- PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL, LATEST EDITION, AT ALL TIMES THAT CONSTRUCTION ACTIVITY DISRUPTS TRAFFIC ON PUBLIC ROADWAYS.
- COORDINATE DISRUPTION OF PEDESTRIAN AND VEHICULAR TRAFFIC WITH OWNER. OBTAIN ALL REQUIRED STREET AND SIDEWALK CLOSURE PERMITS - CONTACT CITY TO VERIFY REQUIREMENTS.
- COORDINATE DISRUPTION OF UTILITY SERVICES WITH OWNER. LIMIT SERVICE DISRUPTION TO TIMES APPROVED BY OWNER.
- CARE MUST BE TAKEN DURING CONSTRUCTION TO PROTECT SURVEY MONUMENTS AND PROPERTY IRONS.
- PROTECT ALL TREES NOT SPECIFICALLY DESIGNATED FOR REMOVAL.
- SAWCUT PAVEMENT THAT REMAINS AT REMOVAL LIMITS.
- RESTORE OR REPAIR DAMAGED ROADS, WALKS, CURBS, UTILITIES, OR PLANT MATERIALS TO CONDITION EQUAL TO OR BETTER THAN PRE-CONSTRUCTION CONDITION AND AS REQUIRED BY OWNER.
- DEMOLITION WORK WITHIN THE BRADWAY PLACE PROJECT LIMITS IS EXPECTED TO BE DONE BY THE BROADWAY PLACE CONTRACTOR. COORDINATE MILL STREET SOUTH SIDEWALK IMPROVEMENTS WITH THE BROADWAY PLACE PROJECT. CONTACT BRIAN STOLLENWERK WITH SOURCE GROUP 763-286-2626.

KEY NOTES

- PROTECT EXISTING FEATURE
- SAWCUT PAVEMENT
- SALVAGE SIGN AND RETURN TO CITY
- REMOVE BIKE RACKS
- PROTECT EXISTING RAMP AND METAL RAILING

UTILITY CONTACTS

XCEL ENERGY
PHILLIP GLORVIGEN
952-470-3379

WATER & SEWER
CITY OF WAYZATA PUBLIC WORKS
JIM EIBENSTEINER
952-404-5363

COMMUNICATIONS
MEDIACOM TELECOMMUNICATIONS
800-332-0245

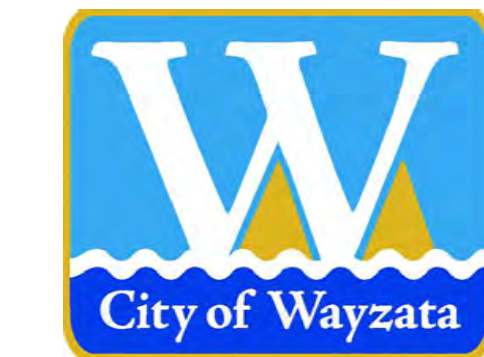
CENTURYLINK
AARON KREBS
651-312-5341

PLAN LEGEND

- SILT FENCE
- REMOVE TREE/SHRUB
- REMOVE CURB
- REMOVE UNDERGROUND UTILITY
- REMOVE PAVEMENT/WALK
- SAWCUT LINE
- TREE PROTECTION
- EXISTING COMMUNICATION
- EXISTING BURIED POWER
- EXISTING SANITARY SEWER
- EXISTING WATER
- EXISTING STORM SEWER
- EXISTING GAS
- EXISTING FIBER OPTICS
- EXISTING SANITARY MANHOLE
- EXISTING STORM SEWER STRUCTURES
- EXISTING ELECTRIC HAND HOLE
- EXISTING LAWN SPRINKLER HEAD
- EXISTING SIGN
- EXISTING LIGHT POLES

HGA
420 North 5th Street, Suite 100
Minneapolis, Minnesota 55401
Telephone 612.756.4000

STRUCTURAL ENGINEER
WALKER
PARKING CONSULTANTS
WALKER PARKING CONSULTANTS
1660 HIGHWAY 100 S, SUITE 545
MINNEAPOLIS, MN 55416
952-595-9616



**MILL STREET
PARKING
STRUCTURE**
725 MILL STREET,
WAYZATA, MN 55391

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

NAME: KENNETH W. HORNS
DATE: SEPTEMBER 30, 2016
REGISTRATION NUMBER: 16036

NO.	DESCRIPTION	DATE
	RFP-SIDEWALK	TBD

ISSUANCE HISTORY - THIS SHEET

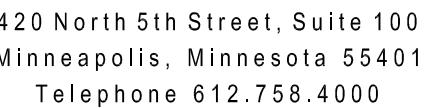
HGA NO: 3874-002-00

**SITE
DEMOLITION
PLAN
SIDEWALK**

DATE: SEPTEMBER 30, 2016

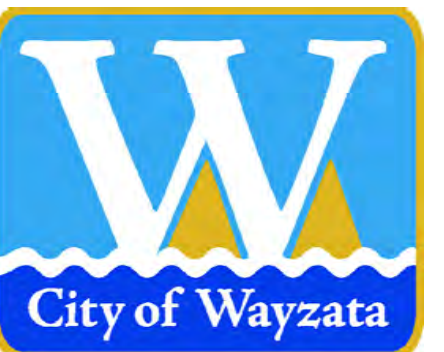
**CONSTRUCTION
DOCUMENTS**

C210



WALKER
PARKING CONSULTANTS

WALKER PARKING CONSULTANTS
1660 HIGHWAY 100 S, SUITE 545
MINNEAPOLIS, MN 55416
952-595-9616



**MILL STREET
PARKING
STRUCTURE**
725 MILL STREET,
WAYZATA, MN 55391

HEREBY CERTIFY THAT THIS PLAN SPECIFICATION
R REPORT WAS PREPARED BY ME OR UNDER MY
RECT SUPERVISION AND THAT I AM A DULY
CENSED PROFESSIONAL ENGINEER UNDER THE
AWS OF THE STATE OF MINNESOTA

NOT FOR
CONSTRUCTION

[illegible]

ISSUANCE HISTORY - THIS SHEET

GA NO: 3874-002-00

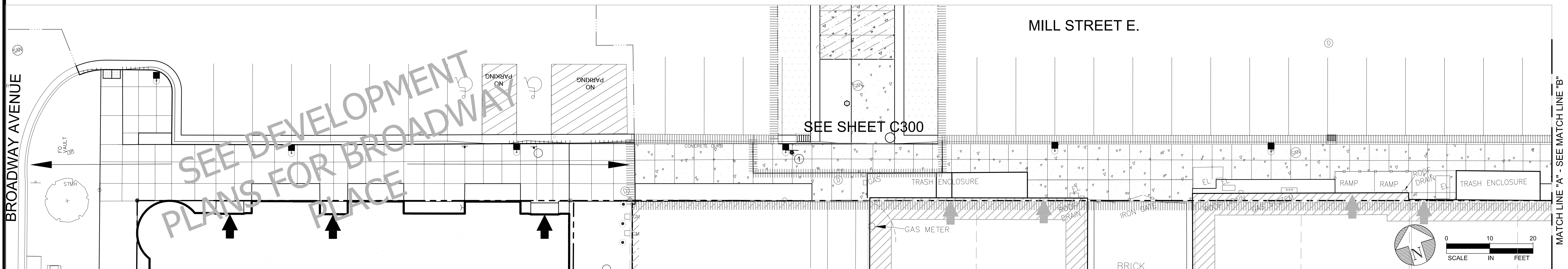
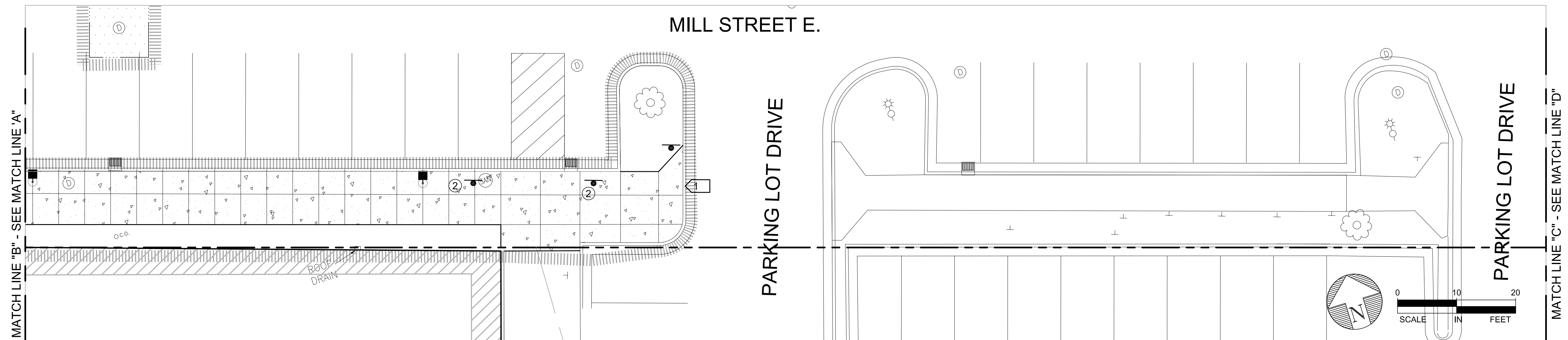
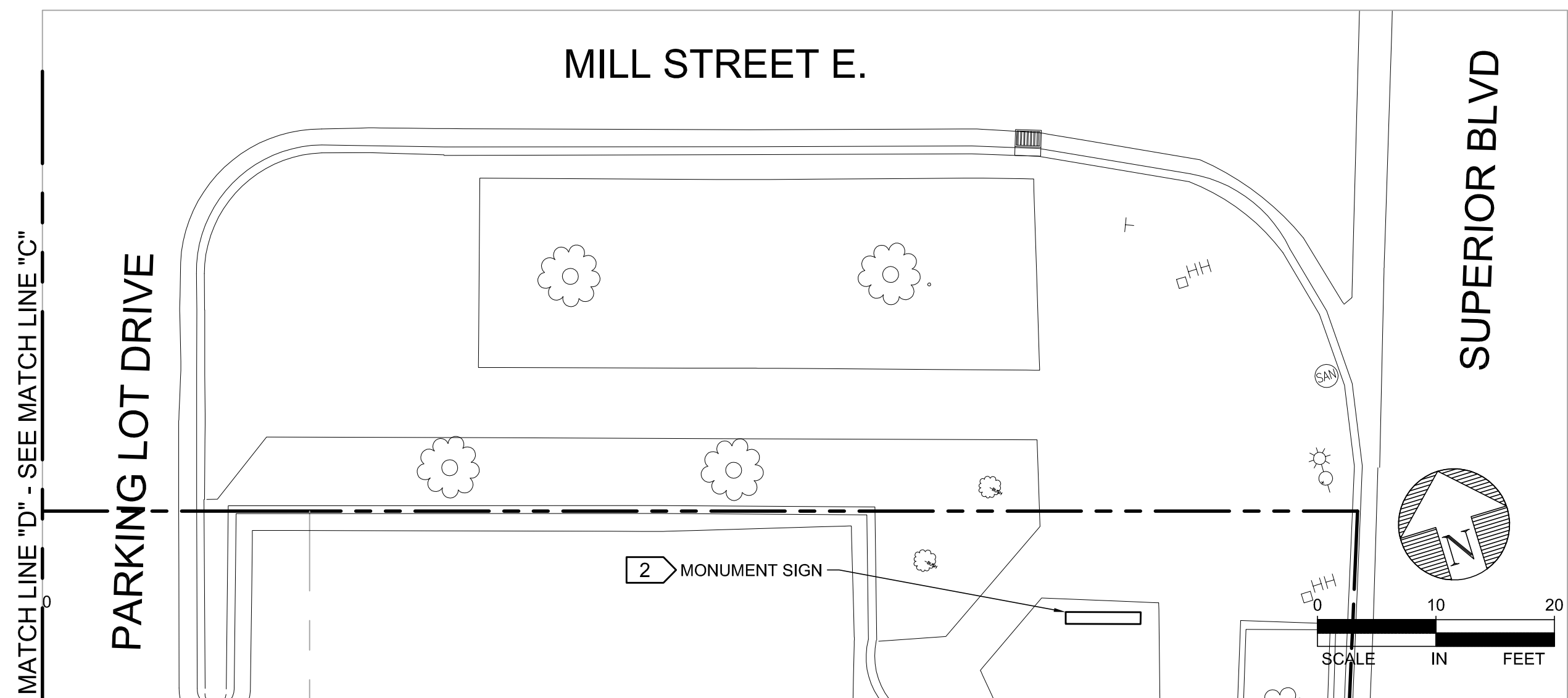
SITE LAYOUT AND SURFACING PLAN SIDEWALK

DATE: SEPTEMBER 30, 2016

**CONSTRUCTION
DOCUMENTS**

 C310

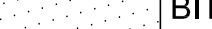
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GENERAL NOTES FOR LAYOUT:

1. ALL DIMENSIONS TO CURBS AND CURB/GUTTER ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. BACK OF CURB IS TYPICALLY 8-INCHES BEHIND THE FACE OF CURB.
2. GUIDELINES FOR CONSTRUCTION OF NEW CONCRETE SURFACING:
 - a. MAXIMUM SPACING OF CONTROL JOINTS IN WALKS TO BE 8-FEET, BUT GENERALLY MATCH THE WALK WIDTH.
 - b. MAXIMUM SPACING OF CONTROL JOINTS IN CONCRETE TRAFFIC SLABS TO BE 12-FEET.
 - c. ALIGN JOINTS WITH WALK CORNERS, HORIZONTAL DEFLECTIONS, BUILDING CORNERS, ETC. AND USE EQUAL PANEL SIZES.
 - d. SEE 6/C900 FOR JOINTING DETAILS.
3. SEE SHEET L210 FOR DECORATIVE CONCRETE PATTERNS AND JOINTING.

SURFACING LEGEND:

	BITUMINOUS PARKING	1.5" BITUMINOUS WEAR COURSE (MnDOT 2360) 2" BITUMINOUS NON-WEAR COURSE (MnDOT 2360) 8" AGGREGATE BASE - (MnDOT 3138) T.A. APPROVED SUBGRADE
	CONCRETE WALK	4" CONCRETE WALK 4" AGGREGATE BASE (MnDOT 3138) REINFORCING - NONE T.A. APPROVED SUBGRADE

TRAFFIC SIGNS

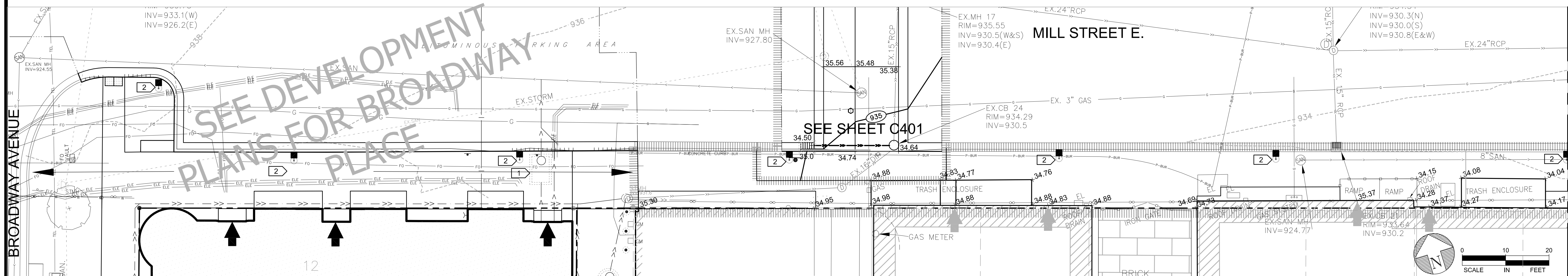
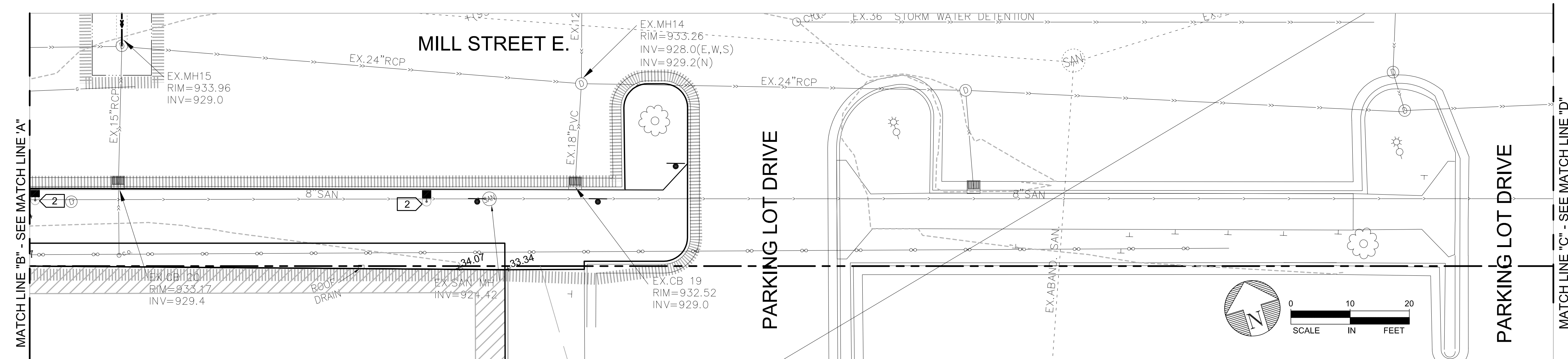
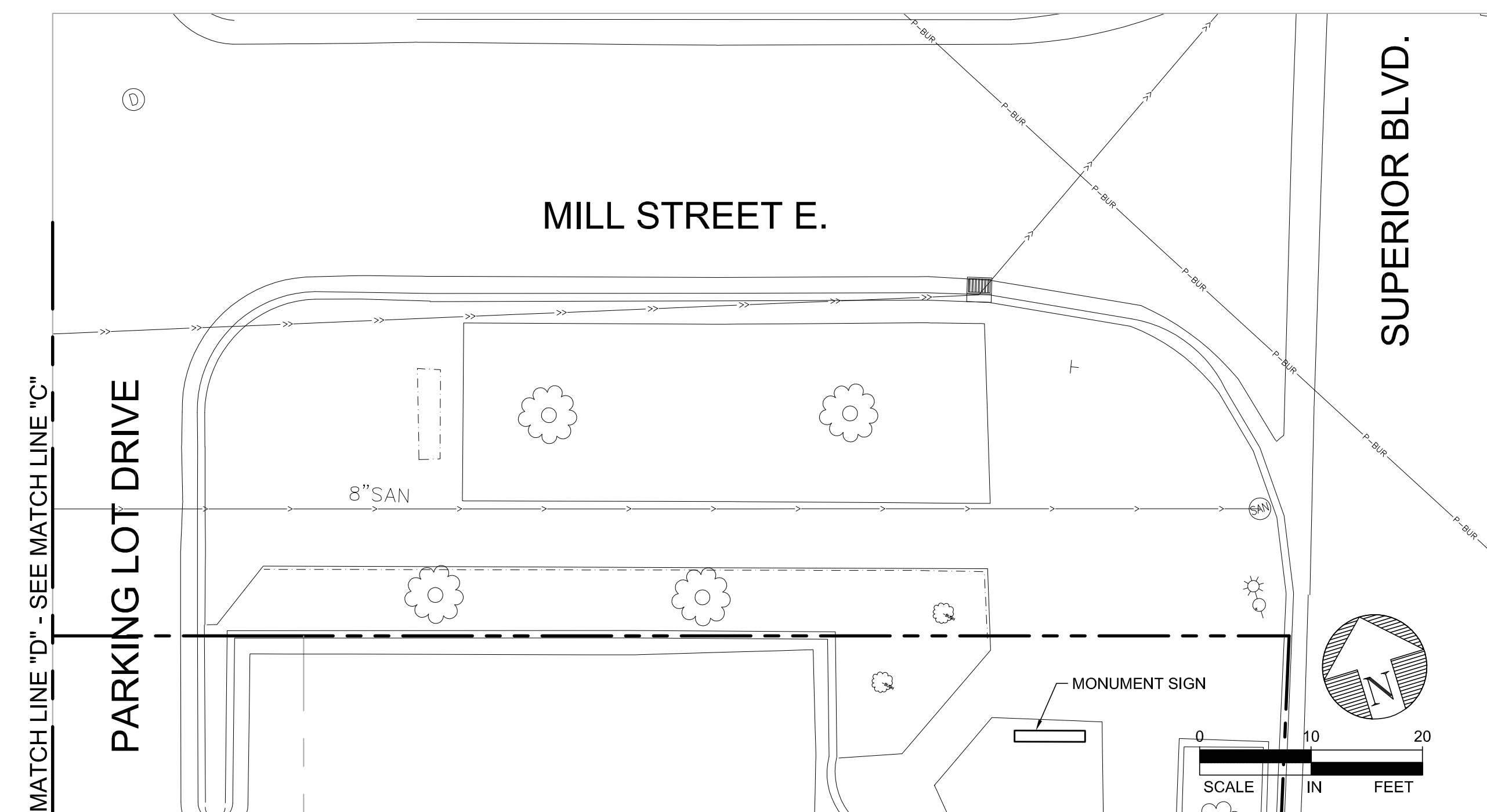
TRAFFIC SIGNS						
PLAN SYM.	SIGN NO.	SIZE	NUMBER OF INSTALLS	MOUNTING HEIGHT (FEET)	NUMBER OF POSTS	LEGEND
①		12" x18"	1	7	1	
②	R7-8m	12"x18"	2	5.5'	2	

KEY NOTES:

- 1 PEDESTRIAN CURB RAMP - SEE DETAIL 2/C900
2 MONUMENT SIGN - SEE SHEET A472

PLAN LEGEND

- | | |
|-----------------------------------|---|
| NEW MANHOLE |  |
| NEW DRAINAGE STRUCTURE |  |
| NEW CURB TAPER |  |
| NEW SINGLE SIGN |  |
| NEW CONTROL JOINT |  |
| CONSTRUCTION LIMITS |  |
| NEW LIGHT POLE AND BOLLARD LIGHTS |  |
| EXISTING SANITARY MANHOLE |  |
| EXISTING STORM SEWER STRUCTURES |  |
| EXISTING ELECTRIC HAND HOLE |  |
| EXISTING LAWN SPRINKLER |  |
| EXISTING SIGN |  |
| EXISTING LIGHT POLES |  |



NOTES:

1. SEE SPECIFICATION SECTION 310000 EARTHWORK.
2. UTILIZE THE GOPHER STATE ONE CALL SYSTEM AT 1-800-252-1166, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION.
3. SEE SITE SURVEY FOR BENCHMARKS.
4. SPOT ELEVATIONS ARE TYPICALLY GIVEN AT FINISHED SURFACE. AT TOP OF CURB, ELEVATIONS ARE NOTED WITH A "TC".
5. PRIOR TO CONSTRUCTION FIELD VERIFY EXISTING BUILDING FLOOR ELEVATION(S) TO CONFIRM MATCH WITH NEW WALK ELEVATIONS.
6. EXISTING UNDERGROUND UTILITIES ARE SHOWN AT APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES MAY NOT BE SHOWN. VERIFY LOCATION AND ELEVATION OF UTILITIES IMPACTED BY CONSTRUCTION, PRIOR TO PLACING NEW PIPE OR UTILITY STRUCTURES.
7. NEW STREET LIGHT SYSTEM INCLUDING POLE FOUNDATIONS, CONDUITS, CONDUCTORS, POLES AND FIXTURES WILL BE FURNISHED AND INSTALLED BY THE CITY. COORDINATE DEMOLITION AND SURFACING WORK WITH THE CITY - CONTACT MIKE KELLY AT 952-404-5316.

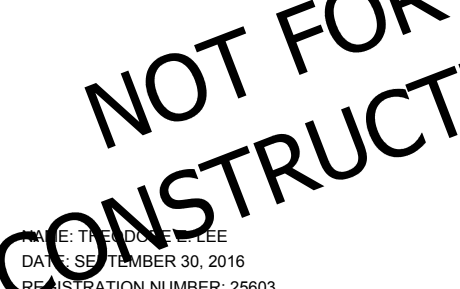
KEY NOTES:

- 1 PROPOSED UNDERGROUND GREASE TRAP FOR
BROADWAY PLACE - VERIFY LOCATION
- 2 SEE NOTE 7

PLAN LEGEND

- | | |
|----------------------------------|--|
| EXISTING SANITARY SEWER | |
| EXISTING STORM SEWER | |
| EXISTING WATERMAIN | |
| NEW SANITARY SEWER | |
| NEW STORM SEWER | |
| NEW WATERMAIN | |
| NEW SUB-DRAIN | |
| EXISTING COMMUNICATION | |
| EXISTING BURIED POWER | |
| EXISTING GAS | |
| EXISTING FIBER OPTICS | |
| EXISTING INDEX CONTOUR | |
| EXISTING CONTOUR | |
| PROPOSED CONTOUR | |
| SPOT ELEVATION | |
| DRAINAGE ARROW | |
| DRAINAGE DIVIDE | |
| NEW MANHOLE | |
| NEW DRAINAGE STRUCTURE | |
| NEW LIGHT POLE AND BOLLARD LIGHT | |

- | | | |
|---------------------------------|---|--------|
| EXISTING SANITARY MANHOLE |  | |
| EXISTING STORM SEWER STRUCTURES |  | ① |
| EXISTING ELECTRIC HAND HOLE |  | |
| EXISTING LAWN SPRINKLER HEAD |  | |
| EXISTING SIGN |  | |
| EXISTING LIGHT POLES |  | |
| SOIL BORING |  | ST-1 |
| CONSTRUCTION LIMITS | ===== | |
| EXISTING SPOT ELEVATION |  | 9.35.0 |



HGA NO: 3874-002-0

LAYOUT AND
MATERIALS
PLAN: SOUTH
SIDEWALK

DATE: SEPTEMBER 30, 201

**CONSTRUCTION
DOCUMENTS**

 L210

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1. UTILIZE "CALL 811" UTILITY LOCATION PRIOR TO ALL EXCAVATION ACTIVITY.
2. REFER TO CIVIL DRAWINGS FOR ADDITIONAL SITE INFORMATION.
3. SITE LIGHT POLES TO BE CENTERED 36" FROM FACE OF CURB OR EDGE OF PAVING.
4. CONTRACTOR TO OBTAIN DIGITAL DRAWING FILE FOR LAYOUT AND LOCATION VERIFICATION OF ALL SITE AND LANDSCAPE FEATURES.
5. CONTRACTOR RESPONSIBLE FOR VERIFYING ALL QUANTITIES.

1	PLANTING AREA, REFER TO L400S
2	
3	BENCH: REFER TO DETAILS 1/L220 AND 2/L220
4	SITE WALL: REFER TO DETAIL 2/L220
5	
6	EDGING: REFER TO SPEC. 321540
7	STONE SURFACING: REFER TO SPEC. 321540
8	ROCK MULCH: REFER TO SPEC. 321540
9	
10	DECORATIVE CONCRETE TYPE 1: REFER TO SPEC. 321316
11	DECORATIVE CONCRETE TYPE 2: REFER TO SPEC. 321316
12	BITUMINOUS PAVING: REFER TO CIVIL
13	CONCRETE PAVING: REFER TO CIVIL
14	SITE LIGHTING: REFER TO ELECTRICAL
15	JOINT EDGE OF WALK/EDGING TO ORIGINATE AT EDGE OF BUILDING/STOOP/WALK/CURB WALL/WINDOW AND EXTEND PERPENDICULAR TO BUILDING/WALK
16	JOINT TO ORIGINATE AT END/BEGINNING/MIDPOINT OF CURVE AND EXTEND PERPENDICULAR TO PAVING EDGE
17	CONCRETE PAVING EXPANSION JOINT: REFER TO SPEC. 321313
18	
19	ALIGN
20	BIKE RACK: MULTIPLICITY; LANDSCAPE FORMS

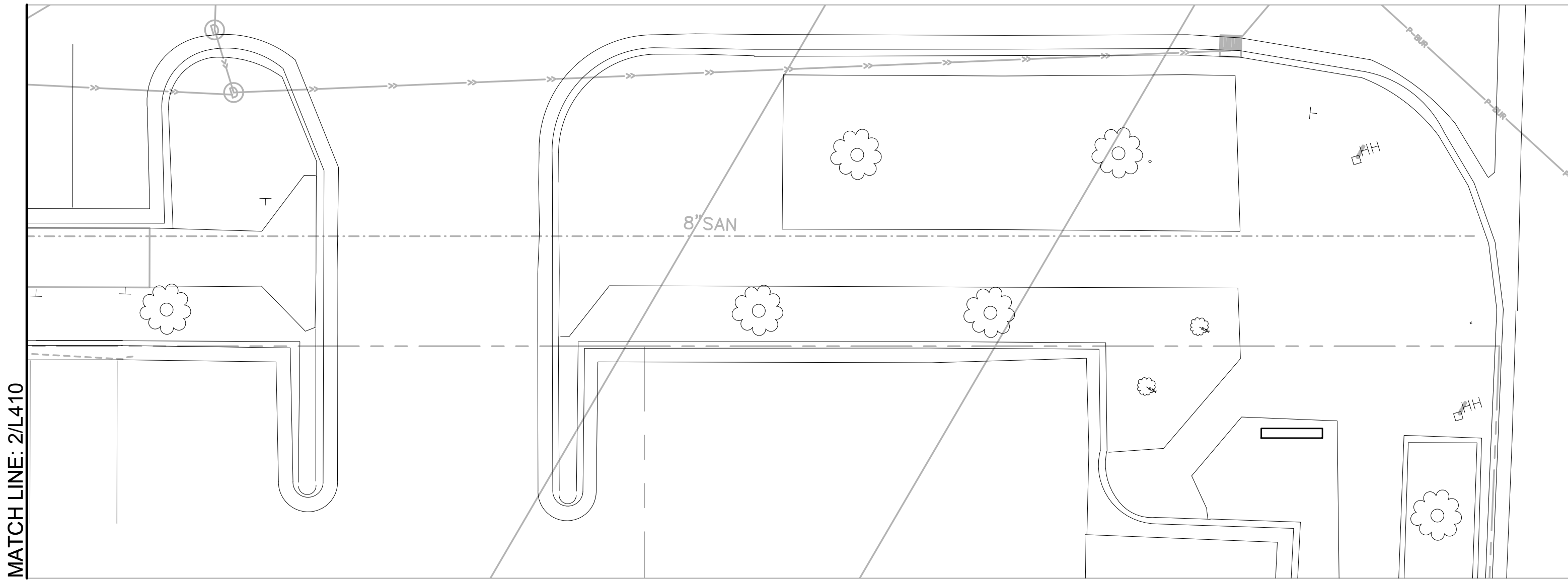
 STONE SURFACING.
REFER TO SPEC. 321540

 ROCK MULCH,
REFER TO SPEC. 321540

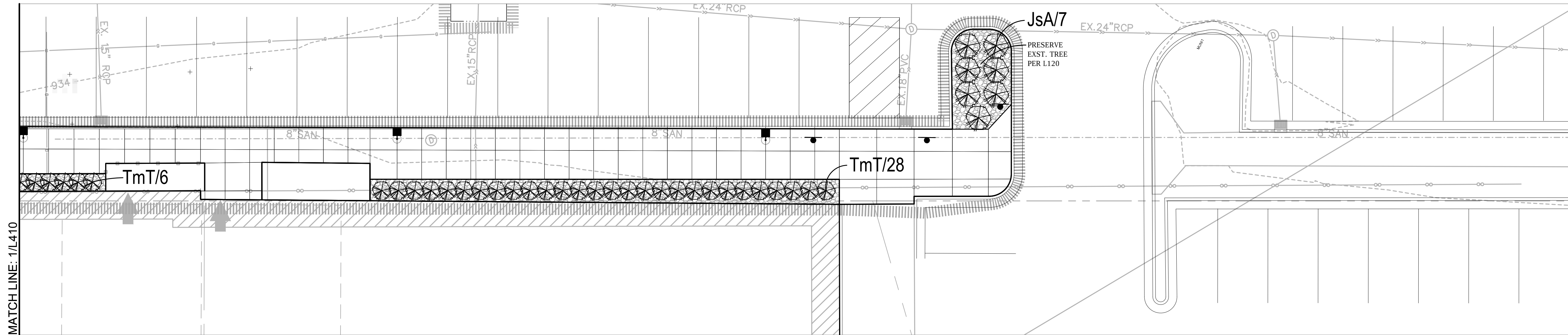
 LUMINAIRE: REFER TO ELEC.

----- EDGING, REFER TO SPEC. 321540

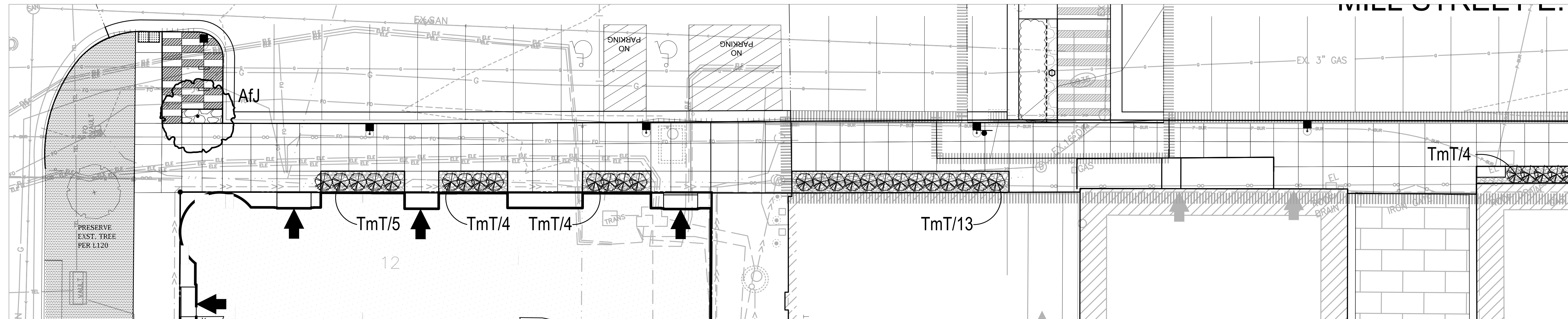




3 PLANTING PLAN: SOUTH SIDEWALK
1"=10'

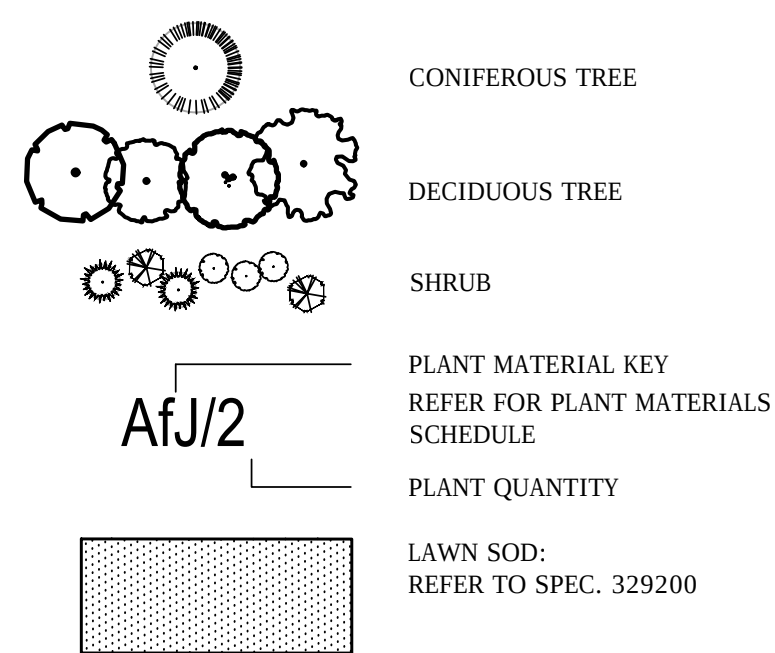


2 PLANTING PLAN: SOUTH SIDEWALK
1"=10'



1 PLANTING PLAN: SOUTH SIDEWALK
1"=10'

LEGEND:



KEYNOTES

- MULCH: REFER TO SPEC. 329000
- EDGING: REFER TO SPEC. 321540

PLANT MATERIALS SCHEDULE

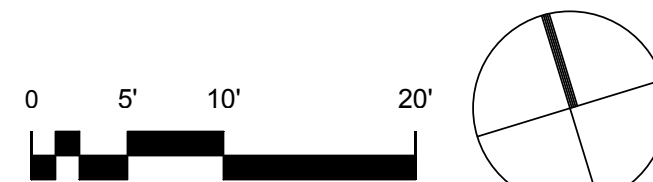
DECIDUOUS TREES				
key	qty	description	size	comments
AfJ	1	Autumn Blaze Maple <i>Acer x freemanii</i> 'Jeffersred'	3" cal. B&B	TREE FORM, MATCHED AND TAGGED
SHRUBS				
key	qty	description	size	comments
JsA	7	Arcadia Juniper <i>Juniperus sabina</i> 'Arcadia'	#5 ctrn	5' on center
TmT	64	Taunton Yew <i>Taxus x media</i> 'Taunton'	#5 ctrn	spacing as shown

GENERAL NOTES

- UTILIZE 811 PRIOR TO ALL EXCAVATION WORK
- CONTRACTOR TO OBTAIN CAD FILE FROM HGA LANDSCAPE ARCHITECT REGARDING ADDITIONAL LAYOUT INFORMATION NOT SHOWN ON THE DRAWINGS.

GENERAL PLANTING NOTES

- INSTALL 3' DIA. MULCH RING AROUND ALL TREES IN LAWN SOD, LAWN SEED OR NATIVE GRASS AREAS.
- ALL PLANTS SHALL BE MULCHED WITH SHREDDED HARDWOOD MULCH, U.N.O.
- ALL PLANTS SHALL HAVE SPADED EDGE - 6" DEPTH U.N.O.
- PLANT QUANTITIES SHOWN IN PLANT MATERIALS SCHEDULE DO NOT NECESSARILY REPRESENT TOTAL NUMBERS OF PLANTS THAT WILL BE REQUIRED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES FROM LEGEND, DRAWINGS, AND PLANT SCHEDULE.
- THE REMOVAL, PRUNING, AND/OR PLANTING OF TREES IN PUBLIC BOULEVARD REQUIRES A PERMIT FROM THE CITY FORESTER (952-404-5366).
- THE ROOT FLARE OF THE TREE SHOULD BE EXPOSED AND PLANTED AT GRADE.



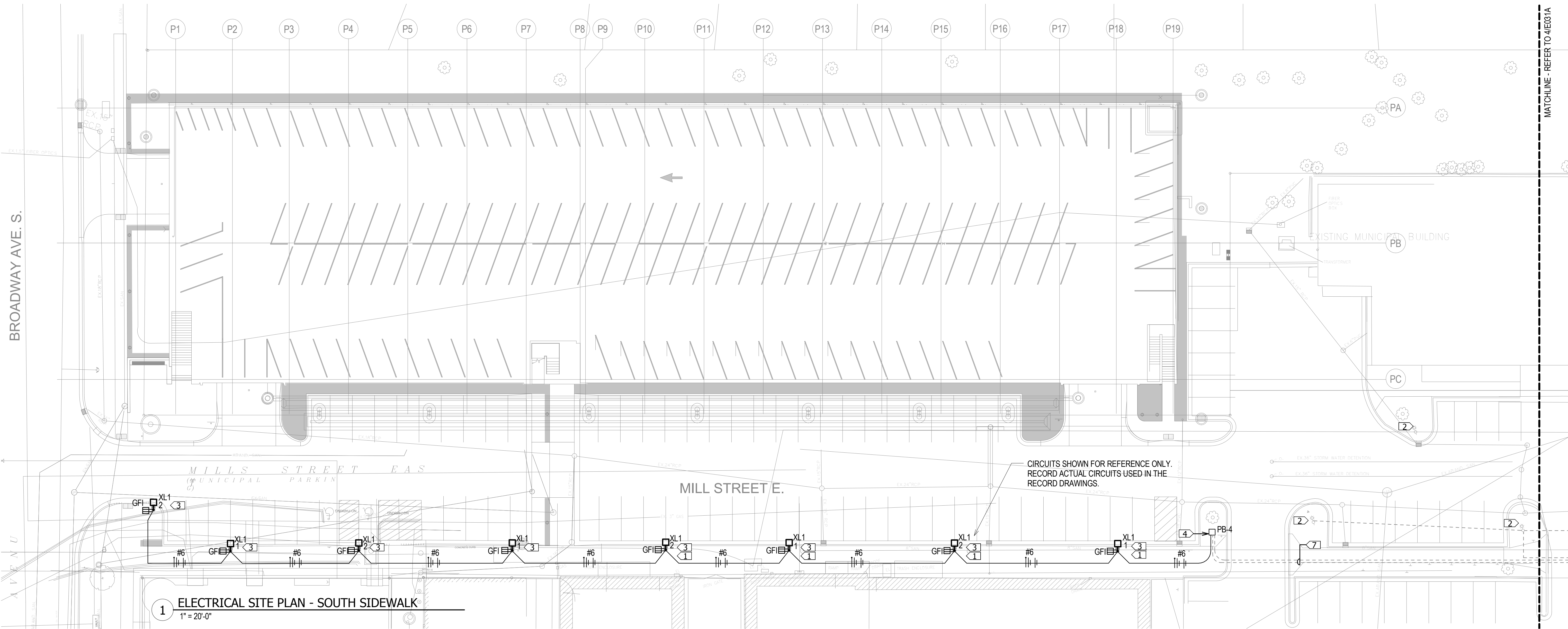


2. EXISTING LIGHT POLES/RECEPTACLES/
CIRCUITING DEMOLISHED UNDER PARKING RAMP
CONTRACT.

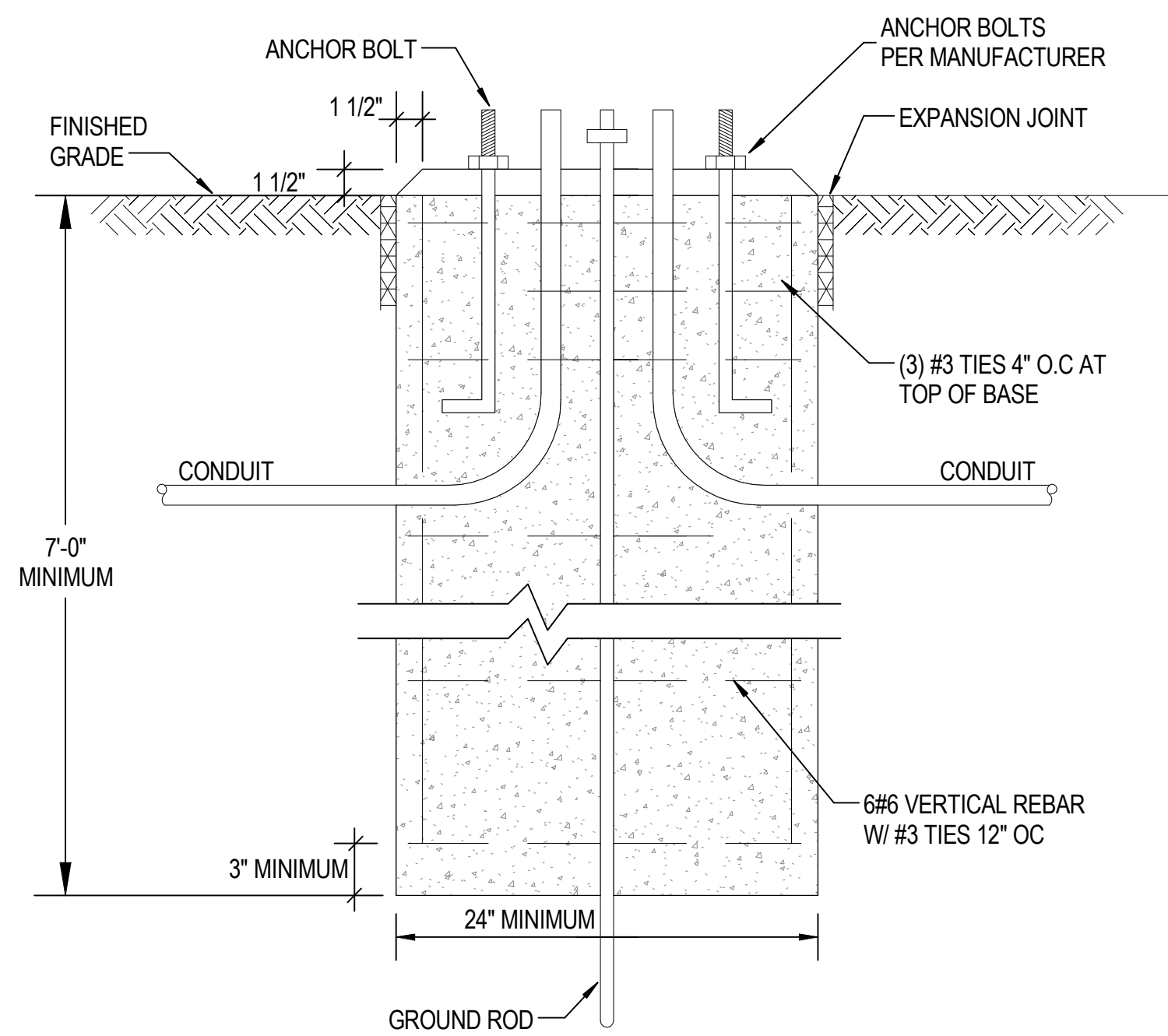
[illegible]

© COPYRIGHT HAMMEL, GREEN AND ABRAHAMSON, INC. Page 135 of 358

OWNER REVIEW SET (03/17/17)



1 ELECTRICAL SITE PLAN - SOUTH SIDEWALK
1" = 20'-0"



2 XL1 POLE BASE 1 DETAIL- SOUTH SIDEWALK
NTS

NOTES:

A. PROVIDE SCHEDULE 40 PVC CONDUITS IN SIZE AS INDICATED ON PLANS. PROVIDE PROJECTIONS PER POLE MANUFACTURERS RECOMMENDATIONS.

B. GROUNDING:

- PROVIDE 5/8" X 8'-0" COPPER GROUND ROD WITH CAST BRONZE CAP
- PROVIDE ONE ROD PER POLE BASE
- PROVIDE #10 CONDUCTOR FROM GROUND ROD TO POLE BASE
- TERMINATE GROUND CONDUCTOR WITHIN CONDUIT ON BASE GROUND ROD CLAMP

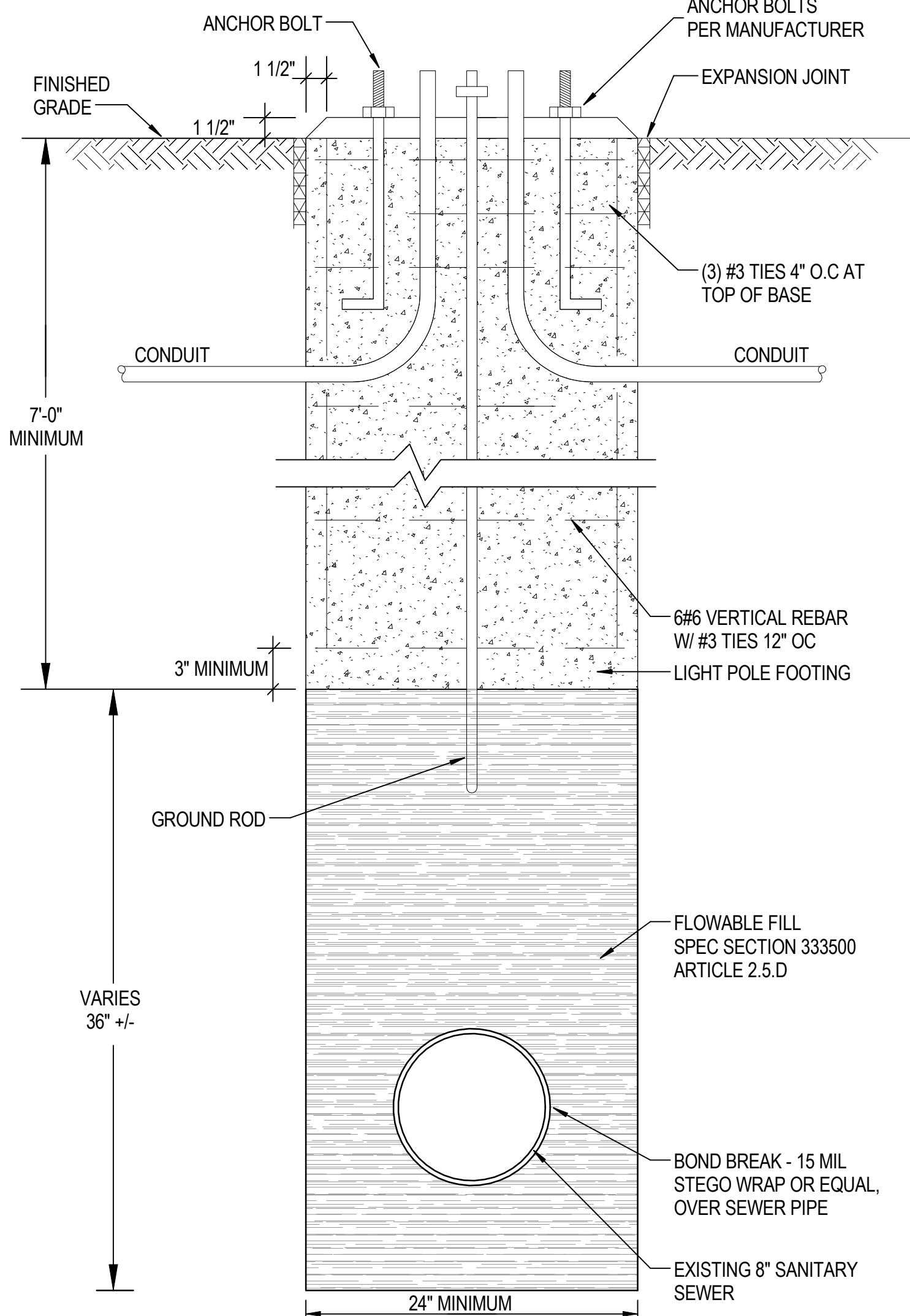
C. USE 4000 PSI MINIMUM AIR-ENTRAINED CONCRETE.

D. PROVIDE ANCHOR BOLT SIZE, SPACING, AND PROJECTIONS PER POLE MANUFACTURERS RECOMMENDATIONS.

E. PROVIDE THREE #3 STEEL REINFORCING TIES 4" O.C. AT THE TOP OF THE BASE. SPACE ADDITIONAL #3 TIES 12" O.C. THROUGHOUT THE REMAINDER OF THE BASE. MAINTAIN 1 1/2" MINIMUM CONCRETE COVER FROM THE HOOP TO THE EDGE OF THE BASE.

F. INSTALL VERTICAL REINFORCING BARS OFFSET FROM ANCHOR BOLTS.

G. ALL REINFORCING STEEL TO BE EPOXY COATED. ANCHOR BOLTS, WASHERS, AND NUTS TO BE GALVANIZED



3 XL1 POLE BASE 2 DETAIL- SOUTH SIDEWALK
NTS

LUMINAIRE SCHEDULE										NOTES	
TYPE	DESCRIPTION	MOUNTING	LENS/ REFLECTOR	LAMP/ LUMENS	BALLAST/ POWER SUPPLY	VOLTAGE	WATTS	MANUFACTURER	CATALOG NUMBER	ALTERNATE MANUFACTURERS	
XL1	LED POLE LIGHT, WET LOCATION LISTED	18' POLE HEIGHT	ASYMMETRIC BOWL GLASS, TYPE 3 DISTRIBUTION, BLACK FINISH	LED, 5500 LM, 830	LED DRIVER	120 V	50 VA	HOLOPHANE	POLE HEAD: GELB 050 3K AS 2 B 3 POLE: RHA18LSJ18PXXBK-SPCL RFD206922 W/ RECEPTACLE ACCESSORY AT 12'-0".	NO ALTERNATE - CITY OF WAYZATA STANDARD	1,2

NOTES:

1. PROVIDE WEATHERPROOF GFCI RECEPTACLE AT 12'-0".
2. LOCATE XL1 POLE LIGHT PARALLEL TO THE CURB LINE. PROVIDE LIGHT POLE BASE TO ACCOMMODATE THE SITE CONDITION.

GENERAL NOTES:

A. COORDINATE LOCATIONS OF UNDERGROUND CONDUIT ROUTING WITH EXISTING AND NEW SITE UTILITIES INCLUDING UNDERGROUND WORK RELATED TO THE BELZ DEVELOPMENT SCOPE.

B. INFORMATION SHOWN AS EXISTING IS BASED ON INFORMATION RECEIVED. ELECTRICAL CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND ASSUME ALL RESPONSIBILITIES FOR EXISTING CONDITIONS.

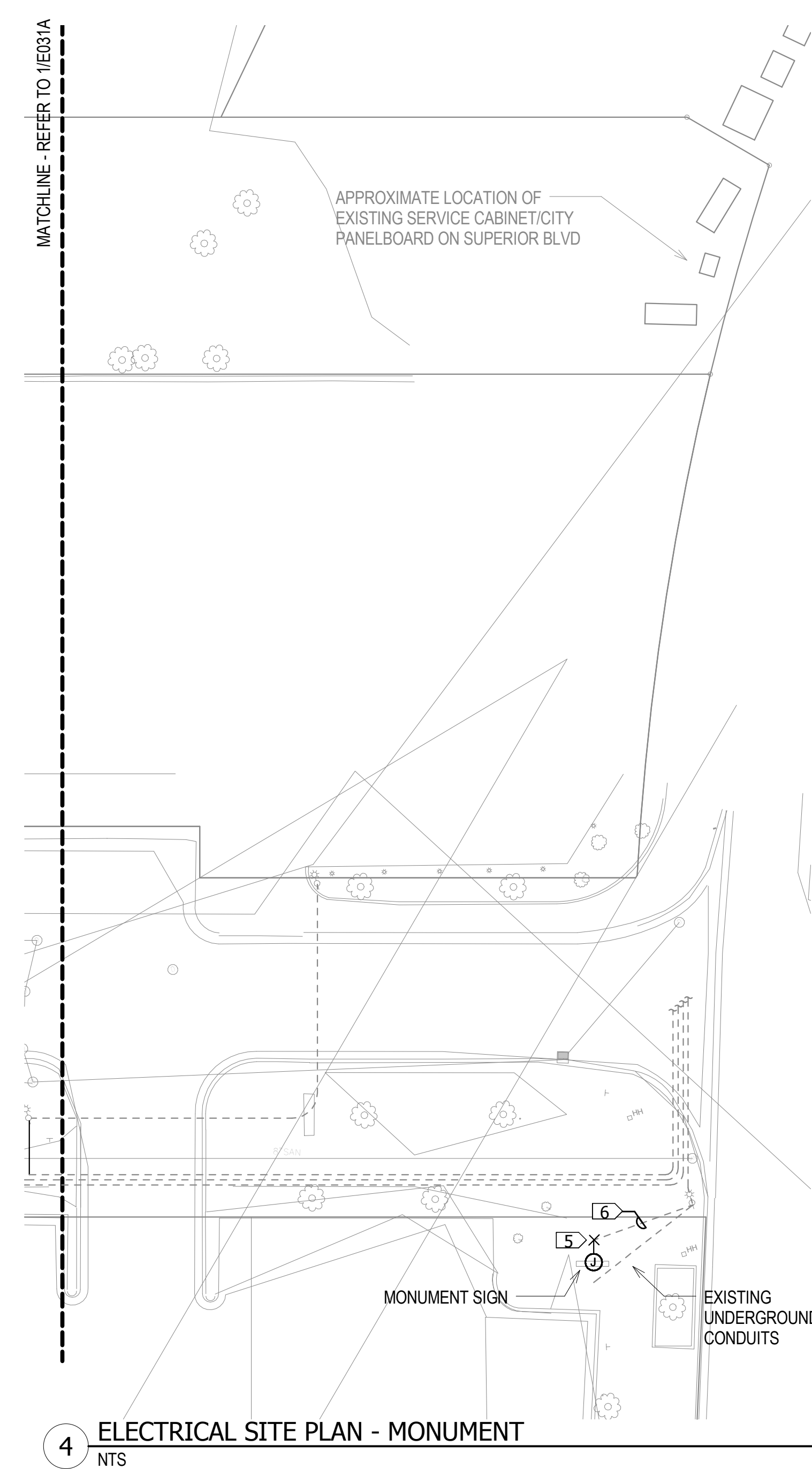
C. PROVIDE DETECTABLE WARNING TAPE ABOVE UNDERGROUND CONDUITS.

D. PROVIDE #6 AWG THHN/THWN-2 COPPER CONDUCTORS MINIMUM UNLESS OTHERWISE NOTED.

E. PROVIDE 1 1/4" RNC EPC-40-PVC CONDUIT MINIMUM UNLESS OTHERWISE NOTED.

KEYNOTES:

1. PROVIDE ALTERNATE LIGHT POLE BASE TO COORDINATE WITH EXISTING SANITARY SEWER. REFER TO DETAIL 3E031A.
2. EXISTING LIGHT POLE TO REMAIN.
3. COORDINATE LIGHT POLE BASE AND UNDERGROUND CONDUITS WITH EXISTING UNDERGROUND UTILITIES AND WITH NEW/RELOCATED UNDERGROUND UTILITIES RELATED TO THE BELZ DEVELOPMENT PROJECT.
4. INTERCEPT EXISTING CONDUITS AND BRANCH CIRCUITS. PROVIDE AN OPEN BOTTOM, WEATHERPROOF, 12"L x 12"W x 24"D POLYMER CONCRETE BOX RATED FOR 3000LBS. PROVIDE WITH WEATHERPROOF COVER WITH HOOK EYES AND TAMPER RESISTANCE BOLTS, LABELED "LIGHTING". PROVIDE A LEVEL 6" BASE OF GRAVEL AT BOTTOM OF BOX AND SUPPORT BOX WITH ANCHORS EXTENDING BELOW FROST LINE. SET BOX SO COVER IS 1" ABOVE LANDSCAPE MULCH. LOCATE BOX IN LANDSCAPING PLANTING BED. USE WATER TIGHT CONNECTIONS ON ALL SPLICES AND SEAL ALL PENETRATIONS. EXTEND CIRCUITS TO LIGHT FIXTURES AS SHOWN.
5. UTILIZE EXISTING SPARE CONDUIT AND EXTEND TO MONUMENT SIGN. CONNECT TO SINGLE POINT CONNECTION PROVIDED BY SIGN MANUFACTURER. COORDINATE STUB UP LOCATION WITH SIGN PROVIDER.
6. PROVIDE 2#6 & 1#8G CONDUCTORS IN EXISTING CONDUITS AND CONNECT TO NEW CIRCUIT IN THE EXISTING SERVICE CABINET/CITY PANELBOARD ON SUPERIOR BLVD TO PROVIDE THE MONUMENT SIGN WITH UNSWITCHED 120V POWER.
7. (2) EXISTING UNDERGROUND BRANCH CIRCUITS MADE AVAILABLE FROM DEMOLISHED LIGHTS. EXISTING CIRCUITS FEED BACK TO SERVICE CABINET/CITY PANELBOARD ON SUPERIOR BLVD. VERIFY EXISTING CIRCUITS ARE FED THROUGH EXISTING CONTROL RELAY/CONTACTOR FOR ON/OFF CONTROL. IN THE SERVICE CABINET/CITY PANELBOARD ON SUPERIOR BLVD, COORDINATE PROGRAMMING FOR ON/OFF OPERATION WITH THE CITY.



4 ELECTRICAL SITE PLAN - MONUMENT
NTS

WORK SCOPE ON SHEETS E030A & E031A:

POLE BASES, CONDUIT AND BOXES SHALL BE PROVIDED AND INSTALLED BY THE GENERAL CONTRACTOR. PROVIDE BREAK OUT PRICING FOR THIS WORK.

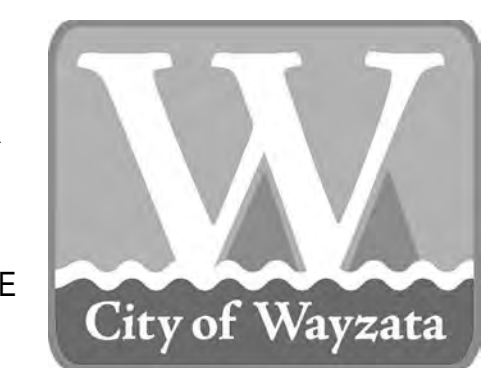
ALL WIRING, POLES AND LUMINAIRES SHALL BE PROVIDED AND INSTALLED BY THE CITY OF WAYZATA AND COORDINATED WITH THE GENERAL CONTRACTOR.

*NEW SHEET ADDED FOR SIDEWALK SCOPE OF WORK

CONSTRUCTION DOCUMENTS
E031A

hGA
420 North 5th Street, Suite 100
Minneapolis, Minnesota 55401
Telephone 612.758.4000

STRUCTURAL ENGINEER
WALKER
PARKING CONSULTANTS
WALKER PARKING CONSULTANTS
1660 HIGHWAY 100 S, SUITE 545
MINNEAPOLIS, MN 55416
952-595-9616



MILL STREET
PARKING
STRUCTURE
725 MILL STREET,
WAYZATA, MN 55391

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

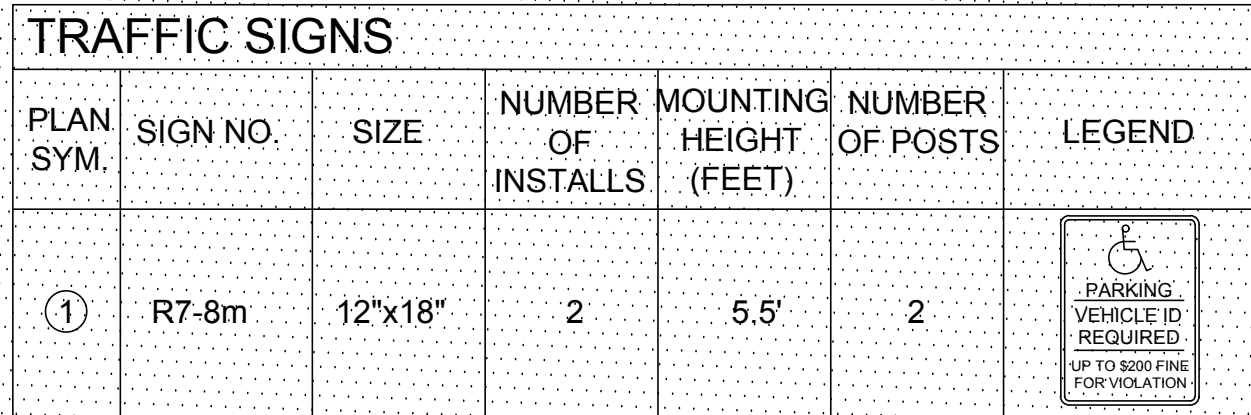
NO.	DESCRIPTION	DATE
1	ADD-1	10/14/2016
#	RFP-SIDEWALK	TBD

ISSUANCE HISTORY - THIS SHEET
HGA NO: 3874-002-00

ELECTRICAL
SITE PLAN -
SOUTH
SIDEWALK

DATE: SEPTEMBER 30, 2016

OWNER REVIEW SET (03/17/17)
E031A



- 2. GUIDELINES FOR CONSTRUCTION OF NEW CONCRETE SURFACING:
 - a. MAXIMUM SPACING OF CONTROL JOINTS IN WALKS TO BE 8- FEET, BUT GENERALLY MATCH THE WALK WIDTH.
 - b. MAXIMUM SPACING OF CONTROL JOINTS IN CONCRETE TRAFFIC SLABS TO BE 12- FEET.
 - c. ALIGN JOINTS WITH WALK CORNERS, HORIZONTAL DEFLECTIONS, BUILDING CORNERS, ETC. AND USE EQUAL PANEL SIZES.
 - d. SEE C/900 FOR JOINTING DETAILS.

- 1 CONCRETE CURB AND GUTTER - SEE DETAIL 5/C900
- 2 ADA PARKING - SEE DETAIL 1/C900
- 3 TAPERED CURB - SEE DETAIL 1/C900
- 4 PEDESTRAIN CURB RAMP - SEE DETAIL 2/C900
- 5 TRAFFIC BOLLARD - SEE DETAIL 8/C900
- 6 4" SOLID LINE WHITE - PAINT
- 7 CONFIRM LOCATION & SIZE OF ELECTRICAL SERVICE EQUIPMENT. PROVIDE TRAFFIC BOLLARDS TO PROTECT EQUIPMENT. SEE SHEET C301
- 8 NOT USED
- 9 SIDEWALK JOINT PATTERN TO BE CONFIRMED WITH CITY PRIOR TO WALK CONSTRUCTION.
- 10 PATCH STREET DISTURBED BY WATER SERVICE CONSTRUCTION IN ACCORDANCE WITH CITY REQUIREMENTS
- 11 RAISED PLANTER WITH 6" WIDE CONCRETE CURB EDGING
- 12 CONCRETE STEPS (2 RISERS)
- 13 ELECTRICAL CABINET
- 14 MOVEABLE PLANTER
- 15 NEW TREE

	BITUMINOUS PAVEMENT (MnDOT 2360)	1.5" BITUMINOUS WEAR 2" BITUMINOUS NON-WEAR 4" AGGREGATE BASE - (MnDOT 3138) - T.A. APPROVED SUBGRADE
	CONCRETE WALK	4" CONCRETE WALK (BROOMED FINISH) 4" AGGREGATE BASE (MnDOT 3138) - REINFORCING - NONE - T.A. APPROVED SUBGRADE
	CONCRETE WALK	4" CONCRETE WALK (EXPOSED AGGREGATE FINISH) 4" AGGREGATE BASE (MnDOT 3138) - REINFORCING - NONE - T.A. APPROVED SUBGRADE
	CONCRETE PAVEMENT	7" CONCRETE PAVEMENT 4" AGGREGATE BASE (MnDOT 3138) - MACRO-FIBER REINFORCING - T.A. APPROVED SUBGRADE
	PLANTED AREA	SHRUBS, PERENNIALS OR PLANTERS
	CONCRETE PAVEMENT	DECORATIVE FINISH

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.

△ NO	DESCRIPTION	DATE
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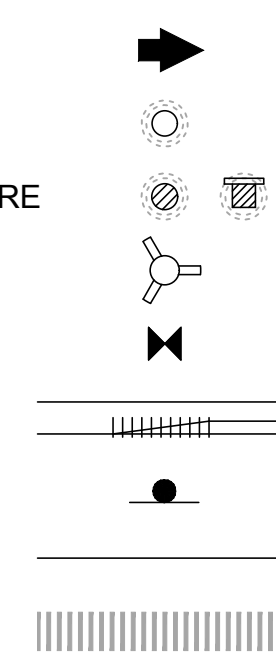
SITE LAYOUT PLAN

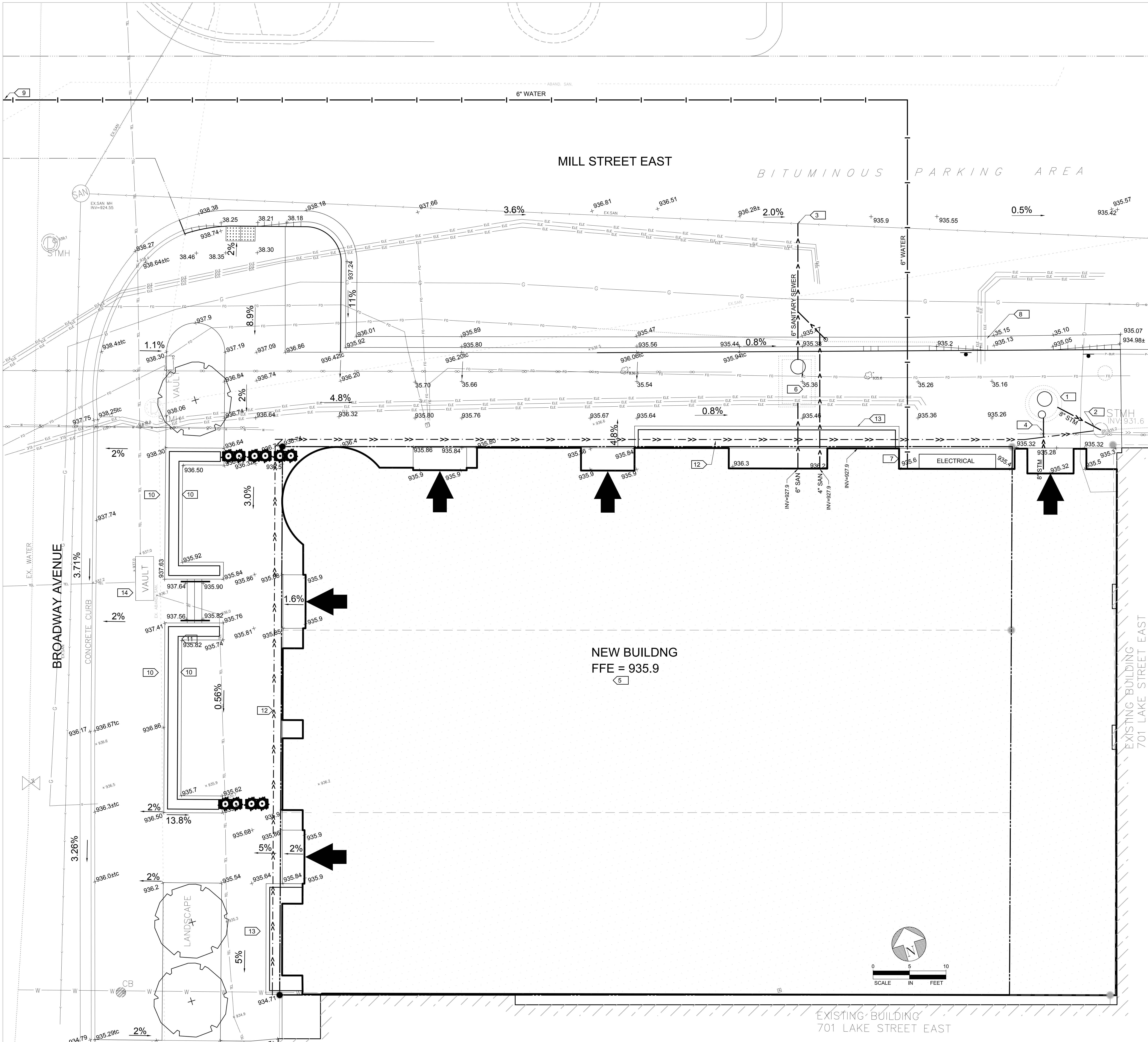
CITY
REVIEW

C300

C301

DOOR / EXIT	
NEW MANHOLE	
NEW DRAINAGE STRUCTURE	
NEW HYDRANT	
NEW GATE VALVE	
NEW CURB TAPER	
NEW SINGLE SIGN	
NEW CONTROL JOINT	
CONSTRUCTION LIMITS	





- NOTES:**
- SEE SPECIFICATION SECTION 310000 EARTHWORK.
 - UTILIZE THE GOPHER STATE ONE CALL SYSTEM AT 1-800-252-1166, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION.
 - SEE SHEET C001 EXISTING CONDITIONS SITE SURVEY FOR BENCHMARKS.
 - SPOT ELEVATIONS ARE TYPICALLY GIVEN AT FINISHED SURFACE. AT TOP OF CURB, ELEVATIONS ARE NOTED WITH A "TC".
 - EXISTING UNDERGROUND UTILITIES ARE SHOWN AT APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES MAY NOT BE SHOWN. FIELD VERIFY LOCATION AND ELEVATION OF UTILITIES IMPACTED BY CONSTRUCTION, PRIOR TO PLACING NEW PIPE OR UTILITY STRUCTURES.
 - VERIFY BUILDING STORM, SANITARY, AND WATER SERVICE LOCATIONS AND ELEVATIONS WITH PLUMBING CONTRACTOR, PRIOR TO CONSTRUCTION OF SERVICE LINES. BRING BUILDING UTILITY SERVICE PIPES TO BUILDING AND COORDINATE LOCATION OF FLEXIBLE BALL JOINT RESTRAINT FITTING AND CAPPED PIPE END WITH PLUMBING CONTRACTOR.
 - PROVIDE MINIMUM 7.5' COVER ON ALL WATER MAINS. ALL WATER MAIN CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
 - SANITARY AND STORM SEWER CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
 - COORDINATE CONNECTIONS TO EXISTING UTILITY SYSTEMS WITH UTILITY OWNER.
 - ADJUST ALL CASTINGS TO ELEVATION 1/4-INCH BELOW FINISHED SURFACE.
 - SEE SHEET C901 FOR STORM STRUCTURE INFORMATION.
 - 2% MAXIMUM SLOPE ON EXTERIOR LANDINGS AT NEW BUILDING DOORWAYS
 - SEE SHEET C301 FOR NEW XCEL TRANSFORMER LOCATION

- KEY NOTES**
- HYDRODYNAMIC SEPARATOR (CDS-2015, OR EQUAL)
 - CONNECT TO EXISTING DRAINAGE STRUCTURE
 - CONNECT TO EXISTING SANITARY SEWER INV=926.56
 - PIPE INSULATION - SEE DETAIL 7/C901
 - TEMPORARY STORM WATER STORAGE ON ROOF TO LIMIT PEAK DISCHARGE FROM THE 2, 10, & 100 YEAR DESIGN STORM EVENTS.
 - SANITARY SEWER SERVICE WITH WATERTIGHT 1000 GALLON GREASE INTERCEPTOR IN COMPLIANCE WITH MN PLUMBING CODE. UTILITY CONTRACTOR TO PROVIDE SEPARATE COST FOR GREASE INTERCEPTOR AND SEPARATE SEWER SERVICE.
 - FIRE DEPARTMENT CONNECTION
 - CLEAN OUT - SEE DETAIL 3/C901
 - SEE DETAIL 11/C901 FOR WATERLINE CONNECTION TO EXISTING 8" WATERMAIN.
 - 6" WIDE CONCRETE CURB, VARIABLE HEIGHT
 - CONCRETE STEPS WITH 2 RISERS & HAND RAILS
 - SUBSOIL DRAIN PIPE - SEE 9/C900 CONNECT TO EXISTING STORM STRUCT. AT INV=931.6', AT UPSTREAM END OF SUBSOIL DRAIN PIPE INV=932.2'
 - 6" WIDE CONCRETE PLANTER CURB
 - RECONSTRUCT VAULT COVER TO PROVIDE COVER FLUSH WITH NEW SIDEWALK

- PLAN LEGEND**
- | | |
|-------------------------|-----------|
| EXISTING SANITARY SEWER | --- |
| EXISTING STORM SEWER | --- |
| EXISTING WATERMAIN | --- |
| NEW SANITARY SEWER | ==>==>==> |
| NEW STORM SEWER | ==>>> |
| NEW WATERMAIN | ==+== |
| NEW SUB-DRAIN | ==+==+== |
| NEW MANHOLE | ⊙ |
| NEW DRAINAGE STRUCTURE | ⊙ |
| NEW GATE VALVE | ✕ |
| CONSTRUCTION LIMITS | |
| SPOT ELEVATION | ±18.9 |
| DRAINAGE ARROW | ← |

**BROADWAY PLACE
CORNER OF
BROADWAY & MILL
WAYZATA, MN**

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.

NAME: KENNETH W. HORNS
DATE: 10/20/2018
LICENSE NUMBER: 18235

NO	DESCRIPTION	DATE
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ISSUANCE HISTORY - THIS SHEET
HGA NO: 3942-001-00

**SITE
GRADING AND
UTILITY PLAN**

DATE: 2018 . 08 . 24

**CITY
REVIEW**

C400

DEVELOPMENT AGREEMENT
(326 and 332 Broadway Avenue, Wayzata, MN)

THIS DEVELOPMENT AGREEMENT (“**Agreement**”) is made this _____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation, (the “**City**”) and Beltz Enterprises, LLC, a Minnesota limited liability company, and Broadway Place Wayzata, LLC, a Minnesota limited liability company (collectively, “**Developer**”) regarding the property located at 326 and 332 Broadway Avenue South, legally described on Exhibit A attached hereto (the “**Property**”).

Pursuant to the Section 801.33 of the City’s Code and the terms and conditions of Resolution Nos. 32-2016 and 39-2018, adopted by the Wayzata City Council (“**City Resolutions**”), copies of which are attached hereto as Exhibit B, the parties agree as follows:

1. **Planned Unit Development.** Under the City Resolutions, the City has granted Developer approval of a planned unit development to demolish two existing commercial buildings on the Property, and construct a new three-story mixed-use building on the Property (collectively, the “**Project**”), which may include retail, service commercial, and restaurant uses on the first floor and offices uses on the upper two floors, and which building shall be connected to the existing building located at 701 Lake Street East. The Project shall be developed and the Property shall be operated and used in accordance with the terms of this Agreement and the City Resolutions, the terms of which resolution are incorporated by reference in this Agreement as if fully stated herein.
2. **Definition and Amendment of Plans.** The Project shall be developed and the Property shall be operated and used in accordance with the plans and specifications which are listed on Exhibit C (collectively, the “**Plans**”). Such Plans are on file with the City and may be amended from time to time with the prior approval of the City. To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to the Plans and record the same with the appropriate Hennepin County land records for the Property.
3. **Parking.**
 - A. Pursuant to the City Resolutions and the City’s Fee-In-Lieu Parking Policy dated November 15, 2016, attached hereto as Exhibit D (such policy, as may be amended, replaced or restated is hereinafter referred to as the “**Policy**”), the Developer shall pay the City a payment of nine hundred twenty thousand and No/100 Dollars (\$920,000.00) (“**Parking Fee**”) for the ninety-two (92) off-Property parking stalls (“**Parking Stalls**”) required under the City Resolution for use by the Project. The amount of the Parking Fee is determined in accordance with the Policy. In no event shall Developer be obligated to pay the Parking Fee unless and until it receives a building permit for the Project from the City.

- B.** The City shall provide the Parking Stalls in any public parking facility within the Mobility District (as such term is defined in the Policy) on a non-designated basis such that no particular parking stall in any public parking facility will be reserved for the Project. The Developer shall have no ownership or property right in any of the Parking Stalls, except for the right to have the Parking Stalls available to satisfy Section 4.1.B of the City Resolutions, which right may not be severed from this Agreement and may not be transferred or applied to any other project or property. As a condition to the City providing the Parking Stalls, the Developer hereby agrees to fully participate in and not contest the Mobility District, the obligations thereof or property assessments imposed thereunder, with respect to the Property.
- C.** In accordance with the payment schedule attached as Exhibit E (“Payment Schedule”), the Developer shall pay the Parking Fee to the City in equal annual installments sufficient to amortize the Parking Fee over thirty (30) years calculated based on a fixed-interest rate of three and three-quarters percent (3.75%). The Developer shall make the first installment of the Parking Fee prior to the date a certificate of occupancy is issued for the building on the Property, and each annual installment thereafter shall be paid on or before January 31st of each successive year, with the entire unpaid balance of the Parking Fee and all accrued interest due and payable on January 31, 20[REDACTED]. The Developer may prepay the outstanding balance of the Parking Fee, and any interest accrued thereon, in full or in part, at any time with no penalty. Interest is computed on the actual number of days elapsed in a three hundred sixty (360) day year, but shall be charged for the actual number of days interest is unpaid. If the Parking Fee is prepaid, in part and not in full, this Agreement shall be amended to incorporate a revised Payment Schedule reflecting such prepayment.
- D.** If any installment of the Payment Fee and accrued interest thereon is paid more than ten (10) days after the stated due date, a late payment fee shall be immediately due and payable in the amount of five percent (5.00%) of the late paid installment. The foregoing late charge shall be applied individually to each overdue payment. In addition, any installment of the Payment Fee and accrued interest thereon which remains unpaid on the thirtieth (30th) day after the same is due, together with any unpaid late fees, shall accrue interest from the due date of said installment, until paid, at the annual rate of twelve percent (12%) or the maximum rate allowed by law, whichever is less. The City reserves the right to assess any unpaid installment against the Property as a special assessment. The Developer waives the right to appeal any such assessment.
- E.** If, after construction of the Project is completed but prior to a certificate of occupancy being issued therefor by the City, the actual Project uses change to require less than ninety-two (92) parking stalls, the Developer’s obligation to pay the Parking Fee shall be reduced to reflect the number of required parking spaces for the uses upon issuance of a certificate of occupancy, according to the

Policy and City Code. Any changes in use on the Property thereafter shall in no manner affect the Developer's obligation to pay the Parking Fee as provided herein, unless additional parking stalls are required as contemplated in the following section.

- F. If, after construction of the Project is completed and a certificate of occupancy is issued therefor by the City, a change in use on the Property is approved by the City which, under City Code, requires parking stalls in excess of the amount provided for herein under the Policy, this Agreement shall be amended accordingly, and the Developer shall be required to provide the additional parking stalls required under the City Code, pursuant to the Policy or otherwise.
4. **Stormwater Facilities Maintenance Agreement and Restrictive Covenant.** Developer shall have entered into a Stormwater Facilities Maintenance Agreement and Restrictive Covenant with the City in substantially the form as the attached Exhibit E, under which Developer shall have agreed to maintain, at its cost, all stormwater improvements located on or serving the Property.
 5. **Encroachment Agreement.** Before a building permit is issued for the construction of any portion of the Project, the Developer must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure for the Project to be located with the City's right of way, with such agreement acceptable in form and substance to the City Engineer.
 6. **Public Improvements.** At its sole expense, Developer shall design and construct all the improvements identified on Exhibit F ("**Public Improvements**") in accordance with the Plans on before the issuance of a certificate of occupancy for the Project by the City. The City shall have no responsibility for any costs for or related to the construction of the Public Improvements or for the cost of any other improvements for or related to the Project. Notwithstanding the foregoing, the City agrees it shall reimburse Developer for the costs of designing and construction the Mill Street sidewalk adjacent to 739, 743 and 755 Lake Street East upon completion thereof to the City's satisfaction.
 7. **Maintenance of Public Improvements.** The Developer shall repair, replace and maintain, and be liable for the cost of repairing, replacing and maintaining the Public Improvements installed by the Developer until accepted by the City as provided below. To the extent of any warranty claims or repairs or replacements of construction defects, and except as otherwise provided for in this Agreement, the City will be responsible for the repair, replacement and maintenance of and own all Public Improvements once inspected, tested, approved and accepted in writing by the City.
 8. **Private Improvements.** At its sole expense, Developer shall design and construct all the improvements identified on Exhibit G ("**Private Improvements**") in accordance with the Plans on before the issuance of a certificate of occupancy for the Project by the City. The City shall have no responsibility for any costs for or related to the construction of the

Private Improvements or for the cost of any other improvements for or related to the Project.

9. INTENTIONALLY OMITTED

10. **Warranty.** As to Public Improvements, the Developer warrants all such work required to be performed by it pursuant to this Agreement against poor material and faulty workmanship for a period of two (2) years after final completion is certified by the Developer's civil engineer. Any repairs or replacements shall be warranted for twelve (12) months from the time of construction or installation. The warranties referred to in this Section shall hereinafter be referred to, collectively, as the "**Warranties**".

11. **Security.**

- A. Prior to the issuance of any building permit for the Project, the Developer shall deposit with the City an irrevocable letter of credit or cash deposit (in either case, the "**Security**") in an amount equal to \$ [REDACTED], being 125% of the estimated construction costs for all the Public Improvements, with such costs being shown on Exhibit F. If application for a building permit for the Project is not made within six (6) months following the date of this Agreement, the City shall have the right to reasonably adjust the amount of the Security if the then current construct cost estimates for the Public Improvements have increased from the date hereof. The Security shall secure all the Developer's obligations under this Agreement.
- B. If a letter of credit is deposited for the Security, the issuer of the Security, and the form and terms of such Security, shall be subject to the prior approval of the City. The letter of credit, if applicable, shall be in force until all of the Public Improvements have been fully completed, and fully tested, inspected and accepted by the City, and all warranty periods provided for by this Agreement have expired. The letter of credit, if applicable, shall be for at least a one-year term, provided it is automatically renewable for successive one-year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the issuer notifies the City that it elects not to renew for an additional period. At least thirty (30) days prior to the expiration of any letter of credit provided hereunder, Developer shall provide the City with a replacement letter of credit, acceptable to the City, which shall extend at least one year beyond the expiration date of the letter of credit then in effect, or the City may immediately draw in full upon the letter of credit then in effect.
- C. The City may draw on the cash deposit or letter of credit, as applicable, with five (5) business days' prior written notice to Developer, if the Developer fails to complete the Public Improvements prior to the earlier of (i) the date on which the City is to issue a certificate of occupancy for the Project or (ii) [REDACTED], 20 [REDACTED]; provided, however, the City shall not draw on such letter of credit or

cash deposit, if within such notice period, Developer commences and diligently pursues to completion a cure in a manner satisfactory to the City.

- D. With prior written approval from the City, the amount of the Security may be reduced from time to time as Developer's obligations with respect to the Public Improvements are satisfied. The amount of such reduction shall equal no more than 100% of the originally estimated cost of the particular Public Improvement obligation satisfied, as shown on Exhibit F; provided however, that after any such reductions the remaining amount of the Security shall be no less than 125% of the estimated cost to complete the remaining Public Improvements, as determined by the City. Any Security on deposit with the City upon the expiration of all Warranties shall be released to the Developer upon the Developer's written request to the City.

- 12. **License.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the Property during the development, including construction, and all time thereafter until a Certificate of Occupancy is granted, to perform all work and inspections applicable thereto and contemplated under this Agreement and/or under the City Code. If the Developer fails to pay or perform its obligations under this Agreement with respect to the Public Improvements after notice and expiration of any cure period, then the City may enter the Property and pay or perform such obligations and obtain payment for the expenses therefor from the proceeds of the Security. Among other expenditures, the City may draw upon the Security to satisfy the claims of contractors or suppliers which have not been paid or satisfied by the Developer with respect to the Public Improvements.

- 13. **Responsibility for Costs.**

- A. The Developer shall hold the City and its officers, employees and agents harmless from claims made by Developer and third parties for damages sustained or costs directly incurred resulting from development of the Project, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City. Except as limited by the preceding sentence, the Developer shall indemnify the City and its officers and employees for all reasonable costs, damages or expenses which the City may pay or incur in consequence of such claims, including reasonable attorney and other reasonable consulting fees.
- B. The Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees, and for the City's performance of the Developer's obligations under this Agreement in the event that Developer fails to commence or complete such obligations on a timely basis.

- C. The Developer shall pay in full all bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on the Security to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of twelve percent (12%) per year or the maximum rate allowed by law, whichever is less.

14. Events of Default.

- A. **Events of Default Defined.** The following shall be “Events of Default” under this Agreement:

- (1) Failure by the Developer to pay when due amounts required to be paid under any provision of this Agreement.
- (2) Failure by the Developer to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed under this Agreement.

- B. **Remedies of Default.** Whenever any Event of Default occurs and the Developer fails to cure such default within (i) ten (10) days after notice of a monetary default by the City; or (ii) twenty (20) days after notice by the City of a non-monetary default or such longer period as may be reasonably necessary, provided Developer has acted promptly and pursued such cure with diligence; or (iii) in the case of an emergency, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take any one or more of the following actions:

- (1) Perform or hire a third party to perform for the account of the Developer any obligation of the Developer hereunder. The Developer shall promptly reimburse the City for any reasonable expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.
- (2) Withhold approval of any permit with respect to the Property, including building permits for the Property.

- (3) Require the Developer to discontinue work on the Property until such time as the Event of Default has been cured.
- (4) Assess against the Property any reasonable costs incurred or damages suffered by the City due to the breach of this Agreement by Developer, and the Property shall be deemed to have benefited by such amount.
- (5) Draw on any Security, or the proceeds thereof, to pay to cure the default.
- (6) Cease to provide the Parking Stalls.
- (7) Declare the entire unpaid balance of the Parking Fee due and payable, in which event the then entire unpaid balance of the Parking Fee shall be immediately due and payable.

15. **Representations.** Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) each has all requisite power and authority to execute and deliver this Agreement, and to perform all of the obligations required of Developer hereunder; and (ii) each is not required to obtain any consent or approval of any person or entity as a condition to either entering into this Agreement, or if any such required consent or approval is required, it has been obtained. Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) it is the fee owner of the Property Area; and (ii) if, as of the recording of this Agreement, any party has a mortgage lien against the Property with such lien having or purporting to have priority over this Agreement, such party has executed a Consent and Joinder by Mortgagee, in the form attached as Exhibit H attached hereto, and any such executed Consent and Joinder shall be attached to the recorded original of this Agreement.

16. **Conformance with Laws.** The Developer shall comply with the terms of this Agreement and all local, state, and federal laws and regulations applicable to the Project and Property.

17. **Miscellaneous.**

- A. This Agreement may not be terminated, amended, revoked or modified without the written consent of the then current fee owner(s) of the Project and the City, in a document which is in recordable form.
- B. All exhibits and attachments referred to herein and attached hereto shall be deemed part of the Agreement
- C. Notwithstanding anything to the contrary herein, this Agreement shall not limit the City's rights and powers under applicable law, including without limitation any rights to maintain public or City-owned property.
- D. There shall be no third party beneficiaries to this Agreement and third parties shall have no recourse against the City under this Agreement.

- E.** If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- F.** The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No building permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement, and any such permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- G.** This Agreement, including the final stall count for the Project, shall be binding on and inure to the benefit of the City and the Developer, and their respective successors and assigns. The Developer may not assign this Agreement or any of its rights hereunder, without prior written consent from the City and any such consent shall not be unreasonably withheld subject to the new owner or owners of the Property, assuming in writing, without qualification, the obligations of the Developer hereunder; notwithstanding the foregoing, Developer may assign its rights and obligations under this Agreement to a wholly owned successor of Developer without approval by the City. In the event of assignment, the City may not impose new conditions on the assignee without the consent of assignee in writing.
- H.** This Agreement and any amendments thereto shall run with the land and shall be recorded against the title to the Property at the expense of the Developer. Developer shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available. No building permits shall be issued for the Property until (i) evidence of such recording acceptable to the City has been provided by the Developer, and (ii) Developer has obtained and recorded agreements by all parties holding an interest in the Property, including but not limited to mortgage holders, agreeing to be subject to the terms and conditions of this Agreement.
- I.** After (i) the Developer has completed all of the Public Improvements required of it under this Agreement, (ii) the City has inspected, approved and accepted ownership of all Public Improvements, and (iii) all warranty periods provided for in this Agreement have expired, then, at the Developer's request, the City will execute and deliver to the Developer a Certificate of Completion in recordable form evidencing performance by Developer of its obligations hereunder with respect to the Public Improvements, subject to:

 - (1)** Any representation or warranties which may be in effect subsequent to the date of completion, and

- (2) The obligations of the Developer and the Property owner to retain the Public Improvements in the form described by the Plans referenced herein,
- (3) Any other obligations which are not specifically identified in such Certificate as having been performed.

Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate of Completion, and all warranties and representations of the Developer, shall remain the ongoing obligation of the Developer and its successors and assigns. Any owner of the Property shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate.

- J. If the Developer shall consist of more than one party (each a “**Developer Party**”), then: (i) the obligations of each Developer Party hereunder are joint and several with any other Developer Party; (ii) a release of any one (1) or more Developer Party shall not in any way be deemed a release of or limitation in favor of or for the benefit of any other Developer Party not so released; and (iii) a separate action hereunder may be brought and prosecuted against one (1) or more Developer Party.
- K. Each right, power or remedy herein conferred upon either party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient to the party having such right, power and remedy and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.
- L. The City and Developer are not intended to become partners or joint venturers and nothing herein shall be construed or applied to constitute the Owner and Developer as partners or joint venturers.
- M. Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by law, any further development or construction of new improvements and any additions or alterations to existing improvements not expressly approved under this Agreement will require additional approvals from the City, as required by City ordinances, and in full compliance with any amendments to the City’s Comprehensive Plan or Code requirements enacted after the date of this Agreement.
- N. This Agreement may be executed in counterparts, all of which executed counterparts shall together constitute a single document. Signature pages may

be detached from the counterparts and attached to a single copy of this Agreement to physically form one document.

O. This Agreement shall be governed by and construed under the laws of Minnesota. To the extent Section 500.20 of the Minnesota Statutes (2016) applies to this instrument, this Agreement creates a public covenant, condition and restriction and the parties intend for it to be perpetual, except as expressly provided herein.

P. For the benefit of doubt, the Agreement has no impact on the Development Agreement dated _____ between Beltz Enterprises, LLC and the City as relates to the property located within the City at 701 East Lake Street East.

18. Notices. Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified or registered mail at the following address:

Beltz Enterprises, LLC
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

Broadway Place Wayzata, LLC
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

With copies to:

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address:

Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

[SIGNATURE PAGE(S) ATTACHED]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

DEVELOPER:

Beltz Enterprises, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by James Beltz, the President of Beltz Enterprises, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT
FOR
326 AND 332 BROADWAY AVENUE

DEVELOPER:

Broadway Place Wayzata, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by James Beltz, the President of Broadway Place Wayzata, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT
FOR
326 AND 332 BROADWAY AVENUE

**City of Wayzata,
A Minnesota Municipal Corporation**

By: Kenneth Willcox
Its: Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

**City of Wayzata,
A Minnesota Municipal Corporation**

By: Jeffrey Dahl
Its: City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Jeffrey Dahl, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

THIS INSTRUMENT DRAFTED BY:
Best & Flanagan LLP (AEL)
60 South Sixth Street, Suite 2700
Minneapolis, MN 55402-4452
Telephone: (612) 339-7121

EXHIBIT A

Legal Description

Lots 12, 13, and 14, Block 1, Stephens Second Addition to Wayzata, Hennepin County, Minnesota.

EXHIBIT B

Council Resolution

(Attached)

RESOLUTION NO. 32-2016

RESOLUTION APPROVING PUD CONCEPT AND GENERAL PLANS, PUD REZONING, PROJECT DESIGN, HEIGHT VARIANCE, SHORELAND HEIGHT AND IMPERVIOUS SURFACE CUPs, AND PRELIMINARY AND FINAL PLAT AT 326 AND 332 BROADWAY AVE S

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

- 1.1 Project. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (collectively, the "Applicant") have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S (the "Property"). The proposed redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the "Project").
- 1.2 Application Requests. The Application includes requests for approval of:
 - A. Concurrent PUD Concept and General Plan of Development (the "PUD" or "PUD Concept and General Plans"): The Project would be built according to an approved PUD for the proposed new building on the Property with ground level retail and upper level office use. The Applicant is requesting concurrent concept and general plan review and approval.
 - B. Rezoning from C-4B to PUD/Planned Unit Development (the "Rezoning" or "Zoning Amendment"): In connection with approval of the PUD, the Property would be rezoned from the current C-4B District to the PUD District.
 - C. Design (the "Design"): The newly constructed building of the Project is subject to the Design Standards. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, that pertain to (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the "Deviations").
 - D. Variance from the Maximum Building Height Limit (the "Height Variance"): The Project requires a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.

- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The Project requires a shoreland impact plan/conditional use permit for a building in excess of 35 feet. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The Project requires a shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of approximately 96%.
- G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The Project would combine the two existing lots comprising the Property into a new single lot.
- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

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

- 1.4 Land Use. The Property is falls within the C-4B Central Business District, the Shoreland Overlay District, and the Lake Street Design District, under the Zoning Ordinance, and is guided Central Business District in the Comprehensive Plan. 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 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

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.
- 1.6 Planning Commission Action. The Planning Commission held a public hearing and reviewed the Application on July 18, 2016. At its August 1, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and 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:
 1. 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.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. 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.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open 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.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. 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.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Zoning Ordinance Amendments / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon 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 conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (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 value in the area in which it is proposed.
- F. Traffic generation by the proposed use 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.

2.3 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City

Council (after considering the Planning Commission's recommendation) makes a finding 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.

2.4 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and

- (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
 - H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.
- 2.5 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.10. Section 801.91.19 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, 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.

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.

2.6 Shoreland CUP for Impervious Surface Coverage. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit.

2.7 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, 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 found in Section 805.14.E:

- 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 filing 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.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision that are requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

3.1 PUD. The PUD Concept Plan meets the purpose and intent of the PUD Ordinance.

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD includes a mixed use building consisting of appropriate retail and unique office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District. The ground floor retail spaces and upper stories of small office spaces creates a more desirable and creative environment.

In addition, the PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance, except for the height requirement for which the Applicant has requested the Height Variance.

3.2 Zoning Ordinance Amendments / Rezoning. The Rezoning for the proposed use (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance, except those for which the Variance and CUPs have been requested.

- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are 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, as noted in the record.
- 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- 3. The positive effect of the Project on the area in which the Project is proposed.

3.4 Height Variance. The Height Variance meets the standards for granting a variance:

- A. The Height Variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
- B. The Applicant has demonstrated that there are practical difficulties in complying with the applicable building height requirement.
- C. There are practical difficulties in complying with the maximum building height requirement in that the need for the increased building height for the Project is a result of the terrain and slope of the Property.
- D. The Height Variance is requested based on the topography and elevation of the property and adjacent public streets, not based on economic factors.
- F. The Applicant is not proposing earth sheltered construction.

- E. The Height Variance is from the building height, not from the use requirements of the zoning district.

3.5 Shoreland CUP for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.6 Shoreland CUP for Impervious Surface Coverage. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.
4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.
5. The proposed structure and associated use will not have a negative impact upon surrounding property values.
6. The proposed structure and associated use will not increase traffic.
7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.7 Preliminary / Final Plat Subdivision for Lot Combination.

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pad that results from the Subdivision not impact sensitive areas on the Property.
3. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filling or grading.
4. Existing stands of significant trees will be retained where possible.
5. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance and CUPs are being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii) Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision to combine the existing two lots into a single lot, as set forth in the Application, as revised and presented on the date hereof is hereby approved, subject to the following conditions and restrictions:
 - A. The Property Owner must comply with all current and future parking requirements for the uses associated with the Project.
 - B. The City will not issue a building permit for construction of the building

on the Property as proposed until the Property Owner provides 52 parking stalls for the Project, either through a Downtown Mobility District, City parking policy, and/or a separate agreement between the Property Owner and the City of Wayzata for use of parking stalls within the Mill Street parking lot (or future parking ramp) located on the north side of the site.

- C. Final Utility, Stormwater Management, Grading, Drainage, and Erosion Plans must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. A stormwater facility maintenance agreement for maintenance of the stormwater management facilities on the Property must be executed for the Property in a form acceptable to the City Engineer.
- E. The Property Owner must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure located within the City's right of way.
- F. The final design of the sidewalks with the City's right of way must be reviewed and approved by the Director of Planning and Building, City Engineer, and Building Official for compliance with the City's engineering and design standards, State building code, and City's design for the sidewalk along the south side of Mill Street.
- G. Prior to the City issuing a building permit for the Project, the Applicant must submit evidence of a private easement or other agreement acceptable to the City Attorney for use of the trash and recycling facilities by the Project located with the existing building at 701 Lake St E.
- H. Prior to the City issuing a building permit for the Project, the Applicant must submit a construction management plan to City staff for review and approval. The construction management plan must outline locations of construction staging, construction-related parking, and employee parking. All construction-related and employee parking must be located off-site and may not be located within the Mill Street parking lot, Broadway Avenue, Lake Street, or the municipal parking lot located at Broadway Avenue and Lake Street.
- I. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- J. All expenses of the City of Wayzata, including consultant, expert, legal,

and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 6th day of September, 2016.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Anderson

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

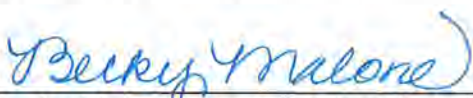
Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on September 6, 2016.



Becky Malone, Deputy City Clerk
SEAL

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 760

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO
REZONE PROPERTY AT 326 AND 332 BROADWAY AVE S TO PUD PLANNED
UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolution 32-2016 (the "Resolution"), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolution, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 20th day of September, 2016.



Ken Willcox
Mayor

ATTEST:



Jeffrey Dahl
City Manager

First Reading: September 6, 2016
Second Reading: September 20, 2016
Publication: September 29, 2016

RESOLUTION NO. 39-2018

RESOLUTION APPROVING PUD AMENDMENT, UPDATED PROJECT DESIGN, PRELIMINARY AND FINAL PLAT SUBDIVISION, AND CONDITIONAL USE PERMIT AT 326 AND 332 BROADWAY AVE S

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Previous Approvals. On September 6, 2016, the City Council adopted Resolution No. 32-2016, which approved the following items pertaining to the redevelopment of 326 and 332 Broadway Ave S (the "Property" and legally described on Attachment A):

- A. Rezoning from C-4B to PUD/Planned Unit Development (the "Rezoning" or "Zoning Amendment"): The City Council approved a rezoning of the Property from C-4B to PUD/Planned Unit Development.
- B. Concurrent PUD Concept and General Plan of Development (the "Existing PUD" or "PUD Concept and General Plans"): The City Council approved the Existing PUD which includes demolition of the two existing commercial buildings and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels.
- C. Design (the "Design"): The City Council approved the building and site design with deviations from the design standards for: (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the "Deviations").
- D. Variance from the Maximum Building Height Limit (the "Height Variance"): The City Council approved a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The approved Height Variance is 3-story, 38-foot tall building.
- E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The City Council approved the Shoreland Height CUP for a building height of 38 feet in the Shoreland Overlay District.
- F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The City Council approved the Shoreland Impervious Surface CUP for an impervious surface coverage of approximately 96%.

- G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The City Council approved the Preliminary and Final Plat Subdivision to combine the two existing lots comprising the Property into a new single lot.
- 1.2 Extension and Re-Approval of Final Plat. On September 5, 2017, the City Council adopted Resolution No. 34-2017, which approved an extension of the zoning approvals and reapproved the final plat.
- 1.3 Proposed Change to Previously Approved PUD. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (the "Applicant") have submitted a development application (the "Application") for approval of an amendment to an existing Planned Unit Development (the "Existing PUD") on Property. The proposed redevelopment involves the demolition of the two existing commercial buildings on the Property, and construction of a new three story mixed use building consisting of retail, service commercial, or restaurant uses on the first floor and office uses on the upper two floors (the "Project"). The requested amendment to the Existing PUD is to: (1) allow service commercial and restaurant uses on the first floor; (2) connect the previously approved three story mixed use building to the existing building at 701 Lake St E; and (3) allow parking to be provided by paying a fee in lieu of on-site parking. The proposed PUD Amendment would not include any other significant changes to the Existing PUD, including to the general design, size, footprint, or height of the approved PUD Concept and General Plans. The PUD Amendment will require City Council action to vacate the public alley located between the new building on the Property and the 701 Lake St E property.
- 1.4 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
- A. PUD Amendment: Amendment to the PUD Concept and General Plans for the Existing PUD to (1) allow service commercial and restaurant uses on the first floor; (2) connect the previously approved three story mixed use building to the existing building at 701 Lake St E; and (3) allow parking to be provided by paying a fee in lieu of on-site parking, as depicted in the updated plans attached to this Resolution as Attachment B (the "PUD Amendment").
- B. Design Review: Updated design of the Project as depicted in the updated plans and the Design Critique attached to this Resolution as Attachment C (the "Updated Project Design").
- C. Preliminary and Final Plat Subdivision: The Project would combine the two existing lots comprising the Property and the alley located between the Property and the 701 Lake St E property into a new single lot (the

"Preliminary and Final Plat" or "Subdivision").

- D. Conditional Use Permit for Joint Parking Facilities: The zoning ordinance requires a conditional use permit for joint parking facilities, where the required off-street parking facilities for one or more uses is provided on one or more sites and the total number of spaces provided are less than the sum of the total required for each use. The applicant has requested a conditional use permit for joint parking facilities (the "Joint Parking Facilities CUP")
- E. Conditional Use Permit: The City Council adopted Resolution No. 47-2016 on November 15, 2016 which adopted a Fee in Lieu of Parking Policy (the "FILOP Policy"). The FILOP Policy states that any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid to the City; and (2) a conditional use permit is approved by the City. The Applicant is requesting a Conditional Use Permit under the FILOP Policy (the "Parking CUP").

- 1.5 Property. The address, property identification numbers and owners of the Property involved in the Project are:

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

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

Current zoning:	PUD District
Comp Plan designation:	Central Business District
Overlay districts:	Shoreland
Design district	Lake Street District

- 1.7 Notice and Public Hearing. Notice of a public hearing on the PUD Amendment and Design Review components of the Application was published in the *Wayzata Sun Sailor* on June 7, 2018, and mailed to all property owners located within 350 feet of the Property on June 6, 2018. The required public hearing was held at the June 18, 2018 Planning Commission meeting.

Notice of a public hearing on the Preliminary and Final Plat Subdivision and Conditional Use Permit components of the Application was published in the *Wayzata Sun Sailor* on July 19, 2018, and mailed to all property owners located within 350 feet of the Property on July 19, 2018. The required public hearing was held at the July 30, 2018 Planning Commission meeting.

- 1.8 Planning Commission Action. The Planning Commission adopted a Report and Recommendation of approval of the PUD Amendment and Updated Project Design on July 16, 2018, based on the findings in the Report.

The Planning Commission adopted a Report and Recommendation of approval of the Preliminary and Final Plat Subdivision and Conditional Use Permit on July 30, 2018, based on the findings in the Report.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.
- B. Intent and 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:
 - 1. 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.
 - 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. More convenience in location and design of development and service facilities.
 - 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 - 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. 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.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open 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.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the

continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. 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.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the

building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Design Standards.

- A. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" ("Attachment C").
- B. Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding 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.

2.3 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

In reviewing such requests, 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 found in Section 805.14.E:

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
- B. 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.
- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

- I. 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.
 - J. The proposed lot layout and building pads shall conform with all performance standards contained herein.
 - K. 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.
 - L. 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.
- 2.4 FILOP Policy: The FILOP Policy states that any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid to the City; and (2) a conditional use permit is approved by the City based upon the requirements of Section 801.04 of the City Code and the following additional criteria:
- A. The Project is located within the "Mobility District" as established by City Council.
 - B. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
 - C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
- 2.5 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.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (i) PUD Amendment; (ii) Updated Project Design; (iii) Preliminary and Final Plat Subdivision; (iv) Joint Parking Facilities CUP; and (v) Parking CUP requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, Applicant's additional submittals, staff reports, public comments presented at the public hearing, and the Report and Recommendation of the Planning Commission):

3.1 PUD. The PUD Amendment meets the purpose and intent of the PUD Ordinance.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance as previously stated for the Existing PUD:
 - 1. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 2. The PUD includes a mixed use building consisting of appropriate retail, service commercial, restaurant, and office uses. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - 3. The PUD creates a more desirable and creative environment than would be possible under the existing C-4B Central Business District zoning district. The street level retail, service commercial, and restaurant uses and upper stories of office uses creates a more desirable and creative environment.

- B. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Report, which would continue to be met as with the Existing PUD. The PUD Amendment would allow for certain desirable efficiencies in design and layout by connecting to the existing building on the site. The PUD Amendment would not include any other changes (except as noted in the Report) to the previously approved and Existing PUD, including to other aspects of the design, size, footprint, or height of the approved building and PUD plans.
- 3.2 Project Design. The Project meets the applicable provisions of the Design Standards as outlined in the Design Critique. Any negative impacts of the Deviations previously approved for the Project continue to be outweighed by one or more of the following factors:
- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
 - B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
 - C. The positive effect of the Project on the area in which the Project is proposed.
- 3.3 Subdivision / Preliminary and Final Plat. The Preliminary and Final Plat Subdivision meets the standards of the City's Subdivision Ordinance, Ch. 805 of City Code:
- A. The Subdivision is consistent with the Wayzata Comprehensive Plan.
 - B. The building pad that results from the Subdivision not impact sensitive areas on the Property.
 - C. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filling or grading.
 - D. There are no significant trees on the Property. Therefore, the Project would not adversely impact existing stands of significant trees.
 - E. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.
 - F. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

- G. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
- H. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in downtown and in the immediate area.
- I. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood. The design of the Project is similar to the existing building at 701 Lake St E.
- J. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.
- K. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance.
- L. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
- M. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 FILOP Policy. The Project meets the standards in the FILOP Policy:

- A. The Project is located within the Mobility District as established by the City Council.
- B. The Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District. The Project would increase the street vitality along Mill Street and Broadway Ave by providing retail, service commercial, or restaurant uses at street level, and would provide an improved building design that complements other buildings in downtown.
- C. The Mill Street parking ramp added approximately 200 additional parking stalls immediately adjacent to the Property. The parking stalls required by the City Code for the Project can be accommodated by these additional parking stalls.

3.5 Conditional Use Permit. The Project meets the conditional use permit standards of City Code Section 801.04.2.F:

- A. The Project is compatible with the specific policies and provisions of the official City Comprehensive Plan.
- B. The Project is compatible with present and future uses of the area.
- C. The Project conforms with all performance standards contained in the Zoning Ordinance.
- D. The Project would not have a negative effect upon the surrounding area.
- E. The Project would not have a negative impact upon surrounding property values.
- F. Traffic generated by the Project can be accommodated within the existing transportation system and street network.
- G. The Project would not impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in Section 3 of this Resolution, the (i) PUD Amendment; (ii) Updated Project Design; (iii) Preliminary and Final Plat Subdivision; (iv) Joint Parking Facilities CUP; and (v) Parking CUP are **APPROVED**, subject to the following conditions and restrictions:
- A. Before the City issues a building permit for the Project, the Applicant must submit the final civil engineering plans, including site plan, utility plan, stormwater management plan, and grading, drainage, and erosion control plans for review and approval by the City Engineer.
 - B. Before the City issues a building permit for the Project, the Applicant must submit the final landscape plans for review and approval by the City Forester.
 - C. The Applicant must enter into a Development Agreement with the City, in a form acceptable to the City Attorney, which covers construction within the City's right of way and the public improvements constructed as part of the Project.
 - D. The Applicant must pay the fee in lieu of parking for the number of parking stalls required by the Zoning Ordinance for the Project, and must enter into an agreement with the City that meets the requirements of the FILOP Policy. The agreement must also state that the Applicant must comply with all current and future parking

requirements for uses associated with the Project, and any change in use for which the Zoning Ordinance requires additional parking will require an amendment to the agreement.

- E. The Applicant must enter into a stormwater maintenance agreement with the City that meets with the approval of the City Engineer, covering the design, installation, maintenance, and inspection of all stormwater management systems approved as part of the Application, which must be recorded against the Property.
- F. The Applicant must enter into an encroachment agreement with the City for any private improvements located within the City's right of way.
- G. The final design of the sidewalks and streetscaping within the City's right of way of Broadway Ave and Mill St must be reviewed and approved by the Director of Planning and Building, City Engineer, and Building Official for compliance with the City's engineering and design standards, State building code, design standards, and City's design for the sidewalk along the south side of Mill Street. The sidewalk along Broadway must be 12 feet in width and located at the back of the existing curb, and the additional right of way between the sidewalk and the building face must be appropriately landscaped. In addition, the plans must include exterior lighting and wayfinding improvements at the entrance to the pedestrian walkway to Lake St in the 701 Lake St E building.
- H. The Applicant must submit evidence of a private easement or other agreement acceptable to the City Attorney for use of the trash and recycling facilities by the Project located with the existing building at 701 Lake St E.
- I. The Applicant must secure the vacation of existing alley right of way adjacent to the Property and must agree in the Development Agreement referenced above to grant such right of way back to the City if the Project is not completed within 24 months of the effective date of approval of the PUD Amendment.
- J. The Applicant must submit a construction management plan to City staff for review and approval. The construction management plan must outline locations of construction staging, construction-related parking, and employee parking. All construction-related and employee parking must be located off-site and may not be located within the Mill Street parking ramp, Mill Street parking lot, Broadway Avenue, Lake Street, or the municipal parking lot located at Broadway Avenue and Lake Street.

- K. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- L. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 31st day of July, 2018.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: McCarthy

Voted in favor of: Koch, McCarthy, Plechash, Tyacke, Willcox

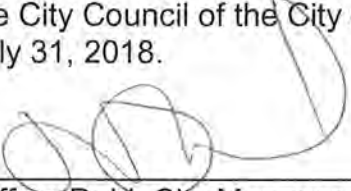
Voted against: None

Abstained: None

Absent: None

Resolution: Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 31, 2018.



Jeffrey Dahl, City Manager and Clerk

SEAL

Attachment A
Legal Description of Property

Lots 12, 13, 14, Block 1, Stephens' Second Addition to Wayzata.

And

That part of the alley as dedicated in Block 1, "Stephens' Second Addition to Wayzata" abutting Lots 11, 12, 13, 14 and 17, said Block 1 and lying between the northeasterly line of said block and the southeasterly extension of the southerly line of said Lot 14.

Attachment B
PUD Amendment Plans

EXHIBIT C

List of Plans

1. Architectural Renderings prepared by Shea and dated May 18, 2018
2. First Floor Plan prepared by Shea and dated May 17, 2018
3. Second Floor Plan prepared by Shea and dated May 17, 2018
4. Third Floor Plan prepared by Shea and dated May 17, 2018
5. Exterior Elevations prepared by Shea and dated May 18, 2018
6. Preliminary Plat prepared by Sathre-Bergquist and dated August 29, 2016 and revised July 10, 2018
7. Site Layout Plan prepared by HGA and dated August 24, 2018
8. Site Plan prepared by HGA and dated August 24, 2018
9. Site Grading and Utility Plan prepared by HGA and dated August 24, 2018

EXHIBIT D

Fee-In-Lieu of Parking Policy

(Attached)

CITY OF WAYZATA

RESOLUTION NO. 47-2016

RESOLUTION ADOPTING FEE IN LIEU OF PARKING POLICY AND SETTING FEE

WHEREAS, the City recognizes the need for additional parking and parking-related services, and making both on and off street parking improvements, in the downtown area; and

WHEREAS, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A, and the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"); and

WHEREAS, the City has amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces; and

WHEREAS, the City wishes to further provide greater flexibility, via a uniform policy, to developers and property owners proposing projects in the downtown area that would not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the Fee In Lieu of Parking Policy attached to this Resolution ("FILOP Policy") is hereby adopted.

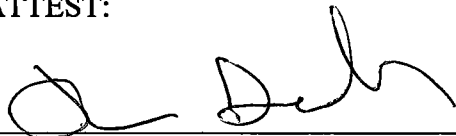
BE IT FURTHER RESOVLED, that based on the analysis and information presented by the City Manager at City Council workshops and meetings, the fee referenced in the FILOP Policy shall be ten thousand dollars (\$10,000) per parking space.

Adopted by the Wayzata City Council this 15th day of November, 2016.



Ken Willcox, Mayor

ATTEST:



Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption: Tyacke

Seconded by: Mullin

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution: Adopted

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on November 15, 2016.



Becky Malone, Deputy City Clerk

ATTACHMENT:

Fee In Lieu of Parking Policy ("FILOP Policy")

000043/203879/2490078_1

CITY OF WAYZATA

November 15, 2016

FEE-IN-LIEU OF PARKING POLICY

Background and Purpose

To address the need for additional parking and parking-related services, and make both on and off street parking improvements in the downtown area, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"), and the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A. The City has also amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces.

The purpose of this policy is to provide greater flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

Paying a fee in lieu of parking under this policy would not sell spaces or grant exclusive rights to parking spaces in the Mill Street Ramp or other parking facilities in the Mobility District, but would allow uses on property in the Mobility District that would otherwise fail to meet the City's parking requirements.

Criteria for Considering a Fee in Lieu of Parking

If warranted by the standards outlined in this policy, the City Council may, but shall not be required to, grant approval of a reduction in the number of parking spaces actually constructed at the time of site development or occupancy of a building under the following criteria:

A. Eligible Properties and Projects. Any new use on a property (a "Project") that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in Section B of this policy; and (2) a conditional use permit is approved based upon the requirements of Section 801.04 of the City Code and the following additional criteria:

1. The Project is located within the "Mobility District" as established by City Council.
2. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
3. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.

For purposes of this policy, "available capacity" shall be the number of parking spaces available for use by applicants for new fee-in-lieu of parking conditional use permits. This number shall be determined by the City Council based on an analysis of the use of the City's parking facilities. The City's "parking facilities" shall be the Mill Street Ramp and any other public parking facility in the Mobility District.

B. Fee. The amount of the fee-in-lieu of parking paid under this policy shall be established by a resolution of the City Council, based on its projection and/or calculation of the costs of constructing the parking facilities, improvements identified in the Downtown District CIP, and the value to applicants of satisfying the City's minimum parking requirements. The fee may be paid in full as a one-time payment, or over a period of time in the manner of an assessment, with a term of twenty (20) years for projects paying fees for twenty-five (25) or less parking spaces, and thirty (30) years for projects paying fees for more than twenty-five (25) parking spaces, and set to an interest rate equivalent to the Federal Prime Rate. .

C. Development Agreement. As a condition of approval of a conditional use permit issued pursuant to this policy, the applicant must enter into a development agreement with the City that includes an agreement to fully participate in and not contest the Mobility District and obligations thereof, and to pay the fee-in-lieu of parking. The development agreement shall be executed no later than the date on which a building permit for the Project is issued (or if no building permit is required, the date on which a certificate of occupancy is issued) and also include an agreement by the owner of the property for which the conditional use permit is issued authorizing the City to assess any unpaid fee-in-lieu of parking against the property as a special assessment and include a waiver of any right to object or appeal said assessment. The obligation to pay the fee-in-lieu of parking shall run with the property, and the development agreement shall be recorded against the property.

D. Expiration. A conditional use permit issued pursuant to this policy shall expire 12 months after being granted unless a development agreement (or amendment thereto) containing a fee-in-lieu of parking provision as described in subsection (C) above is executed by the permit holder.

E. Previous Obligations to Pay for Future Parking. Obligations in development agreements with the City, and conditions in previously granted land use approvals, that were agreed to or imposed prior to the adoption of this policy, that require a financial contribution to future City parking facilities to make up for parking shortfalls in Projects, may be satisfied upon (i) payment of the fee specified in Section B of this policy, and (ii) an amendment to the applicable development agreement as required by this policy.

EXHIBIT E

Stormwater Facilities Maintenance Agreement and Restrictive Covenant

**STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT**

This Stormwater Facilities Maintenance Agreement and Restrictive Covenant (this “Agreement”) is made this _____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation (the “City”), and Beltz Enterprises, LLC, a Minnesota limited liability company, and Broadway Place Wayzata, LLC, a Minnesota limited liability company (collectively, “Owner”).

R E C I T A L S

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Wayzata, Minnesota, legally described in **Exhibit A** (hereinafter the “Property”), which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner’s proposed development of the Property, the City has required and the Owner has agreed to construct a stormwater collection and drainage system; and

WHEREAS, the stormwater collection and drainage system is described and shown on the stormwater drainage plan prepared by the engineering firm Civil Engineering Site Design (hereinafter the “Drainage System Drawing”), for the Owner’s Property, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City’s development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

T E R M S

1. Construction and Maintenance. Owner agrees to construct and maintain a stormwater collection and drainage system on its Property, as shown on the Drainage System Drawing, **Exhibit B**. The drainage system shall be maintained and preserved by the Owner until such time as the Owner and the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

3. Access. The City shall have the right to ingress and egress over those portions of the Property described or depicted on **Exhibit B** in order to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

4. Reporting. The Property Owner shall be responsible for inspecting and maintaining the stormwater treatment and conveyance system, at minimum as follows:

- a. Gardens. Visually inspected annually for areas of compressed dirt. Areas of compressed dirt will be tilled.
- b. Lawn Areas. Visually inspected annually for areas of bare compressed dirt. Areas of bare compressed dirt will be aerated, raked and seeded.
- c. Parking Surface. Visually inspected annually for compressed areas that do not allow drainage. Compressed areas will be tilled until loose.
- d. Areas on plan designated as Bio-Swales (vegetated areas with a purpose of filtering and slowing surface water). Visually inspected yearly for full vegetation and continuous surface flow. Bare areas will be planted and areas of ponding will be regarded to establish surface flow.
- e. Areas on plan designated as “rain garden” (an area fully planted where water will sometimes stand and slowly filter through the earth below). Visually inspected annually for plantings, tested every five years for filtration. Bare areas will be planted with plantings designated on landscape plan. If properly working, silt will build up in the rain gardens reducing their effectiveness. If filtration testing indicates 12“ of standing water remains within the rain garden after 7 days, the rain garden will be excavated and restored to its original configuration. Standing water for test may be from natural stormwater during a rain event.
- f. Stormwater Structures. The grading plan indicates slot drains and drain tile at parking areas. Tested every 5 years for free flow of drain tile via introducing water at the high point and visually confirming outflow at the low point. Lack of flow will require investigation and removal of blockage

The Property Owner shall be responsible for providing a letter to the City Engineer, by September 1st of each year, stating that inspection and maintenance have been completed.

5. Repairs, Failure of Owner to Maintain. If at any time the City Engineer does not receive this inspection and maintenance report and the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 15 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 15 day period will be waived and maintenance and/or repair work will begin immediately.

6. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City within 30 days after the City mails an invoice to the Owner for any work performed by the City. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

7. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

8. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

9. Minnehaha Creek Watershed District Permit. The Owner has applied for a permit from the Minnehaha Creek Watershed District ("MCWD") pursuant to MCWD Rule N. The Owner agrees that any violation of the inspection and/or maintenance provisions of this Agreement will be a violation of the MCWD permit for the Property for which MCWD may take action against the Owner.

10. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

11. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage

prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:
City of Wayzata
Attn: City Engineer
600 Rice Street East
Wayzata, MN 55391

To the Owner:
Beltz Enterprises
Attn: James Beltz
447 Peavey Road
Wayzata, MN 55391

12. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

13. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

14. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

15. Modification. This Agreement may be terminated, amended or modified only by recording with the either the Office of the County Recorder or the Office of the Registrar of Titles, as the case may be, for Hennepin County, Minnesota, a document executed by the parties (or their respective successors and assigns) representing their unanimous consent to such amendment or modification. This consent may require City Council action.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have caused this Maintenance Agreement and Covenant to be executed this ____ day of _____, 2018.

BELTZ ENTERPRISES, LLC,
a Minnesota limited liability company

By: _____
James Beltz
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by James Beltz, President of Beltz Enterprises, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

By: _____

Notary Public, State of Minnesota
My Commission Expires _____

BROADWAY PLACE WAYZATA, LLC,
a Minnesota limited liability company

By: _____
James Beltz
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by James Beltz, President of Broadway Place Wayzata, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

By: _____

Notary Public, State of Minnesota
My Commission Expires _____

[Signature Page to Stormwater Facilities Maintenance Agreement]

CITY OF WAYZATA

A Minnesota municipal corporation

By: _____

Kenneth Willcox

Its: Mayor

By: _____

Jeffrey Dahl

Its: City Manager

STATE OF MINNESOTA)
) ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

My Commission Expires _____

STATE OF MINNESOTA)
) ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Jeffrey Dahl, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

My Commission Expires _____

[Signature Page to Stormwater Facilities Maintenance Agreement]

EXHIBIT A
TO
STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT
Legal Description of Property

Lots 12, 13, and 14, Block 1, Stephens Second Addition to Wayzata, Hennepin County, Minnesota.

**EXHIBIT B
TO
STORMWATER FACILITIES MAINTENANCE AGREEMENT
AND
RESTRICTIVE COVENANT**

[See Attached]

EXHIBIT F

Public Improvements

The Public Improvements are as follows:

- 1) Demolition of existing sidewalk along Mill Street from Broadway Avenue South to the northeast corner of the alley (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER]).
- 2) Construction of a public sidewalk along Broadway Avenue South adjacent to the Property in accordance with the Plans. (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER]).
- 3) Construction of public sidewalk, lighting, and landscaping along the north and south side of Mill Street from Broadway Avenue South to the northeast corner of the alley in accordance with the Plans. (estimated cost \$ _____ [TO BE PROVIDED BY CITY]).
- 4) Reconstruction of the bituminous parking area within the Mill Street right-of-way as shown on the Plans. (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER]).
- 5) Construction of a public sidewalk along Mill Street South adjacent to 701 Lake Street E in accordance with the Plans. (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER]).
- 6) Construction of a public sidewalk along Mill Street South adjacent to 739, 747 and 755 Lake Street E in accordance with the Plans. (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER]). The City will reimburse Developer for the costs associated with this improvement.

EXHIBIT G

Private Improvements

- 1) Design, construction and installation of landscaping features along Mill Street and Broadway Avenue South in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).
- 2) Design, construction and installation of Mill Street sidewalk cafe in accordance with the Plans (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).

EXHIBIT H

Form of Consent and Joinder by Mortgagee

(Attached)

CONSENT AND JOINDER BY MORTGAGEE

_____ (the "Mortgagee"), is a mortgagee of all or a portion of the Property (as defined in the attached Development Agreement (the "Agreement")) under a Mortgage recorded in the real estate records for Hennepin County, Minnesota, as Document No. _____ (the Mortgage"). Mortgagee hereby consents to and joins in the Agreement and agrees that, from and after any foreclosure of the lien of the Mortgage, the Agreement shall continue in full force and effect and be binding on any then and future fee owner of the Property; provided that, prior to any such foreclosure, the Mortgage shall be and remain a lien on the Property until released or satisfied.

IN WITNESS WHEREOF, Mortgagee has caused this Consent and Joinder to be executed on the _____ day of _____, 201_.

By: _____

Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

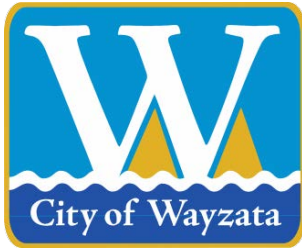
This instrument was acknowledged before me on _____, 201_, by _____, the _____ of _____, a _____, on behalf of said _____.

Notary Public

THIS DOCUMENT WAS DRAFTED BY:

Best & Flanagan LLP (AEL)
60 South Sixth Street, Suite 2700
Minneapolis, MN 55402-4452
Telephone: (612) 339-7121

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City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8b
TITLE: Consider Resolution No. 53-2018 Approving PUD General Plan, Design Review, Variance, and Shoreland Impact Plan/Conditional Use Permit and Ordinance No. 785 for Hughes Redevelopment at 235 and 239 Lake Street East	
PROPOSED MOTION: To Adopt Resolution No. 53-2018 and First Reading of Ordinance 785	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends that the City Council adopt the resolution approving the development application, as recommended by the Planning Commission.

FINANCIAL OR BUDGET CONSIDERATION:

Similar to Wayzata Blue and what has been considered for 253 Lake Street, the developer will have to pay park dedication fees once the fee in the ordinance is updated later this year.

BACKGROUND:

Application Overview

The applicant, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, have submitted a development application to redevelop the properties at 235 and 239 Lake Street East. The applicant is proposing to demolish the existing office building and construct a three story, 37,879 square foot office building. The development application is the second phase for the PUD rezoning, and requests approval of the PUD general plan, design review, building height variance, and a conditional use permit/shoreland impact plan for the building height.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on August 20, 2018. After discussing the application, the Planning Commission voted six in favor and zero to adopt a report and recommendation of approval of the development application.

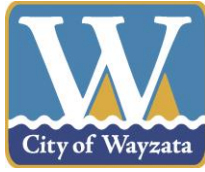
Updated Parking Plans

Since the Planning Commission meeting, the applicant has submitted an updated plan for the public/shared parking lot. The proposed plan provides a total of 186 parking stalls, which accommodates 74 stalls required for the Hughes project, 85 stalls for the Boatworks easements, and 27 stalls of permanent public parking.

ATTACHMENTS:

1. October 2, 2018 staff report
2. Applicant's narrative

3. PUD general plans
4. Design review critique
5. Approved PUD concept plans
6. Concept parking plan prepared by City
7. August 20, 2018 Planning Commission meeting minutes
8. Draft Resolution No. 53-2018
9. Planning Commission Report and Recommendation
10. Draft Ordinance 785



**Staff Report
October 2, 2018**

Project Name: 235 Lake St E
Applicant: Pat Hughes & Tom Dillon
Property Owner Melvin's 235, LLC
Addresses of Request: 235 and 239 Lake St E
Prepared by: Jeff Thomson, Director of Planning and Building
"60 Day" Deadline: October 31, 2018 (120 day extension)

Development Application

Introduction

The applicant, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, have submitted a development application to redevelop the properties at 235 and 239 Lake Street East. The applicant is proposing to demolish the existing office building and construct a three story, 37,821 square foot office building. The development application is the second phase for the PUD rezoning, and requests approval of the PUD general plan, design review, building height variance, and a conditional use permit/shoreland impact plan for the building height.

Background Information

Over the past year, the City has been considering redevelopment plans on Lake Street between Manitoba Ave and Ferndale Rd. The redevelopment plans include potential public parking that could be provided behind the buildings on the northwest corner of Lake Street and Barry Ave. This parking would serve the proposed development, the existing easement with the Boatworks property, and provide additional public parking for the downtown area. As each of the individual development projects has been reviewed by the City, the land behind 235, 239, 253 and 275 Lake Street has been reserved for a public parking option.

On February 20, 2018 the City Council approved the rezoning of the subject property from C-4A/Limited Central Business District to PUD/Planned Unit Development along with the PUD concept plan. The current application is similar to the approved concept plan, with the following modifications:

- The access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East.
- The building has been increased in size from 35,181 to 37,821 square feet.
- The plans include a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the 35-foot height requirement.

Application Requests

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

- A. PUD General Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The City Council approved the PUD concept plan of development in February 2018. The applicant is now requesting approval of the PUD general plan of development. (City Code Section 801.33.6)
- B. Design Review: Construction of a new commercial building requires design review. (City Code Section 801.09.1.5)
- C. Height Variance: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 39.7 feet in height, which requires a variance.
- D. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.

Property Information

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

Address	PID	Owner
235 Lake St E	06-117-22-23-0010	Melvin's 235, LLC
235 Lake St E	06-117-22-23-0007	Melvin's 235, LLC
235 Lake St E	06-117-22-32-0003	Melvin's 235, LLC
239 Lake St E	06-117-22-23-0014	Melvin's 235, LLC

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

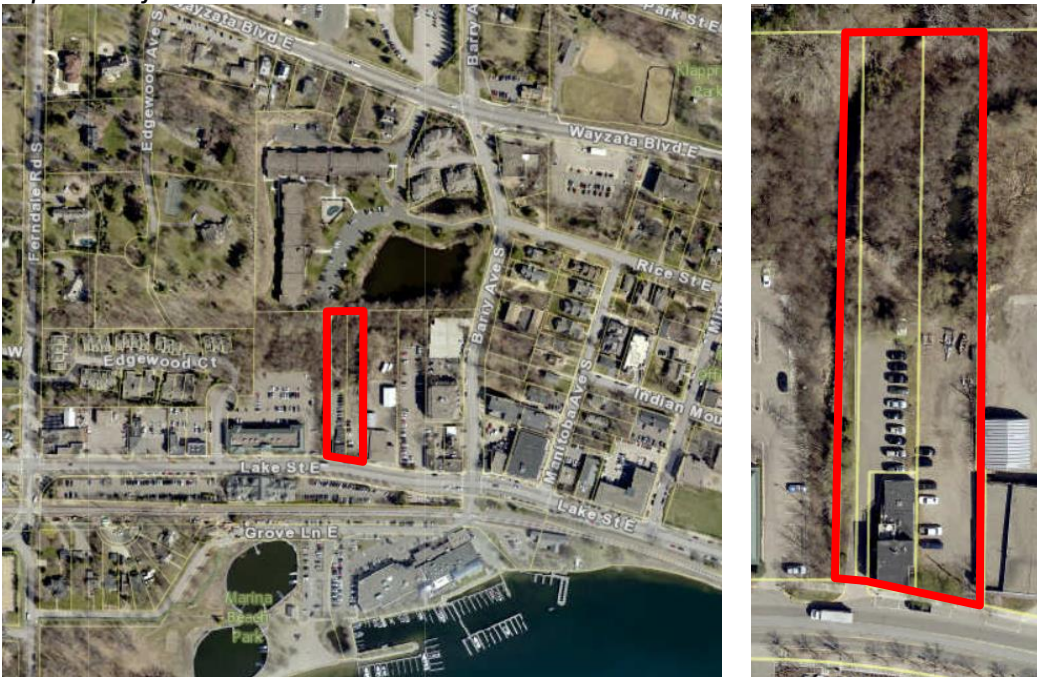
Current zoning:	PUD/Planned Unit Development District
Comp Plan designation:	Central Business District

Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District
--------------------	--

Project Location

The property is located on the north side of Lake Street, between Barry Avenue and Edgewood Court:

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	Wayzata Villa Condominiums	R-5/Average Density Multiple Residential District	High Density Multiple Family
East	Ventana Condos development site	PUD/Planned Unit Development	Central Business District
South	Lake Street	N/A	N/A
	TCF Office Building	PUD/Planned Unit Development	Central Business District
West	Coldwell Banker Burnet Building	C-4A/Limited Central Business District	Central Business District

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on August 9, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 7, 2018.

Project Overview

The development application includes demolition of the existing office building and construction of a new three-story, 37,821 square foot office building. The off-street parking for the building would be provided by underground parking stalls within the building and a shared surface parking lot on the back of the property. The parking lot would utilize the land given to the City as part of the 253 Lake St E project. Access to the shared parking lot would be provided from Lake St by a new two-way drive aisle on the east side of the site.

Planned Unit Development Process

The planned unit development zoning district is unique compared to a standard zoning district in that the development plans that are submitted with an application and approved by the City Council, are the regulating documents for the zoning of the property. Any future changes to the development must be consistent with the approved plans, or the property owner must apply to amend the PUD.

There is a two phase review of a PUD request. The first phase of PUD review is the concept plans, which provides an overview of the development and a general schematic design of the project, but does not include detailed engineering and architectural design of the buildings and site improvements. The intent of the concept plan is to review the general project characteristics such as consistency with the Comprehensive Plan, consistency with the purpose and intent of the PUD district, and compliance with the general standards outlined in the PUD zoning district. The second phase of a PUD review is the general plan, which is a more detailed review of the site and building design.

In this case, the PUD concept plan was approved on February 20, 2018 and the applicants are now requesting approval of the general plan. The City's previous approval of the rezoning and PUD concept plan does not bind the City to subsequent approval of the general plans.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the PUD concept plan, and provides the following analysis and information:

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.

Design Review

The project is subject to the design standards for the Lake Street district. A design review critique of the proposed plans is attached to this report. The proposed project does not meet one of the design standards, and the proposal requires the following design deviation:

- Exterior Building Materials: The design standards state that at least 90% of the non-glass surfaces of each elevation must be composed of brick, stone, cast stone, wood, or stucco. The proposed plans meet the material requirements for the south/Lake Street and east elevations, but the use and amount of fiber cement board on the west and north sides of the building exceeds 10% and requires a design deviation.

Zoning

The property is currently zoned PUD/Planned Unit Development and is located within the shoreland and wetland overlay districts. The following table outlines the zoning standards for the PUD and shoreland overlay districts:

	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height (max.)	3 stories and 35 feet, whichever is less	35 feet	3 stories 39.7 feet
Floor Area Ratio (max.)	None	None	0.92
Impervious Surface (max.)	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	TBD (Final impervious surface coverage is dependent on design of public parking area)
Property Line Setbacks (min.)	None	None	North: 250+ ft. East: 28.5 ft. South: 0 ft. West 10 ft.
Lot Requirements (min.)	None	Same as underlying zoning district	54,909 sq ft

Building Height

Per the zoning ordinance, the building height is measured from the average grade along the building footprint to the top of the parapet/coping of a flat roof. The proposed building would be three stories with an overall height of 39.7 feet, as measured from grade to the top of the parapet/coping. The proposed building also includes a basement level for underground parking, which would extend 6 feet above average grade level because of the high water table on the site. The zoning ordinance states that a basement level can extend up to 6 feet above grade before it is considered an additional story. Therefore, as defined by the zoning ordinance, the proposed building is 3 stories with a basement level.

Section 801.33.2 A. of the zoning ordinance stipulates the maximum height in the PUD district is 35 feet or 3 stories, whichever is less, and Section 801.91.10 of the zoning ordinance stipulates structure height in the Shoreland overlay district as follows:

The minimum building structure height for either lake classification shall follow the Individual district requirements of the base zoning districts but shall not exceed 35 feet. Building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit as regulated under Section 801.91.19 of this Ordinance.

Therefore the proposed building height of 39.7 requires a variance and a conditional use permit/shoreland impact plan.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. For an office development, the parking ordinance requires a minimum of 3 spaces for each 1,000 sq. ft. of floor area. The proposed building consists of 37,821 sq. ft. of gross floor area (subtracting the parking level), which requires 102 parking spaces. The proposed building includes 29 enclosed parking spaces within the underground garage, the balance of the parking would be provided in the surface parking lot to the north of the building, which is shared with the public parking behind the building.

The proposed plans include a conceptual layout for the shared public parking area behind the building. The proposed plan provides a total of 186 parking stalls, which accommodates 74 stalls required for the Hughes project, 85 stalls for the Boatworks easements, and 27 stalls of permanent public parking. Bicycle parking is provided at the rear entrance of the building, adjacent to the parking lot.

Site Access and Circulation

The proposed PUD general development plan shows a 24' wide two-way access drive from Lake St to the shared parking area (with 253 Lake St. E) at the rear of the building. Access to the underground parking garage would be provided at the north end of the building from the shared parking area. As part of the project, the applicant is proposing a pedestrian access along the west side of the property which would connect Lake Street to a side entrance to the building.

Subdivision

The proposed plans do not include a preliminary and final plat to combine the parcels and subdivide into the parcel for the development and the public parking. The applicant would be required to submit a future development application for the preliminary and final plat subdivision.

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
PUD General Plans
Design Review Critique
Approved PUD Concept Plans
Concept Parking Plan prepared by City

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.

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.

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.

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

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

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.

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.

**GENERAL PLAN APPLICATION
235/239 LAKE STREET EAST, WAYZATA
Melvin's 235, LLC, Applicant**

July 3, 2018

NARRATIVE SUMMARY

Introduction:

The 235/239 Lake Street East property is planned to be developed into a three story multi-tenant office building. The current property consists of four tax parcels which will be combined into a single tax parcel for the development. The new office building is currently designed to contain 37,879 of gross leasable square feet of area. The building will contain approximately 28 lower level parking stalls as well as surface parking for tenants and/or visitors located on the north side of the property. We are requesting General Plan and Design Review approval by the City of Wayzata.

The 235/239 Lake Street East development is intended to serve the local multi-tenant office market. The property owner Melvin's 235, LLC is expected to lease a portion of the building for their own company use and offices. The balance of the office space will be leased to local general office space users.

The 235/239 Development team currently includes:

Developer/Owner
Melvin's 235, LLC – Pat Hughes Principal
235 Lake Street East
Wayzata, MN 55391

Project Manager
McSharry Real Estate, LLC – Tom Dillon
229 Minnetonka Avenue South, #52
Wayzata, MN 55391

Project Architect
Momentum Design Group – Craig Hartman
765 North Hampden Avenue, #180
St. Paul, MN 55114

Project Surveyor
Sathre-Bergquist, Inc. – Dave Pemberton
150 Broadway Avenue South
Wayzata, MN 55391

Civil Engineer
Rehder and Associates, Inc.
3440 Federal Drive, Suite #110
Eagan, MN. 55122

Application Request:

The 235 Lake Street General Plan application includes the following requests for approval:

- 1) Rezoning property from C-4A to Planned Unit Development (PUD), to allow for the development of a three story multi-tenant office building
- 2) Planned Unit Development (PUD) approval, to allow for the development of a three story multi-tenant office building
- 3) Variance from maximum building height from 35 feet to 39 feet 6 inches, due to the high level of ground water present on this site, will not allow for building the parking garage completely below grade
- 4) Shoreland Impact Plan/Conditional Use Permit (CUP) for height variance from 35 feet to 39 feet 6 inches, due to the high level of ground water present on this site, will not allow for building the parking garage completely below grade

Present Site Status:

The property has been owned by Melvin's 235, LLC for the past 13 years. There currently exists one two story office building on the property which was built in 1953. The property is currently zoned C-4A and we are requesting a PUD rezoning. An existing zoning summary of neighboring properties within 350-foot radius of 235/239 Lake Street East has been requested of the City of Wayzata.

Site Conditions:

The site is a flat site with a low-quality wetland located on the northern edge of the property. There are no other buildings, structures, significant trees or significant landscaping located on the site. Soil conditions are expected to be structurally unsuitable to support a new building and will need driven piles for foundation support. Ground water is expected to be found very near the surface of the site. Required utilities for the new office building are located in the Lake Street East right of way.

Building Plans:

The office building plans show the following gross floor sizes:

Parking Level	12,608 square feet of gross building area
First Floor	12,839 square feet of gross building area
Second Floor	12,975 square feet of gross building area
Third Floor	<u>12,065 square feet of gross building area</u>
Total GBA	50,488 square feet of gross building area

All building space is planned as general office space and approximately 29 parking stalls provided in the basement of the 235 building. The balance of required parking will be provided the on surface parking lot on the north side of building. The office building steps back from Lake Street on floor two by five feet and by an additional twelve feet on level three. The schematic building plans provide a building height of thirty-nine and one-half feet.

Statement of Area Use:

The surrounding properties on Lake Street East is mostly a combination of commercial and business uses. The planned redevelopments immediately to the east of the 235/239 property which would change uses from commercial use to high density residential use. Both the existing surrounding uses and the proposed future surrounding uses are compatible with the planned office building use at 235/239 Lake Street East.

Site:

First floor building setback from Lake Street is estimated at between five feet to ten feet based on the varying property line along Lake Street. The proposed development would require approximately 92 parking stalls including one loading stall at the rear of the building based on one stall per thousand square feet of leasable office space. Melvin's 235, LLC and the City of Wayzata are working on a mutually beneficial parking arrangement that would provide surface parking for the 235/239 building and City of Wayzata provide public parking during off peak business hours. This arrangement would involve a conveyance of a northern portion of Melvin's 235 land and northern portion of some of the 253 Lake Street land to create this City owned surface parking area.

Access to and from the 235/239 property to Lake Street will be located on the east side of the proposed 235 building and completely on 235/239 property. It is expected that a private/public parking lot use agreement will be formalized with the City prior to approval of the 235 Lake Street General Plan.

Site Tabulation:

Total Site Area:	56,954 square feet of land
First Floor	12,839 square feet of gross building area
Second Floor	12,975 square feet of gross building area
Third Floor	12,065 square feet of gross building area

Proposed FAR .61 FAR based on current site area

Project Schedule:	City Approvals	September 2018
	Construction Start	October 2018
	Construction Completion	August 2019
	Building Occupancy	September 2019

Public or Common Space:

There are several planned public or common spaces at the 235/239 Lake Street East property and include a planned driveway and walkway connecting the north surface parking lot and Lake Street East. The driveway and walkway are planned to be located on the 235/239 building and west of the 253 Lake Street East building property line.

Easements/Utilities:

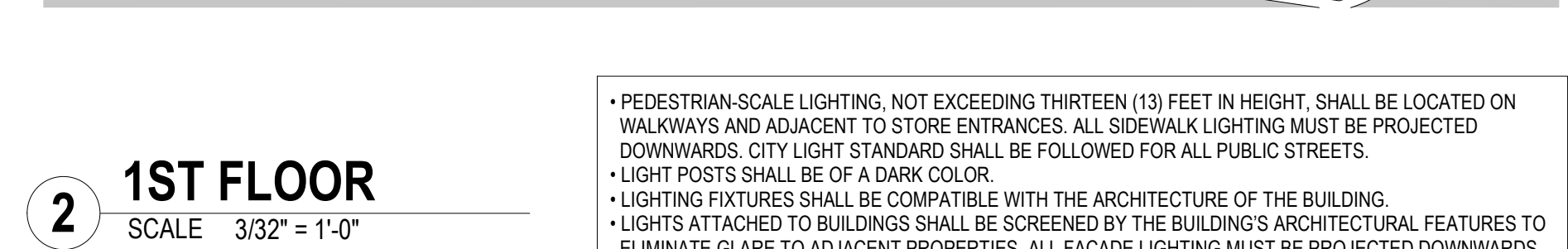
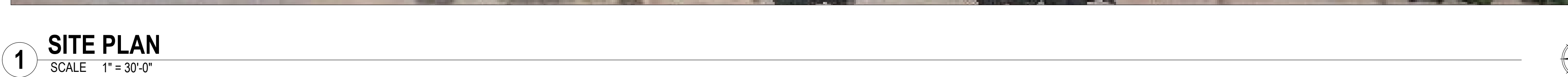
It is anticipated that Melvin's 235, LLC will have a shared driveway/access easement with the City of Wayzata and a parking easement with the City of Wayzata when the development is completed in 2019. Building required utilities are currently located in the right of way of Lake Street East and include sanitary sewer, watermain and storm sewer. All utilities are expected to be adequate to serve the needs of the new 235 office building.

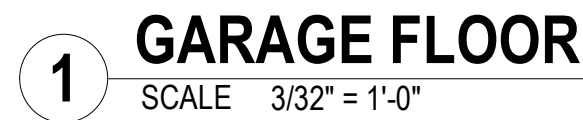
Tax Increment Financing District (TIF):

Melvin's 235, LLC has been supportive of the City of Wayzata's effort to create a tax increment district in this area of Lake Street East. The proposed TIF district would include approximately 24 land parcels and would generate the ability for the City to invest in several meaningful infrastructure projects. Melvin's 235 LLC intends to apply for TIF financing through the City and be a supportive member of this TIF district for the benefit of the City.

Application Conclusion:

We are requesting favorable review and approval of this General Plan submittal and Design review.

Page 231 of 358
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FLOOR PLANS



1 EAST ELEVATION
SCALE 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE 1/8" = 1'-0"



4 WEST ELEVATION
SCALE 1/8" = 1'-0"



EXTERIOR RENDERING 1



EXTERIOR RENDERING 2

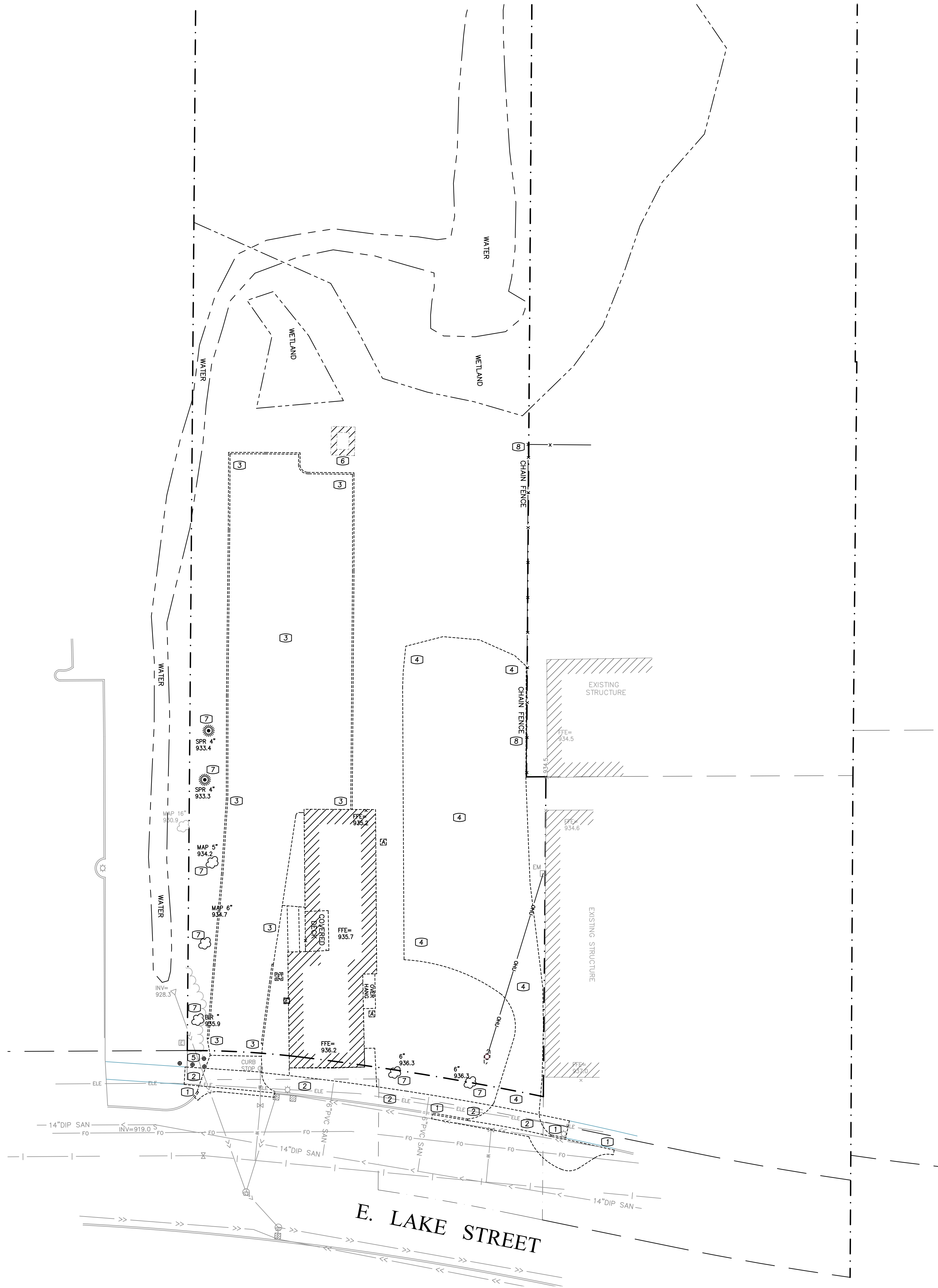
235 Lake Street East Office Building
Wayzata, Minnesota

ALL ARCHITECTURAL AND ENGINEERING DRAWINGS ARE IN CONFIDENCE AND DISSEMINATION MAY NOTE
COPYRIGHT AND OTHERWISE, ARE HEREBY SPECIFICALLY RESERVED. I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICALLY IDENTIFIED BY THE PROJECT NUMBER, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL
SUPERVISION AND THAT I AM A
LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME: BRIAN GADIENT LICENSE # : 52490
DATE: SIGNATURE: _____

Date 08/20/18
Project Architect Checker
Project Number 16009

EXTERIOR
RENDERINGS

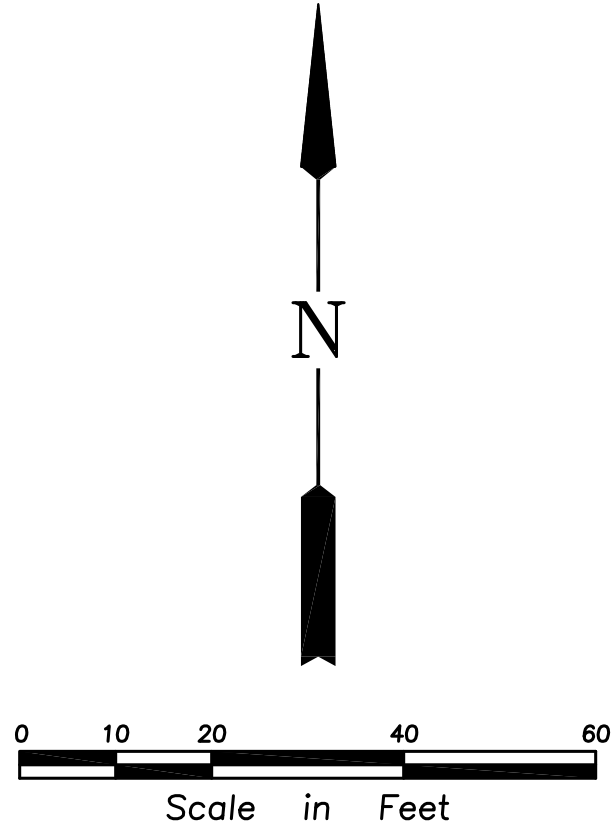
X4



- DEMOLITION NOTES
- 1 - Remove concrete curb & gutter
 - 2 - Remove concrete pavement
 - 3 - Remove bituminous pavement
 - 4 - Remove gravel pavement.
 - 5 - Remove bollards.
 - 6 - Remove shed.
 - 7 - Remove tree.
 - 7 - Remove chain link fence (coordinate with neighboring property).

NOTE: SEE ARCHITECTURAL FOR DEMOLITION OF EXISTING BUILDING

NOTE: CONTRACTOR TO COORDINATE REMOVAL/ABANDONMENT AND RELOCATION OF EXISTING POWER POLES, OVERHEAD ELECTRIC LINES, BURIED ELECTRIC LINES, BURIED COMMUNICATION LINES AND BURIED GAS LINES WITH THE APPROPRAITE UTILITY COMPANY.



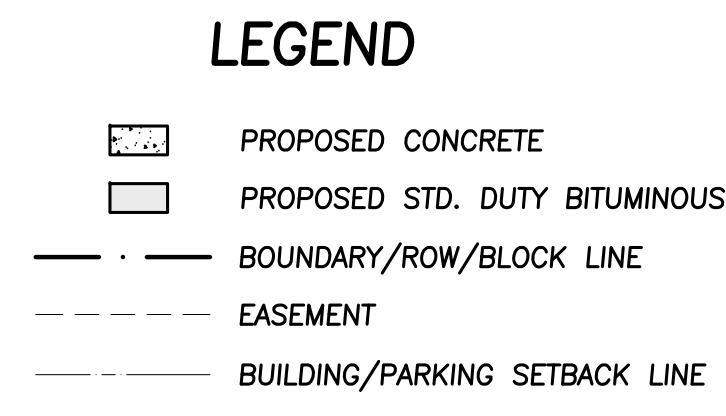
SITE DEMOLITION PLAN
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

SHEET NUMBER
C1

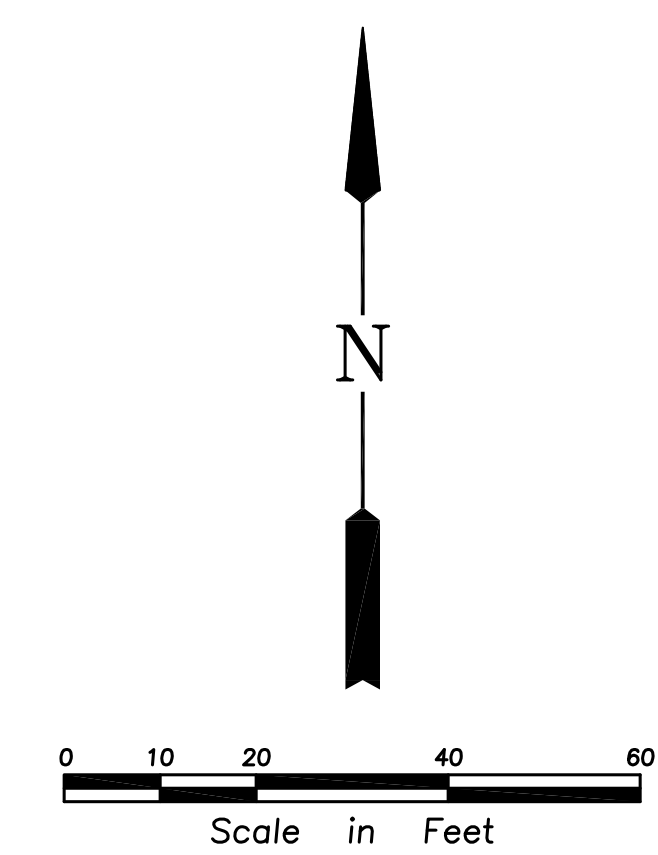
I hereby certify that this plan was prepared by
me or under my direct supervision and that I am
a duly Licensed Professional Engineer under
the laws of the State of Minnesota.
PRELIMINARY
Name _____ Date _____
Reg. No. _____

Issued	7-3-18
	GENERAL PLAN OF DEVELOPMENT

Rehder & Associates, Inc.
Civil Engineers, Planners and Land Surveyors
3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122
651-452-5051 • Fax: 651-452-9797 • email: info@rehder.com
PROJECT NO.: 181-2807.013 DRAWING FILE: 2807013.DWG



- ① - All dimensions between curbing and to radius points are to face of curb.
- ② - All dimensions abutting curbs are to back of curb.
- ③ - All curb and gutter on private property shall be type B612 unless otherwise noted.
- ④ - All parking stall striping width is 9.00' unless otherwise noted.



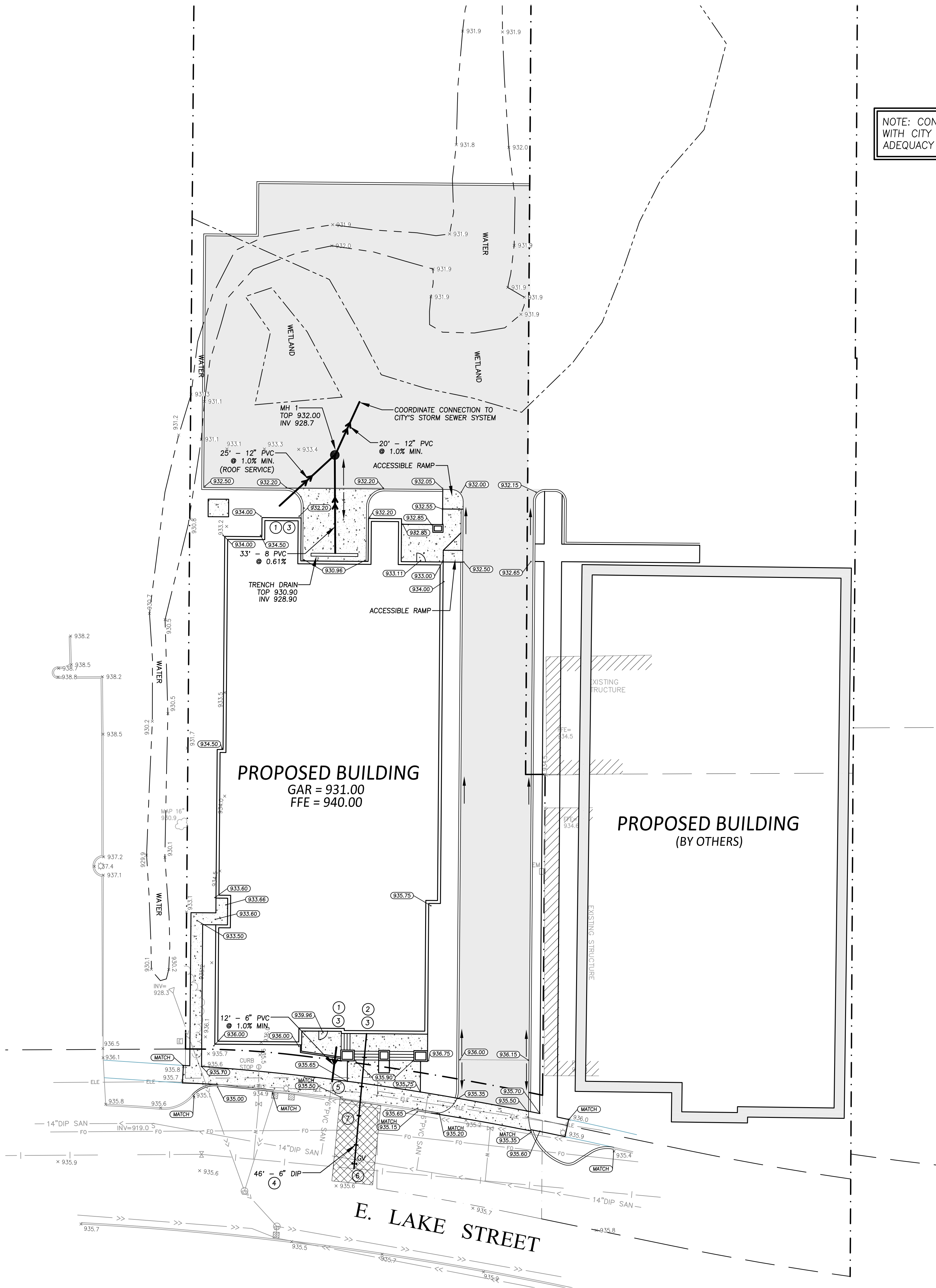
SHEET NUMBER

C2

I hereby certify that this plan was prepared by _____ Date _____
me or under my direct supervision and that _____ Reg. No. _____
I am a duly Licensed Professional Engineer under _____
the laws of the State of Minnesota _____

PRELIMINARY

Rehder & Associates, Inc.
Civil Engineers, Planners and Land Surveyors
3440 Federal Drive, Suite 110 • Eagan, Minnesota, 55122
651-432-5051 • Fax: 651-432-9797 • email: info@rehder.com



NOTE: CONTRACTOR TO COORDINATE
WITH CITY THE SIZE AND
ADEQUACY OF SANITARY SERVICE.

GRADING NOTES

- 1 - All elevations shown are to final surfaces.
- 2 - Contractor is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for Construction Activity before construction begins.

EROSION CONTROL NOTES

- 1 - Contractor is responsible for all notifications and inspections required by General Storm Water Permit.
- 2 - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- 3 - Sweep paved public streets as necessary where construction sediment has been deposited.
- 4 - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- 5 - Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
- 6 - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.
- 7 - Spring/summer temporary turf establishment: seed shall be MNDOT Mixture 21-111 @ 100 lbs/acre and mulch shall be MNDOT Type 1. Winter temporary turf establishment: seed shall be MNDOT Mixture 21-112 @ 100 lbs/acre and mulch shall be MNDOT Type 1.

INSPECTION AND MAINTENANCE

- The site must be inspected once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- All inspections and maintenance conducted must be recorded in writing and records retained with the SWPPP.
- Areas of the site that have undergone final stabilization, may have the inspection of these areas reduced to once per month.
- All silt fence must be repaired, replaced, or supplemented within 24 hours when they become nonfunctional or the sediment reaches 1/3 of the height of the fence.
- Surface waters and conveyance systems must be inspected for evidence of sediment being deposited. Removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints.
- Construction site vehicle exit locations must have sediment removed from off-site paved surfaces within 24 hours of discovery.

POLLUTION PREVENTION MANAGEMENT

- All solid waste must be disposed of off-site per the MPCA disposal requirements.
- All hazardous waste must be properly stored with restricted access to storage areas to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA Regulations.

UTILITY NOTES

- 1 - All sewer services to extend to a point 5' from proposed building.
- 2 - Bring water main into proposed building and cap at the floor.
- 3 - Verify all service locations and inverts with mechanical engineer before construction.
- 4 - All watermain to have a minimum of 7.5' of cover.
- 5 - Connect to existing sanitary sewer service.
- 6 - Wet tap existing water main per City requirements.
- 7 - Repair street and curb/gutter matching existing pavement sections.

LEGEND

- PROPOSED CATCH BASIN/MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- PROPOSED CONCRETE
- PROPOSED STD. DUTY BITUMINOUS
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- SILT FENCE
- INLET PROTECTION DEVICE
- BOUNDARY/ROW/BLOCK LINE
- EASEMENT
- LOT LINE
- BUILDING/PARKING SETBACK LINE
- DRAINAGE ARROW
- W EXISTING WATERMAIN
- S EXISTING SANITARY SEWER
- ST EXISTING STORM SEWER
- G EXISTING BURIED GAS LINE
- E EXISTING BURIED ELECTRIC LINE
- C EXISTING BURIED COMMUNICATION LINE
- 980 EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION

Issued

GENERAL PLAN OF DEVELOPMENT

GRADING, DRAINAGE, EROSION CONTROL
& UTILITY PLAN
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

SHEET NUMBER

C3

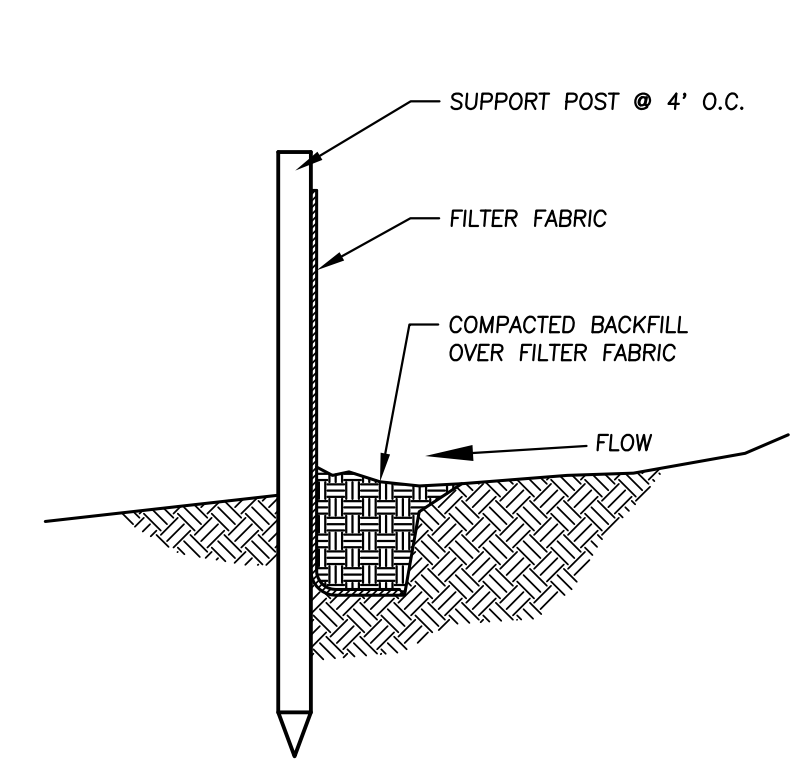
I hereby certify that this plan was prepared by
a duly Licensed Professional Engineer
under the laws of the State of Minnesota

PRELIMINARY
Name _____ Date _____
Reg. No. _____

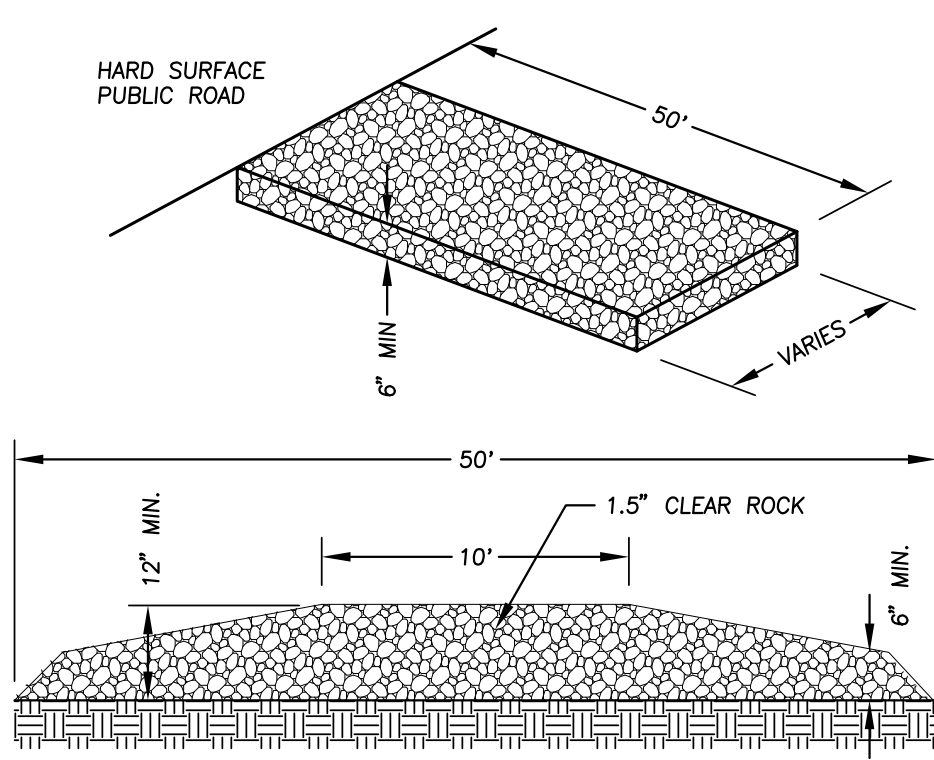
Rehder & Associates, Inc.
Civil Engineers, Planners and Land Surveyors

3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122
651-452-5051 • Fax: 651-452-9797 • email: info@rehder.com

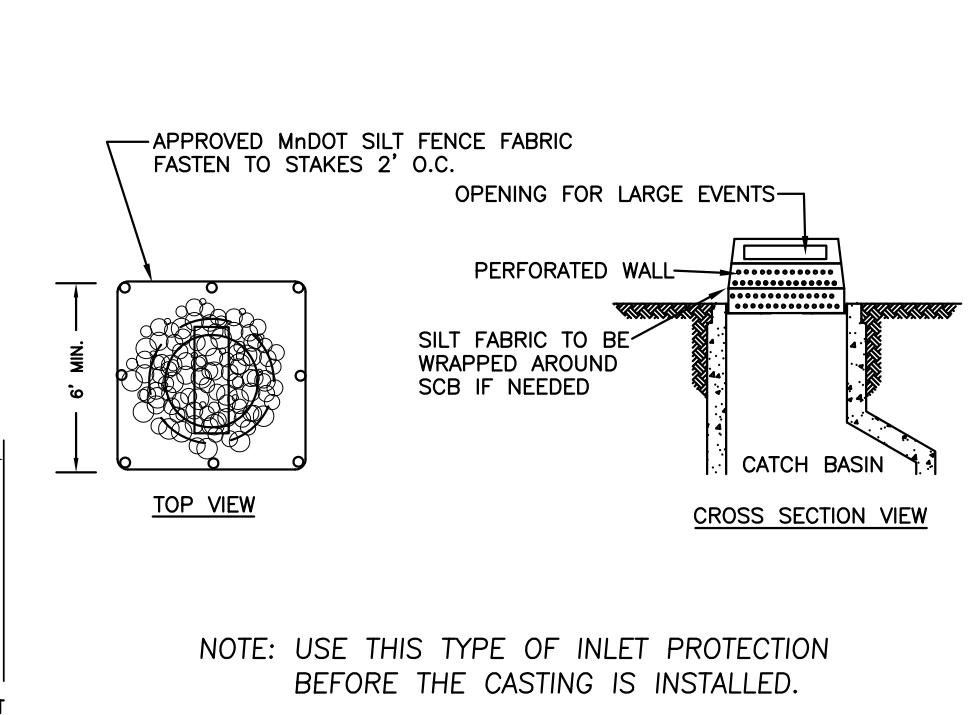
PROJECT NO.: 181-2807.013 DRAWING FILE: 2807013.DWG



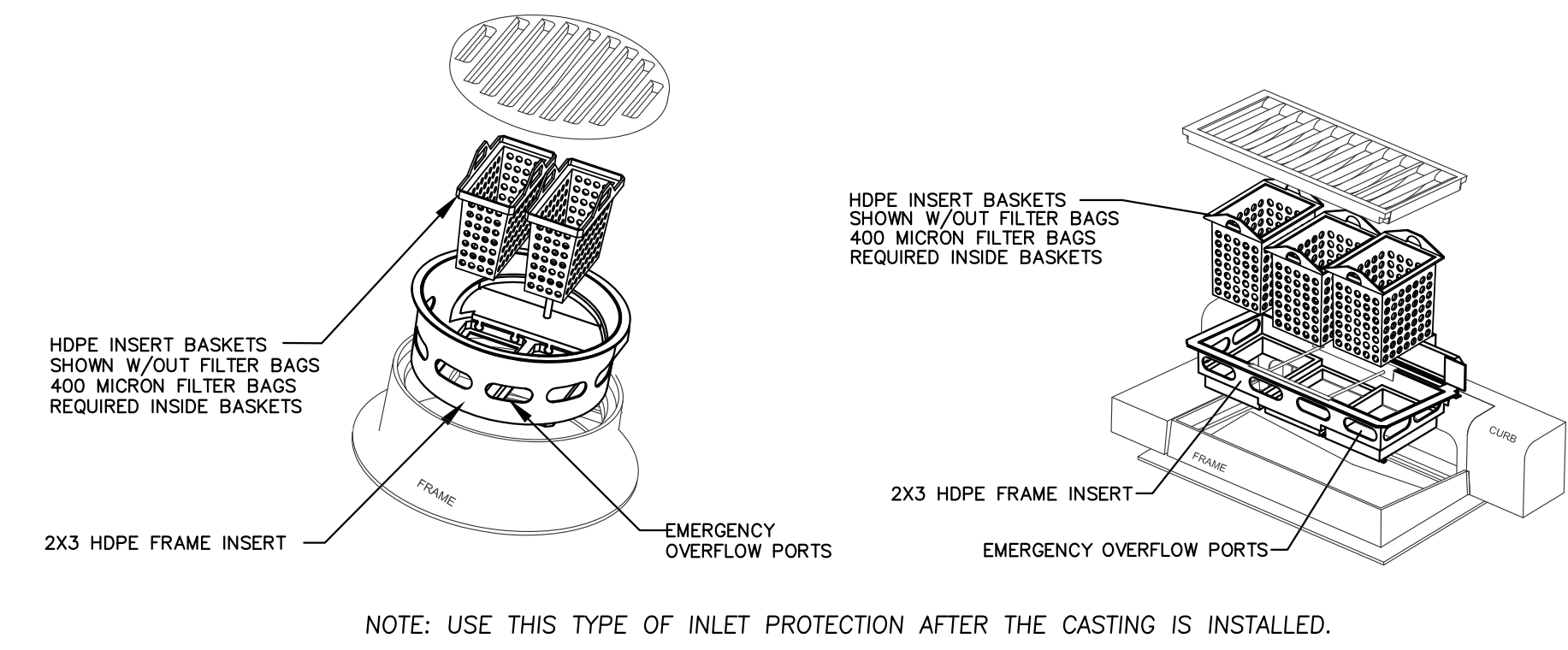
1
C4
SILT FENCE
NO SCALE



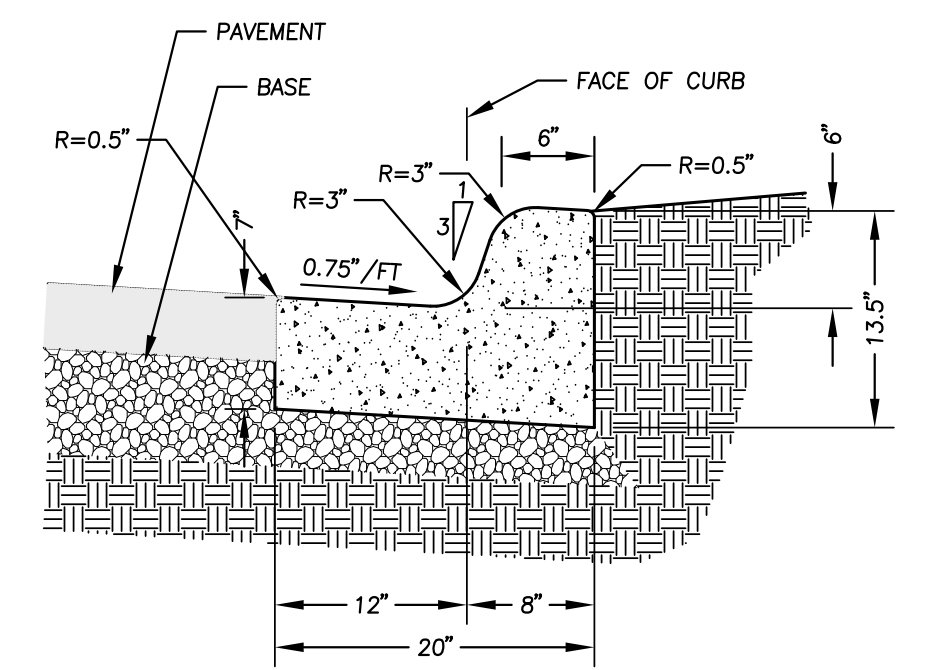
2
C4
ROCK CONSTRUCTION ENTRANCE
NO SCALE



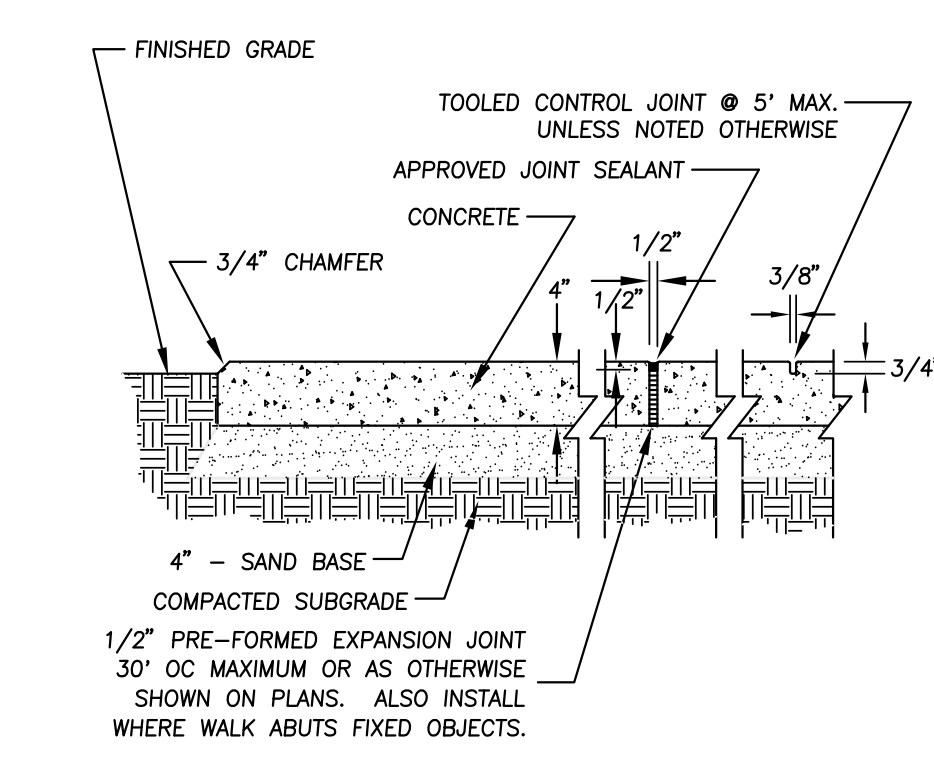
3
C4
INLET PROTECTION
(INFRA SAFE OR EQUAL)
NO SCALE



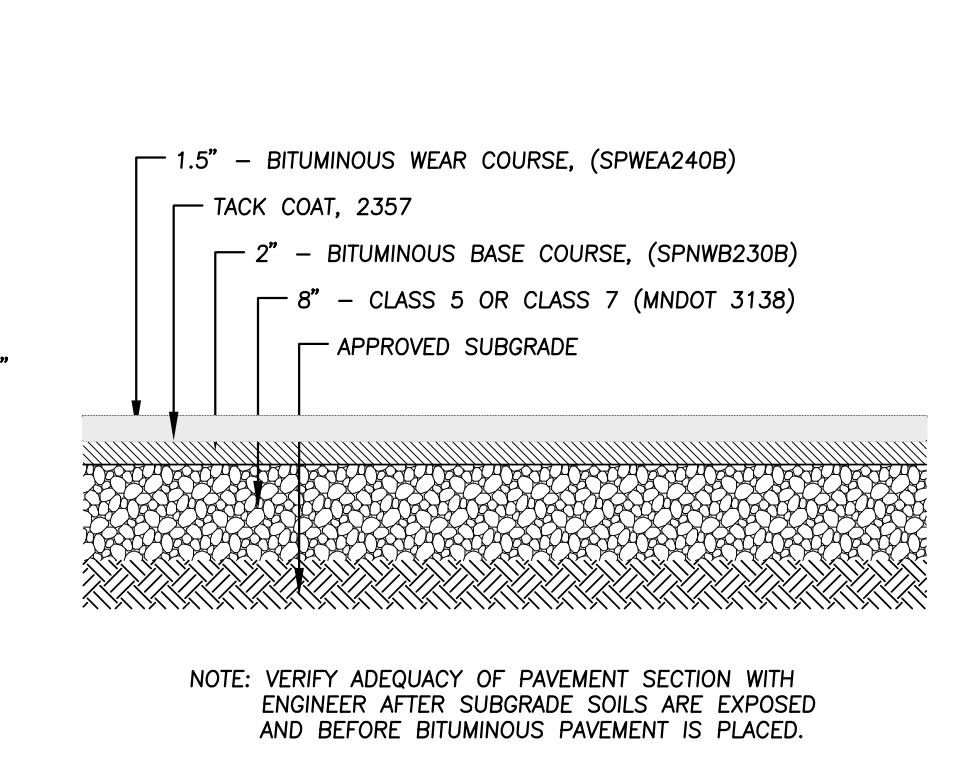
4
C4
INLET PROTECTION
(INFRA SAFE OR EQUAL)
NO SCALE



5
C4
B612 CONCRETE CURB & GUTTER
NO SCALE



6
C4
CONCRETE SIDEWALK
NO SCALE



7
C4
STANDARD PAVEMENT SECTION
NO SCALE

Rehder & Associates, Inc.
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3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122
651-492-5051 • Fax: 651-492-9797 • email: info@rehder.com

PROJECT NO.: 181-2807.013 DRAWING FILE: 2807013.DWG

I hereby certify that this plan was prepared by
me or under my direct supervision and that I am
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the laws of the State of Minnesota.
PRELIMINARY

Name _____ Date _____
Reg. No. _____

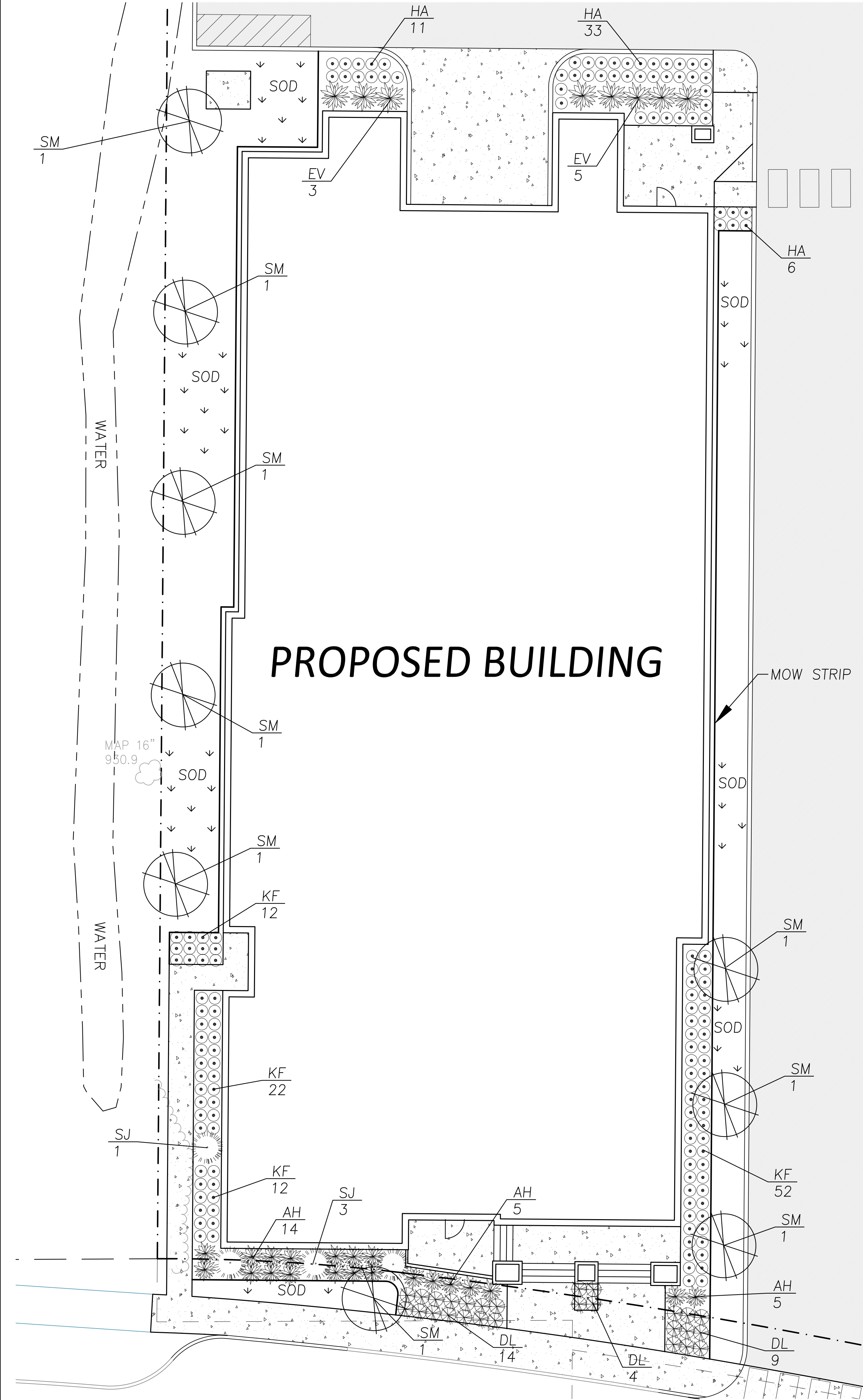
Issued
GENERAL PLAN OF DEVELOPMENT

7-3-18

DETAILS & SPECIFICATIONS
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

SHEET NUMBER

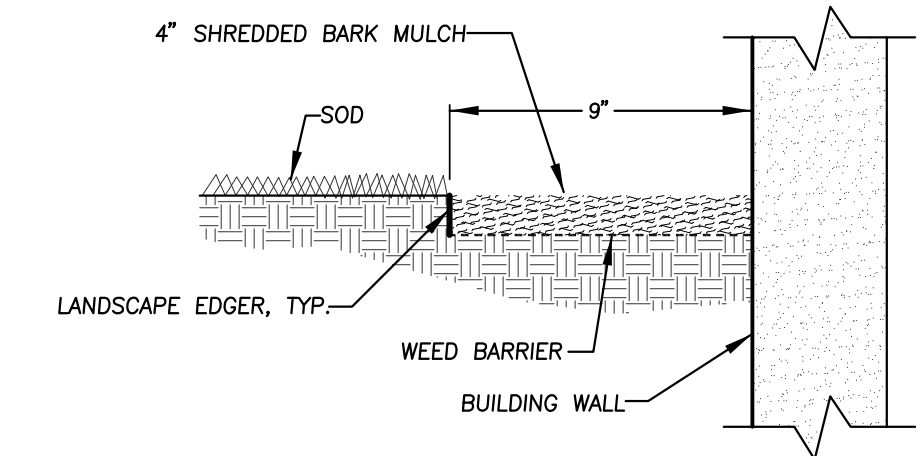
C4



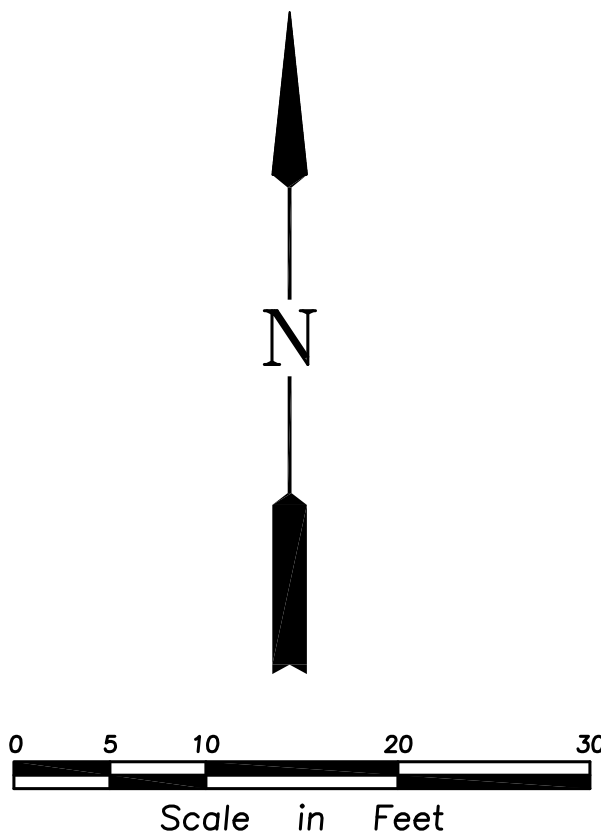
PLANT, SHRUB AND TREE LIST

PLANTS & SHRUBS				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
HA	50	Hosta	Hosta	#1 Pot
EV	8	Viburnum opulus 'Compactum'	Compact European Viburnum	#5 Pot
AH	21	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	#5 Pot
DL	27	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	#1 Pot
KF	98	Calamagrostis acutiflora	Karl Foerster	#2 Pot
SJ	4	Juniperus chinensis 'Spartan'	Spartan Juniper	#7 Pot
TOTAL	208			

TREES				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
SM	9	Acer Saccharum 'Sugar Cone'	Sugar Cone Maple	2 - 1/2" B&B
TOTAL	9			



1
L1 MAINTENANCE STRIP @ BLDG EDGE
NO SCALE



LEGEND	
	PROPOSED MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED HYDRANT
	PROPOSED GATE VALVE
	PROPOSED FLARED END
	PROPOSED STORM SEWER
	PROPOSED SANITARY SEWER
	PROPOSED WATERMAIN
	PROPOSED CONCRETE
	PROPOSED STD. DUTY BITUMINOUS
	PROPOSED HEAVY DUTY BITUMINOUS
	PROPOSED CONTOUR
	PROPOSED ELEVATION
	INLET PROTECTION DEVICE
	CONSTRUCTION LIMITS
	BOUNDARY/ROW/BLOCK LINE
	EASEMENT
	LOT LINE
	BUILDING/PARKING SETBACK LINE
	SOIL BORING
	DRAINAGE ARROW
	EXISTING WATERMAIN
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING BURIED GAS LINE
	EXISTING BURIED ELECTRIC LINE
	EXISTING BURIED TELEPHONE LINE
	EXISTING BURIED TELEVISION LINE
	EXISTING CONTOUR
	EXISTING ELEVATION

7-13-18
Issued
CITY SUBMITTAL

Design Review Critique

235 & 239 Lake Street E.

October 2, 2018

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

1. Site Plan/First Floor Plan prepared by Momentum Design Group and dated September 25, 2018
2. Floor Plans prepared by Momentum Design Group and dated August 20, 2018
3. Exterior Elevations prepared by Momentum Design Group and dated August 20, 2018
4. Exterior Renderings prepared by Momentum Design Group and dated August 20, 2018
5. Site Demolition Plan prepared by Rehder & Associates Inc. and dated July 3, 2018
6. Site Dimension Plan prepared by Rehder & Associates Inc. and dated July 3, 2018
7. Grading, Drainage & Erosion Control Plan prepared by Rehder & Associates Inc. and dated July 3, 2018
8. Details & Specifications prepared by Rehder & Associates Inc. and dated July 3, 2018
9. Landscape Plan prepared by Rehder & Associates Inc. and dated July 13, 2018

	Comments	Compliance
Building Recesses		
<u>801.09.2.1 – Lake Street District</u> All new buildings east of Barry Avenue on Lake Street shall have retail usage at least eighty percent (80%) of the ground floor facing Lake Street. The remaining twenty percent (20%) of the ground floor frontage may only be used for walkways, public access, or public facilities. Retail activities shall comprise a total of at least fifty percent (50%) of the usage of the total building footprint.	The subject property is located west of Barry Ave on Lake St.	N/A
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 includes recessed entryways on the south elevation (facing Lake Street, a trellis at street level, and rails on the second and third floors to create visible shadow lines.	Yes

Design Review Critique

235 & 239 Lake Street E.

October 2, 2018

	Comments	Compliance
<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.	A porch is planned for the southern elevation of the building along Lake Street, and the front of the building adjacent to the street and public sidewalk would be landscaped.	Yes
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 does not include long horizontal expressions. The front elevation includes a recessed porch, special treatment at the entrance, recesses in the facades, changes in colors and window sizes, and variations in roof lines.	Yes

Design Review Critique
 235 & 239 Lake Street E.
 October 2, 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 applicant is requesting a variance from the maximum height in the PUD district (39.5 feet where 35 feet is permitted). The 3rd story is recessed from the second story a distance equal to the vertical distance of the 3rd story height from the 2nd floor. The 3rd story façade (along Lake Street) is designed with aluminum railings and building recesses to break up the façade.	Yes, if variance is granted
<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.	Approximately 50% of the building's 2 nd story is recessed 6-feet from the first story.	Yes
<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 applicant has requested a height variance for an additional 4.7 feet of building height in the PUD district. The additional height of the building will not negatively impact lake views nor neighboring properties.	Yes

Design Review Critique

235 & 239 Lake Street E.

October 2, 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.	Green roof design is not included in this proposal.	N/A
<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.	The roof material has not been provided; the color is dark.	Yes
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.	No rooftop equipment is included in the proposed design.	Yes

Design Review Critique
235 & 239 Lake Street E.
October 2, 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 Lake Street façade is comprised of 50% windows and doors (glass) along the ground level facade.	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	The ground floor is distinguished by a difference in building material detailing, trellis, and inset porch areas.	Yes
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.	Foundation plantings are proposed along the Lake Street. The main entry faces the primary street with steps leading up to the porch and entry doors.	Yes

Design Review Critique
235 & 239 Lake Street E.
October 2, 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 exterior building materials are comprised of masonry base, stone panel, and fiber cement panels. Stone is a permitted primary material, but the proposed fiber cement board panels require a deviation. The following is the material calculations for the individual building elevations: <u>South (Lake St)</u> Masonry base 22% Stone panels 76.5% Fiber cement panels 1.5% <u>East</u> Masonry base 31% Stone panels 60% Fiber cement panels 9% <u>West*</u> Masonry base 21% Stone panels 66% Fiber cement panels 13%* <u>North*</u> Masonry base 22% Stone panels 59% Fiber cement panels 19%* *Deviations	No. Deviation needed.

Design Review Critique

235 & 239 Lake Street E.

October 2, 2018

<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 development includes the same materials – masonry, stone and cement panel – on all four sides 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 building does not include any brick.	N/A
<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 proposed building does not include any brick.	N/A
<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 building does not include any brick.	N/A
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	The stone joints would be no larger than ¼ inch.	Yes

Design Review Critique

235 & 239 Lake Street E.

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<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	The lintels, sills, cornices, and building case are comprised of the same stone as the primary building materials.	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.	The parapet, flashing, and coping materials are the same as the primary building materials.	Yes

Design Review Critique

235 & 239 Lake Street E.

October 2, 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.	No awnings are proposed.	N/A
<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 proposed third floor has a balcony all along the south elevation. A second floor balcony is located above the lake street entryway. All balconies are useable and do not project over the property line. All balconies will have dark metal railings.	Yes
<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	The glass would not be mirrored, reflective or darkened.	Yes

Design Review Critique

235 & 239 Lake Street E.

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<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 submitted plan specifies that the main entry door will be full glass with aluminum frames.	Yes
	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.	N/A

Design Review Critique

235 & 239 Lake Street E.

October 2, 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 must match the exposed aggregate/brick accent sidewalks on Lake Street.	The proposed plans include only a 12-foot sidewalk along Lake Street and provide the required streetscaping items, including lighting, landscaping and benches.	Yes

Design Review Critique

235 & 239 Lake Street E.

October 2, 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.	The streetscaping plans included the required landscaping elements.	Yes
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

235 & 239 Lake Street E.

October 2, 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.	As noted above, the plans meet the required streetscaping design.	Yes
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Design Review Critique
 235 & 239 Lake Street E.
 October 2, 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.	No parking area is proposed between Lake Street and the parking area on the site.	N/A
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 include parking (by others) at the rear of the building.	Yes

Design Review Critique

235 & 239 Lake Street E.

October 2, 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 include 4 bicycle stalls at the rear entrance to the building (adjacent to the parking lot).	Yes
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.	N/A

Design Review Critique
 235 & 239 Lake Street E.
 October 2, 2018

	Comments	Compliance
Signs		
<u>801.09.18.1 – All Districts</u>		
A. Compatibility - 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. - 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. - 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. - 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.	The sign plan includes illuminated wall signs between the second and third floors on the south elevation. The signs shown include only text for future tenants.	Yes

Design Review Critique

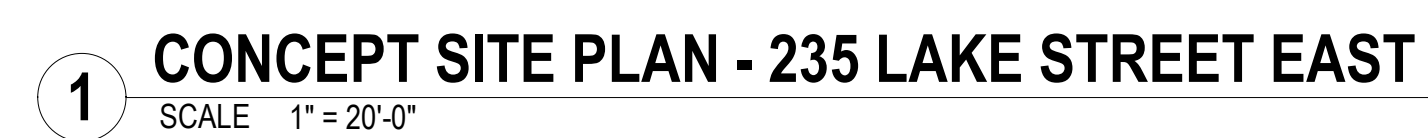
235 & 239 Lake Street E.

October 2, 2018

801.09-18.2 – Permitted Signs – Lake Street District 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	Only wall signs are proposed	Yes
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	Comments	Compliance
Parking Lot and Building Lighting		
801.09.19.1 – All Districts 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.	No parking lot lighting is included with this proposal. The building fixtures shown are down cast lighting fixtures compatible with the architecture of the building.	Yes

GROSS BUILDING AREA	
1ST FLOOR	12106 SF
2ND FLOOR	11954 SF
3RD FLOOR	11121 SF
TOTAL	35181 SF



235 Lake Street East Office Building
Wayzata, Minnesota

CONCEPT SUBMITTAL 12-8-17 - NOT FOR CONSTRUCTION

Date	12/8/17	By	CH
Project Architect		Permit Submit Date	N/A
Project Number	16009		

EXTERIOR ELEVATIONS

A200

© 2017 MOMENTUM DESIGN GROUP, LLC



1 SOUTH ELEVATION
SCALE 3/16" = 1'-0"



3 NORTH ELEVATION
SCALE 3/16" = 1'-0"



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



4 EAST ELEVATION
SCALE 3/16" = 1'-0"





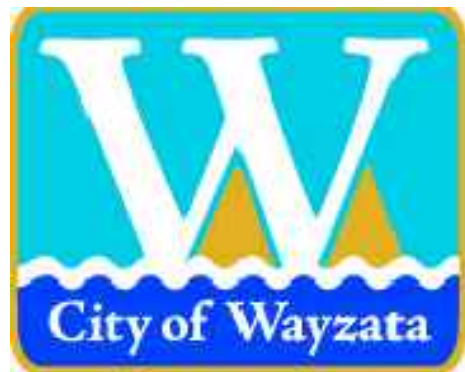
REQUIRED PARKING:	
284 GROVE LN (BOATWORKS):	265
MARINA:	60
235 LAKE ST:	180
TOTAL:	505

PROVIDED PARKING:	
PHASE 1:	
284 GROVE LN (BOATWORKS):	200
MARINA:	60
BARRY & LAKE:	137*
TOTAL:	397
AVAILABLE @ TCF:	138
REQUIRED @ TCF:	108

PHASE 1 (ADD'L WETLAND FILL):	
284 GROVE LN (BOATWORKS):	200
MARINA:	60
BARRY & LAKE:	173*
TOTAL:	433
AVAILABLE @ TCF:	138
REQUIRED @ TCF:	72

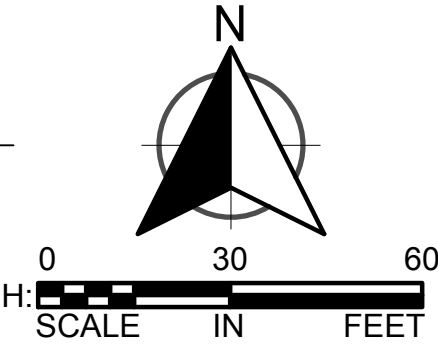
PHASE 2 (WITH RAMP):	
284 GROVE LN (BOATWORKS):	200
MARINA:	60
BARRY & LAKE:	235*
TOTAL:	495
AVAILABLE @ TCF:	138
REQUIRED @ TCF:	10

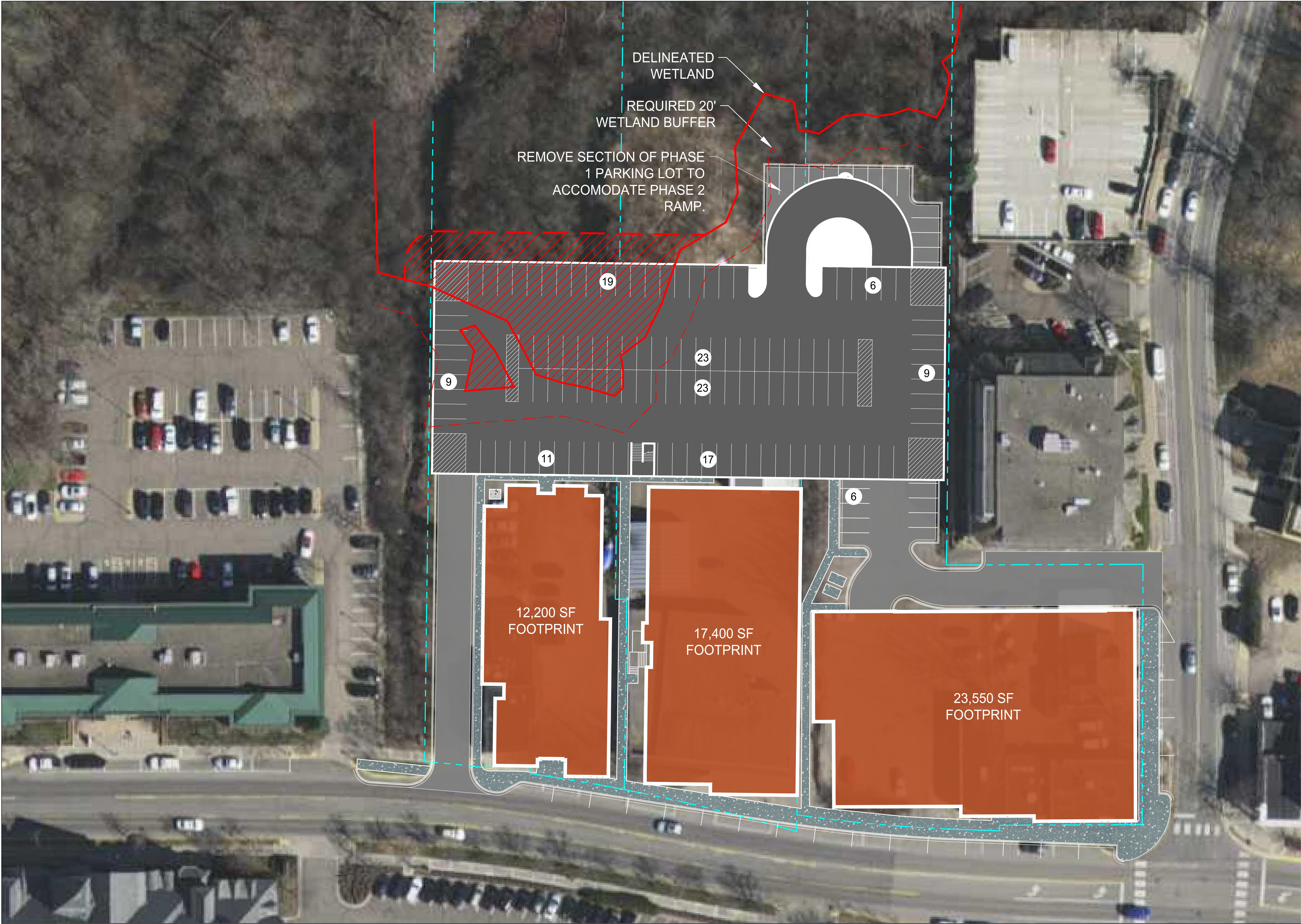
*DOES NOT INCLUDE ADJACENT STREET PARKING



BARRY AVENUE & LAKE STREET PARKING LOT

Concept Plan G
Wayzata, Minnesota
03/15/18 | 011513-000





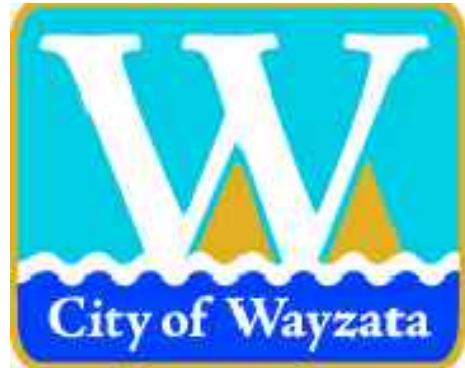
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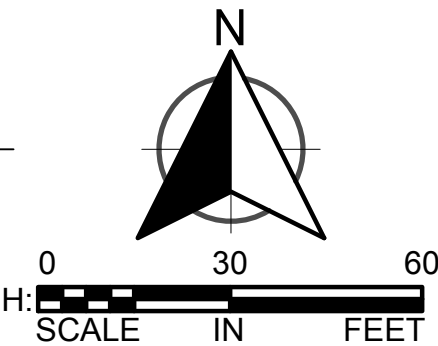
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*DOES NOT INCLUDE ADJACENT STREET PARKING



BARRY AVENUE & LAKE STREET PARKING LOT

Concept Plan G (with Ramp)
Wayzata, Minnesota
03/15/18 | 011513-000



Commissioner Murray made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings to recommend approval of the PUD General Plan and Design with a deviation for the entry door on the side of the building, for Ventana Condos at 253 Lake St E. The motion carried unanimously.

d.) Hughes Redevelopment – 235 and 239 Lake St E

i. PUD General Plan, Design Review, Variance, Shoreland Impact Plan/Conditional Use Permit

Director of Planning and Building Jeff Thomson stated the applicant, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235 LLC, have submitted a development application to redevelop the properties at 235 and 239 Lake St E. The applicant is proposing to demolish the existing office building and construct a 3-story, 37,879 square foot office building. The development application is the second phase for the PUD rezoning, and requests approval of the PUD general plan, design review, building height variance, and a conditional use permit/shoreland impact plan for the building height. On February 20, 2018 the City Council approved the rezoning of the subject property to PUD/Planned Unit Development along with the PUD concept plan. The current application is similar to the approved concept plan with the following modifications: the access drive has been moved from the west side of the building to the east between 235 and 253 Lake St E, the building has been increased in size from 35,181 to 37,879 square feet, and the plans include a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the 35-foot height requirement. The off-street parking for the building would be provided by a shared surface parking lot on the back of the property. The project originally requested deviations from the design standards for Lake Street façade transparency for less than 50% of the ground level façade being transparent, the proposed plans meet the material requirements for the south/Lake St and east elevations, but the use and amount of fiber cement board on the west and north sides of the building exceeds 10%. The design standards state that continuous sidewalks at least 12-feet in width must be provided along Lake Street. The proposed plans include a 6-foot sidewalk on Lake Street. In addition, the design standards require streetscaping elements including lighting, benches, and boulevard trees that are not included in the proposed plans. The design standards state that all building façade lighting must be projected downwards. The proposed plans include up/down lighting fixtures on the east, north, and west elevations. He clarified that the applicant had provided additional information regarding the design deviations requested and based on the updated plans they are requesting a design deviation for the exterior building materials. According to the design standards, 90% of non-glass surfaces of each elevation must be brick, stone, cast stone, wood, or stucco. The applicant is proposing fiber cement in excess of 10% on the west and north elevations. The applicant is requesting a variance for the building height. The proposed building would be 3-stories with an overall height of 39.7-feet, as measured from grade to the top of the parapet/coping. The proposed building also includes a basement level for underground parking, which would exceed 6.3-feet above average grade level because of the high water table on the site. The zoning ordinance states that a basement level can extend up to 6-feet above grade before it is considered an additional story. Therefore, as defined by the zoning ordinance, the proposed building is 3-story with a basement level and the maximum height in the PUD district is 35-feet or 3 stories, whichever is less and the Shoreland Overlay district states the minimum building structure height for either lake classification shall follow the individual district requirements of the base zoning

1 districts but shall not exceed 35-feet. Building heights over 35-feet may be allowed through
2 approval of a shoreland impact plan/conditional use permit. The proposed building includes 29
3 enclosed parking spaces and the balance of the parking would be provided in the surface parking
4 lot to the north of the building, which is shared with the public parking behind the building. The
5 City is the applicant for the public parking lot and an application will be before the Commission
6 for this once the land has been acquired. This parking lot is part of the City's strategic planning
7 and the City is looking to use the tax increment received to pay for the construction. The final
8 details of the public parking would be worked out with the property owners through a development
9 agreement.

10
11 Commissioner Flannigan asked how the applicant increased the sidewalk size from 6-foot to 12-
12 foot.

13
14 Mr. Thomson stated there is enough room in the right-of-way to allow for the 12-foot sidewalk
15 without moving the building.

16
17 Applicant's representative, Mr. Tom Dillon, 229 Minnetonka Ave S, Wayzata, clarified they had
18 worked with staff to reduce the number of design standard deviations they were requesting as part
19 of the application. He explained having 29 underground parking stalls would benefit the City's
20 long-term goal of providing more public parking behind the building, as well as the marketability
21 of the office space. They are working on submitting an additional application to have the property
22 replatted to allow for the property to be divided so they can provide the necessary land to the City
23 for the public parking noted. He stated the project would redevelop one of the blighted properties
24 on Lake Street and enhance the beautification of this area. He explained the request for a height
25 variance was due to the ground soils and water table on this property. The building itself has been
26 compressed as much as possible to get to the requested 39.7-feet. If they can reduce this more
27 through the design process they would.

28
29 Applicant's Architect, Mr. Brian Gadiant, Momentum Design Group, 765 N Hampden Ave #180,
30 St. Paul, clarified the fiber cement design standard deviation they are requesting is for the east
31 elevation only. Currently they are at 12%, which is 2% more than the maximum allowed. They
32 have been able to meet the requirements for the other elevations. He explained the height of the
33 building's parapet reached the maximum requested height of 39.7-feet in a couple of areas, but
34 otherwise it is around 39-feet. The areas that are marked as masonry in the drawings will be stone,
35 and they are working through the details of the type of stone they would be using.

36
37 Applicant, Mr. Pat Hughes, 235 Lake St E, stated he is excited to move forward with the project.

38
39 Chair Buchanan opened the public hearing at 8:33 p.m.

40
41 Mr. Lowell Zitzloff, 305 Lake St E, stated he has concerns about traffic from Barry Avenue. He
42 has been working with David Carlson, developer of Wayzata Blu. There are 85 parking stalls
43 controlled by Rick Born and not the City. He has been working with David to allow them to use
44 his parking. He stated the size of a building should come down to the amount of parking they are
45 able to have. His concern is parking, and this is critical. He stated the applicants can meet the
46 height requirements, it would just be more costly for them. He stated since the project did not

1 have near enough parking, they should be sure they are able to accommodate the parking needs
 2 with the parking lot, and that Mr. Born is included in any discussions that involved the allocated
 3 85 parking stalls.

4
 5 There being no other member of the public wishing to address the Commission on the Application,
 6 Chair Buchanan closed the public hearing at 8:37 p.m.

7
 8 Commissioner Douglas stated she supported the design overall and the exterior material design
 9 standard deviation. She would like to see landscaping done along the driveway so that the sidewalk
 10 is separated from the vehicle access.

11
 12 Commissioner Plantan stated she would like to see the landscape plan, and she would support the
 13 requested design standard deviation.

14
 15 Commissioner Iverson expressed concerns on the parking and believes the City would be able to
 16 work this out with the property owners.

17
 18 Commissioner Flannigan stated he would support the variance request and the design standard
 19 deviation.

20
 21 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
 22 for a motion on the Application.

23
 24 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to direct staff to
 25 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
 26 recommending approval of the PUD General Plan of Development Review, the Design with the
 27 requested exterior materials deviation, the height variance for 39.7-feet, and the Shoreland Impact
 28 Plan/Conditional Use Permit for the building height, at 235 and 253 Lake St E. The motion carried
 29 unanimously.

30 31 32 **AGENDA ITEM 6. Other Items:**

33 34 **a.) July 31st City Council Meeting Report – Commissioner Iverson**

35
 36 Commissioner Iverson reported on the July 31st City Council meeting. She stated Becky Malone,
 37 who has retired from her position at the City, was recognized. She stated a neighbor to the Pillar
 38 Homes project made a presentation to the City expressing concerns about the noise ordinance. The
 39 City Manager and Mr. Thomson met with the Developer and they have come to a resolution. She
 40 stated she had also spoke at the meeting expressing concerns about enforcement of City
 41 Ordinances. There was also a petition signed by over 70 people to change the noise ordinance to
 42 allow workers to work from 7 am to 6 pm Monday to Friday, 7 am to 3 pm on Saturday and no
 43 construction work allowed on Sunday. The City Council did not move forward with the petition
 44 requests but she would continue to push this item. Mediacom presented their customer service
 45 report to the City.

DRAFT RESOLUTION NO. 53-2018

**RESOLUTION APPROVING PUD GENERAL PLAN, DESIGN, HEIGHT VARIANCE
AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT
AT 235 AND 239 LAKE ST E**

WHEREAS, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, (the "Applicant") have submitted a development application (the "Application") for the second stage of land use approvals to redevelop the properties located at 235 and 239 Lake Street East (collectively, the "Property" and legally described on Attachment A hereto), involving the demolition of the existing office building on the Property and the construction of a new, three story, 37,821 square foot office building with public parking to the rear of the building (the "Project"); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, has held a public hearing on the Application, made findings of fact on each of the land use requests in the Application, and delivered a Report and Recommendation to the City Council, attached to this Resolution as Attachment B (the "PC Report");

NOW THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the PC Report, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance.

B. Based on the foregoing, the following requests in the Application are **HEREBY APPROVED**, subject to the conditions listed in Section C of this Resolution:

1. PUD General Plan of Development (the "PUD" or "PUD General Plan"), which includes a three story, 37,821 square foot office building with one level of underground parking, generally consistent with the approved PUD Concept Plan of development for the Project, except for the following modifications: (1) the access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East; (2) the building has been increased in size from 35,181 to 37,821 square feet; and (3) addition of a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the applicable 35-foot height limit, all as set forth in the renderings, diagrams and plans identified in the PC Report.

2. Design of the Project (the “Design”), including a deviation from the Design Standards that pertains to exterior building materials, all as detailed in the Design Critique.
3. Variance from the maximum 35 foot, 3 story building height permitted in the PUD Zoning District to allow for the proposed building with a height up to 39.7 feet (the “Height Variance”).
4. A Shoreland Impact Plan/Conditional Use Permit for a building in excess of 35 feet in the S/Shoreland District to allow for the proposed building with a height up to 39.7 feet (the “Height CUP”).

C. The approvals listed in Section B of this Resolution are subject to and conditioned upon the following:

1. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
2. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application, included as Attachment A to the Planning Report and Recommendation.
3. Before the City issues a building permit for the Project, the final civil engineering plans, including Site Plan, Grading and Drainage Plan, Utility Plan, Stormwater Management Plan, and SWPP must be reviewed and approved by the City Engineer.
4. Before the City issues a building permit for the Project, the final landscape plans must be reviewed and approved by the City Forester.
5. Before the City issues a building permit for the Project, the final lighting plans must be reviewed and approved by City staff. The exterior lighting must be coordinated with adjacent properties and must meet City specifications and requirements.
6. Before the City issues a building permit for the Project, the Applicant must submit a subdivision application to the City for review and approval by the City Council. The subdivision must

include a separate lot on the back of the property to be donated to the City for use in combination with adjacent property as public parking to serve the Project and provide additional public parking in the downtown area. The Final Plat must be recorded with the appropriate Hennepin County officials and the Applicant provide a recorded copy to the City.

7. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of the City Council approval resolution, addresses all public improvements associated with the Project, addresses parking requirements for Project, terms for payment of park dedication fees, and in which the Applicant and any future Property owners agree to fully defend and indemnify the City for anything related to the Project and its relation to other properties within the West End TIF District, the Property and property-related rights, and in which any needed easements and/or property rights are granted or transferred to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide for additional public parking in the area, either entirely on the Property or in conjunction with other development or changes on adjacent properties.
8. The Applicant must (i) comply with all parking requirements for the Project, which may be met through a combination of on-site and offsite parking pursuant to the City's FILOP Policy or other agreement for use of off-site parking, and (ii) obtain any approval required by the Zoning Ordinance for shared or joint parking facilities.
9. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 2nd day of October, 2018.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 2, 2018.

Kathy Leervig, City Clerk
SEAL

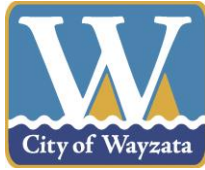
Attachment A
Legal Descriptions of Property

DRAFT

Attachment B

Planning Commission Report and Recommendation, dated September 5, 2018

DRAFT



WAYZATA PLANNING COMMISSION

September 5, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF PUD GENERAL PLAN, DESIGN REVIEW, VARIANCE, AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT AT 235 AND 239 LAKE ST E

SUMMARY OF RECOMMENDATION

1. **Approval*** of PUD General Plan of Development
2. **Approval*** of Design of Project
3. **Approval*** of Height Variance
4. **Approval*** of Shoreland Impact Plan/Conditional Use Permit for Height

*** with certain conditions listed at the end of this Report**

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, (collectively, the "Applicant") have submitted a development application to redevelop the properties at 235 and 239 Lake Street East (the "Property"). The proposed redevelopment involves the demolition of the existing office building and the construction of a new three story, 37,879 square foot office building with one level of underground parking (the "Project").
- 1.2 Previous Approvals. On February 20, 2018, the City Council approved the PUD Concept Plan of Development for the Project and the rezoning to PUD/Planned Unit Development, contingent upon approval of the PUD General Plan of Development.
- 1.3 Approvals Requested. The Application includes requests for approval of the following:
 - A. PUD General Plan of Development (the "PUD" or "PUD General Plan"): The Project would be built according to an approved PUD Plan for the Property, which includes a three story, 37,879 square foot office building with one level of underground parking, generally consistent with the

approved PUD Concept Plan of development for the Project, except for the following modifications: (1) the access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East; (2) the building has been increased in size from 35,181 to 37,879 square feet; and (3) addition of a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the 35-foot height requirement.

- B. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards of the Zoning Ordinance. The Applicant is requesting approval of the design elements of the Project as well as certain deviations from the Design Standards, further detailed in the Design Critique included as Attachment B (the “Deviations”).
- C. Variance from the Building Height Standard: A variance from the maximum 35 foot, 3 story building height permitted in the PUD Zoning District to allow for the proposed building with a height up to 39.7 feet (the “Height Variance”).
- D. Shoreland Impact Plan/Conditional Use Permit for the Building Height: A shoreland impact plan/conditional use permit for a building in excess of 35 feet in the S/Shoreland District to allow for the proposed building with a height up to 39.7 feet (the “Height CUP”).

- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

Address	PID	Owner
235 Lake St E	06-117-22-23-0010	Melvin’s 235, LLC
235 Lake St E	06-117-22-23-0007	Melvin’s 235, LLC
235 Lake St E	06-117-22-32-0003	Melvin’s 235, LLC
239 Lake St E	06-117-22-23-0014	Melvin’s 235, LLC

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

Zoning:	PUD/ Planned Unit Development*
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District

**The rezoning from C-4A to PUD is effective upon approval of the PUD General Plan of Development.*

- 1.6 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on August 9, 2018 and mailed to all property owners located within 350 feet of the Property on August 7, 2018. The

public hearing on the Application was held at the August 20, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 General Plan of Development for Planned Unit Developments (PUDs).

- A. Approval Process for General Plan of Development. Approval of a Planned Unit Development is according to a multi-stage review and approval process (Concept Plan, General Plan, Final Plan) set forth in Section 33 of the Zoning Ordinance. Following the approval of a PUD Concept Plan, the Applicant must submit a new application for approval of a PUD General Plan of Development that depicts and outlines the proposed implementations of the approved Concept Plan, and that includes the information and materials outlined in Section 801.33.6. The same review procedure and criteria is followed for a General Plan of Development as is followed with a Concept Plan. Approval of a PUD Concept Plan in no way binds the City to subsequent approval of a General Plan of Development. Sec. 801.33.5.B.1.
- B. Intent and 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:
 - 1. 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.
 - 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. More convenience in location and design of development and service facilities.
 - 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. 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.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open 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.

6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. 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.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall

be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

- D. Residential and Non-Residential PUD Standards. Sections 801.33.3 and 4 set forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

- 2.2 Design Standards. All new multi-family residential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment B). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

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

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

2.3 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.4 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Under Section 801.91.10, building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.19 states that landowners or developers desiring to develop land located within the Shoreland District must first submit a conditional use permit application as regulated by Section 801.04 and a "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. City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of a 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.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 PUD General Plan. The PUD General Plan of Development would implement the approved PUD Concept Plan.
 - A. The PUD General Plan reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - B. The PUD General Plan meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - C. The PUD General Plan allows for phased and orderly development with the adjacent properties at 253 and 259 Lake St E by consolidating and coordinating building location, vehicle and pedestrian access, and shared public parking.
 - D. The PUD General Plan creates a more desirable and creative environment than would be possible under the existing C-4A/Limited Central Business District, and accommodates public parking being constructed on the back of the Property in coordination with adjacent properties.
 - E. In addition, the PUD General Plan meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance and Section 2.1 of this Report and Recommendation except those for which additional approvals are requested.
 - F. The Application contains the information and materials listed in Section 801.33.5.C of the Zoning Ordinance.
- 3.2 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations, which are:
 - (i) Exterior Building Materials: The design standards state that at least 90% of the non-glass surfaces of each elevation must be composed of brick, stone, cast stone, wood, or stucco. The proposed plans meet the

material requirements for the south/Lake Street and east elevations, but the use and amount of fiber cement board on the west and north sides of the building exceeds 10%.

The Commission finds that there would be very little, if any, negative impacts of this Deviations, and to the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:

- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- C. The positive effect of the Project on the area in which the Project is proposed.

3.3 Height Variance. The Height Variance meets all of the standards for granting a variance under the Zoning Ordinance:

- A. The Height Variance is in harmony with the purpose and intent of the Zoning Ordinance, and is consistent with the Comprehensive Plan guidance for the area.
- B. The Applicant has demonstrated in the Application and its presentation to the Planning Commission that there are practical difficulties in complying with the building height requirement under the relevant criteria of the Zoning Ordinance, including a demonstration that the Height Variance requested is (i) due to circumstances related to the topography, soils, and water table on the Property, and not created by the landowner; and (ii) the Height Variance, if granted, will not alter the essential character of the locality, which include buildings of similar height, scale and massing along Lake Street.

3.4 Shoreland Impact Plan/Conditional Use Permit for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

- A. The Applicant has submitted a "Shoreland Impact Plan" with all of the information required under Section 801.91.19.

- B. The height requested under the Height CUP (the “Proposed Height”) is consistent with the policies and provisions of the official City Comprehensive Plan as noted in this Report.
- C. The Proposed Height would be compatible with present and future uses of the area, including the adjacent property, as noted in this Report.
- D. The Proposed Height would not significantly impact the Lake Street streetscape, and the views from the sides and rear of adjacent properties and bluff area.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) PUD General Plan of Development, (ii) Design of the Project, (iii) Height Variance, and (iv) Height CUP, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
- B. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application, included as Attachment A.
- C. Before the City issues a building permit for the Project, the final civil engineering plans, including Site Plan, Grading and Drainage Plan, Utility Plan, Stormwater Management Plan, and SWPP must be reviewed and approved by the City Engineer.
- D. Before the City issues a building permit for the Project, the final landscape plans must be reviewed and approved by the City Forester.
- E. Before the City issues a building permit for the Project, the final lighting plans must be reviewed and approved by City staff. The exterior lighting must be coordinated with adjacent properties and must meet City specifications and requirements.
- F. Before the City issues a building permit for the Project, the Applicant must submit a subdivision application to the City for review and approval by the City Council. The subdivision must include a separate lot on the back of the property to be donated to the City for use in combination with adjacent property as public parking to serve the Project and provide additional public parking in the downtown area. The Final Plat must be recorded with the appropriate Hennepin County

officials and the Applicant provide a recorded copy to the City.

- G. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of the City Council approval resolution, addresses all public improvements associated with the Project, addresses parking requirements for Project, terms for payment of park dedication fees, and in which the Applicant and any future Property owners agree to fully defend and indemnify the City for anything related to the Project and its relation to other properties within the West End TIF District, the Property and property-related rights, and in which any needed easements are granted to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide for additional public parking in the area, either entirely on the Property or in conjunction with other development or changes on adjacent properties.
- H. The Applicant must comply with all parking requirements for the Project, which may be met through a combination of on-site and off-site parking pursuant to the City's FILOP Policy or other agreement for use of off-site parking, and the Applicant must receive any approval required by the zoning ordinance for shared or joint parking facilities.
- I. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 5th day of September 2018.

Voting For Approval Recommendation: Buchanan, Douglas, Flannigan, Iverson, Murray, Plantan

Voting Against Approval Recommendation: None

Abstaining: None

Absent: None

Attachment A
Amended PUD Plans

Attachment B
Design Critique

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 785

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 235 AND 239 LAKE ST E TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolutions 13-2018 and 53-2018 (the “Resolutions”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolutions, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

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

Ken Willcox
Mayor

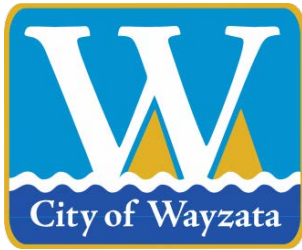
ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on October 2, 2018 and _____, 2018.

Kathy Leervig City Clerk

SEAL

First Reading: October 2, 2018
Second Reading:
Publication:



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8c
TITLE: Consider Approval of Resolution 55-2018 Approving Preliminary and Final Plat Subdivision for Benton Harbor at 310 Benton Avenue North and 1023 Gardner Street East	
PROPOSED MOTION: To Adopt Resolution No. 55-2018	
PREPARED BY: Jeff Thomson, Director of Planning and Building	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

City staff recommends that the City Council adopt the resolution approving the development application, as recommended by the Planning Commission.

FINANCIAL OR BUDGET CONSIDERATION:

The development application does not have any impact on the City's 2018 general fund budget. If the application is approved and moves forward, the applicant would be required to pay park dedication fees for the two new lots created by the subdivision. The City's park dedication fees for single family residential projects is \$2,500 per new lot.

BACKGROUND:

Application Overview

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

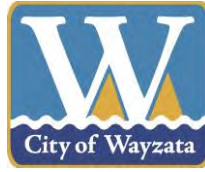
The Planning Commission initially reviewed the development application at its meetings on May 21st and June 18th. The Planning Commission continued the public hearing and directed the applicant to submit all information required by the City's subdivision ordinance, and submit the floodplain alteration permit for review and approval of the Minnehaha Creek Watershed District.

The Planning Commission reviewed the revised plans for the development application and held a public hearing at its meeting on September 5, 2018. After discussing the application, the Planning Commission voted six in favor and zero opposed to adopt a report and recommendation for approval of the development application.

ATTACHMENTS:

1. September 5, 2018 staff report
2. Proposed plans
3. May 21, 2018 Planning Commission meeting minutes

4. June 18, 2018 Planning Commission meeting minutes
5. September 5, 2018 Planning Commission meeting minutes
6. Draft Resolution No. 55-2018
7. Planning Commission Report and Recommendation



**Staff Report
September 5, 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: Waived

Development Application

Introduction

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

Property Information

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

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

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

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

Project Location

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

Map 1: Project Location



Application Requests

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

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

Adjacent Land Uses.

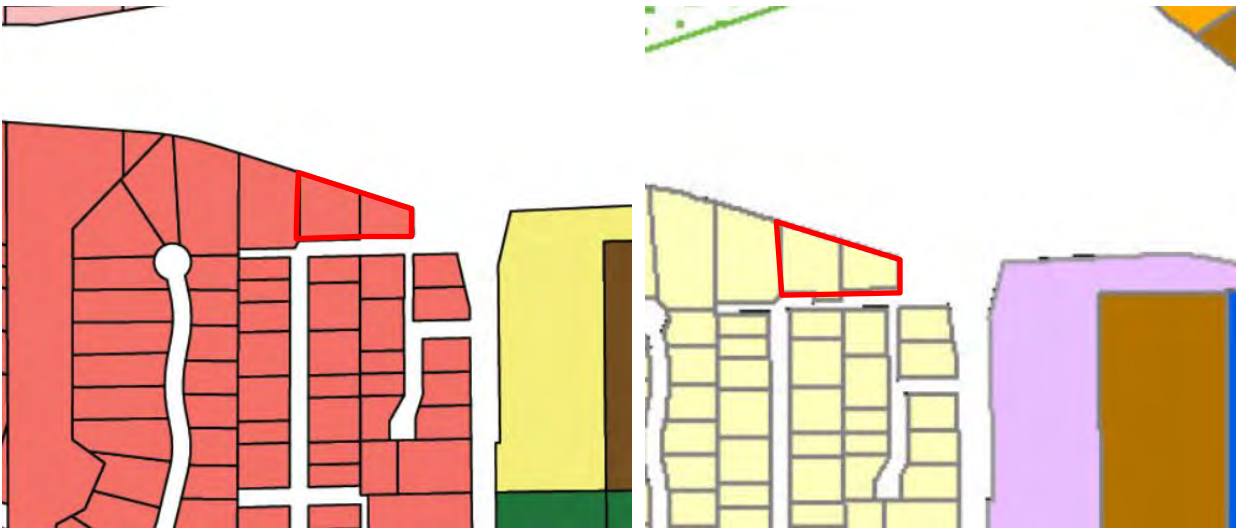
The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

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

Map 2: Adjacent Land Uses

Zoning

Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on August 23, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 24, 2018.

Background Information

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.

At its June 18th meeting, the Planning Commission reviewed the revised plans submitted by the applicant, which included alteration and fill of floodplain on 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, the Planning Commission tabled the application and directed the applicant to obtain approval from MCWD before the City considers the subdivision application. The applicant has obtain approval from MCWD for the floodplain alteration.

Analysis of Application

Proposed Houses:

The two existing homes on the properties would be removed, and new homes would be constructed on each of the four new lots. The proposed plans include preliminary house pads for each of the new homes. The proposed house pads would comply with all

requirements of the R-3A zoning district, including setbacks, lot coverage, and impervious surface.

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	11, 274 sq. ft.	66 ft.	159.7 ft.
Lot 2	9,806 sq. ft.	66 ft.	137.47 ft.
Lot 3	9,070 sq. ft.	74.3 ft.	107.40 ft.
Lot 4	9,024 sq. ft.	99.8 ft.	73.9 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.

Utilities

The existing homes on the lot are served by public sewer and water services within Gardner Street. The application includes preliminary utility plans for the new homes. Two of the lots would utilize the existing water and sewer services as long as they are functional and meet current design requirements. New water and sewer connections would be made to provide service to the two new lots. The City engineer has reviewed the plans and confirmed they meet the City's requirements.

Tree Preservation

There are 10 trees located on the property with a total size of 76 inches. All 9 trees are defined as significant trees by the City's tree ordinance. There are no heritage trees located on the properties. The proposed plans include removal of five trees on the property for the proposed homes, driveways, private street, and associated grading. The five trees that would be removed are significant trees. The tree ordinance allows the removal of up to 25 percent of the inches of significant trees before mitigation is required on an inch for inch basis. The proposed plans result in the removal of 53 percent of the inches of significant trees. Based on the tree ordinance requirements, the applicant would be required to plant 21 inches of trees as mitigation as part of the construction of the homes.

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
Grading and Erosion Control Plan
Utility Plan
Final Plat

Applicable Code Provisions for Review

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

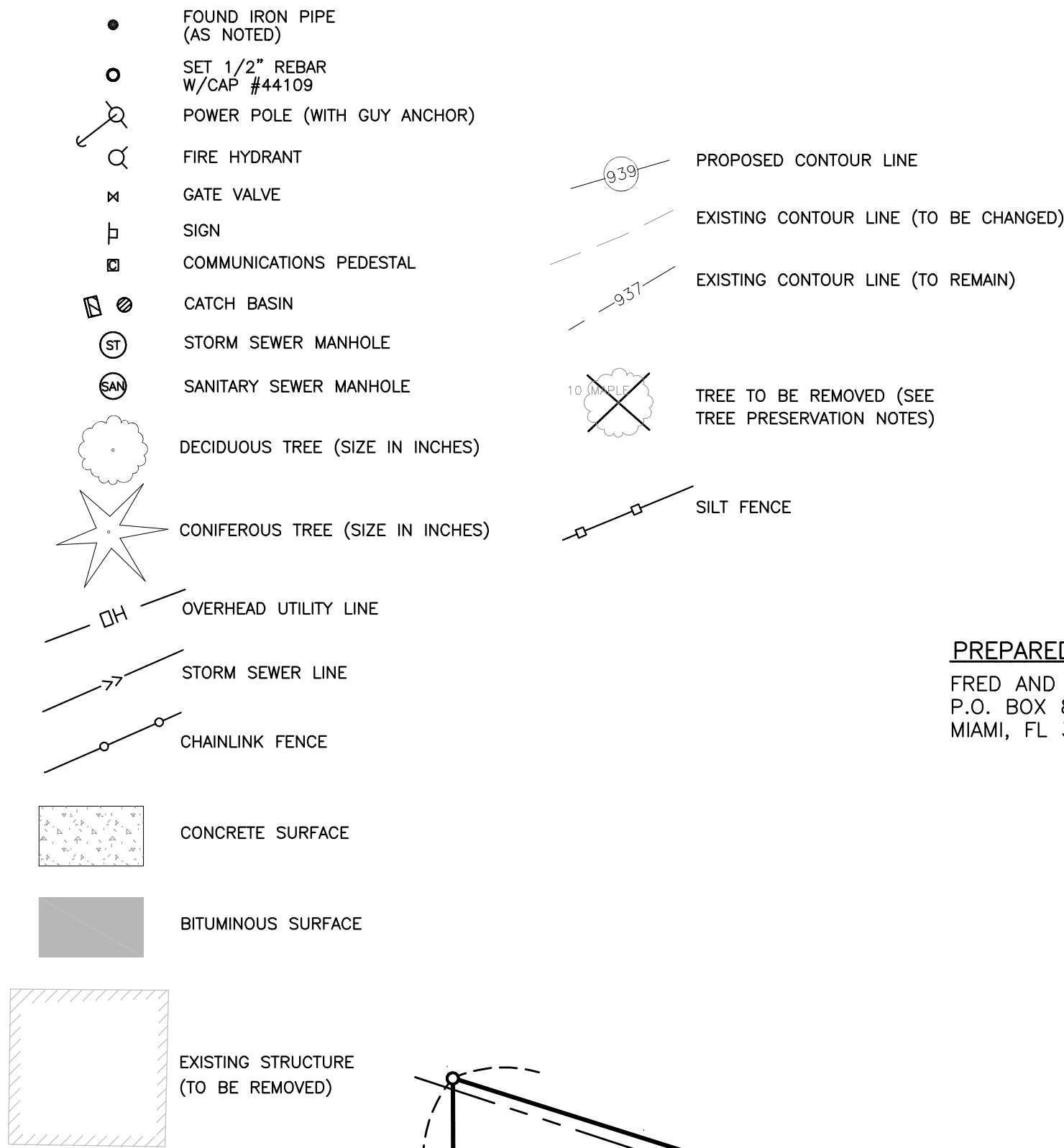
1. Enhance individual character elements of residential neighborhoods through public improvements and private investment.
2. Protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
3. Protect residential neighborhoods 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:

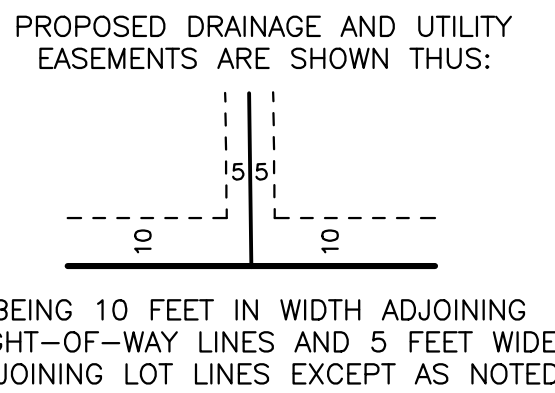
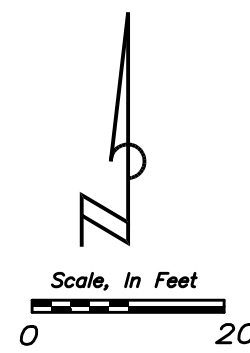
1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical 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.

LEGEND:



PRELIMINARY PLAT OF BENTON HARBOR
EXISTING AND PROPOSED GRADING AND TREE PRESERVATION



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: 11,274 SQ. FT.
LOT 2, BLOCK 1, BENTON HARBOR: 9,806 SQ. FT.
LOT 3, BLOCK 1, BENTON HARBOR: 9,070 SQ. FT.
LOT 4, BLOCK 1, BENTON HARBOR: 9,024 SQ. FT.

4) BEARING BASIS IS ASSUMED.

5) DATE OF FIELDWORK: 1-11-2018

HARDCOVER CALCULATIONS:

NO LOT BUILDING COVERAGE TO EXCEED 30%
NO LOT TOTAL HARDCOVER TO EXCEED 35%

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) SEE EROSION CONTROL PLAN FOR MORE DETAIL

EARTHWORK VOLUMES:

EXISTING VOLUME OF WATER STORAGE WITHIN SITE (BELOW 937 ELEVATION) 528 CU. YDS

PROPOSED VOLUME OF WATER STORAGE WITHIN SITE (BELOW 937 ELEVATION) 649 CU. YDS

TOTAL ADDITIONAL FILL NEEDED: (55 CU. YDS.)

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: 6-29-2018
DRAWN BY: TWN	REV: 8-2-2018
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

VNS

SHEET 1 OF 1

BENTON HARBOR ADDITION

Project Site Address:
310 Benton Avenue North, Wayzata, MN
1023 Gardener Street, Wayzata, MN

Project Owner: Fred and Patricia Johnson
PO Box 800345
Miami, FL 33280

I. Introduction

The purpose of this project is to remove the existing homes on the two addresses noted above. The combined property will be subdivided into four new lots for residential home construction. Improvements will consist of residential properties and new driveways.

Project Area:

Total Site Area – 39,173 square feet
Existing Area of Impervious Surface – 4,630 square feet (Existing buildings and driveways)
Post-Construction Area of Impervious Surface – 12,590 SF (Proposed Pad Area and driveways)
Total New Impervious Surface Area Created – 7,960 square feet

Responsible Parties

Owner – Contact: Fred and Patricia Johnson
PO Box 800345
Miami, FL 33280

- Civil Engineer – Contact: Kristie Elfering, P.E., Elfering & Associates
10062 Flanders Court NE
Blaine, MN 55449
Ph: (763) 780-0450 Ext. 2
kelfering@elferingeng.com

- Architect – Contact: Wes Sampson, Sharratt Design & Company
464 Second Street, Suite 100
Excelsior, MN 55331
Ph: (952) 470-9750
WSampson@sharrattdesign.com

- Responsible Party for Long Term O&M – N/A (Residential Lots)

II. Potential Areas for Storm Water Contamination

The following potential areas were identified as possible storm water contamination areas:

- Areas of vegetation disturbance for building and driveway construction
- Areas of utility service installation

III. Storm Water Management Controls

The controls will provide soil stabilization for disturbed areas and structural controls to divert runoff and remove sediment. Currently the site drains to the north. Care will be taken to provide restoration as soon as grading operations cease.

Vegetation in areas not needed for construction shall be preserved. The allowable amount of time a site can remain without stabilization when not being worked on is 7 days.

In the case where construction activity temporarily ceases for the amount of time listed above, stockpiles and disturbed portions of the site will be stabilized with temporary seed and mulch. The temporary seed shall be Mn/DOT Mixture 21-113 for seeding between May 1 and August 1 and Mn/DOT Mixture 21-112 after August 1. The Contractor will prepare each area for permanent restoration as soon as construction in that area is completed.

All disturbed pervious areas shall be restored with sod or seed.

IV. Best Management Practices

A. Site Wide Control Measures

To prevent soil from being transported off site, for both the undisturbed and disturbed areas of the site, the following BMPs will be implemented onsite:

- Construction sequencing will allow areas to be undisturbed until necessary for construction.
- The smallest vegetated area possible will be disturbed during construction.
- After construction in an area is completed, the Contractor shall immediately restore that area to its existing condition.
- Topsoil stockpiles will be stabilized with temporary seed and mulch no later than 3 days from the last construction activities that formed the stockpiles. The Rapid Stabilization Method 3 will be used to stabilize the topsoil. The Rapid Stabilization method includes quick temporary seed and quick release fertilizer. If necessary, this work shall be incidental to the project.
- Install silt fence around the disturbed area to prevent the migration of sediment.
- Inlet protection shall be installed on all structures downstream of the project area.
- Remove all soils and sediments tracked or otherwise deposited outside of the project area. If tracking occurs the City or Watershed may order sweeping to be completed at no cost with a pick-up broom sweep.
- All measures contained in this document shall be completed by the Contractor at no cost.

V. General Notes

- Construction site waste must be properly managed, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site.
- All temporary erosion and sediment control BMPs must be maintained until completion of construction and vegetation is established sufficiently to ensure stability of the site, as determined by the City and Watershed District
- All temporary erosion and sediment control BMPs must be removed upon final stabilization.
- The permittee must, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control facilities and soil stabilization measures every day work is performed on the site and at least weekly until land disturbing activity has ceased. Thereafter, the permittee must perform these responsibilities at least weekly until vegetative cover is established. The permittee will maintain a log of activities under this section for inspection by the District on request.

VI. Maintenance

The following maintenance practices will be used to maintain erosion and sediment controls:

- Built up sediment shall be removed from silt fence within 24 hours when it has reached 1/3rd the height of the fence.
- Temporary and permanent seeding and/or planting will be inspected for bare spots and washouts.

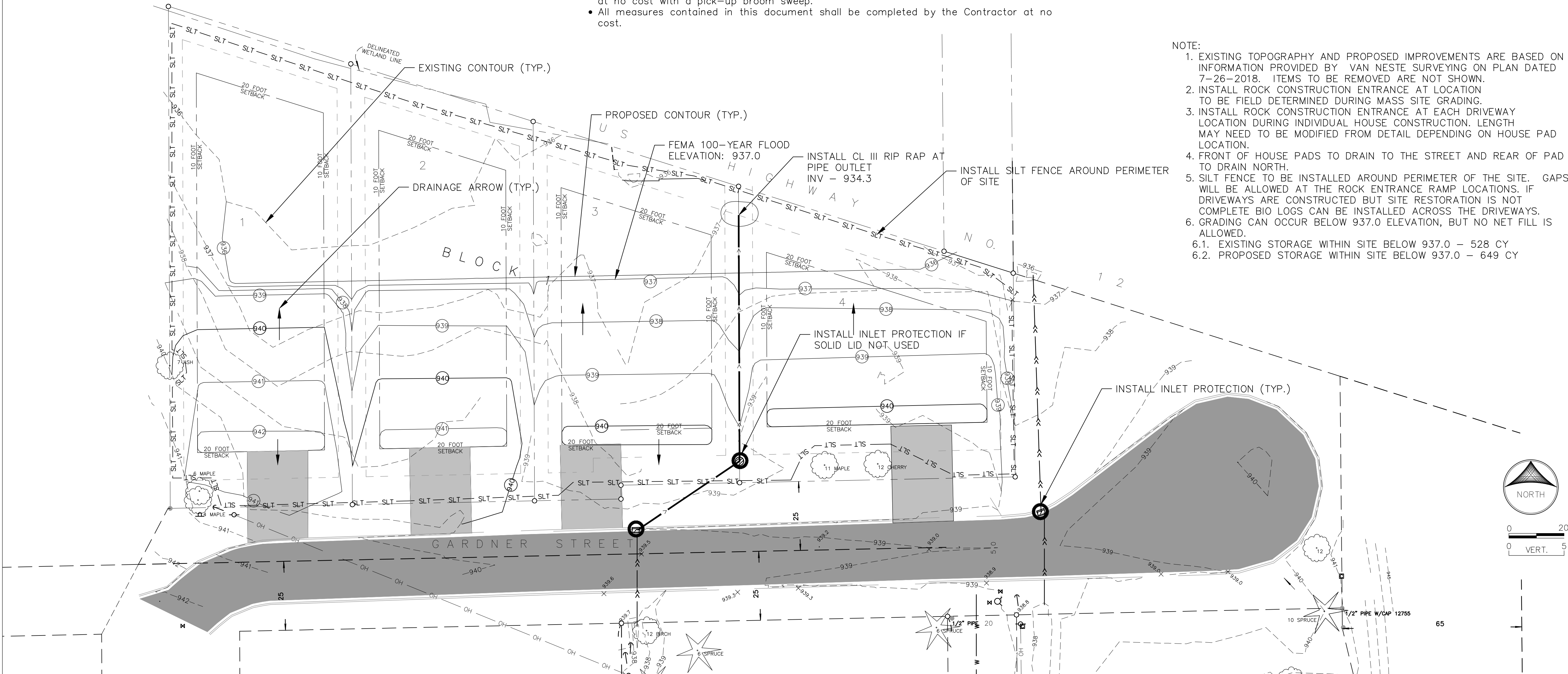
Receiving waters, including surface water, wetlands, and Public Waters are identified within one mile of the project boundary. All specific BMPs relative to construction activities listed in this permit for special and impaired waters should be incorporated into the plan.

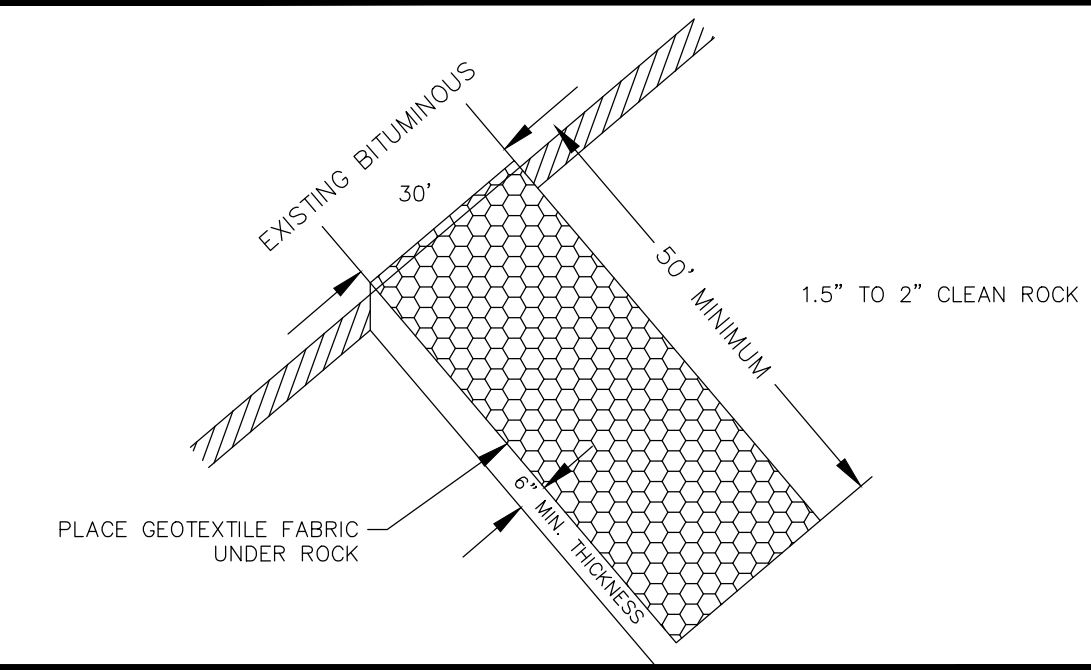
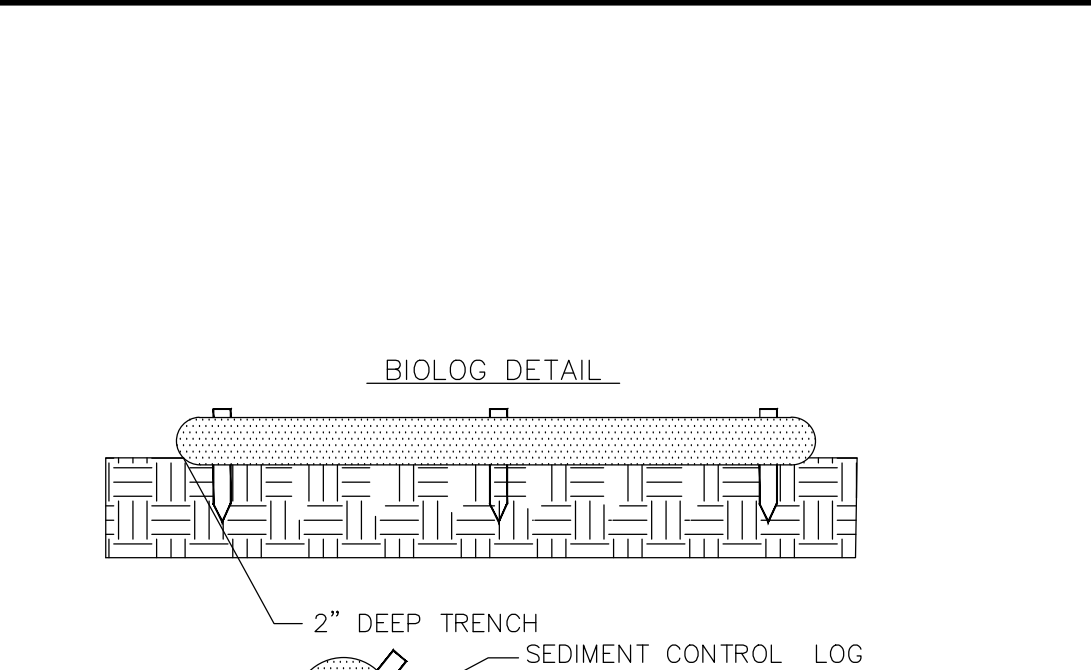
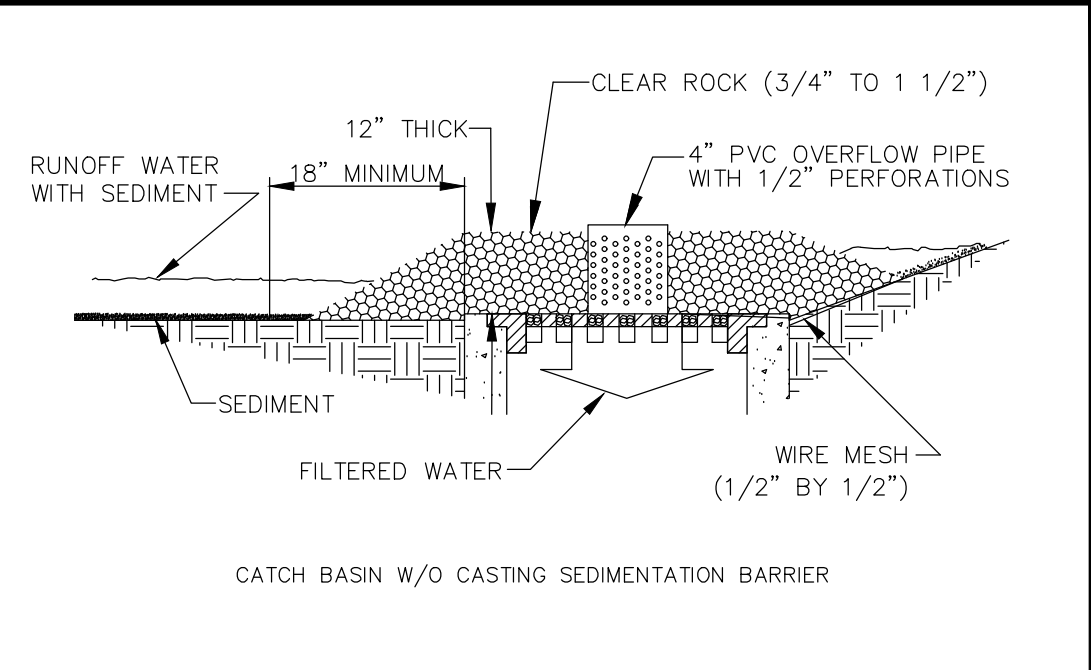
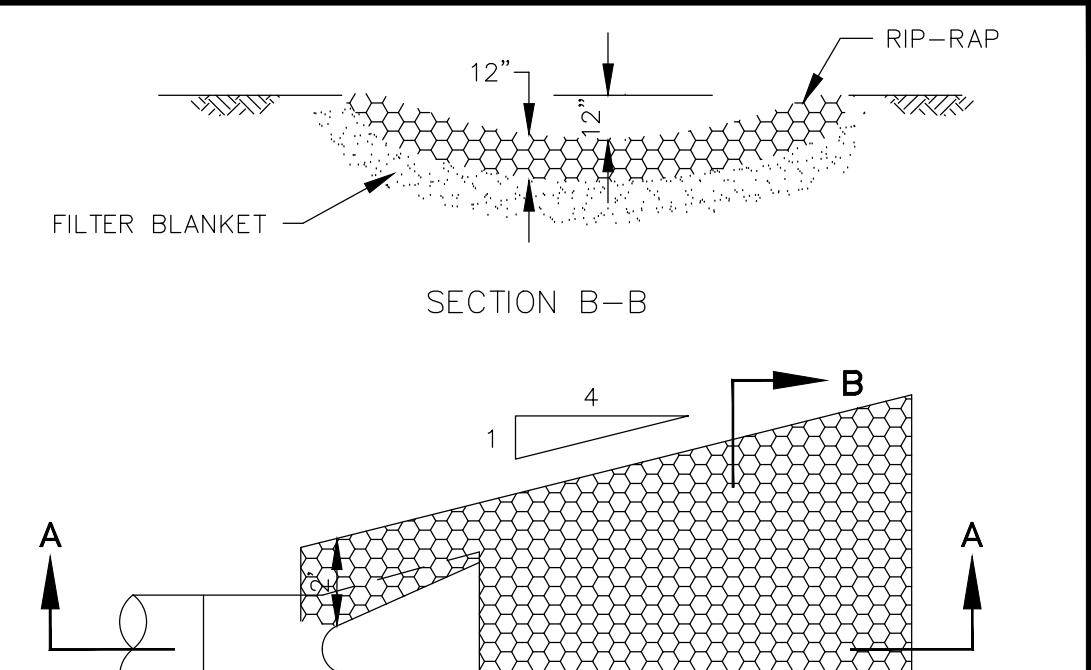
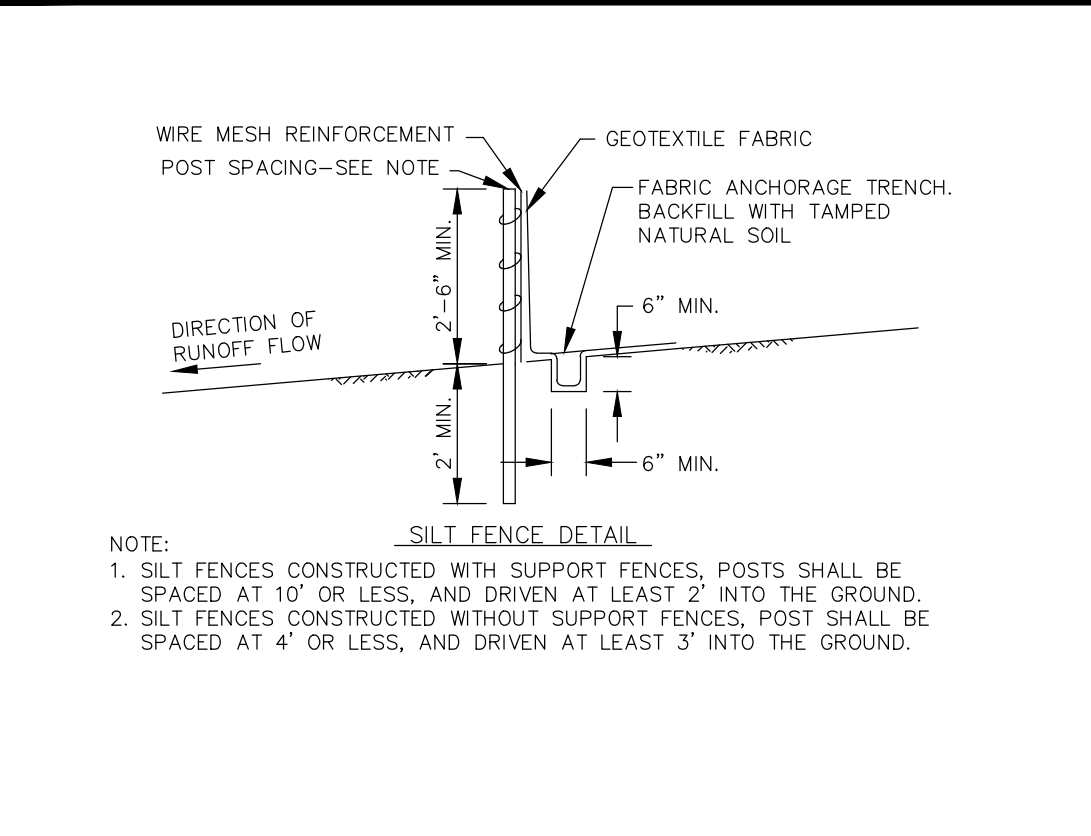
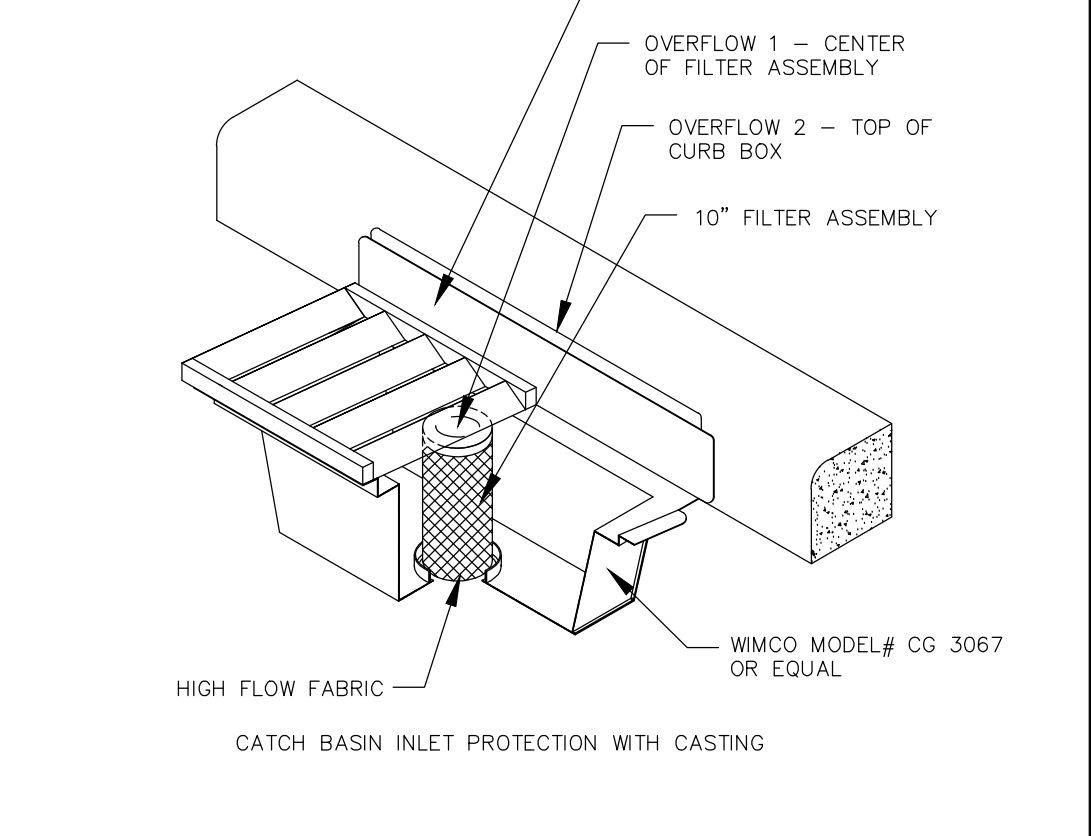
Name of Water Body	Type	Appendix A Special Water	Impaired Water within 1 Mile
Minnetonka – Lower Lake	Lake	No	No
Gleason	Lake	No	Yes
Unnamed	Creek	No	No

Gleason Lake is impaired, however the site drains directly to the unnamed creek, which flows from Gleason Lake to Lake Minnetonka.

NOTE:

- EXISTING TOPOGRAPHY AND PROPOSED IMPROVEMENTS ARE BASED ON INFORMATION PROVIDED BY VAN NESTE SURVEYING ON PLAN DATED 7-26-2018. ITEMS TO BE REMOVED ARE NOT SHOWN.
- INSTALL ROCK CONSTRUCTION ENTRANCE AT LOCATION TO BE FIELD DETERMINED DURING MASS SITE GRADING.
- INSTALL ROCK CONSTRUCTION ENTRANCE AT EACH DRIVEWAY LOCATION DURING INDIVIDUAL HOUSE CONSTRUCTION. LENGTH MAY NEED TO BE MODIFIED FROM DETAIL DEPENDING ON HOUSE PAD LOCATION.
- FRONT OF HOUSE PADS TO DRAIN TO THE STREET AND REAR OF PAD TO DRAIN NORTH.
- SILT FENCE TO BE INSTALLED AROUND PERIMETER OF THE SITE. GAPS WILL BE ALLOWED AT THE ROCK ENTRANCE RAMP LOCATIONS. IF DRIVEWAYS ARE CONSTRUCTED BUT SITE RESTORATION IS NOT COMPLETE BIO LOGS CAN BE INSTALLED ACROSS THE DRIVEWAYS.
- GRADING CAN OCCUR BELOW 937.0 ELEVATION, BUT NO NET FILL IS ALLOWED.
- EXISTING STORAGE WITHIN SITE BELOW 937.0 – 528 CY
- PROPOSED STORAGE WITHIN SITE BELOW 937.0 – 649 CY



 EXISTING BITUMINOUS 30' 1.5" TO 2" CLEAN ROCK 6' MIN THICKNESS PLACE GEOTEXTILE FABRIC UNDER ROCK	 BIOLOG DETAIL 2" DEEP TRENCH SEDIMENT CONTROL LOG FLOW PLACE IN SHALLOW TRENCH (1"-2" DEPTH) 8"-10" EMBEDMENT DEPTH	 12" THICK 18" MINIMUM CLEAR ROCK (3/4" TO 1 1/2") 4" PVC OVERFLOW PIPE WITH 1/2" PERFORATIONS WIRE MESH (1/2" BY 1/2") SEDIMENT FILTERED WATER CATCH BASIN W/O CASTING SEDIMENTATION BARRIER	 12" RIP-RAP FILTER BLANKET SECTION B-B 1 4 1 4 50 USE EQUIV. D FOR PIPE ARCH PLAN NOTE: LIMESTONE ROCK SHALL NOT BE USED AS RIP-RAP. NOTE: RIP-RAP SHALL BE INSTALLED TO PROVIDE EASY REMOVAL OF TRASH GUARD. RIP-RAP 12" FILTER BLANKET SECTION A-A	
 WIRE MESH REINFORCEMENT POST SPACING-SEE NOTE GEOTEXTILE FABRIC FABRIC ANCHORAGE TRENCH, BACKFILL WITH TAMPED NATURAL SOIL DIRECTION OF RUNOFF FLOW 2'-6" MIN. 2' MIN. 6" MIN. 6" MIN. SILT FENCE DETAIL NOTE: 1. SILT FENCES CONSTRUCTED WITH SUPPORT FENCES, POSTS SHALL BE SPACED AT 10' OR LESS, AND DRIVEN AT LEAST 2' INTO THE GROUND. 2. SILT FENCES CONSTRUCTED WITHOUT SUPPORT FENCES, POST SHALL BE SPACED AT 4' OR LESS, AND DRIVEN AT LEAST 3' INTO THE GROUND.	BIOLOGS: STAKE INTO THE GROUND WITH WOOD STAKES WHERE BIOLOGS WEIGHT WILL NOT ENSURE THE LOG REMAINS IN PLACE AND SURFACE ALLOWS. WOOD STAKES ARE A MINIMUM OF .5" X 2" BY 16" LONG. WOOD STAKES DRIVEN THROUGH BACK HALF OF BIOROLL OR COMPOST LOG AT AN APPROXIMATE 45° ANGLE WITH TOP OF STAKE POINTING UPSTREAM. WHEN MORE THAN 1 BIOROLL/COMPOST LOG IS NEEDED, OVERLAP ENDS A MINIMUM OF 6" AND STAKE WHERE SURFACE ALLOWS.	 DEFLECTOR PLATE OVERFLOW 1 - CENTER OF FILTER ASSEMBLY OVERFLOW 2 - TOP OF CURB BOX 10" FILTER ASSEMBLY HIGH FLOW FABRIC WIMCO MODEL# CG 3067 OR EQUAL CATCH BASIN INLET PROTECTION WITH CASTING		
ROCK CONSTRUCTION ENTRANCE DETAIL	BIOLOG DETAIL	CATCH BASIN INLET PROTECTION	RIP-RAP INSTALLATION	
EROSION CONTROL DETAIL				

CONSULTANT

ELFERING & ASSOCIATES

10062 FLANDERS CT NE
BLAINE, MN 55449

TRUE NORTH

PROJECT INFORMATION

BENTON HARBOR

LOT 1 - LOT 4, BLOCK 1
HENNEPIN COUNTY, MN

DRAWING LOG

REV	DATE	DESCRIPTION

PROFESSIONAL OF RECORD

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

NAME

REG. NO.

EXP DATE:

42350

STAMP

ISSUE DATE: 7/26/18

SHEET NO.

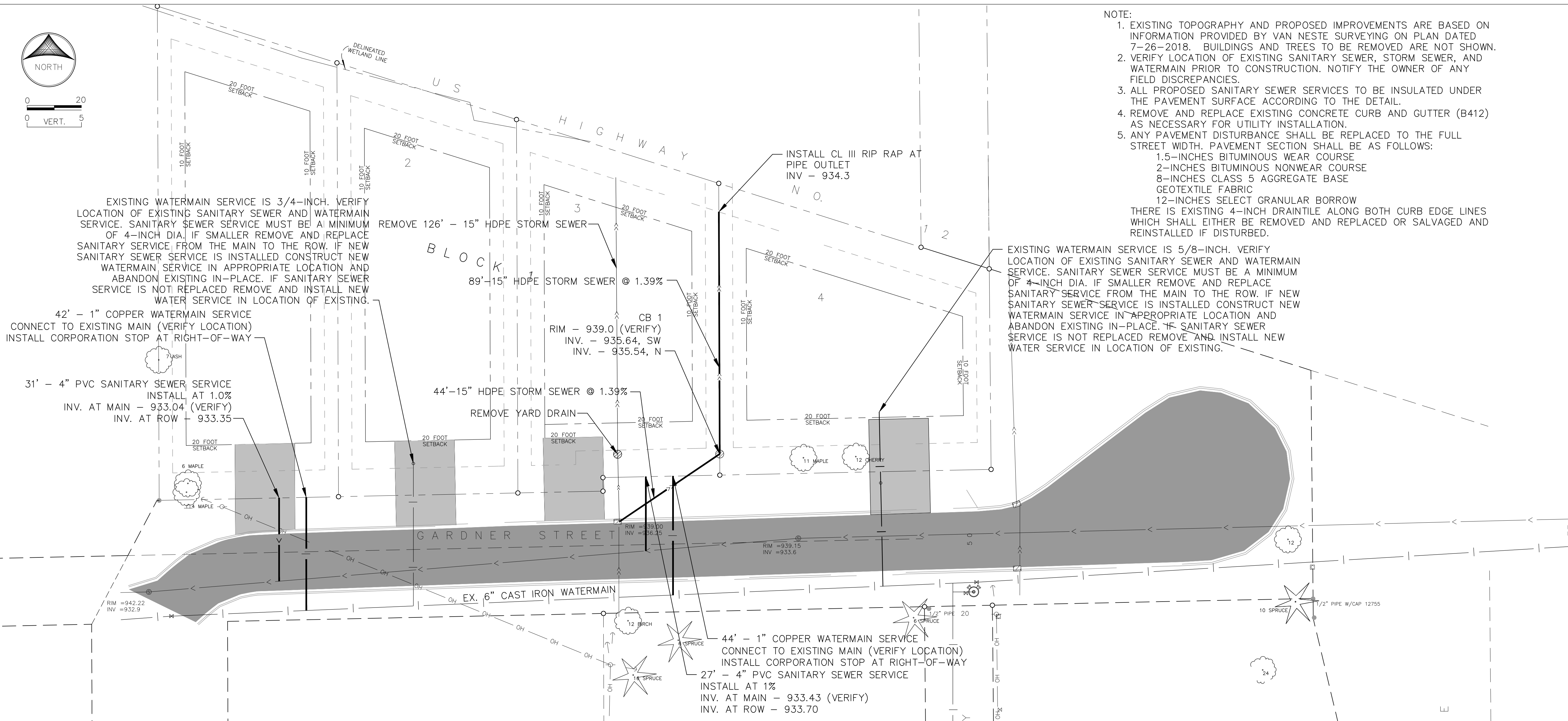
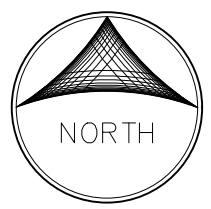
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PUBLICATIONS

Issued for Permit

DETAILS

Page 297 of 358



- NOTE:
1. EXISTING TOPOGRAPHY AND PROPOSED IMPROVEMENTS ARE BASED ON INFORMATION PROVIDED BY VAN NESTE SURVEYING ON PLAN DATED 7-26-2018. BUILDINGS AND TREES TO BE REMOVED ARE NOT SHOWN.
 2. VERIFY LOCATION OF EXISTING SANITARY SEWER, STORM SEWER, AND WATERMAIN PRIOR TO CONSTRUCTION. NOTIFY THE OWNER OF ANY FIELD DISCREPANCIES.
 3. ALL PROPOSED SANITARY SEWER SERVICES TO BE INSULATED UNDER THE PAVEMENT SURFACE ACCORDING TO THE DETAIL.
 4. REMOVE AND REPLACE EXISTING CONCRETE CURB AND GUTTER (B412) AS NECESSARY FOR UTILITY INSTALLATION.
 5. ANY PAVEMENT DISTURBANCE SHALL BE REPLACED TO THE FULL STREET WIDTH. PAVEMENT SECTION SHALL BE AS FOLLOWS:
1.5-INCHES BITUMINOUS WEAR COURSE
2-INCHES BITUMINOUS NONWEAR COURSE
8-INCHES CLASS 5 AGGREGATE BASE
GEOTEXTILE FABRIC
12-INCHES SELECT GRANULAR BORROW
THERE IS EXISTING 4-INCH DRAINTILE ALONG BOTH CURB EDGE LINES WHICH SHALL EITHER BE REMOVED AND REPLACED OR SALVAGED AND REINSTALLED IF DISTURBED.

CONSULTANT

ELEEDING & ASSOCIATES

10062 FLANDERS CT NE
BLAINE, MN 55449



PROJECT INFORMATION

BENTON HARBOR

LOT 1 - LOT 4, BLOCK 1
HENNEPIN COUNTY, MN

DRAWING LOG

REV	DATE	DESCRIPTION
-----	------	-------------

UTILITY PLAN

PROFESSIONAL OF RECORD

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
NAME: *Andrew Elving* REG. NO.: 42350
EXP DATE: 6/30/20

STAMP

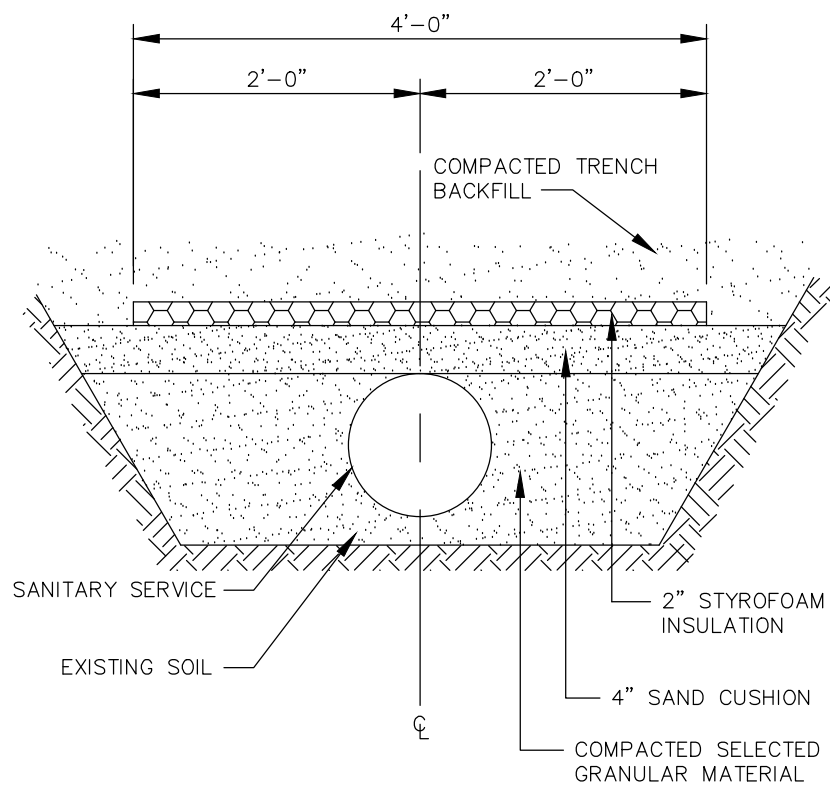
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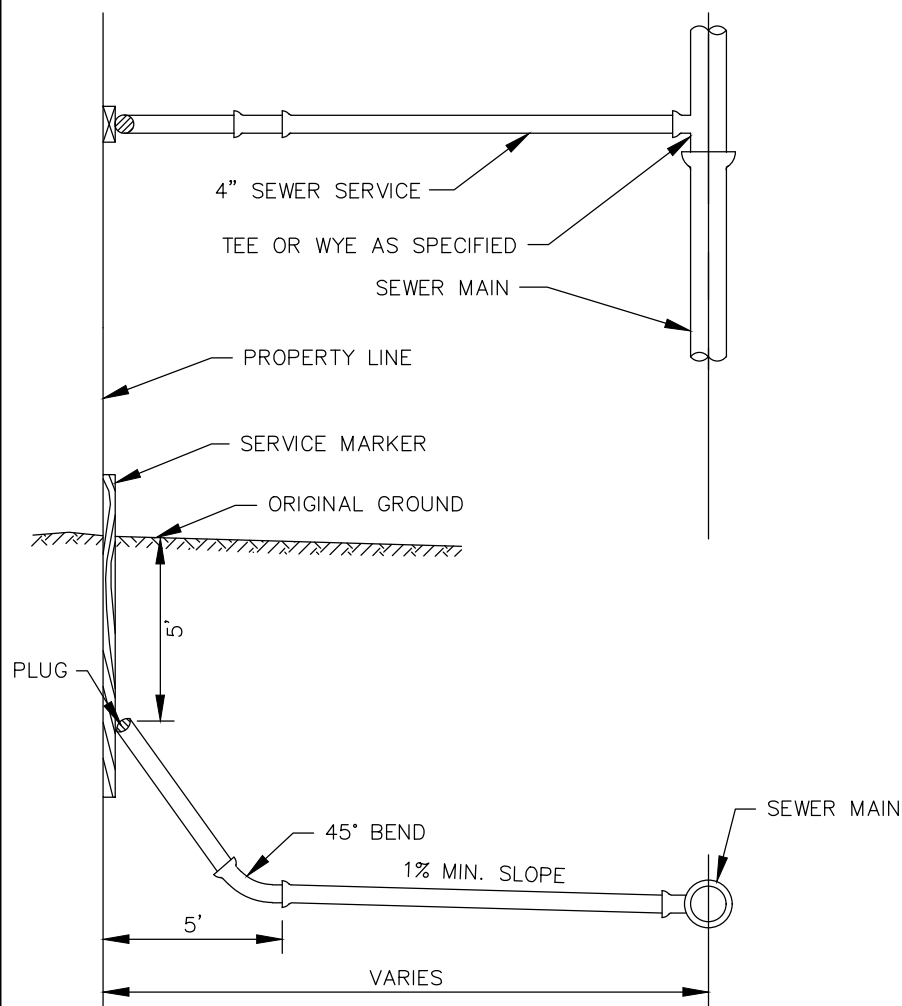
PUBLICATIONS

Issued for Permit



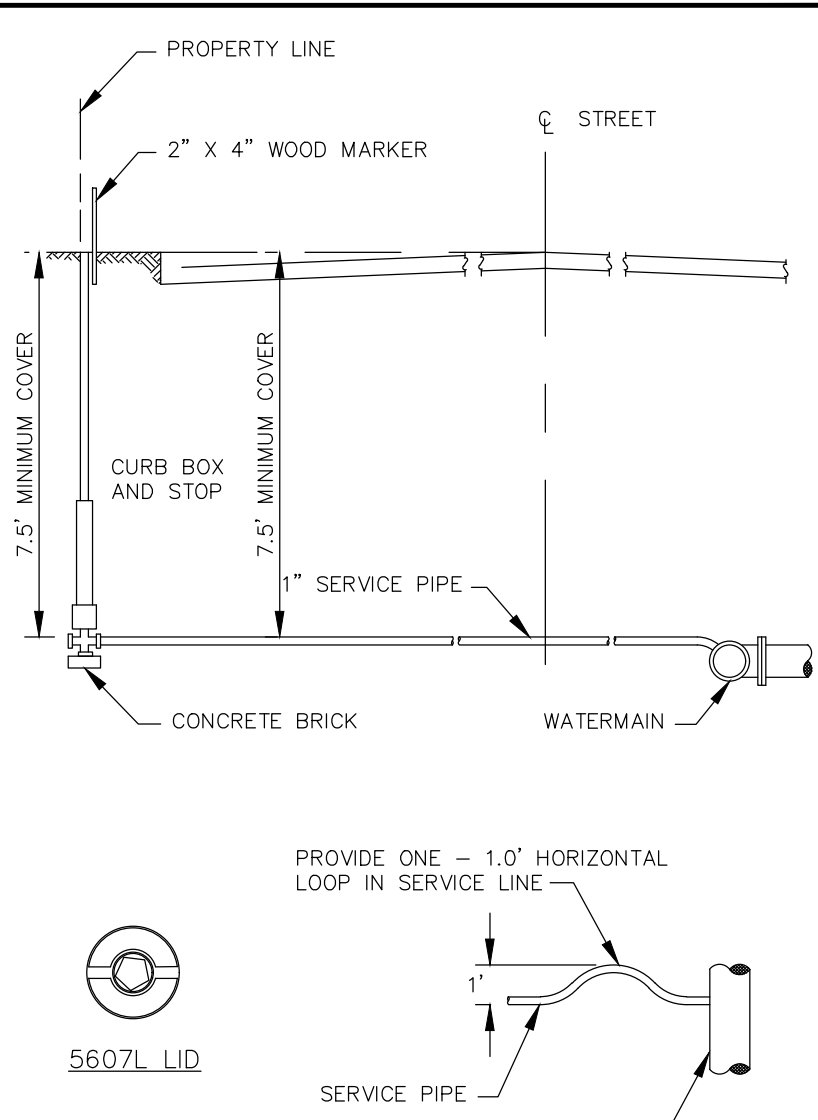
- NOTE:
1. SANITARY SEWER SERVICE SHALL BE INSULATED UNDER THE ROADWAY.
 2. 2" MAXIMUM SHEET THICKNESS
 3. OVERLAP JOINTS

PIPE INSULATION DETAIL



- NOTE: 1. CONTRACTOR TO UTILIZE FERNOCO COUPLINGS TO PROVIDE WATER TIGHT JOINTS AT THE CONNECTION TO THE MAINLINE.
2. SERVICE PIPE TO BE SCHEDULE 40 OR SDR 26 PVC

TYPICAL SANITARY HOUSE SERVICE



- NOTE:
1. CURB BOX FOR 1" CURB STOPS SHALL BE MINNEAPOLIS PATTERN 5610 W/ 8' SHUT-OFF ROD

TYPICAL WATERMAIN HOUSE SERVICE

BENTON HARBOR

R.T. DOC. NO. _____

C.R. DOC. NO. _____

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

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

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

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

and

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

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

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

(Abstract Property)

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

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

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

STATE OF _____
COUNTY OF _____

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

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

SURVEYORS CERTIFICATE:

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

Dated this _____ Day of _____, 20 _____.

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

STATE OF _____
COUNTY OF _____

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

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

CITY OF WAYZATA, MINNESOTA

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

CITY COUNCIL OF WAYZATA, MINNESOTA

By _____, Mayor By _____, Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

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

Mark V. Chapin, County Auditor By _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

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

Chris F. Mavis, County Surveyor By _____

REGISTRAR OF TITLES, Hennepin County, Minnesota

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

Martin McCormick, Registrar of Titles By _____, Deputy

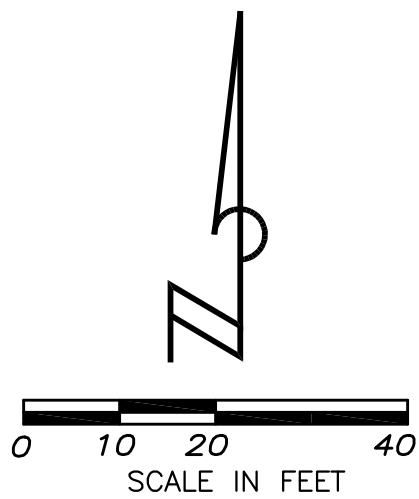
COUNTY RECORDER, Hennepin County, Minnesota

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

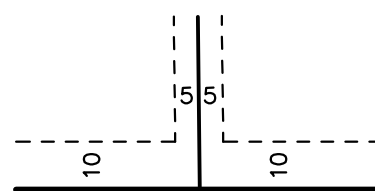
Martin McCormick, County Recorder By _____, Deputy

BENTON HARBOR

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



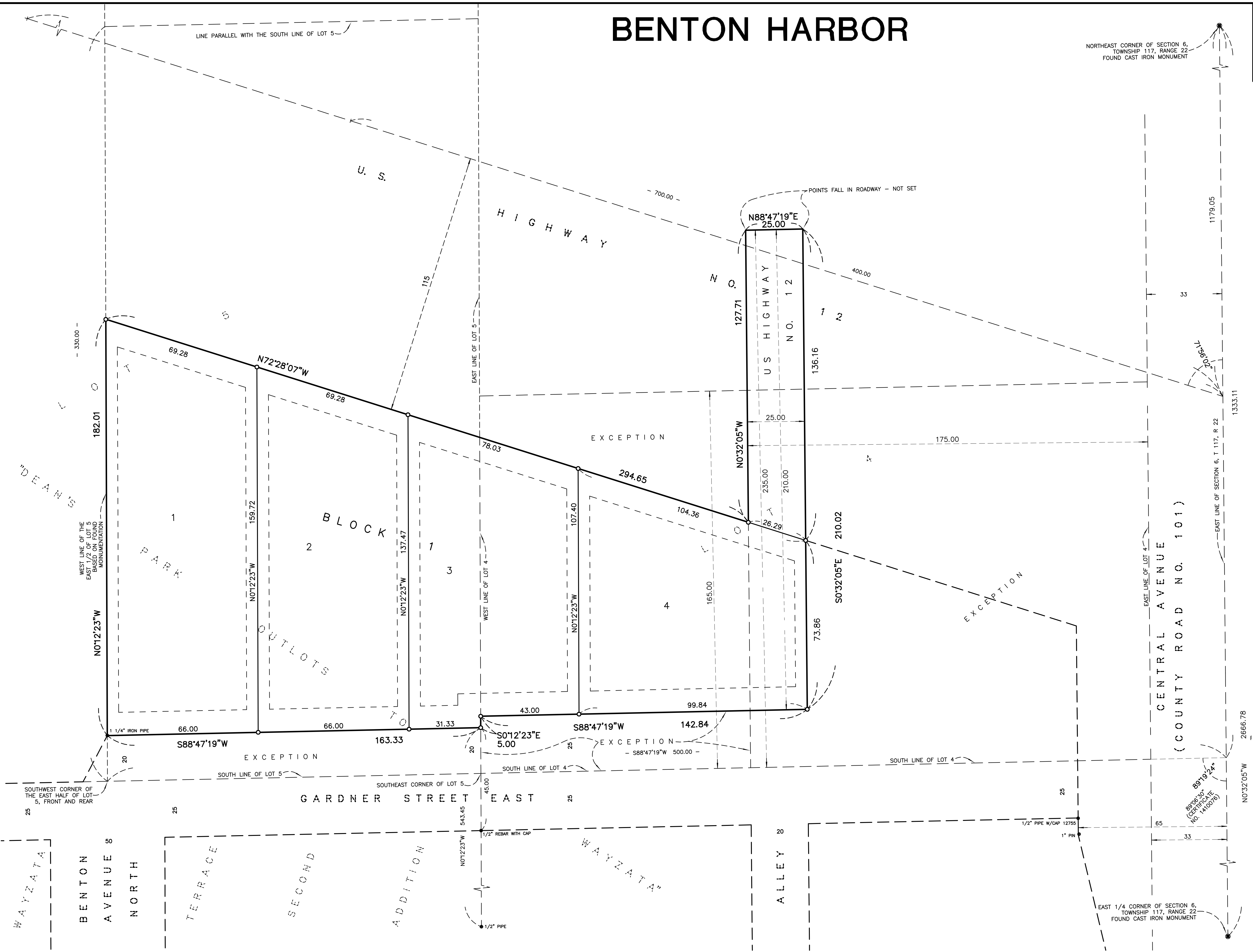
DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:
(NOT TO SCALE)



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

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

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



VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES

1 notices to properties along Shady Lane E regarding the requested conditional use permit and
 2 variance since these residential properties are within the 500-foot separation requirement for liquor
 3 license holders under the CUP requirements but outside of the 350-foot public notice area for
 4 development applications. The City received one public comment in support of the application.
 5

6 Commissioner Flannigan asked Mr. Thomson if the Planning Commission could grant the
 7 application for a one-year term, and then review it again next year to determine if there are any
 8 problems with pedestrian traffic.
 9

10 Mr. Thomson explained that the City regulates sidewalk cafes through a conditional use permit. A
 11 conditional use permit, when approved, runs with the property as the use meets the conditions
 12 specified in the City's CUP ordinance. Once this land use approval is given, a CUP cannot be
 13 revoked unless there has been a violation to one of the conditions of approval. He recommended
 14 the Planning Commission consider recommending conditions of approval that address the
 15 concerns and potential impacts that the sidewalk café could have.
 16

17 Commissioner Flannigan asked what the distance was between the patio and the planters that are
 18 along the sidewalk.
 19

20 Chair Buchanan stated the proposed walkway was 6-feet, and there was additional space from the
 21 planting to the curb. He noted that the proposed walkway is larger than the walkway provided at
 22 Gianni's or McCormick's sidewalk cafe.
 23

24 Chair Buchanan recommended adding a condition that limited the hours of operation for the
 25 sidewalk cafe to start time of 8 am.
 26

27 Commissioner Flannigan stated he would like to see a one-year review to allow the residents the
 28 opportunity to get a feel for the operation, and how it would impact the pedestrian traffic in that
 29 area.
 30

31 Mr. Thomson suggested adding a condition that the patio could not unreasonably obstruct
 32 pedestrian flows, and if it does the City reserves the right to review the pedestrian separation
 33 between the enclosure and the edge of the sidewalk.
 34

35 There being no further questions for staff or the Applicant, Chair Buchanan asked for a motion
 36 on the Application.
 37

38 Commissioner Young made a motion, seconded by Commissioner Murray, to direct staff to
 39 prepare a draft Planning Commission Report and Recommendation, recommending approval of
 40 conditional use permit and variance for a patio at Benedict's located at 845 Lake St E, including
 41 the conditions discussed by the Commission. The motion carried unanimously.
 42
 43

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

45 **a.) Benton Harbor – 310Benton Ave N and 1023 Gardner St E**

i. Preliminary and Final Plat Subdivision

Chair Buchanan stated that staff had determined that the application is incomplete, and thus the Planning Commission will open the public hearing on the application but continue it the next meeting, when a complete application should be presented.

Director of Planning and Building Jeff Thomson stated 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 applicant has submitted a preliminary plat which shows the proposed lot layout. However, the application does not include several items required by the City's subdivision ordinance, including a grading, drainage and erosion control plan, a utility plan, and a tree preservation plan.

Applicant's representative, Mr. Mike Sharratt, Sharratt Design, 464 2nd St, Excelsior, stated they are trying to make the best use of the property that is not being utilized. They had been unaware that a concept plan had to be provided. He asked for clarification on what this would look like, since each house would be custom and what they show may not be what is built on the property.

Mr. Thomson stated the Commission would not be looking for the final house design or footprint for each lot, but rather a general building pad and grading plan for each lot. This allows the Commission to see what impacts the subdivision may have on the surrounding neighborhood. The final plans should be consistent with the general plans that are submitted to the City for approval but the City is aware that there might be some changes to the final design because these would be custom homes.

Commissioner Iverson asked how large the homes were expected to be.

Mr. Sharratt stated there would not be basements to these homes and they would be 1-1/2 to 2 story homes. He would expect the mass of the buildings to be based on economics. The footprint and driveway would be determined by hardcover.

Chair Buchanan asked if these properties were difficult to build on.

Mr. Sharratt stated based on the construction going on across the street, there are likely questionable soils for these properties, which means either there is not adequate bearing capacity or they have organic material.

Commissioner Flannigan asked what the elevation change would be from the back of the properties to the front of the properties and the highway.

Mr. Sharratt stated he did not have a topography of the highway at this time, so he would not be able to answer this.

1 Commissioner Flannigan asked if there would be something to visually screen the highway and
2 buffer the noise.

3
4 Mr. Sharratt stated that these would be custom homes, and this would be something that would be
5 determined by the home buyer for each lot. He stated that there would not be a sound wall
6 constructed.

7
8 Chair Buchanan asked if the applicant would consider three lots instead of four.

9
10 Mr. Sharratt stated there is a compromise in development approach because of the lot quality, and
11 in order to make it economically viable, they really need to do four lots.

12
13 Chair Buchanan opened the public hearing at 7:28 p.m.

14
15 Alex Hoag, 264 Benton Ave, Wayzata, stated there is not a lot of highway traffic noise because
16 the property is lower than the highway. She expressed concerns about the flow of the water
17 impacting the property. She stated that the City is responsible for the maintenance of the ditches,
18 and she has been talking to staff about this. She is excited about having the new homes in the
19 neighborhood.

20
21 Commissioner Iverson stated it was nice that someone was interested in developing these lots.

22
23 Commissioner Flannigan stated the density and traffic do not appear to be impacted with this
24 development, and four lots do fit in this area.

25
26 Chair Buchanan asked for a motion to continue the public hearing and further consideration of the
27 application until a complete application is submitted.

28
29 Commissioner Young made a motion, seconded by Commissioner Flannigan, to continue the
30 public hearing and further consideration of the application for the Benton Harbor subdivision to
31 the next Planning Commission meeting and request the applicant provide a complete application.
32 The motion carried unanimously.

33
34 **b.) Baja Haus Patio – 830 Lake St E**

35 **i. Conditional Use Permit and Variance**

36
37 Director of Planning and Building Jeff Thomson stated the applicant Baja Haus, and the property
38 owner, Bar Lazy H Three, LLC, have submitted a development application to construct and
39 operate an outdoor dining patio within the parking lot adjacent to the restaurant at 830 Lake St E.
40 The applicant is requesting approval of a conditional use permit for outdoor services or sales as
41 an accessory use and a variance from applicable parking requirements. The conditional use
42 permit standards for outdoor services or sales state that the use may not take up parking space
43 that is required by the zoning ordinance. The proposed patio would occupy two stalls that are
44 needed to meet the minimum parking requirement for the shopping center. The applicant has
45 provided renderings of the proposed patio. The pergola would not be included in the
46 construction, as this had not been approved by the property owner, and revised plans would be

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
June 18, 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, Young, Buchanan, and Flannigan. Absent and Excused: Iverson and Douglas. Director of Planning and Building Jeff Thomson, City Attorney David Schelzel, and Olivia Dorow Hovland from WSB & Associates were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, seconded by Commissioner Plantan, to approve the June 18, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of June 4, 2018 Meeting Minutes

Commissioner Murray 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.

AGENDA ITEM 5. Public Hearing Items:

a.) Benton Harbor – 310 Benton Ave N and 1023 Gardner St E

i. Preliminary and Final Plat Subdivision

Chair Buchanan stated the applicant has waived the 120-day period of review, and he requested a motion to continue the public hearing until the application is complete.

Commissioner Young made a motion, seconded by Commissioner Plantan, to continue the public hearing for the preliminary and final plat subdivision at 310 Benton Ave N and 1023 Gardner St E until the application is complete. The motion carried unanimously.

1 **a. Conditional Use Permit**

2
3 Director of Planning and Building Jeff Thomson stated the applicant and property owners, Tom
4 and Debra Vanderheyden, have submitted an application for a conditional use permit to construct
5 a 100% opaque, wooden fence measuring 6-feet in height and located in the side and rear yard of
6 their home located at 105 Walker Ave N. The applicant requests approval of a conditional use
7 permit opacity requirement for fences located in the side yard of a residential property. The
8 Planning Commission reviewed the application and held a public hearing at its meeting on August
9 20. The Planning Commission expressed concerns about original proposal which asked for a 100%
10 opaque, wooden fence measuring 8-feet in height. The Commission requested the applicant
11 provide information about the landscaping around the fence, as well as voiced support for a fence
12 that would be no more that 6-feet in height. Since the August 20 meeting, the applicant submitted
13 a revised plan for the fence and an updated landscape plan for the screening of the fence. In the
14 revised application, the height of the fence has been reduced to 6-feet, which is allowed for a fence
15 located in the side yard of a residential property.

16
17 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to approve and
18 adopt the draft Planning Commission Report and Recommendation as presented, recommending
19 approval of a conditional use permit for a fence at 105 Walker Ave N. with conditions. The motion
20 carried unanimously.

21
22
23 **AGENDA ITEM 5. Public Hearing Items:**

24
25 **a.) Benton Harbor – 310 Benton Ave N and 1023 Gardner ST E**

26 **i. Preliminary and Final Plat Subdivision**

27
28 Director of Planning and Building Jeff Thomson stated the applicant and property owner, Invest
29 Capital Group, LLC, have submitted a development application to subdivide the properties at 310
30 Benton Avenue and 1023 Gardner St E. The applicant is proposing to subdivide the two existing
31 properties into four single-family residential lots. The existing homes would be demolished and
32 four new homes would be constructed. The proposal requires preliminary and final plat review to
33 subdivide the two existing lots. The Planning Commission reviewed the development application
34 and held a public hearing at its meeting on May 21, 2018. At the meeting, the Planning
35 Commission continued the public hearing and directed the applicant to submit all information
36 required by the City's subdivision ordinance. The Planning Commission noted the application did
37 not include a preliminary grading, drainage, and erosion control plan, tree preservation plan, and
38 utility plan. At its June 18th meeting, the Planning Commission reviewed the revised plans
39 submitted by the applicant, which included alteration and fill of floodplain on the property.
40 Alterations to the floodplain are reviewed and approved by the Minnehaha Creek Watershed
41 District. Since the proposed house pads shown on the grading plan would result in alterations to
42 the floodplain, the Planning Commission tabled the application and directed the applicant to obtain
43 approval from MCWD before the City considers the subdivision. The applicant subsequently
44 obtained approval from MCWD for the floodplain alteration. There had been concerns from the
45 neighbors regarding drainage, and this has been reviewed to ensure the drainage patterns would
46 not impact the neighboring properties.

1
2 Applicant representative, Mr. Mike Sharratt, Sharratt Design, 464 2nd ST, Excelsior, stated they
3 are creating approximately 120 cubic yards of floodplain volume. They are changing the grading
4 to make pads for the homes so that they are no to high that they are filling the floodplain or to low
5 that the homes would flood. This increases the area that water can be. The vision is for these to
6 be smaller and more affordable houses. This will fill a void in the City. These homes would not
7 have basements because you cannot have a floor below the floodplain.

8
9 Commissioner Iverson asked if a condition of approval could be added that required permanent
10 tree fences to be installed around the maple tree and the cherry tree on the first lot.

11
12 Mr. Sharratt clarified this would be during construction only, and they would agree to install a
13 more rigid fence with posts driven into the ground.

14
15 Chair Buchanan opened the public hearing at 7:39 p.m.

16
17 There being no one wishing to address the Planning Commission on this application, Chair
18 Buchanan closed the public hearing at 7:40 p.m.

19
20 Commissioner Flannigan stated this is a nice project for this area.

21
22 Commissioner Iverson made a motion, seconded by Commission Murray, to direct staff to prepare
23 a draft Planning Commission Report and Recommendation with appropriate findings of fact to
24 recommend approval of the preliminary and final plat for the subdivision at 2130 Benton Avenue
25 and 1023 Gardner St E. The motion carried unanimously.

26
27
28 **AGENDA ITEM 6. Other Items:**

29
30 **a.) September 4th City Council Meeting Report – Commissioner Plantan**

31
32 Commissioner Plantan provided a report of the September 4, 2018 City Council meeting. She
33 noted that Mike Kelly had been introduced as the new Public Works Director, and there had been
34 an update on the design features along Lake Street as part of the Lake Effect. The City Engineer
35 was asked to look at the intersection of Walker and Rice Street due to safety concerns. The City
36 approved the amended Police Services contract with the City of Long Lake ,and the new design
37 for the police memorial.

38
39 **b.) Review of Development Activities**

40
41 Director of Planning and Building Jeff Thomson stated upcoming development activities include
42 the review of two new homes on Wise and Circle East and the Utilitarian Church property. The
43 Commission will also be reviewing an amendment to the subdivision ordinance to address park
44 dedication fees. October 15 is when the public hearing for the Comp Plan is scheduled. There are
45 three meetings scheduled in October.

DRAFT RESOLUTION NO. 55-2018

**RESOLUTION APPROVING CONCURRENT PRELIMINARY AND FINAL PLAT
SUBDIVISION AT 310 BENTON AVE N AND 1023 GARDNER ST E**

WHEREAS, Invest Capital Group, LLC, (the “Applicant”) has submitted a development application (the “Application”) requesting approval of a combined preliminary and final plat to subdivide the properties it owns at 310 Benton Ave N and 1023 Gardner St E (the “Properties”, legally described on Attachment A to this Resolution) from two existing lots into four new single-family residential lots (the “Subdivision” and “Preliminary and Final Plats”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Subdivision Ordinance, has held a public hearing on the Application, made findings of fact on the land use requests in the Application, and delivered a Report and Recommendation of Approval to the City Council, a copy of which is attached to this Resolution as Attachment B;

NOW THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Subdivision Ordinance, and the Planning Commission Report and Recommendation of Approval of the Application, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Subdivision Ordinance, as set forth in the Planning Commission Report and Recommendation.

B. Based on the foregoing, the Subdivision and Preliminary and Final Plats are hereby **APPROVED**, subject to satisfaction of the following:

1. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and the Applicant must provide a recorded copy of the Final Plat to the City.
2. Prior to release of the Final Plat for filing at Hennepin County, the Applicant must pay the park dedication fees required by the Subdivision Ordinance in an amount of \$2,500 per new lot.
3. The Applicant must enter into a development agreement with the City for the public utility improvements constructed as part of the

Subdivision, in form and content that is acceptable to the City Engineer and the City Attorney.

4. Prior to construction activity on the Property, the Applicant or future homeowner must apply for and obtain all necessary building permits from the City. The building permit application must also include the following:
 - a. The final grading & drainage plan, erosion control plan, utility plan, and civil details for each lot that have been reviewed and approved by the City Engineer.
 - b. The final tree inventory, tree preservation plan, and tree replacement plan for each lot and any impacted right of way areas, that have been reviewed and approved by the City Forester.
 - c. During construction, the Applicant must install chain-link tree protection fencing at the drip line of all trees to be preserved under the approved tree plans.
5. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application and all applicable laws and regulations.
6. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 2nd day of October 2018.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 2, 2018.

Kathy Leervig, City Clerk
SEAL

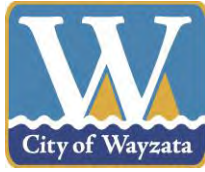
Attachment A
Legal Description of the Property

DRAFT

Attachment B

Planning Commission Report and Recommendation, dated September 17, 2018

DRAFT



WAYZATA PLANNING COMMISSION

September 17, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF CONCURRENT PRELIMINARY AND FINAL PLAT SUBDIVISION AT 310 BENTON AVE N AND 1023 GARDNER ST E

SUMMARY OF RECOMMENDATION

Approval* of Concurrent Preliminary and Final Plat Subdivision

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. The applicant and property owner, Invest Capital Group, LLC, (the “Applicant”) has submitted a development application to subdivide two existing properties at 310 Benton Ave N and 1023 Gardner St E (collectively, the “Property”) into four single-family residential lots (the “Application”). The two existing homes on the Property would be demolished and four new homes would be constructed (the “Project”).
- 1.2 Application Requests. The Application requests simultaneous review and approval of preliminary and final plats to subdivide the two existing lots that comprise the Property into four single-family residential lots as depicted on the plans included as Attachment A (the “Subdivision” or “Preliminary and Final Plats”).
- 1.3 Property. The addresses, property identification numbers and owner of the Property are:

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, LLC

- 1.4 Land Use. The Property is zoned R-3A/Single and Two Family Residential District, and is designated Low Density Single Family in the Comprehensive Plan. The Property falls within the S/Shoreland, FP/Floodplain, and W/Wetland Overlay Districts.
- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on August 23, 2018 and notices were mailed to all properties within 350 feet of the Property on August 24, 2018. The public hearing on the Application was conducted at the September 5, 2018 Planning Commission meeting.
- 1.6 Planning Commission Action. After the conclusion of the public hearing on the Application at the September 5, 2018 Planning Commission meeting, the Planning Commission voted unanimously to direct staff prepare a draft Planning Commission Report and Recommendation recommending approval of the Application.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat.

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review a proposed preliminary and final plat simultaneously. Sec. 805.15.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:
 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 filing 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.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Subdivision / Preliminary and Final Plat.

- A. City review of the Preliminary and Final Plat simultaneously is appropriate under City Code Sec. 805.15.A.
- B. The Planning Commission finds that there would be no significant adverse effects of the proposed Preliminary and Final Plats based upon the following factors found in Section 805.14.E:
 - 1. The Subdivision and Project is consistent with the Wayzata Comprehensive Plan, which guides the Property to Low Density Single Family residential.
 - 2. The building pads associated with the Project have been carefully positioned so as to not impact sensitive areas on the Property, including the wetland and flood plain areas of the Property.
 - 3. The building pads associated with the Project have been selected and located with respect to natural topography and the existing residence to minimize filing or grading, and the alterations being proposed have received the required approvals of Minnehaha Creek Watershed District (MCWD) and would increase the cubic yards of the existing floodplain area.
 - 4. There are no existing stands of significant trees on the Property impacted by the Project.
 - 5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and would maintain the existing scale, pattern and character. The Project would help add to the more affordable housing stock in the City.
 - 6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
 - 7. The lot sizes resulting from the Subdivision are similar to adjacent lots and lots found in the surrounding neighborhood.
 - 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the garage expansion proposed as part of the Project is planned to be similar to the characteristics and quality of existing residence and those in the surrounding neighborhood, though detailed plans are not known at this time.
 - 9. The Design Standards outlined in Section 9 of the Wayzata Zoning

Ordinance do not apply to the Property.

10. The proposed lot layout and building pads conforms with all performance standards contained in the Subdivision Ordinance.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of the Proposed Subdivision and Preliminary and Final Plats, subject to all of the following conditions:

- A. The Applicant must record the final plat with Hennepin County within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- B. Prior to release of the final plat for filing at Hennepin County, the Applicant must pay the park dedication fees required by the subdivision ordinance in an amount of \$2,500 per new lot.
- C. The Applicant must enter into a development agreement with the City for the public utility improvements constructed as part of the Subdivision.
- D. Prior to construction activity on the Property, the Applicant or future homeowner must apply for and obtain all necessary building permits from the City. The building permit application must also include the following:
 1. The final grading & drainage plan, erosion control plan, utility plan, and civil details for each lot that have been reviewed and approved by the City Engineer.
 2. The final tree inventory, tree preservation plan, and tree replacement plan for each lot and any impacted right of way areas, that have been reviewed and approved by the City Forester.
 3. During construction, the Applicant must install chain-link tree protection fencing at the drip line of all trees to be preserved.

- E. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application.
- F. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 17th day of September 2018.

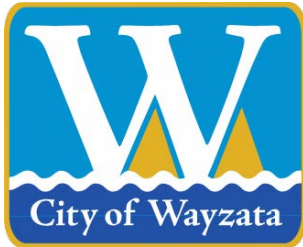
Voting For Approval Recommendation: Buchanan, Douglas, Flannigan, Iverson, Murray, Plantan

Voting Against Approval Recommendation: None

Abstaining: None

Absent: None

Attachment A
Subdivision Plans



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8d
TITLE: Approval of Resolution 57-2018 Supporting Minnesota Municipal Beverage Association (MMBA) Legislative Position regarding Off-Sale Liquor	
PROPOSED MOTION: To Approve Resolution 57-2018 Opposing the Concept of Allowing Strong Beer, Spirits, and Wine to be Sold for Off-Premise Consumption at any outlet other than the Municipal Liquor Store	
PREPARED BY: Kevin Castellano, Liquor Store General Manager	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached resolution.

FINANCIAL OR BUDGET CONSIDERATION:

While there is no direct budget impact to the City with this action, allowing grocery stores to have strong off-sale, whether it is within the City or outside the City, will likely have negative impacts to the overall profitability of Wayzata Wine and Spirits. All profits of Wayzata Wine and Spirits go back into the community to help keep the tax burden low.

BACKGROUND:

Wayzata Wine and Spirits is a member of both MMBA and Minnesota Licensed Beverage Association (MLBA), as both organizations support us as a retailer and a business. The City pays annual dues to these organizations, which help them to speak on our behalf to control the sale of strong liquor in Wayzata. In this past state legislative session, a bill was introduced to allow wine/liquor into grocery stores AND convenience stores. Part of the liquor operations' mission statement, aside from keeping the tax burden low, is to retain strict control over the sale of liquor in Wayzata.

Staff feels it is critical to retain control of the sale of strong liquor, wine, and beer through our City's existing ordinance. In addition to financial reasons, grocery stores, convenience stores, and gas stations would allow broad access to these strong liquor items in the grocery aisle, which does not seem to be in the best interest of the community.

ATTACHMENTS:

1. Letter from the MMBA
2. Resolution from City of Bemidji
3. Resolution from City of Bagley
4. Resolution draft for City of Wayzata



Minnesota Municipal Beverage Association

INCORPORATED

An organization composed of the municipally-operated dispensaries of Minnesota

OFFICERS

PRESIDENT

Chris Arnold
Bagley

VICE PRESIDENT

John Jacobi
Vice President

SECRETARY/ TREASURER

Nancy Raines
Longville

DIRECTORS

Tom Agnes
Brooklyn Center

Nancy Drumsta
Delano

Joe Audette
Elk River

Brenda Visnovec
Lakeville

Sarah Olsen
Mapleton

Nanette Serbus
Olivia

Bill Ludwig
Paynesville

Gary Buysse
Rogers

Mike Larson
St. Anthony Village

Ross Olson
Sauk Rapids

Joe Kessler
Spring Grove

Paul Kaspszak
Executive Director

www.municipalbev.com

Box 32966
Minneapolis, MN 55432
763-572-0222
1-866-938-3925
Fax: 763-780-0424

Date: August, 2018

To: Mayors, Administration and Municipal Liquor Managers

From: Paul Kaspszak, Executive Director

As you know, a bill was introduced in the last legislative session to allow wine, beer and spirits to be sold in grocery and convenience stores.

The bill is expected to be introduced again next year.

In preparation, MMBA asks your city pass a resolution in opposition to the initiative.

The last time this issue surfaced, over 120 cities participated in a similar effort.

Enclosed are two examples recently passed in Bagley and Bemidji.

After passing your resolution, please send a copy to:

kaspszak@visi.com

Or

MMBA
PO Box 32966
Minneapolis, MN 55432

Or

Fax: 763-780-0424

As always, let me know if you have questions or need additional information.

Thank you for your participation and assistance.



CITY OF BAGLEY • Office of City Clerk Treasurer

Main Ave., P.O. Box 178 • Bagley, MN 56621
Phone (218) 694-2865 • www.bagleymn.us

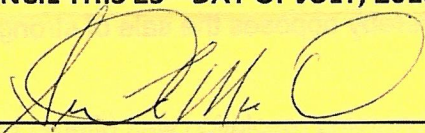
**RESOLUTION OPPOSING THE CONCEPT OF ALLOWING STRONG BEER, SPIRITS & WINE TO
BE SOLD, FOR OFF PREMISE CONSUMPTION, AT ANY OUTLET OTHER THAN THE
MUNICIPAL LIQUOR STORE
RESOLUTION #30-18**

WHEREAS, the sale of strong beer, spirits and wine for off premise consumption, in any Bagley business outlet, other than the Municipal Liquor Store, could cause problems in our youth and at risk adults of uncontrolled and excessive drinking and subsequent increases in police protection and public health costs; and

WHEREAS, the sale of strong beer, spirits and wine in any Bagley business outlet, for off premise consumption, other than the Municipal Liquor Store would be damaging, injurious and otherwise detrimental to the financial status of the Bagley Municipal Liquor Store and the City itself

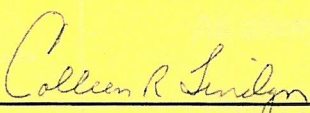
NOW, THEREFORE, BE IT RESOLVED that the City Council of Bagley, State of Minnesota, hereby express our opposition to the sale of strong beer, spirits and wine, for off premise consumption, in the City other than at the Bagley Municipal Liquor Store.

PASSED AND ADOPTED BY THE BAGLEY CITY COUNCIL THIS 25th DAY OF JULY, 2018.



Sidney F. Michel, Mayor

ATTEST:



Colleen R. Lindgren, MCMC
City Clerk Treasurer

RESOLUTION NO. 6168

A RESOLUTION OPPOSING THE SALE OF STRONG BEER, SPIRITS AND WINE IN GROCERY AND CONVENIENCE STORES

WHEREAS, the sale of strong beer, spirits, and wine has long been regulated to preserve public health and minimize public safety concerns; and

WHEREAS, to promote public safety and public health, cities have an interest in preventing youth from obtaining alcohol; and

WHEREAS, increased alcohol availability is associated with increased alcohol related problems in both youth and the general public; and

WHEREAS, the public supports existing regulations controlling the sale of alcohol to minimize the risks associated with youth access to alcohol; and

WHEREAS, allowing the sale of beer, spirits, and wine in grocery and convenience stores would increase the public health risk of youth access to alcohol (see Potential Health Effects of Expanding Liquor Licenses to Grocery and Convenience Stores, Kansas Health Impact Assessment Project, Kansas Health Institute KHI.ORG May, 2014); and

WHEREAS, allowing the sale of beer, spirits, and wine in grocery and convenience stores would increase the public health risk of alcohol-related motor vehicle accidents among youth (see Potential Health Effects of Expanding Liquor Licenses to Grocery and Convenience Stores, Kansas Health Impact Assessment Project, Kansas Health Institute KHI.ORG May, 2014); and

WHEREAS, the public health risks of increasing youth access to alcohol and increased alcohol-related motor vehicle accidents among youth caused by the sale of strong beer, spirits, and wine in grocery and convenience stores are preventable; and

WHEREAS, the public health risks created by increasing youth access to alcohol and increased alcohol-related motor vehicle accidents among youth outweigh any convenience to the public of relaxing present regulations and allowing sale of strong beer, spirits, and wine in grocery and convenience stores.

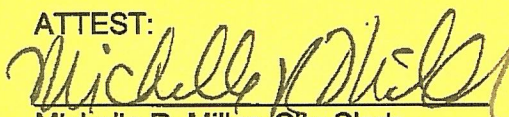
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bemidji, Minnesota, hereby opposes the sale of strong beer, spirits, and wine in grocery and convenience stores.

The foregoing resolution was offered by Councilmember Erickson, who moved its adoption, and on due second by Councilmember Larson, was passed by the following vote:

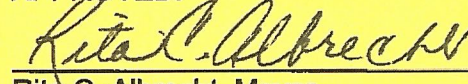
Ayes: Albrecht, Meehlhause, Hellquist, Johnson, Lehmann, Erickson, Larson
Nays: None
Absent: None

Passed: July 16, 2018

ATTEST:


Michelle R. Miller, City Clerk

APPROVED:


Rita C. Albrecht, Mayor

RESOLUTION NO. 57-2018

**RESOLUTION OPPOSING THE CONCEPT OF ALLOWING STRONG BEER,
SPIRITS, AND WINE TO BE SOLD FOR OFF-PREMISE CONSUMPTION AT ANY
OUTLET OTHER THAN THE MUNICIPAL LIQUOR STORE**

WHEREAS, the sale of strong beer, spirits, and wine for off premise consumption in any Wayzata business outlet, other than the municipal liquor store, could cause problems in our youth and at risk adults. To promote public safety and public health, cities have an interest, and a responsibility to maintain control of the sale, and access to strong liquor; and

WHEREAS, allowing the sale of strong liquor, wine and beer in grocery and convenience stores will increase accessibility of alcohol to our youth, and does align with city ordinances that the sale of alcohol for off premise consumption be controlled by the City's municipal liquor store; and

WHEREAS, allowing the sale of strong liquor, wine and beer in grocery and convenience stores conflicts with the Muni's mission statement to keep the City's tax burden low with 100% of profits staying in Wayzata; and

THEREFORE, BE IT RESOLVED that the City Council of the City of Wayzata hereby opposes the sale of strong beer, liquor, and wine in grocery and convenience stores.

Adopted by the Wayzata City Council this 4th day of October 2018.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

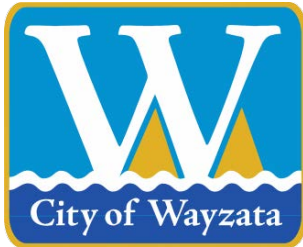
Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 4, 2018.

Kathy Leervig, City Clerk
SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8e
TITLE: Discuss Exploration of Lake Street Design Alternatives	
PROPOSED MOTION: To Direct Staff to Work with Civitas to Develop Lake Street Design Alternatives that Further Address Concerns Regarding the Bike Lane and Center Lane Removal	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends further exploration of Lake Street design alternatives as stated in the proposed motion above.

FINANCIAL OR BUDGET CONSIDERATION:

Staff has discussed exploring additional design alternatives with Civitas. This additional service, which is outside of the original scope of services, would likely cost up to \$20,000. This amount would be paid by the City in its Lake Effect Capital Improvement Fund. This change order would be considered at the October 16th City Council Meeting.

BACKGROUND:

At the September 18th City Council Meeting, the City Council directed staff to put this item on the agenda for discussion.

This June, the Design Validation phase of the Lake Effect Project was completed. This phase, which included a number of community engagement activities, was intended to gather more community consensus on Depot Park, Lake Street Plaza, and Lake Street. The completion of this phase was signified by Council Approval of Concept Plans for these three areas.

After this milestone, the next step was to work on Design Development (DD) which included more detailed and scalable plans for the entire project. This phase is needed prior to moving forward with construction documents. While the previously accepted schedule had the DD phase completing at the end of September, staff has recently communicated with Civitas to temporarily halt the DD phase as more design validation may be needed regarding Lake Street improvements.

Why is more design exploration needed on Lake Street? Over the past two plus months, the City Council and staff have received over a hundred comments at open houses, neighborhood meetings, emails, letters, etc. from community members about concerns with the bike lane and removal of the center lane. While many of the concerns were addressed when community members had updated and accurate information about the Lake Street plans, there still remains significant concerns regarding:

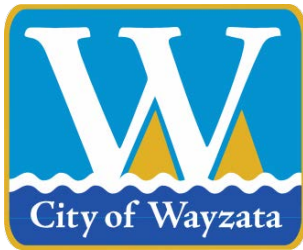
- Width of Lake Street and its accommodation of existing and future vehicular traffic; and

- Rational for a single-use bike lane.

Pausing the DD phase would likely mean a delay of two months. That means, construction documents would not be ready until Spring of 2019 rather than Winter. Staff does not feel a delay would be an impediment as we would not recommend a construction start until late Summer or Fall of 2019 at the earliest.

ATTACHMENTS:

N/A



City of Wayzata City Council Agenda Report

MEETING DATE: October 2, 2018	AGENDA ITEM: 8f
TITLE: Update on East Neighborhood Traffic Items	
PROPOSED MOTION: N/A	
PREPARED BY: Mike Kelly, Public Works Director/City Engineer	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

No action at this time. The objective of this item is to provide an update and discuss future potential action items.

FINANCIAL OR BUDGET CONSIDERATION:

Improvements to the roundabout are tentatively scheduled as a 2019 project for \$140,600 in the City's Street Capital Improvements Plan (CIP).

BACKGROUND:

On Wednesday, August 29, 2018, the Public Works Director/City Engineer hosted a neighborhood meeting in the Wayzata City Council Chambers to discuss several traffic topics related to the East Neighborhood. The meeting began at 6:30 p.m. and covered the agenda of topics below. Approximately 40 people attended, representing 25-30 of the 100 properties. A copy of the presentation slides are attached for reference.

1. Staff provided an update on the traffic count results from 2016 and 2017
Traffic Counts were taken at the following times:
 - a. Before Speed Hump installation
 - b. After Speed Hump installation
 - c. After Bushaway Road was reopened
 - d. After the Landing Hotel was opened
2. Staff and attendees discussed the success or failure of the speed hump installation in the neighborhood.
3. Staff discussed the functionality of the existing roundabout configuration and whether opening it up to all movements is warranted.

Staff also discussed the proposed reconstruction of Circle Drive East. At this time, staff is proposing to install formal storm sewer, concrete curb and gutter, and reconstruct the driving surface. Staff was interested in receiving feedback on whether sidewalks should be considered as part of the project.

Staff provided comment cards at the meeting and on the City website, following the meeting. Copies of the comments cards are attached for reference. A summary of each of the topics discussed will be provided at the City Council meeting.

ATTACHMENTS:

1. Presentation slides from neighborhood meeting
2. Comment Cards

East Neighborhood - Traffic Discussion

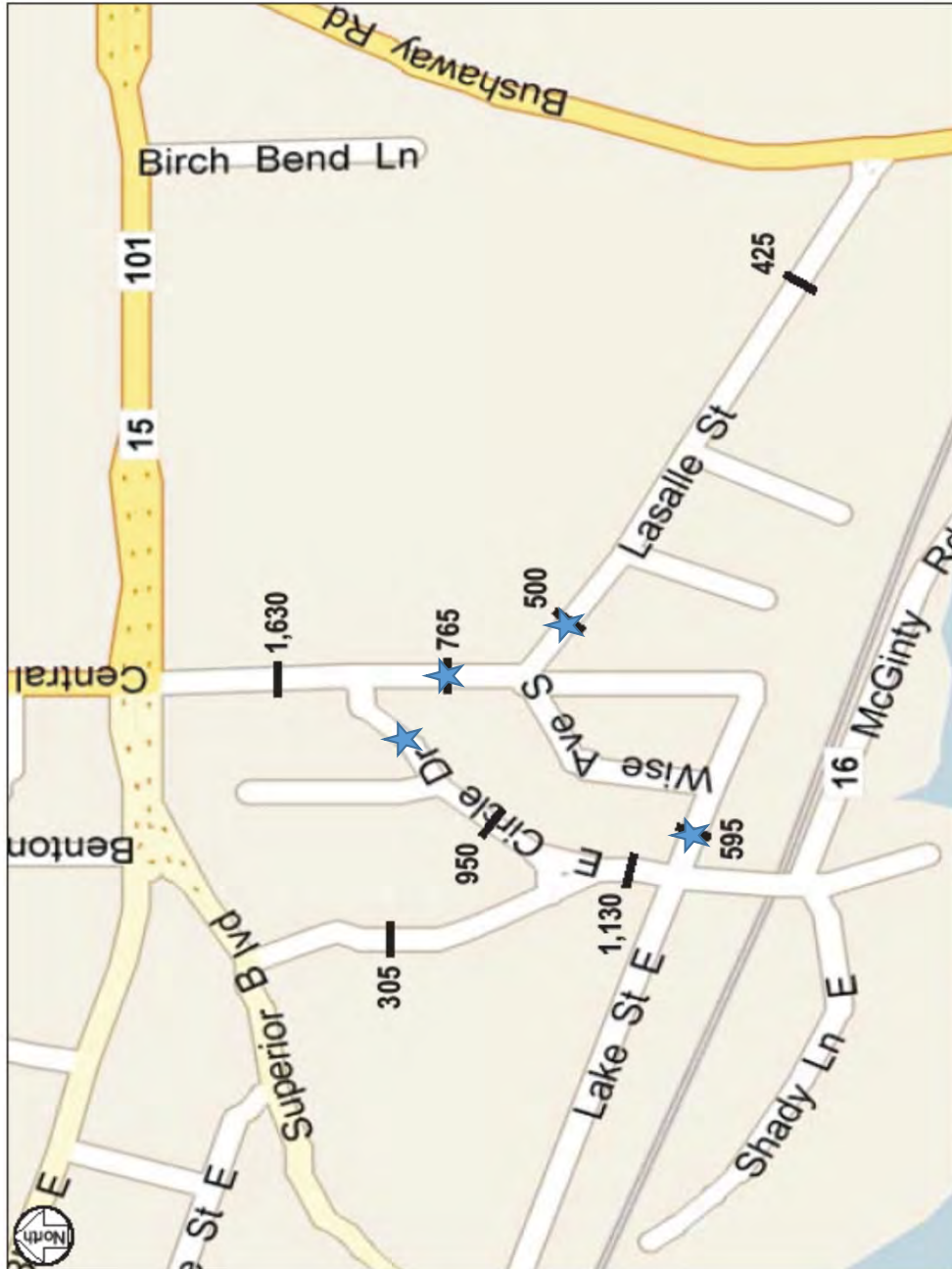
August 29, 2018

TOPICS

1. Traffic Study Update
2. Speed Hump Discussion
3. Roundabout Discussion
4. Circle Drive E Reconstruction



TRAFFIC COUNT DISCUSSION



2008 Traffic Counts with 2016/2017 count locations

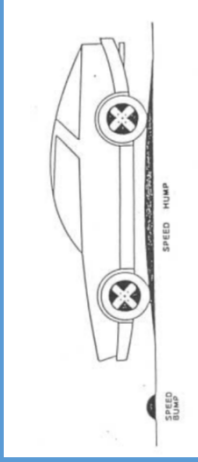
Before Speed Humps - August 2016
 After Speed Humps - September 2016
 After Bushway Open - November 2016
 After Landing Hotel Open - July 2017

<u>Circle E</u>	<u>Central Ave</u>
850/510	1500/1015
770/690	1610/1425
460/300	845/565
455/290	720/565
<u>LaSalle St</u>	<u>Lake St E</u>
360/230	1270/830
390/320	1000/870
205/155	510/315
270/215	525/390

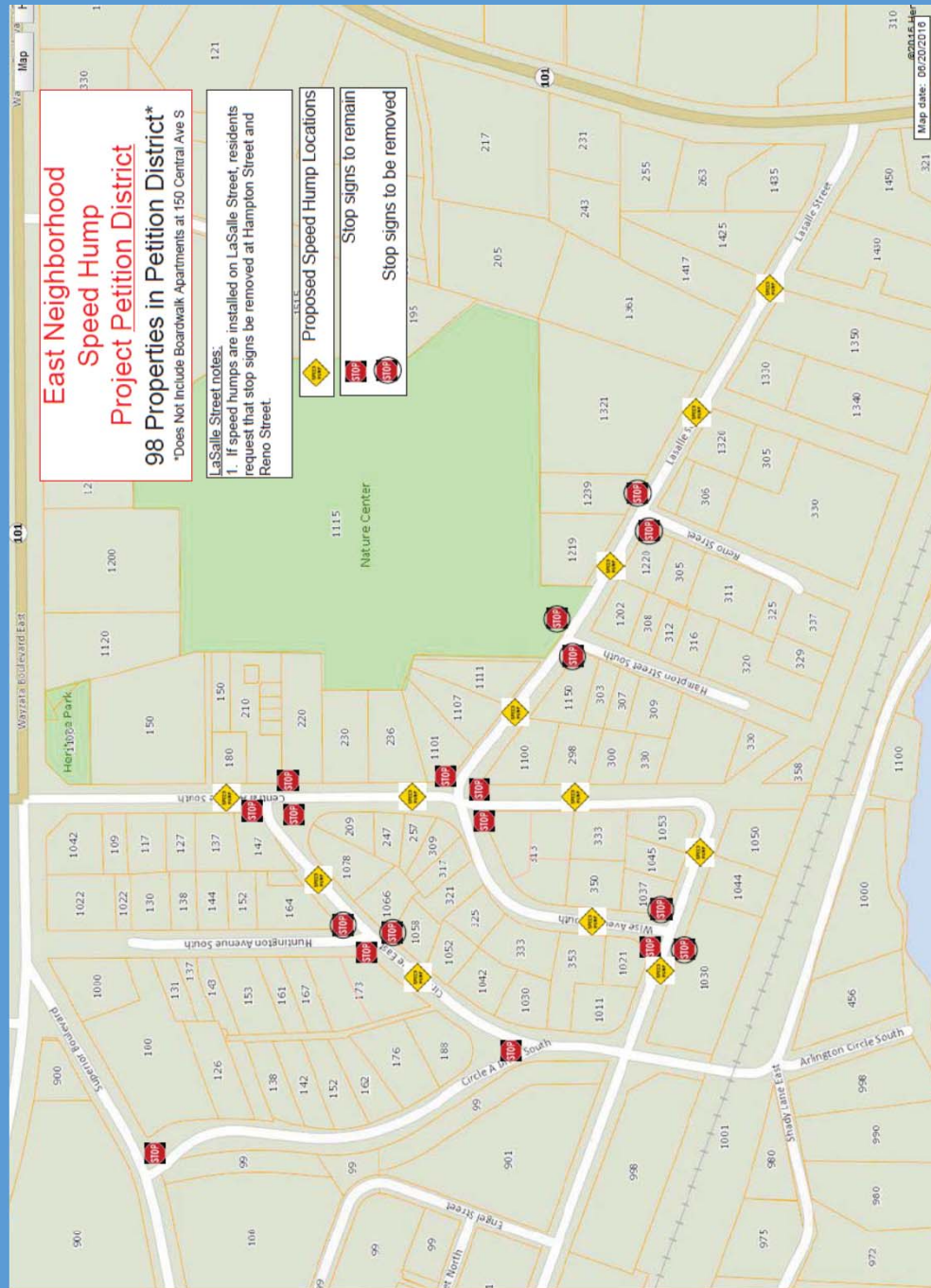
xxx/xxx = weekday/weekend
 Local Street < 1,000 vehicles per day
 ☆ 2016/2017 count locations

SPEED HUMP DISCUSSION

Speed Hump Discussion



- City Policy for Speed Humps (2005) – Install and Removal
 - Policy available upon request
- Speed Humps installed in East Neighborhood in 2016 (by neighborhood petition)
- Current neighborhood feelings on speed humps?
 - Are they working?
- If concerns, humps can be removed, via petition



ROUNDABOUT DISCUSSION

Roundabout Discussion



Roundabout Configurations

NOTE: June 2016 – Council supports return to full-access

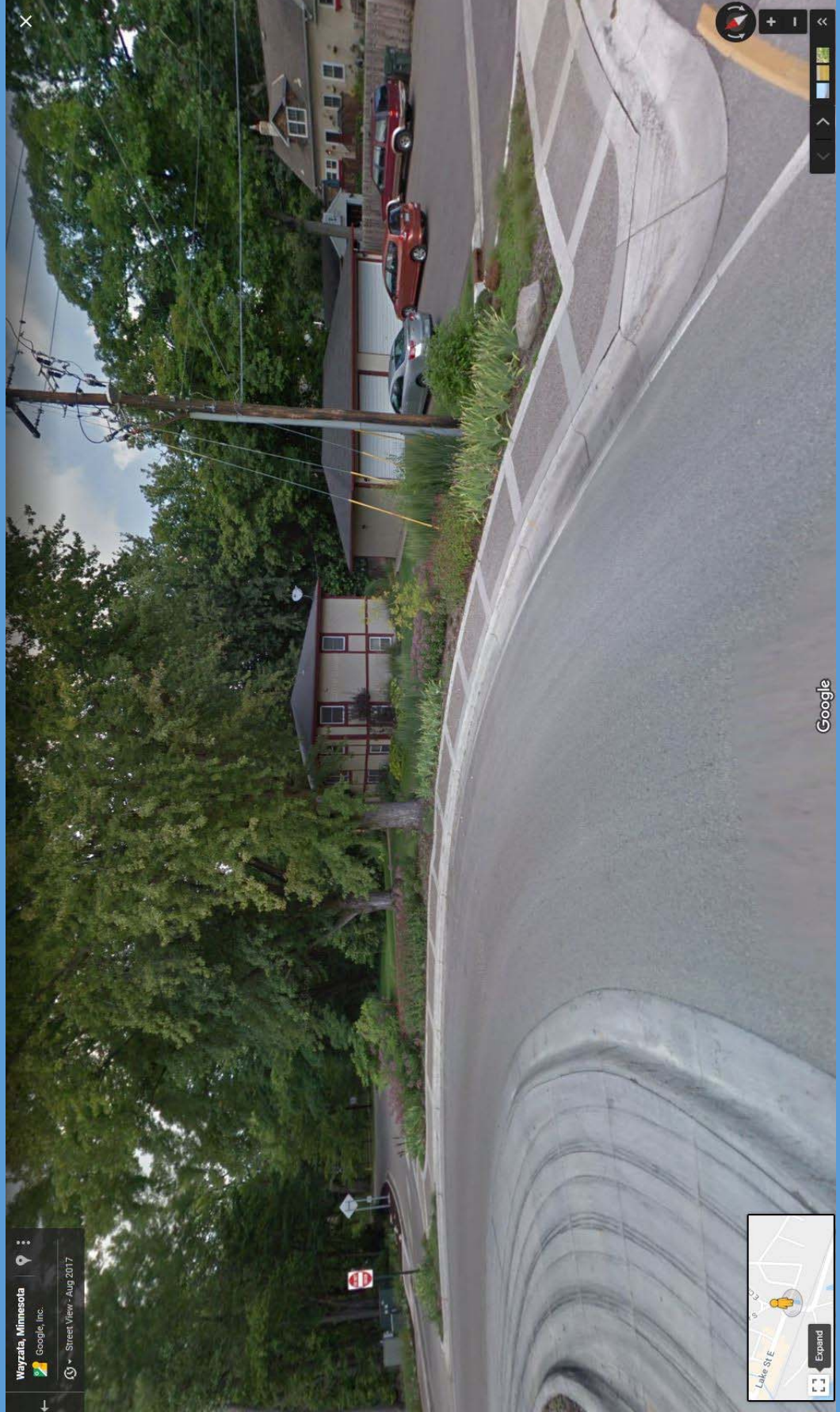


Restricted Access Roundabout



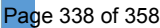
Full Access Roundabout

Roundabout Landscaping

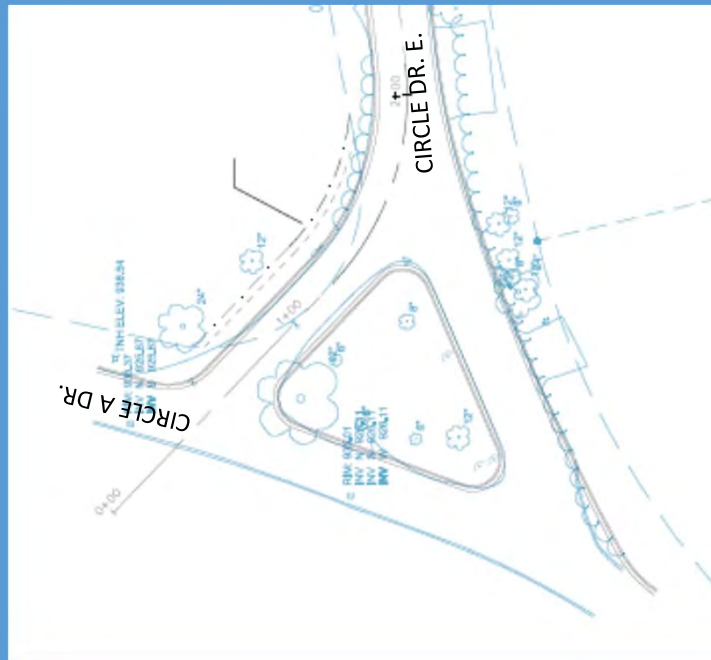


CIRCLE DRIVE E RECONSTRUCTION DISCUSSION

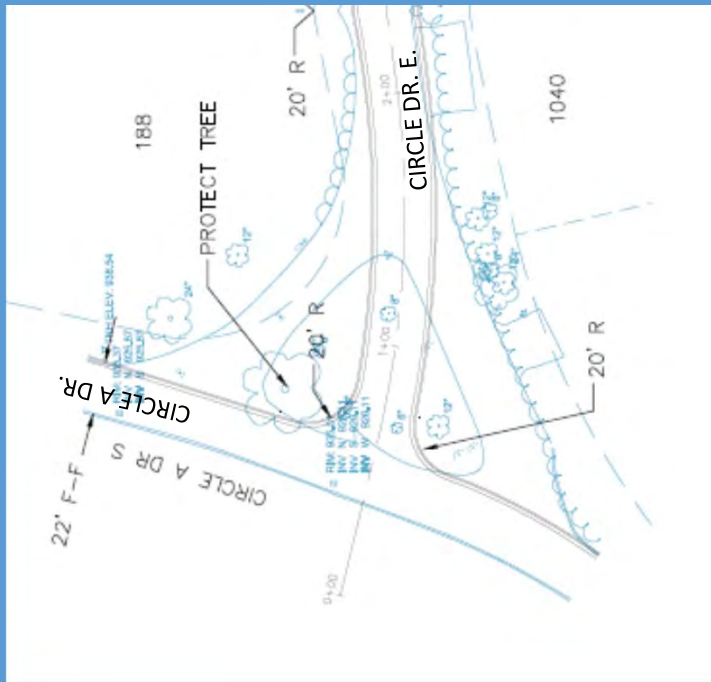
Proposed Improvements
- Storm Sewer
- Concrete Curb & Gutter
- New Roadway
- Sidewalk?



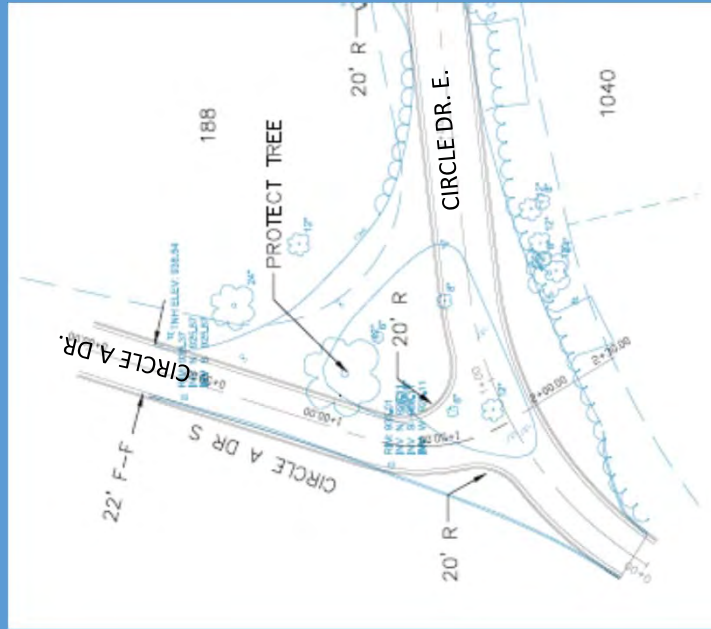
Circle Drive E/Circle A – Intersection Alternatives



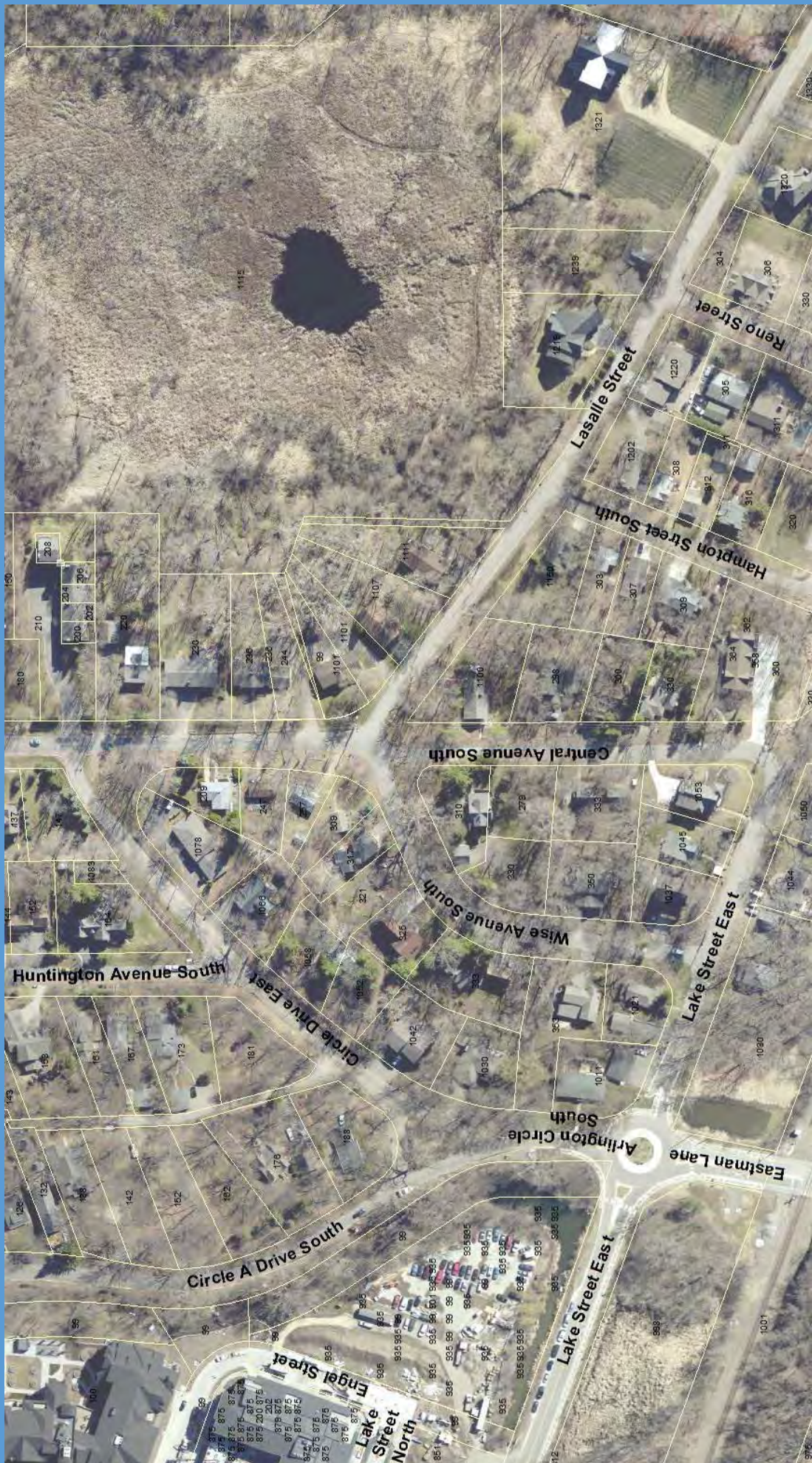
NO CHANGE



CIRCLE E TEES INTO CIRCLE A



CIRCLE A TEES INTO CIRCLE E



THANK YOU FOR
COMING!

PLEASE FILL OUT
COMMENT CARDS.



COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

ROBIE & JIM McWETHY

Email:

JBMCWETHY@GMAIL

Address:

1150 LA SALLE ST

WYAZAMA

Questions:

1. Are you in favor of keeping the speed humps on your street?

☒ Yes

☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?

☐ Yes

☒ No

Comments:

1) BUMPS - YES THEY DO "CALM OUR NEIGHBORHOOD TRAFFIC"

2) ~~DISCOURAGE~~ ^{AS IS} LEAVE ROUNDABOUT - DISCOURAGES PASS-THRU SHORTCUTS
KEEP IMPROVING SIGNAGE - OVERDO IT!

3) WALKWAY HOTEL ROUNDABOUT TO CIRCLE A TO SUPERIOR - YES
BADLY NEEDED
WALKWAY ALONG CIRCLE E NOT NEEDED.
THANKS! R & J

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Whittington

Email:

julesmwhittington@gmail.com

Address:

126 Circle A Dr S.

Questions:

1. Are you in favor of keeping the speed humps on your street?

☒ Yes

☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?

☐ Yes

☒ No

Comments:

Circle A Would love speed humps to slow down traffic. We believe the roundabout slows traffic into the neighborhood and keeps us safer.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: NATALIE STOB Email: NATALIE@SCHNEIDERMAN.COM

Address: 1058 CIRCLE E

Questions:

1. Are you in favor of keeping the speed humps on your street? ☐ Yes ☒ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☐ No

Comments: CIRCLE E? WHY NOT

- I'd assume some of the cars getting "AIR" are KIDS trying to see how much air they can get
- NO SIDEWALKS PLEASE

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Jason Schneiderman Email: Jason.Schneiderman@Schneiderman.com

Address: 1058 Circle E

Questions:

1. Are you in favor of keeping the speed humps on your street? ☐ Yes ☒ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: _____

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Susan Mueller Email: _____

Address: 329 Reno

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Keep Round-About as is. The current configuration
has stopped most traffic & decreased the amount of
traffic in an area.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Peter Fischer Email: _____

Address: 164 Huntington Ave S.

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: I feel the traffic level has gone down
and I don't think we need to change anything

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Jamie Cunningham Email: jamcunningham1@yahoo.com

Address: 164 Huntington Ave S.

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Keep roundabout as is!
Keep roundabout restricted

No sidewalks on Circle E!
leave speed humps — keep everything as is!

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Paul Pennington Email: Paul.Pennington@amsn.com

Address: 1030 Lake St. E.

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☐ No

Comments: Keep the speed humps!

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Lisa Pennington Email: _____

Address: 1030 Lake St E

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☒ Yes ☐ No

Comments: * As long as there is better signage. There is still quite a bit of traffic coming in the wrong way...

We didn't discuss opening Lasalle as another way to ease all the traffic coming into Lake St E

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Kristin Evenson Email: kristin.evanson@icloud.com

Address: 200 Central Avenue

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Without sidewalks in the neighborhood, I prefer restricted access for safety / speed reduction for pedestrians.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Lisa Pennington Email: _____

Address: 1030 Lake St E

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☒ Yes ☐ No

Comments: * As long as there is better signage. There is still quite a bit of traffic coming in the wrong way...

We didn't discuss opening Lasalle as another way to ease all the traffic coming into Lake St E

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Kristin Evenson Email: Kristin.evanson@icloud.com

Address: 200 Central Avenue

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Without sidewalks in the neighborhood, I prefer restricted access for safety / speed reduction for pedestrians.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Diane Silikowski

Email:

dsilikowski@yahoo.com

Address:

Questions:

1. Are you in favor of keeping the speed humps on your street?

☒

Yes

☐

No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?

☐

Yes

☒

No

Comments:

Wait until construction
of WB/SB and Lake St. construction
are complete to make a decision

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Sarah Jacobson

Email:

sjacobson68@gmail.com

Address:

1220 LaSalle Street

Questions:

1. Are you in favor of keeping the speed humps on your street?

☒

Yes

☐

No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?

☐

Yes

☒

No

Comments:

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

TOD FRANSEN

Email:

TOD.FRANSEN@ICIDUB.COM

Address:

1220 LA SALLE ST

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

SAFER w/ SIDEWALKS

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

BRETT CADOGAN

Email:

BRETT.CADOGAN@GMAIL.COM

Address:

5100 WAYZATA BLVD #101, GOLDEN VALLEY, MN 55416

Questions:

321 WISE AVE, WAYZATA MN 55391

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Chris Fitzpatrick

Email:

Address:

1037 Lake St

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

in favor of full access with the caveat of
side walks on Lake Street.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Cindy Harris

Email:

lucindaaharris@gmail

Address:

316 Hampton St Way

Questions:

1. Are you in favor of keeping the speed humps on your street?

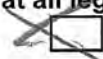


Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

Roundabout protocol is
desperately needed

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Julie Vandenheye

Email:

julievandey@gmail.com

Address:

312 Hampton St

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Audrie Eckman

Email:

Address:

209 Central Ave So Haygate

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

Plumoth People come across. Highway 12 down
Central to turn on circle, then to Lake Street, instead
of going down Superior & stop signs
& No sidewalks just curb & gutter

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Sue Sorensen

Email:

sorensen2@comcast.net

Address:

279 Central Ave S

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

S end of central is too narrow for
2 way traffic. Roundabout as is prevents
central being used as a major rt to Hwy.

Open circle drive rd about

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name:

Ken Sorensen

Email:

sorensen2@comcast.net

Address:

279 Central Ave S.

Questions:

1. Are you in favor of keeping the speed humps on your street?



Yes



No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection?



Yes



No

Comments:

Open roundabout to Circle Drive East only.
Leave closed (no change) entering roundabout
from Lake Street. ~~Lake~~ Central Ave
200 block is only 19' wide, no shoulder → too narrow
to upgrade 2 way TRAFFIC.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: _____ Email: _____

Address: _____

Questions:

1. Are you in favor of keeping the speed humps on your street? ☐ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☐ No

Comments: _____

NO Sidewalks

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Karl Ludescher Email: muellerludescher@gmail.com

Address: 329 Reno St., Wayzata

Questions:

1. Are you in favor of keeping the speed humps on your street? ☐ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☒ Yes ☐ No

Comments: It safety is truly the priority, esp. for pedestrians, then sidewalks are necessary to get (often) clueless walkers, strolling etc., off the public streets.

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Steve Storrie Email: StephenStorrie@gmail.com

Address: 138 Huntington Ave S

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Speed hump in front of 1058?? (E CIRCLE)
Removed when water connected to new home.
Now, No Stop sign, and 1 speed hump
and for most drivers, its the last one, so they
end up with a drag strip down to the circle

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Becky Welter Email: rebeccawelter@gmail.com

Address: 181 Huntington Ave South

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No

2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Please Keep Speed humps
Put in curb/cutter
No Sidewalk
Keep Roundabout the way it is. Exit only!

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Tony Welter Email: _____

Address: 181 Huntington

Questions:

1. Are you in favor of keeping the speed humps on your street? ☒ Yes ☐ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: Keep it the way it is
Add curb/gutter
No sidewalk
Put speed humps on alley

COMMENT SHEET

EAST NEIGHBORHOOD TRAFFIC UPDATE

INFORMATIONAL MEETING/OPEN HOUSE – WEDNESDAY, AUGUST 29, 2018

Name: Dan Gustafson Email: _____

Address: 1040 Circle Drive E

Questions:

1. Are you in favor of keeping the speed humps on your street? ☐ Yes ☒ No
2. Are you in favor of modifying the roundabout to allow full access at all legs of the intersection? ☐ Yes ☒ No

Comments: 1. Would like sidewalks in neighborhood
2. Reconfigure Circle A/Circle E intersection to allow for more green space

Mike Kelly

From: Gordy Straka <gdstraka@gmail.com>
Sent: Monday, August 27, 2018 12:08 PM
To: Mike Kelly
Cc: jimhornig@me.com; Bruno Silikowski
Subject: Re: Circle E., Speed Humps, Roundabout

I see in reviewing my email that I meant Bushaway Road closed not McGinty, I think you figured that out.

Sent from my iPhone

On Aug 27, 2018, at 10:10 AM, Mike Kelly <mike@wayzata.org> wrote:

Thank you for your comments, Gordy.

<image004.jpg>
Michael H. Kelly, Jr., P.E.
City Engineer/Director of Public Works
mike@wayzata.org | 952-404-5316
299 Wayzata Blvd W | Wayzata, MN 55391
www.wayzata.org
<image005.png> <image006.png>

From: Gordy Straka [<mailto:gdstraka@gmail.com>]
Sent: Friday, August 24, 2018 12:49 PM
To: Mike Kelly <mike@wayzata.org>
Cc: jimhornig@me.com; Bruno Silikowski <bsilikowski@autoplex.com>
Subject: Circle E., Speed Humps, Roundabout

Mike

In reviewing the counts that were taken in 2008 with McGinty Road open and then 2016 with McGinty Road closed, before installation of speed humps, it was 100 less than 2008. After the speed humps were installed it only dropped by 80. After Bushaway road opened in November of 2016 the counts went down to 460 from 770. I feel that there is no longer a need for the speed humps and they should be removed. As for the upgrading and repair of Circle E. Drive I don't know if sidewalks are necessary or not especially with the retaining walls they would require. There definitely needs to be a sidewalk on Circle A Drive from Lake Street to Superior Avenue, before someone gets injured.

I have reviewed the Federal Highway Administration Design Standards for Roundabouts and they do not recommend a design anywhere in their standards like the one built on Lake Street. This should be changed to follow the Federal Design standards with both Lake Street and Circle E. open to 2-way traffic. By having Lake Street as a do not enter to the roundabout when people come to that they have to turn around in the home driveway or they go against the sign and a lot of them go the wrong way around the roundabout to get out. This is creating a dangerous situation. The roundabout should be configured in the proper way Then people coming out of Lake street would enter in the proper direction. I cannot understand why the people on East Lake street want the additional traffic made to go thru their neighborhood. For people in our neighborhood to get home coming from Bushaway Road, McGinty Road or Downtown we must go thru The Lake Street Neighborhood and over 5 speed humps. We do not have a cut thru traffic problem, with the counts you are showing. We are neighborhood people getting in and out to our homes.

Gordy Straka 612-267-6319 Cell

Mike Kelly

From: Jim Hornig <jimhornig@me.com>
Sent: Thursday, August 30, 2018 5:36 PM
To: Mike Kelly
Subject: Feedback for Circle A/E Traffic

Mike thanks for taking the time to meet with Gordie, Bruno and me. Gordie copied me on his email to you and I fully agree with his comments. Since road counts are at or below 2008 numbers and the road closures which spiked use are now behind us, the speed bumps must go. The considerable inconvenience of all these bumps is perpetrated on us homeowners every day.

I also agree with Gordie's roundabout thinking. Allowing two way access on Circle A will significantly reduce traffic on Wise Ave while providing convenient access to Huntington and Circle A residents.

The reworking of the "triangle" holds great promise. I really like the concept of merging the current triangle with the hotel property and eliminating that portion of Circle A which would be routed to the east onto Circle E. A stop sign at that juncture would slow traffic and greatly reduce accident risk particularly for the many pedestrians that now walk it. Artistic lighting, an attractive walkway and benches would create a safe and pleasant entry point to Wayzata.

Finally a sidewalk on the west side of Circle A is a must. Again with Folkstones' hundreds of new residents many of whom are elderly and regularly walk or are being pushed in a wheelchair on Circle A separation from cars is critical. The current situation is a disaster waiting to happen. I don't feel a need for a sidewalk on either side of Circle E. The site lines are clear and the topography would be a major challenge.

With the dramatic changes to this neighborhood, Folkstone on one side and major new residential construction on the other, we have a wonderful opportunity to make major, positive changes. Thanks for listening.

Jim Hornig