

WAYZATA PLANNING COMMISSION

Meeting Agenda

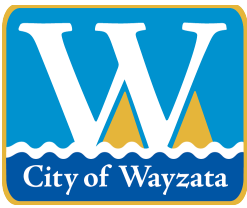
Wayzata City Hall Community Room, 600 Rice Street
Wednesday, September 4, 2019
6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
 - a. Approval of August 19, 2019 Meeting Minutes
 - b. Adoption of the Planning Commission Report and Recommendation for Approval of a Two Lot Subdivision at 153 Peavey Lane
- 5. Old Business Items**
- 6. Public Hearing Items**
 - a. Consider the Development Application for a West Side-Yard Setback Variance at 1107 Lasalle Street
- 7. Other Items**
 - a. Review of Development Activities
 - b. August 20 and September 3 City Council Meeting Reports
 - c. Planning Commissioner Liaison for the September 17 City Council Meeting
- 8. Adjournment**

Upcoming Meetings:

Planning Commission - September 16, 2019
City Council - September 17, 2019

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 4.a.
TITLE: Approval of August 19, 2019 Meeting Minutes	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

City staff recommends that the Planning Commission approve the draft minutes.

ATTACHMENTS:

1. August 19, 2019 Draft PC Meeting Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
August 19, 2019**

AGENDA ITEM 1. Call to Order

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

AGENDA ITEM 2. Roll Call

Present at roll call were Commissioners: Douglas, Merriam, Flannigan, Plantan, Iverson and Bashioum. Absent: Parkhill. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Plantan made a motion, seconded by Commissioner Iverson, to approve the August 19, 2019 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of August 5, 2019 Meeting Minutes

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

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

AGENDA ITEM 5. Old Business Items:

a.) Consider the Development Application for the Highcroft North Two Lot Subdivision at 153 Peavey Lane

Assistant Planner Nick Kieser stated that the applicant, Peavey Lane LLC, has submitted a development application to subdivide the property at 153 Peavey Lane. The Planning Commission denied a three-lot subdivision application in October of 2018. In late 2018, the Planning Commission and City Council reviewed a two-lot subdivision for 153 Peavey Lane that was

1 ultimately denied at the December 18, 2018 City Council Meeting. The new applicant has made
2 changes to the location of the lot split and the location of the potential building pads for the new
3 houses since the previous development application. The current development application went to
4 the July 15, 2019 Planning Commission meeting and a public hearing was held. After the Planning
5 Commission review, a motion to direct staff to prepare a report and recommendation of approval
6 failed (3-3), and the Commission adopted a motion (6-0) to table action on the application for the
7 purpose of getting a majority vote on a recommendation to the City Council. Due to the absence
8 of one Commissioner at the August 5, 2019 meeting, the application was tabled again for the same
9 purpose. Mr. Kieser stated that there have been a number of public comments received by the City
10 subsequent to the last meeting that have been provided to the Commissioners for their review.

11
12 Chair Flannigan asked the Commission for their comments regarding the application.

13
14 Commissioner Douglas stated that she appreciates the work that the applicant has done on the
15 application. She liked the two-lot subdivision and that both homes will be facing the direction of
16 the school. She added that the right of ways will make the lots appear a little bit larger. She stated
17 that the letters from the neighbors closest to the lots have indicated their support of the current
18 project. She ended by stating that two moderately sized homes make more sense than having one
19 tremendous house, which would be required to justify the cost of the lot.

20
21 Commissioner Bashioum stated that adding the utility easements to the square footage of the
22 applications lots is not a fair comparison to the neighboring lots unless the easements are added to
23 those lots as well. She stated that Sherry Smith, 133 Peavey Lane, knocked down a duplex and
24 built a beautiful single-family home. She questioned how the cascading lot splits moving down
25 the street will affect neighborhood properties. She read an excerpt from Sherry Smith's letter dated
26 July 12, "The eight homes on the north side of Peavey Lane all face south, are equally spaced
27 apart, have similar setbacks, and are consistent to one another. The proposed lots both face west,
28 and the space between the building pads is significantly closer than the rest of the homes. It is our
29 responsibility to maintain the neighborhood and be mindful about long term goals of the
30 community to ensure that judgements are made with responsibility." Commissioner Bashioum
31 added that this is with an eye to financial gain. She ended by stating that she believes the lot split
32 is non-compliant with the Subdivision Ordinance criteria that City Council mentioned in their
33 previous denial, code section numbers five through seven.

34
35 Commissioner Iverson stated that over her years on the Planning Commission, she has noticed a
36 trend of neighbors feeling beat up through the process of development. She added that many of
37 the letters received were in support of the application, but often included statements leading
38 Commissioner Iverson to conclude the decision was to avoid an even larger development. She
39 stated that the length of the process has possibly led the neighbors to center their decision based
40 on the "lesser of two evils". She wants the community to know that the Commissioners take the
41 Subdivision Ordinance plat criteria seriously, and she doesn't think the application meets criteria
42 five, six, and seven. She added that there are areas in the City where increased density may be
43 more appropriate, but she doesn't believe that it is appropriate in this neighborhood. She stated
44 that a drive through the neighborhood shows large front and back yards as wells as a large amount
45 of space between the homes. The density proposed in the application is completely out of line
46 with the rest of the neighborhood's density. She believes that Wayzata needs to preserve their

1 larger lots, allowing the increased density may spread and a neighborhood of ten may become a
2 neighborhood of 24 with all of the beautiful old ramblers gone. She feels that one home on the
3 current lot is appropriate. She doesn't believe the notion that the home would be so large that it
4 takes over the neighborhood. She added that the market will dictate what the house will be worth.
5 She asked the City Council to really consider the precedent that approving this type of development
6 would set. She is upset to see the neighborhood put in the position that they are dealing with. She
7 continues to be opposed to the subdivision.

8
9 Commissioner Plantan stated that she had nothing to add.

10
11 Commissioner Merriam stated that she continues to be able to support the project. She added that
12 the neighbor closest to the development, 151 Peavey Lane, has given their approval of the project.
13 She would like to see that an appropriate amount of screening is added to protect the neighboring
14 property.

15
16 Commissioner Iverson asked if the application gets approved, if there was a way to assure that the
17 landscaping would be completed with appropriate screening. She added that verbal agreements
18 from contractors does not assure that screening is completed. She urged the City Council to add a
19 condition of approval, if they choose to approve the application, that screening is required.

20
21 Chair Flannigan asked for a motion on the application.

22
23 Commissioner Bashioum made a motion, seconded by Commissioner Iverson, to direct staff to
24 prepare a report and recommendation, with appropriate findings, reflecting a recommendation of
25 denial on the application at 153 Peavey Lane for review and adoption at the next Planning
26 Commission meeting. The motion failed 2 ayes and 4 nays (Douglas, Flannigan, Plantan,
27 Merriam).

28
29 Commissioner Plantan asked if there was a tree removal plan with the application.

30
31 Assistant Planner Keiser stated that there wasn't a tree removal plan required as part of the
32 subdivision application.

33
34 Chair Flannigan asked if there would be a requirement for a landscape plan as part of the
35 development plan.

36
37 Assistant Planner Keiser stated that a landscape plan is not a requirement since the applicant plans
38 on removing less than 25% of the trees on the site.

39
40 Chair Flannigan asked if a landscape plan could be added as a condition.

41
42 City Attorney Schelzel stated that any recommendation of approval could include a condition
43 reasonably related to the approval criteria, such as a landscape plan that would screen the property
44 to the east.

Commissioner Iverson asked for the City Council to get information regarding the type and number of trees that are slated to be removed from the right of way.

Assistant Planner Keiser stated that he would get that information for the City Council's consideration.

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation of approval of the concurrent preliminary and final plat subdivision to subdivide the existing lot into two lots, with the following conditions: building pads and the setbacks are as submitted with the application, and a tree removal and replacement plan and landscaping plan that is compliant with City Code that also includes screening for the property to the east, shall be submitted for review and adoption at the next Planning Commission meeting. Commissioner Bashioum noted that the tree removal and replacement plan should include all trees removed with the demolition of the existing house on the property, which occurred today. The motion carried 4 ayes and 2 nays (Bashioum and Iverson).

AGENDA ITEM 6. Public Hearing Items:

a.) None

AGENDA ITEM 7. Other Items:

a.) Review of Development Activities

Assistant Planner Kieser stated that a number of development applications have been received by the City and are at various stages of review by staff. These applications include requests for variances, a mixed used PUD concept plan, conditional use permits, and a Zoning Ordinance text amendment.

b.) August 7th City Council Meeting Report

Commissioner Bashioum provided a report on the August 7th City Council meeting and highlighted that Community Development Director, Emily Goellner, was introduced at the City Council. The Consent agenda was approved. The Council upheld the denial of the sign area in non-conforming use variance at 1421 Wayzata Boulevard East and tabled the PUD concept plan at 215 Walker Avenue South until the next City Council meeting. The fire department blood drive was August 12. A community open house for Lake Effect is scheduled for August 27th from 5:00 to 7:00 p.m. The reconfigured Wayzata Boulevard traffic signals should be fully installed by the end of the month.

c.) Planning Commissioner Liaison for the September 3 City Council Meeting

Commissioner Douglas stated that she is planning on attending the September 3 meeting, and will provide a report at the next Planning commission meeting.

Community Development Director Emily Goellner noted that Commissioner Merriam is scheduled to attend the August 20, 2019 City Council Meeting.

Commissioner Merriam stated that she would attend the meeting.

AGENDA ITEM 8. Adjournment.

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

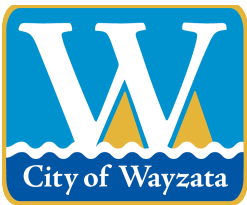
Commissioner Iverson made a motion, seconded by Commissioner Plantan, to adjourn the Planning Commission meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Jenny Groess

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 4.b.
TITLE: Adoption of the Planning Commission Report and Recommendation for Approval of a Two Lot Subdivision at 153 Peavey Lane	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: October 3, 2019	

BACKGROUND:

The applicant, Peavey Lane LLC, has submitted a development application to subdivide the property at 153 Peavey Lane. The applicant is proposing to subdivide the one existing property into two single-family residential lots. Attached is a staff report for additional information on the preliminary and final plat subdivision.

This development application went to the July 15th, 2019 Planning Commission meeting and a public hearing was held. After the Planning Commission review, there was a split vote (3-3) on this application for approval and denial. The Commission then approved to table this application for the purpose of getting a majority vote on a recommendation to the City Council.

The application then went to the Planning Commission meeting on August 19, 2019. At this meeting, the Planning Commission reviewed the plans and voted four (4) in favor and two (2) opposed to direct staff to prepare a report and recommendation for approval of the development application.

The Commission included a condition that additional tree and landscaping information be provided to demonstrate compliance with City Code requirements and to show additional screening to the east. Supplemental tree information is attached. The applicant is developing a landscaping plan for the City Council meeting that shows the recommended screening to the east.

ACTION REQUESTED:

City staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application based on the findings discussed by the Commission.

ATTACHMENTS:

1. PC Report and Recommendation, Supplemental Tree Information



WAYZATA PLANNING COMMISSION

September 4, 2019

REPORT AND RECOMMENDATION OF APPROVAL OF SUBDIVISION AT 153 PEAVEY LANE (HIGHCROFT NORTH)

SUMMARY OF RECOMMENDATIONS

1. **Approval*** of Proposed Preliminary and Final Plat for two lot residential subdivision

** with certain conditions listed at the end of this Report*

REPORT

Section 1. BACKGROUND

- 1.1 **Project.** The applicant and property owner, Peavey Lane LLC, (the “Applicant”) has submitted a development application to subdivide the current single lot at 153 Peavey Lane (the “Property”) into two new lots (the “Application”). In late 2018, the Planning Commission and City Council reviewed a different two lot subdivision application for the Property that was denied at the December 18, 2018 City Council Meeting. The Applicant’s current plans are to demolish the current three-family residential home on the Property and construct two new single family homes on two new lots (the “Project”). The plans submitted with the Application depict the location of house pads (the “Proposed House Pads”) and driveways entrances for each of the new lots. The Proposed House Pads would comply with all requirements of the R-3 Zoning District, including setbacks, lot coverage, and impervious surface.
- 1.2 **Approval Requested.** The approval requested in the Application is for the following:
 - A. **Preliminary and Final Plats.** Simultaneous review and approval of preliminary and final plats to subdivide the Property from a single lot into two single-family lots, as shown on Attachment A hereto (the “Proposed Subdivision” and “Preliminary and Final Plats”).

- 1.3 Property. The street address, property identification number and owner of the Property are:

Address	PID	Owner
153 Peavey Lane	01-117-23-42-0001	Peavey Lane, LLC

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

Zoning:	R-3 Single and Two Family Residential District
Comp plan	Medium Density Multiple Family
Overlay districts:	None

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on July 5, 2019. A copy of the notice was mailed to all property owners located within 350 feet of the subject property on July 5, 2019. The public hearing on the Application was held at the July 15, 2019, Planning Commission meeting.

Section 2. STANDARDS

2.1 Subdivision / Preliminary and Final Plat.

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. The City may agree to review the preliminary and final plat simultaneously. Chapter 1003.03.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1003.02.E.:
 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
 4. Existing stands of significant trees shall be retained where

possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

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

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision and Zoning Ordinances, the Planning

Commission of the City of Wayzata makes the following findings of fact:

3.1 Subdivision / Preliminary and Final Plat.

- A. City review of the Preliminary and Final Plat simultaneously is appropriate under City Code Section 1003.03.A.
- B. The Planning Commission finds that there would be no significant adverse effects of the Proposed Subdivision based upon the following factors found in Section 1003.02.E:
 - 1. The Proposed Subdivision is consistent with the Wayzata Comprehensive Plan, which guides the Property to Medium Density Multiple Family Residential, which is inclusive of single family residential uses.
 - 2. The Proposed Building Pads will not impact sensitive natural, scenic, historic or community assets.
 - 3. The Proposed Building Pads will respect natural topography of the Property, and minimize filing and grading.
 - 4. Existing stands of significant trees will be retained where possible as part of the Project, and the Proposed Building Pads will be sensitively integrated into existing trees on the Property. No replacement trees would be required for the Project under the Tree Preservation Ordinance, but the Planning Commission would recommend that the Applicant submit a comprehensive landscaping plan to address impacts to the existing tree counts on the Property, and to provide natural screening for adjacent residential property.
 - 5. The Proposed Subdivision will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and would generally maintain the existing scale, pattern and character in the area around the Property. The Property is located on a corner and entrance to a residential neighborhood, with adjacent uses that include an arterial street and school. The Proposed Subdivision would help provide a transition and buffer to the Peavey Lane and Highcroft neighborhoods, and add to the housing stock in the City. The reconfiguration of the building pads and the lot split line in the Application from the previous application better fits with the homes along Peavey Lane.
 - 6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character, as noted above in this Report.

7. The lot sizes resulting from the Proposed Subdivision are not dissimilar to the variety of nearby lots, and any negative impacts of their dissimilarities are lessened by the fact the Property is a transitional, corner lot, at the entrance to residential neighborhoods, and there is significant right of way on the side of the Property that faces Peavey Road.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residences are not known at this time. The Applicant has stated that the residences will be an improvement over existing conditions, and that they will be similar to the characteristics and high quality of those in the surrounding residential neighborhood.
9. The Design Standards outlined in the Wayzata Zoning Ordinance do not apply to the Property.
10. The Proposed Subdivision is unlikely to have a negative effect on the values of neighboring properties in the area.
11. The Proposed Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Proposed Subdivision and Preliminary and Final Plats, subject to the following conditions:
 - A. The Applicant must prepare and implement a detailed landscaping plan that has the approval of the City Forester to (i) help address the impacts of tree loss on the Property resulting from the Project, and (ii) provide a natural buffer and screening with adjacent residential property.
 - B. The principal building foundation of the homes built as part of the Project must be constructed entirely within the Proposed Building Pads.
 - C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 4th day of September 2019.

Chair, Planning Commission

Voting For the Findings and Recommendation of Approval in this Report:

Voting Against:

Abstaining:

Attachment A

(the "Preliminary and Final Plats")

HIGHCROFT NORTH

R.T. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Peavey Lane, LLC, a Minnesota limited liability company, owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lot 1, Block 1, FERNDALE ADDITION

Has caused the same to be surveyed and platted as HIGHCROFT NORTH and do hereby dedicate to the public for public use forever the drainage and utility easements as created on this plat.

In witness whereof said Peavey Lane, LLC, a Minnesota limited liability company, has cause these presents to be signed this _____ day of _____, 20____.

Lori Scrum, President

STATE OF MINNESOTA
COUNTY OF _____

The instrument was acknowledged before me this _____ day of _____, 20____ by Lori Scrum, President of Peavey Lane, LLC, a Minnesota Limited Liability Company.

Notary Public, _____ County, Minnesota

Notary Printed Name

My Commission Expires: _____

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

Dated this _____ day of _____, 20____.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 20____ by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires: _____

WAYZATA, MINNESOTA

This plat of HIGHCROFT NORTH was approved and accepted by the City Council of the City of Wayzata, Minnesota at a regular meeting held this _____ day of _____, 20____ and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF WAYZATA, MINNESOTA

By: _____ Mayor By: _____ City Clerk

RESIDENT AND REAL ESTATE SERVICES,
HENNEPIN COUNTY, MINNESOTA

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

Mark V. Chapin, County Auditor

By: _____ Deputy

SURVEY DIVISION
HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor

By: _____

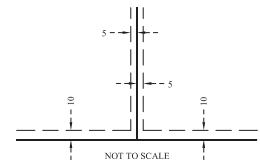
REGISTRAR OF TITLES
HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of HIGHCROFT NORTH was filed in this office this _____ day of _____, 20____ at _____ o'clock _____ M.

Martin McCormick, Registrar of Titles

By: _____ Deputy

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



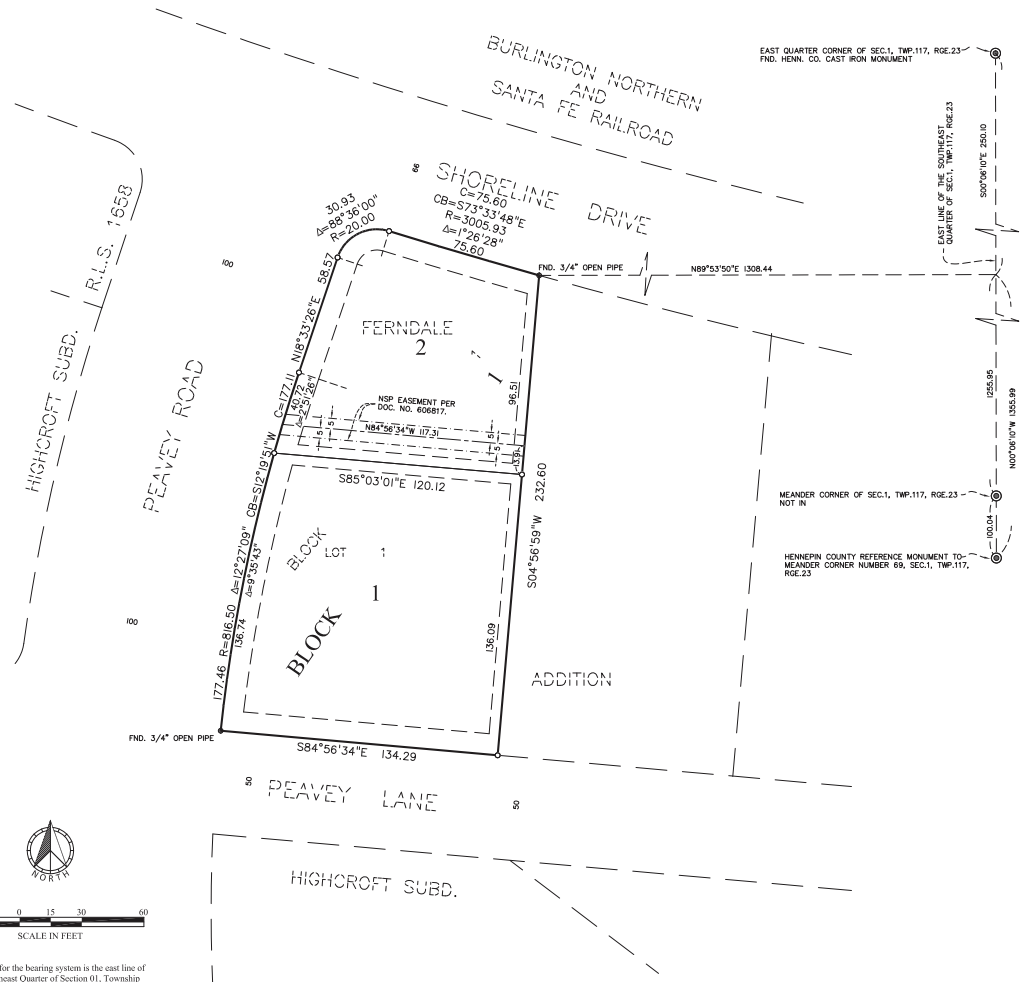
Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



30 15 0 15 30 60
SCALE IN FEET

The basis for the bearing system is the east line of the Southeast Quarter of Section 01, Township 117, Range 23, which is assumed to bear South 00 degrees 06 minutes 10 seconds East

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344
- Denotes a 3/4 inch open pipe found
- ⊙ Denotes a Found Cast-Iron-Monument, unless otherwise denoted



SATHRE-BERGQUIST, INC.

153 Peavey
Trees
8-27-19

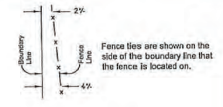
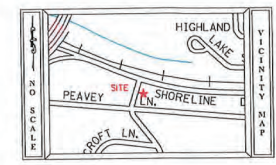
DESCRIPTION OF PROPERTY SURVEYED
Lot 1, Block 1, Ferndale Addition, Hennepin County, Minnesota

STANDARD NOTES

- Site Address: 153 Peavey Lane, Wayzata, MN 55391
 - A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted herein.
 - Parcel Area Information: Gross Area: 28,808 s.f. ~ 0.665 acres
 - Remark: Elevations are based on City of Wayzata benchmark. Top of up nail of fire hydrant at northwest corner of Peavey Lane and Peavey Road which has an elevation of 923.40 feet (NOVD90).
 - Survey Information: The current zoning for the subject property is R-3 (Single and Two Family Residential District) per the City of Wayzata's zoning map dated April 28, 2015. The subject, height, and floor space area restrictions for said zoning district are as follows:
 Principal Structure Setback: Front: 30 feet
 Side: 10 feet
 Rear: 10 feet
 Height: 30 feet or two and a half stories
 Impervious Surface: 35 percent of lot area; Building Coverage: 30 percent of lot area
- Accessory Structure Setback: Front: 20 feet
 Side: 5 feet
 Rear: 5 feet
- Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.
- We have not received the current zoning classification and building setback requirements from the issuer.
- Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may be other utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-541-0002.
 - Grading must maintain a minimum 2% slope gradient to accommodate positive drainage.
 - All lot set lines are returned to boundaries of a foot and can be used as benchmarks for construction.
 - The proposed driveway shown to the east of the subject property is shown to the east of the subject property and does not purport to show exactly how the driveway should be built.
 - Proposed grades shown adjacent to building foundation refer to top of black dots.
 - Verify sanitary service invert prior to any concrete work.

Tree Inventory

Tree #	Species	DBH	Condition	Stems	Heritage
1	Ash, green	23.5	Good	1	No
2	Ash, green	20.0	Good	1	No
3	Elm, Siberian	10.0	Good	1	No
4	Ash, green	21.5	Good	1	No
5	Spruce, white	8.5	Poor	1	No
6	Ash, green	19.5	Good	1	No
7	Ash, green	18.5	Good	1	No
8	Ash, green	11.5	Good	1	No
9	Ash, green	12.5	Good	1	No
10	Treeline	28.0	Fair	4	No
11	Arbutus	29.0	Fair	6	No
12	Arbutus	9.0	Fair	1	No
13	Elm, Siberian	13.5	Good	1	No
14	Elm, Siberian	11.5	Fair	1	No
15	Ash, green	14.0	Good	1	No
16	Ash, green	25.0	Fair	3	Yes
17	Elm, American	9.0	Good	1	No
18	Ash, green	12.0	Good	1	No
19	Boxelder	8.0	Good	1	No
20	Ash, green	8.0	Good	1	No
21	Elm, Siberian	23.0	Fair	1	No
22	Boxelder	25.5	Fair	1	No
23	Ash, green	22.5	Good	1	No
24	Elm, Siberian	18.0	Good	1	No
25	Ash, green	28.0	Fair	1	Yes
26	Ash, green	20.5	Good	1	No



SURVEY LEGEND

- CAST IRON MONUMENT
 - CATCH BASIN
 - FLARED END SECTION
 - GATE VALVE
 - LOC. LOWEST OPENING ELEV.
 - GUY WIRE
 - HYDRANT
 - SURVEY MONUMENT SET
 - SURVEY MONUMENT FOUND
 - SURVEY CONTROL POINT
 - LIGHT POLE
 - POWER POLE
 - SANITARY MANHOLE
 - SANITARY CLEANOUT
 - SIGN
 - GROUND ELEVATION
 - STORM DRAIN
 - STORM MANHOLE
 - YARD LIGHT
 - A/C UNIT
 - WELL
- WIDE WALKOUT ELEVATION
 - FIRST FLOOR ELEVATION
 - GARAGE FLOOR ELEVATION
 - TOP 100' OF FOUNDATION ELEV.
 - LOC. LOWEST OPENING ELEV.
 - CABLE TV PRESTAL
 - ELECTRIC TRANSFORMER
 - ELECTRIC MANHOLE
 - ELECTRIC METER
 - GAS METER
 - GAS VALVE
 - HAND HOLE
 - SOL. BORING
 - TREE CONIFEROUS
 - TREE DECIDUOUS
 - TELEPHONE MANHOLE
 - TELEPHONE PEDESTAL
 - TRAFFIC SIGNAL
 - UTILITY MANHOLE
 - UTILITY PEDESTAL
- RETAINMENT
 - BUILDING SETBACK LINE
 - STY. CABLE TV
 - CONCRETE CURB
 - CORNER EXISTING
 - CORNER PROPOSED
 - GUARD RAIL
 - ST
 - ELECTRIC UNDERGROUND
 - FENCE
 - FIBER OPTIC UNDERGROUND
 - GAS UNDERGROUND
 - OVERHEAD UTILITY
 - RAILROAD TRACKS
 - SANITARY SEWER
 - STORM SEWER
 - TELEPHONE UNDERGROUND
 - UTILITY UNDERGROUND
 - WATERMAIN

removed
for demo -
Approved by
City for
Demo Permit.

FIELD CREW	NO.	BY	DATE	REVISION
LARS				
BRADY				
CHIT				
CHECKED				
DATE				
DATE				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY REVEAL SATHRE-BERGQUIST, INC.'S RESERVES ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 8th day of January, 2019.
 David B. Pemberton, PLS
 Minnesota License No. 40344
 pemberton@satbre.com

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

TWP-117-RGE-23-SEC-01
 Hennepin County
 Wayzata
 Minnesota

Certificate of Survey
 PREPARED FOR:
 Regency Homes
 1
 1



DEVELOPER
BLVD Properties, LLC
650 Bank Lake Blvd
Anoka, MN 55301
Attn: Lori Summ
Tel: 763-425-9900
Email: lori@blvdproperties.com

ENGINEER AND SURVEYOR
APPLICANT
Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391
Engineer: Bob Mohrad
Email: Bob.Mohrad@sathre.com
Lead Surveyor: David Penberth
Email: David.Penberth@sathre.com
Tel: 952-476-6000

DESCRIPTION OF PROPERTY SURVEYED
Lot 1, Block 1, Female Addition, Hennepin County, Minnesota.

STANDARD NOTES

- Site Address:** 153 Peavey Lane, Wayzata, Minnesota 55391
- Flood Zone Information:** This property appears to lie in Zone X (Area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27050C0007, effective date of November 4, 2016.
- Parcel Area Information:** Gross Area: 28,946 s.f. ~ 0.665 acres
- Benchmark:** Elevations are based on City of Wayzata benchmark: Top of top nut of fire hydrant at southeast corner of Peavey Lane and Peavey Road which has an elevation of 973.40 feet (NGVD29).
- Zoning Information:** The current Zoning for the subject property is R-3 (Single and Two Family Residential District). The setback, height, and floor space area restrictions for said zoning district are as follows:
Principal Structure Setbacks: - Street: 20 feet
Side: 10 feet
Rear: 20 feet
Height: 30 feet ~ 2-1/2 stories
Handover: 35 percent of lot area
Lot Coverage: 30 percent of lot area
Accessory Structure Setbacks: - Front: 20 feet
Side: 5 feet
Rear: 5 feet

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and handover data for planning and design must be verified by designers, architect or the client.

We have not received the current zoning classification and building setback requirements from the town.

Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Copper State One Call for this survey. There may or may not be underground utilities in the proposed area, therefore extreme caution must be exercised before any excavations take place on or near this site. Before digging, you are required by law to notify Copper State One Call at least 48 hours in advance at 651-436-6002.

TREE SURVEY SUMMARY

Tree #	Species	DBH	Condition	Stems	Heritage	Saved	Removed
1	Ash, green	23.5	Good	1		23.5	
2	Ash, green	20.0	Good	1			20.0
4	Ash, green	21.5	Good	1		21.5	
6	Ash, green	19.5	Good	1		19.5	
7	Ash, green	18.5	Good	1		18.5	
8	Ash, green	11.5	Good	1		11.5	
9	Ash, green	12.5	Good	1		12.5	
10	Treilac	38.0	Fair	4		38.0	
11	Arborvitae	25.0	Fair	6	Yes	25.0	
12	Arborvitae	14.0	Fair	1		14.0	
13	Elm, Siberian	13.5	Good	1		13.5	
15	Ash, green	14.0	Good	1		14.0	
16	Ash, green	25.0	Fair	3	Yes	25.0	
18	Ash, green	12.0	Good	1			12.0
20	Ash, green	8.0	Good	1		8.0	
21	Elm, Siberian	21.0	Fair	1			21.0
22	Boxelder	25.5	Fair	1		25.5	
23	Ash, green	22.5	Good	1		22.5	
24	Elm, Siberian	18.0	Good	1			18.0
25	Ash, green	28.0	Fair	1	Yes	28.0	
26	Ash, green	20.5	Good	1		20.5	
						317.5	94.5

Total Caliper Inches	412.0
Net Caliper Inches	412.0
Removed Caliper Inches	94.5
Percent Removed	22.9%
Percent Saved	77.1%
25% Threshold	103
Replacement Required Cal. In.	0
3" Trees Required	0

PROPOSED DEVELOPMENT INFORMATION

Zoning: R-3 (Single & Two Family Residential District)

Lot Area: 9,000 square feet minimum

Lot Width: 60 feet

Lot Depth: 180 feet

Front Yard: 20 feet

Side Yard: 10 feet

Rear Yard: 20 feet

Building Height: 2-1/2 stories ~ 30 feet

Lot Coverage: 30 percent

Handover: 35 percent

PROPOSED LOT INFORMATION

Lot 1: Area: 17,557 sq. ft. ~ 0.403 acres

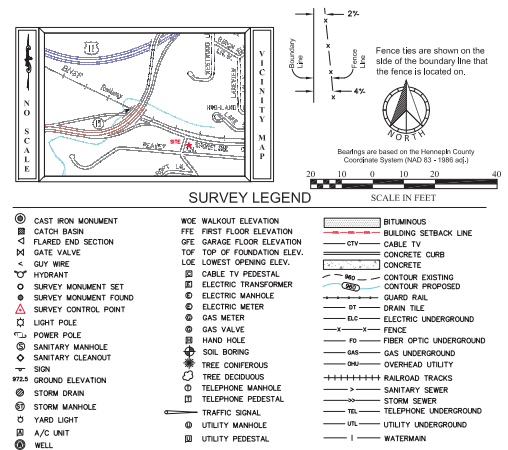
Lot 2: Area: 11,338 sq. ft. ~ 0.260 acres

PROPOSED HANDOVER INFORMATION

Lot 1: Home Area: 2,955 sq. ft.
Driveway Area: 1,082 sq. ft.
Total Area: 4,037 sq. ft. ~ 23.0%

Lot 2: Home Area: 2,475 sq. ft.
Driveway Area: 790 sq. ft.
Total Area: 3,265 sq. ft. ~ 28.8%

Handover areas are based upon proposed conditions shown hereon and are subject to final design. The houses shown on this plan are for conceptual purposes only.



FIELD CREW	NO.	BY	DATE	REVISION
LAKE	1	DBP	04/20/18	Remove Outlot
DRAWN	2	DBP	10/12/2019	Revised to 2 lot subdivision
CHKD	3	EMW	2/6/2019	Revised Lot Stems
CHECKED	4	EMW	4/4/2019	Revised Lot Stems
EJV	5	DBP	7/15/2019	R/W Areas - west of parcels
DATE				
08/21/19				

USE INCLUDING COPYING, DISTRIBUTION AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS EXPRESSLY PROHIBITED WITHOUT SATHRE-BERQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SATHRE-BERQUIST, INC.'S AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INCUR SATHRE-BERQUIST, INC.'S OF ALL RESPONSIBILITY. SATHRE-BERQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

Dated this 19th day of April, 2019.

David D. Penberth, PLS
penberth@sathre.com

Minnesota License No. 4034

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

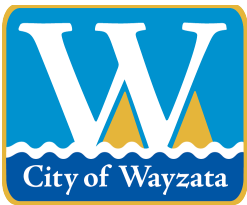
TWP:117-RGE:23-SEC:01
Hennepin County

Wayzata
Minnesota

Preliminary Plat & Tree Survey
HIGHCROFT NORTH
Prepared for:
BLVD PROPERTIES, LLC

FILE NO:
74535-024
Rev: 10/20/2019

1
1



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 6.a.
TITLE: Consider the Development Application for a West Side-Yard Setback Variance at 1107 Lasalle Street	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 30, 2019	

BACKGROUND:

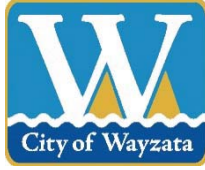
The applicant is proposing to replace an existing deck platform which provides access to the home. The current deck platform goes over a property line into a neighboring property. The proposed deck platform will remove the section that is not on the applicant's property and rebuild the deck entirely on the applicant's property. Therefore, the applicant is requesting a west side-yard setback variance that is 0 feet from the property line.

ACTION REQUESTED:

After considering the plans, the Planning Commission should direct staff to prepare a report and recommendation, with appropriate findings, reflecting a recommendation of the application for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. Staff Report, Narrative, Rendering, Plans and Public Comment



**Planning Report
Wayzata Planning Commission
September 4, 2019**

Project Name: Berkey Residence Deck Replacement
Owner/Applicant: Brian Berkey
Addresses of Request: 1107 Lasalle Street
Prepared by: Nick Kieser, Assistant Planner
“60 Day” Deadline: September 30, 2019

Development Application

Introduction

The applicant is requesting a variance to allow for a 0-foot west side yard setback to replace an existing deck platform which provides access to the home. The current deck platform goes over a property line into the neighboring property. The proposed deck platform will remove the section that is not on the applicant's property and rebuild the deck entirely on the applicant's property.

Property Information

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

Address	PID	Owner
1107 Lasalle Street	05-117-22-32-0051	Brian Berkey

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

Current Zoning	Comp Plan Designation
R-3A Single and Two-Family Residential	Medium Density Multiple-Family Residential

Project Location

This property is located to the east of the intersection of Lasalle Street and Central Avenue South. The property is surrounded by residential uses, but it also borders the Nature Center to the north.

Map 1: Project Location



Application Request

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

- A. Variance from the R-3A zoning district requirements: The proposed project requires a variance from the requirements of the R-3A zoning district. The requested variance:
1. West side yard setback from the required 10-foot setback to a proposed 1-foot setback.

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, East and West	Single-Family Home	R-3A/Single and Two-Family Residential District	Medium Density Multiple- Family Residential
South	Single-Family Home	R-3A/Single and Two-Family Residential District	Low Density Single-Family Residential

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly* on August 23, 2019. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on August 23, 2019.

Analysis of Application

The current deck provides access to two doors on the west side of the house at 1107 Lasalle Street and crosses over into the property of 1101 Lasalle Street by approximately 3 feet. The proposed deck will remove the encroachment and rebuild the deck entirely on the applicant's property with a 0-foot setback. The stairs that lead up to the deck platform will be moved to the front of the house. A concrete landing will also be placed at the bottom of the stairs that will connect to the current driveway. The materials and finishes will match the existing structures on the property. This application is a part of a settlement agreement between Pillar Homes and the applicant to remove the current encroachment.

Applicable Code Provisions for Review

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria 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.

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

1. Narrative/Description of Request
2. Deck Rendering
3. Survey of Existing Deck
4. Deck Plans

BRIAN D. BERKEY
16945 COTTAGE GROVE AVENUE
MINNETONKA, MN 55391

August 1, 2019

City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Brian D. Berkey Application for Variance to Permit Construction of Replacement Home Access Stair at 1107 LaSalle Street, Wayzata, Minnesota.

Dear City of Wayzata:

Enclosed and submitted herewith please find Brian D. Berkey Development Application together with "Two Application Residential" filing fee in the amount of \$800 and separate escrow deposit check in the amount of \$2,000.

A variance, permitting an encroachment into the required 10-foot west side yard, is sought.

In support of the Brian D. Berkey Development Application, attached thereto please find:

1. Description of Request (Exhibit "A");
2. Home Access Structure Reconstruction Plans and elevation drawing of West side of the property in question, illustrating the proposed reconfigured deck (Exhibit "B");
3. Sathre-Bergquist Survey "Deck Exhibit to Pillar Homes" dated 06/13/17, illustrating common lot line of 1101-1107 LaSalle Street foot print of existing Berkey house, and west side house access structure, including the encroaching portion thereof upon 1101 LaSalle Street (Exhibit "C");
4. Hennepin County Property Aerial Map for the 1107 LaSalle Street property with supporting data (Exhibit "D"); and
5. Hennepin County Treasurer Statement showing the property taxes for

1107 LaSalle Street to be current (Exhibit "E");

Please advise any additional information needed to process this application. I stand ready to assist as you may require.

Thank you for your assistance.

Sincerely,

Brian D. Berkey

A handwritten signature in blue ink, appearing to be "B. Berkey", with a stylized flourish extending from the bottom right.

EXHIBIT "A"

DESCRIPTION OF REQUEST

Brian D. Berkey Application for VARIANCE to Permit Construction
of Replacement Home Access Structure at 1107 LaSalle Street,
Wayzata, Minnesota

I have owned 1107-1109 Lasalle Street, Wayzata, Minnesota since 1996. This is a side-by-side duplex built in 1966. Two units sit above tuck-under garages. Access to the living units is by way of exterior staircases located on either side of the building. The exterior staircase servicing 1107 LaSalle Street occupies the entire 4.6 - foot depth of the west side yard. It has been in place the last 50 years. The house access structure also sits, in part, upon neighboring 1101 LaSalle Street.

My contractor advises that it is possible to construct a new home access staircase built entirely upon 1107 LaSalle Street. The plan employs construction of a deck between the two upper level exterior doors and a new staircase descending parallel to the existing driveway. The deck and stair will be the only way to access the upper level unit and must provide reasonable access and accommodate the maneuvering and moving of furniture and appliances. Because there is no alternate possible location, it must be built within the west side yard. This new home access structure location and depth will be the same as the structure in place and employed the past 50 years, and, as before, it will occupy the entire 4.6-foot depth of the west side yard. The foot of the stair will rest outside the front yard setback.

Wayzata City Code, §955.06(B)(1)(a), requires a 10-foot side yard in the applicable R-3A zone. However, as built, 1107 LaSalle Street has a west side yard of between 4.6 - 4.7 feet. Consequently, to proceed a side yard variance permitting a zero west side yard is needed and requested.

Therefore, I seek:

(1) a 10-foot variance to Wayzata Ordinance Code, §955.06(B)(1)(a), permitting a zero-foot west side yard and construction of a reconfigured home access structure between the house and west property line of 1107 LaSalle Street.

LEGAL STANDARD OF REVIEW

Under Wayzata Ordinance Code, §905.01(C), this variance may be granted where it would be in harmony with the general purposes and intent of the code and the Comprehensive Plan, *and* the Practical Difficulties standard has been met by the applicant.

1. If granted, the requested variance will be in harmony with the General Purposes and Intent of the City Zoning Code and Comprehensive Plan

This variance is necessary to the continued use and functionality of an existing residence. The current use of same is lawful or, as a matter of law, the use constitutes a grandfathered use. Therefore, the granting the variances will be in harmony with the applicable zoning code and Comprehensive Plan which designates the property site and its locale to be a residential use zone.

2. The Practical Difficulties Standard is Met

The Proposed Use of the Property is reasonable, though not permitted by the R-3A Residential Zoning Code.

The two exterior doors of 1107 LaSalle Street are located on the upper level of the house and have been accessed the past 50 years by way of a deck and stair home access structure built in the space between the west wall of the house and the west line of the lot. Part of that existing home access structure crosses over the lot line and stands upon neighboring 1101 LaSalle Street. See, Sathre-Berquist survey (Exhibit C).

The proposed use of the property at 1107 – continued use of a lawful residential structure, but with a new alternate home access structure in the same location as the existing structure has been for the past 50 years - is reasonable, but due to the applicable zoning code side setbacks cannot be built without variances. Any new, alternate, home access structure stair and deck must of necessity be approximately 4.5 feet in width and be built within the 10-foot west side yard of the property. There is no physical location on 1107 LaSalle Street at which a new home access structure can be built that reaches the upper exterior doors of the house. The needed proposed structure will occupy the full depth of the available west side yard and result in west side yard setback of approximately 0-feet. See, Home Access Structure Reconstruction Plans (Exhibit B).

The proposed use and requested variance are reasonable should be granted because (1) doing so allows reconstruction of an existing and necessary grandfathered home access structure property use, a use in place the past 50 years, (2) it permits construction of an alternate home access structure, in the same area as before, that eliminates an existing lot line encroachment upon neighboring 1101 LaSalle Street, and (3) it continues, and does not change, the existing 50 year manner of use of the 1107 LaSalle Street property.

The neighboring property owner, Pillar Homes Partner, Inc. is informed of this variance application and supports the grant. This application is in conformance with a settlement agreement reached in the matter of Pillar

Homes Partner, Inc. v. Brian D. Berkey, Hennepin County District Court file number 27-CV-18-18178. Thereunder, your applicant agreed to make the instant application to allow reconfiguration of my existing home access structure, and thereby unburden Pillar's 1101 LaSalle Street from the encroaching portion of my existing home access structure. The parties to said action believe requesting the instant variances is the easiest, most practical and economic way to bring an end to the existing encroachment and preserve a home access structure for 1107 LaSalle Street.

It is reasonable and, in the City's, and neighboring property owner, Pillar Homes Partner, Inc.'s, interest to grant these variances as they will allow your applicant to remodel 1107 LaSalle Street property and eliminate an existing lot line encroachment. Doing so will result in the residential use at 1107 LaSalle Street to be wholly confined to within its platted lot lines.

Plight of the Landowner is due to circumstances unique to the property, and not created by the Landowner

The plight of the landowner, your applicant, is due circumstances unique to the property and not created the landowner. I purchased this property in 1996. I had nothing to do with the 1966 siting, creation of the non-conforming 5-foot west side yard, or the construction of the existing home access structure that occupies to entire depth of the west side yard. That narrow side yard dictates the design of the new proposed home access structure. The approximate 5-foot width of the proposed upper deck, between the two exterior doors, is necessary for safety, to maneuver furniture and service the residence. The building code sets the rise and run of the needed stair and results in the design of the proposed stair.

The need for the variance is a direct product of the unique physical conditions and circumstances of the property. Conditions and circumstances that were created long ago by others, and not your applicant. The proposed design of necessity must be built within the required side yard setback. This is the only home access structure design that can provide access to the second level exterior doors of 1107 LaSalle Street; the property's only exterior doors.

Essential Character of the Locale Unchanged

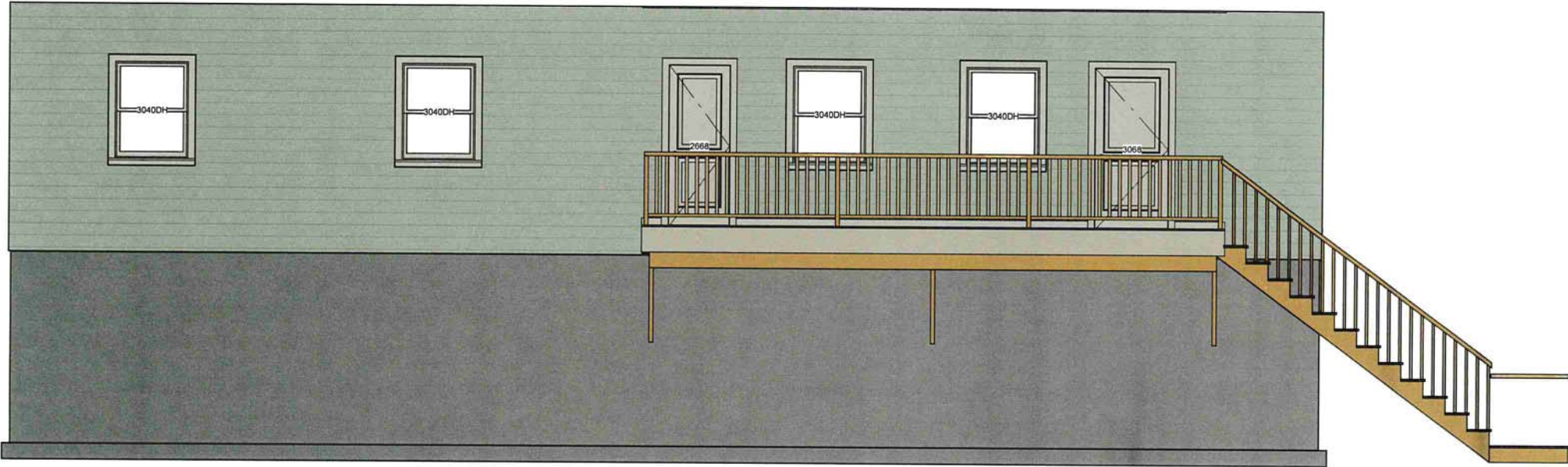
The variance if granted will not change the essential character of the locale. This property is presently, and has been, served by an exterior home access structure on its west side since 1966. Granting the west side yard variance to rebuild same makes no change to the use of the west side yard or the character of the area.

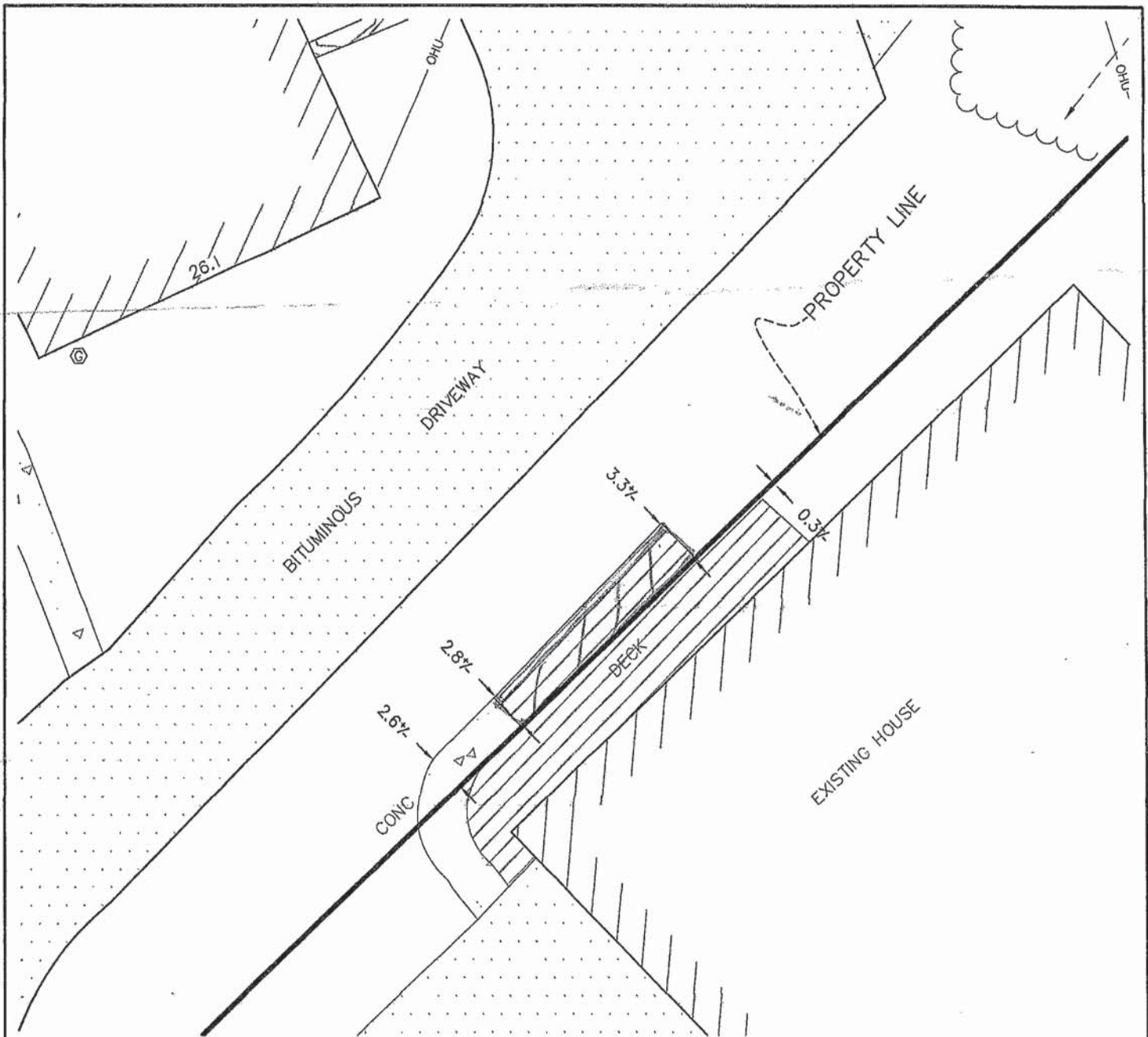
Granting the variance will not change or impact the essential character of the locale. In fact, the locale will be improved as the neighboring property owner,

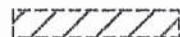
Pillar Homes Partner, Inc., will benefit by the resulting abandonment of an existing encroaching structure upon 1101 LaSalle Street.

As additional support, accompanying herewith is a photocopy of Pillar Homes Partner, Inc's survey of the common lot line of 1101 and 1107 LaSalle Street. It shows the foot print of my existing home access structure, including that portion encroaching upon 1101 LaSalle Street. If the variance is granted the encroaching portion of my access structure will be removed from 1101.

Also accompanying this application are Hennepin County Property aerial map of 1107-1109 LaSalle Street, and current Hennepin County Treasurer Statement showing taxes on the property are current.





 Proposed Easement Area



10 5 0 5 10 20

SCALE IN FEET



SATHRE-BERGQUIST, INC.

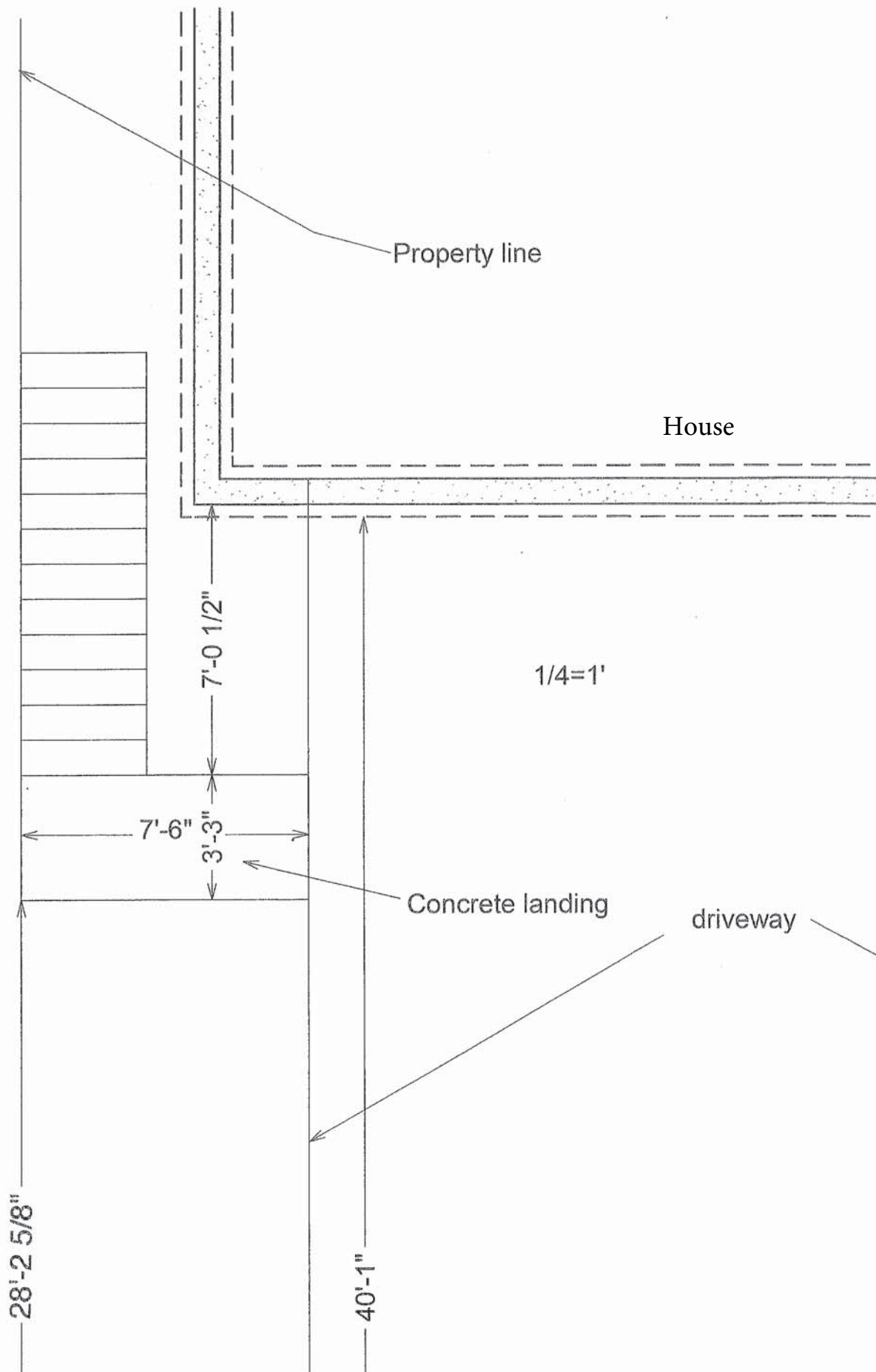
150 South Broadway Ave.
Wayzata, MN. 55391
(952) 476-6000 www.sathre.com

Deck Exhibit
Prepared For
Pillar Homes

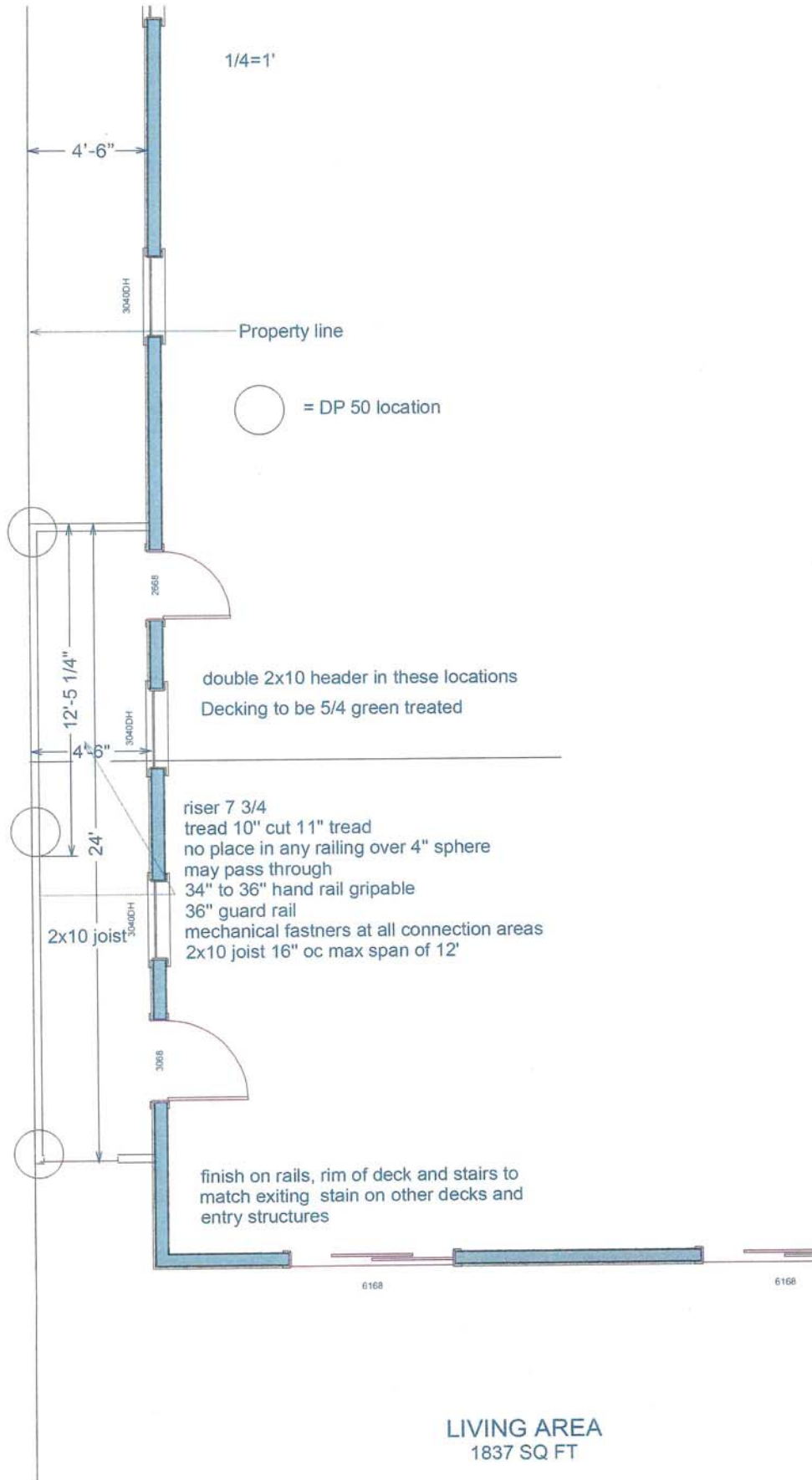
Date: 6/13/17	Revision Date:
Prepared By: DBP	Check By:
Layout Sheet: Deck Exhibit	1
Project Number: 7058-055	1

EXHIBIT

Stairs and Landing Plan



Deck Platform Plan



August 6, 2019

City of Wayzata
600 Rice Street East
Wayzata, MN 55391

**Re: Statement in Support of Brian D. Berkey Application for Variance to Permit
Construction of Replacement Home Access Stair at 1107 LaSalle Street, Wayzata,
Minnesota**

Dear City of Wayzata,

I am writing on behalf of Pillar Homes Partner, Inc. ("Pillar Homes") to express my support for Brian D. Berkey's Development Application for variances, submitted on August 1, 2019. Mr. Berkey's application relates to the reconstruction of a home access stair structure at 1107 LaSalle Street, Wayzata, Minnesota. The granting of the requested variances would allow Mr. Berkey to remove an existing home access stair structure that is currently encroaching over the west side lot line onto the neighboring property at 1101 LaSalle Street, while permitting the residents of 1107 LaSalle Street to continue their existing use of accessing their home through the property's only exterior doors.

I was the owner of the neighboring property to 1107 LaSalle Street, upon which Mr. Berkey's existing home access stair structure is currently encroaching, until June 14, 2019. Pillar Homes sold the 1101 LaSalle Street property to Lawrence Patterson on June 14, 2019. Mr. Patterson is aware of the encroachment issue and the proposed reconfiguration of the access stair structure. To the extent that Mr. Lawrence may have an interest in this matter, Mr. Lawrence and Pillar Homes entered into an Assignment of Claims, dated July 1, 2019. Pillar Homes, Lawrence Patterson and Mr. Berkey are in agreement that requesting these variances and reconstructing the home access structure as proposed by Mr. Berkey is the easiest, most practical, and most economic way to preserve a home access structure for 1107 LaSalle Street. The variances Mr. Berkey has applied for in pursuit of the proposed home access stair structure reconstruction project are reasonable and will benefit both the 1101 LaSalle Street property and the 1107 LaSalle Street property, the neighborhood, and the City.

Please feel free to contact me if you have any questions or require additional information from me.

Sincerely,

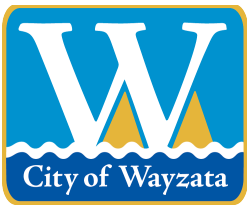


K.C. Chermak

President
Pillar Homes Partner, Inc.
1700 Niagara Lane
Plymouth, MN 55447

(763) 475-1700

Cc: Mark Kelly, Esq.
Lawrence Patterson



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 7.a.
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

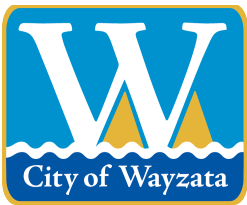
Staff will be providing an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 7.b.
TITLE: August 20 and September 3 City Council Meeting Reports	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

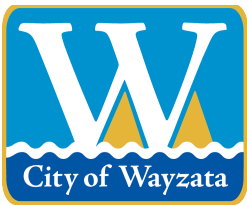
A verbal update will be given at the meeting by Commissioner Merriam, who attended the August 20, 2019 City Council meeting. Commissioner Douglas will also provide an update from the City Council meeting on September 3, 2019.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 4, 2019	AGENDA ITEM: 7.c.
TITLE: Planning Commissioner Liaison for the September 17 City Council Meeting	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commission Chair Flannigan is assigned as the liaison for the September 17, 2019 City Council meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2019 PC representatives at Council

2019
Planning Commission assignments at Council meetings

<u>Meeting Date</u>		<u>Commission Representative</u>
Tuesday	January 8, 2019	Lindsay Bashioum
Tuesday	January 22, 2019	Laura Merriam
Tuesday	February 5, 2019	Peggy Douglas
Tuesday	February 19, 2019	Gregory Flannigan
Tuesday	March 5, 2019	Cathy Iverson
Tuesday	March 19, 2019	Jeff Parkhill
Tuesday	April 2, 2019	Christine Plantan
Tuesday	April 16, 2019	Lindsay Bashioum
Tuesday	May 7, 2019	Laura Merriam
Tuesday	May 21, 2019	Peggy Douglas
Tuesday	June 4, 2019	Gregory Flannigan
Tuesday	June 18, 2019	Cathy Iverson
Tuesday	July 2, 2019	Jeff Parkhill
Tuesday	July 16, 2019	Christine Plantan
WEDNESDAY	August 7, 2019	Lindsay Bashioum
Tuesday	August 20, 2019	Laura Merriam
Tuesday	September 3, 2019	Peggy Douglas
Tuesday	September 17, 2019	Gregory Flannigan
Tuesday	October 1, 2019	Cathy Iverson
Tuesday	October 15, 2019	Jeff Parkhill
WEDNESDAY	November 6, 2019	Christine Plantan
Tuesday	November 19, 2019	Lindsay Bashioum
Tuesday	December 3, 2019	Laura Merriam
Tuesday	December 17, 2019	Peggy Douglas