

## **WAYZATA PLANNING COMMISSION**

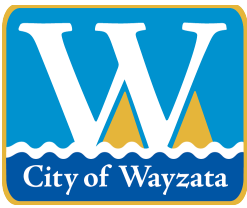
### **Meeting Agenda**

Wayzata City Hall Community Room, 600 Rice Street  
Thursday, November 7, 2019  
6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
  - a. Approval of the October 21, 2019 Meeting Minutes
  - b. Report and Recommendation of Denial for Boatworks Development Application at 294 Grove Ln E
- 5. Other Items**
  - a. Review of Development Activities
  - b. November 6 City Council Meeting Report
  - c. Planning Commissioner Liaison for the November 19 City Council Meeting
- 6. Adjournment**

Upcoming Meetings:  
City Council - November 19, 2019  
Planning Commission - November 18, 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

|                                                                    |                          |
|--------------------------------------------------------------------|--------------------------|
| <b>MEETING DATE:</b> November 7, 2019                              | <b>AGENDA ITEM:</b> 4.a. |
| <b>TITLE:</b> Approval of the October 21, 2019 Meeting Minutes     |                          |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                 |                          |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director |                          |
| <b>60 DAY DEADLINE:</b> N/A                                        |                          |

**BACKGROUND:**

N/A

**ACTION REQUESTED:**

City staff recommends that the Planning Commission approve the draft minutes for the October 21, 2019 meeting.

**ATTACHMENTS:**

1. Draft PC Minutes - October 21, 2019

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
October 21, 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: Merriam, Plantan, Flannigan, Douglas, Iverson and Bashioum. Absent: Parkhill. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, City Attorney David Schelzel, and Consulting Planner Eric Zweber 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 October 21, 2019 agenda as presented. The motion carried unanimously.

**AGENDA ITEM 4. Consent Agenda**

- a.) Approval of 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

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

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

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

1 a.) None

2  
3  
4 **AGENDA ITEM 6. Public Hearing Items:**

5  
6 **a.) Consideration of Development Application for the Boatworks Redevelopment**  
7 **Planned Unit Development Concept Plan and Zoning Ordinance Text**  
8 **Amendments at 294 Grove Lane East**  
9

10 Community Development Director Emily Goellner, stated that the applicant and property owner,  
11 Boatworks II, LLC, has submitted a development application requesting approval of (i) a planned  
12 unit development (PUD) concept plan for a new four-story mixed use building (with rooftop  
13 access) consisting of office, restaurant, and residential condominiums uses, and (ii) zoning  
14 ordinance text amendments related to height, setbacks and rooftop equipment in connection with  
15 a proposed redevelopment of the property at 294 Grove Lane E. The property is currently zoned  
16 C-3/Service Commercial which is intended to serve as a Business District. The 2030 and 2040  
17 Comp Plan Designation is Central Business District.

18  
19 As part of the submitted development application, the applicant is requesting approval of a PUD  
20 Concept Plan and three Zoning Ordinance Text Amendments, which would change the standards  
21 for PUD Setbacks, PUD Building Height, and the Wayzata Blvd District Design Standards for  
22 Rooftop Equipment. If the Concept Plan moves forward, the applicant would be required to get  
23 additional approvals including: PUD General Plan, Project Design , Rezoning to PUD, Shoreland  
24 Impact Plan/Conditional Use Permit (SIP/CUP) for a height over 35 feet, SIP/CUP for an  
25 Impervious surface greater than 25%, Conditional Use Permit (CUP) for parapet walls screening  
26 mechanical equipment greater than five feet higher than the overall building height, and a vertical  
27 Plat for condominiums.

28  
29 Director Goellner noted that Hennepin County records show that the existing Boatworks building  
30 was built in 1940. The original use of the building was for boat and railcar repairs. The property  
31 underwent major renovations in the late 1990's and early 2000's. In 2015, an amendment to the  
32 existing PUD/CUP for the property was granted to allow for a joint brewery and distillery to be  
33 constructed within the Boatworks building. In 2019, the owner submitted a Development  
34 Application for a five-story mixed-use building. On June 3, 2019, the Planning Commission  
35 conducted a public hearing for the five-story redevelopment proposal. Following the public  
36 hearing and after consideration of the redevelopment application, the Planning Commission  
37 directed staff to prepare a Planning Commission Report and Recommendation to deny the  
38 application request. Following that meeting, the applicant withdrew the Development Application.  
39 Since June 3, the applicant considered the comments received during the public hearing and from  
40 the Planning Commission on the last application. In the current application, the applicant and  
41 property owner has applied for approval of a PUD concept plan and Zoning Ordinance Text  
42 Amendments for a new four-story mixed-use building consisting of office, restaurant and  
43 residential condominium uses. The proposal includes a rooftop recreation area for the  
44 condominium tenants and their guests. The applicant is requesting a PUD because there are a mix  
45 of uses proposed for the property. The C-3 Zoning District does not permit residential uses, so the  
46 applicant has proposed rezoning to the PUD District to allow the mix of uses.

1  
2 Director Goellner asked the Planning Commission to consider a key question for the proposed  
3 PUD: "Would allowing a Planned Unit Development here create a more desirable, innovative and  
4 creative environment that would have a mix of uses and is that made possible through a PUD or  
5 through strict application of the zoning rules?"

6  
7 Planning Consultant, Eric Zweber, continued the staff presentation and explained that the proposed  
8 Boatworks project as shown in the PUD Concept Plan includes a four-story building with rooftop  
9 access that would be occupied by commercial uses on the lowest two floors and residential uses  
10 on the highest two floors. The first two floors are proposed to be occupied primarily by restaurant  
11 and office uses, but also would include a portion of the common or utility spaces such as the lobby  
12 for the residential uses, a loading dock, mechanical and electrical equipment, and a potential public  
13 restroom. The public restroom would be available for these residents using the park, beach,  
14 marina, depot or any future Lake Effect improvements. The top two floors would be occupied by  
15 36 residential condominium units. There is a portion of the roof that is proposed to be available  
16 to the residents and guests of the 36 condominium units that would be accessed through the secure  
17 residential elevator and two of the staircases. There will be three levels of parking available.

18  
19 Planner Zweber explained that building height is determined by averaging the grade plane around  
20 a building and it was determined that the proposed building would reach 58 feet to the top of the  
21 parapet and 71'8" to the top of the elevator penthouse. Since the property is currently zoned C-3,  
22 the maximum height allowed on this property is 30 feet or two stories, whichever is less. The PUD  
23 District establishes a maximum building height of 35 feet and three stories, whichever is less.  
24 There is one exception to the standard that states: In PUD Districts that were zoned C-3  
25 commercial prior to PUD and exceed 13 acres, the maximum allowable height shall be as  
26 negotiated and agreed upon between the applicant and the City. To allow for the Boatworks  
27 redevelopment to exceed 35 feet or three stories, the applicant is proposing a Zoning Ordinance  
28 text amendment to add that properties that were zoned C-3 prior to PUD, in excess of three acres,  
29 and with sufficient public benefit can negotiate the maximum allowable height between the  
30 applicant and the City. Section 991.10 of the Zoning Ordinance stipulates that building heights of  
31 over 35 feet may be allowed through approval of a Shoreland Impact Plan/Conditional Use Permit  
32 (SIP/CUP).

33  
34 The Shoreland Ordinance require a minimum of a 75-foot setback to the Lake Shore. The existing  
35 building is approximately 25 feet. This is legal non-conforming building. To construct the new  
36 building, it would need to meet the standards of §991.17 & 991.18 which regulate the use of a  
37 PUD within Shoreland Ordinance and state that the application for a residential PUD shall follow  
38 the guidelines in Chapter 933 of the Zoning Ordinance. If the requested Text Amendment for the  
39 PUD setback is granted, then that would allow the City to negotiate the setback. This would no  
40 longer need a variance from the Shoreland Ordinance because the PUD standards would apply.

41  
42 Planner Zweber posed a number of questions for the Planning Commission to consider when  
43 considering the PUD Concept Plan which included: Is the community willing to make the trade-  
44 off between the impacts of the additional height and density requested and the public benefits of  
45 the project? Should there be flexibilities for setbacks in exchange for public benefits? Can

1 sufficient public benefit be reached to match what is given up with the smaller setback? Who else  
2 is affected by the code change? What are the unintended consequences?

3  
4 Planner Zweber provided a list of potential public benefits of the project articulated by the  
5 applicant which included: potential full ADA access, potential public restrooms, public access on  
6 the peninsula, safer pedestrian access, increases in on-site parking, improved stormwater  
7 management system, and consolidation of miscellaneous service and other traffic. The applicant  
8 provided a larger list of potential public benefits as well as the applicant's level of commitment.

9  
10 Planner Zweber provided a list of questions for the Planning Commission to consider in evaluating  
11 the requested Zoning Ordinance Amendments which included: Why only the C-3 commercial  
12 zoning district? Is three acres the right threshold? Should the proximity to public property be  
13 included? Should the public benefits be better defined? Should there be further limitation on  
14 height increase or setback reduction? He identified other parcels in the City that could potentially  
15 be governed by the proposed new height and setback standards.

16  
17 Planner Zweber stated that the applicant has provided information in their narrative that the  
18 mechanical equipment on the roof is required to operate their building. To address this concern,  
19 the applicant is requesting a Zoning Ordinance Amendment that would allow this lot to be  
20 reviewed under the Wayzata Blvd Design Standards, which state that all mechanical equipment  
21 shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties  
22 and pedestrian view vantage points from adjacent sidewalks. If the requested Design Standard  
23 Zoning Ordinance Amendment is approved, further approvals are needed in the form of a  
24 Conditional Use Permit. The following rooftop element would still be subject to the structural  
25 elements in the building height regulations of §919.02.B, which limits the height of these structural  
26 features to no more than 5 feet above the maximum height of the building unless a CUP is  
27 approved. The applicant has also requested a Zoning Ordinance Text Amendment to modify the  
28 rooftop equipment design standards.

29  
30 Chair Flannigan asked if any of the Commissioners had questions to clarify the information  
31 provided by staff.

32  
33 Commissioner Bashioum asked whether the authors of the letters received in support of the project  
34 were known to have any financial gain or impact from the project itself.

35  
36 Director Goellner stated that those providing testimony can share that information if they wish,  
37 but the focus for Commissioners should be more on the Code standards, the land use approvals  
38 requested, and the project itself. The motivation behind the submitted letters is unknown and less  
39 important in evaluation of the project.

40  
41 Chair Flannigan asked if the applicant is offering as a public benefit that the public would have  
42 access to the property on the Boardwalk and back side of the building.

43  
44 Director Goellner stated that the applicant is offering a fairly unprecedented amount of public  
45 access in a Concept plan for a Planned Unit Development. As part of the General Plan process

1 official public access agreements would need to be obtained and spelled out in the project  
2 agreements.

3  
4 Commissioner Douglas asked if there was an existing public access agreement for the property.

5  
6 Director Goellner stated that staff is not aware of an existing public access agreement at this time  
7 and cannot verify whether one has been executed. Planner Zweber stated that the only agreement  
8 for public access the City has that he is aware of pertains to the public parking stalls on Grove  
9 Lane.

10  
11 Commissioner Iverson asked for clarification regarding what can or cannot be part of the project.

12  
13 Chair Flannigan stated that he was specifically questioning whether public access would be  
14 allowed from a location like the boat launch, across the boardwalk, and to Wayzata Beach. He  
15 further asked for the responsible party of the maintenance of the boardwalk.

16  
17 Planner Zweber stated that the applicant has committed to building the boardwalk. The  
18 maintenance of it would be part of the PUD agreement if passed.

19  
20 Commissioner Iverson asked how the boardwalk would tie into Lake Effect.

21  
22 Planner Zweber stated that if the project moved forward, and the boardwalk was constructed, a  
23 person could walk along the lakeshore from the proposed Eco Park to the marina.

24  
25 There being no further questions from the Commission for Staff, Chair Flannigan asked the  
26 applicant to speak to the Planning Commission about the application.

27  
28 Applicant and property owner principal, Rick Born, stated that at the last meeting, a lot of feedback  
29 was provided regarding scale and height of the proposed building, as well as positive comments  
30 regarding design and public access. The information was used in hopes of creating a  
31 transformational project with significant and unique public benefit for Wayzata. He stated that  
32 they are hoping to create a true public asset for the community through the access on the boardwalk  
33 and world class restaurants. There will be condominiums requiring some amount of privacy, but  
34 the intention is to have everything around it be accessed and become an asset of the community.  
35 He added that he purchased the property in the mid 1990's because of its great potential to be a  
36 mixed-use property. He stated that the property screams to be a public asset and not just a private  
37 property. He acknowledged that change is difficult but necessary. The Council, Commissioners,  
38 Staff, and the community have been exceptional stewards of Wayzata and have created an exciting,  
39 workable, enjoyable, and sustainable vision for a world class village. He wants to see the property  
40 become a mainstay for generations of Wayzatians to come.

41  
42 Applicant Representative, Steve Bohl, stated that one of the public benefits of the project is to  
43 allow for the opportunity to join resources to improve the property and the adjoining public spaces.  
44 He stated that the current building is outdated and needs to be redeveloped, and the proposal  
45 utilizes world class architecture. There will be little or no extra burden on the current  
46 infrastructure, or the resources of Wayzata, and it will provide significant, long-term increases in

1 the tax base without the use of public funding or TIF. There will be safer and adequate parking  
2 that is better managed. The property will be made accessible to all, which includes additional  
3 access from the peninsula to the beach through the creation of a dock. They are also proposing to  
4 build a gathering place by the beach that would be open to the public. He ended by stating that  
5 the property is likely one of the most valuable properties from a public benefit/experience  
6 standpoint in the Twin Cities, and possibly the Midwest.

7  
8 Mr. Born stated that to his knowledge, the letters received by staff were not provided by any person  
9 that had direct financial interests in the project. He acknowledged that not everyone will agree  
10 with everything. Wayzata has undergone a number of changes that have allowed it to become a  
11 world class location. Change is necessary. He explained that the property frequently floods due  
12 to the inadequate system that is in place, the proposal will address this issue for the next generation  
13 and help protect the Bay. He identified concerns with vehicle traffic and pedestrian safety. He  
14 stated that they are planning for more than enough parking than what is required. They will be  
15 creating a huge tax base that is disproportional to the amount of public services that they are also  
16 creating. He acknowledged that many may be upset about the height of the building, but he asks  
17 for consideration of the benefits and asked if they are commensurate with the variances that they  
18 are requesting. He added that there have been great improvements to the east end of Wayzata, but  
19 the west end has been left out. He stated that the building is 100% occupied, he is in a unique  
20 spot where he will need to decide whether to renew leases or allow the leases to expire to  
21 accommodate a two-year redevelopment plan. He added that if he extends the leases, it is likely  
22 that he will not be able to consider redevelopment of the location for another 10-15 years.

23  
24 Chair Flannigan asked if the Commission had any questions for the applicant.

25  
26 Chair Flannigan asked what would happen to the marina during and following redevelopment.

27  
28 Mr. Born stated that it would continue on like it is and continue to function as a public marina.

29  
30 There being no further questions from the Commission for the applicant, Chair Flannigan opened  
31 the public hearing on the application at 7:30 p.m.

32  
33 Resident, Lowell Zitzloff, The Five Swans, stated that he provided a letter to the Commission but  
34 wanted to add a few comments. He stated that there is no question that the building is beautiful.  
35 He would like to see the public benefits provided without the added height that is being requested.  
36 He proposed adding a terrace on the top of a building that he was constructing, but it was not  
37 allowed. He provided other examples of how he had to make changes to his projects to stay within  
38 the ordinances. The ordinance in Wayzata makes it difficult to construct a building, but it is there  
39 to protect Wayzata and the beautiful water. He would like to see a reconfiguration of the project  
40 to stay within the three-story standard of the ordinance. He stated that it seems like they are trying  
41 to write their own ordinance. He added that finances is not a hardship.

42  
43 Attorney, Darren Knight, 319 Barry Ave S. #304, Wayzata, stated that he is a lawyer and real  
44 estate broker and that he shares an office with Mr. Zitzloff and has represented him with his  
45 development project. He stated that "spot" zoning to favor an individual developer hypothetically  
46 invites litigation and is unfair to other landowners and developers in the area. He added that this

1 text amendment could be argued as “spot” zoning. He shared that a number of other business  
2 owners would be able to ask for additional height on their adjacent buildings. He stated that the  
3 application is impressive and audacious, but the reality is the application is for a five-plus story  
4 building. He ended by stating that although there have been a number of public benefits  
5 mentioned, the developers are smart men and they are in it to make money.

6  
7 Resident, David Carlson, 2249 Portico Dr, Wayzata, stated that he is on the development team for  
8 Wayzata Blu condominiums which is located directly across Lake Street from the project. He  
9 stated that as a developer, his comments are not directed at any specific team. He stated that he  
10 presented an application to create a four-story building and was told that it was “dead upon arrival”.  
11 He was told that he could not have mechanicals on the roof and that he had to stick to 35 feet  
12 without one inch above. He wants everyone to be treated the same. He thanked the Planning  
13 Commission for their 7-0 unanimous rejection of the previous application. He stated that he had  
14 been struggling with his sales because nobody wanted to buy on the third floor because the  
15 unknown of what was going to happen across the street. He stated that soon after the last  
16 development application was rejected, he was able to sell out the top floor of his building. He  
17 showed the Commission pictures from a third story unit in the Wayzata Blu building, with  
18 markings to demonstrate the estimated building height and the negative impact for the tenants. He  
19 stated that he is unable to determine a difference between the original application and the  
20 “reimagined” one. He added that he had wanted to add a rooftop deck for his tenants but was again  
21 told “dead on arrival”. He also showed the potential loss of view from the Ventana Condominiums.  
22 He does not believe that any of the letters in support of the project were written by a resident of  
23 any of the condominiums located across the street. He shared a quote “an exception to one is an  
24 injustice to everybody”. He stated that a beautiful 35-foot high building could be built that follows  
25 the rules that everyone else had to follow. He could support that type of development.

26  
27 Resident, Sherry and Brian Heeb, 5425 Bartlett Blvd, Mound, MN 55364, stated that they  
28 purchased a third-floor condominium at Wayzata Blu with the understanding that their view of the  
29 lake would be protected due to the height restrictions. She added that they have utilized the marina  
30 and the beach and have grandchildren that live in the area. She stated that the public benefits can  
31 occur with a building following the 35-foot height limit. She ended by stating that they live in  
32 Wayzata, and Rick does not.

33  
34 Minnetonka resident, Annette Ferguson, stated that she and her husband are hoping to relocate to  
35 Wayzata from Minnetonka primarily because of Wayzata’s downtown. They have adopted  
36 Wayzata and have been loyal to the businesses, restaurants, and community offerings. She has  
37 admired Wayzata’s stringent design standards and the character it has created which she identifies  
38 as very special and appealing. She stated that she wanted to discuss scale and design. She  
39 explained that she has been a creative director for many years and that she defines “World Class  
40 design” to mean something distinctive, stellar, and masterfully crafted. She identified the design  
41 in the proposed building as an architectural trend that is happening across the United States and  
42 referred to it as “modulated façade”. She stated that this is characterized by flat windows, boxy  
43 design, with blocks of colors. She stated that the term “fast casual architecture” can also describe  
44 the design. Fast casual design buildings are designed that way because it’s the cheapest way to do  
45 it, you can cram the most units in it, it’s fast to design, and it’s fast to build. If you were to take  
46 away the water, there is nothing to the design that speaks to downtown Wayzata. She stated that

1 they are asking for 100% variance in height and a 100% variance in floor area ratio. She stated  
2 that the variances are not being requested for a special architectural feature and instead are for pure  
3 financial reasons of being able to cram as many units as possible into the structure. She added that  
4 she is not familiar with the term “spot zoning” but her understanding is that Minnesota statute  
5 doesn’t allow variances for purely economic reasons. She has heard a little rationale for a setback  
6 variance but not for the height variance other than economics. She added that it is almost appalling  
7 that a developer would approach the City and tell them how to change the ordinances that were  
8 created through a lot of community engagement. Any development of the property would be  
9 required to be ADA compliant, address flood plain and storm water concerns, and tie in with the  
10 water and Lake front effect. She asked the Commission to be patient in choosing the right  
11 development for the prime piece of property.

12  
13 Resident, Pat Broyles, 212 Benton Avenue, stated that her problem with the development is that it  
14 is too large. She doesn’t like the precedence that a building that size could set. She also mentioned  
15 a parking lane concern that she read online.

16  
17 Architect, Neil Weber, Neil Weber Architects, PO Box 930, stated that he has been working in  
18 Wayzata for 47 years. He stated that he had never presented a project to the City that was not  
19 approved and in fact he only requested one variance. He has been asked by others how he is able  
20 to work in Wayzata. He replied that Wayzata has a strong set of ordinances, good leadership, and  
21 if you play by the rules, your project will get approved. He doesn’t see how public benefit cannot  
22 be achieved through a building of less height.

23  
24 Resident, Rob Johnson, 366 Ferndale Road S., Wayzata, stated that he is a neighbor of the project.  
25 He started by thanking Rick for stabilizing an asset that has gone through a lot of tribulations over  
26 the years. He has lived in the area for over 50 years and feels that he has a good understanding of  
27 the area and the potential. He stated that the most compelling argument that he heard was that of  
28 equity. Standards are created for a reason and are enforced on everyone, creating an exception  
29 really requires a compelling reason. He has been following the discussion regarding the  
30 redevelopment and recognized new public benefits that were mentioned. He would argue that  
31 those mentioned benefits may be considered primarily private benefits. He did not think that such  
32 a large exception needed to be made.

33  
34 Development Analyst, Kim Van Dyn Hoven, Nolan Properties Group, 328 Barry Ave S., Wayzata,  
35 stated that their building sits both north and up the hill from the project. The proposed building  
36 would be at the same height as their building and would completely block their view of the lake.  
37 She stated that although the redevelopment would benefit the site, it would cause a loss of value  
38 for many of those properties whose views would be completely blocked. She added that many of  
39 the benefits identified would be required for any development and are not specific to the proposed  
40 plan, and they appear to primarily benefit the building tenants and property owners.

41  
42 There being no one else wishing to comment on the application, Chair Flannigan closed the public  
43 hearing at 8:01 p.m.

1 Chair Flannigan stated that there have been a number of correspondences received regarding the  
2 redevelopment application and that they would all be included as part of the record for the  
3 application.

4  
5 Chair Flannigan asked the Commission to provide feedback and comments on the application  
6 being mindful of the guiding questions provided by Director Goellner during her presentation.

7  
8 Commissioner Merriam stated that she reviewed the documents and it appeared that two rows of  
9 parking would be removed, and the remaining one strip of outside parking is primarily used for  
10 the beach.

11  
12 Planner Zweber stated that the proposed parking structure provides 228 parking stalls, an existing  
13 41 surface parking locations within the easement on the publicly owned property encompassing  
14 Grove Lane to the north of the building, and an additional 85 parking stalls located north of Lake  
15 St for a total of 354 parking stalls. The 41 public parking stalls are included in the calculation  
16 because they were constructed by Boatworks and they have an agreement with the City to have  
17 access to those stalls.

18  
19 Commissioner Iverson stated that the required parking spaces during peak use is 354 stalls. She  
20 stated that there is also a minimum parking number provided. She asked how parking for the  
21 Dakota trail and the beach are going to be compensated for when it appears that there isn't enough  
22 parking already.

23  
24 Planner Zweber stated that the information provided is for the existing rights and new uses for the  
25 parking isn't part of the agreement.

26  
27 Commissioner Merriam asked if additional public parking was being added or removed.

28  
29 Planner Zweber stated that the amount of parking made available to the public in the current  
30 agreement would remain the same. He explained that there would be improvement of the existing  
31 marina stalls that are often inundated by high water by addressing the water.

32  
33 Commissioner Merriam stated that multiple people have mentioned walking along a dock that  
34 connects the depot to the beach and on to downtown. She asked if there was any reason to think  
35 that it would not remain that way. She asked if the PUD agreement provides protection of the  
36 dock.

37  
38 Planner Zweber stated that the current PUD does not have that language but there would still need  
39 to be access to the businesses, marina, and other public parts of the property.

40  
41 Commissioner Douglas stated that the construction timeline would begin in the fall of 2020 and  
42 be finished in 2023. She asked what would happen to the beach and how it would be affected.

43  
44 Planner Zweber stated that there would be a boundary that the construction would need to adhere  
45 to.

1 Commissioner Douglas stated that development of the property would be difficult to contain in a  
2 small area.

3  
4 Commissioner Bashioum asked for clarification regarding ADA access to the Depot.

5  
6 Planner Zweber stated that there is a ramp to provide ADA access, but it is not a pedestrian  
7 sidewalk and is a mixed environment with other traffic.

8  
9 Commissioner Iverson asked for the width of the current and proposed boardwalk.

10  
11 Planner Zweber stated that the information would be addressed in the General Plan.

12  
13 Commissioner Iverson asked about the availability to the public for access to the pier. She  
14 remembered a conversation where it was explained that the pier would not be open to the public  
15 due to liability issues.

16  
17 Planner Zweber stated that his understanding was that the pier would be available to the public,  
18 but that a permit could be obtained to close it off for private events.

19  
20 Chair Flannigan asked for the Commission to provide feedback regarding their thoughts regarding  
21 the concept plan and the text amendments.

22  
23 Commissioner Iverson thanked the public for the feedback. She stated that she has heard of three  
24 different building heights for the Boatworks project ranging from 66'7" to 71'8". She continues  
25 to struggle with the proposed height for multiple reasons, some of which were made in the public  
26 comment. She stated that other developers have been able to build while staying within the  
27 required height limits, and issues outside of the developer's control were identified when height  
28 increases were allowed. The proposal includes a number of text amendments for height, setbacks,  
29 mechanics on the roof, modifying the rooftop equipment design, and shoreline impact. She stated  
30 that the PUD and text amendments appear to be a way to get around some of the code requirements  
31 and ordinance standards, and remove the necessity to request variances. A text amendment can  
32 set a precedence with negative consequences for other areas and districts. She stated a great  
33 concern is to protect the lake and the neighboring views. She would like to see the exterior design  
34 softened up and made to look more timeless. She would hope that the boardwalk would continue  
35 to be available to the public no matter what happens with the redevelopment project. She felt that  
36 the list provided detailing the public benefits when further examined appear to truly benefit the  
37 property owners more. She ended by stating that the 35-foot height requirement was made for a  
38 reason.

39  
40 Commissioner Merriam stated her appreciation for the intent of the project to upgrade the space  
41 and provide more condominiums. She continues to struggle with the height of the building and  
42 called it excessive. She stated that there has been a lot of good development in the area and that  
43 hasn't appeared to slow down. She believes that a solution can be found that stays within the  
44 restrictions and provides public benefits. She cannot support the project at this time and would  
45 recommend denial to the City Council.

Commissioner Douglas stated that she appreciates all of the work that has been done since it was last presented to the Planning Commission. She stated that it was an attractive building but is more fitting in California than downtown Wayzata. She stated that she was against all of the text amendments. She added that she has been in Wayzata a long time and has loved to see the changes, the vitality, and community and believes that it is the best it's been in a long time. The proposed height, scale, setbacks, precedence setting text amendments, and construction fatigue trouble her greatly. She would like to keep the charm of Wayzata and cannot imagine the visual of what is being proposed. She cannot support the project presented.

Commissioner Bashium stated that if she didn't have to consider the effect the project would have on other people, she would say yes. She is unable to hold one person to a standard and not the next, things need to be fair and no advantages given to specific people. She would like to see the developers roll up their sleeves and try to stay within the 35 feet height limit. She appreciates the focus that Wayzata has made to create access and improve walkability.

Commissioner Plantan thanked everyone for their feedback. She stated that she was very hopeful that the project was going to return to the Planning Commission with something different, but she did not think that the new proposal was much different. She stated that "World Class Amenity" should really be the lake and not a building. She pointed out a dead-end parking area by the beach that would be challenging to navigate. She added that the City is well run when they stick to the rules. She cannot recommend approval at this time.

Chair Flannigan stated his appreciation for the conversations regarding the project. He supports the PUD concept, but he cannot get behind the project due to the height. He would be willing to discuss a concept that brings the project closer to the 35-foot height limit. He acknowledged the public benefit. He added that there is a current entity in the location, and it may be difficult to conceptually see something different.

Chair Flannigan asked for a motion on the application.

Commissioner Plantan made a motion, seconded by Commissioner Iverson, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation of denial of the planned unit development concept plan and the three zoning ordinance text amendments as outlined in the proposal for 294 Grove La E, for review and adoption at the next Planning Commission meeting. The motion carried unanimously.

The next Planning Commission meeting will be on Thursday, November 7, 2019.

#### **AGENDA ITEM 7. Other Items:**

##### **a.) Review of Development Activities**

Assistant Planner, Nick Kieser stated that there are no new complete development applications.

##### **b.) October 15 City Council Meeting Report**

1  
2 Community Development Director, Emily Goellner stated that there were three new firefighters  
3 introduced. One item was pulled from the Consent agenda. City Council denied the receipt of the  
4 quarterly report from Mediacom in an attempt to symbolize ongoing frustration with the customer  
5 service. A City Hall remodel project was approved and will occur over the winter. Election items  
6 were discussed noting that there would be three elections in 2020. A stormwater ordinance was  
7 inducted. A public hearing was held for delinquent utility bills and the assessment will be placed  
8 onto resident property taxes for the next year. There were changes made in Boat Slip ordinances.  
9 The City Council approved the Animal Clinic as the first reading of the ordinance. The “Skyfall”  
10 house was approved after a very lengthy discussion. The Council approved the consideration of  
11 Stahl Construction as the construction management firm for the Lake Effect phase one. Phase  
12 one will consist of Lake Street only. There will be a strong focus on open and consistent  
13 communication with the business owners.

14  
15 **c.) Planning Commissioner Liaison for the November 6 City Council Meeting**

16  
17 Commissioner Parkhill will attend this meeting and report back to the Planning Commission.  
18

19  
20 **AGENDA ITEM 8. Adjournment.**

21  
22 There being no further business on the agenda, Chair Flannigan asked for a motion to adjourn.  
23

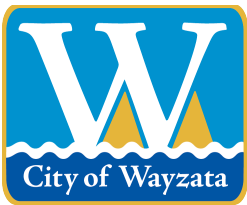
24 Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to adjourn the  
25 Planning Commission meeting. The motion carried unanimously.

26  
27 The Planning Commission meeting was adjourned at 8:54 p.m.

28  
29 Respectfully submitted,

30 Jenny Groess

31 *TimeSaver Off Site Secretarial, Inc.*



## City of Wayzata Planning Commission Agenda Report

|                                                                                                                                                             |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>MEETING DATE:</b> November 7, 2019                                                                                                                       | <b>AGENDA ITEM:</b> 4.b. |
| <b>TITLE:</b> Report and Recommendation of Denial for Boatworks Development Application at 294 Grove Ln E                                                   |                          |
| <b>PREPARED BY:</b> Eric Zweber, Planning Consultant                                                                                                        |                          |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director                                                                                          |                          |
| <b>60 DAY DEADLINE:</b> An extension letter providing a 120 day review period has been provided to the applicant. The 120 day deadline is January 30, 2020. |                          |

### **BACKGROUND:**

The applicant, Boatworks II LLC, has submitted a development application to remove the existing Boatworks structure and to construct a new 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. The application requests a Planned Unit Development Concept Plan and three Zoning Ordinance Text Amendment requests that would be the first stage of the redevelopment review.

This development application went to the October 21th, 2019 Planning Commission meeting and a public hearing was held. At this meeting, the Planning Commission reviewed the plans and voted six (6) in favor with zero (0) opposed to direct staff to prepare a report and recommendation for denial of the development application.

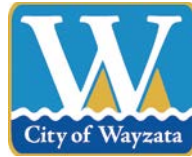
Several letters and photos were submitted to the City and the Planning Commission after the agenda packet was published on October 17, 2019 and either before or during the Planning Commission Public Hearing on October 21, 2019. All of the letters and photos submitted during this time frame were considered by the Planning Commission at the Public Hearing on October 21, 2019 and they have been included as an attachment to this report for reference.

### **ACTION REQUESTED:**

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

### **ATTACHMENTS:**

1. PC Report and Recommendation - Boatworks PUD Concept Plan and Zoning Ordinance Amendments - 294 Grove Lane E
2. Letters Received for Boatworks after PC Agenda Packet Published for 10-21-19 PC Meeting



## WAYZATA PLANNING COMMISSION

November 7, 2019

### REPORT AND RECOMMENDATION OF DENIAL OF PUD CONCEPT PLAN AND ZONING ORDINANCE AMENDMENTS FOR REDEVELOPMENT OF BOATWORKS AT 294 GROVE LANE

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#### **SUMMARY OF RECOMMENDATION**

1. Denial of Planned Unit Development (PUD) Concept Plan
  2. Denial of Zoning Ordinance Amendment of the PUD Setback standard
  3. Denial of Zoning Ordinance Amendment of the PUD Height standard
  4. Denial of Zoning Ordinance Amendment of the Wayzata Blvd District Rooftop Equipment standard
- 

#### **REPORT AND RECOMMENDATION**

##### **Section 1. BACKGROUND**

- 1.1 **Project.** Boatworks II, LLC (the “Applicant”) has submitted a development application (the “Application”) requesting zoning ordinance amendments and PUD Concept Plan approval for a project to remove the existing Boatworks building at 294 Grove Lane (the “Property”) and redevelop the Property with a new four-story mixed use building, as depicted in the plans submitted with the Application (the “Project”).
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following:
  - A. **PUD Concept Plan:** The Project requires PUD Concept Plan approval for a new four-story mixed-use building (with rooftop access) consisting of office, restaurant, and residential condominium uses, and associated improvements to the Property, all as depicted and described in the Application (the “PUD Concept Plan”).
  - B. **Zoning Ordinance Amendment to the PUD Setback Standard:** For the Project, the Applicant is requesting a text amendment to Section 933.02.A.13.d of the Zoning Ordinance as proposed in the Application for PUDs on parcels that are in excess of 3 acres and were zoned C-3 commercial prior to PUD to provide

sufficient public benefit to allow the applicant and the City to negotiate an allowable setback.(the “PUD Setback Amendment”).

- C. Zoning Ordinance Amendment to the PUD Height Standard: For the Project, the Applicant is requesting a text amendment to Section 933.02.A.14.c of the Zoning Ordinance as proposed in the Application for PUDs on parcels that are in excess of 3 acres and were zoned C-3 commercial prior to PUD to provide sufficient public benefit to allow the applicant and the City to negotiate an allowable building height (the “PUD Height Amendment”).
- D. Zoning Ordinance Amendment to the Wayzata Blvd District Rooftop Equipment Standard: For the Project, the Applicant is requesting a text Amendment to Section 909.10.B. of the Zoning Ordinance as proposed in the Application to add any parcel zoned C-3 commercial prior to September 5, 2019 to the Wayzata Blvd Design District (the “Wayzata Blvd District Rooftop Equipment Amendment”).
- 1.3 Property. The street address, property identification number and owner of the Property are:

|                |                   |                   |
|----------------|-------------------|-------------------|
| 294 Grove Ln E | 06-117-22-32-0023 | Boatworks II, LLC |
|----------------|-------------------|-------------------|

- 1.4 Land Use. The Property is located on the shore of Lake Minnetonka, between the Lake to the south, Grove Lane to the north, the Wayzata Beach/Marina to the west, and the Wayzata Depot/Railroad Museum to the east. The Property is zoned C-3 PUD/Service Commercial Planned Unit Development and guided Central Business District under the Wayzata Comprehensive Plan. The Property is currently within the Bluff District of the Design Standards. The adjacent properties are zoned R-1A/Low Density Single Family Estate District to the west and zoned R-2/Medium Density Single Family to the north and the east; and guided Park to the east and west and Central Business District to the north under the Wayzata Comprehensive Plan
- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on October 10, 2019. A copy of the notice was mailed to all property owners located with 350 feet of the Property on October 9, 2019. The public hearing on the Application was held at the October 21, 2019 Planning Commission meeting.

## Section 2. STANDARDS

- 2.1 Purpose and Standards of PUDs (Ch. 933). Under the standards of the Planned Unit Development (PUD) district (Chapter 990), the Project is required to meet the procedures, conditions and standards imposed by Chapter 933 of the Zoning Ordinance, including the setbacks of the previous zoning district (Sec. 933.02.A.13.a) and the building height standard of not exceeding 35 feet and three stories, whichever is lesser (Sec. 933.02.A.14.a). The comprehensive procedures and standards are

designed to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of 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.

In addition, the following other PUD standards apply:

- A. General Standards. Section 933.02.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
  - 1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design 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 Section 33 of the PUD Ordinance. 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 Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure 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 must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
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. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.

9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
  10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
  11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
  12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the 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. 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 conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
  14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- B. Residential and Non-Residential PUD Standards. Sections 933.03 and 04 set forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

C. PUD Procedure.

1. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of City review and approval of a PUD. Concept Plan approval in no way binds the City to subsequent approval of a General Plan of Development or other approvals that may be required. Section 933.05.B.
2. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 933.05.C.

2.2 Amendments to the Zoning Ordinance (Sec. 903.02). The City Council has the discretion and legislative authority under state law and City Code to amend the City's Zoning Ordinance. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider possible adverse effects of the proposed amendment based upon (but not limited to) the following factors:

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

**Section 3. FINDINGS**

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

3.1 PUD Concept Plan (Section 933.01). The height, density and scale of the proposed four-story mixed-use Project, as outlined elsewhere in this Report, would be detrimental to the welfare of residents of the community and the surrounding area and these aspects of the Project do not conform with the overall intent and purpose of Chapter 933 of the PUD Ordinance and the Comprehensive Plan. In addition, with respect to the goals of a Planned Unit Development District:

- A. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment is not required to meet the growing demands for economic expansion.
- B. The Project's decreased setbacks of a zero foot setback from the north and west property lines and approximately a 25 foot setback from the lake shore; increased height to a total of 71 feet 8 inches; and installation of rooftop mechanical equipment does not achieve a higher standard of site and building design.
- C. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment would not provide more convenience in location or design of development.
- D. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment would not preserve or enhance the desirable site characteristics including its proximity to Lake Minnetonka and the Wayzata Beach/Marina and views of Lake Minnetonka.
- E. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment would not be a creative use of land and related physical development.
- F. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment will not have an impact on the City's streets or utilities.
- G. The Project's decreased setbacks, increased height, and installation of rooftop mechanical equipment would not create a more desirable and creative environment. The 71-foot 8-inch height of the building and rooftop equipment would create disruptions to views to and from the lake of the nearby properties.
- H. The Project would not comply with the setback, building height and rooftop mechanical equipment standards of the Zoning Ordinance.

3.2 PUD Setback Amendment (Sec. 903.02). The PUD Setback Amendment would have adverse effects based upon the following factors:

- A. The PUD Setback Amendment would not conform with the Comprehensive Plan's guidance to control overbuilding and to preserve views within the

Central Business District (CBD) and to protect and enhance Lake Minnetonka as the most significant asset for the Community. The Plan's Lake and Wetland Policy 1.4 states to continue to educate developers about how natural and community resources are considered and evaluated within the City's development process.

- B. The PUD Setback Amendment to allow negotiated setbacks would not be in conformity with the present and future uses of the area.
  - C. The PUD Setback Amendment would allow this Property and additional properties to negotiate standards that are not in conformance with all the performance standards within the Zoning Ordinance.
  - D. The PUD Setback Amendment would allow the potential for significantly reduced setbacks that would have an adverse and negative effect on the area, particularly the public's use of the Wayzata Beach/Marina and Lake Minnetonka.
  - E. The PUD Setback Amendment would allow the potential for significantly reduced setbacks, but there is not sufficient data to conclude whether this would have a negative impact upon the property values of the nearby properties.
  - F. The PUD Setback Amendment would not inherently exceed the capability of the street in which each eligible property is located and this finding must be concluded with each individual project review.
  - G. The PUD Setback Amendment would not inherently result in a negative impact upon the existing public services and facilities, but that each project on each eligible property must be analyzed to make this finding.
- 3.3 PUD Height Amendment (Sec. 903.02). The PUD Height Amendment would have adverse effects based upon the following factors:
- A. The PUD Height Amendment would not conform with the Comprehensive Plan's guidance to control overbuilding and to preserve views within the Central Business District (CBD). The Plan's Lake and Wetland Policy 1.1 states to ensure minimal disruptions to views to and from the lake.
  - B. The PUD Height Amendment to allow negotiated height allowances would not be in conformity with the present and future uses of this area.
  - C. The PUD Height Amendment would allow this Property and additional properties to negotiate standards that are not in conformance with all the performance standards within the Zoning Ordinance.

- D. The PUD Height Amendment would allow the potential for significantly increased building heights that would have an adverse and negative effect on the area, particularly the public's use of the Wayzata Beach/Marina and Lake Minnetonka, as well as the property owners located north of Lake St.
  - E. The PUD Height Amendment would allow the potential for significantly increased height could have a negative impact upon the property values of the nearby properties, particularly those properties that would have a diminished view of Lake Minnetonka.
  - F. The PUD Height Amendment would not inherently exceed the capability of the street in which each eligible property is located and this finding must be concluded with each individual project review.
  - G. The PUD Height Amendment would not inherently result in a negative impact upon the existing public services and facilities, but that each project on each eligible property must be analyzed to make this finding.
- 3.4 Wayzata Blvd District of the Design Standards Amendment (Sec. 903.02). The Wayzata Blvd District Rooftop Equipment Amendment would have adverse effects based upon the following factors:
- A. The Wayzata Blvd District Rooftop Equipment Amendment would not conform with the Comprehensive Plan's guidance to provide attractive views from higher elevations from within the community. The Plan's Central Business District Policy 2.2 states that design standards should be updated continually to assure the highest development quality possible for the Central Business District. The Project's request would remove this property from the Bluff Design Standards District of the Central Business District and place it within the Wayzata Blvd Design Standards District that is intended Mixed Use Commercial land use designation of the Comprehensive Plan.
  - B. The Wayzata Blvd District Rooftop Equipment Amendment would not be in conformity with the present and future uses of the area.
  - C. The Wayzata Blvd District Rooftop Equipment Amendment would allow this Property and additional properties to not be in conformance with all the performance standards within the Zoning Ordinance.
  - D. The Wayzata Blvd District Rooftop Equipment Amendment would allow rooftop mechanical equipment to have an adverse and negative effect on the area, particularly the public's views of Lake Minnetonka, as well as the property owners located north of Lake Street and other properties topographically located on higher elevations.

- E. The Wayzata Blvd District Rooftop Equipment Amendment would allow rooftop mechanical equipment would to potentially have a negative impact upon the property values of the nearby properties, particularly those properties located north of Lake Street whose views of the Lake would be diminished.
- F. The Wayzata Blvd District Rooftop Equipment Amendment would not exceed the capability of street capacity.
- G. The Wayzata Blvd District Rooftop Equipment Amendment would not result in a negative impact upon existing public services and facilities.

#### **Section 4. RECOMMENDATION**

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends denial of all requests of the Application listed in Section 1.2 of this Report.

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

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Chair, Planning Commission

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

Voting Against:

Abstaining:

**From:** [Tom Threlkeld](#)  
**To:** [Jeffrey Dahl](#); [Emily Goellner](#)  
**Subject:** Boatworks Development  
**Date:** Monday, October 21, 2019 3:09:04 PM

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Jeff, We live in Wayzata and have enjoyed the changes we have seen over the last few years. We believe that the Boatworks redevelopment is a very significant improvement to the west end of Lake St and will only improve the experience and social benefits in this town.

The architecture is of the highest possible quality. The proposed height is acceptable and the ability to bring better parking for the activities down there is a major improvement.

This new project has my full support.

Please vote in favor of this proposal and we are excited about the future of Wayzata.

Best Regards, Tom Threlkeld 353 Park Street East

**From:** Sue Ankeny <[sueankeney@gmail.com](mailto:sueankeney@gmail.com)>

**Date:** October 21, 2019 at 5:36:42 PM CDT

**To:** [city@wayzata.org](mailto:city@wayzata.org), [planning@wayzata.org](mailto:planning@wayzata.org), Jeffrey Dahl  
<[jdahl@wayzata.org](mailto:jdahl@wayzata.org)>, [gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org),  
[lindsaybashioum@wayzata.org](mailto:lindsaybashioum@wayzata.org), [cathyiverson@wayzata.org](mailto:cathyiverson@wayzata.org)

**Subject:** NEW Boat Works Proposal

Dear Wayzata City Council Members and Wayzata Planning Commissioners,

We understand a new proposal is being put up tonight at the planning commission meeting. We are writing AGAIN to convey our strong opposition to the proposed redevelopment of the Wayzata Boatworks building. The zoning regulations were put in place after lots of hard work and careful thought, and are intended to stand the test of time. I understand this time the developer would like a variance to 58 feet not the current 35 feet that everyone else is adhering to. There should be no variance granted, or laws amended, for the Boatworks building.

While we are sympathetic that Rick Born can't make a three story building financially viable, quite frankly, that is not the concern of the residents of Wayzata. Making money as a developer is hard; if it were easy everyone would do it!

Thank you for all your hard work and time working for the City of Wayzata, and for preserving the character we cherish. We would strongly encourage the Council and Planning Commission to demand that any redevelopment of the Boatworks stay within the existing laws and zoning regulations.

Thank you.

Sue and Phil Ankeny

353 Ferndale Road South

**From:** Tara Engebretson <[tara@engmad.com](mailto:tara@engmad.com)>

**Date:** October 21, 2019 at 5:46:56 PM CDT

**To:** [city@wayzata.org](mailto:city@wayzata.org), [planning@wayzata.org](mailto:planning@wayzata.org), Jeffrey Dahl <[jdahl@wayzata.org](mailto:jdahl@wayzata.org)>, [gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org), [lindsaybashioum@wayzata.org](mailto:lindsaybashioum@wayzata.org), [cathyviverson@wayzata.org](mailto:cathyviverson@wayzata.org)

**Subject:** Boatworks Re-development

To the Wayzata City Planning Committee:

We are sending a letter in regards to the redevelopment plan for the Boatworks. We do not see a reason that this site should be granted any variances for additional height. All of the projects behind it have followed the city rules and worked within this. It makes no sense that at the waters edge the building should get to exceed the limits. As residents in the city we think it is important that we follow the rules and regulations that have been established. These regulations were decided after great thought and hard work by many volunteers. We are in favor of the Boatworks updating their building if it stays within the limitations set forth by the current city rules.

We appreciate your time and effort in this important role you play as part of our city planners.

Thanks,  
Tara and Erik Engebretson  
335 Peavey Road

From: [Wil@accredited.com](mailto:Wil@accredited.com) <[Wil@accredited.com](mailto:Wil@accredited.com)>

Sent: October 17, 2019 3:34 PM

To: Lindsay Bashium <[lindsaybashium@wayzata.org](mailto:lindsaybashium@wayzata.org)>; Peggy Douglas <[peggydouglas@wayzata.org](mailto:peggydouglas@wayzata.org)>; Gregory Flannigan <[gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org)>; Cathy Iverson <[cathyiverson@wayzata.org](mailto:cathyiverson@wayzata.org)>; Laura Merriam <[lauramerriam@wayzata.org](mailto:lauramerriam@wayzata.org)>; Jeffrey Parkhill <[jeffreyparkhill@wayzata.org](mailto:jeffreyparkhill@wayzata.org)>; Christine Plantan <[christineplantan@wayzata.org](mailto:christineplantan@wayzata.org)>

Subject: Boatworks Redevelopment project

Dear Members of Wayzata's Planning Commission,

We would like to convey our support for the proposed Boatworks Redevelopment project. We believe that this project will not only be beautiful on the site but will also add a number of residents to the downtown Wayzata area that will strengthen the retail/restaurant/business community of Wayzata.

As owners of a condominium at The Regatta since 2015, we can honestly say that Wayzata is a gem. The ability to walk to restaurants and shops is delightful. And most errands are now run on two feet versus getting in to a car ~ including grocery and dry cleaning runs, going to the post office or the bank, and of course wonderful daily walks along Lake Minnetonka. We treasure this wonderful lifestyle, as for 20 years we lived in Eden Prairie where driving one's car was constant and mandatory.

Our belief is that MANY adults will appreciate all that the Wayzata lifestyle has to offer... including the walkability factor. Continuing to add projects that beautify our City and shine bright on Lake Minnetonka are important for Wayzata's future. Please vote Yes!

With appreciation for all you do to keep Wayzata strong,  
Julie and Wil Heupel  
The Regatta  
875 Lake Street N, Unit 410  
Wayzata, MN 55391

From: Kimberly Walsh <[kvwalsh@gmail.com](mailto:kvwalsh@gmail.com)>

Sent: October 21, 2019 8:49 AM

To: Lindsay Bashium <[lindsaybashium@wayzata.org](mailto:lindsaybashium@wayzata.org)>; Peggy Douglas <[peggydouglas@wayzata.org](mailto:peggydouglas@wayzata.org)>; Gregory Flannigan <[gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org)>; Cathy Iverson <[cathyiverson@wayzata.org](mailto:cathyiverson@wayzata.org)>; Laura Merriam <[lauramerriam@wayzata.org](mailto:lauramerriam@wayzata.org)>; Jeffrey Parkhill <[jeffreyparkhill@wayzata.org](mailto:jeffreyparkhill@wayzata.org)>; Christine Plantan <[christineplantan@wayzata.org](mailto:christineplantan@wayzata.org)>

Subject: Boatworks proposal

I'm writing to oppose the proposed Boatworks redevelopment project's building height of 58 ft. Other developers have followed the 35 ft maximum height and there is no reason that the Boatworks building should be an exception. Because of it's location on the lake and in the view of many other houses and buildings in the town, it should actually be held to a stricter standard. If Wayzata is committed to highlighting our lakeshore access (see Lake Effect), then an oversized building blocking the lake views is inconsistent with Wayzata priorities.

Don't be dazzled by an expensive presentation/proposal. Or by the need for a developer to make money. Be the stewards of Wayzata's best interests for now and the long term.

Thank you,  
Kimberly

--

Kimberly Walsh  
cell 303-884-5920

From: Lora Ward Lake <[lorawardlake@gmail.com](mailto:lorawardlake@gmail.com)>

Sent: October 18, 2019 10:54 AM

To: Lindsay Bashium <[lindsaybashium@wayzata.org](mailto:lindsaybashium@wayzata.org)>; Peggy Douglas <[peggydouglas@wayzata.org](mailto:peggydouglas@wayzata.org)>; Gregory Flannigan <[gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org)>; Cathy Iverson <[cathyiverson@wayzata.org](mailto:cathyiverson@wayzata.org)>; Laura Merriam <[lauramerriam@wayzata.org](mailto:lauramerriam@wayzata.org)>; Jeffrey Parkhill <[jeffreyparkhill@wayzata.org](mailto:jeffreyparkhill@wayzata.org)>; Christine Plantan <[christineplantan@wayzata.org](mailto:christineplantan@wayzata.org)>

Subject: Re: Proposed Boatworks Redevelopment

Wayzata Planning Commission,

We have reviewed the application and drawings for the Boatworks Redevelopment and are deeply concerned. We do not support the proposed redevelopment for several reasons:

**Building height and size:** Our town has a strong legacy as a vibrant residential community with a small-town feel. The proposed building will be a behemoth on the shoreline that dwarfs everything in town and blocks lake views. The developer seems to think that's ok if the building is an attractive one. But, an attractive building that is too big and forever changes the character of our town and shoreline is not a plus.

**Precedent:** Allowing a 5-story building (or 4 levels + mezzanine as the developer calls it) opens the door to more structures of similar size. We do not want to become a city filled with large multi-story buildings. Other developers (Wayzata Blu, Ventana, Meyer) adhered to a 3-story limit. Why should the Boatworks be allowed to go even bigger?

**More Condos and Office Space - Really?:** We already have a glut of office space and many unsold condos with more in the plans. Do we want our downtown to become Wayzata-minium? Wayzata is an affluent community and that's a plus. But this trend to build more extremely expensive condos is changing the essence of our community and our small town feel.

Please vote no on this redevelopment. Numerous PUDs and zoning exceptions have already been granted for good reason. But this proposal is a request on steroids. It is time to hold the line on exceptions, not bend it even more. The goal is to develop our town in a way that preserves its unique character and charm.

Thank you for listening to our concerns.

Lora and Wayne Lake  
117 Edgewood Ct.  
Wayzata

From: Katherine Doerr <[kadedoe2@gmail.com](mailto:kadedoe2@gmail.com)>  
Sent: Friday, October 18, 2019 9:32 AM  
To: Nick Kieser <[nkieser@wayzata.org](mailto:nkieser@wayzata.org)>  
Subject: Boatworks Application

Or, should I say RE-application? This was rejected soundly earlier in the summer.

I understood that the West End of Wayzata was zoned for height of no more than 3 stories. Can't recall the exact number of feet, but it was clearly stated. This issue arose recently as the Myers property was being proposed, and the city council made it clear that they were not going to change the zoning or make special exceptions. Even so, that property went over stated height limits, excusing themselves because of underground parking and mechanical units on the roof. So, the camel's nose was "under the tent."

In this summer's hearing of the Boatworks Application, nearby residents were aghast when the developer, who knew the zoning rules, claimed it would a "hardship" for him to build less than 7 stories. He also stated that a 7 story building would bring "charm" to the nearby public beach. (note: his exact words in quotes.) Again, residents were appalled that he expressed little respect for City Planning.

Furthermore, developers on Lake Street, such as Wayzata Blue and Ventana, felt that their buildings had conformed to zoning and that if the Boatworks was able to proceed, their investments would be compromised.

What needs to be understood is that Wayzata is a city on a small hillside by a lake. If the lakeside is blocked by a wall of buildings, the city loses its best feature: the long lake view. We are all aware of the feud between JJ Hill and Wayzata 100 years ago. Ironically, by placing the railroad tracks next to the lake, Hill preserved Wayzata's greatest asset: a view of the lake. It makes more sense to position tall buildings atop the hill, and back from the water, not in front on the shoreline.

We depend on our elected officials and city planners to protect Wayzata's best asset. We want our city to be a desirable place to live, work and thrive for all kinds of people. We do not want a wall of million dollars condos. We want you to insist developers to follow our rules, not run over them, if they want to become respected members of our community. We trust you value community input, historic city planning intentions, and the common good for all. .

Katherine D. Doerr  
112 Edgewood Court  
Wayzata, MN 55391

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*Bigos*

October 17th, 2019

From: Ted Bigos & Kara Karpenske, Wayzata Residents (Harrington Road/Wayzata Bay)

To: Wayzata City Council and Planning Commission Members

As long time Wayzata Bay residents we have watched the City of Wayzata's transformation; both beautifying the town and making it more functional and friendly to it's residents. The upper area of town has seen many improvements including new restaurants, businesses, and roads. The eastern half of downtown has also seen many improvements that are not only attractive yet add many options and energy to that end. The restaurants, shops, and the hotel are thriving there and throughout the middle of town. Those areas, although close, vastly differ from the west end of town which includes the area from Ben & Jerry's on. The new Wayzata Blu building is turning out to be beautiful but overall there needs to be continued development in this area.

Not only do we believe the Boat Works project will help progress that imbalance but also offer the west end more options and a thriving energy for residents. Therefore, we wish to express our support for the Boat Works project that the Planning Commission and City Council will be considering in the coming weeks.

Respectively, I have been in the development industry for more than 40 years and Kara also in the design industry for more than 20 years. We strongly feel this project will become the focal point of the west end with its offerings and beautiful rooftop. Not only will become more efficient but also environmentally more sustainable for the City of Wayzata. Additionally, it will assist in addressing the parking issues the city faces, upgrading the marina and Wayzata Bay, and will connect the boardwalk from Wayzata beach to the Lake Effect Project.

For Kara and I, the current building is dated from our design and development perspective. For the City of Wayzata this is a crucial site given its proximity to the lake, downtown, and the bike path. We have thoroughly reviewed the project and support its current design of four stories with the rooftop patio. We feel from the railroad track side it appears only to be three stories which is appealing to the eye and to those behind it. Also, notable in comparable to buildings that are nearby and also located on the same side of the street, this new proposed building would be lower than the TCF building because it is on a lower grade.

Mr. Born's project is thoughtful in design and done with considerations for others whom the building would impact, therefore he has our full support.

Respectfully,

  
Ted Bigos

  
Kara Karpenske

October 18, 2019

Dear Wayzata City Council and Planning Commission:

My wife, Anne, and I moved to Wayzata in 2013 and reside at 372 Ferndale Road South. When we decided to move to Wayzata we were attracted by the small town quaintness of Wayzata yet the charm and vibrancy of the downtown restaurants and retail stores.

When we moved to Wayzata we weren't aware of all of the future plans/changes with the city. We have been so impressed with all of the changes and additions so far. We'd like to compliment all those involved including the City Council and Planning Commission for the foresight to make the changes and turn Wayzata into a true destination to live, visit, dine, shop, stroll, swim and just enjoy the beauty of the city.

With that said, we are writing to recommend that the Wayzata City Council and Planning Commission continue with your forward thinking and address the needs for upgrades/enhancements to the western part of downtown Wayzata by approving Rick Born's proposed Boat Works project. We've had the opportunity to review the renderings of Mr. Born's proposed project and are thoroughly impressed. Granted there will probably always be additional development throughout the city, but the facility Mr. Born is proposing, tied into the "Lake Effect" vision, would put an exclamation point on all the development that's taken place in Wayzata!

Again, we commend all those that have been involved with the development over the six short years we have been Wayzata residents – very impressive to say the least! But, we believe the city has a little more development work to do on the western side of downtown Wayzata and the proposed Boat Works project would be a very welcomed addition and would address that need.

Please feel free to contact either of us should you have any questions or comments.

Sincerely,

Perry & Anne Schmidt  
372 Ferndale Road South  
Wayzata, MN 55391

Perry  
(612) 247-5906  
[perry.schmidt@me.com](mailto:perry.schmidt@me.com)

Anne  
(763) 350-7485  
[ats35@aol.com](mailto:ats35@aol.com)

**From:** [Kim Van Dyn Hoven](#)  
**To:** [Emily Goellner](#)  
**Cc:** [John Nolan](#)  
**Subject:** Boatworks II  
**Date:** Monday, October 21, 2019 12:10:41 PM

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On behalf of John Nolan:

Dear Wayzata Planning Board Commissioners,

I am writing to express my strong opposition to the proposal to redevelop the Boat Works. I own the building at 328 Barry Avenue, a property on the bluff just above the proposed project. I am also a resident. I'm currently traveling and not able to attend tonight's hearing but have expressed some of the more significant problems with this proposal below.

Let me start by saying, I have no issue with a reasonable, respectful and thoughtful redevelopment of the Boatworks, even if it requires some reasonable zoning relief. However, this proposal tramples over all our regulations, principles, intentions, vision and protections found in our comprehensive plan, zoning code, and design standards, all of which have been carefully constructed to "preserve and enhance Wayzata's lakeside small town character" and prevent such proposed projects from "negatively and significantly impacting" neighboring properties. As a developer intimate with Wayzata, I can assure you a three story development complying with height and design requirements would be very financially successful. Building a significantly larger than allowed project to enhance a project's financial outcome at the expense of the adjacent properties is not right.

This application is essentially the same as was unanimously rejected by the planning board just a couple months ago. I don't see that even one of the objections raised in that public hearing were addressed. While the building height was reduced from the previous request, it's still essentially twice as tall as the neighboring properties ALL of which were required to comply with the city's 35' limit (and which were prohibited from placing mechanicals on their roofs). This request is actually more than twice the 30' allowed under current zoning, the zoning that existed at the property the first and the second time the current owner purchased the property.

### **Objections**

Because this project conflicts with so many of the city's regulations, I have limited my written objections to those I find most important.

#### **Height:**

Sitting on the bluff just above the Boatworks property, my property would be "negatively and significantly impacted" by the height and scale of this project if allowed to violate the city's regulations (which all the neighboring projects have been required to comply with).

Design Standards

"Building height should not negatively and significantly impact neighboring views. Views of Lake Minnetonka are significant issues".

"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 small town charm is to be preserved through a multitude of ways including: "attention to scale...of the city" and "preserving and redeveloping historic or significant property to the city's small town roots".

Comprehensive Plan “the mass and scale of recent commercial...projects [being] a concern in the CBD.”

Comprehensive Plan (2040 draft)

“Objective 5: Protect important topographical features and views within the community. Review development plans to evaluate the impact on significant views for other surrounding properties.”

This building is so tall, it rises to the same elevation as my building which sits up the bluff and which complied to the 35’ height limit. The proposed building will essentially block all of my building’s view of Lake Minnetonka, views which are currently protected in the regulations (see above). The rents on my spaces with views of Lake Minnetonka will reduce by basically half (to the rate of spaces in our building without views of the Lake), a huge diminution in my property’s value and the other neighboring properties to the north. This would result in a transfer of property value and a significant reduction of the city’s tax base.

To be clear, allowing this project to violate our regulations and protections to enhance this project’s financial outcome (larger and taller building) at the expense of all the neighboring properties to the north (blocking lake views) and thereby also reducing the city’s overall tax base (by this destruction of so much building value) makes no sense.

In a hillside village overlooking a lake, the most valuable asset we have is the lake. Not just the lake front, but the views of the lake from properties up the hillside. This tenet runs through ALL of our regulations. It is exactly the same as the economic model behind theater seating, a concept so basic, it goes back to the earliest civilizations. Setting seat heights in a theater so each row of seats enjoys a view of a show or production expands the value of the entire theater (by many multiples). In a hillside village, the tax base is enhanced by allowing lake views to more properties up the hillside. If the one front row in a theater is bestowed special heights, it eliminates the value of all the other rows. Similarly, allowing a building that is essentially a wall blocking lake views eliminates huge amounts of property value up the hillside. To take the metaphor further, and pushing aside the unfairness of eliminating the value to the owners of the other rows of seats who made their investments relying these rules, because the proportional increase in value to front row is so marginal when compared to the significant loss in value of the many rows, the theater cannot afford put on the show or production with just revenue from the front row. The implications are, if we change the rules to benefit one at the detriment of many (who followed the rules), the outcome will be very negative to the community, and not just in the form of a built environment.

**Inappropriate use of PUD:**

Zoning Ordinance The PUD process used to create a “development pattern in harmony with the objectives of the Wayzata Comprehensive Plan.”

“...the proposed project will not be detrimental to the health, safety and welfare of the residents of the community and the surrounding area.”

“There shall be no deviation from the height standards applied within the applicable zoning districts for a PUD...”

“The maximum building height within a PUD District shall be 35 feet and three stories, whichever is less.”

This is a misapplication of a PUD. A PUD is used for a larger lot size developments (as reflected by size requirement in our code) to provide some flexibility to a project that might otherwise be caught by a literal application of part of a zoning code but while still respecting the intent and spirit of the

regulations and principles such as, not adversely impacting neighboring properties. It is not to be used to enhance the financial performance of a project by trampling over all the regulations and protections afforded to the community in their regulations and neutralize neighboring property owners from legally challenging such violations.

**Concept of Public Benefits:**

By misstating and overstating the public benefits, the application significantly dilutes the notion of public benefits. Much of what is suggested as public benefits are existing requirements in the city's regulations. Building design, storm water management, etc are already requirements and many developers are enhancing these voluntarily. While these changes could be seen as a benefit to the public, they provide an even greater benefit to the developer/owner and they would be illogical to not include them in any redesign.

Significantly enhanced pedestrian access: While there are nice enhanced features proposed, to be honest, the idea of walking from Lake Street to our public beach through a parking garage or around it and being confronted by the equivalent of a 6 to 7 story structure is not the pedestrian experience I would choose. It's fair to point out that public access currently exists and is something that benefits both the Boatworks and the community. And, if the city were to grant the proponent an increase to their allowed building height from the current 30' to 35' (which would accommodate a very financially successful project) the city and proponent could work though and achieve these same public access improvements.

The proposal does the opposite of providing "significant long-term increase in tax base". It destroys significant value of the properties to the north (significant square footage) and thus the tax base is significantly and permanently reduced.

So, as stewards and decision makers of this community, it is important to ask, what is so compelling about this proposal to throw out our most important regulations, principles, intentions, vision and protections of our comprehensive plan, zoning code, and design standards to the detriment of all the others who complied and are a meaningful part of the tax base of our city?

Respectfully,

John Nolan

**From:** [Sewell, Kaitlyn J](#)  
**To:** [Jeffrey Dahl](#)  
**Cc:** [Emily Goellner](#)  
**Subject:** Boatworks Project  
**Date:** Tuesday, October 22, 2019 7:07:12 AM

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To Mr. Dahl,

I was unable to attend last night's city planning meeting, but wanted to send through an email with my thoughts.

As a newer resident of the Wayzata area and young professional, I am writing to express my support for the Boatworks project that is under consideration.

Having grown up in the western suburbs, I'm very excited to be back living in the Wayzata community. The growth in Wayzata over the past 10 years has been amazing; the addition of great new restaurants and shops has certainly helped to keep Wayzata a relevant, destination area. That being said, I don't believe the west side of Lake Street has yet reached its full potential, but I do believe the plan Mr. Born is proposing is a leap in the right direction.

As a young professional, I gravitate towards outdoor spaces such as Lake Calhoun and Excelsior, where there are great restaurants, recreational areas, fun meeting spaces, access to bike paths, etc. I love downtown Wayzata, but aside from Wayzata Beach, this area sadly doesn't offer a great outdoor "hub." The proposed boardwalk and enhanced pedestrian experience will completely elevate the area, certainly turning it into a destination for young professionals and young families.

I'm excited by the potential of this project and can't wait to experience more new restaurants and retail, awesome outdoor spaces and a cleaner, safer and beautiful, new destination hub at the Boatworks.

Thank you,  
Kait Sewell

---

**Kait Sewell | Optum**

Analytics Manager, Audience Management and Intelligence  
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City of Wayzata  
Planning Commission  
600 Rice Street East  
Wayzata, MN 55391

October 20, 2019

Dear Commissioner,

My name is Douglas Miller, my wife Martha Miller and I currently reside at 605 Locust Hills Dr. Wayzata, MN 55391. We are writing you to oppose the proposed Boathouse project in which the Developer wants to build a condo building 58 feet high with an additional viewing deck above on the shoreline of beautiful Lake Minnetonka.

The community that I currently live in Locust Hills is a planned community in Wayzata which has many restrictions and covenants that must be adhered to in building, landscaping and design. Restriction are a good thing and are in place for a purpose, that is why I am strongly urging all commissioners to vote no to a 58 ft. building. This Developer is asking for a 58 ft. text amendment, which is 23 ft. above the City of Wayzata building height restriction. The setback from Lake Minnetonka does not comply with the City of Wayzata or the DNR.

Downtown Wayzata specially the Lake Street area has numerous projects under construction like Meyers Place, Ventana Wayzata, Wayzata Blu and several Office Buildings. All of these projects had to comply with the 35 ft. height restriction with some minor height variances. I recently purchased a condo at Wayzata Blu #302 3<sup>rd</sup> floor south facing towards Lake Minnetonka with lake and green space views. This would all dramatically change with a 58 ft. building staring us in the face. The planning commission needs to consider not only past restriction imposed on Developers, but also what this means to all boaters and Lake Minnetonka residents. Just ask the nine individuals in support of this project if they want a 58 ft. building in their front yard? Please do not sell the City of Wayzata and Wayzata residents out for

one Developers financial gain, the extra height is all about money. Many great things are happening in Wayzata with the Lake Effects Project and Developments. The building as proposed is architecturally pleasing for the Wayzata community provide it stays with in a 35 ft. height restriction.

Please Vote No!

Thank you for your consideration in this project.

Douglas Miller

Martha Miller

# L. N. R. Properties

319 Barry Avenue South  
Suite 301  
Wayzata, Minnesota 55391  
Phone (952) 475-3980  
Fax (952) 475-4063

October 21, 2019

To: Emily Goellner, Community Development Director  
Planning Commission  
City Council

Without question the sparkling blue waters of Lake Minnetonka has made the City of Wayzata one of the most desired communities people want to live in. The City of Wayzata has been faithful in their zoning and ordinances to protect their greatest asset the sparkling blue waters for all to enjoy. As one who has been in Wayzata since 1934, we have watched our planning and council members try to preserve our greatest assets.

Wayzata Council did allow the Presbyterian Homes development that provided senior living center, residential homes, much needed Wayzata hotel along with restaurants and retail shops, all without devaluating other properties by taking away their view of Lake Minnetonka.

Wayzata zoning ordinances have made Wayzata one of the most costly communities to do a development in. The City of Wayzata must see that all developers follow their zoning ordinances and financial costs are not considered a hardship. The Boatworks could have restaurant/retail on first floor, offices on second floor, and condo's on third floor all within zoning ordinances.

Please see the attached page with issues that are not consistent and fair.

Respectfully yours,



Lowell Zitzloff

### **BUILDING HEIGHT**

- 58'-0" instead of 30'-0"
- 71'-7" to top of elevator shaft (includes 5'-0" appurtenance height)
- 68'-3" to top of stairs/kitchen (includes 5'-0" appurtenance height)
- 66'-2" to top of mechanical units/screens (includes 5'-0" appurtenance height)

### **PARAPETS**

- Have not been allowed above building height on other projects.

### **MECHANICAL ON ROOF**

- Not allowed in Bluff District

### **PATIO/TERRACE ON ROOF**

- Have not been allowed above building height on other projects.

### **BUILDING SETBACKS**

- Not meeting zoning district setbacks.





**From:** Mick Lee <mlee@plusrelocation.com>  
**To:** David Carlson <dvlper@aol.com>  
**Subject:** Re: Proposed Condo Accross from Wayzata Blu  
**Date:** Mon, Oct 21, 2019 4:19 pm

Hi David,

Our household goods folks are packing today and loading tomorrow. Not sure I can be there tonight but I am happy to state that WAYZATA should be consistent with their longstanding principles and not make a mistake now that they will regret in the future and that will injure those who have been held to long held standards. Mick

Mick Lee  
Chair

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600 Highway 169 South,  
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Minneapolis, MN 55426  
T +1.952.512.5518  
U.S. 888.251.2825  
F +1.952.358.7718  
[www.plusrelocation.com](http://www.plusrelocation.com)

Wayzata Planning Commission:

My wife and I recently purchased a condo unit in the Wayzata Blu development that is across the street from the Boatworks building. We have lived on Lake Minnetonka for over 5 years and the lake was one of the primary reasons that we moved from Chicago to Minnesota. We truly believe that Wayzata is a special place that needs to be carefully preserved to maintain its appeal, especially given how quickly the City has changed since we moved here five years ago. While we are excited to see all of the development activity that is happening in downtown Wayzata, it breaks our heart to see a proposed development that would represent a significant divergence from the City's overall character and would detract from the beauty of Wayzata's shoreline.

We are strongly opposed to the proposed Boatworks development for the following reasons:

1. First, the proposed development would require the City of Wayzata to make an exception to existing zoning rules that the City has not provided to other projects. The City needs to apply consistent standards to all projects, and special attention should be paid to projects are located immediately adjacent to the lake. If the City makes an exception for the Boatworks redevelopment, it calls into question why similar exceptions were not granted to other projects in the past.
2. Second, if the City provides a variance for the proposed Boatworks project, it will set a precedent that could have a long-lasting impact on Wayzata. Future developments could cite the height of the Boatworks building when applying for similar exceptions, and it would be hard for the City to justify not providing a similar exception to those other projects. The planning commission needs to consider that granting this one variance could have an enduring impact that extends well beyond the Boatworks development. The last thing any of us want to see is a string of tall buildings popping up on the lakeshore that offer very little to the lake community, but provide significant financial benefits to the developers of those buildings.
3. Last, and most importantly, if the height of the Boatworks building is approved, the Wayzata shoreline would be permanently impaired. Wayzata is one of the most beautiful lakeside towns in America from both the land and the water. When viewing the Wayzata shoreline from the lake, the Boatworks building already stands out as not fitting in with the rest of the shore. If the Boatworks building was even taller, it would be a monstrosity that is inconsistent with the rest of Wayzata. As you probably know, other municipalities on Lake Minnetonka have tall condo buildings along the lakeshore that can be seen from across the lake. When these types of tall buildings can be seen from the water, they significantly diminish the natural beauty of the lake and lower the perceived quality of the surrounding area.

Thank you for taking our concerns into consideration before making this important decision.

Sincerely,  
Thomas and Zeynep Connelly

Negative Impact on Wayzata Blu

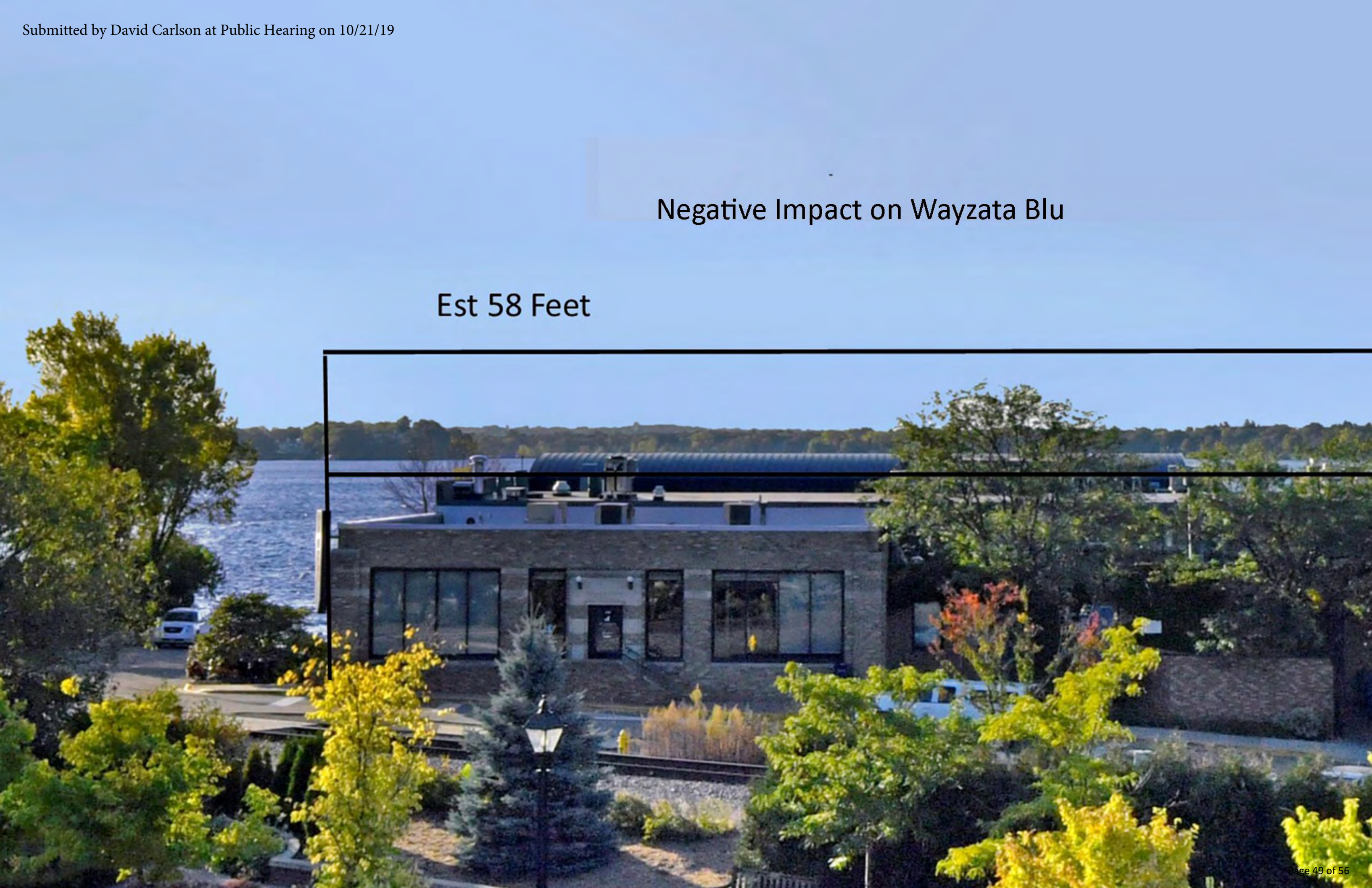
Est 58 Feet

Est 35 Feet



Negative Impact on Wayzata Blu

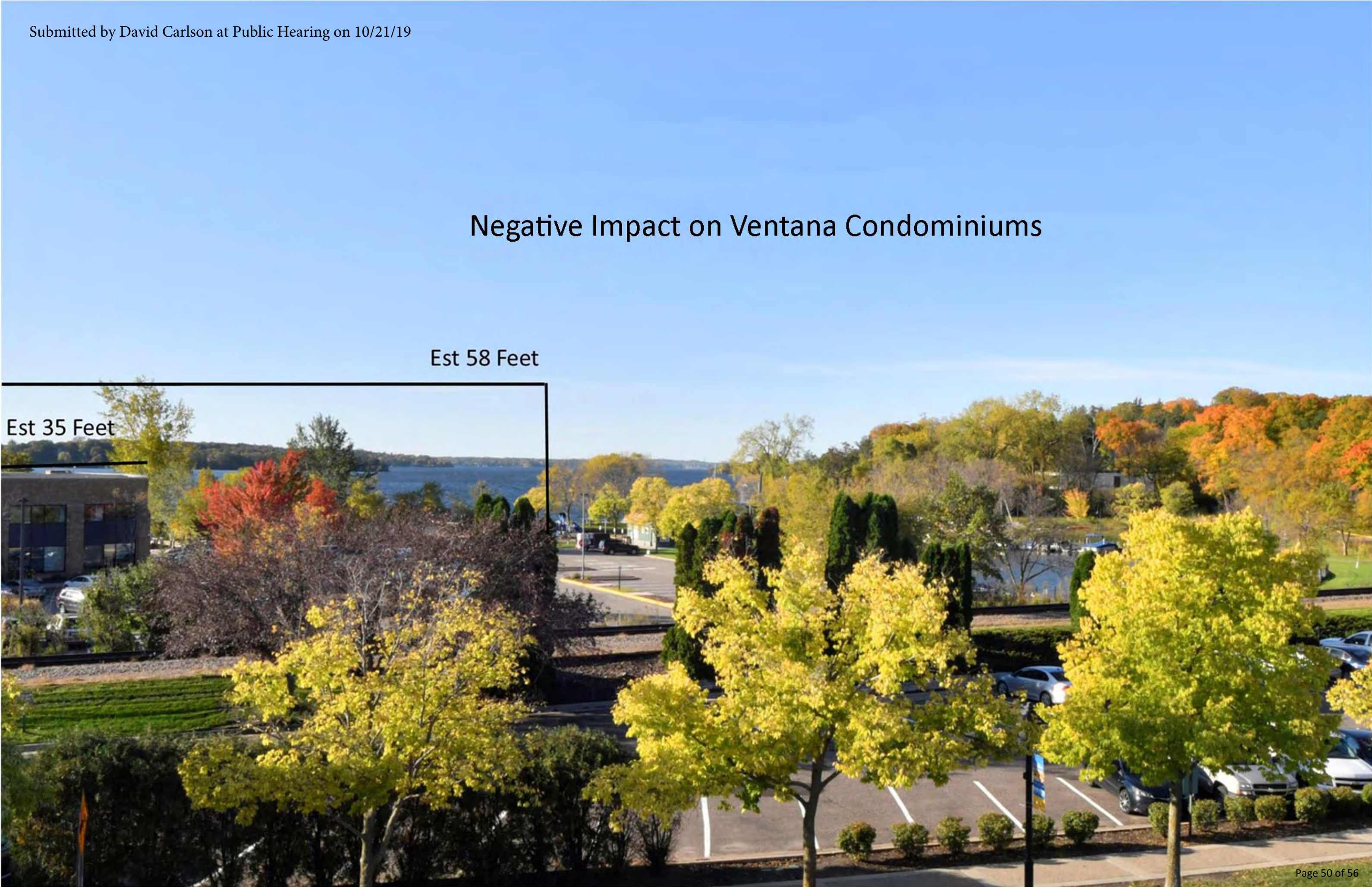
Est 58 Feet



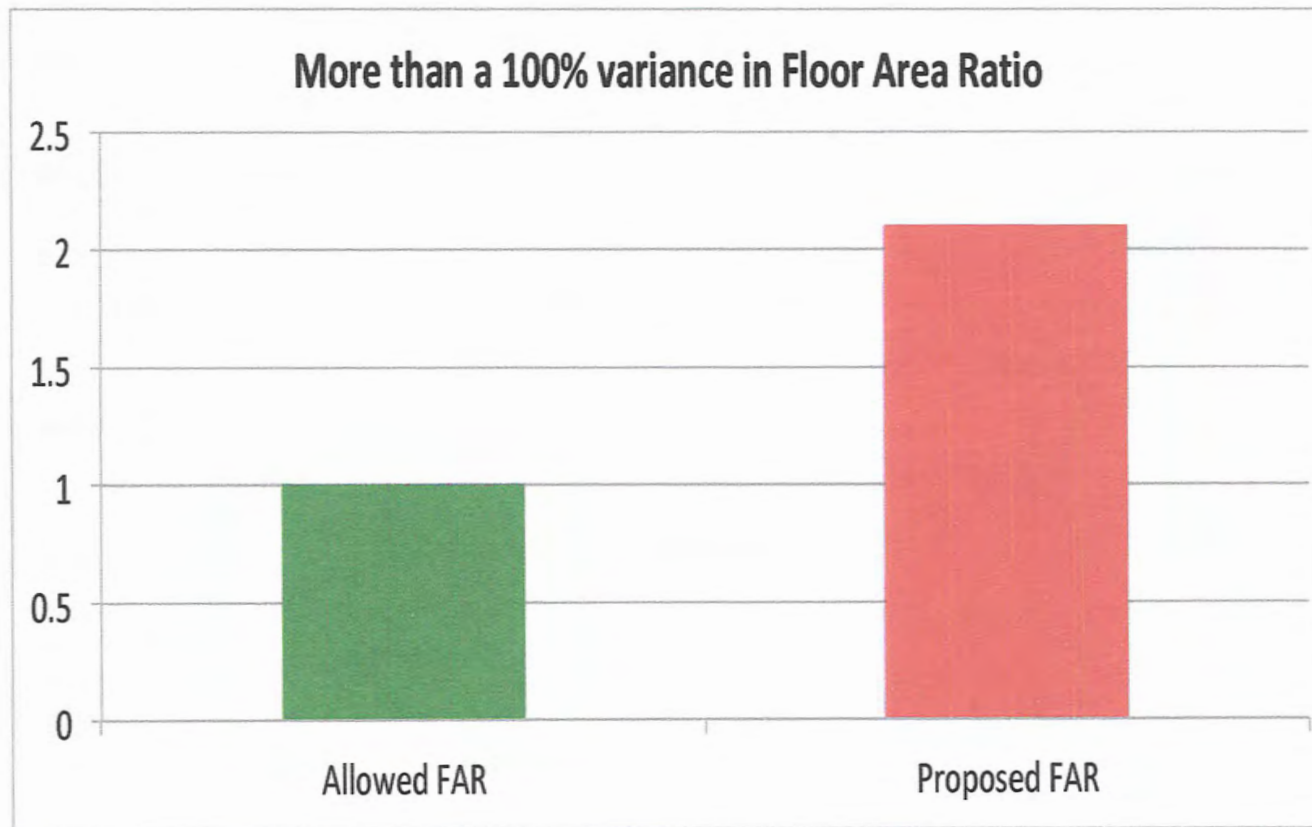
# Negative Impact on Ventana Condominiums

Est 58 Feet

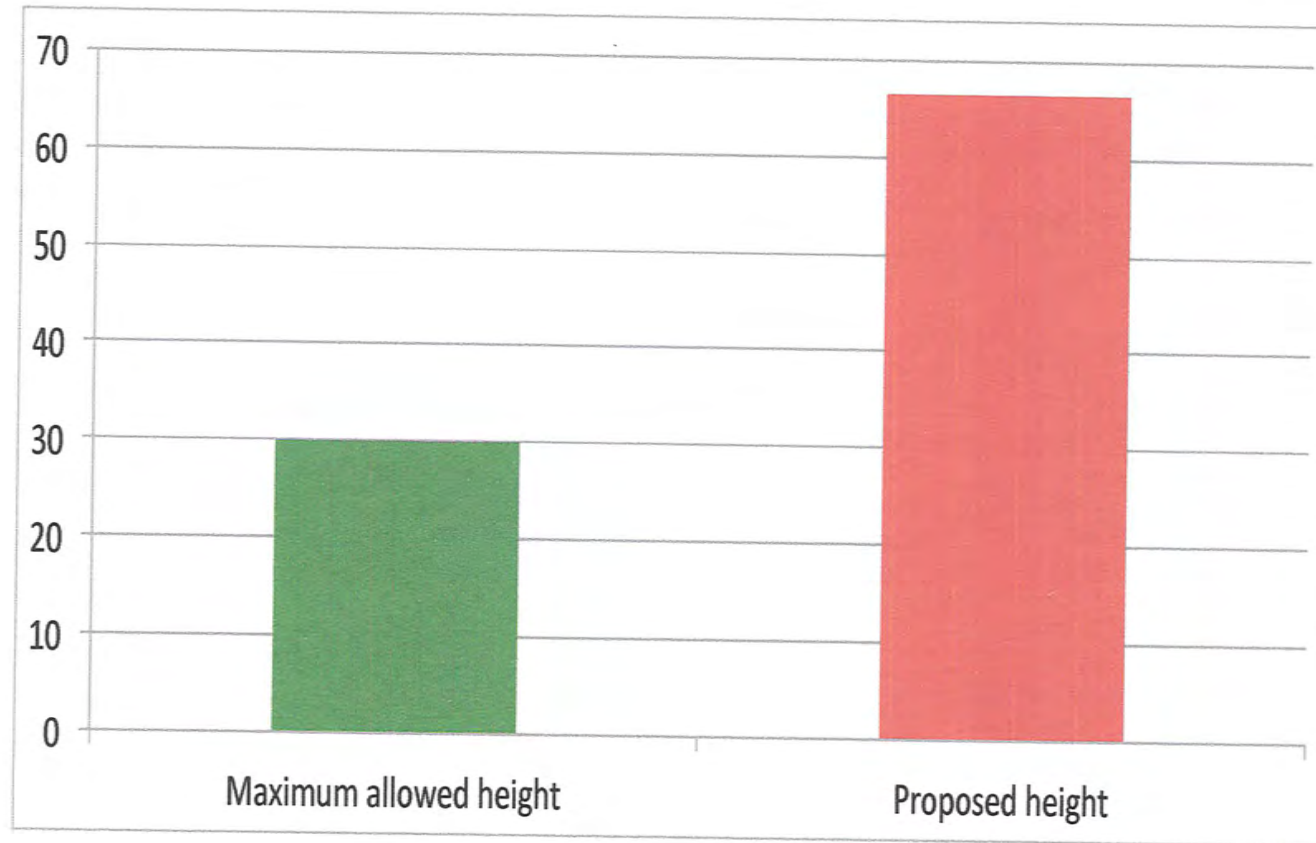
Est 35 Feet

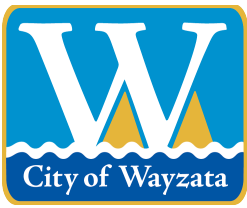


## 100% variance in Floor Area Ratio



## More than 100% variance in height





## City of Wayzata Planning Commission Agenda Report

|                                                                    |                          |
|--------------------------------------------------------------------|--------------------------|
| <b>MEETING DATE:</b> November 7, 2019                              | <b>AGENDA ITEM:</b> 5.a. |
| <b>TITLE:</b> Review of Development Activities                     |                          |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                 |                          |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director |                          |
| <b>60 DAY DEADLINE:</b> N/A                                        |                          |

**BACKGROUND:**

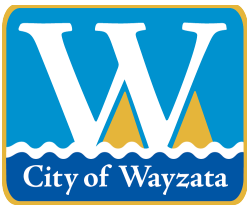
Staff will be providing an update at the meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

None



## City of Wayzata Planning Commission Agenda Report

|                                                                    |                          |
|--------------------------------------------------------------------|--------------------------|
| <b>MEETING DATE:</b> November 7, 2019                              | <b>AGENDA ITEM:</b> 5.b. |
| <b>TITLE:</b> November 6 City Council Meeting Report               |                          |
| <b>PREPARED BY:</b> Emily Goellner, Community Development Director |                          |
| <b>REVIEWED BY:</b>                                                |                          |
| <b>60 DAY DEADLINE:</b> N/A                                        |                          |

**BACKGROUND:**

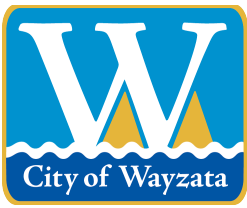
A verbal update will be given at the meeting by staff.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

None



## City of Wayzata Planning Commission Agenda Report

|                                                                                      |                          |
|--------------------------------------------------------------------------------------|--------------------------|
| <b>MEETING DATE:</b> November 7, 2019                                                | <b>AGENDA ITEM:</b> 5.c. |
| <b>TITLE:</b> Planning Commissioner Liaison for the November 19 City Council Meeting |                          |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                   |                          |
| <b>REVIEWED BY:</b> Emily Goellner, Community Development Director                   |                          |
| <b>60 DAY DEADLINE:</b> N/A                                                          |                          |

**BACKGROUND:**

Commissioner Bashoum is assigned as the liaison for the Tuesday, November 19 City Council Meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

1. 2019 PC representatives at Council

**2019**  
**Planning Commission assignments at Council meetings**

| <b><u>Meeting Date</u></b> |                    | <b><u>Commission Representative</u></b> |
|----------------------------|--------------------|-----------------------------------------|
| 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                       |
| <b>WEDNESDAY</b>           | 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                           |
| <b>WEDNESDAY</b>           | November 6, 2019   | Christine Plantan                       |
| Tuesday                    | November 19, 2019  | Lindsay Bashioum                        |
| Tuesday                    | December 3, 2019   | Laura Merriam                           |
| Tuesday                    | December 17, 2019  | Peggy Douglas                           |