WAYZATA PLANNING COMMISSION
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Monday, October 21, 2019
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
   a. Approval of the October 7, 2019 Meeting Minutes
   b. Receipt of Withdrawal Letter for Development Application at 401 Lake St E
   c. Report and Recommendation of Approval for Setback Variances and a Conditional Use Permit/Shoreland Impact Plan for a Detached Parking Structure at 214/216 Minnetonka Ave S
   d. Report and Recommendation of Approval for a Conditional Use Permit for Fence Height and Opacity at 663 Bushaway Road
5. **Old Business Items**
6. **Public Hearing Items**
   a. Consideration of Development Application for the Boatworks Redevelopment Planned Unit Development Concept Plan and Zoning Ordinance Text Amendments at 294 Grove Lane East
7. **Other Items**
   a. Review of Development Activities
   b. October 15 City Council Meeting Report
   c. Planning Commissioner Liaison for the November 6 City Council Meeting
8. **Adjournment**

Upcoming Meetings:
City Council - November 6, 2019
Planning Commission - November 7, 2019

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

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 4.a.
TITLE: Approval of the October 7, 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 October 7, 2019 meeting.

ATTACHMENTS:

1. Draft PC Minutes - October 7, 2019

WAYZATA PLANNING COMMISSION
MEETING MINUTES
October 7, 2019

AGENDA ITEM 1. Call to Order

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

AGENDA ITEM 2. Roll Call

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

AGENDA ITEM 3. Approval of Agenda

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

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

AGENDA ITEM 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"

Chair Flannigan read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Commissioner Douglas asked for clarification on Saturday's hours of business for the Animal Clinic.

Community Development Director Emily Goellner responded that the majority of business in the area were open until 8:00 p.m. on Saturdays.

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

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

<u>AGENDA ITEM 5.</u> Public Hearing Items:

a.) Consider Development Application for Planned Unit Development Concept Plan for Office-Retail Building at 401 Lake Street East

Consultant Planner PeggySue Imihy stated that 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 current zoning is C-4 Central Business District and is located within the shoreland overlay district. The 2030 and 2040 comprehensive plan land use designation for the property is Central Business District. The applicant is requesting the review of a concept plan for a Planned Unit Development (PUD). She explained that the concept plan is the first step in the process, and entails the Commission determining if they like the use, the overall look, and if it makes sense. 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 from the allowable floor area ration (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 PUD zoning district.

The maximum building height in the C-4 District and the PUD district is 35 feet and three stories, whichever is lesser. 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 which places the total building height at 38.5 feet. The applicant 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 applicant has stated in their narrative that there would not be any furnishings or structural features on the roof other than the parapet/guardrail. 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. She asked the Commission to consider if granting a variance would be in harmony with the general intent of the ordinance, if the applicant has demonstrated sufficient practical difficulty, and if conditions should be attached if the variance is granted.

The City Code 902.02 defines Floor Area Ratio (FAR) 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 building) in direct ratio to the gross area of the zoning lot. FAR 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.

Commissioner Parkhill stated that the Floor Area Ratio could be met if the proposed building was designed to be smaller.

Planner Imihy agreed that the FAR could be met if the proposed building was smaller. She reminded the Commission that the lot is non-conforming at 10,594 square feet. She explained that if the lot was conforming (12,000 sq. ft) the FAR of the proposed building would be 2.15. She added that the required FAR varies by district.

The City Code 902.02 requires a minimum total lot area of 12,000 square feet. The property is 10,545 square feet, which makes the lot a legal non-conforming use subject to the standard of City Code 915.02 B.6 b) which stats 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 in this ordinance.

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 a deviation to allow for parking to be provided in the northern part of the structure.

She described the next steps for the project which would include: General Plan for a PUD, rezoning to PUD, Shoreland Impact Plan/Conditional Use Permit, Design Review, and Fee in Lieu of Parking (FILOP) agreement. She explained that the current application has not proposed enough on-site parking. The applicant has proposed 19 spaces and provided a parking study stating that 35 parking spaces would be sufficient for the proposed uses. The ordinance requires 47 parking spaces for the proposed uses. The applicant would like to enter a FILOP agreement for the 16 parking spaces that their data has determined to be sufficient. Planner Imihy had a traffic engineer from her firm review the traffic study submitted by the applicant and provided the following conclusions: parking spaces needed could range from 33 to 47 and would depend on the final uses of the office building, the 2-7 spaces of parking required for the retail component could likely be accommodated with the current on-street parking, the spaces provided through FILOP are 845 and 1478 feet away and wouldn't be considered walkable, the on-site ramp would only allow one vehicle to enter/exit at a time, the on-site ramp provided for very tight parking with multiple stalls having difficult access issues.

Planner Imihy stated that the applicant held a public meeting with residents on September 24, 2019. The residents identified several concerns regarding the project which included: parking, land-locking of the Masonic Temple, materials used, lack of setback of the second floor, and roof access and height variance.

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

Commissioner Bashioum asked how many parking spots the City had to sell in total for FILOP

Planner Imihy stated that she does not have the exact number available, but she felt comfortable stating that the City could likely cover the needed spots.

Commissioner Bashioum stated that the Commission would like to know the amount available. She added that a parking problem could occur if no number granted exceeded the spots available.

City Attorney David Schelzel stated that approval for a FILOP would entail additional approvals and applications that would take place at a future meeting.

Commissioner Parkhill asked for clarification regarding the PUD and the amount of details provided.

Planner Imihy stated that the current Concept Plan is quite detailed, and the Commission should provide comments regarding their overall opinions on the project. This step allows the applicant to respond to concerns.

Commissioner Parkhill asked if there would still be a height issue if the applicant chose to construct an actual parapet wall rather than the intended glass structure on the roof.

Community Development Director Emily Goellner stated that the glass has been chosen to minimize the visual impact to the surrounding areas. She added that the choice is whether to allow access to the roof top because allowing access would require a guard rail or parapet which would be added to the height requirement.

Chair Flannigan asked if there were other buildings Lake street with roof top access.

Planner Imihy stated that there are other buildings that exceed the height requirement.

Commissioner Iverson asked where the mechanicals were going to be located.

Planner Imihy stated that the mechanicals would be located on the second floor inside the building.

Commissioner Parkhill asked if the FAR isn't approved would the mechanicals be moved to the roof.

Planner Imihy responded that Lake Street District does not allow for mechanicals to be placed on a roof.

Commissioner Bashioum asked for clarification regarding the old bank building on Lake Street. She stated that the roof top access was denied due to height requirements.

Planner Imihy stated that the project was on Swans corner and their project would have reached 48 feet in height. They also proposed a different configuration which contained an additional structure that would be present on the roof. The current applicant has indicated that will not have a physical structure on the roof.

Commissioner Douglas asked how close the structure would be to structure at 407.

Planner Imihy responded that the structure would be built on the property line but would have a cutout on the first floor to allow access to 407.

Commissioner Douglas asked for the purpose of the roof top access.

Planner Imihy stated that the applicants have expressed wanting to add the amenity for their tenants due to the beautiful view of Lake Minnetonka. She added that the applicant has indicated that no long-term furniture would be allowed on the roof.

Commissioner Iverson stated that the plans show three floors of mechanical equipment. She stated that the type of equipment used could be very noisy and she expressed concerns regarding that.

Planner Imihy responded that the applicant could respond to the concern.

Commissioner Plantan asked for clarification regarding the retail square footage.

Planner Imihy stated that the applicants plan shows 2500 in retail square footage. She added that the applicant could provide further information.

Planner Imihy provided a list of other buildings on Lake Street that have been approved for height above 35 feet, but none of these buildings have had a roof top patio.

Chair Flannigan stated that frequently when buildings exceed the height requirement it is due to an elevator. He asked if the structure will have an elevator.

Planner Imihy stated that the applicant has chosen not to have an elevator. They will have to look into ADA requirements.

Commissioner Iverson stated a reminder for the Commission that many of the variances for building height were due to parking and due to the water table.

Chair Flannigan asked about the plan for stormwater runoff.

Planner Imihy stated that future plans would include mitigation plans for stormwater runoff.

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

Property owner, Lothenbach Props VI LLC, Greg Kype, CFO, provided the names of the builder and architectural firm that they have hired to work on the property.

Applicant's architect, Gabriel Keller, 1526 W 25th Street, Minneapolis, stated that they are in the design phase of the project and are interested in feedback which is why they met with the neighbors. He added that they are working on responded to all of the concerns brought to their attention. The goal of the project is to create a classic building with a sense of scale to its surroundings and will stand the test of time. He added that the green roof will help with some of the stormwater management, but they will have to provide additional management underground. The building will have an elevator that doesn't require overrun on the rooftop. He added that an elevator is an ADA requirement. They have chosen to apply for a PUD so that they can use more creativity in their design process and use the site in the best way. The parking continues to be a complicated issue to address with the water table having an expensive impact. They are dedicated to providing appropriate parking for their tenants.

There being no further questions from the Commission for the applicant, Chair Flannigan opened the public hearing on the application at 7:30 p.m.

Resident, Charles Nolen, owner of 315 Manitoba and property manager of 440 Lake Street stated that he is very knowledgeable regarding development and the economic factors that drive it. He stated that the views are precious and drive the quality of the space and the value of the buildings. He was concerned with the rooftop glass railing and how many penetrations will be allowed. He also raised concerns regarding parking and the extreme lack of it. He shared that the proposed project will have two and a half times more square footage and provide one less parking stall than his building does. He added that every single parking stall in his building is rented and occupied. He shared that the third floor alone is designed for at least 25 employees. His calculations for parking would equal far more than 47 necessary parking spots. He does not like the idea that the public parking would need to absorb all of the remaining parking needs. He believes that the PUD is being used to disregard the underlying zoning. He does not believe the project is a PUD and the variances being requested are self-created hardships. He stated that the size of the site does not impact the FAR. The application is to create a 26,000 square foot building that could easily comply with the FAR. The second-floor setback requirement is being ignored because of the applicants want to have more square footage. He ended by stating that he wasn't against the project and believes the materials and the building is attractive, but their parking problem shouldn't be pushed on the community. He would like to see the ordinances followed for the protection of the people behind them.

Resident, Darin Schmidt, owner of 320 Manitoba, and representing Manitoba South Properties, stated that he owns four lots located to the north of the project. He stated that less than a year ago the City Council added a condition for the property at 305 Lake that prohibits having many of the items being discussed for the roof top of the current property such as railings or furniture. Parking continues to be an issue for everyone in the neighborhood. He added that due to increase business it is often difficult to travel in the neighborhood. He questioned the date chosen for the parking

study that was completed and said it may have been one of the least busy days possible. He agreed with others that raised concerns regarding the potential noise and the view of the roof.

Resident, Lowell Zitzloff, 319 Barry Ave, stated that he had sent a letter to the Commission explaining his concerns regarding the project. He has developed buildings in the area and recognized the difficulty to follow the ordinances while trying to be financially sound. Parking is very precious in Wayzata due to the cost of land, but if they can build a highway under the English Channel than Wayzata can find a solution to the parking concerns. He stated that each developer has been made to comply with the ordinances and so should the current projects developers.

Resident, Andrew Brennen, 407 East Lake Street, President of the Masonic Temple, stated that they are located next door to the project and he agreed with the other concerns raised. He appreciates that communication that has occurred between the project developers and the projects neighbors. He agreed with the others that expressed concerns regarding parking. He stated that his building is utilized during the day and evening, and he isn't as concerned with the evening parking availability. His building tenants like to utilize concrete slab located at the back of the property for outdoor picnic and gathering space but was concerned with the view and sound from the closely located mechanical equipment. He ended by raising concerns regarding the potential structural impact of underground parking on his property due to it having been constructed in 1920.

There being no one else wishing to comment on the application, Chair Flannigan closed the public hearing at 7:51 p.m.

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

Chair Flannigan asked Staff for the potential next steps.

Commissioner Plantan stated that the number of deviations concerned her. She appreciates the design of the building and thinks it is beautiful. She ended by stating that there is already a lot of traffic congestion in the area and lack of parking is her biggest concern.

Commissioner Iverson stated agreement with Commissioner Plantan's statements. She appreciates the comments from the neighbors. She also does not like the idea that the use of a PUD is a way of getting around the necessary variances.

Commissioner Douglas stated that she also likes the look of the building. She added her concerns regarding parking and traffic congestion. She also stated concern with the FILOP system and how it doesn't appear to alleviate any of the parking concerns.

Commissioner Parkhill stated appreciation for the look of the building. He doesn't agree with the use of a PUD for the project. He would rather address each deviation separately. He likes the idea of the landscaped roof but would need more information so as to remain consistent within the City. He would also like to see each landowner solve their own parking problems because it may be too much expectation on the City to solve it.

Commissioner Bashioum also agreed with her fellow Commissioners. She would like to see a focus on if a terrace should be allowed if it has been denied to others. She added that it is important to be consistent. She stated that covering 100% of the lot is also concerning, especially without the second-floor setbacks.

Chair Flannigan stated the building is attractive but too big for the lot and what is required. The idea for the rooftop greenery is interesting environmentally friendly and shouldn't be overlooked. He agreed that parking is a large concern in Wayzata, and he would like to see the applicant look at addressing the concern.

Chair Flannigan asked for a motion on the application.

Commissioner Bashioum stated that she is not against having the green roof but would want it to fit within the allowed 35 feet.

Director Goellner stated that the Commission has a few options regarding the application. One option would be to deny the application based on the number of comments that were made and changes that would be needed. A new concept plan would be requested. Another option would be to table the application to allow the applicant to provide further information that would clarify items or questions that had been raised.

Commissioner Iverson made a motion, seconded by Commissioner Plantan, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation of denial of the Concept Plan for a Planned Unit Development, denial of the deviation of FAR to 2.44, denial of the deviation to allow the ground floor retail at 17%, and denial for the deviation for the minimum lot size, and denial for the variance of the building height at 38.6 feet for the application for 401 Lake Street East, for review and adoption at the next Planning Commission meeting. The motion carried unanimously.

b.) Consider Development Application for Variances and Conditional Use Permit for a Detached Parking Structure at 214/216 Minnetonka Ave S

Assistant Planner, Nick Kieser, stated that the applicants and property owners, 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. The application requests approval of a Side yard setback of 7.2' from the north (side yard) property line which is 2.8' less than the required 10' setback, a Rear yard setback of 5'from the East (rear yard) property line which is 5' less than the required 10' setback, and a Conditional Use Permit/Shoreland Impact Plan to allow for 92.10% impervious surface which is a decrease from the current 92.56% hardcover. He explained that this application is for the location of the proposed garage and the applicant would have to return for a design review as part of a future application. The applicant is not planning on removing any of the current landscaping and is

proposing to add a gutter system that would move the rainwater into the existing vegetation. The applicants have proposed the location of the garage with the intent of not blocking necessary turn around space for their shared parking spots.

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

Commissioner Bashioum asked for clarification for the proposed garage and an identified utility pole.

Planner Kieser explained that the structure would be set back approximately four feet from the pole.

Commissioner Plantan asked for clarification regarding the reason for positioning the proposed garage next to the retaining wall on the North and if it is due to having ample space to back out and therefore avoid having to back out onto Minnetonka Blvd.

Planner Kieser stated that the parking spots are angled to accommodate the turnaround.

Commissioner Douglas asked about the drainage pipes in the retaining wall and their purpose.

Planner Kieser stated that the applicant could address that.

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

Applicants and property owners, Peter Slocum, 214 Minnetonka Ave S., and Dr. Bruce Merry, 216 Minnetonka Ave S, made themselves available for questions.

Dr. Merry stated that there is an existing easement with the neighbor to the south for back parking lot access. He stated that the parking spots are at an angle because 90-degree turns would be impossible. The retaining wall is rotted and needs to be replaced. Their hope is to replace the retaining wall and add a garage as far back that will make access to the parking stalls convenient for themselves as well as their neighbors.

Mr. Slocum stated that the retaining wall is dated back at least 20 years and seeps soils onto the parking lot. The retaining wall is built with stacked ties and will need to be replaced soon.

There being no further questions from the Commission for the applicant, Chair Flannigan opened the public hearing on the application at 8:21 p.m.

There being no one wishing to comment on the application, Chair Flannigan closed the public hearing at 8:22 p.m.

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

Commissioner Douglas stated that she had looked at purchasing the townhouse in the past and decided not to purchase due to it not having a garage. She added that a garage would be a nice improvement to the property.

Commissioner Iverson stated that she is concerned with the long-term impact of deviating from the setback ordinances. She added that the setbacks are present for a reason.

Commissioner Bashioum asked for clarification regarding Commissioner Iverson stating that they would be having a setback against a structure.

Commissioner Iverson responded that her statement was in regard to the unknown of the future development of the site. She reiterated that granting variances for setbacks between buildings can create an unwanted precedence and structures built closer together than what the ordinance intends.

Commissioner Plantan asked for clarification regarding the reduction of the impervious surface coverage.

Planner Kieser stated that the applicant is reducing the impervious surface by approximately half a percent.

Chari Flannigan stated that he understands the difficulty with the project and the intentions of the applicants. He also stated understanding for Commissioner Iverson's concerns regarding the future of the property with the decreased setbacks.

Chair Flannigan asked for a motion on the application.

Commissioner Bashioum stated that the practical hardship and reason for the decreased setbacks is because of the parking situation and the need to have space to turn around.

Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation of approval of the development application for 7.2' side yard setback, a 5' rear yard setback, and a Conditional Use Permit/Shoreland Impact Plan to have 92.10% impervious surface for the properties at 214 and 216 Minnetonka Ave S for review and adoption at the next Planning Commission meeting. The motion carried 5 ayes and 1 nay (Iverson).

c.) Consider Development Application for a Conditional Use Permit for Fence Height at 663 Bushaway Road

Assistant Planner, Nick Kieser stated that the applicant, Elevation Homes, and property owners, Jon and Kristine Sabes, have submitted a development application 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. 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 6' 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. There are two properties that have received a CUP for additional fence height along Bushaway road, with approval of 8' and 7' fence height. 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. The property is zoned R-1A Low Density Single-Family Residential. The 2030 and 2040 Comprehensive Plan designation is Estate Single-Family Residential. The applicant has stated that they have received preliminary approval to place the fence in the Hennepin County right of way.

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

Commissioner Douglas asked if the existing fence was a solid material and since they removed it does the applicant need to get approval to replace it with a solid material.

Planner Kieser responded that the existing fence was a solid material and the applicant is allowed to replace the fence with comparable material.

Commissioner Bashioum asked if there were any restriction on gates.

Planner Kieser responded that the code restrictions for gates are the same for the fence requirements. The gate would have to be 50% opaque and it would need to meet the height requirement.

Commissioner Plantan asked if the fence height total includes the retaining wall height.

Planner Kieser stated the retaining wall is not included in the total height. He added that the height is an average.

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

Applicant's Representative, Bill Costello, 18312 Wayzata Blvd. stated that the gate and adjacent fencing is being proposed at 6' in height and will be made of the same material as the rest of the fence.

Commissioner Parkhill asked if the Hennepin County approval addressed the height of the fence.

Mr. Costello responded that Hennepin County did not address height.

Chair Flannigan asked for the reasons behind the request.

Mr. Costello responded that the noise and lights from the road are affecting the homeowners and are specifically bothersome in the bedroom. There have been many attempts to mitigate the effects of the road noise and headlights which have included removal of windows and increased landscaping. There continues to be places where the noise and lights are not able to be blocked. He added that there has been quite a bit of landscaping on both side of the fence to soften the look.

Commissioner Bashioum asked if the home owners have considered planting tall evergreens.

Mr. Costello responded that they have planted evergreen trees, but it will take some time for the trees to fill in and they are looking for a more immediate solution.

There being no further questions from the Commission for the applicant, Chair Flannigan opened the public hearing on the application at 8:44 p.m.

There being no one wishing to comment on the application, Chair Flannigan closed the public hearing at 8:44 p.m.

Chair Flannigan asked if there was a mechanism that the City can use to enforce the upkeep of the fencing and its landscaping.

City Attorney Schelzel stated that the Commission could attach a maintenance condition to the CUP. Enforcement is difficult. He stated that the City does not have fence maintenance ordinances other than addressing safety hazards or nuisance conditions.

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

Commissioner Douglas stated that she does not like 8’ solid fences.

Commissioner Iverson stated that the home is beautiful. She stated that any landscaping added to the outside of the fence will not survive the salt and sand that will be used on the roadway. She thinks that the fence height is too tall. She stated that there are some things that the homeowner can do on the inside of the home to mitigate the lights from the road, but unfortunately the sound is a byproduct of living so close to the road. She thought that maybe adding additional evergreens closer to the house may help. She would find 6’ acceptable.

Chair Flannigan stated that the homeowners purchased the property and designed a home with knowledge that noise, and light may be an issue. He agreed with allowing a 6’ fence height.

Commissioner Parkhill stated that he believes that the property needs the 8’ fence and he would be comfortable allowing it.

Commissioner Bashioum stated that the increased fence height had already been allowed on other properties.

Commissioner Plantan asked if the other properties where the additional fence height was allowed were on grade or with a retaining wall.

Planner Kieser stated that one of the properties was on grade and he was unsure about the other.

Commissioner Parkhill stated that because the house was on a hill it would make sense to him that additional screening would be necessary.

Chair Flannigan stated that he would think the opposite would be true.

Commissioner Iverson stated that she frequently bikes on the sidewalk past the property and she has noticed a clear view of the homeowner sitting in his living room due to the grade of the house. She stated that with or without the fence the line of sight would exist.

Commissioner Bashioum stated that it doesn't seem fair to grant a variance for some and not for all on the same street. She would like to direct staff to review the ordinance.

Planner Kieser stated that he identified two properties that have been granted the fence height. He added that there are many other properties that constructed their fences prior to the ordinance being established. Therefore, there are likely a large number of fences above the fence requirement.

City Attorney Schelzel clarified that the Commission is considering a request for a Conditional Use Permit and not a variance. Her referred the Commission to the standards for considering a CUP. He advised the Commission to determine if the standards have or have not been met and then vote accordingly.

Commissioner Iverson stated that a comment that has stayed with her for many years is the idea that Wayzata should not want to be known as the City of fences. When considering the character of the Wayzata community it is important to consider the amount of fencing present.

Commissioner Bashioum stated that she would like to see constancy in the decision making.

Commissioner Plantan reminded the Commission about a recent application for a solid fence with a height increase that was ultimately denied. She stated that consistency is not a large concern for her because the focus should continue to remain on the impact the fence would have on the surrounding areas and those areas are very inconsistent.

Chair Flannigan asked for a motion on the application.

Commissioner Parkhill 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 a Conditional Use Permit for a fence consisting of

greater than 50% solid matter, up to eight feet in height, and are setback a minimum of ten feet from the street or roadway are allowed in the front yard for this CUP, in accordance with the plan submitted with the clarification of the 6' height at the gate and its adjacent fencing for the property located at 663 Bushaway Road for review and adoption at the next Planning Commission meeting. The motion failed with 3 ayes and 3 nayes (Douglas, Iverson, Plantan).

Commissioner Iverson stated that she would be willing to change her vote to allow the application to move to the City Council.

Chair Flannigan stated that he would encourage the applicant to minimize the amount of fencing that is at eight foot tall.

Chair Flannigan asked for another motion.

Commissioner Parkhill 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 a Conditional Use Permit for a fence consisting of greater than 50% solid matter, up to eight feet in height, and are setback a minimum of ten feet from the street or roadway are allowed in the front yard for this CUP, in accordance with the plan submitted with the clarification of the 6' height at the gate and its adjacent fencing for the property located at 663 Bushaway Road for review and adoption at the next Planning Commission meeting. The motion carried with 4 ayes and 2 nayes (Douglas, Plantan).

Commissioner Douglas stated that it isn't the height that concerns her as much as the solid material.

<u>AGENDA ITEM 6.</u> Other Items:

a.) Review of Development Activities

Assistant Planner, Nick Kieser stated that the Boatworks application public hearing is scheduled for the October 21 meeting.

b.) September 17 City Council Meeting Report

Assistant Planner Kieser stated that the 2019 Wayzata High School football team captains shared their activities in the community and at school. The police activity report and building activity report were reviewed and approved. The second reading of the ordinance that was vacating the right of way at 275 Lake Street, which is the Wayzata Blue property. There was a 3-2 vote of approval of the 153 Peavey Lane subdivision application.

c.) October 1 City Council Meeting Report

Commissioner Iverson stated that the City Council did not spend any time on Lake Effect and focused on reviewing the Wayzata Bar and Grill expansion. Due to the expense of the options

they determined to go back to the drawing board. Everything has been removed from the water tower. Energy and Environment committee was approved.

d.) Planning Commissioner Liaison for the October 15 City Council Meeting

Commissioner Parkhill will attend this meeting and report back to the Planning Commission.

<u>AGENDA ITEM 8.</u> Adjournment.

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

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

The Planning Commission meeting was adjourned at 9:13 p.m.

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

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 4.b.
TITLE: Receipt of Withdrawal Letter for Development Application at 401 Lake St E	
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, submitted a development application to redevelop the property at 401 Lake Street E. The applicant proposed to demolish the existing building on the site and construct a three-story, 25,890 square foot office-retail building.

At the Planning Commission meeting on October 7, 2019, the Planning Commission voted unanimously to direct Staff to draft a Planning Report and Recommendation for denial of the application.

On October 14, 2019, the Applicant, on behalf of the Property Owners, submitted a letter to withdraw their Application for development at this time. This letter is attached.

ACTION REQUESTED:

Motion to Receive and File the Withdrawal Letter for the Development Application at 401 Lake St E.

ATTACHMENTS:

1. PUD Application Withdrawal Letter for 401 Lake St by Lothenbach Properties VI, LLC

PETERSSEN/KELLER
architecture

PUD Application Withdrawal

October 14, 2019

To the Wayzata Planning Department,

P/K Architecture as representatives of Lothenbach Properties VI, LLC formally withdraw the PUD Development Application dated 8/29/2019 for consideration of review with the City Council. The intent is to resubmit at a later date after considering the Wayzata Planning Commission comments.

Sincerely,

Ryan Fish, AIA
Peterssen/Keller Architecture
2919 James Ave S
Minneapolis, MN 55408
ryan@pkarch.com
621-353-4920

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 4.c.
TITLE: Report and Recommendation of Approval for Setback Variances and a Conditional Use Permit/Shoreland Impact Plan 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 19, 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.

This development application went to the October 7, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted five (5) in favor and one (1) opposed to direct staff to prepare a report and recommendation for approval of the development application.

The Report and Recommendation has conditions for approval that the applicant must submit and receive approval of a design review development application before any construction can begin. The applicant also must construct the proposed garage in conformance with the submitted plans that were reviewed by the Planning Commission.

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 Setback Variances and SIP/CUP at 214/216 Minnetonka Ave S

WAYZATA PLANNING COMMISSION

October 21, 2019

DRAFT REPORT AND RECOMMENDATION OF APPROVAL OF SETBACK VARIANCES AND IMPERVIOUS SURFACE CUP/SIP FOR A GARAGE AT 214/216 MINNETONKA AVE S

SUMMARY OF RECOMMENDATIONS

1. **Approval** of Setback Variances from C-1 District setback requirements
2. **Approval** of a Conditional Use Permit/Shoreland Impact Plan for impervious surface

*subject to the conditions listed in Section 4 of this Report.

REPORT

Section 1. BACKGROUND

1.1 Project. The property owners, White Otter Holdings LLC and Bruce R Merry, (collectively the "Applicant"), have submitted a development application (the "Application") requesting side and rear yard setback variances and a Conditional Use Permit/Shoreland Impact Plan to construct a detached garage in the location as shown in the plans submitted with the application (the "Project") on the property at 214/216 Minnetonka Ave S (the "Property").

1.2 Approvals Requested. The Application requests the following land use approvals:

A. Setback Variances from the C-1 Zoning District Standards: The Project requires the following setback variances from the standards of the C-1 Zoning District (the "Setback Variances"):
   1. Side yard setback variance from the required 10 foot setback to a 7.2 foot setback in the north side yard
   2. Rear yard setback variance from the required 10 foot setback to a 5 foot yard setback in the rear yard

B. Conditional Use Permit/Shoreland Impact Plan (CUP/SIP): The Project requires a CUP/SIP for the proposed 92.10% of impervious surface on the Property (the "Impervious Surface CUP").

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

Address	PID	Owner
214 Minnetonka Ave S	06-117-22-24-0107	White Otter Holdings LLC
216 Minnetonka Ave S	06-117-22-24-0108	Bruce R Merry

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

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

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on September 27, 2019. A copy of the notice was mailed to all property owners located within 500 feet of the Property on September 27, 2019. The public hearing on the Application was held at the October 7, 2019 Planning Commission meeting.

Section 2. STANDARDS

2.1 Setback Standards: § 975.06 states that the front yard, side yard and rear yard setbacks all shall be a minimum distance of ten feet.

2.2 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.

2.3 CUP/SIP Impervious Surface Coverage: The standards of the CUP/SIP state in City Code § 991.11.A.1.B 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.

2.4 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.

2.5 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.

Section 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 microsilt 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.

Section 3. FINDINGS

Based on the Application materials, staff report, 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 Setback Variances: The Setback Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.

A. The Property has existing parking spaces where the proposed garage will be located. The proposed garage will utilize the existing retaining wall locations which will allow for less impervious surface.

B. The practical difficulties necessitating the Setback Variances are not economic in nature. To utilize the existing parking spaces for the Property and the property to the south (222 Minnetonka Ave S), there is a practical difficulty in relocating the proposed garage to a different position on the Property.

C. The Project is reasonable as the property does not have any existing covered parking on the Property for the safety of the vehicles.

D. The proposed uses for the Property are permitted within the C-1 District.

E. The Applicant has provided the reasons that the Setback Variances are justified under applicable criteria to make reasonable use of the land, structures and buildings on the Property.

3.2 CUP/SIP Impervious Surface Coverage:

1. The proposed Project will catch additional stormwater on site and filtrate the stormwater through existing vegetation on the Property.

2. A Shoreland Impact Plan was submitted that describes the improvements to the stormwater maintenance on the Property.

3.3 Conditional Use Permit: The Conditional Use Permit/Shoreland Impact Plan requested is in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.

A. The proposed Project will allow for the continued use of all the parking spaces on the Property and 222 Minnetonka Ave S.

B. The proposed Project will not negatively impact property values in the area.

C. Additional traffic will not be generated as a result of this Project.

D. Stormwater maintenance will be improved by catching and filtrating additional stormwater on the Property.

3.4 Shoreland Impact Plan/Conditional Use Permit:

A. The Project will not remove any of the existing vegetation and will decrease the amount of impervious surface by .46% on the Property.

B. Additional stormwater will be retained on the Property and will be filtrated through the existing vegetation on the Property via a new rain gutter system on the proposed garage.

C. The existing vegetation that will be saved will also act as screening for the Project from the north and east properties.

D. The existing retaining walls on the Property are deteriorating, therefore, the Project will replace the retaining walls and will serve as an improved drainage and filtration system for the existing vegetation.

E. The proposed garage will not exceed the allowable height in the C-1 Zoning District.

F. The Project will not increase the density on the Property.

G. The Project is in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends that all of the requests of the Application listed in Section 1.2 of this Report be **APPROVED**, subject to the following conditions:

A. The Applicant must submit an application for review of the proposed design under the standards for the Bluff District and build the Project in accordance with the Design Standards and approved design.

B. The Project must be constructed in conformance with the plans that are part of the Application.

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 21st 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 21, 2019	**AGENDA ITEM:** 4.d.
TITLE: Report and Recommendation of Approval for a Conditional Use Permit for Fence Height and Opacity 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 be a maximum of 8' in height and 100% opaque along the property line that fronts Bushaway Road.

This development application went to the October 7, 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.

A condition was added to the Conditional Use Permit that requires the applicant to provide confirmation of County approval to locate the fence in the right-of-way. Also, the attached site plan is an updated plan that shows the height correction of a 6 foot tall gate and adjacent fencing as was discussed in the October 7 meeting.

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 a Fence Conditional Use Permit at 663 Bushaway Road

WAYZATA PLANNING COMMISSION

October 21, 2019

DRAFT REPORT AND RECOMMENDATION OF APPROVAL OF A CONDITIONAL USE PERMIT FOR A FENCE AT 663 BUSHAWAY ROAD

SUMMARY OF RECOMMENDATIONS

1. **Approval*** of Conditional Use Permit for Fence at 663 Bushaway Road

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

REPORT

Section 1. BACKGROUND

1.1 Project. The applicant, Elevation Homes, and property owners, Jon and Kristine Sabes, (collectively the "Applicant") have submitted a development application (the "Application") requesting a Conditional Use Permit for a maximum 8 foot tall fence that is 100% opaque as shown in the plans that were submitted and updated on October 11, 2019, on the property at 663 Bushaway Road (the "Property").

1.2 Approvals Requested. The Application requests the following land use approval:

A. Conditional Use Permit for Fence: A conditional use permit (the "Fence CUP") for an 8 foot tall wood fence that is 100% opaque along the property line of the Property that fronts Bushaway Road as shown on Exhibit A attached to this Report and Recommendation (the "Fence").

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

Address	PID	Owner
663 Bushaway Rd	08-117-22-32-0003	Bushaway, LLC

1.4 Zoning and Comprehensive Plan. The Property is zoned and guided as:

Zoning District:	R-1A/Low Density Single-Family Estate District
2030 Comp Plan Designation:	Estate Single-Family
Overlay Districts:	Shoreland Overlay District

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on September 27, 2019. A copy of the notice was mailed to all property owners located within 350 feet of the subject property on September 27, 2019. The public hearing on the Application was held at the October 7, 2019 Planning Commission meeting.

Section 2. STANDARDS

2.1 Fences Allowed by Conditional Use Permit. (Sec. 918.01.F.2) Special fencing arrangements for fences that do not meet the basic criteria of the Zoning Ordinance may be approved in some cases as a conditional use permit. Fences allowed by conditional use permit include fences consisting of greater than fifty percent (50%) solid matter in front of the rear building line up to the front property line, not exceeding a height of eight (8) feet and are located at least ten (10) feet from the street or roadway. Standards for evaluating fence conditional use permits are as follows:

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 Section 904.2.F of the Zoning Ordinance are considered and satisfactorily met, which requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

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

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

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

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

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

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

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

Section 3. FINDINGS

Based on the Application materials, staff report, 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 Fence CUP. The Fence is of the type allowed by conditional use permit, and it meets the following standards:

A. The Fence placement, height and design does not create a safety hazard with regard to, from or on a public street or roadway, including Bushaway Road. The Applicant will also need to provide approval confirmation from Hennepin County to put the Fence in the County's right-of-way.

B. The Fence placement, height and design does not create a safety problem or negatively affect adjoining properties or use. The Fence is placed 10 feet from the back of the curb on Bushaway Road which does not negatively affect traffic or adjacent properties. The Fence averages 8 feet in height for the northern 89 linear feet of fencing of the total 258 linear feet. The Applicant requests the 8 foot section for the purpose of adding extra protection for the bedroom areas of the home.

C. The provisions of Section 904.2.F of the Zoning Ordinance are met, and the possible adverse effects of the proposed conditional use have been considered. The Fence CUP should be issued based on the following factors:

1. The Fence does not contravene any specific policies or provisions of the official City Comprehensive Plan.

2. The Fence is compatible with present and future uses of the area, in which there are similar fences including, but not limited to 623 Bushaway Road, 630 Bushaway Road (soon to be constructed), 620 Bushaway Road, and 611 Bushaway Road. Surrounding properties are relatively large lots in the R-1A Low Density Single Family Estate

District. The house on the Property is placed on a much higher grade compared to Bushaway Road, so the Fence is utilized to minimize the effects of the vehicle traffic.

3. The Fence conforms to all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The Fence will not have a negative effect on the area in which it is proposed. The Fence will allow for protection from the noise and light pollution from the 13,000-14,000 average daily traffic volume on Bushaway Road which is designated as a minor arterial in Wayzata's 2030 Comprehensive Plan.

5. The Fence will not have a negative impact upon property values in the area in which it is installed.

6. The Fence will not generate any traffic.

7. The Fence will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends that the Fence CUP requested in the Application be **APPROVED**, subject to the amended plans in Exhibit A and to the following conditions:

A. The Applicant must provide a copy of approval from Hennepin County before any construction of the Fence is undertaken in the County right-of-way.

B. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Fence.

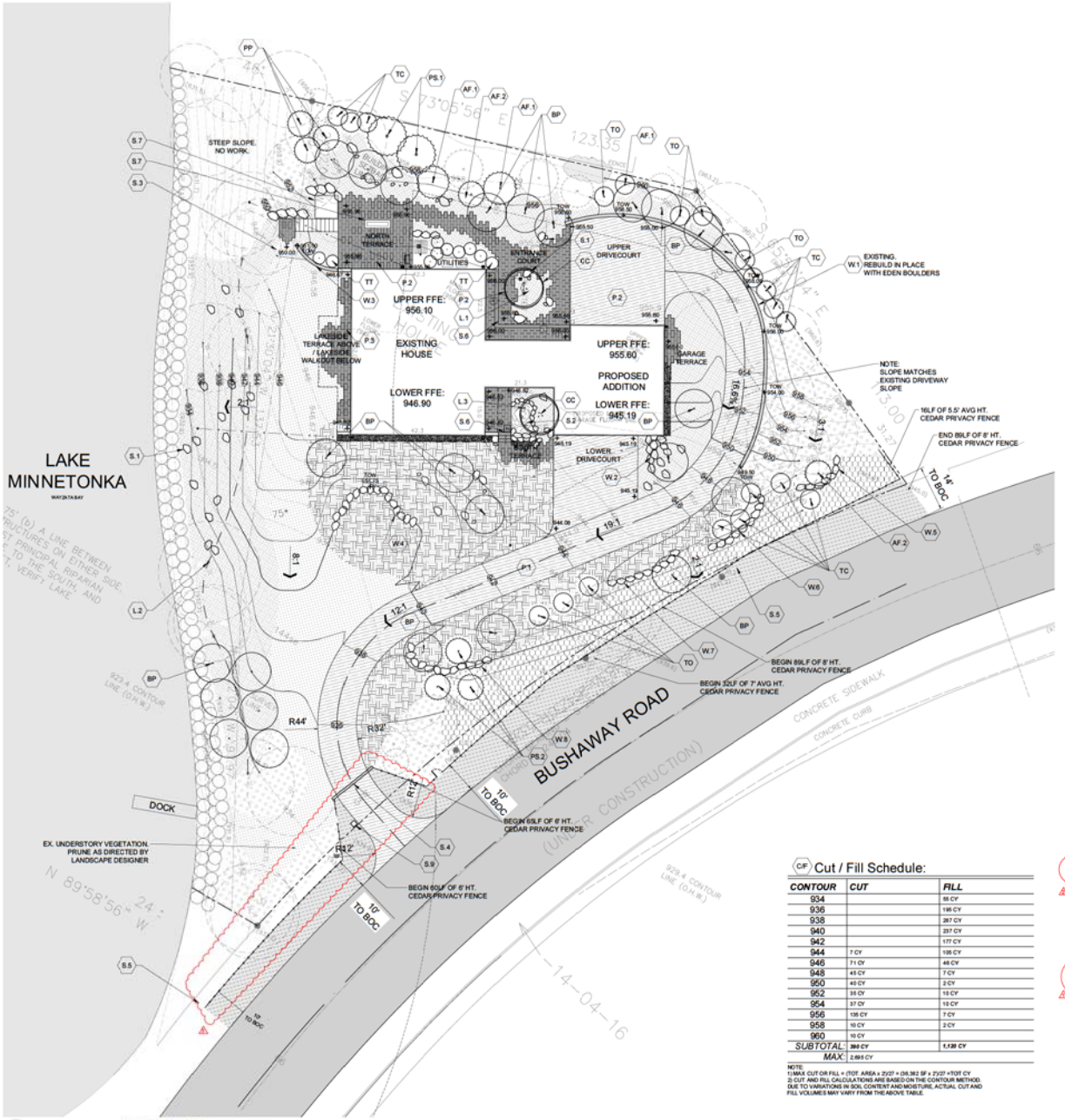
C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 21st day of October 2019.

_____
Chair, Planning Commission

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

Exhibit A – Amended Survey and Site Plan of Proposed Fence



1 SITE LAYOUT PLAN
1/16" = 1'-0"

General Notes:

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

Legend:

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

P.X Paving Schedule:

SYM	KEY	MATERIAL	DESCRIPTION	QTY
	P.1	BITUMINOUS DRIVE		5,130 SF
	P.2	BLUESTONE PAVING	1½" BLUE SELECT / EVEN COLORED	2,060 SF
	P.3	AGGREGATE	¾" WASHED DRESSER TRAP ROCK. MIN. 3" DEPTH	215 SF

W.X Wall Schedule:

KEY	MATERIAL	DESCRIPTION	HT.	QTY
W.1	BOULDER WALL	EDEN BOULDERS	3' EXPOSED AVG.	127 LF
W.2	BOULDER WALL	EDEN BOULDERS	3' EXPOSED AVG.	44 LF
W.3	CIP CONCRETE WALL	FINISH TBD	Refer to Engineer Plans	Refer to Engineer Plans
W.4	BOULDER WALL	EDEN BOULDERS	2.5' EXPOSED AVG.	35 LF
W.5	BOULDER WALL	EDEN BOULDERS	3.5' EXPOSED AVG.	16 LF
W.6	BOULDER WALL	EDEN BOULDERS	2' EXPOSED AVG.	26 LF
W.7	BOULDER WALL	EDEN BOULDERS	3' EXPOSED AVG.	25 LF
W.8	BOULDER WALL	EDEN BOULDERS	2' EXPOSED AVG.	22 LF

S.X Site Furnishing Schedule:

KEY	MATERIAL	DESCRIPTION	QTY
S.1	18" - 30"+ EDEN BOULDER	DESIGNER TO APPROVE LAYOUT IN FIELD	VIF
S.2	FOUNTAIN POOL	DETAIL TBD	1
S.3	4"x2"x8" INDIANA LIMESTONE BLOCK STAIR	ROCKFACED EDGES. DRY LAID MIN. 4" OVERLAP	19
S.4	8' HT. SECURITY GATE	SEE ARCH DETAIL	1
S.5	6.67' AVG HT. CEDAR PRIVACY FENCE	REPLACE EXISITING FENCE IN KIND	298 LF
S.6	STAIR W/ BLUESTONE COPING	MORTAR SET ON CMU	SEE PLANS
S.7	CUSTOM FIRE TABLE	DETAIL TBD	1
S.8	GRAVEL PAD	COMPACTED CLASS 5	200 SF
S.9	SECURITY GATE CONTROL / MAILBOX	DETAIL TBD	200 SF
S.10	OUTDOOR SPA	DETAIL TBD	1

D.X Drainage Schedule

SYM	KEY	MATERIAL	DESCRIPTION	QTY
■	D.1	12" CATCH BASIN		6
•	D.2	4" EMITTER		4
— · —	D.3	DRAIN TILE	SCHED. 35 PVC PIPE	VIF

C/F Cut / Fill Schedule:

CONTOUR	CUT	FILL
934		55 CY
936		195 CY
938		267 CY
940		237 CY
942		177 CY
944	7 CY	108 CY
946	71 CY	46 CY
948	45 CY	7 CY
950	40 CY	2 CY
952	35 CY	10 CY
954	37 CY	10 CY
956	135 CY	7 CY
958	10 CY	2 CY
960	10 CY	
SUBTOTAL:	380 CY	1,128 CY
MAX:	2,985 CY	

NOTE:
1) MAX CUT OR FILL = (TOT. AREA x 2)/27 = (36,382 SF x 2)/27 =TOT CY
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.

G.X Ground Cover Schedule

SYM	KEY	MATERIAL	DESCRIPTION	QTY
	G.1	LOW MOW FESCUE SOD		1,880 SF
	G.2	SOD TURF	PREMIUM KENTUCKY BLUEGRASS SOD	3,680 SF
	G.3	SHORT PRAIRIE SEED MIX		3,300 SF

M.X Perennial Mix Schedule

SYM	KEY	NAME	%	SPC.	SIZE	QTY
10,860 SF	M.1	*Amsonia Blue Ice'*	21%	18 in.	3.5"	961
		Coreopsis verticillata 'grandiflora'	6%	24 in.	3.5"	156
		Echinacea purpurea 'Dwarf White Swan'	12%	18 in.	3.5"	500
		Panicum virgatum 'Ruby Ribbons'	6%	24 in.	3.5"	156
		Salvia nemorosa 'Ostfriesland'	10%	15 in.	3.5"	667
		Sedum spectabile	19%	15 in.	3.5"	1,200
		Sporobolus heterolepis	19%	24 in.	3.5"	468
		Verbena bonariensis	8%	24 in.	3.5"	234
2,600 SF	M.2	*Carex pennsylvanica*	35%	15 in.	3.5"	867
		Carex shortiana	19%	12 in.	3.5"	694
		Heuchera villosa 'Autumn Bride'	21%	15 in.	3.5"	490
		Hosta 'Guacamole'	19%	30 in.	3.5"	94
		Maianthemum racemosum	4%	15 in.	3.5"	140

XX Tree Planting Schedule:

KEY	NAME	SIZE	DBH.	QTY	TOTAL CAL.
TREES					
AF.1	*Abies fraseri* FRASER FIR	15' B&B	8"	3	24"
AF.2	*Abies fraseri* FRASER FIR	8' B&B	2"	2	4"
BP	*Betula papyrifera 'Whitespire'* WHITE SPIRE PAPER BIRCH	2.5" B&B	2.5"	20	50"
CC	*Cercis canadensis 'MN Strain'* EASTERN REDBUD	2" B&B	2"	2	2"
PP	*Picea pungens 'Baby Blue'* BABY BLUE BLUE SPRUCE	6' B&B	2"	3	6"
PS.1	*Pinus strobus* EASTERN WHITE PINE	15' B&B	8"	2	16"
PS.2	*Pinus strobus* EASTERN WHITE PINE	10' B&B	2.5"	3	7.5"
TC	*Taxus cuspidata 'Capitata'* UPRIGHT JAPANESE YEW	7' B&B	2"	12	24"
TO	*Thuja occidentalis 'Techny'* TECHNY ARBORVITAE	8' B&B	3"	8	48"
TT	*Thuja occidentalis 'Techny Globe'* TECHNY GLOBE ARBORVITAE	2.5' B&B	N/A	5	N/A
	TOTAL REPLACEMENT CALIPER INCHES:				156.5"
	TOTAL REPLACEMENT CALIPER INCHES NEEDED:				177"
	DIFFERENCE:				-20.5"

NOTES:
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		3,693.84 SF
	SUBTOTAL:		3,693.84 SF
IMPERVIOUS	DRIVES & AUTOCOURTS		5,130.14 SF
	ENTRANCE COURT & WALK		751.07 SF
	NORTH TERRACE		495.38 SF
	SOUTH TERRACE		213.89 SF
	LAKESIDE TERRACE		332.22 SF
	GARAGE TERRACE		60.00 SF
	SUBTOTAL:		6,972.90 SF
WALLS + STAIRS	W1		125.00 SF
	W2		22.00 SF
	W3		42.00 SF
	W4 & BLOCK STAIR		117.00 SF
	W5		45.00 SF
	W6		40.00 SF
	W7		40.00 SF
	W8		40.00 SF
	SUBTOTAL:		471.00 SF
TOTALS	LOT TOTAL:	0.84 AC	36,382.00 SF
	COVERAGE TOTAL:	30.61%	11,139.84 SF
	COVERAGE MAX:	32.60% (EXISTING)	11,860.53 SF
		2.00%	DIFFERENCE

NOTE:
DUE TO THE NATURAL QUALITY OF BOULDER WALLS, COVERAGE IS ASSUMED TO BE 1.5' IN WIDTH MULTIPLIED BY THE LINEAR FOOTAGE OF THE WALL FOOTPRINT.

RIVER HEIGHTS LAWN & LANDSCAPE
9601 Jefferson Trail W
Inver Grove Heights, MN 55077
651-701-0648 / 612-201-8557
Brett@riverheightslandscape.com

LEGAL NOTICE:
THESE DOCUMENTS 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:

ISSUE	DATE	BY	CHECKED
PERMIT	06/17/2019	BH	
REVISION	07/03/2019	BH	
FENCE UPDATE	08/14/2019	BH	
FENCE UPDATE	10/11/2019		

PROJECT #:
DRAWN BY:
DESIGNED BY:
REVIEWED BY:

SABES RESIDENCE
663 BUSHAWAY RD.
WAYZATA, MN 55391

SHEET NO:
L1.0

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 6.a.
TITLE: Consideration of Development Application for the Boatworks Redevelopment Planned Unit Development Concept Plan and Zoning Ordinance Text Amendments at 294 Grove Lane East	
PREPARED BY: Eric Zweber, Consulting Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: December 1, 2019	

BACKGROUND:

The proposed Boatworks project is a four-story building with the first two floor being commercial (restaurant and office) uses and the top two floors being occupied by 36 residential units. A rooftop patio with restrooms and a kitchenette is also included. Attached is a staff report of the Planned Unit Development Concept Plan and Zoning Ordinance Text Amendment requests that would be the first stage of the redevelopment review.

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, and Public Comments - Boatworks Re-Imagined, 294 Grove Ln E

Staff Report
Wayzata Planning Commission
October 21, 2019

Project Name:	"Boatworks Re-Imagined Redevelopment"
	Planned Unit Development (PUD) Concept Plan and Zoning Ordinance Text Amendments
Applicant:	Boatworks II, LLC
Addresses of Request:	294 Grove La E
Prepared by:	Eric Zweber, Consulting Planner
	Emily Goellner, Community Development Director
"60 Day" Deadline:	December 1, 2019

Development Application

Introduction
The applicant and property owner, Boatworks II, LLC, has submitted a development application requesting approval of (i) a planned unit development (PUD) concept plan for a new four-story mixed use building (with rooftop access) consisting of office, restaurant, and residential condominiums uses, and (ii) zoning ordinance text amendments related to height, setbacks and rooftop equipment to allow for the redevelopment of the property at 294 Grove La E.

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

Address	PID	Owner
294 Grove La E	06-117-22-32-0023	Boatworks II, LLC

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

Address:	294 Grove La E
Current Zoning:	C-3/Service Commercial
2030 Comp Plan Designation:	Central Business District
Draft 2040 Comp Plan Designation:	Central Business District

Address:	294 Grove La E
Overlay districts:	S/Shoreland Overlay District
Design District:	Bluff District

Project Location
The property is located near the Lake St E and Grove Lane E intersection:

Map 1: Project Location

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

A. PUD Concept Plan: The applicant has submitted an application to explain the general intent of the application for a new four-story mixed use building (with rooftop access) consisting of office, restaurant, and residential condominiums uses through § 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.

B. Zoning Ordinance Text Amendments: The Applicant is requesting amendments shown in the bold and underlined text to three sections of the Zoning Ordinance:

1) Section 933.02.A.13.d) Setbacks: In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, **and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres and are determined by the City Council, at its sole discretion, to have sufficient public benefit** the allowable setbacks shall be negotiated and agreed upon between the applicant and the City.

   Staff Comment: *The proposed text amendment in bold and underlined text could allow the City Council to approve a building in a 3-acre PUD District with no setbacks from the property lines. Allowing this text to be added to the Code would give the Council the authority to negotiate setbacks in exchange for sufficient public benefits. It would not automatically grant an applicant the approval to build up to the property lines.*

2) Section 933.02.A.14.c) Height: In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres **and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres, and are determined by the City Council at its sole discretion to have sufficient public benefit** the allowable height shall be negotiated and agreed upon between the applicant and the City.

   Staff Comment: *The proposed text amendment in bold and underlined text could allow the City Council to approve a building in a 3-acre PUD District beyond three (3) stories in height. Allowing this text to be added to the Code would give the Council the authority to negotiate setbacks in exchange for sufficient public benefits. It would not automatically grant an applicant the approval to build to a specific height.*

3) Section 909.10.B. Screening of Rooftop Equipment in the Wayzata Blvd District **and any other C-3 zoning as of September 5, 2019**:
   1. All mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks.
   2. No enclosure shall be larger than 25 percent of the roof area.

   Staff Comment: *The proposed change in bold and underlined text could allow the City Council to approve rooftop equipment for the Boatworks with screening.*

Future Requests Required

The following requests would need to be applied for, receive a Planning Commission recommendation, and City Council approval before the applicant could submit for a building permit:

- PUD General Plan
- Rezoning to PUD

- Shoreland Impact Plan/Conditional Use Permit (SIP/CIP) for a height over 35 feet
- SIP/CUP for an impervious surface greater than 25%
- Conditional Use Permit (CUP) for parapet walls screening mechanical equipment greater than five feet higher than the overall building height
- Plat to create a vertical registered land subdivision

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on October 10, 2019. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on October 9, 2019.

Background Information

Hennepin County states that the existing Boatworks building was built in 1940. The original use of the building was for boat and railcar repairs. In 1996, Rick Born bought the building from Genmar Industries, Inc. which was using the building as a boat sales showroom and maintenance facility.

In 1997, the City granted a planned unit development / conditional use permit (PUD/CUP) for the property that amended the existing CUP for Marina and Restaurant Uses in the C-3 zoning district to allow for an expansion of the uses on the property. The PUD/CUP included various agreements including:

- Off-site parking for the Boatworks property (294 Grove La E) to be located on the Lake Street property (259 Lake St E), through an easement agreement, since the Boatworks property does not have enough on-site parking to meet the City Code requirements for the uses that occupy the building
- Parking lot improvement to the City Marina and Park, within the Grove Lane right-of-way, and on the Boatworks property
- A shared parking agreement over the three parking areas
- Various marina regulations including transient boat parking
- Various other conditions

In 2002, an amendment to the PUD/CUP was granted to allow for change in the types and amount of uses within the Boatworks that included office, retail, and restaurant uses. This amendment included additional seasonal parking for the City beach and ten (10) additional public boat dock spaces.

In 2015, an amendment to the PUD/CUP was granted to allow for a joint brewery and distillery to be constructed within the Boatworks.

In 2019, the owner submitted a Development Application for a five-story mixed-use building. On June 3, 2019, the Planning Commission conducted a public hearing for the five-story redevelopment proposal. Following the public hearing and after consideration of the redevelopment application, the Planning Commission directed staff to prepare a

Planning Commission Report and Recommendation denying the application request. Following that meeting, the applicant withdraw that Development Application.

Since June 3, the applicant considered the comments received during the public hearing and from the Planning Commission. In the current application, the applicant and property owner has applied for approval of a PUD concept plan and Zoning Ordinance Text Amendments to demolish the existing Boatworks building and replace it with a new four-story mixed-use building consisting of office, restaurant and residential condominium uses. The proposal includes a rooftop recreation area for the condominium tenants and their guests.

The applicant is requesting a PUD because they are a mix of uses is proposed for the property. The C-3 Zoning District not does permit residential uses, so the applicant proposes applying for a rezoning to the PUD District to allow the mix of uses.

Summary of Proposal

The proposed Boatworks project as shown in the PUD Concept Plan includes a four-story building with rooftop access that would be occupied by commercial uses on the lowest two floors and residential uses on the highest two floors. The first two floors are proposed to be occupied primarily by restaurant and office uses, but also would include a portion of the common or utility spaces such as the lobby for the residential uses, a loading dock, mechanical and electrical equipment, and a potential public restroom. The public restroom would be available for these residents using the park, beach, marina, depot, or any future Lake Effect improvements. The top two floors would be occupied by 36 residential condominium units. There is a portion of the roof that is proposed to be available to the residents and guests of the 36 condominium units that would be accessed through the secure residential elevator and two of the staircases.

The proposed net square footage of the office uses is 61,941 square feet and the proposed restaurant square footage is 9,200 square feet. The total gross square footage of the entire building is proposed to be 220,923 square feet. To accommodate this redevelopment, a three-level parking structure would be constructed within the building that would provide 228 parking stalls with another 41 surface parking stalls with an existing parking easement on the adjacent City owned property for a total 269 on-site parking spaces. There are an additional 85 parking stalls located north of Lake St as a part of 1997 approval that would provide a total of 354 parking stalls.

The building is proposed to be located generally along the western property line with a small portion of the parking structure's public parking stalls over the property line into the Grove Lane right-of-way to the north and west. The 1997 approval included a shared parking easement that allowed public parking across both properties. No portion of the leasable area of the building would be located within the Grove Lane right-of-way.

Analysis of Application

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

Comprehensive Plan

The 2030 Comprehensive Plan land use designation for the subject property is Central Business District. The 2030 Comprehensive Plan includes the following discussion for the Central Business District:

> The Central Business District (CBD) includes the main thoroughfare of Lake Street and is generally referred to as downtown. The CBD continues to evolve into a diverse environment of retail stores, offices, restaurants, and residential land uses. This diversity is seen as healthy in that it attracts a wide variety of people into the downtown area at all times of the day. This diversity along with its proximity to Lake Minnetonka, make the CBD a destination place in the region.

The 2040 Comprehensive Plan has been authorized to be submitted to the Metropolitan Council, but it has not been approved by the Metropolitan Council nor adopted by the City Council. It is anticipated that the 2040 Comprehensive Plan will be adopted by the City Council before any PUD General Plan or a rezoning to PUD would be acted upon by the City Council. The 2040 Comprehensive Plan land use designation is also Central Business District. The 2040 Comprehensive Plan includes the following discussion for the Central Business District:

> The Central Business District represents 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.

Density

The allowed density of the Central Business District within the 2040 Comprehensive Plan is 20 or more units per acre. The proposed density for this property is 25.7 units/acre.

Zoning

The property is currently zoned C-3 PUD/Planned Unit Development and is located within the shoreland and wetland overlay districts. The following table outlines the zoning standards for the PUD and shoreland overlay districts:

	C-3 Zoning	Shoreland Overlay District	PUD	Proposed PUD
Height (max.)	2 stories and 30 feet, whichever is less	35 feet	35 feet or 3 stories, whichever is less	4 stories* 58 ft. to Coping* 66 ft. 7 in. to elevator roof*
3rd Story Setback	None	None	N/A	2nd and 3rd Stories: ~6 ft. 4th Story: ~14 ft. 5th Story: ~28 ft.

	C-3 Zoning	Shoreland Overlay District	PUD	Proposed PUD
Impervious Surface (max.)	50%	25% or 75% with stormwater management or 100% with Shoreland Impact Plan/CUP	N/A	To be determined with PUD General Plan
Property Line Setbacks (min.)	10 feet	75 feet to Lake Shore	Same as underlying zoning district	North: 0 ft.** East: ~25 ft. South: ~25 ft.*** West 0 ft.**
Lot Area (min.)	15,000 sq. ft.	Same as underlying zoning district	Same as underlying zoning district	134,361 sq. ft.
Residential Density	N/A	Tiered based on underlying zoning district	Consistent with Comprehensive Plan (20+ units/acre)	25.7 units/acre
Floor to Area Ratio (F.A.R.)	1.0	Same as underlying zoning district	N/A	2.11

*Zoning Ordinance Text Amendment and Shoreland Impact Plan/Conditional Use Permit requested
**Zoning Ordinance Text Amendment requested
***existing non-conforming building subject to § 915.02 A. 5.

Building Height

Per the Zoning Ordinance, the building height is measured from the average grade along the building footprint to the top of the parapet/coping of a flat roof. The proposed building is 58 feet from the average grade plane to the parapet/coping of the flat roof of the fourth story.

Since the property is currently zoned C-3, the maximum height allowed on this property is 30 feet or two stories, whichever is less. The existing building is about 34 feet from the first-floor elevation to the top of the coping. Assuming that the average grade plane is the same as for this application, the existing building height is about 31 feet tall.

The PUD District (§ 933.02) establishes a maximum building height of 35 feet and three stories, whichever is less. There is one exception to this standard that states:

> In PUD Districts that were zoned C-3 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.

To allow for the Boatworks redevelopment to exceed 35 feet or three stories, the applicant is proposing a Text Amendment to add that properties that were zoned C-3 prior to PUD, in excess of three acres, and with sufficient public benefit can negotiate the maximum allowable height between the applicant and the City.

Section 991.10 of the Zoning Ordinance stipulates that building heights of over 35 feet may be allowed through approval of a Shoreland Impact Plan/Conditional Use Permit (SIP/CUP).

Therefore, the proposed building height requires the approval of a Text Amendment and a SIP/CUP. If this PUD Concept Plan are Text Amendment are approved (either exactly as shown or slightly modified), the SIP/CUP standards would be applied to the detailed building design as part of the PUD General Plan approval process.

There are three sections of the Zoning Ordinance that would prohibit the approval of PUD concept plan's proposed building setbacks and height as proposed. The applicant has requested Text Amendments to the building setbacks and height to allow the City Council to negotiate these standards. The applicant also considered applying for variances to the height and setback requirements, but decided that Text Amendments were the most appropriate requests.

<u>Rooftop Elements</u>
The Site Concept Plan shows a resident patio that includes one elevator, two stairwells, three mechanical units screened by a parapet wall, and a kitchenette/restroom area on the roof over the fourth story to allow for a recreation/open space area for the residents and guests of the condominiums. The height from the average grade plane to the top of the stairwells and kitchenette/restrooms is 63 feet 3 inches and to the top of the elevator is 66 feet 7 inches. The applicant has requested a Text Amendment to allow this since mechanical equipment is prohibited from the rooftop on this property. The Bluff and Lake District Design Standards (§909.10.A) state that no mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.

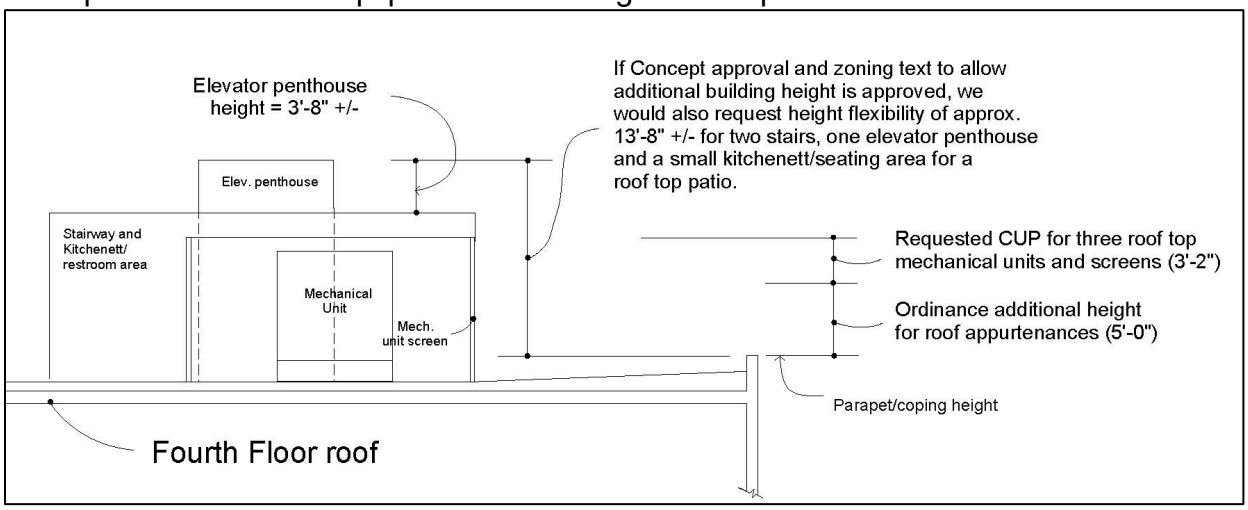
The applicant has provided information in their narrative (attached) that the mechanical equipment on the roof is required to operate their building. To address this concern, the applicant is requesting a Text Amendment that would allow this lot to be reviewed under the Wayzata Blvd Design Standards (§909.10.B), which state that all mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks.

If the requested Design Standard Text Amendment is approved, further approvals are needed in the form of a Conditional Use Permit. The following rooftop element would still

be subject to the structural elements building height regulations of § 919.02 B., which limits the height of these structural features to no more than 5 feet above the maximum height of the building unless a CUP is approved:

- Parapet walls surrounding three mechanical units (3 feet 2 inches above 5 foot allowance if text amendment approved)

The following image represents a cross section of the rooftop located near the center of the proposed building. The site plan shows that there are three different locations on the rooftop for mechanical equipment. This image is also provided in the attachments.



The mechanical equipment screened by a parapet wall, as well as an elevator penthouse, are elements listed within § 919.02 B., while the stairwells, elevator, and kitchenette/restroom area are elements that are not specifically listed within that section. The heights of the following elements would need be consider if the Text Amendment for the PUD height should be approved:

- One Elevator with penthouse (13 feet 8 inches if text amendment approved)
- One Kitchenette/Restroom Area (10 feet 3 inches if text amendment approved)
- Two Stairwells (10 feet 3 inches if text amendment approved)

The applicant has also requested a Zoning Ordinance Text Amendment to modify the rooftop equipment design standards. Instead of requesting this, the applicant could instead pursue deviations to the Design Standards that would be applicable to only this property and no others in the City. City Code § 909.29 describes the Design Standards' deviation process including the examining the effect on the project area; the conformity with other Design Standards and the policies behind the Standards; and undue burdens including economic concerns. Due to the unique location of the site being surrounded by public properties on four side, the existing Design Standards deviation process may provide the City the flexibility necessary to address the rooftop equipment requests.

This is only a PUD Concept Plan review and therefore no design review is required at this stage. Should the PUD Concept Plan be approved, the design review will be conducted with the PUD General Plan stage of development.

Setbacks

The C-3 zoning district requires a 10 foot setback with additional setbacks from residential properties. The redevelopment is proposing no setback from the north and the west property lines. To allow for the Boatworks redevelopment to have no setback, the applicant is proposing a text amendment to add that properties in excess of three acres with sufficient public benefit can negotiated the minimum setbacks between the applicant and the City. It should be noted that the parking garage will extend over the property line to the north and the west. Since there is an existing shared parking easement between the City and the applicant over the property to the north and west, the parking garage can extend over the property line as long as the parking stalls crossing the line are available to the public. No leasable space can be allowed over the property line and this detail will need to be confirmed with the PUD General Plan.

The Shoreland Ordinance require a minimum of a 75-foot setback to the Lake Shore. The existing building is approximately 25 feet. This is a legal non-conforming building. To construct the new building, it would need to meet the standards of § 991.17 991.18, which regulate the use of a PUD within the Shoreland Ordinance and state that the application for a residential PUD shall follow the guidelines in Chapter 933 of this Ordinance. If the requested Text Amendment for the PUD setback (§ 933.01 A. 13. D.) is granted, then that would allow the City to negotiate the setback. This would no longer need a variance from the Shoreland Ordinance because the PUD standards would apply.

Building Uses

The applicant is proposing office, restaurant, and residential condominium uses. Any other uses would need to be requested through a PUD amendment.

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. For office uses, the parking ordinance requires a minimum of 3 spaces for each 1,000 sq. ft. of net floor area. City Code § 920.11 A. 1. states the net floor area is "determined based on the Gross Floor Area minus ten percent, except as may be hereinafter modified". City Code § 920.13 allows that "the City may allow reductions in the number of parking stalls actually constructed at the time of site development or occupancy of a building". Since the development has a larger than typical amount of common areas (as well as public spaces to provide their public benefits), and the PUD request is for specific uses, the applicant is requesting the parking to be calculated based on 100% use of the areas identified for specific uses. This calculation would need to be re-confirmed during the PUD General Plan and during the issuance of a building permit.

For restaurant uses, the parking ordinance requires a minimum of 15.2 spaces for each 1,000 sq. ft. of net floor area. For multiple family residential uses, the parking ordinance

requires a minimum of 2 spaces for each unit. For the existing 75 marina slips, the parking ordinance requires a minimum of 7 spaces for each 10 boats moored. The proposed building consists of 58,421 net sq. ft. of office uses, up to 8,089 net sq. ft. of restaurant uses, 36 condominiums, and up to 75 boats slips. Based on the proposed retail/service commercial and office uses, the proposed building requires an aggregate total of 423 parking spaces.

The City's parking ordinance also allows the use of joint parking facilities for one or more uses. For mixed-use buildings, the zoning ordinance allows for reductions in the aggregate number of parking stalls based on the peak demand for individual uses. Based on the mixed-use reduction, the proposed building requires 322 parking spaces. If the condominium parking stalls are private and cannot be used by the general occupants of the Boatworks building, then the parking demand would increase to 354 parking spaces at peak demand.

Use	Size (nsf)	Min Parking	Weekdays		
			Midnight – 7:00 am	7:00 am – 6:00 pm	6:00 pm – Midnight
Office	58,421	175	9	175	9
Restaurant	8,089	123	12	86	123
Condominiums	36	72	72	72*	72
Boat Slips	75	53	0	21	11
Total		**418**	**93**	**354**	**214**

*The multiple-family residential parking stalls could be calculated as used 60% of the time between 7 am and 6 pm, but because these stall are owned and dedicated to the condominium owners, they would need to be available for public use and therefore need to be counted as 100% used.

The proposed parking structure provides 228 parking stalls, an existing 41 surface parking location within easement on the publicly owned property encompassing Grove Lane to the north of the building, and an additional 85 parking stalls located north of Lake St for a total of 354 parking stalls.

Proposed Public Benefits

The mixed-use redevelopment proposal for the redevelopment of Boatworks includes residential uses which are not allowed in the C-3 zoning district, nor could the property remain as the current C-3:PUD/CUP. City Code § 933.02 A. 8. B. states that no density variation from the zoning district standard can be granted with a PUD conditional use. To include the residential uses in the development, the applicant will be proposing a rezoning to PUD in which the residential density can comply with the 2040 Comprehensive Plan standard of 20 or more units/acre. The purpose statements of the PUD ordinance are provided at the end of the report and must be considered when evaluating a PUD Concept Plan. To illustrate how the purpose statements of a PUD are being fulfilled and to provide a the public benefit that would be necessary for the proposed Text Amendments, the applicant has provided the table below that compares the existing Boatworks building and use with the proposed Boatworks redevelopment.

Current Property - Unchanged:	Re-imagined Property:
Limited re-investment into Existing Property	Opportunity to join resources to improve this property and the adjoining properties for both private and public benefit
Existing Building and property – portions are rundown, outdated, inefficient, with many physical deficiencies	Visually and Physically Enticing, World Class Architectural Design that enhances Wayzata lake front
Confusing and Disjointed Parking that is deteriorated and resides in a flood zone	Easily identifiable parking areas for all uses and solution for storm water treatment
Tight and Unsafe Railroad Track crossing for Pedestrians and Cyclists	Improved Design and Space to Navigate Pedestrian Traffic in a much safer manner
Disconnect from Public Space (Depot) to Public Space (Beach). Poor accessibility and handicap use throughout the lakefront. Site conditions are not fully inclusive to the public	Imagine the ability for more accessibility for the elderly and handicap to utilize the boardwalk, pier, and beach
Impediment to extending Lake Effect theme (if funded) to the west of the Depot	By joining two public spaces and completing the west end of the Lake Street District, this may re-energize lake effect
Currently there is no access for public to the peninsula adjoining the beach and other areas not utilized for public benefit	Many additional public spaces for different levels of activity
Lacks storm water runoff treatment into Lake Minnetonka	Healthy and Environmentally Sustainable due to vastly improved storm water management.
Outdated adjoining public spaces	Wayzata Community has a sense of pride in our lakefront property
Can be unappealing to Wayzata Visitors	A place for Wayzata Residents to Gather, with several compelling locations for groups and individuals to enjoy the lakefront, read a book, have picnics, or have family reunions/gatherings.
Lacks unique Private and Social Spaces for Multigenerational Interaction. Rickety, Uninviting and Underutilized Boardwalk without any gathering spaces for public use and social interaction	Lively, enhanced, and more functional Boardwalk with seating, gathering spaces, social events
Uninviting Barriers to the Lakefront	Wayzata is a Proud Steward of its Premier Natural Asset; Lake Minnetonka

The receive height increases and setback reductions illustrated in the PUD Concept Plan, the applicant has requests text amendments to the PUD standards that addition height or

reduced setbacks can be consider with sufficient public benefits. The applicant proposes that the following public benefits would be provided from the redevelopment:

- World class new building design that enhances the image of the west end of downtown along with amenities that will entice the public to experience the full span of Lake Street from east to west.
- Increases the number of on-site parking spaces and provides clearer definition of beach and building parking.
- Provides for 36 new residential units with great connection to the downtown business district.
- Significantly enhanced and safer pedestrian access to the beach on the north side of the building and the extension of the Lake Effect concept along the south side of the building.
- Numerous areas for public to gather and enjoy the lake and other activities, with a potential major focal point incorporated into the marina for pedestrian access to the lake. Since the DNR and LMCD have limits on that amount of permanent dockage can be constructed in one area, we are proposing a “U” shaped dock attached to the lake edge that is 8 feet wide on each side. Inside the “U” we would propose mooring a custom designed pontoon boat that would provide safe easy access to the pontoon area and be able to adjust to the variation in lake level. This custom pontoon boat would also be available for reservation for short lake excursions. We are also proposing an artistic water feature on the shore just north of the gathering area.
- Significant improvements to the storm water treatment for the Boatworks site, with roof and a majority of the parking area treated in by a treatment system similar to the Kraken Bio-Clean Stormwater Filtration System (see attached brochure). We are also proposing to add a storm water treatment system under the beach parking lot that will treat the storm water that runs off from Grove Lane East and the Beach parking area. We are attaching a sketch of what that system may look like. The added storm water treatment for the Boatworks building and beach parking should allow for the reduction or elimination of the existing overgrown stormwater pond and allow for increased public beach use (including partly on Boatworks property).
- Provide for public access onto the peninsula of the Boatworks marina that would be assessable from the beach.
- Adjusts the grade of beach parking and portion of Grove Lane East to avoid high lake level flooding.
- The design allows for the consolidation of all truck delivery’s, trash pick-up and boat launch on the east side of the building and eliminates the congestion and traffic flow interruption that periodically occurs on the site.

- Provides an option to provide full ADA access from the public through the Depot site to the Boatworks site, the Lake Effect boardwalk and the boardwalk to the city beach area.
- Moves northeast corner of building back from Lake Street approximately 30 ft.
- We have added a place holder to include public restrooms on the ground level of the east end of the building, subject to working out the details of how the un-monitored restroom space would be managed.
- Provides significant long-term increase in tax base.

- The new boardwalk and public marina gathering area provides new opportunities for kiosks and intimate seating areas creates a destination for people to come visit.
- The new building has a strong focus on design and aesthetic.
- The new pathways and lake front boardwalk and marina gathering area creates new lakefront spaces for social interaction.
- There are opportunities in several areas around the building to incorporate local art, including the potential for sculptures throughout the pedestrian area and interior of the building. Interiors and exteriors could have seasonal Art Show events and the new pier showcasing smaller venue music on the boardwalk pier.
- The history of Boatworks would be shown throughout common areas, and where possible exhibits and/or artwork along the exterior pathways highlighting its rich history as a boat and street car manufacturing and repair building.
- The new development enhances walkability and creates a pedestrian friendly environment, with improved safety and more physically enticing spaces, leading to a more vibrant community.
- Connects City residents to City's shared spaces (beach, boardwalk pier). This primary location will "fill the gap" between Lake Effect and the beach.
- Promotes and fosters greater level of activity and engagement of both the boardwalk and the beach.
- Enhances overall recreation and outdoor lifestyle by enhancing access to trails and walkways.

- The new development encourages connectivity to nature, enhances walkability, and creates a sense of belonging where visitors and residents can come together.
- The redevelopment can be the impetuous for a revitalized beachfront to occur.
- Collaboration and timing with the Lake Effect will be important to successfully implement the revitalization of Lake Street.
- Landscaping and green space will be of the utmost importance, with the addition of attractive live green walls on the exterior of building and landscaped seating areas on the west and south walkways.
- Replacing an insignificant, inefficient building with the latest in sustainable construction, materials and energy efficient solutions.
- The development will attract and enhance a multi-generational community. Improved beach areas will attract younger families and professionals by having safe, walkable and bikeable environments.
- Gathering and seating areas will be a welcoming place for both grandparents and grandkids to enjoy.
- The new proposed Boatworks development will enhance the desirable lakefront to achieve a fully connected and vibrant City.
- Fulfilling the “completion” of the west end of Lake Street. Both ends of Lake Street would be complete with new opportunities to establish connectedness with Lake Street.

Standards of Planning Commission Review of Application Requests

The proposed Planned Unit Development (PUD) Concept Plan and Zoning Ordinance Text Amendments are legislative reviews and decisions, meaning that the Planning Commission acts like a legislative body and has wide discretion on whether to recommend approval or denial if it has a rational basis for its decision. In addition, the proposed Text Amendment will affect all properties that fall under the regulations of that section of the Zoning Ordinance, which could be beyond just the property that is being proposed for redevelopment. The Planning Commission should review what the applicant has proposed but is not bound to limit its review to that proposal. The Planning Commission should consider the other properties that can be affected by these proposed changes and consider modifying the proposed text amendment language if it would have a positive effect on those properties.

The applicant is proposing three Text Amendments:

1. Add "*and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres and are determined by the City Council, at its sole discretion, to have sufficient public benefit*" to City Code § 933.01 A. 13. d. regarding PUD setbacks.

2. Add "*and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres, and are determined by the City Council at its sole discretion to have sufficient public benefit*" to City Code § 933.01 A. 14. c. regarding PUD heights.

3. Add "*and any other C-3 zoning as of 9/5/19*" to City Code § 909.10 A. regarding screening of rooftop equipment within the Wayzata Blvd District.

Some issues to consider for the proposed text amendments are:

- How common are text amendment requests?

Since 2004, the City has approved 23 Text Amendments to the Zoning Ordinance. Of those Text Amendments, four were requested by a private applicant while the remaining 19 were initiated by the City. The privately applied amendments include:

2007 – The Wayzata Sailing Club requested that a "Sailing School" use be added to the R-2 Zoning district.

2008 – The Wayzata Bay Center/Presbyterian Homes request and amendment to the PUD setback and height standards to allow previously zoned commercial properties that are 13 acres or larger to negotiate their setbacks and height.

2013 – Dr. Ness requested that medical clinic use be added to the C-1A zoning district. The City approved both medical and dental offices.

2014 – Brewworks requested that the micro-production of alcohol be allowed in the commercial districts. The City approved micro-production in the C-2, C-3, C-4, C-4A, and C-4B zoning districts.

Of the four privately requested amendments, three were to add uses to zoning districts and one was to allow for decreased setbacks and increased height. Most of the City-initiated amendments were to address changes in State regulations; as a result of an area-wide or topic-specific planning study; or to address issues experiences when reviewing development proposals. It should be noted that the City did initiate two text amendments to allow new uses in existing zoning districts: in 2010 to allow municipal on-sale and off-sale liquor stores in the C-4B zoning district and in 2016 to allow public parking ramps in the INS zoning district.

- Why only the C-3 commercial zoning district?

The applicant stated in their request for their amendments that they were concerned to "limit the possibility that that the approval would be used as a precedent for other future development". The previous text amendment request by Wayzata Bay Center/Presbyterian Homes was for all commercial zoned properties that are greater than 13 acres. The Boatworks property is currently zoned C-3:PUD/CUP and is just over 3 acres. The Lexus of Wayzata dealership located north of Wayzata Blvd and east of Gleason Lake Road is zoned C-3 and is over 9 acres in size. There are no other currently zoned C-3 properties currently over 3 acres in size, but the C-3 zoned lots on the south side of Wayzata Blvd between Central Avenue and Bushaway Road could be combined to be greater than three acres. If the three lots north of Wayzata Blvd that are currently zoned C-3 were combined, they would be only 2.77 acres.

The only other commercial zoning property that is over 3 acres in the Colonial Square shopping center which is zoned C-2 and about 7.5 acres in size. The Village Shoppes shopping center is also zoned C-2 but it is just under three acres at about 2.75 acres in size.

- Is 3 acres the right threshold?

Hennepin County GIS data states that their parcel is 3.08 acres in size. As stated in the previous consideration, there are only three parcels in Wayzata that are zoned commercial and are over three acres in size: Boatworks, Colonial Square, and Lexus of Wayzata. There are some parcels that are just under three acres and a few areas where commercial zoned property could be combined to create parcels greater than three acres.

- Should the public benefits be better defined?

Public benefits are general grouping of topics that encompassing many different topics as illustrated by the list of benefits that the applicant has provided. The Planning Commission could consider either defining "public benefits" in the definitions of § 902.02 or consider add a set of conditions of standards to evaluate what is a public benefit.

One consideration for a standard would be something like "expand access to, provide more activities within, or improve that native environment of an adjacent public property". This, in addition to the requirement of being previously commercially zoned property, could allow for a redevelopment of Colonial Square to be consider due its proximity to Big Woods or the combination of the properties south of Wayzata Blvd located north of the Nature Center or east of Heritage Park to request similar flexibility, but it would also limit properties like Lexus of Wayzata from requesting that flexible. It may also encourage commercial zoned properties to dedicated land to the public to allow this flexibility.

- *Should the proximity to public property (excluding right of way) be included?*

This property is bounded by the public beach to the west, a City surface parking lot to the north, the Historic Depot to the east, and Lake Minnetonka to the south. The ability for a

large property bounded by public property allows more opportunity to provide public benefit than other parcels can typically provide.

- Should there be further limitation on height increase or setback reduction?

The flexibility request in the setback reductions or height increases do not need to be open ended. The Planning Commission could add language to limit the setback reduction to a certain percentage of reduction or a certain amount of feet. Similarly, the Planning Commission could add language to limit the increase in height to a certain amount of feet, a certain number of stories (or half stories), or a percentage increase from the standard height limitation.

Comments from the Public
Prior to the public hearing, the City received the following public comments:

As of October 17, City staff has received eight written comments regarding the current Boatworks redevelopment proposal. All nine letters express support for the proposed redevelopment. These letters are attached to this staff report.

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

Attachments
Applicant's Narrative
Enhanced Public Realm Exhibit
Exterior Renderings
Concept Plans
Shoreline Setback Exhibit
Building Height Exhibit
Rooftop Appurtenances
Parking Calculations
Potential Depot Area Improvements
Potential Stormwater Pond Area Improvements
Stormwater Management Concept and Filtration Brochure
Written Comments regarding Boatworks Redevelopment

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.

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

- **Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.**

- Update development standards continually to assure the highest development quality possible for the Central Business District.

- **Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.**

- **Investigate strategies to increase retail vitality throughout the CBD.**

- Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.

- **Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.**

- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.

- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.

- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.

- **Consider complementing abutting edges, both residential and retail/commercial.**

- Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.

- **Consider ways to assist with redevelopment when properties become a liability to the community.**

- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first-floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.

- **Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.**

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

- **Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.**

- Adjust City's Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for al1 new construction to avoid shading the north side of Lake Street.

- **Continue to evaluate ways to encourage a variety of housing options for upper-story housing.**

- **Consider 3rd story' uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.**

<u>Purpose of PUDs:</u> Section 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. Section 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 prorate 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 prorate 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.**

Amendments to Zoning Ordinance (Section 903.2.F): City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 903. 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. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

B. **The proposed use's conformity with present and future land uses of the area.**

C. **The proposed use's conformity with all performance standards contained 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.**

WAYZATA BOATWORKS | REIMAGINED

Rick Born introductory comments | October 2, 2019

I very much appreciate your taking an objective look at our revised four story Boatworks Concept plan.

When I first approached the City of Wayzata in 1995 on the possibility of purchasing the Boatworks building from Irwin Jacobs I received an extremely positive response. At that time the building was a boat showroom/boat repair facility and was completely encircled by a chain link fence excluding any public access to the marina board walk. City staff and council members at that time indicated that if I were able to negotiate a purchase of the property they would be very supportive of a public/private relationship to facilitate my converting from a boat showroom to office and restaurant use and working out a long term arrangement to increase public access to the site and building, as well as a shared parking arrangement.

I did purchase the property and retained Terry Schneider to assist in working out the details of the building renovation, expansion of parking and the public/private relationship. Terry worked hard to come up with a workable plan for public access, shared parking, getting an okay from Burlington Northern to install the sheet piling on the north side of Grove Lane east and add substantial parking, reconstruct both the beach and the Boatworks parking lot and construct a new beach concession stand/restroom.

Even though I ended up selling the Boatworks and then purchasing it back I have always kept at heart the philosophy that this unique site is not just something that I own, but a community asset to be shared and valued by all.

As building leases were coming up for renewal and a significant number of building elements needed major work to keep them functioning for the next 10 to 20 years. I thought long and hard about whether I should make that investment and continue to deal with the building's shortcomings and functionality, or make a new 100-year investment by re-building the Boatworks and site. Again I brought Terry back to provide me with the pros and cons of that decision as well as a realistic assessment of what it would take to move out all of the tenants, including RBA, tear down the current structure and build a new "World Class" building that this important and unique site should have and that the greater Wayzata community deserves.

The analysis was that while complex, it would be feasible to tear down the building, forego building income for a couple of years, and build a new building, but only if we could get the right amount of revenue from the residential units. Finding the right net revenue from the residential units to offset the significant carry costs and construction costs for a new building would not be easy. It would definitely require the building to be higher than the 35 ft standard building height in downtown Wayzata, but would be doable. The fact that the site is probably the best site in the Twin Cities, or even the upper-Midwest, for high end luxury residential units was a key factor in deciding to proceed with a redevelopment.

I have always had a vision of the site becoming, one of the most vibrant and welcoming sites in the Twin Cities, with great design, unique public spaces and ease of access to the lake and adjacent public spaces. To achieve this goal, I worked with Terry to assemble the high-quality team that includes Bohland Development (Steve Bohl) and Cunningham Group Architects. It

took considerable effort to come up with a concept plan that we believed worked financially. We presented that plan at a City Council Work shop on Sept. 18, 2018. While there were some concerns about it being four stories high, the informal general reaction was that we should continue to move forward with refinement of the concept. As part of that refinement process, we submitted the concept plans to A & P Construction to get a construction cost estimate and an estimate of construction time frame. When we factored in the construction costs along with all of the other cost factors it became obvious that we had not achieved the right net revenue/cost balance, so had to go back to the drawing board.

After considerable study the team determined that there were only two viable options. One was a deeper four-story building that had the risk of reducing the level of design and articulation that we presented at the Council Work Shop. The second was adding five single loaded penthouse units on top of the fourth floor.

As I was deliberating which way to go, I mentioned the possibility of penthouse units on a fifth level to a couple of individuals that had already indicated they wanted to purchase a unit. When word got out about this possibility, the response was overwhelming, and several individuals sent substantial deposit checks to reserve one of the penthouse units. This happened even when my response to the question of price was, “they would be very pricey”. That response, along with the substantial reduction of risk by having those units pre-sold before we even started construction, enticed me to go with a submission for the five-story building. You are well aware of the actual response we received with that submission. After our presentation to the Planning commission it was clear that we made an error in judgement in thinking that there was not a big difference between a deeper four-story building and a four story with a fifth-floor penthouse level. We were humbled by the feedback and challenged ourselves to create the very best option we could for a scaled back yet economically feasible World Class building with all of the same public benefits.

It took considerable effort and creative energy, but the project team came up with a four-story plan that met the financial feasibility criteria and actually improved the design and building articulation as well as add a significant number of additional public benefits. We ended up with less residential square footage than our five-story submission, but slightly more office square footage. While the square footage worked, I still was concerned about the added risk with almost half of the units not having a lake view. Terry came up with the idea of providing a roof top patio with access for all residential units. This went a long way to giving us a comfort level that the units without a direct view would sell at the price needed to support the project’s financial feasibility

I have been asked “Why now?” by a number of people, especially when a lot of the residents are experiencing construction and development fatigue. The honest answer is there is a unique window of opportunity with a majority of the building leases up for renewal, and those tenants are interested in working out a new lease in a re-imagined building, even if that means they need to make arrangements for a couple years of interim space. If the project does not get approval, I have no choice but to extend those leases for another 10-year period and re-invest substantial funds to upgrading the Boatworks building.

It is quite difficult to clearly state my vision for the new Boatworks building in words or even concept plans. It relates to creating a great building, great spaces and a vibrant and welcoming atmosphere that makes people want to come to the building again and again. We would like an opportunity to turn that vision into a reality by working closely with the City and its residents, but we need the City’s favorable consideration for the increased height to do that.

Approvals being requested:

Boatworks II, LLC is requesting the below listed approvals for a new four-story Boatworks building.

1. Concept Plan approval for a Planned Unit Development Rezoning.
2. Zoning Ordinance text amendments to accommodate the new building height, shoreland setback and screened mechanical units on the top floor.

We will be discussing the above approval elements in more detail after the Public Benefit section of our narrative.

Future approvals if Concept Plan is approved:

If the above items receive approval by the City Council, we will prepare appropriate documentation to allow the following approvals as part of the General Plan submission:

1. Formal Planned Unit Development rezoning.
2. PUD General plan approval.
3. Shoreland Impact Plan/Conditional Use Permit with variance from the shoreland setback, impervious surface coverage and building height.
4. Design Review.
5. Conditional Use Permit for certain roof top elements to extend beyond the 5 ft height over the maximum height of the building.
6. A new vertical Registered Land Subdivision to accommodate the separate ownership of the commercial and residential uses.

General Description of Project:

We are proposing demolishing the existing Boatworks building and constructing a new four-story building. The first floor (lake level) would consist of office space on the west and a replaced restaurant on the east side. The first-floor space has a higher ceiling height to accommodate the restaurant's anticipated new design, a 14ft clear internal truck delivery/trash pick-up and boat launch area on the east end, and a mezzanine level of secure parking for the residential units. The second floor would be at the same grade as the new podium level structured parking on the north side of the building and be primarily office space with the option of a small evening only restaurant on the east half of the floor. The third and fourth floor would be residential units. We are adding a roof-top patio with a small area for a restroom, kitchenette and small seating area and a green roof on both sides of the patio.

The following is a summary of some of the revisions that were made to the previous submission:

1. Reduced the height of the building to four stories with a building height of 58 ft calculated per city ordinance criteria.

2. To off-set the loss of the fifth-floor penthouses, we (a) increased the square footage of office space on the second-floor by omitting several excess parking spaces and moving the second floor north wall farther to the north, (b) increased the building efficiency, (c) introducing some cantilevered elements to the north residential units (which also enhanced the articulation of the north side) and (d) incorporated a roof top patio and partial green roof, that added value to all of the residential units. Since the access to the roof-top deck is thought the secure residential stair and elevator, it would be available only to the residents and their guests. Several elements of the roof top patio and office HVAC will require a Conditional Use Permit to allow them to extend beyond five feet above the parapet. The specifics are covered later in this narrative.

3. We setback the southwest corner of the building to create a public seating area and reduce the visual impact of the building at that corner. The north east corner of the building had already been moved to the south approximately 30 feet to improve the circulation at the entry point.

4. In addition to the significant improvement in storm water treatment related to the Boatworks site and building, we are also proposing to add a new storm water treatment system under the beach parking lot that will treat water run-off from Grove Lane and the beach parking lot.

5. Added a number of public benefit items to the project (described in more detail later in this narrative).

Redesign of West, North and East Building Elevations:

We have focused on re-designing the north, west and east sides of the building to reduce the visual appearance of the building and parking structure, provide a stairs for enhanced pedestrian access from the podium level parking down to the beach area, utilize a terraced landscaping concept with better locations for planting of trees and shrubbery and public seating areas, and add elements of a “green wall” to soften the look of the building from the beach area and Shaver Park and from Lake Street. We are including an images of the new design with this application.

We also added a significant amount of additional articulation to the north elevation with many of the same design elements that are on the south and west elevations.

Parking:

We are attaching a summary of the code required parking and a calculation of how the parking provided exceeds the minimum required parking. We have received interest in the possibility of a smaller “evening only” restaurant on the second floor in addition to the lake level restaurant. We have shown that as an option on the plan. Since the parking for that use would only be during the evening and it would replace approximately 4,000 SF of office space, it would actually reduce the peak period parking requirements. We are attaching a summary of the ordinance required parking and the provided parking.

Storm Water Treatment, Site Drainage and Grade Adjustment to Protect Beach Parking from High Lake Levels:

When the original Boatworks project was approved in 1996, there were limited opportunities to improve the treatment of storm water runoff, since the entire Boatworks, beach and Grove Lane East were relatively flat and approximately three feet above the lake water level. We worked with the City and the Watershed District to enlarge the storm water treatment pond on the southwest corner of the site, between the Boatworks building and the beach. With the new development incorporating an above grade structured parking, we now have the opportunity to capture virtually all of the storm water run-off from both the building and the Boatworks parking area and direct it to above grade storm water treatment chambers. We are proposing a treatment system similar to the Kraken Bio-Clean Stormwater Filtration System (see attached brochure). Conceptually there would be a series of filtration chambers located under the parking ramp access to the mezzanine level parking to treat all of the storm water from the roof and almost all of the deck parking area.

The city engineer, our civil engineer and a representative of the Minnetonka Watershed District met to discuss what possibilities there might be to treat the storm water that runs off of Grove Lane East and the beach parking lot and were able to identify what appears to be a viable option to install sump catch basins in the beach parking area to provide more effective treatment for that storm water than the current pond. Since we would be reconstructing the beach parking lot if the Boatworks re-imagined project is approved that would be the most cost-effective time to install the Grove Lane/beach storm water improvements. We would work closely with the city and Watershed District to fund and install these improvements.

The installation of the Grove Lane/beach storm water improvements will very likely allow a significant reduction existing ponding area which would allow more room on the beach for public use of this area as a beach or a shade pavilion. We are including a couple of options in our materials showing the pond area with a couple of different configurations for discussion purposes. Our intent is once we

know the level of flexibility for any re-configuring of the pond we would work with city staff and the Park Board to include their suggestions as part of our site work for the project.

Potential new ADA path from Depot to Boatworks and boardwalk:

City staff also indicated they would be interested in having us look at an option to have an ADA pathway from the Depot site to the Boatworks property and a connection to the Lake Effect proposed boardwalk. We did come up with an option that would work for both the existing Depot parking lot configuration and the potential new configuration included in the Lake Effect concept plan. The path way does result in the loss of several trees. We are not proposing this as part of our application, but if the city decides that they would like some form of ADA pathway, we would work closely with city staff to help implement it.

Time frame for construction and occupancy of the project:

If we receive City Council approval for the project, we are anticipating demolishing the existing building in the fall of 2020 and have the first occupant in the building around the first part of April 2022. The residential units will generally be custom designed and the build-out for that portion of the project would start around January of 2022 and be completed around April or May of 2023.

Comparison points between "Stay as is" and "Boatworks Re-imagined":

Current Property - unchanged:	Re-imagined Property:
• Limited re-investment into Existing Property	• Opportunity to join resources to improve this property and the adjoining properties for both private and public benefit
• Existing Building and property – portions are rundown, outdated, inefficient, with many physical deficiencies	• Visually and Physically Enticing, World Class Architectural Design that enhances Wayzata lake front
• Confusing and Disjointed Parking that is deteriorated and resides in a flood zone	• Easily identifiable parking areas for all uses and solution for storm water treatment
• Tight and Unsafe Railroad Track crossing for Pedestrians and Cyclists	• Improved Design and Space to Navigate Pedestrian Traffic in a much safer manner
• Disconnect from Public Space (Depot) to Public Space (Beach). Poor accessibility and handicap use throughout the lakefront. Site conditions are not fully inclusive to the public	• Imagine the ability for more accessibility for the elderly and handicap to utilize the boardwalk, pier, and beach
• Impediment to extending Lake Effect theme (if funded) to the west of the Depot	• By joining two public spaces and completing the west end of the Lake Street District, this may re-energize lake effect
• Currently there is no access for public to the peninsula adjoining the beach and other areas not utilized for public benefit	• Many additional public spaces for different levels of activity
• Lacks storm water runoff treatment into Lake Minnetonka	• Healthy and Environmentally Sustainable due to vastly improved storm water management.
• Outdated adjoining public spaces	• Wayzata Community has a sense of pride in our lakefront property
• Can be unappealing to Wayzata Visitors	• A place for Wayzata Residents to Gather, with several compelling locations for groups and individuals to enjoy the lakefront, read a book, have picnics, or have family reunions/gatherings.
• Lacks unique Private and Social Spaces for Multigenerational Interaction. Rickety, Uninviting and Underutilized Boardwalk without any gathering spaces for public use and social interaction	• Lively, enhanced, and more functional Boardwalk with seating, gathering spaces, social events
• Uninviting Barriers to the Lakefront	• Wayzata is a Proud Steward of its Premier Natural Asset; Lake Minnetonka

Public Benefits:

- World class new building design that enhances the image of the west end of downtown along with amenities that will entice the public to experience the full span of Lake Street from east to west.
- Increases the number of on-site parking spaces and provides clearer definition of beach and building parking.
- Provides for 36 new residential units with great connection to the downtown business district.
- Significantly enhanced and safer pedestrian access to the beach on the north side of the building and the extension of the Lake Effect concept along the south side of the building.
- Numerous areas for public to gather and enjoy the lake and other activities, with a potential major focal point incorporated into the marina for pedestrian access to the lake. Since the DNR and LMCD have limits on that amount of permanent dockage can be constructed in one area, we are proposing a "U" shaped dock attached to the lake edge that is 8 feet wide on each side. Inside the "U" we would propose mooring a custom designed pontoon boat that would provide safe easy access to the pontoon area and be able to adjust to the variation in lake level. This custom pontoon boat would also be available for reservation for short lake excursions. We are also proposing an artistic water feature on the shore just north of the gathering area.
- Significant improvements to the storm water treatment for the Boatworks site, with roof and a majority of the parking area treated in by a treatment system similar to the Kraken Bio-Clean Stormwater Filtration System (see attached brochure). We are also proposing to add a storm water treatment system under the beach parking lot that will treat the storm water that runs off from Grove Lane East and the Beach parking area. We are attaching a sketch of what that system may look like. The added storm water treatment for the Boatworks building and beach parking should allow for the reduction or elimination of the existing overgrown stormwater pond and allow for increased public beach use (including partly on Boatworks property).
- Provide for public access onto the peninsula of the Boatworks marina that would be assessable from the beach.
- Adjusts the grade of beach parking and portion of Grove Lane East to avoid high lake level flooding.
- The design allows for the consolidation of all truck delivery's, trash pick-up and boat launch on the east side of the building and eliminates the congestion and traffic flow interruption that periodically occurs on the site.

- Provides an option to provide full ADA access from the public through the Depot site to the Boatworks site, the Lake Effect boardwalk and the boardwalk to the city beach area.
- Moves northeast corner of building back from Lake Street approximately 30 ft.
- We have added a place holder to include public restrooms on the ground level of the east end of the building, subject to working out the details of how the un-monitored restroom space would be managed.
- Provides significant long-term increase in tax base.

In addition to the more concrete benefits listed above, we also believe that the Boatworks Re-imagined project furthers the following "softer" public benefits related to Wayzata 2040 Vision.

- The new boardwalk and public marina gathering area provides new opportunities for kiosks and intimate seating areas creates a destination for people to come visit.
- The new building has a strong focus on design and aesthetic.
- The new pathways and lake front boardwalk and marina gathering area creates new lakefront spaces for social interaction.
- There are opportunities in several areas around the building to incorporate local art, including the potential for sculptures throughout the pedestrian area and interior of the building. Interiors and exteriors could have seasonal Art Show events and the new pier showcasing smaller venue music on the boardwalk pier.
- The history of Boatworks would be shown throughout common areas, and where possible exhibits and/or artwork along the exterior pathways highlighting its rich history as a boat and street car manufacturing and repair building.
- The new development enhances walkability and creates a pedestrian friendly environment, with improved safety and more physically enticing spaces, leading to a more vibrant community.
- Connects City residents to City's shared spaces (beach, boardwalk pier). This primary location will "fill the gap" between Lake Effect and the beach.
- Promotes and fosters greater level of activity and engagement of both the boardwalk and the beach.

- Enhances overall recreation and outdoor lifestyle by enhancing access to trails and walkways.
- The new development encourages connectivity to nature, enhances walkability, and creates a sense of belonging where visitors and residents can come together.
- The redevelopment can be the impetuous for a revitalized beachfront to occur.
- Collaboration and timing with the Lake Effect will be important to successfully implement the revitalization of Lake Street.
- Landscaping and green space will be of the utmost importance, with the addition of attractive live green walls on the exterior of building and landscaped seating areas on the west and south walkways.
- Replacing an insignificant, inefficient building with the latest in sustainable construction, materials and energy efficient solutions.
- The development will attract and enhance a multi-generational community. Improved beach areas will attract younger families and professionals by having safe, walkable and bikeable environments.
- Gathering and seating areas will be a welcoming place for both grandparents and grandkids to enjoy.
- The new proposed Boatworks development will enhance the desirable lakefront to achieve a fully connected and vibrant City.
- Fulfilling the “completion” of the west end of Lake Street. Both ends of Lake Street would be complete with new opportunities to establish connectedness with Lake Street.

The following are a somewhat more detailed description of the approvals being requested:

Concept Plan Approval for a Planned Unit Development Rezoning:

We are requesting concept approval to change the current C-3/Planned Unit Development Conditional Use Permit be rezoned to a straight Planned Unit Development (PUD) district. The new PUD would incorporate the appropriate elements of the existing PUD/CUP in the new PUD Development Agreement as well as covering any of the items that are needed to facilitate the redevelopment of the property including the approved final General Plans and uses.

Requested Zoning Text Amendments:

To facilitate the approval of the requested building height needed for the project and limit the possibility that that the approval would be used as a precedent for other future development, we are requesting the following text changes to the Zoning Ordinance. The specific language is a suggestion, we would defer to city staff to draft the actual text language.

Zoning text amendment

We are requesting amendment to Chapter 933 – Planned Unit Development as follows:

Amend 933.01 A-13 d to read as follows (changes in underlined italic):

d) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres *and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres and are determined by the City Council, at its sole discretion, to have sufficient public benefit* the allowable setbacks shall be negotiated and agreed upon between the applicant and the City.

Amend 933.01 A-14 c to read as follows (changes in red):

c) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres *and PUD Districts that were zoned C-3 commercial prior to PUD, exceed 3 acres, and are determined by the City Council at its sole discretion to have sufficient public benefit* the allowable height shall be negotiated and agreed upon between the applicant and the City.

We are also requesting amendment to Chapter 909 – Design Standards as follows:

Amend 909.10 Screening of Rooftop Equipment to read as follows (changes in underlined italic):

A. Wayzata Blvd District *and any other C-3 zoning as of 9/5/19*.
   1. All mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks.
   2. No enclosure shall be larger than 25 percent of the roof area.

(General note: There are a number of C-3 zoned parcels in the Wayzata Blvd District, and only one other C-3 zoned property in the rest of Wayzata, which is the Boatworks property.)

Next Steps:

If the Concept Plan and ordinance text modifications receive approval by the City Council, we will move forward with more detailed design of the building, site

work, storm water treatment design and any corresponding improvements to the beach area and Grove Lane East.

As part of the General Plan approval process, we will work with city staff to develop a new Planned Unit Development agreement that will replace the existing Planned Unit Development Conditional Use agreement.

We will also be submitting more detailed engineering information to support the Shoreland Impact Plan/Conditional Use Permit request, a new vertical RLS plat to accommodate the separate ownership of the office/restaurant space and the residential units and related support space including the secured parking area on the mezzanine level parking area and process through the Design Review process.

We would also work closely with city staff and the Park Board to coordinate any elements that we could assist for potential park improvements as well as the timing of our construction work to make sure that the beach is accessible and has adequate public parking during the summers we are working on the project.

PUD Rezoning and General Plan approval:

If we are able to get Council approval of the Concept Plan, we would immediately start working on more detailed design and engineering of the building, and selection of specific exterior building materials to be incorporated into the General Plan. We would also do more detailed structural engineering, mechanical and electrical engineering and building code analysis as part of this process. We would also concurrently with this effort work out the formal Development Agreement for elements that need to be memorialized thorough this type of document.

The PUD rezoning would address any deviations that may be needed from the existing C-3 PUD zoning designation, such as building height, setbacks, lot coverage or Floor Area Ratio requirements.

Design Review:

As part of the General Plan process, we would submit the normal detailed design information and materials through the standard city Design Review process. We have followed the creation and evolution of the Design Standards for the city, and fully support the intent to promote the quality, character and compatibility of new development in the City.

While the Boatworks property is technically outside of the three Design Districts and by default assigned to the Bluff District, we are taking the position that since the Boatworks site is the only commercial site in downtown Wayzata that has direct lake frontage and is adjacent to city public property on the east and west sides and a rail-road on the north it has a greater responsibility to provide a design that exceeds the Bluff Standards. We are in a unique position to provide and extraordinary level of design on all four sides of the building as well as

providing more of the stated goal elements in the Design Standards including the following:

- Scale and walkability.
- Supporting a strong downtown and a vibrant and healthy business climate.
- Great opportunities for social engagement.
- A more connected community through physical and psychological connections between residential area, business areas and links to recreational amenities
- Provide safe and welcoming access to community parks and open space.
- Serving as a community gateway (especially from Lake Minnetonka) and providing an announcement and sense of place through quality architecture, landscaping and design elements.

We look forward to working with the city to make the Boatworks one of the premier designed buildings in the Twin Cities.

Shoreland Impact Plan/Conditional Use Permit and Waiver of Shoreland Setback:

The current PUD/CUP Development agreement for the property did include a Shoreland Impact Plan/Conditional Use Permit and variance of shoreland setback and impervious surface, but not the increase in height. Since the new building is larger and higher, we will submitting a new the Shoreland Impact Plan/Conditional Use Permit to reflect the new building design and related storm water treatment improvements. We believe that the substantially improved storm water treatment elements of the Boatworks site and Grove Lane East and beach parking area and reduction in impervious surface area in the Boatworks/beach parking site will more than offset any perceived impacts of the building height and setback from the lake.

Conditional Use Permit:

We are requesting a Conditional Use Permit to have the roof top mechanical unit and screen, elevator and stair for the roof top patio and kitchenette/restroom area for the patio to extend higher than the five foot over the maximum approved height of the building. I am including additional information below on why we are requesting this CUP and for what heights.

With approximately 90,000 SF of office/restaurant rentable area, the only practical way to heat and cool that space with the significant variation in heat gain from the south sun and reflection from the lake is with two fairly large variable air volume package units. While these units are very efficient and are noted for being able to not only handle wide variations of heating and cooling with the correct amount of fresh air, they are quite large and require a significant amount of fresh air intake and give off a fair amount of heat and humidity. We

looked at the possibility of finding a location inside the building, but due to the size of the units, the amount of fresh air they require and the concern for introduction of heat and humidity under or next to residential units, we determined that the only feasible place that they could be located is on the roof. The units are approximately 7 feet high and usually set on about a two-foot curb, so we are anticipating a screen wall around the units that is approximately 10 ft high. This element would require a CUP for an additional 3'-2".

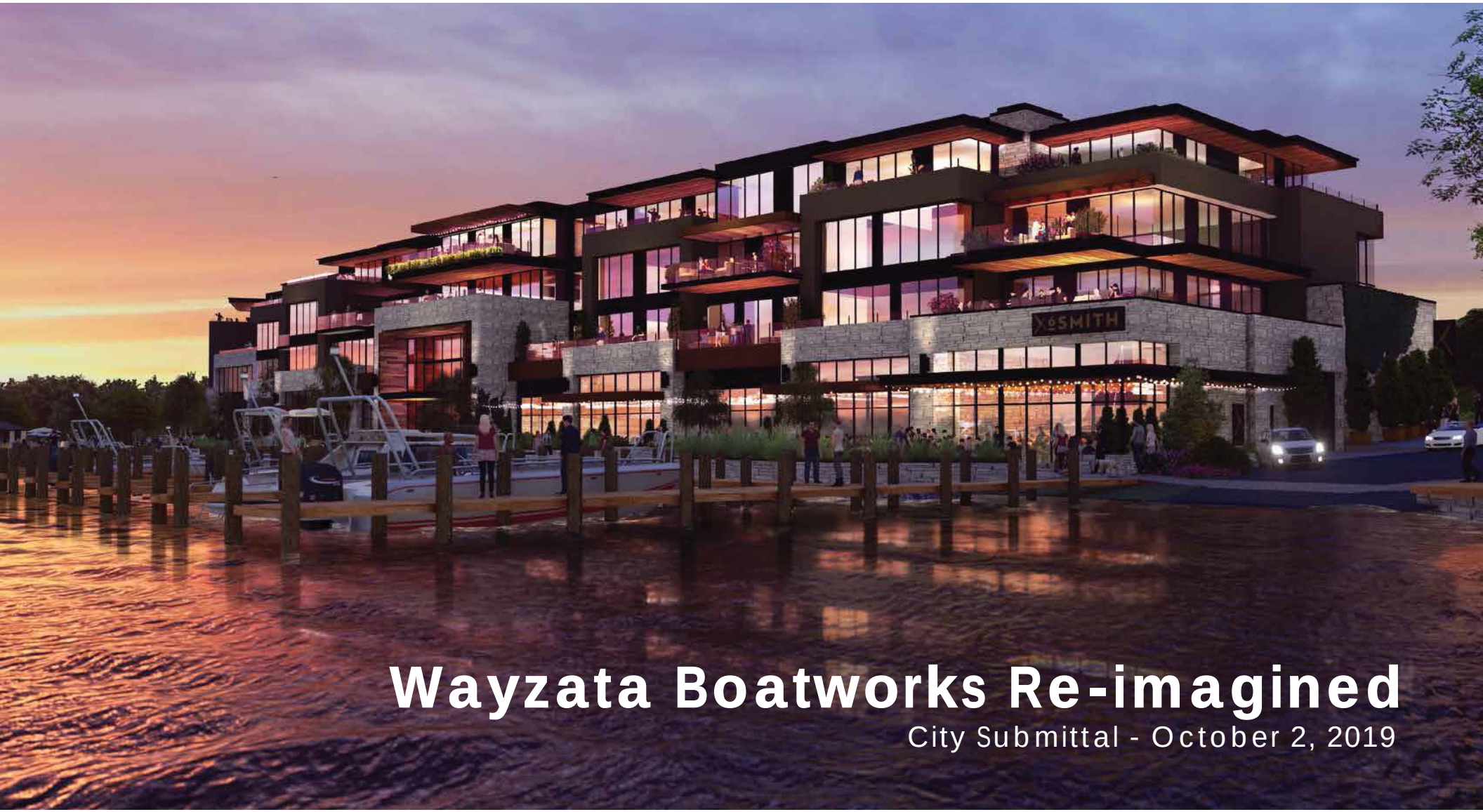
We will have at least one elevator extend to the roof to provide ADA access to the private residential roof top deck. If the City Council desires a semi-public roof top deck, we would also have a second elevator. The elevator structure is only about 10 ft x 10 ft, but would require a CUP for an additional 8'-7".

The last element we need a CUP for is the kitchenette/restroom structure to serve the residential roof top patio. The structure would be in front of the mechanical unit and screen, but would extend approximately two above that requiring a CUP for an additional 5'-3".

We are attaching a sketch cross section of this area of the roof later in the submission material.

Re-plat of Boatworks property to a Vertical Registered Land Subdivision:

The residential units would be individually platted in a Vertical Registered Land Survey Plat (RLS), along with a separate parcel for the office/residential and parking area. This process can't happen until the project is about 80 percent constructed due to the fact that the plat is based on the actual survey of the floors and walls. It may be that we will need to do an early stage RLS plat to divide the general use areas for construction financing purposes and then follow up with a more detailed condominium plat when the building is farther along.



Wayzata Boatworks Re-imagined

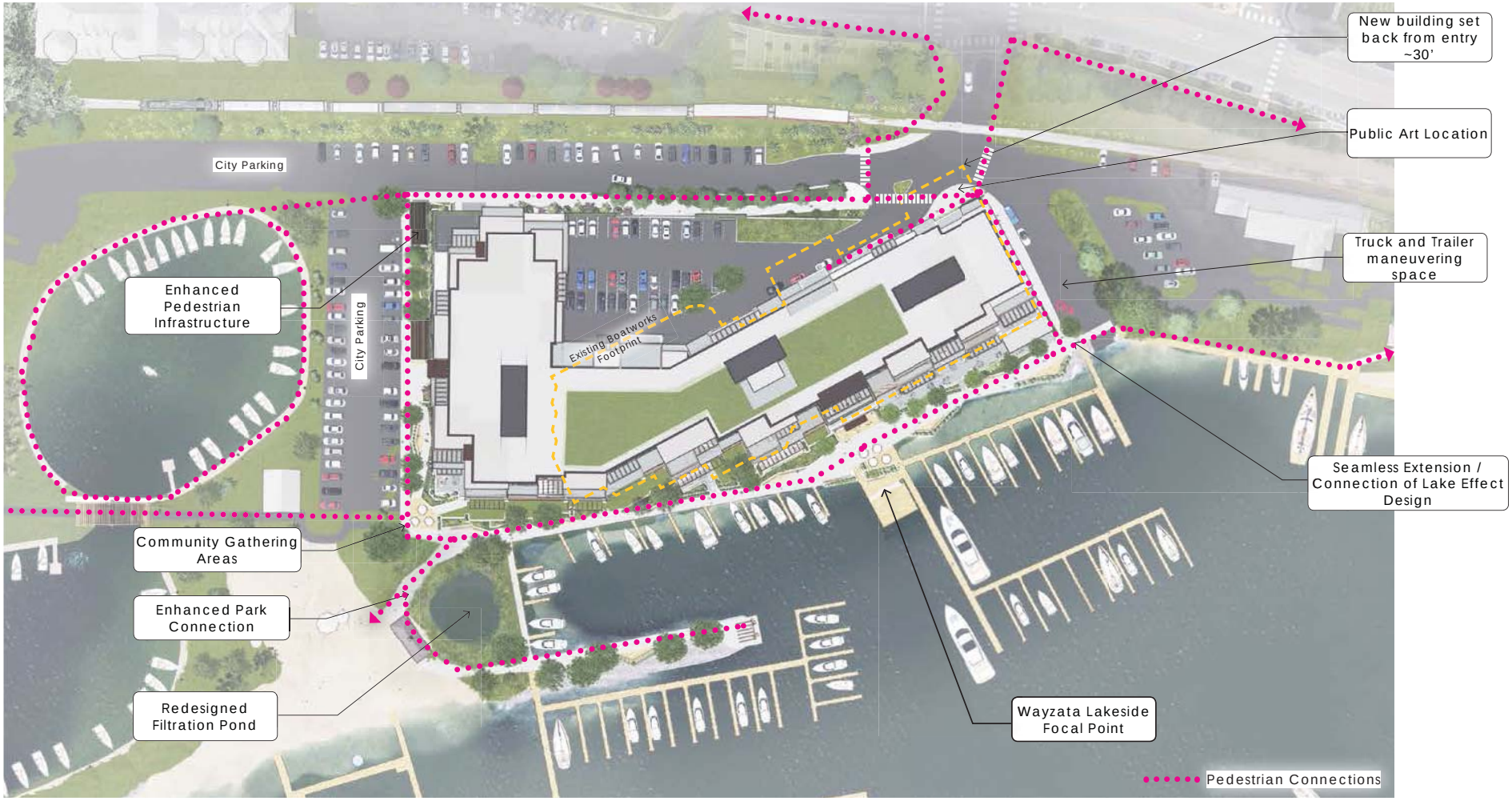
City Submittal - October 2, 2019

CUNINGHAM GROUP

BOHLAND Development, Inc

Boatworks II LLC

Enhanced Public Realm



Lake Street and Barry Ave

Rendering from Grove Lane at Entrance

From Top Floor Unit of Blu Condominiums

From Top Floor Unit of Blu Condominiums

Existing conditions with 35' high line estimate

Rendering from Grove Lane

Rendering from Grove Lane & Parking

Rendering from Grove Lane & Parking

View From Shaver Park

Rendering from Beach

Rendering from Docks

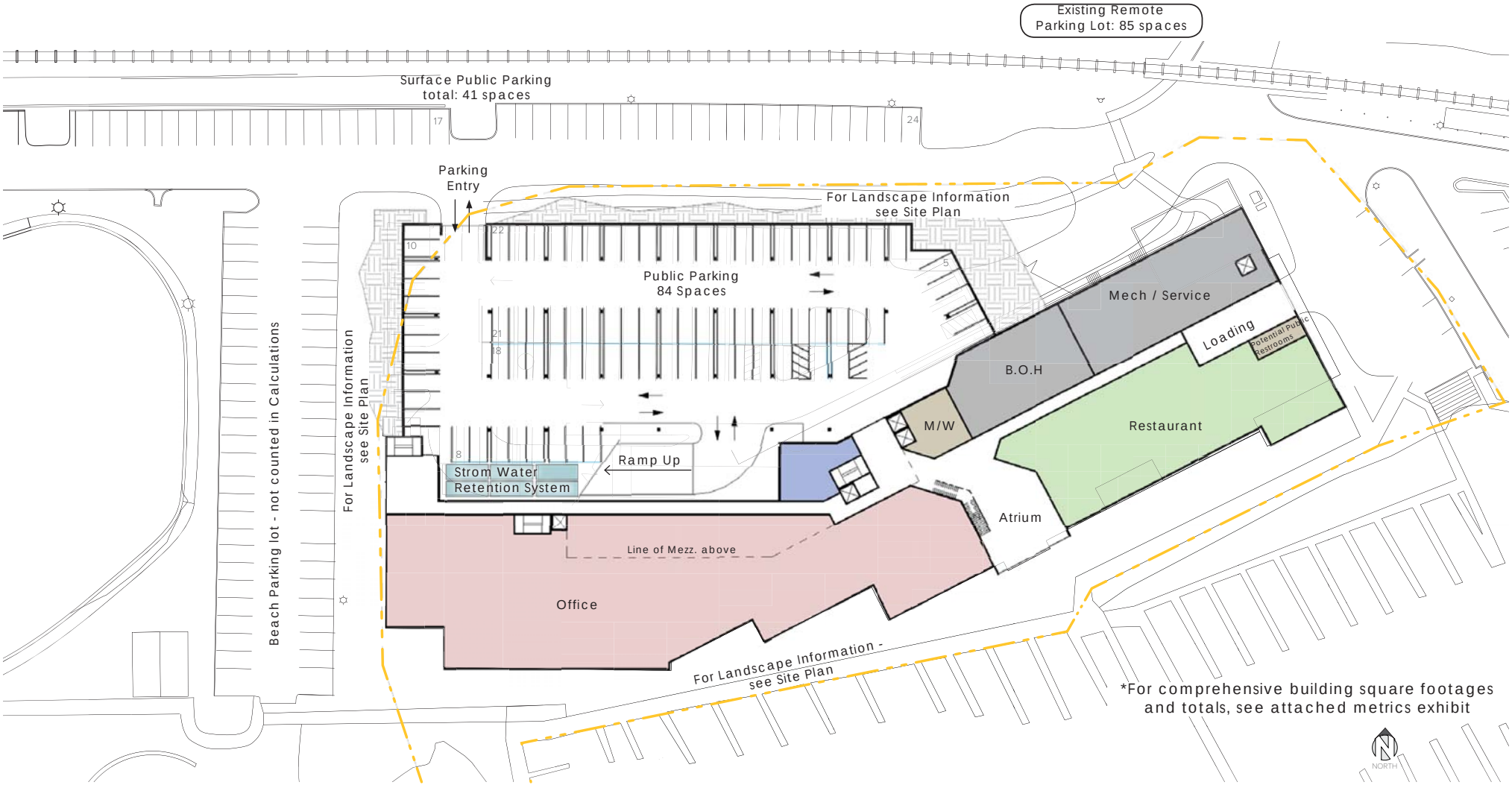
Rendering from Depot Docks

Rendering from Boardwalk

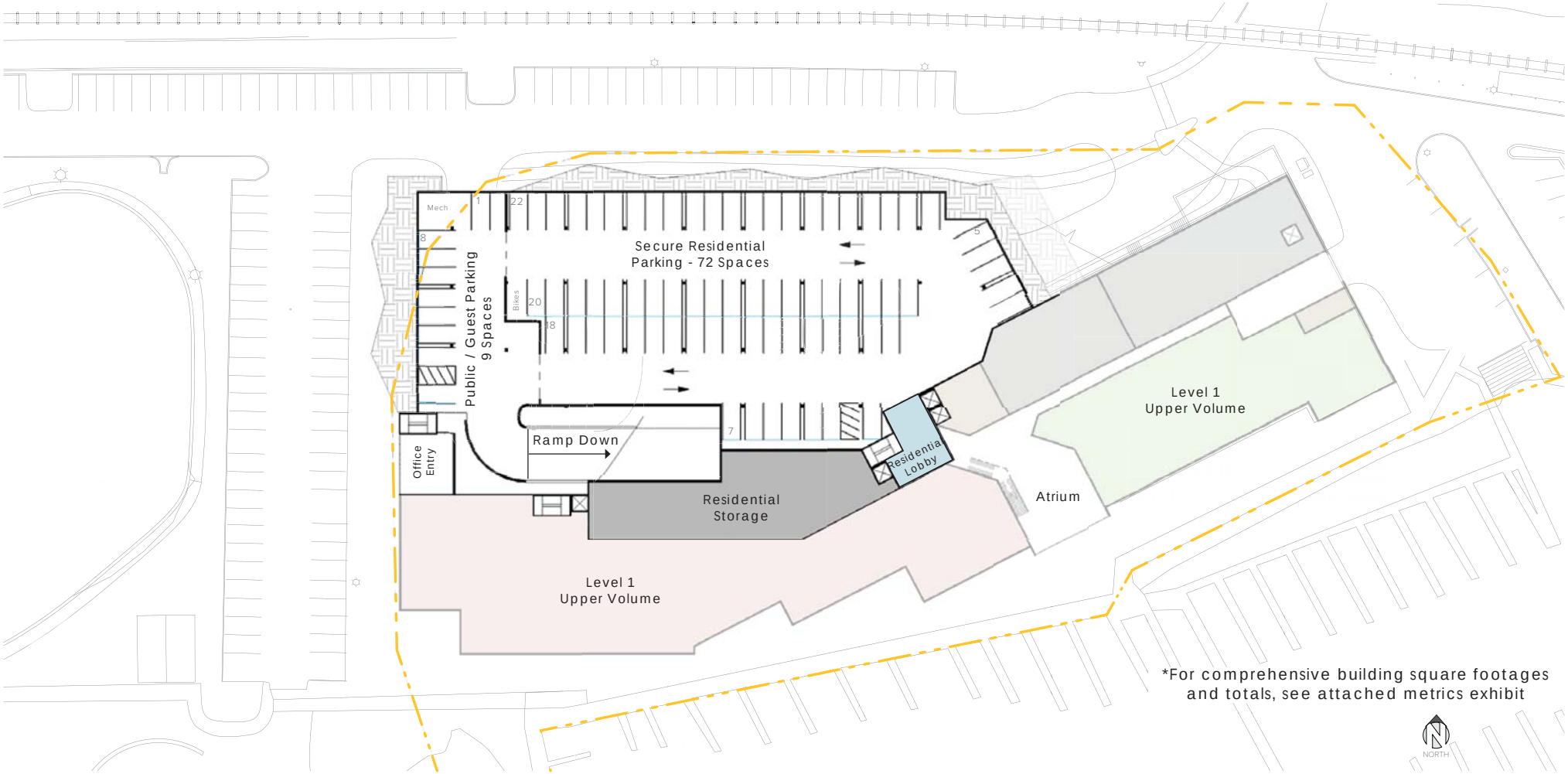
View from East Docks

Site Concept Plan

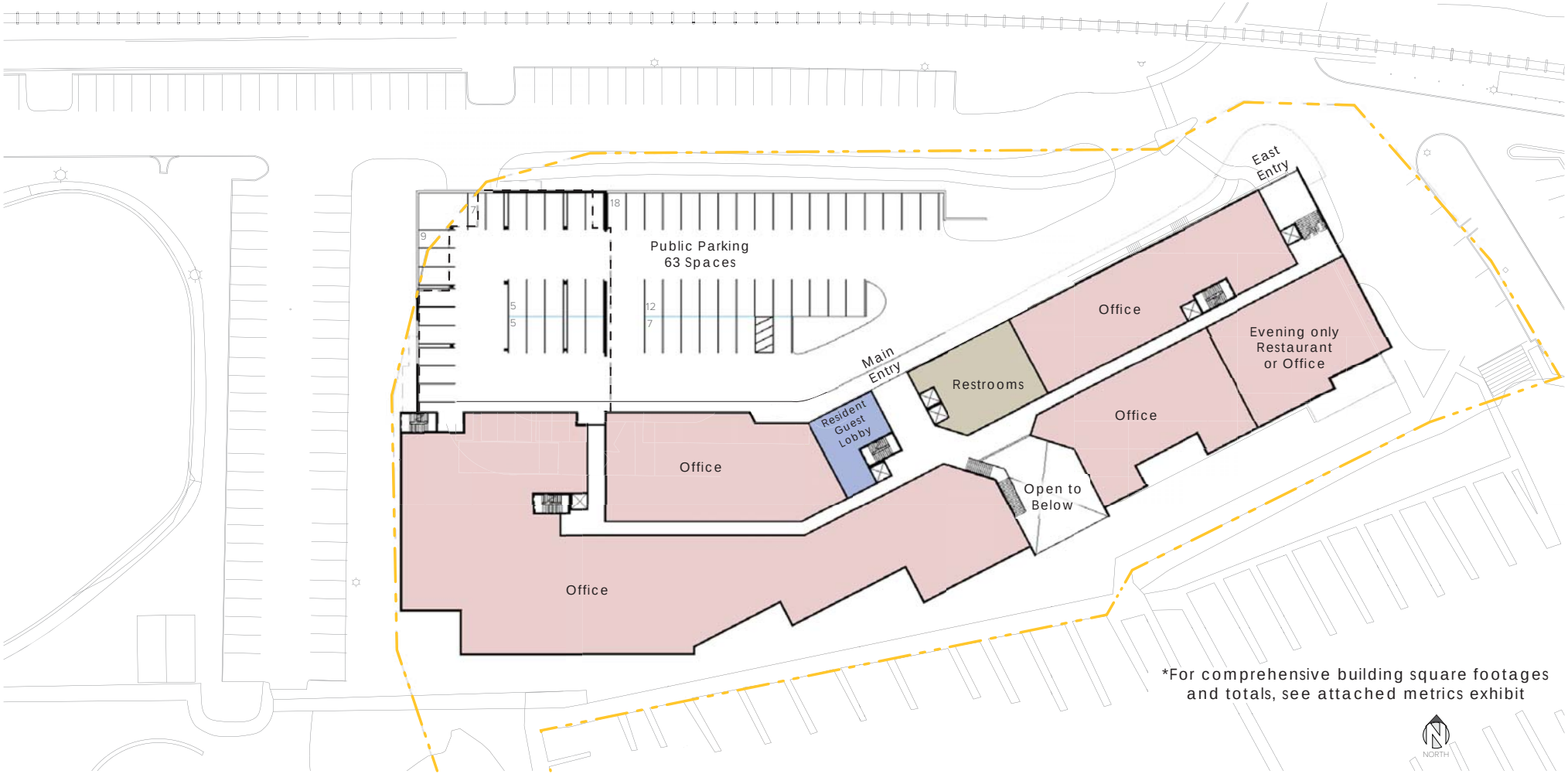
Concept Floor Plan - Level 1



Concept Floor Plan - Parking Mezzanine



Concept Floor Plan - Level 2

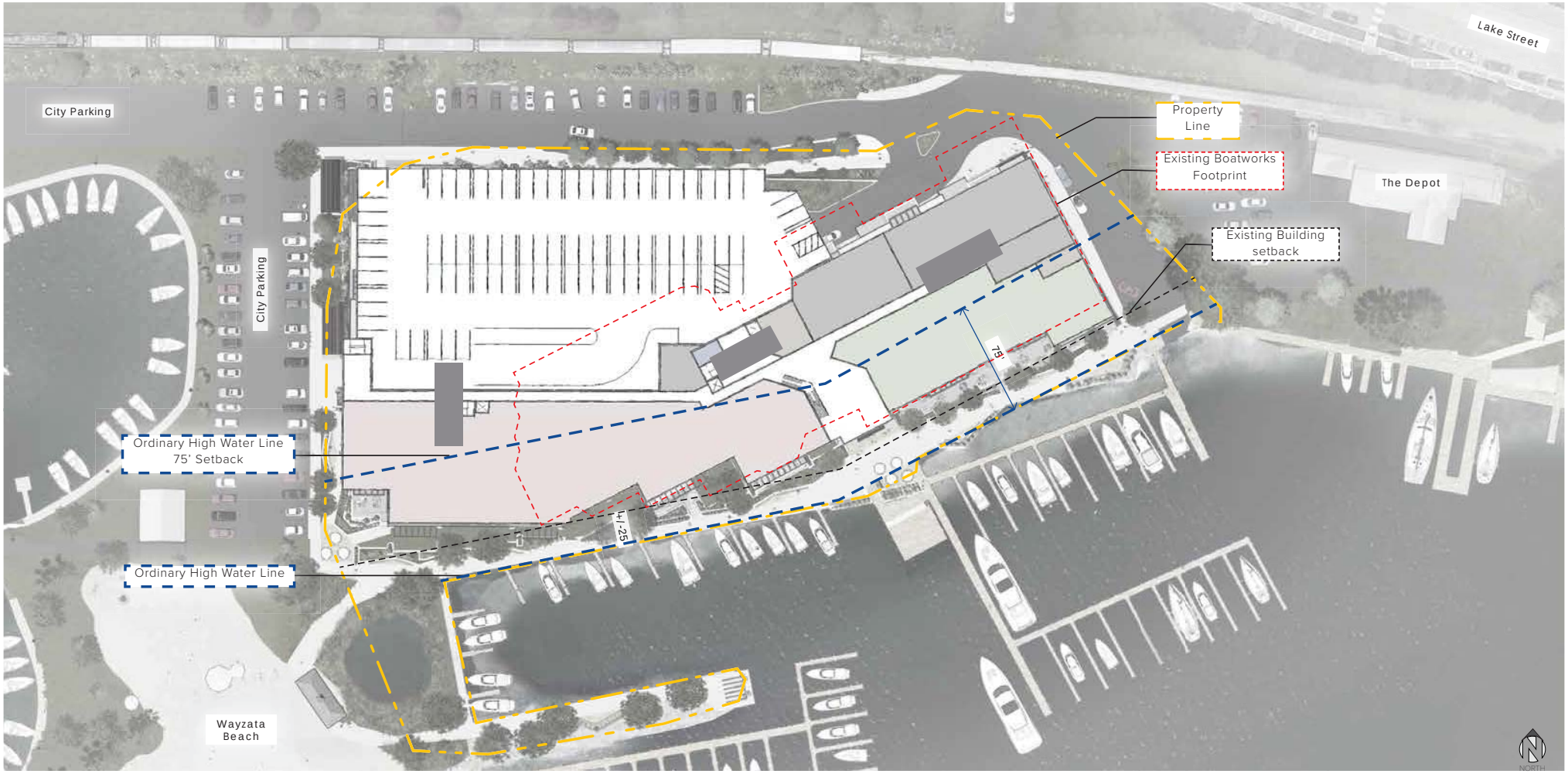


Concept Floor Plan - Resident Level 3

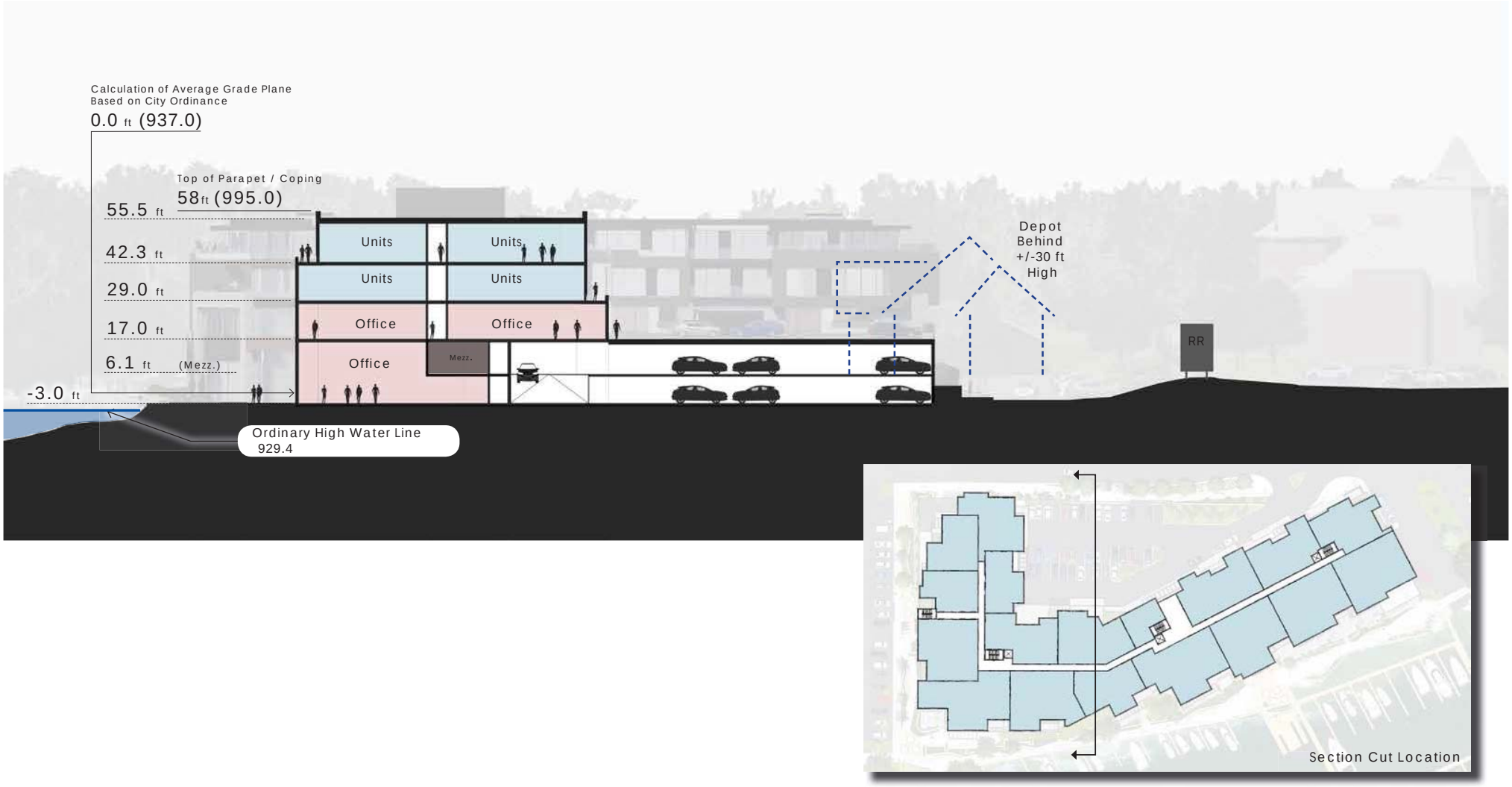
Concept Floor Plan - Resident Level 4

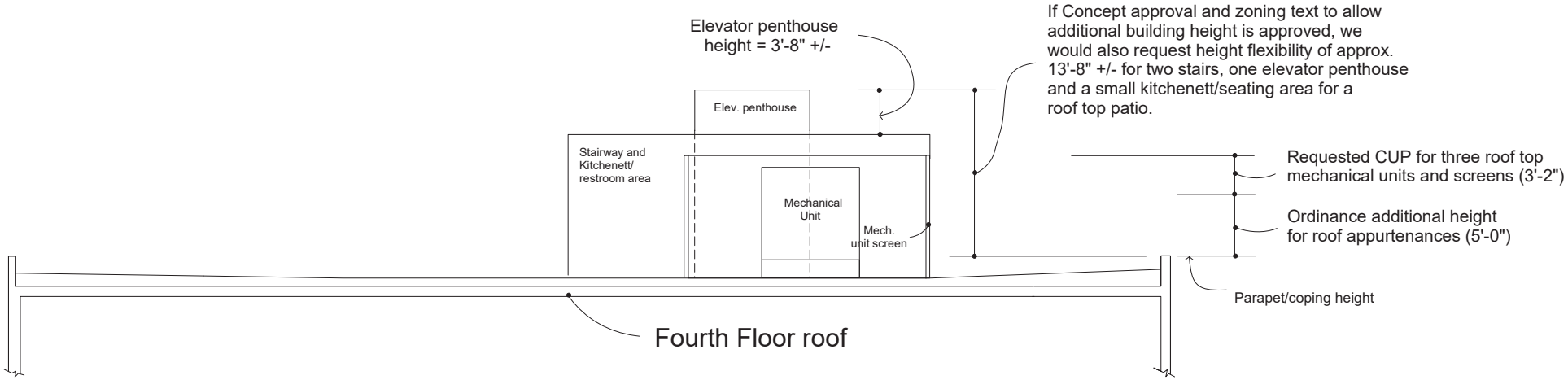
*For comprehensive building square footages and totals, see attached metrics exhibit

Exhibit A - Shoreline Setback



Site Section





Section through fourth floor roof illustrating requested CUP heights above the five foot requirement for roof top appurtenances

10/16/19

Boatworks Re-Imagined - Square Footage, Parking and Height analysis

Based on 10/2/19 Concept Plan submission

(With minor update 10/14/19)

General building metrics:

Use:	Approx. SF
Office space	58,421
Restaurant	8,089
Residential	100,577
Residential common area	46,194
East public restrooms (exterior)	430
Mech/Elec/Generator/Trash/Storage	5,588
Gross Building area	219,299
Structured parking area	66,517

Parking and building height calculation:

Base Parking

	Unit		Stalls per unit	Total required
Condominiums	36	Units	2	72
Office Space usable SF	58,421	SF	333.30	175
Marina	75	Slips	70%	53
Restaurant usable SF	8,089	SF	65.79	123
				423

Parking required per Joint Facilities formula (801.20.9)

		Weekday			Weekend	
	Midnight to 7:00 AM	7:00 AM to 6:00 PM	6:00 PM to Midnight	Midnight to 7:00 AM	7:00 AM to 6:00 PM	6:00 PM to Midnight
Condominiums 72	72	72	72	72	66	72
Office 175	9	175	9	0	18	0
Marina 53	0	21	11	0	39	14
Restaurant 123	12	86	123	25	86	123
	93	354	214	97	209	209

Adjusted Required parking 354

* Note - If we decide to switch a portion of the east end of the second floor to an evening only restaurant, it would actually reduce the peak weekday parking demand shown above since there would less of daytime office square footage.

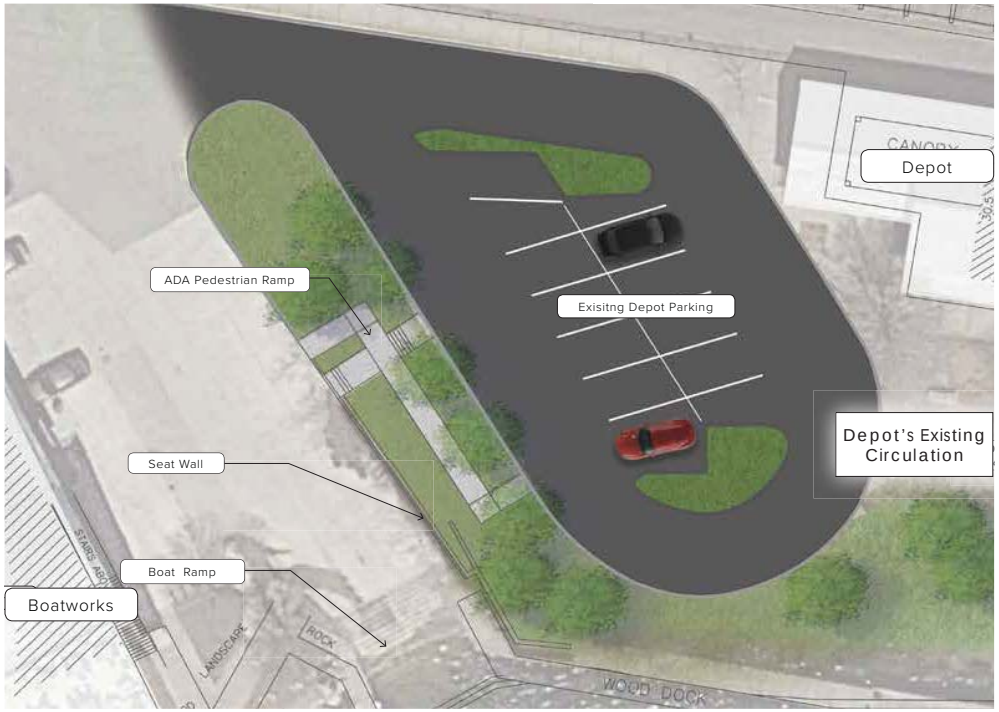
Building Height Calculation:

Provided parking:		Level		Elevation	Difference between levels (ft)
Grade Level	125	Grade (Floor 1)		934.0	
Secure condo parking	72	Mezz level		943.1	9.1
Mezz public pkg	9	Street/podium (Floor 2)		954.0	10.9
Podium level parking	63	First Resid. (Floor 3)		966.0	12.0
Shaver McCarthy property	85	Second Resid. (Floor 4)		979.3	13.3
Total provided	354	Roof elev.		992.5	13.2
		Roof parapet elev.		995.0	2.5

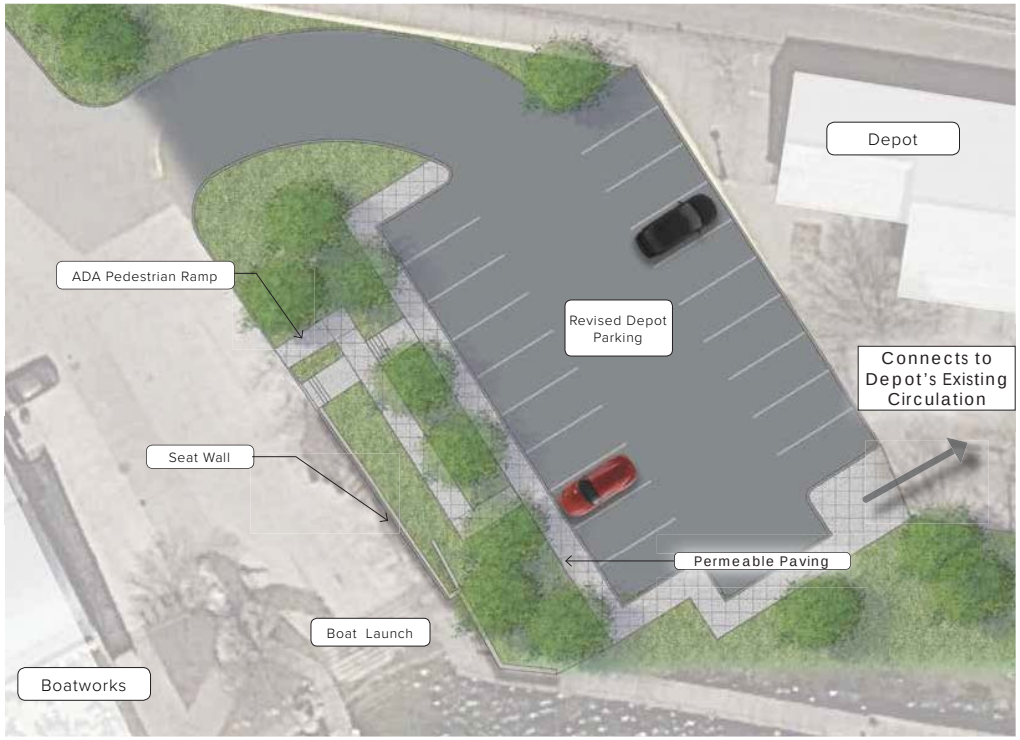
Calculated Averge Grade Plane = 937.0

Building height per City Ordinance (995 - 937) = 58 ft

Potential Options - Depot Area



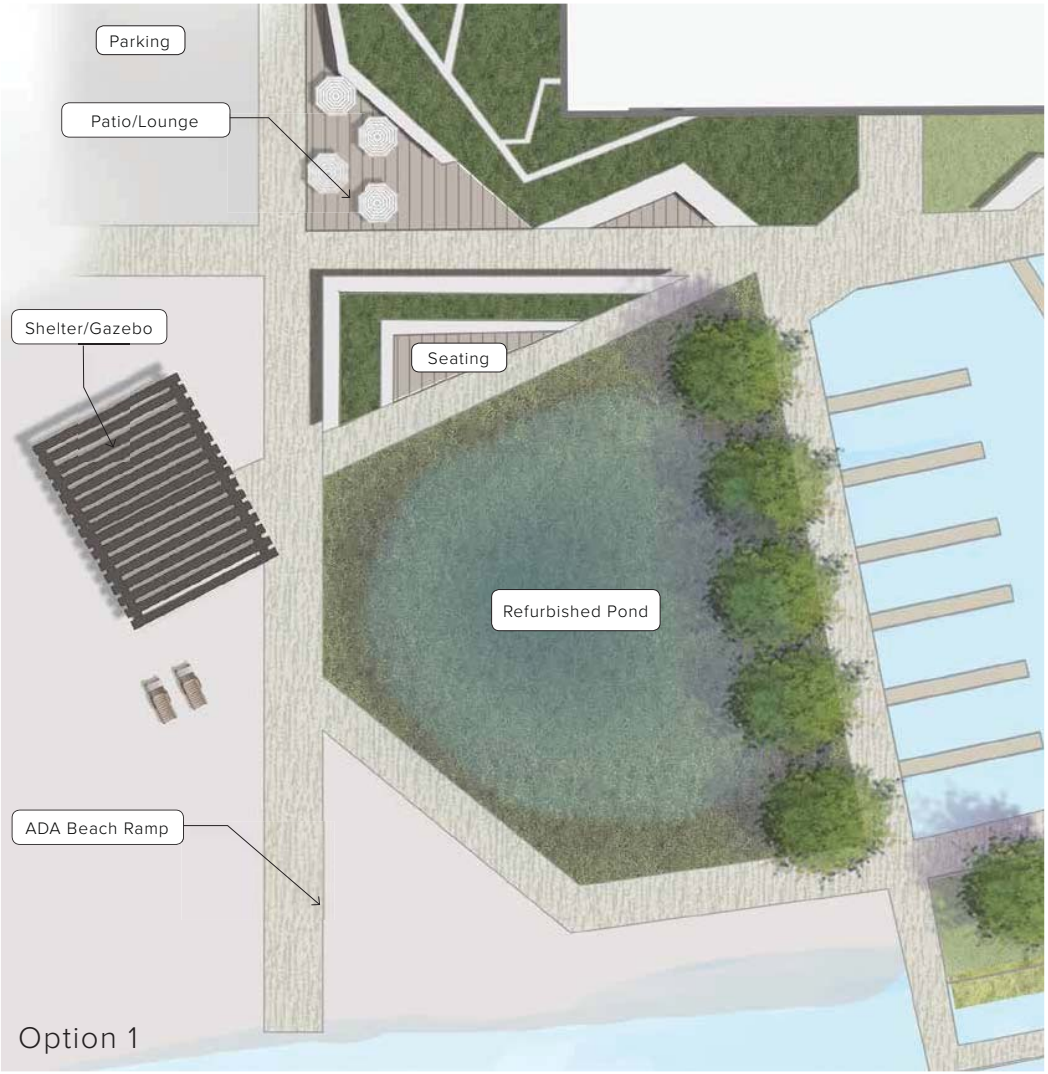
Option 1 - Existing Parking Layout

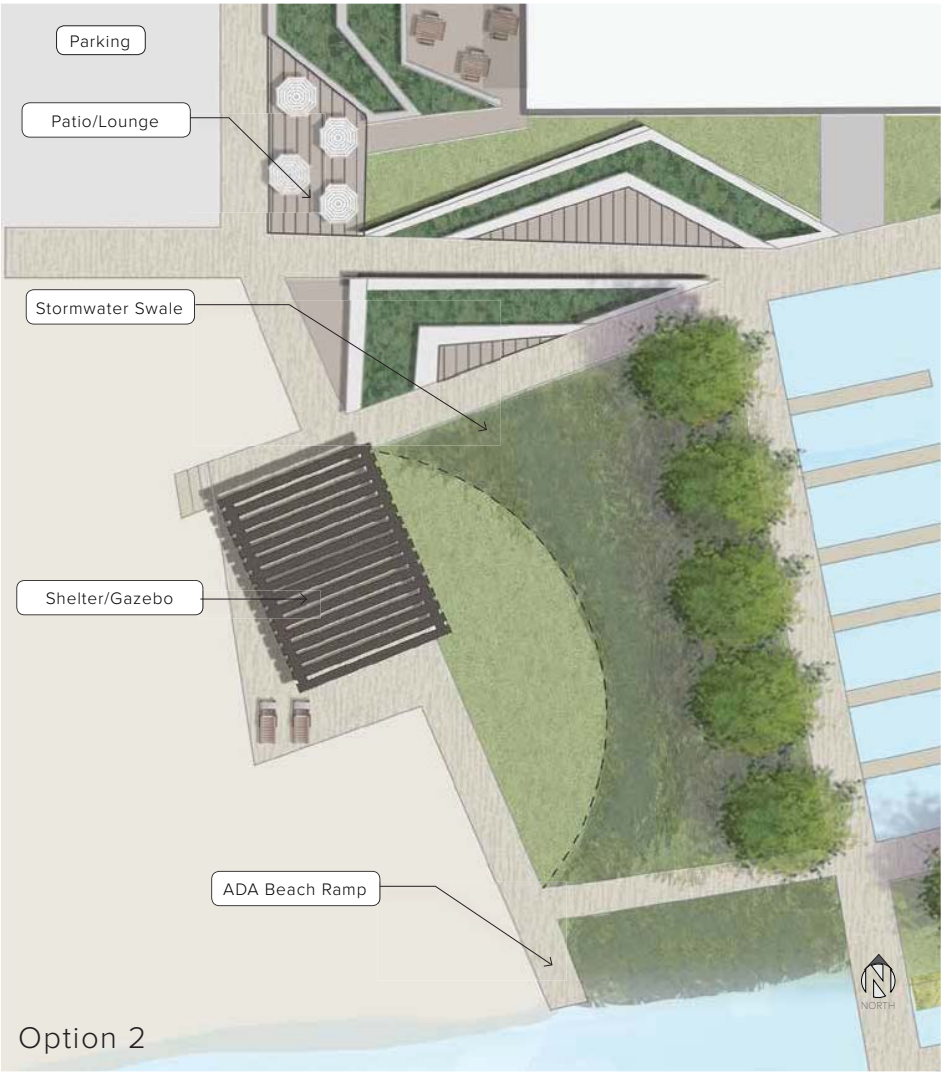


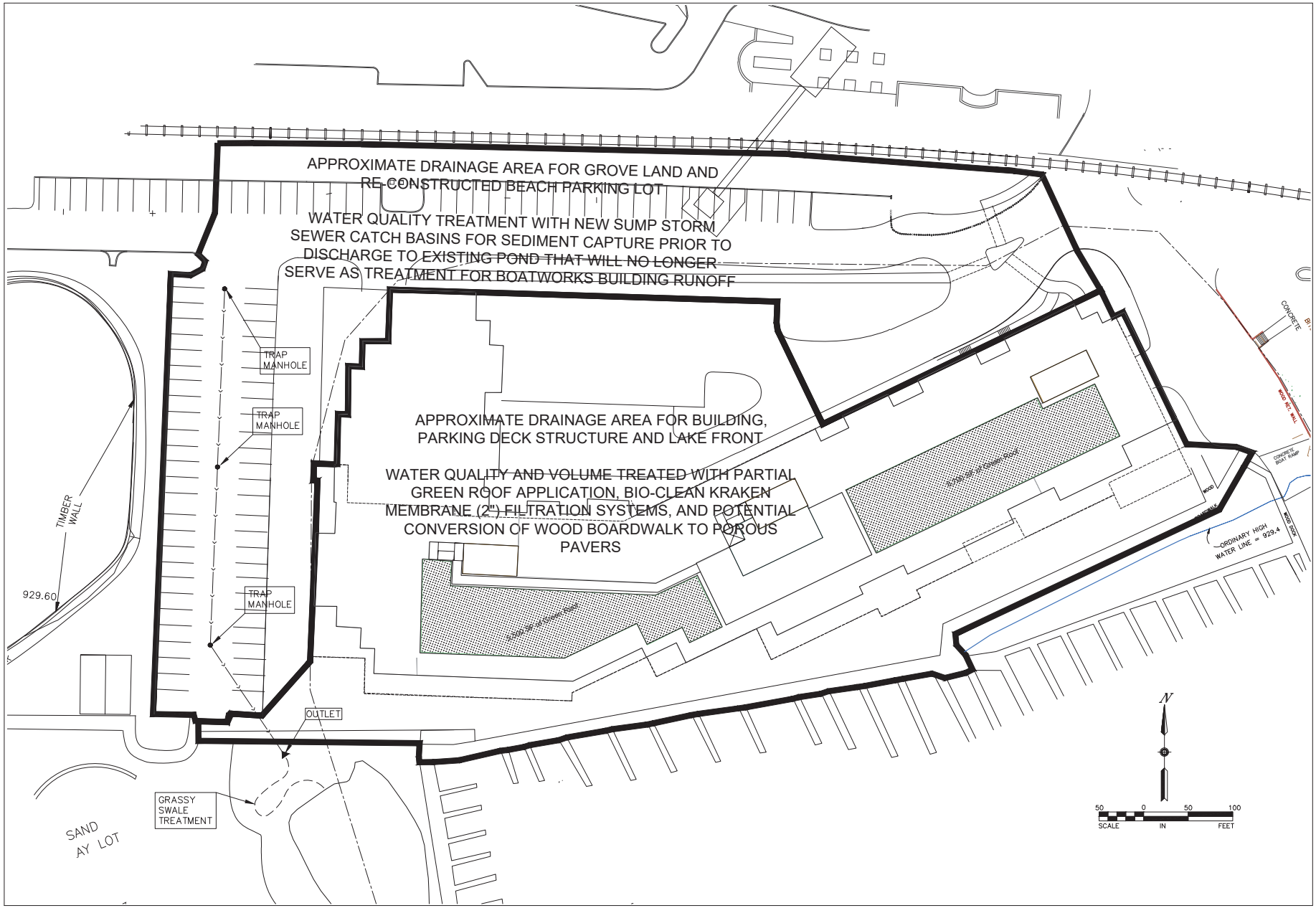
Option 2 - New Parking and Walk

NORTH

Potential Options - Pond Area







Sunde Engineering, PLLC.

CONSULTING CIVIL ENGINEERS
10830 NESBITT AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
(952) 881-1913 FAX
www.sundecivil.com

MINNETONKA BOATWORKS

WAYZATA, MN

DATE	REVISION
2/14/19	ORIGINAL PLAN DATE
2/21/19	REVIEW COMMENTS
8/16/19	CONCEPT STORMWATER PLAN

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

Mike Kettler
DATE: 2/14/19 REG. NO.: 40425

INFORMATION:

PROJECT NO.: 19-504
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE:
DATE: 2/14/19

DESCRIPTION:

CONCEPTUAL STORMWATER MANAGEMENT

SHEET NO:

C1

1 of 1

#19-504 T. , R. , S. DRAWING: \\SERVER\Projects\2019\#19-504 Minnetonka Boatworks\2019-08-15\19504c10.dwg LAYOUT: C1

Bio Clean

A Forterra Company

Kraken™ Filter

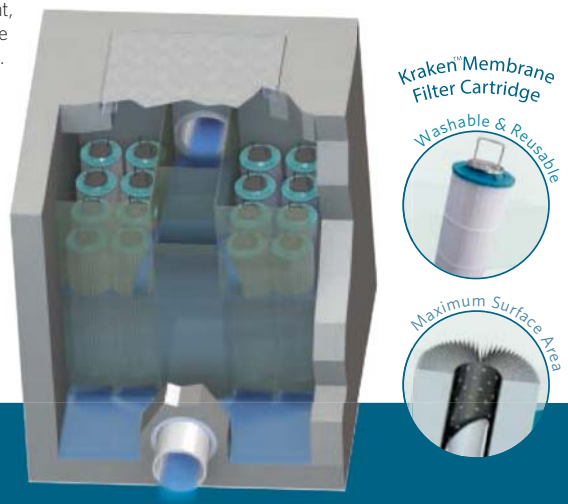
A Stormwater Filtration Solution

OVERVIEW

The Bio Clean Kraken™ Filter is a state-of-the-art system utilizing advanced membrane filtration, ensuring a high level of removal for not only TSS, but also metals, trash, nutrients, and hydrocarbons. The Kraken™ membrane filter cartridge provides high flow rates and over 170 sq. ft. of surface area. This much surface area allows it to operate at a loading rate of only 0.05 gpm/sq. ft. to ensure maximum performance and minimum maintenance. The Kraken™ Filter's low loading rate successfully overcomes high maintenance requirements and frequent clogging issues often found in other filter systems advertising high loading rates.

Each membrane filter cartridge is lightweight, washable, reusable, and more sustainable than typical granular-filled media cartridges. By eliminating the need to purchase new granular media and dispose of spent media, the Kraken™ Filter provides lower life cycle and maintenance costs.

Each filter cartridge is equipped with easy-to-grab handles and is pressure fitted, allowing it to be quickly removed, cleaned, and reattached without the use of tools.



PERFORMANCE

85-89% REMOVAL OF TOTAL SUSPENDED SOLIDS (TSS)

72% REMOVAL OF PHOSPHORUS

ADVANTAGES

- NO GRANULAR MEDIA TO REPLACE
- HIGH FLOW RATES AND MAXIMUM SURFACE AREA
- LOADING RATE OF 0.05 GPM / SQ. FT. FOR MINIMAL MAINTENANCE
- MEMBRANE FILTER CARTRIDGES CAN BE EASILY REMOVED AND CLEANED BY HAND
- BUILT-IN PRETREATMENT CHAMBER CAPTURES TRASH, SEDIMENTS, DEBRIS, AND HYDROCARBONS
- FILTER CARTRIDGE DRIES OUT BETWEEN STORM EVENTS TO PREVENT BIOFILM GROWTH WHICH CAN CAUSE CLOGGING AND OTHER PERFORMANCE ISSUES
- NJDEP ONLINE INSTALLATION APPROVED

APPROVALS

The Kraken™ Filter has received NJCAT Verification for 89% TSS removal and NJDEP Certification at an 80% TSS removal rate. In addition, the Kraken™ Filter NJCAT Verification is also for online installations.

NJCAT Verified

NJDEP Certified

TAPE PERFORMANCE

The Kraken™ Filter completed its TAPE field testing in the spring of 2016. The Kraken™ has met the performance benchmarks for basic treatment (TSS) and phosphorus. The system features washable and reusable cartridges to reduce overall maintenance costs.

POLLUTANT	AVERAGE INFLUENT CONCENTRATION (mg/L)	AVERAGE EFFLUENT CONCENTRATION (mg/L)	REMOVAL EFFICIENCY
Total Suspended Solids	73.1	7.0	85%
Total Phosphorus	0.151	0.034	72%
Suspended Solids Conc.	151.3	6.9	89%
Nitrogen (TKN)	1.5	1.0	31%
Fecal Coliform	692	355	60%
Motor Oil	4.6	0.7	81%
Total Zinc	0.158	0.054	54.3%
Total Copper	0.042	0.017	52%
Diesel Range Organics	1.2	0.4	65%

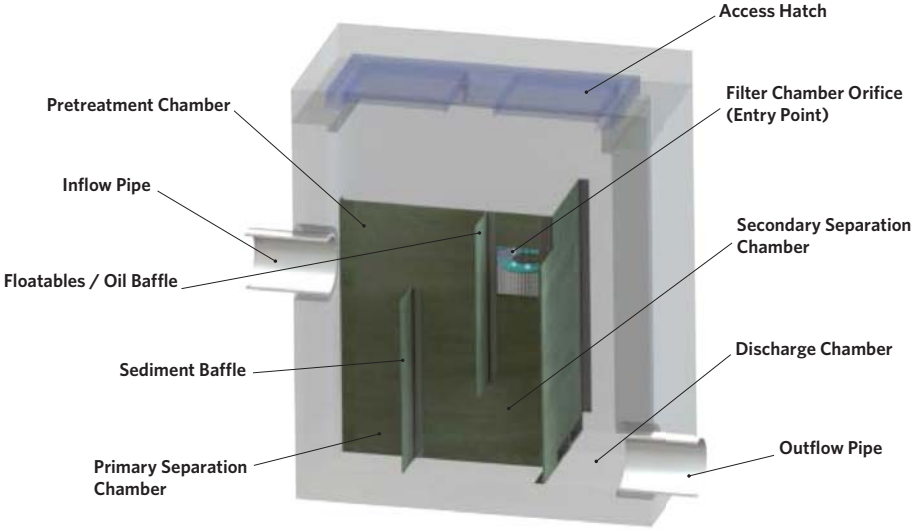
SPECIFICATIONS

Based on Max Cartridge Capacity

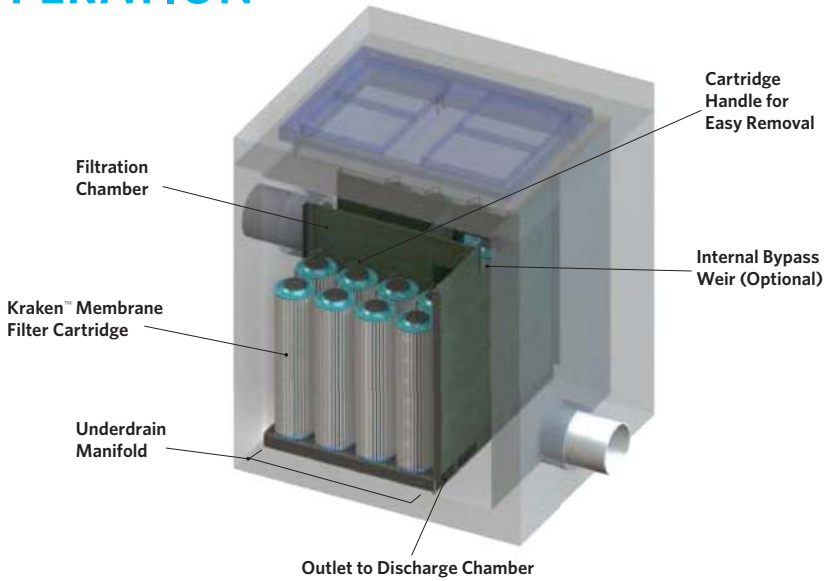
MODEL #	STRUCTURE SIZE (ft. x ft.)	CARTRIDGE CAPACITY	MAX MEDIA SURFACE AREA (sq. ft.)	TREATMENT FLOW CAPACITY (cfs)
KF-4-4	4' x 4'	9 to 16	2720	0.30
KF-4-6	4' x 6'	17 to 24	4080	0.46
KF-4-8	4' x 8'	25 to 32	5440	0.61
KF-8-8	8' x 8'	33 to 48	8160	0.91
KF-8-10	8' x 10'	49 to 65	11220	1.25
KF-8-12	8' x 12'	66 to 78	13260	1.48
KF-8-14	8' x 14'	79 to 96	16320	1.82
KF-8-16	8' x 16'	97 to 114	19380	2.16
KF-10-16	10' x 16'	115 to 152	25840	2.88

See design manual for list of all models. Many other models and structure sizes are available for higher flows.
Please contact us for more details.

OPERATION

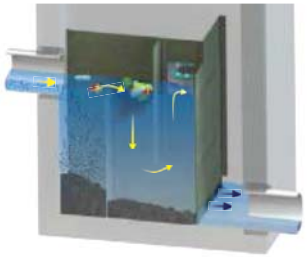


OPERATION



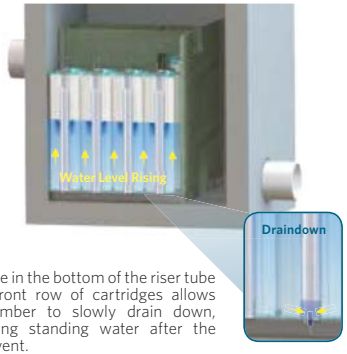
1 PRETREATMENT

To reduce loading on the membrane cartridge, runoff is initially passed through the pretreatment chamber to capture trash, hydrcarbons, and sediments. Once runoff is pretreated, it is directed to the filter chambers for primary treatment.



2 MEMBRANE FILTRATION FILL-UP

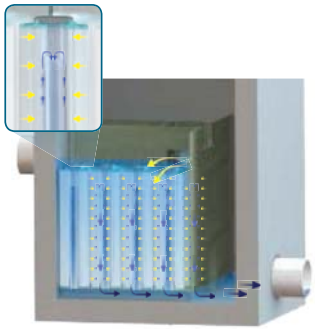
During the fill-up process, a riser tube prevents flow through the membrane cartridge until the water level nears the top of the cartridge. This ensures loading is evenly distributed over the vertical height of the cartridge maximizing efficiency.



An orifice in the bottom of the riser tube in the front row of cartridges allows the chamber to slowly drain down, eliminating standing water after the storm event.

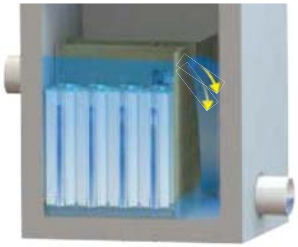
3 MEMBRANE FILTRATION PEAK CAPACITY

As the water level reaches the top of the membrane cartridges, flow through will begin. The riser tube creates an upward flow path within each cartridge to increase performance. Treated water then passes down the riser tube and collects in the underdrain manifold and flows to the discharge chamber.



4 BYPASS

An optional internal bypass is available with most system configurations. When flows exceed the treatment capacity of the system, the water level rises and goes into bypass. High flows are conveyed from the pretreatment chamber directly to the discharge chamber to prevent scouring of fine sediments captured within the filtration chamber.



INSTALLATION

Small footprint reduces installation and shipping costs.

No deep sump chamber (as found with tentacle-type systems) and reduces excavation costs.

MAINTENANCE

Lowest lifecycle cost of any media filter with fast and simple maintenance procedures.

Easily cleaned with a standard vacuum truck, and reusable cartridge can be cleaned with a standard garden hose.

Bio Clean
A Forterra Company

5796 Armada Drive Suite 250
Carlsbad, CA 92008
855.566.3938
stormwater@forterrabp.com
biocleanenvironmental.com

X&SMITH

Boatworks Redevelopment

Comment Received by 10/17/2019

From: Nancy Meshbesher
To: Emily Goellner
Subject: Boatworks redevelopment
Date: Monday, October 7, 2019 10:50:25 AM

Dear Ms. Goellner,

I am writing you to express my interest in and support of the Boatworks Redevelopment project in Wayzata. We moved into the Landing Condominiums in September of 2017, having lived previously in a home in Edina for 30+ years. The main reason we moved to the Landing was the location in downtown Wayzata. We have watched the changes over the past many years in Wayzata, and felt it was a great place to start our empty-nester years. Wayzata is a unique community providing first class restaurants, shopping and scenery all within walking distance. It has maintained it's quaint and small town feel to us, and we believe that further development plans including the Lakefront Walk and the Boatworks redevelopment will further enhance the desirability of this community. We are also very confident that if Steve Bohl is involved in the Boatworks redevelopment, this project will be planned and constructed with care and concern for the community, as well as with the highest quality of construction. We had a very positive experience with Steve Bohl and everyone in the BohLand Company.

Thank you,

Nancy and Steve Meshbesher

From: Steve Sanger
To: Jeffrey Dahl
Cc: Emily Goellner
Subject: Boat Works Project
Date: Friday, October 11, 2019 2:25:51 PM

To the Wayzata City Council and Planning Commission:

I am writing to express my support for the Boat Works project that the Planning Commission and City Council will be considering in the coming months.

As a 40+ year resident of 55391 and a 10+ year office tenant of the Boat Works building, I have watched with admiration as the City of Wayzata has transformed the eastern half of downtown into an attractive, dynamic community with new and exciting residential, restaurant and retail options. In contrast, our western half has not kept pace and is only recently beginning to evolve. I believe the Boat Works project will address that imbalance and transform an outdated, inefficient and unattractive building into a distinctive, efficient and environmentally beneficial focal point for the western side of our city. In addition to being a far more attractive building, the proposed Boat Works offers many benefits for our city including badly needed parking, an upgraded marina, improved environmental characteristics, a boardwalk that ties the Wayzata beach naturally to the Lake Effect vision for downtown and, finally, an increased tax base.

For me personally, the project represents a near term inconvenience as I'll have to relocate my office when construction starts. However, this is an upgrade that needs to happen at some point and sooner is better than later. I believe this project will contribute substantially to the distinctiveness and vitality of our city and I offer my enthusiastic support. I hope this perspective is helpful to your deliberations.

Sincerely,

Steve Sanger
Ret. Chairman and CEO
General Mills, Inc.
294 Grove Lane E, Ste. 280
Wayzata, MN 55391

(612) 685-5799
steve.sanger@optimus4.com

October 11, 2019

Emily Goellner
Director of Community Development
City of Wayzata
600 Rice St. East
Wayzata, MN 55391

Dear Emily,

A quick note to let you know that I look forward to the council approving the plans for a development replacing the current Boatworks. I hope that the project will get the necessary required support from the City as it makes its way through the hearings process. It will be great to have a new, beautiful building and grounds to bookend the West side of Lake Effect project.

Just the view of one of your residents.

Thank you,

Pat Gharrity

Pat Gharrity

201 Ridgeview Drive
Wayzata, MN 55391
612.384.9528
patgharrity@gmail.com

cc: Jeff Dahl

From: Larry Lukis
To: Jeffrey Dahl; Emily Goellner
Subject: comments on the Boatworks redevelopment proposal
Date: Saturday, October 12, 2019 8:34:09 PM

To whom it may concern,

My wife and I live at the recently completed property at 320 Ferndale Rd S. We also have a condo at The Landings (not to mention our "old" house at 125 Westwood Ln which will go on the market soon). As our new home on Ferndale is directly adjacent to Shaver Park, and a stone's throw from the Boatworks Building, we obviously are quite interested in the development plans that Rick Born has been working on for Boatworks.

We think the new Boatworks building will be a great amenity for the community, and a real capstone to the lakefront redevelopment in general. We also have a slip at the Boatworks Marina which will benefit from the upgrade. Finally, Digi Labs, my new-product incubator is a current Boatworks tenant. It will be unfortunate to have to find some new space in the interim, but we look forward to having Digi Labs get back into the new improved Boatworks ASAP.

We will not be able to attend public hearing but we did want to express our thoughts on the project.

Regards,

Larry Lukis
12 Oct 2019

From: Steve Dusek
To: Jeffrey Dahl
Cc: Emily Goellner
Subject: New Boatworks Development Proposal
Date: Monday, October 14, 2019 3:03:14 PM

Dear Jeff and Emily,
I live at 101 Peavey Lane and have lived there for over 20 years. I have a great view of Shaver Park across the street. If someone were to come into downtown Wayzata and have not been there for 5 years or more, they would be surprised at the modern development and ongoing construction happening today. The building of new condos, retail, and restaurants is off the charts which is great!! Downtown Wayzata is truly thriving with more future building and present construction going on right now.

*The huge Hotel Landing was finished.
*All the beautiful condos that are ultra modern and massive on Superior Street north of Lake Street .
*New construction north on Broadway next to Chicos with retail and a new restaurant.
*Proposed development on Manitoba across from 5 Swans 401 building.
*Construction on Wayzata Blu Condos
*Construction on Meyer Place Condos
*Empty building on 235 Lake Street (proposed condos?)

These are all on the north side of Lake Street with many not having a view of the Lake or blocking lake views from buildings behind the new ones.

I am familiar with the Development Plan for the new Boatworks building which is the only property on the south side of Lake Street on Lake Minnetonka. This plan created by Mr. Born will greatly improve and update the 85 year Boatworks/Marina facility. This new Development will have World Class improvements surrounding the Marina, updated parking, safer sidewalks around the building for pedestrians to navigate the complex and surrounding Boatworks area.
The new Boatworks will create a wonderful Boardwalk experience and will be the "CROWN JEWEL" of Wayzata adding to the beauty of the Wayzata shoreline, Lake Street, along with an increase tax base for the City of Wayzata.

I greatly ENDORSE this new Boatworks Development plan.

Warmest Regards,

Steve Dusek

sjdusek@gmail.com

10/14/2019

To the Wayzata Planning Commission and City Council,

I'd like to weigh in on the proposed Boat Works redevelopment.

I've owned a dozen properties in Wayzata over the years and currently own 2. I work in Wayzata and consider it "my town". My son is an employee of the city. I have lived in and around Wayzata for over 50 years. During that 1/2 century, I've seen extraordinary changes to this lovely small town. I frankly wish the town had not gone through the extreme transformation it has but that Genie is out of the bottle. I miss the movie theater, all the affordable restaurants (Bridgeman's, A&W, Hart's café, Ol Piper Inn, and so many more), the Ben Franklin, Ted's Pharmacy, the Brass Bell, even the horrible Bay Center where I worked for Ron and Gordy Engel. For good or bad, the times have changed and Wayzata's unique combination of assets - Lake Minnetonka, the close proximity to downtown Minneapolis, its wonderful hillside, the small town history, etc. – have simply changed the economics such that change was unstoppable. I recognize that the City has a huge responsibility to monitor growth and development. Now the City faces the proposal to redevelop the Boat Works. I understand the request, to go above the current height limit, is a potentially slippery slope. When I look at the proposal, it does feel large but when I look at the other projects that currently occupy Wayzata, I feel it is not out of scale. Projects such as Presbyterian Homes, the TCF building, the Harrington House and many of the office buildings make the size of the Boat Works proposal seem appropriate. Additionally, because the building sits at the lowest point in the city, it is unreasonable to hold it to the same height requirements as other, more elevated properties in the city. This piece of property is, by far, the most important piece of real estate in Wayzata. Given its location on the West end of Lake Street, the proximity to the beach and park, and soon-to-be new boardwalk, I feel the current structure is obsolete. It is clearly an architectural eye sore and furthermore, the traffic flow around it – both vehicular and pedestrian - is terrible and unsafe. The closeness of the current building to the RR tracks is problematic and the parking is a mess.

The proposed building would be a tremendous statement on that end of the boardwalk. It seems a shame to go through the cost and headache of constructing the Lake Effect project only to have the West end of that wonderful project be the Boat Works as it currently sits.

Other property owners have been given variances of all kinds. It seems unfair now to hold the Boat Works proposal back when it is such an important project to the City and its residents. The architecture is truly beautiful and is appropriate for this spectacular setting. The proposed improvements to the parking, pedestrian and vehicle flow and the water management, are all important and represent a substantial public benefit.

Thank you for your consideration,

Erik Myhran

612-810-3745

From: Rich LeFavor
To: Jeffrey Dahl; Emily Goellner
Subject: RE: BOATWORKS RE-IMAGINED
Date: Thursday, October 17, 2019 9:24:53 AM

Jeff and Emily,

I have been looking at relocating to the Wayzata area for the past year. During my search, the Boatworks Re-Imagined project was brought to my attention by my realtor. Once I was able to see the renderings and overall scope of the project, I put my condo looking on hold. This project, if approved, will be the location of my permanent residence. I love what Steve Bohl and Rick Born have envisioned and I wholeheartedly want to lend my support to this wonderful project.

Thank you for your time.

Rich LeFavor
612-280-7007

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

Dear Ms. Goellner,

After growing up in Golden Valley, and raising a family in Maple Grove for 25 years, my husband and I decided to sell our house and move to the Landing condominiums. My husband is the one who pushed for living in a condo. I liked the idea of not worrying about the lawn and snow maintenance of our house. I knew that if we were going to try condo living, Wayzata is where I wanted to be. I remember shopping at the old mall in Wayzata, on the land where I now live, and I remember eating at the old restaurants in the Cov location. Although it was great then, I think Wayzata is even better now.

As my husband and I reach retirement age, I am so glad I can be near my mother who is a resident in memory care at Folkestone. She needs me quite often and it is a short walk from the Landing. She and I are glad to know we are so close to each other and she can get the care she needs.

I really enjoy all of the great restaurants and shops and all of the events that are within walking distance from my condominium. The improvements made to the old strip mall make it look like a more desirable place to shop. Living here in the summer makes me feel like I am on vacation with the water view and the quaint shops and it is a quick drive to downtown Minneapolis. Since I have enjoyed condo living in Wayzata, I think the Boatworks redevelopment project would be a great addition to the area. Even with its many changes, Wayzata still feels like an improved version of its old self.

Sincerely,
Diane Rolando

From: Tim Nesvold <nesvold@mnrea.com>
Sent: Thursday, October 17, 2019 2:48 PM
To: Jeffrey Dahl <jdahl@wayzata.org>
Subject: Boatworks Redevelopment

Dear Mr. Dahl,

My wife Suzi and I are residents of Wayzata and have enjoyed the revitalization of Wayzata over the past handful of years. We are very encouraged by the Lake Effect efforts and look forward to the eventual outcome.
To that end I would also like to express my support for the most recent rendition of the Boatworks redevelopment that is being proposed to Planning Commission and City Council. The scaled back design looks appealing and seems to fit well with the site. I also believe the timing could be ideal for the Lake Effect work and a great opportunity to gain some developer participation in that effort.
As you know the property sits on Wayzata's premier public/ private lakefront and could be the showpiece of our City. Obviously any redevelopment comes with its positives and negatives however I believe the benefits outweigh any negatives. I suspect that the opportunity to upgrade this property and the adjacent waterfront area may be short lived.
We support the City in finding a way to make this work!
Thank you!

Tim Nesvold
Real Estate Advisors, Inc.
5353 Wayzata Blvd., Suite 403
Minneapolis, MN 55416
O: 952-546-7000 C: 952-451-7007
nesvold@mnrea.com

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 7.a.
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Staff will be providing an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 7.b.
TITLE: October 15 City Council Meeting Report	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: October 21, 2019	**AGENDA ITEM:** 7.c.
TITLE: Planning Commissioner Liaison for the November 6 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Plantan is assigned as the liaison for the Wednesday, November 6 City Council Meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2019 PC representatives at Council

2019
Planning Commission assignments at Council meetings

Meeting Date		Commission Representative
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