

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, September 16, 2019

6:30 PM

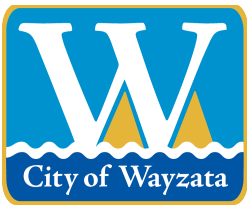
- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
 - a. Approval of September 4, 2019 Meeting Minutes
 - b. Adoption of the Planning Commission Report and Recommendation for Approval of a West Side-Yard Setback Variance at 1107 Lasalle Street
- 5. Public Hearing Items**
 - a. Consider Development Application for Zoning Ordinance Text Amendment and Conditional Use Permit for an Animal Clinic at 1125 Wayzata Blvd E
 - b. Consider Development Application for Variances for a New Single-Family Home at 639 Bushaway Rd "Skyfall"
- 6. Other Items**
 - a. Review of Development Activities
 - b. September 3 City Council Meeting Report
 - c. Planning Commissioner Liaison for the October 1 City Council Meeting
- 7. Adjournment**

Upcoming Meetings:

City Council - October 1, 2019

Planning Commission - October 7, 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 16, 2019	AGENDA ITEM: 4.a.
TITLE: Approval of September 4, 2019 Meeting Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

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

ATTACHMENTS:

1. September 4, 2019 Draft Planning Commission Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
September 4, 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: Parkhill, Plantan, Merriam, Flannigan, Douglas, and Bashioum. Absent: Iverson. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, and Assistant City Attorney Andy Pratt were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Douglas made a motion, seconded by Commissioner Plantan to approve the September 4, 2019 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of August 19, 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.

Commissioner Bashioum stated that she had a question about page 12, section 3 of the findings of facts. She stated that item 5 read “generally maintain the existing scale, pattern, and character of the surrounding property”. She added that the Planning Commission had voted for approval, but she does not agree that what she read was a truthful statement and therefore it should not be listed in the findings of facts. She further added that the statement in item 6, which refers to the design of the building pads and the site layout responds to and is reflective of their surrounding lots and neighborhood character, is another untruthful statement. She also had a similar comment regarding the truthfulness of item 7, which states that the subdivided lots are not dissimilar to neighboring lots. She stated that one of the lots is 11,000 square feet and the lot directly across the street is 60,000 square feet. She further added that all of the lots on the block up to the apartment building are at least 20,000 square feet. She would like the statements amended to reflect more accurately their relationship to the subdivision approval and plat criteria. She stated concern with precedence of having inaccuracies.

1 Chair Flannigan asked staff for guidance with interpreting Commissioner Bashioum's comments.

2
3 Community Development Director, Emily Goellner stated that Commissioner Bashioum's
4 comments reflect her opinion to vote denial on the application and thus her disagreement with the
5 majority vote of Commissioners to approve the application and findings. She recommended that
6 Commissioner Bashioum continue to vote for denial on the application, with the understanding
7 that her comments will be represented in the minutes.

8
9 Chair Flannigan stated that having a different mix of Commissioners from one meeting to the next
10 can lead to inconsistent interpretation and thus have a negative effect on applicants. He asked
11 Commissioner Bashioum for her thoughts about her comments being included in the record.

12
13 Commissioner Bashioum stated that the Planning Commission is sending the statements onto the
14 City Council saying that they are statements of fact.

15
16 Chair Flannigan responded that the Commission addressed the application and asked for the report
17 to be written as presented.

18
19 Chair Flannigan asked if anyone wished to pull an item from the Consent Agenda. Hearing no
20 such request, he asked for a motion to approve the Consent Agenda as presented.

21
22 Commissioner Douglas made a motion, seconded by Commissioner Parkhill to approve the
23 Consent Agenda as presented. The motion carried 5 ayes and 1 nay (Bashioum).

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26 **AGENDA ITEM 5. Old Business Items:**

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28 **a.) None**

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31 **AGENDA ITEM 6. Public Hearing Items:**

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33 **a.) Consider the Development Application for a West Side-Yard Setback Variance**
34 **at 1107 Lasalle Street**

35
36 Assistant Planner, Nick Kieser stated that the applicant, Brian Berkey, has submitted a
37 development application to replace an existing deck platform which provides access to two doors
38 on the west side of the house at 1107 Lasalle Street. The current deck platform crosses over into
39 the property of 1101 Lasalle Street by approximately 3 feet. The proposed new deck platform will
40 remove the encroachment and rebuild the deck entirely on the applicant's property with a 0-foot
41 setback. The stairs that lead up to the deck platform will be moved to the front of the house. A
42 concrete landing will also be placed at the bottom of the stairs that will connect to the current
43 driveway. The materials and finishes will match the existing structures on the property. This
44 application is part of a settlement agreement between Pillar Homes and the applicant to remove
45 the current encroachment. The properties current zoning is R-3A Single and Two-Family
46 Residential, and the Comp Plan Designation is Medium Density Multiple-Family Residential.

1
2 Chair Flannigan asked if the Commission had any questions for Staff.

3
4 Commissioner Merriam asked if 1107 and 1109 Lasalle Street are on the same lot.

5
6 Assistant Planner, Nick Kieser stated that the lot contains a duplex and both addresses share the
7 lot. Mr. Kieser clarified that the variance request is zero feet from the lot line, and the staff report
8 in one instance erroneously mentions a one-foot setback.

9
10 There being no further questions from the Commission for Staff, Chair Flannigan asked the
11 applicant to speak to the Planning Commission about the application.

12
13 Applicant's Representative, Attorney Mark W. Kelly, 7975 Stone Creek Drive, Chanhassen, stated
14 that they are trying to remedy an encroachment of an existing grandfathered situation. He added
15 that there is not a lot of space to work with but their plan is within the setback, does not encroach
16 on the front-yard setback, and most importantly is supported by the property owner to the west.

17
18 Chair Flannigan stated that the application included a lot of valuable information and he thanked
19 the applicant.

20
21 Chair Flannigan opened the public hearing on the application at 6:45 p.m.

22
23 There being no one wishing to comment on the application, Chair Flannigan closed the public
24 hearing at 6:45 p.m.

25
26 Chair Flannigan asked the Commission to provide feedback and comments on the application.

27
28 Commissioner Douglas stated that the application appears very straightforward, is necessary, and
29 improves the property.

30
31 Chair Flannigan asked for a motion on the application.

32
33 Commissioner Parkhill made a motion, seconded by Commissioner Plantan, to direct staff to
34 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
35 reflecting a recommendation of approval of the development application for a West Side-Yard
36 Setback Variance at 1107 Lasalle Street for review and adoption at the next Planning Commission
37 meeting. The motion carried unanimously.

38
39
40 **AGENDA ITEM 7. Other Items:**

41
42 **a.) Review of Development Activities**

43
44 Assistant Planner, Nick Kieser stated the next Planning Commission may potentially have two
45 public hearings. The October 7 Planning Commission meeting may potentially have three

development applications for consideration with the possibility of the recently submitted Boatworks development application.

b.) August 20 and September 3 City Council Meeting Reports

Commissioner Merriam stated that the August 20 City Council Meeting began with a workshop which addressed the enterprise budget, liquor operations, and motor fund, and motor vehicle. They have a received a triple A bond rating. The census was discussed and an estimate of 4800 population was presented. 5,000 is the threshold to receive additional road aid from the state government. There is a big push to increase census participation to reach the threshold and qualify for additional funds. There were two bids received for the Lake Street project (Phase I Lake Effect) that were double the budgeted amount. It was recommended to reject both bids and seek additional bids in the fall. The regular meeting began with three awards presented to residents. There was discussion about additional antennas and the possibility of Wayzata receiving 5G cellular service. A number of projects were approved. A strategic plan was adopted to assist in achieving thoughtful development outcomes. City Manager report was given.

Commissioner Douglas stated that the September 3 City Council meeting began with a workshop with an update on the energy and environmental steering committee. There was discussion and the committee members were asked to return at a later date to present additional solutions. The City Manager was directed to hire a company to conduct an audit of the City's technological security. The regular meeting began with a presentation of the 100th Anniversary of the American Legion. There was discussion regarding a balcony and sidewalk vacation of right-of-way, with an easement back to the City, impacting the Wayzata Blu building. General Fund budget was discussed and a preliminary property tax levy was considered and approved.

c.) Planning Commissioner Liaison for the September 17 City Council Meeting

Chair Flannigan will attend this meeting and report back to the Planning Commission.

AGENDA ITEM 8. Adjournment.

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

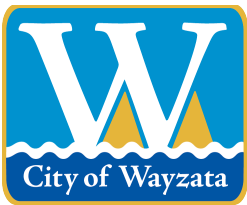
Commissioner Plantan made a motion, seconded by Commissioner Douglas to adjourn the Planning Commission meeting. The motion carried unanimously.

The Planning Commission meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Jenny Groess

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 4.b.
TITLE: Adoption of the Planning Commission Report and Recommendation for Approval of 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 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. Therefore, the applicant is requesting a west side-yard setback variance that is 0 feet from the property line.

This development application went to the September 4, 2019 Planning Commission meeting and a public hearing was held. After the Planning Commission review, there was a unanimous vote (6-0) to direct staff to prepare a Report and Recommendation for approval of this development application.

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 - 1107 Lasalle Street



WAYZATA PLANNING COMMISSION

September 16, 2019

REPORT AND RECOMMENDATION OF APPROVAL OF SIDE-YARD SETBACK VARIANCE AT 1107 LASALLE STREET

SUMMARY OF RECOMMENDATION

- Approval* of Side Yard Setback Variance

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Brian Berkey (the “Applicant”) has submitted a development application for a setback variance (the “Application”) to replace an existing deck platform (the “Project”) which provides access to the home on the property at 1107 Lasalle Street (the “Property”). The current deck platform goes over the property line and encroaches into the neighboring property. The proposed new deck platform would be located entirely on the Property.
- 1.2 Application Request. The variance requested in the Application is for a variance for a deck platform from the required west side yard setback of 10 feet in the R-3A Zoning District to a west side yard setback of zero (the “Setback Variance”).
- 1.3 Property. The address, property identification number and owner of the Property are:

1107 Lasalle Street	05-117-22-32-0051	Brian Berkey
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- 1.4 Land Use. The Property is zoned R-3A/Single and Two-Family Residential District and is designated Medium Density Multiple-Family Residential in the Comprehensive Plan.

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly* on August 23, 2019 and notices were mailed to all properties within 500 feet of the Property on August 23, 2019. The public hearing on the Application was conducted at the September 4, 2019 Planning Commission meeting. The Applicant's legal representative appeared and spoke at the public hearing regarding the particulars of the project and the need for the Setback Variance.
- 1.6 Planning Commission Action. After the conclusion of the public hearing on the Application at the September 4, 2019 Planning Commission meeting, and discussion among the Commissioners, the Planning Commission voted unanimously to direct staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the Application.

Section 2. STANDARDS

- 2.1 Side Yard Setback Requirement. Section 955.06 of the Zoning Ordinance stipulates that the side yard setback in the R-3A District is 10 feet.
- 2.2 Zoning Ordinance Variance Standard. Section 905.01.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:
 - A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public hearing, and the standards set forth in the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Setback Variance:

3.1 Zoning Ordinance Variance Standard.

- A. The Setback Variance requested in the Application does not change the current residential use on the Property. The proposed new deck platform associated with the Setback Variance would be located entirely on the Property and would decrease the non-conformity of the current deck platform in removing the portion of the platform that encroaches on to neighboring property. The Setback Variance requested is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan.
- B. The Setback Variance addresses practical difficulties with the Property and existing residential building, and will not alter the essential character of the locality. The plight of the landowner is due to circumstances unique to the Property, as the placement of the residential building on the Property is not conducive to meeting all applicable setback requirements.
- C. The Setback Variance requested is reasonable, due to circumstances driven by the existing non-conforming deck platform and residential building. If granted, the Setback Variance would not alter the essential character of the locality and would remove an encroachment on to adjacent property.
- D. The practical difficulties necessitating the Setback Variance are not solely economic in nature.

- E. The proposed use for the Property would not change and is permitted within the R-3A zoning district.
- F. The recommended conditions for granting approval of the Setback Variance are listed below in Section 4 of this Resolution.
- G. The Applicant has provided the reasons that the Setback Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of the Setback Variance as requested in the Application, subject to all of the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.
- B. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application, and the Setback Variance may be only utilized in connection with the deck platform that provides access to the residence on the Property.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

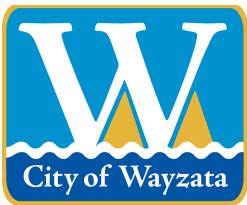
Adopted by the Wayzata Planning Commission this 16th day of September 2019.

Chair, Planning Commission

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

Voting Against:

Abstaining:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 5.a.
TITLE: Consider Development Application for Zoning Ordinance Text Amendment and Conditional Use Permit for an Animal Clinic at 1125 Wayzata Blvd E	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: October 25, 2019	

BACKGROUND:

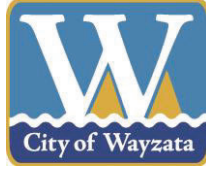
The applicant, Dr. Sharon Golden of Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot animal clinic in the former AT&T space at Colonial Square Shopping Center (1125 Wayzata Blvd E). The development application requests approval of a Zoning Code Text Amendment to allow animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting a Conditional Use Permit. The City may review these requests concurrently in one application.

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, Plans, and Maps



Staff Report September 16, 2019

Project Name: Animal Clinic at 1125 Wayzata Blvd E
Applicant: Golden Veterinary Care (Dr. Sharon Golden, DVM)
Representative: Carl Robertson, Sjöquist Architects, Inc.
Requests: Text Amendment to Allow Animal Clinics in C-2
Conditional Use Permit for Animal Clinic
Address: Colonial Square Shopping Center, 1125 Wayzata Blvd E
Prepared by: Emily Goellner, Community Development Director
“60 Day” Deadline: October 25, 2019

Development Application

Project Background

The applicant, Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot animal clinic in the former AT&T space at Colonial Square Shopping Center. The development application requests approval of a Zoning Code Text Amendment to allow animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting a Conditional Use Permit. The City may review these requests concurrently in one application. The applicant has signed a lease with Regency Partners for this tenant space and applied for a building permit for the build out of the tenant space as an animal clinic. Typically, applicants receive land use approvals from City Council before proceeding with a lease agreement. However, the applicant was told by City staff in April, 2019 that animal clinics were permitted in the C-2 District. At the time, staff made a mistake in the interpretation of the Code. It was interpreted that animal clinics were the same as human clinics. However, animal clinics are specifically listed in the C-3 District and in the Parking section. Additionally, there is a provision in the Code that any use not listed is specifically prohibited. Upon applying for the building permit, the mistaken interpretation was discovered. The applicant renegotiated to delay the dates in her lease and applied for this development application.

Terminology

Animal Clinics and Veterinary Clinics are terms that will be used interchangeably throughout this report and in the staff presentations. While most people commonly refer to them as Veterinary Clinics, the Wayzata City Code refers to Animal Clinics instead. In an effort to be consistent with existing Code, the applicant is using Animal Clinics in the proposed Code language.

Property Information

Address	PID	Owner
1125 Wayzata Blvd E	05-117-22-23-0021	FW MN-Colonial Square, LLC

Zoning District:	C-2 Shopping Center
2030 Comp Plan Designation:	Mixed Use Commercial
2040 Comp Plan Designation:	Mixed Use Commercial/Residential
Design District:	Bluff District

Project Location

The shopping center is located at the intersection of Central Ave N and Wayzata Blvd E:

Map 1: Aerial Photograph of Area, 2019



Map 2: Aerial Photograph of Site, 2019



Source: Hennepin County Interactive Property Map

Application Requests

The applicant is requesting approval of the following items:

- A. Zoning Code Text Amendment: The zoning ordinance does not list Animal Clinics as a Permitted Use or a Conditional Use in the C-2 Zoning District. The applicant requests that Animal Clinics be added as a Conditional Use, subject to specific restrictions (§ 976.05 O). These restrictions are also commonly called development standards. The applicant is proposing development standards that are similar to those listed for Animal Hospitals, Clinics, and Kennels in the C-3 Zoning District (see proposed language and applicant narrative attached). Staff has analyzed the

proposed development standards and suggests a few additional standards in this memo for the Planning Commission to consider.

- B. Conditional Use Permit. Upon adoption of an Ordinance allowing Animal Clinics as a Conditional Use in the C-2 District, the Council may then approve (in the same meeting or a later meeting) a Conditional Use Permit (under § 976.05 O) for Golden Veterinary Care at 1125 Wayzata Blvd E. The approval is subject to the development standards outlined in the proposed Ordinance and any additional conditions recommended by the Planning Commission and City Council. Additional conditions may be recommended in order to mitigate adverse effects to surrounding properties. A narrative describing the proposal is attached.

Comprehensive Plan

The Draft 2040 Comprehensive Plan is currently under review by the Metropolitan Council. Until its official adoption, the City will continue to be guided by the 2030 Comprehensive Plan. The land use designation for the subject property in the 2030 Plan is Mixed Use (M-U) Commercial. The M-U Commercial category is intended to be a mix of commercial, office, and residential uses with an emphasis on commercial and office use, but allowing for residential use when properly integrated. Several properties along Wayzata Boulevard as well as one block between Minnetonka Ave, Rice St, Walker Ave, and Indian Mound are guided for M-U Commercial/Residential in the Draft 2040 Comprehensive Plan. A map is attached.

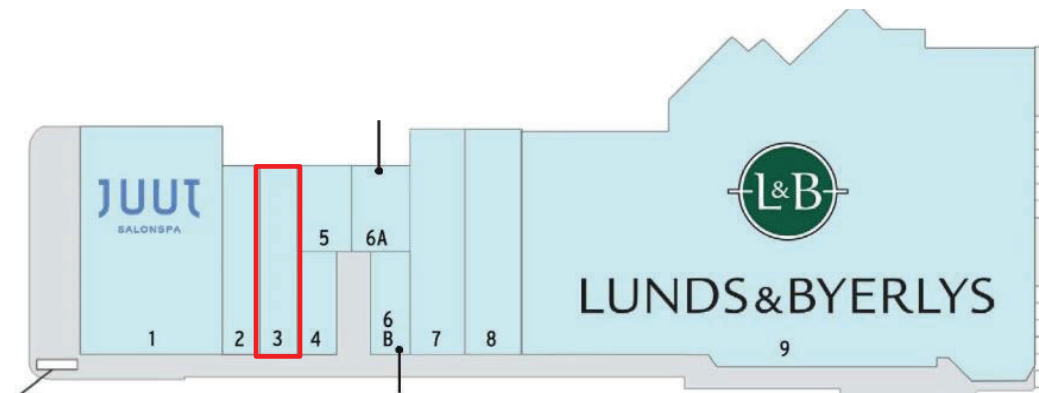
The Draft 2040 Comprehensive Plan land use designation for the subject property is M-U Commercial/Residential. This category provides for a combination of commercial and residential uses. The intent of this category is to encourage development that responds to the characteristics of the locality of the property, while encouraging a mixture of development types to serve residents. It has been designated in areas that are traditionally commercial uses. It allows for the continued use of commercial development. Several properties along Wayzata Boulevard as well as two blocks between Manitoba Ave, Rice St, Walker Ave, and Indian Mound are guided for M-U Commercial/Residential in the Draft 2040 Comprehensive Plan. A map and description of the Commercial Goals and Policies are attached.

Adjacent Land Uses

Direction	Adjacent Use	Zoning	Comprehensive Plan Land Use Designation
North	Office at 162 Central Ave N	C-2 Shopping Center	2030: M-U Commercial 2040: M-U Comm/Res
East	Big Woods Preserve at 1221-1225 Wayzata Blvd E	Institutional	2030: Institutional/Public 2040: Park
South	Bank at 1101 Wayzata Blvd E	C-2 Shopping Center	2030: M-U Commercial 2040: M-U Comm/Res
	Heritage Park at 1106 Wayzata Blvd E	C-3 Service	2030: Park 2040: Park
	Vacant Office at 1120 Wayzata Blvd E	C-3 Service	2030: M-U Commercial 2040: M-U Comm/Res

Direction	Adjacent Use	Zoning	Comprehensive Plan Land Use Designation
	Retail/Service at 1200 Wayzata Blvd E	C-3 Service	2030: M-U Commercial 2040: M-U Comm/Res
West	Residential at 141-155 Wooddale Ave	PUD	2030: Low Density Res 2040: Central Core Res
	Bank at 135 Central Ave N	PUD	2030: Low Density Res 2040: M-U Comm/Res
	Pharmacy/Retail at 1055 Wayzata Blvd E	PUD	2030: M-U commercial 2040: M-U Comm/Res

Adjacent Tenants in Shopping Center



Source: Regency Partners, 2019

No.	Tenants at Colonial Square Shopping Center, North Building	Sq. Ft.
1	Juut SalonSpa	8,968
2	Paint Nail Bar (nail salon)	2,000
3	Golden Vet Care (Proposed)	1,794
4	Modern Roots (retail)	1,100
5	Salon Entourage	1,350
6A	Maverick Chiropractic	1,313
6B	Bank of America	1,176
7	Owl and the Octopus (retail)	4,215
8	Chuck and Don's Pet Food Outlet (retail)	3,600
9	Lund's & Byerly's (grocery)	43,978

Source: Regency Partners, 2019

Public Hearing Notice

The public hearing notice was mailed to all property owners located within at least 350 feet of the subject property on September 4, 2019. The public hearing notice was published in the *Lakeshore Weekly* on September 5, 2019.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Zoning Ordinance Text Amendment Application

Text Amendments are a legislative decision, meaning that cities use their legislative (lawmaking) authority and have discretion in choosing their language and identifying uses as permitted, prohibited, or conditional in particular districts. In exercising their legislative authority, cities' zoning decisions must be constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public (League of Minnesota Cities Info Memo: Zoning Guide for Cities, 2017).

Conditional uses are the type of land uses that often are too problematic to be permitted uses as of right in a zoning district, but it is not practical to prohibit it completely from the zoning district. Minimum standards may be listed for each Conditional Use. These standards are meant to minimize the problematic features of the use may be included in the Zoning Ordinance. In this case, any development standards listed for an animal clinic in C-2 would be applicable to all animal clinics in the C-2 District, no matter which shopping center it is located in. Criteria for the review of Zoning Ordinance Text Amendments are on page 13.

Animal Clinics

Animal clinics are commonly referred to as veterinary clinics, which are medical facilities licensed by the State of Minnesota for the treatment of household pets. They are maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of household animals.

Animals

In allowing animal clinics as a conditional use, the City Council may wish to exclude the treatment of certain exotic pets from the C-2 district specifically, where tenants are located in close proximity to each other in a shopping center (rather than a free-standing commercial building, which is more typical of the C-3 district). An exotic pet is a rare or unusual animal kept within human households which is relatively unusual to keep or is generally thought of as a wild species rather than as a pet. This typically includes rodents, reptiles, amphibians, insects, or arachnids. "Exotic" often refers to a species which is not native or indigenous to the owner's locale and "pet" is a companion animal living with people. Some veterinarians will exclude certain animal species from their business. The applicant can speak more to the nuances of treating exotic pets.

Section 930.01 of Code states that farm animals are not allowed in the City.

Section 702.42 of Code states that no persons shall keep or allow to be kept anywhere in the city any animal of a ferocious or vicious character, habit or disposition, or any animal which is wild by nature, including, but not limited to wolves, wolf hybrids and cougars.

Licensing

Veterinary doctors, clinics, and hospitals must register with the Minnesota Board of Veterinary Medicine. Additional information about the statutes and rules relevant to the Board can be found on this website: <https://mn.gov/boards/veterinary-medicine/board/resources/statutes-rules.jsp>. Additionally, Section 702.47 states that all health standards in the Animals Chapter shall apply to veterinary hospitals or similar facilities and such hospital or facility shall be open for inspection at any time by the City Manager or the City Manager's designee. An animal clinic would be considered a similar facility.

C-2 Zoning District

The C-2 Shopping Center Business Zoning District is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. There are 48 permitted uses, 1 interim use, 4 accessory uses, and 14 conditional uses. Any uses not listed are prohibited. Of the 14 conditional uses currently listed, some has as few as 2 development standards and some have as many as 21 development standards. The C-2 District regulations are attached to this report.

It differs from the C-1A, C-1B, C-3, C-4, C-4A, and C-4B Districts in the following ways:

- C-2 is focused on shopping centers
- Location throughout the City. C-2 comprises the Colonial Square Shopping Center, Crosscreek Shoppes, the Village Shoppes, and vacant land at 998 Lake St E.
- Uses – more uses are allowed in C-2 than in C-1 District. More conditional uses are allowed in C-3 than in C-2. The uses allowed in C-2 and the C-4 Districts are similar.
- Height, setback, and lot coverage requirements vary among the commercial districts.

CUP for Animal Clinic in C-2 District

The League of Minnesota Cities notes that cities often struggle to decide the permitted and conditional uses for each zoning district. Appropriate uses will change from district to district. Uses designated as “permitted” are automatically allowed, with no need for further application or review (related to zoning) by the city. Therefore, the League suggests that the list of permitted uses should only contain uses about which the city has no reservations. Conditional uses serve as a form of authorized, permitted use, provided the applicant can meet the conditions specified in the ordinance or permit allowed under the ordinance. The conditions specific

In this case, the other uses permitted in the C-2 District that could be incompatible if in close proximity to an animal clinic include restaurants, particularly with outdoor seating. Restaurants are a conditional use in the C-2 District. Outdoor dining must be approved through a separate permit with the City as well. Additionally, a leasing agents may decide not to allow these two tenants to be immediately adjacent to each other. Also, restaurant and animal clinic owners may decide not to locate next to either other either out of the same concerns. Staff did not any other uses that are inherently incompatible with animal clinics in a shopping center context, but this should be discussed with the Planning Commission.

Development Standards

The Wayzata City Code lists specific standards that must be met in order to apply for a Conditional Use Permit. These often refer to noise, lighting, odors, setbacks, distances from other establishments, setbacks, hours of operation, licensing, and more. In the C-3 District, Animal Hospitals, Clinics, and Kennels, excluding establishments with outside runs, have the following minimum development standards:

1. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
2. The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The provisions of Minnesota Pollution Control Agency Regulations SW [53](#)(2) are complied with.
4. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

The first development standard is applicable to free standing buildings, but it has relevance in a shopping center format. This may not be appropriate for the C-2 District, but should be discussed. The second standards is applicable to kennels, which would not be listed in the C-2 District under this proposal (and therefore prohibited). Staff and the applicant tried researching the third development standard, but could not find any specific regulations. It's suspected that these have to do with the disposal of hazardous or infectious waste. The fourth development standard is written to include any MPCA regulations, so staff recommends that this standard be carried forward for this proposal. The fifth development standard references the criteria for review of Conditional Uses section of Code, so it should also carry forward.

The applicant is suggesting that the following development standards be included in the C-2 District:

1. The facility is limited to 4,000 square feet
2. The facility does not provide animal boarding services or kenneling beyond required overnight stays for patients.
3. The hours of operation coincide with those of the commercial retail sales in the area or complex.
4. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
5. The provisions of Minnesota Pollution Control Agency Regulations SW 53(2) are complied with.
6. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

Staff agrees with the applicant that a size limitation is appropriate for shopping centers. The limit of 4,000 square feet seems reasonable for a shopping center. Staff also agrees with the applicant that overnight stays should be very limited in the C-2 District. Staff also agrees that hours of operation should coincide with other business and would prefer that the wording be adjusted to say “businesses” rather than “commercial retail stores” since there can be some uses allowed in the shopping center that do not fall squarely into that category, such as salons.

If the Planning Commission recommends that certain exotic animals be prohibited from treatment in the C-2 District, this could be added as a development standard (which would apply to all animal clinics in every shopping center in C-2). Alternatively, this restriction could be applied on a case-by-case basis with each Conditional Use Permit as it is reviewed.

The conglomeration of too many animal clinics in one shopping center is unlikely to occur due to market competition and restrictions that are likely to be present in lease agreements, but the City may address this concern if deemed necessary.

Animal Hospital v. Animal Clinic

In Section 702.01 of Code, which includes general provisions for animal impoundment and dog licensing, animal hospitals are defined as a place for treatment, hospitalization, surgery, care and boarding of animals and birds, which place is operated by a licensed veterinarian. Some cities choose to differentiate animal hospitals from animal clinics in the City Code since hospitals can be a land use with higher impacts to its surroundings. That is why the applicant is not suggesting that animal hospitals (or kennels) be listed in the C-2 District. Generally, an animal hospital is open up to 24 hours, provides emergency services, is larger than a clinic, requires more parking, generate more traffic, is more likely to offer overnight boarding, and is more likely to have a crematorium on site (or have more likelihood of animal deaths in general). Staff recommends that unique definitions be crafted for the Zoning Section of the Wayzata Code of Ordinances to ensure that animal hospitals and clinics are treated differently.

Proposed Definitions:

Animal Clinic: A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets. A facility operated during daytime and evening business hours by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals. No overnight staff hours that would qualify this clinic as an animal hospital may be provided.

Animal Hospital: A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets. A facility operated during up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

Additional Information

The Planning Commission and City staff have the authority to request additional information from the applicant or to retain expert testimony if necessary to evaluate the request and/or to establish performance conditions.

Conditional Use Permit Application

If the Zoning Ordinance is amended to allow animal clinics as a conditional use in the C-2 District, then Golden Veterinary Clinic may be granted a CUP if all standards and conditions are met. An amendment and CUP can be approved in the same meeting as long as the amendment is approved first and the CUP is recorded after the ordinance is published.

According to the League of Minnesota Cities, a CUP is a quasi-judicial decision, meaning that the city no longer serves in its legislative capacity in legislating for the broad population as a whole. Rather, the city makes a quasi-judicial (judge-like) determination of whether individual application meets the standards of the city ordinance (which is the Criteria for Conditional Use Permit Review in § 904.02 F, also listed on page 13 of this report). If an application meets the requirements of the ordinance, generally the city must grant it. If the city denies an application, the stated reasons for the denial must all relate to the applicant's failure to meet standards established in the ordinance. In sum, the city has a great deal of liberty to establish the rules, but once established, the city is as equally bound by the rules as the public.

Hours of Operation

The 1,794 square-foot Golden Veterinary Clinic would be open from 8:00 a.m. to 6:00 p.m., Monday through Friday. Excluding Lund's & Byler's grocery store, the hours of operation for the other businesses in the north building range from 8:00 a.m. to 9:00 p.m. Monday through Sunday. Hours range from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday.

Space	Tenant	Hours of Operation
1	Juut SalonSpa	9 a.m. – 8 p.m. (M-F), 8 a.m – 5 p.m. (Sa) 11 a.m. – 5 p.m. (Su)
2	Paint Nail Bar (nail salon)	10 a.m. – 6 p.m. (M-W, F), 10 a.m. – 8 p.m. (Th), 9 a.m. – 5 p.m. (Sa), closed (Su)
3	Golden Vet Care (Proposed)	8 a.m. – 6 p.m. (M-F) proposed
4	Modern Roots (retail)	10 a.m. – 6 p.m. (M-W), 10 a.m. – 7 p.m. (Th-Sa), 10 a.m. – 5 p.m. (Su)
5	Salon Entourage	9 a.m. – 8 p.m. (T-Th), 9 a.m. – 5 p.m. (F, Sa), closed (Su, M)
6A	Maverick Chiropractic	Sporadic, ranging 8 a.m. - 6 p.m. (M-Th), closed F-Su)
6B	Bank of America	10 a.m. – 6 p.m. (M-F), 9 a.m. – 1 p.m. (Sa), closed (Su)
7	Owl and the Octopus (retail)	9 a.m. – 6 p.m. (M-Sa), 10 a.m. – 6 p.m. (Su)
8	Chuck and Don's Pet Food Outlet (retail)	9 a.m. – 9 p.m. (M-F), 9 a.m. – 6 p.m. (Sa), 10 a.m. – 6 p.m. (Su)
9	Lund's & Byler's (grocery)	6 a.m. – 12 a.m. (daily)

Source: Google Maps, 8/22/19

In discussions with staff, the applicant stated that there is some potential that the clinic would be open for some weekend or later weekday hours for appointments in the future if the business grows.

Employees

The clinic is projected to have two veterinary doctors, two technicians, and two to three administrative assistants on staff.

Noise

The applicant must comply with the building code, zoning ordinance, and lease agreement requirements regarding noise. The architect on this project is also the acoustical engineer. If requested, the applicant and architect can provide additional details on how the noise limits are measured and enforced. The architect and builder have completed several veterinary clinics in mall settings and are verse in noise control measures, including special wall preparation and the use of specific ceiling materials. In discussions with the staff, the applicant noted that employees will not work well with any consistent sound of barking dogs, so that will not be a tolerated at the business since it effects employee productivity and well-being.

Waste

In discussions with staff, the applicant stated that there will not be any excessive garbage or waste produced and that extra waste pick up will not be necessary. Any euthanized pets are picked up discreetly by the cremation service from the back of the clinic. The bodies are stored in a large freezer in the back of the clinic, so there will be no odor. The clinic will follow OSHA standards for eliminating tiny amounts of medical waste produced. Additional information in the applicant's lease addresses waste and can be provided upon request.

Animal Waste

The applicant stated that the patients are the clinic will be trained family companions and household pets that don't typically eliminate in public indoor places. Most people have their pets eliminate prior to starting the trip to the clinic. Although possible that a dog would defecate on the way in, most pet owners understand its protocol to carry bags and collect their pets waste. She also stated that most dogs will not be eliminating on the building and that it will be the same as Chuck and Don's in the same building. Their storefront doesn't have waste or odor in the entrance. If it was to happen, the clinic employees would be responsible enough to clean up the offensive waste products. She stated that any foul smelling waste will be disposed of in the appropriate manner, which includes plastic odor controlling bags. There is usually a minimal amount of animal waste that animals visiting the clinic produce. It is unusual for pets in the clinic for exams to defecate while in the clinic. Not that it couldn't happen, just unusual.

Odors

In discussions with staff, the applicant stated that the clinic is the employees' working environment and they cannot work effectively with foul odors. She stated that the clinic and surrounding area will not have any foul odors, the architect and builder have been building animal clinics for many years and the proper ventilation will be in place inside the clinic.

Animal Species

The applicant stated that no exotic animal species will be treated. If requested, the applicant can explain the definition of exotic animals.

Traffic

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that a veterinary clinic will generate up to 3-4 vehicles per 1000 SF during peak hours, which are between 4:00 p.m. and 6:00 p.m. on a weekday. In this case, that would generate up to 6-8 vehicles. The shopping center is accessed from driveway entrances on Central Avenue and Wayzata Boulevard. The streets and parking lot are designed to accommodate this traffic.

Off-Street Parking

Before signing the lease, the applicant spent time at all hours of the day evaluating the parking. She concluded that there is plenty of parking available to accommodate her business. She stated that the clinic will see one client every half hour. In talking to Chuck and Dons, she said that they felt the same way and that they have more traffic than the clinic will. She stated that staff will park in the main parking lot of the shopping center, but towards the back to leave more convenient spaces for customers. The clinic will have three to six staff members on a regular basis in the building and average two clients per hour.

The existing retail and service commercial tenants in the building are also required to have on-site parking. Shopping centers are required to have 1 parking space for every 150 square feet of tenant space. There is 93,248 square feet of tenant space in the entire Colonial Square Shopping Center, which includes Bruegger's and Noodles & Company in separate building. This requires 621 parking spaces, but the site has 424 spaces according to a survey from 2004. Since the leasing agent and business owner are comfortable with the existing parking conditions and since staff observations have verified that there is not a parking shortage, staff is comfortable with advancing this proposal without a formal parking study.

Even if the parking lot does not have the exact amount of parking spaces required by Code, 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.

The leasing agent for Colonial Shopping Center informed City staff that this shopping center does not include signs in the parking lot that reserve spaces for specific businesses.

Signs

The applicant is working on a sign permit application. Sign information can be provided upon request.

Potential Conditions of Approval

If the Commission is interested in recommending approval with conditions, staff suggests that these conditions for the CUP be considered:

- Any deviations from the project description, conditions, or exhibits require a Conditional Use Permit Amendment. Deviations without the above described approval will constitute a violation of permit approval.
- Clinic staff should take action to minimize barking at this facility through use of appropriate techniques.
- Noise associated with veterinary clinic operations shall be limited to those established in the Wayzata Code of Ordinances. If repeated significant and valid noise complaints are received by the City, the responsible party shall hire an acoustical engineer to prepare a noise study. The City will review the third party report and may reverse their decision or not. If the responsible party fails to comply with a City's decision that a violation exists, enforcement will proceed in accordance with the official process and may result in the suspension or revocation of the Conditional Use Permit or the issuance of an administrative or misdemeanor citation.
- Any outdoor animal waste elimination area shall be designated in the rear of the building and at least 100 feet from residential property and supported by the property owner and leasing agent. All animal waste shall be removed immediately. If repeated significant and valid animal waste complaints are received by the City, enforcement will proceed in accordance with the official process and may result in the suspension or revocation of the Conditional Use Permit or the issuance of an administrative or misdemeanor citation.

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 for each request, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Applicant's Narrative – Zoning Ordinance Text Amendment

Applicant's Narrative – Conditional Use Permit

Site Plan

Floor Plan

Site Survey, 2004

2030 Land Use Plan

Draft 2040 Land Use Map

Commercial Goals and Policies, Land Use Chapter, Draft 2040 Plan, July 2019

Zoning Map, 2019

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

Criteria for Zoning Ordinance Text Amendment Review (§ 903.02 F)

By State Statute, the City Council has a great deal of discretion in deciding which land uses to permit in each Zoning District. The Wayzata City Code notes that uses which are not specifically listed in a Zoning District are prohibited unless added by the Planning Commission and City Council by Ordinance after a public hearing.

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its 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 conformity with present and future land 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 value in the area in which it is proposed.
6. Traffic generation by the proposed use 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.

Criteria for Conditional Use Permits Review (§ 904.02 F)

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.

Description of Request

We are requesting an amendment to the Zoning Code to include smaller and limited Animal Clinics to Chapter 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT, Section 976.05 - Conditional Uses. For this purpose, we are defining a smaller and limited Animal Clinic as a clinic that is less than 4,000 sf, is not open 24 hours, and does not offer boarding services.

The impetus behind this request stems from the desire for Sharon Golden DVM to open such a clinic in an available space in the Colonial Square Shopping Center. Performing our due-diligence, one of the first calls made was to the Wayzata Planning Department to ascertain if this was a permitted use in this location. On 2019.04.18, the Zoning Administrator informed us that there were no zoning obstacles to putting an animal clinic at Colonial Square. With this assurance, over the next four months a lease was negotiated and signed, the details of the clinic were hammered out, and the construction documents were prepared. These documents were submitted to the City for a building permit, and on 2019.08.15 we were informed that the C-2 zoning in which Colonial Square resides does not include animal clinics as an allowed use and there would be no further action taken on the application for building permit.

This use is consistent with both the 2030 and 2040 Comprehensive Plans' goals of promoting a broad range and diversity of commercial uses which provide services for residents. We feel that this proposed use is very compatible with the other uses within the C-2 Shopping Center Business District. Animal Hospitals, Animal Clinics, and Kennels are a Conditional Use in the C-3 District, and as the C-2 District is meant to be a less impactful land use than C-3, a smaller and limited Animal Clinic will fit well withing this lower impact use. It is also worth noting that many of the surrounding communities allow animal clinics to be in shopping centers, including but not limited to Minnetonka, Plymouth, Golden Valley, and St Louis Park.

Attached is a copy of a portion of Chapter 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT through Section 976.05 O indicating the proposed text amendment (underlined) at the end.

CHAPTER 976 - C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 - Purpose.

The C-2 District is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. All of the following principal uses, except for required off-street parking facilities, shall be conducted wholly within an enclosed building.

976.02 - Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in a "C-2" District:

- A. Adult Use—Principal and Accessory.
- B. Antique shops.
- C. Appliance sales or service stores.
- D. Art galleries or studios.
- E. Art supply, school supply, book or stationery stores.
- F. Automotive accessory stores.
- G. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.
- H. Banks, savings, lending or other financial institutions, excluding drive-in facilities.
- I. Barber shops.
- J. Beauty parlors.
- K. Bicycle stores, including bicycle rental, repair or sales.
- L. Blueprinting, photostating or instant printing establishments under 2,000 square feet in gross floor area.
- M. Business machine sales or services stores.
- N. Camera and photo stores.
- O. Candy or ice cream stores.
- P. Carpet and rug stores.
- Q. Catering establishments.
- R. Clothes pressing or tailoring shops.
- S. Department stores.
- T. Drug stores.
- U. Dry cleaning or laundry establishments.
- V. Florist shops.
- W. Food, grocery, meat, fish, bakery or delicatessen stores.
- X. Furniture stores.
- Y. Hardware stores.

Z. Hobby or toy stores.
AA. Interior decorating studios.
BB. Jewelry stores.
CC. Laboratories (medical or dental).
DD. Leather goods or luggage shops.
EE. Libraries.
FF. Locksmith shops.
GG. Medical or dental clinics.
HH. Newsstands.
II. "Off-sale" liquor stores.
JJ. Offices, including both business and professional uses.
KK. "On-sale" liquor stores.
LL. Optical stores.
MM. Orthopedic or medical appliance stores.
NN. Paint or wallpaper stores.
OO. Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.
PP. Pet shops.
QQ. Phonograph, record or sheet music stores.
RR. Photography studios.
SS. Physical fitness, health service establishments, or reducing salons.
TT. Picture framing or picture stores.
UU. Pipe or tobacco shops.
VV. Post offices.
WW. Plumbing sales
XX. Public utility service stores.
YY. Schools, such as music, dance, business or vocational schools.
ZZ. Sporting goods stores.
AAA. Taxidermy shops.
BBB. Theaters, excluding drive-ins.
CCC. Variety, gift, notion or soft good stores.
DDD. Wearing apparel stores.
EEE. Coffee shops.
FFF. Municipal parks and playgrounds. 976.03 - Interim Use.

Subject to applicable provisions of this Ordinance, the following are interim uses in the C-2 district and are governed by Chapter 934 of this Ordinance:

A. Auto glass installation, internal to a shopping center complex.

976.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in a "C-2" District:

- A. Accessory uses customarily incidental to the uses allowed in Sections 976.02 and 976.05 of this Ordinance.
- B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.
- C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.
- D. Bus or taxi loading and unloading facilities.
- E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.

(Ord. [782](#) [8-9-2018]) 976.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in a "C-2" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

A. Freestanding Automobile Service Station and/or Motor Repair-Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.
5. Facilities on a site contiguous to any residential district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.
6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

9. Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
10. Drainage. A drainage system subject to the approval of the City shall be installed.
11. Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.
12. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.
13. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
14. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.
15. Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.
16. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
17. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.
18. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
19. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
20. Sales Limitations. Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
21. The provisions of Section 904.02.F are considered and satisfactorily met.

B. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.
5. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
6. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.
7. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.
8. Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability

around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

9. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
 10. Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
 11. Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
 12. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.
 13. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
 14. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
 15. Light Standards Base Landscaped. Each light standard base shall be landscaped.
 16. Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 17. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 18. Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.
 19. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for rubbish and dumpsters.
 20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- C. Drive-in facilities for banks, or savings and loan associations, provided that:
1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
 2. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
 3. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
 4. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.

- b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
- c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
- d) Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
- e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- f) Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
- g) The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. Indoor amusement or recreational establishments, such as commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks, or tennis courts as a principal use, provided that:

- 1. If located within a shopping center, the use has its own exclusive exterior access.
- 2. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
- 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
- 4. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.
- 5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:

- 1. The use is conducted completely indoors.
- 2. The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.
- 3. The provisions of Section 904.02.F are considered and satisfactorily met.

F. Restaurants, excluding drive-ins or convenience food operations, provided that:

- 1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
- 2. There shall be no excessive noise or odors emitted from the use.
- 3. There shall be no outdoor storage and/or display.
- 4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- 5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.
- 6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

G. Restaurant, convenience food, provided that:

- 1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

2. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 3. Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
 4. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
 5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
 6. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
 8. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
 9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
 10. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
 11. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
 - b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - d) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
 - e) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- H. Open and outdoor storage as an accessory use, provided that:
1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
 2. Storage is landscaped and screened from view from the public right-of-way.
 3. Storage area is blacktopped or concrete surfaced.
 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

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

I. Open or outdoor services, sale and rental as a principal or accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

J. Child care facilities as an accessory use, provided that:

1. The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.
2. The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.
3. The ages of the children attending range from 16 months to 12 years.
4. The hours of operation coincide with those of the commercial retail stores in the area or complex.
5. The employees and facility are licensed by the State Department of Human Services.
6. Fire codes as applicable are complied with.
7. Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.
8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

K. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:

1. The provisions of Chapter 920, of this Ordinance are considered and satisfactorily met.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

L. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

M. Planned unit development as regulated by Chapter 933 of this Ordinance.

N. Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. Stats. § 340A.

2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

O. Animal Clinic, provided that:

1. The facility is limited to 4,000 sf.
2. The facility does not provide animal boarding services beyond required overnight stays for patients.
3. The hours of operation coincide with those of the commercial retail stores in the area or complex.

4. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any residential property.
5. The provisions of Minnesota Pollution Control Agency Regulations are complied with.
6. All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

976.06 - Special Limitations and Conditions.

Description of Request for CUP

We are requesting a Condition Use Permit for an Animal Clinic (Golden Veterinary Care) at the Colonial Village Shopping Center, 1131-A Wayzata Boulevard E. This site is zoned C-2 SHOPPING CENTER BUSINESS DISTRICT.

The proposed Animal Clinic is 1,794 sf. Hours of operation will be 08:00 - 18:00 Monday through Friday. Six parking spaces are required for this size of clinic. There will not be any animal boarding or grooming services offered.

The proposed use will fit in well with the other uses adjacent and in the rest of the shopping center. The west end of the center (where the proposed use is to be located) is predominantly service businesses, including Hair Salon and Spa, Nail Salon, and Chiropractic. These businesses all have very similar traffic patterns and hours of operation. A few doors further down is a Chuck and Don's Pet Food Outlet, and the obvious symbiosis between that use and an animal clinic has both parties excited. While nobody can predict the future, this mix of uses is typical of the history of this shopping center.

To address the factors mentioned in Chapter 904 - Conditional Use Permits:

1. This proposed use is in alignment with both the 2030 and 2040 Comprehensive Plans' goals of promoting a broad range and diversity of commercial uses which provide services for residents.
2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards.
4. The proposed use will have negligible effect on the area in which it is proposed.
5. The proposed use will have negligible impact upon property values.
6. The proposed use will have negligible impact on traffic in the area.
7. The proposed use will have negligible impact upon existing public services.

Colonial Square

1151 Wayzata Blvd, Wayzata, MN 55391

Center Size: 93,248



1 of 1

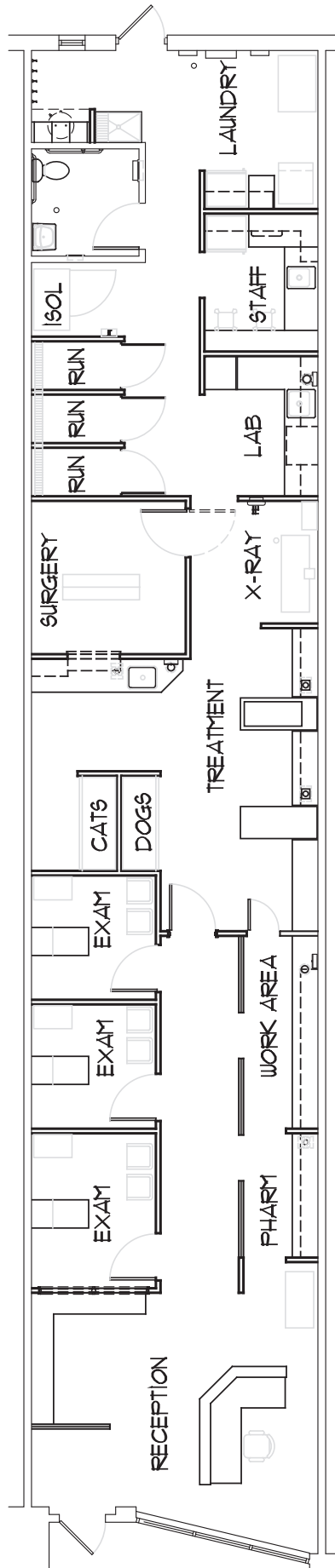
Regency
Centers.

Adam Foret
Leasing Contact

630 645 2820

AdamForet@regencycenters.com

Updated: Jun 20 2019



A1 FLOOR PLAN

3/32" = 1' - 0" 1,794 SQ FT

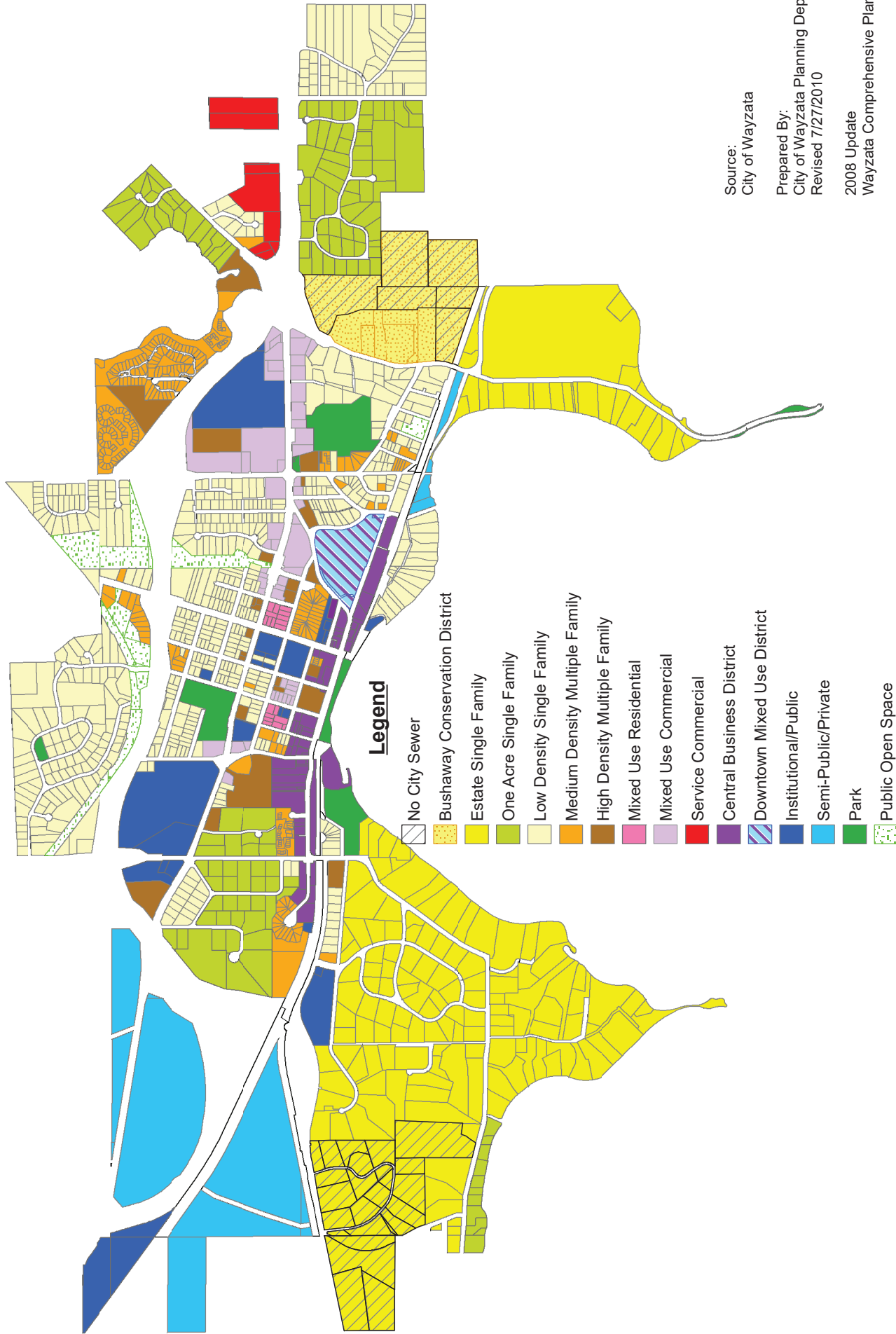


Sjoquist Architects, Inc
 2800 University Avenue SE # 100
 Minneapolis, Minnesota 55414
 612.379.9233 Fax 612.379.9263

1913
 PROJECT NO. 2019.08.16
 DATE
 ACK BY CLR
 DRAWN BY CHECKED BY
 REVIEW DATE

GOLDEN VETERINARY CARE
 WAYZATA, MINNESOTA

A-101



Source:
City of Wayzata

Prepared By:
City of Wayzata Planning Department
Revised 7/27/2010

2008 Update
Wayzata Comprehensive Plan



Proposed Land Use Map

Map 3.2



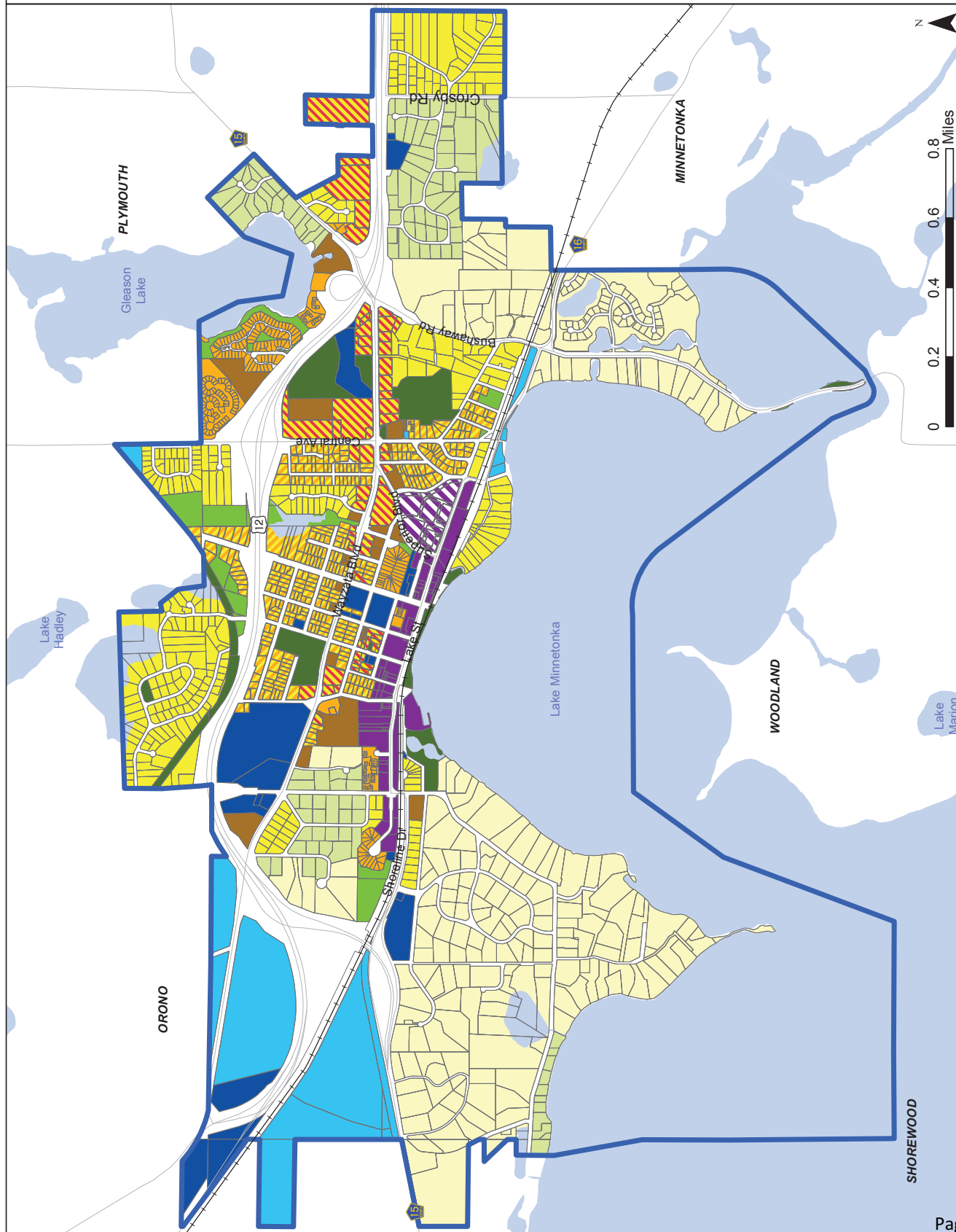
Legend

Future Land Use

- Estate Single Family - 0.25 to 0.5 unit/acre
- One Acre Single Family - 0.5 to 1 unit per acre
- Low Density Residential - 1 to 3 units/acre
- Central Core Residential - 3 to 6 units per acre
- Medium Density Residential - 6 to 12 units/acre
- High Density Residential - 12 or more units/acre
- Mixed-Use - Commercial/Residential - 10 or more units
- Central Business District
- Downtown Mixed-Use District
- Institutional/Public
- Semi-Public/Private
- Parks
- Public Open Space
- Lakes

Figure 2

2040 Land Use Plan



Commercial Goals and Policies

Goal: Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents.
Goal: Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types.
Goal: Support the existing commercial core within the community, and encourage business retention and reinvestment.
Consider regulations to allow a mix of commercial, office and residential uses within each of the commercial categories to strengthen Wayzata as a shopping, employment and entertainment destination.
Regularly consider updates to development standards to ensure quality development within each of the commercial zoning classifications.
Promote economic development and investigate strategies to increase retail vitality within commercial areas.
Encourage developments to accommodate all modes of transportation through site planning efforts, regardless of the location within the City.
Continue to consider provisions for a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
Consider opportunities to plan for proper transitional uses and buffers between commercial and residential uses.
Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
Consider ways to assist with redevelopment when properties become a liability to the community.
Encourage the placement of retail uses on the first floor of all commercial uses to enhance the retail vitality of the area. Design standards shall be employed regarding first floor development to encourage welcoming and pleasing views from the ground level.
Consider identifying ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.
Examine the placement of parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
Consider promotion of shared and joint parking facilities within development wherever possible
Continue to evaluate ways to consider a variety of housing options for upper-story housing.

Consider third story uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Contemplate opportunities to consolidate access to streets and off-street parking from commercial development wherever possible.

Institutional Goals and Policies

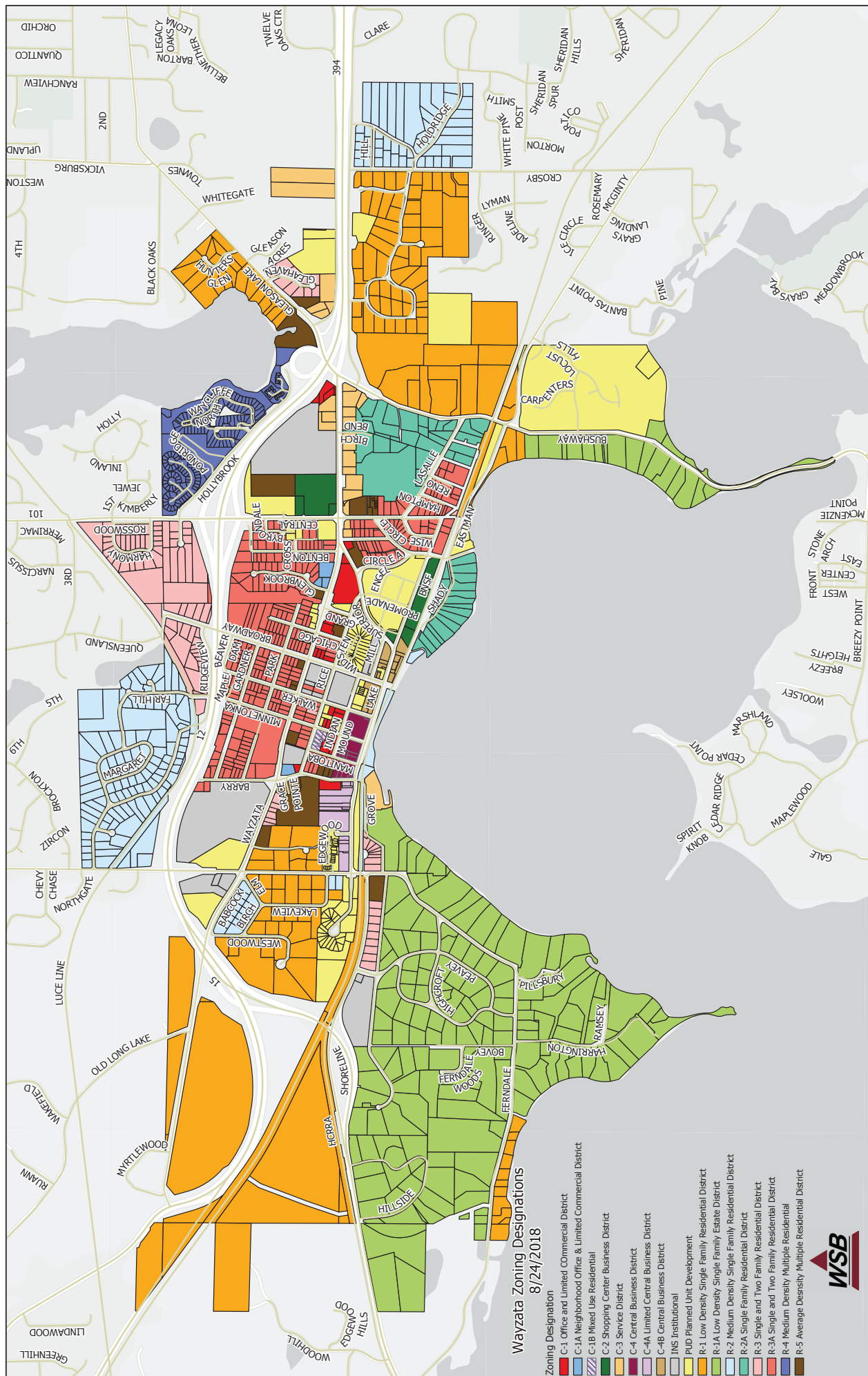
Goal: Maintain all institutional facilities in a manner that efficiently serves all residents of the community, from both a cost and access perspective.

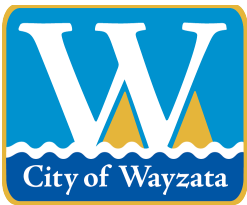
Consider opportunities to accomplish transitions between differing types of land uses in an orderly fashion to minimize negative impacts on adjoining development.

Examine proposals for institutional development from physical, social, and economic standpoints to determine the most appropriate land uses within a neighborhood and the community as a whole.

Consider the establishment of sufficient setback requirements for new or expanding institutional development to assure adequate separation of differing land uses.

Consider developing all institutional uses according to high levels of design, which are sensitive to the mass and scale of the existing surrounding neighborhood.





City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 5.b.
TITLE: Consider Development Application for Variances for a New Single-Family Home at 639 Bushaway Rd "Skyfall"	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: November 3, 2019	

BACKGROUND:

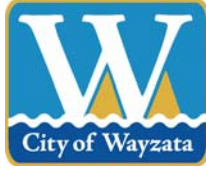
The 639 Bushaway Road project is a single-family residence redevelopment. This development application is proposing multiple variances. Attached is a staff report that describes the property and the various application requests.

ACTION REQUESTED:

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

ATTACHMENTS:

1. Staff Report and Plans - 639 Bushaway Rd Skyfall



**Staff Report
Wayzata Planning Commission
September 16, 2019**

Project Name: 639 Bushaway Rd "Skyfall"
Requests: Variances for Shoreland Setback, Impervious Surface over 20%, and Attached Garage over 1,000 Square Feet
Applicant: Bushaway Road LLC
Addresses of Request: 639 Bushaway Rd
Prepared by: Eric Zweber, Consulting Planner
"60 Day" Deadline: November 3, 2019

Development Application

Introduction

The applicant and property owner, Bushaway Road LLC, has submitted a development application requesting approval of (i) a variance from the shoreland setback (§ 991.09 D. 2.), (ii) a variance from the impervious surface requirement (§ 951.07 A.), and (iii) a variance from the attached garage size limitation (§ 917.01 B.) to allow for the redevelopment and construction of a new house and detached garage on the property at 639 Bushaway Road.

Property Information

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

Address	PID	Owner
639 Bushaway Rd	08-117-22-23-0001	Bushaway Road LLC

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

	639 Bushaway Rd
Current Zoning:	R-1A / Low Density Single Family Estate District
Comprehensive Plan Designation:	Estate Single Family District
Overlay Districts:	S / Shoreland Overlay District

Project Location

The property is located on the west side of Bushaway Road near the Gray's Bay Causeway:

Map 1: Project Location



Application Requests

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

- A. Shoreland Setback Variance: The applicant has submitted an application to construct a new house in the general location of the existing house. City Code § 991.09 D. states that a principal structures setback from the lakeshore shall be the greater of:
 - a) Seventy-five feet;
 - b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
 - c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
 - d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

The greatest of these setbacks would be b) a line drawn between the two adjacent homes. The applicant has provided an Ordinary High Water Level (OHWL) Setback Overlay exhibit, which is attached to this staff report. The line drawn between the two homes, which is shown as the green line on the exhibit, would be located about 260 feet from the lake.

The proposed house would be located 94.5 feet from the lake at its closet point. This location will meet the 30 foot setback requirement from the top of the bluff located between the house and the lake.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

- B. Impervious Surface Variance: City Code § 951.07 A. states that the impervious surface of developments within the R-1A Zoning District shall not exceed 20% of the lot area. The impervious surface restriction within the Shoreland Overlay is 25%. The existing property is 24.1% impervious surface. The proposed house and other impervious surfaces would total 22.7%, which is a 1.7% reduction from the existing development.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

- C. Attached Garage Size Variance: City Code § 917.01 B. states that within the R-1A Zoning District, a garage not exceeding 1,000 square feet, if it is attached to the principal building, is exempt from the other provision regulating accessory buildings.

The applicant is requesting a variance to construct a 1,338 square foot attached four car garage. The existing house has an attached garage greater than 1,200 square feet in size. The proposed house would have 8,348 square feet of livable spaces on its main floor. The ratio of house to garage size would be 6.24 to 1.

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on September 5, 2019. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on September 4, 2019.

The public hearing notices included a shoreland impact plan/conditional use permit for grading within the bluff impact zone and steep slope. Upon further review of City Code § 991.14 B., the shoreland impact plan is an administrative permit that will be issued by the Zoning Administrator and therefore does not need a public hearing.

Background Information

The existing house at 639 Bushaway Road was constructed in 1997. Since 1997, the house to the south (655 Bushaway Road) was constructed in 2003 and the house to the north (623 Bushaway Road) was constructed in 2016. All three homes share the same access onto Bushaway Road on the north end of this parcel.

The existing site has a one and a half story house with an attached garage on the west side of the property overlooking Lake Minnetonka and a guest house located on the east side of the property. The site changes about 40 feet in elevation with the entry elevation of the existing house at 979.7 feet and the driveway access along Bushaway Road at 938 feet. The driveway runs roughly east west from Bushaway Road to the house and attached garage. The driveways to 623 Bushaway Road and 655 Bushaway Road run at approximately right angles from the existing 639 Bushaway Road driveway. The existing guest house has a driveway that connects to the driveway to 655 Bushaway Road.

Proposed Changes to the 639 Bushaway Road

The proposed changes to the property include demolishing the existing house and attached garage, the driveway west of the connection with the 625 Bushaway Road driveway, and the driveway connection to 655 Bushaway Road. The key items that will remain are the pedestrian access to Lake Minnetonka, the retaining wall located on top of the bluff, and the guest house.

The new house will be a single-story home with a walk out to the north and an attached garage. The new driveway will generally run north to south to connect with 655 Bushaway Road with a driveway extending at a right angle running north to the house and attached garage. Halfway between the house and the 655 Bushaway Road driveway will be a structurally reinforced grass area to allow for guest parking without creating additional impervious surface.

The existing guest house will no longer have a driveway. To the northwest of the existing guest house, a subterranean detached garage will be constructed that will connect to the joint driveway to the north. The detached garage will be constructed with a green roof to remove its impervious surface. Since the garage is primarily subterranean, only the garage door and the retaining walls will be visible.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Estate Single Family. The Comprehensive Plan includes the following discussion for the Estate Single Family: Estate residential neighborhoods are generally older neighborhoods removed from the historic community core. Lot sizes should be a two (2) acre minimum. Some lots have additional living quarters that were originally built for property caretakers.

Zoning

The property is zoned R-1A and is located within the Shoreland Overlay District. The following table outlines the standards compared with the proposal:

Regulation	R-1A District	Shoreland Overlay District	Proposed
Height (max.)	3 stories and 40 feet, whichever is lesser	35 feet	1 story 20 ft. 5 ¼ in.
Lot Coverage	10 percent	N/A	8.66 percent*
Impervious Surface (max.)	20 percent	25 percent or 75 percent with stormwater management	22.73 percent*
Setbacks (min.)	Front: 50 feet Rear: 10 feet Side: 10 feet	Lake Shore (West) (~260 feet): A line which is drawn between the two closest riparian principal structures on either side of a proposed building site	North (side): ~80 ft. East (front?): ~55 ft.** South (side): ~25 ft. West (rear, lake shore): 94 ft. 10 in.
Lot Area (min.)	80,000 sq. ft.	20,000 sq. ft.	133,027 sq. ft.
Lot Width	200 Feet	75 feet	~240 feet
Lot Depth	200 Feet	N/A	~570 feet

* 1,650 sq. ft. subterranean detached garage is not counted due to the green roof providing pervious surface. If the detached garage were counted, then the lot coverage would be 9.90 percent and the impervious surface would be 23.97 percent.

** East Setback is measured to the existing guest house.

Building Height

The proposed single-story house will be 20 feet and 5 ¼ inches tall, which is almost 15 feet lower than the City Code limitation.

Setbacks

The setbacks for the R-1A Zoning District are being observed.

The lake shore setback is the greatest of four different setback measurements. For this property, which has a point that extends into Lake Minnetonka, the greatest setback would be a line drawn between the two closest riparian principal structures which would require a setback of about 260 feet. The applicant is requesting a lake shore setback similar to the existing principal structure at 94 feet 10 inches. The applicant has supplied the justification for their variance request, which is attached to this staff report.

This lake shore setback is a requirement of the Shoreland Overlay District and therefore must be evaluated as a part of the variance standards of the Shoreland Overlay District § 911.20.

Impervious Surface

The applicant has proposed a redevelopment that would create a total area of impervious of 30,243 square feet or 22.73 percent of the total lot area. This impervious surface area meets the 25 percent impervious surface requirement for the Shoreland Overlay District but is 2.73 percent greater than the 20 percent requirement of the R-1A Zoning District. The applicant requests a variance to allow for the 2.73 percent increase over the R-1A standard.

The applicant has supplied the justification for their variance request which is attached to this staff report. The narrative includes that this proposed impervious surface is less than the existing impervious surface of 24.1 percent. This decrease in impervious surface is achieved partially through the use of the grass pave guest parking area and the green roof of the detached garage.

This R-1A impervious surface requirement is a part of the overall Zoning Ordinance and therefore must be evaluated as a part of the general variance standards of the City Code chapter 905.

Attached Garage

The applicant has proposed a 1,338 square foot attached four car garage. The proposed house would have 8,348 square feet of livable spaces on its main floor. The ratio of house to garage size would be 6.24 to 1. The existing house has an attached garage greater than 1,200 square feet in size.

The size of this attached garage exceeded the 1,000 square foot exemption for single family detached uses listed in the City Code § 917.01 B. If this property was a R-3, R-4, or R-5 zoned property, then the applicant could have requested a conditional use permit (CUP) for an increase in size. There is provision for the R-1 or R-2 to request a CUP for an increased attached garage size. The applicant requests a variance to exceed the 1,000 square foot limitation. The applicant has supplied the justification for their variance request which is attached to this staff report.

This single family detached accessory building (attached garage) size requirement is a part of the overall Zoning Ordinance and therefore must be evaluated as a part of the general variance standards of the City Code chapter 905.

Standards of Planning Commission Review of Application Requests

The three variance requests are a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the impervious surface and attached garage size requests by the applicant if the Commission determines that they meet all of the Zoning Ordinance requirements in City Code § 905.01 C (see following page).

The Planning Commission should recommend approval of the lake shore setback request by the applicant if the Commission determines that it meets all of the Shoreland Overlay District variance requirements in City Code § 991.20 (see following page).

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *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

Application
Applicant's Narrative Dated August 15
Supplemental Applicant's Narrative
Demo Site Plan (L100)
Proposed Site Plan (L101)
Planting Plan (L401)
Existing Survey (S1)
Supplemental OHWL Setback Overlay
Lower Level Plan (A1)
Main Level Plan (A2)
Elevations (A3)
Rendering (A4)
Subt Garage Plan & Elevations (A5)

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

Zoning Ordinance Variances (§ 905.01 C.) (Applicable to garage size over 1,000 sq. ft. and impervious surface over 20%)

The criteria for granting a variance includes the following conditions governing considerations of variance requests.

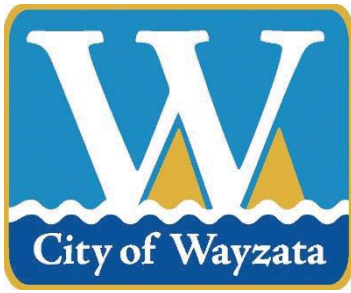
1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance; and
 - b) Consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying 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 Minn. Stats. § 216C.06, Subd. 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.

Shoreland Overlay District Variances (§ 991.20) (Applicable to lake shore setback)

Variances may be granted by the City Council in accordance with Chapter 905 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding,

- except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
 - C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.**
 - D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Shall constitute a hardship as defined in Chapter 905 of this Ordinance. Note: This section of Code was not updated to change the “hardship” criteria to the new “practical difficulty” criteria:**
 - “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.**
 - F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this Section.



Development Application

Project Information:

Project Name: Skyfall **Date Filed:** 08-15-2019

Property Owner: Bushaway Road LLC

Address: 2380 Shadywood Road, Wayzata MN

Applicant (if different than owner): _____¹

Prior Applications to Wayzata under different names: _____

Address (if different than owner): _____

Responsible contact person: Murphy & Co. Design {contact - T.J. Majdecki}

Telephone: 612-470-5511 **Fax:** _____ **E-Mail:** tj@murphycodesign.com

Address of Property Involved: 639 Bushaway Road, Wayzata MN

Legal Description: refer to attached document

Property Identification Number: 0811722230001

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

Type of Request:

_____	Design Review
<u>x</u>	Conditional Use Permit
<u>x</u>	Variance
_____	Subdivision
_____	Rezoning
_____	Zoning Amendment
_____	Comprehensive Plan Amendment
_____	Planned Unit Development
_____	Other

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

Description of Request:

refer to attached document

Applicant may attach other letter sized materials.

Additional Information:**Payment of Fees**

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

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

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

Complete / Incomplete Applications

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

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

Agenda Deadline

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

Notice of Meeting Attendance

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

Accessibility to Property for Site Review

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

Certified List of Property Owners

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

Regular Meeting Schedule

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

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

Acknowledgment and Signature of Owner and Applicant

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

Buxaway Road, LLC
Property Owner as indicated on page one

Date

Cynthia J Redmond
Applicant (if different than Owner) President

8/14/19
Date

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

FOR CITY USE ONLY

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

Date accepted as complete: _____ Accepted by: _____

Date: August 15, 2019
Project: Skyfall
Project Address: 639 Bushaway Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

VARIANCE / CONDITIONAL USE PERMIT REQUESTS

Property Zoning District(s)

R-1A Low-Density Single-Family Estate
Shoreland Overlay

Variance Request 1:

Request for a variance to the Shoreland Overlay minimum setback requirement as related to average setback of the two adjacent principal structures.

Per Wayzata's Code of Ordinances, Chapter 991.09 {Shoreland Overlay, Minimum Setback Requirements}, Sub-Section D-2, Lake Shore Setbacks, *no principal structure or building addition other than a water-oriented accessory structure as specified above shall be located closer to the ordinary high-water mark than the greater of:*

- a) *Seventy-five feet;*
- b) *A line which is drawn between the two closest riparian principal structures on either side of a building site;*
- c) *The average setback of the two closest riparian principal structures on either side of a proposed building site; or*
- d) *The average setback line shall be measured parallel to the ordinary high-water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high-water level to that part of the said principal structure that is closest to the lake.*

Given the natural contour of the lake shore in this particular area of Wayzata Bay, the property at 639 Bushaway Road has a natural projection further into the bay (more westerly) than that of the two adjacent properties and riparian principal structures. Thus, a line drawn representing the average setback requirement {please refer to the included supplemental document illustrating the setback conditions} demonstrates how this adversely effects the owner's property, and bisects the depth of the property at a point more easterly than that of the two adjacent properties, relative to the ordinary high-water mark.

We are requesting that the principal structure setback from the lakeshore follow only the zoning requirements for the required 75'-0" setback from the ordinary high-water mark, as well as the 30'-0" setback from the natural top of bluff designation existing on the property. We would ask the council to consider omitting the setback requirements as noted in sub-section D, conditions b - d.

Sub-Section D-3 states *the required setback distance may be reduced by a variance if the following conditions are met:*

- a) *The minimum setback from the ordinary high-water mark is at least 75 feet*
 - The proposed structure is behind the 75-foot ordinary high-water mark, as well as behind the 30-foot top of bluff setback
- b) *The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures*
 - The view of the shoreline and lake would not be affected for the two adjacent principal structures, as the orientation for these two structures are set at differing view angles from this property, and the existing lakeshore topography set these two principal structures at differing main floor elevations.
- c) *The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots*
 - The uniqueness of this property is defined by the existing shoreline contours, and its projection more westerly of the adjacent properties. The proposed location of the new principal structures is relatively close with that of the existing structure on the property. The resulting setback from the ordinary high-water mark would be more like in kind to those of the existing adjacent properties.
- d) *A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this ordinance*
 - Per Section 991.19 the property and intended use fall within the exceptions listed and a shoreland impact plan is not required.
- e) *The conditions of Chapter 905 and Section 991.20 of this Ordinance are considered and satisfactorily met*
 - We feel the *Criteria for Granting* are established and keep in harmony with the general zoning ordinances for the City of Wayzata
 - A hardship exists with the current driveway approach and access to the neighbor's property if the principal structure is pushed too far easterly. Please refer to the submitted Architectural and Landscape plans.

Variance Request 2:

Request for a variance to increase to the allowable impervious surface coverage for a lot in the R-1A district to exceed 20% of the lot area

Per Wayzata's Code of Ordinances, Chapter 951.07 {R-1A Low-Density Single-Family Estate District, Lot Coverage}, *impervious surfaces on a lot shall not exceed 20 percent of the lot area.*

The existing impervious coverage of the site is 32,207 square feet of the 132,607 square foot property, or 24.2%.

The proposed impervious surface area for the new principal structure and site is 22.8%, or 30,452 square feet, an overall reduction of 1.4%, or 1,755 square feet, and still below the 25 percent requirement that the Shoreland Overlay District mandates.

A unique hardship exists on this property, where the only driveway access to the neighboring property at 655 Bushaway Road bisects the 639 Bushaway Road property. Maintaining driveway access to this neighboring property requires additional impervious surface area be granted when,

more typically, each property would have its own driveway and travel path counted against its own impervious surface area.

We are requesting that the Planning Commission grant the additional impervious surface area as requested, which is still greater than the allowed, but lower than the existing.

Conditional Use Permit Request 1:

Request for an increase to the allowable floor area of an attached garage to exceed 750 square feet.

Per Wayzata's Code of Ordinances, Chapter 917.01, Sub Section C, ...the total floor area of either an attached garage or a detached garage for a single-family dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling, except by conditional use.

We are requesting a conditional use permit for a 4-car attached garage, including an access ramp and storage space, which is 1,338 square feet in size. The interior dimensions are 52'-11" wide by 25'-11" deep to accommodate a full-size SUV and additional storage area, along with necessary circulation area. The proposed area of the garage is below the 8,348 square feet of the main floor livable spaces, as required.

Conditional Use Permit Request 2:

Request for an increase to the allowable floor area of a detached garage to exceed 750 square feet.

Per Wayzata's Code of Ordinances, Chapter 917.01, Sub Section C, ...the total floor area of either an attached garage or a detached garage for a single-family dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling, except by conditional use.

We are requesting a conditional use permit for a detached garage and storage structure, which is approximately 1,650 square feet in size. The interior dimensions are approximately 30'-0" wide by 55'-0" deep to accommodate the storage of a boat and additional water vehicles.

This property, while being on the lakeshore of Lake Minnetonka, is unable to support a boathouse / water-oriented storage structure due to the existing grade conditions and the existence of a continuous bluff along the OHWL contour. A detached garage is being proposed as an alternate to the water-oriented storage structure, which will provide the storage requirements for the water vehicles during the off season. The design team is proposing to utilize the natural grade of the property to create a subterranean storage structure for this purpose, with only the entry door and partial foundation walls being exposed above grade, at the property entry from Bushaway road.

Date: August 23, 2019
Project: Skyfall
Project Address: 639 Bushaway Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

SUPPLEMENTAL INFORMATION FOR INCOMPLETE APPLICATION

Supplemental Information at the City's Request

Per the letter dated August 22, 2019 and the request for additional information pertaining to the variance application for 639 Bushaway Road, Wayzata MN, we submit the following response to the city's questions:

Explanation of how the criteria for granting a variance, including the practical difficult, as described in City Code Section 905.01 C. for the impervious surface over 20% (Variance Request 2) and the attached garage over 1,000 square feet (Conditional Use Permit Request 1).

Impervious Surface Over 20%:

The proposed project is in harmony with the general purposes and intent of this ordinance:

The proposed site plan and impervious surface coverage, while above the 20 percent allowed in the R-1A district, improves upon the existing conditions of the property and reduces the impervious surface area by approximately 1.4%, or 1,755 square feet and still below the 25 percent requirement that the Shoreland Overlay District mandates.

The proposed project is consistent with the Comprehensive Plan:

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the character, diversity, and livability of the R1-A district and the Bushaway Road neighborhood.

The proposed project is a reasonable use of this property:

This proposed project is a reasonable use of the property as it sites a new single-family dwelling unit, creates a proper front entry approach and parking / turnaround space for visiting guests, provides a side load 4-car garage and the necessary circulation for entry and backing out, and also provides outdoor living and entertaining spaces that capitalize on the views offered from the elevated site. The proposed site plan and driveway easement to the neighboring property also creates more separation in the driveways and entry points into the respective principal dwellings.

The variance request is due to circumstances unique to the property, not created by the landowner:

The practical difficulty in complying with the impervious coverage allowance for the R-1a district is partially created by the requirement of the easement to the neighboring property and maintaining a driveway which counts against the hardcover on this property.

The variance, if granted, will not alter the essential character of the locality:

The character of the locality will be unchanged with the additional impervious surface coverage, as it is a reduction from existing hardcover.

Garage over 1,000 square feet:

The proposed project is in harmony with the general purposes and intent of this ordinance:

The request for the larger attached garage space is not unique to the R-1A zoning district, and a four-car garage is standard request for homes within this district. The size of the garage is dictated by the space required for large SUV's, necessary circulation, and additional storage typical for a garage.

The proposed project is consistent with the Comprehensive Plan:

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the livability of the R1-A district and the Bushaway Road neighborhood.

The proposed project is a reasonable use of this property:

The existing structure on this property included a four-car garage. We are requesting to do the same.

The variance request is due to circumstances unique to the property, not created by the landowner:

The practical hardship is attempting to provide the adequate parking and storage space for a four-car garage in less than 1,000 square feet.

The variance, if granted, will not alter the essential character of the locality:

The four-car garage would match that of the existing structure on the site.

Provide a Removals / Demolition plan sheet

Please refer to the included drawing, A5, showing the proposed removal/demolition scope of the existing structures.

Provide floor plans and elevations for the Guest House and Subterranean Garage

Please refer to the attached drawing, A6, for the subterranean garage. There are no plans or designs underway for the new guest house at this time. The intent would be to keep the existing structure for the time being, with a possible replacement of the accessory structure at a future date.

There are a few other revisions to the submittal material that would improve the application or add clarity to the proposal's request. These items include:

Existing Survey

- **Calculate and illustrate the bluff line. It appears that bluff setback on the OHWL is incomplete. The bluff does not stop when the slope that drains to the waterbody passes onto an adjacent property. It appears that the bluff would continue to the north side of the property.**
 - Survey updates are pending bluff designation with City
- **Why are only some of the existing trees shown on the Existing Survey? It might be helpful to show all of the existing trees.**
 - Survey updates are pending bluff designation with City

Planting Plan

- **What is the DBH of the 12' Norway Spruce?**
 - We are awaiting an answer from the City of Wayzata on this.

Site Plan

- **Why does the heritage tree (#424) need to be removed?**
 - Initially was removed for grading, and the latest concept design allows that tree to remain. We have taken it off the tree removal list. Please refer to the updated Landscape Plans.
- **The tree removal calculations should include trees #301, 302, and 923.**
 - The schedule has been revised to include these trees as well. Please refer to the updated Landscape Plans.
- **Tree #383 is not significant and therefore does not need to be counted.**
 - That tree has been removed from the count. Please refer to the updated Landscape Plans.
- **The total significant tree removal is 561 inches.**
 - The schedule has been updated. Please refer to the updated Landscape Plans.
- **The removal allowance of significant trees is 437 inches.**
 - Please refer to the updated Landscape Plans.
- **Provide and illustrate the bluff line and the bluff impact zone on the Site Plan. No grading within the bluff is allowed and grading within the bluff impact zone may require a Shoreland Impact Plan / Conditional Use Permit.**
 - See revised plan, including the bluff line as indicated survey by advance survey (June 24, 2018)
- **Does the grading for the north side walk-out and the proposed stairs result in grading within the bluff?**
 - See revised plan, including the bluff line as indicated survey by advance survey (June 24, 2018)
- **Provide the top of wall and bottom of wall elevations on all retaining walls.**
 - Please refer to the updated Landscape Plans.
- **It appears that the grading proposed on the west of the pool is lower than the existing retaining wall. Will some of the existing retaining wall be removed?**
 - Yes, please refer to the updated Landscape Plans.
- **Is there a retaining wall on the west side of the patio both to the north and the south of the steps?**
 - Only on the North side, please refer to the updated Landscape Plans.
- **Why are there hard 90-degree corners in the proposed contours to the north of the grass pave areas?**
 - See revised plan, we have updated the corners to radius corners. Effort was made to minimize the impact on the existing trees with precisely sculpted topography.

Lower Level Plan

- **Label the unexcavated areas.**
 - Please refer to the updated and included A1-Lower Floor Plan

2017	Aluminum	100	5	5	5	125	0.8	Al
2018	Aluminum	100	5	5	5	125	0.8	Al
2019	Aluminum	100	5	5	5	125	0.8	Al
2020	Aluminum	100	5	5	5	125	0.8	Al
2021	Aluminum	100	5	5	5	125	0.8	Al
2022	Aluminum	100	5	5	5	125	0.8	Al
2023	Aluminum	100	5	5	5	125	0.8	Al
2024	Aluminum	100	5	5	5	125	0.8	Al
2025	Aluminum	100	5	5	5	125	0.8	Al
2026	Aluminum	100	5	5	5	125	0.8	Al
2027	Aluminum	100	5	5	5	125	0.8	Al
2028	Aluminum	100	5	5	5	125	0.8	Al
2029	Aluminum	100	5	5	5	125	0.8	Al
2030	Aluminum	100	5	5	5	125	0.8	Al
2031	Aluminum	100	5	5	5	125	0.8	Al
2032	Aluminum	100	5	5	5	125	0.8	Al
2033	Aluminum	100	5	5	5	125	0.8	Al
2034	Aluminum	100	5	5	5	125	0.8	Al
2035	Aluminum	100	5	5	5	125	0.8	Al
2036	Aluminum	100	5	5	5	125	0.8	Al
2037	Aluminum	100	5	5	5	125	0.8	Al
2038	Aluminum	100	5	5	5	125	0.8	Al
2039	Aluminum	100	5	5	5	125	0.8	Al
2040	Aluminum	100	5	5	5	125	0.8	Al
2041	Aluminum	100	5	5	5	125	0.8	Al
2042	Aluminum	100	5	5	5	125	0.8	Al
2043	Aluminum	100	5	5	5	125	0.8	Al
2044	Aluminum	100	5	5	5	125	0.8	Al
2045	Aluminum	100	5	5	5	125	0.8	Al
2046	Aluminum	100	5	5	5	125	0.8	Al
2047	Aluminum	100	5	5	5	125	0.8	Al
2048	Aluminum	100	5	5	5	125	0.8	Al
2049	Aluminum	100	5	5	5	125	0.8	Al
2050	Aluminum	100	5	5	5	125	0.8	Al
2051	Aluminum	100	5	5	5	125	0.8	Al
2052	Aluminum	100	5	5	5	125	0.8	Al
2053	Aluminum	100	5	5	5	125	0.8	Al
2054	Aluminum	100	5	5	5	125	0.8	Al
2055	Aluminum	100	5	5	5	125	0.8	Al
2056	Aluminum	100	5	5	5	125	0.8	Al
2057	Aluminum	100	5	5	5	125	0.8	Al
2058	Aluminum	100	5	5	5	125	0.8	Al
2059	Aluminum	100	5	5	5	125	0.8	Al
2060	Aluminum	100	5	5	5	125	0.8	Al
2061	Aluminum	100	5	5	5	125	0.8	Al
2062	Aluminum	100	5	5	5	125	0.8	Al
2063	Aluminum	100	5	5	5	125	0.8	Al
2064	Aluminum	100	5	5	5	125	0.8	Al
2065	Aluminum	100	5	5	5	125	0.8	Al
2066	Aluminum	100	5	5	5	125	0.8	Al
2067	Aluminum	100	5	5	5	125	0.8	Al
2068	Aluminum	100	5	5	5	125	0.8	Al
2069	Aluminum	100	5	5	5	125	0.8	Al
2070	Aluminum	100	5	5	5	125	0.8	Al
2071	Aluminum	100	5	5	5	125	0.8	Al
2072	Aluminum	100	5	5	5	125	0.8	Al
2073	Aluminum	100	5	5	5	125	0.8	Al
2074	Aluminum	100	5	5	5	125	0.8	Al
2075	Aluminum	100	5	5	5	125	0.8	Al
2076	Aluminum	100	5	5	5	125	0.8	Al
2077	Aluminum	100	5	5	5	125	0.8	Al
2078	Aluminum	100	5	5	5	125	0.8	Al
2079	Aluminum	100	5	5	5	125	0.8	Al
2080	Aluminum	100	5	5	5	125	0.8	Al
2081	Aluminum	100	5	5	5	125	0.8	Al
2082	Aluminum	100	5	5	5	125	0.8	Al
2083	Aluminum	100	5	5	5	125	0.8	Al
2084	Aluminum	100	5	5	5	125	0.8	Al
2085	Aluminum	100	5	5	5	125	0.8	Al
2086	Aluminum	100	5	5	5	125	0.8	Al
2087	Aluminum	100	5	5	5	125	0.8	Al
2088	Aluminum	100	5	5	5	125	0.8	Al
2089	Aluminum	100	5	5	5	125	0.8	Al
2090	Aluminum	100	5	5	5	125	0.8	Al
2091	Aluminum	100	5	5	5	125	0.8	Al
2092	Aluminum	100	5	5	5	125	0.8	Al
2093	Aluminum	100	5	5	5	125	0.8	Al
2094	Aluminum	100	5	5	5	125	0.8	Al
2095	Aluminum	100	5	5	5	125	0.8	Al
2096	Aluminum	100	5	5	5	125	0.8	Al
2097	Aluminum	100	5	5	5	125	0.8	Al
2098	Aluminum	100	5	5	5	125	0.8	Al
2099	Aluminum	100	5	5	5	125	0.8	Al
2100	Aluminum	100	5	5	5	125	0.8	Al



SCALE: 1" = 20'-0"

1. The contractor must protect all existing roads, curbs, structures, trees and site elements not designated for removal. Any damage shall be repaired or replaced at contractors expense to the satisfaction of the Owner's representative.
2. Protect all trees designated to be saved with a barrier fence consisting of white-capped rebar posts placed no more than 8 feet on center with 4 foot high orange square mesh barrier fence. Rebar (5/8" or equal), attached to posts. Barrier fence must be installed at the limits of the drip line prior to construction, and must not be removed until final landscaping is to be completed. See attached detail 303-C.
3. Prior to construction, contact the Owner's representative to visit site and verify trees to be saved. Contractor must receive the drawings, and work schedule, so that should proposed grades pose a hazard to a "tree to be saved" the contractor's work is not impeded and there will be time to study the issue. If needs of the trees designated to be saved are cut, broken or disturbed by construction operations, they must be immediately and clearly root pruned with a sharp axe or grinder.

[illegible]

1. No grading, stockpiling of materials, or staging is permitted outside of the limits of work.
2. All areas indicated for turf are to receive 8" of topsoil.
3. Contractor is to subcut driveway to 16" from finish grade, and then base driveway with 2" of base.

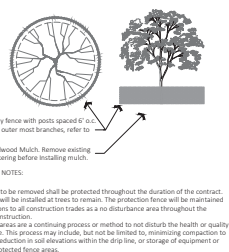
1. The contractor is responsible for reviewing the erosion control requirements of the site, and for installing and maintaining erosion control measures where needed. Even if they are not indicated on the drawings.
2. Where disturbed soil will be exposed for more than 21 days, the contractor must seed with a temporary cover crop to prevent erosion on soil with temporary erosion blanket until. Temporary seed mix must be approved by Owner's representative prior to installation. Temporary seeding or erosion blankets is incidental to the project.

1. All temporary erosion control measures must be in place prior to any removal work and must be maintained until permanent erosion control measures have been completely implemented and established.
2. Install silt fencing around the perimeter of the limits of work and maintain until permanent erosion control is established. All silt fence must be orange geotextile fabric with steel posts. Machine slicing of silt fencing around or under trees will not be permitted. Silt fence around or under trees must be hand placed and fastened to the ground with staples.
3. Inlet protection (silt fence barricades, silt stacks, riser pipes or filter fabric and gravel) must be installed in all existing affected catch basins prior to any removal work, and in all new catch basins immediately after catch basin installation.

CUT = 0
FILL = 0

XXX SQUARE FEET / XX ACRES

PROPOSED SHRUB



639 Dunsmuir Rd. Weymouth, MA

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

REVISIONS:	DATE
REV. a / DESCRIPTION	

DESIGNED BY: _____ TO: _____
DRAFTED BY: _____
REVISION DATE: 9.4.20
ORIGINAL ISSUE DATE: 9.4.20
DRAWING SCALE: SEE DETAIL SCALE



L100

DEFINITIONS
per City of Wapato

- A. "Confidentious Tree" means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- B. "Deciduous Tree" means a woody plant which has a defined crown, and which loses leaves annually.
- C. "Diameter of Tree at Breast Height" or "DBH" means the diameter of a tree as measured 4.5 feet (54 inches) above the ground. Trees that branch near or below 4.5 feet from the ground will be measured at the narrowest point below 4.5 feet. Trees that originate from the ground will be considered separate trees. The City Forester shall have the final determination in the DBH calculation if there is a question of how it is to be measured.
- D. "Hardwood Deciduous Tree" means a Deciduous Tree recognized as hardwoods by the City Forester, including redbud, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.
- E. "Healthy Tree" means the average or better condition and vitality for the area as determined by the City Forester.
- F. "Heritage Tree" means a Healthy Softwood Deciduous Tree that is thirty inches (30") or greater in DBH, a Healthy Hardwood Deciduous Tree that is twenty five inches (25") or greater in DBH, or a Healthy Confidentious Tree that is twenty five inches (25") or greater in DBH.
- M. "Softwood Deciduous Tree" means a Deciduous Tree recognized as softwoods by the City Forester, including cottonwood, poplar/bass, box elder, willow, silver maple and elm.

APPLICABILITY
per City of Wapato

- A. Subdivision, Public Infrastructure, Construction of Single-Family Home: The following tree removal thresholds apply to subdivision applications, Public Infrastructure projects, and construction of a single-family home on a vacant lot:

Heritage Trees, Heritage Trees are valued and special trees for the City of Wapato due to their size and age. All possible measures must be taken to preserve Heritage Trees. Heritage Tree removal shall occur only when there is not a practical alternative. There shall be a one percent (1%) full replacement in accordance with the standards within subsection 801.36.8, in addition to any other requirements hereunder.

Significant Tree Removal by Developers: Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, twenty five percent (25%) of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond twenty five percent (25%) will require replacement in accordance with the standards of subsection 801.36.8.

TREE MITIGATION RATE
per City of Wapato

TREE REPLACEMENT RATIO:
A. Tree Replacement Formula: Replacement of removed or disturbed trees in excess of the percentage allowed by this section shall be according to the following ratios:

1. For any removal that exceeds the percentage of allowable removal of Significant Trees as set in subsection 801.36.2, all Significant Trees shall be replaced at the ratio of one caliper inch 1" per one inch (1") of DBH removed.
2. All Heritage Trees must be replaced at the ratio of two caliper inches (2") per one inch (1") of DBH removed.

- B. Size Types and Thresholds of Replacement Trees: Unless an approved Tree Preservation Plan sets forth a different requirement, replacement trees must be of a similar species to those that are removed. A Tree Replacement plan must include a diversity of tree species that are suitable for the property, given soil conditions, topography, and tree pathogens. Replacement trees must be no less than the following sizes:

- Deciduous Trees shall be no less than two and a half caliper inches (2.5") and Confidentious Trees shall be no less than six feet (6') in height.

- C. Recommended Tree Replacement Species: In order to encourage a diverse tree canopy in the City, the following list of tree species are recommended for planting as part of a tree replacement plan:
- Admiral Black cherry Butternut Cedar
Elm (disease resistant) Fir
Hackberry Hickory Kentucky Coffee
Linden/Basswood
Maple (except Silver Maple) Oak
Pine
Spruce (except Colorado Blue) Tamarac k
Walnut

TREE REPLACEMENT SCHEDULE / MITIGATION DATA

TREE PRESERVATION AND REPLACEMENT DATA:	191 ± 2459' (dia at DBH)	133,027sq. Ft.
Total Trees (Inherently on 639 Bushway Road)	64 100' (dia at DBH)	20% (26,605 square feet)
Total Heritage Trees on 639 Bushway Road	125 ± 1740' (dia at DBH)	

Trees to be Mitigated

Heritage Trees to be Removed:		
Softwood Deciduous Tree(s) 30" or greater in dia. at DBH	/	
Hardwood Deciduous Tree(s) 25" or greater in dia. at DBH	/	
Confidentious Tree(s) 25" or greater in dia. at DBH	/	
Total Heritage Tree(s) Dia. at DBH	/	

Significant Trees to be Removed:		
Softwood Deciduous Tree(s) 12" or greater in dia. at DBH	1 ± 92' (dia at DBH)	
Hardwood Deciduous Tree(s) 10" or greater in dia. at DBH	11 ± 387' (dia at DBH)	
Confidentious Tree(s) 12" gr. in DBH or 12" or gr. in height	5 ± 74' (dia at DBH)	
Total Significant Tree(s) to be removed, dia. at DBH	41 ± 561' (dia at DBH)	

MITIGATION REQUIRED

Total Heritage Trees to be removed:	/	
Total Significant Trees to be removed:	41 ± 561' (dia at DBH)	
25% Allowable removal of the existing significant trees dia	10 ± 140' (dia at DBH)	
Proposed percentage of significant trees removal	561' ± 124" above the allowed	

	Required	Proposed
Heritage mitigation requirements	/	/
Significant Tree mitigation requirements	124"	135.5"

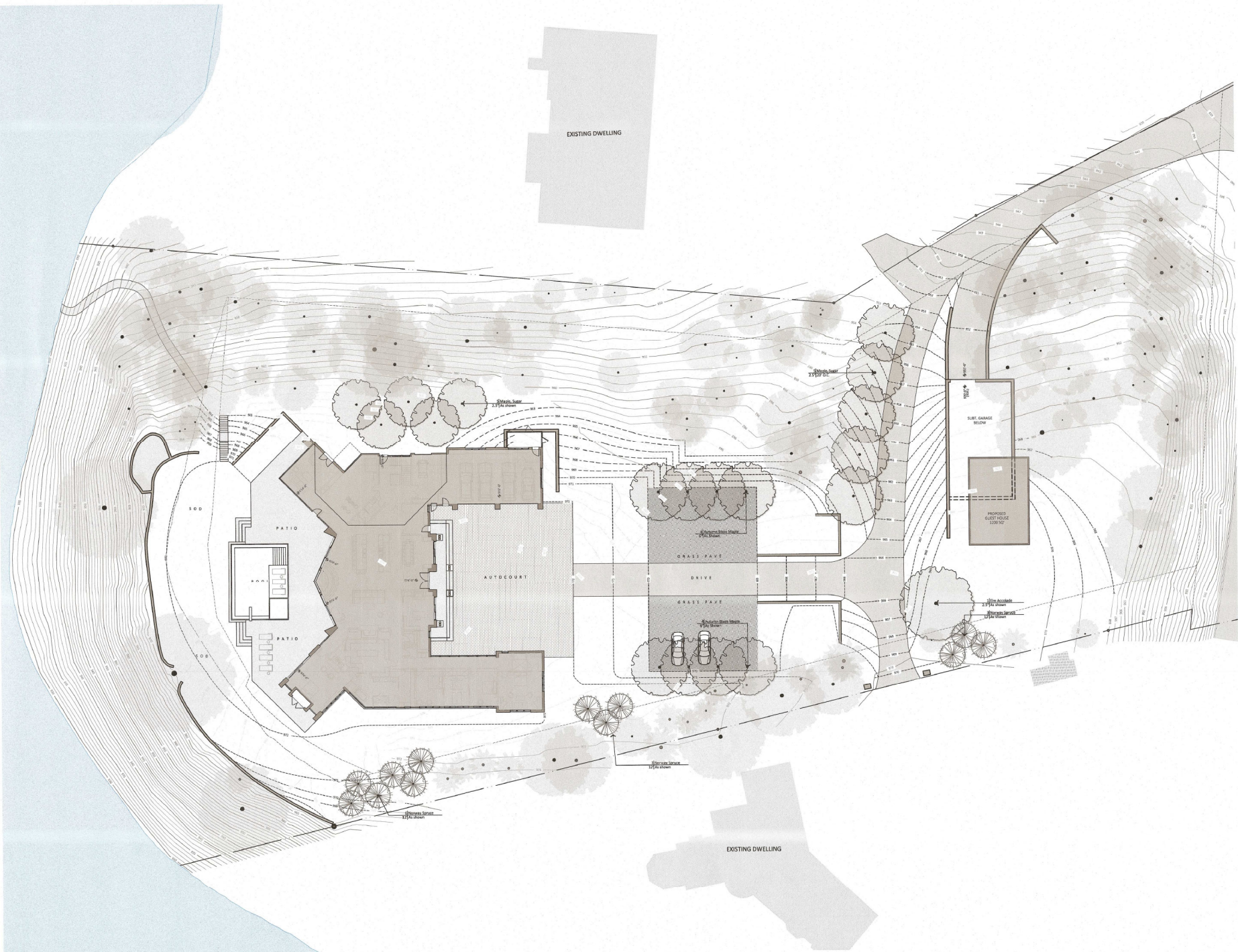
GRADING GENERAL NOTES

DEMOLITION KEY NOTES:

1. The contractor must protect all existing walls, curbs, structures, trees and site elements not designed for removal. Any damage shall be repaired or replaced at the contractor's expense to the satisfaction of the Owner's representative.
2. The contractor shall account for all proposed surface and grading material in determining wet/dry runoff requirements.
3. Grading operations shall preserve the potential for erosion.
4. Prior to any grading, the site, the contractor must remove or repair in areas to be disturbed and stabilize on site for future use. Erosion control must be removed from the site after final grading is complete.
5. Erosion control for the site is anticipated to produce an erosion of material. The contractor must remove all excess material from the site and dispose of it at the contractor's expense.
6. No material shall be removed from restoration areas without approval from the landscape architect.
7. Erosion control by construction shall be installed in restoration areas that be located under the direction of the landscape architect.
8. Locations and elevations of existing topography and utilities as shown on this plan are approximate. Contractor shall field verify site conditions and utility locations prior to construction. The Owner's representative shall be notified immediately if any discrepancies are found.
9. All excavation shall be in accordance with the current edition of "Standard" specifications for trench excavation and backfill/earth restoration" as prepared by the city of engineer association of Minnesota.
10. Adjustments, delays and properties must be kept to keep the time of the site and materials needed. Slopes or washed from the site. Contractor must monitor conditions and remove as needed the entire 24 hours within the time of the construction. Damages to restoration to the project.
11. Contractor must maintain the control for the site of all trees and provide working methods as needed, or within 24 hours within the time of the construction. Dust control is required for the project.

GRADING/DRAINAGE NOTES:

1. No grading, reworking of materials, or grading in permitted areas of the work.
2. Erosion control shall be in place at all times.
3. Contractor is to install drainage to 10' from final grade, and then base drainage with 1" of base.
4. Contractor is to maintain the site prior to grading.
5. Contractor must maintain the site in a manner that is not to be disturbed by the contractor.
6. Erosion control shall be in place at all times.
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SKYFALL

800 Broadway Rd, Minneapolis, MN

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

REVISIONS: REV # DESCRIPTION DATE

PLANTING

DESIGNED BY: TOPO
DRAFTED BY: J. L. L. L.
REVISION DATE: 8.15.2019
ORIGINAL ISSUE DATE: 8.15.2019
DRAWING SCALE: SEE DETAIL SCALE

↑ L401

LEGAL DESCRIPTION:
That part of Lots "A" and "B" in "Carpenter's Point, Hennepin County, Minn.," described as follows: Beginning at a judicial monument at a point in the Westerly line of the public highway known as County Road Number 13, which point is 9.77 feet Northeastly along the Westerly line of said road from its intersection with the Southwesterly line of Lot "B" in said Carpenter's Point, and which point of beginning is also 33 feet at right angles Northwestly from the center line of said County Road Number 13 as now laid out and traveled across said Lot "B"; thence Southwesterly along the Westerly line of said road 9.77 feet to the Southwesterly line of said Lot "B"; thence South 70 degrees 50 minutes East along the Southerly line of said Lot "B" to the Southeastly corner of said Lot at the shore of Gray's Bay, Lake Minnetonka; thence Northeastly along the shore of said Gray's Bay to a point South 33 degrees 42 minutes West 55.65 feet from the Northeastly line of said Lot "B"; thence North 58 degrees 18 minutes West on a line parallel with the Northeastly line of said Lot "B" to the center line of said County Road Number 13; thence North 85 degrees 35 minutes West 170.35 feet; thence South 89 degrees 20 minutes West 80.4 feet; thence North 54 degrees 33 minutes West 405.9 feet, more or less, to the shore of Wayzata Bay, Lake Minnetonka; thence in a general Southerly direction along the shore of said Bay to the intersection of said shore line with a line bearing North 72 degrees 57 minutes West from the point of beginning; thence South 72 degrees 57 minutes East 67 feet more or less to a judicial monument at that point; thence continuing South 72 degrees 57 minutes East 425 feet to the point of beginning, except that part of above described Lots "A" and "B" lying Southeastly of the center line of County Road No. 13.

- SCOPE OF WORK & LIMITATIONS:**
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 - Showing the location of observed existing improvements we deem necessary for the survey.
 - Setting survey markers or verifying existing survey markers to establish the corners of the property.
 - Existing building dimensions and setbacks measured to outside of siding or stucco.
 - Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
 - This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:
● Denotes iron survey marker, set, unless otherwise noted.

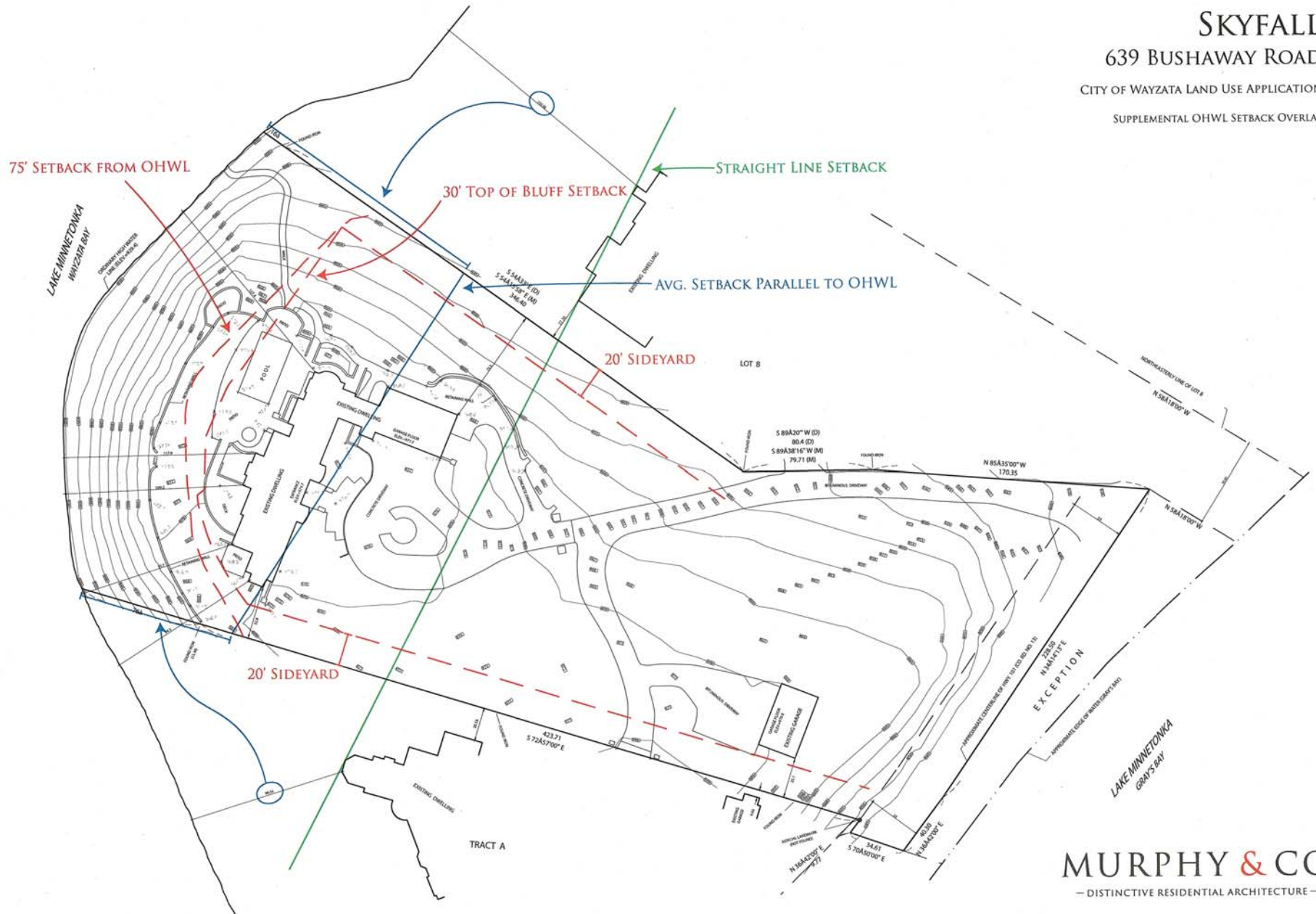


DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	Advantage Surveying & Engineering, Co.	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. <i>Wayne W. Proegle</i> #43503 JUNE 24, 2018 DATE	SURVEYED DATE: JUNE, 2018 DRAFTED DATE: JUNE 24, 2018	SHEET TITLE EXISTING SURVEY SHEET SIZE: 22 X 34 DRAWING NUMBER 180743 WP	SHEET NO. S1
9/14/18	ADD TREES IN AREA OF NEW DRIVEWAY CONSTRUCTION		MURPHY & CO. DESIGN 639 BUSHAWAY RD. WAYZATA, MN	17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com				

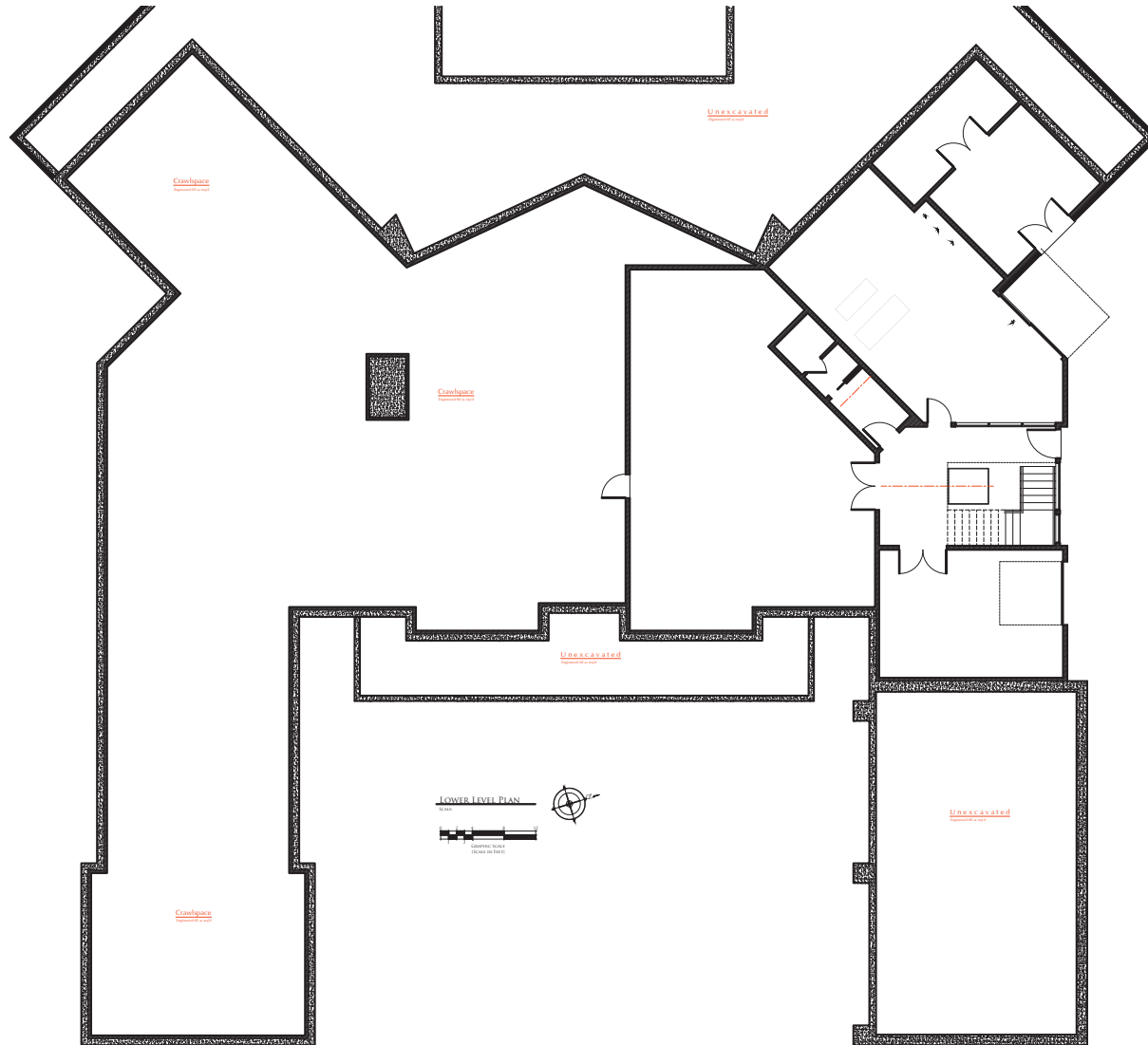
SKYFALL

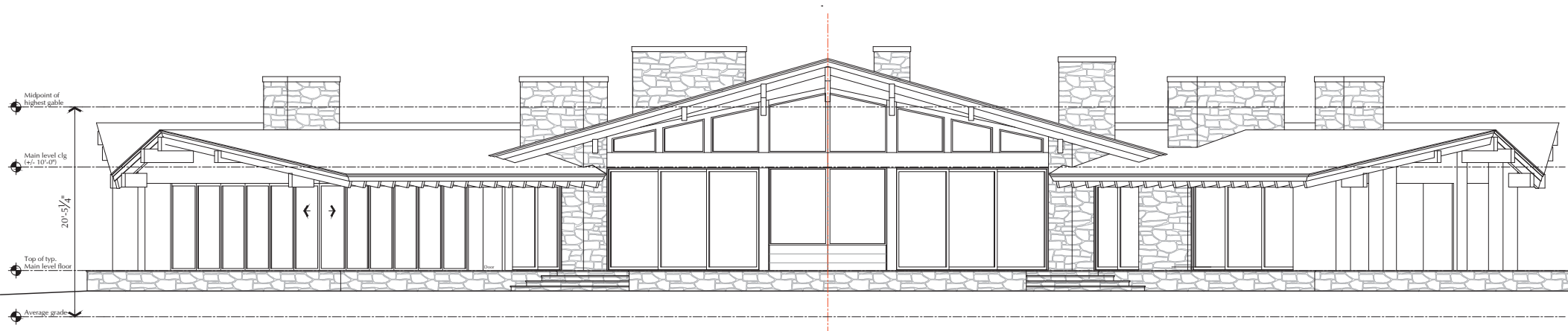
639 BUSHAWAY ROAD

CITY OF WAYZATA LAND USE APPLICATION
SUPPLEMENTAL OHWL SETBACK OVERLAY

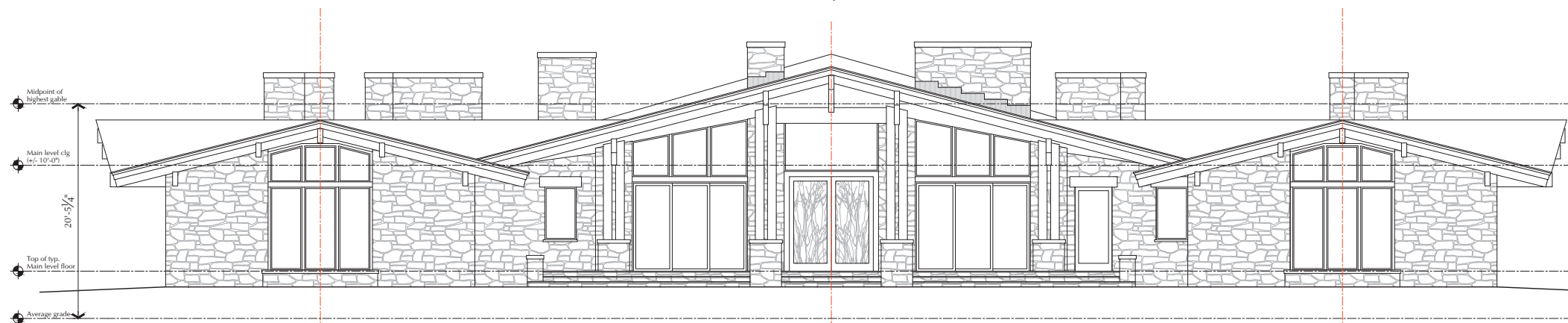


MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



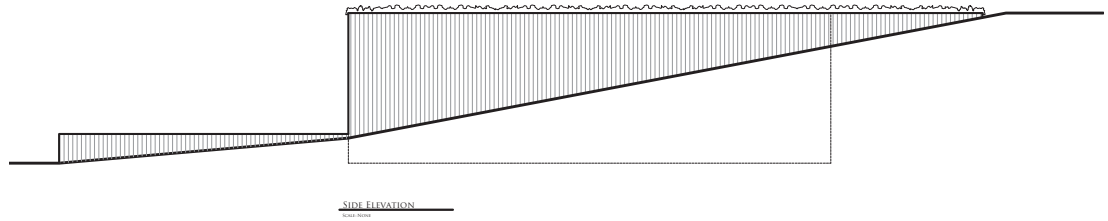
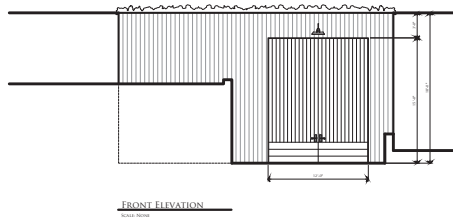
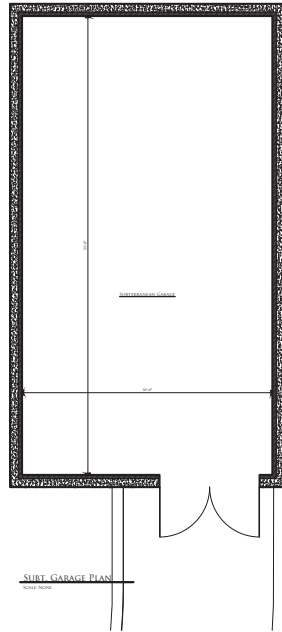


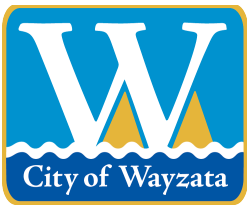
WEST ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"







City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 6.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:

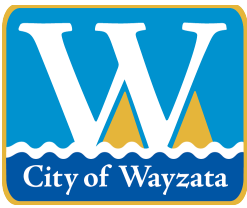
Staff will be providing an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 6.b.
TITLE: September 3 City Council Meeting Report	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

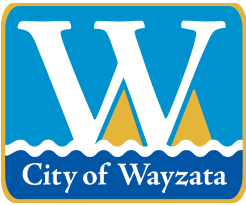
A verbal update will be given at the meeting by Commissioner Douglas and staff.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 16, 2019	AGENDA ITEM: 6.c.
TITLE: Planning Commissioner Liaison for the October 1 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Iverson is assigned as the liaison for the October 1, 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