Wayzata Planning Commission

Meeting Agenda

Monday, February 4, 2019

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

5:00 p.m. Workshop Meeting

1. Planning Commission Orientation and Training

6:30 p.m. Regular Meeting

1. Call to Order & Roll Call

2. Approval of Agenda

3. Consent Agenda
a. Approval of January 7, 2019 Meeting Minutes

4. Old Business Items
a. Urness Fence – 143 and 151 Westwood La
Variance and Conditional Use Permit

5. Public Hearing Items
a. Manitoba Dream –231 Manitoba Ave S
Conditional Use Permit and Variance

b. Penny's Coffee – 800 Lake St E
Conditional Use Permit

6. Other Items
a. January 8th City Council Meeting Report – Commissioner Bashioum
b. January 22nd City Council Meeting Report – Commissioner Merriam
c. Review of Development Activities
d. Election of Chair and Vice Chair
e. Next meeting is February 20, 2019 at 6:30 p.m.

7. Adjournment

NOTES:

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

WAYZATA PLANNING COMMISSION
MEETING MINUTES
January 7, 2019

AGENDA ITEM 1. Call to Order and Roll Call

Vice Chair Flannigan called the meeting to order at 6:30 p.m.

Present at roll call were Commissioners: Plantan, Flannigan, Iverson (arrived at 6:48 pm), Parkhill, and Merriam. Absent: Douglas and Bashioum. Director of Planning and Building Jeff Thomson, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Vice Chair Flannigan recommended that the Commission agree to remove item 6c from the Other Items section on the agenda and add it to a future meeting when more commissioners would be present. He asked for a motion to approve the agenda for the meeting without item 6c.

Commissioner Plantan made a motion, seconded by Commissioner Parkhill, to approve the January 7, 2019 agenda without item 6c. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of December 17, 2018 Meeting Minutes
b.) Adoption of Report and Recommendation for Approval of Preliminary and Final Plat Subdivision for Akeny Addition at 353 Ferndale Rd S

Vice Chair Flannigan read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion. He then stated that another Commissioner would be arriving late to the meeting and asked the Commissioners if the Consent Agenda could be moved to the end of the Agenda when that Commissioner would be joining them.

Commissioner Plantan made a motion, seconded by Commissioner Flannigan, to move the Consent Agenda to follow item 6. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a. None

AGENDA ITEM 5. Public Hearing Items:

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a.) Urness Fence – 143 and 151 Westwood La

i. Variance and Conditional Use Permit

Director of Planning and Building Jeff Thomson stated the property owners, Todd and Katherine Urness, have submitted a development application for a fence and gate located on the properties at 143 and 151 Westwood Lane. These are two separate lots that are in common ownership by the Urnesses. The applicant is proposing a five (5) foot tall chain link fence in the side and front yard, a five (5) foot tall steel fence in the front yard, and a wooden, 100% opaque, gate across the driveway in the front yard. The development application requests approval of a variance for the fence material, a variance for the height of the fence in the front yard, and a conditional use permit for a gate consisting of more than 50% solid in the front yard. The City has varying fence regulations for fencing in the front, sides and back yards of a property that are determined by the location of the house on the property. A backyard fence can be up to six (6) feet tall, and there are no material restrictions or opaqueness requirements. A fence in the front yard can be up to 42 inches in height and must be at least 50% opaque. The fence located on the side of a property can be either six-foot tall fencing with no more than 50% opaqueness, or 42-inch tall fencing and 100% solid. The property has an existing chain link fence that pre-dates the applicants' ownership of the property. The applicants are proposing to extend the existing chain link fence in the front yard to connect with new steel fencing and a wooden gate to be added across the front of the property. Mr. Thomson added that the plans include driveway entrance monuments to be located next to the gate. He stated that the monuments are common in the area, and the City does not apply the fence requirements to driveway entrance monuments. An inspection of this property by Staff on December 12, 2018 showed that the property owner and/or their contractors had begun work to construct the fences. The chain-link fencing has already been installed in the side and front yards as requested in the application. In addition, the posts for the five-foot fencing in the front yard have been installed. The City issued a citation and fine to the contractor, and the fine has been paid.

Vice Chair Flannigan asked if the Commission had questions for Mr. Thomson.

Commissioner Plantan asked if the fence is located on the property line or set within the property line.

Mr. Thomson stated that his understanding is that the fence is located up to the property line but not directly on it.

Commissioner Parkhill asked if the proposed fence will serve as a pool fence or if an additional pool fence would be added later.

Mr. Thomson responded that the proposed fence would satisfy the City's pool fencing requirements. He explained that meeting the pool fencing requirements with front yard fencing, as in the proposed plans, requires variances. He further added that there would be a way to enclose the property and meet the pool fencing requirements staying within the fence zoning requirements, but not how it is currently proposed. An alternative arrangement would need to be considered.

Commissioner Merriam asked if the front yard fence is set back 75-feet from the property line.

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Mr. Thomson responded that the northern edge of the proposed fence is set back 75-feet from the street while the southern edge is closer to the street.

Vice Chair Flannigan asked for the date that the City's current fence ordinance was put into the City code.

Mr. Thomson responded that the exact date is unknown to him, and he would suspect the ordinance was more than ten years old.

Vice Chair Flannigan asked if there was any City record of the existing fence on the property.

Mr. Thomson responded that attempts were made to determine when the fence was constructed and if the City had record of a permit or variance. He stated that no record was found.

Commissioner Plantan asked if the existing fence outlined on the proposal was coated in black vinyl.

Mr. Thomson explained that the home owner recently extended the existing fence with black vinyl coated fencing without proper permits.

Commissioner Iverson joined the meeting at 6:48 p.m.

Commissioner Plantan stated that the homeowner's application cited security as a reason for their requested fence variance. The homeowners' application stated the property had an Indian burial mound and that the Bureau of Indian Affairs (BIA) strongly advised for increased security due to the risk of unwanted persons pursuing buried Indian artifacts. She asked if the Commission had been provided any documentation that cited the concerns from the Bureau of Indian Affairs. She also stated that the homeowners thought the property was at a high risk of vandalism due to the previously vacant house on the property being known as a party house for local youth. She asked if there were any police reports supporting the information provided by the property owners.

Mr. Thomson explained that the City was aware of the historical remains on the property, and that the homeowners were working with the Bureau of Indian Affairs. He stated that the communication between the BIA and the homeowners is private, and the City is not privy to those communications. He also stated that no police reports have been included with the application, but inquiries could be made with the police department for any such documentation.

Commissioner Plantan stated that she is aware that there are other such Indian burial sites in Wayzata, and she asked if these other sites had concerns with theft and/or vandalism.

Mr. Thomson responded that he is aware of other such Indian historical sites, and the BIA typically works directly with homeowners with the intention of keeping the sites private and not known to the public.

Commissioner Iverson apologized for her tardiness. She explained that for seven years the Commission meetings began at 7:00 p.m., and apologized for mistaking the time change.

Vice Chair Flannigan opened the public hearing on the application at 6:51 p.m.

Applicant Mr. Todd Urness, 143 Westwood Lane, apologized to the Commission for not realizing the changes made on his property were not in accordance with the Code. He said that although he spoke with Mr. Thomson, Director of Planning and Building, about the added extension of the existing chain link fence to the front of the property, he must have confused the information that Mr. Thomson had given him regarding the requirements for the different lots that he owns. He apologized for extending the fence without the proper approval and for using materials that do not meet regulations. He added that he will change the material of the newly extended front yard fence to a steel material that meets Code. He explained that during construction of the home, a large Indian burial mound was discovered. Mr. Urness stated that they have not been working with the Bureau of Indian Affairs (BIA) as previously mentioned, they worked with the Minnesota Indian Affairs Council (MIAC) for over a year and a half. He stated that the MIAC worked closely with the homeowners during the construction project with the intention of preserving the area and any artifacts or remains discovered. Mr. Urness stated that the MIAC identified the area on his property as the largest, previously undiscovered, mound to be discovered in the last 100 years, and recommended increased protection from those pursuing grave artifacts. He explained that the prior building had a large amount of graffiti and was evidently a location for underage parties. He stated that he does not have police records to verify this information, and he acknowledged that this information may not be apparent to his neighbors. He further explained his intention for extending the front yard fence was to add security, as well as meet the pool fence requirements.

Vice Chair Flannigan asked for clarification on the proposed front yard fence extension, and if the applicant was planning on changing the material and the height of the fence to meet the 42" front yard Code requirement.

Mr. Urness responded that he had read a few letters from neighbors whom had raised concerns regarding the fence and it's look. He stated that he wanted the property to look good and fit into the neighborhood. He was open to changes that meet those requirements.

Vice Chair Flannigan asked the applicant how much of the existing chain link fencing needs to be repaired.

Mr. Urness answered that he had already replaced all of the damaged fencing, which amounted to about six different spots. He also explained that the neighbor's driveway to the south encroaches onto his property. He stated that he approached the neighbor and offered to pay to move the neighbor's driveway off of his property and onto the neighbor's property. He stated that the neighbor was in the final closing steps of selling their property and were not interested in doing anything that would affect the closing of the sale.

Commissioner Plantan asked for clarification on the applicant's intentions for the front yard fence height.

Mr. Urness stated that he was thinking out loud earlier, and that his intention would be to change the material to meet the fence requirements. He would like to keep the height of the front yard

fence at five feet to meet the pool fence height requirement. He understands that these two requirements are in conflict with each other, and that he would need to get a variance from the code requirement. He would like to avoid adding additional fencing elsewhere on the property.

Commissioner Plantan asked if there was a reason that the front gate was proposed as a solid gate which does not meet the opacity requirement.

Mr. Urness replied that the intention for the solid gate was to architecturally tie into other features of the home, and the code was overlooked in error. He reiterated that his goal is to have a fence that complies with the pool regulations, a gate that allows control of access to the property, and to have a small number of variances.

Commissioner Plantan stated that there are no other gates on properties of any other homes in the area.

Mr. Urness stated that his property is likely unique in that he has a 400-foot driveway which makes it difficult to view the front of the property. His intention was to place the gate 75-feet back from the road so that it was not easily visible from the road. He understood that the requirement was that a gate had to be at least 35-feet back from the road, and he extended this to 75-feet to assure its invisibility.

Vice Chair Flannigan asked Mr. Urness if he was the general contractor for the project, and if he would be willing to move the gate back at 100-foot from the road.

Mr. Urness stated that he was not the general contractor, and he had already had the gate columns built and would rather not have to move them. He added that he is interested in feedback from his neighbors.

Commissioner Merriam asked for clarification about the front yard fence extension. She questioned if the issue was the chain link material being used or just the height of the fence.

Mr. Thomson clarified that the front and side fences have material restrictions of wood, wrought iron, and similar materials. Chain link is not allowed in front or side yard fences.

Commissioner Merriam further clarified that the pool requires a five-foot fence enclosure, and the front yard fence is restricted to a 42-inch height under the Code.

Vice Chair Flannigan again invited anyone wishing to speak to address the application.

Resident Winnie Willcox, 178 Westwood Lane, stated that she would have rather addressed her concerns directly with her neighbor, than about her neighbor at this venue. Ms. Wilcox explained that the Highland neighborhood is a unique neighborhood in that the members really look out for each other. She provided the example that the neighbors chose not to have curbs on their road due to increased options for a bicyclist to easily access a yard for safety reasons. She stated that the gate and the chain link fencing gave the neighbors a feeling of restriction and barricade that she feels does not feel fits the neighborhood. She further added that the columns are beautiful, but the

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opacity of the gate is very confrontational to the neighbors in sight of it. Ms. Wilcox is also concerned about the precedent that a five-foot fence would set in the neighborhood. She is concerned that as the neighbors change, the character of the open neighborhood will also change, and allowing a five-foot fence and gate may be the precursor to this unfortunate change.

Resident Harriett Chute, 182 Westwood Lane, asked why the fence proposal application is for a fence above 42-inches tall. She stated that there are a lot of animals in the neighborhood and many neighbors utilize invisible fencing. She understands that this option does not work for all animals, but this type of fencing is not as restricting and allows for a more open welcoming community feeling. She also questioned how the entire property fencing can meet a pool fencing requirement unless the main gate is always closed.

Vice Chair Flannigan responded that it would appear that the main gate enclosure would need to be closed predominately to assure safe access to the pool. He also agreed that the entire fencing would need to be at a five-foot height to meet the pool fencing requirement.

There being no one else wishing to comment on this application, Vice Chair Flannigan closed the public hearing at 7:16 p.m.

Vice Chair Flannigan asked Mr. Thomson if there was any clarification needed on the application, and then he opened the Commission for initial discussion regarding the application.

Commissioner Merriam stated that after reading through the ordinance and variance standards she does not find a good reason to grant the variance. There may be other options available for enclosing the family dogs. She agreed with the neighbors that have stated concerns with the height of the fence not being in character with the neighborhood. She is also worried about the risk of a negative precedent being set with this type of a fence.

Commissioner Parkhill asked if there were other options considered by the architect to solve the pool fence and outer fence issues.

Applicant's landscape representative, Drew Torrence, stated that other options were considered for the fence but due to the uniqueness of the property and the client's needs, this proposed fence option was developed. He stated that the house on the property is set back a great deal more than other homes in the neighborhood, and separating the front and back yard at the side of the property greatly decreases the homeowner's usability of the property. He added that the road is difficult to see from the front of the house, and this created a concern for safety that was determined to be best addressed by adding an access gate to the front of the property. The design aesthetic of the gate was intended to tie into the architecture of the home.

Commissioner Parkhill asked if there were other similar properties where the City has granted a variance from the 42-inch height front yard fence requirement.

Vice Chair Flannigan responded that the Commission did not like to look back at other applications as much as consider each application on its own merit and apply the ordinances appropriately.

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Commissioner Merriam added that in her previous experience serving on the Commission, there were a number of fence height variances that the Commission recommended approval of due to the properties' proximity to a busy road.

Commissioner Parkhill stated that the gate did not create issue for him because he views it as an aesthetic choice for the homeowner. He agreed with the concerns of being table to see through the fence and with the material change of chain link to steel fencing. He further stated that he would agree to recommending a variance for the additional height of the front fence if the applicant had a good reason.

Commissioner Plantan stated that a gate, especially one that is 100% opaque, at the end of the driveway was not appropriate or fitting to the neighborhood. She was confident that the design team working with the applicant could find another option that meets the homeowners needs and follows the City ordinances. She did not believe that this application warrants approval of a variance.

Commissioner Iverson agreed with many of the comments of the other Commissioners. She did not feel fencing on the property should require a variance. She agreed with Commissioner Plantan that the design team is talented enough to find another way to meet the needs of the homeowner and follow the code. She questioned why the design team did not consider the need of a fence for the pool earlier into the project. She stated that there are options for a less opaque gate available that would continue to fit the design aesthetic of the home as well as the neighborhood. She stated that the Comprehensive Plan focuses on keeping the character of the neighborhoods intact, and she is not for approval of the variance.

Vice Chair Flannigan stated that variances should be used sparingly. He would recommend denial on all components.

Commissioner Iverson asked the applicant, Mr. Urness, if he would be interested in taking the feedback from the meeting and returning at a later date with an updated application.

Mr. Urness stated that he would be open to this option.

There being no further questions for staff or the Applicant, Vice Chair Flannigan asked for a motion on the application.

Commissioner Iverson made a motion, seconded by Commissioner Plantan, to table action on the application to allow the applicant to submit a revised plan and application to be considered at the next Planning Commission meeting on February 4, 2019. The motion carried unanimously.

The Applicant asked for a time line as to when the revised application would need to be submitted to the City to be on the next Planning Commission agenda.

Mr. Thomson responded that the revised application would need to be received by January 25, 2019.

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AGENDA ITEM 3. Consent Agenda (continued)

a.) Approval of December 17, 2018 Meeting Minutes
b.) Adoption of Report and Recommendation for Approval of Preliminary and Final Plat Subdivision for Akeny Addition at 353 Ferndale Rd S

Vice Chair Flannigan asked for a motion on the consent agenda.

Commissioner Iverson made a motion, seconded by Commissioner Plantan, to approve the Consent Agenda as presented. Motion carried: 3-ayes (Flannigan, Iverson, Plantan) and 2-abstain (Merriam and Parkhill).

AGENDA ITEM 6. Other Items:

a.) December 18th City Council Meeting Report – Commissioner Plantan

Commissioner Plantan provided an update from the December 18th City Council meeting. The Heritage Preservation board presented the Centennial house award. The Mayor presented the Best Historic Restoration house award. Police Chief introduced newly promoted Sergeant Dustin Edberg to the Council. The Council did not approve a request to construct a public access street for 445 Bovey that was requested by the owner. The Council did not approve the preliminary and final plat at 153 Peavey Lane as recommended by the Planning Commission. The Council appointed new Planning Commission members, Park and Trail Board members, Heritage Preservation members, and Housing and Redevelopment Authority members. The next City Council meeting is scheduled for January 8, 2019.

b.) Review of Development Activities

Director of Planning and Building Jeff Thomson stated there are two pending development applications. There is a redevelopment application for a vacant gas station on Wayzata Blvd to be redeveloped into a retail bank. This application will likely come forward in February. The second item that will come forward in February is a request from Penny's coffee. They are looking at a new site on Lake Street in the CrossCreek building and are in need of parking approvals due to the increased use.

~~c.) Election of Chair and Vice Chair~~

This item was removed from the agenda upon adoption.

d.) Next Meeting

Vice Chair Flannigan stated the next meeting was scheduled for February 4, 2019 at 6:30 p.m.

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Commissioner Iverson asked if Mr. Thomson had a timeline for when the approved installation for Verizon of veneer on the Edina building was going to be completed.

Mr. Thomson responded that those responsible were contacted recently and an explanation was given that the panels had been ordered and installation would be completed shortly. He commented that the recent holidays may have delayed the installation slightly, but he had been assured the project will be completed soon.

AGENDA ITEM 7. Adjournment.

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

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

The Planning Commission meeting was adjourned at 7:36 p.m.

Respectfully submitted,
Jenny Groess
TimeSaver Off Site Secretarial, Inc.

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City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: February 4, 2019	**AGENDA ITEM:** 4a
PROJECT NAME: Urness Fence	
ADDRESS: 143 and 151 Westwood La	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The property owners, Todd and Katherine Urness, have submitted a development application for a fence and gate located on the properties at 143 and 151 Westwood Lane. The applicant is proposing a five (5) foot tall chain link fence in the side and front yard, a five (5) foot tall steel fence in the front yard, and a wooden, 100% opaque, gate across the driveway in the front yard. The development application requests approval of a variance for the fence material, a variance for the height of the fence in the front yard, and a conditional use permit for a gate consisting of more than 50 percent solid in the front yard.

Planning Commission Review

The Planning Commission reviewed the application and held a public hearing at its meeting on January 7, 2019. The Planning Commission tabled action on the development application to the February 4th meeting to allow the applicant to submit a revised plan and application.

The applicant is continuing to work on revising the fence plans and has requested that the Planning Commission table action to the February 20th meeting to allow them additional time to address the Planning Commission's concerns and comments.

PLANNING COMMISSION ACTION:

City staff recommends the Planning Commission table the development application to the February 20, 2019 meeting.

ATTACHMENTS:

None

Staff Report
February 4, 2019

Project Name:	Manitoba Dream
Addresses:	231 Manitoba Ave S.
Prepared by:	PeggySue Imihy, Planner
Reviewed by:	Jeff Thomson, Director of Planning and Building
"60 Day" Deadline:	March 12, 2019

Development Application

Introduction

The applicant and property owners, KC and Kippen Chermack, have submitted a development application for the property at 231 Manitoba Ave S. The applicant is proposing to expand the current footprint of the building and continue its use as a two-family dwelling unit. The development application requests approval of a conditional use permit for a two-family dwelling, and a variance from the required lot area and dimensions for a two-family dwelling in the R-3A zoning district.

Property Information

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

Address	PID	Owner
231 Manitoba Ave	06-117-22-24-0010	Our House, LLC

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

Current zoning:	R-3A Single and Two Family District
2030 comp plan designation:	Low Density Single Family
Overlay districts:	S/Shoreland Overlay

Project Location

The property is located at the intersection of Manitoba Ave S and Indian Mound E:

Map 1: Project Location

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

A. Conditional Use Permit: In the R-3A zoning district, two family detached dwellings are a conditional use. The proposal requests a conditional use permit to allow for the structure on the property to be used as a two-family dwelling (City Code Section 955.05)

B. Variances for Lot Area and Dimensions: For two-family dwellings, the R-3A zoning district requires a minimum lot area of 18,000 square feet and 9,000 square feet per unit, and a minimum lot width of 100 feet. The existing lot is 8,061 square feet in size and 54.6 feet in width, which require variances. (City Code Section 955.06)

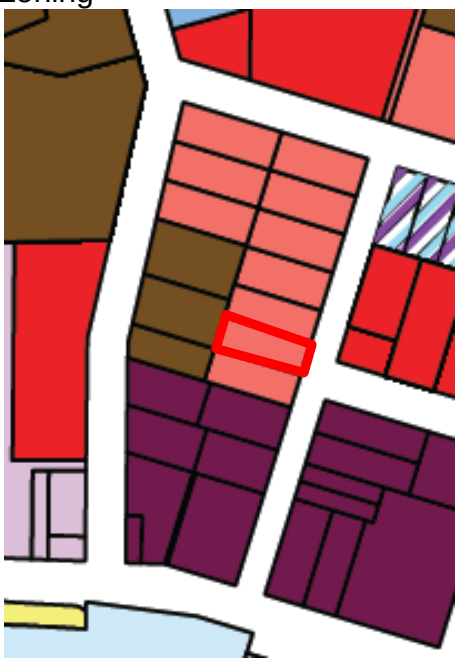
Adjacent Land Uses.
The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single family homes	R-3A/ Single and Two Family Residential	Low Density Single Family
East	Office and Commercial Uses	C-1 Office and Limited Commercial District	Mixed Use Residential

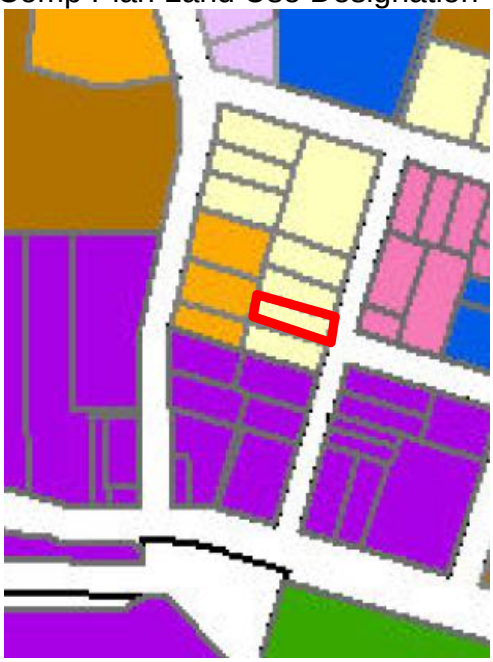
South	Office and Commercial Uses	C-4 Central Business District	Central Business District
West	Open Space	R-5 Average Density Multiple Residential	Medium Density Multiple Family

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly* on January 17, 2019. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on January 16, 2019.

Analysis of Application

Proposed Addition

The applicant is proposing to add an addition to the existing house. The proposed addition would be located behind the existing house and would be two stories in height. The main floor would consist of a three stall attached garage and new entrance, and the second story would consist of additional living space for the upper level dwelling unit. The proposed addition complies with all of the zoning district requirements for the R-3A district and does not require any variances or other approvals from the Planning Commission and City Council.

Non-Conforming Use

The conditional use permit and variance application is being requested by the applicant due to the existing non-conforming use of the property. The property currently contains a single home on the property which has been used as a two-family home for more than 20 years, and the applicant has rental licenses from the City for both of the units. The use of the property for two separate dwelling units is non-conforming because the R-3A district requires a conditional use permit for two-family detached dwellings, and the City has never approved a conditional use permit for the property.

The proposed plans would expand the non-conforming use by adding living space to each of the dwelling units. Per the City's non-conforming use ordinance, a non-conforming use may not be expanded. The proposed CUP and variance would allow the applicant to bring the home from non-conforming status into compliance with City Code.

R-3A Lot Requirements

The proposed lot would not meet the minimum lot requirements for the R-3A zoning district for two-family homes and requires a variance for lot area and width:

	Lot area (sq. ft.)	Lot width	Lot depth
R-1A Requirements	18,000 (min.)	100 ft. (min.)	100 ft. (min.)
Existing Lot	8,085 sq. ft.	54.83 ft.	147.35 ft.

It should be noted, that the lot does not currently meet the single-family home requirement of 9,000 square feet or the single-family home lot width requirement of 60 feet.

Surrounding Lot Sizes

The following summarizes the lot areas of the single family and two family residential lots in the area:

Address	Lot area
231 Manitoba Ave	**8,085 sq. ft.**
237 Manitoba Ave	8,086 sq. ft
225 Manitoba Ave	7,946 sq. ft.
221 Manitoba Ave	9,557 sq. ft.
306 Manitoba Ave	9,448 sq. ft.
240 Manitoba Ave	4,889 sq. ft.
304 Barry Ave	7,472 sq. ft.
312 Barry Ave	20,731 sq. ft.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission*

Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments
Applicant's Narrative
Survey
Proposed House Plans

Applicable Code Provisions for Review

Conditional Use Permits: City Code Section 955.05 states that two-family detached dwellings are a conditional use in the R-3A zoning district, provided that:

1. They are located and designed so as to be compatible with the surrounding neighborhood.

2. The provisions of Section 904.02.F of this Ordinance are considered satisfactorily met.

City Code Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use's compatibility with present and future uses of the area.

3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The proposed use's effect on the area in which it is proposed.

5. The proposed use's impact upon property values in the area in which it is developed.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

1. Variances shall only be permitted when they are:
   a) in harmony with the general purposes and intent of this Ordinance; and
   b) consistent with the Comprehensive Plan.

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

3. “Practical difficulties,” as used in connection with the granting of a variance, means that:

a) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;
b) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
c) the variance, if granted, will not alter the essential character of the locality.

4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two-family dwelling.

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

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

PILLAR
HOMES

Description of Request:

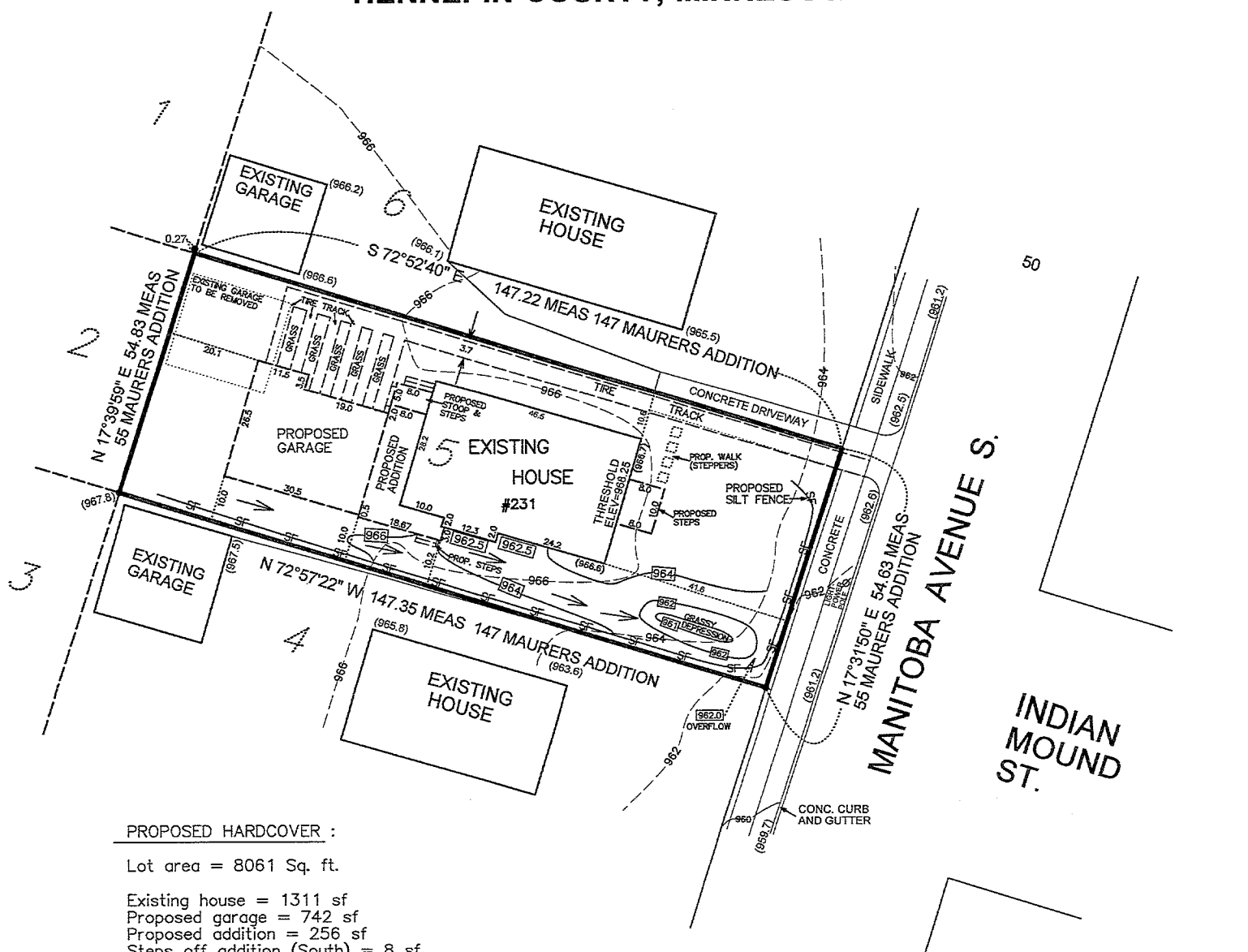
231 Manitoba Avenue

1/11/2019

Our request is to add additional structure to this historic home's (250 sq. ft.) foundation to improve the floor plan and provide improved access to the existing living units by adding safe and wider stairs. We will then be removing a detached (none conforming) garage and attaching it to the home - all enhancing and blending with the uniqure architectural details of this home. The design meets all set back and building code requirements. We will also be meeting hardcover requirements of a new single family home (35%) and plan to implement water management techniques of grassy depresson and pervious pavers. Our lot size doesn't meet the current zoning but is consistant with the lots in the area. This area has a mix of high density and other two unit dwellings on these unique smaller but standard lots in this diverse area. The scale, height, elevation and street scapes of the home will stay consistant with surrounding properties - many of which Pillar Homes has created over the past years.

1700 Niagara Lane, Plymouth MN 55447
www.PillarHomes.com

CERTIFICATE OF SURVEY FOR
PILLAR HOMES, INC.
OF LOT 5, "MAURER'S" ADDITION TO WAYZATA LAKE MINNETONKA
HENNEPIN COUNTY, MINNESOTA



PROPOSED HARDCOVER :

Lot area = 8061 Sq. ft.

Existing house = 1311 sf
Proposed garage = 742 sf
Proposed addition = 256 sf
Steps off addition (South) = 8 sf
Proposed stoop & steps = 58 sf
Proposed steps = 80 sf
Proposed walk = 16 sf
Proposed drive = 349 sf
(697 x 50%)

Total = 2820 = 34.98%

LEGAL DESCRIPTION OF PREMISES :

Lot 5, "MAURER' S" ADDITION TO WAYZATA LAKE MINNETONKA

o : denotes iron marker set

● : denotes iron marker found

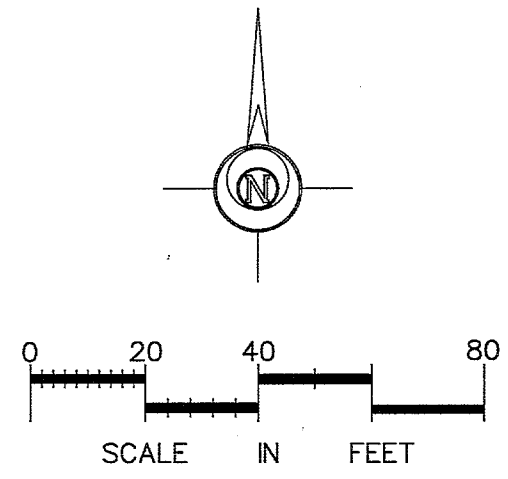
(908.3) : denotes existing spot elevation, mean sea level datum

[910.8] : denotes proposed spot elevation

——917——: denotes existing contour line, mean sea level datum

——[930]——: denotes proposed contour line

This survey intends to show the boundaries of the above described property, and the location of an existing house, garage, to be removed, and the proposed location of a proposed addition, garage addition, stoop, steps, walk, drive and grades thereon. It does not purport to show any other improvements or encroachments.



18384REVISED2.SCJ

DATE	DESCRIPTION
11-28-18	PROPOSED ADDITIONS, STOOPS, STEPS, WALKS & DRIVE
12-4-18	REVISED PROPOSED ADDITIONS & DRIVE

GRONBERG & ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS
SITE PLANNERS
445 N. WILLOW DR. LONG LAKE, MN. 55356
952-473-4141

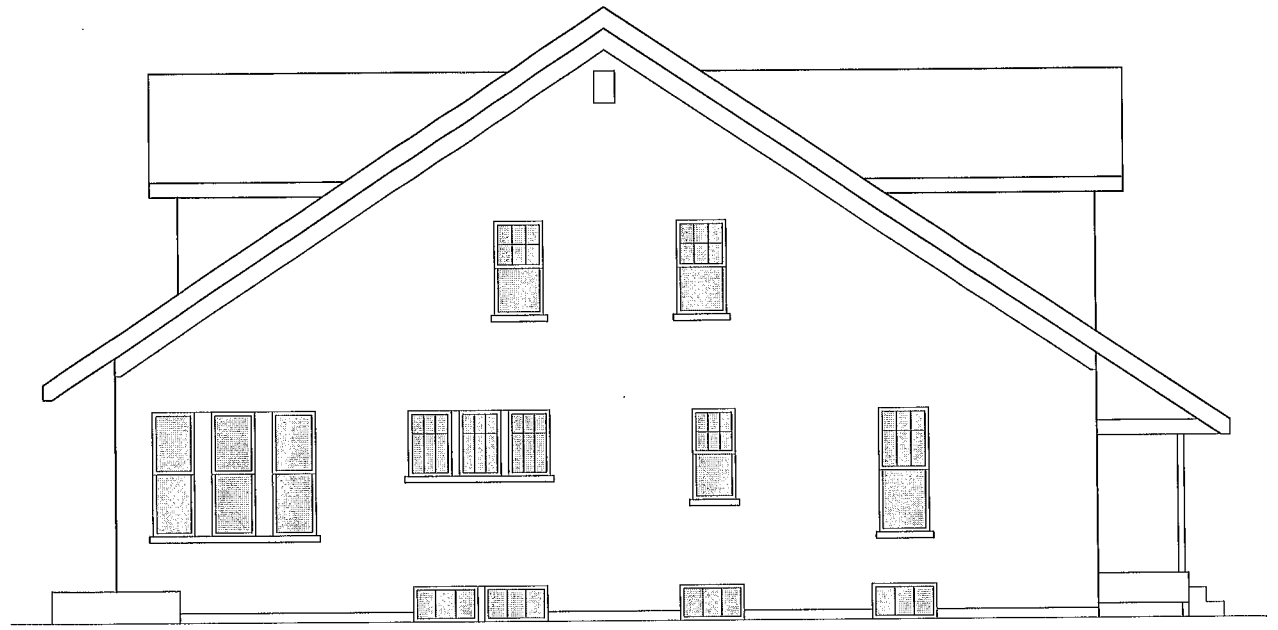
I hereby certify that this survey, plan or report was prepared by my or undey my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
DATE 12-7-18 MN LICENSE NUMBER 12755

SCALE	
	1"=20'
DATE	12-5-12
JOB NO.	18-384

18-384

1 AB2.0 AS BUILT - ELEVATION
1/4" = 1'-0"



2 AB2.0 AS BUILT - ELEVATION
1/4" = 1'-0"

3 AB2.0 AS BUILT - ELEVATION
1/4" = 1'-0"

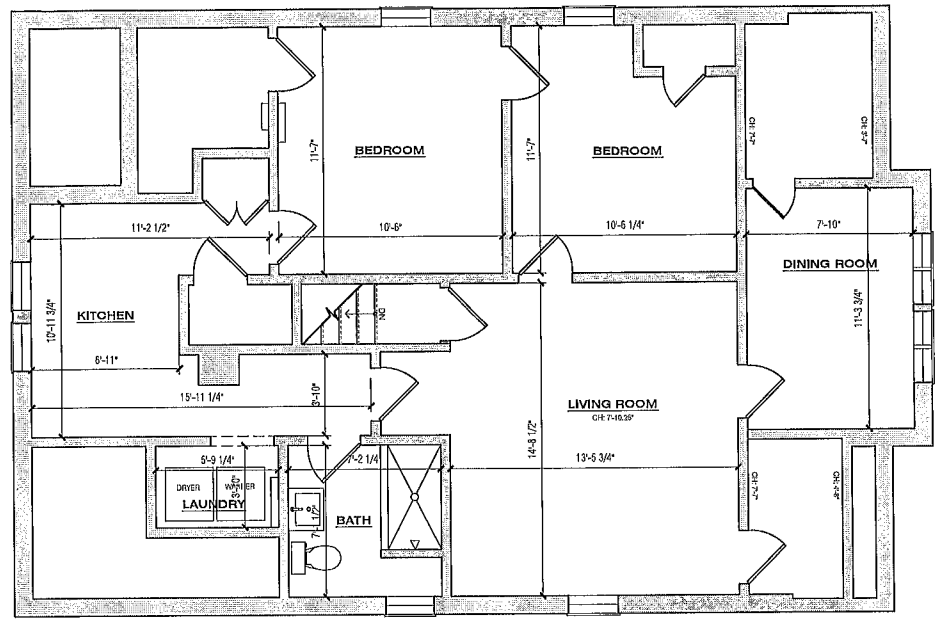
4 AB2.0 AS BUILT - ELEVATION
1/4" = 1'-0"

WDS
952.250.1941

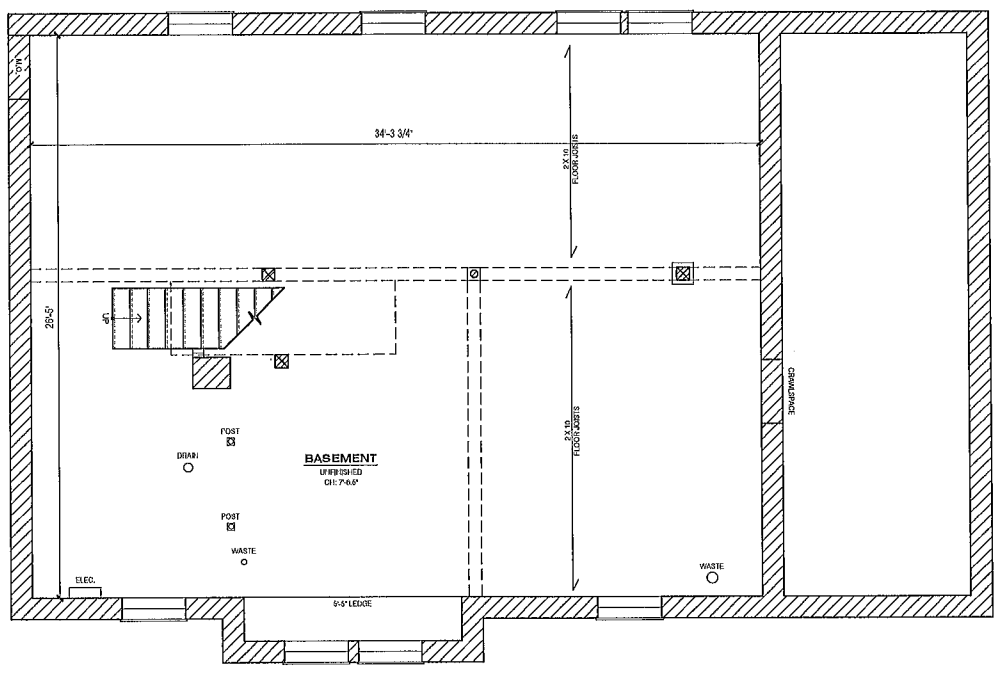
231 MANITOBA AVENUE
WAYZATA, MN 55391

ISSUE DATE
12.11.18

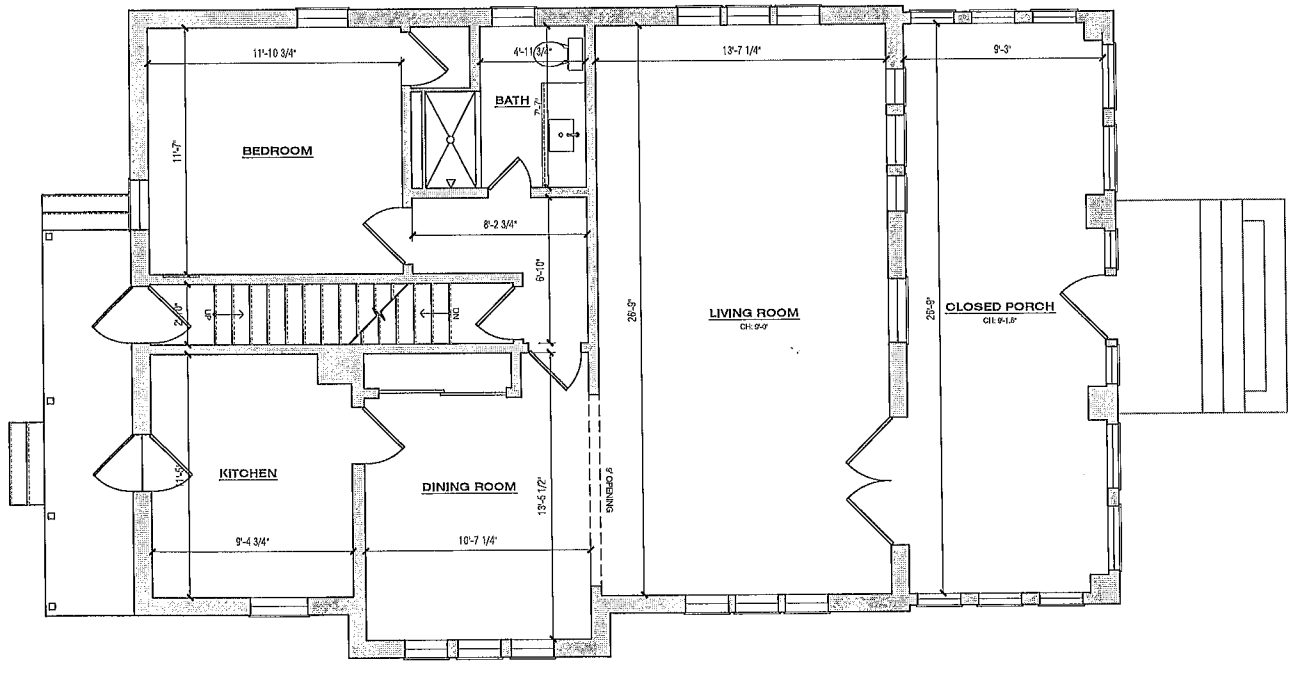
AB2.0
AS BUILT ELEVATIONS



3 AB1.0 AS BUILT PLAN - UPPER FLOOR
1/4" = 1'-0"



1 AB1.0 AS BUILT PLAN - BASEMENT
1/4" = 1'-0"



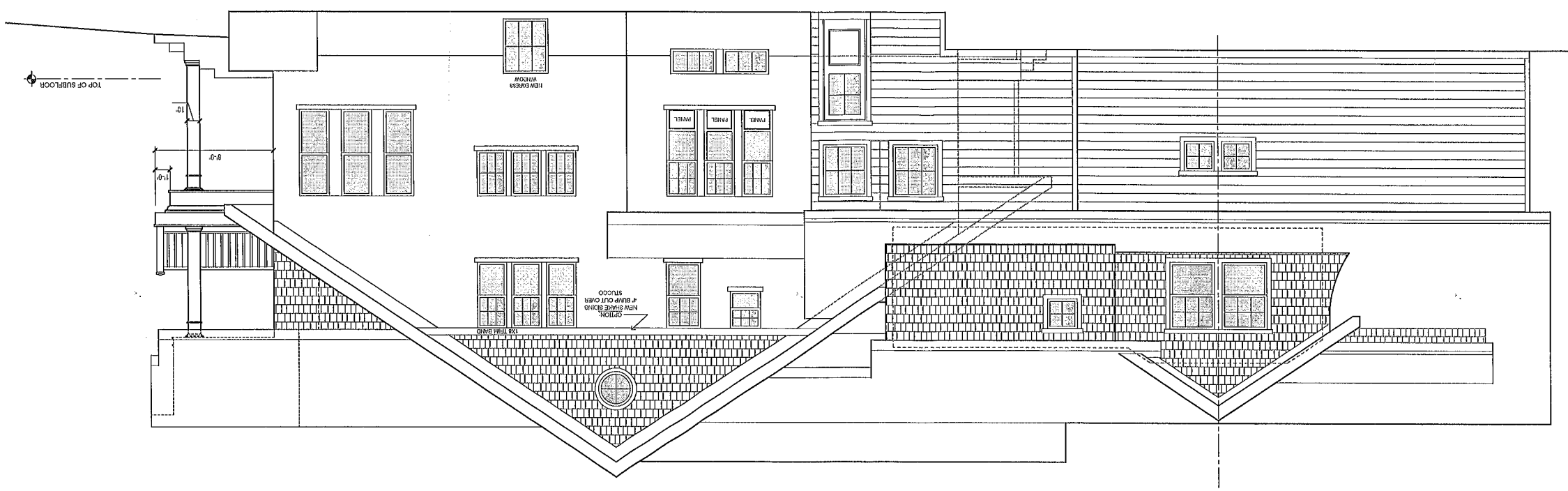
2 AB1.0 AS BUILT PLAN - MAIN FLOOR
1/4" = 1'-0"

WDS
952.250.1941

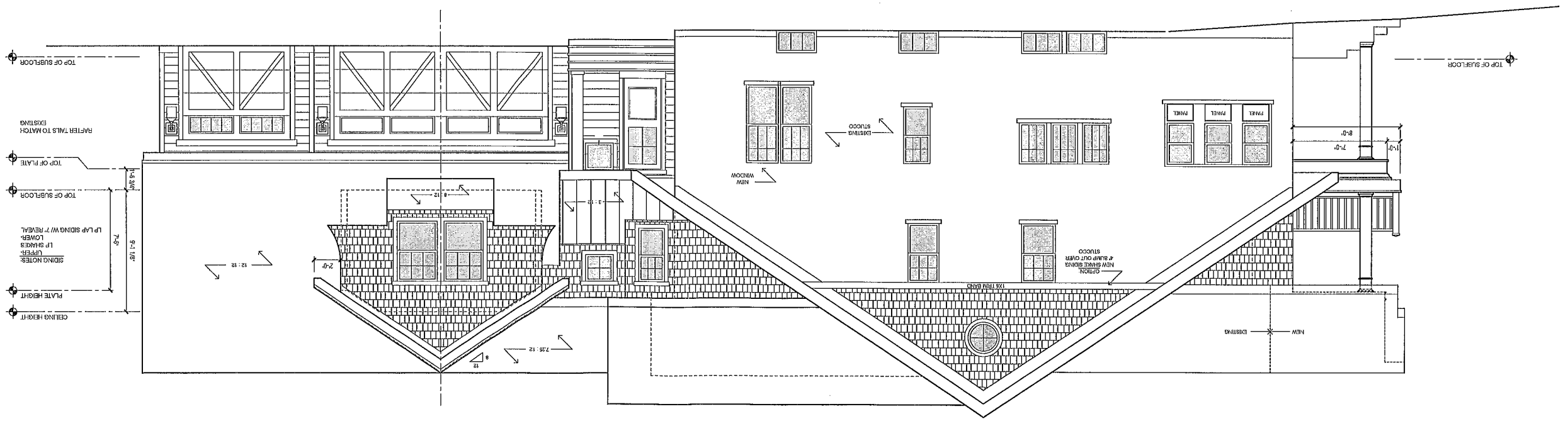
231 MANITOBA AVENUE
WAYZATA, MN 55391

ISSUE DATE
12.11.18

AB1.0
AS BUILT PLANS



2 EXTERIOR ELEVATION
A2.0 1/4" = 1'-0"



2 EXTERIOR ELEVATION
A2.0 1/4" = 1'-0"

ISSUE DATE
12.11.18

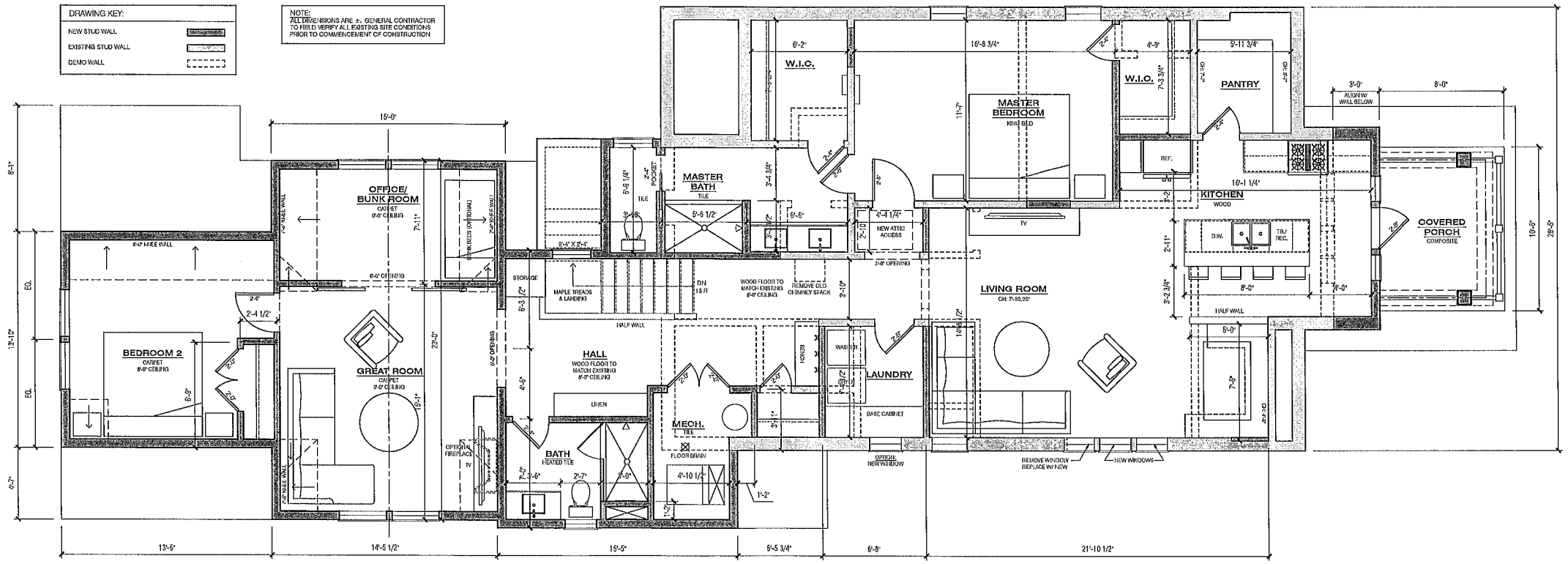
ELEVATIONS
A2.0

231 MANITOBA AVENUE
WAYZATA, MN 55391

WBS
952.230.1941

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

1. THESE DRAWINGS ARE DESIGN DRAWINGS. THE GENERAL CONTRACTOR HAS THE RIGHT & RESPONSIBILITY TO REVISE CONFIGURATIONS AND DETAILS DEPICTED IN THE ARCHITECTS DESIGN DRAWINGS, AS REQUIRED, TO PROPERLY CONSTRUCT A TECHNICALLY SOUND PROJECT.
2. THE GENERAL CONTRACTOR IS TO NOTIFY THE ARCHITECT WHEN DEVIATING FROM THE DESIGN INTENT.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL COVENANTS, ZONING, BUILDING, FIRE, HEATING, PLUMBING, AND ELECTRICAL CODE REQUIREMENTS.



1 / A1.1 PLAN - PROPOSED UPPER LEVEL - 1,939 SF
1/4" = 1'-0"

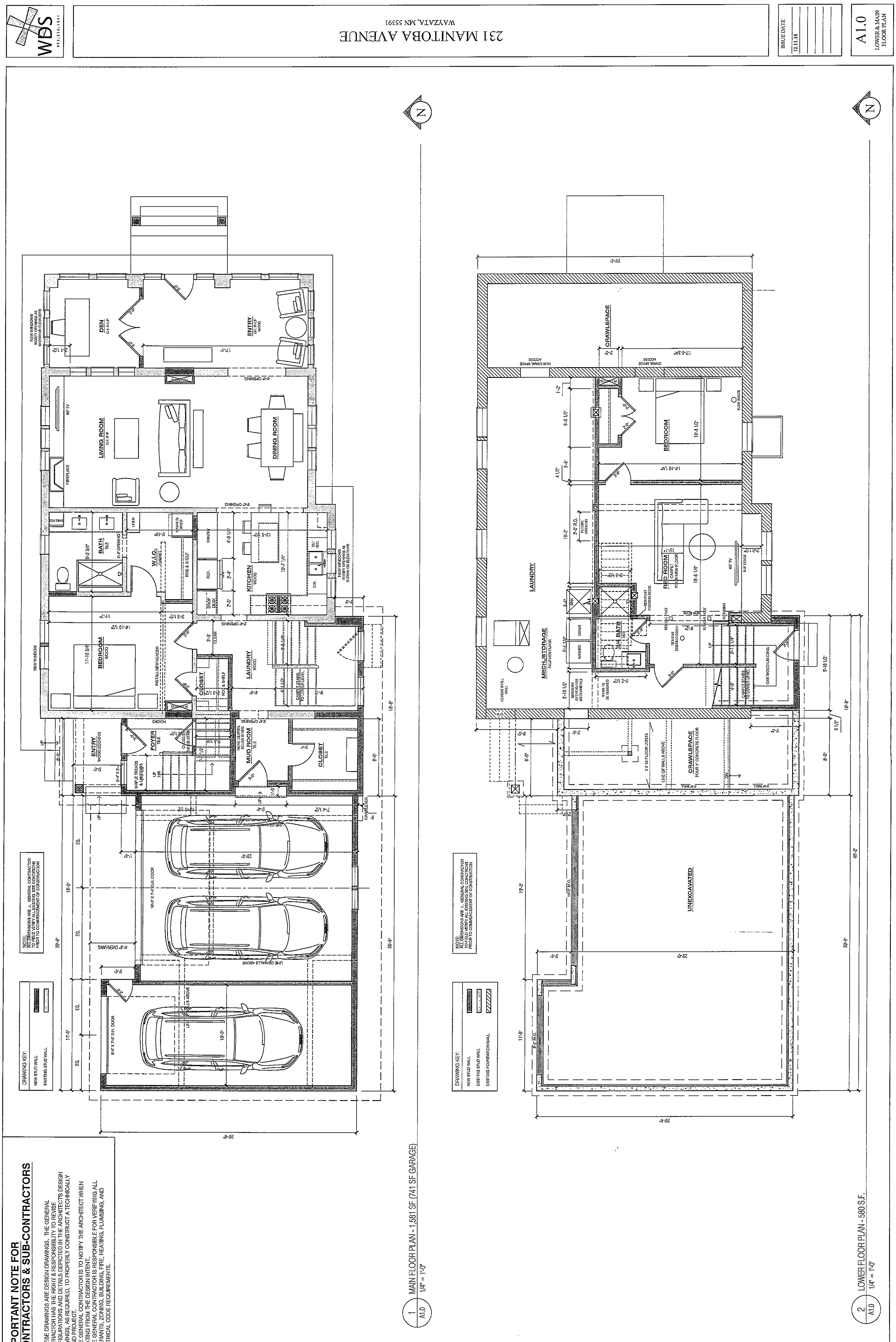
N

WDS
952.250.1941

231 MANITOBA AVENUE
WAYZATA, MN 55391

ISSUE DATE
12.11.18

A1.1
UPPER FLOOR PLAN


231 MANITOBA AVENUE
WAYZATA, MN 55391
WDS
952.250.1941
ISSUE DATE
12.11.18
A1.0
LOWER & MAIN FLOOR PLAN
IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS
1. THESE DRAWINGS ARE DESIGN DRAWINGS. THE GENERAL CONTRACTOR HAS THE RIGHT & RESPONSIBILITY TO REVISE CONFIGURATIONS AND DETAILS DEPICTED IN THE ARCHITECT'S DESIGN DRAWINGS, AS REQUIRED, TO PROPERLY CONSTRUCT A TECHNICALLY SOUND PROJECT.
2. THE GENERAL CONTRACTOR IS TO NOTIFY THE ARCHITECT WHEN DEVIATING FROM THE DESIGN INTENT.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL COVENANTS, ZONING, BUILDING, FIRE, HEATING, PLUMBING, AND ELECTRICAL CODE REQUIREMENTS.
NOTE: ALL DIMENSIONS ARE ±. GENERAL CONTRACTOR TO FIELD VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
DRAWING KEY:
NEW STUD WALL
EXISTING STUD WALL
EXISTING FOUNDATION WALL
1 A1.0 MAIN FLOOR PLAN - 1,581 SF (741 SF GARAGE)
1/4" = 1'-0"
2 A1.0 LOWER FLOOR PLAN - 580 S.F.
1/4" = 1'-0"
DEN CH: 9'-1.6"
ENTRY CH: 9'-1.6" WOOD
LIVING ROOM CH: 9'-0"
DINING ROOM
FIREPLACE
60" TV
NEW WINDOWS MODIFY OPENINGS AS SHOWN ON ELEVATIONS
6'-0" OPENING
9'-0" OPENING
BATH TILE
W.I.C. CARPET
ROD & SHELF
LINEN
SHELVES
WASHER/DRYER
PANTRY
REF.
DROP DESK
KITCHEN WOOD
D.W.
TR./REC.
BEDROOM WOOD
INSTALL NEW HEADER
NEW WINDOW
CLOSET
LAUNDRY WOOD
CARPET STAIRS TO LOWER LEVEL
FOYER TILE
CLOSET UNDER STAIR
ENTRY WOOD DECKING
MAPLE TREADS & LANDINGS
UP 13R
MUD ROOM TILE
HOME CENTRAL BELOW STAIRS
HOOKS
CANTILEVER
16'-0" X 7'-0" O.H. DOOR
8'-0" X 7'-0" O.H. DOOR
LINE OF WALLS ABOVE
4'-8" OVERHANG
30'-6"
19'-0"
11'-6"
28'-6"
18'-8"
8'-0"
23'-0"
10'-5"
CRAWLSPACE
NEW CRAWL SPACE ACCESS
CRAWL SPACE ACCESS
BEDROOM
BURY WASTE
REC ROOM CARPET POUR NEW FLOOR
5'-5" LEDGE
LAUNDRY
MECH./STORAGE POUR NEW FLOOR
CEMENT INFILL WALL
SINK
WASHER
DRYER
MASONRY OPENING FOR MECHANICALS
STAIR TO BE REMOVED
3'-0" R.O. FUTURE OPENING
3/4 BATH TILE
NEW POST FOOTING REQ'D
REMOVE POST
NEW BEAM
REMOVE EXISTING DRAIN
PLUMBING
OAK WOOD LANDING
CRAWLSPACE POUR 2" CONCRETE FLOOR
2 X 10 FLOOR JOISTS
UNEXCAVATED
16'-2" M.O.
8'-2" M.O.
49'-2"

GENERAL NOTES:

1. Important: all dimensions are ±. General contractor to field verify all existing site conditions prior to commencement of construction.
2. All dimensions to framing & exterior sheathing unless otherwise noted.
3. All dimensions have precedence over scaled drawings.
4. All structural components & connections to be engineered by supplier.
5. All window headers to be 2- 2x10's unless otherwise noted.
6. All wood abutting concrete to be treated.
7. All angles to be 45 degrees unless otherwise noted.
8. General contractor to install all products per manufacturers' recommendations.
9. General contractor shall not commence work under this contract prior to submitting proof of insurance and approval of the owner.
10. General contractor and his subcontractors shall obtain all required permits
before starting the work, and obtain sign-offs upon completion of the work.
11. General contractor shall provide all labor, materials and services necessary to complete the entire scope of work, and shall coordinate all trades, material
delivery schedules, etc. to perform the job in the most expeditious manner.
12. General contractor shall be responsible for the security of all building materials and fixtures during construction and providing all necessary protection to existing occupied areas.
13. General contractor shall perform daily clean-up of the job site.
14. General contractor shall perform final clean-up of the site upon completion of the work.
15. General contractor to comply with all local, state and federal codes.
16. The prevailing building code is the Residential Building Code (IRC)
17. Construction should be performed to current state of Minnesota Building & energy codes and local industry standards and standard industry practices.
18. All windows & doors should be installed per manufacturers installation requirements and the Minnesota Lath and Plaster Bureau requirements.
19. All weather resistive barriers should be installed per IRC Sec. R703.2 as amended by the state of Minnesota rules section 1309.0707
20. Engineering- All HVAC, plumbing, electrical, soils and structural engineering and design shall be provided by the respective subcontractor/supplier of those systems and coordinated by the general contractor. Information herein shown in these regards is provided for clarification of the overall project's design intent only.
21. Product Information- Provide samples and shop drawings for all materials and fabricated items to the extent the owner has full understanding of the products and/or design of.
22. Specifications- Contractor shall disclose to the owner and coordinate all specifications of all aspects of the work that are not indicated in the drawings or pre-selected by the owner.

Note: Verify girder or point loads with truss/joist supplier that are associated with structure not indicated on plans and cannot be supported on typical spread footing. Notify footing & foundation supplier prior to proceeding with any work.

PLAN NOTES:

GENERAL FRAMING INFORMATION:

ALL WOOD FRAMING TO COMPLY WITH APPLICABLE STATE AND LOCAL BUILDING CODES AND THE NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION PUBLISHED BY THE NATIONAL FOREST PRODUCTS ASSOCIATION (NFPA)

IMPORTANT: ALL DIMENSIONS ARE ±. GENERAL CONTRACTOR TO FIELD VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

THESE PLANS INDICATE CONCEPTUAL TRUSS CONFIGURATIONS AND LOADING CONDITIONS. ALL FLOOR AND ROOF TRUSSES INDICATED ON THESE PLANS ARE TO BE DESIGNED AND ENGINEERED BY THE MANUFACTURER LICENSED TO PRACTICE WITHIN THE STATE OF THE PROJECT. PRIOR TO CONSTRUCTION VERIFY ALL POINT LOAD AND BEARING CONDITIONS AND COORDINATE POSTS AND BEARING REQUIREMENTS WITH THE BUILDER. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES FROM THESE PLANS. FOLLOW MANUFACTURERS RECOMMENDATIONS AND REQUIREMENTS FOR AND FURNISH ALL BLOCKING, STIFFENERS, BRACING, FASTENERS, HARDWARE, ETC. NECESSARY FOR INSTALLATION.

ALL CONVENTIONAL LUMBER TO BE HEM-FIR #2 GRADE OR BETTER. MINIMUM LVL LUMBER PROPERTIES:
Fb = 2,600 PSI
Fv = 285 PSI
E = 1,800,000 PSI

UNLESS NOTED OTHERWISE: EXTERIOR WALLS (INCLUDING GARAGE WALLS) TYPICALLY TO BE 2X6 CONSTRUCTION; INTERIOR WALLS TYPICALLY TO BE 2X4. INTERIOR WALL WITH POCKET DOORS TO BE 2X6 CONSTRUCTION. POCKET DOORS TO BE CUSTOM FABRICATED WITH "TIMBERSTRAND ENGINEERED FRAMING". CABINET WALLS AND BULKHEAD FRAMED WALLS SHALL BE FRAMED WITH "TIMBERSTRAND".

PLAN DIMENSIONS ARE TYPICALLY TAKEN TO OUTSIDE OF WALL SHEATHING AT EXTERIOR WALLS AND TO CENTER LINES OF FACE OF STUD AT INTERIOR WALLS.

COLUMN SIZES SHALL NOT EXCEED CRUSHING STRENGTH OF THE PLATES THEY BEAR ON-SIZE AS REQUIRED. UTILIZE SQUASH BLOCKING OR BEAR DIRECTLY ON FOUNDATION.

USE PRESERVATIVE TREATED COLUMNS, BEAMS, PLATES, MISC. FRAMING MEMBERS AS REQUIRED BY CODE AND AS CALLED OUT IN PLANS.

WHERE WOOD I'BEAMS SIZES ARE INDICATED, MANUFACTURER TO VERIFY GRADE AND SPACING REQUIRED TO MAINTAIN MINIMUM L/480 DEFLECTION.

ALL FLOOR BEAMS TO BE SET FLUSH WITH FLOOR FRAMING UNLESS INDICATED OTHERWISE.

ALL ROOF BEAMS TO BE DROPPED UNLESS NOTED OTHERWISE

DROPPED FLOOR BEAMS OR ROOF BEAMS SHALL BE 12" MINIMUM DEPTH UNLESS NOTED OTHERWISE.

SILL PLATES SHALL BE 2X6 MINIMUM. ANCHOR BOLTS SHALL BE 1/2" MIN. DIAMETER (U.N.O.) CAST IN PLACE WITH 7" EMBED. ANCHOR BOLTS SHALL HAVE 3" DIA. X 0.229" THICK WASHERS TIGHTENED AND COUNTERSUNK 1/4" INTO THE TOP OF THE SILL PLATE. SPACING SHALL BE 48" O.C. WITH A MIN. OF TWO BOLTS PER PIECE WITH BOLT LOCATED NO MORE THAN 12" OR LESS THAN 4" FROM EACH END OF EACH PIECE.

AT TILED FLOOR AREAS USE MUDSET METHOD AND DEPRESS FLOOR SHEATHING SO IT IS FLUSH WITH TOP OF FLOOR FRAMING (SHEATHING IN BETWEEN FRAMING MEMBERS)

WINDOW DESIGNATIONS ON PLANS INDICATE FRAME WIDTH X HEIGHT. VERIFY ROUGH OPENING SIZES WITH WINDOW MANUFACTURER.

AS A MINIMUM, UNLESS SHOWN OTHERWISE ON PLANS, PROVIDE DOUBLE STUD AT ALL HEADER AND LINTEL SUPPORTS (ONE FULL HEIGHT KING STUD AND ONE JACK STUD)

SHEATHING:

ALL EXTERIOR WALLS TO HAVE CONTINUOUS PLYWOOD WALL SHEATHING. EACH PANEL OF SHEATHING SHALL BE IDENTIFIED WITH THE APPROPRIATE GRADE - TRADEMARK OF THE AMERICAN PLYWOOD ASSOCIATION.

PROVIDE 1/8" SPACE AT EDGES AND ENDS OF EACH SHEET OR AS REQUIRED BY THE MANUFACTURER.

GRADE AND TYPE SHALL BE AS FOLLOWS:
ROOF SHEATHING: 40/20 APA RATED SHEATHING EXPOSURE 1
EXTERIOR WALL: 24/16 APA RATED SHEATHING EXPOSURE 1
FLOORS: 48/24 APA RATED SHEATHING EXPOSURE 1 (T&G)

5/8" MINIMUM ROOF SHEATHING TO BE ATTACHED WITH 8.113" DIAMETER NAILS AT 6" O.C. EDGE, 12" O.C. FIELD. PROVIDE 6" O.C. NAILING TO ALL MEMBERS IN LINE WITH SHEAR WALLS. EDGE FASTENERS SHOULD BE PLACED 3/8" FROM PANEL EDGES AND ENDS OR AS REQUIRED BY THE MANUFACTURER.

3/4 MINIMUM FLOOR SHEATHING TO BE GLUED AND ATTACHED WITH 8.113" DIAMETER NAILS @ 6" O.C. EDGE, 12" O.C. FIELD.

1/2" MINIMUM PLYWOOD EXTERIOR WALL SHEATHING TO BE ATTACHED WITH 8.113" DIAMETER NAILS AT 6" OC. EDGE, 12" O.C. FIELD UNLESS OTHERWISE NOTED ON PLANS.

INTERIOR SHEAR WALLS TO HAVE 5/8" GYPSUM SHEATHING BOTH SIDES OF WALL ATTACHED WITH 6d COOLER NAILS OR WALLBOARD NAILS AT 7" O.C. EDGE, 12" O.C. FIELD UNLESS NOTED OTHERWISE ON PLANS.

SPLICE ALL SHEATHING ON A COMMON MEMBER SO AS TO PROPERLY TRANSFER SHEAR FORCES.

ALL SHEATHING NAILING TO BE COMMON WIRE OR GALVANIZED NAILS.

CONCRETE WORK:

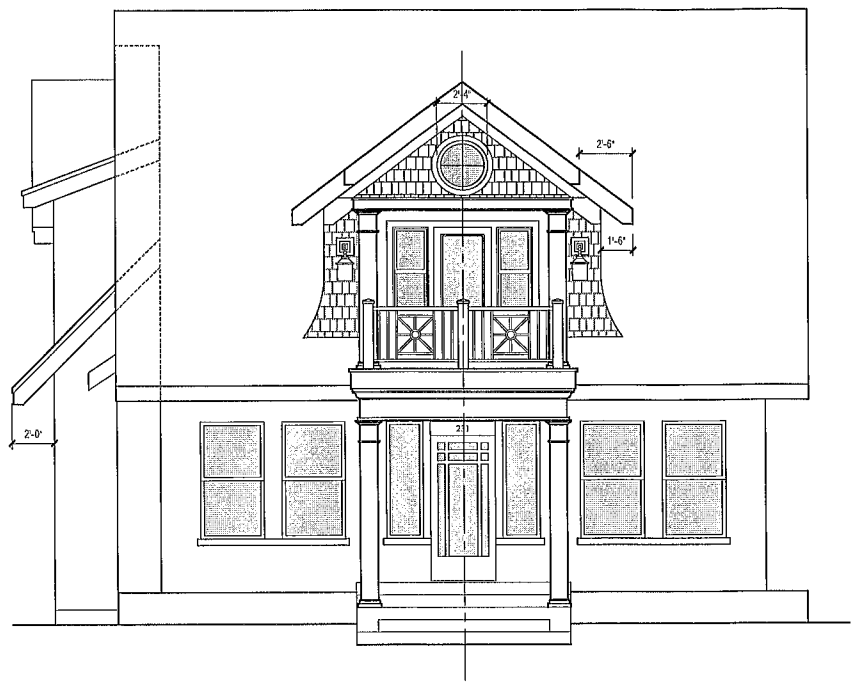
DO NOT BEGIN CONCRETE WORK UNTIL ALL LOADING CONDITIONS HAVE BEEN VERIFIED BY GENERAL CONTRACTOR.

ALL CONCRETE WORK SHALL COMPLY WITH STATE AND LOCAL BUILDING CODES AND ORDINANCES. CONCRETE CONTRACTOR SHALL VERIFY ALL REQUIREMENTS.

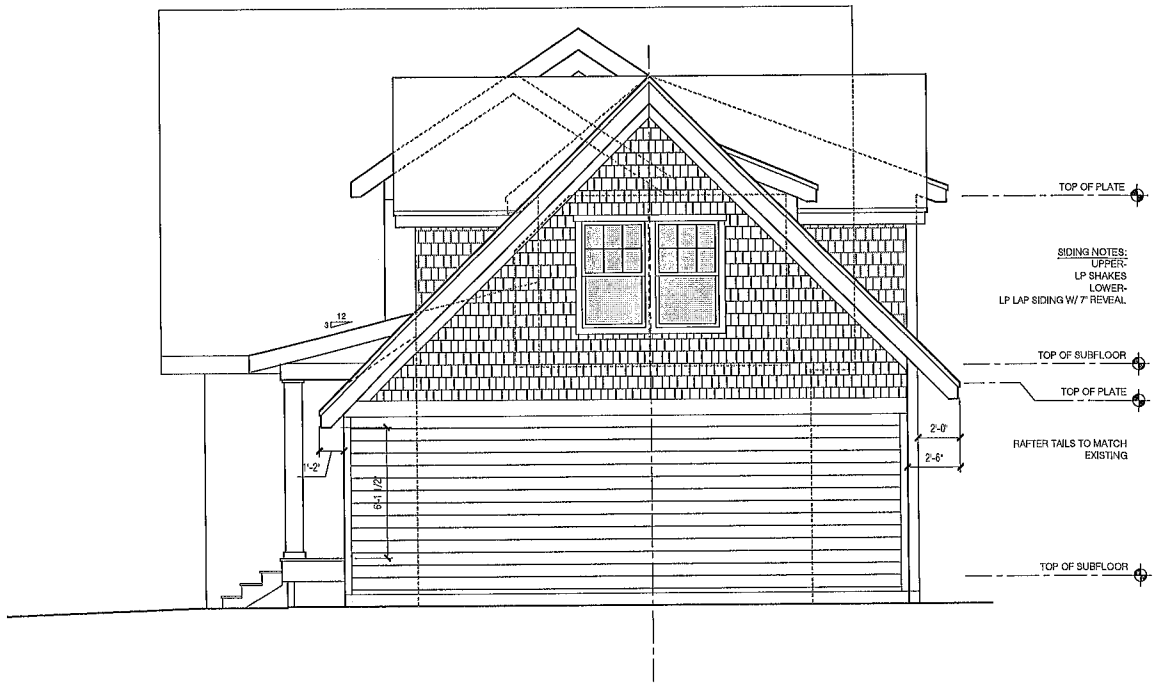
TYPICAL FULL HEIGHT FOUNDATION WALLS SHALL BE 8" MINIMUM CONCRETE REINFORCED WITH #4'S AT 24" O.C. EACH WAY AT 3/4" CLEAR OF INSIDE FACE. WALLS 10" OR THICKER SHALL HAVE AN ADDITIONAL LAYER OF #4'S AT 12" O.C. EACH WAY AT 3" CLEAR FROM EXTERIOR FACE. PROVIDE DOWELS TO FOOTING TO MATCH MAIN VERTICAL WALL REINFORCEMENT, AND HOOK 12" INTO FOOTING AT 3" CLEAR OF BOTTOM.

NOTE:

WINDMILLER DESIGN STUDIO, LLC. ASSUMES NO RESPONSIBILITY FOR STRUCTURAL OR DIMENSIONAL ERRORS OR OMISSIONS. WINDMILLER DESIGN STUDIO, LLC. ASSUMES NO RESPONSIBILITY FOR THE WORKMANSHIP OF THE SUB-CONTRACTORS. THE CONTRACTOR AND/OR OWNER MUST VERIFY AND CHECK ALL NOTES, DETAILS, ELEVATIONS, SECTIONS AND FLOOR PLANS AND NOTIFY WINDMILLER DESIGN STUDIO, LLC. OF ANY ERRORS OR OMISSIONS FOR POSSIBLE CORRECTION PRIOR TO THE START OF CONSTRUCTION.



1 A2.1 EXTERIOR ELEVATION
1/4" = 1'-0"



2 A2.1 EXTERIOR ELEVATION
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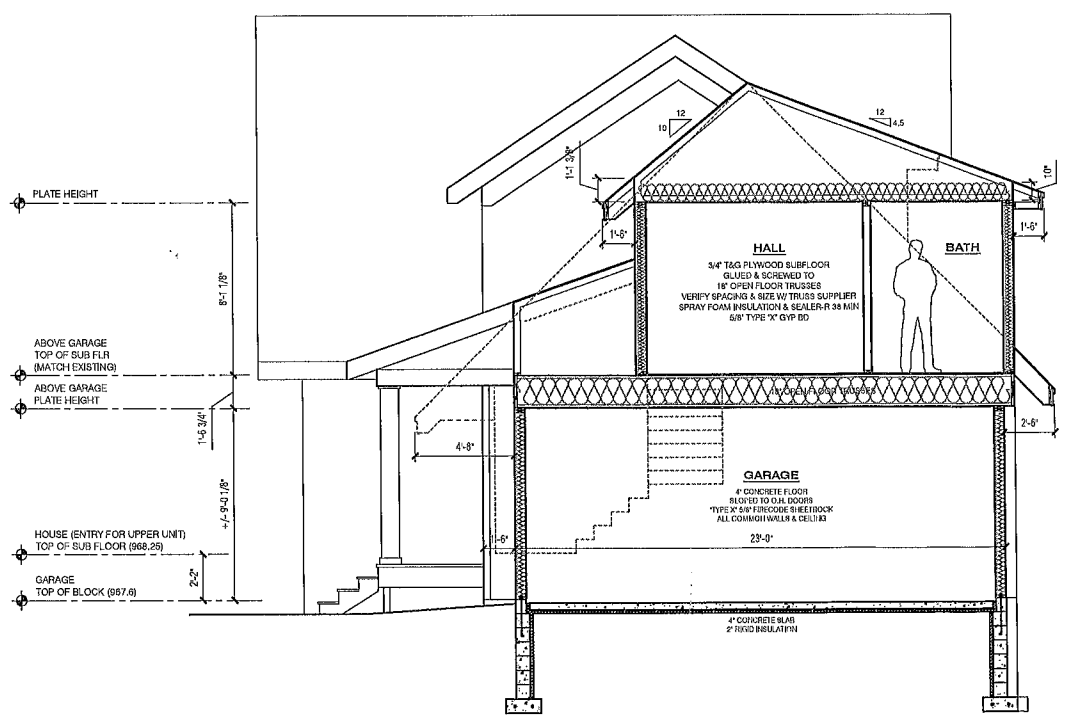

3 A2.1 EXTERIOR ELEVATION
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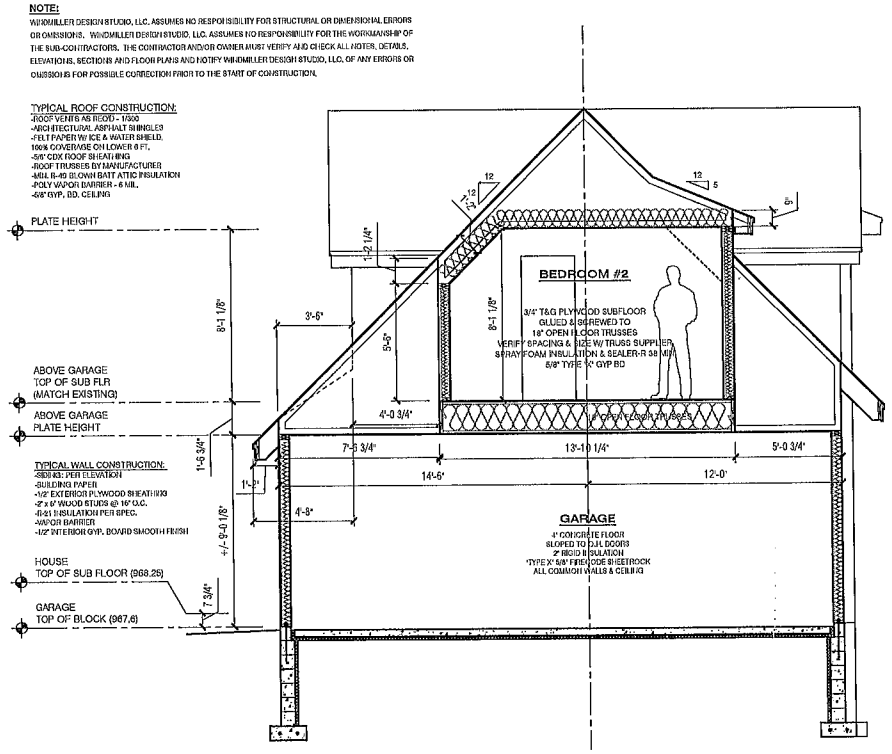
TYPICAL ROOF CONSTRUCTION:
ROOF VENTS AS REQD - TYP.
-ARCHITECTURAL ASPHALT SHINGLES
-FELT PAPER W/ ICE & WATER SHIELD
100% COVERAGE ON LOWER 6FT.
-5/8" CDX ROOF SHEATHING
-ROOF TRUSSES BY MANUFACTURER
-MIN. R-49 BLOWN BATT ATTIC INSULATION
-POLY VAPOR BARRIER - 6 MIL.
-5/8" GYP. BD. CEILING



TYPICAL WALL CONSTRUCTION:
-SIDING PER ELEVATION
-BUILDING PAPER
-1/2" EXTERIOR PLYWOOD SHEATHING
-2" x 6" WOOD STUDS @ 16" O.C.
-R-21 INSULATION PER SPEC.
-VAPOR BARRIER
-1/2" INTERIOR GYP. BOARD SMOOTH FINISH

4 A2.1 BUILDING SECTION
1/4" = 1'-0"

WDS
952.250.1941

231 MANITOBA AVENUE
WAYZATA, MN 55391

ISSUE DATE
12.11.18

A2.1
ELEVATIONS & SECTIONS

Staff Report
February 4, 2019

Project Name:	Penny's Coffee
Addresses:	800 Lake Street East
Prepared by:	Jeff Thomson, Director of Planning and Building
"60 Day" Deadline:	March 29, 2019

Development Application

Introduction

The applicant, Foley Schmidt of Penny's Coffee, and property owner, The Dietrich Co Family Limited Partnership, have submitted a development application to construct a coffee shop within the existing mixed use building at 800 Lake Street East. The development application requests approval of a conditional use permit for joint parking facilities.

Property Information

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

Address	PID	Owner
800 Lake Street E	06-117-22-42-0042	The Dietrich Co Fmly Ltd Ptn

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

Current zoning:	C-4B Central Business District
2030 comp plan designation:	Central Business District
Overlay districts:	Shoreland Overlay, Lake Street District

Project Location

The property is located at the intersection of Lake Street E and Superior Boulevard:

Map 1: Project Location

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

A. Joint Parking Conditional Use Permit: The zoning ordinance states that the City may approve a conditional use permit for one or more uses to provide the required off-street parking 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 or site. (City Code Section 920.09.A)

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	City-owned parking lot	C-4B Central Business District	Central Business District
East	Cross Creek Shoppes	C-2 Shopping Center Business District	Central Business District
South	BNSF Railroad	N/A	N/A
West	Starbuck's Coffee	C-4B Central Business District	Central Business District

Public Hearing Notice
The public hearing notice was published in the *Lakeshore Weekly* on January 24, 2019. The public hearing notice was also mailed to all property owners located within at least 350 feet of the subject property on January 24, 2019.

Analysis of Application

Proposed Coffee Shop
The property is the site of Cross Creek Shoppes, a multi-tenant mixed use building that contains first floor retail and service commercial uses, and upper floor office space, storage, and a residential apartment. The adjacent property to the east, 810 Lake St E, is also part of the Cross Creek Shoppes and is owned by the same party. The two separate buildings are internally connected. There is no parking lot or vehicular connection between the two sites, but there is a public sidewalk on Lake Street that provides pedestrian connection between the two properties.

Penny's Coffee has signed a lease with the property owner and is proposing to construct a 1,675 square foot coffee shop within the first floor of the building. The coffee shop would be open from 6:00 a.m. to 6:00 p.m., and would serve coffee, tea, and limited food items typical of a coffee shop. Coffee shops are a permitted use in the C-4B zoning district, and no zoning approval is required for the coffee shop use.

Off-Street Parking
The zoning ordinance requires on-site/off-street parking for all properties based on the uses that occupy the site. Although coffee shops are specifically identified as a permitted use in the zoning district, the zoning ordinance does not provide a specific parking requirement for coffee shops. In cases where the zoning ordinance does not provide a specific requirement, the zoning administrator may establish the parking requirement on the same basis for comparable uses.

City Staff has calculated the minimum parking requirement for the coffee shop based on the Institute of Transportation Engineers (ITE) average parking demand of 10.5 parking spaces per 1,000 square feet of net floor area. This ITE parking rate falls between the City's retail (3 per 1,000 nsf) and restaurant (15.2 per 1,000 nsf) parking requirements. Based on the ITE parking rate, Penny's is required to have 16 on-site parking stalls.

The existing retail and service commercial tenants in the building are also required to have on-site parking. With the other tenants and the proposed coffee shop, the site is required to have a total of 46 parking stalls. There are 28 existing parking spaces on the property, 25 of which are shared between the retail and service commercial tenants within the building. Therefore, the property does not have enough parking to meet the aggregate parking requirement for the uses within the building.

Joint Parking Facilities/Shared Parking
The City's parking ordinance allows the use of joint parking facilities for one or more uses to provide the required off-street parking 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 or site. The zoning ordinance provides specific shared parking reductions for mixed use buildings that include retail, restaurant, office, and residential uses. However, the zoning ordinance does not provide a specific reduction for coffee shops and other types of retail uses, even though it would be expected that the peak hours would be at different times.

Therefore, City staff recommended that the applicant conduct a parking study that determined: (1) the current utilization of parking at the Cross Creek Shoppes, and (2) the anticipated parking demand for Penny's based on their existing location in Linden Hills. The parking study is attached to this report. The key findings of the parking study include:

- The peak parking utilization for the existing tenants is 14 of 25 stalls, which occurred at 2:00 p.m., and also included several people that were visiting businesses on adjacent properties.

- The peak parking demand for Penny's is between 7:00 and 10:00 a.m., when the existing parking lot for Cross Creek Shoppes is underutilized.

- There is adequate parking on the Cross Creek property to accommodate the anticipated parking demand for Penny's Coffee.

Joint Parking Requirements
The zoning ordinance outlines the following requirements for joint parking facilities:

- Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.

  Finding: The parking facilities are located on the same property as applicable uses, and the parking lot is less than 300 feet from the building.

- 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 off-street parking facilities is proposed.

  Finding: The applicant has submitted a parking study that shows no substantial conflict in operating hours of the uses.

- 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.

Finding: Since the parking facilities are located on the same property as the building and other uses, a written agreement is not required.

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 Plan
Floor Plan
Parking Study prepared by Westwood Professional Services

Applicable Code Provisions for Review

Conditional Use Permits: City Code Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use's compatibility with present and future uses of the area.

3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The proposed use's effect on the area in which it is proposed.

5. The proposed use's impact upon property values in the area in which it is developed.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Penny's

To: City of Wayzata Planning Commissioners, City Council, Mayor, and Staff

From: Foley Schmidt
Chief Executive Officer
Penny's

Re: Penny's Wayzata

I spend much of my time in the city of Wayzata and have grown to love Wayzata. From dining at local restaurants like Cov, Bellecour, and Benedict's, to attending dance recitals at Wayzata Middle School for my niece, to walking the paths on the lake's shoreline, Wayzata has become a second home. I am confident that opening a Penny's in Wayzata will only add to the best in class offerings Wayzata already has!

The story of Penny's began nearly 3 years ago, when our founder, Congressman Dean Phillips, realized the need for a community-driven café that provides an escape from daily routine. Together, we theorized an environment that focuses on three principles: community, coffee, and conversation.

Penny's believes in supporting our community, from paying livable wages (we pay our People a minimum of $15 / hour), to procuring the highest quality ingredients from local purveyors for our made-from-scratch food and drink. We are committed to offering a place where **ALL** People are welcome.

Our first cafe opened in October 2016 in the lobby of 100 Washington near downtown Minneapolis and our second cafe opened in August 2017 in the Linden Hills neighborhood of Minneapolis. Our focus of serving our community has proven to be a successful model, and we are extremely excited about serving the great community of Wayzata.

As you are aware, we have run into cost prohibitive issues during this process - these include parking and the installation of a sprinkler system. The implications of these items could total $250K, increasing the cost of our cafe by up to 66% and putting significant financial strain on our organization. While we have already agreed to pay $92K for the installation of a sprinkler system, and we believe that there is adequate parking as it currently stands at the Crosscreek Shoppes, based on the results of the parking study.

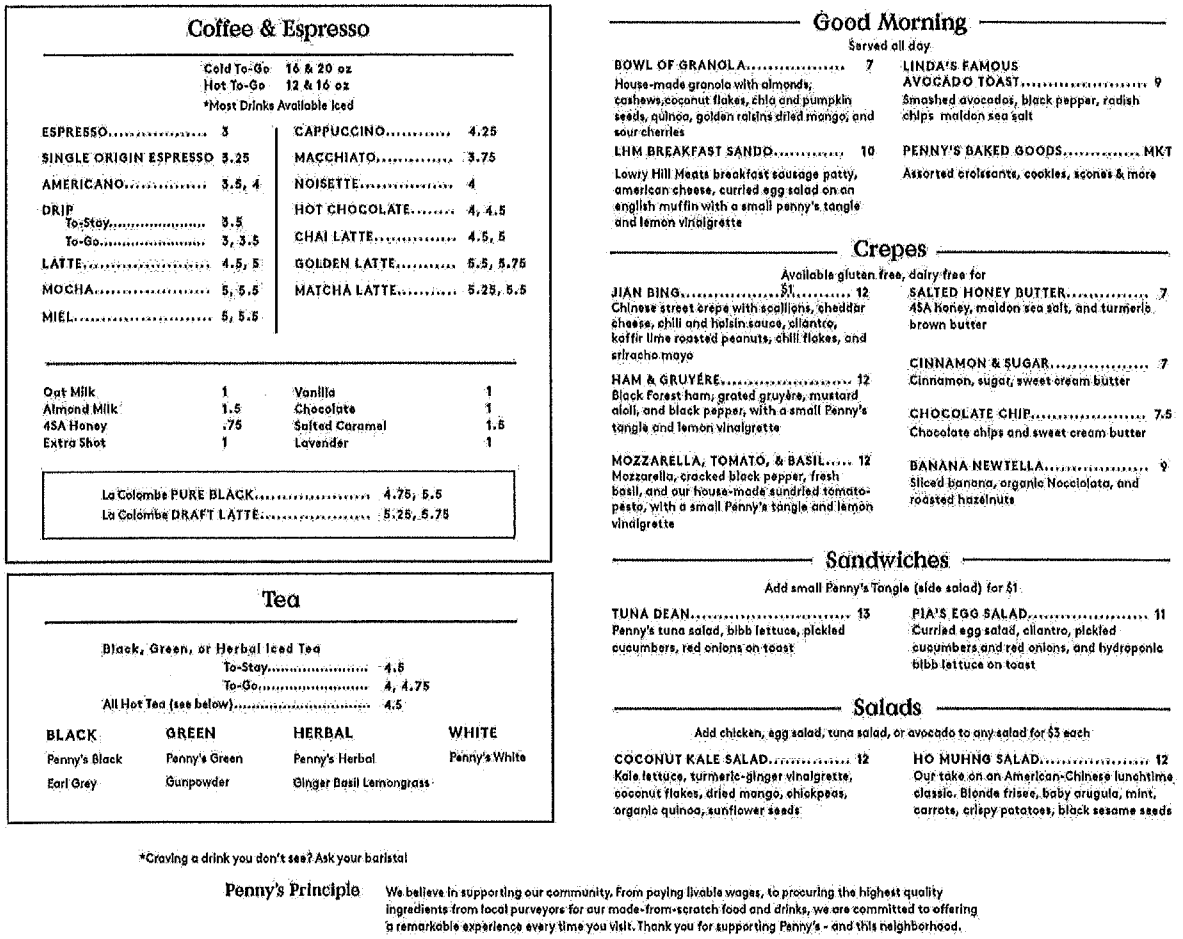
Thank you for your time and consideration. We look forward to finding a mutually beneficial solution and becoming part of the DNA of the Wayzata community.

Foley Schmidt
Chief Executive Officer
Penny's Coffee

Conditional Use Request – Penny's Coffee

Upon Plan Review application being submited, Penny's Coffee was informed that the City of Wayzata expressed zoning concerns in regard to the parking at the property 800 East Lake Street, also known as Crosscreek Shoppes. At that time, the question as to whether Penny's Coffee was a coffee shop or a restaurant was asked.

Penny's Coffee did a comparison of their menu items and hours of operation to Starbucks Coffee and Caribou Coffee. It found strong similarities in their menu to the Starbucks on Wayzata Boulevard, but shorter operating hours than both Starbucks and Caribou. Penny's Coffee plans to mimic the operating hours of their Linden Hills location from 6am to 6pm.



Coffee & Espresso

Cold To-Go 16 & 20 oz
Hot To-Go 12 & 16 oz
*Most Drinks Available Iced

ESPRESSO	3	CAPPUCCINO	4.25
SINGLE ORIGIN ESPRESSO	3.25	MACCHIATO	3.75
AMERICANO	3.5, 4	NOISETTE	4
DRIP To-Stay	3.5	HOT CHOCOLATE	4, 4.5
DRIP To-Go	3, 3.5	CHAI LATTE	4.5, 5
LATTE	4.5, 5	GOLDEN LATTE	5.5, 5.75
MOCHA	5, 5.5	MATCHA LATTE	5.25, 5.5
MIEL	5, 5.5		

Oat Milk	1	Vanilla	1
Almond Milk	1.5	Chocolate	1
45A Honey	.75	Salted Caramel	1.5
Extra Shot	1	Lavender	1

La Colombe PURE BLACK 4.75, 5.5
La Colombe DRAFT LATTE 5.25, 5.75

Tea

Black, Green, or Herbal Iced Tea
To-Stay 4.5
To-Go 4, 4.75
All Hot Tea (see below) 4.5

BLACK	GREEN	HERBAL	WHITE
Penny's Black	Penny's Green	Penny's Herbal	Penny's White
Earl Grey	Gunpowder	Ginger Basil Lemongrass	

Good Morning

Served all day

BOWL OF GRANOLA 7
House-made granola with almonds, cashews, coconut flakes, chia and pumpkin seeds, quinoa, golden raisins dried mango, and sour cherries

LINDA'S FAMOUS AVOCADO TOAST 9
Smashed avocados, black pepper, radish chips maldon sea salt

LHM BREAKFAST SANDO 10
Lowry Hill Meats breakfast sausage patty, american cheese, curried egg salad on an english muffin with a small penny's tangle and lemon vinaigrette

PENNY'S BAKED GOODS MKT
Assorted croissants, cookies, scones & more

Crepes

Available gluten free, dairy free for $1

JIAN BING 12
Chinese street crepe with scallions, cheddar cheese, chili and hoisin sauce, cilantro, kaffir lime roasted peanuts, chili flakes, and sriracha mayo

SALTED HONEY BUTTER 7
45A honey, maldon sea salt, and turmeric brown butter

CINNAMON & SUGAR 7
Cinnamon, sugar, sweet cream butter

HAM & GRUYÈRE 12
Black Forest ham, grated gruyère, mustard aioli, and black pepper, with a small Penny's tangle and lemon vinaigrette

CHOCOLATE CHIP 7.5
Chocolate chips and sweet cream butter

MOZZARELLA, TOMATO, & BASIL 12
Mozzarella, cracked black pepper, fresh basil, and our house-made sundried tomato-pesto, with a small Penny's tangle and lemon vinaigrette

BANANA NEWTELLA 9
Sliced banana, organic Nocciolata, and roasted hazelnuts

Sandwiches

Add small Penny's Tangle (side salad) for $1

TUNA DEAN 13
Penny's tuna salad, bibb lettuce, pickled cucumbers, red onions on toast

PIA'S EGG SALAD 11
Curried egg salad, cilantro, pickled cucumbers and red onions, and hydroponic bibb lettuce on toast

Salads

Add chicken, egg salad, tuna salad, or avocado to any salad for $3 each

COCONUT KALE SALAD 12
Kale lettuce, turmeric-ginger vinaigrette, coconut flakes, dried mango, chickpeas, organic quinoa, sunflower seeds

HO MUHNG SALAD 12
Our take on an American-Chinese lunchtime classic. Blonde frisee, baby arugula, mint, carrots, crispy potatoes, black sesame seeds

*Craving a drink you don't see? Ask your barista!

Penny's Principle We believe in supporting our community. From paying livable wages, to procuring the highest quality ingredients from local purveyors for our made-from-scratch food and drinks, we are committed to offering a remarkable experience every time you visit. Thank you for supporting Penny's - and this neighborhood.

Since the City of Wayzata does not have specific parking requirements for coffee shops in Municipal Code 920.11, the ITE parking standard is being utilized. The ITE standard for coffee shops is 10.5 parking spaces per 1000 square feet, which would require Penny's Coffee to supply 16 parking spaces or take part of the Fee In Lieu of Parking program.

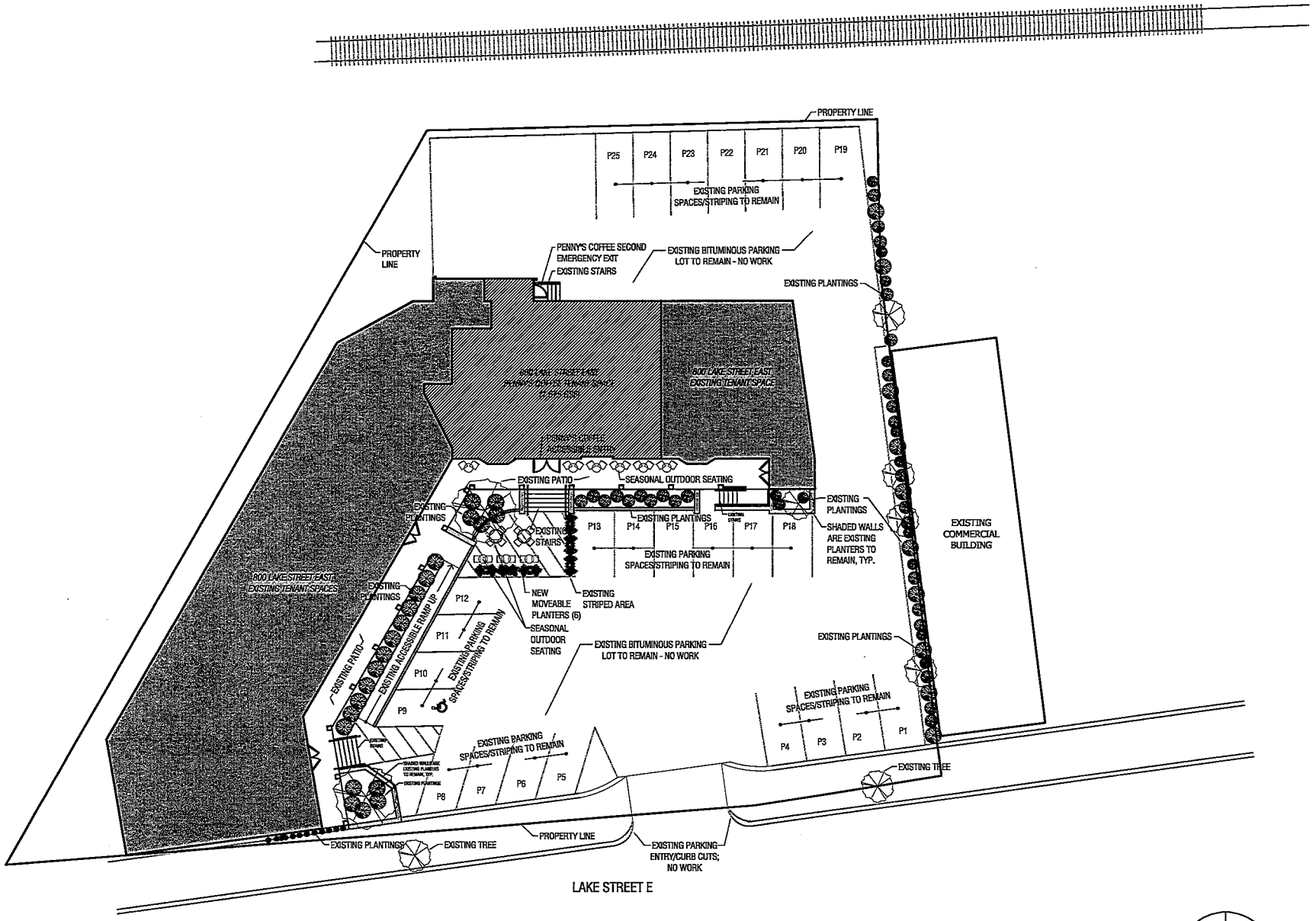
While Crosscreek Shoppes provides 28 parking spaces on the 800 East Lake Street parcel, the parking is allocated to the current office and retail tenants of 800 East Lake Street parcel at three parking spaces per 1000 square feet.

Penny's Coffee engaged a transportation consulting firm, Westwood, to perform a parking study at both the Crosscreek Shoppes (on both parcels of land) and Penny's Coffee Linden Hills location. Penny's Coffee Linden Hills has a similar footprint and demographic profile as the planned store in Wayzata, although their store in Linden Hills does not provide a dedicated parking lot and is clustered with seven other retailers. Also, they are not located in a high pedestrian location such as downtown Wayzata.

The parking studies were performed on the two busiest days for Penny's Coffee, Friday and Saturday. The highest point of traffic for Penny's Coffee is from 6am to 10am with a high level of grab and go, before the retailers' stores are open. The highest point of traffic for Crosscreek Shoppes shows that the available parking spaces meet the ITE standards, according to Westwood.

Also, the parking study does show that some neighboring businesses use the Crosscreek Shoppes and Penny's Coffee plans on putting parking signage for the building's tenants, as well as specific parking signage for 15 minute parking spaces to accommodate the high level of grab and go customers.

Penny's Coffee requests a Conditional Use Permit allowing that the parking lot at 800 East Lake Street provides sufficient parking.



1
S0

Penny's Coffee Wayzata - Site Plan

1/32" = 1'-0"

NORTH

FLOOR PLAN GENERAL NOTES:

1.) DIMENSIONS ARE TO FINISH FACE UNLESS OTHERWISE NOTED.

2.) FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO THE START OF ANY WORK AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.

3.) ALL PARTITIONS TO BE CONSTRUCTED TO UNDERSIDE OF THE EXISTING SUSPENDED GYP. BOARD CEILING ASSEMBLY LOCATED THROUGHOUT THE SPACE AT APPROXIMATELY 9'-6 A.F.F. (FIELD VERIFY).

4.) MECHANICAL AND ELECTRICAL DESIGN/BUILD CONTRACTORS SHALL VERIFY OPERATION AND CONDITION OF ALL EXISTING MECHANICAL AND ELECTRICAL SYSTEMS, EQUIPMENT, AND DISTRIBUTION AND SHALL DESIGN, PROVIDE, AND INSTALL ANY NEW SYSTEMS, EQUIPMENT, AND DISTRIBUTION NECESSARY TO PROVIDE COMPLETE OPERATIONAL SYSTEMS FOR THE TENANT SPACE.

5.) MECHANICAL AND ELECTRICAL DESIGN/BUILD CONTRACTORS SHALL PROVIDE DESIGNS MEETING THE INTENT OF THE ARCHITECTURAL DRAWINGS AND ALL GOVERNING CODES AND SUBMIT DRAWINGS TO ARCHITECT FOR APPROVAL.

6.) ENTIRETY OF PENNY'S COFFEE TENANT SPACE TO BE SPRINKLED.

7.) REFER TO FOODSERVICE DOCUMENTS FOR DESIGN AND SPECIFICATIONS FOR ALL EQUIPMENT, ROUGH-IN REQUIREMENTS, AND MEP PROVISIONS.

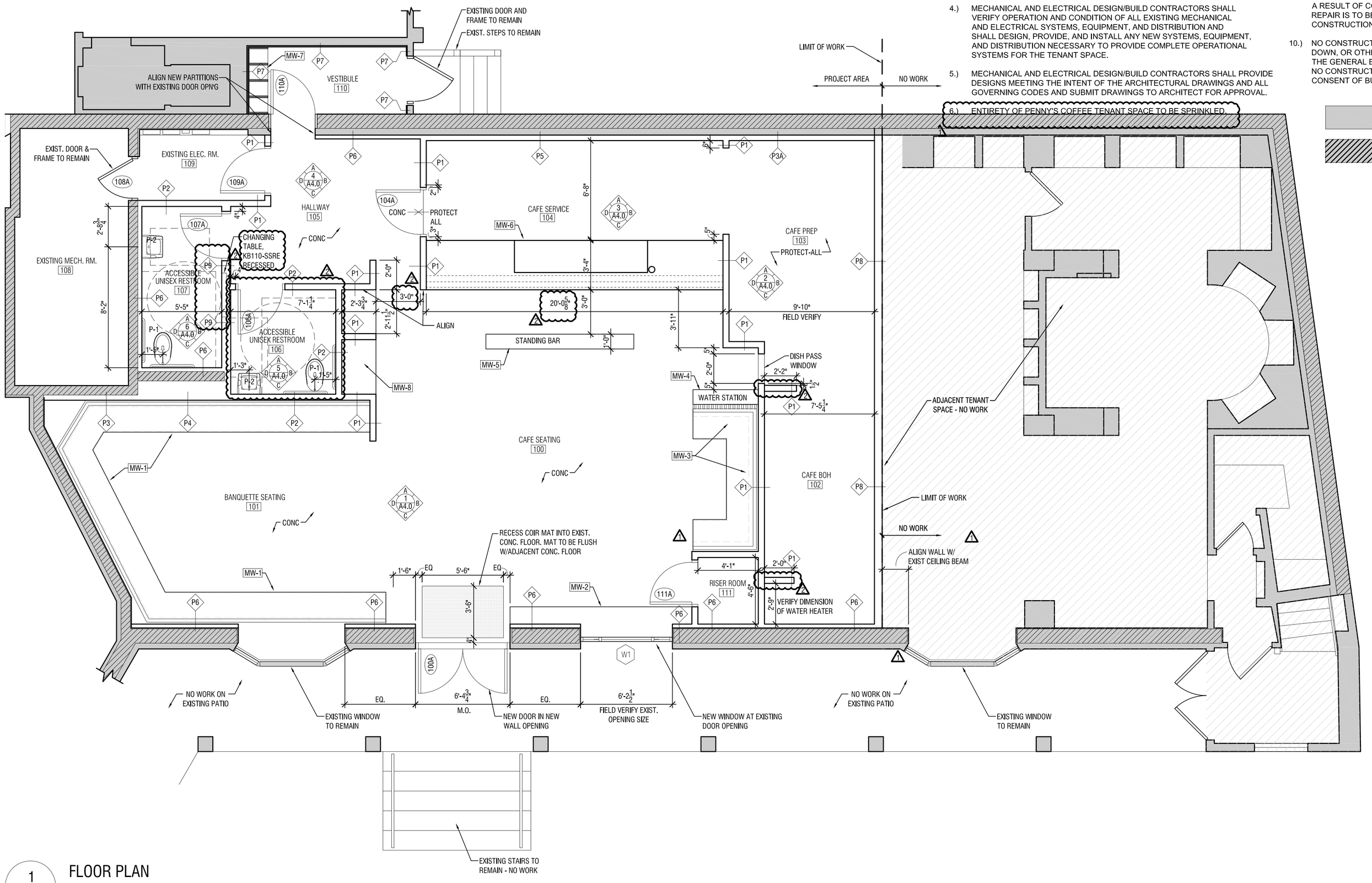
8.) PROTECT ALL EXISTING CONSTRUCTION THROUGHOUT CONSTRUCTION. CONTRACTOR TOMAINTAIN WEATHER-TIGHTNESS OF BUILDING DURING CONSTRUCTION.

9.) CONTRACTOR TO PATCH AND REPAIR ANY EXISTING SURROUNDING CONSTRUCTION THAT BECOMES DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES. PATCHING AND REPAIR IS TO BE ENACTED TO RESTORE ANY DAMAGED CONSTRUCTION TO ITS ORIGINAL UNDAMAGED STATE.

10.) NO CONSTRUCTION ACTIVITY SHALL DISRUPT, SHUT DOWN, OR OTHERWISE INTERFERE WITH THE PROPER OPERATION OF THE GENERAL BUILDING MECHANICAL AND ELECTRICAL SYSTEMS. NO CONSTRUCTION ACTIVITY IS TO COMMENCE WITHOUT THE WRITTEN CONSENT OF BUILDING MANAGEMENT.

INDICATES EXISTING WALL TO REMAIN

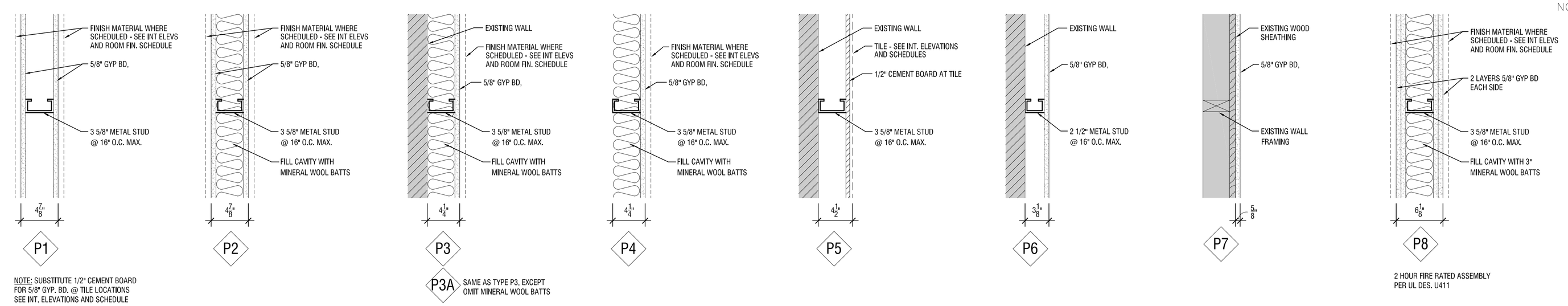
INDICATES EXISTING CMU WALL TO REMAIN. FIELD VERIFY EXTENTS OF ALL EXISTING CMU WALLS



1 A1.1 FLOOR PLAN

SCALE 1/4"=1'-0"

PROJECT NORTH



NOTE: SUBSTITUTE 1/2" CEMENT BOARD FOR 5/8" GYP. BD. @ TILE LOCATIONS SEE INT. ELEVATIONS AND SCHEDULE

2 A1.1 PARTITION TYPES

SCALE: 1 1/2"=1'-0"

Architect
Architect

james dayton design

1515 central street ne t 612. 338.0005
minneapolis, mn 55413 f 612. 338.0141

Structural Engineer

VAA ENGINEERING

2300 Berkshire Lane North
Suite 200
Plymouth, MN 55441

Phone: 763.559.9100
Facsimilie: 763.559.0378

General Contractor

SHERBURNE SLATER CONSTRUCTION

15710 Minnetonka Blvd.
Minnetonka, MN 55345

Phone: 612.655.7450

© 2008

Seal

JAMES G. DAYTON LICENSED ARCHITECT #26013 STATE OF MINNESOTA

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a Registered Architect under the Laws of the State of Minnesota.

Client

PENNY'S COFFEE

800 LAKE STREET E.
WAYZATA, MINNESOTA

ISSUE / REVISION

MARK	DATE	DESCRIPTION
1	12/7/18	SPRINKLERS; MOVE TENANT WALL
2	1/2/19	MISC.

dwg files:

ISSUED FOR CONSTRUCTION
10-17-18

FLOOR PLAN AND PARTITION TYPES

A1.1

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

Main (952) 937-5150
Fax (952) 937-5822

westwoodps.com
(888) 937-5150

MEMORANDUM

Date: January 25, 2019

Re: **Penny's Coffee Parking Study, Wayzata, MN**
File #R0021775.00

To: Foley Schmidt, President, Penny's Coffee

From: Steve Manhart, P.E. PTOE, PTP

Westwood Professional Services has been retained to prepare a parking/traffic study for the Penny's Coffee site proposed for the Cross Creek Shoppes in Wayzata, MN. The purpose of this study is to determine the existing and proposed parking availability to accommodate the coffee shop.

It is our understanding that the City is most concerned with parking availability adjacent to the site of the proposed coffee shop, and has indicated a parking requirement in excess of what is available at the site. Concern has also been raised that customers of the neighboring Starbucks coffee shop will park in the Cross Creek lot and walk next door to buy coffee. An element of this analysis has been to determine the extent to which Cross Creek parking is impacted by Starbucks customers.

Parking Lot Observations

To determine the extent of parking availability, Westwood deployed video cameras at four locations in the shopping center to capture peak parking occupancy and to compare availability in the area of the proposed coffee shop. These cameras were deployed at the center on Friday, January 11th and Saturday, January 12th, 2019. These video cameras captured the number of vehicles parked in the center's parking lots based on time of day.

Once the cameras were retrieved, Westwood staff reviewed the video feeds and tallied the vehicle occupancy and parking availability in the lots. The parking information was collated and analyzed based on time of day.

Westwood looked at two main areas of analysis – the entire parking area of the Cross Creek Shoppes, and also more specifically the northwest corner parking lot nearest the existing Starbucks Coffee shop. Figure 1 illustrates these parking fields analyzed.

Figure 1: Cross Creek Shoppes Study Area, Wayzata, MN

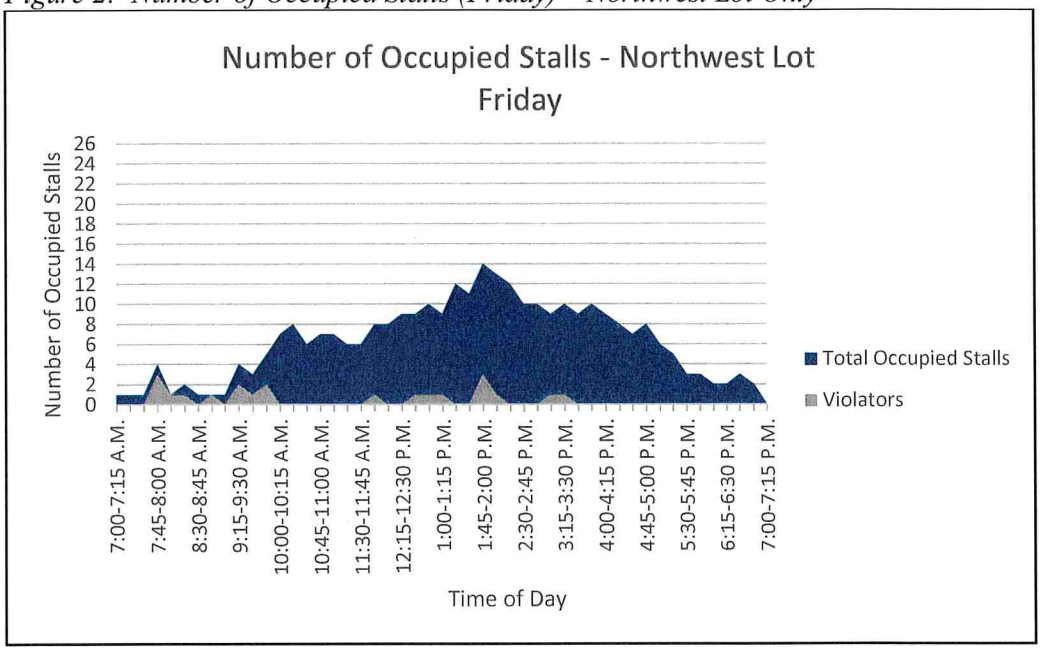
(Source: Westwood Professional Services, and Google Maps,2019)

While tallying overall parking occupancy, Westwood was asked to take note of potential "violators" who park in the Cross Creek Shoppes lot and then walk to the Starbucks Coffee shop. From this analysis, the peak parking occupancy on a typical Friday was 14 stalls which occurred at 2:00 – 2:15 p.m. Of that total, three stalls were occupied by "violators" who parked in the Northwest Lot of Cross Creek Shoppes and then walked to other businesses (e.g., Starbucks, etc.). These findings are shown graphically on Figure 2.

When looking at the overall parking occupancy on that Friday throughout the entire parking fields of Cross Creek Shoppes, the peak parking occupancy is 47 stalls of the potential 85 stalls available. These findings are shown graphically on Figure 3.

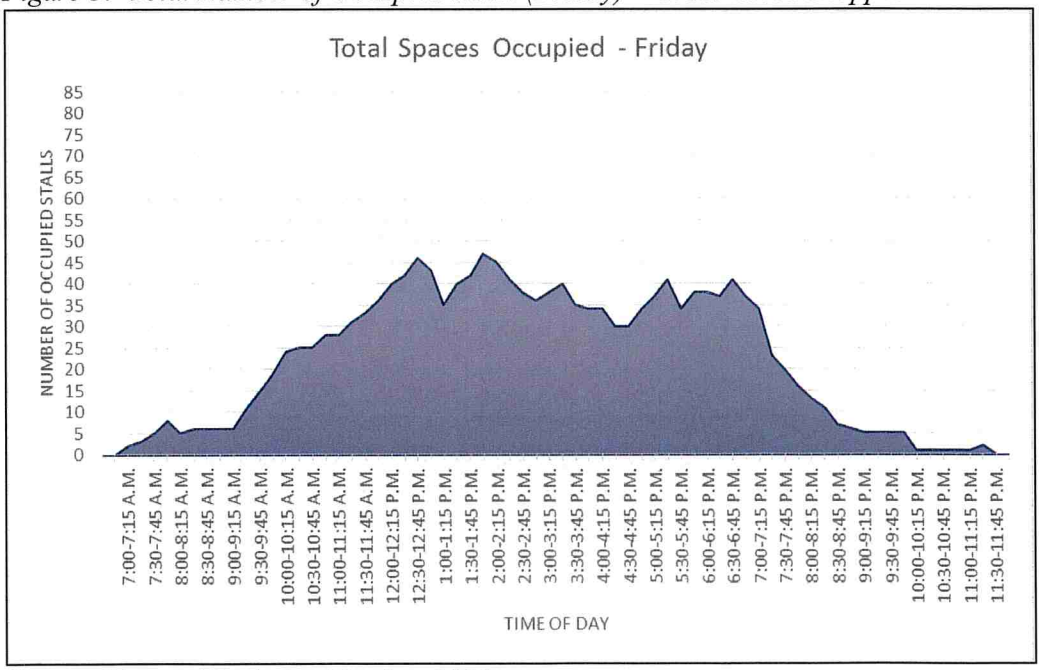
Westwood realizes that Saturday traffic patterns differ from weekday traffic patterns. Thus, parking occupancy was tested for Saturday. Figure 4 shows the Saturday parking occupancy for the Northwest Lot (including "violators"), and Figure 5 shows the total Saturday parking occupancy for the entire center.

Figure 2: Number of Occupied Stalls (Friday) – Northwest Lot Only



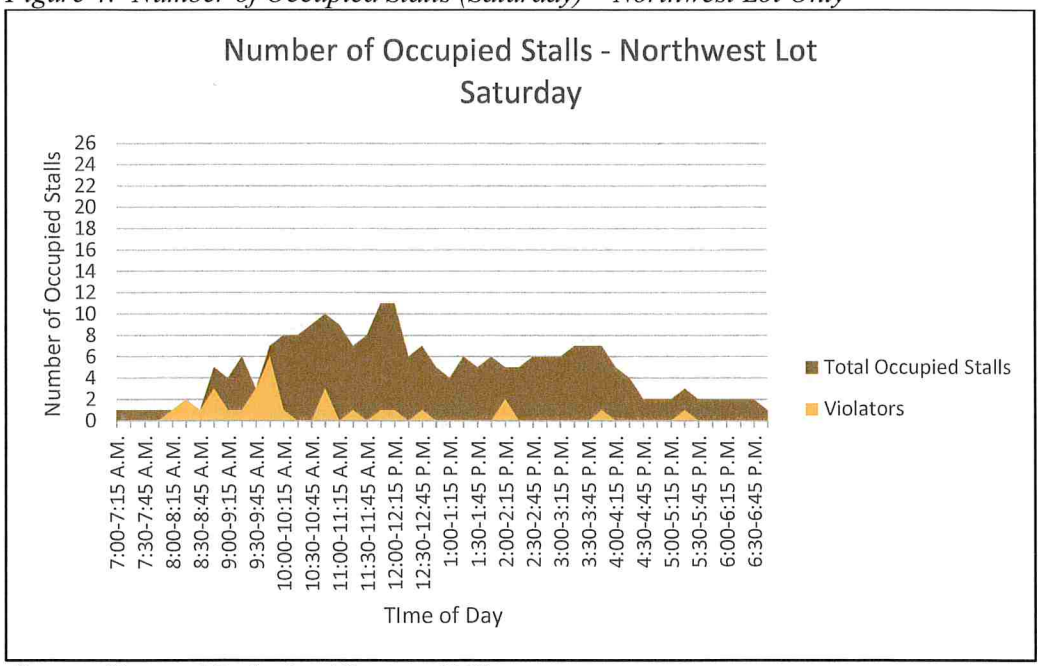
(Source: Westwood Professional Services, 2019)

Figure 3: Total Number of Occupied Stalls (Friday) – Cross Creek Shoppes



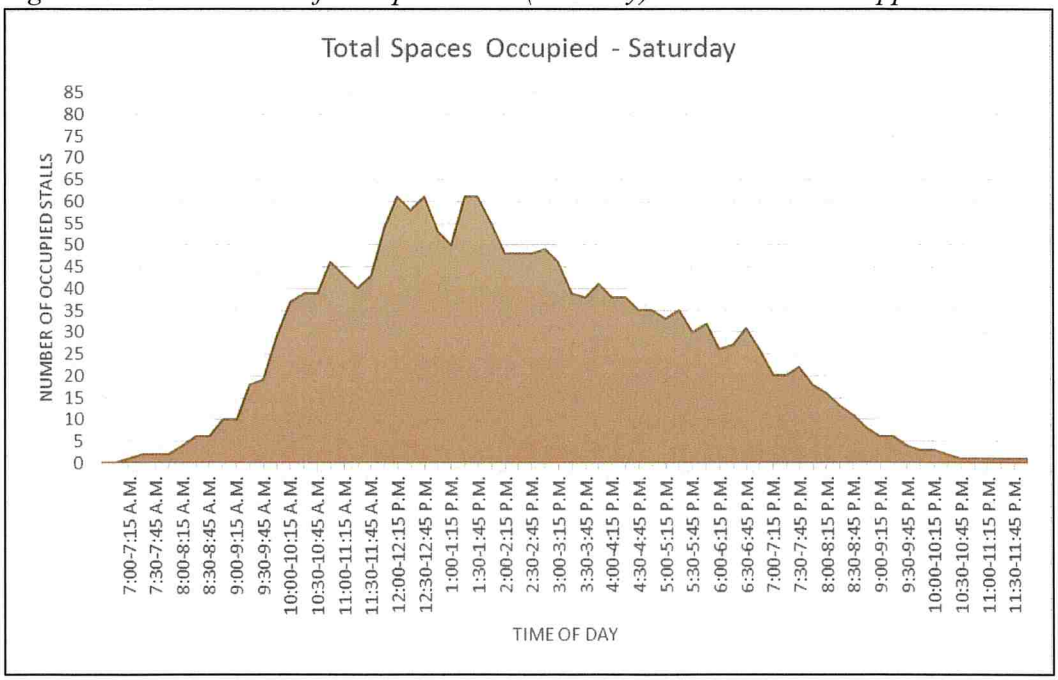
(Source: Westwood Professional Services, 2019)

Figure 4: Number of Occupied Stalls (Saturday) – Northwest Lot Only



(Source: Westwood Professional Services, 2019)

Figure 5: Total Number of Occupied Stalls (Saturday) – Cross Creek Shoppes



(Source: Westwood Professional Services, 2019)

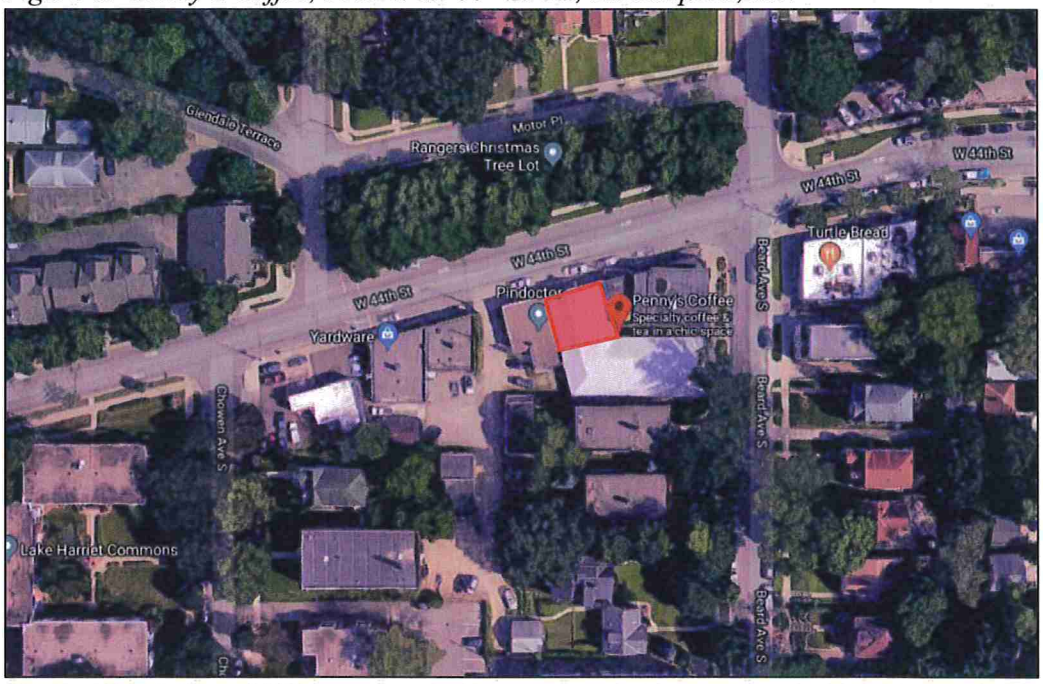
In each case, there are at least 12 stalls available in the Northwest Lot throughout the weekday and at least 38 stalls unoccupied within the entire center throughout the weekday. Similarly, on Saturdays, there are at least 15 stalls available in the Northwest Lot and at least 34 stalls unoccupied throughout the entire center.

There were as many as three parking "violators" in the Northwest Lot recorded on a Friday and as many as six "violators" recorded on a Saturday. If these "violators" were prohibited from parking in the Northwest Lot, the number of available stalls would be even greater.

Coffee Shop Comparison

Penny's Coffee operates an existing coffee shop in the Linden Hills district of Minneapolis at 3509 West 44th Street (See Figure 6). While that location does not have a designated off-street parking lot, there are a few on-street stalls along West 44th Street and along Beard Avenue South. Business hours for the Linden Hills location are 6:00 a.m. to 6:00 p.m.

Figure 6: Penny's Coffee, 3509 West 44th Street, Minneapolis, MN

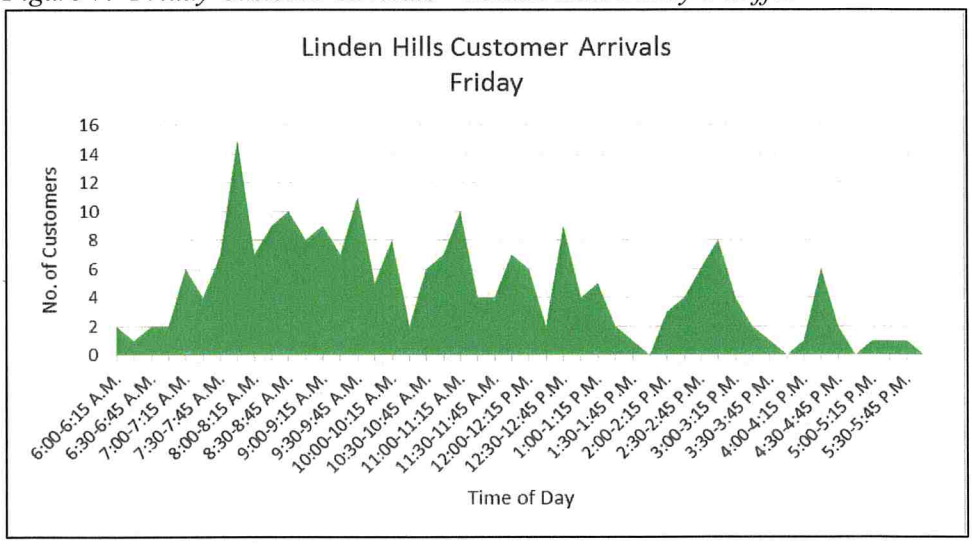


(Source: Google Maps, 2019)

On Friday, January 18th and Saturday, January 19th, 2019, Westwood deployed video cameras near the Linden Hills location. Given the site layout, it was impossible to

accurately record customer parking patterns. Therefore, Westwood observed customer walk-up arrival patterns. Peak hours for customers were recorded between 7:30 – 8:30 a.m. on Friday. Figure 7 illustrates the Friday customer arrivals by time of day.

Figure 7: Friday Customer Arrivals – Linden Hills Penny's Coffee



(Source: Westwood Professional Services, 2019)

On Saturday, the Linden Hills location recorded a peak customer arrival of 32 people between 8:00 and 9:00 a.m. Figure 8 illustrates the Saturday customer arrivals by time of day.

Figure 8: Saturday Customer Arrivals – Linden Hills Penny's Coffee

(Source: Westwood Professional Services, 2019)

Conclusions and Recommendation

While it would be imprudent to draw a direct correlation between the customer arrival patterns of the Linden Hills location to the proposed Wayzata location, one can say a likely peak hour for the coffee shop will be sometime between 7:00 a.m. and 9:00 a.m. during weekdays and sometime between 8:00 a.m. and 10:00 p.m. on Saturdays.

Given these assumptions, it appears there are adequate numbers of unoccupied stalls, both in the Northwest Lot and in the entire Cross Creek Shoppes parking field to accommodate the parking demand of the proposed coffee shop. The period between 7:00 a.m. and 9:00 a.m. on Friday had 22 stalls unoccupied in the Northwest Lot (not counting three that were occupied by "violators"). Similarly, the period between 8:00 and 10:00 a.m. on Saturday had 18 stalls unoccupied in the Northwest Lot.

Therefore, it appears that the Cross Creek Shoppes has adequate parking availability to accommodate the addition of the Penny's Coffee shop. Between the Northwest Lot and the remaining lot space throughout the center, at no time was parking observed to be in short supply.

It would seem prudent to take measures to prohibit those who park in the Cross Creek Shoppes parking lots but do not shop there (i.e., "violators"). Whether through passive signs or active towing service operation, limiting the parking to those who utilize Cross Creek Shoppes will serve to increase the available parking supply.

The full set of findings appears in the Appendix following this report.

APPENDIX

Cross Creek Shoppes Observations

- **Table A-1 – Friday Parking Observations – 01/11/2019**
- **Table A-2 – Saturday Parking Observations – 01/12/2019**

Penny's Coffee Linden Hills Observations

- **Table A-3 – Friday Customer Observations – 01/18/2019**
- **Table A-4 – Saturday Customer Observations – 01/19/2019**

Table A-1 – Friday Parking Observations – 01/11/2019

Time	Vehicle Trips				Violator Parking		Total Spaces	Percent Occupied	Percent Vacant
	East Side		West Side		East Side	West Side			
	Entering	Exiting	Entering	Exiting					
7:00-7:15 A.M.	1	0	1	0	0	0	83	2%	98%
7:15-7:30 A.M.	1	0	0	0	0	0	82	4%	96%
7:30-7:45 A.M.	2	0	0	0	0	0	80	6%	94%
7:45-8:00 A.M.	0	0	1	1	0	3	77	9%	91%
8:00-8:15 A.M.	1	1	0	4	0	1	80	6%	94%
8:15-8:30 A.M.	1	1	0	0	0	1	79	7%	93%
8:30-8:45 A.M.	2	1	0	1	0	0	79	7%	93%
8:45-9:00 A.M.	0	0	0	1	0	1	79	7%	93%
9:00-9:15 A.M.	0	0	0	0	0	0	79	7%	93%
9:15-9:30 A.M.	3	1	2	1	0	2	74	13%	87%
9:30-9:45 A.M.	5	0	0	2	0	1	70	18%	82%
9:45-10:00 A.M.	3	1	1	1	0	2	66	22%	78%
10:00-10:15 A.M.	4	1	3	1	0	0	61	28%	72%
10:15-10:30 A.M.	0	0	2	1	0	0	60	29%	71%
10:30-10:45 A.M.	2	0	1	3	0	0	60	29%	71%
10:45-11:00 A.M.	3	1	2	1	0	0	57	33%	67%
11:00-11:15 A.M.	3	3	1	1	0	0	57	33%	67%
11:15-11:30 A.M.	7	3	0	1	0	0	54	36%	64%
11:30-11:45 A.M.	6	4	1	1	0	0	52	39%	61%
11:45-12:00 P.M.	7	6	1	0	0	1	49	42%	58%
12:00-12:15 P.M.	10	6	2	2	0	0	45	47%	53%
12:15-12:30 P.M.	6	5	1	0	0	0	43	49%	51%
12:30-12:45 P.M.	6	2	0	1	0	1	39	54%	46%
12:45-1:00 P.M.	5	9	2	2	0	1	42	51%	49%
1:00-1:15 P.M.	3	10	1	3	0	1	50	41%	59%
1:15-1:30 P.M.	8	6	3	0	0	0	45	47%	53%
1:30-1:45 P.M.	5	2	2	3	0	0	43	49%	51%
1:45-2:00 P.M.	5	3	2	2	0	3	38	55%	45%
2:00-2:15 P.M.	6	7	2	4	0	1	40	53%	47%
2:15-2:30 P.M.	7	10	0	1	0	0	44	48%	52%
2:30-2:45 P.M.	4	5	0	2	0	0	47	45%	55%
2:45-3:00 P.M.	7	9	0	0	0	0	49	42%	58%
3:00-3:15 P.M.	7	4	0	2	0	1	47	45%	55%
3:15-3:30 P.M.	5	4	1	1	0	1	45	47%	53%
3:30-3:45 P.M.	2	6	2	3	0	0	50	41%	59%
3:45-4:00 P.M.	3	5	2	1	0	0	51	40%	60%
4:00-4:15 P.M.	3	2	1	2	0	0	51	40%	60%
4:15-4:30 P.M.	4	7	0	1	0	0	55	35%	65%
4:30-4:45 P.M.	7	6	0	1	0	0	55	35%	65%
4:45-5:00 P.M.	5	3	1	0	1	0	51	40%	60%
5:00-5:15 P.M.	9	4	1	3	0	0	48	44%	56%
5:15-5:30 P.M.	8	3	1	2	0	0	44	48%	52%
5:30-5:45 P.M.	5	10	0	2	0	0	51	40%	60%
5:45-6:00 P.M.	11	7	0	0	0	0	47	45%	55%
6:00-6:15 P.M.	9	11	1	2	3	0	47	45%	55%
6:15-6:30 P.M.	4	5	0	0	0	0	48	44%	56%
6:30-6:45 P.M.	7	5	1	0	1	0	44	48%	52%
7:45-7:00 P.M.	5	8	0	1	0	0	48	44%	56%
7:00-7:15 P.M.	4	5	0	2	0	0	51	40%	60%
7:15-7:30 P.M.	2	13	0	0	0	0	62	27%	73%
7:30-7:45 P.M.	0	3	0	0	0	0	65	24%	76%
7:45-8:00 P.M.	0	4	0	0	0	0	69	19%	81%
8:00-8:15 P.M.	1	4	0	0	0	0	72	15%	85%
8:15-8:30 P.M.	1	3	0	0	0	0	74	13%	87%
8:30-8:45 P.M.	0	4	0	0	0	0	78	8%	92%
8:45-9:00 P.M.	0	1	0	0	0	0	79	7%	93%

Table A-1 – Friday Parking Observations – 01/11/2019 (Cont'd.)

Time	Vehicle Trips				Violator Parking		Total Spaces	Percent Occupied	Percent Vacant
	East Side		West Side		East Side	West Side			
	Entering	Exiting	Entering	Exiting					
9:00-9:15 P.M.	0	1	0	0	0	0	80	6%	94%
9:15-9:30 P.M.	1	1	0	0	0	0	80	6%	94%
9:30-9:45 P.M.	0	0	0	0	0	0	80	6%	94%
9:45-10:00 P.M.	0	0	0	0	0	0	80	6%	94%
10:00-10:15 P.M.	0	4	0	0	0	0	84	1%	99%
10:15-10:30 P.M.	0	0	0	0	0	0	84	1%	99%
10:30-10:45 P.M.	0	0	0	0	0	0	84	1%	99%
10:45-11:00 P.M.	0	0	0	0	0	0	84	1%	99%
11:00-11:15 P.M.	0	0	0	0	0	0	84	1%	99%
11:15-11:30 P.M.	1	0	0	0	0	0	83	2%	98%
11:30-11:45 P.M.	0	2	0	0	0	0	85	0%	100%
11:45-00:00 A.M.	0	0	0	0	0	0	85	0%	100%

Table A-2 – Saturday Parking Observations – 01/12/2019

Time	Vehicle Trips				Violator Parking		Total Spaces	Percent Occupied	Percent Vacant
	East Side		West Side		East Side	West Side			
	Entering	Exiting	Entering	Exiting					
7:00-7:15 A.M.	0	0	1	0	0	0	84	1%	99%
7:15-7:30 A.M.	1	0	0	0	0	0	83	2%	98%
7:30-7:45 A.M.	0	0	0	0	0	0	83	2%	98%
7:45-8:00 A.M.	0	0	0	0	0	0	83	2%	98%
8:00-8:15 A.M.	2	0	0	1	0	1	81	5%	95%
8:15-8:30 A.M.	1	0	0	1	0	2	79	7%	93%
8:30-8:45 A.M.	1	0	0	2	0	1	79	7%	93%
8:45-9:00 A.M.	0	0	1	0	0	3	75	12%	88%
9:00-9:15 A.M.	1	0	0	2	0	1	75	12%	88%
9:15-9:30 A.M.	6	0	2	1	0	1	67	21%	79%
9:30-9:45 A.M.	4	0	0	6	0	3	66	22%	78%
9:45-10:00 A.M.	6	0	0	2	0	6	56	34%	66%
10:00-10:15 A.M.	8	1	2	2	0	1	48	44%	56%
10:15-10:30 A.M.	3	1	2	2	0	0	46	46%	54%
10:30-10:45 A.M.	2	3	1	0	0	0	46	46%	54%
10:45-11:00 A.M.	7	1	2	4	0	3	39	54%	46%
11:00-11:15 A.M.	2	4	1	2	0	0	42	51%	49%
11:15-11:30 A.M.	2	3	0	3	0	1	45	47%	53%
11:30-11:45 A.M.	2	0	2	1	0	0	42	51%	49%
11:45-12:00 P.M.	10	2	3	1	0	1	31	64%	36%
12:00-12:15 P.M.	9	2	4	5	0	1	24	72%	28%
12:15-12:30 P.M.	8	6	1	6	0	0	27	68%	32%
12:30-12:45 P.M.	5	3	0	0	0	1	24	72%	28%
12:45-1:00 P.M.	6	12	0	2	0	0	32	62%	38%
1:00-1:15 P.M.	5	7	1	2	0	0	35	59%	41%
1:15-1:30 P.M.	13	4	2	0	0	0	24	72%	28%
1:30-1:45 P.M.	**5**	**4**	0	1	**0**	0	24	72%	28%
1:45-2:00 P.M.	2	9	2	1	0	0	30	65%	35%
2:00-2:15 P.M.	6	12	1	4	0	2	37	56%	44%
2:15-2:30 P.M.	3	3	1	1	0	0	37	56%	44%
2:30-2:45 P.M.	10	11	1	0	0	0	37	56%	44%
2:45-3:00 P.M.	5	4	0	0	0	0	36	58%	42%

Table A-2 – Saturday Parking Observations – 01/12/2019 (Cont'd.)

Time	Vehicle Trips				Violator Parking		Total Spaces	Percent Occupied	Percent Vacant
	East Side		West Side		East Side	West Side			
	Entering	Exiting	Entering	Exiting					
3:00-3:15 P.M.	4	7	1	1	0	0	39	54%	46%
3:15-3:30 P.M.	5	13	2	1	0	0	46	46%	54%
3:30-3:45 P.M.	2	3	1	1	0	0	47	45%	55%
3:45-4:00 P.M.	8	5	3	4	0	1	44	48%	52%
4:00-4:15 P.M.	4	5	1	3	0	0	47	45%	55%
4:15-4:30 P.M.	4	3	1	2	0	0	47	45%	55%
4:30-4:45 P.M.	4	5	0	2	0	0	50	41%	59%
4:45-5:00 P.M.	4	4	0	0	0	0	50	41%	59%
5:00-5:15 P.M.	6	8	0	0	0	0	52	39%	61%
5:15-5:30 P.M.	7	6	0	0	0	1	50	41%	59%
5:30-5:45 P.M.	1	5	1	2	0	0	55	35%	65%
5:45-6:00 P.M.	6	4	0	0	0	0	53	38%	62%
6:00-6:15 P.M.	4	10	0	0	0	0	59	31%	69%
6:15-6:30 P.M.	3	2	0	0	0	0	58	32%	68%
6:30-6:45 P.M.	7	3	0	0	0	0	54	36%	64%
7:45-7:00 P.M.	2	6	0	1	0	0	59	31%	69%
7:00-7:15 P.M.	2	8	0	0	0	0	65	24%	76%
7:15-7:30 P.M.	3	3	0	0	0	0	65	24%	76%
7:30-7:45 P.M.	6	4	0	0	0	0	63	26%	74%
7:45-8:00 P.M.	1	5	0	0	0	0	67	21%	79%
8:00-8:15 P.M.	2	4	0	0	0	0	69	19%	81%
8:15-8:30 P.M.	2	5	0	0	0	0	72	15%	85%
8:30-8:45 P.M.	0	2	0	0	0	0	74	13%	87%
8:45-9:00 P.M.	0	3	0	0	0	0	77	9%	91%
9:00-9:15 P.M.	0	2	0	0	0	0	79	7%	93%
9:15-9:30 P.M.	0	0	0	0	0	0	79	7%	93%
9:30-9:45 P.M.	0	2	0	0	0	0	81	5%	95%
9:45-10:00 P.M.	0	1	0	0	0	0	82	4%	96%
10:00-10:15 P.M.	0	0	0	0	0	0	82	4%	96%
10:15-10:30 P.M.	0	1	0	0	0	0	83	2%	98%
10:30-10:45 P.M.	0	1	0	0	0	0	84	1%	99%
10:45-11:00 P.M.	0	0	0	0	0	0	84	1%	99%
11:00-11:15 P.M.							84	1%	99%
11:15-11:30 P.M.							84	1%	99%
11:30-11:45 P.M.							84	1%	99%
11:45-00:00 A.M.							84	1%	99%

Table A-3 – Linden Hills
Friday Customer Observations
01/18/2019

Time	Enter	Exit
6:00-6:15 A.M.	2	
6:15-6:30 A.M.	1	
6:30-6:45 A.M.	2	
6:45-7:00 A.M.	2	
7:00-7:15 A.M.	6	2
7:15-7:30 A.M.	4	2
7:30-7:45 A.M.	7	5
7:45-8:00 A.M.	15	7
8:00-8:15 A.M.	7	4
8:15-8:30 A.M.	9	4
8:30-8:45 A.M.	10	4
8:45-9:00 A.M.	8	3
9:00-9:15 A.M.	9	6
9:15-9:30 A.M.	7	6
9:30-9:45 A.M.	11	9
9:45-10:00 A.M.	5	8
10:00-10:15 A.M.	8	1
10:15-10:30 A.M.	2	0
10:30-10:45 A.M.	6	0
10:45-11:00 A.M.	7	1
11:00-11:15 A.M.	10	3
11:15-11:30 A.M.	4	3
11:30-11:45 A.M.	4	4
11:45-12:00 P.M.	7	6
12:00-12:15 P.M.	6	6
12:15-12:30 P.M.	2	5
12:30-12:45 P.M.	9	2
12:45-1:00 P.M.	4	9
1:00-1:15 P.M.	5	10
1:15-1:30 P.M.	2	6
1:30-1:45 P.M.	1	2
1:45-2:00 P.M.	0	3
2:00-2:15 P.M.	3	7
2:15-2:30 P.M.	4	10
2:30-2:45 P.M.	6	5
2:45-3:00 P.M.	8	9
3:00-3:15 P.M.	4	4
3:15-3:30 P.M.	2	4
3:30-3:45 P.M.	1	6
3:45-4:00 P.M.	0	5
4:00-4:15 P.M.	1	2
4:15-4:30 P.M.	6	7
4:30-4:45 P.M.	2	6
4:45-5:00 P.M.	0	3
5:00-5:15 P.M.	1	4
5:15-5:30 P.M.	1	3
5:30-5:45 P.M.	1	10
5:45-6:00 P.M.	0	7

Table A-4 – Linden Hills
Saturday Customer Observations
01/19/2019

Time	Enter	Exit
6:00-6:15 A.M.	1	
6:15-6:30 A.M.	2	
6:30-6:45 A.M.	1	
6:45-7:00 A.M.	2	
7:00-7:15 A.M.	2	0
7:15-7:30 A.M.	1	0
7:30-7:45 A.M.	3	0
7:45-8:00 A.M.	3	0
8:00-8:15 A.M.	6	1
8:15-8:30 A.M.	11	1
8:30-8:45 A.M.	8	1
8:45-9:00 A.M.	7	0
9:00-9:15 A.M.	4	0
9:15-9:30 A.M.	9	1
9:30-9:45 A.M.	7	0
9:45-10:00 A.M.	10	1
10:00-10:15 A.M.	3	1
10:15-10:30 A.M.	5	0
10:30-10:45 A.M.	1	0
10:45-11:00 A.M.	4	1
11:00-11:15 A.M.	1	3
11:15-11:30 A.M.	1	3
11:30-11:45 A.M.	6	4
11:45-12:00 P.M.	2	6
12:00-12:15 P.M.	5	6
12:15-12:30 P.M.	1	5
12:30-12:45 P.M.	5	2
12:45-1:00 P.M.	7	9
1:00-1:15 P.M.	4	10
1:15-1:30 P.M.	4	6
1:30-1:45 P.M.	0	2
1:45-2:00 P.M.	1	3
2:00-2:15 P.M.	5	7
2:15-2:30 P.M.	5	10
2:30-2:45 P.M.	5	5
2:45-3:00 P.M.	2	9
3:00-3:15 P.M.	3	4
3:15-3:30 P.M.	0	4
3:30-3:45 P.M.	6	6
3:45-4:00 P.M.	2	5
4:00-4:15 P.M.	5	2
4:15-4:30 P.M.	3	7
4:30-4:45 P.M.	4	6
4:45-5:00 P.M.	3	3
5:00-5:15 P.M.	2	4
5:15-5:30 P.M.	3	3
5:30-5:45 P.M.	2	10
5:45-6:00 P.M.	0	7