

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Thursday, January 23, 2020
6:30 PM

WORKSHOP TOPICS FOR DISCUSSION:

- a. Planning Commission iPad Training (5:45 - 6:20)
- 1. **Call to Order**
- 2. **Roll Call**
- 3. **Approval of Agenda**
- 4. **Consent Agenda**
 - a. Approval of the January 6, 2020 Meeting Minutes
 - b. Report and Recommendation of Approval of Variances, Design Review, and Shoreland Impact Plan/Conditional Use Permit for Lothenbach Family Offices at 401 Lake St E
 - c. Report and Recommendation of Approval for Planned Unit Development General Plan, Design Review, Preliminary Plat, Zoning Map Amendment, and Shoreland Impact Plan/Conditional Use Permit for North Lake Townhomes at 215 Walker Ave S and 545 Indian Mound E
- 5. **Public Hearing Items**
 - a. Consider Development Application for a Variance and Conditional Use Permit for a Detached Garage at 908 Shady Ln E
- 6. **Other Items**
 - a. Review of Development Activities
 - b. January 7 and 21 City Council Reports
 - c. Planning Commissioner Liaison for February 4 City Council Meeting
 - d. 2020 Meeting Calendar
- 7. **Adjournment**

Upcoming Meetings:
City Council - February 4, 2020
Planning Commission - February 3, 2020

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 4.a.
TITLE: Approval of the January 6, 2020 Meeting Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the January 6, 2020 Planning Commission meeting.

ATTACHMENTS:

1. January 6, 2020 PC Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
January 6, 2020**

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: Flannigan, Plantan, Douglas, Merriam, Parkhill, and Iverson. Absent: Bashioum. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, Planning Consultant Peggy Sue Imihy, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to approve the January 6, 2020 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the December 16, 2019 Meeting Minutes

b.) Report and Recommendation of Approval for a Heritage Preservation Site Designation for the Section Foreman House at 738 Lake Street East

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

Hearing no such request, he asked for a motion to approve the Consent Agenda as presented.

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

AGENDA ITEM 5. Public Hearing Items:

a.) Consider Development Application for Variances, Design Review, and Shoreland Impact Plan/Conditional Use Permit for Lothenbach Family Offices at 401 Lake St E

1
2 Planning Consultant, PeggySue Imihy, stated that the applicant, Peterssen/Keller Architecture, and
3 the property owner, Lothenbach Props VI, LLC, have submitted a development application to
4 redevelop the property at 401 Lake Street E. The applicant is proposing to demolish the existing
5 building on the site and construct a three-story, 19,910 square-foot office-retail building. The
6 building would have 2,250 square feet of retail on the ground floor and 11,815 square feet of office
7 space on the second and third floors. The building would also have 4,150 square feet of green roof
8 area, with a 450 square-foot rooftop patio space, accessible from staircase or elevator to the roof.
9 The remaining square footage of the building would be used for parking.

10
11 The application requests variances for the maximum allowable floor area ratio (FAR) of 2.0 and
12 the required first floor retail percentage of at least 50% in the C-4 Central Business Zoning District.
13 The application also requests review and approval of the project design under the applicable
14 Design Standards for the Lake Street District, and approval of a Shoreland Impact
15 Plan/Conditional Use Permit (CUP) for impervious surface coverage greater than the allowed 25%
16 in the Shoreland Overlay District.

17
18 The applicant previously appeared with another application for the property at the October 7, 2019
19 Planning Commission meeting, requesting approval of a Concept Plan for a Planned Unit
20 Development and a variance from the maximum allowable building height. The Planning
21 Commission recommended denial of that application due to concerns regarding building height,
22 the lack of sufficient parking, and the scale and massing of the proposed building. Following that
23 meeting with the Planning Commission, the applicant withdrew their application to consider ways
24 to address the Planning Commission's concerns. The new application no longer requests approval
25 of a Planned Unit Development and is in compliance with the height requirements and
26 accommodates all required parking on-site. The applicant was also able to reduce the FAR from
27 2.44 to 2.33.

28
29 The property lies within the C-4 Central Business District, Shoreland Overlay District, and Lake
30 Street Design District. The 2030 and 2040 Comprehensive Plan Designation for the property is
31 Central Business District.

32
33 As part of the current application, the applicant is requesting a variance for the proposed FAR from
34 the maximum of 2.0 to 2.33. The applicant identified the parking requirement, the size of the
35 parcel, and the high-water table as reasons for the increased FAR. The proposed building meets
36 the requirement of City Code §978.06.C that at least 50% of the building frontage on the ground
37 floor along Lake Street be used for retail or service commercial use, but does not comprise at least
38 50% of the ground floor building footprint. The applicant has asked for a variance to reduce the
39 required minimum amount of retail on the ground floor building footprint from 50% to 22% and
40 has identified the need to accommodate parking, the size of the site, and the high-water table as
41 practical difficulties faced in meeting this standard.

42 The applicant is also requesting three deviations from the Design Standards. The first is consistent
43 with the requested variance regarding retail percentage on the ground floor. The second and third
44 design deviation were requested by City Staff and pertain to outdoor landscaping, sidewalk, and
45 lighting requirements that will be impacted by the Lake Effect plans that will be incorporated along
46 Lake St E.

1
2 A Shoreland Impact Plan/Conditional Use Permit is required under City Code §991.19.A. The
3 proposed project would cover the entire site, creating 100% impervious coverage. Stormwater
4 treatment measures include the installation of a green roof system.

5
6 The proposed plan for parking would locate 13 parking spaces on the ground floor, 22 spaces on
7 the underground floor of an enclosed ramp, and an additional 5 spaces located on the northern part
8 of the site. In total, the site would have 40 spaces for parking. The City Engineer/Public Works
9 Director has reviewed the parking structure and his recommendation of approval includes
10 conditions. These conditions include the installation of safety mechanisms at the entrances of the
11 ramps, installation of a mechanism that limits the lowest level parking to office users, and signage
12 for parking for public/retail users.

13
14 The applicant has provided a landscape plan, which includes replacing 35 inches of the 40 inches
15 of tree caliper inches required to be replaced. The five inches which cannot be accommodated in
16 the right-of-way will need to be paid for with the Tree Ordinance's Fee in Lieu of planting, at a
17 cost of \$160 per caliper inch, for a total of \$800.

18
19 The site currently has 83% impervious surface between the parking lot and the existing building.
20 The proposed plan would increase the impervious coverage to 100%, which is allowed within the
21 Shoreland Overlay District so long as the applicant receives approval of a CUP/Shoreland Impact
22 Plan. The applicant has proposed a green roof system, where vegetation and soil act as a sponge,
23 absorbing and filtering water that would normally run off the site. The proposed roof would
24 decrease runoff from the site, and the existing runoff patterns would remain unchanged. The City
25 Engineer/Public Works Director has found the mitigation of stormwater runoff to be a suitable
26 best management practice. A building permit cannot be issued until approval from the Minnehaha
27 Creek Watershed District is received.

28
29 The construction of the proposed building will create a landlocking of 407 Lake St E on the east
30 side since there is not an alley behind the building. The Applicant has reached an agreement with
31 407 Lake St. E to continue to allow their trash to be picked up at 401 Lake St. E. The Fire Marshal
32 was contacted, and it was determined that the landlocking of 407 Lake St. E would not impede
33 their ability to adequately address a fire on the property.

34
35 Chair Flannigan asked if the current property was retail. He also asked for clarification of other
36 retail uses in the vicinity of the property.

37
38 Planner Imihy stated that the properties next to the parcel are not currently retail.

39
40 Chair Flannigan asked for information regarding rooftop systems, their longevity, and potential
41 maintenance issues.

42
43 Planner Imihy replied that the applicant can likely speak to the longevity and maintenance of such
44 technologies. She added that many cities award bonuses for green rooftop systems being
45 incorporated into buildings.

1 Commissioner Merriam stated that there is a retail business directly across from the subject
2 property, as well as an increase of retail properties as one moves along Lake St. She also asked
3 if the FAR would be affected if all of the parking were located at the north side of the building and
4 in a three-story parking ramp.

5
6 Planner Imihy responded that FAR includes everything that is seen above grade. The sub terrain
7 parking on this property is not included in the FAR calculation. She explained that FAR is intended
8 to offer a correlation of density or of appearance, in essence a measure of scale.

9
10 Commissioner Douglas asked if there was a difference between the 2030 and 2040 Comprehensive
11 Plan Designation for the property, what was the required retail percentage for two identified
12 properties, and how is the water table impact determined.

13
14 Planner Imihy stated that the 2030 and 2040 Comp Plan have the same designation for the property.
15 She did not know the retail percentage required for the two identified business but stated that they
16 could look up the answer. She stated that most properties in close proximity to Lake Minnetonka
17 are going to have a high-water table. She does not believe that the discussed property was required
18 to produce soil borings.

19
20 Commissioner Parkhill asked for clarification regarding required parking being determined by the
21 size of offices and their square footage. He further asked if the Code allowed rooftop seating.

22
23 Planner Imihy stated that square footage drives the determination of required parking. She also
24 stated that the City doesn't have a Code section that expressly prohibits rooftop patios.

25
26 There being no further question from the Commission for Staff, Chair Flannigan invited the
27 Applicants to address the Commission regarding the application.

28
29 Applicant's representative, Greg Keup, 420 Kimberly Ln N Plymouth, stated that the Lothenbach
30 Family offices are currently located in Wayzata and they look forward to that becoming permanent.
31 He stated that the team joining him to speak included their Architect and General Contractor. He
32 added that their team has worked hard to listen to the feedback given from the previous Planning
33 Commission meeting as well as the numerous meetings held with neighbors to the property.

34
35 Applicant's Attorney, Carol Lansing, Faegre Baker Daniels, Minneapolis, stated that she wanted
36 to provide a little more framework around the standards for the FAR variance as the Commission
37 considers the presentation the team will provide. She provided a clarification regarding the term
38 "reasonable" as it applies to the practical difficulties aspect of the variance standard.

39
40 Applicant's Architect, Gabriel Keller, 1526 West 25th St. Minneapolis, stated that the Planned Unit
41 Development that the Planning Commission considered in the previous application was the path
42 recommended to the team. They have changed their direction to requesting a variance request due
43 to the feedback received. He stated that they are making three requests in their application. He
44 added that the other requests in the application were accommodations to Staff's requests due to
45 the anticipated Lake Effect plans. He stated that because of the unique size of the property, it is
46 impossible to meet the parking requirements and the retail percentage requirements. He discussed

1 other similar properties with similar practical difficulties that were granted variances. He added
2 that soil borings were completed to determine the height of the water table. He provided visuals
3 of different configurations of the property and stated that there wasn't a way to meet both the
4 parking and the retail percentage requirements of the Code. He shared information regarding green
5 roofs. He stated that they require minimal maintenance, are more visually appealing, and help
6 extend the longevity of the roof by 3-5 times longer than a typical roof.

7
8 Applicant's Architect, Ryan Fish, 4329 29th Ave S Minneapolis, stated that the FAR would be
9 below 2.0 if the partially underground parking was removed from the equation.

10
11 Chair Flannigan asked the Commission for questions for the applicant.

12
13 Commissioner Parkhill asked for the percentage of parking that is below grade.

14
15 Mr. Fish stated that approximately 45% of the volume is underground, but difficult to determine
16 due to the slope. He identified a space on a diagram that is both above and below grade.

17
18 Commissioner Parkhill asked if the identified space was removed from the FAR calculation would
19 the design be at 2.0 FAR.

20
21 Mr. Fish stated that the identified area as well as an outside covered area would account for the
22 difference in the achieved and required FAR.

23
24 Commissioner Douglas asked for clarification regarding an elevation diagram on page 69 of the
25 Commissioner's packet. She asked if the area was open to the parking area.

26
27 Mr. Keller stated that the area can be accessed by walking or driving and is part of the retail use
28 space that the City had requested. They had thought to propose a screen of vines at the location
29 but discovered that wouldn't meet City Code requirements.

30
31 Commissioner Iverson asked for clarification regarding a rooftop job drawing that states "recessed
32 plumbing vent area, screen from bluff and neighboring properties". She asked for the height and
33 a description of the item.

34
35 Mr. Fish stated that the description is an attempt to creatively hide pipes.

36
37 Commissioner Merriam asked about a statement indicating that an ornamental 12-foot-tall tree
38 would be part of the rooftop terrace landscape.

39
40 Mr. Keller responded that the third floor will have a center section that is open to the sky and
41 surrounded in glass for the connected offices to view. A tree will be planted in this section and
42 would not project above the building roof plane.

43
44 Commissioner Iverson asked about the mechanical screens and potentially how much noise would
45 be expected in that area. She further asked if the adjacent area was residential or commercial.

1 Community Development Director, Emily Goellner stated that the adjacent property to the
2 mechanical screening area would be commercial.

3
4 Mr. Keller stated that they are not at the construction phase of having specifics. He added that the
5 HVAC subcontractor indicated that there would be no difficulty meeting code regarding noise
6 levels.

7
8 Commissioner Iverson asked Staff how noise levels are measured. She indicated that she has
9 gotten noise complaints from residents at another location near a commercial building. She added
10 that the City needs to do a better job at monitoring those noise level requirements.

11
12 Mr. Keller stated that noise levels will be a factor of the equipment chosen for the project. He
13 clarified that the screening is pointed towards the back space of the Masonic temple.

14
15 Commissioner Plantan asked Staff as well as the applicant if additional screening could be added
16 to the parking garage with the understanding that the City Code contained restrictions regarding
17 screening specifics.

18
19 Commissioner Parkhill asked how much parking is required for the retail and office space.

20
21 Mr. Fish stated that the zoning code is three parking spaces for every thousand feet. The retail
22 would require approximately 7-8 spaces.

23
24 There being no further questions from the Commission for the applicant, Chair Flannigan opened
25 the public hearing on the application at 7:24 p.m.

26
27 Property owner of 315 Manitoba Ave, and owner proxy for 445 Lake, Charles Nolan, stated that
28 many significant improvements have been made since the public hearing on the last application.
29 He continues to have two issues with the plan. He agreed that moving from a PUD to a variance
30 was appropriate. Unfortunately, he does not believe that the circumstances are even close to being
31 met to qualify for a variance. He stated that the test for being granted a variance includes that the
32 difficulty cannot be self-created, and that economics cannot play a part in the need for a variance.

33
34 Planner Imihy clarified that the standard is economics cannot be the only consideration for granting
35 a variance.

36
37 Mr. Nolan stated that the applicant wants everyone to believe that it is the properties uniqueness
38 that is creating a need for a variance. He added that the property is a complete rectangle with two
39 frontages and the dimensions perfectly maximize the ability to put parking on the site. He also
40 stated that the increasing grade does not create a hardship but instead allows for parking to be
41 hidden underground and benefits the FAR calculation. He believes the problem is self-created and
42 the building is too big for the site. He stated that his building will look down on this building, and
43 he is concerned with the terrace and the lack of control over the space and its use.

44
45 Representative for the properties of 306 through 324 Manitoba, Darren Schmidt, stated that his
46 properties are to the north of the project. He believed that the current proposal is much improved

1 over the previous one. He continued to have concerns regarding the rooftop and its use. He stated
2 that other properties have been imposed with limitations and that should be the same for the current
3 proposal. He stated that the parking stalls on the north side of the building should have screening.
4 He would also like to see trash screening. He stated that the north side of the buildings grading
5 will impact snow loading and he would like to see a formal agreement to address the issue.

6
7 There being no one else wishing to comment on the application, Chair Flannigan closed the public
8 hearing at 7:35 p.m.

9
10 Chair Flannigan asked for the Commission to provide feedback regarding the application.

11
12 Commissioner Merriam stated that the Swans building and another building at Broadway have
13 FAR's greater than 2.0. She asked for the City approvals that allowed for the increase in FAR to
14 be granted.

15
16 Planner Imihy stated that both of the identified projects were reviewed by the Planning
17 Commission and approved by City Council, and increased FARs as part of a Planned Unit
18 Development.

19
20 Director Goellner stated that she could look into past approval documents to provide more
21 information.

22
23 Chair Flannigan asked for the City Code regarding the rooftop and the potential uses allowed.

24
25 Director Goellner stated that the City Code does allow a rooftop terrace with parapet walls or
26 protective railing with a height on no more than 35 feet. The City Code does not regulate the
27 activity or use of a rooftop terrace.

28
29 Planner Imihy stated that there was another property that was given restrictions regarding the use
30 of a rooftop, but that was due to mechanicals being present on the roof.

31
32 Commissioner Parkhill asked if average grade is used to calculate FAR.

33
34 Planner Imihy stated that the average grade is used to determine building height. The FAR is
35 determined by visual impact and not by using the average grade calculation. It doesn't matter how
36 much of the parking is below grade as long as its visible it will be included in the FAR.

37
38 Director Goellner stated that the Zitzlof building at 305 and 309 Lake has 55% retail use. They
39 were granted a variance to FAR due to circumstances unique to the property, and in large part due
40 to the desire to maintain the historical aesthetic of the bank façade and the desire to provide
41 enclosed parking within the building. That was included in the floor area rather than as a surface
42 parking lot. The other property that Commissioner Douglas inquired about was Wayzata Blue.
43 She stated that the property is west of Berry Ave and is not required to have 50% retail.

44
45 Commissioner Merriam asked if Director Goellner asked if there was information regarding the
46 Broadway building.

1
2 Director Goellner stated that she believes that it was considered unique and that and FAR deviation
3 was granted, but she would look for more information.

4
5 Commissioner Merriam asked for the square footage of the retail space, and the type of retail that
6 would be pursued.

7
8 Mr. Keller stated that it is too early to determine what the retail space would be used for. He would
9 anticipate a clothing store, but they would have to meet the City requirements.

10
11 Commissioner Plantan asked if a setback to the second or third floor was considered to allow the
12 property to meet the 2.0 FAR.

13
14 Mr. Keller stated that they reduced the building a lot to accommodate the required parking space.
15 Further reductions in the building would create difficulty and limitations to balancing the necessary
16 elements of the building and its proposed uses.

17
18 Chair Flannigan stated that application is interesting, and he appreciates the applicant attempting
19 to address the concerns that were raised in the review of the previous application. He stated that
20 the building appears to be lighter and more airy than other buildings. He appreciates the comments
21 by Mr. Nolan and believes that there are practical difficulties in meeting the parking and the
22 required FAR. He stated that the building architecture overcomes the excess calculation of the
23 FAR. He thinks that the property is unique in the grading, the parking requirement, the retail
24 requirement, and he could agree with an approval of the FAR calculation.

25
26 Commissioner Douglas stated agreement with Chair Flannigan.

27
28 Commissioner Plantan stated her appreciation for the applicant's willingness to work with the
29 community and attempts to address the concerns raised with the previous application. She does
30 not believe the applicant has unique circumstances. She believes that there is likely a way to meet
31 the 2.0 FAR while still being economically responsible. She agreed with allowing the retail floor
32 percentage reduction, but not due to unique circumstances but rather to accommodate parking.
33 She stated that the property will contribute to the retail vibrancy on Lake Street. She would agree
34 with the Design review deviations that the City has requested and in regard to the Shoreland
35 Impact. She would like to add a couple of requirements or conditions that would include an
36 agreement with the City for the snow loading of the adjacent buildings, open areas of north and
37 east side parking garage to add screening, adding hours of operation to the rooftop use, and
38 regulations limiting the height of objects on the rooftop to not extend above the five foot railings.

39
40 Commissioner Merriam agreed with much that has been said. She stated that there are many
41 balconies on buildings in town and they are not regulated. She is not certain how rooftop terraces
42 are different. She acknowledged that she is not knowledgeable of the issues, but she has listened
43 to the concerns.

44
45 Chair Flannigan stated that there are a number of cities that love the rooftop use, but he
46 acknowledged that he does not live or work closely to one to have a different experience or opinion.

1
2 Commissioner Iverson stated that she agreed with most of what has been said. She would like to
3 see the FAR be brought down. She agreed with Mr. Nolans' comment regarding density and scale.
4 She would like the city to look at the Shoreland Impact Plan and the lack of green space in anything
5 other than sidewalks. She is concerned with the project utilizing 100% of the site and the lack of
6 greenspace. She is concerned the impact of the future. She would like to see greenspace on the
7 first level.

8
9 Commissioner Douglas stated that the rooftop will likely be utilized once a year for fireworks.
10 She stated that she lives in downtown Wayzata, and she doesn't see the terraces utilized very often.

11
12 Commissioner Parkhill appreciated the challenge of incorporating the required 40 parking spots
13 into the project. He stated that changes requested are reasonable. He stated that if the City Code
14 does not have regulations regarding the use of a roof top terrace, then it should likely not be an
15 important factor. He would like to have the FAR reduced.

16
17 Chair Flannigan would like to see screening for the parking stalls and the trash. He asked if there
18 were other remedies to consider regarding the stormwater handling.

19
20 Planner Imihy stated that the Shoreland Impact Plan conditional use permits is a conditional use
21 permit that can be issued as long as the applicant meets all of the conditions of the permit. City
22 Engineer Kelly did find that the plan for stormwater handling to be in line with best practices. The
23 City Code allows applicants to go up to 100% impervious surface so long as they can remediate
24 the effects of that impervious.

25
26 Commissioner Plantan asked about an application for a roof top terrace on Swans corner.

27
28 Planner Imihy stated that she believed that the issue with the referenced proposal was that it
29 included a cupola that was too large and too tall, and so the removal of that element removed the
30 rough elements for the proposal.

31
32 Director Goellner provided follow up information regarding the Broadway Place development at
33 326 Broadway Avenue. She stated that the property was in the planned unit development district
34 approved for the project, and there is no FAR standard for a PUD district.

35
36 Commissioner Iverson asked if they could make a condition that prohibits storing any items on the
37 rooftop.

38
39 Chair Flannigan added that a condition could be that nothing is allowed on the rooftop.

40
41 Commissioner Iverson stated that she would agree to Chair Flannigan's condition. She added that
42 she thinks that the green roof is brilliant, and she thinks the country should move that direction.
43 She questioned if there has been enough discussion regarding green roofs, and if the Planning
44 Commission should gather more information and present their findings to the City. She asked if
45 they could get additional time to gain more knowledge regarding the topic before making a
46 decision on the application.

1
2 Director Goellner stated that the City's concern for rooftops would mostly be related to nuisances
3 by human activity, which is not predictable, but the City can enforce nuisance ordinances if
4 necessary.

5
6 City Attorney, David Schelzel, stated that any conditions need to be reasonably related to a land
7 use request being made. City Code does not currently prohibit the use of the rooftop. If the
8 Commission would like to pursue the matter more, he believes more discussion is warranted to
9 determine how a proposed condition would relate to something the applicants are requesting.

10
11 Commissioner Iverson stated that City Code does not have a statement allowing rooftop terraces
12 activities.

13
14 Mr. Schelzel responded that there are limits to what the space can be used for due to it being in a
15 particular zoning district. The use would need to be something related to the proposed office or
16 retail uses in the building. There are also tools in the code that could be used to address nuisances,
17 noise and similar issues.

18
19 There being no further discussion among the Commissioners, Chair Flannigan asked for a motion
20 on the application.

21
22 Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to direct staff to
23 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
24 reflecting a recommendation of approval of the FAR variance of 2.33, the variance for the ground
25 floor retail percentage of 22%, a deviation of the design standards for retail activity of 22% of the
26 total first floor footprint, a deviation from the design standards of City Code §909.06.A.2 and City
27 Code §909.16.A (so Lake Effect Plans can be incorporated), and the Shoreland Impact
28 Plan/Conditional Use Permit to allow 100% impervious coverage with the stormwater treatments
29 measures that include a green roof system with the recommendation of providing screening for the
30 northern side of the ramp for the property at 401 Lake St E, for review and adoption at the next
31 Planning Commission meeting.

32
33 Commissioner Douglas asked if the screening on the north side of the parking ramp could be
34 required.

35
36 Planner Imihy stated that the applicant removed screening from the identified area due to the
37 resulting need to obtain an additional design deviation for an increase of metal percentage. She
38 asked for clarification if the Commission would like the applicant to pursue the deviation.

39
40 Chair Flannigan stated that he would agree that something would need to be in that location. He
41 would like to see coverage.

42
43 Commissioner Parkhill amended the motion to include a Design Standards deviation for additional
44 metal or plantings to provide screening on the north side of the parking ramp.

45
46 Commissioner Douglas seconded the motion. The motion carried 5 ayes and 1 nay (Iverson).

Commissioner Iverson asked to express her reason for voting nay to be on the record. She stated that her vote is based on the Shoreland Impact Plan, and that she is not comfortable with allowing 100% of the site to be covered by impervious surfaces. She would like the City Council to have further discussion regarding the issue.

Chair Flannigan asked for a timeline for the application.

Director Goellner stated that the report and recommendation would come back to the Planning Commission at the January 23, 2020 meeting and then to the City Council in early February.

b.) Consider Development Application for Planned Unit Development General Plan, Design Review, Preliminary Plat, Zoning Map Amendment, and Shoreland Impact Plan/Conditional Use Permit for North Lake Townhomes at 215 Walker Ave S and 545 Indian Mound E

Planning Consultant Peggy Sue Imihy stated that the applicant, Walker Partners Limited Partnership, and the property owner, RE Clark Land Invest, LLC, have submitted a development application to redevelop the properties at 545 Indian Mound E and 215 Walker Ave S. The applicant is proposing to demolish the existing commercial building on the site and construct seven, two-story townhomes, split between three buildings. Two of the homes would face Indian Mound E, while the other five would face Walker Ave S. The development would have a private driveway to access the garages, which are located to the rear of the homes.

The application requests review and approval of a General Plan for a Planned Unit Development (PUD), a deviation from the requirement that the buildings be located no closer than one-half the sum of the building heights of the two buildings, and a deviation from the setback requirements requiring new structures to be set back no less than 15 feet from the back of the curb line along roadways. The applicant is also requesting a rezoning from C-1: Office and Limited Commercial to PUD. The property is subject to the Design standards of the Bluff District and the applicant requests four deviations from these standards. They are requesting that the stone joints in the building materials be allowed to be larger than one-fourth of an inch, to allow for mechanical equipment to be located on the exterior of the building, to omit the streetscape features that require a bench, exposed aggregate, and additional streetlighting, and to allow for six-foot arborvitae between the driveway and the adjacent property to the west.

The property is currently zoned C-1 Office and Limited Commercial District. The 2030 Comprehensive Plan Designation is Mixed Use Business District. The 2040 Comprehensive Plan Designation is Mixed Use Commercial/Residential. The property is also in the Shoreland Overlay District and the Bluff District Design District.

The Planning Commission reviewed a PUD Concept Plan for this proposed development at their meeting on June 1, 2019. The Plan showed eight townhomes split between two buildings. After receiving feedback from the Planning Commission and the City Council about the massing and bulk of the two buildings, the applicant has modified the concept in their PUD General Plan to remove one unit and break up the development into three buildings. The General Plan lowered

1 impervious surface coverage, increased the green space, and lowered the density of the site.
2 During the concept stage, approval of the buildings as a single use with only residential was
3 approved by the City Council. The proposed development does not meet any of the setback
4 standards in the C-1, R-4 or PUD districts, but the proposed plan is consistent with the design of
5 the PUD Concept Plan, which was approved by the City Council on August 7, 2019. The proposed
6 development does not meet the requirement that the buildings be spaced apart a distance equal to
7 one-half of the heights of the two buildings, however the proposed plan is consistent with the
8 design of the PUD Concept Plan that was approved by the City Council on August 7, 2019.

9
10 The applicant proposes to remove 140 inches of trees on the subject property and are required to
11 replace 81 inches. The applicant has provided a landscape plan, which proposes 48 new trees on
12 the site, totaling 129 replaced inches of trees.

13
14 The applicant is proposing to reconfigure the two existing lots on the subject properties in to seven
15 new lots with an outlot to accommodate a shared driveway. Staff found that the subdivision is
16 consistent with the Draft 2040 Comprehensive Plan, and that the creating of the new lots are in a
17 similar scale to adjacent properties which can be adequately accommodated by the City's
18 infrastructure. If the Preliminary Plat is approved, the applicant must submit a Final Plat within
19 100 days to be reviewed by the City Council.

20
21 Shoreland Impact Plan/Conditional Use Permit (CUP) is required when requesting to develop land
22 or construct any dwelling or any artificial obstruction on land located within any Shoreland
23 Overlay District in the City. The property currently has 52% impervious surface. The applicant's
24 proposed plans for the amount of impervious surface is 39%, which exceeds the allowable
25 impervious surface limit of 25% without a SIP/CUP. The applicant has prepared plans to mitigate
26 stormwater runoff using a combination of pervious pavers and a graywater system.

27
28 Chair Flannigan asked for clarification regarding the parking and staggering of the buildings. He
29 further asked if a person would be able to purchase two of the units and open it up to function as
30 one.

31
32 Planner Imihy stated that residents would enter the shared driveway from Indian Mound East, and
33 each would be able to access their tuck-under 2-4 car private garage. She further added that if the
34 residents wanted to combine two units into one, they would need to come to the Planning
35 Commission for replatting and an amendment of the approved PUD plan.

36
37 Commissioner Merriam stated that approval was granted for the Concept Plan, but the issue with
38 the setbacks appears to be new and she questioned the reason for that.

39
40 Planner Imihy stated that the Concept Plan didn't provide all of the specifics of the PUD, and
41 approval signified that the concept and general appearance of the units was acceptable. With the
42 current step of the PUD process, specific measurements are part of the plan, and two deviations to
43 applicable standards are being requested. She stated that it was important to make the Commission
44 aware of the standards and the requested deviations.

45
46 Chair Flannigan asked for the distance from Unit seven and the lot line.

1
2 Planner Imihy stated that the right-of-way is likely 12 to 15 feet.

3
4 There being no further question from the Commission for Staff, Chair Flannigan invited the
5 applicant to address the Commission.

6
7 Client's representative, Terry Schneider, 15333 Boulder Creek Dr, Minnetonka, , stated that the
8 property owners are looking to take their old and tired building and turn it in to a quality product
9 where new families can live. They used the information received from the Planning Commission,
10 the City Council, neighbors, and potential buyers and it was decided to break up the original
11 concept and create three separate buildings. The result is a project with less impervious surface,
12 better drainage, and a better overall look. He added that the deviations that are being requested
13 are due to some anomalies in how the ordinance is written and applies more to Lake Street and not
14 the Bluff District.

15
16 Chair Flannigan asked for the setback of the property line on the north side.

17
18 Mr. Schneider stated that each building increases or decreases by about two feet. The setbacks
19 vary from six to 10 feet.

20
21 Commissioner Plantan asked what the setback was on John Adams townhome.

22
23 Mr. Schneider stated that the property is located right up to the property line which exceeds the
24 setback on that side.

25
26 Commissioner Douglas asked for the reason for the staggered buildings.

27
28 Mr. Schneider responded that the staggering allows for each unit to have unobstructed patio views
29 to the lake.

30
31 Commissioner Iverson asked for the location of the air conditioning units.

32
33 Mr. Schneider stated that they will be placed by the garage doors and screened.

34
35 There being no further questions from the Commission for the applicant, Chair Flannigan opened
36 the public hearing on the application at 8:40 p.m.

37
38 Resident, Gary Kramer, 240 Minnetonka S, stated that he likes the projects and especially likes
39 the space in between the buildings. He added that Garrison Landing will be facing the garage side
40 of the buildings. He would also like to see the air conditioners relocated to the side of the buildings,
41 so as to not be visible to Garrison Landing. He also wanted information regarding the storage of
42 garbage cans. He shared the John Adams, resident of Garrison Landing, asked for Gary to express
43 his interest in seeing the buildings staggered the opposite direction. He explained that the location
44 of John's unit is directly facing and closest to one of the proposed townhomes. They believe that
45 the change would better fit the property and would allow more room and opportunity for screening
46 between the properties.

1
2 There being no one else wishing to comment on the application, Chair Flannigan closed the public
3 hearing at 8:43 p.m.

4
5 Chair Flannigan asked for the Commission to provide feedback regarding the application.

6
7 Commissioner Parkhill asked for clarification regarding the location of the air conditioners.

8
9 Chair Flannigan asked for clarification regarding garbage can storage.

10
11 Commissioner Douglas stated that the association can establish rules related to the garbage cans
12 and their storage.

13
14 Mr. Schneider highlighted the locations on a diagram for the Commission but was not at the
15 microphone to record additional responses.

16
17 Planner Imihy stated that Mr. Schneider explained that the air conditioners would only be about
18 two feet high and would be heavily screened by landscaping. She further added that the design
19 deviation for the six-foot Arborvitaes is to provide an adequate buffer between Garrison Landing
20 and the subjects property.

21
22 Commissioner Parkhill asked what was going to be done to mitigate the rainwater runoff.

23
24 Planner Imihy stated that the existing impervious surface is 52%, the proposal will decrease it to
25 39%. Despite the decrease the property will still be required to mitigate the difference between
26 25% which is what is allowed, and the proposed 39%. The plan is to use pervious pavers for the
27 shared driveway leading to the garages, and porous rock for the private sidewalks and stoops. The
28 rainwater will be collected in a gray water system utilizing large underground tanks, and then it
29 will be reused for irrigation.

30
31 Commissioner Iverson asked the applicant to consider that the six-foot Arborvitaes may not
32 provide adequate screening due to the height of the buildings and the impact growth and the
33 seasons have on foliage. She stated that her experience is that trees provide better screening in the
34 winter.

35
36 Planner Imihy stated that the Arborvitaes only make up halfway of the site. She added that there
37 would be six new additional trees planted on the northern side.

38
39 Commissioner Iverson stated that her largest concern is for a proper buffer between the Garrison
40 building and the property.

41
42 Mr. Schneider stated that both sides of the property line have plans to or have recently added
43 additional combinations of foliage for proper screening. He believes that the requested outcome
44 will be achieved due to both sides making efforts to properly screen their properties.

1 Commissioner Merriam stated that the design standards require three/four-foot hedges to screen
2 parking lots.

3
4 Director Goellner stated that the three/four-foot screening height is most appropriate for
5 commercial properties, and the six-foot screening height is better suited for residential properties.

6
7 Commissioner Merriam asked the Commission for concerns regarding the 15-foot setbacks on all
8 sides of the property.

9
10 Chair Flannigan asked for the setback for Garrison Landing. He added that the building is located
11 right next to the sidewalk.

12
13 Planner Imihy explained that many communities utilize a similar 15-foot setback requirement with
14 the intent of giving an activated looking street front.

15
16 Commissioner Merriam stated that she thought the requirement was to have at least a 15-foot
17 setback.

18
19 Director Goellner stated that the opposite is required. The requirement was to have no less than
20 15-foot setback.

21
22 Commissioner Iverson stated that she would like to see more green space. She stated that
23 eliminating one more of the units may provide more light and additional landscaping between the
24 buildings. She expressed concern with the precedence of homes being built closer together. She
25 added that bump outs for things like a fireplace, are not calculated in the space required between
26 buildings.

27
28 Commissioner Merriam stated that her comment regarding the setbacks was not incorrect. She
29 referred to page 3 of 19 and read “that the setback is to be no less than 15 feet from the back of the
30 curb line and all yards”.

31
32
33 Director Goellner read the Code language “no building shall be located less than 15 feet from the
34 back of the curb line along roadways which are part of the internal street pattern”. She stated that
35 staff made an error and Commissioner Merriam’s understanding was correct

36
37 Chair Flannigan stated that from the curb line to the property it may be 15 feet.

38
39 Commissioner Merriam stated that she believes the topic is worthy of discussion because it would
40 require a variance or deviation.

41
42 Chair Flannigan stated that the type of development being proposed would warrant the building
43 being located closer to the street. He further added that the setbacks appear to be very consistent
44 with Garrison Landings setbacks.

45
46 Planner Imihy explained that the property does meet the setback requirement from the curb line.

Commissioner Merriam asked for clarification regarding the required 10-feet between buildings on the north side.

Planner Imihy stated that the 10-feet only meets the C-1 standard. It does not meet the PUD standard of applying similar residential zone districts.

Commissioner Merriam stated that she feels that townhomes are very appropriate for the setting.

Commissioner Plantan believes that the project aligns very well with the 2040 Comprehensive Plan. She does not understand the need for a sign on the corner when each unit will have a separate address. She added that it takes away from the residential feel. She stated that she is comfortable with the Shoreland Impact as long as they have the water mitigation plan.

Commissioner Iverson asked what the price point would be for the townhomes.

Mr. Schneider stated that the customization options would likely place the price point at 1.2 million and up.

Chair Flannigan agreed that a sign for the townhouse complex is not necessary.

Commissioner Douglas really likes the project.

Commissioner Parkhill stated that he also likes everything about the project except for the sign.

Director Goellner asked for the Commission to provide clarification regarding the location of the air conditioner units. She noted that the plan included in the application places the air conditioner units between the buildings and not near the garages as the applicant had stated. She asked the Commission if they would like to ask the applicant for a revised plan.

Mr. Schneider stated that the plan is to have the air conditioner units located at the back of the buildings. He added that the sign is not a necessary item.

There being no further discussion, Chair Flannigan asked for a motion on the application with a potential condition regarding clarification of the air conditioner locations.

Commissioner Plantan made a motion, seconded by Commissioner Douglas, to direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings and plan references, including the correct locations of the air conditioner units, reflecting a recommendation of approval of the PUD general plan, the rezoning from C-1 office limited commercial to a PUD, the deviations requested by the applicant as outlined in the packet, for the design review, the approval of the Shoreland Impact Plan/Conditional Use permit, and the preliminary plat of seven new lots and one out lot, for review and adoption at the next Planning Commission meeting. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

1
2 **a.) Review of Development Activities**
3

4 Assistant Planner, Nick Kieser stated the next meeting will have the return of the application for a
5 detached garage at 908 Shady Ln.
6

7 **b.) December 17 City Council Meeting Report**
8

9 Commissioner Douglas presented a report on the December 17 City Council Meeting. She stated
10 that the new Administrative Service Director was introduced. An Exceptional service award was
11 presented. There was a lot of discussion regarding the Lake Street project. New positions were
12 appointed to a number of committees.
13

14 **c.) Planning Commissioner Liaison for the January 7 City Council Meeting**
15

16 Commissioner Plantan will provide a report at the next Planning Commission meeting.
17

18 **d.) Election of Officers of Planning Commission for 2020 Calendar Year**
19

20 Director Goellner stated that Staff solicited nominations for the Chair and Vice Chair roles from
21 the Commissioners. Nominations were received for Commissioner Plantan for Chair and
22 Commissioner Parkhill for Vice Chair, who have each accepted the nominations. She stated that
23 additional nominations could be made at this time. She recommended that each of the nominees
24 make a brief statement and then a motion could be entertained.
25

26 Commissioner Plantan stated that she has learned a lot in her three years on the Commission and
27 would be happy to give Commissioner Flannigan a reprieve from the Chair duty.
28

29 Commissioner Parkhill stated that he was just happy to serve.
30

31 Chair Flannigan asked for a motion to elect Commissioner Plantan as Chair of the Planning
32 Commission for 2020. The motion carried 5 ayes and 0 nays.
33

34 Chair Flannigan asked for a motion to elect Commissioner Parkhill as the Vice Chair of the
35 Planning Commission for 2020. The motion carried 5 ayes and 0 nays.
36

37 **AGENDA ITEM 8. Adjournment.**
38

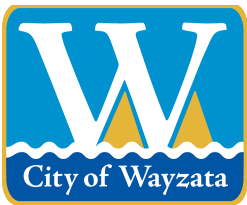
39 There being no further business on the agenda, Chair Flannigan asked for a motion to adjourn.
40

41 Commissioner Douglas made a motion, seconded by Commissioner Plantan, to adjourn the
42 Planning Commission meeting. The motion carried unanimously.
43

44 The Planning Commission meeting was adjourned at 9:18 p.m.
45

46 Respectfully submitted,

- 1 Jenny Groess
- 2 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 4.b.
TITLE: Report and Recommendation of Approval of Variances, Design Review, and Shoreland Impact Plan/Conditional Use Permit for Lothenbach Family Offices at 401 Lake St E	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: February 15, 2020	

BACKGROUND:

The applicant, Peterssen / Keller Architecture, and the property owner, Lothenbach Props VI, LLC, have submitted a development application to redevelop the property at 401 Lake St E. The applicant is requesting approval of a variance to the allowed Floor Area Ratio (FAR) of 2.0 and a variance to the required first floor retail percentage of 50% in the C-4 Central Business Zoning District. The applicant is also requesting review of the Design Standards for the Lake Street District and approval of a Shoreland Impact Plan/Conditional Use Permit (CUP) for impervious surface coverage greater than the allowed 25% in the Shoreland Overlay District. The attached staff report provides additional details and analysis of the requests.

A similar proposal was submitted by the applicant in August 2019 and reviewed by the Planning Commission in October 2019. After the Planning Commission voted unanimously to deny the application, it was withdrawn. After hosting an additional neighborhood meeting in November 2019, the applicant submitted this application in December 2019.

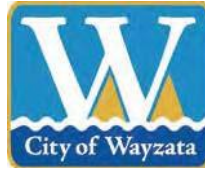
This application held a public hearing at the January 6, 2020 Planning Commission meeting. The Planning Commission voted 5-1 to direct staff to prepare a draft Report and Recommendation for approval of the requested applications.

ACTION REQUESTED:

City staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the Variances, Design Review, and Shoreland Impact Plan CUP applications based on the findings discussed by the Commission.

ATTACHMENTS:

1. Draft PC Report and Recommendation - Lothenbach Family Offices at 401 Lake St E



WAYZATA PLANNING COMMISSION

January 23, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF F.A.R. VARIANCE, RETAIL PERCENTAGE VARIANCE, PROJECT DESIGN, AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT AT 401 LAKE STREET ST E

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of F.A.R. Variance
2. **Approval*** of Retail Percentage Variance
3. **Approval*** of Design of Project
4. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Development. Peterssen / Keller Architecture, and the property owner, Lothenbach Props VI, LLC, (collectively, the "Applicant") have submitted a development application (the "Application") to redevelop the property at 401 Lake Street E (the "Property"). The proposed redevelopment involves the demolition of the existing building on the site, and construction of a new 3 story, 19,910 square-foot mixed use office and street level retail building (the "Project").
- 1.2 Approvals Requested. The Application includes requests for approval of the following:
 - A. Variance from Floor Area Ratio (F.A.R.) Standard: A variance from the C-4 Central Business District maximum floor area ratio (F.A.R.) of 2.0 to allow for the Project's proposed F.A.R. of 2.33 (the "F.A.R. Variance").

- B. Variance from Retail Percentage Standard: A variance from the C-4 Zoning District requirement that at least 50 percent of the building frontage on the ground floor along Lake Street be used for retail or service commercial use, and comprise at least 50 percent of the ground floor building footprint, to allow for the Project's proposed 22 percent ground floor retail use (the "Retail Percentage Variance").
- C. Design: The design elements of the Project (the "Design") as further detailed in the Design Critique attached to this Report as Exhibit B, including three deviations from the Design Standards detailed therein related to (i) percentage of retail use space on ground floor; (ii) street level landscaping; and (iii) sidewalk design (collectively, the "Deviations").
- D. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface: A shoreland impact plan/conditional use permit for an impervious surface coverage that exceeds 75% of the lot coverages to allow for the Project's proposed 100 percent impervious surface coverage (the "Impervious Surface CUP").
- 1.3 Property. The legal description of the Property is attached to this Report, as Exhibit A, and the address, property identification numbers and owner of the Property are:

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

- 1.4 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	C-4/Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District Lake Street Design District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Lakeshore Weekly* on December 26, 2019 and mailed to all property owners located within 350 feet of the Property on December 26, 2019. The public hearing on the Application was held at the January 6, 2020 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 F.A.R.; Variances. The maximum Floor Area Ratio (F.A.R.) (floor area of a building, divided by the area of the lot on which it sits) in the C-4 Central Business District is 2.0. Sec. 978.07.C. Criteria in Sec. 905.01 C. for granting a variance from such F.A.R. are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 - C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
 - H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.
- 2.2 Ground Level Retail; Variances. In the C-4 Zoning District, at least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and should comprise at least 50 percent of the ground floor building footprint. Sec. 978.06.C. Criteria for granting a variance are noted above.

2.3 Design Standards; Deviations. All new non-residential building construction in the City must comply with the Design Standards found in Chapter 909 of the Zoning Ordinance. The Project falls within the “Lake Street Design District”, and the relevant design standards applicable to the Project are outlined in the attached “Design Critique” (Attachment A). Deviations from the Design Standards may be permitted under Sec. 909.29 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission’s recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

- A. The extent to which the project advances specific policies and provisions of the City’s Comprehensive Plan.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
- C. The positive effect of the project on the area in which the project is proposed.
- D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
- E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
- F. A national, state or local historic designation.
- G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.4 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface.

- A. Impervious Surface. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area. Impervious surface coverage may be allowed to exceed 75% of the total lot area when the following stipulations are met:
 - 1. All structures and practices are in place for the treatment of stormwater runoff.
 - 2. A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 991.19.A of the Zoning Ordinance, subject to the conditions listed in Section 991.19.C of the Zoning Ordinance.

- B. Shoreland Impact Plan. Except for situations listed in Sec. 991.19.B., landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.
- C. General CUP Criteria. Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of a proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's compatibility with present and future uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property values in the area in which it is developed.
 - F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

- D. SIP/CUP Conditions. All conditional use permits for consideration under Section 991 shall be subject to the following stipulations.
1. The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
 2. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
 3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
 4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
 5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
 6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
 7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.

8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 F.A.R. Variance. The F.A.R. Variance meets the standards for granting a variance under the Zoning Ordinance:
 - A. The F.A.R. Variance is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan in that the Project allows for a mix of uses which strengthen the Central Business District as the shopping, employment, and entertainment destination of Wayzata.
 - B. The Applicant has established that there are practical difficulties in complying with the F.A.R. requirement..
 - C. Practical difficulties include the fact that:
 - (i) the Applicant's proposal for the Property is reasonable but not permitted by Zoning Ordinance;

- (ii) the plight of the Applicant is due to circumstances unique to the Property's size and location on Lake Street, and not created by the landowner, and driven in large part by the high water table in the area and a desire to provide all parking on site; and
- (iii) the F.A.R. Variance, if granted, will not alter the essential character of the locality which consists of buildings which are a similar size and scale to the Project.

- D. Economic considerations alone are not the reason for the F.A.R. Variance.
- E. The Applicant has explained the reasons that the F.A.R. Variance is justified under the criteria for granting variances in order to make reasonable use of the land, structure or building.

3.2 Retail Percentage Variance. The Retail Percentage Variance meets the standards for granting a variance under the Zoning Ordinance:

- A. The Retail Percentage Variance is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan in that it would allow for and include ground floor retail consistent with the area and goals of the Comprehensive Plan in that the Project would add retail on Lake Street where there is not currently retail, increasing retail vitality on the main thoroughfare of the Central Business District.
- B. The Applicant has established that there are practical difficulties in complying with the requirement for the amount of retail use on the ground floor.
- C. Practical difficulties include the fact that :
 - (iv) the Applicant's proposal for the Property is reasonable but not permitted by Zoning Ordinance;
 - (v) the plight of the Applicant is due to circumstances unique to the Property, and not created by the landowner, and driven in large part by a desire to meet the parking requirements for the Project on the Property while still providing retail on the ground floor along Lake Street; and
 - (vi) the Retail Percentage Variance, if granted, will not alter the essential character of the locality, which is a mix of office and retail similar to the Project.
- D. Economic considerations alone are not the reason for the Retail Percentage Variance.

- E. The Applicant has explained the reasons that the Retail Percentage Variance is justified under the criteria for granting variances in order to make reasonable use of the land, structure or building.

- 3.3 Project Design and Deviations. The Project meets the applicable provisions of the Design Standards as reflected in the Design Critique attached to this Report as Exhibit B except for the Deviations, which relate to (i) percentage of retail use space on ground floor; (ii) street level landscaping; (iii) sidewalk design and (iiii) percentage of accent materials to allow for screening in open parking areas.

The Commission finds that there would be a positive effect on the area where the building is proposed by allowing these Deviations, and that the reasons supporting (i) the Retail Percentage Variance also support the Deviation related to retail use space on the ground floor, and (ii) the other Deviations are at the request of the City and relate to the City's pending projects and plans for the Lake Street streetscape and improvements. To the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:

- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- B. The extent to which the Deviation related to retail use space on the ground floor would alleviate an undue burden, taking into account current leasing, housing, and commercial conditions.
- C. The positive effect of the Project on the area in which the Project is proposed, including renovation of an important section of Lake Street.

- 3.4 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The provisions of Section 991.19 and 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. Shoreland Impact Plan.

- 1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
- 2. A Shoreland Impact Plan has been approved by the City Engineer.

B. General CUP Criteria.

- 1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan.

2. The Project and associated use is compatible with present and future uses of the area.
3. The Project and associated use conforms with all performance standards contained in the Zoning Ordinance, except those for which a CUP and variance is requested.
4. The Project and associated use will not have a negative effect upon the surrounding area.
5. The Project and associated use will not have a negative impact upon surrounding property values.
6. The Project and associated use will not increase traffic above capacity.
7. The Project and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

C. SIP/CUP Conditions.

1. The Project has been analyzed and the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications have been mitigated through approved means to the extent possible.
2. Stormwater treatment measures used for the Project are subject to the review of the City Engineer and the Minnehaha Creek Watershed District where applicable.
3. The Project has been analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. The Project has been analyzed in terms of the appearance of the structures and will not generally be visible when viewed from the lake's surface.
5. Building heights have been analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures will not exceed a height beyond that is allowed

by the base zoning district or cannot be screened by landscaping or other design measures.

6. Residential densities of the Project will not exceed the maximum allowed density of the base zoning district for which the Project is proposed. The density of the Project will not exceed the density standards as specified in the R-5 District of this Ordinance.
7. Lot coverage of the Project will be restricted to the provisions for maximum impervious surface coverage provided for in the Zoning Ordinance.
8. The Project will not cause the overall residential densities in the shoreland area to exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.
9. The Project will not cause the overall lot coverage in the shoreland area to exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.
10. The Project is in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. The Project is in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan.
12. The Project will be subject to the review of the Minnehaha Creek Watershed District.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) F.A.R. Variance; (ii) Retail Percentage Variance; (iii) Design of the Project, including Deviations; and (iv) Impervious Surface CUP requested in the Application, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.

- B. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.
- C. Final Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the issuance of building permits and submitted to the City for review.
- D. The Applicant must install safety mechanisms at the entrances of the ramps, a mechanism that limits the lowest level parking to office users, and signage for parking for public/retail users.
- E. The Applicant must incorporate natural and lattice screening along areas of the parking structure which were originally shown as open to enhance screening and separation between the Project and neighbors.
- F. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 23rd day of January 2020.

Christine Plantan
Chair, Planning Commission

Voting For Approval Recommendation: Douglas, Parkhill, Flannigan, Plantan, Merriam
Voting Against Approval Recommendation: Iverson
Abstaining: none
Absent: Bashioum

Attachments:

Exhibit A: Legal Description of Property

Exhibit B: Design Critique

Exhibit A
Legal Description of Property

Address	401 Lake Street E
PID	06-117-22-31-0103
Legal Description	Stephens' Rearrangement of Blocks 3 and 4 Townsite of Wayzata
Abstract or Torrens	Torrens
Certification NO.	1471810

Design Review
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Lothenbach Family Office, 401 Lake St E
January 6, 2020

The Design Review is based on the plans submitted on December 11, 2019 by the Petersson/Keller Architecture:

	Comments	Compliance
Building Uses		
<u>909.05.A – Lake Street District</u> All new buildings east of Barry Avenue on Lake Street shall have retail usage at least 80 percent of the ground floor facing Lake Street. The remaining 20 percent of the ground floor frontage may only be used for walkways, public access, or public facilities. Retail activities shall comprise a total of at least 50 percent of the usage of the total building footprint.	The applicant has proposed a building which has retail usage along 90% of the ground floor facing Lake Street but only 22% of the total building footprint is retail. A deviation from this requirement has been requested by the applicant.	The Planning Commission should determine if a deviation should be granted.
Building Recesses		
<u>909.06.A.1. – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level <u>909.06.A.2</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	Pilasters and recesses are shown in the middle of the building to create shadow lines and dimensions. Plans for the City's project, Lake Effect will include street level landscaping including benches and a planting area. A deviation from this requirement has been requested by the applicant and is recommended by staff so that the streetscape along Lake St is consistent with the Lake Effect Plan.	Yes The Planning Commission should determine if a deviation should be granted.

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	Comments	Compliance
Building Width		
909.07. All Districts – New Buildings In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements	The building has window bays, variations in the parapet and a rhythm of elements, in addition to a setback in the third story to accomplish this design standard.	Yes

	Comments	Compliance
Upper Story Setbacks		
909.08.A.1. – All Districts – New Buildings Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.	The building is three stories and 35 feet. The third story of the building is recessed 6 feet from the face of the second floor.	Yes

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<u>909.08.A.2 – All Districts – New Buildings</u> The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	On the façade along Manitoba Ave S, 27% of the second floor is recessed six feet from the face of the first floor.	Yes
<u>909.08.A.3. – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The building height is within the required 35 feet, as allowed by the Wayzata Zoning Code.	Yes

	Comments	Compliance
Roof Design		
<u>909.09.A. – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	A green roof has been incorporated into this project.	Yes
<u>909.09.B.1. – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.	The roof is flat, and not sloped	N/A
<u>909.09.B.2. – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	Materials other than the green roof are in dark colors and synthetic membrane.	Yes

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Screening of Rooftop Equipment			
<u>909.10.A. – Lake Street and Bluff Districts</u> 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.		All mechanical equipment is located within the interior of the structure.	Yes

		Comments	Compliance
Facade Transparency			
<u>909.11.A. Glass Calculations – All Districts</u> Applications for design approval must include facade diagrams that contain calculations of glass and solid surfaces. Calculations of facade areas for multiple story building shall be measured from grade to the floor above. Calculations of facade areas for one story buildings shall be measured from grade to the roof deck.		These calculations are found on sheet A-201 in the plan submittal.	Yes
<u>909.11.B. – Lake Street District</u> No less than 50 percent of the ground level facade of any building fronting Lake Street shall be transparent glass. No less than 25 percent of the ground level side and rear facade facing a public right-of-way, parking area or open space shall be transparent glass.		Along Lake St the building has 51.9% transparent glass. Along Manitoba Ave, the building has 47% transparent glass.	Yes

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Ground Level Expression			
<u>909.12 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: A. An intermediate cornice line B. A difference in building materials or detailing C. An offset in the façade D. An awning, trellis, or loggia E. Arcade F. Special window lintels G. Brick/stone corbels		The ground floor uses different building materials (B), is arcaded (E), and has special window lintels (F) to create a distinction from the above floors.	Yes
Entries			
<u>909.13. – All Districts</u> The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.		Planters are shown along the streetscape. The main entry faces Lake Stt at sidewalk grade.	Yes

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	Comments	Compliance
Building Materials and Quality		
<u>909.14.A. – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 909.14.G., ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The exterior material used in the building are stone panels. The following is a list of the percentages of primary opaque surfaces on each façade: North: 95.4% East: 92.2% South: 91.3% West: 90.8%	Yes
<u>909.14.B. – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The primary opaque surface is the same on all sides of the building	Yes
<u>909.14.C. – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	Brick is not used on the façade.	Yes

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<u>909.14.D. – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.	The proposed stone work complies with this design requirement.	Yes
<u>909.14.E. – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence	Brick is not used on the façade.	N/A
<u>909.14.F. – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	The proposed stone joints are less than one-fourth (1/4) inch	Yes

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<u>909.14.G. – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	The proposed project has less than 10% of the materials listed in City Code section 909.14.G.	Yes
<u>909.14.H. - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	The proposed flashing and parapet is prefinished, painted .032 aluminum which is under five (5) inches. The coping along the second floor roof is stone.	Yes

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<u>909.14.I. – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.	The proposed project has one awning made of black painted aluminum panel Alucobond Plus and/or structural steel shapes. The awning extends past the property line and will require an Encroachment Agreement with the City.	Yes, subject to an Encroachment Agreement with the City.
<u>909.14.J. – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	The balcony is located on the second floor and is accessible and useable. The railings are glass panels.	Yes
<u>909.14.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 909.11 of the Standards but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects.	The proposed glass is not mirrored, reflective or darkened, and is low-emissivity.	Yes

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<u>909.14.L. – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.	The proposed entry doors would be glass.	Yes
	Comments	Compliance
Franchise Architecture		
<u>909.15. – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 909.22 by the Planning Commission at the time of Design Standards Review application	This is not a franchise building.	Yes

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	Comments	Compliance
Walkways		
<u>909.16.A. – Lake Street District</u>		
1. Continuous sidewalks at least 12 feet in width shall be provided along all public street frontages. 2. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward. 3. Buildings with street frontage exceeding 50 feet shall have at least one bench. 4. All sidewalk surfaces must match the exposed aggregate/brick accent sidewalks on Lake Street.	Plans for the City's project, Lake Effect will include a concrete sidewalk, benches and a planting area. A deviation from this requirement has been requested by the applicant and is recommended by staff so that the streetscape along Lake St. is consistent with the Lake Effect Plan.	The Planning Commission should determine if a deviation should be granted.

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	Comments	Compliance
Landscaping		
<u>909.17 – All Districts</u>		
1. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.	Window boxes, hanging flowers or vines have not been included as part of the project, but the project includes seasonal planters at the street level. Garden areas and window boxes at the street level are not feasible.	Yes
2. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.	Planters with seasonally appropriate planted are located along Lake St.	Yes
3. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.	There is not a façade which is more than 100 square feet of uninterrupted surface area.	Yes
4. Streetscaping shall include all of the following: a) Boulevard species trees, with at least three (3) caliper inches. b) Exposed aggregate sidewalks with brick accents c) Street lights d) Benches (if building length is 50 feet or greater), which utilize existing city bench designs. e) Flowers	Boulevard trees and other elements as of the proposed Lake Effect plan have been incorporated into the Proposed plan.	Yes

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Yes

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	Comments	Compliance
Parking Lot Landscaping		
<u>909.18 – All Districts</u> A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	A surface lot is not proposed for this project.	N/A
Surface Parking		
<u>909.19 – All Districts</u> A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	A surface lot is not proposed for this project. A surface lot is not proposed for this project. A surface lot is not proposed for this project. A surface lot is not proposed for this project. A surface lot is not proposed for this project.	N/A N/A N/A N/A N/A

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	Comments	Compliance
<u>909.20 – All Districts – Bicycle Parking</u> Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.	Four (4) bicycle spaces are provided in the covered, above ground parking area.	Yes
Parking Structures		
<u>909.21.A. – All Districts</u> Parking structures shall meet the following standards, along with all other applicable building code standards:		
1. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings.	The façade of the parking structure which abuts Manitoba Ave is designed to be architecturally compatible with the building.	Yes
2. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade.	The floors of the parking structure are not visible from the exterior.	Yes
3. Windows or openings shall be similar to those of surrounding buildings.	There are not windows into the parking structure.	Yes
4. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.	Vines and landscaping are not needed, as the structure is located within the building.	Yes

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909.21.B. – Lake Street District		
1. If any part of a parking structure abuts Lake Street, that entire portion of the ground floor facade shall be occupied by at least 80 percent retail usage, extending to a depth of at least 30 feet.	The parking structure does not abut Lake St.	Yes
2. The ground floor level of a parking structure shall not come within 40 feet of Lake Street.	The ground floor of the parking structure is greater than 40 feet away from Lake St.	Yes
3. The top decks of parking structures visible from adjacent properties shall be designed with trellises and landscaping sufficient to screen at least 50 percent of the visible area.	There is not a top deck of a parking structure which is visible from adjacent properties.	Yes

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	Comments	Compliance
Signs		
<u>909.22 – All Districts</u>		
A. Compatibility		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.	Proposed signage for “401 Lake Street”, “Garage Parking” and “Visitor Parking” are architecturally compatible with the building and are an integral part of the building and site design.	Yes, subject to City staff review of a final Sign Permit.
2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.		
3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.		
4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Chapter 927 of the Wayzata Zoning Ordinance.		

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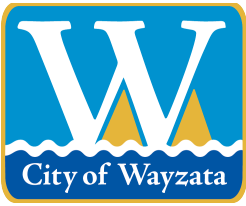
<u>909.23.A. – Permitted Signs – Lake Street District</u> Only the following types of signs are permitted in the Bluff Street District: 1. Awning, canopy or marquee signs. 2. Wall signs. 3. Monument or ground signs. 4. Projecting signs. 5. Window signs (small accent signs). 6. Roof signs if located on pitched-roof buildings, below the peak of the roof.		The proposal includes wall signage. Yes
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	Comments	Compliance
Parking Lot and Building Lighting		
<u>909.24 – All Districts</u>		
A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 916.06 as it relates to glare.	Lighting fixtures are compatible with the architecture of the building and are compliant with the City Code as it replaces to glare. All lighting is projected downwards.	Yes, subject to a final review of the lighting plan with the Building Permit Application.

The following items are items are subject to additional approvals:

1. Building Lighting is subject to a final review and approval with the Building Permit Application
2. Final signage is subject to review and approval Sign Permit.
3. Building Awning are required to obtain an Encroachment Agreement



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 4.c.
TITLE: Report and Recommendation of Approval for Planned Unit Development General Plan, Design Review, Preliminary Plat, Zoning Map Amendment, and Shoreland Impact Plan/Conditional Use Permit for North Lake Townhomes at 215 Walker Ave S and 545 Indian Mound E	
PREPARED BY: PeggySue Imihy, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: February 15, 2020	

BACKGROUND:

The applicant, Walker Partners Limited Partnership, and the property owner, RE Clark Land Invest, LLC, have submitted a development application to redevelop the properties at 545 Indian Mound E and 215 Walker Ave S. The applicant is proposing to demolish the existing building on the site and construct seven two-story townhomes, split between three buildings (for a total of seven units). The application includes several requests, which are detailed in the attached staff report.

This application is the next step following the approval of a PUD Concept Plan on August 7, 2019 by the Wayzata City Council.

A public hearing for this application was held at the January 6, 2020 Planning Commission meeting. The Planning Commission unanimously (6-0) voted to direct staff to prepare a draft Report and Recommendation for approval of the requested applications.

As a condition of approval, clarification around the locations of the air conditioning units were requested by the Planning Commission. The Applicant has submitted an amended plan set which is included as Exhibit C in the attached Report and Recommendation.

ACTION REQUESTED:

City staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the Planned Unit Development General Plan, Design Review, Preliminary Plat, Zoning Map Amendment, and Shoreland Impact Plan/Conditional Use Permit applications based on the findings and conditions discussed by the Commission.

ATTACHMENTS:

1. Draft PC Report and Recommendation - North Lake Townhomes at 215 Walker Ave S & 545 Indian Mound E



WAYZATA PLANNING COMMISSION

January 23, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF PLANNED UNIT DEVELOPMENT (PUD) GENERAL PLAN, REZONING TO PUD, PRELIMINARY PLAT, PROJECT DESIGN, AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT (CUP) FOR 529 INDIAN MOUND E AND 215 WALKER AVE S

SUMMARY OF RECOMMENDATION

1. **Approval*** of PUD General Plan with building separation and setback variances
2. **Approval*** of Rezoning to Planned Unit Development (PUD) District
3. **Approval*** of Preliminary Plat
4. **Approval*** of Design of Project with deviations and a variance for location of mechanical equipment
5. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface

* with certain conditions listed at the end of this Report

REPORT

Section 1. BACKGROUND

- 1.1 **Project**. Walker Partners Limited Partnership and RE Clark Land Invest LLC (collectively, the "Applicant") have submitted a development application (the "Application") requesting approval of a Planned Unit Development (PUD) for a residential project that would demolish the existing building on the site and construct seven, two-story townhomes, split between three buildings (the "Project") on the combined properties at 529 Indian Mound E and 215 Walker Ave S (collectively, the "Property"). On August 7, 2019, the City Council approved the PUD Concept Plan of Development for the Project, contingent upon approval of the PUD General Plan of Development.

1.2 Approvals Requested. The Application includes requests for approval of the following:

- A. PUD General Plan: Planned Unit Development (PUD) General Plan for seven, two-story townhomes, split between three buildings on the Property, as depicted in the plans attached to this Report as Exhibit A (the “PUD General Plan”), which includes variances from the PUD District standards for building separation and setbacks.
- B. Rezoning: Rezoning the Property from C-1 Office and Limited Commercial District to Planned Unit Development (PUD) District (the “Rezoning” or “Zoning Amendment”).
- C. Preliminary Plat Approval: A preliminary plat to combine the two parcels that presently comprise the Property into seven lots with one outlot (the “Preliminary Plat”).
- D. Design: The design elements of the Project (the “Design”) as further detailed in the Design Critique attached to this Report as Exhibit B, including three deviations from the Design Standards detailed therein related to (i) size of stone joints in building materials; (ii) streetscape design; and (iii) arborvitae buffer between the driveway and adjacent property to the west (collectively, the “Deviations”). In addition, the Design includes location of mechanical equipment on the exterior of the building, which is a type of deviation that requires a variance.
- E. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface: A shoreland impact plan/conditional use permit for an impervious surface coverage that exceeds 25% of the lot coverages to allow for the Project’s proposed 39% impervious surface coverage (the “Impervious Surface CUP”).

1.1 Property. The street addresses, property identification numbers, and owners of the parcels comprising the Property are:

Address	PID	Owner
215 Walker Ave S	06-117-22-24-0105	Walker Partners Ltd. Partnership
545 Indian Mound E	06-117-22-24-0067	RE Clark Land Invest LLC

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

Zoning District:	C-1 Office and Limited Commercial District
Comp Plan Designation:	Mixed Use Commercial
Overlay Districts:	S/Shoreland Overlay District Bluff District (Design Standards)

- 1.3 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Lakeshore Weekly* on December 26, 2019 and mailed to all property owners located within 350 feet of the Property on December 26, 2019. The public hearing on the Application was held at the January 6, 2020 Planning Commission meeting.

Section 2. STANDARDS

2.1 Planned Unit Development – General Plan (PUDs).

- A. General Plan. If a request for concept approval of a PUD project has been approved by the City Council, as the next step in the application procedure, an applicant shall submit a General Plan of Development for the proposed project. The General Plan of Development stage submissions should depict and outline the proposed implementations of the General Concept Plan stage for the PUD and the information outlined in Section 933.06.C. The same review procedure by the Planning Commission shall be followed for a General Plan of Development as was followed with respect to the applicant's Concept Plan.
- B. Intent and Purpose of PUDs. Section 933 of the Zoning Ordinance provides for the establishment of PUDs to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
1. 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.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. 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.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 933.02.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. 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 sufficient 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 933.2.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 933.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.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.

- C. Residential Area PUD Standards. Section 933.03 sets forth area standards for PUDs which have a residential component. For multiple family residential PUD District projects, the normal standards of either the R-4 or R-5 Zoning Districts shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 933.02.A.7. In addition to the above standards, the City Council may impose such other standards for a residential PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.
- D. PUD Building Spacing and Setbacks. Buildings in a PUD District must be located no closer than one-half the sum of the building heights of the two buildings. Sec. 933.02.13. Setbacks in a multiple family PUD District are the same as the normal standards of either the R-4 or R-5 Zoning Districts. The setbacks in the R-4 District are: Front Yard: 35 feet; Side Yard: 20 feet; and Rear Yard: 40 feet. Sec. 958.06.B.
- E. Variances. Criteria for granting a variance from provisions of the Zoning Ordinance under Sec. 905.01 C. are:
 1. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.2 Zoning Ordinance Amendment / Rezoning. City Council has the discretion and authority under state law and City Code to amend the City’s Zoning Ordinance (Text or Map). In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

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

2.3 Preliminary Plat.

- A. Subdivision Standards. Review and approval of combinations and subdivisions of property, and preliminary/final plats, are governed by the City's Subdivision Ordinance, PT. X of City Code, and should be consistent with the purposes and goals outlined in Sec. 1001.02.
- B. Criteria for Preliminary Plats. The Planning Commission shall consider possible adverse effects of a proposed preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1003.02.E:
 - 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 - 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 - 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
 - 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
 - 5. The creation of a lot or lots shall not adversely impact the scale,

pattern or character of the City, its neighborhoods, or its commercial areas.

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

2.4 Design Standards; Deviations. All new multifamily building construction in the City must comply with the Design Standards found in Chapter 909 of the Zoning Ordinance. The Project falls within the Bluff District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 909.29 (with the exception of Sec. 909.10 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a

finding that the negative impact of such deviation is outweighed by one or more of the following factors:

- A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
- C. The positive effect of the project on the area in which the project is proposed.
- D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
- E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
- F. A national, state or local historic designation.
- G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.5 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface.

- A. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area. Impervious surface coverage may be allowed to exceed 75% of the total lot area when the following stipulations are met:
 - 1. All structures and practices are in place for the treatment of stormwater runoff.
 - 2. A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 991.19.A of the Zoning Ordinance, subject to the conditions listed in Section 991.19.C of the Zoning Ordinance.
- B. Shoreland Impact Plan. Except for situations listed in Sec. 991.19.B., landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of this Ordinance and a plan of development, hereinafter referred to as

"Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

- C. General CUP Criteria. Section 904.02.F states that the Planning Commission and City Council shall consider possible adverse effects of a proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 2. The proposed use's compatibility with present and future uses of the area.
 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 4. The proposed use's effect on the area in which it is proposed.
 5. The proposed use's impact upon property values in the area in which it is developed.
 6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
 7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.
- D. SIP/CUP Conditions. All conditional use permits for consideration under Section 991 shall be subject to the following stipulations.
1. The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where

the adverse impacts have been mitigated through approved means to the extent possible.

2. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

Section 3. FINDINGS

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

- 3.1 General. The PUD General Plan meets the purpose and intent of the PUD Ordinance in that the Project as proposed would allow for townhouses to be built in a scale and location which is compatible with the surroundings but is not allowed under strict application of the zoning code, the Project is consistent with the land use designation for the Property in that a residential use in this area is an allowed use and an appropriate size and scale for the neighborhood and the redevelopment of the Property would create a Project which reflects a high standard of site and building design: .
 - A. The PUD General Plan reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - B. The PUD General Plan meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan that seek to create new and relatively more affordable housing options, and transitions between the residential and commercial areas of the City.
 - C. The PUD General Plan creates a more desirable and creative environment than would be possible under the existing zoning district.
 - D. In addition, the PUD General Plan meets all of the following PUD general standards listed in Section 933.03 of the Zoning Ordinance for residential

PUDs, and the variance standard for the proposed building separation and setbacks:

1. Health Safety and Welfare. The Project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area, and conforms with the overall intent and purpose of the PUD Ordinance as noted in this Report.
2. Ownership. The Applicant owns, or will own at the time of final approval, all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The Project is consistent with the City's Comprehensive Plan as noted in this Report.
4. Sanitary Sewer Plan Consistency. The Project is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The Project will provide common private open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and the Development Agreement with the Applicant for the Project should contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. The Development Agreement for the Project and future Property Owners Association governing documents should contain provisions to assure the continued operation and maintenance of the common private and public open space and service facilities provided within the Project.
7. Staging of Common Open Space. When a PUD provides for common private open space, and is planned as a staged development over a period of time, the total area of common 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 Project density standards are acceptable to the City and consistent with the Comprehensive Plan.
9. Utilities. As provided in the PUD Ordinance, all utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 933.02.A.10.

10. Utility Connections. As provided in the PUD Ordinance, all utilities associated with proposed PUD must meet the utility connection requirements of Section 933.02.A.10.
 11. Roadways. The Project will not have roadways.
 12. Landscaping. As provided in the PUD Ordinance, at the time of PUD General Plan review, the Applicant must submit a detailed and acceptable landscaping plan that considers the natural features of the Property and surrounding area, the architectural characteristics of the proposed structure and the overall scheme of the Project.
 13. Setbacks. The Project does not meet all of the setback standards of the PUD District. However, the Planning Commission finds that (a) the proposed building separation and setbacks of the PUD General Plan are in harmony with the general purposes and intent of the Zoning Ordinance, and the PUD Ordinance in particular, and are consistent with the Comprehensive Plan; and (b) the Applicant has established that there are practical difficulties in complying with the requirements, including that the General Plan building and site layout is reasonable and due to circumstances unique to the Property's shape and location, and not created by the landowner; driven in large part by a desire to improve the site layout and massing of buildings on the Property; and the exceptions will not alter the essential character of the locality.
 14. Height. The maximum building height in the Project will not exceed thirty five (35) feet and three (3) stories.
- E. The Application contains the information and materials listed in Section 933.06.C.
- 3.2 Zoning Ordinance Amendment / Rezoning. The proposed use associated with the Project (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, is consistent with future guidance for the Property have residential uses, the improvement of the Property can be adequately serviced by public services, and meets the standards for a zoning ordinance amendment:
- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan in that the area has been guided for a variety of uses including residential uses, and such uses may exist singularly one parcel of land.
 - B. The Proposed Use is consistent with current and future land uses in the area.

- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance.
- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not negatively impact property values in the area.
- F. The existing and improved facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.3 Preliminary Plat. The Proposed subdivision of land associated with the Project is consistent with the criteria outlined in Section 1003.02.E and conforms to all performance standards of the Wayzata Subdivision Ordinance. The Project is consistent with the Comprehensive Plan's intent to allow for residential uses, and the newly created lots are of not dissimilar from adjacent lots in the neighborhood. The Project has been designed to retain as many existing significant trees as possible and the Project can be adequately serviced by public systems such as utilities and the transportation network :

- 1. The proposed Subdivision is consistent with the Wayzata Comprehensive Plan.
- 2. The building pads that result from the Subdivision preserve the sensitive areas on the Property, including the topography, significant trees and vegetation, and scenic points.
- 3. The building pads that result from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.
- 4. Existing stands of significant trees have been retained where possible.
- 5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
- 6. The design of the lots, the building pads, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
- 7. The lot sizes resulting from the Subdivision are not dissimilar from

adjacent lots or lots found in the surrounding neighborhood.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The Application complies with the Wayzata Design Standards.
10. The proposed lot layouts and building pads conform with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance is being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 Project Design with Deviations and Variance. The Project meets the applicable provisions of the Design Standards as reflected in the Design Critique attached to this Report as Exhibit B, except for the Deviations, which relate to (i) size of stone joints in building materials; (ii) streetscape design; and (iii) arborvitae buffer between the driveway and adjacent property to the west, and the variance for the location of mechanical equipment on the exterior of the building.

The Commission finds that there would be a positive effect on the area where the buildings are proposed by allowing the Deviations. To the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:

- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- B. The positive effect of the Project on the area in which the Project is proposed, including renovation of an important section of Lake Street.

The Commission finds that (a) the location of mechanical equipment on the exterior of the building as depicted in the amended plans submitted January 13, 2020 is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan; and (b) the Applicant has established that there are practical difficulties in complying with the requirements,

including that the General Plan building and site layout is reasonable and due to circumstances unique to the Property's shape and location, and not created by the landowner; driven in large part by a desire to improve the site layout and massing of buildings on the Property; and the location of the mechanical equipment will not alter the essential character of the locality.

- 3.4 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The provisions of Section 991.19 and 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. Shoreland Impact Plan.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
2. A Shoreland Impact Plan has approved by the City Engineer.

B. General CUP Criteria.

1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan.
2. The Project and associated use is compatible with present and future uses of the area.
3. The Project and associated use conforms with all performance standards contained in the Zoning Ordinance, except those for which a CUP and variance is requested.
4. The Project and associated use will not have a negative effect upon the surrounding area.
5. The Project and associated use will not have a negative impact upon surrounding property values.
6. The Project and associated use will not increase traffic above capacity.
7. The Project and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

C. SIP/CUP Conditions.

1. The Project has been analyzed and the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications have been mitigated through approved means to the extent possible.
2. Stormwater treatment measures used for the Project are subject to the review of the City Engineer and the Minnehaha Creek Watershed District where applicable.
3. The Project has been analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. The Project has been analyzed in terms of the appearance of the structures and will not generally be visible when viewed from the lake's surface.
5. Building heights have been analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures will not exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities of the Project will not exceed the maximum allowed density of the base zoning district for which the Project is proposed. The density of the Project will not exceed the density standards as specified in the R-5 District of this Ordinance.
7. Lot coverage of the Project will be restricted to the provisions for maximum impervious surface coverage provided for in the Zoning Ordinance.
8. The Project will not cause the overall residential densities in the shoreland area to exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.
9. The Project will not cause the overall lot coverage in the shoreland area to exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.

10. The Project is in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. The Project is in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan.
12. The Project will be subject to the review of the Minnehaha Creek Watershed District.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) PUD General Plan; (ii) PUD Rezoning; (iii) Preliminary Plat; (iv) Design of the Project, including Deviations; and (v) Shoreland CUP requested in the Application, subject to the following conditions:
- A. The General Plan is amended to remove the monument sign and to show the corrected location of the AC units, as clarified by the Applicant at the Public Hearing and depicted in the Exhibit C attached.
 - B. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
 - C. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.
 - D. The Applicant must receive all future approvals necessary for the proposed PUD and Project, including final plat approval needed for the Property.
 - E. All expenses of the City of Wayzata related to the review of the Application, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 23rd day of January 2020.

Christine Plantan
Chair, Planning Commission

Voting For Approval Recommendation: Douglas, Parkhill, Flannigan, Plantan, Merriam, Iverson

Voting Against Approval Recommendation:

Abstaining: none

Absent: Bashioum

Attachments:

Exhibit A: Legal Description of Properties

Exhibit B: Design Critique

Exhibit C: Amended Plans submitted January 13, 2020

Exhibit A
Legal Description of Properties

Address	215 Walker Ave S
PID	06-117-22-24-0105
Legal Description	Walker 215 Addition Lot 1, Block 1
Abstract or Torrens	Abstract
Certification NO.	None

Address	529 Indian Mound E
PID	06-117-22-24-0067
Legal Description	Wayzata Revised, Lot 6, Block 1
Abstract or Torrens	Abstract
Certification NO.	None

Design Review
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North Lake Townhomes, 215 Walker Ave S and 545 Indian Mound E
January 6, 2020

The Design Review is based on the plans submitted on December 11, 2019 by the applicant, Walker Partners Limited Partnership, and their architect, Whitten Associates.

	Comments	Compliance
Building Recesses		
<u>909.06.A.1. – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level	The proposed design shows recesses and pilasters as part of the entrances and facades along the street levels.	Yes
<u>909.06.A.2</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	The proposed design shows each townhome having either an outdoor patio or a landscaped courtyard.	Yes
Building Width		
<u>909.07. All Districts – New Buildings</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements	The following designs have been incorporated to reduce the scale of longer facades: • Special treatment at entrances • Variations in roof lines or parapet detailing • Building setbacks or articulation of the façade • Rhythm of elements are incorporated into the design	Yes

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	Comments	Compliance
Upper Story Setbacks		
<u>909.08.A.1. – All Districts – New Buildings</u> Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6) feet to the 2 nd story façade. The 3 rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story façade.	The proposed buildings are two (2) stories in height.	Yes
<u>909.08.A.2 – All Districts – New Buildings</u> The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	There are two facades that are greater than 60 feet. The applicant has recessed at least 25% of the second story on these facades.	Yes
<u>909.08.A.3. – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The building is within the required 35 foot height restriction.	Yes

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	Comments	Compliance
Roof Design		
<u>909.09.A. – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	These structures are not provided in the proposed project, but they are not required as there is low feasibility that this could work on a pitched roof style building. The project includes balconies and future owners could choose to add green elements such as arbors or plantings on these structures.	Yes
<u>909.09.B.1. – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. <u>909.09.B.2. – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	The applicant has indicated that the roofs would be dark gray,56 asphalt shingle.	Yes
Screening of Rooftop Equipment		
<u>909.10.A. – Lake Street and Bluff Districts</u> 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.	Mechanical equipment for the building would be located between or next to townhome units. The applicant has requested a deviation to allow for these units to be located on the exterior of the structure. Screening of the units would be provided. This is consistent with the PUD Concept Plans.	The Planning Commission should determine if a deviation should be granted.

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	Comments	Compliance
Facade Transparency		
<u>909.11.A. Glass Calculations – All Districts</u> Applications for design approval must include facade diagrams that contain calculations of glass and solid surfaces. Calculations of facade areas for multiple story building shall be measured from grade to the floor above. Calculations of facade areas for one story buildings shall be measured from grade to the roof deck.	The proposed buildings will be customized by each new owner. Exact calculations will be reviewed at building permit to ensure compliance with the Design Standards.	Yes, subject to City staff review of a final building permit.
<u>909.11.C. – Bluff District</u> No less than 35 percent of ground level public facades for buildings containing commercial or office uses shall be transparent glass.	The building does not have office or commercial uses.	N/A
Ground Level Expression		
<u>909.12 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: A. An intermediate cornice line B. A difference in building materials or detailing C. An offset in the façade D. An awning, trellis, or loggia E. Arcade F. Special window lintels G. Brick/stone corbels	The proposed buildings are two stories. The ground floor is distinguished from the floors above by the use of: A. Intermediate cornice lines B. Different building materials and detailing C. Arcade D. Special window lintels	Yes

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Entries		
<u>909.13. – All Districts</u> The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.	The applicant has indicated that planters with seasonally appropriate plantings would be provided by the Homeowners Association.	Yes
	Comments	Compliance
Building Materials and Quality		
<u>909.14.A. – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 909.14.G., ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The applicant has indicated that 90% of the materials will be either cast stone, stone or factory finished and certified wood, which adheres to the requirements of the design district. The applicant has indicated that the future owner will have some ability to customize each townhome façade, so exact percentages have not been specified.	Yes, subject to City staff review of a final building permit.
<u>909.14.B. – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The applicant has indicated that the primary opaque surface will be the same on all facades.	Yes
<u>909.14.C. – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The applicant has proposed not to use any brick within the project.	N/A

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<u>909.14.D. – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.	The exterior stone is a blend of cut stone and jagged edges to give a look fitting to the ‘Shingle’ style Architecture but with a more finished detail. The stone will also be capped with precast stone for a finished ledge. The stone pieces will be hand selected to insure larger pieces to avoid fractional cuts and odd pieces. The real stone corner pieces are to be ‘back cut’ to wrap the outside corners by a minimum of 2 inches, this avoids thin butt joints. In all cases the stone will return to the inside corners of the exterior walls.	Yes
<u>909.14.E. – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or ‘v’ joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence	The applicant has indicated that they will not be using brick for the project.	N/A
<u>909.14.F. – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	The applicant has indicated they are not able to comply with this standard. A deviation has been requested from this standard.	The Planning Commission should determine if a deviation should be allowed.

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<u>909.14.G. – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	The applicant has identified that the following materials will make up no more than 10% of the non-glass surfaces: • Cast Stone • Rockface block • Fiber cement board	Yes, subject to City staff review of a final building permit.
<u>909.14.H. - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	The roof style is a gable style and does not have a parapet, flashing, or coping.	N/A

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<u>909.14.I. – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.	The proposed project does not have awnings.	N/A
<u>909.14.J. – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	Balconies are located on the second story of the buildings and are fully accessible and usable. The applicant has stated that metal railings will be black, or glass panels.	Yes
<u>909.14.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 909.11 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects	The applicant has indicated that the proposed glass on the homes would be low-emissivity glass and would not be mirrored, reflective or darkened.	Yes

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<u>909.14.L. – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.	The townhome development would not have a main entry door; therefore, this standard is not applicable.	N/A
	Comments	Compliance
Franchise Architecture		
<u>909.15. – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 909.22 by the Planning Commission at the time of Design Standards Review application	This project is not a franchise.	Yes

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	Comments	Compliance
Walkways		
<u>909.16.B. – Bluff District</u>		
1. Continuous sidewalks at least five feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible. 2. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.	Sidewalks at least five feet in width have been provided and the sidewalk street grid has been maintained along both Indian Mound E and Walker Ave S.	Yes

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	Comments	Compliance
Landscaping		
<u>909.17 – All Districts</u>		
1. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.	The Applicant indicates that seasonal landscaping and planters will be provided and maintained by the Homeowners Association.	Yes
2. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.		N/A
3. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.	There are no areas along the building facades that exceed 100 square feet.	
4. Streetscaping shall include all of the following: a) Boulevard species trees, with at least three (3) caliper inches. b) Exposed aggregate sidewalks with brick accents c) Street lights d) Benches (if building length is 50 feet or greater), which utilize existing city bench designs. e) Flowers	The applicant, along with City staff has asked for a deviation to only provide: a) Boulevard species trees, with at least three (3) caliper inches. The City Engineer/Public Works Director has determined that existing street lights along Walker Ave S are sufficient, that exposed aggregate along Walker Ave S would not be consistent with sidewalks in this area and that a bench is not needed for residential development.	The Planning Commission should determine if a deviation should be allowed.

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<u>909.17.C. – Bluff District</u> Trees with a minimum of three caliper inches shall be planted no more than 26 feet apart within a landscaped boulevard.	The proposed landscaping plans show fourteen (14) trees with a minimum of three caliper inches would be planted closer than 26 feet apart along the public sidewalk.	Yes
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	Comments	Compliance
Parking Lot Landscaping		
<u>909.18 – All Districts</u> A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	A deviation is requested to allow for dense hedges of six-foot arborvitae between the property to the west and the drive aisle to the garages. This request is in response to the desire from the Planning Commission and the City Council to ensure that an adequate buffer exists between the property to the west and the subject property.	The Planning Commission should determine if a deviation should be allowed.
Surface Parking		
<u>909.19 – All Districts</u> A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The proposed project does not have surface parking. Parking is limited to the tuck under garages which are built into the proposed townhomes. There is no parking shown in the front yards or corners.	Yes

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	Comments	Compliance
<u>909.20 – All Districts – Bicycle Parking</u> Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.	The project is residential in nature, so bicycle parking is not required.	N/A
Parking Structures		
<u>909.21.A. – All Districts</u> Parking structures shall meet the following standards, along with all other applicable building code standards: 1. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. 2. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. 3. Windows or openings shall be similar to those of surrounding buildings. 4. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.	The project does not have a parking structure attached.	N/A

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	Comments	Compliance
Signs		
<u>909.22 – All Districts</u>		
A. Compatibility		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.	The proposed monument sign is compatible with the development as it was designed with rock face block and stone, in a similar style as the proposed townhomes.	Yes, subject to City staff review of a final Sign Permit.
2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.		
3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.		
4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Chapter 927 of the Wayzata Zoning Ordinance.		

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<u>909.23.C. – Permitted Signs – Bluff District</u> Only the following types of signs are permitted in the Bluff Street District: 1.Wall or awning signs. 2.Free-standing signs. 3.Monument or ground signs. Low-profile ground signs or monument signs are required for highway-oriented commercial uses such as restaurants and gas stations. Sign materials, colors and architectural detailing shall be similar to those of the principal building. External illumination of signs is permitted.	The proposed monument sign materials, colors, and architectural detailing is similar to the buildings.	Yes, subject to City staff review of a final Sign Permit.
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	Comments	Compliance
Parking Lot and Building Lighting		
<u>909.24 – All Districts</u>		
A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 916.06 as it relates to glare.	The proposed lighting for the attached garages are attached to the building's architectural features and are projected downwards. A lighting plan was submitted as part of the Planned Unit Development application showing that the spread of lumens will not create glare onto adjacent properties.	Yes, subject to a final review of the lighting plan with the Building Permit Application.

The following items are items are subject to additional approvals:

1. Final materials types (primary and accent) are subject to a final review and approval with the Building Permit Application.
2. Final material percentages (primary, accent and glass) are subject to a final review and approval with the Building Permit Application.
3. Building Lighting is subject to a final review and approval with the Building Permit Application
4. Final signage is subject to review and approval Sign Permit.



EAST ELEVATION SCALE: 1/16" = 1'-0"



WEST ELEVATION SCALE: 1/16" = 1'-0"



SOUTH ELEVATION SCALE: 1/16" = 1'-0"

NORTH ELEVATION

PLANTING WALL SCALE: 1/4" = 1'-0"

1.13.20

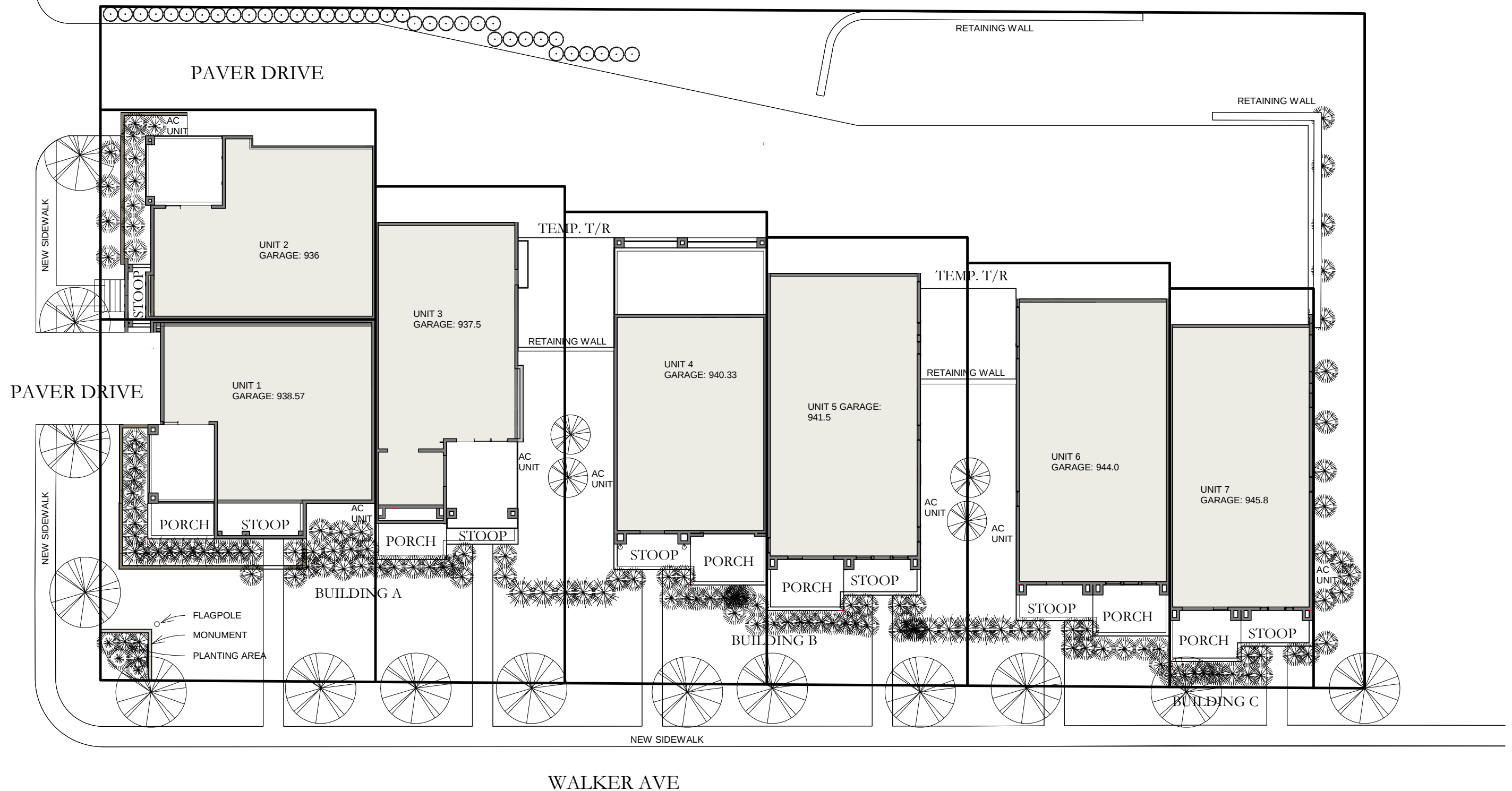


PERSPECTIVE VIEW FROM SOUTHEAST

1.13.20

WHITTEN ASSOCIATES, INC. NORTH LAKE - 215 WALKER AVE - WAYZATA, MN WALKER PARTNERS LTD.

INDIAN MOUND EAST



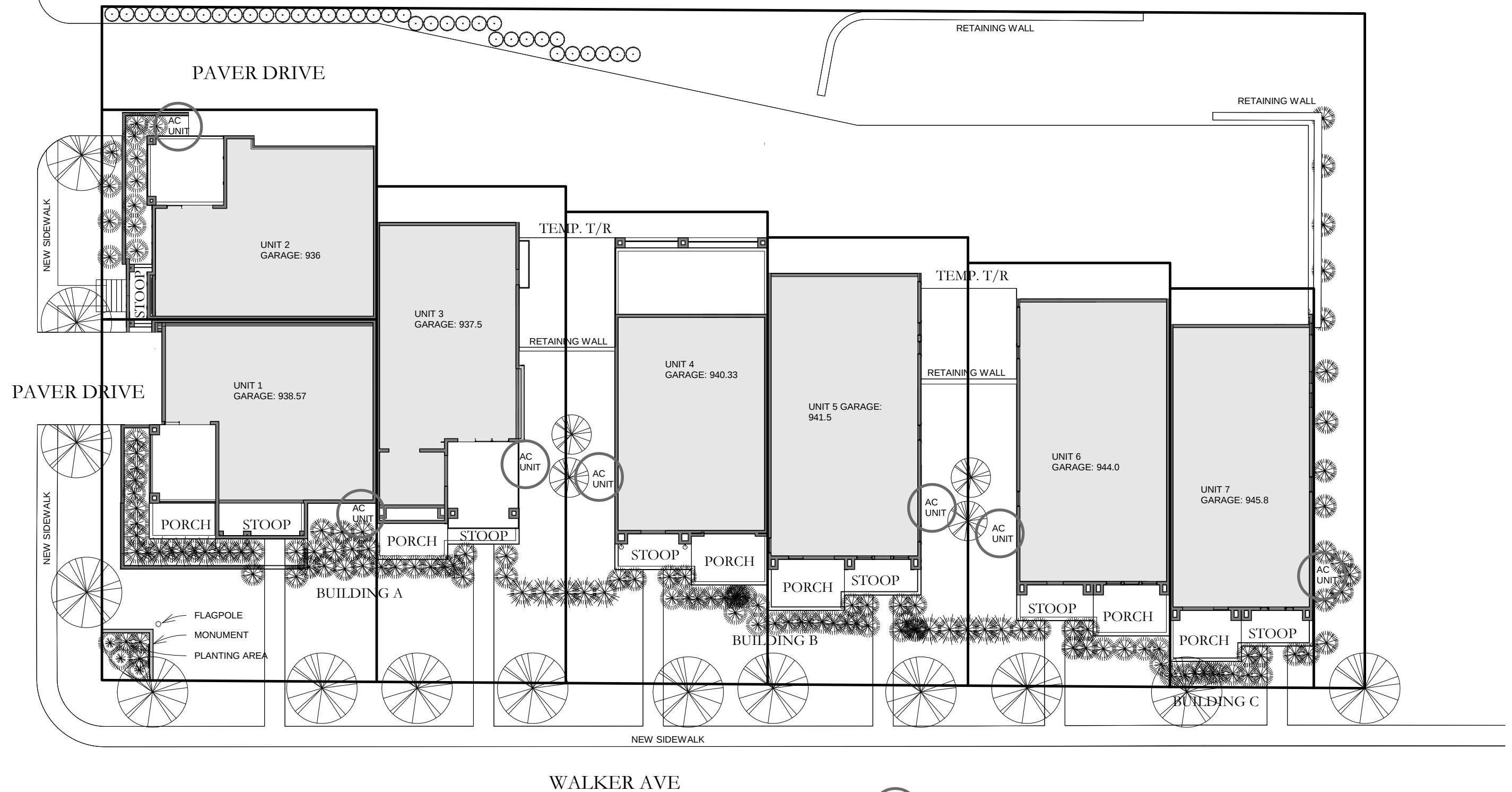
SITE PLAN SCALE: 1" = 20'-0"

N →

1.13.20

WHITTEN ASSOCIATES, INC. NORTH LAKE - 215 WALKER AVE - WAYZATA, MN WALKER PARTNERS LTD.

INDIAN MOUND EAST



AC UNIT EXHIBIT

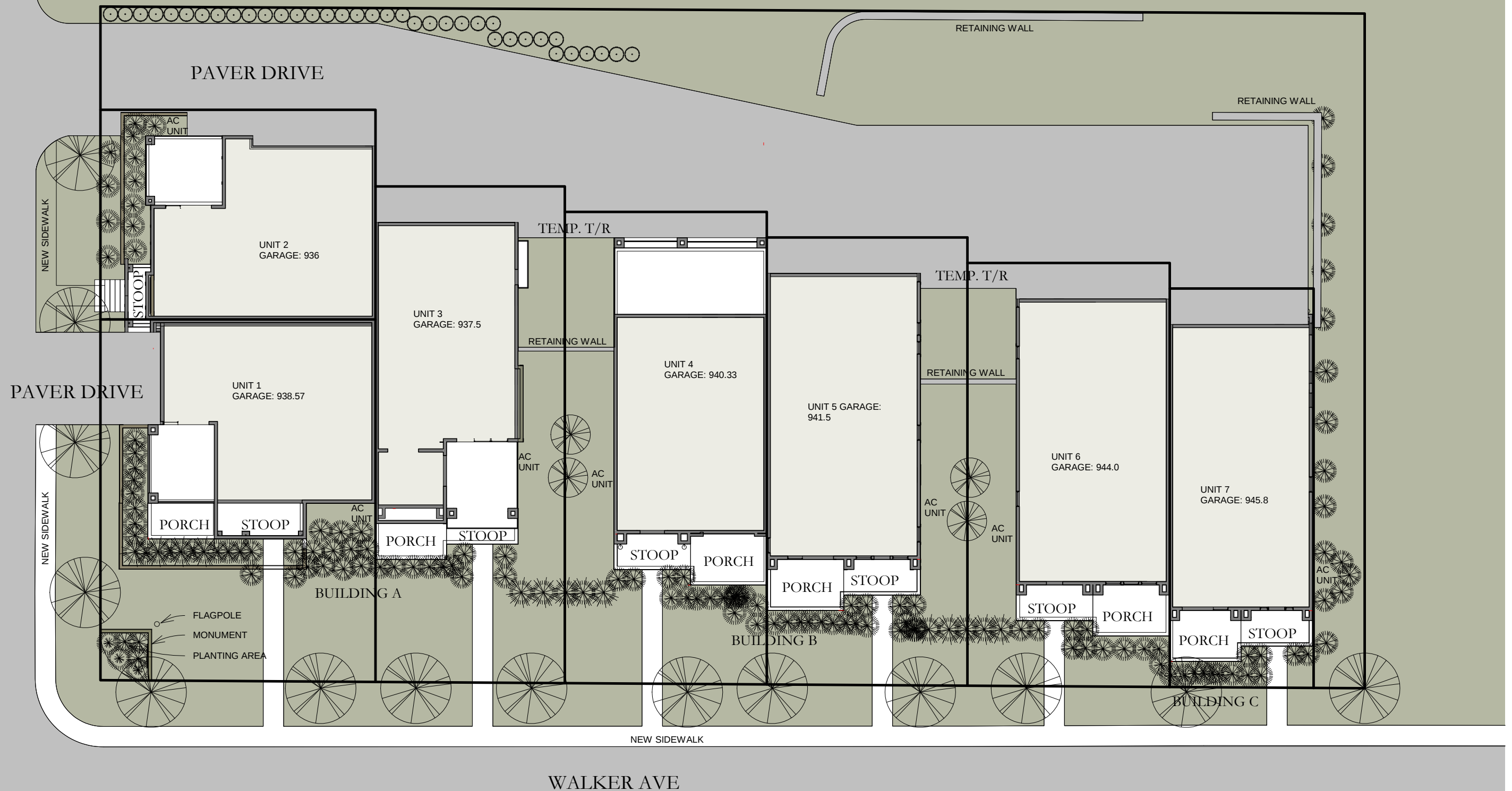
SCALE: 1" = 20'-0"

N →

1.13.20

WHITTEN ASSOCIATES, INC. NORTH LAKE - 215 WALKER AVE - WAYZATA, MN WALKER PARTNERS LTD.

INDIAN MOUND EAST

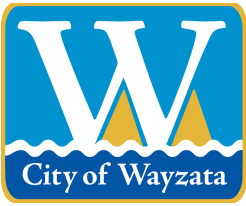


SITE PLAN SCALE: 1" = 20'-0"

N →

1.13.20

WHITTEN ASSOCIATES, INC. NORTH LAKE - 215 WALKER AVE - WAYZATA, MN WALKER PARTNERS LTD.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 5.a.
TITLE: Consider Development Application for a Variance and Conditional Use Permit for a Detached Garage at 908 Shady Ln E	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: February 24, 2020	

BACKGROUND:

The applicant and property owner, Clifford Otten, is requesting approval of a front yard setback variance and a Conditional Use Permit for a detached garage in the front yard. The proposed garage will be one story and will be 28' x 30' or 840 square feet.

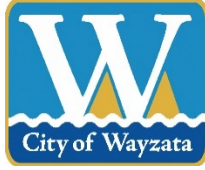
A similar application came before the Planning Commission on December 2nd which was voted for recommended approval for the front yard setback variance, but voted for recommended denial of the Conditional Use Permit. The applicant withdrew this previous application, but has now come back with updated plans based on the Planning Commission's comments. The footprint of the proposed garage is reduced by 60 square feet and no longer has a second story. The garage height was reduced from 20' to 14'.

ACTION REQUESTED:

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

ATTACHMENTS:

1. Staff Report, Narrative, Plans, Renderings, and Floor Plan - 908 Shady Lane



**Staff Report
January 23, 2020**

Project Name: Otten Garage
Requests: Front Yard Setback Variance
Conditional Use Permit
Address of Request: 908 Shady Lane East
Applicant: Clifford Otten
Prepared By: Nick Kieser, Assistant Planner
“60 Day” Deadline: February 24, 2020

Development Application

Introduction

The applicant and property owner, Clifford Otten, is requesting approval of a front yard setback variance and a Conditional Use Permit (CUP) for a detached garage in the front yard. The proposed garage will be one story and will be 38' x 30' or 840 square feet.

Application Requests

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

1. Conditional Use Permit: City Code § 917.01.E states that, except in the R-1A and R-1 Zoning Districts, no building permit shall be issued for more than one detached or attached private garage for each single family dwelling, except by conditional use permit.

The property, 908 Shady Lane East, has an existing attached garage, therefore a CUP is required to construct a new garage on this lot.

2. Front Yard Setback Variance: City Code § 953.06.B.2 states that the front yard setback for an accessory structure is 35 feet.

The front yard setback variance request is for 33.4' less than the required 35' setback to a distance of 1.6' from the front property line.

Property Information

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

Address	PID	Owner
908 Shady Lane East	06-117-22-43-0001	C L Otten & M L Scheid

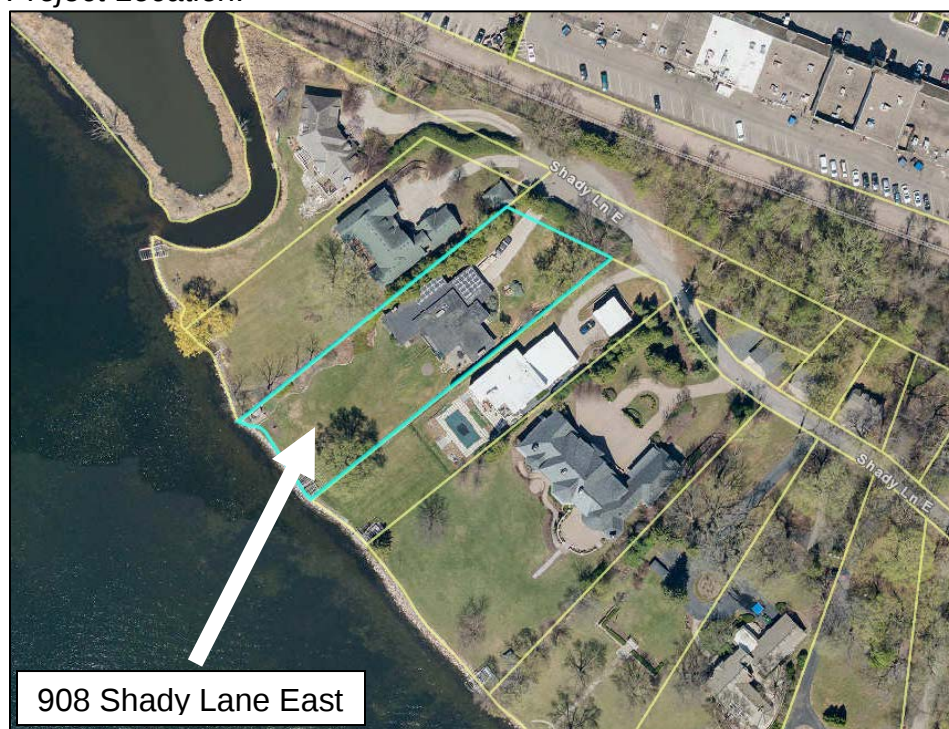
The current zoning and comprehensive plan land use designation for the property are as follows:

	908 Shady Lane East
Zoning	R-2A Single Family Residential District
2030 Comp Plan designation	Low Density Single Family Residential
2040 Comp Plan Designation	Low Density Residential
Overlay districts	Shoreland Overlay District

Project Location

The property is the third to last lot along Shady Lane East, just south of the railroad tracks and just north of Lake Minnetonka.

Project Location:



Source: Hennepin County

Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* on January 9, 2020. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on January 8, 2019.

Description of Site

The site has an existing 4,333 sq. ft. house with an attached garage that is able to fit one car. A side yard setback variance was approved in early 2018 for a porch addition.

The proposed garage will be one story with dimensions of 28' x 30' or 840 sq. ft. The garage will be located in the front yard, 1.6' front property line, and will connect to the current driveway. The exterior materials used will be stone and cedar. The garage will be 14' tall with a flat roof.

There is an existing landscaping/buffering that the applicant maintains in between where the proposed garage would be located and the road. No trees will be removed with this project, the location of the garage is on a grassy area.

Analysis of Application

Conditional Use Permit

The Conditional Use Permit has two sections of City Code (§ 917.08 and § 904.02.F) when reviewing this request. These sections are listed under the applicable code provisions for review.

Criteria for approval state that the accessory building needs to be compatible with the adjacent properties. In the Shady Lane neighborhood, there are at least eight detached garages. Three of these garages are in the front yard of the homes and the remaining five are located across Shady Lane from where the principal structure is located. The two neighboring properties to 908 Shady have detached garages in the front yard. The garage to the north (902 Shady) encroaches on the accessory structure setback, but this garage was built on the site before 1977. The detached garage to the south (912 Shady) was built in 2007 and conforms to the 35' setback requirement.

Front Yard Setback Variance

The front yard setback variance request is for 33.4' less than the required 35' accessory structure setback to a distance of 1.6' from the front property line. The practical difficulty the applicant states is mainly in part due to the layout of the property lines on the lot. At the end of Shady Lane, the right-of-way for the road encroaches further into the lot compared to the other parcels on Shady. The picture below illustrates this layout.



Source: Hennepin County

The survey that was provided shows that if the property line for 908 Shady was along the edge of the road, the structure would be setback 20' which would still require a front yard setback variance. Again, the property to the south has a detached garage that meets the front yard setback and the property to the north has a detached garage that does not meet the front yard setback.

The additional practical difficulty that the applicant has described is the location of mature trees on this site. Locating the garage near the driveway will allow the preservation of the trees in the front yard.

Planning Commission Discussion

At the December 2nd Planning Commission meeting the applicant proposed a similar detached garage. The vote was 5-0 to recommend approval of the front yard setback variance, but the vote was 5-0 to recommend denial of the Conditional Use Permit. The CUP was recommended denial for the size and scale of the detached garage and how that structure would fit in with the neighborhood. The applicant withdrew this application before it went before the City Council and has now reapplied with new plans.

In the new plans, the applicant has reduced the footprint of the garage by 60 square feet and has removed the second story of the garage. The proposed garage is now 14' instead of 20'. The garage has also been updated to match the existing principal structure in color, materials and windows.

Discussion Items

1. Is the addition of a detached garage compatible with the neighborhood?
2. Is there a practical difficulty on this parcel to locate the proposed garage in this location?
3. Is the size and use of this garage compatible with the present and future uses in the area?

Action Steps

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

Attachments

Narrative
Proposed Survey
Rendering
Floor Plan

Applicable Code Provisions for Review

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

Conditional Use Permits: City Code § 917.08 states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon the following factors as well as City Code § 904.02.F:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- B. In the case of residential uses, no commercial or home occupation activities are conducted on the property.
- C. The building has an evident re-use or function related to the principal use.
- D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.**
- E. The provisions of Section 904.02.F of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.**

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

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

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

Variance: City Code § 905.01 states that the Planning Commission and City Council shall consider possible adverse effects of the proposed variance. Their judgment shall be based upon the following factors:

1. Variances shall only be permitted when they are:
 - a. In harmony with the general purposes and intent of this Ordinance; and
 - b. Consistent with the Comprehensive Plan.
2. **Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.**
3. **"Practical difficulties," as used in connection with the granting of a variance, means that:**
 - a. **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b. **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c. **The variance, if granted, will not alter the essential character of the locality.**
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Our request is twofold:

FIRST, we are requesting conditional use to build a second (detached) garage:

- 1) Existing attached garage (home built in the 1950s) is only 20'.
- 2) A modern home in a thriving community needs to have space for a minimum of two vehicles, plus myriad maintenance equipment for 4 seasons. This additional freestanding garage will essentially follow the same placement and use concept, mirroring similar dry storage structures already in existence at our immediate neighbors.

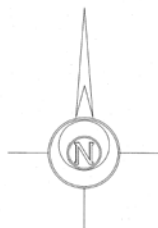
SECOND, we request a variance for the required setback from the lotline:

- Our proposed project clearly is in keeping with the character of the street: There are 6 out of 13 homes on Shady Lane (on both sides of the road) with freestanding garage structures at zero to negative setback from the road (including notably our immediate neighbor to the West, 902 Shady Lane).
- There is a nuanced issue regarding the way our lotline is drawn (in comparison to the neighbors, which you will see on the attached map.) Most of our neighbors to the East have lotlines drawn effectively at zero distance from the road, whereas our drawn lotline already has a significant (estimated 25') setback from the road – a setback which is currently occupied by a thriving and mature 20' tall arborvitae hedge, which we actively invest in maintaining.
- As you can see on the attached map, the neighbors to our immediate East and West (912 and 902, respectively) both have freestanding garage buildings that sit at the front of their lots. 902 has not only a zero setback from the front of the lotline, but also encroaches directly (or overlays) on the property line between our two properties.
- Drawing a line from the corner of 902 garage to the corner of the 912 garage, approving a variance for a zero lotline setback on the EAST side of our existing driveway would be completely consistent with the two garage properties on this side of the road.
- Approving a zero lotline setback for this garage would allow us to site locate the garage such that we can readily preserve two mature trees on the front, East side of this (908) lot – preserving an important mature tree canopy in this historic neighborhood.
- With 162' existing setback from the lake, a much larger alternate location for a freestanding garage location on this property COULD be on the lake side of the home – which is clearly not an ideal location to access from the driveway (nor preferred by the city to preserve the unimpeded visibility lake character of the community.)

- Because of our existing 20' tall arborvitae hedge across the front of the lot (which we commit to maintaining), the new structure will not be visible from the road.

We very much appreciate the city's consideration of this project.

**CERTIFICATE OF SURVEY FOR
CLIFF OTTEN
OF LOTS 3 & 4, MINNETONKA ARLINGTON HEIGHTS 2ND DIVISION
HENNEPIN COUNTY, MINNESOTA**



HARDCOVER CALCULATIONS:
LOT AREA = 34,778 Sq. ft.

EXISTING:

HOUSE AND PORCH = 4333 sf
REAR PATIO = 140 sf
KEYSTONE WALK = 105 sf
DRIVEWAY = 1399 sf
FRONT STEP = 28 sf
FRONT FLAGSTONE WALK = 123 sf
STEPSTONES = 43 sf
FLAGSTONE = 70 sf
CONCRETE PADS = 16 sf
STONE PATIO & STEPS = 181 sf
FLAGSTONE WALL = 74 sf
STONE WALLS = 138 sf
WOOD BORDERS = 28 sf
SOUTH PORCH = 439 sf
PATIO = 137 sf
TOTAL EXISTING = 7442 sf

7442/34778 = 21.40%

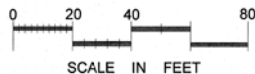
PROPOSED:

PROPOSED GARAGE = +840 sf
PROPOSED DRIVEWAY = +341 sf
NET GAIN = +1181 sf
1181 / 7442 = 8623 sf
8623/34778 = 24.79%

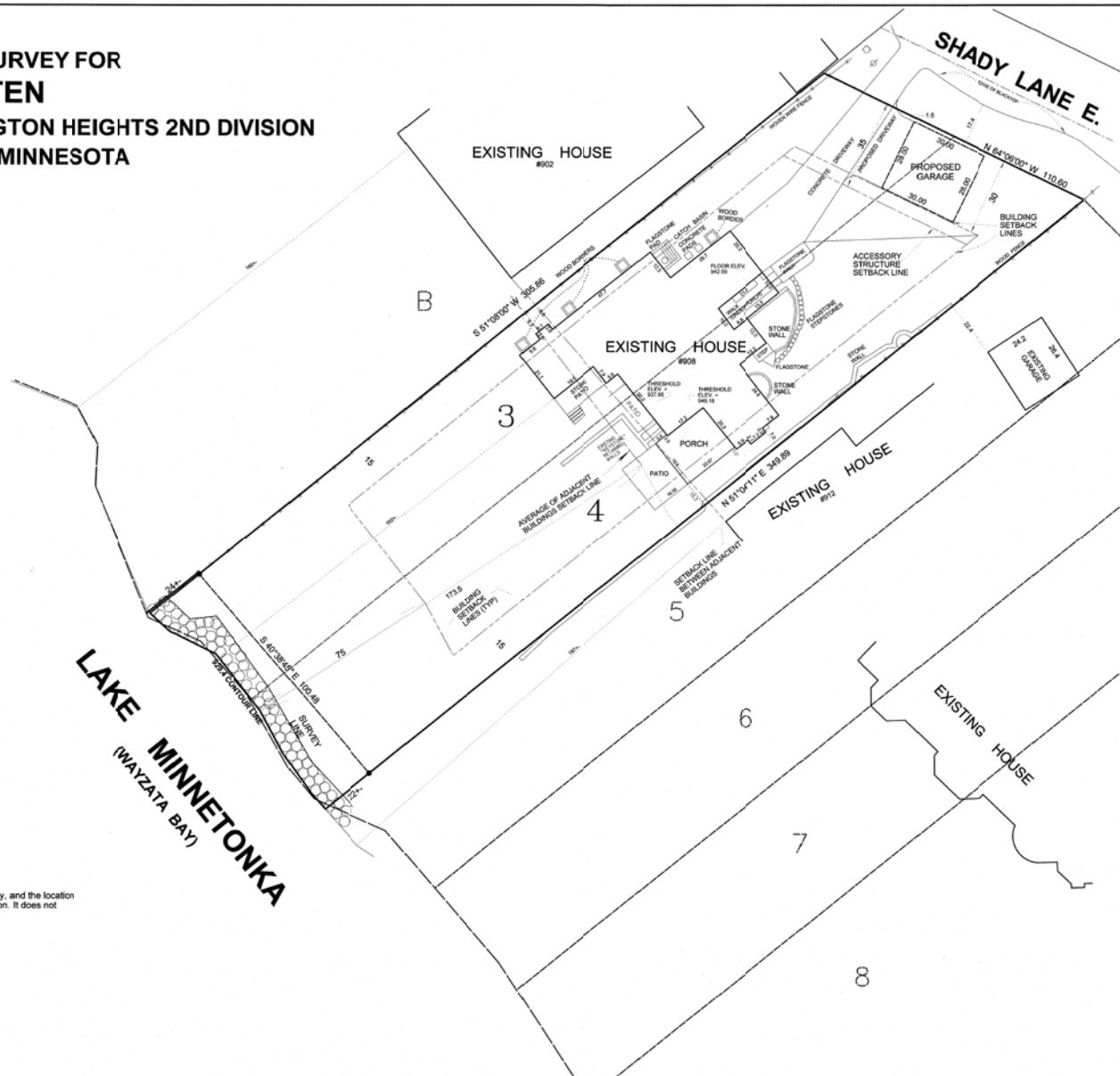
LEGAL DESCRIPTION OF PREMISES:
Lots 3 and 4, Minnetonka Arlington Heights 2nd Division

This survey shows the boundaries of the above described property, and the location of an existing house, drive, and all other visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

• : Iron marker found
Bearings shown are based upon an assumed datum



**LAKE MINNETONKA
(WAYZATA BAY)**



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



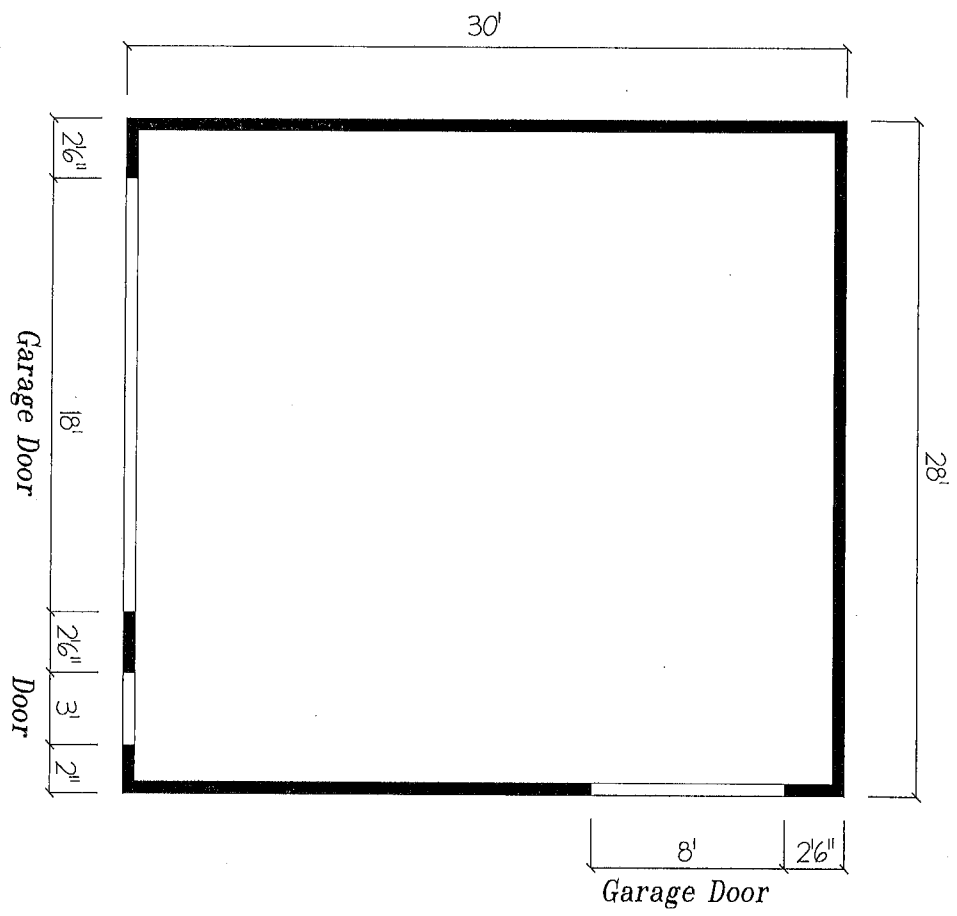
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Mark A. Gronberg
DATE: 12-1-13 MINN. LICENSE NUMBER: 11258

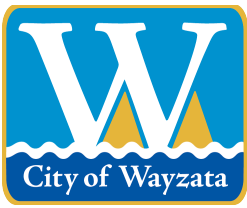
DATE	REVISIONS
12-1-13	PROPOSED DRIVEWAY, PROPOSED GARAGE, AND PROPOSED DRIVEWAY
12-1-13	ADD GARAGE, EDGE OF BLACKTOP, REV. AUTO
12-1-13	PROPOSED DRIVEWAY, PROPOSED GARAGE, AND PROPOSED DRIVEWAY
12-1-13	PROPOSED DRIVEWAY, PROPOSED GARAGE, AND PROPOSED DRIVEWAY
12-1-13	PROPOSED DRIVEWAY, PROPOSED GARAGE, AND PROPOSED DRIVEWAY











City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 6.a.
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

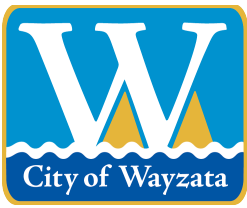
Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 6.b.
TITLE: January 7 and 21 City Council Reports	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

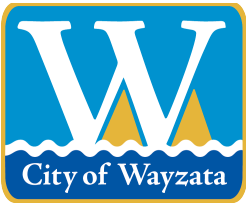
Commissioner Plantan and Commissioner Parkhill will give verbal updates on the City Council meetings.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 6.c.
TITLE: Planning Commissioner Liaison for February 4 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Douglas is scheduled to be the Planning Commission Liaison for the February 4 City Council Meeting.

ACTION REQUESTED:

N/A

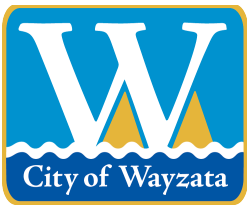
ATTACHMENTS:

1. Planning Commission Assignments at 2020 Council Meetings

2020
Planning Commission assignments at Council meetings

<u>Meeting Date</u>		<u>Commission Representative</u>
Tuesday	January 7, 2020	Christine Plantan
Tuesday	January 21, 2020	Jeff Parkhill
Tuesday	February 4, 2020	Peggy Douglas
Tuesday	February 18, 2020	Gregory Flannigan
Tuesday	March 10, 2020	Cathy Iverson
Tuesday	March 24, 2020	Jeff Parkhill
Tuesday	April 7, 2020	Lindsay Bashioum
Tuesday	April 21, 2020	Lindsay Bashioum
Tuesday	May 5, 2020	Laura Merriam
Tuesday	May 19, 2020	Peggy Douglas
Tuesday	June 2, 2020	Gregory Flannigan
Tuesday	June 16, 2020	Cathy Iverson
Tuesday	July 7, 2020	Jeff Parkhill
Tuesday	July 21, 2020	Christine Plantan
WEDNESDAY	August 5, 2020	Lindsay Bashioum
Tuesday	August 18, 2020	Laura Merriam
Tuesday	September 1, 2020	Peggy Douglas
Tuesday	September 15, 2020	Gregory Flannigan
Tuesday	October 6, 2020	Cathy Iverson
Tuesday	October 20, 2020	Laura Merriam
Tuesday	November 10, 2020	Christine Plantan
Tuesday	November 24, 2020	Lindsay Bashioum
Tuesday	December 1, 2020	Laura Merriam
Tuesday	December 15, 2020	Peggy Douglas

Last Updated: January 1, 2020



City of Wayzata Planning Commission Agenda Report

MEETING DATE: January 23, 2020	AGENDA ITEM: 6.d.
TITLE: 2020 Meeting Calendar	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is on Monday, February 3.

ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2020 Public Meeting Calendar

City of Wayzata

2020 Meeting Calendar

January 2020						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2020						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2020						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2020						
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5	6	7	8	9	10	11
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19	20	21	22	23	24	25
26	27	28	29	30		

May 2020						
S	M	T	W	Th	F	S
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2020						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2020						
S	M	T	W	Th	F	S
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19	20	21	22	23	24	25
26	27	28	29	30	31	

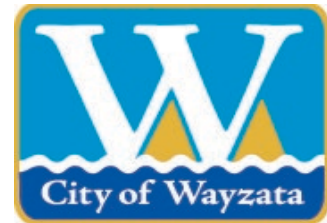
August 2020						
S	M	T	W	Th	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2020						
S	M	T	W	Th	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2020						
S	M	T	W	Th	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2020						
S	M	T	W	Th	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2020						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		



- Energy & Environment Committee - 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

- Holiday Observed
City Offices Closed

Presidential Nomination Primary Elec - 3/3/20

Primary Election - 8/11/2020

General Election - 11/3/2020