

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, October 7, 2019

6:30 PM

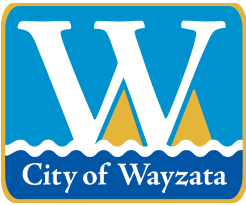
- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
 - a. Approval of September 16, 2019 Meeting Minutes
 - b. Report and Recommendation of Approval for Zoning Ordinance Text Amendment and Conditional Use Permit for an Animal Clinic at 1125 Wayzata Blvd E
 - c. Report and Recommendation of Approval for Variances for a New Single-Family Home at 639 Bushaway Rd "Skyfall"
- 5. Public Hearing Items**
 - a. Consider Development Application for Planned Unit Development Concept Plan for Office-Retail Building at 401 Lake Street East
 - b. Consider Development Application for Variances and Conditional Use Permit for a Detached Parking Structure at 214/216 Minnetonka Ave S
 - c. Consider Development Application for a Conditional Use Permit for Fence Height at 663 Bushaway Road
- 6. Other Items**
 - a. Review of Development Activities
 - b. September 17 City Council Meeting Report
 - c. October 1 City Council Meeting Report
 - d. Planning Commissioner Liaison for the October 15 City Council Meeting
- 7. Adjournment**

Upcoming Meetings:

City Council - October 15, 2019

Planning Commission - October 21, 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: October 7, 2019	AGENDA ITEM: 4.a.
TITLE: Approval of September 16, 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 for the September 16, 2019 meeting.

ATTACHMENTS:

1. September 16, 2019 Draft PC Meeting Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
September 16, 2019**

AGENDA ITEM 1. Call to Order

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

AGENDA ITEM 2. Roll Call

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

AGENDA ITEM 3. Approval of Agenda

Vice Chair Plantan asked for a motion to approve the proposed agenda for the meeting.

Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the September 16, 2019 agenda as presented. The motion carried unanimously.

AGENDA ITEM 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**

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

Commissioner Bashioum made a motion, seconded by Commissioner Parkhill, to approve the Consent Agenda as presented. The motion carried 5 ayes and 0 nays. 1 abstain: Iverson

AGENDA ITEM 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**

1 Community Development Director Emily Goellner stated that the applicant, Dr. Sharon Golden of
2 Golden Veterinary Care, has submitted a development application to open a 1,794 square-foot
3 animal clinic in the former AT&T space at Colonial Square Shopping Center (1125 Wayzata Blvd
4 E). The development application requests approval of a Zoning Code Text Amendment to allow
5 animal clinics as a conditional use in the C-2 District. Simultaneously, the applicant is requesting
6 a Conditional Use Permit (CUP) for an animal clinic should the Text Amendment be approved.
7 The City may review these requests concurrently in one application, though the CUP request is
8 contingent on the Text Amendment. The property is zoned C-2, Shopping Center Business
9 District, and is surrounded by properties that are zoned C-2 and C-3 Commercial, Planned Unit
10 Development, and Institutional. The property is guided for Mixed-Use Commercial and is
11 surrounded by properties that are guided for Mixed-Use Commercial as well. The Mixed-Use
12 Commercial category is intended to be a mix of commercial, office, and residential uses with an
13 emphasis on commercial and office use, but it does allow residential when properly integrated.
14 The City continues to be guided by the 20130 Comprehensive Plan, but the pending draft 2040
15 Comprehensive Plan's land use designation for this property is Mixed-Use
16 Commercial/Residential, which provides for a combination of commercial and residential. The
17 intent of the plan is to encourage development that responds to the characteristics of the locality,
18 while encouraging a mixture of development types to serve residents. The property was initially
19 developed in 1959 and was redeveloped in 2014 by its owner Regency Partners. Lund's and
20 Byerly's grocery is the anchor tenant for the building. There are a number of other uses in the
21 building which include three salons, a chiropractic clinic, bank, as well as a pet food outlet. The
22 applicant is proposing to utilize space number three which consists of 1,794 square-feet. The
23 applicant is requesting approval of a Zoning Text Amendment to add Animal Clinics as a
24 Conditional Use in the C-2 Zoning District, subject to restrictions (development standards) that
25 are similar to those listed for Animal Hospitals and Kennels in the C-3 Zoning District.

26
27 Director Goellner stated that the first question for the Planning Commission is to determine if the
28 proposed Zoning Code Text Amendment adding Animal Clinics as a conditional use for the C-2
29 District is appropriate, and then secondly to determine the development standards that would be
30 required in all C-2 Districts for such conditional use. She explained that the criteria for adopting
31 a zoning code text amendment include the relation to the Comprehensive Plan, conformity with
32 present and future land uses in the area, conformity with performance standards (parking, loading,
33 noise, odors etc.), the general effect on surrounding areas, the impact on property values to the
34 area, the traffic generation and street capacity, and the impact on public services (parks, schools,
35 utilities, etc.). The C-2 District is generally focused on shopping centers. The C-2 District has
36 48 permitted uses and 14 conditional uses. These conditional uses have anywhere between 2 and
37 21 development standards attached to them. She noted that Animal Hospitals and Kennels are
38 conditionally allowed in C-3. The applicant is only requesting the Animal Clinics be allowed in
39 C-2 in recognition that Animal Hospital and Kennels may have a higher impact on their
40 surroundings. Staff reviewed uses that are allowed in the C-2 District to determine if there were
41 any uses that were incompatible with an Animal Clinic. It was determined that restaurants with
42 outdoor seating may be incompatible next to an Animal Clinic. Because outdoor seating at
43 restaurants requires a Conditional Use Permit, staff suggests that the process of obtaining a
44 Conditional Use Permit would then provide the opportunity to address the potential incompatibility
45 issue.

1 Director Goellner provided a list of recommended development standards that included: size limit
2 considerations, prohibiting kenneling (possible overnight boarding with conditions), compatible
3 hours of operation, enforcement of all regulations (nuisance, health, and safety) and that the
4 general Conditional Use Permit criteria listed in the Zoning Ordinance for all conditional uses must
5 be met. She added that additional standards may be needed to address setbacks, exotic animals,
6 hazardous waste, and conglomeration concerns.
7

8 Director Goellner stated that the applicant's second request is for a Conditional Use Permit (CUP)
9 specific to Golden Veterinary Care. Consideration for the CUP should include the impact the
10 clinic may have on the surrounding areas and how those impacts may be mitigated. The applicant
11 team has discussed the potential impacts with staff and have shared their plans to address the
12 concerns and expressed their intent to assure these impacts are minimal to non-existent. Director
13 Goellner provided a short list of potential conditions of CUP approval for the Planning
14 Commission to consider which include: deviations from the submitted plans would require an
15 amendment to the CUP, barking must be minimized, an animal waste elimination area must exist
16 outdoors and be maintained at a very high level. Violating the conditions of approval could
17 potentially lead to the revocation of the CUP.
18

19 Director Goellner explained the next action steps for the requested Text Amendment and the
20 Conditional Use Permit. She stated that the requests can be reviewed in tandem, but the Text
21 Amendment would need to complete the process to become law prior to the issuance of the
22 Conditional Use Permit.
23

24 Commissioner Douglas asked if the other tenants in the shopping center provided a response to
25 the application. She also asked if having the animal waste area in the back would require clients
26 to enter through the back entrance of the building.
27

28 Director Goellner stated that a notice was only sent to the property owners and not the tenants.
29 She added that the applicant spoke with the surrounding tenants and could provide more
30 information regarding the responses. She also added that additional discussions would need to
31 occur that include the leasing agent to determine the best location for the waste site and how it will
32 be accessed.
33

34 Commissioner Iverson asked if the Chuck and Don's Pet food outlet had a requirement for clients
35 to enter through the back alley.
36

37 Director Goellner responded that Chuck and Don's retail use is a permitted use in the C-2 Zoning
38 District and did not require zoning approvals from the City, and therefore no specific requirements
39 are imposed on their use.
40

41 There being no further questions for staff, Vice Chair Plantan opened the public hearing on the
42 application at 6:52 p.m.
43

44 Applicant, Dr. Sharon Golden, 830 Queensland Ln N, Plymouth, stated that her hope would be the
45 business would generate a lot of positivity to the area. She thought the presentation was well done
46 and the concerns valid. She expressed excitement for the project.

1
2 Commissioner Bashioum stated that pets may be nervous upon entering or exiting a clinic resulting
3 in an increased urgency to eliminate. She asked what Dr. Golden's thoughts were regarding a
4 response to waste.

5
6 Dr. Golden stated that she has 30 years' experience in veterinary care and understands the concern.
7 Her focus is to create a friendly environment for pets and people. They are planning on becoming
8 a "fear free" clinic. In her experience, animal waste hasn't been a huge issue. There would be
9 cleaning supplies located at the door for pet owners to address "accidents". She has spoken to
10 Chuck and Don's pet food store owners and was directed to a small grassy area at the back of the
11 building. She stated that they could direct pet owners to this location. She added that if this
12 solution was deemed inadequate, they could definitely create a man-made grassy area for
13 elimination. She expressed her desire to keep her business and surrounding areas free of odors
14 and waste.

15
16 Commissioner Bashioum asked if the applicant had considered having a disposal station located
17 outside. She also asked about soundproofing.

18
19 Dr. Golden responded that building a location is possible if deemed necessary. The clinic will
20 have disposal supplies located at the entrance but could also provide them for an outside area. She
21 added that her soundproofing architect can respond to questions regarding noise concerns. She
22 stated that the leasing agent had established a number of regulations regarding soundproofing to
23 assure that noise is thoroughly addressed. She explained that loud noise is counterproductive to
24 the clinic and all efforts would be made to limit the noise so that services are effectively provided.

25
26 Commissioner Douglas asked about hours of operation and if the expansion of those would require
27 additional approvals from the City. She noted that the hours of operation appear to be shorter as
28 the business is established and would likely increase as business improves. She asked if the hour
29 expansion would require the business to return to the City for approval.

30
31 Director Goellner stated that the record should contain the hours that the Commission is
32 comfortable with so that there would be guidance if hours are extended. This would allow the
33 City to write conditions for the CUP to assure that it is compatible with surrounding businesses.

34
35 Dr. Golden stated that there would likely be a time that the clinic would choose to expand their
36 hours and that she would like to include some variability into the plan for the future.

37
38 Commissioner Iverson asked if the clinic would have animals staying overnight and what staffing
39 would look like for those situations.

40
41 Dr. Golden stated that animals that require overnight care would be transferred to an emergency
42 care facility. She is not planning on staffing for overnight care. She added that the only situation
43 where an animal may stay overnight could be for an orthopedic intervention. She added that
44 allowing them to stay overnight would only be for those animals that would need to be quiet and
45 those they wouldn't want to move. If the animal was rambunctious it would likely be sent home

1 for cares. She noted that the lease does not allow for overnight animal care. If an animal needed
2 to be walked, they would utilize the back area that was discussed earlier.

3
4 Commissioner Iverson asked if the lease contained a non-compete clause.

5
6 Dr. Golden stated that her lease did not contain such a clause and was an oversight that it was not
7 added. She stated that it would be unlikely that another privately owned Animal Clinic would
8 choose to move into the area, but it may be possible that a larger corporate type business may
9 consider setting up a business. There are no other vets located in Wayzata proper. Wayzata Pet
10 Hospital is actually located in Minnetonka.

11
12 Commissioner Iverson stated that she has experience with utilizing soundproofing materials. She
13 explained that a project that she worked on was located next to the train tracks. Conversations
14 when a train was passing were not possible prior to the material installation. After installation,
15 communication was unimpeded by the train's passing. She added that proper soundproofing really
16 does work.

17
18 Commissioner Parkhill asked if "Lulu and Luigi" have a required walking space.

19
20 Director Goellner responded that "Lulu and Luigi" is located in a C-2 District as well, but since
21 they are a pet grooming business that is a permitted use, they have not been required to have such
22 a space.

23
24 Vice Chair Plantan asked if the business would treat exotic pets.

25
26 Dr. Golden stated that 99.9 % of the time they will be treating dogs and cats. Occasionally, a
27 "pocket" pet may need care. They will not be treating exotic pets.

28
29 There being no one else wishing to comment on this application, Vice Chair Plantan closed the
30 public hearing at 7:04 p.m.

31
32 Vice Chair Plantan asked if the Commission had any comments to share.

33
34 Commissioner Merriam asked if there were nuisance, health, and safety regulations in the City
35 code that would address concerns related to an Animal Clinic.

36
37 Director Goellner stated that the regulations in the City Codes would address these concerns and
38 additional conditions would not need to be added. She added that having a properly written
39 condition in the CUP approval stating that all local and state ordinances must be followed would
40 likely be sufficient.

41
42 City Attorney David Schelzel concurred with Director Goellner's statement.

43
44 Commissioner Merriam asked if they should add a standard that would not allow an Animal Clinic
45 to be located within a certain distance from a Restaurant.

1 Director Goellner stated that additional research would need to be conducted to determine what an
2 appropriate distance would be. She added that outdoor seating is likely the most problematic piece
3 and should be focused on instead of a blanket distance standard for all Animal Clinics and
4 Restaurants. A case-by-case approach may be the most appropriate way to address the distance
5 concerns. Conditional Use Permits are required for the types of businesses being discussed, and
6 the general CUP criteria states that the proposed business cannot be too impactful on its
7 surroundings, which may cover this concern. If the Commission would like to set a specific
8 distance requirement, staff can gather information to determine a number that would be
9 appropriate.

10
11 Commissioner Douglas asked if the term adjoining space would suffice rather than determining a
12 numerical distance between the business types.

13
14 Commissioner Parkhill asked for clarification regarding approval of a Text Amendment to allow
15 Animal Clinics within a C-2 District, and if that would apply to all of Wayzata.

16
17 Director Goellner replied that there are some additional standards that would need to be part of the
18 Text Amendment, but if the Text Amendment were approved, a Conditional Use Permit for an
19 Animal Clinic could be applied for anywhere within a C-2 District, which encompasses the three
20 shopping centers in Wayzata.

21
22 Commissioner Bashioum asked for clarification regarding removal of surgery waste and if it is
23 handled under health and safety guidelines.

24
25 Director Goellner stated that this type of waste would be considered hazardous or infectious waste
26 and the applicant has separate containment units to house the material until a special pick-up
27 service can dispose of the materials.

28
29 Dr. Golden stated that the type of waste being discussed is highly regulated by OSHA and state
30 standards. She added that there is not a large amount of this type of waste generated and the system
31 in place removes these items on a daily basis. Bodies of animals are kept in secure and separate
32 areas until the daily cremation service arrives to transport them.

33
34 Commissioner Bashioum stated she would like the conditions of any approval to state that there
35 are OSHA requirements in place that must be followed.

36
37 Commissioner Parkhill asked to know who would be maintaining the grassy area located at the
38 back of the building.

39
40 Dr. Golden clarified that she would not be routinely sending clients out to the grassy area, but the
41 area would be utilized by staff if samples were required. The clinics staff would be respectful of
42 keeping the area clean as she would expect of the staff at Chuck and Don's. She added that the
43 grassy location is not one that is frequented by the public.

44
45 Commissioner Parkhill asked the applicant how she chose the retail space.
46

1 Dr. Golden stated that she lives a mile from the location, loves Wayzata, wanted to be located by
2 Chuck and Don's retail store, and she realized that there wasn't another veterinary clinic in the
3 area.

4
5 Commissioner Iverson asked if there was a way to protect Dr. Golden's business if there are dog
6 owners that choose not to clean up after their dog.

7
8 Director Goellner stated that the property owner and leasing agent would need to identify and
9 enforce the issue first.

10
11 Commissioner Bashioum stated that adding an outside pet waste disposal supply and garbage may
12 meet the needs.

13
14 Vice Chair Plantan thanked the applicant for the presentation and added that the Clinic would be
15 a nice fit for the area and its residents. She asked if two separate motions on the application would
16 need to be made.

17
18 City Attorney Schelzel stated that there are two requests before the Commission, the Zoning Text
19 Amendment which would apply throughout the C-2 District, and the actual Conditional Use Permit
20 for the applicant's business should the Animal Clinic conditional use be added by the Zoning Text
21 Amendment. Conditions that have been discussed by the Commission may apply to either of the
22 two requests.

23
24 Commissioner Merriam stated that a condition of the requested CUP could be to limit the treatment
25 to dogs and cats and prohibit treatment of exotic pets.

26
27 City Attorney Schelzel stated that one way to handle incorporating the restrictions discussed may
28 be to tie the conditions of CUP approval to laws and regulations applicable to the business, and
29 the restrictions that the applicant has mentioned are in her lease agreement. This could include
30 items relating to sound, hours of operation, and types of animal restrictions. The Commission
31 would need to determine if an identified condition should be attached to the Text Amendment that
32 would apply to all C-2 Animal Clinics or specifically to the applicants CUP request.

33
34 Commissioner Douglas expressed concern with the treating of exotic pets within a retail space and
35 the potential for impact of neighboring business.

36
37 Dr. Golden stated that the treatment of exotic pets requires additional training and certification and
38 her focus is on companion pets. She believes that the treatment of exotic pets is excluded from
39 her lease.

40
41 Commissioner Douglas asked if there was a reason why a 2,000 square-foot limit for an Animal
42 Clinic was discussed.

43
44 Director Goellner stated that 4,000 square-foot is the proposed limit in the C-2 District Zoning
45 Text Amendment for any Animal Clinic in any of the shopping centers. If the applicant would

1 want to expand beyond the 1794 square-foot requested in its CUP application, an amendment to
2 the CUP would be needed.

3
4 There being no further questions or discussion among the Commissioners, Vice Chair Plantan
5 asked for a motion on the application.

6
7 Commissioner Iverson made a motion, seconded by Commissioner Parkhill, to direct staff to
8 prepare a draft Planning Commission Report and Recommendation for review and adoption at the
9 next Planning Commission meeting, with appropriate findings reflecting a recommendation of
10 approval of the Text Amendment and the Conditional Use Permit with the conditions that no exotic
11 pets can be treated at the Animal Clinic, OSHA regulations for animal waste disposal must be
12 followed, noise minimization efforts must be made, Animal Clinics and Restaurants cannot share
13 a demising wall, no animal boarding may be permitted, an outdoor elimination area must be
14 included and maintained, a pet waste disposal station must be located outside of the business, and
15 the business must adhere to Saturday's hours of operation of neighboring businesses for the
16 address at 1125 Wayzata Blvd E. The motion carried unanimously.

17
18 Director Goellner stated that the next step for the application would be for it to return to the
19 Planning Commission, where a draft PC Report and Recommendation on the Application would
20 be considered for adoption as part of the Consent Agenda. The Planning Commission can alter
21 some of the final language of the Report prior to it moving to the City Council. This application
22 contains a proposed ordinance which requires two consecutive readings at the City Council level.
23 Once the ordinance is approved and published, the Zoning Text Amendment will become law, and
24 then the Conditional Use Permit can be issued.

25
26 **b.) Consider Development Application for Variances for a New Single-Family Home**
27 **at 639 Bushaway Rd "Skyfall"**
28

29 Consultant Planner Eric Zweber stated that the applicant and property owner, Bushaway Road
30 LLC, has submitted a development application requesting approval of a variance from the
31 shoreland setback, a variance from the impervious surface requirement, and a variance from the
32 size limit for an attached garage to allow for the redevelopment and construction of a new house
33 and detached garage on the property at 639 Bushaway Road. The existing house at 639 Bushaway
34 Road was constructed in 1997. Since 1997, the house to the south (655 Bushaway Road) was
35 constructed in 2003 and the house to the north (623 Bushaway Road) was constructed in 2016.
36 All three homes share the same access onto Bushaway Road on the north end of this parcel.

37
38 The existing site has a one and a half story house with an attached garage on the west side of the
39 property overlooking Lake Minnetonka and a guest house located on the east side of the property.
40 The site changes about 40 feet in elevation with the entry elevation of the exiting house at 979.7
41 feet and the driveway access along Bushaway Road at 938 feet. The driveway runs roughly east-
42 west from Bushaway Road to the house and attached garage. The driveways to 623 Bushaway
43 Road and 655 Bushaway Road run at approximately right angles from the existing 639 Bushaway
44 Road driveway. The existing guest house has a driveway that connects to the driveway to 655
45 Bushaway Road.

1 The proposed changes to the property include demolishing the existing house and attached garage,
2 the driveway west of the connection with the 625 Bushaway Road driveway, and the driveway
3 connection to 655 Bushaway Road. The key items that will remain are the pedestrian access to
4 Lake Minnetonka, the retaining wall located on top of the bluff, and the guest house. The new
5 house will be a single-story home with a walk out to the north and an attached garage. The new
6 driveway will generally run north to south to connect with 655 Bushaway Road and extend at a
7 right-angle running north to the house and attached garage. Halfway between the house and the
8 655 Bushaway Road driveway will be a structurally reinforced grass area to allow for guest parking
9 without creating additional impervious surface. The existing guest house will no longer have a
10 driveway. To the northwest of the existing guest house, a subterranean detached garage will be
11 constructed that will connect to the joint driveway to the north. The detached garage will be
12 constructed with a green roof to remove its impervious surface. Since the garage is primarily
13 subterranean, only the garage door and the retaining walls will be visible.

14
15 The Comprehensive Plan use designation for the subject property is Estate Single Family. The
16 Comprehensive Plan includes the following discussion for the Estate Single Family: Estate
17 residential neighborhoods are generally older neighborhoods removed from the historic
18 community core. Lot sizes should be a two-acre minimum. Some lots have additional living
19 quarters that were originally build for property caretakers.

20
21 The property is zoned R-1A and is located within the Shoreland Overlay District. The proposed
22 single-story house will be almost 15 feet lower than the R-1A Zoning District limit. The setbacks
23 for the R-1A Zoning District are being observed. The lake shore setback is the greatest of four
24 different setback measurements. For this property, which has a point that extends into Lake
25 Minnetonka, the greatest setback would be a line drawn between the two closes riparian principal
26 structures which would require a setback of 260 feet. The applicant is requesting a variance for a
27 lake shore setback similar to the existing principal structure at 94 feet 10 inches. The applicant
28 has provided details of their practical difficulty and other variance justification in the narrative
29 attached to the Staff report.

30
31 The applicant has proposed a redevelopment that would create a total area of impervious surface
32 of 30,243 square feet or 22.73 percent of the total lot area. This impervious surface area meets the
33 impervious surface requirement of 25 percent for the Shoreland Overlay District but is 2.73 percent
34 greater than the requirement allowed of the R-1A Zoning District. The applicant has provided
35 details of their practical difficulty and other variance justification in the narrative attached to the
36 Staff report.

37
38 The applicant has proposed an attached garage that exceeds the 1,000 square foot single family
39 detached uses listed in the City Code. The Proposed four-car garage is 1,338 square feet which is
40 138 feet larger than the existing garage. There is a provision for the R-1 to request a Conditional
41 Use Permit (CUP) for an increased attached garage size. The applicant has provided details of
42 their practical difficulty and other variance justification in the narrative attached to the Staff report.

43
44 Planner Zweber noted that the three variance requests are a quasi-judicial review and decision,
45 meaning that the Planning Commission in its recommendation and City Council in its decision
46 acts similar to a judge in a courtroom and applies the relevant rules and the Zoning Ordinance to

1 the facts of this particular property and proposed development. The Planning Commission should
2 recommend approval of the impervious surface and attached garage size variance requests by the
3 applicant if the Commission determines that they meet all of the Zoning Ordinance requirements
4 in City Code. The Planning Commission should recommend approval of the lake shore setback
5 variance request by the applicant if the Commission determines that it meets all of the Shoreland
6 Overlay District variance requirements in City Code.

7
8 Commissioner Bashioum stated that her understanding of a bluff is that it is a precarious location
9 to build a house. She asked if decreasing setbacks and allowing a home to be built closer to a bluff
10 is cause for concern.

11
12 Planner Zweber stated that one of the code provisions specific to a bluff requires that the entirety
13 of the principal structure be at least 30 feet from any bluff. This property would meet that
14 requirement. There are additional requirements for setbacks related to a pool and pool equipment,
15 but those requirements are not within the Zoning Ordinance. This property would meet these
16 requirements.

17
18 Commissioner Merriam stated that the impervious surface calculation does not include the grass
19 paved area or the garage.

20
21 Planner Zweber stated that would be in keeping with other types of approvals. He added that the
22 City Engineer has looked at these types of improvements and has determined that they absorb
23 rainwater at a similar rate to normal turf. The lot coverage, which includes the subterranean
24 garage, the house, attached garage, and existing carriage house is below the 10 percent lot coverage
25 which is different than the 20 percent impervious surface requirement. The green roof and
26 structurally supported turf are considered pervious surfaces.

27
28 Commissioner Merriam stated that she remembers a time when projects were given only a 50%
29 credit for the amount of pervious materials used.

30
31 Planner Zweber stated that impervious surfaces above 25 percent within the Shoreland District
32 require mitigation that would likely include credits granted for certain types of materials used.
33 This is under the 25 percent Shoreland Ordinance standard for a Shoreland impact plan, so they
34 do not require stormwater calculations and thus mitigation with this request. However, the
35 applicant will be required to submit a Shoreland permit for approval by the Zoning Administrator
36 in order to move more than ten cubic yards of material on the steep slope as part of the grading
37 plan.

38
39 There being no further questions for staff, Vice Chair Plantan invited the applicant to speak to the
40 Planning Commission about the application.

41
42 Applicant's representative, T.J. Majdecki, 3805 Upton Ave S, stated that their clients were drawn
43 to this location due to the incredible views. They purchased the property knowing that there would
44 be constraints due to the topography, and they have worked diligently with their assembled team
45 to achieve the most cohesive design for the property. The design was created to accommodate
46 owners through the period of their intended long-term ownership and reflect the idea of "aging in

1 place". They have chosen to maintain one level living area as well as provide accessible entrance
2 and parking.

3
4 Commissioner Iverson asked if the accessibility features were designed for the home owners
5 current needs because there appears to be a real consciousness to maintain accessibility.

6
7 Mr. Majdecki stated that accessibility has been thoughtfully addressed for the purpose of potential
8 future difficulties and those of friends and family.

9
10 Vice Chair Plantan asked if the neighbors had been contacted to ascertain their thoughts on the
11 project.

12
13 Mr. Majdecki stated that the original relocation of the driveway access was approved six months
14 ago with the blessing of the owner of 655 Bushaway Rd. The owner of 623 Bushaway Rd was a
15 former client of the applicant's developer and was made aware of the situation.

16
17 There being no further questions from the Commission for the applicant, Vice Chair Plantan
18 opened the public hearing on the application at 7:54 p.m.

19
20 There being no one wishing to comment on this application, Vice Chair Planta closed the public
21 hearing at 7:54 p.m.

22
23 Commissioner Bashioum read from page 62 of her packet, item D, section 991.19 "the property
24 and intended uses fall within the exceptions listed, and a shoreline impact plan is not required".
25 She asked if that statement was correct and a shoreline impact plan was not required.

26
27 Planner Zweber stated that there are two types of shoreline impact plans. One shoreline impact
28 plan is part of a conditional use permit and is more commonly seen, but that is not what is required
29 for this application. The second shoreline impact plan could be required due to grading within a
30 steep slope, which is what the proposed plan would do to the north area of the property, and this
31 requires a shoreline impact plan. This type of shoreline impact plan is not a Conditional Use
32 Permit and can therefore be approved by the Zoning Administrator. This would mean that the
33 applicant would need to provide a shoreline impact plan that meets all of the provisions of the code
34 as part of the building permit process, and this could be approved through the Zoning
35 Administrator and would not require a public hearing nor action by the Planning Commission.

36
37 Commissioner Parkhill asked for clarification regarding the attached parking garage proposed at
38 338 feet larger than permitted by code as well as a detached garage proposed to be two times the
39 maximum allowed size.

40
41 Planner Zweber responded that the Zoning Ordinance provisions for the R-1A Zoning District do
42 not include a provision for requesting an attached garage larger than the 1,000 square feet that is
43 allowed. R-1A District does not have a specific limitation to the size of a detached garage. The
44 limiting factor is the lot coverage, meaning that all structures on the lot cannot exceed 10 percent
45 lot coverage. Requesting an increase to the size of the attached garage requires approval of a
46 variance from the lot coverage limits, which must include proof of practical difficulties. He added

1 that R-3 and R-4 Districts have a process that allows for requests for Conditional Use Permits to
2 address attached garages larger than allowed. If the Planning Commission would like to discuss
3 the difference of these provisions for the residential zoning districts, the topic could be added to a
4 future Planning Commission Agenda.

5
6 Commissioner Merriam asked if the setback was determined by measuring the distance from the
7 southwest corner or the principal building from the lake. She added that she understood that the
8 pool has additional language regarding setbacks, she wanted confirmation that the pool was outside
9 the required setback.

10
11 Planner Zweber stated that she was correct.

12
13 Commissioner Merriam stated that average setback difference between the two adjacent properties
14 is 115 feet which is 20 feet greater than what they are requesting. She stated that she can
15 understand the practical difficulty of a setback at 260 feet, but she does not understand the practical
16 difficulty with 115 feet.

17
18 Mr. Majdecki stated that moving the house back was considered. It was determined that the grade
19 change was too significant when they moved the home back 20 feet and was too difficult to
20 maintain a 10 percent driveway slope and access to 665 Bushaway Rd.

21
22 Commissioner Bashioum asked if there were large collections of garages in the area. She was
23 curious is that was the norm along Bushaway.

24
25 Planner Zweber stated that the increased number of garages are very common in the Ferndale area
26 and other areas in the R-1A District. He added that the proposed lot is much larger than most lots
27 on Bushaway Road.

28
29 Commissioner Iverson asked how many trees would be removed, and how many of those would
30 be significant.

31
32 Planner Zweber stated that there are no heritage trees being removed which is defined as trees that
33 are 25 inches in diameter. He stated that they are planning on removing 41 significant trees which
34 equals a total of 561 inches in diameter. They are allowed 25 percent removal under the code
35 without mitigation, which would equal 437 inches of 1,746 inches of significant trees currently
36 existing. Therefore, mitigation is required and their replacement plan meets that requirement.

37
38 Commissioner Merriam asked how much of the impervious surface is a result of the driveway
39 connections to the adjoining properties.

40
41 Planner Zweber stated that they had not calculated that. He estimated that the shared area would
42 be about 800 square feet.

43
44 Commissioner Bashioum asked if all of the homes in the area that share driveways calculate the
45 impervious surfaces the same way.

1 Planner Zweber stated that impervious surfaces are only counted for the lot where the shared
2 driveway is located.

3
4 Commissioner Parkhill stated that it appears that this home would bear the brunt of having to
5 include the driveway into their total of allowable impervious surface due to the majority of the
6 shared driveway being located within their lot lines.

7
8 Planner Zweber stated that the grades in the area do not allow for all separate driveways to each
9 property that shares the driveway on the subject property. He added that if separate driveways
10 were allowed, much of what already exists would still be required for access. He stated that this
11 may be a finding that could be included under practical difficulties for the applicant.

12
13 Vice Chair Plantan stated that the home looks beautiful, and she commended the architects on the
14 project. She stated that the home sits well on the site, and she understands the need for one level
15 living. She added that she wouldn't necessarily describe the situation as a hardship, but certainly
16 practical difficulties due to the site constraints of having steep inclines on three sides. She liked
17 the creative solutions for the difficulties, such as the subterranean garage and adding grass into the
18 parking areas. She concluded by stating that the plan is a nice solution for the challenges that the
19 site provided.

20
21 There being no further questions or discussion among the Commissioners, Vice Chair Plantan
22 asked for a motion on the application.

23
24 Commissioner Iverson commented that the tear down of the home will be going to a landfill, and
25 that a significant number of trees will be removed without equal replacement. She added that with
26 everything going on in our climate change she has requested that every developer increase the
27 number of trees they plan to replace. She added that the cost to replace the trees would not likely
28 impact the owner greatly. She ended by stating that any increase would be appreciated.

29
30 Commissioner Merriam stated that R-1A allows for no greater than a 1,000 square foot garage.
31 She does not know the reason for the limitation nor does she understand the practical difficulty
32 that would entail enlarging it. She stated that the request appears to be unusual. She added that
33 the impervious surface is greater than the 20 percent allowed. She ended by stating that she doesn't
34 see the practical difficulty for increasing the impervious surface either.

35
36 Commissioner Iverson stated that she concurs with Commissioner Merriam's comments. She
37 asked if it was common for estates to store their boats and other accessory water vehicles on their
38 property versus off site.

39
40 Planner Zweber stated that there are a lot of existing homes in R-1A with garages greater than
41 1000 square feet. He would have to investigate to determine if the existing garage was approved
42 due to a variance or as a result of another reason. The proposed garage is being designed for cars
43 and would not be large enough to house a large boat, typically found on Lake Minnetonka.

44
45 Commissioner Douglas asked for the size of the new house in relation to the existing home.
46

Planner Zweber stated that the existing home is a two-story home. The proposed home is a single-story home. The proposed home would have a larger footprint but the existing home has more total square footage.

Commissioner Parkhill then made a motion, seconded by Commissioner Bashioum, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval of variances for 639 Bushaway Road for review and adoption at the next Planning Commission meeting, including Part A: Shoreline setback variance, noting that it is in keeping within land use plans and planning objectives for Wayzata, is due to practical hardships related to the uniqueness of the property (bluff and point), is reasonable but not permitted by the ordinance, and will not alter the essential character of the locality due to the use of the same plot location as the existing home; and approval of Part B: Impervious surface and garage variance due to practical difficulties, it will not change the essential character of the local, and is less impervious surface than the existing home due to creative mitigation within the design plan, with the additional condition that there will be 50 percent increase in tree inches added by calculating the difference between the number of tree inches removed and what is required in the ordinance to replace with the intent of maintaining the character of the neighborhood and its current tree coverage. The motion carried 4 ayes and 2 nays (Iverson and Merriam).

Planner Zweber stated that the report and recommendation on the application will be part of the October 7 Planning Commission Consent Agenda, and then would move to a future City Council meeting for final consideration and action by Council on the application.

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Assistant Planner Nick Kieser stated that the City Council will be considering the Highcroft North lot subdivision tomorrow. The October 7 meeting also has a number of new development applications scheduled for consideration. He noted that a new application for the Boatworks project is also tentatively slated to return to the Planning Commission on October 21.

b.) September 3 City Council Meeting Report

Commissioner Douglas stated that she shared the meeting report at the previous Planning Commission meeting. Labor Day resulted in a change in the City Council meeting dates.

Commissioner Douglas asked a question about a previous development application for Meyer Place. She stated that her recollection was that approval was given for the development of condominiums on the site. She was notified by a neighbor that apartment leasing was offered online for the location. She questioned whether this was appropriate.

Planner Zweber stated that Staff would have to look into the situation and report back to the Planning Commission.

1 Commissioner Iverson asked for an update on the charges pending against Pillar Homes.

2
3 City Attorney Schelzel stated that he did not have an update, as the matter was being handled by
4 the City Prosecutor's office.

5
6 Director Goellner added that there was a court date established, but she did not believe that it had
7 occurred yet.

8
9 Commissioner Iverson asked if Mr. Schelzel knew what fee could be assigned for a misdemeanor.

10
11 City Attorney Schelzel stated that there is a range for the fine associated with a misdemeanor under
12 the state statute. The fee would also be based on what the prosecution requests and ultimately
13 what the court imposes.

14
15 **c.) Planning Commissioner Liaison for the October 1 City Council Meeting**

16
17 Vice Chair Plantan stated that Chair Flannigan is assigned to attend the September 17, 2019 City
18 Council meeting and provide a report at the next Planning Commission meeting.

19
20 Commissioner Iverson stated that she is planning on attending the October 1, 2019 City Council
21 meeting and will provide a report at the next Planning Commission meeting.

22
23 Commissioner Bashioum stated that the Planning Commission meetings are consistently being
24 listed as a 7:00 p.m. start time at the City Council meetings, and this should be changed to the
25 correct 6:30 p.m. start time.

26
27
28 **AGENDA ITEM 8. Adjournment.**

29
30 There being no further business on the agenda, Vice Chair Planta asked for a motion to adjourn.

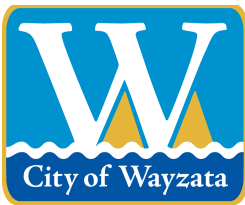
31
32 Commissioner Bashioum made a motion, seconded by Commissioner Iverson, to adjourn the
33 Planning Commission meeting. The motion carried unanimously.

34
35 The Planning Commission meeting was adjourned at 8:39 p.m.

36
37 Respectfully submitted,

38 Jenny Groess

39 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 4.b.
TITLE: Report and Recommendation of Approval 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.

This development application went to the September 16th, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted unanimously in favor to direct staff to prepare a report and recommendation for approval of the development application. The motion included conditions that are addressed in the following ways:

- No exotic pets can be treated at the animal clinic. Section 4.1.D. of the attached Recommendation states that no animal clinic in the C-2 District may provide service or treatment to exotic animals.
- OSHA regulations for animal waste disposal must be followed. Section 4.1.G. states that all animal clinics must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions. OSHA is an abbreviation for Occupational Safety and Health Administration. The City Attorney has determined that the provision as it is written encompasses all OSHA regulations. This is reinforced in Section 4.2.F., which states that the applicant must comply with all laws and regulations applicable to the project.
- Noise minimization efforts must be made. Section 4.2.C. addresses barking and noise specifically at this location. It includes a process for enforcement. This is reinforced by Section 4.1.G., which address nuisances for all animal clinics in the C-2 District. It is also reinforced by Section 4.2.B., which acknowledges that the terms of the lease for the property, as summarized in the public hearing, must be implemented. Noise was specifically discussed in this context at the public hearing and reflected in the meeting minutes. Additionally, noise impacts are reinforced in Section 4.2.F., which states that the applicant must comply with all laws and regulations applicable to the project. The City will enforce the existing local noise ordinances as needed.
- Animal clinics and restaurants cannot share a demising wall. Section 4.1.E. states that the any animal clinic in the C-2 District may not share a common demising wall or be located directly adjacent to any restaurant.
- No animal boarding may be permitted. Section 4.1.B. states that clinics in the C-2 District may not provide animal boarding services, kenneling, or overnight stays for patients.
- An outdoor elimination area must be included and maintained. Section 4.1.D. states that the applicant and property owner shall take actions to minimize animal waste on the site. An outdoor animal waste elimination area shall be designated in the rear of the building at least fifty (50) feet from residential buildings and properly kept clean and maintained. Enforcement methods are included.
- A pet waste disposal station must be located outside of the business. Section 4.1.D. states that Animal waste disposal supplies and waste bins must available at the entrance of the clinic. All animal waste generated on the site shall be removed from the ground and placed in properly enclosed waste bins in a timely manner. Enforcement methods are included.

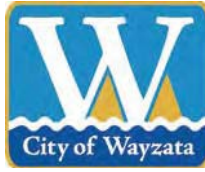
- The business must adhere to Saturday's hours of operation of neighboring businesses for the address at 1125 Wayzata Blvd E. Section 4.1.F. states that all animal clinics in the C-2 District must have hours of operation that coincide with the businesses in the area or complex in which the clinic is located. Additionally, Section 4.2.E. limits hours to 8 am to 8 pm daily, which is consistent with the Colonial Square Shopping Center (with the exception of Lund's and Byerly's Grocery Store, which is open until midnight daily). The applicant stated in the public hearing that this range for hours of operation is reasonable and allows for some change in hours as the business grows.

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. Report and Recommendation Approving Text Amendment for Animal Clinics in C-2 and Conditional Use Permit at 1125 Wayzata Blvd E



WAYZATA PLANNING COMMISSION

October 7, 2019

REPORT AND RECOMMENDATION OF APPROVAL (DRAFT)

AMENDMENT TO SECTIONS 902.2 AND 976.05 OF ZONING ORDINANCE ADDING ANIMAL CLINICS AS CONDITIONAL USE IN C-2 SHOPPING CENTER BUSINESS DISTRICT AND APPROVAL OF CONDITIONAL USE PERMIT FOR GOLDEN VETERINARY CLINIC AT 1125 WAYZATA BOULEVARD EAST

SUMMARY OF RECOMMENDATION

1. **Approval** of Zoning Ordinance Amendment Adding Animal Clinics as a Conditional Use in C-2 Shopping Center Business District
2. **Approval*** of Conditional Use Permit for an animal clinic for Golden Veterinary Care at 1125 Wayzata Blvd E, subject to conditions.

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 General. Dr. Sharon Golden of Golden Veterinary Care (the "Applicant") has submitted a development application (the "Application") with authorization of the Property owner requesting zoning approvals to open an animal clinic in the Colonial Square Shopping Center as depicted in the plans submitted with the Application (the "Project") on the property at 1125 Wayzata Blvd E (the "Property").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Zoning Ordinance Amendment: The Project requires an amendment to Zoning Ordinance provisions for the C-2 Shopping Center Business District to add a new conditional use of and definition for Animal Clinics,. The proposed

amendment to Sections 902.2 and 976.05 (C-2 Shopping Center Business District), which includes development standards for the conditional use reflected in Section 4 of this Report and includes two new definitions to differentiate Animal Clinics from Animal Hospitals in the City Code:

- a. "Animal Clinic." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals.
- b. "Animal Hospital." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

B. Conditional Use Permit: The Project requires a Conditional Use Permit, subject to conditions reflected in Section 4 of this Report.

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

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

- 1.4 Zoning and Comprehensive Plan. The Property is zoned C-2 Shopping Center Business District and guided Mixed Use Commercial under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Proposed Amendment and Conditional Use Permit was published in the *Lakeshore Weekly* on September 5, 2019. A copy of the notice was mailed to all property owners located within 350 feet of the Property on September 4, 2019. The required public hearing was held at the September 16, 2019 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments (Section 903.01). City Council has the discretion and authority under state law (Minn. Stat. Section 462.357) and City Code (Section 903.01) to amend the City's Zoning Ordinance and Zoning Map. A zoning ordinance amendment may be initiated by the governing body, the planning agency, or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4.
- 2.2 Standards for Zoning Ordinance Amendments (Sec 903.02). In considering a

proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

2.3 Conditional Use Permits (Sec. 904.01). City Council has the discretion and authority under state law (Minn. Stat. 462.3595) and City Code (Sec. 904.01) to exercise a reasonable degree of discretion in determining the suitability of conditional uses upon the general welfare, public health and safety.

2.4 Standards for Conditional Use Permits (Sec 904.02). In considering a Conditional Use Permit, the Planning Commission shall consider the possible adverse effects of the proposed use. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.

- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS

3.1 Zoning Ordinance Amendment. Based on the report and information submitted by City Staff, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Zoning Ordinance Amendment (the "Proposed Amendment"):

- A. The Proposed Amendment is consistent with the specific policies and provisions of the official City Comprehensive Plan. This Mixed Use Commercial area in the C-2 Zoning District along Wayzata Boulevard is intended to be a mix of commercial, office, and residential uses.
- B. The animal clinic use associated with the Proposed Amendment will conform to present and future land uses in the area which is intended for a mix of commercial, office, and residential uses.
- C. The animal clinic use associated with the Proposed Amendment will not affect other performance standards contained in the Zoning Ordinance, due to the inclusion of specific development standards for animal clinics as a conditional use in the C-2 Shopping Center Business District.
- D. The animal clinic use associated with the Proposed Amendment will not have a negative effect on the areas in which they are proposed due to the inclusion of specific development standards for animal clinics as a conditional use in the C-2 Shopping Center Business District.
- E. The animal clinic use associated with the Proposed Amendment will not have a significant impact upon property values in the surrounding areas.
- F. Traffic demands generated by animal clinics of the size associated with the Proposed Amendment will generally be met with the capabilities of streets serving the district.
- G. The animal clinic use associated with the Proposed Amendment not have

a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.2 Conditional Use Permit. Based on the report and information submitted by City Staff, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Project (the "proposed animal clinic"):

- A. The proposed animal clinic is a commercial use consistent with the specific policies and provisions of the official City Comprehensive Plan. This Mixed Use Commercial area along Wayzata Boulevard is intended to be a mix of commercial, office, and residential uses. The animal clinic would be surrounded by other commercial uses.
- B. The proposed animal clinic use conforms to the present and future land uses of the area. It is a commercial service activity on a property guided for Mixed Use Commercial activity.
- C. The proposed animal clinic use conforms to all performance standards contained herein (i.e., parking, loading, noise, etc.), subject to conditions that mitigate impacts caused by the proposed use. The analysis supporting this finding is provided in Attachment 1 (Staff Report). These effects are mitigated by the conditions of approval listed in Section 4 of this Report.
- D. The animal clinic use will affect the area in which it is proposed. These effects are described in Attachment 1 (Staff Report) and mitigated by the conditions of approval listed in Section 4 of this report.
- E. The animal clinic will not have a measurable impact upon property values in the area in which it is proposed.
- F. The proposed 1,794 square-foot animal clinic will generate a low level of traffic that the surrounding streets, Wayzata Boulevard East and Central Avenue North, have the capacity to serve.
- G. Due to the proposed size and the specific activities proposed to take place at the animal clinic (as detailed in Attachment 1), the clinic's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity is reasonable and acceptable.

Section 4. RECOMMENDATIONS

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the

Zoning Ordinance Amendment making animal clinics a conditional use in the C-2 District, **with the following development standards applicable to all such conditional uses in all locations in the C-2 District:**

- A. The size of the clinic may not exceed 4,000 square feet.
- B. The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.
- C. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.
- D. The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
- E. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.
- F. The clinic may not be located on the same property or in the same shopping area where another clinic exists.
- G. The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.
- H. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

4.2 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Conditional Use Permit for Golden Veterinary Care as proposed at 1125 Wayzata Blvd E, **subject to the following conditions:**

- A. Ordinance No. __ Amending Sections 902.2 and 976.05 of the Zoning Ordinance to Allow Animal Clinics in the C-2 District must be adopted and effective prior to the issuance of the Conditional Use Permit.
- B. The Project must be built and operated in accordance with the description and plans included with the Application, and with the terms of Applicant's lease for the Property. Any material deviations from the Project description, conditions of approval, or exhibits provided with the application shall require approval of an amendment to the Conditional Use Permit.
- C. Clinic staff must take all reasonable actions to minimize barking at the clinic. If repeated significant and valid noise complaints are received by

the City, the Applicant must hire an acoustical engineer to prepare a noise study that measures the number, times and volumes of the barking and recommends any remedial measures. The City will review the study and may include other reasonable recommendations. If the Applicant fails to comply with such recommendations, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.

- D. The Applicant and owner of the Property shall take actions to minimize animal waste on the site. Animal waste disposal supplies and waste bins must be available at the entrance of the clinic. An outdoor animal waste elimination area shall be designated in the rear of the building at least fifty (50) feet from residential buildings and properly kept clean and maintained. All animal waste generated on the site shall be removed from the ground and placed in properly enclosed waste bins in a timely manner. If repeated and valid animal waste complaints are received by the City, the City may issue administrative or misdemeanor citations and take action to suspend or revoke the Conditional Use Permit.
- E. Hours of operation are limited to 8 am to 8 pm daily.
- F. The Applicant must secure all necessary building permits for construction, and comply with all laws and regulations applicable to the Project.

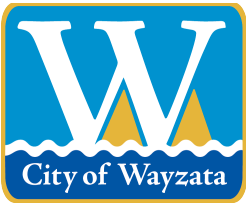
Adopted by the Wayzata Planning Commission this 7th day of October, 2019.

Chair, Planning Commission

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

Voting Against:

Abstaining:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 4.c.
TITLE: Report and Recommendation of Approval 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 applicant, Bushaway Road, LLC, has submitted a development application to remove an existing house and construct a new house at 639 Bushaway Road. The applicant is requesting three variances (a shoreland overlay district setback variance, a R-1A zoning district impervious surface variance, and an attached garage size variance) to allow for the construction of the new house.

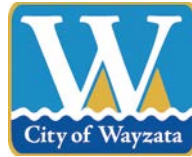
This development application went to the September 16th, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted four (4) in favor and two (2) opposed to direct staff to prepare a report and recommendation for approval of the development application.

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. Report and Recommendation of Approval for Variances at 639 Bushaway Rd



WAYZATA PLANNING COMMISSION

October 7, 2019

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCES FOR A NEW RESIDENCE AT 639 BUSHAWAY ROAD

SUMMARY OF RECOMMENDATION

Approval* of Variance from the Shoreland Overlay District Setback standard
Approval* of Variance from the R-1A Zoning District Impervious Surface standard
Approval* of Variance from the Attached Garage Size standard

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Bushaway Road, LLC (the “Applicant”) has submitted a development application (the “Application”) requesting zoning approvals to remove an existing house and construct a new house with an attached garage and accessory building as depicted in the plans submitted with the Application (the “Project”) on the property at 639 Bushaway Road (the “Property”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Variance from the Shoreland Overlay District Setback Standard: The Project requires a setback variance of approximately 165 feet off the required 260 feet to a Shoreland setback of 94 feet 10 inches (the “Shoreland Setback Variance”). The required Shoreland setback in this case is a line drawn between the two closest riparian principal structures on either side of the proposed building, which is approximately 260 feet.
 - B. Variance from the R-1A Zoning District Impervious Surface Standard: The Project requires an impervious surface variance of 2.7% above the 20% impervious surface limit imposed in the R-1A Zoning District, for a total of 22.7% impervious surface (the “Impervious Surface Variance”).

- C. Variance from the Attached Garage Size Standard: The Project requires an attached garage size variance of 338 square feet above the 1,000 square feet limit imposed to be considered part of the principal structure, for a total of 1,338 square feet of garage attached to a principal structure (the “Garage Size Variance”).
- 1.3 Property. The street address, property identification number and owner of the Property are:
- | | | |
|-----------------|-------------------|--------------------|
| 630 Bushaway Rd | 08-117-22-23-0001 | Bushaway Road, LLC |
|-----------------|-------------------|--------------------|
- 1.4 Land Use. The Property is located on the shore of Lake Minnetonka, between the Lake and Bushaway Road. The Property and adjacent properties are zoned R-1A/Low Density Single Family Estate District and guided Estate Single Family under the Wayzata Comprehensive Plan.
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on September 5, 2019. A copy of the notice was mailed to all property owners located with 500 feet of the Property on September 4, 2019. The public hearing on the Application was held at the September 16, 2019 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Shoreland Setback Variance (Sec. 991.20). Under the standards of the Shoreland Overlay District, the Project is required to have a shoreland setback of 260 feet, which is the greatest of four alternative methods of calculating the required shoreland setback listed under Sec. 991.09.D.2. Variances from the Shoreland Overlay District standards may be granted by the City Council in accordance with Section 905 of the Zoning 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 (some of which are superseded by applicable provisions of state law and City Code):
- 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 Section 905 of the Zoning Ordinance.
 - F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.
- 2.2 Impervious Surface and Garage Size Variances (Sec. 905.1.C). The Project requires (i) an impervious surface variance of 2.7% above the 20% impervious surface limit imposed in the R-1A Zoning District (Sec. 951.07 A.), and (ii) an attached garage size variance of 338 square feet above the 1,000 square feet limit (Sec. 917.01 B.). The criteria for granting a variance from these standards of the Zoning Ordinance are:
- 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 the Zoning 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 the Zoning Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under the Zoning 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. The Planning Commission has not recommended any additional conditions for the Shoreland Setback.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Shoreland Setback Variance (Sec. 991.20). The proposed residential use and improvements to the Property that are associated with the Project would be in conformance with the Comprehensive Plan and in the public interest. With respect to the other criteria for a variance from the Shoreland Overlay District standards:
 - A. There will be no artificial obstructions as a result of the Project that would restrict the passage of storm and flood water.
 - B. The Project is a replacing one detached single-family residence with a new detached single-family residence. This a compatible land use and shall not be detrimental to the protection of surface and ground water supplies.
 - C. The Project is in keeping with land use plans and planning objectives for the City of Wayzata and would not increase or cause danger to life or property.
 - D. The Project is consistent 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. Section 905 of the Zoning Ordinance requires the demonstration of "practical difficulties" (and not a "hardship").
 - 1. The Project is reasonable, considering the location of the existing house, the nearly 40 feet in elevation change from Bushaway Road, and the Property's position on the point of the peninsula, but is otherwise not permitted under certain standards of the Zoning Ordinance;
 - 2. The plight of the landowner of the Property is due to the nearly 40 feet in elevation change from Bushaway Road, and the Property's position

- on the point of the peninsula is unique to the Property, and not created by the landowner; and
3. The Shoreland Setback Variance will not alter the essential character of the locality. The proposed setback for the Project is generally consistent with the setbacks of the homes to the north and south.
- F. The Project requires a Shoreland Impact Plan as required and set forth in Zoning Ordinance Sec. 991.14 B. 2 to be approved by the Zoning Administrator. The Planning Commission recommends City Council attach the conditions listed in Sec 4 of this Report to approval of the Shoreland Impact Plan, as they will insure compliance with the purpose and intent of the Shoreland Overlay District standards.
- 3.2 Impervious Surface Variance (Section 905.1.C). The Impervious Surface Variance does not change the detached single-family residential principal use and meets the criteria for a variance from R-1A District Standards:
- A. The Impervious Surface Variance is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan.
 - B. The Applicant has established that there are practical difficulties in complying with the Zoning Ordinance. The practical difficulties include:
 1. The Project is reasonable but not permitted by the Zoning Ordinance considering that previous house had a total impervious surface of more than 24%, and numerous lots in the neighborhood have impervious surfaces greater than 20%;
 2. The plight of the landowner is due to the existing impervious surface of 24.1% and the shared driveway for 623 and 655 Bushaway Road, which is unique to the Property and not created by the landowner; and
 3. The Project associated with Impervious Surface Variance, including the proposed mitigation of the reinforced grass guest parking area and the green roof on the detached garage, will not alter the essential character of the locality. The Property consists of a lot that is generally larger than surrounding properties, so the square footage total of pervious surface proposed is consistent with that of surrounding properties. The surrounding properties range from 9,800 square feet to 73,000 square feet.
 - C. Practical difficulties beyond economic consideration exist as outlined in the other findings of this Report. There are no solar energy systems proposed as a part of the Project.
 - D. The Project does not include an earth sheltered construction.
 - E. The Impervious Surface Variance and the Project will not create any use that is not allowed in the R-1A Zoning District.

- F. The Planning Commission recommends that City Council include a condition of approval that the tree replacement requirement under the Zoning Ordinance be increased by 50% from a total of 124 inches to 186 inches of replacement trees. This condition is directly related to the need to lessen the impact of the reduction in stormwater absorption due to the increased impervious surface, and is rough proportionality to the impact created by the Impervious Surface Variance to allow an increase in impervious surface of 2.7%.
 - G. The Applicant has provided written reasons that the Impervious Surface Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.
- 3.3 Garage Size Variance (Section 905.1.C). The Garage Size Variance does not change the detached single-family residential principal use and meets the criteria for a variance from the attached garage standards:
- A. The Garage Size Variance is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan.
 - B. The Applicant has established that there are practical difficulties in complying with the Zoning Ordinance. The practical difficulties include:
 - 1. The Project is reasonable but not permitted by the Zoning Ordinance considering that previous house had a four-car garage of more than 1,200 square feet, and a number of homes in the neighborhood have four-car or larger attached garages;
 - 2. The plight of the landowner is due to the existing attached garage over 1,200 square feet and the relatively large size of the existing Property of over 130,000 square feet that is unique to the Property, and not created by the landowner; and
 - 3. The Garage Size Variance will not alter the essential character of the locality. A four-car (or more) attached garage is common in the R-1A Zoning District.
 - C. Practical difficulties beyond economic consideration exist as outlined in the other findings of this Report. There are no solar energy systems proposed as a part of this Project.
 - D. The Project does not include an earth sheltered construction.
 - E. The Garage Size Variance and the Project will not create any use that is not allowed in the R-1A Zoning District.

- F. The Applicant has provided written reasons that the Garage Size Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of all requests of the Application listed in Section 1.2 of this Report, subject to the following conditions:

- A. The Applicant must submit a proposed landscaping plan for review by City staff. The landscaping plan must meet 150% of the tree replacement requirements in City Code Section 936.8. The landscaping plan must meet with the approval of the City Forester and Community Development Director and be implemented by the Applicant within one calendar year after the certificate of occupancy is granted for the proposed principal structure.
- B. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
- C. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- D. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

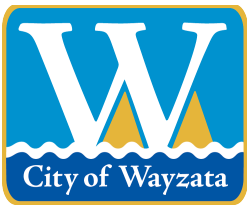
Adopted by the Wayzata Planning Commission this 7th day of October, 2019.

Chair, Planning Commission

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

Voting Against:

Abstaining:



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 5.a.
TITLE: Consider Development Application for Planned Unit Development Concept Plan for Office-Retail Building at 401 Lake Street East	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: October 27, 2019	

BACKGROUND:

The applicant, Peterssen / Keller Architecture, and the property owner, Lothenbach Props VI LLC, have submitted a development application to redevelop the property at 401 Lake Street E. The applicant is proposing to demolish the existing building on the site and construct a three-story, 25,890 square foot office-retail building.

The application requests review of a concept plan for a Planned Unit Development with deviations from the allowable floor area ratio (FAR) of 2.0, development of a lot less than 12,000 square feet, and the required first floor retail percentage of 50% which would be requirements if the property remained in the C-4 Central Business zoning district. The application also requests a variance from the maximum building height of 35 feet which is a requirement of the Planned Unit Development (PUD) zoning district.

Attached is a staff report that describes the property and the application request.

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, Narrative, Plans, Parking Study, Neighborhood Mtg Summary, Letters - 401 Lake St



**Staff Report
October 7, 2019**

Project Name: 401 Lake Street – Lothenbach Family Offices
Applicant: Peterssen / Keller Architecture
Addresses of Request: 401 Lake Street East
Prepared by: PeggySue Imihy, Planning Consultant
60-Day Deadline: October 27, 2019

Development Application

Introduction

The applicant, Peterssen / Keller Architecture, and the property owner, Lothenbach Props VI LLC, have submitted a development application to redevelop the property at 401 Lake Street E. The applicant is proposing to demolish the existing building on the site and construct a three-story, 25,890 square foot office-retail building. The building would have 2,500 square feet of retail on the ground floor and 14,578 square feet of office space on the second and third floors. The building would also have 4,000 square feet of green roof area, 450 of which would be rooftop patio space, accessible from a single staircase to the roof.

The application requests review of a concept plan for a Planned Unit Development with deviations from the allowable floor area ratio (FAR) of 2.0, development of a lot less than 12,000 square feet, and the required first floor retail percentage of 50% which would be requirements if the property remained in the C-4 Central Business zoning district. The application also requests a variance from the maximum building height of 35 feet which is a requirement of the Planned Unit Development (PUD) zoning district.

Property Information

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

Address	PID	Owner
401 Lake St E	06-117-22-31-0103	Lothenbach Props Vi LLC,

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

Current zoning:	C-4 Central Business District
2030 Comp Plan designation:	Central Business District
2040 Comp Plan designation:	Central Business District
Overlay districts:	Shoreland Overlay District, Lake Street District

Project Location

The property is located on the northeast corner of Lake Street E and Manitoba Ave S:

Map 1: Aerial Photograph of Area, 2019 Map 1: Aerial Photograph of Site, 2019



Source: Hennepin County Interactive Property Map

Application Requests

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

- A. Planned Unit Development Concept Plan: An applicant can submit an application to explain the general intent of the application by § 933.05.B.1. of the zoning ordinance. Should concept approval be granted, this approval in no way shall bind the City to subsequent approval of General Plan of Development.

The applicant is requesting the review of a concept plan for a Planned Unit Development. If the Concept Plan is approved, the applicant will return with an application for a General Plan of Development and a rezoning of the Parcel to Planned Unit Development.

As part of the request, the applicant is asking for a deviation of the allowable floor area ratio (FAR) of 2.0 to allow for a FAR of 2.4. The applicant is also

requesting the ability to redevelop a non-conforming lot of 10,545 square feet when the C-4 minimum lot size is 12,000 square feet. Finally, the applicant is seeking a deviation to allow for the ground floor to have 17% of retail space instead of the required 50%.

The applicant has provided their justification for these deviations in the narrative attached to this staff report. When evaluating the request, the relevant City Code Sections to consider are § 933.01 PUD Purposes, § 933.02 PUD General Standards, and § 933.04 PUD Non-Residential Standards. These standards are included at the end of this staff report.

- B. Variance for Building Height: City Code § 933.02 A.14 states that the maximum building height within a PUD District shall be 35 feet and three stories, whichever is lesser.

The applicant is requesting to construct a three-story building which would measure 35 feet from the average grade plane to the top of the roof, but would have a guard rail/parapet which would extend vertically another three (3) feet, six (6) inches for a total building height of 38.5 feet.

Building Height is defined in City Code § 902.02 as the vertical distance above a Grade Plane **measured to the highest point of the coping of a flat roof**, to the deck line of a mansard roof, to the uppermost point on a shed, round or arch type roof, or to the average height of the highest gable of a pitched, hipped or gambrel roof. Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council. The height of a stepped or terrace building is the maximum height of any segment of the building.

There are a number of structural elements that can exceed the building height as defined in City Code § 919.02 B., except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit:

1. Belfries.
2. Chimneys or flues.
3. Church spires.
4. Cooling towers.
5. Communication reception/transmission devices.
6. Cupolas and domes which do not contain usable space.
7. Elevator penthouses.
8. Flag poles.
9. Monuments.
10. Parapet walls.
11. Necessary mechanical and electrical appurtenances.

A guard rail is not listed as a structural element that is can exceed the building height. The applicant is requesting a variance to allow the guard rail to be included as a structural element that can exceed the building height. The guard rail would be a total of 42 inches or 3.5 feet.

The applicant had provided the following narrative as their practical difficulty:

“The proposed glass guardrail is similar in design to a parapet wall, which is allowed as an exception to the height limits outside of the Shoreland, but the glass design makes it even less intrusive. The guardrail will also be setback from the roof edge at least 10 feet from the roof edges to further mitigate its visibility.”

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

If the concept plan review is approved, the applicant will be required to apply for the following applications:

1. General Plan for a Planned Unit Development: The applicant would need to return to the Planning Commission at a later date with a complete plan for a Planned Unit Development.
2. Rezoning: The applicant would need to apply for a rezoning from C-4 Central Business District to PUD – Planned Unit Development.
3. Shoreland Impact Plan/ Conditional Use Permit: The applicant believes they will need to exceed the allowable impervious surface limit of 25%.
4. Design Review: The applicant would need to have the plans reviewed against City Code § 909, which regulates design standards for the Lake Street District. Staff anticipates that the applicant would need a deviation from the required percentage of retail usage on portion of the building that faces Lake Street. The application currently shows 76% of the usage of the building will be retail instead of the required 80%. Additionally, an upper story setback is required for buildings which have a front façade which measures more than 60 feet in length. The applicant is aware of the need for these deviations, and a narrative explaining the reasoning is attached.
5. The applicant will also need to provide a bench along Lake Street as the building is greater than 50 feet along the front façade.
6. Fee in Lieu of Parking (FILOP): The applicant will need to enter into an agreement with the City to allow for a reduction of parking spaces. There is no distance requirement to enter into a FILOP agreement, only that the subject property be located in the mobility district. The subject property is located in the mobility district.

Comprehensive Plan

The Draft 2040 Comprehensive Plan is currently under review by the Metropolitan Council. Until its official adoption, the City is will continue to be guided by the 2030 Comprehensive Plan. The land use designation for the subject property in the 2030 Plan is Central Business District. The Central Business District is intended to promote a

diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. This land use designation assigned to the properties along the main thoroughfare of Lake Street, which is generally referred to as downtown. The subject property, as well as the parcels adjacent to it, and properties East and West along Lake Street are guided for Central Business District in the 2030 Comprehensive Plan. A map is attached.

The Draft 2040 Comprehensive Plan land use designation for the subject property Central Business District. This category provides for a range of commercial uses within the commercial core of Wayzata. Many of these uses are located near Lake Minnetonka and along Lake Street. These uses include retail, service and office uses. Multi-family residential is also an allowed use within this category, when located on the upper floor. The subject property, as well as the parcels adjacent to it, and properties East and West along Lake Street are guided for Central Business District in the Draft 2040 Comprehensive Plan. A map is attached.

Adjacent Land Uses

The following table outlines the uses, zoning, and comprehensive plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Commercial at 324 Manitoba Ave S	C-4 / Central Business District	2030: Central Business District 2040: Central Business District
East	Commercial at 407 Lake St E	C-4 / Central Business District	2030: Central Business District 2040: Central Business District
South	Historic Train Depot	R-2 Medium Density Single Family Residential District	2030: Park 2040: Parks
West	Commercial 315 Lake St E	C-4 / Central Business District	2030: Central Business District 2040: Central Business District

Public Hearing Notice

The public hearing notice was published in the *Wayzata Lakeshore Weekly* on September 26, 2019. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on September 25, 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

The property is currently zoned C-4 and is located within the shoreland overlay district. the following table outlines the zoning standards for the C-4, PUD, and Shoreland Overlay Districts:

	C-4 Zoning	Shoreland Overlay District	PUD	Proposed PUD
Height (max.)	3 stories and 35 feet, whichever is less	35 feet	3 stories and 35 feet, whichever is less	3 stories, 38.5 feet
Floor Area Ratio (max.)	2.0	None	None	2.44
Impervious Surface (max.)	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	None	100.0%*
Property Line Setbacks (min.)	None	None	Same as underlying zoning district	None
Lot Area (min.)	12,000 sq. ft.	Same as underlying zoning district	None	10,595 sq. ft
Required Open Space	None	No requirement for commercial development	None	2 nd Floor: ~1,200 sq. ft. of patio and 765 sq. ft. of green roof Third Floor: 450 sq. ft. patio and 4,000 sq. ft. of green roof

*Shoreland impact plan/conditional use permit to be requested at a later project phase, the potential green roof on site could mitigate some of the impervious surface.

Height

The maximum building height in the C-4 District and the PUD district is 35 feet and three stories, whichever is lesser. As provided in the application requests, the code defines building height as the highest point of the coping of a flat roof, a coping is otherwise known as the cap on the wall surrounding the flat roof. A coping is commonly used to direct stormwater from the roof to scuppers or drainage pipes.

The proposed building is shown at three stories and would be 35 feet at the top of the building roof and shows a safety guard rail around the greenspace on the roof deck. The applicant has labeled the guard rail as a parapet, but the Design Standards describes a parapet wall as a structure that screens mechanical equipment and the "Sign Related" definition of a "Parapet" is a low wall which is located on a roof of a building. There is no mechanical equipment being screened by the guard rail and the applicant is not requesting to install a sign on the guard rail. The City Code does not provide clear direction on what is a parapet and therefore staff has directed the applicant to request a variance to allow the Planning Commission to provide a determination about allowing a guard rail to be defined as a parapet.

There would be 5,203 square feet of green roof which would be used for both stormwater remediation and would also be an open space amenity for tenants. The applicant has stated in their narrative that there would not be any furnishings or structural features on the roof other than the parapet/guardrail. While the submitted plans show a frosted glass would be use, the applicant has informed city staff that it would be a transparent glass.

Deviation from Floor Area Ratio (FAR)

The City Code § 902.02 defines Floor Area Ratio as the floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

Floor area ratio is used to indicate the desired density of parcel in comparison to the size of the parcel. In the C-4 district, the required minimum lot area is 12,000 feet, and the desired FAR is 2.0. The subject property is slightly smaller than the required minimum lot area at 10,595 square feet.

The applicant has requested that they be allowed to deviate from the maximum FAR of 2.0 to 2.44 as part of the Planned Unit Development request.

Deviation from Minimum Lot Size

The City Code § 902.02 requires a minimum total lot area of 12,000 square feet. The property is 10,545 square feet, which make the lot a legal non-conforming use subject to the standards of City Code § 915.02 B. 6. b) which states that an existing conforming use on a developed lot of substandard size may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Ordinance.

Deviation from Ground Floor Retail Percentage

The proposed plans indicate that only 17% of the ground floor would have retail space, for a total of 2,500 square feet of retail usage. The footprint of the ground floor is 10,210 square feet. The C-4 district has a requirement that 50% of the ground floor be retail, which would require 5,105 square feet of retail usage.

The proposed plans have asked for this deviation to allow for parking to be provided in the northern part of the structure.

Trash storage and Fire Access for 407 Lake St

The construction of this building will create a scenario in which the building at 407 Lake Street becomes landlocked on the East side. The owner of 407 Lake Street (the Masonic Building) has approached the City with the concern that they will lose access for trash and recycling hauling, which is now done by accessing the property via 401 Lake Street. The City does not own any right-of-way or access behind the parcels to allow for a trash hauling truck to access 407 Lake Street. As part of this application process, the City lacks authority to require that the owners of 401 Lake Street provide access to 407 Lake Street from the East. However, the applicant will need to negotiate access for an easement to locate a sanitary sewer easement for a manhole on the property at 407 Lake Street, so staff believes a compromise between the land owners could be met. Additionally, the property owner at 407 Lake Street could work with the property owner at 445 Lake Street to have trash hauled from the West.

The fire marshal was also contacted regarding whether or not the landlocking on the East side would create access issues for fighting a fire, were it to occur. At the time this report was published, this question had not yet been answered. Staff anticipates having that answer at the Planning Commission Meeting.

Design Review

At a future meeting, the applicant will need to have the proposed project reviewed against City Code § 909, which regulates design standards for the Lake Street District. Due to the siting of the covered parking on the first floor, the entrance for the upstairs office space would be located off of Lake Street, reducing the amount of space for ground floor retail. The proposed plans show that 76% of the building along Lake Street would have a retail usage.

Residents have brought forward a concern that the building would need to have an upper story setback on the second floor, as was required for the Swans Corner project. The applicant has addressed this in the attached narrative:

“Along Lake Street, the second floor is only 60’ in length, but there is an additional 5-foot wide, one-story façade that is set back significantly (20’+) from Lake Street. The setback allows the proposed building also to be neighborly in allowing nonconforming windows to continue to be used in the adjacent building. We believe that lack of recesses on the second floor facing Lake Street meets the intent of the design standard. Along Manitoba, there is 165’ of street frontage. By ordinance, 20% (33’) of the second floor should be setback along this frontage.

The proposed design sets back 8.5% (14') significantly. Not having the second floor setback a full 20% along the street is consistent with the design of all the other buildings fronting Lake Street within the block and is also consistent with the existing building on opposite corner of the same block along its intersecting perpendicular street."

Should the Planning Commission feel comfortable with the reduced amount of retail and the lack of an upper story setback, deviations from these standards could be added as a condition in the Concept PUD Plan and then formalized in the Final PUD Plan.

The Lake Street Design District also requires that a bench be added along the Lake Street side of the building for any building that has a front façade greater than 50 feet. A bench will need to be added at the time of design review.

Historic Preservation

The current building located on the subject property was constructed in 1875 according to Hennepin County Property Tax Records. The property is described in the Wayzata Historical Society's Architectural Survey as *"The oldest surviving commercial building on Wayzata's historic main street, this building is significant in the context of the Changing Face of Lake Street (1854-1945) on the basis of its association with early commercial architecture and changes in business patterns."*

Signs

At this time, the applicant has not submitted a sign package to show what signage for the property would look like.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development based on the uses in the building. The applicant has proposed approximately 2,500 square feet of retail and 14,578 square feet of office space, which would require approximately 47 parking spaces per the City's code.

The proposed plan would locate 19 spaces on the first floor in an enclosed ramp, which would be accessed by Manitoba Street. When the application was submitted on August 29, the applicant believed that the water table was too high to accommodate a second level of parking below grade. The applicant was not able to work with adjacent property owners to secure spaces for a joint parking agreement for the use of off-street spaces in nearby parking lots or parking ramps.

The applicant has provided a parking study in which they assert that 35 parking spaces would be sufficient given the studied availability of public on- and off-street parking. With the proposed 19 spaces, the applicant would like to enter into a CUP and Fee In-Lieu of Parking (FILOP) Development Agreement with the City to pay a fee in lieu of providing additional 16 spaces required in order to meet the minimum requirement. The City is considering a public parking lot which could be converted into a parking ramp in the future near the northwest corner of Barry Ave and Lake St located about 550 feet west of the

proposed development. Should the FILOP be approved, the funds could be used towards the construction of that parking lot/ramp.

Additionally, the applicant was considering an alternative for adding an additional level of parking sub-grade. These plans are in development and have not been submitted to the City yet.

Staff is working with a separate traffic engineer at WSB to verify the results of the parking study. The report of the WSB findings was not available at the time this report was published but is anticipated to be available for the Planning Commission meeting.

While the FILOP request is not being considered concurrently with the PUD concept plan, the Planning Commission should consider whether or not they can support a concept plan that would lack sufficient parking on-site.

Standards of Planning Commission Review of Application Requests

The variance request is 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 building height exception for the guard rail if the request by the applicant if the Commission determines that they meet all of the Zoning Ordinance requirements in City Code § 905.01 C..

The proposed planned unit development (PUD) concept plan is a legislative review and decisions, meaning that the Planning Commission acts similar to a legislative body and has wide discretion on whether to recommend approval or denial as long as it has a rational basis for its decision. The Planning Commission should review what the applicant has proposed but is not bound to limit its review to specifics of their proposal. The Planning Commission should consider the other properties that can be affected by these proposed changes and concern modifying the proposed Concept Plan if it would have a positive effect on those properties.

Action Steps

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

Attachments

Applicant's Narrative
Plans
Parking Study by Ed Terharr, P.E. of Wenck
Applicant's Neighborhood Meeting Summary
Letter from Lowell Zitzloff

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** criteria that may require additional discussion with the Planning Commission.

Purpose of PUDs: § 933.01 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. **Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.**
- B. **Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.**
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. **A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.**

PUD General Standards. § 933.02 sets forth the general standards for review of a PUD application. These are:

1. Review. In its review of any application under this Section, the City Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations of the Design Review Board and any staff report on the

application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of this Section. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of this Section, it may approve a PUD permit, although it shall not be required to do so.

2. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved Final Plan shall be binding on all owners.
3. **Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.**
4. Sanitary Sewer Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan and shall not create a discharge which is in excess of the City's assigned regional limitations.
5. **Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.**
6. Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to ensure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council.
 - a) Dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication.
 - b) Landlord control, where only use by tenants is anticipated.
 - c) Property Owners Association, provided all of the following conditions are met:
 - 1) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws 1963, Chapter 457, Section 11 and a set of floor plans such as specified by Laws 1963, Chapter 457, Section 13 shall be filed with the City of

Wayzata, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.

- 2) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
 - 3) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
 - 4) The declaration shall additionally amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City of Wayzata or fails to pay taxes or assessments on properties as they become due and in the event the said City of Wayzata incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Wayzata shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
 - 5) Membership must be mandatory for each owner, and any successive buyer.
 - 6) The open space restrictions must be permanent and not for a given period of years.
 - 7) The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.
 - 8) Property owner must pay their prorated share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
 - 9) The association must be able to adjust the assessment to meet changed needs.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow

security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

8. Density.

- a) The maximum allowable density in a PUD District shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Wayzata Comprehensive Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125 percent of the proposed residential density of the entire PUD.
- b) There shall be no density variation from the standards applied in an applicable zoning district for PUD conditional use permits.

9. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

10. Utility Connections.

- a) Water Connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
- b) Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

11. Roadways. All streets shall conform to the design standards contained in the Wayzata Subdivision Regulations unless otherwise approved by the City Council.

12. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the Final Plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

13. Setbacks.

- a) The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD condition use permit, or the previous zoning district, if a PUD District.
- b) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street pattern.

- c) No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.
- d) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height.

- a) **The maximum building height within a PUD District shall be 35 feet and three stories, whichever is lesser.**
- b) **There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits.**
- c) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the maximum allowable height shall be as negotiated and agreed upon between the applicant and the City.

PUD Non-Residential Project Standards. § 933.04 sets forth the non-residential standards for review of a PUD application. These are:

- A. Purpose. The purpose of this Section is to establish standards for non-residential projects, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All non-residential PUD projects shall be developed in accordance with the following area standards.
 - 1. **Minimum Lot Area. There shall be no minimum lot or area size required for a tract of land for which a PUD District project is proposed.** There shall be no minimum lot or area size imposed for a PUD conditional project except for the standards applicable within the zoning district in which it is to be utilized.
 - 2. Minimum Frontage. There shall be no minimum frontage on a public street required for a tract of land for which a PUD project is proposed.
 - 3. The tract of land for which a non-residential PUD project is proposed shall have municipal water and sewer available to it.
 - 4. **Off-street parking and loading facilities for a non-residential PUD project shall be provided in accordance with Section 20 of this Ordinance.**
 - 5. **In addition to the above standards, the City Council may impose such other standards for a non-residential PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.**
 - 6. For non-residential PUD District projects that include residentially zoned properties, the normal standards of either the C-1, C-2, C-3, C-4, C-4A, C-4B, INS, RD and BW zoning classifications shall apply to each project, excepting usage standards, unless the Council determines that another standard is more appropriate, reasonable and consistent with the overall

purpose and intent of this Ordinance, and will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

Zoning Ordinance Variances (§ 905.01 C.)

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.

August 28, 2019

PUD Concept Plan Review

Lothenbach Family Office

401 Lake St. / Wayzata, Minnesota 55391

PROJECT DESCRIPTION

Intentionally and thoughtfully planned to create enduring value for the Wayzata community, the proposed Lothenbach Family Office building at 401 Lake Street will add timeless beauty to the west end of the city, joining Wayzata Blu, Meyer Place at Ferndale and other exciting developments. Designed with classical proportions and luxurious, heritage-quality materials, the graceful, three-story building with an interior courtyard will recall cherished libraries, historic banks and other civic buildings and enhance Wayzata's rich architectural diversity. The project sets a new standard for Class A office space with retail and enclosed parking on the main level, leasable office space and retail on the second floor, and leasable office space and the Lothenbach Family Office on the third floor.

Key Project Data

Parcel Size:	10,595 square feet (.24 acres)
Building Size:	Approximately 25,890 finished sf of building area
Uses:	Approximately 2,500 sf retail and 14,578 sf office; potential for 3,190 sf of second floor office to be retail
Building Height:	35' to roof deck; 38'-6" to top of glass guardrail
Building Floor Area Ratio (FAR):	2.44
Building Materials:	Masonry, metal panel, glass, green roof
Setbacks:	0' at first level on all sides, with stepbacks on upper floors
Impervious Surfaces:	100%, with up to 5,203 sf of green roof area
Parking Spaces:	19 spaces, including two handicap spaces (6,630 sf in area)
Zoning and Design Districts:	C-4 Central Business District, Shoreland Overlay District, Lake Street and Bluff Design Districts

Site Access:	Pedestrian access to the building will be located along Lake Street. Parking access along Manitoba Avenue is beyond the required 40' min. setback from Lake Street. Trash removal will be accessed along the rear of the lot.
Mechanical:	No rooftop (3 rd floor roof) mechanical. Mechanical to be screened and incorporated into the overall building design. Located to the rear of the building away from street fronts on main, second, and third floor levels.

Siting and Massing

The project has been designed to be sensitive and appropriate to the context of the street, neighborhood and community. The building is sited to match the elevation of the Lake Street sidewalk at the eastern corner of the property by bringing the existing raised yard down to street level. This siting enhances the pedestrian engagement and retail activity on Lake Street while mitigating massing and parking by nestling into rising grade along Manitoba Avenue. The height and massing of the project have been carefully researched, studied and informed by the size and scale of the site, neighboring buildings, street, and neighborhood. Third-floor setbacks on Lake Street and Manitoba Avenue are a minimum of 10', as specified in the Design Standards for new buildings, similar in placement and proportions to the large building located two lots to the east on the same block.

Landscaping and Stormwater Management

The landscaping plan will reflect the owner's desire to be a good neighbor and positively impact the social and natural environment. Careful plant species selection and design will create beauty and functionality, resulting in a low-impact, ecologically-balanced landscape. The addition of boulevard trees will meet Wayzata requirements. New hardscaping will be softened and balanced with planting areas to increase the landscape's ability to receive and mitigate stormwater runoff.

The stormwater management design has been engineered with a focus on sustainable storm water management principles with a green roof system and strategic, ecologically-balanced landscaping. The proposed development will include stormwater management measures that meet the standards of the City, the Minnehaha Creek Watershed District, and the MPCA. The existing drainage patterns at the property will remain generally unchanged, with the majority of runoff draining to the road right of ways.

The project will meet standards for runoff rate control, volume control and treatment and will incorporate a green roof system for retention and detention of runoff on third-floor and roof levels.

Site and Exterior Lighting

Lighting will be planned and managed to prevent unnecessary light pollution while supporting function, safety, and security for tenants, visitors, pedestrians, cyclists and drivers. Fixtures and locations will be selected to meet or exceed City Zoning requirements and eliminate any direct, off-site views of the light source use and limit spill and glare, as well as to maintain dark night skies, in keeping with Wayzata's low-impact development plan. Interior lighting will support safety and visibility while managing energy usage during peak and off-peak hours. Final fixture selections and photometric studies will be provided to the City during building permit review to verify final conformance with City Zoning requirements.

ZONING AND DESIGN STANDARD REQUESTS

Based on preliminary review and discussion with staff, we anticipate that the project will require the following zoning applications as part of the PUD General Plan of Development submission:

- Rezone from C4 to PUD District
- Design Review
- Variance from maximum building height of 35' in the PUD District and Shoreland Impact Plan/CUP from maximum building height of 35 feet in the Shoreland Overlay District to allow a glass guardrail on the roof to extend to 38.5 feet
- Shoreland Impact Plan/CUP for impervious surface greater than 75% in the Shoreland Overlay District
- CUP and Fee-in-lieu-of-parking (FILOP) Development Agreement

We are also requesting deviation from the Lake Street District design standards that call for at least 80% of the Lake Street frontage on the ground floor and at least 50% of the ground floor footprint to be retail, and to allow an un-recessed second floors along the street fronts.

PUD Rezone

We propose to rezone the site to the PUD District to allow for additional FAR (2.4 compared to the 2.0 of the C4 District) and greater flexibility regarding the percentage of retail on the ground floor. The proposed FAR is due primarily to the desire to enclose the on-site parking, which is consistent with comprehensive plan policies to reduce the visibility of parking in the CBD, while constructing a

reasonable square footage of office and retail space. It is not possible to build parking below the first-floor level due to the elevation of the water table. However, due to the ability to set the building into the slope of the site, we believe that the overall massing of the building remains consistent with the intent of the C4 FAR limits and the context of the surrounding development.

Design Standards

Approximately 76% of the Lake Street frontage will be retail (just short of the 80% design standard) with the remaining frontage being the lobby that provides access to both the ground floor retail and the office spaces on the upper floors. The amount of retail frontage is the maximum that can practically be provided due to the narrowness of the lot, a desire to provide a setback from the side lot line to accommodate the neighboring property's existing windows, and the need for an adequately-size common entry that allows for accessible access, code-compliant access to the upper floors.

The retail area on the ground floor is less than 50% of the building footprint largely because of the need to balance goals for retail area and parking requirement. In addition, given the grade change and the siting of the building into the slope, retail further into the building would be partly below grade. The building owner is open to marketing the second floor space fronting on Lake Street for retail use to compensate for having less than 50% retail on the ground floor.

We are also requesting small deviations from the design standard related to setbacks at the second floor for facades greater than 60 feet in length along the street. Along Lake Street, the second floor is only 60' in length, but there is an additional 5-foot wide, one-story façade that is set back significantly (20'+) from Lake Street. The setback allows the proposed building also to be neighborly in allowing non-conforming windows to continue to be used in the adjacent building. We believe that lack of recesses on the second floor facing Lake Street meets the intent of the design standard. Along Manitoba, there is 165' of street frontage. By ordinance, 20% (33") of the second floor should be setback along this frontage. The proposed design sets back 8.5% (14') significantly. Not having the second floor setback a full 20% along the street is consistent with the design of all the other buildings fronting Lake Street within the block and is also consistent with the existing building on opposite corner of the same block along its intersecting perpendicular street.

Height

The height of the roof deck will comply with the 3 story/35-foot height limit of both the PUD and Shoreland Overlay Districts. The request to increase height is only to allow a 3.5-foot frameless, glass guardrail to surround the occupiable portion of the roof. The project design includes a unique light well into the third-floor office, with unenclosed stair access within the light well from the third floor to the roof, without requiring a stair penthouse that extends above the roof level. A small terrace area on the roof will allow the Lothenbach Family Office a private space from which to enjoy views of the lake and of the green roof installation. No other furnishings or structural features other than the glass guardrail are proposed above the roof deck. The proposed glass guardrail is similar in design to a parapet wall, which is allowed as an exception to the height limits outside of the Shoreland, but the glass design makes it even less intrusive. The guardrail will also be setback from the roof edge at least 10 feet from the roof edges to further mitigate its visibility.

Impervious Surface

A Shoreland Impact Plan and Storm Water Management Plan that meet standards for runoff rate control, volume control and treatment will be required and will ensure that water quality in the Lake is protected. The plans will incorporate a green roof system for retention and detention of runoff on third-floor and roof levels.

Parking

Approximately 47 parking spaces will be required under the Zoning Code; 19 on-site spaces will be provided. As noted above, it is not feasible to construct additional parking underground due to the level of the water table. A parking study was conducted that determined that, pursuant to industry standards, the actual peak parking demand for the project will be 35 spaces during midday on weekdays. The parking study also documented that there are 21 on-street parking spaces available nearby during peak demand and almost 300 spaces available in the Mill Street Ramp. The property owner contacted representatives of two nearby projects at 445 Lake and 305 Lake, both of which have large parking garages and lot, but was informed that there were no spaces available for lease to the Lothenbach project. The owner is willing to enter into a CUP and FILOP Development Agreement with the City in lieu of providing 47 on-site spaces.

CONSISTENCY WITH COMPREHENSIVE PLAN

With an eye to the future, the project responds to the City's comprehensive plan objectives for the Central Business District by providing new office and retail use that will maintain the diversity of uses in the CBD and strengthen its daytime employment base and retail vitality. In accordance with priority objectives for the CBD from the comprehensive plan, the project will:

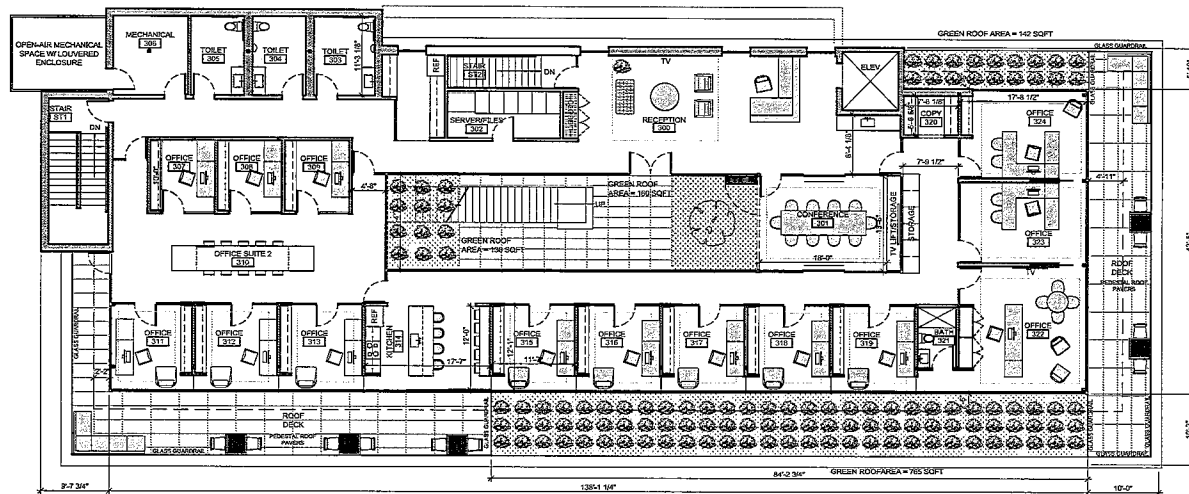
- utilize high quality materials and architectural design;
- complement and enhance the urban design of the CBD;
- increase retail vitality on Lake Street;
- provide appropriate parking levels through a combination of new on-site parking and utilization of available community parking resources;
- increase pedestrian engagement and walkability along Lake Street; and
- focus on sustainable storm water management principles with multiple green roof systems and strategic, ecologically-based landscaping.



Page 59 of 124

[illegible]

A-102



- GREEN ROOF AREA FLOOR 3
- 1200 TOTAL SQFT
 - 4 INCH TRAY MODULES PROPOSED WITH A SEDUM MAX.
 - 8 INCH TRAY MODULES WITH DECORATIVE GRASSES/PRAIRIE PROPOSED OR SIMILAR.
 - ORNAMENTAL TREE, MAX 12' HIGHT

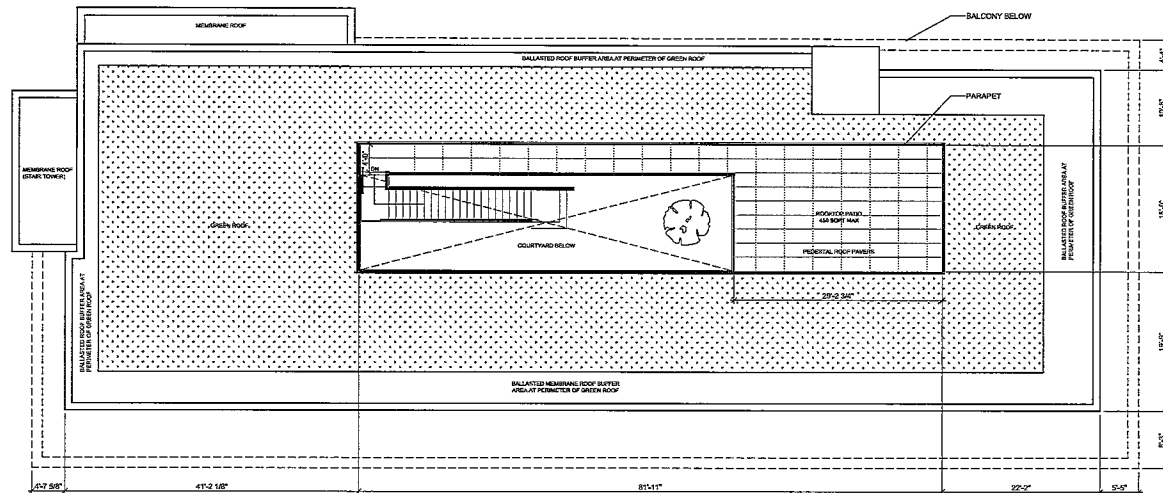
LEVEL 3 FLOOR PLAN
 SCALE: 1/8"=1'-0"

NOT FOR CONSTRUCTION

LOTENBACH FAMILY OFFICE
 WAYZATA, MINNESOTA 55391

DESCRIPTION	DATE
PARKING STUDY	05.09.09
CLIENT MEETING	05.09.09
CELESTIAL MEETING	07.02.09
NO PRELIM. SET	07.02.09
CLIENT MEETING	07.02.09
PRELIMINARY REVIEW	07.02.09
NO PRELIM. SET	07.02.09
PRELIMINARY REVIEW	07.02.09

A-103



GREEN ROOF AREA
 • 4000 TOTAL SQFT PROPOSED
 • SHOW TRAY MODULES PROPOSED
 WITH A SEDUM MIX.

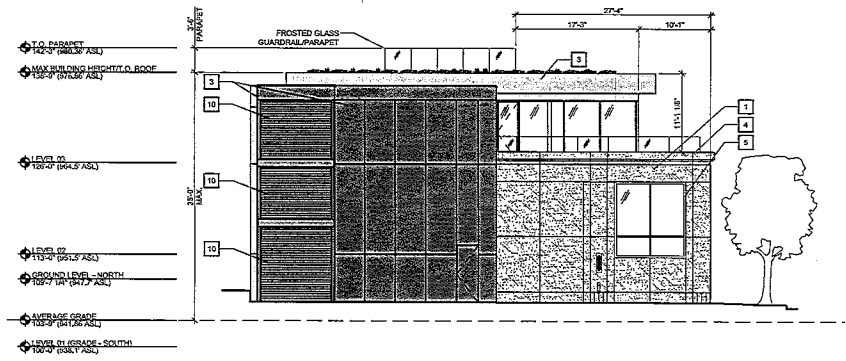
1 ROOF PLAN
 SCALE: 1/8"=1'-0"

NOT FOR CONSTRUCTION

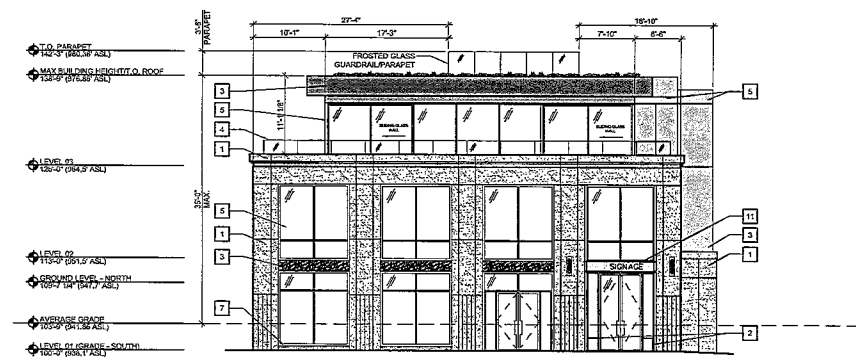
LOTENBACH FAMILY OFFICE
 WAZATA, MINNESOTA 55391

DESCRIPTION	DATE
PARKING REVIEW	05-08-19
CLIENT MEETING	05-09-19
CLIENT MEETING	05-09-19
NO PRESENTATION	05-09-19
CLIENT MEETING	05-09-19
PRELIMINARY REVIEW	05-09-19
NO PRESENTATION	05-09-19
PRELIMINARY REVIEW	05-09-19

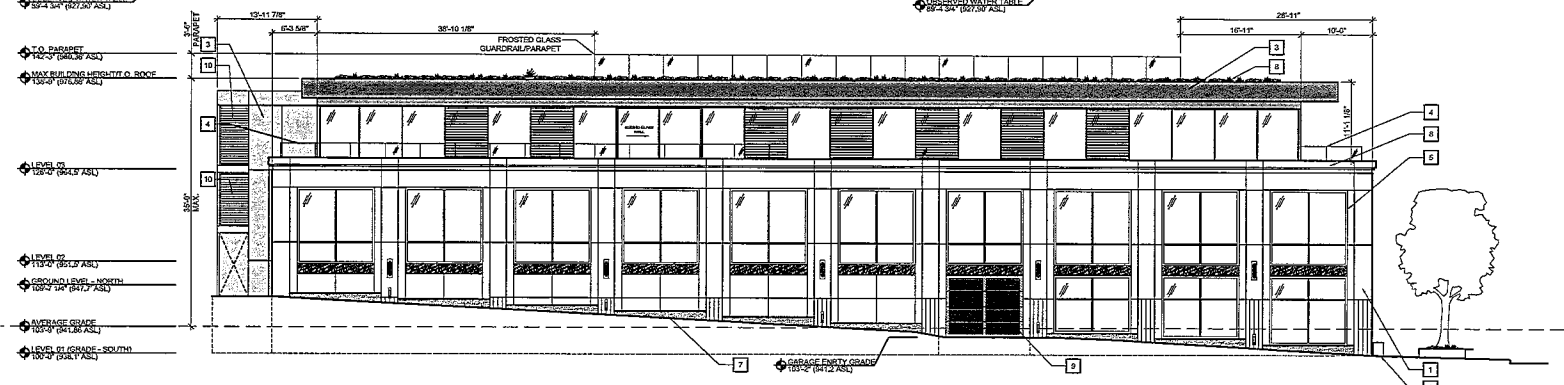
A-104



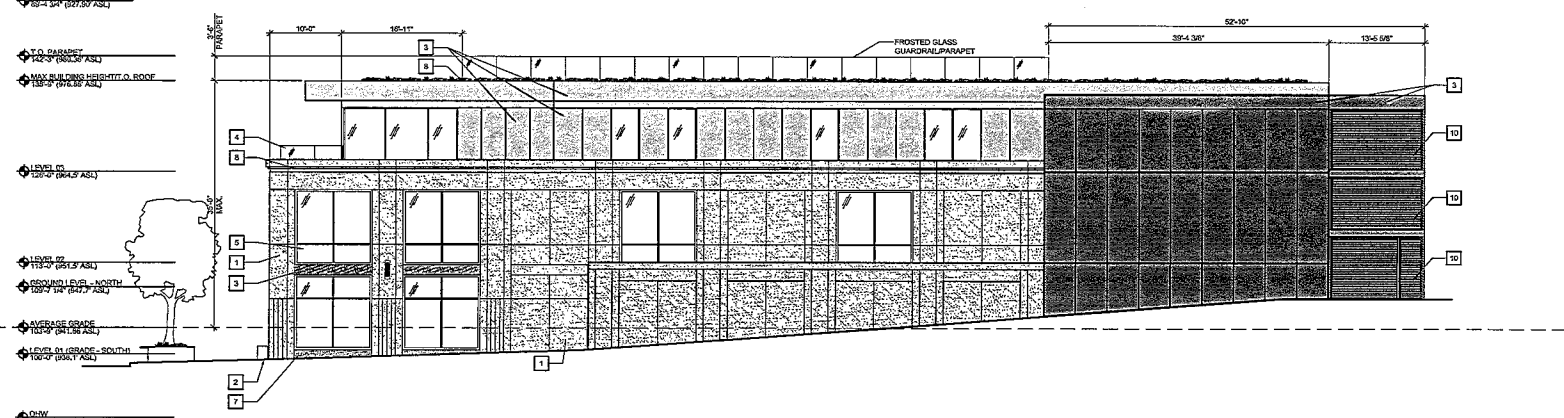
1 NORTH ELEVATION
 SCALE: 1/8"=1'-0"



2 SOUTH ELEVATION
 SCALE: 1/8"=1'-0"



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



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

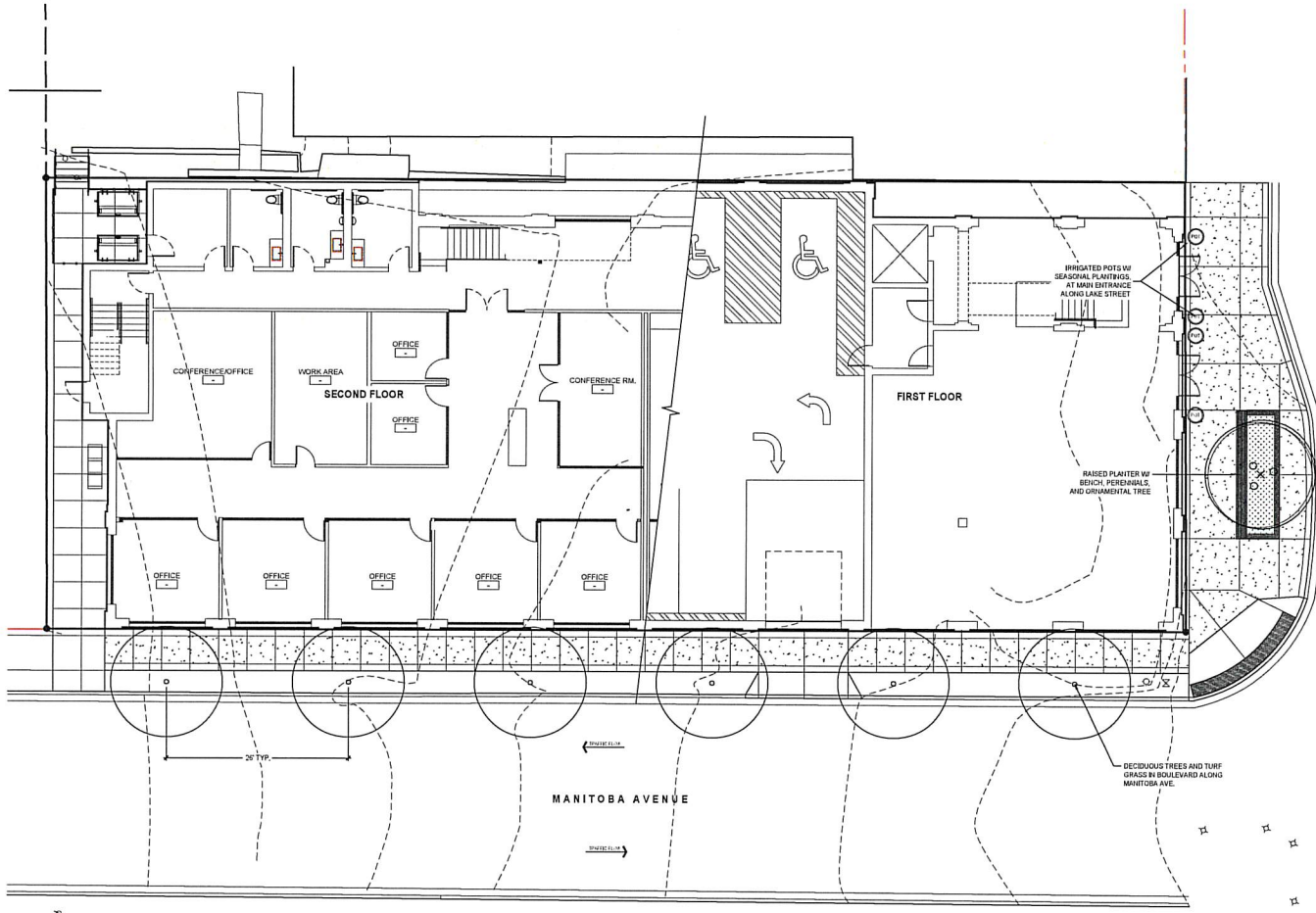
- MATERIAL KEY**
- 1 BUFF STONE PANELS, BASE LAYER FEATURES STATIONS
 - 2 SEASONAL PLANTERS
 - 3 BLACK COMPOSITE METAL PANEL
 - 4 GLASS GUARDRAIL
 - 5 DARK BRONZE STEEL CLUTTERAWALL SYSTEM
 - 6 SLIDING GLASS WALL SYSTEM
 - 7 STONE BUILDING CURB
 - 8 GREEN ROOF BEYOND
 - 9 LOUVERED OVERHEAD DOOR
 - 10 BLACK METAL OPEN AIR LOUVER PANEL MECHANICAL SCREEN
 - 11 CANOPY AND BUILDING SIGNAGE (REMOVABLE AS REQUIRED)

LOTENBACH FAMILY OFFICE
 WAYZATA, MINNESOTA 55391

DESCRIPTION	DATE
PARKING LOT	05/20/20
EXTERIOR FINISHES	05/20/20
CLIENT AGREEMENT	07/18/20
PER PERMITS	07/18/20
CLIENT REVIEW	07/18/20
REVISIONS	07/18/20
PER PERMITS	07/18/20
CLIENT REVIEW	07/18/20

NOT FOR CONSTRUCTION

PROJECT: 401 LAKE STREET EAST OFFICE DEVELOPMENT
DRAWING: SCHEMATIC STREETScape PLANTING PLAN
DATE: August 20, 2019 4:30 PM
DESIGNED BY: TRAVIS VAN LIERE
CHECKED BY: TRAVIS VAN LIERE



GENERAL NOTES

1. SEE SHEET L001 FOR GENERAL NOTES.
2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO.
3. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE WITH PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
4. REFER TO SHEET L001 FOR EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
5. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
6. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES.
7. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
8. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

LEGEND:

	EXISTING TREE TO BE SAVED		PROPOSED NEW TREE
	PROPOSED NEW SHRUB		PROPOSED NEW PERENNIAL
	EXISTING CONTOUR		PROPOSED CONTOUR
	EXISTING SPOT ELEVATION		PROPOSED SPOT ELEVATION
	DRAINAGE FLOW		PROPOSED CATCH BASIN
	PROPOSED DRAIN TILE		PROPOSED POP-UP EMITTER
	PROPOSED LIGHT FIXTURE		PROPOSED BUILDING ENTRY

TRAVIS VAN LIERE STUDIO
LANDSCAPE ARCHITECTURE
211 1ST STREET NORTH, SUITE 100
MINNEAPOLIS, MN 55401
P 612 345 4275

401 LAKE STREET EAST OFFICE DEVELOPMENT 401 LAKE STREET EAST, WAYZATA, MN 55391

The designs shown and described herein including all technical drawings, graphics and specifications thereof, are proprietary and cannot be copied, duplicated or commercially exploited, in whole or in part, without the express written permission of Travis Van Lier Studio, LLC. These are available for limited review and evaluation by clients, consultants, contractors, government agencies, and vendors only in accordance with this notice.

© Copyright 2019 Travis Van Lier Studio, LLC. All rights reserved.

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 Landscape Architect under the laws of the State of Minnesota.

TRAVIS VAN LIERE
License No. 42738
date 10/20/18

NOTE:

NOT FOR CONSTRUCTION

Rev #	Description	Date
1	DESCRIPTION	DATE

Drawing: SCHEMATIC STREETScape PLANTING PLAN

Drawn By:
Date: 8/20/2019
Scale: 1" = 4'
Sheet: L401

0 5' 10' 30'
SCALE: 1 inch = 10 feet



1 SCHEMATIC STREETScape PLANTING PLAN

LOTENBACH HOLDINGS, LLC

401 LAKE STREET WAYZATA, MINNESOTA

SITE CONSTRUCTION PLANS

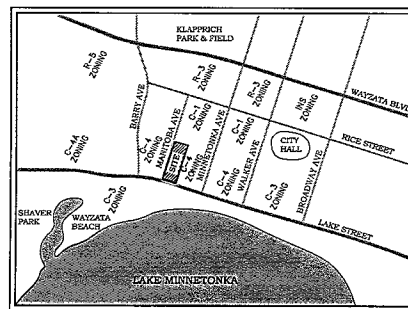
GENERAL NOTES

- ALL EXISTING INFORMATION TAKEN FROM SURVEY BY GROMBERG & ASSOCIATES, DATED SEPTEMBER 7, 2018.
- A SUBSURFACE GEOTECHNICAL INVESTIGATION HAS BEEN PERFORMED BY BRAUN UTILITY, PROJECT NO. 11901917, DATED APRIL 26, 2019.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS OF EXISTING UTILITIES, AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR TO PREVENT DIRT AND/OR DEBRIS FROM ENTERING STORM SEWER OR BEING TRANSPORTED OFF-SITE IN AN UNCONTROLLED MANNER. SEDIMENT DISCOVERED IN EXISTING STORM SEWER OR CULVERT PIPES SHALL BE REMOVED BY CONTRACTOR WITHIN 7 DAYS OF DISCOVERY. CONTRACTOR TO VERIFY AT PROJECT CLOSEOUT THAT STORM SEWER SYSTEM IS CLEAR OF SEDIMENT AND/OR DEBRIS AND IS FULLY FUNCTIONAL.
- ALL UTILITY DEMOLITION AND/OR ABANDONMENT TO BE PERFORMED IN ACCORDANCE WITH CITY OF WAYZATA AND STATE OF MINNESOTA REGULATIONS AND STANDARDS.
- EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INCLUDE BUT IS NOT LIMITED TO: ELECTRIC, TELEPHONE, GAS, CABLE TV, FIBER OPTIC CABLE, FIRE OPTIC CABLE, SANITARY SEWER, STORM SEWER AND WATER MAIN. CONTRACTOR TO CONTACT THE CITY OF WAYZATA OFFICE BEFORE EXCAVATING.
- ALL EXISTING UTILITIES AND OTHER IMPROVEMENTS ARE TO REMAIN UNLESS NOTED OTHERWISE.
- CONTRACTOR TO PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS, LANDSCAPING, STRUCTURES AND UTILITIES THAT ARE TO REMAIN. CONTRACTOR TO FENCE AND PROTECT EXISTING SITE FEATURES WHICH NEED TO BE REMOVED AND REPLACED. CONTRACTOR TO PREVENT DAMAGE OR THEFT OF THESE ITEMS AND TO REPAIR AND REPLACE AT OWN EXPENSE.
- PROVIDE THE FOLLOWING MINIMUM COVER OVER THE TOP OF PIPE AS FOLLOWS:
 - 8" OVER WATER MAIN
 - 5" OVER SANITARY SEWER
 - 2" OVER STORM SEWER
- ALL WORK TO CONFORM WITH CITY OF WAYZATA, MINNEAPOLIS WATERSHED DISTRICT AND STATE OF MINNESOTA STANDARDS AND REGULATIONS.
- ALL EXCAVATIONS MUST COMPLY WITH THE REQUIREMENTS OF OSHA 29 CFR, PART 1926, SUBPART P "EXCAVATIONS AND TRENCHES". THIS DOCUMENT STATES THAT EXCAVATION SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- SITE UTILITY CONTRACTOR TO FURNISH AND INSTALL ALL SANITARY SEWER, WATERMAIN AND STORM SEWER FACILITIES AND APPURTENANCES TO WITHIN FIVE FEET OUTSIDE THE BUILDING. COORDINATE WITH MECHANICAL CONTRACTOR FOR EXACT LOCATION AND DEPTH OF CONNECTIONS TO AREA WITHIN FIVE FEET OUTSIDE OF BUILDING.
- CONTRACTOR SHALL COORDINATE WITH ARCHITECT'S DRAWINGS TO VERIFY LOCATION, SIZE AND QUANTITY OF ALL ROOF DRAINS AND UTILITY CONNECTIONS.
- PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH MUTCD, INCLUDING FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL. ZONE LAYOUTS, CURRENT EDITION.
- MAINTAIN 2 FEET VERTICAL AND 10 FEET HORIZONTAL SEPARATION BETWEEN WATER AND SEWER PIPES.
- ALL PAYMENT MARKINGS WITHIN ADJACENT STREETS TO BE RESTORED TO MATCH EXISTING CONDITIONS. COORDINATE WITH CITY OF WAYZATA.
- DRAWINGS DO NOT INDICATE AREAS OF TEMPORARY SUPPORT SYSTEMS. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS AND WILL HAVE TOTAL CONTROL OVER THE TYPES AND DESIGN OF ALL SHORING, BRACING, BRACING, ANCHORING, EXCAVATION SUPPORT WALLS, DIRECTIONAL BORING, AUGER JACKING, SOIL STABILIZATION AND OTHER METHODS OF PROTECTING EXISTING IMPROVEMENTS. SEE SPECIFICATIONS FOR SUBMITTAL REQUIREMENTS.
- CONTRACTOR TO RECORD EXISTING CONDITIONS AS NEEDED (PHOTOGRAPHS, VIDEO PHOTOGRAPHY, FIELD SURVEYING, ETC.) TO ENABLE RECONSTRUCTION TO MATCH EXISTING CONDITIONS. CONTRACTOR TO DOCUMENT EXISTING CONDITIONS SO THAT RECONSTRUCTED AREAS WILL HAVE POSITIVE DRAINAGE SIMILAR TO EXISTING OR AS REQUIRED BY THESE DOCUMENTS. SEE SPECIFICATIONS.
- CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO STARTING CONSTRUCTION.
- ALL MATERIALS FOR PROPOSED CONSTRUCTION OR REPAIR OF EXISTING FACILITIES SHALL BE NEW PRODUCTS DIRECT FROM THE FACTORY AND FREE FROM DEFECTS.
- WORK WORKING AROUND EXISTING UTILITIES, LIGHT POLICE TRAFFIC SIGNALS, TELEPHONE OR POWER POLES. THE CONTRACTOR SHALL PROVIDE SUFFICIENT SUPPORT OR BRACING TO PREVENT EXCESSIVE STRESS ON THE POLES. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO PROTECT LIGHTS AND PRESERVE THESE UNDERGROUND FACILITIES.
- CADD FILES OF THE SITE LAYOUT PLAN WILL BE PROVIDED TO THE CONTRACTOR AT THE TIME OF CONSTRUCTION FOR STAKING PURPOSES. DIMENSIONS SHOWN HEREIN ARE FOR GENERAL REFERENCE TO THE TYPICAL LAYOUT OF THE SITE. NOT ALL SITE ELEMENTS ARE DIMENSIONED.
- CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/OR PROPERTY BOUNDS. MONUMENTS DAMAGED OR DISPLACED DUE TO CONTRACTOR NEGLIGENCE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- ALL STUMPS FROM TREES REMOVED WITHIN PROJECT LIMITS SHALL BE GRADUALLY AND REMOVED IN THEIR ENTIRETY.
- WASTE MATERIALS INCLUDING PAVEMENT REMOVED DURING CONSTRUCTION, WASTE PILING AND SUPPLIES, CONSTRUCTION DEBRIS AND EXCESS EXCAVATED MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE AND DISPOSED OF PROPERLY BY THE CONTRACTOR.
- MAXIMUM CROSS-SLOPES FOR SIDEWALKS AND ADA ACCESS ROUTES SHALL NOT EXCEED 2.00%. ADA SIDEWALKS SHALL NOT EXCEED 5.00% SLOPE ALONG THE PATH OF TRAVEL.
- CONTRACTOR SHALL NOT BLOCK DRAINAGE FROM OR DIRECT EXCESS DRAINAGE ONTO ADJACENT PROPERTY.
- APPROPRIATE DRAINAGE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND ANY DRAINAGE STRUCTURES DISCLOSED DURING CONSTRUCTION SHALL BE RESTORED TO THE SATISFACTION OF THE OWNING AUTHORITY. ALL CONSTRUCTION STORM RUNOFF SHALL COMPLY WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS.
- THE FOLLOWING ASTM STANDARDS SHALL BE MET FOR SITE UTILITY CONSTRUCTION FOR MINNESOTA PLANNING CODE:

PVC SANITARY SEWER:	D3034, F198, D2665 OR F991
PVC STORM SEWER:	D3034, F198, D2665, F991 OR P949
RCP STORM SEWER:	C76
- ALL PAVING SYSTEMS SHALL BE TESTED IN ACCORDANCE WITH MINNESOTA RULES 171.01-020 INCLUDING ALL PORTIONS OF THE STORM SEWER, SANITARY SEWER AND WATERMAIN LOCATED WITHIN 10 FEET OF THE BUILDING.
- AS A CONDITION OF THE APPROVED SITE PLAN, THE APPLICANT MUST PROVIDE AS-BUILT DRAWINGS (PAPER OR PDF OF ALL WATERMAIN, SANITARY AND STORM SEWER LINES AND ALL APPURTENANCES WHICH WERE INSTALLED ON A SITE FOR WHICH A FINAL SITE PLAN WAS APPROVED. AS-BUILT CHANGES TO TEXT INCLUDING: INVERT ELEVATIONS, DIMENSIONS, NOTES, ETC. SHALL BE LINED OUT WITH THE RECORD DRAWING TEXT PLACED NEAR IT. DO NOT ALTER, MODIFY OR RE-ORIGINAL APPROVED CONSTRUCTION DRAWING TEXT. THE CONSTRUCTION AS-BUILT DRAWINGS SHALL SHOW, BUT ARE NOT LIMITED TO, SUCH INFORMATION AS THE EXACT SIZE, LENGTH, TYPE AND LOCATION OF PIPES, LOCATIONS AND SIZES OF MANHOLES AND CATCH BASINS, DEPTH AND SLOPES OF RETENTION SYSTEMS. THE CONSTRUCTION AS-BUILT DRAWINGS SHALL SHOW ALL WORK AS ACTUALLY INSTALLED AND AS FIELD VERIFIED BY THE CONTRACTOR. A SIGNED LETTER ON COMPANY LETTERHEAD ATTESTING TO ACCURACY OF THE AS-BUILT SHALL BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF COMPLETION OF ALL UTILITY SYSTEMS.
- ALL CONSTRUCTION WORK SHALL BE COMPLETED WITHIN CITY OF WAYZATA APPROVED WORKING HOURS.
- A COPIER STATE ONE CALL IS REQUIRED BEFORE ANY EXCAVATION WORK CAN COMMENCE.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS INCLUDING, BUT NOT LIMITED TO, MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY PLUMBING PERMIT AND ROOF-OR-WAT PERMITS. ALL PERMITS MUST BE OBTAINED PRIOR TO CONSTRUCTION.

EROSION CONTROL NOTES

- BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 12 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXCEED THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEOTEXTILE FABRIC BENEATH THE ROCK TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
- REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS AND MAY BE ORDERED BY CITY INSPECTORS AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
- CATCH BASIN INSERTS OR OTHER APPROVED PRODUCTS ARE REQUIRED IN UNDISTURBED AREAS THAT MAY RECEIVE RUNOFF FROM THE PROJECT AREA. HAY BALS OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
- LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACES MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HOURS.
- MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPAIR DEFECTS, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
- DISBURSED SOIL STABILIZATION SHALL USE SEED AND MULCH. EROSION CONTROL MATTING AND/OR SEEDING AND STAKING IN GREEN SPACE AREAS. SEED WITH ANNUAL RYE SEED AT 60 LBS PER ACRE AND WOOD MULCH FIBER AT 45 LBS PER 1,000 SF. AN EARLY APPLICATION OF GRAVEL BASE ON AREAS TO BE PAVED IS RECOMMENDED TO MINIMIZE EROSION POTENTIAL.
- READY MIXED CONCRETE AND CONCRETE BATCH PLANTS ARE PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. ALL CONCRETE RELATED PRODUCTION, CLEANING AND MIXING ACTIVITIES SHALL BE DONE IN THE DESIGNATED CONCRETE MIXING/WASHOUT LOCATIONS.
- CHANGES TO EROSION CONTROL PLAN MUST BE APPROVED BY THE EROSION CONTROL INSPECTOR PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
- ALL EROSION CONTROL ELEMENTS ARE TEMPORARY. CONTRACTOR TO INSTALL EROSION CONTROL ELEMENTS PRIOR TO START OF LAND DISTURBING ACTIVITIES. MAINTAIN IN GOOD CONDITION DURING CONSTRUCTION AND REMOVE FROM THE SITE UPON COMPLETION OF FINAL PAVING AND TREE ESTABLISHMENT.
- EROSION CONTROL SHALL BE PLACED SO IT DOES NOT DISTURB THE EXISTING PAVEMENT OR DRIVE LANES THAT ARE TO REMAIN. MANY METHODS OF EROSION CONTROL WILL WORK ARE THE CONTRACTOR'S RESPONSIBILITY TO INSTALL THE MEASURE MOST APPROPRIATE TO THE SITE CONDITIONS AND THAT WHICH MEETS THE MOST APPROPRIATE TO THE SITE CONDITIONS. EROSION CONTROL IS GRAPHICALLY SHOWN ON THE PLANS FOR CLARITY BUT SHALL BE PLACED IN THE MOST APPROPRIATE LOCATIONS IN THE FIELD AND BEHIND THE BACK OF CURBS. EXISTING CURBS AND GUTTER AND BITUMINOUS ROAD IS TO REMAIN AND SHALL BE PROTECTED FROM DAMAGE. ANY DAMAGED CURBS AND GUTTER OR ROADWAY WILL BE REPAIRED BY THE CONTRACTOR AND PAID FOR SOLELY BY THE CONTRACTOR. SEE DETAILS AND SPECIFICATIONS.



LOCATION MAP

DRAWING INDEX

- C000 - COVER SHEET
- XXXX - SITE SURVEY
- C100 - SITE DEMOLITION PLAN
- C200 - STORMWATER POLLUTION PREVENTION PLAN
- C300 - EROSION CONTROL DETAILS
- C400 - GRADING, DRAINAGE AND EROSION CONTROL PLAN
- C500 - UTILITY PLAN
- C600 - SANITARY SEWER PLAN AND PROFILE
- C700 - PAVING PLAN
- C800 - CIVIL DETAILS

CONTACT INFORMATION

CIVIL ENGINEER
PIERCE PINI & ASSOCIATES, INC.
9298 CENTRAL AVENUE NE, SUITE 312
BLAINE, MN 55434
CONTACT: Kevin Gardner
TEL: 763-537-1311

ARCHITECT
PETERSEN KELLER ARCHITECTURE
2919 JAMES AVENUE S
MINNEAPOLIS, MN 55408
CONTACT: Ryan Fiala
TEL: 612-353-4920

SURVEYOR
GROMBERG & ASSOCIATES, INC.
445 NORTH WILLOW DRIVE
LONG LAKE, MN 55356
CONTACT: Mark Gromberg
TEL: 952-473-4141

PROPERTY MANAGER
LOTENBACH HOLDINGS, LLC
328 BARRY AVENUE S, SUITE 100
WAYZATA, MN 55391
CONTACT: Greg Keup
TEL: 952-476-0345

PROPERTY INFORMATION

PARCEL IDENTIFICATION: 0611722310103
LOT AREA: 10,594 SQ. FT. (0.24 ACRES)
LEGAL DESCRIPTION: LOT 5, BLOCK 3, STEPHENS REARRANGEMENT
OF BLOCKS 3 AND 4 TOWNSHIP OF WAYZATA
ZONING: C-4 CENTRAL BUSINESS DISTRICT

DRAWING LEGEND

- PROPOSED PROPERTY LINE
- 95+ PROPOSED CONTOUR
- +--- PROPOSED SPOT ELEVATION
- +--- DENOTES SURFACE DRAINAGE
- +--- PROPOSED EGRESS
- PROPOSED SAWCUT LINE
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- PROPOSED DRAINAGE
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- SILT FENCE
- EROSION CONTROL AT CB/MS
- EXISTING TREE TO BE REMOVED
- PROPOSED BITUMINOUS PAVING
- PROPOSED CONCRETE PAVING
- PROPOSED CONCRETE SIDEWALK

PIERCE PINI &
ASSOCIATES, INC.
Consulting Civil Engineers

9298 CENTRAL AVENUE NE
SUITE 312
BLAINE, MN 55434
TEL 763-537-1311

LOTENBACH HOLDINGS, LLC

401 LAKE STREET
WAYZATA, MINNESOTA

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Company: PIERCE PINI & ASSOCIATES
Name: Kevin Gardner
Date: 08/29/2019
Drawing No: 45815

Issued for: _____ Date: _____

Checked: _____

Drawn: _____

Copyright 2019 Pierce Pini & Associates, Inc.

Contract No. 19-020

Drawn: _____

Checked: _____

Date: 08/29/2019

PUD Concept Plan

Drawing Title

COVER SHEET

C000

CERTIFICATE OF SURVEY FOR
LOTHENBACH PROPERTIES VI, LLC
 OF LOT 5, BLOCK 3, STEPHENS REARRANGMENT
 OF BLOCKS 3 & 4, TOWNSITE OF WAYZATA
 HENNEPIN COUNTY, MINNESOTA

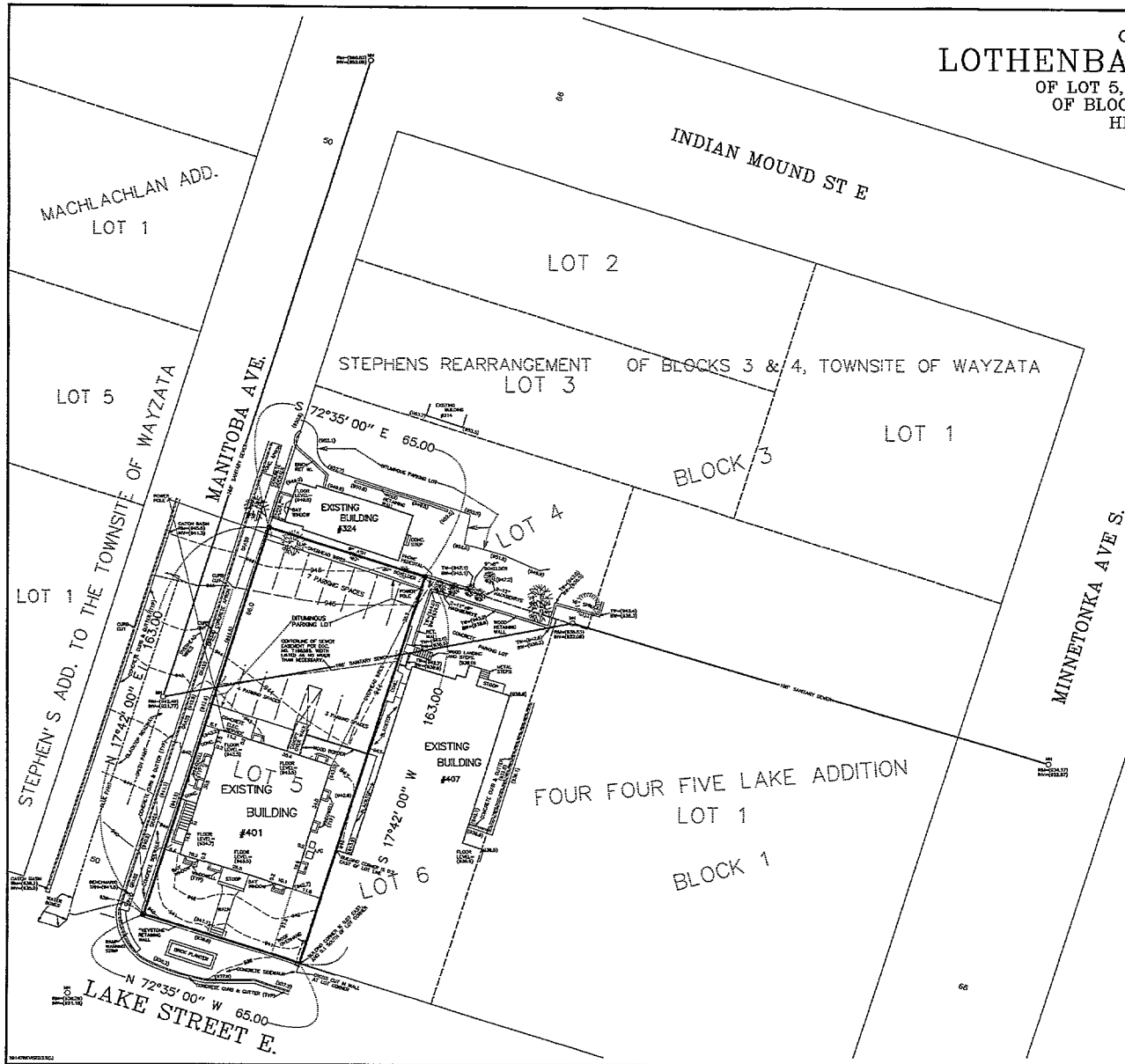
GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141



PROJECT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.
 Date: 10/1/17
 License No. 17239

DATE: 10/1/17
 SHEET: 1 OF 1
 SCALE: AS SHOWN



LEGAL DESCRIPTION OF PREMISES : (per Certificate of Title No. 1209491)

Lot 5, Block 3, "Stephens" Rearrangement Of Blocks 3 And 4 Townsite of Wayzata".

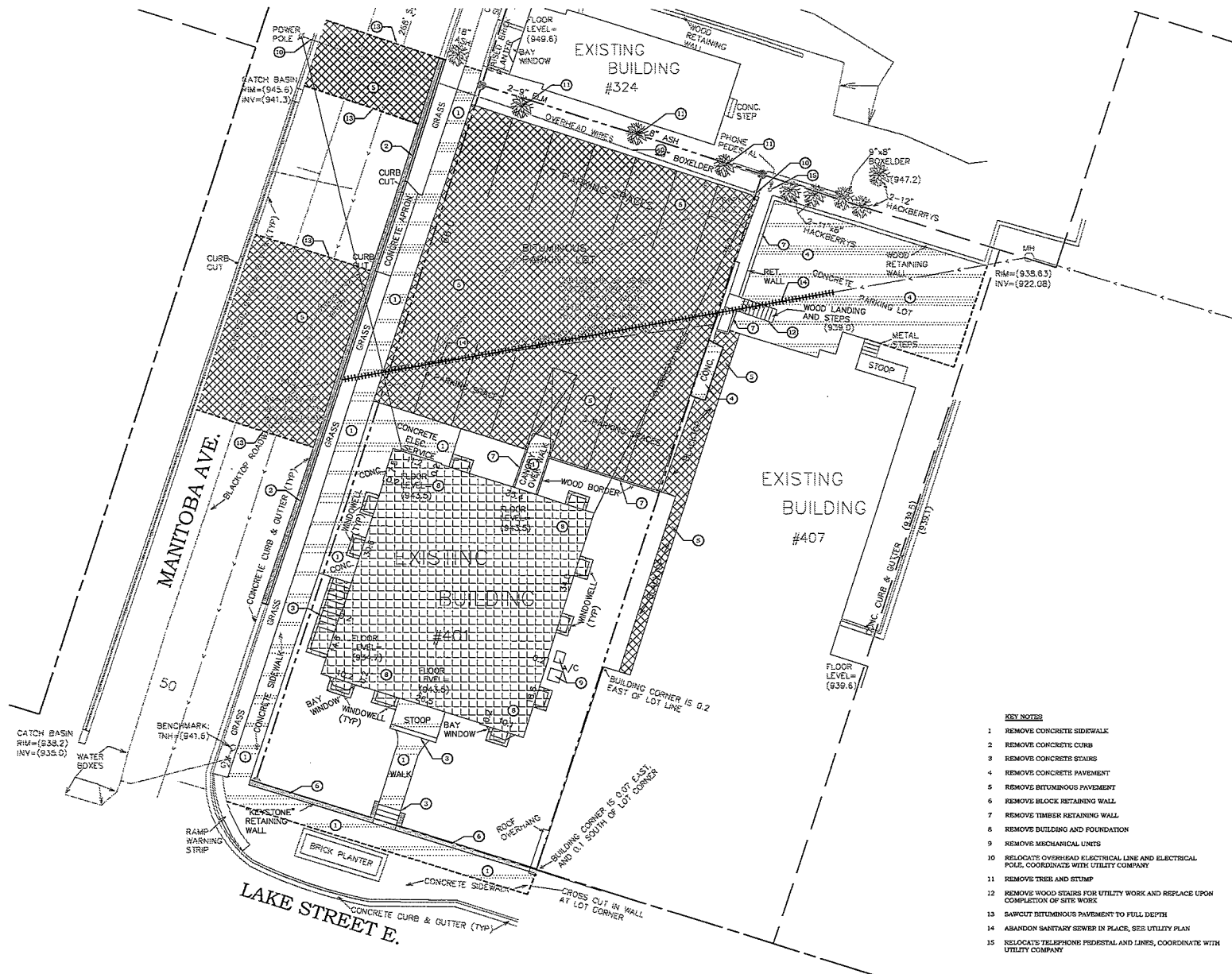
• : denotes iron marker found

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

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

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing building, adjacent buildings, trees, and parking areas, spot elevations, topography, and all visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.



1 SITE DEMOLITION PLAN

0 10' 20' 30'

1"=10'

PIERCE PINI & ASSOCIATES, INC.
Consulting Civil Engineers

9298 CENTRAL AVENUE NE
SUITE 312
BLAINE, MN 55434
TEL 763-537-1311

LOTENBACH HOLDINGS, LLC

401 LAKE STREET
WAYZATA, MINNESOTA

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Company: PIERCE PINI & ASSOCIATES, INC.

Signed:

Name: Kevin Gardner

Date: 08/29/2019 License No. 45815

Intend for: Date:

Copyright 2019 Pierce Pini & Associates, Inc.

Comm. No. 19-020

Drawn: JH

Checked: KO

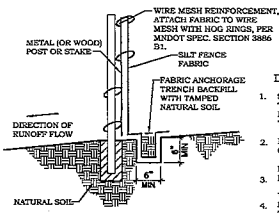
Date: 08/29/2019

PUD Concept Plan

Drawing Title

SITE DEMOLITION PLAN

C100



- DESIGN RECOMMENDATIONS**
1. SILT FENCES SHOULD BE INSTALLED ON THE CONTOUR (AS OPPOSED TO UP AND DOWN A HILL) AND CONSTRUCTED SO THAT FLOW CANNOT BYPASS THE ENDS.
 2. ENSURE THAT THE DRAINAGE AREA IS NO GREATER THAN 1/4 ACRE PER 100 FT OF FENCE.
 3. MAKE THE FENCE STABLE FOR THE 10-YEAR FEAR STORM RUNOFF.
 4. WHERE ALL RUNOFF IS TO BE STORED BEHIND THE SILT FENCE, ENSURE THAT THE MAXIMUM SLOPE LENGTH BEHIND THE FENCE DOES NOT EXCEED THE SPECIFICATIONS SHOWN IN TABLE 1.

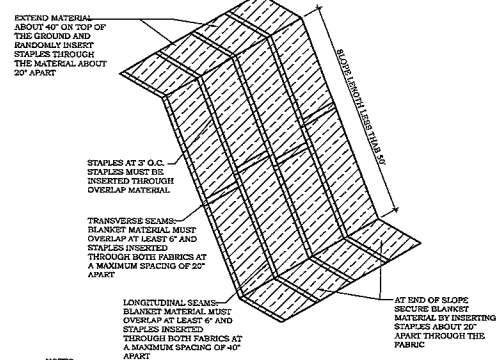
FIGURE 1 TYPICAL INSTALLATION FOR SILT FENCE

TABLE 1 MAXIMUM SLOPE LENGTH AND SLOPE FOR WHICH SILT FENCE IS APPLICABLE

SLOPE S:1	PERCENT	BY CALCULATION		BY ACCEPTED DESIGN PRACTICES	
		SILT FENCE STORAGE EQUALS 2 FT FOR A 100-YEAR EVENT	SILT FENCE STORAGE EQUALS 2 FT FOR A 2-YEAR EVENT OR 3 FT FOR A 100-YEAR EVENT	MAXIMUM SLOPE LENGTH	
100:1	1%	400 FT	900 FT	100 FT	
50:1	2%	200 FT	450 FT	75 FT	
25:1	4%	100 FT	225 FT	50 FT	
20:1	5%	80 FT	180 FT	40 FT	
17:1	6%	67 FT	150 FT	30 FT	
12.5:1	8%	50 FT	112 FT	20 FT	
10:1	10%	40 FT	90 FT	20-25 FT	
5:1	20%	20 FT	45 FT	25-15 FT	
4:1	25%	16 FT	36 FT	15 FT	
3:1	33%	12 FT	27 FT	15 FT	
2:1	50%	8 FT	18 FT	15 FT	

1 HEAVY DUTY SILT FENCE

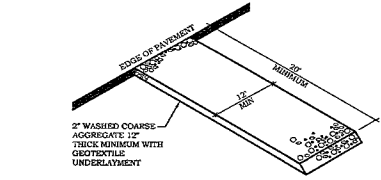
NO SCALE



- NOTES:**
1. EROSION CONTROL BLANKET TO BE CATEGORY 4-COCOONUT 28 FOR SLOPES GREATER THAN S:1 AND SIDES AND BOTTOM OF ALL DRAINAGE SWALES AND PONDING AREAS AND CATCHMENT 2-STRAW 28 FOR ALL SLOPES LESS THAN S:1 PER MNDOT SPEC. SECTION 3886.
 2. INSTALL PER MNDOT SPEC. SECTION 2575

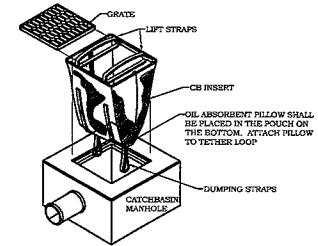
2 EROSION CONTROL BLANKET

NO SCALE



3 GRAVEL CONSTRUCTION ENTRANCE

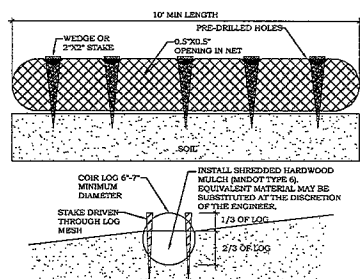
NO SCALE



1. OIL ABSORBENT PILLLOW SHALL BE REMOVED AND REPLACED WHEN NEAR SATURATION.
2. USE DANDY BAG II AS MANUFACTURED BY DANDY PRODUCTS, INC.
3. OR EQUIVALENT CATCH-BASIN EROSION CONTROL INSERT METHOD OR PRODUCT MAY BE USED WITH PRIOR APPROVAL FROM ENGINEER.

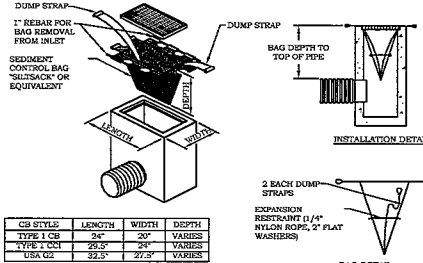
4 CATCH BASIN INSERT

NO SCALE



5 COIR LOG

NO SCALE



CB STYLE	LENGTH	WIDTH	DEPTH
TYPE 1 CB	34"	20"	VARIABLE
TYPE 2 CB	26.5"	20"	VARIABLE
USA CB	32.5"	27.5"	VARIABLE

NOTES:

- THE DIMENSION CHART IS FOR STANDARD CATCH BASINS AND INLETS ONLY. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE CORRECT SIZE DEVICE FOR EACH INLET.
- FOR NON-STANDARD CATCH BASINS AND INLETS, THE CONTRACTOR SHALL MEASURE DIMENSIONS IN THE FIELD AND ORDER THE APPROPRIATE SIZES.
- THE INLET SEDIMENT CONTROL DEVICE SHALL BE OF HIGH FLOW DESIGN (200 GAL/MIN/FT), AS PER THE MANUFACTURER'S SPECS.
- THE SEDIMENT CONTROL DEVICE SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED A MINIMUM ONCE PER MONTH OR WITHIN THE 48 HOURS FOLLOWING A STORM EVENT. FILTER SHALL BE CLEANED IN A MANNER WHICH ENSURES THAT ALL SEDIMENT REMAINS ON SITE.
- SUBSTITUTION OF A SHEET OF FILTER FABRIC PLACED OVER THE OPENING OF THE INLET IS NOT APPROVED.
- RECESSED CURB INLET CATCH BASINS MUST BE BLOCKED WHEN USING FILTER FABRIC INLET SACKS, SIZE OF FILTER INLET SACK TO BE DETERMINED BY MANUFACTURER.
- THE FILTER SHALL BE REPLACED OR CLEANED WHEN THE BAG BECOMES HALF FULL.

6 SILT SACK

NO SCALE

9298 CENTRAL AVENUE NE
SUITE 312
BLAINE, MN 55434
TEL 763-537-1311

BACH HOLDINGS, LLC
401 LAKE STREET
WAYZATA, MINNESOTA

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Company: **PIERCE PINI & ASSOCIATES**

Signed: _____
Name: Kevin Gardner _____
Date: 08/29/2019 _____ Reg. No: 45815

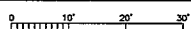
[illegible]

Drawing Title

C500



1 UTILITY PLAN

 $1''=10'$

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Company: **PIERCE PINI & ASSOCIATES**

Name: Kevin Gardner

Date: 08/29/2019 Reg. No: 45815

Issued for Date

29

Copyright 2019 Pearson Education, Inc.

Comm. No. 19-020

Drawn JH

Checklist	KG
-----------	----

Age Group	Percentage
18-24	10%
25-34	20%
35-44	25%
45-54	20%
55-64	15%
65-74	10%
75-84	5%
85+	5%

Date 08/29/2019

PUD Concept Plan

Drawing Title

CIVIL DETAILS

CIVIL DETAILS

1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

[illegible]

9999

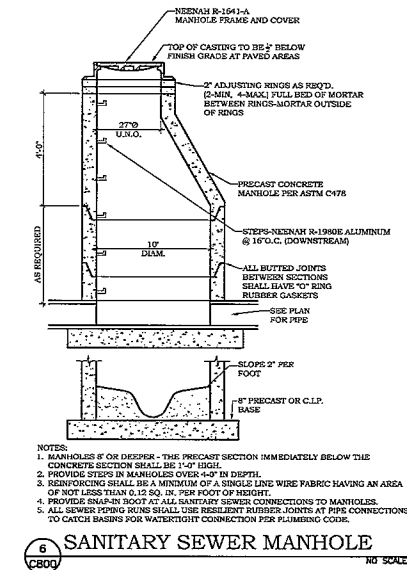
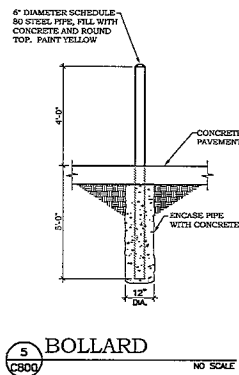
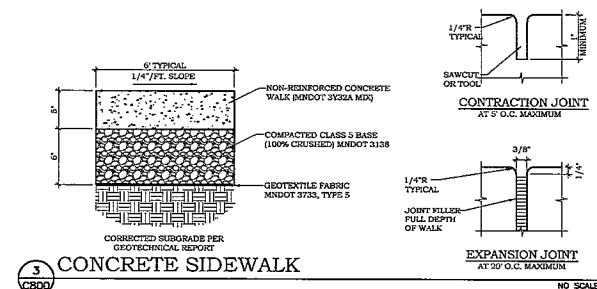
0800

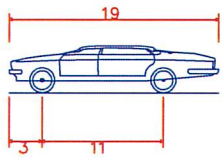
0000

De la 51 a 61

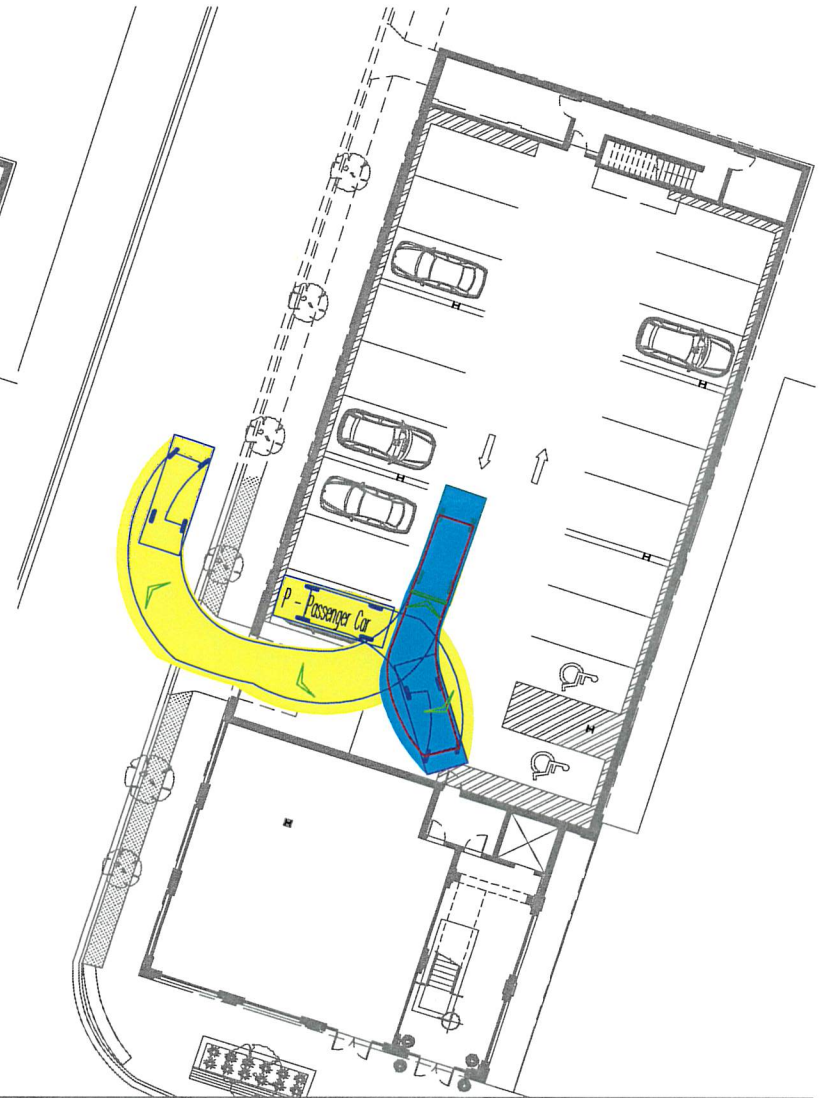
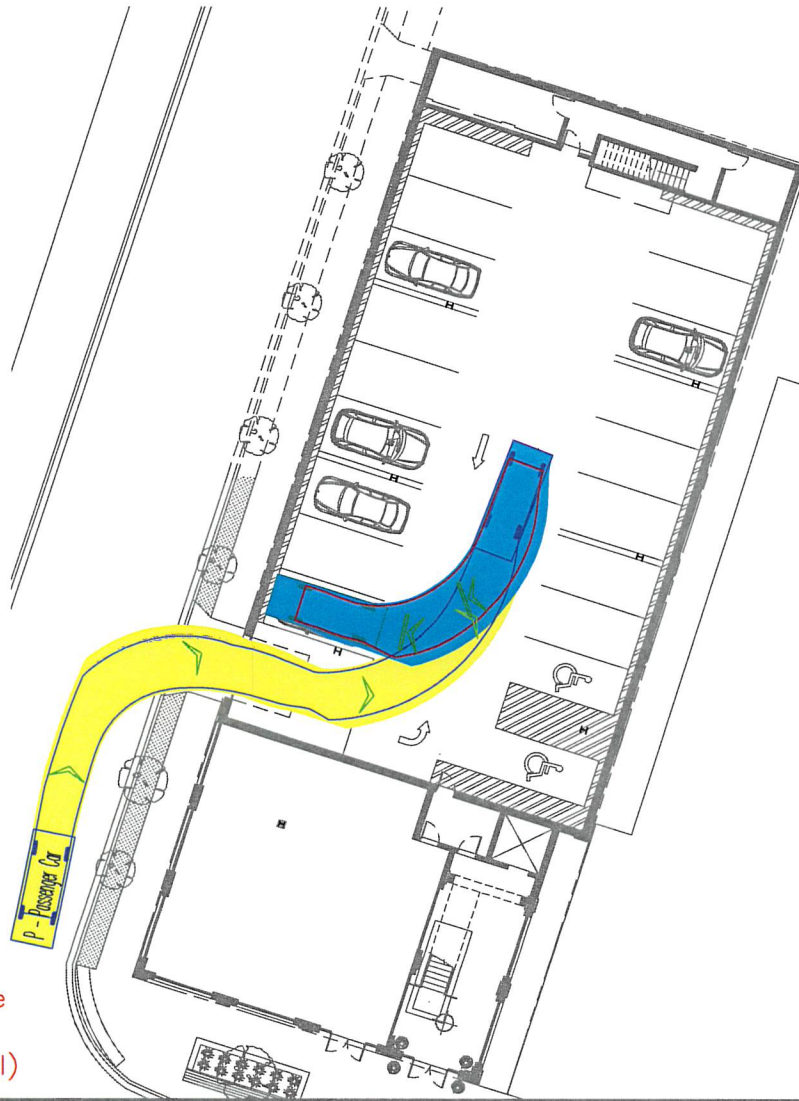
Page 74 of 13

0





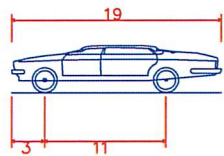
P - Passenger Car
 Overall Length
 Overall Width
 Overall Body Height
 Min Body Ground Clearance
 Track Width
 Lock to lock time
 Max Steering Angle (Virtual)



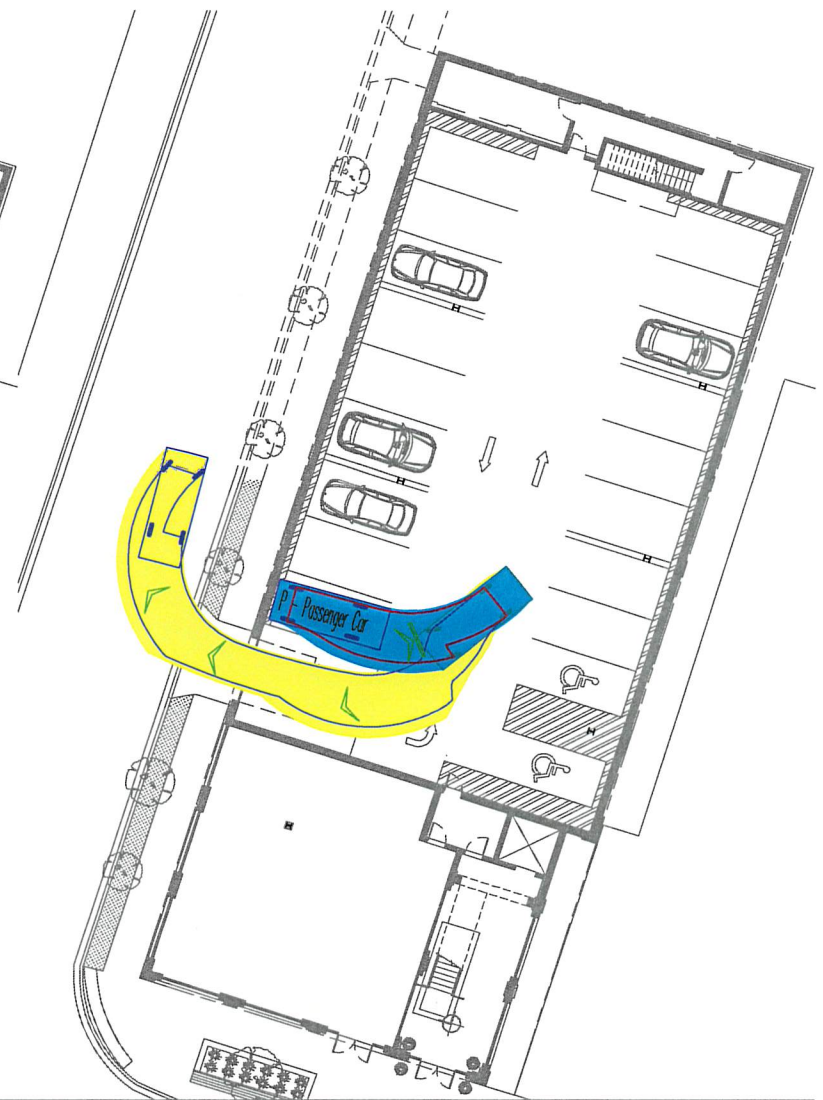
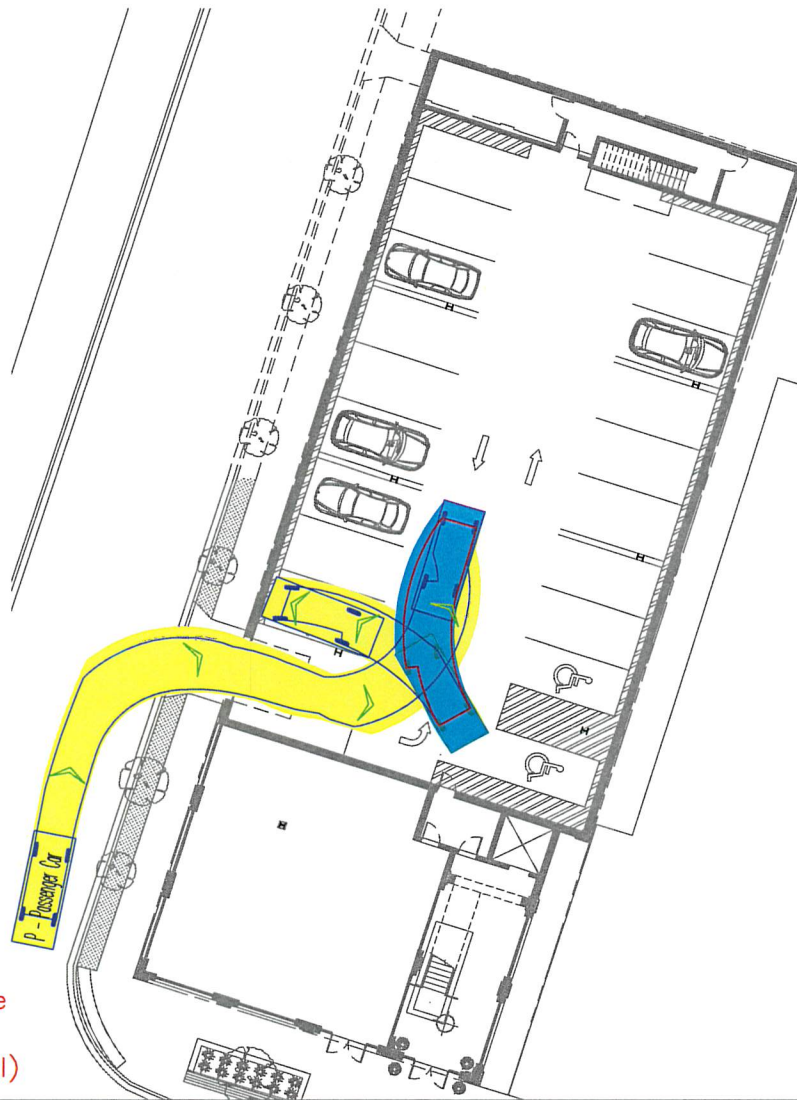
LOTHENBACH PROPERTIES VI PASSENGER CAR TURNING SIM ENTERING AND EXITING AUGUST 29, 2019

PIERCE PINI &
 ASSOCIATES

9298 CENTRAL AVE NE,
 SUITE 312
 BLAINE, MN 55434
 TEL 763.537.1311
 FAX 763.537.1354

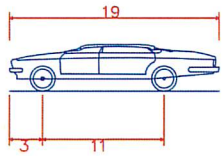


P - Passenger Car
 Overall Length
 Overall Width
 Overall Body Height
 Min Body Ground Clearance
 Track Width
 Lock to lock time
 Max Steering Angle (Virtual)

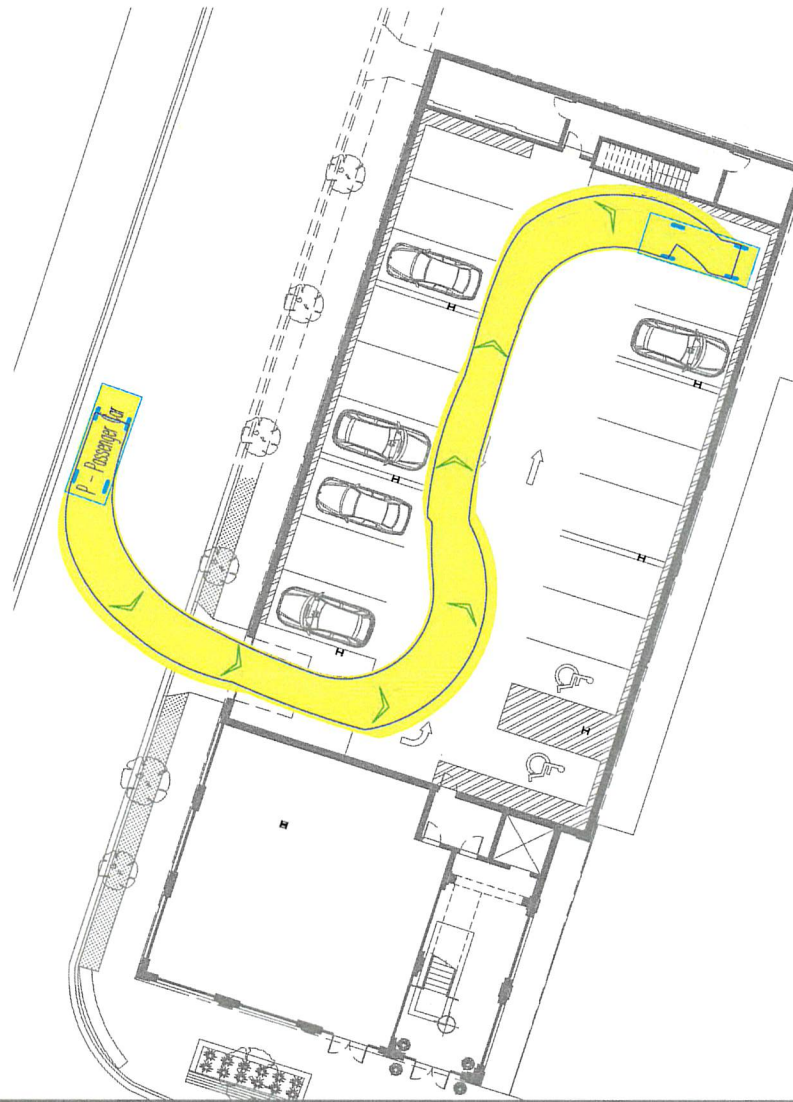


LOTHENBACH PROPERTIES VI PASSENGER CAR TURNING SIM ENTERING AND EXITING AUGUST 29, 2019

PIERCE PINI &
 ASSOCIATES
 9298 CENTRAL AVE NE,
 SUITE 312
 BLAINE, MN 55434
 TEL 763.537.1311
 FAX 763.537.1354

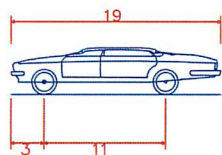


P — Passenger Car
 Overall Length
 Overall Width
 Overall Body Height
 Min Body Ground Clearance
 Track Width
 Lock to lock time
 Max Steering Angle (Virtual)

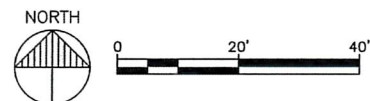
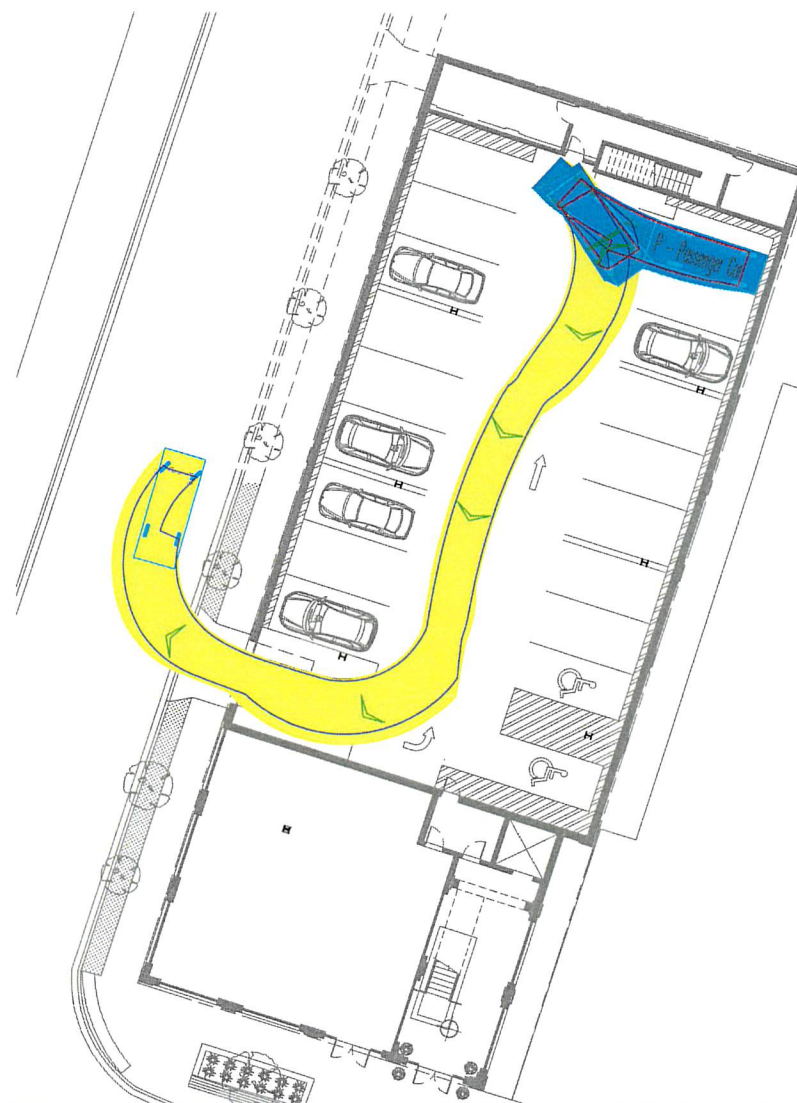


LOTHENBACH PROPERTIES VI PASSENGER CAR TURNING SIM AUGUST 29, 2019

PIERCE PINI &
 ASSOCIATES
 9298 CENTRAL AVE NE,
 SUITE 312
 BLAINE, MN 55434
 TEL 763.537.1311
 FAX 763.537.1354



P — Passenger Car
 Overall Length
 Overall Width
 Overall Body Height
 Min Body Ground Clearance
 Track Width
 Lock to lock time
 Max Steering Angle (Virtual)



LOTHENBACH PROPERTIES VI PASSENGER CAR TURNING SIM EXITING AUGUST 29, 2019

**PIERCE PINI &
 ASSOCIATES**

9298 CENTRAL AVE NE,
 SUITE 312
 BLAINE, MN 55434
 TEL 763.537.1311
 FAX 763.537.1354



LOTENBACH FAMILY OFFICE
 WATZATA, MINNESOTA 55391

NO.	DATE	DESCRIPTION
1	08.11.19	FINAL DESIGN
2	08.11.19	FINAL DESIGN
3	08.11.19	FINAL DESIGN
4	08.11.19	FINAL DESIGN
5	08.11.19	FINAL DESIGN
6	08.11.19	FINAL DESIGN
7	08.11.19	FINAL DESIGN
8	08.11.19	FINAL DESIGN
9	08.11.19	FINAL DESIGN
10	08.11.19	FINAL DESIGN

R-001



DATE	TIME	DAY
PARTICIPANT STUDY	06.00.00	
CLINICAL MEETING	08.00.00	
CLINICAL MEETING	09.00.00	
CLINICAL MEETING	10.00.00	
CLINICAL MEETING	11.00.00	
CLINICAL MEETING	12.00.00	
CLINICAL MEETING	13.00.00	
CLINICAL MEETING	14.00.00	
CLINICAL MEETING	15.00.00	
CLINICAL MEETING	16.00.00	
CLINICAL MEETING	17.00.00	
CLINICAL MEETING	18.00.00	
CLINICAL MEETING	19.00.00	
CLINICAL MEETING	20.00.00	
CLINICAL MEETING	21.00.00	
CLINICAL MEETING	22.00.00	
CLINICAL MEETING	23.00.00	
CLINICAL MEETING	24.00.00	
CLINICAL MEETING	25.00.00	
CLINICAL MEETING	26.00.00	
CLINICAL MEETING	27.00.00	
CLINICAL MEETING	28.00.00	
CLINICAL MEETING	29.00.00	
CLINICAL MEETING	30.00.00	
CLINICAL MEETING	31.00.00	
CLINICAL MEETING	32.00.00	
CLINICAL MEETING	33.00.00	
CLINICAL MEETING	34.00.00	
CLINICAL MEETING	35.00.00	
CLINICAL MEETING	36.00.00	
CLINICAL MEETING	37.00.00	
CLINICAL MEETING	38.00.00	
CLINICAL MEETING	39.00.00	
CLINICAL MEETING	40.00.00	
CLINICAL MEETING	41.00.00	
CLINICAL MEETING	42.00.00	
CLINICAL MEETING	43.00.00	
CLINICAL MEETING	44.00.00	
CLINICAL MEETING	45.00.00	
CLINICAL MEETING	46.00.00	
CLINICAL MEETING	47.00.00	
CLINICAL MEETING	48.00.00	
CLINICAL MEETING	49.00.00	
CLINICAL MEETING	50.00.00	
CLINICAL MEETING	51.00.00	
CLINICAL MEETING	52.00.00	
CLINICAL MEETING	53.00.00	
CLINICAL MEETING	54.00.00	
CLINICAL MEETING	55.00.00	
CLINICAL MEETING	56.00.00	
CLINICAL MEETING	57.00.00	
CLINICAL MEETING	58.00.00	
CLINICAL MEETING	59.00.00	
CLINICAL MEETING	60.00.00	
CLINICAL MEETING	61.00.00	
CLINICAL MEETING	62.00.00	
CLINICAL MEETING	63.00.00	
CLINICAL MEETING	64.00.00	
CLINICAL MEETING	65.00.00	
CLINICAL MEETING	66.00.00	
CLINICAL MEETING	67.00.00	
CLINICAL MEETING	68.00.00	
CLINICAL MEETING	69.00.00	
CLINICAL MEETING	70.00.00	
CLINICAL MEETING	71.00.00	
CLINICAL MEETING	72.00.00	
CLINICAL MEETING	73.00.00	
CLINICAL MEETING	74.00.00	
CLINICAL MEETING	75.00.00	
CLINICAL MEETING	76.00.00	
CLINICAL MEETING	77.00.00	
CLINICAL MEETING	78.00.00	
CLINICAL MEETING	79.00.00	
CLINICAL MEETING	80.00.00	
CLINICAL MEETING	81.00.00	
CLINICAL MEETING	82.00.00	
CLINICAL MEETING	83.00.00	
CLINICAL MEETING	84.00.00	
CLINICAL MEETING	85.00.00	
CLINICAL MEETING	86.00.00	
CLINICAL MEETING	87.00.00	
CLINICAL MEETING	88.00.00	
CLINICAL MEETING	89.00.00	
CLINICAL MEETING	90.00.00	
CLINICAL MEETING	91.00.00	
CLINICAL MEETING	92.00.00	
CLINICAL MEETING	93.00.00	
CLINICAL MEETING	94.00.00	
CLINICAL MEETING	95.00.00	
CLINICAL MEETING	96.00.00	
CLINICAL MEETING	97.00.00	
CLINICAL MEETING	98.00.00	
CLINICAL MEETING	99.00.00	
CLINICAL MEETING	100.00.00	

R-002



LOTENBACH FAMILY OFFICE
 WAYZATA, MINNESOTA 55391

NO.	DESCRIPTION	DATE
1	PRELIMINARY	06.11.19
2	SCHEMATIC DESIGN	08.14.19
3	CONCEPT DEVELOPMENT	09.15.19
4	PRELIMINARY DESIGN	09.17.19
5	SCHEMATIC DESIGN	07.13.20
6	PRELIMINARY DESIGN	07.13.20
7	PRELIMINARY DESIGN	07.13.20
8	PRELIMINARY DESIGN	07.13.20
9	PRELIMINARY DESIGN	07.13.20
10	PRELIMINARY DESIGN	07.13.20

R-003



LOTENBACH FAMILY OFFICE
 WAYZATA, MINNESOTA 55391

REVISION	DATE
1. PRELIMINARY DESIGN	08.01.18
2. PRELIMINARY DESIGN	08.01.18
3. PRELIMINARY DESIGN	08.01.18
4. PRELIMINARY DESIGN	08.01.18
5. PRELIMINARY DESIGN	08.01.18
6. PRELIMINARY DESIGN	08.01.18
7. PRELIMINARY DESIGN	08.01.18
8. PRELIMINARY DESIGN	08.01.18
9. PRELIMINARY DESIGN	08.01.18
10. PRELIMINARY DESIGN	08.01.18
11. PRELIMINARY DESIGN	08.01.18
12. PRELIMINARY DESIGN	08.01.18
13. PRELIMINARY DESIGN	08.01.18
14. PRELIMINARY DESIGN	08.01.18
15. PRELIMINARY DESIGN	08.01.18
16. PRELIMINARY DESIGN	08.01.18
17. PRELIMINARY DESIGN	08.01.18
18. PRELIMINARY DESIGN	08.01.18
19. PRELIMINARY DESIGN	08.01.18
20. PRELIMINARY DESIGN	08.01.18

Technical Memo



To: Brent Nelson, Peterssen/Keller Architecture

From: Ed Terhaar, P.E.

Date: August 29, 2019

Subject: Parking Study for 401 Lake Street East in Wayzata, MN

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

DATE: August 29, 2019

Edward F. Terhaar
License No. 24441

Purpose and Background

This memorandum presents the results of our parking study for the proposed office and retail development at 401 Lake Street East in Wayzata. The study includes parking demand calculations and identification of available public parking near the site.

Proposed Development Characteristics

The proposed project consists of replacing the existing office building with a new three story office and retail building. The new building will have 2,500 square feet of retail space and 14,578 square feet of office space. These square footage totals are gross floor area, which includes common areas for each use. The building will have 19 on-site parking spaces.

Parking Demand Calculations

Parking data from the Institute of Transportation Engineers (ITE) was used to determine the expected peak parking demand. Data provided in the ITE publication *Parking Generation*, 5th Edition, indicates that the retail and office uses peak at various times during the day. Based on the ITE data, the peak weekday parking demand occurs between 11 a.m. and 2 p.m. As shown in Table 1, the peak parking demand during that time period is 35 spaces.

Table 1
Weekday Parking Demand

Land Use	Size	Unit	Gross Parking Rate	Adjustment Factor for Walking, Transit Multi-Purpose, and Vacancies	Month of Year Adjust. Factor (MAX)	Time of Day Factor						Net Parking Needs by Time of Day					
						6 am- 8 am	8 am- 11 am	11 am- 2 pm	2 pm- 4 pm	4 pm- 6 pm	6 pm- 9 pm	6 am- 8 am	8 am- 11 am	11 am- 2 pm	2 pm- 4 pm	4 pm- 6 pm	6 pm- 9 pm
Office	14578	sq. ft.	2.39/1000	10%	100%	50%	100%	100%	85%	20%	5%	16	31	31	27	6	2
Retail	2500	sq. ft.	1.95/1000	10%	100%	5%	50%	100%	80%	85%	75%	0	2	4	4	4	3

Note: Gross parking rates from ITE Parking Generation, 5th edition

TOTAL PARKING DEMAND 16 33 35 31 10 5

Public Parking Availability

Both on-street and off-street public parking is available near the project location. The on-street parking consists of a combination of restricted and unrestricted spaces. Restricted spaces have a time limit during certain times of the day while unrestricted spaces do not. Since the majority of the parking demand for the proposed use will be for employees, the parking availability focused on nearby unrestricted spaces.

Existing parking availability for public on-street and off-street spaces near the project site was surveyed on Tuesday August 27, 2019. Parking availability was surveyed at 10:00 a.m. and 1:30 p.m., which corresponds to peak times for the proposed uses. The results of the survey are shown in Table 2.

Table 2
Existing Public Parking Availability on August 27, 2019

Facility	Boundaries	Spaces Available	
		10:00 a.m.	1:30 p.m.
On-Street			
Lake Street-south side	Barry Ave. to Minnetonka Ave.	0	3
Indian Mound Street-north side	Manitoba Ave. to Minnetonka Ave.	3	3
Indian Mound Street-south side	Manitoba Ave. to Minnetonka Ave.	2	4
Minnetonka Ave.-west side	Indian Mound St. to Lake St.	3	2
Minnetonka Ave.-east side	Indian Mound St. to Lake St.	5	5
Lake Street-south side	Minnetonka Ave. to Walker Ave.	4	4
On-Street Total		17	21
Off-Street			
Wayzata Marquee Parking Ramp		103	91
Mill Street Ramp		215	180
Mill Street exterior spaces		54	24
Off-Street Total		372	295
Grand Total		389	316

Overall Parking Impact

Parking usage observations indicated ample parking is available in the nearby public parking facilities.

The weekday peak parking demand using ITE data for the proposed building is 35 spaces. The 19 spaces provided is 16 spaces less than the ITE demand. The additional parking demand will be accommodated in the nearby on-street and off-street parking facilities.

Lothenbach Neighborhood Meeting Notes & Response

September 23, 2019

Present:

Gabriel Keller (P/K), Ryan Fish (P/K), Greg Keup (client), Jesse Robbins (client), Emily Goellner (city) & approx. 15 - 20 neighbors

I. Presentation

P/K presented photos of the existing site and building before moving to 3D images of the exterior building and finally preliminary plans. At this point we moved to questions and comments and brought up the 3d model to discuss concerns more at length.

II. Questions & Comments (*response in meeting in italics and further response in bold italics*)

- There were several questions & comments about building setbacks at the ground level:
 - Tenants in the front part of the neighboring Masonic Temple building currently cross the 401 lot to bring their garbage to a collection area at the rear of the Masonic Temple property. The Masonic Temple commented that the setbacks of the proposed building would prevent their front tenants from accessing the back of the building for garbage. They wondered if we could cut the parking space in that area to allow access.
We illustrated that we are setting the front of the building back along the east side to allow the non-conforming windows of the Masonic Temple building (right on the property line) to remain. We are proposing to provide a shared garbage collection area on our client's property that could be accessed from the rear of the Masonic Temple building.
Setting the building back to allow a surface route across the 401 property would further decrease parking counts. We will continue to work with the Masonic Temple to make any reasonable accommodations that we can with our neighbors, but the 401 property is not obligated to provide access to the rear of the Masonic Temple.
 - General questions verifying whether the zoning allowed for building right up to the property line.
We confirmed that zoning allowed building up to the property on all sides at the ground level.
- The discussion turned towards parking, specifically the amount designed, the amount required by zoning and the amount prescribed by the parking study. Several neighbors commented that they thought the project did not provide enough parking to be offset by street parking. They also did not think a FILOP agreement would realistically provide relief and they were not reassured by the parking study findings.
*We discussed that we looked into below grade parking, but due to the width of the lot (65') we would lose half the parking at grade level to provide a ramp to the lower level and again the number of spaces in the lower level would also be restricted due to the ramp and narrowness of the lot on the level below. In addition, the below-grade parking slab would be below the OHW level and would require additional engineering, waterproofing, pumping and approval from the city for it to properly operate. ***After hearing neighbors' concerns over the amount of parking preliminarily provided, we are further studying the viability and cost of adding one level of parking below-grade. If feasible, the design might allow for 29 – 32 spaces total.****
- A neighbor from the Masonic Temple had concerns that their building would become more landlocked than it already is and would have difficulty being accessed by the Fire Department in the case of a fire.
*We said we would work with the city in looking into this concern. We discussed the potential of the accessing the building from the east, however that neighboring building has an underground parking lot that is not designed to handle the weight of a fire truck. ***In further review, the C-4 zoning of allowing zero setbacks inherently allows this to happen. Both the Masonic Temple with its addition and the construction of the neighboring building to the east were close to or at property lines. The planning department said they would continue to look into this and follow up with Masonic Temple about their concerns.****
- The adjacent neighbors were concerned about the city sewer modifications needed to make this project viable as the city sewer line cuts diagonally across the property and the Masonic Temple property to the east. The

property to the north was concerned because they thought their sewer was also connected to the line within the project site. Several options are under consideration, but the current option at the time of application required a new man hole on the Masonic Temple property. While the project owners have been in discussion and negotiation with the Masonic Temple for several weeks regarding the man hole, we were informed at the meeting the Masonic Temple was against it.

We explained that other options were reviewed. They did not allow for the proper slope for the sewer line to work effectively. For the consideration of allowing the manhole on the masonic property, the project design was developed to provide the consideration of non-conforming windows and garbage collection. We informed the property to the north, that ground radar was used to determine their sewer line did not access the project site. We are continuing to review other options that would potentially have less impact on neighboring properties. At the end of the meeting Emily Goellner, Director of Community Development, expressed she would like to get the neighbors together to further discuss and study the sewer situation. A meeting is being scheduled for the week of the 10/7/19.

- After reviewing the 3D model on all sides, some neighbors questioned the use of metal panel on the project and that it exceeded the 10% maximum for supplemental exterior finishes.

*We discussed that the project has heritage quality materials of stone, steel windows and high-quality metal panels that are structurally backed to prevent oil caning or other unattractive qualities. Also, some of what was viewed was mechanical louvers, which almost all new projects have. **The Wayzata Blu project has metal panels similar to what is proposed for this project as well as other materials not listed as allowed and in greater quantities than 10%. We believe the city recognizes that the types of heritage quality materials are ever expanding, and as precedent shows, is willing to consider other materials that demonstrate this quality. Also these materials are listed under 919.03 Building Type and Construction as acceptable materials.***

- A couple neighbors commented that on the long façade facing Manitoba, the design did not have 20% of the second story setback from the ground level per zoning requirements.
We agreed that there was not 20% of the second story façade set back. We discussed this was intentional, that in conjunction with the heritage quality materials, it provided an aesthetic reminiscent of a charming bank or library found on many small town main streets. It was also matching the precedent set by 445 Lake St. on the same block. Other precedents, like 701 Lake street have 2-story facades that do not set back from the ground level. If we were to set back 20% of the second story façade, it would be at the north side of the property. In this area of the lot, grade rises roughly 8' above the ground floor. While it would meet zoning code, the appearance would look like the ground floor is setting back, not the second story. The third floor is set back per zoning code, and the overall result meets the intent of the code for providing relief at the second story.
- Seeing the location of our mechanical louvers, neighbors stated there were requirements limiting mechanical noise.
We discussed that when the proposed design proceeded to the stage of mechanical design, the project would be designed to meet all mechanical noise requirements
- The final comments and discussion revolved around the roof access and corresponding glass parapet guardrail. The frameless glass guardrail extends 3'-6" beyond 35'-0" maximum. While many of the neighbors have built projects that have components that extend above the 35'-0" maximum, namely elevator overruns, the combination of providing private roof access with this was viewed as unfair if approved. In allowing roof access, the project is designed to have a majority of the roof installed with green roof. Although the green roof was preferred by the neighbors, and there was a general concession that a frameless glass guardrail set significantly back from the 3rd floor edge would not impede views or cast shadows, and paired with the green roof would in fact improve views over the alternate rubber membrane roof, they would prefer not having either. Part of this concern was over outdoor furniture, while others were centered on being fair to those who have previously asked for allowances and were denied.

We pointed out that parapet walls were on the same exception list under 919.02 – Height Requirements as elevator penthouses, which exist on many downtown projects. We also discussed that the proposed design differs in many respects from previous requests for height increased because it allows access to the roof without any solid massing extending above the 35' maximum. Further, the glass guardrail is very similar to the definition

*of a parapet wall which is allowed as a height exception within the zoning code - a low wall which is located on a roof of a building, not at the edge of building façade, as many traditionally think a parapet wall is located. **We believe that many neighboring properties have utilized exceptions that have similar visual impacts, such as elevator penthouses and glass atrium projections, or due the steepness of grade, have 4-stories exposed along several facades that are more impactful to building massing than this project's request.***

Wayzata Planning Commission
Emily Goellner, Director of Community Development

RE: 401 Lake St E – Lothenbach Properties VI, LLC

Emily & Commissioners,

Let me start by stating I hate to be negative regarding other developers in Wayzata. I do have issues and concerns when other developers do not meet ordinances and building codes that add to the cost of the project and reduce the revenue income that as a Wayzata developer I had to meet.

1. Parking Code Required 47 spaces, Project 19 Provided
Parking off site code 300 feet
2. Height 35 Ft could not deviate
3. Second Floor set back 25% / Street Scape
4. Retail 1st floor 50% not 14%
5. Roof Terrace not allowed

There are more deviations from Code but these are Codes that cost money and also take away from square footage income.

Respectfully yours,



Lowell Zitzloff
LNR Properties

MANITOBA SOUTH PROPERTIES, LLC

320 MANITOBA AVENUE SOUTH

WAYZATA, MINNESOTA 55391

952-476-6222

October 3, 2019

Ms. Emily Goellner
Director of Community Development
City of Wayzata
600 Rice Street
Wayzata, MN 55391

Re: 401 Lake Street East

Dear Emily:

My name is Darren Schmitt, representing Manitoba South Properties, the property owners of 306, 314, 320 and 324 Manitoba Avenue South. We are directly adjacent to and uphill to the north of the proposed 401 Lake Street East project that is scheduled before the Planning Commission on October 7, 2019.

We have operated our family's architectural firm, Bruce W. Schmitt & Associates, from this location for approximately 27 years. Previous to us acquiring this property, we had our office in Wayzata for an additional five years. In our time here in Wayzata, we have seen many changes, including many building projects on our street, Manitoba Avenue South. Our neighborhood is very different and much busier today than it used to be.

We would like to welcome the Lothenbach family office to our neighborhood, and think that their project will be a nice addition to Wayzata's downtown business district. With that said, we do have some concerns with the project that we need to bring up to the Planning Commission and City Council for consideration as the 401 Lake Street East project is discussed and reviewed.

Due to our involvement in past development projects within the City of Wayzata and the Bluff District in particular, we are very aware of the sensitivity and significance that the Comprehensive Plan, zoning ordinances, and design standards place on projects to protect adjacent high properties' views of Lake Minnetonka. Our properties are higher up the bluff from the proposed project, allowing our property to capture a small portion of Lake Minnetonka's beautiful views, as long as the City does not allow the 401 Lake Street East project a height variance. We will address height again later in this letter, but we respectfully request that the Planning Commission and City Council deny any height variances or rooftop terraces on this project. Recent projects in the Bluff District along Lake Street have not been allowed rooftop uses in order to protect the views of adjacent properties, and this project should not be allowed to be an exception. The project as proposed already has a very nice third floor terrace that should eliminate any need for an additional rooftop terrace.

The following is a short list of items that are of most concern to us and our properties.

- Height Variance and Rooftop Terrace: As discussed, we do not feel that this request meets the intent of the Comprehensive Plan, zoning ordinances, and design standards for the Bluff District. A height variance will have a significant negative effect on our property and its property values. It will also be in direct conflict with previous Planning Commission and City Council discussions and approvals for adjacent properties. The City has determined on previous projects also located in the Bluff District, that parapets are not allowed in the Bluff District. Also a glass railing is not a parapet.
- Parking: The project requires 47 parking stalls according to the applicant, but only provides 19 parking stalls on site. Utilizing street parking for this project will not work, as the amount of street parking that is needed does not exist on a regular basis. A one-day parking study on the Tuesday before Labor Day, and with the State Fair going on, does not sound like a very accurate parking survey. As we all know, parking in Wayzata is busiest before the State Fair starts and summer ends. I would recommend a longer study, and probably in July for accurate results. Any thought of anyone actually using the Mill Street ramp for this project is also not a realistic approach and should not be allowed. If it is to be considered, then I think a requirement that all employees in the building be required to park in the Mill Street ramp should be considered.
- Building Materials: The primary building materials should be required on all four sides of the building as required by the design standards. Do not allow black metal panels on the back sides of the building. Metal panels are not allowed as a primary building material in the design standards.
- Mechanical and Dumpsters: We understand their desire to place their mechanical equipment and trash to the rear of the building. We obviously do not want to see or hear their mechanical equipment or see their trash/dumpsters. Please require that ALL mechanical and trash be 100% screened so we do not have an eyesore to view. Also, sound mitigation for the mechanical equipment should be required. We do not think enough room is provided to accommodate trash and recycling for a building the size that is being proposed. We do not want additional trash or recycling being stored on the sidewalk adjacent to our property.
- Drainage Patterns and Snow Storage: The proposed building will be blocking the drainage patterns from our 324 Manitoba building that have existed for possibly 100 years, which may cause water issues for our building. Please require they study this issue and address the issue. Snow removal from their sidewalks will be difficult for their property due to lack of snow storage space. Please require them to truck out their snow. Our properties are not the neighborhood snow storage lot as some neighboring properties currently think.
- Electrical Transformer and Overhead Lines: Require that they address how they will provide for relocation of existing overhead electric lines. We do not want relocation from their property to ours, and they will need an electrical transformer location, as well. I would recommend they set their building back away from the north property line a bit. This would accommodate snow storage, electric lines, electrical transformer, etc.
- Roofscape Plan and Consolidation: Please require the same roofscape elements/conditions for this project that the City Council placed on the 305 Lake Street East project less than a year ago. The situations are the same, so the rooftop conditions should be the same.

Ms. Emily Goellner
October 3, 2019
Page Three

- Snow Drift Loading on our 324 Manitoba Avenue Building: Being in the architectural field and having experience with designing buildings in downtown areas, we are greatly concerned with snow drift loading on our existing building. Our building is very short in comparison to their building, and due to it being so close to their building ($\pm 3'-0"$, $\pm 7'-0"$, and $\pm 10'-6"$) depending on the locations of their north wall, significant new snow loading on our building should be expected. The building code requires them to address this new additional loading, and the City of Wayzata should require it.

We also were a little disappointed that the neighborhood meeting was held after the project was submitted to the City and not before, and with very short notice. Seems like it was just checking the box to say they had one.

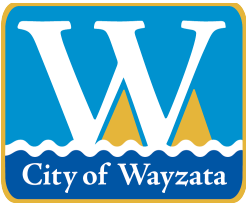
With modifications to address our concerns, we think that this will be a nice addition to our neighborhood. We would request that the City stay consistent with previous projects also located in the Bluff District, and protect the neighboring properties' views and property values. Thank you for taking the time to read this letter, and I look forward to addressing this issue further at the public hearing on October 7th.

Thank you,

MANITOBA SOUTH PROPERTIES, LLC

Darren B. Schmitt
320 Manitoba Avenue South
Wayzata, MN 55391
dschmitt@brucewschmitt.com

DBS/sw



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 5.b.
TITLE: Consider Development Application for Variances and Conditional Use Permit for a Detached Parking Structure at 214/216 Minnetonka Ave S	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: November 11, 2019	

BACKGROUND:

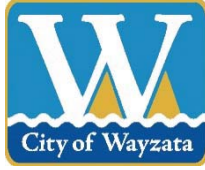
214/216 Minnetonka Ave S has submitted a development application to construct a detached garage on an existing parking area on the east side of the lot. This application requires side and rear yard setback variances and a Conditional Use Permit/Shoreland Impact Plan to go over the allowed impervious surface coverage.

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 - 214/216 Minnetonka Ave S



**Staff Report
October 7, 2019**

Project Name: Slocum Garage
Address of Request: 214/216 Minnetonka Ave S
Prepared By: Nick Kieser, Assistant Planner
60-Day Deadline: November 18, 2019

Development Application

Introduction

The owners of 214 and 216 Minnetonka Ave S, Peter Slocum (214 Minnetonka Ave S) and Dr. Bruce Merry (216 Minnetonka Ave S), have submitted a development application for side and rear yard setback variances along with a Conditional Use Permit (CUP)/Shoreland Impact Plan to construct a new garage. The proposed project will construct a new four-car garage over four existing paved parking spaces in the rear of the property. The proposed garage encroaches into the 10' side and rear yard setback requirements and requires a CUP for the proposed 92.10% of hardcover, which is a decrease from the existing 92.56% hardcover.

Application Requests

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

- Side yard setback – 2.8' less than the required 10' setback to a distance of 7.2' from the north (side yard) property line.
- Rear yard setback – 5' less than the required 10' to a distance of 5' from the east (rear yard) property line.
- Conditional Use Permit/Shoreland Impact Plan – CUP for 92.10% of impervious surface.

Property Information

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

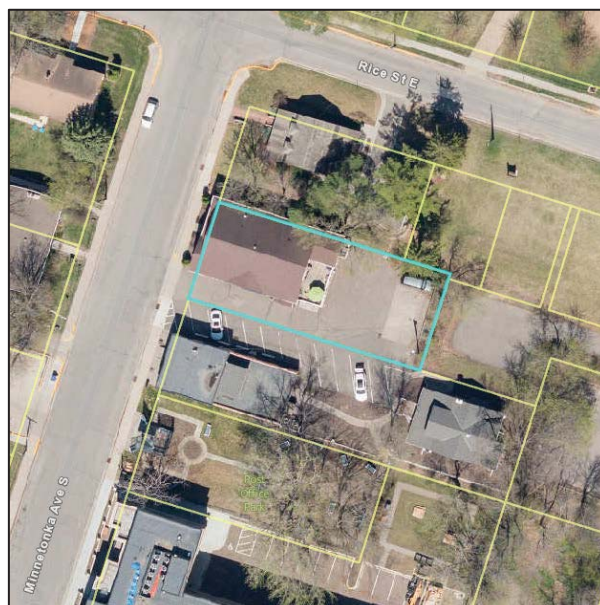
Address	PID	Owner
214 Minnetonka Ave S	06-117-22-24-0107	Peter Slocum (commercial)
216 Minnetonka Ave S	06-117-22-24-0108	Dr. Bruce Merry (residential)

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

Zoning	2030 Comp Plan Designation	2040 Comp Plan Designation	Overlay Districts
C-1 Office and Limited Commercial District	Mixed Use Commercial	Mixed Use Commercial/Residential	Shoreland Overlay District Bluff Design District

Project Location

Map 1 Project Location:



Source: Hennepin County

Adjacent Land Uses

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

Direction	Adjacent Use	Zoning	2030 Comp Plan Designation	2040 Comp Plan Designation
North	Commercial	PUD	Mixed Use Commercial	Mixed Use Commercial/Residential
East	Residential – Brownstones	PUD	High Density Multiple Family Residential	High Density Residential
South	Commercial	C-1 Office and Limited Commercial District	Mixed Use Commercial	Mixed Use Commercial/Residential
West	Residential	C-1B Mixed Use Residential	Mixed Use Residential	Mixed Use Commercial/Residential

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly* on September 27, 2019. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on September 27, 2019.

Analysis of Application

Setback Variances

The structure at 214/216 Minnetonka Ave S is a mixed use building with commercial and residential uses. Bayview Capital Group is on the ground floor and a condominium was added as a second story in 2002. There are currently four parking spots in the rear of this property. The proposed parking structure would be 821 square feet and would allow for four parking spots in the structure. These parking spots are currently used primarily by the property owners, both commercial and residential, and the future garage allows for two spots to be occupied by the commercial use and two spots for the residential use.

The C-1 zoning setback requirement is 10' from all property lines for any structure. The walls of the proposed garage will be placed near the existing retaining wall locations located 7.2' from the north side yard and 5' from the east rear yard. The garage will be constructed to meet the 10' side yard setback on the southern property line. The walls of the garage will function as a portion of the retaining walls that will be removed. This will allow for more pervious surface in the back of the proposed garage since the retaining walls will be removed. The proposed garage will be a simple pitched roof garage design and constructed with the same materials as the principal structure and painted in the same manner. The property to the south (222 Minnetonka Ave S) utilizes the shared access drive to access the parking spaces on their property. This property utilizes the 214/216 Minnetonka Ave S pavement as a turnaround when parking in the spots to the south. The proposed garage location in the rear of the property will allow for continued use of all of the parking spots at 222 Minnetonka Ave S. If the garage was located more to the west, towards the existing building, then it would be more difficult for the cars that are parked on the 222 Minnetonka Ave S property to turnaround when backing out of those spots. If the garage was changed to a three-car garage then it could possibly meet the north 10' side yard setback, but would then remove one parking space from the property.

214/216 Minnetonka Ave S had a structure in approximately in the same location from the 1940's to the early 2000's. The applicant believes this structure was mainly used for storage on the property. The existing concrete pad that is shown on the survey is where this structure was located.

CUP/Shoreland Impact Plan

The existing hardcover is 92.56% and the proposed hardcover is 92.10%, which is a .46% decrease. The improved stormwater maintenance will include adding gutters to the proposed structure. This will relocate the water to the existing vegetation on the applicant's property for filtration instead of having the water drain down the pavement and into the street sewer system. The existing vegetation will stay in place and provides a

buffer to the north and east while serving as a location for stormwater filtration. The City Engineer will have final approval of the proposed stormwater maintenance during the building permit review, but has reviewed the plans and found that the proposed stormwater maintenance will be an improvement to the site.

Design Review

This application will also need a design review since this project includes building a new structure in the Bluff Design District. This will include providing additional information about the design and aesthetics of the building. A design review will come back to a future meeting for Planning Commission and City Council for approval.

Action Steps

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

Attachments

Proposed Site Plan
Narrative

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.

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

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

(iii) the variance, if granted, will not alter the essential character of the locality.

- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, § 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.

Shoreland Variances: § 991.20 states that variances may be granted by the City Council in accordance with § 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 § 905 of this Ordinance.

- 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 insure compliance with the purpose and intent of this Section.**

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

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Impervious Surface Coverage: City Code § 991.11.A.1.B States that impervious coverage may be allowed to exceed seventy-five (75) percent of the total lot area when the following stipulations are met:

- (1) All structures and practices are in place for the treatment of storm water runoff.**
- (2) A shoreland impact plan/conditional use permit is submitted and approved as provided for in § 991.19.A of this Ordinance, subject to the conditions listed in § 991.19.C of this Ordinance.

Shoreland Impact Plan/Conditional Use Permit: § 991.19.A states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth

proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

§ 991.19.C states that all conditional use permits for consideration under the Shoreland District shall be subject to the following stipulations:

1. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
2. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
3. **Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.**
4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit

- developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
 8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
 11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
 12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

214/216 Minnetonka Ave. S

Development Application

Description of Request

The owners of 214 and 216 Minnetonka Ave. S (a two unit condominium building comprised of a commercial space on the ground level and a residential space on the top level), are building a detached garage on a portion of their existing rear parking lot. The NE corner of the parking lot has a deteriorating wooden retaining wall. As applicants, we wish to locate the east and north garage walls in such a way as to serve as a new retaining wall replacing the current wooden retaining wall. This location would place the garage in the corner of the property and would require a variance to reduce the garage setback to 5' instead of the current C1 zoning of 10'. Since the 216 portion of the existing building is residential, the 5' setback would fall within the current residential guidelines. This translates to a 5' variance request on the east property line and a 3' setback variance on the north property line. The current building lies only 1 foot away from the north property line so variance request would better match garage to existing structure.

Without the variance, the garage would be located more in the middle of the current parking lot wasting parking space and increasing visual impact. Placing the garage with a 5' setback better preserves turn-around space for both the garage but also for the adjacent business (The Partners Group) that shares access to the back parking areas and needs turn around space to avoid having to back directly onto a busy Minnetonka Ave.

The parking lot corner is screened by heavy existing vegetation including trees and shrubs over 15 years old. All plantings and trees will be preserved to maintain a visual buffer between the garage and the adjacent lots. The 5' setback location would result in a slight increase in pervious soils and no change in elevations or drainage. There is also no change to existing vegetation or surrounding soil.

214/216 Development Application

Explanation of Practical Difficulties.

The applicant wishes to build a detached garage on its existing parking lot. The logical location would be in the corner of the parking lot and not somewhere in the middle. Current setback requirements require it be placed in the middle. Placing it in the corner is more reasonable as it blends in with the surrounding hill and preserves parking lot and turn-around space. The turn-around space is frequently used by applicant's neighbor instead of dangerously backing cars out into Minnetonka Ave.

The circumstances with the setback were not created by the applicant. The original building was constructed in the 1950s and was placed only a foot away from the northern lot line. The existing parking lot is between seven (7) and four (4) feet away from property lines. The existing concrete slab in the parking area was originally a storage shed and is set five (5) feet away from the property line.

The variance, if granted will not affect the essential character of the locality. It will actually improve it. Placing the garage in the corner of the parking lot places it closer to thick vegetation that will screen the property from neighbors. All surrounding trees and plantings will be preserved and the variance will allow for a slight decrease in hardcover. The variance will also preserve the turn-around space currently used by The Partner's Group office at 222 Minnetonka Ave. S.

214/216 Minnetonka Ave. S

Shoreland Impact/ Conditional Use Permit

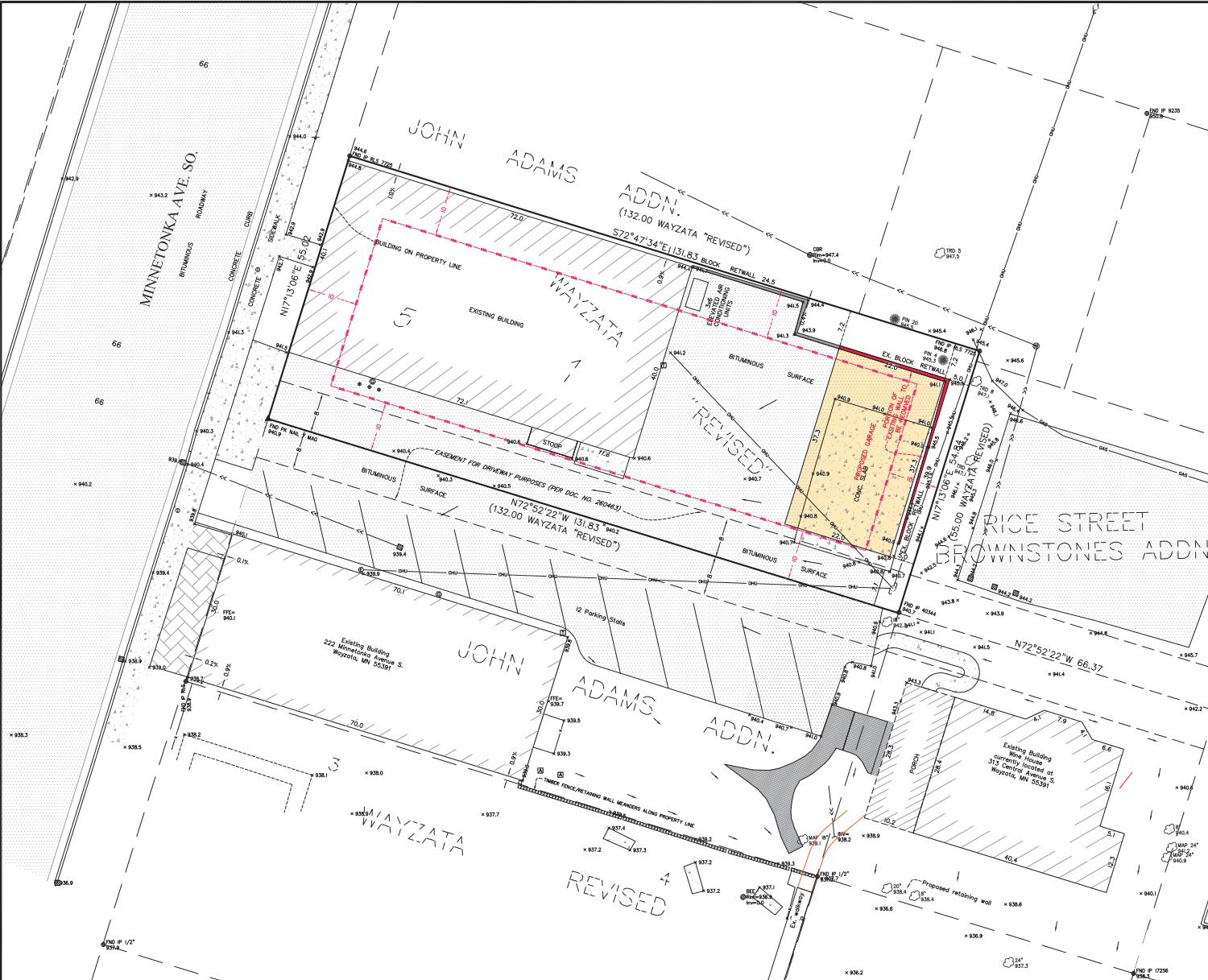
The proposed addition of a detached garage to the northeast corner of 214/216 Minnetonka Ave. S. would be situated and constructed in such a way as to not change the current shoreland impact. Specifically, because the new garage would be constructed on what is currently an asphalt parking lot, there is no addition to hardcover,

The current wooden retaining wall bordering the parking lot lies between 4 and 5 feet from the property line (see survey). Replacing this with a new poured garage wall would correct this setback problem and keep the setback at a consistent 5 feet. As such, there is a slight addition to pervious soils.

There will be no grading or elevation alternations with this development. Storm water runoff volume will be identical to what it is today. Rainwater will channel from the new roof to gutters and avoid running over the asphalt where cars are parked. This may reduce oils or other contamination that is currently entering the storm water drain.

The current retaining wall is constructed of wooden beams stacked horizontally. They are likely treated with some sort of preservative. As they are decaying, soil is seeping through the gaps between the beams during heavy rains. A new concrete retaining wall doubling as garage wall will stop any soil erosion and remove the existing wooden beams of unknown composition.

All vegetation is preserved with this development. The current setback area is heavily planted with many existing trees and bushes over 15 years old and up to 50 feet in height. Gutters on east side of garage may direct runoff back onto this area preventing it from running across the parking lot and into the storm drain. Applicant will determine with builder if this is feasible.



DESCRIPTION OF PROPERTY SURVEYED

CIC No. 1854 214 South Minnetonka Avenue, according to the recorded plat thereof, Hennepin County, Minnesota

AND

CIC No. 1854 216 South Minnetonka Avenue, according to the recorded plat thereof, Hennepin County, Minnesota

GENERAL SURVEY NOTES

- Site Address: 216 and 214 Minnetonka Avenue South, Wayzata, MN 55391.
- Flood Zone Information: This property appears to be in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C007E, effective date of September 2, 2004.
- Parcel Area Information: Gross Area: 1.242 ± - 0.146 acres
- Site Elevation: Elevations are based on MNDOT Geodetic Station Name: ROGER MN851 which has an elevation of: 993.479 feet (NAVD83).
- Zoning Information: The current Zoning for the subject property is C-1 (Office and Limited Commercial District) per the City of Wayzata's zoning map dated August 24th, 2018. The setback, height, and floor space area restrictions for said zoning designation were obtained from city of Wayzata and are as follows:

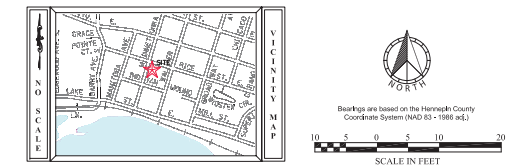
Principal Structure Schedule:

- Front: 10 feet
- Side: 10 feet
- Rear: 10 feet
- Height: 35 feet or 3 stories, whichever is lesser
- Lot Coverage: 50 percent of lot area
- Maximum floor area ratio (F.A.R.): 2.0

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property to an easement. Please note that we have not placed a Copper State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Copper State One Call at least 48 hours in advance at 612-634-0002.
- A title opinion was not furnished to the surveyor.

Existing Hardcover	Proposed Hardcover
Lot Area = 7,242 S.F.	Lot Area = 7,242 S.F.
Building Area = 2,020 S.F.	Building Area = 2,020 S.F.
Roof Area = 3,802 S.F.	Roof Area = 3,788 S.F.
Concrete Area = 649 S.F.	Concrete Area = 109 S.F.
Soil Area = 21.5 S.F.	Soil Area = 21.5 S.F.
Total Area = 8,903 S.F.	Total Area = 8,903 S.F.
Coverage = 92.56%	Coverage = 92.10%



SURVEY LEGEND		
● CAST IRON MONUMENT	● PIEZOMETER	WIDE WALKOUT ELEVATION
● IRON PIPE MONUMENT FOUND	● POWER POLE	FFE FIRST FLOOR ELEVATION
● DRILL HOLE FOUND	● GUY WIRE	GFE GARAGE FLOOR ELEVATION
● CHISELED "X" MONUMENT SET	● ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
● CHISELED "X" MONUMENT FOUND	● LIFT STATION	LOE LOWEST OPENING ELEV.
● REBAR MONUMENT FOUND	● SANITARY MANHOLE	CONCRETE
● PK NAL MONUMENT SET	● SANITARY CLEANOUT	BUILDING SETBACK LINE
● PK NAL MONUMENT FOUND	● STORM MANHOLE	CABLE TV
● SURVEY CONTROL POINT	● STORM DRAIN	CONCRETE CURB
● A/C UNIT	● CATCH BASIN	CONTOUR EXISTING
● CABLE TV PEDESTAL	● FLARED END SECTION	CONTOUR PROPOSED
● ELECTRIC TRANSFORMER	● TREE CONIFEROUS	DRAIN TILE
● ELECTRIC MANHOLE	● TREE DECIDUOUS	ELECTRIC UNDERGROUND
● ELECTRIC METER	● TREE DECIDUOUS REMOVED	FENCE
● ELECTRIC OUTLET	● TELEPHONE MANHOLE	FIBER OPTIC UNDERGROUND
● YARD LIGHT	● TELEPHONE PEDESTAL	GAZ UNDERGROUND
● LIGHT POLE	● UTILITY MANHOLE	OVERHEAD UTILITY
● FIBER OPTIC MANHOLE	● UTILITY PEDESTAL	TRAIL LINE
● FIRE DEPT. HOOK UP	● UTILITY VALVE	STORM SEWER
● FLAG POLE	● WATERMAIN MANHOLE	TELEPHONE UNDERGROUND
● FUEL PUMP	● WATER METER	RETAINING WALL
● FUEL TANK	● WATER SPOUT	UTILITY UNDERGROUND
● GAS METER	● WELL	WATERMAIN
● GAS VALVE	● MONITORING WELL	CURB STOP
● GAS MANHOLE	● GATE VALVE	HYDRANT
● GENERATOR	● IRRIGATION VALVE	RAILROAD TRACKS
● GUARD POST	● POST INDICATOR VALVE	RAILROAD SIGNAL
● HAND HOLE	● SIGN	RAILROAD SWITCH
● MAIL BOX	● SOL BORING	SATELLITE DISH
		WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION	USE INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Dated this 23rd day of August, 2019. David B. Penberton, PLS penberton@sathre.com Minnesota License No. 40344	SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000 WWW.SATHRE.COM	TWP:117-RG:22-SEC:08 Hennepin County WAYZATA, MINNESOTA	CERTIFICATE OF SURVEY PREPARED FOR: PETER SLOCUM & BRUCE MERRY	FILE NO. 83110-001 1 1
ALL	1	EMW	8/23/2019	REVISED HARDCOVER						
DRAWN										
CHECKED										
DATE										

View of proposed garage location



View of proposed garage location

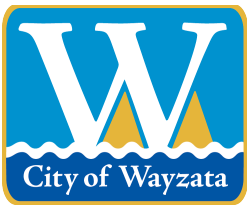


View of landscaping from eastern property (brownstones view)



View of shared parking access for 214/216 Minnetonka Ave S and 222 Minnetonka Ave S





City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 5.c.
TITLE: Consider Development Application for a Conditional Use Permit for Fence Height at 663 Bushaway Road	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: November 12, 2019	

BACKGROUND:

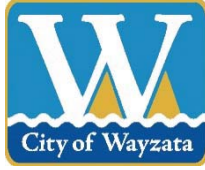
The applicant is requesting a Conditional Use Permit for a proposed fence to to 8' in height along the property line that fronts Bushaway Road. Attached is a staff report that describes the property and the application request.

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 - 663 Bushaway Rd



**Staff Report
October 7, 2019**

Project Name: Sabes Fence
Address of Request: 663 Bushaway Road
Prepared By: Nick Kieser, Assistant Planner
“60 Day” Deadline: November 11, 2019

Development Application

Introduction

The applicants, Elevation Homes, and property owners, Jon and Kristine Sabes, are requesting approval of a Conditional Use Permit (CUP) to allow installation of a fence that ranges from 6’ to 8’ in height along Bushaway Road. The fence will be constructed of solid cedar material. The Wayzata Zoning Ordinance allows fences in the front yard of a property, provided that they are no more than 42” in height and no more than 50% solid material. The proposed fence is made of 100% solid material and is a maximum of 8’ in height in some locations, which is allowed with CUP approval. The fence is located partially on the property and partially in the right of way of Bushaway Road, which also requires approval by Hennepin County.

Application Requests

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

- Conditional Use Permit: Fences consisting of greater than 50% solid matter, up to 8’ in height and are setback a minimum of 10’ from the street or roadway are allowed in the front yard through a CUP.

Property Information

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

Address	PID	Owner
663 Bushaway Road	08-117-22-32-0003	Jon and Kristine Sabes

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

Zoning	R-1A Low Density Single Family Residential District
2030 Comp Plan designation	Estate Single Family Residential
2040 Comp Plan Designation	Estate Single Family Residential
Overlay districts	Shoreland Overlay District

Project Location

The property is west of Bushaway Road and the most southern lot on Bushaway Road in Wayzata:

Map 1 Project Location:



Adjacent Land Uses

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

Direction	Adjacent Use	Zoning	2030 Comp Plan Designation	2040 Comp Plan Designation
North	Residential	R-1A Low Density Single Family Estate District	Estate Single Family Residential	Estate Single Family Residential
East	Bushaway Road	N/A	N/A	N/A
South	Bushaway Road/Lake Minnetonka	N/A	N/A	N/A
West	Lake Minnetonka	N/A	N/A	N/A

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly* on September 27, 2019. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on September 27, 2019.

Analysis of Application

Proposed Fence

The applicant is requesting a Conditional Use Permit to allow for a maximum of an 8' tall fence that is made of 100% solid material and setback a minimum of 10' from the curb of Bushaway Road. There is also a 6' tall motorized gate that is proposed to be at the driveway entrance, which is setback further from the fence line. The proposed plans show a fence that is an average of 7' in height to the south of the gate. Then the fence starts at 6' in height to the north of the gate which gradually increases to an 8' in height at the most northern end of the property along Bushaway Road.

The applicant had a plan to replace a 6' tall fence that was existing, but found it necessary to improve the screening to their house from the headlights and vehicle noise from Bushaway Road with a taller fence. The 6' tall fence that was existing was taken down before this development application. The applicant placed new posts that can be seen in the attached pictures of the property that show where the proposed fence will be located. The applicant is still allowed to replace the fence up to 6' in that location without any development application approvals. Most of the fence is located in the County's right-of-way, so the applicant is in the process of receiving approval from Hennepin County to construct this portion of the fence in the County's right-of-way.

This property recently went through construction for a remodel and reconstruction of a portion of the existing structure that followed all the zoning and building requirements.

The following properties have received a CUP for additional fence height along Bushaway Road:

- 433 Bushaway Road – CUP for increased gate and wall height (8' approval)
- 630 Bushaway Road – CUP for increased fence height (7' approval)

There are additional houses along Bushaway Road that have fences that exceed 42" in height, but were constructed before the fence ordinance was put in place.

Action Steps

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

Attachments

Proposed Site Plan
Fence Material Detail
Pictures of Property

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.

Conditional Use Permit for a Fence: City Code § 918.01.F.2 outlines the following standards for evaluating fence conditional use permits:

- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
- B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.**
- C. The provisions of § 904.02.G of this Ordinance are considered and satisfactorily met.

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

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.**
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.**
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

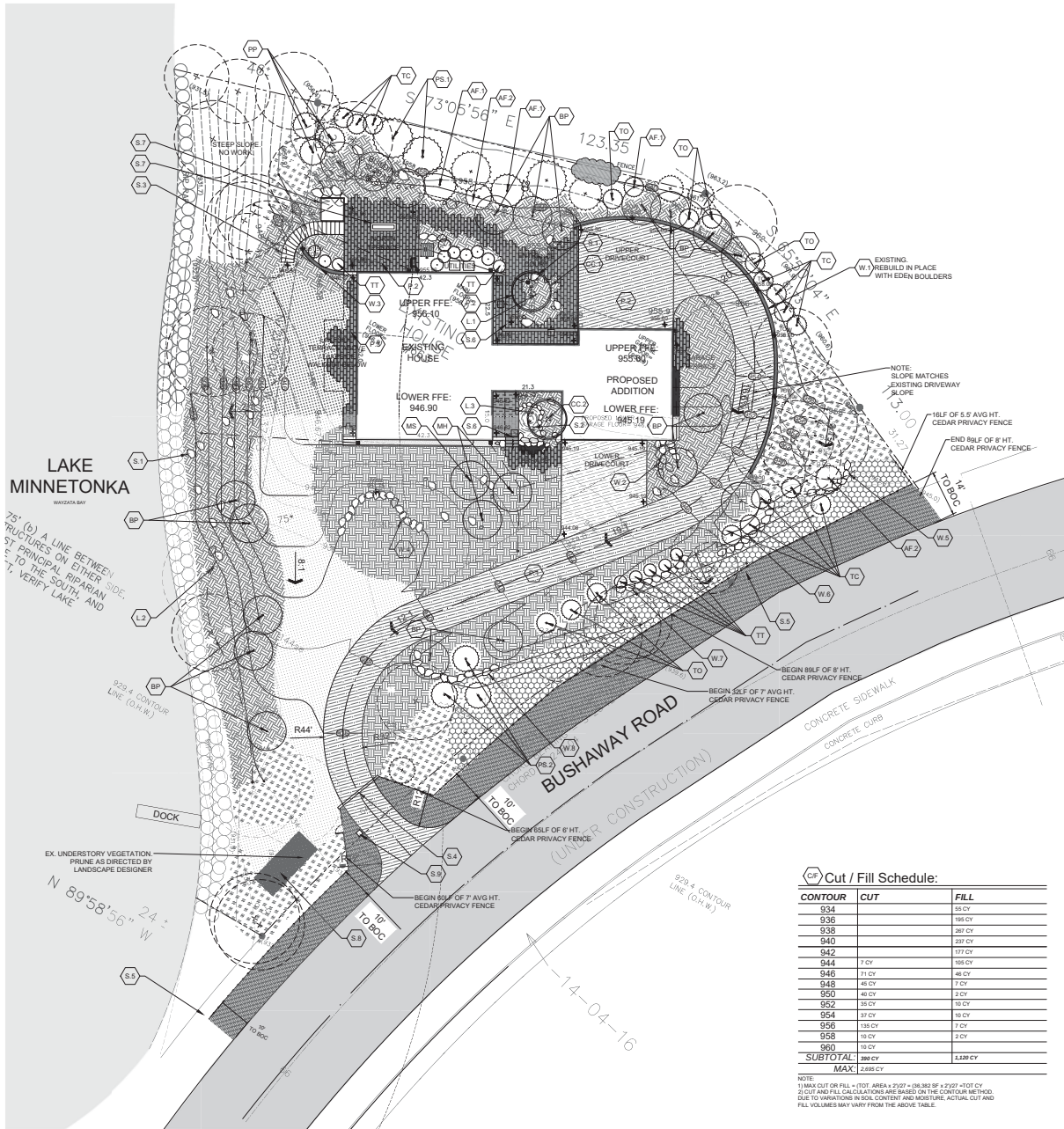


To Whom It May Concern:

We, Elevation Homes on behalf of our clients Jon and Kristine Sabes, are proposing the construction of a new fence that will replace their old fence along Bushaway Road. The old cedar clad fence varied in height but averaged approximately 7' in height over its length. A similar cedar fence is being proposed in essentially the same location as the previous fence. The new fence will be 6' high to the south of Driveway. The proposed gate at the Driveway will also be 6'. The fence will continue northward from the gate at a height of 6' and, as you can see from the proposed landscape plan (attached), the fence grows in height as it moves northward to a height of 8'. Our clients desire this increased height in order to mitigate the negative impact of headlights and noise on their new home. As you can see from the Landscape Plan our clients have also invested in a large amount of landscaping to lessen the visual effects of a fence along Bushaway Road. There is a precedence for new construction of screening for homes along Bushaway Road. Please see attached photos. We feel our proposal is consistent with the new fences and landscaping that have been installed recently along Bushaway Road.

All utilities and fire hydrants would not be obstructed as a result of this fence. The homeowner understands this falls within the county right of way and that they need County approval as well. The fence shall be comprised of vertically installed Cedar planks and will have a motorized gate at the driveway.

Thank you for your consideration.



1 SITE LAYOUT PLAN
1/8" = 1'-0"

General Notes:

- Refer to architectural drawings for building information.
- Mark and Locate any and all utilities before any excavation or other construction activities commences.
- Notify Landscape Designer of any errors, omissions and/or discrepancies immediately.
- Landscape Designer to lay out all planting areas and boulders prior to installation.
- Install low-mow fescue with erosion control blanket. Staple blanket with heavy duty landscape staples 3' O.C.
- All trap rock areas to have landscape fabric installed underneath.
- Erosion Control measures are to remain in place until final establishment of turf and/or plantings.
- Plantings shall be grouped in 5-7 min. of the same species for massing effect.
- Existing fence to be rebuilt and replaced in kind.

Legend:

- Existing Trees To Remain
- Proposed Tree
- Existing Contour
- Proposed Contour
- Proposed Spot Elevation

Paving Schedule:

SYM	KEY	MATERIAL	DESCRIPTION	QTY
P.1	BITUMINOUS DRIVE			5,130 SF
P.2	BLUESTONE PAVING	1 1/2" BLUE SELECT (EVEN COLORED)		2,000 SF
P.3	AGGREGATE	3" WASHED DRESSER TRAP ROCK MIN. 2" DEPTH		235 SF

Wall Schedule:

KEY	MATERIAL	DESCRIPTION	HT.	QTY
W.1	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	227 LF
W.2	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	44 LF
W.3	CIP CONCRETE WALL	FINISH TBD	Refer to Engineer Plans	Refer to Engineer Plans
W.4	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	35 LF
W.5	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	38 LF
W.6	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	26 LF
W.7	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	25 LF
W.8	BOULDER WALL	EDEN BOULDERS	EXPOSED AUG.	22 LF

Site Furnishing Schedule:

KEY	MATERIAL	DESCRIPTION	QTY
S.1	18" - 30" EDEN BOULDER	DESIGNER TO APPROVE LAYOUT IN FIELD	VF
S.2	FOUNTAIN POOL	DETAIL TBD	1
S.3	4X6" INDIANA LIMESTONE BLOCK STAIR	ROCKFACED EDEN DRY LAY MIN. 4" OVERLAP	19
S.4	SECURITY GATE	DETAIL TBD	1
S.5	6.87' AVG. HT. CEDAR PRIVACY FENCE	REPLACE EXISTING FENCE IN KIND	288 LF
S.6	SECURITY GATE	DETAIL TBD	1
S.7	CUSTOM FIRE TABLE	DETAIL TBD	1
S.8	GRAVEL PAD	COMPACTED CLASS 5	200 SF
S.9	SECURITY GATE	DETAIL TBD	1
S.10	OUTDOOR SPA	DETAIL TBD	1

Drainage Schedule

SYM	KEY	MATERIAL	DESCRIPTION	QTY
D.1	12" CATCH BASIN			6
D.2	4" EMITTER			4
D.3	DRAIN TILE	SCHED. 36 PVC PIPE		VF

Cut / Fill Schedule:

CONTOUR	CUT	FILL
934		32 CY
936		155 CY
938		287 CY
940		233 CY
942		177 CY
944	7 CY	105 CY
946	71 CY	46 CY
948	46 CY	7 CY
950	49 CY	2 CY
952	35 CY	10 CY
954	37 CY	10 CY
956	139 CY	7 CY
958	10 CY	2 CY
960	10 CY	
SUBTOTAL	386 CY	1,128 CY
MAX	2,685 CY	

NOTE:
1) MAX CUT OR FILL = 10 FT. AREA = 2,527 + (36.30 SF x 2) = 2,077 C.Y.
2) CUT AND FILL CALCULATIONS ARE BASED ON THE CONTOUR METHOD.
DUE TO VARIATIONS IN SOIL CONTENT AND MOISTURE, ACTUAL CUT AND FILL VOLUMES MAY VARY FROM THE ABOVE TABLE.

Ground Cover Schedule

SYM	KEY	MATERIAL	DESCRIPTION	QTY
G.1	LOW MOW FESCUE SOD			1,885 SF
G.2	SOD TURF	PREMIUM KENTUCKY BLUEGRASS SOD		3,660 SF
G.3	SHORT PRAIRIE SEED MIX			3,300 SF

Perennial Mix Schedule

SYM	KEY	NAME	%	SPEC.	SIZE	QTY
M.1		Amorpha blue 'var'	22%	22 in.	3.5"	961
		Coreopsis verticillata 'Grandiflora'	6%	24 in.	3.5"	238
		Rich. purpurea 'Desert White Swan'	12%	18 in.	3.5"	530
		Platanus virginiana 'Ruby Princess'	6%	24 in.	3.5"	238
		Sakaki nemoralis 'Clothesline'	10%	15 in.	3.5"	687
		Sedum autumnale	10%	15 in.	3.5"	2,200
		Sporobolus heterophyllus	10%	24 in.	3.5"	488
		Monarda didyma	9%	24 in.	3.5"	224
M.2		Coreopsis palmata	30%	12 in.	3.5"	687
		Coreopsis palmata	10%	12 in.	3.5"	684
		Platanus virginiana 'Ruby Princess'	12%	24 in.	3.5"	687
		Platanus virginiana 'Ruby Princess'	10%	30 in.	3.5"	94
		Platanus virginiana 'Ruby Princess'	10%	12 in.	3.5"	94

Tree Planting Schedule:

KEY	NAME	SIZE	DBH	QTY	TOTAL CAL.
AF.1	Alnus incana 'Prunifera'	18" DB	8"	3	24"
AF.2	Alnus incana 'Prunifera'	8" DB	2"	2	4"
BP	Betula papyrifera 'Whitepaper'	2.5" DB	2.5"	20	50"
CC.1	Cercis canadensis 'New Dawn'	2" DB	2"	1	2"
CC.2	Cercis canadensis 'New Dawn'	7" DB	1"	1	2"
MH	Malus 'Honeycrisp'	2" DB	2"	2	4"
MS	Malus 'Honeycrisp'	2" DB	2"	1	2"
PP	Prunus pennsylvanica 'Stella Blue'	6" DB	2"	3	6"
PS.1	Prunus pennsylvanica 'Stella Blue'	18" DB	8"	2	16"
PS.2	Prunus pennsylvanica 'Stella Blue'	18" DB	3.5"	3	7.5"
TC	Taxus canadensis 'Cape May'	7" DB	2"	12	24"
TO	Thuja occidentalis 'Hedge'	6" DB	2"	8	16"
TT	Thuja occidentalis 'Hedge'	2.5" DB	NA	5	NA
TOTAL REPLACEMENT CALIPER INCHES:					588.5"
TOTAL REPLACEMENT CALIPER INCHES NEEDED:					177"
DIFFERENCE:					411.5"

NOTE:
1) Caliper inches are assumed based on nursery stock standards. Actual tree caliper inches may be greater or less based on individual tree.

Lot Coverage

CLASS	DESCRIPTION	QTY
STRUCTURE	HOUSE	5,052.50 SF
SUBTOTAL:		5,052.50 SF
IMPERVIOUS	DRIVES & AUTO-COURTS	5,052.50 SF
	ENTRANCE COURT & WALK	761.07 SF
	NORTH TERRACE	465.58 SF
	SOUTH TERRACE	233.96 SF
	LAKEVIEW TERRACE	332.22 SF
	GARAGE TERRACE	60.00 SF
SUBTOTAL:		6,972.80 SF
WALLS + STAIRS	W.1	125.00 SF
	W.2	22.00 SF
	W.3	42.00 SF
	W.4 & BLOCK STAIR	127.00 SF
	W.5	45.00 SF
	W.6	40.00 SF
	W.7	40.00 SF
	W.8	40.00 SF
SUBTOTAL:		471.00 SF
TOTALS	LOT TOTAL:	0.84 AC
	COVERAGE TOTAL:	30,362.50 SF
	COVERAGE MAX:	32,606 (EXISTING)
	COVERAGE MAX:	22,885.53 SF
	DIFFERENCE:	2.08%

NOTE:
DUE TO THE NATURAL QUALITY OF BOULDER WALLS, COVERAGE IS ASSUMED TO BE 1.0 IN WIDTH MULTIPLIED BY THE LINEAR FOOTAGE OF THE WALL FOOTPRINT.



9001 Jefferson Trail W
Inver Grove Heights, MN 55077
651-701-0648 / 612-201-8557
Brett@riverheightslandscape.com

LEGAL NOTICE
THIS DOCUMENT AND THE DESIGN WITHIN SHALL NOT BE REPRODUCED OR REDISTRIBUTED IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN CONSENT FROM RIVER HEIGHTS LAWN AND LANDSCAPE, LLC.
ISSUE:
DATE: 08/12/2019 BY: [Signature]
REVISION: 07/28/2019 BY: [Signature]
REVISION: 08/12/2019 BY: [Signature]
PROJECT #:
DRAWING #:
DATE: 08/12/2019

SABES RESIDENCE
683 BUSHWAY RD.
WATZLA, MN 55071



SHEET NO.:

L1.0

Views from Southeast



Views from East



Views from Northeast Corner



Screening from Surrounding Properties

655 Bushaway Road

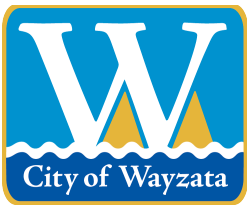


611 Bushaway Road



620 Bushaway Road





City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 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:

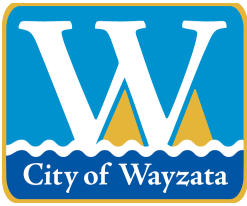
Staff will be providing an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 6.b.
TITLE: September 17 City Council Meeting Report	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

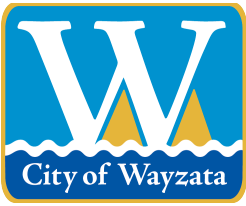
A verbal update will be given at the meeting by Commissioner Bashioum and staff.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 6.c.
TITLE: October 1 City Council Meeting Report	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

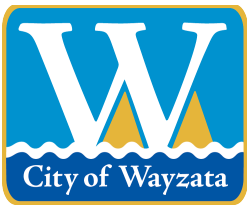
A verbal update will be given at the meeting by Commissioner Iverson and staff.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: October 7, 2019	AGENDA ITEM: 6.d.
TITLE: Planning Commissioner Liaison for the October 15 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Parkhill is assigned as the liaison for the October 15, 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