

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 Tuesday, November 20, 2018

5:00 p.m. Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

1. Special Services District Update (5:30 p.m.)
2. Lake Street Design Alternatives Update (6:00 p.m. or immediately following)

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.	Recognition of Lake Minnetonka Science Collaborative	Willcox							
b.	Swearing In Firefighter Sam Nierman	Klapprich							
c.	Swearing In Firefighter Derek Day	Klapprich							
d.	Presentation Historical Society, Wayzata Community Bank at 305 Lake St E	Holst							
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 Regular Meeting Minutes of November 7, 2018 and November 13, 2018								
b.	Approval of Check Register								
c.	Approval of Municipal Licenses								
d.	Police Activity Report								
e.	Building Activity Report								
f.	Approval of Development Agreement for Ventana Condos at 253 Lake St E								
g.	Consider Approval of Tax Increment Financing Agreement (TIF) between the City of Wayzata and Ventana, LLC at 253 Lake Street East								
h.	Consider Approval of Plans and Authorization to Solicit Public Bids for the Rehabilitation of the Water Tower, located at 403 Gardner Street East								
i.	Approval of Second Reading of Ordinance No. 786 Amending the Fire Prevention Code								
8	New Business								
a.	Consider Resolution 65-2018 Amending Lake Street Design	Dahl							195
b.	Discuss Status of East Neighborhood Roundabout and Other Contemplated Capital Improvements	Kelly							241
c.	Consider Resolution No. 62-2018 Approving the Zitzloff Redevelopment at 305 and 309 Lake St E	Thomson							249
d.	Consider Resolution 66-2018 Approving the PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S	Thomson							310
9	City Manager's Report and Discussion Items								
10	Public Forum (as necessary)								
11	Adjournment								

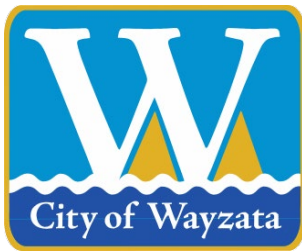
Meeting Rules of Conduct:

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 - December 4 & 18
 Planning Commission - December 3

Members of the City Council and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7a
TITLE: Approval of City Council Regular Meeting Minutes of November 7, 2018 and November 13, 2018	
PROPOSED MOTION: To Approve the City Council City Council Regular Meeting Minutes of November 7, 2018 and November 13, 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 Meeting Minutes of November 7, 2018
2. Draft City Council Meeting Minutes of November 13, 2018

**WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
November 7, 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.

Mr. Wilcox noted that the Council had met in closed session at 6:00 p.m. to evaluate the performance of City Manager Dahl and explained that pursuant to Minnesota State Statute 13D.05, Subd. 3A, a summary of the meetings conclusion is required. He gave a brief overview of the evaluation of City Manager Dahl.

AGENDA ITEM 4. Approve Agenda.

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

AGENDA ITEM 5. Public Forum.

a. Introduction of Liquor Store Supervisor Erin Johnson

Wine and Spirits Manager Castellano introduced the new Liquor Store Supervisor Erin Johnson.

Ms. Johnson provided information on her background in customer service, which she feels helps her take care of her customers. She noted that she has been at the Liquor Store for three years and has learned a lot in that time.

b. Letter of Acknowledgement for the Army for Samantha Day

Sergeant Oliva explained that Samantha Day has enlisted in the United States Army Reserve as a 25 Quebec which is a multi-channel systems operator and will also be attending University of Colorado-Boulder as an ROTC cadet. He noted that she has plans to commission after graduation and eventually attend medical school.

Mr. Willcox read aloud a letter from the Council regarding her enlistment.

Ms. Day thanked the Council for their letter of acknowledgement and noted that her attendance at tonight's meeting was a complete surprise to her.

AGENDA ITEM 6. New Agenda Items.

Mr. Plechash requested that City staff look at the wave of cities around the State that are eliminating dog licenses. City Manager Dahl stated that staff will dig into that issue and bring it back to the council.

Mrs. McCarthy stated there has been an outreach around sound abatement for Highway 12. She would like to invite MnDOT to come to the City and explain the process and perhaps get some decibel readings at various locations. Mr. Dahl stated that he will contact MnDOT to find out their process for a future meeting.

AGENDA ITEM 7. Consent Agenda.

With regard to Item 7b, Approval of Check Register, Mr. Koch stated that he had a comment on page 27, the line item for Ferndale Road/BNSF watermain repair. He noted this was approximately

1 a \$70,000 expense that was not accounted for but noted that this was the best-care scenario and
2 could have been a lot worse. He commended Public Works Director/City Engineer Mike Kelly for
3 being so accurate in his cost estimate for this project.

4 Mr. Tyacke asked if there was any budget impact to the City by adopting the Hennepin
5 County All-Hazard Mitigation Plan. Mr. Dahl stated that there will not be any budget impact to
6 this plan. Mr. Tyacke noted that language on the bottom of page 12 of the materials provided that
7 talks about potential funding sources.

8 Mr. Dahl will confirm with Chief Risvold, but he believes this would be in the event of
9 emergency and working with outside agencies, such as FEMA.

10
11 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda:

- 12 a. Approval of Workshop Minutes of October 16, 2018 and Minutes of October 16, 2018
- 13 b. Approval of Check Register
- 14 c. Approval of Municipal Licenses
- 15 d. Consider Approval of Resolution 63-2018 Approving the Hennepin County All-Hazard
- 16 Mitigation Plan

17 The motion carried 5/0.

18
19 **AGENDA ITEM 8. New Business.**

20 **a. Consider Approval of Strategic Plan Update**

21 Mr. Dahl presented the Strategic Plan update and items to consider at the 2019 Retreat. He noted
22 the mission and vision for the City is to preserve and enhance the quality of life of the community
23 in order to be the idyllic City on Lake Minnetonka to live, work, shop, and play. He stated that at
24 the mini-retreat in October 2018, the Council discussed the ever-changing priorities in the City and
25 discussed revising the Strategic Plan to have more realistic goals. He noted that seven initiatives
26 were removed and the following were added: explore electronic bill pay, timesheets, and utility
27 billing; implementation of new organization structure and human resources practices; update
28 downtown parking study; and, develop a development handbook that addresses noise and trees.

29 Mr. Tyacke clarified that by removing the seven initiatives the City was simply trying to
30 balance the available resources with things that could get done.

31
32 **b. Consider Resolution No. 62-2018 Approving the Zitzloff Redevelopment at 305 and**
33 **309 Lake Street East**

34 Director of Planning and Building Thomson presented the background for the Zitzloff
35 Redevelopment at 305 and 309 Lake Street East. He noted the Planning Commission reviewed the
36 application and directed staff to prepare a Report and recommendation for denial of (1) building
37 height variance, and (2) building height shoreland impact plan/conditional use permit, and approval
38 of (1) design review, (2) 3rd story setback variance, (3) floor area ratio variance, (4) shoreland
39 impact plan/conditional use permit for impervious surface, (5) joint parking conditional use permit,
40 and (6) preliminary and final plat subdivision.

41 Mr. Plechash asked what the true historical significance of the bank façade is and how
42 important it is to be maintained. Mr. Thomson stated the Planning Commission has been very
43 pleased about the possibility of preserving the bank face. He stated spoke with Joannie Holst who
44 is the president of the Historical Society about the history of the structure and she relayed a few
45 things that may be of interest to the Council. He explained that the structure was built in 1908 and
46 the exterior structure is original and would qualify for the National Register of Historic Structures.

47 Mr. Plechash asked if this plan would not actually preserve the structure, but simply
48 replicate it. Mr. Thomson stated his understanding is that the developer will look at preserving the
49 actual structure; however, they feel it may be difficult due to its age and conditions and it is more
50 likely that it will be an exact replica of the façade.

1 Mr. Plechash asked if that would destroy the historical significance of the structure. Mr.
2 Thomson stated it is a level of preservation for the building, noting the marquis on the 600 building
3 is not the original marquis but a replica of the previous version.

4 Mr. Tyacke confirmed this application is under a C-4 zoning and not a PUD. He stated his
5 concern is what it will look like on the Wayzata Blue side of the building if the setback is limited
6 and run the full length of the building on Barry Avenue. Mr. Thomson stated no deviations were
7 granted for the second or third story setback along Barry Avenue for the Wayzata Blue property.

8 Mr. Tyacke stated that the aesthetic would then basically be a full three-story structure on
9 Barry Avenue. Mr. Thomson explained that the third story will be setback from the second floor
10 entirely, so it will essentially look like a two-story building with a third-story recession.

11 Mr. Tyacke stated there will still be a shadow effect and much less sunlight getting through
12 with a full two-story building without the setback. He stated that is unclear on the building plans
13 because the back elevation also shows a 35-foot building height and the street is clearly sloped. He
14 asked how the height limit was calculated under the ordinance. Mr. Thomson explained that this
15 building height was quite difficult to calculate because he needed to find the average grade around
16 the perimeter of a building to the top of the roof. He stated that what made it difficult to establish
17 the average grade is that there is essentially no adjacent grade because of its location. He noted
18 that the developer had used the average grade information for the 315 building because they are
19 planning to tie into both the roof and the floor elevations. He reiterated that using this information,
20 the plans do meet the 35-foot height requirement.

21 Mr. Willcox stated that he would have liked to see the renderings with the proposed third
22 story attached, so the Council could get a more accurate idea of how the building will look in its
23 entirety.

24 Mrs. McCarthy asked about shared parking and confirmed that if there were to be a new
25 owner in either building, they would have to agree to honor the shared parking agreement. Mr.
26 Thomson noted it is a CUP and there is language in the resolution that says they are required to
27 enter into a written agreement across the properties so any future owners for either property would
28 be subject to that same agreement.

29 Mrs. McCarthy asked what type of commercial uses are planned for the subject property
30 and if the usage changed, whether another CUP would be to be entered into if additional parking
31 was required because of the different use. Mr. Thomson confirmed that if any of the uses changed
32 and increased the parking requirement, the applicant would have to come back and amend their
33 approvals.

34 Mrs. McCarthy asked for clarification of the setbacks for the second floor in relation to the
35 bank columns. Mr. Thomson stated that because of the height of the bank façade columns, the size
36 of the second floor is impacted and the developer is trying to add some additional square footage
37 along Barry Avenue to make up for it being impacted along Lake Street.

38 Mrs. McCarthy clarified that it was a design choice to maximize square footage. She
39 stated this is essentially an extension of the building to the east and asked about the history of that
40 building and any variances that may have been granted. Mr. Thomson stated that he does not know
41 the full history and what variances or deviations may have been granted for that building and would
42 have to go back and take a closer look.

43 Mr. Willcox stated that in addition to asking for more square footage in order to preserve
44 the bank columns, the applicant is also asking for Tax Increment Financing (TIF) money in order
45 to preserve the columns. He asked if the applicant would essentially be rewarded twice for
46 preserving the bank columns. Mr. Thomson stated that the applicant could answer that more
47 specifically, but he knows that there are increased construction costs because of the columns and if
48 there is a reduction in the size of the building because of the columns, there will be a loss of income
49 as well.

50 Mr. Willcox asked about the water table at this location. Mr. Thomson stated that he wasn't
51 sure if the City had soil borings, so he was not sure about the water table.

1 Mrs. McCarthy asked about using massing models since there is such a large amount of
2 construction going on in a small amount of space and noted that she would find them very useful
3 in making decisions. Mr. Thomson stated that the City can request massing models as part of an
4 application, but hadn't asked for them as part of this project.

5 Mr. Koch asked about the variance for impervious surface in the shoreland overlay district.
6 He asked if the City had a plan from the applicant that showed an acceptable mitigation of how the
7 water is being taken off the site and treated. Public Works Director/City Engineer Kelly stated the
8 City does not have this information yet because it is a challenging site. He noted that today the site
9 is 100% hard cover and as the applicant progresses with the final design of their building and brings
10 it to the City for a building permit, staff will review exactly how it will work on the site. He stated
11 that it will likely be handled somehow on the interior of the building.

12 Mr. Plechash stated that the current setback requirements are somewhat for aesthetic
13 purposes, but believes they are also for sightline effect on adjacent properties. He asked what the
14 setback variance would do to the properties to the north. Mr. Thomson stated that he does not
15 believe the City has any specific views on what the sight impact would be from the north. He
16 explained that there are two different requests, one is for a deviation from the design standards for
17 a recession on Barry Avenue and the second is the variance for the third-story setback. He stated
18 that the third-story setback meets the design standards but does not meet the C-4 district
19 requirement.

20 Mr. Plechash stated in looking at the building plans, it appears there will be a negative
21 sightline impact to the property to the north. Mr. Thomson stated that on page 110 of the packet,
22 there is a rendering that is roughly the view of the building from the property to the north.

23 Mr. Willcox asked if there was a hierarchy of deviations, for example a deviation from
24 design standards not being as important as a deviation from a zoning requirement. City Attorney
25 Schelzel stated that technically, a deviation is just a deviation from a design standard and the
26 standard for granting a deviation is much less than for a variance which has a much more rigorous
27 standard. He noted that design standards are part of the zoning ordinance. He stated that there
28 appears to be a peculiarity with this particular application where there are two setbacks that are at
29 odds and it is not the fault of the application, it is just something that is within the City's code.

30 Mr. Thomson noted there are very few properties along Lake Street that are zoned C-4 and
31 this is the only recent project within this zoning.

32 Mrs. McCarthy stated because this is a fairly complicated application, it would be helpful
33 if every request was clearly laid out before a final discussion. She asked for specific information
34 surrounding the sidewalk setback variance request. Mr. Thomson showed the site plan from page
35 113 of the packet that showed the landscape plan, the building plan, and the sidewalk widths.

36 Mrs. McCarthy confirmed that sidewalks to the north of this property were 6 feet wide.
37 She noted that by asking for a 6-foot sidewalk variance, is, in effect, asking for a larger building.
38 Mr. Thomson clarified this is a deviation and not a variance because it is in the design standards.
39 He stated the sidewalk does have to be located in the City's right-of-way, so he wasn't sure if it
40 would impact the building location as much as what the City is doing within the right-of-way line.

41 Mr. Tyacke asked if the roof elevation of this building without the terrace is higher or lower
42 than Wayzata Blue. Mr. Thomson stated he doesn't have the exact measurements, but is guessing
43 that it is higher, but similar.

44 Lowell Zitzloff, 319 Barry Avenue, stated that north of Lake Street there are not 12-foot
45 sidewalks. He stated the view from the north has about 15 or 16 feet looking over his building right
46 now and he doesn't feel this will really block their view. He gave an overview of the challenges
47 and expenses involved in trying to save the bank façade.

48 Mr. Koch asked about the second floor and step-back and terrace on the east side of the
49 building. Mr. Zitzloff stated he is gaining 234 square feet and giving up more than 1,000 square
50 feet. Mr. Koch asked why the step-back can't be moved to the west side along Barry Avenue.

1 Darrin Schmitt, Bruce W. Schmitt and Associates, 320 Manitou Avenue South, stated the
2 terrace is an actual connection to the 315 building. He noted in early September, they had submitted
3 plans that did not save the bank and were asked to consider trying to save the bank which is where
4 some of the deviations have arisen in order to make up for some of the lost square footage. He
5 explained that their intent is to use the existing bank columns if they are structurally sound,
6 however, they may need to be recreated.

7 Mrs. McCarthy stated a few plans have been discussed and asked which application was in
8 front of the Council tonight and whether it included a structure on the third floor. She stated this
9 has gotten confusing and asked that in the future there just be one rendering, one application, and
10 one request for the Council to consider. Mr. Thomson explained there have been two sets of plans
11 submitted to the City and the only difference is that one includes a partial fourth floor and rooftop
12 terrace. He stated the resolution in the packet would approve the plans that do not have the fourth
13 floor and rooftop terrace.

14 Mr. Willcox asked why the renderings showed the third floor floating above the building
15 and was not attached to give a better idea of the scale of the building. Mr. Schmitt explained
16 because the building isn't square to Barry Avenue, they pulled it up and drew the rendition of the
17 third floor straight on rather than at an angle.

18 Mr. Plechash expressed his appreciation for Mr. Zitzloff's history with the City. He asked
19 whether the proposed building would be different if the footprint of the building did not include the
20 area with the bank façade. Mr. Zitzloff stated without the bank façade, they would pick up an
21 additional 1,000 square feet per floor and build all the way up to the lot line.

22 Mr. Plechash clarified if the entire footprint of the bank was removed and he was left with
23 an irregular lot, what the building would look like and whether the project would move forward.
24 Mr. Schmitt stated that would make the building many thousands of square feet short of their goal
25 and he feels the bank would be gone because the project wouldn't work.

26 Mr. Zitzloff stated he has to make the project make financial sense and this is a difficult
27 project. He stated he doesn't want to talk about the financial numbers in public but is willing to
28 submit them to the Mr. Dahl.

29 John Nolan, 328 Barry Avenue, stated he owns the building directly behind the proposed
30 building site. He stated he is not opposed to the project but a lot of relief is being sought by the
31 applicant. He feels this plan conflicts with the objectives of the Comprehensive Plan, violates the
32 ordinance, and adversely affects neighboring properties and their views of Lake Minnetonka. He
33 does not believe there are any practical difficulties. He stated he has an issue with the City granting
34 a height variance and the shoreland impact planned CUP for height in design review. He also has
35 an issue with the design deviation of the second-floor setback along Barry Avenue because it will
36 bring the bulk of the second and third floor out to Barry Avenue and obstruct their view. He would
37 like a condition placed on the roof design making the compliance mandatory and not voluntary for
38 the roof penetrations to be contained within the hatched area on the plans.

39 Mr. Koch stated he does not understand the numbers the applicant gave for the amount of
40 square footage they will lose because of the bank façade. Mr. Schmitt stated the 1,000 square foot
41 number came from the thought that the bank wouldn't be there at all, so they could build in that
42 space on three floors.

43 Mr. Zitzloff stated that Mr. Nolan has a variance for his building and is sixteen feet above
44 the proposed building. He stated the elevator will block a small portion of his view.

45 Mr. Plechash asked for clarification of how the 25% setback requirement was calculated.
46 Mr. Thomson stated the width of the building is measured and then 25% of the distance is calculated.

47 Mr. Plechash stated he doesn't think the terrace along the north side of the building will
48 cause an aesthetic issue because of its location. He thought the setback was for the aesthetic of the
49 areas that have a public view which, in this case, would be the south and west sides of the building.
50 Mr. Thomson clarified there are no public recessions required on the north and east side of the
51 building because they are not on public streets.

1 Mr. Willcox suggested that perhaps the lost square footage could be made up by removing
2 one of the indoor parking stalls and converting it to rentable space. He stated the parking space
3 could be made up across the street in the other parking area, since there is ample room over there,
4 which means the applicant would essentially meet all the design requirements and have the same
5 amount of rentable space available in the building. Mr. Thomson stated that would be possible
6 under the current ordinance.

7 Mr. Schmitt stated that Mr. Willcox's idea is, in theory, a good idea, but not every square
8 footage is the same in the City. He stated if the Council was looking at requiring the 25% setback,
9 he would like to be able to spend a little more time on the design process rather than designing on
10 the fly during the Council meeting.

11 Mr. Willcox stated that he would like to see the large mass of building broken up.

12 Mr. Tyacke stated that he has an issue with the practical difficulty in this situation because
13 the only thing the Council has heard about is the lost square footage and loss of rental income,
14 which is an economic issue and isn't a good reason for a variance. He asked about the value of
15 preserving the bank façade.

16 Mr. Thomson explained the difference between a variance request and a deviation request
17 for this application.

18 Mr. Schelzel clarified that the standards for deviation are generally whether the overall
19 positive effect of the plan outweighs any of the negative effects from the deviation.

20 Mr. Tyacke asked for clarification of what the Planning Commission had recommended to
21 the Council. Mr. Schelzel stated that the Planning Commission had recommended approval of the
22 recommended deviations.

23 Mr. Plechash asked if there was any absolute requirement that the developer has to preserve
24 the bank façade. Mr. Thomson stated there is no strict restriction or prohibition in the ordinance
25 regarding demolishing the bank, nor is there anything that states the bank must be saved. He stated
26 the Comprehensive Plan does have text relating to a balance of historic preservation and
27 redevelopment.

28 Mr. Plechash stated his question was to find out if the developer is preserving this bit of
29 Wayzata history because he wants to or because he feels compelled to do so because of the outcry
30 from the community.

31 Mr. Tyacke asked about the timeline for making a decision in order to give the architect
32 more time to look at possible trade-offs if they used some of the parking area for lease space. Mr.
33 Thomson noted the deadline is the end of November, so action would need to be taken, at the latest,
34 by the next meeting.

35 Mr. Schmitt stated the goal is to start building in the spring and their deadline is already
36 tight.

37 Mr. Dahl stated the Council has three options: vote on the application as it is presented
38 tonight; table it with the direction of removing the bank façade; or, have them come back with the
39 bank façade and their creative approach to make up some of the square footage.

40 Mr. Willcox asked for a specific run-down of what the Council is being asked to do with
41 regard to this application. Mr. Thomson noted it starts on page 154 of the packet but did not include
42 the request for three deviations on the design review. He stated those deviations are decreasing the
43 setback for the second floor from 25% to 15%, decreasing the Lake Street ground level transparency
44 from 50% to 41.5%, and decreasing the sidewalk width on Barry Avenue from 12 feet down to 6
45 feet. He explained the three variances were for building height in a C-4 district from 35 feet to 48
46 feet, the third-floor setback and the floor area ratio (FAR). He noted there are also two Shoreland
47 Impact Plan/Conditional Use Permit requests, one for the building height from 35 feet to 48 feet.

48 Mr. Schelzel stated the building height variance and the building height CUP are both
49 related to the four-story option.

50 Mr. Thomson explained the second Shoreland Impact Plan/Conditional Use Permit is for
51 impervious surface greater than 75%. He stated there is also a CUP for joint parking with the

1 shared properties to the west and the preliminary and final plat subdivision to combine the three
2 lots into one lot. He stated the resolution, as written, would approve all of these requests, with the
3 exception of the building height and the Shoreland Impact Plan for building height, which would
4 remove the fourth floor that is proposed.

5 Mr. Willcox asked for Council thoughts on the items listed for consideration and after
6 discussion, concluded that the Council has issues with the request for the second-floor setback and
7 building height.

8 Mr. Plechash reiterated that he would like to see a roof penetration compliance rather than
9 having it be voluntary.

10 Mr. Thomson stated staff will update the language and bring that back to the Council.

11 Mr. Schmitt asked for clarification from the Council on where they landed on the FAR
12 requirements.

13 Mr. Willcox noted he isn't personally hung up on the FAR number because in order to get
14 the required setback for the second-floor, this will give them an opportunity to move around the
15 pieces a bit.

16 Mr. Koch confirmed that he felt the Council was saying they were willing to give up a little
17 on the FAR, but in return were asking the applicant to comply with the second-floor setback
18 requirement.

19
20 Mr. Koch made a motion, seconded by Mrs. McCarthy, to table action on Resolution 62-2018
21 regarding the Zitzloff Redevelopment at 305 and 309 Lake Street East, until the November 20,
22 2018 Council meeting and ask that the applicant work on a revised application to meet the second-
23 floor setback requirement, eliminate the request for the deviation, and direct staff to prepare a
24 revised approval that includes language regarding compliance with roof penetration. The motion
25 carried 5/0.

26
27 **c. Consider Approval of Plans and Authorization to Solicit Public Bids for the**
28 **Reconstruction of Wayzata Boulevard/Superior Boulevard Intersection**

29 Mr. Kelly presented the background and financial consideration for the reconstruction of Wayzata
30 Boulevard/Superior Boulevard intersection.

31 Mr. Tyacke confirmed signage would be included in the construction contract. He asked
32 about the financial impact of the project. Mr. Kelly stated staff had discussions with Presbyterian
33 Homes and their intent is that this project would be specially assessed. He stated the City will need
34 to figure out how to fund the project up front. He noted there is an estimated cost of \$1.6 million
35 but if the bid comes in higher, the City will need to have another conversation with Presbyterian
36 Homes to make sure they approve the higher number before moving forward with the project.

37 Mr. Dahl stated the City will need to have a firm idea of how much the project will cost
38 and have reviewed a few possible options for financing it via reserve funds or to go out for bonds.

39 Mr. Tyacke asked how long Presbyterian Homes would have to pay off the assessment.

40 Mr. Dahl stated it would be for a period of approximately 10 years.

41 Mr. Kelly explained the development agreement gives options such as paying for it in cash
42 or they can choose to have it assessed, noting for this project, they have chosen to have it assessed.

43 Mrs. McCarthy asked if there were cameras represented on the diagrams. Mr. Kelly
44 confirmed there are traffic cameras that will pick up the motion of the vehicles to determine how
45 many vehicles are in line at the intersection, to assist in triggering the traffic signal, but noted they
46 were not video cameras. He explained that these cameras will be present on all the mast arms.

47 Mrs. McCarthy expressed concern about the design regarding the opening on the
48 westbound side of Wayzata Boulevard to be able to turn into the buildings on the south side. She
49 is concerned that somehow eastbound traffic will be using those lanes to turn into Walgreens. She
50 stated she hopes the City is really considering the implications of having the cut across so there
51 isn't a head-on accident in this location.

1 Mr. Kelly stated this design is called $\frac{3}{4}$ access and allows a left-hand turn into the site and
2 will allow right-in and right-out. He stated there will be 6-inch curbs as part of that opening, and
3 he feels there will be adequate signage that makes sense to motorists.

4 Mr. Koch asked whether the City had worked closely with the Benton Avenue
5 neighborhood to communicate and get feedback on the project. Mr. Kelly stated they have worked
6 with that neighborhood to help mitigate their concerns and done as much as they can.

7
8 Mr. Tyacke made a motion, seconded by Mr. Plechash, to approve plans and authorize staff to
9 solicit public bids for the reconstruction of Wayzata Boulevard/Superior Boulevard Intersection.
10 The motion carried 5/0.

11
12 **d. Consider First Reading of Ordinance 786 Amending the Fire Prevention Code**

13 Mr. Thomson presented the background for Ordinance 786 Amending the Fire Prevention Code.

14
15 Mr. Plechash made a motion, seconded by Mr. Koch, to approve First Reading of Ordinance 786
16 Amending the Fire Prevention Code. The motion carried 5/0.

17
18 **e. Consider Resolution 60-2018 Amending the Fee in Lieu of Parking (FILOP) Policy**

19 Mr. Dahl presented the background and financial consideration in order to amend the Fee in Lieu
20 of Parking (FILOP) Policy.

21
22 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve Resolution 60-2018
23 Amending the Fee in Lieu of Parking (FILOP) Policy. The motion carried 5/0.

24
25 **AGENDA ITEM 9. City Manager's Report and Discussion Items.**

26 **a. Upcoming Events/Announcements**

- 27 • Reminder that the City is still looking for quality applications for the vacant positions on
28 Boards and Commissions. The deadline is November 16, 2018.
- 29 • Congratulations to Mrs. McCarthy on her re-election and newly elected Council Member
30 Jeff Buchanan who will fill the position being vacated by Mr. Tyacke.

31
32 **b. Council Member Updates/Announcements**

33 Mr. Willcox noted the day after Thanksgiving will be the Light Up the Lake event.

34
35 **AGENDA ITEM 10. Public Forum Continued (if necessary).**

36 There were no comments.

37
38 **AGENDA ITEM 11. Adjournment.**

39 Mr. Tyacke made a motion, seconded by Mrs. McCarthy to adjourn. There being no further
40 business, Mr. Willcox adjourned the meeting at 10:08 p.m.

41
42 Respectfully submitted,

43
44 Kathy Leervig
45 City Clerk

46
47 Drafted by Kayla Rokosz
48 *TimeSaver Off Site Secretarial, Inc.*

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
November 13, 2018

AGENDA ITEM 1. Call to Order.

Mayor Willcox called the meeting to order at 5:00 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, and City Clerk Kathy Leervig.

AGENDA ITEM 6. Canvass Election Results.

City Manager Dahl explained state statute requires election results to be certified by the local governing body following the election. Mr. Dahl stated no disputes or recounts were requested. Mr. Dahl noted that the reason for the special meeting was required because the timeline did not meet the guidelines for the regular council meeting schedule as it had in previous years. Mr. Dahl asked City Clerk Leervig to explain the election totals and comment on the overall process.

Ms. Leervig stated there were 2856 votes cast with 1383 in absentee ballots. Approximately 90% of absentee voting was handled by administrative staff with the help of election judges. Staff handled the additional work with professionalism and a sense of humor. Ms. Leervig noted that the mid-term numbers were high compared to the last election. Ms. Leervig stated that more thought and planning will be needed to address the next election with the increase in early voting and staffing needs. Overall, the election went well with normal and expected issues with some registrations on the day of the election.

Mr. Dahl noted that other cities are approaching legislature to help them understand the additional burden on administrative staff to accommodate absentee voting.

Mr. Plechash asked if 90% of the absentee ballots were handled in-house, what happened with the remaining 10%.

Ms. Leervig stated those ballots were mailed in directly from voters to Hennepin County.

Mr. Plechash asked why someone would mail their ballot rather than vote in-person.

Ms. Leervig stated it could be due to disability or unable to leave their home for other reasons.

Mr. Plechash asked how the ballots are totaled and reported. Ms. Leervig explained the process of transmitting the data to Hennepin County.

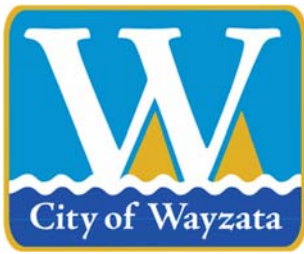
Mr. Tyacke made a motion to approve the resolution, seconded by Mr. Plechash. The motion carried 5/0.

Adjournment

Mr. Tyacke made a motion to approve the resolution, seconded by Mrs. McCarthy to adjourn. The meeting adjourned at 5:10 p.m.

1 Respectfully submitted,
2
3 Kathy Leervig
4 City Clerk
5
6 Drafted by Kayla Rokosz
7 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks for October & November 2018	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached check register for October & November 2018.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Check Detail Register – October & November 2018

***Check Detail Register©**

October 2018 to November 2018

		Check Amt	Invoice	Comment
10100 Anchor Bank				
Paid Chk#	111111	11/5/2018	AT&T MOBILITY	
E 101-42100-323	Radio Units	\$444.27	287284904965	SERVICE
Total AT&T MOBILITY		\$444.27		
Paid Chk#	111112	11/5/2018	BAGY JO, INC.	
E 640-48000-217	Uniforms	\$116.00	67679	STAFF UNIFORM SHIRTS
E 640-48500-217	Uniforms	\$116.00	67679	STAFF UNIFORM SHIRTS
Total BAGY JO, INC.		\$232.00		
Paid Chk#	111113	11/5/2018	BELLBOY BAR SUPPLY CORP.	
E 640-47000-251	Liquor For Resale	\$218.00	0066552900	LIQ RESALE
E 640-47000-259	Freight	\$5.10	0066552900	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$26.50	0098427800	MISC.MIX
E 640-47000-210	Operating Supplies (GENERAL)	\$19.20	0098427800	SUPPLIES
Total BELLBOY BAR SUPPLY CORP.		\$268.80		
Paid Chk#	111114	11/5/2018	BERNICK'S WINE	
E 640-47000-253	Beer For Resale	\$661.40	458668	BEER
Total BERNICK'S WINE		\$661.40		
Paid Chk#	111115	11/5/2018	BIERMA, JIM	
E 101-41100-493	Volunteer program	\$300.00	11/15/18	VOLUNTEER DINNER MUSIC
Total BIERMA, JIM		\$300.00		
Paid Chk#	111116	11/5/2018	BRASS FOUNDRY BREWING CO.	
E 640-47000-253	Beer For Resale	\$46.16	E-1496	BEER
Total BRASS FOUNDRY BREWING CO.		\$46.16		
Paid Chk#	111117	11/5/2018	BREAKTHRU BEVERAGE	
E 640-47000-251	Liquor For Resale	\$2,774.67	1080873681	LIQUOR
E 640-47000-259	Freight	\$22.26	1080873681	FREIGHT
E 640-47000-252	Wine For Resale	\$1,189.16	1080873682	WINE
E 640-47000-259	Freight	\$20.30	1080873682	FREIGHT
E 640-48000-251	Liquor For Resale	\$432.00	1080876582	LIQUOR
E 640-48000-252	Wine For Resale	\$409.09	1080876582	WINE
E 640-48000-252	Wine For Resale	\$121.35	1080880118	WINE
Total BREAKTHRU BEVERAGE		\$4,968.83		
Paid Chk#	111118	11/5/2018	BREAKTHRY BEVERAGE BEER	
E 640-48000-253	Beer For Resale	\$548.00	1090911361	BEER
E 640-48000-253	Beer For Resale	\$202.00	1090925394	BEER
E 640-47000-253	Beer For Resale	\$127.50	1090925405	BEER
E 640-48000-253	Beer For Resale	\$509.00	1090928140	BEER
Total BREAKTHRY BEVERAGE BEER		\$1,386.50		
Paid Chk#	111119	11/5/2018	CAPITOL BEVERAGE SALES	
E 640-47000-253	Beer For Resale	\$3,653.29	2175571	BEER
E 640-48000-253	Beer For Resale	\$1,095.00	2178820	BEER
E 640-48000-253	Beer For Resale	\$1,301.40	2181896	BEER
Total CAPITOL BEVERAGE SALES		\$6,049.69		
Paid Chk#	111120	11/5/2018	CIGAR JONES, INC.	
E 640-47000-256	MISC.MDSE.RESALE	\$820.18	102318	CIGARS
Total CIGAR JONES, INC.		\$820.18		
Paid Chk#	111121	11/5/2018	CINTAS CORPORATION	
E 640-48500-210	Operating Supplies (GENERAL)	\$69.82	4011279389	KITCHEN SUPPLIES

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October 2018 to November 2018

			Check Amt	Invoice	Comment
E 640-48500-217	Uniforms		\$16.68	4011279389	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$63.33	4011279389	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$69.22	4011537141	KITCHEN SUPPLIES
E 640-48500-217	Uniforms		\$17.28	4011537141	KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$63.33	4011537141	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$68.20	5012063686	KITCHEN SUPPLIES
Total CINTAS CORPORATION			\$367.86		
Paid Chk#	111122	11/5/2018	DAHLHEIMER DISTRIBUTING CO.		
E 640-48000-253	Beer For Resale		\$493.00	1380533	BEER
Total DAHLHEIMER DISTRIBUTING CO.			\$493.00		
Paid Chk#	111123	11/5/2018	GRAPE BEGINNINGS, INC.		
E 640-47000-252	Wine For Resale		\$420.00	MN00047274	WINE RESALE
E 640-47000-259	Freight		\$4.50	MN00047274	FREIGHT
Total GRAPE BEGINNINGS, INC.			\$424.50		
Paid Chk#	111124	11/5/2018	HOHENSTEINS INC.		
E 640-48000-253	Beer For Resale		\$130.00	101568	BEER RESALE
Total HOHENSTEINS INC.			\$130.00		
Paid Chk#	111125	11/5/2018	HOLIDAY		
E 101-42100-212	Motor Fuels		\$8.90		FUEL
Total HOLIDAY			\$8.90		
Paid Chk#	111126	11/5/2018	JJ TAYLOR DISTRIBUTING OF MN		
E 640-48000-253	Beer For Resale		\$1,805.00	2840295	BEER
E 640-48000-253	Beer For Resale		\$1,706.00	2842900	BEER
E 640-48000-253	Beer For Resale		\$512.00	2847284	BEER
E 640-48000-253	Beer For Resale		(\$1,980.60)	2847361	BEER
E 640-48000-253	Beer For Resale		\$800.00	2847376	BEER
E 640-47000-253	Beer For Resale		\$2,935.25	2859645	BEER
E 640-47000-253	Beer For Resale		\$1,287.45	2889685	BEER
E 640-48000-253	Beer For Resale		\$489.00	2912613	BEER
E 640-48000-253	Beer For Resale		\$232.00	2912629	BEER
Total JJ TAYLOR DISTRIBUTING OF MN			\$7,786.10		
Paid Chk#	111127	11/5/2018	JOHNSON BROS.-ST.PAUL		
E 640-47000-252	Wine For Resale		\$12,815.28	1116605	WINE
E 640-47000-259	Freight		\$137.34	1116605	FREIGHT
E 640-47000-251	Liquor For Resale		\$446.50	1128913	LIQUOR
E 640-47000-259	Freight		\$5.04	1128913	FREIGHT
E 640-47000-252	Wine For Resale		\$575.05	1128914	WINE
E 640-47000-259	Freight		\$8.82	1128914	FREIGHT
E 640-47000-251	Liquor For Resale		\$644.25	1130135	LIQUOR
E 640-47000-259	Freight		\$7.56	1130135	FREIGHT
E 640-47000-252	Wine For Resale		\$584.00	1130136	WINE
E 640-47000-259	Freight		\$12.60	1130136	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,775.63	1130137	LIQUOR
E 640-47000-259	Freight		\$22.29	1130137	FREIGHT
E 640-47000-252	Wine For Resale		\$53.75	1131444	WINE
E 640-47000-259	Freight		\$1.26	1131444	FREIGHT
Total JOHNSON BROS.-ST.PAUL			\$18,089.37		
Paid Chk#	111128	11/5/2018	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$311.60	000480480	FOOD
Total KARLSBURGER FOODS, INC.			\$311.60		

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October 2018 to November 2018

			Check Amt	Invoice	Comment
Paid Chk# 111129	11/5/2018	MAIN STREET BAKERY			
E 640-48500-255	FOOD	Ingredients For Resale	\$145.00	345733	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$70.40	345733	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$190.32	346063	FOOD RESALE
E 640-48500-255	FOOD	Ingredients For Resale	\$47.00	346346	FOOD RESALE
	Total	MAIN STREET BAKERY	\$452.72		
Paid Chk# 111130	11/5/2018	MCCARTHY, LYNN			
E 101-41100-493	Volunteer program		\$69.82	REIMB.	VOLUNTEER EXPENSES - PULL IT
	Total	MCCARTHY, LYNN	\$69.82		
Paid Chk# 111131	11/5/2018	METROPOLITAN COUNCIL			
G 101-20831	MWCC (SAC)		\$7,455.00		SAC FEES
R 101-00000-34190	Charges for Services/Gen Gov		(\$74.55)		ADMIN FEES
	Total	METROPOLITAN COUNCIL	\$7,380.45		
Paid Chk# 111132	11/5/2018	MN DEPT.OF PUBLIC SAFETY			
E 640-47000-433	Dues, Licensing & Seminars		\$10.00	BUYERS CAR	STORE & RESTAURANT BUYERS CARD
E 640-48000-433	Dues, Licensing & Seminars		\$10.00	BUYERS CAR	STORE & RESTAURANT BUYERS CARD
	Total	MN DEPT.OF PUBLIC SAFETY	\$20.00		
Paid Chk# 111133	11/5/2018	MODIST BREWING CO. LLC			
E 640-47000-253	Beer For Resale		\$182.25	12502	BEER
E 640-48000-253	Beer For Resale		\$195.00	12676	BEER
	Total	MODIST BREWING CO. LLC	\$377.25		
Paid Chk# 111134	11/5/2018	NEW FRANCE WINE COMPANY			
E 640-47000-252	Wine For Resale		\$449.69	136156	WINE RESALE
E 640-47000-259	Freight		\$9.00	136156	FREIGHT
	Total	NEW FRANCE WINE COMPANY	\$458.69		
Paid Chk# 111135	11/5/2018	NORTHWESTERN FRUIT COMPANY			
E 640-48500-255	FOOD	Ingredients For Resale	\$275.20	892848	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$315.70	892955	FOOD
E 640-48000-251	Liquor For Resale		\$135.85	893077	LIQUOR
	Total	NORTHWESTERN FRUIT COMPANY	\$726.75		
Paid Chk# 111136	11/5/2018	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$559.00	27701	WINE RESALE
E 640-47000-259	Freight		\$10.50	27701	FREIGHT
E 640-47000-252	Wine For Resale		(\$88.00)	28438	WINE RESALE
	Total	PAUSTIS & SONS	\$481.50		
Paid Chk# 111137	11/5/2018	PHILLIPS WINES & SPIRITS			
E 640-47000-251	Liquor For Resale		\$704.45	2440393	LIQUOR
E 640-47000-259	Freight		\$6.51	2440393	FREIGHT
E 640-47000-252	Wine For Resale		\$658.00	2440394	WINE RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$129.00	2440394	MISC.MIX
E 640-47000-259	Freight		\$19.11	2440394	FREIGHT
	Total	PHILLIPS WINES & SPIRITS	\$1,517.07		
Paid Chk# 111138	11/5/2018	RANGER			
E 409-42100-550	Vehicles		\$37,483.02	46415	2018 CHEV.TAHOE - PD
	Total	RANGER	\$37,483.02		
Paid Chk# 111139	11/5/2018	ROOTSTOCK WINE COMPANY			
E 640-47000-259	Freight		\$1.50		FREIGHT
E 640-47000-252	Wine For Resale		\$144.00	18-05750	WINE RESALE

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October 2018 to November 2018

			Check Amt	Invoice	Comment
Total ROOTSTOCK WINE COMPANY			\$145.50		
Paid Chk# 111140	11/5/2018	SHAMROCK GROUP			
E 640-47000-254	Soft Drinks/Mix For Resale		\$83.62	0200786323	ICE
Total SHAMROCK GROUP			\$83.62		
Paid Chk# 111141	11/5/2018	SOUTHERN GLAZER'S OF MN			
E 640-47000-251	Liquor For Resale		\$359.50	5034171	LIQUOR
E 640-47000-259	Freight		\$2.56	5034171	FREIGHT
Total SOUTHERN GLAZER'S OF MN			\$362.06		
Paid Chk# 111142	11/5/2018	STEEL TOE BREWING			
E 640-48000-253	Beer For Resale		\$90.00	24210	BEER
Total STEEL TOE BREWING			\$90.00		
Paid Chk# 111143	11/5/2018	T.D. ANDERSON INC.			
E 640-48000-409	Maint services & Improv		\$105.00	187837	BEER LINE SERVICE
Total T.D. ANDERSON INC.			\$105.00		
Paid Chk# 111144	11/5/2018	TOLL GAS & WELDING SUPPLY			
E 640-48000-210	Operating Supplies (GENERAL)		\$145.23	10269846	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$88.14	40090315	SUPPLIES
Total TOLL GAS & WELDING SUPPLY			\$233.37		
Paid Chk# 111145	11/5/2018	TRIMARK			
E 640-48500-210	Operating Supplies (GENERAL)		\$368.35	99S5LZ	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$41.90	99S5LZ	BAR SUPPLIES
Total TRIMARK			\$410.25		
Paid Chk# 111146	11/5/2018	TRUE BRANDS			
E 640-47000-254	Soft Drinks/Mix For Resale		\$305.92	399677	MISC MDSE
E 640-47000-254	Soft Drinks/Mix For Resale		\$70.61	402563	MISC.MDSE
Total TRUE BRANDS			\$376.53		
Paid Chk# 111147	11/5/2018	TRUSTED EMPLOYEES			
E 640-48000-306	Personnel Expense		\$80.00	10201812035S	BACKGROUND CHECK SERVICE
Total TRUSTED EMPLOYEES			\$80.00		
Paid Chk# 111148	11/5/2018	US FOODS			
E 640-48000-254	Soft Drinks/Mix For Resale		\$235.86	2270594	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$65.12	2270594	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$5,081.17	3209281	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$423.86	3209281	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$59.88	3209281	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$54.41	3209281	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$284.16	3209281	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$73.77	3209281	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$51.79	3210396	FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,719.17	3242361	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$77.67	3242361	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$93.44	3242361	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$22.28	3242361	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$14.37	3242361	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$63.19	3242361	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$4,126.05	3294222	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$42.70	3294222	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$54.41	3294222	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$129.95	3294222	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$39.59	3294222	LIQUOR

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October 2018 to November 2018

			Check Amt	Invoice	Comment
E 640-48500-255	FOODIngredients For Resale		\$3,690.46	3338840	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$194.07	3338840	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$93.44	3338840	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$97.91	3338840	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$299.38	3338840	MISC.BEV.
E 640-48000-251	Liquor For Resale		\$129.88	3338840	LIQUOR
E 640-48500-255	FOODIngredients For Resale		(\$173.76)	3338840	FOOD
E 640-48500-255	FOODIngredients For Resale		\$511.96	3359090	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$422.24)	3359090	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,337.44	3370594	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$308.53	3370594	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$87.69	3370594	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$65.43	3370594	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		(\$852.89)	ON ACCOUNT	FOOD
Total US FOODS			\$21,080.14		
Paid Chk# 111149	11/5/2018	VAN PAPER COMPANY			
E 640-48500-210	Operating Supplies (GENERAL)		\$47.83	479434-00	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$507.74	479434-01	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$39.17	479434-02	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$66.51	480217-00	SUPPLIES
Total VAN PAPER COMPANY			\$661.25		
Paid Chk# 111150	11/5/2018	WINE COMPANY			
E 640-47000-252	Wine For Resale		\$2,112.00	86325	WINE RESALE
E 640-47000-259	Freight		\$24.75	86325	FREIGHT
E 640-47000-252	Wine For Resale		(\$121.65)	86924	WINE RESALE
Total WINE COMPANY			\$2,015.10		
Paid Chk# 111151	11/5/2018	WINE MERCHANT			
E 640-48000-252	Wine For Resale		\$552.10	7206355	FREIGHT
E 640-48000-252	Wine For Resale		(\$141.22)	723170	WINE
Total WINE MERCHANT			\$410.88		
Paid Chk# 111152	11/8/2018	3D SPECIALTIES			
E 101-43100-226	Sign Repair Materials		\$1,405.07	206079	PARTS
Total 3D SPECIALTIES			\$1,405.07		
Paid Chk# 111153	11/8/2018	AEM FINANCIAL SOLUTIONS			
E 101-41500-302	Consultants		\$179.00	406113	PAYROLL CONSULTING
E 430-40000-499	Miscellaneous		\$428.00	406533	CIP MONTHLY SERVICES
E 101-41500-301	Auditing and Acct g Services		\$4,817.00	406534	FINANCE DIRECTOR SERVICES
Total AEM FINANCIAL SOLUTIONS			\$5,424.00		
Paid Chk# 111154	11/8/2018	AIRTECH			
E 437-40000-404	Repairs/Maint - Machin/Equip		\$1,442.75	63078	LIBRARY MAINT.
Total AIRTECH			\$1,442.75		
Paid Chk# 111155	11/8/2018	ALBERS, STEVE			
G 802-20384	224 BROADWAY NORTH-ALBERS		\$858.50	REFUND	VARIANCE ESCROW REFUND
Total ALBERS, STEVE			\$858.50		
Paid Chk# 111156	11/8/2018	ASPEN MILLS			
E 101-42200-217	Uniforms		\$95.40	226057	FD UNIFORMS
Total ASPEN MILLS			\$95.40		
Paid Chk# 111157	11/8/2018	AT&T MOBILITY			
E 101-41940-321	Telephone		\$380.78	287250190047	SERVICE

VOIDED

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October 2018 to November 2018

			Check Amt	Invoice	Comment
Total AT&T MOBILITY			\$380.78		
Paid Chk# 111158	11/8/2018	BARTON SAND & GRAVEL CO.			
E 101-43100-229	Dirt, Sand and gravel		\$125.04	181031	SAND
Total BARTON SAND & GRAVEL CO.			\$125.04		
Paid Chk# 111159	11/8/2018	CASH - OLD NATIONAL			
G 640-10150	ATM		\$9,000.00	ATM FILL	ATM FILL
Total CASH - OLD NATIONAL			\$9,000.00		
Paid Chk# 111160	11/8/2018	COMMERCIAL ASPHALT CO.			
E 430-40000-309	Contractual Services		\$728.55	181031	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$728.55		
Paid Chk# 111161	11/8/2018	COPPIN SEWER & WATER			
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT DEPOSIT REFUND
R 101-00000-34190	Charges for Services/Gen Gov		(\$910.00)	REFUND	DEGRADATION FEE
Total COPPIN SEWER & WATER			\$109.00		
Paid Chk# 111162	11/8/2018	CORE & MAIN			
E 620-40000-225	Repair & Maint - System		\$652.16	J616234	PARTS
E 620-40000-220	Repair/Maint Supply (GENERAL)		(\$69.64)	J675083	PARTS
E 610-40000-225	Repair & Maint - System		\$586.47	J738978	PARTS
E 620-40000-225	Repair & Maint - System		(\$578.02)	J739139	PARTS
Total CORE & MAIN			\$590.97		
Paid Chk# 111163	11/8/2018	DIAMOND VOGEL PAINTS			
E 101-45200-210	Operating Supplies (GENERAL)		\$175.35	802184398	HOCKEY BOARDS
Total DIAMOND VOGEL PAINTS			\$175.35		
Paid Chk# 111164	11/8/2018	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$333.20	643290	GENERAL ELECTION
E 101-41500-350	Printing & Publishing		\$59.50	643291	PUBLIC ACCURACY TEST
E 101-41500-350	Printing & Publishing		\$59.50	643292	ORDINANCE 785
Total ECM PUBLISHERS, INC.			\$452.20		
Paid Chk# 111165	11/8/2018	EIBENSTEINER, JIM			
E 610-40000-217	Uniforms		\$66.53	REIMB.	WORK APPAREL
E 620-40000-217	Uniforms		\$66.54	REIMB.	WORK APPAREL
Total EIBENSTEINER, JIM			\$133.07		
Paid Chk# 111166	11/8/2018	FASTENAL			
E 101-43100-210	Operating Supplies (GENERAL)		\$38.18	MNPLY107154	SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$38.18	MNPLY107154	SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)		\$38.17	MNPLY107154	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)		\$38.17	MNPLY107154	SUPPLIES
Total FASTENAL			\$152.70		
Paid Chk# 111167	11/8/2018	FERGUSON ENTERPRISES, INC.			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$38.86	6126182	PARTS
E 610-40000-210	Operating Supplies (GENERAL)		\$57.08	6139245	PARTS
Total FERGUSON ENTERPRISES, INC.			\$95.94		
Paid Chk# 111168	11/8/2018	GOPHER STATE ONE CALL			
E 610-40000-313	Permit Fees/Gopher State		\$141.07	8100811	MONTHLY LOCATES
E 620-40000-313	Permit Fees/Gopher State		\$141.08	8100811	MONTHLY LOCATES
Total GOPHER STATE ONE CALL			\$282.15		
Paid Chk# 111169	11/8/2018	H&L MESABI			

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E 101-43100-220	Repair/Maint Supply (GENERAL)		\$947.39	02000	PARTS
	Total H&L MESABI		\$947.39		
Paid Chk# 111170	11/8/2018	HENNEPIN COUNTY TREASURER			
G 650-20818	Garbage Sales Tax		\$1,526.40	9%REFUSE T	9% REFUSE TAX - OCT.2018
	Total HENNEPIN COUNTY TREASURER		\$1,526.40		
Paid Chk# 111171	11/8/2018	LANO EQUIPMENT, INC.			
E 610-40000-415	Other Equipment Rentals		\$250.00	03-607725	EQUIPMENT RENTAL
E 610-40000-415	Other Equipment Rentals		\$10.13	03-607903	EQUIPMENT RENTAL
	Total LANO EQUIPMENT, INC.		\$260.13		
Paid Chk# 111172	11/8/2018	LEAGUE OF MN CITIES INS.TRUST			
E 101-49200-365	Workers Comp Ins		\$642.18	13270	W/C CLAIM
	Total LEAGUE OF MN CITIES INS.TRUST		\$642.18		
Paid Chk# 111173	11/8/2018	LOFFLER COMPANIES, INC.			
E 101-41500-311	Data Processing		\$4,905.00	2951852	NETWORK SUPPORT
	Total LOFFLER COMPANIES, INC.		\$4,905.00		
Paid Chk# 111174	11/8/2018	LUBE TECH			
E 101-43100-212	Motor Fuels		\$136.89	1261282	FUEL/OIL
	Total LUBE TECH		\$136.89		
Paid Chk# 111175	11/8/2018	MANSFIELD OIL COMPANY			
E 101-49200-212	Motor Fuels		\$1,933.22	21048715	FUEL
	Total MANSFIELD OIL COMPANY		\$1,933.22		
Paid Chk# 111176	11/8/2018	METERING & TECHNOLOGY SOLUTION			
G 610-14100	Inventory of Material/Supply		\$1,374.85	12891	WATER METER
G 620-14100	Inventory of Material/Supply		\$1,374.86	12891	WATER METER
	tal METERING & TECHNOLOGY SOLUTION		\$2,749.71		
Paid Chk# 111177	11/8/2018	MILLER TRUCKING OF BUFFALO			
E 101-43100-229	Dirt, Sand and gravel		\$507.06	45327	HAULING CHARGE FOR WINTER MIX
	Total MILLER TRUCKING OF BUFFALO		\$507.06		
Paid Chk# 111178	11/8/2018	MINNCOR INDUSTRIES			
E 630-40000-210	Operating Supplies (GENERAL)		\$70.00	SOI-074524	MV SUPPLIES
	Total MINNCOR INDUSTRIES		\$70.00		
Paid Chk# 111179	11/8/2018	MINNETONKA AQUATICS			
E 101-45200-312	Rec Program Fee/Sr. Serv		\$22,114.35	2018	LIFEGUARD SERVICES
	Total MINNETONKA AQUATICS		\$22,114.35		
Paid Chk# 111180	11/8/2018	NEW PIG			
E 610-40000-210	Operating Supplies (GENERAL)		\$56.77	22607660-00	SUPPLIES
E 620-40000-210	Operating Supplies (GENERAL)		\$56.78	22607660-00	SUPPLIES
	Total NEW PIG		\$113.55		
Paid Chk# 111181	11/8/2018	OFFICE DEPOT			
E 101-41500-200	Office Supplies (GENERAL)		\$24.48	219708771002	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$74.91	221953318001	SUPPLIES
E 630-40000-200	Office Supplies (GENERAL)		\$63.75	221955219001	SUPPLIES
	Total OFFICE DEPOT		\$163.14		
Paid Chk# 111182	11/8/2018	OLSEN CHAIN & CABLE, INC.			
E 101-43100-240	Small Tools and Minor Equip		\$100.67	627858	TOOLS
E 101-45200-240	Small Tools and Minor Equip		\$100.68	627858	TOOLS

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E 610-40000-240	Small Tools and Minor Equip		\$100.67	627858	TOOLS
E 620-40000-240	Small Tools and Minor Equip		\$100.67	627858	TOOLS
E 101-43100-240	Small Tools and Minor Equip		\$42.58	627967	TOOLS
E 101-45200-240	Small Tools and Minor Equip		\$42.58	627967	TOOLS
Total OLSEN CHAIN & CABLE, INC.			\$487.85		
Paid Chk# 111183	11/8/2018	OTTEN BROTHERS			
E 610-40000-225	Repair & Maint - System		\$39.99	1-1550708	STRAW
Total OTTEN BROTHERS			\$39.99		
Paid Chk# 111184	11/8/2018	RIGID HITCH INC.			
E 101-43100-210	Operating Supplies (GENERAL)		\$23.75	1928058306	SUPPLIES
Total RIGID HITCH INC.			\$23.75		
Paid Chk# 111185	11/8/2018	SCHANKE, SUZIE			
E 101-42200-409	Maint services & Improv		\$145.00	OCT.2018	FD MONTHLY CLEANING
Total SCHANKE, SUZIE			\$145.00		
Paid Chk# 111186	11/8/2018	SHEILA K CONSULTING, INC			
E 101-41500-306	Personnel Expense		\$1,800.00	1600137	DISC MGMT.COACHING
Total SHEILA K CONSULTING, INC			\$1,800.00		
Paid Chk# 111187	11/8/2018	STREICHER S			
E 101-42100-217	Uniforms		\$219.99	11336713	PD UNIFORMS
Total STREICHER S			\$219.99		
Paid Chk# 111188	11/8/2018	TERMINAL SUPPLY CO.			
E 101-45200-221	Equipment Parts		\$33.43	69540-00	PARTS
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$33.43	69540-00	PARTS
Total TERMINAL SUPPLY CO.			\$66.86		
Paid Chk# 111189	11/8/2018	TIME SAVER			
E 101-41100-302	Consultants		\$318.50	M24243	MTG.MINUTES
Total TIME SAVER			\$318.50		
Paid Chk# 111190	11/8/2018	TRANSMISSION SHOP INC.			
E 101-45200-404	Repairs/Maint - Machin/Equip		\$185.00	116221	REPAIRS
Total TRANSMISSION SHOP INC.			\$185.00		
Paid Chk# 111191	11/8/2018	TRI-CITY			
E 610-40000-309	Contractual Services		\$63.00	1800292	WATER ANALYSIS
Total TRI-CITY			\$63.00		
Paid Chk# 111192	11/8/2018	UPS STORE			
E 101-41100-493	Volunteer program		\$15.89	2946	VOLUNTEER THANK YOU CARDS
E 408-40000-499	Miscellaneous		\$23.47	5798	POLICE MEMORIAL BOARDS
Total UPS STORE			\$39.36		
Paid Chk# 111193	11/8/2018	VALLEY-RICH CO., INC.			
E 610-40000-405	Maint/Replac - System		\$3,177.00	26192	WATER SERVICE REPAIR - 503 BROADWAY
Total VALLEY-RICH CO., INC.			\$3,177.00		
Paid Chk# 111194	11/8/2018	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.62	9816856511	FD SERVICE
Total VERIZON WIRELESS			\$12.62		
Paid Chk# 111195	11/8/2018	WALT S GARAGE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$99.00	8690	SQUAD TIRES MOUNTED
Total WALT S GARAGE			\$99.00		

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Paid Chk# 111196	11/8/2018	XCEL ENERGY		
E 101-45203-381	Electric Utilities	\$397.86		SERVICE
E 101-41940-381	Electric Utilities	\$6,216.72		SERVICE
E 101-42200-381	Electric Utilities	\$248.37		SERVICE
E 610-40000-381	Electric Utilities	\$5,663.37		SERVICE
E 640-47000-381	Electric Utilities	\$1,512.49		SERVICE
E 640-48000-381	Electric Utilities	\$3,529.15		SERVICE
E 620-40000-381	Electric Utilities	\$1,599.35		SERVICE
E 101-41940-381	Electric Utilities	\$11.20		SERVICE
Total XCEL ENERGY		\$19,178.51		
Paid Chk# 111197	11/8/2018	ALBERS, STEVE		
G 802-20384	224 BROADWAY NORTH-ALBERS	\$585.50	REFUND	224 BROADWAY VARIANCE ESCROW REFUND
Total ALBERS, STEVE		\$585.50		
Paid Chk# 111198	11/15/2018	A-1 MINNETONKA RENTAL, INC		
E 101-45200-415	Other Equipment Rentals	\$348.38	136228	EQUIPMENT RENTAL FOR HOCKEY RINK
Total A-1 MINNETONKA RENTAL, INC		\$348.38		
Paid Chk# 111199	11/15/2018	BAGY JO, INC.		
E 640-48000-217	Uniforms	\$582.00	67776	BAR & KITCHEN UNIFORMS
E 640-48500-217	Uniforms	\$239.00	67776	BAR & KITCHEN UNIFORMS
Total BAGY JO, INC.		\$821.00		
Paid Chk# 111200	11/15/2018	BEST & FLANAGAN		
E 101-41500-304	Legal Fees	\$1,035.00	496390	CITY COUNCIL
E 101-41500-304	Legal Fees	\$855.00	496390	ORDINANCES
E 407-40000-304	Legal Fees	\$64.76	496390	CELL TOWER
E 101-41500-304	Legal Fees	\$360.00	496390	CONTRACTS
E 233-40000-304	Legal Fees	\$450.00	496390	LAKE EFFECT
E 101-41500-304	Legal Fees	\$2,610.00	496390	GENERAL
E 101-41500-304	Legal Fees	\$810.00	496390	DATA PRACTICES
E 305-40000-304	Legal Fees	\$936.25	496390	WEST LAKE TIF
E 101-41500-304	Legal Fees	\$360.00	496390	BOARDWALK
E 101-41500-304	Legal Fees	\$322.00	496390	NORDQUIST SIGN CO
E 101-41500-304	Legal Fees	\$405.00	496390	HRA
Total BEST & FLANAGAN		\$8,208.01		
Paid Chk# 111201	11/15/2018	BUDGET PRINTING & AWARDS		
E 404-40000-499	Miscellaneous	\$32.21	8412	PARK BENCH PLATES
Total BUDGET PRINTING & AWARDS		\$32.21		
Paid Chk# 111202	11/15/2018	CENTERPOINT ENERGY		
E 101-41940-383	Fuel, oil and natural gas	\$1,113.70		SERVICE
E 610-40000-383	Fuel, oil and natural gas	\$114.85		SERVICE
E 640-47000-383	Fuel, oil and natural gas	\$200.80		SERVICE
E 640-48000-383	Fuel, oil and natural gas	\$803.19		SERVICE
E 101-41940-383	Fuel, oil and natural gas	\$12.25		SERVICE
E 101-42200-383	Fuel, oil and natural gas	\$196.31		SERVICE
Total CENTERPOINT ENERGY		\$2,441.10		
Paid Chk# 111203	11/15/2018	CLASSIC CLEANING COMPANY		
E 101-41940-409	Maint services & Improv	\$1,705.00	27389	MONTHLY CLEANING
E 101-41940-409	Maint services & Improv	\$712.00	27390	MONTHLY CLEANING
Total CLASSIC CLEANING COMPANY		\$2,417.00		
Paid Chk# 111204	11/15/2018	CULLIGAN-BOTTLED WATER		
E 101-41940-499	Miscellaneous	\$190.80	2295243	SUPPLIES

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Total CULLIGAN-BOTTLED WATER			\$190.80		
Paid Chk# 111205	11/15/2018	ECM PUBLISHERS, INC.			
E 101-42100-350	Printing & Publishing	\$50.00	869569		PD - SAFE TRICK OR TREAT
Total ECM PUBLISHERS, INC.		\$50.00			
Paid Chk# 111206	11/15/2018	ELAN-CARDMEMBER SERVICES			
E 101-41500-331	Mileage & Expense Account	\$333.59			MTG.MEALS
E 101-41100-493	Volunteer program	\$119.90			VOLUNTEER DINNER SUPPLIES
E 101-41500-306	Personnel Expense	\$95.86			PERSONNEL TRAINING SUPPLIES
E 101-41500-306	Personnel Expense	\$183.72			PERSONNEL FLOWERS & FUNERAL MEMORIAL
E 101-42100-210	Operating Supplies (GENERAL)	\$84.23			PD SUPPLIES
E 235-40000-433	Dues, Licensing & Seminars	\$431.98			SEMINAR REGISTRATION
E 630-40000-433	Dues, Licensing & Seminars	\$29.95			MV DUES
E 640-47000-210	Operating Supplies (GENERAL)	\$30.08			STORE SUPPLIES
E 640-47000-340	Advertising	\$199.00			STORE ADVERTISEMENTS
E 640-47000-497	Credit Card Fees	\$148.56			STORE CC PROCESSING
E 640-47000-433	Dues, Licensing & Seminars	\$30.00			STORE DUES
E 640-47000-306	Personnel Expense	\$24.39			STORE EMPL.ADS
E 640-48000-404	Repairs/Maint - Machin/Equip	\$609.64			BAR POPCORN MACHINE REPAIRS/PARTS
E 640-48000-497	Credit Card Fees	\$52.50			BAR CC PROCESSING
E 640-48000-306	Personnel Expense	\$12.51			BAR EMPL.ADS
E 101-43300-433	Dues, Licensing & Seminars	\$660.00			ENG.SEMINAR REGISTRATIONS
E 101-45200-433	Dues, Licensing & Seminars	\$750.00			PARKS SEMINAR REGISTRATIONS
E 101-45200-227	Plantings	\$614.96			PLANTS
Total ELAN-CARDMEMBER SERVICES		\$4,410.87			
Paid Chk# 111207	11/15/2018	ELECTRONIC & APPLIANCE RECYCLI			
E 101-45200-499	Miscellaneous	\$91.50	2266		MONITORS & PRINTERS DISPOSAL
Total ELECTRONIC & APPLIANCE RECYCLI		\$91.50			
Paid Chk# 111208	11/15/2018	ENGELSMA CONSTRUCTION			
G 101-20300	Deposits Payable	\$1,070.00	REFUND		STREET DAMAGE DEPOSIT (DUMPSTER) REFUND
Total ENGELSMA CONSTRUCTION		\$1,070.00			
Paid Chk# 111209	11/15/2018	EXCEL DOCUMENT MGMT.			
E 101-42200-210	Operating Supplies (GENERAL)	\$343.93	44206		FD SUPPLIES
Total EXCEL DOCUMENT MGMT.		\$343.93			
Paid Chk# 111210	11/15/2018	FSSOLUTIONS			
E 101-41500-306	Personnel Expense	\$150.15	FL00255547		RANDOM DRUG/ALCOHOL TESTING
Total FSSOLUTIONS		\$150.15			
Paid Chk# 111211	11/15/2018	GALLS			
E 101-42100-217	Uniforms	(\$58.50)	010371707		PD UNIFORMS
E 101-42100-217	Uniforms	\$52.20	010684089		PD UNIFORMS
E 101-42100-217	Uniforms	\$27.99	11702494		PD UNIFORMS
Total GALLS		\$21.69			
Paid Chk# 111212	11/15/2018	HENN.CNTY.ACCTG.SERVICES			
E 101-42120-308	Prisoner Care	\$75.00	1000117959		PRISONER PROCESSING
G 101-20300	Deposits Payable	\$297.00	1000117959		PRISONER PROCESSING
Total HENN.CNTY.ACCTG.SERVICES		\$372.00			
Paid Chk# 111213	11/15/2018	HENN.CNTY.INFO.TECH.DEPT.			
E 101-42200-323	Radio Units	\$1,155.30	1000118563		FD RADIO LEASE
E 101-42100-323	Radio Units	\$5,048.74	1000118564		PD RADIO LEASE
E 101-43100-323	Radio Units	\$175.00	1000118620		RADIO LEASE
E 101-45200-323	Radio Units	\$175.00	1000118620		RADIO LEASE

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E 610-40000-323	Radio Units		\$149.16	1000118620	RADIO LEASE
E 620-40000-323	Radio Units		\$149.16	1000118620	RADIO LEASE
Total	HENN.CNTY.INFO.TECH.DEPT.		\$6,852.36		
Paid Chk# 111214	11/15/2018	HTG ARCHITECTS			
E 101-41940-309	Contractual Services		\$860.00	17725	CITY HALL DESIGN STUDY
Total	HTG ARCHITECTS		\$860.00		
Paid Chk# 111215	11/15/2018	JIMMY'S JOHNNYS			
E 101-45200-415	Other Equipment Rentals		\$420.00	140694	PARKS SERVICE
Total	JIMMY'S JOHNNYS		\$420.00		
Paid Chk# 111216	11/15/2018	LEXISNEXIS RISK DATA			
E 101-42100-309	Contractual Services		\$33.00	121455020181	PD SERVICE
Total	LEXISNEXIS RISK DATA		\$33.00		
Paid Chk# 111217	11/15/2018	LMCD			
E 404-40000-437	Payments to Organizations		\$10,542.00	4TH QTR.2018	4TH QTR.2018 LEVY
Total	LMCD		\$10,542.00		
Paid Chk# 111218	11/15/2018	LOFFLER COMPANIES, INC.			
E 409-40000-540	Equipment		\$17,910.30	2959684	11 NEW COMPUTERS & SOFTWARE
Total	LOFFLER COMPANIES, INC.		\$17,910.30		
Paid Chk# 111219	11/15/2018	MACQUEEN EQUIPMENT, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$521.86	P16173	PARTS
Total	MACQUEEN EQUIPMENT, INC.		\$521.86		
Paid Chk# 111220	11/15/2018	MARINE DOCK & LIFT			
E 233-40000-309	Contractual Services		\$5,103.00	FALLREMOVA	SPRING INSTALL & FALL REMOVAL OF DOCKS
Total	MARINE DOCK & LIFT		\$5,103.00		
Paid Chk# 111221	11/15/2018	MEDIACOM			
E 101-41940-321	Telephone		\$346.90		SERVICE - CH
Total	MEDIACOM		\$346.90		
Paid Chk# 111222	11/15/2018	METRO SALES INC.			
E 101-42100-200	Office Supplies (GENERAL)		\$448.50	INV1198203	PD SUPPLIES
Total	METRO SALES INC.		\$448.50		
Paid Chk# 111223	11/15/2018	METROPOLITAN COUNCIL			
E 620-40000-386	Other Utilities		\$44,281.89	0001088884	SEWER SERVICE
Total	METROPOLITAN COUNCIL		\$44,281.89		
Paid Chk# 111224	11/15/2018	MINNESOTA EQUIPMENT			
E 610-40000-220	Repair/Maint Supply (GENERAL)		\$70.42	P75194	PARTS
Total	MINNESOTA EQUIPMENT		\$70.42		
Paid Chk# 111225	11/15/2018	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-434	Training and schools		\$550.00	8598	PD TRAINING
Total	MN CHIEFS OF POLICE ASSOC.		\$550.00		
Paid Chk# 111226	11/15/2018	MN DEPT.OF LABOR & INDUSTRY			
E 101-42200-210	Operating Supplies (GENERAL)		\$10.00	ABR0199227I	PRESSURE VALVE PERMITS
E 101-43100-210	Operating Supplies (GENERAL)		\$10.00	ABR0199228I	PRESSURE VALVE PERMITS
E 610-40000-242	Well & F.P. Equipment		\$10.00	ABR0200002I	PRESSURE VALVE PERMITS
Total	MN DEPT.OF LABOR & INDUSTRY		\$30.00		
Paid Chk# 111227	11/15/2018	MUNICODE			

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E 101-41500-302	Consultants	\$1,350.00	00317517	CODE BOOK
E 101-41500-302	Consultants	\$2,681.00	00318657	CODE BOOK
Total MUNICODE		\$4,031.00		
Paid Chk# 111228	11/15/2018	NORTH MEMORIAL		
E 101-42200-434	Training and schools	\$100.00	8885034	FD TRAINING
E 101-42100-434	Training and schools	\$300.00	8885035	PD TRAINING
Total NORTH MEMORIAL		\$400.00		
Paid Chk# 111229	11/15/2018	OFFICE DEPOT		
E 101-41500-200	Office Supplies (GENERAL)	\$57.51	206906077001	SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)	\$80.39	225808587001	SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)	\$26.59	225840913001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$31.49	225840914001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$65.97	225873656001	SUPPLIES
Total OFFICE DEPOT		\$261.95		
Paid Chk# 111230	11/15/2018	PIRTEK		
E 101-45200-222	Repair & Maint - Equip	\$386.52	S2822808.001	PARTS
Total PIRTEK		\$386.52		
Paid Chk# 111231	11/15/2018	PRAIRIE RESTORATIONS, INC.		
E 404-40000-309	Contractual Services	\$287.50	16123	CITY HALL & ROADMASTER SERVICE
Total PRAIRIE RESTORATIONS, INC.		\$287.50		
Paid Chk# 111232	11/15/2018	PURCHASE POWER		
E 101-49200-322	Postage	\$180.00		POSTAGE MACHINE LEASE
Total PURCHASE POWER		\$180.00		
Paid Chk# 111233	11/15/2018	SOJOURNER		
E 101-42100-309	Contractual Services	\$2,000.00	2018	PD SERVICES
Total SOJOURNER		\$2,000.00		
Paid Chk# 111234	11/15/2018	STAR TRIBUNE		
E 640-48000-433	Dues, Licensing & Seminars	\$114.53	2519144	SUBSCRIPTION RENEWAL
Total STAR TRIBUNE		\$114.53		
Paid Chk# 111235	11/15/2018	STREICHER S		
E 101-42100-217	Uniforms	\$60.98	I1337512	PD UNIFORMS
E 101-42100-499	Miscellaneous	\$74.99	I1338102	PD SUPPLIES
Total STREICHER S		\$135.97		
Paid Chk# 111236	11/15/2018	TRUAX PATIENT SERVICES		
E 101-42100-499	Miscellaneous	\$225.00	2210	NARCAN
Total TRUAX PATIENT SERVICES		\$225.00		
Paid Chk# 111237	11/15/2018	UPS STORE		
E 101-42200-210	Operating Supplies (GENERAL)	\$10.00	4250	FD SUPPLIES
G 101-20300	Deposits Payable	\$172.98	4549	LIGHT UP THE LAKE - HOTEL LANDING TO PAY
Total UPS STORE		\$182.98		
Paid Chk# 111238	11/15/2018	WAYZATA BAY CAR WASH		
E 101-42100-404	Repairs/Maint - Machin/Equip	\$141.02	OCT.2018	SQUAD MAINT.
Total WAYZATA BAY CAR WASH		\$141.02		
Paid Chk# 111239	11/15/2018	WESTSIDE WHOLESALE TIRE		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$594.56	824123	PARTS
Total WESTSIDE WHOLESALE TIRE		\$594.56		

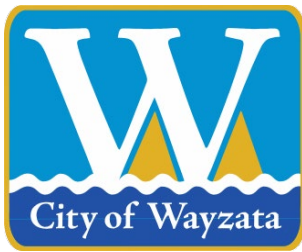
***Check Detail Register©**

October 2018 to November 2018

			Check Amt	Invoice	Comment
Paid Chk#	111240	11/15/2018	WILSON, DAVID		
E 101-42100-331	Mileage & Expense Account		\$12.60	REIMB.	MTG.MEALS
E 101-42100-499	Miscellaneous		\$15.04	REIMB.	BOO BASH DASH SUPPLIES
Total WILSON, DAVID			\$27.64		
Paid Chk#	111241	11/15/2018	XCEL ENERGY		
E 101-45203-381	Electric Utilities		\$4,388.97		SERVICE
E 101-41940-381	Electric Utilities		\$0.00		SERVICE
E 101-42200-381	Electric Utilities		\$0.00		SERVICE
E 610-40000-381	Electric Utilities		\$0.00		SERVICE
E 640-47000-381	Electric Utilities		\$0.00		SERVICE
E 640-48000-381	Electric Utilities		\$0.00		SERVICE
E 620-40000-381	Electric Utilities		\$0.00		SERVICE
E 101-41940-381	Electric Utilities		\$0.00		SERVICE
Total XCEL ENERGY			\$4,388.97		
10100 Anchor Bank			\$324,069.06		

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$96,077.13
233 LAKFRONT IMPROVE	\$5,553.00
235 CABLE TV	\$431.98
305 DOWNTOWN TIF DISTRICT 6	\$936.25
404 PARK AND TRAIL CIP	\$10,861.71
407 CELL TOWER	\$64.76
408 GENERAL CIP	\$23.47
409 EQUIP REVOLVING	\$55,393.32
430 STREET CIP	\$1,156.55
437 LIBRARY/COMM.ROOM CIP	\$1,442.75
610 WATER FUND	\$11,969.53
620 SEWER FUND	\$47,813.00
630 MOTOR VEHICLE	\$163.70
640 LIQUOR	\$89,211.51
650 SOLID WASTE	\$1,526.40
802 ESCROW PROJECTS	\$1,444.00
	\$324,069.06



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 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 Which Received Administrative Approval (informational only).

11/20/2018

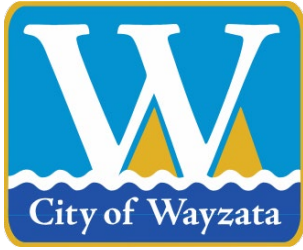
LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

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

2018 2-Day Temporary On-Sale Liquor License for Brew Works Holiday Party at the Wayzata Brew Works on 12/21-12-22/18	
Wayzata Brew Works	294 Grove Lane East, Suite 150, Wayzata, MN

**THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY**

2018 Gas Fitter's License	
2018 Tree Removal and Treatment License	



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7d
TITLE: Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Nichole Fernandez, Administrative Records Specialist	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The attached October 2018 Police Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. October 2018 Police Activity Report

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – OCTOBER, 2018**

Theft

Reported: 11-03-2018 1520

Report of theft by swindle. Loss \$1100.

Addresses Involved

300 block of Wise Ave, Wayzata, MN 55391

DWI

Reported: 11-02-2018 2242

47 year old male from Edina arrested for driving under the influence. Refused to test.

Addresses Involved

Shoreline Dr & Ferndale Rd W, Orono, MN 55391

Names Involved

(Arrested) Lopinto, Gabriele (Age: 47)

DWI

Reported: 11-02-2018 2020

63 year old female from Plymouth arrested for driving while under the influence. Tested .10

Addresses Involved

Central Ave N & 1st Ave N, Plymouth, MN

Names Involved

(Arrested) Spohn, Mary Kathryn (Age: 63)

Domestic

Reported: 10-27-2018 2308

Report of a verbal domestic. Advised.

Addresses Involved

200 block of Glenmoor Lane, Long Lake, MN 55356

Burglary-Commercial

Reported: 10-27-2018 1033

Report of a burglary. This case is under investigation.

Addresses Involved

1200 block of Wayzata Blvd E, Wayzata, MN 55391

Fraud

Reported: 10-23-2018 1340

Report of identity theft. No loss reported.

Addresses Involved

400 block of Highcroft Rd, Wayzata, MN 55391

Theft

Reported: 10-21-2018 1634

Theft from mailbox. No loss reported.

Addresses Involved

200 block of Broadway Ave N, Wayzata, MN 55391

DWI

Reported: 10-21-2018 0101

55 year old female from Excelsior arrested for driving while under the influence of alcohol. Refused to test.

Addresses Involved

Co Rd 15 W & Ferndale Rd W, Wayzata, MN 55391

Names Involved

(Arrested) Noll, Lynn Renae (Age: 55)

Warrant**Reported: 10-20-2018 0034**

55 year old female from Richfield was arrested on an outstanding warrant. Released with a court date.

Addresses Involved

Wayzata Blvd W & Lindawood Lane, Long Lake, MN 55356

Names Involved

(Arrested) Regan, Lisa Jean (Age: 55)

Theft of Vehicle**Reported: 10-19-2018 0844**

Report of a theft of a vehicle. Loss \$700.

Addresses Involved

500 block of Broadway Ave N, Wayzata, MN 55391

Fraud**Reported: 10-16-2018 1039**

Report of a lottery scam received in the mail. No loss occurred.

Addresses Involved

100 block of Central Ave S, Wayzata, MN 55391

Warrant**Reported: 10-16-2018 0118**

36 year old male from Wayzata arrested on two outstanding warrants. Transported to jail.

Addresses Involved

100 block of Broadway Ave N, Wayzata, MN 55391

Names Involved

(Arrested) Painter, Keith Thomas (Age: 36)

Domestic Assault**Reported: 10-14-2018 2110**

Report of a domestic assault. Charges pending.

Addresses Involved

400 block of Waycliffe N, Wayzata, MN 55391

Domestic Assault**Reported: 10-14-2018 1020**

Report of a domestic assault. Charges pending.

Addresses Involved

400 block of Wayzata Blvd E, Wayzata, MN 55391

Domestic Assault**Reported: 10-13-2018 2057**

40 year old male from Long Lake arrested for domestic assault. Transported to jail.

Addresses Involved

300 block of Glenmoor Lane, Long Lake, MN 55356

Names Involved

(Arrested) Thompson, James Michael (Age: 40)

Financial Transaction Card Fraud**Reported: 10-13-2018 1745**

Report of financial transaction card fraud. This case is under investigation.

Addresses Involved200 block of Glenmoor Lane, Long Lake, MN 55356

Theft**Reported: 10-12-2018 1555**

Report of a gas drive off. Loss \$94.

Addresses Involved2400 block of Industrial Blvd W, Long Lake, MN 55356

Forgery**Reported: 10-12-2018 1110**

32 year old male from Apple Valley arrested for offering a forged check. Transported to jail.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved(Arrested) Heichert, Dustin Jeffrey Arthur (Age: 32)

Forgery**Reported: 10-11-2018 1411**

Report of a forged check. Loss \$875.

Addresses Involved1400 block of Wayzata Blvd E, Wayzata, MN 55391

Theft**Reported: 10-11-2018 1034**

Theft from a vehicle. Loss \$2500.

Addresses Involved900 block of Shady Lane E, Wayzata, MN 55391

Warrant**Reported: 10-08-2018 1559**

23 year old male from Spring Park arrested on an outstanding warrant. Released with a court date.

Addresses Involved

Watertown Rd & Westwood Dr, Long Lake, MN 55356

Names Involved(Arrested) Lainez, Lester Geovan Gallardo (Age: 23)

Domestic Assault**Reported: 10-08-2018 0138**

Report of a domestic assault. This case is under investigation.

Addresses Involved100 block of Broadway Ave N, Wayzata, MN 55391

Fraud**Reported: 10-04-2018 1514**

Report of fraudulent activity on a cellular account. No loss occurred.

Addresses Involved200 block of Central Ave N, Wayzata, MN 55391

Theft**Reported: 10-04-2018 0120**

Report of theft of gas. Loss \$48.

Addresses Involved1300 block of Wayzata Blvd E, Wayzata, MN 55391

Tampering with MV**Reported: 10-02-2018 1714**

Report of a motor vehicle tampered with. No loss reported.

Addresses Involved100 block of Central Ave S, Wayzata, MN 55391

Tampering with MV**Reported: 10-02-2018 1437**

Report of a motor vehicle tampered with. No loss reported.

Addresses Involved600 block of Lake St E, Wayzata, MN 55391

Tampering with MV**Reported: 10-01-2018 1121**

Report of motor vehicles being tampered with. Loss \$500.

Addresses Involved200 block of Walker Ave S, Wayzata, MN 55391

Theft from Vehicle**Reported: 10-01-2018 0831**

Report of a theft from a vehicle. Unknown loss amount.

Addresses Involved300 block of Wolf Pointe Trail, Long Lake, MN 55356

Theft from Vehicle**Reported: 10-01-2018 0717**

Report of a theft from a vehicle. Loss approximately \$400.

Addresses Involved300 block of Wolf Pointe Trail, Long Lake, MN 55356

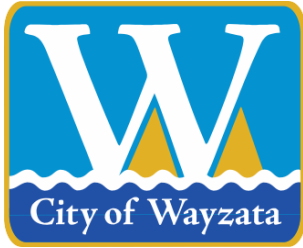
TRAFFIC – OCTOBER 2018

CITATIONS	105
WRITTEN WARNINGS	5
VERBAL WARNINGS	95

Description	Oct 2018
MISSING ANIMAL	2
FOUND ANIMAL	3
FOUND PROPERTY	7
SAFEKEEPING & DISPOSAL	1
PIMV	3
PDMV	13
H & R PDMV	3
H & R PIMV	1
PDMV & DEER	2
Other Fire/Smoke	1
FIRE ALARM	6
GAS LEAK/SMELL	6
HAZ ROAD CONDITION	7
SUDDEN DEATH	2
OTHER MEDICAL	36
Medical Alarm	2
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	12
WELFARE CHECK - JUV	3
INFO REC'D	11
VERBAL DOMESTIC	1
CIVIL MATTER	6
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	11
RECEIVE COURT ORDER/OFP	2
SUSPICION	18
OPEN DOOR/WINDOW	2
SCAM/FRAUD ATTEMPT	3
BURNING COMPL	1
LEAKY LOAD/DUMPING	2
DRIVING/TRAFFIC COMPLAINT	20
PARKING COMPL	7

HOUSE/BUSINESS CHECKS	4
RECORD CHECKS	22
FIREARM PERMIT	1
HC SHERIFFS PERMIT TO CARRY	1
PARKING PERMIT	3
OTHER ORD VIOL (JUNK CARS, ETC)	1
BURNING VIOLATION	1
ANIMAL COMPLAINT/CHECK	10
DISPATCH ANIMAL	1
DOG LICENSE ISSUED	4
POLICE ESCORT/STAND-BY	4
ADULT PROTECTION ASSIST	5
FINGERPRINTS	6
ASSIST CHILD PROTECTION	3
MOTORIST ASSIST/STALL	9
UTILITY PROBLEM	2
PUBLIC ASSIST	32
LOCKOUT	9
BUSINESS ALARM	11
HOME ALARM	10
911 HANG-UP	7
ASSIST OTHER DEPT	28
WARRANT/ATTEMPT/ARREST	4
SPECIAL EVENT	1
TRAFFIC CONTROL / DIRECT ENFORCEMENT	6
ASLT-DOMESTIC-FE-INFLT BODLY HRM-HNDS-ADLT-ACQ	1
ASLT-DOMESTIC-GM-INFLT BODLY HRM-HNDS-ADLT-ACQ	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	2
DOM ASLT-MS-INFLT BODILY HARM-HANDS-CH-FAM	1
DOM ASLT-MS-FEAR BODILY HARM-HANDS-AD-FAM	1
BURG 3-UNOCC NRES NO FRC-D-UNK WEAP-COM THEFT	1
BURG 4-UNOCC RES NO FRC-D-UNK WEAP-UNK ACT	1
FORGERY-FE-UTT-POSS-PLACE-CHK-251-2500	1
FORG-FE-UTT-POSS-PLACE-CHK-251-2500-CORP	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
CON SUB 5-SALE-AMPHET-UNK	1
CON SUB 5-POSSESS-MARIJUANA-UNK	1
CRM AGST FM-GM-NEGLECT VULN ADLT	1
TRAF-AC-GM-2ND DEG DWI-UI CONTROLLED SUB-MV	1

TRAF-AC-GM-3RD DEG DWI-REFUSAL TO TEST-MV	1
TRAF-ACC-M-4TH DEG DWI-UI CONTROLLED SUB-MV	2
CSC 5-NO CONSENT CONTA-ACQUAINT-18 OLD-F	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	1
MS-VIOL HARASS RESTRAINING ORDER	1
THEFT-UNK LVL VAL-FRM MAIL-OTH PROP	1
THEFT-500 OR LESS MS-SELF SERVE GAS-GAS ONLY	2
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	2
THEFT-UNK LVL-IDENTITY THEFT-UNK LOSS	1
THEFT-MS-BY SWINDLE OR TRICK-500 DLRS OR LESS	1
FRAUD-MS-FIN-TRAN-CARD-NO-CONSENT-250-LESS	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	3
VEH-501-2500-FE-MOT VEH USE-NO CONSENT-AUTO	1
VEH-501-2500-FE-PARTS-MOTOR VEH-AUTO	1
CRIM AGNST GOVN-GM-ESCAPE TAX-MTR VEH	1



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7d
TITLE: Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Nichole Fernandez, Administrative Records Specialist	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The attached October 2018 Police Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

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Names Involved

(Arrested) Lopinto, Gabriele (Age: 47)

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Names Involved

(Arrested) Spohn, Mary Kathryn (Age: 63)

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Report of a verbal domestic. Advised.

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Report of a burglary. This case is under investigation.

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500 block of Broadway Ave N, Wayzata, MN 55391

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Report of a lottery scam received in the mail. No loss occurred.

Addresses Involved

100 block of Central Ave S, Wayzata, MN 55391

Warrant**Reported: 10-16-2018 0118**

36 year old male from Wayzata arrested on two outstanding warrants. Transported to jail.

Addresses Involved

100 block of Broadway Ave N, Wayzata, MN 55391

Names Involved

(Arrested) Painter, Keith Thomas (Age: 36)

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Report of a domestic assault. Charges pending.

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40 year old male from Long Lake arrested for domestic assault. Transported to jail.

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Names Involved

(Arrested) Thompson, James Michael (Age: 40)

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Report of financial transaction card fraud. This case is under investigation.

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Report of a gas drive off. Loss \$94.

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Forgery**Reported: 10-12-2018 1110**

32 year old male from Apple Valley arrested for offering a forged check. Transported to jail.

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Warrant**Reported: 10-08-2018 1559**

23 year old male from Spring Park arrested on an outstanding warrant. Released with a court date.

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Watertown Rd & Westwood Dr, Long Lake, MN 55356

Names Involved(Arrested) Lainez, Lester Geovan Gallardo (Age: 23)

Domestic Assault**Reported: 10-08-2018 0138**

Report of a domestic assault. This case is under investigation.

Addresses Involved100 block of Broadway Ave N, Wayzata, MN 55391

Fraud**Reported: 10-04-2018 1514**

Report of fraudulent activity on a cellular account. No loss occurred.

Addresses Involved200 block of Central Ave N, Wayzata, MN 55391

Theft**Reported: 10-04-2018 0120**

Report of theft of gas. Loss \$48.

Addresses Involved1300 block of Wayzata Blvd E, Wayzata, MN 55391

Tampering with MV**Reported: 10-02-2018 1714**

Report of a motor vehicle tampered with. No loss reported.

Addresses Involved100 block of Central Ave S, Wayzata, MN 55391

Tampering with MV**Reported: 10-02-2018 1437**

Report of a motor vehicle tampered with. No loss reported.

Addresses Involved600 block of Lake St E, Wayzata, MN 55391

Tampering with MV**Reported: 10-01-2018 1121**

Report of motor vehicles being tampered with. Loss \$500.

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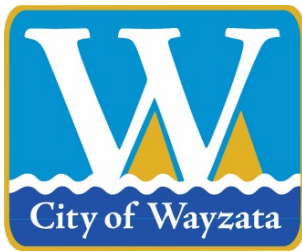
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VERBAL WARNINGS	95

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PDMV	13
H & R PDMV	3
H & R PIMV	1
PDMV & DEER	2
Other Fire/Smoke	1
FIRE ALARM	6
GAS LEAK/SMELL	6
HAZ ROAD CONDITION	7
SUDDEN DEATH	2
OTHER MEDICAL	36
Medical Alarm	2
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	12
WELFARE CHECK - JUV	3
INFO REC'D	11
VERBAL DOMESTIC	1
CIVIL MATTER	6
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	11
RECEIVE COURT ORDER/OFP	2
SUSPICION	18
OPEN DOOR/WINDOW	2
SCAM/FRAUD ATTEMPT	3
BURNING COMPL	1
LEAKY LOAD/DUMPING	2
DRIVING/TRAFFIC COMPLAINT	20
PARKING COMPL	7

HOUSE/BUSINESS CHECKS	4
RECORD CHECKS	22
FIREARM PERMIT	1
HC SHERIFFS PERMIT TO CARRY	1
PARKING PERMIT	3
OTHER ORD VIOL (JUNK CARS, ETC)	1
BURNING VIOLATION	1
ANIMAL COMPLAINT/CHECK	10
DISPATCH ANIMAL	1
DOG LICENSE ISSUED	4
POLICE ESCORT/STAND-BY	4
ADULT PROTECTION ASSIST	5
FINGERPRINTS	6
ASSIST CHILD PROTECTION	3
MOTORIST ASSIST/STALL	9
UTILITY PROBLEM	2
PUBLIC ASSIST	32
LOCKOUT	9
BUSINESS ALARM	11
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ASLT-DOMESTIC-FE-INFLT BODLY HRM-HNDS-ADLT-ACQ	1
ASLT-DOMESTIC-GM-INFLT BODLY HRM-HNDS-ADLT-ACQ	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	2
DOM ASLT-MS-INFLT BODILY HARM-HANDS-CH-FAM	1
DOM ASLT-MS-FEAR BODILY HARM-HANDS-AD-FAM	1
BURG 3-UNOCC NRES NO FRC-D-UNK WEAP-COM THEFT	1
BURG 4-UNOCC RES NO FRC-D-UNK WEAP-UNK ACT	1
FORGERY-FE-UTT-POSS-PLACE-CHK-251-2500	1
FORG-FE-UTT-POSS-PLACE-CHK-251-2500-CORP	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
CON SUB 5-SALE-AMPHET-UNK	1
CON SUB 5-POSSESS-MARIJUANA-UNK	1
CRM AGST FM-GM-NEGLECT VULN ADLT	1
TRAF-AC-GM-2ND DEG DWI-UI CONTROLLED SUB-MV	1

TRAF-AC-GM-3RD DEG DWI-REFUSAL TO TEST-MV	1
TRAF-ACC-M-4TH DEG DWI-UI CONTROLLED SUB-MV	2
CSC 5-NO CONSENT CONTA-ACQUAINT-18 OLD-F	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	1
MS-VIOL HARASS RESTRAINING ORDER	1
THEFT-UNK LVL VAL-FRM MAIL-OTH PROP	1
THEFT-500 OR LESS MS-SELF SERVE GAS-GAS ONLY	2
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	2
THEFT-UNK LVL-IDENTITY THEFT-UNK LOSS	1
THEFT-MS-BY SWINDLE OR TRICK-500 DLRS OR LESS	1
FRAUD-MS-FIN-TRAN-CARD-NO-CONSENT-250-LESS	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	3
VEH-501-2500-FE-MOT VEH USE-NO CONSENT-AUTO	1
VEH-501-2500-FE-PARTS-MOTOR VEH-AUTO	1
CRIM AGNST GOVN-GM-ESCAPE TAX-MTR VEH	1



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7e
TITLE: Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Jason Wagner, Building Official	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

The attached October 2018 Building Activity Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. October 2018 Building Activity Report

Jan-18	Feb-18	Mar-18	Apr-18	May-18
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	13	12	9	11	20
PROJECT VALUE	\$2,276,265.00	\$1,547,265.00	\$534,500.00	\$931,468.00	\$1,627,680.00
BUILDING PERMIT FEE	\$16,570.00	\$12,942.75	\$5,280.00	\$8,581.00	\$13,480.50
PLAN CHECK FEE	\$10,496.35	\$7,807.69	\$2,618.16	\$4,403.11	\$6,808.96

EXTERIOR REPAIR

NUMBER OF PERMITS	44	2	6	2	5
PROJECT VALUE	\$1,998,122.38	\$10,218.00	\$88,422.00	\$9,204.00	\$170,229.00
PERMIT FEE	\$ 28,045.00	\$ 250.75	\$ 1,519.75	\$ 236.00	\$ 2,225.75

MECHANICAL

NUMBER OF PERMITS	15	24	17	14	14
PROJECT VALUE	164,684.84	263,524.00	258,075.00	114,930.00	86,821.00
PERMIT FEE	3,226.72	5,244.34	5,173.60	2,310.60	1,756.42

PLUMBING

NUMBER OF PERMITS	13	19	14	13	10
PROJECT VALUE	\$222,680.00	\$204,904.88	\$183,453.00	\$181,270.71	\$53,728.66
PERMIT FEE	\$4,503.60	\$4,229.90	\$3,708.86	\$3,424.82	\$1,149.08

TOTAL # OF PERMITS	85	57	46	40	49
TOTAL INCOME	\$62,841.67	\$30,475.43	\$18,300.37	\$18,955.53	\$25,420.71

NUMBER OF INSPECTIONS

BUILDING	52	44	34	64	57
EXTERIOR	2	2	1	5	6
HVAC	42	25	48	33	29
PLUMBING	27	25	25	19	23
OTHER					
TOTAL # OF INSPECTIONS	123	96	108	121	115

RENTAL HOUSING INSPECTIONS

INSPECTIONS	7	6	79	34	26
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Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	2018-YTD
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21	16	16	19	18	155
\$8,032,155.00	\$2,207,169.00	\$10,742,891.63	\$2,830,500.00	\$10,209,354.00	\$40,939,247.63
\$44,375.00	\$18,014.00	\$53,278.50	\$20,768.75	\$51,848.00	\$245,138.50
\$27,577.06	\$9,669.55	\$33,668.22	\$12,319.16	\$32,651.60	\$148,019.86

10	9	14	7	10	109
\$136,679.00	\$169,574.00	\$170,771.00	\$560,181.00	\$395,380.00	\$3,708,780.38
\$ 2,316.50	\$ 2,757.00	\$ 3,154.00	\$ 4,835.50	\$ 4,414.50	\$ 49,754.75

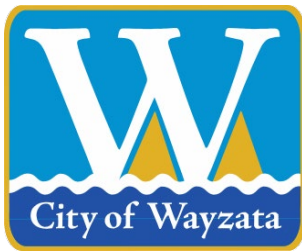
21	19	18	14	25	181
124,275.00	219,067.00	97,498.00	388,560.00	284,979.00	\$ 2,002,413.84
2,502.50	4,238.84	2,016.96	6,775.70	5,666.02	\$ 38,911.70

16	9	13	11	12	130
\$101,833.00	\$108,022.50	\$212,916.84	\$1,252,235.00	\$124,237.00	\$2,645,281.59
\$2,111.66	\$2,228.46	\$3,796.34	\$19,781.70	\$2,552.98	\$47,487.40

68	53	61	51	65	575
\$78,882.72	\$36,907.85	\$95,914.02	\$64,480.81	\$97,133.10	\$529,312.21

75	65	69	99	68	627
7	10	6	10	7	56
46	27	39	47	33	369
27	20	25	29	33	253
155	122	139	185	141	1183

34	14	24	2	3	229
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City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7f
TITLE: Approval of Development Agreement for Ventana Condos at 253 Lake St E	
PROPOSED MOTION: To Approve the Development Agreement for Ventana Condos at 253 Lake St E	
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 project costs. Aside from building permit fees, there will be no additional financial impact that hasn't already been approved as a part of the TIF agreement and Final Plat.

BACKGROUND:

On September 18th, the City Council approved the final development application for Ventana Condos, including the PUD general plan and design review, and rezoning. The approved PUD consists of demolition of the existing building and construction of a three story building with 16 residential condos with one level of underground parking. As a condition of the development approval, the applicant is required to enter into a development agreement with the City. The City attorney and City staff have drafted the attached development agreement for the Council's consideration.

Development Agreement

As part of the development project, the applicant will be reconstructing the sidewalk and streetscaping along Lake Street. The development agreement requires the developer to pay for these public improvements. The agreement also requires the developer to provide the City with a public access easement for the drive lane and pedestrian walkway located on the property to access the public parking facility on the back of the property. All of the other conditions and terms of the development agreement are standard requirements for the City's development agreements.

ATTCHMENTS:

1. Draft Development Agreement
2. City Council Resolution 68-2017
3. City Council Resolution 52-2018

**DEVELOPMENT AGREEMENT
(253 Lake Street East, Wayzata, MN)**

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made this _____ day of _____, 2018, by and between the City of Wayzata, a Minnesota municipal corporation (“**City**”), and Ventana, LLC, a Minnesota limited liability company (“**Developer**”), regarding the property located at 253 Lake Street East, legally described on Exhibit A attached hereto (the “**Property**”).

Pursuant to Section 801.33 of the City’s Code and the terms and conditions of Resolution No. 52-2018 adopted by the Wayzata City Council (the “**City Resolution**”), and Ordinance No. 784, adopted by the Wayzata City Council (the “**City Ordinance**”), copies of which are on file with and can be made available by the City, the parties agree as follows:

1. **Planned Unit Development.** Under the City Resolution, the City has granted Developer approval of a planned unit development (“PUD”) to demolish the existing commercial building on the Property, and construct a new three (3) story building consisting of sixteen (16) residential condominium units, one (1) level of underground parking (collectively, the “**Project**”) with a public parking facility (“**Public Parking Facility**”) located on land owned, or to be owned, by the City. The Project shall be developed and the Property shall be operated and used in accordance with the terms of this Agreement and the City Resolution and the City Ordinance, the terms of which Resolution are incorporated by reference in this Agreement as if fully stated herein. The City may agree to retain the Developer to construct the Public Parking Facility pursuant to a separate agreement with the City, should the City determine in its sole discretion, to move forward with the development of the Public Parking Facility.
2. **Definition and Amendment of Plans.** The Project shall be developed and constructed, and the Property shall be operated and used in accordance with the plans and specifications listed on Exhibit B attached hereto, which shall include but in no way be limited to: (i) final civil engineering plans, (ii) a final site plan, (iii) a grading and drainage plan, (iv) a utility plan, (v) a stormwater management plan, (vi) a lighting plan demonstrating that all exterior light fixtures have been adequately coordinated with those located on the adjacent properties; and (vii) final landscaping plans (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, provided all such amendments must comply with the City Code, including without limitation ordinances regarding amendments to planned unit developments. 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. Developer acknowledges that the Plans must comply with all City Code and City design specifications, and must be reviewed and approved by the City Engineer, and in the case of the landscaping plans, reviewed by the City Forester, prior to the City’s issuance of a building permit for the Project.

3. **Park Dedication Fee.** Developer shall be assessed a Park Dedication Fee of \$_____ pursuant to City Code. Payment in full shall be required prior to the City's issuance of a certificate of occupancy..
4. **Final Plat.** Prior to the City's issuance of a building permit for the Project, the Final Plat of Ventana Addition shall have been approved by the Hennepin County Surveyor's Office, fully executed and the City shall have received proof of the Final Plat having been properly recorded with the Office of the Registrar of Titles of Hennepin County.
5. **Public Access Easement.** The City may elect, in its sole discretion, to construct the Public Parking Facility (the "____") in the future. Developer shall coordinate with the City and neighboring land owner to (i) secure adequate property rights to grant a public access easement to the City permitting both vehicular and pedestrian ingress and egress to and from the Public Parking Facility and Lake Street East over a small portion of the Property as previously identified (the "**Public Access Easement**"), and (ii) execute an agreement granting the Public Access Easement over such area of the Property to the City in substantially the form as attached hereto as Exhibit D.
6. **Public Improvements.** At its sole expense, Developer shall construct and complete all the improvements identified on Exhibit E ("**Public Improvements**") in accordance with the Plans 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 or Private Improvements or for the cost of any other improvements for or related to the Project.
7. **Private Improvements.** At its sole expense, Developer shall construct and complete all the improvements identified on Exhibit F ("**Private Improvements**") in accordance with the Plans before the issuance of a certificate of occupancy for the Project by the City. The City shall be 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.
8. **Maintenance Costs.** The Developer shall repair, replace and maintain, and be liable for the cost of repairing, replacing and maintaining the Public and Private Improvements installed by the Developer; provided, however, except 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.
9. **Warranty.** As to the 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 twenty-four (24) months after final completion is certified by the Developer's civil engineer. Any repairs or replacements shall be warranted for twenty-four (24) months from the time of construction or installation. For the Private Improvements, Developer shall also comply with the warranties set forth in Minn. Stat. § 327A.02, subd. 1 and in the Minnesota Common Interest Ownership Act. The warranties referred to in this Section shall hereinafter be referred to, collectively, as the "**Warranties**".

10. Security For Public and Private Improvements.

- A.** Prior to the issuance of any building permit for the Project, Developer shall deposit with the City an irrevocable letter of credit or cash deposit (in either case, the “**Security For Public and Private Improvements**”) in an amount equal to [\$ _____], being 125% of the estimated construction costs for all the Public Improvements and Private Improvements, with such costs being shown on Exhibit E and 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 For Public and Private Improvements if the then current construction cost estimates for the Public Improvements or Private Improvements have increased from the date hereof. The Security For Public and Private Improvements shall secure all the Developer’s obligations under this Agreement. The Security For Public and Private Improvements shall be referred to herein, collectively and individually, as the “**Security**”.
- 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 and Private 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 under this Section, 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, provided under this Section with five (5) business days’ prior written notice to Developer, if the Developer fails to complete the Public Improvements or Private 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) [_____, 20__].
- 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 and Private Improvements are satisfied. The amount of such reduction shall equal no more than 100% of the originally estimated cost of the particular Public Improvement or Private Improvements obligation satisfied, as shown on Exhibit E and 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 or Private Improvements, as determined by the

City. Any Security on deposit with the City upon the expiration of all Warranties shall be released to Developer upon Developer's written request to the City.

11. **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 times until the City issues a final Certificate of Occupancy for the Project, 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 or Private 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 or Private Improvements.
12. **Responsibility for Costs.**
 - A. The Developer shall hold the City and its elected officials, officers and 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 and hold the City and its elected officials, officers and employees harmless from all costs, damages or expenses, obligations, claims or liabilities, including reasonable attorneys' and other professional or consulting fees.
 - B. The Developer shall reimburse the City for all reasonable costs incurred by the City in connection with processing the application that resulted in the City Resolution and the City Ordinance and the preparation and enforcement of this Agreement (and any amendment thereto), including engineering, building official, planning and attorneys' 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.

13. 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.

14. Representations. Developer warrants and represents, for the benefit of the City, that, as of the date hereof: (i) Developer, or its affiliate, is the fee owner of the Property and 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 (iii) 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 G attached hereto, and any such Consent and Joinder shall be attached to the recorded/filed original of this Agreement as Exhibit H.

15. 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.

16. Miscellaneous.

- A.** This Agreement 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 and/or obligations hereunder, in full or in part, without prior written consent from the City and any such consent shall be subject to any new owner or owners of the Property, in writing, assuming the obligations of the Developer hereunder in a document approved, in writing, by the City. Notwithstanding the foregoing, from and after the issuance of a certificate of occupancy for the Project by the City, the Developer may assign its rights and obligations under this agreement to a homeowners or common interest community association for the Project (“**HOA**”) provided: (i) the City has reviewed and approved the documents establishing and governing the HOA; (ii) the City has reasonably determined that the HOA will have the ability to perform the then remaining obligations of the Developer hereunder; and (iii) the HOA assumes the obligations of the Developer hereunder in a recordable document approved, in writing, by the City (“**HOA Assumption**”).
- B.** This Agreement may not be terminated, amended, revoked or modified without the written agreement of the then current fee owner(s) of the Project and the City, in a document which is in recordable form; provided from and after the HOA Assumption this Agreement may be so terminated, amended, revoked or modified with the written agreement of the City and HOA in a document which is in recordable form without need for the consent of all the then current fee owner(s) of the Project.
- C.** Nothing herein contained shall be deemed to be a gift or dedication of all or any portion of the Property to the general public or for any public use or purpose.
- D.** All exhibits and attachments referred to herein and attached hereto shall be deemed part of the Agreement
- E.** 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.

- F.** There shall be no third party beneficiaries to this Agreement and third parties shall have no recourse against the City under this Agreement.
- G.** 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.
- H.** 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. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- I.** This Agreement and any amendments thereto shall run with the Property, including, without limitation, any common interest community that may be created with respect to the Property, 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.
- J.** If the Developer endeavors to create a common interest community with respect to the Property, it shall disclose this Agreement, together with any amendment thereto, in any disclosure statement required under Minnesota Statute Section 515B.4-102 or any other applicable law.
- K.** 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;
 - (2)** The obligations of the Developer 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, including without limitation any HOA, 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.

- L.** 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.
- M.** 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.
- N.** 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.
- O.** 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.
- P.** 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.
- Q.** This Agreement shall be governed by and construed under the laws of Minnesota. To the extent Section 500.20 of the Minnesota Statutes 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.

17. **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:

Ventana, LLC
1907 Wayzata Boulevard
Suite 250
Wayzata, MN 55391
Attention: Bradley Hoyt

With copies to:

EntrePartner Law Firm, PLLC
3700 Campbell Mithun Tower
222 South Ninth Street
Minneapolis, MN 55402
Attention: Michael J. Mergens

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 PAGES ATTACHED]

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

DEVELOPER:

Ventana, LLC, a Minnesota limited liability company

By: _____

Name: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, by Bradley Hoyt, the Manager of Ventana, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR
253 LAKE STREET EAST]

CITY:

**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

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR
253 LAKE STREET EAST]

CITY:

**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

EXHIBIT A

Legal Description

EXHIBIT B

List of Plans

1. Building Tabulations submitted by Weber Architects and Planners dated August 17, 2018
2. Site Tabulations submitted by Weber Architects and Planners dated August 17, 2018
3. Exterior Elevations prepared by Weber Architects and Planners dated August 16, 2018
4. Floor Plans by Weber Architects and Planners dated August 16, 2018
5. Preliminary Construction Plan by Sathre-Bergquist, Inc, dated July 3, 2018

EXHIBIT C

Intentionally omitted

EXHIBIT D

Public Access Easement

(Attached)

EXHIBIT E

Public Improvements

The Public Improvements are as follows:

- 1) Construction of street, street signs, water and sanitary sewer utilities, sidewalk, streetscaping, lighting, and landscaping along the Lake Street East right of way adjacent to the Property, all in accordance with the Plans. (estimated cost \$_____ [TO BE PROVIDED BY DEVELOPER]).

EXHIBIT F

Private Improvements

The Private Improvements are as follows:

1. Site grading in accordance with the Plans (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER])
2. Landscaping in accordance with the Plans (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER])
3. Storm sewer and stormwater management facilities in accordance with the Plans (estimated cost \$ _____ [TO BE PROVIDED BY DEVELOPER])

EXHIBIT G

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 Development Agreement (the "Agreement") to which this Consent and Joinder is attached) under a Mortgage filed in the office of the Registrar of Titles for Hennepin County, Minnesota, as Document No. _____ and/or recorded with Recorder's Office 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 _____, 2018.

By: _____

Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2018, 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

EXHIBIT H

Executed Consent and Joinder by Mortgagee(s)

(Attached)

RESOLUTION NO. 68-2017

RESOLUTION APPROVING REZONING, PUD CONCEPT PLAN OF DEVELOPMENT, BUILDING HEIGHT VARIANCE, AND BUILDING HEIGHT SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT FOR THREE STORY RESIDENTIAL DEVELOPMENT AT 253 LAKE ST E

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

Section 1. BACKGROUND

- 1.1 Project. Weber Architects & Planners, Continental Property Group, and the property owner listed below (the "Applicant") have submitted a development application (the "Application") for the property located at 253 Lake St E (the "Property"). The proposal includes demolition of the existing buildings and construction of a new three story building with 16 residential units and underground parking (the "Project").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following land use requests:
- A. Rezoning from C-4A to PUD/Planned Unit Development: Rezoning the Property from C-4A Limited Central Business District to PUD Planned Unit Development District (the "Rezoning" or "Zoning Amendment").
 - B. PUD Concept Plan of Development: The PUD Concept Plan depicted and described in the Application and in the plans attached to this Report as Attachment A for a new three story residential building, with 16 residential units and underground parking (the "PUD Concept Plan").
 - 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 of 40 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 of 40 feet (the "Height CUP").
- 1.3 Property. The address, property identification number and owner of the subject property (the "Property") are:
- | Address | PID | Owner |
|---------------|-------------------|--------------------|
| 253 Lake St E | 06-117-22-23-0013 | Berry and Co, Inc. |
- 1.4 Land Use Designations. The Property falls within the following zoning and land use districts:

Current zoning:	C-4A Limited Central Business District
Comp plan designation:	Central Business District
Overlay districts:	S Shoreland Overlay District W Wetland Overlay District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the Lakeshore Weekly News on October 19, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on October 20, 2017.
- 1.6 Planning Commission Action. The Planning Commission reviewed the development and held a public hearing at its meeting on October 30, 2017. The Planning Commission adopted a Report and Recommendation on the Application at its meeting on November 20, 2017.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments / Rezoning. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its 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 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.
- 2.2 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.
- C. 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.
- D. PUD Procedure.
1. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of City review and approval of a PUD. Concept Plan approval in no way binds the City to subsequent

approval of a General Plan of Development or other approvals that may be required. Section 801.33.5.B.

2. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 801.33.5.C.

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. 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.

2.5 Conditional Use Permit. 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

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) Rezoning; (2) PUD Concept Plan; (3) Height Variance; and (4) Height CUP 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 Zoning Ordinance Amendments / Rezoning. The proposed use associated with the Project (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 for the Central Business District (CBD), which call for a mix of commercial, office, and residential uses in the area; high quality development; design and architecture that compliments the area; ease of vehicular and pedestrian traffic; improvements to sidewalks, walkways and street furniture; enhanced street trees and landscaping elements; orderly transition between commercial/office areas of the CBD and adjacent residential neighborhoods; upper story housing with third floor setbacks; and redevelopment of property in need of redevelopment. The PUD would introduce residential uses into an area of Lake Street and the CBD that is predominantly office and commercial uses and has limited residential uses. The PUD would also provide orderly transition to the adjacent high density residential properties to the north of the Property, and would redevelop the Property which is blighted and in need of redevelopment. The other CBD policies will be further reviewed should the Application proceed to the next stage of the PUD approval process.
- 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, other than the Height Variance and Height CUP as noted in this Report.
- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not negatively impact property values in the area.
- F. The existing and contemplated new 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.

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

- A. The PUD Concept 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 Concept Plan meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.

- C. The PUD Concept Plan allows for phased and orderly development with the adjacent properties at 235, 239, and 259 Lake St E by consolidating and coordinating building location, vehicle and pedestrian access, and shared public parking.
 - D. The PUD Concept 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 Concept Plan meets all of the PUD general standards listed in Section 801.33.2.A and in Section 2.2.B of this Report and Recommendation except that the maximum building height in the Project will exceed the limit of thirty five (35) feet, and the Concept Plan should thus be modified to comply with this requirement if the requested Height Variance and CUP are not approved.
 - F. The Application contains the information and materials listed in Section 801.33.5.C.
- 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 general purpose and intent of the Zoning Ordinance, and is consistent with the Comprehensive Plan. The Height Variance would provide for orderly and compatible development of the Property with the surrounding land uses and developments, and the Height Variance is consistent with the objectives and priorities of the Central Business District land use designation in the Comprehensive Plan.
 - B. The Height Variance is reasonable because as part of the Project, the Applicant would give more than half of the Property to the City for use as public and shared parking with adjacent properties. The building footprint, mass, and height are based on this consideration, which, along with the practical difficulties of the Property, is one of the primary reasons for the increased building height.
 - C. The Applicant has established that there are practical difficulties in complying with the building height requirements, which are the high ground water elevation on the Property, the soil conditions on the Property, and the narrowness of the Property along Lake Street. These practical difficulties are unique to the Property, are not common to all other properties on Lake Street or in the City, and are not created by the property owner.
 - D. The Height Variance would not alter the essential character of the locality because the height of the building would be similar to other buildings located along Lake Street, and the roof elevation of the building would be lower in elevation than surrounding properties.

- E. The Height Variance is based on the practical difficulties which are unique to the Property, and is not based on economic considerations alone.
- F. The Applicant is not proposing earth sheltered construction for the Project.
- G. The Height Variance is not a variance from the use standards of the Zoning Ordinance. The residential condominiums proposed with the Project are a permitted use in the zoning district.
- H. The City Council conditions for granting the Height Variance are outlined in Section 4.1 of this Resolution.
- I. The Applicant has set forth the reasons in writing and at the Planning Commission public hearing and City Council meeting that the Height Variance is justified under the Ordinance in order to make reasonable use of the land.

3.4 Shoreland Impact Plan.

- A. The Application includes review of a PUD Concept Plan of Development. The Applicant has not submitted a development application for general plan of development. As a condition of approval, the Applicant will need to submit a general plan of development for future review by the Planning Commission and City Council. The general plan of development must include provisions for sediment control, water management, and maintenance of landscaped features as outlined in Section 801.91.19.

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

- A. The Height CUP is consistent with the specific objectives and priorities of the Central Business District land use designation in the Comprehensive Plan.
- B. The Height CUP is compatible with present and future uses of the area.
- C. The Height CUP conforms to all performance standards contained in the Zoning Ordinance, except for the Height Variance that is requested as part of the Application.
- D. The Height CUP would not adversely impact the surrounding area because the height of the building would be similar to other buildings located along Lake Street, and the roof elevation of the building would be lower in elevation than surrounding properties.
- E. The Height CUP would not impact the property values in the area.
- F. There would not be any traffic generated as a result of the Height CUP.

- G. The Height CUP 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 (1) Rezoning; (2) PUD Concept Plan; (3) Height Variance; and (4) Height CUP requested as part of the Application are hereby **APPROVED**, subject to all of the following conditions:

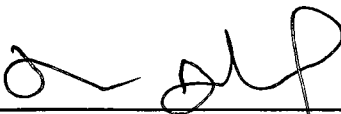
- A. A development application for PUD General Plan of Development must be submitted to the City within six (6) months of City Council approval of the effective date of this Resolution, unless the City Council approves a time extension as provided for in the Zoning Ordinance. The General Plan of Development application must include the following (in addition to all other requirements under the Zoning Ordinance):
1. Landscape plan that complies with City Code Section 801.33.2.A.12 and City Code Section 801.91.19; and
 2. Grading, drainage and erosion control plan, SWPP, and stormwater management plan that complies with City Code Section 801.91.19.
- B. All expenses of the City of Wayzata related to processing the Application, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 19th day of December, 2017.



Mayor Ken Willcox

ATTEST:



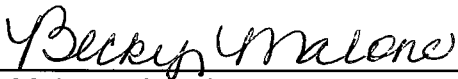
City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Plechash
Seconded by: Tyacke
Voted in favor of: Koch, Plechash, Tyacke
Voted against: McCarthy, Willcox
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 19, 2017.



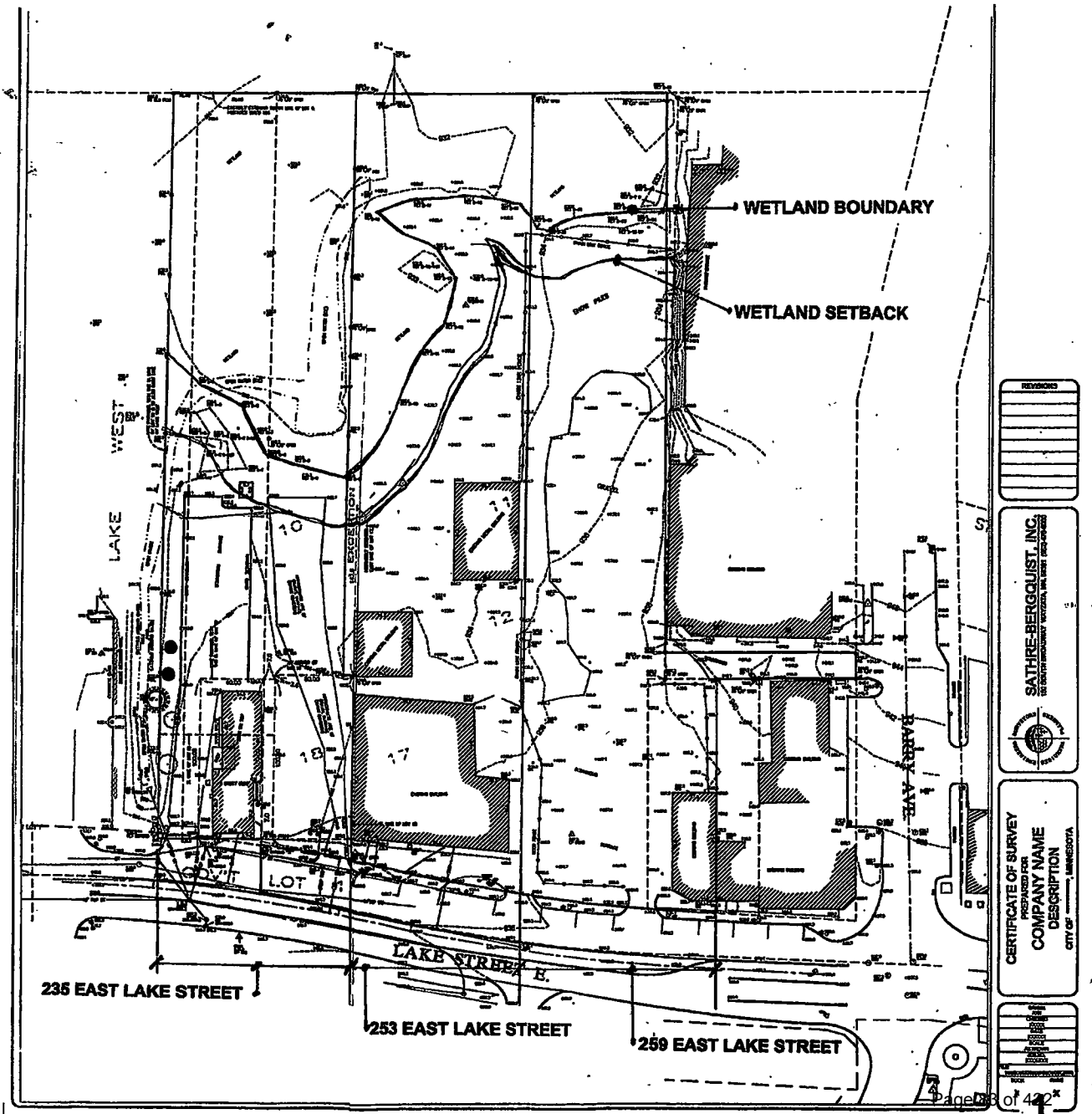
Becky Malone, City Clerk
SEAL

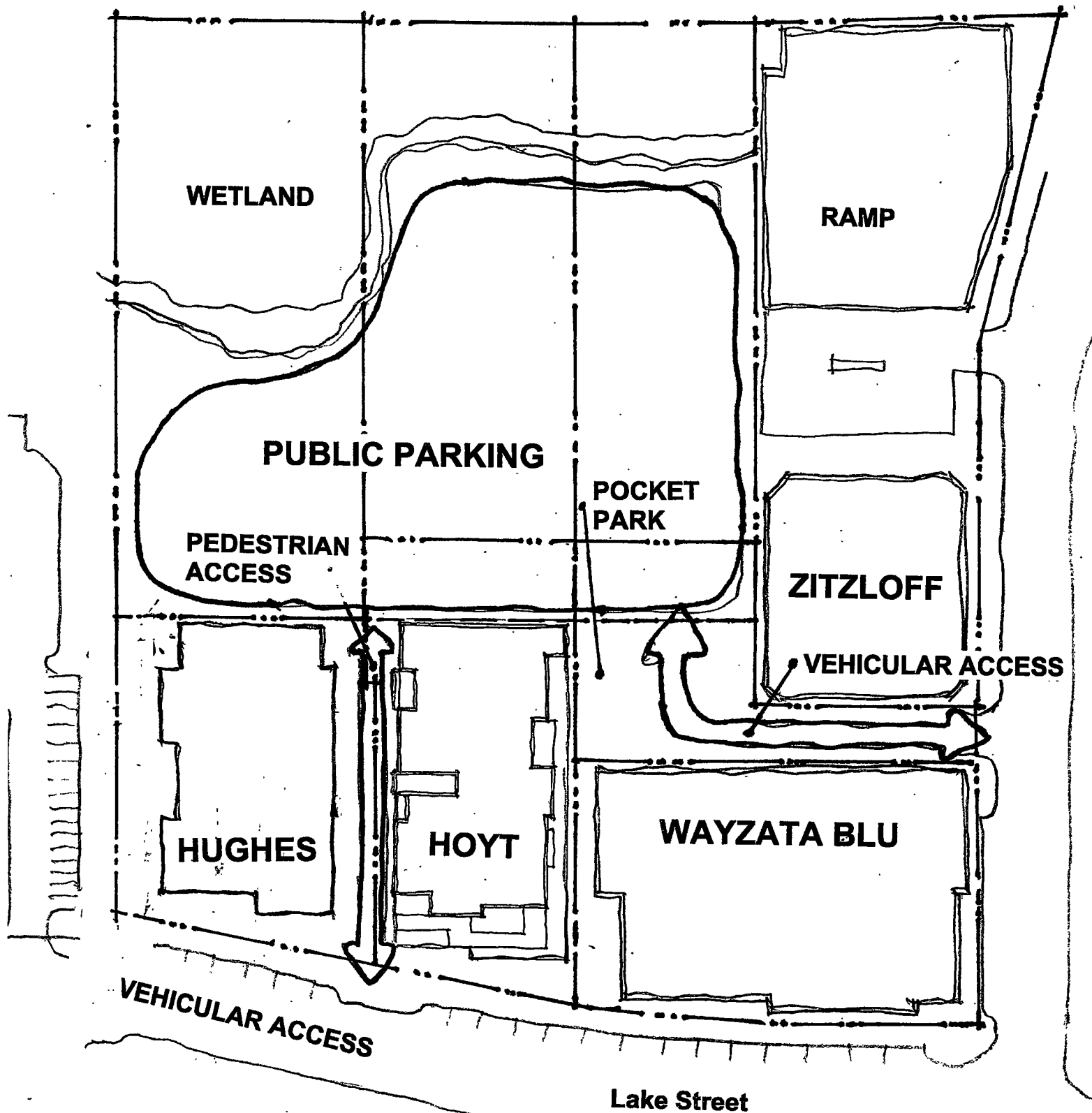
Attachment A
(PUD Concept Plan)

**KAMINSKY PROPERTY
259 EAST LAKE STREET**



2280 Watertown Road, Long Lake, MN 55356-0419
952.476.4434 • Fax 952.476.5863 • rmw@weberarchitects.com





TRITON MANAGEMENT, LLC

WEBER
architects & planners

2200 Main Street, Long Lake, MN 55359-0419
952.476.4434 • Fax 952.476.5903 • info@webearchitects.com

N

10 30 60 120

SITE CONCEPT

30 AUGUST 2017

OCT 2017

**PUBLIC
PARKING**

**PEDESTRIAN
CONNECTION**

Setback 42'

**POCKET
PARK**

Setback 0'

HUGHES

HOYT

WAYZATA BLU

Setback 10'

Setback 12'

**SEWER/WATER
CONNECTIONS**

LAKE STREET

TRITON MANAGEMENT, LLC



WEBER
architects & planners

2200 Waterdown Road, Long Lake, MN 55305-9419
802.476.4434 • Fax 802.476.5953 • info@weberarchitects.com

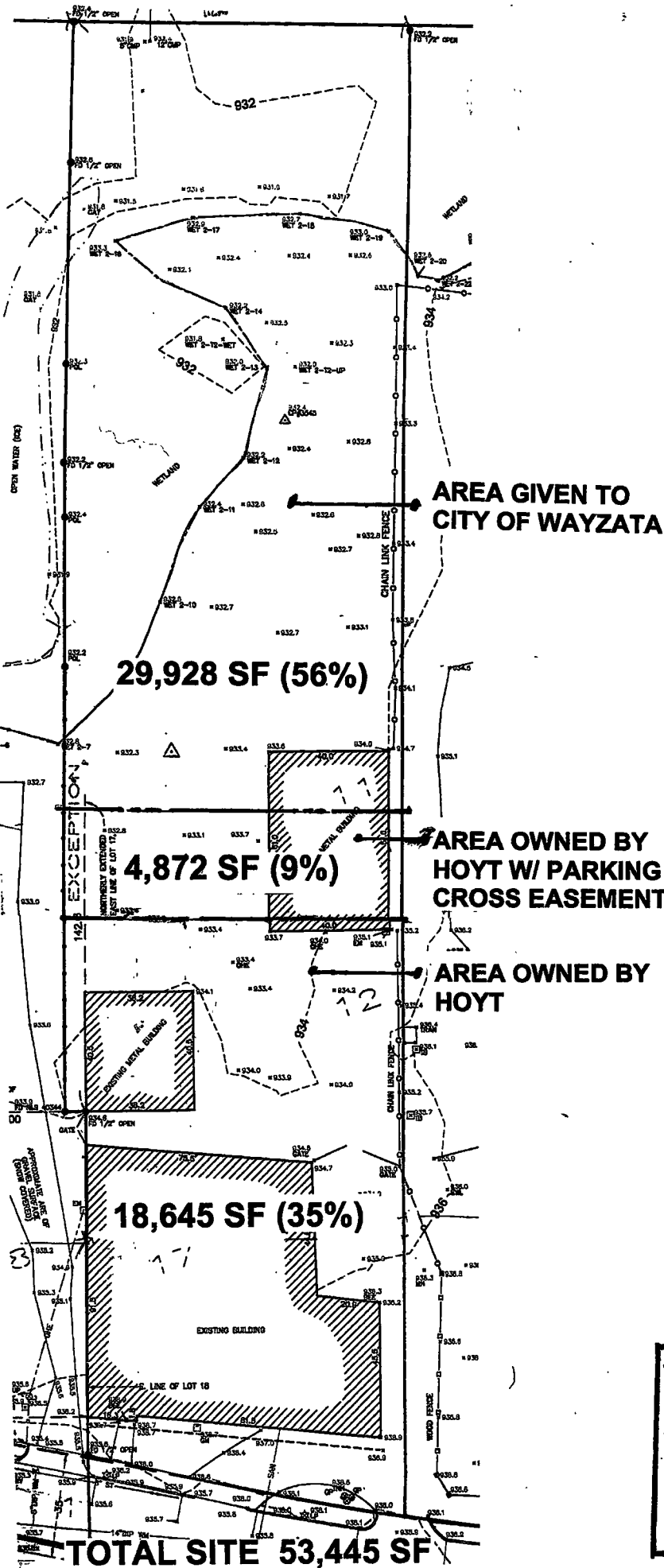


SITE PLAN

005 2011

**IMPERVIOUS SURFACE
SITE AREA
53,445 SF
BUILDING FOOTPRINT
17,472 SF (33%)**

Final % will be determined by
City of Wayzata design of parking
area and final layout of pedestrian
connection to Lake Street.



FAR

**FOR TOTAL BUILDING;
65,148 SF / 53,445 SF = 1.21**

**FOR BUILDING LESS
PARKING LEVEL
47,676 SF / 53,445 SF = .89**

TRITON MANAGEMENT, LLC



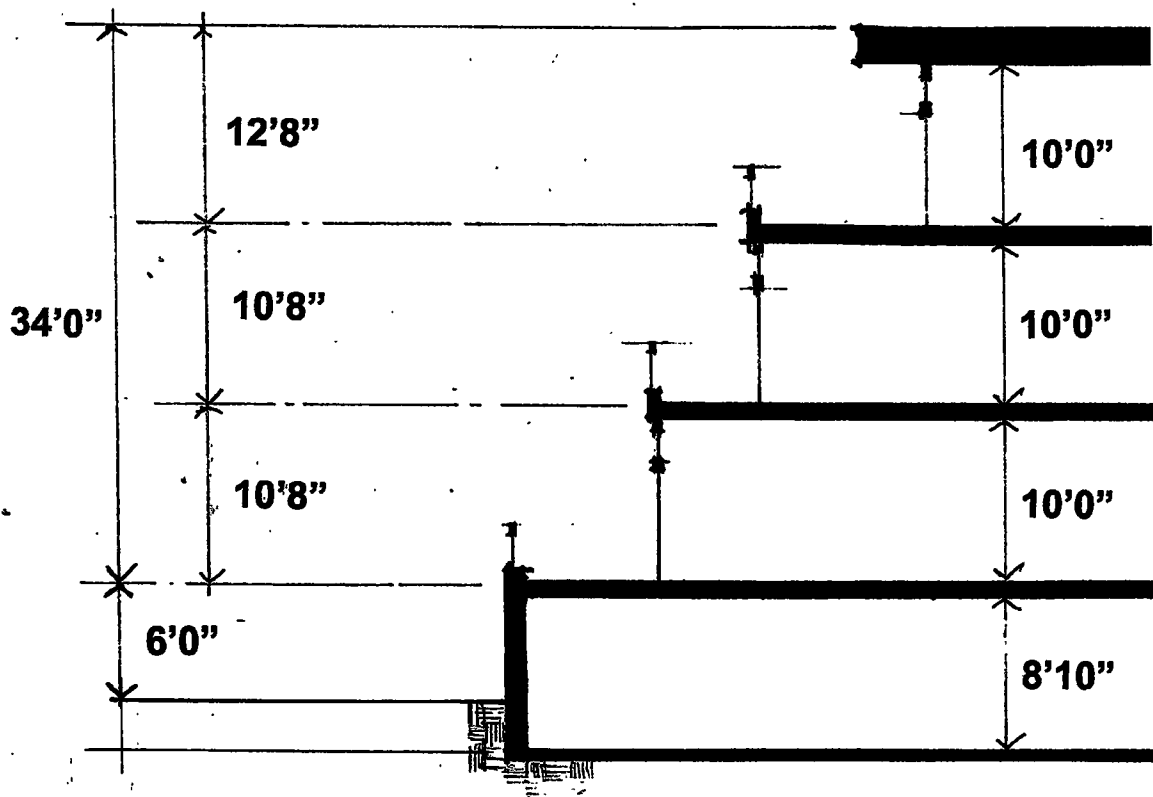
WEBER
architects & planners

2280 Wayzata Road, Long Lake, MN 55356-9418
952.478.4434 • Fax 952.478.5053 • info@weberarchitects.com



SITE CALC

OCT 2017



SECTION

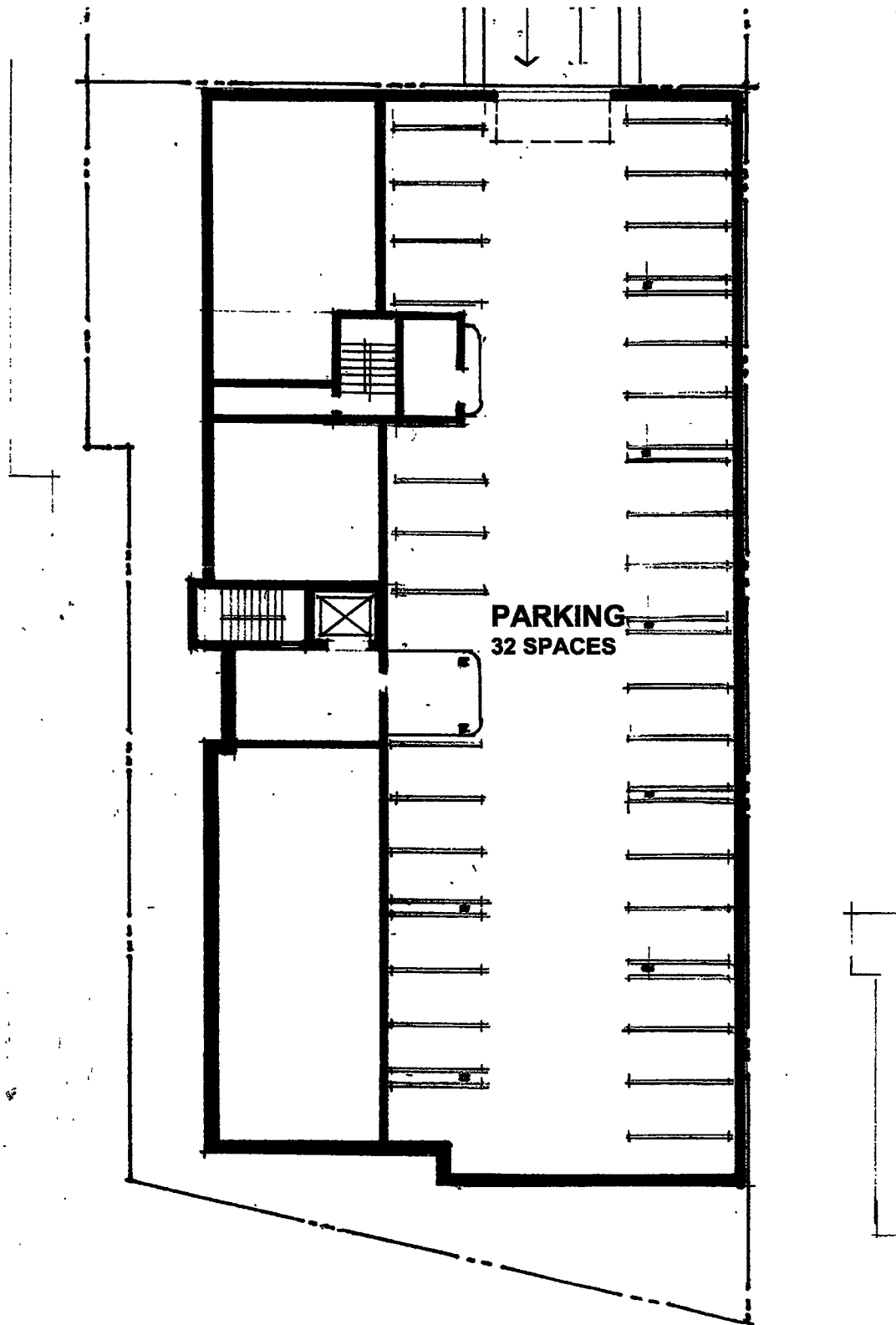
TRITON MANAGEMENT, LLC



WEBER
architects & planners

2200 Watertown Road, Long Lake, MN 55350-0410
952.476.4434 • Fax 952.476.5893 • rw@weberarchitects.com

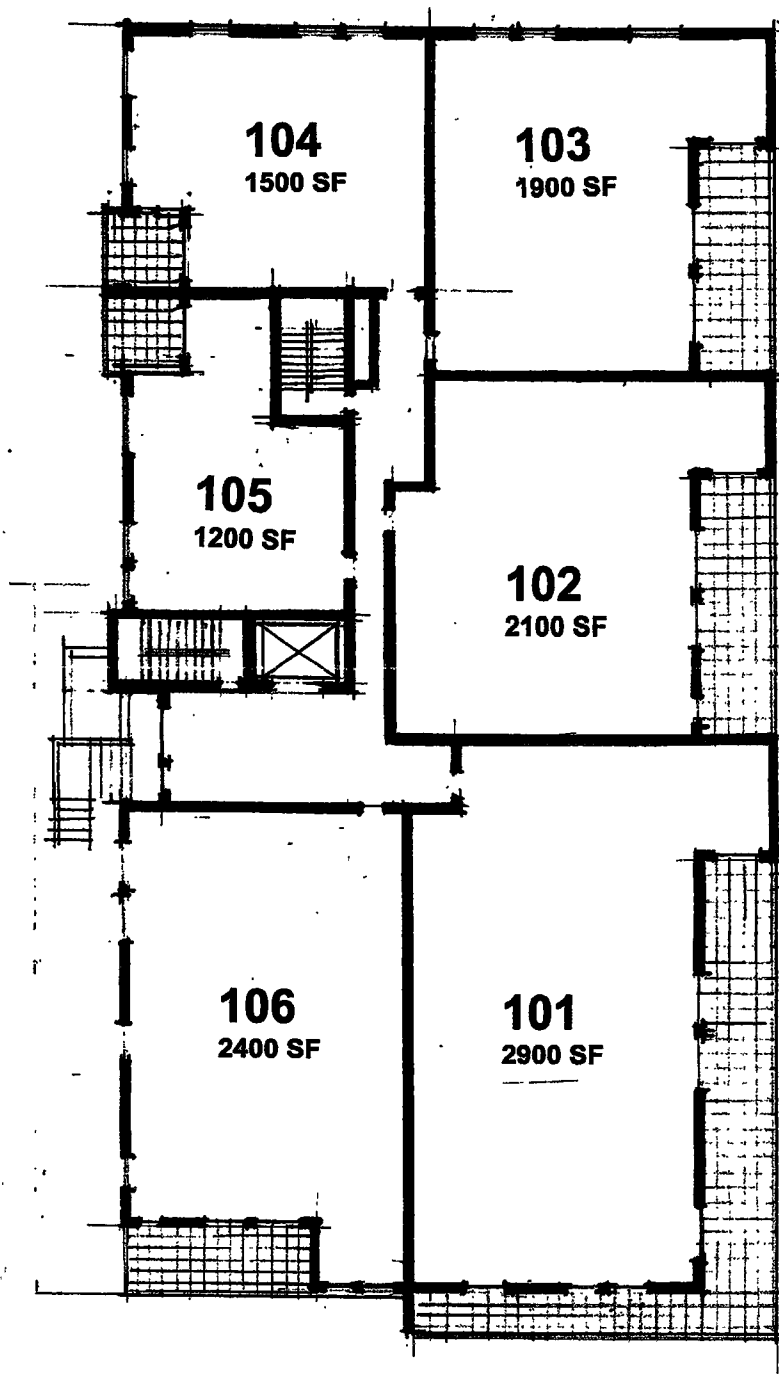




PARKING LEVEL

TRITON MANAGEMENT, LLC





FIRST FLOOR

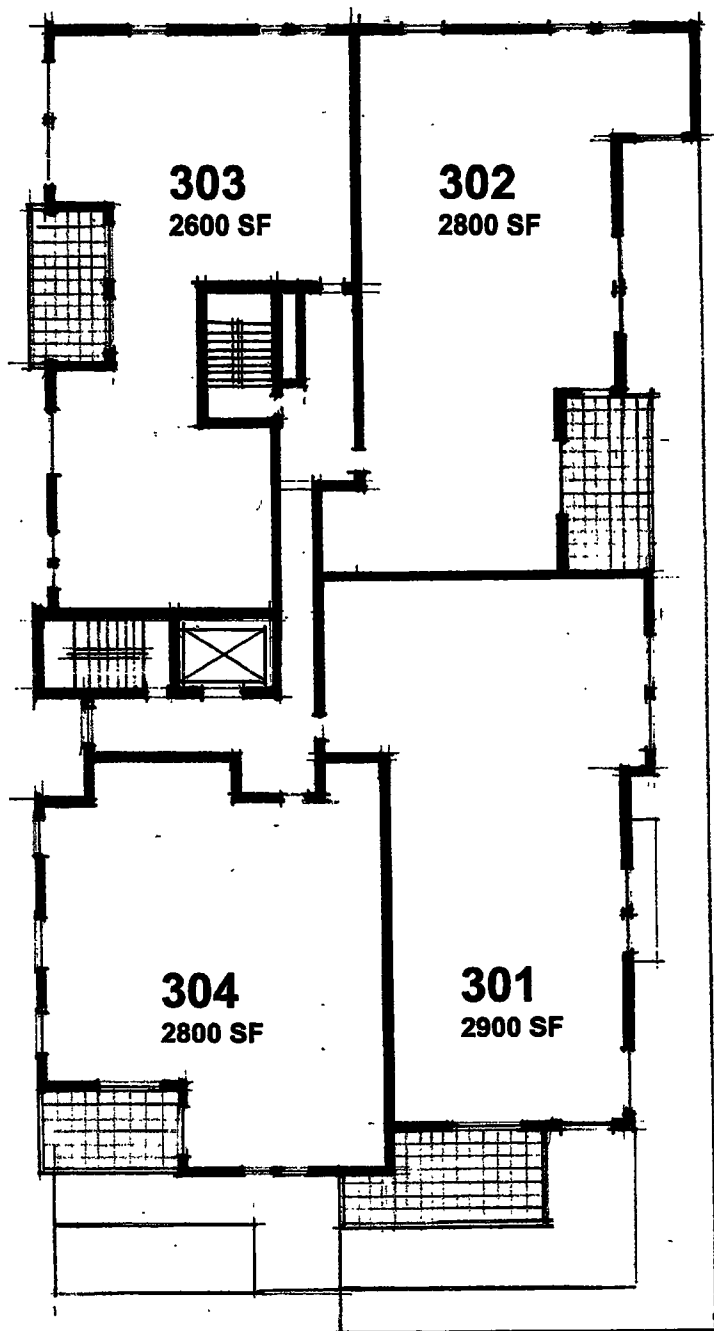
TRITON MANAGEMENT, LLC



WEBER
architects & planners

2250 Watertown Road, Long Lake, MN 55355-0419
952.478.4434 • Fax: 952.478.5563 • na@weberarchitects.com





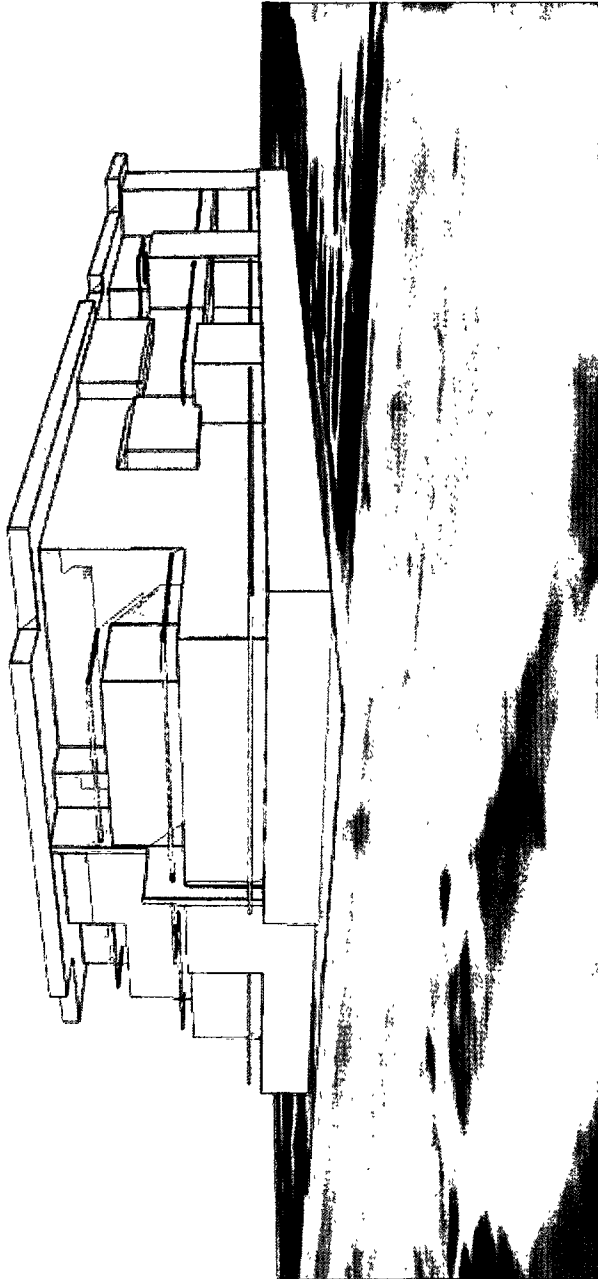
THIRD FLOOR

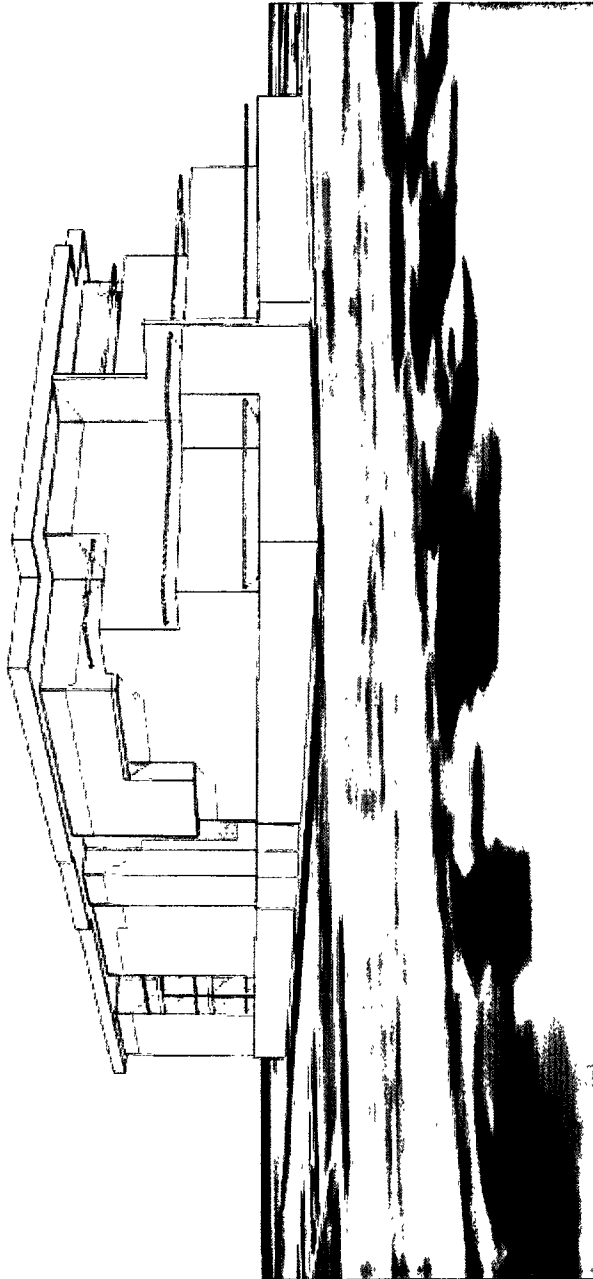
TRITON MANAGEMENT, LLC

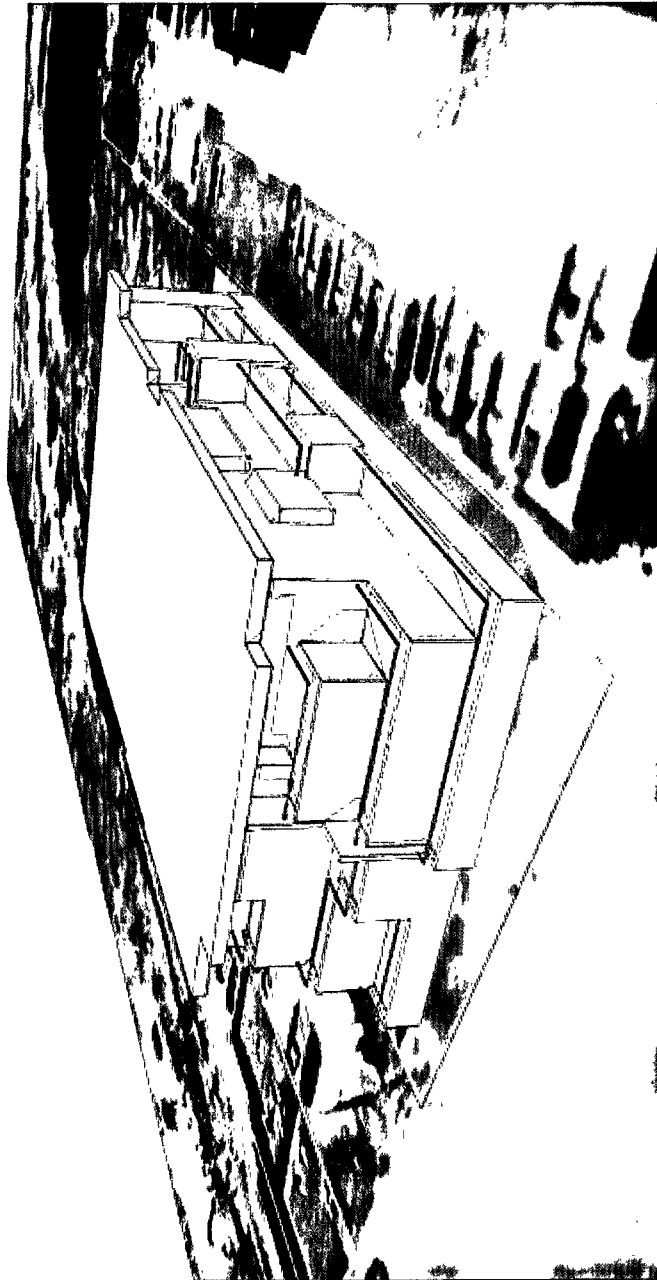


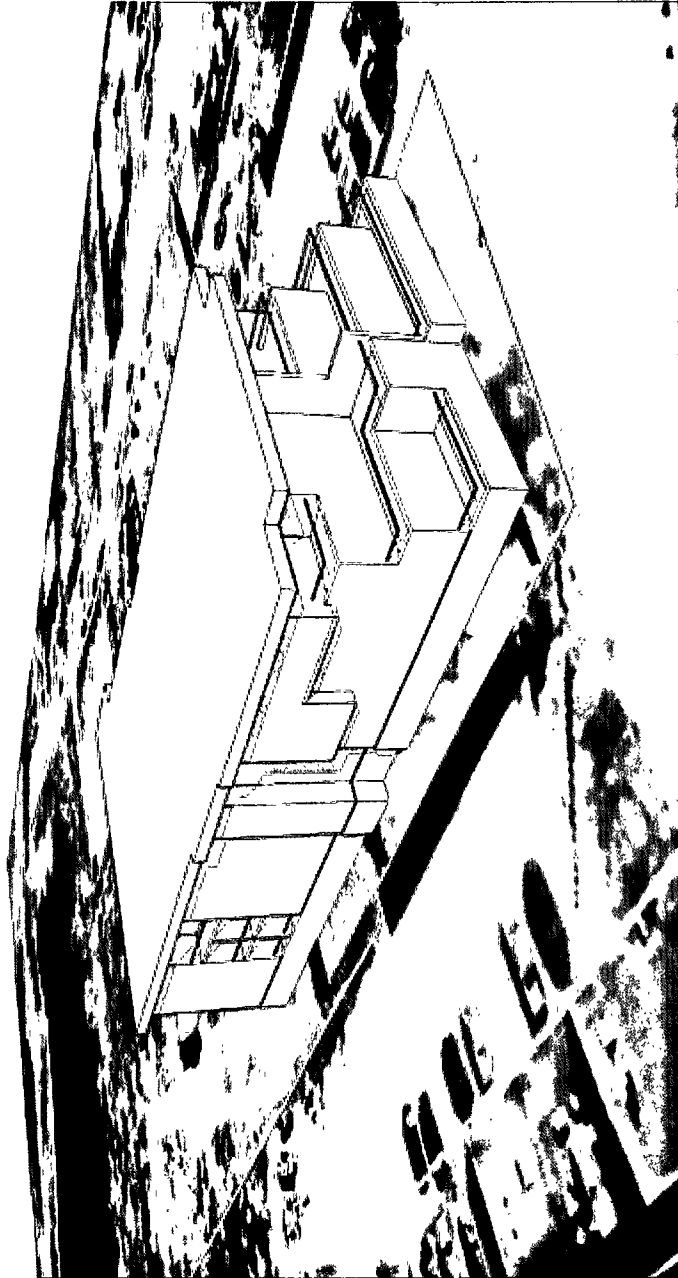
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952.478.4434 • Fax 952.478.8863 • nwg@weberarchitects.com

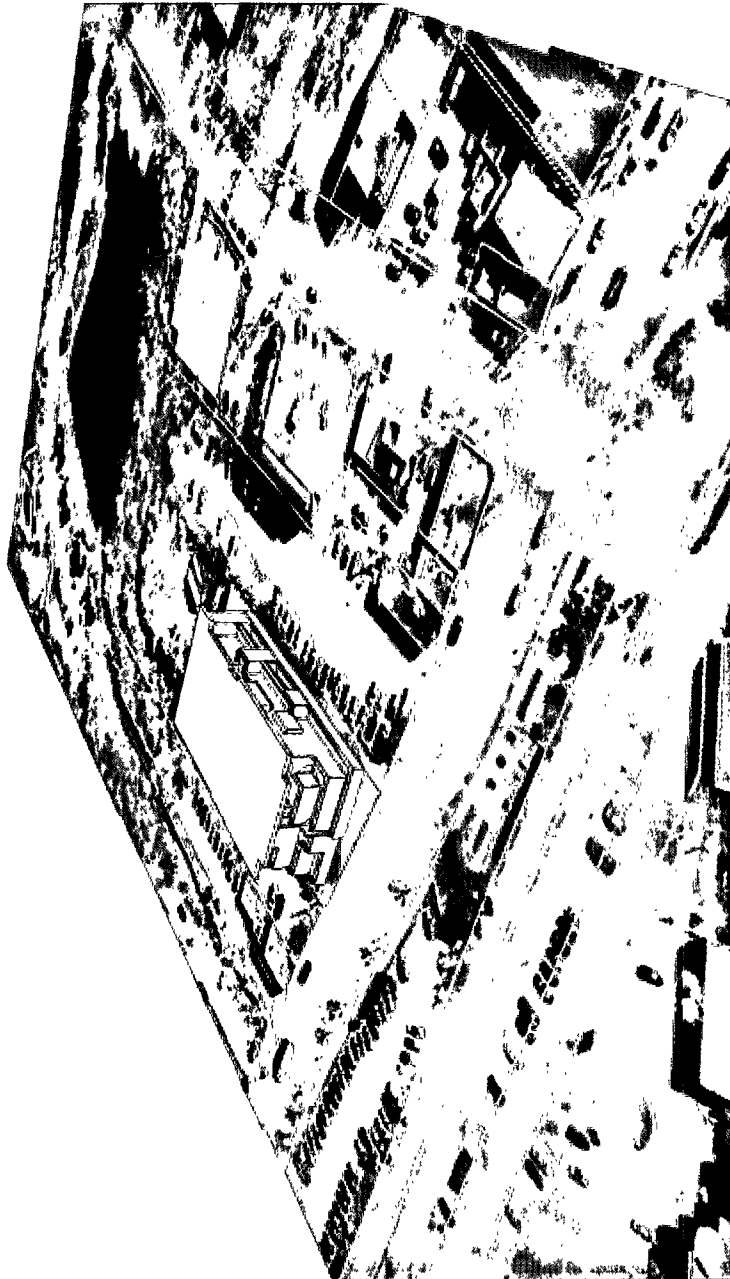












RESOLUTION NO. 52-2018

RESOLUTION APPROVING PUD GENERAL PLAN AND DESIGN AT 253 LAKE ST E

WHEREAS, Weber Architects & Planners, and the property owner, Ventana, LLC, (the “Applicant”) have submitted a development application (the “Application”) for the second stage of land use approvals to redevelop the property located at 253 Lake Street East (collectively, the “Property” and legally described on Attachment A hereto), involving demolition of the existing building on the Property and the construction of a new, three story building with 16 residential condos and one level of underground parking, 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 building with 16 residential condos and one level of underground parking, consistent with the approved PUD Concept Plan of development for the Project, 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 the location of the front entrance to the building, all as detailed in the Design Critique.

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 Applicant must record the newly approved Final Plat of the Property with the appropriate Hennepin County officials and provide a recorded copy to the City.
6. 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.
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 this City Council approval resolution, addresses all public improvements associated with the 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. 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 18th day of September 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.

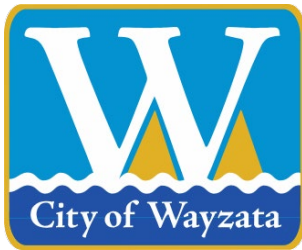
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on September 18, 2018.

Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Descriptions of Property

Attachment B

Planning Commission Report and Recommendation dated September 5, 2018



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7g
TITLE: Consider Approval of Tax Increment Financing Agreement (TIF) between the City of Wayzata and Ventana, LLC at 253 Lake Street East	
PROPOSED MOTION: To Approve the TIF Agreement between the City of Wayzata and Ventana, LLC	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the attached draft TIF Agreement. Please note that this agreement was also approved by the Housing and Redevelopment Authority (HRA) on October 25, 2018. Based on the language of the agreement and past precedent, the City Council is required to approve as well.

FINANCIAL OR BUDGET CONSIDERATION:

Please see the attached memo from the City's Financial Advisor, Stacie Kvilvang at Ehlers and Associates that explains the general terms of the agreement.

BACKGROUND:

Over the past two years, the City has been working with the HRA on a long-term redevelopment plan along Lake Street from Barry Avenue and Ferndale with the three goals:

- encourage redevelopment of the blighted properties with uses consistent with current zoning and comp plan;
- increase the amount of off-street public parking; and
- help pay for Lake Street-related infrastructure costs.

As a result, the HRA established TIF District #6 late in 2017 to help offset eligible costs of development such as parking, public infrastructure, site preparation, environmental mitigation, and soil stabilization.

Over the past year, the City has worked with Ventana, LLC on a development plan that would incorporate a 16-unit condominium building along Lake Street and public parking on the northern half of the property. This summer, the City approved a subdivision of the property which included the donation of the land, by Brad Hoyt, the property owner, to the City. More recently, the City granted all zoning entitlements for the project to move forward. Site demolition has already been completed.

Upon approval of the TIF Agreement, the property owner plans to commence construction over the next few months.

ATTACHMENTS:

1. Memo from Stacie Kvilvang, Ehlers and Associates, dated October 25, 2018
2. Draft TIF Agreement between the HRA and Ventana, LLC
3. TIF Power Point Presentation, dated July 26, 2018
4. PC Report, dated August 20, 2018

Memo

To: Jeffrey Dahl – Executive Director
From: Stacie Kvilvang - Ehlers
Date: October 25, 2016
Subject: Ventana Condos TIF Agreement – Hoyt Redevelopment Project

On July 24, 2018, the HRA reviewed preliminary terms for TIF assistance for development of 16 condominium units by Brad Hoyt at 253 Lake Street East. The HRA was in agreement with the proposed terms and since that time staff and consultants have been working on the finalization of a TIF Agreement. Following are the main points within the above referenced Agreement:

1. General

- a. Redevelopment Agreement with Ventana LLC for the Ventana Condos

2. Development property

- a. Developer represents that he is owner in fees simple of the property to be developed.
- b. Developer is required to record on the development property a Declaration of Restrictive Covenants which includes the following restrictions:
 - i. Property cannot be tax exempt
 - ii. Property cannot be sold, leased or used as a church, public hospital, school district, institution of purely public charity, 501(c)(3), or Minnesota cooperative association
- c. Property will be developed consistent with a redevelopment TIF district pursuant to TIF statutes; and
- d. The Developer (property owner) will not discriminate on the basis of color, creed, national origin or sex in selling of the units and will develop the property consistent with the City's zoning ordinances and comprehensive plan.

3. Development and Timing of Construction

- a. Construction of 16 condominium units and related underground parking
- b. Must commence construction June 1, 2019 and be completed by December 31, 2020

4. Tax Increment

- a. The City created TIF District 6 – Downtown West on December 19, 2017
- b. The Developer will receive a pay-as-you-go note in the amount of \$1.76 million
 - i. Term of the TIF Note will be for 26 years
 - ii. Interest will be paid at 5.0%
 - iii. Developer will receive 90% of the tax increment generated from their project

5. Lookback

- a. Within 60 days after the closing on the last unit, the Developer will be required to submit financial documentation to the City's Financial Advisor for review. Based upon actual total development costs (TDC) and total sales proceeds, the TIF note would be adjusted down on a dollar for dollar basis to the extent the Developer exceeds a 20% profit (TDC minus total sales proceeds).

Please contact either me at 651-697-8506 with any questions.

REDEVELOPMENT AGREEMENT
IN
CENTRAL AREA REDEVELOPMENT DISTRICT
AND
TAX INCREMENT FINANCING DISTRICT NO. 6 – DOWNTOWN WEST

WAYZATA,
HENNEPIN COUNTY, MINNESOTA

By and Among

HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF WAYZATA,
CITY OF WAYZATA, MINNESOTA

And

VENTANA, LLC

for the

VENTANA CONDOS

Dated as of November ____, 2018

This Document Was Drafted By:

Best & Flanagan LLP (AEL)
60 South Sixth Street
Suite 2700
Minneapolis, MN 55402

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REDEVELOPMENT AGREEMENT

THIS Redevelopment Agreement (this “Agreement”), made and entered into as of this [] day of November, 2018, between the WAYZATA HOUSING AND REDEVELOPMENT AUTHORITY (the “HRA”), the CITY OF WAYZATA, a municipal corporation and political subdivision of the State of Minnesota (the “City”), and VENTANA, LLC, a Minnesota limited liability company (the “Developer”).

WITNESSETH:

WHEREAS, the HRA has designated a development district in the City denominated Development District No. [] (the “Development District”) pursuant to and in accordance with Minnesota Statutes (“M.S.”), Sections 469.124 through 469.133, as amended; and

WHEREAS, the HRA adopted a resolution establishing Tax Increment Financing District No. 6 – Downtown West, a “redevelopment district” pursuant to M.S., Section 469.174, Subdivision 10 (the “TIF District”) and approved a Tax Increment Financing Plan therefore (the “TIF Plan”); and

WHEREAS, in order to achieve the objectives of the Development Program and the TIF Plan, the HRA intends to provide assistance to the Developer through tax increment financing, as described in the TIF Act, to finance the development of approximately 16 condominiums referred to as Ventana Condos (the “Project”);

WHEREAS, the HRA has determined that, in order to accomplish the purposes specified in and to carry out the Development Program and the TIF Plan, it is necessary and desirable for the HRA to reimburse the Developer for certain costs to be incurred and paid by the Developer in connection with the Project; and

WHEREAS, the HRA will apply tax increment revenues generated from the TIF District to (i) pay or reimburse the HRA for administrative expenses relating to the TIF District to the extent permitted by the TIF Act and (ii) reimburse the Developer, with interest, for certain costs incurred in connection with the construction of the Minimum Improvements (defined below) associated with the Project; and

WHEREAS, the HRA and the City believe that the development activities associated with the Project pursuant to this Agreement are in the best interests of the City and benefit the health, safety, morals and welfare of its residents, and comply with the applicable state and local laws and requirements under which the Project has been undertaken and is being assisted.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual obligations set forth in this Agreement, the parties hereto hereby agree as follows:

ARTICLE 1
Definitions

1.01. Definitions.

In this Agreement, unless a different meaning clearly appears from the context:

“Act” means Minnesota Statutes, Sections 469.124 through 469.133.

“Agreement” means this Agreement, as the same may be from time to time modified, amended or supplemented.

“Available Tax Increment” means 90 percent (90%) of the tax increment revenues generated by Tax Increment Financing District No. 6 - Downtown West as computed pursuant to Minnesota Statutes, Section 469.177, or its successor.

“Business Subsidies Act” means Minnesota Statutes, Sections 116J.993 through 116J.995.

“Certificate of Completion” means a certification in the form attached hereto as Exhibit E, to be provided to the Developer pursuant to this Agreement.

“City” means the City of Wayzata, Minnesota.

“City Council” means the City Council of the City of Wayzata, Minnesota.

“Construction Plans” means the plans, specifications, drawings and related documents for the construction work to be performed by the Developer on the Development Property.

“County” means the County of Hennepin, Minnesota.

“Default Notice” means written notice from the HRA or the City, as applicable, to the Developer setting forth the Event of Default and the action required to remedy the same.

“Developer” means Ventana, LLC, a limited liability company under the laws of the State of Minnesota.

“Development District” means Central Area Redevelopment District, designated pursuant to Minnesota Statutes, Sections 469.124 through 469.133.

“Development Program” means the Development Program developed for the Development District.

“Development Property” means the real property described in Exhibit A attached hereto.

“Event of Default” means as any of the events set forth in Section 7.01 hereof.

“HRA” means the Housing and Redevelopment Authority of the City of Wayzata.

“Minimum Improvements” means the construction of approximately sixteen (16) condominium units and related parking to be undertaken by the Developer as a part of the Project on the Development Property all as further described in Exhibit C attached hereto.

“Mortgage” means any mortgage made by the Developer which covers, in whole or in part, the Development Property.

“Mortgagee” means the owner or holder of a Mortgage.

“Hennepin County” means the County of Hennepin, Minnesota, a political subdivision of the State of Minnesota.

“Project” means the “Ventana Condos” redevelopment project, which shall involve the demolition of the existing building located at 253 Lake Street East, City of Wayzata, and the construction of a three (3) story building to include sixteen (16) residential condominiums and one (1) level of underground parking.

“Project Costs” means certain costs incurred and to be incurred by the Developer during the Project, the estimated types and amounts of which are shown on Exhibit C to this Agreement.

“Property” means the Property described in Exhibit A to this Agreement.

“Public Assistance” means the Available Tax Increment to be paid under Article 5 hereof.

“Qualified Costs” means costs incurred by Developer in connection with construction of the Minimum Improvements that are reimbursable from tax increment pursuant to Sections 469.174, Subd. 11 and 469.1761 of the TIF Act, which are shown on Exhibit C to this Agreement. The total principal amount of any and all tax increment notes issued to reimburse the Developer for Developer’s Qualified Costs of the Project will not exceed One Million Seven Hundred Sixty Thousand Dollars (\$1,760,000).

“Restrictions” means the easements, covenants, conditions and restrictions set forth in Exhibit B attached hereto.

“Section” means a Section of this Agreement, unless used in reference to Minnesota Statutes.

“State” means the State of Minnesota.

“TIF Act” means Minnesota Statutes, Sections 469.174 through 469.1794.

“TIF District” means Tax Increment Financing District No. 6 – Downtown West established by the HRA on December 19, 2017.

“TIF Plan” means the Tax Increment Financing Plan for the TIF District approved by the HRA.

“Unavoidable Delay” means a failure or delay in a party’s performance of its obligations under this Agreement, or during any cure period specified in this Agreement which does not entail the mere payment of money, not within the party’s reasonable control, including but not limited to acts of God, governmental agencies, the other party, strikes, labor disputes (except disputes which could be resolved by using union labor), fire or other casualty, or lack of materials; provided that within ten (10) days after a party impaired by the delay has knowledge of the delay it shall give the other party notice of the delay and the estimated length of the delay, and shall give the other party notice of the actual length of the delay within ten (10) days after the cause of the delay has ceased to exist. The parties shall pursue with reasonable diligence the avoidance and removal of any such delay. Unavoidable Delay shall not extend performance of any obligation unless the notices required in this definition are given as herein required.

ARTICLE 2

Representations and Warranties

2.01. HRA Representations.

The HRA makes the following representations to the Developer:

(a) The HRA is a body corporate and politic, duly organized and existing under the laws of the State. Under the provisions of the Act, the HRA has the power to enter into this Agreement and carry out its obligations hereunder.

(b) The HRA has designated the Development District and has adopted the Development Program in accordance with the provisions of the Act and has created the TIF District and adopted the TIF Plan in accordance with the provisions of the TIF Act.

2.02. Developer Representations.

The Developer represents and warrants that:

(a) The Developer is a Minnesota limited liability company, has power to enter into this Agreement and has duly authorized, by all necessary corporate action, the execution and delivery of this Agreement.

(b) Developer will, to the extent required by this Agreement, construct or cause the Developer to construct the Minimum Improvements in accordance with the terms of this Agreement, the TIF Plan and all local, state and federal laws and regulations.

(c) The Project will be constructed so that when completed the Development Property will have a market value, as determined pursuant to Minnesota Statutes, Section 273.11, of at least One Million Seven Hundred Sixty Thousand Dollars (\$1,760,000).

(d) At such time or times as may be required by law, the Developer will have or caused the Developer to have complied with all local, state and federal environmental laws and regulations applicable to the Minimum Improvements, and will have obtained or caused the Developer to obtain any and all necessary environmental reviews, licenses and clearances. The Developer has received no written notice or communication from any

local, state or federal official that the activities of the Developer or the HRA with respect to the Development Property may be or will be in violation of any environmental law or regulation. The Developer is aware of no facts the existence of which would cause it to be in violation of any local, state or federal environmental law, regulation or review procedure with respect to the Development Property.

(e) Neither the execution or delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented by, limited by, conflicts with, or results in a breach of, any restriction, agreement or instrument to which the Developer is now a party or by which the Developer is bound.

(f) The Developer has no knowledge or information that any member of the HRA Council or any other officer of the HRA has any direct or indirect financial interest in the Developer, the Development Property or the Project.

(g) The Developer recognizes that the TIF District is a “redevelopment district” under the TIF Act. As owner in fee simple of the Development Property, the Developer represents to the HRA that the Development Property and the Minimum Improvements will be operated in a manner such that the TIF District will qualify and continue to qualify as a “redevelopment district” under the TIF Act until the the earlier of (i) [February 1, 2046], (ii) the date the Tax Increment Notes are paid in full, (iii) the date on which the Tax Increment District expires or is otherwise terminated, or (iv) the date this Agreement is terminated or rescinded in accordance with its terms.

(h) The Developer will obtain or cause the Developer to obtain, in a timely manner, all required permits, licenses and approvals, and will meet, in a timely manner, all requirements of all local, state and federal laws and regulations which must be obtained or met in connection with the Minimum Improvements. Without limitation to the foregoing, the Developer will request and seek to obtain or cause the Developer to seek and obtain from the HRA all necessary variances, conditional use permits and zoning changes.

(i) The Developer would not undertake the Project without the financial assistance to be provided by the HRA pursuant to this Agreement and the TIF Plan.

(j) Apart from the assistance to be provided under this Agreement, the Developer shall pay all standard charges and fees due with respect to real estate developments and allocable to the Development Property under City ordinances and the City Code, including but not limited to special assessments for local improvements, sewer and water use charges, building permit fees, plat fees, inspection fees, storm water fees and the like used against the Development Property.

(k) The financial assistance received by the Developer pursuant to this Agreement will be used to create Project.

2.03. Use, Ownership of Development Property; Restrictions; Use of Development Property. The Developer’s use of the Development Property shall be subject to and in compliance

with all of the conditions, covenants, restrictions and limitations imposed by this Agreement, the Restrictions and all applicable laws, ordinances and regulations.

2.04. Ownership of Development Property. The Developer hereby represents and warrants that the Developer is the owner in fee simple of the Development Property and that there are no liens, defects or other encumbrances upon title to the Development Property that would hinder the development of the Development Property by the Developer as contemplated by this Agreement.

2.05. Declaration of Restrictive Covenants. The Developer shall prepare, execute, and record on the title to the Development Property a Declaration of Restrictive Covenants, in form approved by the HRA and the City, which includes the Restrictions set forth in Exhibit B. If the Developer determines that operation of the Development Property and the Minimum Improvements would endanger the financial viability thereof, the Developer may request the HRA or the City Council to consent to the amendment, modification or termination of any of the restrictions in any respect. The HRA and the City are under no obligation to amend, modify or terminate any of the restrictions and may, in their sole and absolute discretion, refuse to do so.

2.06. Damage or Destruction. Subject to any mortgage requirements that would require the Developer to act sooner, upon any damage or destruction of the Project, or any portion thereof, by fire or other casualty, the Developer shall within one hundred twenty (120) days after such damage or destruction, commence the process required to repair, reconstruct and restore the damaged or destroyed Project, or portion thereof, to substantially the same condition or utility value as existed prior to the event causing such damage or destruction and shall diligently pursue such repair, reconstruction and restoration. Notwithstanding anything to the contrary, the parties agree and acknowledge that upon completion of the Project, Developer intends to sell portions of the Project as sixteen (16) separate condominium units. Developer shall have no obligation under this Section 2.06 to repair damage or destruction that occurs inside any individual condominium unit that has been sold to a third party. However, Developer shall continue to maintain responsibility for repairing, reconstructing and restoring the common elements of the Project.

2.07. Relocation Costs. The Developer shall pay all relocation costs or expenses required under federal or state law to be paid to any owner or occupant of the Development Property as a result of the Project, and shall indemnify and hold harmless the HRA, the City, their governing body members, officers, and agents including the independent contractors, consultants, and legal counsel, servants and employees thereof from any such relocation costs and expenses in accordance with the provisions of Section 4.01.

ARTICLE 3 Construction of Project

3.01. Construction Plans. Prior to commencing construction of the Minimum Improvements for the Project, the Developer shall make available to the City for review Construction Plans for the Project. The Construction Plans shall provide for construction of the Project in conformity with the Development Program, the TIF Plan, this Agreement, and all applicable state and local laws and regulations. The City shall approve the Construction Plans within thirty (30) days in writing if, in the reasonable discretion of the City, the Construction Plans:

(a) conform to the Development Program, the TIF Plan, this Agreement, and to any subsequent amendments thereto approved by the City; (b) conform to all applicable federal, state and local laws, ordinances, rules and regulations; (c) are adequate to provide for construction of the Minimum Improvements; and (d) no Event of Default has occurred.

No approval by the City shall relieve the Developer of the obligation to comply with the terms of this Agreement, applicable federal, state and local laws, ordinances, rules and regulations, or to properly construct the Project. No approval by the City shall constitute a waiver of an Event of Default. Any disapproval of the Construction Plans shall set forth the reasons therefore and shall be made within thirty (30) days after the date of their receipt by the City, which shall identify the provision of this Section 3.01 that have not been met and the fact that support the City's determination. If the City rejects the Construction Plans, in whole or in part, the Developer shall submit new or corrected Construction Plans within thirty (30) days after written notification to the Developer of the rejection. The provisions of this Section relating to approval, rejection and resubmission of corrected Construction Plans shall continue to apply until the Construction Plans have been approved by the City.

3.02. Undertaking of Minimum Improvements.

(a) Subject to Unavoidable Delay, Developer shall commence or cause the Developer to commence the Project by June 1, 2019, and cause the Project to be completed in accordance with the terms of this Redevelopment Agreement by December 31, 2020.

(b) All work with respect to the Minimum Improvements shall be in substantial conformity with the Construction Plans approved by the City.

(c) The Developer shall not interfere with, or construct any improvements over, any public street or utility easement without the prior written approval of the City, which shall not be unreasonably withheld. All connections to public utility lines and facilities shall be subject to approval of the City and any private utility Developer involved. Except for public improvements, which are undertaken by the City or other governmental body and assessed against benefited properties, all street and utility installations, relocations, alterations and restorations shall be at the Developer's expense and without expense to the City. The Developer, at its own expense, shall replace any public facilities or utilities damaged during the Project by the Developer or its agents or by others acting on behalf of or under the direction or control of the Developer.

3.03. Certificate of Occupancy; Certificate of Completion.

(a) Upon the Developer's request following the City's issuance of a certificate of occupancy with respect to the Project, the City will furnish the Developer with a Certificate of Completion for the Project in substantially the form attached hereto as Exhibit E as conclusive evidence of satisfaction and termination of the agreements and covenants of this Agreement with respect to the obligations of the Developer to complete the Project. The furnishing by the City of such Certificate of Completion shall not

constitute evidence of compliance with or satisfaction of any obligation of the Developer to any Mortgagee.

(b) If the City shall refuse or fail to provide a Certificate of Completion following the Developer's request, the City shall, within ten (10) days after the Developer's request, provide the Developer with a written statement specifying in what respects the Developer has failed to complete the Project in accordance with this Redevelopment Agreement, or is otherwise in default, and what measures or acts will be necessary, in the reasonable opinion of the City, for the Developer to obtain the Certificate of Completion.

3.04. Progress Reports. Until the Certificate of Completion is issued for the Project, the Developer shall make, in such detail as the HRA or the City may reasonably require, and forward to the HRA and the City, upon demand by either or both of the HRA and the City, a written report as to the actual progress of construction.

3.05. Access to Development Property. The Developer agrees to permit the City and any of its officers, employees or agents access to the Development Property at all reasonable times for the purpose of inspection of all work being performed in connection with the Project; provided, however, that the City shall have no obligation to inspect such work.

3.06. Modification; Subordination. The HRA agrees to subordinate its rights under this Agreement to the holder of any Mortgage securing construction or permanent financing, in accordance with the terms of a subordination agreement in a form reasonably acceptable to the HRA.

ARTICLE 4 Defense of Claims; Insurance

4.01. Defense of Claims.

(a) The Developer shall indemnify and hold harmless the HRA, the City, their governing body members, officers, and agents including the independent contractors, consultants, and legal counsel, servants and employees thereof (hereinafter, for the purposes of this Section, collectively the "Indemnified Parties") for any expenses (including attorneys' fees), loss, damage to property, or death of any person occurring at or about, or resulting from any defect in, the Project; provided, however, the Developer shall not be required to indemnify any Indemnified Party for any claims or proceedings arising from any negligent or unlawful acts or omissions of such Indemnified Party. Promptly after receipt by the HRA or the City of notice of the commencement of any action in respect of which indemnity may be sought against the Developer under this Section 4.01, such person will notify the Developer in writing of the commencement thereof, and, subject to the provisions hereinafter stated, the Developer shall assume the defense of such action (including the employment of counsel, who shall be counsel reasonably satisfactory to the HRA and the City) and the payment of expenses insofar as such action shall relate to any alleged liability in respect of which indemnity may be sought against the Developer. The HRA and the City shall each have the right to employ separate counsel in any such action and to participate in the defense thereof, but the fees and expenses of such counsel shall

not be at the expense of the Developer unless the employment of such counsel has been specifically authorized by the Developer. Notwithstanding the foregoing, if the HRA or the City has been advised by independent counsel that there may be one or more legal defenses available to it which are different from or in addition to those available to the Developer, the Developer shall not be entitled to assume the defense of such action on behalf of the HRA or the City, but the Developer shall be responsible for the reasonable fees, costs and expenses (including the employment of counsel) of the HRA and the City in conducting their defense. The Developer shall not be liable to indemnify any person for any settlement of any such action effected without the Developer's consent. The omission to notify the Developer as herein provided will not relieve the Developer from any liability which they may have to any Indemnified Party pursuant hereto, otherwise than under this Section.

(b) The Developer agrees to protect and defend the Indemnified Parties, and further agrees to hold the aforesaid harmless, from any claim, demand, suit, action or other proceeding whatsoever by any person or entity arising or purportedly arising from the actions or inactions of the Developer (or other persons acting on its behalf or under its direction or control) under this Agreement, or the transactions contemplated hereby or the acquisition, construction, installation, ownership, and operation of the Project; provided that this indemnification shall not apply to the warranties made or obligations undertaken by the HRA or the City in this Agreement or to any actions undertaken by the HRA or the City which are not contemplated by this Agreement but shall, in any event, apply to any pecuniary loss or penalty (including interest thereon from the date the loss is incurred or penalty is paid by the HRA or the City at a rate equal to the prime rate) as a result of the Project, as constructed and operated by the Developer, causing the TIF District to cease to qualify as a "redevelopment district" under the TIF Act or to violate limitations as to the use of the revenues therefrom as set forth in the TIF Act.

(c) All covenants, stipulations, promises, agreements and obligations of the HRA and the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the HRA and the City and not of any governing body member, officer, agent, servant or employee of the HRA or the City, as the case may be.

4.02. Insurance.

(a) Subject to the terms of any Mortgage relating to the Development Property, the Developer shall keep and maintain the Development Property and Minimum Improvements at all times insured against such risks and in such amounts, with such deductible provisions, as are customary in connection with facilities of the type and size comparable to the Minimum Improvements, and the Developer shall carry and maintain, or cause to be carried and maintained, and pay or cause to be paid timely the premiums for direct damage insurance covering all risks of loss, including, but not limited to, the following:

1. fire
2. extended coverage perils
3. vandalism and malicious mischief

4. boiler explosion (but only if steam boilers are present)
5. collapse

on a replacement cost basis in an amount equivalent to the full insurable value thereof. ("Full insurable value" shall include the actual replacement cost of the Minimum Improvements, exclusive of foundations and footings, without deduction for architectural, engineering, legal or administrative fees or for depreciation.) Insurance in effect with respect to any portion of the Minimum Improvements to be rehabilitated or renovated as a part of the Project prior to the issuance by the City of a Certificate of Completion under Section 3.03 hereof with respect thereto shall be maintained on an "all-risk" builder's risk basis during the course of construction. The policies required by this Section 4.02 shall be subject to a no coinsurance clause or contain an agreed amount clause, and may contain a deductibility provision not exceeding \$25,000.

(b) Subject to the terms of any Mortgage relating to the Development Property, policies of insurance required by this Section 4.02 shall insure and be payable to the Developer, and shall provide for release of insurance proceeds to the Developer for restoration of loss. The City shall be furnished certificates showing the existence of such insurance. In case of loss, the Developer is hereby authorized to adjust the loss and execute proof thereof in the name of all parties in interest. On an annual basis and from time to time at the City or the HRA's request, the Developer shall file with the City or the HRA, as applicable, a certificate of insurance for each of the policies required under this Section 4.02.

ARTICLE 5

Public Assistance

5.01. Development Costs. The Developer has agreed to and shall be responsible to pay all of its respective costs of the Project, as herein provided. However, the HRA, in order to encourage the Developer to proceed with the construction of the Minimum Improvements, and to assist the Developer in paying the costs thereof, is willing to provide the Public Assistance and thereby reimburse the Developer for a portion of the Project Costs, as permitted by the TIF Act and in accordance with the TIF Plan, that will be incurred by the Developer to construct the Minimum Improvements.

5.02. Reimbursement for Qualified Costs. The HRA agrees to reimburse the Developer, using Available Tax Increment on a pay-as-you-go basis, for Qualified Costs of the Project. The HRA shall, upon completion of the Minimum Improvements of the Project and the issuance of a the Certificate of Completion therefor, make reimbursement payments pursuant to a limited revenue tax increment note (the "Note") for the Project, the form of which is attached hereto as Exhibit F, with said payments of principal and interest to be made on the dates (the "Payment Dates") specified in the Note, subject to the following terms and conditions:

- (a) The total principal amount of any and all Notes issued for the Project will not exceed One Million Seven Hundred Sixty Thousand Dollars (\$1,760,000).

(b) No payments shall be made by the HRA to the Developer unless and until the Developer has provided written evidence reasonably satisfactory to the HRA that (i) Qualified Costs in the amount to be reimbursed from the Available Tax Increment have been incurred for the Project and paid by the Developer and (ii) the Certificate of Completion has been issued as contemplated in Section 3.03 hereof.

(c) The HRA shall be obligated to make the payments to the Developer required pursuant to this Section 5.02 *only from and to the extent of* the Available Tax Increment actually received from the TIF District for any tax year, and such payments shall never be considered to be a general obligation or indebtedness of the HRA.

(d) The HRA will retain ten percent (10%) of the Tax Increment generated for administrative costs and apply the retained Tax Increment first to pay any administrative expenses relating to the Development Property to the extent permitted by the Tax Increment Act and to the extent that such expenses have not been paid or reimbursed to the HRA by the Developer. Any of the retained Tax Increment remaining after the payment of any administrative expenses then due and owing (the "Available Tax Increment") shall be paid to the Developer for reimbursement of the Qualified Costs plus interest on the Payment Dates.

(e) Upon thirty (30) days' written notice to the Developer, the HRA may prepay all or a portion of the outstanding principal balance due to the Developer pursuant to this Section 5.02 without penalty, on any date at a prepayment price equal to the outstanding principal balance to be prepaid plus accrued interest to the prepayment date.

(f) The HRA shall not be obligated to make any payments hereunder subsequent to the termination of this Agreement as provided in Section 8.06 hereof, and any amounts remaining unpaid as of such date (other than by reason of failure of the HRA to comply with the terms of this Agreement) shall be considered forgiven by the Developer and shall cease to be owing.

(g) The Developer may assign its rights under this Agreement (including the payments to be made to the Developer hereunder) to secure financing incurred by the Developer to pay costs of the Project, including but not limited to any Mortgagee.

5.03. Conditions Precedent to Provision of Public Assistance.

Upon payment by the Developer of Qualified Costs for the Project, the Developer will deliver to the HRA an instrument executed by the Developer (i) specifying the amount and nature of the Qualified Costs of the Minimum Improvements for the Project to be reimbursed and (ii) certifying that such costs have been paid to third parties unrelated to the Developer, or if any costs have been paid to third parties related to the Developer, that such costs do not exceed the reasonable and customary costs of services, labor or materials of comparable quality, dependability, availability and other pertinent criteria and that such costs have not previously been contained in an instrument furnished to the HRA pursuant to this Section 5.03. Together with such instrument, the Developer shall deliver to the HRA evidence reasonably satisfactory to the HRA of the payment by the Developer of such costs to be reimbursed. Thereafter, the HRA will provide to the Developer reimbursement for the Project, constituting a portion of the Assistance described in this Article 5, paid up to the maximum amount then due and payable, in accordance with Section 5.02.

5.04. Satisfaction of Conditions Precedent. Notwithstanding anything to the contrary contained herein, the HRA's obligation to reimburse the Developer for Qualified Costs shall be subject to satisfaction, or waiver in writing by the HRA, of all of the following conditions precedent:

- (i) the conditions precedent in this Section 5.04 hereof have been satisfied;
- (ii) the Developer shall have cured any title defects with respect to the Development Property;
- (iii) the Developer shall not be in default under the terms of this Agreement beyond any applicable cure period;
- (iv) the Developer shall have executed and recorded on the title to the Development Property, the Declaration of Restrictive Covenants, required by Section 2.05 hereof, as set forth in Exhibit B; and
- (v) the Developer shall have closed on or received commitments in financing sufficient to pay all costs to be incurred in connection with the Project.

In the event that all of the above conditions required to be satisfied as provided in this Section 5.04 have not been satisfied by December 31, 2020, either the HRA or the Developer may terminate this Agreement by thirty (30) days' written notice. Upon such termination, the provisions of this Agreement relating to the Minimum Improvements shall terminate and, except as provided in Article 8, neither the Developer nor the HRA shall have any further liability or obligation to the other hereunder.

5.05. Notice of Default. Whenever the HRA or the City shall deliver any notice or demand to the Developer with respect to any breach or default by the Developer in its obligations or covenants under this Agreement, the HRA or the City shall at the same time forward a copy of such notice or demand to each investor, lender, or holder of any permitted mortgage, lien or other similar encumbrance at the last address of such holder shown in the records of the HRA or the

City. Each such investor, lender, or holder shall have the right, at its option, to cure or remedy such breach or default and to add the cost thereof to the mortgage debt and the lien of its mortgage; provided that if the breach or default is with respect to construction of the Project, nothing contained in this Agreement shall be deemed to permit or authorize such holder, either before or after foreclosure or action in lieu thereof, to undertake or continue the construction or completion of the Project without first having expressly assumed the obligation to the HRA and the City, by written agreement satisfactory to the HRA and the City, to complete the construction the Project in accordance with the plans and specifications therefor and this Redevelopment Agreement. Any such holder who shall properly complete the construction of the Project shall be entitled, upon written request made to the HRA and the City, to a certification by the HRA and the City to such effect in the manner provided in Section 3.03.

5.06. Profit Sharing on For Sale Housing. (a) The HRA has determined to provide the financial assistance outlined in this Agreement on the basis of certain assumptions regarding likely costs and expenses affecting the Minimum Improvements and proceeds to be derived by the Developer from the sale of condominium units. The likely costs and proceeds have allowed the parties to estimate the profit (calculated before income taxes are applied) likely to be received by the Developer. The HRA and Developer agree that those assumptions will be reviewed at the time described in paragraph (b), in accordance with the development pro forma attached hereto as Exhibit D.

(b) Within 60 days after closing on the sale of the final condominium within the Minimum Improvements, the Developer agrees to provide such financial data to the HRA's financial consultant in a format in accordance with generally accepted accounting principles, and as may be necessary for the consultant to calculate the actual rate of return to the Developer, and other relevant information. The Developer agrees to provide to the HRA's consultant any background documentation related to the financial data, upon request. If, based on such review, the actual profit (calculated in a manner comparable to estimated Project Profit (Gap) in Exhibit D) for the Developer produces an Internal Rate of Return ("IRR") greater than exceeds a 20% rate of return (to be calculated in a manner comparable to the Total Proceeds minus Total Development Costs, as shown in Exhibit D), then the principal amount of the TIF Note shall be reduced on a dollar for dollar basis to allow the Developer to achieve a 20% IRR rate of return.

ARTICLE 6

Prohibitions Against Assignment and Transfer

6.01. Transfer of Property and Assignment. Other than leases or sales of condominiums made in the ordinary course of business, the Developer has not made and will not make, or suffer to be made, any total or partial sale, assignment, conveyance, lease, or other transfer, with respect to this Agreement, the Project or Property or any part thereof or any interest therein (other than any Mortgage or Mortgages securing financing for the Project or other than any assignment of the payments to be made to the Developer under Section 5.02 hereof that is permitted under Section 5.02 hereof), or any contract or agreement to do any of the same, without the prior written approval of the HRA and the City, which shall not be unreasonably withheld. The HRA and the City shall be entitled to require as conditions to any such approval that: (i) the proposed transferee have the qualifications and financial responsibility, as reasonably determined by the HRA and the City,

necessary and adequate to fulfill the obligations undertaken in this Agreement by the Developer; (ii) the proposed transferee, by recordable instrument satisfactory to the HRA and the City shall, for itself and its successors and assigns, assume all of the obligations of the Developer under this Agreement. No transfer of, or change with respect to, ownership in the Project or Property or any part thereof, or any interest therein, however consummated or occurring and whether voluntary or involuntary, shall operate, legally or practically, to deprive or limit the HRA or the City of or with respect to any rights or remedies or controls provided in or resulting from this Agreement with respect to the Project or Property and the completion of the Project that the HRA or the City would have had, had there been no such transfer or change. There shall be submitted to the HRA and the City for review all legal documents relating to the transfer.

Notwithstanding the foregoing, this Section 6.01 shall not apply to any transfer or assignment to (i) any entity controlling, controlled by or under common control with the Developer or (ii) any entity in which the majority equity interest is owned by the parties that have a majority equity interest in the Developer.

Provided that no Event of Default exists hereunder, any such transfer or assignment shall release the Developer from its obligations hereunder upon execution and delivery to the HRA and the City by the transferee or assignee of an instrument in form and substance satisfactory to the HRA and the City by which the transferee or assignee assumes the obligations of the Developer hereunder.

In the absence of specific written agreement by the HRA and the City to the contrary, no such transfer or approval by the HRA and the City thereof shall be deemed to relieve the Developer, or any other party bound in any way by this Agreement or otherwise with respect to the completion of the Project, from any of their obligations with respect thereto.

6.02. Termination of Limitations on Transfer. The provisions of Section 6.01 shall terminate at such time as the Certificate of Completion has been issued by the City under Section 3.03 of this Agreement with respect to the Project; provided, however, that any assignment of the payments to be made to the Developer under Section 5.02 may only be assigned as permitted under Section 5.02 hereof.

ARTICLE 7

Event of Default; Fees

7.01. Events of Default. Subject to Unavoidable Delay, the following shall be “Events of Default” under this Agreement and the term “Event of Default” shall mean, whenever it is used in this Agreement (unless the context otherwise provides), any one or more of the following events which occurs and continues for more than thirty (30) days after written notice by the defaulting party of such default (and the term “default” shall mean any event which would with the passage of time or giving of notice, or both, be an “Event of Default” hereunder):

(a) Failure of the Developer to construct or reconstruct the Minimum Improvements as required hereunder.

(b) Failure of the Developer to furnish the Construction Plans as required hereunder.

(c) Failure of the Developer to pay to the HRA any amounts required to be paid by the Developer hereunder.

(d) Failure of the Developer or the HRA to observe and perform any other covenant, condition, obligation or agreement on its part to be observed or performed hereunder.

(e) Failure of the Developer to pay any taxes on the Development Property as they become due.

(f) Filing of any voluntary petition in bankruptcy or similar proceedings by the Developer; general assignment for the benefit of creditors made by the Developer or admission in writing by the Developer of inability to pay its debts generally as they become due; or filing of any involuntary petition in bankruptcy or similar proceedings against the Developer which are not dismissed or stayed within sixty (60) days.

7.02. Remedies on Default. In the event the HRA or the City desires to exercise any of its rights or remedies as provided herein or otherwise available to the HRA or the City at law or in equity, the HRA or the City shall first provide written notice to Developer setting forth with specific particularity the Event of Default and the action required to cure or remedy the same (the "Default Notice"). Developer or any transferee or assignee under Section 6.01 hereof, shall have thirty (30) days from receipt of a Default Notice to cure or remedy the Event of Default specified in the Default Notice, or such longer period as may be reasonably required to complete the cure as soon as reasonably possible under the circumstances. If, following Developer's receipt of a Default Notice, Developer does not cure or remedy the Event of Default therein specified within the time provided above, the HRA or the City may take any one or more of the following actions at any time prior to Developer's curing or remedying the Event of Default:

(a) Suspend its performance under this Redevelopment Agreement until it receives assurances from Developer, deemed adequate by the HRA or the City, that Developer will cure its default and continue its performance under this Agreement.

(b) Terminate all rights of Developer under this Agreement.

(c) Withhold the Certificate of Completion.

(d) Take whatever action at law or in equity may appear necessary or desirable to the City to enforce performance and observance of any obligation, agreement, or covenant of Developer under this Agreement.

In the event the HRA should fail to observe or perform any covenant, agreement or obligation of the HRA on its part to be observed and performed under this Redevelopment Agreement, Developer may take any one or more of the following actions:

(a) Suspend its performance under this Redevelopment Agreement until it receives assurances from the HRA deemed adequate by Developer, that the HRA will cure its default and continue its performance under this Redevelopment Agreement.

(b) Terminate all rights of the HRA under this Agreement.

(c) Take whatever action at law or in equity may appear necessary or desirable to Developer to enforce performance and observance of any obligation, agreement, or covenant of the HRA under this Agreement.

7.03. No Remedy Exclusive. No remedy herein conferred upon or reserved to the HRA, the City or to the Developer is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the HRA, the City or Developer to exercise any remedy reserved to them, it shall not be necessary to give notice, other than such notice as may be required under this Agreement.

7.04. Waivers. All waivers by any party to this Agreement shall be in writing. If any provision of this Agreement is breached by any party and thereafter waived by another party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

7.05. Agreement to Pay Attorneys' Fees. Whenever any Event of Default occurs and the HRA or the City shall employ attorneys or incur other expenses for the collection of payments due or to become due or for the enforcement or performance or observance of any obligation or agreement on the part of the Developer herein contained, the Developer agrees that it shall, on demand therefor, pay to the HRA or the City the reasonable fees of such attorneys and such other expenses so incurred by the HRA or the City.

ARTICLE 8 General Provisions

8.01. Conflicts of Interest; HRA and City Representatives Not Individually Liable. No member, official, employee, or consultant or employee of a consultant of the HRA or the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official, consultant or the consultant's employees or employee participate in any decision relating to this Agreement which affects his or her personal interests or the interests of any corporation, partnership, or association in which he or she is directly or indirectly interested. No member, official, consultant or consultant's employee, or employee of the HRA or the City shall be personally liable to Developer, or any successor in interest, in the event of any default or breach by the HRA or the City or for any amount which may become due to Developer or successors or on any obligations under the terms of this Agreement.

8.02. Equal Employment Opportunity. Developer, for itself and its successors and assigns, agrees that during the construction of the Project it will comply with any applicable affirmative action and nondiscrimination laws or regulations.

8.03. Restrictions on Use. Developer agrees for itself, and its successors and assigns, and every successor in interest to the Development Property, or any part thereof, that Developer,

and such successors and assigns, shall devote the Development Property to, and only to and in accordance with, the uses specified in the Development Program, this Agreement and other agreements entered into between the Developer and the HRA or the City, and shall not discriminate upon the basis of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and familial status in the sale, lease, or rental or in the use or occupancy of the Development Property or any improvements erected or to be erected thereon, or any part thereof.

8.04. Titles of Articles and Sections. Any titles of the several parts, Articles, and Sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

8.05. Business Subsidies Act.

Based on the representations of the Developer contained in this Agreement, the assistance being provided by the HRA to the Developer under this Agreement is not a business subsidy under the Business Subsidies Act, and a subsidy agreement as described in Minnesota Statutes, Section 116J.994, Subd. 3 and Subd. 4 is not being entered by the HRA and Developer.

8.06. Term of Agreement. This Agreement shall terminate upon the earlier to occur of (i) reimbursement of the Developer's costs by the HRA as provided in Section 5.02 hereof; (ii) the decertification of the TIF District; or (iii) the HRA and the Developer agree in writing to terminate this Agreement; it being expressly agreed and understood that the provisions of this Agreement are intended to survive the expiration and satisfaction of any security instruments placed of record contemporaneously with this Agreement, if such expiration and satisfaction occurs prior to the expiration of the term of this Agreement, as stated in this Section 8.06.

8.07. Provisions Surviving Termination. Sections 4.01 and 7.05 hereof shall survive any termination, rescission, or expiration of this Agreement with respect to or arising out of any event, occurrence, or circumstance existing prior to the date thereof.

ARTICLE 9 Administrative Provisions

9.01. Notices and Demands. Except as otherwise expressly provided in this Redevelopment Agreement, a notice, demand, or other communication under this Redevelopment Agreement by any party to another party shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally as follows:

(a) in the case of Developer, addressed to or delivered personally to:

Ventana, LLC
1907 Wayzata Boulevard
Suite 250
Wayzata, MN 55391
Attention: Bradley Hoyt

with a copy to:

Entrepartner Law Firm, PLLC
3700 Campbell Mithun Tower
222 South Ninth Street
Minneapolis, Minnesota 55402
Attn: Michael Mergens

(b) in the case of the HRA, addressed or delivered personally to:

Housing and Redevelopment Authority
of the City of Wayzata
600 Rice Street East
Wayzata, MN 55391
Attention: Executive Director

(c) in the case of the City, addressed or delivered personally to:

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

The HRA, the City and the Developer, by notice given hereunder, may designate different addresses to which subsequent notices, certificates or other communications should be sent.

9.02. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

9.03. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the HRA, the City and the Developer and their respective successors and assigns.

9.04. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

9.05. Amendments, Changes and Modifications. This Agreement may be amended or any of its terms modified only by written amendment authorized and executed by the HRA, the City and the Developer. The Chair and Executive Director of the HRA are authorized to execute and deliver amendments and any documents related to this Agreement on behalf of the HRA. The Mayor and City Administrator are authorized to execute and deliver amendments and any documents related to this Agreement on behalf of the City.

9.06. Further Assurances and Corrective Instruments. The HRA, the City and the Developer agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments

as may reasonably be required for correcting any inadequate or incorrect description of the Development Property or the Minimum Improvements or for carrying out the expressed intention of this Agreement.

9.07. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope of intent of any provisions or Sections of this Redevelopment Agreement.

9.08. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota without giving effect to the conflicts-of-laws principles thereof.

[Signature Pages Follow]

HOUSING AND REDEVELOPMENT
AUTHORITY OF THE CITY OF WAYZATA

And Jeffrey Dahl, Executive Director

The foregoing instrument was acknowledged before me on this ____ day of _____, 2018, by Thomas Shaver, the Chair, and Jeffrey Dahl, the Executive Director, of the Housing and Redevelopment Authority of the City of Wayzata, a body politic and corporate under the laws of the state of Minnesota, on behalf of the Authority.

Notary Public

VENTANA, LLC a Minnesota limited liability company

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2018, by _____, the _____ of Ventana, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

IN WITNESS WHEREOF, I have set my hand and my official seal this ____ day of _____, 2018.

Notary Public

EXHIBIT A

DEVELOPMENT PROPERTY

The real property and interests in such property located in the County of Hennepin, State of Minnesota and described as follows:

Parcel Number	Previous Legal Description	New Legal Description
06-117-22-23-0013	Lot 17, Auditor's Subdivision No. 184, Beginning at the Southwest corner of Lot 17	

EXHIBIT B

COVENANTS AND RESTRICTIONS

During the term of that certain Redevelopment Agreement between the Wayzata Housing and Redevelopment Authority, the City of Wayzata, and Ventana, LLC, dated November __, 2018 and recorded in the Office of the Hennepin County Registrar as Document No. _____ on _____, 2018, the Property shall be subject to the following covenants and restrictions:

1. The Property shall not be exempt from real estate taxes notwithstanding the ownership or use of the land.

2. The Property shall not be sold, transferred, conveyed or leased to any of the following parties:

- (a) An institution of purely public charity;
- (b) A church or ancillary tax-exempt housing;
- (c) A public hospital;
- (d) A public school district;
- (e) An organization exempt from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if as a result of such sale, transfer, conveyance or lease the Property would become exempt from real estate taxes; or
- (f) A Minnesota cooperative association organized under Minnesota Statutes, Section 308.05 and 308.18 for the purpose of complying with the provisions of Minnesota Statutes, Section 273.133, subdivision 3, or any other party that would cause the Property to be valued and assessed for real estate tax purposes at a lower percentage of its market value than the Property is then being valued and assessed for real estate tax purposes or would result in the Property becoming exempt from real estate taxes.

3. The Property shall not be used for any of the following purposes:

- (a) The operation of a public charity;
- (b) A church or house of worship;
- (c) The operation of a public hospital;
- (d) The operation of a public schoolhouse, academy, college, university or seminary of learning; or

- (e) Any other use which would cause the Property to be valued and assessed for real estate tax purposes at a lower percentage of its market value than the Property is then being valued and assessed for real estate tax purposes or would result in the Property becoming exempt from real estate taxes.

4. The Property shall be devoted to uses consistent with a “redevelopment district” under Minnesota Statutes, Sections 469.174 through 469.1794.

5. The Property owner shall:

- (a) not discriminate on the basis of color, creed, national origin, or sex in the sale, lease, use or occupancy of the Property, the Minimum Improvements or any part thereof; and
- (b) develop the Development Property in an orderly manner consistent with the City’s zoning ordinances and comprehensive plan.

6. The covenants and restrictions herein contained shall run with the title to the Property and shall be binding upon all present and future owners and occupants of the Property; provided, however, that the covenants and restrictions herein contained shall inure only to the benefit of the City and may be released or waived in whole or in part at any time, and from time to time, by the sole act of the City, and variances may be granted to the covenants and restrictions herein contained by the sole act of the City. These covenants and restrictions shall be enforceable only by the City, and only the City shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of the covenants and restrictions herein contained, or to enforce the performance or observance thereof.

7. The covenants and restrictions herein contained shall remain in effect until the payment in full of principal of, and interest on, the limited revenue tax increment note issued in accordance with the Redevelopment Agreement, and thereafter shall be null and void.

EXHIBIT C

PROJECT DESCRIPTION; PROJECT COSTS

Project Description:

The Project involves the demolition of the existing building located at 253 Lake Street East in the City of Wayzata and construction of a three (3) story building to include sixteen (16) residential condominiums and one (1) level of underground parking.

In accordance with the City Resolution [_____], the Project shall be subject to the following conditions:

1. The Developer shall 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 Developer shall obtain approval from the City Engineer of Grading, Drainage and Erosion Plans for the Project prior to the City's issuance of building permits;
3. The Developer shall grant any easements needed by the City for purposes of constructing, accessing, operating and maintaining a public parking lot and facility on the back portion of the Property for purposes of providing additional public parking either on the Property or in conjunction with other adjacent property(ies) undergoing redevelopment.

Project Costs:

The estimated public costs of the TIF District are listed below. Such costs (“Qualified Costs”) are eligible for reimbursement from tax increments of the TIF District. The categories below identify the categories of expenses that the parties agree may be reimbursed through tax increment financing. The amounts assigned to each category are estimates only and not independent limitations of Developer’s Qualified Costs.

Demolition	\$120,000.00
Environmental Assessment	\$55,000.00
Environmental Remediation	\$600,000.00
Site Improvements	\$685,000.00

*Developer’s Qualified Cost. The total principal amount of any and all tax increment notes issued to reimburse the Developer for Developer’s Qualified Costs of the Project will not exceed \$1,760,000.00.

EXHIBIT D
DEVELOPMENT PRO FORMA

EXHIBIT E

CERTIFICATE OF COMPLETION

WHEREAS, Ventana, LLC, a Minnesota limited liability company (“the Developer”), is the owner and the Developer of the property in the County of Hennepin and State of Minnesota described on Exhibit A hereto and made a part hereof (the “Development Property”); and

WHEREAS, the Development Property is subject to the provisions of a certain Redevelopment Agreement (the “Agreement”) in Development District No. [] and Tax Increment Financing District No. []-[], dated as of [Month] [Day], 20[], between the Developer and the City of Wayzata, Minnesota (the “City”); and

WHEREAS, the Developer has fully and duly performed all of the covenants and conditions of Developer under the Agreement with respect to the completion of the Project (as defined in the Agreement);

NOW, THEREFORE, it is hereby certified that all requirements of the Developer under the Agreement with respect to the completion of the Project have been completed and duly and fully performed, and this instrument is to be conclusive evidence of the satisfactory termination of the covenants and conditions of the Agreement as they relate to the completion of the Project. All other covenants and conditions of the Agreement shall remain in effect and are not terminated hereby.

Dated this ____ day of _____, 2018.

CITY OF WAYZATA, MINNESOTA

By _____
Kenneth Willcox, Mayor

And _____
Jeffrey Dahl, City Manager

EXHIBIT F

FORM OF LIMITED TAX INCREMENT REVENUE NOTE

No. R-1

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
HOUSING AND REDEVELOPMENT AUTHORITY OF
THE CITY OF WAYZATA
LIMITED TAX INCREMENT REVENUE NOTE OF 20[___]
(Ventana Condos Project)**

PRINCIPAL AMOUNT: \$

INTEREST RATE: [___]%

The Housing and Redevelopment Authority of the City of Wayzata (the "HRA") for value received, promises to pay, but solely from the source, to the extent and in the manner hereinafter provided, to [Developer], or its registered assigns (the "Owner"), the principal sum of _____ (\$_____), in semi-annual installments payable on [_____] 1, 20[___], and on each [_____] 1 and [_____] 1 thereafter up to and including [_____] 1, 20[___] (each being a "Scheduled Payment Date"), together with interest on the outstanding and unpaid principal balance of this Note at the rate of five percent, 5% per annum. Installment payments shall be applied first to interest and then to a reduction of outstanding principal. Interest on the outstanding balance of this Note shall accrue from the date hereof as simple, non-compounding interest. Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by check or draft made payable to the Owner and mailed to the Owner at the postal address within the United States designated from time to time by the Owner.

This Note is subject to prepayment on any Scheduled Payment Date at the option of the HRA, in whole or in part, upon payment to the Owner of the principal amount of the Note to be prepaid, without premium or penalty.

This Note is a special and limited obligation and not a general obligation of the HRA, which has been issued by the HRA in aid of financing a project pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including M.S., Sections 469.174 through 469.1794. This Limited Tax Increment Revenue Note of 20[___] (Tax Increment Financing District No. [___]-[___]) (or "Note") is issued pursuant to the provisions of that certain Redevelopment Agreement, dated as of [Month] [Day], 20[___], as the same may be amended from time to time (the "Redevelopment Agreement"), by and between the HRA, the City of Wayzata, Minnesota (the "City") and Ventana, LLC (the "Developer").

THIS NOTE IS NOT PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN PLEDGED TAX INCREMENT, AS DEFINED BELOW.

The Note Payment Amounts due hereon shall be payable solely from a portion of the tax increments, less the HRA's administrative fee of ten percent (10%), from the Development Property within the HRA's Tax Increment Financing District No. 6 – Downtown West (the "Tax Increment District") within its Development District No. [], which are paid to the HRA and which the HRA is entitled to retain pursuant to the provisions of M.S., Sections 469.174 through 469.1794, as the same may be amended or supplemented from time to time (the "Available Tax Increment"). The HRA makes no representation or covenant, express or implied, that the Available Tax Increments will be sufficient to pay, in whole or in part, the amounts which are or may become due and payable hereunder.

The HRA shall pay to the Owner on each Scheduled Payment Date all Available Tax Increment on that date to the extent necessary to pay principal and interest then due and any past due installment. To the extent that the HRA is unable to pay the total principal and interest due on this Note at or prior to the [] 1, 20[] maturity date hereof as a result of its having received as of such date insufficient Available Tax Increment, such failure shall not constitute a default under this Note and the HRA shall have no further obligation hereon.

This Note shall not be payable from or constitute a charge upon any funds of the HRA, and the HRA shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Owner shall never have or be deemed to have the right to compel any exercise of any taxing power of the HRA or of any other public body, and neither the HRA nor any council member, officer, employee or agent of the HRA, nor any person executing or registering this Note shall be personally liable hereon by reason of the issuance or registration hereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions, and things required by the Constitution and laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; and that this Note, together with all other indebtedness of the HRA outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the HRA to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the Housing and Redevelopment Authority of the City of Wayzata has caused this Note to be executed by the manual signatures of the Chair and the Executive and has caused this Note to be dated as of _____, 2018.

Thomas Shaver, Chair

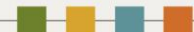
Jeffrey Dahl, Executive Directo



EHLERS
LEADERS IN PUBLIC FINANCE

TIF 101 & Hoyt Project

Stacie Kvilvang – Ehlers



What is TIF?

Tax Increment Financing (TIF):

The ability to capture and use **most** of the increased local property tax revenues from **new development** within a **defined geographic area** for a **defined period of time** without approval of the other taxing jurisdictions.



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LEADERS IN PUBLIC FINANCE

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Why use TIF?

- Encourage certain types of development or redevelopment that would not normally occur without assistance (“but for” test)
 - Redevelop blighted areas
 - Remediate polluted sites
 - Create or retain jobs
 - Construct affordable housing



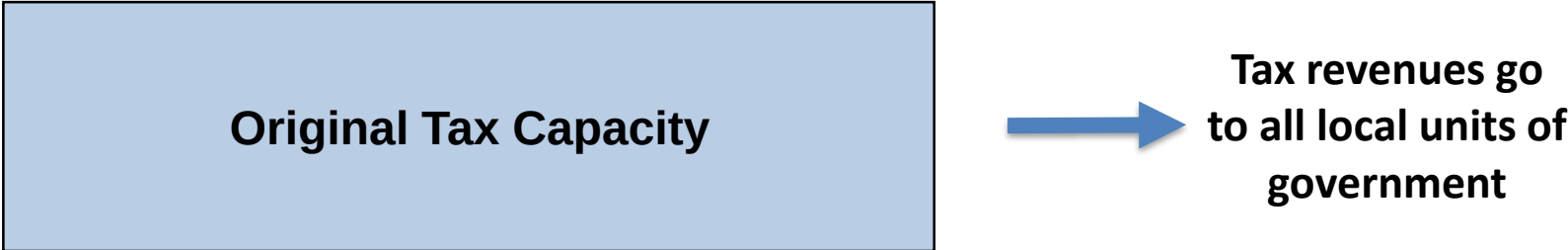
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Building Blocks of TIF

**There is a starting property value in the TIF District
when it is created (also called “base value”)**



Original Tax Capacity

The diagram consists of a light blue rectangular box on the left containing the text 'Original Tax Capacity'. A blue arrow points from the right side of this box to the text 'Tax revenues go to all local units of government' on the right.

**Tax revenues go
to all local units of
government**



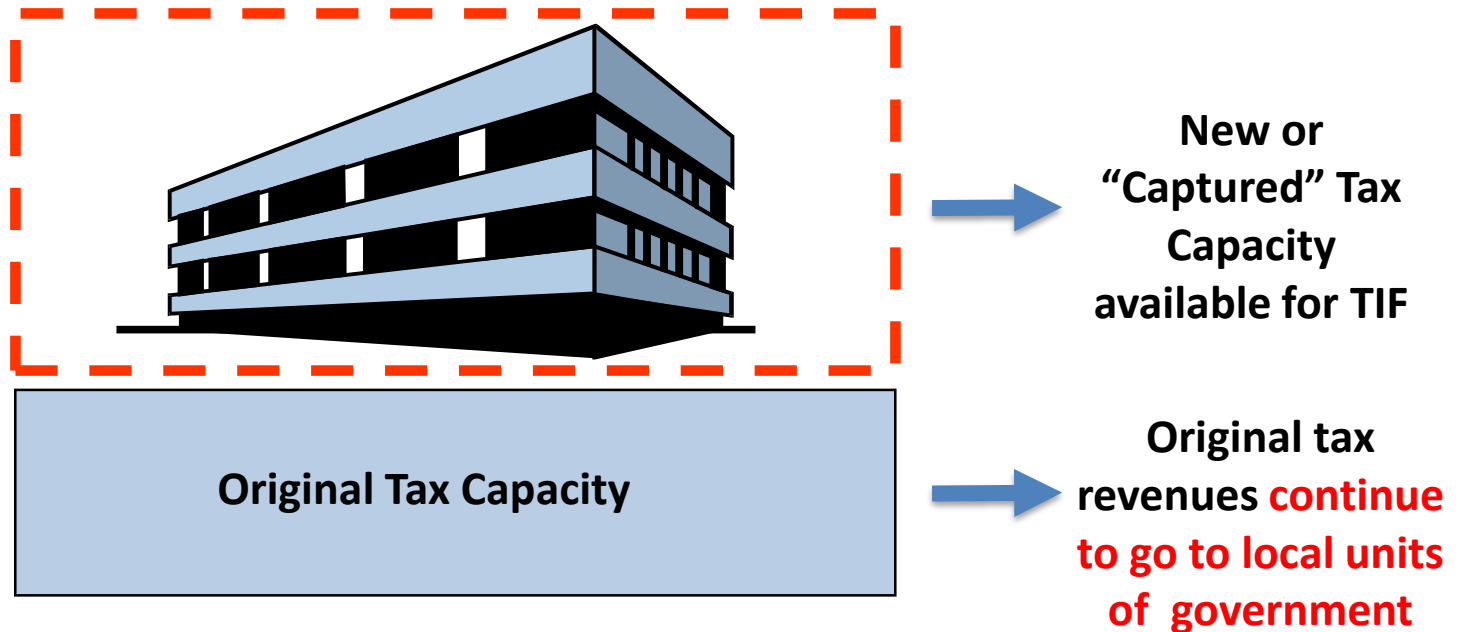
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LEADERS IN PUBLIC FINANCE

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Building Blocks of TIF

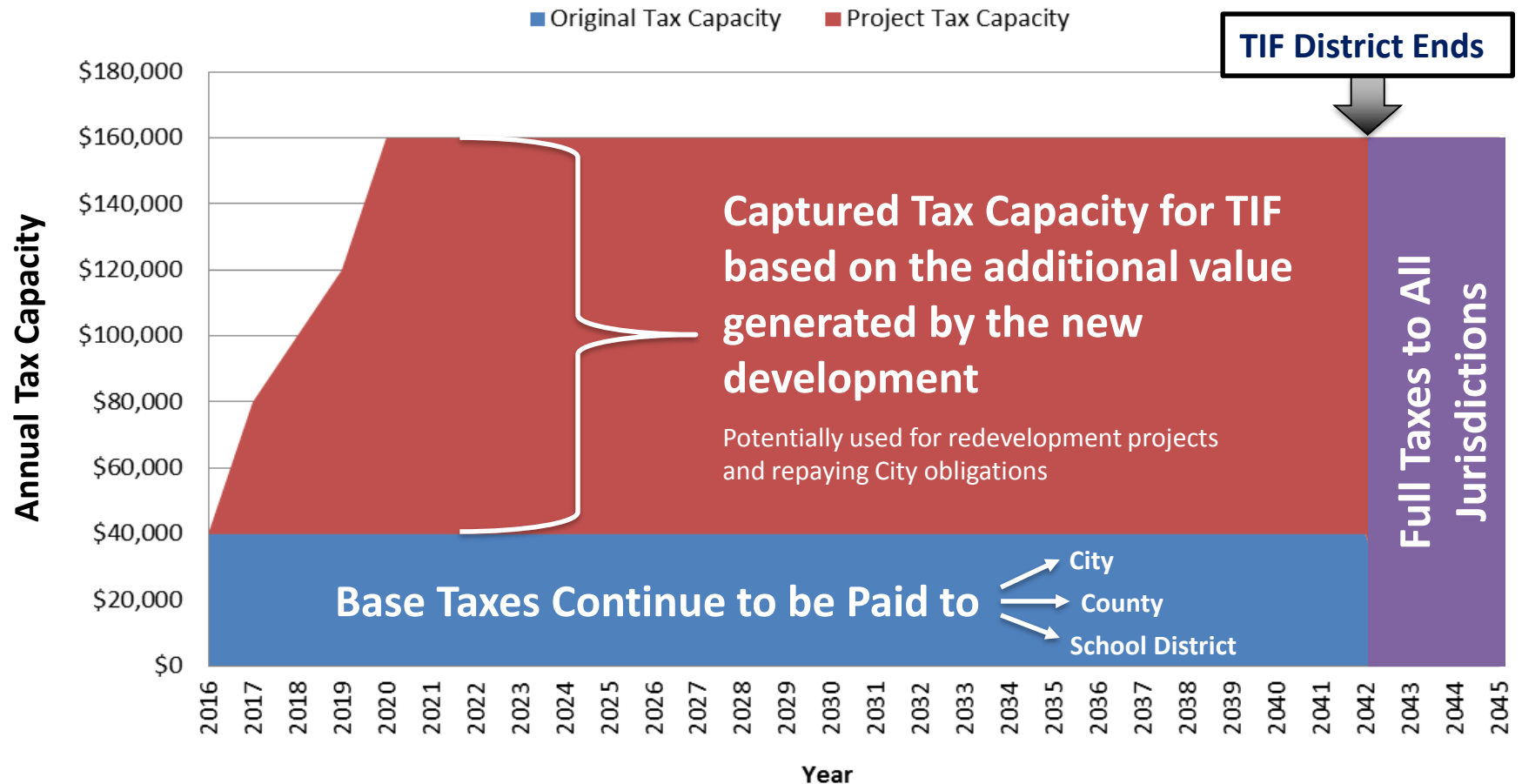
Development Occurs = New Tax Capacity
TIF District can “capture” the increased value from the new development



$$\text{TIF} = \text{Captured Tax Capacity} \times \text{Tax Rate}$$



TIF Example (26 year district)



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How can increment be spent?

- Must be costs associated with new development:
 - ✓ Land Acquisition
 - ✓ Demolition and Relocation
 - ✓ Site improvements
 - ✓ Utilities, Streets, Sidewalks
 - ✓ Environmental Clean-up
 - ✓ Parking
 - ✓ Buildings
 - ✓ Administration



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TIF District 6 – Approved December 19, 2017



Hoyt Project



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Base Value and Future Value

BASE VALUE INFORMATION (Original Tax Capacity)										
Address	Land Market Value	Building Market Value	Total Market Value	Percentage Of Value Used for District	Original Market Value	Tax Year Original Market Value	Property Tax Class	Current Original Tax Capacity	Class After Conversion	After Conversion Orig. Tax Cap.
253 Lake St. E.	2,417,000	1,000	2,418,000	100%	2,418,000	Pay 2018	C/I Pref.	47,610	Hmstd. Res.	28,975
	2,417,000	1,000	2,418,000		2,418,000			47,610		28,975

PROJECT INFORMATION (Project Tax Capacity)							
Insert Rows		Estimated Market Value Per Sq. Ft./Unit	Taxable Market Value Per Sq. Ft./Unit	Total Sq. Ft./Units	Total Taxable Market Value	Property Tax Class	Project Tax Capacity
Area/Phase	New Use						
	Condos	1,000,000	1,000,000	16	15,999,992	Hmstd. Res.	180,000
TOTAL					15,999,992		180,000
Subtotal Residential				16	15,999,992		180,000

1. Market values are based upon 95% of average sales prices from the Developer.



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What is Excluded From TIF

TAX CALCULATIONS									
New Use	Total Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Capacity	Local Property Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes	Taxes Per Sq. Ft./Unit
Condos	180,000	0	180,000	181,308	0	0	32,974	214,283	13,392.68

WHAT IS EXCLUDED FROM TIF?	
Total Property Taxes	214,283
less State-wide Taxes	0
less Fiscal Disp. Adj.	0
less Market Value Taxes	(32,974)
less Base Value Taxes	(29,186)
Annual Gross TIF	152,123
Less OSA Fee	(548)
Less 10% Admin fee	(15,158)
Net TIF to Developer	136,418

Developer receive \$.64 from every tax dollar



Overview of TIF Request



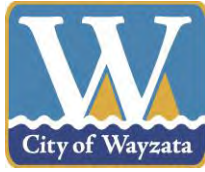


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LEADERS IN PUBLIC FINANCE

Questions





**Staff Report
August 20, 2018**

Project Name:	Ventana Condos
Applicant	Ventana, LLC
Property Owner	Berry & Co, Inc
Addresses of Request:	253 Lake St E
Prepared by:	Jeff Thomson, Director of Planning and Building
“60 Day” Deadline:	October 20, 2018 (120 day extension)

Development Application

Introduction

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.

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 approved with the public parking option.

On December 19, 2017 the City Council approved the rezoning, PUD concept plan, building height variance, and shoreland impact plan/conditional use permit for the redevelopment of 253 Lake St E. The redevelopment project includes demolition of the existing buildings, and construction of a three story building with 16 residential units with one level of underground parking. As part of the approved PUD concept plan, the applicant proposed donating the land behind the building to the City for use as public parking.

On July 31, 2018, the City Council approved the development application to subdivide the property into three separate lots to facilitate the donation of the back of the property to the City for public parking, and retaining the front lot for the proposed development project.

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 December 2017. 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 multi-family residential building requires design review. (City Code Section 801.09.1.5)

Property Information

The property identification number and owner of the property are as follows (prior to platting):

Address	PID	Owner
253 Lake St E	06-117-22-23-0013	Berry and Co, Inc.

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

Current zoning:	Planned Unit Development (formerly C-4A/Limited Central Business 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 and Zitzloff Development site	R-5/Average Density Multiple Residential District	High Density Multiple Family
East	Wayzata Blu Development Site	PUD/Planned Unit Development	Central Business District
South	Lake Street	N/A	N/A
	TCF Bank building	PUD/Planned Unit Development	Central Business District
West	Hughes development site	C-4A/Limited Central Business District	Central Business District

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 8, 2018.

Project Overview

The development application includes demolition of the existing commercial building and out buildings, and construction of a new three-story, residential building. The lower level would include 32 enclosed parking stalls and would be partially located above grade. The three stories include a total of 16 residential condominiums. The entrance to the lower level parking garage would be located on the back of the building, and access would be provided from Lake Street via an easement from the adjacent Hughes development site.

Public Parking

The application includes donation of the land behind the proposed building to the City for parking. This is consistent with the City's approval of the Wayzata Blu project and in consideration of the Hughes development immediately to the west. The City Council previously approved the subdivision application to create the separate lots for public parking and the donation agreement between the applicant and the City.

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.

In Wayzata, 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.

The City Council reviewed and approved the PUD concept plan for this development in December 2017. However, the concept plan review does not bind the City from evaluating the PUD general plan on its own merits.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the PUD general 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 requests one deviation from the design standards:

- Front Door Location: The design standards state that the main entrance to the building must face the primary street at sidewalk grade. The proposed plans have the main entrance at sidewalk level, but on the side of the building and not on Lake Street. The primary reason for the entrance location is (1) the residential uses on the first floor; (2) the width of the building; and (3) the functionality of the first level floor plan.

Zoning

The property is currently zoned PUD, and is located within the shoreland and wetland overlay districts. The following table outlines the zoning standards for the C-4A (previous zoning), PUD, and shoreland overlay districts:

	C-4A Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height (max.)	2 stories and 30 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	3 stories 39.1 feet*
Floor Area Ratio (max.)	2.0	None	None	1.55
Impervious Surface (max.)	None	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	84% of Lot 1 0% of Lots 2/3
Property Line Setbacks (min.)	None (not adjacent to residential district)	None	None	North: 2 ft. East: 2 ft. South: 12 ft. West 13 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 Council's approval of the PUD concept plan included approval of a building height variance and a conditional use permit/shoreland impact plan for a building height of 40 feet. The proposed building would be three stories with an overall height of 39.1 feet from average grade to the top of the parapet/coping of the building, which is less than the PUD concept plans. The proposed building also includes a basement level for underground parking, which would extend 6 feet above grade level. 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.

Density

The PUD zoning district states that the residential area standards of the R-5 zoning district apply to multiple family residential PUD projects, as determined by the City Council. The R-5 zoning district would require a minimum of 2,000 square feet of lot area per dwelling unit. The proposed PUD would have a lot area per dwelling unit of 3,414 sq. ft. with the proposed 16 dwelling units and include the public parking area on Lots 2 and 3, which are part of the PUD.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. For a multiple family development, the parking ordinance requires a minimum of two fee-free spaces for each dwelling unit, of which one must be enclosed. The proposed building consists of 16 dwelling units and 32 enclosed parking spaces within the underground garage. The proposed project provides two stalls per dwelling unit, which meets the requirements of the City's parking ordinance. The project is also proposing to deed Lots 2 and 3 in the rear of the property to the city for a future public parking lot.

Site Access and Circulation

The site previously had a single access drive from Lake Street that was shared with the adjacent property to the east, 259 Lake St E, which is the current construction site for Wayzata Blu. The proposed building would have vehicular access from the Hughes property to the west, 239 Lake St E. As a condition of approval, staff would recommend that the applicant obtain an access easement from the adjacent property owner to allow for the proposed access configuration.

Sidewalks and Pedestrian Connections

The proposed plans includes 12-foot sidewalk along Lake Street that would meet the downtown design guidelines. The plans also include private landscaping between the north edge of the public sidewalk and the building. There would also be a pedestrian walkway on the subject property between Lake Street and the future shared parking lot on the back of the property.

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
Site Tabulation
Building Tabulation
PUD General Plans
Design Critique
Approved PUD Concept Plans

Applicable Code Provisions for Review

Comprehensive Plan

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

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

- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
- Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

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

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

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.

17 July 2018
Narrative

Ventana LLC

253 Lake Street

Wayzata, MN 55391

1 General Description:

This narrative will be short and to the point. The development of this area of Wayzata has been discussed for a long time. The only way that it will be done is by a cooperative effort of the three adjacent property owners and the City of Wayzata working as one. This submittal for building approval carefully follows the Concept Plan as has already been approved.

2 Site Plan:

The site plan has not changed. We have an access agreement in place with Wayzata Blu (adjacent to the east of our site) to give us access to the rear of our building. When the plan to the west of our site is approved and access to the public parking in the rear is built we will have an access to our building from that drive.

The site plan tabulations show the; site areas, building areas, floor area ratio, hard cover calculations, setbacks, and building floor elevations.

3 Building Design:

Parking is provided in the level that is partially below grade due to the high water conditions. We are providing 2 spaces per unit inside the building as required. We do not depend on the public parking area to meet our requirement. When the access to public parking is constructed from Lake Street to the rear of our building we will have access directly off of that drive. This will not change the number of parking stalls or change in any way the shape or size of our parking level.

We have 16 units which range in size from 1,231 sf to 4,031 sf. The first and second floors each have 6 units and the third floor has 4 units.

The building is set back on every level as shown in the sketches. We have set back the first floor from the base. The second and third floors are set back from the first floor as dimensioned on the building plans. The amount of glass directly facing Lake Street at each floor is over 60%. However, when you consider the

glass perpendicular to Lake Street at the front elevation we have in effect almost 80% of the wall facing the street as glass.

The building will have a stone and metal panel exterior with accents of stucco. The calculations of the exterior materials are shown on the Building calculation sheet.

4 Unit Design:

Although the actual unit design is not critical to the approval of this building, we are showing some conceptual plans which illustrate the openness of the plans that we will be building. It is important to us to have units that have a lot of glass which will add to the interior ambiance of our units. We have included some interior image sketches of our units.

5 Storm Water:

We are not required to provide any storm water control for our site since the small site area that we have will drain to the access drive to the west and the site area behind us will be designed and controlled by the City of Wayzata. We are proposing to work with the City of Wayzata and our neighbor to the west to coordinate how the storm water will be handled in the final construction documents for all three parcels.

6 Landscape/Lighting:

The site survey shows the line of the street. We have shown on our building plans a 12 foot sidewalk from the curb line. The sidewalk will be installed to meet the specifications of the City of Wayzata. We are showing two street trees planted in steel grates as is common on Lake Street. The area between the public sidewalk and the building would be planted in a variety of prairie grasses to totally screen the approximately 3 foot space between grade and the bottom of the panels of the first floor deck.

We would see the site lighting to occur along the access to the public parking and the standard street lighting which existing patterns would be continued in from of our building.

Conclusion:

We are presenting a developed building that follows exactly the building concept previously approved. The building meets and exceeds the requirements of the zoning ordinance. The final details of landscaping and lighting will need to be coordinated with our neighbor the west and the City of Wayzata.

Ventana Condo
253 Lake Street

Site Tabulation

Total Site Area	57,954 sf	(100%..From Survey)
(From Survey)		
Lot 1	20,780 sf	(35.9%)
Lot 2	4,033 sf	(6.9%)
Lot 3	28,551 sf	(49.5%)
ROW	4,436 sf	(7.7%)

Building Footprint	17,400 sf
Three floors	40,933 sf

Floor area ratio;

Building w/ Lot 1	1.96 (2.0 allowed)
Building w/ Lot 1 & 2	1.64
Building w/ Lot 1 & 2 & 3	0.76

Hard Cover Calculations;

(Calculations to not take into account public parking since we do not yet know the design as developed by the City of Wayzata)

Building w/ Lot 1	83%
Building w/ Lot 1 & 2	70%
Building w/ Lot 1 & 2 & 3	32%

Building Setbacks;

East	2 feet
South	12' min from street ROW
West	Varies from 13' to 19' to property line Approximately 17' to joint access drive
North	2 feet

Average grade at footprint of building	935.897'
Building height allowed (935.897' + 40')	975.897'

Building Elevations;

First Floor	941'0"
Second Floor	951'8"

Third Floor	962'4"
Parapet	975'0" (Meets height limit)

17 August 2018

Ventana Condo
253 Lake Street

Building Tabulation

Parking level Elevation 932'0"

32 Parking space (2 per unit)
Amenity spaces
Mechanical spaces
Storage spaces
Trash room
Entrance Lobby

Total area 17021 sf

First Floor Elevation 941'0"

Unit 101	3106 sf
Unit 102	1984 sf
Unit 103	2036 sf
Unit 104	2036 sf
Unit 105	1536 sf
Unit 106	2168 sf
Common	1524 sf

Total area 14,390 sf

Second Floor Elevation 951'8"

Unit 201	2622 sf
Unit 202	2004 sf
Unit 203	2014 sf
Unit 204	2014 sf
Unit 205	1539 sf
Unit 206	2467 sf
Common	1231 sf

Total area 13855 sf

Third Floor Elevation 962'4"

Unit 301 4031 sf
Unit 302 2313 sf
Unit 303 3663 sf
Unit 304 1781 sf
Common 900 sf

Total area 12688 sf

Parapet Elevation 975'0"

Lake Street Elevation

Area of façade directly facing Lake Street

	Bldg Area	Glass Area	
First Floor	920 sf	576 sf	62.6%
Second Floor	920 sf	576 sf	62.6%
Third Floor	920 sf	576 sf	62.6%

The area of glass directly facing Lake Street is at each floor is 62.6%. However the effective area of glass is much higher. Looking at our floor plans, we have added glass on the walls perpendicular to Lake Street formed by the set backs of each of the floors. This added glass in effect gives us almost 80% glass facing Lake Street at each floor.

Total Building Material Calculation

	Tot. Area	Glass	Stone	Metal	Stucco
South	3680 sf	1728 sf (47%)	494 sf (14%)	972 sf (25%)	486 sf (14%)
West	7560 sf	2160 sf (29%)	3696 sf (49%)	1424 sf (18%)	280 sf (4%)
North	3680 sf	1512 sf (41%)	1292 sf (36%)	516 sf (14%)	234 sf (6%)
East	7560 sf	2718 sf (36%)	1999 sf (27%)	2148 sf (29%)	695 sf (8%)
	22480 sf	8118 sf (37%)	7481 sf (33%)	5060 sf (23%)	1695 sf (7%)



VENTANA CONDOS

253 LAKE ST. EAST
WAYZATA, MN



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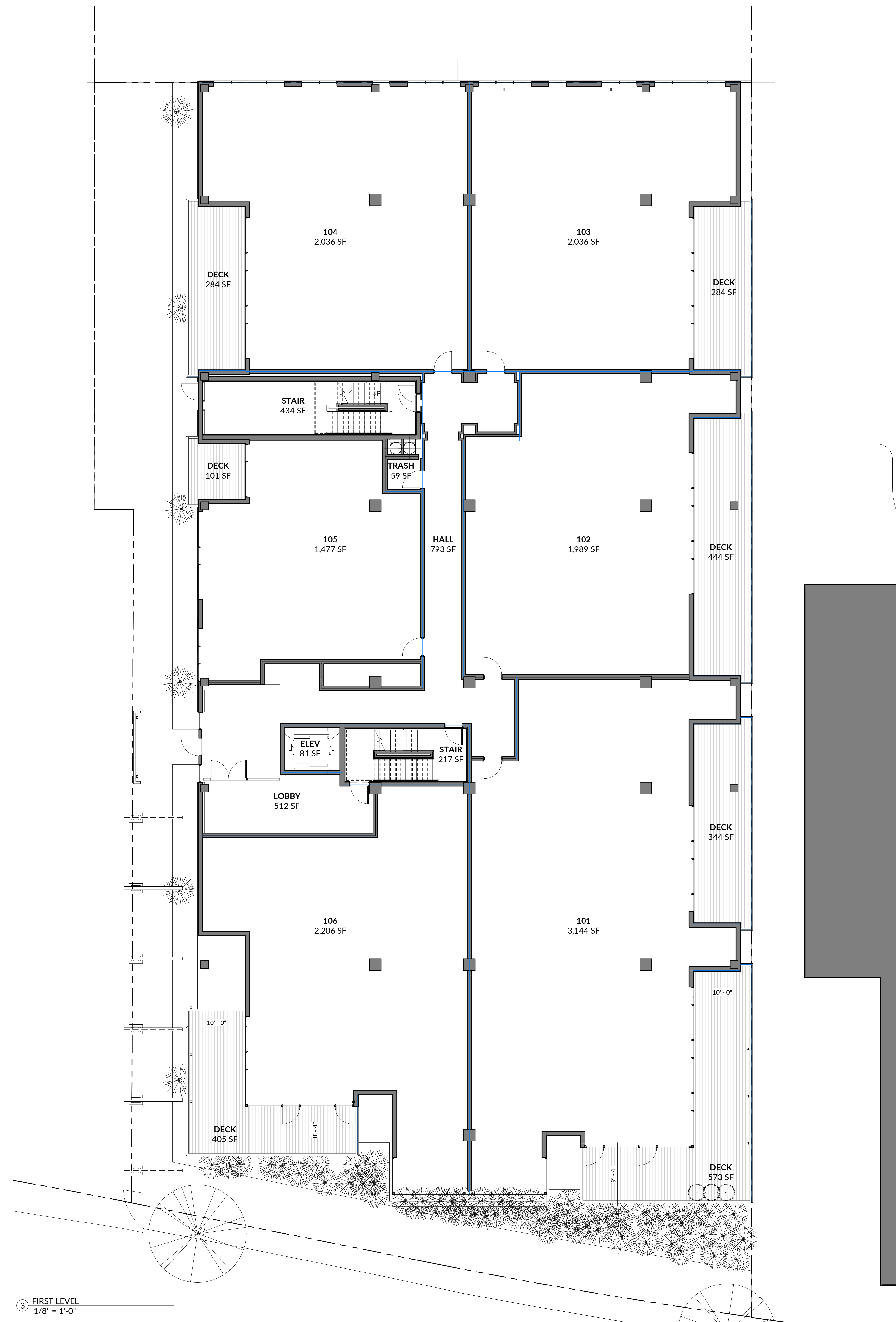
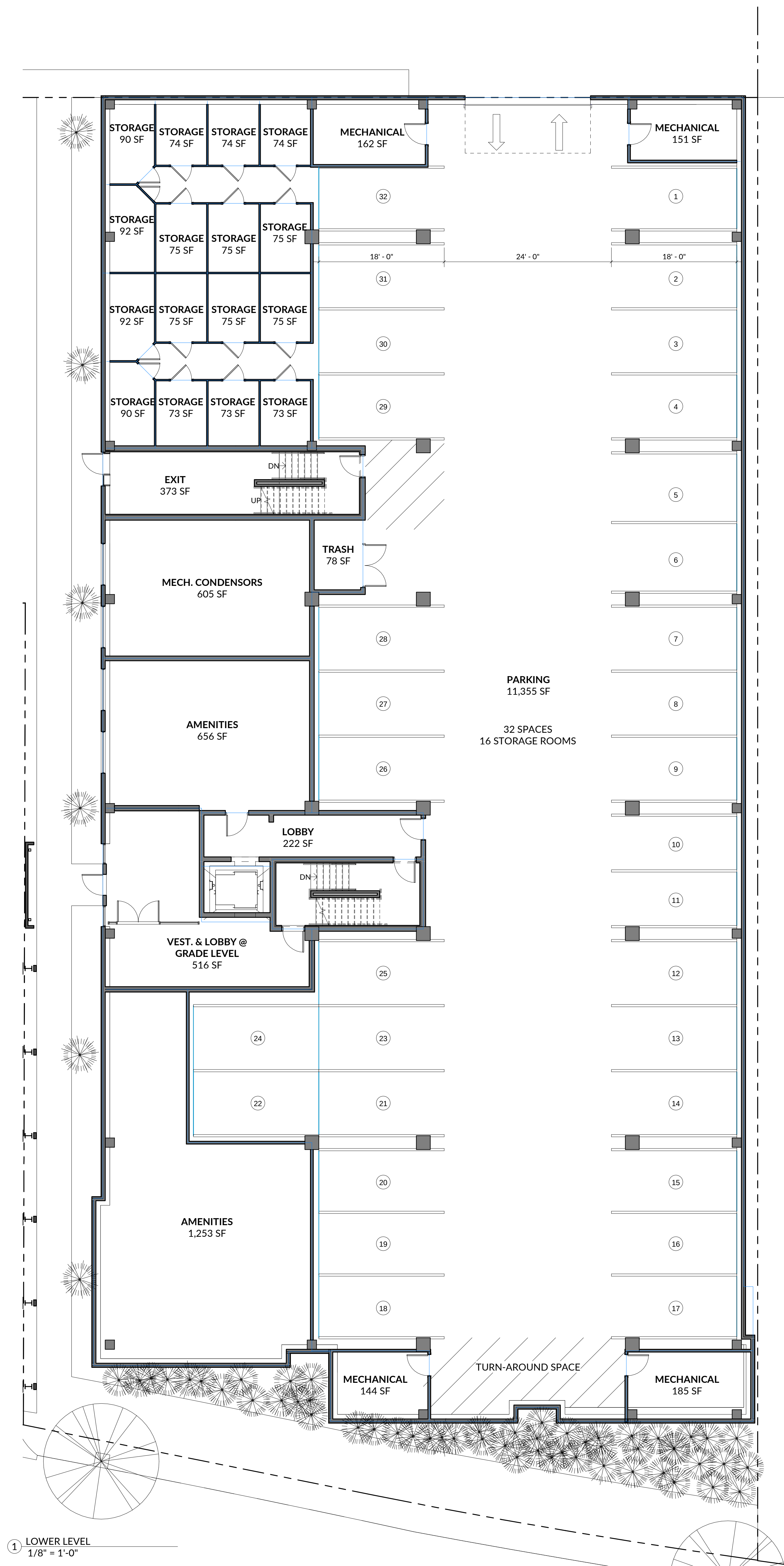
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NOT FOR CONSTRUCTION

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

LICENSE NUMBER: 16 August 2018
DATE:

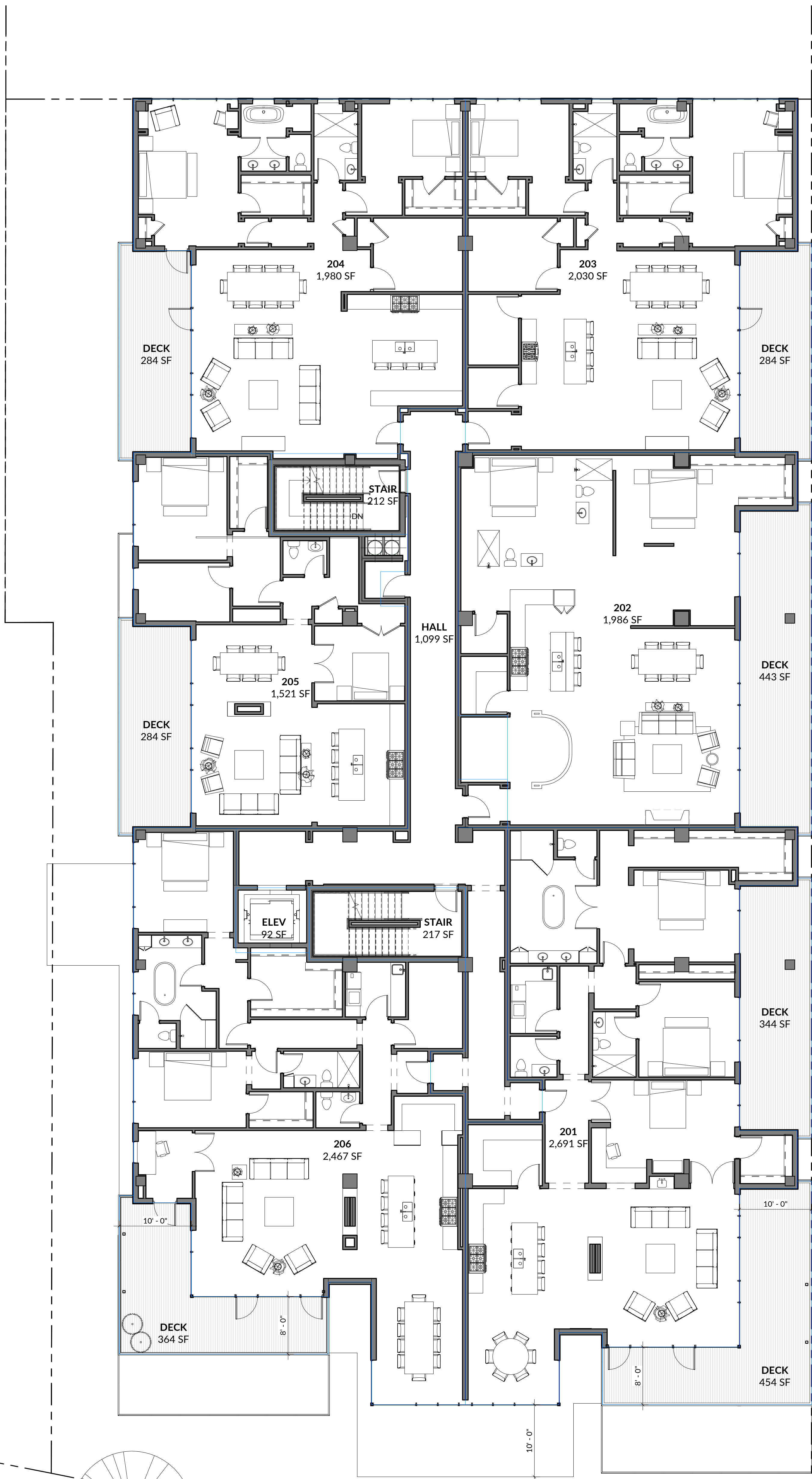
PROJECT NUMBER: NW1001
PRINT DATE: 8/16/2018 4:35:47 PM

REVISION DATE

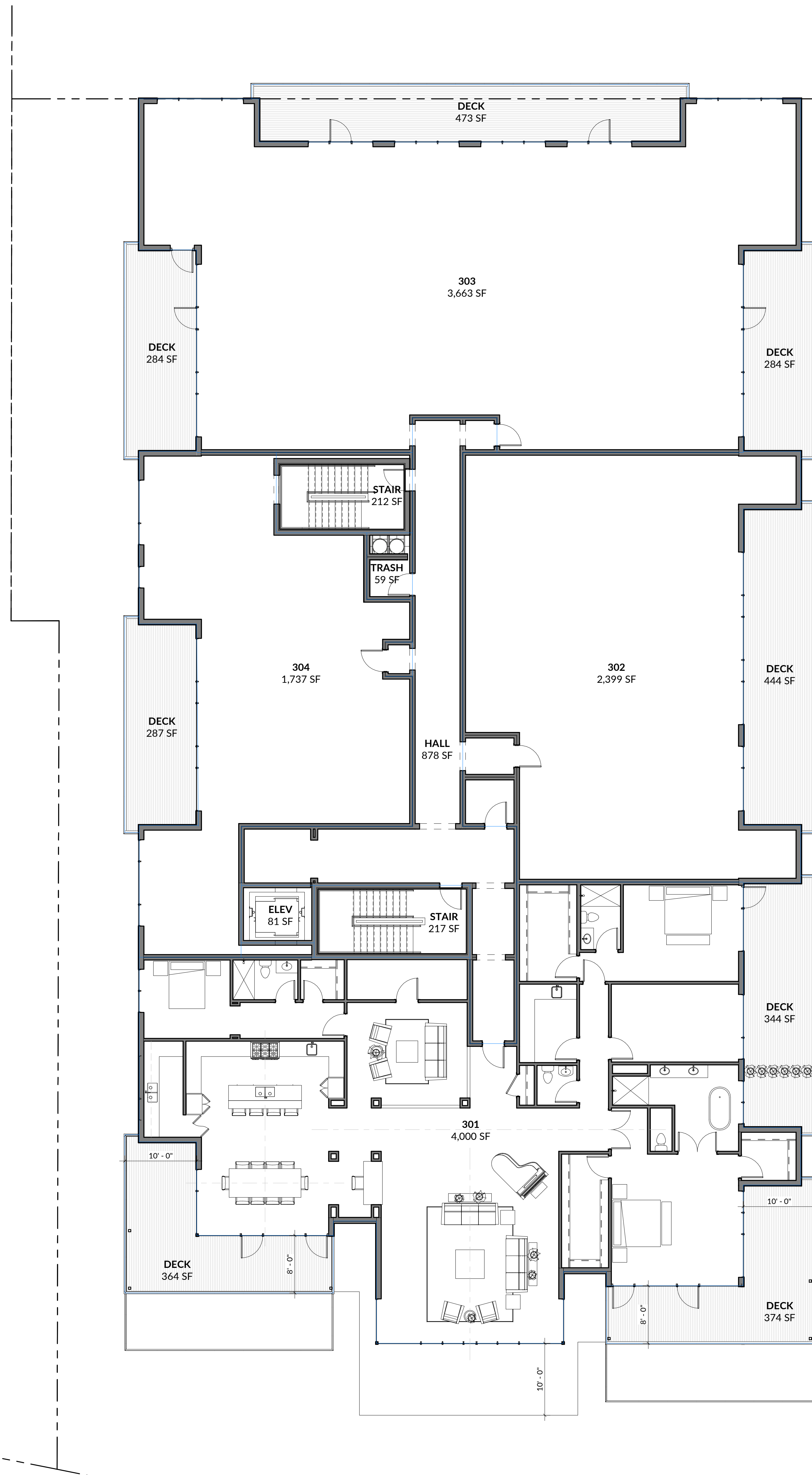


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LOWER & MAIN LEVEL PLAN



③ SECOND LEVEL
1/8" = 1'-0"



① THIRD LEVEL
1/8" = 1'-0"

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LICENSE NUMBER: 16 August 2018
DATE:

PROJECT NUMBER: NW1001
PRINT DATE: 8/16/2018 4:35:54 PM

REVISION DATE



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SECOND & THIRD LEVEL PLAN



① SOUTH ELEVATION
1/8" = 1'-0"



② EAST ELEVATION
1/8" = 1'-0"



③ NORTH ELEVATION
1/8" = 1'-0"



④ WEST ELEVATION
1/8" = 1'-0"

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WAYZATA, MN

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LICENSE NUMBER: 16 August 2018
DATE:

PROJECT NUMBER: NW1001
PRINT DATE: 8/16/2018 4:37:14 PM

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ELEVATIONS



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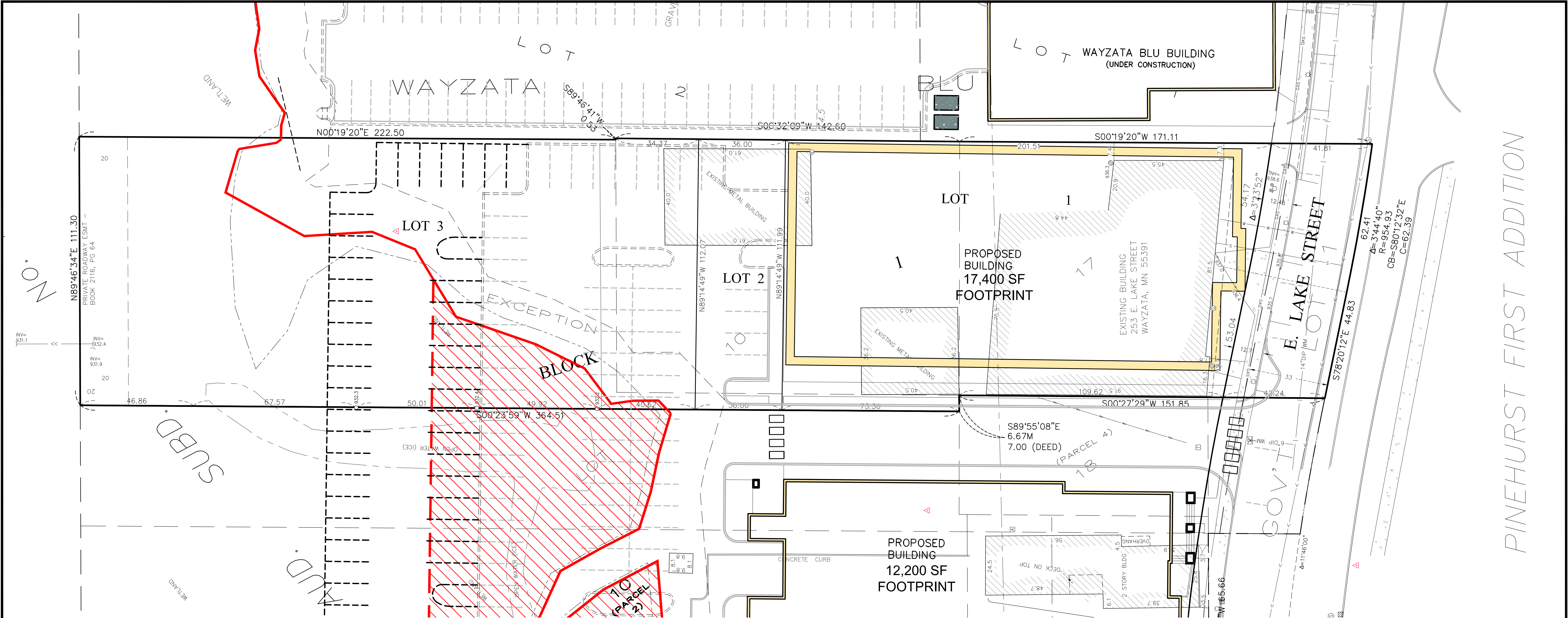
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DESCRIPTION OF PROPERTY SURVEYED

GENERAL NOTES

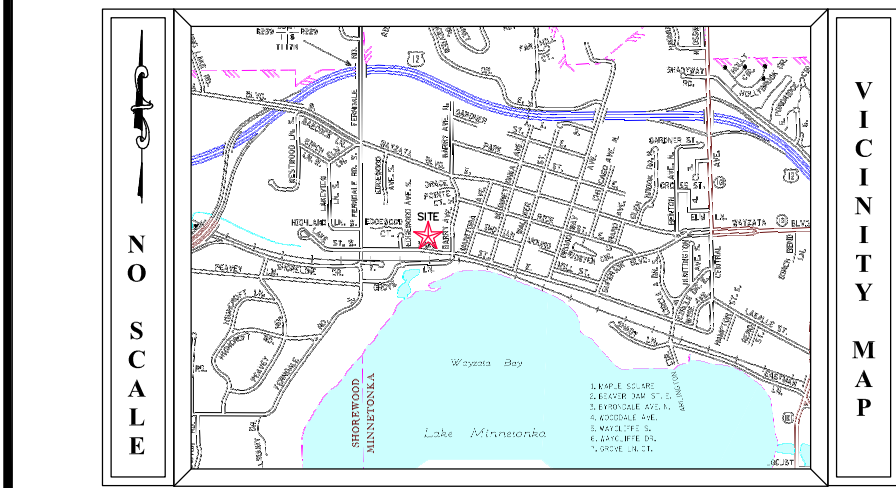
ADDITIONAL NOTES:

That part of Lot 10, AUDITOR'S SUBDIVISION NO. 184 described as beginning at a point on the westerly extension of the north line of Lot 11, in said subdivision distant 90 feet westerly from the northwest corner of said Lot 11; thence southerly in a straight line to the northeast corner of Lot 17, in said subdivision; thence westerly along the north line of said Lot 17 to the northwest corner of said Lot 17; thence westerly along the north line of Lot 18, in said subdivision, 7 feet; thence northerly parallel with the east line of the plat of LAKE WEST to the easterly extension of the most northerly line of said plat; thence easterly along the last described extension, to the intersection with the northerly extension of the east line of said Lot 17; thence southerly along the northerly extension of the east line of said Lot 17 to the intersection with the westerly extension of the north line of said Lot 11; thence to the point of beginning.

That part of Government Lot 1, Section 6, Township 117, Range 22 lying southerly of the south line of Lot 17, AUDITOR'S SUBDIVISION NO. 184 and westerly of the southerly extension of the east line of said Lot 17, which lies easterly of the southerly extension of the west line of said Lot 17 and northerly of a line described as beginning at a point on the west line of said Government Lot 1 distance 89.9 feet southerly from the northwest corner of said government lot; thence easterly at right angles from said west line of Government Lot 1 a distance of 856.3 feet; thence easterly 196.11 feet along a 6 degree tangential curve to the right having a central angle of 11 degrees 46 minutes; thence southeasterly tangent to said curve 52.2 feet; thence easterly 158.3 feet along a 6 degrees tangential curve to the left having a central angle of 9 degrees 30 minutes and said line there terminating.

Subject to right of the public in Lake Street over the southerly 33 feet of the above described part of Government Lot 1.

Subject to a private easement for roadway purposes over the north 20 feet of the above described Lot 10, as set forth in deed recorded in Book 2116 at page 64.



PROPOSED LOT INFORMATION	
LOT AREA INFORMATION	
Lot 1:	20,780 sq.ft./0.477 acres
Lot 2:	4,033 sq.ft./0.093 acres
Lot 3:	28,551 sq.ft./0.655 acres
ROW:	4,436 sq.ft./0.102 acres

- Site Address:** 253 Lake Street East, Wayzata, Minnesota 55391
- Flood Zone Information:** This property appears to be in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0307F effective date of November 4th, 2016.
- Parcel Area Information:**

Gross Area:	57,954 s.f.	~ 1.330 acres
R/W Area:	3,547 s.f.	~ 0.081 acres
Wet Area:	14,382 s.f.	~ 0.330 acres
Net Area:	40,025 s.f.	~ 0.919 acres
- Benchmark:** Elevations are based on:
 - Top of top nut of first fire hydrant on the south side of Lake Street East west of site: Elevation = 938.42 feet
 - Top of top nut of first fire hydrant on the northside of Lake Street East east of site: Elevation = 938.37 feet.
- Zoning Information:** The current Zoning for the subject property is C-4A (Limited Central Business District) per the City of Wayzata's zoning map. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of February 15th, 2017 and are as follows:

Setbacks: The following minimum requirements shall be observed in a "C-4A" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

Height. No building shall be erected or structurally altered to exceed two (2) stories and thirty (30) feet in height, whichever is lesser.

Setbacks. There shall be no front yard, exterior side yard or rear yard requirements, except that there shall be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback shall be the same as the setback for the adjacent district.

Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be 2.0.

Area. The minimum total lot area shall be twelve thousand (12,000) square feet.
- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.
- Wetland(s) shown hereon is (are) per field location of stakes as set by others.

DEVELOPER

Ventana, LLC
1907 Wayzata Blvd, #250
Wayzata, MN 55391
Attn: Traci Tomas
Tel: 952-746-4137
Email:
Tomas@continentalpropertygroup.com

ENGINEER/LAND SURVEYOR

Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391
Engineer: Dan Schmidt
Email: Schmidt@sathre.com
Land Surveyor: David Pemberton
Email: Pemberton@sathre.com
Tel: 952-476-6000

FIELD CREW	NO.	BY	DATE	REVISION
ALL				
DRAWN				
EMW				
CHECKED				
DBP				
DATE				
2-12-18				

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

Signed this 12th day of June, 2018.

David B. Pemberton, PLS
pemberton@sathre.com

Minnesota License No. 40344

ENGINEERS
DESIGNERS
SURVEYORS
PLANNERS

SATHRE-BERGQUIST, INC.

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

TWP:117-RGE.22-SEC.06
Hennepin County

**WAYZATA,
MINNESOTA**

Preliminary Plat

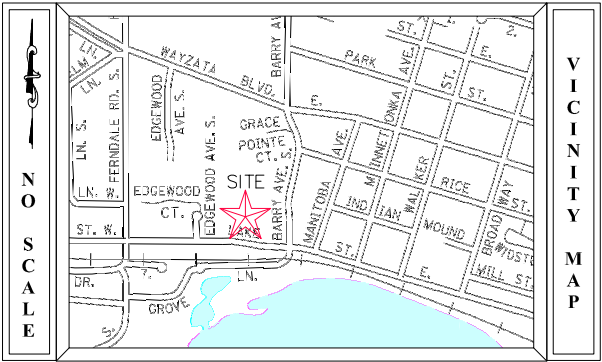
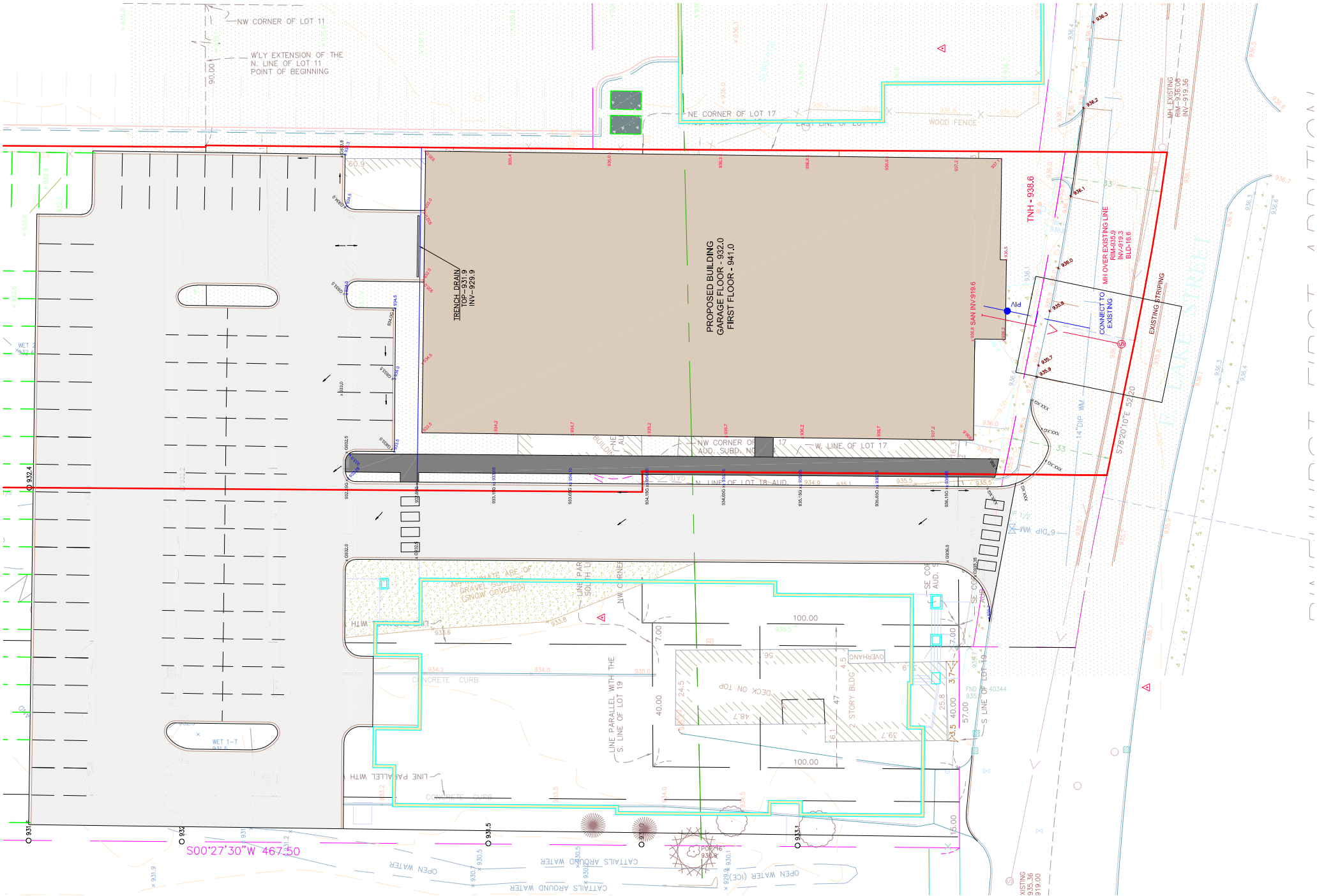
of:

VENTANA LLC.

FILE NO.
94818-001

1

1



SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING SETBACK BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
DRAINAGE WHOLESALE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MAINHOLE		
FLARED END SECTION WRAP-UP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MAINHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
FENCE AND FILTER LOG		
TREE PRESERVATION FENCE		
BARRICADE		
SPOT ELEVATION		
TBC SPOT ELEVATION		
UTILITY POLE		
LIGHT POLE		
HANDICAP PARKING SPACE		

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	OWNER VENTANA, LLC 1507 Wayzata Blvd, Suite 250 WAYZATA, MN 55391 CONTACT: TRACI TOMAS PHONE: (952) 746-4137

SPOT ELEVATION LEGEND	
x GXXX.X	PROPOSED GUTTER ELEVATION
x XXX.X	PROPOSED TOP BACK OF CURB
x XXX.X	EXISTING TOP BACK OF CURB
x XXX.X	FINISHED BUILDING GRADE

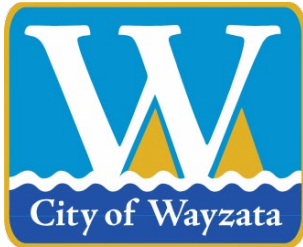
- POLLUTION PREVENTION MANAGEMENT**
- All solid waste must be disposed of off-site per the MPCA disposal requirements.
 - All hazardous waste must be properly stored with restricted access to storage areas to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with the MPCA regulations.
- UTILITY NOTES**
- Bring watermain into proposed building and cap at floor.
 - Verify all service locations and inverts with mechanical engineer before construction.
 - All watermain to have a minimum of 7.5' of cover.
 - All sewer services to extend to a point 5' from proposed building.

- 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 a 24-hour period.
 - 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 are nonfunctional or the sediment reaches $\frac{1}{2}$ 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.

- GRADING NOTES**
- All elevations shown are to finished grade.
 - Contractor is responsible for obtaining a NPDES General Stormwater Permit before construction begins.
- EROSION CONTROL NOTES**
- Contractor is responsible for all notifications and inspections required by NPDES Permit.
 - All erosion control measures shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
 - Sweep paved public streets as necessary where construction sediment has been deposited.
 - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity has ceased.
 - Temporary soil stockpiles must have silt fence around them and cant be placed in stormwater conveyance routes.
 - Excess concrete/water from concrete trucks shall be disposed in a concrete basin or in a contained area.
 - Spring/Summer temporary turf establishment: seed shall be MNDOT Mix 21-111 @ 100 lbs/acre and mulch shall be MNDOT type 1.

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

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City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7h
TITLE: Consider Approval of Plans and Authorization to Solicit Public Bids for the Rehabilitation of the Water Tower, located at 403 Gardner Street East	
PROPOSED MOTION: To Approve Plans and Authorize Solicitation of Public Bids for the Rehabilitation of the Water Tower, located at 403 Gardner Street East	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the plans and authorization of staff and Short Elliott Hendrickson, Inc. (SEH) to solicit bids through a formal public bidding process for the rehabilitation of the water tower, located at 403 Gardner Street East.

FINANCIAL OR BUDGET CONSIDERATION:

This project is proposed to be funded from the Water Capital Improvement fund for 2018. The project construction is estimated at \$556,000. The Water CIP currently has \$646,700 programmed for the design, inspection, and implementation of this project.

BACKGROUND:

In 2014, the City hired SEH to perform an interior and exterior evaluation of the water tower, located at 403 Gardner Street East. At that time, their report suggested that the City could get by with minor exterior painting maintenance, until a full reconditioning of the tower was warranted. At this time, full reconditioning of the tower is warranted.

The last time the water tower was completely reconditioned was in 2001. This project will include a complete replacement of both the interior and exterior painted surfaces, as well as a few minor structural components that will bring the tower into compliance with OSHA standards.

The project is proposed to begin in mid-May, after the City's annual hydrant flushing, with substantial completion around Labor Day.

ATTACHMENTS:

1. Draft Advertisement for Bid
2. 100% Plan Set

ADVERTISEMENT FOR BIDS

**Water Storage Tanks Rehabilitation –
City of Wayzata, Minnesota
SEH No. WAYZA 145947**

Notice is hereby given that sealed Bids will be received by the Director of Public Works until 2:00 p.m., **December XX, 2018**, at the Public Works located at 299 Wayzata Boulevard, Wayzata, MN 55391, at which time they will be publicly opened and read aloud, for the furnishing of all labor and material for the rehabilitation of the Gardner 500,000 Gallon elevated storage tank.

Major components of the Work include: Rehabilitation of a 500,000 gallon water tower to include interior and exterior coating replacement and appurtenance modifications and repairs.

Bids shall be on the form provided for that purpose and according to the Bidding Requirements prepared by Short Elliott Hendrickson Inc. (SEH®) dated November 14, 2018.

The Bidding Documents may be seen at the Issuing Office of Short Elliott Hendrickson Inc. located at 3535 Vadnais Center Drive, St. Paul, MN 55110-5196, 651.490.2000.

The Bidding Documents may be viewed for no cost at <http://www.sehinc.com> by selecting the Project Bid Information link at the bottom of the page and the View Plans option from the menu at the top of the selected project page.

Digital image copies of the Bidding Documents are available at <http://www.sehinc.com> for a fee of \$30. These documents may be downloaded by selecting this project from the PROJECT BID INFORMATION link and by entering **eBidDoc™ Number** on the SEARCH PROJECTS page. For assistance and free membership registration, contact QuestCDN at 952.233.1632 or info@questcdn.com.

Paper copies of the Bidding Documents may be obtained from Docunet Corp. located at 2435 Xenium Lane North, Plymouth, MN 55441 (763.475.9600) for a fee of \$70.

A pre-Bid conference will not be held for this project.

Bid security in the amount of five (5) percent of the Bid must accompany each Bid in accordance with the Instructions to Bidders.

A Contractor responding to these Bidding Documents must submit to the City/Owner a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in Minnesota Statutes, section 16C.285, subdivision 3.

Bids shall be directed to the Director of Public Works, securely sealed and endorsed upon the outside wrapper, "BID FOR WATER STORAGE TANK REHABILITATION – GARDNER WATER TOWER, WAYZATA, MN, SEH NO. WAYZA 145947."

The Owner reserves the right to reject any and all Bids, to waive irregularities and informalities therein and to award the Contract in the best interests of the Owner.

Michael H. Kelly, Jr., P.E.
City Engineer / Director of Public Works
City of Wayzata, MN

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PROJECT LOCATION

NOTE: DRIVEWAY TO TANK IS PRIVATE DRIVE AND MUST REMAIN OPEN TO PROPERTY OWNER AT ALL TIMES.



3535 VADNAIS CENTER DR
ST PAUL, MN 55110
PHONE: 651.490.2000
FAX: 651.490.2150
WEBSITE: 800.325.2055
sehinc.com

SEH FILE NO.
CITY PROJECT NO.
ISSUE DATE
DESIGNED BY
DRAWN BY

WAYZA145947
07-11-18
CW
RWF

Short Elliott Hendrickson, Inc. © (SEH)

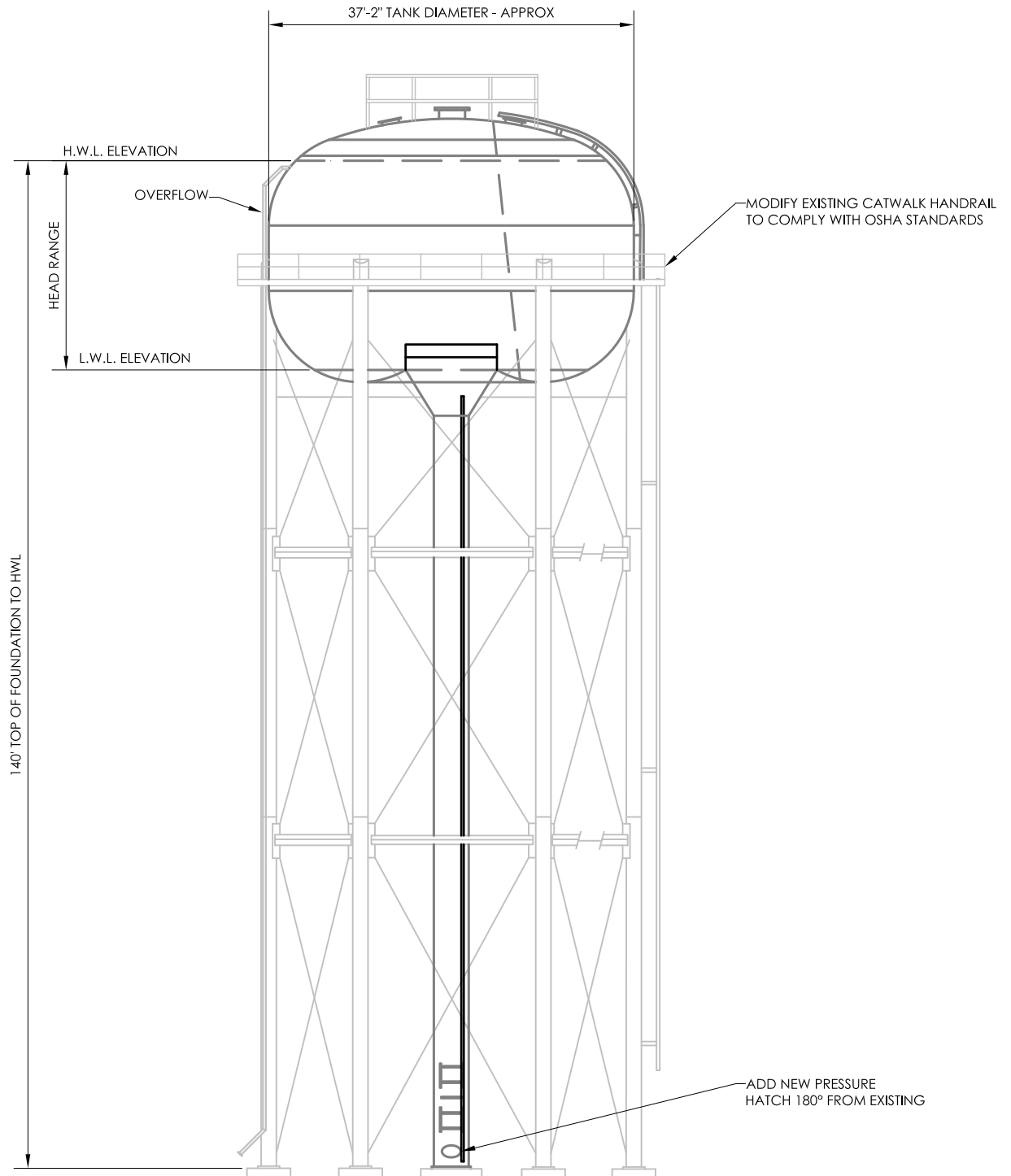
WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
PROJECT LOCATION
MAP

DRAWING NO.

T1

SEE SECTION 33 16 40 FOR INSTRUCTION REGARDING TANK MODIFICATIONS.
SEE SECTION 09 91 50 AND 09 97 13 FOR COATINGS GUIDANCE.



TYPICAL ELEVATION

(SOME ITEMS HAVE BEEN ROTATED INTO THE PLANE OF PROJECTION FOR CLARITY)



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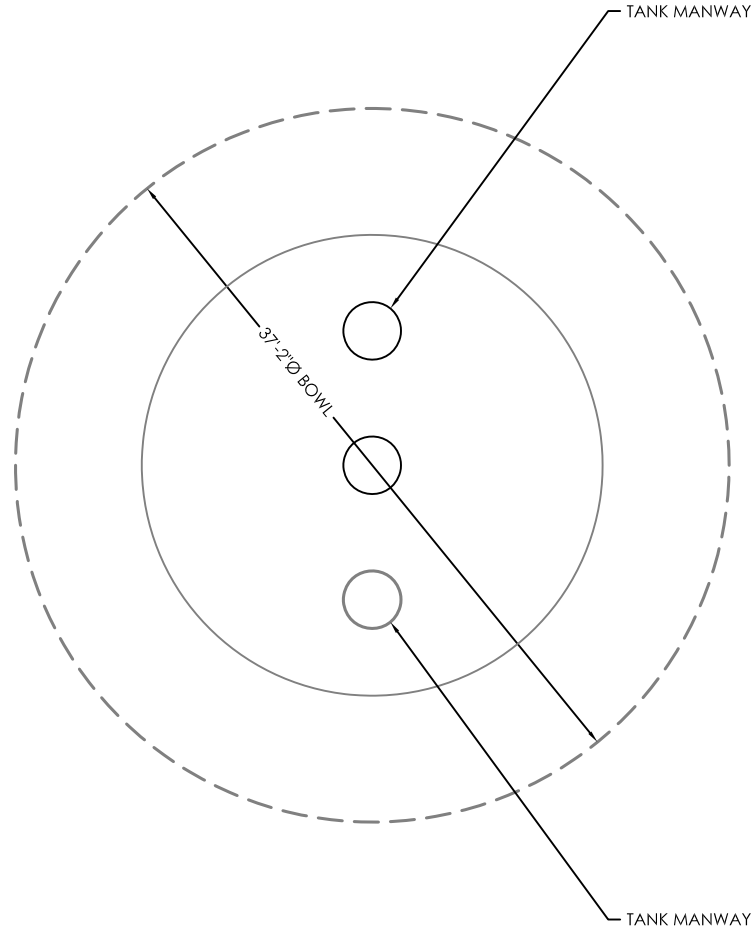
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WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
TANK ELEVATION

DRAWING NO.

P1



TANK ROOF ORIENTATION PLAN

ORIENTATION SHOWN ABOVE ARE INTENDED TO REPRESENT THE SCOPE OF THE PROJECT - CONFIRM LOCATIONS IN FIELD.



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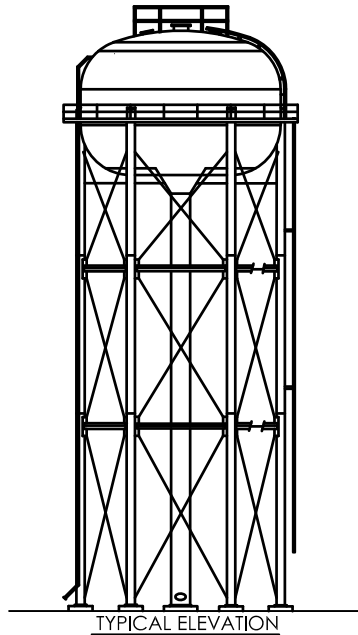
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WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
TANK ROOF PLAN

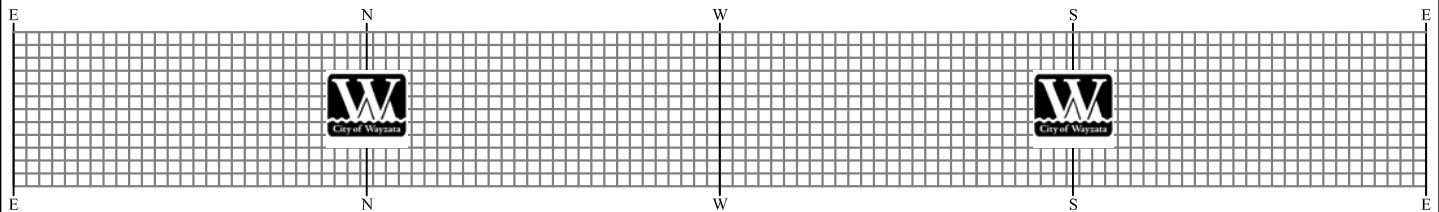
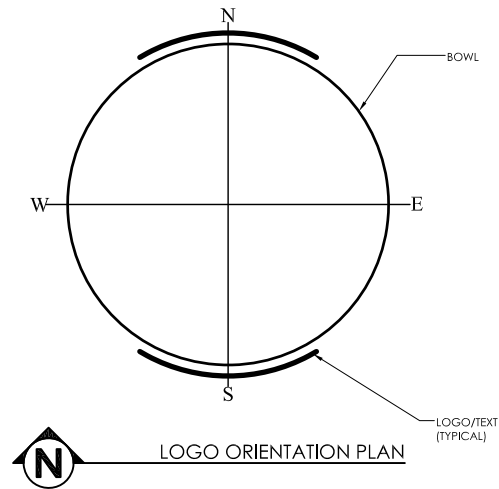
DRAWING NO.

P2



GENERAL NOTES:

1. DIMENSIONS SHOWN ARE BASED UPON A BOWL DIAMETER OF 50'
2. FONT IS CITY BLUE PRINT BOLD, COLOR TBD
3. CONTRACTOR SHALL VERIFY LETTERING STYLE, COLORS AND ORIENTATION WITH OWNER AND ENGINEER PRIOR TO PAINTING.



TEXT/LOGO ORIENTATION DEVELOPMENT

EACH SQUARE = TWO (2) FEET



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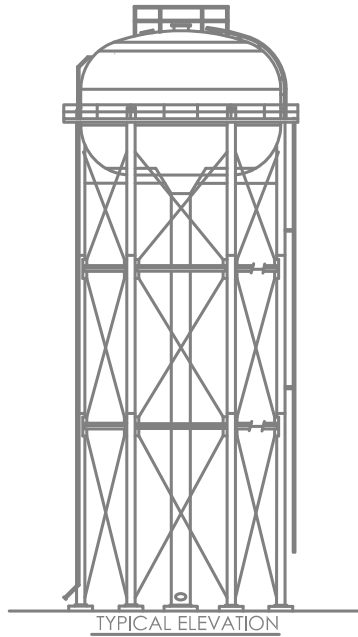
Short Elliott Hendrickson, Inc. (SEH)

WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
LOGO ORIENTATION

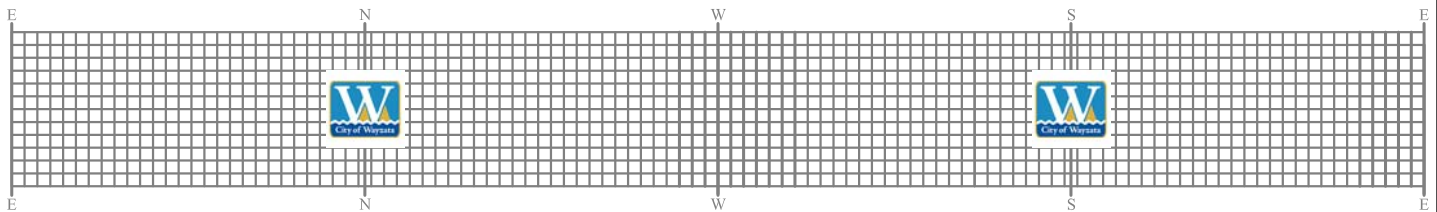
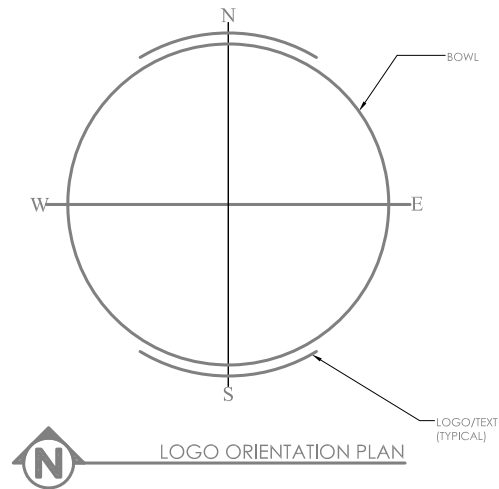
DRAWING NO.

P3



GENERAL NOTES:

1. DIMENSIONS SHOWN ARE BASED UPON A BOWL DIAMETER OF 50'
2. FONT IS CITY BLUE PRINT BOLD, COLOR TBD
3. CONTRACTOR SHALL VERIFY LETTERING STYLE, COLORS AND ORIENTATION WITH OWNER AND ENGINEER PRIOR TO PAINTING.



TEXT/LOGO ORIENTATION DEVELOPMENT

EACH SQUARE = TWO (2) FEET



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ISSUE DATE
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DRAWN BY

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**WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA**

SHEET TITLE
ALTERNATE LOGO
ORIENTATION

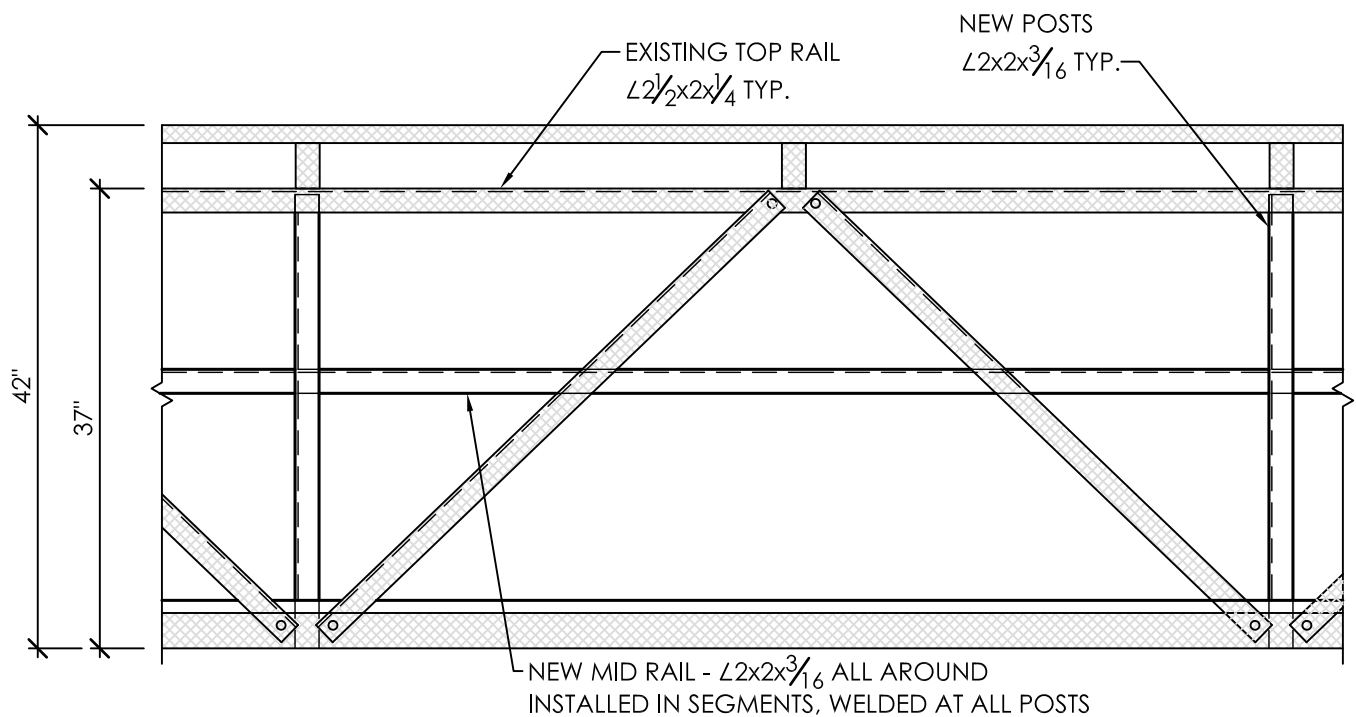
DRAWING NO.

P4

NOTE:

CONTRACTOR SHALL VERIFY ALL DIMENSIONS, FIELD CONDITIONS, AND CONSTRUCTABILITY OF INSTALLATION SHOWN PRIOR TO BIDDING.

NEW
EXISTING



BALCONY GUARDRAIL ELEVATION

DESIGN CRITERIA:

DESIGN LOADS: LIVE LOADS: 200 POUNDS TOP RAIL AND POST; 150 POUNDS MID RAIL



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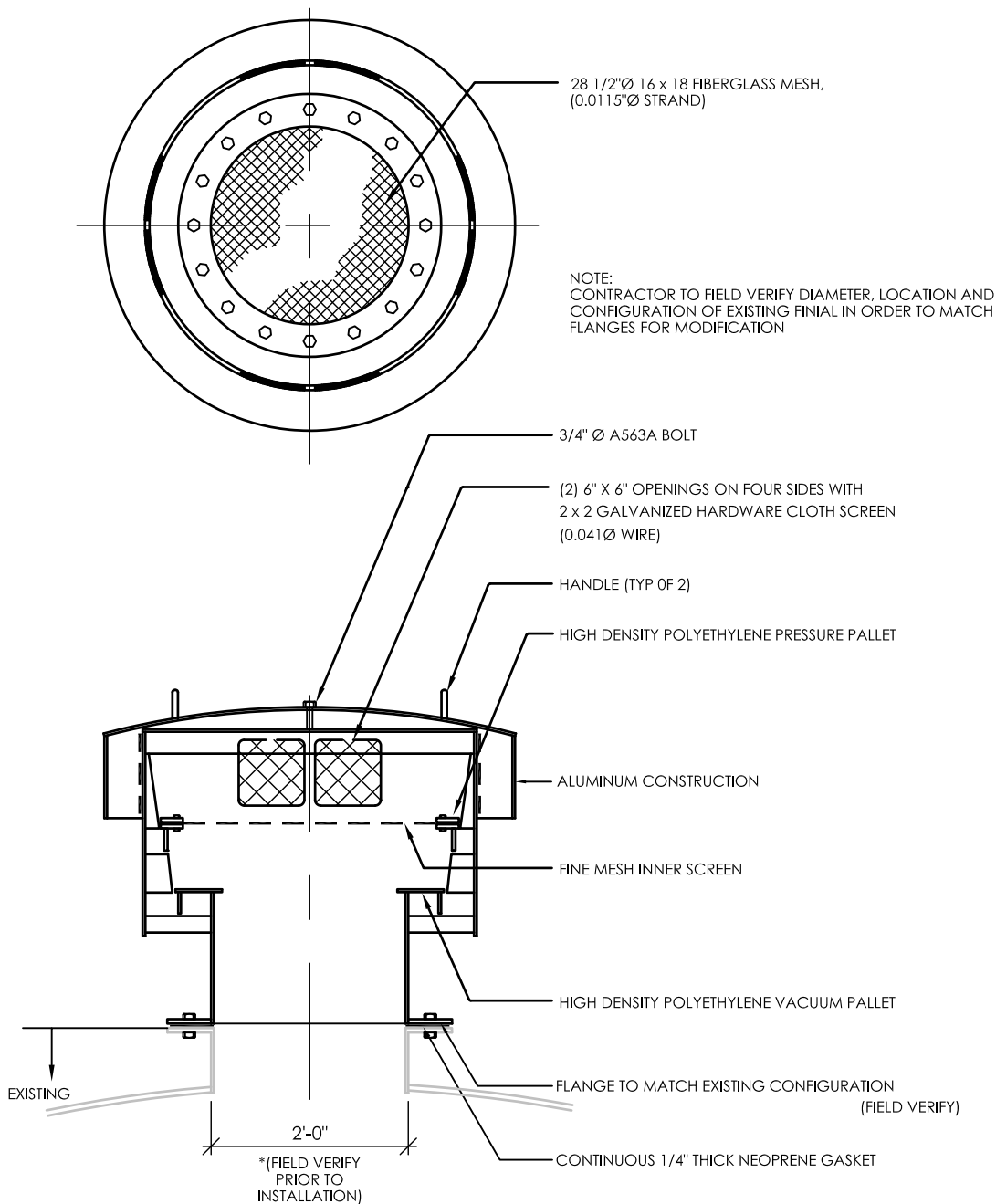
WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
CATWALK HANDRAIL
MODIFICATIONS

DRAWING NO.

D2

Page 190 of 422



* FURNISH AND INSTALL NEW FLANGED
SECTION IF EXISTING FLANGE IS NOT
COMPATIBLE WITH PROPOSED VENT

NOTES:

1. MATERIAL AND CONSTRUCTION SIMILAR TO CBI PART
CG117 - NO EXCEPTIONS
2. CONTRACTOR TO NOTIFY ENGINEER FOLLOWING
VERIFICATION IF INSTALLATION
WILL INTERFERE WITH OPERATION OF EXISTING EQUIPMENT
OR HATCHES.



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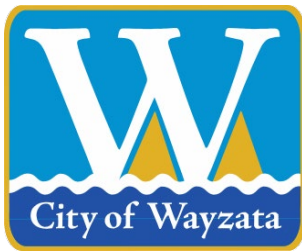
WEST GARDNER WATER
STORAGE TANK
REHABILITATION
FOR
WAYZATA, MINNESOTA

SHEET TITLE
FROST-FREE ROOF VENT
DETAIL

DRAWING NO.

D3

Page 191 of 422



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 7i
TITLE: Approval of Second Reading of Ordinance No. 786 Amending the Fire Prevention Code	
PROPOSED MOTION: To Adopt the Second Reading of Ordinance No. 786	
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 ordinance amendment.

FINANCIAL OR BUDGET CONSIDERATION:

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

BACKGROUND:

At its meeting on November 7th, the City Council adopted the first reading of an ordinance amending the City's fire prevention code. The draft ordinance amendment would adopt the standards provided in the State fire code for fires or barbeque grills on balconies and patios of multi-family residential buildings.

The draft ordinance 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 on November 7th.

ATTACHMENTS:

1. Draft Ordinance 786

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 786

**AN ORDINANCE AMENDING CHAPTER 804 (FIRE PREVENTION CODE), OF THE
WAYZATA CITY CODE**

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment. Section 8 of Chapter 804 of the Wayzata City Code (Fire Prevention Code) is hereby amended to add paragraph “K” as follows (underlined text added):

K. Fires or Barbecues on Balconies or Patios. The City hereby adopts Appendix K of the Minnesota State Fire Code in its entirety, which states as follows:

1. **Open Flame Prohibited.** In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of a structure.
2. **Fuel Storage Prohibited.** No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in Section 804.08.K.1.

Exception: Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the chief.

Section 2. Effective Date.

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

Adopted by the City Council this 20th day of November, 2018.

Ken Willcox
Mayor

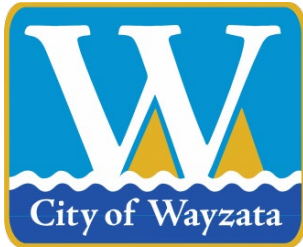
ATTEST:

Jeffrey Dahl
City Manager

First Reading: November 7, 2018

Second Reading: November 20, 2018

Publication:



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 8a
TITLE: Consider Resolution 65-2018 Amending Lake Street Design	
PROPOSED MOTION: To Adopt Resolution 65-2018 Amending Design Scope of Lake Street and Lake Street Plaza	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends adoption of one of the two attached draft resolutions.

FINANCIAL OR BUDGET CONSIDERATION:

The City's Capital Improvements Plan (CIP) allocates present and future funds for the Lake Street and Lake Street Plaza Improvements. While the anticipated "all-in" costs are projected to be over \$4 Mil, staff will have more refined estimates once the design development is complete. There should not be a significant difference in cost among the design alternatives.

BACKGROUND:

At its October 16 Meeting, the City Council approved a \$20,000 change order request from Civitas, the design consultant for the Lake Effect Project to create several design alternatives for Lake Street. The objective of the request was to try to come up with options that would effectively consider the following questions:

1. Further explore rebalancing Lake Street
 - Has too much space been shifted to bikes and pedestrians?
 - Can Lake Street retain some of its current traffic functions, while still enhancing the pedestrian experience?
 - Can diagonal parking be added to Lake Street to mitigate the spaces lost in the municipal lot?
2. Are the Tivoli lights and their associated poles right for Wayzata?
3. How will the memorial plaza be incorporated into the design of the Lake Street Plaza?

This change order request came after several months of the City receiving significant feedback regarding the approved plans.

In addition to a more detailed presentation at the work shop prior to the regular meeting, Civitas will be present to go over the attached design alternatives for Lake Street and next steps. Because the City previously approved the Lake Street design via Resolution 30-2018, if it wants to make any significant adjustments, it should consider adoption of a resolution that amends the design.

Staff has drafted two potential resolutions for consideration:

- Option #1 (widen drive aisle/consolidate bike lane); and
- Option #4 (consolidate bike lane/add diagonal parking on 600 block) based on the Civitas presentation.

ATTACHMENTS:

1. Draft Resolutions
2. Lake Street Design Alternatives Presentation by Civitas, November 2018



WAYZATA LAKE EFFECT CIVITAS



core values

make it about the lake experience

make it safe and connected

make it environmentally sensitive

make it for all community members

REQUESTED DESIGN UPDATES

1. Further explore rebalancing Lake Street

- Has too much space been shifted to bikes and pedestrians?
- Can Lake Street retain some of its current traffic functions, while still enhancing the pedestrian experience?
- Can diagonal parking be added to Lake Street to mitigate the spaces lost in the municipal lot?

2. Are the Tivoli lights and their associated poles right for Wayzata?

3. How will the memorial plaza be incorporated into the design of the Lake Street Plaza?



REBALANCING LAKE STREET

WHAT MAKES A GREAT MAIN STREET?



A BALANCE BETWEEN PEDESTRIANS & CARS



VIBRANT RETAIL THAT SPILLS INTO THE STREET



AMENITIES THAT ENTICE USERS TO LINGER



CAN BECOME A PLACE UPON ITSELF



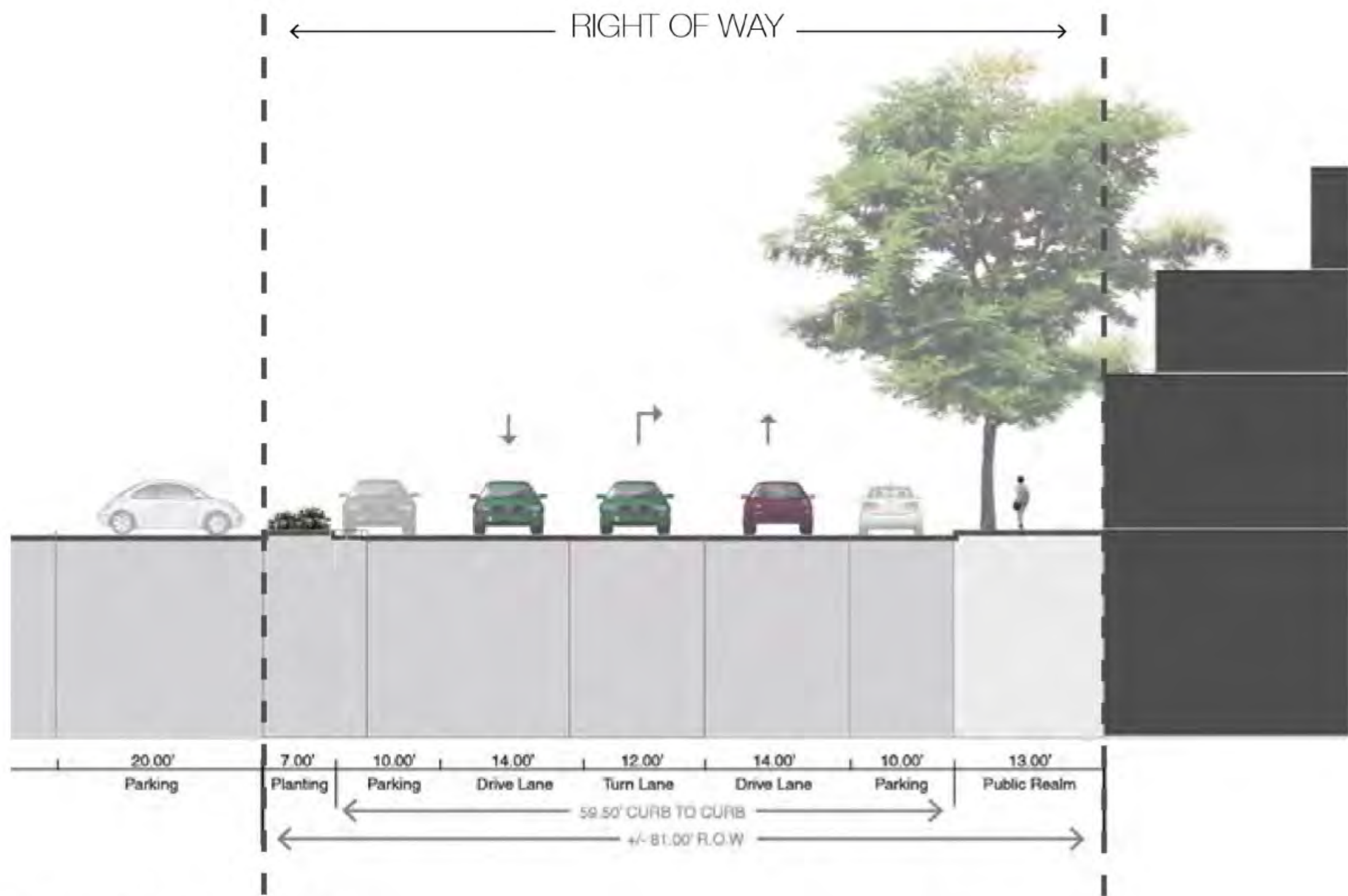
AND A PART OF THE COMMUNITY BRAND

LAKE STREET SECTIONS

Broadway Ave. to Walker Ave.

DESIGN GOALS

- Enhance the public realm width on the North side to allow for outdoor dining and walking between Walker Ave. and Broadway Ave.
- Accommodate a safe bike facility.
- Treat stormwater runoff in an environmentally sensitive design
- Enhance the Lake experience for all modes of travel; pedestrians, bikes, and cars.

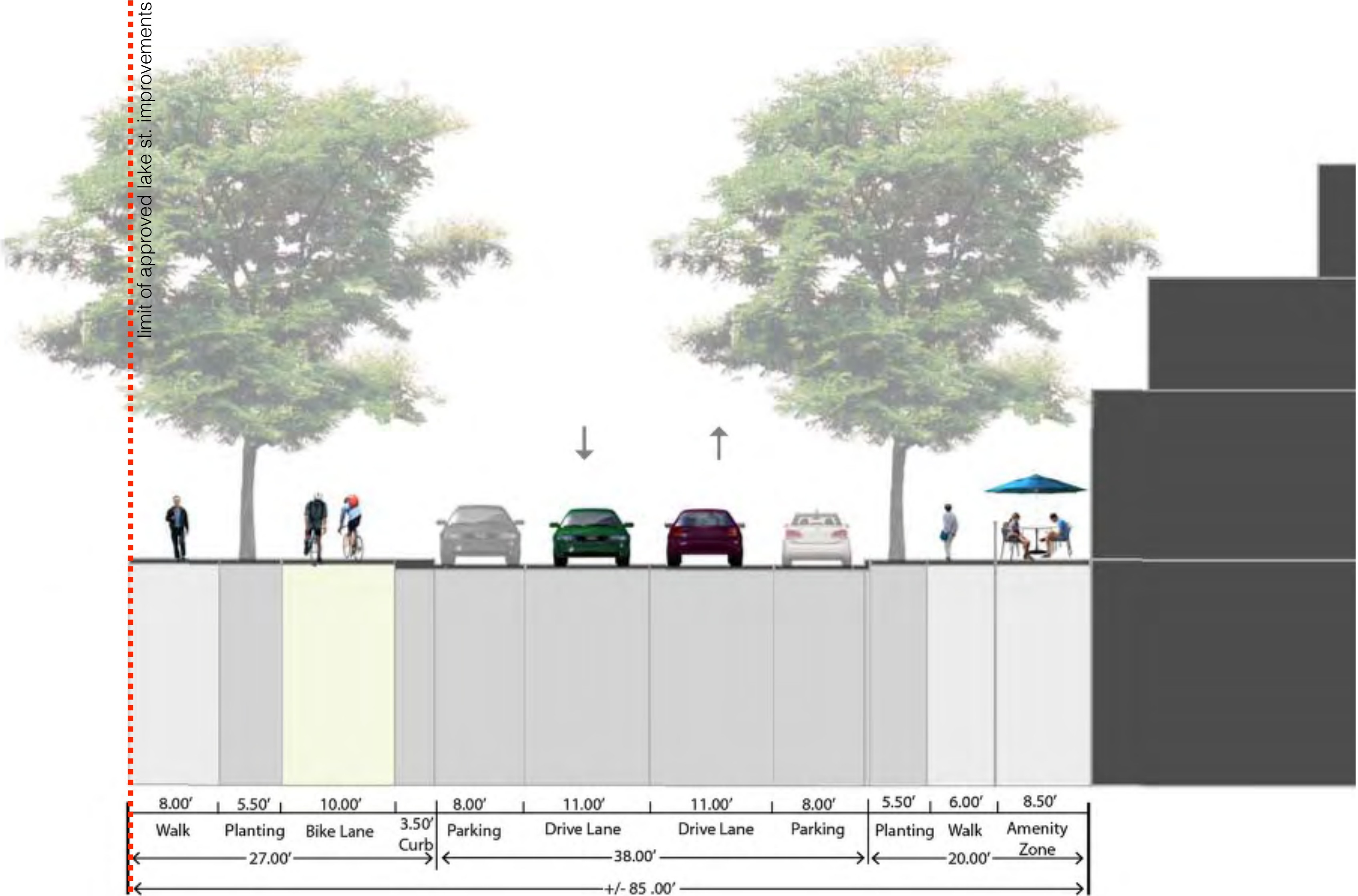


Existing Section



LAKE STREET - CURRENT

2 travel lanes | parallel parking on both sides | turn pockets at broadway & barry



LAKE STREET - CURRENT

2 travel lanes | parallel parking on both sides | turn pockets at broadway & barry

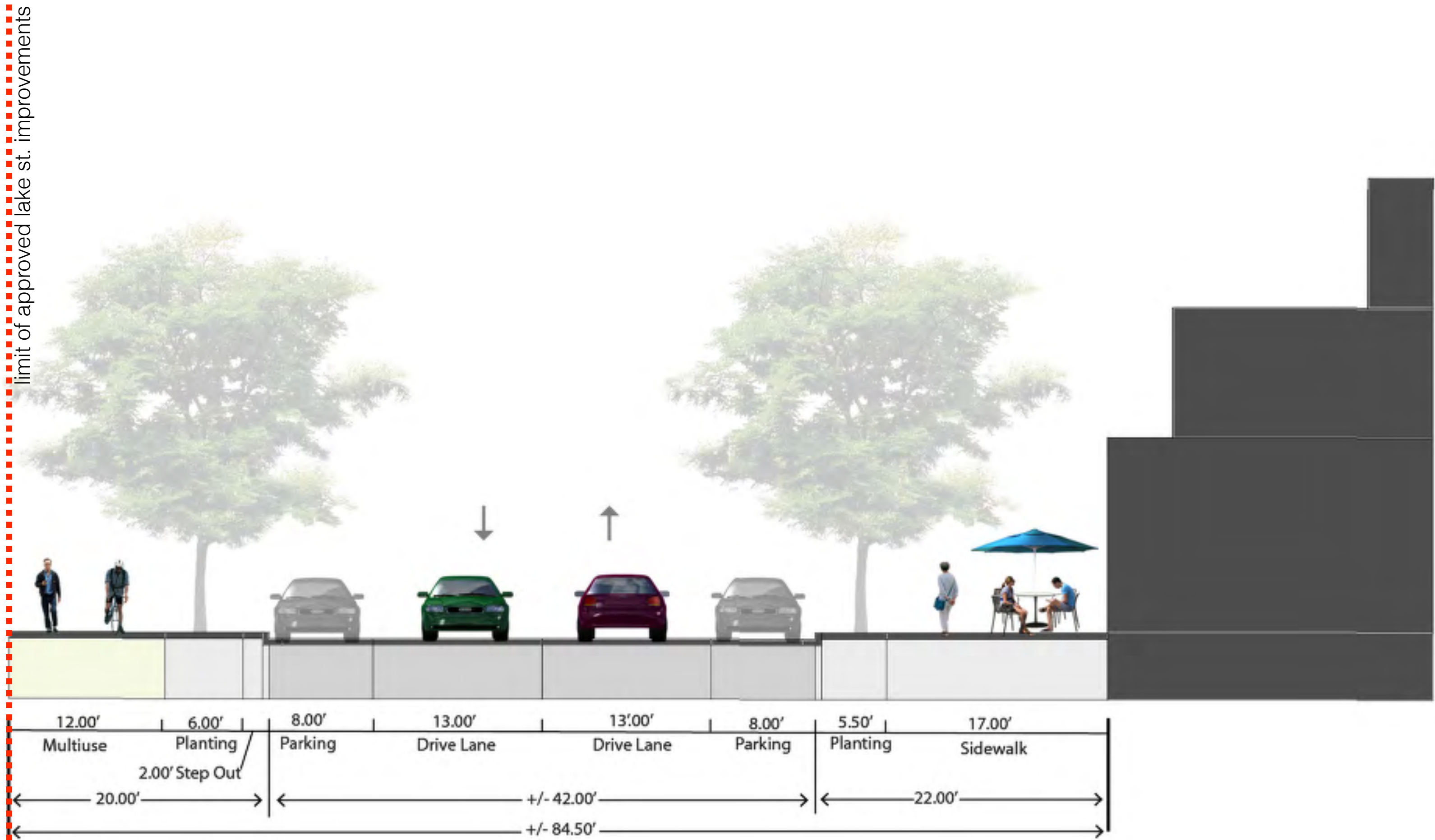


LAKE STREET - OPTION 1

expanded travel lanes to 13' | parallel parking on both sides | 12' multi-use path

NOTES

- = maintains same lake street plaza area as current design
- = provides drive lane that are 2' wider
- = mixes bikes and pedestrians
- = provides step-out zone adjacent to roadway/planting on south side of lake st. (allows people who park to walk between the car and the planter)
- = enables water quality along south side of lake street



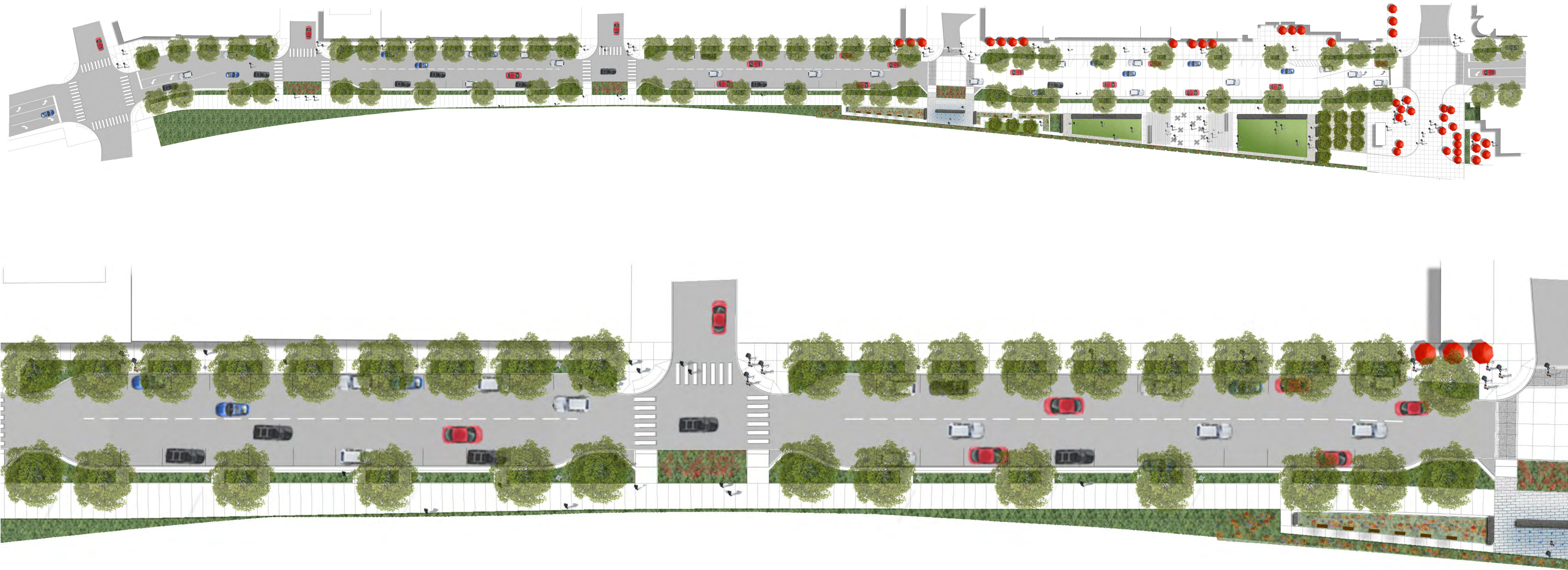
LAKE STREET - OPTION 1

expanded travel lanes to 13' | parallel parking on both sides | 12' multi-use path



LAKE STREET - OPTION 1

expanded travel lanes | parallel parking on both sides | multi-use path



LAKE STREET - OPTION 1

OPPORTUNITIES

=

- expands drive lanes

=

- maintains lake st. plaza as originally conceived

=

- provides safe bicycle access into downtown

=

- provides step-out zone adjacent to roadway/planting

=

- enables water quality along south side of lake street

CONSTRAINTS

=

- mixes bikes and pedestrians

=

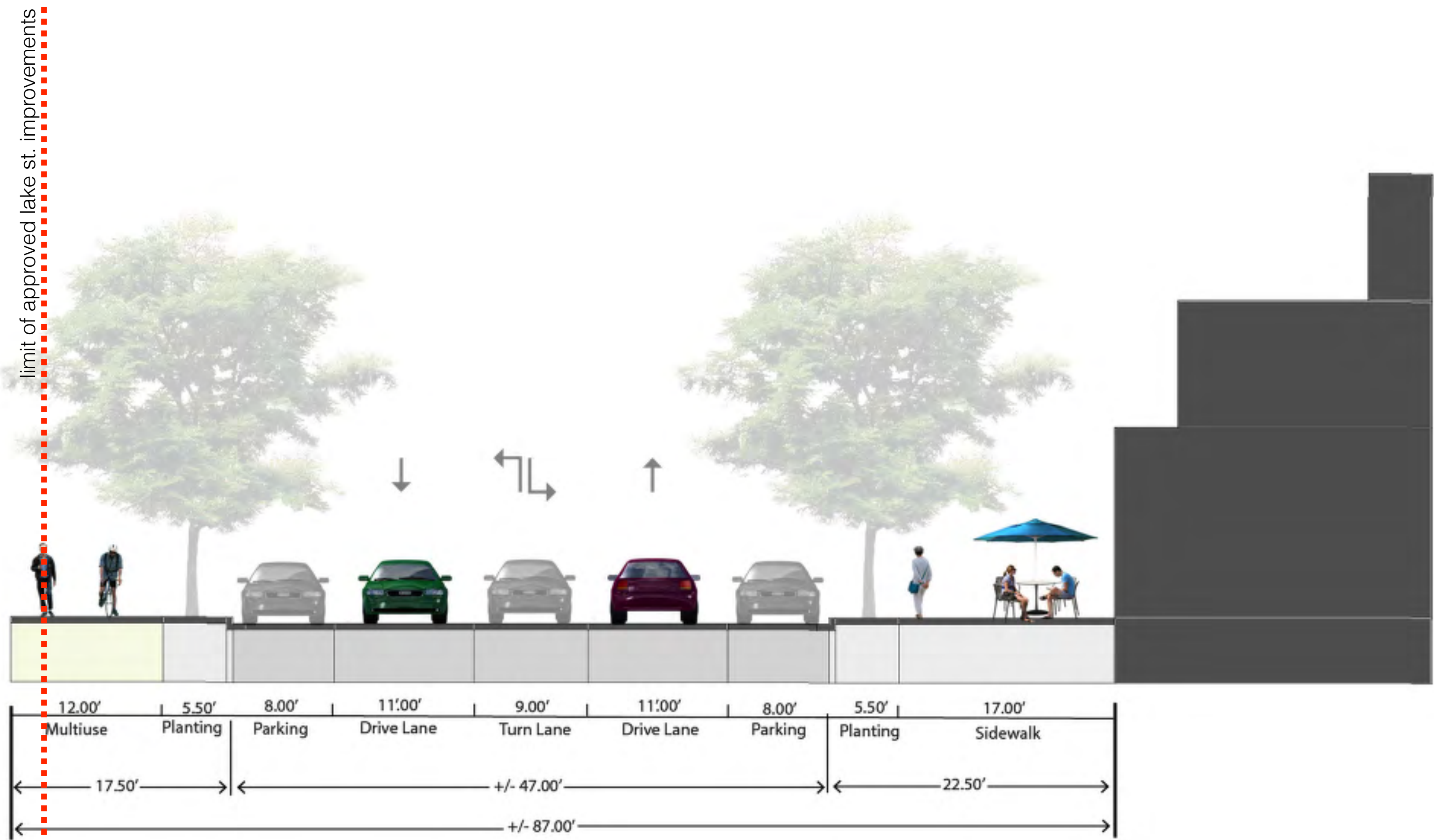
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LAKE STREET - OPTION 2

travel lanes w/ narrow turn lane | parallel parking on both sides | multi-use path

- NOTES
- = provides a continuous center turn lane
 - = reduces lake st. plaza width by 3'
 - = mixes bikes and pedestrians south of lake st.
 - = does not provide step-out zone adjacent to roadway/planting on south side of lake st. (people would have to walk through the planter)
 - = eliminates water quality along south side of lake street



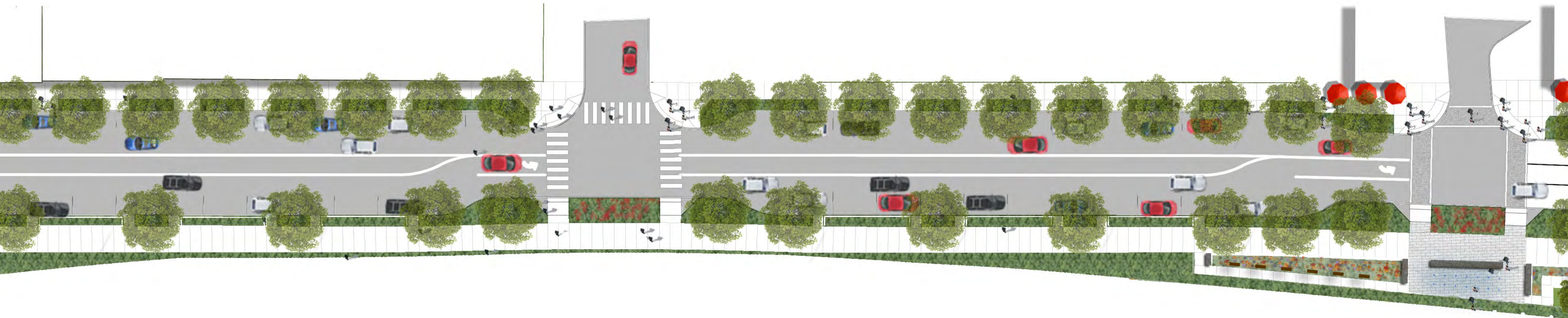
LAKE STREET - OPTION 2

travel lanes w/ narrow turn lane | parallel parking on both sides | multi-use path



LAKE STREET - OPTION 2

travel lanes w/ narrow turn lane | parallel parking on both sides | multi-use path



LAKE STREET - OPTION 2

OPPORTUNITIES

=

- maintains continuous center turn lane

=

- provides safe bicycle access into downtown

=

=

CONSTRAINTS

=

- mixes bikes and pedestrians

=

- reduces lake street plaza area by 3' making the garden rooms on the west end very narrow

=

- eliminates the opportunity for water quality along south side of lake st.

=

- requires access to be provided through the planter

=

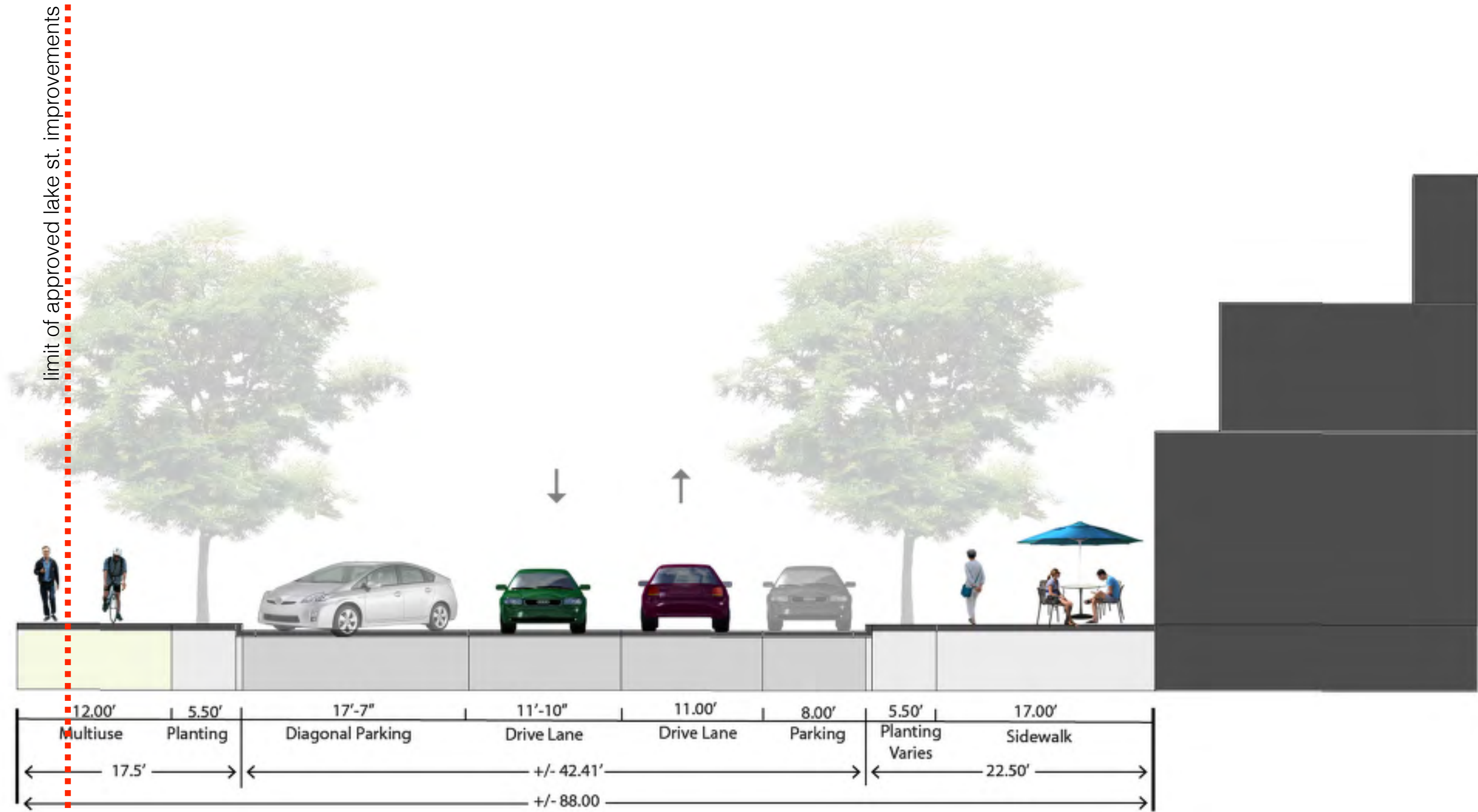
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LAKE STREET - OPTION 3

2 travel lanes | diagonal parking on south side | multi-use path

NOTES

- maximizes parking along lake st.
- provides the minimum lane width necessary to accommodate parking movements
- reduces lake st. plaza width by 4'
- mixes bikes and pedestrians south of lake st.
- does not provide step-out zone adjacent to roadway/planting on south side of lake st. (people would have to walk through the planter)
- eliminates water quality along south side of lake street



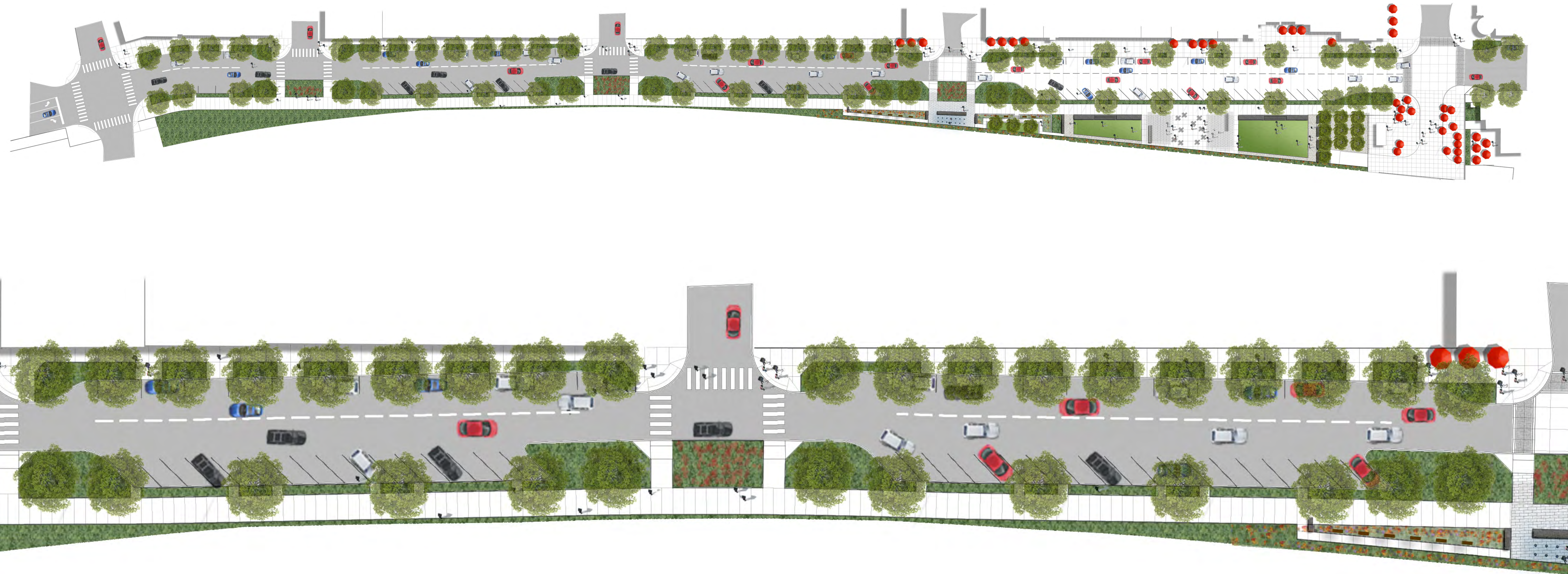
LAKE STREET - OPTION 3

2 travel lanes | diagonal parking on south side | multi-use path



LAKE STREET - OPTION 3

2 travel lanes | diagonal parking on south side | multi-use path



LAKE STREET - OPTION 3

OPPORTUNITIES

=

- maximizes parking, while maintaining currently proposed lane widths

=

- provides 21 additional parking spaces over what was proposed (total gain of 31 parking spaces)

=

- provides safe bicycle access into downtown

CONSTRAINTS

=

- mixes bikes and pedestrians

=

- reduces lake street plaza area by 4' making the garden rooms on the west end very narrow

=

- eliminates the opportunity for water quality along south side of lake st.

=

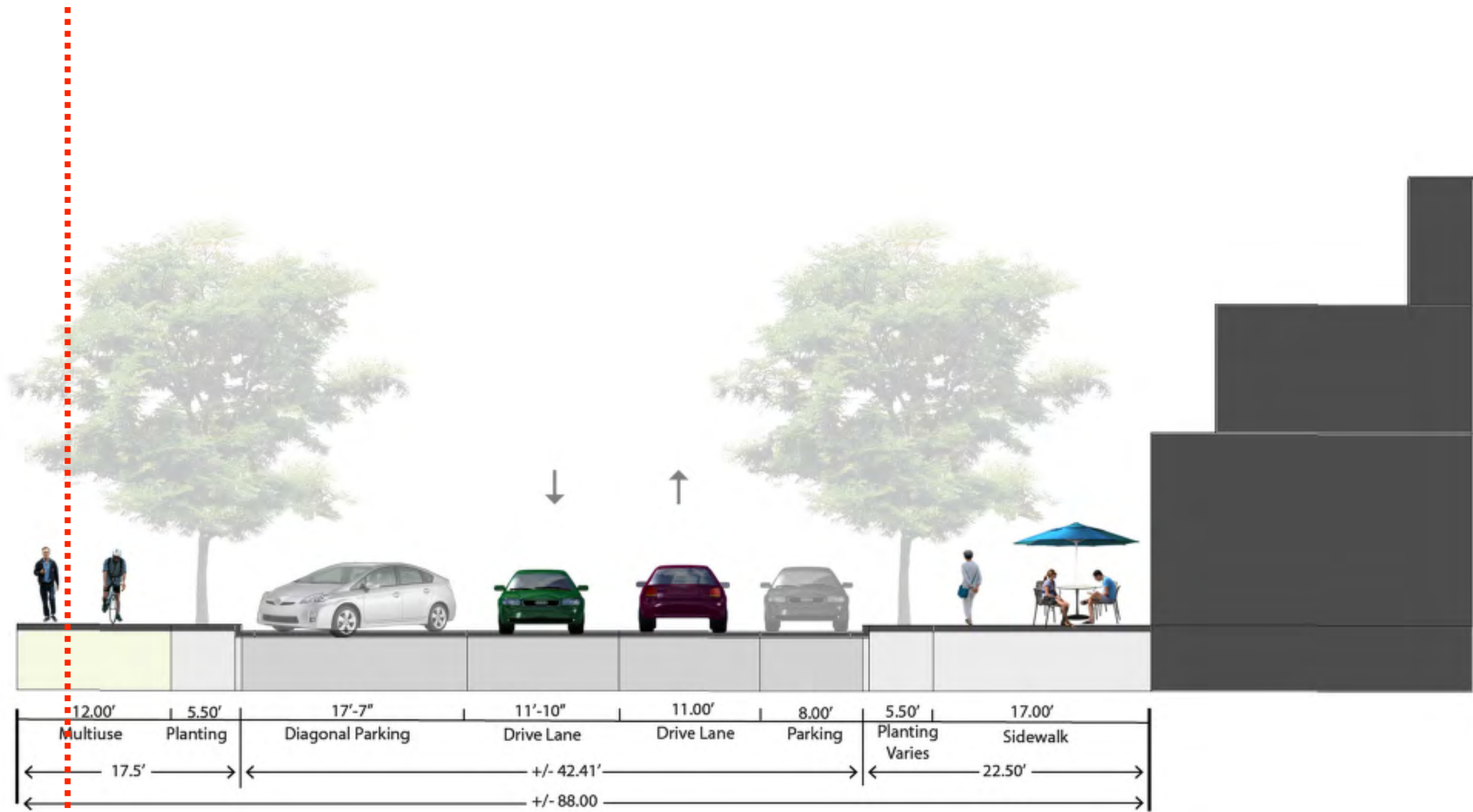
- requires access to be provided through the planter (which is compounded by the additional proposed parking)

LAKE STREET - OPTION 4

2 travel lanes | diagonal parking on south side | multi-use path

NOTES

- maximizes parking along lake st. between walker and Broadway
- provides the minimum lane width necessary to accommodate parking movements
- provides wider (13') drive lanes west of walker
- reduces lake st. plaza width by 4'
- mixes bikes and pedestrians south of lake st.
- does not provide step-out zone adjacent to roadway/planting on south side of lake st. (people would have to walk through the planter)
- eliminates water quality along south side of lake street



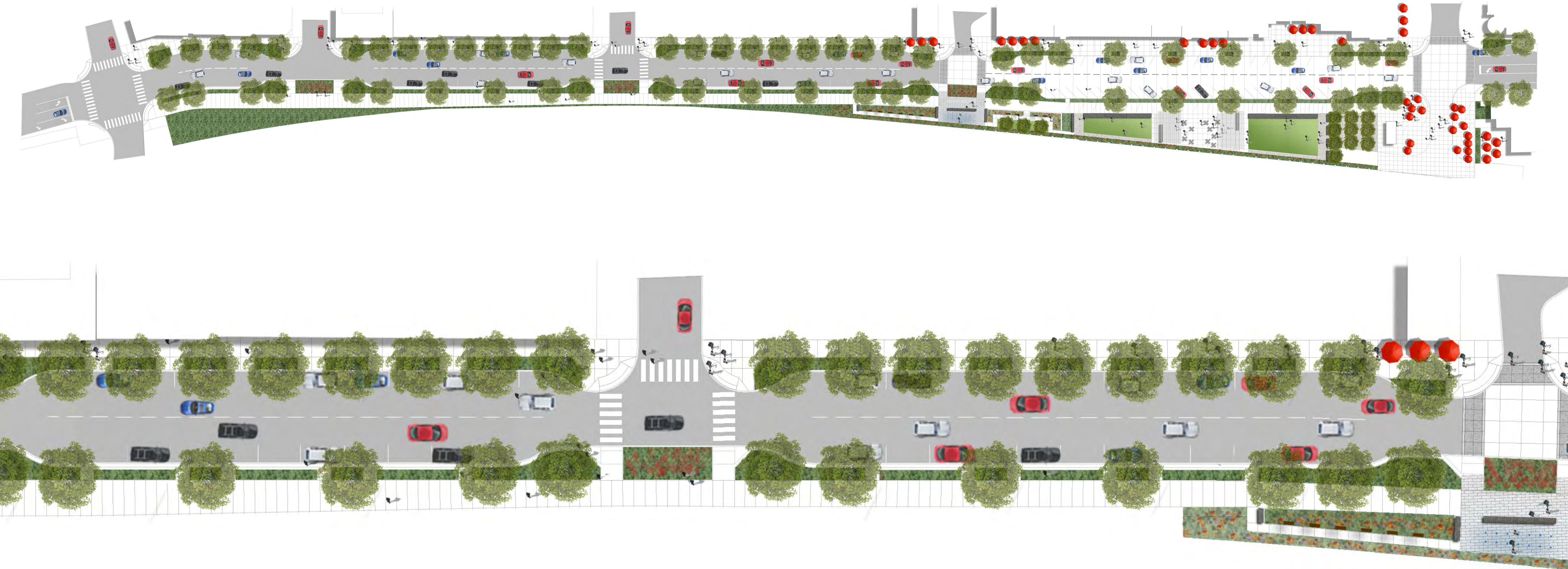
LAKE STREET - OPTION 4

expanded travel lanes | diagonal parking on south side | multi-use path



LAKE STREET - OPTION 4

expanded travel lanes | diagonal parking on south side | multi-use path



LAKE STREET - OPTION 4

OPPORTUNITIES

=

- increases parking, while expanding drive lanes west of walker

=

- provides 11 additional parking spaces over what was proposed (total gain of 21 parking spaces)

=

- provides safe bicycle access into downtown

=

- accommodates wider garden rooms at west end of plaza

=

CONSTRAINTS

=

- mixes bikes and pedestrians

=

- reduces lake street plaza area by 4'

=

- eliminates the opportunity for water quality along south side of lake st. east of walker

=

- requires access to be provided through the planter (which is compounded by the additional parking)

=



option 1 NOTE - lake street plaza design is not impacted by proposed lake st. change



option 2 NOTE - lake street plaza design is slightly narrower, while the garden rooms at the west end become very narrow



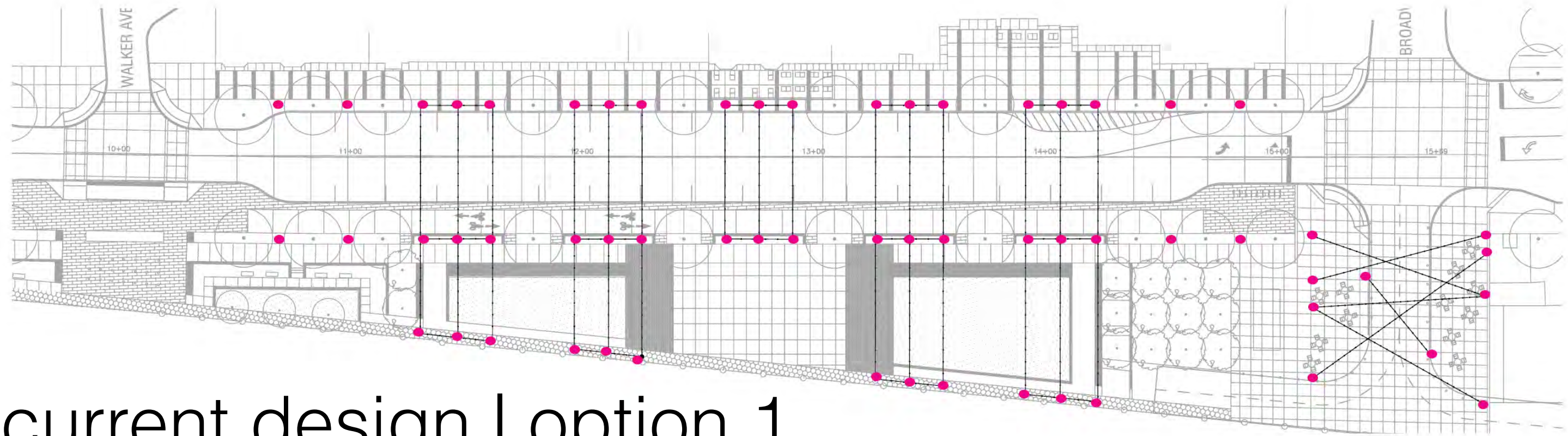
option 3 NOTE - lake street plaza design is slightly narrower, while the garden rooms at the west end become very narrow



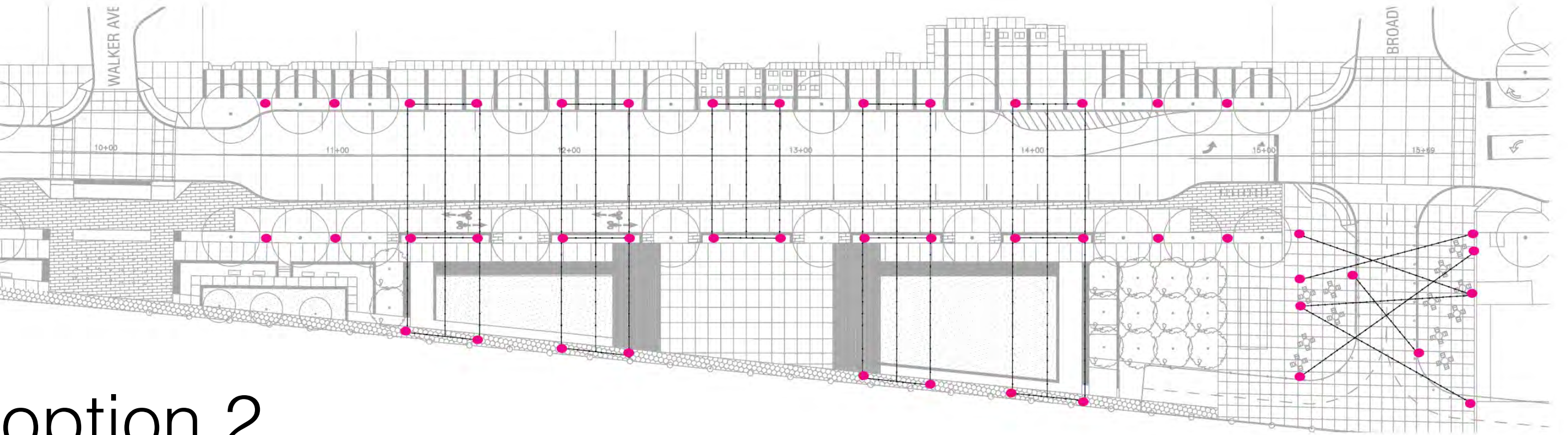
option 4 NOTE - lake street plaza design is slightly narrower, while the shift to parallel parking west of walker reduces the impact to the garden rooms



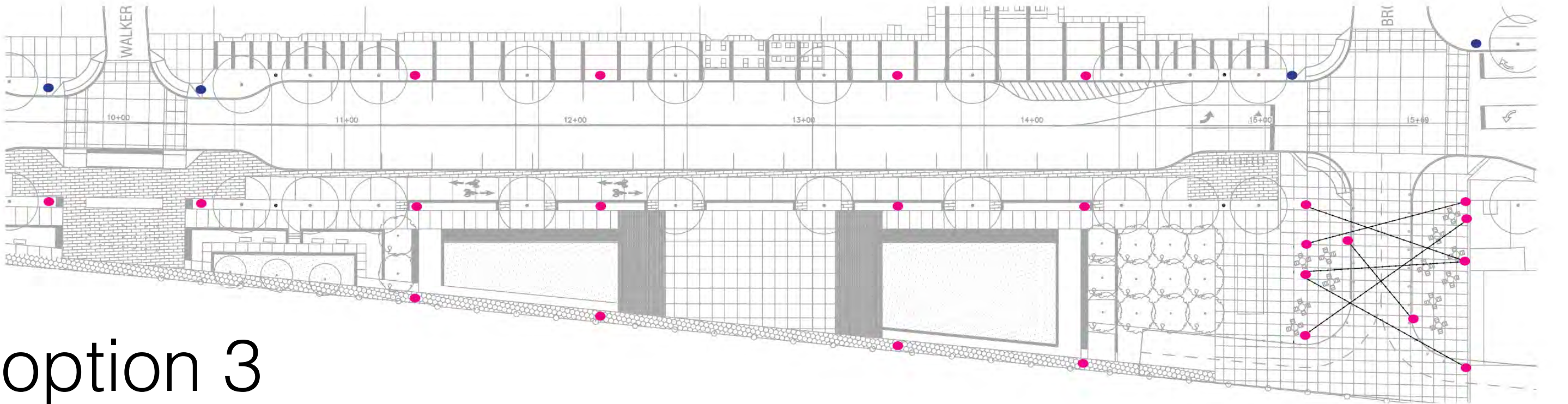
LAKE STREET LIGHTING



current design | option 1



option 2



option 3

CURRENT DESIGN

- proposes tivoli lights to create a “ceiling” over the street
- light poles are inspired by boat masts
- 600 block was intended to have upgraded materials and finished to celebrate it as wayzata’s main street

OPTION 1

- reduces poles height to 20’ tall, maintains proposed spacing
- proposes 50 light poles

OPTION 2

- removes center pole while decreasing pole height to 20’ tall
- proposes 36 light poles eliminating 14 poles
- maintains “ceiling” over lake street

OPTION 3

- utilizes city of wayzata standard pole, with a modified pole spacing
- proposes 16 poles, eliminates 34 poles
- the design loses some of the special qualities and pedestrian scale of the previous design.
- 600 block may require additional planters or street furniture for tenants who do not have outdoor seating to reduce the scale of the streetscape



proposed condition



option 1 - reduce pole height to 20'



option 2 - eliminate center pole



option 3 - match current city standard



MEMORIAL PLAZA

Option 1

located within the garden rooms at the west end of the lake st. plaza

=
OPPORTUNITIES

- locates memorial near central congregation of memorial benches

=
CONSTRAINTS

- proposed design activates this area with a water feature
- garden rooms are currently one of the most popular spaces along the waterfront, will adding the memorial
- is mixing memorial components appropriate?

Option 2

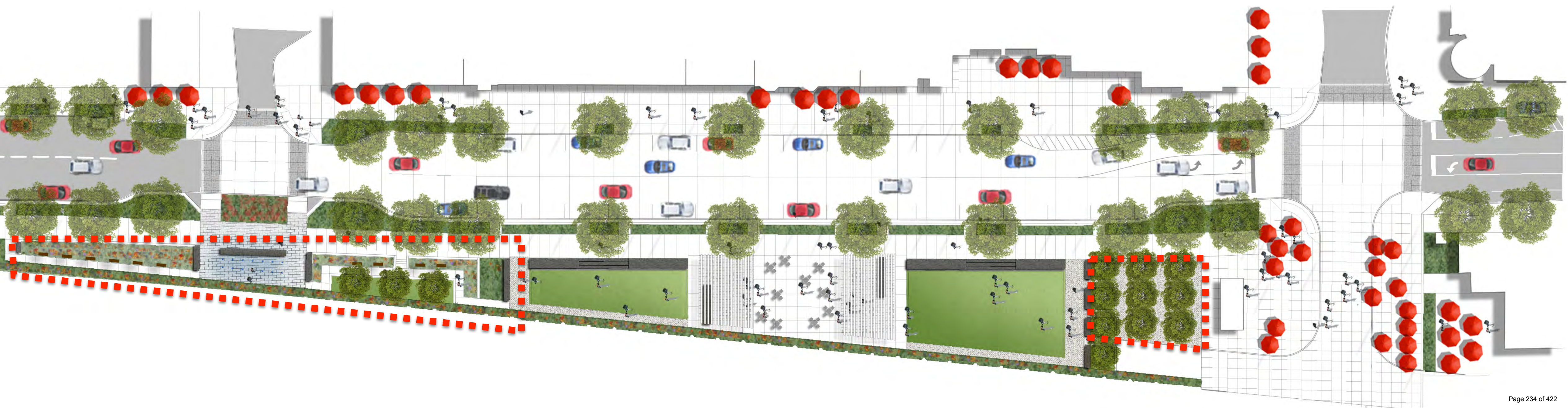
located within the garden room just west of the Broadway plaza

=
OPPORTUNITIES

- locates memorial in a space that was intended to be more quiet and contemplative within the overall lake st. plaza design
- the proposed grove of trees creates a shaded quiet space to honor the memorial

=
CONSTRAINTS

- this location is near the activity associated with the adjacent restaurant and proposed lawn panels



CITY OF WAYZATA

RESOLUTION NO. 65-2018

RESOLUTION AMENDING THE DESIGN SCOPE FOR LAKE STREET AND LAKE STREET PLAZA

WHEREAS, the City Council adopted the Report of the Wayzata Lakefront Taskforce in January of 2012 via Resolution 06-2012; and

WHEREAS, the City Council adopted the Wayzata Lakefront Final Framework Report on March 18, 2014 by Resolution 09-2014; and

WHEREAS, the City Council acknowledged delivery of the Lake Effect Schematic Design on May 3, 2016 by Resolution 13-2016 16; and

WHEREAS, the City Council authorized and directed City Staff to explore implementation of the Schematic Design under close guidance and direction of the City Council and with continued public engagement, to establish which components of the design to pursue; and

WHEREAS, the City Council approved a contract with Civitas on March 6, 2018 to complete a Design Validation phase for Lake Street, Lake Street Plaza, and Depot Park to continue the public engagement and to establish which components of the design to pursue; and

WHEREAS, the City developed additional design concepts for Lake Street, Lake Street Plaza, and Depot Park; and

WHEREAS, feedback on the design of Lake Street, Lake Street Plaza, and Depot Park was gathered from the community through stakeholder meetings with property and business owners, public open house on May 17, 2018, technical advisory committee meeting, City Council workshops, Lake Effect Conservancy meetings, and a Parks and Trails Board meeting; and

WHEREAS, in order to continue with Design Development for the Lake Effect Project, the scope of Lake Street, Lake Street Plaza, and Depot Park need to be determined;

WHEREAS, on June 18th the City Council approved Resolution 30-2018, Finalizing the Lake Effect Design Validation Process and Defining the Scope for Lake Street, Lake Street Plaza, and the Depot Park;

WHEREAS, over the last several months, the City received hundreds of additional comments via email, open houses, letters, and other forms of communication regarding the Lake Street Improvements;

WHEREAS, as a result of the comments and concerns that focused on the bike lane, width of Lake Street, parking, etc.; the City Council approved a change order request from Civitas at its October 16 meeting to explore additional design alternatives that balanced recent community concerns with maintaining the key objectives of the Lake Effect project;

NOW, THEREFORE BE IT RESOLVED, that based on the Lakefront Taskforce Report, Lakefront Final Framework Report, core values of the Schematic Design, Wayzata 2040 Vision Report, and feedback from community and stakeholder engagement, the Wayzata City Council hereby amends the scope of Lake Street, Lake Street Plaza, and Depot Park as follows:

- **Lake Street** – Widen the sidewalk along the north side of Lake Street; removal of the center turn lane; widen drive aisles to 13 feet; provide turn pockets with stacking room at a minimum at the Broadway and Barry intersections and exploring turn pockets at other locations on Lake St; provide a convertible loading area for each block (loading areas during daytime hours and parking during evenings and weekends); provide a 12 foot multi-use trail on the southside of Lake Street~~provide a dedicated 10 foot wide bike lane on the south side of Lake Street with a planted buffer between the bike lane and the pedestrian walkway~~; and provide storm water treatment with the right-of-way.
- **Lake Street Plaza** – Removal of the parking stalls and converting the area into a community gathering space with flexible park/plaza space which includes a variety of seating alternatives, honors plaza, garden rooms that provide a variety of multi-generational experiences and activities, can accommodate special events, and maintains access to the public parking and access drive at 400 Broadway Ave S.
- **Depot Park** – Preserve the existing Garden Club flowerbeds; simplify the paving around the Depot building; enhance ADA access between the Barry Avenue intersection, Depot Park, and the Lake Walk; preserve the existing model train facility; provide a passive park space that continues to support all of the current programmed activities; provide a variety of seating opportunities that have views of the lake; provide users with seating alternatives that enable comfort in large groups and solitude for individuals; and provide new public restroom facilities.

Adopted by the Wayzata City Council this 20th day of November 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 a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on November 20, 2018.

Kathy Leervig, City Clerk

SEAL

CITY OF WAYZATA

RESOLUTION NO. 65-2018

RESOLUTION AMENDING THE DESIGN SCOPE FOR LAKE STREET AND LAKE STREET PLAZA

WHEREAS, the City Council adopted the Report of the Wayzata Lakefront Taskforce in January of 2012 via Resolution 06-2012; and

WHEREAS, the City Council adopted the Wayzata Lakefront Final Framework Report on March 18, 2014 by Resolution 09-2014; and

WHEREAS, the City Council acknowledged delivery of the Lake Effect Schematic Design on May 3, 2016 by Resolution 13-2016 16; and

WHEREAS, the City Council authorized and directed City Staff to explore implementation of the Schematic Design under close guidance and direction of the City Council and with continued public engagement, to establish which components of the design to pursue; and

WHEREAS, the City Council approved a contract with Civitas on March 6, 2018 to complete a Design Validation phase for Lake Street, Lake Street Plaza, and Depot Park to continue the public engagement and to establish which components of the design to pursue; and

WHEREAS, the City developed additional design concepts for Lake Street, Lake Street Plaza, and Depot Park; and

WHEREAS, feedback on the design of Lake Street, Lake Street Plaza, and Depot Park was gathered from the community through stakeholder meetings with property and business owners, public open house on May 17, 2018, technical advisory committee meeting, City Council workshops, Lake Effect Conservancy meetings, and a Parks and Trails Board meeting; and

WHEREAS, in order to continue with Design Development for the Lake Effect Project, the scope of Lake Street, Lake Street Plaza, and Depot Park need to be determined;

WHEREAS, on June 18th the City Council approved Resolution 30-2018, Finalizing the Lake Effect Design Validation Process and Defining the Scope for Lake Street, Lake Street Plaza, and the Depot Park;

WHEREAS, over the last several months, the City received hundreds of additional comments via email, open houses, letters, and other forms of communication regarding the Lake Street Improvements;

WHEREAS, as a result of the comments and concerns that focused on the bike lane, width of Lake Street, parking, etc.; the City Council approved a change order request from Civitas at its October 16 meeting to explore additional design alternatives that balanced recent community concerns with maintaining the key objectives of the Lake Effect project;

NOW, THEREFORE BE IT RESOLVED, that based on the Lakefront Taskforce Report, Lakefront Final Framework Report, core values of the Schematic Design, Wayzata 2040 Vision Report, and feedback from community and stakeholder engagement, the Wayzata City Council hereby amends the scope of Lake Street, Lake Street Plaza, and Depot Park as follows:

- **Lake Street** – Widen the sidewalk along the north side of Lake Street; removal of the center turn lane; widen drive aisles from Barry to Walker to 13 feet; provide turn pockets with stacking room at a minimum at the Broadway and Barry intersections and exploring turn pockets at other locations on Lake St; provide a convertible loading area for each block (loading areas during daytime hours and parking during evenings and weekends); provide a 12 foot multi-use trail on the south side of Lake Street~~dedicated 10 foot wide bike lane on the south side of Lake Street with a planted buffer between the bike lane and the pedestrian walkway~~; and provide storm water treatment with the right-of-way.
- **Lake Street Plaza** – Addition of on-street diagonal stalls; ~~r~~Removal of the off-street parking stalls and converting the area into a community gathering space with flexible park/plaza space which includes a variety of seating alternatives, honors plaza, garden rooms that provide a variety of multi-generational experiences and activities, can accommodate special events, and maintains access to the public parking and access drive at 400 Broadway Ave S.
- **Depot Park** – Preserve the existing Garden Club flowerbeds; simplify the paving around the Depot building; enhance ADA access between the Barry Avenue intersection, Depot Park, and the Lake Walk; preserve the existing model train facility; provide a passive park space that continues to support all of the current programmed activities; provide a variety of seating opportunities that have views of the lake; provide users with seating alternatives that enable comfort in large groups and solitude for individuals; and provide new public restroom facilities.

Adopted by the Wayzata City Council this 20th day of November 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:

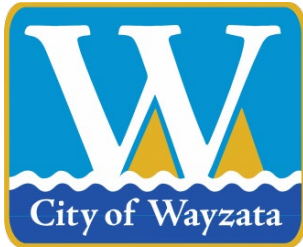
Absent:

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on November 20, 2018.

Kathy Leervig, City Clerk

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 8b
TITLE: Discuss Status of East Neighborhood Roundabout and Other Contemplated Capital Improvements	
PROPOSED MOTION: To Direct Staff to Amend the City's CIP (Capital Improvements Plan) Regarding the Reconfiguration of the Lake Street Roundabout	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff requests action on whether or not to reconfigure the roundabout. If direction is to reconfigure, the CIP will be amended for a 2019 project. If the direction is to leave as is, the project will be deleted from the CIP. In addition, staff is looking for any additional direction on the CIP regarding:

- pedestrian connections on Circle A Drive;
- reconstruction/pedestrian connections on Circle Drive East;
- landscaping along Eastman Lane; and
- landscaping along the East Buffer.

FINANCIAL OR BUDGET CONSIDERATION:

There are several projects to be considered. Attached is a table below indicating current cost estimates and proposed funding sources.

Project	Cost Estimate	Funding Source
Reconfiguration of the Roundabout	\$ 140,600	Street CIP
Circle Drive E Reconstruct - Street	\$ 215,000	Street CIP
Circle Drive E Reconstruct - Stormwater	\$ 158,600	Stormwater CIP
Circle Drive E Reconstruct - Sidewalk	TBD	Not currently funded
Circle A Drive - Sidewalk	\$ 92,300	Not currently funded
Circle A Drive - Boardwalk	\$ 279,600	Not currently funded
Circle A Drive - Hybrid	\$ 220,100	Not currently funded
Eastman Lane - Landscaping	\$ 129,400	Not currently funded
East Buffer Landscaping Escrow	\$25,000	Pres. Homes

BACKGROUND:

Since 2013, several projects have been contemplated on the east end of Lake Street in Wayzata, in addition to the scheduled reconstruction of Circle Drive E. These additional projects include: the roundabout, potential pedestrian connections along the east buffer of the Presbyterian Homes site, and landscaping of Eastman Lane. Each of these projects was brought forward to the City Council, multiple times for planning purposes, with varying degrees of direction and approvals.

The draft Comprehensive Plan and Parks and Trails Master Plan both regard pedestrian and neighborhood connections as priorities.

Additional information on each project is summarized below.

Roundabout

In 2013, the City Council directed staff to construct the roundabout in its current configuration, with restricted access to the north and from the east. In 2014, several residents came forward requesting that the roundabout be reconstructed to provide full-access on each side. At that time, there was not support from the Council to make changes to the current configuration but that the issue should be revisited following completion of the Presbyterian Home development.

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. One of the topics discussed was the configuration of the roundabout. The majority of the residents of the East Neighborhood favored leaving the roundabout in its current configuration. Copies of resident comments were provided to the Council. Council requested that staff bring the topic back to a future meeting to allow the broader Wayzata citizenry to provide comments. One of the main objectives of this agenda item is to discuss this broader comment request. It will be promoted on social media, City email, and the website.

Circle A Drive Pedestrian Connections

In 2014 and 2015, City staff and LHB, Inc. presented three (3) possible alternatives for a pedestrian connection, between Lake Street and Superior Blvd, adjacent to or within the East Buffer of the Presbyterian Homes project. The alternatives included; a sidewalk located behind the west curb line of Circle A, a boardwalk through the east buffer, and a hybrid of the two (2) previous alternatives. Council directed staff to move forward on gathering preliminary designs, information and regulatory approvals for a hybrid plan to provide the most buffer and address safety concerns along the East buffer. With many other ongoing projects this task was not completed and, therefore, no budget was established in the CIP. A copy of the hybrid plan, as well as a potential design for the boardwalk are attached for reference.

Eastman Lane Landscaping

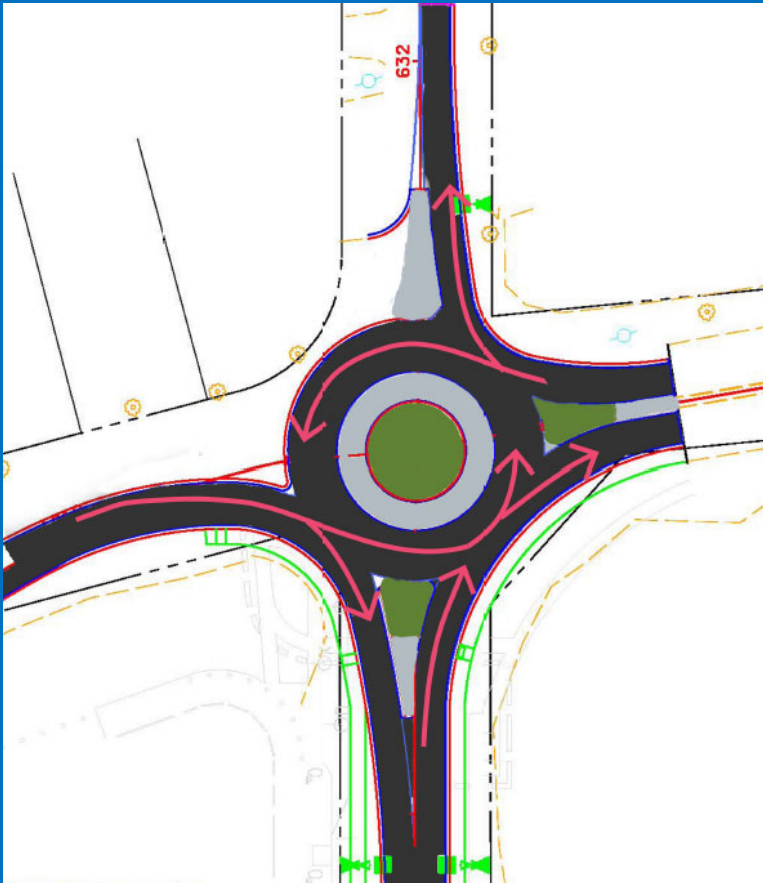
In 2013, the City hired LHB, Inc. to assist in the planning of proposed landscaping improvements along Eastman Lane. The final concept was distilled from five (5) initial concepts and a design charrette. The final, concept plan was presented in early 2014. This project was intended to be rolled out in phases, with the initial phase to be implemented directly following the Hennepin County reconstruction of Bushaway Road and Eastman Lane. However, no budget was ever established in the CIP and the landscaping of the Bushaway Road corridor took priority. A copy of the final concept plan is attached for reference.

East Buffer Landscaping

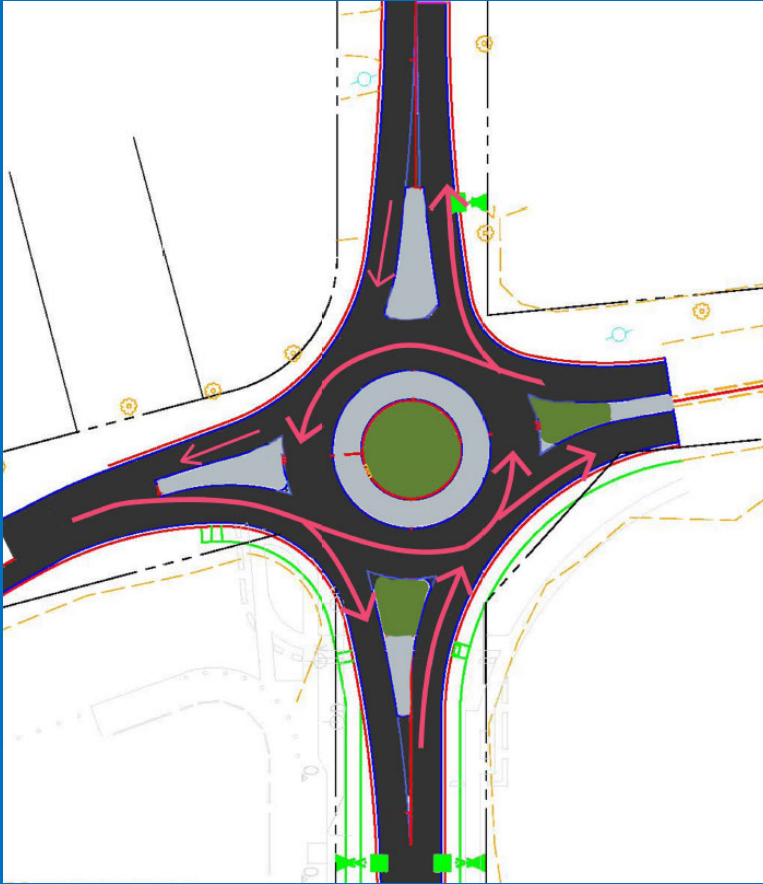
The landscaping of the east buffer of the Presbyterian Homes Development was completed in 2017. It has been brought to the attention of city staff that many of the newly-planted trees have since failed. Staff has been in contact with the developer to replace these failed plant materials. Additionally, the City has \$25,000 additional dollars in escrow to provide additional plantings, if needed. This escrow expires in 2021, so staff would like to see the failed materials replaced, before determining the need for additional plantings.

ATTACHMENTS:

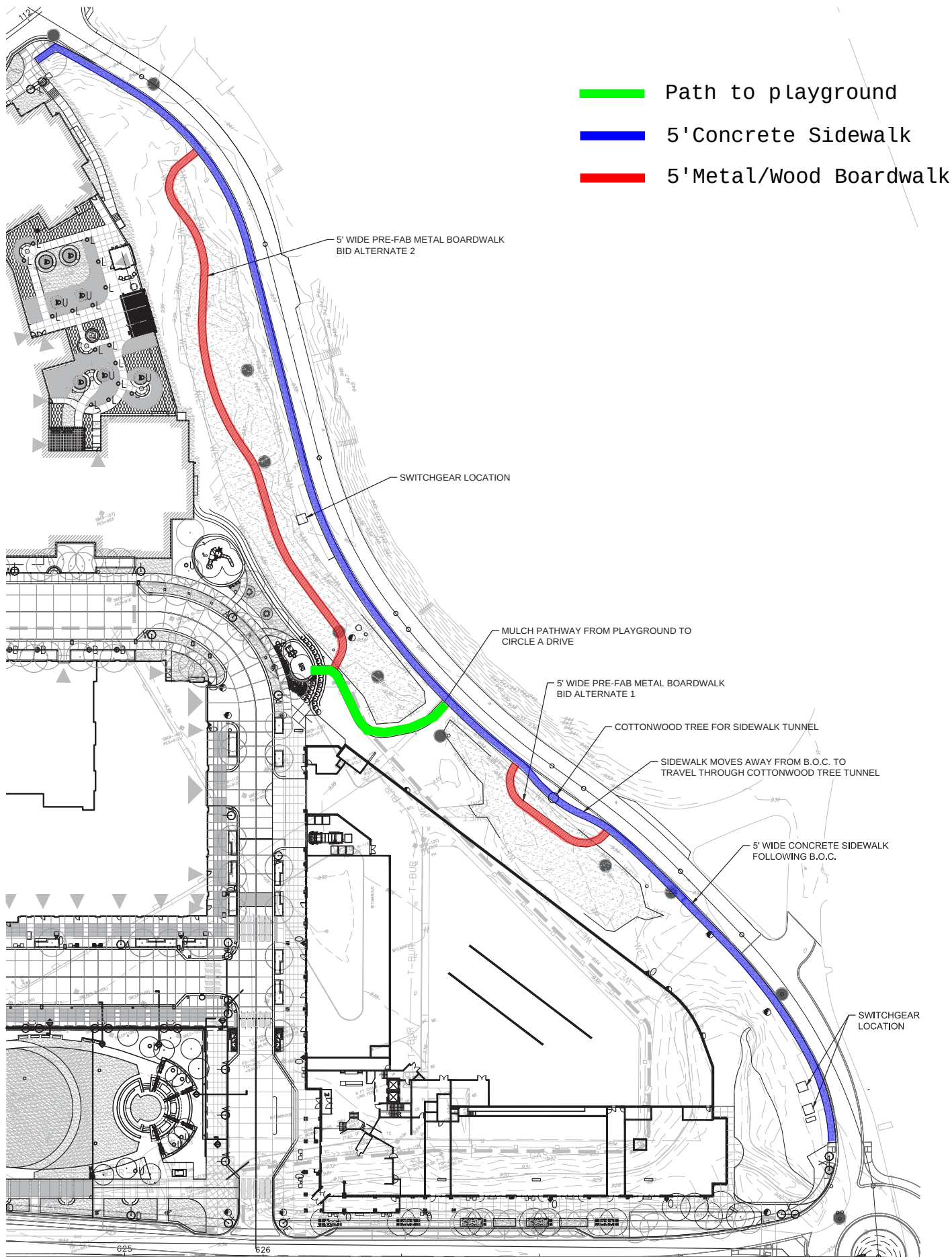
1. Roundabout Options
2. Circle A Drive Pedestrian Connection Alternatives
3. Eastman Lane Landscaping Plan



Current Configuration



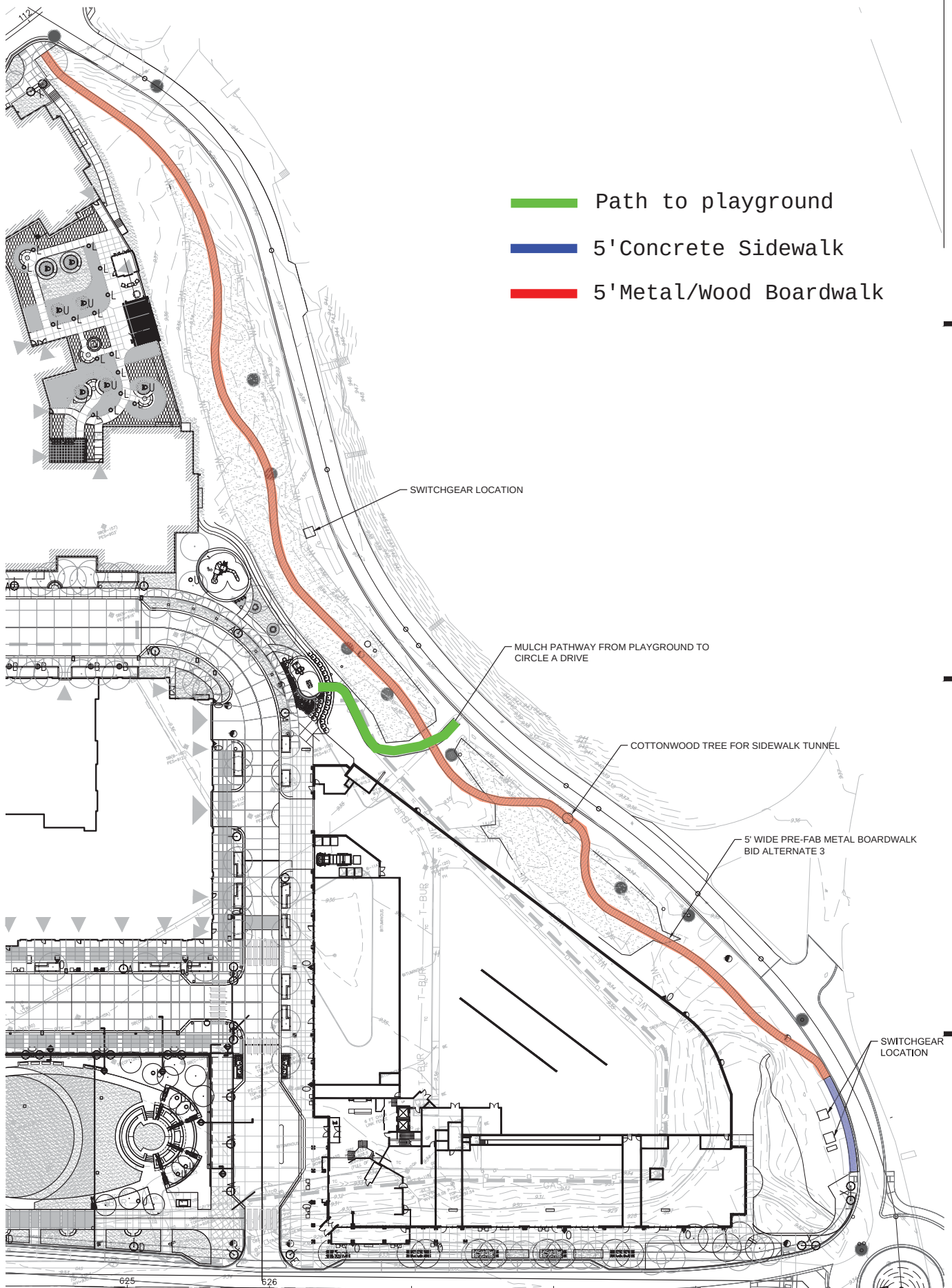
Full Access Roundabout



**PROPOSED LOCATION OF WALKWAY ALONG CIRCLE A DRIVE
WITH BOARDWALK BID ALTERNATES 1 & 2**

Scale: 1" = 50'

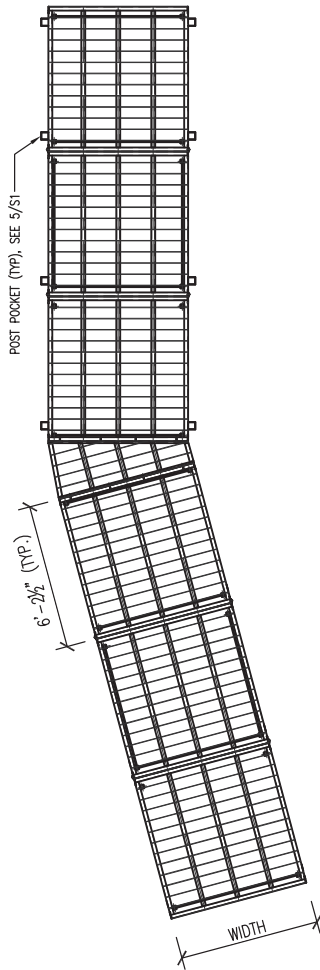
1



PROPOSED LOCATION OF WALKWAY ALONG CIRCLE A DRIVE
WITH BOARDWALK BID ALTERNATE 3

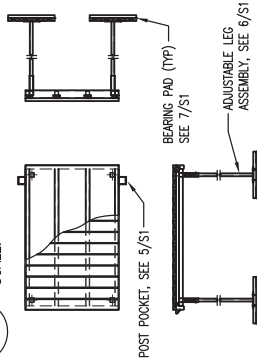
Scale: 1" = 50'

2



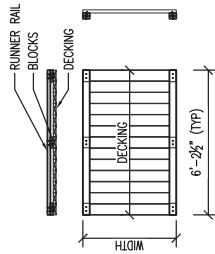
1 TYPICAL PLAN VIEW

S1 SCALE:



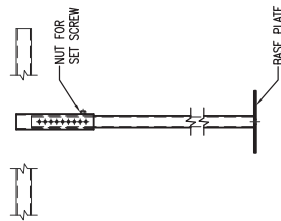
3 TYPICAL DECK LAYOUT

S1 SCALE:



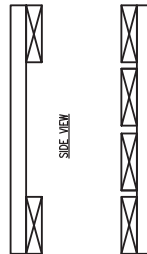
4 RUNNER RAIL LAYOUT

S1 SCALE:



6 ADJUSTABLE LEG DETAIL

S1 SCALE:

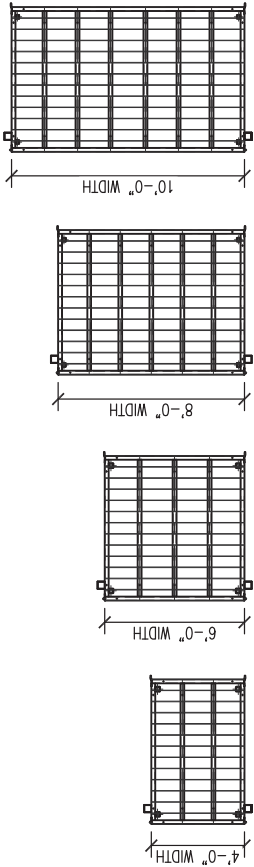


7 BEARING PAD DETAIL

S1 SCALE:

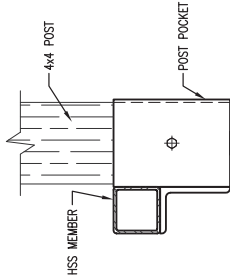
UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES. THE FOLLOWING TOLERANCES APPLY:
 DECIMAL DIMENSIONS - .XX ±.1"
 DIMENSIONS IN PARENTHESES - .XXX ±.01"
 FRACTIONAL DIMENSIONS - 1/16" ±.01"
 ANGULAR DIMENSIONS - ±.25°

REVISIONS



2 DECK WIDTH AVAILABLE

S1 SCALE:



5 POST POCKET DETAIL

S1 SCALE:

NOTE: US PATENTS, US PATENTS PENDING, TRADEMARKS AND COPYRIGHTS OF WICKCRAFT COMPANY, INC. PROTECT AGAINST THE UNAUTHORIZED DUPLICATION OF ALL NAMED AND DETAILED PRODUCTS CONTAINED WITHIN.

2317 DANIELS ST.
 MADISON, WI 53718
 (608) 244-9177

WICKCRAFT

TITLE

ADJUSTABLE LEG WALKWAY
 SCHEMATIC

DRAWN BY: JSD
 DATE: 03/05/10
 APPRVD: [Signature]
 DATE: [Blank]

THIS DRAWING AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF WICKCRAFT COMPANY, INC. NO REPRODUCTION OR DISCLOSURE OF THE CONTENT OF THIS DRAWING (OR ANY PORTION) MUST BE APPROVED BY WICKCRAFT.

WEIGHTS (U.S. POUNDS)

DWG. NO. S1

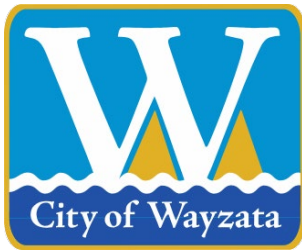
RAW MATERIAL ASSEMBLY

SCALE: NONE

REV: 0



- streetscape features are clustered (lights, railings, annual plantings, trees)
- patterns might intersect at the roundabout "Mini Woods"
- a boardwalk across the Eastman parcel wetland engages pedestrians
- the existing "tunnel" of landscape just west of Bushaway Road is enhanced
- plantings and walls highlight the corridor nearest Bushaway Road
- three locations connect the public realm to the lakeshore:
 - a zone of about 150 feet where terraces step down towards the lake
 - the Arlington right-of-way is transformed as a subtle park with a pavilion
 - a raised overlook at the lagoon highlights boat building history
- landscape elements might be chosen for their capacity for movement in wind (quaking aspen, native grasses in monocultures)
- all concepts may be superimposed with elements of storytelling—expressing the history and culture of Wayzata in subtle ways



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 8c
TITLE: Consider Resolution 62-2018 Approving the Zitzloff Redevelopment at 305 and 309 Lake St E	
PROPOSED MOTION: To Adopt Resolution 62-2018 Approving the Zitzloff Redevelopment at 305 and 309 Lake St E	
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.

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, Lowell Zitzloff, and the property owner, Swans Corner, LLC, have submitted a development application to redevelop the properties at 305 and 309 Lake St E. The applicant is proposing to demolish the existing buildings on the site, and construct a new three-story mixed use building. The development application requests approval of design review, 3rd story setback variance, floor area ratio variance, building height variance, shoreland impact plan/conditional use permit for building height and impervious surface, joint parking conditional use permit, and preliminary and final plat subdivision.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on October 1, 2018. After discussing the application, the Planning Commission voted four (4) in favor and zero (0) opposed to direct staff to prepare a Report and Recommendation for denial of (1) building height variance, and (2) building height shoreland impact plan/conditional use permit, and approval of (1) design review, (2) 3rd story setback variance, (3) floor area ratio variance, (4) shoreland impact plan/conditional use permit for impervious surface, (5) joint parking conditional use permit, and (6) preliminary and final plat subdivision.

City Council Review

The City Council reviewed the development application at its meeting on November 7, 2018. At the meeting, the Council: (1) tabled action of the application; (2) asked the applicant to revise the plans to meet the second floor setback and eliminate the design deviation; and (3) directed staff to prepare a revised resolution which includes a condition related to roof penetrations.

Since the November 7th City Council meeting, the applicant has submitted revised plans for the project. The revised plans increased the second story setback, removed one interior parking stall,

increased the size of the retail space on the first floor, and slightly decreased the size of the building and floor area ratio. The revised plans eliminate the second story setback deviation from the design standards, increase the number of off-site parking stalls requested in the joint parking CUP from 14 to 15 stalls, and decrease the size of the FAR variance from 2.35 to 2.33.

City staff has also revised the Council resolution to include the following condition:

All roof penetrations for mechanical, plumbing, and other building systems must be located within the hatched area as shown on the Roof Plan in the Application. Any request by the Applicant for roof penetrations outside of the hatched area must be reviewed by the City Council.

ATTACHMENTS:

1. Revised plans
2. Updated design review critique
3. Revised Draft Resolution No. 62-2018
4. Planning Commission Report and Recommendation

PROPOSED PROPERTY REDEVELOPMENT FOR:

305 thru 309 LAKE STREET EAST

WAYZATA, MINNESOTA

PROJECT NARRATIVE

CONCEPT AND GENERAL PLAN APPROVAL IS REQUESTED FOR THIS PROPOSED DEVELOPMENT PROJECT COMBINING THE COMMERCIAL LOTS LOCATED ON THE CORNER OF LAKE STREET AND BARRY AVENUE (305 AND 309 EAST LAKE STREET). 315 EAST LAKE STREET WILL REMAIN A SEPARATE BUILDING / LOT.

THE PROJECT HAS BEEN PROPOSED TO ALLOW EFFICIENCIES IN THE OVERALL PROJECT TO HELP SUBSIDIZE AND OFFSET THE COSTS ASSOCIATED WITH RECREATING THE BANK FACADE, CLEANING UP POLLUTION AND FURNISHING UNDERGROUND PARKING.

THIS PROJECT IS PROPOSED AS A THREE STORY MULTI-USE BUILDING WITH THE FOLLOWING USES.

- LOWER LEVEL = INDOOR PARKING
- FIRST FLOOR = RETAIL AND INDOOR PARKING
- SECOND FLOOR = OFFICE
- THIRD FLOOR = OFFICE

OFF-SITE PARKING IS REQUESTED FOR A PORTION OF THE REQUIRED PARKING STALLS. THESE STALLS WOULD BE PROVIDED AT THE 319 BARRY AVENUE BUILDING THAT IS ALSO OWNED BY THE APPLICANT.

PROJECT ADDRESSES AND LEGAL DESCRIPTIONS

305 AND 309 EAST LAKE STREET

THAT PART OF LOT 3, "STEPHEN'S ADDITION TO THE TOWNSITE OF WAYZATA" AND THAT PART OF LAKE STREET, ADJOINING SAID LOT 3, VACATED BY INSTRUMENT RECORDED IN BOOK 121 OF MISCELLANEOUS RECORDS, PAGE 42, DOCUMENT No. 512133, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 3; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 3 TO THE MOST EASTERLY CORNER OF SAID LOT 3; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 3 TO THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 3 A DISTANCE OF 102.5 FEET; THENCE DEFLECTING TO THE LEFT 88 DEGREES 25 MINUTES A DISTANCE OF 26.85 FEET; THENCE DEFLECTING RIGHT 90 DEGREES A DISTANCE OF 78.53 FEET TO THE SOUTHERLY LINE OF SAID PART OF VACATED LAKE STREET DESCRIBED IN SAID DOCUMENT 512133; THENCE EASTERLY ALONG SAID SOUTHERLY LINE A DISTANCE OF 34.43 FEET TO THE POINT OF BEGINNING.

THE NORTHWESTERLY 4 FEET OF LOT 2, "STEPHEN'S ADDITION TO THE TOWNSITE OF WAYZATA" MEASURED PERPENDICULAR TO THE NORTHWESTERLY LINE OF SAID LOT.

THAT PART OF LOT 3, "STEPHEN'S ADDITION TO THE TOWNSITE OF WAYZATA", AND THAT PART OF LAKE STREET, ADJOINING SAID LOT 3, VACATED IN INSTRUMENT RECORDED IN BOOK 121 OF MISCELLANEOUS RECORDS, PAGE 42, DOCUMENT No. 512133, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 3 TO A POINT DISTANT 102.5 FEET SOUTHERLY FROM THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE DEFLECTING TO THE RIGHT AT AN ANGLE OF 91 DEGREES 35 MINUTES, A DISTANCE OF 26.85 FEET; THENCE SOUTHERLY AT A RIGHT ANGLE A DISTANCE OF 78.53 FEET MORE OR LESS, TO THE SOUTHERLY LINE OF SAID VACATED PART OF LAKE STREET DESCRIBED IN SAID DOCUMENT No. 512133; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 3; THENCE NORTHERLY ALONG SAID EXTENSION TO THE POINT OF BEGINNING.

315 EAST LAKE STREET

LOT 1 AND THE EASTERLY 56.00 FEET OF LOT 2, STEPHEN'S ADDITION TO THE TOWNSITE OF WAYZATA

LANDOWNERS AND APPLICANTS NAME AND ADDRESS

SWANS CORNER LLC
319 BARRY AVENUE SOUTH
SUITE 301
WAYZATA, MN 55391
CONTACT : LOWELL ZITZLOFF PHONE: 952-475-3980

LOWELL ZITZLOFF
319 BARRY AVENUE SOUTH
SUITE 301
WAYZATA, MN 55391 PHONE: 952-475-3980

PROJECT ARCHITECT

BRUCE W. SCHMITT & ASSOCIATES, P.A. - ARCHITECTS
320 MANITOBA AVENUE SOUTH
WAYZATA, MN 55391 PHONE: 952-476-6222

PROJECT SURVEYOR

GRONBERG & ASSOCIATES, INC.
445 NORTH WILLOW DRIVE
LONG LAKE, MN 55356 PHONE: 952-473-4141

PROJECT CIVIL ENGINEER

GRONBERG & ASSOCIATES, INC.
445 NORTH WILLOW DRIVE
LONG LAKE, MN 55356

BUILDING USES AND FLOOR AREA CALCULATIONS

PROPOSED PROJECT IS A THREE STORY MULTI-USE BUILDING WITH THE FOLLOWING USES:

- LOWER LEVEL = INDOOR PARKING
- FIRST FLOOR = RETAIL AND INDOOR PARKING
- SECOND FLOOR = OFFICE
- THIRD FLOOR = OFFICE

	LOWER LVL	FIRST FLR	SECOND FLR	THIRD FLR	TOTAL RETAIL AND OFFICE	TOTALS
PARKING AREA (gross area)	13,583 sf	6,147 sf				19,730 sf
RETAIL (gross area)		7,406 sf			7,406 sf	7,406 sf
OFFICE (gross area)			11,714 sf	9,208 sf	20,922 sf	20,922 sf
TOTALS (gross area)	13,583 sf	13,553 sf	11,714 sf	9,208 sf	28,328 sf	

BUILDING RECESSES

RECESSES HAVE BEEN PROVIDED ALONG BOTH STREET FRONTAGE FACADES AT THE ENTRIES.

BUILDING WIDTH

BUILDING FACADES ALONG BOTH STREET FRONTAGES HAVE BEEN DESIGNED TO APPEAR AS SMALLER SCALE BUILDINGS THROUGH THE USE OF BUILDING JOGS AND CONTRASTING MATERIALS / DESIGN ELEMENTS. IN ADDITION, VARIATIONS IN ROOF LINES AND THE INCLUSION OF TERRACES AT A PORTION OF THE SECOND FLOOR AND AT THE ENTIRE THIRD FLOOR WILL HELP TO REDUCE THE BUILDING'S SCALE.

BUILDING HEIGHT

THE BUILDING HEIGHT IS 35'-0" ABOVE THE AVERAGE GRADE PLANE AND ALIGNS WITH THE EXISTING 315 LAKE STREET ROOF COPING ELEVATION.

UPPER STORY SETBACKS

THIRD STORY SETBACK = THE THIRD STORY IS NOT PARALLEL TO THE LAKE STREET OR BARRY AVENUE FACADE FOR A MAJORITY OF THEIR LENGTHS. THEREFORE THE SETBACK VARIES ALONG BOTH STREETS. A MINIMUM SETBACK OF 6'-0" IS PROVIDED, AND THE AVERAGE THIRD FLOOR SETBACK IS 11.17 FEET.

SECOND STORY SETBACK =	FACADE LENGTH	PORTION RECESSED ON SECOND FLOOR (6'-0" MIN)	PERCENTAGE
LAKE STREET FRONTAGE (SOUTH)	62'-4"	26'-8"	43 % (25% MIN. REQUIRED)
BARRY AVENUE FRONTAGE (WEST)	174'-4"	44'-9 1/2"	25.1 % (25% MIN. REQUIRED)

*ONLY SECOND STORY WALLS THAT ARE SETBACK OVER 6'-0" ARE INCLUDED IN THESE CALCULATIONS. AN ADDITIONAL 11'-10 3/8" OF SECOND STORY IS SETBACK FROM 6'-0" TO 2'-1".

ROOF DESIGN

THE FLAT ROOF WILL BE A DARK COLORED MEMBRANE, AND THE SLOPED ROOF AREAS WILL BE DARK COLORED SIMULATED SLATE SHINGLES.

SCREENING OF ROOFTOP EQUIPMENT

ALL MECHANICAL EQUIPMENT REQUIRED TO BE ON THE ROOF WILL BE SUNKEN IN A COURTYARD AREA AT THE THIRD FLOOR LEVEL OR LOCATED IN AREAS INDICATED ON THE ROOF PLAN. THIS WILL SCREEN THE EQUIPMENT FROM THE VIEW OF ADJACENT BUILDINGS.

TRASH AND RECYCLING

SHARED TRASH AND RECYCLING WILL BE LOCATED IN THE 315 EAST LAKE STREET BUILDING.

GROUND LEVEL EXPRESSION

CAST STONE ACCENT BANDS, AND THE SECOND FLOOR TERRACES WILL DISTINGUISH THE GROUND FLOOR FROM THE FLOORS ABOVE.

ENTRIES

PLANTING BEDS ARE PROVIDED ALONG BOTH STREET FRONTAGE FACADES, AND THE MAIN ENTRANCES AT BOTH STREETS ARE RECESSED AND LOCATED AT SIDEWALK GRADE LEVEL.

WALKWAYS

THE SIDEWALK ALONG LAKE STREET AND WHERE INDICATED ALONG BARRY AVENUE WILL BE EXPOSED AGGREGATE WITH BROOM FINISH CONCRETE ACCENTS TO MATCH THE EXISTING SIDEWALK IN FRONT OF THE 315 EAST LAKE STREET BUILDING. THE EXPOSED AGGREGATE SIDEWALK WILL BE EXTENDED NORTH ON BARRY AVENUE TO CONNECT WITH THE EXISTING SIDEWALK TO THE NORTH.

LANDSCAPING

LANDSCAPING (INCLUDING BOULEVARD SPECIES TREES) IS PROPOSED WHERE APPROPRIATE ALONG THE BUILDING FACADES.

TENANT SIGNAGE

IN KEEPING WITH THE WAYZATA DESIGN STANDARDS, THERE WILL BE A WALL SIGN FOR EACH STOREFRONT AND OFFICE TENANT, CONSTRUCTED OF NATURAL MATERIALS SUCH AS WOOD, METAL OR STONE. THESE SIGNS WILL BE ATTACHED DIRECTLY TO THE BUILDING. SIGNS WILL BE LIT BY LIGHTS INDICATED OR WILL BE INTERNALLY LIT.

EXTERIOR LIGHTING

WALL-MOUNTED DECORATIVE LIGHT FIXTURES WILL BE LOCATED ALONG LAKE STREET AND BARRY AVENUE AT ENTRANCE DOORS AND TERRACE LOCATIONS. ADDITIONAL RECESSED FIXTURES WILL HELP ILLUMINATE THE RECESSED ENTRANCES, AND ADDITIONAL CITY STREET LIGHTS WILL BE ADDED AS INDICATED PER CITY STANDARDS. SIGNAGE LIGHTING WILL BE PROVIDED AS INDICATED ABOVE.

BUILDING MATERIALS

FACADE COVERAGE : THE SAME OPAQUE MATERIALS ARE UTILIZED ON ALL SIDES OF THE BUILDING - BRICK, STONE, CAST STONE, STUCCO AND WOOD.

TYPE OF BRICK : ALL BRICK WILL BE STANDARD SIZES, BRICK AND MORTAR COLOR WILL MATCH THE 315 LAKE STREET. ALL BRICK JOINTS WILL BE TOOLED.

PARAPET, FLASHING AND COPING : THE TYPICAL ROOF CURB HAS COPPER FLASHING OVER PITCHED SIMULATED SLATE SHINGLES. ALL FLASHING WILL BE COPPER

BALCONIES : THE THIRD FLOOR HAS TWO BALCONIES ON THE NORTH ELEVATION AND ONE ON THE EAST ELEVATIONS. ALL BALCONIES ARE USEABLE AND DO NOT PROJECT OVER THE PROPERTY LINE. ALL HAVE DARK METAL RAILINGS.

GLASS : GLASS WILL NOT BE MIRRORRED, REFLECTIVE OR DARKENED. TINT COLOR WILL MATCH THE GLASS AT 315 LAKE STREET.

DOOR SYSTEMS: MAIN ENTRY DOORS WILL HAVE ALUMINUM FRAMES AND BE FULL GLASS.

OPAQUE MATERIALS CALCULATIONS

	SOUTH ELEVATION	WEST ELEVATION	NORTH ELEVATION	EAST ELEVATION	PERCENTAGES IN CHART ARE THE PERCENTAGE OF OPAQUE MATERIAL ON DESIGNATED ELEVATION
BRICK	11 %	21 %	29 %	23 %	
STONE	18 %	3 %	0 %	0 %	
WOOD	29 %	45 %	19 %	14 %	
STUCCO	14 %	9 %	29 %	40 %	
CAST STONE	22 %	22 %	23 %	23 %	

GROUND LEVEL FACADE TRANSPARENCY CALCULATIONS

	WALL AREA	GLAZING AREA	PERCENTAGE	A DEVIATION IS REQUIRED AT THE LAKE STREET FRONTAGE IN ORDER TO IMITATE THE ORIGINAL BANK FACADE / WINDOWS
LAKE STREET FRONTAGE (SOUTH)	790 sf	328 sf	415 % (50% MIN. REQUIRED)	
BARRY AVENUE FRONTAGE (WEST)	1869 sf	792 sf	423 % (25% MIN. REQUIRED)	

FLOOR AREA RATIO

PROPOSED FAR = 1.91 (2.00 MAXIMUM ALLOWED)

LOT AREA: 14,111 sf

(CALCULATIONS DO NOT INCLUDE THE CURRENT 315 LAKE STREET PROPERTY)

IMPERVIOUS AND GREEN SPACE CALCULATIONS

A DEVIATION IS REQUESTED TO ALLOW IMPERVIOUS SURFACE COVERAGE TO EXCEED 15% OF THE TOTAL LOT AREA.

(CALCULATIONS DO NOT INCLUDE THE CURRENT 315 LAKE STREET PROPERTY)

	EXISTING	PROPOSED
GREEN SPACE	441 sf OR 3.02%	341 sf OR 2.35%
IMPERVIOUS	14,330 sf OR 96.98%	14,430 sf OR 97.65%

PARKING CALCULATIONS

PARKING CALCULATIONS USING NET SQ FT WITHOUT ANY DEDUCTIONS:

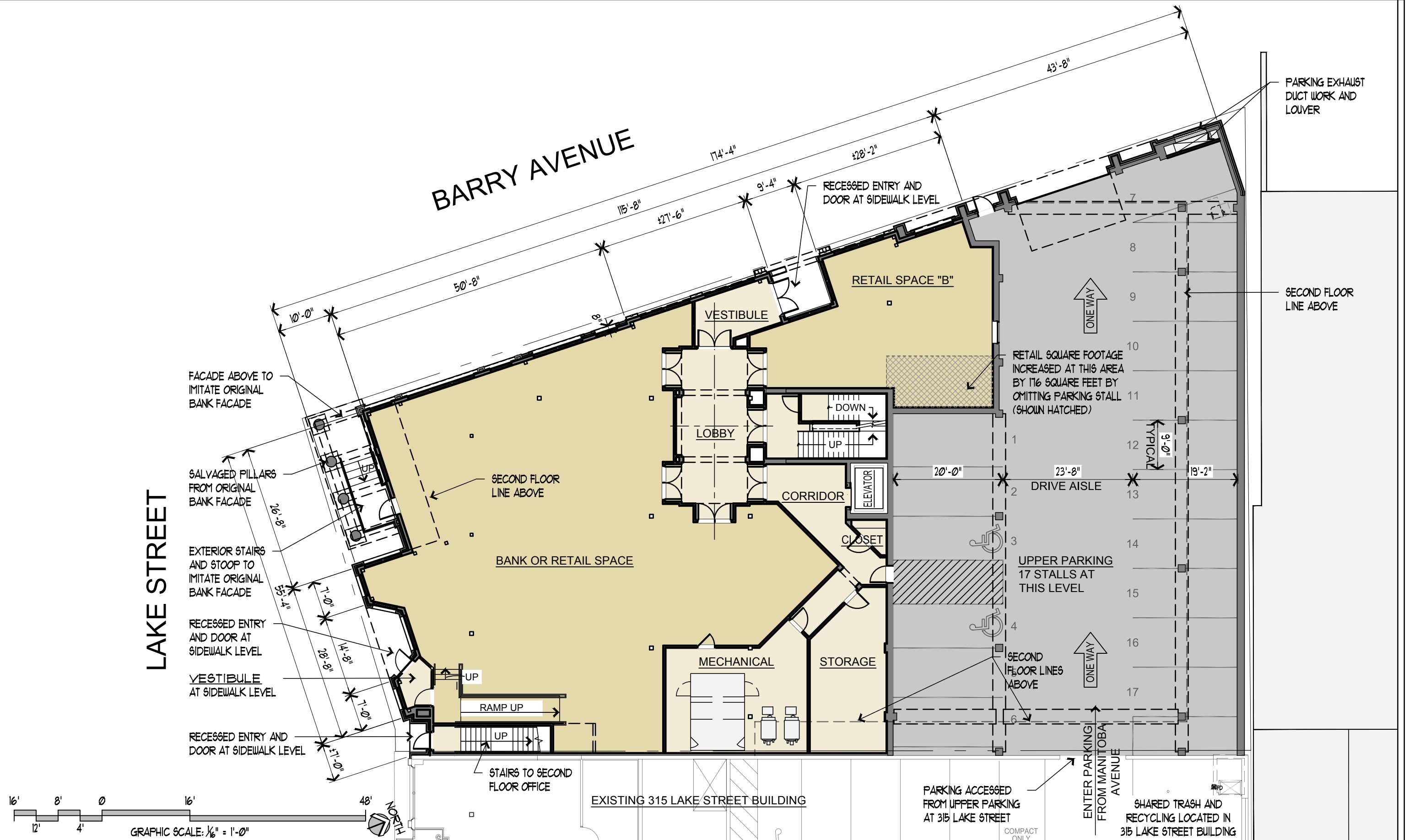
BUILDING ADDRESS	USE	NET SQUARE FOOTAGE	REQUIRED STALLS (3 PER 1,000 SF)	STALLS REQUIRED	STALLS PROVIDED	SURPLUS
305 LAKE STREET	RETAIL	5,012	15.04	68.83	53	
	OFFICE	11,932	53.80			
315 LAKE STREET	RETAIL	4,981	14.96	82.95	65	
	OFFICE	22,662	67.99			
319 BARRY AVENUE	RETAIL	0	0	69.96	121	
	OFFICE	23,319	69.96			
TOTAL ALL THREE BUILDINGS	RETAIL	9,999	30	221.74 OR 222	239	17
	OFFICE	63,913	191.74			

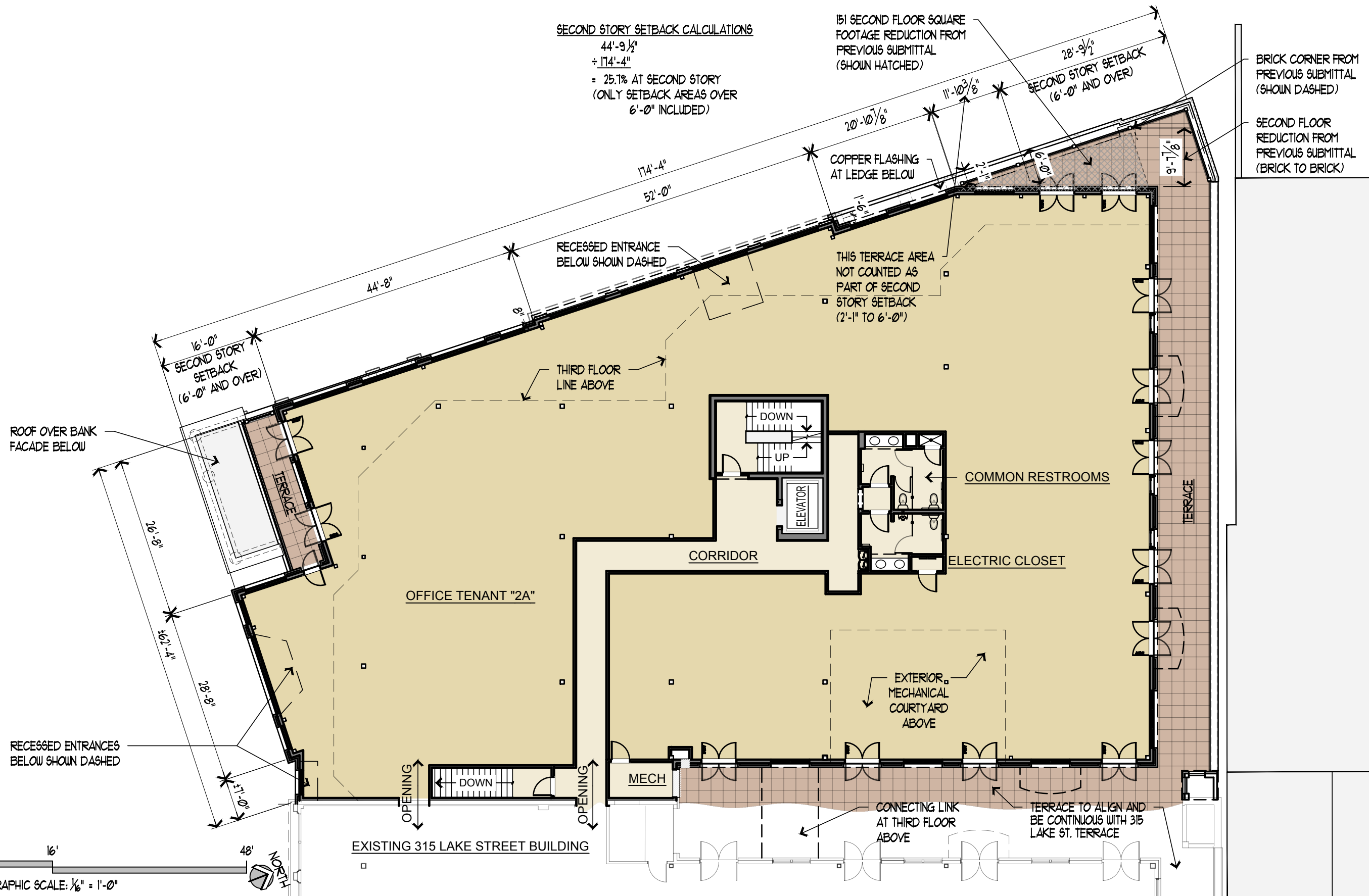
PARKING CALCULATIONS USING GROSS SQ FT MINUS 10% DEDUCTION:

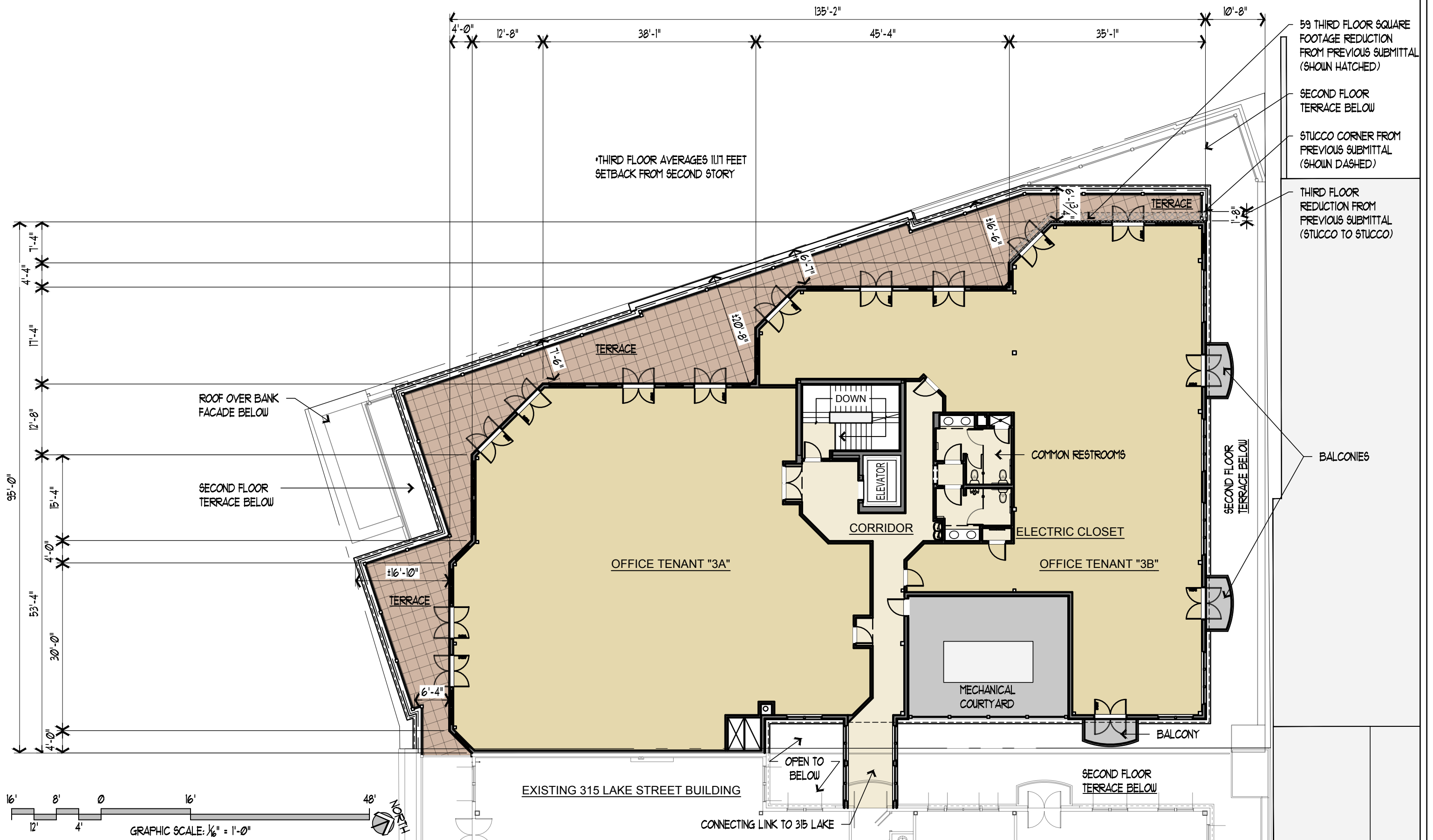
BUILDING ADDRESS	USE	GROSS SQ. FT.	10% REDUCTION	REQUIRED STALLS (3 PER 1,000 SF)	STALLS REQUIRED	STALLS PROVIDED	SHORTAGE
305 LAKE	RETAIL	7,406	6,665	20.00	76.49	53	
	OFFICE	20,922	18,830	56.49			
315 LAKE STREET	RETAIL	6,868	6,181	18.54	89.29	65	
	OFFICE	26,204	23,584	70.75			
319 BARRY AVENUE	RETAIL	0	0	0	77.85	121	
	OFFICE	28,834	25,951	77.85			
TOTAL ALL THREE BUILDINGS	RETAIL	14,274	12,846	38.54	243.63 OR 244	239	5
	OFFICE	75,960	68,364	205.09			

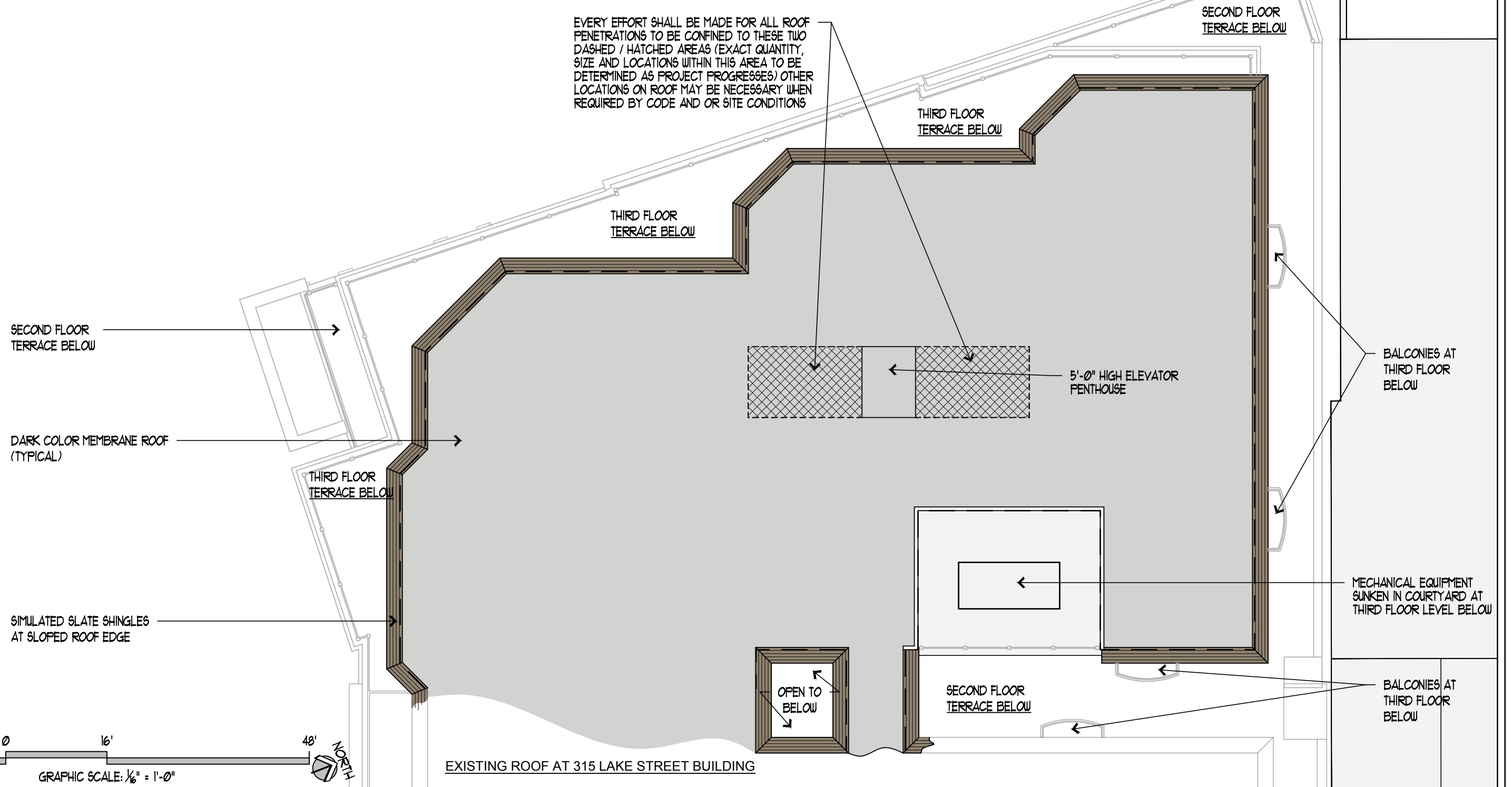
LAKE STREET

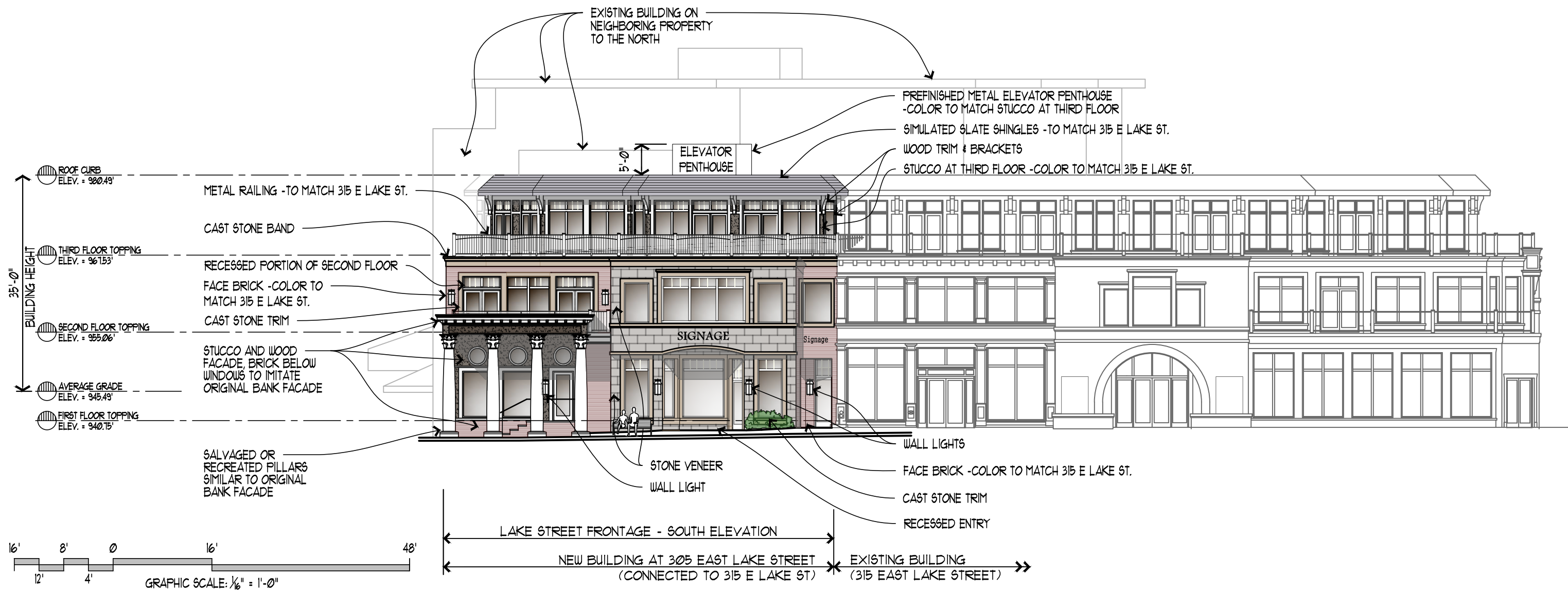
BARRY AVENUE

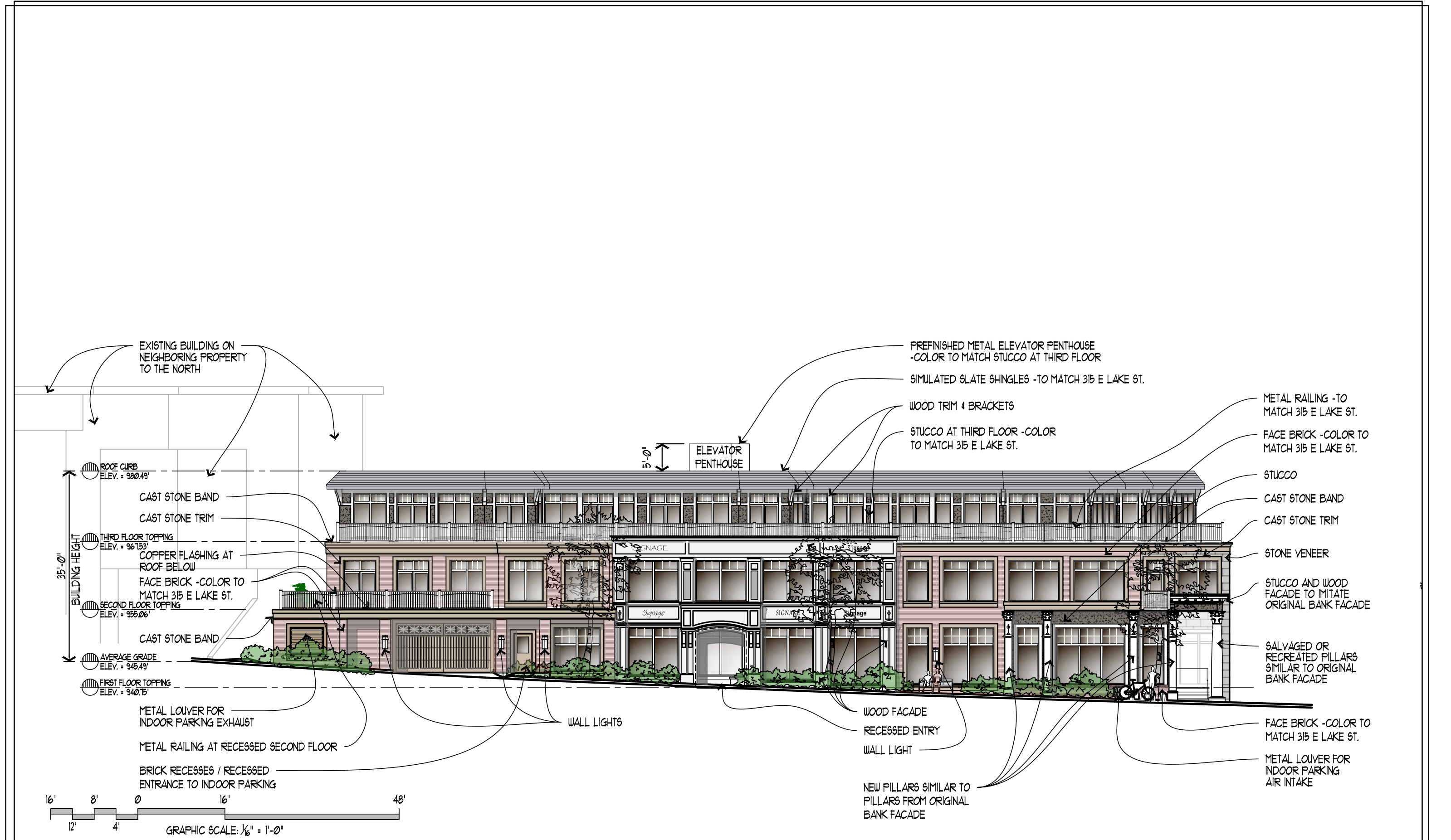


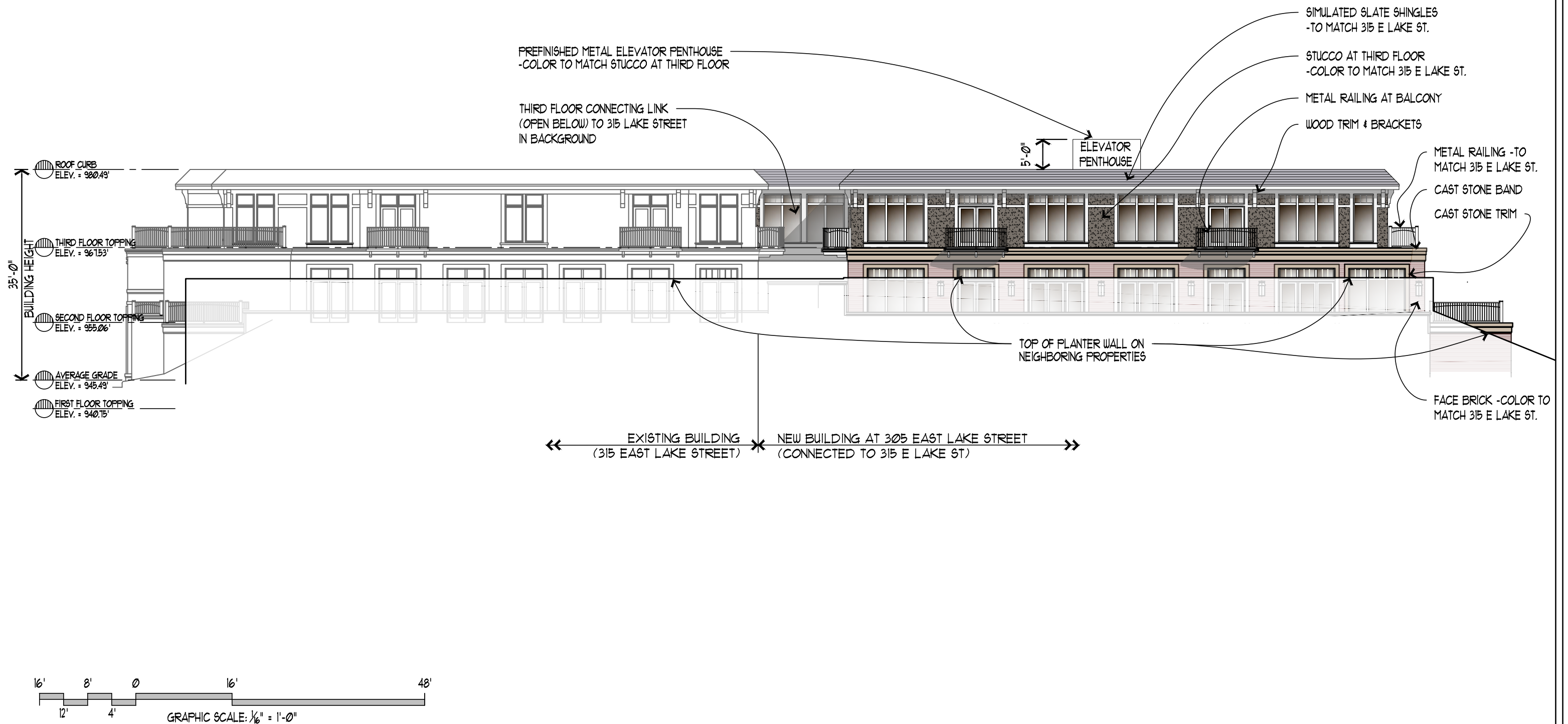


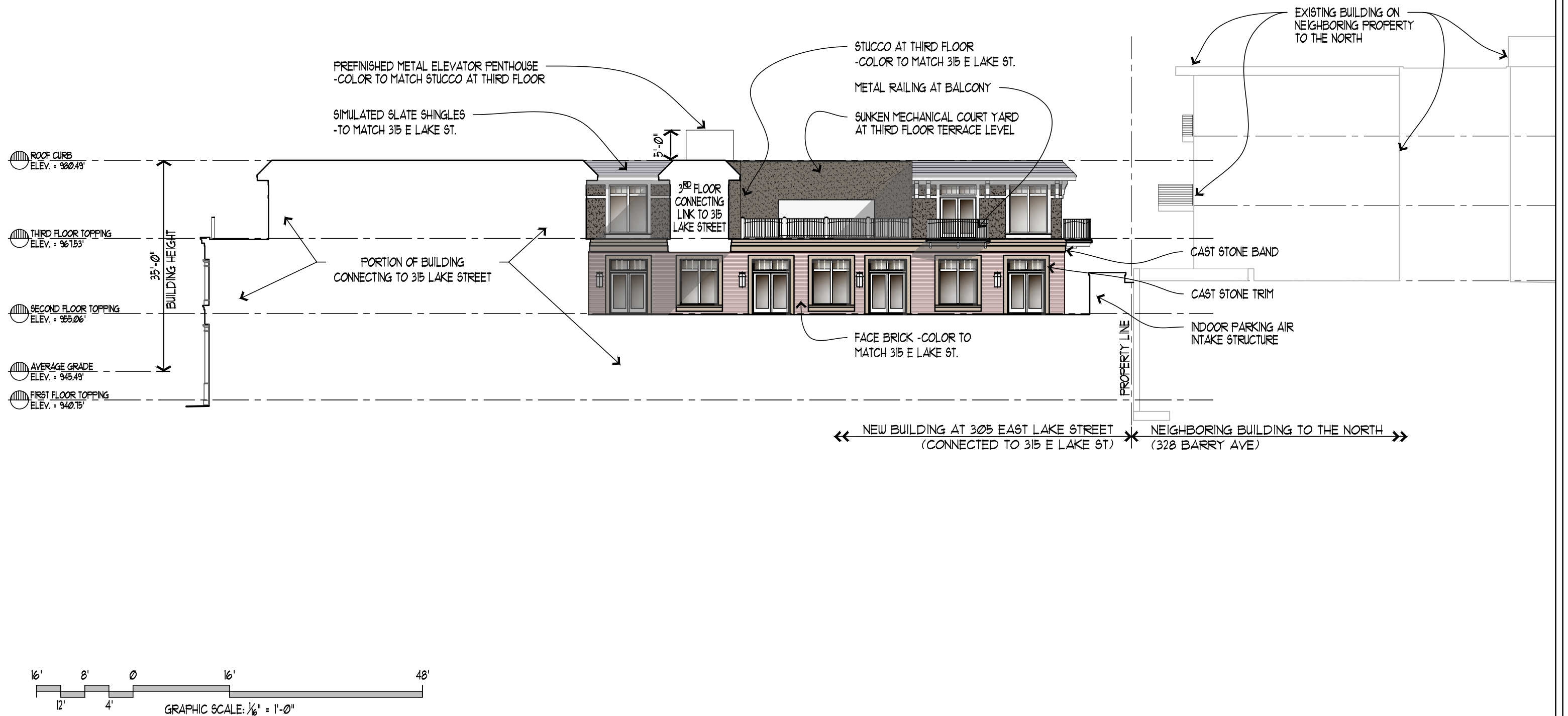


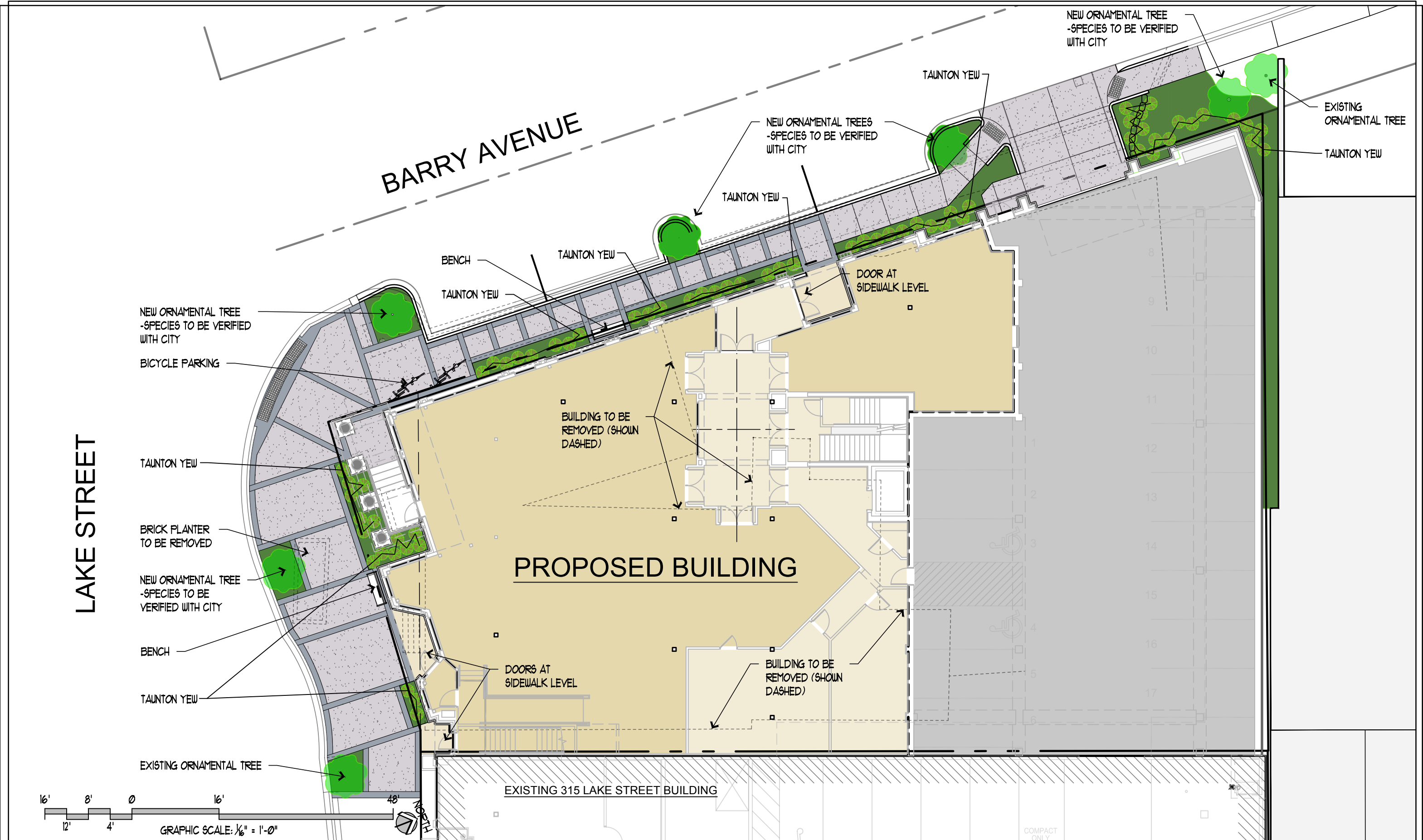












LAKE STREET

BARRY AVENUE

PROPOSED BUILDING

EXISTING 315 LAKE STREET BUILDING

NEW ORNAMENTAL TREE
-SPECIES TO BE VERIFIED
WITH CITY

EXISTING
ORNAMENTAL TREE

TAUNTON YEY

TAUNTON YEY

NEW ORNAMENTAL TREES
-SPECIES TO BE VERIFIED
WITH CITY

TAUNTON YEY

BENCH

TAUNTON YEY

DOOR AT
SIDEWALK LEVEL

NEW ORNAMENTAL TREE
-SPECIES TO BE VERIFIED
WITH CITY

BICYCLE PARKING

TAUNTON YEY

BRICK PLANTER
TO BE REMOVED

NEW ORNAMENTAL TREE
-SPECIES TO BE
VERIFIED WITH CITY

BENCH

TAUNTON YEY

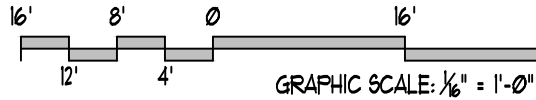
EXISTING ORNAMENTAL TREE

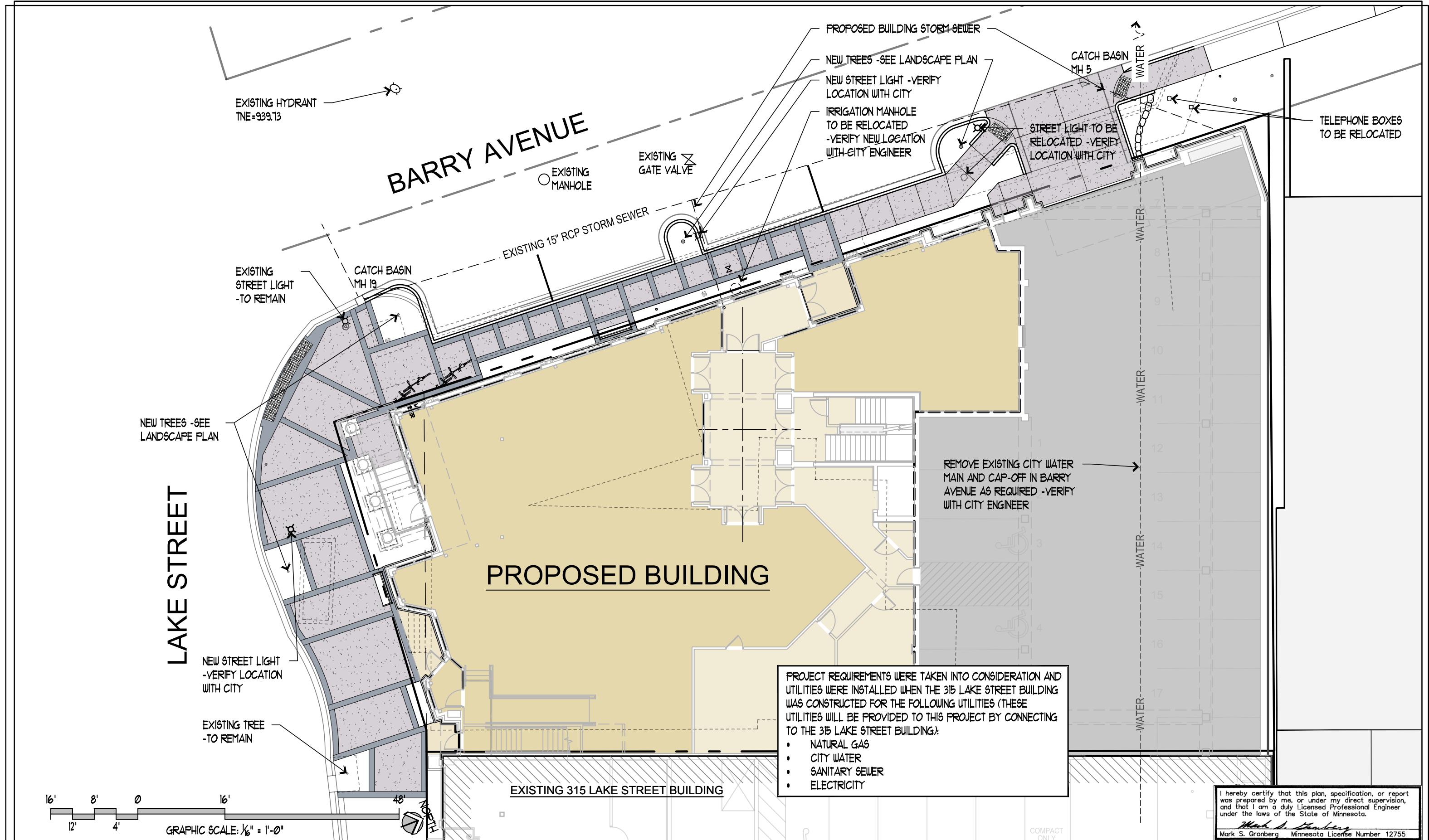
BUILDING TO BE
REMOVED (SHOWN
DASHED)

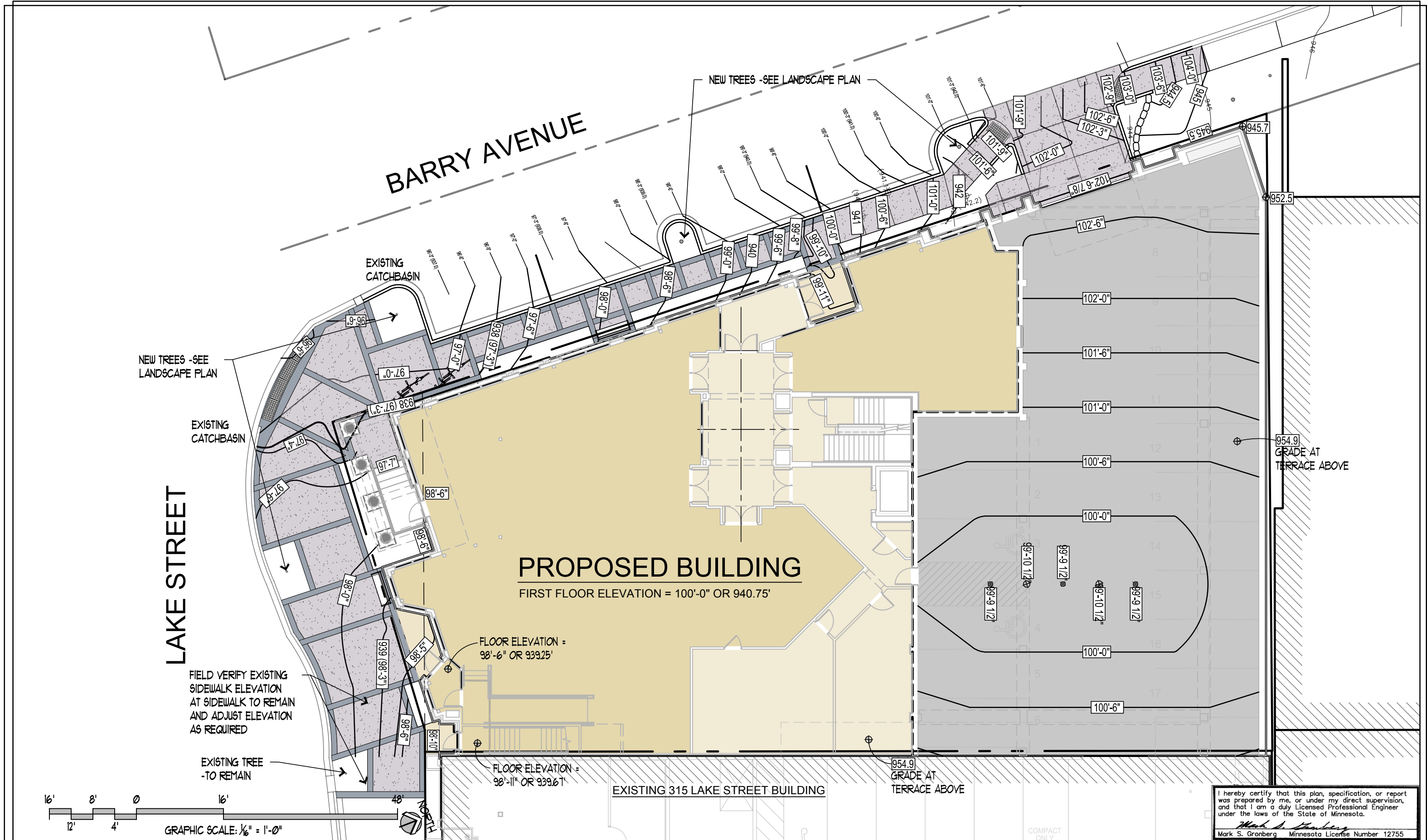
BUILDING TO BE
REMOVED (SHOWN
DASHED)

DOORS AT
SIDEWALK LEVEL

COMPACT
ONLY







BRUCE W. SCHMITT & ASSOCIATES P.A.
320 MANITOBA AVENUE, SOUTH
WAYZATA, MINNESOTA 55391
(952) 436-6222
ARCHITECTS

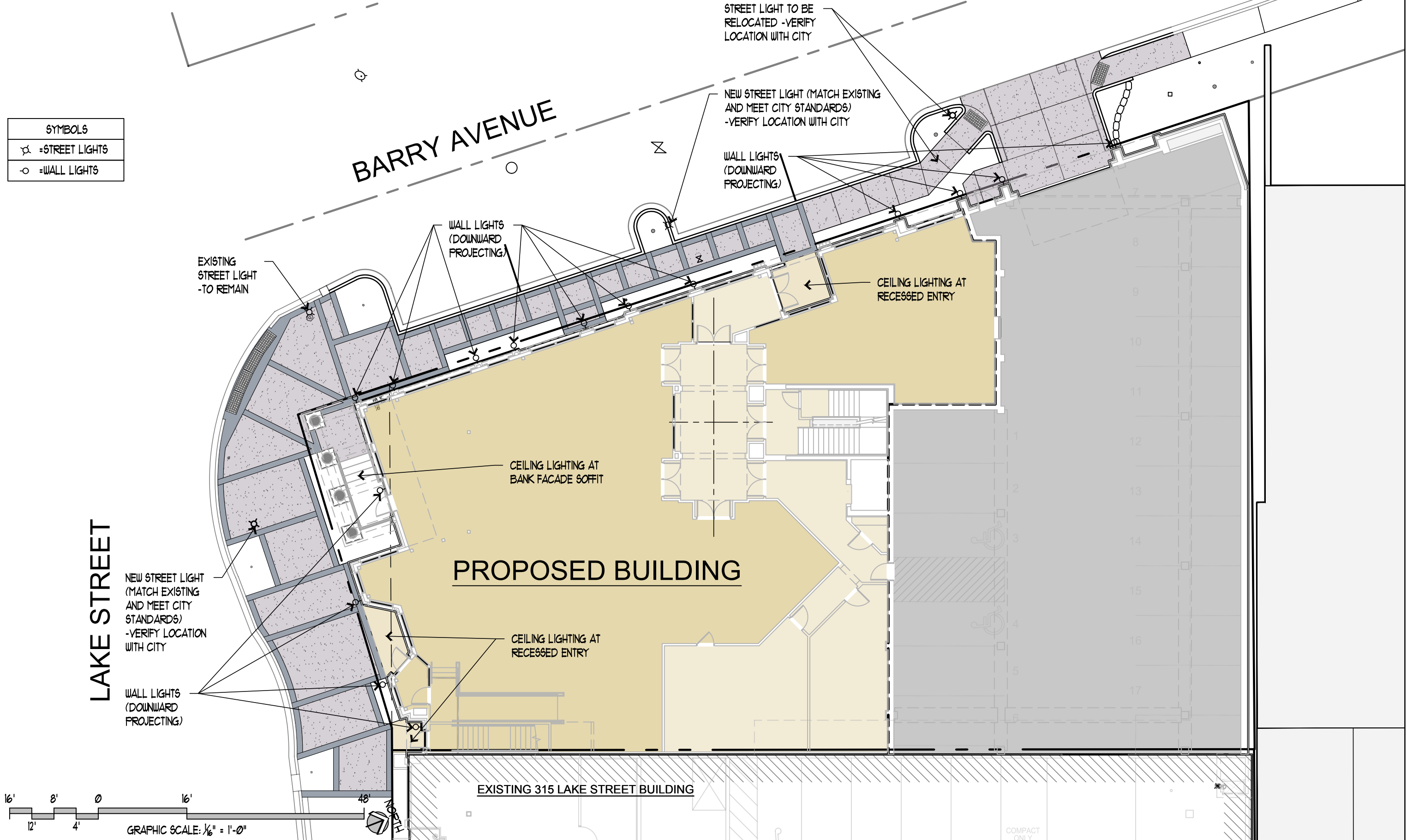
305 LAKE STREET EAST
WAYZATA, MINNESOTA

GRADING PLAN

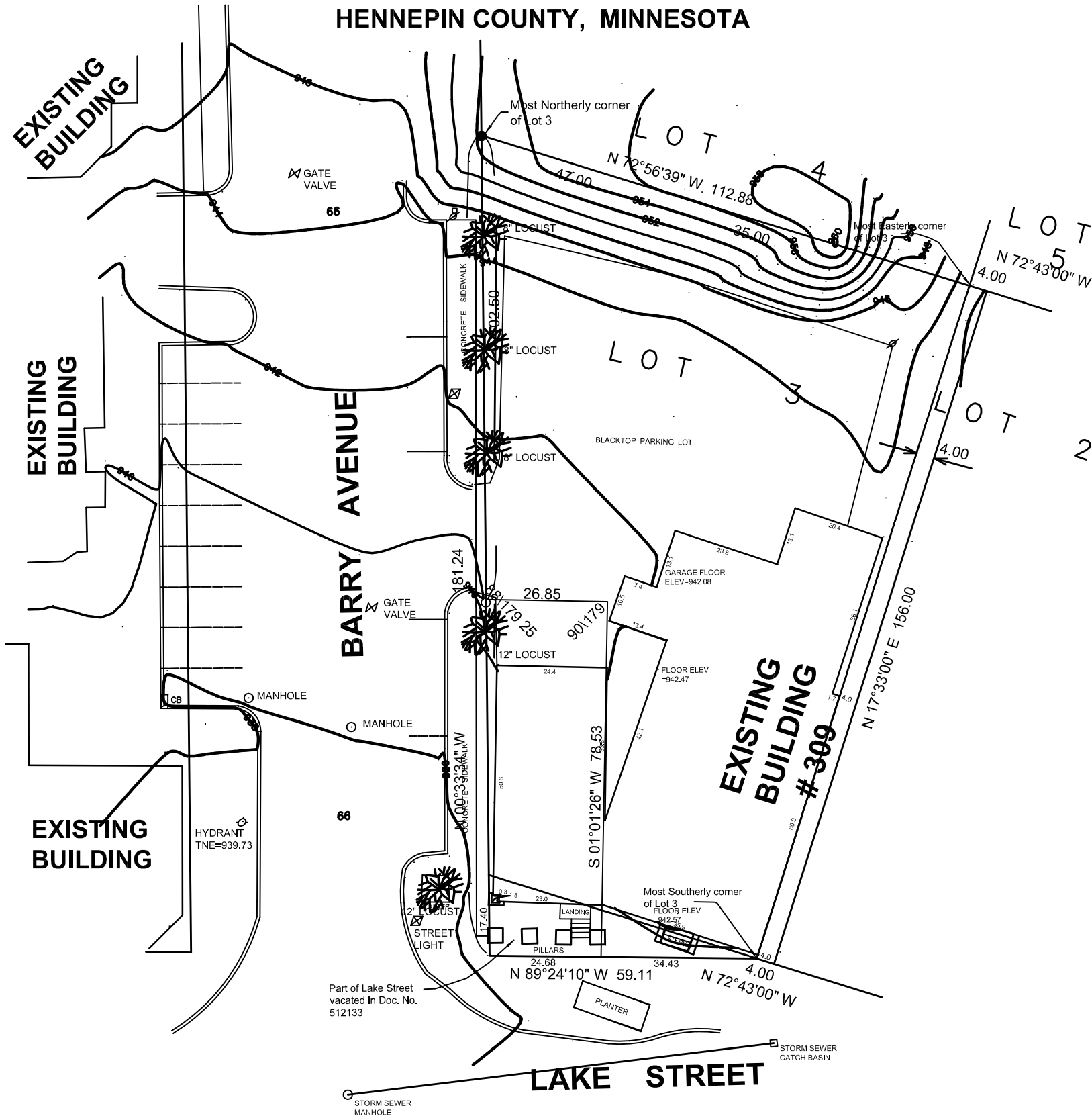
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

REVISED NOVEMBER 14, 2018
REVISED SEPTEMBER 24, 2018
REVISED SEPTEMBER 7, 2018
JUN 27, 2018
Page 265 of 422

SYMBOLS	
	=STREET LIGHTS
	=WALL LIGHTS



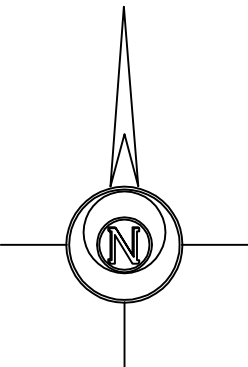
CERTIFICATE OF SURVEY FOR
FIVE SWANS
IN LOTS 2 & 3, STEPHENS ADDITION TO THE TOWNSITE OF WAYZATA
AND PART OF VACATED LAKE STREET
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES:
That part of Lot 3, "Stephens' Addition to the Townsite of Wayzata", and that part of Lake Street, adjoining said Lot 3, vacated by instrument recorded in Book 121 of Miscellaneous Records, page 42, Document No., 512133, described as follows:
Commencing at the most Southerly corner of said Lot 3; thence Northeasterly along the Easterly line of said Lot 3 to the most Easterly corner of said Lot 3; thence Northwesterly along the Northerly line of said Lot 3 to the most Northerly corner of said Lot 3; thence Southerly along the Westerly line of said Lot 3 a distance of 102.5 feet; thence deflecting to the left 88 degrees 25 minutes a distance of 26.85 feet; thence deflecting right 90 degrees a distance of 78.53 feet to the Southerly line of said part of vacated Lake Street described in said Document 512133; thence Easterly along said Southerly line a distance of 34.43 feet to the point of beginning.
The Northwestery 4 feet of Lot 2, "Stephens' Addition to the Townsite of Wayzata" measured perpendicular to the Northwestery line of said lot,
ALSO
That part of said Lot 3 described as follows: Commencing at the most Northerly corner of said Lot 3; thence Southerly along the Westerly line of said Lot 3 a distance of 102.5 feet to the point of beginning of the property being described; thence deflecting to the left 88 degrees 25 minutes a distance of 26.85 feet; thence deflecting right 90 degrees a distance of 78.53 feet to the Southerly line of said part of vacated Lake Street described in said Document 512133; thence Westerly along said Southerly line to its intersection with the Southerly extension of said West line of Lot 3; thence Northerly along said extension and along said West line to the point of beginning.

This survey shows the boundaries of the above described property, and the location of an existing building, parking area, and pillars thereon. It does not purport to show any other improvements or encroachments.

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



DESIGNED	REVISION	DATE	DESCRIPTION
DRAWN			
PR			
CHECKED			



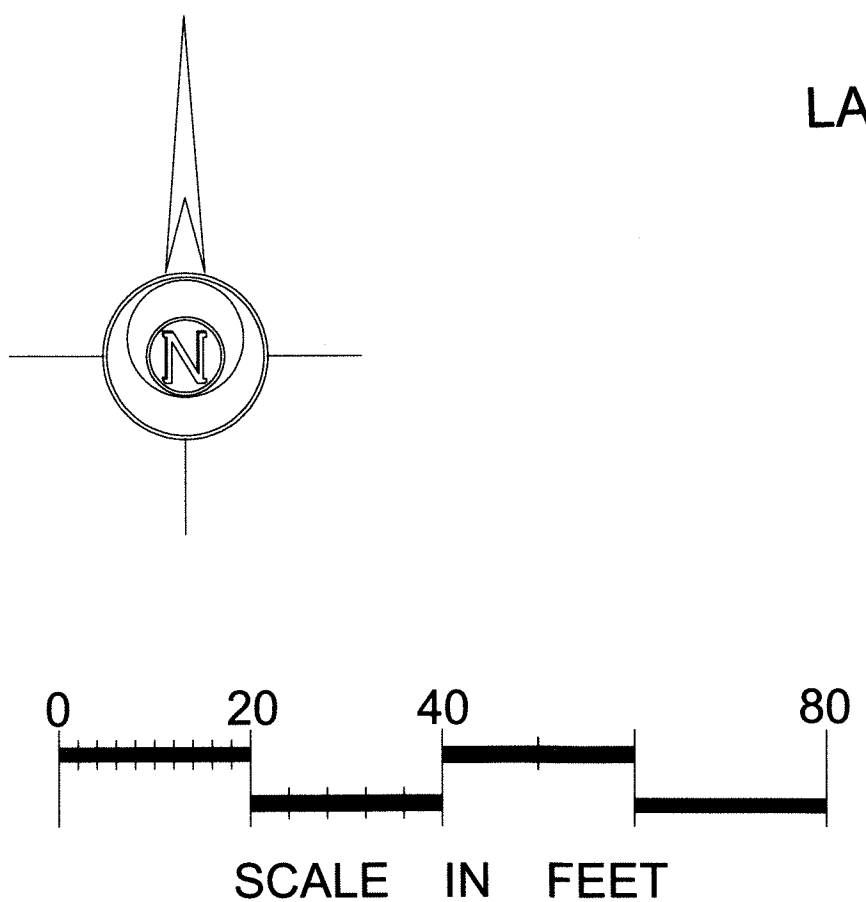
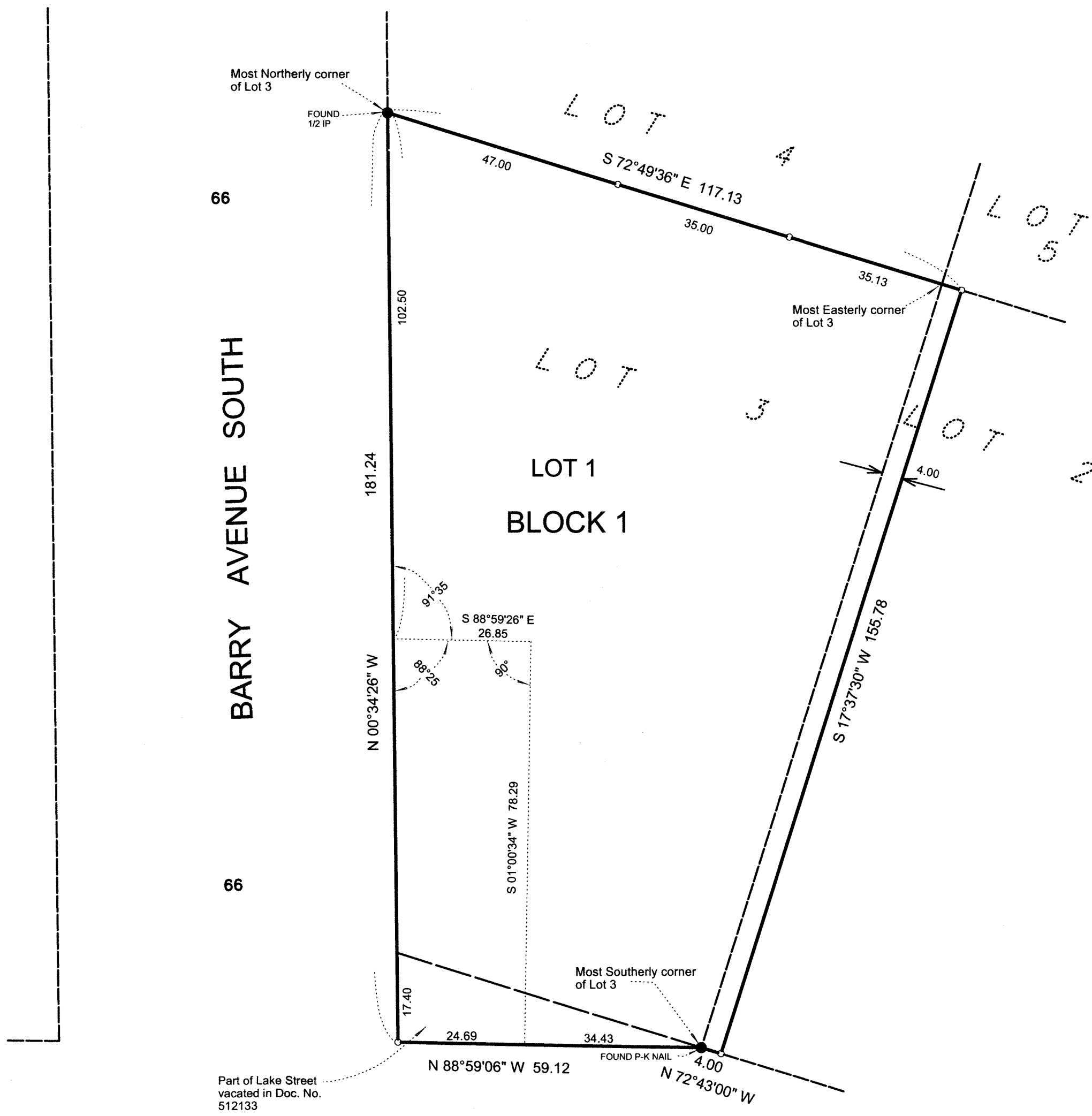
GRONBERG & ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS,
SITE PLANNERS
445 N. WILLOW DR. LONG LAKE, MN. 55356
952-473-4141

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

DATE _____ MN LICENSE NUMBER _____

SCALE
~~1"=20'~~
not to scale
DATE
1-7-08
JOB NO.
08-006

SWANS CORNER



Know all persons by these presents: That Swans Corner LLC, a Minesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of Lot 3, "Stephens' Addition to the Townsite of Wayzata" and that part of Lake Street, adjoining said Lot 3, vacated by instrument recorded in Book 121 of Miscellaneous Records, page 42, Document No. 512133, described as follows: Commencing at the most Southerly corner of said Lot 3, thence Northerly along the Easterly line of said Lot 3 to the most Easterly corner of said Lot 3; thence Northwesterly along the Northerly line of said Lot 3 to the most Northernly corner of said Lot 3; thence Southerly along the Westerly line of said Lot 3 a distance of 102.5 feet; thence deflecting to the left 88 degrees 25 minutes a distance of 26.85 feet; thence deflecting to the right 90 degrees a distance of 78.53 feet to the Southerly line of said part of vacated Lake Street described in said Document 512133; thence Easterly along said Southerly line a distance of 34.43 feet to the point of beginning.

The Northwesterly 4 feet of Lot 2, "Stephens' Addition to the Townsite of Wayzata" measured perpendicular to the Northwesterly line of said lot.

Also

That part of Lot 3, "Stephens' Addition to the Townsite of Wayzata" and that part of Lake Street, adjoining said Lot 3, vacated in instrument recorded in Book 121 of Miscellaneous Records, page 42, Document No. 512133, described as follows: Beginning at the southwesterly corner of said Lot 3; thence northerly along the west line of said Lot 3 to a point distant 102.5 feet southerly from the most northernly corner of said Lot 3; thence deflecting to the right at an angle of 91 degrees 35 minutes, a distance of 26.85 feet; thence southerly at a right angle a distance of 78.53 feet more or less, to the southerly line of said vacated part of Lake Street described in said Document No. 512133; thence westerly along said southerly line to the southerly extension of the westerly line of said Lot 3; thence northerly along said extension to the point of beginning.

Have caused the same to be surveyed and platted as SWANS CORNER, and do hereby dedicate to the public for the public use forever the drainage and utility easements as shown on the plat.

In witness whereof said Swans Corner, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____ Swans Corner, LLC, a Minnesota limited liability company,

By _____ its _____ STATE OF _____ COUNTY OF _____) The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, its _____, of Swans Corner, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County Notarys printed name My commission expires _____

I Mark S. Gronberg do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licendsed 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 this 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.

De. ed the _____ day of _____, 20____.

Mark S. Gronberg Licensed Land Surveyor and Engineer Minnesota License Number 12755

STATE OF _____) COUNTY OF _____) The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Mark S. Gronberg, Land Surveyor and Engineer

Notary Public, _____ County Notarys printed name My commission expires _____

WAYZATA, MINNESOTA

This plat of SWANS CORNER was approved and accepted by the City Council of Wayzata, Minnesota, at a regular meeting 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 THE CITY OF WAYZATA, MINNESOTA

_____, Mayor _____, 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 MINN. 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 SWANS CORNER was filled for record in this office this _____ day of _____, 20____, at _____ o'clock _____M.

MARTIN MCCORMICK, REGISTRAR OF TITLES

By _____, Deputy

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

1. Project Information prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 2. Design Features prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 3. Materials and Calculations prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 4. Lower Level Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 5. First Floor Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 6. Second Floor Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 7. Third Floor Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 8. Roof Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 9. South Elevation prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 10. West Elevation prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 11. North Elevation prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 12. East Elevation prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 13. Landscape Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 14. Site Utility Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 15. Grading Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 16. Site Lighting Plan prepared by Bruce W. Schmitt & Associates dated June 27, 2018 and revised November 14, 2018
 17. Preliminary Plat prepared by Gronberg & Associates and dated June 26, 2018
 18. Certificate of Survey prepared by Gronberg & Associates and dated January 7, 2008
 19. Final Plat prepared by Gronberg & Associates
-

		Comments	Compliance
Building Uses			
<u>909.05.A – 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.		100% of the ground level along the Lake Street frontage would be retail uses, and retail would comprise 55% of the ground floor. The remaining 45% of the ground floor would be interior parking.	Yes
Building Recesses			
<u>909.06.A.1 – 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 recesses and undulations in the building façade that creates shadow lines and dimensions.	Yes
<u>909.06.A.2</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The front of the building adjacent to the street and public sidewalk would include landscape planters and benches.	Yes

	Comments	Compliance
Building Width		
<u>909.07.A – 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 incorporates special treatment at entrances, building setbacks and articulation of the façade, and rhythm of elements.	Yes
	Comments	Compliance
Upper Story Setbacks		
<u>909.08.A.1 – 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 third story of the building would be fully recessed from the second story along both Barry Avenue and Lake Street. The third story along Lake St is recessed between 6.6 and 20.7 feet, and the third story along Barry Ave is recessed between 6.3 feet and 16.8. The average third story setback is 11.1 feet. The third story façade includes railings, pillars to break up the façade.	Yes

	Comments	Compliance
<u>909.08.A.2 – 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.	The second story of the building would be recessed at least 6 feet for 43% of the Lake St frontage, and for 25.7% of the Barry Ave frontage.	Yes
<u>909.08.A.3 – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The proposed plans eliminates the rooftop patio and fully conforms to the building height requirement in the C-4 zoning district.	Yes

	Comments	Compliance
Roof Design		
<u>909.09.A – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	The proposed plan does not include a green roof.	N/A
<u>909.09.B.1 – 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>909.09.B.2 – 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 proposed building has a flat roof which would consist of a synthetic membrane in a dark color.	Yes
Screening of Rooftop Equipment		
<u>909.10.A – Lake Street District</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.	The proposed plans do not include mechanical units on the rooftop. The mechanical equipment would be located in a sunken courtyard below the third level roof deck.	Yes

	Comments	Compliance
Facade Transparency		
<u>909.11.B – 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 first floor of the building is comprised of only 41.5% glass along the Lake Street façade and 42.3% glass along the Barry Ave façade. The proposed building meets the transparency requirement along Barry Ave, but not along Lake St.	No. Deviation Requested.
Ground Level Expression		
<u>909.12 – 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 of the proposed building is distinguished from the 2 nd and 3 rd floor by an architectural cornice, a change in building materials, and an offset in the façade.	Yes
Entries		
<u>909.13 – 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.	The front façade along Lake Street and Barry Avenue have landscape planters located in front of the building. The main entries are located along the street at sidewalk level.	Yes

	Comments	Compliance
Building Materials and Quality		
<u>909.14.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 on all sides of the building would consist of brick, stone, wood, stucco, and cast stone.	Yes
<u>909.14.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The proposed building would consist of the same primary materials – brick, stone, stucco, and cast stone – on all sides of the building.	Yes
<u>909.14.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 brick will be standard size.	Yes

<u>909.14.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 brick and stone facades will be well detailed. Yes
<u>909.14.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		All brick will be tooled with brick and mortar color to match. Yes
<u>909.14.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

<u>909.14.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 building includes sills, accents, and cornices that consist of the same primary building materials – stone, cast stone, and wood.	Yes
<u>909.14.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 parapets, flashing, and coping are has copper over the pitched simulated slate shingles.	Yes

<u>909.14.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.	The proposed building does not include any awnings.	N/A
<u>909.14.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	The building includes usable balconies with metal railings. The balconies would all be located within the property lines. The proposed rooftop patio would be surrounding by a cable railing system.	Yes
<u>909.14.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 exterior glass will not be mirrored, reflective, or darkened.	Yes

<u>909.14.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.	All entry doors are glass on the front façades along Lake Street and Barry Avenue.	Yes
	Comments	Compliance
Franchise Architecture		
<u>909.15 – 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	There is no franchise architecture proposed.	N/A

	Comments	Compliance
Walkways		
909.16.A – Lake Street District 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 continuous sidewalks along both Lake St and Barry Avenue which would be composed of exposed aggregate with concrete bands. The Lake Street sidewalk would be 16 feet in width. However, the Barry Ave sidewalk is only 6 feet in width. Both the Lake St and Barry Ave frontages have benches.	No. Deviation Requested.

	Comments	Compliance
Landscaping		
909.17.A – All Districts		
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. 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	The proposed plans include seasonal landscaping within planters along Lake St and Barry Ave. The proposed streetscaping consists of existing and proposed boulevard trees, exposed aggregate sidewalks, and benches. The proposed plans include street lights according to the City's design specifications.	Yes

<u>909.17.B – Lake Street District</u> A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.	The proposed plans include a 16-foot continuous sidewalk along Lake Street and 6-foot continuous sidewalk along Barry Avenue, with existing and proposed boulevard trees.	Yes
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	Comments	Compliance
Parking Lot Landscaping		
<u>909.18 – All Districts</u> A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	The proposed plans do not include a surface parking lot. All of the proposed parking would be located internal to the building.	N/A
Surface Parking		
<u>909.19 – All Districts</u> A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The proposed plans do not include a surface parking lot. All of the proposed parking would be located internal to the building.	N/A

	Comments	Compliance
<u>909.20 – 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 four bicycle parking spots along Barry Avenue.	Yes
Parking Structures		
<u>909.21 – 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.	All of the proposed parking would be located internal to the building. The proposed plans do not include a parking structure.	N/A

	Comments	Compliance
Signs		
<u>909.22 – All Districts</u>		
A. Compatibility		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. 2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. 3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. 4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.	The proposed plans include wall signs on the Lake Street and Barry Ave frontages. The signs would identify individual tenants within the building. The signs would be constructed of natural materials such as wood, metal, or stone. The signs will be attached directly to the building and would be lit.	Yes

909.23.A – Permitted Sigs – 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 included on the proposed plans.	Yes
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	Comments	Compliance
Parking Lot and Building Lighting		
909.24 – 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.	The proposed plans do not include a surface parking lot. Wall-mounted decorative light fixtures will be located along Lake Street and Barry Ave at entrance doors and terrace locations.	Yes

DRAFT RESOLUTION NO. 62-2018

RESOLUTION APPROVING PROJECT DESIGN, THIRD STORY SETBACK VARIANCE, FLOOR AREA RATIO VARIANCE, SHORELAND IMPACT PLAN/CUP FOR IMPERVIOUS SURFACE, JOINT PARKING CUP, AND LOT COMBINATION

WHEREAS, Lowell Zitzloff, and the property owner, Swans Corner, LLC, (the “Applicant”) submitted a development application (the “Application”) to redevelop the properties at 305 and 309 Lake Street East (collectively, the “Property” and legally described on Attachment A hereto), involving the demolition of the existing buildings on the Property, and construction of a new three-story mixed use building with a fourth-story penthouse and elevator overrun (the “Project”); and

WHEREAS, the Application included an alternative plan for the Project that would eliminate the fourth-story penthouse and elevator overrun, and that would not require the requested Height Variance and Shoreland Impact Plan/Conditional Use Permit for Height (the “Three Story Alternative Plan”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning and Subdivision Ordinances, 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”) that recommended approval of the Three Story Alternative Plan; and

WHEREAS, the Wayzata City Council reviewed the Application at its November 7, 2018 meeting, and tabled action on the Application and requested that the Applicant consider revising the Three Story Alternative Plan to eliminate the need for the second story setback deviation from the Design Standards;

WHEREAS, the Applicant has amended its Application with a revised Three Story Alternative Plan, attached to this Resolution as Attachment C, (the “Revised Three Story Alternative Plan”) that (i) eliminates the need for the requested second story setback deviation from the Design Standards; (ii) increases the number of off site parking stalls in the requested Joint Parking CUP from 14 to 15 stalls; and (iii) decreases the size of the requested FAR Variance from 2.35 to 2.33

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

A. Based on the Application materials, additional materials and plans submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning and Subdivision Ordinances, 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 Revised Three Story Alternative Plan, as set forth in the amended Application and attached

hereto, meets the applicable requirements of Wayzata's Zoning and Subdivision Ordinance.

B. Based on the foregoing, the (i) Height Variance and (ii) Height CUP, as defined in the PC Report and requested in the Application, are **HEREBY DENIED** and the (i) Preliminary and Final Plat Subdivision, (ii) Design of the Project, (iii) Third Story Setback Variance, (iv) Floor Area Ratio Variance, (v) Shoreland CUP, and (vi) Joint Parking CUP, as defined in the PC Report and amended in the amended Application and Revised Third Story Alternative Plan, are **HEREBY APPROVED**, subject to the following conditions:

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 Revised Three Story Alternative Plan, included as Attachment C to this Resolution.
3. All roof penetrations for mechanical, plumbing, and other building systems must be located within the hatched area as shown on the Roof Plan in the Application. Any request by the Applicant for roof penetrations outside of the hatched area must be reviewed by the City Council.
4. Before the City issues a building permit for the Project, the final civil engineering plans, including Site Plan, Grading and Drainage Plan, Utility Plan, and Stormwater Management Plan must be reviewed and approved by the City Engineer.
5. Park Dedication fees must be paid as required by the Subdivision Ordinance at the time of recording of the final plat for the Subdivision.
6. 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.
7. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that addresses all public improvements associated with the Project.
8. The Applicant must provide the agreement for joint use of off-street parking facilities as required by the Zoning Ordinance and in a form acceptable to the Wayzata City Attorney.

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 20th day of November, 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 November 20, 2018.

Kathy Leervig, City Clerk
SEAL

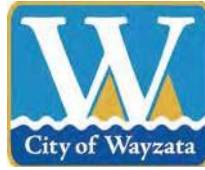
Attachment A
Legal Descriptions of Property

Attachment B

Planning Commission Report and Recommendation, dated October 15, 2018

Attachment C

Revised Three Story Alternative Plan, dated June 27, 2018 and revised November 14,
2018



WAYZATA PLANNING COMMISSION

October 15, 2018

REPORT AND RECOMMENDATION FOR DEVELOPMENT APPLICATION AT 305 AND 309 LAKE ST E

SUMMARY OF RECOMMENDATION

1. **Approval*** of Concurrent Preliminary and Final Plat Subdivision
 2. **Approval*** of Design of Project
 3. **Denial** of Height Variance
 4. **Approval*** of Third Story Setback Variance
 5. **Approval*** of Floor Area Ratio Variance
 6. **Denial** of Shoreland Impact Plan/Conditional Use Permit for Height
 7. **Approval*** of Shoreland Impact Plan/Conditional Use Permit for Impervious Surface
 8. **Approval*** of Joint Parking CUP
* with certain conditions listed at the end of this Report
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Lowell Zitzloff, and the property owner, Swans Corner, LLC, (collectively, the “Applicant”) have submitted a development application (the “Application”) to redevelop the properties at 305 and 309 Lake Street East (the “Property”). The proposed redevelopment involves the demolition of the existing buildings on the site, and construction of a new three-story mixed use building with a fourth-story penthouse and elevator overrun (the “Project”). The Application includes alternative plans that would not include the fourth-story penthouse and elevator overrun, and would not require the requested Height Variance and Shoreland Impact Plan/Conditional Use Permit for Height (the “Three Story Alternative”). This Report addresses all of the requests in the Application for the Project with the fourth-story penthouse and elevator overrun, and makes a recommendation of approval on the Three Story Alternative.
- 1.2 Approvals Requested. The Application includes requests for approval of the following:

- A. Preliminary and Final Plat for Lot Combination: A concurrent preliminary and final plat to combine the three existing lots comprising the Property into a new single lot (the “Subdivision”, “Preliminary and Final Plats” or “Lot Combination”).
- B. Design: The design elements of the Project (the “Design”), as further detailed in the Design Critique attached to this Report as Attachment A, including the following three deviations from the Design Standards (collectively, the “Deviations”):
1. 2nd Story Building Recession: The second story of the building would be recessed 15% of the façade along Barry Avenue, instead of the required 25% of the façade.
 2. Lake Street Ground Level Transparency: Ground level façade glass transparency along Lake Street of 41.5%, rather than the required 50%.
 3. Barry Ave Sidewalk Width: A 6-foot sidewalk along Barry Ave rather than the required 12-foot wide sidewalks along all public streets.
- C. Variance from the Building Height Standard: A variance from the maximum 35 foot, 3 story building height permitted in the C-4 Zoning District to allow for a proposed building height of up to 44 feet to the top of a fourth story penthouse, and 48 feet to an elevator overrun (the “Height Variance”).
- D. Variance from the 3rd Story Setback Standard: A variance from the minimum third story set back requirement in the C-4 Zoning District of ten feet from the building’s front façade to allow for the proposed third story setback of 6.2 feet at its closest point on Barry Ave S, and 6.3 feet at its closest point along Lake St E (the “Third Story Setback Variance”).
- E. Variance from the Floor Area Ratio Standard: A variance from the maximum floor area ratio (FAR) requirement in the C-4 Zoning District of 2.0 to allow for a floor area ratio of 2.35 (the “Floor Area Ratio Variance”).
- F. 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 height of up to 44 feet to the top of a fourth story penthouse, and 48 feet to top of an elevator overrun (the “Height CUP”).
- G. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface: A shoreland impact plan/conditional use permit for an impervious surface coverage that exceeds 75% of the lot coverages to allow for the Project’s

proposed 97.7% impervious surface coverage (the “Impervious Surface CUP”).

- H. Joint Parking Conditional Use Permit: A conditional use permit for joint parking to provide 14 of the required 68 stalls of off-street parking for the Project through joint use of one or more parking sites where the total number of spaces provided are less than the sum of the total required for each use (the “Joint Parking CUP”).

- 1.3 Property. The address, property identification numbers, and owner of the Property are:

Address	PID	Owner
305 Lake St E	06-117-22-31-0006	Swans Corner, LLC
305 Lake St E	06-117-22-31-0005	Swans Corner, LLC
305 Lake St E	06-117-22-31-0004	Swans Corner, LLC

- 1.4 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	C-4/Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on September 20, 2018 and mailed to all property owners located within 350 feet of the Property on September 21, 2018. The public hearing on the Application was held at the October 1, 2018 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 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, Part X of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 1003.03.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 1003.2.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.
- E. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. The proposed lot layout and building pads shall conform with all performance standards contained herein.
- L. 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.
- M. 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 Design Standards. All new non-residential building construction in the City must comply with the Design Standards found in Chapter 909 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. 909.29 (with the exception of Section 909.10 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 978.07.A.1, the maximum building height in the C-4 Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 905.01.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. Criteria for granting a variance 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 Third Story Setback and Floor Area Ratio; Variances. Under Section 978.07.A.1, the minimum third story set back requirement in the C-4 Zoning District is ten feet from the building’s front façade, and under Section 978.07.C, the maximum floor area ratio in the C-4 Zoning District is 2.0. Section 905.01.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. Criteria for granting a variance 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:
 - (iv) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (v) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (vi) 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. Section 991.10. Under Section 991.10, building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 991.19 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 Chapter 904 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 904.02.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.

2.6. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. 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 pursuant to the criteria of Chapter 991 related to sediment control, water management, maintenance of landscaped features, and other shoreland management matters, and the general CUP criteria of Section 904.02.F which 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.
- 2.7. Joint Parking Conditional Use Permit. Under Section 920.09.A, the City Council may approve a conditional use permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the calculations in Section 920.09.A for parking stalls are provided through such joint parking arrangements, and the following conditions relevant to the Application are found to exist:
- A. Proximity. The building or use for which application is being made to utilize the offstreet parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
 - B. Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of offstreet parking facilities is proposed.
 - C. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

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 and Subdivision Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Preliminary / Final Plat Subdivision for Lot Combination. 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 1003.2.E:
- A. The Subdivision is consistent with the Wayzata Comprehensive Plan which guides the property for the mixed uses proposed as part of the Project, including first floor retail uses.

- B. The building pad that results from the Subdivision will not impact sensitive areas on the Property.
- C. The building pad that results from the Subdivision has been selected and located with respect to natural topography to minimize filling or grading.
- D. There are no existing stands of significant trees on the Property impacted by the Project.
- E. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and is consistent with the surround areas on Lake Street.
- F. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and Lake Street character.
- G. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding area of Lake Street.
- H. 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 along Lake Street.
- I. The building proposed for the Subdivision meets the applicable Design Standards outlined in Section 9 of the Wayzata Zoning Ordinance, assuming approval of the Deviations as recommended.
- J. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which CUPs and variances are being requested.
- K. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
- L. 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.

3.2 Project Design. The Project meets the applicable provisions of the Design Standards as reflected in the Design Critique attached to this Report as Attachment A, except for the Deviations, which are:

1. 2nd Story Building Recession: The Design Standards require that the second story of the building be recessed at least 6 feet for 25% of the façade length along a public street. The proposed second story of the proposed building would be recessed at least 6 feet for 43% of the façade along Lake Street, but only 15% along Barry Avenue.
2. Lake Street Ground Level Transparency: The Design Standards require that at least 50% of the ground level façade of a building along Lake Street be transparent glass. The proposed building includes 41.5% glass transparency along Lake Street.
3. Barry Ave Sidewalk Width: The Design Standards require 12-foot wide sidewalks along all public streets. The Applicant is proposing a 12-foot sidewalk along Lake Street, but a 6-foot sidewalk along Barry Ave.

The Commission finds that there would be very little, if any, negative impacts of this Deviations, and that several of the Deviations are due to positive aspects of the Design, including landscaping along Barry Avenue and the recreation of the existing bank building façade along Lake Street. 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 and as noted above.
- C. The positive effect of the Project on the area in which the Project is proposed, including renovation of an important section of Lake Street.

3.3 Height Variance. The Height Variance does not meet all of the standards for granting a variance under the Zoning Ordinance:

- A. The Applicant has not demonstrated in the Application and its presentation to the Planning Commission that the request is reasonable in light of the impacts of the increased height on views and the increase in scale and mass of the building, nor 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 Third Story Setback Variance and Floor Area Ratio Variance. The Third Story Setback Variance does meet all of the standards for granting a variance under the Zoning Ordinance:

- A. The Third Story Setback Variance and the Floor Area Ratio Variance are in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with the third story setback and floor area ratio requirements.
- C. Practical difficulties include the fact that :
 - (i) the Applicant's proposal for the Property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the Applicant is due to circumstances unique to the Property, and not created by the landowner, and driven in large part by meeting a desire to maintain the historical aesthetic of the bank façade and the desire to provide enclosed parking within the building, which is included in the floor area, rather than a surface parking lot; and
 - (iii) the Third Story Setback Variance and Floor Area Ratio, if granted, will not alter the essential character of the locality but will instead help preserve it.
- D. Economic considerations alone are not the reason for the Third Story Setback Variance and Floor Area Ratio Variance.
- E. The Applicant has explained the reasons that the Third Story Setback Variance and Floor Area Ratio Variance are justified under the criteria for granting variances in order to make reasonable use of the land, structure or building.

3.5 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 not 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 not consistent with the policies and provisions of the official City Comprehensive Plan as noted in this Report.

- C. The Proposed Height would not be compatible with present and future uses of the area, including the adjacent property, as noted in this Report.
- D. The Proposed Height would significantly impact the Lake Street streetscape, and the views from the sides and rear of adjacent properties and bluff area.

3.6 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. 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 CUP is requested.
- 4. The proposed expansion and associated uses will not have a negative effect upon the surrounding area.
- 5. The proposed expansion and associated use will not have a negative impact upon surrounding property values.
- 6. The proposed expansion and associated use will not increase traffic above capacity.
- 7. The proposed expansion 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. Joint Parking Conditional Use Permit. The calculations in Section 920.09.A for parking stalls can be provided through joint parking arrangements, and the following conditions relevant to the Application exist:

- A. Proximity. The proposed joint parking facilities at 319 Barry Ave S are less than 200 feet from the Property.
- B. Conflict in Hours. The Applicant is not proposing to use parking stalls on the 319 Barry Ave S during off peak hours. Rather, the 43 surplus parking stalls are above and beyond the City's minimum parking requirements for the proposed office building on the Property.
- C. Written Consent and Agreement. A condition of approval of the Joint Parking CUP should be the requirement of the agreement for joint use of off-street parking facilities as required by the Zoning Ordinance.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the (i) Height Variance, and (ii) Height CUP, and **APPROVAL** of the (i) Preliminary and Final Plat Subdivision, (ii) Design of the Project, (iii) Third Story Setback Variance, (iv) Floor Area Ratio Variance, (v) Shoreland CUP, and (vi) Joint Parking CUP, all of which comprise the Three Story Alternative in the Application, 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 B.
- C. The final Grading, Drainage, and Erosion Plan, Utility Plan, and Landscape Plan for the Project must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- D. Before the City issues a building permit for the Project, the Applicant must submit a Stormwater Management Plan that complies with the City's Stormwater Management Plan for review and approval by the City Engineer.
- E. Park Dedication fees must be paid as required by the Subdivision Ordinance at the time the City releases the Final Plat for recording at Hennepin County.
- F. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 1003.03 of the Subdivision Ordinance, and 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 addresses all public improvements associated with the Project.
- H. The Applicant must provide the agreement for joint use of off-street parking facilities as required by the Zoning Ordinance.
- 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 15th day of October 2018.

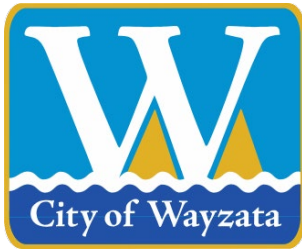
Voting For Approval Recommendation: Buchanan, Douglas, Iverson, Plantan

Voting Against Approval Recommendation: None

Abstaining: None

Absent: Flannigan, Murray

Attachment A
Design Critique



City of Wayzata City Council Agenda Report

MEETING DATE: November 20, 2018	AGENDA ITEM: 8d
TITLE: Consider Resolution 66-2018 Approving the PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S	
PROPOSED MOTION: To Adopt Resolution 66-2018 Approving the PUD Amendment, Project Design, and Setback Variance for Wayzata Community Sailing Center at 456 Arlington Cir S	
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.

BACKGROUND:

Application Overview

The applicant, Wayzata Community Sailing Center, and the property owner, Wayzata Sailing Foundation, have submitted a development application to redevelop the property at 456 Arlington Cir S. The applicant is proposing to demolish the existing building on the property and construct a new building and associated facilities for the sailing center. The development application requests approval of a PUD amendment, design review, and variance.

Planning Commission Review

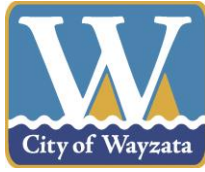
The Planning Commission reviewed the development application and held a public hearing at its meeting on October 29, 2018. After discussing the application, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a Report and Recommendation for approval of the development application.

The Planning Commission will be considering the draft approval recommendation on the consent agenda at its meeting on November 19th. City staff will provide an update on the final Planning Commission action at the City Council meeting.

ATTACHMENTS:

1. October 29, 2018 staff report
2. Proposed plans
3. Design review critique
4. City Council Resolution 12-2012
5. 2012 PUD plans
6. 2014 development agreement

7. October 29, 2018 Planning Commission draft meeting minutes
8. Draft Planning Commission Report and Recommendation
9. Draft Resolution No. 66-2018



**Staff Report
October 29, 2018**

Project Name: Wayzata Community Sailing Center
Addresses of Request: 456 Arlington Cir S
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: November 16, 2018

Development Application

Introduction

The applicant, Wayzata Community Sailing Center, and the property owner, Wayzata Sailing Foundation, have submitted a development application to redevelop the property at 456 Arlington Cir S. The applicant is proposing to demolish the existing building on the property and construct a new building and associated facilities for the sailing center. The development application requests approval of a PUD amendment, design review, and variance.

Application Requests

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

- PUD Amendment: Any deviation or modification from the terms or conditions of an approved PUD and any alteration in a project for which a PUD permit has been approved requires an amendment of the original PUD permit. (City Code Section 933.09.A)
- Design Review: Construction of a new building requires design review. (City Code Section 909.04)
- Setback Variance: The PUD zoning district requires a minimum setback of 30 feet from the west property line along Arlington Dr S. The proposed building would be set back 10 feet from the Arlington Dr property line, which requires a variance.

Property Information

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

Address	PID	Owner
456 Arlington Cir S	06-117-22-44-0006	Wayzata Sailing Foundation

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

Current zoning:	PUD/Planned Unit Development
Comp Plan designation:	Semi-Public/Private
Overlay districts:	S/Shoreland District

Project Location

The property is located on the southeast corner of Eastman La and Arlington Dr 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	Eastman La	N/A	N/A
	BNSF Railroad	N/A	N/A
East	Wayzata Yacht Club	PUD/Planned Unit Development	Semi-Public/Private
South	Lake Minnetonka	N/A	N/A
West	Arlington Dr S	N/A	N/A

	Single-family homes	R-2A/Single Family Residential District	Low Density Single Family
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Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* and mailed to all property owners located within 350 feet of the subject property on October 18, 2018.

Background Information

In 2012, the City Council approved a combined Planned Unit Development for both the yacht club and sailing center properties. The PUD was based on a master planning process undertaken by the yacht club and sailing center that included a community design charrette in June 2010. The PUD covers the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane. The 2012 City approvals included:

- Rezoning to a PUD/Planned Unit Development
- Joint concept and general plan PUD
- Deviations from applicable PUD standards to implement the master plan
- Comprehensive plan map amendment to re-guide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private
- Shoreland conditional use permit
- Floodplain conditional use permit
- Site plan review

Many of the improvements included in the 2012 PUD were for the yacht club properties. However, the PUD plans also included a new building for the sailing center. The applicant has completed the detailed design for the new building and associated site improvements, and the current application requests the final approval of the items outlined in the 2012 PUD.

Analysis of Application

Proposed Overview

The application includes demolition of the existing building, detached deck, and shed on the property, and construction of a new 5,800 square foot building in the same general location as the existing building. The proposed building would be one story with a mezzanine storage area. The main floor would consist of a classroom/multi-purpose room, offices, kitchen, restrooms and changing rooms, and a service garage. The mezzanine floor would not be occupied space as it would be utilized only for storage. The proposed building would be 21 feet in height, and the exterior materials would be comprised of cement fiber plank, wood, and glass.

The proposed site plan also includes a small off-street parking lot, boat storage yard, deck and yard area for outdoor programming for the sailing center. The existing pedestrian

bridge from the Yacht Club, docks, and boat launch would be retained, and the applicant is not proposing any changes to these site elements.

PUD Amendment

There are two amendments to the 2012 PUD requested by the applicant – changes to the building design and allowing parking on Arlington Drive.

The 2012 PUD included concept design for the sailing center building, but did not include a detailed design of the building. The concept design included a two story building with walk-out lower level. The changes from the concept design include a modified design, reconfigured footprint, and substantial reduction in the building size by eliminating the second story and walk-out lower level. The site plan, including the on-site parking lot, boat storage yard, outdoor lawn area, and lakeside boat facilities, are consistent with the 2012 PUD and do not require an amendment.

2012 Concept Design



The second amendment requested by the applicant is to allow for staff parking along Arlington Dr. The 2012 PUD states that no parking will be allowed on Arlington Circle. The proposed plans include nine parking stalls on Arlington for staff parking. Student pick-up and drop-off, and non-staff parking would continue to occur in the yacht club's west parking lot, and not along Arlington Dr.

Zoning

The following table outlines the zoning standards for the PUD zoning district:

	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height (max.)	3 stories and 35 feet, whichever is less	35 feet	22 feet
Setbacks (min.)	Front – 30 feet Side – 15 feet Rear – 20 feet	Lakeshore – 75 feet	Front (Eastman) – 80 ft Front (Arlington) – 10 ft* Lakeshore – 75 ft

Impervious Surface (max.)	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	18% (building and aggregate parking lot)
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*variance requested

Design Review

The project is subject to the City's general design standards, but is not located in any of the specific design districts. The property is unique compared to other properties in the City because the property is surrounded by single-family residential neighborhoods, and is not in a commercial area. In addition, the building is set back a significant distance from Eastman Lane. Many of the design standards are based on buildings that are located directly adjacent to a public street and sidewalk, and therefore are not applicable to the project. A complete design review of the proposal is included as an attachment. The proposed project does not meet several of the design standards, and the proposal requires the following design deviation:

- Building Width: The design standards state that in order to reduce the scale of longer facades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and certain design strategies shall be incorporated. The proposed building meets the design standards on the east elevation, but the west elevation has minimal divisions or breaks in materials, and does not include the required design strategies to reduce the long horizontal expression of the building.
- 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 exterior building materials on all sides of the building would consist of fiber cement (HardiPanel vertical siding) and wood (cedar tongue and groove siding). The wood material is a permitted material but the fiber cement requires a deviation.
- Front Yard Parking: The design standards allow for side yard and rear yard parking, and prohibit surface parking lots from being located between the building and the street. The proposed on-street parking lot is located within the front yard of the property, as it is located between the building and Eastman La. The parking lot would be buffered from Eastman Lane by the significant distance and existing vegetation.

Site Access and Circulation

The proposed plans include a small parking lot on the north side of the building that would be accessed from Arlington Dr. There is an additional access drive from Arlington for the interior boat service bay and storage area. The pick-up and drop-off for the sailing center and parking for non-staff members would continue to occur in the west parking lot of the yacht club. This is consistent with current operations and the PUD and development

agreement requirements. There would be no pick-up and drop-off occurring on the sailing center property.

Parking

The proposed plans include a very small parking lot on the north side of the building that would have three parking stalls – two regular stalls and one accessible stall. In addition, the applicant is proposing to construct nine parking stalls along Arlington Circle that would be mostly located in the City's right of way. The nine parking stalls would be utilized by staff of the sailing center. Since the stalls and access are located in the City's right of way, they could not be dedicated to the sailing center and would need to be available for general public parking.

The City's zoning ordinance does not establish a specific minimum parking requirement for a sailing center. For uses that do not have a specific parking requirement, the City may establish the parking requirement based on the similar uses. The zoning ordinance does have a parking requirement for community centers, which is ten spaces plus one space for each 150 square feet in excess of 2,000 sq. ft. Based on the proposed building size and the community center parking requirements, the proposed building would require 18 stalls. The required parking is provided by the existing PUD and development agreement for shared parking between the sailing center and the yacht club.

Tree Preservation

The applicant has submitted a tree preservation and landscape plan for the project. Two trees would be removed for construction of the building, which include a 12-inch boxelder tree and a 28-inch locust tree. The two other trees on the site that would be removed are less than 6 inches in size and therefore are not regulated by the City's tree preservation ordinance. In addition to the two significant trees removed on the site, three trees would be removed within the City's right of way for the access drives and parking along Arlington Drive.

The proposed plans include a landscape plan which would retain most of the existing trees, shrubs, and lawn area. New landscaping would be added along the foundation of the building and six additional trees would be planted along the Eastman La frontage.

Action Steps

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

Attachments

Proposed Plans

Design Review Critique

City Council Resolution 12-2012

2012 PUD Plans

2014 Development Agreement

Applicable Code Provisions for Review

Purpose of PUDs: Chapter 933 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 933.02.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 Chapter 933 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 933.02.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 909): 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 905.01.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.



Wayzata Community Sailing Center

Owner: Wayzata Sailing Foundation

456 Arlington Circle S
Wayzata, Minnesota 55391

Hennepin County Parcel ID: 0611722440006

Legal description - Part of Block 62, Minnetonka Arlington Heights Addition

Zoning Classification - PUD (Planned Unit Development)

Applicant Contact Information:

Rob Hunt - WCSC Board of Directors President
p. 612.369.5882 rhunt@talberg.com

Professional Consultants:

Contractor:
JE Dunn Construction
800 Washington Avenue North, Suite 600
Minneapolis, Minnesota 55401

Architect, Structural & Civil Engineering:
HGA Architects & Engineers
420 North 5th Street, Suite 100
Minneapolis, Minnesota 55401

Surveyor:
Gronberg & Associates, Inc.
445 North Willow Drive
Long Lake, Minnesota 55356

Geotechnical:
Braun Intertec
11001 Hampshire Ave S
Minneapolis, Minnesota 55438

ORIGINAL 2012 PUD

456 Arlington Circle South, the Wayzata Community Sailing Center (WCSC) lot, is currently designated a PUD as part of a city approved joint submittal by the WCSC and Wayzata Yacht Club in July of 2012 (See attachment 2). At the time, the city approved variances associated with the application including setback and parking deviations due to the physical restraints of the site. This current PUD application is meant to adhere to the previously approved document while introducing an updated site and building design.

The 2012 PUD amended the setback along the West of the site adjacent to Arlington Circle South to be designated as a side yard due to the issue that the original front yard designated 30’ setback renders the site nearly unbuildable in combination with the required 75’ setback to the East off the O.H.W. mark from the abutting channel. These original restrictions would only allow a 10-foot wide buildable area, which is unusable for the WCSC program (See attachment 4). Instead, this application is asking the city to again consider a side yard designation and further amend that to allow a 10-foot setback from the West lot line which would coincide with the location of the existing building on site. While still restrictive, this variance would allow for a 30-foot wide buildable area through the site.

Adherent to the 2012 PUD agreement, primary parking and drop-off for the site is located in the Wayzata Yacht Club west parking lot, secured with a property sharing agreement between WCSC and WYC. The previously agreed upon 3 stalls on site (1 Handicap and 2 visitor) remain in the current plan along with a newly proposed parking area for staff off Arlington Circle South.

APPLICATION INTENT

The intent of this application is to complete the PUD Concept Plan as well as General Plan of Development requirements pursuant to Section 33 of the Wayzata Zoning Ordinance for 456 Arlington Circle South, WCSC lot. The application is based on a design process undertaken by the WCSC board of directors that included a partnership with JE Dunn Construction and HGA Architects and Engineers as well as a community public forum in August of 2018.

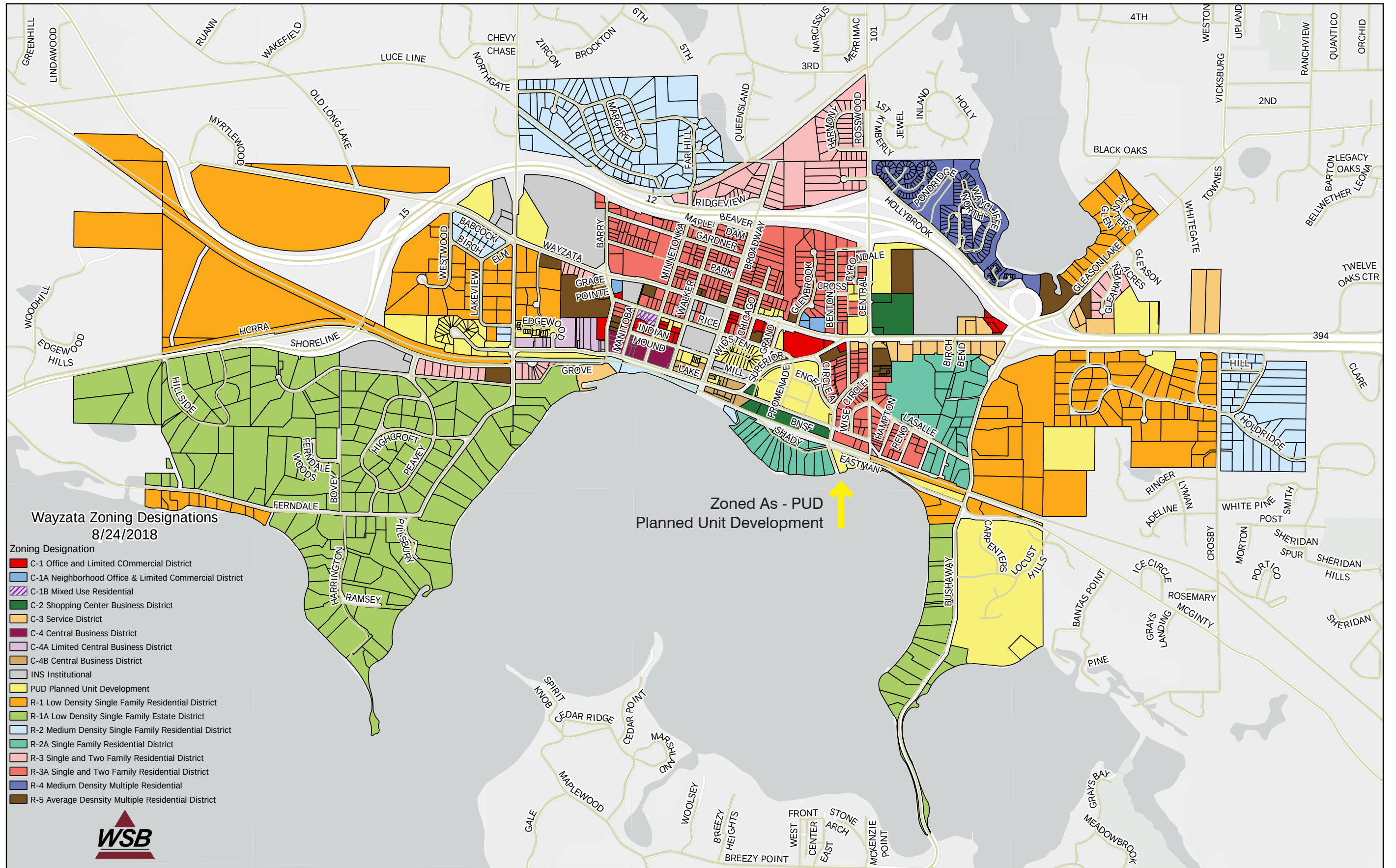
WAYZATA COMMUNITY SAILING CENTER MISSION & PROGRAM

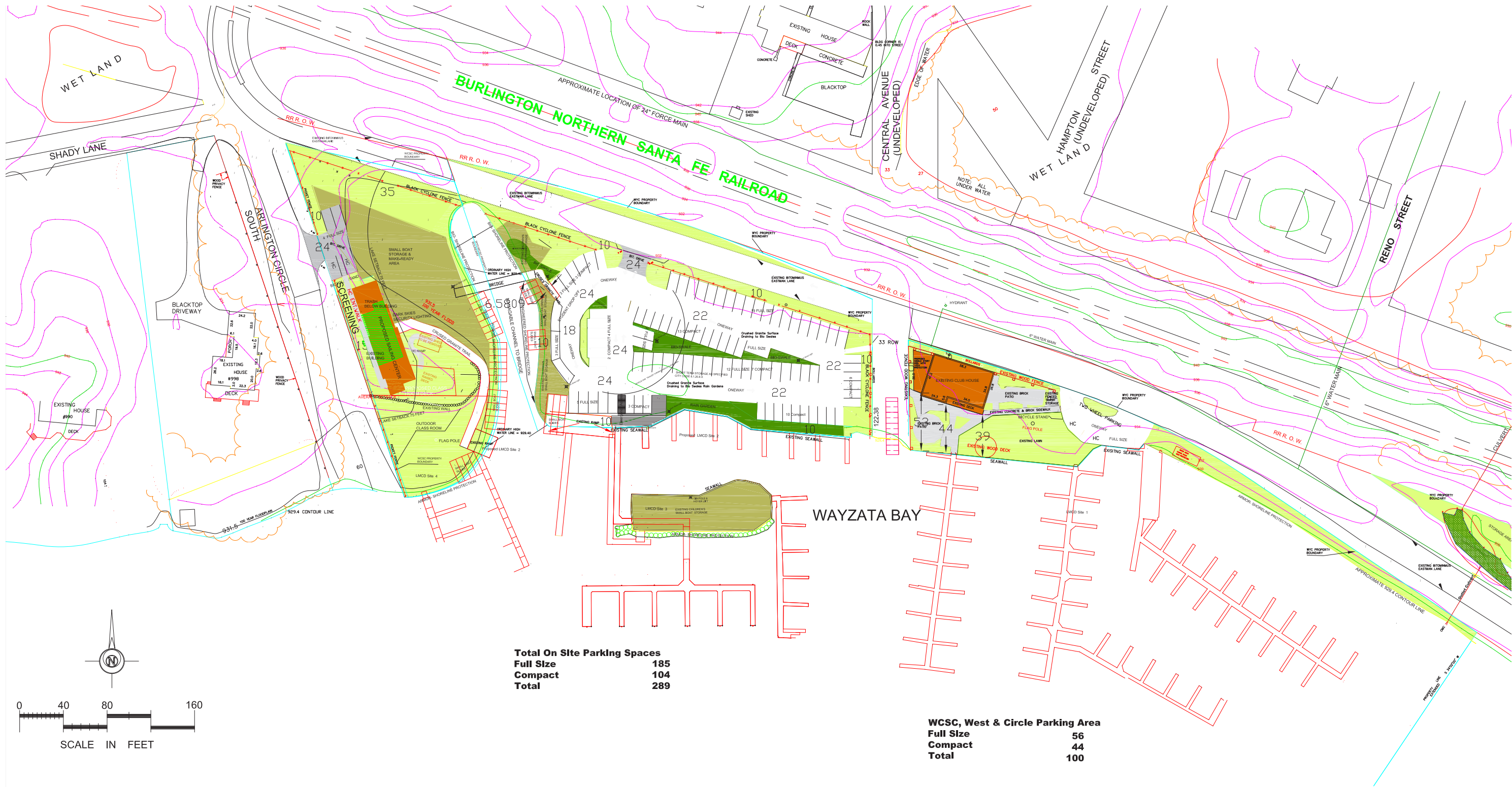
The mission of the Wayzata Community Sailing Center is to increase access to the lake and the environment through sailing education while offering programs for all ages and abilities including adaptive and outreach oriented experiences. They offer programs throughout the year that focus on sailing and ecological awareness while injecting educational initiatives such as the STEM system (Science, Technology, Engineering, and Mathematics) into their program schedule.

NEW FACILITY DESIGN

The new building will act as a replacement to the existing building, which is currently a 100-year-old house that is beyond reasonable repair and ill-suited to WCSC functions. The new building, while being an upgraded facility, is not intended to modify the number of program participants and staff on the site throughout the year or the hours in which the sailing center operates. The new building will contain an indoor classroom, operational space, and storage to aid in the everyday operations of the program. The new facility will follow the same operational restrictions that were outlined in the 2012 PUD agreement, including seasonal boat storage restrictions, no liquor or petroleum sales, nor be used as an event center throughout the year.

The building itself will be residential in scale and materiality in respect to the neighborhood surroundings. It is designed as a one story building that includes a mezzanine for storage purposes only. The total footprint of the structure is 3,770 square feet, made up of primarily classroom and storage areas with ancillary program space for support. The materiality will also remain residential in nature using durable HardiePanel siding along with cedar wood accents and an asphalt shingled roof.





Total On Site Parking Spaces	
Full Size	185
Compact	104
Total	289

WCSC, West & Circle Parking Area	
Full Size	56
Compact	44
Total	100

ORIGINAL PUD MASTER PLAN AS APPROVED ON JULY 17, 2012



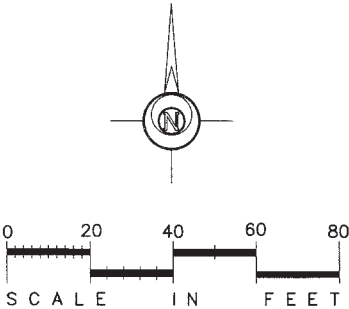
Wayzata Community Sailing Center
 PUD Submittal
 09.13.2018

ORIGINAL 2012 PUD MASTER PLAN
 Attachment 2



HGA

ALTA/ACSM LAND TITLE SURVEY FOR
**WAYZATA SAILING FOUNDATION, JE DUNN
CONSTRUCTION & FIRST AMERICAN TITLE
INSURANCE COMPANY**
IN BLOCK 62, MINNETONKA ARLINGTON HEIGHTS
HENNEPIN COUNTY, MINNESOTA



To Wayzata Sailing Foundation, a Minnesota non-profit corporation, JE Dunn Construction and First American Title Insurance Company, a California corporation:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1,2,5,7(a), 8 and 11 (as to visible improvements) of Table A thereof.

The fieldwork was completed on 6-19-18.

Date of Plat or Map: 6-19-18.

GRONBERG & ASSOCIATES, INC.

Mark S. Gronberg Reg. No. 12755
Licensed Land Surveyor

Date: _____

LEGAL DESCRIPTION OF PREMISES :

All that part of Block 62, Minnetonka Arlington Heights lying Westerly from a line drawn through said Block, parallel to and distant 135 feet Easterly from the Westerly line of said Block, Excepting therefrom a strip of land lying Northerly from a line drawn parallel to and distant 20 feet Southerly from the Northerly line of said Block, which last mentioned strip of land is excepted and reserved for the purposes of a public roadway.

o : denotes iron marker set

(908.3): denotes existing spot elevation, mean sea level datum

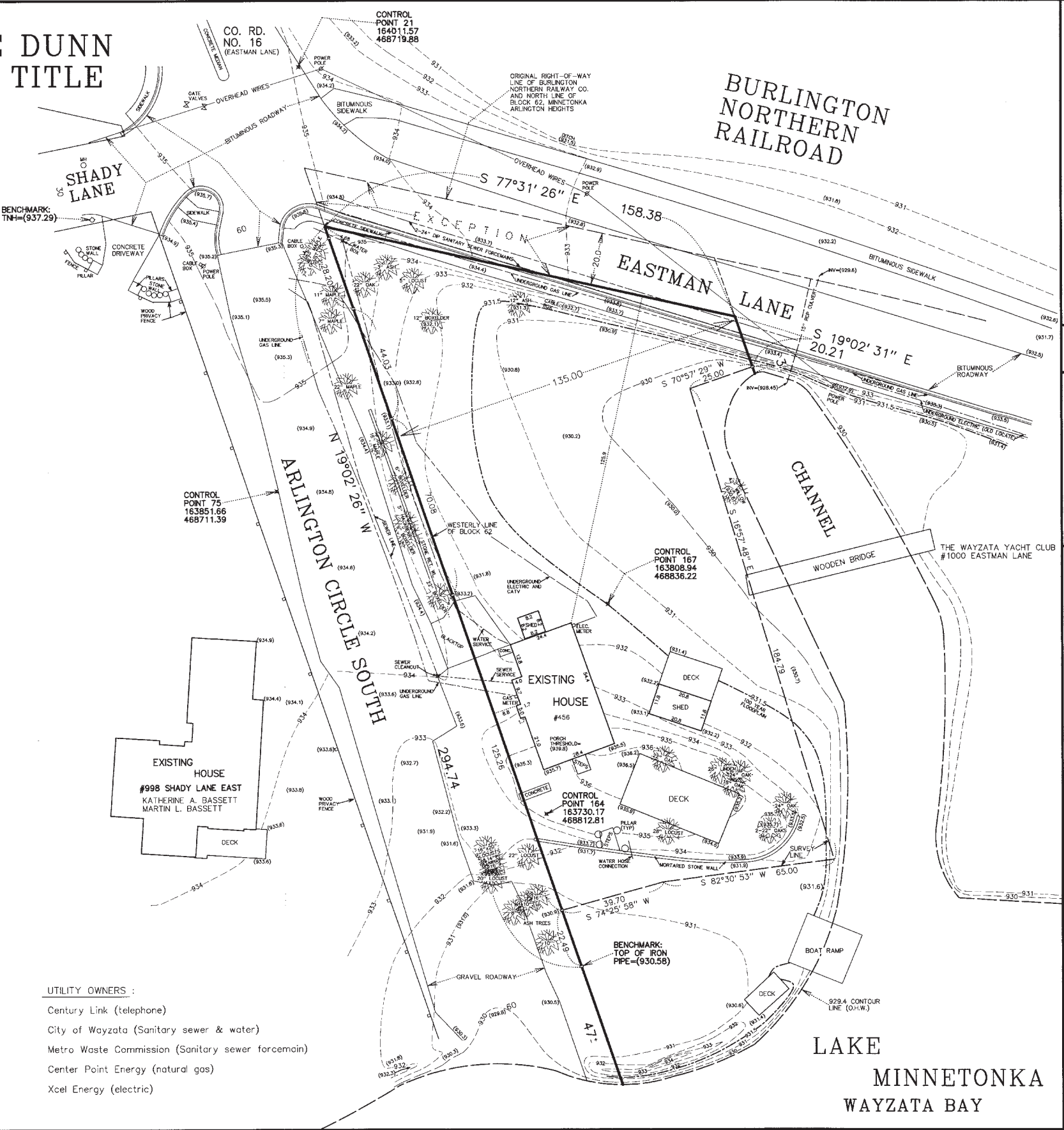
---917---: denotes existing contour line, mean sea level datum

Bearings shown are based upon the Hennepin County coordinate datum.

NOTES: Utilities shown are those visible or as located by Gopher State One Call, per ticket No. 181571611, dated 6-8-18.

Site address is 456 Arlington Circle S., Wayzata, MN 55391.

No easements are shown for this property according to First American Title Insurance Company Title Commitment NCS-29489-MPLS, dated 4-22-07.



- UTILITY OWNERS :**
- Century Link (telephone)
 - City of Wayzata (Sanitary sewer & water)
 - Metro Waste Commission (Sanitary sewer forcemain)
 - Center Point Energy (natural gas)
 - Xcel Energy (electric)

GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
DATE	REMARKS
6-19-18	
11-20-18	
18-184	
PROJECT	
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.	
Mark S. Gronberg Minnesota License Number 12755	

E DUNN
TITLE

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

DATE
6-19-18
11:30 AM
JOB NO.
18-194

PROJECT

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

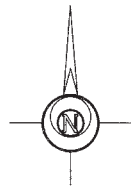
REMARKS

DATE

The map shows a property bounded by Eastman Lane to the north and Arlington Circle South to the west. A dashed line indicates the 'PROPERTY BOUNDARY'. A solid line shows the 'PROPOSED SETBACK (AT EXISTING BUILDING SETBACK)'. A shaded area represents the 'AREA SHADED IS BUILDABLE AREA WITHOUT SETBACK VARIANCE (UNUSABLE WITH ONLY A 10' WIDE BUILDABLE AREA THROUGH THE SITE)'. A larger area is labeled 'PROPOSED BUILDABLE AREA WITH SETBACK VARIANCE (ALLOWS FOR 30' WIDE BUILDABLE AREA THROUGH THE SITE)'. Key setbacks include a 'FRONT YARD SETBACK' of 30', an 'EXISTING SETBACK (FRONT YARD SETBACK DUE TO ARLINGTON CIRCLE S)' of 30', and a 'SETBACK FROM O.H.W.' of 75'. The map also shows the 'BURLINGTON NORTHERN RAILROAD', 'SHADY LANE', 'EASTMAN LANE', 'ARLINGTON CIRCLE SOUTH', and 'LAKE MINNETONKA WAYZATA BAY'. Various control points and survey data are provided throughout the map.

UTILITY OWNERS :

- Century Link (telephone)
- City of Wayzata (Sanitary sewer & water)
- Metro Waste Commission (Sanitary sewer forcemain)
- Center Point Energy (natural gas)
- Xcel Energy (electric)



A horizontal scale bar labeled "SCALE IN FEET". The bar has major tick marks at 0, 20, 40, 60, and 80. There are also minor tick marks between the major ones, indicating increments of 10 units.

Century Link (telephone)
City of Wayzata (Sanitary sewer & water)
Metro Waste Commission (Sanitary sewer forcemain)
Center Point Energy (natural gas)
Xcel Energy (electric)

SITE METRICS

456 Arlington Circle S
Wayzata, MN 55391

Hennepin County Parcel ID: 0611722440006

Legal description - Part of Block 62,
Minnetonka Arlington Heights Addition

SITE:

- Total Area - 32,593 SF or .75 Acres
- Aggregate Drive - 2,200 = 7% of Total Area
- Aggregate Storage - 9,345 = 29% of Total Area
- Surface Planted - 16,715 SF = 51% of Total Area

BUILDING:

HEIGHT
• Proposed - 1 Story @ 21' to Roof Peak
(Existing Building - 3 Stories - 26' to Roof Peak)

AREA
• Building Footprint - 3,770 SF Footprint
• Deck - 1,400 SF Footprint
• Deck (Future Addition) - 825 SF Footprint

• Total Impervious Area =
Aggregate Drive + Building Footprint
2,200 SF + 3,770 SF = 5,970 SF = 18% of Total

PROPERTY SETBACKS:

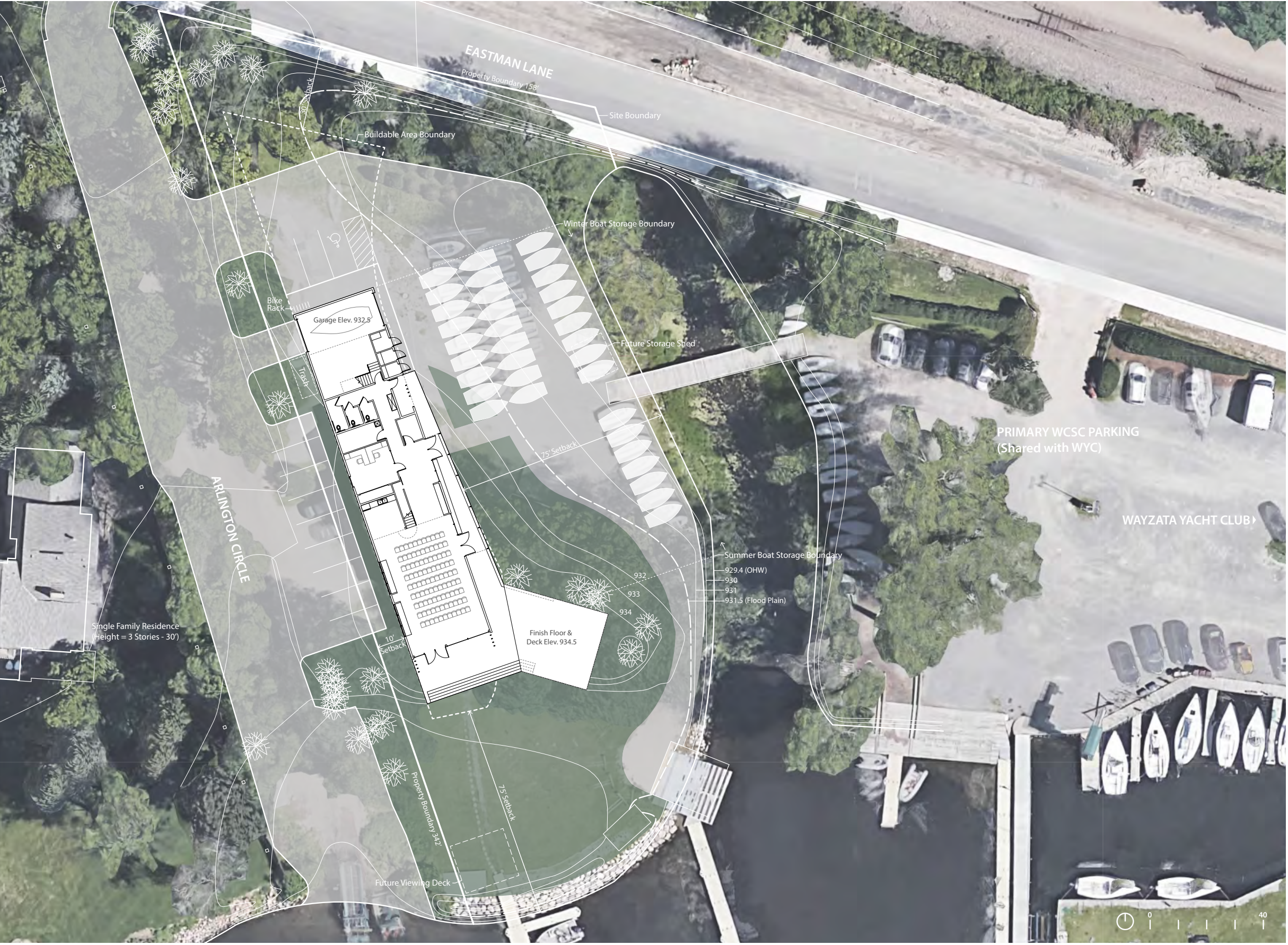
- Setback from North off Eastman Ln = 30'
- Setback from East off Channel = 75'
- Setback from South off Lakeshore = 75'
- Setback from West off Arlington Cir S = 10'
(Asking for Variance from Required 30')

PARKING:

- 20 Spaces Required by Wayzata Zoning Ordinance Section 801.20
- Primary Parking & Drop-off in Wayzata Yacht Club Lot (Secured With a Property Sharing Agreement)
- 3 On Site Parking Spaces (1 Handicap Stall & 2 Visitor Stalls)
- 9 Arlington Parking Spaces (Staff)

NEIGHBORING STRUCTURE:

- 3 Stories - 26' to Roof Peak
- Proximity Setback Requirement -
(26'+21')/2 = 23.5' Required - 90' Provided



AD	AREA DRAIN
ADA	AMERICAN DISABILITY ACT
AGG	AGGREGATE
ALTA	AMERICAN LAND TITLE ASSOCIATION
ARC	ARCHITECTURAL
ASTM	AMERICAN SOCIETY FOR TESTING MATERIALS

CB	CATC□ BASIN
CO	CLEAN OUT
CONC	CONCRETE
CSP	CORRUGATE STEEL PIPE
CY	CUBIC YARD

ELEC ELECTRICAL

GV GATE VALVE

INV INVERT

MAX	MAXIMUM
MEC□	MEC□ANICAL
M□	MAN□OLE
MIN	MINIMUM

NTS NOT TO SCALE

R	RADIUS
RCP	REINFORCED CONCRETE PIPE

TA	TESTING AGENCY
T 	TOP O   ALL
TYP	TYPICAL

UNO UNLESS NOTED OTHERWISE

☐ AT ☐ ATER

CONTRACTOR MUST OBTAIN ALL REQUIRED PERMITS FROM CITY, STATE AND OTHER REGULATORY AGENCIES.

EXISTING SITE CONDITIONS DEPICTED ON THE DRAWINGS ARE BASED ON TOPOGRAPHIC UTILITY SURVEY COMPLETED BY GRONBERG ASSOCIATES, INC, DATED 06/19/2018. THE CONTRACTOR MUST VISIT THE SITE TO VERIFY EXISTING CONDITIONS.

UTILITY STATE ONE CALL SYSTEM 1 800 252 1166, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION. EXISTING UNDERGROUND UTILITIES ARE SHOWN AT APPROXIMATE LOCATIONS BASED ON INFORMATION PROVIDED BY UTILITY COMPANIES IN RESPONSE TO A LOCATE REQUEST MADE BY THE SURVEYOR. ALL EXISTING UTILITIES MAY NOT BE SHOWN.

PRIOR TO CONSTRUCTION FIELD VERIFY LOCATION AND ELEVATION OF UTILITIES THAT MAY BE IMPACTED OR DAMAGED BY CONSTRUCTION. REPORT ANY CONFLICTS OR EXISTING DAMAGE TO THE OWNER AND ABE PRIOR TO ORDERING ANY MATERIALS OR CONSTRUCTION.

PROTECT EXISTING UTILITY PIPES AND APPURTENANCES FROM DAMAGE DUE TO CONSTRUCTION ACTIVITY. PROVIDE TEMPORARY SUPPORT AND BRACING OF UTILITIES IN ACCORDANCE WITH UTILITY OWNERS REQUIREMENTS AS REQUIRED OR CONSTRUCTION.

COORDINATE DISRUPTION OF UTILITY SERVICES WITH THE LIMIT SERVICE DISRUPTION TO TIMES APPROVED BY OWNER.

PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE TEMPORARY TRAFFIC CONTROL - ONE LAYOUTS FIELD MANUAL, LATEST EDITION, AT ALL TIMES THAT CONSTRUCTION ACTIVITY DISRUPTS TRAFFIC ON PUBLIC ROADWAYS.

PROVIDE TEMPORARY ROCK CONSTRUCTION EXIT AT ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC ENTERS PUBLIC ROADWAY. CONSTRUCTION EXITS MUST BE SUFFICIENTLY SIZED AND MAINTAINED TO PREVENT TRACK OUT. CLEAN ALL TRACKED MATERIALS ON ADJACENT ROADWAYS ON A DAILY BASIS OR AS REQUIRED BY THE CITY.

PROTECT STORM SEWER INLETS THAT SILENCE OR OTHER EQUIVALENT METHODS UNTIL PERMANENT GROUND COVER IS ESTABLISHED.

USE METHODS AND OPERATIONAL PROCEDURES TO PREVENT RUNOFF OF CONCRETE DUST, PARTICLES, SAND, SLURRY, AND PLANT ASBESTOS ENTERING STORM WATER CONVEYANCE SYSTEMS, INCLUDING INLETS AND CURB ROOT LINES.

COORDINATE DISRUPTION OF PEDESTRIAN AND VEHICULAR TRAFFIC WITH OWNER. OBTAIN ALL REQUIRED STREET AND SIDEWALK CLOSURE PERMITS. CONTACT CITY TO VERIFY REQUIREMENTS.

CARE MUST BE TAKEN DURING CONSTRUCTION TO PROTECT SURVEY MONUMENTS AND PROPERTY IRONS.

PROTECT ALL TREES NOT SPECIFICALLY DESIGNATED FOR REMOVAL.

SANITARY CUT PAVEMENT THAT REMAINS AT REMOVAL LIMITS.

RESTORE OR REPAIR DAMAGED ROADS, ALLEYS, CURBS, UTILITIES, OR PLANT MATERIALS TO CONDITION EQUAL TO OR BETTER THAN PRE CONSTRUCTION CONDITION AND AS REQUIRED BY OWNER.

ALL WORK MUST COMPLY WITH APPLICABLE SECTIONS OF THE MNDOT STANDARD SPECIFICATIONS OR CONSTRUCTION AND SUPPLEMENTAL DOCUMENTS, LATEST EDITION, AND THE CITY ENGINEERS ASSOCIATION OF MINNESOTA STANDARD SPECIFICATIONS, LATEST EDITION.

LEGALLY DISPOSE OF ALL ASBESTE MATERIALS, DEBRIS AND EXCESS EXCAVATED MATERIAL.

MAINTAIN ACCURATE RECORDS OF ALL NEW UTILITY CONSTRUCTION INCLUDING SURVEYED ELEVATIONS OF PIPE AND STRUCTURE INVERTS OR AS BUILT OR RECORD DOCUMENTS.

1. GUIDELINES FOR CONSTRUCTION OF REINFORCED CONCRETE SURFACING

a. MAXIMUM SPACING OF CONTROL JOINTS IN JOINTS TO BE 8 FEET, BUT GENERALLY MATCH THE JOINTS IN THE EXISTING PAVEMENT.

b. MAXIMUM SPACING OF CONTROL JOINTS IN CONCRETE TRAFFIC SLABS TO BE 12 FEET.

c. ALIGN JOINTS WITH JOINTS IN ALK CORNERS, PORTAL DEFECTIONS, BUILDING CORNERS, ETC. AND USE EQUAL PANEL SIZES.

d. SEE 1 C900 FOR JOINT DETAILING.

e. PROVIDE 2% CROSS SLOPE UNLESS DESIGNATED OTHERWISE ON SITE PLANS

1. SEE SITE SURVEY SCHEDULE SHEET OR BENCHMARKS.
2. JURNIS AND INSTALL EROSION PREVENTION AND SEDIMENT CONTROL BMP AS NECESSARY TO PREVENT EROSION FROM DISTURBED SURFACES AND CAPTURE SEDIMENT ON SITE. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY REMOVAL OF GRASS OR OTHER PROTECTIVE COVER. EROSION PREVENTION ACTIVITIES SHALL BE MAINTAINED UNTIL THE POTENTIAL OF EROSION HAS BEEN ELIMINATED. SEDIMENT CONTROL DEVICES MUST BE ESTABLISHED ON ALL DOWNGRADIENT PERIMETERS BEFORE ANY UPGRADE/LAND DISTURBING ACTIVITIES BEGIN.
3. STORM SEWER INLETS SHALL BE PROTECTED AT ALL TIMES UNTIL THE APPROPRIATE INLET PROTECTION DEVICE OR EACH SPECIFIC PHASE OF CONSTRUCTION. INLET PROTECTION DEVICES MAY NEED TO BE REPLACED MULTIPLE TIMES IN THE SAME LOCATION OVER THE LIFE OF THE PROJECT. ALL STORM SEWER INLET PROTECTION DEVICES SHALL BE KEPT IN GOOD FUNCTIONAL CONDITION AT ALL TIMES.
4. ALL EXPOSED SOIL AREAS MUST BE TEMPORARILY AND PERMANENTLY STABILIZED NO MORE THAN 7 DAYS AFTER CONSTRUCTION ACTIVITY ON THAT PORTION OF THE SITE HAS CEASED.
5. SEE GEOTECHNICAL EVALUATION REPORT PREPARED BY BRAUN INTERTEC CORPORATION, DATED [REDACTED] FOR INFORMATION ON SOILS AND SUBGRADE PREPARATION.
6. SPOT ELEVATIONS ARE TYPICALLY GIVEN AT FINISHED SURFACE.

- 1) VERIFY BUILDING SANITARY SEWER AND LATER SERVICE LOCATIONS AND ELEVATIONS. PLUMBING CONTRACTOR, PRIOR TO CONSTRUCTION OF SERVICE LINES.
- 2) ALL UTILITY DEMOLITION OR ABANDONMENT MUST COMPLY WITH UTILITY OWNER'S REQUIREMENTS.
- 3) PROVIDE MINIMUM 7.5' COVER ON ALL LATER SERVICE PIPE. ALL LATER SYSTEM CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
- 4) SANITARY AND STORM SEWER CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
- 5) COORDINATE CONNECTIONS TO EXISTING UTILITY SYSTEMS WITH UTILITY OWNER.
- 6) ADJUST ALL CASTINGS AND VALVE BOXES TO FIT IN PROJECT LIMITS TO FINAL ELEVATION 14" BELOW FINISHED SURFACE.
- 7) ALL LATER CONSTRUCTION IS SUBJECT TO VIDEO INSPECTION TO CONFIRM THAT THERE ARE NO SAGS IN THE PIPE PROFILE. PIPE MUST HAVE A CONTINUOUS STRAIGHT SLOPE BETWEEN MANHOLES.

EROSION CONTROL BLANKET

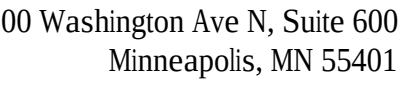
SITE INFORMATION		
OWNER AYATA SAILING FOUNDATION 456 ARLINGTON CIRCLE SOUT PROPERTY AYATA COMMUNITY SAILING CENTER 456 ARLINGTON CIRCLE SOUT PID: 0611722440006		
	AREA (ACRES)	AREA S (S)
COUNTY PARCEL SITE	0.75	32.593
PROPERTY TO SIDE / ALK / O	0.79	34.425
DISTURBED AREA	0.72	31,426
IMPERVIOUS AREA BEFORE	0.046	
DECK / BRIDGE AREA BEFORE	0.035	
IMPERVIOUS AREA AFTER	0.152	
DECK / AREA AFTER	0.064	

CONSTRUCTION ACTIVITY INCLUDES SITE GRADING,
BUILDING EXCAVATION, UTILITY CONNECTIONS AND
SURFACING.

EXISTING SOIL IS PREDOMINANTLY SILTY SAND AND CLAYEY
SAND.

DISTURBED AREA OF SITE DISCLOSES TROUBLE TO
LAKE MINNETONKA.

SEE SHEET C101 FOR EROSION AND SEDIMENT CONTROL
DETAILS.



456 Arlington Circle S.
Wayzata, MN 55391

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

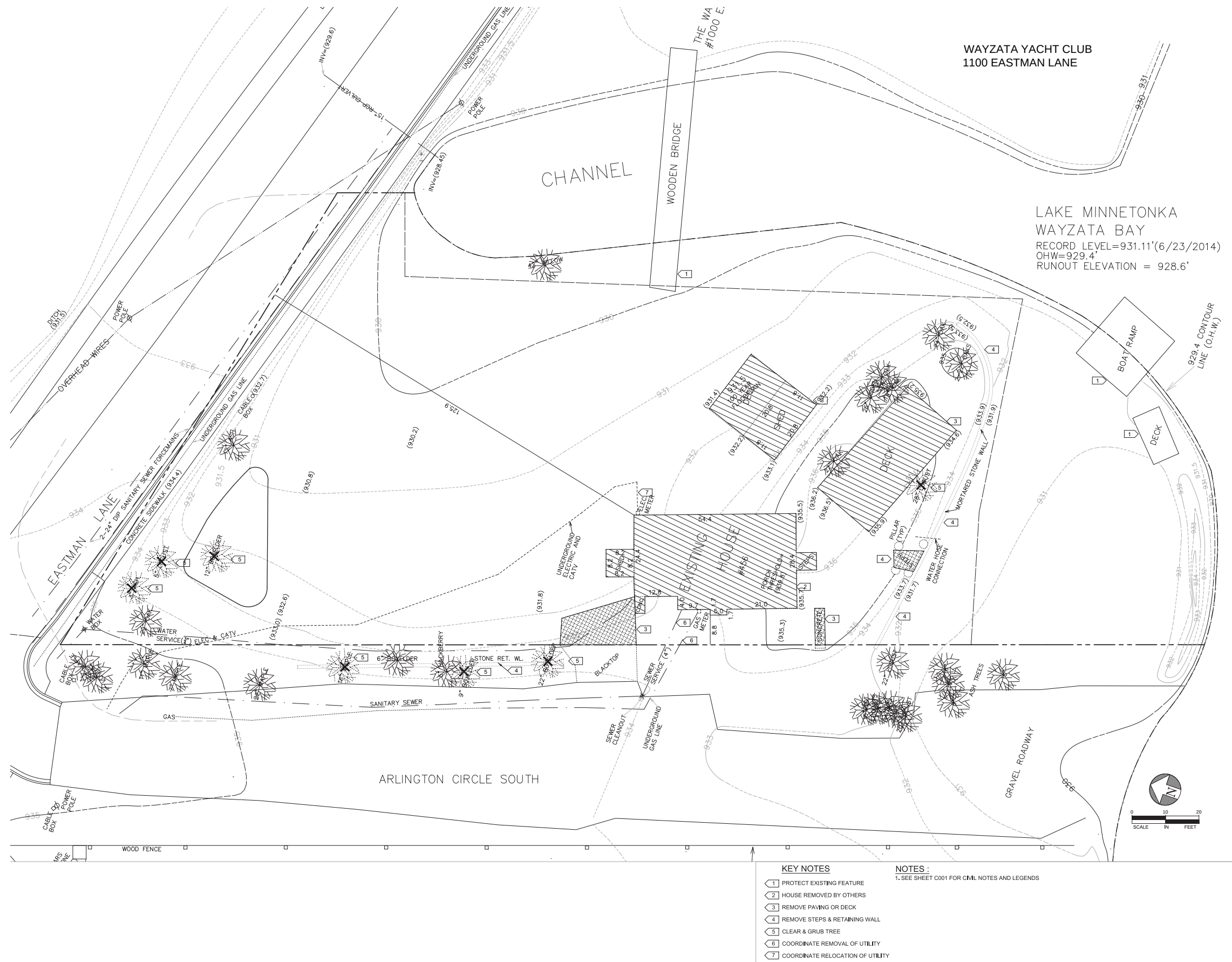
[illegible]

GA NO 401800200

DATE SEPTEMBER 13, 2018

PUD APPLICATION

C001



ZONING REQUIREMENTS

EXISTING ZONING:

PROPOSED ZONING:

ADJACENT ZONING:

PUD

NO CHANGE

NORTH: RESIDENTIAL

EAST: PUD

WEST: RESIDENTIAL

PARKING SUMMARY

REQUIRED	PROVIDED
EXISTING PARKING STALLS	-
ADA STALLS - 8'x18' W/ 8' AISLE	-
STD. STALLS - 9'x18' TOTAL	-
TOTAL PARKING STALLS	-

SITE INFORMATION

OWNER:

WAYZATA SAILING FOUNDATION

456 ARLINGTON CIRCLE SOUTH

PROPERTY:

WAYZATA COMMUNITY SAILING CENTER

456 ARLINGTON CIRCLE SOUTH

PID: 0611722440006

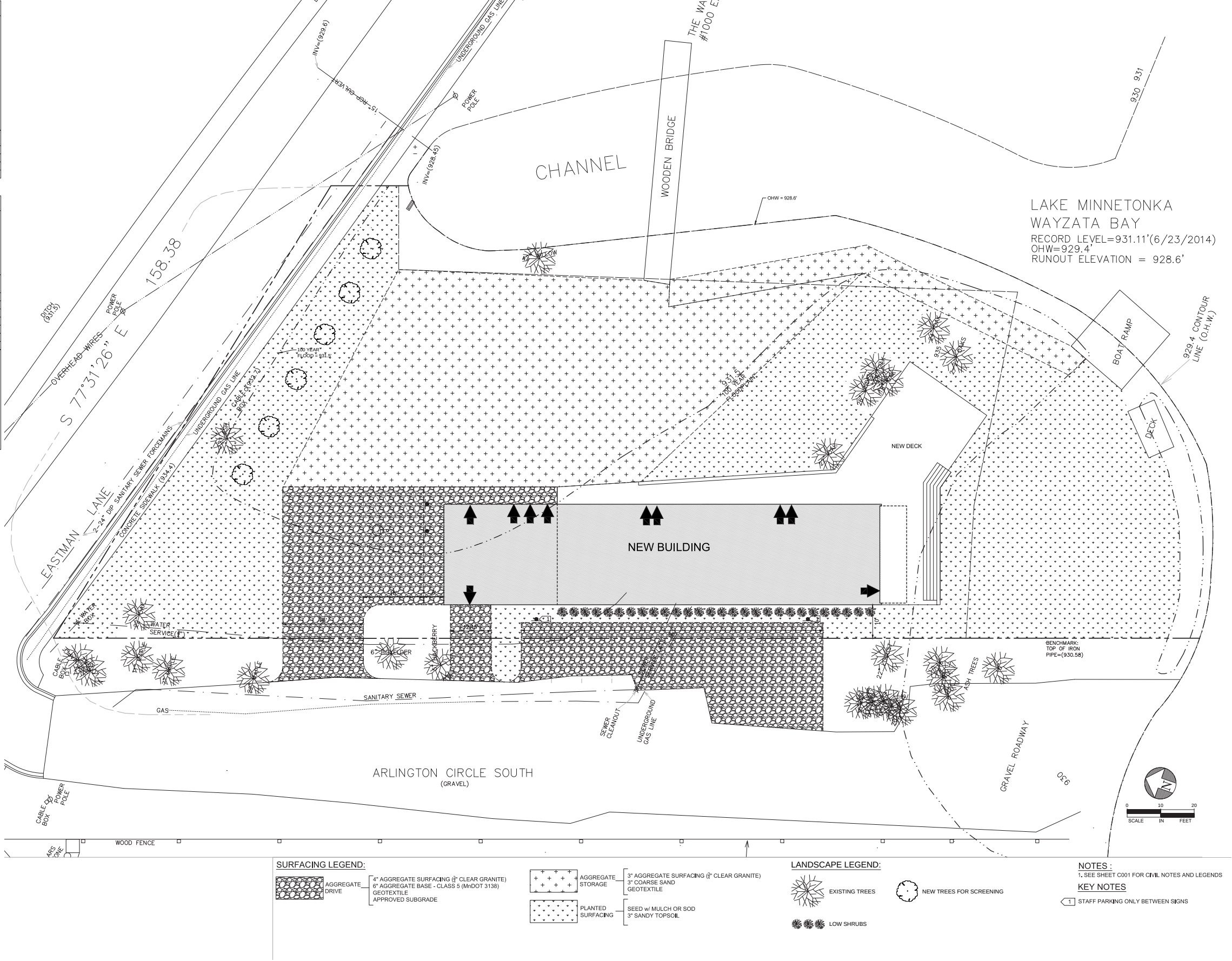
	AREA (ACRES)	AREA (SQ. FT.)
COUNTY PARCEL SIZE	0.75	32,593
PROPERTY (TO SIDEWALK & OHW)	0.79	34,425
DISTURBED AREA	0.72	31,434
IMPERVIOUS AREA BEFORE	0.046	
DECK & BRIDGE AREA BEFORE	0.035	
IMPERVIOUS AREA AFTER	0.152	
DECK & AREA AFTER	0.064	

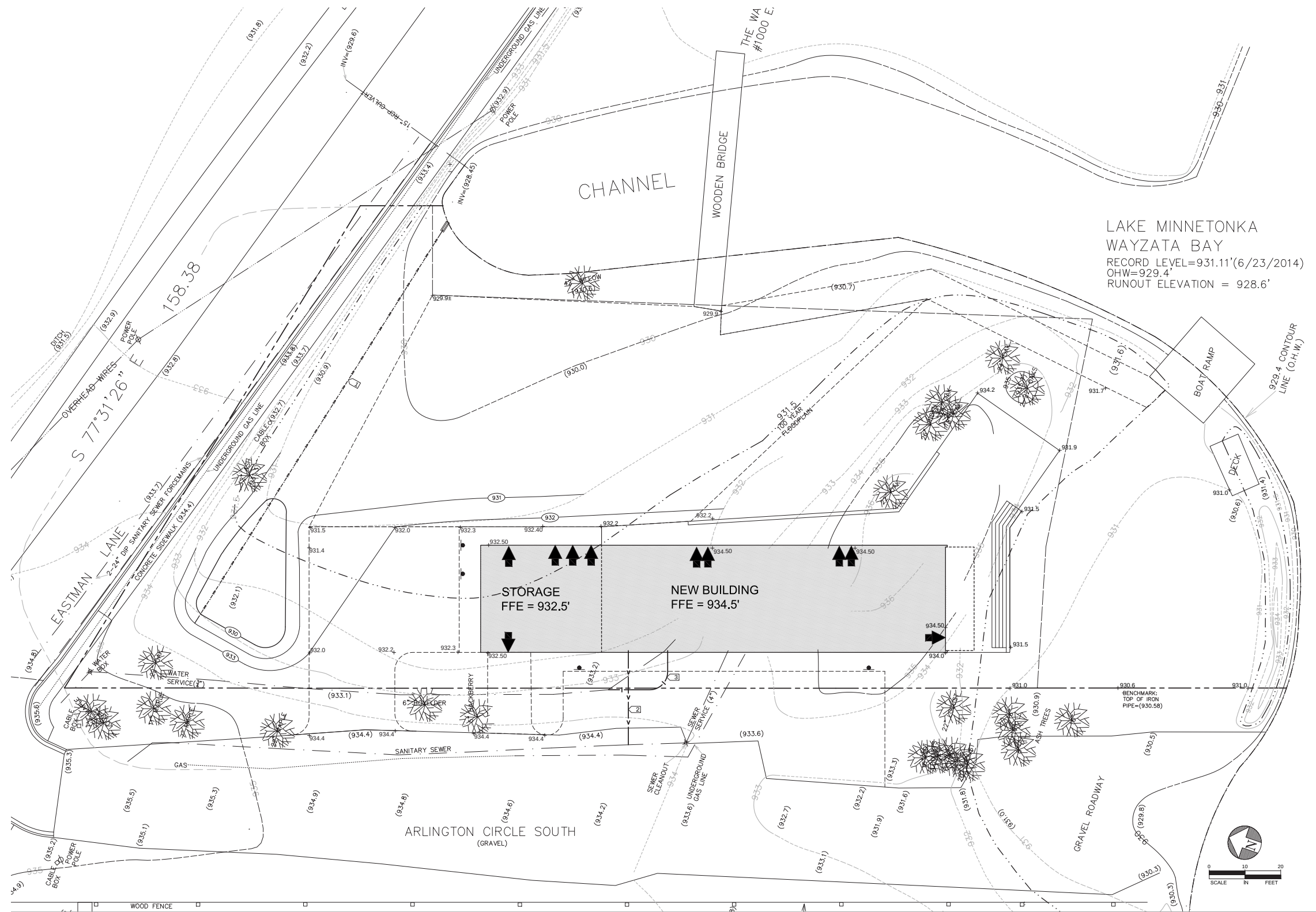
CONSTRUCTION ACTIVITY INCLUDES SITE GRADING, BUILDING EXCAVATION, UTILITY CONNECTIONS AND SURFACING.

EXISTING SOIL IS PREDOMINANTLY SILTY SAND AND CLAYEY SAND FILL

DISTURBED AREA OF SITE DISCHARGES THROUGH BMPS TO LAKE MINNETONKA.

SEE SHEET C101 FOR EROSION & SEDIMENT CONTROL DETAILS.

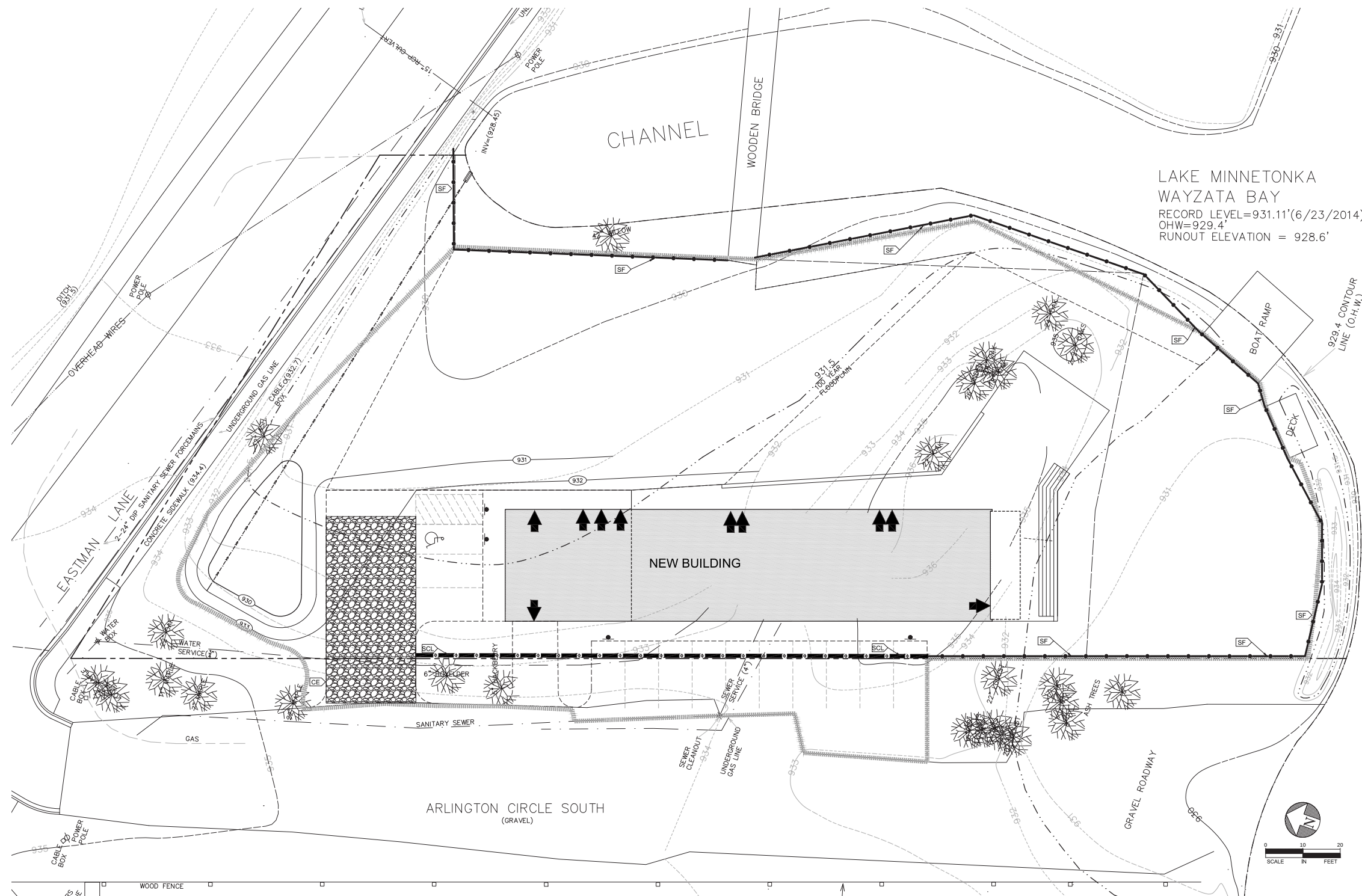




LAKE MINNETONKA
WAYZATA BAY
RECORD LEVEL=931.11'(6/23/2014)
OHW=929.4'
RUNOUT ELEVATION = 928.6'

- NOTES:
1. SEE SHEET C001 FOR CIVIL NOTES AND LEGENDS
- KEY NOTES
- ① SUBSOIL DRAIN PIPE
 - ② NEW 4" SANITARY SEWER SERVICE, VERIFY CONDITION OF EXISTING SERVICE PIPE AND IF IT NEEDS TO BE REPLACED BETWEEN THE NEW CONNECTION AND EASTMAN LANE
 - ③ NEW WATER SERVICE, IF LARGER THAN 3" SERVICE IS REQUIRED CONNECT NEW PIPE TO EXISTING 6" HDPE PIPE IN EASTMAN LANE





LAKE MINNETONKA
WAYZATA BAY
RECORD LEVEL=931.11'(6/23/2014)
OHW=929.4'
RUNOUT ELEVATION = 928.6'

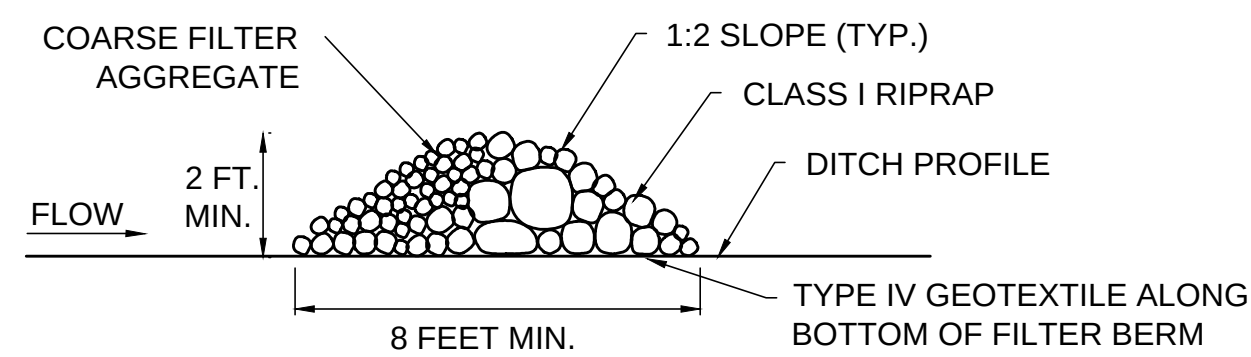
KEY NOTES:

- [SF] SILT FENCE SEE SHEET C900
- [IP] INLET PROTECTION
- [ECB] EROSION CONTROL BLANKET
- [CE] ROCK CONSTRUCTION EXIT
- [SCL] SEDIMENT CONTROL LOG

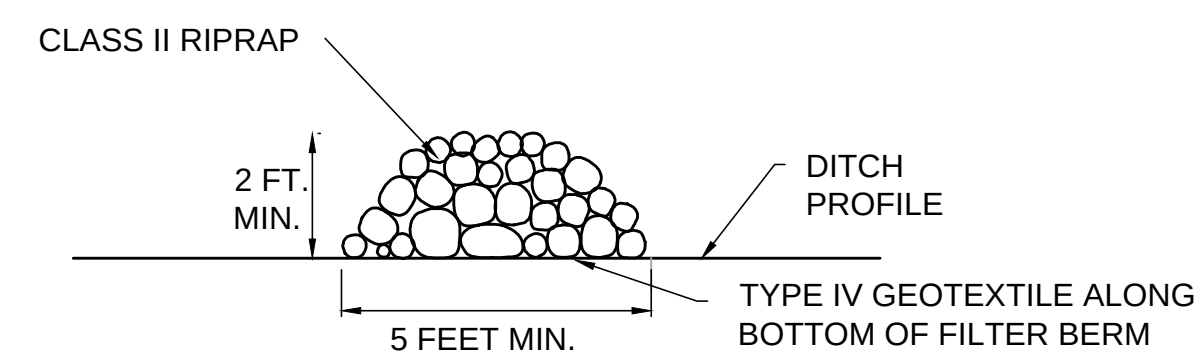
NOTES:

1. SEE SHEET C001 FOR CIVIL NOTES AND LEGENDS
2. SEE SHEET C102 FOR EROSION AND SEDIMENT CONTROL DETAILS

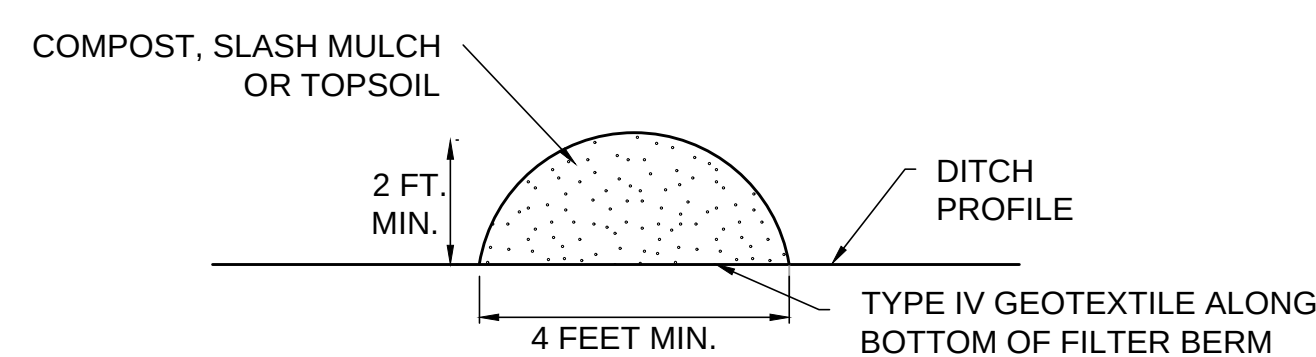




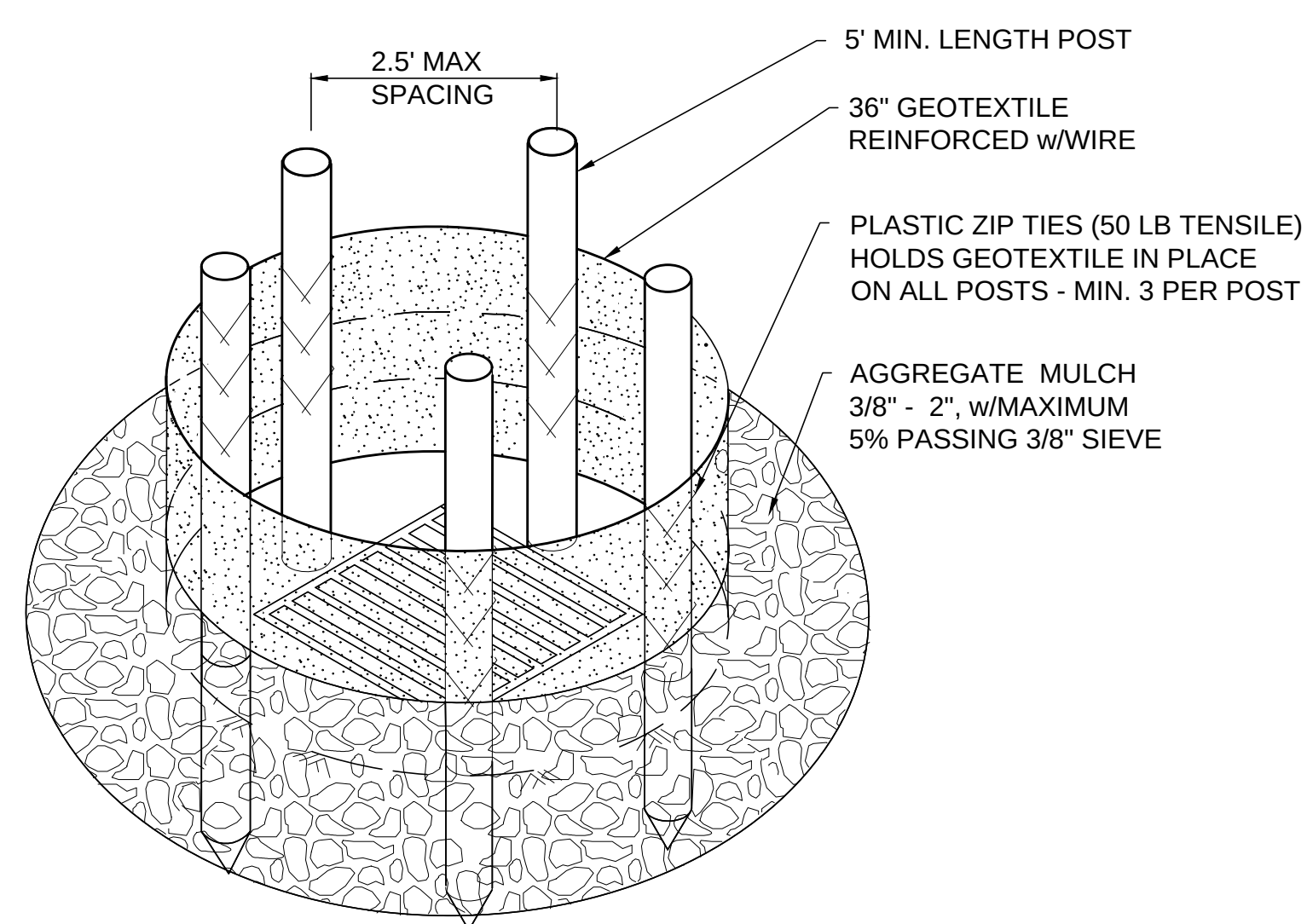
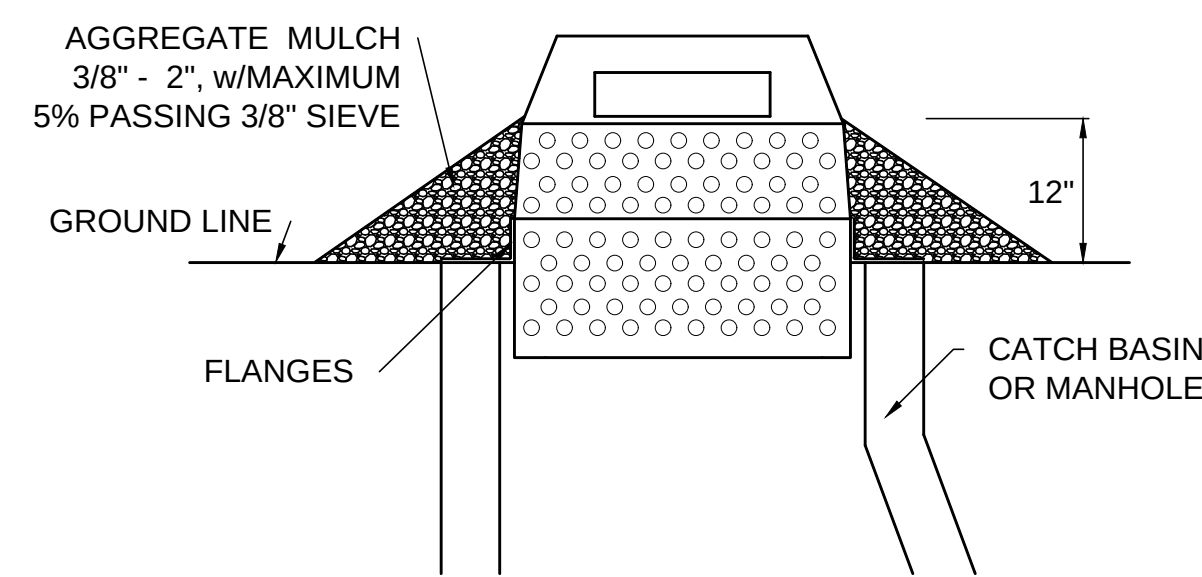
12 FILTER BERM-TYPE 3 (ROCK WEEPER)



12 FILTER BERM-TYPE 5 (ROCK)

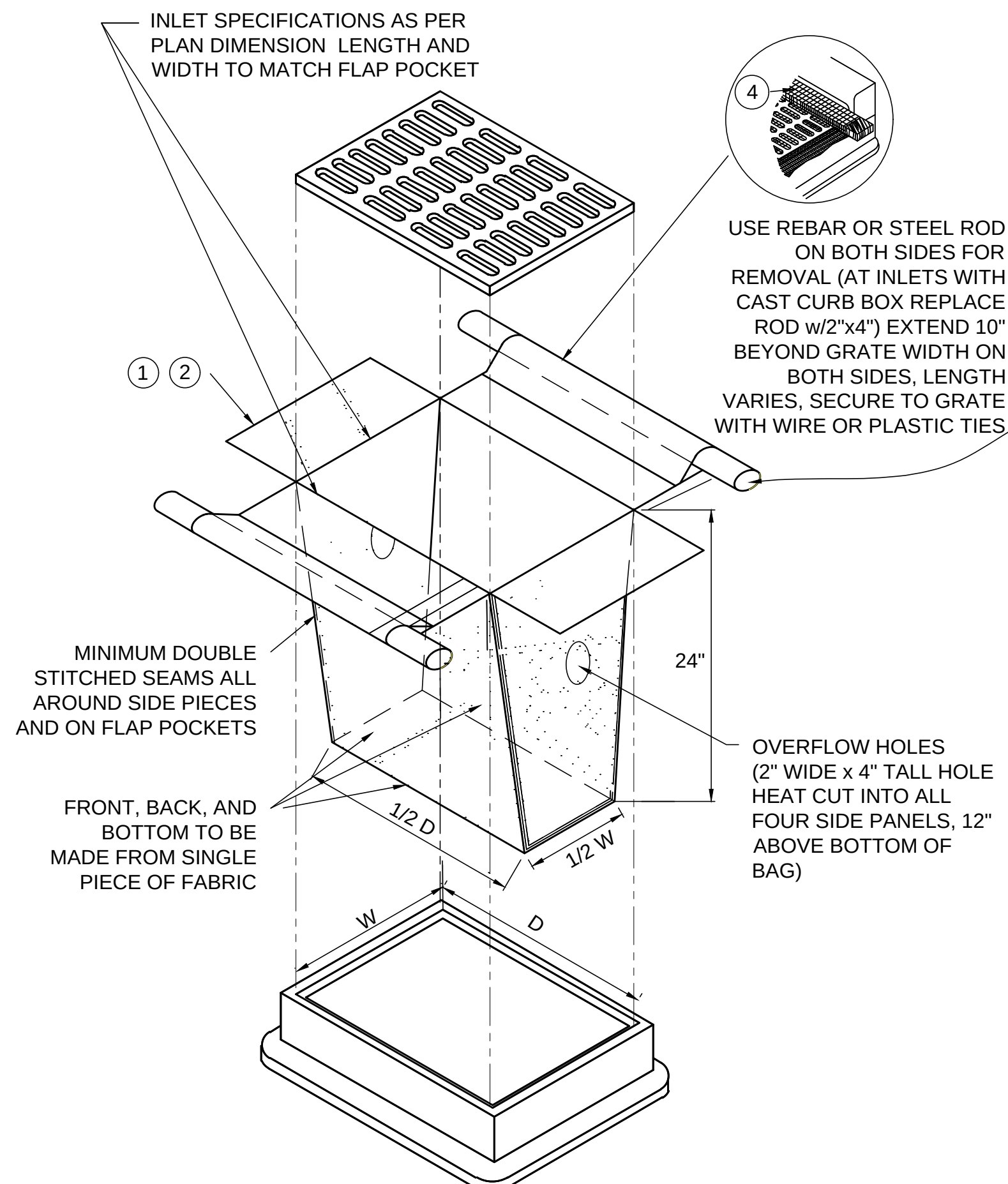


11 FILTER BERM-TYPE 1 (COMPOST), TYPE 2 (SLASH MULCH), OR TYPE 4 (TOPSOIL)

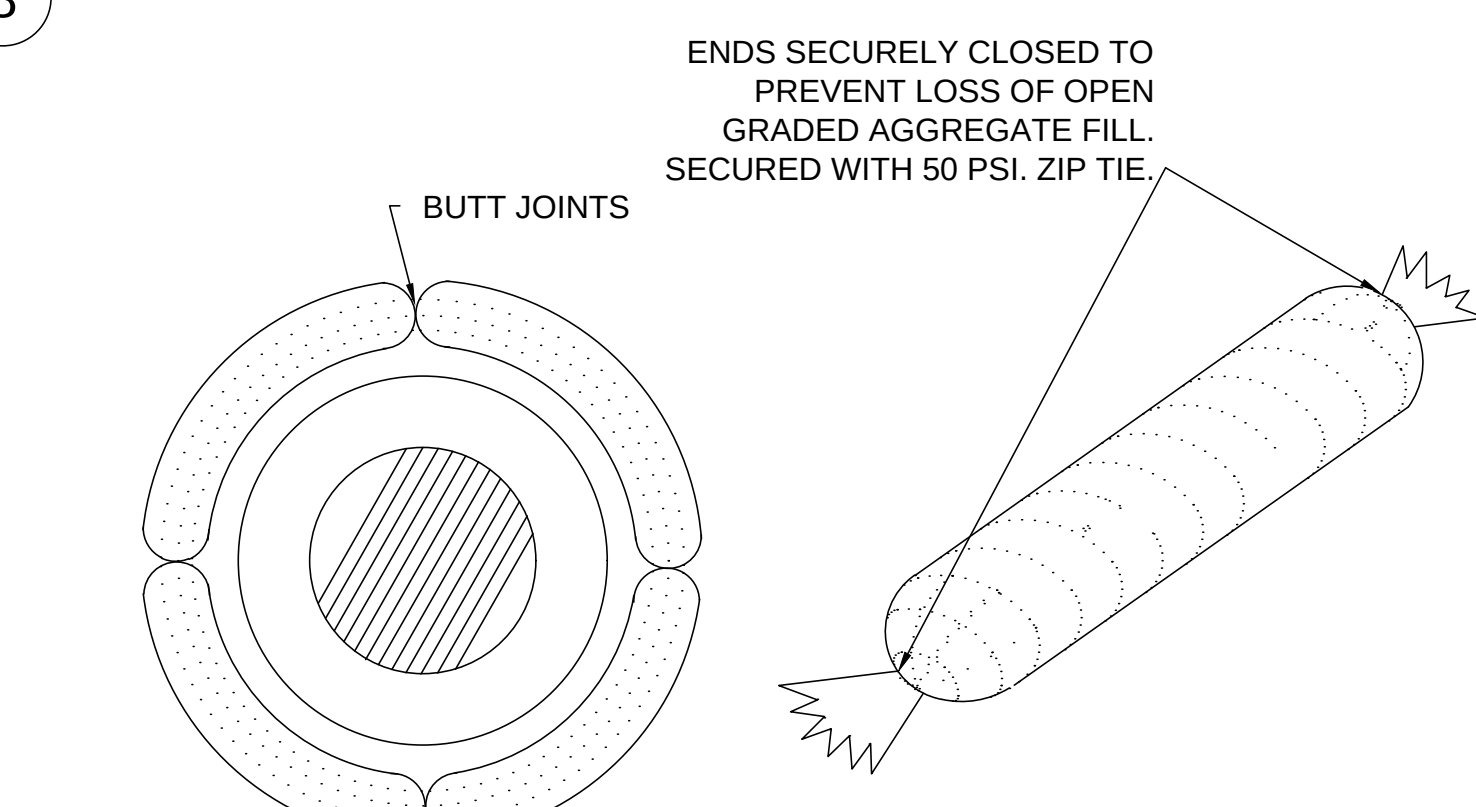
10 INLET PROTECTION - ROCK FILTER BERM w/SILT FENCE
USE WHERE INLET DRAINS AN AREA WITH SLOPES 1:3 OR LESS

NOTE:
THE SEDIMENT CONTROL BARRIER SHALL BE A METAL
OR PLASTIC/POLYETHYLENE RISER SIZED TO FIT INSIDE
THE CATCH BASIN/MANHOLE; HAVE PERFORATIONS TO ALLOW
FOR WATER INFILTRATION; HAVE AN OVERFLOW OPENING,
FLANGES AND A LID/COVER.

9 INLET PROTECTION - SEDIMENT CONTROL INLET HAT

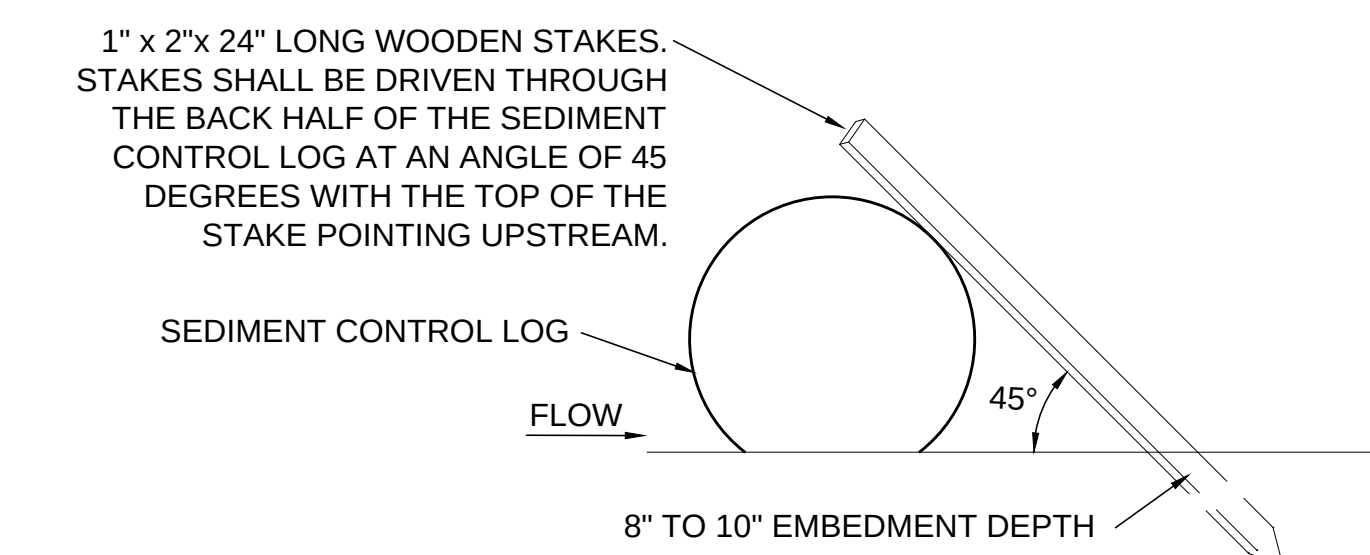


- ALL GEOTEXTILE USED FOR INLET PROTECTION TO BE MONOFILAMENT IN BOTH DIRECTIONS
- FINISHED SIZE INCLUDING POCKETS WHERE REQUIRED SHALL EXTEND A MINIMUM OF 10 INCHES AROUND PERIMETER TO FACILITATE MAINTENANCE AND REMOVAL
- DO NOT PLACE FILTER BAG INSERT IN INLETS SHALLOWER THAN 30 INCHES, MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE. THE PLACED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE OF 3 INCHES BETWEEN THE INLET WALLS AND THE BAG, MEASURED AT THE BOTTOM OF THE OVERFLOW HOLES. WHERE NECESSARY THE CONTRACTOR SHALL CLINCH THE BAG, USING PLASTIC ZIP TIES, TO ACHIEVE THE 3 INCH SIDE CLEARANCE.
- FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2" x 4", OR USE A ROCK SOCK OR SAND BAGS IN PLACE OF FLAP POCKETS

8 INLET PROTECTION - FILTER BAG INSERT
CAN BE INSTALLED IN ANY INLET TYPE WITH OR WITHOUT A CURB BOX

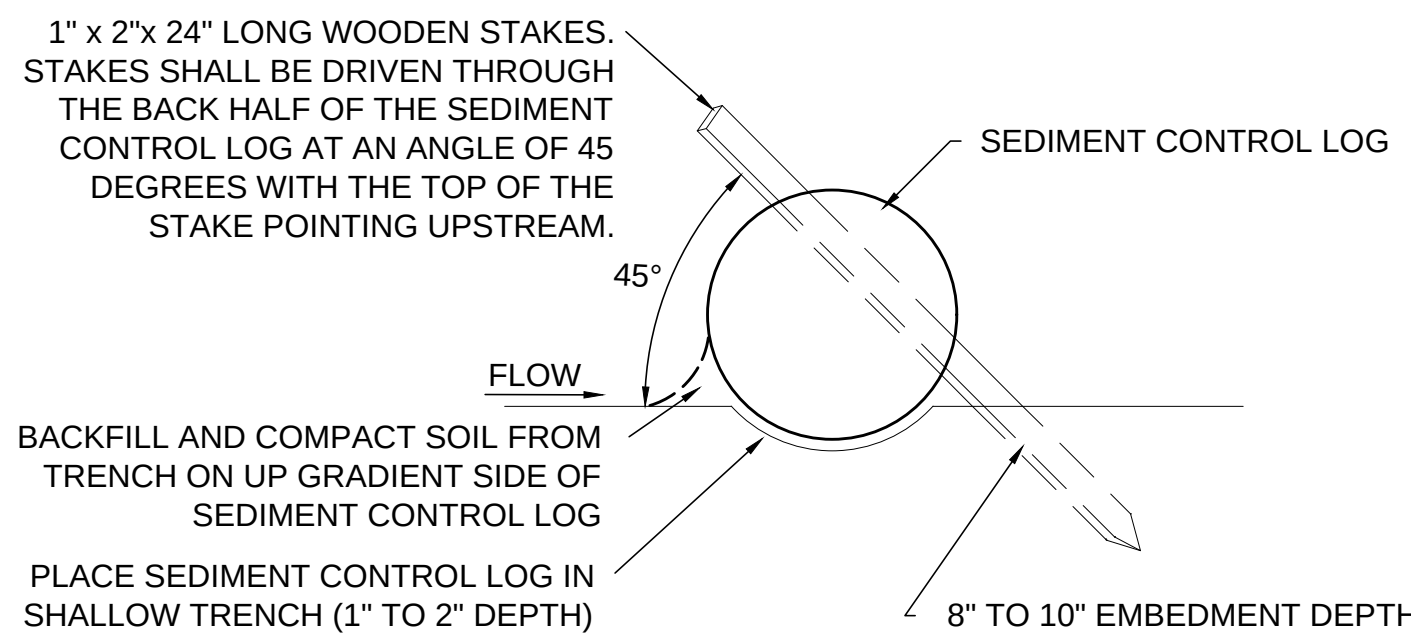
GEOTEXTILE SOCK 4 - 10 FEET LONG AND 4 - 6 INCH DIAMETER. SEAM TO BE JOINED BY TWO ROWS OF STITCHING WITH A PLASTIC MESH BACKING OR PROVIDE A HEAT BONDED SEAM (OR APPROVED EQUIVALENT). FILL ROCK LOG WITH OPEN GRADED AGGREGATE CONSISTING OF SOUND DURABLE PARTICLES OF COARSE AGGREGATE

7 INLET PROTECTION - ROCK LOG/COMPOST LOG



PLACE STAKES AS NEEDED TO PREVENT MOVEMENT OF SEDIMENT CONTROL LOGS ON SLOPES, OR AS NEEDED DUE TO OTHER FACTORS (STAKES ARE INCIDENTAL TO INSTALLATION).

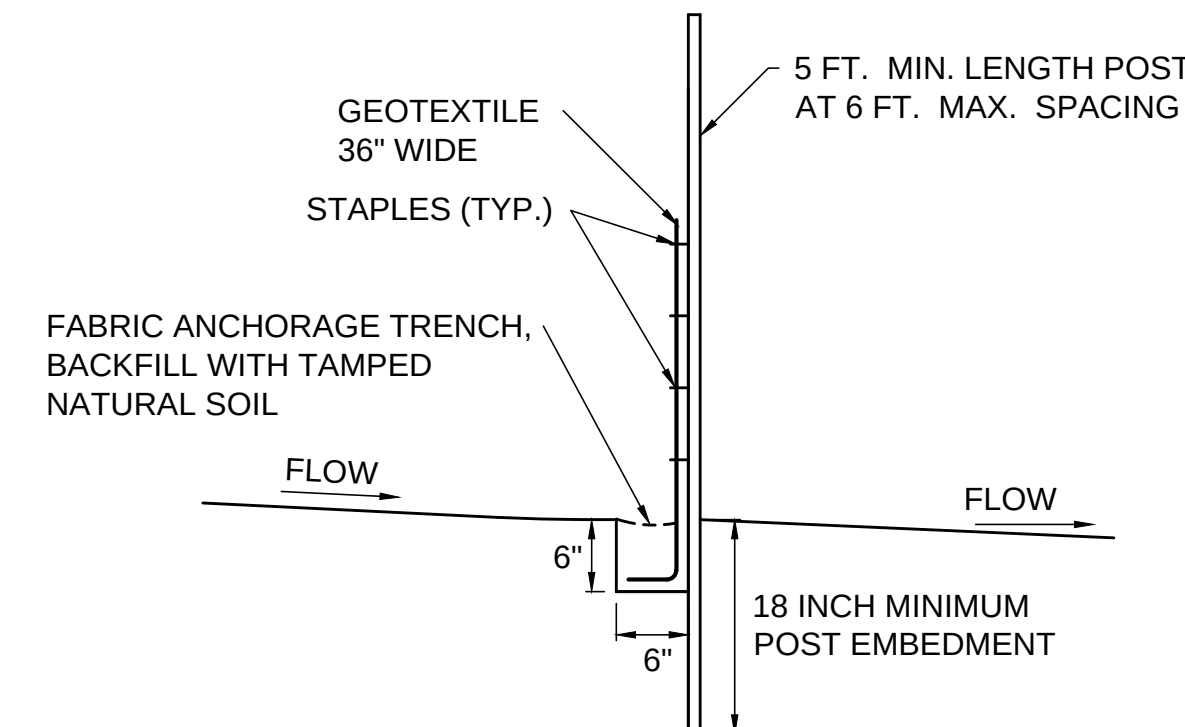
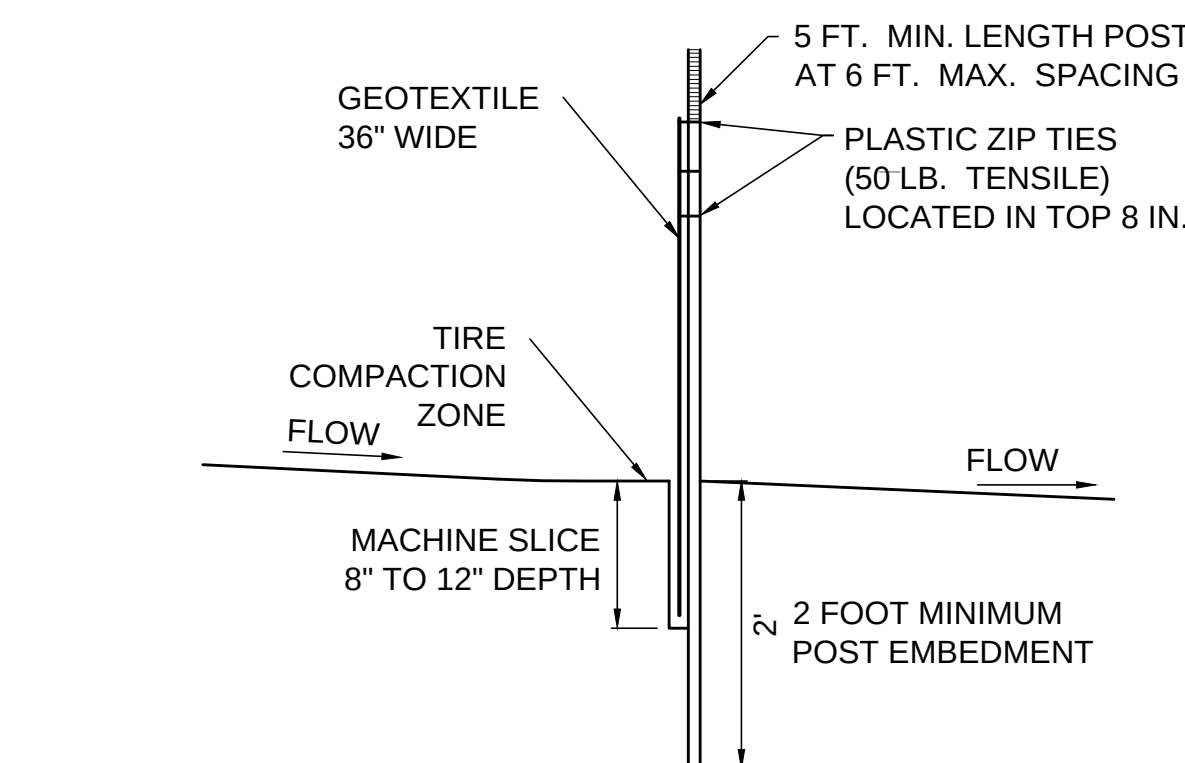
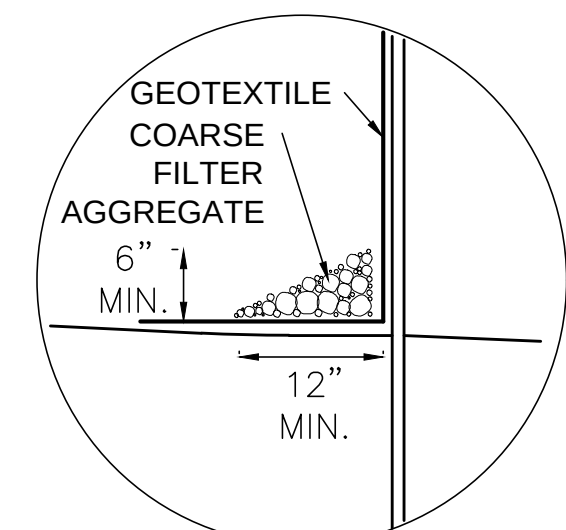
B TYPES: WOOD CHIP, COMPOST, OR ROCK



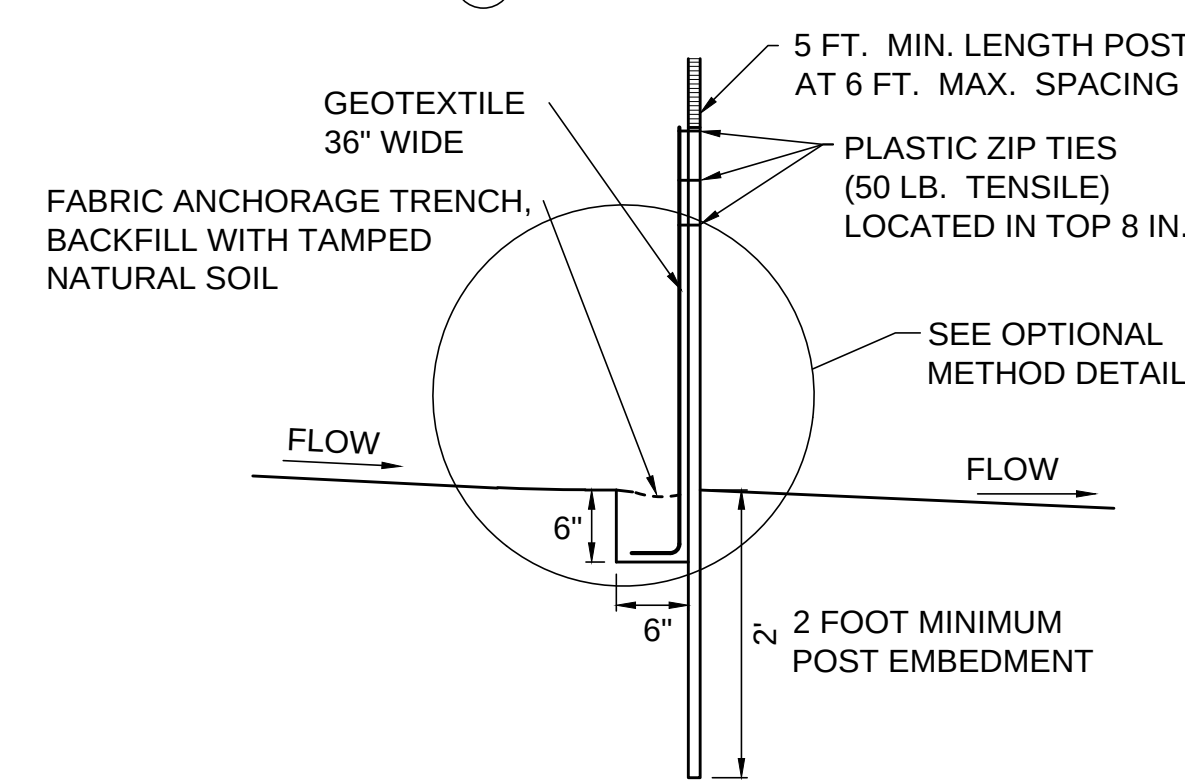
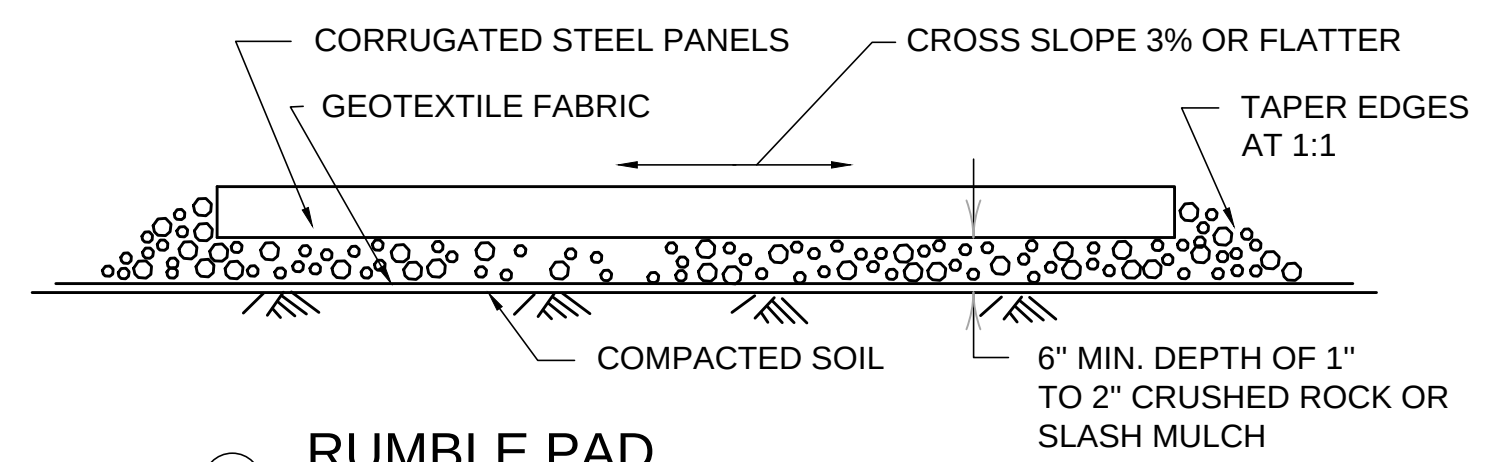
SPACE BETWEEN STAKES SHALL BE MAXIMUM 1 FOOT FOR DITCH CHECKS, AND 2 FEET FOR OTHER APPLICATIONS

A TYPES: STRAW, WOOD FIBER, OR COIR

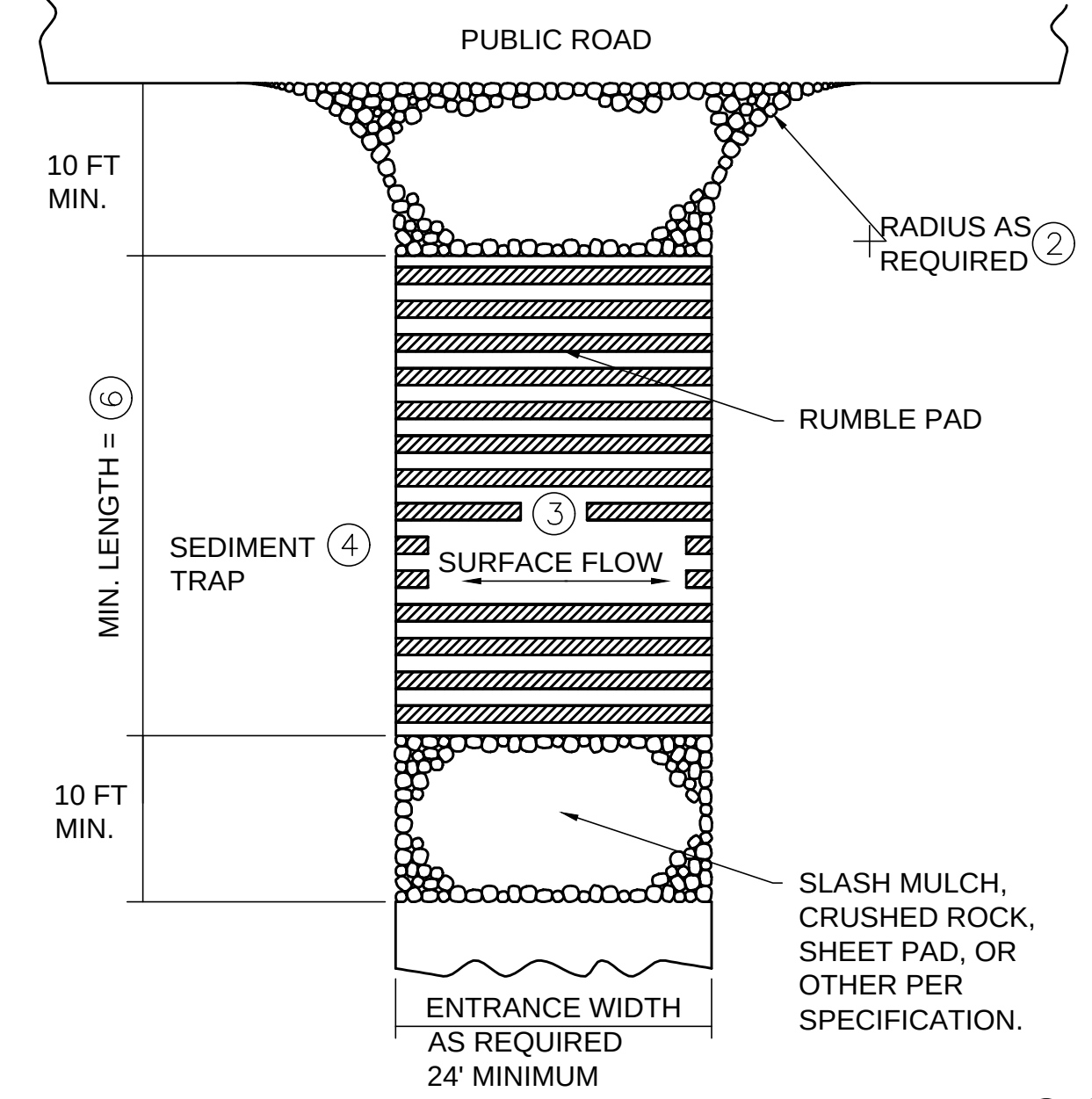
6 SEDIMENT CONTROL LOGS

5 SILT FENCE TYPE PA (PREASSEMBLED)
FOR SHEET FLOW WITH MAXIMUM CONTRIBUTING AREA = 0.25 ACRES4 SILT FENCE TYPE MS (MACHINE SLICED)
FOR SHEET FLOW WITH MAXIMUM CONTRIBUTING AREA = 1 ACRE

A OPTIONAL METHOD

3 SILT FENCE-TYPE HI (HAND INSTALLED)
FOR SHEET FLOW WITH MAXIMUM CONTRIBUTING AREA = 1 ACRE

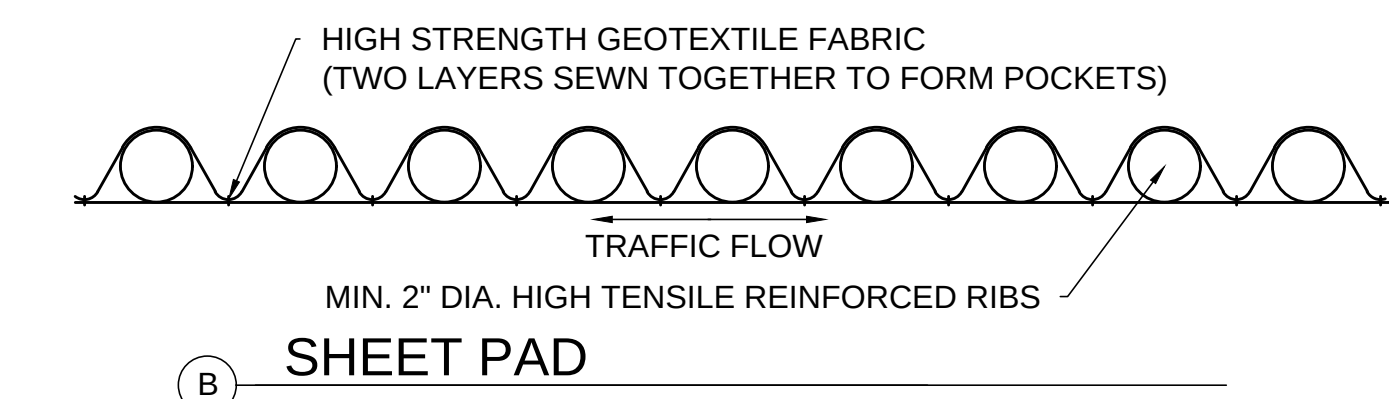
A RUMBLE PAD



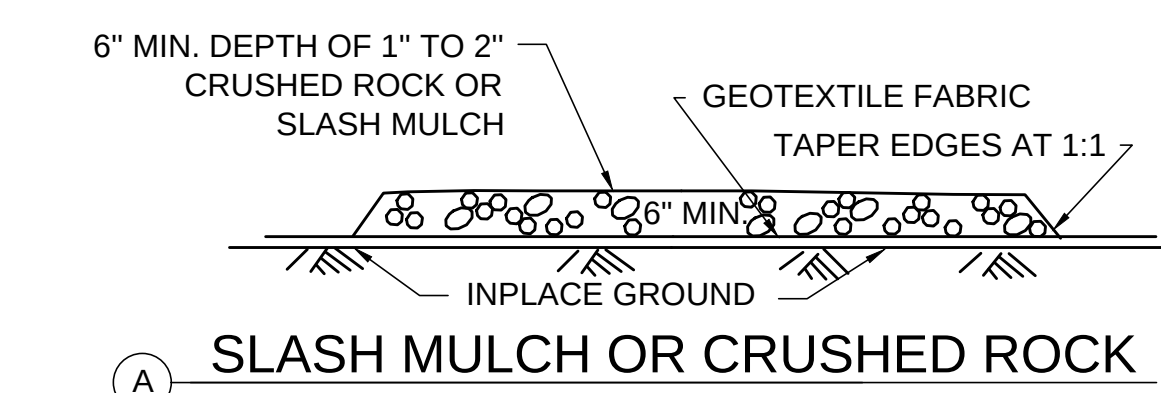
2 CONSTRUCTION EXIT (RUMBLE PAD TYPE) 5 7

NOTES FOR DETAILS 1 & 2

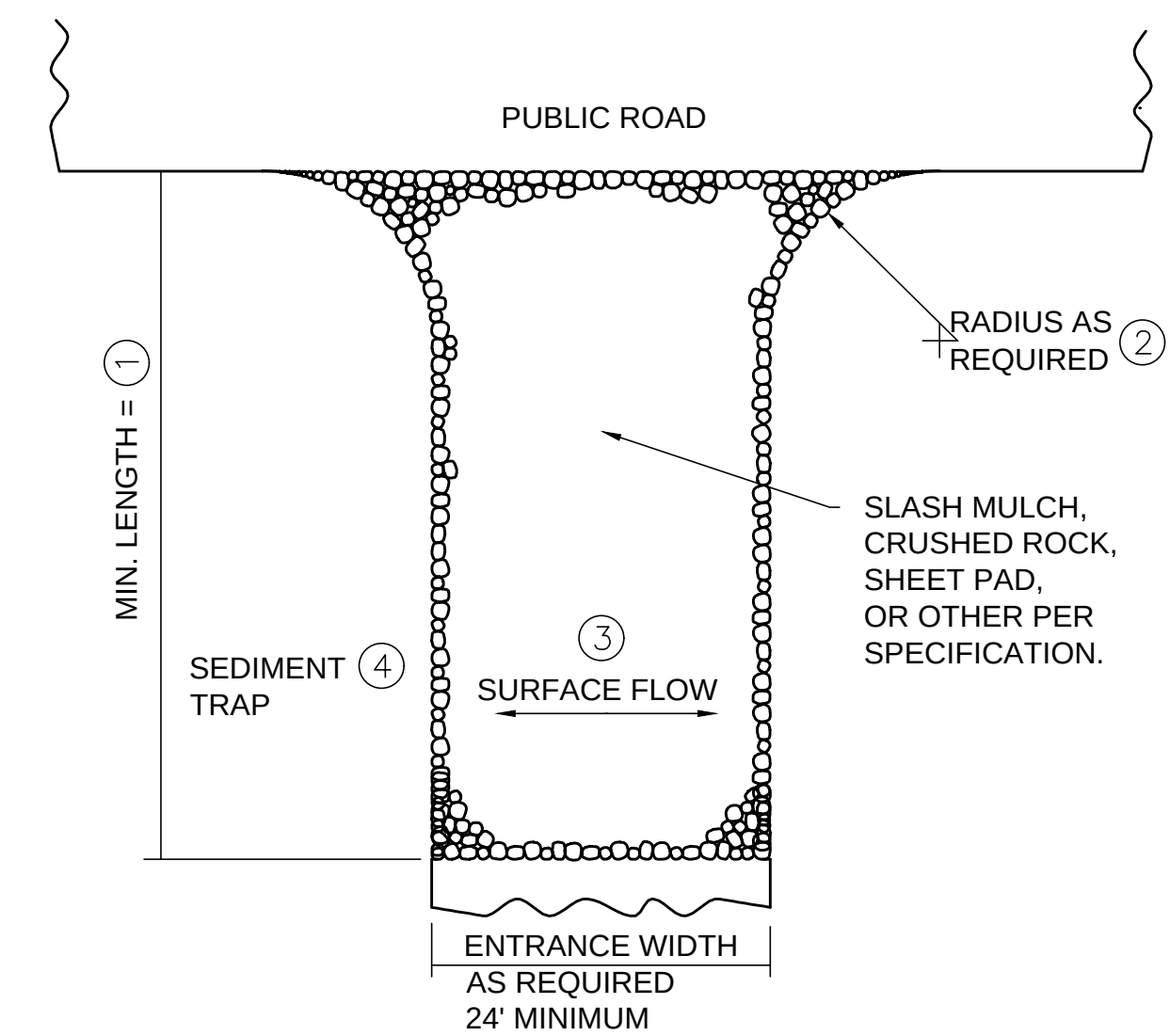
- MINIMUM LENGTH IS 50 FEET OR A LENGTH SUFFICIENT TO ALLOW A MINIMUM OF 5 TIRE ROTATIONS ON THE PROVIDED PAD. MINIMUM LENGTH SHALL BE CALCULATED USING THE LARGEST TIRE WHICH WILL BE USED IN TYPICAL OPERATIONS.
- PROVIDE RADIUS OR WIDEN PAD SUFFICIENTLY TO PREVENT VEHICLE TIRES FROM TRACKING OFF OF PAD WHEN LEAVING SITE.
- IF RUNOFF FROM DISTURBED AREAS FLOWS TOWARD CONSTRUCTION EXIT, PREVENT RUNOFF FROM DRAINING DIRECTLY TO PUBLIC ROAD OVER CONSTRUCTION EXIT BY CROWNING THE EXIT OR SLOPING TO ONE SIDE. IF SURFACE GRADING IS INSUFFICIENT, PROVIDE OTHER MEANS OF INTERCEPTING RUNOFF.
- IF RUNOFF FROM CONSTRUCTION EXIT WILL DRAIN OFF OF PROJECT SITE, PROVIDE SEDIMENT TRAP WITH STABILIZED OVERFLOW.
- IF A TIRE WASH OFF IS REQUIRED THE CONSTRUCTION EXIT SHALL BE GRADED TO DRAIN THE WASH WATER TO A SEDIMENT TRAP.
- MINIMUM LENGTH OF RUMBLE PAD IS 20 FEET, OR AS REQUIRED TO REMOVE SEDIMENT FROM TIRES. IF SIGNIFICANT SEDIMENT IS TRACKED FROM THE SITE, THE RUMBLE PAD SHALL BE LENGTHENED OR THE DESIGN MODIFIED TO PROVIDE ADDITIONAL VIBRATION. WASH-OFF LENGTH SHALL BE AS REQUIRED TO EFFECTIVELY REMOVE CONSTRUCTION SEDIMENT FROM VEHICLE TIRES.
- MAINTENANCE OF CONSTRUCTION EXITS SHALL OCCUR WHEN THE EFFECTIVENESS OF SEDIMENT REMOVAL HAS BEEN REDUCED. MAINTENANCE SHALL CONSIST OF REMOVING SEDIMENT AND CLEANING THE MATERIALS OR PLACING ADDITIONAL MATERIAL (SLASH MULCH OR CRUSHED ROCK) OVER SEDIMENT FILLED MATERIAL TO RESTORE EFFECTIVENESS.

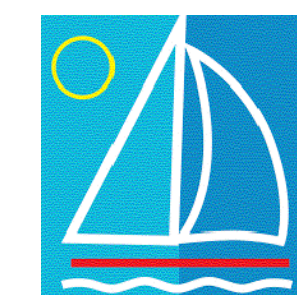


B SHEET PAD



A SLASH MULCH OR CRUSHED ROCK

1 CONSTRUCTION EXIT 5 7
(SLASH MULCH, CRUSHED ROCK OR SHEET PAD)



**WAYZATA
COMMUNITY
SAILING
CENTER**

456 Arlington Circle S.
Wayzata, MN 55391

I HEREBY CERTIFY THAT THIS PLAN.

NAME: _____
DATE: _____
REGISTRATION NUMBER: _____

[illegible]

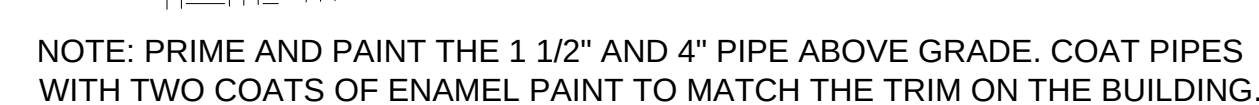
HGA NO: 4018-002-00

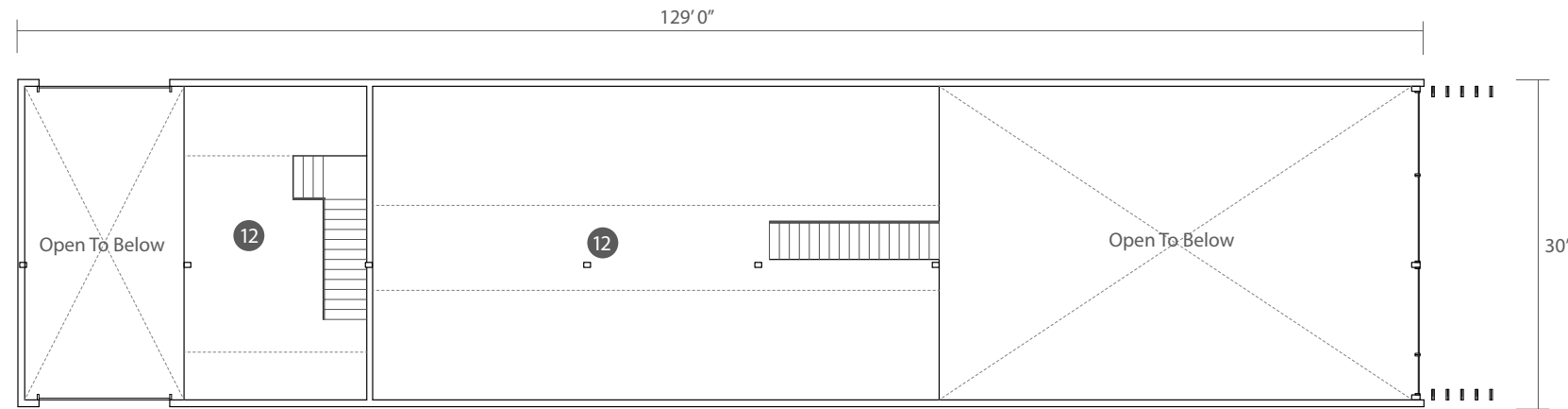
SITE DETAILS

DATE: SEPTEMBER 13, 2014

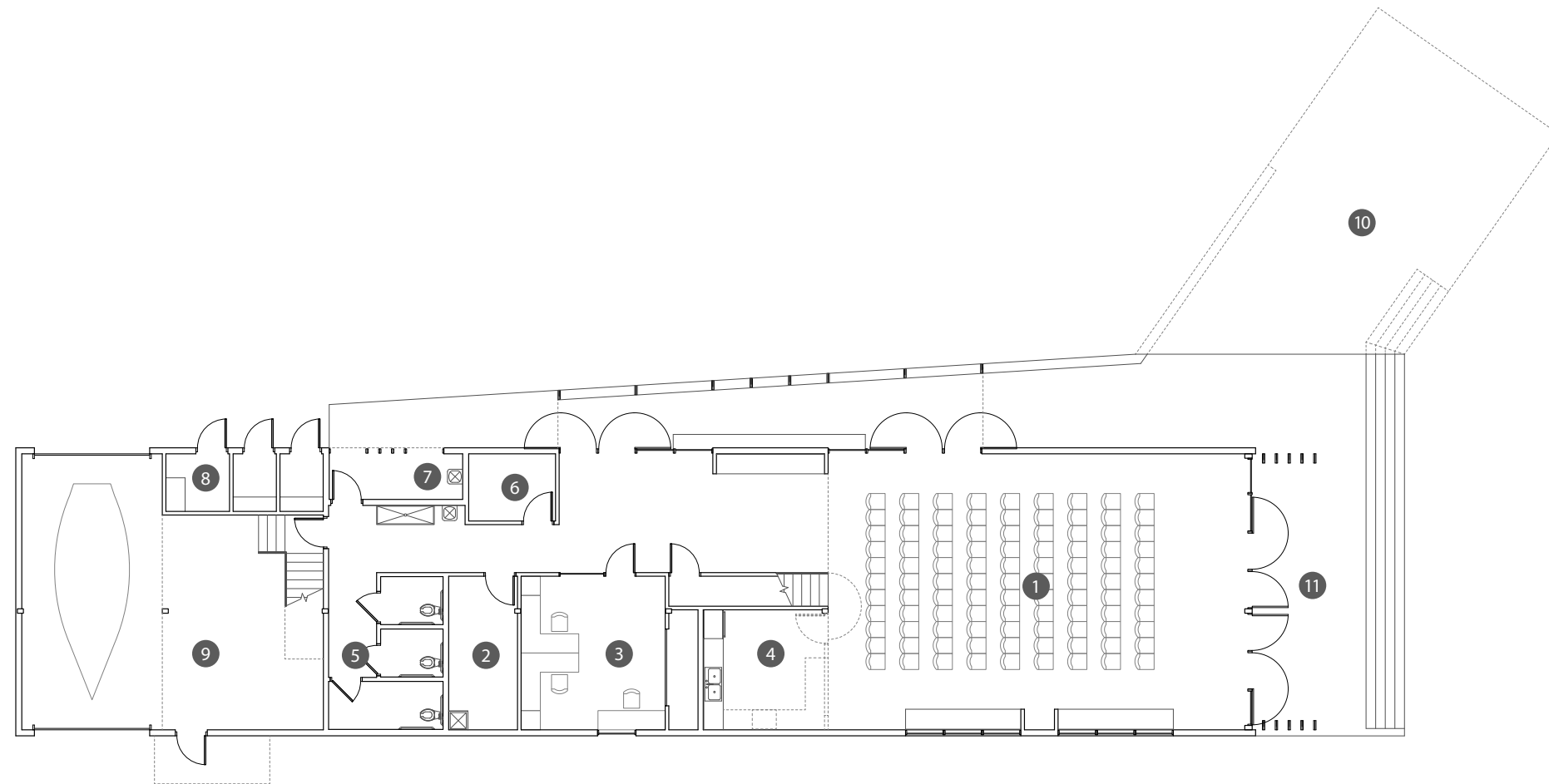
PUD APPLICATION

C900





Floor Plan - Mezzanine



Floor Plan - Level 01

1	Divisible Classroom	1,400 SF
2	Storage/Mechanical	115 SF
3	Open Office/Storage	280 SF
4	Kitchen	165 SF
5	Unisex Restrooms	280 SF
6	Staff Storage	65 SF
7	Water Filling Stations	
8	Changing Rooms	100 SF
9	Main Floor Garage Storage	800 SF
10	Future Deck Expansion	900 SF
11	Viewing Deck	250 SF
12	Mezzanine Storage	1,850 SF
Total Interior NSF		5,335 SF
Total Enclosed GSF		5,795 SF

Scale - 1/16" = 1'-0"





EXTERIOR MATERIAL OVERVIEW:

- **Siding (Primary)** - HardiePanel Vertical Siding (Smooth Finish with 2.5" Battens, Color: Iron Gray)
- **Siding (Secondary)** - Cedar Tongue & Groove Siding (Oriented Horizontally)
- **Roofing** - Asphalt Shingles (Color to Match HardiePanel Siding)
- **Glass** - Residential Character Custom Windows with Transparency Glass
- **Pergola Roof** - Frosted Polycarbonate Panels
- **Decking** - Cedar Decking

Scale - 1/16" = 1'-0"

20 10 0



Wayzata Community Sailing Center
PUD Submittal
09.13.2018

ELEVATIONS
Attachment 11



HGA

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EXTERIOR GLASS CALCULATIONS:

Required Glass Calculation Diagram per Wayzata Zoning Ordinance Section 801.09.8.1 All Districts

• South Elevation -	Overall Area = 480 SF	Glass Area = 360 SF	Percent of Overall = 75%
• East Elevation -	Overall Area = 1,475 SF	Glass Area = 230 SF	Percent of Overall = 15.5%
• North Elevation -	Overall Area = 540 SF	Glass Area = 0 SF	Percent of Overall = 0%
• West Elevation -	Overall Area = 1,460 SF	Glass Area = 60 SF	Percent of Overall = 4%
• Total Area -	Overall Area = 3,955 SF	Glass Area = 650 SF	Percent of Overall = 16.5%

Scale - 1/16" = 1'-0"

20 10 0



Wayzata Community Sailing Center
PUD Submittal
09.13.2018

GLASS CALCULATION DIAGRAM
Attachment 12



HGA

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

1. General Information prepared by JE Dunn and HGA dated September 13, 2018
2. Original 2012 PUD Master Plan prepared by JE Dunn and HGA dated September 13, 2018
3. Existing Site Conditions Survey prepared by JE Dunn and HGA dated September 13, 2018
4. Buildable Area Without Variance prepared by JE Dunn and HGA dated September 13, 2018
5. Illustrated Proposed Site Plan prepared by JE Dunn and HGA dated September 13, 2018
6. Site Demolition Plan prepared by JE Dunn and HGA dated September 13, 2018
7. Site Layout, Surfacing & Landscape Plan prepared by JE Dunn and HGA dated September 13, 2018
8. Site Grading & Utility Plan prepared by JE Dunn and HGA dated September 13, 2018
9. Erosion & Sediment Control Plan prepared by JE Dunn and HGA dated September 13, 2018
10. Floor Plan prepared by JE Dunn and HGA dated September 13, 2018
11. Elevations prepared by JE Dunn and HGA dated September 13, 2018
12. Glass Calculation Diagram prepared by JE Dunn and HGA dated September 13, 2018
13. Southeast Lakeside View prepared by JE Dunn and HGA dated September 13, 2018
14. East Deck View prepared by JE Dunn and HGA dated September 13, 2018
15. Northeast Yard View prepared by JE Dunn and HGA dated September 13, 2018
16. Southwest Lakeside View prepared by JE Dunn and HGA dated September 13, 2018

	Comments	Compliance
Building Recesses		
<u>909.06.A.1 – 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 long building facades along the east and west elevations. The east elevation has a one recessed area near a secondary entrance. The west elevation does not have any building recesses, and does not have traditional pilasters. Both the east and west elevations have “board and baton” finish to reduce the flat surface and add dimension.	Yes

	Comments	Compliance
<u>909.06.A.2</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	The proposed building is not located in close proximity to a public street. The building is located more than 100 feet from Eastman Lane, and is not screened and buffered by existing vegetation adjacent to the street.	Yes
Building Width		
<u>909.07.A – 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 west elevation of the building has minimal divisions or breaks in materials, and does not include the required design strategies to reduce the long horizontal expressions of the building. The east elevation include more variation in the exterior materials and includes special treatment at the entrances, minor variation in the building setback, and a rhythm of elements.	No. Deviation Requested.

	Comments	Compliance
Upper Story Setbacks		
<u>909.08.A.1 – 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 proposed building is one story in height.	N/A
<u>909.08.A.2 – 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.	The proposed building is one story in height.	N/A
<u>909.08.A.3 – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The proposed building is one story in height and meets the maximum building height requirement in the zoning district.	Yes

	Comments	Compliance
Roof Design		
<u>909.09.A – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	The proposed plans include a pitched roof and therefore does not include a green roof.	N/A
<u>909.09.B.1 – 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.	The proposed building includes a sloped roof with dark colored asphalt shingles.	Yes
<u>909.09.B.2 – 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.		

	Comments	Compliance
Facade Transparency		
<u>909.11.A – Glass Calculations—All Districts</u> Applications for design approval must include facade diagrams that contain calculations of glass and solid surfaces. Calculations of facade areas for multiple story building shall be measured from grade to the floor above. Calculations of facade areas for one story buildings shall be measured from grade to the roof deck.	The proposed plans include façade transparency calculations for each of the building elevations: • West Elevation – 4% • East Elevation – 15.5% • North Elevation – 0% • South Elevation – 75%	N/A

Ground Level Expression			
<u>909.12 – 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 proposed building is one story in height.	N/A
Entries			
<u>909.13 – 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.		The proposed building is located more than 100 feet from the public street. It is not located along a public sidewalk.	N/A

	Comments	Compliance
Building Materials and Quality		
<u>909.14.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 on all sides of the building would consist of fiber cement (HardiPanel vertical siding) and wood (cedar tongue and groove siding). The wood material is a permitted material but the fiber cement requires a deviation.	No. Deviation Requested.
<u>909.14.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The proposed building would consist of the same primary materials – fiber cement and wood – on all sides of the building.	Yes
<u>909.14.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 exterior materials do not include brick.	N/A

<u>909.14.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 exterior materials do not include brick or stone. N/A
<u>909.14.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 exterior materials do not include brick. N/A
<u>909.14.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.		The exterior materials do not include stone. N/A

<u>909.14.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 proposed building does not include traditional lintels, sills, cornices, bases, or decorative accent trims.	N/A
<u>909.14.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 proposing building does not include parapets, flashing, or coping.	N/A

<u>909.14.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.	The proposed building does not include any awnings.	N/A
<u>909.14.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 building does not include any balconies.	N/A
<u>909.14.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 exterior glass will not be mirrored, reflective, or darkened.	Yes

<u>909.14.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 front entry doors would be glass.	Yes
	Comments	Compliance
Franchise Architecture		
<u>909.15 – 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	There is no franchise architecture proposed.	N/A

	Comments	Compliance
Landscaping		
909.17.A – All Districts		
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. 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	The proposed building is located more than 100 feet from the public street, and is not located along a public street and sidewalk. The proposed plans include a landscape plan which will retain most of the existing trees, shrubs, and lawn area. New landscaping will be added along the foundation of the building and additional trees will be provided along the Eastman La frontage.	Yes

	Comments	Compliance
Parking Lot Landscaping		
<u>909.18 – 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.	There is an existing landscape buffer greater than five feet that separates the proposed parking lot from Eastman Lan.	N/A
Surface Parking		
<u>909.19 – 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 parking lot is technically located within the front yard of the property, as it is located between the building and Eastman La. The parking lot would be buffered from Eastman Lane by the significant distance and existing vegetation. The proposed parking lot is less than 60 feet in width along Arlington Circle and would be buffered by existing trees within the right of way.	No. Deviation Requested.

	Comments	Compliance
<u>909.20 – 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.	Although the proposed project is institutional use, and not commercial, there are 7 bike parking spaces provided on the site.	Yes
Parking Structures		
<u>909.21 – 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.	The proposed plans do not include a parking structure.	N/A

	Comments	Compliance
Signs		
<u>909.22.A – All Districts – Compatibility</u>		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. 2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. 3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. 4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.	The proposed plans include one wall sign on the north elevation to identify “Mike Plant Center”.	Yes

<u>909.22.B – All Districts – Sign Location</u> 1. Wall signs on a storefront-type building shall be placed between the first and second floors of a building. 2. Wall or roof signs on buildings that are not storefront type buildings shall be placed where they do not obscure architectural features.		The proposed wall sign would not obscure architectural features of the building. Yes
<u>909.22.C – All Districts – Sign Material</u> 1. The material of which signs are constructed shall be consistent and compatible with the original construction materials and architectural style of the building facade on which the signs are affixed. 2. Material, such as wood and metal, shall be used, as appropriate, for the sign location. 3. Neon signs may only be used for windows.		The final sign material will be confirmed to be consistent with the materials, style, and façade of the building. Yes

		Comments	Compliance
Parking Lot and Building Lighting			
<u>909.24 – All Districts</u>			
A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.		The proposed plans do not include any exterior lighting.	N/A

RESOLUTION NO. 12-2012

RESOLUTION APPROVING AN APPLICATION BY THE WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER FOR A NEW PLANNED UNIT DEVELOPMENT AND RELATED APPROVALS AT 456 ARLINGTON CIRCLE, 1000 EASTMAN LANE, 1100 EASTMAN LANE, 1200 EASTMAN LANE, AND 1400 EASTMAN LANE

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

Section 1. BACKGROUND

1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the "Applicant") have submitted a two related applications (the "Application") for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the "PUD" or the "Project"); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the "Deviations"); rezoning to a PUD District for the PUD (the "Rezoning"); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the "Comprehensive Plan Amendment", addressed through separate Resolution 25-2012); a Shoreland Conditional Use Permit (the "Shoreland CUP"); a Floodplain Conditional Use Permit (the "Floodplain CUP"); and site plan review (the "Site Plan"). The Application is based on a master planning process undertaken by the Applicant that included a community design charrette in June of 2010. The Application covers the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane (collectively, the Property"). Attachment A includes the following documents associated with the requests in the Application and the components of the Project:

- a. Site Plan, Details Sheets 1-5, dated March 2012
- b. Make Ready Area (Dolly) Screening Sketch, dated March 14, 2012
- c. WCSC/WYC Summer Trailer Storage Area Sketch, dated March 15, 2012
- d. Preliminary Landscape Plan Sheets 1-2, dated January 2012
- e. Preliminary Grading Plan Sheets 1-2, dated January 2012
- f. Operating Policies described on Pages 10 of the PUD Master Plan Narrative, dated January 27, 2012

1.2 Property. The property identification numbers and owners for the Property involved in the proposed PUD are as follows:

456 Arlington Circle S.	06-117-22-44-0006	Wayzata Sailing Foundation
1000 Eastman Lane	06-117-22-44-0005	Wayzata Yacht Club
1100 Eastman Lane	05-117-22-33-0003	Wayzata Yacht Club
1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club

1400 Eastman Lane	05-117-22-33-0001	Wayzata Yacht Club
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- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and R-2A Single Family Residential District, as defined in Section 801.53 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. All of the Property is guided for Semi-Public/Private Use in the Wayzata Comprehensive Plan, except 1200 Eastman Lane which is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.
- 1.5 Planning Commission Action. The Planning Commission began its review of the 2011 Applicant at its August 15, 2011 meeting and held a public hearing. The Planning Commission continued discussing the first Application at its September 7th, September 19th, October 26th, and November 7th meetings. At the close of these meetings, the Planning Commission recommended denial of certain components of the first Application, and approval of others. The City Council asked the Applicant to withdraw certain components of its first application related to a new Semi-public/Private PUD Zoning District and resubmit those requests as part of a second Application. The Planning Commission began its review of the second Application on February 6, 2012 and held a public hearing, before continuing discussion to February 27, 2012. At the February 27, 2012 meeting, after holding a public hearing, the Planning Commission reviewed and adopted a Planning Commission Report and Recommendation on the Concept and General Plan PUD, the individual Deviations requests, and the Rezoning from R-1 and R-2A to PUD, recommending approval to the City Council with conditions.

Section 2. STANDARDS

2.1 Planned Unit Development – General Standards – 801.33.1

Purpose. 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.

2.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
 - 1. Health Safety and Welfare. 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.
 - 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 - 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.

4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
6. Common Space. The proposed PUD must provide common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD.
7. Common Space 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.
8. 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.
9. Density. The proposed PUD must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
10. Utilities. All utilities associated with proposed PUD must be installed underground.
11. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.

12. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
13. Landscaping. All landscaping associated with the proposed 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.
14. 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.
15. 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.

2.3 Concept Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof. Should concept approval be granted for a PUD project, this approval in no way shall bind the City to subsequent approval of a General Plan of Development.

2.4 Non-residential PUD District Projects that include Residentially Zoned Properties. Section 801.33.4.A.6 of the Wayzata City Code provides that for non-residential PUD District projects that include residentially zoned properties, the normal

standards of either the C-1, C-2, C-3, C-4, C-4A, C-4B, INS, RD and BW zoning classifications shall apply to each project, excepting usage standards, unless the Council determines that another standard is (i) more appropriate, (ii) reasonable and consistent with the overall purpose and intent of the PUD ordinance, and (iii) will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- 2.5 Site Plan Review. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. City Code Section 801.22.3.
- 2.6 Shoreland Conditional Use Permit (CUP). Except for certain situations not applicable to the Project, Section 801.91.19 of the Zoning Ordinance requires landowners or developers developing land in the Shoreland District to first submit a conditional use permit application in accordance with Section 801.04 (CUPs) and a Shoreland Impact Plan in accordance with Section 801.91.19A. The purpose of the Shoreland Impact Plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation. All conditional use permits for consideration under Section 801.91.19 are 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 microsilts 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 the Zoning Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in the Zoning 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.

The Shoreland Conditional Use Permits are regulated by Section 801.04.2.F which requires City Council to 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.

2.7 Floodplain Conditional Use Permit. Under Section 801.93, the placement of fill or structures in the Floodway is permitted in the Floodplain Districts as a conditional use. Conditional uses within the floodplain districts must meet the standards outlined in Section 801.04, in addition to any applicable standards in Section 801.93.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance, and the Comprehensive Plan, 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):

PUD AND DEVIATIONS

3.1 Concurrent Concept and General PUD.

- A. Purpose of PUDs. The PUD Concept and General Plan conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The PUD Concept and General Plan, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
 - 1. Application Complete. The Development Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.

2. Ownership. All of the property to be included in the PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed General Plan PUD conforms with the applicable goals in the Comprehensive Plan.
 4. Common Space. The PUD proposed in the PUD General Plan would provide sufficient common private or public open space and facilities.
 5. Landscaping. The PUD proposed in the PUD General Plan will be according to a detailed plan approved by the City Council.
 6. Health, Safety, and Welfare. The overall effect of the PUD proposed in the PUD General Plan would not have a negative effect to the welfare of residents of the community and the surrounding area.
- C. PUD Procedure. Applicant has met the procedural requirements for review of the PUD General and Concept Plan, and has submitted all materials in connection with the Application as required and/or requested.
- 3.2 Deviations. The City Council makes the following findings on the Deviations requested as part of the Application:
- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
 - B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.

- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback on the Wayzata Community Sailing Center property, as described in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane).
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- G. East Parking Lot Setback – Five (5) ft Rear Yard Setback.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- H. Location of Parking – West Parking Lot - Parking Spaces shall be located fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- I. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served for the Wayzata Yacht Club Clubhouse property.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.

- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- J. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- K. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- L. Temporary Signage – Temporary Signage Allowance in Designated Locations.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- M. Directional Signage – Directional Signage Allowance in Designated Locations.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- N. East Parking Lot – Accessory Structure of no more than Six Hundred Forty Square Feet (640 SF) Allowed Without a Principal Structure.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- O. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard, only in designated locations during the sailing season, as described in the Site Plan and WCSC/WYC Summer Trailer Storage Area Sketch in the Application (Attachment A).
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- P. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front Yard, Side and Rear Yard of the 456 Arlington Circle

Property with proper screening from adjacent properties and the right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan and Landscape Plan (Attachment A).

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

SITE PLAN

3.3 Site Plan Review.

- A. With the exception of the Deviations noted elsewhere in this Resolution, the Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

SHORELAND CUP

3.4 Shoreland Conditional Use Permit.

- A. Granting the Shoreland CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to reguide the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Shoreland CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Shoreland CUP will not have a negative effect on the area it is proposed.
- E. Granting the Shoreland CUP will not have a significant impact upon

property value in the area in the adjacent Residential and Commercial Districts.

- F. Granting the Shoreland CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Shoreland CUP will not have a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- H. The Project complies with, and as a condition of approval, will continue to comply with, the stipulations of 801.91.19.C.

FLOODPLAIN CUP

3.5 Floodplain Conditional Use Permit.

- A. Granting the Floodplain CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to reguide the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Floodplain CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Floodplain CUP will not have a negative effect on the area it is proposed.
- E. Granting the Floodplain CUP will not have a significant impact upon property value in the area in the adjacent Residential and Commercial Districts.
- F. Granting the Floodplain CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Floodplain CUP will not have a negative impact upon 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 request for approval of the Concurrent Concept and General Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the following conditions and other standards contained in the PUD General Plan (failure to comply with any one of these conditions and other standards contained in the PUD General Plan may result in the revocation of the approvals):
- A. A Project and Development Agreement, in a form acceptable to the City Attorney, is entered into between the Applicant and the City to address matters related to the Project, including, but not limited to:
 - 1. Project Performance and Development Timeline
 - 2. Stormwater Facilities Maintenance
 - 3. Conditions of approval and PUD standards outlined in this Resolution
 - B. The Applicant shall record the Development Agreement with the appropriate officials at Hennepin County.
 - C. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
 - D. That all expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred be fully reimbursed by the Applicant.
 - E. The Applicant must coordinate the implementation of the shoreland impact plan and the stormwater management techniques set forth in the Application with the Public Service Director, Utilities Superintendent and the City Engineer.
 - F. The Applicant must secure all necessary building permits and secure any other approvals required by City Code Section 801.91.19.C.
 - G. The Applicant must coordinate the implementation of the landscaping plan with the appropriate City Staff, including the City Forestry Department.
 - H. Upon installation of the rain gardens and other stormwater management systems, the Applicant must pay for an annual inspection of the systems by a qualified professional selected by the City or mutually agreed upon by the Applicant and the City in perpetuity as defined in the stormwater maintenance agreement defined in Section 4.1.C of this Resolution.

- I. Subject to the approved footprints of the structures, and the design standards contained in the Site Plan Sheet 3 and Sheet 4, and the standards contained in the Landscape Plan (Attachment A), approved as part of the PUD, the Applicant must submit applications for and receive approval of Project Design for any structure associated with the PUD Master Plan, under Section 9 of the Wayzata Zoning Ordinance, prior to submission of any building permit application. The materials utilized for the structures shall be of a high quality.
- J. The uses within the PUD District shall be limited as follows:
 1. A semi-public/private yacht club and a semi-public/private community sailing center.
 2. Accessory uses related to a semi-public/private yacht club and semi-public/private community sailing center operations, education, security, activities, and functions.
 3. Land uses that are related to semi-public/private yacht club and semi-public/private community sailing center uses, with the exception of commercial marina activities.
 4. Social functions involving members and their guests related to the operations of a semi-public/private yacht club and semi-public/private community sailing center.
 5. Limited rentals of sailboats owned and operated by the Wayzata Yacht Club to not more than two (2) promotional sailboat charters per year.
 6. Storage in designated, specified, and screened areas in the Plan Sets included in Attachment A and limited as follows:
 - a. Storage shall be limited to small Lake Minnetonka Conservation District (LMCD)-defined unrestricted water craft and related trailers.
 - b. The storage building as defined on the Master Plan in the Application.
 - c. Storage on the East Parking Lot shall be limited to only storage of trailers during Applicant-sponsored Regatta events for no longer than seventy two (72) hours after the Regatta event, with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan in Attachment A. Storage of Wayzata Yacht Club and Wayzata Community Sailing Center trailers to the west of the proposed storage building on the East Parking Lot shall be limited to not more than fifteen (15) trailers, and during the sailing season (summer) only with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and WCSC/WYC Summer Trailer Storage Area Sketch

in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any trailers on the East Parking Lot.

- d. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of "make ready" Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and Make Ready Area (Dolly) Screening Sketch in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any boats in the front yard of the 456 Arlington Circle Property.
- e. Sailing boats may be stored on a year-round basis in the western portion of West Parking lot, as depicted in the Site Plan included in Attachment A as "Existing Children Small Boat Storage", provided that they are owned and operated exclusively by the Wayzata Community Sailing Center, in addition to seventy two (72) hour storage of boats for launching and recover per City Code.

- 7. The following uses are expressly prohibited within the PUD:
 - a. Event center use, such as weddings, graduations, and similar activities, where space or facilities are leased out to non-members or non-affiliates with either organization for payment.
 - b. Charter boat cruises or related uses, as defined by the Lake Minnetonka Conservation District (LMCD).
 - c. The sale of off-sale liquor.
 - d. The sale or distribution of petroleum products.
 - e. Boat storage in the East Parking Lot.

K. The Applicant and all future property owners shall be limited to one hundred eighty six (186) slips and buoys total within the PUD District. The Applicant shall not apply for, and the Lake Minnetonka Conservation District (LMCD) shall not approve, any additional slips and buoys for the Applicant on the Property in excess of 186. Any approved slips and buoys in excess of 186 shall void the approvals granted in this Resolution.

L. The Applicant or future owner of the Property shall not place any slides north of the bridge spanning the lagoon between 456 Arlington Circle

(Wayzata Community Sailing Center) and 1000 Eastman Lane (West Parking Lot).

- M. Prior to the issuance of any building permits for the Property, the final Site Plan shall be subject to review and approval by Staff to ensure the Site Plan and its elements conform with the approved PUD Plan.
- N. The Applicant shall comply with the following comments from Staff:
 - i. Submittal of final drawings and plans signed by a Licensed Engineer or Surveyor.
 - ii. Conform with all requirements of the State Fire Code.
 - iii. Conform with all requirements of the Wayzata Tree Ordinance.
- O. The Applicant shall submit the necessary materials for Final Plan PUD approval for review by Staff as required under Section 801.33.7. The Applicant shall submit a Final Plan PUD Development Plan Set and other revised documents that contain the conditions of approval and approved deviations included in this Resolution for review and approval by Staff and the City Council as part of the required Development Agreement. Such revised Plan Set and the Development Agreement shall be the governing documents of this PUD.
- P. The WYC and WCSC shall be operated as non-motorized sail boat racing and sailing school organizations, respectively, in accordance with each organization's governing documents. The use and rental of slips and buoys shall be governed by the standards contained in Attachment B ("PUD Standard on Rental and Use of Boat Slips and Buoys for Powerboats").
- Q. The quiet hours for the Property shall be 10:00pm to 8:00am as described in the Operating Policies contained in Attachment A.
- R. The Applicant and any successors shall comply with all City and State liquor laws.
- S. The island (defined as "LMCD Site 3" on the Site Plan in Attachment A) may only be used by Wayzata Yacht Club and Wayzata Community Sailing Center members as it is currently being used, with storage limited to prams, optimists, or similar type boats for youth sailing activities on racks as currently being stored. Boat storage on the island shall only be permitted during the sailing season, and shall not be allowed during the winter or non-sailing season. No other type of boats shall be stored on the island other than the above permitted boats related to youth sailing activities.

- T. The length and width of slips within the PUD District shall not exceed the size authorized by the Lake Minnetonka Conservation District (LMCD) (presently the August 2009 approval). The Applicant may request approval from the LMCD for modifications in boat slip length and configuration under the following process:
- i. The Applicant shall inform the City in writing and the City Council at a regular City Council meeting of their intent to request a modification to existing slip length or configuration from the LMCD.
 - ii. The City Council shall review the request and provide their comments on the request, which shall be documented in a formal letter from the City.
 - iii. The Applicant shall include the City's comment letter as part of their application materials to the LMCD.
- U. The Revision to the Master Plan Narrative dated January 27, 2012 as submitted by the Applicant, attached as Attachment C replaces all earlier version of the Applicant's Master Plan Narrative, which are considered null and void. The approvals granted in this Resolution supersede anything to the contrary to the January 27, 2012 Master Plan Narrative.

4.2 Based on the Findings in Section 3 of this Resolution, the Deviations requested in the Application, and defined and described in Attachment A, are approved as follows, subject to the conditions and other PUD standards noted below (failure to comply with any one of these conditions and other standards may result in the revocation of the approvals):

- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft: **APPROVED**
- B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west): **APPROVED**
- C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle): **APPROVED**
- D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback: **APPROVED**
- E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane): **APPROVED**
- F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback: **APPROVED**
- G. East Parking Lot Setback – Five (5) ft Rear Yard Setback: **APPROVED**

- H. Amount of Compact Cars – Thirty Four Percent (34%) May Be Marked for Compact Cars Only: **DENIED**.
- I. Location of Parking – Allow Parking Spaces fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka. : **APPROVED**
- J. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served: **APPROVED**
- K. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- L. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- M. Temporary Signage – Temporary Signage Allowance in Designated Locations **APPROVED**, with the modification that temporary “No Parking” neighborhood signage is allowed to remain in place during the sailing season, and subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- N. Directional Signage – Directional Signage Allowance in Designated Locations **APPROVED**, subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- O. East Parking Lot – Accessory Structure Allowed Without a Principal Structure: **APPROVED**, subject to the following conditions:
 - i. The Applicant shall submit a subsequent application for formal design review of the proposed accessory structure for review and approval by the Planning Commission and City Council.
 - ii. The proposed accessory structure shall not block the view field of adjacent residential properties.

- iii. The proposed accessory structure shall not exceed six hundred forty square feet (640 SF) as described in the Application, and shall be of high quality materials.
- P. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event for Regatta related parking, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard only in designated locations during the sailing season, as described in the WCSC/WYC Summer Trailer Storage Area Sketch (Attachment A): **APPROVED**.
- Q. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front, Side and Rear Yard of the 456 Arlington Circle Property with proper screening from adjacent properties and the right of way, as depicted on the Landscape Plan (included in Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (included in Attachment A): **APPROVED** subject to the following:
 - i. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of “make ready” Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant’s Landscape Plan and Make Ready Area (Dolly) Screening Sketch included in Attachment A. The required screening shall be installed the Applicant and approved by City Staff prior to the storage of any trailers on the 456 Arlington Circle Property.
- 4.3 Based on the Findings in Section 3 of this Resolution, the request for approval of the Site Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.
- 4.4 Based on the Findings in Section 3 of this Resolution, the request for approval of the Shoreland CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

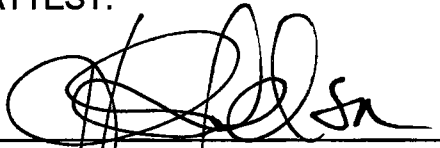
4.5 Based on the Findings in Section 3 of this Resolution, the Floodplain CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

Adopted by the Wayzata City Council this 17th day of July, 2012.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Amdal

Voted in favor of: Amdal, Bader, Mullin, Tanner, 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 17, 2012.



Becky Malone, Deputy City Clerk
SEAL

Attachment A

WYC/WCSC Plan Sets

Attachment A

Noise polices:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce polices to reduce noise in the neighborhood.

Parking polices: .

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and quest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WSCS will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;
2. Crane boom shall be stored pointed directly north.

Public Amenities:

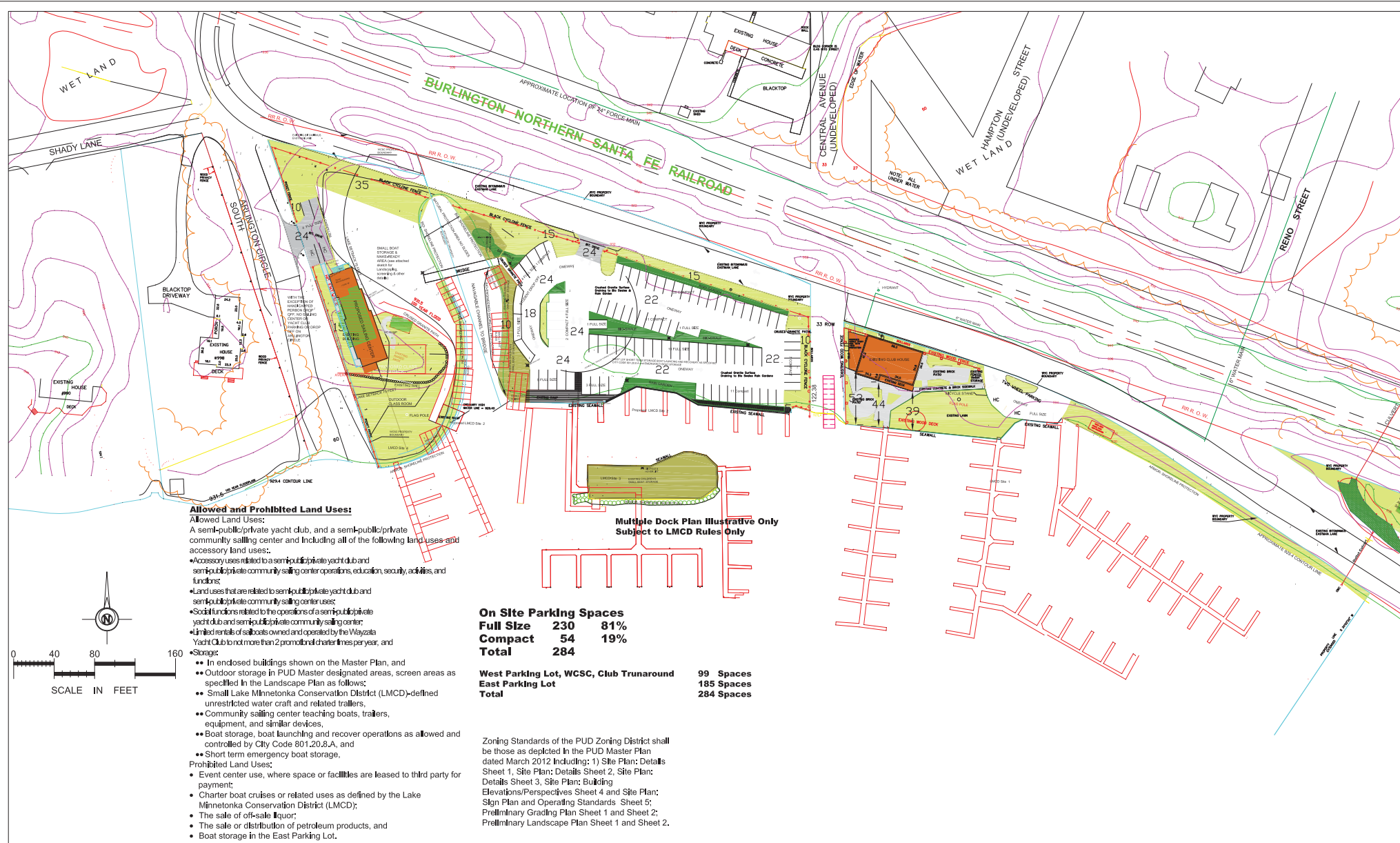
Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules and those amenities shown on the master plan such as bike stands.

Storage:

Storage is limited to the areas shown on the master plan and shown in the maps provided in this narrative.

Master Plan: Site Plan:

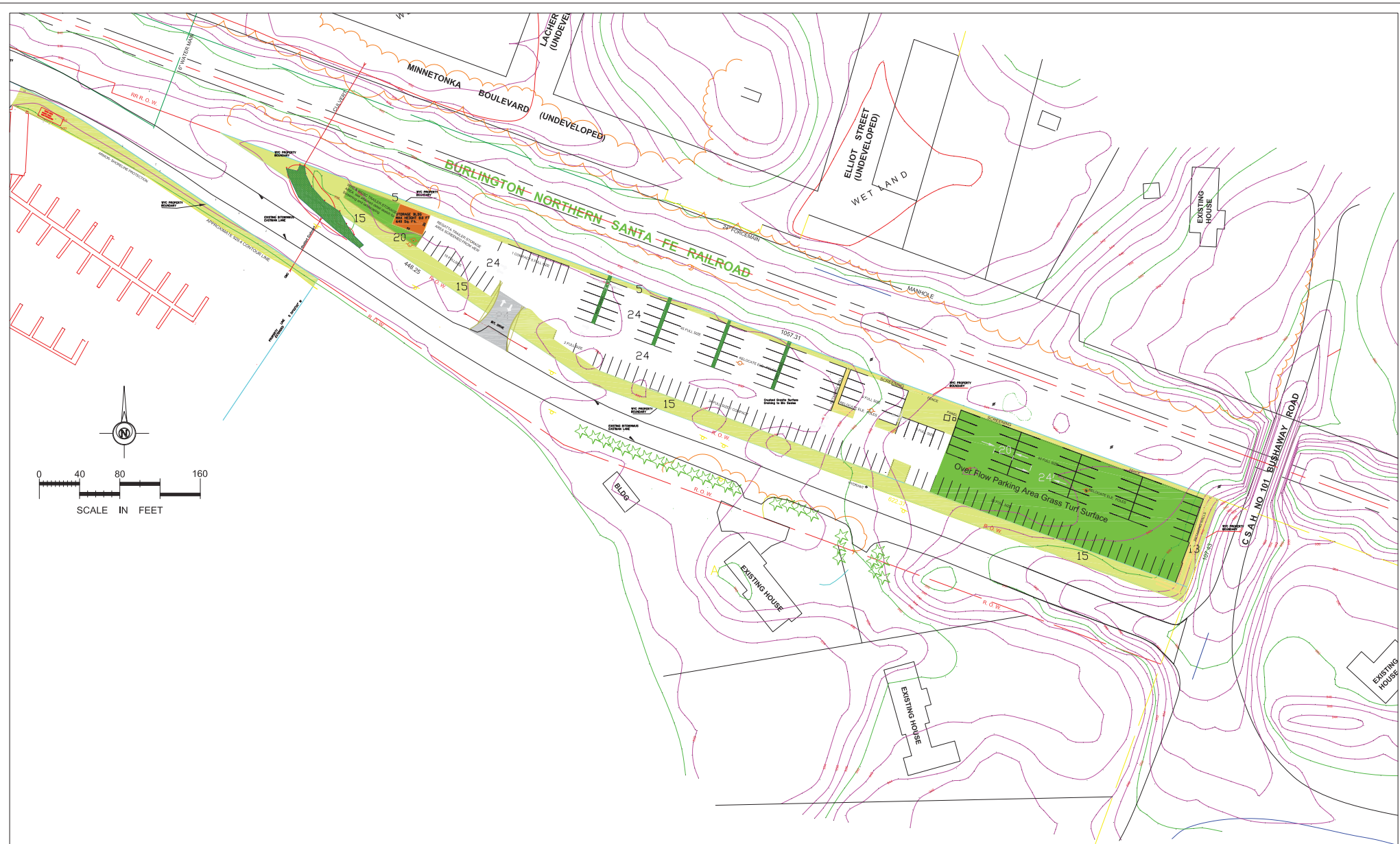
This section of the narrative along with the attached plans describes the PUD Master Plan elements.



WYC WCSC MASTER PLAN

SITE PLAN: Details
CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes

Sheet 1
 MPD
 March, 2012



WYC WCSC MASTER PLAN

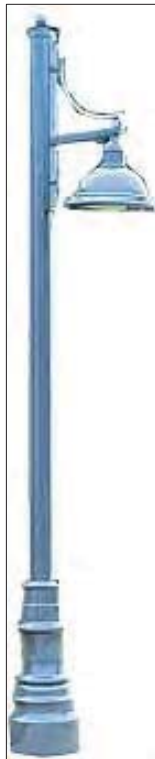
SITE PLAN: Details

CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes

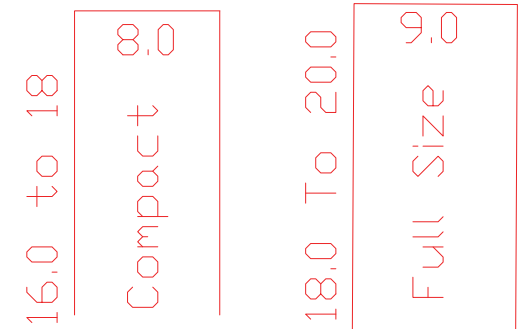
Sheet 2

MPD
March, 2012

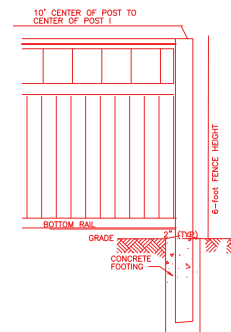
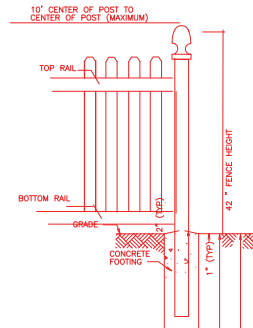
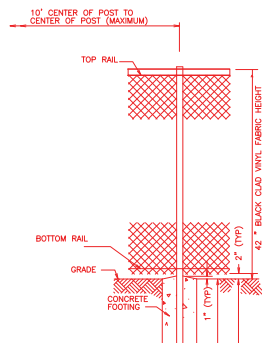
TYPICAL DARK SKIES LIGHTING, NAUTICAL FLAG POLE and BICYCLE STAND



TYPICAL STRIPED PARKING SPACE DETAIL



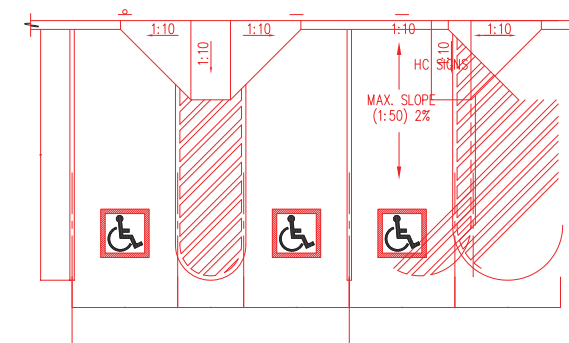
TYPICAL FENCE DETAILS



**Typical
nonsaluable
striped
granite
parking
lot**



EAST PARKING LOT CROSS SECTION BOARDWALK



TYPICAL HC PARKING SPACE DETAIL

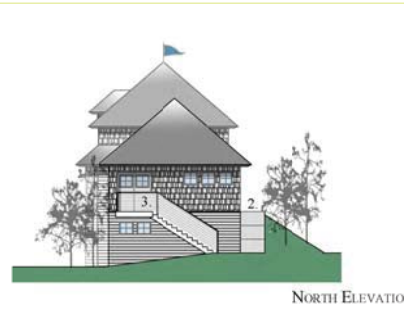
WYC WCSC MASTER PLAN

SITE PLAN: Details

CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes

Sheet 3

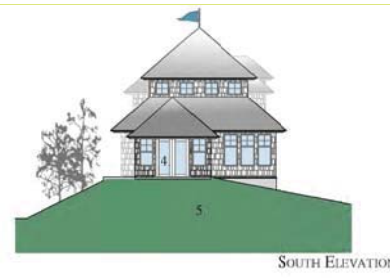
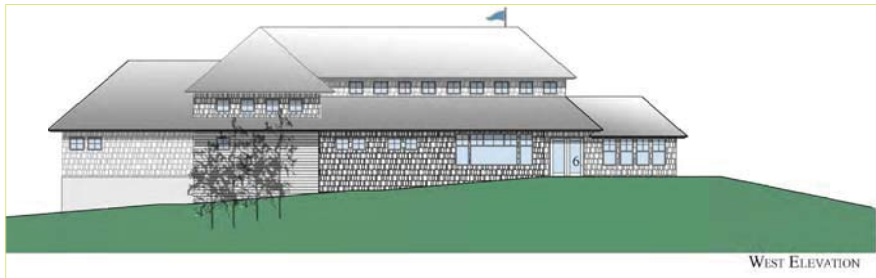
MPD
MARCH 2012



TYPICAL SAILING CENTER BUILDING



TYPICAL ONE STORY EAST PARKING LOT STORAGE BUILDING



TYPICAL ONE STORY ADDITION TO CLUB HOUSE BUILDING

TYPICAL BUILDING MATERIAL LIST:

- Asphalt shingles to match Club House or similar;
- Lap 6 inch wood, wood shingles or similar to match Club House;
- Detail Material: Premium grade wood trim with mitered outside corners.
- Parapets: premium grade wood.
- Residential character custom windows with transparent glass;
- Window boxes or similar all elevations;
- Vines on wall with more than 100 square feet of uninterrupted surface;
- Block or poured concrete foundation flood proofed if not located 3 feet above OHWL and 2 feet above 931.1 feet.



WYC WCSC MASTER PLAN

Site Plan: Building Elevations/Perspectives

MPD, SAILING CENTER March, 2012

Sheet 4

Typical Temporary Signs Displayed During Regattas or Similar Occasions in the Club House Area



Zoning District General Operating Policies:

For the purposes of the zoning district, the following general operating policies are made part of this PUD Zoning District:

Noise policies:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce policies to reduce noise in the neighborhood.

Parking policies:

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and guest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WCSC will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. Except for Handicapped drop off, WCSC student drop off will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;

2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules

Typical Directional Signs Used to Control Traffic, Parking, or Transmt Club or Salling Center Policy

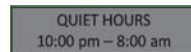
Typical West Parking Lot Directional and Policy Signs:



Typical Sailing Center Directional and Policy Signs:



Typical East Turn Around & Club House Entrance Area Directional and Policy Signs:



Typical East Parking Lot Directional and Policy Signs:



Typical Identification Ground or Monument Signs with in Character with Building:



Located in the "turn around island" east of the club House, Indirect illumination



Located at the entrance to each parking lot, on the bridge from the sailing center, and on the gate adjacent to the public boat launch

Sailing Center ID Sign similar to WYC

Location centered along Eastman Lane on Sailing Center Property

Standards of Section 27, Signs shall govern the size and placement of signs. Provided however that the following exceptions shall occur:

- Temporary Banners will be governed by the Section 27.05 N and this plan in designated areas only and shall not require City Council approval;
- Parking Lot Directional Signs shall be governed by this plan, provide however that such signs shall not be more than 2 square feet in area;
- Identification signs at the entrance to each parking area and other designated locations shall be no larger than 4 square feet in area each;
- One identification ground or monument sign for sailing center and one identification ground or monument sign for the yacht club shall be allowed in designated areas and shall not each be more than 9 square feet in area each;
- All other requirements of Section 27 as it applies to a low density residential zoning district shall apply,
- Final sign Plan subject to staff approval;
- WYC no parking neighborhood signs shall be placed on public residential streets during the sailing season

WYC WCSC MASTER PLAN

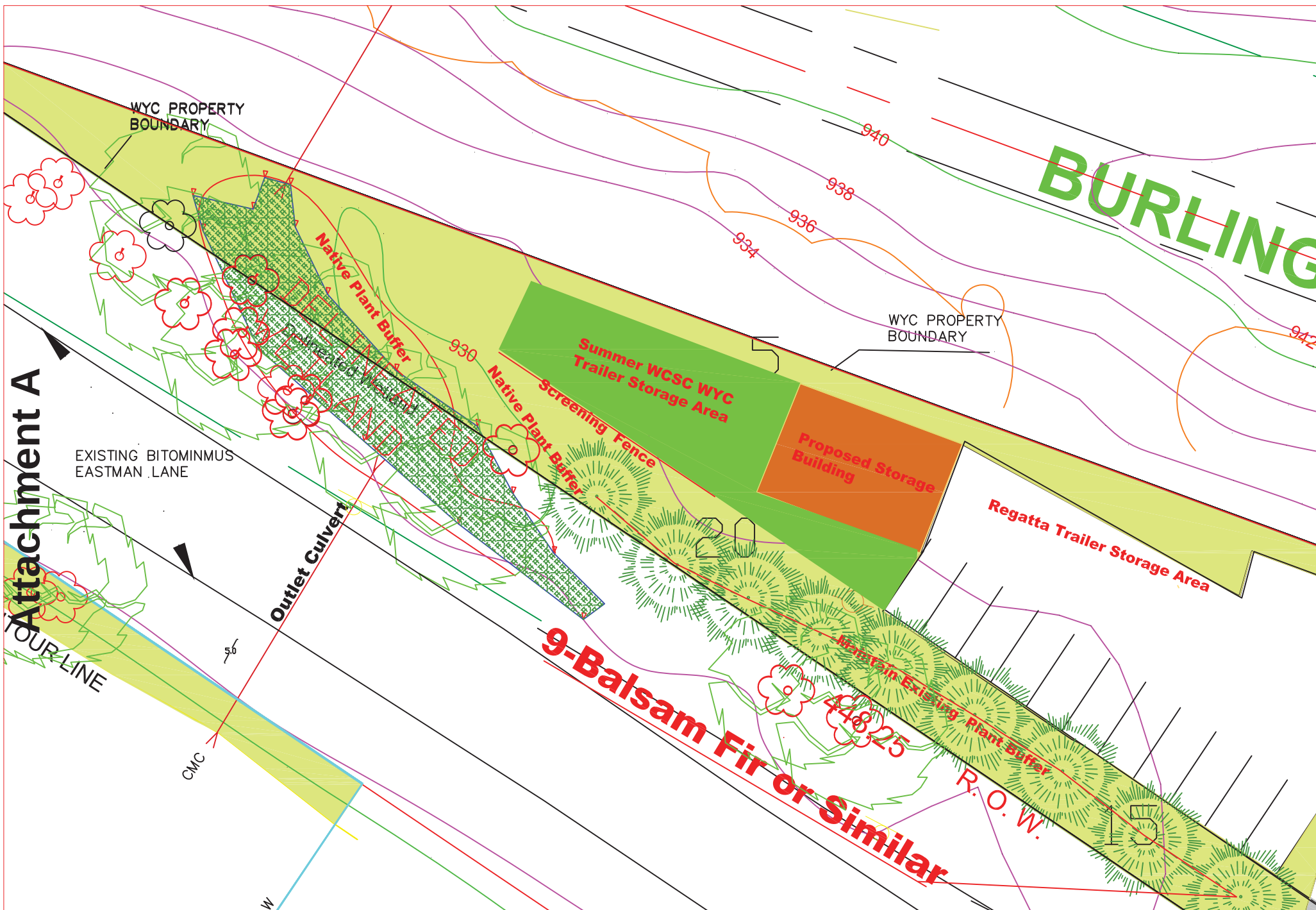
Site Plan: Sign Plan & Zoning District Operating Policies

MPD
March 2012

Sheet 5

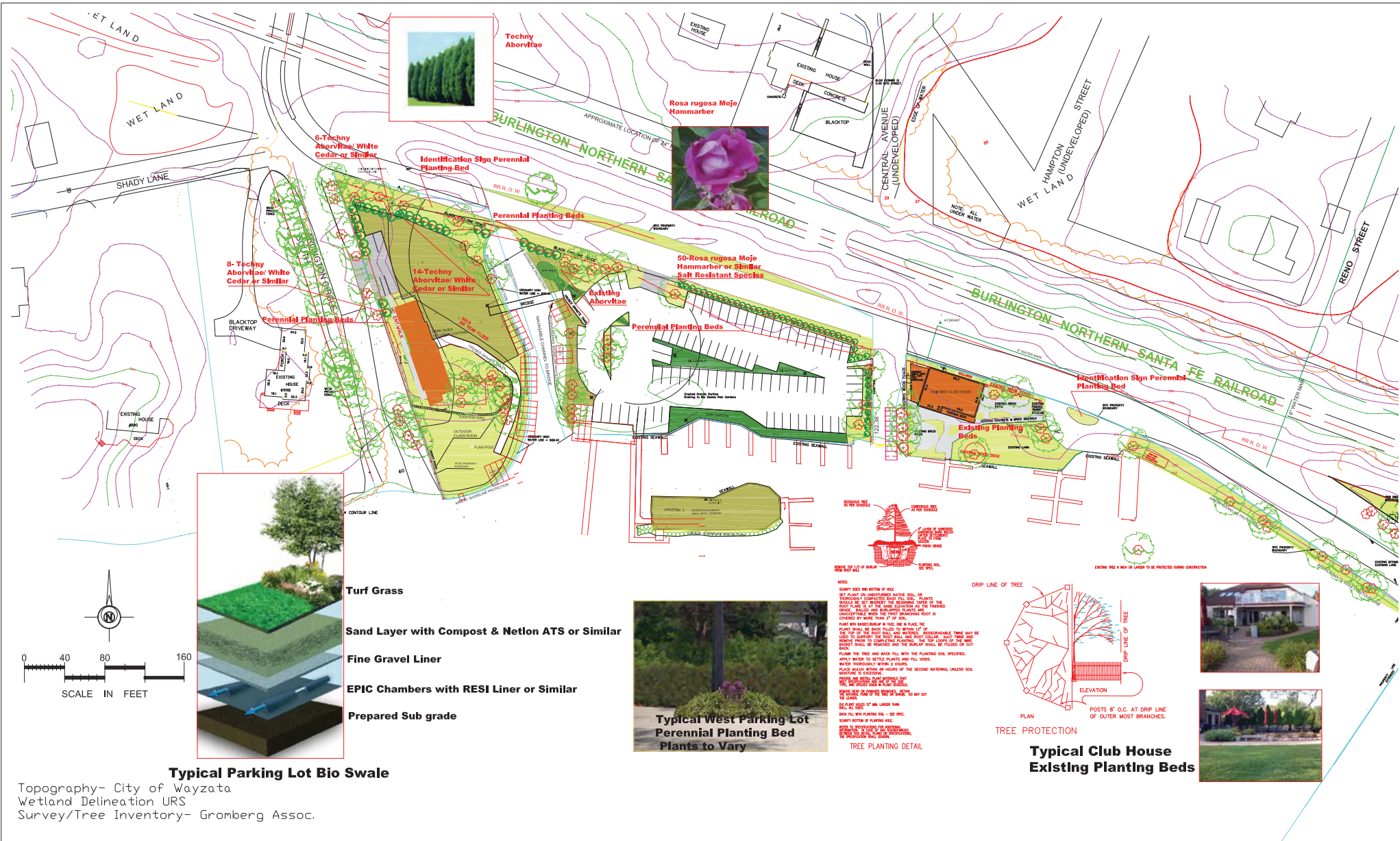


MAKE READY AREA (DOLLY) AREA SCREENING SKETCH



WCSC/ WYC Summer Trailer Storage Area Sketch

MPD March 15, 2012



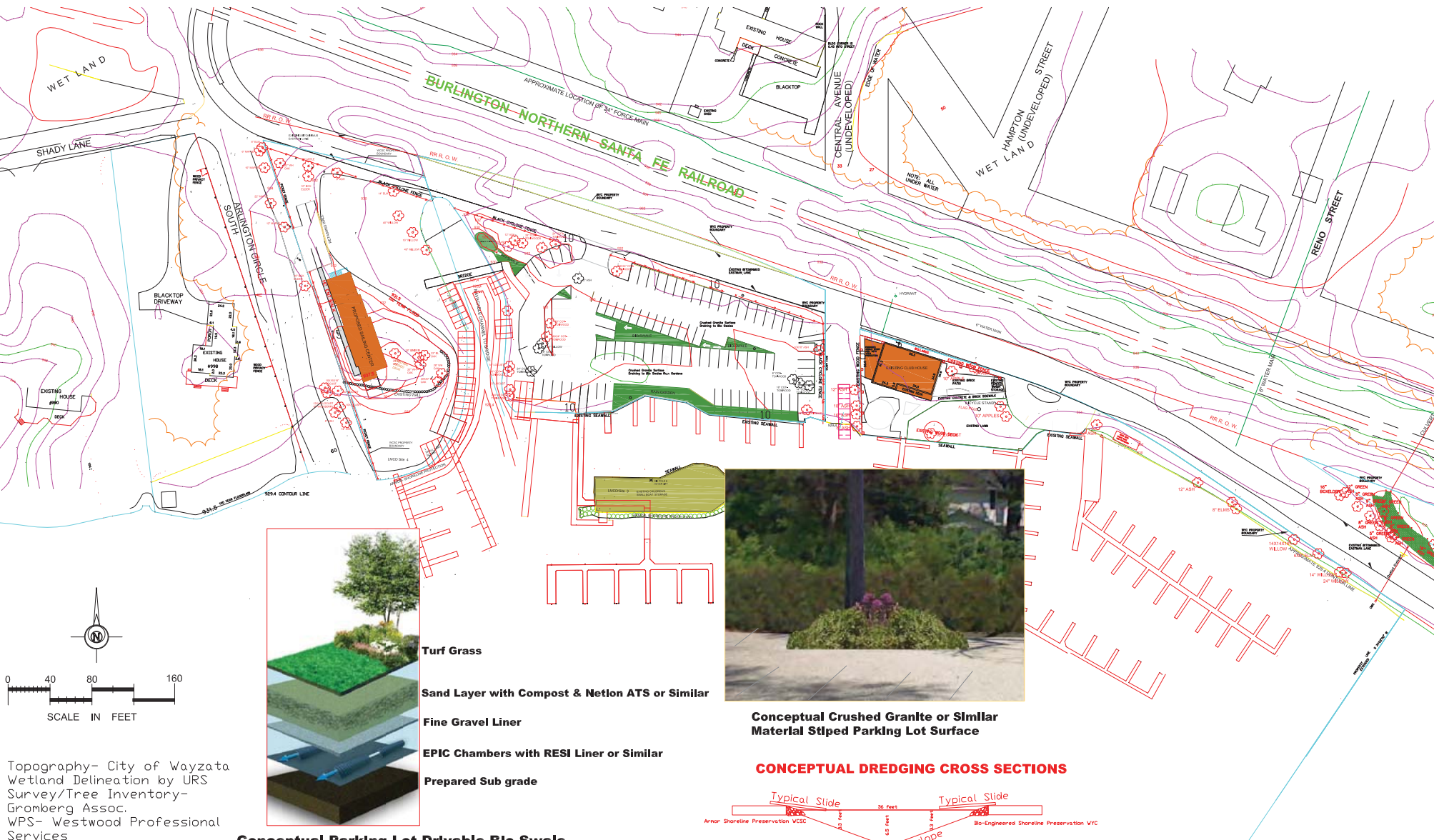


WYC WCSC MASTER PLAN

Preliminary Landscape Plan
Not for construction

MPD/SWB
January 2012

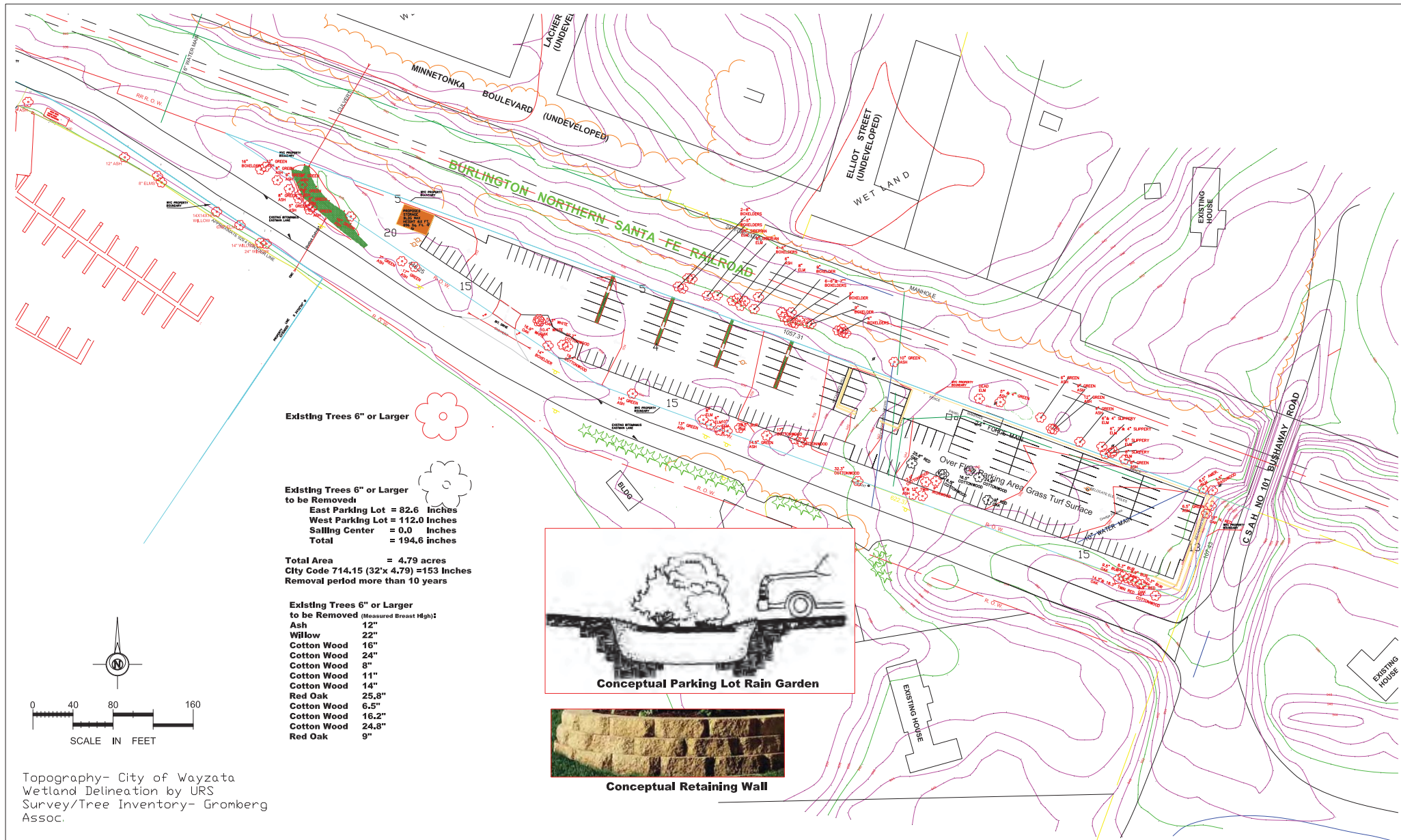
SHEET 2



WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan

MPD/WPS
January, 2012 Sheet 1



WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
 Not for construction sheet

MPD/WPS
January, 2012 Sheet 2

CITY OF WAYZATA

Wayzata Community Sailing Center Development Agreement

THIS DEVELOPMENT AGREEMENT ("Agreement") made this 18th day of March, 2014, by and between the City of Wayzata, a Minnesota municipal corporation ("City"), and the Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center (the "Applicant"), regarding that property located at 456 Arlington Circle, Wayzata, Minnesota (the "Property") which together with property owned by the Wayzata Yacht Club, is part of a Planned Unit Development that has been approved by the City of Wayzata pursuant to Resolution No. 12-2012 adopted by the Wayzata City Council on the 17th day of July, 2012 (the "City Resolution"), attached as Exhibit B, and Ordinance No. 726 adopted by the Wayzata City Council on the 17th day of July, 2012 (the "Ordinance"), attached as Exhibit C, the City Resolution and the Ordinance being hereby incorporated herein by reference. In consideration of One Dollar (\$1.00) and other good and valuable consideration, including the foregoing and the terms set forth herein, the parties agree as follows:

1. **Terms.**

- A. **The Property.** The street address and property identification numbers for the Applicant's Property in the PUD are on the attached Exhibit A.
- B. **The Project.** The project to be constructed by Applicant involves making various improvements to the existing Wayzata Sailing Foundation properties (the "Project") as more fully described in the approved PUD plans.
- C. **Planned Unit Development ("PUD") General Plan Approval Conditions and Other Standards.** Subject to the terms and conditions set forth in the City Resolution which is attached hereto as Exhibit B, the City Council of the City of Wayzata has granted Applicant approval of the Planned Unit Development ("PUD") General Plan for the Project and continued use of the Property under the terms of the PUD. The terms of the PUD shall control site use and zoning standards found within the PUD.
- D. **Planned Unit Development District ("PUD District") Rezoning Approval.** Subject to the terms and conditions set forth in the City Ordinance which is attached hereto as Exhibit C, the City Council of the City of Wayzata has granted Applicant approval of a Zoning Amendment for the PUD.
- E. **Operations.** The Property and the PUD shall at all times be used, and be managed and operated, by Applicant in accordance with the specific terms and conditions of this Agreement and the City Resolution and City Ordinance, including policies on noise and parking applicable to the PUD. Applicant shall ensure that the Property is used and managed according to the requirements of this Agreement and all other applicable laws and regulations, including the

("MCES") sewer availability ("SAC") units and rates as determined by the MCES. The Applicant shall be responsible for any increase in the fees due at the time of paying the fees to the City and the MCES, and the fees may change to reflect the City and MCES rates in effect at the time the building permit is issued and the fee paid.

The number of SAC units in the Project shall be determined pursuant to regulations and procedures of the MCES applicable at the time such payments are due. Any SAC unit credits provided to the Applicant based upon prior payments related to the Property or otherwise by MCES, will also be credited in calculating the City and MCES SAC charges. The City will also credit Applicant for any prior payments by any previous owner of the Property or prior connection assessments or charges against the Property for water or sanitary sewer related to the Property.

5. **Maintenance Costs.** The Applicant shall be liable for the cost of maintaining the Project and any improvements not transferred to the City made within the PUD.
6. **Responsibility for Cost of Improvements.** The Applicant shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans. In addition, the Developer shall be responsible for all of the following, at its cost, to the extent it is related to the Project or the PUD: site grading, surveying and staking, as needed, the setting of lot and block monuments, as needed. The City shall not install or pay for any of the improvements associated with the Plans.
7. **Storm Water Best Management Practices (BMPs) Improvements and Maintenance.**
 - A. **Rain Gardens or Other Stormwater Devices.** The Applicant has proposed that storm water within the Project be handled through use of structures, techniques and innovative techniques defined by the Minnesota Pollution Control Agency Stormwater Manual as best management practices ("BMP(s)") that include: infiltration rain gardens, shoreline filtration, bio-swales or similar devices and techniques which are defined in the Minnesota Stormwater Manual, available at http://stormwater.pca.state.mn.us/index.php/Main_Page, as currently specified or as hereinafter amended. Such BMPs will be owned and maintained by the Applicant, and not transferred to the City.
 - B. **BMPs /Storm Water Maintenance.** The Applicant shall inspect and maintain, at its cost all BMPs, as agreed to in the Stormwater Maintenance Agreement in substantially the form attached hereto as Exhibit E. As scheduled and defined in the Stormwater Management Agreement, in a reasonable manner requested in writing by the City Engineer, the Applicant shall inspect such installed BMPs and provide the City with a written report on the inspection results based on the requirements of the Stormwater Management Agreement. If the Applicant fails to so inspect and report, or fails to maintain such BMP in accordance with the Stormwater Management Agreement and instruction from the City Engineer, within 30 days receipt of written notice from the City of such default, then the

§§ 6901 et seq. as now or hereafter amended or the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. § 115B *et. seq.*) (“MERLA”), as now and hereafter amended, including, without limitation, any pollutant or contaminant as such terms are defined within MERLA, For purposes of this Agreement, the term “Environmental Law(s)” shall include, but is not limited to: any and all applicable federal, state or local directive, statute, law, rule, regulation, ordinance, or rule of common law in effect and any judicial or administrative decisions, including any judicial or administrative order, consent decree or judgment, relating to the control of any pollutant or hazardous material, the protection of the environment or the effect of the environment on human health, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Sections 9601 et seq.; the Resource Conservation and Recovery Act, as amended, U.S.C. Sections 6901 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1252 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. Sections 2601 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.; the Safe Drinking Water Act, as amended, 42 U.S.C. Sections 300f et seq.; the Hazardous Materials Transportation Act, as amended 49 U.S.C. Sections 1801 et seq.; the Atomic Energy Act, as amended, 42 U.S.C. Sections 2011 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Sections 136 et seq.; the Occupational Safety and Health Act, as amended, 20 U.S.C. Section 651 et seq.; the Emergency Planning and Community Right to Know Act, as amended, 42 U.S.C. Sections 11001 et seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. Section 115B.02 et seq.) (“MERLA”), as now and hereafter amended. If any Hazardous Substance in violation of any Environmental Law is discovered on the Property, such Hazardous Substances shall be removed, remediated or stabilized to the extent required by the Minnesota Pollution Control Agency and Applicant shall furnish the City with documented approval by such Agency of completion prior to the issuance of any certificate of occupancy for any parcels of the Property which previously contained Hazardous Substances in violation of any Environmental Law (the “Affected Parcels”).

12. **Warranties, Representations and Other Assurances.** The Applicant represents to the City that no knowing misrepresentations have been or will be made, or materially inaccurate information was or will be provided to the City by Applicant during its review process. Except as provided in the Plans and by Council Resolution concerning marina configuration, the Applicant represents that no material changes in the layouts, structures, designs, materials, locations or forms of the Project on the Property shown on the Plans shall be made unless this Agreement is amended in writing by both parties. The City recognizes that the Applicant is a non-profit corporation under the laws of the State of Minnesota and that all representation of the Applicant shall be made to the best of the Applicant’s knowledge.
13. **Security.** The Applicant shall furnish the City with a letter of credit (“Letter of Credit”) or an payment and performance bond for 125 percent of estimated actual construction costs (the “Bond”), exclusive of City administration, oversight and inspection costs (due at the time of issuance of the City Permit) of all Property and utility improvements within

the required screening of the eastern edge of the Applicant's Property and the western edge of West PUD property line, within twelve (12) months following City Council approval of the PUD. Applicant shall use best reasonable efforts to comply with the Schedule listed in Exhibit F.

- B. The Applicant shall complete construction of the Project in phases, working on each Project element as listed on Exhibit F. The Applicant shall complete all phases and Project elements of the PUD no later than twenty (20) years after the date of the City Resolution, and shall complete construction of any Project element of the Project for which City Permit is issued no later than two (2) years after commencement of actual construction for that element.
- C. Applicant understands, in accordance with the City Council Resolution, that storage in the Plan's indicated areas cannot be allowed until the Plan's required screening is approved by the City Staff. Likewise, the City and the Applicant understand the Project can only be completed as the Applicant, a non-profit organization, obtains gifts, grants and contributions for the various elements of the Project and an exact schedule of improvements depends upon, among other things, receiving such gifts, grants and contributions.
- D. If the Applicant fails to reasonably satisfy one or more of the deadlines provided for in this Section, then unless otherwise extended by the City, such failure shall constitute an "Event of Default" hereunder.

16. Responsibility for Costs.

- A. Except as otherwise specified herein, the Applicant shall pay all costs incurred by it or the City in conjunction with the approval of the Project and ensuring compliance with the Plans, including but not limited to legal, planning, engineering and inspection fees and expenses incurred in connection with approval and acceptance of the development, the preparation of this Agreement and all costs, expenses, legal, engineering and planning fees incurred by the City in monitoring and inspecting the progress of the Project.
- B. The Applicant shall hold the City and its officers, employees and agents harmless from claims made by Applicant 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 Applicant 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.

reimburse the City for any reasonable and market value expense incurred by the City. This Agreement is a license for the City to act related to the Site Improvements, 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.

- ii. Withhold approval of any permit with respect to the Property, including building permits for the Property.
- iii. File a claim on the Bond benefitting the City to pay for the cure of the default.
- iv. Require the Applicant to discontinue work on the Property until such time as the Event of Default has been cured.
- v. Assess against the Property any reasonable costs provided for herein and incurred by the City due to the breach of this Agreement by Applicant and not theretofore reimbursed by the Applicant and the Property shall be deemed to have benefited in the amount and to the extent of such costs.

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

20. **Miscellaneous.**

- A. The Applicant represents to the City that to the best of Applicant's knowledge, the Project complies with all county, metropolitan, state and federal laws and regulations, and that Applicant has no knowledge of any violations by the Project or Applicant of applicable City Subdivision Ordinances, City Zoning Ordinances, or any violation of LMCD regulations, permits and authorizations, and Environmental Laws. If the City determines that the Project does not comply with any of the foregoing, the City may, at its option, refuse to allow construction of the Project until the Applicant does comply. Upon the City's demand, the Applicant shall cease work until there is compliance.
- B. Only the Applicant, and any successor or assign who assumes the obligations of the Applicant hereunder according to the requirements of this Agreement and in a form acceptable to the City, shall have recourse against the City under this Agreement.

Applicant 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.

- G. 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.
- H. This Agreement for the Project must be recorded in the appropriate Hennepin County land records at the expense of the Applicant and a copy of the recorded executed Agreement provided by the Applicant to the City. The City will cooperate with the Applicant in executing and delivering reasonable Subordination Agreements in favor of a mortgage or mortgages of the Property granted by the Applicant to Applicant's lenders.

- 21. **Effect of Development Approval.** Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by State laws, 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 Zoning Ordinance requirements enacted after the date of this Agreement.
- 22. **Notices.** Required notices to the Applicant shall be in writing, and shall be either hand delivered to the Applicant, its employees or agents, or mailed to the Applicant by certified or registered mail at the following address (or such other address as Applicant later gives to the City in writing referencing this Agreement and this section):

Wayzata Community Sailing Center
Attention: President
426 Arlington Circle Wayzata, MN 55391

With a copy to;
Halleland Habicht, P.A.
33 South Sixth Street #3900
Minneapolis, Minnesota 55402
Attn: P. Quast

City of Wayzata, a Minnesota Municipal
corporation

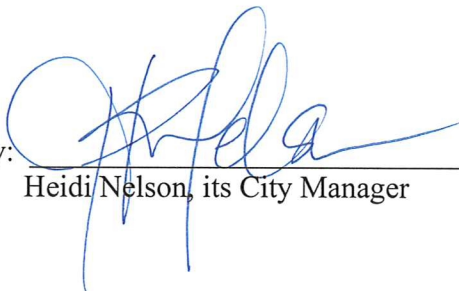
By: 
Kenneth Willcox, its Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 16th day of April, 2014,
by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.




Notary Public

By: 
Heidi Nelson, its City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 16th day of April, 2014, by
Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.




Notary Public

EXHIBIT F
PROJECT DEVELOPMENT SCHEDULE

Project Element	Dependent On or In Conjunction With	Estimated Start Date of Project Element
Project Screening East Parking Lot and West Parking Lot		2013-2014
New Sailing Center Building		2015
West Parking Lot	New Sailing Center Building	Within 2 years of completion of the New Sailing Center Building
East Parking Lot	New Sailing Center Building and After Completion of Eastman Lane and Bushaway Road Improvements by the County	Within 5 years of the New Sailing Center Building and within 2 years of the completion of Bushaway Road
Addition to the Club House	New Sailing Center Building	Within 10 years of the completion of the New Sailing Center Building

1
2 Commissioner Iverson stated the application that would impact Cindy's neighborhood had been
3 pulled from the agenda.
4

5 There being no additional members of the public wishing to speak, chair Buchanan closed the
6 public hearing at 7:19 p.m.
7

8 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
9 for a motion on the Application.
10

11 Commissioner Iverson made a motion, seconded by Commission Douglas, to direct staff to prepare
12 a draft report and recommendation recommending approval of the preliminary and final plat
13 subdivision and lot size variance for 450 and 460 Highcroft Road. The motion carried
14 unanimously.
15

16 **c.) Wayzata Community Sailing Center – 456 Arlington Cir S**
17 **i. PUD Amendment, Design Review, Variance**
18

19 Consultant City Planner and Senior Planner for WSB & Associates, Breanne Rothstein, stated the
20 applicant, Wayzata Community Sailing Center, and the property owner, Wayzata Sailing
21 Foundation, have submitted a development application to redevelop the property at 456 Arlington
22 Cir S. The applicant is proposing to demolish the existing building, detached deck, and shed on
23 the property and construct a new building and associated facilities for the sailing center. The
24 development application requests approval of a PUD amendment, design review, and setback
25 variance. The PUD zoning district requires a minimum setback of 30 feet from the west property
26 line along Arlington Dr S. The proposed building would be set back 10 feet from the Arlington
27 Dr property line, which requires a variance. The project is subject to the City's general design
28 standards but is not located in any of the specific design districts. The property is unique because
29 the property is surrounded by single-family residential neighborhoods and is not in a commercial
30 area. The project does not meet several of the design standards and the proposal requires design
31 deviations for building width, exterior building materials, and front yard parking. The applicant
32 has submitted a tree preservation and landscape plan for the project. Two significant trees would
33 be removed from the property and three trees from the City's right-of-way for construction of the
34 building and access drives and parking along Arlington Drive.
35

36 Chair Buchanan asked why the front of the building was considered to be along Arlington.
37

38 City Manager Dahl stated Eastman is the front yard, and the variance is requested for the parking
39 to be along Eastman.
40

41 Ms. Rothstein stated the property is a corner lot and is being evaluated as having two front yards,
42 and this is why they are requesting a front yard setback along Arlington as well.
43

44 Commissioner Flannigan asked about the parking at the property.
45

1 Mr. Dahl stated the original PUD included approval for shared parking. The issue is there are a
2 lot of pick-ups and drop offs, and this can cause some congestion. The parking requirements are
3 being met. He stated the parking that would be in the City's right-of-way would be considered
4 public parking. The applicant would need to have approval from the City to make any of these
5 parking stalls as exclusive use for the facility but they are not requesting this.

6
7 Commissioner Flannigan asked if there would be significant impact to the property to the west.

8
9 Mr. Dahl stated the applicant is not planning to make improvements to the west side, and the road
10 would remain a gravel road. There are no increases in impervious surface.

11
12 Commissioner Iverson stated the building along Arlington is long and does not have any
13 architectural elements. She stated she would like to see some of the same wood elements from the
14 other side of the building continued along Arlington.

15
16 Applicant's representative, Jason Vanselow, HGA Architects, 420 N 5th St, Minneapolis, stated by
17 adding this type of element they would be encroaching even further into the setback than what
18 they are asking for. He explained the building was scaled back on this side of the building so that
19 it was not mistaken as the front of the building. They are trying to keep the community action
20 away from the neighborhood.

21
22 Commissioner Iverson stated she would like to see something added that would break up the
23 building so that it is not so industrial looking. She asked why they would be doing unisex
24 bathrooms.

25
26 Mr. Vanselow stated there had been some code implications on how many bathrooms would be
27 needed on the site, and they want to make the facility as accessible and universal as possible for
28 the public. He explained these are fully enclosed lockable rooms.

29
30 Applicant, Matt Thompson, Director at Wayzata Community Sailing Center, 456 Arlington Cir S,
31 explained they had held two open house events for the community and clients and received very
32 little feedback.

33
34 Commissioner Douglas asked if the deck would be installed if they were received the grant they
35 had applied for.

36
37 Mr. Vanselow stated this was correct.

38
39 Commissioner Iverson asked what the applicant meant by planted surfaces in their plans. She
40 stated since the original approval several of the planting in the front have died and not been
41 replaced or been maintained.

42
43 Mr. Vanselow stated planted surfaces would be a small buffer between the building and parking.

44
45 Mr. Thompson stated currently this is part of the fund raising campaign and moving forward it
46 would be included in the operational budget.

1
2 Chair Buchanan expressed concerns about the mass of the west side of the building.
3

4 Mr. Vanselow stated this could be changed and they could incorporate other materials such as the
5 cedar tongue and groove and hardy panel. They would also look at adding other landscaping
6 elements.
7

8 Chair Buchanan opened the public hearing at 7:47 p.m.
9

10 Resident, Mr. Paul Penningroth, 1030 Lake St E, asked if there were plans to use this facility
11 beyond a sailing center.
12

13 Mr. Thompson stated they have been working not to increase peak use, and that they would remain
14 a community organization and facility for other community organizations to use.
15

16 Mr. Penningroth asked if they could have something in writing that ensures the facility would not
17 be moving into the rental business for private events such as weddings. He would like to make
18 sure there are not excessive amounts of people that impact his property and that the noise
19 restrictions continue to be observed.
20

21 Mr. Dahl stated the existing PUD has designated quiet hours of 10 pm to 8 am.
22

23 Mr. Thompson stated the sailing organization does have a no alcohol policy, and this would deter
24 people from wanting to host events at the site. These types of events are typically held at the
25 Wayzata Yacht Club, which is located next door.
26

27 Mr. Jonathan McDonna, former Commodore Wayzata Yacht Club, stated there is currently quiet
28 hours and stipulations on what activities can occur on the property in the original PUD.
29

30 Mr. Thompson stated the capacity of the building is less than 100 people.
31

32 Mr. Penningroth stated he would like to see a condition added that alcohol cannot be permitted at
33 the facility.
34

35 Chair Buchanan stated this is a policy of the Sailing School.
36

37 Mr. Dahl stated this type of condition can be added, but is not recommended.
38

39 There being no other members of the public wishing to address the Commission on this
40 application, Chair Buchanan closed the public hearing at 7:56 pm.
41

42 Commissioner Flannigan stated the changes to the PUD and parking and setback variance requests
43 are reasonable, and he would like to see architectural elements added to the west side of the
44 building.
45

1 Commissioner Douglas stated she would support the design deviations requested for building
2 material.

3
4 Chair Buchanan stated he would also support the variance requests.

5
6 Commissioner Iverson stated the neighboring property appreciates the Sailing School as a
7 neighbor and appreciates the consideration they have taken in the building design.

8
9 There being no further questions or discussion among the Commissioners, Chair Buchanan asked
10 for a motion on the Application.

11
12 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to direct staff to
13 draft a Planning Report and Recommendation with appropriate findings recommending approval
14 of the PUD amendment, design review and design deviations, the setback variance along Arlington
15 Dr S and the variance for front yard parking along Arlington Dr S. The motion carried
16 unanimously.

17
18 Commissioner Iverson asked that the City Manager Dahl include information for the City Council
19 to consider including a condition of approval that there be no alcohol sold on the property.

20
21 City Manager stated staff could look at options to present to the Planning Commission at the next
22 meeting, and the Commission could amend the recommendation based on this information.

23
24
25 **AGENDA ITEM 6. Other Items:**

26
27 **a.) October 16th City Council Meeting Report – Commissioner Douglas**

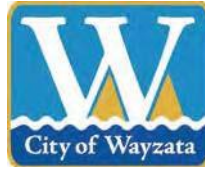
28
29 Commissioner Douglas provided an update on the October 16 City Council regular meeting and
30 workshop meeting. During the workshop the Council reviewed the CIP funds. The regular
31 Council meeting included an update of the Lake Effect, the approval of the rezoning of 235 and
32 239 Lake St, a recommendation to make changes to the Fee In Lieu of Parking Policy (FILOP)
33 and bring those back for consideration. The City Council also approved adding delinquent utility
34 bills to property taxes assessments, the development and FILOP agreement for 326 and 332
35 Broadway Ave, an agreement with Civitas to explore alternative roadway alignments on the south
36 side of Lake St, and the grant agreement for the Wayzata Sailing School.

37
38 **b.) Review of Development Activities**

39
40 City Manager Dahl stated Broadway Place construction was set to begin, and the Hughes and Hoyt
41 developments would start digging the beginning of 2019.

42
43 **c.) Next Meeting is November 19, 2018**

44
45 Chair Buchanan stated the next Planning Commission meeting was scheduled for November 19,
46 2018.



WAYZATA PLANNING COMMISSION

November 19, 2018

REPORT AND RECOMMENDATION OF APPROVAL WITH CONDITIONS FOR PUD AMENDMENT, PROJECT DESIGN, AND SETBACK VARIANCE FOR 456 ARLINGTON CIR S

SUMMARY OF RECOMMENDATIONS

1. **Approval***of Amendment to PUD
2. **Approval***of Project Design
3. **Approval*** of Setback Variance

* with certain conditions listed at the end of this Report

REPORT

Section 1. BACKGROUND

- 1.1 Proposed Amendment to Previously Approved PUD. The applicant, Wayzata Community Sailing Center, and the property owner, Wayzata Sailing Foundation, (the "Applicant") have submitted a development application (the "Application") for certain land use approvals in connection with an amendment to an existing Planned Unit Development (the "Existing PUD") that includes the Applicant's property at 456 Arlington Cir S (the "Property"), as well as adjacent properties at 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane that are owned and used by the Wayzata Yacht Club. The proposed redevelopment of the Property by the Applicant involves demolition of the existing building, detached deck, and shed on the Property, and construction of a new 5,800 square foot building in the same general location as the existing building for the sailing center (the "Project").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. PUD Amendment. An amendment to the concept and general plans for the Existing PUD to incorporate the current concept and general plans for the Property, as depicted in the plans attached to this Report as Attachment A (the "PUD Amendment").

- B. Project Design. The Design of the Project, including three deviations from the Design Standards that relate to building width, exterior building materials, and front yard parking (the “Deviations”), as depicted in the PUD Amendment and the Design Critique attached to this Report as Attachment B (the “Project Design”).
- C. Setback Variance. A Variance from the PUD zoning district minimum frontyard setback of 30 feet to allow the proposed building to be set back 10 feet from the Arlington Drive property line (the “Setback Variance”).

- 1.3 Property. The address, property identification number and owner of the parcel comprising the subject property (the “Property”) are:

456 Arlington Cir S	06-117-22-44-0006	Wayzata Sailing Foundation
---------------------	-------------------	----------------------------

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

Zoning District:	PUD District
Comp Plan Designation:	Semi-Public/Private
Overlay Districts:	Shoreland

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* and mailed to all property owners located within 350 feet of the Property on October 18, 2018. The required public hearing was held at the October 29, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 933.09 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 933 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 933.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

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 933.2.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 933.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.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 Chapter 909 of the Zoning Ordinance. The Project does not fall within any of the specific design districts, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" ("Attachment B").
- B. Deviations from the Design Standards may be permitted under Sec. 909.29 (with the exception of Section 909.10 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 Front Yard Setback and Variance. 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 condition use permit, or the previous zoning district, if a PUD District. Section 933.02.A.13. The minimum front yard setback for the proposed principal structure based on the previous R-2A Zoning District is 30 feet. Section 953.06 Subd. B.1.a. Section 905.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

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

(iii) the variance, if granted, will not alter the essential character of the locality.

- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

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

3.1 PUD Amendment.

- 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 Chapter 933 of the Zoning Ordinance.
- B. Intent and Purpose of PUDs. The Amended PUD would continue to encourage the following, as noted in the findings for approval of the Existing PUD:
 - 1. The conservation and more efficient use of land in the PUD.
 - 2. The preservation and enhancement of desirable site characteristics.

3. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
4. An efficient use of land resulting in smaller networks of walkways thereby lower development costs and public investments.

C. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 933.2.A and in Section 2.1 of this Report, which would continue to be met as with the Existing PUD. The PUD Amendment will mainly allow for an updated building design and parking along Arlington Drive. The PUD Amendment would not include any other significant changes (except as noted in the Report and associated requests in the Application) to the previously approved and Existing PUD, including the Wayzata Yacht Club property, and the general size, footprint, and height of the Applicant's building.

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.

3.3 Setback Variance. The Setback Variance requested in the Application does not change the current use or the general footprint of the previously approved structure. The Setback Variance requested is in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.

- A. The Setback Variance is to address the practical difficulty with the Property in terms of its size, shape and proximity to the water and roadways, and will not alter the essential character of the locality.
- B. The Setback Variance requested is reasonable, due to circumstances driven by the uses associated with the proposed structure and the lot size. If granted, the Setback Variance would not alter the essential character of the locality in that the general footprint and size of the principal structure would not change from that previously approved, no significant trees would be lost, and the other approved setbacks will remain similar.

- C. The practical difficulties necessitating the Setback Variance are not economic in nature. The existing lot size, location, and dimensions of the Property are significant factors in the practical difficulty of meeting the Ordinance requirements.
- D. The proposed use for the Property would not change and is permitted within the PUD District.
- E. The conditions for granting approval of the Setback Variance are listed below in Section 4 of this Resolution.
- F. The Applicant has provided the reasons that the Setback Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends the following:

- 4.1 PUD Amendment. The PUD Amendment, Project Design and Setback Variance should be **APPROVED**, subject to the following conditions:
 - A. The Applicant continues to comply with all of the conditions of approval set forth in City Council Resolutions 12-2012 which approved its original application for the Existing PUD. In addition, the Applicant must agree to an amendment to the existing development agreement for the Property and PUD, ("Development Agreement Amendment") binding it and all future owners of the Property, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted herein and all applicable conditions.
 - B. All expenses of the City of Wayzata related to the review of the Application, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 19th day of November 2018.

Voting For Approval Recommendation:

Voting Against Approval Recommendation:

Abstaining:

Absent:

Attachments:

Exhibit A: PUD Amendment

Exhibit B: Design Critique

Attachment A

PUD Plans

Attachment B

Design Critique

DRAFT RESOLUTION NO. 66-2018

**RESOLUTION APPROVING PUD AMENDMENT, PROJECT DESIGN, AND
SETBACK VARIANCE AT 456 ARLINGTON CIR S**

WHEREAS, Wayzata Community Sailing Center, and the property owner, Wayzata Sailing Foundation, (the “Applicant”) have submitted a development application (the “Application”) for certain land use approvals in connection with an amendment to an existing Planned Unit Development (the “Existing PUD”) that includes the Applicant’s property at 456 Arlington Cir S (the “Property” and legally described on Attachment A hereto), as well as adjacent properties at 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane that are owned and used by the Wayzata Yacht Club. The proposed redevelopment of the Property by the Applicant involves demolition of the existing building, detached deck, and shed on the Property, and construction of a new 5,800 square foot building in the same general location as the existing building for the sailing center (the “Project”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning and Subdivision Ordinances, 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 (i) PUD Amendment, (ii) Project Design, and (iii) Setback Variance, as defined in the PC Report and requested in the Application are **HEREBY APPROVED**, subject to the following conditions:

1. The Applicant continues to comply with all of the conditions of approval set forth in City Council Resolutions 12-2012 which approved its original application for the Existing PUD. In addition, the Applicant must agree to an amendment to the existing development agreement for the Property and PUD, (“Development Agreement Amendment”) binding it and all future owners of the Property, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted herein and all applicable conditions.

2. All expenses of the City of Wayzata related to the review of the Application, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 20th day of November, 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 November 20, 2018.

Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Descriptions of Property

Attachment B

Planning Commission Report and Recommendation, dated November 19, 2018